

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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ZENOBE BURNS, LLC

Case No. 26-E-_____

Verified Petition of Zenobe Burns, LLC for a Certificate
Of Public Convenience and Necessity Pursuant to
Section 68 of the Public Service Law; an Order
Granting a Lightened Regulatory Regime; and
an Order for Expedited Proceeding.

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PETITION OF ZENOBE BURNS, LLC FOR
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO SECTION 68 OF THE PUBLIC SERVICE LAW;
AN ORDER GRANTING A LIGHTENED REGULATORY REGIME;
AND ORDER FOR EXPEDITED PROCEEDING

I. INTRODUCTION

Zenobe Burns, LLC (“Zenobe Burns”) is proposing to construct, own, and operate an energy storage facility called the Zenobe Burns Project (“Project”), to be located on Tax Map Parcel No. 35.00-1-24.2, which is located at 10578 NY State Route 961F (Arkport-Canaseraga Road), in the Town of Burns, Allegany County, New York, land owned by Marie Hoffman. The proposed project will be located on approximately 6.8-acres of the 14.29-acre site and will be sized to prepare 100 MW / 400 MWh of useable battery energy storage discharge capacity as measured at the point of interconnection. Zenobe Burns respectfully submits this Verified Petition, with supporting documents, to the New York State Public Service Commission (the “Commission”) seeking (1) a Certificate of Public Convenience and Necessity (“CPCN”) pursuant to Public Service Law (“PSL”) Section 68 and regulations promulgated thereunder at 16 New York Code of Rules and Regulations (“NYCRR”) Part 21, allowing development of the Project, (2) an order approving a lightened regulatory regime consistent with previous Commission orders involving

Exempt Wholesale Generators (“EWG”), and (3) an order for an expedited proceeding pursuant to 16 NYCRR Section 21.10 (the “Petition”).

II. THE PETITIONER

The Project will be constructed, owned, and operated by Zenobe Burns, LLC, a limited liability company formed in the State of Delaware and authorized to do business in the State of New York (a copy of the Corporate Formation Documents is attached hereto as **Exhibit A**). Zenobe Burns, LLC is a wholly owned project company of Zenobe Storage Devco Inc. and is ultimately owned by Zenobe Energy Ltd (collectively “Zenobe”). Zenobe is a specialist in the full lifecycle of battery storage development, from initial land acquisition and interconnection through to construction, operation, and finally end-of-life decommissioning. Zenobe has world-leading internal capabilities in engineering, procurement and commissioning with a strong track record of delivering over 1.1 GW of operational or under construction Transmission connected battery storage systems. Zenobe represents an experienced, trustworthy and highly capable partner and plans to be the long-term owner of this energy storage project.

Zenobe has approximately 1.2 GW / 2.5 GWh of assets that are operational and under construction. To date, Zenobe has raised over approximately \$3.3 billion in debt and equity to support projects and operations across its portfolio affiliates.

The Zenobe Burns Project will sell its energy, capacity and ancillary services through the wholesale electricity market administered by the New York Independent System Operator (“NYISO”). Zenobe Burns does not and will not have any retail customers, nor does it presently own any transmission or distribution facilities.

Please direct correspondence and other communication concerning this filing to:

Caleb Hyman
Senior Development Associate, Energy Storage

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919-930-2035
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And to Zenobe's local counsel:

James A. Muscato
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500 Federal Street, 5th Floor
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jmuscato@youngsommer.com

III. THE PROJECT

The Project location and site plan is attached as **Exhibit B**. The Project is proposed to include the following components, subject to final product specifications:

Battery Energy Storage System (BESS)

- Thirty (30) Energy Stations. Each of which contain:
 - Four (4) BESS Units. Each BESS Unit includes:
 - Container-sized enclosure (8 ft. x 20 ft.) that houses individual batteries.
 - One (1) Power Conversion System (PCS).
 - Combines battery inverters and a step-up transformer into one enclosure.

Collector Substation

- Traditional, open-air electrical substation. Typical equipment includes circuit breakers, disconnection switches, insulators, electrical bus, etc., supported by low profile steel structures.
 - Two (2) 34.5 kV breaker positions connect the Energy Stations to the substation. A main power transformer converts power from 34.kV to 115 kV.
 - A short overhead transmission line connects the facility to NYSEG's Moraine Road Substation.

Interconnection

The Project is adjacent to the existing Moraine Road Substation owned and operated by New York State Electric & Gas Corporation (NYSEG), which accommodates interconnection agreements between Zenobe Burns and NYSEG. The Zenobe Burns Project is currently in the interconnection study process with NYISO and NYSEG. The interconnection study is currently

expected to be completed by Q3 2026. As part of that process, NYSEG is determining the substation upgrades that will be required to facilitate the interconnection of the proposed Project. Once the study is completed, NYSEG will inform Zenobe Burns of the additional land requirements, if any, that will be required as part of the substation upgrades. NYSEG will also inform Zenobe of the precise location of the point of interconnection at the expanded substation, which will inform the easement or encroachment permits that Zenobe Burns will need from NYSEG, if any, in order to reach the point of interconnection. Once these details are finalized, Zenobe Burns will execute all necessary land agreements with NYSEG. Zenobe Burns will also execute the overall interconnection agreement with NYISO and NYSEG. These details are not expected to materially change the design of the energy storage project but are required ahead of the execution of land agreements. The land agreement between Zenobe Burns and Marie Hoffman (landowner) includes provisions to provide NYSEG with required land for the substation upgrades, as required. Electric service for auxiliary components of the proposed facility will be taken from the NYSEG point of interconnection. The proposed facility will not require any other utilities.

Construction and Schedule

It is anticipated that construction of the Project will begin in 2027 and continue for approximately eighteen (18) months. Site preparation will include grading and drainage, laying conduit and communication cables, and site pads and access road work. The inverter and medium-voltage transformers, and battery containers will be transported to the site intact.

Financing

Zenobe estimates total costs of the Project at approximately \$147 million, which Zenobe expects to finance through a combination of equity and third-party debt. Zenobe and its affiliates

have an extensive record of successfully developing, financing, constructing, and operating BESS facilities in this size range.

Decommissioning

As part of the local review with the Town of Burns Town Board, Zenobe Burns submitted a draft decommissioning plan to the Town (attached hereto as **Exhibit F**). Zenobe Burns is committed to providing the Town with a bond to cover the cost of removal of the facility in the unlikely event that the facility is abandoned. As part of the local review, the Town of Burns reviewed the estimated cost of decommissioning, which estimated an initial Decommissioning Bond amount of \$3,850,000. That amount includes an inflation adjustment adder, a contingency, an additional contingency to account for potential fire-damaged equipment and assumes no salvage value for the system. The amount will be recalculated every five years, with the decommissioning bond value increased as appropriate based on the recalculations. The bond will be obtained prior to construction and proof of security will be filed with the Commission subsequent to the Commission's Order in this proceeding. The Decommissioning Plan provides a detailed plan for ensuring that the facility site is restored to at least its present condition in the event the facility ceases to operate or is abandoned.

IV. REGULATORY REVIEW

The proposed Project will require certain Federal, State, and local permits and approvals as summarized in Table 1 below:

Table 1 Summary of Permit Approvals and Agencies Involved

Agency	Permit/Approval		Agency Action
Federal	USACE	Section 404 Wetland Permit for Battery Storage footprint	It is not anticipated that the Project will impact any USACE jurisdictional wetlands.

			Jurisdictional Determination was submitted to USACE and assigned a reviewer in July, 2025 but the current design avoids potentially jurisdictional areas.
New York State	New York State Public Service Commission	Section 68 Certificate of Public Convenience and Necessity and lightened regulation	Approval pending
	New York State Department of Environmental Conservation	Environmental Conservation Law Article 24	Letter of No Jurisdiction, dated July 25, 2025
	New York Independent Service Operator	Large Generator Interconnection Procedures	SGIA in negotiation with NYISO and NYSEG
	New York State Department of Environmental Conservation (NYSDEC)	Natural Heritage Program, threatened and endangered species inventory review	Not applicable. Site does not occur in areas with rare plants/animals or significant natural communities as documented by NHP and NYSDEC Environmental Resource Mapper.
		State Pollution Discharge Elimination Standards (SPDES) General Permit for Stormwater Discharges from Construction Activity	To be obtained prior to construction
	New York State Department of	Section 401 Water Quality Certification	Not applicable

	Environmental Conservation		
	New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)	Section 106 Cultural and Historic Resources / New York State Historic Preservation Act Review and Consultation 14.09	Consultation with SHPO ongoing. No mapped resources were identified based on the desktop review.
	New York State Department of Transportation	Commercial Access Highway Work Permit	To be obtained prior to construction
Allegany County	Allegany County Planning Board	General Municipal Law Section 239-m	Approved with non-binding comments
Town of Burns	Town Board	Town Board declared lead agency for State Environmental Quality Review Act (SEQRA) by resolution on November 12, 2025 Based on identification of new involved agency, Lead Agency reaffirmed on May 13, 2026	Coordinated review of a Type 1 action. Negative Declaration resolution first adopted on December 10, 2025. Reaffirmation of Negative Declaration anticipated by July 2026.
	Town Board	Special Use Permit required per local law No. 1 of 2020.	Site-specific design review and approval for installation of BESS, conditional approval by resolution dated February 11, 2026.
	Canaseraga Fire Department	Meeting	Incorporated comments into the Emergency Response Plan (attached hereto as Exhibit H).

As part of the local approval process with the Town of Burns, Zenobe Burns submitted a full environmental assessment form (EAF) (attached hereto as **Exhibit C**) along with a number of supporting documents relating to potential environmental impacts from the Project, including a

sound study report, landscaping plan, erosion and sediment control and storm water management plans. The Town of Burns Town Board declared itself lead agency on November 12, 2025¹ and a public hearing was held on the Project and SEQRA on November 12, 2025, when comments from the public were received. The Lead Agency received comments from NYSDEC Region 9 by letter dated September 26, 2025, which comments included: (1) the presence of wetlands on the Property and the need for obtaining a determination of no jurisdiction or approval for development of the Project in any jurisdictional wetlands (which no jurisdiction letter was subsequently obtained); (2) the presence of a bald eagle nest in the vicinity of the Property and the need for NYSDEC review to assess possible development or construction impacts; and (3) the requirement of complying with SPDES General Permit no. GP-0-25-0001 requiring the Applicant to control runoff pursuant to an approved SWPPP. By letter dated December 1, 2025, the Allegany Planning Board provided comments related to the SEQRA environmental assessment including recommended conditions related to finalizing the Emergency Operations Plan, post-construction noise testing, and potential impacts on the Project from vibrations from a railroad adjacent to the Property. The Lead Agency, after consideration of all the supporting documents and comments from the public and government agencies, found that the Project will not result in significant adverse environmental impacts and issued a Negative Declaration by resolution dated December 10, 2025.

V. NEED FOR THE PROJECT

The Project is contemplated by and in furtherance of the Commission's Order Establishing Energy Storage Goal and Deployment Policy (Case 18-E-0130). On December 13, 2018, the PSC

¹ At that time, the Public Service Commission was not identified as a potential involved agency. However, subsequent to the Town Board's declaration of lead agency, the Public Service Commission was identified as a potential involved agency and the Town Board, On May 16, 2026, circulated its intent to reinstate itself as Lead Agency for SEQRA purposes and for the Commission's consent. It is expected the Town will re-affirm its status of Lead Agency and re-issue the Negative Declaration at the July meeting

established a statewide energy storage goal of installing up to 3,000 MW of qualified energy storage systems by 2030, with an interim objective of deploying 1,500 MW by 2025. On January 5, 2022, during her State of the State address, Governor Hochul called for New York to double its Energy Storage goal to 6,000 MW by 2030. As a result, the Department of Public Service and NYSERDA updated New York State's Energy Roadmap in 2024 to double deployment, achieving at least 6 GW of energy storage deployments by 2030.

In addition to the requirements in the CLCPA, the New York State Climate Action Council ("CAC"), a 22-member committee charged with preparing a scoping plan to achieve the State's bold clean energy and climate agenda, released the final scoping plan in December 2022. The scoping plan describes a need to target higher levels of energy storage:

A portfolio of energy storage technologies will be needed as intermittent renewable energy generation penetration increases. Existing and newer, long-duration, storage will be needed to maintain reliability as the State approaches 2040; however, these technologies will need to be deployed well before 2040 to reach the State's goals and requirements.

In 2018, the PSC issued a landmark energy storage order based on the Energy Storage Roadmap. The Order established a 3,000 MW energy storage goal by 2030 and included deployment mechanisms to achieve the target. However, the goal was established based on a 50% renewable target for 2030. The new Climate Act targets will require significantly higher levels of energy storage as exemplified in the recent Power Grid Study, which identified a need for more than 15 GW of energy storage. The Order also included \$350 million in bridge incentives to accelerate the energy storage market, including solar-plus-storage projects with NY-Sun and another \$53 million in RGGI funds. As of December 2022, these funds have been almost fully allocated. Though the Order was a significant step forward for the energy storage market in New York, deployment needs are most certainly greater than initially envisioned and these existing programs will be insufficient to meet the expanding need.

In summary, it is clear that energy storage is a key component for New York State to achieve its clean energy goals. Approval of this project is not only necessary from a public policy standpoint but will ensure grid stability in the Town of Burns and Allegany County. This facility

will be able to provide peak capacity, energy and ancillary services, and ultimately offset more carbon-intensive peaker plant generation. “The Commission has recognized that energy storage is an area in which utilities have the potential to develop alternative solutions to achieve non-wire alternatives to address peak load and system reliability and contributed to the State’s energy storage goals at the same time.”²

VI. ENVIRONMENTAL REVIEW OF THE PROJECT

As demonstrated in the EAF and as discussed below, the Project will not result in any significant adverse environmental impacts under SEQRA. Below is a brief discussion of the potential impacts relevant to the Project:

Land Use and Zoning

Land use and zoning for the Project site was reviewed in accordance with local Town of Burns land use laws, including Local Law No. 1 of 2020 (A Local Law to Provide for Battery Energy Storage System Regulation). Pursuant to Local Law No. 1 of 2020, the Project is a permitted Tier 2 battery energy storage system subject to special use permit approval from the Town Board. As part of the review process, the Town reviewed appropriate setbacks, screening/visibility, location of infrastructure, site access, signage, lighting, safety enclosure, and noise.

The Project will be compatible with the adjacent NYSEG utility substation (Moraine Road Substation), the under construction 90 MW solar project (Moraine Road Solar Facility), and agricultural/vacant land use that surrounds the Project site, however, there will be temporary,

² Cases 18-E-0130, 16-M-0411, 14-E-0301, Order Approving Energy Storage Resource Participation in Wholesale Markets (August 16, 2022) (“Moreover, the 2022 “State of Storage in New York” Report noted that 56 MW utility-owned energy storage projects are deployed or contracted for non-wires alternatives as directed under the Reforming the Energy Vision Initiative”).

construction-related impacts, as well as permanent impacts such as concrete slab foundations, fencing and installation of utility infrastructure. During Project operation, additional impacts to land use are not anticipated. Other than occasional maintenance and repair activities, the Project should not interfere with ongoing land use currently present surrounding the Project. The presence of battery storage containers at the Project site, may limit or prevent the conversion of the Project site (currently used as agricultural land) to seasonal or permanent residential use, or other types of permanent development, during the lifespan of the project. After the Project decommissioning, the Project site will be available for use either as agricultural land or as conversion to permanent development. It is not anticipated that the Project will limit or prevent the development of any land adjacent or nearby the Project site.

There are no underground or overhead ROW crossings or other Project improvements crossing Town roads. **Exhibit E** contains a verified statement by an authorized officer of Zenobe Burns who has the authority to bind Zenobe Burns, LLC to a representation that all required consents of the proper municipal authorities necessary for issuance of a CPCN have been received.

Community Facilities and Services

During construction, the number of construction workers will not displace or alter public or publicly funded community facilities or services. During operation, the facility will be unmanned and therefore will have no impact on community facilities or services.

Cultural Resources

Although consultation with the New York State Historic Preservation Office (SHPO) is ongoing, no mapped archaeological and/or historic resources were identified based on the desktop review.

Visual Resources

Screening has been incorporated into the concept design via an opaque visual barrier incorporated on the south perimeter of the facility. The opaque barrier serves three (3) purposes including visual obstruction as mentioned, a security barrier, and a noise mitigation measure. The extent and location of the visual barrier is shown on the Site Plan.

Air Emissions/Traffic and Transportation

During construction, there will be limited traffic from construction workers and deliveries of materials. Parking and staging areas, as shown on the site plan, will accommodate deliveries to minimize impact to local traffic. During operation, there will be no impact to air emissions, traffic or transportation. There are no emissions from the facility. The facility will be unmanned and therefore have no impact on traffic or transportation. Zenobe will consult with the Town Highway Superintendent, the Allegany County Highway Department and the New York State Department of Transportation, as applicable, to agree to a transportation plan on a construction schedule and the traffic routes.

Noise

The site is proposed to consist of up to 120 BESS units with a primary function to store energy during low peak periods and add power to the grid during periods of high strain. The primary significant noise sources at the Project include BESS cooling, equipment transformers, and inverters. The Project can operate up to 24 hours per day, 7 days a week, up to 52 weeks per year, with reduced operations during nighttime periods. The site's noise impact was compared against the Town of Burns Local Law which has the following descriptions for noise:

11)Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise

level of fifty (50) dBA during the day and forty-five (45) dBA during the night, as measured at the outside wall of any non-participating residence or occupied community building, existing or under construction at the time of the permit application. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

A noise study evaluating the noise impact of the Project was provided to the Town as part of local review of the Project, which demonstrates compliance with the required standard.

Geology and Soils

Project components have been sited to avoid or minimize (to the maximum extent practicable) temporary and permanent impacts to geology and soils. The Project is not anticipated to result in any significant impacts to geology and it is not anticipated that any bedrock will be encountered during installation and construction.

Water Resources

Zenobe provided a detailed Wetland Delineation Report during the local approval process, which was reviewed by the Town Board as Lead Agency. No wetlands are anticipated to be impacted or affected during the construction and operation of the Burns project. Erosion and sediment control will be used during construction, and after the Project facility is operational, stormwater will be managed in accordance with a detailed SWPPP.

Wildlife and Habitat Resources

According to the NYSDEC mapped buffer, the bald eagle was identified as an endangered species at or adjacent to the Project site. Field surveys by experienced biologists did not identify a bald eagle nest or habitat usage within the parcel. Zenobe provided a detailed Protected Species Site Assessment Report as part of the local approval process. That report did note that there is a documented bald eagle nesting area located on a nearby parcel, outside of the subject property,

and not anticipated to be affected by the Project. The report also noted “no effect” for the monarch butterfly and green floater. If tree clearing is required, those guidelines and restrictions are noted for the northern long-eared bat and tricolored bat, though little to no tree clearing is expected to be required based on the projects current preliminary design.

Socioeconomic Impacts and Environmental Justice

The Project will have both direct and indirect positive economic effects on the town, county and school district, as well as on the individual landowners participating in the Project. These effects will commence during construction and continue throughout the operating life of the Project. In the short term, benefits will include additional employment and expenditures associated with construction of the Project. In the long term, the operating phase of the Project will generate significant additional revenue potentially in excess of approximately \$6,300,000 dollars to the local community through a PILOT agreement, Host Community Agreement and lease payments to the participating landowner throughout the life of the Project. The Project is not located in a Potential Environmental Justice Area as defined by NYSDEC.

VII. DISCUSSION

A. THE COMMISSION SHOULD GRANT ZENOBE BURNS, LLC A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE PROJECT

Under PSL Section 68 and the criteria listed in 16 NYCRR 21.3, Zenobe Burns, in its application for a CPCN, must demonstrate that the Project “is convenient and necessary for the public service.” Specifically, Zenobe Burns must provide to the Commission a description of the Project to be constructed and of the manner in which the cost of the Project is to be financed, as well as “evidence of economic feasibility of the enterprise, proof of the applicant’s ability to finance the project and to render adequate service and that the proposal is in the public interest.”

By this Verified Petition, Zenobe Burns has presented a detailed description of the Project and provided the necessary proof of incorporation. The Petition outlines and describes the financing of the project and establishes that Zenobe is an experienced developer and operator of energy storage projects. Based on the documentation provided, the Applicant has established the economic wherewithal to finance the Project and to render safe, adequate, and reliable services. Important public benefits will result from this project, including providing reliable and clean energy at peak demand, while meeting the State’s public policy goals for increased renewable energy and developing a clean energy grid. “The CLCPA requires, inter alia, that a State agency, in considering and issuing permits, licenses, and other administrative approvals and decisions, consider whether such decisions are ‘inconsistent with or will interfere with the attainment of statewide greenhouse gas emissions limits.’ . . . In this case, granting a CPCN to construct and operate the [Zenobe Burns] Project will directly further the CLCPA’s goal of achieving [6,000 MW] of statewide energy storage capacity by [2030].”³

Zenobe Burns will be operating in a competitive wholesale market and NYSERDA has been directed by the Commission/Governor to procure 3,000 MWs of energy storage projects, in which this Facility will be a significant participant. Zenobe Burns respectfully requests that the Commission grant the project a CPCN pursuant to Public Service Law § 68.

B. THE COMMISSION SHOULD ISSUE AN ORDER PROVIDING FOR LIGHTENED REGULATION OF THE PROJECT

³ Case 21-E-0628, Astoria Generating Company, L. P., Order Granting Certificate of Public Convenience and Necessity (June 16, 2022).

Zenobe Burns respectfully requests that the Project be regulated under a lightened regulatory regime as has been consistently applied by the Commission to independent power producers in the wholesale electric market for over twenty years.⁴

Ultimately, the Commission issued an Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation to Ravenswood Development,⁵ noting that “the Commission thus concluded previously that new forms of electric service providers participating in competitive markets would be lightly regulated.”⁶ Furthermore, it should be noted that “notwithstanding that it is lightly regulated, [Zenobe Burns] is reminded that it and any other entities that exercised control over Storage Facility Operations remain subject to the PSL with respect to matters such as enforcement, investigation, safety, reliability, and system improvement.”⁷

Based on the above precedence in similar proceedings, Zenobe Burns, LLC respectfully requests that the Project be regulated under a lightened regulatory regime as has been consistently applied by the Commission to independent power producers in the wholesale market.

C. THE COMMISSION SHOULD GRANT EXPEDITED PROCEEDING FOR PUBLIC HEARING WITHOUT ORAL TESTIMONY

⁴ Id.; Case 19-E-0122, Ravenswood Development, LLC, Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (October 17, 2019) (See also Petition citing Case 10-E-0042, *AES ES Westover*, LLC, Order Providing for Lightened Regulation and Approving Financing (May 14, 2010) (phased energy storage project); Case 11-E-0593, *Cricket Valley Energy Center, LLC*, Order Granting a Certificate of Public Convenience and Necessity and Establishing Lightened Ratemaking Regulation (Feb. 14, 2013); Case 05-E-0098, *Caithness Long Island, LLC*, Order Granting a Certificate of Public Convenience and Necessity, Providing for Lightened Regulation and Approving Financing (Nov. 15, 2006); Case 04-E-0428, *NYC Energy, LLC*, Order Granting A Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (July 9, 2004); Case 01-E-1716, *KeySpan-Port Jefferson Energy Center, LLC*, Order Providing for Lightened Regulation (March 7, 2002); Case 99-E-0148, *AES Eastern Energy, L.P. and AES 28 Creative Resources, L.P.*, Order Providing for Lightened Regulation (April 23, 1999); Case 98- E-1670, *Carr Street Generating Station, L.P.*, Order Providing for Lightened Regulation (April 23, 1999); Case 91-E-0350, *Wallkill Generating Company, L.P.*, Order Establishing Regulatory Regime (April 11, 1994)).”

⁵ Case 19-E-0122, Ravenswood Development LLC (October 17, 2019)

⁶ Id. at p. 29

⁷ Id. at p. 33

As part of this proceeding, Zenobe Burns, LLC herein moves pursuant to 16 NYCRR Section 21.10(a) for an expedited proceeding for its Petition for a CPCN and for an order directing that the public hearing required by PSL Section 68 be held before the Commission on the Petition and its exhibits, testimony or other information, as may be filed by Zenobe Burns, LLC, other party or Commission staff, without oral testimony (the “Motion”). The Commission may grant a motion for an expedited proceeding pursuant to 16 NYCRR Section 21.10 upon finding that (1) notice of the Motion and the Petition has been published in a newspaper of general circulation in the area in which a project is located (a copy of the proposed public notice is attached as Exhibit D); (2) the movant has served a copy of the Motion and notice on those parties entitled to receive a copy of the underlying petition; (3) no party has submitted, within 10 days of the date of publication of such notice, a written objection stating substantive reasons for opposition to the Petition; and (4) the granting of the expedited proceeding is in the public interest.

The Applicant will provide the Commission with proof of publication and proof of service as required as soon as they are completed. Based on the public review of this project to date (and overall lack of any public opposition), the Applicant does not anticipate that there will be any opposition to this request. The proposed site is well screened and, in general, the public is in support of renewable energy projects that are sited with minimal impacts to the surrounding neighborhood and the environment. An expedited proceeding is in the public interest, and we respectfully request that this be granted by the Commission.

VIII. CONCLUSION

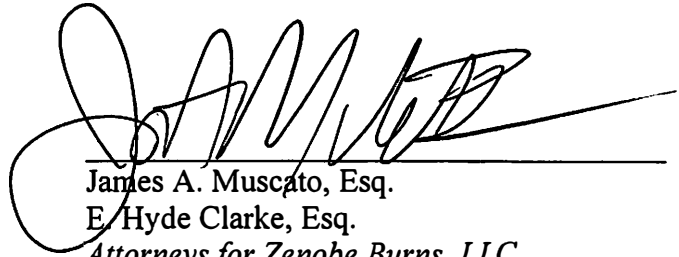
Based on the foregoing, Zenobe Burns, LLC respectfully requests that the Commission find that the construction, operation, and maintenance of the storage facility will not result in significant environmental impacts and therefore issue an Order (1) granting a CPCN pursuant to

PSL Section 68; (2) providing for lightened regulation, and (3) directing that the public hearing required by PSL Section 68 be held without oral testimony.

[signature page to follow]

Date: June 8, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Muscato', is written over a horizontal line.

James A. Muscato, Esq.

E. Hyde Clarke, Esq.

Attorneys for Zenobe Burns, LLC

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Accompanying Documents

Exhibit A – Corporate Formation Documents

Exhibit B – Site Plan

Exhibit C – Full Environmental Assessment Form

Exhibit D – Draft Newspaper Notification

Exhibit E – Verified Statement of Municipal Consent

Exhibit F – Draft Decommissioning Plan

Exhibit G – SEQR Negative Declaration issued December 10, 2025

Exhibit H – Emergency Response Plan

VERIFICATION

STATE OF MISSOURI)
) ss:
COUNTY OF CLAY)

Amit Barnir, being duly sworn, deposes and says: that he is an officer of Zenobe Burns, LLC; that he has read the foregoing Petition and knows the contents thereof; and that the same is true to his own knowledge except as to matters set forth therein upon information and belief, and as those matters he believes them to be true.

Amit Barnir



Name: Amit Barnir
Title: Authorized Officer
Company: Zenobe Burns, LLC

Sworn to before me this
8th day of June, 2026

Vickie I Sims



NOTARY PUBLIC



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.
Notarization facilitated by SIGNiX®

VERIFICATION

STATE OF MISSOURI)
) ss:
COUNTY OF CLAY)

Tricia Brauer, being duly sworn, deposes and says: that she is an officer of Zenobe Burns, LLC; that she has read the foregoing Petition and knows the contents thereof; and that the same is true to her own knowledge except as to matters set forth therein upon information and belief, and as those matters she believes them to be true.

Tricia Brauer



Name: Tricia Brauer
Title: Secretary
Company: Zenobe Burns, LLC

Sworn to before me this
8th day of June, 2026

Vickie I Sims



NOTARY PUBLIC



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.
Notarization facilitated by SIGNiX®