

NEW YORK STATE PUBLIC SERVICE COMMISSION

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In the Matter of the Application of New York Transco  
LLC and the New York Power Authority for a Certificate  
of Environmental Compatibility and Public Need Pursuant  
to Article VII of the Public Service Law to Construct,  
Operate, and Maintain an Approximately 89.7-Mile  
Underground Transmission Line through Suffolk, Nassau,  
Queens, Bronx, and Westchester Counties  
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Case 24-T-0446

**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 REMAND OR DISMISS THE  
APPLICATION**

Dated: June 8, 2026

Webster, New York

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## INTRODUCTION

Protect Our Coast – Long Island New York (“POC-LINY), a party to Case 24-T-0446, Application of New York Transco LLC and the New York Power Authority (the “Applicant”) for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the 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”), respectfully submits this brief in opposition to adoption of the Joint Proposal filed on April 30, 2026, and moves to reject the Joint Proposal (the “Joint Proposal”) and either remand the matter for further proceedings or dismiss the Application.

As a threshold issue, the Commission should reject the Joint Proposal because the settlement process was fundamentally flawed. Rather than employing settlement guidelines to facilitate meaningful public input and prevent narrow and secretive agreements between state agencies and the Applicant, the Applicant used the settlement process provided by the Commission’s 1992 Settlement Guidelines and 16 NYCRR § 3.9(a) to shield discussions about project issues from public scrutiny, and force stakeholders to expend limited Intervenor Funding on over a year of settlement conferences resulting in a settlement rejected by 75% of participants.

The secretive process employed by the Applicant and facilitated by signatory parties has deprived the public and key stakeholders of any chance for meaningful participation in the Article VII siting process. As just one example, Notices of Impending Settlement Negotiations were impermissibly vague, and no supplemental notice was ever issued despite major negotiated changes to the project’s route, design, and proposed impact mitigation, as demonstrated by differences between the initial Application and the final Joint Proposal. This failure to re-notice

violated the Commission's 1992 Settlement Guidelines and 16 NYCRR § 3.9(a), depriving affected stakeholders of a meaningful opportunity to participate.

Notice issues aside, the largest indicator of settlement failure is the Applicant's own assertion that only 10 of 42 settlement parties have joined this settlement. Worse, when including the parties that did not participate in settlement, only 10 of the 50 parties to this proceeding support the settlement. *See* Joint Proposal Narrative with Signatures, p. 15 (Table listing 42 settlement participants and 50 total parties); *Id.* at pp. 90-99 (signature pages). This low sign-on rate indicates settlement has failed despite the support of settlement by various state agencies whose interest in supporting state energy policy conflicts with the public interest.

In addition to being the product of a flawed process, the Joint Proposal suffers from disqualifying substantive deficiencies. 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 concerns that the settlement does not adequately address. These include the rationale for increasing the target burial depth in Hempstead Harbor from 6 feet to 9 feet, the selection of Glen Cove Road as the preferred route with no alternative routes considered, 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. *See* **Exhibit C** Propel Letter from Three Towns, May 1, 2026 (DMM Item No. 288); **Exhibit A** (Discovery requests submitted by numerous parties in accordance with Ruling on Process and Schedule dated May 12, 2026 (DMM Item No. 289)).

The Joint Proposal fails to adequately address these concerns, and the public record lacks sufficient justification for the signatories' choices. The Applicant has expressly refused to disclose the reasons for key decisions — most notably the burial depth increase — citing confidential settlement negotiations. Indeed, the Applicant has threatened at least one party with sanctions for allegedly revealing confidential settlement information relevant to sufficiency of the cable burial depth set forth in the Joint Proposal. *See Exhibit B*, Emails between Village of Sea Cliff and Applicant. The Applicant's use of settlement confidentiality as a sword has the effect of chilling public participation, while also improperly shielding the rationale for important project choices from Commission and public scrutiny.

The Joint Proposal is the product of a process that was flawed from its inception and remains defective in its execution. The Applicant and signatory agencies have used the confidentiality provisions of the Settlement Guidelines not as a shield to protect good-faith negotiations, but as a sword to prevent non-signatory parties — including municipalities, school districts, and civic associations representing thousands of directly affected residents — from obtaining in a public and timely manner the basic information needed to evaluate whether the project satisfies the statutory criteria of PSL § 126. The result is a settlement that memorializes the inevitable support of state agencies charged with implementing state energy policy, while failing to receive the support of 75% of settlement parties representing a broad cross-section of local community, municipal, and environmental stakeholders. The Commission should therefore reject the Joint Proposal outright, remand for further proceedings, or dismiss the Application without prejudice.

## **RELIEF REQUESTED**

POC-LINY respectfully requests that the Commission:

- (1) Reject the Joint Proposal filed on April 30, 2026;
- (2) Remand the matter for further proceedings that require the Applicant to supplement the public record with the rationale and supporting analysis for the key decisions reflected in the Joint Proposal — including burial depth, route selection, mitigation measures, and public-policy need — with full opportunity for all parties to respond; or, in the alternative
- (3) Dismiss the Application without prejudice to a future filing supported by a complete and transparent public record.

## **STANDARD**

Motions and Statements to reject or dismiss a Joint Proposal in Article VII proceedings are governed by the Commission’s statutory obligations under PSL § 126(1) and its own 1992 Settlement Guidelines (Opinion 92-2). The Commission may not grant a certificate unless it finds and determines the basis of the need for the facility, the nature of the probable environmental impact, that the facility represents the minimum adverse environmental impact, that it conforms to a long-range plan for expansion of the electric power grid, and that the facility will serve the public interest, convenience, and necessity (PSL § 126(1)(a)–(g)).

Procedural compliance with the 1992 Settlement Guidelines and 16 NYCRR § 3.9(a) is a threshold requirement. The Administrative Law Judge must review the Notice of Impending Settlement to ensure “all persons who reasonably should have been notified” receive a genuine opportunity to participate. Failure to do so undermines the reliability of any resulting Joint

Proposal and defeats the core purposes of the guidelines—openness, fairness, and meaningful public participation. While confidentiality properly protects the substance of negotiations, it cannot be invoked to prevent the Commission from having before it a complete public record containing the rationale and analysis supporting the signatories’ choices on contested issues.

Motions to dismiss are common in other administrative energy siting proceedings conducted in New York. Administrative precedent in proceedings before the New York State Board on Electrical Generation Siting and the Environment provides that, “an application may be dismissed upon the motion of any party if it shall appear in the absence of any genuine issue as to any material fact that the statutory requirements for a certificate cannot be met.” New York State Board on Electric Generation Siting and the Environment, In Re Keyspan Energy, No. 01-F-0761, 2002 WL 32694607 (June 5, 2002) (internal quotation marks omitted).<sup>1</sup>

Section 126 of the Public Service Law sets forth the following requirements for a Certificate:

1. The commission shall render a decision upon the record either granting or denying the application as filed or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the commission may deem appropriate. If the commission denies the application, it shall file, with its order, an opinion stating in full its reasons for the denial. Except as provided in subdivision two of this section, the commission may not grant a certificate for the construction or operation of a major utility transmission facility, either as proposed

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<sup>1</sup> See also *Application of Glenville Energy Park, LLC, for A Certificate of Env't Compatibility & Pub. Need to Construct & Operate A 520-Megawatt Nat. Gas-Fueled Generating Facility in the Town of Glenville, Schenectady Cnty., New York.*, No. 99-F-1835, 2004 WL 5669354, at \*10 (Aug. 27, 2004) (“We conclude that the Applicant's proposed amendment of its certificate application would require substantial additional review, tantamount to the consideration of a new application... Based on the foregoing discussion, we therefore terminate consideration of the Applicant's certificate application.”); *Application of Upstate Ny Power Corp. for A Certificate of Env't Compatibility & Pub. Need for A 50.6 Mile 230kv Transmission Facility from Galloo Island in the Town of Hounsfield, Jefferson Cnty., to the Fitzpatrick-Edic Substation in the Town of Mexico, Oswego Cnty.*, No. 09-T-0049, 2013 WL 2298316, at \*1 (May 22, 2013) (“We adopt the reasoning of the February 26 ruling and conclude that this application should be dismissed in the interests of fairness to potentially affected landowners, without prejudice to the Applicant to file an updated or new application, should its circumstances change.”)

or as modified by the commission, unless it shall find and determine:

- (a) the basis of the need for the facility;
- (b) the nature of the probable environmental impact;
- (c) that the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations including but not limited to, the effect on agricultural lands, wetlands, parklands and river corridors traversed;
- (d) that the facility represents a minimum adverse impact on active farming operations that produce crops, livestock and livestock products, as defined in section three hundred one of the agriculture and markets law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property;
- (e) in the case of an electric transmission line, (1) what part, if any, of the line shall be located underground; (2) that such facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, which will serve the interests of electric system economy and reliability;
- (f) in the case of a gas transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line;
- (g) that the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder, all of which shall be binding upon the commission, except that the commission may refuse to apply any local ordinance, law, resolution or other action or any regulation issued thereunder or any local standard or requirement which would be otherwise applicable if it finds that as applied to the proposed facility such is unreasonably restrictive in view of the existing technology, or of factors of cost or economics, or of the needs of consumers whether located inside or outside of such municipality;
- (h) that the facility will serve the public interest, convenience, and necessity, provided, however, that a determination of necessity made by the power authority of the state of New York pursuant to

section ten hundred five of the public authorities law for a major utility transmission facility for which an application has been filed prior to July first, nineteen hundred seventy-eight pursuant to section one hundred twenty-two of this chapter, shall be conclusive on the commission.

NY PSL §126.

In addition, even where a motion to dismiss is denied, an applicant's failure to disclose information material to an agency's decision, or failure to disclose information necessary to the public's meaningful participation in the siting process, requires adjournment of the proceeding and amendment of an application. *See Application of Galloo Island Wind LLC for A Certificate of Env't Compatibility & Pub. Need*, Case No. 15-F-0327, Ruling Denying Motion to Dismiss and Granting Motion to Postpone Proceeding (DMM Item No. 294), 2018 WL 5631406, at \*8 (Oct. 26, 2018).

### **Argument**

#### **I. The Settlement Process Violated the Commission's Notice and Participation Requirements, Rendering the Joint Proposal a Fruit of the Poisonous Tree**

The March 28, 2025 initial Notice and April 7, 2025 Second Notice of Impending Settlement used only the following boilerplate catch-all phrase to describe the topic of settlement: "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." Second Notice of Impending Settlement, April 7, 2025, p.2; Notice of Impending Settlement, March 28, 2025, p. 1. This description of the topic of settlement was overly broad, vague, and inadequate to inform potential stakeholders that the settlement would lead to a Joint

Proposal including changes to the physical location/routing of the 89.7-mile line, elimination of upgrade substations, redesign of the New Rochelle transition station, and a detailed new environmental mitigation package (including the increase in target burial depth in Hempstead Harbor from 6 feet to 9 feet). *See* Summary of Joint Proposal (DMM Item No. 287); Joint Proposal Narrative, p. 55 (DMM Item No. 284).

Under the 1992 Settlement Guidelines and 16 NYCRR § 3.9(a), the Administrative Law Judge must review the notice to ensure “all persons who reasonably should have been notified” receive a genuine opportunity to participate. Once alternative routes, major design changes, and enhanced mitigations became active subjects of negotiation (which presumably occurred given the terms of the Joint Proposal), the Applicant should have notified the ALJ’s of a change in the scope of settlement and the ALJs were required to direct a supplemental notice. None was issued.

The result: approximately 13 months of confidential negotiations, during which newly affected landowners, businesses, schools, and communities received no timely, formal notice that their interests were on the table. Late, targeted abutter letters in February 2026 and the opportunity to review and comment on the Joint Proposal does not cure the defective notice because the potential stakeholders who did receive notice were not provided an opportunity to participate in most of the settlement process.

This procedural failure defeats the core purposes of the 1992 guidelines—openness, fairness, and meaningful public participation—and means the Joint Proposal does not fairly reflect the full range of legitimate concerns about the project. *See* all comments in opposition to JP filed in this proceeding as of the date of this brief.<sup>2</sup> The Commission should therefore reject the Joint Proposal and remand to the ALJs for a full, open, and public hearing on whether

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<sup>2</sup> Available at: <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=74038>

issuance of a Certificate is appropriate pursuant to NY PSL §126. The Commission must end its practice of allowing developers to submit materially deficient applications for partially formed projects as means of obscuring the process by which a more mature, detailed project can be resubmitted in the form of a Joint Proposal. Settlement was never intended to replace the pre-application phase of projects, but that is precisely how it is now being used.

## **II. Discovery Requests and Responses Reveal an Inadequate Evidentiary Record Supporting the Joint Proposal**

Subsequent to the Applicant's Submission of a partial Joint Proposal, multiple non-signatory parties sought and were granted leave to serve information (discovery) requests upon the Applicant. **Exhibit A** is a true and accurate copy of information requests submitted by the Self Consolidated Parties, The Greenvale Civic Association, the North Shore Central School District, the Roslyn Union Free School District, the Syosset Central School District, and Sea Cliff. The following discussion presents some, but not all, of the issues of fact and record deficiencies raised by non-signatory parties.

### ***A. Information Requests Served After Submission of the Joint Proposal Show Major Gaps in the Evidentiary Record.***

First, the Self Consolidated Parties served detailed discovery requests probing the Applicant's route selection process around Glenwood Landing and Glen Head. They challenge the rejection of the Motts Cove Alternative (approximately one mile shorter and through lower-density residential areas without a business district), the inconsistent application of "residential impact" criteria, the lack of traffic studies or comparative community-sensitivity analysis for that alternative, and the complete absence of any Joint Proposal provisions protecting private

residential infrastructure (septic systems, utilities, and foundations) from prolonged construction. *See Exhibit A.*

The Consolidated Parties' requests also expose unsubstantiated claims about similar projects elsewhere without disclosure of negative impacts, unanalyzed effects on businesses in the local business district (explicitly referencing experiences with projects such as the Champlain Hudson Power Express), traffic and emergency-access disruptions on narrow two-lane roads, conflicts with planned future municipal sewer development, risks of encountering or causing contamination and health impacts from construction emissions on residents, the municipal aquifer, and private wells, aggregate electromagnetic-field intensity at cable intersections, adequacy of proposed construction monitors and inspectors for multiple concurrent work zones in heavily trafficked residential areas, and—critically—the project's relationship to the New York State electrical grid and its need and scope in light of offshore wind project cancellations. *Id.*

The Consolidated Parties' inquiries reveal that the Joint Proposal lacks the analysis, mitigation commitments, and supporting documentation necessary to demonstrate that the facility represents the minimum adverse environmental impact and will serve the public interest under PSL § 126.

The Greenvale Civic Association's requests focus on the Glen Cove Road segment and highlight the Applicant's complete failure to consider or propose any alternative route despite the corridor's extreme traffic volumes (AADT exceeding two million vehicles across co-located, perpendicular, and elevated roadways) and dense commercial development, including major malls, shopping centers, supermarkets, medical facilities, restaurants, banks, gyms, hotels, and retail operations serving thousands of daily customers, employees, and visitors, as well as impacts on schools and backing residences. *Id.* The requests detail material deficiencies in plans

(or the lack thereof) for notifying affected businesses, construction timing and intervals, lane closures (including extended work zones for splice vaults and duct banks that would cause multi-lane blockages and prolonged vehicle idling), laydown-yard locations and associated traffic, calibrated traffic mitigation measures, prevention of interference with business access and operations, compensation for economic losses or infrastructure damage, continuity of NICE bus and school-bus service, noise mitigation for adjacent residences, controls on construction debris and air pollution, unobstructed access to the Roslyn Rescue Firehouse and Greenvale LIRR station, and prevention of cut-through traffic on residential side streets. *Id.* These deficiencies demonstrate a significant gap in the record concerning socioeconomic, traffic, air-quality, and access impacts for one of the project's most heavily burdened segments. *See id.*

The North Shore Central School District, the Roslyn Union Free School District, and the Syosset Central School District each served targeted discovery requests raising parallel concerns specific to educational facilities and students. Exhibit A. Their requests underscore the inadequacy of traffic studies, and while the Applicant states that it conducted site visits along the route in 2025 (including some observations of traffic conditions), the responses do not identify any site visits conducted within the specific geographic boundaries of the North Shore Central, Roslyn, or Syosset Central School Districts for the purpose of evaluating construction impacts on school operations. The responses also fail to provide detailed, school-specific construction-duration estimates or sequencing for key roadways such as Shore Road, Glenwood Road, Kissam Lane, Glen Head Road, South Woods Road, Robbins Lane, Willis and Mineola Avenues, or Glen Cove Road near Harbor Hill Elementary. Instead, the Applicant defers these critical details to future EM&CP filings and generic Maintenance and Protection of Traffic plans.

The Absence of detailed construction-duration estimates for specific school-adjacent or school-serving roadways (including Shore Road, Glenwood Road, Kissam Lane, Glen Head Road, Glen Cove Avenue north of Glen Head Road, South Woods Road, Robbins Lane, Willis and Mineola Avenues, and Glen Cove Road near Harbor Hill Elementary), the lack of concrete plans to prevent any disruption or interruption to utility services essential for school operations during construction, uncertainty regarding the precise location of the transmission line within the right-of-way adjacent to schools such as North Shore Middle School, Harbor Hill Elementary, and Robbins Lane Elementary, and—most critically—the absence of baseline electromagnetic-field analyses or commitments to post-installation monitoring near these sensitive locations where children are present for extended periods each day. *Id.*

Sea Cliff’s extensive discovery requests concerning the proposed submarine cable segment within Hempstead Harbor illuminate numerous critical deficiencies. *Id.* They question the rationale for increasing the target burial depth from 6 feet to 9 feet (a significant change for which the Applicant has since withheld any substantive explanation by invoking confidential settlement negotiations), the sufficiency of the proposed depths and protection measures to avoid creating anchorage restrictions, navigational hazards, vessel-interaction risks, or limitations on existing recreational, commercial, industrial, municipal, and other harbor uses, consistency with the Public Trust Doctrine, Environmental Conservation Law § 15-0505, 6 NYCRR Part 608, New York Coastal Management Program policies, and related authorities protecting navigation, fishing, shell fishing, recreation, waterfront access, and water-dependent uses (without providing independent analysis beyond reference to the NYSDOS concurrence and Joint Proposal Condition 10), total cable configuration and corridor width details (including separation distances and ancillary cables), jet-plow and trenching methodologies and sediment-disturbance

controls (including the feasibility and commitment to measures such as silt or turbidity curtains, real-time monitoring, and work windows), justification for the proposed 500-foot mixing zone and modeling of maximum cumulative sediment-plume extent and duration (particularly with multiple installation passes), identification and protection of all Grants of Lands Under Water, easements, riparian rights, and other underwater property interests within or adjoining the alignment (including the scope of the Applicant's title search), and the project's fundamental purpose and continued public-policy need, including the specific sources of electricity to be transmitted, in light of offshore wind development changes, cancellations, and evolving market conditions. *Id.* These requests confirm that key environmental, navigational, property-rights, coastal-consistency, and public-need issues central to the Commission's statutory findings remain unaddressed or inadequately supported in the current record. *See id.*

Collectively, the discovery requests served by this subset of non-signatory parties demonstrate that the Joint Proposal rests on an inadequate evidentiary record. Material issues of fact concerning route selection and alternatives analysis, construction and operational impacts on residential communities, schools, businesses, traffic, emergency services, private and underwater property interests, water and air quality, electromagnetic fields near sensitive receptors, mitigation adequacy and enforceability, construction oversight capacity, and public need persist and remain unresolved. Furthermore, the Applicant's invocation of settlement confidentiality to shield the rationale for significant changes (most notably the burial-depth increase) and deferring critical details to future EM&CP filings does not cure these deficiencies.

The Commission cannot make the required findings under PSL § 126(a)–(h) on the present record. The Joint Proposal should therefore be rejected, and the matter remanded for

supplementation of the public record with full, non-confidential analyses and supporting documentation, together with a meaningful opportunity for all parties to respond.

***B. The Applicant's Responses to Information Requests Demonstrate Further Abuse of Settlement Guidelines and Omissions in the Record***

In general, the Applicant's responses to the above-described information requests do not cure the evidentiary gaps in the record. Instead, they follow a consistent pattern of boilerplate general objections (including claims of settlement confidentiality under the Commission's 1992 Settlement Guidelines and 16 NYCRR § 3.9, overbreadth, information not known or reasonably available, CEII, privilege, and deference to the Joint Proposal or future EM&CP filings), cross-references to other responses or the Joint Proposal itself, limited or no new substantive analysis, and outright refusal to provide the missing justifications, studies, plans, and data identified as deficient in the requests. This approach leaves the public record materially incomplete on issues central to the Commission's PSL § 126 findings and confirms that the Joint Proposal rests on an inadequate evidentiary foundation. A simple comparison illustrates the problem:

**What Non-Signatory Parties Requested**

- Route-selection rationale and alternatives analysis (Consolidated Parties)
- Private infrastructure surveys and protections (Consolidated Parties, school districts)
- Site-specific construction schedules, detailed traffic mitigation near schools, and EMF baseline/post-installation data near schools (school districts)
- Granular traffic mitigation, business compensation, and pollution controls for Glen Cove Road (Greenvale Civic Association)

- Burial-depth justification, final alignment drawings, independent coastal consistency analysis, and GLUW/title information (Sea Cliff)

### **What the Applicant Provided**

- “See the Joint Proposal” or “will be addressed in the EM&CP”
- Invocation of settlement confidentiality
- Cross-references to other parties’ responses
- No new studies, no new analysis, and in the case of the Consolidated Parties, no response at all as of the date of this brief.

This pattern is evident in the following analysis of each request submitted to date.

First, the Consolidated Parties served their comprehensive discovery requests (CP-1) on June 3, 2026 — after the Joint Proposal and after the Applicant had already responded to the earlier requests served by the Greenvale Civic Association, the school districts, and the Village of Sea Cliff. As of the date of this brief, the Applicant has not responded to the Consolidated Parties’ requests. As a result, every deficiency identified in those requests remains completely unaddressed in the public record.

Second, the Applicant’s responses to the Greenvale Civic Association, North Shore Central School District, Roslyn Union Free School District, and Syosset Central School District requests exhibit identical deficiencies. The traffic-study responses refer primarily to the single May 12, 2025 study. While the Applicant produced two additional traffic analyses in 2026 (“Traffic Analysis for 1T to 5T Trenching Construction Condition” dated April 2026 and “Traffic Analysis for 6T Trenching Condition” dated February 2026), these studies are general in nature, apply uniform statewide standards, and do not provide corridor-specific or school-specific analysis for the heavily burdened segments near North Shore Middle School, Harbor Hill

Elementary, Robbins Lane Elementary, or the commercial corridor along Glen Cove Road. Moreover, the Applicant continues to defer detailed, location-specific Maintenance and Protection of Traffic (MPT) plans — including lane closure durations, construction sequencing near schools, and emergency access protections — to future EM&CP filings.

Furthermore, Construction-duration, utility-protection, and ROW-location responses point to the Joint Proposal or “standard practices” without detailed, school- or corridor-specific schedules, commitments to uninterrupted service, or precise installation locations adjacent to schools such as Harbor Hill Elementary, Robbins Lane Elementary, and North Shore Middle School. EMF responses indicate some existing or planned analysis/monitoring but supply no baseline data, specific post-installation commitments near schools, or modeling of cumulative effects. Traffic-mitigation, business-notification, laydown-yard, pollution-control, firehouse/LIRR access, and cut-through-traffic responses defer to Maintenance and Protection of Traffic Plans, the Joint Proposal, or future EM&CP filings without the granular, corridor-specific plans, compensation mechanisms, or alternatives analysis requested for the Glen Cove Road commercial corridor. These responses do not cure the record deficiencies in site-specific impact assessment, mitigation planning, school and business protections, or alternatives analysis.

The Applicant’s responses to the Village of Sea Cliff’s discovery requests further demonstrate that the public record supporting the Joint Proposal is inadequate. In multiple responses, the Applicant either withholds key information or defers to future filings rather than providing substantive justification in the current record.

First, in response to Request No. 1 (burial depth), the Applicant refuses to disclose the reason for increasing the target burial depth from 6 feet to 9 feet, citing confidential settlement negotiations. While defending the original 6-foot proposal with the Cable Burial Risk

Assessment provided in May 2025, the Applicant provides no new analysis or justification for why the deeper 9-foot target is now appropriate. This leaves the public record without any explanation for this significant change beyond a vague reference to “impacts to navigation” in its Joint Proposal Narrative. Joint Proposal Narrative ¶ 113.

Second, in response to Request No. 9 (plan drawings, GIS mapping, and corridor details), the Applicant admits that final plan drawings and exact centerline information are not yet available and will be provided later in the Environmental Management and Construction Plan (EM&CP). The Applicant relies on maps in Joint Proposal Appendix B that are labeled “for reference only.” This deferral of critical project details means the current public record does not contain the information necessary to evaluate the full scope of environmental and community impacts.

Third, in responses to Requests Nos. 5 and 6 (coastal consistency and legal compliance), the Applicant relies heavily on the NYSDOS Coastal Consistency Concurrence dated May 15, 2026, and Joint Proposal Condition 10, without providing independent analysis addressing the specific concerns raised by the Village of Sea Cliff regarding public trust uses, navigation, and anchorage. Throughout the response, the Applicant repeatedly directs the reader to “see the Joint Proposal” or states that issues “will be addressed in the EM&CP,” rather than providing substantive justification.

This pattern of withholding reasons, deferring details to future filings, and relying on the Joint Proposal itself without independent analysis demonstrates that the evidentiary record supporting the settlement is incomplete. A settlement that produces a Joint Proposal but leaves the public record deficient on matters central to the Commission’s statutory findings does not satisfy the requirements of the 1992 Settlement Guidelines or PSL Article VII.

Finally, the Applicant's response to Sea Cliff's information request further demonstrates an aggressive and improper use of settlement confidentiality to chill public participation in this proceeding. In a June 3rd email to the Village of Sea Cliff the Applicant demands sanctions against a municipal party:

For the avoidance of doubt, the VOSC did not contact my office to seek the Applicant's consent before quoting directly from our written materials conveyed confidentially during settlement. That lack of consent renders your actions in direct violation of the Settlement Guidelines and governing regulation.

In contrast, the Applicant has and will continue to honor the Settlement Guidelines and governing regulation by refusing to provide information/positions/materials, etc. provided to it during the settlement process from parties interested in the project's burial depth within the Hempstead Harbor because it lacks the consent to do so. Notably, the VOSC has all of that information already since it received it at the same times the Applicant did during the settlement process.

In light of your continuing breaches of the Settlement Guidelines and 16 NYCRR § 3.9 (d), and admitted inability to self-identify those breaches before or after the fact, the Applicant notes again that the ALJs "may impose appropriate sanctions" sua sponte.

Exhibit B, Email chain between Village of Sea Cliff and Applicant.

By demanding retraction of a party's good-faith correspondence that referenced settlement-derived materials first mentioned by the Applicant itself, by characterizing legitimate follow-up advocacy on unresolved discovery issues as sanctionable misconduct, and by threatening the ultimate sanction of exclusion from the proceeding itself, the Applicant has made clear that it intends to use the confidentiality provisions of the 1992 Settlement Guidelines and 16 NYCRR § 3.9 not merely to protect the negotiating process but to prevent a non-settling party from surfacing the rationale for key decisions or building a complete public record. This conduct directly undermines the core purposes of the Guidelines—openness, fairness, and meaningful

public participation—and confirms that the Joint Proposal rests on a deliberately incomplete evidentiary foundation. It provides an independent and additional ground for the Commission to reject the Joint Proposal, remand for supplementation of the record with full non-confidential explanations and analyses of all material changes (including burial depth, route selection, mitigation measures, and public-policy need), or dismiss the Application without prejudice.

The Applicant's response is not a routine discovery objection or good-faith clarification of the record. It is a calculated escalation of the Applicant's strategy of shielding the rationale for material project changes—most notably the increase in target burial depth from 6 feet to 9 feet in Hempstead Harbor—from Commission and public scrutiny. By threatening a non-signing party with removal from the proceeding for attempting to follow up on unresolved discovery issues and to place relevant information before the Commission and affected stakeholders, the Applicant seeks to chill meaningful participation by municipalities, school districts, civic associations, and communities directly impacted by the project. Such conduct reinforces, rather than cures, the fundamental procedural and evidentiary defects in the settlement process and the Joint Proposal. It confirms that the public record remains deliberately incomplete on issues central to the statutory findings required under PSL § 126.

### **III. The Application and Joint Proposal Fail to Demonstrate Public Need Under Current Conditions**

Even setting aside the procedural and evidentiary flaws identified above, the record contains no credible, up-to-date showing that the Propel NY Energy Project remains necessary or in the public interest. The project was selected through the 2023 NYISO Public Policy Transmission Need process primarily to export offshore wind power resulting from anticipated success in achieving aggressive CLCPA offshore wind targets (including 9 GW by 2035). Those

foundational assumptions have collapsed. Moreover, the Joint Proposal fails to identify the specific generation resources expected to utilize the new transmission capability and provides no analysis of how its claimed reliability and congestion-relief benefits would actually be achieved under current conditions..

***A. The Commission Has Previously Required a Fresh Start When Transmission Need and Economic Justifications Collapse***

A past proceeding on the New York Regional Interconnect (NYRI) proposal (DMM Matter No. 06-00650) illustrates that major transmission projects can be dismissed when their underlying economic and need justifications fail to hold. On April 21, 2009, the Commission officially dismissed NYRI's Article VII application to construct a 190-mile transmission line from upstate to downstate New York. A press release<sup>3</sup> announcing the dismissal is attached as **Exhibit D.**

In its press release, the Commission stated that it was dismissing the application "with prejudice" and that "a new application must be filed if [NYRI] seeks to pursue its project." The Commission further noted that dismissal with prejudice rendered "various requests for a decision on the merits and resolution of various evidentiary requests irrelevant."

NYRI withdrew its application after its investors determined that the financial risks of cost recovery were too great following a Federal Energy Regulatory Commission denial of rehearing on issues related to the New York Independent System Operator's Congestion Analysis and Resource Integration Study process. The Commission treated NYRI's withdrawal announcement and subsequent letters as a request to withdraw and granted that request with prejudice.

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<sup>3</sup> Public Service Commission Press Release, Application of New York Regional Interconnect Inc., DMM Item No. 518 (available at <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=29900> )

This precedent demonstrates that the Commission has previously required a fresh start when the economic and need foundations of a major transmission project eroded. The Commission should apply the same rigorous, independent scrutiny here and determine whether Propel NY remains necessary under current conditions rather than relying on assumptions embedded in the 2023 Public Policy Transmission Need determination.

***B. Federal Policy Creates Significant Uncertainty Around the Project's Foundational Assumptions***

The project was selected through the 2023 NYISO Public Policy Transmission Need process primarily to support the export of offshore wind power predicated on aggressive CLCPA offshore wind targets. Those assumptions have been thrown into substantial doubt by subsequent federal developments.

On January 20, 2025, President Trump issued a Presidential Memorandum entitled “Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects.” 90 Fed. Reg. 8363 (Jan. 29, 2025). The Memorandum withdrew all areas of the Outer Continental Shelf from new wind energy leasing and directed federal agencies to pause new approvals, permits, leases, and loans for offshore wind projects pending a comprehensive review. It also directed the Secretary of the Interior to review existing leases for potential termination or amendment.

While a December 8, 2025 decision by the U.S. District Court for the District of Massachusetts in *State of New York v. Trump* struck down the Department of the Interior’s suspension order implementing parts of the Memorandum, the underlying executive policy direction remains in place. The Memorandum continues to require a broad review of offshore

wind leasing and permitting practices, creating ongoing legal and regulatory uncertainty for projects that depend on new or expanded offshore wind generation.

This policy churn has produced regulatory uncertainty, financing disruptions, and developer pullbacks that have significantly slowed the East Coast offshore wind pipeline that Propel NY was originally designed to support. The Joint Proposal contains no updated analysis addressing this federal policy environment or demonstrating that the transmission need identified in 2023 remains valid in light of these developments. The Commission cannot assume that the aggressive offshore wind buildout underpinning the original Public Policy Transmission Need determination will proceed on the timeline or at the scale originally projected.

***C. State Energy Policy Has Also Shifted in Ways That Undermine the Original Need Determination.***

While the core CLCPA electricity-sector targets (70% renewable electricity by 2030 and 100% zero-emission electricity by 2040 under Public Service Law § 66-p) were not modified, the 2026 New York State Enacted Budget made significant changes to the Climate Leadership and Community Protection Act through Part VV of the Transportation, Economic Development and Environmental Conservation (TED) budget bill. These amendments, signed into law on or about May 26, 2026, include:

- Adding a new interim statewide greenhouse gas emissions reduction target of 60% below 1990 levels by 2040, to be achieved “to the maximum extent feasible and cost-effective”;
- Extending the deadline for the Department of Environmental Conservation to promulgate regulations implementing the CLCPA targets from the original timeline to December 31, 2028; and

- Modifying greenhouse gas accounting rules (including shifts between 100-year and 20-year global warming potential metrics and adjustments to the treatment of certain imported fossil fuel emissions).

These legislative changes constitute an official acknowledgment that the original aggressive CLCPA timelines are no longer achievable on the previously contemplated schedule and that cost-effectiveness and feasibility considerations must now play a more prominent role. The 2023 NYISO PPTN determination and the Joint Proposal rest entirely on the pre-2026 assumptions. The Joint Proposal contains no analysis addressing these material changes in state law or demonstrating that the project remains necessary under the revised statutory framework.

Ultimately, the \$3.26 billion cost (recovered statewide on a load-ratio-share basis) was justified on the basis of offshore-wind-related congestion relief that may never materialize at the scale originally projected. With the actual generation resources expected to use the line still unidentified, and with potential heavy reliance on existing Long Island gas turbine and steam generation, the claimed benefits remain speculative while ratepayer burdens are real and acute amid already-rising electricity costs.

***D. The Joint Proposal Fails to Identify the Generation Resources Expected to Utilize the New Transmission Capability***

The Joint Proposal and Application repeatedly reference congestion relief, increased transmission capability, and reliability benefits, yet they provide almost no information about what generation resources are actually expected to run once Propel NY is energized. This omission is fatal to any claim that the project remains necessary or in the public interest under current conditions.

The record is silent on several fundamental questions that go directly to the statutory findings required by PSL §126:

- What percentage increase in annual Barrett Generating Station utilization is anticipated after Propel NY becomes operational, and how much of the project's claimed reliability and congestion-relief benefits depend upon increased dispatch of Barrett generation?
- To what extent is Propel NY intended to facilitate increased dispatch of generation located at Barrett and other Long Island gas-fired facilities rather than (or in addition to) offshore wind or upstate hydroelectric resources?
- What specific generation resources (offshore wind, upstate hydro, or existing Long Island thermal generation) are expected to utilize the transfer capability created by Propel NY?
- Has the Applicant analyzed whether existing LIPA contractual, operational, transmission, or regulatory limitations affect the ability of hydroelectric power generated upstate to serve Long Island customers?

These questions are particularly important because LIPA has previously acknowledged that output from the E.F. Barrett Generating Station has declined by approximately 55 percent over the last two decades. *See Exhibit E* LIPA Press Release, March 29, 2022 (available at: <https://www.lipower.org/wp-content/uploads/2024/04/March-29-2022-Settlement-with-Nassau-County.pdf>).

If Propel NY is expected to materially increase Barrett utilization, the Commission must understand the expected operating hours, generation output, and resulting fiscal impacts on host communities. The Joint Proposal is silent on whether increased Barrett utilization would generate additional tax revenues for communities such as Oceanside and Island Park, or whether local

residents would continue to bear the economic consequences of prior assessment reductions while supporting additional transmission infrastructure.

With offshore wind projects facing delays and cancellations, it appears possible that the Project could result in increased fossil-fuel generation at the E.F. Barrett Power Station — an outcome inconsistent with the CLCPA. Because the Joint Proposal fails to identify the generation resources expected to use the new transmission capability, the Commission cannot determine whether the project’s claimed benefits are real or speculative. This fundamental gap in the record prevents the Commission from making the findings required under PSL §126(a), (e), and (h).

### **Conclusion**

The settlement process was procedurally flawed due to vague notices and the failure to issue supplemental notice for major changes. The public record supporting the Joint Proposal is inadequate, as demonstrated by the post-Joint Proposal Discovery requests issued by some of the 32 non-signatory parties, and the Applicant’s discovery responses that withhold key rationales and defer critical details to future EM&CP filings. The non-signing parties have identified serious, unresolved concerns through formal discovery that the settlement does not adequately address. The Applicant has improperly used settlement confidentiality not as a shield to protect candor in negotiations, but as a sword to silence non-signatory parties and prevent meaningful scrutiny of whether the Joint Proposal satisfies PSL § 126. The Commission should not allow the settlement process to be turned to this end.

Additionally, the Joint Proposal fails to demonstrate that the project remains necessary or in the public interest under current conditions, given the profound shifts in federal offshore wind

policy and CLCPA implementation since 2023, and the possibility that the project will result in an increase in fossil fuel generated power from the Barrett Power Station .

For the foregoing reasons, POC-LINY respectfully requests that the Commission: (1) reject the Joint Proposal filed on April 30, 2026; (2) remand the matter for further proceedings that require the Applicant to supplement the public record with the rationale and supporting analysis for the key decisions reflected in the Joint Proposal, with full opportunity for all parties to respond; or (3) dismiss the Application without prejudice.

Dated: June 8, 2026

Webster, New York

Respectfully submitted,

*Is Benjamin E. Wisniewski*

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# **EXHIBIT A**

In the Matter of:

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 24-T-0446

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**NEW YORK TRANSCO LLC AND NEW YORK POWER AUTHORITY  
INTERROGATORIES/DOCUMENT REQUEST CP-1**

**Date of Request:**      **June 3, 2026**

**Request No.:**            **CP-1**

**Requested of:**          **Applicant- New York Transco LLC and New York Power Authority**

**Requested by:**         **The Self-Consolidated Parties represented by Matthew A. Eldred, Esq. (the “Consolidated Parties”)**

**Subject:**                 **Route Selection, Community Impacts, Traffic Analyses, Construction Impact Management, and Project Need**

In accordance with 16 NYCRR §§ 5.3 and 5.4, the Consolidated Parties hereby request the following information and/or documents to be produced within five (5) days of the date of this Request, pursuant to the Ruling on Process and Schedule issued in this matter on May 12, 2026:

**A. The following interrogatories and document requests are focused on the factors impacting the choice of route of the project as set forth on Exhibit 3, as amended and revised, around the communities of Glenwood Landing and Glen Head.**

**Interrogatories:**

1. Provide detailed reasoning for the rejection of all alternative routes indicated as rejected in Exhibit 3 of the Application as well as the reasoning for changes in the routes submitted in any amendment or project route addendum to the Application since the Applicant's initial submission in July 2024, including changes to the preferred route in Garden City and Whitestone and how the prioritization of avoiding residential areas in the selection or rejection of those alternatives differs from the prioritization of avoiding the residential areas along Glenwood Road and Glen Cove Avenue.
2. Table 3-4, Section 3.5.1.3.1 and Figure 3-8 of Exhibit 3 indicate that the Applicant rejected an alternative route for any of the cables along Bryant Avenue and Motts Cove Road (the "Motts Cove Alternative") due to "residential impact", even though those areas have a substantially lower population density and do not have a business district compared to the chosen routes. Please explain:
  - a. What "residential impacts" were identified with respect to the Motts Cove Alternative?
  - b. Were traffic studies conducted along the Motts Cove Alternative?
  - c. How was the benefit of the Motts Cove Alternative being approximately 1 mile shorter considered in choosing the preferred route?
  - d. How was the impact to the community surrounding the Motts Cove Alternative considered different from or to be more important to avoid than the impact to the community surrounding the preferred route in Glenwood Landing and Glen Head?
  - e. How was the residential area surrounding the Motts Cove Alternative considered to be more sensitive to work in that residential area than the community surrounding the preferred route in Glenwood Landing and Glen Head?
  - f. Why would the construction schedule along the Motts Cove Alternative be extended and to what degree and compared to what if that route is approximately 1 mile shorter than the preferred route?
3. Provide a detailed list, including place and time, of all public or private meetings with elected officials, civic organizations, schools, residents, and community organizations in the Glenwood Landing and Glen Head areas at which the Applicant took input from individuals on the project that impacted the design of the project or the selection or rejection of routes, the topics discussed at such meetings, and what agreements were made at such meetings, if any.

**Document Requests:**

1. All studies, reports, memos, data, and written documents related to the determination of “residential impacts” along the Motts Cove Alternative, including with respect to traffic studies, construction scheduling, underground utilities, noise impact, community sensitivity, or any other factors determinative of the decision to reject the Motts Cove Alternative.
2. All responsive emails, letters, meeting notes, memoranda, calendar invitations, summaries, follow-up correspondence, internal or external communications, and other documents relating to discussions associated with those specific communities that were avoided and any resulting route changes, including members of municipality towns/villages, chambers, school districts, civics, elected officials at all levels or any other residents or other organizations concerning those communities avoided for residential impact or for which route changes have been made or alternatives were rejected.
3. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**B. The following interrogatory and document requests are focused on statements made by the Applicant at public meetings that similar projects have been constructed under similar circumstances in similar communities - i.e., multiple cables of similar voltage and amperage along commercial and residential roads in suburban communities.**

**Interrogatory:**

1. Please identify similar communities hosting projects similar to the Applicant's project with similar cable configurations (two or more cables in close proximity or within the same roadway directly buried at a depth of three to five feet) in similar proximity to homes, businesses and schools and indicate when such cables were constructed through such communities.
2. Please identify any negative impacts experienced by businesses, residents, or school districts in communities identified in Interrogatory B.1 in connection with the construction or operation of the relevant project.

**Document Requests:**

1. Please identify any known studies, reports, articles, or other documents referencing health or other impacts of such projects in such communities identified in B.2 above.
2. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**C. The following interrogatories and document requests are focused on the potential for impacts to private infrastructure (septic systems, electrical services, water services, and structures) adjacent to the Project Route on private, residential property in the densely-populated suburban community in Glenwood Landing and Glen Head.**

**Interrogatories:**

1. No protection or support for residential landowner infrastructure is provided for in the Joint Proposal. Please provide the following:
  - a. What contact, written or in-person, was made with homeowners in Glenwood Landing and Glen Head along the Project Route pertaining to the location of their private infrastructure including septic systems and private electrical and water infrastructure?
  - b. What studies or surveys were performed to confirm the location and condition of private infrastructure along the Project Route in Glenwood Landing and Glen Head?
  - c. What studies, support or other information does the Applicant have in support of the assertion that construction will not materially impact the homes and private infrastructure along the Project Route in Glenwood Landing and Glen Head, including potential for construction activities of this duration and type to impact cinder block foundations and plaster walls of residential homes?
2. How much water is estimated to be drawn from the municipal water supply in Glenwood Landing and Glen Head for purposes of constructing this project and what is the maximum rate at which it will be withdrawn?
3. Has the Applicant confirmed that the withdrawal of water from the Glenwood Landing and Glen Head municipal water supply will not impact water availability to businesses, residences, and schools served by that water supply?

**Document Requests:**

1. All studies, reports, memos, data, and written documents related to contacts with homeowners in Glenwood Landing and Glen Head along the Project Route pertaining to the location of their private infrastructure as described in Interrogatory C-1 above.
2. All studies or surveys performed by the Applicant or in the Applicant's possession confirming the location and condition of private infrastructure along the Project Route in Glenwood Landing and Glen Head.
3. All studies, reports, memos, data, and written documents related to the ability of the Glenwood Landing and Glen Head municipal water supply to serve both expected demands of businesses, residences, and schools served by that water supply as well as the Applicant's construction demands.

4. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**D. The following interrogatories and document requests are focused on the potential for impacts to businesses in the business district along the Project Route in Glenwood Landing and Glen Head due to extensive ongoing construction activities as has been experienced with similar projects such as the Champlain Hudson Power Express.**

**Interrogatories:**

1. No protection or support for businesses is provided for in the Joint Proposal to offset the impact of construction activities to those businesses, particularly in Glenwood Landing and Glen Head where traffic is congested along the preferred route and will substantially impact the business district with road closures of significant duration. Please provide the following:
  - a. What contact, written or in-person, was made with any business owner along the Project Route in the Glenwood Landing or Glen Head business district with respect to the potential for impacts to their business from construction of the project.
  - b. What studies, reports, surveys, or other information is available showing the potential impact to the businesses along the Project Route in the Glenwood Landing or Glen Head business district?
  - c. What studies, support or other information does the Applicant have in support of the assertion that construction will not materially impact the businesses along the Project Route in Glenwood Landing and Glen Head?

**Document Requests:**

1. All studies, reports, memos, data, and written documents related to contacts with business owners in Glenwood Landing and Glen Head along the Project Route pertaining to the potential for impact to their business from construction of the project.
2. All studies or surveys performed by the Applicant or in the Applicant's possession pertaining to the potential impact to businesses along the Project Route in Glenwood Landing and Glen Head.
3. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**E. The following interrogatories and document requests are focused on the potential impact to traffic and resident access along the Project Route in Glenwood Landing and Glen Head due to extensive ongoing construction activities.**

**Interrogatories:**

1. The Project Route is along two of the main roads into and out of the Glenwood Landing and Glen Head communities which are only two lanes wide with no substantial shoulders, and the Joint Proposal does not provide for any specific methodology for mitigating the impact to traffic along those roads, including any commitment not to construct on those roads at the same time. Please provide the following:
  - a. Describe the methods and means by which impact to traffic and resident access along in Glenwood Landing and Glen Head will be mitigated.
  - b. What studies, reports, surveys, or other information is available showing the potential impact to traffic and resident access along the Project Route in Glenwood Landing or Glen Head?
  - c. Has the impact to emergency response been evaluated and discussed by or with local fire, police, and other emergency responders with respect to ongoing construction in Glenwood Landing and Glen Head? If so, please explain what impacts were identified and how they will be mitigated.
2. Was the impact of the location of construction laydown yards and traffic to and from those yards on traffic in Glenwood Landing and Glen Head considered, and, if so, how were the laydown yards located to mitigate such impacts from construction activities and sequencing?

**Document Requests:**

1. All studies, reports, memos, data, and written documents related to contacts with fire departments, police and other emergency responders serving Glenwood Landing or Glen Head and members of governing bodies of municipalities, chambers, school districts, civic organizations, or other elected officials pertaining to the impact of construction of the project.
2. All studies or surveys performed by the Applicant or in the Applicant's possession pertaining to the potential impact to traffic and resident access along the Project Route in Glenwood Landing and Glen Head due to construction activities and sequencing and the location of laydown yards.
3. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**F. The following interrogatories and document requests are focused on the potential impact to future municipal sewer development in Glenwood Landing and Glen Head.**

**Interrogatories:**

1. Since Glenwood Landing and Glen Head do not have a municipal sewer system, but have been planning for municipal sewer, did the Applicant consider the impacts of the project to the ability of businesses, residents and schools in those communities to install a municipal sewer system in the future? If so, what impacts were identified?

**Document Requests:**

1. All studies, reports, memos, data, and written documents by the Applicant or in the Applicant's possession pertaining to the potential impact of the project on the ability of Glenwood Landing or Glen Head to install a municipal sewer system serving the businesses and residences along the Project Route, including and emails, letters, messages or other communications with governing bodies of municipalities, chambers, school districts, civic organizations, or other elected officials with respect to such impact.
2. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**G. The following interrogatories and document requests are focused on the potential for construction activities in connection with the project to encounter or cause contamination in Glenwood Landing and Glen Head and the intensity of the electromagnetic field at the intersection of the lines in that area.**

**Interrogatories:**

1. What studies, reports, surveys or other information does the Applicant have regarding known contamination along the Project Route that could be encountered during construction?
2. What studies, reports, surveys or other information does the Applicant have pertaining to the potential that dust, exhaust, drilling fluid or other materials emitted or released during construction of the project may have negative health effects or environmental impacts on residents living in the vicinity of the Project Route or properties in the vicinity of the Project Route (including the municipal aquifer and private wells) during construction of the project.

**Document Requests:**

1. All studies, reports, memos, data, and written documents by the Applicant or in the Applicant's possession pertaining to known contamination along the Project Route in the vicinity of Glenwood Landing and Glen Head.
2. All studies, reports, memos, data, and written documents by the Applicant or in the Applicant's possession pertaining to the potential of construction of the project to have health effects or environmental impacts on residents living in the vicinity of the Project Route or properties in the vicinity of the Project Route (including the municipal aquifer and private wells).
3. Provide modeling and calculations of the aggregate intensity of the electromagnetic field and radiation across all three cables passing through the intersection of Glen Cove Avenue, Glen Head Road, and Glenwood Road.
4. If responsive materials are withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, provide a privilege/protection log sufficient to evaluate the claim.

**H. The following interrogatories are focused on the ability of the proposed inspectors and monitors to adequately oversee multiple areas of construction in heavily-trafficked residential areas.**

**Interrogatories:**

1. Please state the sites where each construction monitor or inspector will be stationed during construction and confirm if they will be at such sites during all hours of operations.
2. Please state the authority each monitor or inspector will have while onsite to stop work, enforce certificate conditions, interact with residents, report spills and discovered contamination, and cause any contractor they are monitoring to take steps to restore access to private property.
3. Please state the maximum number of areas of construction that will be active during construction of the project.

**I. The following interrogatories and document request are focused on the relationship of the project to the rest of the New York State electrical grid.**

**Interrogatories:**

1. Explain what power shortages or needs this project will mitigate when constructed and how this project will mitigate them.
2. Provide an estimate of the amount of power flowing from Long Island and flowing to Long Island during each month of the year as of the project's estimated in-service date.
3. Explain what the current source(s) of generation will be for power carried by the lines in the project in light of the cancellation of offshore wind projects off of Long Island.
4. Explain if a reduction in the size, scope, and extent of this project was considered after the cancellation of offshore wind projects off of Long Island and, if not, why not.

PLEASE TAKE NOTICE that pursuant to 16 NYCRR § 5.7 this request should be considered continuing in nature and, therefore, any response to this Request must be supplemented if additional information becomes available or changes.

The Consolidated Parties reserve the right to submit additional requests on additional topics or in follow up to Applicant's response to these requests until such time as otherwise directed.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**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.**

**VILLAGE OF SEA CLIFF  
DISCOVERY REQUESTS TO APPLICANT**

Pursuant to the Administrative Law Judges' Ruling on Process and Schedule issued May 12, 2026, the Incorporated Village of Sea Cliff hereby submits the following discovery requests to New York Transco LLC and New York Power Authority, collectively referred to herein as "Applicant."

**I. HEMPSTEAD HARBOR – BURIAL DEPTHS, NAVIGATION, AND ANCHORAGE**

- 1. Request No. 1:** Identify the proposed burial depth for each transmission cable within Hempstead Harbor, including any minimum, target, proposed, anticipated, and expected as-built burial depths. If the proposed burial depth has changed from any prior depth, including but not limited to 6 feet, identify the prior depth, the revised depth, the date of the change, and the reason for the change, including whether the change was made in whole or in part to address concerns regarding potential anchorage restrictions, no-anchorage areas, vessel interaction risks, or limitations on existing harbor use.
- 2. Request No. 2:** Provide all documents, analyses, studies, memoranda, correspondence, consultation records, agency communications, or evaluations supporting the conclusion that the proposed or revised burial depths within Hempstead Harbor are sufficient to avoid anchorage restrictions, no-anchorage zones, navigational advisories, charted restrictions, cable-protection zones, vessel interaction risks, or limitations on current lawful recreational, commercial, industrial, municipal, or other existing harbor use. This request includes, but is not limited to, any analysis prepared in response to concerns raised by the Village of Sea Cliff regarding potential no-anchorage areas or restrictions on existing harbor use.
- 3. Request No. 3:** Identify and produce all communications with NOAA, the United States Coast Guard, the United States Army Corps of Engineers, NYSDEC, NYSDOS, DPS Staff, and any other federal, state, or local agency relating to anchorage areas, navigational safety, burial depths, vessel interaction risks, cable exposure, cable protection measures, charting, or potential future restrictions associated with the proposed submarine cables within Hempstead Harbor.
- 4. Request No. 4:** Identify and provide all documents, analyses, legal memoranda, agency communications, correspondence, guidance, rules, regulations, statutes, policies, permit materials, or other materials relating to any federal, New York State, or local

requirements governing the creation, designation, expansion, avoidance, charting, or prohibition of anchorage restrictions, no-anchorage areas, cable areas, cable-protection zones, navigational advisories, charted limitations, or other restrictions on anchoring, navigation, or existing recreational, commercial, industrial, municipal, or other harbor uses within Hempstead Harbor.

5. **Request No. 5:** Identify and provide all documents, analyses, memoranda, legal evaluations, agency communications, correspondence, guidance, rules, regulations, statutes, policies, coastal consistency materials, permit materials, or other materials relating to whether the proposed submarine cable installation within Hempstead Harbor would impair, restrict, materially alter, or otherwise affect existing public trust uses, navigational uses, recreational uses, commercial or industrial maritime uses, shellfishing, fishing, anchoring, waterfront access, or other existing lawful uses of Hempstead Harbor.
6. **Request No. 6:** Identify whether the Applicant contends that the proposed submarine cable installation, burial depth, cable-protection measures, charting, notices to mariners, navigational advisories, or any related restriction would be consistent with the Public Trust Doctrine, Environmental Conservation Law § 15-0505, 6 NYCRR Part 608, New York Coastal Management Program policies, 19 NYCRR Parts 600 and 603, and any other applicable federal, state, or local requirements protecting navigation, commerce, fishing, recreation, access, water-dependent uses, and existing harbor uses. Provide all documents supporting that contention.

## **II. CABLE CONFIGURATION, CORRIDOR WIDTH, AND INSTALLATION METHODS**

7. **Request No. 7:** State the total number of transmission cables proposed within Hempstead Harbor, including the number of circuits, the number of cables per circuit, and whether any communication, fiber optic, grounding, or ancillary cables are also proposed.
8. **Request No. 8:** Provide the proposed separation distance between individual cables within each circuit and between separate transmission circuits, and identify the total width of the proposed submarine cable configuration within Hempstead Harbor, including all cables, circuits, required separation distances, and any associated construction or maintenance offsets.
9. **Request No. 9:** Provide plan drawings, GIS mapping, shapefiles, KMZ/KML files, and other geospatial data identifying the exact cable location and alignment, anticipated width of the construction corridor, anticipated width of the permanent cable corridor, temporary and permanent disturbance areas, any proposed cable protection areas, and all associated work areas within Hempstead Harbor.
10. **Request No. 10:** Describe in detail the proposed jet plow and trenching methodologies, including, but not limited to, operating depths, anticipated trench dimensions, sediment disturbance expectations, operating speeds, number of installation passes, anticipated duration of in-water work, and all measures proposed to avoid, minimize, monitor, and mitigate sediment disturbance.

## **III. WATER QUALITY, SEDIMENT, AND MIXING ZONES**

- 11. Request No. 11:** Provide all studies, modeling, calculations, assumptions, technical memoranda, correspondence, agency comments, and other analyses supporting the proposed 500-foot mixing zone within Hempstead Harbor, including the basis for selecting 500 feet rather than a shorter distance. The response shall also explain whether the 500-foot mixing zone applies per cable, per trench, per circuit, per installation pass, to the overall project corridor, or cumulatively across multiple installation activities within Hempstead Harbor.
- 12. Request No. 12:** Provide all modeling, calculations, assumptions, studies, plan drawings, GIS mapping, and technical analyses showing the maximum cumulative lateral extent and duration of sediment plume impacts within Hempstead Harbor, including whether multiple cables, cable spacing, separate installation passes, staggered construction timing, and tidal/current direction could result in overlapping, sequential, or cumulative mixing zones affecting an area larger than 500 feet. The response shall also identify the total width, area, and duration of the harbor potentially affected and the anticipated impacts to shellfish, benthic habitat, fisheries, water quality, and aquatic resources.
- 13. Request No. 13:** Provide all documents relating to proposed sediment-control measures within Hempstead Harbor, including but not limited to the use, rejection, feasibility, effectiveness, or practicability of silt curtains, turbidity curtains, slowest practicable plow speeds, work windows, real-time turbidity monitoring, corrective-action thresholds, construction shutdown or modification protocols, and post-construction restoration or remediation measures.
- 14. Request No. 14:** Identify and provide all documents, correspondence, meeting notes, memoranda, or communications relating to commitments, assurances, proposed mitigation measures, or requested protections discussed with the Coalition to Save Hempstead Harbor, the Hempstead Harbor Protection Committee, or any member municipality regarding sediment controls, plow speed, silt curtains, turbidity controls, shellfish protection, benthic habitat, water quality, anchorage, navigation, or restoration within Hempstead Harbor. For each such commitment, assurance, proposed mitigation measure, or requested protection, identify whether it was accepted, rejected, modified, or incorporated into the Joint Proposal, Certificate Conditions, EM&CP requirements, or any other enforceable PSC filing.

#### **IV. GRANTS OF LANDS UNDER WATER (GLUW)**

- 15. Request No. 15:** Identify and provide copies of all Grants of Lands Under Water, easements, underwater rights, leases, licenses, title interests, riparian rights, municipal interests, private interests, or similar interests within or adjoining the proposed Hempstead Harbor alignment. The response shall not be limited to Grants of Lands Under Water previously identified or produced by the Applicant. The Applicant shall describe the search undertaken to identify such interests, including the records, repositories, title materials, maps, county records, state records, agency files, municipal records, consultants, title companies, or other sources reviewed. If the Applicant contends that no additional Grants of Lands Under Water or similar interests exist

beyond those already identified, state the basis for that conclusion and identify all records searched to reach that determination.

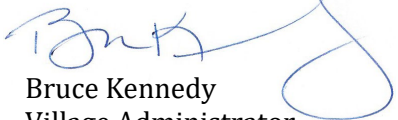
- 16. Request No. 16:** Provide all GIS layers, shapefiles, mapping, title reviews, surveys, analyses, memoranda, correspondence, and consultant work product relating to Grants of Lands Under Water, easements, underwater rights, leases, licenses, title interests, riparian rights, municipal interests, private interests, or similar underwater property interests within or adjoining the proposed Hempstead Harbor alignment.
- 17. Request No. 17:** Provide a single map, GIS layer, shapefile, KMZ/KML file, or equivalent geospatial product showing the proposed submarine cable alignment within Hempstead Harbor overlaid with all Grants of Lands Under Water, underwater property interests, easements, leases, rights-of-way, riparian interests, municipal boundaries, private property boundaries, and other relevant jurisdictional or ownership interests identified through the Applicant's search.

## **V. PROJECT PURPOSE AND PUBLIC POLICY NEED**

- 18. Request No. 18:** Provide all analyses, studies, memoranda, filings, and communications relating to the stated purpose of the project as "the New York State Public Service Commission declared Long Island offshore wind export public policy transmission need."
- 19. Request No. 19:** Provide all analyses evaluating how changes in offshore wind development, cancellations, delays, contract restructurings, procurement changes, interconnection changes, project economics, project viability, or market conditions may affect the underlying public-policy need for the project.
- 20. Request No. 20:** Identify whether the proposed transmission facilities are designed to transmit electricity from existing generation resources, proposed renewable generation resources, offshore wind resources, or some combination thereof, and provide all documents supporting that determination.
- 21. Request No. 21:** Identify the anticipated source or sources of electricity to be transmitted through the proposed submarine cables within Hempstead Harbor, including whether the cables are designed to transmit electricity from proposed offshore wind or other new renewable generation sources to New York City, Westchester County, or other downstate load centers.

Dated: May 20, 2026

Respectfully submitted,



Bruce Kennedy  
Village Administrator  
Incorporated Village of Sea Cliff

In the Matter of: :  
: :  
: :  
Petition of New York Transco LLC and New York : Case 24-T-0446  
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. :  
: :  
----- X

**NEW YORK TRANSCO LLC AND NEW YORK POWER AUTHORITY  
INTERROGATORIES/DOCUMENT REQUEST NSCSD-1**

**Date of Request:**      **May 22, 2026**

**Request No.:**        **PNYE-NSCSD-1**

**Requested of:**       **Applicant- New York Transco LLC and New York Power Authority**

**Requested by:**      **North Shore Central School District (“North Shore CSD”)**

**Subject:**            **Traffic Analyses, Construction Times, EMF Measurements,  
Community Presentations**

In accordance with 16 NYCRR §§ 5.3 and 5.4, the North Shore CSD hereby requests the following information and/or documents to be produced within five (5) days of the date of this Request, pursuant to the Ruling on Process and Schedule issued in this matter on May 12, 2026:

**Interrogatories:**

- 1- Have any other traffic studies or analyses been completed aside from the May 12, 2025 Study titled “Traffic Analysis for the Areas Adjacent to and Surrounding the National Grid Facility, Glenwood Landing, NY 11547”?
- 2- How will the Applicant prevent disruption or interruption to any and all utility services to the North Shore CSD’s school buildings, facilities, and properties during construction activities?
- 3- Were site visits conducted within the geographic boundaries of the North Shore CSD to observe traffic conditions? If so, when and at what locations?
- 4- How long is construction anticipated to take place specifically on Shore Road?

- 5- How long is construction anticipated to take place specifically on Glenwood Road?
- 6- How long is construction anticipated to take place specifically on Kissam Lane?
- 7- How long is construction anticipated to take place specifically on Glen Head Road between Glen Cove Avenue and Glen Cove Road?
- 8- How long is construction anticipated to take place specifically on Glen Cove Avenue, North of Glen Head Road associated with Segment 5 (Syosset to Shore Road)?
- 9- As currently designed, where in the ROW will the transmission line be installed on Kissam Lane, adjacent to the North Shore Middle School?
- 10- Has the Applicant analyzed existing electromagnetic fields at or around the North Shore Middle School?
- 11- Will the Applicant analyze post-installation electromagnetic fields at or around the North Shore Middle School?

**Document Requests:**

- 1- Provide the video recording of the June 25, 2025, 6:00 p.m. Community Webinar hosted by Propel NY Energy.
- 2- Provide any available transcripts of the June 25, 2025, 6:00 p.m. Community Webinar hosted by Propel NY Energy.
- 3- Provide any traffic studies or analyses which may be referenced in Applicant's response to Interrogatory No. 1.

PLEASE TAKE NOTICE that pursuant to 16 NYCRR § 5.7 this request should be considered continuing in nature and, therefore, any response to this Request must be supplemented if additional information becomes available or changes.

In the Matter of: :

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. :

----- X Case 24-T-0446

**NEW YORK TRANSCO LLC AND NEW YORK POWER AUTHORITY  
INTERROGATORIES/DOCUMENT REQUEST RUFSD-2**

**Date of Request:** May 22, 2026

**Request No.:** PNYE-RUFSD-1

**Requested of:** Applicant- New York Transco LLC and New York Power Authority

**Requested by:** Roslyn Union Free School District (“Roslyn UFSD”)

**Subject:** Traffic Analyses, Construction Times, EMF Measurements, Community Presentations

In accordance with 16 NYCRR §§ 5.3 and 5.4, the Roslyn UFSD hereby requests the following information and/or documents to be produced within five (5) days of the date of this Request, pursuant to the Ruling on Process and Schedule issued in this matter on May 12, 2026:

**Interrogatories:**

- 1- Have any other traffic studies or analyses been completed aside from the May 12, 2025 Study titled “Traffic Analysis for the Areas Adjacent to and Surrounding the National Grid Facility, Glenwood Landing, NY 11547”?
- 2- How will the Applicant prevent disruption or interruption to any and all utility services to the Roslyn UFSD’s school buildings, facilities, and properties during construction activities?
- 3- Were site visits conducted within the geographic boundaries of the Roslyn UFSD to observe traffic conditions? If so, when and at what locations?

- 4- How long is construction anticipated to take place specifically on Willis Avenue and Mineola Avenue, associated with Segment 2 (Uniondale Hub to Tremont) within the boundaries of the Roslyn UFSD?
- 5- How long is construction anticipated to take place specifically on Glen Cove Road between NYS Route 25A (Northern Boulevard) and Interstate 495 (the Long Island Expressway) associated with Segment 3 (Uniondale Hub to Shore Road)?
- 6- As currently designed, where in the ROW will the transmission line be installed on Glen Cove Road, adjacent to the Harbor Hill Elementary School?
- 7- Has the Applicant analyzed existing electromagnetic fields at or around the Harbor Hill Elementary School?
- 8- Will the Applicant analyze post-installation electromagnetic fields at or around the Harbor Hill Elementary School?

**Document Requests:**

- 1- Provide the video recording of the June 25, 2025, 6:00 p.m. Community Webinar hosted by Propel NY Energy.
- 2- Provide any available transcripts of the June 25, 2025, 6:00 p.m. Community Webinar hosted by Propel NY Energy.
- 3- Provide any traffic studies or analyses which may be referenced in Applicant's response to Interrogatory No. 1.

PLEASE TAKE NOTICE that pursuant to 16 NYCRR § 5.7 this request should be considered continuing in nature and, therefore, any response to this Request must be supplemented if additional information becomes available or changes.

In the Matter of:	:	
	:	
	:	
Petition of New York Transco LLC and New York	:	Case 24-T-0446
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.	:	
-----	:	
	:	X

**NEW YORK TRANSCO LLC AND NEW YORK POWER AUTHORITY  
INTERROGATORIES/DOCUMENT REQUEST SCSD-1**

**Date of Request:**      **May 22, 2026**

**Request No.:**        **PNYE-SCSD-1**

**Requested of:**       **Applicant- New York Transco LLC and New York Power Authority**

**Requested by:**      **Syosset Central School District (“Syosset CSD”)**

**Subject:**            **Traffic Analyses, Construction Times, EMF Measurements,  
Community Presentations**

In accordance with 16 NYCRR §§ 5.3 and 5.4, the Syosset CSD hereby requests the following information and/or documents to be produced within five (5) days of the date of this Request, pursuant to the Ruling on Process and Schedule issued in this matter on May 12, 2026:

**Interrogatories:**

- 1- Have any other traffic studies or analyses been completed aside from the May 12, 2025 Study titled “Traffic Analysis for the Areas Adjacent to and Surrounding the National Grid Facility, Glenwood Landing, NY 11547”?
- 2- How will the Applicant prevent disruption or interruption to any and all utility services to the Syosset CSD’s school building, facilities, and properties during construction activities?
- 3- Were site visits conducted within the geographic boundaries of the Syosset CSD to observe traffic conditions? If so, when and at what locations?
- 4- How long is construction anticipated to take place specifically on South Woods Road associated with Segment 5 (Syosset to Shore Road)?

- 5- How long is construction anticipated to take place specifically on Robbins Lane between NYS Route 25 (Jericho Turnpike) and Interstate 495 (the Long Island Expressway) associated with Segment 4 (Ruland Road to Shore Road)?
- 6- As currently designed, where in the ROW will the transmission line be installed on Robbins Lane, adjacent to the Robbins Lane Elementary School?
- 7- Has the Applicant analyzed existing electromagnetic fields at or around the Robbins Lane Elementary School?
- 8- Will the Applicant analyze post-installation electromagnetic fields at or around the Robbins Lane Elementary School?

**Document Requests:**

- 1- Provide the video recording of the June 25, 2025, 6:00 p.m. Community Webinar hosted by Propel NY Energy.
- 2- Provide any available transcripts of the June 25, 2025, 6:00 p.m. Community Webinar hosted by Propel NY Energy.
- 3- Provide any traffic studies or analyses which may be referenced in Applicant's response to Interrogatory No. 1.

PLEASE TAKE NOTICE that pursuant to 16 NYCRR § 5.7 this request should be considered continuing in nature and, therefore, any response to this Request must be supplemented if additional information becomes available or changes.

In the matter of: 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 and Approximately 89.7 Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx and Westchester Counties. **Case 24-T-0446**

## **NEW YORK TRANSCO LLC AND NEW YORK POWER AUTHORITY**

### **INTERROGATORIES/DOCUMENT REQUEST GCA-1**

**Date of request:** May 26,2026

**Request No.** GCA-1

**Requested of:** Applicant: New York Transco LLC and New York Power Authority

**Requested by:** Greenvale Civic Association (GCA)

**Subject:** Project notifications, Cable construction/installation, Traffic mitigation  
AADT counts, laydown yards, pollution, cable routing

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**In accordance with 16 NYCRR 5.3 and 5.4, the Greenvale Civic Association hereby requests the following information and/or documents to be produced within five (5) days of the date of this Request, pursuant to the Ruling on Process and Schedule issued in the matter on May 12th, 2026:**

#### **THE FOCUS OF THESE INTERROGATORIES PERTAINS TO THE SEGMENT 3 GLEN COVE ROAD CABLE ROUTE.**

In Exhibit E – 3,5 the applicant proposes a 345 KV transmission line routing in Segment 3 - Uniondale Hub (East Garden City) to the Shore Road substation in Glenwood Landing. This cable will traverse 10.4 miles through the most heavily trafficked roadways in all of Nassau County. Specifically, one cable route will emanate from the Uniondale Hub (East Garden City) substation and traverse through the Town of Hempstead on Clinton Road and then “transition” to Glen Cove Road at Old Country Road in the Town of North Hempstead and proceeds northward terminating in the East Shore Road substation in Glenwood Landing.

#### **INTERROGATORIES:**

- 1. Provide documentation on what specific date, and by what means were each of the retail and other business operations herein listed, located on Glen Cove Road and in close proximity to Old Country Road, notified of the NY Propel Energy Transmission**

**Line project and specifically, the cable route on Glen Cove Road? Listed below are retail and business operations subject to notification:**

**Starting from the intersection of Old Country Road and Glen Cove Road (which is the busiest intersection in all of Nassau County) there is the Roosevelt Field shopping mall, the largest in Nassau County. Large-scale commercial operations including a Stop & Shop supermarket, PC Richard and Sons appliance store, Barns and Noble book store, Ben's Deli and many other restaurants and retail stores. At this location there is the Carle Place Diner, Mattress Firm store, Bob's Furniture store, Planet Fitness gym, Home Sense department store and a Pediatric Urgent Care medical center. Next is the Macy's Furniture Gallery and across the street Ashley and Jennifer furniture stores. Proceeding northward is the Country Glen shopping center, the Carle Place Commons Shopping Center and the Clock Tower Plaza shopping center all containing significant retail business operations. The cable as it proceeds northward on Glen Cove Road will also traverse Voice Road which contains a major retail shopping complex including the Western Beef supermarket, and across the road the Plaza 200 center is a T.J. Maxx retail store, and the ALDI supermarket. Next the cable route as it proceeds further northward to Westbury Avenue where there is another retail shopping center containing a Walk- In urgent care medical center and the nearby Homewood Suites Hotel. Further down the road is the LazyBoy furniture store and the Raymore and Flanagan furniture store. As the cable route intersects with Jericho Turnpike (RT. 25) there is a Starbucks coffee shop, the Old Westbury Dinner, and a large Mobile gas station. Continuing northward the cable route intersects with the Long Island Expressway and at that location there is a large Mobile gas station, a shopping plaza containing a CVS drugstore, Chase Bank, Kitchen Kaberet restaurant and catering center and other retail stores. Proceeding northward along Glen Cove Road there are a number of retail establishments and medical practices leading up to Harbor Hill Road. Proceeding further north is the Harbor Hill elementary school, First National Bank, a BP gas station, a center with local shops and a Wendy's food restaurant. When the cable reaches the intersection of Glen Cove Road and Route 25A (the second busiest intersection in all of Nassau County) there is the Wheatley Plaza major shopping center, containing over a dozen retail businesses, the Green Cove shopping center which contains a large T.J. Maxx store, Jovia bank, Moe's Mexican restaurant and an Equinox gym. At this intersection there is also a Wells Fargo bank, Ferguson Home center, Mobil gas station, Charles Krypell major jewelry store, a walk-in Urgent Care medical facility, and a medical spa. Proceeding northward on Glen Cove Road from the intersection with Northern Blvd. (Rt. 25A) there are a number of major retail operations including Grace's market, the Greenvale Townhouse restaurant, and the Greenvale Plaza shopping center containing Leonetti's bakery, a drug store, and a tailor shop. A Nissan car dealership is also located at the intersection of Glen Cove Road and Back Road.**

2. What are the specific number of days that cable lane construction will occur on Glen Cove Road from Old Country Road to Back Road in Greenvale? How many intervals will encompass these days?
3. Will there be daytime or evening cable laying construction on Glen Cove Road? List the days of the week that construction activity will occur and the specific times of each.
4. How many lanes of traffic on Glen Cove Road will be closed during cable laying construction?
5. According to the applicant "installation of splice vaults may require extended work zone space within the roadway for excavation and installation... duct bank installations may also require extended work zone space". These situations will close off more than one traffic lane during construction resulting in massive traffic backups with vehicles sitting and engines idling spewing massive amounts of CO2 into the surrounding air. What are the plans to mitigate this situation?
6. Will cable laying construction on Glen Cove Road be in the northbound travel lanes or the southbound travel lanes?
7. How many and what specific locations will laydown yards be positioned along the length of Glen Cove Road?
8. What specific plans are there to prevent roadway closures for cable installation construction from interfering with the access to retail business operations located along and in proximity to the Glen Cove Road cable route?
9. How will businesses along the Glen Cove Road Cable Route be compensated for economic loss due to obstruction of their business operation from cable construction activity?
10. Describe in detail what traffic mitigation measures will be implemented to address the massive disruption of traffic flow along Glen Cove Road during cable route construction. The applicants Annual Average Daily Traffic counts for the roadways co-located, perpendicular, and elevated along the Glen Cove Road transmission line route as stated in Exhibit E-6, Tables E-6-4A, E-6-4B Effects on Transportation Revised February 2025 total over 2,023,829 vehicles.
11. Roadway construction along Glen Cove Road will disrupt public bus transportation of NICE bus routes, serving thousands of commuters that use these roadways as well as school buses from the Roslyn UFSD surrounding school districts. How will this problem be addressed? What specific plans will be implemented?
12. What specific noise mitigation measures will be done to protect residences that back up to Glen Cove Road during roadway construction for the cable installation?

- 13. What specific measures will be undertaken to prevent construction debris and air pollution from impacting residences and businesses along Glen Cove Road?**
- 14. What specific measures will be taken to ensure that cable construction along Glen Cove Road will not interfere with accessibility and operation of the Roslyn Rescue Firehouse located on Locust Street just off Glen Cove Road?**
- 15. Currently, there is a major traffic cut-through problem caused by southbound traffic along Glen Cove Road cutting through Helen Street, Cedar Street, and Marion Street to RT 25A to avoid backed-up traffic from the overburdened Northern Boulevard and Glen Cove Road intersection. What plans are there for preventing this Glen Cove Road southbound traffic cutting through the aforementioned streets to avoid cable construction-caused delays on Glen Cove Road?**
- 16. What specific measures will be taken to ensure unobstructed vehicle and pedestrian access to the Greenvale Long Island Railroad Station during construction activity?**
- 17. How will residences and businesses located along the cable route on Glen Cove Road be compensated for any loss or damage to their infrastructure caused by the roadway construction for cable installation?**
- 18. By every metric – massive traffic congestion, major economic disruption and hardship to hundreds of businesses, degradation of environmental air quality, and major disruption of the social life blood of communities are extraordinary effects of this cable route. From the inception of the project planning, there was no alternative route to the preferred cable route on Glen Cove Road ever proposed. Provide supportive documentation and explanation that supports the decision to not consider or propose an alternative route to the preferred Glen Cove Road cable route.**

# **EXHIBIT B**

**From:** Benjamin Wisniewski  
**To:** "Aubrey A. Roman"; Bruce Kennedy; Nicholas Planty; Erika Bergen; anthony.belsito@dps.ny.gov  
**Cc:** alicia.mcnelly@dot.ny.gov; adevito@couchwhite.com; amajkrzak@lipower.org; msports111@hotmail.com; acacione@cullenllp.com; wildoilsl@gmail.com; bmooney@cullenllp.com; Bridget@otoolelaw.group; Christian.MMonahan@gmail.com; carenriskin@gmail.com; ctondo@ingermansmith.com; cmccann63@hotmail.com; cheryl.sandrow@dec.ny.gov; cdurant@ingermansmith.com; Colleen.Alderson@parks.nyc.gov; dmcaree@ewhowell.com; duthie@strategicpower.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; Elena Villafane; gpombar@optonline.net; HWHpropelinfo@yahoo.com; Heather.Behnke@nypa.gov; hmbenzie@gmail.com; Irene.Papadopoulos@parks.nyc.gov; FREITASI@coned.com; propelupdates2025@yahoo.com; jenniferokeefe77@yahoo.com; thpo@mohican-nsn.gov; Jennifer@heathotoole.com; jessie.shaw@dec.ny.gov; greenvalecivica@aol.com; John T. McManus; J.macy@bhpp.com; kara.krueger@pseg.com; karen.gaidasz@dec.ny.gov; kyanelli@gmail.com; kathyre12@gmail.com; klang@couchwhite.com; kasaladino@icloud.com; kimberly\_pritchard@iroquois.com; laurel.bohl@dos.ny.gov; linneydel@yahoo.com; lzafonte@lipower.org; lorirugg23@hotmail.com; parentsagainstpropel@gmail.com; Marissa.Fabricant@parks.nyc.gov; b2bespoke@gmail.com; meldred@hselaw.com; mfranco@couchwhite.com; michaelbatel@gmail.com; michael.morris@dos.ny.gov; mkoblentz@westermanllp.com; nicholas.forst@dps.ny.gov; suttonmanor.nr@gmail.com; Peter.Hilerio@dps.ny.gov; theroseannmcmahon@gmail.com; poansa1@outlook.com; richard.swatek@dot.ny.gov; bogler@northhempsteadny.gov; Sarмили.Saha@psegliny.com; sherri.rosenberg@parks.nyc.gov; rosenblatts@coned.com; eskerrets@coned.com; sita.crouse@dec.ny.gov; garcias@coned.com; staceyrichardson45@gmail.com; slefevre@bartonandloguidice.com; Tara.Wells@agriculture.ny.gov; GalloV@coned.com  
**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant  
**Date:** Wednesday, June 3, 2026 8:26:00 AM

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Aubrey,

Are you asking the Judges to remove the Village of Sea Cliff from this proceeding?

Be well,

Ben Wisniewski

**Benjamin E. Wisniewski, Esq.**

[bew@bewlawfirm.com](mailto:bew@bewlawfirm.com)



Wisniewski Law PLLC

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***“There is no end to the good you can do if you don’t care who gets the credit.” – Colin Powell***

***“It is amazing what you can accomplish if you do not care who gets the credit.” – Harry S Truman***

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**From:** Aubrey A. Roman <aroman@harrisbeachmurtha.com>

**Sent:** Tuesday, June 2, 2026 5:07 PM

**To:** Bruce Kennedy <bkennedy@seacliff-ny.gov>; Nicholas Planty <nicholas.planty@dps.ny.gov>; Erika Bergen <Erika.Bergen@dps.ny.gov>; anthony.belsito@dps.ny.gov

**Cc:** alicia.mcnally@dot.ny.gov; adevito@couchwhite.com; amajkrzak@lipower.org; mspports111@hotmail.com; acascione@cullenllp.com; Benjamin Wisniewski <bew@bewlawfirm.com>; wildoilsi@gmail.com; bmooney@cullenllp.com; Bridget@otoolelaw.group; Christian.MMonahan@gmail.com; carenriskin@gmail.com; ctondo@ingermansmith.com; cmccann63@hotmail.com; cheryl.sandrow@dec.ny.gov; cdurant@ingermansmith.com; Colleen.Alderson@parks.nyc.gov; dmcaree@ewhowell.com; duthie@strategicpower.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; Elena Villafane <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; propelupdates2025@yahoo.com; jenniferokeefe77@yahoo.com; thpo@mohican-nsn.gov; Jennifer@heathotoole.com; jessie.shaw@dec.ny.gov; greenvalecivica@aol.com; John T. McManus <jmcmamus@harrisbeachmurtha.com>; J.macy@bhpp.com; kara.krueger@pseg.com; karen.gaidasz@dec.ny.gov; kyanelli@gmail.com; kathyre12@gmail.com; klang@couchwhite.com; kasaladino@icloud.com; kimberly\_pritchard@iroquois.com; laurel.bohl@dos.ny.gov; linneydel@yahoo.com; lzafonte@lipower.org; lorirugg23@hotmail.com; parentsagainstpropel@gmail.com; Marissa.Fabricant@parks.nyc.gov; b2bespoke@gmail.com; meldred@hselaw.com; mfranco@couchwhite.com; michaelbatel@gmail.com; michael.morris@dos.ny.gov; mkoblentz@westermanllp.com; nicholas.forst@dps.ny.gov; suttonmanor.nr@gmail.com; Peter.Hilerio@dps.ny.gov; theroseannmcmahon@gmail.com; poansa1@outlook.com; richard.swatek@dot.ny.gov; bogler@northhempsteadny.gov; Sarmili.Saha@psegliny.com; sherri.rosenberg@parks.nyc.gov; rosenblatts@coned.com; eskerrets@coned.com; sita.crouse@dec.ny.gov; garcias@coned.com; staceyrichardson45@gmail.com; slefevre@bartonandloguidice.com; Tara.Wells@agriculture.ny.gov; GalloV@coned.com

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Bruce,

As you are well aware generally and specifically from ALJ Costello’s recent admonishment, the PSC’s Settlement Guidelines state: “No discussion, admission, concession or offer to stipulate or settle, whether oral or written, made during any negotiation session concerning a stipulation or settlement shall be subject to discovery, or admissible in any evidentiary hearing against any participant who objects to its

admission. Participating parties, their representatives and other persons attending settlement negotiations shall hold confidential such discussions, admissions, concessions, and offers to settle and shall not disclose them outside the negotiations except to their principals, who shall also be bound by the confidentiality requirement, without the consent of the parties participating in the negotiations.” That has been codified in 16 NYCRR § 3.9 (d).

Page 3 of your May 27<sup>th</sup> letter quotes from an email I sent on November 11, 2025, during settlement, to settlement parties alone, with an “RE” line that begins with the flag “\*CONFIDENTIAL\*” and an in-line text header that reads “CONTAINS CONFIDENTIAL SETTLEMENT INFORMATION,” which you blatantly ignored when copying and pasting information from that correspondence directly into a letter you then sent to all parties to this proceeding (including non-settlement parties) and the procedural ALJs (who did not participate in settlement).

For the avoidance of doubt, the VOSC did *not* contact my office to seek the Applicant's consent before quoting directly from our written materials conveyed confidentially during settlement. That lack of consent renders your actions in direct violation of the Settlement Guidelines and governing regulation.

In contrast, the Applicant has and will continue to honor the Settlement Guidelines and governing regulation by refusing to provide information/positions/materials, etc. provided to it during the settlement process from parties interested in the project's burial depth within the Hempstead Harbor because it lacks the consent to do so. Notably, the VOSC has all of that information already since it received it at the same times the Applicant did during the settlement process.

In light of your continuing breaches of the Settlement Guidelines and 16 NYCRR § 3.9 (d), and admitted inability to self-identify those breaches before or after the fact, the Applicant notes again that the ALJs “may impose appropriate sanctions” *sua sponte*.

Thank you.

**Aubrey A. Roman** | Partner

Direct: [518.701.2720](tel:518.701.2720) | Cell: [315.751.0762](tel:315.751.0762) | Email: [aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)



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Albany Office | 677 Broadway, Suite 1101, Albany, NY 12207  
518.427.9700 | Fax: 518.427.0235



---

**From:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>

**Sent:** Tuesday, June 2, 2026 12:36 PM

**To:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

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**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey and Your Honors,

The Village does not agree with Applicant's characterization of the May 27, 2026 deficiency letter or Applicant's demand that it be retracted.

The May 27 letter was not intended as a new discovery request. It was intended to identify deficiencies in Applicant's response to PNYE-VOSC-1 and to request complete responses to the Village's original discovery request.

The Village also does not understand the basis for Applicant's assertion that the May 27 letter breached settlement confidentiality. The Village replied to the distribution list used by Applicant in serving its objections and response to PNYE-VOSC-1. The Village's letter addressed matters Applicant referenced, relied upon, or produced in its formal discovery response, as well as the filed Joint Proposal and associated Certificate Conditions.

Applicant should not be permitted to rely on specific correspondence or analysis as a basis for its discovery response while simultaneously claiming that the Village may not identify or discuss that same referenced material for the limited purpose of challenging the completeness and accuracy of the response.

To the extent Applicant contends that specific language in the May 27 letter disclosed information protected by the Settlement Procedures and Guidelines, please identify the specific language at issue and explain the basis for Applicant's position. The Village will review any specific identification in good faith.

The Village reserves all rights.

Regards,

## **BRUCE KENNEDY**

**Administrator** 516.671.0080 X 3  
**Village of Sea Cliff** [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)  
300 Sea Cliff Ave • Sea Cliff, NY 11579

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**From:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>

**Sent:** Monday, June 1, 2026 9:35 PM

**To:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

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**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Bruce,

Please see our attached reply to your May 27, 2026 correspondence.

Thank you.

**Aubrey A. Roman** | Partner

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**From:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>

**Sent:** Wednesday, May 27, 2026 3:47 PM

**To:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

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[eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crouse@dec.ny.gov](mailto:sita.crouse@dec.ny.gov); [garcias@coned.com](mailto:garcias@coned.com);  
[staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com); [Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov);  
[GalloV@coned.com](mailto:GalloV@coned.com)

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey,

Attached please find the Village of Sea Cliff's deficiency letter regarding Applicant's May 26, 2026 Objections and Response to Interrogatory/Document Request PNYE-VOSC-1.

The Administrative Law Judges and party list are copied because of the compressed procedural schedule established in the May 12, 2026 Ruling on Process and Schedule, including the June 5 deadline for Initial Statements on the Joint Proposal. The Village is not requesting immediate ALJ intervention by this correspondence but is first seeking prompt supplementation from Applicant.

Thank you.

## **BRUCE KENNEDY**

**Administrator** 516.671.0080 X 3  
**Village of Sea Cliff** [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)  
300 Sea Cliff Ave • Sea Cliff, NY 11579

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**From:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>

**Sent:** Tuesday, May 26, 2026 10:04 PM

**To:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

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[caenriskin@gmail.com](mailto:caenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com); [cmccann63@hotmail.com](mailto:cmccann63@hotmail.com);  
[cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com); [Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov);  
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[david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com);  
[goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com); [deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov);  
[draugenth@gmail.com](mailto:draugenth@gmail.com); Elena Villafane <[evillafane@seacliff-ny.gov](mailto:evillafane@seacliff-ny.gov)>; [gpombar@optonline.net](mailto:gpombar@optonline.net);  
[HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com);  
[Irene.Papadopoulos@parks.nyc.gov](mailto:Irene.Papadopoulos@parks.nyc.gov); [FREITASI@coned.com](mailto:FREITASI@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com);  
[jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com);  
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<[jmcm Manus@harrisbeachmurtha.com](mailto:jmcm Manus@harrisbeachmurtha.com)>; [J.macy@bhpp.com](mailto:J.macy@bhpp.com); [kara.krueger@pseg.com](mailto:kara.krueger@pseg.com);  
[karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com); [klang@couchwhite.com](mailto:klang@couchwhite.com);

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[linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com);  
[parentsagainstpropel@gmail.com](mailto:parentsagainstpropel@gmail.com); [Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com);  
[meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com); [michaelbatel@gmail.com](mailto:michaelbatel@gmail.com);  
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[GalloV@coned.com](mailto:GalloV@coned.com)

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Bruce,

Attached please find the Applicant's narrative response to PNYE-VOSC-1. Due to their size, the attachments referenced in the narrative response and the associated request for protection can be downloaded using this ShareFile link: <https://harrisbeach.sharefile.com/d-s5d93ef5bfcc049bc80be4a9cef85aabe>

Thank you.

**Aubrey A. Roman** | Partner

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**From:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>

**Sent:** Friday, May 22, 2026 4:09 PM

**To:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>;  
Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

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[cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com); [Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov);  
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eskerrets@coned.com; sita.crouse@dec.ny.gov; garcias@coned.com;  
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GalloV@coned.com

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

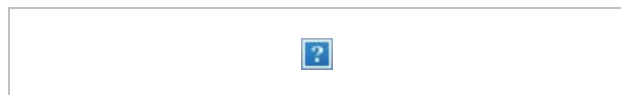
Bruce and Your Honors,

Pursuant to 16 NYCRR Part 5 and the May 12, 2026 Ruling on Process and Schedule issued by Administrative Law Judges Planty, Bergen, and Belsito, attached for service is the Applicant's general and specific objections to the Village of Sea Cliff's May 20, 2026 discovery requests. As you will see, subject to those objections, the Applicant will timely serve substantive responses to each of the 21 requests next week.

Thank you.

**Aubrey A. Roman** | Partner

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**From:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>

**Sent:** Wednesday, May 20, 2026 3:03 PM

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**Subject:** Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey and John,

Attached please find the Incorporated Village of Sea Cliff's Discovery Requests to Applicant in Case 24-T-0446.

These requests are submitted pursuant to the Administrative Law Judges' Ruling on Process and Schedule issued May 12, 2026, which allows discovery to continue and provides shortened timeframes for objections and substantive responses.

Please confirm receipt.

Regards,

**BRUCE KENNEDY**

*Administrator* 516.671.0080 X 3

*Village of Sea Cliff* [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)

300 Sea Cliff Ave • Sea Cliff, NY 11579

# EXHIBIT C



**JENNIFER DESENA**  
Supervisor



**JOHN FERRETTI**  
Supervisor



**JOSEPH SALADINO**  
Supervisor



April 28, 2026

Hon. Rory M. Christian, Chair  
Hon. Michelle L. Phillips, Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

RE: MATTER NO. 23-01358 - APPLICATION OF PROPEL NY ENERGY LLC FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED PURSUANT TO ARTICLE VII.

Dear Chair Christian and Secretary Phillips:

As the Supervisors of the Towns of Hempstead, North Hempstead, and Oyster Bay, we write collectively to address the proposed **Propel NY Energy** electric transmission project. This letter has become necessary as serious concerns continue to be raised and questions remain unanswered regarding the proposed project. Area residents, fire district professionals, environmental interests and others demand transparency as **Propel NY Energy** is embarking on the final stages of the permitting process. Our jurisdictions represent the vast majority of Nassau County's population. While we acknowledge the state's energy goals, our primary mandate is to protect the safety, financial interests, and quality of life of the residents we serve.

This correspondence concerns several very serious issues that must be addressed before this application proceeds. Financial Impact and Ratepayer Burden Infrastructure projects of this magnitude carry significant costs. We formally request a transparent breakdown of the total costs that will be borne by Long Island ratepayers, as well as the projected impact on average ratepayer bills. Our residents already shoulder some of the highest utility rates in the country. What's more, it is essential that the specific source of the energy carried by these new lines and, more importantly, which communities are the intended consumers be disclosed in a transparent and forthright manner. We will not support a project that places the financial burden on Nassau County residents to serve interests elsewhere without clear, direct local benefit.

**Public Health and EMF Emissions**

The health of our residents is non-negotiable. There is significant community concern regarding the prospective health impacts of electromagnetic field (EMF) emissions from high-voltage 345kV lines. We ask for rigorous, independent modeling of EMF levels along the entire proposed route, particularly where lines pass near homes, schools, and parks, to ensure they meet the strictest safety standards.

**Battery Energy Storage Systems (BESS) and Fire Safety**

We must inquire whether the need for these cables is directly linked to proposed Battery Energy Storage Systems (BESS) on the North and South Shores. Local fire departments have expressed serious concerns over the dangers associated with these facilities. Recent events have demonstrated that fires at BESS facilities are extremely difficult to extinguish and contain, often resulting in "thermal runaway" and the release of toxic

emissions. The safety of our first responders and the well-being of residents living near these potential sites are of paramount concern.

### **Roadway Integrity and Traffic Disruption**

The construction phase poses a threat to our local quality of life through traffic disruption. Furthermore, the history of utility companies in our region is marked by substandard roadway restoration. Patchwork repairs lead to premature deterioration and "pothole seasons" that ultimately require taxpayer-funded repaving projects. We insist that any road opened for this project be restored to a high standard—ideally curb-to-curb—to ensure longevity and safety.

### **Labor and Local Economy**

Finally, we strongly urge that all work associated with the Propel Project be performed by union labor under Project Labor Agreements (PLAs). It is imperative that local labor be employed to ensure that the economic benefits of this project remain within our communities, rather than being sourced to out-of-state workers.

We look forward to your response and a formal briefing on these matters.

JENNIFER DESENA



Supervisor  
Town of North Hempstead

JOHN FERRETTI



Supervisor  
Town of Hempstead

JOSEPH SALADINO



Supervisor  
Town of Oyster Bay

# **EXHIBIT D**

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

Further Details: James Denn (518) 474-7080

<http://www.dps.state.ny.us>

FOR RELEASE: IMMEDIATELY

09033/06-T-0650

## COMMISSION OFFICIALLY DISMISSES NYRI

— New Application Must Be Filed if Company Wants to Pursue Project —

Albany, NY—04/21/09—The New York State Public Service Commission (Commission) today officially dismissed the application of the New York Regional Interconnect, Inc. (NYRI) to build a 190-mile transmission line from upstate to downstate New York, and furthermore stated that a new application must be filed if NYRI seeks to pursue its project.

“I would like to thank all of the many parties that participated in this intensive siting process,” said Commission Chairman Garry Brown. “The active parties and the general public supplied invaluable information in this proceeding. The detail that went into the record was greatly facilitated by the public statement hearings that were held.”

More than 2,000 people attended the 13 public hearings, and more than 300 public statements were made. In addition, more than 2,600 letters and e-mails from the public were received.

On April 3, 2009, counsel for NYRI announced that its investors had decided the financial risks of cost recovery were too great as a result of a Federal Regulatory Commission denial of rehearing with respect to the Congestion Analysis and Resource Integration Study process of the New York Independent System Operator (NYISO). As a result, the investors were withdrawing their Article VII application. On April 8, 2009, NYRI submitted a letter confirming it had withdrawn its Article VII application.

On April 13, 2009, responses to NYRI's announcement and letters were filed by the NYISO; Communities Against Regional Interconnect; the New York State Department of Transportation; the New York State Department of Public Service Staff; the New York State Department of Environmental Conservation; the New York State Department of Agriculture and Markets; Central Hudson Gas & Electric Corporation; the New York Power Authority; and the New York Attorney General's Office.

Based on review and consideration of the arguments, the Commission has decided to treat the company's on-the-record statement and subsequent letters as a request to withdraw its application; granted that request with prejudice; and authorized the Secretary of the Commission to issue a letter dismissing the application and requiring that any attempt by NYRI to pursue its project be done through the filing of a new application.

Dismissal of the application with prejudice and requiring a new application for any future pursuit of the project makes the various requests for a decision on the merits and resolution of various evidentiary requests irrelevant.

The Commission's decision today, when issued, may be obtained from the Commission's [www.dps.state.ny.us](http://www.dps.state.ny.us) Web site by accessing the Commission's File Room section of the homepage and referencing Case 06-T-0650. Many libraries offer free Internet access. Commission orders may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500).

# EXHIBIT E

**FOR IMMEDIATE RELEASE:** March 29, 2022

## **LIPA Reaches Fair Settlement with Nassau County on the E.F. Barrett and Glenwood Landing Power Plants**

*Settlement will Continue Payments to the Local Communities and Protect Nassau County Residents from Tax Refund Liability*

**UNIONDALE, NY** – The Long Island Power Authority (LIPA) today announced a settlement agreement with Nassau County to resolve longstanding tax assessment litigation on the E.F. Barrett and Glenwood Landing power plants. The settlement guarantees continued tax payments to the Island Park, Oceanside, and North Shore school districts through 2027, stabilizes payments for up to a decade, and protects Nassau County taxpayers from hundreds of millions of dollars of refund liability. The tax assessments on the two plants were likely to have been reduced by 70 percent or more from a tax certiorari trial scheduled to begin on May 31.

“This settlement is a fair compromise that will allow for continued low taxes for the Island Park, Oceanside, and North Shore school districts, protect Nassau County residents from hundreds of millions of dollars of tax refund liability, and continue the transition to a clean and sustainable energy future for all Long Island residents,” **said LIPA’s Chief Executive Officer Tom Falcone.** “This settlement represents the best possible terms for Nassau County taxpayers, and it is a fair deal for LIPA customers too.”

“My administration is dedicated to solving problems that have been swept under the rug for years,” **said Nassau County Executive Bruce Blakeman.** “LIPA officials and my negotiating team have agreed on a formula that will relieve Nassau County of close to a billion dollars in liability and ensures that Nassau County taxpayers are not burdened for mistakes made in the past.”

The current \$59 million annual tax bill on the two power plants will be gradually reduced by 46.5 percent over five years to \$32 million. The payments are guaranteed by LIPA, even if any plants close over the period. LIPA also agreed to stabilize the payments at \$32 million for an additional five years for plants that remain open. As part of the settlement, LIPA will waive hundreds of millions in past refund liability for tax years dating back to 2010 when the case began – protecting all Nassau County taxpayers. The settlement now needs to be ratified by the Nassau County Legislature.

Paying fair taxes on older, fossil fuel-powered plants allows LIPA to keep costs low while continuing to invest in a clean, reliable electric grid. Over the next eight years, LIPA will add over 3,400 megawatts (MW) of solar, offshore wind, and battery storage. Meanwhile, E.F. Barrett’s output has declined by approximately 55 percent over the last two decades, and Glenwood Landing’s output has declined by approximately 97 percent. LIPA has previously announced the decommissioning of the three remaining Glenwood Landing units between 2025 and 2027, and is studying additional plant retirements in an Integrated Resource Plan to be released before year-end.

The guaranteed tax payments over the next five years far exceed the fair tax assessments on the power plants, which were likely to be reduced by 70 percent or more from a tax certiorari trial scheduled to begin in May 2022. The guaranteed payments, even if the plants are decommissioned, also provide budgetary certainty to the school districts, which would otherwise be impacted by immediate and drastic reductions, providing the districts with a glide path to plan accordingly.

The E.F. Barrett Power Station in Island Park dates to 1956 and consists of two steam turbine units of approximately 175 MW each, seven combustion turbine units of approximately 18 MW each, and four combustion turbine units of approximately 42 MW each. The 200 MW Glenwood Landing steam turbine was decommissioned in 2013, leaving three gas turbines totaling 119 megawatts (MW). These gas turbines date to 1967. The power plants are owned by National Grid and are under contract with LIPA until April 2028.

This settlement between LIPA and Nassau County reflects similar terms to the agreements LIPA reached with the Town of Brookhaven and the Village of Port Jefferson for the Port Jefferson Power Station in 2018, and the Town of Huntington for the Northport Power Station in 2020.

Separately, LIPA is prepared to work with the Island Park and North Shore school districts for settlement and resolution of separate “third-party beneficiary” tax litigation pending between LIPA and these districts, similar to a settlement reached with the Northport School District. The New York Supreme Court already decided the Island Park case in LIPA’s favor, but it is on appeal by the Island Park school district. The Nassau County settlement is not contingent on the settlement of the “third-party beneficiary” cases.

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## **ABOUT LIPA**

LIPA is a not-for-profit public utility with a purpose to serve our customers and community by providing clean, reliable, and affordable energy to Long Island and the Rockaways. LIPA contracts with PSEG Long Island to manage its electric system to performance standards specified by its Board of Trustees under a four-year contract.