

STATE OF NEW YORK
OFFICE OF RENEWABLE ENERGY SITING

COMBINED NOTICE OF AVAILABILITY OF DRAFT PERMIT CONDITIONS, PUBLIC
COMMENT PERIOD AND PUBLIC COMMENT HEARING, AND COMMENCEMENT OF
ISSUES DETERMINATION PROCEDURE

Applicant: Homer Solar Energy Center, LLC
c/o EDF Renewables Development, Inc.
15445 Innovation Drive
San Diego, CA 92128

Facility Location: Towns of Homer, Cortlandville, and Solon, Cortland County

Applicant's Attorney: James A. Muscato II, Esq.
Young / Sommer LLC
5 Palisades Drive, Suite 300
Albany, NY 12205

ORES DMM Matter No.: 21-00976

Facility Description: Applicant applied to the New York State Office of Renewable Energy Siting (Office or ORES) for a permit pursuant to Executive Law § 94-c to construct and operate a 90-megawatt solar energy facility located in the Towns of Homer, Cortlandville, and Solon, Cortland County.

Applicant filed the application with the Office on July 22, 2021. A notice of complete application was issued on April 1, 2022 (see <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-00976).

ORES staff published draft permit conditions on May 31, 2022. The draft permit conditions may be accessed at <https://ores.ny.gov/permit-applications> (click on Project DMM Matter Number 21-00976).

ORES Staff Position: On issuing the draft permit conditions, ORES staff takes the position that the proposed facility, together with the uniform and site-specific standards and conditions contained in the draft permit, would comply with applicable laws and regulations. ORES staff recommends that the Office elect not to apply, in whole or in part, any local law or ordinance that as applied to the facility is unreasonably burdensome in view of the Climate Leadership and Community Protection Act targets and the environmental benefits of the proposed facility.

Public Comment Hearing: A public comment hearing pursuant to 19 NYCRR part 900 to hear and receive unsworn comments from the public will be held at the **Center for the Arts of Homer, 72 South Main Street, Homer, NY 13077**, on **Tuesday, August 2, 2022, at 5:00 p.m.**

All persons, organizations, corporations, or government agencies who may be affected by the facility are invited to attend the hearing and comment on the application and the draft permit conditions. Lengthy comments will not be accepted and instead should be submitted in writing. Equal weight will be given to both oral and written comments. To ensure that all interested persons have an opportunity to speak, the presiding Administrative Law Judge (ALJ) may limit the time available for oral comments to three (3) minutes per person. The public comment hearing will be transcribed for inclusion in the administrative record.

The hearing location is reasonably accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons, and English language translator services shall also be made available, at no charge for either service, upon written request to Chief ALJ James T. McClymonds, Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4583, james.mcclymonds@ores.ny.gov. All requests must be received no later than 4:00 p.m. on July 19, 2022.

In the event that the in-person public comment hearing needs to be canceled, rescheduled, postponed, or conducted virtually, notification of any change will be available at the ORES website at <https://ores.ny.gov>.

Written Public Comments: Written comments concerning the application and the draft permit conditions must be filed with ORES by **5:00 p.m. on Tuesday, August 9, 2022**. Persons filing written comments are strongly encouraged to post their comments on the Department of Public Service's (DPS's) Document and Matter Management (DMM) system. To post a comment, go to <https://ores.ny.gov>, click on "Permit Applications," click on Project DMM Matter Number 21-00976, and click on "Post Comments" in the upper right-hand corner of the screen.

Written comments may also be emailed to ORES at general@ores.ny.gov or mailed to the Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242. Written comments will be considered equally with oral statements delivered at the public comment hearing, provided they are postmarked by **Tuesday, August 9, 2022**, or e-mailed or posted on DMM by 5:00 p.m. on that date.

Issues Determination Procedure: Pursuant to 19 NYCRR 900-8.3(b), a pre-adjudicatory issues determination procedure will be conducted by the assigned ALJ. The procedure will be conducted solely on papers and briefing unless the ALJ, in the judge's sole discretion, determines that oral argument is necessary. The purpose of the issues conference is to determine party status for any person or organization that has properly filed a petition (as indicated below), and to narrow and define those issues, if any, that will require adjudication in this matter. Participation in the issues determination procedure is limited to ORES staff, applicant, and those persons or organizations requesting party status.

Filing for Party Status and Proposed Issues: Persons seeking to participate in the issues determination procedure and any subsequent adjudicatory hearing must register on DMM and file a written petition explaining whether their request is for full party status or amicus status. For the required contents of petitions for full party status, see 19 NYCRR 900-8.4(c)(1) and (2). To determine whether an issue is substantive and significant, see 19 NYCRR 900-8.3(c)(2) and

(3). For the required contents of a petition seeking amicus status, see 19 NYCRR 900-8.4(c)(1) and (3). Petitioners may also file written briefs making arguments in support of their petitions.

All petitions requesting party status and briefs in support must be E-Filed on DMM no later than **4:00 p.m. on Friday, August 12, 2022**. Instructions for registering in DMM and E-Filing documents may be found at: <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/CC256BE982C58CF785257687006F39CE?OpenDocument>.

Address all petitions to Michael Clarke, Administrative Law Judge, New York State Department of Public Service, Office of Hearings and Alternative Dispute Resolution, 3 Empire State Plaza, Albany, New York, 12223, (518) 408-1043, email: michael.clarke@dps.ny.gov.

At the same time petitions and briefs are E-Filed on DMM, a copy of all papers must be emailed to the ALJ at the email address above, and furnished to applicant Homer Solar Energy Center, LLC's attorney, James A. Muscato II, Esq., Young / Sommer LLC, 5 Palisades Drive, Suite 300, Albany, NY 12205, (518) 438-9907, jmuscato@youngsommer.com; and to ORES at the Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4590, general@ores.ny.gov. Service of petitions and briefs by email is authorized provided they are received by all of the above parties and the ALJ by the 4:00 p.m. deadline.

Any questions about filing requirements or other hearing procedures may be addressed to Chief ALJ James T. McClymonds by telephone at (518) 473-4583. ORES's regulations may be found at <https://ores.ny.gov/regulations>.

Statement of Compliance with Local Laws and Regulations: Any municipality, political subdivision or an agency thereof that received notice of the filing of the application must file a statement indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations in effect as of April 1, 2022, if any, concerning the environment, or public health and safety. The statement must be filed and served by **4:00 p.m. on Friday, August 12, 2022**, in the same manner as petitions for party status. **Any municipality, political subdivision, or an agency thereof that proposes to adjudicate any issues related to a facility's compliance with local laws and regulations must file a petition for party status as provided for in 19 NYCRR 900-8.4(c) and include the statement of compliance with local laws and regulations.**

Applicant Statement of Issues: No later than **4:00 p.m. on Friday, August 12, 2022**, applicant shall file and serve on ORES staff and the ALJ a statement of issues applicant intends to raise with respect to any determination of the Office, and briefing in support. Applicant shall serve the statement of issues and brief on persons filing petitions for party status within five (5) days of such filing. For the required contents of an applicant's statement of issues, see 19 NYCRR 900-8.4(b)(1).

Responsive Briefing and Response to Comments: No later than **4:00 p.m. on Monday, August 29, 2022**, ORES staff may file and serve a response to any petitions for party status, any statement of issues by applicant, and the statement of compliance with local laws and

regulations. By the same deadline, applicant may file and serve a response to any petition for party status or statement of compliance with local laws and regulations. In addition, applicant shall file and serve on ORES staff a response to public comments received during the public comment period, including any supplemental information.

Document Availability: Copies of all application materials and draft permit conditions are available for inspection at the Office's Albany office during normal business hours: Contact the Office of Renewable Energy Siting, W.A. Harriman Campus, Building 9, 4th Floor, 1220 Washington Avenue, Albany, NY 12227, (518) 473-4590, general@ores.ny.gov. Electronic copies are available at <https://ores.ny.gov/permit-applications> (click on Project DMM Matter Number 21-00976).

Copies of all application materials are also available at the Cortland Free Library, 32 Church Street, Cortland, NY 13045, and the Lamont Memorial Free Library, 5 Main Street, McGraw, NY 13101.

Statutory and Regulatory Provisions: The application is being processed and this proceeding is being conducted according to Executive Law § 94-c and 19 NYCRR part 900.

Michael Clarke
Administrative Law Judge

May 31, 2022
Albany, New York

**Homer Solar Energy Center, LLC – PUBLIC COMMENT HEARING -- SERVICE LIST
in Accordance with 19 NYCRR § 900-8.2(a) and (e)
and Memorandum from Chief Administrative Law Judge James T. McClymonds**

MATTER NO. 21-00976: Application of Homer Solar Energy Center, LLC for a Permit Pursuant to § 94-c of the New York State Executive Law for Construction of a Solar Electric Generating Facility Located in the Towns of Homer, Cortlandville and Solon, Cortland County, New York

NAME & ADDRESS	NUMBER OF COPIES SENT BY FIRST-CLASS MAIL AND/OR ELECTRONIC SERVICE
Office of Renewable Energy Siting Houtan Moaveni, Executive Director ATTN: Application Review c/o OGS Mailroom Empire State Plaza 240 State Street P-1 South, J Dock Albany, NY 12242	1 PAPER COPY & 1 ELECTRONIC COPY; general@ores.ny.gov
NYS Department of Environmental Conservation Basil Seggos, Commissioner ATTN: Sita Crouse, Senior Attorney CENTRAL OFFICE 625 Broadway Albany, NY 12233	1 PAPER COPY & 1 ELECTRONIC COPY Sita.crouse@dec.ny.gov
NYS Department of Environmental Conservation REGION 7 Matthew Marko, Regional Director ATTN: Elizabeth Tracy, Region 7 Permit Administrator 615 Erie Blvd. West, Room 206 Syracuse, NY 13204-2400	1 ELECTRONIC COPY Dep.r7@dec.ny.gov
NYS Department of Public Service Rory M. Christian, Chair & CEO ATTN: Noreena Chaudari, Assistant Counsel Empire State Plaza Agency Building 3 Albany, NY 12223-1350	1 PAPER COPY & 1 ELECTRONIC COPY Noreena.chaudari@dps.ny.gov
Cortland County ATTN: Robert Corpora, County Administrator County Administrator's Office 60 Central Ave., Ste. 316 Cortland, NY 13045	1 PAPER COPY & 1 ELECTRONIC COPY; administrator@cortland-co.org
Town of Homer ATTN: Frederick J. Forbes, Sr., Town Supervisor 31 North Main Street Homer, NY 13077	1 PAPER COPY & 1 ELECTRONIC COPY; supervisor@townofhomer.org
Town of Cortlandville ATTN: Thomas A. Williams, Town Supervisor Raymond G. Thorpe Municipal Building 3577 Terrace Road Cortland, NY 13045	1 PAPER COPY & 1 ELECTRONIC COPY; tawilliams@cortlandville.org

<p>Town of Solon ATTN: Corey LaSalle, Town Supervisor Solon Town Hall 4012 North Tower Road Cincinnatus, NY 13040</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; solonsuper@outlook.com</p>
<p>NYS Department of Agriculture and Markets Richard A. Ball, Commissioner ATTN: Tara Wells, Senior Attorney 10B Airline Drive Albany, NY 12235</p>	<p>1 ELECTRONIC COPY; Tara.wells@agriculture.ny.gov</p>
<p>NYS Department of Health Mary T. Bassett, Commissioner ATTN: William G. Sacks, Senior Attorney Bureau of Program Counsel Division of Legal Affairs 2468 Corning Tower Albany, NY 12237</p>	<p>1 ELECTRONIC COPY; William.sacks@health.ny.gov</p>
<p>NYS Department of Transportation Marie Therese Dominguez, Commissioner ATTN: Janice McLachlan, Division of Legal Affairs ATTN: Anne Marie Mull, Administrative Assistant 50 Wolf Road Albany, NY 12232</p>	<p>1 ELECTRONIC COPY; Jan.mclachlan@dot.ny.gov; Annemarie.mull@dot.ny.gov</p>
<p>NYS Office of Parks, Recreation, and Historic Preservation Erik Kulleseid, Commissioner ATTN: Nancy Herter, Coordinator, SHPO Archaeology Unit 625 Broadway Albany, NY 12207</p>	<p>1 ELECTRONIC COPY; nancy.herter@parks.ny.gov</p>
<p>Office of the Attorney General ATTN: Letitia James, Attorney General The Capitol Albany, NY 12224-0341</p>	<p>1 ELECTRONIC COPY; Letitia.james@ag.ny.gov</p>
<p>Phillips Free Library [Repository Copy] ATTN: Priscilla Berggren-Thomas, Library Director 37 South Main Street Homer, NY 13077</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; director@phillipsfreelibrary.org</p>
<p>Cortland Free Library [Repository Copy] ATTN: Jen Graney, Library Director 32 Church Street Cortland, NY 13045</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; director@cortlandfreelibrary.org</p>
<p>Lamont Memorial Free Library [Repository Copy] ATTN: Heather Cobb, Library Director P. O. Box 559 McGraw, NY 13101</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; director@lamontlibrary.org</p>
<p>Kellogg Free Library [Repository Copy] ATTN: Martha Nettleton, Library Director P. O. Box 150 Cincinnatus, NY 13040</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; director@kelloggfreelibrary.org</p>
<p>Peter Oberacker, Senator, 51st State Senate District New York State Senate Albany Office 188 State Street LOB 506 Albany, NY 12247</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; oberacker@nysenate.gov</p>

<p>Anna R. Kelles, Assemblymember, 125th State Assembly District New York State Assembly Albany Office LOB 833 Albany, NY 12248</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; kellesa@nyassembly.gov</p>
<p>John Lemondes, Assemblymember, 126th State Assembly District New York State Assembly Albany Office LOB 720 Albany, NY 12248</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; lemondesj@nyassembly.gov</p>

