

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

Case 25-T-0241 - Application of LIPA for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Syosset to Oakwood Project

**JOINT PROPOSAL**

By:  
PSEG Long Island LLC on Behalf of and as Agent for the Long  
Island Power Authority f/k/a Long Island Lighting Company d/b/a  
LIPA  
Staff of the New York State Department of Public Service  
New York State Department of Environmental Conservation  
New York State Department of Agriculture and Markets

Dated: May 29, 2026  
Uniondale, New York

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**JOINT PROPOSAL**

This Joint Proposal, which includes Appendices A through E attached hereto and incorporated herein, is made as of the 29<sup>th</sup> day of May 2026, by and among the following entities (collectively referred to as the “Signatory Parties”): PSEG Long Island LLC on behalf of and as agent for the Long Island Power Authority f/k/a Long Island Lighting Company d/b/a LIPA (“PSEG Long Island” or “Applicant”); Staff of the New York State Department of Public Service designated to represent the public interest in this proceeding (“DPS Staff”); the New York State Department of Environmental Conservation (“NYSDEC”); and the New York State Department of Agriculture & Markets (“NYSDAM”).

**INTRODUCTION**

Applicant’s Syosset to Oakwood Project (“Project”) includes the following components: (i) installation of a new approximately 2.8-mile 138kV underground electric transmission line primarily within public roadway rights-of-way (“ROW”) between the Woodbury Tap in the Town of Oyster Bay, Nassau County, and the Oakwood Substation in the Town of Huntington, Suffolk County; (ii) the installation of new riser and transmission poles at the Woodbury Tap; the installation of new facilities at the Oakwood Substation on LIPA-owned property to the north of the current substation facilities; and modifications to portions of existing Lines 138-675 and 138-676 located between the Woodbury Tap and Oakwood Substation.

On April 15, 2025, the Applicant filed with the New York State Public Service Commission (“Commission”) application documents, pursuant to Public Service Law (“PSL”)

Article VII and the Commission’s regulations thereunder (“Application”), for a Certificate of Environmental Compatibility and Public Need (“Certificate”) authorizing the construction, operation and maintenance of the Project.

On June 16, 2025, the Secretary to the Commission sent the Applicant a letter listing items claimed to be deficiencies to the Commission’s Article VII application regulations. On July 28, 2025, PSEG Long Island filed a letter containing text and Attachments A through D in response to the June 16 letter.

On September 18, 2025, the Secretary to the Commission found that the Application was filed or otherwise in compliance with PSL Section 122 as of August 4, 2025.

A virtual Public Statement Hearing was held before Administrative Law Judges Dakin Lecakes and Tara Kersey on December 3, 2025.

After exploratory discussion of the issues, the Signatory Parties recognized that the parties’ various positions could be addressed through settlement and agreed that settlement was feasible. A Notice of Impending Settlement Discussions was sent to all active parties and other interested persons and duly filed with the Commission on October 17, 2025. Settlement conferences were held virtually on January 23, 2026, February 6, 2026, February 20, 2026, March 6, 2026, March 20, 2026, April 10, 2026, and April 17, 2026. Electronic communications were also utilized to facilitate settlement discussions<sup>1</sup>.

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<sup>1</sup> The New York State Department of Transportation (“DOT”) initially indicated an intention to participate in settlement negotiations. However, by email to the Applicant’s counsel dated February 3, 2026, counsel for DOT stated that, due to the Project’s minimal impacts to State roads, DOT would not be participating in settlement negotiations moving forward. Two individual parties, Kimberly Testa and Jasmina Saljanin, initially indicated an intention to participate in settlement discussions, but Ms. Testa did not participate in any settlement conferences and Ms. Saljanin attended portions of only two settlement calls, but did not speak during either call; neither individual party responded to electronic communications among the Signatory Parties.

The Signatory Parties believe that this Joint Proposal gives fair and reasonable consideration to the interests of customers, transmission owners, and the public in assuring the provision of safe and adequate service.

## **TERMS OF JOINT PROPOSAL**

### **I. GENERAL PROVISIONS**

1. Each provision of this Joint Proposal is in consideration and support of all the other provisions of this Joint Proposal and is expressly conditioned upon approval of the terms of this Joint Proposal in full by the Commission. If the Commission fails to adopt the terms of this Joint Proposal in full, other than these General Provisions, or adds additional terms, the Signatory Parties to this Joint Proposal shall be free to accept the Commission's terms or to individually pursue their respective positions in this proceeding without prejudice.

2. The terms and provisions of this Joint Proposal apply solely to, and are binding only in, the context of the above-captioned PSL Article VII proceeding and do not necessarily reflect the position any Signatory Party will take in any other proceeding. Each Signatory Party reserves the right in other proceedings to propose or include such terms and conditions as it may deem appropriate.

3. The Signatory Parties agree to submit this Joint Proposal to the Commission along with a request that the Commission adopt the terms and provisions of this Joint Proposal as set forth herein. The Signatory Parties agree that construction, reconstruction, operation, and maintenance of the Project described in this Joint Proposal in compliance with the Joint Proposal, including the Proposed Certificate Conditions set forth in Appendix D and the Environmental Management & Construction Plan ("EM&CP") specifications set forth in Appendix E attached hereto, will comply with PSL Article VII and with the substantive

provisions of applicable state law referenced in the Proposed Commission Findings set forth in Appendix C attached hereto.

4. All Signatory Parties fully support approval of the Joint Proposal in its entirety. The Signatory Parties recognize that certain provisions of this Joint Proposal contemplate actions to be taken by various parties in the future to fully effectuate this Joint Proposal. Accordingly, the Signatory Parties taking those actions agree to cooperate with all other Signatory Parties in good faith to the extent allowed by their authority.

5. In the event of any disagreement over the interpretation of this Joint Proposal or implementation of any of the provisions of this Joint Proposal which cannot be resolved informally among the Signatory Parties, such disagreement shall be resolved in the following manner:

- a. the Signatory Parties shall promptly convene a conference and in good faith attempt to resolve any such disagreement; and
- b. if any such disagreement cannot be resolved by the Signatory Parties, any Signatory Party may petition the Commission for resolution of the disputed matter.

6. This Joint Proposal shall not constitute a waiver by the Applicant of any rights it may otherwise have to apply for additional or modified permits, approvals, or certificates from the Commission or any other agency in accordance with relevant provisions of law.

7. This Joint Proposal shall not constitute a waiver of authority by any State agency with respect to the enforcement of applicable laws and regulations that are the subject of its jurisdiction.

8. This Joint Proposal shall not in any way alter the Applicant's obligation to comply with any applicable substantive law, including the Applicant's obligation to obtain any

required permits from NYSDEC pursuant to the Environmental Conservation Law (“ECL”) implementing any federally delegated or recognized environmental program.

9. This Joint Proposal is being executed in electronic counterparts and shall be binding on each Signatory Party when their respective counterpart has been executed. All signatories have the necessary authority to execute this Joint Proposal on behalf of the Signatory Parties that they represent.

## **II. EVIDENTIARY RECORD**

10. Appendix A attached hereto lists the testimony, affidavits, and exhibits that constitute the evidence agreed upon by the Signatory Parties to be admitted as record evidence in this proceeding (collectively, the “Evidentiary Record”).

## **III. DESCRIPTION OF PROJECT**

11. The Signatory Parties agree that the Description and Location of Project set forth in Appendix B attached hereto, accurately describes and depicts the proposed location, configuration, and components of the Project they recommend be approved by the Commission. The proposed location, configuration and components of the Project have not been changed as a result of this Settlement, and thus the maps set forth in Appendix B depict the same location of the Project ROW set forth in Exhibit 2 of the Application (Exhibit 2 of the Evidentiary Record and referred to herein as “Exhibit 2”).

## **IV. ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

12. The Commission must consider the totality of all relevant factors in making its determination of environmental compatibility and public need pursuant to PSL §126. The relevant factors include, without limitation: project need; nature of environmental impacts;

minimization of adverse impacts on the environment and on active farming operations; underground and other alternatives; consistency with long-range plans and the Climate Leadership and Community Protection Act (“CLCPA”);<sup>2</sup> conformity with substantive state law and applicable local law; and the public interest, convenience and necessity.

**A. Need for the Project**

13. The Project is needed to increase the capacity of LIPA’s existing Lines 138-675 and 138-676 between the Woodbury Tap and Oakwood Substation. Completion of the Project will increase transmission capacity on Long Island by increasing the rating of these two existing lines, allowing better use of existing capacity to improve system efficiency.

14. As explained in Exhibit E-4 of the Application (Exhibit 13 of the Evidentiary Record and referred to herein as “Exhibit E-4”), the Project is one component of the portfolio of projects selected by the New York Independent System Operator’s (“NYISO”) Board of Directors to satisfy the Commission-declared Long Island Offshore Wind Export Public Policy Transmission Need (“LI PPTN”). The LI PPTN portfolio of projects (“LI PPTN Projects”) will collectively increase electric power transmission capability within Long Island and increase transmission capacity with the rest of the state. The LI PPTN Projects greatly increase Long Island’s power import and export capability and transmission capability across Long Island, allowing more electric power to be moved across the island and an increase in transmission reliability.

15. As further explained in Exhibit E-4, the LI PPTN Projects create economic benefits by increasing transfer capability within Long Island and to the rest of the State and reducing transmission congestion on Long Island. NYISO estimates the 20-year production cost savings

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<sup>2</sup> L. 2019, Ch. 106.

of the LI PPTN Projects in the range of \$300 to \$600 million (in 2022 dollars), and avoided capital cost savings of two to three billion dollars for avoided generation siting within the Long Island Zone.

16. The Project will also assist the State in achieving its nation-leading clean energy and environmental goals initially established in New York’s Clean Energy Standard (“CES”), and modified and codified within the CLCPA. The Project, as a component of the LI PPTN Projects, will support the requirements of the CLCPA. Moreover, the Project itself will not directly emit greenhouse gases (GHGs) nor does it include electric generation components that emit GHGs. Any GHG emissions from vehicles or equipment used during the construction or maintenance of the Project would be de minimis or negligible.

**B. Cost**

17. The Applicant’s estimated Project cost is set forth in Exhibit 9 of the Application (Exhibit 9 of the Evidentiary Record).

**C. Environmental Impact**

18. The Evidentiary Record describes the nature of the probable environmental impacts of the Project, which are briefly summarized below. Based on a review of the Evidentiary Record, and the Applicant’s obligation to comply with the environmental impact protection measures to be specified in the EM&CP, the Signatory Parties agree that the overall environmental impacts of the Project are expected to be minimal and generally limited to temporary, construction-related disturbances. Blasting will not be used for construction of the Project.

19. Based on a review of the evidence, the Signatory Parties agree that the route proposed in the Application (“Proposed Route”) and configuration represents the minimum adverse environmental impacts considering the state of available technology and the nature and

economics of the various alternatives and other pertinent considerations. The Proposed Route is preferred because the Project: is located primarily within existing public roadway rights-of-way within which LIPA holds utility franchise rights and within existing substations and/or parcels owned by LIPA; avoids or minimizes and mitigates for any disturbance of protected species and important habitat areas; is reasonable in terms of cost; and minimizes impacts on residential, agricultural and commercial properties and activities, environmental resources and traffic.

20. The Project has been reviewed with respect to potential impacts to land use; visual, cultural, terrestrial ecology, rare, threatened and endangered species, topography and soils, agricultural, wetland and water resources; invasive species; sound; transportation; communications; and electric and magnetic fields.

21. Categorized by type of resource, the following sections address the potential for environmental impacts anticipated to result from the proposed construction, and/or operation and maintenance of the Project.

i. Land Use

22. Due to the Project's relatively short construction duration (approximately 18 months), being located primarily underground within public roadway ROW, and its aboveground facilities being located primarily within an existing tap location and substation on parcels owned by LIPA, it will not impact the local area sufficiently to induce any significant changes in the economic or local residential, commercial, agricultural or industrial land use patterns. The Signatory Parties agree that the Project avoids impacts to the maximum extent practicable and minimizes any remaining impacts on environmental resources, existing and planned land uses, and the surrounding communities to the maximum extent practicable

by utilizing existing public roadway ROW along with the existing Woodbury Tap and LIPA-owned property adjacent to the Oakwood Substation. Accordingly, no mitigation is deemed necessary for economic impacts or for changes in residential, commercial, agricultural, or industrial land use patterns resulting from the Project.

23. As noted in Exhibit 4 of the Application (Exhibit 4 of the Evidentiary Record and referred to herein as “Exhibit 4”), within 0.25 miles of the Project, residential uses comprise approximately 46 percent of the total land area, followed by Wild, Forested, Conservation Lands & Public Parks which comprises approximately 26 percent of land area, and agricultural land use which comprises approximately 5 percent of that area. Vacant land (4.2%), commercial land (4.87%), Public Services land (2.26%), Community Services (4.27%), Industrial (1.7%), and Recreation and Entertainment Services (0.97%) uses each represent less than 5% of land use within 0.25 miles of the Project ROW.

24. Approximately 0.25 miles of the Project ROW on Woodbury Road crosses through the Landward Coastal Area Boundary. However, due to the location of the Project in public roadways, the New York State Department of State has concurred with the Applicant’s determination that the Project will not impact coastal resources (See Exhibit 30 of the Evidentiary Record).

25. The Project ROW does not traverse any Federal Emergency Management Agency flood plains and thus will not adversely impact any flood hazard areas.

26. The Applicant assessed the Project’s consistency with the 2016 New York State Open Space Conservation Plan. The Project ROW is located within Region 1: Long Island. Two areas of protection are located in the vicinity of the Project: (i) the Special Groundwater Protection Area (“SGPA”), and (ii) the Trail View State Park. The purpose of the SGPA is to

protect the long-term health of Long Island’s drinking water supply. The Project is located within the SGPA. Specific measures intended to protect water resources from contamination will be included in the EM&CP. The Trail View State Park is located approximately 0.3 miles northwest of the Woodbury Tap. Given its distance from the Project ROW and since the Project will be located primarily underground, the Trail View State Park will not be adversely affected by the Project.

27. The Nassau County Comprehensive Plan, Nassau County Master Plan Update 2008, Nassau County 2010 Master Plan Draft, Suffolk County Comprehensive Master Plan 2035, and Town of Huntington 2008 Comprehensive Plan were reviewed to assess and confirm the Project’s consistency with those plans.

28. The Applicant also assessed potential impacts to nearby recreational resources. Because the Project will be located primarily underground in public roadway ROW, it avoids impacts to such recreational areas.

29. Based on a review of the evidence, the Signatory Parties determined that the Project will not adversely change or be inconsistent with any State, local, or regional land use patterns or land use planning, as it will be located underground within existing public roadway ROW for the majority of its length. Thus, the Project will provide additional and reliable transmission of electricity while minimizing or avoiding conflicts with surrounding land uses.

30. Project construction activities are anticipated to occur within the existing LIPA-owned tap and substation parcels and within public road ROW, for which LIPA holds utility franchise rights. Appendix D of this Joint Proposal contains provisions governing the Applicant’s obligations with respect to any Third-Party Infrastructure owners within the Project ROW.

31. During construction, it will be necessary to establish and utilize construction marshalling yards strategically placed at selected locations adjacent to or in the vicinity of the Project ROW. Each area will be of sufficient size to accommodate the materials to be delivered and will serve as a major storage yard for poles, hardware, and conductors delivered from outside the region. Any Project-specific marshaling yards will be proposed in the EM&CP and any existing non-Project specific marshalling yards to be utilized during Project construction will be identified in the EM&CP.

32. The Applicant will provide DPS Staff with at least five (5) days' prior notice of its commencement of preparation of each approved marshalling yard. Marshalling yards established on previously undisturbed lands shall not be sited within T&E habitat, wetlands, NYSDEC-regulated wetland adjacent areas, or within fifty (50) feet of waterbodies or streams. After completion of construction, the marshalling yards will be restored to conditions comparable to those that existed before construction, unless Applicant agrees otherwise in response to an affected landowner's request.

33. Based on a review of the evidence, the Signatory Parties have determined that the Project will result in minimal impacts to land use.

ii. Visual

34. As noted in Exhibit 4 of the Application, the Applicant examined the potential visual impact to aesthetic, scenic, historic, recreational, and public view resources within a visual study area, extending three miles from the Project ROW, to establish that the Project avoids scenic, recreational, and historic areas and has been sited to minimize its visibility from areas of public view.

35. An inventory of significant scenic and aesthetic resources was prepared. Although numerous visual resources are located within the study area, the Project is largely comprised of underground facilities, minimizing their visibility from public view. The above-ground Project components are limited to new structures at the Woodbury Tap and the expansion of the Oakwood Substation. The Woodbury Tap has existing overhead utility structures and, thus, the addition of Project structures at that location will not significantly alter the current visual landscape. The expansion of the Oakwood Substation will remain on a LIPA-owned parcel, and will continue to be separated from nearby commercial and residential properties by an existing vegetated buffer, as well as the adjacent Long Island Rail Road (“LIRR”) corridor. Vegetation clearing required for the substation expansion will be minimized to the extent practicable, and will be set forth in the EM&CP. Neighborhoods that currently have views of the existing Woodbury Tap and Oakwood Substation will continue to have views, but these views will be slightly different due to the Project’s new structures.

36. Based on a review of the evidence, the Signatory Parties have determined that visual impacts from the Project will be minimal.

iii. Cultural Resources

37. As discussed in Exhibit 4, to determine the presence, likely presence, or absence of archaeological and historical architectural resources in the vicinity of the Project, consultation was initiated with the State Office of Parks, Recreation and Historic Preservation (“OPRHP”) through the New York State Cultural Resource Information System (“CRIS”), including the submission of Project information and a request for Project review.

38. The Applicant’s assessment of cultural resources in the vicinity of the Project was documented in a Phase IA Cultural Resource Reconnaissance Report dated May 16, 2025 and

a Phase IB Archaeological Survey dated November 10, 2025 (See Exhibit 29 of the Evidentiary Record).

39. On November 12, 2025, OPRHP issued a “no effect” letter stating that “it is the opinion of the OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places (“NRHP”) will be impacted by this project.” (See Exhibit 25 of the Evidentiary Record).

40. Based on the November 12, 2025, OPRHP “no effect” letter, OPRHP has determined that the Project is not anticipated to have adverse effects on relevant NRHP/State Register of Historic Places listed and eligible historic properties.

41. The Applicant will not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including OPRHP and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required and any required avoidance or mitigation measures are approved.

42. Based on its review of the evidence, the Signatory Parties have determined that the Applicant will avoid creating adverse impacts on heritage resource sites, archeological sites, and historic structures by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures as described in the EM&CP.

iv. Wetlands and Water Resources

43. As described in Exhibit 4, a review of agency publications, including NYSDEC topographical maps and United States Fish and Wildlife Service (“USFWS”) National Wetland

Inventory (“NWI”) maps were utilized to assess the location and potential impacts of the Project on wetlands and other water resources.

44. That review of agency maps and publications revealed that there are no federal water resources, no State-identified tidal wetlands, and two State-identified freshwater wetlands present along the Project ROW.

45. Field delineation of wetlands was performed on September 30, 2025. The results of that delineation are included in the Wetland Report dated December 2, 2025. (See Exhibit 26 of the Evidentiary Record). The field delineation identified the presence of wetland W-01, a State-regulated freshwater wetland with approximately 0.01 acre of freshwater wetland and 0.63 acre of freshwater wetland adjacent area within the Project ROW, and wetland W-02, a State-regulated freshwater wetland with approximately 0.71 acre of freshwater wetland adjacent area within the Project ROW.

46. As of January 1, 2025, the regulations implementing ECL Article 24 (Freshwater Wetlands), 6 NYCRR Part 664, were amended. Those amended regulations redefined what wetlands were considered State jurisdictional and therefore subject to ECL Article 24 protections. Based on those regulations, the Applicant submitted a request for a freshwater wetland jurisdictional determination (“JD”), for this Project, and on March 3, 2026, NYSDEC issued a JD for the proposed Project (Exhibit 27 of the Evidentiary Record). The JD identified two State-jurisdiction freshwater wetlands pursuant to the then-effective wetland regulations in the Project Area. Subsequently, and pursuant to court order, on April 8, 2026, NYSDEC’s amended wetland regulations were annulled; therefore, the Part 664 regulations in place prior

to January 1, 2025, are in effect again.<sup>3</sup> ECL Article 24 was unaffected by the court order. In the event of any conflict or inconsistency between the pre-2025 version of the Part 664 regulations and the current version of ECL Article 24 as amended in 2022, the statute prevails over the regulations. In light of ongoing litigation subsequent to the court order, the Applicant agrees to consult with NYSDEC staff and DPS Staff during the EM&CP phase prior to the commencement of Project construction to confirm the status of NYSDEC's applicable freshwater wetland jurisdiction relative to the Project at time of construction and, whether, based on the then-applicable regulations, a new JD for the Project is necessary or if the wetland delineation included in the JD is sufficient.

