

STATE OF NEW YORK STATE
PUBLIC SERVICE COMMISSION

CASE 22-T-0654 - 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 its Lockport-Batavia Line 112 Rebuild Project in Niagara and Genesee Counties.

RULING ESTABLISHING PROCEDURAL SCHEDULE FOR
CONSIDERATION OF THE JOINT PROPOSAL

(Issued June 13, 2024)

MAUREEN F. LEARY, Administrative Law Judge:

Introduction

This ruling establishes a procedural schedule in this Public Service Law Article VII proceeding for consideration of the Joint Proposal filed on April 29, 2024 before the Public Service Commission (Commission).

Background

On November 18, 2022, Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) filed an application for a Certificate of Environmental Compatibility and Public Need to rebuild and relocate a portion of an existing 115 kilovolt, 35-mile long transmission line extending from Lockport to Batavia, known as the Line 112 transmission rebuild project (Project). Niagara Mohawk's application indicates that six segments covering 21.7 miles of the existing transmission line will be affected by the Project and will run through the Towns of Lockport and Royalton, located in Niagara County, and the Town of Alabama, located in Genesee County, comprising a part of National Grid's Western New York Service Territory. The Project proposes to replace the existing single-circuit steel tri-leg

"aeromotor" towers with new single-circuit galvanized tubular steel pole structures. New operational and danger tree easements also will be required for the Project.

In response to the January 20, 2023 deficiency letter issued by the Secretary to the Commission, on February 17, 2023, National Grid supplemented its application. In an August 1, 2023 letter, the Secretary found that the application complied with the requirements of PSL § 122 and that compliance was effective as of July 21, 2023.

On August 24, 2023, the assigned Administrative Law Judge (ALJ) issued a ruling establishing a procedural schedule, which provided, among other things, for the filing of direct and rebuttal testimony on January 26, 2024, and February 16, 2024, respectively, and commencement of an evidentiary hearing on March 4, 2024.

On August 30, 2023, National Grid filed a Notice of Impending Settlement Negotiations. In a December 5, 2023, status conference with the ALJ, the parties requested an adjournment to the deadlines for filing testimony and commencing an evidentiary hearing. Thereafter, the parties requested assignment of a separate settlement judge to oversee negotiations. In a December 20, 2023, ruling, the assigned ALJ adjourned the procedural schedule without date based on the assignment of an ALJ to oversee settlement negotiations.

On April 29, 2023, National Grid filed a Joint Proposal resolving all outstanding issues in the proceeding among the parties. In addition to National Grid, the signatories to the Joint Proposal include trial staff of the Department of Public Service and the Departments of Environmental Conservation and Agriculture and Markets (Signatory Parties). On June 4, 2024, the Secretary issued a Notice of the Joint Proposal and Opportunity for Public Comment.

In a June 10, 2024, email, the assigned ALJ requested input from the parties on proposed dates for filing Statements in Support and in Opposition to the Joint Proposal. In a June 12, 2024, email, counsel for National Grid provided input on behalf of all parties.

Procedural Schedule

Based on the foregoing, the following schedule is established to consider the Joint Proposal, as proposed in part by the parties:

Statements in Support/Opposition	Friday, July 19, 2024
Reply Statements (Optional)	Friday, August 2, 2024
Evidentiary Hearing	Monday, August 12, 2024

All factual assertions made in the Statements in Support/Opposition and Replies shall be supported by citations to the Joint Proposal or other filed evidentiary documents. By **Friday, August 9, 2024**, National Grid and DPS Staff shall file witness affidavits adopting the factual statements made in the Joint Proposal and in their respective Statements in Support and Replies (as applicable). Other signatory parties to the Joint Proposal may, but are not required to, file such affidavits.

The parties must serve their respective Statements and Replies by email on the assigned ALJ and on each party to the proceeding before filing same with the Secretary and must do so by no later than 4:30 P.M. on the deadlines established in this ruling.

If no Statements in Opposition to the Joint Proposal are filed, if no public comments are received raising a material issue of fact, and if no party seeks to conduct cross-examination of any witness at the evidentiary hearing, the parties may request waiver of the hearing but must do so by no later than **Friday, July 26, 2024**. Requests to waive the evidentiary hearing shall be made in a separate letter filing

and shall not be made in Statements in Support of the Joint Proposal.

The parties are directed to review the list of exhibits attached to the Joint Proposal as Appendix A for completeness and accuracy and shall advise the ALJ immediately of any revisions necessary, which shall be on notice to all parties.

(SIGNED)

MAUREEN F. LEARY