

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on December 19, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

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 21 SUBJECT TO CONDITION

(Issued and Effective December 24, 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)¹ to Champlain Hudson Power

¹ 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).² The Certificate, issued pursuant to the requirements of Article VII of the Public Service Law, 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. It is known as the Champlain Hudson Power Express Project (Project or Facility). Since its approval in 2013, the Commission has approved multiple 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.³

The Certificate provides flexibility for the Certificate Holders to develop the Facility in segments in order to facilitate construction sequencing and scheduling.⁴ As such, as proposed and subsequently authorized by the Commission, the Project is being divided into several overland and marine

² 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).

³ CECPN Order, Certificate Conditions 6, 7, and 145 through 164.

⁴ Id., Certificate Condition 6.

segments, which will be contained in separate design packages in the EM&CP filings.⁵

This Order approves the Segment 21 EM&CP, as revised, so that the Certificate Holders may begin constructing the 1,400 feet of overhead wiring, poles and other appurtenances associated with this EM&CP.

PUBLIC NOTICE

The Certificate Holders filed their proposed Segment 21 EM&CP on October 21, 2024, and filed revisions thereto on December 5, 2024. Public notice of the Segment 21 EM&CP filings was served on each party on the Service List and on residents; businesses; building, structure, and facility owners; 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 for their review and comment, and the Segment 21 EM&CP filings were 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 construction activities in Segment 21. In accordance with Certificate Conditions 153 and 155, on December 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 November 21, 2024, for the Segment 21 EM&CP. No public comments were filed regarding Segment 21.

⁵ See the Segment 21 EM&CP Narrative, Table 1.1, filed September 16, 2024, for a schedule of approved and anticipated EM&CP filings.

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

THE EM&CP, COMMENTS, AND RESPONSES

The Certificate Holders' Segment 21 EM&CP, as filed on October 21, 2024, and revised December 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. According to the Certificate Holders, and as confirmed by DPS staff's review, the Segment 21 EM&CP identifies and defines the scope of work relevant to this construction phase of a short Overhead Transmission Line connecting the Astoria high voltage direct current (HVDC) Converter Station (EM&CP Segment 22⁶) and the Astoria Annex substation located in Astoria, Queens, New York, in accordance with the terms and conditions of the Certificate, as amended. The Overhead Transmission Line will connect the output of the Astoria HVDC Converter Station to the existing Astoria Annex Gas Insulated Switchgear (GIS) Substation. The modifications to the Astoria Annex substation will expand the existing four-breaker GIS ring bus to a six-breaker ring bus to accommodate the connection of the Annex station and the Astoria Rainey Cable.

Relevant to this overhead transmission line in particular, the Certificate Holders obtained Commission approval of an Amendment to the Certificate on February 17, 2022 (Amendment 5 Approval Order), which is also referred to as the

⁶ See Case 10-T-0139, Order Approving Environmental Management and Construction Plan for the Astoria Converter Station Subject to Conditions (issued May 18, 2023).

Astoria HVAC Connection.⁷ Given technical constraints and existing buried infrastructure, that Amendment modified Certificate Condition 26 from the original CECPN Order to strike references to this connection being made via a “345 kV underground Gas Insulated Line” and authorized installation of this Segment as described in the Amendment 5 Approval Order and in this Segment 21 EM&CP. The Segment 21 EM&CP is generally consistent with the Segment scope described in that Amendment 5 Approval Order except for a slight reduction in the overall length of the Segment (1,400 feet proposed as opposed to 1,750 feet approved) and modest increase in height of some structures (150 feet versus 130 feet in Amendment 5)).

The standards for the EM&CPs are described in the CECPN Order 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

The review by DPS staff of the Segment 21 EM&CP included providing informal comments and recommendations and participating in technical meetings with the Certificate Holders and their consultants. Based on this review, DPS staff concluded that that the Certificate Holders adequately addressed its comments relating to the Segment 21 EM&CP, as filed on October 21, 2024, and revised December 5, 2024.

⁷ Case 10-T-0139, Order Granting Amendment of Certificate of Environmental Compatibility and Public Need Subject to Conditions (issued February 17, 2022).

NYSDEC Staff

The review by NYSDEC staff of the Segment 21 EM&CP included providing informal comments and recommendations regarding: Stormwater Pollution Prevention Plan certification statement signature requirements; Soils and Material Management Plan notification instruction, temporary stockpiled or side cast soil placement, classification of soils and fill materials, importation of fill, and the development of a Community Air Monitoring Program. Based on this review, NYSDEC staff concluded that the Certificate Holders adequately addressed its comments relating to the Segment 21 EM&CP, as filed on October 21, 2024, and revised December 5, 2024.

DISCUSSION AND CONCLUSION

As noted above, DPS and NYSDEC staff raised various concerns and suggestions regarding the details of the proposed Segment 21 EM&CP. DPS staff further advises that the Segment 21 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.

The Commission finds that the Certificate Holders have adequately addressed any concerns raised by DPS and NYSDEC staff and have complied with the requirements of the CECPN Order. Accordingly, the Segment 21 EM&CP for the Project, as revised, is approved subject Certificate Holders complying with Ordering Clause 2.

The Commission orders:

1. The Environmental Management and Construction Plan regarding the construction, operation, and maintenance of an Overhead Transmission Line connecting the Astoria HVDC Converter Station and the Astoria Annex substation located in Astoria,

Queens, New York (Segment 21 EM&CP) submitted by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (Certificate Holders) on October 21, 2024, and revised December 5, 2024, is approved subject to the Certificate Holders' compliance with Ordering Clause 2 of this Order.

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 by a designee.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary