

**Ray Burger,**  
Director of Planning, Town of Dryden.

Re: Clarification on compliance with PSC Regulation

SUN8 PDC LLC has proposed solar photovoltaic projects at Ellis Tract and at 2150 Dryden Road properties. The properties have the following distribution of projects:

Ellis Tract (18MWac)	ten applications - eight 2MWac and two 1MWac projects
2150 Dryden Road (12MWac)	six applications – six 2MWac projects <sup>1</sup>

The NY Public Service Commission (“Commission”), in the Order on Cases 14-E-0151, 14-E-0422 dated December 15, 2014 stated that “...to evaluate if solar PV proposals meet the 2 MW limit, the three factor test from the Brookhaven Ruling will be applied.” and “...each 2 MW facility must be separately metered and interconnected to the utility grid, each must be located on a separate site, and each must operate independently of the others”. This ruling allows, and in fact prescribes, development through sub-division.

The Commission also clarified in the same order that,

*“Nothing, however, would prevent owners of property from subdividing a larger property into separately deeded parcels, just as they would for other real estate purposes.”,*

*“...one company may operate any number of sites...”,*

*“...utilities are to apply the factors to interconnection proposals as they are presented.”, and*

*“...if a utility and a developer cannot agree on the application of the three factor test, they may request assistance from Staff or petition the Commission for relief.”*

SUN8 submitted to NYSEG - ten separate interconnection applications at Ellis Tract and six applications<sup>2</sup> at 2150 Dryden Road, for community distributed generation projects, with each application (2MWac) seeking its unique electric service and meter. NYSEG accepted these applications, evaluated and approved them and has executed separate interconnection contracts to provide unique electric service, with separate revenue meters and disconnection equipment.

**Per the approved and executed interconnection contracts, NYSEG and SUN8, can each independently start, stop, operate and meter each project without impact to other projects.**

This satisfies the first and third criteria above.

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<sup>1</sup> & <sup>2</sup> SUN8 has agreed with the Town of Dryden to not pursue one 2MWac project originally proposed north of Virgil Creek at the 2150 Dryden Road property. Only 10MWac is being pursued.

July 12, 2017

Page 2

Clarification on Compliance with PSC Regulation

SUN8 is seeking subdivision approval, from the Town of Dryden, of parent parcels to comply with the need to have separate deeded parcels. **Sub-divided parcels will be deeded separately after subdivision approval.** Subdivision approval would satisfy the second criteria above.

NYSERDA, the state agency has also received 16 separate applications, has reviewed and accepted each one of them.

NYSEG has accepted several similar applications developers, including SUN8, that have proposed co-located projects. A non-exhaustive, partial list of examples of towns (or nearby locations) where multiple, co-located projects have been proposed and/or approved are provided below. This list was excerpted from NYSEG's monthly update (May 2017) to the Commission. It is to be noted that the Commission receives such list of projects in each utility territory and has up to date information on all projects proposed in NY.

Ledyard – 2 projects

Newfield – 3 projects

Enfield – 2 projects

Norwich – 6 projects

Spencer – 8 projects

Middlesex – 2 projects

Candor – 3 projects

Geneva – 2 projects

Plattsburgh – 4 projects

Chemung – 2 projects

Big Flats – 2 projects

Liberty – 4 projects

The 10MW 'Gore Mountain Solar Project' (five 2MWac projects) was developed, approved, constructed and sells generated power to the State of New York, under similar subdivision principles. Other utilities have received and accepted similarly co-located applications as well.

Please let me know if you have any further questions.

Sincerely,

Bharath Srinivasan

SUN8 PDC LLC