

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 size 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 – 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 site, and/or monitoring the filings and announcements posted to that site. You will need the project case number to access these materials.
- Contacting the Applicant to request additional information, or to receive notices.
- Filing comments on the “Public Comments” tab on the project docket site.
- 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, an Applicant will identify stakeholders and outline its proposed strategies for stakeholder involvement. You can find additional information on the Applicant’s plans in the PIP, such as the “local document repositories” where important project documents will be made available, the online resources where project detail will be provided, the newspapers where the Applicant 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 is filed, the Applicant will file a PSS outlining the studies and information it proposes to provide in its Application. This starts a 21-day public comment period on the proposed studies and PSS. The Applicant then must respond to public comments within another 21 days.

- At least 3 days before the PSS is filed, notices will be published in local newspapers and on the project website, and 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 site, or by contacting the Applicant.

- The PSS is distributed to the Party and Service Lists, placed in repositories, posted to project website and Siting Board docket site.
- Instructions for submitting comments on the PSS will be included in the notices.
- After the PSS is filed, and before an Application is submitted, the Applicant may hold another public meeting or open house.

3. Preliminary Conference and Pre-Application Intervenor Funding

Within 2 months of the PSS filing, a Preliminary Conference will be scheduled 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 in 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 what the Applicant will study and how it will study issues of concern—the scope and methodology of studies—before the Application is filed. 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, the Applicant 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

The Applicant 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” which 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 site, 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 which must be addressed prior to Facility construction, before the Facility begins operating, or at certain milestones after operations begin. You will be able to find information on these requirements in the Siting Board's decision, and proof of the Applicant's 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 should any issues arise while the Applicant 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 the Applicant 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.



What's Trending...



Calendar
Schedule of events and deadlines.
[View Calendar](#)



Complaints
File a Consumer Complaint Against Your Utility Service Provider.
[File a Complaint](#)



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

Electric

- March 2018 Winter Storms Investigation
- Distributed Energy Resource Regulation and Oversight (DER) Proceeding
- Federal Income Tax Reduction Processing
- Offshore Wind Energy
- O&R Electric Rate Case
- National Grid Electric Rate Case
- Central Hudson Electric Rate Case
- Indian Point Closure Task Force
- Subway Power Outage and Con Edison Restoration Investigation
- Reforming the Energy Vision (REV)
- Value of Distributed Energy Resources (VDER)
- PSC Examines ESCOs
- CES Large Scale Renewables
- Distributed Generation Interconnections
- Power to Choose - Energy Competition
- RD&E and NYSEG March 2017 Windstorm Outage & Restoration Investigation
- More Electric...

Natural Gas

- Federal Income Tax Reduction Processing
- O&R Gas Rate Case
- National Grid 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 NYSEG and PG&E
- NYS Pipeline Safety Program
- More Natural Gas

Generation Siting

- Allegheny Wind
- Basin Winds
- Blackstone Wind
- Bull Run Wind
- Canisteo Wind
- Cassadaga Wind
- Deer River Wind
- Eight Point Wind
- Galloo Island Wind
- Hecate Solar
- Heritage Wind
- Lighthouse Wind
- Mad River Wind
- Mohawk Solar
- North Ridge Wind
- Nysco Solar Wind
- [More Generation Siting](#)

Telecommunications

- Federal Income Tax Reduction Processing
- Verizon Service Quality Improvement Plan Investigation
- TWC/Charter Mergers
- Charter Bulleat
- Charter NYC Franchise
- Study of the State of Telecommunications in NYS
- 518 Area Code Proceeding
- Datanetlog Non-Bank 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 Processing
- Qualified NY Manufacturer Retaining Impacts
- Bristol Water Rate Complaint
- Suzo Water New York, Inc. Rates for Water Service
- Regulated Water Utility Licensing
- 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

- Federal Income Tax Reduction Processing
- Consolidated Edison Steam Retaining Proceeding
- More Steam...

Department of Public Service

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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.

The screenshot shows the website's navigation menu on the left. The 'Projects Under Review' link is highlighted with a red circle. The main content area displays a list of project steps: Step 1: Public Involvement Program Submittals, Step 2: Preliminary Scoping Statement Submittals, Step 3: Applications Submitted, Step 4: Deemed Compliant, Step 5: Applications Approved, Certified Projects, and Projects Withdrawn from Article 10 Review.

Either method will bring up the project’s docket or “DMM” 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.

The screenshot shows the docket page for Matter Number 18-00290/18-P-0087. The 'Subscribe to Service List' and 'Request for Party Status' buttons are circled in red. Below the docket information is a table of documents:

#	Date Filed	Document Type	Document Title	Filing On Behalf Of	Document Type	File Name	File Size
1	4/13/2018	Letters	Letter from Secretary Buzawa to Supervisor Nicks regarding all the applications	New York State Board on Electric Generation Siting and the Environment	2	18-P-0087 Team of Counselors.pdf	747.48 KB
2	4/13/2018	Letters	Letter from Secretary Buzawa to County Administrator Grubler regarding all the applications	New York State Board on Electric Generation Siting and the Environment	6	18-P-0087 Greene County.pdf	730 KB
3	4/13/2018	Letters	Letter from Secretary Buzawa to Supervisor Ryba regarding all the applications	New York State Board on Electric Generation Siting and the Environment	5	18-P-0087 Athens Town Supervisor.pdf	769.91 KB
4	4/17/2018	Plans and Proposals	First Mine Solar PDP Figures 1-4	First Mine Solar LLC	8	First Mine Solar PDP Figures 1-4.pdf	1.09 MB
5	4/17/2018	Plans and Proposals	Cover Letter	First Mine Solar LLC	9	Cover Letter Filing First Mine Figures 1-4.pdf	251.26 KB
6	4/18/2018	Correspondence	First Mine Solar LLC's Final PDP and Response to Comments	First Mine Solar LLC	3	First Mine Solar Responses to DPS PDP Comments.pdf	478.71 KB
7	4/18/2018	Correspondence	First Mine Solar PDP	First Mine Solar LLC	2	Final First Mine Solar PDP.pdf	1.1 MB
8	3/7/2018	Letters	DPS Staff PDP Recommendations	New York State Department of Public Service	2	Case 18-P-0087 - First Mine Solar Facility - DPS Comments_3-9-18 (1).pdf	290.68 KB
9	2/9/2018	Parties	First Mine Solar PDP Plan	First Mine Solar LLC	1	First Mine Solar PDP Plan.pdf	337.39 KB
10	2/9/2018	Parties	First Mine Solar PDP Figures 1-4	First Mine Solar LLC	1	First Mine Solar PDP Figures 1-4.pdf	1.09 MB
11	2/9/2018	Parties	Cover Letter	First Mine Solar LLC	1	First Mine Solar PDP Cover Letter.pdf	47.39 KB

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.

PARTIES	SERVICE LIST	WEB MONITORING
<p>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.)</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>No registration is required.</p> <p>For more information on Web Monitoring click here.</p>
<p>Download Party Status Request Form</p> <p><input type="button" value="Request For Party Status"/></p>	<p>Download Service List Request Form</p> <p><input type="button" value="Subscribe To Service List"/></p>	

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.

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 SITING BOARD 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
<p>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 Siting Board 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.</p> <p>For Siting Board Proceedings, only those who were parties in the case may petition for rehearing. The right to challenge a Siting Board decision in New York State Court is limited to those who were parties to</p>	<p>Interested persons who wish to monitor the proceedings of a particular case can do so by subscribing to the service list for the case. Subscribers will receive an e-mail with a direct link to the documents issued by the Siting Board, such as orders, notices, and rulings. Persons unable or unwilling to receive such electronic notification will receive hard copies of Siting Board-issued documents by regular mail.</p> <p>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.</p> <p>A significant advantage of on-line registration is that registered users who subscribe to a service list for</p>	<p>Interested persons can view the Siting Board 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 Siting Board in a given case are posted on the website for that case. In addition, all comments submitted by the members of the public are posted under the 'Public Comments' tab.</p>

the Siting Board proceeding and petitioned for rehearing of the Siting Board decision.

A Siting Board case does not have formal “parties” until an application is filed. However, it would be convenient and useful if persons, groups and other entities interested in participating in the stipulations process or applying for intervenor funding during pre-application phases place themselves on the party list for tracking purposes. A request for party status during the pre-application phase does not preclude a reevaluation of party status at the time of the filing of the application. Those who are interested in being added to the party list during pre-application phases or participating as a party after an application is filed must submit the following form: The form is available [here](#). Once an application has been submitted, under Commission rules, 16 NYCRR 4.3, you may also be required to 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.

If you are a registered user of the NYS Public Service Commission’s Document

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 Siting Board-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 Siting Board-issued documents.

<p>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.</p> <p>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.</p>		
<p>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.</p>	<p>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.</p>	<p>No registration is required.</p> <p>Search for a case and find out more about Web Monitoring.</p>
<p>If you do not wish to use the preferred method of registering on the NYS Public Service Commission's DMM System, you can download the Request for Party Status form. Please follow the instructions on the form.</p>	<p>If you do not wish to use the preferred method of registering on the NYS Public Service Commission'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</p>	

	<p>your request to Secretary Department of Public Service Three Empire State Plaza Albany, NY 12223-1350.</p>	
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