

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 14-F-0485 - Application of Lighthouse Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 201 MW Wind Energy Facility.

NOTICE INVITING COMMENTS ON PROPOSED STIPULATIONS

(Issued March 6, 2018)

Lighthouse Wind, LLC (Lighthouse), a subsidiary of Apex Clean Energy Holdings, LLC (Apex), proposes to construct a commercial-scale wind power project located within the Town of Somerset, Niagara County, and the Town of Yates, Orleans County, New York (the Project). Construction would consist of wind turbines producing up to 201 megawatts (MW) of wind energy, electric lines connecting the turbines to each other and to the electrical network, access roads, meteorological towers, an operation and maintenance building, a collection substation, and temporary construction staging areas.

In furtherance of preparing an application for this Project, on March 5, 2018, Lighthouse filed proposed stipulations. Stipulations are agreements among the parties that are designed to simplify or shorten litigation of issues before the New York State Board on Electric Generation Siting and the Environment (Siting Board).

Any parties to the proceeding can enter into a stipulation setting forth an agreement on any aspect of the preliminary scoping statement and the scope of studies or program of studies to be conducted and included in the application. Attachment 1 to this notice is a summary of the proposed stipulations, prepared by Lighthouse, listing the parties supporting the stipulations and describing the content

of the proposed stipulations. The full text of the proposed stipulations, named the "Proposed Lighthouse Wind Stipulations for Publication" and dated February 26, 2018, is available at the Department of Public Service website, located at <http://www.dps.ny.gov/>. To access documents, go to "Search," type the case number, "14-F-0485," and click "Search by Case Number".

Before a stipulation may be executed by the parties agreeing to it, a notice of the proposed stipulation must be provided and the public and other parties must be afforded a reasonable opportunity to submit comments on the proposed stipulation. Only parties that are signatories to a stipulation are bound by it. Any party who does not sign a stipulation may challenge the aspect of the application to which the stipulation applies.

PLEASE TAKE NOTICE that pursuant to Public Service Law Section 163(5) and the Siting Board rules, including 16 NYCRR §1000.5(j), any person, agency or municipality may submit comments on the proposed stipulations by filing a copy with the Secretary and serving such comment on Lighthouse on or before May 9, 2018. Such comments must be served on Lighthouse's designated representative, Taylor Quarles, 8687 Main Street, Barker, NY 14012, or by emailing info@lighthousewind.com.

A copy of such comments must also be filed with the Secretary to the Siting Board. The comments may be filed electronically by registered users through the Department of Public Service Document and Matter Management (DMM) system¹ or sent by e-mail to the Secretary at secretary@dps.ny.gov.

¹ The Secretary's Filing Guidelines and instructions on becoming a registered user of the DMM system are available on the Siting Board website (<http://www.dps.ny.gov/SitingBoard/>).

Comments may also be sent by mail to Hon. Kathleen H. Burgess, Secretary, Board on Electric Generation Siting and the Environment, Three Empire State Plaza, Albany, New York 12223-1350.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

LIGHTHOUSE WIND ENERGY FACILITY Niagara and Orleans Counties, New York

NOTICE OF PROPOSED STIPULATIONS

Lighthouse Wind LLC, (Applicant), a subsidiary of Apex Clean Energy Holdings, LLC is proposing to submit an application (Application) to construct the Lighthouse Wind Energy Facility (“Facility”), a wind-powered major electric generating facility, under Article 10 of the Public Service Law (Article 10). The Article 10 regulations, 16 NYCRR §1000.5(j)(3), require that, before any proposed stipulations may be executed by the interested parties, the public must be given notice and afforded a reasonable opportunity to submit comments on the proposed stipulations. This notice announces that on or about March 5, 2018 the Applicant will file proposed stipulations, pursuant to 16 NYCRR 1000.5, as to the scope and methodology of studies to be conducted in support of the Application, which will be filed at a later date. The filing of the proposed stipulations will start a 21-day public comment period whereby anyone may submit comments on the proposed stipulations before they are executed by the interested parties.

As proposed, the Facility would be an up to 201 megawatt (MW) wind powered electric generating facility, to be located in the Towns of Somerset and Yates, in Niagara and Orleans Counties, New York. The Facility would also include a point of interconnection substation near the Kintigh Substation in Somerset, NY to deliver electricity generated by the Facility to the New York State electric grid. The Facility would include wind turbines, access roads, electrical collection lines, collection substation, wind measurement towers, temporary construction staging and storage areas, and an operations and maintenance facility.

Pursuant to the Article 10 process, the Applicant filed a Preliminary Scoping Statement (PSS) on November 23, 2015 with the New York Board on Electric Generation, Siting, and the Environment (Siting Board). Thereafter the public had an opportunity to submit comments on the PSS. Following the comment period, the Applicant prepared a summary of the material comments and its reply to comments was submitted on February 29, 2016. On January 21, 2016, a pre-application conference to consider intervenor funding requests was held and the stipulation process was commenced.

This notice is to serve as a summary regarding the contents of the proposed stipulations agreed to between the Applicant and the New York State Department of Environmental Conservation (DEC), New York State Department of Public Service (DPS), the New York State Department of Health (DOH), and New York State Department of Agriculture and Markets (DAM) pursuant to 16 NYCRR 1000.5(j)(2). Other parties to this proceeding may join these Stipulations including the Town of Somerset, the Town of Yates, Save Ontario Shores, Genesee Valley Audubon Society, and Rochester Birding Association. Within 21 days after filing of the proposed

stipulations, any person, agency or municipality may submit comments on the proposed stipulations by serving such comments on the Applicant's designated representative: Taylor Quarles, 8687 Main Street, Barker, NY 14012, or by emailing info@lighthousewind.com and by filing a copy with the Secretary to the Siting Board (Hon. Kathleen H. Burgess at secretary@dps.ny.gov).

The proposed stipulations track the exhibits required to be included in an Article 10 application pursuant to 16 NYCRR 1001.1. The parties intending to sign the proposed stipulations agree that the studies outlined in the proposed stipulations constitute all the necessary studies concerning the subject matter of the proposed stipulations and that the Applicant will not be requested to provide additional studies, except as otherwise provided for in the proposed stipulations.

Any party that executes a pre-application stipulation may not raise objections at the Article 10 hearing as to the methodology or scope of any study or program of studies performed in compliance with such stipulation. Any other party may timely raise objections at the hearing as to the methodology or scope of any study or program of studies performed in compliance with such stipulation. 16 NYCRR §1000.5(k).

The proposed stipulations provide for agreements on the following exhibits: Exhibit 1: General Requirements, Exhibit 2: Overview and Public Involvement, Exhibit 3: Location of Facilities, Exhibit 4: Land Use, Exhibit 5: Electric System Effects, Exhibit 6: Wind Power Facilities, Exhibit 8: Electric System Production Modeling, Exhibit 9: Alternatives, Exhibit 10: Consistency with Energy Planning Objectives, Exhibit 11: Preliminary Design Drawings, Exhibit 12: Construction, Exhibit 13: Real Property, Exhibit 14: Cost of Facilities, Exhibit 15: Public Health and Safety, Exhibit 18: Safety and Security, Exhibit 19: Noise and Vibration, Exhibit 20: Cultural Resources, Exhibit 21: Geology, Seismology and Soils, Exhibit 22: Terrestrial Ecology and Wetlands, Exhibit 23: Water Resources and Aquatic Ecology, Exhibit 24: Visual Impacts, Exhibit 25: Effect on Transportation, Exhibit 26: Effect on Communications, Exhibit 27: Socioeconomic Effect, Exhibit 28: Environmental Justice, Exhibit 29: Site Restoration and Decommissioning, Exhibit 31: Local Laws and Ordinances, Exhibit 32: State Laws and Regulations, Exhibit 33: Other Applications and Filings, Exhibit 34: Electric Interconnection, Exhibit 35: Electric and Magnetic Fields, Exhibit 38: Water Interconnection, Exhibit 39: Wastewater Interconnection, and Exhibit 40: Telecommunications Interconnection.

The proposed stipulations agree that the following exhibits are not applicable to the Facility and will therefore not be included in the Application: Exhibit 7: Natural Gas Power Facilities, Exhibit 16: Pollution Control Facilities, Exhibit 17: Air Emissions, Exhibit 30: Nuclear Facilities, Exhibit 36: Gas Interconnection, Exhibit 37: Back-up Fuel, and Exhibit 41: Application to Modify or Build Adjacent.

The proposed stipulations include but are not limited to: the scope and types of studies to be conducted, the content and analysis to be supplied with each exhibit and/or study, the types of maps, drawings or explanations to be provided, the methodologies to be used in performing studies, the data to be collected and compared in the studies, impact avoidance and mitigation measures, the type and extent of agency consultations needed before submitting the Application

and the information required to be provided in the Application in compliance with the regulations.

Once the Application is filed and determined by the Siting Board to be complete, the Siting Board will schedule a public hearing on the Application. The Siting Board will also issue a notice of availability of application intervenor funds that are available to be used by parties to participate in formal review of the Application. A pre-hearing conference will be scheduled by the Hearing Examiner to identify intervenor parties, award intervenor funds, identify issues for the hearing, and establish a case schedule. Additional hearings regarding the application and facility impact assessments will be scheduled by the Hearing Examiner as needed. After hearings, the parties may brief their positions and the Hearing Examiner will issue a recommended decision upon which the Siting Board will base its decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board must be completed within 12 months of when the Application is determined to be complete.

The record of this proceeding, including the proposed stipulations, may be examined during normal business hours at the Offices of the DPS at 3 Empire State Plaza, Albany, NY 12223, and may also be viewed at the following public repositories: Somerset Town Hall, 8700 Haight Road, Barker, NY 14012; Barker Free Library, 8706 Main Street, Barker, NY 14012; Yates Community Library, 15 North Main Street, Lyndonville, NY 14098; Yates Town Hall, 8 South Main Street, Lyndonville, NY, 14098.

The proposed stipulations will also be available at the DPS website at (<http://www.dps.ny.gov/>). To access documents, go to “Commission Documents” on the left-side of the webpage under “Most Popular Pages” and search using the Case Number 14-F-0485 or the direct link: (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=46604&MNO=14-F-0485>) or by going to the Facility-specific website maintained by the Applicant: (<http://www.lighthousewind.com/>).