



Baron Winds Project

Case No. 15-F-0122

1001.1 Exhibit 33

Other Applications and Filings

EXHIBIT 33 OTHER APPLICATIONS AND FILINGS

(a) Other Applications or Filings Concerning the Subject Matter of the Proceeding

Except as noted below, the Applicant does not have, and is not aware of, any other application or filing that is currently being processed and which concerns the subject matter of this proceeding (i.e., the Baron Winds Facility). Specific to federal approvals, the Applicant anticipates that the Facility will ultimately require authorization from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, 33 USC § 1344 (and associated demonstration of compliance with Section 7 of the Endangered Species Act (ESA), 16 USC § 1536, and Section 106 of the National Historic Preservation Act (NHPA), 16 USC § 470f) and Determination of No Hazard from the Federal Aviation Administration (FAA) pursuant to 49 USC § 44718.

[REDACTED]

The Applicant entered the New York Independent System Operator (NYISO) class study year in March 2017. The Facility's study will initiate as soon as NYISO begins the Class Year Study. The exact schedule will be determined by NYISO.

As discussed in Exhibit 23, the Applicant may be required to install an individual drinking water and wastewater treatment system at its operation and maintenance building. Because the Steuben County Department of Health does not review individual water/wastewater treatment systems for compliance with applicable New York State standards, responsibility for overseeing the review rests with the local building department, which will transmit plans for these systems to the New York State Department of Health for review and approval.

(b) Federal Permits, Consents, Approvals or Licenses Required for Construction or Operation

Table 33-1. Federal Permits and Approvals for the Baron Winds Facility

Agency	Anticipated Application Date	Description of Permit or Approval Required
U.S. Army Corps of Engineers ¹	Q4 of 2018	Clean Water Act Section 404 or Nationwide Permit for Placement of Fill in Federal Jurisdictional Wetlands/Waters of the U.S., 33 USC § 1344 National Environmental Policy Act (NEPA) Compliance, 42 USC § 4321 et seq. Compliance with NHPA Section 106, 16 USC § 470f Compliance with ESA Section 7, 16 USC § 1536

Agency	Anticipated Application Date	Description of Permit or Approval Required
Federal Aviation Administration ²	Obtained	Lighting Plan and Clearances for Potential Aviation Hazard, including formal consultation with Department of Defense, 49 USC § 44718

¹ The anticipated application submittal dates assume the Article 10 Certificate will be issued in Q1 of 2019. Ultimately, the Applicant does not anticipate submitting these applications until the Facility receives its Certificate under Article 10 of the New York Public Service Law.

² The Facility received a Determination of No Hazard to Air Navigation from the FAA on November 3, 2016. See Appendix Y.