

1 1/21/2026 - NY State Electric & Gas Corp. - 25-T-0679

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 CASE 25-T-0679 - Petition of New York State Electric
5 & Gas Corporation for a Certificate of Environmental
6 Compatibility and Public Need, Pursuant to Article
7 VII of the Public Service Law, for the Livingston
8 Transmission Enhancement Project.

9 PROCEDURAL CONFERENCE

10 DATE: JANUARY 21, 2026 at 10:32 a.m.

11 LOCATION: Webex

12 BEFORE: ALJ ANTHONY BELSITO

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16 Reported by Vanessa Gonzalez, CER

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2 (The hearing commenced at 10:32 a.m.)

3 A.L.J. BELSITO: I call case 25-T-
4 0679, Petition of New York State Electric & Gas
5 Corporation for a Certificate of Environmental
6 Compatibility and Public Need, pursuant to Article
7 VII of the Public Service Law for the Livingston
8 Transmission Enhancement Project. My name is Anthony
9 Belsito. I'm an administrative law judge with the
10 Department of Public Service, and I am presiding over
11 this case.

12 We are here this morning for a
13 procedural conference that was noticed by Secretary
14 Phillips on December 31st, 2025. The purposes for
15 the conference this morning are to identify the
16 parties' major issues for adjudication, to discuss
17 any scheduling and process proposals offered by the
18 parties, to briefly address matters related to
19 service of documents and discovery, and to consider
20 any other matters appropriately raised. We'll begin
21 by taking appearances.

22 The Applicant or NYSEG?

23 MR. METCALFE: Good morning, Your
24 Honor. This is David Metcalfe with the law firm of
25 Cullen & Dykman, LLP, for the Applicant.

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2 A.L.J. BELSITO: Hi. Good morning,
3 Mr. Metcalfe. Thank you.

4 New York State Department of Public
5 Service?

6 MS. CHAUDARI: Good morning. This is
7 Noreena Chaudari on behalf of DPS Trial Staff, and
8 with me is my colleague, Sara Koch.

9 A.L.J. BELSITO: Excellent. Thank
10 you.

11 New York State Department of
12 Environmental Conservation.

13 MS. SHAW: Good morning, Your Honor.
14 This is Jessie Shaw from the New York State
15 Department of Environmental Conservation. On the
16 phone with me as well is the project manager, Mikaela
17 Poulos.

18 A.L.J. BELSITO: Excellent. Thank you
19 very much for joining this morning.

20 Anyone from the New York State
21 Department of Ag and Markets? Okay. It's my
22 understanding that they have not requested party
23 status at this point. Is there anyone else on the
24 line that would like to make an appearance? Okay.

25 Requests for party status will be

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2 treated as motions. Any person seeking party status
3 will be provisionally added to the party list. If
4 there are no timely objections to party status and I
5 raise no concerns myself, party status will be
6 assumed to be conferred.

7 Staff, can you please file your
8 4.3(d), list of persons designated as Trial Staff as
9 soon as practical if you have not already done so?

10 MS. CHAUDARI: Yes, Your Honor. We'll
11 get that filed before the end of the week.

12 A.L.J. BELSITO: Excellent. Thank
13 you. Okay. I've already adopted a protective order
14 to streamline the exchange of any protected
15 information in this proceeding. Please note that any
16 nongovernmental parties wishing to access protected
17 information in this proceeding will be required to
18 execute the appropriate protective order
19 acknowledgment and file it with the secretary and
20 served on all parties and myself. Please provide
21 your acknowledgment in the protective order category
22 on DMM -- or please file your acknowledgment.

23 Parties may commence discovery.
24 Please attempt to resolve any discovery disputes
25 amongst yourself. To the extent that you can't, you

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2 can certainly let me know that you're having issues
3 in that regard, and we'll try to get those resolved.
4 Recall that parties are obligated to promptly
5 attend -- promptly amend discovery responses if they
6 learn they are incorrect or no longer correct in any
7 material respect. Any formal objections to discovery
8 must be made in writing and served on all parties and
9 the ALJ. We do not need to receive copies of all --
10 or I do not need to receive copies of all discovery
11 questions that are posed.

12 As the parties are aware, the public
13 Service Law Section 123.3(a) requires that a final
14 decision be rendered within twelve months from the
15 date the application complies with the public service
16 law and applicable regulations. Public Service Law
17 Section 123.3(b) identifies classes of applications
18 for which an applicant -- application will require
19 expedited processing within nine months. Such
20 applications include those that would be constructed
21 within the existing rights of way.

22 Does the Applicant contend that the
23 application here should be processed on an expedited
24 basis?

25 MR. METCALFE: No, Your Honor.

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2 A.L.J. BELSITO: Excellent. Thank
3 you. Does any party have a proposal for a schedule,
4 or would the Applicant like to speak regarding any
5 intention to commence settlement discussions?

6 MR. METCALFE: Thank you, Your Honor.
7 Yes. The Applicant is interested in commencing
8 settlement discussions. We are preparing a Section
9 3.9 Notice of Impending Settlement Negotiations that
10 we expect to file and -- and circulate to
11 stakeholders by -- on or before the end of next week.
12 And I can leave it to the other parties, the two
13 agencies, to give their positions on their interest
14 in settlement or not.

15 A.L.J. BELSITO: Does DPS Staff want
16 to respond?

17 MS. CHAUDARI: Yes. DPS Staff intends
18 to participate in settlement discussions.

19 A.L.J. BELSITO: Excellent. Thank
20 you.

21 DEC?

22 MS. SHAW: Yes. DEC will also be
23 participating in settlement discussions.

24 A.L.J. BELSITO: Excellent. I will
25 look forward to seeing that Notice of Settlement, and

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2 we'll address it at that point. At this point, I --
3 I do know that the Applicant has filed an affidavit
4 of service serving the underlying landowners with
5 notice of the application. Has the Applicant also
6 served abutting landowners with notice of the
7 application?

8 MR. METCALFE: Yes, we have, Your
9 Honor.

10 A.L.J. BELSITO: Okay. Is that clear
11 in the affidavit of service that's been submitted?

12 MR. METCALFE: It's not, given the
13 fact that there's no requirement in the statute or
14 regs for service on abutters like there is for
15 service on landowners. We can file a certificate
16 thereof if -- if you wish?

17 A.L.J. BELSITO: I would. I request
18 that you file that. That would be great, especially
19 if those notices -- or services already have been
20 completed, just so we have -- everyone is aware that
21 it happened. If we have a record of that, that would
22 be great, please.

23 MR. METCALFE: Sure.

24 A.L.J. BELSITO: Thank you. Are there
25 any issues that any of the parties would like to

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2 raise at this point, either procedurally or
3 substantively related to the project or the
4 application? Okay.

5 If settlement does commence, I'll just
6 remind everyone that settlement discussions should be
7 kept confidential and held in accordance with the
8 Commission's rules regarding settlement.
9 Additionally, if settlement discussions result in
10 consideration of routes not already considered in the
11 application, notice must be provided to any
12 potentially affected municipality or landowner. I
13 intend to conduct the public statement hearing for
14 this -- or this proceeding online and plan on
15 scheduling it for the afternoon of March 4th, 2026.

16 I will not be hosting a public
17 information session, but the Applicant is encouraged
18 to host one or more in the community if they have
19 already done so or even if they have, additional ones
20 never hurt. And to the extent DPS Staff wishes to
21 provide an overview of the Article VII process at
22 such a public information session, I encourage NYSEG
23 to reach out to Staff so they can coordinate on
24 scheduling such public information session.

25 Again, the -- the public statement

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2 hearing will be virtual to the extent greater than
3 expected public interest in this matter becomes
4 apparent, we will consider additional public
5 statement hearings either in the community or
6 virtually as appropriate. Are there any questions or
7 concerns at this point? All right. Seeing none, any
8 other issues we need to discuss before we conclude
9 the conference? Excellent.

10 Hearing no further issues to discuss,
11 the conference is adjourned and we are off the
12 record.

13 (The hearing concluded at 10:41 a.m.)

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3 I, VANESSA GONZALEZ, do hereby certify that the
4 foregoing was reported by me, in the cause, at the
5 time and place, as stated in the caption hereto, at
6 Page 1 hereof; that the foregoing typewritten
7 transcription consisting of pages 1 through 9, is a
8 true record of all proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 25th day of January,
11 2026.

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14 VANESSA GONZALEZ, Reporter

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