

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 24-T-0710 – Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the Public Service Law, for the Finger Lakes Area Infrastructure Reliability Project.

**THE DEPARTMENT OF PUBLIC SERVICE TRIAL STAFF
STATEMENT IN SUPPORT OF JOINT PROPOSAL**

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BACKGROUND

The Trial Staff of the Department of Public Service (DPS Staff), designated to represent the public interest in this proceeding, hereby files this Statement in Support of the Joint Proposal dated May 28, 2026. The Joint Proposal resolves all issues that New York State Electric & Gas Corporation (NYSEG), DPS Staff, the New York State Department of Environmental Conservation (DEC), and the New York State Department of Agriculture and Markets (AGM) (collectively, the Settlement Parties) have raised in this proceeding. Accordingly, DPS Staff supports the Joint Proposal in its entirety. DPS Staff recommends that the Commission adopt and approve the Joint Proposal as filed.

On December 18, 2024, NYSEG filed its Application for a Certificate of Environmental Compatibility and Public Need pursuant to Public Service Law (PSL) Article VII to rebuild approximately 21 miles of the existing 115 kilovolt (kV) transmission line from the Montour Falls Substation in the Town of Montour, Schuyler County, to the Coddington Substation in the Town of Ithaca, Tompkins County.

On February 18, 2025, the Secretary issued a letter identifying certain application deficiencies. On March 27, 2025, NYSEG supplemented the application to cure the outstanding deficiencies identified in the February 18, 2025, letter. On July 21, 2025, the Commission granted NYSEG's request for waivers of certain application requirements contained in the PSL

and the Commission's regulations thereunder. Subsequently, on July 21, 2025, the Secretary issued a letter finding the application in compliance with PSL §122 as of July 21, 2025.

NYSEG filed a Notice of Impending Settlement Discussions on October 10, 2025. Settlement discussions subsequently began on October 29, 2025, and were held approximately bi-weekly until March 18, 2026. The Secretary issued a Notice of Joint Proposal and Opportunity for Public Comment on June 2, 2026, with comments due by June 29, 2026. As of the filing of this Statement, there have been no comments filed on the Joint Proposal.

FACILITY DESCRIPTION

The Facility consists of the rebuild of approximately 21 miles of 115 kV transmission lines. Appendix B to the Joint Proposal details the Facility's location.

THE JOINT PROPOSAL IS IN THE PUBLIC INTEREST

The Commission's Settlement Guidelines require all decisions, including those to adopt the terms and conditions of a joint proposal, to be just and reasonable and in the public interest.¹ Initially, for a joint proposal to be in the public interest, it must comply with the Commission's procedures.² Importantly, determining whether the terms of a joint proposal are in the public interest involves the substantive consideration of the following:

1. Consistency with the law and regulatory, economic, social, and environmental State and Commission policies;
2. Whether the terms of the Joint Proposal compare favorably with the likely result of a fully litigated case and produces a result within the range of reasonable outcomes;
3. Whether the Joint Proposal fairly balances the interests of ratepayers, investors, and the long-term soundness of the utility; and
4. Whether the Joint Proposal provides a rational basis for the Commission's decision.³

¹ Cases 90-M-0225 and 92-M-0138, Opinion, Order and Resolution Adopting Settlement Procedures and Guidelines, Opinion No. 92-2 (issued March 24, 1992) p. 30 (Settlement Guidelines).

² Id.

³ Id.

Additionally, the Commission considers whether a joint proposal is contests, and whether it includes a complete record.⁴

Here, the Joint Proposal warrants approval because it meets the Commission's Settlement Guidelines. First, settlement negotiations complied with the Commission's procedures. The Commission's procedures require that notice of settlement negotiations be given to all parties to ensure that all interested parties have an opportunity to participate.⁵ On October 10, 2025, NYSEG served on all parties a notice of settlement negotiations. All parties, except for the Town of Enfield, participated. Virtual, confidential settlement negotiations began on October 29, 2025, and continued virtually until March 18, 2026, on an approximately bi-weekly basis. The Parties also negotiated through electronic communications in between settlement meetings. As settlement negotiations were properly noticed and all parties had an opportunity to participate, the Joint Proposal complies with the procedural requirements for settlement.

Second, the terms of the Joint Proposal are consistent with regulatory, economic, social, and environmental State and Commission policies and law. The State and Commission laws and policies most relevant to siting transmission are the required findings of PSL §126(1). The Commission must make these findings to issue an Article Certificate.⁶ The Joint Proposal permits the Commission to make the required Article VII findings and thus is consistent with State and Commission laws and policies. The findings and information supporting each finding is provided below.

1. The Joint Proposal establishes the need for the Facility.⁷ The Facility is needed to resolve asset condition and reliability issues. Reconstructing the Facility will ensure NYSEG is able to deliver reliable service to customers and achieve the objectives of the Climate Leadership and Community Protection Act (CLCPA). Additionally, the Facility is a Phase 1 CLCPA project designed to improve deliverability of renewables in the region.

⁴ Id., at pp. 30-31.

