

**APPENDIX C – MOTION FOR WAIVER FROM CERTAIN INITIAL (PART A)
APPLICATION REQUIREMENTS**

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

APPLICATION OF NORTH AMERICA TRANSMISSION, LLC AND NORTH AMERICA TRANSMISSION CORPORATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED PURSUANT TO ARTICLE VII OF THE PUBLIC SERVICE LAW FOR AN ALTERNATING CURRENT TRANSMISSION UPGRADE PROJECT CONSISTING OF AN EDIC TO FRASER 345 kV TRANSMISSION LINE AND A NEW SCOTLAND TO LEEDS TO PLEASANT VALLEY 345 kV TRANSMISSION LINE

PROCEEDING ON MOTION TO EXAMINE ALTERNATING CURRENT TRANSMISSION UPGRADES

CASE No. 13-T-_____

Case No. 12- T-0502

MOTION OF NORTH AMERICA TRANSMISSION, LLC AND NORTH AMERICA TRANSMISSION CORPORATION FOR WAIVERS FROM CERTAIN REQUIREMENTS OF THE INITIAL (PART A) APPLICATION

Pursuant to 16 NYCRR 85-2.3(c), the Commission's Order of April 22, 2013 (the "Procedural Order"),¹ the Commission's subsequent Order of September 19, 2013 (the "September Procedural Order"),² and as part of an Initial (Part A) Application for a Certificate of Environmental Compatibility and Public Need for an

¹ New York State Public Service Commission, Case No. 12-T-0502, Proceeding on Motion of the Commission to Examine Alternating Current Transmission Upgrades, *Order Establishing Procedures for Joint Review under Article VII of the Public Service Law and Approving Rule Changes* (April 22, 2013).

² New York State Public Service Commission, Case No. 12-T-0502, Proceeding on Motion of the Commission to Examine Alternating Current Transmission Upgrades, *Order Adopting Additional Procedures and Rule Changes for Review of Multiple Projects Under Article VII of the Public Service Law* (Sept. 19, 2013).

Alternating Current Transmission Upgrade Project, consisting of an Edic to Frasier 345 kV Transmission Line and a New Scotland to Leeds to Pleasant Valley 345 kV Transmission Line (the “Project”), North America Transmission, LLC and North America Transmission Corporation (collectively, “NAT”) respectfully request waiver of the following sections of the Commission’s regulations insofar as the regulations apply to the Initial (Part A) Article VII application for the Project as defined above.

- 1. Procedural Order, Appendix B at 4, Item 4 – “Recent edition topographic maps (at a scale of 1:24,000) showing the project route location with overlays showing: (a) zoning and (b) flood zones.”**

NAT respectfully requests a waiver of the requirement that it submit, as part of this Initial (Part A) Article VII Application for the Project, an overlay showing zoning for the *all* municipalities through which the proposed Project routes traverse. Further, in accordance with 16 NYCRR § 85-2.3, NAT requests that the Commission permit it to submit the complete zoning overlay (for all those municipalities along the Project’s proposed routes that have applicable zoning regulations) at the time when NAT submits the remainder, or Part B, of its Article VII Application.

Since the Commission issued its Order in April of 2013, establishing the two-step application process by which Article VII applications for alternating current transmission upgrade projects would be submitted for comparative review, and since the time when NAT was able to confirm the location of its proposed route for the Edic-Frasier proposed transmission line component of the Project (“Edic-Frasier”), NAT has been diligent in its pursuit of zoning maps from all of the localities along the Edic-Frasier proposed route that

have applicable zoning regulations. Further, NAT has pursued such zoning maps in a usable, digital form, or a form that could be converted to such digital form that would allow NAT to accurately depict the zoning districts on the overlay to the recent edition topographic maps (at a scale of 1:24,000) showing the route location. While physical copies of the zoning maps could enable NAT to try to draw a best guess estimate as to where it thinks the boundaries of the zoning districts lay on the overlay, only digital data, in a usable format, can allow NAT to accurately represent the zoning districts' boundaries.

Despite its diligent efforts, NAT has been unable to obtain the zoning maps from all localities in such digital form that could be used to accurately depict the boundaries of the zoning districts on the required overlay. For instance, NAT has contacted all of the sixteen municipalities that the proposed Edic-Fraser route traverses, but has only been able to obtain zoning data from one municipality along the proposed route. That data, however, was in Adobe Acrobat PDF format and not in a usable, digital form. Moreover, at least three municipalities appear to have no governing zoning law or regulations. For the remaining eleven municipalities, digital copies of the zoning data is not yet available, but NAT is continuing to diligently pursue that information.

Similarly, NAT recently identified the New Scotland-Leeds-Pleasant Valley transmission line component of the Project ("New Scotland-Leeds-Pleasant Valley) as a complimentary component of NAT's proposed Portfolio of AC transmission upgrades that would best achieve the necessary incremental transfer capability between the Upstate New York and Southeast New York (UPNY-SENY) regions and Central-East regions. As soon as NAT had identified the New Scotland-Leeds-Pleasant Valley line as an important part of its

proposed Portfolio, NAT began the process of determining the proposed route for that line and then, pursuing the zoning data for each municipality through which the proposed New Scotland-Leeds-Pleasant Valley route will traverse. Of the thirteen municipalities traversed by New Scotland-Leeds-Pleasant Valley line, at least two municipalities appear to have no applicable zoning law or regulations. NAT was able to obtain usable digital data from four of the municipalities that do appear to have a governing zoning law. For those municipalities, NAT has included a set of recent edition topographic maps (at a scale of 1:24,000) showing the proposed New Scotland-Leeds-Pleasant Valley line with an overlay showing the zoning districts for those municipalities. However, for the remaining seven municipalities, such information is not currently available, but NAT is continuing to diligently pursue the applicable zoning data in a usable, digital form, or in a form that could be converted to such usable, digital data.

For both the Edic-Fraser component and the New Scotland-Leeds-Pleasant Valley component, NAT anticipates that it will be in a position to submit zoning overlays for all those municipalities traversed by proposed routes for the transmission lines (and for which there are applicable zoning regulations) at the time that NAT submits the remainder (or Part B) of its Article VII Application for the Project.

Consequently, NAT requests waiver of the Procedural Order's requirement that it submit a zoning overlay for *all* municipalities traversed by the Project's proposed transmission line routes as part of its Initial (Part A) Article VII Application. NAT further respectfully requests that the Commission permit NAT to submit the entirety of the zoning overlay (including the zoning overlay for those four municipalities which is included in the

Initial (Part A) Article VII Application) at the time that it submits its Part B Article VII Application for the Project.

2. Procedural Order –

“Notice that the SIS/SRIS studies are in progress (study scope accepted and work underway pursuant to a Study Agreement with the NYISO.”

Supplemental Procedural Order –

“...details ...shall be provided with the Part B filing, along with the results of the NYISO studies required by 16 NYRR 88.4(a)(4).”

The Procedural Order and the September Procedural Order (together, the “Orders”), appear to require that NAT submit with its Initial (Part A) Article VII Application a “[n]otice that the [System Impact Study]/[System Reliability Impact Study] studies are in progress,” meaning that a study scope has been accepted and work is underway pursuant to a Study Agreement with the New York Independent System Operator (“NYISO”). Thus, it appears that the requirement that NAT submit (1) a “system impact study or system reliability impact study, performed in accordance with the open access transmission tariff of [NYISO]”; and (2) “an indication as to whether the Operating Committee of the NYISO has approved the study” need not be met until NAT submits the remainder (or Part B) of its Article VII Application for the Project.

If NAT’s interpretation of the Orders is incorrect, and NAT is required to submit the System Reliability Impact Study (“SRIS”) for its Project components with the Initial (Part A) Application, NAT respectfully requests a waiver from that requirement, since the SRIS for Edic-Fraser is not yet complete, the SRIS for New Scotland-Leeds-Pleasant Valley has not yet begun, and the information regarding Operating Committee approval for the SRIS for either transmission line component is not yet available. There is good cause for granting the waiver request, as NAT has been diligently pursuing the SRIS for both transmission line components, and completion of the studies, which

involves the participation of NYISO and relevant transmission owners, is beyond NAT's control. NAT requests further permission, in accordance with 16 NYCRR § 85-2.3(c), to submit the SRIS studies and NYISO Operating Committee information for both transmission line components with its Part B Article VII Application for the Project

To the extent that NAT's above interpretation of the Orders is correct, and only a notice that the SRIS is underway pursuant to a Study Agreement with NYISO is required for the Initial (Part A) Article VII Application, NAT has met such requirement for the Edic-Fraser transmission line component,³ but must ask for a waiver from that requirement for the New Scotland-Leeds-Pleasant Valley component.

As set forth in more detail in Exhibit E-4 to the Initial Application Materials for the Edic to Fraser Component, submitted herewith, NAT submitted an interconnection request to NYISO for the Edic-Fraser component (Queue Number 391) on September 21, 2012 and moved through the Feasibility Study phase, having received a completed Feasibility Study from NYISO, which is attached as Attachment A to the Exhibit E-4 to the Initial Application Materials for the Edic to Fraser Component, submitted herewith. NAT has also executed an SRIS Study Agreement. The draft scope for the SRIS Study for Edic-Fraser has been accepted by NAT and the transmission owners, with minor revisions the Transmission Planning Advisory Subcommittee ("TPAS") has forwarded the scope to the Operating Committee with a recommendation for approval, and the Operating Committee approved the scope on September 20, 2013. As such, for Edic-Fraser, the SRIS is underway.

As stated above, however, the New Scotland-Leeds-Pleasant Valley transmission line component of the Project was only recently identified as a complimentary component of NAT's proposed portfolio of AC transmission upgrades that would best achieve the necessary incremental transfer capability between the Upstate New York and Southeast New York (UPNY-SENY) regions

and Central-East regions to solve the problem of persistent congestion on these portions of the New York State transmission system. Because the New Scotland-Leeds-Pleasant Valley was only recently identified as an important component of the Project, the New Scotland-Leeds-Pleasant Valley component has not yet moved through the NYISO interconnection process to the SRIS study phase. NAT submitted an interconnection request for New Scotland-Leeds-Pleasant Valley (Queue Number 414) on September 12, 2013. The New Scotland-Leeds-Pleasant Valley line has entered into the Feasibility Study phase with NYISO; NAT has executed a Feasibility Study Agreement with NYISO and the relevant transmission operators. Currently, NAT is in discussions with NYISO and the transmission owners about whether they may agree to forego the Feasibility Study and proceed directly to the SRIS study phase. As stated above, because NAT has been diligently pursuing completion of the SRIS, but completion of the studies is beyond NAT's control, there is good cause for granting the waiver request.

Accordingly, if NAT has correctly interpreted the requirements of the Procedural Order and the Supplemental Procedural Order for the Initial (Part A) Article VII Application, NAT respectfully requests a waiver from the requirement that notice be provided that SRIS studies are underway for the New Scotland-Leeds-Pleasant Valley line.

CONCLUSION

For the reasons set forth above, NAT requests that the relief requested be granted.

Dated: October 1, 2013

Respectfully submitted,



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