

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

Case 24-T-0446

**SELF-CONSOLIDATED PARTIES'
STATEMENT IN OPPOSITION TO JOINT PROPOSAL**

Matthew A. Eldred
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, New York 14604
Tel: (585) 231-1487
Email: meldred@hselaw.com

Attorney for Self-Consolidated Parties

Dated: June 4, 2026

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

Case 24-T-0446

**SELF-CONSOLIDATED PARTIES’
STATEMENT IN OPPOSITION TO JOINT PROPOSAL**

The parties referred to as the Self-Consolidated Parties respectfully submit this Statement in Opposition to the Joint Proposal filed with the New York State Public Service Commission (the “Commission”) on April 30, 2026 (the “Joint Proposal”), by New York Transco LLC and New York Power Authority (together, the “Applicant”) for approval by the Commission.

PRELIMINARY STATEMENT

The Joint Proposal is not in the public interest. It fails to appropriately and fairly consider and mitigate the impacts to the communities of Glenwood Landing and Glen Head, including short term and long term health and safety impacts. It fails to address impacts to traffic in Glenwood Landing and Glen Head during construction which will presumably occur over months or years along the communities’ two primary routes of ingress and egress. It fails to adequately address the risks to residents and residential infrastructure along the project route and does not provide for reasonable remedies in the event of an accident or damage to private property. It fails to offer any means of mitigating impacts to residents and businesses in the communities of Glenwood Landing and Glen Head. It treats the host communities on Long Island substantially differently than New York City with respect to mitigating impacts of construction and community safety. It leaves too many important, sensitive aspects of impacts of the project to later determination, thereby failing

to adequately and proactively mitigate risks to the public that have already manifested in other communities hosting Article VII projects thereby making upfront mitigation a necessity. And, finally, it fails to justify the public need for the project.

For all of the foregoing reasons, the Joint Proposal is not in the public interest since it is inconsistent with sound environmental, social and economic policies of the State, and the Commission should reject the Joint Proposal.¹ The Commission should direct the Applicant to (1) address the disproportionate impact to the residents of Glen Head and Glenwood Landing and select other or additional routes that reduce the residential impact in Glen Head and Glenwood Landing, consistent with the approach taken in other communities; (2) conduct studies of traffic patterns, population, and workforce activities to adequately minimize the impact to traffic flow in the communities of Glenwood Landing and Glen Head and their residents and businesses; (3) establish an independent community contact for the handling of impacts to residents and residential infrastructure, including a means of prompt repair or replacement in the event that construction activities have impacts to residential property; (4) conduct studies on and provide reports of the long-term impacts to residents, businesses, and the public at least as extensive as provided for marine life and provide a reimbursement process for impairment to businesses at all phases of the project; (5) treat all municipalities in parity with respect to community protection and mitigation of construction impacts; (6) commit to construction techniques, materials, and sequencing with known impacts for which mitigation can be reasonably planned at this stage; and (7) reduce the scope of the project to only what is estimated to be needed at the time the project goes into service in order to minimize costs to ratepayers given the changes in the energy landscape that are taking place and not based on speculative future conditions.

¹ Case 90-M-0255, *Procedural Guidelines for Settlements* (1992).

STATEMENT ON THE JOINT PROPOSAL

1. The Joint Proposal fails to appropriately and fairly consider and mitigate the impacts to the communities of Glenwood Landing and Glen Head

The residential impact to the communities of Glenwood Landing and Glen Head is significantly greater than the impacts to other communities along the project route and could be mitigated by reducing the concentrated number of cables going through those communities by selecting one or more alternative routes. The Applicant and Joint Proposal have shown disregard for the residential impact to the communities of Glenwood Landing and Glen Head by failing to consider alternative routes and apparently treating the residential impact in other communities with greater deference. Exhibit 3, as amended, to the Application sets forth routes through other communities that were avoided due to alleged residential impact. Pertinent to the communities of Glenwood Landing and Glen Head are the Applicant's preferred route along Glenwood Road and Glen Cove Avenue and an alternative route along Bryant Avenue and Motts Cove Road (the "Motts Cove Alternative") through the community of Roslyn Harbor. Appendix B of the Joint Proposal adopts the preferred route as the Project Corridor.

Exhibit 3 of the Application states that the Motts Cove Alternative was rejected due to "residential impact" even as it acknowledges that that route would be one mile shorter than the section of the Project Corridor it would replace. Exhibit 6 of the Application indicates the population in Roslyn Harbor is approximately 1,000. The combined populations Glen Head and Glenwood Landing are approximately 9,000 according to 2020 census data. The Joint Proposal offers no additional evidence for why the Motts Cove Alternative was rejected in favor of the Project Corridor when it is apparent on its face that greater residential impacts would be experienced as a result of the Applicant's preferred route. Instead, the Joint Proposal fully commits to keeping the Project Corridor route along Glen Cove Avenue to Glenwood Road, two major

traffic arteries through the community, and then through the Glenwood Landing business district with two cables. Merely by comparing the imagery provided in Appendix B of the Joint Proposal, it is clear that not only are the residences along Glen Cove Avenue and Glenwood Road more densely located than the residences along the Motts Cove Alternative, they are also much closer to the centerline of the Project Corridor than the residences along the Motts Cove Alternative. In addition, Bryant Avenue and Motts Cove Road are not major traffic arteries into and out of the communities, and neither of them go through a significant business district. Finally, the preferred route along Glenwood Road cuts off significant portions of the residential population from the local schools thus subjecting students and parents to greater safety risks rather than mitigating them. The Motts Cove Alternative would avoid the major residential areas that students travel to and from on their way to school and would provide meaningful mitigation to exposure to ongoing construction dangers, traffic impacts, and interruption of their daily lives.

Thus, while it appears that residential impact was considered by the Applicant for Roslyn Harbor, it also appears that the impact to residents and businesses in the Glenwood Landing and Glen Head communities was either not considered or was not given equal weight as the residential impact in other areas such as along the Motts Cove Alternative that would (1) impact approximately 50% fewer residences, (2) presumably save costs due to being one mile shorter, (3) would impact far fewer members of the community since it does not follow major traffic routes and does not go through a business district, and (4) would take a significantly less amount of time to construct, possibly more than five months if construction proceeded at the rate of 50 feet per day as reported in a local newspaper, due to the shorter length. Instead of considering such simple mitigation to the environmental and social impacts of the project, the Joint Proposal adopts the Project Corridor and fails to place even one cable along the Motts Cove Alternative. As such, the

Joint Proposal fails to mitigate social impacts to a reasonable extent, fails to give fair and reasonable consideration to all parties, and fails to avoid or minimize adverse environmental impacts.² The Commission should reject the Joint Proposal on this basis and should direct the Applicant to address the disproportionate impact to the residents of Glen Head and Glenwood Landing and select other or additional routes that reduce the residential impact in Glen Head and Glenwood Landing consistent with the approach taken in other communities.

2. The Joint Proposal fails to adequately mitigate the impacts to traffic in the communities of Glenwood Landing and Glen Head during construction along the communities' primary routes of ingress and egress

The Joint Proposal does not include adequate measures to mitigate significant impacts to traffic in the communities of Glenwood Landing and Glen Head during construction and operation and maintenance, impacts that have recently been observed to be substantial in other communities hosting Article VII projects such as the Champlain Hudson Power Express and the Rensselaer County transmission line. The Project Corridor includes installation of cables along Glenwood Road, Glen Cove Avenue, Glen Head Road, Shore Road, New York State Route 107 and Glen Cove Road. Each of these roadways is not only a major route of ingress and egress for the communities of Glenwood Landing and Glen Head, but they also serve as main routes on and off Long Island for anyone along the North Shore east of Hempstead Harbor and north of Northern Boulevard as they make their way to any roadway South or to the primary east-west highways of Northern Boulevard, Northern State Parkway and the Long Island Expressway. The Joint Proposal includes no conditions mitigating the impact to construction on these roads. Instead, by its terms, the Joint Proposal permits the Applicant to construct the project at all times of the year, on all of those roads at once, or even on one road in both directions if there is to be more than one cable to

² PSL § 126 (1)(c)

be placed along that road as through the business district in Glen Head and Glenwood Landing. The imagery of the Project Corridor in Appendix B of the Joint Proposal shows that these roads are narrow, two-lane roads without full shoulders or space for passing of cars. The combined effect is that the Applicant is permitted to lock in several entire communities in spite of the impact to residents' day to day lives, their ability to get to and from work, impair the ability of emergency personnel to respond to fires, accidents, and other health emergencies, and even impede residents from avoiding risks from major storms and other public emergencies.

In addition, the Joint Proposal includes no controls over laydown yards and staging areas in and around Glenwood Landing and Glen Head in order to mitigate the intensity of traffic specifically related to construction activities (collection of materials, worker mobility, meeting areas, equipment storage, etc.). There are also no provisions in the Joint Proposal or proposed Certificate conditions affirmatively protecting other residential roads that will not have construction on them even though it is reasonable to expect under such circumstances that equipment, machinery, and deliveries will have an impact on such residential roads and such roads will likely see significantly increased traffic as drivers seek to avoid the congestion caused by the Applicant's construction activities, thereby putting at risk the safety of residents and children on these currently lightly trafficked residential roads. Finally, the studies of population and workforce used by the Applicant in Exhibit 6 in support of its estimate of impacts use data that incorporates the effect of the global COVID-19 pandemic and is unlikely to be representative of current conditions. When combined with the failure to equally consider residential impacts to Glen Head and Glenwood Landing by selecting a shorter, less impactful alternative route as outlined in Point 1 above, these points highlight the Joint Proposal's failure to adequately mitigate the impact on

traffic in the Glenwood Landing and Glen Head communities which is likely to have a significant impact on the residents and businesses of those communities.

As such, the Joint Proposal fails to give fair and reasonable consideration to all parties. The Commission should reject the Joint Proposal on this basis and should direct the Applicant to conduct studies of traffic patterns, population, and workforce activities to adequately minimize the impact to traffic flow in the communities of Glenwood Landing and Glen Head and their residents and businesses.

3. The Joint Proposal fails to adequately address risks to residents and residential infrastructure along the project route and does not provide for reasonable remedies in the event of an accident or damage to private property

The Joint Proposal does not address risks to residents and residential property unique to this project. As mentioned above, the residences along Glen Head Road, Glenwood Road and Glen Cove Avenue are not only densely spaced but are also close to the roads themselves as can be seen in the imagery in Appendix B to the Joint Proposal. What is not evident in the imagery however, is that the community does not have municipal sewers, so all residences are served by septic systems frequently situated in the front yard in order to enable routine service. Since the homes and businesses are so close to the roads, septic systems close to the roads as well and, therefore, the Project Corridor. As such, there is a unique risk that construction of the type and magnitude described in the Application could impact that residential and commercial infrastructure, and structures with cinderblock foundations or plaster walls, either in an immediate sense through an accident or construction vibration, or over the long term through resulting ground settling and impacts to groundwater flow.

