

Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

Writer's Telephone: 243
jmuscato@youngsommer.com

February 17, 2021

Via Electronic Filing

Michelle L. Phillips
Secretary to the Commission
NYS Department of Public Service
Three Empire State Plaza
Albany, NY12223-1350

Re: Case 20-F-0023: Application of Brookside Solar, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 100-MWac Solar Powered Electric Generating Facility to be Located in the Towns of Burke and Chateaugay, Franklin County, NY

NOTICE OF ELECTION and TRANSFER TO 94-c

Dear Secretary Phillips:

We represent the Applicant, Brookside Solar, LLC, in the above-referenced proceeding. The Applicant is proposing to construct and operate a major solar electric generating facility of up to 100 Megawatts ("MW") in electric generating capacity in the Towns of Burke and Chateaugay, Franklin County, New York (the "Facility"). On January 15, 2020, the Applicant submitted a Public Involvement Program Plan ("PIP") which indicated the Applicant's intent to seek a certificate of environmental compatibility and public need from the New York State Board on Electric Generation Siting and the Environment (the "Siting Board") pursuant to Article 10 of the Public Service Law ("PSL"). On March 13, 2020, the Applicant submitted updates to the January 15, 2020 PIP following comments and recommendations received from DPS Staff.

Subsequent to the filing of the Updated PIP the State enacted the Accelerated Renewable Energy Growth and Community Benefit Act, which adds a new Section 94-c to the Executive Law. Section 94-c establishes an expedited review process with uniform standards and conditions for renewable energy facilities with a nameplate generating capacity of 25 megawatts or more, such as the proposed Facility.

Pursuant to Section 94-c(4)(f) and PSL §162(4)(e), projects which have already filed a PIP under Article 10 can elect to be subject to the permitting process set forth in 94-c by submitting a written notice to the Secretary of the Public Service Commission of the Applicant's

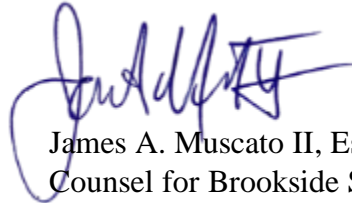
intent to become subject to 94-c and an application to the Office of Renewable Energy Siting (“ORES”). Therefore, pursuant to Section 94-c(4)(f) and PSL §162(4)(e), the Applicant hereby provides notice that the Applicant is electing to be subject to Executive Law Section 94-c and intends to submit its application to ORES in or about Spring 2021.

Going forward, the Applicant will continue to follow the pre-application consultation requirements of the draft 94-c regulations and generally the community engagement consultations identified in the PIP submitted pursuant to Article 10. The purpose of the ongoing meetings will be to educate the public about the 94-c process and the proposed project, including the anticipated application date and information regarding the future availability of local agency account funds.

Parties to the Article 10 proceeding are encouraged to contact the Applicant or ORES if they have additional questions regarding the 94-c process. As available, updates and additional information will be provided on the Applicant’s website www.spower.com/Brookside/.

Thank you for your continued attention to this matter. Please contact me with any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James A. Muscato II". The signature is stylized and includes a large loop at the end.

James A. Muscato II, Esq.
Counsel for Brookside Solar, LLC

cc: Party List (via DMM)