

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION

NOTICE OF ADDITIONAL PUBLIC COMMENT HEARING AND
EXTENSION OF PUBLIC COMMENT PERIOD

Applicant: White Creek Solar, LLC
Attn.: Olivia Panno, Project Development Manager
292 Madison Avenue, 15th Floor
New York, NY 10017
Phone: (317) 389-0049
Email: whitecreeksolar@aes.com

Facility Location: Towns of Leicester and York, Livingston County

Applicant's Attorney: James Muscato II, Esq.
Young / Sommer LLC
Executive Woods
Five Palisades Drive
Albany, NY 12205
Phone: (518) 438-9907
Email: jmuscato@youngsommer.com

ORES Permit Application No.: 23-00059

Facility Description: Applicant applied to the New York State Office of Renewable Energy Siting and Electric Transmission (Office or ORES) for a permit pursuant to Public Service Law article VIII to construct and operate a 135-megawatt (MW) solar energy facility located in the Towns of Leicester and York, Livingston County.

Prior Combined Notice of Availability of Draft Permit Conditions, Public Comment Period and Public Comment Hearing, and Commencement of Issues Determination Procedure:

Applicant filed the application with the Office on December 7, 2023. A notice of complete application was issued on July 15, 2024 (see <https://dps.ny.gov/ores-permit-applications>, click on Project Permit Application Number 23-00059).

ORES staff published draft permit conditions on September 13, 2024. The draft permit conditions may be accessed at <https://dps.ny.gov/ores-permit-applications>, click on Project Permit Application Number 23-00059.

On September 13, 2024, the ORES Office of Hearings issued a combined notice of availability of draft permit conditions, public comment period and public comment hearing, and commencement of issues determination procedure (Combined Notice). The Combined Notice scheduled a public comment hearing pursuant to 16 NYCRR part 1100 to hear and receive

unsworn comments from the public at the **York Town Hall, 2668 Main St, York, NY 14592, on Wednesday, November 13, 2024, at 6:00 p.m.** The Combined Notice also established a deadline of Friday, November 15, 2024, for the filing of written public comments and other deadlines for the issues determination procedure. The Combined Notice and instructions on how to file written public comments and participate in the issues determination procedure may be accessed at <https://dps.ny.gov/ores-permit-applications> (click on Project Permit Application Number 23-00059, Item No. 63).

Notice of Additional Public Comment Hearing: PLEASE TAKE NOTICE THAT pursuant to this Notice of Additional Public Comment Hearing, a second public comment hearing pursuant to 16 NYCRR part 1100 to hear and receive unsworn comments from the public will be held virtually on **Tuesday, December 10, 2024, at 6:00 p.m.** **The hearing is being conducted through the Webex electronic webinar platform and by telephone.**

All persons, organizations, corporations, or government agencies who may be affected by the facility are invited to attend the hearing and comment on the application and the draft permit conditions. **Instructions on how to register for and attend the Webex webinar are provided below.** Lengthy comments will not be accepted and instead should be submitted in writing. Equal weight will be given to both oral and written comments. To ensure that all interested persons have an opportunity to speak, the Administrative Law Judges (ALJs) may limit the time available for oral comments to three (3) minutes per person. The public comment hearing will be transcribed for inclusion in the administrative record.

It is not necessary to provide comments at both the November 13 and the December 10 hearings. At the December 10 hearing, preference will be given to speakers who did not speak at the November 13 hearing.

Interpreter services shall be made available to deaf persons, and English language translator services shall also be made available, at no charge for either service, upon written request to Chief ALJ James T. McClymonds, Office of Renewable Energy Siting and Electric Transmission, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4590, ores.hearings@dps.ny.gov. All requests must be received no later than 4:00 p.m. on Tuesday, November 26, 2024.

In the event that the additional public comment hearing needs to be canceled, rescheduled, or postponed, notification of any change will be available at the ORES website at <https://dps.ny.gov/ores>.

Notice of Extension of Written Public Comment Period: PLEASE TAKE FURTHER NOTICE THAT the public comment period has been extended. Written comments concerning the application and the draft permit conditions must be filed with ORES by **5:00 p.m. on Friday, December 13, 2024.** Persons filing written comments are strongly encouraged to post their comments on the ORES Permit Application Portal (ORES Portal). To post a comment, go to <https://dps.ny.gov/ores>, click on “ORES Permit Applications,” click on Project Permit Application Number 23-00059, and click on “Post Comments” in the upper right-hand corner of the screen.

Written comments may also be emailed to ORES at ores.hearings@dps.ny.gov or mailed to the Office of Renewable Energy Siting and Electric Transmission, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242. Written comments will be considered equally with oral statements delivered at the public comment hearings, provided they are postmarked by **Friday, December 13, 2024**, or e-mailed or posted on the ORES Portal by 5:00 p.m. on that date.

Please take notice that written public comments will be publicly posted on the ORES Portal. ORES reserves the right not to post duplicate or repeat comments. In addition, ORES reserves the right to remove, without notice, comments containing any defamatory, infringing, obscene, indecent, discriminatory, confidential, or unlawful material or information of any kind.

Document Availability: Copies of all application materials and draft permit conditions are available for inspection at the Office's Albany office during normal business hours: Contact the Office of Renewable Energy Siting and Electric Transmission, W.A. Harriman Campus, Building 9, 4th Floor, 1220 Washington Avenue, Albany, NY 12227, (518) 473-4590, ores.hearings@dps.ny.gov. Electronic copies are available at <https://dps.ny.gov/ores-permit-applications>, click on Project Permit Application Number 23-00059.

Copies of all application materials are also available at:

Town of Leicester Town Clerk, Leicester Town Hall, 132 Main St., Leicester, NY 14481-0197;
Town of York Town Clerk, York Town Hall, 2668 Main Street, York, NY 14592; and
Mount Morris Library, 121 Main Street, Mount Morris, NY 14510.

Statutory and Regulatory Provisions: The application is being processed and this proceeding is being conducted according to Public Service Law article VIII and 16 NYCRR part 1100.

Instructions for Attending the Public Comment Hearing:

To join the hearing through the internet, visit <https://meetny-gov.webex.com/meetny-gov/j.php?MTID=mabc72d58ed738cc41264cef661c398b9> and click "Join a meeting."

Webinar Number: 2821 490 9347

Webinar Password: Dec10-6pm

To join by phone only:

Dial: 1-415-527-5035

Access Code: 2821 490 9347

Password: 3321 0067

Persons wishing to comment on the application or the draft permit conditions will have the opportunity to make a statement at the public comment hearing. **Any person wishing to provide a public statement must register in advance of the hearing no later than 10:00 a.m.**

Monday, December 9, 2024. Any person who wants only to observe the hearing online must also pre-register. Any person may listen to the hearing by phone without pre-registration.

To register electronically: Persons who will login to the hearing electronically must register. To register, visit <https://meetny.gov.webex.com/weblink/register/r230e01ca701c879ee1dd87aa052b97fa>, click on “Register,” and fill in the requested information. You will be asked whether you wish to make a public statement or not. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

On the appropriate date and time of the hearing, participants should visit <https://meetny.gov.webex.com/meetny-gov/j.php?MTID=mabc72d58ed738cc41264cef661c398b9>, click “Join Meeting” at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to “select audio system.” It is recommended that participants choose to have the system “call me” or “call using computer.” The “call me” option will require participants to enter their phone numbers.

To register by telephone: Any person who is not able to login electronically may participate by telephone. Call-in participants who wish to make a public comment must register in advance no later than 10:00 a.m. on **Monday, December 9, 2024**, by calling 1-518-473-4590 or by emailing ores.hearings@dps.ny.gov. Please provide your first and last name, address, email address if any, and telephone number, and reference the **White Creek Solar** public comment hearing.

On the day and time of the hearing, use the phone access phone number, (415) 527-5035, and the appropriate access code and password listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJs will call on each person who has registered to speak. The ALJs will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. The ALJs may limit the time available for oral comments, as necessary to afford all participants an opportunity to be heard. Lengthy comments should be summarized for oral presentation and submitted in writing as provided above. The hearing will be stenographically recorded for inclusion in the record.

James T. McClymonds
Chief Administrative Law Judge

Albany, New York
November 13, 2024