



**Case 11-T-0534 - Application of Rochester Gas and Electric Corporation for a Certificate of Environmental Compatibility and Public Need for the Construction of the "Rochester Area Reliability Project."**

**The New York State Public Service Commission (PSC) is Seeking Public Comment on the proposed Construction of Approximately 23.6 Miles of 115 KiloVolt Transmission Line and 1.9 Miles of 345 KiloVolt Transmission Line in the City of Rochester and the Towns of Chili, Gates and Henrietta in Monroe County.**

The New York State Public Service Commission (PSC) will hold two information forums and two public statement hearings on Rochester Gas and Electric Corporation's (RG&E) application documents to construct and operate the Rochester Area Reliability Project, comprised of, a new substation, and upgrades to several existing substations. The project would traverse the City of Rochester and the Towns of Chili, Gates, and Henrietta in Monroe County, New York. Public statement hearings will be held before an Administrative Law Judge.

Interested members of the public are invited to attend these information forums to receive information from the Department of Public Service and RG&E. Following each forum, members of the public may provide their comments regarding this matter at public statement hearings.

It is not necessary to make an appointment in advance or present written material to speak at the hearings. Each hearing will remain open for at least one hour and will continue until everyone wishing to speak has been heard or other reasonable arrangements are made.

Disabled persons requiring special accommodations may place a collect call to the Department of Public Service's Human Resources Management Office at

518-474-2520. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711 to reach the Department of Public Service's Human Resource Management Office at the previously mentioned number.

**Public Information Forums  
Public Statement Hearings**

**Rochester**      **Tuesday, April 3, 2012**  
**3:00 p.m. – Information Forum**  
**4:00 p.m. – Hearing**  
City of Rochester  
City Hall, Council Chambers  
30 Church Street  
Rochester, New York 14614

**Henrietta**      **Tuesday, April 3, 2012**  
**6:00 p.m. – Information Forum**  
**7:00 p.m. – Hearing**  
Town of Henrietta  
Town Hall, Main Meeting Room  
475 Calkins Road  
Henrietta, New York 14623

## **Background**

Article VII of the New York State Public Service Law establishes the review process for consideration of any application to construct and operate an electric transmission line comprised of a new substation and upgrades to several existing substations.

Article VII was established by the New York State Legislature in 1970 to review the need for, and environmental impact of, certain major electric and gas transmission facilities. The law requires

applicants to apply to the PSC for a Certificate of Environmental Compatibility and Public Need and to meet the requirements of Article VII before constructing a facility.

On September 30, 2011, RG&E submitted an application to construct and operate the "Rochester Area Reliability Project." The Project is comprised of the construction of approximately 23.6 miles of 115 kV transmission line and 1.9 miles of 345 kV transmission line, a new substation, and upgrades to several existing substations. The Project would traverse the City of Rochester and the Towns of Chili, Gates, and Henrietta in Monroe County, New York.

RG&E was notified on November 22, 2011, by the Secretary to the Commission that the application documents were not in compliance with all of the Article VII requirements and that the deficiencies identified must be corrected before the application could be considered filed and a hearing schedule set. The application documents were supplemented on December 19, 2011 and the application was determined to be in compliance with Public Service Law Section 122 and its implementing regulations as of January 20, 2012.

### **How to Obtain Information**

The project's Article VII application documents and other material pertaining to the case can be viewed on the Commission's website [www.dps.ny.gov](http://www.dps.ny.gov). Click 'Search' and enter '11-T-0534' in the field box labeled 'Search For Case/Matter Number' and click again. You will be directed to a page that will grant you access to all publically filed documents in the case.

In addition, the following local libraries have been provided with copies of the application materials:

Chili Public Library  
333 Chili Avenue  
Rochester, NY 14624

Gates Public Library  
902 Elmgrove Road  
Rochester, NY 14624

Henrietta Public Library  
455 Calkins Road  
Henrietta, NY 14623

Central Library of Rochester  
115 South Avenue  
Rochester, NY 14604

To better understand the Article VII review process, a copy of the Certification Review Process For Major Electric and Fuel Gas Transmission Facilities (Article VII Process Guide) may be downloaded from the Commission's website (<http://www3.dps.ny.gov/W/PSCWeb.nsf/SN/ArticleVII>). If you do not have access to the Internet, a hard copy may be obtained by calling the Commission's toll-free number, 1-877-772-2789, and leaving a message. Or, you may consider visiting a library as many offer free Internet access. Copies of the Guide will also be available at the April 3 Information Forums.

### **Ways to Participate in the Article VII Process**

Article VII provides opportunities for individual and group stakeholders to take part in the formal review of the application. There are several ways to participate in the Article VII process as described below. To save time and manage all of your service and party list subscriptions easily, you may become a registered user of the NYS Public Service Commission's Document and Matter Management (DMM) System, by clicking on this link: [http://www.dps.ny.gov/DMM\\_Registration.html](http://www.dps.ny.gov/DMM_Registration.html).

Once registered, you can electronically submit requests to be added to the service or party list for a case.

- **Party Status:** Becoming a party to a case enables an individual or group to contribute to the development of a complete record by conducting discovery, submitting testimony, briefs, or other formal written comments, and participating in evidentiary hearings, procedural conferences and other formal events conducted in the case.

When you submit the request for party status on-line (through DMM), you will be provisionally added to the party list, subject to the right of other parties to object and subject to the final determination of the Administrative Law Judge. You will be required to mail your request to anyone on the party list who cannot receive e-mail service. If you do not wish to register on the NYS Public Service Commission's DMM System, you can download the "Request for Party Status Form" (<http://tinyurl.com/PSCParticipateForms>). If you do not have access to a computer, you can call or write to Administrative Law Judge Eleanor Stein, NYS Public Service Commission, Three Empire State Plaza, Albany, NY 12223-1350, 518-474-4520, to request that a form be mailed to you. Please follow the instructions on the form.

- **Service List:** Interested persons who wish to monitor the proceedings of a particular case can do so without the formal commitment to become a party to the proceeding. The persons who subscribe to the service list of a case will receive an e-mail with a direct link to the documents issued by the Commission, such as orders, notices, and rulings. Persons unable or unwilling to receive such electronic notification will receive hard copies of Commission-issued documents by regular mail.

If you do not wish to register on the NYS Public Service Commission's DMM System, you may download the "Service List and Mail Service List Request Form" (<http://tinyurl.com/PSCParticipateForms>) and send the completed form by e-mail to the Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov). If you are unable to e-mail the form to the Secretary, you may mail your request to: Secretary, Public Service Commission, Three Empire State Plaza, Albany, NY 12223-1350.

**Web Monitoring:** Interested persons who choose not to sign up to receive e-mail notifications can view our website at their convenience to check on the status of a case. All documents filed by parties, correspondence, hearing transcripts, and documents issued by the Commission in a given case are posted on the website for that case. In addition, all comments submitted by the public are posted under the 'public comments' tab for the same case.

## How to Comment on the Case

- **The Internet:** Comments may be submitted via the Internet in two ways: (1) by accessing the Commission's Website – <http://www.dps.ny.gov> – click 'Search' and enter '11-T-0534' in the field box labeled 'Search For Case/Matter Number' and click again. Then, click on "Post Comments" at the top of the page and, (2) e-mail comments can be sent directly to the Secretary to the Commission at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov). Many libraries offer free Internet access. In both instances, your comments should refer to "Case 11-T-0534 – RG&E – Rochester Area Reliability Project."

- **Mail Written Comments:** Written comments may also be mailed to Hon. Jaclyn A. Brillling, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. Your comments should refer to "Case 11-T-0534 – RG&E – Rochester Area Reliability Project."
- **Toll-Free Opinion Line:** Another way to submit comments is by calling the Commission's toll-free Opinion Line at 1-800-335-2120. This line is set up to receive in-state calls 24-hours a day. Callers should press "1" to leave comments regarding "Electric Issues" and refer to "Case 11-T-0534 – RG&E – Rochester Area Reliability Project."

All statements and comments, and summaries of telephone comments, received by the Administrative Law Judge and the Commission will be placed in the case file and posted to the Commission's Document Matter and Management System to be viewed electronically on the Commission's Website (<http://www.dps.ny.gov>).

### **Next Steps**

The Commission will formally consider the case at one or more regularly scheduled public meetings. Following its discussion and deliberations at such meetings, the Commission will issue a written order.

**INFORMATION FOR THOSE INTERESTED IN  
PARTICIPATING IN OR MONITORING PSC PROCEEDINGS**

There are several options available for those who wish to participate in or monitor the proceedings of a particular case. Please read the details of each and decide which is the best option for you.

<p>Generally, parties commit to contribute to the development of a complete record in a proceeding by conducting discovery, submitting testimony, briefs, or other formal written comments, and/or participating in evidentiary hearings, procedural conferences and other formal events conducted in the case. (Non-parties participate in PSC proceedings by filing informal comments, such as letters, in contrast to the formal comments filed by parties in response to Commission notices.) Once a party, a person or organization may be compelled to respond to discovery requests and to perform other actions.</p> <p>For some PSC proceedings, including rate cases, a person need not be a party to petition for rehearing of the Commission's final decision; however, in some other proceedings, only those who were parties in the case may petition for rehearing. The right to challenge a PSC decision in New York State Court may also be limited to those who were parties to the PSC proceeding.</p> <p>Under Commission rules, 16 NYCRR 4.3, you must seek permission to intervene as a party from the Administrative Law Judge (ALJ), if one is assigned to the case, or from the Secretary if there is no ALJ assigned. The standard for allowing intervention is whether your participation is likely to contribute to the development of a complete record or is otherwise fair and in the public interest; whether other parties are unfairly prejudiced is also considered.</p> <p>If you are a registered user of the NYS Public Service Commission's Document and Matter Management (DMM) System, you may submit your request for party status by clicking on the button below. Registration saves time and allows you to see and manage all of your service and party list subscriptions.</p> <p>When you submit the request for party status here, you will be provisionally added to the party list, subject to the right of other parties to object and subject to the final determination of the ALJ or Secretary. You will be required to mail your request to anyone on the party list who cannot receive e-mail service.</p>	<p>Interested persons who wish to monitor the proceedings of a particular case can do so without the formal commitment to become party in the proceeding. The persons who subscribe to the service list of a case will receive an e-mail with a direct link to the documents issued by the Commission, such as orders, notices, and rulings. Persons unable or unwilling to receive such electronic notification will receive hard copies of Commission-issued documents by regular mail.</p> <p>If you are a registered user of the NYS Public Service Commission's Document and Matter Management (DMM) System, you may submit your service list subscription by clicking on the button below. Registration saves time and allows you to see and manage all of your service and party list subscriptions.</p> <p>Currently, another significant advantage of on-line registration is that registered users who subscribe to a service list for a case have the option to receive an e-mail with a direct link to all documents filed by the parties to the case, such as testimony, briefs, correspondence and formal comments, as well as the Commission-issued orders, notices and rulings. Those who submit their service list request by other means, such as submission of the form provided here, can only receive links to Commission-issued documents.</p>	<p>Interested persons who choose not to sign up to receive e-mail notifications, can view our web site at their convenience to check on the status of a case. All documents filed by parties, correspondence, hearing transcripts, and documents issued by the Commission in a given case are posted on the website for that case. In addition, all comments submitted by the general public are posted under the 'public comments' tab for the same case.</p>

<p><u>Registering with the PSC's Document Management System (DMM)</u> (<a href="http://www.dps.ny.gov/DMM_Registration.html">http://www.dps.ny.gov/DMM_Registration.html</a>) and using a web form to request party status is the <b>preferred method</b> of becoming a party in a case.</p>	<p><u>Registering with the PSC's Document Management System (DMM)</u> (<a href="http://www.dps.ny.gov/DMM_Registration.html">http://www.dps.ny.gov/DMM_Registration.html</a>) and using a web page to manage your Service List subscriptions is the <b>preferred method</b> of subscribing to the Service List in a case.</p>	<p>No registration is required.  Search for a case and find out more about <b>Web Monitoring</b> (<a href="http://www.dps.ny.gov/MonitorProceedings.html">http://www.dps.ny.gov/MonitorProceedings.html</a>).</p>
<p>If you do not wish to use the preferred method of registering on the NYS Public Service Commission's DMM System, you can <u>download the Request for Party Status form</u> (<a href="http://tinyurl.com/PSCParticipateForms">http://tinyurl.com/PSCParticipateForms</a>). Please follow the instructions on the form.</p>	<p>If you do not wish to use the preferred method of registering on the NYS Public Service Commission's DMM System, you may download the "Service List and Mail Service List Request Form" provided <u>here</u> (<a href="http://tinyurl.com/PSCParticipateForms">http://tinyurl.com/PSCParticipateForms</a>) and send the completed form by e-mail to the Secretary at <a href="mailto:secretary@dps.ny.gov">secretary@dps.ny.gov</a> If you are unable to e-mail the Secretary, you may mail your request to Secretary Department of Public Service Three Empire State Plaza Albany, NY 12223-1350.</p>	