

*Via DMM filing*

October 23, 2026

Hon. Michelle L. Phillips  
Secretary to the Commission  
New York State Public Service Commission  
3 Empire State Plaza  
Albany, New York 12223

***Re: Case Number: 24-T-0446 -- Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need***

***Response to Certificate Holder's Assertion Regarding Filing and Service***

Dear Secretary Phillips:

We submit this letter to address an inaccurate assertion contained in the recent filing by New York Transco LLC and the New York Power Authority (together, the “Certificate Holder”<sup>1</sup>), on October 21, 2026<sup>2</sup>, regarding the North Shore Central School District, Roslyn Union Free School District, and Syosset Central School District (collectively the “School Districts”).

The School Districts and undersigned counsel do not take lightly allegations that they have violated the Rules of Procedure governing practice before the Public Service Commission (the “Commission”) or filing requirements administered by the Department of Public Service (the “Department”). Because the Certificate Holder’s allegation directly and erroneously calls into question the School Districts’ compliance with those Rules, the School Districts submit this letter to correct the record.

Specifically, the Certificate Holder contends that the School Districts’ Petition for Rehearing and Request for Stay<sup>3</sup> (the “Petition”) was “served [ . . . ] three days prior to [its] filing

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<sup>1</sup> The School Districts refer to the parties as the “Certificate Holder” solely to reflect their current procedural status in this proceeding. Nothing herein should be construed as conceding the validity of the Certificate, which remains the subject of the School Districts’ pending Petition for Rehearing and Request for Stay, among others.

<sup>2</sup> See Case 24-T-0446, *Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties*, Request for Consolidated and Extended Deadline to Respond to Pending Petitions by New York Power Authority and New York Transco LLC, filed October 21, 2026 (DMM Item No. 464).

<sup>3</sup> See Case 24-T-0446, *North Shore Central School District, Roslyn Union Free School District, and Syosset Central School District’s Petition for Rehearing and Request for Stay*, dated October 16, 2026 (DMM Item No. 449).

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in violation of 16 NYCRR § 3.7(a).” That contention rests on a misapprehension of the Commission’s filing and service requirements and is inconsistent with the Certificate Holder’s own recent conduct in this proceeding.

Under 16 NYCRR § 3.7(a), a petition for rehearing, “pursuant to section 3.5 of this Part,” must “**be filed with the Secretary and at the same time be served** on each party to the proceeding” (emphasis added). The Rules govern the conduct of the filing party by requiring contemporaneous filing and service. Further, 16 NYCRR § 3.5(a)(1) provides that “documents shall be **filed electronically** unless the filing party certifies that it is unable to do so” (emphasis added). The Department uses the Document and Matter Management (“DMM”) system to manage its cases, including electronic filing into existing case matters.<sup>4</sup> Additionally, pursuant to 16 NYCRR § 3.5(e), “service shall be by electronic means” and “electronic service is complete upon transmission.” Nothing in these provisions makes compliance contingent upon the Department’s subsequent administrative review, processing, or public posting of a submission.

The relevant facts are straightforward. On Friday, October 16, 2026, at approximately 11:11 p.m., undersigned counsel submitted the Petition through the Department’s DMM system and immediately received confirmation of that filing.<sup>5</sup> One (1) minute later, at approximately 11:12 p.m., undersigned counsel electronically served the identical filing upon all parties and the presiding Administrative Law Judges.<sup>6</sup> The filing was thereafter processed and reflected on the Department’s public docket on Monday, October 19, 2026, at 9:03 a.m.<sup>7</sup>

Applying the Rules to these facts, the School Districts plainly complied with 16 NYCRR §§ 3.5 and 3.7. The Petition was submitted through DMM and served upon the parties essentially simultaneously, thereby satisfying the requirement that filing and service occur “at the same time.” The Department’s later administrative processing and public docketing of that submission did not alter the timing of the School Districts’ filing or service and could not transform otherwise compliant conduct into a procedural violation.<sup>8</sup>

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<sup>4</sup> See N.Y. Dep’t of Pub. Serv., DMM Help Topics, About DMM, available at <https://dps.ny.gov/dmm-help>; see also N.Y. Dep’t of Pub. Serv., DMM Help: Electronic Filing Registration Instructions, Purpose, available at <https://dps.ny.gov/dmm-help-electronic-filing-registration-instructions>

<sup>5</sup> A copy of the October 16, 2026 electronic transmission from the Secretary, confirming that the School Districts’ filing had been “generated and is with Central Operations for processing” is annexed hereto as Attachment 1.

<sup>6</sup> A copy of the School Districts’ October 16, 2026 electronic service transmission is annexed hereto as Attachment 2.

<sup>7</sup> A copy of the October 19, 2026 electronic transmission from the Secretary, confirming that the School Districts’ filing had been “processed by Central Operations” is annexed hereto as Attachment 3.

<sup>8</sup> In fact, the Department’s “Matter Filing Manual” specifically contemplates this exact sequence. See N.Y. Dep’t of Pub. Serv., DMM Matter Filing Manual (June 12, 2019), available at [https://dps.ny.gov/system/files/documents/2024/12/dmm\\_matter\\_filing\\_manual.pdf](https://dps.ny.gov/system/files/documents/2024/12/dmm_matter_filing_manual.pdf) (Step 1: New or Existing Matter Filing; Step 2: Filing Information; Step 3: Upload Documents; Step 4: Service & Party List; Step 5: Notifications and Confirmation).

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The Certificate Holder's position appears to conflate the School Districts' actions, which are governed by the Commission's Rules, with subsequent actions taken by Department personnel over which the School Districts had no control.<sup>9</sup> Acceptance of the Certificate Holder's interpretation would lead to the anomalous result that a party could comply with the filing and service requirements at the time of submission, yet somehow be found in violation based solely upon the timing of the Department's later administrative processing. Nothing in the Rules supports such a result.

Indeed, had the School Districts withheld service until the Department administratively processed the filing on Monday morning, they would have risked violating the requirement that documents filed with the Secretary be served upon the parties "at the same time."<sup>10</sup> As noted, the rules govern the conduct of the filing party, and those rules were satisfied when counsel submitted the filing through DMM and promptly served all parties on October 16, 2026.

Moreover, the Certificate Holder suffered no prejudice. To the contrary, all parties received the Petition on the evening of October 16, 2026, thereby affording them additional time to review the filing before it was reflected on the Department's public docket.

The School Districts further note that, to the extent the Certificate Holder required clarification regarding the applicable deadlines for responses to the various petitions for rehearing, it could have sought such clarification. However, the assertion that the School Districts violated 16 NYCRR § 3.7(a) was wholly unnecessary to that inquiry. Whether the response period to the School Districts' otherwise timely Petition is measured from October 16 or October 19 presents a question of deadline calculation; it does not require, and cannot be resolved by, an erroneous allegation that the School Districts failed to comply with the Commission's Rules. Accordingly, the allegation serves no purpose other than to cast unwarranted doubt upon the School Districts'

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<sup>9</sup> The Certificate Holder's position is also inconsistent with its own prior practice before the Commission. For example, as recently as last week in this proceeding, the Certificate Holder's counsel submitted documents through the DMM at 10:15 p.m. on October 15, 2026, and served those filings on parties the same evening, before the Department completed its administrative processing and public docketing of that submission the next morning. This is not the only instance in which Certificate Holder's counsel has proceeded in this manner. Thus, counsel for the Certificate Holder has previously recognized the distinction between a party's act of filing and service, on the one hand, and the Department's subsequent administrative processing and public posting of the filing, on the other.

<sup>10</sup> Even if, assuming *arguendo*, that the School Districts did run afoul of the filing and service Rules, which they unequivocally did not, the Commission has stated that "the generally accepted remedy for defective or untimely service is to grant additional time to the aggrieved party, not dismissal of the petition [...]. Inadvertent service irregularities seldom justify dismissal of a filing regarding the merits of a case, and we recognize the importance of resolving cases on the merits rather than on procedural grounds." See Case 08-E-0836, *Petition of Frawley Plaza, LLC to submeter electricity at 1295 Fifth Avenue, 1309 Fifth Avenue, and 1660 Madison Avenue, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc., filed in C 26998, et al.*, Order Denying Petition for Rehearing and Stay (issued February 18, 2026) at \*11, FN 36.

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compliance with the Commission's Rules of Procedure and to divert attention from the significant substantive issues raised in the Petition.

In light of the foregoing, the Certificate Holder's assertion that the School Districts violated the Commission's Rule of Procedure, or the Department's filing and service procedures, is without factual or legal basis. The School Districts respectfully request that the Commission reject that allegation and afford it no further consideration in this proceeding.

Respectfully submitted,



CHRISTINE M. DURANT

Cc: Hon. Nicholas Planty ([nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov))  
Hon. Erika Bergen ([erika.bergen@dps.ny.gov](mailto:erika.bergen@dps.ny.gov))  
Hon. Anthony Belsito ([anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov))  
Case 24-T-0446 DMM Service List (via electronic mail)

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**ATTACHMENT 1 –**

October 16, 2026 electronic transmission from the Secretary confirming that the School Districts’ filing of their Petition for Rehearing and Request for Stay had been “generated and is with Central Operations for processing”

**From:** [Secretary@dps.ny.gov](mailto:Secretary@dps.ny.gov)  
**To:** [Christine Durant](#)  
**Subject:** Subsequent Filing - Case Number 24-T-0446 : Msg. Tracking No.: 17  
**Date:** Friday, October 16, 2026 11:11:48 PM

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This e-mail is provided by the New York State Public Service Commission. A subsequent filing for the above-referenced matter number has been generated and is with Central Operations for processing.

Case Number: [24-T-0446](#)

Matter Type: Petition

Matter Subtype: Certificate of Environmental Compatibility and Public Need

Matter Title: Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties.

Description/Purpose of Filing: North Shore CSD, Roslyn UFSD, and Syosset CSD's Petition for Rehearing and Request for Stay

Company/Organization: North Shore Central School District, Roslyn Union Free School District, Syosset Central School District

Response To Previous Filing: No

Date Filed: 10/16/2026

Document(s) Filed:

| Document Title                                                                                               | Document Type | Security | File Name                                                                                                        | File Size |
|--------------------------------------------------------------------------------------------------------------|---------------|----------|------------------------------------------------------------------------------------------------------------------|-----------|
| 24-T-0446_North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay_Cover Letter | Petitions     | Public   | 24-T-0446_North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay_Cover Letter.pdf | 277 KB    |
| 24-T-0446_North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay              | Petitions     | Public   | 24-T-0446_North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay.pdf              | 455 KB    |

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**ATTACHMENT 2 –**

School Districts' October 16, 2026 electronic service transmission

**From:** [Christine Durant](#)  
**To:** [alicia.mcnally@dot.ny.gov](#); [adevito@couchwhite.com](#); [amajkrzak@lipower.org](#); [msports111@hotmail.com](#); [acasione@cullenllp.com](#); [aroman@harrisbeachmurtha.com](#); [bew@bewlawfirm.com](#); [wildoilsi@gmail.com](#); [bmooney@cullenllp.com](#); [Bridget@OTooleLaw.Group](#); [bkennedy@seacliff-ny.gov](#); [Christian.MMonahan@gmail.com](#); [carenriskin@gmail.com](#); [Carrie Anne Tondo](#); [cmccann63@hotmail.com](#); [cheryl.sandrow@dec.ny.gov](#); [Christine Durant](#); [Colleen.Alderson@parks.nyc.gov](#); [dmcaree@ewhowell.com](#); [D.Evers@BHPP.com](#); [dmetcalfe@cullenllp.com](#); [david.appelbaum@nytransco.com](#); [goldcoastbusinessassociationli@gmail.com](#); [deborgelgordon@gmail.com](#); [dgoodric@law.nyc.gov](#); [draugenth@gmail.com](#); [evillafane@seacliff-ny.gov](#); [gpombar@optonline.net](#); [HWHpropelinfo@yahoo.com](#); [Heather.Behnke@nypa.gov](#); [hmbenzie@gmail.com](#); [Irene.Papadopoulos@parks.nyc.gov](#); [FREITASI@coned.com](#); [propelupdates2025@yahoo.com](#); [jenniferokeefe77@yahoo.com](#); [thpo@mohican-nsn.gov](#); [Jennifer@heathotoole.com](#); [greenvalecivica@aol.com](#); [jmcmanus@harrisbeachmurtha.com](#); [J.macy@bhpp.com](#); [kara.krueger@psegliny.com](#); [karen.gaidasz@dec.ny.gov](#); [kvanelli@gmail.com](#); [kathyre12@gmail.com](#); [klang@couchwhite.com](#); [kasaladino@icloud.com](#); [kimberly\\_pritchard@iroquois.com](#); [laurel.bohl@dos.ny.gov](#); [linneydel@yahoo.com](#); [lzafonte@lipower.org](#); [lorirugg23@hotmail.com](#); [parentsagainstpropel@gmail.com](#); [Marissa.Fabricant@parks.nyc.gov](#); [b2bespoke@gmail.com](#); [meldred@hselaw.com](#); [mfranco@couchwhite.com](#); [micah.jaffe@dps.ny.gov](#); [mkoblenz@westermanllp.com](#); [michael.morris@dos.ny.gov](#); [michaelbatel@gmail.com](#); [nicholas.forst@dps.ny.gov](#); [suttonmanor.nr@gmail.com](#); [Peter.Hilerio@dps.ny.gov](#); [theroseannmcmahon@gmail.com](#); [richard.swatek@dot.ny.gov](#); [poansa1@outlook.com](#); [bogler@northhempsteadny.gov](#); [Sarmili.Saha@psegliny.com](#); [sherri.rosenberg@parks.nyc.gov](#); [rosenblatts@coned.com](#); [eskerrets@coned.com](#); [sita.crounse@dec.ny.gov](#); [garcias@coned.com](#); [staceyrichardson45@gmail.com](#); [slefevre@bartonandloguidice.com](#); [Mayor@villageofthomastonny.gov](#); [Tara.Wells@agriculture.ny.gov](#); [GalloV@coned.com](#); [wplache@law.nyc.gov](#)  
**Cc:** [Nicholas Planty](#); [erika.bergen@dps.ny.gov](#); [Anthony.Belsito@dps.ny.gov](#)  
**Subject:** NYSPSC Case No.: 24-T-0446 - North Shore CSD, Roslyn UFSD, and Syosset CSD's Petition for Rehearing and Request for Stay  
**Date:** Friday, October 16, 2026 11:12:13 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[24-T-0446 North Shore CSD, Roslyn UFSD, Syosset CSD Petition for Rehearing and Request for Stay Cover Letter.pdf](#)  
[24-T-0446 North Shore CSD, Roslyn UFSD, Syosset CSD Petition for Rehearing and Request for Stay.pdf](#)

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Good evening,

Attached please find the North Shore Central School District, Roslyn Union Free School District, and Syosset Central School District's Petition for Rehearing and Request for Stay, which was filed with the Secretary via the PSC's DMM website in the above-referenced case matter.

This email constitutes electronic service upon the presiding officers and all parties.

Respectfully,

*Christine M. Durant, Esq.*  
**Associate Attorney**



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***Case Number: 24-T-0446 -- Response to Certificate Holders' Assertion Regarding Filing and Service***

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**ATTACHMENT 3 –**

October 19, 2026 electronic transmission from the Secretary confirming that the School Districts’  
Petition for Rehearing and Request for Stay had been “processed by Central Operations”

**From:** [DMM@dps.ny.gov](mailto:DMM@dps.ny.gov)  
**To:** [Christine Durant](#)  
**Subject:** Subsequent Filing Processed - Case Number 24-T-0446 : Msg. Tracking No.: 19  
**Date:** Monday, October 19, 2026 9:03:33 AM

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Case Number : [24-T-0446](#)

Matter Type : Petition

Matter Subtype : Certificate of Environmental Compatibility and Public Need

Matter Title : Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties.

Description/Purpose of Filing : North Shore CSD, Roslyn UFSD, Syosset CSD\_Petition for Rehearing and Request for Stay

Company/Organization : North Shore Central School District, Roslyn Union Free School District, Syosset Central School District

Response To Previous Filing: No

Date Filed: 10/19/2026

Document(s) Filed:

| Document Title                                                                                        | Document Type | Security | File Name                                                                                                        | File Size |
|-------------------------------------------------------------------------------------------------------|---------------|----------|------------------------------------------------------------------------------------------------------------------|-----------|
| <a href="#">Cover Letter</a>                                                                          | Petitions     | Public   | 24-T-0446_North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay_Cover Letter.pdf | 277 KB    |
| <a href="#">North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay</a> | Petitions     | Public   | 24-T-0446_North Shore CSD, Roslyn UFSD, Syosset CSD_Petition for Rehearing and Request for Stay.pdf              | 455 KB    |

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