

TOWN OF MILAN

Dutchess County, New York



**Wilcox Memorial Town Hall
20 Wilcox Circle
Milan, NY 12571**

**Telephone
(845) 758-5133
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November 18, 2013

To the Supervisors and Mayors of municipalities affected by the new 345kv AC transmission line upgrade project proposed by the NY Public Service Commission:

After the Town of Milan was recently informed about this proposed AC Transmission Upgrade project, we researched the situation in depth and held two (2) Special Meetings on Oct. 22 and 24, 2013, to hear from two (2) of the three (3) applicants, New York Transmission Owners (NYTO) and NextEra Energy. Three (3) of five (5) proposals filed on Oct. 1, 2013, affect Milan. The project is part of the Governor's NY Energy Highway initiative and, if approved, will affect towns and residents along a 153-mile route from Marcy to Pleasant Valley, NY. The Governor's office and the PSC are defining a new process for this project that includes competitive, comparative applications from the regulated utility, National Grid, and independent for profit developers.

We have learned much at this point and understand our residents' questions and concerns, most of which cannot be answered by the PSC or the applicants at this time. We would like to share our findings with other municipalities whose residents may be affected by this project. Please let me know if you are interested in discussion about this complicated and controversial project. Milan would also like to know if your Town Board and residents are interested in cooperation regarding this project. We believe that Towns and residents have an improved chance of being heard if we work together.

I can be reached at 845-758-5133 or on my cell at 845-206-8637. My email is supervisor@milan-ny.gov, and the address for hard copy letters is on this letterhead.

Thank you for your consideration.

A handwritten signature in black ink that reads "William Gallagher".

William Gallagher
Town of Milan Supervisor

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X
Proceeding on Motion to Examine Alternating
Current Transmission Upgrades

Case No. 13-E-0488
(formerly 12-T-0502)

-----X
Application of North American Transmission Corporation
and North American Transmission LLC for a Certificate
of Environmental Compatibility and Public Need Pursuant
to Article VII of the Public Service Law for an Alternating
Current Transmission Upgrade Project Consisting of an
Edic to Fraser 345kV Transmission Line and a New
Scotland to Leeds to Pleasant Valley 345 kV Transmission
Line

Case No. 13-T-0454

-----X
Application of NextEra Energy Transmission New York
Pursuant to Article VII for Authority to Construct and
Operate Electric Transmission Line from Marcy to
Pleasant Valley

Case No. 13-T-0455

-----X
Application of New York Transmission Owners Pursuant
to Article VII for Authority to Construct and Operate
Electric Transmission Facilities in Multiple Counties
in New York State

Case No. 13-M-0457

-----X
**MOTION ON BEHALF OF THE TOWN OF MILAN, NY
FOR EXTENSION OF DATE FOR SUBMISSION OF COMMENTS**

Pursuant to the Ruling Establishing Process And Schedule For Scoping (Issued November 15, 2013) by David L. Prestemon, Administrative Law Judge, the Town of Milan, by Angela J. Maier-Lore, Esq., hereby seeks an extension of the date for submission of comments on the initial scoping statements and schedules of the applicants' Part A submissions.

In accordance with Public Service Law §122(5), Intervenor Funds were established with the purpose of allowing parties to contribute to the development of a complete record leading to an informed decision by the Commission, and to foster broad public participation. The Town of Milan obtained party status to these proceedings on October 30, 2013, following the first deadline for intervenor funding. The next deadline for applications for intervenor funding is November 29, 2013,

as established by the Notice of Availability of Intervenor Funding - Second Round, issued on October 25, 2013. The Town of Milan is preparing a petition for intervenor funding.

An award of intervenor funding is vital to the Town of Milan for the hiring of a Professional Engineer to review the applicants' Part A submissions and provide technical advice to the Town, and to hiring of a biologist to review the Part A submissions and advise of potential environmental impacts.

The Town of Milan does not have any contingency budget or resources available to it for the hiring of these services to assist in the preparation of comments and are at a stand still without the aid of intervenor funding. The December 20, 2013, deadline for the submission of comments to the extensive Part A submissions is daunting, given the lack of technical knowledge available to the Town.

It is the Town of Milan's belief that any comments made at this time, without the help of the professionals knowledgeable and capable of counseling the Town with regard to the highly technical submissions before the Commission, would be wholly inadequate and, most likely, unnecessarily overwhelming to the applicants and Commission.

Wherefore, based upon the foregoing, the Town of Milan respectfully requests that its time for the submission of comments, as set for in the Ruling Establishing Process And Schedule For Scoping (Issued November 15, 2013), be extended for sixty (60) days after the Town is awarded intervenor funds, if any, so that the Town can hire proposed professionals and consultants to review the extensive Part A submissions and formulate comments based upon the interests of the Town.

Dated: Milan, New York
November 18, 2013

Respectfully submitted,

Angela J. Maier-Lore, Esq.
Attorney for the Town of Milan

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To: All parties on Party Distribution List

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Case No. 13-M-0457

PETITION FOR INTERVENOR FUNDING
ON BEHALF OF THE TOWN OF MILAN, NY

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Town's population is 2,370. Many of these residents are multi-generational residents of the Town. These residents and landowners include, amongst others, farmers, war veterans, doctors, laborers, nurses, students, attorneys, judges, secretaries, retirees - all of who take great pride in where they live and raise their families.

The Town currently has a large high voltage power corridor, approximately 400 feet wide and consisting of four side by side towers, which runs approximately eight (8) miles through the Town. The electric transmission line proposed to be constructed would also run the same distance through the Town along this existing corridor or right-of-way (ROW). This existing ROW is what has been commonly referred to throughout these proceedings as "the existing corridor". Much confusion has been created by the use of this phrase. Its use had initially, and erroneously, led residents to believe that any new structures would be built within the existing ROW. However, through two informational sessions held by the Town of Milan with two of the applicants, residents learned that both applicants' proposals necessitated the taking of land for the construction of the new towers. The amount of land estimated to be taken is an additional 100 to 150 feet most likely on the east side of the existing corridor.

Many of the residents who are facing the potential of having land taken are the same residents whose families lost their land when the existing 115kv lines and towers were constructed in 1931 and again when the existing 345kv lines and towers were constructed in 1961.

Many of the residents who are facing the potential of having land taken are also the same residents whose families lost their land to the Iroquois Gas Transmission Pipeline which was built on the west side of the existing power line corridor in 1991.

The Town residents who live in the vicinity of the power line corridor have safety concerns regarding the Iroquois Gas Pipeline, with relation to the work to be performed by any of the potential applicants, which must be answered. No major work has been done in the area of the pipeline since it was constructed. However, none of the applicants appear to have addressed the pipeline at all.

There are 1,799 parcels of real property located in the Town. 138 of these parcels, or approximately 7.67%, are located on the existing corridor and will be directly affected by the proposed route on the east side and/or alternate route on the west side of the existing corridor.

There is also the potential of additional parcels being affected on the west side due to the location of the gas pipeline.

At the informational sessions held by the Town, family after family spoke of how they had already lost land to either the power lines or the gas pipeline. For example, we heard from a World War II veteran and his wife who already lost property to the gas pipeline and will now lose their home and the rest of their property. We heard from a young couple who recently moved their family 750 miles back to Milan to build their dream home on land given to them by the young man's mother; land which had been in their family for decades. This land is now at risk of being taken and their plans are on hold while they live indefinitely in temporary housing. We heard from a family whose property has been taken each time for the power lines or gas line so that there is not much left to take. There are residents who just built new homes which will be lost. Historic, pre-revolutionary homes and properties under conservation easement will be affected.

While everyone is cognizant of the fact that these displaced residents will be given some value for their property, "fair market value" does not seem fair. The publicity from the mere potential for additional power lines being constructed has and will continue to rapidly decrease market values and hinder the sale of property in the Town of Milan. For some of these people, their properties constitute their life savings and retirement.

These are the people and interests that the Town of Milan represents.

SUMMARY OF MILAN'S UNDERSTANDING OF PART A SOLUTIONS PROPOSED

None of the three applicants whose submissions affect Milan propose to use the existing ROW corridor. All three propose to install a new 345 kV line on newly acquired land to either the east or west side of the corridor.

North American Transmission did not contact Milan prior to October 1, 2013, as required. A meeting has been scheduled at Milan's request for December 11, 2013, for North American Transmission to meet with Milan's Supervisor for the first time.

Milan residents, at the Special Meetings, called for creative solutions that use 21st century technology, as opposed to the traditional solutions proposed. The term "retrograde" was used to describe the applicants' technology. Milan sees no evidence of current, renewable, or underground

technology in solutions that affect Milan.

AVAILABILITY OF RESOURCES

The Town of Milan is a small town with a small population. There is no contingency budget or funds available for the hiring of experts and/or consultants to review this project on behalf of the Town or to perform the investigatory and fact-finding work the Town sees necessary to adequately represent its residents.

The Town of Milan has been in contact with Scenic Hudson, a non-profit organization dedicated to protecting and restoring the Hudson River and Hudson River Valley of New York State. While Scenic Hudson will not be a paid consultant on behalf of the Town of Milan, the Town hopes that they will be a source of useful knowledge in this process.

Upon information and belief, the Town has reached out to the County of Dutchess for input regarding this project, however, to date the County has not indicated what level of participation, guidance or support it will provide, if any.

The Town of Milan will always make the reports and information it obtains through its research and investigation available to neighboring towns, residents and other interested parties.

AMOUNT OF FUNDS REQUESTED

The Town of Milan seeks Intervenor Funds in the amount of \$279,797.36, as set forth in the detailed statements of services annexed hereto and made a part hereof. As outlined in said statements, the funds requested are for services for a professional engineer/attorney who practices before the Public Service Commission; the present Town Attorney; a biological firm to conduct an environmental assessment; a videographer to produce a public service video; and a public relations consultant to develop a program involving the Town website, mailings, online surveys, and newspaper advertisements to keep the Town and area residents apprised of the status of the PSC proceedings.

Included in the above number is the cost of a sign and three mailings that the Town of Milan expended unbudgeted monies on to advise its residents of the status of the energy highway and to notify them of upcoming informational meetings with the various applicants. The postage for the mailings to Town residents totaled \$302.36 and the sign of upcoming dates was \$120.00.