

**DETERMINATION AND FINDINGS PURSUANT TO
ARTICLE 2 OF THE NEW YORK STATE
EMINENT DOMAIN PROCEDURE LAW**

I. INTRODUCTION

New York State Electric and Gas Corporation (“NYSEG”) proposes to undertake the Oneonta South Area Improvement Project (the “Project”) consisting of, among other things, the acquisition by eminent domain (the “Acquisition”) of a 9.79+/- acre electric transmission line easement across certain real property identified as Tax Parcel Numbers 191.-2-2, 169.-2-20.1 and 169.-2-20.2 and located at Hamden Hill Road, 1564 Gray Road and West Platner Brook Road, in the Town of Delhi, County of Delaware and State of New York, in furtherance of the Project. See Record of NYSEG Public Hearing, August 23, 2022 (“Record”) (attached as **Exhibit 1**).

II. BACKGROUND

A. Description of the Project

By way of background, NYSEG is updating the electric transmission system in its service areas to provide safe and reliable service to its customers. These upgrades are needed to comply with new federal electric transmission reliability requirements and to meet the community’s growing energy demands.

In 2010 the Federal Energy Regulatory Commission (FERC) established a “Brightline” threshold that redefined Bulk Electric System (BES) transmission elements as those operating at 100 kilovolt (kV) and above. In response, the North American Electric Reliability Corporation (NERC) updated its reliability standards and issued a “Brightline Order”.

To comply with more stringent reliability standards¹ issued at the federal level, NYSEG has proposed the Project that includes an expansion of the existing Fraser Substation; changes at the existing Delhi Substation; and reconfiguring, establishing and/or rebuilding supporting transmission lines. This upgrade will enhance the integrity of the entire transmission system in the area. Project fact sheets were included in the Record as Exhibit G.

Fraser Substation, located on Hamden Hill Road, is an existing 345/115 kV substation and is the strongest source into Oneonta’s 115 kV system. Delhi is a 115/46 kV substation that is a 115 kV hub in the area and supplies several 115 kV interconnected distribution substations via two radial 115 kV lines. To improve reliability and address asset condition concerns, Phase 1 of the Project involves a significant expansion of the Fraser substation along with a complete removal of

¹ **Reliability Standards** means a requirement to provide for Reliable Operation of the Bulk Power System, including without limiting the foregoing, requirements for the operation of existing Bulk Power System Facilities, including cyber security protection, and including the design of planned additions or modifications to such Facilities to the extent necessary for Reliable Operation of the Bulk Power System and cover areas such as critical infrastructure protection, transmission operations, interconnection reliability; etc.

Delhi's substation. Specifically, a new greenfield-build 115kV yard substation will be constructed north of the existing location supplementing the existing Fraser Substation. Additional reliability modifications and upgrades will be completed within the existing 345kV yard area.

Several 115kV circuits will be relocated from NYSEG's Delhi Substation to the new 115kV yard at Fraser Substation as Project Phase 2. Existing 115kV Lines 916, 917, 919, 949 and 951 are currently fed from the Delhi substation. Phase 2 of the Project will split the 919 and 949 Lines and new greenfield lines will be built into the new Fraser 115kV yard. Existing line 919 will be split into 919 to Oakdale and 917 to Andes. Existing line 949 will be split into 949 to Jennison and 916 to Axtell. Existing line 951 will be relocated from its current termination into the new 115kV yard. The total length of the new line segments is approximately 4.5 miles. In addition, a 46kV transmission line identified as line 841 will be located between the existing Fraser Substation and the Delhi Submission. Line 841 will be constructed as part of Phase 5 of the Project.

Throughout the Project NYSEG has worked closely with neighbors to ensure that all improvements are performed with minimal disruption to the environment and the communities it serves.

B. The Negotiation Process in Connection with the Emerald Isle Property

NYSEG is authorized and empowered by Section 11 of the Transportation Corporations Law, "to transmit and distribute electricity or thermal energy, to lay, erect and construct suitable wires or other conductors, with the necessary poles, pipes, thermal energy networks or other fixtures." See N.Y. Trans. Corp. L. § 11(3). To accomplish its stated purposes, NYSEG is authorized and empowered under the TCL "to acquire such real estate as may be necessary for its corporate purposes and the right of way through any property in the manner prescribed by the eminent domain procedure law." See N.Y. Trans. Corp. L. § 11(3-a). "The construction, use and maintenance by an electric corporation of transmission, distribution and service lines and wires . . . as may be necessary for its corporate purposes, are hereby declared to be public uses and purposes." See N.Y. Trans. Corp. L. § 11(3-b).

NYSEG has obtained all the private property rights necessary for the Project except for the property rights that are the subject of this eminent domain hearing. The remaining private property rights to be acquired consist of a permanent easement affecting certain parcels of real property located in the Town of Delhi, Delaware County, New York at Hamden Hill Road, 1564 Gray Road and West Platner Brook Road, and identified as Tax Map Parcel numbers 191.-2-2, 169.-2-20.1 and 169.-2-20.2, respectively (collectively, the "Property"), for the purpose of rerouting Lines 916 and 917 and installing Line 841. The Property is encumbered by a Conservation Easement (the "Conservation Easement") held by the Watershed Agricultural Council of The New York City Watersheds, Inc. ("WAC" or "Council").

For over a year NYSEG negotiated with Emerald Isle Properties, LLC, the owner of the Property (the "Owner"). NYSEG was able to reach an agreement with the owner, but was not able to obtain the consent of the WAC, as required by the terms of the Conservation Easement.

