

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Office of the General Counsel

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June 15, 2022

*VIA Electronic Mail*

Honorable Michelle L. Phillips  
Secretary to the Commission  
New York State Public Service Commission  
Secretary@dps.ny.gov

Honorable Anthony Belsito  
Administrative Law Judge  
Department of Public Service  
Anthony.Belsito@dps.ny.gov

Re: Case No. 21-T-0340: Application of New York Power Authority and Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law to Rebuild Approximately 100 Linear Miles of Existing 230 kV to Either 230 kV 345 kV along with Associated Substation Upgrades Along the Existing NYPA Moses-Willis 1&2, Willis-Patnode, Willis-Ryan, and National Grid's Adirondack-Porter 11, 12, and 13 Lines in Clinton, Franklin, St. Lawrence, Lewis and Oneida Counties, New York (Project)

Dear Secretary Phillips and Examiner Belsito:

The letter is submitted by the Department of Environmental Conservation (DEC or the Department) in support of the Joint Proposal, including Appendices A through I, and numerous exhibits, (collectively, the Joint Proposal) filed with the Public Service Commission (PSC) by the New York Power Authority (NYPA) and Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) (collectively, the Applicants). The Applicants filed the Joint Proposal with the PSC on May 19, 2022. The Applicants filed the Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Project with the PSC on June 15, 2021.

Pursuant to the Ruling Establishing Briefing Schedule and Hearing Date on the May 2022 Joint Proposal issued May 31, 2022, the Department submits that there are no further issues for litigation concerning the Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII to construct the Project.



In the context of this administrative proceeding, DEC Staff reviewed the Application and actively participated in settlement discussions with the Applicants and other negotiating parties. Between January 2022 and May 2022, DEC participated in negotiations aimed at reaching agreement on the terms of the Joint Proposal and proposed Certificate Conditions. As required by Article VII of the Public Service Law (PSL), the Joint Proposal requires compliance with applicable substantive provisions of State law. PSL § 126(1)(g). These include the Environmental Conservation Law (ECL) and the applicable rules and regulations promulgated to implement the ECL. These negotiations were successful and eliminated any need for the Department to engage in further litigation over the terms of the Certificate.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Sita Crouse', with a stylized, cursive script.

Sita Crouse  
Associate Attorney  
New York State Department of  
Environmental Conservation  
625 Broadway, 14<sup>th</sup> Floor  
Albany, New York 12233-1500

cc: Party List