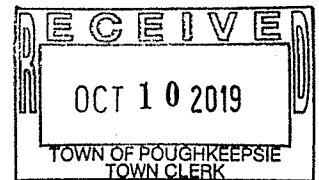


NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT



CASE 18-F-0325 - Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County.

NOTICE EXTENDING DEADLINE
FOR SUBMISSION OF COMMENTS ON PROPOSED STIPULATIONS

(Issued October 4, 2019)

On September 11, 2019, a *Notice of Proposed Stipulations and Request for Public Comments* (Notice) was issued in this proceeding requesting comments on or before October 9, 2019 on the *Proposed Stipulations and Notice of Submission of Proposed Stipulations* filed by Danskammer Energy, LLC (Danskammer Energy) on September 6, 2019 (Danskammer Notice). Danskammer Energy is proposing to repower its existing generating facility (the Station) located in the Town of Newburgh, Orange County, New York, with a new combined cycle power generating facility (the Project).

On September 12, 2019, Scenic Hudson, Inc., Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater (jointly, Environmental Organizations) requested an extension to October 23, 2019 to file comments. The Environmental Organizations state that the 30-day comment period is not sufficient to respond because of the details and length of the Proposed Stipulations. They assert that the additional time will allow for more robust comments and will better contribute to the development of the record.

On September 13, 2019, Danskammer Energy opposed the extension of the comment deadline. Danskammer Energy states it served a Commencement Notice regarding the stipulation process on the Master Stakeholder List that included the four Environmental Organizations, but only one organization participated in the stipulation process. Therefore, Danskammer Energy states that additional time is not warranted since one Environmental Organization participated in the stipulation process and is aware of the stipulations, and the other three Environmental Organizations decided not to participate in the process.

Danskammer Energy further states that the process for negotiating the stipulations was open to all persons and was a thorough process over a four-month period. Danskammer Energy explains that it engaged in this process in order to eliminate issues for adjudication and streamline the process. Danskammer avers that an extension of time would discourage applicants from participating in such a process.

By letter filed September 16, 2019, Food & Water Watch, Green Beacon Coalition and Sane Energy Project (jointly, Environmental Organizations 2) requested a 60-day extension until December 9, 2019. Environmental Organizations 2 state that public awareness of the project is growing and aver that not all groups and entities who requested to be added to Danskammer Energy's Master List of Stakeholders have been included. Environmental Organizations 2 request an extension to provide a proper period of time to review the lengthy document and an opportunity to comment on the proposed stipulations.

Danskammer Energy responded to Environmental Organizations 2 request on September 17, 2019, reiterating its opposition to the extension request consistent with the arguments raised in its September 13, 2019 submission.

Danskammer Energy states that the 30-day comment period that was set forth in the Notice affords a reasonable time to comment and is typical for comment periods for the stipulation process. Danskammer Energy notes that the stipulation process was open to all interested parties and the Environmental Organizations² did not participate in the process. Further, Danskammer Energy states that there will be additional opportunities for public comment once the studies and the application are filed.

On September 25, 2019, Robert May requested a 30-day extension, stating that the 30-day period is not sufficient in light of the volume of material to read and evaluate.

Notwithstanding Danskammer Energy's assertion that the stipulation process was open to all interested parties, given the breadth of the stipulations, a short extension until October 23, 2019 will be permitted to allow for the submission of comments by those interested in this proceeding.

PLEASE TAKE NOTICE that pursuant to Public Service Law § 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 to the Siting Board and serving such comment on Danskammer Energy on or before **October 23, 2019**. 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. Comments may also be sent by mail to Honorable Kathleen H. Burgess, Secretary, Board on Electric Generation Siting and the Environment, Three Empire State Plaza,

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/>).

CASE 18-F-0325

Albany, New York 12223-1350. Such comments also must be served on Danskammer by email Brenda Colella, at bcolella@barclaydamon.com.

(SIGNED)

KATHLEEN H. BURGESS
Secretary