

[DRAFT SAPA NOTICE]

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Waiver of Article VII Requirements

I.D. No. PSC-_____

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a motion filed by PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA for waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for Certificates of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Waiver of Article VII requirements.

Purpose: To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Substance of proposed rule: The Public Service Commission is considering a motion filed by PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA (Applicant) on February 16, 2024 for waiver of certain requirements for the content of an application for authority, pursuant to Public Service Law Article VII, to construct, operate and maintain the "Southampton to Deerfield" or "SHDF" Transmission Project (Project).

The Project is the construction of a new 138 kilovolt underground transmission line of approximately 4.5 miles (Facility), to be operated initially at 69 kilovolts, primarily within municipal public roadway rights-of-way between the Southampton Substation and the Deerfield Substation, in the Town of Southampton, Suffolk County, New York. The Facility will be located wholly within the Town of Southampton and will traverse the Village of Southampton.

As part of the Article VII process, the Applicant has moved for a waiver of three regulatory requirements. First, the Applicant seeks a waiver of Commission regulation 16 NYCRR § 86.3(a)(2), which requires that information specified in the regulation be shown on New York State Department of Transportation (NYSDOT) maps at a scale of 1:250,000. According to the Applicant, NYSDOT maps at a scale of 1:250,000 for the relevant location do not appear to be available. The Applicant included as Figure 2-2 in Exhibit 2 of its application a 1:250,000 scale map, based on a Long Island Power Authority Transmission System Map. According to the Applicant, this map is sufficient to show the relationship of the Facility to interconnected electrical systems.

Second, the Applicant seeks a waiver of Commission regulation 16 NYCRR § 86.3(b)(2), which requires that aerial photographs of urban areas and urbanizing fringe areas be taken within six months of the date of filing. According to the Applicant, Figure 2-3 in Exhibit 2 of the Application provides aerial

photographs taken in March, 2023 by the New York Statewide Digital Orthoimagery Program and sourced from the New York State GIS Clearinghouse website. The Applicant advises that it has verified through field reconnaissance that the aerial photographs substantially reflect the current situation.

Third, the Applicant seeks a waiver of Commission regulation 16 NYCRR § 88.4(a)(4), which requires that Exhibit E-4 of the application include a copy of the system reliability impact study (SRIS) forwarded by the Transmission Planning Advisory Subcommittee for approval by the New York Independent System Operator (NYISO) Operating Committee. As the Applicant states in Exhibit E-4 of the application, the NYISO does not require that an SRIS to be performed if the proposed transmission project is expected to not reduce interface Transfer Capability by more than 10 MW and not increase interface Transfer Capability by more than 25 MW. The Applicant advises that it contacted the Interconnection Projects Manager at the NYISO who determined that an SRIS is not required because the Project does not affect the transfer capability of any NYISO transmission interface.

The full text of the motion, the Certificate application, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: _____, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) _____, email: _____@dps.ny.gov.

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(24-T-_____)