

**Excelsior Energy Center, LLC**  
**Case 19-F-0299**  
**280 Megawatt Solar Photovoltaic Generating Project and 20 Megawatt Energy Storage System**  
**Genesee County, New York**

**NOTICE OF SUBMISSION OF PRELIMINARY SCOPING STATEMENT**

Excelsior Energy Center, LLC (Excelsior Energy Center) is seeking authority from the New York State Board on Electric Generation Siting and the Environment (the Siting Board) to construct a 280 megawatt (MW) solar photovoltaic electric generating facility and a 20 MW energy storage system (the Project) in the Town of Byron, Genesee County, New York, pursuant to Article 10 of the New York State Public Service Law (PSL). Excelsior Energy Center hereby provides notice that it will file a Preliminary Scoping Statement (PSS) with the Siting Board on or about September 23, 2019. The PSS will summarize the proposed scope of studies that Excelsior Energy Center will undertake, the results of which will form the basis of its Application to the Siting Board. By this Notice, Excelsior Energy Center seeks input from the public, interested agencies, and municipalities on the scope and methodology of studies to be conducted pursuant to the PSS.

The Project components will include solar arrays, access roads, buried (and possibly overhead) electric collection lines, energy storage, and electrical interconnection facilities. Additional Project facilities consist of a new collection substation and 345 kV switchyard, which will be transferred to the New York Power Authority (NYPA) to own, maintain, and operate. The proposed collection substation and interconnection facilities will be located on land adjacent to NYPA's 345 kV Line between Niagara and N. Rochester substations. The Project is proposed to be constructed on land leased from private landowners.

The Project will safely generate enough clean, renewable electricity to power approximately 67,000 households. As a renewable resource, the Project will also avoid harmful emissions and other adverse impacts associated with traditional fossil-fueled generating facilities, and will be compatible with New York State's policies promoting renewable energy, including the 2015 State Energy Plan (SEP), the 2016 Clean Energy Standard (CES), and the recently enacted Climate Leadership and Community Protection Act, which collectively require at least 70% of the State's electricity to be derived from renewable resources by 2030, elimination of emissions from the electric sector by 2040, and development of 6,000 MW of solar energy by 2025.

Excelsior Energy Center anticipates that the Project will not have negative impacts on health, air, or water resources. Potential visual, wildlife, and agricultural impacts will be mitigated to the maximum extent practicable.

The PSS precedes the formal public scoping process and, based upon reasonably available information, describes and/or identifies the scope of review and studies that will be conducted under Article 10, including, among other things: the environmental setting of the Project Area, the potential environmental impacts associated with construction and operation of the Project; proposed benefits of the Project; proposed studies (including preconstruction studies and post-construction monitoring); security; decommissioning; proposed measures to avoid, mitigate, or minimize any potential environmental impacts; other required permits and authorizations; and other relevant information specified by law.

With the PSS, Excelsior Energy Center will also submit \$98,000 in intervenor funding, at least 50% of which is reserved for municipal parties. Interested parties may apply for intervenor funding to be used to pay for such things as administrative, attorney, and/or consultant fees to assist in participating in the Article 10 process. A guide to applying for intervenor funding can be found on the Siting Board's website at [http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/6fd11ce8db088a2785257e200054a99b/\\$FILE/Guide%20to%20Intervenor%20Funding%201-30-18.pdf](http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/6fd11ce8db088a2785257e200054a99b/$FILE/Guide%20to%20Intervenor%20Funding%201-30-18.pdf).

Within 21 days after the PSS is filed, any person, agency, or municipality may submit comments on the PSS by serving such comments on the Applicant at the address below and filing a copy with the Secretary to Siting Board. Comments must reference Case 19-F-0299 and may be submitted in writing to Hon. Kathleen H. Burgess, Secretary to the Siting Board, New York State Public Service Commission, Agency Building 3, Albany, NY 12223-1350 or electronically to [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov). Any interested person may also file a request with the Secretary to receive copies of all notices concerning the Project, including notices regarding pre-application stipulations. Documents filed in this proceeding may also be viewed on the DPS website at [www.dps.ny.gov](http://www.dps.ny.gov) by clicking on "Search" under the "Index" section at the bottom of the homepage and then entering "19-F-0299" in the "Search by Case Number" field.

The Applicant will prepare a summary of the material comments and any reply thereto within 21 days after the comment period is closed. The summary and responses will be filed and served in the same manner as the PSS.

Not less than 22 days after the PSS is filed, an Administrative Law Judge (ALJ) will hold a conference to, among other things, initiate the stipulation process in which Excelsior Energy Center and other parties may negotiate and agree upon refining studies, and other issues to be addressed in the Article 10 Application. The ALJ will also issue a notice of availability of pre-application intervenor funds providing a schedule and instructions on how interested parties may apply for such funds. Requests for intervenor funds are due within 30 days of issuance of the notice. A pre-application meeting will also be convened to consider funding requests no less than 45 but no more than 60 days after filing of the PSS.

Excelsior Energy Center will use the results of the studies it conducts to prepare the Application, which will be filed no less than 90 days after the PSS is filed. The Application will include a description of the Project, and evaluation of the environmental and health impacts and avoidance/mitigation measures, a summary of public involvement activities, a statement of why any local laws or ordinances should not be applied, electrical interconnection and system reliability studies security and emergency plans, a statement demonstrating compliance with the most recent State Energy Plan, and other relevant information. The Application will also include such other information as required by the Siting Board's rules (16 NYCRR § 1001.1–1001.41) unless inapplicable or waived by the Siting Board.

The Siting Board will then determine whether the Application is compliant with filing requirements. Once it is deemed compliant, the PSL requires that the Siting Board render a decision on the Application within 12 months. Additional intervenor funds of \$280,000 will accompany the Application. Once the Application is deemed compliant, the Presiding Examiner will schedule a pre-hearing conference to identify intervenors, award intervenor funds, identify issues for the hearing, and establish a case schedule. The case schedule will include notice of the scheduling of a public hearing. The Siting Board will also issue a notice of availability of intervenor funds. After the hearings, intervenors may submit briefs to the ALJs, who will then issue a recommended decision upon which the Siting Board, in turn, will render its decision.

The Article 10 Application review process affords stakeholders and other interested parties ample opportunities to participate and ask questions and share comments, concerns, and knowledge with the Siting Board, including participation in and presentation of evidence at administrative hearings, all of which will be considered by the Siting Board in deciding whether to approve the Project. Additional information on how to participate in Siting Board matters may be obtained by contacting Excelsior Energy Center's project representative or the Siting Board Public Information Coordinator:

Excelsior Energy Center Project Representative

Keddy Chandran  
NextEra Energy Resources  
700 Universe Blvd, FEW/JB  
Juno Beach, FL 33408  
Telephone: (561) 691-7274  
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Email: [Keddy.Chandran@nexteraenergy.com](mailto:Keddy.Chandran@nexteraenergy.com)

Siting Board Public Information Coordinator

James Denn  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY 12223  
(518) 474-7080  
Email: [james.denn@dps.ny.gov](mailto:james.denn@dps.ny.gov)

To find more information, please go to the Siting Board's website at [www.dps.ny.gov/SitingBoard](http://www.dps.ny.gov/SitingBoard), the Project website at <https://www.excelsiorenergycenter.com/>, or call the Project's toll-free number at 800-674-8613.

Copies of the PSS will also be available for review at the following local repositories:

- Town of Byron Town Hall, 7028 Byron Holley Road, Byron, NY 14422
- Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416