

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case 22-E-0488 - Petition of KCE NY 2, LLC for a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law, Granting a Lightened Regulatory Regime, and Expedited Proceeding.

NOTICE INVITING PUBLIC COMMENT AND
ANNOUNCING PUBLIC STATEMENT HEARING
AND PROCEDURAL CONFERENCE

(Issued November 8, 2022)

On August 19, 2022, KCE NY 2, LLC ("KCE") filed a petition to construct, own, and operate an energy storage facility called the KCE NY 2 Project ("Project"), to be located at Tax Map Parcel No. 26-1-57.221, which is located north of Route 17k between the intersections with Stone Castle Road and Browns Road, in the Town of Montgomery, Orange County, New York.¹ The proposed Project is comprised of forty-one inverter and medium voltage transformer containers with a total capacity of 169 megawatts ("MW") and up to one hundred sixty-four battery container installations with a total capacity of 300 megawatt hours ("MWh"). KCE seeks: (1) a Certificate of Public Convenience and Necessity ("CPCN") pursuant to Public Service Law Section 68 and regulations promulgated thereunder at 16 New York Code of Rules and Regulations ("NYCRR") Part 21, allowing development of the Project, (2) an order approving a lightened regulatory regime consistent with previous Commission orders involving exempt wholesale Generators, and (3) an order for an expedited proceeding pursuant to 16 NYCRR Section 21.10.

¹ This notice supersedes the notice that was issued in this proceeding on October 31, 2022. Please disregard the October 31, 2022 notice.

The proposed Project's interconnection to New York's electrical grid will predominately utilize existing infrastructure and connect to the 115 kV Central Hudson Gas & Electric Corp. Coldenham Substation via an overhead gen-tie line. It is anticipated that construction of the Project will begin in February 2023 and continue for approximately ten (10) months.

KCE will obtain all necessary Federal, State, and Town permits for the Project. KCE asserts that the Project will have no significant adverse environmental impacts and that the tallest structures proposed will be consistent with the existing transmission corridor that is nearby and will not have a major impact on any visual resources in the Town of Montgomery. KCE also asserts that the Project will be compatible with the agricultural land use that surrounds the Project site, although there will be some temporary, construction-related impacts, as well as permanent impacts such as helical piles, fencing, and installation of utility infrastructure. KCE has committed to providing the Town of Montgomery with a bond/letter of credit to cover the cost of removal of the facility in the event that the facility is abandoned for a period of one year or longer.

Additional details about the Project are contained in KCE's Petition, which is available on the Commission's website at www.dps.ny.gov. To access all filed documents in this case, click on "Search" and enter "22-E-0488" in the "Search by Case Number" field.

PLEASE TAKE NOTICE that a **virtual public statement hearing** will be held before Administrative Law Judge (ALJ) Gregg Sayre as follows:

DATE: Tuesday, November 22, 2022
TIME: 6:00 p.m.

Electronic Access: www.webex.com

Event Number: 2337 958 7064

Password: Nov22-6pm

Phone-Only Access: 518-549-0500

Access Code: 2337 958 7064

Any person wishing to provide a public statement on the record at the hearing must pre-register to do so by 3:00 p.m. on Monday, November 21, 2022.

To pre-register and provide a statement electronically:

Participants who would like to provide a statement and will log in to the hearing electronically must pre-register by the date and time indicated above, by visiting www.webex.com, where they should click "Join" at the top right-hand corner of the screen, enter the event number listed above and provide all requested information.

When logging in on the date and time of the hearing, participants will be asked to "select audio system." It is recommended that participants opt to have the system "call me" or "call using computer." The "call me" option will require that participants enter their phone numbers.

To pre-register and provide a statement by phone:

Any participant who is not able to log in to the hearing electronically may call in. Call-in participants wishing to provide a statement must pre-register by the date and time indicated above by calling **1-800-342-3330**, where they should follow prompts to the hearing and provide the following information: first and last name, address, and phone number.

On the date and time of the hearing, all call-in participants should dial **518-549-0500** and enter the access code listed above.

The public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have

been made. Time limits may be set for each speaker, as necessary. It is also recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the public statement hearing will be made for inclusion in the record of this case.

Persons with disabilities requiring special accommodations should call the Department of Public Service's Human Resources Management Office at 518-474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Department at 1-800-342-3377 for free language assistance services regarding this notice.

Other Ways to Comment

For those who cannot attend or prefer not to speak at the public statement hearing, there are several other ways to provide your comments. Comments should refer to Case 22-E-0488. **Although comments will be accepted throughout the course of this proceeding, they are requested on or before November 28, 2022.**

Internet or Mail: Go to www.dps.ny.gov, click on "Search" and enter "22-E-0488" in the "Search by Case Number" field, and then click on "Post Comments" at the top right of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. All written comments will become part of the record considered by the Commission and may be accessed on the Department of Public Service website by searching the case number, as described above, and clicking on the "Public Comments" tab.²

² Filing electronically is strongly encouraged.

Toll-Free Opinion Line: You may call the Commission's Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-State callers 24 hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

PLEASE TAKE FURTHER NOTICE that a procedural conference will be held immediately following the public statement hearing on November 22, 2022.

The principal purposes of the procedural conference are to identify any potential parties and provide interested persons an opportunity to present and explain any proposals regarding the procedures they believe should be followed in this case by the ALJ and Commission including, but not limited to, whether any issues of fact presented by the petition or public comments warrant an evidentiary hearing. Other procedural issues also may be addressed.

Access information for the procedural conference is as stated above. The public statement hearing and procedural conference will be conducted as parts of the same WebEx and conference call.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary