

How Can I Participate in the Article 10 Process?

Under Article 10 of the New York Public Service Law (Article 10), all major electric generating facilities of 25 megawatts in capacity or more (Facility) must be reviewed and approved by a multi-agency State body called the New York State Board on Electric Generation Siting and the Environment (the Siting Board). The Article 10 process is broken into several phases, and each phase has multiple opportunities for stakeholder and public involvement.

Throughout the process, you can participate by:

- Joining the Party or Service List on the Siting Board’s project docket website, and/or monitoring the filings and announcements posted to that website. You will need the project case number [9-F-0588] to access these materials.
- Contacting EDF Renewables to request additional information, or to receive notices.
- Filing comments on the “Public Comments” tab on the project docket website.
- Visiting the Project Website
- Attending local open house events, conferences, public statement hearings, or municipal meetings where Project representatives provide additional information.

Pre-Application Phase

Early in project development, a prospective Article 10 Applicant must identify and engage with stakeholders with potential interests in the proposed Facility, as well as propose environmental and community studies that will look at the potential impacts of construction and operation of the Facility. This process begins with the Public Involvement Program (PIP) Plan and ends when an Article 10 Application is filed.

1. Public Involvement Program (PIP) Plan Stage

In the PIP Plan, an Applicant will identify stakeholders and outline its proposed strategies for stakeholder involvement. You can find additional information on EDF Renewables’ outreach plans in the PIP, such as the “local document repositories” where important project documents will be made available, the online resources where project details will be provided, the newspapers where EDF Renewables will publish notices, and the kinds of outreach you can expect to see in your community.

2. Preliminary Scoping Statement (PSS) Stage

At least 5 months after the PIP Plan is filed, EDF Renewables will file a PSS outlining the studies to be performed and information it proposes to provide in its Application. This starts a 21-day public comment period on the content of the PSS. After the comment period closes, EDF Renewables must respond to comments received within 21 days.

- At least 3 days before the PSS is filed, notices will be published in local newspapers and on the project website, and they will be served on individuals or groups identified in the regulations.
- You can request to be served with these notices by joining the Party or Service Lists on the Siting Board's project docket website, or by contacting EDF Renewables.
- The PSS is distributed to the Party and Service Lists, placed in repositories, posted to project website and Siting Board docket website.
- Town and County chief executives are eligible to nominate Ad Hoc Siting Board members.
- Instructions for submitting comments on the PSS will be included in the notices.
- After the PSS is filed, and before an Application is submitted, EDF Renewables will hold two additional public meetings or open houses.

3. Preliminary Conference and Pre-Application Intervenor Funding

Within 2 months of the PSS filing, a Preliminary Conference will be scheduled by the Presiding Examiner in the area where the Facility is proposed. This public session is used to review requests for intervenor funding and to start a settlement negotiations process called "Stipulations."

- Municipalities and qualified local groups can seek intervenor funding to assist them in reviewing and commenting on the PSS and participate in Stipulations.
- Instructions for requesting intervenor funding, and qualification information, can be found on the Siting Board's website.

4. Stipulations

Parties may decide to negotiate stipulations, or agreements, about the scope and methodology of studies EDF Renewables will perform and discuss in the Application. This process can help limit issues in dispute amongst the parties, and avoid costly litigation on topics not of concern. The Stipulations process is confidential, but Stipulations cannot be signed by the parties until they are released for public review and comment.

- If parties agree to stipulations, EDF Renewables will publish and circulate a notice at least three days before the Stipulations are released, to alert interested persons.
- When the Stipulations are filed, the public generally has 21-30 days to review and comment on the proposed Stipulations.

Application and Hearings Phase

Once the Application is filed, another phase of review, intervenor funding, stakeholder participation, and engagement begins. This stage of review may involve adjudicatory hearings, legal briefs, and other formal proceedings. This Phase concludes with a Recommended Decision from the Examiners assigned to hear the case, and with legal briefs from parties about that recommendation.

5. Application Submission and Completeness

EDF Renewables will file its Application, which will span many volumes, and which will be available online on the project website, Siting Board docket, and by electronic notification to the Party and Service Lists, as well as in paper form at local document repositories and certain agencies. State regulators review the Application and determine whether all necessary information is included, and if it can be considered “complete” and ready for review. A completeness determination starts a 12-month clock on review and decision on the Application by the Siting Board.

- At least 3 days before the Application is filed, legal notices will be published in the newspaper and on websites, and circulated to parties and interested persons.
- You will have the opportunity to review the Application, continue to submit public comments, and monitor the proceeding.

6. Pre-Hearing Conference(s) and Intervenor Funding

The Application Phase includes a second round of intervenor funding and another conference to address intervenor funding requests, as well as consideration of formal “Party Status” for hearings. That conference, or other conferences, may include an identification of party disagreements or “issues” that must be addressed in litigation.

- Additional intervenor funding is available to qualified entities and groups to facilitate participation in the Application Phase.
- Notices of hearings and important deadlines will be posted to the Siting Board docket website and circulated to the Party and Service Lists.

7. Public Statement Hearings

Soon after a complete Application is received, the Siting Board will schedule a Public Statement Hearing in a host community where the Facility is proposed. The purpose of that hearing is to take public comments on the Facility. Notice of that hearing will be published and posted online.

8. Adjudicatory Hearings and Legal Briefing

If there are issues that require litigation, adjudicatory hearings and legal briefing periods will be held. A Facility's host municipalities are automatically considered a Party to this phase, and at least 50% of the intervenor funding made available for the Application and Hearings Phases is reserved for municipal parties, to defray the costs of that participation. This phase ends with a Recommended Decision, made by the Hearing Examiners based on the record of the proceedings, and submitted to the Siting Board for review.

- Members of the public can monitor the progress of the case through this period, and can request updates from their local municipal officials.

Certification Phase

After the Recommended Decision is issued, the Decision is in the hands of the Siting Board. Members of the Siting Board, including two local ad hoc members of the Board nominated by the host municipalities in the Pre-Application Phase and appointed by the Senate and Assembly. When the Siting Board is ready to decide, it will schedule a public session to announce its decision.

Compliance Phase

If a Facility is issued an Article 10 certificate, there will generally be items and tasks that must be addressed prior to Facility construction, before the Facility begins operating, or at certain milestones after operations begin, including opportunity to review and comment on Compliance Filings such as final design drawings. You will be able to find information on these requirements in the Siting Board's decision, and proof of EDF Renewables' compliance with those requirements will be submitted to the Siting Board's docket page, the Party and Service Lists, and other repositories for important Facility information, such as the project website.

Construction and Operation Phase

Most Facility Applications will need to include a Compliant Resolution Plan, construction-related plans, and other information for the public, communities, and stakeholders in case any issues arise while EDF Renewables is building or operating the Facility. In those plans, you will be able to find Applicant contact numbers, see proposed plans for dealing with construction-related traffic and machinery, review emergency response and impact mitigation plans, and understand how EDF Renewables plans to interact with the community over the life of the project.

Instructions for Joining the Party or Service List in a Siting Board Proceeding

Go to the DPS Home Page (www.dps.ny.gov), then click "Search" to search by project Case Number, or find the project name under the "Generation Siting" list on the DPS home page.

Department of Public Service

Electric Natural Gas Steam Telecommunications Water **Search** Login

GOVERNOR CUOMO ANNOUNCES NEW ENERGY EFFICIENCY TARGET

Reforming the Energy Vision REV

What's Trending...

Electric

- Con Edison Electric Rate Case
- Energy Efficiency
- Offshore Wind Energy
- Energy Storage
- Astoria Substation Investigation
- Electric Vehicles
- March 2018 Winter Storms Investigation
- Power to Choose - Energy Competition
- Value of Distributed Energy Resources (VDER)
- Q&R Electric Rate Case
- National Grid Electric Rate Case
- Central Hudson Electric Rate Case
- Indian Point Closure Task Force
- Reforming the Energy Vision (REV)
- PSC Examines ESCOs
- Distributed Generation/Interconnections
- Federal Income Tax Reduction Proceeding
- More Electric...

Natural Gas

- Con Edison Gas Rate Case
- Federal Income Tax Reduction Proceeding
- St. Lawrence Gas Rate Case
- Con Edison's Natural Gas Smart Solutions
- Con Edison Temporary Gas Moratorium
- St. Lawrence Gas - Liberty Utilities Merger
- Q&R Gas Rate Case
- Central Hudson Gas Rate Case
- NYSEG Gas Compressor Pilot Project
- Power to Choose - Energy Competition
- Retail Energy Market
- RFP for Management Audits of National Grid USA
- NYS Pipeline Safety Program
- More Natural Gas...

Generation Siting

- Alle-Catt Wind
- Baron Winds
- Bear Ridge Solar
- Bluestone Wind
- Bull Run Wind
- Canisteo Wind
- Cassadaga Wind
- Danskammer Energy
- Deer River Wind
- East Point Energy Center
- Eight Point Wind
- Flint Mine Solar
- Galloo Island Wind
- Hecate Energy Albany
- Hecate Energy Greene
- Heritage Wind
- High River Energy Center
- Lighthouse Wind
- Mad River Wind
- Mohawk Solar
- Number Three Wind
- Riverhead Solar 2
- More Generation Siting...

Telecommunications

- T-Mobile USA/Sprint
- Federal Income Tax Reduction Proceeding
- Verizon Service Quality Improvement Plan Investigation
- TWC/Charter Merger
- Charter Buildout
- Charter NYC Franchise
- Study of the State of Telecommunications in NYS
- 518 Area Code Proceeding
- Detariffing Non-Basic Retail Telecommunications Services
- New Company Certification Process and Report Filing Requirements
- Universal Service Fund
- Verizon's Wireless Service Proposal
- More Telecommunications...

Water

- Federal Income Tax Reduction Proceeding
- Qualified NY Manufacturer Retooling Impacts
- Bristol Water Rate Complaint
- Suez Water New York, Inc. Rates for Water Service
- Regulated Water Utility Listing
- United Water's Development of a New Long-Term Water Supply Source
- United Water New York Inc.
- NY American Water Company, Inc.
- More Water...

Steam

- Manhattan Steam Pipe Explosion Investigation
- Federal Income Tax Reduction Proceeding
- Consolidated Edison Steam Planning Proceeding
- More Steam...

Calendar
Schedule of events and deadlines.
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Complaints
File a Consumer Complaint Against Your Utility Service Provider
[File a Complaint](#)

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Document and Matter Management system.
[Login](#)

Department of Public Service

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Site Map	Commission Documents	File a Complaint	Contact Us
Register to Vote	File a Complaint & Dispute Resolution	Freedom of Information Law (FOI)	Help
	Filing Guidelines	Power to Choose - Energy Competition	Privacy Policy
	Press Releases	Clean Energy Initiative	Text Only Page
	Public Notices	Energy Star	Web Contact
	Webcast Schedule	Siting Board Home Page	Website Disclaimer

Links to Article 10 project dockets are also available through the Siting Board's website (<http://www.dps.ny.gov/SitingBoard>), by clicking "Projects under Review," and identifying the project from the list provided.



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Projects Under Review

[Step 1: Public Involvement Program Submittals](#)
[Step 2: Preliminary Scoping Statement Submittals](#)
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[Step 5: Applications Approved](#)
[Step 6: Certified Projects](#)
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Either method will bring up the project's docket or Document and Matter Management (DMM) System page. In the top right hand corner of the DMM page, there are buttons titled "Subscribe to Service List" or "Request for Party Status." Click one.



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Matter Master: 18-00390/18-F-0087

Matter Number:

18-00390

Industry Affected:

Facility Gen.

Matter Type:

Petition

Title of Matter/Case:

Application of Flint Mine Solar LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Solar Electric Generating Facility Located in the Towns of Coxsack and Athens, Greene County.

Case Number:

18-F-0087

Company/Organization:

Flint Mine Solar LLC

Matter Subtype:

Certificate of Environmental Compatibility and Public Need

Related Matter/Case No:

Assigned Judge:

Mullany, Sean

[File Documents \(65\)](#)
[Public Comments \(41\)](#)
[Party List \(22\)](#)
[Calendar \(1\)](#)

Filters:

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All

Search Filing On Behalf Of

Search

Sr.No.	Date Filed	Document Type	Document Title	Filing On Behalf Of	Item No.	File Name	File Size
1	01/29/2019	Correspondence	Notice of Intention to Commence Regulations	Flint Mine Solar LLC	48	Notice of Intention to Commence Stipulations.pdf	350.28 KB
2	01/28/2019	Transcripts	Procedural Conference Transcript - Thursday, January 3, 2019 - Coxsack	Public Service Commission	49	Procedural Conference Transcript - Thursday, January 3, 2019 - Coxsack.pdf	137.74 KB
3	01/16/2019	Rulings	Ruling on Intervenor Petition	New York State Board on Electric Generation Siting and the Environment	22	18-F-0087 Flint Mine Ruling on Pre-Application Intervenor or Funding FTM.pdf	49.49 KB
4	01/11/2019	Comments	FMS PSS Response to Comments	Flint Mine Solar LLC	41	FMS PSS Response to Comments.pdf	1.41 MB
5	01/11/2019	Comments	Cover Letter	Flint Mine Solar LLC	41	Cover Letter submitting response to PSS Comments.pdf	314.96 KB
6	01/04/2019	Correspondence	Supplement the Town's Request for Intervenor Funds	Town of Athens	40	Correspondence to Judges Mullany and Wilkinson re RFS F searchable.pdf	5.71 MB
7	12/18/2018	Notices	Notice Extending Deadline for Reply Comments	New York State Board on Electric Generation Siting and the Environment	29	18-F-0087-Notice Extending Reply Comment Deadline.pdf	97.8 KB
8	12/19/2018	Correspondence	Seneca Ad Hoc Appointment	New York State Senate	28	18-F-0087 Senate Ad Hoc Appointment.pdf	152.6 KB
9	12/18/2018	Motions	Request for Extension of Time	Flint Mine Solar LLC	37	Cover Letter Requesting Extension on PSS Comment Responses.pdf	295.95 KB
10	12/13/2018	Petitions	Request for Intervenor Funds	Friends of Flint Mine Solar	36	RTF Form 13-04-25 12-10-18.pdf	272.64 KB

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Final Public Involvement Program Plan Case 19-F-0588: Homer Solar Energy Center

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Clicking the "Subscribe to Service List" or "Request for Party Status" buttons opens a page outlining the differences between joining the Party List, subscribing to the Service List, or participation via Web Monitoring. Select the preferred method of participation by clicking one of the buttons, or by downloading a form for submission to the Secretary.

INFORMATION FOR THOSE INTERESTED IN PARTICIPATING IN OR MONITORING PSC PROCEEDINGS

There are several options available for those who wish to participate in or monitor the proceedings of a particular case.

PARTIES	SERVICE LIST	WEB MONITORING
Generally, parties commit to contribute to the development of a complete record in a proceeding by conducting discovery, submitting testimony, briefs, or other formal written comments, and/or participating in evidentiary hearings, procedural conferences and other formal events conducted in the case. (Non-parties participate in PSC proceedings by filing informal comments, such as letters, in contrast to the formal comments filed by parties in response to Commission notices.)	Interested persons who wish to monitor the proceedings of a particular case can do so without the formal commitment to become party in the proceeding. The persons who subscribe to the service list of a case will receive an e-mail with a direct link to the documents issued by the Commission, such as orders, notices, and rulings. Persons unable or unwilling to receive such electronic notification will receive hard copies of Commission-issued documents by regular mail.	Interested persons who choose not to sign up to receive e-mail notifications, can view our web site at their convenience to check on the status of a case. All documents filed by parties, correspondence, hearing transcripts, and documents issued by the Commission in a given case are posted on the website for that case. In addition, all comments submitted by the general public are posted under the "public comments" tab for the same case.
For some PSC proceedings, including rate cases, a person need not be a party to petition for rehearing of the Commission's final decision; however, in some other proceedings, only those who were parties in the case may petition for rehearing. The right to challenge a PSC decision in New York State Court may also be limited to those who were parties to the PSC proceeding.	If you are a registered user of the NYS Public Service Commission's Document and Matter Management (DMM) System, you may submit your service list subscription by clicking on the button below. Registration saves time and allows you to see and manage all of your service and party list subscriptions.	
Under Commission rules, 16 NYCRR 4.3, you must seek permission to intervene as a party from the Administrative Law Judge (ALJ), if one is assigned to the case, or from the Secretary if there is no ALJ assigned. The standard for allowing intervention is whether your participation is likely to contribute to the development of a complete record or is otherwise fair and in the public interest; whether other parties are unfairly prejudiced is also considered.	Currently, another significant advantage of on-line registration is that registered users who subscribe to a service list for a case have the option to receive an e-mail with a direct link to all documents filed by the parties to the case, such as testimony, briefs, correspondence and formal comments, as well as the Commission-issued orders, notices and rulings. Those who submit their service list request by other means, such as submission of the form provided here, can only receive links to Commission-issued documents.	
If you are a registered user of the NYS Public Service Commission's Document and Matter Management (DMM) System, you may submit your request for party status by clicking on the button below. Registration saves time and allows you to see and manage all of your service and party list subscriptions.		
When you submit the request for party status here, you will be provisionally added to the party list, subject to the right of other parties to object and subject to the final determination of the ALJ or Secretary. You will be required to mail your request to anyone on the party list who cannot receive e-mail service.		
If you do not wish to register on the NYS Public Service Commission's DMM System, you can download the Request for Party Status form using the hyperlink below. Please follow the instructions on the form.	If you do not wish to register on the NYS Public Service Commission's DMM System, you can download the Request for Service List form using the hyperlink below. Please follow the instructions on the form.	No registration is required. For more information on Web Monitoring click here .
Download Party Status Request Form	Download Service List Request Form	
Request For Party Status	Subscribe To Service List	

Don't have an account? Click [here](#) to create an account and receive a registered user Service List - [How to Register](#). Stop by Stop Instructions on how to subscribe to the Service List of Matter and Cases. [Home](#) [About Us](#) [Contact Us](#) [Privacy Policy](#) [Accessibility](#) [Site Map](#)

The DMM system will provide automated notifications when filings are made in a proceeding to members of both the Party List and Service List. Individuals can select the option to receive only filings made by the Siting Board, or all filings made by any party in the proceeding.

There are two methods to become a Party: (1) Download the form available at the link provided, fill it out in hard copy, and submit to the PSC to be added manually by their staff, or (2) click the button to "Request Party Status" and create a ny.gov ID. This takes you to another page, to sign up for a NY.gov ID if you do not have one, or to log in if you do have one.

If you experience problems, you can contact the DPS helpline for the DMM system by calling (518) 474-7080. Additional assistance and troubleshooting information is available on the DPS website at: <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/B3AC0E39E2A9368B852578D20056F353?OpenDocument>

Monitoring Siting Board Proceedings

INFORMATION FOR THOSE INTERESTED IN PARTICIPATING IN OR MONITORING PSC PROCEEDINGS

There are several options available for those who wish to participate in or monitor the proceedings of a particular case. Please read the details of each and decide which is the best option for you.

Parties	Service List	Web Access
Generally, parties commit to contribute to the development of a complete record in a proceeding by conducting discovery; submitting testimony, briefs, or other formal written comments; and/or participating in evidentiary hearings, procedural conferences, and other formal events conducted in the case. (Non-parties participate in PSC proceedings by filing informal comments, such as letters, in contrast to the formal comments filed by parties in response to Commission notices.) Once a party, a person or organization may be compelled to respond to discovery requests and to perform other actions.	Interested persons who wish to monitor the proceedings of a particular case can do so without the formal commitment to become party in the proceeding. The persons who subscribe to the service list of a case will receive an e-mail with a direct link to the documents issued by the Commission, such as orders, notices, and rulings. Persons unable or unwilling to receive such electronic notification will receive hard copies of Commission-issued documents by regular mail.	Interested persons who choose not to sign up to receive e-mail notifications, can view our website at their convenience to check on the status of a case. All documents filed by parties, correspondence, hearing transcripts, and documents issued by the Commission in a given case are posted on the website for that case. In addition, all comments submitted by the general public are posted under the 'public comments' tab for the same case.
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	Currently, another significant	

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Parties	Service List	Web Access
party list, subject to the right of other parties to object and subject to the final determination of the ALJ or Secretary. You will be required to mail your request to anyone on the party list who cannot receive e-mail service.		
Registering with the PSC's Document Management System (DMM) and using a web form to request party status is the preferred method of becoming a party in a case.	Registering with the PSC's Document Management System (DMM) and using a web page to manage your Service List subscriptions is the preferred method of subscribing to the Service List in a case.	No registration is required. Search for a case and find out more about Web Monitoring.
If you do not wish to use the preferred method of registering on the PSC's DMM System, you can download the Request for Party Status form. Please follow the instructions on the form.	If you do not wish to use the preferred method of registering on the PSC's DMM System, you may download the "Service List and Mail Service List Request Form" provided here and send the completed form by e-mail to the Secretary at secretary@dps.ny.gov If you are unable to e-mail the Secretary, you may mail your request to: Secretary Department of Public Service Three Empire State Plaza Albany, NY 12223-1350.	