

July 22, 2026
Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Hon. Nicholas Planty
Hon. Erika Bergen
Hon. Anthony Belsito
Administrative Law Judges
Office of Hearings and Alternative Dispute Resolution
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

Re: Case 24-T-0446 – Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need – Regarding the EM&CP Phases Timeline and DPS Website Outages

Dear Secretary Phillips and Your Honors:

As there was no response provided on the request for clarification and relief, we are filing these initial comments on EM&CP Phase 1 based upon what we have been able to review to date. We do not waive the ability to file further substantive comments for Phase 1, nor do we concede that the EM&CP filings to date are complete, ready for review or procedurally proper while substantive issues pertaining to the Joint Proposal remain unresolved. This request is made without waiving, narrowing, or replacing any substantive or procedural objections, and without limiting our rights to submit comments regarding the EM&CP (filings)s.

EM&CP Phase 1 fails to give fair and reasonable consideration to all parties and stakeholders of the communities being impacted by the project. It provides substantive protective measures for the Applicant but fails in providing adequate protective measures for residents, businesses and schools in each impacted community.

A. Complaint Resolution and Noise Resolution

The complaint resolution process outlined in EM&CP Phase 1, Appendix N, is not meaningful for residents of the impacted community and is wholly inadequate for a project of this size and complexity. The staffed hours of operation for the complaint hotline, as well as the availability of inspectors, should align with the project's construction schedule. There should also be a sufficient number of inspectors available to respond to complaints in real time across the project area, with prompt investigation and mitigation implemented in the affected locations.

Instead, community stakeholders are provided with a staffed hotline that operates only Monday through Friday, from 9:00 a.m. to 5:00 p.m., despite the Applicant being authorized to conduct construction activities Monday through Saturday from 7:00 a.m. to 6:00 p.m. during this phase, and potentially beyond those days and hours when deemed necessary. In subsequent phases, construction hours may extend even further beyond the manned hotline timeframes.

Under the current process, residents must wait up to 24 hours to receive an acknowledgment of their complaint and then wait again while the issue is investigated. The Applicant has up to 10 days to substantiate and address the complaint, and, according to the Applicant, some issues may not be resolved at all. Furthermore, there is no on-site mechanism to address complaints in real time. Instead, construction personnel provide residents with a flyer explaining how to file a complaint. This approach is unacceptable for a project of this magnitude, as it creates conditions that are an open invitation for the applicant to ignore the rules because there is effectively no accountability. Real-time monitoring, prompt investigation, timely substantiation of complaints, and immediate implementation of mitigation measures should be required to protect the health, welfare, and quality of life of residents in the impacted community.

Further, as noted in Appendix M to the EM&CP Phase 1, with respect to noise, the Applicant states that local ordinances regarding noise, construction hours, and time-of-day restrictions will be subject to the NYSPSC's refusal to apply. Specifically, the Applicant states that clearing will occur between 7:00 a.m. and 6:00 p.m., Monday through Saturday, and that Sunday and after-hours work will be permitted upon 24 hours' notice to the municipalities and the DPS (note: these hours fall outside the manned complaint hotline hours referenced above). Because this area is being cleared and then left in a holding state until later phases, the proposed weekend and after-hours work is objectionable given its significant impact on residents' quality of life and the Applicants delay in performing other work activities immediately subsequent to the clearing.

In particular, there appears to be no substantiation as to how noise will be transmitted at each site location when considering seasonality (e.g., foliage versus non-foliage conditions) and local topography (e.g., water bodies, open fields, and the placement and/or elevations of nearby residences). For example, at Shore Road, the clearing of a robust habitat is significant as it is proposed at over two acres (current plans also do not address how displacement of wildlife in the habitat nor how that will be managed to avoid impacts to local residents) which would imply an impact on acoustics for nearby residents.

The noise complaint process described in Appendix M, when considered together with Appendix N, is wholly inadequate for a project of this size and does not demonstrate consideration of the impacted community or its residents. The approach should include real-time, ongoing monitoring throughout planned construction activities; real-time field investigation of complaints as they occur; and real-time mitigation measures implemented immediately when warranted. Instead, the Applicant's approach effectively disregards community residents again by relying on a single environmental monitor who responds only to complaints received through the Applicant's complaint management system. Under this framework, the Environmental Manager has 24 hours—when deemed appropriate—to conduct a field investigation, may or may not take sound measurements, and will consider whether additional mitigation is needed only after the complaint is substantiated. The Environmental Manager has up to 10 days to address the issue before reporting it to the DPS.

This outlined approach in Appendix M is unacceptable because residents would have to endure the damages caused by the Applicant's activities and then wait for the Environmental Manager to respond after the disturbance has occurred. Moreover, if the noise cannot be replicated, it may be treated as though the complaint was not valid. The proposed approach is wholly unacceptable, and real-time monitoring, field inspections, and mitigation should be implemented for the welfare of the residents of the impacted community.

B. Fugitive Dust Plan and Construction Activities

The Fugitive Dust Control Plan, as outlined in Appendix I, provides no protection for/or monitoring of the public water supply, sole-source aquifers, or private wells upon which residents rely. This omission is deeply concerning, particularly because the plan does not commit to identifying all materials that may be used in the management of the construction activities or evaluate their potential impacts on local water resources, given the soil classifications within the project work areas.

Appendix I states that propylene glycol may be added to the water used for dust control. This is especially concerning because the plan does not specify the concentrations or quantities that may be used. In excessive amounts, propylene glycol can pose risks to human health, pets, wildlife, wetlands and the environment. Without clear standards, monitoring requirements, or protective measures, residents have no assurance that local water resources will be adequately safeguarded.

Furthermore, Appendix I states that the Applicant will use local municipal and/or private water supplies for dust control. However, the plan fails to address or evaluate the potential localized impacts of this water usage. This is particularly troubling for residents of Glen Head and Glenwood Landing, who rely on privately supplied water, pay directly for that service, and are frequently subject to water use restrictions, including during recent local fire emergencies. Unlike the temporary and infrequent water demands associated with firefighting, the Applicant's construction activities may require substantial daily water usage over extended periods. Such sustained demand has the potential to place additional strain on the local water supply and adversely affect residents. Despite this foreseeable impact, EM&CP Phase 1 does not evaluate the potential effects of the Applicant's water usage on local water availability or service, nor does it propose any mitigation measures to address those impacts.

As a result, EM&CP Phase 1 fails to adequately consider the potential consequences of their actions on local water resources and does not provide a comprehensive assessment of impacts or an appropriate mitigation plan to protect the residents and water supplies of the impacted community.

C. Appendix K Implies a Shore Road Archeological Site

Appendix K appears to identify an archaeological distinction specific to the Shore Road location that is not referenced for the Barrett Road or Ruland Road locations as detailed in excerpt below. Given this distinction, the Applicant should be required to provide detailed information regarding the archaeological significance of the Shore Road site. This information is necessary to ensure that the Applicant's proposed activities can be fully evaluated and that the potential impacts of the project are properly assessed in light of the unique archaeological considerations identified for this location.

EM&CP Phase 1, Appendix K Vegetation Management Plan denoted the following as it relates to Shore Road: “At least 14 days before tree clearing at the new substations and Shore Road Landfall and TJVs begins, Propel NY will delineate the tree clearing limits as indicated on the Tree Clearing Plans (see Appendix A-1 to EM&CP Phase 1), mark any onshore (terrestrial) archeological sites in the field to restrict access, stake and/or flag any access roads, and use markers to delineate all environmentally sensitive areas including, but not limited to, wetlands and the 100-ft adjacent and setback areas associated with regulated freshwater wetlands and the 300-ft adjacent areas associated with regulated tidal wetlands, threatened or endangered species habitat, contaminated soil areas, etc. These markings will be left in place, and restored if disturbed, until completion of construction activities and restoration in the impacted area. Propel NY will notify NYSDPS, NYSDEC, and the affected municipalities when the above described field stake-out is complete in such area.”

D. Construction Safety and Security Plan

Appendix F focuses on life safety and emergency issues for workers during the course of work to be performed however the EM&CP Phase 1, fails to address anywhere the life safety or emergency impacts to community stakeholders that may occur as a result of said construction activities.

We are unable to comprehensively review the EM&CP Phase 1 due to the limited amount of time allocated for the public to review of these voluminous technical documents that were released during a simultaneous response period associated with the Joint Proposal. Nonetheless, we have identified serious concerns regarding the robustness of the plans outlined as the impact on residents appears to be an afterthought. Phase 1 fails to give fair and reasonable consideration to all parties and stakeholders of the communities being impacted by the project. It provides substantive protective measures for the Applicant but fails in providing adequate protective measures for residents, businesses and schools in each impacted community.

Nothing in these comments should be construed as consent to or approval of the Project, any later EM&CP phase, or any related construction activity. We reserve the full right to supplement these initial comments at a later date pending the response to the clarification and relief filing submitted.

Sincerely

Doug Augenthaler and Christine Panzeca