

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 22-T-0654 - Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for its Lockport-Batavia Line 112 Rebuild Project in Niagara and Genesee Counties.

RULING ESTABLISHING PROCEDURAL SCHEDULE

(Issued August 24, 2023)

MAUREEN F. LEARY, Administrative Law Judge:

INTRODUCTION

This ruling establishes a procedural schedule in this Public Service Law (PSL) Article VII proceeding before the Public Service Commission (Commission) to rebuild, expand, and relocate a portion of an existing 115 kilovolt transmission line.

BACKGROUND

On November 18, 2022, Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) filed an application for a Certificate of Environmental Compatibility and Public Need for the 35-mile long Lockport to Batavia Line 112 transmission rebuild project (Project) located in Niagara and Genesee Counties.¹ The Project proposes to replace the existing single-circuit steel tri-leg "aeromotor" towers with new single-circuit

¹ Niagara Mohawk's application indicates that six segments of the existing transmission line will be affected by the Project. The existing transmission line and the proposed Project will run through the Towns of Lockport, Royalton, and Alabama, in National Grid's Western New York Service Territory.

galvanized tubular steel pole structures. New operational and danger tree easements also will be required for the Project.² On February 17, 2023, National Grid supplemented the application. In an August 1, 2023 letter, the Secretary found that the application complied with the requirements of PSL § 122 as of July 21, 2023.

On August 9, 2023, the Administrative Law Judge (ALJ) held a procedural conference for the purpose of establishing a procedural schedule and setting the deadlines for filing testimony and commencing the evidentiary hearing. At the conference, the parties expressed an intention to settle any disputed issues in the proceeding and did not propose a consensus schedule, as requested.³ At the conference, Niagara Mohawk indicated that it would not be filing further corrections or updates to its application.

DISCUSSION

The main objectives in this proceeding are to assure the compilation of a complete record, to confirm the adequacy of public notice, to provide a meaningful opportunity for all parties and the public to be heard, to conduct an expeditious evidentiary hearing, and to ensure adequate time for the Commission to consider the record and to determine the issues presented. In light of the parties expressing the additional objective of settling all issues in the proceeding at the August 9, 2023 procedural conference and insofar as the Commission favors settlement, settlement is included as an additional

² Application Exhibit 2, p. 2-10.

³ In an August 2, 2023 email to the parties, the ALJ asked them to be prepared at the August 9, 2023 conference to propose a consensus schedule.

objective in this proceeding, as long as a Joint Proposal is presented for Commission consideration without undue delay.

This ruling sets forth the procedural schedule for the efficient administration of this proceeding and is designed to allow the parties sufficient time to negotiate a settlement proposal. The procedural schedule is as follows:

Direct Testimony	Friday, January 26, 2024
Rebuttal Testimony	Friday, February 16, 2024
Statements of Contested Issues	Friday, February 23, 2024
Status Conference	Wednesday, February 28, 2024
Corrections to Testimony	Friday, March 1, 2024
Evidentiary Hearing	Monday, March 4, 2024

By no later than 4:30 P.M. on the deadline established in this ruling, the parties must serve the required filings by email on each party and on the ALJ, and must file same with the Secretary.

ADJOURNMENT OF THE PROCEDURAL SCHEDULE

Submission of a final settlement proposal executed by all parties prior to the deadlines for filing testimony will adjourn the deadlines established in this ruling for filing testimony and commencing the evidentiary hearing. Nothing in this ruling is intended to preclude any party from requesting an adjournment to the commencement of the evidentiary hearing after testimony is filed in the event that settlement negotiations are continuing at that time. Such an adjournment request shall be made by motion, on notice to all parties, and shall set forth the justification to delay commencement of the evidentiary hearing. The motion shall propose a new date for the evidentiary hearing or, alternatively, for the submission of a final settlement proposal. The motion shall identify any party

opposing the adjournment and any party supporting (or not opposing) it. If the adjournment request is denied, the date for commencement of the evidentiary hearing established in this ruling will remain in effect.

APPLICABILITY OF RULE 3.9 SETTLEMENT PROCEDURES

To the extent that National Grid or any other party seeks to initiate settlement discussions to resolve any aspect of this proceeding, a notice of an impending settlement negotiations shall be filed with the Secretary and served on all parties and the ALJ in compliance with 16 NYCRR § 3.9(a). All parties are entitled to participate in settlement negotiations and shall be provided reasonable notice of the dates, times, and locations of any virtual or in-person settlement meetings. Consistent with 16 NYCRR § 3.9(d), the content of discussions during settlement negotiations shall be kept confidential.

STATUS CONFERENCE

A status conference with the parties is scheduled for **Tuesday, December 5, 2023 at 2 P.M.**, at which time the status of settlement negotiations will be discussed (without specific reference to any settlement terms) as well as the necessity to revise the procedural schedule established in this ruling.

(SIGNED)

MAUREEN F. LEARY