

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION

ORES Permit Application Number 24-03041 - Application of HECATE ENERGY COLUMBIA COUNTY 1 LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 42-Megawatt (MW) Solar Energy Facility Known as the Shepherd's Run Solar Farm Located in the Town of Copake, Columbia County.

PROCEDURAL RULING EXTENDING SCHEDULE FOR SUBMISSIONS
AND ISSUANCE OF FINAL ORES PERMIT

(Issued February 25, 2026)

MAUREEN F. LEARY and DAWN MACKILLOP-SOLLER, Administrative Law Judges:

This ruling grants the request by Hecate Energy Columbia County I LLC's (Hecate or the Applicant) for an extension of time to respond to the questions presented by the Administrative Law Judges (ALJ Questions) regarding Hecate's Issues Statement and other matters in this proceeding. It also memorializes Hecate's agreement (1) to extend the timeframe for issuance of the final permit determination by the Executive Director of the Office of Renewable Energy Siting and Electric Transmission (ORES); and (2) establishes a revised schedule for ORES Staff and potential parties to respond to Hecate's submission and otherwise address the ALJ Questions.

BACKGROUND

On December 23, 2024, Hecate filed its Application to construct and operate a 42-megawatt solar energy facility project, known as the Shepherd's Run Solar Farm (Shepherd's

Run), located in the Town of Copake, Columbia County.¹ On September 19, 2025, ORES Staff issued database of Complete Application pursuant to 16 NYCRR § 1100-4.1(g), which was posted to the Department of Public Service Document and Matter Management (DMM) electronic data base system and duly served on all required persons and entities. Issuance of the Notice of Complete Application triggered the one-year timeframe for the ORES Executive Director to make a final determination on the Project permit in compliance with Public Service Law (PSL) § 142(6).

On November 18, 2025, ORES issued a Combined Notice of Availability of Draft Permit Conditions, Public Comment Period and In-Person Public Comment Hearings, and Commencement of Issues Determination Procedure (Combined Notice) in this proceeding. In the Combined Notice, ORES Staff indicated, among other things, that "the proposed facility, together with the uniform and site-specific standards and conditions contained in the draft permit, would comply with applicable laws and regulations."

The Combined Notice scheduled four in-person public comment hearings at 2:00 P.M. and 6:00 P.M. on January 21, 2026 and January 22, 2026, and two virtual public comment hearings on January 27, 2026 at 2:00 P.M. and 6:00 P.M.² It also established January 28, 2026 as the date on which Issues Statements and Petitions for Party Status must be filed. For the Town of

¹ Hecate supplemented the Application on January 17, 2025, January 28, 2025, and April 4, 2025. In response to Notices of Incomplete Application dated February 21, 2025 and June 27, 2025, Hecate submitted additional Application materials on May 20, 2025 and August 1, 2025.

² The Combined Notice required all written comments addressing the Application and Draft Permit to be submitted by January 27, 2026.

Copake, the Combined Notice established January 28, 2026 as the date for filing a Statement of Compliance with Local Laws. The Combined Notice required responses to Issues Statements and Party Status Petitions to be filed by February 18, 2026 by ORES Staff and the Applicant. In addition, it required the Applicant to file and serve ORES Staff with a response to public comments received during the comment period by February 18, 2026.

On January 28, 2026, Hecate filed an Issues Statement challenging Draft Permit Condition 3(b)(1), which sets forth ORES Staff's "Additional Findings" and provides:

Code of the Town of Copake Chapter 135 Flood Damage Prevention. Pursuant to subpart 4.1(d) of this Permit, the Permittee shall obtain any necessary approval from the pertinent agency before the start of construction or any other development within any area of special flood hazard and comply with applicable substantive provisions of Chapter 135 of the Code of the Town of Copake (Flood Damage Prevention).

Hecate's Issues Statement presented alternative arguments: that Copake Code Chapter 135 is preempted and/or superseded by PSL Article VIII; that compliance with Chapter 135 is duplicative of other Draft Permit provisions; that Chapter 135 did not apply to the Project because it is not located within a "floodway;" and that the Project was designed to comply with Chapter 135.³

Hecate requested that the ALJs rule on the legal issue presented and direct ORES Staff to remove Condition 3(b)(1) from the final permit.⁴ Hecate claimed that "[a]djudication is appropriate where, like here, there is a genuine substantive and significant dispute the resolution of which is necessary to determine the requirements of Article VIII and the Office's regulations."⁵

³ Hecate Issues Statement, pp. 14-28.

⁴ Id., pp. 7-8.

⁵ Id., pp. 11-12.

Hecate asserted that although the legal question presented by Condition 3(b)(1) is subject to adjudication, it could be resolved without testimony or an adjudicatory hearing.

On January 28, 2026, the Town of Copake, Craryville Farms, LLC, Birch Hill Road Neighbors Association, and Sensible Solar for Rural New York (Sensible Solar) also filed Issues Statements along with Petitions for Party Status.⁶ In addition, the Town timely filed its Statement of Non-Compliance with Local Laws on that date.

On February 10, 2026, the ALJs requested that Hecate provide additional information by the February 18, 2026 deadline for responding to Issues Statements and answer five questions related to the flood zone issue, as referenced in Hecate's Issues Statement, and to wetlands issues. The ALJs requested that Hecate's responses be in evidentiary form, with specific references to the Application materials.

In a February 13, 2026 email, Hecate requested "clarification" of the use of the term "evidentiary form" and asked whether its response instead could be in "narrative form." Hecate indicated that, if the response could not be in narrative form, it was requesting an extension of 14 business days to respond, until March 10, 2026.⁷ In a February 17, 2026 responsive email, the ALJs indicated that the term "evidentiary form" meant that Hecate's responses to the ALJ Questions should

⁶ The issues raised by these parties are not germane to this Ruling and will not be detailed here.

⁷ Hecate's request for an extension of 14 business days from the February 18, 2026 deadline initially set by the ALJs is an extension of 25 calendar days. See e.g., General Construction Law § 20 (computation of number of days means number of calendar days); 16 NYCRR 1100-4.1(i) (in calculating timeframes under ORES regulations, "days are calculated as calendar days" unless otherwise indicated).

be submitted by expert affidavit or affirmation, rather than in the form of a legal brief, statement, or email by counsel, and should include specific references to the Application materials relied on in responding to the questions. The ALJs noted that the extension request was problematic unless Hecate agreed to extend by a commensurate timeframe the deadline for ORES to reach its final permit decision and for the potential parties to respond.

In a February 18, 2026 email, Hecate agreed that ORES Staff and potential parties could have an additional 14 business days to respond to its submission of the requested additional information. In a separate email, Hecate also agreed to extend by 14 business days the timeframe for ORES to reach its final decision on the permit for the Project.⁸

On February 10, 2026, the Town of Copake filed a response to Hecate's Issues Statement and on February 11, 2026, Sensible Solar filed its response. Both challenged Hecate's January 28, 2026 Issues Statement. On February 18, 2026, ORES Staff filed its Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations. Among other things, ORES Staff's response also disputed the position Hecate advanced in its Issues Statement regarding Draft Permit Condition 3(b)(1).

On February 18, 2025, Hecate filed its response to the potential parties' Issues Statements, Party Status Requests, and

⁸ Public Service Law § 142(6) provides, in part, that ORES and an applicant may agree to an extension of time for a final siting permit decision to be made by ORES to avoid a siting permit from being deemed to have been automatically granted one year from the issuance of a Notice of Complete Application.

the Town's Statement of Compliance. Hecate's filing also included responses to public comments received during the proceeding.

DISCUSSION

This ruling revises and supplements the procedural schedule initially set forth in the Combined Notice and memorializes Hecate's agreement to extend by 14 business days the one-year timeframe for the ORES Executive Director to issue a final determination on the permit for the Project; and (2) the timeframe for ORES Staff and potential parties to respond to Hecate's answers to the ALJ Questions or otherwise address the narrow issues presented.

By no later than **Tuesday, March 10, 2026**, Hecate is required to file complete responses, in evidentiary form, to the five ALJ Questions. Such responses shall be submitted by the expert(s) with familiarity with the Application materials in this proceeding and should include specific references to the Application materials relied upon in responding. ORES Staff and potential parties shall have 14 business days, until **Monday, March 30, 2026**, to file responses to address the ALJ Questions and Hecate's responses. As a result of the foregoing extensions, the ALJs within their discretion may extend the timeframe for issuance of the Ruling on Issues and Party Status.

The one-year deadline for the ORES Executive Director to issue the final determination on the permit for the Project is extended by 14 business days, from September 19, 2026 to **Thursday, October 8, 2026**.

Pursuant to 16 NYCRR § 1100-8.3(b), the ALJs may conduct a virtual conference, if necessary, for the purpose of developing the record, clarifying the issues presented, and

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determining whether stipulations to resolve any outstanding issues presented may be explored.

(SIGNED)

Maureen F. Leary

(SIGNED)

Dawn MacKillop-Soller

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cc: Party List - ORES Permit Application No. 24-03041
Hon. Dakin D. Lecakes
Hon. James T. McClymonds