

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
PUBLIC SERVICE COMMISSION

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In the Matter of

Case 10-T-0139  
- in relation to -

An Application of CHAMPLAIN HUDSON EXPRESS  
INC., for a Certificate of Environmental  
Compatibility and Public Need pursuant to Article  
VII of the PUBLIC SERVICE LAW for Construction,  
Operation, and Maintenance of a High Voltage  
Direct Current Circuit from the Canadian Border  
to New York City.

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Town of Whitehall, Town Office  
58 Skenesborough Drive  
Whitehall, New York 12887

Tuesday, April 3, 2012  
6:00 p.m.

STENOGRAPHIC RECORD of a Public Statement  
Hearing conducted pursuant to Notice.

BEFORE: KEVIN CASUTTO,  
Administrative Law Judge

REPORTED BY: BETH S. GOLDMAN, RPR  
Certified Shorthand Reporter

1 P R O C E E D I N G S

2 ALJ CASUTTO: Good evening, ladies and  
3 gentlemen. I call Case Number 10-T-0139,  
4 Champlain Hudson Power Express, Inc. This is a  
5 Public Service Law Article VII, Application for a  
6 Certificate to construct a sub-aquatic and  
7 underground high voltage power line from the  
8 Canadian border to New York City, and application  
9 for water quality certification issued pursuant to  
10 the Federal Clean Water Act, Section 401.

11 This is a Public Statement Hearing. The  
12 Application was initially filed on March 29, 2010,  
13 and the Public Service Commission secretary deemed  
14 the application to be in compliance with the  
15 filing requirements, essentially to be ready for  
16 public review as of August 11th, 2010.

17 Again, that determination commenced the  
18 project review for this Application.

19 On November 2, 2011, the Company filed a  
20 notice of impending settlement negotiations,  
21 meaning that the parties in the case were  
22 intending to begin a settlement process.

23 A VOICE: A settlement of what?

24 ALJ CASUTTO: To try to come up with a  
25 settlement proposal that would resolve issues in

1 contention in the project review. And, following  
2 a lengthy negotiation process, on February 24,  
3 2012, a majority of the parties signed and filed a  
4 settlement document which is referred to as a  
5 Joint Proposal.

6 The parties supporting the Joint  
7 Proposal include the Applicant and DPS staff,  
8 several state agencies, the Riverkeeper, and  
9 Scenic Hudson environmental groups, and  
10 municipalities including the City of New York and  
11 the City of Yonkers.

12 So, the purpose for this Public  
13 Statement Hearing and the other five Public  
14 Statement Hearings that have been advertised at  
15 this time is to obtain comments from the public on  
16 this proposed settlement document.

17 My name is Kevin Casutto. I am an  
18 Administrative Law Judge with the Department of  
19 Public Service.

20 The Public Statement Hearing is being  
21 held pursuant to the provisions of the Public  
22 Service Law regarding the siting of major  
23 utilities transmission facilities and regulations  
24 issued pursuant thereto.

25 The application materials and the Joint

1 Proposal have been and will remain available for  
2 public review at several public libraries and  
3 city, town, and village halls along the project's  
4 proposed siting areas. The materials are also  
5 available, as Mr. Jessome mentioned before we went  
6 on the record, on the Company's website and also  
7 are available at the Department of Public Service  
8 website.

9 The public notice of this hearing is  
10 available on the Department's public web page for  
11 this case and also was published in the Glens  
12 Falls Post Star newspaper on or about Saturday,  
13 March 24, 2012. So, again, the purpose of the  
14 Public Statement Hearing is to receive your  
15 comments on the project essentially as modified by  
16 the settlement proposal, this Joint Proposal.

17 Now, the hearing was advertised to start  
18 at 6:00 p.m., and we started about fifteen or  
19 twenty minutes later to allow, as you know, for an  
20 informal question-and-answer process before we  
21 went on the record.

22 As was noted during that process, this  
23 project also requires Federal permit, including a  
24 Presidential Permit and other related permits.

25 The United States Department of Energy

1 is reviewing the project for that purpose and has  
2 indicated to the Public Service Commission that it  
3 intends to review the transcript of this hearing  
4 and the other public statement hearings that we  
5 are holding to determine whether any comments  
6 would be of use in their federal review of the  
7 project.

8           Persons interested in the Federal  
9 Department of Energy process can find more  
10 information about the federal review on the United  
11 States Department of Energy website or on a link  
12 to the Department of Energy from the New York  
13 State Public Service Commission website.

14           In addition, we have here on the  
15 information table copies of the Department of  
16 Energy statement dated March 30, 2012 regarding  
17 its intended use of comments that are received in  
18 this hearing process. And, copies of that  
19 document are available if anybody would like a  
20 copy.

21           Following this round of Public Statement  
22 Hearings, a procedural conference has been  
23 scheduled for April 30, 2012 at the Public Service  
24 Commission offices in Albany. That hearing is  
25 primarily for the parties in the case to discuss

1 further scheduling on related matters. It is open  
2 to the public, if you would like to attend and  
3 observe the proceedings.

4 Additionally, there will be a video link  
5 from our New York City offices for those parties  
6 who want to participate from New York City.

7 I have two speaker cards requesting to  
8 speak, so two people have requested to speak. The  
9 cards are available on the information table. If  
10 anybody else would like to make a comment tonight,  
11 please fill out a card if you haven't done so  
12 already.

13 A VOICE: I have a question about that.

14 ALJ CASUTTO: Yes?

15 A VOICE: Why do I have to fill out a  
16 card in order to be able to speak? I could care less  
17 about that. I'm concerned that the Department  
18 wants to tape it, and I could care less about  
19 that.

20 ALJ CASUTTO: The Department is not  
21 taping it. Those are news cameras that are here.  
22 It's a public meeting, and they are allowed to do  
23 that. I'll tell you what. Let's take the  
24 statements from the two people that I do have, and  
25 I would be happy to speak with you about that

1 during a recess. And I'm sure we could work  
2 something out if you insist on not filling out a  
3 card. It just who is speaking and whether they  
4 represent an organization. But, that is certainly  
5 your prerogative, and I will work something out  
6 with you so that we can take your statement and  
7 you can be anonymous, if you prefer. I'm not here  
8 to antagonize you or seek information; okay?

9           So, let's turn to the first speaker,  
10 Frank Barber. And, if you like, you can come up  
11 here or you can remain seated. Let me just ask  
12 you to speak up because we have a stenographer and  
13 we have no microphones or amplification. So, if  
14 she doesn't hear you, it doesn't go into the  
15 transcript. So, please speak up.

16           MR. BARBER: Frank Barber. If you are  
17 going to infringe on our benefits and our  
18 property, we would like to know about it in  
19 advance. That's it. I don't have anything else  
20 to say.

21           ALJ CASUTTO: Thank you. The next  
22 speaker is Skip Stranaham.

23           MR. STRANAHAM: Right here. I have  
24 several questions about this project. First off,  
25 I think we should be developing -- I represent

1 Rural America. I think we should be developing  
2 our own infrastructure in New York State. We have  
3 an abundance of energy and water power. This is  
4 competition for us, basically. As far as your  
5 Federal Environmental Impact Statement, has one  
6 been completed?

7 ALJ CASUTTO: No. We began our scoping  
8 process. And I understand that the scoping  
9 process was paused. It was held in abeyance, and  
10 I'm not sure what the circumstance are. I believe  
11 the Applicant requested it, but I'm not positive.  
12 But, now, they are restarting the process in light  
13 of the settlement proposal. So, they will be  
14 announcing a comment periods for their federal  
15 scoping process. But, that has to be published in  
16 the Federal Register, which is a government  
17 publication.

18 MR. STRANAHAM: So, one has not been  
19 completed yet?

20 ALJ CASUTTO: They are in the process.

21 MR. STRANAHAM: Has there ever been a  
22 project of this magnitude in New York State where  
23 you ran this amount of power underneath our rivers  
24 and fisheries and so forth? Has there ever been  
25 such a project in New York State that has been

1 approved?

2 ALJ CASUTTO: To my knowledge, there has  
3 not been such a project proposed or one that has  
4 been approved of this magnitude, but I could be  
5 mistaken about that. But, again, the purpose for  
6 the Public Statement Hearing is to receive your  
7 comments. It's not really for a  
8 question-and-answer. Although I am trying to give  
9 you an answer, we are really here -- I take it  
10 that when you asked that question, let me suggest  
11 that instead of asking the question that you also  
12 make that into a statement. That's what I would  
13 suggest.

14 MR. STRANAHAM: My suggestion would be  
15 that the whole operation would seem to be reckless  
16 endangerment to our firemen. Now, if we don't  
17 have an Environmental Impact Statement as to the  
18 effects of this project on our environment, that  
19 would be something that I think should have  
20 happened before the project goes anywhere. And,  
21 then, if we have never had a project of this  
22 magnitude in the State of New York, then we could  
23 be risking a lot of our environment based on  
24 something that we have never even seen done or  
25 heard done or had any experience with. So, my

1 question would be: You are saying that you have  
2 no experience with doing this type of project, and  
3 I don't think this project should --

4 ALJ CASUTTO: I didn't say that.

5 MR. STRANAHAM: Okay. Are you saying  
6 that you did? I go back to the question, I guess:  
7 Are you saying you did have or you don't have?

8 ALJ CASUTTO: Well, me, personally is  
9 different from the Public Service Commission. The  
10 PSC has people with different kinds of expertise:  
11 Engineers, scientists, economists, accountants,  
12 attorneys. So, there are many different fields of  
13 expertise that the Public service Commission  
14 brings to the table. The other state agencies  
15 involved in the review of this case include, as  
16 was noted off the record, several agencies  
17 including the Department of Environmental  
18 Conservation, the New York State Department of  
19 state, the Office of Parks and Recreation, the  
20 Adirondack Park Agency. And each of those  
21 agencies has expertise that they bring to the  
22 table.

23 MR. STRANAHAM: Absolutely, to some  
24 degree. What I'm saying is that I have been  
25 involved in these projects all across the United

1 States. And, whenever there is a failure, the  
2 people pay for the failure. The cost of the  
3 damage doesn't go back to somebody else. When you  
4 release Chromium 6 because you didn't have an EIS  
5 into the river and kill all the fish, then the  
6 people pick up the tab and the people are left  
7 with the disaster. I think a project of this  
8 magnitude that's going to run this kind of current  
9 underneath our village streets and our watershed  
10 needs an Environmental Impact Statement before it  
11 moves forward to any degree.

12 ALJ CASUTTO: All right, thank you.

13 MR. STRANAHAM: You're welcome.

14 ALJ CASUTTO: Did you want to say  
15 anything further?

16 MR. STRANAHAM: Well, I would also like  
17 to say that I think we should be involved in  
18 building infrastructure within the state to  
19 produce our own power. And, I believe there's a  
20 loss instead of a gain here. These jobs are  
21 temporary jobs and won't maintain a workforce in  
22 New York State. They will be over at some period  
23 when the transmission lines are laid down. We  
24 need to develop our own power here and keep our  
25 own people working. We can't keep exporting our

1 own energy or farming our energy out to somebody  
2 else. I think that this probably represents a  
3 drain of maybe \$12 million a year. So I would  
4 like to see the rest of that included in what you  
5 are doing.

6 ALJ CASUTTO: All right, thank you.

7 The third speaker is Charlie Bennett.

8 MR. BENNETT: We have a little thing  
9 with the Mayor going on here, too. I'm just  
10 wondering about the location of where it is to the  
11 waterline that we were just speaking about. And,  
12 you know, if this thing is going three or four  
13 feet down, if it's that close to the waterline and  
14 let's say someone is on the excavator and hits  
15 that waterline, what is going to happen to him? I  
16 mean there's a whole lot of issues here. Has  
17 anybody even talked to the village board about  
18 where this thing is going in detail? I don't mean  
19 just give them a concept of like, well, we're  
20 going to put it somewhere down through here. I  
21 mean exactly how far from the road? How far from  
22 the waterline will it be? There's a whole lot of  
23 particulars here that need to be hammered out with  
24 the village. And are they going to move the cable  
25 direction to accommodate the village, or is the

1 village going to have to move their part of the  
2 infrastructure to accommodate them? Do you seem  
3 what I mean? Okay.

4 ALJ CASUTTO: All right, thank you.  
5 Now, we will hear from Pete Telisky, who I'm told  
6 is the Village Mayor.

7 MAYOR TELISKY: One of the things -- we  
8 have not received your notices as we are dealing  
9 with the different things in the placement of this  
10 line. One of the big issues that we do face is  
11 that our main water source comes up with resin.  
12 And, part of that line is iron, cast iron. And  
13 it's reasonably deep in most areas. But, the  
14 problem I seem to be looking at with this is the  
15 maintenance of that line. We have a right-of-way  
16 maintenance all along that state highway for a  
17 fair length of this starting at the bay that  
18 crosses the bridge and follows the eastern  
19 shoulder of the road until it hits the Town DPW  
20 barn and passes in front and then goes off the  
21 highway from that point on. We have a substantial  
22 project to replace that waterline that's already  
23 underway. The engineering is being done right  
24 now. The waterline is going to have to be  
25 replaced in this spring and in the summer, a

1 section of it. The problem that I have is when  
2 you encounter this with a lot of different  
3 utilities, or any time you are near utilities, the  
4 village is always the one that has to pay to have  
5 somebody from up here to come here and sit around  
6 while we work around something they have  
7 installed. From my position, I don't think that's  
8 fair, number one. I think the village line is  
9 there and that there should be accommodation made  
10 to move that power line someplace so that it's  
11 away from us, first.

12           Secondly, with that kind of voltage and  
13 amperage -- or voltage, I should say, in that  
14 area, we are using all kinds of heavy equipment.  
15 We maintain that line frequently down through  
16 there. It's a fairly old line. That's why part  
17 of it is being replaced. The danger that 300 amps  
18 and 32,000 volts presents to the people working  
19 for the village is substantial and much higher  
20 than underground facilities here that we are  
21 dealing with. So, I have a bit of an issue with  
22 that. And, finalizing that statement, I would  
23 like to say that while we have been reading about  
24 other issues going on up the lake, the village has  
25 yet to be contacted about anything having to do

1 with its infrastructure. Now, with the course of  
2 that waterline, we are also going to push laterals  
3 underneath that highway, meaning that no matter  
4 where you go through there, you are going to be  
5 crossing that. I don't know how to address that.  
6 I think the village has the right to be heard on  
7 this and somehow make our statement clear that  
8 this could pose a substantial problem for us  
9 financially and safety-wise.

10 ALJ CASUTTO: All right, thank you.  
11 Mayor, you are the last person to speak. I have  
12 no other cards. So we are going to go off the  
13 record momentarily. And, while we are off the  
14 record, if you have time, representatives of the  
15 Public Service Commission staff are here and  
16 representative of the Company are here. And,  
17 possibly, you can engage in some dialogue off the  
18 record.

19 MAYOR TELISKY: I can provide assistance  
20 in that as far as the engineering company that we  
21 are working has already designed the waterline for  
22 us. This is, again, scheduled to go in this  
23 spring and part of the summer. This is part of  
24 the \$10 million project that the village has  
25 undertaken, compelled to do it by the Department

1 of Health.

2           One other comment I would like to make  
3 on the record, too, is that while this is going to  
4 generate -- I realize there may be some benefit in  
5 property tax for this line coming up the  
6 right-of-way, upstate New York always seems to  
7 find the least benefit in anything that happens in  
8 the lower part of our state, down near New York  
9 City. I'm not saying it's a bad thing to help  
10 people and provide power. What I'm saying is that  
11 it would seem to be that if this amount of money  
12 is being spent to put this type of line in, there  
13 has to be a substantial gain from this. Yet, no  
14 hosting package of any kind has been presented to  
15 any of these struggling communities in the  
16 northeast for hosting this particular line that's  
17 buried in our ground. So, we always seem to get  
18 the smallest benefit and other areas seem to get  
19 the largest benefit. And, I just have to believe  
20 that there's a great deal of money that is going  
21 to be made on this. So, I would expect that maybe  
22 somebody would listen to the fact that upstate New  
23 York suffers and there needs to be something done  
24 for us.

25           ALJ CASUTTO: Well, there is a trust

1 proposed as one feature of the Joint Proposal.  
2 And, while it's not specifically directed to  
3 municipalities, it's for the benefit and  
4 improvement of water quality in Lake Champlain and  
5 the Hudson River. And that would be quite a  
6 substantial trust that is proposed.

7           MAYOR TELISKY: Well, there just needs  
8 to be something proposed up here because we always  
9 seem to get pretty much zero on proposals that are  
10 made.

11           ALJ CASUTTO: I believe it is proposed  
12 as \$170 million, approximately.

13           MR. JESSOME: \$117 million.

14           ALJ CASUTTO: That would be over a  
15 period of years, but it's a \$117 million trust  
16 fund that is proposed that would be funded by the  
17 Company.

18           So, at this point, I would like to go  
19 off the record briefly, and we will see whether  
20 anybody else will come forward who wants to make a  
21 public statement this evening. Meanwhile, while  
22 we are off the record, if you have further  
23 questions for DPS staff and company, they are  
24 available here to answer your questions. So,  
25 let's go off the record at this time and we'll see

1 if any other speakers come forward.

2 (Recess: 6:43 p.m. - 7:15 p.m.)

3 ALJ CASUTTO: Is there anybody --  
4 several of you have made comments while we were  
5 off the record that I would be pleased to have on  
6 the record if you'd like to repeat it.

7 Is there anybody who wants to make a  
8 further statement on the record?

9 (No response)

10 ALJ CASUTTO: Okay. I think we are  
11 going to go back on, and I'll close the record at  
12 this time. So, let's go back on the record, and I  
13 will note that we went off the record at about  
14 6:40 p.m. and it is a little bit beyond 7:15 now.  
15 And, we have had a very productive discussion off  
16 the record, a question-and-answer period. And,  
17 just before we went back on the record I inquired  
18 whether anyone else wished to make a public  
19 comment and no one has so indicated so.

20 MAYOR TELISKY: Could you just readdress  
21 what you said about the Intervenor Funds?

22 ALJ CASUTTO: Part of the Public Service  
23 Law application process, or Article VII, requires  
24 the Applicant to provide funds that are available  
25 for parties in the case to use to assist in their

1 review of the Article 7 Application.

2 MAYOR TELISKY: That would mean  
3 Communities like Whitehall that are struggling?  
4 Is what you are saying?

5 ALJ CASUTTO: Yes. And, the law  
6 specifies that at least half of the Intervenor  
7 Fund must be reserved for municipalities to use.  
8 So, some of those funds have been used already,  
9 but there is still a substantial amount of  
10 municipal Intervenor Funds available. So, if  
11 Whitehall were interested, you would have to  
12 become a party in the case and then make an  
13 application for Intervenor Funding.

14 MAYOR TELISKY: Thank you.

15 ALJ CASUTTO: Okay. Did anybody want to  
16 say anything more before we go off the record?

17 (No response)

18 ALJ CASUTTO: Okay. No one has so  
19 indicated. So, at this time we are going to close  
20 the Public Statement Hearing record for this  
21 evening.

22 I will note that we will have a total of  
23 six Public Statement Hearings. This is the first.  
24 On April 4th, we will be in Catskill, New York.  
25 On April 5th in Ravena, April 10th in Schenectady,

1 April 12th in Haverstraw, Rockland County, and  
2 April 24th in Astoria, Queens.

3 Thank you very much, ladies and  
4 gentlemen.

5 (The Public Statement Hearing was  
6 concluded at 7 20 p.m.)

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1 STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
PUBLIC SERVICE COMMISSION  
2 =====

3 In the Matter of  
4 Case T-10-0139  
5 - in relation to -

6 An Application of CHAMPLAIN HUDSON EXPRESS  
7 INC., for a Certificate of Environmental  
8 Compatibility and Public Need pursuant to  
9 Article VII of the Public Service Law for  
Construction, Operation, and Maintenance  
of a High Voltage Direct Current Circuit  
From the Canadian Border to New York City.

10 =====

11 Wednesday, April 4, 2012  
12 6:00 p.m.

13 Catskill Town Hall  
14 Town Board Meeting Room  
439 Main Street  
Catskill, New York 12414

15 STENOGRAPHIC RECORD of a Public Statement  
16 Hearing conducted pursuant to Notice.

17 BEFORE: KEVIN CASUTTO, ESQ.  
18 Administrative Law Judge

19  
20  
21  
22 REPORTED BY: BETH S. GOLDMAN, RPR  
23 Certified Shorthand Reporter  
24  
25

1 P R O C E E D I N G S

2 ALJ CASUTTO: I call Case Number  
3 10-T-0139, Champlain Hudson Power Express, Inc.  
4 This is a Public Service Law Article VII  
5 Application for a Certificate to construct a  
6 sub-aquatic and underground high voltage power  
7 line from the Canadian border to New York City,  
8 and an application for water quality certification  
9 issued pursuant to the Federal Clean Water Act,  
10 Section 401.

11 My name is Kevin Casutto. I am an  
12 Administrative Law Judge with the New York State  
13 Department of Public Service. This is a Public  
14 Statement Hearing.

15 This Application was initially filed on  
16 March 29, 2010. The Commission Secretary deemed  
17 the application in compliance with the filing  
18 requirements of the Public Service Law as of  
19 August 11, 2010. And, essentially, that  
20 determination means that the application was ready  
21 for public review; that it was complete for  
22 purposes of public review. And that commenced the  
23 hearing process thereafter.

24 On November 2, 2011, the Company filed a  
25 Notice of Impending Settlement Negotiations. And,

1 thereafter, settlement negotiations ensued among  
2 many of the parties in this case who decided to  
3 participate in the settlement process. After a  
4 lengthy negotiation process, on February 24, 2012  
5 a majority of the parties signed and filed a Joint  
6 Proposal, a settlement document which purports to  
7 settle all the issues in contention in this  
8 matter, at least among those parties. The parties  
9 supporting the JP include: The Applicant and the  
10 Department of Public Service staff, several other  
11 state agencies, the Riverkeeper, Scenic Hudson,  
12 the City of New York, and the City of Yonkers.

13 However, several parties oppose the  
14 project and have filed statements in opposition to  
15 the project. Those parties include: The  
16 Independent Power Producers of New York,  
17 Consolidated Edison Company of New York, Central  
18 Gas and Electric Corporation, Local 97 of the  
19 International Brotherhood of Electrical Workers,  
20 and Entergy Nuclear Power Marketing, the owners of  
21 the Indian Point Nuclear facility.

22 Additionally, the New York Power  
23 Authority filed a statement opposing several  
24 provisions of the Joint Proposal. So, as I  
25 explained off the record, the purpose of the

1 Public Statement Hearing is to receive your  
2 comments on this project as modified by the Joint  
3 Proposal.

4 The initial application materials and  
5 the Joint Proposal and related documents have been  
6 and will remain available for review at several  
7 local public libraries and several city and town  
8 and village halls along the project line as  
9 proposed.

10 This information is available as well at  
11 the Department of Public Service website as  
12 described in the public hearing notice for  
13 tonight's hearing.

14 Notice for this hearing in Catskill was  
15 posted on the Department of Public Service web  
16 page for this case on March 19, 2012, and was also  
17 published in the Catskill Daily Mail on Saturday,  
18 March 24, 2012.

19 This is one of six Public Statement  
20 Hearings that have been scheduled in response to  
21 the filing of the Joint Proposal, and we have  
22 scheduled these hearings in areas of the proposed  
23 project where the location of the transmission  
24 line has been changed by the terms of the Joint  
25 Proposal.

1                   Now, separately, the United States  
2 Department of Energy also will be reviewing this  
3 project for a federal Presidential Permit and  
4 related federal permits. The United States  
5 Department of Energy has indicated to the Public  
6 Service Commission that it intends to review the  
7 transcripts of our Public Statement Hearings, and  
8 the Department of Energy will consider comments  
9 that are relevant to their Federal Environmental  
10 Review process.

11                   Anyone who is interested in the Federal  
12 Department of Energy process can find out more  
13 information about the federal review on the  
14 Department of Energy website or on the Department  
15 of Public Service website through a link to DOE.

16                   Lastly, we have available tonight  
17 several copies of the DOE's statement indicating  
18 how it plans to use comments received at these  
19 Public Statement Hearings.

20                   Six Public Statement Hearings have been  
21 scheduled. The first one was last night, and the  
22 other four will occur throughout the month of  
23 April.

24                   On April 30th, we have provided notice  
25 that a prehearing conference will be held in

1 Albany, New York at 1:00 p.m. And, that  
2 conference will concern the parties' request for  
3 further scheduling in this case, which will  
4 include a schedule for evidentiary hearings which  
5 are trial-like hearings. The prehearing  
6 conference is open for the public to observe, but  
7 participation is limited to the parties who will  
8 be presenting evidence or cross-examining  
9 witnesses in the evidentiary hearing.

10 So, at this time, I would like to ask  
11 staff if we have any comment cards.

12 (Staff: Offering)

13 ALJ CASUTTO: We have one card. And the  
14 first speaker is Richard Moran. And, you can  
15 speak from right there if you like, or you can  
16 stand up if you wish. Speak up so that we all  
17 hear you.

18 MR. MORAN: I am very much in favor of  
19 this, because it is going to be utilizing clean  
20 energy. I believe it is, from what I have read,  
21 and I hope that's true. And I hope the government  
22 at the federal and state levels take notice of  
23 this because there is obviously money to be made.  
24 And that's what runs this country through clean  
25 energy.

1 ALJ CASUTTO: Thank you very much.

2 Well, I don't have any other cards, so  
3 we are going to recess at this time. It's almost  
4 6:15, and we will hold the record open at least  
5 until 7:00. And, if other people come forward who  
6 wish to make a public statement, we will be go on  
7 the record before that time.

8 Thank you.

9 (Recess: 6:25 p.m. - 7:00 p.m.)

10 ALJ CASUTTO: I just want to go back on  
11 the record. It is 7:00 p.m. now, and no other  
12 member of the public has come forward who wishes  
13 to make a statement at this time.

14 So, at this time I will close the public  
15 statement hearing record. Additional hearings  
16 will be held tomorrow night at 6:00 p.m. in  
17 Ravena, in Schenectady on April 10th. Haverstraw,  
18 Rockland County on April 12th, and Astoria, Queens  
19 on April 24th. All hearings are scheduled to  
20 begin at 6:00 p.m. as advertised on the Public  
21 Service website.

22 That being said, we will close the  
23 hearing at this time.

24 Thank you very much, ladies and  
25 gentlemen.



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1 STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
PUBLIC SERVICE COMMISSION

2 =====

3 In the Matter of

4 Case 10-T-0139  
- in relation to -

5  
6 An Application of CHAMPLAIN HUDSON EXPRESS,  
7 INC., for a Certificate of Environmental  
8 Compatibility and Public Need pursuant to  
9 Article VII of the Public Service Law for  
the Construction, Operation, and Maintenance  
of a high voltage direct current circuit  
from the Canadian border to New York City.  
=====

10 April 5, 2012  
11 6:00 p.m.

12 Village of Ravena  
13 Village Courtroom  
14 15 Mountain Road  
Ravena, New York 12143

15 STENOGRAPHIC RECORD of a Public Statement  
16 Hearing in the above-entitled matter conducted  
Pursuant to notice.

17

18

BEFORE: MICHELLE PHILLIPS, ESQ.  
Administrative Law Judge

19

20

21

22

23

24 REPORTED BY: BETH S. GOLDMAN, RPR  
Certified Shorthand Reporter

25

1 P R O C E E D I N G S

2 ALJ PHILLIPS: Let's go on the record.  
3 Good evening. I call Case 10-T-0139, Application  
4 of Champlain Hudson Power Express, Incorporated  
5 for a certificate of environmental compatibility  
6 and public need pursuant to Article VII of the  
7 Public Service Law for the construction,  
8 operation, and maintenance of a high voltage  
9 direct current circuit from the Canadian border to  
10 New York City.

11 My name is Michelle Phillips. I am one  
12 of the two Administrative Law Judges assigned to  
13 this matter.

14 This Public Statement Hearing is being  
15 held so that the New York State Public Service  
16 Commission may hear the public's comments  
17 concerning a February 24, 2012 Joint Proposal, or  
18 JP as we call it, that was filed in this  
19 proceeding. The JP purports to resolve all of the  
20 issues that were raised when Champlain Hudson  
21 Power Express, Inc. and CHP Properties requested  
22 approval from the New York State Public Service  
23 Commission to construct a 1,000 megawatt  
24 transmission facility from the international  
25 border to New York City. We sometimes refer to it

1 as the "facility."

2 As was explained in the JP, this  
3 transmission facility will originate underwater  
4 at the international border and will ultimately  
5 terminate in Astoria, New York. It will either be  
6 underwater or underground for the most part for  
7 the majority of its length.

8 Furthermore, it is comprised of two  
9 solid dielectric cables each approximately six  
10 inches in diameter and it will deliver 1,000  
11 megawatts of electricity supplied primarily by  
12 new wind and hydroelectric generating resources  
13 from Quebec, Canada.

14 In addition to the transmission lines,  
15 the facility will also include a converter station  
16 and a three-mile long high voltage alternating  
17 current cable circuit from the Astoria Annex to  
18 the Rainey substation both located in Astoria, New  
19 York. The JP also provides for the establishment  
20 of a trust which will fund the study and mitigation  
21 of any possible impacts that the facility's  
22 underwater cable may have on the Hudson, Harlem,  
23 East River, Lake Champlain, and their tributaries.

24 The JP also includes obligations,  
25 conditions, and requirements that will apply to

1 the construction and operation of the facility.

2 Now, with respect to the Albany County  
3 portions of the facility, the JP summary indicates  
4 that the underground cable route will generally  
5 adopt what is called the Western Railroad  
6 Alternative Route proposed back in October of 2010  
7 in the Town of Coeymans. The cable route will  
8 transition from the CSX Railroad route, and follow  
9 the Western Hudson CSX Railroad corridor through  
10 the Town of Coeymans and the Village of Ravena.

11 Additional Details on this are contained  
12 in the JP and the JP summary, the appendices, and  
13 the exhibits, all of which are available on the  
14 Commission's website. I think as each of you came  
15 in, we handed you a document that explains how you  
16 can go to the Commission's website and find these  
17 documents.

18 Another thing that the Applicants have  
19 asked for as part of this process is that the  
20 Commission issue a water quality certification  
21 pursuant to Section 401 of the Federal Clean Water  
22 Act. Now, the Commission may adopt, or adopt with  
23 changes, or reject any of the terms that are in  
24 the JP. The JP is a document that the parties  
25 have agreed to and have submitted to the

1 Commission for its consideration. And, again, it  
2 is some of the parties and not all of the parties.  
3 There is a list of signatories on the cover page of  
4 the cover letter accompanying the JP.

5 In addition to needing the Commission's  
6 approval, this line will also need the U.S.  
7 Department of Energy to issue them a presidential  
8 permit. This is needed because they are crossing  
9 the international border with Canada. So, among  
10 other things, the DOE will assess potential  
11 environmental impacts of the project and determine  
12 whether to issue this permit. They have to  
13 determine whether it is consistent with the public  
14 interest to do so.

15 Now, the DOE is aware that we are  
16 holding these hearings. They have told us that  
17 they will look at the transcripts that are being  
18 produced. And if there are comments relevant to  
19 their review, they will take those into  
20 consideration. DOE has also provided us with a  
21 statement of their process and what they are  
22 looking for. And I have copies of those available  
23 up front here. You can also access them through a  
24 link on the Commission's website that will get you  
25 to the DOE website. They have a slightly

1 different period for accepting comments. You will  
2 find all of that information on-line or in the  
3 statement, copies of which I have up here.

4 Now, going back to our process, the  
5 notice for this Public Statement Hearing was  
6 issued on March 19th. In addition, there were  
7 notices issued by the Commission on March 30th.  
8 The Public Statement Hearing, again, offers you,  
9 the public, the opportunity to make any comments  
10 you have on the proposal. This is one of six  
11 Public Statement Hearings we are going to conduct  
12 this month. If you don't wish to make comments on  
13 the record, you may submit comments in writing, by  
14 e-mail, by telephone. And, again, we have that  
15 information for that up front.

16 We have representatives from the New  
17 York State Department of Public Service staff who  
18 is one of the parties here. We also have one of  
19 the representatives of the Applicant present  
20 tonight. And they are available to informally  
21 respond to any questions that you may have. We  
22 are starting a little late because several of you  
23 took the opportunity to have some questions  
24 answered, and that's wonderful.

25 Just by show of hands, is there anyone

1 at this point who wishes to make a comment on the  
2 record, or would you prefer to have more time for  
3 Q&A? Is there anyone who wishes to make a comment  
4 right now?

5 (No response)

6 ALJ PHILLIPS: No, okay. Since that is  
7 the case, we are going to go off the record and  
8 allow you to continue the Q&A. And, I will check  
9 back in with you to see if desire to make a  
10 comment on the record before we leave. I will be  
11 here until seven o'clock, so a little bit before  
12 seven, I will check in with you and see whether  
13 you wish to make a comment.

14 Again, I want to thank you all for  
15 coming. And, if the Applicant's representatives  
16 could please raise their hands to let us know  
17 where you are. And the Staff's representatives  
18 please do the same thing.

19 So, we are off the record. Thank you.

20 (Recess: 6:20 p.m. - 7:05 p.m.)

21 ALJ PHILLIPS: Let's go back on the  
22 record. I just want to double check on the record  
23 whether anyone wishes to make a comment on the  
24 record. Anyone?

25 (No response)

1           ALJ PHILLIPS: I just want to clarify.  
2 We still have quite a bit of process going  
3 forward, so we do have a number of signatories for  
4 this Joint Proposal that will ultimately be  
5 presented to the Commission. We do have some  
6 people who are actually opposing it. I believe  
7 there are about five parties who have filed  
8 statements in opposition to the Joint Proposal for  
9 various reasons. So, this document will  
10 ultimately be presented to the New York State  
11 Public Service Commission.

12           If you do have any comments that you  
13 wish to make as a result of this hearing or as a  
14 result of the Q&A which took place today, please  
15 e-mail us, write to us, call us. The information  
16 is available. But, for now, since no one wishes  
17 to make a comment on the record, I just want to  
18 thank you all for coming out.

19           The next Public Statement Hearing will  
20 be in Schenectady on April 10th at 6:00 p.m.

21           Again, thank you. And, we are  
22 adjourned.

23           (The proceeding in the above-encaptioned  
24 matter was concluded at approximately  
25 7:08 P.m.)

1 STATE OF NEW YORK )  
2 COUNTY OF ALBANY ) SS:

3

4 I, BETH S. GOLDMAN, Certified  
5 Shorthand Reporter, Registered Professional  
6 Reporter and Notary Public in and for the  
7 County of Albany and the State of New York,  
8 hereby certify that the proceedings recorded  
9 hereinabove were recorded stenographically  
10 by me and reduced to computer-generated  
11 transcription.

12 I FURTHER CERTIFY that the foregoing  
13 transcript of said proceedings is a true and  
14 correct transcript stenographically recorded  
15 at the time and place specified hereinbefore.

16 I FURTHER CERTIFY that I am not a  
17 relative or employee, attorney or counsel  
18 of any of the parties, nor a relative or  
19 employee of such attorney or counsel, or  
20 financially interested either directly or  
21 indirectly in this action.

22 IN WITNESS WHEREOF, I have hereunto  
23 set my hand.

24

25



BETH S. GOLDMAN  
Certified Shorthand Reporter  
Registered Professional Reporter  
Notary Public

26

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|---|---|---|---|---|
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BEFORE THE  
NEW YORK STATE PUBLIC SERVICE COMMISSION

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APPLICATION OF CHAMPLAIN HUDSON  
POWER EXPRESS, INC., for a  
Certificate of Environmental  
Compatibility and Public Need  
Pursuant to Article VII of the  
PSL for the Construction,  
Operation, and Maintenance of a  
High Voltage Direct Current  
Circuit from the Canadian Border  
To New York City

Case 10-T-0139

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PUBLIC STATEMENT HEARING

Tuesday, April 10, 2012  
6:00 p.m.  
Schenectady City Hall  
Council Chambers  
105 Jay Street  
Schenectady, New York 12305

BEFORE: MICHELLE L. PHILLIPS  
Administrative Law Judge

ALEXY ASSOCIATES, INC.  
1-855-NYSTENO

1 ALJ PHILLIPS: Good evening. It's  
2 approximately 6:00, so I'd like to go on the record.  
3 I call case 10-T-139, application of Champlain Hudson  
4 Power Express for a certificate of environmental  
5 compatibility and public need pursuant to Article 7  
6 of the Public Service Law for the construction and  
7 operation and maintenance of a high voltage direct  
8 circuit -- direct current circuit, sorry, from the  
9 Canadian border to New York City. My name is  
10 Michelle Phillips. I'm one of the two administrative  
11 law judges assigned to this matter.

12 This public statement hearing is being held so  
13 that the New York State Public Service Commission can  
14 hear the public's comments concerning a February 24,  
15 2012, Joint Proposal or JP that was filed in this  
16 proceeding. A JP is a document that contains all the  
17 terms and conditions that two or more parties want  
18 the Commission to consider and approve. Here there  
19 are numerous parties who support the JP,  
20 approximately consisting of the applicant and 14  
21 other parties, some of whom support it in limited  
22 terms. However, there are also parties in this case  
23 who oppose the JP.

24 The parties who support the JP assert that it  
25 will resolve all of the issues that were raised when

1 Champlain Hudson Power Express, Incorporated and CHPE  
2 Properties requested approval to construct the 1,000  
3 megawatt transmission facility from the international  
4 border to New York City.

5 As explained in the JP, this transmission  
6 facility will originate underwater at the  
7 international border between the United States and  
8 Canada and ultimately will terminate in Astoria, New  
9 York. It will either be underwater or underground  
10 for the majority of its length.

11 It will be comprised of two solid dielectric  
12 cables, each approximately six inches in diameter,  
13 and as I indicated before, scheduled to deliver  
14 approximately 1,000 megawatts of electricity that  
15 will be supplied primarily by new hydroelectric and  
16 wind generating sources from Quebec. In addition to  
17 the transmission lines, the facility will include a  
18 converter station and a three-mile long high voltage  
19 alternating current cable from the Astoria Annex to  
20 the Rainey Substation, both of which are located in  
21 New York.

22 The JP also provides for the establishment of  
23 a trust to study proposed mitigation to any possible  
24 impacts that the facility's underwater cables may  
25 have on the habitat that's in the Hudson, Harlem,

1 East Rivers, Lake Champlain, and their tributaries.  
2 The JP also includes other obligations, conditions,  
3 and requirements that would apply to the construction  
4 and operation of the facility.

5 With respect to the Schenectady County  
6 portions of the proposed facility, the summary of the  
7 JP indicates that in the city of Schenectady, the  
8 underground route would transition from the Canadian  
9 Pacific Railroad right of way to Erie Boulevard  
10 through the downtown area. Then it would return to  
11 the railroad right of way, traverse the lands of  
12 General Electric that are parallel to the railroad  
13 for a short distance before returning to the railroad  
14 route. Additional details are contained in the JP,  
15 and in addition, there are maps. And there should be  
16 indication now behind me on Google Maps with the  
17 route overlay for the purposes of Schenectady,  
18 Schenectady County rather.

19 As I said before, additional details are also  
20 contained in the JP, the summary, and the appendices  
21 and exhibits, all of which are are on the  
22 Commission's web site. Directions for accessing the  
23 web site are available on the handouts that were just  
24 out front.

25 The applicants have also requested the

1 Commission issue a water quality certification  
2 pursuant to Section 401 of the Federal Clean Water  
3 Act. With respect to New York State Public Service  
4 Commission, it may adopt, adopt with changes, or  
5 reject any term of the Joint Proposal. The  
6 Commission may also adopt terms other than those that  
7 are proposed. As I stated earlier, there are several  
8 parties who oppose the JP, and they're obviously  
9 advocating that.

10 Now, in addition to needing the New York State  
11 Public Service Commission's approval, the applicants  
12 have also applied to the U.S. Department of Energy  
13 for a Presidential Permit. This permit is needed in  
14 order for them to construct, operate, and maintain  
15 and connect the proposed electric transmission line  
16 across the U.S.-Canada border. Among other things,  
17 DOE will assess potential environmental impacts of  
18 the project and determine whether issuance of the  
19 Presidential Permit is consistent with the public  
20 interest.

21 DOE is aware that we're holding these public  
22 statement hearings, and they've indicated that they  
23 intend to look at our public statement hearing  
24 transcripts and review them, and to the extent there  
25 are comments contained in our transcripts that are

1 relevant to their federal review, they will consider  
2 those.

3 I have copies of the statement that was  
4 prepared by the DOE explaining their process and  
5 giving additional information on how to find out  
6 where they are in their process and what it entails  
7 and also the process for submitting comments directly  
8 to them. Copies of those statements are on the table  
9 that's out front.

10 Just a few more things. Notice of this  
11 hearing was issued on March 19. In addition, the  
12 Commission issued press releases on March 30 and  
13 April 5. The applicants have published the hearing  
14 notice in the Schenectady Gazette, and at this  
15 hearing you may comment on the JP or any matter  
16 that's relevant to this ongoing proceeding on the  
17 record. We have a court reporter here who is going  
18 to take down every word. You may also submit  
19 comments by email, by phone, or in writing. If you  
20 choose to do that, please submit those comments by  
21 April 27.

22 We have here representatives of the Department  
23 of Public Service staff and the applicants. If you  
24 could just raise your hands and indicate where you  
25 are. They're here tonight. The applicants'

1 representative is available to informally respond to  
2 any questions, and also as indicated before, they've  
3 brought maps that they're able to go through if you  
4 desire.

5 Usually at this point we turn to comments, but  
6 I wanted to ask if people want to do a Q and A before they  
7 make their comments, or I have two cards indicating  
8 that people wish to make comments. If you prefer, we  
9 can take your comments and then take a recess and  
10 people can ask their questions off the record. By  
11 show of hands, do people want to proceed to comments  
12 directly? Okay, all right. So we'll do that. We'll  
13 take comments, and after that point we'll go off the  
14 record. If you'd like to ask more questions or get  
15 more information, we'll do that.

16 So I'd like to ask if you could please come  
17 here when I call your name and use the microphone so  
18 we can accurately capture your statement. The first  
19 person who has requested to make comments is Tom Ellis.

20 MR. ELLIS: Good evening, everyone. My  
21 name is Tom Ellis. I live in Albany. Tonight I  
22 speak on behalf of two groups, both founded in 1983.  
23 I work as a volunteer for both. The first group is  
24 Citizens' Environmental Coalition, a 501(c)(3) that  
25 works on pollution prevention, chemical policy

1 reform, banning hydrofracking, and safe energy  
2 policy. The Citizens' Environmental Coalition is a  
3 statewide group. The other is the Solidarity  
4 Committee of the Capital District, a regional group  
5 of workers and retirees. The Solidarity Committee is  
6 where the labor movements, the peace groups, and the  
7 antiracism activists work together.

8 Both groups have been involved with the issue  
9 of today's hearing, electricity imports from Quebec,  
10 for more than 20 years. Both groups stand in  
11 opposition to the proposed Champlain Hudson Power  
12 Express power lines.

13 Two decades ago, the Citizens' Environmental  
14 Coalition and the Solidarity Committee played leading  
15 roles in an international coalition that convinced  
16 then governor Mario Cuomo to cancel two contracts the  
17 New York Power Authority had with Hydro-Quebec to  
18 import Canadian hydropower into New York State.  
19 Hydro-Quebec was then poised to construct the Great  
20 Whale River project that would have destroyed rivers  
21 that flow into James Bay and Hudson Bay about 1,000  
22 miles north of here. Cancellation of the \$13 billion  
23 1800 megawatt contracts resulted in cancellation of  
24 the Great Whale River project, although Hydro-Quebec  
25 has continued to dam, dike, divert, and destroy

1 rivers elsewhere in Quebec.

2 The electricity that would come down into New  
3 York from this project would originate in Quebec and  
4 possibly Newfoundland. Hydroelectric projects of the  
5 type Hydro-Quebec favors are highly destructive  
6 because rather than building a power plant alongside  
7 a waterfall, think of Niagara falls, Hydro-Quebec  
8 constructs dams and miles of dikes along and around  
9 river valleys, impounding vast amounts of water and  
10 flooding entire river valleys. Huge regions are  
11 impacted. More than 100 square miles of land were  
12 flooded since 2007 when Hydro-Quebec destroyed the  
13 Rupert River for hydroelectric stations.

14 Among the impacts are elevated levels of  
15 methylmercury in reservoir waters and fish; an  
16 increase in mercury poisoning in birds, other  
17 animals, and people with high fish consumption diets;  
18 loss of habitat for wildlife and loss of wildlife  
19 necessary to the native people's diet; methane gas  
20 releases from the decaying vegetation in flooded  
21 regions; and considerable social impacts as First  
22 Nations people adjust to their increasingly ruined  
23 homeland. Flooding of highly productive lowlands  
24 and wetlands along river valleys destroys caribou  
25 nesting grounds, spawning habitats for fish, and

1 nesting sites for birds.

2 The hydroelectricity imports would not meet  
3 the renewable energy standards of New York State.  
4 The power is not clean, nor is it renewable. The  
5 source of the electricity may be the Romaine River  
6 project, R-O-M-A-I-N-E, now under development in  
7 eastern Quebec 7 or 800 miles northeast of  
8 Schenectady. In early March, the Innu, I-N-N-U, a  
9 Canadian First Nation attempted to block road access  
10 to the Romaine River project.

11 It is important to know that First Nations in  
12 Canada are not offered the option of rejecting giant  
13 hydroelectric projects in their territory, but only  
14 the option to obtain financial concessions for the  
15 devastation and dislocation that will occur.  
16 Hydroelectric development in Quebec is a colonial  
17 enterprise.

18 The Department of Public Service and the  
19 Public Service Commission needs to take a very  
20 careful look at the claims of the project promoters,  
21 particularly the direct jobs created by the power  
22 line's installation and the predicted economic  
23 benefits to the state of the completed power lines.

24 At a February 20, 2012, presentation in Albany  
25 hosted by the Capital Region Energy Forum, William

1 Helmer, a senior vice president and general counsel  
2 of Transmission Developers, Incorporated, the  
3 developer, asserted that with the completion of the  
4 lines, New Yorkers would save \$650 million annually  
5 and that on average, during construction 300 jobs  
6 would be created with 600 during peak construction.  
7 These are much higher numbers about jobs than made by  
8 TDI officials a few years ago when the jobs predicted  
9 to be created was from 50 to 200.

10 The project should be rejected because it  
11 would bypass the existing electric grid. The many  
12 municipals it would pass through could not receive  
13 any electricity from it. The power lines, if  
14 completed, would slow the development of safe,  
15 renewable, job-creating energy in the New York City  
16 region because with 1,000 megawatts coming down from  
17 the North, there would be less need for these  
18 alternatives.

19 One of the nice things about energy efficiency  
20 is that it can be implemented quickly and at a far  
21 lower cost than constructing new power plants and  
22 major power lines. Last year the New York Times  
23 reported that energy use in New York City public  
24 schools had been reduced 11 percent during the three  
25 prior years. That's 11 percent total.

1           There is considerable solar power potential in  
2 New York City, and this will become more so in the  
3 next ten years as the technology is improved.

4           Importing additional Canadian electricity will retard  
5 the solar industry and the thousands of new jobs it  
6 could create.

7           The Citizens' Environmental Coalition and the  
8 Solidarity Committee are also concerned that if this  
9 project is approved and built, it could lead to  
10 additional similar power lines from Quebec to New  
11 York City being proposed with all the negative  
12 impacts of the first one.

13           Another reason to reject the project is  
14 because when electricity is imported from Canada, the  
15 money that pays for it leaves the New York State  
16 economy, possibly to not return.

17           Both the Citizens' Environmental Coalition and  
18 Solidarity Committee recommend that instead of  
19 additional electricity imports, it would be much  
20 preferable for New Yorkers to invest the same amount  
21 of funds in weatherization and conservation projects  
22 here in New York, improving energy efficiencies here  
23 in New York, and for New York State to create  
24 incentives to attract the manufacturers of energy  
25 efficient motors and appliances to build factories

1           within New York. Such programs, if implemented,  
2           would create thousands of good paying, good benefits  
3           jobs for electricians, plumbers, sheet metal workers,  
4           carpenters, and other building trades workers here in  
5           New York.

6                       In conclusion, the Solidarity Committee and  
7           the Citizens' Environmental Coalition oppose the  
8           proposed Champlain Hudson Power Express power lines  
9           because the construction would create few jobs here  
10          in New York and cause considerable environmental  
11          destruction and negative health impacts on animals  
12          and especially First Nations in Quebec and possibly  
13          Newfoundland.

14                      I have a copy of recent newsletters from both  
15          the Citizens' Environmental Coalition and the  
16          Solidarity Committee to be included in the record of  
17          this proceeding. I also have for the record a March  
18          10, 2012, report from Alliance Romaine, a committee  
19          of a public interest research group at the University  
20          of Quebec at Montreal about their participation in  
21          the five-day Innu protest I mentioned before. And  
22          finally I have a copy of a March 31, 1992, editorial  
23          in the Schenectady Daily Gazette titled "Pulling the  
24          Plug on James Bay," which discussed the relationship  
25          of electricity imports into New York from Quebec and

1 the resulting environmental disaster. Thank you very  
2 much.

3 ALJ PHILLIPS: Thank you. The next  
4 speaker is Scott Lorey.

5 MR. LOREY: Thank you. My name is Scott  
6 Lorey. I'm the legislative director for the  
7 Adirondack Council. The Adirondack Council is a  
8 501(c)(3) not for profit organization dedicated to  
9 insuring the ecological integrity and wild character  
10 of the Adirondack Park. The Adirondack Council was  
11 an active participant and intervener in the  
12 proceedings for the last three or four years.  
13 However, we did not sign on to the Joint Proposal.  
14 There were a number of reasons why we did not sign on  
15 to the Joint Proposal, and I just want to talk about  
16 some of those briefly.

17 First is Article 14, concerns of the state  
18 constitution. Article 14 says the forest reserve  
19 lands in the Adirondack and Catskill Park cannot be  
20 sold nor leased to a private entity. We have made  
21 numerous attempts to find out whether or not the  
22 bottom of Lake Champlain is indeed forest preserve.  
23 In fact, we submitted an interrogatory last May and  
24 were told basically that that was information that we  
25 should find out from our own legal counsel.

1           However, other environmental groups have made  
2 similar inquiries and were recently told that legal  
3 question has been answered repeatedly in the  
4 negative. So I'm not sure why the conflicting  
5 answers have come about, but I really wish that the  
6 folks who are running this, the applicant as well as  
7 state agencies, would get a definitive answer. We've  
8 suggested an attorney general opinion would be the  
9 best way to go. If no attorney general opinion is  
10 provided, we believe that there's a very high  
11 likelihood any one of New York's 19 million residents  
12 will file a legal suit to prevent this project from  
13 moving forward. So it's really just a cautionary  
14 tale.

15           In addition, we still have concerns with the  
16 electromagnetic fields. While we understand that the  
17 levels that will be underneath the lake and the river  
18 are below the PSC's 22-year-old standard, that  
19 standard was designed for overhead power lines, and  
20 we're still very concerned what effects that there  
21 will be on salmon and sturgeon and other migratory  
22 fish as well as birds.

23           We're also concerned in Lake Champlain the  
24 amount of sediment that may be disturbed as the line  
25 is put in place. There's a very high level of

1 phosphorus in Lake Champlain, and this process will  
2 only compound that problem.

3 Finally, with the mitigation fund that's been  
4 proposed, while we are happy that the applicant has  
5 agreed to increase the amount of what was originally  
6 proposed, we still have some concerns over equity.  
7 Lake Champlain as well as terrestrial areas should  
8 receive a proportional amount of that funding based  
9 on the length of the line, how much goes to Lake  
10 Champlain, and how much actually goes on terrestrial  
11 above-water areas as well. So thank you for your  
12 time.

13 ALJ PHILLIPS: I want to thank you both  
14 for your comments.

15 At this time no one else has indicated they  
16 wanted to make a comment on the record, but if you'd  
17 like to, please fill out a card and we'll go back on  
18 the record to take your comments. As I indicated  
19 before, there are maps here if you want to get more  
20 detail about where the proposal is in Schenectady  
21 County, where it's located.

22 So I'm going to go off the record at this  
23 point, and you're free to do that. I'll check back  
24 in in about 20 minutes or so to see if anyone wants  
25 to make a comment on the record after they ask

1 questions or get additional information. So thank  
2 you to those of you who have made comment on the  
3 record. We are in recess.

4 (A recess was taken. Exhibits 1, 2, 3, and 4  
5 were marked for identification.)

6 ALJ PHILLIPS: Let's go back on the  
7 record. I just want to note it's now 7 p.m. I'll  
8 ask one more time if there's anyone in the audience  
9 who wishes to make a comment on the record. And  
10 hearing no response, I want to thank you all for  
11 coming out, and we are adjourned. The next public  
12 statement hearing will be in Garnerville, 6 p.m. this  
13 Thursday. Thank you for coming out.

14 \* \* \* 7:00 p.m. \* \* \*

15  
16 EXHIBIT INDEX

| DESCRIPTION  | FOR I.D. |
|--|----------|
| 1 Citizens' Environmental Coalition newsletter,<br>19 Fall/Winter 2011 | Pg. 17   |
| 20 2 Solidarity Notes newsletter, April 2012                           | Pg. 17   |
| 21 3 Alliance Romaine document   | Pg. 17   |
| 22 4 Copy of Schenectady Daily Gazette                                 | Pg. 17   |

C E R T I F I C A T E

I, Jacqueline Stroffolino, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me is a true and accurate transcript of the same, to the best of my ability and belief.

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Jacqueline Stroffolino

Dated 04/23/2012

|   |  |   |   |  |
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STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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Case No. 10-E-0362: Proceeding on the Motion  
of the Commission as to  
the Rates, Charges, Rules  
and Regulations of Orange  
& Rockland Utilities, Inc.  
for Electric Service.

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Public Statement Hearing  
Town of Haverstraw  
Town Hall  
One Rosman Road  
Garnerville, New York

April 12, 2012  
6:00 p.m.

PRESIDING:

MICHELLE PHILLIPS, ESQ.

Administrative Law Judge

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ALJ PHILLIPS: Good evening. I call case 10-T-0139, Application of Champlain Hudson Power Express, Incorporated for a Certificate of Environmental Compatibility and Public Need pursuant to Article VII of the Public Service Law for the construction, operation and maintenance of a high voltage direct current circuit from the Canadian border to New York City.

My name is Michelle Phillips. I am one of the two administrative law judges assigned to this matter. This public statement hearing is being held so that the New York State Public Service Commission may hear the public's comments concerning a February 24th, 2012 joint proposal, or JP, that was filed in this proceeding. A JP is a document that contains all of the terms and conditions that two or more parties may ask the commission to consider and approve. In this case there are numerous parties supporting the Joint Proposal that was filed; however, there are several parties who also oppose it. The parties who support

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the Joint Proposal assert that it's going to resolve all of the issues that were raised when Champlain Hudson filed its original application requesting approval to construct its facility.

As explained in the JP, the transmission facility will originate underwater at the international border between the United States and Canada, and it will ultimately terminate in Astoria, New York. It will be either underwater or underground for the majority of the route. It will be comprised of two solid dielectric cables, each approximately six inches in diameter, and it will deliver approximately 1,000 megawatts of electricity, supplied primarily by new hydroelectric and wind generating sources from Quebec, Canada.

In addition to the transmission lines, the facility will also include a converter station and a three mile long high voltage alternating current cable circuit from the Astoria Annex to the Rainey Substation in Astoria, New York. The JP

## PROCEEDINGS

1  
2 also provides for the establishment of a  
3 trust to fund the study and mitigation of  
4 any possible impacts that the underwater  
5 cables may have on the habitat in the  
6 Hudson, Harlem, East Rivers, Lake Champlain  
7 and their tributaries. The JP also includes  
8 obligations, conditions and requirements  
9 that would apply to the construction and  
10 operation of the facility.

11 With respect to the Rockland  
12 County portions of the proposed facility,  
13 the JP summary indicates that the cable  
14 route will transition to an upland location  
15 in the town of Stony Point, north of the  
16 Stony Point State Historic site, then  
17 proceed south generally along the CSX  
18 Railroad right-of-way with a few minor  
19 deviations to avoid infrastructure such as  
20 bridges, highways. Then it will continue  
21 through the town of Haverstraw and the  
22 villages of West Haverstraw and Haverstraw.  
23 The cable route then turns west, passing  
24 beneath Rockland Lake State Park, using  
25 horizontal directional drilling, going to a

## PROCEEDINGS

1  
2 location adjoining New York State Route 9W  
3 in the town of Clarkstown, and then south  
4 along Route 9W for point six miles to  
5 another location where they'll again use the  
6 horizontal directional drilling to install  
7 it easterly under Rockland Lake State Park  
8 to reenter the Hudson River. Additional  
9 details are contained in the JP and a  
10 summary and appendices and exhibits, all of  
11 which are available on the New York State  
12 Commission's Web site. You go to  
13 [www.dps.ny.gov](http://www.dps.ny.gov), click search, and then type  
14 in the case number to find those documents.

15           The applicants have also requested  
16 the commission issue a Water Quality  
17 Certification pursuant to Section 401 of the  
18 federal Clean Water Act. The commission may  
19 adopt, adopt with changes, or reject any of  
20 the terms and conditions that have been  
21 proposed in the JP. The commission may also  
22 adopt terms other than those proposed.

23           In addition to meeting Public  
24 Service Commission approval, the applicants  
25 have also applied to the United States

## PROCEEDINGS

1  
2 Department of Energy, or DOE, for a  
3 presidential permit. This is necessary in  
4 order for them to construct the transmission  
5 line, as it crosses the U.S. and Canada  
6 border. Among other things, DOE will assess  
7 the potential environmental impacts of the  
8 project, and determine whether to issue the  
9 presidential permit, and whether they can do  
10 so consistent with the public interest.

11 DOE is aware that we are holding  
12 those hearings. And I should also note the  
13 Joint Proposal has been submitted to DOE for  
14 its review in determining whether to issue  
15 the permit. Therefore, DOE has told us that  
16 they intend to review our transcripts of  
17 these hearings and that they may consider  
18 any comments that are made here that are  
19 relevant to their review.

20 If you're interested, I have  
21 copies of a statement that the DOE prepared  
22 explaining their process and also explaining  
23 how to get to their Web site, how to provide  
24 comments in an email. I think they also  
25 allow for writing as well. Those statements

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are available at the table that was just out front. You can also use our Web site to access the DOE Web site as well.

The notice for this hearing was issued on March 19th, 2012. And in addition the commission issued press releases on March 30th and April 5th. The applicants also published our notice in the Journal News.

At this hearing you may comment on the JP or on any matter that's going to be relevant to this ongoing proceeding, and your comments will be taken down on the record. You may also, if you don't wish to speak at the hearing, submit comments by email, in writing or by phone. And if you decide to take that route, please submit those comments by April 27th.

I also want to mention that we have representatives from the Department of Public Service staff, who's one of the parties supporting the Joint Proposal. They're on the far wall and one individual is sitting in the audience as well. We also

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have representatives for the applicant here, who are available to informally respond to any questions that you may have if you need more information.

At this point are there people who wish to get more information before they make comments? Just by a show of hands? Okay. We actually have a few people who wish to make comments. Would those individuals prefer to make their comments now? Okay, what I'd like to do then is I'll call the people who have filled out cards, then we'll take a brief recess, and I strongly urge anyone who needs any additional information to either talk to the applicants or to DEP staff. We have maps, they also have Google Earth maps available so that you can get more information. And then I'll make arrangements to go back on the record should you decide after that point you do want to make comments.

So at this point I'd like to call Mr. Howard Phillips to make the first comment. And for any of those who are

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listening, I'll just note that we're not related.

SUPERVISOR PHILLIPS: I asked her Honor if she was part of The Mamas and the Papas before we began tonight's hearing.

Before I begin with some prepared comments I'd just again like to welcome you to the town of Haverstraw. I'll give you a brief history. We're one of the oldest towns in New York state, incorporated in 1666. We're a very proud community, proud of our history, proud of our people today. Our forefathers fought in the Revolutionary War, Civil War, and every single war all the way up to today. We had three Medal of Honor recipients come from the town of Haverstraw. Most recently, one of our young men gave their lives in Afghanistan. His picture, portrait, Manny Lopez, is over here on the wall.

But we have always been a true melting pot, every single culture coming through Haverstraw. Our brickyards along the Haverstraw River, the Hudson River in

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Haverstraw really were the bricks that built New York. Our immigrants came here to fulfill that American dream. But I want to thank you for choosing Haverstraw to have tonight's hearing.

If I may, I'd like to just begin by saying I can definitely understand for the need for inexpensive energy in the lower Hudson and in the boroughs of New York. The cost of producing and the carrying costs are out of control. What doesn't make sense to me is the fact that the town of Haverstraw, in the widest part of the Hudson River, has two 650 megawatt plants called Bowline Power Plants owned and operated by GenOn Corp. of New York. These plants have been sitting idle with the exception of operating maybe fifteen peak days of the year. These two power plants were base plants for most of their life. Doesn't it make common sense to retool these two plants, which are in the United States, it would be a fraction of the cost, as well as provide a reliable and dependable energy source so close to the

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boroughs of New York. If I may be as blunt as possible, you could stand at the Bowline site and spit and hit the boroughs of New York, that's how close we are.

In a time when we need to put people back to work, skilled or unskilled, and at a time when the U.S. has an abundance of natural gas, which Bowline uses to power its plants, the solution to go and take hydropower and have it travel such a long distance through sensitive waterways to get down to the lower Hudson and boroughs of New York makes no sense.

Lastly, deregulation of the power industry had one goal and only one goal. That was to reduce the energy cost to the consumer. It's been a complete and utter failure. The theory was that with deregulation we would see power plants competing against one another. Economics 101. The competition would produce lower rates. It hasn't happened.

Our community has been devastated by the loss of the commercial tax base. Our

## PROCEEDINGS

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2 school taxes have doubled and in some  
3 instances tripled. Our schools have had to  
4 cut programs, and had have numerous layoffs  
5 over the years. The most recent development  
6 to stop the increase in school tax has been  
7 to consolidate and close three major schools  
8 in our district. Can you explain or anyone  
9 explain why we wouldn't seek to retool these  
10 power plants, especially since the site is  
11 so beneficial to New Yorkers, and the  
12 technology of burning natural gas reduces  
13 emissions to a fraction of what they used to  
14 be.

15 Let me conclude by saying that I  
16 am an optimist. And I know that the demand  
17 for energy will return within a few years.  
18 It is inevitable. Isn't there a great  
19 amount of wisdom in preparing for that  
20 demand by utilizing power plants in the  
21 United States now instead of sitting until  
22 the crisis is at our doorstep. Let us  
23 retool in the U.S. before we consider  
24 outside of the U.S. And if I may, just in  
25 today's Journal News there was an article,

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headlines, Natural Gas Boom Brings Price Drop. I think we need to take care of our own before we look outside of our borders.

Thank you, your Honor, if I may submit this to you.

ALJ PHILLIPS: Mm-hmm. Thank you for your comments.

The next speaker is Susan Filgueras.

MS. FILGUERAS: Filgueras.

ALJ PHILLIPS: Filgueras, thank you.

MS. FILGUERAS: First off, your Honor, thank you for coming to the town of Haverstraw and hearing the residents. As a resident, my dad was born in the town of Haverstraw. Since Mr. Phillips offered a little history, my dad was born in Haverstraw at the river. I live in Stony Point. My sister is raising three children in the North Rockland school district. I myself have started a local historical society in Stony Point to help save our history.



## PROCEEDINGS

1  
2 already have infrastructure built, that have  
3 power lines crossing the river both above  
4 ground and under the river, that those sites  
5 be utilized to create jobs here, all levels  
6 and manners of jobs. Because we count too.  
7 This power will do nothing for these  
8 communities. It will totally plow through  
9 our community and go further south to the  
10 city. But what does it do for us. We've  
11 already paid deregulation prices.

12 The other point we had, now the  
13 Lovett Plant sat one mile east -- west of  
14 Indian Point, the nuclear power plant. And  
15 those hearings are on them. Will that plant  
16 continue, can that plant continue. We know  
17 that there is some type of leaking  
18 contamination from that plant. And there's  
19 all types of studies and disagreements on  
20 what it could be or might be or is. But it  
21 remains to be said, we have a nuclear plant  
22 on our shores.

23 Added to that, we have the Suez  
24 Corporation who wants to build a  
25 desalination plant one mile down as the crow

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flies the river from the Indian Point plant. So we have a nuclear plant, we have plans for a desalination plant, and we want to put a line in the river but we'll bring it north of Stony Point.

I mentioned that I started a historical society in the town of Stony Point. Small tidbit, it's where one of the most decisive Revolutionary War battles was fought, the Battle of Stony Point. And we won. That is a burial ground. There are Revolutionary War soldiers buried there. And they're going to bring it north of the lighthouse, down the CSX right-of-way.

Some of the people's faces I recognize. How many of you have driven River Road lately. Tide comes up, the Beckerleys are in a rowboat, okay. That's where the rail line is. Where are they going to put it. There is a trailer, house trailer parked just down from that. Then they're going to bring it through the Kay-Fries site, which we know has a Superfund designation, through the

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Haverstraw dump, which has a Superfund designation. At what point is someone going to say Haverstraw and Stony Point have paid their dues. We deserve a little bit of help to pick ourselves up and go back out and continue going.

I would ask, I knew before about this hearing because I was monitoring the Public Service Commission Web site because of the desalination plant. I learned about this line two or three years ago. I've been talking about it. But the people of Haverstraw and Stony Point and Rockland County don't know. I can lay you odds people don't know it's going under Rockland Lake. The people of this community deserve to be heard. I understand you said that the advertisement where it was published in the Journal News. I'm going to go back and look because then I overlooked it. But I saw it listed on the Web sites. What about the people who don't have access to Web sites. There are still, even though we don't believe it there are still a great many

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people out there, the senior community, who are not Web site savvy. Those people don't know. I'm not saying don't. What I'm saying is, I don't think the residents of the towns of Haverstraw, Stony Point, Rockland County, Clarkstown have been given enough notice, publication.

And I got on your Web site today to try and look at the map to see where the pipe was coming up out of the water and back in. It's difficult at best. It is not an easy map to look at. I get a straight line. Well, that doesn't tell me if it's coming out or in.

I believe that public hearings need to be held open on a much longer basis. And that if Transmission Developers Incorporated, who is the people who are building the pipeline, if someone can confirm that, and then it's the Champlain Hudson Express are the people who are supplying the power, so in fact they're two different entities, not one. We have one building the actual infrastructure or the

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pipe, and then you have this company, and please correct me, that would provide the power. I think that's got to be brought out, discussed, and what the actual commitment of each of those companies is.

But to go back to what I opened up, we have existing infrastructure in both towns for power plants. And that infrastructure crosses the river. Even if this line is it's a great idea, let's do it, why can't it stop at the Indian Point part of the river and reside there. Deliver your power there and take it further south.

Thank you.

ALJ PHILLIPS: Thank you for your comments. I hope you're going to stay and ask some of your questions.

The next commenter is Al Samuels.

MR. SAMUELS: Thank you, Judge Phillips, thank you for being here.

My name is Al Samuels. I'm president and chief executive officer of the Rockland Business Association. We're a county-wide organization, public policy and

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economic development. We have just under a thousand member companies, many of them are here in North Rockland. I am a resident of North Rockland, I live right here in the Town of Haverstraw.

I also have the privilege of being an appointee of Governor Cuomo's Mid-Hudson Regional Economic Development Council. And much of what I have to say here, but that doesn't mean that I have a lot to say, but much of what I will say comes from the position I hold on that council.

We were charged with developing five year strategic plans for the economic development of our regions and for the state. Infrastructure was a big part of it. Energy is a big part of it. As chair of what we call the inhibitors work group, the group that is responsible for identifying, as the name implies, inhibitors to economic development, we recognize this, we advocated for and we are very pleased to see that Article X legislation had been adopted, which would provide for the opportunity of

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siting new energy facilities in New York state.

For everything that we were charged with on that panel, this flies in the face of it. It doesn't make sense for us to do this based on what the governor himself charged us with. Because this doesn't create any jobs in New York state. It doesn't provide any revenues to the communities through which it would flow. In the communities such as ours, and the first two speakers have articulated that so I won't dwell on it, but North Rockland is in dire financial straits in large measure because we have lost the revenues that we got from the facilities that were here. But also Rockland County is facing according to our leadership in New City an \$80 million shortfall, and is looking for approval to bond that, and a lot of tax increases as well.

We need jobs in New York state. We have Article X legislation that will allow us to expedite the construction of new

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2 generation. We have host communities in  
3 Haverstraw and Stony Point that will  
4 accommodate this. And yet we're bypassing  
5 that to go to, I know Canada isn't thought  
6 of this way, to our Canadians friends who  
7 are here I'm sorry, but it's a foreign  
8 nation. Why are we looking to give a  
9 foreign nation the opportunity to construct  
10 something that puts their people to work,  
11 that provides them with revenue, when we  
12 have the opportunity to do it here in this  
13 country.

14 I'm not a technician, but I have  
15 learned that this project is what's known as  
16 a direct current line, and that the upstate  
17 New York generators and transmission  
18 facilities cannot simply connect to it  
19 because we have a standard alternating  
20 current grid. So we're not even going to be  
21 able to improve the grid in New York state.  
22 Which is something that the governor said in  
23 his State of the State address that he wants  
24 to do. He wants to build an energy highway.  
25 And I know that on the surface this may look

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like a means to accomplish that, but it doesn't accomplish it for New York state. It may provide a thousand megawatts of power downstate, and maybe there's a political component here, maybe it's perhaps expediting in some people's minds the opportunity to push for a closure at Indian Point.

Someone has already mentioned that the fear that exists with regard to nuclear power is strong among some people. But it's a safe, reliable base load power. Indian Point produces 2,000 megawatts. It has an incredibly positive aspect in our region and in the state. There are thousands of jobs in the region because of it. There is a three hundred fifty six plus million dollar payroll and spending power in the region because of it. There's a billion dollars in economic activity that's driven in New York state because of it. It provides upwards of 30 percent of the power for our region and for downstate. And there are people who would like to see that end, and maybe you're

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trying to use this project as a mechanism to help accomplish that. I think that that flies in the face of good economics. I would suggest that it be considered that it's part of the outcome of the judgment of this proposal.

It's my understanding that just yesterday the state issued a request for information regarding what the governor outlined in his State of the State address regarding the energy highway. Before we even have an opportunity to get the information that the governor seeks that would determine what plan New York state could adopt relative to its energy needs, its energy production, energy issues, you know, moving forward, we're being asked to consider something that's coming outside of the construct of that RFI and provided by, again, a non New York state entity. No jobs for New Yorkers. No taxes for New Yorkers. No benefit to host communities. We think that that needs to be weighed in the considerations here.

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2 One of the things that the  
3 governor had indicated to us in our quest  
4 for a five year plan, and each region had to  
5 come up with a five year plan, was to ensure  
6 that there was infrastructure to accommodate  
7 the plan. And that perhaps if there was  
8 need for it, that infrastructure projects be  
9 included within the group or the clusters of  
10 business sectors that we identified being  
11 needed in these various regions.

12 As has been pointed out, we have  
13 sites right here. We have sites in Orange  
14 County. We have projects that have begun.  
15 One is in Wawayanda, I think it's a 650  
16 megawatt gas fired facility which is up in  
17 Orange County. I know that Supervisor  
18 Phillips, my supervisor, that there are  
19 opportunities that he has worked on. I know  
20 that the supervisor of the town of Stony  
21 Point, he's new to the job, but Geoff Finn  
22 is very aggressively pursuing the  
23 opportunity to bring generation to his  
24 facility. We had it, you know. The  
25 community welcomed it. We've talked about

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having a clean gas fired facility built at  
Stony Point at the site of the Lovett  
facility.

I think that New York state,  
recognizing, as the governor has pointed  
out, that we need to have more domestic  
generation, stick to that, utilize the tools  
that we have, like Article X, work with host  
communities, communities that are willing to  
be hosts for this, before we go outside. I  
think that that's just a critical component.  
I probably said it now three times in  
different ways. I think that that's  
critical. This flies -- I do not understand  
why people in the state of New York in  
Albany are pushing this. And it absolutely  
flies in the face of what the governor told  
us was his goal in January as the people of  
New York state and what we were told last  
year in terms of our mission on the regional  
councils. And I would ask that you take  
those things into consideration.

I would hate to see anything  
stymie the investment of new generation and

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2 transmission facilities in New York. I  
3 would hate to see the jobs that we could  
4 get, the taxes that could be realized in the  
5 local communities, I would hate to see that  
6 lost because someone comes along and says  
7 you know what, by 2014 we can give you a  
8 thousand megawatts. But they get the  
9 benefit, they get the true benefit of it. I  
10 think we need to keep that benefit in New  
11 York state.

12 Thank you, your Honor.

13 ALJ PHILLIPS: Thank you.

14 The next commenter is Eric Ortner.

15 MR. ORTNER: Hello. Thank you,  
16 your Honor. I'm coming at this a little bit  
17 different but I'm also a little concerned  
18 and opposed to this as it stands.

19 My first opposition is, I just  
20 found out about this meeting on Monday.  
21 March 19th I think, was that when you said  
22 it was listed? That's just not enough time.  
23 Nobody in Rockland County knows this is  
24 going on. And I think -- and everybody in  
25 Rockland County uses Rockland Lake State

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Park. So I'm really worried about the environmental impact on Rockland Lake State Park. And I'm especially concerned about the Long Path which runs through it.

Now, as far as what they're saying with the gas powered plants and everything, I think it's terrible, you know, that North Rockland is really hurting economically, and Rockland County has its issues for sure. I actually appreciate the fact that this is coming from hydropower, coming from an environmental standpoint. But I don't think the crossing point right now is the right one for across the river. It's going across the widest part of the river. So that makes absolutely no sense there.

And then we already have, as they have already stated, we have already got power lines running across at the power plants north of this spot, one at Indian Point, and then one in Haverstraw, the village of Haverstraw. So to me this makes absolutely no sense to take our state land, which is supposed to be forever wild, and

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have it destroyed, you know, or at least  
unsightly. I mean I don't really understand  
how you're going to run the cable  
underground through Rockland Lake State Park  
without really digging things up and  
destroying it for the people that use it.  
That's my main thing.

So I'd just like to close on that  
because, you know, I haven't really had  
the -- because I just found out about this  
on Monday, I don't really have any  
opportunity, I don't even know what  
questions to ask. But I can obviously tell  
you that I'm getting blind sided and  
railroaded in this project. And I think  
that, they've got economic concerns, I have  
environmental concerns, and I don't think  
that we can make any decision on this until  
we have much longer of a public comment and  
the public is aware of the project, because  
right now nobody knows in this county, and  
they're all going to be affected by it one  
way or the other.

Thank you very much.

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ALJ PHILLIPS: Thank you.

The next speaker is Laurie Cozza.

MS. COZZA: Thank you.

I too really had no idea that this project was happening. I'm a resident of Stony Point. And I have both environmental and economic concerns. And I also am concerned in what I've seen happen to Stony Point and Haverstraw over the years, losing both the power plants. Everything that's been going on at Indian Point. The Hudson River is a national treasure. And I don't see anybody treating it that way. And it's upsetting.

I really can't add anything else to the wonderful speakers that have spoke prior to me, but I just don't think enough people know about this. And if we are going to be so dramatically affected, for instance, if these lines are coming out and going through Stony Point and Haverstraw, how long are we going to be under construction with that. How is that going to affect the daily life, the traffic, the

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complete upheaval of the community. And again, once again Stony Point and Haverstraw are receiving nothing in the way of tax revenue or jobs or pay back or anything as I understand the project now, and I have to admit once again that it just came to me. So anyway, thank you.

ALJ PHILLIPS: I just want to say I thank you all for coming here and making comments on the record. I would like to take this opportunity to take a recess, and I really would strongly encourage you to ask questions that you have. The comment period is still open, several of you raised concerns about that. This is a good opportunity for you to get additional information. So at this time I'm going take a recess. We are off the record.

(Recess taken)

ALJ PHILLIPS: Hello, I'd like to just go back on the record briefly. I have at least two more individuals that want to make comments on the record. I'm sorry, staff? All right, let's go back on the

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record. I'd like to call the next person to make a comment, Richard Thomas.

MR. THOMAS: Thank you. Thank you everybody.

Thank you for the opportunity to speak tonight. My name is Richard Thomas. I'm the director of the New York Affordable Reliable Electricity Alliance, also known as New York AREA. We represent more than one hundred fifty business, labor and community organizations. You have heard or will hear from a number of diverse organizations who are members of New York AREA about why the Champlain Hudson power line should not be approved. They include Con Edison, the Independent Power Producers of New York, the IBEW, and that stands for the International Brotherhood of Electrical Workers, and other labor unions, including the Boilermakers who are here tonight. These groups have cited very astutely and perceptively the Champlain Hudson Power Express line impacts on costs, jobs, and electrical system reliability.

The line, if approved, will also

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2 inhibit much needed and difficult to attract  
3 multi-billion dollar investments in new  
4 generation and transmission facilities in  
5 New York. And I underline in New York.  
6 Furthermore, the state is at the early  
7 stages of determining the scope of Governor  
8 Cuomo's energy highway, and looking for the  
9 most economical and compelling projects for  
10 ratepayers. Approval of this project would  
11 also undercut this important process.

12 Three things about the Champlain  
13 Hudson power line are particularly  
14 noteworthy. First, it potentially means  
15 higher electric bills, also higher electric  
16 liability risks, and lost jobs. It amounts  
17 to sending New York dollars to Canada for a  
18 product that can be more efficiently and  
19 reliably made here in New York.

20 There are better priorities that  
21 need to be addressed in improving New York's  
22 generation and transmission system than this  
23 isolated and ill-conceived project.

24 And lastly, despite what  
25 anti-nuclear activists contend, the

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Champlain Hudson line is not an alternative to Indian Point. In fact, even with the line there would be a strong, compelling need to maintain Indian Point.

New York AREA will have extensive comments about this project and why it shouldn't be approved later next week and submitted before the April 27th deadline.

Thank you so much for your time.

ALJ PHILLIPS: Thank you.

The next speaker is Charles Ciccone. Did I say that right?

MR. CICCONE: That's perfect.

Thank you.

I'm here on behalf of the IBEW Local 320. My president, John Kaiser, wasn't able to attend tonight. He asked me to come and say a few words.

John and I recently attended Governor Cuomo's New York Energy Highway Summit in New York. After listening to the appointed task force describe the scope of this project, we had a few questions.

We're wondering, how does the long

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range plan develop and expand the power grid when in reality it intentionally bypasses the grid with a direct highway to the high priced markets of New York City. Bypassing transmission bottlenecks provides the area with growing energy demands access to power that cannot be delivered through the current transmission system.

The development of an in-state infrastructure would be halted and would deny present upstate generators the ability to provide power to downstate markets. The state right now is abundant with generating capability because the recession has stunted industrial demand on the system. But the state's infrastructure is ailing. Forty-two percent of the state's power plants are more than 40 years old. Twenty-two percent are more than 50 years old. Some of the transmission bottlenecks the system relies on are antiquated transmission lines on wooden poles. Of the 12,000 miles of transmission lines in New York state, 4,700 miles will need to be replaced within the

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next 40 years. Bottlenecks in the system cost consumers \$1.1 billion in 2010, in 2010, with more expensive plants supplying power.

New York's last major internal transmission line, the 207 mile Marcy South Line, which runs from the Utica area to Dutchess County, was finished in 1988. A smaller project, the nine and a half mile line from Yonkers to Upper Manhattan, was completed last year. Major infrastructure upgrades in New York state should take preference over a one way private toll road, an energy highway, that does nothing but slow down to a crawl the much needed upgrading of the New York power grid in New York state.

Thank you.

ALJ PHILLIPS: Thank you.

There's actually another commenter, Thomas Klein.

MR. KLEIN: Thank you.

Good evening. My name is Tom Klein and I am the business manager for

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2 Boilermakers Local 5. I represent  
3 boilermakers throughout New York state, from  
4 Oswego, New York to Montauk Point. Our  
5 members are highly skilled professionals  
6 with expertise that comes only with  
7 extensive training and years of experience.  
8 I am here tonight to state on the record  
9 that the Boilermakers Local 5 opposes the  
10 Champlain Hudson Power Express line proposed  
11 under consideration by the New York State  
12 Public Service Commission.

13                   The Champlain Hudson Power Express  
14 Line, which proposes to bring 1,000  
15 megawatts of power directly from Canada to  
16 New York City, would do nothing to  
17 strengthen the state's electrical grid.  
18 Particularly speaking, the transmission line  
19 is a large extension cord that would bypass  
20 all of our state's existing energy sources  
21 and transmission infrastructure, such as  
22 upstate New York plants that have an excess  
23 of available power, instead of enhancing the  
24 overall capacity in the plants and the  
25 stability of New York's power grid. New

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York will not be able to benefit from the low cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs and New Yorkers will get the bill.

While we support an electricity highway that improves the state's infrastructure and generates union jobs for New Yorkers, we call on the New York State Public Service Commission to reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the upstate and the western regions so that in-state power can be transported more efficiently, more economically, and in greater quantity throughout the state. Investing in our transmission infrastructure will lead to new

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jobs being created and new opportunity for energy development throughout the state.

We also can't ignore the obvious. New York already has a very substantial generating capacity that can be expanded upon to meet our state's needs. New York can and should keep up with growing demand by ensuring the continued operations of our in-state energy sources and constructing new plants, both upstate and downstate, as necessary.

In order to have a strong 21st century economy, New York needs to build and make things. Energy and manufacturing provide sustained, long-term, good paying jobs, a large portion of which are skilled union positions. These jobs enable the individuals to stay in New York, raise a family and grow the middle class. They also establish the economic infrastructure for many additional service jobs, and power other sectors of the state's economy.

New York's economy needs to be energized, and the opportunities are out

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2 there waiting to be seized upon. Such is  
3 the case with the opportunity to lead New  
4 York's growing demand for electricity, and  
5 to solve the transmission congestion  
6 problems, by investing in our in-state  
7 electrical infrastructure, rather than  
8 compounding the issues with a costly  
9 outsource to Canada. For jobs and a  
10 literally bright future, we must act now and  
11 oppose the CHPE as an outright detriment to  
12 New York.

13 I'd also like to mention that I am  
14 a resident here of the Hudson Valley. I've  
15 lived in Orange County for the past almost  
16 30 years. I've worked for the power houses  
17 up and down the Hudson River, and it has  
18 created a job for myself and has supported  
19 my family. And I thank you very much.

20 ALJ PHILLIPS: I want to thank all  
21 the speakers who showed up tonight. Is  
22 there anyone else who wishes to make  
23 comments on the record?

24 (No response)

25 ALJ PHILLIPS: Okay. We don't

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have anymore commenters, but if people still want to ask questions we can stay for a while and have that occur off the record. But since there are no more speakers I will formally adjourn the hearing. And again, I want to thank you all for coming out. Thank you very much.

(Time noted: 7:15 p.m.)

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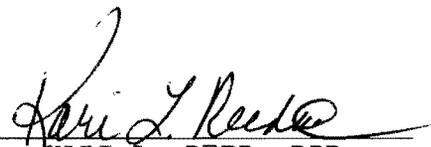
STATE OF NEW YORK            )  
  ) SS:  
COUNTY OF ORANGE            )

I, KARI L. REED, a Registered Professional Reporter (Stenotype) and Notary Public with and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, 2012.

  
KARI L. REED, RPR

STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE  
PUBLIC SERVICE COMMISSION

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In the Matter of  
Case T-10-0139  
- in relation to -

An Application of CHAMPLAIN-HUDSON  
EXPRESS INC., for a Certificate of  
Environmental Compatibility and Public  
Need pursuant to Article VII of the Public  
Service Law for Construction, Operation,  
and Maintenance of a High Voltage Direct  
Current Circuit From the Canadian Border  
to New York City.

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Tuesday, April 24, 2012  
6:00 p.m.  
P.S. 122 Mamie Fay School  
21-21 Ditmars Boulevard  
Queens, New York

STENOGRAPHIC RECORD of a Public Statement  
Hearing conducted pursuant to Notice.

BEFORE: KEVIN CASUTTO, ESQ.  
Administrative Law Judge  
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REPORTED BY: KIMBERLY CLYNE  
Certified Shorthand Reporter

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2 P R O C E E D I N G S

3 ALJ CASUTTO: I call Case No.  
4 10-T-1039, Champlain-Hudson Power  
5 Express, Inc. application for a  
6 certificate to construct sub-aquatic  
7 and underground hydropower lines from  
8 the Canadian border to New York City,  
9 pursuant to Public Service Law Article  
10 VII, and application for a water  
11 quality certification pursuant to the  
12 Federal Clean Water Act Section 401.

13 My name is Kevin Casutto, I'm  
14 the administrative law judge with the  
15 New York State Department of Public  
16 Service. With me tonight we are fortunate to  
17 have one of the commissioners of the Public  
18 Service Commission, Robert Curry.

19 This is a public statement  
20 hearing. The application was  
21 initially filed on March 29, 2010.  
22 The Commission secretary deemed the  
23 application complete for public review  
24 as of August 11th, 2010, and on  
25 November 2nd, 2011, the company filed

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2 a notice indicating impending  
3 settlement negotiations, meaning that  
4 many parties in the case began a  
5 settlement negotiation process, which  
6 ensued for a lengthy period of time,  
7 resulting in a Joint Proposal, a  
8 settlement document which was filed on  
9 February 24th, 2012.

10 And there were changes to the  
11 proposed project as a result of the  
12 settlement negotiations, and that  
13 prompted these public statement  
14 hearings in parts of the state where  
15 the proposed location of the line has  
16 been revised as a result of the  
17 settlement process.

18 Parties supporting the Joint  
19 Proposal include the Applicant,  
20 department staff, several other state  
21 agencies, Riverkeeper, Scenic Hudson,  
22 Trout Unlimited, the City of New York  
23 and the City of Yonkers.

24 Parties opposed to the project  
25 include The Independent Power

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2 Producers of New York, Consolidated  
3 Edison Company of New York, Central  
4 Gas and Electrical Corporation --  
5 excuse me, Central Hudson Gas and  
6 Electrical Corporation, Local 97 of  
7 the International Brotherhood of  
8 Electrical Workers and Entergy Nuclear  
9 Power Marketing, which is the owner  
10 of the Indian Point Nuclear facility.

11 Additionally, the New York Power  
12 Authority has stated it neither  
13 supports or opposes the project, but  
14 has expressed concerns with two or  
15 three aspects of the proposed  
16 settlement.

17 This is a public statement  
18 hearing and we seek your comments on  
19 the project as modified by the  
20 proposed settlement. The hearing was  
21 scheduled to commence at 6 p.m., but,  
22 as you know, we held an informal  
23 informational presentation for a few  
24 minutes before we went on the record  
25 this evening.

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2 With the settlement document,  
3 the Joint Proposal, the Applicants are  
4 proposing to locate a converter  
5 station on property owned by  
6 Consolidated Edison in Astoria  
7 commonly known as the Luyster Creek  
8 property.

9 In addition, the Applicants  
10 propose an alternating current transmission  
11 line approximately three miles long, from  
12 the Con Edison Astoria annex to the  
13 Rainey substation.

14 Application materials and the  
15 Joint Proposal have been and will  
16 remain available for public review at  
17 several public libraries in the area  
18 and on the Department of Public  
19 Service's website, electronically, as  
20 was described in the public hearing  
21 notice.

22 Notice of the public hearing and  
23 availability of materials were  
24 posted on the Department of Public  
25 Service's web page for this case on

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2 March 19th, 2012, and also were  
3 published in the New York Post on or  
4 about March 30th, 2012.

5 So we have a stenographer  
6 present tonight to record your  
7 statements. We have a podium and  
8 microphone up front here. So as I  
9 call your name, I ask that you  
10 come forward and please speak loudly  
11 and clearly. Use the microphone so  
12 that everybody will hear what you have  
13 to say and the stenographer can  
14 accurately record your statement.

15 Now, separately, the United  
16 States Department of Energy must also  
17 review this project proposal for a  
18 federal presidential permit and  
19 related federal permits.

20 The U.S. Department of Energy  
21 has indicated to the Public Service  
22 Commission that it intends to review  
23 the transcript of this public  
24 statement hearing and the other five  
25 hearings that we recently held to

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2 determine whether any of those  
3 comments would be appropriately  
4 considered in the DOE permit review at  
5 the federal level.

6 Anyone who is interested in the  
7 federal Department of Energy process  
8 can find more information about the  
9 federal review on the Department of  
10 Energy website or through a link to the  
11 DOE from the Department of Public  
12 Service web page for this case.

13 Lastly, we have several copies  
14 of the Department of Energy statement  
15 dated March 30th, 2012 regarding its  
16 use of comments received during this  
17 PSC public statement hearing. In  
18 fact, they're in my briefcase, so  
19 during the recess I'll make those  
20 available for you if anybody would  
21 like a copy.

22 Following this public statement  
23 hearing, a prehearing conference will  
24 be held in Albany on April 30th, 2012  
25 at one p.m. to discuss further

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scheduling in the case, including a schedule for an evidentiary hearing in this proceeding.

In addition, a video teleconference link will be available for parties who wish to participate from the PSC Manhattan office.

All of the hearings that I mentioned are open to the public to attend. However, participation at the prehearing conference or evidentiary hearing are limited to the formal parties in the proceeding. However, as I indicated the public is welcome to come in and observe the process.

Now, as I call the speakers, I'm not going to place any time limit on the speakers, but I would ask that as a courtesy to your neighbors who are waiting to speak, to try to be succinct in your comments. If you have a lengthy comment that is written, you could summarize it orally and submit the written comments.

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2 We will begin with elected  
3 officials and we have present this  
4 evening Hon. Council Member Peter Vallone.  
5 I would ask council members to please  
6 come forward, as they're our first  
7 speakers of the evening.

8 MR. VALLONE: Thank you.  
9 Welcome to Astoria. Welcome to all  
10 you good people who are very hard  
11 working. I'm not saying I agree with  
12 them, but they're good people.

13 I have spent my entire life in  
14 the shadow of this building. And this  
15 building is the shadow of six power  
16 plants right here in northwestern  
17 Queens. And I have been here many  
18 times before the Commission proposing  
19 on those power plants, never listened,  
20 but they've been built every time with  
21 the objections of the community.

22 I don't have a problem with  
23 power plants, I have a problem with  
24 them all in one place.

25 But today I'm here to testify in

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2 favor of this proposal. As I said,  
3 I'm normally not in favor of anything  
4 regarding power plants or power lines  
5 in Queens, but I speak for 170,000  
6 people who live here, who live with  
7 the asthma and the health effects  
8 caused by these filthy power plants  
9 we're surrounded by.

10 And for years I've been saying  
11 that there's a clean, efficient  
12 environmental power upstate in Canada  
13 that people have been trying to get to  
14 us and can't because there's no lines  
15 to get them here.

16 If we had that power then we  
17 wouldn't need all these filthy power  
18 plants surrounding us right here.

19 We're one of the only cities  
20 that I know of -- in fact, I don't  
21 know of any other. Queens might be  
22 the only one in the world that are  
23 still building power plants in urban  
24 centers, at least in the United  
25 States.

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2 They just don't do that anymore,  
3 for a good reason. They do not --  
4 they should not be built surrounded by  
5 schools and people and homes. And  
6 here we have a great, great  
7 opportunity to get power from an area  
8 that isn't surrounded by people, is  
9 efficient in hydroelectric power, if  
10 brought down here, which will  
11 eliminate the need for so many power  
12 plants in Astoria.

13 And as we're thinking about  
14 that, the State is thinking about  
15 closing Indian Point. That's 2,000  
16 megawatts of power. That's going to  
17 add to the -- we know where they'll be  
18 going with those power plants, right  
19 here in northwestern Queens. So I  
20 support this. I spoke to the Governor  
21 personally about this, told him I  
22 support it.

23 As we mentioned earlier, we  
24 represented the companies who've got  
25 some work to do regarding where these

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2 lines are going to be placed. I  
3 assume the company is going to work  
4 with us when it comes to putting these  
5 in and keeping construction as minimal  
6 as possible. We will work with the  
7 Army Corps of Engineers, see if we can  
8 get those lines down the river so that  
9 they will not affect our community.  
10 That is not something that should stop  
11 the project; not getting any tickets  
12 to a Broadway play complaining about  
13 the tokens you have to pay for the  
14 subway.

15 We'll work with them on that  
16 because this needs to be done, because  
17 the people of northwestern Queens have  
18 suffered enough when it comes to power  
19 plants and we need to minimize that as  
20 much as possible. Like I said, it's  
21 clean energy, it's from an area that's  
22 not going to be affecting kids and  
23 schools, like the schools that are in  
24 the shadow of the power plant.

25 This is a way to really clean up

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2 the air for all of us, not just  
3 Astoria, but all of New York City.  
4 I'll be brief, there's a lot, but I  
5 thank you for coming out tonight.

6 ALJ CASUTTO: Thank you. The  
7 next speaker is Frank Ippoliti.

8 MR. IPPOLITI: Ippoliti.

9 ALJ CASUTTO: Ippoliti. I  
10 apologize. Let me make a general  
11 disclaimer that I will do my best to  
12 pronounce people's names correctly.  
13 Please forgive me if I fail to do so.

14 MR. IPPOLITI: Okay. Not a  
15 problem.

16 ALJ CASUTTO: Thank you.

17 MR. IPPOLITI: My name is Frank  
18 Ippoliti. I am recording secretary  
19 for the Millwright and Machinery  
20 Erectors Local 740. My organization  
21 represents Millwrights from throughout  
22 the five boroughs of New York City.

23 ALJ CASUTTO: Let me just stop  
24 you for a second. If anybody has a  
25 cell phone on, please turn it off in

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2 the hearing room. Please continue.

3 MR. IPPOLITI: My organization  
4 represents Millwrights from throughout  
5 the five boroughs of New York City.  
6 And I am here tonight to express our  
7 strong opposition to the  
8 Champlain-Hudson Power Express  
9 Transmission Line.

10 In the fewest possible words,  
11 Millwrights builds New York.  
12 Millwrights install, repair, replace,  
13 modify and dismantle machinery and  
14 heavy equipment in almost every  
15 industry.

16 Our responsibilities require a  
17 wide range of skills from blueprint  
18 reading and pouring concrete to  
19 diagnosing and solving mechanical and  
20 electromechanical problems.

21 New York's power plants provide  
22 skilled, good paying, sustainable jobs  
23 for thousands of hardworking Union  
24 members. The Champlain-Hudson power  
25 Express project will do nothing more

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2 than export these jobs and stick New  
3 Yorkers with the bill. Rather than  
4 spurring investment in new facilities,  
5 this proposal curtails infrastructure  
6 investments and undercuts the  
7 need for other in-state generation.  
8 The jobs from this project are created  
9 in Canada.

10 Energy infrastructure  
11 development is one of the few  
12 manufacturing processes still left in  
13 the state. Restricting or excluding  
14 the State's existing resources from a  
15 major energy infrastructure  
16 project, as the Champlain-Hudson  
17 project would do, has serious  
18 consequences.

19 In addition, New York's in-state  
20 energy facilities provide over \$600  
21 million in much-needed and substantial  
22 annual tax revenues to localities and  
23 to the State.

24 Furthermore, the state is in the  
25 early stages of mapping out Governor

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2 Cuomo's "energy  
3 highway," and looking for the most  
4 economical and compelling projects for  
5 ratepayers.

6 Approval of the CHPE project  
7 would undercut this important proces.

8 It will also undermine the State's  
9 efforts to repower existing power  
10 plants and will eliminate the  
11 opportunity to invest  
12 directly into New York's energy  
13 future. Most importantly, it  
14 threatens the financial security of  
15 thousands of Millwrights who stand to  
16 benefit from new energy projects  
17 upstate.

18 New York's economy needs to be  
19 energized and the opportunities are  
20 out there waiting to be seized upon.  
21 Such is the case with the opportunity  
22 to meet New York's growing demand for  
23 electricity, and solve transmission  
24 congestion problems, by investing in  
25 our in-state electrical

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2 infrastructure, rather than  
3 compounding these issues with a costly  
4 outsource to Canada.

5 It's time to take a step back  
6 and focus on the pursuit of a rational  
7 and economically-sensible energy  
8 policy that involves the Governor's  
9 energy highway and other in-state  
10 generation opportunities.

11 The Public Service Commission  
12 has a duty to protect ratepayers,  
13 consumers, and taxpayers. Just  
14 because the TDI group bought out the  
15 environmentalists doesn't mean they  
16 have the right to buy out New York  
17 union jobs.

18 It is for these reasons that we  
19 strongly oppose the CHPE project and  
20 urge the Public Service Commission to  
21 do the same.

22 ALJ CASUTTO: Thank you. The  
23 next speaker is Kathryn Linek on  
24 behalf of Gavin Donohue, Independent  
25 Power Producers of New York.

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2 MS. LINEK: Good evening. I'm  
3 here to read a position statement of  
4 Gavin J. Donohue, President and CEO of  
5 Independent Power Producers of New  
6 York or IPPNY for short.

7 On behalf of the Independent  
8 Power Producers of New York, Inc., a  
9 trade association representing  
10 companies involved in the development  
11 of electric generating facilities --

12 ALJ CASUTTO: Excuse me. Could  
13 you please speak into the microphone  
14 so that everyone can hear you.

15 MS. LINEK: On behalf of the  
16 Independent Power Producers of New  
17 York, Inc., a trade association  
18 representing  
19 companies involved in the development  
20 of electric generating facilities, the  
21 generation, sale and marketing of  
22 electric power, and the transmission  
23 of natural gas in the State of New  
24 York, we are here to represent the  
25 interest of our members in voicing our

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2 opposition to this proposed project.

3 IPPNY Member companies produce  
4 more than 75 percent of the state's  
5 electric power, and are large  
6 employers with more than 10,000  
7 individuals and taxpayers working to  
8 support and bolster the New York State  
9 economy.

10 The Champlain-Hudson Power  
11 Express line, which proposes to bring  
12 1,000 megawatts of power directly  
13 from Canada to New York City, makes  
14 little sense from an economic, public  
15 policy, or energy perspective.

16 Relying on foreign-generated  
17 power instead of upgrading in-state  
18 energy infrastructure does not put the  
19 interests of New Yorkers first.

20 In his 2012 State of the State  
21 address, Governor Cuomo called for an  
22 energy highway development effort  
23 seeking investment in New York State  
24 resources to upgrade the state's  
25 energy infrastructure in both

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2 transmission and generation.

3 The Champlain-Hudson line which  
4 will transmit Canadian power into New  
5 York City while bypassing any existing  
6 New York generators who will not have  
7 access to the line. Specifically,  
8 Upstate New York power plants that  
9 have an excess of available power will  
10 not be able to provide their low-cost  
11 power to their fellow New Yorkers.

12 Rather than spurring investments  
13 in new facilities, the  
14 Champlain-Hudson Power Express line  
15 would undercut critical investments  
16 for both in-state generation and  
17 transmission and potentially shutter  
18 upstate power generators. This  
19 project is therefore contrary to the  
20 stated goals of the Governor to build  
21 public-private partnerships and invest  
22 in New York resources, workers, and  
23 communities.

24 Numerous and independent studies  
25 have shown that upgrades to our system

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2 are necessary, and we should be  
3 utilizing current and future in-state  
4 resources to best address the energy  
5 needs throughout the state.

6 The proposed Champlain-Hudson  
7 project will not alleviate existing  
8 congestion issues in the state's power  
9 grid or address any in-state  
10 transmission issues. It only will  
11 circumvent them by bringing in power  
12 from another country.

13 In addition to shutting out the  
14 existing power plants in Upstate New  
15 York, this proposed plan would shut  
16 out Upstate New York's growing  
17 renewable energy market from a conduit  
18 to transmit its non-emitting power to  
19 other parts of the state.

20 Threatening the development of  
21 such renewable resources impedes the  
22 state in meeting its Renewable  
23 Portfolio Standard goal of having 30  
24 percent of the electricity consumed by  
25 New Yorkers come from renewable

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2 resources by 2015.

3 In written testimony, as part of  
4 the Article VII proceeding, IPPNY  
5 argued that the line does not provide  
6 any benefit and, in fact, serves as a  
7 threat to competitive energy markets,  
8 existing resources in New York State  
9 and the associated jobs and numerous  
10 benefits provided by in-state  
11 generators, including property taxes.

12 We urge the Public Service  
13 Commission to deny issuing a  
14 certificate to the proposed project  
15 and to keep New York's interests  
16 first.

17 ALJ CASUTTO: Thank you. The  
18 next speaker is Anthony G.  
19 Gigantiello, Jr., representing  
20 C.H.O.K.E., Coalition Helping Organize  
21 a Kleaner Environment.

22 MR. GIGANTIELLO: Good evening.

23 ALJ CASUTTO: Please speak into  
24 the microphone so we can all hear you.

25 MR. GIGANTIELLO: Sure.

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2 We've been opposing power plants  
3 in this area for the last ten years.  
4 We're not opposed with the issue of  
5 power, we're opposed to the location  
6 of those plants. We've got to get all  
7 the plants repowered.

8 We support this project 100  
9 percent. It's going to bring 1,000  
10 megawatts of power into this area.  
11 It's going to stop another power plant  
12 from coming here to produce that power  
13 we're probably going to need --  
14 especially going to need with the 898  
15 generator in that area, so we've got  
16 to support this.

17 You've got to do one thing. I  
18 live in the area. I'm a life-long  
19 resident of Astoria. We represent  
20 many of the homeowners, civic  
21 associations, co-ops and condo boards  
22 and private homeowners. We have to  
23 breathe the air in this area.

24 So if we put another plant in  
25 here to produce that pollution that

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2 these lines are going to produce, we  
3 have to live in that for the life of  
4 that plant that will be built.

5 With the transmission lines  
6 coming in, that's clean power that's  
7 generated from winds. So it's really  
8 a good situation for all of us, not  
9 only here in Astoria, but for the rest  
10 of the City.

11 And I just want to make one  
12 other point. All the opposition here  
13 has financial inferences, because it's  
14 competition, really.

15 So, you know, we support this  
16 project 100 percent. And that's all I  
17 have to say. Thank you.

18 ALJ CASUTTO: Thank you. The  
19 next speaker is Patricia Kakridas.  
20 Please come forward.

21 MS. KAKRIDAS: Good evening, I'm  
22 actually --

23 ALJ CASUTTO: Let me clarify  
24 that although we have a stenographer  
25 present, this is not sworn testimony.

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2 It's a public statement, not  
3 testimony.

4 MS. KAKRIDAS: Right. So I am  
5 testifying on behalf of Dr. Matthew  
6 Cordaro. My name is Pat Kakridas and  
7 I'm bringing this testimony now for  
8 you.

9 Good evening esteemed members of  
10 the Public Service Commission. My  
11 name is Dr. Matthew Cordaro. I am the  
12 former CEO of the Midwest ISO, the  
13 not-for-profit transmission grid  
14 serving 12 states in the Midwest.

15 In addition, I am also the  
16 former CEO of several utility  
17 companies and I'm currently the  
18 Co-Chairman of the Suffolk County  
19 Legislature LIPA Oversight Committee  
20 and an advisor to the New York  
21 Affordable Reliable Electricity  
22 Alliance.

23 I am writing to express my  
24 strong opposition to the  
25 Champlain-Hudson Power Express

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2 project. New York City needs more  
3 power, there's no doubt about that.  
4 There's also no doubt that we have  
5 plenty in-state power to support our  
6 needs.

7 Our state leaders know that in  
8 order to meet what will surely be a  
9 growing demand for electricity, we  
10 need to focus on both generation and  
11 transmission. New York's transmission  
12 system is in need of major upgrades,  
13 and it needs to be expanded.

14 We have a plethora of energy  
15 resources upstate, and instead of  
16 figuring out how to transport that  
17 power to the rest of the state, some  
18 special interests are pushing an \$11  
19 billion dollar project that can only  
20 serve to export New York jobs and  
21 undermine economic opportunity.

22 This Champlain-Hudson Power  
23 Express line is an \$11 billion  
24 ill-conceived effort that seems to  
25 have only gotten this far because of

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2 the support of certain powerful  
3 politicians and environmental groups  
4 seeking to satisfy political goals at  
5 the expense of New York's electric  
6 consumers. Meanwhile, Con Edison, the  
7 Independent Power Producers of New  
8 York, and a number of business and  
9 labor groups are opposed to this  
10 project, and for good reason.

11 The proposed power line has no  
12 real benefit to New York; in-state  
13 generators can't connect to it, it  
14 fails to resolve congestion problems  
15 in our transmission system, and it  
16 does not provide a mechanism for  
17 moving power down from upstate and  
18 western New York.

19 The CHPE line is a multi-billion  
20 dollar out-of-state extension cord by  
21 which only out-of-state generators  
22 will profit.

23 This ill-conceived project will  
24 mean higher electric bills, higher  
25 electric reliability risks, and lost

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2 jobs. We will be essentially sending  
3 New York dollars to Canada for a  
4 product that can be more efficiently  
5 and reliably made here in our state.

6 It's bad enough that New Yorkers  
7 are already being forced to pay \$4.50  
8 a gallon for gas, oil that is imported  
9 from other countries. This project  
10 will ensure that our electric bills,  
11 along with our total cost of living,  
12 will go up. It's no wonder Con Ed is  
13 staunchly opposed to the CHPE line.

14 Con Ed knows its customers will  
15 be stuck with the bill for more  
16 expensive power. Frankly, if Con Ed  
17 doesn't see an economic value for its  
18 ratepayers, why would the PSC even  
19 consider it?

20 New York deserves something  
21 better in providing for its energy  
22 future. Luckily, we have a process in  
23 place to get there. Just last week  
24 the Governor's Energy Highway Task  
25 Force issued its request for

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2 Information to gain input from New  
3 York generators, developers, energy  
4 groups,  
5 community organizations, labor groups,  
6 industrial groups, businesses, and  
7 residents in order to determine the  
8 best transmission and energy plan for  
9 our state.

10 Governor Cuomo's proposed energy  
11 highway could address the real issues  
12 we are facing in New York in terms of  
13 electric generation and transmission.  
14 This includes how to relieve  
15 transmission bottlenecks, that is  
16 power that is getting backed up in  
17 Utica and Albany, support the  
18 continued operation of our most  
19 essential in-state power generators,  
20 and also add additional generators to  
21 our fleet to address future increases  
22 in demand.

23 Not only does the CHPE project  
24 not contribute to this process, it  
25 will likely undercut the state's

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2 broader objectives. The subsidies  
3 necessary to support this line will be  
4 borne by New York ratepayers without  
5 the benefit of needed transmission  
6 upgrades to existing New York State  
7 power sources.

8 New York needs energy policies  
9 that will enable us to produce and  
10 utilize more power in the state, and  
11 for us to sell surplus electricity to  
12 your neighboring states. That is the  
13 formula for affordable and reliable  
14 electricity, as well as job creation  
15 and solid economic prosperity for  
16 years to come. Thank you.

17 ALJ CASUTTO: Thank you. The  
18 next speaker is Frank Fraley.

19 MR. FRALEY: Good evening. My  
20 name is Frank Fraley. I'm President  
21 of SHARE, a nonprofit organization  
22 comprised of 22 business labor and  
23 community groups whose mission it is  
24 to ensure continued supply of clean,  
25 reliable, affordable energy for all

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2 New Yorkers.

3 SHARE is comprised of many  
4 organizations, including the Chamber  
5 of Commerce, union organizations and  
6 community-based organizations from  
7 across the city of New York and the  
8 Hudson Valley. Share represents these  
9 groups and the thousands of  
10 individuals who are part of the  
11 organization.

12 Our diverse membership agrees  
13 that the proposed Champlain-Hudson  
14 Power Express, CHPE, is not in the  
15 best interest of New Yorkers.

16 CHPE, the project, is wrong for  
17 New York because it exports jobs,  
18 decreases system reliability and  
19 increases cost.

20 Because its developers have  
21 grossly underestimated the ultimate  
22 cost of the CHPE project, it will  
23 likely increase the cost of  
24 electricity, because New York electric  
25 customers will be asked to subsidize

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2 the project and yet receive no benefit  
3 to the existing transmission  
4 infrastructure that delivers the  
5 majority of our electric power.

6 Con Edison, the local utility in  
7 our region is in opposition to this  
8 project, as they have determined that  
9 the total cost of this project will be  
10 \$11 billion.

11 As New Yorkers battle to  
12 recuperate from the mutli-year  
13 recession, New York cannot afford to  
14 exacerbate this situation by  
15 subsidizing the importation of power  
16 from our foreign neighbors in Canada.

17 According to the U.S. Energy  
18 Information Association, New York has  
19 the third highest electricity cost in  
20 the country. The last thing we need  
21 is to increase the burden for New  
22 Yorkers struggling to bounce back in  
23 this economy.

24 We strongly believe that this  
25 project is wrong for New York for a

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2 myriad of reasons. It has yet to  
3 provide detailed information of how it  
4 will benefit New York City and New  
5 York State ratepayers.

6 Several questions remain  
7 unanswered, specifically how will the  
8 transmission line benefit New York  
9 residents as a planned transmission  
10 site here in Queens?

11 How will this cable impact  
12 communities from here to Quebec? Will  
13 the cable improve or degrade the  
14 reliability of the City's current  
15 electrical system?

16 Relying on this  
17 foreign-generated power instead of  
18 upgrading in-state energy  
19 infrastructure does not put the  
20 interests of New Yorkers first. It  
21 only exacerbates the problem by  
22 shutting out the growing clean and  
23 healthy market throughout the state.

24 Also, this project severely  
25 undercuts the need for in-state

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2 generation and places a chill on new  
3 investments for New York-based energy  
4 facilities.

5 We must not be deceived by  
6 anti-Indian Point groups who see this  
7 project as a replacement and are  
8 willing to accept higher costs, higher  
9 reliability risks and environmental  
10 destruction.

11 Interestingly enough,  
12 Transmission Developer Incorporated  
13 has recently filed an amendment that  
14 would potentially allow them to  
15 recuperate their investment on the  
16 backs of New York ratepayers.

17 As it stands, the only obvious  
18 fact is that New York will lose  
19 hundreds of permanent jobs that will  
20 eventually be created in Canada.  
21 Exporting energy from outside the  
22 state will automatically cost  
23 ratepayers hundreds, if not billions,  
24 of dollars.

25 Instead, let's focus on

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2 expanding New York's economy  
3 and preserving and protecting New York  
4 jobs. Let's focus on developing  
5 in-state generation and upgrading our  
6 transmission that ratepayers can  
7 afford. Let's focus on protecting  
8 ratepayers and taxpayers from  
9 unnecessary price increases.

10 Thank you.

11 ALJ CASUTTO: Thank you. Next  
12 speaker is Allan Englander.

13 MR. ENGLANDER: Good evening. I  
14 actually wasn't planning on making a  
15 statement, but I guess I may as well.

16 I'm a consumer. I don't  
17 represent anyone else other than  
18 myself. My electricity bill in New  
19 York has gone up about a third in the  
20 past two years. Nothing has been  
21 built to replace or supplement the  
22 electric in any electrical facility in  
23 the state. The presidents of the  
24 company said that the plan --  
25 implementation of the plant would be

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2 within five years. We look at that as  
3 relief.

4 This is the cell phone, this is  
5 an old palm; they both run on  
6 electricity. The stenographer's  
7 machine runs on electricity, the  
8 speakers run on electricity.  
9 Everything we do runs on electricity.

10 We don't have enough. It's  
11 supply and demand. If we don't get  
12 more, the price will just continue to  
13 go up. So thank you.

14 ALJ CASUTTO: Thank you. Next  
15 speaker is Craig Wilson. Let me ask  
16 to you please speak into microphone.

17 MR. WILSON: Thank you. Good  
18 evening. My name is Craig Wilson and  
19 I'm the Recorder of Policy for SHARE.

20 Earlier we heard from Frank  
21 Farley, the President of our  
22 organization. I'm going to address my  
23 comments more specially to some of the  
24 technical issues with the proposed  
25 project.

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2 Prior to joining SHARE I spent  
3 over ten years working on  
4 environmental and energies policy and  
5 learning the intricacies of both.

6 In reviewing the proposal  
7 presented to the Public Service  
8 Commission, SHARE is pleased to see  
9 that there is a deliverability  
10 standard that has been included to  
11 ensure that the cleanest sources of  
12 energy operate.

13 However, the inclusion of the  
14 standard is wholly insufficient to  
15 ensure New York City residents and  
16 ratepayers receive the benefits of  
17 this infrastructure that they surely  
18 will be paying for.

19 Standards are all too frequently  
20 not met and, therefore, the Commission  
21 must reject this proposal pending the  
22 submission of an alternate point of  
23 termination.

24 An issue of further concern is  
25 the \$11 billion price tag associated

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2 with the Champlain-Hudson Power  
3 Express. Currently, New York State  
4 has the third highest energy costs in  
5 the nation, placing a substantial and  
6 disproportionate burden on low-income  
7 and working class residents.

8 As the economy climbs out of a  
9 deep recession, the State must pursue  
10 programs and develop infrastructure  
11 that will alleviate this burden, not  
12 worsen it.

13 The proposal, as presented with  
14 a Special Protection System, will  
15 create instability in the electrical  
16 grid and, therefore, decrease the  
17 systems reliability.

18 As evidenced by the events  
19 surrounding the Queens blackout of  
20 2006, any amount of decreased  
21 reliability of New York City's  
22 electrical grid is unacceptable.

23 Lastly, the addition of this  
24 cable, without a clear understanding  
25 of how the additional capacity will

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2 be credited towards achieving New York  
3 State's Renewable Portfolio Standard,  
4 is a mistake.

5 If not handled properly, the  
6 Champlain-Hudson Power Express has the  
7 potential to decrease and possibly  
8 eliminate subsidies for clean,  
9 renewable energy from Upstate and  
10 Western New York. In turn, this could  
11 freeze growth of the renewable energy  
12 sector within the State.

13 Furthermore, the addition of a  
14 cable with the planned capacity of the  
15 Champlain-Hudson Power Express must  
16 come with clear policy incentives to  
17 advance the interconnection of new  
18 sources of renewable energy in western  
19 New York State to the areas of the  
20 state with a high demand for energy.

21 New York City ratepayers and  
22 residents deserve clean, affordable  
23 and reliable power.

24 The Champlain-Hudson Power  
25 Express is clearly not the answer to

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2 New York City's power needs and,  
3 therefore, the New York State Public  
4 Service Commission must reject this  
5 proposal. Thank you.

6 ALJ CASUTTO: Santos Rodriguez.  
7 And while we're waiting for  
8 Mr. Rodriguez, I will suggest that  
9 during the recess, those of you who  
10 have written statements that you read,  
11 if you would like to leave a copy with  
12 the stenographer, that would be  
13 helpful. Thank you.

14 Mr. Rodriguez, go right ahead.

15 MR. RODRIGUEZ: This is Santos  
16 Rodriguez, I'm a representative  
17 organizer for the International  
18 Association of Heat and Frost  
19 Insulators and Allied Workers.

20 ALJ CASUTTO: Let me ask you to  
21 slow down a little bit.

22 MR. RODRIGUEZ: Okay. Local No.  
23 12. We're based out of Long Island  
24 City here in Queens.

25 We oppose this project because

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2 there's power plants in New York City,  
3 in New York State that aren't used to  
4 capacity that we should be looking  
5 for, to expand the capability that  
6 they actually have.

7 We have Indian point that's  
8 looking to be closed down, shut down.  
9 For what reason? For an \$11 billion  
10 extension cord? I mean, I think the  
11 lady over here said it best. I think  
12 that's absurd. We're sending New York  
13 jobs out to Canada. And I've got to  
14 stand by New Yorkers, my family, my  
15 friends. We need work here. That's  
16 where I'm based out of.

17 We got to look out of new --  
18 renewable resources for energy. And  
19 it's -- I got to state in here -- my  
20 business manager was supposed to be  
21 here. I'm going to leave you with  
22 something just short. And I'm going  
23 to show you a picture. These are my  
24 kids. That's why we need work here.  
25 Everyone here has families they need

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2 to support. And with that I'll leave  
3 you. Thank you.

4 ALJ CASUTTO: Deatra Fuller.  
5 Deatra Fuller. Ms. Fuller -- is  
6 Ms. Fuller present? All right.  
7 Apparently not.

8 I have no other cards at this  
9 time, no other people that have  
10 indicated an interest in making a  
11 comment. So at this time we're going  
12 to recess. The hearing is not  
13 concluded yet, but we're basically  
14 taking a break.

15 We'll go off the record now and  
16 we'll see whether any other people  
17 will come forward who wish to make a  
18 statement. It's about 20 to 7:00 now,  
19 so we'll take a break for about 15  
20 minutes to see whether other people  
21 come forward who do wish to make a  
22 statement this evening. Thank you.

23 One other person has indicated  
24 an interest in making comments. So  
25 can we hear from Annie Wilson.

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2 Ms. Wilson please come forward. And  
3 please speak into the microphone.

4 Thank you.

5 MS. WILSON: Good evening. I'm  
6 Annie Wilson. (Inaudible) for the  
7 city group and along with the  
8 Conservation Director of the chapter,  
9 Roger Downs. There will be written  
10 comments submitted by the 27th.

11 So as a brief -- I would first  
12 want to submit a letter that was  
13 submitted by the Public Service  
14 Commission on March 30th, by Hydro.  
15 They state that 98 percent of  
16 electricity is generated from  
17 foreign-matter dams. And these dams  
18 are not only water. You might want to  
19 consider damming the Hudson river.

20 And so this project, in our  
21 view, is placing (inaudible)  
22 especially for conservation and new  
23 jobs in New York. We need an energy  
24 program ran by New Yorkers and for New  
25 Yorkers. Thank you.

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2 ALJ CASUTTO: Thank you. All  
3 right. That concludes the public  
4 statements for this evening. In  
5 concluding this hearing I want to  
6 remind you that, as advertised in the  
7 hearing notice for these public  
8 statement hearings, public  
9 comments maybe received by e-mail  
10 or U.S. mail and the comment period  
11 is extended through April 27th, 2012.

12 As I mentioned in the beginning  
13 of the hearing, the procedural conference  
14 is scheduled for April 30th. There is  
15 a hearing notice on the Department of  
16 Public Service service website with  
17 the details of that information.

18 And that being said, I want to  
19 thank you for your attendance here  
20 this evening, and have a safe trip  
21 home. Thank you very much.

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CERTIFICATION.

I, Kimberly Clyne, a Notary Public for  
and within the State of New York, do  
hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I am  
in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of April, 2012.

\_\_\_\_\_  
KIMBERLY CLYNE

\* \* \*

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