



Public Service Commission

Factsheet and Notice of Public Hearing

Fortistar North Tonawanda, Inc.

Case 15 - M - 0642

Fortistar North Tonawanda Inc. (FNT) is the owner and operator of a 55 MW cogeneration plant located in North Tonawanda, Niagara County, New York. FNT has filed an application with the New York State Public Service Commission (Commission) seeking a Certificate of Public Convenience and Necessity to sell thermal energy to Wheatfield Gardening, LLC (Wheatfield), a local greenhouse facility that produces vegetables. FNT also seeks an order providing for lightened and incidental regulation as a steam corporation.

Informational Forum and Public Statement Hearing

The Commission is seeking public comment on FNT's request for a Certificate of Public Convenience and Necessity (CPCN) to sell thermal energy. Interested members of the public are invited to attend the hearing and provide comments. An informational forum will be held immediately preceding the hearing, during which FNT will give a brief overview of the project and Staff of the Department of Public Service (DPS) will explain the review process under the New York State Public Service Law (PSL).

An Administrative Law Judge (ALJ) will preside over the public statement hearing and the gathering of public comments. All comments given at the hearing will be transcribed and become part of the Commission's formal record. It is not necessary to make an appointment in advance, or present written material in order to speak at the hearing.*

Please join us at the following location:

Date	November 9, 2016
Time	6:00 pm
Location:	Wheatfield Town Hall 2800 Church Road Wheatfield, NY 14120

RECEIVED
 CITY CLERK'S OFFICE
 2016 OCT 24 AM 11:27
 NORTH TONAWANDA, N.Y.

*Disabled persons requiring special accommodations may place a collect call to the DPS's Human Resources Management Office at 518-474-2520. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711 to reach the Department of Public Service's Human Resource Office at the previously mentioned number. If you have difficulty understanding English, please call DPS at 1-800-342-3377 for free language assistance services.

Case Background

On November 2, 2015, FNT filed an application, pursuant to Section 81 of the PSL, requesting that the Commission grant it a CPCN that would authorize it to sell thermal energy to Wheatfield.

FNT's cogeneration facility is currently operational. The facility has been operating as a Qualifying Facility and cogeneration facility under federal jurisdiction since 1989. FNT plans to reduce the volume of its thermal sales and, as a result, will cease to be regulated under federal jurisdiction and will be subject to the Commission's jurisdiction as an electric and steam corporation. As a result, FNT is required to obtain a CPCN to operate its existing steam facilities. No new construction is associated with FNT's application.

FNT states that it has reliably provided steam service to the greenhouse for over 25 years. The authorization it seeks would allow it to continue the provision of thermal energy to the greenhouse. Such authorization, FNT asserts, is essential to ensure the continuous provision of steam to Wheatfield, since there are no other utility facilities currently providing steam service in the area.

Additional details are set forth in the FNT's Petition, which is available on the Commission's website at www.dps.ny.gov. To access information regarding the application, click on "Search" and then enter case number "15-M-0642". The Commission may approve, approve with changes, or reject the application in whole or in part.

Methods for Commenting on the Case

All comments can be made at the public statement hearing held on November 9, 2016 or submitted through the methods below:

- **Via Mail/E-Mail:** Submit comments electronically to Kathleen H. Burgess, Secretary, at secretary@dps.ny.gov or by mail to Secretary Burgess at the New York State Department of Public Service, Three Empire State Plaza, Albany, NY 12223-1350. Comments delivered in these manners should reference the case number (15-M-0642).
- **Via the Department Website:** Comments may be entered directly into the case via the www.dps.ny.gov website, by entering the associated case number in the Search option found on the homepage. After opening the case, enter comments in the "Post Comments" section located at the top of the page.
- **Call the Toll-free Opinion Line:** Individuals may choose to submit comments by calling the Commission's toll-free Opinion Line at 1-800-335-2120. This line is set up to receive in-state calls 24 hours a day. Callers should press "1" to leave comments about Case 15-M-0642. Comments received via the Opinion Line are not transcribed, but a summary is provided to the Commission for their consideration.

All comments will become part of the record considered by the Commission. Comments are requested by Friday, November 18, 2016.