

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 25-T-0184 – Petition of Niagara Mohawk Power Corporation d/b/a National Grid for Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the Public Service Law, for the Reconstruction of Approximately 60.9 miles of 115kV Transmission Line Running from the Black River Substation in the Town of LeRay, Jefferson County, to the Clay Substation, in the Town of Clay, Onondaga County, and the Construction of a New Staplin Creek Substation in the Town of Rutland, Jefferson County.

**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 27, 2026. The Joint Proposal resolves all issues Niagara Mohawk Power Corporation d/b/a National Grid, DPS Staff, the New York State Department of Environmental Conservation (DEC), the New York State Department of Agriculture and Markets (AGM), and the New York State Department of Transportation (NYSDOT, and, collectively with National Grid, DPS Staff, DEC, and AGM, the Settling 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 March 14, 2025, National Grid filed with the Public Service Commission (Commission) an application for a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Article VII of the Public Service Law (PSL) and the Commission's regulations thereunder. The application seeks authorization to: rebuild approximately 60.9 miles of 115 kV transmission line and construct the Staplin Creek Substation in the Town of Rutland, Jefferson County (together, the Facility).

On May 16, 2025, the Secretary issued a letter identifying certain application deficiencies. On May 23, 2025, National Grid supplemented the application to cure outstanding

deficiencies the Secretary identified in the May 16, 2025 letter. On October 22, 2025, the Commission granted National Grid's request for waivers of certain application requirements contained in the PSL and the Commission's regulations thereunder. Subsequently, on October 23, 2025, the Secretary issued a letter finding the application in compliance with PSL §122 as of October 22, 2025.

National Grid issued a Notice of Impending Settlement Discussions on November 4, 2025. Settlement discussions subsequently began on November 17, 2025 and were held approximately bi-weekly until April 20, 2026. The Secretary issued a Notice of Joint Proposal and Opportunity for Public Comment on June 2, 2025, with comments due by January 9, 2026. As of the filing of this Statement, there have been no comments on the Joint Proposal.

FACILITY DESCRIPTION

The Facility consists of the construction of the Staplin Creek Substation and the rebuild of approximately 60.9 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;

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. 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

Additionally, the Commission considers whether a joint proposal is contested, 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 November 7, 2025, National Grid served on all parties a notice of settlement negotiations. All Parties were invited to the settlement meetings. Three individual parties and two businesses were invited to, but did not participate in, the procedural conference or settlement negotiations. Virtual confidential settlement negotiations began on November 17, 2025, and continued virtually until April 20, 2026 on a biweekly basis. The Settling 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 the 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 VII 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.

³ Id.

⁴ Id. at pp. 30-31.

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

⁶ PSL §126(1).

1. The Joint Proposal establishes the need for the Facility.⁷ The Facility is needed to resolve asset condition and reliability issues. Aging infrastructure on the Facility is in poor condition and requires replacement. Reconstructing the transmission line and constructing the Staplin Creek Substation will address the reliability concerns. Finally, the Facility is a Phase 2 Climate Leadership and Community Protection Act (CLCPA) project designed to improve deliverability of renewables in the region.
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 27 (EMF Report), Exhibit 29 (Invasive Species Report), Exhibit 19 (Wetlands and Watercourse Report), and Exhibit 20 (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 and economics of the various alternatives and other pertinent considerations.⁹ Proposed Certificate Conditions in Appendix D, such as Pesticide Use (Section I), Cultural Resources (Section K), Terrestrial and Wildlife Resources (Section L), and Wetlands and Waterbodies (Section M) dictate how National Grid will construct the Facility to avoid or minimize environmental impacts.
4. The Joint Proposal demonstrates that no portion of the Facility should be installed underground.¹⁰ The Facility consists of a substation and approximately 60.9 miles of

⁷ PSL §126(1)(a).

⁸ PSL §126(1)(b)

⁹ PSL §§126(1)(c) and (d).

¹⁰ PSL §126(1)(e)(1).

115kV overhead transmission line which will remain above ground following construction.

5. 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 will serve the interests of electric system economy and reliability.¹¹ 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 facilitate the transmission of additional renewable energy National Grid's transmission system.¹²
6. 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.¹³ Exhibit 7 details the applicable local laws and regulations and which will not apply.

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 the 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 Settling Parties all support the Joint Proposal, and accordingly, Staff requests that the Commission approve the Joint Proposal.

Fourth, the Joint Proposal balances the interests of investors, ratepayers, and National Grid. National Grid is building the Facility to address reliability risks. Constructing

¹¹ PSL §126(1)(e)(2).

¹² See generally Case 20-E-0197, CLCPA Grid Planning, Order Approving Phase 2 Areas of Concern Transmission Upgrades (February 16, 2023).

¹³ PSL §126(1)(g).

the Facility will reduce reliability risk, thereby improving reliability for ratepayers. The Facility will also facilitate the delivery of renewable energy between the region and the rest of the state.

Fifth, the record is adequate to justify adoption of all the Joint Proposal's terms. A review of National Grid'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 the resolution of every issue 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.

Finally, the Facility is not inconsistent with the CLCPA. Section 7(2) of the CLCPA requires the Commission to assess whether its administrative approvals, including Article VII Certificates, are inconsistent with or interfere with attainment of New York State's greenhouse gas emissions limits. Section 7(3) requires the Commission evaluate emissions impacts on disadvantaged communities when issuing permits, including 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, Figure 4-9, the Facility will not be located in a disadvantaged community. The Facility passing through these communities is a rebuild of an existing transmission line and does not represent new infrastructure added to these areas. Furthermore, the Facility as a whole, including the expanded Staplin Creek substation, is not a source of emissions and will facilitate the delivery of additional renewable energy. Accordingly, The Facility therefore neither interferes with the CLCPA's climate targets nor disproportionately burdens disadvantaged communities.

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 not have 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/Peter Shapiro

Peter Shapiro
Staff Counsel

Dated: June 17, 2026
Albany, NY