

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on March 16, 2023

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
Diane X. Burman  
James S. Alesi  
Tracey A. Edwards  
John B. Howard  
David J. Valesky  
John B. Maggiore, abstaining

CASE 23-E-0081 - Petition of New York Transco LLC for an  
Expedited Order Granting a Certificate of  
Public Convenience and Necessity Pursuant to  
Section 68 of The Public Service Law.

ORDER GRANTING CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY

(Issued and Effective March 16, 2023)

BY THE COMMISSION:

INTRODUCTION

By verified petition filed on February 9, 2023, and supplemented on March 2, 2023 (the Petition), New York Transco LLC (NY Transco or Petitioner) requests a Certificate of Public Convenience and Necessity (CPCN), pursuant to Public Service Law (PSL) §68, authorizing the construction of a new Phase Angle Regulator (PAR) station and related interconnection facilities (collectively, the PAR Project) located in the Town of Dover, New York (Town). In this Order, the Public Service Commission (Commission) concludes that NY Transco has satisfied the statutory requirements of PSL §68 and therefore grants a CPCN regarding the PAR Project.

THE PETITION

NY Transco explains that it is a New York limited liability company that was formed in 2014, comprised of affiliates of New York State's investor-owned utilities, whose purpose is to plan, develop, and own new high-voltage electric transmission facilities that will enhance the current capabilities of the bulk power system across New York State, and help the State meet its carbon emissions requirements.<sup>1</sup> NY Transco initially developed three transmission projects, commonly referred to as the Transmission Owners Transmissions Solutions or TOTS, which the Commission accepted as part of the Indian Point Energy Center (IPEC) Reliability Contingency Plan.<sup>2</sup> The Commission authorized the transfer of the TOTS projects to NY Transco and separately granted it a lightened regulatory regime subject to various conditions.<sup>3</sup> The Commission subsequently issued an order granting a CPCN for NY Transco to construct, own, and operate the TOTS projects.<sup>4</sup>

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<sup>1</sup> NY Transco's members include Consolidated Edison Transmission, LLC, Grid NY LLC, Avangrid Networks New York Transco, LLC, and Central Hudson Electric Transmission, LLC.

<sup>2</sup> Case 12-E-0503, Proceeding on Motion of the Commission to Review Generation Retirement Contingency Plans, Order Accepting IPEC Reliability Contingency Plans, Establishing Cost Allocation and Recovery, and Denying Requests for Rehearing (issued November 4, 2013).

<sup>3</sup> Case 16-E-0012 et al., New York State Electric & Gas Corporation, Order Authorizing Transfers Subject to Conditions and Modifications (issued April 21, 2016); Case 15-E-0743, NY Transco, Order Providing for Lightened Rate Making Regulation and Approving Financing (issued April 21, 2016).

<sup>4</sup> Case 15-E-0743, NY Transco, Order Granting Certificate of Public Convenience and Necessity (issued May 6, 2016), Confirming Order (issued May 19, 2016).

As part of NY Transco's continued development of transmission facilities within the State, the Petition seeks a CPCN for the PAR Project, which stems from the Commission's previous identification of "a transmission need driven by Public Policy Requirements for new 345 kV major electric transmission facilities" to cross the Central East (Segment A) and Upstate New York (UPNY)/Southeast New York (SENY) (Segment B) interfaces to provide additional capacity to move power from upstate to downstate.<sup>5</sup> NY Transco notes that the New York Independent System Operator, Inc. (NYISO) ultimately selected its New York Energy Solution (NYES) Project as the most efficient or cost-effective solution to address the Segment B portion of the need.<sup>6</sup> The Petition also notes that the Commission issued a Certificate of Environmental Compatibility and Public Need (CECPN) under PSL Article VII authorizing NY Transco to construct, operate, and maintain the NYES Project with a required in-service date of December 31, 2023.<sup>7</sup>

Additionally, NY Transco states that the NYISO completed a System Impact Study for the NYES Project that determined a need for a transmission upgrade to prevent undue thermal degradation across the New York - New England intertie.

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<sup>5</sup> Case 12-T-0502 et al., Alternating Current Transmission Upgrades, Order Finding Transmission Needs Driven by Public Policy Requirements (issued December 17, 2015) (Public Policy Requirements Order), pp. 1-2.

<sup>6</sup> NYISO AC Transmission Public Policy Transmission Plan (dated April 8, 2019). Available at: <https://www.nyiso.com/documents/20142/5990681/AC-Transmission-Public-Policy-Transmission-Plan-2019-04-08.pdf>

<sup>7</sup> Case 19-T-0684, New York Transco - Certificate of Environmental Compatibility and Public Need, Order Adopting Joint Proposal (issued February 11, 2021).

The PAR Project was subsequently identified to address this condition.

The PAR Project

The Petition describes the PAR Project's primary component as the construction of a new PAR station, with its major equipment to include two parallel 750 Mega Volt Ampere (MVA) PARs with circuit breakers and bypass switches, one A-frame dead-end structure, rigid bus support structures, miscellaneous yard equipment, a control house building, and a spare PAR. A third ancillary PAR, according to the Petition, will be stored onsite and left unenergized, remaining available for replacement of one of the energized units if necessary. NY Transco also states that minor relay modification work will be performed at Consolidated Edison Company of New York, Inc.'s (Con Edison) Cricket Valley Energy Center Substation in the Town and at the Eversource Long Mountain Substation in Connecticut.

The Petition provides further details of the PAR Station's interconnection with Line 398 between structures L-61 and L-62 in the Town, indicating that these transmission facilities were previously certified by the Commission under Article VII of the PSL.<sup>8</sup> According to the Petition, work in the Line 398 Right of Way (ROW) will entail replacing structure L-61 and installing a new structure mid-span between L-61 and L-62 that will cut Line 398 into the PAR Station, and will be performed in accordance with the Commission's previously-authorized Environmental Management and Construction Plan and

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<sup>8</sup> Case 13-T-0585, Cricket Valley Energy Center - Certificate of Environmental Compatibility and Public Need, Order Granting CECPN (CECPN Order) (issued April 20, 2016).

any subsequently approved changes thereto.<sup>9</sup> The Petitioner asserts that the PAR Project is necessary to mitigate NYISO-identified thermal degradation that would otherwise occur at the New York - New England intertie when the NYES Project operates at full capacity.

The Petition includes a description of the PAR Project's site, indicating that the PAR Station will be located on an approximately 16.3-acre parcel in the Town at 2238 Route 22. The proposed project site is bounded on the north by State Route 26 (Cricket Valley Road), on the West by State Route 22, and occupies a parcel to the Southeast of the intersection of these two roads. The Petition notes that the site has been owned by NY Transco since December 2022, and was previously used as an automobile junkyard, a building material storage yard, an office and maintenance facility, and currently contains office and warehouse space in an existing building.

A detailed description of the site indicates that NY Transco will construct the PAR Station on approximately 8.4 acres of the 16.3-acre parcel, with a fenced-in area of approximately 5.0 acres surrounding the PAR Station. NY Transco claims that all equipment, including transformers, lighting masts, and transmission line poles will be contained within the fenced area at a setback distance of greater than 150 feet from the adjacent State highways. As discussed in the Petition, all existing fencing will be removed and replaced with 9-foot fencing further into the site, and a single permanent access drive will be installed from Route 22 into the PAR Station approximately 766 feet south of the intersection with Route 26. Additionally, the Petition states that temporary access points

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<sup>9</sup> Case 13-T-0585, *supra*, Order Approving an Environmental Management and Construction Plan (issued August 4, 2017).

along both Route 22 and 26 will be used during the construction phase but will be permanently closed and landscaped upon the PAR Project's completion.

Landscaping efforts, as proposed by NY Transco, include more than 300 new native species plantings in strategic locations, a minimum 50-foot landscaped buffer along Route 26, and minimization of clearing of existing vegetation to the greatest extent possible. The proposed project layout and landscaping designs are intended, according to NY Transco, to comply with the New York Department of Transportation (DOT) sight clearance standards and restrictions for overhead electric utilities.

The Petition alleges that quality-of-life measures are incorporated into the PAR Project design, with no nighttime lighting usage outside of infrequent maintenance visits and maximum sound levels from PAR Station operations to be in compliance with the Town and New York State Department of Environmental Conservation (NYSDEC) guidelines. Additionally, the Petition avers that the site will not be staffed and will not produce additional traffic or greenhouse gas emissions. Existing site debris will be removed and all jurisdictional wetlands and wetland buffer areas will be avoided. A 0.04-acre intermittent non-jurisdictional wetland will be modified, however, but the Petition claims that the site design will improve surface conditions and provide additional stormwater storage capacity. NY Transco asserts that the PAR Project was designed in compliance with applicable federal, State, and local codes and regulations, as well as Con Edison's interconnection requirements and specifications. The Petition contends that the site is ideally located to meet crucial design imperatives for the PAR Project, including proximity to the New York/Connecticut

border and the existing Consolidated Edison ROW, and direct access to State and interstate highways.

Town Approval

NY Transco states that it applied to the Town for a special use permit and site plan approval, as required for "public utility facilities" in the Town's Commercial/Industry/Office Mixed-Use zoning district, and that the Town Planning Board undertook an environmental review, as Lead Agency, pursuant to the State Environmental Quality Review Act (SEQRA). The Town Planning Board began its coordinated SEQRA review in October 2021, classified the PAR Project as an "unlisted action," and held public hearings in September, October, and November of 2022 and in January of 2023. NY Transco indicates that the Town Planning Board completed its environmental review and issued a Negative Declaration on February 6, 2023, determining that the PAR Project will not result in any significant adverse environmental impacts, and accordingly approved the special use permit and site plan.

According to the Petition, the Negative Declaration under SEQRA was issued based on the Town Planning Board's determination that the PAR Project will, inter alia: 1) not result in any significant adverse environmental impacts; 2) comply with all land use district, overlay district, and other specific requirements of the Zoning Law and other applicable local laws and regulations; 3) not result in excessive off-premises noise, dust, odors, solid waste or glare, or create public or private nuisances; 4) not cause significant traffic congestion, or impair pedestrian safety or overload existing roads; 5) not materially degrade any watercourse or other natural resource or ecosystem or endanger the water quality of an aquifer; 6) be subject to appropriate conditions to ensure

compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town; and 7) be consistent with the Town's goal of buffering nonresidential uses from residential use.<sup>10</sup> The Petition states that these determinations were made by the Town based on its assessment of detailed information about the PAR Project, including a full Environmental Assessment Form, sound and visual impact assessments, wetland delineation report, site plans, a Stormwater Pollution Prevention Plan, agency correspondence, landscaping plans, construction sequencing plans, United States Army Corps of Engineers' jurisdictional determination and no-permit letter, and NYSDEC education and encounter plans.

Additionally, the Petition and supplemental documentation states that NY Transco must complete all tree-clearing onsite before March 31, 2023, to comply with a NYSDEC directive to prevent potential impacts to the endangered Indiana bat. NY Transco indicates that the issuance of the Negative Declaration by the Town Planning Board is binding on all involved agencies, including the Commission.

Request for CPCN

NY Transco seeks a CPCN under PSL §68(1) to construct and own the PAR Project and states that the Commission's consideration of this request must assess: 1) project need and public interest; 2) the project's economic feasibility and petitioner's ability to finance the improvement; and 3) petitioner's ability to provide safe, adequate, and reliable service at reasonable rates. In support of its request, NY Transco also asserts that the Petition satisfies the PSL §68(1)

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<sup>10</sup> See Petition, Exhibit 1.



CPCN conditions, as well as the Commission's regulations, and that the Commission should accordingly issue the CPCN.

The Petition alleges that the PAR Project's need and public interest considerations are well-documented, based on the Commission's previous order identifying the AC transmission corridor connecting the Mohawk Valley region, the Lower Hudson Valley region, and the Capitol region as a significant transmission bottleneck facing persistent congestion.<sup>11</sup> The Petition also notes that the NYISO selected NY Transco's NYES project to satisfy Segment B of the required AC transmission upgrades and conducted an evaluation that identified the PAR Station as one of the necessary upgrades to allow the NYES Project to operate at full capacity while ensuring adequate and safe power flows.<sup>12</sup>

In conformance with PSL §68(1), the Petition states that the PAR Project is economically feasible and will be adequately financed due to its assured source of funding for the recovery of all prudently incurred project costs, as detailed in the cost recovery Schedule 13 of the NYISO's Open Access Transmission Tariff (Tariff).

In support of its ability to provide safe, reliable, and adequate service at just and reasonable rates, in accordance with PSL §68(1), NY Transco avers that it retains qualified and experienced operators and developers of wholesale electric transmission facilities. NY Transco also claims that it has been safely, adequately, and reliably operating the TOTS facilities since 2016, and points to the Commission's

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<sup>11</sup> Public Policy Requirements Order.

<sup>12</sup> See Petition Supplement (filed March 2, 2023).

determination that NY Transco satisfied this requirement for the NYES Project.

In conformance with 16 NYCRR §21.2(a), NY Transco states that no entities own and operate PAR stations on the site and that there are no known similar existing PAR station projects in the vicinity of the site. In conformance with PSL §68(1) and 16 NYCRR §21.2(b), the Petition provides certified copies of the Town Planning Board's special use permit and site plan approved on February 6, 2023, and verifies in attached affidavits from NY Transco's President and Secretary that all municipal consents have been received.<sup>13</sup> In addition, the Petition explains that, in conformance with 16 NYCRR §17.2, NY Transco's Articles of Organization and the relevant portion of NY Transco's current operating agreement governing the management of NY Transco's internal affairs are already on file with the Commission.<sup>14</sup>

PUBLIC NOTICE

On February 21, 2023, the Secretary to the Commission (Secretary) issued the Notice Inviting Public Comment and Announcing Public Statement Hearings and Procedural Conference (Notice), which solicited comments by March 10, 2023. Virtual Public Statement Hearings were held before Administrative Law Judge (ALJ) Ashley Moreno on March 8, 2021. Immediately following the virtual Public Statement Hearings, a virtual procedural conference was convened before ALJ Moreno.

Comments were received from the Dutchess County Regional Chamber of Commerce (the Dutchess Chamber) and the New

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<sup>13</sup> Petition, Exhibit 1.

<sup>14</sup> See Case 20-E-0551, New York Transco LLC, Petition (filed November 5, 2020), Exhibits 1 and 2.

York State Association of Electrical Workers (NYSAEW) in support of the PAR project. Comments were received from the Oblong Land Conservancy, the Concerned Citizens of Dover, and other local residents in opposition to the PAR project. These comments are summarized and addressed below.

On March 14, 2023, a Ruling on Process was issued, finding that there is no need for an evidentiary hearing in this proceeding.

#### COMMENTS

The Dutchess Chamber and NYSAEW provided separate comments expressing support for the PAR Project as an important piece of the State's clean energy transition that requires expedited approval to meet time-sensitive milestones. According to the Dutchess Chamber and NYSAEW, the PAR Project is a prime example of a responsibly sited and responsibly developed clean energy project, that serves to meet critical environmental protection, climate change, and economic goals. The Dutchess Chamber and NYSAEW maintain that the PAR Project will be integral to complete the NYES project and deliver 2,100 MW of clean power to New York homes and businesses. The Dutchess Chamber and NYSAEW believe that NY Transco has demonstrated that it will ensure safe and environmentally compatible project delivery with minimal impact on the neighboring community, after nearly two years of review by local, state, and federal agencies. As well, the Dutchess Chamber and NYSAEW claim that the PAR Project will deliver tax revenue and good-paying New York union jobs to the area.

The Oblong Land Conservancy, the Concerned Citizens of Dover (CCD), and other local residents submitted comments opposing the PAR project. These comments oppose the PAR project

primarily due to concerns about environmental and health impacts. In particular, the commenters raise concerns about potential soil contamination and runoff from the site into waterbodies located close to the facility, impacts to community character, visual impacts, impacts to property values, and siting the facility in an economically depressed/disadvantaged community.<sup>15</sup> Other comments raised concerns about the need for the PAR Project and suggest inadequate consideration was given to alternative locations, the costs and benefits of burying the transmission lines, and whether the overhead transmission lines meet reliability, accessibility, and public interest requirements.

Further, CCD and several local residents express concern with the underlying SEQRA process, contending that the Town Planning Board did not properly consider comments provided by the United States Fish and Wildlife Service and did not adequately scrutinize information provided by NY Transco. CCD notes that it filed an Article 78 Petition seeking judicial review of the Town Planning Board's decision to issue a Negative Declaration under SEQRA regarding the PAR Project.

#### LEGAL AUTHORITY

PSL §68 prohibits an electric corporation from constructing electric plant, or from exercising any right or privilege under any franchise, until it receives the

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<sup>15</sup> CCD states that under draft criteria, the site of the NY Transco PAR Project would be in a Disadvantaged Community and points to Section 7(s) of the Climate Leadership and Community Protection Act (CLCPA), which prohibits State agencies from "disproportionately burden[ing] disadvantaged communities as identified pursuant to ... the environmental conservation law."

Commission's approval in a CPCN. Before the Commission may issue a CPCN, the electric corporation seeking approval must provide a certified copy of its charter and a "verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities." In considering its approval, the Commission "shall consider the economic feasibility of the corporation, the corporation's ability to finance improvements of a gas plant or electric plant, render safe, adequate and reliable service, and provide just and reasonable rates, and whether issuance of a certificate is in the public interest."<sup>16</sup>

#### DISCUSSION

##### State Environmental Quality Review

Pursuant to SEQRA, Article 8 of the Environmental Conservation Law, and its implementing regulations, 6 NYCRR Part 617, all State agencies must determine whether discretionary actions that they are considering for approval may have a significant impact on the environment. SEQRA requires applicants to submit a complete Environmental Assessment Form (EAF) describing and disclosing the likely impacts of the actions they propose.<sup>17</sup>

For purposes of the SEQRA review, the Petitioner submitted a Full EAF to the Town Planning Board, which determined that the proposed actions associated with the PAR Project did not meet the definition of Type 1 or Type 2 actions and were therefore classified as "unlisted" actions under SEQRA. The Town Planning Board, as Lead Agency, conducted a Coordinated

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<sup>16</sup> PSL §68.

<sup>17</sup> 6 NYCRR §617.6(a)(3).

Review among the potential Involved Agencies. The Town Planning Board identified the Commission as an Involved Agency given the Petition at issue in the instant proceeding. Because the Town Planning Board assumed lead agency status for purposes of the SEQRA review, the Commission's role is limited to that of an Involved Agency.<sup>18</sup>

After considering the criteria contained in 6 NYCRR §617.7 and the EAF, as well as the identified relevant areas of environmental concern, the Town Planning Board issued Negative Declarations on February 6, 2023, with respect to the special use permit and site plan approval, determining that the PAR Project would not result in any significant adverse environmental impacts. As an Involved Agency, the determination of significance issued by the Town Planning Board following the Coordinated Review is binding on the Commission.<sup>19</sup> Therefore, the Commission declines to further consider the commenters' objections to the potential environmental and health impacts of the PAR Project and finds that the SEQRA review is complete. As CCD recognizes, its concerns go to the Town Planning Board's decision to issue a Negative Declaration under SEQRA and has accordingly filed an Article 78 Petition seeking judicial review.

CPCN

Based on the record in this proceeding, the Commission finds that NY Transco has satisfied the legal and regulatory requirements of PSL §68 and its implementing regulations for the grant of a CPCN. In accordance with the procedural prerequisite prior to issuance of a CPCN under PSL §68, an opportunity for

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<sup>18</sup> 6 NYCRR §617.6(2) and (3).

<sup>19</sup> 6 NYCRR §617.6(b)(3)(iii).

"due hearing" was provided at the Public Statement Hearings held on March 8, 2023. NY Transco has also demonstrated, in accordance with 16 NYCRR §17.2, that NY Transco's Articles of Organization, as well as the relevant portion of NY Transco's current operating agreement, are on file with the Commission.<sup>20</sup> NY Transco is registered with the New York State Department of State and is authorized to do business in New York. The Petition also provided verified statements of Transco's corporate president and secretary, who represented that Transco has received the required consent of the proper municipal authorities.

NY Transco has also demonstrated that, in its exercise of rights, privileges, or franchises under a CPCN, that NY Transco will be: (1) economically feasible; (2) able to finance the construction and maintenance of the PAR Project; (3) technically capable of rendering safe, adequate, and reliable service; and (4) providing just and reasonable rates. The Commission has already authorized NY Transco to secure financing in an amount up to \$400 million.<sup>21</sup> NY Transco also has an assured source of revenue for the recovery of all prudently incurred project costs under the NYISO tariff. Petitioner further benefits from its experience and that of its affiliates in developing and operating transmission facilities in New York. As the PAR Project will be under the operational control of the NYISO, subject to the Federal Energy Regulatory Commission's rate regulation, just and reasonable rates are ensured.

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<sup>20</sup> See Case 20-E-0551, New York Transco LLC, Petition (filed November 5, 2020), Exhibits 1 and 2.

<sup>21</sup> Case 19-E-0352, Petition of New York Transco LLC for an Order Approving Financing, Order Approving Financing and Making Findings (issued September 19, 2019).

The record further demonstrates that granting a CPCN for the PAR Project is in the public interest. The Commission previously identified a need to expand transmission capacity across the Central East (Segment A) and UPNY/SENY (Segment B) electrical interfaces between upstate power generation sources and downstate consumers, referring the need to the NYISO for analysis.<sup>22</sup> Following its review, the NYISO selected NY Transco's NYES Project as the more efficient or cost-effective transmission solution to address the Segment B need.<sup>23</sup> A Development Agreement was thereafter reached between the NYISO, Niagara Mohawk Power Corporation d/b/a National Grid and NY Transco to ensure the Segment B upgrades meet a December 2023 in-service date, and was subsequently amended to include the PAR Project to mitigate a thermal degradation issue that was identified by the NYISO on the New York - New England intertie.<sup>24</sup>

As confirmed by the NYISO, the PAR Project will allow the NYES Project to operate at full capacity while ensuring adequate and safe power flows. The Commission identified various benefits associated with increasing transmission capability across the Central East and UPNY/SENY interfaces, which the NYES Project, including the PAR Project, are intended to achieve. In particular, the Commission found that such projects would: reduce transmission congestion; reduce production costs through congestion relief; reduce capacity resource costs; improve market competition and liquidity and

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<sup>22</sup> Public Policy Requirements Order.

<sup>23</sup> NYISO AC Transmission Public Policy Transmission Plan (dated April 8, 2019). Available at: <https://www.nyiso.com/documents/20142/5990681/AC-Transmission-Public-Policy-Transmission-Plan-2019-04-08.pdf>

<sup>24</sup> Petition Supplement (filed March 2, 2023).



enhanced system reliability, flexibility, and efficiency; improve preparedness for and mitigation of impacts of generator retirements; enhance resiliency and storm hardening; avoid refurbishment costs of aging transmission; increase diversity in supply, including additional renewable resources; promote job growth and development of efficient generation resources Upstate; reduce environmental and health impacts through reduction of less efficient electric generation; reduced costs of meeting renewable resource standards; increase tax receipts from increased infrastructure investment; and, obtain synergies with other future transmission projects.<sup>25</sup> The Dutchess Chamber and NYSAEW note several of these benefits as part of their support for the PAR Project. Given this information, the Commission finds that there is a need for the PAR Project and accordingly rejects the commenters' objection on this ground.

Consistent with the CLPCA's clean energy and greenhouse gas (GHG) emission reductions objectives,<sup>26</sup> the PAR Project will accommodate future diversity of supply, including renewable resources, and help facilitate the delivery of clean energy from upstate to downstate New York. With respect to the location of the PAR Project, CCD acknowledges that it is not currently within a Disadvantage Community, although draft

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<sup>25</sup> Public Policy Requirements Order, pp. 66-67.

<sup>26</sup> See Section 7 of Chapter 106 of the Laws of 2019. The CLCPA became effective on January 1, 2020. The CLCPA requires, inter alia, that a State agency, in considering and issuing permits, licenses, and other administrative approvals and decisions, consider whether such decisions are inconsistent with or will interfere with the attainment of statewide GHG emissions limits and, if so, provide justification for why such limits/criteria may not be met, and identify alternatives or GHG mitigation measures to be required where a project is located.

criteria suggests that it may be in the future. Accordingly, there is no final designation of the site as part of a Disadvantaged Community, which could be applied under the CLCPA. Regardless, the PAR Project is unlikely to present a disproportionate burden on the community given that it is located on the site of a former junkyard and would be in keeping with the historical land use for commercial purposes. Moreover, operation of the PAR Project will not generate air emissions affecting the community. Based on this and the above considerations, the Commission determines that issuance of a CPCN for the PAR Project is in the public interest.

#### CONCLUSION

Having held the hearing required by PSL §68(1) on March 8, 2023, and considering the record in this proceeding, the Commission finds that NY Transco has satisfied the statutory requirements for issuance of a CPCN. Accordingly, the Commission grants a CPCN to NY Transco to construct and own the PAR Project. Finally, the Commission reminds NY Transco that it must continue to demonstrate compliance with PSL §68(1) and obtain a CPCN in relation to the construction or operation of any additional electric plant.

#### The Commission orders:

1. New York Transco LLC's request for issuance of a Certificate of Public Convenience and Necessity, authorizing the construction and ownership of the Phase Angle Regulator and related interconnection facilities located in Dover, New York, is granted pursuant to Section 68 of the Public Service Law, as discussed in the body of this Order.

2. New York Transco LLC shall, within 30 days of the issuance of this Order, file with the Secretary a verified written statement signed by a duly authorized officer indicating its complete and unconditional acceptance of this Order and its terms and conditions. Failure to comply with this condition shall invalidate this Order.

3. In the Secretary's sole discretion, the deadline set forth in this Order 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.

4. This proceeding shall be closed upon compliance with Ordering Clause No. 2.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary