



**New York Lawyers
for the Public Interest, Inc.**
151 West 30th Street, 11th Floor
New York, NY 10001-4017
Tel 212-244-4664 Fax 212-244-4570
www.nylpi.org

October 2, 2026

Hon. Michelle L. Phillips
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, New York, 12223-1350

RE: State Environmental Quality Review Act Draft Scoping Document for a Generic Environmental Impact Statement – Request for Extended Scoping Process and Public Scoping Meetings (Commission Proceeding 26-E-0045)

Dear Secretary Phillips,

We, New York Lawyers for the Public Interest (NYLPI), write in response to the Draft Scoping Document issued by the New York State Public Service Commission (Commission), as lead agency in the State Environmental Quality Review Act (SEQRA) review for the action “Promulgation of Interconnection Reforms for Large Loads Including Data Centers” associated with Commission Proceeding 26-E-0045. NYLPI respectfully recommends and requests that the Commission (1) extend the scoping public comment period to 120 days, and (2) conduct regional public meetings as part of the scoping period.

The scoping process is a critical step in ensuring that the draft environmental impact statement (EIS) accurately and sufficiently identifies the significant environmental impacts of an action, “provid[ing] a means of ensuring that significant topics have not been missed.”¹

Public participation is a key feature of the SEQRA scoping process.² While a scoping public comment period typically lasts a minimum of 30 days, that period can be (and often is) extended, particularly when the review involves projects of exceptional complexity or public concern. For instance, the Department of Environmental Conservation (DEC) issued its “Draft Scope for the Draft GEIS on the Oil, Gas and Solution Mining Regulatory Program” (reviewing the practice of hydraulic fracturing) on October 6, 2008, and held open the public comment period for more than two months, through December 15, 2008. During that public comment period, the DEC held six public scoping hearings soliciting verbal comments in regions heavily

¹ New York State Dep’t of Env’tl. Conserv., The SEQR Handbook, p. 10 (4th Edition 2020).

² See 6 NYCRR 617.8(e).

impacted by hydraulic fracturing. All verbal and written comments from that period were considered in preparation of the Final Scope, which was released in February, 2009.³

The SEQRA review associated with Commission Proceeding 26-E-0035 is already generating exceptional levels of public interest and scrutiny, as evidenced by the extensive media coverage of Governor Hochul’s Executive Order 62, as well as the comment recently submitted by Food & Water Watch requesting an extended scoping period, which to date has been signed by over 100 organizations.⁴ Moreover, the review has the potential to have enormous implications for towns and cities across the state, many of which are facing developer proposals for hyperscale data centers. Dozens of communities, most of which are under-resourced and under-staffed, are racing to understand the complex energy, air, water, health and noise implications that these proposals may bring to their communities. Many are also in the process of analyzing or updating their zoning codes—itsself a complex process—to account for the new reality of rapid data center development near or next to residential communities. Impacted communities, stakeholders, and decision makers must be provided with adequate process and time to sufficiently weigh in on the appropriate scope of the review given the extraordinary implications of data center development in New York.

Given the enormous significance of and public interest in this review, NYLPI respectfully requests that the Commission extend the draft scoping public comment period to 120 days, and conduct regional public hearings as part of the scoping period to allow for robust and meaningful public participation in this critical proceeding. NYLPI further requests that the Commission announce such an extension promptly to allow interested parties the opportunity to fully utilize the extended comment period.

Sincerely,

New York Lawyers for the Public Interest
Environmental Justice Program

Caroline Chen, Director
cchen@nylpi.org

Audie Soucy, Staff Attorney
asoucy@nylpi.org

Michelle Fleurantin, Staff Attorney
mfleurantin@nylpi.org

³ See New York State Dep’t of Env’tl. Conserv., “ENB - Statewide Notices 2/11/2009” (February 11, 2009), pp. 3452-53, available at <https://nysl.ptfs.com/aw-server/rest/product/purl/NYSL/s/ebe01d02-d0d1-4660-90af-3e191d137552>.

⁴ See Food & Water Watch, “Organizational Sign-On Letter Data Centers” (October 1, 2026), Comment No. 11657.