

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 16, 2013

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
Maureen F. Harris
James L. Larocca
Gregg C. Sayre

CASE 09-T-0049 - Application of Upstate NY Power Corp. for a Certificate of Environmental Compatibility and Public Need for a 50.6 mile 230kV Transmission Facility From Galloo Island in the Town of Hounsfield, Jefferson County, to the Fitzpatrick-Edic Substation in the Town of Mexico, Oswego County.

ORDER DISMISSING APPLICATION

(Issued and Effective May 22, 2013)

BY THE COMMISSION:

In a ruling dated February 26, 2013, the Judge denied the motion of Upstate NY Power Corp. (the Applicant) for further adjournment of this proceeding, granted Staff's cross-motion to dismiss this application, as modified, and referred this matter for Commission consideration, with a recommendation that the Commission dismiss this application in the interests of fairness to potentially affected landowners.

The Applicant filed no response to Staff's counter-motion to dismiss and has filed no interlocutory appeal following issuance of the ruling referring this case to the Commission.

The February 26 ruling recounts the lengthy procedural history of this proceeding. Briefly, on January 13, 2009, the Applicant filed an application proposing to construct a 50.6 mile electric transmission facility from Galloo Island in the Town of Hounsfield, Jefferson County to the Fitzpatrick-Edic Substation in the Town of Mexico, Oswego County. The application was determined to comply with the filing requirements of the PSL and implementing regulations as of August 20, 2009.

The Applicant has been afforded a great deal of time to move forward substantively on this application. The Applicant has not reported any progress or movement on this project since at least late October 2011, when the New York Power Authority (NYPA) denied the Applicant's proposal for a power purchase agreement and terminated its Great Lakes Offshore Windfarm (GLOW) initiative. NYPA's actions were major setbacks for this project.

The potentially affected landowners assert that due to this pending proceeding, they cannot develop their agricultural business properties until they know if, and in what manner, the proposed project will impact their properties.

We adopt the reasoning of the February 26 ruling and conclude that this application should be dismissed in the interests of fairness to potentially affected landowners, without prejudice to the Applicant to file an updated or new application, should its circumstances change.

The Commission orders:

1. The application of Upstate NY Power Corp. (Applicant) is dismissed without prejudice to the Applicant to file an updated or new application, should its circumstances change.

2. This proceeding is closed.

By the Commission,

(SIGNED)

JEFFREY C. COHEN
Acting Secretary