

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on March 20, 2025

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
James S. Alesi  
David J. Valesky  
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 GRANTING AMENDMENT OF CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED SUBJECT TO CONDITIONS

(Issued and Effective March 24, 2025)

BY THE COMMISSION:

INTRODUCTION

On April 18, 2013, the Public Service Commission (Commission) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to Champlain Hudson Power Express, Inc. (CHPEI) and CHPE Properties, Inc. (CHPE)

(collectively, the Certificate Holders),<sup>1</sup> authorizing, subject to conditions, the construction of a High Voltage, Direct Current (HVDC) transmission line extending approximately 330 miles from the New York/Canada border to a proposed DC-to-Alternating Current (AC) converter station in Astoria, Queens (the Project or Facility), pursuant to Public Service Law (PSL) Article VII, and an approximately 3-mile long 345 kV AC cable within the streets of Astoria, Queens, to a point-of-interconnection with the Con Edison Rainey substation (the Astoria-Rainey cable).<sup>2</sup>

The HVDC transmission line will be buried within waterways and in upland areas along existing highway, street, or railroad rights-of-way. The Project's HVDC cable system will consist of two solid dielectric (i.e., no insulating fluids) electric cables, each approximately six inches in diameter. The cables will be installed either underwater or underground along the entire length of the Project route, except for a short overhead portion located within the Astoria Annex. The Project will have the capacity to transmit 1,250 megawatts (MW) of electricity into the New York City load pocket. It is anticipated that the electricity transmitted by the Project will be primarily hydroelectric power.

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<sup>1</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>2</sup> Case 10-T-0139, Order Granting Certificate of Environmental Compatibility and Public Need (issued April 18, 2013).

As described more fully below, the Certificate Holders obtained several Commission-approved Certificate amendments related to certain Certificate conditions and route modifications. On January 15, 2025, the Certificate Holders filed a petition, pursuant to PSL §123(2), to further amend the Certificate to allow for the construction of Cable Monitoring and Telecommunications (CMT) Huts (CMT Hut Amendment).

Through this order, the Commission approves the requested CMT Hut Amendment and changes to the approved Environmental Management and Construction Plans related to the addition of the CMT Huts.

#### BACKGROUND

The Certificate Holders filed a Petition for an Amendment of the Certificate, pursuant to PSL §123(2), on September 30, 2019, which sought changes to certain conditions of the Certificate (Amendment 1 Petition). More specifically, the Amendment 1 Petition sought approval of changes related to (1) updating previous filings regarding Project construction, (2) avoiding delay in Project construction related to the issuance of Canadian permit(s) (Certificate Condition 11), and (3) ensuring efficient processing of construction and post-construction filing requirements. The Commission granted, in part, the Amendment 1 Petition on March 20, 2020, but reserved judgement on the portion of the Amendment pertaining to Certificate Condition 11. After the Certificate Holders submitted additional information, the Commission granted the remaining portion of the Amendment 1 Petition revising Certificate Condition 11 on September 21, 2020.

On December 6, 2019, the Certificate Holders filed a petition for a second amendment to the Certificate (Amendment 2 Petition) seeking approval of certain preferred alternatives

(Preferred Alternatives) to the certified Project layout. The Preferred Alternatives included minor routing changes and the relocation of the converter station site that were needed "to, among other things, avoid shallow water engineering challenges, reduce rock removal and wetland impacts, eliminate disruption to downtown Schenectady, forego reliance on an aging railroad bridge, accommodate community concerns, and simplify the design of the Converter Station and the connecting electrical facilities." The Commission granted the Amendment 2 Petition on August 13, 2020.

The Certificate Holders filed a petition for a third amendment to the Certificate (Amendment 3 Petition) on October 9, 2020, seeking approval of proposed modifications to two portions of the certified Project layout. The first requested modification sought authorization to expand the Allowed Deviation Zone (ADZ) in New York City (NYC) to allow installation of the Project cables to bypass the majority of the Harlem River Yard (HRY) in the southeasternmost portion of the Bronx, through installation of the cables underwater across the Bronx Kill and underground in Randall's Island Park, Borough of Manhattan, directly across from the HRY. The second requested modification sought authorization to augment the ADZ in Rockland County to allow five splice vault locations on private land immediately adjacent to the revised ROW within NYS Route 9W, instead of in the active travelled portion of Route 9W ROW. The Commission granted the Amendment 3 Petition on January 26, 2021.

On January 29, 2021, the Certificate Holders filed a petition for a fourth amendment to the Certificate (Amendment 4 Petition) seeking authorization to increase the capacity of the Project from 1,000 MW to 1,250 MW with associated modifications to the Project's transmission components and to increase the footprint of the Astoria converter station. In addition, in a

Supplement to the Amendment 4 Petition filed on March 24, 2021, the Certificate Holders requested clarification of Certificate Condition 22(a) regarding the 100-year floodplain. The Commission granted the Amendment 4 Petition on May 14, 2021.

The Certificate Holders filed a petition for a fifth amendment (Amendment 5 Petition) on June 4, 2021, seeking authorization for changes to the configuration of the High Voltage Alternating Current (HVAC) interconnection between the Project's converter station in Astoria, Borough of Queens, and the interconnection point located at the Astoria Annex Substation owned and operated by the New York Power Authority (Astoria HVAC Connection).<sup>3</sup> The proposed changes included reconfiguration of the Astoria HVAC Connection from an underground to an overhead double-circuit 345 kV transmission line. The Commission granted the Amendment 5 Petition on February 17, 2022.

On December 6, 2021, the Certificate Holders filed a petition for a sixth amendment (Amendment 6 Petition) seeking to amend Certificate Condition 165 to accelerate the schedule of the payments of the \$117 million funding required to be made to the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust (Trust). The Commission granted the Amendment 6 Petition on March 16, 2022.

On September 7, 2022, the Certificate Holders filed a petition for a seventh amendment (Amendment 7 Petition) seeking to amend Certificate Condition 114 to allow refueling of horizontal drilling (HDD) equipment at HDD locations within 100 feet of wetlands and streams while following a refueling

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<sup>3</sup> The Certificate Holders also sought approval to construct a new interconnection point and converter station in the Town of New Scotland but withdrew their request on November 5, 2021.

protocol. The Commission granted the Amendment 7 Petition on December 15, 2022.

On March 31, 2023, the Certificate Holders filed a petition for an eighth amendment (Amendment 8 Petition) seeking approval of proposed changes to (1) an approximately 0.8-mile segment of the Project route approved in the Town and Village of Catskill and (2) revisions to certificate conditions related to notification to co-located infrastructure (CI) owners in situations where such owners cannot be identified or located, or where disputes arise with CI owners which require further efforts to resolve. The Certificate Holders filed a revised Amendment 8 Petition on May 26, 2023, withdrawing the request for the CI amendment. The Amendment 8 Petition concerning the Catskill reroute was granted April 18, 2024.

On July 28, 2023, the Certificate Holders filed a petition for a ninth Amendment (Amendment 9 Petition) seeking to amend Certificate Condition 162(i) to add conditions to address instances where, despite all commercially reasonable efforts, CI owners cannot be identified or are unresponsive. The Amendment 9 Petition was granted on October 13, 2023.

On February 9, 2024, the Certificate Holders filed a petition to amend Certificate Condition 95(a)(i) to allow for a minimum top of cable depth of at least nine feet below the federally authorized depth of the Federal Navigation Channel in place of the currently required fifteen feet. The Amendment Petition 10 was granted on June 21, 2024.

On January 14, 2025, the Certificate Holders filed the CMT Hut Amendment to amend Certificate Condition 1 to expand the project description. Specifically, the Certificate Holders ask that the Commission amend Certificate Condition 1 to include "and (iv) including four permanent above-ground four [sic] Cable Monitoring and Telecommunications (CMT) Huts in the Towns of

Putnam (Washington County), Ballston (Saratoga County), Catskill (Greene County), and Stony Point (Rockland County).” The Certificate Holders explain that the Facility includes a dedicated fiber optic cable that will be used to operate a distributed temperature sensing and distributed acoustic sensing system to remotely monitor the performance and operation of the transmission cable along its 339 miles. These systems require placement of equipment in climate controlled CMT Huts and the connection of those huts to the Facility’s existing fiber optic line. The locations of the four CMT Huts are spaced out along the terrestrial route to serve as remote monitoring stations to allow the Certificate Holders to “see” along the fiber optic paths between the CMT Huts.

The Certificate Holders state that the addition of the four CMT Huts would not result in significant environmental impacts as the CMT Huts are small, fenced, prefabricated structures that will be installed on a concrete pad within the existing limits of work. The Certificate Holders further explained that the expected impacts of the CMT Huts during operation is minimal because the CMT Huts are not occupied structures and are primarily used for passive data collection and monitoring.

For the addition of the four CMT Huts, the Certificate Holders are also requesting approval of changes to the approved EM&CP for Segments 1, 11, and 12 to allow for the construction of the structures.

NOTICE AND PUBLIC COMMENTS

On January 15, 2025, in accordance with the Commission's Rules at 16 NYCRR §85-2.10(c),<sup>4</sup> the Applicants provided Affidavits of Publication of the Notice of Application to Amend the Certificate issued by the Commission on April 18, 2013. The Secretary issued a "Notice Soliciting Comments" on February 10, 2025, which requested public comments by February 24, 2025. No public comments were received.

LEGAL AUTHORITY

PSL §122(4) provides that "[a]n application for an amendment of a certificate shall be in such form and contain such information as the commission shall prescribe. Notice of such an application shall be given as set forth in subdivision two." In addition, under PSL §123(2), "[o]n an application for an amendment of a certificate, the commission shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the change in the facility to be authorized would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application."

Because the modification of Certificate Condition 1 to include the four CMT Huts will not result in any material increase in environmental impacts and will not result in a substantial change in the location of all or a portion of the

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<sup>4</sup> Generally, the Commission's rules require that notice be published once a week for two consecutive weeks in a newspaper of general circulation in all the areas through which the facility would pass, both as primarily and alternatively proposed (see, 16 NYCRR §85-2.10).



Project, no hearing is required for the CMT Huts Amendment Petition.

DISCUSSION

Certificate Amendment

The Certificate Holders seek approval of modifications to Certificate Condition 1, and, in effect, the overall project scope. Each Hut will consist of a prefabricated structure upon a 96 square foot concrete pad. The concrete pad will be surrounded by a gravel pad measuring 768 square feet. Permanent stormwater features will be installed. Installation of these features will result in minimal environmental impacts, including impacts to 161 square feet of wetland. Being that the Town of Putnam Hut is located within the Adirondack Park, the Adirondack Park Agency reviewed the CMT Huts amendment and had no comments.

As the Certificate Holders explain, the installation of the CMT Huts is consistent with the local law assessment performed during the original certification proceeding or will comply with substantive provisions of local law that were not considered during the original certification proceeding. While Certificate Holders state that it is their understanding that the CMT Huts are exempt from the New York State Building and Fire Code, confirmation from the enforcing municipalities remains outstanding. To ensure compliance with State law and memorialize the Certificate Holders' commitment to provide additional information based on its consultations with the municipalities, the Certificate Holders shall confirm with the enforcing municipalities whether the CMT Huts are subject to the New York State Uniform Fire Prevention and Building Code. If Washington County or the Towns of Ballston, Catskill, or Stony Point indicate that the CMT Structures are subject to the New York State Uniform Fire Prevention and Building Code, the

Certificate Holders shall acquire all necessary permits for the installation of the CMT Huts.

EM&CP Change

With the approval of the addition of the CMT Huts, the corresponding EM&CP changes are approved herein. DPS staff advises that based on staff's review of the requested changes, no substantial increase in environmental impacts is expected as a result of the requested changes. With the approval of the requested amendment, the EM&CP changes comply with the Certificate.

CONCLUSION

The CMT Huts Amendment is reasonable and is not expected to result in any significant increase in adverse environmental impacts or a substantial change in location of this portion of the Project. Accordingly, the amendment to Certificate Condition 1 described in the CMT Huts Amendment is approved. Further, the EM&CP Change Request as filed January 15, 2025, is approved.

The Commission orders:

1. Champlain Hudson Power Express, Inc.'s and CHPE Properties, Inc.'s (Certificate Holders) Certificate of Environmental Compatibility and Public Need shall be amended to include the following in Certificate Condition 1: and (iv) including four permanent above-ground Cable Monitoring and Telecommunications (CMT) Huts in the Towns of Putnam (Washington County), Ballston (Saratoga County), Catskill (Greene County), and Stony Point (Rockland County).

2. The Certificate Holders' changes to the previously approved Environmental Management and Construction

Plans Segment 1, Segment 11, and Segment 12, as included in their January 15, 2025 Petition, are approved as changes to the originally approved Environmental Management and Construction Plans.

3. Prior to installation of the CMT Huts, the Certificate Holders shall provide confirmation from Washington County, and the Towns of Ballston, Catskill, and Stony Point, indicating whether the CMT Huts are subject to the New York State Uniform Fire Prevention and Building Code. To the extent the CMT Huts are subject to the Uniform Fire Prevention and Building Code, prior to installation of such huts, the Certificate Holders shall file copies of any applicable permits.

4. This proceeding is continued.

By The Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary