

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on April 18, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
James S. Alesi  
David J. Valesky  
John B. Maggiore  
Uchenna S. Bright  
Denise M. Sheehan

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 SEGMENT 23  
SUBJECT TO CONDITIONS

(Issued and Effective April 18, 2024)

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  
Express, Inc. and CHPE Properties, Inc. (CHPE or Certificate

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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).

Holder).<sup>2</sup> The Certificate authorizes the construction, operation, and maintenance of a High Voltage, Direct Current 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 (PSL). Since its approval in 2013, the Commission has approved eight 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

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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.

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

The Certificate Holders filed their proposed Segment 23 EM&CP on February 13 and 14, 2024. On March 28, and April 5, 2024, the Certificate Holders filed revisions to the Segment 23 EM&CP. This Order only pertains to the Segment 23 EM&CP, as revised, which includes the construction and installation of approximately 3.5 miles of underground high-voltage alternating current (HVAC) transmission line running between the Consolidated Edison Company of New York, Inc. Rainey Substation located in Long Island City, Queens, New York, and the New York Power Authority Astoria Annex located in Astoria, Queens, New York.

PUBLIC NOTICE

The Certificate Holders filed their proposed Segment 23 EM&CP on February 13 and 14, 2024. On March 28, and April 5, 2024, the Certificate Holders filed revisions to the Segment 23 EM&CP. Public notice of the Segment 23 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; 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 was also 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 local newspapers of general circulation for nearby locations of proposed

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<sup>5</sup> See the Segment 23 EM&CP Narrative (filed February 13, 2024), Table 1.1 for a schedule of approved and anticipated EM&CP filings.

construction activities in Segment 23. In accordance with Certificate Conditions 153 and 155, on April 5, 2024, 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 14, 2024, for the Segment 23 EM&CP. A public comment was filed by a nearby property owner. The Certificate Holder responded to this comment. This comment is further detailed below in the "Public Comments" section of this Order. 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.

Staffs of the Department of Public Service (DPS) 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 23 EM&CP, as revised, so that the Certificate Holders may begin the construction and installation of approximately 3.5 miles of underground HVAC transmission line in Long Island City, Queens, New York and Astoria, Queens, New York pursuant to the Certificate.

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

The Certificate Holders' Segment 23 EM&CP, as filed on February 13 and 14, 2024, and revised on March 28, and April 5, 2024, 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 23 EM&CP identifies and defines the scope of work relevant to this construction phase the construction and installation of

approximately 3.5 miles of underground HVAC transmission line in Long Island City, Queens, New York and Astoria, Queens, New York, including: construction access; co-located infrastructure, and the Certificate Holders' organizational framework to ensure implementation of the EM&CP. The standards for the EM&CPs 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 23 EM&CP and provided informal comments and recommendations and took part in technical meetings with the Certificate Holders and their consultants. DPS Staff suggested revisions to the EM&CP design plans and other parts of the EM&CP primarily with respect to soil/waste disposal, co-located infrastructure, and dewatering operations.

The Commission is advised that the Certificate Holders adequately addressed all DPS Staff's comments relating to the Segment 23 EM&CP, as filed on February 13 and 14, 2024, and revised on March 28, and April 5, 2024.

NYSDEC Staff

NYSDEC Staff reviewed the Segment 23 EM&CP and provided informal comments and recommendations and took part in technical meetings with the Certificate Holders and their consultants. NYSDEC Staff provided informal comments on the EM&CP design plans and other parts of the EM&CP, primarily with respect to the Stormwater Pollution Prevention Plan, tree clearing procedures, and mapping of tidal wetland and adjacent area impacts.

The Commission is advised that the Certificate Holders adequately addressed all NYSDEC Staff's comments relating to the Segment 23 EM&CP, as filed on February 13 and 14, 2024, and revised on March 28, 2024.

Public Comment

A comment was provided on March 13, 2024, regarding Segment 23 by a nearby property owner, Anna Biernat. The commenter raised questions regarding the proposed route, foundation inspections, burial depth, and potential adverse impacts. On March 28, 2024, CHPE filed a response to the comment indicating that CHPE had reached out to the commenter directly to address the questions raised.

DISCUSSION AND CONCLUSION

As noted above, DPS and NYSDEC Staff, raised various concerns and suggestions regarding the details of the proposed Segment 23 EM&CP. The Certificate Holders incorporated and resolved the agencies' feedback in their March 28, and April 5, 2024 revisions to the EM&CP filings.

Based upon its review, DPS Staff advises that the Segment 23 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 and NYSDEC Staff. Based upon a review of all the documents submitted, responses received, and revised filings made by the Certificate Holders, the Segment 23 EM&CP for the Project, as revised, is approved subject to the conditions below.

The Commission orders:

1. The Environmental Management and Construction Plan regarding the construction and installation of an underground high-voltage alternating current transmission line between Long Island City, Queens, New York and Astoria, Queens, New York (Segment 23 EM&CP) submitted by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (Certificate Holders) on February 13 and 14, 2024, and revised on March 28, and April 5, 2024, is approved subject to the following conditions.

2. 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 their designee.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary