



Cricket Valley Transmission Line
and Re-conductoring Project

Exhibit 8

Other Pending Filings

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
EXHIBIT 8	OTHER PENDING FILINGS	8-1
8.1	Introduction	8-1
Table 8.1-1	Summary of Other Pending Filings	8-2
8.2	New York State Department of Transportation – Utility Work Permit	8-2
8.3	New York State Department of Environmental Conservation – SPDES Permit for Construction Stormwater	8-2
8.4	U.S. Army Corps of Engineers – Section 404 Permit	8-3
8.5	Federal Aviation Administration – Notice of Proposed Construction or Alteration	8-3
8.6	References	8-4

LIST OF TABLES

Table 8-1	Summary of Other Pending Filings
-----------	----------------------------------

EXHIBIT 8 OTHER PENDING FILINGS

This Exhibit addresses the requirements of 16 NYCRR §86.9.

8.1 Introduction

Cricket Valley Energy Center, LLC (“Cricket Valley, “the Applicant”) is proposing to: (1) develop a new approximately 14.6-mile 345 kilovolt (kV) transmission line parallel to the existing Consolidated Edison Company of New York, Inc.’s (“Con Edison”) 345 kV Transmission Line 398 (“Line 398”) from the planned Cricket Valley switchyard (the “Cricket Valley Switchyard”) in the town of Dover, New York to Con Edison’s Pleasant Valley Substation in the town of Pleasant Valley, New York (the “Transmission Line”); and (2) re-conductor an approximately 3.4-mile segment of the existing 345 kV Transmission Line 398 in the town of Dover between the Cricket Valley Switchyard and the New York-Connecticut state line (the “Re-conductoring Segment”) (collectively the “Project”).

The Project will also include improvements to Consolidated Edison’s Pleasant Valley Substation. New protection and communication system upgrades will be required within the existing control buildings at the Pleasant Valley Substation.

The Project right-of-way crosses through the towns of Dover, Union Vale, LaGrange, and Pleasant Valley, all located in Dutchess County, New York.

The Re-conductoring Segment will continue to the east into the State of Connecticut, where an additional 5.5 miles of re-conductoring will be required to support the Project. This re-conductoring will be permitted, licensed, and operated by Northeast Utilities (NU). Regulatory program applications have not yet been filed for the re-conductoring work in Connecticut.

This Exhibit identifies and describes other pending applications or filings, if any, of Cricket Valley, or others, related to the subject matter of this Application as filed with the New York State Public Service Commission (“PSC” or the “Commission”), or other governmental departments or agencies (State or Federal).

In conjunction with the design, construction, and operation of the proposed Project facilities, Cricket Valley will seek certain permits or approvals from State and Federal government regulators outside the scope of Article VII of the Public Service Law. These permits or approvals are discussed below and summarized in Table 8-1.

In accordance with 16 NYCRR § 86.9, Cricket Valley does not have pending filings related to the Project, or know of others who may have filings with the Commission relative to the Project. Further, the granting or denial of any of the permits and approvals listed below is not expected to have any bearing on the grant or denial of a Certificate by the Commission.

Table 8-1 Summary of Other Pending Filings

STATE	
Department of Environmental Conservation (NYSDEC)	<ul style="list-style-type: none"> State Pollutant Discharge Elimination System (SPDES) Clean Water Act Section 402 Permit for Construction Stormwater (ECL Article 17)
Department of Transportation (NYSDOT)	<ul style="list-style-type: none"> Utility Work Permit (17 NYCRR, Part 131)
Public Service Commission (PSC)	<ul style="list-style-type: none"> Clean Water Act Section 401 Water Quality Certificate
FEDERAL	
Army Corps of Engineers (USACE)	<ul style="list-style-type: none"> Clean Water Act Section 404 Permit Rivers & Harbors Act Section 10 (if applicable)
Aviation Administration (FAA)	<ul style="list-style-type: none"> Notice of Proposed Construction or Alteration (FAA Form 7460-1)

8.2 New York State Department of Transportation – Utility Work Permit

The New York State Department of Transportation (NYSDOT) requires that a Utility Work Permit application be submitted to install utilities within or adjacent to State highway rights-of-way. Various parts of the Project will cross or be adjacent to State highways, including the Taconic State Parkway. No longitudinal placement of underground facilities along federally-funded, controlled access highways is involved. Following Commission approval of the final design as part of the EM&CP, Cricket Valley will obtain highway work permit(s) from NYSDOT pursuant to 17 NYCRR, Part 131 for the construction and operation of the Project within or adjacent to State highway rights-of-way, subject to the Commission's continuing jurisdiction.

8.3 New York State Department of Environmental Conservation – SPDES Permit for Construction Stormwater

Construction activities for the Project will entail soil disturbances of greater than one acre; therefore, storm water discharge(s) from the construction site(s) are required to be covered under a State Pollutant Discharge Elimination System (SPDES) Clean Water Act 402 Permit issued in accordance with the New York Environmental Conservation Law (ECL) Article 17. As part of the EM&CP, Cricket Valley will prepare a Storm Water Pollution Prevention Plan (“SWPPP”) in conformance with the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001 dated January 29, 2010. Subsequently, Cricket Valley will prepare and submit a Notice of Intent to the New York State Department of Environmental Conservation (“NYSDEC”) and the Commission prior to construction. The required Notice of Termination of such General Permit coverage will be provided to the NYSDOC and the Commission following the completion of the Project.

8.4 U.S. Army Corps of Engineers – Section 404 Permit

All wetlands (regardless of their size) that meet the applicable federal criteria are regulated under Section 404 of the Clean Water Act by the U.S. Army Corps of Engineers (“USACE”).

As described in Exhibit 4, the proposed Transmission Line and Reconductoring Segment cross wetland areas that are regulated by the USACE. Based on past experience, the temporary wetland disturbance associated with construction activities for the Project is likely to be authorized by the USACE New York District under Nationwide Permit (“NWP”) No. 12 (utility line activities). Initial estimations of temporary impact to wetlands and watercourses indicate that the Project will fall within the eligibility requirements for NWP 12, and no long term or permanent impacts to wetlands or waterways is expected in association with Project construction and operation. A pre-application consultation with the USACE New York District will be made to ensure compliance with applicable regulatory requirements, and copies of any required documentation or Pre-Construction Notification to the USACE will be provided to the Commission as part of the EM&CP. It is anticipated that the Project will file an application with USACE in early 2014 to provide coverage under the federal Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, if applicable.

Before USACE can issue the applicable permit or Letter of Permission (“LOP”), they will require the issuance of a Water Quality Certificate under Section 401 of the Clean Water Act by the appropriate state agency, in this case the Commission. Accordingly, this application for a Certificate of Environmental Compatibility and Public Need (“CECPN”) states that a request to the Commission for a Water Quality Certificate in accordance with Section 401 of the Clean Water Act will be made in early 2014.

8.5 Federal Aviation Administration – Notice of Proposed Construction or Alteration

A section of the Transmission Line right-of-way in the Town of Union Vale is adjacent to the Sky Acres Airport. Cricket Valley will coordinate the final design and construction of the Transmission Line in the vicinity of the airport with Sky Acres Enterprises Inc. and will reflect appropriate design criteria and clearance requirements into its design and construction. In addition, Cricket Valley will file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration (“FAA”) along with pertinent final design drawings to confirm that the proposed facilities and construction activities in the vicinity of the airport will not impact air navigation or airport operations. A copy of the Notice and response from the FAA will be submitted to the Commission.

8.6 References

Cricket Valley Energy (2010). Documents. Accessed September 2013 from <http://www.cricketvalley.com/study-process/documents.aspx>.

New York Energy Highway (2012). New York Energy Highway Blueprint. Accessed September 2013 from <http://www.nyenergyhighway.com/PDFs/BluePrint/EHBPPT/#?page=0>

New York Energy Highway (2013). New York Energy Highway Blueprint Update. Accessed September 2013 from [http://www.nyenergyhighway.com/PDFs/BluePrint/EHBPPT/Blueprint Update April %202013.pdf](http://www.nyenergyhighway.com/PDFs/BluePrint/EHBPPT/Blueprint%20Update%20April%202013.pdf)