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CENTRAL PINE BARRENS JOINT PLANNING

4

& POLICY COMMISSION

5

PUBLIC HEARING

6

TOWN OF BROOKHAVEN TOWN HALL

7

ONE INDEPENDENCE HALL

8

FARMINGVILLE, NEW YORK

9

September 17, 2008

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3:00 p.m.

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PETER SCULLY

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Chairman

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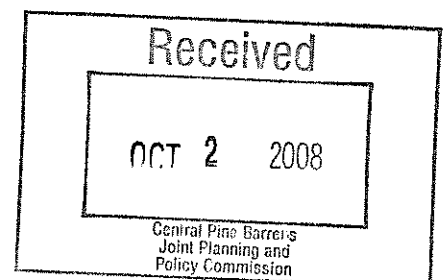
Reported By:

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BethAnne Mennonna, Court Reporter

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2 A P P E A R A N C E S:

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4 MARTY SHEA - Town of Southampton

5 BRENDA PRUSINOWSI - Town of Brookhaven

6 JOHN TURNER - Town of Brookhaven

7 CARRIE MEEKS-GALLAGHER - Suffolk County

8 DANIEL MCCORMICK - Town of Riverhead

9 JOHN MILAZZO, ESQ. - Commission Counsel

10 RAY CORWIN - Executive Director

11 ROBIN MILLS - Senior Secretary

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2 CHAIRMAN: It's 3:00. I'd like to
3 resume the meeting and call the public hearing
4 to order. Pursuant to the Environmental
5 Conservation Law Article 57-0121.10 and the
6 Central Pine Barrens Comprehensive Land Use
7 Plan, notice is hereby given that a public
8 hearing will be held by the Central Pine Barrens
9 Joint Planning and Policy Commission on
10 Wednesday, September 17, 2008 on the matter of a
11 Core Preservation Area Compelling Public Need
12 Waiver Application.

13 Project Name: Long Island Power
14 Authority. The location is the Core
15 Preservation Area of the Central Pine Barrens,
16 north of Nugent Drive, County Road 94, and south
17 of the Peconic River, in the Town of
18 Southampton. Suffolk County Tax Map Number
19 900-135-2-2.

20 Project Description is as follows: The
21 proposed project consists of the expansion and
22 reconfiguration of the Riverhead Substation.
23 The 40.5 acre project site contains an existing
24 substation covering 6.1 acres, which includes
25 two acres of paved and unpaved roads. LIPA

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2 proposes to clear an additional 88,000 square
3 feet of the site for the expansion and
4 reconfiguration of the substation
5 infrastructure.

6 The hearing will be held at 3:00 p.m. at
7 Brookhaven Town Hall, One Independence Hill,
8 Farmingville, New York 11738. A copy of the
9 application is available for examination during
10 regular business hours between 8:30 a.m. and
11 5:00 p.m. at the Commission's office, at 3525
12 Sunrise Highway, Second Floor, Great River,
13 New York.

14 Can I have appearances, for the record.

15 MR. McCORMICK: Daniel McCormick, for
16 the Town of Riverhead.

17 MR. SHEA: Marty Shea, representing the
18 Town of Southampton.

19 MR. TURNER: John Turner, representing
20 the Town of Brookhaven.

21 MS. GALLAGHER: Carrie Meeks-Gallagher
22 representing the Suffolk County Executive,
23 Steve Levy.

24 CHAIRMAN: Peter Scully, representing
25 the Governor of the State of New York.

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MS. HARGRAVE: Good afternoon, Commission. Thank you. As the Commissioner read in the hearing notice, the project is proposed by the Long Island Power Authority, and it's an expansion of an existing substation. They provided an application for ~~Governmental~~ Environmental Assessments Form Part I and petition for their Compelling Public Need Waiver that is requested. The main purpose of this application is to improve the reliability of their service and create some redundancy to improve that reliability in the system, and provide a more efficient distribution system.

So, the application was received. You have a timeline and staff report package that I distributed; which was received on July 3, 2008. And the Commission commenced the SEQRA process. The application is an unlisted action, pursuant to SEQRA. You coordinated the application with all the involved agencies, including DEC and the Town of Southampton and the Department of State. The SEQRA determination is still pending. And so, that has not been done, to date. The Pine Barrens Commission is the agency for this

Lead

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project now. No other agency requested to be the lead agent.

You have a package of the staff report and a small site plan. There are larger ones in front of you, and photographs of the project site and figures from the applicant's application, maps and Land Use in the area. And also, in the back of the exhibits that I gave you, I think it's Exhibit D, there are letters from other involved agencies, in case you would like to read them. And so, basically, this today, is the hearing. Again, the SEQRA determination has not been made. So, that would be made at a later Commission meeting.

Essentially, the items that are outstanding in the application are -- there aren't many. But the applicant needs to finalize their site plan and show some wetlands that are on the project site. The DEC has been out there, and the Town of Southampton has been out and delineated the wetlands that need to be picked up by the LIPA survey shown on the site plan, and then look at the distance of the limits of the disturbance in the proximity to

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2 wetlands boundary. That will assist in
3 completing the review, as part of the process.

4 MR. TURNER: That wasn't part of the
5 Commission submitted to you?

6 MS. HARGRAVE: There have been wetlands
7 found since the date of receipt of this
8 application.

9 MR. TURNER: As part of the application,
10 was information included about the existence of
11 wetlands there and boundaries of the wetlands?

12 MS. HARGRAVE: Not the wetlands that
13 have been found recently. They were not
14 identified in the original application.

15 MR. TURNER: They were identified by the
16 Commission staff out in Southampton and the DEC?

17 MS. HARGRAVE: Yes.

18 MR. SHEA: Just a comment regarding
19 that. I was at the site yesterday. That's when
20 the additional wetlands were identified and
21 verified. LIPA has been notified on those
22 wetlands. I also delineated the wetland
23 boundaries and asked them to serve the notice
24 boundaries and put them on the site plan. I
25 believe that the DEC had flagged the boundaries

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2 of additional wetlands at the site. So, as
3 indicated, those need to be shown on the site
4 plan as well.

5 MS. HARGRAVE: Right. Right. The
6 wetlands are really outstanding, and the survey
7 needs to be updated with some other basic
8 information that is provided in the staff
9 report.

10 Topography and slopes. There are some
11 18 percent slopes and maybe more in some of the
12 areas that are there; but it's a little bit
13 difficult to tell, unless they do the slope
14 analysis. Other things we may need, that we
15 have requested in the staff report, that you
16 have in front of you, are drain grading,
17 drainage details for the areas of expansion.
18 Again, the area to be expanded is about two
19 acres. Overall, after this project, there would
20 be about eight acres of the 40 acre project
21 site, just about 20 percent, that would be
22 cleared at the end of the day.

23 We have also asked in this staff report
24 for alternatives, if they can. They did discuss
25 in their petition a couple of alternatives that

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they considered, but they don't find them feasible. And it didn't really show any analysis, as far as a design and maybe where, if they could relocate this expansion to a more clearer portion of the site. So, a little more information on alternatives would be helpful.

And other things that we've asked for in the staff report are follow-up field surveys that were indicated in their assessment expanded report. I did receive some information from LIPA yesterday that they have -- I believe they have concluded those follow-up surveys, but I haven't been able to completely review that information. And that was in regards to where, in the change endangered species are on the site. They needed to go back during the flowering period of those species.

That's, basically, what we asked for and some conditions, if this were approved, some potential Covenants and Restrictions, of a buffer to the site. It is heavily encumbered by wetlands on the northern portion. They may not be willing to build there in the future. Anyway, that's something to consider, if they

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move forward.

If there are conditions of approval and they move forward with the application, they'll have to go to other agencies like the DEC to get permits -- that may not occur within your deadline -- and the Town of Southampton. That's something being worked out. If the application for approval is contingent upon them receiving those permits and the project changes, then we'll need to come back to you, if the location of the expansion moves or there is a greater buffer to the wetlands, whatever it is. If it's really a change in the site plan, they really need to come back to the Commission.

MR. TURNER: I want to be clear about something you're saying. Their petition -- they did undertake the brief analysis of alternatives, but dismissed any of those without elaboration?

MS. HARGRAVE: Yes. It's a couple of paragraphs. And they indicated that either they would result in more clearing in the expansion area, or it wouldn't really complete the purpose of this project. It wouldn't really ensure the

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2 reliabilities they are looking for. It wouldn't
3 achieve their goals. But as far as moving the
4 expansion to another portion of this site, that
5 I couldn't see has been done. I think they have
6 gone through alternatives. Maybe they didn't
7 give them to us.

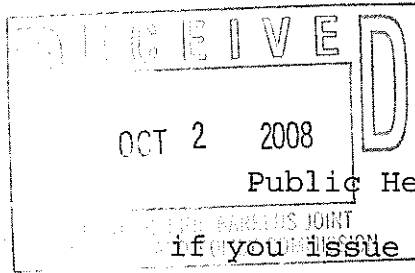
8 MR. TURNER: Alternative sites.

9 MS. HARGRAVE: Alternative sites.

10 Altogether, they said it is not feasible. But
11 that's basically it. If you have any questions,
12 Katherine is going to speak.

13 MR. SHEA: Just a question to counsel,
14 because it appears there is significant
15 additional information that needs to be
16 provided, in order for the Commission to make a
17 determination of this application. Does the
18 Commission need to keep this hearing open, so
19 that they can listen to testimony regarding the
20 additional information, in order to make the
21 proper determination?

22 MR. MILAZZO: There are two things that
23 apply. The first is the 180 decision deadline
24 for the application that goes out to the end of
25 October. But the law has a provision that says



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if you issue -- you have a certain time period that the date is issued; and it has certain deadlines. The deadlines, the way they apply to this project, have to be determined, whether the Commission does or not. The seeker, if you feel that you don't have enough information to decide whether it's a possibility or negative, the Commission can ask for an extension to get additional information. If you feel, when you review it, you want to keep the record open and close the public hearing portion of it so you can review it, or you can keep the hearing record open for more public input. I suggest allowing them to speak, because they may be able to give us enough information today that these concerns are addressed. Or collectively, maybe the town or DEC is better equipped to address the open issues and we don't need to have the hearing continued. If you feel after the presentation you don't have enough information that the materials they made are of such import the public is allowed to hear and public input, keep it open. Give them the benefit of giving their presentation, then the Commission will

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consider, in their collective judgement, whether these are issues the Commission can address or it is better served by having a town or DEC condition. If it was so inclined to be improved, you can condition it on the DEC or town approval.

Having said all of that, you are able to keep the public record open. And you should keep the record open. You can have another hearing, if you wish. It's up to you. In the past, we have done both.

MR. SHEA: In the event -- let's say the Commission, based on this additional information needs a policy of declaration. The Commission has the authority to require and set a second public hearing, if this hearing is closed?

MR. MILAZZO: Yes.

MS. HARGRAVE: The information we need, it's --

MR. MILAZZO: I would say you would be continuing the application.

CHAIRMAN: Even in the absence of a positive dec, you can hold another hearing.

MR. MILAZZO: We have done that in the

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past.

MS. HARGRAVE: Really completing the site plan. It's pretty basic. Very important for the record, and just also really to complete the environmental review again. So, the next meeting is October 15th, your next meeting. The agenda is set two weeks in advance. So, they would really need to submit that information within a couple of weeks from now, to be on that agenda, to have everything complete enough to make a SEQRA determination and a possible decision.

MR. McCORMICK: Do we know if LIPA owns additional property in the general facility outside the Core area? Have we made that determination?

MS. HARGRAVE: On the tax map, the main parts are opened by the county, except for the right-of-way South of Nugent Drive. There is a lot of county land. I haven't done that inventory, but I can look at it and get back to you.

CHAIRMAN: We can ask the applicant too. That's a very good idea. Julie, thanks for the

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2 quality of the report.

3 MS. PINCUS: Good afternoon,
4 Mr. Chairman, members of the Commission. My
5 name is Michele Pincus, Associate General
6 Counsel for the Long Island Power Authority,
7 Uniondale, New York. I know there are several
8 questions that need to be addressed. Before we
9 address them, I do have a team of people on
10 behalf of LIPA today to address them. I want to
11 give more information, in support of the
12 application. I'll be as brief as I can, and
13 then we'll have an opportunity to have these
14 experts address some of the pointed questions;
15 and, I think, that perhaps will satisfy the
16 Commission with some of the outstanding issues
17 today. And then we would be happy to supplement
18 the application and understand the deadlines.
19 And we are willing to abide by the deadlines, to
20 make this move as quickly as possible.

21 All of the work that is proposed to be
22 done with respect to this expansion is expected
23 to be done with the care and concern for the
24 wetlands. We're well aware of this being the
25 Core area of the Pine Barrens. And we are

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1 actually planning to do the minimum work
2 necessary with minimum disturbance to the area.
3 We recognize the importance of preservation.
4 The area sought to be expanded is currently
5 unseen by the public. And with the expansion,
6 it will still remain unseen by the public. It
7 can only be viewed when you are within the
8 property itself. This waiver is really crucial
9 to LIPA and to the east end. The energy needs
10 of the residents and of the businesses on the
11 east end of Long Island compel the grant of this
12 waiver that we are seeking.
13

14 LIPA needs to alter the existing
15 substation design, in order to increase
16 reliability of the east end's electric system.
17 In doing so, the new design will allow the
18 installation of electric lines and other
19 facilities to meet the current and future
20 demands. The existing substation is currently
21 on four acres of a 41 acre sight; and it was
22 originally built in the 1920's or 1930's. We're
23 looking to expand onto an additional two acres;
24 much of which is essentially bare at this point.
25 There is a limited amount of additional tree

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removal that would be required. The need for this is critical and part of a series of steps by LIPA to reinforce the transmission system on the east end. The Riverhead substation is the supply hub for the electric system on the east end, and is necessary to support the existing and future local grounds.

There are certain failures that are about to happen in the manner in which the substation is configured now. And because it was designed many years ago, it was sufficient, at the time, to meet the needs at the time; and it is no longer able to meet the needs of the reliability standards and the future needs from Riverhead on east.

The redesign will improve the reliability and also accommodate the need for the foreseeable future, looking at about 20 plus years. This forecast is based on the expected growth from both year round and seasonal customers. As projected, the increase over time from the new customers is based on the permitted development of land. We're not creating the growth, we're only responding to the existing

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growth. And our application allows us to provide reliable electric to people in the community for purposes of growth reliability. We are looking to avoid a blackout risk.

A public need and grant of the application will not be materially detrimental or cause injury to other properties or the resources of the Core Preservation Area, pursuant to Section 57-0121.10 B of the New York Environmental Conservation Law proposed developmental health and safety needs of the municipalities of the Pine Barrens. Public health and safety requested waivers that the public benefits from the proposed use overrides the importance of the protection of the Core Preservation Area. The proposed use requires the existing needs of the residents. And there are no feasible alternatives outside of the Core Preservation Area to meet the established public needs. And there are no vetted alternatives within the County, which I will have one of my experts address in just a moment.

LIPA has one 23,000 electrical currents from Riverhead to points east. Maintaining a

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reliable supply to customers is essential to the health, safety and economic viability from the school children to the elderly. The reliability of the system is of a paramount concern to LIPA. And we have an obligation to provide that service. We're looking to service existing customers; not for future development. These concerns outweigh the limited impact that they will have on the Core Preservation Area.

If LIPA takes no action, it will have to do additional plans for shedding the load, literally shedding down customers and activating less efficient and more generated. The failure to proceed with this project would be irresponsible to existing customers. And a failure of the system will cause outages throughout the east end. The existing substation is the only structure in place to provide the means to address this problem to meeting existing electric concerns.

With regard to the additional standards under the Environmental Conservation Law, the granting of the permit will not be materially detrimental or cause injury to other properties

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or improvements in the area in which the subject property is located. It will not cause a danger of fire and danger of public safety or result in substantial impairment of the resources of the Core Preservation Area. The area consists of one acre of property. The impact of the expansion is only an additional two acres that LIPA is seeking to expand on. It will not endanger public safety, but protect it, by providing reliable electric service.

The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of the Environmental Conservation Law. It is not inconsistent with the integrity of the Pine Barrens ecosystem immediately adjacent to the existing site. No rare plants or endangered species inhabit that area. And the technology and equipment used will not come into contact with ground water. This is a minimum relief necessary to relieve the extraordinary hardship. As I have indicated, this is a feasible, reliable alternative to this project. And I will certainly have somebody speak to you about that in just a moment. Since

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2 all aspects of the requirements have been met,
3 we would request that this Public Need Waiver be
4 granted.

5 We would also like to press upon the
6 Commission the crucial timing of this project.
7 It is really necessary for us to begin this
8 project before the ground freezes. Any
9 substantial delays would prohibit us from
10 commencing this project at this time, and it
11 would leave the east end exposed to the dangers
12 of losing power, as I have had previously
13 described.

14 I'd like to have some of the members of
15 my team address some of the concerns that were
16 raised during Ms. Hargrave's presentation. I'd
17 be happy to answer any questions, after they
18 address the Board.

19 CHAIRMAN: Thank you, Ms. Pincus.

20 S T E P H A N M A R R O N ,

21 having been first duly sworn by a Notary
22 Public of the State of New York, was examined and
23 testified as follows:

24 MR. MARRON: My name is Steve Marron.

25 I'm a manager of the Transmission Planning Group

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2 for Long Island Power Authority. I worked on
3 the application and described some of the
4 alternatives that Ms. Hargrave talked about in
5 the alternative designs. I'd like to talk about
6 a couple of those and address the issue if we
7 can build somewhere else. First I'll talk about
8 the design.

9 We looked at some of the reliability
10 improvements there right now, because of the
11 increased load in the east end. When I talk
12 about the east end, I'm not just talking about
13 north and south fork; I'm also talking about the
14 community within Riverhead itself. So, over the
15 years, the demand in that area increased. The
16 Town of Southampton, East Hampton is very
17 populated. We did a density study, relied on
18 them to what it has been and what is happening
19 in the future.

20 As we pointed out, the current
21 configuration in the substation laid out a
22 single straight line. We have done reliability
23 improvements over the years. Essentially, a
24 string of equipment. If we have a failure along
25 that string -- I'd like you to think of holiday

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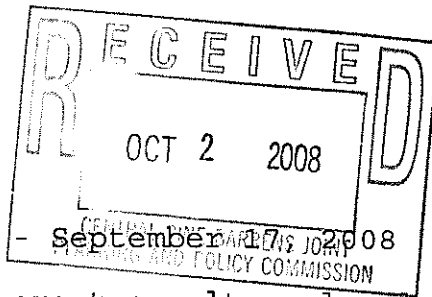
lights. If you have a break in the wire somewhere in the middle of it, the rest of the lights go out. We have the same type of problem. They're an old type of design, based on reliability criteria that existed over the last 30, 40 years. What is happening now is, the load increase demands higher reliability from customers and also regulatory agencies. We need to do improvements to that.

We would like to create a ring bus and take that string of lights and make a loop. If a wire breaks over here, you have a backup, so you can continue to feed that. That gives us the reliability we need.

MR. TURNER: Can I interrupt and ask you a question. For our education, point out where you're talking about; the existing facility now that is just a string, that you want to make the ring bus. It's busy and hard to see.

THE AUDIENCE: Also as to the new wetland location of the DEC is on it.

MR. MARRON: This is the existing structure we have right here. This is what line terminal is coming in. This is the existing



24

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138-Kv bus. There are two voltage levels. As you go down your street, the wires are very high and they bring that wire down the entire block. There are transformers sent down to your house that bring the wires into your house. This is one level up from that. This supplies all the wires that go out into the streets, but also the whole north and south fork and area. What we have is a 338,000 volt system here, arranged in a straight line vertically, if you look at this from north to south, also physically. What we need to do is -- this is that line. If I have a failure here, it basically removes a substantial portion of this system from service, which then results in a potential blackout. We have 200 to 2,000 hours now based on the probability of the risk of it happening and also the amount of generation. We have some generation in the east end. We're trying to improve that. What we would like to do is bring this and make a circle to make that loop. As you can see, it also makes additional positions to bring in new interconnections. Those interconnections will provide for future growth. What we're trying to

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2 do is clear here to basically make that.

3 Can we build somewhere else? No. The
4 existing structure is here. We have to tap
5 into -- we want to keep this structure here and
6 minimize it by adding onto it.

7 MR. SHEA: Just so I understand. The
8 larger boxes here, those are proposed
9 generators?

10 MR. MARRON: No generation at the
11 substation. This is all bus work. What you see
12 are three basic lines. Those are the three
13 phases of our power system. These are
14 basically -- in between here, you see little
15 switches, disconnects, that isolate and allow
16 for a line to come in. Basically, what we have
17 arranged is the system -- if you look at this,
18 this goes back to the hub that is right through
19 the east end. It is basically supplied by five,
20 69-Kv and 138 larger line cables that all come
21 into the western portion of LIPA's system.

22 We have a line coming in from Shoreham
23 and a line coming from Brookhaven; the
24 right-of-way. These come in from the west and
25 avoid the system. They come into this station

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here and then they go out to the east end. What we want to do is have these terminals here -- this is where the lines terminate; right. Now they terminate here. They will now terminate here. Again, we need to provide for terminals for the lines, okay, and allow it to expand; which I'll get into. It needs to be built here, because this is where the current infrastructure is that brings the lines from the west and where they exit.

The Commission gave us permission, back in 2000, when we added the 138-Kv line from Southampton, now 138 Canal. They gave us permission, at that time, for underground ducts to put the cable in; as well as a second set of ducting for the future. We are looking to use those ducts. We now have underground ducts -- duct meaning pipes -- so you can put a piece of wire in to supply the east end. Moving somewhere else now, lose that clear land and build this somewhere else, the lines aren't there. This is the minimal type of space, on that piece of property. This is the most ideal place. It's close to it, with the least amount

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of clearing.

Can I build something else here? Yes. What we talked about in the application is what we call a breaker and a half; that's the other standard reliability. In the recent past we completed a substation out at Canal, east of the Shinnecock, by the Shinnecock Canal. That is a breaker and a half. That is a preferred alternative reliability purpose that required us to double the space. What we did is stayed within here to get the highest level of reliability, given the space requirements.

CHAIRMAN: I think the staff suggestion has sort of been a fuller treatment of the alternatives in the application. Address his question as to whether or not you have other real property holdings.

MR. MARRON: This goes to the hub of the area. So, all the interconnections, all the infrastructure supplies that area here. Moving -- basically saying, can I build a whole new substation somewhere else? I have to have new lines come in. There is no other place. This is the minimum type of impact place to

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build it.

MR. SHEA: Does the current infrastructure you have at the facility allow for putting some of those terminals on the west side and some of those terminals on the east side?

MR. MARRON: No. The infrastructure is such -- this is the 138-Kv. Plus, this is the 69-Kv system. Basically, we are here. We have an existing 69-Kv structure. This is the 138-Kv. Where we want to build out is towards the western side. This is the clearing. The amount of clearing is minimized.

CHAIRMAN: What is the yellow line?

MR. MARRON: That shows you, basically, where we are clearing some of the current street. We have another diagram that shows the existing --

MR. TURNER: The gentleman said the wetlands boundaries is on there. Indicate where that is.

MR. MILAZZO: Hold on.

MR. SHEA: Just a question on your testimony.

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2 MR. MARRON: Maybe I can finish and he
3 can elaborate on the wetlands survey site.

4 MR. SHEA: You indicated a separation
5 between the proposed expansion area and the
6 current 69-Kv facility. Is it likely this
7 expansion is going to have to be upgraded to 69
8 in the future?

9 MR. MARRON: No. 138 is the entire
10 voltage. 69 is the lower. We are expanding to
11 138. What we have looked at an increase of
12 passage for the foreseeable future from the past
13 20 years. That's not to say that the town
14 decides to go ahead and build a Calverton ski
15 lift right next to Riverhead. It's a huge
16 facility. We can't control that.

17 MR. McCORMICK: Just answer the
18 question. Does LIPA own any real property in
19 the general vicinity? Not within the Core and
20 not what might not be feasible. Do you own
21 land?

22 MR. MARRON: The only facilities I am
23 aware of, Mr. Hunter can address that. We have
24 electric facilities up by Shoreham and further
25 west in Brookhaven. The problem is that, that

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2 is not where the electrical needs to be
3 satisfied from. This is the only facility in
4 that area, that I'm aware of, that needs to be
5 supplied.

6 CHAIRMAN: Show me that you have another
7 piece of real property in the area and tell me
8 why it is not viable.

9 MR. MARRON: To my knowledge, no.

10 MR. McCORMICK: How much additional
11 transformers will be involved?

12 MR. MARRON: We're not doing any
13 transformers with the project, at this time.
14 When we laid out the ring, we put a provision in
15 there, should the load in Riverhead, for
16 example, increase, we would be able to put a
17 transformer there. But we are not planning on
18 adding any transformers. No plan to add the
19 transformers now. Basically, we added
20 provisions for the future. What we did is make
21 the ring allow us space, so we don't have to
22 come back and go outside of that.

23 MR. McCORMICK: You can construct those
24 transformers without coming back to the
25 Commission?

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2 MR. MARRON: Yes. We can stay within
3 that fence.

4 MR. McCORMICK: Each transformer is
5 approximately 3,000 gallons of petroleum?

6 MR. MARRON: I wouldn't know what type
7 we would use. It would be a transformer in the
8 local area. It might be small; maybe two
9 transformers there. We already changed out and
10 replaced it with a bigger one. At this time,
11 there are no plans for it. We provided a
12 provision, should we need it.

13 MR. McCORMICK: It's possible.

14 MR. MARRON: Anything is. Anything is
15 possible.

16 MR. McCORMICK: Petroleum is still
17 harmful to the water.

18 MR. MARRON: I'll let someone from
19 Environmental say whether it's harmful or not.
20 It's outside of my area of expertise. We are
21 not planning on building a transformer. We're
22 just making provisions, planning. When we look
23 out 20 years, we don't see that need where we
24 have to add to it. Two big things we have is a
25 terminal from Riverhead. We will be filing an

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2 Article 7 application.

3 MS. HARGRAVE: You don't have a new
4 substation going up on Edwards Avenue; right?

5 MR. MARRON: Correct. Again, that is
6 basically tapping the line that comes from
7 Brookhaven to Riverhead for the local load in
8 that area; which is basically to the west of
9 that, serving the local area.

10 CHAIRMAN: The record should reflect why
11 none of these alternatives are viable for you,
12 in order for the record to be complete.

13 MR. MARRON: We tried to cover what we
14 thought was reasonable, in terms of what the
15 expectations were.

16 MS. PINCUS: We can submit a response in
17 writing.

18 MR. SHEA: Just a question with regard
19 to the design of the expansion. You indicated
20 there is a need to create a loop. Is there any
21 opportunity to take advantage of the existing
22 field areas to create a much greater loop?
23 Doing that greater loop essentially goes around
24 the area of freshwater wetlands and existing
25 Pine Barrens vegetation.

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2 MR. MARRON: I'll let Engineering talk
3 about that.

4 MR. SHEA: Can you create a larger loop
5 to minimize clearing of that area?

6 MR. MARRON: We need the space for that,
7 to put the devices and connections, when we
8 bring the lines in. Going out and making the
9 loop, if we don't have the width to install the
10 devices --

11 MR. SHEA: Those devices are connected
12 to what?

13 MR. MARRON: They need to be connected
14 to the structure itself.

15 MR. SHEA: Describe those.

16 MR. MARRON: Basically, right now what
17 we have is overhead lines coming from the west.
18 We need -- where it comes up off structure,
19 brings wires down, switches to open up the
20 circuit breakers to interrupt them, in case
21 there is a fault on the line. And also for the
22 cable that we are proposing from Riverhead to
23 Canal, there are switches from that terminal to
24 bring it up too. All of those have to be within
25 that.

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MR. SHEA: Even if you created a larger loop here, you have to entirely clear the area?

MR. MARRON: Or a good portion. A large portion of it, yes. Probably, for safety-wise -- again, this is getting outside of my area. When you build an electrical substation, there are safety codes and ground wires you have to clear to put that in. That may necessitate clearing more space.

MR. SHEA: Is there any opportunity to look at an alternative to see if it's possible?

MR. MARRON: From all the work I have seen to date, that is the minimum footprint required. Going outside or changing it will make it worse.

MR. McCORMICK: Has there been a determination of real dollars, cost analysis, into providing any alternatives?

MR. MARRON: The alternative we're looking at is doing the breaker and a half. Basically, it requires twice the space. Therefore, this was the minimal space. It is very jammed and cramped to fit everything in. From a cost prospective, this is more expensive,

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2 because we are such a tight space.

3 MR. McCORMICK: Are there real dollars
4 in terms of analysis?

5 MR. MARRON: In terms of going larger,
6 build it out larger, double the space, and we'll
7 give you an estimate. The breaker addition
8 would be slightly more expensive. Again, that
9 would double the space requirements.

10 MR. TURNER: I have one more question.
11 It's not clear to me why, if you were to have
12 these units along the existing cleared area, as
13 Marty indicated, why would you need to clear the
14 interior area; for what purpose?

15 MR. MARRON: Basically, you need the
16 terminals here. You have to come out along
17 this, the lines coming in. And you need
18 provisions. Basically, you need enough space to
19 interconnect it, bring the wires in. As we
20 bring wires out, it's not only the space for the
21 terminal, it's also the cables coming out. So
22 here we have the cable coming in from Riverhead
23 to Canal. We have to bring that duct out to
24 this space and bring the terminal out there.
25 I'll let Engineering go into more detail.

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2 CHAIRMAN: Sounds like technical
3 questions to the site; unless there are other
4 questions.

5 MR. SHEA: One last question. The black
6 envelope that you have shown, is that the full
7 extent of the proposed land disturbance,
8 clearing and construction, or would you have to
9 clear a larger area?

10 MR. MARRON: I'll let them talk about it
11 more.

12 MR. SHEA: One of the difficulties with
13 this site is the existing topography.

14 MR. MARRON: I'll let Engineering talk
15 about it. That is the boundary of the
16 substation.

17 CHAIRMAN: Thank you, Mr. Marron.
18 Ms. Pincus, would you like to bring up someone
19 else?

20 MS. PINCUS: Yes. Somebody is prepared
21 to speak on the Environmental issue and
22 Engineering. Do you want them in any particular
23 order?

24 CHAIRMAN: Bring them both up and we'll
25 have a go at it.

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2 MS. PINCUS: I also want to make sure
3 that the maps we submitted -- can we submit
4 those as exhibits?

5 MR. MILAZZO: Is it just this one?

6 MS. PINCUS: Yes.

7 MR. MILAZZO: Then we'll make this
8 Exhibit 1.

9 A D A M Y A B L O N S K Y,
10 having been first duly sworn by a Notary
11 Public of the State of New York, was examined and
12 testified as follows:

13 J O H N L O T T I,
14 having been first duly sworn by a Notary
15 Public of the State of New York, was examined and
16 testified as follows:

17 MR. LOTTI: I'd like to address your
18 question regarding the design of putting in the
19 bus around that infrastructure outside of our
20 fence. It may seem logical to do that. But for
21 many reasons we wouldn't consider that an
22 option. The reasons are: There's an
23 underground grounding infrastructure that would
24 be required throughout that area that would
25 require that area to be cleared. In addition --

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2 and that grounding is very important for our
3 equipment and safety. Not only for our work
4 inside that fence, but for pedestrians and the
5 public in that area. There's underground cables
6 that need to go to each of those pieces of
7 equipment, so that we can operate this system
8 not only locally but remotely. In addition to
9 that, what we try to do when --

10 MR. TURNER: Underground cables are
11 connected how?

12 MR. LOTTI: Connected electronically.
13 They are control cables. What they allow us to
14 do is operate this equipment locally and
15 remotely in Hicksville, so as to safely operate
16 the equipment.

17 MR. SHEA: Isn't it possible to use
18 directional drilling where underground cable
19 connections are?

20 MR. LOTTI: These are not transmission
21 type cables. Those are control cables, number
22 16, 18, very small; similar to what you have in
23 your house, but in a pre-cast concrete trench
24 that runs in this area back to our control
25 houses which are located on the property.

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MR. SHEA: Can't it be directionally drilled?

MR. LOTTI: No. Never directionally drilled.

MR. SHEA: Could you give us a sense of the extent of disturbance needed in order to put underground cables in, if you created a moat that surrounded that area of natural vegetation.

MR. LOTTI: We have our control cables that are about 30, 36 inches down and are buried. Our above is 18 inches down which extends to our substation. Even those 18 inches outside of the substation fence, that's for public safety.

But I'd like to go back to the reasons why we put these types of infrastructures in. We try to minimize the size of it, for several reasons. One, for the liability reasons. We wouldn't have trees in the middle of that bus. We plan, you know, for liability, for safety of our workers.

MR. MILAZZO: I'm sorry. It's just the question was: How much clearing and ground disturbance this is over two acres. Will it be

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2 to grade, and then you scrape underneath and put
3 down a concrete RCA type base?

4 MR. LOTTI: Yes.

5 MR. MILAZZO: Under that 36 inch down
6 loop system of control, if it goes back to the
7 control and can operate remotely, that's all
8 within a cleared area?

9 MR. LOTTI: Yes.

10 MR. MILAZZO: The answer is, we'll clear
11 this, and then it will have a concrete RCA type
12 base and it will be pervious and have their
13 footings for the facilities in a circle, and
14 inside that circle will be the cables coming
15 back?

16 MR. LOTTI: There's three control houses
17 there. There is a new one put in here, the
18 138-Kv transmission control house, because we
19 have this in place. Now we're using this one.
20 A lot of it is transmitted over here. And as
21 you can see from our design here -- the design
22 is pretty tight -- we need to meet all of our
23 electrical codes for clearances. And there is a
24 lot of transmission points here that needed to
25 be made that we allocated space for. In

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general, I would say this is a pretty tight design.

MR. SHEA: I guess the question is, with regard to a possible alternative design and a larger loop. I can understand some of those existing trees are a problem and may need to be cut. It's also an area of significant under vegetation. Would all of that vegetation need to be removed, even if you created a larger loop?

MR. LOTTI: I believe so, sir. We don't have the -- I don't believe we have a substation on the system that would have trees in the middle of it, for many reasons.

MR. SHEA: Even if the trees were cut, is there an opportunity to have natural vegetation in the center, underground covering vegetation, to minimize clearing of that vegetation by creating a larger loop?

MR. LOTTI: I would say I don't believe we have a station on the system like that.

MR. TURNER: That wasn't the question.

CHAIRMAN: I think he's saying he wouldn't recommend it, from an engineering

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standpoint.

MR. LOTTI: Exactly.

MR. SHEA: What would be helpful to the Commission is to explore it as an alternative and demonstrate why it's not viable.

MR. YABLONSKY: The final surface is not on RCA, it's a blue stone surface. As opposed to be relatively pervious like RCA, it's six inches of blue stone as your cover layer, essentially; just to clarify that point.

MR. MILAZZO: The shaded areas under the existing facility, that's a blue stone or --

MR. LOTTI: That's blue stone.

MR. SHEA: With regard to the current plan that's before us. Is the pink boundaries showing the full extent of the cutting that is necessary in order to construct this facility? You're dealing with some significant changes and grades and topography.

MR. YABLONSKY: That's the extent of clearing. It's a footprint of the substation expansion plus ten feet.

MR. SHEA: Ten feet is sufficient in order to create that?

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MR. YABLONSKY: We indicated 6,000 cubic yards of material would be removed from the site. I do believe the final design is still being evaluated, based on the soil and the load bearing capabilities of the soil. There are foundations and tiers that need to be installed to support the structures. Essentially, we'll clear away two feet of the overburden and bring in fill.

MR. SHEA: On the western side of this facility, will you need to construct a retaining wall, in order to contain that earth?

MR. YABLONSKY: No retaining wall is needed.

MR. LOTTI: There's no plans right now for that.

MR. TURNER: Can you point out where on here is the wetland boundary? I understand it's on there.

MR. YABLONSKY: We did receive a notice from the DEC, this past Thursday. They indicated that on August 19th their people from the Bureau of Habitat DEC went out and flagged the wetlands. They placed five flags north of

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the expansion and existing substation. And those flags are indicated by these two lines; if you want to call it. Essentially, these are wetland low lying depressions related closer to the river. And the DEC indicated that they want us to portray these wetland boundaries on the map and then indicate the distance from these wetlands, indicate the clearing limits relative to these wetlands.

We just received the letter from Mr. Shea today. As a matter of fact, he indicated he also flagged wetlands. We want to clarify what wetlands we're talking about. When we submitted the application, the Commission did not flag all the wetlands on the entire 41 acre parcel. Basically, they were concerned with the wetlands within a hundred feet of the area. That is the DEC's regulated adjacent area.

MR. TURNER: It appears the wetlands that you have been identifying are within 100 feet.

MR. YABLONSKY: There are wetlands located approximately 50 feet to the west.

MR. TURNER: Why wasn't that part of

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your package and identified?

MR. YABLONSKY: They didn't identify it was within the area of disturbance. It's not a DEC regulated wetland. It's approximately 25 feet by 65 feet in size, thereabouts. We did follow up -- Ms. Hargrave asked us to follow up on this. She noticed, when out in the field, we had our consultant go out and survey that it is 50 feet off of the fence line of the expansion. In talking to the DEC Bureau of Habitat, they told me they are going back out there this week or next, because of concerns raised by Ms. Hargrave about this particular wetland. They are taking another look at these wetlands.

MR. TURNER: I want to point to you this application didn't provide very basic information when you submitted it. That's just an oversight and unacceptable to many.

MR. SHEA: Just so you understand, those additional wetlands are town regulated freshwater. We'll wait for a determination from the DEC whether or not they are also state regulated. Based on my inspection, it would appear close to the proposed disturbance area.

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MR. YABLONSKY: We have it 40 feet from the edge of disturbance, 50 feet to the fence, ten foot buffer. That's approximately what we have.

MR. SHEA: Those were taken from my flags I placed on the site yesterday?

MR. YABLONSKY: No. Those were taken from a measurement taken by the consultant that went back out there in August, at the request of Ms. Hargrave. We can identify your flags on the revised site plan. But I also asked you the other day. I believe you mentioned you have 21 additional flags there. Are any of these associated with wetlands north of --

MR. SHEA: The only area I flagged was the area that was directly impacted by this project. As I indicated in my letter, there were other wetlands on site, but beyond the scope of this project. They may be within a regulated area with respect to the town. I focused on the area directly impacted by the project.

MR. YABLONSKY: That is contrary to what we heard from the DEC Bureau of Habitat.

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2 MR. SHEA: Just so you understand. This
3 entire wetland area has been flagged by me. So,
4 21 flags are around.

5 MR. MILAZZO: For the record, when he
6 refers to this area, talking about LIPA's
7 Exhibit 1 to the west of the numeral 382.5, just
8 to the west, and indicated as water on the LIPA
9 map. So we have, for the record, what we're
10 talking about.

11 MS. PINCUS: I want to indicate, for
12 purposes of clarification, we will identify
13 whatever further wetlands have been requested by
14 the Commission for purposes of the new
15 submission. Whatever issues were raised by
16 Southampton, we'll address those separately.

17 CHAIRMAN: Thank you.

18 MR. McCORMICK: Does this facility
19 presently utilize petroleum or other lubricants?

20 MR. YABLONSKY: There are transformers
21 on site that use dielectric fluid, a minimal oil
22 type substance. Any future transformers, if
23 they are dielectric filled transformers are
24 located within the pervious site with a
25 secondary container. That is the practice LIPA

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has been using in the past five years, in ground sensitive areas. There's a new substation built on Edwards Avenue up the road. The transformers are being located within solid concrete structures. That's standard practice now.

MR. McCORMICK: Approximately, how many gallons of that material is presently on site?

MR. YABLONSKY: I don't have the answer.

MR. LOTTI: I don't have the answer. We can get that for you.

MR. McCORMICK: As a follow up, it's my understanding this proposed area may require installation of additional transformers; is that correct?

MR. YABLONSKY: Yes. As Steve Marron said, there is always the possibility a new transformer will be required or an upgrade to the existing transformers.

MR. MARRON: One of the provisions allowed for distribution of a transformer is basically to serve the immediate area at Riverhead. That transformer would not be from the east end. It's for the local loads in Riverhead. It applies to the local area, five

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miles, that need to be there for that facility to serve Riverhead and the immediate surrounding area. The larger line terminals are to continue out north and south. We have no plans -- we have basically laid it out so we do not have to come back and ask for future expansion. To date, there are no plans to build a transformer. We just allowed for that expansion.

MR. McCORMICK: Would you agree you cannot build those without coming back to the Commission?

MS. PINCUS: We'd have to take that under consideration and get back to you.

MR. McCORMICK: You can't promise today?

MS. PINCUS: I'm not in a position to do that. I can go back and talk with those that have the authorization to make that decision.

MR. McCORMICK: Thank you.

Approximately, how many gallons would utilize any single transformer; about 3,000?

MR. YABLONSKY: 2,500.

MR. LOTTI: Depends on the size of the transformer.

MR. McCORMICK: The dialectic system

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utilizes concrete?

MR. LOTTI: Yes.

MR. McCORMICK: Concrete cracks; right?

MR. LOTTI: Yes.

MR. McCORMICK: What steps do you take to ensure that the container system will maintain the life of the system so you don't have a leakage in the ground water; which is the most important consideration in the preservation area?

MR. YABLONSKY: The site's inspected on a regular basis. I can't speak to the specific steps that are taken during inspections. Again, we can follow up with you. We do have contingency plans, things of that nature. I really can't be specific.

MR. McCORMICK: You can provide that information?

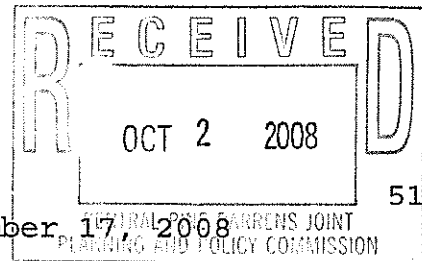
MR. YABLONSKY: Yes.

MR. McCORMICK: You are only saying you will build within 100 feet of the wetland area?

MR. TURNER: Closer than that.

MR. McCORMICK: It's within 100 feet.

MR. LOTTI: Let's say, from a design



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2 point, those foundations are designed for 3,000
3 pounds of concrete with a reinforced petrol
4 barrier that doesn't allow water to go through.
5 We have inspections going on almost daily in the
6 station. People are always around. But we can
7 get some more information for you.

8 MR. McCORMICK: I think that would be a
9 prudent cost.

10 MR. SHEA: What is the status of rare
11 species on the survey? Ms. Hargrave indicated
12 there is new information.

13 MR. YABLONSKY: The original survey
14 performed was done back in August of '07. There
15 have been two subsequent surveys; one done in
16 June and one done in July. To summarize the
17 results, there were no rare endangered species
18 found on the sight.

19 MR. TURNER: Reports have been filed
20 with the Commission?

21 MR. YABLONSKY: Right. Those are
22 follow-up reports that were filed just
23 yesterday.

24 MR. TURNER: Can you provide those?

25 MS. HARGRAVE: Yes. On the transformer

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note. I think the application, or at some point, there were six transformers, and each one was \$2,600 with about 15,000 gallons total. I don't know if you can confirm that there are six on the site now; if you know.

MR. LOTTI: There's presently nine on the site. We do have documentation too that lays out everything that we have.

MS. HARGRAVE: Do you know the distance that those containment systems are now from, say, the wetlands, that you're aware of now; are they on the east end of the site or the west end? I know you're not going to install new ones; at least not now. Where are they located on the site now?

MR. LOTTI: I can show you where they are on the site now. There's four power transformers right here, there's two more over here. So, that's a total of six. In general, these are pretty small ones. There's two larger ones over here in our 138-Kv area; this bank here and here. These are on that bus that Steve mentioned before. These are 138 to 69-Kv power transformers. There's one additional

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2 distribution transformer that serves the
3 Riverhead area, that's right here. That comes
4 off of that main bus that Steve mentioned
5 before. So, six, two and one.

6 MR. YABLONSKY: Okay. The closest
7 wetlands would be here, just north of the
8 substation.

9 MS. HARGRAVE: Those containers wouldn't
10 be moved, as part of this project?

11 MR. YABLONSKY: Transformers.

12 MS. HARGRAVE: Containers of fluid that
13 lubricate the transformers.

14 MR. LOTTI: The tanks of these
15 transformers hold the mineral oil that is in
16 them. They will have -- most of them have spill
17 containment provisions. Anything new we put on
18 the system would also have a spill containment.

19 MR. YABLONSKY: To answer your question.
20 To clarify. The dielectric fluid is contained
21 within the transformer itself; it's not
22 consumable. We don't have an oil tank that
23 feeds the transformer. The oil is contained
24 within the transformers.

25 MR. LOTTI: It's a closed system.

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2 MR. SHEA: Just a question regarding
3 rare species with regard to the potential
4 occurrence of rare coastal baring buckmoth. Is
5 there any opportunity to survey this site, when
6 the adults will emerge and will be going through
7 mating and breeding? The reason I raised that
8 question is, there are scrub oak that will be
9 impacted by this construction. Have you done
10 prior surveys to see if there are any eggs or
11 larva?

12 MR. YABLONSKY: I'll defer to our
13 consultant. We have a representative from the
14 EEA that did the field survey, Erin Brosnan, who
15 is part of the team, to answer that question and
16 also the possibility of doing another survey.

17 CHAIRMAN: You're going to need to do it
18 from up here and be sworn.

19 E R I N B R O S N A N,

20 having been first duly sworn by a Notary
21 Public of the State of New York, was examined and
22 testified as follows:

23 MS. BROSNAN: The list of the Federal
24 and State endangered species we received
25 feedback from New York State Natural Heritage

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Program. In it, they listed 17 species. They are all plant species. That's what we focused on.

MR. SHEA: You haven't completed any on-site surveys you are just relying on New York Natural Heritage.

MS. BROSANAN: We used that data to do our surveys. We did transect lines, looking for the plants that they listed. When we were last there in August, we did the community mappings. So, we did look, as part of that, for any common species, as well as any other species. From our industry, we could not identify any to be endangered or considered rare.

MR. SHEA: When those were conducted, there were no regulations of freshwater wetlands in the project area?

MS. BROSANAN: Not within the project site. The limit of the survey was within the project site.

MR. SHEA: Even though you haven't focused on the wetland species, as well as the project site, there was no recognition of freshwater wetlands at the site where the

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project is?

MS. BROSNAN: It's as far as the survey. The surveys are within that 200 by 400 foot area. We did note a wet community. But based on the NWI maps and the state maps, there was no regulative wetlands to do a buffer offset zone to consider.

MR. SHEA: As part of that process, you didn't look at Chapter 325 of the Code of the Town of Southampton.

MS. BROSNAN: My colleague prepared this, who could not be here. I will bring that to her.

MR. TURNER: Chapter 81 of the Brookhaven code, as well.

MR. SHEA: Is there any opportunity to look at the bog buckmoth breeding season that occurs in October?

MS. PINCUS: We'll take that under advisement as well.

MR. TURNER: There may be other animal species as well.

MS. BROSNAN: We didn't record or evaluate, when we did our survey as well.

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2 MR. TURNER: Anything of note?

3 MS. BROSNAN: No. We had a Yellow Crew,
4 a finch. There were about eight different
5 species, but they were all common birds.

6 MR. TURNER: I will let you know, this
7 area is historically well known for the breeding
8 operation of Chuck Will's Widows. That's one of
9 the common places. If somebody wants to hear
10 that bird, go to that substation.

11 CHAIRMAN: What do they sound like?

12 MR. TURNER: Just like the name.
13 (Whistles.) Not to be confused with the
14 whippoorwills.

15 CHAIRMAN: Any other questions for the
16 applicant?

17 MR. SHEA: Within the project area, what
18 is the depth to ground water?

19 MR. YABLONSKY: Approximately, 25 feet.

20 MR. McCORMICK: Do you know the
21 direction of the ground water flow in that area?

22 MR. YABLONSKY: That has not been looked
23 at. I would only assume towards --

24 MR. McCORMICK: Do we know that?

25 MS. HARGRAVE: I don't have that

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information. I know that they did mentioned earlier that nothing reached ground water. The grounding rods will go through 60 feet. They will reach ground water. That's common.

MR. YABLONSKY: Solid copper rods.

MR. SHEA: Where was the test done in order to provide a profile of the depth of the ground water; can you show me on the site plan?

MR. YABLONSKY: I do not know.

MR. SHEA: As you know, there are significant variations in terms of grades. It will be helpful to show that on a revised site plan, to show where that was done, and provide the profile of the depth of the ground water.

CHAIRMAN: Any other questions of the applicant representatives? We have been at this for 70 minutes. Any members of the public have any questions or wish to make any comments?

(Whereupon, no response was heard.)

MS. PINCUS: I would like to thank the Commission for the opportunity to submit the application today. As we indicated, we will provide a written submission with the updates that were requested.

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CHAIRMAN: The more quickly that happens, the better off everyone will be. I know the list of information requirements has been provided to you. I think that's a good thing. There was a lot of interaction between the Commission members and unit representatives. It's a good basis for you to submit a bit of information.

MR. MILAZZO: I have one question. You touched upon it briefly. I know there are existing ducts on site and new cables brought in there. It sounds as if new cables will go in there, and there may or may not be a need for transformers. Can you address the context of whether that is reasonably related, or is it included in the long term plan for the site; so you can address that in the context of the SEQRA part of this action, or is it not undertaken as a result of this project? Or can you address that in the context of your SEQRA review of this action, whether it's likely reasonably foreseeable that you will address some of those transformer questions as well. You don't have to answer it now. It sounds like new material

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is coming to the Commission.

MR. MARRON: Those cables -- no transformers associated. The transformers that are on site have nothing to do with the lines being brought in. We are planning on installing from Riverhead to Canal in the existing ducting. Nothing to do with transformers. No transformers associated with that.

MR. TURNER: One more question. If you could comment on this. Maybe it has been touched upon and you dismissed it, in terms of alternative site design. Maybe you can come over here and show me, off the big one, the possibility of compressing this all eastward to utilize this here more. I don't know what this particular structure is here. It looks like an open area here. Is there any feasibility to the idea of trying to move to the east?

MR. MARRON: The answer is no. Basically, you need minimal amount of space between different facilities, in order to make this ring go around. There is a space requirement.

CHAIRMAN: Is that by code?

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MR. MARRON: Particular code. And also allows for the future. This doesn't show the full details in terms of the cable going -- in terms of that document -- to that structure. So, in terms of transition cables going in, there is a lot of usage of that inside space. So, it is not vacant. The other thing I would mention too is --

MR. TURNER: I know it's not vacant. Please include alternative site designs and discuss that and explain why it's not viable.

MR. MARRON: I would point out, too, that on these lines, the space you talk about are clear. Those spaces are currently being occupied. That is where they exist that bring the wires in. This space is not basically vacant to go ahead and build on it. There are structures that bring those in. You cannot build underneath those facilities. That complicates the issue of trying to use that plan as well.

MR. SHEA: One more question. Can you speak to whether or not the project complies with the State Wild and Scenic Recreation Rivers

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2 Act?

3 MR. MARRON: I cannot.

4 MR. YABLONSKY: We do have an
5 application pending with the DEC. We do,
6 preliminarily. They said it seems as if this
7 project would comply with the regulations within
8 the Wild and Scenic Recreation Rivers Act. We
9 are still waiting. We actually -- right now,
10 our application has been deemed incomplete by
11 the DEC. They are waiting for a concurrent from
12 the State Preservation Office on the survey that
13 was submitted to them. We also had to indicate
14 the wetlands that were just recently identified
15 by the DEC to indicate on the site plan. And we
16 are also waiting for a decision from the
17 Commission, before they can issue their notice
18 of complete application to go to public notice
19 and then issue it.

20 MR. SHEA: Does the State Wild and
21 Scenic River Act requirements require minimal
22 setback of all wetlands on site; is that one of
23 the provisions?

24 MR. YABLONSKY: Yes. We do comply with
25 those, according to the Bureau Habitat of the

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1
2 DEC. I also indicate to the recent submission
3 of the DEC to comply with height standards in
4 the Rivers regulations. There is a height limit
5 of 34 feet. Our structures are on the order of
6 16, 24 feet high. We do comply with the
7 requirements of the regulation.

8 MR. SHEA: So the standards needed to be
9 met. You need to be 100 feet landward of only
10 state regulation wetlands; is that how it's
11 phrased?

12 MR. YABLONSKY: Yes.

13 MR. SHEA: You're still waiting for a
14 determination from the DEC, because you
15 indicated earlier that they are revisiting the
16 site.

17 MR. YABLONSKY: Revisiting the wetlands
18 in question. The ones you flagged, they are
19 revisiting this particular part.

20 MR. SHEA: In order to make a
21 determination, the additional wetlands need to
22 be regulated?

23 MR. YABLONSKY: Right.

24 MR. McCORMICK: Ms. Pincus, could you
25 provide a list of all LIPA owned properties

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within a ten mile radius of the proposed site, including a description of the one acre and a description of those facilities? Also, does LIPA have the power of eminent domain?

THE AUDIENCE: Yes, sir.

CHAIRMAN: Anything further?

MS. HARGRAVE: About the alternatives.

If the area that is going to be vacant now -- obviously, we're talking about how it might be filled in, in the future. Can you possibly show the way it's filled in by future infrastructure, or assume that those box expansion areas will be, maybe 50 years from now. Just sort of the build out of that expansion area, the maximum capacity of what it would be constructed there.

MR. LOTTI: To go back to this design.

Basically, this shows, when we marked things -- we planned everything so we can include it and we don't have to go back. This ring bus design includes all of our plans in the future, to include all future line terminals, and possibly a transformer, if required. Maybe a reactor, if that's needed. What we're showing here is all the possibilities of the future. This is our

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2 ultimate build out.

3 MS. HARGRAVE: Okay. Thanks.

4 CHAIRMAN: Thank you Commission members
5 for the healthy discussion and for the
6 information. We'll look for receipt of
7 additional information requested. We'll recess
8 this hearing, for further consideration of the
9 Commission. Is there any other business?

10 MR. CORWIN: Do you want to bring the
11 stenographer back or keeping the record open?

12 CHAIRMAN: We'll make that decision
13 between now and next week.

14 MR. McCORMICK: Do you folks want to add
15 more by testimony, or do you feel comfortable on
16 the sitting documents?

17 MS. PINCUS: At this point, we are
18 prepared to submit documents; unless there is
19 any additional questions from the staff.

20 CHAIRMAN: Thanks. Any further
21 business? If not, is there a motion to adjourn?

22 MR. TURNER: I'll motion to adjourn.

23 MS. GALLAGHER: Second.

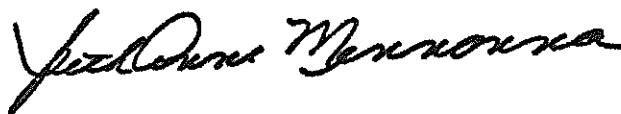
24 CHAIRMAN: Thank you very much.

25 (Time noted: 4:20 p.m.)

C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public
within and for the State of New York do hereby
certify that the foregoing is a true and accurate
transcript of the proceedings, as taken
stenographically by myself, at the time and place
aforementioned.

IN WITNESS WHEREOF, I have hereunto set
my hand this 28th day of September, 2008.



BETHANNE MENNONNA