STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of VENTURA GROUP INC and NIVO MOUNTAIN LLC
Regarding SIR Appendix E Cost-Sharing 2.0

PETITION OF VENTURA GROUP INC AND NIVO MOUNTAIN LLC FOR A SHARING PROJECT NOTICE REQUIREMENT

Ventura Group Inc and Nivo Mountain LLC (hereinafter "Ventura") respectfully petition the New York State Public Service Commission (the "Commission") to require the utility to provide advance written notice to the Triggering Project developer when a Sharing Project enters the interconnection queue on the same substation or feeder, and is determined to benefit from the same qualifying upgrade costs under Appendix E of the New York State Standardized Interconnection Requirements ("SIR"), prior to that determination becoming final and binding on the Triggering Project's refund eligibility, with a ten (10) Business Day period to elect to maintain its position or withdraw and receive a refund.

Ventura is the developer of Nivo Mountain LLC developing Project MC-823934 interconnecting with Consolidated Edison Company of New York, Inc. ("Con Edison") which is subject to the Cost Sharing 2.0 framework. Under that framework, a project that makes full payment of qualifying upgrade costs may not receive a refund if it later withdraws, "until/unless a subsequent project(s) take their place by making Qualifying Upgrade Charge payments that equal or exceed the Qualifying Upgrade Charge payments made by the withdrawing Participating Projects."

By email dated August 7, 2026, attached as Exhibit A, Con Edison confirmed that it was evaluating whether another project on the same circuit as MC-823934 would benefit from the qualifying upgrades funded by Ventura's project. And further confirmed that "if Con Edison determines that the identified project does not benefit from the qualifying upgrades associated with MC-823934, then, consistent with Con Edison's current administration of the NYSIR Cost Sharing framework, Con Edison would be prepared to provide a refund of the qualifying upgrade costs should Ventura Group elect to withdraw the project." Con Edison further explained that if it is determined that a project would benefit from those upgrades, Ventura would not be entitled to a refund should it elect to withdraw.

By email dated August 18, 2026, attached as Exhibit B, Con Edison confirmed that, based on information available at that time, no cost-sharing currently applies to Project MC-823934, but noted expressly that this determination reflects only present conditions and that a future project entering the queue could change that outcome.

This creates a material and time-sensitive risk for the Triggering Project, as a developer must make a substantial payment with no ability to mitigate that risk, when the project is not developed enough for such a commitment. Cost Sharing 2.0 was adopted to reduce the first-mover barrier not to substitute one form of first-mover risk with another.

Ventura is not asking to avoid its interconnection obligation or to undermine Cost Sharing 2.0 or its purpose of the framework. This notice-and-election right would make the framework transparent and financeable while preserving its shared-upgrade purpose.

Ventura respectfully requests that the Commission require Con Edison to provide written notice to Ventura as the Triggering Project developer (a) at the time a Sharing Project application is received for the same substation or feeder, and (b) again at the time a determination is made that the Sharing Project will benefit from the same qualifying upgrades, with together with a decision period of no less than ten (10) Business Days following such notice within which Triggering Project developer may elect to withdraw and receive a full refund of qualifying upgrade costs paid to date, prior to that determination becoming final and binding on the Triggering Project's refund eligibility.

The requested relief is consistent with, not contrary to, the purpose of Cost-Sharing 2.0. The Commission adopted Cost-Sharing 2.0 to distribute the burden of shared infrastructure costs fairly among the developers who benefit from it. A rule that allows that same allocation to become fixed and irreversible without notice to the party bearing the cost does not serve that same fairness purpose. A notice requirement would correct that asymmetry without altering the substance of the cost-sharing framework itself, allowing projects that benefit from common utility upgrades to share in those costs and reducing the first-mover barrier to distributed energy development.

Ventura further notes, for the Commission's consideration, that it separately inquired whether it could opt out of receiving cost-sharing benefits from future Sharing Projects, in exchange for assuming the full qualifying upgrade cost itself. Con Edison indicated that this would negatively impact other developers who might otherwise be eligible for cost-sharing. Petitioner respectfully submits that this outcome is not self-evident: a developer that pays the full cost of an upgrade and seeks no reimbursement or credit from later entrants does not appear to disadvantage those later projects, and the Commission may wish to clarify whether, and on what basis, an opt-out of this kind is foreclosed under the current rules.

Ventura's next qualifying upgrade payment for MC-823934 is due in less than 10 business days (9/17/2026). Given the urgency created by that deadline, Ventura further requests an expedited response to this Petition with sufficient time before the payment deadline for Ventura to make an informed decision or, in the alternative, a stay of that payment deadline until such a response is provided, so that Ventura may make the payment, if it elects to do so, with assurance that the funds will not become non-refundable as a result of a Sharing Project entering the queue without Ventura's knowledge.

WHEREFORE, Petitioner Ventura Group Inc. respectfully requests that the Commission require a Sharing Project notice requirement as described above, and grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,

VENTURA GROUP INC

By:______________________________

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EXHIBIT LIST

Exhibit A – Con Edison Letter dated August 7, 2026 (Cost Sharing Determination and Refund Exception, MC-823934)

Exhibit B – Con Edison Letter dated August 18, 2026 (Cost Sharing Determination and Refund Exception, MC-823934)