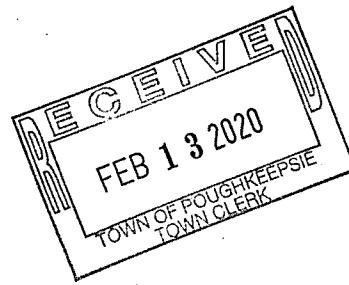




**Board on Electric
Generation Siting
and the Environment**



John B. Rhodes
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Three Empire State Plaza, Albany, NY 12223-1350
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February 10, 2020

Ms. Brenda D. Colella
Barclay Damon, LLP
125 East Jefferson Street
Syracuse, NY 13202
bcolella@barclaydamon.com

Ms. Michelle Hook
Vice President of Public Affairs
Danskammer Energy, LLC
181 South Plank Road
Newburgh, NY 12550
mhook@danskammerenergy.com

RE: Case 18-F-0325 - Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County.

Dear Ms. Colella and Ms. Hook:

Upon a preliminary review of the Application submitted by Danskammer Energy, LLC on December 11, 2019, the Application, as submitted, is not filed or otherwise in compliance with §164 of the Public Service Law (PSL). The deficiencies identified must be remedied or otherwise cured before the Application can be deemed to comply with PSL §164 and the public hearing can be commenced pursuant to PSL §165.

The Applicant must comply with all relevant filing requirements contained in 16 NYCRR §1001 through 16 NYCRR §1001.41. The identified deficiencies in the Application are listed in the attachment to this letter.

Please note that Danskammer Energy is required to serve a copy of the information it files as a supplement in order to remedy the identified deficiencies on all entities entitled to receive a copy of the Application pursuant to PSL §164, as well as any additional parties on any established Party List in this proceeding.

Please contact Heather Behnke, Assistant Counsel at 518-474-5474 if you need further assistance.

My staff is committed to responding as expeditiously as possible to your responses.

Sincerely,

A handwritten signature in black ink that reads "John B. Rhodes". The signature is written in a cursive style with a large, stylized "J" and "R".

John B. Rhodes
Chair

Enclosure

Cc: Service List

CASE 18-F-0325
DANSKAMMER ENERGY CENTER PROJECT
APPLICATION DEFICIENCIES

Exhibit 3 – Location of Facilities:

1. 16 NYCRR §1001.3 requires “[m]aps, drawings and explanations showing the location of the proposed major electric generating facility, all interconnections, and all ancillary features not located on the facility site such as roads, railroads, switchyards, fuel or energy storage or regulation facilities, solid waste disposal areas, waste treatment and disposal facilities, and similar facilities, in relation to municipalities (county, city, town and village) and taxing jurisdictions associated with any part of the overall development proposal.” Figure 3-1 does not show the full extent of the Project Site. Please provide aerial imagery indicating the proposed generating facility and all interconnections, including the full extent of the Facility Site.
2. 16 NYCRR §1001.3(a)(2) requires topographic maps showing “the proposed location of any interconnections, including all offsite electric transmission lines, fuel gas transmission lines, fuel oil transmission lines, water supply lines, wastewater lines, communications lines, steam lines, stormwater drainage lines, and appurtenances thereto, to be installed in New York State connecting to and servicing the site of a major electric generating facility that are not subject to the Commission's jurisdiction under PSL Article VII.” Figures 3-2 and 3-3 do not include all of this required information for the extent of the Facility Site. Please provide revised Figures 3-2 and 3-3 showing the location of the full extent of interconnections, electric transmission and gas transmission lines, water, drainage and other lines within the Facility Site.

Exhibit 4 – Land Use:

1. 16 NYCRR §1001.4(c) requires “a map of all properties upon which any component of the major electric generating facility or the related facilities would be located, and all properties adjoining such properties, that shows the current land use, tax parcel number and owner of record of each property, and any publicly known proposed land use plans for any of these parcels.” The property map provided as Figure 4-4 does not show all adjoining property parcels, tax parcel numbers, and the owner of record for all adjoining properties. Please provide a revised Figure 4-4 including all required information.
2. 16 NYCRR §1001.4(d) requires mapping to show all existing zoning districts in the Study Area. The Application does not represent the Town of Newburgh Marina Townhouse Overlay District. Please provide revised mapping showing

Town of Newburgh Zoning Districts, indicating the overlay districts including the Marina Townhouse Overlay District, which includes the Hudson River waterfront portion of the proposed Facility Site.

3. Stipulation 4(l) requires an analysis of the Project's conformance with the June 2017 State Coastal Policies. The Application does not provide a comprehensive review of applicable policies; policy statements #1, 5, 8, 14, 18, 23, 24, 36 and 39 of the June 2017 State Coastal Policies must be addressed. Please provide a comprehensive analysis of the Project's conformance with these applicable policies.
4. 16 NYCRR §1001.4(n) requires overlays on aerial photographs which clearly identify the "facility site and ... the limits of proposed clearing or other changes to ... man-made structures." Exhibit 4 and Appendices of the Application do not provide aerial photographic mapping indicating such clearing or removal of existing structures at the Facility Site, such as the fuel tank removal described at Exhibit 37(e), or any buildings or components of the existing generating facilities that will be removed from the site. Please provide the information to address the requirements of this section of the Application requirements.

Exhibit 5 – Electric System Effects:

1. 16 NYCRR §1001.5(k) requires "[i]f the applicant will entertain proposals for sharing above ground facilities with other utilities (communications, cable, phone, cell phone relays, and similar facilities), criteria and procedures for review of such proposals." Exhibit 5 of the Application does not indicate whether the Applicant may entertain proposals for sharing aboveground facilities with other utilities. Please indicate whether the Applicant may entertain proposals for sharing aboveground facilities with other utilities and, if yes, provide the required criteria and procedures.
2. 16 NYCRR §1001.5(n) requires "[a]fter consultation with DPS, NYISO, and the local transmission owners to identify applicable requirements, an identification and demonstration of the degree of compliance with all relevant applicable reliability criteria of the Northeast Power Coordinating Council Inc., New York State Reliability Council, and the local interconnecting transmission utility, including any criteria regarding blackstart and fuel switching capabilities." Exhibit 5 of the Application does not provide any of the required information. Following the required consultations, please provide an identification and demonstration of the degree of compliance with the specified reliability criteria.

Exhibit 11 – Preliminary Design Drawings:

1. Stipulation 11(a)(12) requires the Application to include site plans showing the "[l]ocation of existing buildings or structures to be demolished and any major

modifications to existing buildings and structures in the Project Site.” While Exhibit 11 includes a statement that “drawings also show the location of existing buildings or structures that will be demolished or, to which material modifications will be made, as a result of or as a part of the Project”, the site plans included do not clearly indicate the location of existing buildings or structures to be demolished and any major modifications to existing buildings and structures in the Project Site. Please provide an updated site plan clearly showing existing buildings, structures, and facilities to be removed or modified. DPS Staff recommends that those features located in areas 1, 2, 3, and the auxiliary area (of drawing C3-01-04) should be identified and shown in another color (red, etc.) and a table could be provided describing the actions to be taken regarding those structures or facilities (demolished, modified, etc.).

Exhibit 12 – Construction:

1. Stipulation 12(d)(4) requires a formal complaint resolution to “Identify and include any procedures or protocols that may be unique to each phase of the Project (e.g., construction, operation, decommissioning of facilities) or complaint type (e.g., noise). For example, during construction, complaint calls need to be handled locally and quickly.” While Exhibit 23(a)(6) of the Application states that “[p]lans for notification and complaint resolution during construction of the Project are detailed in Exhibit 12(d) of this Application and the full Complaint Resolution Plan is available in Appendix 12-3,” the Application does not include specific complaint resolution procedures unique to different phases of the Project, such as construction nor to complaint type as noted in Stipulation 12(d)(4). Please provide a revised complaint resolution plan that provides the information required under Stipulation 12(d)(4).

Exhibit 15 – Public Health and Safety:

1. 16 NYCRR §1001.15(b) requires discussion of the anticipated volumes of gaseous, liquid, and solid wastes to be released to the environment during construction and under any operating condition of the facility. The Application does not include estimates of the acreage of forest land to be cleared, and the volume of waste wood – including stumps and slash – generated from site clearing; or describe disposal methods and locations for this material. Please provide this required information.
2. 16 NYCRR §1001.15(c) requires the Application to identify the “treatment processes that will be used to eliminate or minimize wastes to be released to the environment.” Exhibit 15 of the Application does not include this required information for waste wood disposal. Please describe the waste wood disposal method and location, per prior comment.

3. 16 NYCRR §1001.15(f) requires the Application to include maps of “community emergency response resources and facilities including police, fire and emergency ~~medical response facilities and plans; emergency communications facilities;~~ hospitals and emergency medical facilities.” Exhibit 15 of the Application does not include this required information: Section 15(f) only reports on a one-mile study area, whereas Stipulation Exhibit 3(4) calls for study areas of one, three and five-miles from the facility property boundary. Please provide maps showing all information and community emergency response resources required by 16 NYCRR §1001.15(f) within the study area.

Exhibit 17 – Air Emissions:

1. Stipulation 17(i)(2) requires “all emission rate calculation methodologies will be described in detail, with appropriate equations and examples provided.” Exhibit 17 of the Application does not include this required information. Please provide examples of emission rate calculation methodologies for the non-criteria pollutants that were assessed.
2. Stipulation 17(i)(4) requires that “for those NYSDEC Short-term Guideline Concentrations that are based on occupational guidelines, other short-term, health-based comparison values such as the Agency for Toxic Substances and Disease Registry’s Acute Minimal Risk Levels will be compared to predicted air concentrations.” The data found in Table 17-27 are inconsistent with footnote 1, which indicates that for those non-criteria pollutants with Short-term Guideline Concentrations (SGC) values based on occupational guidelines, there was a comparison of predicted air concentrations to ATSDR Acute MRL values. For pollutants whose Short-term Guideline Concentration values are based on occupational guidelines, please provide comparisons of predicted short-term concentrations of non-criteria pollutants to ATSDR Acute Minimal Risk Levels or other short-term, health-based comparison values.

Exhibit 19 – Noise and Vibration:

1. Stipulation 19(e)(3)(iv)(1), requires that “[m]aximum sound pressure levels at the 31.5 and 63 Hz bands as predicted with computer noise modeling (ISO 9613-2) and at the 16 Hz band (as extrapolated or calculated) will be reported for all sound sensitive receptors specified in section 19(a).” Exhibit 19 of the Application does not include information for the 16 Hz band. Please provide the extrapolated or calculated 16 Hz. band for all sound sensitive receptors specified in section 19(a).
2. Stipulation 19(g)(2)(i) and (ii) states:

Calculation of Leq Noise Descriptors: The following descriptors will be calculated for evaluation of conformance with WHO guidelines:

(i) WHO-1999: Maximum Lday time-15-hour and L nighttime-9-hour in a year (outdoor and indoor). The Application will include a discussion and justification for the outdoor to indoor noise reductions provided by sound sensitive receptors' building facades.

(ii) WHO-2009: Lnight (1-year).

And, Stipulation 19(g)(3), states:

The application will report in a table the noise descriptor results indicated in this section. Tabular noise modeling results, inclusive of annual maximum daytime (L16day), annual maximum night (L8night), and annual logarithmic average nighttime (Leqnight) noise levels, will be provided in a manner that allows for comparison with World Health Organization guidelines (WHO, 1999; 2009) to evaluate potential adverse health effects.

The information required by Stipulations 19(g)(2)(i) and (ii) and 19(g)(3), has not been provided as stipulated. Please provide the following information:

- WHO-1999: Maximum Lday time-15-hour and L nighttime-9-hour in a year (outdoor and indoor). The Application will include a discussion and justification for the outdoor to indoor noise reductions provided by sound sensitive receptors' building facades.
- WHO-2009: Lnight (1-year).
- The application will report in a table the noise descriptor results indicated in this section. Tabular noise modeling results, inclusive of annual maximum daytime (L16day), annual maximum night (L8night), and annual logarithmic average nighttime (Leqnight) noise levels, will be provided in a manner that allows for comparison with World Health Organization guidelines (WHO, 1999; 2009) to evaluate potential adverse health effects.

3. Stipulation 19(h)(10) states:

Full-size hard copy maps (22' x 34") in 1:12,000 scale will be submitted to DPS and DOH Staff and provided in digital format (maps) in the Application.

And, Stipulation 19(h)(11) states:

Sensitive sound receptors will be identified with land/tax ID numbers in tables and on sound contour drawings.

The information required by Stipulations 19(h)(10) and 19(h)(11), has not been provided as stipulated. Please provide the following information:

- Full-size hard copy maps (22"x34") in 1:12,000 scale as required by Stipulation 19(h)(10).
 - ~~Sensitive sound receptor listed in tables and shown on sound contour drawings identified with land/tax ID numbers as required by Stipulation 19(h)(11).~~
4. Stipulation 19(l) states, "A description of the proposed post-construction evaluation studies that will be performed in order to determine compliance with operational noise design goals. The Application will include a post-construction noise evaluation protocol with, at a minimum, provisions for sound instrumentation specifications and calibration requirements; equipment settings; noise and vibration descriptors to be evaluated; weather conditions to be tested and to be excluded; seasons and time frames for testing; testing procedures; provisions for evaluation of audible prominent tones, low frequency noise, and vibrations; provisions for processing test results, reporting, and documentation." A post-construction noise evaluation protocol was not submitted. Please provide a post-construction noise evaluation protocol as stipulated.

Exhibit 20 – Cultural Resources:

1. Stipulation 20(b) requires "mitigation measures, such as local improvement projects, will be discussed should there be any unavoidable impacts to cultural resources." Furthermore, OPRHP-SHPO has advised via correspondence of December 12, 2019 (attached below), that additional information is needed to assess project impacts including potential use or decommissioning of existing facilities at the site, including a discussion of options that are being considered. SHPO also indicates that absent a decommissioning plan for the existing facility, SHPO staff "are unable to assess whether the new structure combined with the current plant and its four stacks would constitute a cumulative impact." Please provide supplemental information to address the requirement of Stipulation 20(b) and the additional information, as identified by SHPO, for purposes of addressing the Application requirements and to address the requirements of NYSRHP Section 14.09.

Exhibit 21 – Geology, Seismology and Soils:

1. 16 NYCRR §1001.21(i) requires the preliminary blasting plan to identify blasting locations and estimates of amounts of rock to be blasted. The preliminary blasting plan included as Appendix 21-1 of the Application does not include this required information. Please provide an updated preliminary blasting plan that includes a preliminary identification of anticipated blasting locations within the Project Site and an estimate of the amount of rock to be blasted from those locations. Please provide an updated preliminary blasting plan that includes a preliminary identification of anticipated blasting locations within the Project Site and an estimate of the amount of rock to be blasted from those locations.

Exhibit 23 – Water Resources and Aquatic Ecology:

1. Stipulation 23(a)(4) requires, “verification that Danskammer provided to such well owners the following: a description of the Project and the Article 10 process; a Project contact; and information on where the well owners can get more information about the Project (i.e., Project website, document repositories, etc.), as well as an invitation to join the stakeholder list. Well owners that provided data regarding active wells will be added to the stakeholder list.” The Well Owner Notification letter provided in Appendix 23-3 does not contain an invitation for well owners to join the stakeholder list. In addition, the notification letter did not include information about document repositories. Please provide a revised Well Owner Notification letter that contains an invitation to join the stakeholder list and information on document repositories for the Project. Additionally, please provide verification that well owners who provided data regarding active wells were added to the stakeholder list.

Exhibit 24 – Visual Resources:

1. According to Stipulation 24(b)(4)(v), visual stakeholders identified through the outreach process will be added to the Stakeholder List. The list of stakeholders provided in Exhibit 2 of the Application does not include the names indicated in Attachment 8 of Exhibit 24. Please update the Stakeholder List accordingly.

Exhibit 29 – Decommissioning:

1. Stipulation 29(b) requires the decommissioning plan to include “methods and schedules for notifying the Town of Newburgh and adjacent landowners prior to the start of decommissioning and site restoration activities.” The Decommissioning Plan provided in Appendix 29-1 does not include this required information. Please provide a revised decommissioning plan that addresses all of the requirements of Stipulation 29(b).

Exhibit 31 – Local Laws and Ordinances

1. The preface of Stipulation 31 requires the Applicant to “include documentation of its consultations with the Town of Newburgh to facilitate the certification of the flood elevation utilized for the proposed Project by FEMA” (Final Stipulations, Stipulation 31, dated December 6, 2019; p. 92). Exhibit 31 referenced Appendix 2-1 does not provide details to demonstrate compliance with this specific consultation requirement. Please provide details indicating that consultation with the Town of Newburgh occurred, as required by Stipulation 31, regarding consultation to facilitate the certification of the flood elevation utilized for the

proposed Project by FEMA. Dates, attendees, agenda and results should be provided, as available.

-
2. 16 NYCRR §1001.31(d) and Stipulation 31(d) require that “[c]opies of zoning, flood plain and similar maps, tables and/or documents will be included in Exhibit 31 of the Article 10 Application when such are referenced in such local substantive requirements.” Such reference documents have not been provided, including, but not limited to, Flood Insurance Rate Map Panels listed in the Newburgh Flood Damage Prevention Law at Section 109-6. Please provide this information.
 3. 16 NYCRR §1001.31(j) requires identification of the zoning designation or classification of all lands constituting the site of the proposed facility and a statement of the language in the zoning ordinance or local law by which it is indicated that the proposed facility is a permitted use at the proposed site. The Official Zoning Map of the Town of Newburgh indicates a Marina Townhouse Overlay District that includes the waterfront location of a portion of the proposed Facility Site. Showings in Exhibit 31(j) for the Facility Site do not address this overlay zoning designation. Please provide additional information regarding the Marina Townhouse Overlay District designation and its applicability to the proposed Facility.

Exhibit 33 – Other Applications and Filings:

1. 16 NYCRR §1001.33(b) requires the Applicant to specify the date on which an application for “any Federal permit, consent, approval, or license that will be required for the construction or operation of the facility” was made or the estimated date on which it will be made. The Application does not provide this. Please provide the estimated date that the Facility Response Plan (FRP), pursuant to 40 CFR § 112.20, will be submitted to the USEPA Regional Administrator. Further, Appendix 37-2, referenced on page 2 of Exhibit 33, was not included in the Application filing. Please provide Appendix 37-2.

Exhibit 36 – Gas Interconnection:

1. 16 NYCRR §1001.36(b)(1) requires the description and preliminary design details for the gas interconnection including “class criteria for the interconnection pipeline location.” Class criteria for interconnection pipeline locations were not provided in the Application. Please provide class criteria.

Exhibit 37 – Back-Up Fuel:

1. 16 NYCRR §1001.37(a)(7) requires “a statement of the number of days of back-up fuel supply to be maintained including a discussion as to whether such number will be sufficient to conform to Commission policies on minimum back-up fuel supply quantities.” The Application does not indicate whether the number of days of back-up fuel supply will be sufficient to conform to Commission policies on minimum back-up fuel supply quantities. Please provide an explanation of whether the number of days of back-up fuel will be sufficient to conform to Commission policies on minimum back-up fuel supply quantities.

CASE 18-F-0325
DANSKAMMER ENERGY CENTER PROJECT

NYSDEC - Article 10 Application Deficiency Items

1. The Project requires a Clean Air Act Title V permit modification (air permit) from the Department of Environmental Conservation (DEC). The Application for such air permit has been deemed incomplete by DEC, with deficiencies as noted below. The Article 10 application will remain deficient in this regard until DEC determines that the air permit application is complete, and a draft air permit is available for public review. See PSL §§ 164(1)(c) and 165(1); 16 NYCRR § 1001.16(1)(a).

Air Title V Permit Modification Application Deficiencies as determined by DEC

- a) Quantification calculations for the NO_x and VOC ERCs;
 - b) Source information for the “exempt sources” that are going to be included in the permit. The facility is subject to NSR (the emergency diesel generator, fire pump, etc.);
 - c) Use of ERCs Form; and
 - d) An assessment of how the issuance of a Title V permit modification by the DEC would be consistent with the greenhouse gas emissions limits established in Article 75 of the environmental conservation law, as required by Section 7(2) of the Climate Leadership and Community Protection Act (Chapter 106 of the Laws of 2019).
2. An assessment of how the Siting Board’s issuance of an Article 10 Certificate for the Project would be consistent with the Statewide greenhouse gas emission limits established in Article 75 of the environmental conservation law, as required by Section 7(2) of the Climate Leadership and Community Protection Act (Chapter 106 of the Laws of 2019).
 3. Demonstration that the future physical climate risk has been considered in the application.
 4. Stipulation 23(c)(1) states that the Article 10 Application will include a preliminary Stormwater Pollution Prevention Plan (“SWPPP”)... and will include in general terms the sediment control practices that will likely be implemented during construction activities....
A preliminary SWPPP is included in the Application. It is noted that the documents contained in Appendix A of the preliminary SWPPP are mostly blank, which at this stage of the Application review, may meet the requirement of a preliminary SWPPP.

Additional Notes

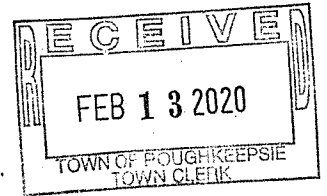
The Danskammer Application states the cooling water intake structure would be decommissioned and retired in place, which would include adding stop log gates to the intake,

but the traveling water screens would remain. These decommissioning activities would be addressed in a future SPDES Permit modification, which would likely result in significantly water intake and discharge. Danskammer has provided a pre-application SPDES permit modification as an appendix in the Article 10 Application.