While the Joint Proposal addresses collocated infrastructure within a certain proximity to the Project Corridor that is owned by public utilities or other companies, the Joint Proposal does not address the specific risks to what would also accurately be described as private collocated

infrastructure. In the alternative, along with the proposed Certificate conditions, the Joint Proposal does not include any provision for residents or businesses to obtain prompt attention, repair, or reimbursement if there is damage resulting from construction. Instead, proposed Certificate Condition 55 only requires that the Applicant “acknowledge” a complaint within 24 hours and proposed Certificate Condition 57 only requires that the Applicant report a complaint to the Department of Public Service (“DPS”) within 10 days of receipt. Thus, while commercial collocated infrastructure is given substantial treatment in the Joint Proposal to proactively mitigate potential impacts, impacts to private collocated infrastructure that is equally as important to the environment and the daily lives and livelihoods of residents and businesses in the community are apparently left, in the worst case, for residents to bear on their own or sue the Applicant in court if it refuses to accept responsibility for damages to such private property.

As such, the Joint Proposal fails to give fair and reasonable consideration to all parties by inequitably shifting the burden of addressing damages caused by the project from the Applicant to the residents and business owners with respect to private collocated infrastructure while providing adequate protections for commercial collocated infrastructure. The Commission should reject the Joint Proposal on this basis and should direct the Applicant to establish an independent community contact for the handling of impacts to residents, businesses and residential and commercial infrastructure, including a means of prompt repair or replacement in the event that construction activities damage residential or commercial property.

4. The Joint Proposal fails to offer any means of mitigating impacts to residents and businesses in the communities of Glenwood Landing and Glen Head

The Joint Proposal and proposed Certificate conditions treat marine life with more deference than human life. The Joint Proposal provides for inspections and testing of benthic cables for at least eight years following energization under proposed Certificate Condition 131 and

the study of impacts on fish and marine invertebrates for at least five years following energization under proposed Certificate Condition 135. Nothing similar is provided for residents along the Project Corridor with respect to public health and safety beyond as-built drawings and modeling and a handful of as-built EMF measurements immediately following construction under proposed Certificate Conditions 20.a. and 20.b. Additionally, under proposed Certificate Condition 53, commercial fisheries gear losses during all phases of the project, indeed for the life of the project, are to be reimbursed. Again, nothing similar is provided for businesses along the Project Corridor who may experience losses due to construction activities and traffic impacts along the chosen route as described above, even in light of recent experiences of other communities hosting Article VII projects like the Champlain Hudson Power Express.³

As such, the Joint Proposal fails to give fair and reasonable consideration to all parties and fails to mitigate reasonably anticipatable impacts to residents and businesses in the communities of Glenwood Landing and Glen Head. The Commission should reject the Joint Proposal on this basis and should direct the Applicant to conduct studies on and provide reports of the long-term impacts to residents, businesses, and the public at least as extensive as provided for marine life and to provide a reimbursement process for impairment to businesses at all phases of the project.

5. The Joint Proposal fails to treat all municipalities in parity with respect to community protection and mitigation of construction impacts

Several provisions of the Joint Proposal and proposed Certificate conditions treat municipalities differently even though they are similarly situated, most notably treating the Long Island communities of the North Shore significantly differently than New York City. New York City is given special burial depth requirements, construction operation hours and requirements,

³ *\$1 Million for Businesses Affected by CHPE*, Rockland County Times, May 7, 2026, <https://rocklandtimes.com/2026/05/07/1-million-for-businesses-affected-by-chpe/>

and deference to procedures and building codes in proposed Certificate Conditions 12, 22, 40, 50.e, 51.e, 68.a, 71, 194 and 195. Importantly for the purposes of EMF exposure, outside of New York City, proposed Certificate Condition 89 only requires two feet of fill and pavement over duct banks in roadways, sidewalks, parks and other open areas, but within New York City, proposed Certificate Condition 91 requires at least six feet of fill in roadways and 10 feet of fill in non-roadway areas within parkland. Additionally, proposed Certificate Condition 101 requires that the Applicant consult with affected landowners for post-construction restoration work, but no such consultation is required outside of New York City.

Finally, even outside of New York City not all communities are treated equally by the Joint Proposal. Of all the municipalities impacted by the project, only the Towns of Oyster Bay and Hempstead are included in the requirements of proposed Certificate Condition 61 with respect to flagging of danger trees, proposed Certificate Condition 72 with respect to plans for cable splicing and trenchless crossings within town roads, proposed Certificate Condition 102 with respect to coordination of a highway work plan, and proposed Certificate Condition 203 with respect to approvals for tree clearing or trimming. Other Long Island communities impacted by the Applicant's project across are not given the same considerations.

As such, the Joint Proposal fails to give fair and reasonable consideration to all parties and fails to mitigate reasonably anticipatable impacts outside of the identified municipalities. The Commission should reject the Joint Proposal on this basis and should direct the Applicant to treat all municipalities in parity with respect to community protection and mitigation of construction impacts.

6. The Joint Proposal leaves too many important, sensitive aspects of impacts of the project to later determination, thereby failing to adequately and proactively mitigate risks to the public

In addition to the impacts described above that are not addressed or inequitably addressed by the Joint Proposal, the Joint Proposal fails to address, or defers to a later time, aspects of the project that are unique to this case. As mentioned, the communities of the North Shore of Long Island around the project, including Glenwood Landing and Glen Head are densely populated with severe traffic limitations and unique infrastructure challenges. The Joint Proposal provides no protection or monitoring of the public water supply, sole source aquifers, or private wells on which the residents rely. It provides no protection for the future possibility of the installation of a municipal sewer system in the Glenwood Landing and Glen Head communities, something they have been pursuing for decades. It does not commit to using specific materials (e.g. drilling fluids) or construction sequencing so that the impacts of those activities may be appropriately identified, understood, and proactively mitigated at this time. Instead, the location of laydown yards and construction sequencing are left to later processes with less oversight and community input. The proposed Certificate conditions permit the Applicant to deviate from specifications outlined in the Application, the Joint Proposal, and the remaining Certificate conditions after only notifying DPS staff of the change.⁴ Cable location can even be changed within the Project Corridor, thereby impacting EMF exposure, at any time at the will of the Applicant. Indeed, the Applicant has shown its propensity for making material changes by filing a project route addendum as recently as May 15, 2026.

In light of this, it is clear that the Joint Proposal leaves opportunity for significant impacts to human health and safety, the environment, the businesses and residents in the area of the project, and traffic in and around the communities in which the project is proposed. The Commission should reject the Joint Proposal on this basis and should direct the Applicant to commit to

⁴ Proposed Certificate Conditions 78 and 111.

construction techniques, materials, and sequencing with known impacts for which mitigation can be reasonably planned at this stage.

7. The Joint Proposal fails to justify the public need for the project

As explained in Section IV.A of the Joint Proposal, the project was initially identified as being needed to enable export of the full output of offshore wind from Long Island to the rest of the State as the current transmission system would result in significant periods of curtailment thus impeding progress on the mandates of the Climate Leadership and Community Protection Act (“CLCPA”). The Joint Proposal fails to explain, however, that recent changes in federal policy have caused the cancellation of those offshore generation projects, and there is no current plan for them to be restarted. Instead, the Joint Proposal shifts focus to the impacts the project will have on reliability and demand in downstate zones and Long Island. What the Joint Proposal also fails to address in making that shift, however, is that any issues of reliability in such areas do not require a project of this magnitude and expense to ratepayers.⁵ For instance, paragraph 24 of the Joint Proposal points out that the CRP’s quantitative analysis for Long Island shows a security margin exceeding 2,000 MW in 2030 with the project but below 250 MW without it. It goes on further to state that there is little to no impact on that margin for the following four years at least. Such data would appear then to show that the project is at least six times greater in magnitude than is necessary to address the stated concerns over reliability of service to and on Long Island. With respect to the other studies cited in the Joint Proposal for justification of need, it is clear that the

⁵ If, indeed, there are or are likely to be issues of reliability at all as some reports indicate there remains excess power on peak demand days on Long Island and recent changes in State mandates, changing timelines for deactivation of existing generation facilities, and changing dynamics in usage. *See NYISO MMU Evaluation of the Long Island Offshore Wind Export PPTP Report*, May 2023, Potomac Economics, which also states, “It is not advisable to move forward with one of the proposed transmission projects at this time given the magnitude and timing of the potential benefits. This process could be re-initiated in future years if warranted. If the NYISO determines that it must or should select a project, we recommend that it reconsider its recommendation of [the Applicant’s project] since it does not appear to be the most cost-effective project.”

described effects are not based on this project alone but on a host of other generation and transmission projects as well and the Joint Proposal fails to discern the actual need for this project at this magnitude and at this cost.

It is well known that New York ratepayers have experienced significant increases in electricity costs in just the last year, and such increases have even led the state legislature and governor to take unprecedented steps in mitigating those costs, including changes to public policy like the CLCPA. For example, in July of 2025 the Commission cancelled another PPTN related to offshore wind energy, New York City and Long Island to ensure “New Yorkers are not burdened with premature infrastructure costs” in light of “the uncertainty coming out of Washington regarding offshore wind.”⁶ The Applicant’s project would add a reported \$3.26 billion dollars to those costs without any clear need to pursue a project of this magnitude at this time, and, if approved on the basis of the Joint Proposal, it would do so on the same outdated basis previously rejected by the Commission itself -- support of now non-existent offshore wind. Without the need to support offshore wind generation, the Joint Proposal fails to justify such expense or provide any reasoning for why the project should not instead be tailored to the current need rather than the need that was prompted by now defunct offshore wind project. In such failure, the Joint Proposal also fails to mitigate substantial community and environmental impacts that could easily be addressed by tailoring the number or size of cables and equipment, cable routing, and construction sequencing to what is the current existing need of the grid, not an irrelevant need that is now several times greater than required by current conditions.

⁶ *Commission Acts to Protect Ratepayers as Federal Offshore Wind Permitting Stall*, New York Public Service Commission, July 17, 2025, <https://dps.ny.gov/news/commission-acts-protect-ratepayers-federal-offshore-wind-permitting-stalls>

It is clear that the Joint Proposal fails to justify the need for a project of this magnitude and this scope as required pursuant to Public Service Law § 126. The Commission should reject the Joint Proposal on this basis and should direct the Applicant to reduce the scope of the project to only what is estimated to be needed at the time the project goes into service in order to minimize costs to ratepayers given the changes in the energy landscape that are taking place and not based on speculative future conditions.

CONCLUSION

Consistent with applicable regulations and State policy, the Commission should reject the Joint Proposal. The Commission should direct the Applicant to (1) address the disproportionate impact to the residents of Glen Head and Glenwood Landing and select other or additional routes that reduce the residential impact in Glen Head and Glenwood Landing consistent with the approach taken in other communities; (2) conduct studies of traffic patterns, population, and workforce activities to adequately minimize the impact to traffic flow in the communities of Glenwood Landing and Glen Head and their residents and businesses; (3) establish an independent community contact for the handling of impacts to residents and residential infrastructure, including a means of prompt repair or replacement in the event that construction activities have impacts to residential property; (4) conduct studies on and provide reports of the long-term impacts to residents, businesses, and the public at least as extensive as provided for marine life and provide a reimbursement process for impairment to businesses at all phases of the project; (5) treat all municipalities in parity with respect to community protection and mitigation of construction impacts; (6) commit to construction techniques, materials, and sequencing with known impacts for which mitigation can be reasonably planned at this stage; and (7) reduce the scope of the project to only what is estimated to be needed at the time the project goes into service in order to minimize costs to ratepayers given the changes in the energy landscape that are taking place and not based on speculative future conditions.

Dated June 4, 2026

Respectfully submitted,

/s/ Matthew A. Eldred

Matthew A. Eldred

Harter Secrest & Emery LLP

1600 Bausch & Lomb Place

Rochester, New York 14606

(585) 231-1487

meldred@hselaw.com