

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 21-T-0574 - Application of Rochester Gas and Electric Corporation for a Certificate of Environmental Compatibility and Public Need for the Construction of the Monroe County Reliability Project, Approximately 22.5 Miles of 115 Kilovolt Transmission Lines in the Village of Spencerport and the Towns of Gates, Greece, Ogden, and Parma in Monroe County.

RULING ON PROCESS AND SCHEDULE

(Issued April 23, 2026)

ASHLEY MORENO, Administrative Law Judge:

On November 23, 2021, Rochester Gas and Electric Corporation (RG&E) filed an application (Application) for a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Article VII of the Public Service Law (PSL) for authority to construct, operate, and maintain the Monroe County Reliability Project (Project). By letter dated February 17, 2023, the Secretary to the Commission found the application, as supplemented, complies with the PSL and regulations as of January 17, 2023.

Settlement negotiation amongst all parties began pursuant to a notice filed on March 31, 2023, and have successfully concluded with the filing of a Joint Proposal on November 25, 2025. The Joint Proposal is signed by the Applicant, New York State Department of Environmental Conservation (DEC), and trial staff of the New York State Department of Public Service (DPS Staff).

In its cover letter filing the Joint Proposal, the Applicant requested that, because the Joint Proposal was signed by all parties to the case and reflects resolution of all

issues, I forego requiring the parties to file Statements in Support in this proceeding and find that no evidentiary hearing is necessary.

By email dated March 25, 2026, appended hereto, I advised the parties that further record development is necessary and that I would require each signatory party to file a Statement in Support and, in addition, DEC and DPS Staff to file affidavits of one or more subject matter experts. I further provided the parties with a list of questions regarding the Joint Proposal following my review of the document and requested that the parties provide me with a proposed schedule to file responses to my inquiries, Statements in Support, and affidavits.

By email April 1, 2026, counsel for DPS Staff provided a consensus proposal for the parties to file Statements in Support, subject matter expert affidavits, and responses to my inquiries on June 15, 2026. By email dated the same day and confirmed by this ruling, I adopt the June 15, 2026 date for filing the above-listed documents.

With respect to the expert witness affidavits in support of the Joint Proposal to be filed by DEC and DPS Staff, the affidavits should establish, at a minimum, that the witness(es) have expertise in the subject matter relevant to the party, that the witness(es) participated in the proceeding, and that the witness(es) agree(s) with the relevant factual statements and conclusions in the Joint Proposal and, as relevant, the information provided in response to my questions about the Joint Proposal.

(SIGNED)

ASHLEY MORENO

**From:** [Moreno, Ashley \(DPS\)](#)  
**To:** [Metcalf, David](#)  
**Cc:** [King, Russell \(DPS\)](#); [Crouse, Sita X \(DEC\)](#); [Fecco, Andrew \(DPS\)](#); [Higgins, Michael T \(DEC\)](#); [Lacko, Jamie G \(DEC\)](#); [Scanlon, Rianna \(DEC\)](#); [Kopansky, Michael](#); [Todorova, Kremena](#); [Rosenbloom, Jeffrey A.](#); [amy.davis](#); [Demanchick, Phillip](#); [Cascione, Angela](#); [D'Angelo, Giammarco](#); [Le, Young K](#); [NYRegAdmin](#)  
**Subject:** RG&E MCRP (21-T-0574) - Record Support for Joint Proposal  
**Date:** Wednesday, March 25, 2026 1:50:57 PM  
**Attachments:** [Settlement Guidelines \(Appendix B of Cases 90-M-0255 and 92-M-0138, Opinion 92-2, 3-24-92\).pdf](#)  
[21-T-0574 - ALJ Questions .docx](#)

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To the parties:

While all parties are signatories to the Joint Proposal, I am unable to forego additional record development in this case. The Commission's Settlement Guidelines require development of "as complete a record as feasible" and the "burden of proving that a proposed settlement is in the public interest rests on the parties proposing the settlement."

Accordingly, each signatory party is required to file a statement in support, explaining that party's underlying rationale in supporting the Joint Proposal and how the settlement of issues compares to what that party regards as the likely outcome of litigation. Given that parties other than RG&E did not file testimony in this proceeding, it may be difficult to address their initial positions, but to the extent the parties identify specific elements of the Joint Proposal as preferable to that which was included in the Application, those provisions should be highlighted in their statements.

