

**Central Hudson's Response  
To Comments from the  
Pleasant Valley Public Hearing Sessions of  
December 8, 2015 and February 17, 2016**

**INTRODUCTION:**

Central Hudson has prepared this response to the public comments made at the G-Line North Rebuild Project public hearing sessions, held by the Town of Pleasant Valley Planning Board on December 8, 2015 and February 17, 2016. Comments have been grouped by topic, so that all comments addressing a similar issue are answered together. The full stenographic transcript of the December 8, 2015 hearing has already been submitted. Each comment below includes a reference to the page of the transcript at which the comment was made, so that the comment can be reviewed in its context. Comments at the February 17<sup>th</sup> hearing session are identified by date. The stenographic transcript of that meeting will be submitted under separate cover. All other comments were made at the initial public hearing session on December 8, 2015.

During the public hearing, some of the comments made concerned the Site Plan Application for the G-Line North Transmission Rebuild Project, while other comments concerned the periodic Right-of-Way (ROW) maintenance tree / vegetation clearing performed primarily in the year 2009. These two categories of comments are separately addressed.

**QUESTIONS/COMMENTS ABOUT THE G-LINE NORTH REBUILD PROJECT:**

**A. Questions about the G-Line Project:**

*Comment: When is the project going to be built, recognizing that timing depends on approvals? (Mr. Walker 50-53)*

**Response:** Central Hudson proposes, subject to timing of approvals, to complete the expansion of the existing Todd Hill Substation (Town of LaGrange) and the rebuild of the G-Line North Transmission Project in the towns of Pleasant Valley and LaGrange by the end of the year 2017.

*Comment: Central Hudson claims this is an important line, part of the grid. But there is only one substation that's going to be fed off this line, and that is Tinkertown. (Mr. Barrett 43)*

**Response:** The issue of how many substations are fed off the line is not part of the Planning Board's review of Central Hudson's G-Line Rebuild site plan application. The use is permitted under zoning subject to Site Plan approval. Nonetheless, the statement is incorrect. The rebuilt G-Line North Transmission Line will run from the Todd Hill Substation and will

supply the Tinkertown Substation (as it currently does), and also the Pleasant Valley Substation. The Tinkertown Substation has transmission feeds going into and out of the substation, and will be capable of being supplied from either Todd Hill or Pleasant Valley Substations. Except in very rare instances, all substations are supplied from at least 2 transmission lines for redundancy of power supply, in the event of the trip out of one line. See also response to next Comment. The rebuild is required because the line is beyond its useful life.

*Comment: Has Central Hudson produced information on the outages, the trip outs, or proof that “this G line [has] been taken out of service and been out for an extended period of time because a tree fell on it, to justify the need for this project? My lights have been on. I’m pretty happy. (Mr. Barrett 43, 44)*

**Response:** Similar to the prior Comment, the issue of “need” raised here is not part of the Planning Board’s review. The use is a permitted use under zoning, subject to Site Plan approval. Nonetheless we note for the record that the existing G-Line North was constructed circa 1930, is approximately 85 years old and is past its useful life. Numerous repairs and replacements of poles have taken place over the years, as has been shown in photos presented at the public hearing. The line is being replaced to upgrade the electric transmission infrastructure, improve storm hardening and bring the line into compliance with National Electrical Safety Code (NESC) utility design standards. As part of the planning for this project, Central Hudson reviewed records of trip outs of the line. This record shows 50 trip outs of the line over the 14 year period from 1998-2011. From 2007-2011, the line tripped out 3-5 times per year. In recent years from 2012-2015, the line has tripped out 6 times. The trip out of any transmission line threatens the reliability of the system and supply of electricity to customers. Most trips were due to tree contacts, storms, high winds, lightning and structure (pole) failures.

As noted above, each substation is supplied by at least two (2) transmission lines to provide necessary redundancy, so that trip-outs on one line will not cause a loss of service to customers. In the event one line trips out, the other supplies the load and the switchover may not even be noticed by the customer. It appears that the comment, “I’m pretty happy”, means that the switch over to the alternate transmission feed has worked well to supply the Distribution of electricity to the customer. Nonetheless, the G-Line is beyond its useful life and needs to be replaced. Central Hudson’s objectives for rebuilding this portion of the G-Line include repairing an out-dated Line which is beyond its useful life, and to prevent future trip-outs and serious outages. The G-Line North is part of the

electric transmission grid for supplying high voltage power to the substations. At the substations, the high voltage electricity is “stepped down” to a lower voltage and is supplied to individual customers through Distribution lines.

*Comment: Check with the PSC and they will confirm that this is not a “critical line” that must be moved 25 feet. (Mr. Barrett 41)*

**Response:** The comment appears to be referring to the fact that the G-Line presently has only an average 25 foot clearance from the westerly side of the ROW, and Central Hudson is proposing to increase the clearance to 50 feet as part of the rebuild.

Central Hudson has long established a requirement of 50 ft of clearance to the edge of ROW and a minimum 100 foot ROW width for a 69 kV line, in order to help avoid damage to lines from falling trees, limbs or other storm driven conditions. In this case, the original line was built in 1930 at a distance of an average of 25 ft off the western edge of a 150 ft ROW easement. In rebuilding the line, Central Hudson proposes to improve the clearances to meet the applicable 50 foot standard, using best industry practice and compliance with Central Hudson’s NYS Department of Public Service (DPS) approved Long Range ROW Vegetation Plan. This will provide a 50 foot clearance from the line to the western edge of the ROW, as well as a minimum 50 foot cleared ROW to the east of the line, to increase storm hardening and improve the reliability of the proposed rebuild of this electric transmission infrastructure. Central Hudson believes that to design and construct a rebuilt transmission line retaining a current substandard average 25 foot clearance, with its known susceptibility to storm damage, would not be prudent, responsible, cost effective or in the best interest of the public for electric system reliability.

Central Hudson does not assert that the G-Line is a “critical line.” It is inaccurate to imply that only a line designated as a “critical line” is required to maintain a 50 foot clearance from the edge of the ROW.

NYS DPS requires the electric utilities to design, operate and maintain electric transmission facilities in a manner to provide reliable electric service. The requirements for proper line ROW maintenance and line clearances from the edge of ROW are also incorporated into Central Hudson’s ROW Long Range Vegetation Management Plan, which is submitted and approved by the NYS DPS, as well as Central Hudson’s design practice for 69kV transmission lines.

Further, in 2005, after extensive power outages in 2003 known as the Northeast Blackout, the NYS DPS issued an Order which required all

utilities to provide enhanced ROW Vegetation Management and maintenance practices. DPS Order Case 04-E-0822, June 20, 2005 (Hereafter, “ 2005 NYSDPS Order”) Decretal paragraph 8, page 28 (Exhibit 1) requires reporting of each tree-caused outage. As stated in the “Discussion” section of this Order, “The Commission fully expects no outages from vegetation growing inside the ROW limits.” (Exhibit 1, page 16)

**B. Comments on visual impact:**

*Comment: Poles will be taller, and additionally they will be moved to higher ground. This will double the impact for visibility, even if there will be fewer poles. These poles will be above the tree line. (Mr. Barrett 44-45)*

**Response:** The statement that the taller poles will be moved to higher ground and will “double the impact for visibility” is not correct. The proposed rebuild does not selectively move the poles to higher ground. The proposed design locates the poles within the existing ROW and follows the land topography within the ROW. The houses, trees, and other natural features surrounding the Line follow the same general topography, so the features applicable to the poles are similar to those applicable to the surroundings.

The design of the transmission line is based on computer modeling, which takes into account a variety of design and physical factors in order to optimize conductor spans, pole placement and compliance with the current National Electric Safety Code (NESC) standard. This includes determining individual pole heights which will provide safe conductor to ground clearances at all points along the spans of conductor between the poles. Therefore, the existing poles are not being replaced on a one-for-one basis. The optimized design provides for fewer poles in differing locations than existing.

Central Hudson has provided extensive information relating to a visual analysis of the impact of the proposed rebuild. An analysis of the potential Project visibility and visual impact provided in the Site Plan Application package consisted of the following components:

1. Identification of visually sensitive sites within a one-mile radius of the ROW;
2. Determination of open views of the Project from field evaluations and documentation of a viewpoint log;
3. Illustration of typical views, including four simulation of the proposed Project from representative distances, directions,

landscape settings and viewer/user groups within the visual study area; and

4. Documentation of the extent of Project visibility and visual change that will occur with the Project in place.

The overall assessment of the impact related to visibility is provided in the Site Plan Application in the form of a View shed Analysis and Visual Simulations, which are part of the application materials before the Board. The existing and proposed viewshed mapping indicate a de minimus increase of approximately 1.1% in the area of potential transmission line visibility following completion of the proposed Project. Viewshed mapping indicates that views of the proposed structures will generally be available from the same locations and landscape settings where the existing structures are visible (e.g., on ROW views, at road crossings, etc.). Therefore, there will be no significant change in the transmission line visibility following the rebuild.

Additionally, the rebuild design will consolidate much of the electrical infrastructure along the ROW by reducing the number of poles and conductors and by shifting the transmission line further toward the center of the ROW. This consolidation of infrastructure within the existing cleared ROW offsets any Project impacts associated with the minor increase in pole heights. Overall, visual impacts of the rebuild have been avoided and limited by re-use of an existing ROW. The presence of existing forest vegetation will continue to significantly screen the Project from public vantage points, and the proposed dark brown color of the replacement structures will generally blend well with the surrounding landscape. Therefore, no significant adverse visual impacts are anticipated from the proposed action. The visual impact study also noted that the relatively small increase in height (generally between 10 and 15 feet) is primarily viewed from distances that make it difficult to perceive a height increase.

*Comment: The visual impact of installing tall steel poles up to 75 feet tall “in the backyards of private homeowners, is a blight on the neighborhood.” [Suzanne Horn, December 14, 2015 email comment- Cedar Crest Farm, 1971 Rt 44, Pleasant Valley]*

**Response:** See previous response. Additionally, this is not the installation of a new transmission line, but a rebuild of an existing transmission line in an existing 150 ft wide ROW easement that has existed since 1930. The average increase in pole height is 10-15 feet, and there are fewer poles, and less infrastructure. As noted in other responses, Central Hudson has taken extensive steps to design this rebuild project with as small an impact

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to visual, environmental, and residential concerns as possible, while balancing the requirements to upgrade this electric infrastructure in a way that is safe, code compliant, durable, and reliable in order to serve the long term needs of the area electricity customers in a fiscally responsible manner. See details of extensive visual analysis in Site Plan application.

Comment: *They are putting in larger poles with a different design where they are underbuilding the distribution circuit. Right now, transmission is on one side, distribution is on the other, so the poles are lower. By them going to the taller height, which they say they need, that is why it is going taller because they are putting transmission up on top and distribution is underbuilt. I don't really see the need for it. (Mr. Barrett 8, February 17, 2016). I personally think there is other options whereas if they didn't underbuild the distribution, they got rid of the distribution from that transmission line, they wouldn't have to go so high. (Mr. Barrett 10, February 17, 2016).*

Response: Mr. Barrett correctly points out that the existing poles along a 1.5 mile section of the G-Line in Pleasant Valley contain both transmission and distribution lines. These poles are old structures with substantial cross-arms, where transmission lines run on one side of the outstretched cross arm, and distribution lines run on the other side. This “side by side” arrangement for combining transmission and distribution circuits on the same poles is now outdated and is no longer Central Hudson’s typical design practice. The design practice has changed for reasons of line uniformity, accessibility, working clearance and worker safety. The cross-arm pole itself is an outdated arrangement. The G-Line rebuild is proposed to feature an updated design using natural appearing steel poles, which design provides enhanced lightening protection, consolidates infrastructure, and presents a more streamlined appearance, eliminating the cross-arms, as was shown in visual displays presented at the public hearing on December 8, 2015. Similarly, the rebuild proposes to use updated, current, design standards to combine transmission and distribution lines on the same poles, by underbuilding the distribution line underneath the transmission line. This arrangement consolidates existing infrastructure and avoids the need to construct additional infrastructure within the same ROW. The proposed rebuild design also moves the transmission line approximately 25 feet toward the center of the ROW and provides additional clearance (totaling 50 feet) from its western edge. This relocation increases the distance of the transmission lines from most residences to the west by the same distance, while continuing to provide many neighboring properties to the east of the right-of-way with ample setback from the edge of the ROW.

To implement Mr. Barrett's suggestion in compliance with Central Hudson's typical design practices and standards, Central Hudson would have to install an entirely separate line of distribution poles running parallel to the transmission line poles along this 1.5 mile length of the ROW, providing required separation between the transmission and distribution lines (thus both increasing the number of structures in the ROW and also reducing pole setbacks from the edge of ROW). This would effectively result in replacing the existing single line portion of the G-Line with a double line of poles running parallel to each other. This would significantly increase construction scope, visual and environmental impact, and cost over the present installation, and conflict with typical industry practices and Central Hudson's overall objective of line uniformity.

Attached as Exhibit 2 is an illustrative rendering showing a comparison of the existing poles with outspread cross-arms, and the proposed new streamlined poles. This rendering depicts the proposed underbuilt distribution lines on the new poles, compared to the side by side arrangement (of transmission and distribution lines) on the existing, outdated poles. The proposed configuration is substantially streamlined from a visual aspect. It is also, as noted in the presentation materials, a design with appropriate lightening protection and is also, unlike the current poles, compliant with NESC standards for ground clearance.

**C. Comments about alternate location of poles in particular circumstances:**

*Comment: We own our property and want to enjoy our property, and we pay taxes on it. (Mr. Nicholson 56) I understand there needs to be a balance, but this presentation seems weighted in favor of Central Hudson and what is good for them. (Mr. Nicholson 56)*

**Response:** As described in the presentations, Central Hudson has taken extensive steps to design this rebuild project with as small an impact to visual, environmental, and residential concerns as possible, while balancing the requirements to upgrade this electric infrastructure in a way that is safe, code compliant, durable, reliable and economically prudent in order to serve the long term needs of the area electricity customers. Where possible, Central Hudson has addressed specific comments of affected residents to adjust pole locations, as was done for this property owner.

*Comment: These are our backyards. I want my kids to go out and enjoy it, and we have these power lines. I ask the Planning Board to look at what can be done to "balance" the interests of the homeowners and the utility. Maybe setting the poles along property lines. If this means an extra pole here or there, this is a reasonable balance in favor of the property owners. It*

*would certainly lessen the impact rather than having it dead center in the middle of a lot. Were alternative pole locations considered? Specifically on my property, right now I have a pole 15 feet from the southerly property line. The proposal is to move the pole to the dead center of my lot. Also, the new location is higher in elevation than the existing so this would add 20 to 30 feet to the additional pole height. (Mr. Nicholson 58, 5, 59,60)*

**Response:** Central Hudson representatives met with Mr. Nicholson on January 21, 2016 at his residence. Based on discussion with Mr. Nicholson, review of the site conditions and additional review of the design, Central Hudson was able to adjust the pole location to move it closer to the property line. This movement was possible because the Nicholson property is on a straight section of the Line. We understood Mr. Nicholson to have agreed with the adjusted pole location.

**Comment:** *The pole location on our property should be reconsidered. It is now at the end of our driveway and allows us to use our yard. The proposed new location would place the pole in the middle of our yard and prohibit most activities in the yard, and make the pole more visible. (Keith and Shannon Decker, 112 Pleasant View Road, by letter dated December 9, 2015)*

**Response:** Central Hudson representatives met with Mr. Decker on February 16, 2016 at his residence. Based on discussion with Mr. Decker regarding his concerns, and review of the design, it was determined that the currently proposed location for the pole in question is approximately 15 ft north and 25 ft further toward the center of the ROW, i.e. farther away from his house, relative to the location of the existing pole. This location places it out of the line of sight from his deck / patio area which was the concern which prompted the comment. We understood Mr. Decker to have been satisfied with the proposed pole location.

**Comment:** *There is a particular stretch of this line that really is very close to homeowners in their sight line as they look out of their houses, and Board wants to know if there is a way Central Hudson can improve that. (Board Chair Seaman 75) I want to know if Central Hudson can put the poles along property lines—not horizontally [presumably, between residential lots] but vertically, so it's outside. (Board Chair Seaman 75) This could be a big difference for a homeowner not to see a utility pole directly in their vision. So we would like to see this addressed, even if it takes an extra pole, or some extra design. (Board Chair Seaman 75) So Central Hudson, please look at the effects on the individual property owners impacted. (Board Chair Seaman 76)*



Response: During the initial design effort, Central Hudson was sensitive to minimizing visual impacts of pole placements on individual properties. As a result of this comment, Central Hudson performed another general review of the proposed pole locations for the properties on Pleasant View Road. In addition, the comments of property owners regarding specific pole placement issues were addressed by Central Hudson in meetings with those owners as described above. The location of the pole was adjusted on the Nicholson property, and it was verified that the pole location on the Decker property was out of the line of sight from the deck/patio area.

*Comment: Nothing would enhance storm hardening and reliability than putting these lines underground. This would protect them from having trees fall on them. (Mr. Nicholson 57) At least in residential areas, Central Hudson should consider undergrounding, which would lessen the aesthetic detriment to the people who own properties over which the ROW runs. (Mr. Nicholson 59)*

Response: The replacement of the existing G-Line via undergrounding would have a much greater impact on environmental resources, as substantial excavation and disturbance of natural resources would be necessary. Underground installation does not eliminate the need for repairs, and can even make it more difficult to locate the exact cause of the problem requiring repair. The ongoing need for ready access to excavate for repairs would also require elimination of virtually all vegetation within the ROW. For these reasons, undergrounding is less preferable to conventional above ground construction. Finally, the installation costs associated with undergrounding are typically 8-10 times the proposed pole and conductor line replacement cost, and are not considered viable in suburban and rural residential situations, as contrasted with urban settings. Costs for installation of utility line projects are shared by the electric utility customers. Therefore the costs of underground installation would affect Central Hudson customers. Central Hudson has a regulatory obligation, and an obligation to its customers, to design and construct the project in a safe, reliable and economically prudent manner.

*Comment: I'd like to know how deep a trench would need to be to put a transmission line in. (Mr. Nicholson 57)*

Response: Central Hudson does not have experience with any extensive underground transmission lines. We understand that burial depths of 3-5 ft are typical for the industry for this transmission line voltage.

#### **D. Procedural Comments / Questions**

*Comment: Please put on record the procedure for determining which property owners would receive notice; and how many received notice. (Board Chair Seaman 61-63)*

**Response:** In order to assure ample public notice, the Planning Board and the applicant reviewed and agreed upon a notice protocol which exceeds the provisions of the town regulation §98-80(F). This Notice protocol was established by Resolution of the Planning Board adopted at the November 17, 2015 meeting. Notice of hearing was sent to the owners of lots in the Town of Pleasant Valley over which the G-Line ROW crosses, and to the owners of all lots in the Town of Pleasant Valley adjoining or across the street from those parcels, as listed on the latest tax assessment rolls. Notice of hearing was also sent to owners identified in the Agricultural Data Statement. In all, Notices of Hearing were sent out to 167 property owners, and proof of certified mailing was filed with the Board prior to the public hearing.

*Comment: I am a neighbor and did not receive notice of this hearing. (Mr. Sirois 63)*

**Response:** The Sirois property, located at 117 Valley View Road, was included on the list of Notices, and a Notice of Hearing was duly mailed to the Sirois family as property owners on November 24, 2015, as shown in the affidavit of mailing filed with the Board. Further, Mr. Sirois was present at the public hearing on December 8, 2015 and able to fully comment on the proposed action. Additional copies of the Notice of Hearing were available in the hearing room, and the applicant made a detailed presentation concerning the proposed action.

*Comment: As part of this site plan process there needs to be a cogent matter of contacting landowners (and the Town) regarding the clearing that is to be done for the G-Line rebuild. As part of that process, there needs to be a better method of contacting landowners. (Board Chair Seaman 81)*

**Response:** Central Hudson has a well-established notification and communication process regarding proposed line rebuilds, and will agree as part of the site plan approval process to conduct such notifications relating the proposed G-Line rebuild. In fact, notice of preliminary planning for the G-Line rebuild was sent to affected properties in December 2014. The materials submitted to the Planning Board by Mr. Barrett, 151 Pleasant View Road, include a December 8, 2014 letter from Central Hudson notifying all property owners along the G-Line ROW about the beginning of the Planning stages of the G-Line North Rebuild project, as well as activities that would be taking place for surveys and environmental assessments; and a December 2014 letter notifying property owners of survey work in anticipation of the G-Line North Rebuild Project. These letters are

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included as an Exhibit to this comment response document. Central Hudson will continue to provide notification and communication with property owners along the ROW.

It is also important to recognize that the rebuild of the G-Line will not involve substantial land disturbance. In general, clearing of vegetation for the rebuild will be limited to clearing necessary for movement of personnel, materials and equipment along the ROW along the general paths shown on the submitted Plan and Profile drawings which are part of the Site Plan application, and possibly some minor tree trimming associated with off-ROW access to the ROW. Construction of the rebuild will be primarily isolated to new pole installation and pole removal. Installation work consists of boring of holes approximately 7-9 feet deep and 24-36 inch diameter. A corrugated metal sleeve is installed to stabilize the hole and the pole is placed and soils installed and compacted around the pole. No significant earthwork, grading, excavation or foundations are proposed. The small areas disturbed will be seeded and mulched after construction.

Comment: *I would like to see the pole details, the actual construction drawings to see what they are doing, particularly along my property line. (Mr. Barrett 7-8, February 17, 2016)*

Response: Central Hudson's Site Plan application contains the Plan and Profile drawings which provide the layout, pole locations, heights of poles and types of poles. As noted by the Planning Board Engineer at the February 17th hearing: "The purview, the structural details behind the poles and foundations, that is not really the purview of our Board", confirming that the Planning Board's jurisdiction is related to the overall site plan and not construction level drawings. (Mr. Setaro 9, February 17, 2016) Central Hudson agrees. The kind of details that Mr Barrett is referring to are construction type drawings used by the field crews for the installation, and are not required to be submitted, nor are they relevant for a which are not part of site plan review.

## **QUESTIONS / COMMENTS NOT RELATED TO THE G-LINE NORTH REBUILD PROJECT:**

### **A. Introduction:**

A number of comments at the public hearing were unrelated to the proposed construction of the G-Line, and discuss issues that are not part of the Site Plan review process. Some

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of these comments were complaints about Central Hudson's periodic clearing of its Rights of Way, and specifically about the maintenance clearing of the G-Line Right of Way in 2009 and 2015. Maintenance clearing has taken place periodically over the years, and generally takes place on a 5-year cycle. The ROW would be subject to maintenance clearing with or without the G-Line rebuild project.

Central Hudson's periodic maintenance clearing is regulated by NYS DPS. Central Hudson is not seeking authorization for its maintenance clearing from the Town Planning Board. The Board's jurisdiction relates solely to site plan approval of the proposed G-Line rebuild, and not to the maintenance clearing.

Other comments were complaints about the respective obligations of the parties to the ROW agreements, i.e. Central Hudson and the individual property owners. These issues are also unrelated to the proposed rebuild project. They are matters of private civil real estate law and are not matters within the Planning Board's jurisdiction on Site plan review. The Site Plan review process is not an appropriate venue to review or attempt to renegotiate the terms of utility easements which were negotiated between the private parties some 80 years ago, have been a matter of public record for the same period, and of which the present property owners had notice when they purchased their land.

Central Hudson respectfully requests that the Planning Board acknowledge the appropriate parameters of its site plan review and instruct members of the public that comments on these issues are outside the scope of the purpose of the public hearing on the site plan application.

Nonetheless, Central Hudson will briefly summarize the procedures that apply to maintenance clearing, the existing procedures for notice to affected property owners about maintenance clearing, and the existing procedures which apply to resolution of disputes about maintenance clearing. Central Hudson has an existing procedure to resolve complaints about maintenance clearing, and this procedure was used by some residents in Pleasant Valley, as further referred to below. The comments below also briefly address comments concerning the terms of the utility easement. These responses are intended to be helpful to the Planning Board but are not to be construed as an agreement that the Board has jurisdiction over maintenance clearing or over the terms of utility ROW easements, or that such matters are properly before the Planning Board on this site plan application.

**B. General Response Regarding Central Hudson Row Maintenance Requirements And Procedures:**

## **Central Hudson ROW Line Maintenance Process<sup>1</sup>**

The following is provided to address the comments pertaining to the ROW Maintenance and Long Range Vegetation Management activities that occurred in 2009 related to the G-Line raised during the Town of Pleasant Valley Town Planning Board Meetings:

### **The Change in Vegetation Clearing practices after the 2003 Northeast Blackout:**

As the result of the 2003 Northeast Blackout, which was caused by a tree coming in contact with a transmission line located in Ohio, the Federal government (FERC) responded to the incident by requiring all utilities to reclaim their transmission corridors (ROW edge to ROW edge) as related to bulk transmission lines operating at 200kV or above or were considered critical feeds (NERC standard FAC-003). This Federal requirement did not automatically apply to the G-Line, since it was below 200kV. However, prompted by the Federal action, the NYS Public Service Commission (PSC) (currently known as DPS) went one step further and imposed similar clearing requirements on all transmission lines located in New York State (See 2005 NYSDPS Order). (Exhibit 1) Therefore the reason for reclaiming the G-Line corridor back to its legal ROW edges was related to the blackout, but a requirement imposed by the State of New York and not a federal requirement.

### **What is Central Hudson's ROW Width for Transmission lines?**

In accordance with Central Hudson's Long Range ROW Vegetation and Management Plan, typical corridor widths for 345kV lines are 150 feet. For 115kV and 69kV lines, corridors are typically 100 feet in width. Therefore a typical 100 foot ROW for Central Hudson will be 50 feet on either side of the structure. For the G-Line the line is off center with approximately 25 feet to one side and 125 feet to the other. Therefore in 2009, as required by the 2005 NYSDPS Order, Central Hudson Line Clearance department reclaimed its ROW width to its legal widths on both sides of the G-Line or to 50 feet, whichever was the greater measurement, in accordance with the DPS approved Long Range ROW Vegetation Management Plan. Please note, that this program had been in place since the Order's issuance in 2005 and the G-Line was not the first line to experience this type of edge reclamation work. The 2009 ROW clearing of the G-Line was, however, the first "cycle" in which enhanced clearing under the 2005 NYSDPS Order was performed.

### **Central Hudson Vegetation Practices:**

All the work activities conducted on transmission ROWs related to tree clearing are performed under Central Hudson's Long Range Vegetation Management Plan (LRVMP) which was originally submitted to the NYSPSC in 1981 and has been reviewed and approved by the NYSPSC eight times over its existence. The LRVMP provides the basic

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<sup>1</sup> This section hereafter referred to as "Section B General Response regarding Maintenance Clearing."

outline of how Central Hudson manages vegetation on its transmission system and what work practices and techniques it will employ to complete the required work. All work practices meet industry best management practices and are reviewed and approved for use by the NYSPSC. Overall Central Hudson employs an Integrated Vegetation Management (IVM) approach to its corridors. The basic principal of this approach is to remove all tall growing tree and shrub species and promote low grow vegetation communities that will prevent the establishment of taller growing vegetation species, hence creating less disturbance to the ecosystem.

One of the approved methods within the plan is edge reclamation which requires removal of tall growing vegetation from the corridor edge by either hand or mechanical methods. Once vegetation is removed, crews chip the smaller braches and/or windrow the brush along the edge of the ROW followed by cutting and slashing it to reduce the mass of the pile. This practice is environmentally sound and creates habit for both animals and song birds. As for the wood generated from the clearing process it is also stacked along the edges of the ROW and left for the land owner as the wood legally belongs to the landowner on easement rights-of-ways. Stumps generated from tree clearing are cut as low as possible and no stump grinding is performed. Central Hudson does employ different practices as necessary when working in improved areas and are determined by the environmental and site conditions.

#### **Central Hudson Notification Process:**

Central Hudson notifies all landowners along the corridor via a notification letter outlining all impending work activities that will occur along the transmission line ROW. The letters sent by Central Hudson to G-Line property owners in December 2009 (See Exhibits 3 and 4) clearly described the “new and more strict regulations” by NYS DPS which required clearing the ROW to their full width or limits. In addition to the notification letter, many landowners are contacted in person by the Forester or the Contractor performing the work. All work conducted along the transmission corridor is performed by qualified contractors under the supervision of the contractor and/or Central Hudson Foresters.

#### **Complaint Resolution Process:**

Any customer issues/complaints follow a set of company protocols. The contractor’s supervisor for the project will be the first level of contact for the customer and would try to resolve any issues related to the clearing activities. If resolution could not be achieved, Central Hudson Foresters would then be the next level of contact for the customer and they would try to resolve any of the issues raised. If this did not yield a mutually beneficial outcome then the customer could contact the Director of Line Clearance and he would then try to resolve the issues at hand. If all else fails, the customer can continue with the process by filing a claim with Central Hudson’s Claims Department and follow their resolution process or contact the NYSPSC Quick Resolution Line. Many customers along the G-Line were able to reach resolution for their concerns by dealing directly with

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the field personnel; several went through the various steps and eventually contacted the NYSPSC for resolution. All Central Hudson decisions related to claims on the G-Line were upheld by the NYSPSC during field reviews with customers.

**C. Comments concerning notification procedures relating to ROW Maintenance Clearing:**

*Comment: What does Central Hudson do when residents complain about excessive clearing, and how did Central Hudson respond? It is very upsetting that it would appear from the comments tonight that Central Hudson never addressed the comments and concerns of these people (Board member Quinn 69-70. Mr. Walker responds that Central Hudson sent a representative over after he complained, who explained that Central Hudson had the obligation from the federal government to reclaim the entire right of way. (Mr. Walker 71)*

**Response:** See above Section B Response regarding maintenance clearing and complaint resolution process.

*Comment: After observing clearing in 2015, a call to Central Hudson resulted in them taking a resident's phone number, said they would get back to him, but never did and then one day he came home from work, and there were crews there "dropping more mature trees." (Mr. Walker 73)*

**Response:** Based on Central Hudson's established notice protocols, Mr. Walker should have received written notice that ROW maintenance was to be taking place. It is Central Hudson's practice that all calls are returned, although it is impossible at this time to verify specifically that a call was placed.

*Comment: Robert Renda, 156 Pleasant View Road, says he had a small area cleared (12 feet wide or so), but Central Hudson came in in June or July 2015, and clear cut 25 feet more, with no notice. (Mr. Renda 79) He never got notice. (Mr. Renda 79-80)*

**Response:** Central Hudson has a notice protocol which provides for written notice to all property owners relating to maintenance clearing. The letters submitted by Mr. Barrett at the public hearing (See Exhibits 3, 4, 5 and 6) provide copies of the notices sent out. While Central Hudson cannot prove that Mr. Renda actually received the Notice, it has no reason to believe that a notice was not sent to Mr. Renda.

*Comment: Board member Gross asked Mr. Sirois whether a Manager or a Supervisor come out to investigate the claims of damage from this*

*clearing? (Board member Gross 77) Mr. Sirois responds that, yes, they were visited, but they were told “this is going to be done.” (Mr. Sirois 78)*

Response: It appears that Mr. Sirois may be referring to participation in the review process which applies to maintenance clearing.

**D. Comments concerning clearing of ROW in 2009 and 2015:**

*Comment: It’s 6 years since “this project” began. I did not know how long it was going to take. (Mr. Sirois, 39) “They” said initially [the project] was only going to maybe take two years. (Mr. Sirois 39) We have waited 6 years for a hearing. (Mr. Sirois, referring to the 2009 clearing, 64)*

Response: This is a public hearing on the Site Plan Application relating to the rebuild of the existing G-Line North Electric Transmission Line. The purpose of the public hearing is not to resolve complaints regarding the periodic ROW Maintenance performed by Central Hudson in 2009. As described above, there are separate processes and procedures in place to pursue resolution of complaints regarding maintenance clearing.

Mr. Sirois seems to be referring to a conversation with the personnel who performed ROW tree clearing in 2009. While it is not known who he spoke with, or in what context, the purpose of the tree clearing in 2009 was ROW Maintenance in accordance with Central Hudson’s Long Range ROW Vegetation Management Plan, as approved by the NYS DPS, and was not in anticipation of the current G-Line North Transmission Line Rebuild Project.

The 2009 ROW Maintenance clearing was unrelated to the G-Line project. ROW Maintenance for all Central Hudson ROWs for all transmission lines is done on a cyclical schedule with a period of approximately 5 years. This is well known to those property owners along the ROW. Further, Central Hudson provided notifications prior to the 2009 ROW Maintenance work clearly stating the purpose and extent of this maintenance tree clearing. (See Exhibits 3 and 4) Completely different notices were sent at the end of 2014 relating to the G-Line project (See Exhibits 5 and 6).

*Comment: The 2009 clearing was “in anticipation of rebuilding the G-Line ” although it was done “under the guise” that the PSC required it due to the blackout that started in Ohio. (Mr. Barrett, 40). Central Hudson cleared the extra 25 feet in 2009 so they could now claim that they are “not going to do any damage” now because they are “using an existing right-of-way.” (Mr. Barrett 42) It is “a little disingenuous” for Central Hudson to now say “there is no impact on visibility” now because the right of way is*



*cleared, because the land would have had to be cleared now if it was not cleared back then, so the impact is there. (Mr. Nicholson 56) Central Hudson then told us at the time of clearing that it was due to federal mandate because of black out. (Mr. Walker 72, responding to Board member Quinn))*

Response: These statements by Mr. Barrett are not correct, and not supported by the record. Notification letters (See Exhibits 3 and 4) for the 2009 ROW Maintenance clearing were sent by Central Hudson to all property owners along the ROW, including Mr. Barrett. These letters are part of the documents which have been provided to the Board. The 2009 tree clearing was the mandated ROW Maintenance which is on an average 5 year cycle. The letters clearly described the “new and more strict regulations” by NYS DPS which required clearing the ROW to their full width or limits. The more strict clearing was prompted by the 2003 Northeast Blackout which resulted in federal regulation for enhanced clearing for 200 kV and higher voltage transmission lines. As a result of this action, NYS DPS also issued State regulations for enhanced ROW Management Practices in 2005 for lines with lower voltages, including 69 kV (2005 NYSDPS Order). The 2009 enhanced ROW clearing of the G-Line corridor was the first cyclical ROW clearing which was subject to the 2005 NYSDPS Order. Rather than clearing the existing ROW to its full width of 150 ft, Central Hudson performed tree clearing in accordance with the limits prescribed for 69 kV transmission lines in its ROW Long Range Vegetation Management Plan (which had been approved by NYSDPS). This clearing was substantially less than the full 150 ft of the electric utility ROW.

Part of the 2005 NYSDPS Order (Exhibit 1, page 28) requires the utility to provide a report to DPS detailing each vegetation-caused outage in the preceding calendar year. As stated in the “Discussion” section of this Order, “The Commission fully expects no outages from vegetation growing inside the ROW limits.” (Exhibit 1, page 16) Further, the “Discussion” section related to paragraph 9 of the 2005 NYSDPS Order (Exhibit 1, page 15) states, “Furthermore, each utility must exercise its full rights for vegetation management (and acquire such rights where necessary to insure system reliability) and not allow either vegetation or other incompatible uses to threaten lines.”

In contrast with the cyclical 5-year maintenance clearing, the initial notice to property owners along the G-Line ROW advising them of the initial design and assessment activities for the G-Line rebuild project was issued in December 2014. (Exhibits 5 and 6) This initial notice to property

owners was approximately 5 years after the 2009 ROW Maintenance clearing activities.

*Comment: When I objected to the clearing of the additional 25 feet in 2009 to Ken Kirscher, Ken responded that Central Hudson was planning to relocate the line. Mr. Barrett 40-41. Later, Mike Gallucci “actually threatened me” that if I kept complaining Central Hudson would “clear a full 150 feet to your house.” Mr. Barrett 4; Mr. Renda 82)*

**Response:** Central Hudson cannot comment on the accuracy or context of what Mr. Barrett says was stated by others several years ago. However, there is no question that the 2009 clearing was part of the cyclical 5 year maintenance clearing, and was the first of the G-Line cyclical clearings to be subject to the 2005 DPS Order for enhanced ROW Management Practices. Hence, the methods and extent of the clearing differed from clearing activities of prior years.

*Comment: Mr. Barrett handed to the Planning Board an article about Orange & Rockland Electric, stating that they used to clear cut trees, but now simply trim. (Mr. Barrett 77)*

**Response:** Each public utility in NYS is subject to the regulations of the NYS DPS, but develops its own Long Range ROW Vegetation Management Plan that is subject to DPS review and approval. The alternate clearing practices which Orange & Rockland Electric developed in 2008 appear to apply in limited situations where the property within a utility right of way is actually developed or landscaped, rather than wooded. In those yards within the ROW that are wooded, the trees are cut and cleared. In any event, Orange and Rockland practices do not control practices of other utilities, as all utilities are subject to regulation by the NYSDPS. The article in fact acknowledges the fact that in 2005 the NYSDPS enacted an Order for Enhanced Transmission Right of Way Management Practice” for NYS public utilities, based upon the 2003 Northeast Blackout and resulting Federal regulation.

*Comment: About 6 years ago, Central Hudson began the clearcutting and destroyed many trees on my property. (Mr. Sirois, pages 37-38); Central Hudson entered its ROW in 2009 to clear the additional 25 feet and then did not exercise “any environmental precautions when they clearcut our properties.” (Mr. Barrett 42) In 2009, Central Hudson clearcut. It was nothing but mud and dirt. (Mr. Barrett 45) 2009 cutting also confirmed by Mr. Walker 71.*

Response: Please see the Section B General Response Regarding Maintenance Clearing, above. Central Hudson performs its ROW Maintenance in accordance with the NYS DPS approved Long Range Vegetation Management Plan. The purpose of the clearing is to discourage tall species and to encourage lower growth. The DPS 2005 Order states that vegetation is to be removed “to the floor or ground-level of the ROW” and that such work is to be completed “in a single maintenance cycle, and not longer.” (2005 NYSDPS Order, Exhibit 1, Decretal paragraph 11, page 29. The photographs supplied by Mr. Barrett were apparently taken immediately after the 2009 cyclical maintenance clearing, and before revegetation. This is not a fair representation of the condition of the right-of-way after growth has had a chance to re-establish. A representative photo of the ROW in its actual post-clearing condition after lower growth has re-established is photograph VP 44, contained in the Visual Impact study. This is a photo simulation of the appearance of the proposed new lines, which uses current, post clearing photographs as the base. A copy of photograph VP 44 is attached. (Exhibit 7) While this particular photograph is from the Town of LaGrange, the general portrayal of the condition of the G-Line ROW is representative of the Line as a whole.

*Comment: Then [after 2009], Central Hudson “did absolutely nothing for six years,” and then came through again and clear cut. (Mr. Barrett 45) Central Hudson came back 5 years after the 2009 clearing and “recut everything right to the ground.” They cut down bushes, including Rose of Sharon and flowering dogwood that would never have touched the wires. (Mr. Barrett 42, 46)*

Response: Central Hudson performs ROW maintenance in accordance with the NYS DPS approved ROW Long Range Vegetation Management Plan on a periodic cycle of approximately 5 years. The previous maintenance was in 2009 and the subsequent maintenance in 2015.

*Comment: Central Hudson sent out notice in 2009 [Mr. Barrett submitted copies of several letters and documents sent by Central Hudson to the Board] about the planned clearing, but what Central Hudson did was “not routine tree trimming.” (Mr. Barrett 41) Prior to 2009, Central Hudson came in periodically to do minor maintenance (weedwacking and the like). In 2009, I got the usual notice by mail that crews would be coming through to clean, and assumed it was the same type of clearing, but was shocked to see the removal of a number of mature oaks, maples, irreplaceable trees, “under the premise that this is now a federal requirement” that they have to take back their right of way, and “they have to do it.” (Mr. Nicholson 54-55)*

Response: See Section B General Response Regarding Maintenance Clearing for an overall explanation. The 2009 tree clearing was the mandated ROW Maintenance which is on an average 5 year cycle, as discussed in Section B. Central Hudson's Notification letters for the 2009 ROW Maintenance clearing (Exhibits 3 and 4) were sent by Central Hudson to all property owners along the ROW, including Mr Barrett. These letters clearly described the "new and more strict regulations" by NYS DPS which required clearing the ROW to their full width or limits. (Exhibits 3 and 4) The more strict clearing requirements were implemented in the 2005 DPS Order, prompted by the 2003 Northeast Blackout. The 2009 enhanced ROW clearing was the first time after the 2005 DPS Order that Central Hudson performed its periodic 5 year ROW maintenance cycle for the G-Line corridor.

*Comment: It doesn't make sense that Central Hudson would clear 100 year old trees. (Board member Quinn 70)*

Response: The obligations to clear cannot exempt trees of a certain age. Please see Section B General Response Regarding Maintenance Clearing at the beginning of this section.

*Comment: The cutting down of trees that are 100 years old cannot be characterized as "routine maintenance." (Mr. Renda 82)*

Response: The enhanced ROW maintenance in accordance with the 2005 DPS Order, as well as the Central Hudson ROW Long Range Vegetation Management Plan requires clear cutting of the ROW for the designated line clearances. The term "routine" refers to the fact that the clearing is done on a periodic cycle of approximately every 5 years. See Section B General Response Regarding Maintenance Clearing.

*Comment: In 2009 clearing, Central Hudson destroyed 1,000 feet of metal fence, for which I have never been compensated. (Mr. Sirois, p. 38) I want reimbursement for my damages to my peace and tranquility from the clearing. (Mr. Sirois 39) The 2009 clearing destroyed 500 feet of fencing on the common property line (Mr. Barrett 42) When I go out to clear my property, I get caught up in the fence damaged and left there in 2009. (Mr. Barrett 42) I have not been compensated for any of my time, any of my work, any of the damage (Mr. Barrett 43)*

Response: Central Hudson has a complaint resolution process for any customer complaints regarding maintenance clearing, as described in the Section B General Response Regarding Maintenance Clearing, above. If a customer has a complaint, they can address it with contractor supervisor, and if not resolved, can raise it up to Central Hudson Foresters. If this did not

resolve the issue, the customer could contact the Central Hudson Director of Line Clearance. If still unresolved, they can file a claim with the CH Claims Department, as well as having the right to raise their complaint to the NYS DPS. With respect to the 2009 clearing, most customers were able to reach resolution with field contractor personnel. Several went through various steps and eventually contacted NYS DPS for resolution. All CH decisions regarding claims on the G-Line were upheld by the NYS DPS during field reviews with customers. Mr. Barrett availed himself of the complaint resolution process at the time of ROW tree clearing in 2009. He spoke with Central Hudson representatives, the Town Building Inspector and also filed a complaint with NYS DPS. As part of the Maintenance clearing resolution process described at the beginning of this section, DPS representatives met with Mr. Barrett and upheld the claim resolution as determined by Central Hudson.

*Comment: The right of way agreement says they are supposed to remove the brush. (Mr. Barrett 46) The 2009 clearing left stumps in the ground that are tripping hazards. (Mr. Barrett 42) Down in the back, in what Central Hudson calls "undeveloped land," they stockpiled logs and limbs and brush and it is just sitting there decaying and rotting. (Mr. Barrett 46) They were supposed to clear all the brush and they didn't. (Mr. Barrett 43, 46) Failure to clear tree stumps creates safety hazard and potential liability issue for servient owner. (Mr. Barrett 46) I spent an entire summer clearing all the brush and then they came back in December and cut more, and then came back Spring 2015 and recut it again. (Mr. Barrett 43) They just drive right across the property and destroy it and they leave it for me to clean up. (Mr. Barrett 43) Every six years they come through and [clear and leave brush]. "This is a residential area. These are our yards and they come through and do this." (Mr. Barrett, 46) The right of way area on my property is a mess. There are substantial tree trunks laying in the yard. Stone walls have been disturbed. (Mr. Nicholson 55) Some of the trees were left in junk sections and had to be removed by me. There are still some pieces from the recent second cutting that are left on my property. (Mr. Walker 70) It's amazing to me that you said that most of what they cut down are heavier pieces of timber that are still lying there. (Board member Gordon, to Mr. Walker, 70) After the 2015 clearing, Central Hudson left substantial diameter tree trunks, 20-30 feet long, in big piles, and I had to cut them down and have them removed. (Mr. Walker 73) Central Hudson cleared an additional 25 feet in June/July 2015 and left everything there. (Mr. Renda, 156) Pleasant View Road 80.*

**Response:** The easement applicable to these properties gives Central Hudson as easement holder rights which, "includes the right to remove all trees

within the said right of way..., to remove all brush, and set anchor guys as may be required. Undersigned to have all wood.” The easement does not require that brush or trees be removed from the property, and further provides that the wood belongs to the property owner and not to Central Hudson. Please see also the Schedule B General Response Regarding Maintenance Clearing, above.

*Comment: Central Hudson has “an obligation to these property owners to clean off debris” and it “didn’t perform your duties that you promised these people” and “create a mess” by leaving “stumps and debris in their yards” creating liability issues for homeowners. (Board member Gross 78, 79)*

**Response:** Central Hudson respectfully submits that the Planning Board does not have jurisdiction to determine private real property rights or adjudicated private property rights. Moreover, this statement is incorrect. The right of Central Hudson to clear the ROW of trees and leave the wood and brush are in accordance with the provisions of the utility easement. The logs are cut and stacked in a location preferred by the property owner. This ROW easement from 1930 was in place long before properties were developed or homes were constructed. The management of the ROW is in accordance with Central Hudson’s ROW Long Range Vegetation Management Plan, which is reviewed and approved by NYS DPS. A complaint resolution process for property owners is in place and has been used by a number of the residents affected.

*Comment: They went through and cleared trees prior to filing for this [G-Line North Rebuild site plan application]. (Mr. Barrett 6-7, February 17, 2016). Just like what they did six years ago when they came through and clearcut my property. . . That was not maintenance. I would still like to see where it was required by the Public Service Commission. (Mr. Barrett 11, February 17, 2016)*

**Response:** See Section B General Response Regarding Maintenance Clearing for an overall explanation at the beginning of this section as well as the Responses to Comments above. Mr. Barrett appears to be referring to maintenance clearing performed in 2009. The 2009 clearing was the mandated ROW Maintenance which is on an average 5 year cycle, as discussed in this Section B. More strict clearing requirements were implemented in the 2005 NYSDPS Order, prompted by the 2003 Northeast Blackout. The 2009 enhanced ROW clearing was the first time after the 2005 NYSDPS Order that Central Hudson performed its periodic 5 year ROW maintenance cycle for the G-Line corridor.

**E. Comments relating to the scope of the easements:**

Comment: *We continue to have to pay taxes on the easement property, but get no enjoyment out of it, and we have no right to say exactly what is being done on the easement. (Mr. Sirois 47)*

Response: In general, the Utility ROW Easements were established prior to the construction of the existing transmission line (in 1930). The utility easements run with the land, and continue to apply when the land is sold. It is correct that easements establish restrictions on the owner's use of the property within the established ROW easement and provide rights to the easement holder.

Comment: *Although the ROW is 150 feet wide, i.e. ROW number 54, Central Hudson only utilized 75 feet of it prior to 2009. (Mr. Barrett 40)*

Response: The easement for the utility ROW is for 150 ft, and "includes the right to remove all trees within the said right of way...". ROW vegetation management practices have changed over the years, especially after the 2003 Northeast Blackout and 2005 NYSDPS Order for enhanced ROW Management Practices. This has required changes to practices used prior to this time.

Comment: *The original ROW agreement specifies that the line should be kept to the one side as far as possible. (Mr. Barrett 41)*

Response: This is not correct. The easement actually reads, "The said right of way shall run parallel to the east line as much as possible..." There is no text addressing placement of the line within the corridor, as the line was built closer to the western edge of the easement. The easement goes on to reference a Central Hudson drawing number, a later version of which clearly shows the "east line" as the grantors eastern most property line. This would be on the opposite (or east) side of the ROW easement corridor. The original property owner who granted the ROW easement to Central Hudson was apparently in agreement with the line as built, as indicated by his signature on the final release document in 1930.

Comment: *The "sudden" and "huge" cutting in 2009 "completely violated" the easement description. (Mr. Sirois 74) When he bought his property, he understood that only 50 feet of the 75 would be cleared. (Mr. Sirois 74)*

Response: This statement is not correct. The original easement from 1930 is a 150 foot wide utility easement and has not changed. It gives Central Hudson broad rights regarding activities to be conducted within the ROW, some of

which are mentioned above. See General Response regarding Central Hudson ROW Maintenance Requirements and Procedures.

**Exhibits:**

1. NYSDPS Order, Case 04-E-0822, issued June 20, 2005, Order Requiring Enhanced Transmission Right-of-Way Management Practices by Electric Utilities.
2. Illustrative rendering showing a comparison of the existing poles and proposed new poles.
3. Copy of Notification Letter from Central Hudson for 2009 ROW Maintenance mailed by Lewis Tree Service, (postmarked 1/26/2009) received by Mr. Barrett
4. Copy of Notification Letter for 2009 ROW Maintenance from Ken Kircher, Central Hudson Transmission Line Foreman, sent in December 2009.
5. Informational Letter from Central Hudson (G Cassaro) to property owners along the G-Line North ROW, dated 12/8/2014, informing them of the beginning of the planning of the project and activities to perform surveys, design and environmental assessments.
6. Notice Letter from Maser Consulting, sent in December 2014, informing property owners of surveys to be performed along the ROW.
7. Photograph VP-44, showing existing condition of cleared G-Line ROW as of 2014.