

September 27, 2024

VIA ELECTRONIC FILING

Hon. Michelle Phillips
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Case 24-T-0113 - Application of PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Southampton to Deerfield Transmission Project

NOTICE OF IMPENDING SETTLEMENT NEGOTIATIONS

Dear Secretary Phillips:

Pursuant to the settlement procedures set forth in the Rules and Regulations of the Public Service Commission (“Commission”),¹ PSEG Long Island LLC, on behalf of and as agent for the Long Island Lighting Company d/b/a LIPA, a wholly-owned subsidiary of the Long Island Power Authority (the “Applicant”), hereby files with the Commission this Notice of Impending Settlement Negotiations (“Notice”) in the above-referenced proceeding.

The Applicant intends to commence settlement negotiations in Case 24-T-0113 under the Commission’s Rules and Regulations codified at 16 NYCRR §3.9. All parties to the above proceeding are invited to attend and participate in these settlement negotiations. Agreement to participate constitutes agreement to be bound by the settlement confidentiality requirements of 16 NYCRR §3.9(d) (a copy of which is attached to this Notice). The Department of Public Service, the Department of Environmental Conservation, and the Department of Agriculture and Markets have already advised the Applicant that they intend to participate. The Applicant requests that all additional parties who would like to participate in these negotiations notify Applicant via email at janice.prestano@pseg.com as soon as possible of their desire to participate and, consequently, their willingness to be bound by the settlement confidentiality requirements.

¹ See 16 NYCRR.

Any potential party who wishes to participate in these settlement negotiations must also become a party in this case. Instructions for the procedures to follow to request party status can be accessed by starting on the Department of Public Service’s website (www.dps.ny.gov): click on “File Search” (located under the heading “Commission Files”), search for “24-T-0113” in the box labeled “Search by Case Number,” and click on the button in the upper right hand corner of the page labeled “Request for Party Status” to see the instructions.

The Applicant anticipates that the settlement negotiations will commence in October 2024, and will continue thereafter until settlement is reached or an impasse is declared by the settlement parties. The parties participating in the settlement negotiations will determine the date, time and location/manner of all settlement negotiations.

The issues that may be settled include whether the project is needed and in the public interest; its design, location, environmental impact, and impact to agricultural land and operations; and its conformity to state and local laws and to state electric grid planning, including its consistency with attainment of the statewide greenhouse gas emissions limits in Article 75 of the Environmental Conservation Law. During the course of these settlement negotiations, other issues may be added or raised by the parties, and any and all issues related to this proceeding may be negotiated and settled.

In accordance with 16 NYCRR §3.9(a)(1)(iii), the undersigned certifies on behalf of the Applicant that, upon service of this Notice on the persons and entities listed below, all appropriate persons and parties will be notified of the pendency of negotiations in this proceeding in a manner so as to permit a reasonable time for preparation. Thank you for your time and consideration in this matter.

Respectfully submitted,

/s/ Kara Krueger

Kara Krueger
Director – Legal Regulatory

Attachment

cc: Hon. Leah Amyot, Administrative Law Judge (via email)
Hon. Michael Clarke, Administrative Law Judge (via email)
DMM Party List (via email)
All “Landowners” as defined in Public Service Law §120(5) (via US Mail)
All owners of abutting/adjacent properties (via US Mail)
Statutory service list (via US Mail)

COMMISSION RULE ON SETTLEMENT CONFIDENTIALITY

(16 NYCRR §3.9(d))

“Confidentiality of settlement discussions.

No discussion, admission, concession or offer to stipulate or settle, whether oral or written, made during any negotiation session concerning a stipulation or settlement shall be subject to discovery, or admissible in any evidentiary hearing against any participant who objects to its admission. Participating parties, their representatives and other persons attending settlement negotiations shall hold confidential such discussions, admissions, concessions, and offers to settle and shall not disclose them outside the negotiations except to their principals, who shall also be bound by the confidentiality requirement, without the consent of the parties participating in the negotiations. The Administrative Law Judge assigned to the case, or the Director of the appropriate division if no Administrative Law Judge has been assigned, may impose appropriate sanctions for the violation of this subdivision which may include exclusion from the settlement process.”