

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 25-T-0195 – 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 the Reconstruction of Approximately 27.44 Miles of 115kV Transmission Line from the Existing Black River Substation in the Town of LeRay, Jefferson County, to the New Beaver River Substation in the Town of Croghan, Lewis County, Traversing the Towns of LeRay, Rutland, Champion, and Wilna, the Villages of Black River and Carthage in Jefferson County, and the Town of Croghan in Lewis County.

**THE DEPARTMENT OF PUBLIC SERVICE TRIAL STAFF
STATEMENT IN SUPPORT OF JOINT PROPOSAL**

RUSSELL KING
PETER SHAPIRO
Staff Counsel
Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350
(518) 486-6764

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BACKGROUND

The Trial Staff of the Department of Public Service (DPS Staff), designated to represent the public interest in this proceeding, hereby files this Statement in Support of the Joint Proposal dated May 28, 2026. The Joint Proposal resolves all issues that Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), DPS Staff, the New York State Department of Environmental Conservation (DEC), the New York State Department of Agriculture and Markets (AGM), and the New York State Department of Transportation (NYSDOT, and, collectively with National Grid, DPS Staff, DEC, and AGM, the Parties) have raised in this proceeding. Accordingly, DPS Staff supports the Joint Proposal in its entirety. DPS Staff recommends that the Commission adopt and approve the Joint Proposal as filed.

On March 28, 2025, National Grid filed with the Public Service Commission (Commission) an application for a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Article VII of the Public Service Law (PSL) and the Commission's regulations thereunder. The application seeks authorization to rebuild approximately 27.4 miles of 115 kilovolt (kV) transmission lines from the existing Black River Substation in the Town of

LeRay, Jefferson County, to the new Beaver River Substation¹ in the Town of Croghan, Lewis County (the Facility).

On June 9, 2025, the Secretary issued a letter identifying certain application deficiencies. On June 17 and September 15, 2025, National Grid supplemented the application to cure outstanding deficiencies the Secretary identified in the June 9, 2025 letter. On September 24, 2025, the Commission granted National Grid's request for waivers of certain application requirements contained in the PSL and the Commission's regulations thereunder. Subsequently, on September 25, 2025, the Secretary issued a letter finding the application in compliance with PSL §122 as of September 24, 2025.

National Grid issued a Notice of Impending Settlement Discussions on November 4, 2025. Settlement discussions subsequently began on November 17, 2025, and were held approximately bi-weekly until April 6, 2026. The Parties negotiated via electronic communication in between bi-weekly meetings. The Secretary issued a Notice of Joint Proposal and Opportunity for Public Comment on June 12, 2026, with comments due by June 22, 2026. As of the filing of this Statement, there have been no comments on the Joint Proposal.

FACILITY DESCRIPTION

The Facility consists of a rebuild of 27.4 miles of 115 kilovolt (kV) transmission lines from the existing Black River Substation in the Town of LeRay, Jefferson County, to the new Beaver River Substation in the Town of Croghan, Lewis County. National Grid will convert the existing transmission lines from a single-circuit to a double-circuit configuration as part of this rebuild. Appendix B to the Joint Proposal details the Facility's location.

THE JOINT PROPOSAL IS IN THE PUBLIC INTEREST

The Commission's Settlement Guidelines require all decisions, including those to adopt the terms and conditions of a joint proposal, to be just and reasonable and in the public

¹ National Grid proposes to construct the Beaver River Substation in Case 25-T-0178, Article VII – National Grid Beaver River to Porter. See Exhibit 8.

interest.² Initially, for a joint proposal to be in the public interest, it must comply with the Commission's procedures.³ Importantly, determining whether the terms of a joint proposal are in the public interest involves the substantive consideration of the following:

1. Consistency with the law and regulatory, economic, social, and environmental State and Commission policies;
2. Whether the terms of the Joint Proposal compare favorably with the likely result of a fully litigated case and produces a result within the range of reasonable outcomes;
3. Whether the Joint Proposal fairly balances the interests of ratepayers, investors, and the long-term soundness of the utility; and
4. Whether the Joint Proposal provides a rational basis for the Commission's decision.⁴

Additionally, the Commission considers whether a joint proposal is contested, and whether it includes a complete record.⁵

Here, the Joint Proposal warrants approval because it meets the Commission's Settlement Guidelines. First, settlement negotiations complied with the Commission's procedures. The Commission's procedures require that notice of settlement negotiations be given to all parties to ensure that all interested parties have an opportunity to participate.⁶ On November 4, 2025, National Grid served on all parties a notice of settlement negotiations. Virtual confidential settlement negotiations began on November 17, 2025, and continued virtually until April 6, 2026, on a biweekly basis. The Parties also negotiated through electronic communications in between settlement meetings. All parties had an opportunity to participate, and all parties except for Deanna McMahon, Philip Hemminger, and Lonn Covey participated. As settlement negotiations were properly noticed and all parties had an opportunity to participate, the Joint Proposal complies with the procedural requirements for settlement.

² Cases 90-M-0225 and 92-M-0138, Opinion, Order and Resolution Adopting Settlement Procedures and Guidelines, Opinion No. 92-2 (issued March 24, 1992), p. 30 (Settlement Guidelines).

³ Id.

⁴ Id.

⁵ Id. at pp. 30-31.

⁶ 16 NYCRR § 3.9; Settlement Guidelines, at p. 12.

Second, the terms of the Joint Proposal are consistent with regulatory, economic, social, and environmental State and Commission policies and the law. The State and Commission laws and policies most relevant to siting transmission are the required findings of PSL §126(1). The Commission must make these findings to issue an Article VII Certificate.⁷ The Joint Proposal permits the Commission to make the required Article VII findings, and thus is consistent with State and Commission laws and policies. The findings and information supporting each finding is provided below.

1. The Joint Proposal establishes the need for the Facility.⁸ The Facility is a Climate Leadership and Community Protection Act (CLCPA) Phase 2 project selected by the Commission.⁹ The purpose of CLCPA Phase 2 projects is to upgrade the transmission system to support renewable generation development necessary to meet the climate goals of the CLCPA. This CLCPA Phase 2 project is designed to increase the ability of the 115 kV system in the area to transmit renewable energy to load. Additionally, the circuits that compose the Facility are approximately 100 years old, with some built as early as 1912.¹⁰ The Facility will be a modernization of century-old infrastructure, potentially leading to reliability benefits as asset condition concerns are resolved.
2. The Joint Proposal identifies the nature of the probable environmental impacts in detail.¹¹ The Facility has been reviewed with respect to potential impacts to land uses, visual, cultural, terrestrial, wildlife, wetland and water resources, topography and soils, transportation, noise, debris, communications, and electromagnetic fields (EMF). These are detailed in Appendix A, Exhibit 2 (location of Facilities), Exhibit 4 (Environmental Impacts), Exhibit 14 (Effect on Communications), Exhibit 15 (Effect on Transportation), Exhibit 16 (Agency Correspondence and its supplement,

⁷ PSL §126(1).

⁸ PSL §126(1)(a).

⁹ Case 20-E-0197, Accelerated Renewables Act Transmission Planning, Order Approving Phase 2 Areas of Concern Transmission Upgrades (issued February 16, 2023), Ordering Clause 1.

¹⁰ Exhibit 13, pp. E-4-12 to E-4-14

¹¹ PSL §126(1)(b)

Appendix J), Exhibit 18 (Invasive Species Report), Exhibit 19 (Wetland and Stream Delineation), Exhibit 20 (Cultural Reports), Exhibit 26 (EMF Report), and Exhibit 28 (Herbicide Mix Sheets). Impacts are largely related to construction.

3. The Joint Proposal demonstrates that the Facility will have the minimum adverse environmental impact, and minimum adverse impact on active farming operations, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.¹² Proposed Certificate Conditions in Appendix D, such as Pesticide Use (Section I), Cultural Resources (Section K), Terrestrial Wildlife Resources (Section L), and Wetlands and Waterbodies (Section M) dictate how National Grid will construct the Facility to avoid or minimize environmental impacts.
4. The Joint Proposal demonstrates that no portion of the Facility should be installed underground.¹³ The Facility consists of overhead transmission lines, and will remain above ground following construction.
5. The Joint Proposal demonstrates that the Facility conforms to a long-range plan for expansion of the electric power grid serving the State and interconnected utility systems, which will serve the interests of electric system economy and reliability.¹⁴ The New York Independent System Operator, Inc. reviewed the proposed Facility and determined that rebuilding the Facility will not have an adverse impact on the bulk electric system.¹⁵ Moreover, the Commission determined that this Facility is needed to achieve CLCPA mandates.
6. The Joint Proposal demonstrates that the Facility conforms to all applicable State and local laws and regulations, except for those that are unreasonably restrictive in light of existing technology, cost factors, and the needs of consumers.¹⁶ Exhibit 7 details the applicable local laws and regulations and which will not apply.

¹² PSL §§126(1)(c) and (d).

¹³ PSL §126(1)(e)(1).

¹⁴ PSL §126(1)(e)(2).

¹⁵ Exhibit 25.

¹⁶ PSL §126(1)(g).

In short, the substance of the Joint Proposal provides a rational basis for the Commission to find that the Facility will serve the public interest, convenience, and necessity. The Facility is consistent with the regulatory, economic, social, and environmental State and Commission policies and the law.

Third, given the nature and scope of the application, the terms and conditions of the Joint Proposal are within the range of likely outcomes of litigation, if such litigation had occurred. The Joint Proposal represents a fair and equitable balance of all the pertinent interests expressed in this proceeding by the Parties. Settled outcomes are the most efficient in instances where all parties believe settlement is possible and there is unanimous support for the outcome of settlement. The Parties all support the Joint Proposal, and no party contests the Joint Proposal. Accordingly, Staff requests that the Commission approve the Joint Proposal.

Fourth, the Joint Proposal balances the interests of investors, ratepayers, and National Grid. National Grid is building the Facility to permit New York State to achieve the goals of the CLCPA. Addressing climate change is to the benefit of all New Yorkers. Additionally, constructing the Facility will reduce reliability risk from asset condition issues, thereby potentially improving reliability for ratepayers.

Finally, the record is adequate to justify adoption of all the Joint Proposal's terms. A review of National Grid's initial and subsequent filings shows the range of disputed issues that have been brought to balance in the Joint Proposal. Moreover, the issues that have been resolved in the Joint Proposal have been vetted through the foregoing mechanisms and for every issue, the resolution of such falls within the range established by the Parties' respective positions. No issue has been resolved that lies outside the parameters established by the submissions put forward in this case. Finally, the Joint Proposal contains Appendix A, which includes exhibits comprehensively supporting the terms of the Joint Proposal. Therefore, DPS Staff requests that the Commission adopt the terms of the Joint Proposal.

Additionally, the Facility is not inconsistent with the CLCPA. Section 7(2) of the CLCPA requires the Commission to assess whether its administrative approvals, including Article VII Certificates, are inconsistent with or interfere with attainment of New York State's greenhouse gas emissions limits. Section 7(3) requires the Commission evaluate emissions impacts on disadvantaged communities when issuing permits, including Article VII Certificates. The Facility does not emit and is not associated with electric generation that emits greenhouse

gas emissions. Rather, the Facility is needed to permit the interconnection of renewable generation to meet CLCPA mandates. The Facility does not impact a disadvantaged community.¹⁷ Accordingly, The Facility therefore neither interferes with the CLCPA's climate targets nor disproportionately burdens disadvantaged communities.

CONCLUSION

For the foregoing reasons, DPS Staff requests that the Joint Proposal be approved without modification because it achieves a fair balance of interests among the Parties, produces constructive results that may not have been achievable except through settlement, and conforms to Commission policies. Based on the Joint Proposal, the Commission should reach the conclusions required by PSL §126 and grant a Certificate of Environmental Compatibility and Public Need for the Facility.

Respectfully submitted,

/s/ Russell King

Russell King
Staff Counsel

Dated: June 17, 2026
Albany, NY

¹⁷ Exhibit 4, Fig. 4.11-1.