

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

ORES Permit Application Number 23-02986 - Application of YELLOW BARN SOLAR, 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 160-Megawatt (MW) Solar Energy Facility in the Towns of Groton and Lansing, Tompkins County.

RULING AWARDING SUPPLEMENTAL LOCAL AGENCY ACCOUNT FUNDS
(Issued April 11, 2025)

HENRY JAMES JOSEPH and JOHN L. FAVREAU,
Administrative Law Judges:

Introduction

In this ruling, supplemental local agency account funding in the amount of \$40,000.00 is awarded as follows: to the Town of Groton, the amount of \$20,000.00, and to the Town of Lansing, the amount of \$20,000.00.

Proceedings

By ruling dated December 11, 2023, the Administrative Law Judges (ALJs) partially awarded local agency account funds to Town of Groton in the amount of \$60,000.00 and to the Town of Lansing in the amount of \$60,000.00, out of the available \$160,000.00 local agency account fee deposited by applicant Yellow Barn Solar, LLC.¹ Pursuant to that ruling, 25%, or \$40,000.00, of the \$160,000.00 funds was held in a reserve account.

On March 27, 2025, the Town of Groton and the Town of Lansing (collectively, the Towns) filed a joint application seeking an award of the remaining \$40,000.00, divided equally to

¹ See DMM Item No. 24, Local Agency Account Funds Award Ruling, Dec. 11, 2023.

award \$20,000.00 to each Town.² No objections to the supplemental application were filed.

Discussion

The purpose of the local agency account is to enable local agencies and potential community intervenors to participate in public comment periods or hearing procedures established by article VIII of the Public Service Law (Article VIII) and 16 NYCRR part 1100 by allowing the parties to defray expenses for expert witnesses, studies, consultants, attorneys, and other related expenses. In making an award of funds, the Administrative Law Judges must find that the recipient's use of the funds will contribute to a complete record leading to an informed decision as to the appropriateness of the site and the facility, and for local agencies, shall include the use of the funds to determine whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations.

Only "local agencies" and "potential community intervenors" are eligible to receive local agency account funding (see 16 NYCRR 1100-1.2[ac]; 1100-1.2[bh]; 1100-5.1[b]). In our ruling awarding local agency account funds dated December 11, 2023, we concluded that the Town of Groton and the Town of Lansing are both eligible local agencies. We further concluded that the use of the funds by the Towns would contribute to a complete record leading to an informed decision as to the appropriateness of the site and the facility, and that they would use the funds to determine whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations.

Taking all factors into consideration, and after a full review of the respective requests, additional local agency account funds in the total amount of \$40,000.00 are awarded as follows: to the Town of Groton, \$20,000.00, and to the Town of Lansing, \$20,000.00.

Requests for the disbursement of funds from the local agency account are to be made to the Office of Renewable Energy Siting and Electric Transmission (ORES) pursuant to 16 NYCRR 1100-5.1. Funds will not be disbursed to defray costs that do not fall within the applicable statutory and regulatory criteria

² See DMM Item No. 91, Supplemental LAAF Request, Mar. 27, 2025.

for the allowable uses of local agency account funds. For administrative activities not directly related to the development of a complete record leading to an informed permit decision as to the appropriateness of a project site and facility and, for local agencies, for activities not directly related to informing the decision whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations (see 16 NYCRR 1100-5.1[b]), the Office is authorizing only partial reimbursement. Accordingly, ORES will authorize reimbursement of up to five hours for the preparation of a request for local agency account funding, and up to one hour for the preparation of each local agency account funding voucher report and associated invoices.

Local agency account funds are not available for activities unrelated to issues within the scope of the Office's review. For example, funds will not be disbursed to defray costs related to negotiating bilateral agreements unless those negotiations are primarily designed to lead to agreements on issues within the scope of the Office's review in this proceeding or agreements on host community benefits to be provided by the applicant.

The awardees are directed to follow and adhere to the updated instructions and voucher submission forms from the ORES website, the provisions of which are incorporated herein by reference and a made a part hereof.

(SIGNED)

Henry James Joseph
Administrative Law Judge
Office of Renewable Energy
Siting and Electric
Transmission
Department of Public Service
Empire State Plaza
P-1 South, J Dock
Albany, New York 12242

(SIGNED)

John L. Favreau
Administrative Law Judge
Office of Renewable Energy
Siting and Electric
Transmission
Department of Public Service
Empire State Plaza
P-1 South, J Dock
Albany, New York 12242