

# BARON WINDS PROJECT

## Steuben County, New York

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### NOTICE OF SUBMISSION OF STIPULATIONS

Baron Winds LLC, (Applicant), a subsidiary of EverPower Wind Holdings, Inc. is proposing to submit an Application to construct a wind powered electric generating facility, under Article 10 of the Public Service Law (Facility). This notice announces that on or about September 1, 2017, the Applicant will file additional proposed stipulations as to the scope and methodology of studies related to sound and vibration to be conducted in support of its upcoming Application. The filing of the proposed stipulations will start a 30-day public comment period whereby anyone may comment on the Stipulations for the Board's consideration. This notice pursuant to 16 NYCRR 1000.5(j)(2) is to notify the public of stipulations, serve as a summary regarding the contents of the proposed stipulations on sound and vibration, and provide notice of the public comment period which runs until October 1, 2017.

The proposed Facility is an up to 300 megawatt (MW) wind powered electric generating facility, to be located within the Towns of Cohocton, Dansville, Fremont, and Wayland, Steuben County, New York. The proposed Facility consists of the construction and operation of a large-scale wind power project, including the installation and operation of up to 76 wind turbines, together with associated 34.5 kV collection lines (below grade and overhead), access roads, permanent meteorological towers, an operation and maintenance (O&M) building, and construction staging/laydown areas. To deliver electricity to the New York State power grid, the Applicant proposes to construct a collection substation which will "step-up" power to 230 kV. The collection substation will be located adjacent to the existing Canandaigua substation, which will be the point of interconnection (POI) substation, which will interconnect with NYSEG's Hillside-Meyer 230 kV transmission line.

Pursuant to the Article 10 process, the Applicant filed a Preliminary Scoping Statement (PSS) on August 10, 2016 with the New York Board on Electric Generation, Siting, and the Environment. Thereafter comments were submitted on the PSS and following the comment period, the Applicant prepared a summary of the material comments and its reply to comments, which was filed with the Board on September 30, 2016. Following a pre-application conference with the parties, on October 5, 2016, a notice commencing the scoping stipulations and negotiation process was filed. On July 7, 2017, the Applicant filed comprehensive draft stipulations on all topic areas except noise and vibration; this submission covers the final area of stipulation surrounding Exhibit 19 of the Application on Noise and Vibration.

After various drafts of stipulations were prepared, commented on by the parties participating in stipulations and revised by the Applicant, the parties have reached agreement on the scope of the noise and vibration studies and information to be included in the Article 10 Application pursuant to 16 NYCRR 1001.19, which has been memorialized in the stipulations. The proposed stipulations include but are not limited to: the scope, types and methodologies of sound studies to be conducted, the content and analysis to be supplied with Exhibit 19, the data to be collected and compared in the studies, impact avoidance and mitigation measures, and the type and extent of agency consultations needed before submitting the Application. The parties signing the stipulations agree that the studies and content outlined in the stipulations constitute all the necessary studies concerning sound and vibration, and the Applicant will not be requested to provide additional studies, except as otherwise provided for in the stipulations or by law. Any party that executes a pre-application stipulation may not raise objections at the Application hearing as to the methodology or scope of any study or program of studies performed in compliance with such stipulation. However, any other party may timely raise objections at the hearing as to the methodology or scope of any study or program of studies performed.

Following the public comment period, it is anticipated that the stipulations will be agreed to between the Applicant and the New York State Department of Environmental Conservation (DEC), New York State Department of Public Service (DPS), the New York State Department of Health (DOH), and New York State Department of Agriculture and Markets (DAM). Other parties in this proceeding may also join these stipulations by notifying the Applicant as set forth below. Within 30 days after filing of the stipulations, any person, agency or municipality may submit comments on the stipulations by serving such comments on the Applicant, Seth Wilmore, EverPower Wind Holdings, 1251 Waterfront Place, 3<sup>rd</sup> Floor, Pittsburgh, PA 15222 ([swilmore@everpower.com](mailto:swilmore@everpower.com)) and filing a copy with the Secretary of the Department of Public Service (Hon. Kathleen H. Burgess at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)).

The Applicant intends to submit an Article 10 Application in or about September 2017. The Application in support of the Facility will include the studies developed in conformance with the stipulations. Once an Application is filed and determined by the Chair of the Siting Board to be compliant with the Public Service Law, 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 municipal and local parties to participate in formal review of the Application. A pre-hearing conference will be scheduled by the Hearing Examiners to identify parties, award intervenor funds and identify issues for the hearing. Additional hearings regarding the application and facility impact assessments will be scheduled by the Hearing Examiners, as needed. 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.

All public documents filed in this proceeding, including the proposed stipulations and a summary of the stipulations, may be accessed electronically at the Department of Public Service website, [www.dps.ny.gov](http://www.dps.ny.gov). To access documents, go to “Search,” type the case number, “15-F-0122,” and click “Search by Case Number”. Documents may also be accessed using the direct link: (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=15-f-0122&submit=Search+by+Case+Number>) or by going to the Facility-specific website maintained by the Applicant: (<https://everpower.com/baron-winds-wind-project-steuben-county-ny/>).

Documents may also be examined during normal business hours at the Offices of the DPS at 3 Empire State Plaza, Albany, NY 12223. Documents filed by the Applicant may be viewed at the following public repositories: Cohocton Public Library, 8 Maple Ave., Cohocton, NY 14826; Hornell Public Library, 64 Genesee St., Hornell, NY 14843; Town of Howard Public Library 3607 County Route 70A, Hornell, New York. Libraries often have free internet access.