

# Lighthouse Wind Project

## Niagara and Orleans Counties, New York

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### **NOTICE OF SUBMISSION OF PRELIMINARY SCOPING STATEMENT**

Lighthouse Wind, LLC (the Applicant), a subsidiary of Apex Clean Energy Holdings, LLC (Apex), is proposing to submit an Application to construct the Lighthouse Wind Project, a wind powered major electric generating facility, under Article 10 of the Public Service Law (PSL). This notice announces that on November 23, 2015, the Applicant will file a Preliminary Scoping Statement (PSS), pursuant to 16 NYCRR 1000.5, which is designed to gather input from the public and interested agencies on the scope and methodology of studies to be conducted in support of the Application which will be filed at a later date. The filing of the PSS will start a 21-day public comment period.

The proposed Project is an up to 201 megawatt (MW) wind powered electric generating facility, primarily located on private land in the Town of Somerset, Niagara County and the Town of Yates, Orleans County, New York. The Project would interconnect to the NYSEG 345kV Kintigh Substation in Somerset. The Project will consist of temporary and permanent facilities including wind turbines, access roads, buried electrical collection lines, a substation/point of interconnection with the NYS power grid, wind measurement towers, temporary construction staging and storage areas, and an operations and maintenance facility. The design and layout of the Project is currently being determined and will be based on factors such as the results of studies to be conducted pursuant to the PSS, wind and other data, and land control. While it is not able to be presented in the PSS, the design and layout of the Project will be presented in the Certificate Application.

The purpose of the proposed Project and the goals of the Project Sponsor are to create a wind-powered electric generating facility that will provide a significant source of renewable energy to the New York State power grid. The need for the Project is established in both State and Federal policy directives for wind powered electric generating facilities. The Project will also assist in addressing the effects of climate change. These State policy goals are set forth in New York's historic Renewable Portfolio Standard goals, and forward-looking Reforming Energy Vision and 2015 State Energy Plans. The Project would also provide significant benefit to the local community through lease revenues to participating landowners, temporary and permanent employment, increased tax revenues, and payments to other local businesses. Additionally, economic benefits are expected to be provided to the Towns of Yates and Somerset, the local school districts, and Niagara and Orleans Counties through an anticipated payment in lieu of taxes (PILOT).

The PSS precedes the formal public scoping process and therefore, among other things, will describe and identify: the environmental setting in the Project area, potential environmental and health impacts from construction and operation of the Project, proposed benefits of the Project, proposed studies (including preconstruction studies and post-construction monitoring for potential impacts to avian and bat species), proposed measures to minimize environmental impacts, reasonable alternatives, other required permits/authorizations, and other relevant information to be assessed. The PSS will also provide a preliminary scope of an environmental impact analysis containing a discussion of potentially significant adverse environmental and health impacts to be assessed relating to the construction and operation of the Project, including potential impacts to, land use in the Project area; public health and safety; terrestrial ecology, including avian and bat species, and wetlands; water resources and aquatic ecology; communications, transportation and utilities; cultural, historical and recreational resources; visual, including potential for shadow flicker; sound; electric magnetic fields; and impacts on the statewide electrical system.

Within 21 days after filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on the Applicant and filing a copy with the Secretary of the Department of Public Service. Comments must be received by December 14, 2015. The Applicant will prepare a summary of the material comments and its reply thereto within 21 days after the closing of the comment period. The scoping process is overseen and mediated by a Hearing Examiner designed by the DPS and will commence after required notices have been sent and intervenor funding has been disbursed. Notice will be provided when the Hearing Examiner schedules the scoping meeting.

No less than 90 days after the filing of the PSS, the Applicant will submit an Article 10 Application. Building on the Scoping process and any stipulations agreed to by the parties, the Application will include the studies developed as part of the Scoping process in support of the Project. The Application will include a description of the Project, an evaluation of environmental and health impacts, a summary of public involvement activities, an evaluation of reasonable and available alternative locations, a statement of why any local substantive standards should not be applied, an electric interconnection study including general design study and SRIS, security and emergency plans, statement demonstrating compliance with the most recent State Energy Plan, and other information. The Application will also contain the information set forth in 16 NYCRR 1001, Exhibits 1-41 unless otherwise waived by the Siting Board.

Once an Application is filed and determined by the Siting Board to be complete, the Siting Board will schedule a public hearing on the Application. The Siting Board will also issue a notice of availability of application intervenor funds that are available to be used by parties to participate in formal review of the Application. A pre-hearing conference will be scheduled by the Hearing Examiner to identify intervenors, award intervenor funds, identify issues for the hearing, and establish a case schedule. Additional hearings regarding the application and project impact assessments will be scheduled by the Hearing Examiner as needed. After hearings, the stakeholders may brief their positions and the Hearing Examiner will issue a recommended decision upon which the Siting Board will base its decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board must be completed within 12 months of when the Application is determined to be complete.

Upon filing of the PSS, Lighthouse Wind will provide funding in the amount of \$70,350.00 to be disbursed by the Siting Board to municipalities and other local parties to help pay expenses, including attorneys and consultants, associated with participating in the Article 10 process during the pre-application review phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. Additional intervenor funds will be available for the Application/Hearing Phases. Following the filing of a PSS, the Hearing Examiner or the Secretary shall issue a notice of availability of pre-application intervenor funds providing a schedule and related information describing how interested members of the public may apply for pre-application funds. Requests for pre-application funds must be submitted to the Hearing Examiner within thirty (30) days after the issuance of the notice of the availability of pre-application intervenor funds. A pre-application meeting to consider funding requests will be convened within no less than 45 but no more than 60 days after the filing of the PSS.

### **Contact Information**

To obtain information regarding the Project, please contact:

Dan Fitzgerald  
Senior Development Manager  
Court Square Building  
310 4<sup>th</sup> Street NE, Suite 200  
Charlottesville, VA 22902  
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716-562-4262

Contact information for the DPS public information coordinator:

James Denn  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY  
518-474-7080

Information is also available at the public document repositories and on the web. The DPS website is (<http://www.dps.ny.gov/>). To access documents, go to "Commission Documents" on the left-side of the webpage under "Most Popular Pages" and search using the Case Number 14-F-0485 or the direct link:

(<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=46604&MNO=14-F-0485>)

or by going to the Project-specific website maintained by the Applicant:  
(<http://www.lighthousewind.com/>).

### **File a Request for Notices**

Any interested member of the public may file a request with the DPS Secretary to receive copies of all notices concerning the Project, including but not limited to notices regarding any proposed pre-application stipulation. Written requests should be sent to the DPS Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address:

Honorable Kathleen H. Burgess  
Secretary to the Commission  
NYS Public Service Commission  
Agency Building 3  
Albany, New York 12223-1350