47. The Applicant acknowledges that, should the Project not be fully constructed within five (5) years from the date that the Certificate is issued by the Commission, it must consult with DPS Staff and NYSDEC to determine whether the wetland boundaries need to be reconfirmed.

48. The Applicant will perform all construction, operation or maintenance activities in accordance with Appendix D and in a manner that avoids and minimizes adverse impacts to streams, waterbodies, wetlands, and the regulated adjacent area associated with any State-regulated wetland.

49. The Applicant shall notify DPS Staff and NYSDEC staff within 2 hours of observing or being made aware of a discharge to a wetland or waterbody resulting in a violation of New York State Water Quality Standards. In the event that construction results in an alteration to (*i.e.*, lowering) of wetland hydrology, the breach shall be immediately sealed and no further

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<sup>3</sup> See *Chautauqua Lake Prop. Owners Ass'n, Inc. v. State of New York*, Index No. 903982-25 (N.Y. Sup. Ct. Albany Cnty. Apr. 8, 2026) (NYSCEF Doc. No. 68).

activity shall take place until DPS Staff and NYSDEC staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved by DPS Staff in consultation with NYSDEC. For any Project discharge to a wetland or waterbody, the Applicant shall as soon as practicable, but within 14 days, provide a follow-up report via email to DPS Staff and NYSDEC staff that includes a written description of the occurrence, photographs, and a summary of the corrective or remedial actions taken.

50. Erosion and sediment control measures, which will be detailed in the EM&CP and Project SWPPP, will be designed to maintain and protect soil and water resources during both the construction and operational phases of the Project. Erosion and sediment control practices will adhere to the NYSDEC New York State Standards and Specifications for Erosion and Sediment Control.

51. Unless otherwise specified in the approved EM&CP, all Project work in State-regulated streams is prohibited from October 1 through May 31 in cold water fisheries, and from March 1 through July 31 in warm water fisheries. The Applicant will also implement necessary precautions to preclude contamination of any wetland or waterbody by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the Project.

52. Depth to groundwater along the southwestern portion of the Project ROW and in the vicinity of the Woodbury Tap ranges from 25 to 100 feet below ground surface (“bgs”). Depth to groundwater near the Town of Oyster Bay and Town of Huntington town line ranges from approximately 0 to 25 feet bgs. Depth to water along the eastern portion of the Project and near the Oakwood Substation ranges from approximately 120 to greater than 160 feet bgs. The Applicant anticipates that there may be the need for dewatering during Project construction

activities located near the town line. Dewatering procedures will be detailed in the EM&CP and follow the protocols specified in Appendix D.

53. Coverage under the State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) (“General Permit”) and the development of a Stormwater Pollution Prevention Plan (“SWPPP”) will be required for the Project. In accordance with the applicable provisions of the General Permit, the SWPPP will address stormwater management, erosion, and sediment control measures for all areas where ground disturbance results in exposed soils, as well as spill prevention and control measures.

54. The Applicant does not anticipate using pesticides or herbicides during construction of the Project. The Oakwood Substation and its expansion will be part of the Applicant’s annual substation pesticide and herbicide spray program. The potential use of pesticides and herbicides at the Woodbury Tap will be addressed in the EM&CP. Vegetation management activities during operation of the Project will be limited to use at the Oakwood Substation and potentially at the Woodbury Tap since the transmission line will be primarily located underground within roadway right-of-way. Any pesticides and herbicides used will be NYSDEC-approved for use in New York State and in Suffolk County and will be applied in accordance with the conditions specified in Appendix D.

55. Non-handheld equipment refueling, maintenance, and repair shall be conducted away from any wetland regulated adjacent area or waterbody to the maximum extent practicable, except when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area, unless otherwise specified in the EM&CP, which shall detail protective measures against spills.

56. Stationary fuel tanks and chemical storage shall be located a minimum of 100 feet from streams, waterbodies, and outside of wetland regulated adjacent areas; provided that, if the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts have been avoided or minimized to the maximum extent practicable, such as adequate secondary containment.

57. Although the Project will not result in a discharge to Waters of the United States, the Applicant will comply with applicable federal and State regulations, and based on unanticipated changes to the Project complete any preapplication requirements for filing with the Secretary and submittal to the Deputy Director of Transmission of the Office of Renewable Energy Siting and Electric Transmission, or their designee, to obtain a Water Quality Certification from the Commission pursuant to the federal Clean Water Act for construction work in any federal jurisdiction waters and wetlands

58. Based on a review of the Record Evidence, and the Applicant's obligation to comply with the Certificate conditions and environmental protection plans and measures to be specified in the EM&CP, the Signatory Parties have determined that the Project avoids and minimizes adverse impacts to streams, waterbodies, groundwater, wetlands, and NYSDEC-regulated adjacent areas associated with any State-regulated wetlands

v. Terrestrial and Wildlife Resources

59. The installation of the Project's transmission line primarily within the roadway ROW will minimize but not eliminate the need for vegetation and tree clearing.

60. Vegetation clearing will be required for (i) construction activities outside of the public roadway and along the roadway shoulders, (ii) expansion of the Oakwood Substation, (iii) riser poles at the Woodbury Tap, and (iv) installation of Line 138-676. Project clearing

will be performed in accordance with the USFWS, New York Natural Heritage Program (“NYNHP”) guidance, and applicable provisions of the ECL to eliminate impact to protected habitats or T&E species or species of special concern.

61. Any clearing activities will be detailed in the EM&CP, which will also include a Restoration Plan that will detail substantive plantings.

62. An assessment was performed to determine whether any Significant Natural Communities (“SNC”) are located within 0.5 miles of the Project ROW. NYSDEC defines SNCs as rare or high-quality ecological areas including certain wetlands, forests, grasslands, ponds, streams, and other landforms that constitute significant habitats. New York State identifies areas within a half mile buffer to a SNC as a Natural Communities Vicinity (“NCV”). The Applicant reviewed NCV maps within a 0.25-mile radius of the Project to evaluate potential impact to nearby SNCs. No known SNC, or their associated buffer area are traversed by the Project ROW.

63. The Applicant obtained a species list through the USFWS’s IPaC (Information for Planning and Consultation) online service on February 4, 2025. The potential species of interest included on the initial IPaC report included the endangered northern long-eared bat (*Myotis septentrionalis*) (“NLEB”), the proposed endangered tri-colored bat, the threatened piping plover (*Charadrius melodus*) and Rufa red knot (*Calidris canutus rufa*), and the candidate species the monarch butterfly (*Danaus plexippus*). No critical habitats were listed in the IPaC report. The Applicant obtained an updated species list through USFWS’s IPaC online service on February 24, 2026. The potential species of interest matched the initial IPaC report.

64. The Applicant obtained a report of rare or State-listed animals and plants, and significant natural communities through the NYNHP on May 6, 2025. The database indicated the potential presence of NLEB and Bushy St. John’s Wort (*Hypericum densiflorum*). (See Exhibit 16 to the Evidentiary Record.)]

65. To avoid impacts to NLEB and its habitat during pre-construction and construction, the Applicant shall not conduct any tree clearing activities within one 150 feet from any known NLEB maternity roost and 0.25 miles from any known NLEB hibernaculum. All other clearing of trees considered suitable NLEB roost habitat within 1.5 miles of a known NLEB maternity roost site or 5 miles of a NLEB hibernaculum site shall be avoided outside of the approved clearing window of December 1 to February 28. However, if such avoidance cannot be achieved, the Applicant shall consult with NYSDEC staff and, if applicable, USFWS, to determine what, if any, permits and/or additional authorizations are required to minimize impacts.

66. . If it is determined by NYSDEC that a take of occupied habitat or individuals of NLEB has occurred, the Applicant will develop a Net Conservation Benefit Plan within six months of construction completion for acceptance by NYSDEC staff and DPS Staff that satisfies the requirements of 6 NYCRR Part 182 (“NCBP”).

67. The Applicant shall also comply with the Certificate Conditions set forth in Appendix D pertaining the protection of threatened and endangered (“T&E”) species. For example, if the Tri-Colored Bat (“TCB”) is designated a State and federally-listed Endangered Species, the Applicant will consult with USFWS and NYSDEC to confirm that the avoidance, minimization and mitigation measures are in compliance with the substantive requirements of the ECL, and it’s regulations or other guidance as then applicable as set forth in Appendix D

are sufficient to avoid impacts to the TCB and shall implement those measures upon receiving such confirmation.

68. In accordance with the Proposed Certificate Conditions included as Appendix D, within twenty-four (24) hours during Project preconstruction or construction activities and within forty-eight (48) hours during Project operation or maintenance activities (unless DPS Staff, in consultation with NYSDEC, directs otherwise), the Applicant will notify NYSDEC and DPS Staff of any observations of such T&E species. The Applicant will secure the immediate area, where it holds property rights, and safely cease activities in that area until DPS Staff, in consultation with NYSDEC, authorizes recommencement of activities, unless such activities are necessary for protection of human life or property necessary to maintain electric reliability. Prior to the recommencement of activities in the secured area, the Applicant will provide all authorized on-site personnel with pertinent information on the species encountered and indicate measures to minimize risks to the T&E animal or plant species. A record of all observed T&E animal species will be maintained throughout the life of the Project.

69. For the avoidance and protection of bald eagles, at least two weeks prior to the commencement of construction activities in any area, the Applicant shall conduct a visual inspection of the area to determine if any bald eagle nests are present and consult with NYSDEC to determine if NYSDEC has records of any nests within one mile of the project area. To avoid impacts to bald eagles from construction during the breeding season of January 1 to August 31, no blasting shall occur within 0.5 miles of a nest; no aircraft or drones shall be operated within 1,000 feet of a nest; and no construction activities shall occur within 330 feet of a nest. To avoid impacts to bald eagles from construction during the nonbreeding season of September 1 to December 31, no construction activities shall occur within 50 feet of a nest,

provided that if a federal permit requires a larger buffer area, the Applicant shall indicate the buffer required by the federal permit in the EM&CP.

70. In the event that implementing such buffer areas is impracticable, the Applicant will provide justification for such impracticability and propose appropriate minimization and mitigation measures in the EM&CP.

71. Prior to filing the EM&CP, the Applicant will contact the NYSDEC, NYNHP, and USFWS to check for any updates or changes of known T&E species or habitat or SNCs in the Project area. If NYSDEC determines and informs DPS Staff that a take will occur of any T&E species, or its occupied habitat, not specifically referenced in the proposed Certificate Conditions, the Applicant must develop an NCBP that meets the requirements of 6 NYCRR Part 182 for such species.

72. Based on PSEG Long Island's commitment to implement various measures and conditions designed to promote protection and avoidance of T&E species during construction, operation, and maintenance of the Project, DPS Staff and NYSDEC have determined that the Project will comply with the substantive requirements of the ECL governing the identification, avoidance, protection, impact minimization and, if necessary, compensation for the incidental take of listed T&E species.

vi. Agricultural

73. As discussed in Exhibit 4, the Project does not traverse any designated New York Agricultural Districts, but is adjacent to two parcels within Suffolk County District 3 (Code SUFF003).

74. To protect and minimize impacts to these agricultural areas, the Applicant has agreed to implement measures consistent with then current NYSAGM published guidelines.

75. Because construction will occur primarily within public roadway right-of-way, and despite the proximity of the Project to agricultural lands, no adverse impacts to agriculture are anticipated. Areas of Project disturbance adjacent to agricultural parcels are anticipated to be limited to the paved road and the road right-of-way shoulder. To minimize any potential impacts to agricultural lands erosion control measures will be utilized during construction activities to control sediment and stormwater runoff and minimize as necessary pursuant to the Project's SWPPP and EM&CP.

76. At the end of construction, the Project ROW and respective work areas shall be thoroughly cleared of construction debris such as nuts, bolts, spikes, wire, pieces of steel, and other assorted items.

77. Applicant will use at least four (4) inspectors (or fewer if it elects to use the same individual in more than one role and that individual is qualified and has sufficient time and resources to adequately fulfill each role) comprised of: (a) at least one environmental inspector employed full-time on the Project; (b) at least one construction inspector employed full-time on the Project; (c) at least one safety inspector who will inspect the work site from time to time; and (d) at least one quality assurance inspector who will inspect the work site from time to time. The environmental inspector may be used to perform agricultural inspections, if they become necessary, and if the person who performs such inspections is qualified to do so and is approved by DPS Staff and NYSAGM.

78. Based on a review of the Record Evidence, the Signatory Parties have determined that PSEG Long Island has properly assessed and designed the Project to minimize any potential adverse impacts on active farming operations that produce crops, livestock and livestock products, considering the state of the available technology and the nature and

economics of the various alternatives, and ownership and easements rights of the impacted agricultural property.

vii. Topography and Soils

79. As noted in Exhibit 4, topography in the Project Area ranges in elevation from approximately 79 feet above mean sea level (“FAMSL”) to approximately 210 FAMSL.

80. The Project ROW is located near the northern-most portion of the United States’ physiographic region, the Atlantic Coastal Plain. Mesozoic and Cenozoic rocks and unlithified sediments make up this plain. The multiple sedimentary layers are made up of sand, clay, and gravel, underlain by southeasterly sloping bedrock. The region’s geology is defined by two terminal moraines, which are low, ridge or hill-like formations that are remnants of the advances of glaciers. The moraines are classified as poorly sorted glacial till deposits at the glacial terminus. South of the moraines are areas classified as outwash plain deposits of sand and gravel.

81. The most prevalent soil type found near the Woodbury Tap is Riverhead sandy loam exhibiting eight to 15 percent slopes. This is well drained, non-hydric soil. The soil found near the Oakwood Substation expansion is gently sloping cut and fill land. Because the majority of the Project will be located along public roadways, Project construction is not expected to result in the loss of any previously undisturbed soil.

82. After construction is complete, the soil will be restored to pre-existing contours. Disturbed areas will be restored to pre-existing conditions (vegetative restoration, pavement replacement, etc.). Areas of disturbed vegetation will be addressed in accordance with the Restoration Plan, which will be included with the EM&CP.

83. Erosion and sediment control measures, including potential topsoil replacement, to be implemented during construction will be detailed in the EM&CP and in the Project-specific SWPPP. Erosion and sediment control measures will be designed to maintain and protect soil and water resources during both the construction and operational phases of the Project. Additionally, a Spill Prevention Plan will be created in compliance with the NYSDEC spill standards to be used during construction.

84. Based on its review of the Record Evidence, the Signatory Parties have determined that the construction and operation of the Project will not appreciably change topography in the Project ROW, there are no unique geologic or topographic features that will be permanently affected by the construction or operation of the Project, and no topography or soil related impacts are anticipated as a result of this Project.

viii. Noise

85. As discussed in Exhibit 4, transmission line construction activities will generate noise levels that are periodically audible along the Project ROW and at the Woodbury Tap and Oakwood Substation. Construction equipment will be equipped with exhaust mufflers and acoustic casing enclosures, in accordance with applicable regulations, to reduce noise.

86. Temporary construction noise levels are mitigated by the attenuating effects of distance, the intermittent and short-lived character of the noise, the presence of existing vegetation, the presence of homes and buildings (particularly in the more suburban areas), and the use of functional mufflers on all construction equipment.

87. In addition to the use of construction equipment mufflers, to minimize noise impacts during construction, the Applicant plans to generally limit construction activities on the Project to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday unless, due to safety or

continuous operation requirements, construction activities are required to occur on Sundays or after 7:00 p.m. However, specific activities (such as splicing to allow for clean work environments) are required to be performed continuously and thus will occur outside of these planned construction periods, including during overnight hours. The EM&CP shall provide details on work hours and other construction requirements from the municipalities having jurisdiction over the roadways where the Project will be located, including performing Project construction activities along designated roads during overnight hours to reduce traffic impact.

88. Construction activities will not occur on July Fourth, Thanksgiving day, Christmas day, and New Year's day. Exceptions to the above general work hours will be addressed on a case-by-case basis and will be described in the EM&CP.

89. No installation of any new noise-producing equipment or other appurtenance is proposed at the Woodbury Tap or Oakwood Substation. Thus, there will be no change in existing tap or substation operational noise following construction of the Project.

90. Based on a review of the Record Evidence, and the Applicant's obligation to comply with the Certificate conditions and environmental protection plans and measures to be specified in the EM&CP, the Signatory Parties have determined that the Project avoids and minimizes adverse impacts from noise.

ix. Invasive Species

91. As discussed in Exhibit 4, the Applicant conducted a review of the NYNHP New York iMap Invasive Species Database and Mapping System to assess nonnative plant species in the vicinity of the Project ROW. This review indicated the presence of two nonnative plant species within 0.25 miles of the Project ROW: (i) Japanese Stiltgrass and (ii) Bradford Pear.

92. Based on a review of the Record Evidence, the Signatory Parties have determined that the initial invasive plant species inventory of the Project ROW did not reveal any findings that would be considered unusual for the area.

93. The Applicant will perform a field investigation of invasive species located near the Project Area, the results of which will be submitted with the EM&CP.

94. To minimize the introduction or spread of invasive species, preventative measures such as (i) washing vehicles and equipment before and after moving them from one site to another, (ii) monitoring soil movement and stockpiling for invasive species, and (iii) providing special protection to invasive-free areas, will be employed during construction. These measures will be detailed in the EM&CP.

95. The Applicant will prepare an Invasive Species Management Plan in accordance with Appendix E. The Invasive Species Control Plan will be implemented as part of the approved EM&CP and shall ensure compliance with 6 NYCRR Part 575.

x. Transportation

96. As discussed in Exhibit E-6 of the Application (Exhibit 15 of the Evidentiary Record and referred to herein as “Exhibit E-6”), there are no airports and five heliports within 5 miles of the Project ROW. The Project is located approximately 2.59 miles south of the nearest heliport, Huntington Emergency Helistop. A Federal Aviation Administration determination will not be required because the Project will be primarily underground and proposed aboveground components will not exceed the regulatory trigger of a height of 200 feet or be constructed as close as 5,000 feet from the nearest landing/takeoff area.

97. The Project will include an overhead crossing of the LIRR Port Jefferson Branch at the Woodbury Tap and two underground crossings; one located approximately 350 feet after

the line transitions to underground and the second as the transmission line enters the Oakwood Substation. At the first location of the underground crossing, the LIRR tracks are elevated above Woodbury Road, so the transmission line can be installed via open-cut trench beneath the railroad crossing. The second underground crossing will be accomplished using trenchless installation since the railroad tracks are at-grade at that location.

98. The Applicant will obtain input from the Metropolitan Transportation Authority (“MTA”) on the proposed railroad crossings and obtain a railroad crossing permits from the MTA, if necessary.

99. The Project will include the longitudinal occupation of four local public roadways (3 County and 1 Town road) and crosses 10 local roadways in the Towns of Oyster Bay and Huntington, and one State road in the Town of Huntington.

100. Prior to the initiation of Project construction, the Applicant will coordinate with Town and County officials and consult with the New York State Department of Transportation to develop a construction schedule that will minimize traffic impacts to the extent practicable. Such a schedule may include nighttime work to minimize traffic disruption. Construction activities may also require that certain travel lanes be closed temporarily, but, to the extent practicable, the Applicant will maintain at least one open travel lane for traffic flow.

101. To ensure safe and continued traffic flow, a Maintenance and Protection of Traffic Plan will be developed and included in the EM&CP that will identify procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway right-of-way.

102. Based on a review of the Record Evidence, and the Applicant’s obligation to comply with the Certificate conditions and environmental protection plans and measures to be

specified in the EM&CP, the Signatory Parties have determined that the Project avoids and minimizes adverse impacts to transportation systems.

xi. Communications

103. As noted in Exhibit E-5 of the Application (Exhibit 14 of the Evidentiary Record and referred to herein as “Exhibit E-5”), the Project is not expected to have adverse effects on communications (*e.g.*, television, radio, microwave, etc.) during construction or operation. Applicant will comply with applicable sections of the latest version of the National Electric Safety Code (“NESC”) related to appropriate spacing between power and communications cables.

104. The Applicant identified the location of existing communications facilities within five miles of the Project ROW using the Homeland Infrastructure Foundation-Level Data provided by the U.S. Department of Homeland Security database. Eighty-seven (87) registered aboveground communication towers are located within five miles of the Project ROW. These towers include two cellular towers, 79 microwave towers and six FCC-registered antennas.

105. The Applicant will maintain adequate separation between the Project facilities and communication facilities. As part of the final design, third parties that have underground communication cables within or adjacent to the Project ROW will be consulted to ensure that the precise location of the communication facilities are shown on the EM&CP plan and profile drawings and that appropriate clearances are maintained.

106. The Project is not expected to result in any interference with radio or television reception because the proposed electric transmission facilities will be located underground. Nevertheless, Applicant will respond to and investigate any reports of possible interference.

107. Based on a review of the Record Evidence, the Signatory Parties have determined that no impacts to the operations of fiber optic cables or other communication systems are anticipated from the Project.

xii. Electric and Magnetic Fields

108. As demonstrated by the EMF Study (Exhibit 18 of the Evidentiary Record), in all cases the maximum calculated magnetic fields of the Project meet the Commission’s standards set forth in the September 11, 1990, “Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities.” The Commission also has standards for electric fields, although they are not relevant to the Project given the absence of above ground electric fields from underground transmission lines.

**D. The Availability and Impact of Alternatives**

109. The Application and exhibits agreed upon by the Signatory Parties to be admitted as record evidence in this proceeding describe the availability and impact of alternatives to the Project and are briefly summarized below. Based on a review of the evidence and considering all factors, the Signatory Parties have determined that the Project, as described in Appendix B is preferable, on balance, to any of the alternatives considered. The location is preferred due to its use of roadway rights-of-way and relatively minimal impacts to land use, vegetation, T&E species areas, wetlands, floodplains, topography, historic resources, Potential Environmental Justice Areas and Disadvantaged Communities, and State roads.

**Alternative Routes**

110. As stated in Exhibit 3 of the Application (Exhibit 3 of the Evidentiary Record and referred to herein as “Exhibit 3”), Applicant evaluated the use of existing utility, transportation

and LIRR right-of-way (“LIRR ROW”), as well as overhead and underground alternatives in public roadway ROW between the Woodbury Tap and the Oakwood Substation.

111. The LIRR ROW alternative was determined to be inferior to the Proposed Route because (i) although the LIRR ROW is adjacent to the Woodbury Tap and Oakwood Substation, (i) the presence of existing utilities in the LIRR ROW and its narrow width would require widening the LIRR ROW or relocating many of the existing facilities, (ii) maintenance and operation of the Project facilities could be impacted by the ongoing operation of a commuter railway, and (iii) construction of the Project in the LIRR ROW could cause potential disruptions to LIRR service.

112. The Applicant also considered constructing the Project as an overhead line. However, there are no existing overhead corridors between the Woodbury Tap and the Oakwood Substation and the creation of a new corridor would require the acquisition of additional easements and removal of encroachments. This alternative would raise numerous electrical clearance issues with constructability, existing utilities, and social considerations (such as visual impacts) associated with overhead lines. As such, these alternatives were determined to be inferior to the Project’s proposed underground installation.

113. The Applicant developed a routing analysis that included an evaluation of 24 routes between the Woodbury Tap and Oakwood Substation. Maps and publicly available data from local, State, and federal agencies were reviewed and field reconnaissance was conducted to determine routing constraints and opportunities within the study area.

114. The evaluation of potential underground routes included a comparison of the constructability, engineering, environmental, and social factors that would result in potential adverse effects on resources within the study area. The route selection process sought to

maximize the use of existing linear corridors (e.g., public roads) to minimize potential impacts to the environmental, cultural or social resources, the use of protected open space lands, the need to acquire private property, and traffic disruption during construction. The study identified environmentally sensitive areas and classified them as either exclusion or avoidance areas. The study also identified opportunity areas in the study area, which would reduce impacts to environmental, social or cultural resources.

115. The Proposed Route was determined to be optimal because of its constructability rating, fewest nearby residences, and because it avoids passing any schools.

116. One variation to the Proposed Route was also assessed and determined to be inferior to the Proposed Route because it would result in greater traffic disruption, would be located on narrower roads, would pass more residential properties, and would have a greater length within a Disadvantaged Community.

117. Two alternative routes, Alternative Route 1 and Alternative Route 2, were also evaluated and compared to the Proposed Route. These two alternatives were determined to be inferior to the Preferred Route based on the scoring of length, constructability, engineering, and environmental and social impacts.

### **No Action Alternative**

118. As discussed in Exhibit 3 of the Application, the no-action alternative was not considered a viable alternative to the Project because it is a component of the portfolio of projects selected to satisfy the Commission-declared LI PPTN. The no-action alternative is not viable because all components of the portfolio are required to satisfy the LI PPTN.

**Alternative Methods to Fulfill Energy Requirements**

119. Alternative methods to fulfill energy requirements considered by Applicant included energy efficiency, demand-side management, and distributed generation.

120. As stated in Exhibit 3, energy efficiency, demand response, and distributed generation are not functional substitutes for the Project because, as stated above, the Project is a component of the portfolio of projects selected to satisfy the requirements of the LI PPTN.

**E. Conformance to Long-Range Plans for Expanding the Electric Power Grid and Compliance with the Climate Leadership and Community Protection Act**

121. The Project conforms to the requirements and planning objectives of the NYISO and is consistent with the Applicant's long-range plans for the expansion of its transmission facilities. The Project, as a component of the LI PPTN Projects portfolio, will serve the interests of electric system economy and reliability. Completion of this Project, along with the other components of the LI PPTN portfolio, will improve electric power transmission capability on Long Island and throughout the state, improving the reliability of the transmission system.

122. The CLCPA codified the State's clean energy and environmental goals for reducing Statewide GHG emissions, among others. Pursuant to § 7(2) of the CLCPA, the Commission must assess whether its administrative approvals, including the issuance of Article VII Certificates, are inconsistent with or interfere with the attainment of the State's GHG emissions limits, as set forth in ECL § 75-105. The Application, particularly Exhibits 5 and E-1 (Exhibits 5 and 10 of the Evidentiary Record and referred to herein as "Exhibit 5" and "Exhibit E-1," respectively) and Exhibit E-4, shows that the Commission's grant of the Certificate will not be inconsistent with, and will not interfere with, the attainment of the Statewide GHG emissions

limits in Article 75 of the ECL established by Section 2 of the CLCPA.<sup>4</sup> The Project is consistent with the CLCPA because it will help to transmit renewable power across Long Island and the State, and itself does not directly emit GHGs nor does it include electric generation that emits GHGs. Any emissions of GHGs from vehicles or equipment used during the construction or maintenance of the Project would be *de minimis* or negligible. The Project is designed to support the achievement of the CLCPA goals. For this Project, the Applicant will not utilize sulfur hexafluoride (“SF6”), a potent GHG frequently used for electric insulation and/or arc-quenching in gas insulated substation equipment. Accordingly, Appendix D does not contain any specific conditions related to SF6.

123. The CLCPA also seeks to equitably reduce Statewide GHG emissions. Section 7(3) of the CLCPA requires that State agencies evaluate the potential impact on GHG emissions and Disadvantaged Communities “in considering and issuing permits, licenses, and other administrative approvals and decisions,” which includes the approval of Article VII Certificates, and prevents such agencies from disproportionately burdening such Disadvantaged Communities identified pursuant to ECL § 75-0101(5).

124. The eastern-most portion of the Project, along Oakwood Road to the Oakwood Substation expansion, is within a Disadvantaged Community (“DAC” ID: 361031111003) and a Potential Environmental Justice Area (“PEJA” ID: 15000US361031111003). However, the Project will support the CLCPA’s renewable energy goals by providing upgraded electric transmission infrastructure to allow the safe and reliable transportation of renewable energy in the State. The Project also minimizes negative impacts to the PEJA and DAC communities because it is primarily located underground within public roadways. The Project’s operation

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<sup>4</sup> L. 2019, Ch. 106.

will also not result in the production of GHGs or co-pollutant emissions in the nearby PEJA or DAC.

