

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.

PROCEDURAL RULING

(Issued June 22, 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, Upstate NY Power Corp., Inc. (Upstate Power) filed a letter-motion seeking to cancel the hearing schedule, supplement its application regarding alternatives analysis and its community involvement and outreach plan. On February 26, 2010, Department of Public Service Staff (Staff) filed a reply and cross-motion for suspension and postponement of litigation schedule. Additionally, on March 2, 2010, Roberta French, representative for citizen intervenor Margate Gavin, has provided comments in reply to the motion and cross-motion.

On March 31, 2010, a Ruling Canceling Schedule was issued, canceling the litigation schedule and stating that a procedural conference will be convened on September 15, 2010. In that ruling, I indicated that the parties' remaining relief sought in the motion and cross-motion remains under review.

During a telephone conference on May 18, 2010, with Upstate Power, Staff, and Ms. French, Upstate Power indicated it is going forward with the additional alternatives analysis and anticipates filing a revised alternatives analysis sufficiently prior to the September 15, 2010 procedural conference, to allow the parties to review that analysis prior to the procedural

conference. In addition, prior to September 15, 2010, Upstate Power will engage in outreach with affected municipalities regarding the revised alternatives analysis. It is my understanding, at this time, that neither Upstate Power nor Staff seek further relief pursuant to their respective motions. Therefore, unless Upstate Power or Staff notify me to the contrary, the motion and cross-motion are deemed withdrawn, without prejudice to renew, 10 days following the date of this ruling.

As stated above, a procedural conference will be convened on the morning of September 15, 2010 to consider further scheduling proposals. The location and time of the procedural conference will be the subject of public notice at a later date.

(SIGNED)

KEVIN J. CASUTTO