



Department of Public Service
**Office of Renewable Energy Siting
and Electric Transmission**

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Governor

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Chief Executive Officer

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ORES Executive Director

November 28, 2025

Horseshoe Solar Energy LLC
Samantha Vanetti-Recore, Invenergy
Attn: William F. McLaughlin, Esq.
Hodgson Russ LLP
677 Broadway, Suite 401
Albany, NY 12207
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RE: NOTICE TO PROCEED - PHASE 2, GENESSEE RIVER CROSSING
ORES DMM Matter No. 21-02480 – Application of Horseshoe Solar Energy LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 180-Megawatt (MW) Solar Energy Facility located in the Town of Caledonia, Livingston County and the Town of Rush, Monroe County, New York.

Dear William McLaughlin:

In accordance with the requirements of Article VIII and its implementing regulations (title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York [16 NYCRR] part 1100), the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) issued the above-captioned Major Renewable Energy Facility Siting Permit (Permit) to Horseshoe Solar Energy LLC (Permittee or HSS) for a 180 MW Solar Facility on December 9, 2022.¹

In accordance with 16 NYCRR § 1100-10.2 and Subparts 5.1(g) and 6(j) of the Permit, the Permittee submitted pre-construction compliance filings to support a limited “Notice to

¹ Effective April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, ch 58, part O) repealed Executive Law § 94-c, repealed the current Public Service Law (PSL) Article VIII, and enacted a new PSL Article VIII entitled “Siting of Renewable Energy and Electric Transmission” (*see* RAPID Act §§ 2, 11). The RAPID Act also retitled the Office as the Office of Renewable Energy Siting and Electric Transmission; transferred the Office from the Department of State to the Department of Public Service; and continued all existing functions, powers, duties, and obligations of the Office under former Executive Law § 94-c. (*see id.* §§ 3, 4). With respect to ORES’s regulations at 19 NYCRR part 900 (Part 900), the RAPID Act transferred part 900 to 16 NYCRR chapter XI, and continued Part 900 in full force and effect subject to conforming changes, which were filed with the Secretary of State and became effective July 17, 2024. All applications pending before the Office on the effective date of the Act are considered and treated as applications filed pursuant to the RAPID Act as of the date of application filing (*see id.* § 4). Accordingly, this Notice to Proceed references PSL Article VIII (rather than former Executive Law § 94-c) and regulations at 16 NYCRR chapter XI (rather than the numbering of former Part 900).

Proceed" (NTP) with construction of Phase 2 of its overall phasing plan, which involves installation of underground conduit under the Genessee River using horizontal directional drilling (HDD). The final approved compliance filings necessary for construction of Phase 2 are listed in **Attachment A**.

ORES hereby issues this Notice to Proceed with construction for the scope of activities as described in the Permittee's request and in accordance with the documents listed in **Attachment A**.

The Permittee is required to conduct all construction activities in accordance with the terms and conditions set forth in the Permit. Without limitation, this NTP does not provide authorizations for any necessary federal or federally-delegated permits. It is the Permittee's responsibility to ensure it has received all necessary federal or federally-delegated permits before proceeding with construction as defined and authorized in this NTP.

If you have any questions, please contact Rudyard Edick at Rudyard.Edick@dps.ny.gov or (518) 473-4377 or Andrew Fecco at Andrew.Fecco@dps.ny.gov or (315) 200-0162.

Respectfully submitted,

/s/ Audrey Friedrichsen

Audrey Friedrichsen, Esq.
Deputy Managing Attorney for Generation
Office of General Counsel, New York State Department of Public Service
On behalf of:

NEW YORK STATE OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION
Empire State Plaza
P-1 South, J Dock
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ATTACHMENT A
APPROVED COMPLIANCE FILINGS

Pursuant to 16 NYCRR § 1100-10.1, the Office approves the compliance filings provided by the Permittee in support of its Notice to Proceed with Phase 2 Construction as listed below.

1. Genesee River Crossing Site Plans-Access Road, Genesee River Crossing Site Plans-HDD Engineering Plans, and Genesee River Crossing Site Plans-HDD Workzone Layout, filed on November 20, 2025 (Appendix A), as required by Siting Permit Subparts 6(a) and 7.1(c), (DMM Item No. 117), are hereby approved.
2. Quality Assurance and Quality Control Plan (Appendix B), as required by Siting Permit Subpart 7.1(e)(1), filed on October 10, 2025 (DMM Item No. 111), is hereby approved.
3. Crossing Construction Operations Plan (Appendix C), as required by Siting Permit Subpart 7.1(e)(2), filed on October 10, 2025 (DMM Item No. 111), is hereby approved.
4. Facility Communications Plan (Appendix F), as required by Siting Permit Subpart 7.1(e)(5), filed on November 20, 2025 (DMM Item No. 117), is hereby approved.
5. Environmental Monitoring Plan (Appendix G) as required by Siting Permit Subpart 7.1(e)(6), filed on August 28, 2025 (DMM Item No. 110) supplemented with Attachment A - Environmental Monitor Resumes, on November 20, 2025 (DMM Item No. 118), is hereby approved.
6. Complaint Management Plan (Appendix H), as required by Siting Permit Subpart 7.1(e)(7), filed on December 1, 2023 (DMM Item No. 95), approved on January 8, 2024 (DMM Item No. 101).
7. Invasive Species Control and Management Plan (Appendix J), as required by Siting Permit Subpart 7.1(f)(4), filed on August 28, 2025 (DMM Item No. 110), approved on October 27, 2025 (DMM Item No. 114).
8. Genesee River Crossing Site Specific Crossing Plan, including Attachments A, B, and C (Appendix R), as required by Siting Permit Subparts 6(h)(2) and 7.1(f)(5), filed on October 10, 2025 (DMM Item No. 111), is hereby approved.
9. Cultural Resources Avoidance, Minimization, and Mitigation Plan (Appendix K), as required by Siting Permit Subpart 7.1(g), filed on November 20, 2025 (DMM Item No. 117), is hereby approved.
10. Evidence of Real Property Rights and Good Neighbor Agreements (Appendix N), as required by Siting Permit Subpart 7.1(h), filed on August 28, 2025 (DMM Item No. 110), supplemented with Utility Crossing Agreements filed on November 26, 2025 (DMM Item No. 119), is hereby approved.