

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on September 17, 2026

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 26-E-0045 - Proceeding on Motion of the Commission to
Address Interconnection Reforms for Large
Loads.

RESOLUTION ISSUING A POSITIVE DECLARATION AND ACCEPTING DRAFT
SCOPE AS COMPLETE

(Issued and Effective September 18, 2026)

BY THE COMMISSION:

DISCUSSION AND CONCLUSION

On February 12, 2026, the Public Service Commission (Commission) issued an order instituting a proceeding to address interconnection reforms for large loads and soliciting comments on those reforms (Initiating Order).¹ The Initiating Order recognized that, in the coming years, proposed data centers and other similar facilities are projected to cause a substantial increase the State's electric load. To address this projected growth, the Commission instituted this proceeding with the

¹ Case 26-E-0045, Proceeding on Motion of the Commission to Address Interconnection Reforms for Large Loads, Order Instituting Proceeding and Soliciting Comments (issued February 12, 2026).

objectives of: (1) modernizing the interconnection process for all building loads; (2) improving transparency and predictability related to grid upgrades; (3) ensuring that data centers and similar facilities bear the costs they impose on the electric system; (4) providing for the continued reliability of the electric system; (5) developing programs and policies for the interconnection of large loads that consider the objectives of the Climate Leadership and Community Protection Act; and (6) exploring ways in which new large electric loads could lead to downward pressure on rates for all customers.

On July 14, 2026, Governor Kathy Hochul issued Executive Order 62, Establishing a Temporary Moratorium on Data Centers in New York While the State Develops Higher Standards for Data Center Development and Benefits Blueprint to Support Localities.² This order directed the Department of Public Service (Department) to examine, through this proceeding, the impacts associated with the interconnection of data centers to the electric distribution network. The potential impacts to be considered include those related to energy demand, water use and quality, air quality, and noise levels. They also include any disproportionate impacts to disadvantaged communities.

Pursuant to the State Environmental Quality Review Act (SEQRA), an Environmental Assessment Form (EAF) was prepared by Department staff. After considering the EAF, the record in this proceeding, and the criteria for determining significance listed in 6 NYCRR §617.7(c), the Commission concludes that the action contemplated by the Initiating Order may have a significant adverse impact on the environment. Large load projects, like data centers, require large amounts of electricity and have the potential to impact energy services, water supplies, and air

² Executive Order No. 62, signed on July 14, 2026.

quality throughout New York State. In the absence of large load interconnection reforms, these projects may cause these impacts at levels that could be deemed significant. Thus, the Commission, acting as lead agency for this Unlisted action, issues a SEQRA Positive Declaration and determines that a generic environmental impact statement (GEIS) is required.

The Commission has further prepared a Draft Scoping Document for a Generic Environmental Impact Statement (Draft Scope) pursuant to 6 NYCRR §617.8. The Draft Scope identifies the potentially significant adverse impacts that may be considered in connection with the Initiating Order and Executive Order 62, eliminates non-relevant issues, and preliminarily discusses potential mitigation measures and alternatives. Accordingly, the Commission accepts the Draft Scope as complete and will direct the Secretary to issue it for public comment. A Notice of Positive Declaration and Availability of Draft Scope shall be issued by the Secretary in accordance with the requirements of 6 NYCRR Part 617 and shall be submitted for publication in the Environmental Notice Bulletin.

The Commission resolves:

1. The Draft Scoping Document for a Generic Environmental Impact Statement (Draft Scope) prepared in this proceeding is accepted as complete.
2. Written comments on the Draft Scope will be accepted if they are filed with the Secretary to the Commission before 4:30 p.m. on October 20, 2026.
3. A Notice of Positive Declaration and Availability of Draft Scope, including the deadline for public comments, shall be issued and filed by the Secretary to the Commission in accordance with the requirements of the State Environmental

Quality Review Act, 6 NYCRR Part 617, and in substantial conformance with the Appendix attached hereto.

4. In the Secretary's sole discretion, the deadlines set forth in this Resolution may be extended. Any requests for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

5. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary