



June 17, 2026

VIA EMAIL

Hon. Leah Amyot
Administrative Law Judge
NYS Dept. of Public Service
3 Empire State Plaza
Albany, NY 12223
Leah.Amyot@dps.ny.gov

Re: Case 25-T-0178 – Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII, for the Reconstruction of Approximately 60.32 Miles of 115kV Transmission Line from New Beaver River Substation in the Town of Croghan, Lewis County, to the Porter Substation in the Town of Marcy, Oneida County.

REPLY STATEMENT IN SUPPORT OF JOINT PROPOSAL

Dear Judge Amyot:

The Trial Staff of the Department of Public Service (Trial Staff), designated to represent the public interest in this proceeding, files this Reply Statement in Support of the Joint Proposal filed on May 22, 2026. Trial Staff replies to the Steuben Group’s June 12, 2026 Statement in Opposition (Steuben Statement). Trial Staff, however, does not address the Steuben Group’s claims therein regarding settlement negotiations; settlement negotiations are confidential pursuant to 16 NYCRR §3.9, and Trial Staff will not break confidentiality. Many of the Steuben Group’s concerns, such as issues concerning acquisition of land rights, are addressed in Trial Staff’s Statement in Support filed on June 5, 2026. Trial Staff does not again address them here.

The Steuben Group takes issue with the Certificate Conditions (Appendix D to the Joint Proposal). As a general matter, the Certificate Conditions are nearly the same Certificate Conditions the Commission has been approving for years in upstate New York overhead transmission rebuilds for the Niagara Mohawk Power Corporation d/b/a National Grid (National Grid),¹ and very similar to those the Commission has been approving for years for the New York State Electric and Gas Corporation’s (NYSEG) upstate New York overhead transmission rebuilds.² Differences are attributable to refined language, site-specific concerns (for example, enhanced pesticide protections), and the differences between National Grid’s and NYSEG’s design, construction, and operational

¹ For example, compare Appendix D with Case 25-T-0049, Article VII – National Grid South Oswego to Tar Hill, Order Adopting Terms of a Joint Proposal (issued February 12, 2026).

² For example, compare Appendix D with Case 24-T-0677, Article VII – NYSEG Jennison Transmission Solution, Order Adopting Terms of a Joint Proposal (issued March 20, 2026).

practices. The Commission regularly finds that these Certificate Conditions avoid or minimize environmental impacts to the extent practicable and ensure the safe and timely construction of transmission facilities needed for system reliability and to meet Climate Leadership and Community Benefit Act (CLCPA) goals. The Steuben Group does not assert that the Commission cannot make the requisite findings to issue a Certificate, nor can it. Because the proposed Certificate Conditions in Appendix D and the Joint Proposal as a whole satisfy the statutory criteria in Public Service Law §126 for issuing a Certificate, Trial Staff requests that the Commission grant National Grid a Certificate for the Facility.

More specifically, the Steuben Group asserts that landowner concerns have not been addressed. However, Trial Staff notes that most of the concerns the Steuben Group raises are addressed in the Certificate Conditions. For example, Certificate Conditions 56 and 60, which require right-of-way (ROW) restoration following construction, removal of all debris, and prohibit abandonment of existing transmission components, addresses “protections for and restoration of private utility infrastructure and other landowner infrastructure” and “Cleanup of all decommissioned hardware is not required – Prohibit abandonment”; Certificate Condition 115, which requires an invasive species management plan as part of the Environmental Management and Construction Plan (EM&CP), addresses the concern that “Terrestrial Invasive Species along the entire line are not addressed, including during operations and maintenance”;³ and Certificate Conditions 7, 72, and 73, which impose herbicide application restrictions consistent with (and, in some cases, more stringent than) State and Federal law, address “Potable water source protection is not addressed for private surface springs, shallow dug wells, and drilled wells.”⁴ As the Certificate Conditions to which the Steuben Group objects in fact address many of the Steuben Group’s concerns, Trial Staff requests that the Commission grant National Grid a Certificate for the Facility.

Some of the Steuben Group’s suggested changes to the Certificate Conditions would be a violation of State and Federal law if the Certificate Conditions were modified to incorporate the Steuben Group’s proposals. “Treating the Transmission Right-of-Way Management Plan (“TROWMP”) as a “living document” subject to revision” and “Landowner consent not required for [the] use [of] pesticides or herbicides” illustrate this problem. As explained in Trial Staff’s Statement in Support, the TROWMP is National Grid’s plan for complying with 16 NYCRR Part 84 and Federal transmission vegetation management standards. It must be a living document to adapt to changing techniques and changing standards. Herbicide use is a component of vegetation management to ensure that vegetation does not interfere with transmission line maintenance. Landowner veto of transmission vegetation management practices can jeopardize National Grid’s compliance with transmission vegetation management standards. Importantly, doing so can lead to the situation that vegetation

³ See also Case 25-T-0178, Beaver River Substation EM&CP Appendix E: Invasive Species Management Plan (filed May 26, 2026) (detailing National Grid’s invasive species management pursuant to Certificate Condition 115).

⁴ Among the State laws to which National Grid must adhere is 6 NYCRR §325.2, which requires pesticides to “be used in such a manner and under such wind and other conditions as to prevent contamination of people, pets, fish, wildlife, crops, property, structures, lands, pasturage or waters adjacent to the area of use.”

management seeks to avoid – blackout. Trial Staff requests that the Commission reject these requests and adopt the Joint Proposal as filed.

The Steuben Group also takes issue with the alternatives considered – and rejected – as part of developing the Joint Proposal. Many of these alternatives are discussed in Trial Staff’s Statement in Support and the Affidavits of Bradley Malmberg, Jeremy Flaum, and Robert Lemieux. Two that were not addressed are the Steuben Group’s request to consider “Removal of line and utilization of parallel lines to the east”⁵ and “Use of the Compact Design on more or all of the Upgrade.” Removing the Facility instead of rebuilding it is not an option. The Commission directed National Grid to construct the Facility to meet CLCPA goals. The Facility’s purpose is not duplicated by nearby transmission circuits, and thus “lines to the east” are not a substitute for the functions the Facility provides. As demonstrated in Exhibit 40/Appendix R, the Compact Design is a more expensive and technically complex transmission configuration. The Joint Proposal proposes its implementation only where other less expensive, standard transmission configurations are not possible, such as in Penn Mountain State Forest. Trial Staff opposes its implementation for the entire Facility, as doing so is prohibitively expensive and unnecessary. The Joint Proposal details and is the result of a thorough analysis of alternatives. Trial Staff requests that the Commission adopt the Joint Proposal in its entirety.

Finally, the Steuben Group asks, “What takes legal priority, the Easement or the Negotiated Settlement?” Trial Staff submits that any Certificate the Commission issues binds National Grid. National Grid cannot (and Trial Staff has no reason to believe National Grid is attempting to) absolve itself of its regulatory obligations with bilateral contracts with private landowners. In a conflict between a Certificate and a contract with a landowner, the Certificate prevails.

For the forgoing reasons, Trial Staff requests that the Commission not adopt the Steuben Group’s proposed changes to the Joint Proposal and adopt the Joint Proposal in its entirety.

Sincerely,

/s/Russell King

Russell King
Staff Counsel

Cc: Party List, via email

⁵ The “parallel lines to the east” are not identified with particularity, including the owner of the lines. However, Trial Staff notes that there are no redundant National Grid lines in the area.