

Subject **Case No. 16-F-0559 Bluestone Wind**

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ADAMS CABLE SERVICE

- Bluestone Notice of Stipulations Filing.pdf (65 KB)

Dear Secretary Burgess,

On behalf of Bluestone Wind LLC please find attached for filing in the above-referenced case, the Applicant's notice of submission of proposed stipulations. On or about July 2, 2018 the Applicant will file proposed stipulations, pursuant to 16 NYCRR 1000.5, as to 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 proposed stipulations will start a 30-day public comment period whereby anyone may comment on the Stipulations before they are executed by the interested parties.

Thank you.

Sincerely,

Jessica Ansert Klami, Esq.  
Associate Attorney

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June 29, 2018

**Via Electronic Filing**

Hon. Kathleen H. Burgess, Secretary  
New York State Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, NY 12223-1350

**Re:                    *Notice of Bluestone Wind LLC's Submission of Proposed Stipulations for the  
Bluestone Wind Farm, Case No. 16-F-0559***

Dear Secretary Burgess:

Enclosed for filing in the above proceeding, please find Bluestone Wind's Notice of Submission of Proposed Stipulations. The attached notice was recently published in the local newspapers providing notice that, on or about July 2, 2018, Bluestone Wind LLC intends to file proposed stipulations in Case 16-F-0559.

The proposed stipulations will represent agreements as to the information to be submitted, and the scope and methodology of studies to be conducted in support of an Application for a Certificate of Environmental Compatibility and Public Need under Article 10 of the Public Service Law ("Certificate Application") which Bluestone Wind intends to file in July 2018.

Within 30 days after the filing of the proposed stipulations, any person, agency or municipality may submit comments on the stipulations by serving such comments on the Applicant and filing a copy with the Secretary of the Department of Public Service.

Thank you.

Respectfully submitted,

*Jess A Klami*

Jessica Ansert Klami, Esq.  
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Young/Sommer LLC  
Attorneys for Bluestone Wind LLC

# BLUESTONE WIND ENERGY FACILITY

## Broome County, New York

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### NOTICE OF SUBMISSION OF PROPOSED STIPULATIONS

Bluestone Wind, LLC, (Applicant) is proposing to submit an application (Application) to construct the Bluestone Wind Energy Facility (Facility), a wind powered major electric generating facility, under Article 10 of the Public Service Law (Article 10). Under Article 10, an applicant may enter into stipulations, which are agreements with any interested person, agency or municipality, as to any aspect of the methodology or scope of study, or program of studies, made or to be made to support an application under Article 10. The Article 10 regulations, 16 NYCRR §1000.5(j)(3), require that, before any proposed stipulations may be executed by the interested parties, the public must be given notice and afforded a reasonable opportunity to submit comments on the proposed stipulations.

**PLEASE TAKE NOTICE** that, in the Bluestone Wind proceeding, Case 16-F-0559, on or about July 2, 2018 the Applicant will file proposed stipulations, pursuant to 16 NYCRR 1000.5, as to 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 proposed stipulations will start a 30-day public comment period whereby anyone may comment on the Stipulations before they are executed by the interested parties.

As proposed, the Facility would be an up to 124-megawatt (MW) wind powered electric generating facility, to be located in the Towns of Windsor and Sanford, Broome County, New York. If approved as proposed, the Facility would include up to 33 turbines, permanent meteorological towers, collection lines (buried), access roads, one operation and maintenance building (O&M), collection and point of interconnection (POI) substations and would include battery storage, temporary construction staging/laydown areas as well as other improvements subject to Article 10.

Pursuant to the Article 10 process, the Applicant filed a Preliminary Scoping Statement (PSS) on August 18, 2017 with the New York State Board on Electric Generation, Siting, and the Environment (Siting Board). Thereafter the public had an opportunity to submit comments on the PSS. Following the comment period, the Applicant prepared a summary of the material comments and its reply to comments was submitted on September 29, 2017. On October 16, 2017 a pre-application conference to consider intervenor funding requests was held and the scoping stipulations process was commenced.

This notice is to serve as a summary of the contents of the proposed stipulations 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), the New York State Department of Agriculture and Markets (DAM), and the Towns of Windsor and Sanford pursuant to 16 NYCRR 1000.5(j)(2). Other parties in this proceeding may join these stipulations including the Delaware-Otsego Audubon Society (DOAS). Within 30 days after the filing of the proposed stipulations, any person, agency or municipality may submit comments by serving such comments on the Applicant's designated representative ([alec.jarvis@calpine.com](mailto:alec.jarvis@calpine.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)). All comments should specify, on the first page, "Case 16-F-0559, Bluestone Wind, Comments on Proposed Stipulations."

The proposed stipulations provide a comprehensive and detailed description of the proposed contents of the Article 10 Application and generally track the exhibits required to be included pursuant to 16 NYCRR 1001.1. The parties signing the stipulations will be agreeing that the studies outlined in the stipulations constitute all the necessary studies concerning the subject matter of the stipulations and that the Applicant will not be requested by the parties signing the stipulations to provide additional studies, except as otherwise provided for in the stipulations.

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. Any other party may timely raise objections at the hearing as to the methodology or scope of any study or program of studies performed.

The proposed stipulations include but are not limited to: the scope and types of studies to be conducted, the content and analysis to be supplied with each exhibit and/or study, the types of maps, drawings or explanations to be provided, the methodologies to be used in performing studies, the data to be collected and compared in studies, impact avoidance and mitigation measures, the type and extent of agency consultations needed before submitting the Application and the information required to be provided in the Application in compliance with the regulations. The proposed stipulations provide for agreements on the scope of studies to be performed and the information to be contained in the Application including but not limited to studies and information regarding potential: environmental and health impacts from construction and operation of the Facility; noise and vibration impacts; geological impacts; impacts to land use; public health and safety; terrestrial ecology; water resources and aquatic ecology impacts including wetlands and streams; communications, transportation and utility impacts; cultural and historical and recreational resource impacts; visual impacts, including shadow flicker; and electric system impacts. The proposed stipulations provide for agreements on all of the exhibits required under Article 10.

The Applicant intends to submit an Article 10 Application in July 2018 in order to achieve critical milestones for the Facility. Building on the Scoping process and the stipulations agreed to by the parties that have signed the stipulations, the Application will include the studies developed as part of the Scoping process in support of the Facility.

Once an Application is filed and determined by the Chairperson of 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 eligible 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, identify issues for the hearing, and establish a case schedule. Additional hearings regarding the application and facility impact assessments will be scheduled by the Hearing Examiner as needed. Except for extraordinary circumstances, 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, may be accessed electronically at the DPS website at (<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 16-F-0559 or the direct link: (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-F-0559&submit=Search>) or by going to the Facility-specific website maintained by the Applicant: (<http://www.calpine.com/bluestonewind>).

Documents may also be examined during normal business hours at the Offices of the DPS at Three Empire State Plaza, Albany, NY 12223, and may also be viewed at the following public repositories: Windsor Library, 107 Main Street, Windsor, NY 13865 and Deposit Free Library, 159 Front Street, Deposit NY 13754.