

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF THE PETITION OF
NIAGARA MOHAWK POWER CORPORATION
UNDER SECTIONS 4 AND 5 OF THE
THE NEW YORK STATE PUBLIC SERVICE LAW
FOR PUBLIC SERVICE COMMISSION
APPROVAL OF A SUB-TRANSMISSION
ENCUMBRANCE PROPOSAL**

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**VERIFIED PETITION OF NIAGARA MOHAWK POWER CORPORATION d/b/a
NATIONAL GRID AND UNDER SECTION 4 AND 5 OF THE NEW YORK STATE
PUBLIC SERVICE LAW FOR PUBLIC SERVICE COMMISSION APPROVAL OF A
SUB-TRANSMISSION ENCUMBRANCE PROPOSAL**

NIAGARA MOHAWK POWER CORPORATION
d/b/a NATIONAL GRID

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Dated: October 9, 2025

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SERVICE LAW FOR PUBLIC SERVICE COMMISSION APPROVAL OF A SUB-
TRANSMISSION ENCUMBRANCE PROPOSAL**

TO THE PUBLIC SERVICE COMMISSION:

Pursuant to Sections 4 and 5 of the Public Service Law (“PSL”), Niagara Mohawk Power Corporation d/b/a National Grid (“Niagara Mohawk” or the “Company”) hereby petition the New York State Public Service Commission (the “Commission”) for approval of a new sub-transmission encumbrance, in instances where a new non-residential applicant connects to a previously constructed line extension within (5) years after the facilities were constructed, as described in greater detail below. Niagara Mohawk respectfully submits that such proposal, as described below, is in the public interest and should be approved by the Commission.

Specifically, Niagara Mohawk seeks Commission authorization for the following proposal:

1. National Grid has previously entered into Cost Reimbursement Agreements (“CRA”) with various customers to design, engineer, procure, construct, test, and place into service customers with electrical power needs above 15 kV and below 60 kV; and

2. After executing these CRAs, the Company pursuant to Rule 22 of the Company's electric tariff, P.S.C. No. 220-Electricity (the "Tariff") has completed the installation of the necessary sub-transmission lines. However, at the time, the details regarding future encumbrances (i.e., if additional applicants wanted to connect to the sub-transmission lines) were not worked out to the mutual satisfaction of both the customer and Company; and both the Tariff and New York State Department of Public Service regulations are silent as to sub-transmission (above 15 kV and below 60 kV) encumbrances and the sharing of costs associated with same; and
3. Even though the Tariff contains no language regarding sub-transmission encumbrances, it does contain language regarding distribution (less than 15 kV) encumbrances. Specifically, Rule 15.3.4. provides "That applicant shall pay or agree in writing to pay the Company a lump sum charge for material and installation costs relating to any portion of the distribution and/or service lines that exceed the portion which the Company provides without customer contribution, as calculated on Form "B", Application For Electric Extensions. Should additional customers be connected from said distribution and/or service lines during the initial five (5) year period from the date energized, ten (10) year period for residing applicant, customer will receive a prorata refund for cost of that additional portion of distribution and/or service lines which Company would have allowed without customer contribution";
4. Pursuant to Rule 15.3.4, if additional non-residential applicant(s) connect to a previously constructed distribution or service line within five (5) years after the line went into service, each additional applicant is responsible for a pro rata share of the original extension's actual cost; and

5. In addition, pursuant to Rule 15.3.4., the additional non-residential applicant is responsible for their pro rata share based upon the portion of linear feet shared multiplied by the project's actual cost per foot; and
6. Moreover, pursuant to Rule 15.3.4, the original applicant receives a refund equivalent to the pro rata share of the additional non-residential applicant taking service from the sub-transmission facilities; and
7. The Department of Public Service's rules and regulations also address distribution (less than 15 kV) encumbrances. Specifically, 16 NYCRR § 98.3 (g) provides that "if facilities are extended to provide service to a residing applicant who pays a lump-sum charge pursuant to subdivision (b) of this section, and other applicants subsequently take service from such facilities within 10 years, the first residing applicant shall receive a refund in accordance with each utility's tariff." However, the regulations do not address non-residential extensions. In addition, this regulation refers to "applicant[s]" not customers; and
8. The Company has been approached by customers seeking to receive such a refund if another non-residential applicant connects to the sub-transmission facilities referred to in the CRA; and
9. Therefore, the Company is seeking clarity from the Commission that such Tariff and NYS regulation procedures that currently apply for distribution encumbrances will also apply to all similarly situated sub-transmission encumbrance customers moving forward; and
10. In addition, the Company is seeking clarity that sub-transmission customers would be able to receive reimbursement where a new non-residential applicant connects

to a previously constructed sub-transmission line within (5) years after the facilities were constructed.

11. Alternatively, proposed tariff leaves incorporating these proposed changes is also being filed for the Commission's consideration.

THE ENCUMBRANCE IS IN THE PUBLIC INTEREST

The proposed encumbrance is reasonable because it ensures a fair division of costs among applicants that are using the same sub-transmission or transmission extension line without passing such costs onto Niagara Mohawk ratepayers. Additionally, approving the proposed cost share is well within the Commission's broad legislative powers found in PSL § 4 and jurisdiction, supervision, powers and duties to electric corporations found in PSL § 5.

RELIEF REQUESTED

Niagara Mohawk respectfully requests that the proposed sub transmission encumbrance be approved under Sections 4 and 5 of the Public Service Law, either through a response to this petition or through a tariff change.

CONCLUSION

For the above stated reasons, Niagara Mohawk respectfully requests that the Commission issue an order authorizing the sub transmission encumbrance proposal pursuant to Sections 4 and 5 of the Public Service Law.

Respectfully submitted,

NIAGARA MOHAWK POWER CORPORATION,
d/b/a NATIONAL GRID

By: /s/ Benjamin Weisel
Senior Counsel
Niagara Mohawk Power Corporation d/b/a
National Grid

Dated: October 9, 2025

