

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on April 23, 2020

COMMISSIONERS PRESENT:

John B. Rhodes, Chair
Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard

CASE 08-T-1388 - Application of PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Riverhead to Canal Project.

ORDER APPROVING ENVIRONMENTAL MANAGEMENT
AND CONSTRUCTION PLAN

(Issued and Effective April 24, 2020)

BY THE COMMISSION:

INTRODUCTION

On December 21, 2009, the Commission granted a Certificate of Environmental Compatibility and Public Need (Certificate), pursuant to Article VII of the Public Service Law (PSL), to PSEG Long Island LLC, on behalf of and as agent for the Long Island Lighting Company d/b/a LIPA (PSEG LI or Applicant).¹ The Certificate authorized the construction, operation and maintenance of a second 138 kilovolt (kV)

¹ Case 08-T-1388, Long Island Power Authority Riverhead Substation to Canal Substation Art. VII, Order Granting Certificate of Environmental Compatibility and Public Need (issued December 21, 2009).

alternating current (AC) transmission facility underground in an existing second conduit adjacent to an existing transmission line (the Facility) running for approximately sixteen miles between the Riverhead Substation (located in Riverside) and the Canal Substation (located in Southampton), Suffolk County, New York (known as the Riverhead to Canal Second 138kV Underground Cable Project or RTC).

The Certificate contained several requirements for compliance, including a requirement that PSEG LI submit, for public review, inspection, comment and Commission consideration, an Environmental Management and Construction Plan (EM&CP) detailing the Facility design, construction and environmental controls.

Through this Order, the Commission approves the EM&CP, as supplemented, for the construction and installation of the Riverhead to Canal Second 138kV Underground Cable Project, pursuant to the Certificate.

BACKGROUND

On February 29, 2000, the Commission issued a Certificate, pursuant to Article VII of the PSL, to PSEG LI allowing it to install one 138kV cable (to initially operate at 69kV) in one set of conduits from Riverhead to Southampton Substations. That project also included a second set of empty conduits from Riverhead to Southampton Substations.² In 2005, PSEG LI installed an intermediate substation, the Canal

² Case 99-T-1423, Application of Long Island Power Authority for a Certificate of Environmental Compatibility and Public Need for the Construction of an approximately 22.5 mile long underground electric transmission line in the Town of Southampton, Suffolk County, Opinion and Order Granting Certificate of Environmental Compatibility and Public Need (issued February 29, 2000).

Substation, between the existing Riverhead and Southampton Substations. The Riverhead-Southampton 138kV cable operating at 69kV was divided at the Canal Substation into 2 circuits: one circuit operating voltage increased to 138kV on the Riverhead-Canal section and the second circuit operating voltage was retained at 69kV on the Canal-Southampton section.

Subsequently, on December 21, 2009, the Commission issued the Certificate in the instant case to utilize the empty second set of conduits from Riverhead to Canal Substations for a second 138kV circuit previously installed in 2000. Thereafter, on February 25, 2011, PSEG LI filed its initial EM&CP for the Project. However, the Project was delayed so PSEG LI could explore non-wires alternatives. Non-wires alternatives have, according to PSEG LI, been successful at delaying the need for the second 138kV circuit since 2011. PSEG LI now states that its efforts to avoid the installation of the second cable have been exhausted. According to PSEG LI, the Project is still necessary to meet its customers' current and future electrical requirements and is vital to maintaining the integrity of the electric transmission system within the East End of Long Island.

The need for the Project is specific to the East End of Long Island, as the South Fork and the North Fork are currently being served by radial lines. Additionally, PSEG LI states that the load growth rate is increasing annually at 2.5 percent. According to PSEG LI, supply or transmission reinforcements and demand-side management programs implemented thus far have not solved the East End's capacity problems. Furthermore, the Project, PSEG LI states, is part of the first link in the South Fork chain of supply and is critical to meeting the entire electric system requirements of the South Fork.

The Project, as proposed and subsequently authorized by the Commission, entails the construction, operation and maintenance of a new 138-kV underground electric transmission line between the Riverhead Substation (located in Riverside), and the Canal Substation (located in Southampton). The Facility will consist of a second circuit between the substations and will be located wholly within the Town of Southampton, Suffolk County, New York. The Project will be constructed primarily within existing ROW, consisting of municipal, county and state roadway ROWs. For the majority of the route, the Facility will be located along the shoulder of New York State Route 27 (Sunrise Highway). The entire route has a total distance of approximately sixteen miles.

PSEG LI, states that the Project will now include the installation of a second set of splice vaults, or manholes, nearly adjacent to the existing vaults at an approximate interval of every 2,200 feet along the existing duct bank. The construction of additional splice vaults adjacent to the existing vaults along the route will allow for safe workspace while keeping the first circuit energized, if the need arises. Each splice vault, or manhole, according to PSEG LI, will have a dimension of 18-feet-long by 10-feet-wide, by 10-feet-deep, and will be fabricated from precast concrete. The splice vaults will contain the power cable splices, cable racking and grounding accessories. Two circular openings in the splice vault roof will be used to access the interior. The openings will be covered by cast iron lids. The second circuit will be an underground AC three-phase transmission line consisting of three cables, each constructed of a copper conductor. A corrugated metallic sheath will surround the insulation to provide a mechanical barrier for protection and to prevent water migration into the cable. Each cable has an overall diameter of

five inches. The second cable will operate nominally at 138 kV and at a 60-hertz frequency.

The Project, according to PSEG LI, will require alterations at the Riverhead and Canal Substations to accommodate the Facility. The modifications at the Riverhead Substation include the construction of a new terminal to connect the Second Cable to the spare terminal location. This will require the installation of three 138 kV gas circuit breaker (GCB) and a 27 MVAR Shunt Reactor to compensate for the reactive power of the long underground cable run. A new control enclosure will also be required to house the additional system protection equipment associated with the Project. Modifications at the Canal Substation will include the construction of a new terminal to connect the Second Cable to the expansion of the 138 kV Canal bus design. The Project will require the installation of a second transformer. The second cable will be connected to the new transformer through the installation of a new 138 kV GCB and the new transformer will be connected to the Canal bus through a new 69 kV GCB.

As indicated above, the Applicant filed its initial proposed EM&CP on February 25, 2011. That EM&CP was never approved. As noted above, the Project has now become necessary. Consequently, PSEG LI filed a wholly new EM&CP on December 16, 2019. Department of Public Service Staff (Staff) requested minor edits and revisions to the EM&CP. Subsequently the Applicant filed supplements to the EM&CP on March 19, 2020.³ As stated in PSEG LI's filing letter accompanying the EM&CP supplements, PSEG LI has received feedback on the EM&CP from DPS Staff and New York State Department of Transportation (DOT).

³ Case 08-T-1388, supra, EM&CP (filed March 19, 2020).

The December 16, 2019 EM&CP, as supplemented on March 19, 2020, consists of several changes from the originally filed February 25, 2011 EM&CP. According to PSEG LI, it was originally planned that the existing set of splice manholes that were installed in 2000 for the original project would be used for the installation of the Second Cable. However, for worker safety, current work methods do not allow workers to enter and work inside a splice manhole with energized 138kV equipment. PSEG LI now submits that it is required that each transmission circuit go through its own set of splice manholes (39 in total). This policy, according to PSEG LI, protects workers and improves system reliability by preventing a serious defect in one line from rendering the other line inoperative. Finally, the new set of splice manholes will allow repairs and maintenance to be undertaken on one of the cables without having to de-energize the other cable. De-energizing both circuits at the same time, PSEG LI states, would cause significant stress to LIPA's transmission system and create potential for unserved load.

PSEG LI states that new splice manholes will be installed adjacent to or in close proximity to the existing splice manholes to contain the cable splices and bonding cable accessories. Each splice manhole's outside dimension is 18 ft. long by 10 ft. wide by 10 ft. deep. Each splice manhole will be fabricated from precast concrete and will be transported in sections as determined by the manufacturer for appropriate lifting and transportation constraints. Each splice manhole will have two sets of lids and frames for personnel access. Cable racking will be installed in each splice manhole to support the cable and splices. Additionally, link boxes will be installed for bonding purposes.

PSEG LI further states that the three existing 8-inch HDPE conduits designated from the original project will be cut,

rerouted, and fused into the new splice manholes creating a continuous pathway for the Second Cable. The conduit leaving each splice manhole will connect from the new splice manholes back to the previously installed conduit. End caps or plugs will be installed in the abandoned conduit that feeds the existing splice manholes. Native soil or approved clean fill will be used to backfill the new rerouted conduit.

The Second Cable circuit, according to PSEG LI, will be pulled into the new splice manholes and spliced together. Cable pulling lubrication (e.g. Polywater NN or similar) will be used to install the 138kV cable and reduce friction. The Second Cable will be cross bonded to match the original project where minor sections' lengths will be within 10 percent of each other.

Each 138kV cable will be spliced at each splice manhole. Splices will be suited to match the cable and system requirements. Splices will be suitable for long term operation underwater in accordance with industry standards. Within each substation, for a short distance to the terminations, PSEG LI, states that the 138kV cable will be direct-buried. Terminations for each 138kV cable will be installed at the Riverhead and Canal Substations.

In addition, four new access points will be created to connect to NYS Route 27 for the Project construction and maintenance while, according to PSEG LI, minimizing the movement of construction equipment and maintenance vehicles within the Controlled Access limits of NYS Route 27.

The baseline (i.e., centerline) of the installed conduits, the rerouted conduits, the locations of existing splice manholes, the locations of splice manholes being installed, other existing utilities, and associated roadway features such as curbs, medians, and driveways are shown on the Plan and Profile drawings attached to the December 2019 EM&CP.

PUBLIC NOTICE AND COMMENT

The Certificate requires PSEG LI to serve written notice(s) of filing the proposed EM&CP on all active parties to this proceeding, on each person on the Commission's service list considered potentially affected by the subject matter in the EM&CP, and on all statutory parties to this proceeding, and to attach a copy of the notice to each copy of the proposed EM&CP. The Notice is also required to contain a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within 30 days of the date the proposed EM&CP was filed with the Commission (or within 30 days of the date of the newspaper notice, whichever is later).⁴ Further, the Certificate directs the Applicant to publish the notice(s) in a newspaper or newspapers of general circulation in the vicinity of the Project.

The Applicant has complied with these notice requirements. Public Notice of the filing of the EM&CP for review and comment was published in the "East Hampton Press," "Sag Harbor Express" and the "Southampton Press" (Eastern and Western Editions).⁵ In addition, a copy of the EM&CP was provided to local libraries for inspection by the public.⁶ The Applicant also served copies of the EM&CP on all parties and affected landowners.

No public comments were received on the EM&CP filing.

⁴ Case 08-T-1388, Affidavit of Service, (March 1, 2011).

⁵ Case 08-T-1388, supra, Filing Letter for Newspaper Publication for EM&CP (filed January 6, 2020).

⁶ Case 08-T-1388, supra, Certificate of Service for EM&CP (filed December 17, 2019).

DPS Comments

DPS Staff reviewed the EM&CP filed on December 16, 2019, and requested minor revisions. These revisions included requirements for PSEG LI to provide the following: an electric magnetic field (EMF) report; an updated vegetation management plan; additional spill control language addressing splice vaults located in flood zones; documentation of recent requests for the status of threatened and endangered species in the Project area; and an invasive species management plan. These revisions were addressed through the supplemental filing of the revised EM&CP on March 19, 2020.

DOT Comments

DOT Staff reviewed the EM&CP filed on December 16, 2019, and requested minor revisions. These revisions included requirements for PSEG LI to provide the following: various administrative items such as resumes of key project personnel, applicable permits and notification to local county departments, such as public works and police, and, plans and procedures for traffic control, signage, nighttime lighting and road closure plans to minimize impacts to affected motorists. The majority of the Project occurs along the Sunrise Highway, as such, the DOT will be a collaborative agency for the Applicant and DPS to work with over the life of the Project.

LEGAL AUTHORITY

PSL §126(1) provides that the Commission may not grant a Certificate for the construction or operation of a major utility transmission facility unless it shall find and determine among other things that the facility represents the minimum adverse environmental impact. The Certificate Order found that the adverse environmental impacts had been minimized to the maximum extent practicable and provided approved specifications for the development of the EM&CP. The Certificate also stated

that PSEG LI shall not begin site preparation or construction with respect to a specific portion of the Project (except surveying, soils testing and such other related activities as are necessary to prepare the final design plans) before it has submitted to the Commission and the parties, and the Commission has approved, the EM&CP for the relevant portion of the Project.

As noted, the Certificate required PSEG LI to serve written notice(s) of filing the proposed EM&CP on all active parties to this proceeding, on each person on the Commission's service list considered potentially affected by the subject matter in the EM&CP, and on all statutory parties to this proceeding, and to attach a copy of the notice to each copy of the proposed EM&CP. The Notice is also required to contain a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within 30 days of the date the proposed EM&CP was filed with the Commission (or within 30 days of the date of the newspaper notice, whichever is later). Further, the Certificate directed the Applicant to publish the notice(s) in a newspaper or newspapers of general circulation in the vicinity of the Project.

DISCUSSION AND CONCLUSION

PSEG LI initially filed a proposed EM&CP for approval on February 25, 2011. However, at the Commission's request, the implementation of the Project was delayed, to explore non-wires alternatives and the initial EM&CP was never approved. A subsequent EM&CP was filed on December 16, 2019. That EM&CP was supplemented on March 19, 2020. That EM&CP, and its supplement, provides both typical and site-specific techniques and procedures and requirements to be followed during the construction and maintenance of the Project. The subsequent

EM&CP, and its supplement, identifies and defines the various facilities and environmental features within the existing ROW and substation upgrades, construction accesses and provides protective measures for sensitive resources. It also specifies additional work now necessary to accommodate the Project that was not identified in the original 2011 EM&CP. PSEG LI has also identified temporary construction laydown, storage and marshalling yards, as well as the required property rights for such activities, and indicates it has obtained or will obtain the rights to conduct those activities in such locations. PSEG LI indicates it will adhere to all State and local laws, except those originally waived by the Commission in the Certificate.

Installation of the second set of splice vaults, or manholes, is consistent with Certificate Condition 12, which provides deviation from "design height and location of structures shall be allowed for appropriate environmental or engineering reasons" unless it conflicts with the Joint Proposal or Order. The additional splice vaults are justified by the need to ensure worker safety and to allow repairs and maintenance without having to de-energize the other cable.

The terms of the Certificate also provide for public notice of major actions after issuance; for example, Certificate Condition 21 provides that, at least two weeks before commencing site preparation, PSEG LI must notify the public of the anticipated date of commencement of site preparation. The notice shall be provided to local officials and emergency personnel along the entire Facility route, local media, local libraries, other public places (such as post offices, community centers and conspicuous community bulletin boards) and NYSDOT.⁷

⁷ Case 08-T-1388, supra, Order Granting Certificate of Environmental Compatibility and Public Need (issued December 21, 2009), Appendix 3.

As discussed in the Certificate Order, the Project will employ Best Management Practices and other measures to reduce or eliminate construction related impacts and, as a result, impacts to soils will be minimal. As such, construction activities should be completed in a manner to minimize impacts to soil to the extent practicable. Potential impacts to soils include the possible loss of topsoil through erosion or by the re-stratification of topsoil during trench backfilling, or unanticipated spills of petroleum-based products from construction equipment. These potential impacts are typically associated with any construction Project.

To ensure the Applicant has complied with the requirements of this Order and the Certificate Order issued in December 2009, specifically securing all necessary easements, State and federal permits, and access agreements, the Applicant shall not commence construction until it has received a "Notice to Proceed with Construction" letter signed by the Director of Facility Certification and Compliance or their designee in the Office of Electric, Gas and Water.

As noted above, Department Staff and DOT had minor revisions to the EM&CP that the Applicant addressed through the filing of the revised EM&CP. Upon review, the Applicant has adequately addressed these minor revisions. Based on a review of all the documents submitted, the EM&CP and its supplements are in compliance with the Certificate Conditions and General Guidelines for Environmental Management and Construction Plans - Appendix 4 of the Joint Proposal, therefore, the EM&CP is approved.

The Commission orders:

1. The Environmental Management and Construction Plan and supplemental filings submitted by PSEG Long Island LLC on behalf of and as agent for the Long Island Lighting Company d/b/a LIPA (PSEG LI or Applicant) are approved.

2. Prior to any construction, the Applicant shall submit a Spill Prevention, Control and Countermeasure Plan to Department of Public Service Staff for its review and acceptance.

3. The Applicant shall not commence construction or mobilization activities to the approved right-of-way or marshalling yards until it has received a "Notice to Proceed with Construction" letter signed by the Director of Facility Certification and Compliance in the Office of Electric, Gas and Water.

4. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to the affected deadline.

5. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary