



April 15, 2026

Horseshoe Solar Energy LLC
Attn: William F. McLaughlin, Esq.
Hodgson Russ LLP
677 Broadway, Suite 401
Albany, NY 12207
wmclaugh@hodgsonruss.com

RE: DMM Matter No. 21-02480 – Application of Horseshoe Solar, LLC for a Permit Modification for a Major Renewable Energy Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain and Decommission a 180-Megawatt (MW) Solar Energy Facility located in the Town of Caledonia, Livingston County and the Town of Rush, Monroe County, New York.

Horseshoe Solar – Permit Modification Request 5 Determination

Dear William F. McLaughlin:

Pursuant to Article VIII and its implementing regulations (Title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York [16 NYCRR] Part 1100)¹, the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) issued the above-captioned Major Renewable Energy Facility Siting Permit (Permit) to Horseshoe Solar SSC (Permittee or HSS) for a 180 MW solar facility (Facility) on December 9, 2022.

Subject to the terms, conditions, and requirements in the Permit, the Permittee is authorized to develop, design, construct, operate, maintain, and decommission a solar facility with a nameplate generating capacity of up to 180 MW in the Town of Caledonia, Livingston County and the Town of Rush, Monroe County.

On April 9, 2026, the Permittee submitted a request to modify the Permit pursuant to 16 NYCRR § 1100-11.1 (Minor Modification Request No. 5, DMM Item No. 130) (Request 5). Subsequently, the Permittee submitted revisions to the Grouting Plan (DMM Item No. 134) which serves as supporting material to Request 5. According to the Permittee’s request, this modification is intended to prevent the

¹ The Permit Application was filed with the Office pursuant to Public Service Law (PSL) Article VIII and its implementing regulations at former 16 NYCRR Chapter XI (Part 1100), which were filed with the Secretary of State and became effective July 17, 2024. Revised PSL Article VIII regulations at 16 NYCRR Chapter XI (Parts 1100, 1101, 1102) were filed with the Secretary of State and became effective March 9, 2026. Pursuant to 16 NYCRR § 1100-16.1 of the revised regulations, the new regulations apply to applications received by the Office on or after their effective date. As such, this Determination Letter references the former regulations at 16 NYCRR Chapter XI.

flow and channelization of ground water along the horizontal directional drill #4 (HDD-004) conduit. The Permittee requests to bore alongside the installed conduit at HDD-004 parallel to the bore path of HDD-004. Hydrophobic foam is proposed to be injected into the new bore path to prevent groundwater channeling. The Permittee requests to use a foam product that has been approved and accepted by NSF/ANSI 61 as safe for drinking water. The foam grouting mix proposed for Request 5 was also proposed in Minor Change Request No. 4 (DMM Item No. 126) and was approved for use by the Office (DMM Item No. 129). Upon request of the Office, the Permittee had a Third-Party NYS Licensed Professional Engineer evaluate its proposed grouting plan and provided a report of these findings (“HSS HDD04 Grouting Plan Review 8April2026_1002,” DMM Item No. 130).

The Office has reviewed the Permittee’s request and concludes that the proposed modifications would not result in any material increase in any identified adverse environmental impact, or any significant adverse environmental impact not previously addressed by uniform or site-specific standards or conditions or otherwise involve a substantial change to an existing permit standard or condition. The Office also consulted with the Department of Environmental Conservation (DEC) about use of the proposed foam and the application methodology as proposed in Request 5 and DEC has no objections. Accordingly, the Permittee’s request constitutes a minor modification pursuant to 16 NYCRR § 1100-1.2(ai). This letter constitutes the Office’s notice of the determination pursuant to 16 NYCRR § 1100-11.1(b). The Permittee may proceed with implementing its Facility design as described in Request 5. The Office notes that the approval of Request 5 is based on the Permittee’s ability to comply with the recommendations and contingency plans provided in the Third-Party report.

The approval of this permit modification request does not relieve the Permittee of the obligation to comply with the standards, conditions, and requirements set forth in the Permit and the Permittee is still required to comply with all applicable provisions of the uniform standards and conditions (subpart 5 of the Permit), site specific conditions (subpart 6 of the Permit), and applicable pre-construction and post-construction compliance filings (subpart 7 of the Permit). The Permittee must adhere to the changes as described in Request 5 in its final design implementation.

Sincerely,



Alon Dominitz, PE
Deputy Director, Generation
Office of Renewable Energy Siting and Electric Transmission

cc: Party List for this Proceeding