

May 22, 2020

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Christopher Lawrence
Office of Electricity
OE-20, Room 8E-0
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

RE: Champlain Hudson Power Express, Inc.
OE Docket No. PP-362
Response to Comments

Dear Mr. Lawrence:

On April 6, 2020, in accordance with Section 205.323 of the United States Department of Energy's (DOE) regulations, 10 C.F.R. § 205.323 (2019), Champlain Hudson Power Express, Inc. and CHPE, LLC (together, CHPE) filed an application to amend or, in the alternative, rescind and reissue Presidential Permit No. 362 (Application). Comments on the Application were filed by Grand Riverkeeper Labrador, Inc.; the Sierra Club Atlantic Chapter and the North American Megadam Resistance Alliance; the Stony Point Action Committee for the Environment (SPACE); and the Solidarity Committee of the Capital District (collectively, Commenters). CHPE is filing this brief response to Commenters to clarify the record and correct certain misconceptions.

As explained in the April 6, 2020 filing, the sole purpose of the Application is to effect a transfer or reissuance of an existing permit to accommodate an internal corporate reorganization involving affiliated entities. The Application does not propose any other modification to Presidential Permit No. 362. Consequently, the issues raised by Commenters are outside the scope of this proceeding and not germane to DOE's determination of whether the permit should be reissued or transferred to CHPE, LLC.

CHPE anticipates making a filing with DOE later this year in which it will propose, and seek approval of, certain modifications to the permitted route. The application to revise the permitted route will include supporting environmental analyses. As required by applicable regulations, DOE will publish notice of the application and Commenters will have an

opportunity to address issues related to route modifications in that proceeding.¹ However, issues related to potential route modifications are not yet before DOE and are not relevant to the issue of whether Presidential Permit No. 362 should be reissued or transferred from one corporate affiliate to another.

While CHPE is considering increasing the capacity of the Champlain Hudson Power Express (Project) from 1,000 MW to 1,250 MW, any increase in capacity would be subject to prior review and approval by DOE. This would necessitate a subsequent application to DOE by CHPE; that application also would be publicly noticed and Commenters would have an opportunity to comment on the proposal. Accordingly, any comments on the potential expansion of the Project's capacity are premature.

CHPE's pending Application fully conforms to the requirements of DOE's regulations and any claims to the contrary are without merit. CHPE has provided all of the information necessary for DOE to approve its pending Application; therefore, CHPE respectfully requests that DOE reject Commenters' requests for additional information and approve the requested transfer or reissuance of the permit to CHPE, LLC.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Ryan", with a horizontal line extending to the right.

Jay Ryan

cc: Donald Jessome (CHPE)
Josh Bagnato (CHPE)
Bill Helmer (CHPE)
Sean Murphy (VHB)

¹ The Sierra Club Atlantic Chapter and the North American Megadam Resistance Alliance erroneously claim that the Project will cross the international border over land. This is inaccurate. As permitted by DOE, the Project will cross the international border underwater.