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December 6, 2019

Hon. Michele L. Phillips
Acting Secretary
NYS Public Service Commission
3 Empire State Plaza
Albany, New York 12223

Re: 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.

Dear Acting Secretary Phillips:

On April 18, 2013, the New York State Public Service Commission (the "Commission") issued to Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (the "Applicants") a Certificate of Environmental Compatibility and Public Need ("Certificate"), pursuant to Article VII of the Public Service Law ("PSL"), to construct and operate an electric transmission project known as the Champlain Hudson Power Express Project (the "Project").

Enclosed please find an Application seeking approval of certain preferred alternatives to the certified Project layout. The Application proposes changes to the existing Project layout to reflect preferred alternative locations including: (1) relocating the route centerline in the Towns of Putnam and Dresden from the narrows of Lake Champlain to road right-of-way ("ROW"); (2) relocating the route centerline in the Towns of Fort Ann and Whitehall a short distance from the railroad ROW to road ROW; (3) relocating the route centerline in the Village of Scotia and the Towns of Rotterdam and Glenville to avoid downtown Schenectady; (4) relocating the route centerline in the Town of Bethlehem outside of the Selkirk railyards to road ROW, railroad ROW, and certain other connecting properties; (5) relocating the Catskill Creek crossing in the Town and Village of Catskill; (6) relocating the route centerline in the Towns of Clarkstown, Haverstraw, Stony Point and the Villages of West Haverstraw, and Haverstraw from railway ROW to road ROW and certain other connecting properties; (7) relocating the Astoria-Rainey cable under the streets in Queens, New York City, and (8) relocating the converter station site within the Astoria Generating complex in Queens, New York City. Adding only approximately

5.8 linear miles, the preferred alternatives combined represent a de minimis overall increase in project length (less than 2%).¹

REQUEST FOR WAIVERS

Pursuant to Section 3.6 of the Commission’s rules, the Applicants hereby move for waivers of certain requirements relating to information to be filed in this proceeding. Specifically, the Applicants respectfully request waivers of the following sections of the Commission’s rules:

1. New York State Department of Transportation (NYSDOT) Maps (1:250,000 topographic edition) (16 NYCRR §86.3 [2]):

The general location of the Project is shown in Appendix A of the Application in accordance with the requirements of 16 NYCRR §86.3(a)(2). This figure shows the location, length and capacity of each preferred alternative, as well as any structure to be built on or adjacent to an existing ROW based on the latest edition of the United States Geological Survey (“USGS”) 1:250,000 topographic edition maps. Appendix A also shows the points of interconnection between each Preferred Alternative and the Commission-certified routing. Given that New York State Department of Transportation (“NYSDOT”) topographic mapping at 1:250,000 scale does not clearly depict the location of the preferred alternatives and the USGS topographic edition maps at this scale do provide comparable information, the Applicants request a waiver from the 16 NYCRR §86.3(a)(2) requirement to show the location of the facility on a NYSDOT map (at a scale of 1:250,000).

The Commission granted a similar waiver request in Case 17-T-0752, where PSEG Long Island LLC requested a waiver of 16 NYCRR §86.3(a)(2) because the required NYSDOT maps were not available and PSEG’s proposed alternative Long Island Power Authority Transmission System Map provided the statutorily required information.² Similarly here, the USGS maps provide a depiction of the features required by 16 NYCRR §86.3(a)(2) with an equivalent or greater clarity than would be provided by the NYSDOT maps. Accordingly, the Applicants request that the Commission grant the requested waiver.

2. Aerial Imagery Maps (16 NYCRR §86.3 [b][2]):

The Applicants also request a waiver of the requirement to reflect the current conditions on aerial imagery taken within six months of the Project’s filing date because aerial photography

¹ Note that an application was filed in this docket on September 30, 2019 seeking approval of minor revisions to four conditions to the Certificate. An application to the New York State Office of General Services for a grant of lands under water pursuant to the Public Lands Law was also filed on July 17, 2012. Granting of the relief requested in any of the aforementioned filings will have no effect on the grant or denial of the relief requested by this Application nor will this Application affect the grant or denial of these filings (see 16 NYCRR §86.9).

² Case 17-T-0752: *Application of PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Western Nassau Transmission Project*, Order Granting Waiver Requests (March 19, 2018) (stating “[i]t has become our practice to grant waivers to accept alternatives to the cited, yet unavailable, NYSDOT maps.”)

is not available for the Project area within the last six months. The Commission has approved similar waiver requests in many Article VII proceedings. For example, in Case 11-T-0016, where the applicant requested authorization to submit aerial photographs that did not fall within the six-month statutory timeframe, the Commission granted the waiver on the grounds that the applicant had completed field reconnaissance to verify that the non-compliant photographs substantially reflected the site's current conditions.³ Similarly here, substitute aerial photographs are being provided with the Application and the consultant has completed similar site visits and attests that the photographs included as Appendix 3 of the Application reflect current site conditions.

Consistent with 16 NYCRR §86.3(b)(1), Appendix C of the Application provides ortho-photographs showing at least 1,200 linear feet on each side of the proposed nominal centerline. The photos enable identification of natural and cultural features and include overlays: (i) clearly identifying the proposed nominal centerline; (ii) showing where the construction of the proposed alternative would require permanent clearing of vegetation; and (iii) showing the location of the proposed nominal centerline. The ortho-photographs were taken in March of 2016 (two alternatives), April of 2017 (four alternatives) and April of 2018 (one alternative). Because these aerial photographs reflect the current conditions along each proposed nominal centerline and are the most recent ortho-photographs available for the Project area, the Applicants request a waiver from the requirement at 16 NYCRR 86.3(b)(2) requiring aerial photographs be taken within the last six months. Field surveys completed in 2017 and 2019 confirmed that the aerial photos presented in this Application represent the conditions within and adjacent to the proposed nominal centerline, including developments.

For the foregoing reasons, the Applicants respectfully request that the Commission waive the requirements of 16 NYCRR §86.3 (a)(1) and 16 NYCRR §86.3 (b)(2).

Proof of service and notice of the petition will be filed under separate cover.

Please contact me with any questions.

Respectfully,

/s/ **Steven D. Wilson**

Steven D. Wilson
Young / Sommer LLC

*Attorneys for Champlain Hudson Power
Express, Inc.*

cc: Active parties (via email)

³ Case 11-T-0016: *Application of Long Island Power Authority for a Certificate of Environmental and Public Need Pursuant to Article VII of the Public Service Law to Increase the Design Capacity of the Existing 10.6 mile Wildwood to Riverhead Electric Transmission Line from 69 kV to 138 kV*, Order Granting Waiver Requests (Jul. 15, 2011), at pp. 3 – 4.