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VIA ELECTRONIC FILING

RE: Case 19-F-0299: Application of Excelsior Energy Center, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility in the Town of Byron, Genesee County

**** NOTICE OF COMMENCEMENT OF STIPULATIONS PROCESS ****

Active Parties and Stakeholders:

On September 24, 2019, Excelsior Energy Center, LLC (“Excelsior Energy”) filed a Preliminary Scoping Statement (PSS) in connection with its proposal to construct a 280-megawatt (MW) photovoltaic (PV) solar electric generating facility and a 20 MW energy storage system (the “Project”) in the Town of Byron, Genesee County, New York (the “Town”).

Upon the filing of the PSS, a pre-application intervenor fund of \$98,000 was established for this proceeding. On October 28, 2019, the Town filed a request for pre-application intervenor funds in an amount totaling \$98,000. In addition, on that same day, Byron Association Against Solar, Inc. (“BAAS”) filed a request for \$49,000 in intervenor funds. No other requests for intervenor funding were timely filed.

On November 29, 2019, the Examiners assigned to this proceeding issued a ruling awarding pre-application intervenor funds in the amount of \$49,000 to the Town of Byron and \$25,000 to BAAS in order to enable the Town and BAAS to make effective contributions to the review of the PSS and to encourage early and effective public involvement in the pre-application stage of this proceeding.

With the awarding of intervenor funding, Excelsior Energy may now commence the stipulations process. Accordingly, Excelsior Energy hereby provides notice of commencement of the stipulation process. Each stipulation essentially sets forth a proposed agreement among the participating parties on a particular aspect of the PSS, the studies or program of studies to be conducted, and the contents of each exhibit to be eventually included in the Application. In this regard, Excelsior Energy anticipates discussing during the negotiations the Proposed Studies detailed in its PSS concerning the environmental, preliminary engineering, socioeconomic, system benefits, and other disciplines that are required to be addressed in the applicable Article 10 regulations (16 NYCRR §§ 1001.1 *et seq.*). For ease of reference, the Proposed Studies detailed in the PSS are formatted to align with the exhibits required by the Article 10 regulations. Proposed Stipulations will be circulated in January.

PLEASE BE ADVISED THAT FUTURE NOTICES REGARDING THE STIPULATIONS PROCESS WILL BE SERVED ON (1) PERSONS OR ENTITIES THAT HAVE NOTIFIED EXCELSIOR ENERGY OF THEIR INTENT TO PARTICIPATE IN THE STIPULATIONS PROCESS, AND (2) PERSONS OR ENTITIES LISTED ON THE PARTY LIST FOR THIS PROCEEDING. PERSONS WISHING TO BE ADDED TO THE PARTY LIST SHOULD COMPLETE AND FILE A FORM “REQUEST FOR PARTY STATUS.” THIS FORM CAN BE OBTAINED ON THE DEPARTMENT OF PUBLIC SERVICE’S WEBSITE LOCATED AT WWW.DPS.NY.GOV UNDER CASE 19-F-0299. PERSONS OR ENTITIES WISHING TO BE ADDED TO THE PARTY LIST MAY ALSO COMPLETE AND FILE THE FORM “NOTICE OF INTENT TO BE A PARTY IN AN ARTICLE 10 PROCEEDING.”

Persons may also notify Excelsior Energy of their intent to participate in the stipulation process by sending an email to the undersigned counsel.

Participants in stipulation negotiations are also reminded that this consultation process is subject to the confidentiality requirements of 16 NYCRR §3.9 which provides that any discussion, admission, concession or offer to stipulate or settle, whether oral or written, made during any negotiation session concerning a stipulation or settlement is not subject to discovery, or admissible in any evidentiary hearing against any participant who objects to its admission. In addition, participating parties, their representatives and other persons attending stipulation negotiations must hold confidential such discussions, admissions, concessions, and offers to settle and shall not disclose them outside the negotiations except to their principals without the consent of the parties participating in the negotiations.

Respectfully submitted,

/s/ Michelle K. Piasecki

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/s/ Sam Laniado

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cc: Hon. Michelle L. Philips, Secretary
DMM Parties
Stakeholder List