

STATE OF NEW YORK
OFFICE OF RENEWABLE ENERGY SITING

COMBINED NOTICE OF AVAILABILITY OF DRAFT PERMIT CONDITIONS, PUBLIC
COMMENT PERIOD AND IN-PERSON PUBLIC COMMENT HEARINGS, AND
COMMENCEMENT OF ISSUES DETERMINATION PROCEDURE

Applicant: Hecate Energy Columbia County 1 LLC
621 W. Randolph Street
Chicago, IL 60661
Attn: Alex Campbell

Facility Location: Town of Copake, Columbia County

Applicant's Attorney: Noah Shaw, Esq.
Foley Hoag LLP
1301 Avenue of the Americas, 25th Floor
New York, NY 10019

ORES DMM Matter No.: 21-02553

Facility Description: Applicant applied to the New York State Office of Renewable Energy Siting (Office or ORES) for a permit pursuant to Executive Law § 94-c to construct and operate a 60-megawatt (MW) solar energy facility known as the Shepherd's Run Solar Farm located in the Town of Copake, Columbia County. The facility would include, but is not limited to, photovoltaic ("PV") solar panels; inverters; security fencing; access roads; a substation; and a point of interconnection ("POI") with the Craryville 115 kilovolt (kV) substation owned by New York State Electric and Gas Corporation (NYSEG).

Applicant filed the application with the Office on March 8, 2022. A notice of complete application was issued on August 25, 2023 (see <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02553).

ORES staff published draft permit conditions on October 24, 2023. The draft permit conditions may be accessed at <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02553.

ORES Staff Position: On issuing the draft permit conditions, ORES staff takes the position that the proposed facility, together with the uniform and site-specific standards and conditions contained in the draft permit, would comply with applicable laws and regulations. ORES staff recommends that the Office elect not to apply, in whole or in part, any local law or ordinance that as applied to the facility is unreasonably burdensome in view of the Climate Leadership and Community Protection Act targets and the environmental benefits of the proposed facility.

In-person Public Comment Hearings: Public comment hearings pursuant to 19 NYCRR part 900 to hear and receive unsworn comments from the public will be held before an

Administrative Law Judge (ALJ) in-person at **Town of Copake Town Hall, 230 Mountain View Road, Copake, NY 12516** on the following dates and times:

Tuesday, January 9, 2024, at 1:30 PM and 6:00 PM, and

Wednesday, January 10, 2024, at 1:30 PM and 6:00 PM.

Each public comment session will begin with a brief presentation about the project by applicant. The remainder of the sessions will be devoted to receiving public comments on the application and draft permit conditions.

In addition to the four in-person hearings, virtual public comment hearings are scheduled for 1:30 PM and 6:00 PM on Thursday, January 11, 2024. For information about how to register for and attend the virtual public comment hearings, please see the notice of virtual public comment hearings posted at <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02553.

To register for the in-person public comment hearing: All persons, organizations, corporations, or government agencies who may be affected by the facility are invited to attend the in-person hearings and comment on the application and the draft permit conditions. **Any person wishing to make an oral statement must register in advance of the hearing no later than 10:00 AM on Monday, January 8, 2024.** To register to speak, send an email to hearings@ores.ny.gov or call (518) 473-4590. Please provide your first and last name, the organization you represent if any, address, email address if any, and telephone number. Please reference the Shepherd's Run Solar public comment hearings and indicate the hearing session at which you would like to speak. When leaving a message, please speak slowly and clearly.

The ALJ will use the registration list to call each person who has requested to provide a statement. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangement has been made to include their comments in the record. Lengthy comments will not be accepted and instead should be submitted in writing. Equal weight will be given to both oral and written comments. To ensure that all interested persons have an opportunity to speak, the ALJ may limit the time available for oral comments to three (3) minutes per person. It is not necessary to repeat oral comments at each of the four hearing sessions. The ALJ will give priority to persons who have not spoken at a prior session to assure that all interested persons are heard. The public comment hearings will be transcribed for inclusion in the administrative record.

The hearing location is reasonably accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons, and English language translator services shall also be made available, at no charge for either service, upon written request to Chief ALJ James T. McClymonds, Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4590, hearings@ores.ny.gov. All requests must be received no later than 4:00 p.m. on Tuesday, December 26, 2023.

In the event that the in-person public comment hearings need to be canceled, rescheduled, postponed, or conducted virtually, notification of any change will be available at the ORES website at <https://ores.ny.gov>.

Written Public Comments: Written comments concerning the application and the draft permit conditions must be filed with ORES by **5:00 p.m. on Friday, January 12, 2024**. Persons filing written comments are strongly encouraged to post their comments on the Department of Public Service's (DPS's) Document and Matter Management (DMM) system. To post a comment, go to <https://ores.ny.gov>, click on "Permit Applications," click on Project DMM Matter Number 21-02553, and click on "Post Comments" in the upper right-hand corner of the screen.

Written comments may also be emailed to ORES at hearings@ores.ny.gov or mailed to the Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242. Written comments will be considered equally with oral statements delivered at the public comment hearing, provided they are postmarked by **Friday, January 12, 2024**, or e-mailed or posted on DMM by 5:00 p.m. on that date.

Issues Determination Procedure: Pursuant to 19 NYCRR 900-8.3(b), a pre-adjudicatory issues determination procedure will be conducted by the assigned ALJ. The procedure will be conducted solely on papers and briefing unless the ALJ, in the judge's sole discretion, determines that oral argument is necessary. The purpose of the issues conference is to determine party status for any person or organization that has properly filed a petition (as indicated below), and to narrow and define those issues, if any, that will require adjudication in this matter. Participation in the issues determination procedure is limited to ORES staff, applicant, and those persons or organizations requesting party status.

Filing for Party Status and Proposed Issues: Persons seeking to participate in the issues determination procedure and any subsequent adjudicatory hearing must register on DMM and file a written petition explaining whether their request is for full party status or amicus status. For the required contents of petitions for full party status, see 19 NYCRR 900-8.4(c)(1) and (2). To determine whether an issue is substantive and significant, see 19 NYCRR 900-8.3(c)(2) and (3). For the required contents of a petition seeking amicus status, see 19 NYCRR 900-8.4(c)(1) and (3). Petitioners may also file written briefs making arguments in support of their petitions.

All petitions requesting party status and briefs in support must be E-Filed on DMM no later than **4:00 p.m. on Tuesday, January 16, 2024**. Instructions for registering in DMM and E-Filing documents may be found at: <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/CC256BE982C58CF785257687006F39CE?OpenDocument>.

Address all petitions and briefs in support to Maureen F. Leary, Administrative Law Judge, New York State Department of Public Service, Office of Hearings and Alternative Dispute Resolution, 3 Empire State Plaza, Albany, New York, 12223, email: maureen.leary@dps.ny.gov.

At the same time petitions and briefs are E-Filed on DMM, a copy of all papers must be emailed to the ALJ at the email address above, and furnished to applicant Hecate Energy Columbia

County 1, LLC's attorney, Noah Shaw, Esq., Foley Hoag LLP, 1301 Avenue of the Americas, 25th Floor, New York, NY 10019, (518) 226-9602, ncshaw@foleyhoag.com; and to ORES at the Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4590, hearings@ores.ny.gov. Service of petitions and briefs by email is authorized provided they are received by all of the above parties and the ALJ by the 4:00 p.m. deadline.

Any questions about filing requirements or other hearing procedures may be addressed to Chief ALJ James T. McClymonds by telephone at (518) 473-4590. ORES's regulations may be found at <https://ores.ny.gov/regulations>.

Statement of Compliance with Local Laws and Regulations: Any municipality, political subdivision or an agency thereof that received notice of the filing of the application pursuant to 19 NYCRR 900-1.6(a) must file a statement indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations in effect as of August 25, 2023, if any, concerning the environment, or public health and safety. The statement must be filed and served by **4:00 p.m. on Tuesday, January 16, 2024**, in the same manner as petitions for party status. **Any municipality, political subdivision, or an agency thereof that proposes to adjudicate any issues related to a facility's compliance with local laws and regulations must file a petition for party status as provided for in 19 NYCRR 900-8.4(c) and include the statement of compliance with local laws and regulations.**

Applicant Statement of Issues: No later than **4:00 p.m. on Tuesday, January 16, 2024**, applicant shall file and serve on ORES staff and the ALJ a statement of issues applicant intends to raise with respect to any determination of the Office, and briefing in support. Applicant shall serve the statement of issues and brief on persons filing petitions for party status within five (5) days of such filing. For the required contents of an applicant's statement of issues, see 19 NYCRR 900-8.4(b)(1).

Responsive Briefing and Response to Comments: No later than **4:00 p.m. on Thursday, February 15, 2024**, ORES staff may file and serve a response to any petitions for party status, any statement of issues by applicant, and the statement of compliance with local laws and regulations. By the same deadline, applicant may file and serve a response to any petition for party status or statement of compliance with local laws and regulations. In addition, the applicant shall file and serve on ORES staff a response to public comments received during the public comment period, including any supplemental information.

Document Availability: Copies of all application materials and draft permit conditions are available for inspection at the Office's Albany office during normal business hours: Contact the Office of Renewable Energy Siting, W.A. Harriman Campus, Building 9, 4th Floor, 1220 Washington Avenue, Albany, NY 12227, (518) 473-4590, hearings@ores.ny.gov. Electronic copies are available at <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02553.

Copies of all application materials are also available at the Roecliff Jansen Community Library, 9091 State Route 22, Hillsdale, NY 12529.

Statutory and Regulatory Provisions: The application is being processed and this proceeding is being conducted according to Executive Law § 94-c and 19 NYCRR part 900.

James T. McClymonds
Chief Administrative Law Judge

October 24, 2023
Albany, New York