⁵ 16 NYCRR §3.9; Settlement Guidelines, at p. 12.

⁶ PSL §126(1).

⁷ PSL §126(1)(a).

2. The Joint Proposal identifies the nature of the probable environmental impacts in detail.⁸ The Facility has been reviewed with respect to potential impacts to land uses, visual, cultural, terrestrial, wildlife, wetland and water resources, topography and soils, transportation, noise, debris, communications, and electromagnetic fields (EMF). These are detailed in Appendix A, Exhibit 2 (Location of Facilities), Exhibit 4 (Environmental Impacts), Exhibit 14 (Effect on Communications), Exhibit 15 (Effect on Transportation), Exhibit 16 (Agency Correspondence), Exhibit 18 (EMF Report), Exhibit 24 (Invasive Species Report), Exhibit 27 (Wetlands and Stream Delineation Report), and Exhibits 22 & 23 (Archaeological Assessments and Examination Reports). Impacts are largely related to construction.
3. The Joint Proposal demonstrates that the Facility will have the minimum adverse environmental impact, and minimum adverse impact on active farming operations, considering the state of available technology and the nature of economics of the various alternatives and other pertinent considerations.⁹
4. The Joint Proposal demonstrates that the Facility conforms to a long-range plan for expansion of the electric power grid serving the State and interconnected utility systems, which all serve the interests of electric system economy and reliability.¹⁰ The New York Independent System Operator, Inc., reviewed the proposed Project and determined that rebuilding the Facility will not have an adverse impact on the bulk electric system. Moreover, the Commission determined that this Project is needed to achieve CLCPA mandates.¹¹
5. The Joint Proposal demonstrates that the Facility conforms to all applicable State and local laws and regulations, except for those that are unreasonably restrictive in light of existing technology, cost factors, and the needs of consumers.¹² Exhibit 7 details the applicable local laws and regulations which will not apply.

⁸ PSL §126(1)(b).

⁹ PSL §126(1)(c) and (d).

¹⁰ PSL §126(1)(e)(2).

¹¹ See generally, Case 20-E-0197, CLCPA Grid Planning, Order Authorizing Continuation of Phase 1 Transmission Projects and Cost Recovery Measures (issued December 15, 2022).

¹² PSL §126(1)(g).

In short, the substance of the Joint Proposal provides a rational basis for the Commission to find that the Facility will serve the public interest, convenience, and necessity. The Facility is consistent with the regulatory, economic, social, and environmental State and Commission policies and law.

Third, given the nature and scope of the application, the terms and conditions of the Joint Proposal are within the range of likely outcomes of litigation, if such litigation had occurred. The Joint Proposal represents a fair and equitable balance of all the pertinent interests expressed in this proceeding by the Parties. Settled outcomes are the most efficient in instances where all parties believe settlement is possible and there is unanimous support for the outcome of settlement. The Parties all support the Joint Proposal, and no party contests the Joint Proposal. Accordingly, Staff requests that the Commission approve the Joint Proposal.

Finally, the record is adequate to justify the adoption of all the Joint Proposal's terms. A review of NYSEG's initial filing and subsequent amended application shows the range of disputed issues that have been brought to balance in the Joint Proposal. Moreover, the issues that have been resolved in the Joint Proposal have been vetted through the foregoing mechanisms and for every issue, the resolution of such falls within the range established by the Parties' respective positions. No issue has been resolved that lies outside the parameters established by the submissions put forward in this case. Finally, the Joint Proposal contains Appendix A, which includes exhibits comprehensively supporting the terms of the Joint Proposal. Therefore, DPS Staff requests that the Commission adopt the terms of the Joint Proposal.

Additionally, the Facility is not inconsistent with the CLCPA. Section 7(2) of the CLCPA requires the Commission to assess whether its administrative approvals, including the issuance of Article VII Certificates, are not inconsistent with, or interfere with, the attainment of New York State's greenhouse gas emissions limits. Further, Section 7(3) of the CLCPA requires the Commission to ensure that its decisions do not disproportionately burden disadvantaged communities, including the issuance of Article VII Certificates. The Facility does not emit and is not associated with electric generation that emits greenhouse gas emissions. Rather, the Facility is needed in part to support renewable generation to meet CLCPA mandates. As depicted in Exhibit 4, the Facility neighbors a disadvantaged community. As the Facility is not located in a disadvantaged community and is a rebuild of an existing Facility, the issuance of an Article VII Certificate will not disproportionately burden the community. Accordingly, the Facility neither

interferes with the CLCPA's emission reductions goals nor disproportionately burdens a disadvantaged community.

CONCLUSION

For the foregoing reasons, DPS Staff requests that the Joint Proposal be approved without modification because it achieves a fair balance of interests among the parties, produces constructive results that may have not been achievable except through settlement, and conforms to Commission policies. Based on the Joint Proposal, the Commission should reach the conclusions required by PSL §126 and grant a Certificate of Environmental Compatibility and Public Need for the Facility.

Respectfully submitted,

/s/ Makayla L. Loeb

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Dated: June 17, 2026
Albany, NY