

CITY OF OGDENSBURG, NEW YORK

CITY HALL • 330 FORD STREET • OGDENSBURG, NY 13669 • (315) 393-6100



Office of the City Manager

MEMORANDUM

MEMO TO: City Council
FROM: Sarah Purdy, City Manager *SP*
DATE: July 22, 2016
SUBJECT: Update 16/27

DEPARTMENT OF PUBLIC WORKS UPDATES –

Waste Water Treatment Plant (WWTP) Update

- One of the two primary sludge settling tanks was taken down, cleaned and will be fully evaluated. All maintenance and repairs will be completed and the unit will be brought back on-line. This is the first in many small steps to evaluate, maintain and repair the plant.
- We are working closely with DANC to determine our staffing needs. With the uncertainty of knowing the future rating of our plant, we are trying to formulate how best to move forward. We are trying to address the information voids that have been created in the past by cross training our entire staff.
- State Civil Service Commission will most likely announce the 4A test in late July for a test date in late October of this year. We will most likely postpone any hiring for a 4A until we better know how we should proceed.
- As was mentioned by Carrie Tuttle at the June Council Meeting it is imperative that the City perform a full evaluation of the WWTP and how it impacts our Long Term Control Plan (LTCP). GHD Engineering is managing our LTCP and they have been asked to provide the City with a proposal. It is our recommendation that we expedite this process once the proposal is received. The preliminary engineering report will be necessary for us to reevaluate our grant application for the third round and so that we can update / modify our bounding resolution.
- We are taking a serious look at the sewer budget so that we can position ourselves properly at the WWTP and so that we can evaluate our collection system.

Water Filtration Plant Update

- Intake Pump Update – we received a new motor for pump #1. It has been installed, but the wiring needs to be completed. We are still working to repair drive #2. Parts have been received and the contractor has been scheduled for the first week in August to perform the installation. We will be resuming cleaning of the filters as soon as the second drive is back on line.

Equipment

- No updates.

Road Cuts

- Local hot mix is limited with Hanson supporting airport project, but we continue to move forward when asphalt is available.

Paving / Milling / Streets

- The first round of paving was completed yesterday. All we have left to address is a couple of secondary intersections.

- The second round of milling is tentatively scheduled for August 8th, but this is in flux until I can get a good feel of expenditures for the first round.
- We received our official notification for NY Pave program. There will be a budget modification resolution presented at the August Council meeting.
- We are trying to identify and address sign issues, replacing worn and missing signs.

Sidewalks

- Unit 7 continues to work every day on sidewalk projects.
- The concrete work list will be resumed once Chips and complaints are completed.

Unit "6"

- Has been digging every day.
- Working on manhole and drop repairs.
- Performing water and sewer services as they arise.

Brush Pickup

- Third Ward was successfully completed on Tuesday.

Paterson St

- Punch List work is moving forward slowly.
- NYS DOT drainage near Burger King was discussed at length last Thursday at a meeting in Watertown. The DOT will incorporate the necessary changes to the drainage in the Paterson Street project.

Solar Array

- The process is in limbo due to the delay of National Grid to provide the interconnect. Sol-bright will re-mobilize when the interconnect date is firmed up. The boundary fence was installed last week.
- Partial energization is scheduled for no later than September 30th, with full energization taking place by November 30th.
- We continue to move forward with the Tri-County Energy Consortium. The consortium is in the process of looking at wind power as well as solar, which could get us to our goal of 100% green energy sooner than originally projected.

Storm Drops / Cleaning Sewer Mains

- Spring flushing of mains has been completed.
- Crew is working on cleaning drops.

Mowing / Trimming

- We have started our summer trimming and mowing.
- We continue to respond to numerous weed ordinances.

MISC.

- EAB - No changes

ASSESSMENT UPDATES –

Revaluation – The Board of Assessment Review has finished its deliberations on property grievances for the 2016 Assessment Roll. 29 of the 37 residential grievances were reduced leaving 8 unchanged. All 11 commercial grievances were left unchanged.

STAR Property Tax Relief Changes – There are major changes to the STAR program in this year's state budget. Bruce Green attended a training conference in Ithaca last week and it was discussed in a general question and answer session. It seems that many guidelines are still being worked out at the state level, but the basics discussed are the following:

1. The STAR program is being changed from property tax based to an income tax based system.

2. Current Basic and Enhanced STAR property owners will keep their current exemptions as they currently exist.
3. New STAR program property owners will need to register with New York State. If you have purchased your home after August 1, 2015 you need to register with New York State and not the local assessor.
4. New STAR property owners will receive a check from New York State and not an exemption on their school tax bill.
5. There are no changes in the amount that the property owner will be rebated, whether by school tax exemption or check.
6. New property owners can register at www.tax.ny.gov or call (518) 457-2036. Please have the date you bought your home and your social security numbers available as you may be asked for the social security numbers of all property owners.

Attached is a flyer from New York State that gives a brief description of the program.

COUNCIL WORK SESSION – The work session requested by council to discuss the 2017 Budget is scheduled for Wednesday, August 24, 2016 at 7:00 pm in Council Chambers.

COGENERATION PLANT - The NYS Public Service Commission has approved Ag-Energy's petition to restart its electric generation plant on the campus of the Psychiatric Center. The full text of the ruling is attached.

FINANCIAL STATUS - City Comptroller Tim Johnson and I have spent considerable time during the past week in conference calls and reviewing financial documents with analysts from Moody's Investor Services, underwriters Roosevelt and Cross, and our consultants Fiscal Advisors in preparation for the refinancing of the 2007 serial bonds, which was approved at your June 27 meeting. As a result of this review, in its credit opinion issued yesterday, Moody's has downgraded Ogdensburg's bond rating from Baa1 to Baa2. Fiscal Advisors informed us earlier today, however, that despite the negative rating we are now estimated to save about \$80,000 with the refinancing due to capturing interest rates that are lower than during the original borrowing.

CITY OF OGDENSBURG							
SALES TAX RECEIPTS							
				RUNNING	RUNNING	DOLLAR	%
		2015	2016	TOTAL	TOTAL	CHANGE	DIFF
MONTH				2015	2016		
JANUARY		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
FEBRUARY		\$239,026.96	\$235,277.44				
		\$56,651.57	\$58,494.82				
		\$0.00	\$0.00	\$295,678.53	\$293,772.26	-\$1,906.27	99%
MARCH		\$198,030.41	\$196,677.73				
		\$44,768.00	\$37,090.71				
		\$0.00	\$0.00	\$538,476.94	\$527,540.70	-\$10,936.24	98%
APRIL		\$226,575.68	\$226,376.86				
		\$70,336.39	\$43,155.37				
		\$0.00	\$8.36	\$835,389.01	\$797,081.29	-\$38,307.72	95%
MAY		\$228,620.17	\$225,532.50				
		\$58,520.73	\$52,143.00				
		\$1.13	\$0.00	\$1,122,531.04	\$1,074,756.79	-\$47,774.25	96%
JUNE		\$229,772.74	\$224,712.01				
		\$51,143.20	\$43,801.85				
		\$116,387.99	\$97,684.94				
		\$0.00	\$0.00				
		\$0.00	\$0.00	\$1,519,834.97	\$1,440,955.59	-\$78,879.38	95%
JULY		\$134,795.96	\$124,475.29				
		\$84,118.91	\$115,427.67				
		\$6.50	\$0.00				
		\$0.00	\$0.00	\$1,738,756.34	\$1,680,858.55	-\$57,897.79	97%
AUGUST		\$243,104.81	\$0.00				
		\$72,593.38	\$0.00				
		\$0.00	\$0.00	\$2,054,454.53	\$1,680,858.55	-\$373,595.98	82%
SEPTEMBER		\$237,086.49	\$0.00				
		\$50,889.48	\$0.00				
		\$0.00	\$0.00	\$2,342,430.50	\$1,680,858.55	-\$661,571.95	72%
OCTOBER		\$247,929.35	\$0.00				
		\$56,024.63	\$0.00				
		\$0.00	\$0.00	\$2,646,384.48	\$1,680,858.55	-\$965,525.93	64%
NOVEMBER		\$230,675.55	\$0.00				
		\$45,031.92	\$0.00				
		\$0.00	\$0.00	\$2,922,091.95	\$1,680,858.55	-\$1,241,233.40	58%
DECEMBER		\$226,826.47	\$0.00				
		\$54,434.80	\$0.00				
		\$0.00	\$0.00				
		\$106,088.17	\$0.00				
		\$138,777.68	\$0.00				
		\$88,508.29	\$0.00				
				\$3,536,727.36	\$1,680,858.55	-\$1,855,868.81	48%
TOTALS		\$3,536,727.36	\$1,680,858.55				



School Tax Relief (STAR) Credit

New STAR applicants will receive a credit in the form of a check directly from New York State instead of receiving a school property tax exemption. The amount of your STAR benefit is the same regardless of how you receive it.

New Basic and Enhanced STAR applicants need to register with the New York State Tax Department to receive a STAR check. Visit www.tax.ny.gov or call (518) 457-2036.

Register by July 1 to receive your STAR check in September. If you register after July 1, you will receive your check later.

Note that homeowners in Nassau and Suffolk Counties who register by July 1 will receive their STAR checks in October and December, respectively, due to the later school tax billing dates on Long Island.

Eligibility requirements are listed on the back of this card.



Department of
Taxation and Finance

RP-5310-PC (5/16)



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STAR eligibility requirements

The eligibility criteria are the same for both the STAR credit and the STAR property tax exemption. You can't receive both the credit and the exemption.

To receive the STAR credit or exemption, you must own your home and it must be your primary residence.

Basic STAR

The total income of the owners and the owners' spouses who primarily reside at the property must not exceed \$500,000.

Enhanced STAR

- The income limit for Enhanced STAR is annually adjusted for inflation.
 - 2016 income limit - \$84,550
 - 2017 income limit - \$86,000
- All owners must be at least 65 years old (unless the owners are spouses or siblings, in which case at least one owner must be at least 65).

Current STAR exemption recipients

- Current Basic and Enhanced STAR exemption recipients will keep their exemptions as long as they continue to own their current homes.
- Current recipients of the Enhanced STAR exemption who aren't enrolled in the Income Verification Program must continue to file renewal applications with their local assessors each year.



www.tax.ny.gov

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on July 14, 2016

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair
Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman

CASE 16-E-0033 - Petition of AG-Energy, L.P. for an Original
Certificate of Public Convenience and Necessity
and for an Order Providing for Lightened
Regulation.

ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
AND CONFIRMING LIGHTENED REGULATION

(Issued and Effective July 20, 2016)

BY THE COMMISSION:

INTRODUCTION

In a petition filed on January 21, 2016 (and
supplemented on March 2, 14 and 17, 2016), AG-Energy, L.P. (AG-
Energy or Petitioner) seeks a certificate of public convenience
and necessity (CPCN) pursuant to §68(1) of the Public Service
Law (PSL) authorizing the restart of its generating facility.
Petitioner also requests an order confirming that it will
continue to be lightly regulated as an electric corporation
participating in the wholesale energy market. In this Order,
the relief requested is granted.

BACKGROUND

Petitioner's Ogdensburg Energy Facility (Facility) in
Ogdensburg, New York, began commercial operation in 1994 as a 79

megawatt (MW) cogeneration facility, selling electric output to Niagara Mohawk Power Corporation and steam to the St. Lawrence Psychiatric Center. The facility consisted of two gas turbine generating units, a steam turbine generating unit and two auxiliary boilers. In 2002, the Commission granted AG-Energy a CPCN to sell thermal energy and provided for lightened regulation of AG-Energy as an electric corporation and lightened and incidental regulation of it as a steam corporation.¹ In 2007, AG-Energy removed the gas combustion turbines from service and, in 2010, put the steam turbine in protective lay-up. Petitioner has determined that market conditions now warrant reinstalling the combustion turbines and is seeking to restart electric generation operation as soon as possible.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on February 10, 2016 [SAPA No. 16-E-0033SP1]. The time for submission of comments pursuant to the Notice expired on March 28, 2016. No comments were received concerning Petitioner's request for confirmation that it will continue to be lightly regulated as an electric corporation. In a Notice of Informational Forum, Public Statement Hearing and Procedural Conference (issued April 13, 2016), a public statement hearing in Ogdensburg was set for May 4, 2016, and comments were

¹ Case 02-M-1034, AG-Energy, L.P., Order Providing for Lightened and Incidental Regulation and Granting a Certificate of Public Convenience and Necessity (Issued November 25, 2002) (Light Regulation Order).

solicited, due by May 10, 2016.² No comments in opposition to the petition were provided.

Pursuant to the aforementioned notice, a procedural conference was held before Administrative Law Judge (ALJ) Ashley Moreno on May 5, 2016. AG-Energy was the only party that appeared. Neither Petitioner nor Department Staff (acting in an advisory capacity) identified any issues warranting the holding of an evidentiary hearing and no requests for such hearing were received. Therefore, ALJ Moreno issued a ruling on May 13, 2016 that Staff would complete the processing of the petition.

THE PETITION

According to Petitioner, AG-Energy is a Delaware limited partnership and a wholly-owned subsidiary of Alliance Energy New York LLC (AENY), a New York limited liability company which, in turn, is owned by Alliance Energy Group, LLC (AEG). Petitioner contends that it is well qualified to own and operate an electric generating facility, having previously operated the Facility for many years. AENY owns, directly and indirectly, one hundred percent of the ownership interest in five New York

² St. Lawrence Gas Company, Inc. (SLG) filed late comments on June 24, 2016, to which AG-Energy responded on June 27, 2016. In our discretion, these filings will be considered.

electric generation facilities.³ An AENY affiliate, Alliance NYGT, LLC owns and operates two electric generation facilities: Hillburn Gas Turbine, a 46.5 MW facility in Hillburn, and Shoemaker Gas Turbine, the 41.9 MW facility in Middletown. Petitioner asserts that neither it nor any of its affiliates owns or controls any electric transmission or distribution facilities, other than the limited interconnection facilities necessary to connect individual generating facilities to the transmission grid.⁴

AG-Energy explains that it owns the Facility and leases the land upon which the Facility is located from the State of New York. It states that the Facility is supplied with natural gas through a 12.5-mile 8-inch diameter high pressure gas line built by SLG to serve the Facility. Petitioner also

³ AENY owns, directly or indirectly, the following electric generation facilities in New York: Allegany Generating Station LLC, a 67 MW gas-fired combined-cycle power plant in Hume; Carthage Energy, LLC, a 62.9 MW dual fuel (gas/oil) combined-cycle cogeneration facility in Carthage; Power City Partners, a 103.1 MW electric generation facility in Massena; Seneca Power Partners, L.P., a 67.3 MW electric generation facility in Batavia; and, Sterling Power Partners, L.P., a 67.3 MW electric generation facility in Sherrill. AEG also indirectly controls limited generation interest outside of New York. Specifically, it owns the retired 32 MW Lowell generation facility in Lowell, Massachusetts in the market operated by ISO New England, Inc. and has an acquisition pending Federal Power Act Section 203 approval for a currently mothballed cogeneration facility in Greeley, Colorado. See Greeley Energy Facility LLC, Docket No. ER16-11-000.

⁴ AEG, however, owns 100% of the membership interests in Alliance Energy Transmissions, LLC, which holds the certificate for an approximately 11.2-mile intrastate natural gas pipeline that is used to transport gas to the Seneca facility. AEG also owns 100% of the membership interests in Alliance Energy Transmissions-Syracuse LLC, which holds the certificate for an approximately 9.5-mile intrastate natural gas pipeline that is used to transport gas to a location within the Syracuse University campus.

asserts that the Facility will continue to have oil-firing capability. The types of gas turbine generating units and steam turbine generating unit will be the same as before the unit retirements. According to AG-Energy, it has maintained the equipment on site that is not currently being used in producing steam in a protective lay-up status, with personnel performing maintenance activities to preserve the condition of the equipment comprising the Facility. Moreover, asserts Petitioner, it has maintained all applicable permits and registrations required to operate the electric plant and paid all Facility permit fees and taxes due. AG-Energy notes that the Department of Environmental Conservation renewed the Title V Air Permit in 2012. It states that the necessary re-commissioning work is limited to reinstalling LM6000 and LM2500 combustion turbines in the same locations as before with the same connections to the existing controls. As in the past, claims AG-Energy, the Facility will be a merchant facility supplying the competitive wholesale markets operated by the New York Independent System Operator, Inc. (NYISO). The rates AG-Energy charges for energy, capacity, and other related services will be set by competition in the NYISO-administered wholesale markets. Petitioner maintains that the Facility's operation as a lightly regulated steam plant will not be affected.

AG-Energy argues that it satisfies all of the requirements for obtaining a CPCN. Restarting the Facility, according to Petitioner, is economically feasible. AG-Energy has maintained the Facility so it can resume operation by reinstallation of identical model combustion turbines to the existing connections and infrastructure without further modifications or investment. The cost will be financed from internal funds. AG-Energy explains that it is qualified to render safe and reliable service at the Facility in accordance

with applicable codes and standards, including the National Electric Safety Code. Petitioner claims that AENY is an experienced operator with a track record of successfully managing the operations of facilities such as that of AG-Energy. Restarting the Facility's electric plant, opines Petitioner, is in the public interest because it will advance competition in the wholesale market and provide the best long-term prospects for continued operation of the Facility, thereby serving the interests of the local community and those employed at the Facility. According to AG-Energy, moreover, restarting the Facility does not present any horizontal or vertical market power concerns.

Petitioner filed a copy of its formation documents and its authorization to do business in New York. An authorized representative of AG-Energy, Greg Sharland, the vice president of operations and development of Alliance Energy Marketing, LLC (a wholly-owned subsidiary of AEG), submitted a verified statement that Petitioner does not require any municipal consent to use or occupy any municipal property. Petitioner provided a short form Environmental Assessment Form (EAF) Part 1.

COMMENTS AND RESPONSE

At the public statement hearing attended by about ten people, both a municipal official and a representative from the St. Lawrence County Industrial Development Agency spoke in support of AG-Energy's petition because of the economic benefit to the community and the potential for job growth. In addition, three people, an individual, the chief executive officer of the St. Lawrence County IDA and the chairman of the St. Lawrence Psychiatric Center Task Force expressed their staunch support for the petition, claiming that restarting the electric plant

would provide tax benefits, retain jobs, afford employment opportunities and assist in community development.

SLG acknowledges that it built the line mentioned by AG-Energy and has provided gas service to support electricity generation at the Facility; however, it claims that it now only provides limited quantities of gas for separate service under its SC-2 Transportation tariff. SLG asserts, moreover, that it is not currently committed to providing the level of gas service that would be required to operate the generating units discussed in the petition. According to SLG, the issues regarding such potential service include the gas pressure that SLG would be able to provide in serving the Facility, the pricing at which SLG could provide such service, and the need for AG-Energy to be current in all payments for service both at the outset and on a continuing basis.⁵ SLG explains that no agreement for such service has been reached. The collections issue, contends SLG, is important to its ratepayers, who could ultimately be adversely affected by any payment shortfalls. Thus, SLG opines that the Commission should consider some process to ensure that it will be paid in full if it provides the desired service to AG-Energy.

For its part, AG-Energy opines that the issues raised in SLG's comments are not pertinent to, and are in fact outside the scope of, this proceeding under PSL §68(1). Nevertheless, Petitioner explains that SLG provided gas service to AG-Energy under a gas transportation contract from the Facility's inception until November 2013 through a pipeline that was constructed specifically to serve the Facility. Moreover,

⁵ With respect to the collections issue, SLG cites Case 10-M-0186 et al., Alliance Energy Renewables, LLC., et al., Order Approving Transfers Upon Conditions and Making Other Findings (issued July 23, 2010).

maintains Petitioner, it has paid the costs to build and maintain the pipeline. AG-Energy concedes that it has not yet submitted to SLG an application for service regarding the transportation of gas to serve the restarted units. It notes, however, that SLG has an obligation to maintain the reliability of its system and Commission-approved tariffs for providing service in the event the parties fail to reach a negotiated agreement.

DISCUSSION

Environmental Quality Review

The proposed action under review is AG-Energy's exercise of rights, privileges or franchises as an electric corporation (including the conduct of the work necessary to restart its electric generating facility). Pursuant to the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 and 16 NYCRR Part 7, we must determine whether the proposed action may have a significant impact on the environment.⁶ No other agency is involved in the review of this action, so we will assume lead agency status and conduct an environmental review. The proposed action is an unlisted action because it does not meet the regulatory criteria for Type I or Type II actions set forth in 6 NYCRR §§617.2, 617.4, 617.5 and 16 NYCRR §7.2.

The petition includes a verified statement from the petitioner that no new approvals or permits will be needed from the municipal authorities.

⁶ AG-Energy's request for confirmation of its lightly-regulated status as an electric corporation is a Type II action pursuant to 6 NYCRR §617.5(c)(31), so no SEQRA review of that action is required.

We conclude, based on the criteria for determining significance listed in 6 NYCRR §617.7(c) and the information in the record, that the proposed action will not have a significant adverse impact on the environment and adopt a negative declaration pursuant to SEQRA.⁷ A Notice of Determination of Significance is attached to this order.

Public Convenience and Necessity

According to PSL §68(1), no electric corporation may exercise any right, privilege or franchise or begin construction of electric plant without obtaining a CPCN. Before the Commission may grant such CPCN, the electric corporation must have filed a certified copy of its charter and a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.⁸ The statute authorizes the Commission to grant a CPCN "whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is convenient and necessary for the public service. In making such a determination, the commission shall consider the economic feasibility of the corporation, the corporation's ability to finance improvements of . . . electric plant, render safe, adequate and reliable service, and provide just and reasonable rates, and whether issuance of a certificate is in the public interest."⁹

⁷ Staff completed Parts 2 and 3 of the EAF; the EAF will be retained in our files.

⁸ Where, as here, the electric corporation has no president and secretary, 16 NYCRR §21.2(b) provides that a responsible official of Petitioner may provide such verified statement.

⁹ PSL §68 was amended in 2013 to explicitly require consideration of the listed factors; however, similar consideration has been required, pursuant to 16 NYCRR §§ 21.2 and 21.3, for well over 40 years.

AG-Energy has satisfied the statutory prerequisites for our grant of a CPCN. Petitioner has also shown that it meets the statutory provisions regarding its operation as an electric corporation. Its exercise of rights, privileges or franchises in this regard is economically feasible and the construction work necessary to restart the electric plant is financeable. AG-Energy will provide wholesale electric service and receive wholesale rates pursuant to the NYISO's federal tariffs. No retail electric ratepayers will be adversely affected and, as the supportive public comments indicate, restarting the electric plant is in the public interest.

The issues SLG raised do not present a barrier to our granting of a CPCN to AG-Energy. SLG did not present evidence that it is unable to provide the gas service necessary for the operation of the generating units that are the subject of this proceeding; rather, it simply stated that it is not currently committed to providing such service, a fact that Petitioner concedes. AG-Energy raised the possibility of a negotiated agreement and we expect Petitioner and SLG to attempt to negotiate such agreement. Failing that, as Petitioner notes, SLG has Commission-approved tariffs for providing service. Moreover, our regulations require every applicant for gas service to assure the utility involved that it will be a reasonably permanent customer, to agree in writing to pay applicable rates and, if so required by the utility, to furnish reasonable security as to the performance of its agreement.¹⁰

Electric Regulation

Lightened regulation of AG-Energy as an electric corporation continues to be appropriate in accordance with the Light Regulation Order. The Petitioner is reminded that, under

¹⁰ 16 NYCRR §230.2(b).

light regulation, the Facility and the entities controlling its operations remain subject to the PSL with respect to matters such as annual reporting, enforcement, investigation, safety, reliability, and system improvement, and the other requirements of PSL Articles 1 and 4, to the extent discussed in the Light Regulation Order and other previous Orders.¹¹ Included among those requirements are the obligations to conduct tests for stray voltage on all publicly accessible electric facilities,¹² to give notice of generation retirements,¹³ and to report personal injury accidents pursuant to 16 NYCRR Part 125.¹⁴ Finally, PSL §§110(1) and (2), which provide for Commission jurisdiction over affiliated interests, will apply automatically in the future if and when such affiliation arises in New York.

CONCLUSION

Having held the hearing required by PSL §68(1) on May 4, 2016, the Commission finds that AG-Energy's exercise of rights, privileges or franchises as an electric corporation (including the performance of the work necessary to restart its electric generating facility) is convenient and necessary for

¹¹ See, e.g., Case 11-E-0593, Cricket Valley Energy Center, LLC, Order Granting Certificate of Public Convenience and Necessity and Establishing Lightened Ratemaking Regulation (issued February 14, 2014).

¹² See Case 04-M-0159, Safety of Electric Transmission and Distribution Systems, Order Instituting Safety Standards (issued January 5, 2005).

¹³ Case 05-E-0889, Generation Unit Retirement Policies, Order Adopting Notice Requirements For Generation Unit Retirements (issued December 20, 2005).

¹⁴ Case 11-M-0295, Annual Reporting Requirements, Order Adopting Annual Reporting Requirements Under Lightened Ratemaking Regulation (issued January 23, 2013).

the public service. We will therefore grant Petitioner a CPCN and its request for continued lighten regulation.

The Commission orders:

1. A Certificate of Public Convenience and Necessity is granted to AG-Energy, L.P. as described in the body of this Order.

2. This proceeding is closed.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS
Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 16-E-0033 - Petition of AG-Energy, L.P. for an Original Certificate of Public Convenience and Necessity and for an Order Providing for Lightened Regulation.

NOTICE OF DETERMINATION OF SIGNIFICANCE
(NEGATIVE DECLARATION)

NOTICE is hereby given that an Environmental Impact Statement will not be prepared in connection with the approval, by the Public Service Commission, of AG-Energy, L.P.'s petition for a Certificate of Public Convenience and Necessity pursuant to §68(1) of the Public Service Law approving the exercise of rights, privileges or franchises, including performance of the work necessary to restart its generating facility. The decision is based upon our determination, in accordance with Article 8 of the Environmental Conservation Law, that such action will not have a significant adverse impact on the environment. The approval of this action is an Unlisted Action as defined in 6 NYCRR §617.2(ak) because it does not meet the criteria as a Type 1 action and is not listed as a Type 2 action by either the NYS Department of Environmental Conservation or the Public Service Commission.¹

Based upon our review of the record, approval of the petition will not result in any significant adverse environmental impacts.

The address of the Public Service Commission, the Lead Agency making this determination, is Three Empire State Plaza, Albany, New York 12223-1350. For more information,

¹ 6 NYCRR §617.5 and 16 NYCRR §7.2

CASE 16-E-0033

please contact Daniel Connor (daniel.connor@dps.ny.gov) (518)
474-5541 or by writing to the above address.

(SIGNED)

KATHLEEN H. BURGESS
Secretary