

BEFORE THE  
NEW YORK STATE  
PUBLIC SERVICE COMMISSION

In the Matter of the Application of Central Hudson Gas & Electric Corporation For a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the A and C Line Rebuild Project, Approximately 10.85 miles of 115 Kilovolt Transmission Lines in the Towns of Pleasant Valley, LaGrange, Wappinger and East Fishkill, in Dutchess County

Case No.: 13-T-\_\_\_\_

CENTRAL HUDSON GAS & ELECTRIC CORPORATION  
A AND C LINE REBUILD PROJECT

EXHIBIT 8

OTHER PENDING FILINGS

## **EXHIBIT 8 – OTHER PENDING FILINGS**

This Exhibit addresses the requirements of 16 NYCRR §86.9 by identifying and describing other pending applications or filings, if any, of CHG&E, or others, related to the subject matter of this Application as filed with the Commission, or other governmental departments or agencies (State or Federal).

Central Hudson Gas & Electric Corporation (CHG&E or the Applicant) is proposing to rebuild and reconductor the existing 115 kV A and C transmission lines (A and C Lines) located between Pleasant Valley and East Fishkill in Dutchess County, New York (the Project). In conjunction with the design, construction, and operation of the proposed Project, CHG&E will seek certain permits or approvals from State and Federal government regulators outside the scope of Article VII of the Public Service Law. These permits or approvals are discussed below.

### **8.1 New York State Department of Transportation – Utility Work Permit**

The New York State Department of Transportation (NYSDOT) requires that a Utility Work Permit application be submitted to install utilities within or adjacent to state highway rights-of-way (ROW). Various parts of the Project will cross or be adjacent to state highways. Following Commission approval of the final design as part of the Environmental Management and Construction Plan (EM&CP), CHG&E will obtain highway work permit(s) from NYSDOT pursuant to 17 NYCRR, Part 131 for the construction and operation of the Project within or adjacent to state highway ROW, subject to the Commission's continuing jurisdiction.

### **8.2 New York State Department of Environmental Conservation – SPDES Permit for Stormwater Discharges from Construction Activities.**

Construction activities for the proposed Project will result in soil disturbance totalling greater than one acre. Absent an Article VII certificate, storm water discharge(s) from the construction site(s) are required to be covered under a State Pollutant Discharge Elimination System (SPDES) General Permit issued in accordance with the New York Environmental Conservation Law (ECL) Article 17. Based on past experience and guidance provided by New York State Department of Public Service (DPS) Staff, CHG&E understands that the Project's EM&CP and associated erosion control measures will fulfill the NYSDEC's erosion and sediment control requirements and that a separate SWPPP will not be required. Concurrent with the EM&CP filing, CHG&E will provide the NYSDEC with the required Notice of Intent for coverage of this Project under General Permit No. GP-0-10-001 dated January 29, 2010 for Stormwater Discharges from Construction Activities. The required Notice of Termination of such General Permit coverage will be provided to the NYSDEC following completion of Project construction.

### **8.3 U.S. Army Corps of Engineers – Section 404 Permit**

All wetlands and streams (regardless of their size) that meet the federal definition of “Waters of the U.S.” are regulated under Section 404 of the Clean Water Act by the U.S. Army Corps of Engineers (USACE).

As described in Exhibit 4, the proposed Project will impact some wetland areas that are regulated by the USACE. Based on past experience, the temporary and permanent wetland disturbance associated with construction activities for the Project is likely to be authorized by the USACE New York District under Nationwide Permit (NWP) No 12 (utility line activities). Pre-application consultations with the USACE New York District have confirmed the applicable NWP, and any required documentation or Pre-Construction Notification will be provided to DPS Staff.

Before USACE can issue their permit, they will require the issuance of a water quality certificate by the appropriate state agency. This Article VII Application also includes a request to the New York State Public Service Commission (PSC) for a Water Quality Certificate in accordance with Section 401 of the Clean Water Act and PSC regulations.

### **8.4 G Line Rebuild**

CHG&E is planning in the near future to replace certain segments of its G electric transmission line (G Line), a 69 kV line that shares the ROW with the A and C Lines in the Towns of Wappinger and LaGrange for approximately 4.89 miles. Inspections of the G Line indicate that approximately 27% of the structures are in need of replacement. Performance history also indicates a high fault rate for this line. Based on these issues, replacement of portions of the G Line has been recommended, replacement of other sections is being studied, and retirement of a section is also being considered.

A portion of the northern section of the G Line has been recommended for replacement at 69 kV with a planned in-service year of 2019. Other substation work and additional circuiting would be done at the same time.

The southern section of the G Line is being studied for replacement; if this proceeds, the proposed in-service year would be 2020. This study is also considering rebuilding this section of the line for 115 kV service and reconductoring a portion of the line. If the above work is done, certain sections of the G Line could be retired (with other lines and substations supplying the affected areas).

In terms of the work to be performed on the G Line, two co-located sections are affected. These include 1) approximately 1.2 miles north of the Todd Hill Substation; and 2) approximately 1.5 miles north of the Fishkill Plains Substation. However, the future work to be performed on the G Line is not, nor does it constitute part of, a major

utility transmission facility as defined in PSL § 120(2)(a). See Case 11-E-0375, Rochester Gas and Electric Corp., Declaratory Ruling Concerning Jurisdiction Over a Proposed Transmission Project (issued August 22, 2011). PSL § 120(2)(a) defines a major utility transmission facility to include:

An electric transmission line of a design capacity of one hundred twenty-five kilovolts or more extending a distance of one mile or more, or of one hundred kilovolts or more and less than one hundred twenty-five kilovolts, extending a distance of ten miles or more, including associated equipment.

The work to be performed on the G Line does not meet the specified thresholds. Even if the G Line's voltage was increased to 115 kV, the total distance for the work to be performed is only 2.7 miles. The fact that the G Line would share ROW with the rebuilt A and C Lines that are the subject of this Article VII Application does not change this fact. A separate environmental review of a portion of the proposed projects would be inappropriate where the segments are operationally dependent on each other and the project as a whole meets a defined need. By contrast, a separate review of truly independent projects is entirely proper. Here, the basis of need for the projects is different and they are proposed to be in service on dates that are at least a year apart.

For work done on the G Line, CHG&E will submit to the PSC the report required by 16 NYCRR Part 102 a minimum of 60 days prior to construction of that facility.

## **8.5 Potential Filings of Others**

CHG&E is not aware of any other potential filings that will affect the shared ROW containing the A and C Lines.