

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 26-E-0406 - 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.

NOTICE REQUESTING COMMENTS AND ANNOUNCING VIRTUAL
PUBLIC STATEMENT HEARING AND PROCEDURAL CONFERENCE

(Issued October 7, 2026)

Comments are requested concerning a petition filed by Zenobe Burns, LLC (Petitioner), pursuant to Section 68 of the Public Service Law, seeking a Certificate of Public Convenience and Necessity and lightened regulation as a wholesale electric generator from the Public Service Commission (Commission).

Petitioner seeks authorization to construct, own, and operate an up to 100-megawatt battery energy storage system to be located at 10578 New York State Route 961F in the Town of Burns, Allegany County, New York (the Project). Petitioner states that the Project will be able to provide peak capacity, energy and ancillary services, and ultimately offset more carbon-intensive peaker plant generation.

PLEASE TAKE NOTICE that a virtual public statement hearing will be held before Administrative Law Judge (ALJ) Nicholas Planty on:

DATE:	Tuesday, October 27, 2026
TIME:	4:30 p.m.

Electronic Access:	https://meetny-gov.webex.com
Webinar Number:	2821 694 2667
Password:	Oct27-430pm

Phone-Only Access:	1-929-251-9612
Access Code:	2821 694 2667
Password:	62827043

Any person wishing to provide a public statement on the record during the virtual public statement hearing must register to do so by **4:30 p.m. on Monday, October 26, 2026**, in accordance with the instructions set forth below.

To register and provide a statement electronically:

Participants who would like to provide a statement and will log in to the hearing electronically must register by the date and time indicated above by visiting <https://dps.ny.gov/calendar>, where they should (1) select the "VIEW DPS CALENDAR LISTINGS" button, (2) scroll to and select the Zenobe Burns, LLC \$68 Virtual Public Statement Hearing and Procedural Conference on October 27, 2026, (3) select the "REGISTER FOR THE HEARING" button, (4) select the "Register" button, and (5) provide all requested information and select "Register." After registration is complete, registrants will receive a confirmation email with instructions on how to join the event.

When logging in to participate in the hearing on the appropriate date and time, participants will be asked to "select audio system." It is recommended that participants opt to have the system "call me" or "call using computer." The "call me" option will require that participants enter their phone numbers.

To register and provide a statement by phone:

This option is for participants who wish to provide a statement but are not able to log in to the virtual public statement hearing electronically. Call-in participants wishing to make a statement at the virtual public statement hearing must register to do so by the date and time indicated above by calling **1-800-342-3330**, following the prompts to the appropriate

hearing, and then providing their first name and last name, address, and phone number.

On the day and time of the virtual public statement hearing, call-in registrants must dial **1-929-251-9612** and enter the access code and phone-in password, listed above.

To listen to the hearing without making a statement:

Any interested person may listen to the hearing by calling **1-929-251-9612** and entering the access code and phone-in password, listed above.

All participants will be muted upon entry into the hearing. The ALJ will call upon each person who has registered or has asked to make a statement. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearing will be made for inclusion in the record of this case.

Persons with disabilities requiring a reasonable accommodation should call the Department of Public Service's (Department) Human Resources Management Office at 1-518-473-9463 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Department at 1-800-342-3377 for free language assistance services regarding this Notice.

Other Ways to Comment

For those who cannot attend or prefer not to comment at the public statement hearing, there are several other ways to

provide your comments. All comments should refer to "Case 26-E-0406" and must **be received by November 2, 2026.**

Internet or Mail: Go to www.dps.ny.gov, select "File Search" (located under the heading "Commission Files"), enter "26-E-0406" in the "Search by Case Number" box, select "Search," and then select "Post Comments" at the top of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350; however, electronic filing of comments is strongly encouraged.

Written comments submitted in accordance with this Notice will be posted on the Department's website. Please be advised that the Commission may not consider untimely comments. Comments may be accessed on the Department's website by searching the case number, as described above, and selecting the "Public Comments" tab.

Toll-Free Opinion Line: Individuals may submit comments by calling the Commission's Opinion Line at 1-800-335-2120. This number is set up to receive in-State calls 24 hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

PLEASE TAKE FURTHER NOTICE that a virtual procedural conference will be held immediately following the public statement hearing, as part of the same teleconference.

The principal purposes of the procedural conference are to identify any potential parties and provide interested persons an opportunity to present and explain any proposals regarding the procedures they believe should be followed in this case by the ALJ and Commission including, but not limited to,

whether any issues of fact presented by the petition or public comments warrant an evidentiary hearing. Other procedural issues also may be addressed.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary