

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 24-T-0446 - Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties.

RULING ON PARTY STATUS

(Issued May 1, 2025)

ASHLEY MORENO and NICHOLAS PLANTY, Administrative Law Judges:

On July 31, 2024, New York Transco LLC and the New York Power Authority (together, the Applicant) filed an application for a Certificate of Environmental Compatibility and Public Need pursuant to Public Service Law (PSL) Article VII (the Application) proposing to construct, operate, and maintain the Propel NY Energy Project (the Project).¹

As stated at the September 12, 2024 procedural conference, all requests for party status will be treated as motions and party status is not conferred until we rule on a request.

The following people and entities filed party requests: H. Huston (April 2, 2025); Serena Mooney (April 5, 2025); Gina Sipley (April 5, 2025); Kimanne Saladino (April 7, 2025); Town of North Hempstead (April 10, 2025); Douglas

¹ In a letter filed March 6, 2025, the Secretary to the Public Service Commission stated that, as of February 5, 2025, the Application complies with the requirements of PSL §122.

Augenthaler (April 11, 2025); Michael Batel (April 15, 2025); and Kayla Stitt (April 18, 2025).²

But for its request being untimely, Town of North Hempstead is a municipality that would be statutorily entitled to party status under PSL §124(1)(i). Town of North Hempstead is nonetheless granted party status pursuant to PSL §124(4) because, as Town of North Hempstead's party request states, the Project "may impact land use and zoning matters in the Town." Moreover, there was no objection filed to Town of North Hempstead's party request.

As individual residents in a municipality entitled to receive notice under PSL §122(2)(a), but for their requests being untimely, the following would be statutorily entitled to party status in this case: H. Huston, Serena Mooney, Gina Sipley, Kimanne Saladino, Douglas Augenthaler, Michael Batel, and Kayla Stitt.

Although the requests were late, there was no timely objection to the requests of H. Huston, Kimanne Saladino, Douglas Augenthaler, or Michael Batel. Further, each of the requests states various concerns with the Project, including health, safety, and traffic concerns. In an exercise of our discretion, we deem party status for H. Huston, Kimanne Saladino, Douglas Augenthaler, and Michael Batel to be appropriate in this case pursuant to PSL §124(1)(1).³

On April 7, 2025, the Applicant objected to the party requests of Serena Mooney and Gina Sipley, stating, among other things, that "both notices simply state that the filers are concerned citizens and outline their general opposition to the [P]roject, but neither filer describes any basis upon which they

² The dates given are the dates that each person or entity was provisionally added to the party list.

³ See 16 NYCRR 85-2.11(c)(2) and 4.3(c)(1).

plan to contribute to the development of a complete record in this case or otherwise outline why it is fair and in the public interest that they be admitted as parties" and that the requests "appear to be more appropriately categorized as public comments rather than as party status requests." Neither Serena Mooney nor Gina Sipley timely responded to the Applicant's objection. For the reasons stated by the Applicant, the party requests of Serena Mooney and Gina Sipley are denied without prejudice to filing another party request.

On April 23, 2025, the Applicant objected to the party request of Kayla Stitt, arguing that she did not satisfy 16 NYCRR 85-2.11(c) (2) or 4.3(c) (1). Kayla Stitt, among other things, responded that the City of Long Beach, where she resides, "has only three points of entry and exit, and the Project's route along Long Beach Road directly impacts [her] daily commute, emergency access, and local businesses. Any disruption here hits [her] and [her] neighbors first." Kayla Stitt also responded that she "intend[s] to provide meaningful input on . . . cumulative impacts" and "[g]ranting her party status will help create a fuller, more balanced record on the real-world impacts of this Project on Long Beach residents." We find that granting Kayla Stitt party status is fair and in the public interest pursuant to 16 NYCRR 85-2.11(c) (2) and 4.3(c) (1), and we thus deem party status for Kayla Stitt appropriate pursuant to PSL §124(1) (1).

As we have repeatedly reiterated, party status is subject to consolidation. Parties with similar interests, including the parties identified in this ruling, may be required to consolidate their presentations.⁴

⁴ See 16 NYCRR 85-2.14 and 4.3(b) (3).

Pursuant to 16 NYCRR §85-2.10(d), within ten days of the issuance of this ruling, the Applicant is directed to serve H. Huston, Kimanne Saladino, Town of North Hempstead, Douglas Augenthaler, Michael Batel, and Kayla Stitt with a copy of the application materials, including all supplements, and file proof of service with the Secretary thereafter.

Finally, as set forth in our April 14, 2025 Ruling on Party Status and Party Participation, we reiterate that all representatives of parties appearing on the party list are required to file a Party Participation Acknowledgment form.⁵ Douglas Augenthaler and Kimanne Saladino have filed the required form. Kayla Stitt and Town of North Hempstead are required to execute and file Participation Acknowledgment forms and Michael Batel, and H. Huston are required to file new forms, addressing the deficiencies we identified in separate emails, no later than 10 days following this ruling. Those parties must also serve the parties list and judges with a copy of the filings. Failure to timely file the required Participation Acknowledgment form will result in removal from the party list.

(SIGNED)

ASHLEY MORENO

(SIGNED)

NICHOLAS PLANTY

⁵ The form is appended to the April 14, 2025 Ruling on Party Status and Party Participation as Appendix B.