

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION

ORES DMM Matter No. 23-03027 - Application of SUGAR MAPLE SOLAR, LLC, for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 125-Megawatt (MW) Solar Energy Facility and a 20-MW Battery Energy Storage System Located in the Town of Wilna, Jefferson County, and the Town of Croghan, Lewis County.

RULING AWARDING LOCAL AGENCY ACCOUNT FUNDS

(Issued April 2, 2025)

JOHN L. FAVREAU and CHRISTOPHER McENENEY CHAN, Administrative Law Judges:

Introduction

In this ruling, local agency account funding (LAAF) is awarded as follows: the Town of Wilna is awarded \$43,750; and the Town of Croghan is awarded \$50,000.

Proceedings

On February 6, 2025, Sugar Maple Solar, LLC (applicant), applied to the New York State Office of Renewable Energy Siting and Electric Transmission (Office or ORES) for a permit pursuant to Public Service Law article VIII to construct and operate a 125-megawatt (MW) solar energy facility and a co-located 20 MW battery energy storage system located in the Town of Wilna, Jefferson County, and the Town of Croghan, Lewis County. The facility is proposed to include the installation and operation of photovoltaic solar arrays, inverters, electric collection lines, a collection substation, a new point of interconnection (POI) switchyard, and a battery energy storage system (BESS). The facility would interconnect to the electric grid through the new POI switchyard to National Grid's existing

Black River-Taylorville Line 2 and North Carthage-Taylorville Line 8.

With the application, applicant submitted the required local agency account fee in the amount of \$125,000. A notice of application filing and availability of local agency account funding issued on February 7, 2025, directed eligible municipal and potential community intervenors to submit their requests for funding by March 10, 2025.

On February 26, 2025, the Town of Wilna filed a request for an award of \$43,750 to defray the costs of retaining the law firm of Kendall, Harrienger & Burrows (KHB), as attorneys, and the engineering firm of GYMO Architecture, Engineering, and Land Surveying, D.P.C. (GYMO), as technical consultants, to enable the Town of Wilna to meaningfully participate in the application process. On the same date, the Town of Croghan filed a separate request for an award of \$50,000 to defray the costs of retaining KHB, as attorneys, and Barton & Loguidice, D.P.C., as technical consultants. No other municipalities or potential community intervenors have filed funding requests.

Discussion

The purpose of the local agency account is to enable local agencies and potential community intervenors to participate in public comment periods or hearing procedures established by article VIII of the Public Service Law (Article VIII) and 16 NYCRR part 1100 by allowing the parties to defray expenses for expert witnesses, studies, consultants, attorneys, and other related expenses. In making an award of funds, the Administrative Law Judges must find that the recipient's use of the funds will contribute to a complete record leading to an informed decision as to the appropriateness of the site and the facility, and for local agencies, shall include the use of the funds to determine whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations.

Only "local agencies" and "potential community intervenors" are eligible to receive local agency account funding. A "local agency" is a local agency, board, district, commission, or governing body, including municipalities, and other political subdivisions of the State, that has jurisdiction over the proposed facility, or from which a permit or other approval would have been

required in the absence of Article VIII (see 16 NYCRR 1100-1.2[ac]; 1100-5.1[h][1]).

Based on their separate requests for local agency account funding, we conclude that the Town of Wilna and the Town of Croghan (collectively, the Towns) are eligible local agencies. Based on the requests we also conclude that the Towns' use of the funds will contribute to a complete record leading to an informed decision as to the appropriateness of the site and the facility, and that the Towns will use the funds to determine whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations.

At least seventy-five (75) percent of the local agency account funds is required to be reserved for use by eligible local agencies (see 16 NYCRR 1100-5.1[g][2]). Taking all factors into consideration, and after a full review of the respective requests, local agency account funds are awarded and allocated per the Towns' requests, to the Town of Wilna in the amount of \$43,750, with \$14,730 allocated to Kendall, Harrienger & Burrows for legal services, and \$29,020 allocated to GYMO Architecture, Engineering, and Land Surveying, D.P.C., for technical consulting fees; and the Town of Croghan in the amount of \$50,000, with \$25,000 allocated to Kendall, Harrienger & Burrows for legal services, and \$25,000 allocated to Barton & Loguidice for technical consulting fees. This award is made without prejudice to further applications by the Towns should either of them exhaust the funds awarded and funds remain available.

Requests for the disbursement of funds from the local agency account are to be made to the Office of Renewable Energy Siting pursuant to 16 NYCRR 1100-5.1 and the notice of voucher submission instructions for reimbursement from local agency account funds issued herewith. Funds will not be disbursed to defray costs that do not fall within the applicable statutory and regulatory criteria for the allowable uses of local agency account funds. For administrative activities not directly related to the development of a complete record leading to an informed permit decision as to the appropriateness of a project site and facility and, for local agencies, for activities not directly related to informing the decision whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations (see 16

NYCRR 1100-5.1[b]), the Office is authorizing only partial reimbursement. Accordingly, ORES will authorize reimbursement of up to five hours for the preparation of a request for local agency account funding, and up to one hour for the preparation of each local agency account funding voucher report and associated invoices.

Local agency account funds are not available for activities unrelated to issues within the scope of the Office's review. For example, funds will not be disbursed to defray costs related to negotiating bilateral agreements unless those negotiations are primarily designed to lead to agreements on issues within the scope of the Office's review in this proceeding or agreements on host community benefits to be provided by the applicant.

Finally, the Office will reimburse municipalities and local agencies for activities related to preparing for and participating in pre-application consultations with applicant required by 16 NYCRR 1100-1.3(a).

(SIGNED)

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