EXCELSIOR ENERGY CENTER

Case No. 19-F-0299

1001.2 Exhibit 2

Overview and Public Involvement

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Exhibit 2: Overview and Public Involvement

This Exhibit will track the requirements of Stipulation 2, dated July 6, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.2.

2(a) Brief Description of the Proposed Project

The Excelsior Energy Center (the Project) will have a generating capacity of 280 MW, as well as a 20 MW/4-hour duration energy storage system. The Project will be located on land leased and/or purchased from owners of private property in the Town of Byron, Genesee County, New York. Proposed Project Components include commercial-scale solar arrays, access roads, inverters, fencing, buried electric collection lines, energy storage system, and electrical interconnection facilities. The Project Area totals 3,443 acres. The total area of the Limit of Disturbance (LOD) for the Project is 1,712 acres, and the area inside the Project fence is 1,629 acres.

The Applicant intends to construct, own, operate, and maintain all components of the Project. In 2018, the Applicant signed a long-term agreement to sell the Renewable Energy Credits (REC) generated by the project to the New York State Energy Research and Development Authority (NYSERDA). A solar module specification as well as the locations of the solar arrays and related infrastructure are identified in this Application. The Project also includes a proposed collection substation and interconnection facilities to be located on land within the Project Area that will tap into the New York Power Authority's (NYPA's) 345 kilovolt (kV) Line #DH2 between Niagara and N. Rochester substations (see Figure 2-1). The proposed interconnection facilities will include a 345 kV switchyard which will be transferred to NYPA to own and operate.

Solar Arrays: The Project proposes to install a tracker racking system. As the technology is rapidly evolving for solar panel technology, and market conditions at the time procurement decisions need to be made are unknown at this time, the Applicant is proposing in this Application to evaluate both tracking and fixed racking systems, with the final decision to be made and detailed in the Compliance Filing. The tracking and fixed array racking systems to be utilized would be similar to the Gamechange Solar Genius Tracker™ and the Gamechange Maxspan™ Pile Driven System, respectively, specification sheets of which have been included in Appendix 2-1. Regardless of the type of array racking system ultimately selected for the Project, the Applicant intends to utilize a solar module similar to the Jinko Solar Eagle 72HM G2 380-400 Watt Mono Perc Diamond Cell. A specification sheet for this module has been included in Appendix 2-1. Only selected elements of the Project would change based upon the combination of array

racking system types used, but all changes would be within the component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the preliminary site plans included in Exhibit 11. Land coverage ratios will also be adjusted but they are not expected to be substantial or significant as land uses are not expected to change in these locations between the Application filing and finalization of the Compliance Filings. Thus, choosing either racking technology would not cause any significant adverse environmental impacts.

Inverters: Inverters will be located throughout the solar arrays. Their purpose is to convert direct current (DC) electricity generated by the solar modules into alternating current (AC) electricity. Cables from the solar modules are run to the inverters using a CAB® cabling system or underground lines. From the inverters, underground collection lines then convey electricity to the Project collection substation and ultimately to the existing electric transmission system. The Applicant intends to use a Power Electronics HEM inverter, or a similar inverter. A specification sheet has been included in Appendix 2-2.

Access Roads: Roads within the Project Area used to access solar arrays will follow existing farm roads and trails, where practicable, to minimize the need for new roads. The same access roads used during construction will be used during operation of the Project and will be gravel surfaced and approximately 16 feet wide. The total length of access roads is approximately 27 miles.

Collection Lines: The 34.5 kV collection lines will connect the solar arrays with the Project collection substation. The total length of collection line being included as part of the Application for the Project is approximately 38 miles. Collection lines will be installed underground (approximately 196,304 feet) via direct burial and horizontal directional drilling (HDD) (approximately 2,929 feet).

Fencing: Fencing will be placed around the perimeter of the arrays and associated structures (see Appendix 11-1). Fencing will be chain-link and seven feet in height and will only be topped with barbed wire around the perimeter of the substation.

