

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on July 17, 2025

COMMISSIONERS PRESENT:

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

CASE 20-T-0103 - Application of Rochester Gas and Electric Corporation for Amendment of the Certificate of Environmental Compatibility and Public Need Issued in Case 03-T-1385 for Construction of the Rochester Transmission Project Enhancement in Monroe County.

ORDER APPROVING ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN  
SUBJECT TO CONDITIONS

(Issued and Effective July 18, 2025)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On July 21, 2023, the Public Service Commission (Commission) granted an Amendment of the Certificate of Environmental Compatibility and Public Need issued in Case 03-T-1385 (Amendment Order)<sup>1</sup> to Rochester Gas and Electric Corporation (RG&E or the Certificate Holder). The Certificate Amendment

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<sup>1</sup> Case 20-T-0103, Application of Rochester Gas and Electric Corporation for Amendment of the Certificate of Environmental Compatibility and Public Need Issued in Case 03-T-1385 for Construction of the Rochester Transmission Project Enhancement in Monroe County, Order Granting Amendment of Certificate of Environmental Compatibility and Public Need Subject to Conditions (issued July 21, 2023) (Amendment Order).

authorizes RG&E to: (1) construct a new 115 kV transmission line approximately 6.7 miles in length from Station 418 in the Town of Gates to Station 48 in the City of Rochester, within Monroe County; (2) expand Stations 48 and 418; (3) reconstruct segments of three existing transmission lines; and (4) reconstruct segments of three existing distribution lines.

The Certificate Conditions contain several requirements for compliance, including a requirement that the Certificate Holder submit for public review and Commission approval an Environmental Management and Construction Plan (EM&CP) detailing the Project design, construction and maintenance plans, and environmental controls, in accordance with the Specifications for Development of the Environmental Management and Construction Plan (EM&CP Specifications) set forth in Attachment D to the Certificate Amendment.

On July 26, and July 29, 2024, the Certificate Holder filed its EM&CP for the Project. During development of the EM&CP, the Department of Public Service (DPS) staff and staff of the New York State Department of Environmental Conservation (NYSDEC) provided informal comments and recommendations to RG&E in the form of written correspondences and technical conferences. Upon filing, the Certificate Holder and its consultants were also provided with additional informal comments and recommendations for revising the EM&CP from DPS staff and NYSDEC. RG&E submitted supplemental filings to its EM&CP on April 18, and June 19, 2025, addressing comments from DPS staff and NYSDEC.

#### PUBLIC NOTICE

In accordance with Certificate Conditions 21 through 23, public notice of the EM&CP filing was served on all parties on the service list for Case 20-T-0103 and on persons who own or

reside at property crossed by or abutting the impacted portion of the Project corridor, and hard copies of the EM&CP were made available for public inspection at the Gates Public Library, Central Library of Rochester and Monroe County, and the Rochester Public Library-Lyell Branch. As further required by the Certificate Conditions, the Certificate Holder published notice in the Democrat & Chronicle, a daily local newspaper of general circulation in the municipality where construction is proposed. The Certificate Holder filed the affidavits of service and proof of publication on August 27, 2024.

The 30-day comment period, required by Certificate Condition 23, which became effective upon RG&E's filing of its EM&CP on July 29, 2024, ended on August 28, 2024. No public comments pertaining to the EM&CP have been received during or after the public comment period.

#### THE EM&CP, COMMENTS, AND RESPONSES

The Certificate Holder's EM&CP provides both typical and site-specific techniques, procedures, and requirements to be followed in development of the Project by the Certificate Holder to ensure the avoidance, minimization, and mitigation of environmental impacts. The EM&CP also describes the plans for construction and implementation of required and appropriate measures for avoidance, minimization, and mitigation of impacts, including: stormwater pollution prevention; vegetation clearing and disposal; protective measures for waterbodies, threatened and endangered species, and cultural resources; invasive species management; noise impacts; herbicide applications; fugitive dust control; inspection and monitoring; restoration; visual impacts; and the Certificate Holder's organizational framework and protocols to ensure implementation of the EM&CP. The standards for the EM&CP are described in the Certificate Amendment and its

attachments, particularly in the Certificate Conditions (Attachment A of the Certificate Amendment), NYSDEC Supplemental Specifications for Wetlands and Waterbodies (Attachment B of the Certificate Amendment), Invasive Species Management Plan Specifications (Attachment C of the Certificate Amendment), and the Specifications for the Development of Environmental Management and Construction Plan (Attachment D of the Certificate Amendment).

DPS Staff

DPS staff reviewed the EM&CP and provided informal comments and recommendations and participated in technical meetings with the Certificate Holder and its consultants. DPS staff requested revisions and clarifications of various subject areas, including: civil plans and design, construction methods, health and safety protocols, hazardous materials and spills management, stormwater management and erosion controls, facility operations and maintenance, and public and stakeholder engagement and complaint resolution.

The Commission is advised that DPS staff's comments and recommendations were adequately addressed and resolved in the EM&CP filed on July 26, and July 29, 2024, and supplemented on April 18, and June 19, 2025.

NYSDEC

NYSDEC reviewed the EM&CP and provided informal comments and recommendations and took part in technical meetings with the Certificate Holder and its consultants. NYSDEC requested revisions and clarifications of various subject areas, including: stormwater management and erosion controls, protection methods for wetlands, access roads and laydown areas, and soil restoration.

The Commission is advised that NYSDEC's comments and recommendations were adequately addressed and resolved in the EM&CP filed on July 26, and July 29, 2024, and supplemented on April 18, and June 19, 2025.

#### DISCUSSION AND CONCLUSION

DPS staff and NYSDEC raised various issues and proffered suggestions regarding the details of the proposed EM&CP. The Certificate Holder filed a revised EM&CP on April 18, and June 19, 2025, incorporating and resolving the agencies' recommendations.

Based upon its review, DPS staff advises that the revised EM&CP complies with the applicable Certificate Conditions and adheres to the EM&CP Specifications included as Attachment D to the Certificate Amendment.

The Commission finds that the Certificate Holder has adequately addressed the concerns raised by the DPS staff and NYSDEC. Based on a review of all the documents filed and responses received, the EM&CP for the Project is approved.

#### The Commission orders:

1. The Environmental Management and Construction Plan filed by Rochester Gas and Electric Corporation on July 26, and July 29, 2024, and supplemented on April 18, and June 19, 2025, is approved subject to the following conditions.

2. The Certificate Holder shall not commence construction until it has received a "Notice to Proceed with Construction" letter sent by the Chief of Environmental Certification and Compliance of the Office of Renewable Energy Siting and Electric Transmission, or by a designee.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary