

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on May 18, 2023

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
Diane X. Burman  
James S. Alesi  
Tracey A. Edwards, recusing  
John B. Howard, dissenting  
David J. Valesky  
John B. Maggiore

CASE 10-T-0139 - 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

ORDER APPROVING ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN  
FOR THE ASTORIA CONVERTER STATION  
SUBJECT TO CONDITIONS

(Issued and Effective May 18, 2023)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On April 18, 2013, the Public Service Commission  
(Commission) issued a Certificate of Environmental Compatibility  
and Public Need (CECPN or Certificate)<sup>1</sup> to Champlain Hudson Power

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<sup>1</sup> Case 10-T-0139, Order Granting Certificate of Environmental  
Compatibility and Public Need (issued April 18, 2013) (CECPN  
Order).

Express, Inc. and CHPE Properties, Inc. (Certificate Holders).<sup>2</sup> The Certificate authorizes the construction, operation, and maintenance of a High Voltage, Direct Current (HVDC) transmission line extending approximately 330 miles from the New York/Canada border to a converter station in Astoria, Queens known as the Champlain Hudson Power Express Project (Project or Facility) pursuant to the requirements of Article VII of the Public Service Law. Since its approval in 2013, the Commission has approved seven amendments to the Certificate.

The Certificate Conditions contain several requirements for compliance, including a requirement that the Certificate Holders submit for public review and Commission approval an Environmental Management and Construction Plan (EM&CP) detailing the Facility design, construction and maintenance plans, and environmental controls in accordance with the EM&CP Guidelines set forth in Appendix E to the Certificate.<sup>3</sup> The Certificate provides flexibility for the Certificate Holders to develop the Facility in segments in order to facilitate construction sequencing and scheduling.<sup>4</sup> As such, as proposed and subsequently authorized by the Commission, the Project is being divided into several overland and marine segments which

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<sup>2</sup> For the purposes of this Order, "Certificate Holders" represents both past and current Certificate Holders. In August 2020, CHPEI converted from a corporation (CHPEI) to a limited liability company (CHPE LLC) and received Commission approval to transfer its CECPN from CHPEI to CHPE LLC. See Case 20-E-0145, Petition of Champlain Hudson Power Express, Inc., CHPE Properties, Inc., and CHPE LLC for a Declaratory Ruling that a Series of Intra-Corporate Transactions are Not Transfers Subject to Review Under the Public Service Law or, in the Alternative, for Certain Approvals Pursuant to Sections 70 and 121 of the Public Service Law, Order Approving Transfers (issued July 17, 2020).

<sup>3</sup> CECPN Order, Certificate Conditions 6, 7, and 145 through 164.

<sup>4</sup> Id., Certificate Condition 6.

will be contained in separate design packages in the EM&CP filings.<sup>5</sup>

The Certificate Holders filed their proposed EM&CP for the Astoria HVDC Converter Station (Segment 22 EM&CP) on January 31, 2023. On April 18, April 25, and May 10, 2023, the Certificate Holders filed revisions to the Segment 22 EM&CP. This Order only pertains to the Segment 22 EM&CP, as revised, which covers the construction and operation of the Astoria Converter Station and two associated laydown yards in Astoria (Queens County).

PUBLIC NOTICE

The Certificate Holders filed the Segment 22 EM&CP on January 31, 2023, and filed revisions to the Segment 22 EM&CP on April 18, April 25, and May 10, 2023. Public notice of the EM&CP filings for review and comment was served on each party on the Service List and on residents, businesses, and building, structure, and facility owners and, to the extent known, operators of the same when such land uses are located within one hundred feet of the proposed Converter Station facilities, and the overland components of the Facility, and owners of co-located infrastructure whose facilities, properties, and/or structures are within the geographic scope of that portion of the EM&CP that may be impacted, and made available at the public repositories listed on the Service List, in accordance with Certificate Conditions 151 through 155. As further required by Certificate Conditions 153 and 155, the Certificate Holders published notice in two local newspapers of general circulation in the borough of Queens where the proposed Segment 22 is located. In accordance with Certificate Conditions 153 and 155,

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<sup>5</sup> See Segment 22 EM&CP Narrative (filed January 31, 2023), Table 1.1 for a schedule of anticipated EM&CP filings.

on April 27, 2023, the Certificate Holders filed the affidavits of service and proofs of publication.

The 30-day comment period, required by Certificate Condition 155(a)(8), ended on March 2, 2023, for the Segment 22 EM&CP. One public comment pertinent to the Segment 22 EM&CP was received on August 9, 2022, which is discussed below. Any comments previously submitted, and any additional comments received, that are pertinent to future EM&CP segments, will be addressed during the review of the relevant EM&CP filings.

Staff of the Department of Public Service (DPS Staff), and the Department of Environmental Conservation (NYSDEC) provided informal comments and recommendations and took part in technical meetings with the Certificate Holders.

This Order approves the Segment 22 EM&CP, as revised, so that the Certificate Holders may begin construction of the Astoria Converter Station and two associated laydown yards in support of the Facility, pursuant to the Certificate.

#### THE EM&CP, COMMENTS AND RESPONSES

The Certificate Holders' Segment 22 EM&CP, as filed on January 31, 2023, and revised on April 18, April 25, and May 10, 2023, provides both typical and site-specific techniques, procedures, and requirements to be followed in development of the Project by the Certificate Holders to ensure environmental impacts avoidance, minimization, and mitigation. The Segment 22 EM&CP identifies and defines the scope of work relevant to this phase, including: construction access; protective measures for water bodies, wetlands, threatened and endangered species, cultural resources, and scenic resources; and the Certificate Holders' organizational framework to ensure implementation of the EM&CP. The standards for the EM&CP are described in the Joint Proposal and its appendices, particularly the Certificate

Conditions (Appendix C of the Certificate), EM&CP Guidelines (Appendix E of the Certificate) and the Best Management Practices (BMPs) (Appendix F to the Certificate).

DPS Staff

DPS Staff reviewed the Segment 22 EM&CP, performed a site visit and provided informal comments, took part in technical meetings, and provided recommendations to the Certificate Holders and their consultants. DPS Staff suggested revisions to the Plan designs as well as other parts of the EM&CP. In addition, Staff requested revisions or clarification on subject areas including co-located infrastructure, New York City issued permitting, restoration, sound, traffic controls, and cultural resources. The Commission is advised that DPS Staff's recommendations were adequately addressed and resolved in the revised Segment 22 EM&CP filed on April 18, April 25, and May 10, 2023.

NYSDEC

NYSDEC Staff reviewed the Segment 22 EM&CP and provided informal comments and recommendations and took part in technical meetings with the Certificate Holders and their consultants. NYSDEC Staff suggested revisions to the EM&CP Plan designs and other parts of the EM&CP primarily with respect to soil and waste management and disposal, dewatering, and the Project's stormwater management.

The Commission is advised that the Certificate Holders adequately addressed all NYSDEC Staff's comments in the revised Segment 22 EM&CP as filed on April 18, April 25, and May 10, 2023.

Public Comments

On August 9, 2022, a public comment was received regarding the proposed Astoria Converter Station. The commenter requested that an analysis of using an "environmentally superior material" instead of sulfur hexafluoride (SF6) be conducted. Certificate Holders have responded that the Astoria Converter Station does not include gas-insulated switchgear and that they do not propose any gas-insulated infrastructure containing SF6. They do, however, propose to use one 345 kilovolt breaker at the Converter Station which is insulated with SF6. The Certificate Holders indicated that there are no alternatives to evaluate because SF6-free breakers are not currently available on the market.

DISCUSSION AND CONCLUSION

As noted above, DPS Staff, NYSDEC Staff, and the public, raised various concerns and suggestions regarding the details of the proposed Segment 22 EM&CP. The Certificate Holders incorporated and resolved the agencies' feedback in its April 18, April 25, and May 10, 2023 revisions to the EM&CP filings.

Based upon its review, DPS Staff advises that the revised Segment 22 EM&CP, complies with the applicable Certificate Conditions and adheres to the EM&CP Guidelines and BMPs included as Appendix E and Appendix F to the Certificate, respectively.

Upon review, the Commission finds that the Certificate Holders have adequately addressed the concerns raised by DPS Staff, NYSDEC, and the public. Based upon a review of all the documents submitted, responses received, and revised filings made by the Certificate Holders, the revised Segment 22 EM&CP for the Project is approved.

The Commission orders:

1. The Environmental Management and Construction Plan for the Astoria Converter Station (Segment 22 EM&CP) submitted by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (Certificate Holders) on January 31, 2023, and revised on April 18, April 25, and May 10, 2023, is approved subject to the following conditions.

2. Certificate Holders shall not commence construction on any site plan and construction drawing package, as outlined in Table 4.1 of the EM&CP, until said package is approved by the City of New York (CNY). Certificate Holders shall file, with the Secretary, copies of all CNY package approvals (as outlined in Table 4.1), and any permits required to complete each package, to the Commission prior to commencing construction on an approved package. Additionally, Table 4.1 of the EM&CP will be updated and submitted with each permit filing.

3. Certificate Holders shall file, with the Secretary, the Agreement with Eastern Generation for relocating of its electrical infrastructure and associated design plans prior to construction affecting facilities owned/operated by Eastern Generation. If such approval results in changes to the design or layout of the Converter Station facilities, then the Certificate Holders shall address and request approval for such changes in accordance with the Certificate and applicable regulations.

4. To the extent it becomes available prior to construction, Certificate Holders shall use best efforts to install gas-insulated equipment utilizing sulfur hexafluoride (SF6) alternatives.

5. The Certificate Holders shall not commence construction until they have received a "Notice to Proceed with Construction" letter sent by the Chief of Environmental

Certification and Compliance of the Office of Energy System  
Planning and Performance, or by a designee.

6. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary