

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties

Case No. 24-T-0446

**NORTH SHORE CENTRAL SCHOOL DISTRICT'S
REPLY STATEMENT IN FURTHER OPPOSITION TO THE JOINT PROPOSAL
WITH ATTACHMENTS**

Dated: June 26, 2026
Hauppauge, New York

Respectfully submitted,

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The North Shore Central School District (the “District”) respectfully submits this Reply Brief in further support of the District’s Initial Statement in Opposition to the Joint Proposal (“Initial Statement”) submitted June 8, 2026, and in response to statements on the Joint Proposal submitted by various parties in this Article VII proceeding concerning the application of New York Transco LLC and New York Power Authority (collectively, the “Applicant”) to the Public Service Commission (the “Commission”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”), pursuant to Article VII of the New York Public Service Law, to construct, operate, and maintain an Approximately 89.7-Mile underground transmission line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties (the “Project”) in support and opposition of the Joint Proposal, which was filed on April 30, 2026.¹

PRELIMINARY STATEMENT

As an initial matter, the District reaffirms and incorporates by reference all arguments raised in the District’s Initial Statement as if fully set forth herein. The Joint Proposal submitted by and among New York Transco LLC and New York Power Authority, New York State Department of Public Service, New York State Department of Environmental Conservation, New York State Department of State, New York State Department of Transportation, New York State Department of Agriculture, City of New York, Long Island Commercial Fishing Association, and Ms. Cecelia McCann (each a “Signatory” and collectively, the “Signatories”) is not in the public interest.

¹ See Case 24-T-0446, *Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties*, Joint Proposal (filed Apr. 30, 2026).

Pursuant to the Ruling on Process and Schedule² and subsequent Email Ruling Regarding Extension of Deadline³, Initial Statements on the Joint Proposal were to be submitted by June 8, 2026. Statements were filed on behalf of twenty-seven (27) parties to the proceeding. Of those, nine (9) statements were submitted in support of the Joint Proposal, while eighteen (18) statements were submitted in opposition to the Joint Proposal.

Statements in support were submitted by the Applicant, New York Department of Agriculture and Markets, New York Department of Environmental Conservation, New York Department of State, New York Department of Public Service, New York Department of Transportation, the City of New York, and Cecelia McCann, each a Signatory to the Joint Proposal. The Long Island Commercial Fishing Association, although a Signatory to the Joint Proposal, did not submit a statement in support. The only non-Signatory parties to submit a statement in support of the Joint Proposal were the Long Island Power Authority and PSEG Long Island, jointly, as anticipated.⁴ While the Joint Proposal stated that the “Signatory Parties also expect Con Edison to submit record confirmation that they do not have any objections to the Joint Proposal,”⁵ no such record confirmation was submitted by Con Edison.

In addition to the District’s Initial Statement, statements in opposition to the Joint Proposal were submitted by the following parties: Michael Batel, Linda and Andrew DelGaudio, Glen Head-Glenwood-Greenvale Civic Council, Gold Coast Business Association, Maryann Hojnowski, Jennifer (O’Keefe) Mahoney, Joan Matthews, Daniel McAcree, Property Owners’ Association of North Shore Acres, Protect Out Coast – LINY, the Roslyn Union Free School District, Andrew

² See Ruling on Process and Schedule issued May 12, 2026 (DMM Item No. 289).

³ See Email Ruling Regarding Extending of Deadline dated June 5, 2026 (DMM Item No. 296).

⁴ See Summary of the Joint Proposal (DMM Item No. 287) at FN 1.

⁵ *Id.*

Ruggiero, Lori Ruggiero, the Self-Consolidated Parties, the Syosset Central School District, the Village of Sea Cliff, and Karen Yanelli. The staggering difference between State-level support and local-level opposition cannot be ignored.

As discussed more fully herein, the statements submitted in support of the Joint Proposal by the Signatories, like the Joint Proposal itself, fail to prove that the terms of the Joint Proposal are just and reasonable, that the Joint Proposal is in the public interest, or that the Joint Proposal and the Project satisfy the requirements of Public Service Law § 126, *their burden to bear*. Moreover, the various statements in opposition further support the District's contention that the Joint Proposal and the record before the Commission fail to properly find and determine the nature of probable environmental impacts and, as a result, fail to adequately avoid or minimize adverse environmental impacts, and, as such, completely fail to establish that the Project will serve the public interest, convenience, and necessity. The statements submitted by the parties further reveal the inadequacies and insufficiency of a flawed settlement process and its resulting Joint Proposal.

For the reasons stated in the District's Initial Statement and for the reasons stated herein, the District maintains its strong opposition to the Joint Proposal and respectfully requests that the Commission reject the Joint Proposal in its entirety.

LEGAL STANDARD⁶

The Commission's authority to adopt a settlement or Joint Proposal is governed by its strict Settlement Procedures set forth in 16 NYCRR § 3.9 and established in Case 90-M-0255. The review of the Joint Proposal should not be a rubber stamp; rather the Joint Proposal must withstand independent administrative and evidentiary scrutiny. The proponents of a Joint Proposal bear the

⁶ See, generally, Initial Statement (DMM Item No. 317) at 3-7.

absolute burden of proof to demonstrate, by substantial evidence in the record, that the settlement is just, reasonable, and in the public interest.⁷ The proponents of the Joint Proposal have failed to meet this burden.

The requirements of PSL § 126 must be considered when evaluating the sufficiency of the Joint Proposal and the Evidentiary Record. In evaluating a proposed settlement or joint proposal, the Commission retains an affirmative obligation to ensure that the record supports each required statutory finding, including findings relating to environmental compatibility, system need, and the adequacy of proposed mitigation measures. Where, as here, the record contains unresolved factual disputes, insufficient and/or inadequate environmental analysis, and/or inadequate consideration of local impacts, failing to satisfy PSL § 126, the Commission must reject the Joint Proposal.

The Joint Proposal, and the process by which it was reached, fall woefully short of the procedural and substantive standards by which it must be evaluated.

STATEMENT OF FACTS

The District incorporates by reference as if fully set forth herein the factual statements contained in the District's Initial Statement⁸ and the Affidavit of Dr. Christopher Zublionis⁹.

ARGUMENT

POINT I – The Joint Proposal and Statements in Support Fail to Establish that the Joint Proposal and the Project Serve the Broader Public Interest.

For all of the reasons raised in the District's Initial Statement, the Joint Proposal is not in the public interest. The Applicant suggests that “the parties that have executed the Joint Proposal

⁷ Re Procs. for Settlement & Stipulation Agreements, No. 90-M-0255, 1992 WL 487888 (Mar. 24, 1992).

⁸ See Initial Statement at 7-10.

⁹ See Initial Statement at Attachment 1: Affidavit of Dr. Christopher Zublionis in Support of North Shore Central School District's Initial Statement in Opposition to the Joint Proposal, dated June 5, 2026 (“Zublionis Affidavit”).

include major institutional and experienced PSL Article VII participants such as DPS Staff, NYSDEC, NYSDOS, NYSDOT, NYSAGM, and NYC, and the Joint Proposal reflects those entities' considered judgment, including *their assessment of whether the Joint Proposal serves the broader public interest*" (emphasis added).¹⁰

First, this statement supports the District's contention that "the Joint Proposal reflects a series of claimed compromises made by and between primarily the Applicant and the State agencies, while failing to protect the interests of those most severely impacted by the proposed Project, including the District."¹¹ Second, the statements actually submitted in support do not provide an adequate assessment to assert the *broader public interest* is served by the Joint Proposal or the Project. To the contrary, many of the Signatories' statements focus on whether the Joint Proposal serves their *specific interest*.

The City of New York makes clear that "for purposes of clarity and avoidance of doubt, the City's support of the Project and the Joint Proposal, and its agreement to be a Signatory Party, *was and is expressly conditioned* on Propel's commitments to (1) work with City agencies to avoid and minimize adverse impacts during construction and operations; (2) engage in continuous communications and coordination with City agencies regarding the Project; and (3) adequately mitigate all impacts arising from construction, operation, and maintenance of the Project" (emphasis added).¹² Thus, the City of New York's support is and was contingent on the concerns of the *City of New York* being fully satisfied and, as such, fails to establish that the Joint Proposal is in the broader public interest.

¹⁰ See New York Transco LLC's and the New York Power Authority's Statement in Support of the Joint Proposal, dated June 8, 2026 ("Applicant's Statement") (DMM Item No. 323) at *14.

¹¹ Initial Statement at *2.

¹² See Statement of the City of New York, dated June 8, 2026 ("New York City's Statement") (DMM Item No. 315) at *10.

The New York Department of Agriculture and Markets (“AGM”) asserts that “environmental impacts have been minimized by siting the proposed transmission line within areas *that avoid impacts to agricultural lands* to the greatest extent practicable. Generally, this Project *does not impact agriculture lands directly* but is adjacent to agriculture lands that have the potential to be impacted” (emphasis added).¹³ Beyond conclusory statements otherwise, AGM’s position essentially boils down to “the proposed Project represents the minimum adverse impact on *agricultural lands*.”¹⁴ Thus, AGM’s Statement fails to support that the Joint Proposal is in the broader public interest.

The New York Department of Environmental Conservation (“DEC”) asserts that it “is empowered to implement the State’s environmental laws and regulations, including those set forth in the Environmental Conservation Law (ECL) and regulations promulgated by NYSDEC thereunder.”¹⁵ DEC’s Statement further asserts that it has examined the Project’s compliance with various provisions of the Environmental Conservation Law, including those pertaining to lands and forests, invasive species, fish and wildlife, endangered and threatened species, use and protections of waters, water pollution controls, and hazardous substances.¹⁶ DEC notes that it was “chiefly concerned with *the Project’s ability to avoid in-water environmental impacts* from the construction, operation, and maintenance of the Project” and that “it is the policy of New York State to *efficiently manage the fish and wildlife resources of the State* such that natural propagation and maintenance of desirable species is achieved, and ecological balance is maintained” (emphasis

¹³ See The Department of Agriculture and Markets Statement in Support of the Joint Proposal, dated June 8, 2026 (“AGM’s Statement”) (DMM Item No. 325) at *5.

¹⁴ *Id.*

¹⁵ See Statement in Support of the Joint Proposal New York State Department of Environmental Conservation, dated June 8, 2026 (“DEC’s Statement”) (DMM Item No. 306) at *2.

¹⁶ *Id.* at *2-3.

added).¹⁷ With regard to terrestrial cable installation, DEC's concerns appear to be related to freshwater wetlands, tidal wetlands, and their adjacent areas.¹⁸ Again, while DEC's Statement generally claims that the Project is in the public interest and complies with Public Service Law § 126, it is clear DEC's support was contingent upon protections from submarine environmental impacts, as well as protections of threatened and endangered species. Adequate protections of the District's students, staff, and school community are absent from the Joint Proposal.

The New York Department of State ("DOS") submitted the Affidavit of Michael Morris in Support of the Joint Proposal to assert that "all issues raised by DOS during the Propel settlement negotiations were considered in the context of this proceeding."¹⁹ However, the Morris Affidavit fails to identify any issue raised by DOS or how such issues are satisfied by the Joint Proposal. Instead, the Morris Affidavit provides a conclusory statement that "the Joint Proposal is a fair representation of the factors considered by the Applicant and the parties as they related to this Project and the consensus reached in the Article VII settlement negotiations."²⁰ DOS does not assert that the Joint Proposal is in the public interest, merely that the Joint Proposal represents a consensus of the Signatory Parties.

The New York State Department of Transportation ("DOT") submitted the Affidavits of James Brenner, Muthiah T. Vijayendran, and Ian Francis in Support of the Joint Proposal.²¹ The individual Affidavits each indicate that the DOT's review and discussions of the Project focused

¹⁷ *Id.* at *4-5.

¹⁸ *Id.* at 6.

¹⁹ See Affidavit of Michael Morris in Support of the Joint Proposal, dated June 4, 2026 ("Morris Affidavit") (DMM Item Nos. 307 and 310) at ¶ 8.

²⁰ *Id.*

²¹ See Affidavit in Support of Joint Proposal of Jason Brenner, P.E., dated June 5, 2026 ("Brenner Affidavit") (DMM Item No. 300), Affidavit in Support of Joint Proposal of Muthiah T. Vijayendran, dated June 3, 2026 (Vijayendran Affidavit") (DMM Item No. 302), and Affidavit of Ian Francis, dated June 5, 2026 ("Francis Affidavit") (DMM Item No. 303).

on “evaluating whether the Project, as proposed, would comply with all relevant statutory and regulatory requirements governing this state of the application process.”²² Each Affidavit purports that “the Proposed Certificate Conditions contain certain proposed conditions intended to ensure the Project’s *compliance with applicable NYSDOT rules and regulations* and to address avoidance, minimization, and mitigation of *impacts to New York State transportation resources*” (emphasis added).²³ Beyond the specific DOT compliance and conclusory support of the Joint Proposal, the Brenner Affidavit, the Vijayendram Affidavit, and the Francis Affidavit do not allege that the Joint Proposal is in the public interest, nor provide any statements or record citation to support such contention.

The New York Department of Public Service (“DPS”) purports that “the Joint Proposal fairly *resolves all factual concerns* regarding the construction, operation, and maintenance of the Project.”²⁴ This statement on its face strains credulity, especially where, as here, eighteen (18) parties, collectively representing tens of thousands of individuals who will be directly and adversely impacted by the Project have submitted robust opposition to the Joint Proposal, citing numerous factual concerns and serious unmitigated adverse impacts of the Project. DPS purports to support its contention that the Joint Proposal is in the public interest by cherry picking proposed certificate conditions allegedly addressing potential adverse environmental impacts related to: noise impact testing and mitigation, electric and magnetic field testing, traffic management, fisheries compensation, marine and offshore impacts avoidance and mitigation. However, with regard to traffic mitigation, for example, DPS’ Statement highlights the District’s argument that

²² *Id.* at ¶ 5.

²³ *Id.* at ¶ 10.

²⁴ See The Department of Public Service State Statement in Support of Joint Proposal, dated June 8, 2026 (“DPS Statement”) (DMM Item No. 327) at *9.

“the Joint Proposal contains a series of subjective, unenforceable and/or ineffective Certificate Conditions allegedly related to the mitigation of impacts to District operations and defers the identification of specific and critical mitigation measures to the Maintenance and Protection of Traffic Plan (MPT Plan) and the EM&CP stage”²⁵ by citing to various prospective actions of the Applicant (i.e. “traffic analyses *being conducted...*”, that the “*Applicant will conduct high-level assessment...*”, that the “*Applicant will also investigate...*”, and that the “*Applicant will include details...*”²⁶).

While the Applicant and DPS are the only Signatory parties who explicitly purport that the Joint Proposal and the Project serve the *broader public interest*, this position necessarily fails for all of the reasons stated in the District’s Initial Statement, as well as for those reasons raised in opposition by other parties.

The Signatories have failed to meet their burden of proving that the proposed settlement is just, reasonable, and in the public interest. As such, the District strongly opposes the Joint Proposal and submits that the same must be rejected by the Commission.

POINT II – The Joint Proposal Prioritizes the “Statutory Mandates” of State Agencies While Jeopardizing the District’s Statutory Mandates.

The Applicant purports that “the Joint Proposal also addresses the proper balance struck *between the Applicant*, which needs to build the Project on time pursuant to its Development Agreement with the NYISO, *and the various State agencies* that have signed on in support of the Joint Proposal, each of which are responsible for ensuring that their statutory mandates are met” (emphasis added).²⁷ First, and of significant concern, the Applicant is clearly operating as if the

²⁵ See Initial Statement at 18.

²⁶ *Id.* at *13.

²⁷ See Applicant’s Statement at *17.

Commission will, in fact, grant a Certificate. The Applicant does not “need” to build a project that has not yet been approved. Second, it is clear that the Applicant has prioritized the “statutory mandates” of the various State agencies, while jeopardizing the District’s statutory mandates. As outlined above, the support of the various State agencies of the Joint Proposal was contingent upon satisfaction of each of *their* concerns relative to their respective statutory mandates. The District did not become a Signatory and does not support the Joint Proposal and, instead, strongly opposes the Joint Proposal because it fails to properly identify adverse impacts to the District and does not adequately mitigate the District’s concerns related to its *statutorily mandated* obligations.

Pursuant to New York Education Law § 3205, every minor child age six through age seventeen must attend full time educational instruction. Education Law § 3204 dictates the educational instruction that the District must be provided to a minor required to attend upon instruction. Education Law § 3635 dictates the transportation services the District must provide to its students. Education Law §§ 1704(2) and 3604 require that the District must provide its students with 180 days of instruction. Education Law § 912 and Commissioner of Education’s Regulations Part 136 dictates that the District must provide continuous health services, physical screenings, and emergency medical policies. Education Law § 409 dictates that the District must comply with the Regulations adopted by Commissioner of Education “for the purpose of insuring the health and safety of pupils and staff in relation to proper heating, lighting, ventilation, sanitation and health, fire and accident protection.” Education Law §§ 2801 and 2801-a mandate that the District must maintain strict codes of conduct and implement comprehensive District-wide safety and emergency response plans to safeguard student health. These statutory mandates are further elaborated and reinforced through regulations promulgated by the Commissioner of Education, which prescribe detailed and often more rigorous compliance requirements. This is not an

exhaustive list of the District’s statutory mandates, but rather a representative sampling of the stringent mandates placed on the District to ensure the health, safety, and education of its students. Further, “under the doctrine that a school district acts *in loco parentis* with respect to its minor students, a school district owes a ‘special duty’ to the students themselves.”²⁸ Under the landmark New York State Court of Appeals ruling in *Mirand v. City of New York*, the court further explained that because a school assumes physical custody of students, it must “exercise such care of them as a parent of ordinary prudence would observe in comparable circumstances.”²⁹

The District must also comply with numerous Federal mandates, such as the Individuals with Disabilities Education Act (“IDEA”) and Part 300 of the Code of Federal Regulations implementing the IDEA, ensuring special education and related services to children with disabilities. Inherent in this mandate is the ability for District employees and/or outside providers to safely and timely travel to and from and access the District’s school buildings to provide mandated services to its students.

In addition, the District is bound by various contractual obligations, including collective bargaining agreements entered into with several distinct union groups and transportation contracts procured through the competitive bidding process.³⁰ The District simply cannot modify its school day, school year, or its operations to accommodate construction-related impacts – particularly those that *could* be mitigated, but are *not* mitigated by, and are otherwise absent from, the Joint Proposal.

²⁸ See *Ferguson v. City of New York*, 118 A.D.3d 849, 850 (2d Dep’t 2014); citing *Pratt v. Robinson*, 39 N.Y.2d 554 (1976).

²⁹ *Mirand v. City of New York*, 84 NY2d 44, 49 (1994).

³⁰ See Initial Statement at Attachment 1: Zublionis Affidavit at ¶ 47.

Further, the District’s finances are likewise subject to a stringent framework of statutory mandates and regulatory requirements that impose substantial fiscal, reporting, and compliance obligations. Each year, the District’s community votes upon the District’s budget for the following school year. The District owes a fiduciary duty to its students, staff, school community and taxpayers to prudently manage public resources and to fulfill the commitments embodied in the approved budget by delivering instructional services and educational programs for which those resources were appropriated. Unmitigated construction and traffic-related impacts, such as those that will arise from the Project should it move forward, create the potential for unfunded financial burdens that cannot and should not be absorbed by the District’s budget or its taxpayers.³¹

In sum, a school district, like the District, is a highly complex, interconnected operational system. Disruptions from construction as proposed for this Project extend far beyond any “temporary” impact the Applicant attempts to hide behind.

With these mandates, obligations, duties, and responsibilities in mind, the District sought party status in this proceeding to attempt to address the negative impact of the Project to the District, including to its operations, finances, educational and instructional programs, and its tax base, and to the health and safety of the District’s students, staff, and school community. As explained in the District’s Initial Statement, the Joint Proposal does not alleviate these concerns – related to unmitigated traffic impacts, safe and continuous access to District properties at all times, fugitive dust, noise, utility outages, and EMF exposure – and, instead, puts the health and safety of the District, its students, staff, and school community at risk, unnecessarily.

³¹ *Id.*

Importantly, the District is not alone in its concerns. The parents and affected community members who are parties to this proceeding, and who the District serves, have raised similar concerns as the District³²:

- “As homeowners that abut the project corridor and are next to two highly trafficked schools in the community, we are concerned with the terms of the Joint Proposal with regard to the hours of construction as we are 300 feet of two schools. The stated hours do not sufficiently mitigate the impacts to human health, or safety of residents [...] our home, as stated, is in close proximity to the schools and any construction outside of the 300 feet, given the small size of our community and *every roadway necessary to get kids to school and in and out of the community, will create a dangerous detour on the streets in our community where kids walk to school and play outside of school hours*” (emphasis added).³³
- “Working from home this will severely impact my ability to do my job with the construction occurring at all hours of the day. This also *disrupts our family life and my ability to get my kids to school on time*, and then get home to work on time. Our roads are so narrow, and with only one main road out of the town [...]” (emphasis added).³⁴
- “My children not only attend schools adjacent to this project where they will be *constantly exposed to EMF* but they also *walk and play sports* in the corridors in question. This project will be disruptive to morning commutes to school which have been noted in other Article VII proceedings such as CHPE. In addition, that Case also failed to address dangerous traffic situations with staging, equipment, machinery, and deliveries. Infrastructure was damaged by CHPE and residents were left to bear the burden. The Applicants Joint Proposal also has *not appropriately addressed pollution in the air* with a project this size as my children are active participants in sports programs and

³² It should also be noted that non-party Hicksville School District submitted a public comment on July 22, 2025, expressing concerns with construction-related impacts: “We ask that construction not occur during the school year. We already have a difficult time with drop-off and arrivals. Something as simple as a garbage truck or a bus traveling in the wrong direction can tie up traffic and cause significant disruptions. In the morning, we already have a difficult time ensuring that students arrive at school on time, and parents can get to work. During dismissal, the streets around the school become congested, raising significant safety concerns. *Completing this part of the route in the summer is the only option to ensure the safety of our staff and students*” (emphasis added).

³³ Linda and Andrew DelGaudio Statement in Opposition to the Joint Proposal, dated June 8, 2026 (“DelGaudio Statement”) (DMM Item No. 311).

³⁴ Maryann Hojnowski Statement in Opposition to Joint Proposal, dated June 8, 2026 (“Hojnowski Statement”) (DMM Item No. 333).

*I am concerned with these implications to their health as the school [...] Further my children will be walking to and from their schools daily on Glenwood Road, Glen Cove Ave and or Kissam Lane as these are the only options that are even possible for them to get to school. Further the applicant has not defined where the centerlines will be and that's of concern to the proximity of not only their walking paths but that of the school. The applicant has not appropriately mitigated these matters in their Joint Proposal as such it should be rejected as there are not studies proving what they are doing is safe for my family or community” (emphasis added).*³⁵

- *“We need more information/studies as the cables are placed around schools/preschools and the access to them [...] EMF studies are only 3 feet above ground and there are no health and safety studies of EMF on that level for domestic animals/wildlife and human beings sitting in cars/walking over/children in strollers” (emphasis added).*³⁶
- *“The school-district discovery responses extend the same incompleteness pattern into school-adjacent terrestrial segments. Those responses disclose later traffic analyses, substantial preliminary construction durations, missing final plan drawings near schools, and reliance on representative EMF cases rather than school-specific modeling [...] Comparable admissions appear at school-adjacent locations and on Glen Cove Road, where the Applicants still do not have final plan drawings and continue to offer only preliminary alignment expectations [...] The school-district discovery shows that the Applicants often rely on representative EMF cases rather than school-specific modeling [...] That issue is reinforced by missing final plan drawings at multiple school-adjacent locations and by the absence of route-specific analysis in areas where school-related traffic conditions matter” (emphasis added).*³⁷
- *“The non-signing parties — including the Town of Hempstead, Town of North Hempstead, Town of Oyster Bay, Village of Sea Cliff, Greenvale Civic Association, North Shore Central School District, Roslyn Union Free School District, and Syosset Central School District — have identified serious and unresolved*

³⁵ Jennifer O’Keefe-Mahoney Statement in Opposition to Joint Proposal, undated (“O’Keefe-Mahoney Statement”)(DMM Item No. 328).

³⁶ Joan Matthews, Resident, Statement in Opposition to Joint Proposal, dated June 8, 2026 (“Matthew Statement”)(DMM Item No. 331).

³⁷ Initial Statement in Opposition to the Joint Proposal, and Motion for Supplemental Disclosure, Further Process, and Abeyance of Any Certification Decision, Daniel McAree, dated June 8, 2026 (“McAree Statement”) (DMM Item 312).

*concerns that the settlement does not adequately address. These include [...] traffic and construction impacts on businesses and schools, electromagnetic fields near schools, sediment and water quality effects, and the continued public-policy need for the project in light of changed federal and state circumstances, among other concerns” (emphasis added).*³⁸

- “Homes, schools and businesses are feet from the roadway and the applicant has not done sufficient planning to date to even know placement of the transmission lines in our community [...] Further depths of 2 feet of gravel and pavement are quite shallow increasing resident, and children’s exposure when living close to or near our roads and then direct exposure when walking to and from school and other local venues [...] I am also quite concerned by the Applicants *disregard for the impacts of this project on our quality of life, health and safety*. The Applicant in the Joint Proposal while stating inconsistent work timeframes and *preferential treatment for NYC* is looking to be provided with the ability to work all kinds of hours each day and possibly every day if needed for them to meet their deadline, with *noise, pollution, bright lights, day and nighttime/morning working hours around schools” (emphasis added).*³⁹
- “My community is being *disproportionately impacted* with 3 renewable transmission lines on every major roadway on top of homes, businesses and schools, a massive new substation that was just in the last days expanded in size” (emphasis added).⁴⁰
- “The preferred route along Glenwood Road cuts off significant portions of the residential population from the local schools thus *subjecting students and parents to greater safety risks rather than mitigating them* [...] There are also no provisions in the Joint Proposal or proposed Certificate conditions affirmatively protecting other residential roads that will not have construction on them even though it is reasonable to expect under such circumstances that equipment, machinery, and deliveries will have an impact on such residential roads and such roads will likely see significantly increased traffic as drivers seek to avoid the congestion caused by the Applicant’s construction activities, *thereby putting at risk the safety of residents and children on*

³⁸ Protect Our Coast – Long Island New York Initial Brief in Opposition to Adoption of the Joint Proposal and Motion to Reject the Joint Proposal and Demand or Dismiss the Application, dated June 8, 2026 (“POC-LINY Statement”) (DMM Item No. 309).

³⁹ Andrew Ruggiero Statement in Opposition to Joint Proposal, dated June 4, 2026 (“Andrew Ruggiero Statement”) (DMM Item No. 322).

⁴⁰ Lori Ruggiero Statement in Opposition to Joint Proposal, dated June 4, 2026 (“Lori Ruggiero Statement”) (DMM Item No. 314).

*these currently lightly trafficked residential roads” (emphasis added).*⁴¹

- The Commission should also consider the limited level of support for the Joint Proposal. *This is not a broadly supported settlement among affected local governments and community stakeholders [...] it confirms that significant issues remain unresolved, including issues relating to Hempstead Harbor, routing, schools, traffic, construction impacts, property rights, and public need” (emphasis added).*⁴²
- “The Joint Proposal repeatedly claims that it protects public health and safety. Yet the record summarized in the Joint Proposal *does not provide a meaningful human health framework for EMF exposure.* It contains no comprehensive sensitive receptor inventory, no school property analysis, no daycare or playground property analysis, no analysis of cumulative long-term exposure to children and medically vulnerable populations, and *no explanation for why precautionary measures are appropriate for fish, birds, bats, shellfish, parklands, and water quality but not for people living and learning beside the route” (emphasis added).*⁴³

Despite the District’s good faith and extensive participation in settlement discussions, the Joint Proposal fails to adequately resolve, avoid, or mitigate the District’s concerns as clearly outlined herein, in the District’s request for party status, in the District’s Initial Statement, and in the various statements opposing the Joint Proposal.

In fact, this point is actually highlighted by the Applicant: “Whether it be the stringent *water quality standards*; the time-of-year restrictions and minimization measures that *protect rare, threatened, and endangered species*; protection for *existing roadways and existing infrastructure*; the protections provided to the relevant *Significant Coastal Fish and Wildlife Habitat*; or any number of other interests the State agencies are statutorily bound to protect, the Joint Proposal

⁴¹ Self-Consolidated Parties’ Statement in Opposition to Joint Proposal, dated June 4, 2026 (“Self-Consolidated Parties’ Statement”) (DMM Item No. 295).

⁴² Incorporated Village of Sea Cliff Statement in Opposition to Joint Proposal, dated June 5, 2026 (“Sea Cliff Statement”) (DMM Item No. 298).

⁴³ Formal Comments in Opposition to the Joint Proposal Regarding Electromagnetic Fields (EMF), Human Health, and Vulnerable Populations, submitted by Karen Yanelli, undated (“Yanelli Statement”) (DMM Item No. 329).

appropriately protects those interests while still allowing the Project to be constructed” (emphasis added).⁴⁴ Conspicuously absent from the Applicant’s recitation are protections to the District’s school-aged children, whose education, health and safety the District (and the State) is statutorily bound to protect.

As such, the Joint Proposal improperly prioritizes the statutory mandates of the Signatory State agencies, seemingly to garner their support for the same, while inadequately addressing or completely ignoring the serious concerns raised by the District in connection with its statutory mandates to children.

For these reasons, and the reasons outlined in the District’s Initial Statement the District strongly opposes the Joint Proposal and submits that the Joint Proposal must be rejected.

POINT III – The Joint Proposal Arbitrarily Treats the Parties Disparately, Prioritizing Narrow State-Level Concerns, while Ignoring Expansive Local-Level Impacts to Local Entities, Including Impacts to the District, its Students, Staff, and School Community.

A review of the statements in support and in opposition of the Joint Proposal serve as clear evidence that the Joint Proposal treats the parties disparately and clearly prioritizes State-level concerns, while ignoring local-level impacts. The statements in “support” of the Joint Proposal are limited to primarily the Applicant and the State agencies whose interests, as the Applicant notes, are “appropriately protected”⁴⁵ by the Joint Proposal. Local school districts, including the District, through which the New York State Department of Education (a State agency) achieves its educational mandates sought party status in this proceeding to protect those educational mandates. Appropriately protecting State-level concerns should include, and not be at the expense of, the State’s school-aged children. Indeed, carving out detailed protection plans for parklands, fishing

⁴⁴ Applicant’s Statement at *17.

⁴⁵ *Id.*

interests, animals, and utility companies while relegating protections for school-aged children to some undefined and unenforceable future construction plan is indefensible. The Joint Proposal demonstrates that it can, and in fact does, outline detailed protections for sensitive populations and locations. It should be obvious that thousands of school-aged children and the staff who serve them, are a sensitive population who are more or at least as deserving of proper and detailed protections, not less.

Further, the “need”⁴⁶ for the Project, according to the Joint Proposal, is completely fueled by State initiatives. The Joint Proposal touts that “certain mandates in the State’s Climate Leadership and Community Protection Act (CLCPA) [...] support the need for additional transmission facilities between Long Island and the rest of the state (LI PPTN)”⁴⁷ and that the Project will fulfill that need. Specifically, the Joint Proposal claims “the Project will add a new 345-kV backbone linking Long Island, New York City, and Westchester, increasing *export capability from Zone K to Zones I and J* and providing the infrastructure necessary for future renewable generation to be delivered statewide.”⁴⁸ Thus, the Project aims primarily to export energy from Zone K (Long Island)⁴⁹ to the rest of the State, at the expense of the local communities, school districts, including the District, residents, and business owners on Long Island, without properly protecting those local communities, school districts, residents, and business owners from adverse impacts of the Project.

⁴⁶ In addition to the arguments raised by the District, the District hereby incorporated by reference, the arguments raised in opposition by the other parties pertaining to the “need” for the Project. See, e.g., Self-Consolidated Parties’ Statement at *13-15; Sea Cliff Statement at *15-17; and POC-LINY Statement at *20-26.

⁴⁷ Joint Proposal Narrative, dated April 30, 2026 (DMM Item No. 284) at *16-17.

⁴⁸ *Id.* at *17.

⁴⁹ NYISO, New York Control Area Load Zones Map:
https://www.nyiso.com/documents/20142/1397960/nyca_zonemaps.pdf

Beyond the State agencies, the proceeding includes several local municipalities charged with representing the interests of each of their respective communities⁵⁰: the Town of Oyster Bay, the Town of Hempstead, the Town of North Hempstead, the Village of Sea Cliff, the Village of East Hills, and the Village of Thomaston. Not one of the local municipal parties signed the Joint Proposal. No local school district party has signed the Joint Proposal. All but one local resident/community group party have not signed the Joint Proposal. In fact, eighteen (18) parties have filed robust opposition to the Joint Proposal citing numerous and serious concerns related to the adverse impacts of the Project that are not mitigated by the Joint Proposal.

DPS indicates that DPS Staff were allegedly “designated to represent the public interest.”⁵¹ In its statement, DPS offers a variety of public comments in support of the Project.⁵² Many of the supportive comments cherry picked by DPS were submitted by groups with State-level interests. However, even the local level support cited by DPS does not support the adoption of the Joint Proposal. Every comment cited by DPS predates the submission of the Joint Proposal. General support of the Project to support State-level interests does not mean that the Joint Proposal and the parameters contained therein pertaining to the construction, operation, and maintenance of the Project are sufficiently protective of the local communities most impacted by the Project. Without citing any specific comment, DPS notes that public comments were received opposing or contesting the construction of the Project and essentially dismisses those comments by wholesale claiming “the JP specifically contains provisions to avoid, resolve, or mitigate these concerns and

⁵⁰ It should be noted that although school districts are not included within the definition of “municipality” under Public Service Law § 2(16), school districts are generally considered political subdivisions of the state government. People of Town of N. Hempstead v. Mineola Union Free Sch. Dist., 86 Misc. 3d 1273(A), 239 N.Y.S.3d 770 (N.Y. Dist. Ct. 2025) (“The concept of a school district being a governmental subdivision, a public corporation, and municipal corporation of the state is illustrated in a plethora of case law as well as numerous statutes passed by the legislature”).

⁵¹ DPS Statement at *2.

⁵² *Id.* at *7.

others raised by commenters.”⁵³ How does this equate to representing the public interest? It does not.

The District’s concerns have not been avoided, resolved, or mitigated. As outlined in their opposition statements to the Joint Proposal, clearly the concerns of the various *local* school districts, *local* individual residents, *local* business owners, and *local* civic groups have not been avoided, resolved, or mitigated. This alone should cast serious doubt upon the statements made by the Applicant and by DPS claiming that the Joint Proposal is in the broader public interest.

Aside from the clear and overwhelming deference to State initiatives over local impacts, the Joint Proposal distinctly prioritizes certain entities and locations over others, including the District. The Joint Proposal prioritizes *parklands*⁵⁴ over *school properties*. The Joint Proposal prioritizes *commercial fishing operations*⁵⁵ over *education operations*. The Joint Proposal prioritizes *animal species*⁵⁶ over *children*. The Joint Proposal prioritized *utility companies*⁵⁷ over *utility users*, like the District. Student attendance at the District’s schools is compulsory. Visitation to parks and commercial fishing are not. As more fully discussed in the District’s Initial Statement, despite the clear ability to do so, the Joint Proposal fails to make a commitment to sequencing construction near the District’s schools or on major access roads to the District’s school buildings and facilities during the summer months or late-night hours, which would reduce, not eliminate, many of the concerns raised by the District related to traffic impacts, safe and continuous access to District properties, fugitive dust, noise, and utility outages.⁵⁸

⁵³ *Id.* at *8.

⁵⁴ Joint Proposal, Appendix D: Proposed Certificate Conditions at Condition 65.

⁵⁵ *Id.* at Condition 53.

⁵⁶ *Id.* at Condition 74.

⁵⁷ *Id.* at Condition 21.

⁵⁸ *See, generally*, Initial Statement.

In sum, the Joint Proposal arbitrarily treats the parties and impacted entities and species disparately, prioritizing State-level concerns, while ignoring local-level impacts. The Project should not be permitted to go forward protecting State initiatives, State concerns, wildlife and marine species, commercial fishing, utility companies, and parklands, while leaving the State's most vulnerable sensitive receptors, children, and their educators at risk.

For these reasons, and the reasons outlined in the District's Initial Statement, the District strongly opposes the Joint Proposal and submits that the Joint Proposal must be rejected.

POINT IV – The Joint Proposal is a Product of a Flawed Settlement Process Shielded From the Public, which has Produced an Incomplete Record.

Over *thirty years ago*, when the Commission sought to modify its settlement procedures originally adopted in 1983, concerns were raised pertaining to the settlement process and its chilling effect on meaningful public participation. Specifically, the Commission noted that commenters “expressed concerns that adoption of the recommendation could close, not open, the process to public participation [...] others expressed concerns that the settlement process would result in an unwelcome supplanting of the litigation process, and that parties’ rights to present their own case or oppose others could suffer.”⁵⁹ At that time, the Commission conceded that “the parties who worry that they will be excluded from the settlement process or *denied adequate opportunity to present their views* raise serious concerns” (emphasis added).⁶⁰ In response, the Commission stated:

These conflicting considerations suggest that settlements should continue to be pursued where they *appear to be in the public interest*, but no party *should ever consider it obligatory to settle a case or an issue*. The opportunity must be preserved for parties to

⁵⁹ See Cases 90-M-0255 and 92-M-0138, Opinion No. 92-2, Opinion, Order and Resolution Adopting Settlement Procedures and Guidelines (Issued and Effective March 24, 1992) (“Commission Opinion No. 92-2”) at *5.

⁶⁰ *Id.*

participate in settlement negotiations, *oppose all or part of a settlement*, and present an affirmative case where a settlement has been reached *too early in the proceeding for that case to have been developed on the record*. Settlement and litigation should remain equally valid alternatives (emphasis added).⁶¹

The “serious concerns” raised prior to the Commission Opinion No. 92-2 have fully materialized in the instant proceeding. As discussed more fully in the District’s Initial Statement⁶², for nearly a year, intensive discussions occurred behind closed doors among a limited group of parties. The Applicant’s Second Notice of Impending Settlement indicated that it expected several parties to the proceeding would be involved in settlement negotiations and notably “encourage[ed] all parties who can meaningfully and materially contribute to the settlement process in good faith to do the same.”⁶³ During that period, the Applicant admittedly states that substantive discussions concerning routing, environmental impacts, mitigation measures, and permit conditions⁶⁴ were conducted outside the public record. The result of those discussions culminated in the submission of a Joint Proposal by the Signatories, representing only ten (10)⁶⁵ of the forty-two (42) settlement parties and the fifty (50) parties to this proceeding. As presented, the Joint Proposal does not provide the ALJs, the Commission, or the public with any insight whatsoever of the issues raised, the basis for issues raised, or whether those issues were properly resolved through the settlement process.

⁶¹ *Id.* at *5-6.

⁶² In addition to the arguments raised by the District, the District hereby incorporates by reference, the arguments raised in opposition by the other parties pertaining to the settlement procedures conducted in this proceeding. See, e.g. Sea Cliff Statement at Point III; and POC-LINY Statement at Point I.

⁶³ See Second Notice of Impending Settlement Negotiations, dated April 7, 2025 (“Settlement Notice”) (DMM Item No. 111).

⁶⁴ See Joint Proposal Summary (DMM Item No. 287) at *2-4.

⁶⁵ Two of which are the Applicant.

The Applicant emphasizes this point: “Due to the nature of PSL Article VII proceedings and the confidential nature of the NYSPSC settlement process, the parties beyond the Applicant *did not develop public litigation positions* prior to reaching agreement on the Joint Proposal.”⁶⁶ Yet, the Applicant somehow concludes “it is clear that the Joint Proposal’s terms and conditions are within the range of likely outcomes that would have arisen from a litigated proceeding.”⁶⁷ The statements in opposition raise serious question as to the validity of this statement. *How can the Applicant, the Signatories, the ALJs, the Commission, or the public make any legitimate assessment that the terms and conditions of the Joint Proposal are within the range of likely outcomes that would have arisen from a litigated proceeding, when the entire process to date has been hidden under a cloak of confidentiality?*

Further, the Settlement Notice indicated that “settlement discussions will encompass *any and all issues* concerning the issuance of the requested Certificate of Environmental Compatibility and Public Need pursuant to PSL Article VII that, *if not resolved via settlement, would trigger the need for an evidentiary hearing*” (emphasis added)⁶⁸ The District participated in settlement in good faith in an attempt to meaningfully and materially contribute to the process. However, the District strongly asserts that “any and all issues” concerning the issuance of a Certificate have not been resolved, as clearly demonstrated by the eighteen (18) statements submitted in opposition to the Joint Proposal.

Despite this, in the Ruling on Process and Schedule issued in the matter on May 12, 2026, the presiding Administrative Law Judges (“ALJs”) stated “in our view resolution of the disputes

⁶⁶ Applicant’s Statement at *14.

⁶⁷ *Id.*

⁶⁸ *See* Settlement Notice at *2.

in this case require legal or policy determinations that are appropriately raised in written submissions for the Commission’s consideration.”⁶⁹ It is unclear how this determination could have been made as, during the Procedural Conference held on May 7, 2026, the ALJs sought identification of only “high-level” issues intended to be raised in opposition to the Joint Proposal.⁷⁰ It should be further noted that several parties had not even developed their position or articulated the same during the Procedural Conference. The ALJs further claim “no party has requested an opportunity to cross-examine witnesses, claimed that issues of material fact exist in the record, or otherwise alleged that their objections would not be appropriately addressed through written submissions.”⁷¹ However, no party was asked during the Procedural Conference, nor has any party waived the right to cross-examine witnesses.

Further, the Joint Proposal itself indicates that an agreement in principle was reached among the Signatory Parties on April 10, 2026, and that “since that time, the Signatory Parties worked to finalize the terms of and execute this Joint Proposal memorializing the Signatory Parties’ negotiated settlement.”⁷² Thus, any party who did not agree to sign the Joint Proposal was excluded from the process of finalizing the terms of the same, including the purported Evidentiary Record.

Moreover, the Joint Proposal suggests that disagreements over the interpretation of the Joint Proposal or the implementation of its provisions are reserved only to the Signatory Parties and provides a procedure for the *Signatory Parties* to resolve any such issue.⁷³

⁶⁹ See Ruling on Process and Schedule at *2.

⁷⁰ Although the transcript of the Procedural Conference that occurred over forty days ago has not yet been made available, the Ruling on Process and Schedule confirms that such Conference occurred and the undersign affirms its presence and participation at such Conference.

⁷¹ See Ruling on Process and Schedule at FN 2.

⁷² Joint Proposal Narrative at *16-17.

⁷³ *Id.* at *13.

Following the submission of initial statements on the Joint Proposal, ALJ Belsito sent the parties correspondence with the subject line “Case 24-T-0446 Clarification Regarding Parties' Initial Submissions regarding the Joint Proposal.”⁷⁴ ALJ Belsito, without reference to any particular filing or correspondence, indicated that “as part of their Initial Statements on the Joint Proposal, several parties seemed to indicate that they may be expecting a ruling or other response from the ALJs. However, in our view none of these statements clearly constitute a request for relief, and others conflict with prior party statements that they were not requesting our intervention.”⁷⁵ Thereafter, in response to a party requesting additional clarification as to the ALJs’ role in this proceeding, ALJ Planty indicated “we are the administrative law judges currently assigned to oversee this case, to develop a record of the proceeding, and to develop recommendations for the Commission’s consideration.”⁷⁶

Based on the foregoing, it appears that the Applicant has been permitted to use settlement to bypass the development of a full and comprehensive public record – a result predicted by concerned parties over thirty years ago. As indicated above and in the District’s Initial Statement, non-Signatories were shielded from participating in the development of the Evidentiary Record, are shielded from revealing the substances of the settlement discussions, are shielded from the interpretation and implementation of the Joint Proposal, and are now being shielded from a meaningful process by which to oppose the Joint Proposal and the Evidentiary Record before the Commission. In doing so, the Applicant has effectively wielded this exclusionary settlement

⁷⁴ See email correspondence from Administrative Law Judge Anthony Belsito to Parties, dated June 11, 2026 (together with later referenced email correspondence from Administrative Law Judge Nicholas Planty to Parties, dated June 12, 2026, collectively appended hereto as Attachment 5).

⁷⁵ *Id.*

⁷⁶ See email correspondence from Administrative Law Judge Nicholas Planty to Parties, dated June 12, 2026, included in Attachment 5.

process as a sword against the people of New York State, including the District, systematically denying the public its fundamental right to a full and transparent environmental review process, rather than a tool to achieve a just and reasonable resolution that is in the public interest. This is not and was not the basis for the implementation of the Settlement Guidelines⁷⁷, nor the spirit and purpose of the Article VII process.⁷⁸

This is not a situation where all parties to settlement and/or a proceeding are in agreement. To the contrary, this is a highly contested “settlement” and the Joint Proposal represents the assumptions, guarantees, agreements, and compromises made only among a small subset of parties (mostly State agencies), leaving the non-Signatory parties with little recourse and leaving the public in the dark. It is evident – the settlement process failed to reach an acceptable settlement. Co-opting Signatories to the Joint Proposal by addressing their narrow concerns does not absolve the Applicant or the Commission of their responsibility to address the legitimate concerns of the remaining parties, namely the District.

For the foregoing reasons, the District submits that the record has not been developed and is incomplete and, as such, any recommendation from the ALJs for the Commission’s consideration should include a recommendation to reject the Joint Proposal based upon the current incomplete record.

POINT V – The Joint Proposal and the Project Fail to Satisfy the Statutory Requirements of Public Service Law § 126.

For all of the reasons outlined above, for all of the reasons outlined in the District’s Initial Statement, and for all of the reasons outlined in the other seventeen (17) statements submitted in

⁷⁷ See Commission Opinion No. 92-2.

⁷⁸ “The Certification Review Process For Major Electric and Fuel Gas Transmission Facilities Under Article VII of the New York Service Law”, Department of Public Service, June 2024, accessible at <https://dps.ny.gov/article-vi-certification-review-process-guide>.

opposition to the Joint Proposal, the Joint Proposal and the Project fail to satisfy the statutory requirements of Public Service Law § 126.

Specifically, the Joint Proposal and the Evidentiary Record fail to adequately or accurately determine the nature of the probable environmental impact as required by PSL § 126(1)(b) related to traffic within the District and related to the health and safety of the electromagnetic fields produced by the terrestrial transmission cables within the District; the Joint Proposal fails to represent the minimum adverse environmental impact or that the Project avoids or minimizes to the extent practicable significant adverse environmental impacts, as required by PSL § 126(c) related to enforceable and adequate traffic-related mitigation measures, routing, and other environmental impacts to the District; and, as a result, the Joint Proposal overwhelmingly fails to establish that the Project will serve the public interest, convenience, and necessity as required by PSL § 126(1)(h).

The sparsity of the Evidentiary Record is underscored by the statements submitted in support. For example, the affidavits in support submitted by DOT purport that “the *transportation impacts of the Project* are summarized in paragraphs 98-116 of the Joint Proposal” (emphasis added).⁷⁹ DPS claims that “the Applicant filed Exhibit E-6 to the application, which includes a *summary of the anticipated effects of the Project* on roadways, bus routes, railroads, airports, marine navigation and pedestrian traffic, as well as proposed mitigation measures that will be used to minimize impacts” (emphasis added).⁸⁰ To say that transportation impacts have been identified, let alone mitigated, is disingenuous at best. The Joint Proposal indicates “as detailed in Exhibit 4 and the supporting engineering analyses [...] Construction-related effects will be temporary,

⁷⁹ See Brenner Affidavit, the Vijayendram Affidavit, and the Francis Affidavit each at ¶ 9.

⁸⁰ DPS Statement at *13.

localized, and managed through appropriate coordination with transportation agencies and implementation of mitigation measures required by the Certificate Conditions and applicable permits.”⁸¹ However, the Joint Proposal does *not* provide any meaningful assessment of the *actual* construction-related impacts of the Project and instead relies on a prospective plan to later identify and evaluate impacts and a prospective (and therefore unenforceable) promise to mitigate those unstudied and unenumerated impacts.

The Joint Proposal has a glaring logical flaw: protective measures that have not yet been detailed cannot be said to mitigate impacts that have not yet been identified or analyzed. Simply put – the Joint Proposal cannot satisfy the statutory requirements of PSL § 126, because the studies, evaluations, and assessment necessary to determine the nature of the probable environmental impact have not been conducted. The District need not wait for prospective plans to identify construction-related impacts now. As outlined in the District’s Initial Statement, those impacts have been identified, cannot be quantified, and are not avoided, mitigated, or minimized by the terms of the Joint Proposal.⁸²

As the process currently stands, the Evidentiary Record lacks any substantive analyses of traffic impacts, electromagnetic radiation safety, and construction risks, particularly near schools. Whether this is because such analyses have not been included in the Joint Proposal or because such analyses have not yet been conducted by the Applicant by hiding behind a not “necessary for this stage of the permitting process”⁸³ smokescreen – the result is the same: an incomplete record that does not provide sufficient information needed to identify, analyze, and mitigate impacts of the

⁸¹ Joint Proposal Narrative at ¶ 98.

⁸² See Initial Statement at Attachment 1: Affidavit of Dr. Christopher Zublionis.

⁸³ See Initial Statement, Attachment 2: PNYE-NSCSD-1.

Project. The Applicant proposes that future studies be conducted solely for the purpose of developing construction plans. Thus, the Applicant has cleverly ensured that studies done before the approval process are shielded from the Commission’s scrutiny, and that any studies conducted as part of the future construction process will not be prepared until after the Commission’s approval and thus will similarly escape the Commission’s scrutiny. In the absence of such studies, the Applicant is essentially asking the Commission to discharge its duties on faith alone, which cannot possibly satisfy the statutory requirements of PSL § 126.

In short, the Applicant asks the Commission to accept the position of the Signatories in support, ignore the position of the parties in opposition, and delegate its responsibility for mitigation back to the Applicant that it is supposed to be regulating, thus circumventing both the public’s and the Commission’s review of the anticipated impacts and the sufficiency of proposed mitigation efforts. Article VII of the Public Service Law “requires a full review of the need for and environmental impact of the siting, design, construction, and operation of major transmission facilities in New York State.”⁸⁴ Where, as here, the siting of the Project has not been finalized, the design of the Project has not been finalized, the construction plans for the Project have not been finalized, and studies have not been conducted and/or made available, the Commission is clearly denied the information it requires to conduct a “full review”.

The safety of the District’s schools and students should never be compromised as a consequence of a flawed process.

⁸⁴ See Department of Public Service, Article VII Major Electric and Gas Transmission Facilities: <https://dps.ny.gov/article-vii-major-electric-and-gas-transmission-facilities>; and “The Certification Review Process For Major Electric and Fuel Gas Transmission Facilities Under Article VII of the New York Service Law”, Department of Public Service, June 2024, accessible at <https://dps.ny.gov/article-viicertification-review-process-guide>.

For these reasons, and the reasons outlined in the District's Initial Statement, the District strongly opposes the Joint Proposal and submits that the Joint Proposal must be rejected.

CONCLUSION

The District strongly opposes the Joint Proposal and respectfully urges the Public Service Commission to reject the Joint Proposal for all of the foregoing reasons, and for all of the reasons outlined in the District's Initial Statement and raised in the other filed statements in opposition to the Joint Proposal, including but not limited, to:

- The Evidentiary Record before the Commission fails to establish that the Joint Proposal is just and reasonable or that it is in the public interest;
- The Evidentiary Record is not complete;
- The Joint Proposal fails to determine the nature of the probable environmental impact as required by PSL § 126(1)(b) related to traffic within the District and related to the health and safety of the electromagnetic fields produced by the terrestrial transmission cables within the District;
- Adequate studies and analyses necessary to evaluate and assess impacts of the Project have not been conducted;
- The Joint Proposal fails to represent the minimum adverse environmental impact as required by PSL § 126(1)(c);
- The Joint Proposal fails to include enforceable and adequate mitigation measures concerning traffic and other environmental impacts to the District;
- The Joint Proposal fails to establish that the Project will serve the public interest, convenience, and necessity as required by PSL § 126(1)(h);
- The Joint Proposal fails to adequately identify, quantify, mitigate, or avoid impacts to the District, including construction-related impacts associated with fugitive dust, noise, utility outages, and electromagnetic field exposure;
- The Joint Proposal prioritizes the statutory mandates of the State agencies relating to water quality standards, roadways, infrastructure, and coastal fish and wildlife habitats, while jeopardizing the District's statutory mandates to children;
- The Joint Proposal arbitrarily treats the parties disparately prioritizing State-level concerns associated with parklands, commercial fishing operations, marine and animal species, and utility companies, while ignoring local-level impacts, including impacts to the District, its students, staff and school community;
- The Joint Proposal is a product of a flawed settlement process shielded from the public and in contravention to the purpose and spirit of the Settlement Guidelines and the Article VII process itself; and

- The Commission will impose a confiscatory burden amounting to a taking upon the District, causing irreparable harm, by approving a Joint Proposal that fails to appropriately and adequately mitigate impacts to the District and its ability to satisfy its State-mandated obligations to maintain the health and safety of the District's students and staff and to provide educational and instructional programs and transportation services to its students.

Should the Commission be inclined to adopt the Joint Proposal notwithstanding the District's strong opposition and the strong statements in opposition submitted by 17 other parties, for all the reasons raised herein and in the District's Initial Statement, at a minimum, the Commission should first require modification the Joint Proposal to include necessary, robust, enforceable Certificate Conditions to ensure and protect the health and safety of thousands of students and staff, school transportation operations, emergency access, instructional continuity, financial burdens, and the District's statutory obligations to provide educational programs and safe access to educational facilities during and after the Project's construction phase.

Dated: June 26, 2026
Hauppauge, New York

Respectfully Submitted,

By:



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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties

Case No. 24-T-0446

**NORTH SHORE CENTRAL SCHOOL DISTRICT'S
REPLY STATEMENT IN FURTHER OPPOSITION TO THE JOINT PROPOSAL**

ATTACHMENT 5 –

Collectively:

**Email correspondence from Administrative Law Judge Anthony Belsito to Parties,
dated June 11, 2026**

**Email correspondence from Administrative Law Judge Nicholas Planty to Parties,
dated June 12, 2026**

From: [Belsito, Anthony \(DPS\)](#)
To: [McNally, Alicia \(DOT\)](#); [adevito@couchwhite.com](#); [Amy Majkrzak](#); [msports111@hotmail.com](#); [acascione@cullenllp.com](#); [aohanian@harrisbeach.com](#); [bew@bawlawfirm.com](#); [wildoilsli@gmail.com](#); [bmooney@cullenllp.com](#); [Bridget@OTooleLaw.Group](#); [bkennedy@seacliff-ny.gov](#); [Christian.MMonahan@gmail.com](#); [carenriskin@gmail.com](#); [Carrie Anne Tondo](#); [cmccann63@hotmail.com](#); [Sandrow, Cheryl A \(DEC\)](#); [Christine Durant](#); [colleen.alderson@parks.nyc.gov](#); [dmcaree@ewhowell.com](#); [D.Evers@BHPP.com](#); [david.appelbaum@nytransco.com](#); [dmetcalfe@cullenllp.com](#); [goldcoastbusinessassociationli@gmail.com](#); [deborgelgordon@gmail.com](#); [dgoodric@law.nyc.gov](#); [draugenth@gmail.com](#); [EVILLAFANE@SEACLIFF-NY.GOV](#); [gpombar@optonline.net](#); [HWHpropelinfo@yahoo.com](#); [Heather.Behnke@nypa.gov](#); [hmbenzie@gmail.com](#); [Irene.Papadopoulos@parks.nyc.gov](#); [FREITASI@coned.com](#); [jenniferokeefe77@yahoo.com](#); [propelupdates2025@yahoo.com](#); [thpo@mohican-nsn.gov](#); [Jennifer@heathotoole.com](#); [Shaw, Jessie m \(DEC\)](#); [jmcmanus@harrisbeachmurtha.com](#); [greenvalecivica@aol.com](#); [J.macy@bhpp.com](#); [kara.krueger@pseg.com](#); [Gaidasz, Karen M \(DEC\)](#); [kyanelli@gmail.com](#); [kathyre12@gmail.com](#); [klang@couchwhite.com](#); [kasaladino@icloud.com](#); [kimberly_pritchard@iroquois.com](#); [Bohl, Laurel \(DOS\)](#); [linneydel@yahoo.com](#); [Lisa Zafonte](#); [lorirugg23@hotmail.com](#); [parentsagainstpropel@gmail.com](#); [Marissa.Fabricant@parks.nyc.gov](#); [b2bespoke@gmail.com](#); [meldred@hselaw.com](#); [mfranco@couchwhite.com](#); [mkoblenz@westernllp.com](#); [Morris, Michael \(DOS\)](#); [michaelbatel@gmail.com](#); [Forst, Nicholas \(DPS\)](#); [suttonmanor.nr@gmail.com](#); [Hilerio, Peter \(DPS\)](#); [theroseannmcmahon@gmail.com](#); [poansa1@outlook.com](#); [Swatek, Richard \(DOT\)](#); [bogler@northhempsteadny.gov](#); [Sarmili.Saha@psegliny.com](#); [sherri.rosenberg@parks.nyc.gov](#); [rosenblatts@coned.com](#); [eskerrets@coned.com](#); [Crounse, Sita X \(DEC\)](#); [garcias@coned.com](#); [staceyrichardson45@gmail.com](#); [slefevre@bartonandloguidice.com](#); [Mayor@villageofthomastonny.gov](#); [Wells, Tara \(AGRICULTURE\)](#); [GalloV@coned.com](#); [wplache@law.nyc.gov](#)
Cc: [Bergen, Erika \(DPS\)](#); [Planty, Nicholas \(DPS\)](#)
Subject: Case 24-T-0446 Clarification Regarding Parties' Initial Submissions regarding the Joint Proposal
Date: Thursday, June 11, 2026 12:12:28 PM

This email originated outside the organization. Do not click any links or attachments unless you know the sender.

Parties,

As part of their Initial Statements on the Joint Proposal, several parties seemed to indicate that they may be expecting a ruling or other response from the ALJs. However, in our view none of these statements clearly constitute a request for relief, and others conflict with prior party statements that they were not requesting our intervention.

Motion practice is governed by 16 NYCRR 3.6. In our view, there are no pending motions requiring action by the ALJs.

Although Protect Our Coast's submission clearly requests remand or dismissal of the application, such relief is not within our authority to grant and, therefore, the request is properly directed to the Commission. See 16 NYCRR 85-2.15.

Anthony Belsito

From: [Planty, Nicholas \(DPS\)](#)
To: [John Fabio](#); [Belsito, Anthony \(DPS\)](#); [Bergen, Erika \(DPS\)](#)
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Subject: RE: ALJ role clarification
Date: Friday, June 12, 2026 10:39:58 AM

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We are the administrative law judges currently assigned to oversee this case, to develop a record of the proceeding, and to develop recommendations for the Commission's consideration.

Nicholas Planty, Erika Bergen, and Anthony Belsito
Administrative Law Judges
Office of Hearings and Alternative Dispute Resolution
Department of Public Service
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From: John Fabio <greenvalecivica@aol.com>
Sent: Friday, June 12, 2026 12:31 AM
To: [Belsito, Anthony \(DPS\) <Anthony.Belsito@dps.ny.gov>](mailto:Anthony.Belsito@dps.ny.gov); erica.bergen@dps.ny.gov; [Planty, Nicholas \(DPS\) <Nicholas.Planty@dps.ny.gov>](mailto:Nicholas.Planty@dps.ny.gov)
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Subject: ALJ role clarification

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Dear Your Honers, it would be very helpful to me if you could define your role regarding Case 24-T-0446. Thank you.