

IN A NUTSHELL...

"...DEMONSTRATE TO BUSINESS LEADERS ALL ACROSS THE WORLD WHY NEW YORK STATE IS A GREAT PLACE TO DO BUSINESS." -GOVERNOR CUOMO
NEW YORK POST, JULY 2011.

NOTES ON ARTICLE 10:

- Regulations anticipated to be finalized August 2012.
- Applies only to facilities with a nameplate capacity of **25MW or greater**.
- The Board may elect not to apply any local ordinance, law or resolution if it finds these are **unreasonably burdensome**.
- No state agency or local municipality can require any additional approval, consent, permit, certificate or other condition.



CAN NEW YORK LEARN FROM OHIO? : THE BENEFITS OF A 'SMOOTH' STATE SITING BOARD PROCESS:

- Ohio's wind power regulations went into effect in May 2009.
- Three separate wind power projects were certified by the OPSB in March 2010.
- As of February 2012, 12 separate wind power projects have been certified by the OPSB, totaling 1,251MW.
- Over 550MW are pending OPSB certification.
- Ohio's first wind power construction project began in 2010 and went online in 2011 (100MW).
- Another 350MW are under construction.

ARTICLE 10 VS. SEQRA

Local government control of environmental review process in New York has resulted in:

- Lengthy and unpredictable process depending on political climate and community opinions;
- Unlimited compensation for local consultants and attorneys;
- High degree of probability of litigation at trial court level (with local Supreme Court judges) and appeals.

The benefits of Article 10:

- Theoretical time and process certainty;
- Capped "intervenor" funding amounts;
- Greater litigation success rate for "certificate" and litigation directly to appellate Court minimizing Court review.

The drawbacks of Article 10:

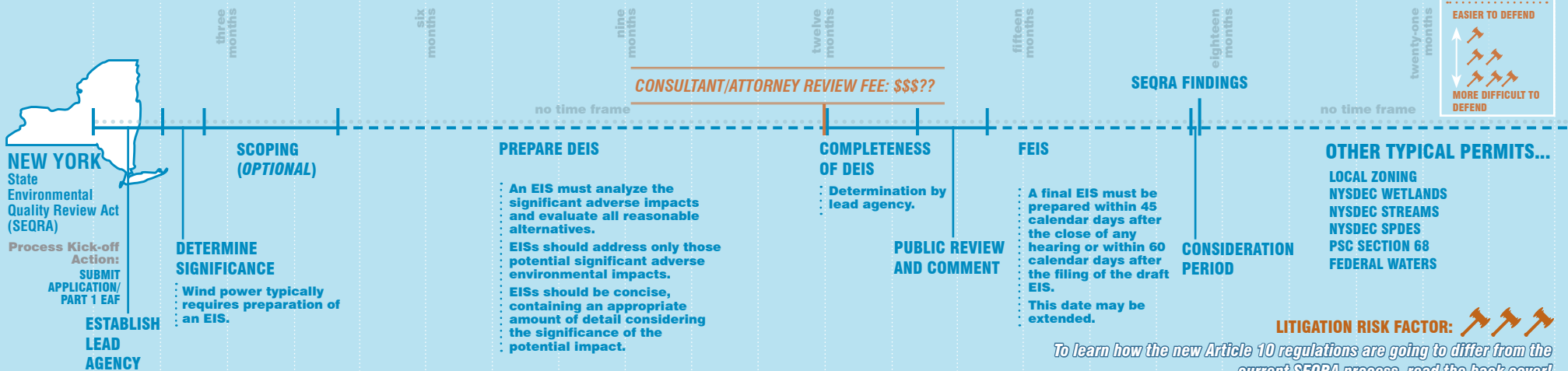
- Potentially more complicated, lengthy, and costly, especially where host community is supportive.
- How will the Department of Public Service implement regulations?
- Uncertainty: Mitigation/Conditions



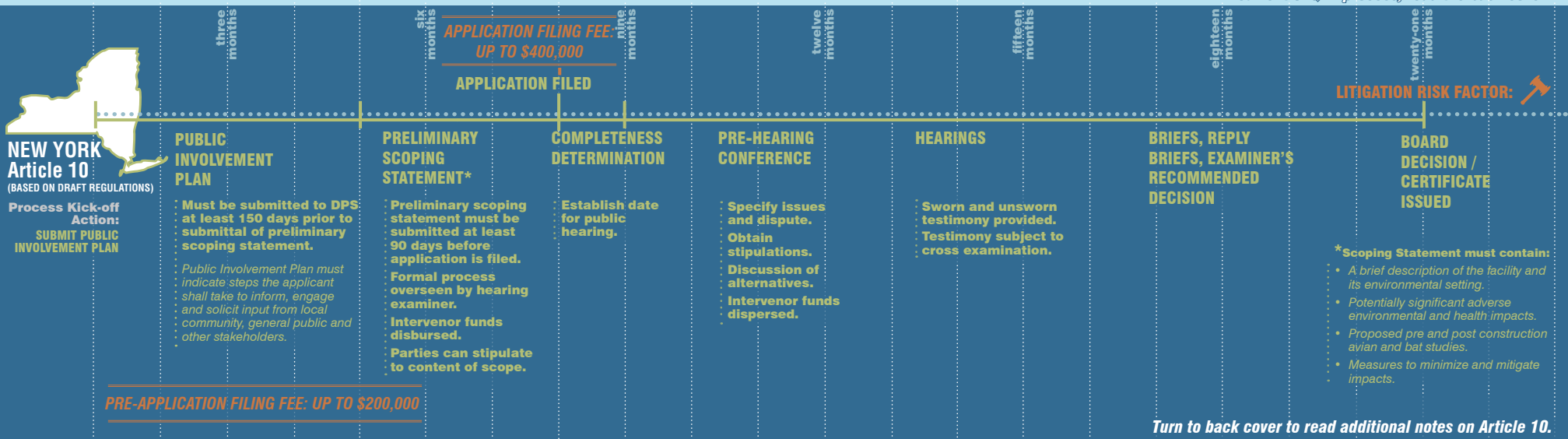
NEW YORK'S ARTICLE 10 REGULATIONS

Potential
Implications on New
York State Wind
Power Development
and a Comparison
to the Ohio Siting
Process

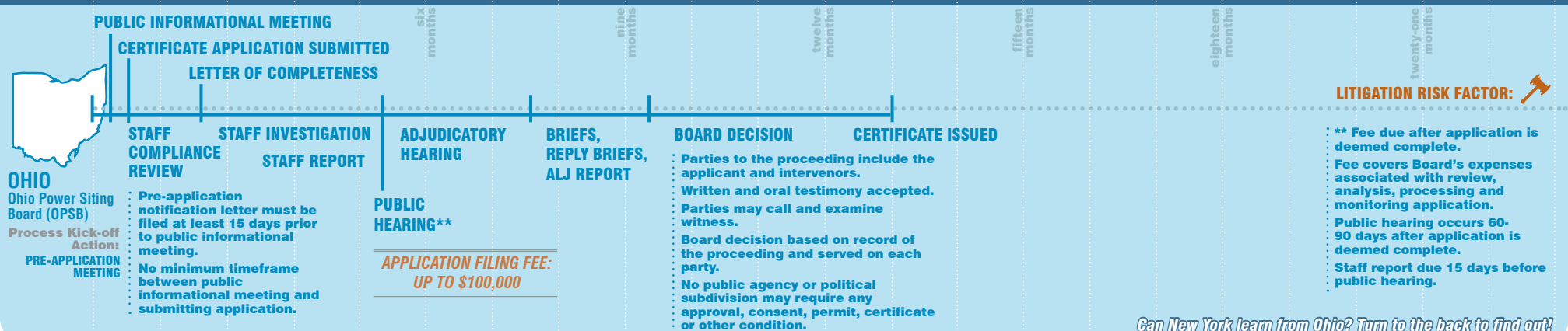
TIMELINE OF PROCESSES



To learn how the new Article 10 regulations are going to differ from the current SEQRA process, read the back cover!



Turn to back cover to read additional notes on Article 10.



Can New York learn from Ohio? Turn to the back to find out!