Project Collection Substation: The 34.5 kV collection lines within the Project Area will gather power from the solar arrays and transport it to a new collection substation that will step up the voltage to 345 kV. The collection substation will be located adjacent to solar panels off of Batavia Byron Road (see Appendix 11-1). The construction of the collection substation is anticipated to

occupy approximately 3 acres of agricultural land. This acreage is for the substation only, not including the switchyard which is an adjacent but separate area.

Project Interconnection Facilities: Power from the collection substation will be transported to an immediately adjacent switchyard and then interconnected via two proposed 160-foot 345 kV transmission lines to the existing NYPA 345 kilovolt (kV) Line #DH2 between Niagara and N. Rochester substations. The switchyard and transmission line will be transferred to NYPA to own and operate. The Project is adjacent to the currently named NYPA 345 kV #NR2 Line. In a separate matter not related to this proceeding, NYPA is planning the construction of the new Dysinger switchyard which will be built and completed prior to the Project's operation and the line will be renamed #DH2 to reflect the new end point. As such, the NYPA Transmission Line that the Project will interconnect to will be referred to as #DH2 throughout this Application.

Energy Storage Systems: The Project also includes an energy storage system with a capacity of 20 MW for a 4-hour duration. There are 11 energy storage systems located throughout the Project Area adjacent to Project inverters and will be contained within cabinets that are anticipated to be approximately 11 feet 4 inches in height. The Samsung SDI lithium ion energy storage system, detailed in Appendix 2-3, is being evaluated for this Application. The Applicant will be using this system or similar with final details included in the Compliance Filing.

2(b) Brief Summary of the Application Contents

The Article 10 Application includes a total of 41 exhibits, nine of which were deemed not applicable (6, 7, 16, 30, 36, 37, 38, 39 and 41) to the Project. Supporting information for each exhibit is provided in the table below. For purposes of this Application, the following definitions will be used to describe various areas or boundaries of the Project:

- **Applicant:** Excelsior Energy Center, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra).
- **Project:** the proposed Excelsior Energy Center solar facility.
- **Project Area:** the 3,443-acre area encompassing all Project parcels located within the Town of Byron as shown in Figure 2-1.
- **Study Area:** typically, the 32,269-acre area within a 2-mile buffer of the currently proposed location of the Project's boundary. Many of the resource area impact studies for this Application were conducted within this area. Some studies utilized resource-specific study areas, the extents of which are defined in the applicable exhibit.

- **Component or Facility:** an individual piece, or collection of equipment or improvement of the Project, including a solar array, access road, buried electric collection lines, energy storage system, electrical interconnection facilities, laydown area, and fencing.

Table 2-1. List of Applicable Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
1	***General Requirements***	Certificate of Formation
2	***Overview and Public Involvement:*** Brief overview of the Project, public communications, and rationale for why the Project should be granted a certificate.	Jinko Eagle 72HM G2 380-400 Watt Mono Perc Half Cell Module Technical Data Sheet; Gamechange Solar Genius Tracker™ Data Sheet; Gamechange Maxspan™ Pile Driven System Data Sheet; Power Electronics HEM Inverter Data Sheet; Samsung SDI Energy Storage System Brochure; PIP Meeting Log; Stakeholder List
3	***Location of Facilities:*** Maps and information on the location of the proposed Project.	Proposed Project Component Locations
4	***Land Use:*** Description of existing and proposed land use based on local, state, and federal classifications. Includes anticipated facility impacts and conformance with publicly known land uses and use regulations.	Tax Parcels; Town of Byron Zoning Map; Existing and Proposed Land Use Maps; Specially Designated Areas Map; Recreational and Other Sensitive Land Uses; Existing Utility Locations; Aerial Photograph Overlays; Farmland Classification Maps
5	***Electric Systems Effects****:* Description of facility transmission impacts of operation and maintenance. Includes applicable codes, standards, and protocols for generation and ancillary features design, construction, commissioning, and operation.	System Reliability Impact Study (SRIS); Collection Substation Design Criteria; Vegetation Management Operations Manual
8	***Electric System Production Modeling:*** Input data utilized to calculate facility emissions and generating capacity. Input data determinations confirmed through New York State Department of Public Service (NYSDPS) and New York State Department of Environmental Conservation (NYSDEC) coordination.	Production Modeling Analyses
9	***Alternatives:*** Analysis of applicable alternative facility and component locations and suitability of existing environmental setting.	None
10	***Consistency with Energy Planning Objectives***	None

Table 2-1. List of Applicable Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
11	***Preliminary Design Drawings:*** Facility Component drawings prepared by a professional engineer or architect licensed and registered in New York State (NYS). Comparison of preliminary design drawings to applicable engineering codes, standards, and guidelines.	Preliminary Design Drawings; Electrical Design Drawings; Landscaping Plan; Lighting Plan
12	***Construction:*** Facility installation and monitoring procedures in conformance with applicable design, engineering, and installation standards and criteria.	NextEra Energy Major Duties & Accountability Matrix; Complaint Resolution Plan; Quality Assurance and Quality Control Plan
13	***Real Property:*** Project Area property rights accessed via lease or easement agreements and description of tax property information.	Surveys of Properties Purchased by Applicant; Demonstration that the Applicant has Obtained Rights in the Project Area
14	***Cost of Facilities:*** Description of the Project's capital costs.	Estimated Cost of Facilities
15	***Public Health and Safety****:* Discussion of potential adverse impacts posed by construction or operation of the facility.	Noise Analysis; Study Area Maps; Stormwater Pollution Prevention Plan (SWPPP)
17	***Air Emissions****:* Evaluation of the Project's pollution control technologies and plans to handle, store, and dispose of waste byproducts.	None
18	***Safety and Security****:* Measures to ensure safe practices during construction and operation of the Project, including complaint resolution procedures.	Site Security Plan; Preliminary Emergency Response Plan (ERP)
19	***Noise and Vibration****:* Comprehensive analysis of acoustic solar array effects.	Noise Impact Study; Noise Level Estimates; Construction Operations Plan
20	***Cultural Resources****:* Research to determine if any cultural resources are impacted by the Project.	Phase I Archaeological Resources Study; Historic Architectural Survey and Effects Report; Cultural Resources-Related Correspondence
21	***Geology, Seismology, and Soils****:* Analysis of the geology and soils in the Project Area to ensure area can support solar arrays and to address potential impacts.	Existing Slopes Map; Soil Types Map; Depth to Bedrock Map; Geotechnical Engineering Report; Preliminary Blasting Plan
22	***Terrestrial Ecology and Wetlands****:* Comprehensive study of plant and wildlife in the Project Area, potential impacts from the Project, and mitigation measures.	Plant and Wildlife Inventory List; Breeding Bird Surveys; Winter Raptor Surveys; Cumulative Breeding Bird Survey Analysis; Wetland and Stream Delineation Report; Wetland Functions and Values Assessment; Invasive Species Management and Control Plan

Table 2-1. List of Applicable Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
23	***Water Resources and Aquatic Ecology**:* Review of Project impacts to water resources in the area and plans to mitigate impacts.	Freedom of Information Law (FOIL) Requests and Correspondence; Private well survey responses; Shapefiles of surface water data; Preliminary SWPPP
24	***Visual Impacts**:* Visual impact assessment of the Project, including photo simulations.	Visual Impact Assessment (VIA); Glare Analysis; Viewshed Analysis and Viewshed Map; Photographic Simulations
25	***Effect on Transportation**:* Impact of the Project on transportation including during construction and operation.	Conceptual Site Plans; Accident Data & Applicable Transportation Analyses; Construction Worker Routing Map; Sight Distance Diagrams; New York State Department of Transportation (NYSDOT) Average Annual Daily Traffic (AADT) Volumes; Accident Summary Data; NYSDOT Bridge Load Rating; Highway Capacity Software (HCS) Level of Service Output
26	***Effect on Communications**:* Analysis of Project impact on all types of communications in the Project Area.	None
27	***Socioeconomic Effects**:* Analysis of the Project and its impact to the economy and jobs.	National Renewables Energy Laboratory Jobs and Economic Development Impact Model
28	***Environmental Justice**:* Air quality and health impacts on certain communities.	Environmental Justice Area Map
29	***Site Restoration and Decommissioning**:* Plans for site restoration upon Project decommissioning.	Decommissioning & Restoration Plan
30	***Nuclear Facilities***	Not Applicable
31	***Local Laws and Ordinances**:* Local laws pertinent to the Project.	Local Laws and Regulations
32	***State Laws and Regulations**:* State laws pertinent to the Project.	None
33	***Other Applications and Filings**:* Other state and federal applications and filings that are relevant to the Project.	None
34	***Electric Interconnection**:* Description of Project electric systems	None
35	***Electric and Magnetic Fields**:* EMF analysis for certain Project and Project-related electric systems.	Electric and Magnetic Field (EMF) Study
40	***Telecommunications Interconnection**:* Description of communications network required for the Project.	None

2(c) Brief Description of the Public Involvement Program prior to Submission of the Application

The draft Public Involvement Program (PIP) Plan was submitted to the New York State Department of Public Service (NYSDPS) on April 24, 2019. Following the receipt of NYSDPS comments on the PIP Plan, the PIP Plan was updated, completed, and filed by the Applicant on June 20, 2019.

(1) Public Involvement Program (PIP) Components to Date

Materials to encourage public involvement throughout the Article 10 process such as fact sheets, presentations from town board meetings and open house events, and educational materials have been prepared and made available on the Project website (www.excelsiorenergycenter.com) beginning on June 19th, 2019. The Applicant's efforts relating to language access, identification of any environmental justice areas, and the use of document repositories are outlined in the PIP Plan, which can be found on the Project's website and on the NYSDPS Document and Matter Management website (http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-F-0299&submit=Search).

The Applicant has completed the pre-Application consultations set forth in the PIP Plan. The Applicant has encouraged local involvement through open dialogue discussions and appearance at numerous meetings with various groups and individuals, including the Byron Town Board, Byron Planning Board, Genesee County officials, the Genesee County Industrial Development Agency, the Town of Byron Supervisor, the Byron-Bergen School District Superintendent, local first responders, local interest groups, adjacent landowners, and others as detailed in the PIP Meeting Log (see Appendix 2-4). The PIP Plan activities are ongoing and include regular communications about the Project and Article 10 Application process through the stakeholder contact list, and the Project website.

(2) Public Involvement Activities

Notice of the Application submittal was served in accordance with 16 NYCRR § 1000.5(c) and to a Project mailing list consisting of the updated stakeholders list, including host and adjacent landowners, and additional addresses received through public outreach. The notice included information on the Project generally and the Article 10 Application specifically.

(3) Newspaper Publications

In addition to mailing notices as required under 16 NYCRR § 1000.7(b), notices were published regarding the Application in three newspapers local to the Project and Study Areas, The Daily News, The Democrat & Chronicle, and the Batavian as required under 16 NYCRR § 1000.7(a).

(4) Open House Information

Details regarding the two open houses held on September 10, 2019 are as follows. The first open house was conducted between 11am and 1pm, and the second from 5pm to 7pm. Informational flyers were mailed to the entire stakeholder list as well as all landowners within the 2-mile Study Area on August 26, 2019. Notification was published in The Daily News, The Democrat & Chronicle, and The Batavian approximately two weeks prior to the open house, and approximately 72 people attended the morning session and 88 people attended the evening session.

Due to the COVID-19 pandemic, at the request of the Presiding Examiner, two virtual open houses were held on August 31, 2020 from 12pm to 1pm, and 6pm to 7pm. Notification for the open house was published in The Daily News, The Democrat & Chronicle, the Batavian. Again, informational flyers were mailed to the entire stakeholder list, as well as all landowners within the 2-mile Study Area, in August 25, 2020, approximately one week prior to the open house. Approximately 50 people attended each session of the virtual open house. An information mailer (Appendix 2-5) was sent to the stakeholder list on August 7, 2020, providing general information and an update on the Project ahead of the virtual open house.

Following the open houses, comments on potential visual impacts, potential wildlife and wetland impacts, array location, potential permanent jobs, quality of groundwater in regard to herbicide use and solar panel technology, and compatibility with existing community character were received. The following actions regarding these comments were performed by the Applicant:

- Increased setbacks from Project Components to property lines in specific locations;
- Re-routed the snowmobile trail to maintain this recreational resource after construction;
- Created a wildlife corridor connecting stands of forested habitat; and
- Created access ways to facilitate continued agricultural use within the Project Area;

Paper copies of Project Application documents, and any Supplement required to be filed by the Chair, except those provided under a claim of confidentiality, will be sent to the designated local

repositories.

(5) Outreach Events and Meetings

The Applicant has mailed notices of open houses to over 1,700 participating property owners, adjacent property owners, businesses, and residences within the 2-mile Study Area and has held four open houses accessible to residents of the Study Area in accordance with the PIP Plan. At the open houses, attendees were given the opportunity to join the stakeholder list if they wished to receive notices of Project milestones and Project information updates. The Project website and phone continue to be available.

In addition to open houses, the Applicant participated in meetings at the Byron Hotel and attended Town and Planning Board meetings. The Applicant participated in 14 community meetings at the Byron Hotel hosted by the establishment's owner for members of the community. These informal meetings allowed residents and members of the community to discuss the Project, potential impacts, and communities needs with the Applicant.

Through the PIP process, based on meetings with state and town officials and landowners in the Study Area, and from written comments, the Applicant identified certain key Article 10 issues: potential impacts to wildlife and wetlands, impacts to agricultural land, noise during construction, compatibility with community character, visual impacts, and vegetation management.

Stakeholders identified in the PIP Plan include the local municipality, the Town of Byron, and its respective points of contact: Town of Byron Supervisor, Genesee County Manager, and the appropriate town or county clerks. The stakeholder list (Appendix 2-6) also includes municipal officials from adjacent communities within the 2-mile Study Area. In addition to municipal officials, the stakeholder list includes the followings people/entities: county, state, and federal agencies, legislative representatives, highway departments, the local school district, emergency responders, utilities, public interest groups, the Byron Association Against Solar (BAAS), and miscellaneous stakeholders identified during public outreach efforts.

Stakeholders were notified at least three days before this Application was filed. Notifications were published in the Daily News, the Democrat & Chronicle, the Batavian newspapers detailing the proposed Project and a summary of the contents of the Application. Notification was also mailed to each member of the state legislature in whose district the Facility is to be located as proposed.

2(d) Brief Description of the Public Involvement Program after Submission of the Application

The Applicant will continue to meet with state, county, and town officials after the Application is submitted, including attendance at town and planning board meetings. Public hearings will be held as part of the Article 10 certification process. The Applicant will also continue to meet with interested parties, if requested, as well as engage stakeholders, sponsor open communication with non-public entities, and continue meeting with stakeholders during preparation for construction, during construction itself, and during operation. The Applicant has outlined its complaint resolution procedures for construction in Exhibit 12.

The stakeholder list is included as Appendix 2-6. Identification of stakeholders is described in Section 2(c) above. In addition to notifications required under 16 NYCRR §§ 1000.6 and 1000.7, the Applicant will mail notice of the Application submittal to the Project mailing list composed of the updated stakeholders list and additional addresses received through public outreach.

2(e) Relevant and Material Fact Analysis

The Applicant has conducted a number of studies and analyses, supplemented by in-depth literature reviews, to support the Article 10 Application Exhibit requirements and ensure the safety and security of public and private resources. The information contained in this Application provides sufficient bases for the Siting Board to grant the Article 10 Certificate in accordance with Section 168 of the Public Service Law (PSL).

Section 168(2) of PSL

The following section is a brief overall analysis of the relevant and material facts for each required finding regarding the nature of the probable environmental impacts of the construction and operation of the Project:

Ecology/Wildlife and Habitat: The Project Area consists of active agriculture (84.2 percent), forest land (6.0 percent), successional shrubland (0.9 percent), disturbed development (2.2 percent), successional old field (1.5 percent), wetlands (5.1 percent), and open water (0.2 percent). Project construction and operation are not expected to result in adverse impacts to protected plants or significant adverse impacts to ecological communities. Site-specific ecological studies are provided in Exhibit 22.

During the design phase of the Project, special consideration was given to avoid impacts to grasslands, interior forests, wetlands, shrublands, and young successional forests. As a result, impacts to these landscape features and vegetation communities will be minimal. Avoidance and minimization of impacts to vegetative communities will also occur by complying with guidance from the on-site environmental monitor and employing best management practices during construction, operation, and maintenance.

Impacts to wildlife and their various habitats have been avoided and minimized to the maximum extent practicable; however, some impacts will occur as a result of this Project. Impacts are restricted to incidental injury and mortality due to various construction operations, temporary displacement due to increased human activity during construction, and habitat disturbance and/or loss (including the loss of travel corridors) as a result of clearing, earth-moving, and the siting of Project Components. No take of a threatened or endangered species, or its occupied habitat, is anticipated from construction or operation of the Project.

Land Use: Of the approximately 3,273 acres of agricultural land within the current Project Area, the Project would directly impact farmland on approximately 45 acres will occur from placement of array posts, equipment pads, and roads.

Ground and Surface Water: As described in Exhibit 23, no significant adverse and/or permanent impacts to groundwater quality or quantity are anticipated to result from the Project. The Project will adhere to a Project-specific Spill Prevention, Control and Containment (SPC) Plan.

Project Components have been sited to avoid temporary or permanent impacts to state and federally jurisdictional wetlands, and their 100-foot adjacent areas. Temporary impacts to surface water during construction will be avoided or minimized through the use of best management practices as outlined in Exhibit 23 and the Project's Preliminary SWPPP (Appendix 23-3).

Based on conservative estimates, 13.5 linear feet of waterbodies may be temporarily impacted as a result of the Project. No permanent impacts are anticipated to wetland or waterbodies due to the construction or operation of the Project.

Public Health and Safety: Solar energy and energy storage technologies do not pose adverse environmental or public health impacts. Minimal pollutants will be emitted during construction activities resulting from exhaust of diesel-fired generators, vehicles, and construction equipment, and dust. BMPs will be implemented to reduce construction related emissions.

The potential for glare impacts will be minimized by use of anti-reflective coating on the solar panels and by implementing siting setbacks. A Glint and Glare Analysis (Appendix 24-2) found that no glare is expected as a result of the Project.

Cultural, Historic, and Recreational Resources (Including Aesthetics and Scenic Values): Approximately 1,059 acres of the 3,418 acres Project Area (approximately 31 percent) are considered to have high sensitivity for archaeological resources. A Phase IB Study was recommended by the OPRHP for areas of significant construction impacts, within areas of high or moderate archaeological sensitivity. The Phase IB Study is underway and the report will be submitted under separate cover when complete.

The Historic Architectural Resources Survey conducted for the Project identified a total of 382 historic properties aged 50 years or older within the Project Area of Potential Effects (APE).Of the 382 resources surveyed, none are listed in the National Register of Historic Places (NRHP), six were previously determined NRHP eligible, and 27 are recommended eligible for NRHP listing. Based on location of the historic properties, project visibility is reduced and minimized by intervening objects and structures, as well as distance and vegetation. As described in Exhibit 20, Construction activities will have no effect to NRHP-qualifying characteristics of any historic property in the APE.

Visual impacts of the Project are minimal to recreational, scenic, and aesthetic values. A Visual Impact Analysis (VIA) was conducted for the Project, is described in Exhibit 24. The VIA (Appendix 24-1) concluded that the Project does not substantially impact scenic resources or degrade the existing visual character or quality of the area.

Transportation: Construction traffic will involve the use of aggregate trucks, a construction crane, concrete trucks, and semi-trailers as described in Table 25-3 in Exhibit 25. The Facilities' haul routes have been designed to minimize impacts to the maximum extent practicable. Based on the existing traffic data obtained from the New York State Department of Transportation (NYSDOT), additional construction traffic associated with this Project is not expected to have any major impacts on existing roads.

Communication: The Project will have no adverse impacts to major communication technologies (as discussed in Exhibit 26).

Utilities and Other Infrastructure: The Applicant will work with local utilities to ensure that there are no negative impacts to electric, water, or communications utilities and does not anticipate any negative impacts to infrastructure.

Section 168(3) of the PSL

The Project is a beneficial addition to the electric generation capacity of New York State: The State Energy Plan includes a series of policy objectives including a 40-percent reduction in greenhouse gas emissions from 1990 levels and 70% of electricity generation from renewable energy sources by 2030, with electricity production to create zero emissions by 2040. The New York Public Service Commission adopted the Clean Energy Standard (CES) in 2016 to implement the policy objectives of the 2015 State Energy Plan, including the solicitation of RECs from large/commercial scale solar projects via requests for proposals administered by NYSERDA. The Excelsior Project was awarded a contract by NYSERDA to generate RECs to be purchased by NYSERDA for use in reducing greenhouse gas emissions in the State. The Climate Leadership and Community Protection Act (CL&CPA), which was signed into law in 2019, expands on the 2015 State Energy Plan's goals and the CES by requiring that 70% of electricity be generated from renewable energy sources by 2030 and that New York's electricity generation be carbon-free by 2040. The CL&CPA also requires programs be established to ensure that 6 gigawatts of solar generation be developed by 2025. The State Energy Plan was amended in April 2020 to include the CL&CPA's renewables mandates. The Project will directly make a significant contribution to these goals by providing emissions-free, low-cost, renewable energy to New York's energy market. It will also create job opportunities, support economic growth, and help the State reduce greenhouse gas emissions. It is estimated that operation of the facility in 2023 would displace CO_2e emissions from the operation of approximately 40,300 passenger cars, as discussed in Exhibit 17.

The construction and operation of the facility will serve public interest: The Applicant is committed to hiring locally whenever possible and has already employed over 25 people in New York to support development of the Project. Additionally, the Project is anticipated to employ over 200-250 local jobs in construction trades, in addition to creating approximately 2 to 3 permanent operation and maintenance jobs over the 30-year expected life of the Project, as well as hiring of local contractors for site maintenance including landscaping and snow removal services. The Applicant plans to contribute significant revenue to the community via a Host Community

Agreement and payment in lieu of taxes (PILOT) agreement that will contribute significant revenue to the County, Town, and school district for up to 20 years.

The public interest will also be served by the generation of emissions-free energy, the reduction in greenhouse gas emissions, and an improvement in electric system reliability, as discussed above.

Adverse environmental effects of the construction and operation of the Project will be minimized or avoided to the maximum extent practicable: As evidenced and thoroughly discussed within this Application, the Applicant has conducted numerous studies and extensive analyses to assess and to avoid or minimize environmental effects to the maximum extent practicable. Examples include:

- Avoidance of wetland impacts based on a wetland delineation
- Avoidance of clearing forested habitat based on a habitat surveys, and added a game corridor to connect habitat areas
- Extensive cultural analysis has been conducted to avoid impacting cultural resources; and
- Extensive coordination with participating landowners to allow agricultural operations to continue.

The Applicant has spent years and millions of dollars on the supporting materials contained herein. The Project and Application have been structured to avoid and minimize impacts and ultimately build a solar project that will be a benefit to the community and the State of New York.

The Applicant will avoid, offset, or minimize the impacts caused by the Project upon the local community: The Project will not result in or contribute to a significant and adverse disproportionate environmental impact in the community. The Applicant expects to execute Host Community and PILOT agreements that will significantly benefit the community for the next thirty years and outweigh the relatively minor impacts associated with the Project.

Except where noted otherwise, the Project is designed to operate in compliance with applicable state and substantive local laws and regulations: As discussed in Exhibits 31 and 32, the Project is designed and will operate in compliance with applicable state and substantive local laws and regulations concerning, among other matters, the environment and public health and safety with the exception of two substantive requirements related to fencing and the placement of ground-mounted arrays in the R-1 District.