

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 09-T-0049 - Application of Upstate NY Power Corp. for a Certificate of Environmental Compatibility and Public Need for a 50.6 mile 230kV Transmission Facility From Galloo Island in the Town of Hounsfield, Jefferson County, to the Fitzpatrick-Edic Substation in the Town of Mexico, Oswego County.

RULING CANCELING SCHEDULE

(Issued March 31, 2010)

KEVIN J. CASUTTO, Administrative Law Judge:

On December 17, 2009, a Ruling on Schedule was issued, providing for evidentiary hearings from April 8, 2010 through April 22, 2010. On February 17, 2010, the Applicant filed a letter-motion seeking to supplement its application regarding alternatives analysis and its community involvement and outreach plan. Consequently, the Applicant is also seeking cancelation of the hearing schedule. On February 26, 2010, Staff filed a reply and cross-motion for suspension and postponement of litigation schedule. Staff does not object to cancelation of the hearing schedule, but does object to the Applicant's proposals for supplemental alternatives analysis and community involvement and outreach. Additionally, on March 2, 2010, Roberta French, representative for citizen intervenor Margate Gavin, provided comments in reply to the motion and cross-motion.

On March 3, 2010, I convened a telephone conference with the active parties to discuss the motions and further scheduling. During the telephone conference, I urged the Applicant and Staff to develop a joint proposal on alternatives and community involvement and outreach.

During a telephone conference on March 26, 2010 with the Applicant, Staff, and Ms. French, the Applicant and Staff advised that they reached general agreement on a suspension, but

no agreement on the details and no agreement on procedures for a public participation process.

Because no party objects to the Applicant's request to cancel the current hearing schedule, I hereby cancel the schedule previously established with the December 17, 2009 Ruling on Schedule. The remaining relief sought in the motion and cross-motion regarding alternatives and community involvement and outreach remains under review and subject to a decision at a future date. A procedural conference will be convened on the morning of September 15, 2010 to consider further scheduling proposals, the location and time of the conference to be announced at a later date.

(SIGNED)

KEVIN J. CASUTTO