

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 21-T-0574 - Application of Rochester Gas and Electric Corporation for a Certificate of Environmental Compatibility and Public Need for the Construction of the Monroe County Reliability Project, Approximately 22.5 Miles of 115 Kilovolt Transmission Lines in the Village of Spencerport and the Towns of Gates, Greece, Ogden, and Parma in Monroe County.

RULING ON PARTY STATUS AND SCHEDULE

(Issued March 20, 2023)

ASHLEY MORENO, Administrative Law Judge:

On November 23, 2021, Rochester Gas and Electric Corporation (RG&E) filed an application (Application) for a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Article VII of the Public Service Law (PSL) for authority to construct, operate, and maintain the Monroe County Reliability Project (Project). By letter dated February 17, 2023, the Secretary to the Commission found the application, as supplemented, complies with the PSL and regulations as of January 17, 2023.

A procedural conference was held on Friday, March 17, 2023, for the purposes of identifying the parties to the proceeding and discussing scheduling, among other things. The conference was attended by representatives of RG&E, New York State Department of Environmental Conservation (DEC), and trial staff of the New York State Department of Public Service (DPS Staff).

Party Status

RG&E, DEC, and DPS Staff are statutorily entitled to party status in this case.<sup>1</sup> No other person or entity has yet requested to intervene.

As discussed at the procedural conference, future requests for party status will be treated as motions, and all individuals and entities seeking party status will be provisionally added to the party list. If no timely objections to such requests are made, and if I raise no concerns with the request, party status may assume to have been conferred.

Schedule

Prior to the procedural conference, RG&E circulated a consensus schedule anticipating that the parties will pursue a negotiated settlement. In consideration of the parties' positions and the statutory provision that tolls the decisional deadline during negotiations,<sup>2</sup> I will not establish a litigation schedule at this time. To the extent that settlement discussions are not fruitful, the parties are instructed to

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<sup>1</sup> PSL §124(1)(a), (b) and §124(2). Although they have not yet sought party status, the following are parties by operation of law should they choose to participate: the Department of Economic Development, the Secretary of State, the Department of Agriculture and Markets, and the Office of Parks, Recreation and Historic Preservation. See PSL §124(1)(c), (d), (e) and (f).

<sup>2</sup> PSL §123(3)(a).

promptly notify me so that we can discuss the establishment of a litigation schedule. The parties are further directed to provide me with a monthly update advising me of the status of settlement. The first report shall be provided by Monday, April 24, 2023.

(SIGNED)

ASHLEY MORENO