PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK

CASE 24-T-0446

In the Matter of the Application of New York Transco LLC and the New York Power Authority for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Propel NY Energy Project

PETITION OF THE PROPERTY OWNERS' ASSOCIATION OF NORTH SHORE ACRES ("POANSA") FOR REHEARING

of the September 17, 2026 Order Adopting the Terms of a Joint Proposal

INTRODUCTION

POANSA formally supports the rehearing requests from the Village of Sea Cliff, Self-Consolidated Parties, and North Shore Central School District, Roslyn Union Free School District, and Syosset Central School District.

In addition, POANSA respectfully petitions the New York State Public Service Commission (the "Commission") for rehearing of its September 17, 2026 Order Adopting the Terms of a Joint Proposal in Case 24-T-0446 (the "Order"), which approved the Joint Proposal and granted an Article VII Certificate for the Propel NY Energy Project (the "Project").
This petition addresses material errors of fact and law and the continued insufficiency of the environmental record supporting the Commission's findings, particularly where essential impact analysis, final construction information, and protective measures have been deferred to later Environmental Management and Construction Plan ("EM&CP") phases.

The accompanying statement identifies specific record-based concerns involving the incompleteness of the Joint Proposal and the Serial Deferral of Key Record Support to

future phases of the EM&CP. To date the currently published EM&CP phases do not cure the incomplete record for the Joint Proposal and further defer key aspects to future EM&CP Phases – of specific note are matters around Hempstead Harbor and the submarine cable crossing, burial depth and protective structures, navigation and harbor use, shellfish and benthic resources, sediment disturbance and water quality, stormwater and drilling-fluid management, groundwater and aquifers, archaeological resources, cumulative and cross-phase effects, and the adequacy of preventative and enforceable construction protections. POANSA does not contend that every identified adverse effect is certain to occur. They contend that the Commission should reconsider whether the evidence and conditions in the record support the findings made in the Order before work capable of causing those effects is authorized.

PRELIMINARY STATEMENT AND GOVERNING LAW

Public Service Law ("PSL") § 22 provides the statutory mechanism for seeking rehearing of a Commission determination. The Commission's rehearing regulation, 16 NYCRR § 3.7, governs the application and requires the grounds for rehearing to be identified. POANSA invokes those provisions to seek reconsideration of the Order based on material questions of fact and law raised by the record and the specific deficiencies set out in the accompanying statement.

The Commission's Article VII review is governed by PSL Article VII, including §§ 126 and 128. Section 126 addresses the application and the information and findings required in an Article VII proceeding; § 128 governs the Commission's determination on an application for a certificate. Those provisions must be applied together with the Commission's obligation to base its determination on a record adequate to support the required findings concerning the proposed facility and its probable environmental effects. POANSA

respectfully submits that an implementation process for later EM&CP filings cannot, by itself, substitute for information necessary to assess material impacts or establish that the proposed protections will be adequate and enforceable.

POANSA therefore requests that the Commission identify the evidence supporting the material findings challenged, address the specific technical submissions and unresolved issues described in the accompanying statement, and determine whether supplemental analysis, final permits or plans, additional conditions, or limits on authorization to proceed are necessary. POANSA relies on the statutes and regulation cited above as the principal procedural and substantive authorities for this request; the specific grounds are developed in the statement that follows.

BACKGROUND OF THE PROCEEDING

This proceeding concerns the application in Case 24-T-0446 for an Article VII Certificate for the Propel NY Energy Project. On September 17, 2026, the Commission issued the Order Adopting the Terms of a Joint Proposal and granted the Certificate subject to certificate conditions and subsequent review of EM&CP filings. In discussing the environmental record, the Order concluded that the application, Joint Proposal, proposed Certificate Conditions, and that future EM&CP specifications will supply the information necessary for the statutory findings, while anticipating that site-specific construction protocols, mitigation, monitoring, and restoration details would be developed through later EM&CP review. The assumption being made to date are without support and the hope that a future document will cure the incompleteness of the record is a huge leap of faith as evidenced by the fact that the currently released EM&CP phases fail to achieve the assumptions made by the Commission.

The Joint Proposal record is incomplete and the project's construction planning has been divided into multiple EM&CP phases. The Phase 1 and Phase 2 submissions raise similar concerns to those raised around the Joint Proposal which they were meant to cure. The comments raised issues concerning, among other things, work areas and water resources, stormwater and spill prevention, drilling fluids and HDD operations, marine work areas, navigation, sediment and water quality, shellfish and benthic habitat, and restoration. The accompanying statement explains why POANSA contends that the Joint Proposal is incomplete and the phase-by-phase allocation of work do not in and of themselves establish that all material effects have been assessed cumulatively or that unresolved issues will be resolved before the work creating the relevant risk is authorized.

On October 1, 2026, supplemental Phase 2 comments were filed that included the September 2, 2026 Cashin Associates, P.C. shellfish-restoration report. The report presents estimates and assumptions concerning potential shellfish impacts and restoration needs in Hempstead Harbor. The Order preceded that submission. POANSA asks the Commission to consider the report as subsequent material information bearing on the continuing adequacy of the environmental analysis and to determine what additional review, if any, is warranted. A Water Quality Certification was issued on October 2, 2026; as discussed in the accompanying statement, concerning that separate certification are preserved for the appropriate proceeding and are not treated as automatically resolved by this petition.

The statement that follows sets out the detailed environmental and procedural grounds for rehearing, with the supporting record references and proposed footnotes supplied in the source document.

MATERIAL ERRORS OF FACT AND LAW, AN INCOMPLETE ENVIRONMENTAL RECORD, AND IMPROPER DEFERMENT OF ESSENTIAL IMPACT ANALYSIS AND PROTECTIVE MEASURES TO FUTURE EM&CP PHASES THAT DON'T EVEN ADDRESS THE GAPS

I. Introduction: The Commission Found the Record Sufficient While Material Questions About the Project's Actual Impacts and Protections Remained Unresolved.

POANSA respectfully requests rehearing of the September 17, 2026 Order Adopting the Terms of a Joint Proposal and granting the Article VII Certificate for the Propel NY Energy Project (the "Order"). The Order's environmental findings rest on a fundamental evidentiary problem: the Commission concluded that the record contained all information necessary to satisfy the statutory requirements and that the Project would minimize significant adverse environmental impacts to the extent practicable, while relying extensively on plans, permits, agency determinations, construction details, monitoring protocols, and mitigation measures that remained incomplete, conditional, or deferred to later proceedings.

The Order states that the record, including the application, Joint Proposal, proposed Certificate Conditions, and specifications for the Environmental Management and Construction Plans ("EM&CP"), provides all information necessary to satisfy the statutory factors for certification. It further reasons that the EM&CP process will develop site-specific protocols, remediation measures, restoration plans, construction controls, and other details, subject to public comment and Commission review before construction proceeds.[1] That rationale assumes that the unresolved matters can be addressed later. It does not explain, issue by issue, which information is essential to determining the environmental impacts, which impacts have already been adequately assessed, or what

happens if later engineering, testing, or permitting demonstrates that the assumptions supporting certification were wrong.

The distinction is critical. An EM&CP may properly implement an adequately evaluated project through final construction documents and enforceable mitigation. It should not serve as a substitute for the information necessary to determine whether the Project's route, construction methods, underwater work areas, burial depths, environmental impacts, and proposed mitigation are acceptable in the first place. Nor does the possibility of later corrective action establish that an impact has been avoided or minimized before it occurs.

The record identifies material questions concerning, among other things:

- the depth and extent of the proposed submarine cable burial, the adequacy of anchor-strike protection, and the effect of protective structures and exclusion areas on harbor use;
- the final cable alignment, marine work areas, aids to navigation, federal and state permits, and interagency approvals;
- sediment disturbance, turbidity, contaminants, mixing zones, shellfish and oyster-restoration areas, benthic habitat, and the adequacy of the Project's restoration obligations;
- the timing and completeness of the submarine-cable construction plan, including EM&CP Phase 5;
- the availability of final stormwater, spill-prevention, drilling-fluid, groundwater, aquifer, archaeological, emergency-response, and restoration plans;
- the absence of a demonstrated cross-phase method for closing unresolved issues before the work that creates the relevant risk is authorized; and

- the extent to which the Commission's findings rely on post-construction monitoring, complaint-triggered responses, or remediation after damage rather than enforceable preventative requirements.

These are not all claims that harm will necessarily occur. They are material questions about whether the record contains the evidence and enforceable requirements needed to evidentiary support cannot substitute for a reasoned examination of the actual filings, including the technical concerns raised by affected parties. The Village of Sea Cliff obtained a recent technical document and admitted into the record from the Cashin Associates, P.C. shellfish-restoration report October 1, 2026 Phase 2 comments.[2]
The record should be opened as this is a material study post Order that calls into question the sufficiency of the Applicant's environmental impact analysis.
Therefore, POANSA requests a rehearing under Public Service Law § 22 and 16 NYCRR § 3.7, to the extent applicable, and reconsideration of the Order's environmental findings under Public Service Law § 126 and other applicable law. The Commission should determine whether its findings remain supportable in light of the specific omissions and unresolved matters identified below.

II. The Order's General Reliance on Future EM&CP Review Does Not Resolve the Deficiencies in the Underlying Record

A. The Order relies on future plans as proof of present environmental sufficiency
At pages 16–17, the Order rejects objections that the record is inadequate, reasoning that the Article VII application, Joint Proposal, Certificate Conditions, and EM&CP specifications provide the necessary information. It describes the EM&CP process as the mechanism through which site-specific construction protocols, remediation, restoration,

and mitigation details will be developed.[3]

At pages 23–26, the Order similarly concludes that the Project's probable environmental impacts have been identified, the Joint Proposal and Certificate Conditions are sufficient to minimize significant impacts, and the record contains a full assessment of potential impacts to Hempstead Harbor. It cites the Applicant's studies and models, more than 25 proposed conditions concerning waterbodies and related resources, marine notifications, cable-installation requirements, monitoring, and restoration.[4] The error lies in treating the existence of that later process as sufficient proof that all material environmental questions have already been resolved or can be resolved. The Commission must address exact footprints, impact assessments, along with minimum burial depths, environmental exposure pathways, permits and approvals governing the work, defined restoration criteria and timelines, and the measures necessary to prevent or minimize material impacts. The record on these remain unresolved, the promise of later review does not establish the adequacy of the existing record.

B. Serial deferral creates an evidentiary gap rather than a complete environmental management framework

The record does not present one isolated instance of a detail being reserved for a later phase. It reflects a sequence in which the Joint Proposal assigns matters to the EM&CP process; the EM&CP filings rely on contractor submittals, future consultation, conditional methods, or later approvals; and some of those later matters are themselves assigned to subsequent EM&CP phases. The result is a material risk of circular reasoning: the Order finds the Project acceptable because later plans will provide adequate safeguards, while the later plans cannot be evaluated as complete because the final methods, approvals, alignments, work areas, or mitigation criteria are still being developed.

The Phase 2 comments identify this concern directly. They describe a filing containing illustrative, approximate, conceptual, subject-to-change, or not-for-construction materials, together with reliance on future contractor submittals, pending permits and agreements, future consultation, complaint-triggered measures, and monitoring arrangements that may not cover every operation capable of creating an environmental impact.[5] The Village of Sea Cliff's supplemental filing likewise identifies issues that Phase 2 does not resolve and that are assigned to Phase 5 or later activity, including submarine installation details, benthic surveys, shellfish and fisheries mitigation, and final navigation coordination.[6] The Commission should not infer that an issue has been resolved merely because a future filing is required. It should identify the specific evidence that establishes the impact, the applicable protective standard, the responsible party, the required preventative measure, the acceptance criterion, and the enforceable condition that prohibits the affected work until compliance is demonstrated.

C. The Commission should compare the Order's findings against each EM&CP phase and identify what was actually resolved

The Joint Proposal's Appendix C allocates the anticipated scope of work among EM&CP phases. The Order relies on that framework as a basis for concluding that the project's construction details and mitigation will receive further review.[7] But the phase-by-phase allocation of work does not establish that the environmental implications of the work have been evaluated cumulatively or that one phase's approval will be withheld if another phase leaves a material issue unresolved and is not available untill after said approvals are received.

The Commission should direct the Applicant to prepare a public, cross-phase closure matrix that identifies:

1. Each material issue raised in the Article VII proceeding or in EM&CP comments;
2. The specific EM&CP phase in which the issue is purportedly resolved;
3. The record, document, drawing, study, permit, agency determination, or final plan that resolves it;
4. Any remaining assumptions, contingencies, contractor choices, or future agency approvals;
5. The specific work that would create the risk if the issue remains unresolved;
6. The preventative condition or hold point that prohibits that work until the issue is resolved; and
7. The person or agency authorized to confirm compliance and approve any restart following a failure.

This is especially important when comparing the Phase 1 and Phase 2 filings and the allocation of work among later phases. Phase 1 raises issues involving the Shore Road work area, water-resource protections, dust control, public water supplies, aquifers, and an archaeological notation associated with Shore Road. Phase 2 raises detailed issues involving HDD operations, drilling fluids, underwater work areas, marine coordination, water quality, shellfish, benthic impacts, and restoration. The later submarine-cable phase is identified as Phase 5, not as a minor administrative closeout.[8]

The Commission should explain, for each material issue, whether it was resolved in the Article VII record, in a particular EM&CP filing, through a final permit, or not yet resolved at all. Without that reconciliation, neither the public nor a reviewing body can determine whether the Commission's Order and findings are supported by completed analysis or rest

on promises of future compliance which may or may not come to fruition.

III. Hempstead Harbor: The Commission's Finding of a "Full Assessment" Does Not Resolve the Specific Questions About Navigation, Burial, Harbor Use, and Environmental Impacts

A. The Order's general finding does not answer the site-specific objections

At pages 24–26, the Order finds that the Project, will minimize significant impacts to waterbodies to the extent practicable. It cites the Applicant's studies, models, Coastal Zone Consistency Assessment, marine-construction conditions, monitoring, and restoration requirements.[9] The Order also states that opposing parties failed to provide evidentiary support for their concerns. That conclusion requires reconsideration in light of the actual record.

Village of Sea Cliff's Phase 2 submission includes a technical report by Cashin Associates concerning numerous issues and the adequacy of the proposed protective measures.[10] Other Phase 2 comments identify construction-readiness, inspection deficiencies, an absence of final documents, and the need for objective hold points and acceptance criteria.[11] The Commission need not accept every estimate or requested condition advanced by an objector. It must, however, address material evidence and explain why the evidence does or does not affect its findings. A general statement that the Applicant conducted studies does not answer a specific objection that a study rests on an assumption that has not been verified, does not address the final construction configuration, or does not establish protection for a resource located within the area of predicted disturbance.

B. The final cable burial depth and protective structures remain material to the environmental and navigational assessment

The Phase 2 comments identify a significant design uncertainty concerning submarine cable burial in Hempstead Harbor. While the Applicant refers to a target burial depth, no binding minimum depth that guarantees the target will be achieved throughout the relevant work area is established. Furthermore, alternatives involving secondary cable protection if the target depth cannot be achieved, including protective systems or concrete mattresses and imported or redistributed cover material12] are not environmentally or operationally interchangeable. The use of these types of protective structures may affect seabed conditions, benthic habitat, the area of disturbance, anchoring, and commercial and/or recreational use of the harbor. The environmental and navigational consequences of those measures must be evaluated, not assumed away as Hempstead Harbor is officially classified as a "Harbor of Refuge."

The problem is that the final design and the consequences of the alternative methods are material to the determination of the actual impact. The record must establish the minimum acceptable burial depth, the criteria for determining that depth is technically infeasible, the locations where an alternative method may be used, the environmental footprint of each alternative, and the conditions under which a change in method requires additional review. The Commission should also not be granting a certificate before regulatory issues with Federal Agencies on burial depths are resolved. The Order's reliance on cable-installation depth requirements, later EM&CP details or future permits does not answer whether the Commission had enough information to determine the likely impacts of the final configuration or if the unresolved issues can or will be addressed.

C. Aids to navigation, harbor depth, and continued use require final coordination and enforceable limits

The Phase 2 record identifies unresolved coordination issues involving the U.S. Coast Guard, including Bar Beach Light 11 and the Bailey Rock HDD exits, with draft action items and missing final concurrence or relocation documentation identified in the construction-quality comments.[13] The supplemental comments also challenge whether the proposed navigation protections, final cable route, marine work areas, and installation methods have been resolved in a manner that protects existing harbor uses.[14]

The Commission should require the identification of final coordinates and work limits, specifics regarding safe-clearances, needed modifications to navigation aids, and the written concurrence or authorization of any relevant agencies. If final surveys, seabed conditions, or cable-protections may change the work footprint, the Commission should explain how those changes will be reviewed before construction proceeds and should also require a project-specific assessment of how the final cable route, burial depth, concrete mattresses or other protection, and any associated exclusion or buffer zones will affect continued harbor use. That assessment should address navigation, anchoring and mooring, access to existing facilities, customary recreational use, and the practical consequences of any permanent restriction. A conclusion that the Project is not expected to significantly impede water-dependent uses cannot substitute for a final assessment of the actual design and restrictions that will govern the harbor.

D. The Commission must resolve whether the assumed work footprint remains valid when burial depth and construction methods change

The Cashin Associates report submitted on October 1 identifies an unresolved consequence of increasing the target burial depth from six feet to nine feet in Hempstead Harbor: deeper burial may require greater substrate disturbance, longer installation time, or a larger disturbance area. The report questions whether the previously analyzed disturbance footprint remains valid under the revised target depth.[15] This is directly relevant to the Order's finding that the record contains a full assessment of potential impacts to the Harbor. If the final burial depth or installation method may change the disturbance footprint, the Commission should require a revised analysis that evaluates the final configuration, including any additional trenching, jetting, anchoring, spudding, cable protection, or restoration work. The Commission should not approve a footprint on one set of assumptions and then allow a materially different construction method to proceed without confirming that the environmental analysis and mitigation remain adequate.

IV. The Cashin Associates Report Provides Specific Evidence Requiring Reconsideration of the Shellfish and Restoration Findings

A. The Commission should address the quantified shellfish concerns rather than characterize the opposition as unsupported

The September 2, 2026 Cashin Associates report, filed as Exhibit A to the Village of Sea Cliff's October 1 supplemental Phase 2 comments, estimates potential shellfish losses associated with the Project's direct disturbance and adjacent impacts in Hempstead Harbor. The report states that the Applicant's environmental analysis assumes 100%

mortality for sessile, infaunal, and benthic organisms within the direct-disturbance area in Western Long Island Sound, Hempstead Harbor, and Echo Bay, and identifies a combined direct-disturbance area of approximately 30 acres. Cashin estimates that approximately 12 acres may fall within Hempstead Harbor, based on the relative lengths of the Harbor route and the overall submarine corridor.[16] Using the 2021 Hempstead Harbor Shellfish Density Survey, Cashin estimates approximately 324,885 hard clams potentially affected when direct losses and an additional 25% for adjacent mortality are included. It separately estimates approximately 58,204 oysters potentially affected under its stated assumptions. The report also identifies the existing restoration effort, including more than two million oysters planted in the Harbor over the preceding three years, and estimates that replacing a catastrophic loss of two million adult oysters could require approximately ten million spat-on-shell oysters at an estimated cost of $580,000, or approximately 2.4 million single-set adult oysters at an estimated cost of $1.866 million. Cashin separately estimates approximately $330,975 for adult clam and oyster restoration associated with its modeled losses, exclusive of additional substrate-restoration costs.[17] These estimates should be presented as Cashin's analysis, not as a Commission finding or a guaranteed prediction of actual mortality. Their significance is that they quantify a potential impact and identify the assumptions that need to be tested. They provide a concrete evidentiary basis for asking whether the Project's impact footprint, oyster-restoration protections, shellfish mitigation, and financial responsibility are sufficiently defined. The Order's broad conclusion that the Applicant performed studies does not answer the specific issues raised by this later analysis. The Commission should examine this post Order change of facts and the estimated disturbance area in Hempstead Harbor, the assumptions about mortality beyond the direct-disturbance footprint, and the consequences of increasing the target burial depth.

B. Restoration must be a defined obligation, not an open-ended future exercise

The Phase 2 comments identify the absence of specific restoration and protection plans. They also state that the full hard-clam mitigation plan—including impacts caused by Phase 2—was deferred to Phase 5 even though Phase 2 itself includes vessel support, spuds, anchors, buoys, work zones, and other activities capable of disturbing the seabed.[18] The Order states that the Applicant must restore benthic habitat to its pre-construction condition. That general requirement does not itself specify how shellfish mortality will be measured, what constitutes restoration of an oyster-restoration area, how long recovery will be assessed, what happens if restoration fails, or who bears the cost of additional restoration.[19] Restoring the seabed's physical contours is not necessarily equivalent to restoring the biological function of a shellfish habitat or a community restoration area. The Commission should require the Applicant to identify the baseline, the affected area, the biological and substrate criteria for restoration, the time frame for assessment, the required sampling, the standard for successful restoration, and the corrective measures and funding required if the standard is not met. Restoration obligations must also account for indirect impacts, including sedimentation, resuspension, anchor disturbance, and changes in substrate. If the Applicant assumes complete mortality in a direct-disturbance area, that assumption should be reconciled with the proposed restoration and compensation plan. The Commission should explain why any deferred plan is sufficient where the activity creating the potential loss may occur before the plan is finalized.

C. Monitoring after damage does not substitute for preventative protections

The Phase 2 comments raise concerns about a monitoring boundary, delayed corrective-action planning, daylight monitoring while some HDD operations may continue around the clock, and a lack of sufficiently specific stop-work and restart criteria.[20] The comments seek real-time monitoring for every operation capable of causing a surface, seafloor, sediment, or drilling-fluid impact, whether or not a gravity cell is used, and objective criteria for suspension, investigation, corrective action, and restart.[21] The Commission should distinguish monitoring designed to detect a problem from measures designed to prevent the problem. Monitoring may be essential, but it does not prevent the initial release, deposition, burial, smothering, or exposure. A promise to investigate or submit a corrective-action plan after an exceedance does not establish that a sensitive resource will be protected from the initial impact. The Commission should require enforceable preventative measures before work begins, including final work limits, defined methods, baseline surveys, real-time monitoring appropriate to each activity, objective trigger levels, immediate stop-work criteria, and written authorization before restarting after a material exceedance or release. Any schedule provision that could be read to discourage suspension or impose a preference for completing work within a construction season should be subordinated expressly to environmental compliance.

V. The October 2 Water Quality Certification Raises Separate Questions About Public Notice, the Certification Record, and the Scope of the Certified Activity

The October 2, 2026 Water Quality Certification (“WQC”) was issued after the September 17 Order and one day after the October 1 supplemental Phase 2 comments were due and the Cashin Associates report were filed. The WQC is a separate action and should not be

treated as if its issuance retroactively supplies evidence that was absent when the Article VII Order was issued or that it addressed total impact when EMCP 5 is not yet available. How can permits be issued without relevant details provided? The Village of Sea Cliff's separate motion concerning the WQC identifies several procedural and substantive issues that are relevant to the environmental findings challenged here. Those issues should be preserved and considered in the appropriate proceeding, without conflating the WQC motion with this petition for rehearing.

A. The record should identify the Section 401 request and the public notice relied upon

The WQC does not identify the specific document treated as the Applicant's formal Section 401 request, the date DPS received that request, the written receipt confirmation contemplated by 40 C.F.R. § 121.6, or the notice procedure and public-comment period relied upon to satisfy Clean Water Act § 401(a)(1). The Applicant's July 2024 Article VII filing stated that the WQC request would be made later, coordinated with review of the federal permit application.[22] The Village's separate WQC motion requests identification of the actual request, its receipt date, the pre-filing record, the applicable reasonable-period documentation, and the public notice relied upon. It also identifies Commission practice in Case 21-T-0569, where a specific notice requesting comments on a water-quality-certification application was issued.[23] The Commission should ensure that the record supporting the WQC identifies the legally sufficient notice process and demonstrates that the State's Section 401 requirements were met. This is not a demand for a particular document title or form. It is a request for the actual record establishing compliance with the governing public-notice procedure.

B. The Commission should identify what was available to be reviewed and how it was reviewed before the WQC was issued

The Phase 2 submissions and the new Cashin Associates report were submitted October first and addressed marine construction, shellfish, sediment disturbance, anchoring and spudding, cable burial, restoration, and related water-resource impacts. The WQC issued the following day and states that it is based on the record in Case 24-T-0446.[24] The one-day interval does not establish that DPS failed to consider the submissions. It does, however, warrant a clear record identifying whether the submissions were before the decisionmaker, which technical materials were reviewed, whether the material issues were evaluated, and where that evaluation is reflected in the record. The Commission should require an explanation of how the WQC's water-quality determination accounts for the Cashin analysis and the specific concerns concerning sediment disturbance, shellfish restoration, and final submarine-cable construction methods.

C. The WQC does not eliminate the need to assess Phase 5 submarine construction

The WQC identifies substantial temporary impacts associated with the Long Island Sound crossing, including approximately 576,576 square feet of temporary cable-trenching disturbance and approximately 245,000 square feet associated with HDD workspace and vessel-positioning disturbance involving anchors or spuds. It reports a total temporary disturbance figure of 821,556 square feet, which differs by 20 square feet from the sum of the two listed components. The Commission should confirm the correct figures and clarify whether the areas overlap or represent separate disturbance footprints.[25] More importantly, the WQC was issued before EM&CP Phase 5, the phase identified in the Joint Proposal and Benthic Sampling Plan as governing the submarine-cable crossing and

installation activities. The Phase 5 scope includes pre-lay work, surveys, grapnel runs, possible debris clearance, trenching and turbidity trials, submarine-cable installation, post-lay burial and cable protection, as-built surveys, and testing.[26] Those are activities directly relevant to the water-quality effects of the Project. The WQC relies on EM&CPs and later Commission orders as components of its compliance framework and states that it applies to EM&CPs approved by the Commission. The Village of Sea Cliff's separate motion sought clarification of whether the WQC presently encompasses the Phase 5 activities and, if so, how that conclusion is reconciled with the fact that Phase 5 had not been filed or approved when the WQC issued.[27] The Article VII rehearing issue is related but distinct: the Commission should not rely on a future Phase 5 plan as a substitute for evidence needed to evaluate the environmental consequences of the submarine work before making its own statutory findings. If the WQC or a later EM&CP is expected to provide material information, the Commission must identify precisely what information remains outstanding and why it was not necessary to the original determination or delay authorization until it is addressed.

VI. Sediment Disturbance, Contamination, and the 500-Foot Mixing Zone Require More Than General Turbidity Monitoring

The Phase 2 comments identify concerns about sediment-bound contaminants in Hempstead Harbor and the limits of relying on turbidity or total suspended solids ("TSS") measurements alone. The comments explain that a compliance boundary at the down-current edge of a 500-foot mixing zone does not establish the concentrations, deposition, or biological effects that may occur between the work area and the boundary, particularly where oysters, hard clams, beaches, shallow habitat, moorings, or shoreline resources are located within the zone.[28] The distinction matters because turbidity is an indicator of

suspended material, not a complete characterization of the chemical composition of that material or where it ultimately settles. The record raises concerns about metals and other contaminants in Harbor sediment. Those concerns warrant a site-specific evaluation of whether construction could mobilize sediment-bound contaminants and whether the proposed monitoring is capable of identifying relevant exposure and deposition pathways. The Commission should require the Applicant to identify the relevant sediment-quality data, explain how the sampling locations relate to the final work footprint, and establish whether contaminant-specific monitoring or additional sediment characterization is necessary. At a minimum, the Commission should require a reasoned determination concerning:

1. The adequacy and location of baseline sediment and water-quality sampling relative to the final cable route, HDD exits, anchoring and spudding locations, and cable-protection areas;
2. Whether turbidity and TSS monitoring alone can adequately detect the impacts of concern, or whether contaminant-specific testing and deposition monitoring are required;
3. The location of shellfish, oyster-restoration areas, beaches, shallow habitat, moorings, and shoreline resources within and beyond the mixing zone;
4. The criteria that trigger work suspension, public notice, additional sampling, remediation, or restoration;
5. The duration and location of post-activity monitoring, including whether sediment deposition or resuspension may create delayed impacts; and
6. The objective criteria for determining that affected resources have recovered and that warnings or restrictions may be lifted.

The WQC and EM&CP conditions must be evaluated together with the actual monitoring plans and their limitations. A general promise of real-time turbidity monitoring, reporting,

and corrective action is not enough if the record does not establish what is monitored, which operations are covered, what the trigger levels are, and what action is mandatory when those levels are exceeded.

VII. The Stormwater, Spill-Prevention, Groundwater, and Aquifer Protections Require Final, Site-Specific Documentation

The Phase 1 comments identify deficiencies in the treatment of fugitive dust and construction activities near public water supplies, sole-source aquifers, and private wells. They also identify an archaeological notation associated with the Shore Road location in Appendix K and request information necessary to evaluate the significance of the site and the consequences of proposed work.[29] The Phase 2 comments raise related concerns about water management and the adequacy of plans for drilling fluids, containment, stormwater, contaminated water, equipment or power failure, and emergency response. They call for defined design capacities, cumulative drainage analysis, backup arrangements, alarms, and shutdown criteria rather than reliance on general procedures or later field coordination.[30] These concerns are particularly important where construction activities may involve excavation, HDD, dewatering, drilling-fluid circulation, temporary storage, stormwater management, or work near mapped or suspected contaminated areas. The record should establish the applicable groundwater pathways, the capacity and limitations of the proposed containment and drainage systems, the methods for handling contaminated water or materials, and the actions required if an unexpected condition is encountered. The Commission should not infer that a plan is adequate merely because it has been titled a Stormwater Pollution Prevention Plan (“SWPPP”), Spill Prevention, Control, and Countermeasure (“SPCC”) Plan, fugitive-dust plan, or environmental compliance plan. The relevant question is whether the final, site-specific documents

adequately address the actual activities, locations, drainage pathways, storage capacities, failure modes, response resources, and acceptance criteria associated with this Project. The Commission should therefore require the Applicant to identify the final plans applicable to each relevant construction site, not that the Certificate gets approved and then hopes that the applicable permits, and site-specific issues will be addressed at a later date sufficiently. Unresolved issued and missing material plans show that record is not complete. The archaeological issue likewise should be resolved through documented identification and agency consultation before disturbance of the affected area. The Phase 1 filing points to the Applicant's own language requiring field marking of terrestrial archaeological sites, but the existence of that general requirement does not answer the request for the specific significance of the Shore Road notation or the protections applicable to that site.[31]

VIII. The Record Does Not Demonstrate That Cumulative and Cross-Phase Impacts Have Been Adequately Assessed

The Project is divided into multiple EM&CP phases, but the environmental consequences do not necessarily follow those administrative boundaries. The same harbor may be affected by HDD work, marine staging, anchoring and spudding, trenching, cable installation, cable protection, sediment resuspension, and restoration. The same community may experience overlapping construction traffic, noise, utility interfaces, emergency-access constraints, and stormwater impacts over multiple phases. The Phase 2 comments specifically request analysis of cumulative disturbance, repeated HDD operations, water-quality effects, sediment deposition, and the impacts of multiple operations on the same sensitive resources.[32] The Village's supplemental comments also identify the lack of additional pre- and post-Phase 2 sampling at the HDD exits, with

later sampling tied to Phase 5 and post-construction surveys potentially occurring long after Phase 2 work.[33] The Commission should require a cumulative assessment that accounts for the combined and sequential effects of the Project's work, rather than assuming that compliance with a separate limit during each individual operation necessarily establishes protection of the affected resource as a whole. The assessment should identify the timing, location, duration, and overlapping footprints of the relevant activities; the expected frequency and duration of disturbance; the resources potentially affected by multiple activities; and the monitoring and restoration criteria used to assess cumulative effects. It should also explain how baseline conditions will be preserved and how a later phase will account for any disturbance caused by an earlier phase. Without this analysis, the Commission cannot simply assume that separate EM&CP approvals will collectively produce an environmentally acceptable outcome resolving open assessment issues in the Joint Proposal. The fact that an impact is temporary or that a later survey is required does not answer whether repeated disturbance, delayed restoration, or cumulative sediment effects will be adequately controlled or what the real impact assessment will be.

IX. The Commission's Reliance on Post-Construction Monitoring and Corrective Action Places the Burden on Residents and the Environment After the Risk Has Materialized

The Order cites real-time turbidity monitoring, water sampling, immediate reporting of exceedances, corrective action within 24 hours, independent monitoring, and restoration requirements as evidence that the Project's impacts will be minimized.[34] These measures may be useful, but their existence does not resolve whether the Project's protections are preventative, sufficiently specific, and enforceable. Parties have identified several features that require scrutiny: monitoring boundaries that may not protect

resources located within them; monitoring arrangements that may not cover all operations capable of causing impacts; delayed corrective-action plans; reliance on future contractor submittals; discretionary decision paths during a loss of drilling-fluid circulation; and the potential for work to continue during hours when the proposed environmental monitoring may not be equivalent to daytime coverage.[35] A regulatory framework is not adequately preventative if it permits a potentially harmful operation to continue until a plume, release, exceedance, or other adverse condition has been observed, and then relies on a later plan to correct the problem. A complaint-triggered response is also not an adequate substitute for objective, mandatory preventative safeguards where the risk can be anticipated. A well planned project should not put all its reliance on reactive measures once there is an negative affect to residents or environmental resources.

The Commission should require:

- objective stop-work triggers for drilling-fluid loss, unexpected returns, turbidity or water-quality exceedances, and other material environmental events;
- continuous or otherwise demonstrably equivalent monitoring during all risk-producing work, including relevant nighttime operations;
- immediate notification to DPS, NYSDEC, affected municipalities, and other applicable authorities when a material event occurs;
- defined investigation, sampling, remediation, and restoration requirements;
- written restart authorization after an event that calls into question the adequacy of the controls;
- public disclosure of relevant monitoring data, exceedances, corrective actions, and restart decisions; and
- enforceable restoration standards and corrective-action obligations if monitoring demonstrates that the expected outcome was not achieved.

These conditions should be imposed before work begins, not left to discretionary field decisions after construction has commenced. The Applicant's construction schedule should not override environmental protection, and the cost of prevention should not be shifted to residents, municipalities, shellfish-restoration programs, or other affected parties through an assumption that damage can be addressed later.

X. The Record Should Be Deemed Complete and Assessed when Permits, Approvals, and Agency Determinations Are Final

The Order was issued while additional permitting and construction-plan review remained necessary. The September 30, 2026 Newsday report concerning the Commission's approval stated that the Project was still awaiting U.S. Army Corps of Engineers and New York State Department of Environmental Conservation approvals, as well as local road-use permits.[36] The October 2 WQC separately contemplates subsequent permit changes and requires notice to DPS where changes to the federal Section 404 application may affect water resources.[37] The issue is whether the Commission's environmental findings depend on assumptions that cannot be verified until those permits, final plans, or agency determinations are complete. The Commission should not treat future agency review as a blanket assurance that all outstanding environmental issues will be resolved. Nor should a later permit be treated as a substitute for the Commission's own obligation to support its findings with an adequate record under the governing state law.

XI. The Commission's Treatment of Community Objections and the Approval Process Reinforces the Need for a Reasoned Reconsideration

The procedural concerns are not limited to the environmental technical record. In its September 17 Order, the Commission rejected objections to the sufficiency of the record and relied on the EM&CP process as an opportunity for future review and comment.[38] Yet affected municipalities, school districts, and residents have continued to identify material issues that they contend remain unanswered. In Mark Harrington's September 30, 2026 Newsday article, "School districts oppose PSC decision on Propel NY Energy project," former PSC Commissioner and Chairman John Howard questioned the use of the consent

agenda for a project of this magnitude. He stated: “I find it very unusual that an item of this magnitude and this apparent importance would go on a consent agenda.” He also criticized the Commission’s dismissal of local concerns as “off-base,” stating: “I don’t think that gives adequate respect to the communities involved who have real concerns, which in their mind have yet to be addressed.”[39] Howard’s comments do not themselves establish legal error, or the placement on a consent agenda automatically invalidates an agency determination. They are relevant context for the central issue on rehearing: whether the Order actually resolves the material objections presented in the record, or instead relies on general assurances and future procedures while leaving the substantive questions unanswered. The same article reported objections from the North Shore, Roslyn, and Syosset school districts concerning student health, safety, construction noise, seasonal restrictions, and disruption to educational operations. The party submissions raise additional concerns about harbor use, shellfish restoration, water quality, burial depth, aquifers, stormwater, archaeological resources, and the completeness of construction plans.[40] The Commission should not treat public participation as sufficient merely because comments were accepted. Nor should the number of supportive submissions resolve the substance of specific objections submitted by affected local governments, school districts, and residents. The proper inquiry is whether the Commission evaluated the evidence and explained its conclusions on the material issues. The Commission should therefore address how the objections were resolved, identify which issues it considers properly reserved for EM&C Preview, and explain why any unresolved issue was not necessary to its statutory findings at the certificate stage. A general statement that future EM&CPs will be subject to public comment does not seem to answer that question.

XII. Rehearing Is Necessary to Reconcile the Commission's Environmental Findings With the Record

The Order makes broad findings that the Project's probable environmental impacts have been assessed and that the Joint Proposal and Certificate Conditions will minimize significant adverse impacts to the extent practicable. It also relies on the future EM&CP process to develop site-specific protocols, final construction details, mitigation, monitoring, and restoration. The record, however, identifies material matters that remain uncertain or deferred, including final cable burial depth and protective structures, navigation coordination, harbor use, shellfish and benthic impacts, the final submarine-cable installation plan, sediment contamination and deposition, stormwater and drilling-fluid controls, groundwater and aquifer pathways, archaeological review, restoration standards, cumulative impacts, inadequate resident issue resolutions and the final permits and approvals governing construction. POANSA asks the Commission to determine whether the present record supports the findings already made and whether the conditions adopted are sufficiently specific, preventative, and enforceable to ensure that the Project can be constructed without significant adverse impacts that have not been adequately evaluated or minimized. The Commission should not equate an obligation to submit a future plan with proof that the plan will cure an existing deficiency. It should not equate monitoring with prevention, the availability of corrective action with avoidance of harm, or restoration in principle with an enforceable restoration outcome. Nor should it assume that the full impacts are know when it allows separate phase-by-phase assessments in the hopes that they will necessarily resolve impacts that accumulate across phases or affect the same resources. Rehearing should require the Commission to identify the evidence supporting each material finding, address the specific technical information submitted by the Village and other parties, and determine whether

supplemental evidence, additional environmental analysis, final permits, revised construction plans, or enforceable preconstruction conditions are necessary before deeming the record complete and rendering a decision.

XIII. Requested Relief

POANSA respectfully requests that the Commission:

1. Grant rehearing under Public Service Law § 22 and 16 NYCRR § 3.7, to the extent applicable, and reconsider the Order's environmental findings in light of the deficiencies and unresolved issues identified herein.

2. Reconsider the finding that the record contains a full assessment of impacts to Hempstead Harbor, including the implications of final cable burial depth, alternative cable-protection methods, navigation restrictions, aids to navigation, continued harbor use, sediment disturbance, shellfish and oyster-restoration impacts, and restoration obligations.

3. Address the Cashin Associates report expressly, including its assumptions and estimates of potential hard-clam and oyster losses, the implications of increased burial depth, and the need for a defined, funded, and enforceable restoration plan.

4. Require a complete cross-phase closure matrix identifying every material issue raised in the Article VII proceeding and EM&CP comments, the filing or approval that resolves it, the evidence demonstrating resolution, and the mandatory hold point that prohibits affected work until resolution is confirmed.

5. Require final, site-specific construction documents and environmental plans for the affected work before authorization to proceed, including final marine construction methods, burial depths, work areas, navigation coordination, stormwater and spill-prevention controls, drilling-fluid management, groundwater and aquifer contingencies, archaeological protections, emergency response, and restoration criteria.

6. Require cumulative-impact analysis for repeated and overlapping construction activities affecting Hempstead Harbor, shellfish and benthic habitat, water quality, sediment, public recreation, stormwater, groundwater, and surrounding communities.

7. Replace discretionary or reactive provisions with enforceable preventative safeguards, including objective stop-work triggers, continuous or demonstrably equivalent environmental monitoring during risk-producing operations, immediate notification, defined corrective-action requirements, independent verification, written restart authorization, public disclosure of material monitoring results, and measurable restoration criteria.

8. Address the separate October 2, 2026 WQC issues in the appropriate proceeding, including the Section 401 request and public-notice record, the treatment of the October 1 comments and Cashin report, and the scope of the certification relative to the unfiled Phase 5 submarine-cable plan.

9. Withhold authorization for any affected work that depends on unresolved material matters until the necessary evidence, permits, final plans, review, and enforceable conditions are in place. Where the Commission determines that the existing record is insufficient to support a required finding, it should require supplemental analysis or reconsider the relevant finding rather than defer the deficiency to a later stage without a demonstrated means of resolving it.

10. Grant such other and further relief as the Commission determines necessary to ensure that the Article VII Certificate rests on an adequate record and that environmental protections are established before, rather than only after, the Project's potentially consequential construction activities occur.

CONCLUSION

For the reasons set forth in this petition and the accompanying statement, POASNA respectfully requests that the Commission grant rehearing under PSL § 22 and 16 NYCRR § 3.7, reconsider the findings challenged under PSL Article VII, including §§ 126 and 128, and provide a reasoned determination addressing the specific record evidence and unresolved issues identified. The Commission should not treat the record as complete and rely on future EM&CP submissions, later permitting, monitoring, or corrective action as substitutes for the information and enforceable protections necessary to support its findings for a certificate. Nor should it rely on unsupported statements indicating that future documents will cure the deficiencies of the current record it is making a decision on. POANSA further request the relief set out in the existing "Requested Relief" section of the statement, including supplemental analysis where required, final and site-specific construction and environmental plans, cross-phase closure of material issues, cumulative-impact review, objective preventative safeguards, and withholding authorization for affected work until outstanding material matters have been resolved. POASNA seeks such other and further relief as the Commission deems just and proper.

RESERVATION OF RIGHTS

POASNA submits this petition without waiving any objection, claim, argument, procedural right, or remedy available to them in Case 24-T-0446 or in any separate federal, state, or local proceeding. Nothing in this petition should be construed as conceding that the October 2, 2026 Water Quality Certification, any pending or future permit, any EM&CP phase, or any other agency action resolves the issues identified herein. POASNA expressly reserves the right to pursue separate challenges or requests for relief concerning such actions in the appropriate forum and within any applicable time limits.

POASNA also reserves the right to supplement or clarify their arguments to the extent permitted by law and Commission procedure, including in response to further record materials or determinations. This reservation does not purport to extend any statutory, regulatory, or court-imposed deadline.

Respectfully submitted,
Property Owners' Association of North Shore Acres

Footnotes

[1] Case 24-T-0446, Order Adopting the Terms of a Joint Proposal (issued Sept. 17, 2026) ("September 17 Order"), pp. 16–17.

[2] Incorporated Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP(filed by Oct. 1, 2026), including Exhibit A, Cashin Associates, P.C., Shellfish Restoration Requirements for Hempstead Harbor Associated with Propel NY Energy Project (Sept. 2, 2026) ("Cashin Report").

[3] September 17 Order, pp. 16–17.

[4] September 17 Order, pp. 23–26; Joint Proposal, Appendix D, proposed Certificate Conditions concerning waterbodies, marine construction, monitoring, and restoration.

[5] Daniel McAree, Final Comments on the Phase 2 Environmental Management and Construction Plan (Aug. 10, 2026), including discussion of final construction documents, cross-phase deferral, HDD submittals, drilling-fluid management, monitoring, and hold points.

[6] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP(filed by Oct. 1, 2026), including discussion of shellfish restoration, Phase 5 deferrals, benthic surveys, navigation, and marine-construction protections.

[7] Joint Proposal, Appendix C, Anticipated Scope of Each EM&CPPhase (Apr. 2026), Table C.1-1; September 17 Order, pp. 16–17.

[8] EM&CPPhase 1 Comments (filed in Case 24-T-0446); Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP; Joint Proposal, Appendix C; Phase 2 EM&CP, Appendix AB, Benthic Sampling Plan, Phases 2 and 5 (July 2026).

[9] September 17 Order, pp. 24–26.

[10] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP, including Cashin Report, Exhibit A.

[11] McAree, Final Comments on the Phase 2 EM&CP, pp. 2–5 and related sections concerning construction-document status, cross-phase closure, HDD procedures, environmental monitoring, and restoration.

[12] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP, discussion of burial depth and secondary cable protection; see also Applicant’s referenced correspondence and Appendix C, p. 36, as cited in the Village of Sea Cliff’s filing.

[13] McAree, Final Comments on the Phase 2 EM&CP, section concerning U.S. Coast Guard aids to navigation and final marine coordination.

[14] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP, discussions of marine construction, navigation, and Harbor use.

[15] Cashin Report (Sept. 2, 2026), discussion of the potential effects of increasing target burial depth from six feet to nine feet.

[16] Cashin Report, overview and estimate of potential hard-clam losses; see also Application Exhibit 4, as revised and supplemented, § 4.9.8.1, as quoted and discussed in the Cashin Report.

[17] Cashin Report, estimates of potential hard-clam and oyster losses and shellfish-restoration requirements.

[18] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP, discussion of oyster restoration, hard-clam mitigation, and Phase 5 deferrals.

[19] September 17 Order, p. 26; Joint Proposal, Appendix D, applicable benthic restoration and marine-resource conditions.

[20] McAree, Final Comments on the Phase 2 EM&CP, sections addressing monitoring boundaries, monitoring hours, corrective-action timing, and environmental stop-work procedures.

[21] McAree, Final Comments on the Phase 2 EM&CP, sections addressing water-quality monitoring, drilling-fluid reconciliation, immediate exceedance response, and restart authorization.

[22] Case 24-T-0446, Application Exhibit 8, Other Pending Filings (July 2024), pp. 8-1, 8-11 to 8-12; 40 C.F.R. §§ 121.4–121.6.

[23] Village of Sea Cliff, Motion Regarding October 2, 2026 Water Quality Certification, §§ I–III; Case 21-T-0569, Notice Requesting Comments on Water Quality Certification Application (issued Apr. 29, 2024).

[24] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP(filed by Oct. 1, 2026), including Cashin Report; Water Quality Certification—Propel NY Energy (issued Oct. 2, 2026).

[25] Water Quality Certification—Propel NY Energy (Oct. 2, 2026), pp. 1–3. The component figures and reported total should be confirmed against the original certification.

[26] Joint Proposal, Appendix C, Table C.1-1; Phase 2 EM&CP, Appendix AB, Benthic Sampling Plan, Phases 2 and 5 (July 2026), §§ 1 and 4.

[27] Water Quality Certification—Propel NY Energy (Oct. 2, 2026), Conditions 1–7; Village of Sea Cliff, Motion Regarding October 2, 2026 Water Quality Certification, §§ III.C and IV.

[28] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP, section concerning the 500-foot mixing-zone boundary and resources located within it; McAree, Final Comments on the Phase 2 EM&CP, discussion of contaminant-specific monitoring and sediment deposition.

[29] EM&CP Phase 1 Comments, sections concerning fugitive dust, public water supplies, sole-source aquifers, and the archaeological notation associated with Shore Road, including the discussion of Appendix K.

[30] McAree, Final Comments on the Phase 2 EM&CP, sections concerning stormwater capacity, drilling-fluid management, groundwater and aquifer contingency, containment, and emergency response.

[31] EM&CP Phase 1 Comments, discussion of Appendix K, Shore Road, and the Applicant's stated procedure for identifying and marking archaeological sites before tree clearing.

[32] McAree, Final Comments on the Phase 2 EM&CP, sections concerning repeated HDD operations, cumulative disturbance, monitoring, and restoration.

[33] Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP, discussion of Appendix AB, benthic sampling, and Phase 5 surveys.

[34] September 17 Order, pp. 25–26.

[35] McAree, Final Comments on the Phase 2 EM&CP, sections concerning HDD decision trees, 24-hour operations, daylight monitoring, exceedance response, and stop-work and restart criteria.

[36] Mark Harrington, "School districts oppose PSC decision on Propel NY Energy project," Newsday (Sept. 30, 2026).

[37] Water Quality Certification—Propel NY Energy (Oct. 2, 2026), Conditions 5–7 and Appendix A.

[38] September 17 Order, pp. 16–17, 23–26.

[39] Harrington, “School districts oppose PSC decision on Propel NY Energy project,” Newsday (Sept. 30, 2026).

[40] Id.; EM&CP Phase 1 Comments; Village of Sea Cliff, Supplemental and Updated Comments and Protective Objections Regarding the Phase 2 EM&CP; McAree, Final Comments on the Phase 2 EM&CP.