



Learning from the Experts Webinar Series

Article VII Permitting Process for Offshore Wind

April 28, 2021



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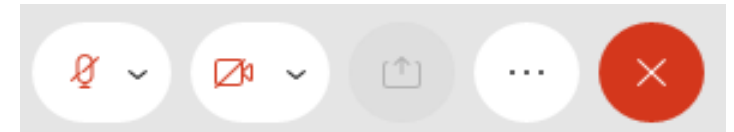
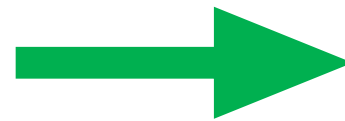
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Meeting Procedures

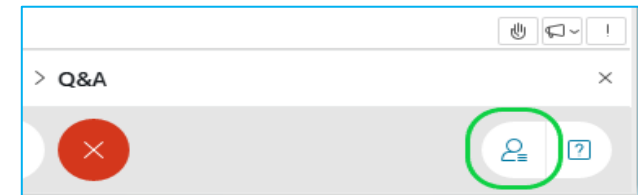
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Participation for Members of the Public:

- > Members of the public will be muted upon entry.
- > Questions and comments may be submitted in writing through the Q&A feature at any time during the event.
- > If technical problems arise, please contact Sal.Graven@nyserda.ny.gov



You'll see  when your microphone is muted



Learning from the Experts

This webinar series is hosted by NYSERDA's offshore wind team and features experts in offshore wind technologies, development practices, and related research.

DISCLAIMER:

The views and opinions expressed in this presentation are those of the presenter and do not represent the views or opinions of NYSERDA or New York State.



NYSERDA Offshore Wind Webinar

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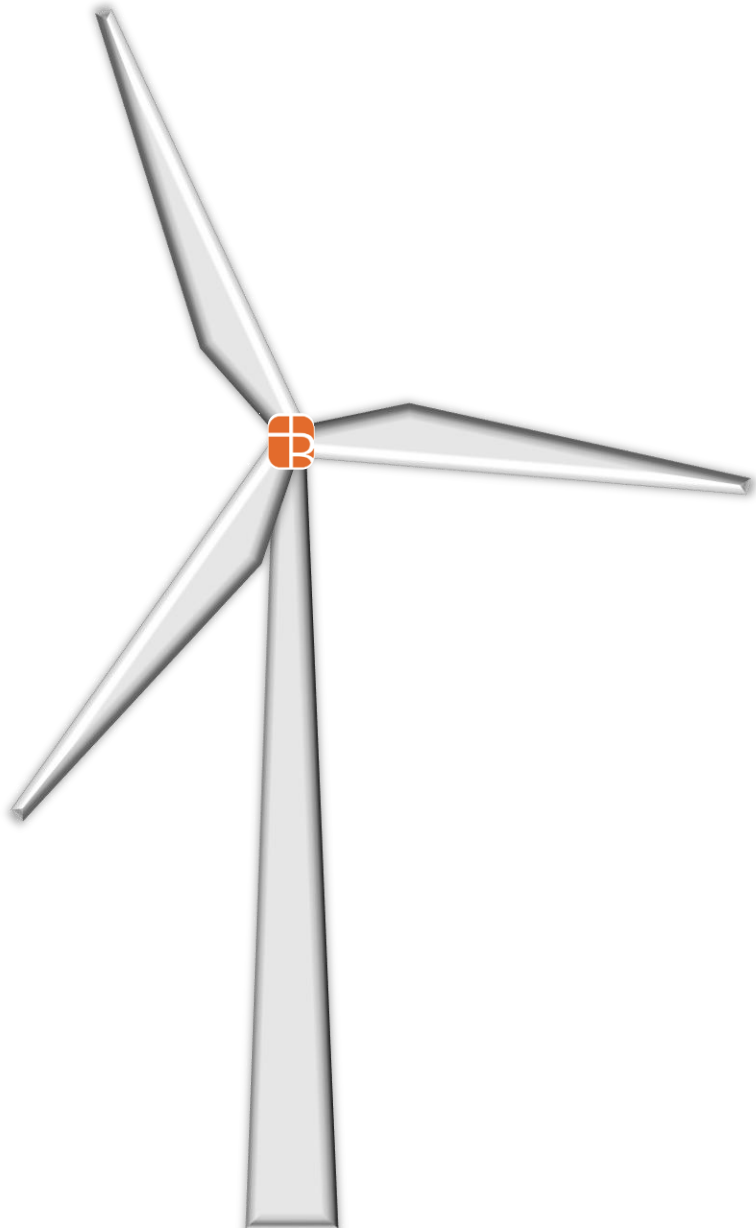
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Topics for Discussion

- Introduction to New York State Public Service Commission (PSC) and New York Public Service Law (PSL) Article VII
- General overview of PSL Article VII process
- Review representative timeline of PSL Article VII process
- Other related PSC filings
- Questions



Introduction to PSC and PSL Article VII



- The PSC decides any application under PSL Article VII
- The PSC consists of up to 7 members, appointed by the Governor and confirmed by the State Senate
- Current members include:

John B. Howard (Interim Chair/CEO)

term runs through February 2024

Diane X. Burman

term runs through February 2024

James S. Alesi (holdover)

term was through February 2021

Tracey A. Edwards

term runs through February 2024

Biographical information for each Commissioner is available at <https://www3.dps.ny.gov>

- Department of Public Service (DPS) staff members review PSL Article VII applications in their role as the administrative arm of the PSC



PSL Article VII: Siting of Major Electric Transmission Facilities

The section of the PSL that requires a full review of the need for, and environmental impact of, the siting, design, construction, and operation of **major electric transmission facilities** in New York State.

Major electric transmission facilities are lines with a design capacity of:

- ✓ 100 kV or more, extending for at least 10 miles, *or*
- ✓ 125 kV and over, extending a distance of 1 mile or more



PSL Article VII: Siting of Major Electric Transmission Facilities

PSL Article VII requires an applicant to:

- apply for a Certificate of Environmental Compatibility and Public Need (CECPN); and
- meet the PSL Article VII requirements before constructing any such facility



PSL Article VII Application Requirements

**Applications
*must contain***

the location of the line and right-of-way (ROW)

a description of the transmission facility being proposed

a summary of any studies made of the environmental impact of the facility
(including description of such studies)

a statement explaining the need for the facility

a description of any reasonable alternate route(s), including:

- description of the merits and detriments of each route submitted; and
- reasons why the primary proposed route is best suited for the facility

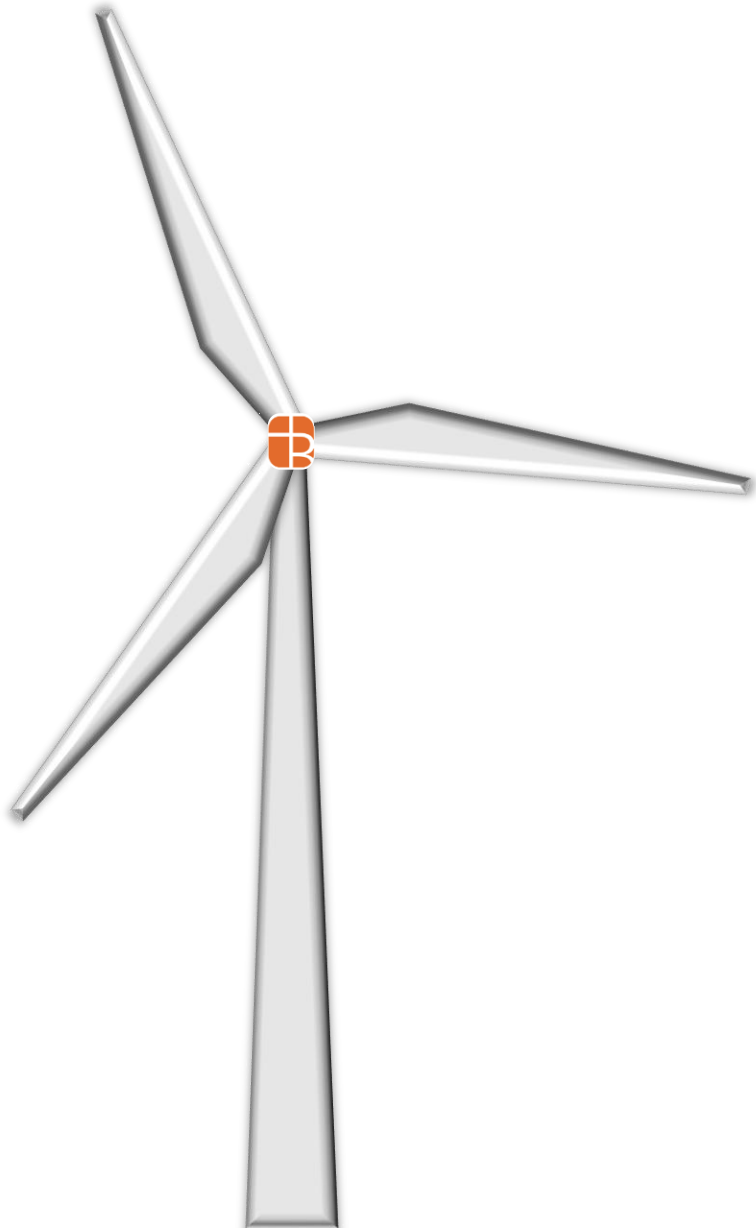
such other information as the applicant may consider relevant or the PSC may require



PSL Article VII Standard of Review

To grant a CECPN, the PSC **must** determine **all** of the following pursuant to PSL § 126 (1):

- ✓ basis of the need for the facility;
- ✓ nature of the probable environmental impact;
- ✓ extent to which the facility minimizes adverse environmental and agricultural impact, given environmental and other pertinent considerations;
- ✓ that the facility conforms to a long-range plan for expansion of the power grid;
- ✓ that the location conforms with applicable state and local laws
 - *except that PSC may refuse to apply local laws determined to be unreasonably restrictive in view of existing technology, cost, economics or needs of the consumers; and*
- ✓ that the facility will serve the public interest, convenience, and necessity.

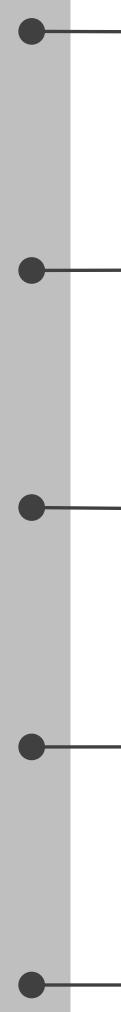


Overview of the PSL Article VII Process





Phases of the PSL Article VII Process

- 
- Pre-Application
 - Application
 - Pre-Evidentiary Hearing
 - Evidentiary Hearing
 - Post-Certification



Phases of the PSL Article VII Process

Pre-Application

Application

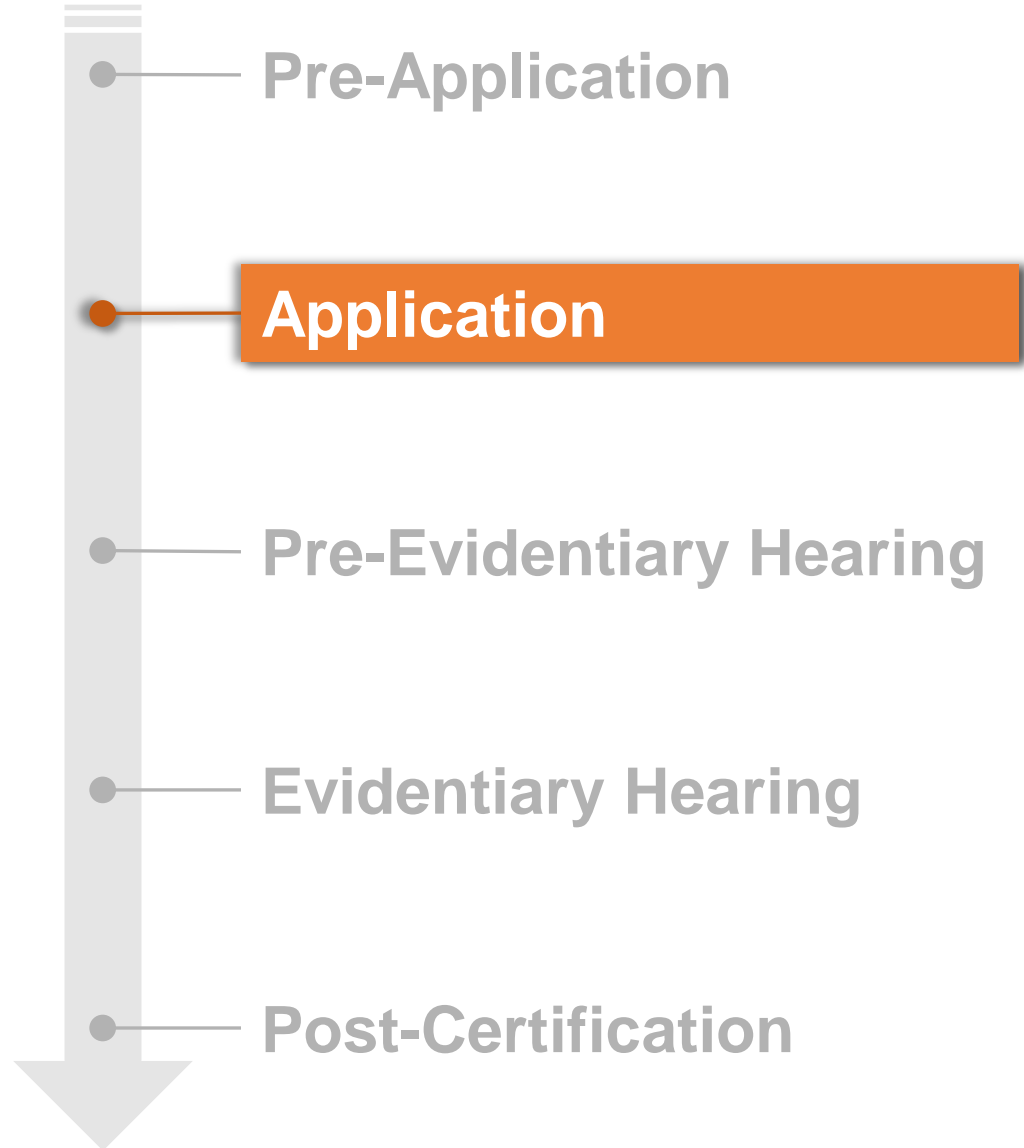
Pre-Evidentiary Hearing

Evidentiary Hearing

Post-Certification

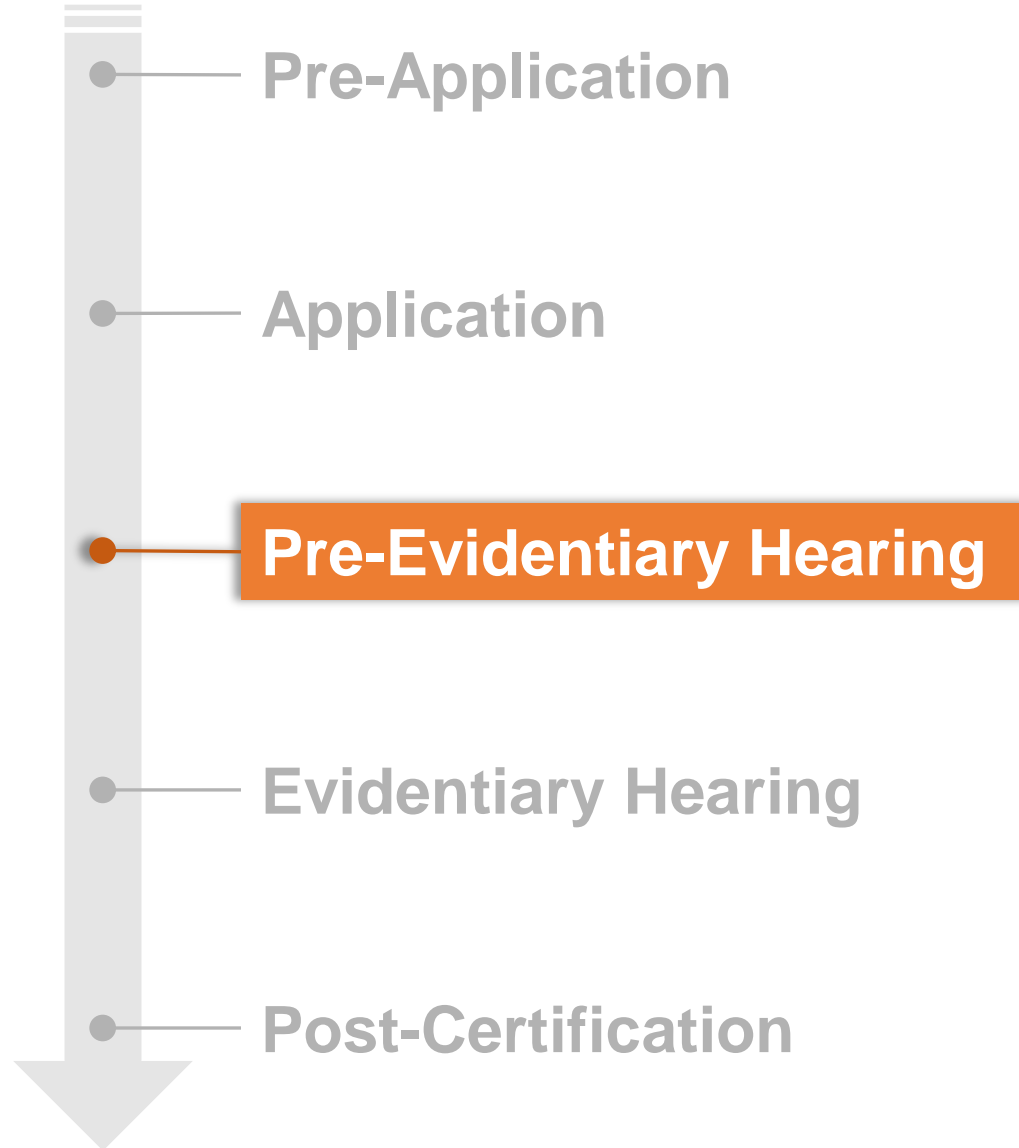


Phases of the PSL Article VII Process



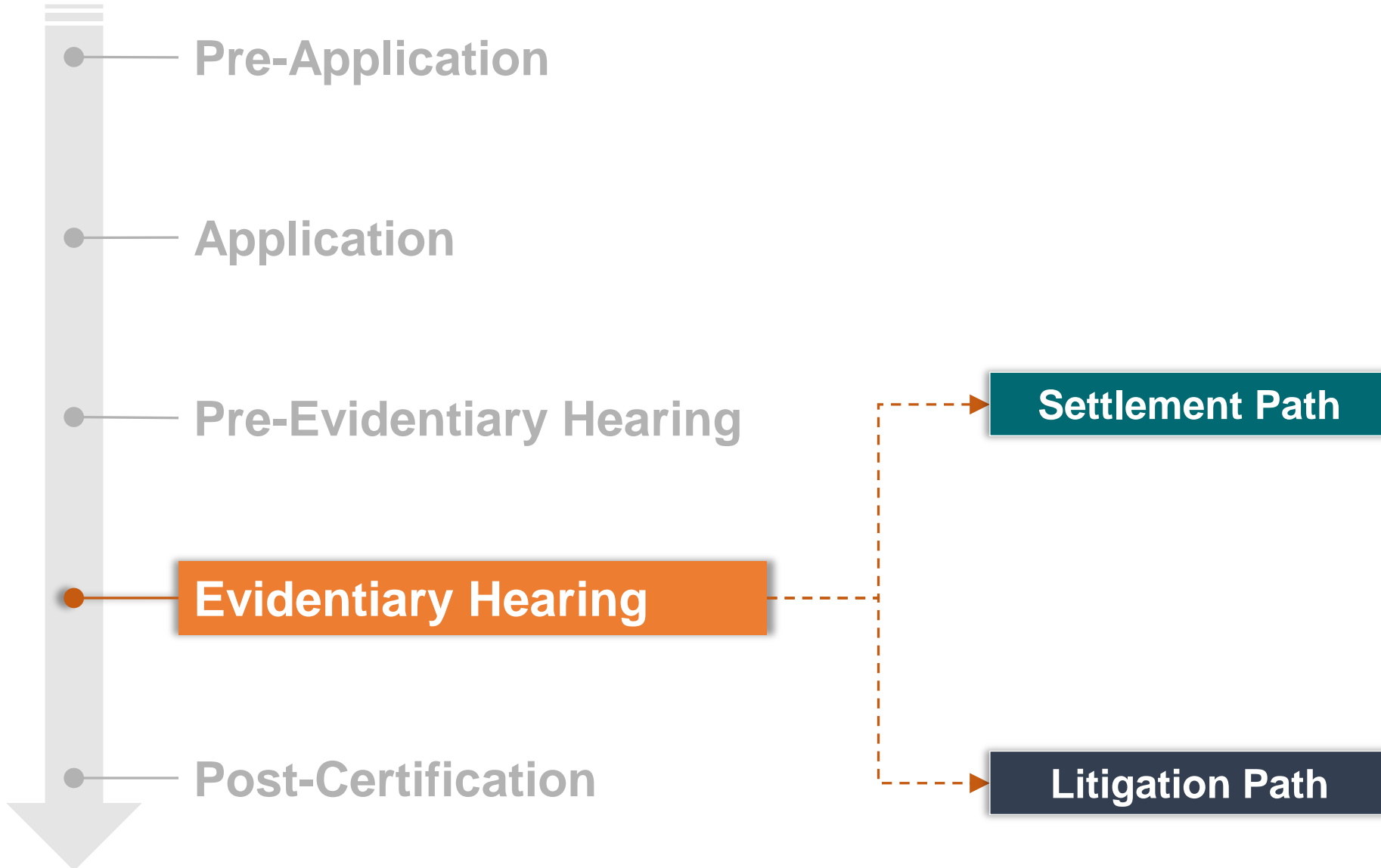


Phases of the PSL Article VII Process



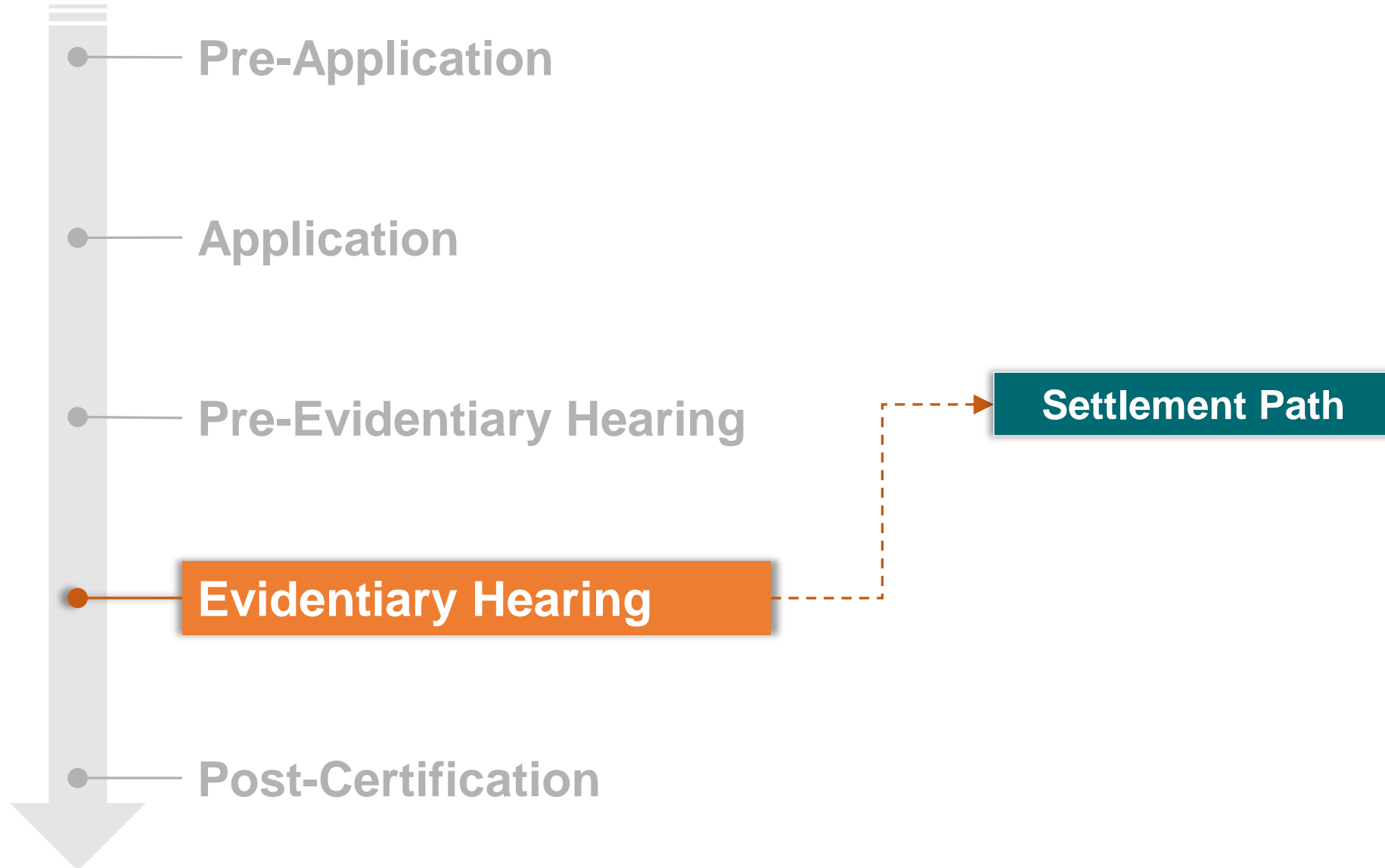


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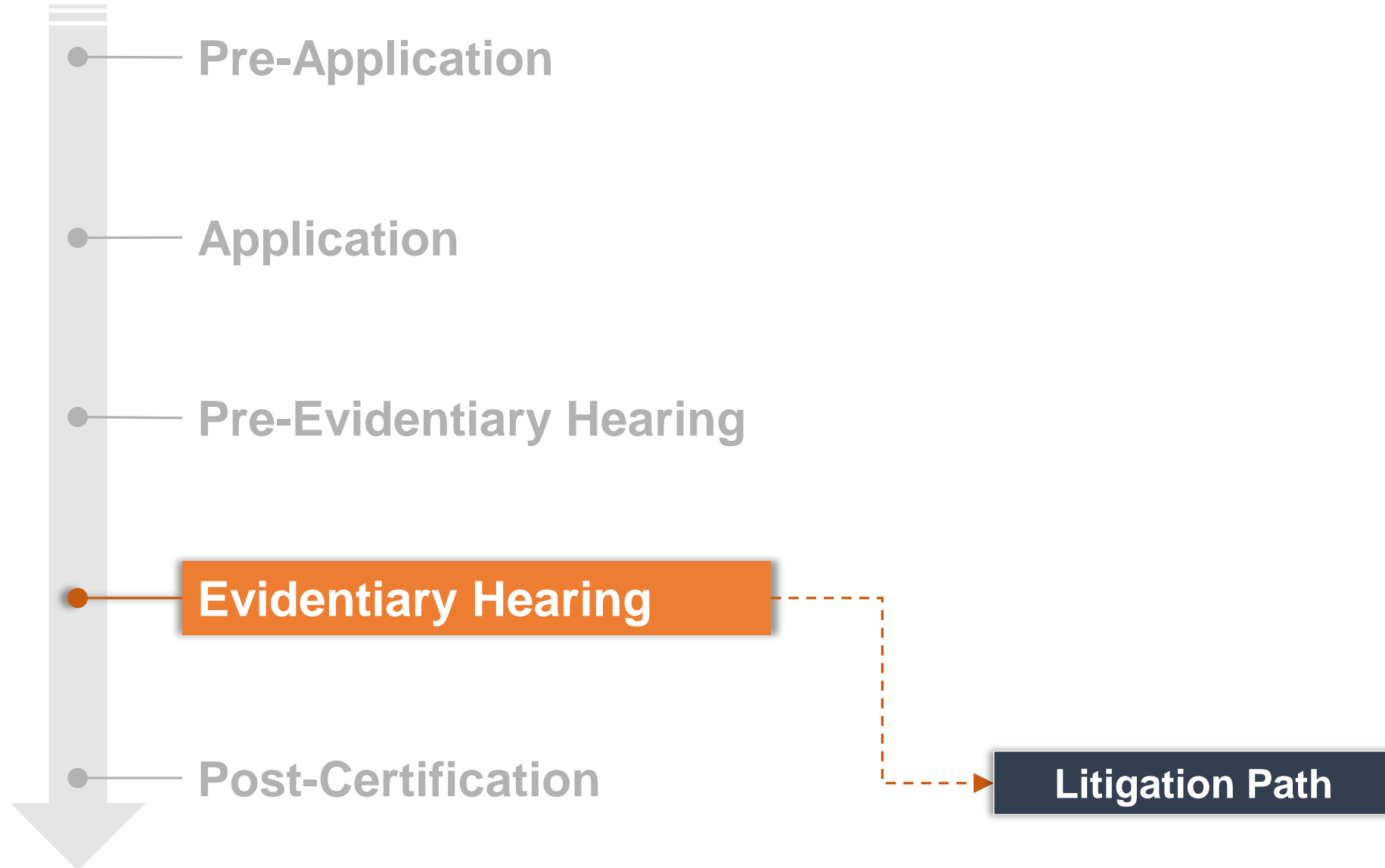


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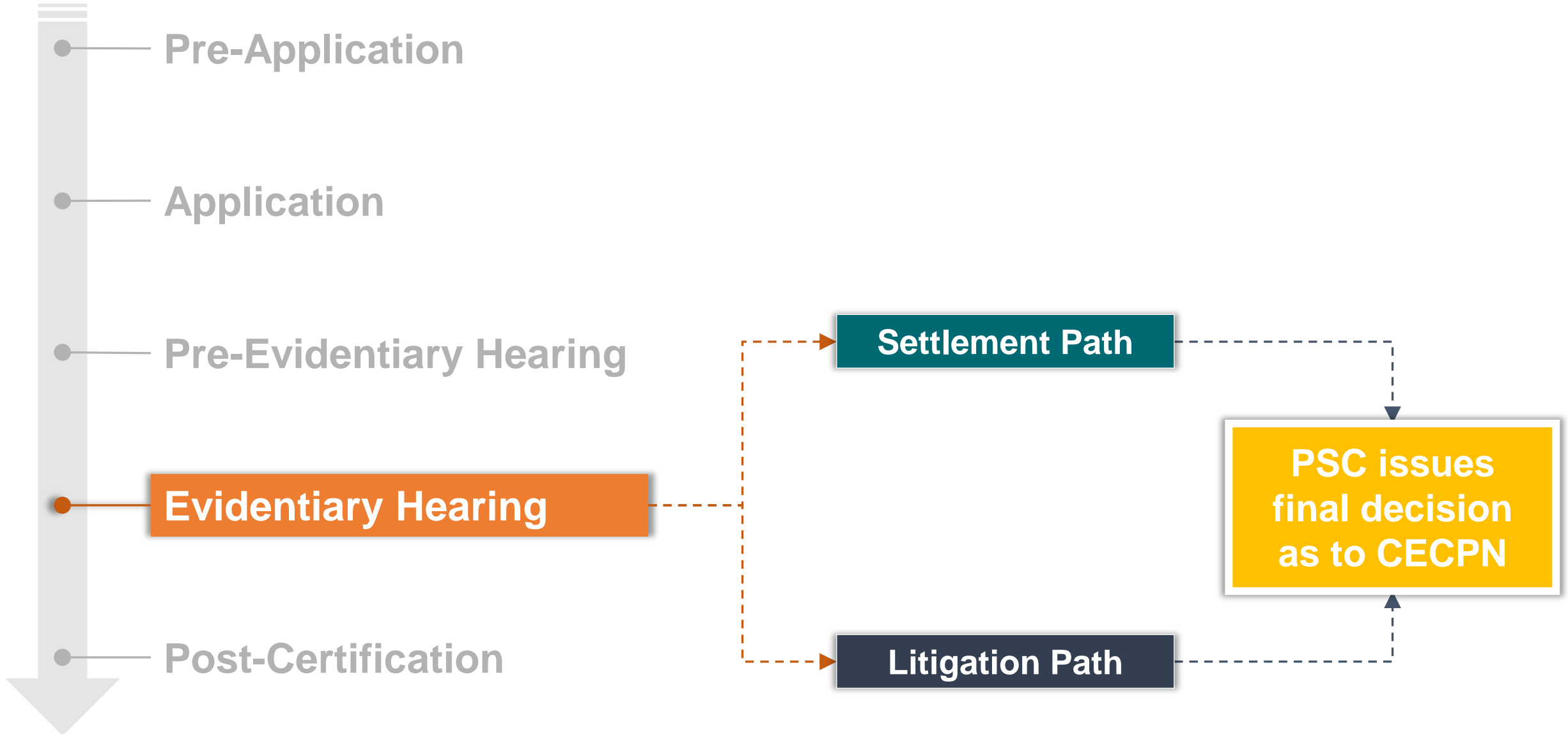


Phases of the PSL Article VII Process



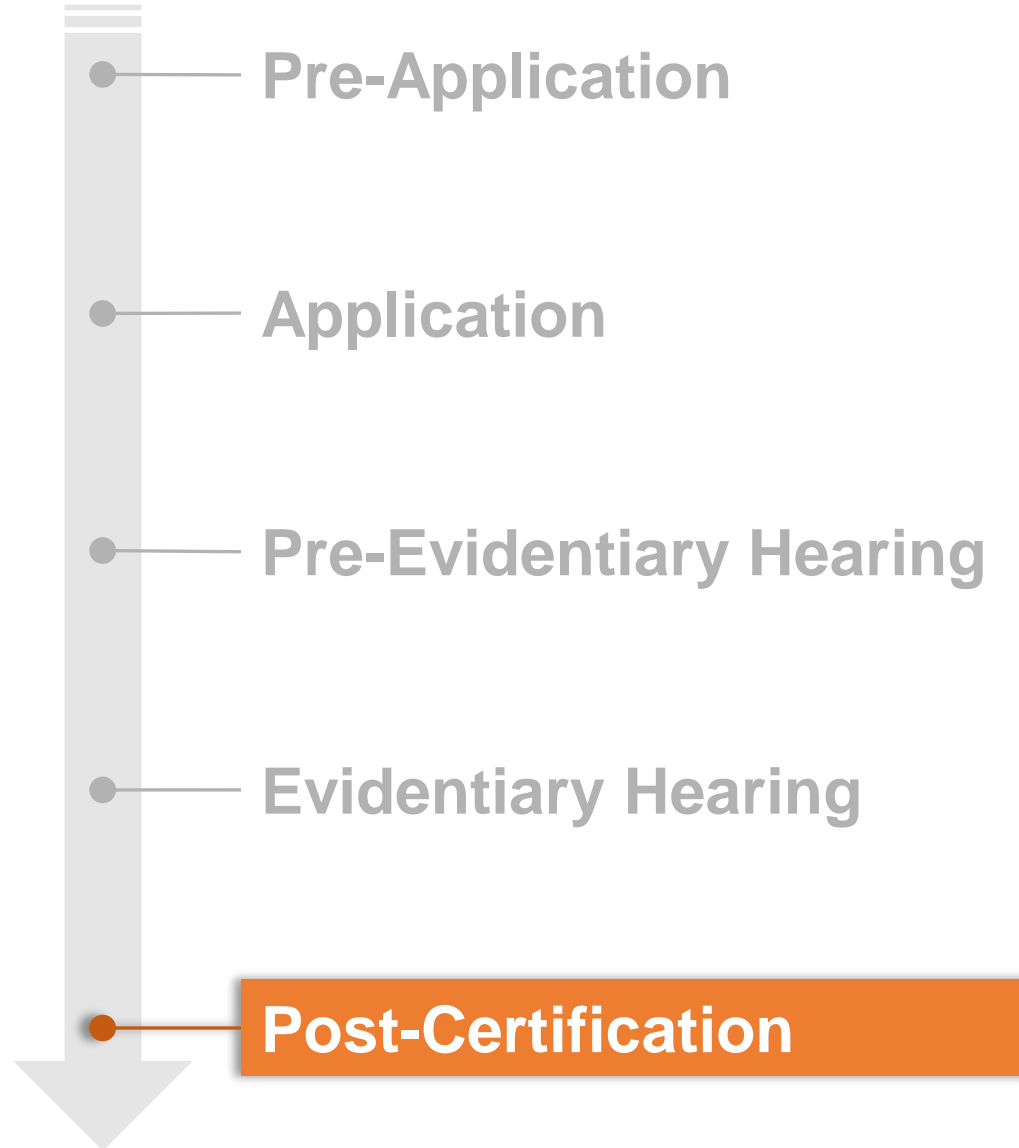


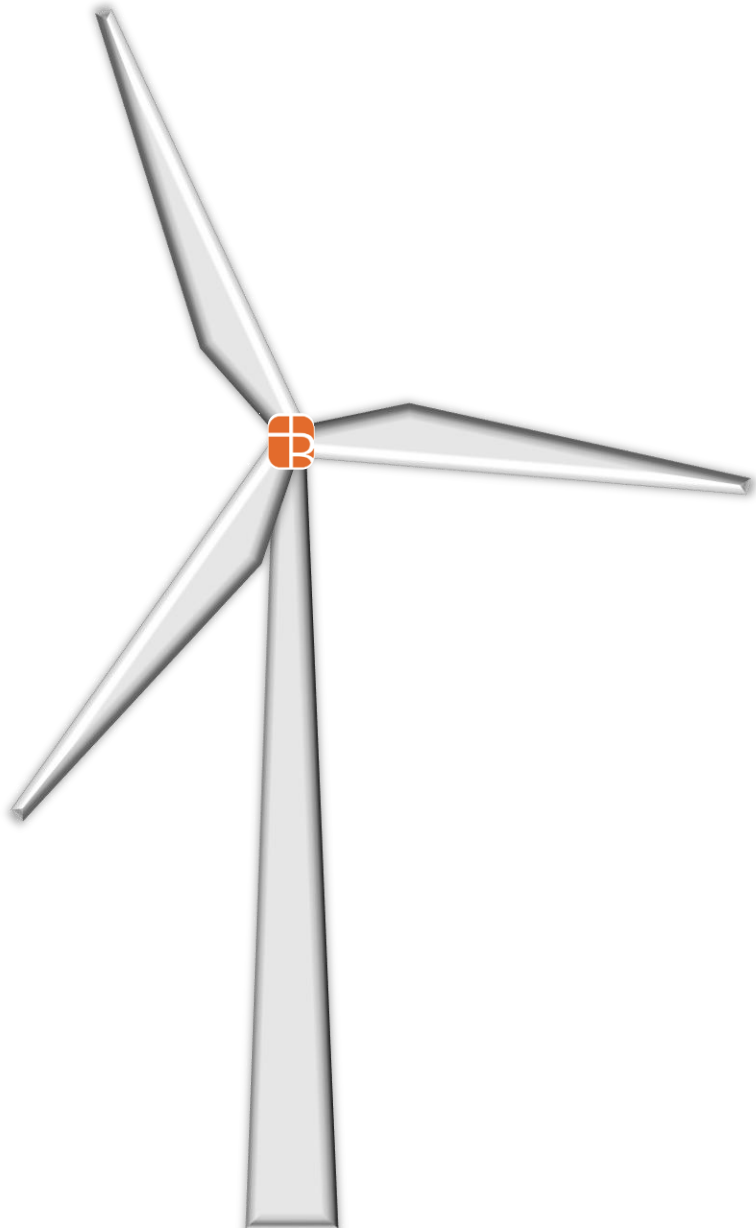
Phases of the PSL Article VII Process





Phases of the PSL Article VII Process





PSL Article VII Process: Representative Timeline



Applicant and project team:
• prepare Article VII application, including all accompanying exhibits and reports;
• host certain pre-filing meetings with agencies

~ 2 months before filing
Review application during multi-day page turns; incorporate identified changes

~ 1 month before filing
• Assemble application for printing / filing
• Final review and finalization of application
• Print application (multiple sets)
• Finalize service list and service plan

Applicant files Article VII application

~ 2 months after filing
Secretary issues deficiency notice

~ 2 months after Applicant responds to deficiency notice
Secretary deems application complete (Declaration of Completeness)

~ 1 month after deficiency notice
Applicant responds to deficiency notice

Post-Declaration of Completeness

- Start or Continuation of Discovery
- Technical/Procedural Conferences
- Information Forums and Public Statement Hearings
- Potential Settlement Discussions
- Potential Joint Proposal
- Evidentiary Hearing or Admission of Evidence into Record
- PSC Review

12 months after Declaration of Completeness
PSC issues CECPN order*
*see next slide

Applicant and project team:

- prepare Article VII application, including all accompanying exhibits
- host certain pre-filing meetings with agencies

~ 2 months before filing

Review application during multi-day page turns; incorporate identified changes

~ 1 – 1½ months before filing

- Assemble application for printing / filing
- Final review and finalization of application
- Print application (multiple sets)
- Finalize service list and service plan

In order to incentivize transmission infrastructure investments, the PSL was recently amended, and the PSC must now issue final decisions on PSL Article VII applications for major electric transmission facilities within 12 months from the date the PSC Secretary declares the application complete.

* This time period may be extended under limited circumstances and *shall be tolled if the applicant notices settlement discussions.*

Applicant files Article VII application

~ 2 months after Applicant responds to deficiency notice
Secretary deems application complete (Declaration of Completeness)

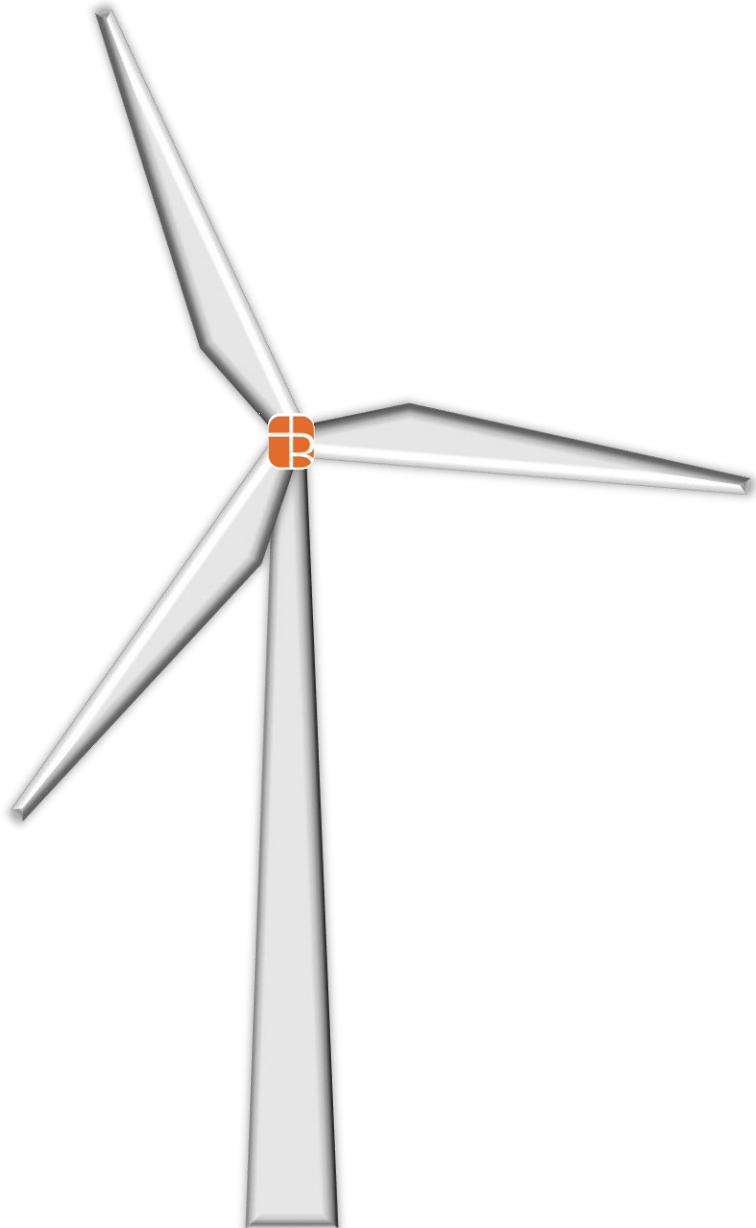
12 months after Declaration of Completeness
PSC issues CECPN order

~ 3 months after filing
Secretary issues deficiency notice

~ 1 month after deficiency notice
Applicant responds to deficiency notice

Post-Declaration of Completeness

- Start or Continuation of Discovery
- Technical/Procedural Conferences
- Information Forums and Public Statement Hearings
- Potential Settlement Discussions
- Potential Joint Proposal
- Evidentiary Hearing or Admission of Evidence into Record
- Commission Review



Other Related PSC Filings





Other Related PSC Filings

- PSL § 68: Certificate of Public Convenience and Necessity / Lightened Regulation
- PSL § 69: Financing Approval
- PSL § 70: Transfer Approval (joint application)



Questions



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Coming Next:

May 12, 1:00 p.m. ET

Offshore Wind Transmission Systems

Hannes Pfeifenberger,
The Brattle Group

May 26, 1:00 p.m. ET

Offshore Wind Submarine Cabling

Duncan Sokolowski, Tetra Tech

Visit wind.ny.gov to register

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