125. As a component of the LI PPTN project portfolio, the Project will help to increase Long Island’s power import and export capability, the transmission capability across Long Island and the State and, thus, allow electric power to be moved with greater reliability.

#### **F. System Impact Study**

126. The LI PPTN Projects are being studied under NYISO Queue Position #1289 (Q1289) in NYISO Transmission Interconnection Process. A System Impact Study (“SIS”) to evaluate the impact of the LI PPTN Projects, including the Project, was performed by Power Grid Engineering Markets on behalf of NYISO. Subsequent to completion of the SIS, the Applicant submitted to NYISO a set of proposed modifications to the LI PPTN Projects, including a proposed modification to the Project along with supporting studies which indicate that the LI PPTN Projects so modified, including the Project, provides the same or greater benefit as the LI PPTN Projects without such modifications and do not change the SIS conclusion that the LI PPTN Projects will not adversely impact the reliability of the New York State Transmission System. The proposed modifications are currently pending final NYISO review and approval.

#### **G. State and Local Laws**

127. Exhibit 7 of the Application (Exhibit 7 of the Evidentiary Record and referred to herein as “Exhibit 7”) identifies, for each local jurisdiction, every substantive local legal provision (ordinance, law, regulation, standard, and requirement) potentially applicable to the Project, as well as every such local legal provision that the Applicant requests that the Commission not apply because, as applied to the Project, such local legal provision is unreasonably restrictive in view of the existing technology, factors of costs or economics, or

the needs of consumers. Exhibit 7 also sets forth and expressly preserves LIPA's exemption from the jurisdiction of local municipalities under the LIPA Act (Public Authorities Law, § 1020 et. seq.). Except for those local legal provisions that the Applicant specifically requested that the Commission refuse to apply, the Applicant will comply with, and the location of the Project as proposed conforms to all substantive local legal provisions that are applicable to the Project. Due to the preemptive effect of PSL Section 130, procedural requirements to obtain any State or local approval, consent, permit, certificate, or other condition for the construction or operation of the Project do not apply, except for permits or approvals issued or required by the NYSDEC pursuant to regulations implementing federal environmental programs.

128. The following are examples of local laws that the Applicant requests the Commission not apply, as well as the corresponding justifications for such requests: (i) time restrictions on construction noise or activities, on the grounds that exceptions may be required for safety, continuous operation requirements, or to reduce roadway/traffic impacts; (ii) height restrictions applied to Project structures because structure height is a function of overall integrated transmission line design and reflects the requirements of constructability, security and public safety, (iii) zoning use restrictions that would prohibit the location of Project facilities where proposed; (iv) minimum lot area, width, and setback requirements, because these requirements have no necessary nexus or relevance when considered in light of the Applicant's contiguous linear right-of-way; and (v) requirements to maintain vegetated buffers and prohibitions on cutting existing vegetation, on the grounds that these requirements cannot be reconciled with the Applicant's ROW Maintenance Procedures.

129. No local jurisdiction has filed any objection to the Applicant's requests, set forth in Exhibit 7, that the Commission not apply specified local laws. The Signatory Parties agree that

the justifications set forth in Exhibit 7 provide sufficient basis for the Commission to refuse to apply the identified ordinances.

**H. Public Interest, Convenience, and Necessity**

130. The Applicant conducted public outreach and information efforts in support of the Project.

131. A Public Notice of the filing of the Article VII Application was published in *Newsday* once per week for two consecutive weeks prior to the filing.

132. Local government officials in the municipalities affected by the Project were contacted personally, and by letter (in March and April 2025), notifying them of the Applicant’s intention to file the Application.

133. A local “hotline” phone number was established for people seeking additional information about the Project: (631) 792-6866. The phone number was included in the Project Fact Sheet, Project website, and materials shared in the information sessions.

134. In April 2025, owners of properties abutting the Project ROW and all alternative routes were sent letters, including a Project Fact Sheet, notifying them of the Project.

135. In April 2025, the Applicant also sent to local emergency services departments, school districts, water authorities, religious institutions, and other interested parties, letters that included the Project Fact Sheet, informing them of the Project.

136. On April 15, 2025, all owners of property on which any portion of the Project is to be located were served by first-class mail with a notice informing them that the Project may impact their property. Such notice included a description of the Project and an explanation of how one can seek to become a party to the Article VII proceeding.

137. Shortly after the filing of the Application, copies of the Application were delivered to the following locations with a request that they be made available for public inspection: Huntington Public Library (Station Branch), 1355 New York Avenue, Huntington Station, New York 11746, and Syosset Library, 225 S. Oyster Bay Road, Syosset, New York 11791.

138. PSEG Long Island conducted an in-person “Open House” informational meeting for the public on June 18, 2025, and a virtual “Open House” public informational meeting on November 20, 2025.

139. Shortly before commencement of construction, the Applicant will notify adjacent landowners and residents of construction commencement and include a safety message and the toll-free phone number that can be used to obtain additional information.

## **V. PROPOSED FINDINGS**

140. The Signatory Parties agree that the record in this proceeding supports the Proposed Commission Findings set forth in Appendix C attached hereto.

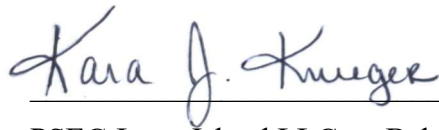
## **VI. PROPOSED CERTIFICATE CONDITIONS**

141. The Signatory Parties agree that the Proposed Certificate Conditions set forth in Appendix D attached hereto are acceptable and appropriate for inclusion in a Certificate of Environmental Compatibility and Public Need authorizing construction and operation of the Project.

**VII. ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN**

142. The Signatory Parties agree that the Specifications for the Development of the Environmental Management and Construction Plan set forth in Appendix E attached hereto are acceptable and appropriate for application to the Project as described herein.

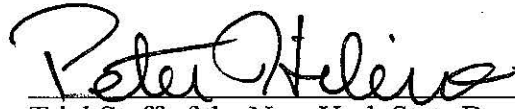
**IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.**

A handwritten signature in cursive script that reads "Kara J. Krueger". The signature is written in dark ink and is positioned above a horizontal line.

PSEG Long Island LLC on Behalf of and as Agent for LIPA

By: Kara Krueger  
Director, State Regulatory Legal

**IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.**

A handwritten signature in cursive script, reading "Peter Hilerio", written over a horizontal line.

Trial Staff of the New York State Department of Public Service

By: Peter Hilerio, Esq.  
Assistant Counsel

Date: May 26, 2026

**IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.**

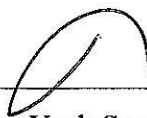
*Jessie Shaw*

\_\_\_\_\_  
New York State Department of Environmental Conservation

By: Jessie Shaw, Esq.  
Senior Attorney

Date: May 26, 2026

**IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.**



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New York State Department of Agriculture & Markets

By:   Tara B. Wells, Associate Attorney