In addition, I note that the only party advancing subject matter expert affidavits is RG&E. All other signatory parties should likewise file affidavits from one or more subject matter expert affirming their agreement with the facts presented in the Joint Proposal and their opinion regarding the record support for the proposed statutory findings. The affidavits may be filed with a party's statement and may adopt the factual statements therein.

In addition, please be advised that I have several questions for the parties based on my review of the Joint Proposal and appendices that are attached as ALJ Questions.

Please provide a proposed schedule for providing responses to those requests and for submitting Statements in Support and affidavits.

Thank you,

**Ashley Moreno**  
Administrative Law Judge  
Office of Hearings and Alternative Dispute Resolution  
*Pronouns: she/her/hers*

## Department of Public Service

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**From:** Metcalfe, David <dmetcalfe@cullenllp.com>

**Sent:** Tuesday, November 25, 2025 3:21 PM

**To:** Moreno, Ashley (DPS) <Ashley.Moreno@dps.ny.gov>

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**Subject:** RG&E MCRP (21-T-0574) Joint Proposal

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Your Honor:

I am happy to report that RG&E filed the Joint Proposal for this project a few minutes ago. As detailed in the attached filing letter, RG&E filed the signed JP, its Appendices A through E, a brief summary of the JP (as you requested), a number of affidavits, and four exhibits (Exhibits 24-27). The affidavits and the four exhibits, as well as Exhibits 1 through 23 that were previously posted on DMM, are listed in Appendix A to the JP and are the documents agreed by the JP signatory parties to form the evidentiary record.

I expect these filed documents will appear on DMM later today. Copies are attached to this email and a second one (due to size) that I will send momentarily.

Because the JP signatory parties are all of the parties to the case and the JP reflects resolution of all issues, RG&E requests that your honor determine that Statements in Support are not required from the JP signatory parties and that no evidentiary hearing is necessary.

Please let me know if you have any questions.

**David T. Metcalfe**

Partner

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## ALJ Questions – Case 21-T-0574: RG&E Monroe County Reliability Project

In providing a response to the below questions, the Signatory Parties are directed to identify who is providing the response to each question and their party affiliation.

1. **General.** JP, p. 5 states that “Accordingly, the Signatory Parties taking those actions agree to cooperate with all other Signatory Parties in good *faith to the extent allowed by their authority* (emphasis added).” Please explain why good faith efforts are conditioned and address whether the qualification is intended to be applicable to all Signatory Parties or limited to only the State Agency parties.
2. **Evidentiary Record.** JP, p. 6, paragraph 9 states the list of testimony, affidavits, and exhibits that the Signatory Parties identify as the record evidence to be included in the record. All evidence has been proffered by RG&E. As described in my attached email, all parties must provide evidence supporting the Joint Proposal to ensure as complete a record as feasible is created for the Commission and must supplement the record accordingly.
3. **Description of Project.** JP, p. 6, paragraph 10 refers to landowner concerns referenced in paragraph 128. Please clarify whether this reference should be to paragraph 127.
4. **Environmental Compatibility.** JP, p. 7, paragraph 13 states that “RG&E *does not intend* to utilize sulfur hexafluoride (“SF6”) (emphasis added),” and that “[a]ccordingly, Appendix D does not contain any specific conditions related to SF6.” To the extent RG&E later determines that it must/will use SF6, please describe what, if any, process will be followed to alert the parties to the change and consider whether appropriate conditions should be imposed by the Commission to account for the use of SF6.
5. **Location/Description and CLCPA.** JP, pp. 7-8, paragraph 14 states that Exhibits E-1 and E-4 demonstrate that the Project will not be inconsistent with the CLCPA, nor will it interfere with the attainment of the statewide GHG emission limits established by Section 2 of the CLCPA. Please state, with specificity, the information included in Exhibits E-1 and E-4 that demonstrate the Project is not inconsistent with the CLCPA.
6. **Location/Description and CLCPA.** JP, p. 8, paragraph 15 states that much of the route of the new line will be on the existing right-of-way as the existing facility but states that “[i]n the other portions of the route, the new line will be shifted to a nearby route (either the opposite side of the road or a nearby parallel road), which helps to mitigate EMF impacts.”
  - a. **Project Routing.** Figure 2-3.4 reflects a shift of the proposed Project from the existing centerline. For each occupied structure, please provide the



description or citation to referenced reliability criteria/standards. In addition, please identify any potential consequences to RG&E for noncompliance with the identified standards.

