STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
OFFICE OF RENEWABLE ENERGY SITING AND ELECTRIC TRANSMISSION

MATTER 23-02992 – Application of FLAT CREEK SOLAR NY, 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 300-Megawatt (MW) Solar Energy Facility Located in the TOWNS OF ROOT AND CANAJOHARIE, MONTGOMERY COUNTY.

RULING DIRECTING CLOSURE OF LOCAL AGENCY ACCOUNT

(Issued November 13, 2026)

DAWN MacKILLOP-SOLLER and ANTHONY BELSITO, Administrative Law Judges:

On September 6, 2024, Flat Creek Solar NY, LLC (applicant), applied to the New York State Office of Renewable Energy Siting and Electric Transmission (ORES or Office) for a siting permit pursuant to Public Service Law Article VIII to develop, design, construct, operate, maintain, and decommission a 300-megawatt (MW) solar energy facility located in the Towns of Root and Canajoharie, Montgomery County.

With the application, applicant submitted the required local agency account fee in the amount of $300,000.00, to be held by the New York State Energy Research and Development Authority (NYSERDA) as custodian, and to be disbursed by NYSERDA as authorized by ORES. On November 15, 2024, the assigned Administrative Law Judges issued a ruling awarding local agency account funds (LAAF) to the Towns of Root and Canajoharie, the County of Montgomery, and the community intervenor group Residents for the Preservation of the Mohawk Valley (RPMV). On April 3, 2026, ORES issued the final siting permit for the facility. On April 9, 2026, RPMV exhausted its LAAF award. On April 16, 2026, the Town of Root exhausted its LAAF award. On

September 22, 2026, applicant relinquished the final siting permit. Relinquishment was confirmed by ORES on October 6, 2026. On October 28, 2026, both the Town of Canajoharie and the County of Montgomery, through their respective counsel, confirmed that neither had outstanding expenses to submit for reimbursement.

The applicable regulation, 16 NYCRR 1100-5.1(g)(4), provides that undisbursed funds shall be returned to the applicant. Accordingly, the local agency account in this matter is hereby closed. NYSERDA is hereby directed to return any undisbursed funds to Flat Creek Solar NY, LLC.

(SIGNED) DAWN MacKILLOP-SOLLER

(SIGNED) ANTHONY BELSITO