The Application further states that the Project will not result in any disturbance to the bed or banks of the Hudson River or otherwise conduct any in-water work in the Hudson River. Accordingly, any associated impacts to the Hudson River are not anticipated as part of this Project. If the foregoing plans change such that there is a potential for Hudson River impacts during construction or operation of the Project, Danskammer would supplement Exhibit 23 of the Application so that any impacts to the Hudson River may be evaluated and appropriately reviewed as part of the Article 10 Application process.



NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT



CASE 18-F-0325 - Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County.

RULING AWARDING INTERVENOR FUNDING

(Issued February 11, 2020)

ANTHONY BELSITO and MICHAEL CARUSO, Examiners:

INTRODUCTION

On December 11, 2019, Danskammer Energy, LLC, (Danskammer) filed an application seeking authority to repower the Danskammer Generating Facility in the Town of Newburgh, Orange County. The existing facility operates as a natural gas fired peaking facility with a capacity of up to 532 MW. The repowered facility would be a natural gas fired combined cycle facility with a capacity of up to 600 MW and limited provisions to burn ultra-low sulfur diesel fuel as a backup fuel with approximately five days of on-site fuel oil storage. The existing facility is connected to Central Hudson Gas and Electric Corporation's 115 kV transmission system. Danskammer indicates that the repowered facility would interconnect to existing electric transmission infrastructure and will utilize the existing natural gas transmission system for delivery of natural gas.

Upon its filing of the application, Danskammer Energy submitted the required intervenor fee of \$400,000 to be used to defray certain expenses to be incurred by eligible municipal and local intervenor parties in the application phase of this

proceeding. A Notice of Availability of Intervenor Funding and Deadline for Requesting Funds, issued December 20, 2019, directed eligible municipal and local parties to submit their requests for intervenor funding by January 21, 2019. The County of Dutchess, Marlboro Central School District, the Town of Newburgh, and Scenic Hudson Inc. timely filed individual requests for intervenor funds. The Cities of Beacon and Newburgh, Riverkeeper, Inc and Scenic Hudson, Inc. timely filed a joint request for intervenor funds. Orange RAPP and Sierra Club also timely filed a joint request for intervenor funds. No other requests for intervenor funding were filed. No objections to the filed requests were raised.

DISCUSSION

The purpose of the application stage intervenor fund is to enable municipal and local parties to better participate in review of the application for the Project and in the hearing process by allowing such parties to defray expenses for expert witnesses, consultants, legal representation, and administrative fees. In making an award of funds, the Examiners must find that the fund awardee will use the funds to contribute to a complete record leading to an informed decision by the Siting Board as to the appropriateness of the site and the facility.

We have reviewed the submitted requests and find, as we did in the pre-application phase, that the legal and expert consultants identified have the requisite expertise and experience to contribute to the compilation of a complete record as to the appropriateness of the site and the facility. We therefore make the following awards:

| | |
|---------------------------------------|----------|
| County of Dutchess: | \$72,750 |
| Marlboro Central School District: | \$14,918 |
| Cities of Beacon and Newburgh et al.: | \$96,780 |

| | |
|-------------------------|----------|
| Town of Newburgh: | \$97,000 |
| Orange RAPP/Sierra Club | \$61,700 |
| Scenic Hudson, Inc. | \$18,000 |

In making this award, we do not endorse, pre-judge, or make any determination on the merits of any case that the awardees might present, whether using intervenor funds or otherwise.

The awardees are reminded that disbursements of funds will be made only after submission of a voucher, supported by appropriate documentation of claimed costs, in the form required by the Department of Public Service. Funds will not be disbursed to defray costs that do not fall within the applicable statutory and regulatory criteria for allowable uses of intervenor funds. Intervenor funds will not be disbursed to defray costs related to negotiating bilateral agreements unless such negotiations are primarily designed to lead to agreements on issues within the scope of the Siting Board's review in this proceeding and such negotiations are conducted on notice to all parties in this case. For example, intervenor funds are not available to defray costs related to negotiating payment in lieu of taxes agreements. Finally, funding awardees must enter into a new contract with the Department of Public Service in connection with this stage of funding and must timely submit quarterly funding reports pursuant to the applicable regulations.

(SIGNED)

ANTHONY BELSITO

(SIGNED)

MICHAEL CARUSO

