



June 16, 2026

VIA EMAIL

Hon. Leah Amyot
Administrative Law Judge
NYS Dept. of Public Service
3 Empire State Plaza
Albany, NY 12223
Leah.Amyot@dps.ny.gov

Re: Case 25-T-0178 – 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 60.32 Miles of 115kV Transmission Line from New Beaver River Substation in the Town of Croghan, Lewis County, to the Porter Substation in the Town of Marcy, Oneida County.

**LETTER OPPOSING THE STEUBEN GROUP’S LATE-FILED STATEMENT IN
OPPOSITION**

Dear Judge Amyot:

The Trial Staff of the Department of Public Service (Trial Staff), designated to represent the public interest in this proceeding, files this Letter in Opposition to the Steuben Group’s late-filed Statement in Opposition to the Joint Proposal. On June 1, 2026, following a procedural conference on May 29, 2026, a Ruling on Process and Schedule (Ruling) was issued. That Ruling represented the consensus schedule of all parties – including the Steuben Group – for filing and responding to support or opposition to the May 22, 2026 Joint Proposal. The consensus schedule is a rapid one: five business days from the procedural conference, statements in support of the Joint Proposal were due on June 5, 2026. Five business days later, on June 12, statements in opposition to the Joint Proposal were due. On June 19, four business days later,¹ replies to statements in opposition to the Joint Proposal are due.

On June 12, 2026, in compliance with the consensus procedural schedule in the Ruling, the Steuben Group filed its Statement in Opposition to the Joint Proposal. On June 15, 2026, the Steuben Group filed a second Statement in Opposition to the Joint Proposal (Late Statement). On June 16, 2026, you requested that Trial Staff provide its position on whether the Late Statement should be accepted for filing. You proposed to extend the filing date for replies to June 22 if the Late Statement is accepted for filing. Trial Staff opposes accepting the Steuben Group’s Late Statement for filing.

¹ June 19 is a New York State Holiday. General Construction Law §20 excludes holidays from the reckoning if a period of days is required. The Ruling specified a date certain, not a period of days. Thus, to comply with filing on a New York State Holiday, Trial Staff must file on June 18.

The Late Statement prejudices Trial Staff. Trial Staff is diligently complying with the consensus procedural schedule for replying to the Steuben Group’s Statement in Opposition. Trial Staff has only a four-day window to review and respond to the timely filed June 12 Statement in Opposition. While a short turnaround, Trial Staff proposed this schedule because it provided sufficient time to reply to any opposition. Trial Staff cannot adequately review and respond to opposition in a shorter timeframe. Assuming you rule on whether to accept the Late Statement by close of business today and grant a one-day extension, Trial Staff will have three business days to review and reply to the Late Statement. As such, accepting the Late Statement for filing would materially shorten an already rapid review and response period beyond what allows for an adequate response. Absent an adequate response, Trial Staff is unable to adequately support the Joint Proposal and contribute to the development of the record.

The Steuben Group provides no justification for the Late Statement’s untimely filing. The Steuben Group agreed to a June 12 filing deadline, and that was what the Ruling adopted. The Late Statement includes no acknowledgement that it is an untimely filed document. The Steuben Group provides no factors warranting an extension of time. The Steuben Group did not apply for or receive leave to file late. The Steuben Group already filed a timely Statement in Opposition. The Steuben Group’s position is therefore already in the record, and therefore not accepting the Late Statement for filing imposes no prejudicial impact to the Steuben Group or to the record. In short, there is no good cause for accepting the Late Statement for filing.

Finally, via email, the Steuben Group argued that the May 27, 2026 Notice of Joint Proposal and Opportunity for Public Comment (Notice) set a deadline of June 15, 2026, for comments on the Joint Proposal. The Steuben Group is a represented party² to this proceeding. The Late Filed statement is, by its own terms, a Statement in Opposition and not comments on the Joint Proposal. The Ruling governs the procedural schedule for parties, not the Notice. The Ruling governs the procedural schedule for Statements in Opposition, not the Notice. The deadline for timely filed statements in opposition was June 12, 2026, not June 15, 2026.

Because of the prejudice to Trial Staff, the impact to the record, and the absence of good cause for late filing, Trial Staff requests that the Late Statement not be accepted for filing.

Sincerely,

/s/Russell King

Russell King
Staff Counsel

Cc: Party List, via email

² While Mr. James Reilly is not an attorney, “all persons appearing before the Commission must conform to the standards of conduct required of attorneys appearing before the courts of the State of New York.” 16 NYCRR §2.1(a).