STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of Indeck-Oswego Limited Partnership and Indeck Energy Services of Silver Springs, Inc. for an Order Confirming Lightened Regulation.

Case 26-E-____

PETITION FOR AN ORDER CONFIRMING LIGHTENED REGULATION

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Dated: September 11, 2026

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Indeck-Oswego Limited Partnership ("Indeck-Oswego") and Indeck Energy Services of Silver Springs, Inc. ("Indeck Silver Springs" and, collectively with Indeck-Oswego, the "Petitioners") hereby petition the New York State Public Service Commission ("Commission") for an order confirming that the Petitioners are subject to regulation as electric corporations under a lightened regulatory regime consistent with the Commission's orders finding wholesale electric generating facilities are subject to lightened regulation.[1]

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence with respect to the Petition should be addressed to the following:

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[1] *See* Case 98-E-1670, *Carr Street Generating Station, L.P.*, Order Providing for Lightened Regulation (Apr. 23, 1999) ("*Carr Street*"); Case 99-E-0148, *AES Eastern Energy, L.P. and AES Creative Resources, L.P.*, Order Providing for Lightened Regulation (Apr. 23, 1999) ("*AES*").

II. DESCRIPTION OF PETITIONERS AND RELEVANT AFFILIATES

A. Indeck-Oswego

Indeck-Oswego is a limited partnership organized under the laws of Illinois and is indirectly wholly owned by Indeck Energy Services, Inc. ("Indeck"), a privately held corporation. Indeck, an international developer of cogeneration and independent power plants, owns five generating facilities in New York that have an aggregate generating capacity of approximately 369 megawatts ("MW"). Indeck-Oswego is the owner and operator of a 50 MW natural gas-fired generation facility located in Oswego, New York ("Oswego Facility"). An affiliate of Indeck, Indeck Oswego Property, LLC, owns the real property upon which the Oswego Facility is sited and leases the property to Indeck-Oswego. The Oswego Facility was originally certified as a qualifying facility ("QF") pursuant to the Public Utility Regulatory Policies Act of 1978 ("PURPA") on March 29, 1985, in the name of Hammermill Paper Company[2] and began selling electricity to Niagara Mohawk Power Corp. ("National Grid") pursuant to a 15-year power purchase agreement and supplying steam to meet International Paper Company's paper mill process requirements. Accordingly, Indeck-Oswego was exempt from the Commission's regulation under the Public Service Law ("PSL") because it was a QF selling electricity exclusively at wholesale to National Grid.[3]

On September 1, 1999, the Federal Energy Regulatory Commission ("FERC") found that Indeck-Oswego is an exempt wholesale generator pursuant to the Public Utility Holding

[2] *See* FERC Docket No. QF85-78-000, *Hammermill Paper Company*, Letter Order Granting Certification as Qualifying Cogeneration Facility (Mar. 29, 1985).

[3] 18 C.F.R. § 292.602; *see* Case 92-E-0034, *Selkirk Cogen Partners, L.P.*, Declaratory Ruling (May 18, 1992).

Company Act of 1935.[4] On April 1, 2002, FERC authorized Indeck-Oswego to sell power at market-based rates, effective February 26, 2002.[5]

The Oswego Facility now sells energy, capacity, and ancillary services into the wholesale market for competitive generation in New York and the surrounding regions. As Indeck-Oswego is no longer a QF or a co-generation facility under PSL § 2(2-a), it is now an electric corporation subject to lightened regulation by the Commission.

B. Indeck Silver Springs

Indeck Silver Springs is a corporation organized under the laws of Illinois and is indirectly wholly owned by Indeck.

Indeck Silver Springs is the owner and operator of 55 MW natural gas-fired generation facility located in Silver Springs, New York ("Silver Springs Facility"). The Silver Springs Facility commenced operation on or about 1991 as a combined cycle cogeneration plant and a QF pursuant to PURPA.[6] The Silver Springs Facility began selling electricity to New York State Electric & Gas Corporation ("NYSEG") pursuant to a 15-year power purchase agreement and sold steam for the preparation and production of salt and for space heating. Indeck Silver Springs has since ceased to operate as a QF and on June 21, 2006, FERC granted Indeck Silver Springs market-based rate authority.[7]

The Silver Springs Facility now sells energy, capacity, and ancillary services into the wholesale market for competitive generation in New York and the surrounding regions. As Indeck Silver Springs is no longer a QF or a co-generation facility under PSL § 2(2-a), it is now

[4] *Indeck Oswego Limited Partnership*, 88 FERC ¶ 62,208 (1999).

[5] FERC Docket No. ER02-1081-000, *Indeck Oswego Limited Partnership*, Letter Order Granting Market-Based Rate Authorization (April 1, 2002).

[6] *See Indeck Energy Services of Silver Springs, Inc.,* 41 FERC ¶ 62236 (1987)

[7] Docket No. ER06-740-000, *Indeck Energy Services of Silver Springs, Inc.*, Delegated Letter Order (June 21, 2006).

an electric corporation subject to lightened regulation by the Commission. On August 7, 2026, Indeck-Silver Springs informed FERC that it relinquished its QF status.[8]

III. PETITIONERS REQUEST THAT THE COMMISSION CONFIRM THEY ARE REGULATED UNDER THE LIGHTENED REGULATORY REGIME THAT THE COMMISSION HAS APPLIED TO OTHER WHOLESALE GENERATORS.

Petitioners request that the Commission confirm they are regulated under a lightened regulatory regime similar to the regimes the Commission has imposed on other independent power producers engaged in the selling of electric energy exclusively at wholesale. Petitioners' characteristics are comparable to those generators that the Commission has granted lightened regulation in the past. Furthermore, lightened regulation provides Petitioners with maximum flexibility to serve the competitive electricity market.

The Commission first articulated its policy on the regulatory regime of competitive wholesale providers of electricity in its Wallkill Order.[9] There, the Commission found it appropriate to modify the regulatory procedures that were intended to apply to monopoly utilities when regulating generators operating in a competitive environment. The Commission established the regulatory requirements that should be imposed on wholesale electric service providers in its orders imposing lightened regulation on Carr Street Generating Station, L.P. and AES Eastern Enterprises, L.P.[10]

In its Carr Street Order, the Commission found that the generator was subject to regulation as an electric corporation under PSL § 2(13) and was an entity engaged in the

[8] Docket No. QF88-4-003, *Indeck Energy Services of Silver Springs, Inc.*, Silver Springs QF Relinquishment (Aug. 7, 2026).

[9] Case 91-E-0350, *Wallkill Generating Co., L.P.*, Order Establishing Regulatory Regime (Apr. 11, 1994).

[10] Case 98-E-1670, *Carr Street Generating Station, L.P.*, Order Providing For Lightened Regulation (Apr. 23, 1999) ("Carr Street Order"); Case 99-E-0148, *AES Eastern Energy, L.P. & AES Creative Resources, L.P.*, Order Providing For Lightened Regulation (Apr. 23, 1999) ("AES Eastern Order").

manufacture of electricity under PSL § 5(1)(b). As such, the generator was subject to the Commission's jurisdiction under PSL §§ 11, 19, 24, 25, and 26. The Commission also found that the generator was subject to certain provisions of Article 4, namely, PSL §§ 66(6), 68, 69, 69-a, 70, 110(1) and (2), and 119-b.

The Petitioners qualify for the lightened regulatory regime established in Commission precedent. Like other wholesale generators, the Petitioners sell their electricity exclusively to wholesale competitive markets. Thus, consistent with Commission precedent, the Petitioners request that the Commission apply the relevant sections of Article 1 and Article 4 to its operation with reduced scrutiny and less stringent filing requirements, and not impose Article 6, except for PSL §§ 110(1) and (2) and 119-b.

The Petitioners filed their annual reports from the years 2012 to 2025 with the Commission on August 19, 2026. The Petitioners respectfully request that the Commission excuse the lateness of their annual report filings as the inadvertent omission was recently discovered upon due diligence of the sale of all of Indeck's New York generating facilities. A petition requesting a Commission ruling with respect to the sale of Indeck's generating facilities has been concurrently filed with the filing of this petition.

IV. CLCPA REVIEW

Should the Commission determine the Climate Leadership and Community Protection Act ("CLCPA") applies to this matter, the Commission should find that issuing an order providing for lightened regulation would not be inconsistent with the CLCPA. Pursuant to Section 7(2) of the CLCPA, when issuing permits, licenses, administrative approvals, and orders, agencies must consider "whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas [("GHG")] emissions limits established in article 75

of the of environmental conservation law."[11] If the agency determines that such an action is inconsistent, it must "provide a detailed statement of justification as to why such limits/criteria may not be met, and identify alternatives or greenhouse gas mitigation measures to be required where such project is located."[12] In addition, Section 7(3) requires that agencies ensure that their decisions will not "disproportionately burden disadvantaged communities."[13]

Issuance of an order providing for lightened regulation to the Petitioners is not inconsistent with the CLCPA because such an order does not approve of or result in any construction, physical change, or operation of Petitioners' facilities. This Petition involves pre-existing facilities which will continue to operate as they are currently operated, and lightened regulation will not alter existing GHG emissions of Petitioners' facilities.[14]

Likewise, granting regulation under a lightened regime does not create a new impact to a disadvantaged community. Accordingly, the Commission should find that no further justification or mitigation measures are required under CLCPA §§ 7(2) or 7(3).

V. CONCLUSION

Based on the foregoing, Petitioners respectfully request that the Commission issue an order confirming that the Indeck-Oswego and Indeck Silver Springs are subject to a lightened regulatory regime as requested herein.

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[11] Climate Leadership and Community Protection Act, 2019 N.Y. Sess. Laws Ch. 106 (McKinney) ("CLCPA") § 7(2).

[12] *Id*.

[13] *Id*. § 7(3).

[14] *See* Case 26-E-0072, *Joint Petition of Brookfield Power New York Holding Corp., Carr Street Holding LLC, Carr Street Generating Station, L.P., and Syracuse Power Holdings, LLC*, Order Approving Transfer and Making Other Findings (June 12, 2026).

Respectfully submitted,

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STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

VERIFICATION

I, Jarek Stopczyk, being duly sworn, deposes and states as follows:

1. I am the Director of Asset Management of Indeck-Oswego Limited Partnership and Indeck Energy Services of Silver Springs, Inc.

2. I am authorized to sign this verification on behalf of Indeck-Oswego Limited Partnership and Indeck Energy Services of Silver Springs, Inc.

3. I have read the foregoing petition and do hereby affirm that the facts stated therein are true and correct to the best of my knowledge, information and belief.

Signed: _____
Jarek Stopczyk
Director, Asset Management

Sworn to and subscribed before me this

20th day of August, 2026

Constance S. Lada
Notary Public

OFFICIAL SEAL
CONSTANCE S LADA
Notary Public, State of Illinois
Commission No. 191319
My Commission Expires November 23, 2028