11. **Need for the Project.** JP, p. 10, paragraph 18 states that RG&E is proposing to “uprate” Proposed Line 947 to mitigate reliability concerns. Please explain what it means to “uprate” the line and whether this is a reference to the thermal rating capacity (*i.e.*, the use of a minimum 150-mega volt ampere capacity at summer Long-Term Emergency loading condition referenced in Exhibit 5).
12. **Cost.** JP, p. 11, paragraph 22 refers to Exhibit 9 of the Application for the Project’s estimated cost and construction activities. The Application was filed in 2021, and cost estimates are provided in 2020 dollars. Please provide updated cost estimates for the Project in today’s dollars. Please provide a breakdown that separately identifies any included costs associated with the distribution-level upgrades from the transmission facilities.
13. **Environmental Impact.** Please address any changes in environmental impacts associated with the routing changes proposed by the Signatory Parties.
14. **Environmental Impact.** JP, pp. 11-31. Please affirm that the impacts described in the 2021 Application materials continue to be accurate based on present conditions. Please describe any relevant and material changes to conditions along the right-of-way; changes to impacts; and, any changes in the presence, absence, or changes related to classifications of threatened and endangered species.
15. **Environmental Impact.** JP, p. 19, paragraphs 54-55 discuss necessary authorizations by the U.S. Army Corp. of Engineers. Please clarify whether RG&E will seek a 401 Water Quality Certificate for the Project.
16. **Environmental Impact.** JP, p. 21, paragraph 61 states that, “Prior to filing the EM&CP, the Certificate Holder shall contact NYSDEC, NYS Natural Heritage Program and the USFWS to check for any updates or changes of known threatened or endangered plant or animal species listed in New York, or habitat or Significant Natural Communities in the Project area. Should Applicant learn of any such updates or changes, it will include such updated or changed information in the EM&CP.” Please explain how the Commission can make the required findings pursuant to Public Service Law 126(b) and (c) if this work is not conducted until after Certification.
17. **Appendix B - Engineering Design.** JP, Appendix B, Section A, paragraph 2, describes the Project, in addition to replacement of Transmission Lines 947, 946, 945, and 917 as also including the “reconstruction of segments of several lower-voltage lines, including one 4.8 kV line, one 11kV line, and eight 12.47 kV lines that

are, and would remain, underbuilt in the same right-of-way (“ROW”) as the four 115 kV lines....”

- a. Please identify any available guidance from NERC, NPCC, and NYSRC regarding co-locating transmission and distribution facilities on transmission poles.
- b. Please identify any reliability concerns with co-location of transmission and distribution facilities.
- c. Please identify any alternatives considered that relocated the distribution facilities from the Proposed Lines.

**18. Appendix C – Proposed Commission Findings**

- a. JP, Appendix C, paragraph 2(e). Please clarify whether the location of the Project in active agricultural lands will remain within the existing rights-of-way.
- b. Paragraphs 3 and 7 apply the wrong legal standard. Please modify the proposed findings related to Public Service Law Sections 126 (c) and (d) that are effective until December 31, 2030.

**19. Appendix D – Proposed Certificate Conditions**

- a. Certificate Condition (CC) 3: In light of the filing date of the Article VII application, identified need for the Project, and the proposed in-service date of 2027, please address why it would be appropriate to authorize the Certificate Holder retain its Certificate for up to 4 years before the Commission may vacate the Certificate.
- b. CC 12: Please explain what statutory authority the Signatory Parties are relying on that the Commission would have authority to direct action by a State or municipal agency.
- c. CC 15: Please clarify whether the contact information for local fire department and emergency management teams will be included in the EM&CP.
- d. CC 17: Please clarify whether equipment used in collecting water from surface waters will be disinfected before and after use.
- e. CC 26: Please explain how the Certificate Holder proposes to flag any updates regarding T&E species in the EM&CP to draw appropriate attention to changes in circumstance.
- f. CC 34: Please identify any objection to the filing notice including instructions to file comments directly on the Department of Public Service website.
- g. CC 36(b): Please clarify whether the use of the word “parties” in the first sentence refers to all statutory parties in addition to those listed on the party list, as applicable. In addition, please identify any objection to providing

instructions to file comments directly on the Department of Public Service website.

- h. CC 44(a)(1): Please confirm that the term “parties” includes statutory parties, not solely those persons and entities identified on the party list.
- i. CC 52: Please clarify whether the “as built” drawings will be provided to DPS Staff or whether the documents will be filed with the Secretary.
- j. CC 115: Please clarify that the information described in the first sentence will be provided in the EM&CP filed with the Secretary and not separately provided to DPS Staff and NYSDEC.