



**Board on Electric
Generation Siting
and the Environment**

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February 26, 2021

VIA EMAIL

Ms. Brenda D. Colella
Barclay Damon, LLP
125 East Jefferson Street
Syracuse, NY 13202
bcolella@barclaydamon.com

Ms. Michelle Hook
Vice President of Public Affairs
Danskammer Energy, LLC
181 South Plank Road
Newburgh, NY 12550
mhook@danskammerenergy.com

RE: Case 18-F-0325 - Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County.

Dear Ms. Colella and Ms. Hook:

On February 10, 2020, a Notice of Deficiency Letter (Deficiency Letter) was issued after a preliminary review of the Application submitted by Danskammer Energy, LLC (Danskammer) on December 11, 2019 (the Application). The Application, as submitted and supplemented, was not filed or otherwise in compliance with §164 of the Public Service Law (PSL). On March 11, April 21, and July 8, 2020, Danskammer filed supplements to the Application. Because the deficiencies identified in the Deficiency Letter were not totally remedied or otherwise cured by the Applicant's supplemental responses, a Second Deficiency Letter was issued on September 8, 2020. Specifically, the Second Deficiency Letter requested additional information to fully detail the Applicant's proposal regarding the use of renewable natural gas and/or hydrogen.

Danskammer filed its fourth supplement to the Application on November 18, 2020. On January 8, 2021, a Renewed Motion to Strike Application was filed by Hudson River Sloop

Clearwater, Orange RAPP, Riverkeeper, Scenic Hudson, Inc., and Sierra Club claiming the Application, as supplemented, was not compliant with the Climate Leadership and Community Protection Act (CLCPA). Danskammer filed its response to the motion on January 15, 2021.

On January 26, 2021, I indicated that Danskammer had consented to an additional four weeks to allow Department of Public Service Staff to review Danskammer's application as of January 19, 2021. This letter is to advise you that as of today, February 16, 2021, the Article 10 Application, as supplemented, complies with PSL § 164. The Application consists of a filing made on December 11, 2019, together with the supplemental filings described above. While I find the Application, as supplemented, is compliant with PSL § 164, I make no determination on the pending Renewed Motion to Strike Application as to whether Danskammer can satisfy its burden of proof under the CLCPA. Accordingly, I further direct the assigned Administrative Law Judges to promptly adjudicate the merits of the issues raised in the pending motion.

In accordance with PSL § 165, on or about March 31, 2021, a public hearing will commence, subject to modification by the Secretary to the Siting Board.

Please contact me if I can be of any further assistance.

Sincerely,



John B. Rhodes
Chair

cc Service List