



will not involve the furnishing or sale of electric power to third parties that may be subject to the Commission's jurisdiction under the Public Service Law ("PSL"), they do represent a change from the Commission's understanding when it issued Greenidge's certificate of public convenience and necessity (the "CPCN") that Greenidge would operate the Facility entirely "on a merchant basis and provide electricity in interstate commerce at the wholesale level by participating in markets administered by NYISO."<sup>1</sup>

In contrast, this Petition seeks a declaratory ruling disclaiming jurisdiction over Greenidge's proposal to construct and operate certain overhead and underground electric distribution facilities at the Greenidge site (the "Project") and to use those facilities, along with the existing Greenidge Facility, to furnish and/or sell unmetered electricity from the Facility to third-parties leasing space from Greenidge for the installation of their own data processing equipment at the Facility site (the "Tenants"). The Project will include installation of a data processing facility and the associated grading and roads needed to accommodate the data processing facility. The Project will include up to 30 separate metal box type units installed on gravel pads, which will house computer processing and networking equipment to be used for data processing activities. Electrical equipment will be installed overhead and underground to connect these facilities to the Greenidge Generation Facility. The total project area is approximately 4 acres, including the roads. An eight-foot high security fence will be installed around the project area, and a stormwater management system will also be installed as part of the project.

None of the equipment used to provide such service would cross any public street or other public property, and all of the electricity in question would be furnished and/or sold to the Tenants on an unmetered basis for on-site use and not for resale. The equipment to be installed to serve the Tenants

---

<sup>1</sup> Case 15-E-0516, *Petition of Greenidge Generation LLC for an Original Certificate of Public Convenience and Necessity and Lightened Regulation*, Order Granting Certificates Of Public Convenience And Necessity And Providing For Lightened And Incidental Regulation, slip op. at 23 (Issued and Effective September 16, 2016).

would not take power from the New York State Electric and Gas Corporation (“NYSEG”) at any time, including when the Facility is out of service, as Greenidge intends to install breakers and relays acceptable to NYSEG and the New York Independent System Operator, Inc. (“NYISO”) that will disconnect all data processing operations whenever the output of the Greenidge Facility falls below the total electric power demands of the Tenants. Greenidge will not place these new facilities in service until they have been approved by both NYSEG and NYISO.

Alternatively, Greenidge respectfully requests that the Commission find and declare that while such furnishing and/or sales of electricity are subject to Commission jurisdiction, no amendment to Greenidge’s CPCN or other Commission approvals are required for Greenidge to engage in these activities. In the event that the Commission concludes that such transactions are subject to its jurisdiction under the PSL and that Greenidge’s existing CPCN does not permit it to furnish or sell electricity to the Tenants on an unmetered basis, Greenidge respectfully requests that the Commission: (1) amend its CPCN to permit it to engage in such transactions; (2) confirm that furnishing and/or sales of electric power to the Tenants would be subject to lightened regulation under the PSL; and (3) also confirm that the portion of the output of the Greenidge Facility that will continue to be sold into the wholesale markets operated by NYISO will remain subject to lightened regulation.

### ANALYSIS

**I. THE COMMISSION SHOULD ISSUE A DECLARATORY RULING FINDING THAT GREENIDGE’S FURNISHING AND/OR SALE OF UNMETERED ELECTRIC POWER TO THE TENANTS WILL NOT BE SUBJECT TO REGULATION UNDER THE PSL, OR THAT NO AMENDMENT TO GREENIDGE’S EXISTING CPCN WILL BE REQUIRED FOR IT TO ENGAGE IN SUCH TRANSACTIONS**

In a number of cases, the Commission has recognized that landlords providing electric service to their tenants for their own use and without crossing any public right of way are exempted from regulation under the PSL. Specifically, PSL § 2(13) provides in pertinent part that suppliers of electricity are

exempted from regulation by the Commission to the extent that the electricity they supply “is generated or distributed by the producer solely on or through private property . . . for its own use or the use of its tenants and not for sale to others,” But this exemption is lost when electricity is supplied at retail to customers that are not tenants.<sup>2</sup>

The facts in this case are somewhat unique, however, because Greenidge is already an electric corporation subject to lightened regulation by the Commission and is operating under a CPCN authorizing it to make only wholesale sales. As a result, Greenidge’s request for a declaratory ruling raises two questions of statutory interpretation that do not appear to have been addressed in any prior Commission order: First, does the exemption from regulation for landlords supplying electricity to their tenants established by the Legislature in PSL § 2(13) extend to landlords: (1) that are already electric corporations subject to regulation by the PSC with respect to their wholesale operations; but (2) do not provide any other retail services subject to regulation by the Commission? Second, do customers leasing space for the installation and operation of data processing equipment at the Greenidge site qualify as “tenants” within the meaning of PSL § 2(13)? Greenidge respectfully requests that the Commission answer “yes” to both these questions for the reasons noted below.

The legislative policy behind the exemption from Commission regulation for sales by landlords to their tenants established in PSL § 2(13) clearly applies regardless of whether the landlord is also engaged in wholesale sales, so long as the landlord does not furnish any other retail services subject to regulation by the Commission. But the express language of PSL § 2(13) limits that exemption to situations where

---

<sup>2</sup> See, e.g., Case 07-M-0363, *Continental Industrial Capital LLC and Coby Housing Corporation*, Order Granting Certificate of Public Convenience and Necessity, Providing for Lightened and Incidental Regulation and Approving Transfers, slip op. at 7 (Issued and Effective June 25, 2007) (“Because ITT owns Building 13 and the appurtenant property, it is not a tenant of the Tech Park’s owners, and the electricity furnished by RTPUH is not supplied solely on the property owned by the Tech Park.”); Case 98-G-1993, *Quaker Crossing, LLC, Petition to Submeter Gas at the Quaker Crossing Retail Center, Orchard Park, New York, Located in the Territory of National Fuel Gas Distribution Corporation, filed in C 96-G-0454*, Order Denying Rehearing and Clarifying Prior Order, slip op. at 9 (Issued and Effective January 5, 2001) (“Realistically appraising [the similar statutory language of PSL § 2(11)] justifies the conclusion that a landlord distributing gas only to its tenants on and through its own property is not a gas corporation.”).

electricity is provided “solely . . . for its own use and the use of its tenants and not for sale to others.” Because it is unlikely that the Legislature contemplated the development of the wholesale-only electric utilities that have become common after restructuring, and because Greenidge does not sell electricity to others in retail transactions subject to Commission jurisdiction under the PSL, the Commission should find and declare that its furnishing and/or sale to end use customers located on its premises for their own use and not for resale does not involve any transactions subject to the Commission’s jurisdiction under the PSL.

The only case of which counsel for Greenidge is aware that presented a similar issue is Case 93-E-02727 resolving a challenge brought by Niagara Mohawk Power Corporation to a proposal by Sithe/Independence Power Partners, L.P. (“Independence”) to provide electric service to an existing facility operated by Alcan Rolled Products Company (“Alcan”) and a proposed new facility to be constructed and operated by Liberty Paperboard L.P. (“Liberty”). After finding that Independence would become an electric corporation subject to regulation by the Commission if it sold electricity to Alcan, the Commission then went on to address the claim that Independence could also sell electric power to Paperboard without subjecting itself to regulation by the Commission. In dismissing this claim, the PSC ruled that:

Independence also claims that it will lease property to the recycling mill, and so will be selling to its tenant. Sales to tenants are exempt from regulation under § 2(13), but Independence did not describe its proposed lease arrangement with sufficient particularity to determine if the landlord-tenant relationship would fall within the boundaries of that particular exemption. It appears a sale to Paperboard is still a sale of electricity to “others,” subjecting it to regulation under § 2(13). Consequently, the reconfigured ownership arrangements Independence proposes with Paperboard appear to fall within the scope of electric corporation activities under § 2(13), and, in any event, the sale to Alcan would still be a retail sale.<sup>3</sup>

---

<sup>3</sup> Case 93-E-0272, *Niagara Mohawk Power Corporation*, Opinion, slip op. at 8 (February 9, 1994).

The fact that the Commission felt compelled to rule on the merits of Independence's service to Paperboard suggests that under appropriate circumstances, Independence might have been allowed to provide electric power to qualifying tenants even if it were an electric corporation with respect to its wholesale sales and perhaps even with respect to its retail sales to Alcan. As the basis for the Commission's decision in this case is not entirely clear, and as this appears to be the only Commission decision addressing this important issue, Greenidge respectfully requests that the Commission clarify this issue by finding that Greenidge's furnishing and/or sales of electric power produced by the Facility to the Tenants is not subject to Commission jurisdiction under the PSL.

The second question raised in this case is whether Greenidge's lease of space for the installation of data processing equipment creates a landlord-tenant relationship for the purposes of PSL §2(13). The Law Dictionary.com defines the term tenant as "A person or entity that rents real property from the property owner (landlord) which may or may not include a structure such as a home."<sup>4</sup> Greenidge's lessees would appear to qualify as tenants under this definition, as they are leasing space in a structure that will be provided by Greenidge. This issue is clouded to some extent, however, by the Commission's previously-noted finding in Case 93-E-0272 that Independence failed to demonstrate that its proposed lease of unimproved real property to Paperboard established such a landlord-tenant relationship. Because the Commission's decisions to date do not clearly articulate the requirements for a valid landlord-tenant relationship for purposes of PSL § 2(13), Greenidge respectfully requests that the Commission issue a declaratory ruling finding that its furnishing and/or sales of electric power to tenants leasing space for data processing equipment in structures on premises to be provided by Greenidge will not be subject to regulation by the Commission under the PSL or, alternatively, that no modification to Greenidge's existing CPCN will be required for such transactions.

---

<sup>4</sup> <https://dictionary.thelaw.com/tenant/>

**II. ALTERNATIVELY, THE COMMISSION SHOULD AMEND GREENIDGE'S CPCN TO ALLOW IT TO FURNISH AND/OR SELL UNMETERED ELECTRICITY TO ITS TENANTS UNDER LIGHTENED REGULATION**

**A. The Commission Should Amend Greenidge's CPCN To Permit It To Furnish and/or Sell Unmetered Electric Power To Its Tenants For Their Own Use and Not for Resale**

Under PSL § 68.1, the Commission may issue or amend a CPCN where it finds, after due hearing:

(1) the economic feasibility of the corporation; (2) the corporation's ability to finance required improvements and to render safe, adequate and reliable service; (3) the corporation's ability to provide just and reasonable rates; and (4) whether issuance of a certificate is in the public interest. Each of these requirements is satisfied by Greenidge's request.

1. Economic Feasibility of Greenidge's Plans

Greenidge's proposal to furnish or sell unmetered electric power to tenants installing data processing equipment in structures constructed at the site of the Greenidge Facility will provide Greenidge with a stable source of revenue from sales of electricity produced at prices above those available from the NYISO markets into which it currently sells its electric power. Unlike spot market prices, which vary from hour to hour, revenues from sales of power for use in these on-site data processing facilities will provide a stable source of revenue that does not fluctuate and that is sufficient to support continuous operation of the Greenidge Facility, which was originally designed to operate as a base load facility. Moreover, because the Greenidge Facility will be operating in base load mode, it will be available to ramp its remaining output up or down rapidly to respond to NYISO's ever-changing power needs.

2. Greenidge's Ability to Finance Construction and Provide Safe, Adequate and Reliable Service

The capital requirements for the new services that Greenidge proposes to supply are not expected to exceed \$ 40,000,000, which is well within Greenidge's ability finance, as Greenidge has already successfully financed the restoration and recommissioning of the Facility as a wholesale merchant

generator and the construction of the Greenidge Pipeline.<sup>5</sup> Greenidge will not make these expenditures until it has obtained firm contracts for a sufficient level of service to cover those costs. Moreover, because Greenidge does not currently have any “captive” retail customers and because any customers leasing space for data processing will be protected by contract, Greenidge will bear all of the financial risk associated with this new project.

3. Greenidge’s Ability to Provide Service at Just and Reasonable Rates

Greenidge’s ability to furnish and/or sell electric power to the Tenants at just and reasonable rates is demonstrated by the fact that in order to attract and retain Tenants at its site, Greenidge must offer a package of services that operators of data processing equipment find appealing, including competitive lease rates and power supply costs. Accordingly, Greenidge’s charges for these services will be determined by competition and market mechanisms and not by cost-based regulation. The Commission has recognized in a number of cases that prices set by properly functioning competitive market forces are just and reasonable.<sup>6</sup>

4. Greenidge’s Proposed Furnishing and/or Sale of Electric Power to its Tenants is in the Public Interest

---

By providing a stable revenue base for the Greenidge Facility, the Project will retain 16 existing full-time jobs at the Facility. In addition, the Project is also expected to create 10 new full-time positions to operate and maintain the new equipment to be installed at the Project site. These jobs will pay between

---

<sup>5</sup> See Case 15-E-0516, Case 15-E-0516, *Petition of Greenidge Generation LLC for an Original Certificate of Public Convenience and Necessity and Lightened Regulation*, Order Granting Certificates Of Public Convenience And Necessity And Providing For Lightened And Incidental Regulation (Issued and Effective September 16, 2016) slip op. at 22 (Petitioners have shown that . . . their exercise of rights, privileges or franchises in this regard is economically feasible and the construction work necessary to restart the electric plant is financeable.”).

<sup>6</sup> See, e.g., Case 00-M-0504, *Proceeding on Motion of the Commission Regarding Provider of Last Resort Responsibilities, the Role of Utilities in Competitive Energy Markets and Fostering Development of Retail Competitive Opportunities*, Statement Of Policy On Further Steps Toward Competition In Retail Energy Markets, slip op. at 2 (Issued and Effective August 25, 2004) (“[Our vision statement] also sets forth our conclusion that one of the most efficient and powerful tools we can use to meet the statutory requirements [of ensuring the provision of safe and reliable energy at just and reasonable rates] is competitive markets.”).

\$ 60,000 and \$ 120,000 per year and will include a 30 percent benefits package. Accordingly, the Project will serve the public interest by retaining and expanding employment in central New York.

**B. If Commission Asserts Jurisdiction Over Greenidge’s Sale and/or Furnishing of Electric Power to the Tenants, The Commission Should Hold That Lightened Regulation Applies To Those Transactions**

In the event that the Commission concludes that Greenidge’s furnishing and/or sale of electric power to its Tenants is subject to Commission jurisdiction under the PSL, Greenidge respectfully requests that the Commission find that the lightened regulatory regime that the Commission has applied to Greenidge’s competitive wholesale merchant generating facilities also applies to such operations. The Commission has granted similar relief in several other cases to gas corporations that did not qualify for incidental regulation.<sup>7</sup>

In the Wallkill Order and in subsequent decisions involving Carr Street Generating Station, L.P.<sup>8</sup> and AES Eastern Enterprises, L.P.,<sup>9</sup> the Commission relaxed the regulatory requirements it had traditionally imposed on vertically integrated utilities in light of the practical realities confronting lightly regulated utilities operating in the competitive markets administered by NYISO. In particular, the Commission ruled that lightly regulated utilities are subject the Commission’s jurisdiction under PSL §§ 11, 19, 24, 25 and 26, and are also subject to the requirements of PSL §§ 66(6), 68, 69, 69-a and 70. The Commission stated it would presume that PSL § 70 would not apply to transfers of ownership interests

---

<sup>7</sup> See, e.g., Case 06-G-0944, *Joint Petition of Fortuna Energy Inc. and FUSI GP Inc. for Exemption From Compliance With Certain Provisions of the Public Service Law Pursuant to Public Service Law Section 66 (13)*, Order Providing For Lightened Regulation (Issued and Effective November 13, 2006); Case 10-G-0364, *Norse Pipeline, LLC - Petition for an Order Providing for Lightened Regulation as a Gas Corporation under the Public Service Law*, Order Providing For Lightened Ratemaking Regulation Of A Gas Corporation (Issued and Effective February 23, 2011).

<sup>8</sup> Case 98-E-1760, *Carr Street Generating Station, L.P. – Petition for an Original Certificate of Public Convenience and Necessity and for a Declaratory Ruling on Regulatory Regime*, Order Providing for Lightened Regulation (Issued and Effective April 23, 1999).

<sup>9</sup> Case 99-E-0148, *AES Eastern Energy, L.P. and AES Creative Resources, L.P. – Petition for a Declaratory Ruling That Light-Handed Regulation Be Applied Concerning the Petitioner’s Purchase of Certain Electric Generating Assets from New York State Electric & Gas Corporation*, Order Providing for Lightened Regulation (Issued and Effective April 23, 1999).

in the upstream owners of such entities as long as there is no potential for harm to captive ratepayers arising out such transactions.

The Commission also held that most of the provisions of Article 6 would not apply to lightly regulated utilities, except in the case of merchant generators whose capacity is marketed by affiliated power marketers, in which case they would be required to comply with PSL § 110(2). Lightly regulated utilities that are organized as limited partnerships would not be subject to PSL § 110(1). The Commission also required lightly regulated utilities to comply with PSL § 119-b regarding the protection of underground facilities from damage by excavators. The Commission determined that the remaining provisions of Article 6 either do not pertain to lightly regulated utilities or would unnecessarily hinder competitive lightly regulated utilities by interfering with their flexibility to structure the financing and ownership of their facilities.

Extending this lightened regulation to Greenidge's furnishing and/or sale of electric power from the Facility to the Tenants is in the public interest, as Greenidge proposes to operate in unregulated and highly competitive markets for data processing services. Accordingly, Greenidge will have no captive retail customers requiring the protection of cost-based rates. Greenidge also lacks vertical market power in any relevant geographic and product market in New York State.

**III. THE COMMISSION SHOULD FIND AND DECLARE THAT GREENIDGE WILL REMAIN ENTITLED TO LIGHTENED REGULATION WITH RESPECT TO ITS WHOLESALE SALES OF ELECTRIC ENERGY, CAPACITY AND ANCILLARY SERVICES ONCE IT BEGINS FURNISHING AND/OR SELLING PART OF THE ELECTRICITY PRODUCED BY THE FACILITY TO THE TENANTS**

---

Greenidge's proposal to furnish and/or sell electric power to the Tenants should not alter in any way the Commission's conclusion in Case 15-E-0516 that Greenidge's wholesale sales of electric energy, capacity and ancillary services are entitled to lightened regulation under the PSL. As the Commission noted in exempting Greenidge from the requirements of PSL § 107 prohibiting the use of utility revenues

for non-utility purposes, the competitive nature of wholesale electric power markets eliminates any need for Commission regulation of any other unrelated lines of business in which Greenidge may elect to become involved:

These provisions were intended to prevent financial manipulation or unwise financial decisions that could adversely impact rates charged by monopoly providers. In comparison, so long as the wholesale generation market is effectively competitive, or market mitigation measures yield prices aligned with competitive outcomes, wholesale generators cannot raise prices even if their costs rise due to poor management.<sup>10</sup>

These competitive market forces will continue to apply to Greenidge's wholesale sales once it begins furnishing and/or selling a portion of the output of the Facility to its Tenants.

For this reason, the Commission has allowed many utilities subjected to lightened regulation with respect to wholesale sales to also engage in other activities that do not create horizontal or vertical market power. For example, the Commission has allowed a number of cogeneration facilities to sell electricity at wholesale while also supplying steam and/or hot water to end use customers.<sup>11</sup> In other cases, the Commission has allowed major manufacturers and independent operators of distribution systems in industrial parks to provide electric service under lightened regulation while also providing a number of

---

<sup>10</sup> Greenidge Order, slip op. at 26.

<sup>11</sup> Case 02-M-0094, *WPS Power Development, Inc., CH Resources, Inc. and Central Hudson Energy Services, Inc., Petition for an Order Providing for Lightened Regulatory Treatment and, if Necessary, a Certificate of Public Convenience and Necessity*, Order Approving Transfers, Providing For Lightened And Incidental Regulation, And Granting A Certificate Of Public Convenience And Necessity (Issued and Effective April 26, 2002)(granting lightened regulation as an electric utility to company that also supplied steam service); Case 16-E-0033, *Petition of AG-Energy, L.P. for an Original Certificate of Public Convenience and Necessity and for an Order Providing for Lightened Regulation*, Order Granting Certificate Of Public Convenience And Necessity And Confirming Lightened Regulation (Issued and Effective July 20, 2016)(same).

other products and services.<sup>12</sup> Accordingly, the Commission should find and declare that Greenidge may use a portion of the electricity produced in its Facility in its own on-site data processing operations without jeopardizing its right to lightened regulation with respect to the portion of the output of the Facility that will still be sold in wholesale markets administered by NYISO.

**IV. THE RELIEF REQUESTED IN THIS PETITION WILL NOT HAVE A MATERIAL ADVERSE EFFECT ON THE ENVIRONMENT**

The Project as a whole, including the construction of the structures that will house the data processing equipment, has already been reviewed by the Town of Torrey (the “Town”) pursuant to New York’s State Environmental Quality Review Act (“SEQRA”). A copy of the Town’s declaration that the Project will result in no significant adverse impacts on the environmental and, consequently, that an environmental impact study need not be prepared, is annexed to this Petition as an attachment. While this determination was not coordinated with and is therefore not binding on the Commission, the conclusions reached by the Town provide persuasive evidence supporting the conclusion that the Project will have no adverse environmental impacts.

**CONCLUSION**

WHEREFORE, for the above stated-reasons, Greenidge Generation LLC respectfully requests that the Commission issue an order ruling and declaring:

1. That Greenidge’s furnishing and/or sale of unmetered electric power produced by the Facility to the Tenants for on-site use and not for resale is not subject to regulation under the Public Service Law; or

---

<sup>12</sup> Case 04-M-0388, *Petition of Eastman Kodak Company to Provide Utility Service in Kodak Park, Located in the City Of Rochester and Town of Greece, Monroe County*, Order Granting Certificates Of Public Convenience And Necessity And Providing For Lightened And Incidental Regulation (Issued and Effective August 2, 2004)(granting lightened regulation to Eastman Kodak Company for certain sales of electric power); Case 99-E-0990, *Oneida County Industrial Development Agency and Griffiss Local Development Corporation-Petition for Certificates of Public Convenience and Necessity to Own, Operate and Maintain Existing Electric Plant and to Sell Electricity at Retail and for a Declaratory Ruling That They Will be Subject Only to Incidental Regulation*, Declaratory Ruling On Electric Corporation Regulation (Issued and Effective September 28, 1999)(granting lightened regulation as a supplier of electric power to operator of a local development authority that also operated an industrial park).

2. Alternatively, that Greenidge does not require any further approvals under section 68 of the Public Service Law to furnish and/or sell unmetered electricity produced by the Facility to the Tenants for on-site use and not for resale and that Greenidge's furnishing and/or sale of such electricity to the Tenants will be subjected to only lightened regulation under the Public Service Law; and
3. That Greenidge's wholesale sales of electric energy, capacity and ancillary services into the competitive markets administered by the New York Independent System Operator, Inc. will remain subject to lightened regulation once it begins furnishing and/or selling part of the electricity produced by the Facility to the Tenants and
5. That the relief requested in this Petition will not have a material adverse impact on the environment.

Respectfully submitted,

/s/

---

George M. Pond, Esq.  
Barclay Damon, LLP  
80 State Street  
Albany, New York 12207  
TEL: 518.429.4232  
FAX: 518.427.3486  
[gpond@barclaydamon.com](mailto:gpond@barclaydamon.com)

Attorney for Greenidge Generation LLC

Dated: January 28, 2020

Project :

Gardner Can

Date :

10/14/19

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:

 Type 1 UnlistedIdentify portions of EAF completed for this Project:  Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Torrey Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Data Processing Center Greenidge Generation LLC

Name of Lead Agency: Town Of Torrey Planning Board

Name of Responsible Officer in Lead Agency: David Granzin

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency: *David Granzin*

Date: 10/14/19

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Dwight James TYorrey Code Enforcement

Address:

Telephone Number: 315-536-6376

E-mail: torreycodes@gmail.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM