

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Application of Champlain Hudson Power Express 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

**PETITION OF CHPE LLC AND CHPE PROPERTIES, INC., FOR AN AMENDMENT
TO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. INTRODUCTION

CHPE LLC and CHPE Properties, Inc. (the “Certificate Holders” or “CHPE”) are the holders of a Certificate of Environmental Compatibility and Public Need (“Certificate”) issued on April 18, 2013 by the New York State Public Service Commission (the “Commission”) pursuant to Article VII of the Public Service Law (“PSL”), to construct and operate the Champlain Hudson Power Express Project (the “Facility”).¹ As approved by the Commission, the Facility consists of a 339-mile underground and underwater high voltage direct current transmission line, an aboveground Converter Station in Astoria, Queens, a 3.5-mile high voltage alternating current transmission line between the Astoria and Rainey substations called the Astoria Rainey Cable (ARC) and associated interconnections, substation improvements, and appurtenances. In order to operate this critical reliability project, CHPE will need to install four small above-ground

¹ The Commission originally issued the Certificate to Champlain Hudson Power Express, Inc. (“CHPEI”) and CHPE Properties, Inc. In August 2020, CHPEI converted from a corporation 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, Order Approving Transfers* (July 17, 2020).

communications structures not previously assessed during the original Article VII Certification of the CHPE Facility. Therefore, CHPE respectfully submits this Petition to Amend the Certificate pursuant to NY PSL § 123(2) to authorize installation of four Cable Monitoring and Telecommunications (CMT) Huts in the Towns of Putnam (CHPE Terrestrial Segment 1), Ballston (CHPE Terrestrial Segment 6), Catskill (CHPE Terrestrial Segment 11) and Stony Point (CHPE Terrestrial Segment 12)—together with an Environmental Management and Construction Plan (EM&CP) Supplement—to obtain PSC approval of these important additional Facility components.

In support of this proposed Amendment, Certificate Holders submit a supplemental local law assessment (Appendix G); a narrative *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, with Appendices, intended to update each previously approved Segment EM&CP in which a CMT Hut would be located; plan and profile drawings showing details of the proposed components and construction work necessary to install them (Appendix C); evaluation of stormwater controls and countermeasures (Appendix D); a Visual Assessment Report (Appendix E) demonstrating that the visual impacts of the CMT Hut installations will be minimal; and an evaluation of historic, archeological and cultural resources showing that the addition of the CMT Huts will not adversely affect such resources (Appendix F). On balance, the enclosed documents demonstrate that the addition of the CMT Huts to the CHPE Facility will not materially increase the environmental impact of the Facility, nor would this addition constitute a substantial change in the location of the Facility. As is described below and in the *Certificate Amendment and EM&CP Supplement*, the CMT Huts will play a pivotal role in supporting the safety and reliability of the CHPE Facility during operations. In light of the minor nature of the proposed changes, as

demonstrated by the attached materials, no hearing on the proposed amendment should be required.²

Notices of this proposed Amendment have been provided as required by NY PSL § 122(2) and the Commission's rules for Certificate amendments (*see* 16 NYCRR § 85-2.10), as well as in a manner consistent with the requirements of CHPE's Article VII Certificate concerning submission of EM&CPs and/or changes to EM&CPs (Certificate Conditions 158-159). This includes notices provided directly to the four Towns within which the CMT Huts are presently proposed; the Adirondack Park Agency (APA) given the location of the Putnam CMT Hut just inside the APA's jurisdiction; and the other statutory parties enumerated in PSL § 122 and 16 NYCRR § 85-2.10; as well as in the large regional newspapers of general circulation which the Certificate Holders have used for other Certificate Amendments (see Appendix B to the attached submission; proofs of service and publication will be provided to the Secretary as soon as they become available).

II. REQUESTED AMENDMENT AND PURPOSE OF CMT HUTS

A full description of the CMT Huts, including plan and profile drawings showing the temporary work areas and permanent features, and updates to Segments 1, 6, 11 and 12 EM&CPs are included in the attached *Certificate Amendment and Environmental Management and*

² *See, e.g.* Case 08-T-0034: *Application of Hudson Transmission Partners, LLC for a Certificate of Environmental Compatibility and Public Need for a 345 kV Submarine/Underground Electric Transmission Link Between Manhattan and New Jersey*, Order Granting Amendments to Certificate of Public Convenience and Necessity (Nov. 3, 2011); Case 08-T-0034: *Application of Hudson Transmission Partners, LLC for a Certificate of Environmental Compatibility and Public Need for a 345 kV Submarine/Underground Electric Transmission Link Between Manhattan and New Jersey*, Order Approving Certificate Amendments and Directing Compliance (Jan. 12, 2017); Case 02-T-0036: *Application of Neptune Regional Transmission System LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of two 600 megawatt (+/- 500 kV) High-voltage Direct Current Submarine/Underground Electric Transmission Cables - Petition to Amend Opinion and Order Issued January 23, 2004 filed by Neptune Regional Transmission System LLC*, Order Granting Amendment of Certificate of Environmental Compatibility and Public Need (Aug. 26, 2005), at 4 (finding that an amendment to a certificate condition does not require a hearing where the proposed amendment “will not result in any material increase in any environmental impact or a substantial change in the location of the transmission facility.”)

Construction Plan (EM&CP), with appendices. This material includes both the impact assessments necessary to satisfy the requirements of PSL § 122, as well as the information required to revise the previously approved Segments 1, 6, 11 and 12 EM&CPs to add the CMT Hut work scope, and to demonstrate that construction and operation of the CMT Huts is compliant with the Certificate. Specifically, in accordance with PSL § 122:

- (a) the location of the CMT Huts is shown in Appendix C;
- (b) a description of the additional facility components is contained within *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, particularly at Section 1, and additional details regarding the huts' appearance and materials to be used are included in Appendix C;
- (c) studies of the environmental impact of the CMT Huts are included in the *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, particularly as it relates to wetland impacts (Section 8.1), ecology and protected species (Section 8.3); noise (Section 9); cultural resources (Section 10 and Appendix F); visual (Section 15 and Appendix E); land use (Section 6); pollution and stormwater protection (Sections 4 and 5 and Appendix D), among others.
- (d) a statement explaining the need for these additional components is included in this Petition. In issuing CHPE's Article VII Certificate, the PSC has already made the required finding regarding the need for the CHPE Facility itself, including the "unique and substantial benefits" CHPE will provide and the degree to which the Facility will "advance major energy and policy goals" of both the State and the City of New York.³

³ CECPN Order, at 100.

- (e) given the need to locate the CMT Huts along the existing CHPE alignment, at appropriate separation distances designed to ensure the distributed temperature sensing (DTS) and distributed acoustic sensing (DAS) systems can operate properly, these locations are the best suited for the Facility's safe and reliable operation. All four proposed CMT Huts are located within the previously approved/existing limits of work (LOW) for the CHPE Facility. Furthermore, given the lack of alternative available land under CHPE's control for the siting of the CMT Huts, CHPE is not proposing an alternate locations for the CMT Huts at this time. A robust alternatives analysis was performed in connection with the original Article VII proceedings for this case, and CHPE submits nothing further is required here;
- (f) additional information which CHPE felt might be relevant to the Commission's consideration of the CMT Huts is included in the *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, and appendices, as well as in this Petition.

The CHPE Facility, as authorized in the Article VII Certificate, did not contemplate the proposed CMT Huts. As such, Certificate Condition 1's description of the Facility does not include authorization of structures of this nature. For that reason, and because the Record before the Commission does not include impact assessments for these features, CHPE submits this Petition to Amend the Certificate to authorize addition of these structures to the approve CHPE Facility. CHPE proposes that the requested amendment could be memorialized in CC 1 by adding a new section (iv) to read as follows:

“and (iv) including four permanent above-ground four Cable Monitoring and Telecommunications (CMT) Huts in the Towns of Putnam (Washington County), Ballston (Saratoga County), Catskill (Greene County) and Stony Point (Rockland County).”

III. THE REQUESTED AMENDMENT DOES NOT MATERIALLY INCREASE ENVIRONMENTAL IMPACTS AND IS NECESSARY TO ENSURE SAFE AND RELIABLE OPERATION OF THE CHPE FACILITY

The CMT Huts will play a critical role in ensuring the safe and reliable operation of the CHPE Facility throughout its useful life. The Certificated CHPE Facility includes a dedicated fiber optic cable which will be used to operate a distributed temperature sensing (DTS) and distributed acoustic sensing (DAS) system to remotely monitor the performance and operation of the CHPE Facility along its 339 miles. These systems will provide CHPE visibility into potential physical or temperature disturbances along or near the buried cable, which will facilitate early detection of potential problems which could lead to failures or hazards; notify operators of ground disturbances near the Facility which could cause damage to the line or necessitate additional inspections or maintenance; and provide valuable Facility performance data to inform preventative maintenance and/or to facilitate repairs. Available DTS and DAS technology differs from that which existed during the 2010-2013 permitting of the project, but the ability to gather this information from across the transmission line’s length will significantly enhance CHPE’s ability to safely and reliably operate the permitted Facility by providing data in real time to operators at the Facility’s converter stations in Astoria, Queens and Hertel, Quebec.

Operation of the DTS and DAS systems requires the placement of equipment within the climate-controlled CMT Huts and the connection of the huts to the Facility’s existing fiber optic line, as shown in the attached Appendix C plans. The huts are intentionally spaced out along the

terrestrial portion of the Facility at appropriate distances to serve as monitoring stations allowing CHPE to “see” along the fiber optic paths between each hut. CHPE worked closely with its consultants and equipment providers to determine the appropriate positioning of the CMT Huts along the terrestrial route, and has selected locations proximate to existing and previously approved CHPE Facility components, such as splice vaults and transitional land-to-water horizontal directional drill (tHDD) locations, to consolidate the Facility’s footprint to the maximum extent practicable, while still providing the significant benefits offered by the DTS and DAS technologies.

The addition of the CMT Huts would not result in significant environmental impacts, as outlined in the enclosed *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, with appendices. The CMT Huts are small (12 feet long by 8 feet wide and 10 feet tall), fenced, prefabricated structures to be installed on a concrete pad within the CHPE Facility’s existing limits of work. The structures are neutral in color and have been sited in locations with existing terrain or vegetation which will generally screen them from view. Two of the huts are located along existing railroad corridors (Ballston and Putnam), one is located on a cement plant property (Cementon) and the fourth is proposed in a wooded area far removed from nearby residences (Stony Point). Three of the huts would be located proximate to CHPE’s existing transitional horizontal directional drill (tHDD) locations, where the Facility transitions from land to water (Putnam, Cementon and Stony Point). A full visual impact assessment for these features is included in Appendix E.

Construction impacts associated with installation of the CMT Huts will be generally consistent with ongoing Facility construction activities throughout the terrestrial route and, as outlined in the *Certificate Amendment and Environmental Management and Construction Plan*

(EM&CP) will adhere to the requirements of the Certificate and previously approved Segment EM&CPs for Segments 1, 6, 11 and 12.

During operations, impacts from the presence of the CMT Huts will be minimal. The huts are not manned structures; their primary role is passive data collection and monitoring, though short permanent access roads will be installed to facilitate periodic staff access as needed. As discussed in Section 14 of the *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, in order to maintain the huts in good working order, CHPE will periodically inspect the buildings and site features, and seasonally will provide snow removal and leaf removal, together with storm cleanup (fallen limbs, etc.) as needed and appropriate. Each hut is equipped with two (2) 12,000 BTU cooling units, similar in appearance and noise generation as a residential house window air conditioner; the maximum operational noise level of these units is 62 decibels (dB) on their highest setting. The huts are located at least 225 feet from any nearby residence or sensitive sound receptor and, as noted above, are screened by existing vegetation and topography. As discussed in the *Certificate Amendment and Environmental Management and Construction Plan (EM&CP)*, the operational impacts of the CMT Huts will be minimal, and impacts have been avoided and minimized to the maximum extent practicable.

In summary, the addition of the CMT Huts to the CHPE Facility will not materially increase the environmental impacts of the Facility or substantially change the Facility's location. The components will be located within the existing work spaces being used for the Facility, proximate to existing railroad lines and/or on industrial properties or remote locations where their presence will not have a significant impact on the surrounding community. In contrast to their limited impact, the value of the CMT Huts to the operation of the CHPE Facility is substantial.

IV. CONCLUSION

CHPE seeks the Commission's approval of the amendment contained herein, which will allow CHPE to install operate distributed monitoring equipment to support the safe and reliable operation of the Facility throughout its useful life. The CMT Huts will play a key role in ensuring that Facility operators can remotely monitor the performance of the transmission line, provide early identification of potential issues or maintenance needs, and otherwise facilitate the safe and reliable operation of this critical reliability project.

For the reasons set forth herein, Certificate Holders respectfully request the Certificate be amended as described above.

Dated: January 15, 2025

Respectfully submitted,

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