

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION

COMBINED NOTICE OF AVAILABILITY OF DRAFT PERMIT CONDITIONS, PUBLIC
COMMENT PERIOD AND IN-PERSON PUBLIC COMMENT HEARINGS, AND
COMMENCEMENT OF ISSUES DETERMINATION PROCEDURE

Applicant: Hecate Energy Columbia County 1, LLC
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Facility Location: Town of Copake, Columbia County

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ORES DMM Matter No.: 24-03041

Facility Description: Applicant applied to the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) for a permit pursuant to Public Service Law article VIII to construct and operate a 42-megawatt (MW) solar energy facility known as the Shepherd's Run Solar Farm located in the Town of Copake, Columbia County. The facility would include, but is not limited to, photovoltaic ("PV") solar arrays; inverters; security fencing; access roads; a substation; and a point of interconnection ("POI") with the Craryville 115 kilovolt (kV) substation owned by New York State Electric and Gas Corporation (NYSEG).

Applicant filed the application with the Office on December 23, 2024. A notice of complete application was issued on September 19, 2025 (see <https://dps.ny.gov/ores-permit-applications>, click on Project Permit Application Number 24-03041).

ORES staff published draft permit conditions on November 18, 2025. The draft permit conditions may be accessed at <https://dps.ny.gov/ores-permit-applications>, click on Project Permit Application Number 24-03041.

ORES Staff Position: On issuing the draft permit conditions, ORES staff takes the position that the proposed facility, together with the uniform and site-specific standards and conditions contained in the draft permit, would comply with applicable laws and regulations. ORES staff

recommends that the Office elect not to apply, in whole or in part, any local law or ordinance that as applied to the facility is unreasonably burdensome in view of the Climate Leadership and Community Protection Act targets and the environmental benefits of the proposed facility.

In-Person Public Comment Hearings: Public comment hearings pursuant to 16 NYCRR part 1100 to hear and receive unsworn comments from the public will be held at before an Administrative Law Judge (ALJ) in-person at **Town of Copake Town Hall, 230 Mountain View Road, Copake, NY 12516** on following dates and times:

Wednesday, January 21, 2026, at 2:00 PM and 6:00 PM, and

Thursday, January 22, 2026, at 2:00 PM and 6:00 PM.

In addition to the four in-person hearings, virtual public comment hearings are scheduled for 2:00 PM and 6:00 PM on Tuesday, January 27, 2026. For information about how to register for and attend the virtual public comment hearings, please see the notice of virtual public comment hearings posted at <https://dps.ny.gov/ores-permit-application>, click on Project DMM Matter Number 24-03041.

All persons, organizations, corporations, or government agencies who may be affected by the facility are invited to attend the hearings and comment on the application and the draft permit conditions. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangement has been made to include their comments in the record. Lengthy comments will not be accepted and instead should be submitted in writing. Equal weight will be given to both oral and written comments. To ensure that all interested persons have an opportunity to speak, the Administrative Law Judge (ALJ) may limit the time available for oral comments to three (3) minutes per person. It is not necessary to repeat oral comments at each of the four hearing sessions. The ALJ will give priority to persons who have not spoken at a prior session to assure that all interested persons are heard. The public comment hearing will be transcribed for inclusion in the administrative record.

The hearing location is reasonably accessible to persons with a mobility impairment. Persons with disabilities requiring special accommodations should call the Department of Public Service's Human Resource Management Office at (518) 473-9463 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Department at (800) 342-3377 for free language assistance services.

In the event the in-person public comment hearing needs to be canceled, rescheduled, postponed, or conducted virtually, notification of any change will be available at the ORES website at <https://dps.ny.gov/ores>.

Written Public Comments: Written comments concerning the application and the draft permit conditions must be filed with ORES by **5:00 p.m. on Tuesday, January 27, 2026**. Persons filing written comments are strongly encouraged to post their comments on the Department of Public Service (DPS) Document and Matter Management (DMM) system. To post a comment,

go to <https://dps.ny.gov/ores>, click on “ORES Permit Applications,” click on Project Permit Application Number 24-03041, and click on “Post Comments” in the upper right-hand corner of the screen.

Written comments may also be emailed to ORES at ores.comments@dps.ny.gov or mailed to the Office of Renewable Energy Siting and Electric Transmission, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242. Please reference Project Permit Application Number 24-03041. Written comments will be considered equally with oral statements delivered at the public comment hearing, provided they are postmarked by **Tuesday, January 27, 2026**, or e-mailed or posted on DMM by 5:00 p.m. on that date.

Please take notice that written public comments will be publicly posted on DMM. ORES reserves the right not to post duplicate or repeat comments. In addition, ORES reserves the right to remove, without notice, comments containing any defamatory, infringing, obscene, indecent, discriminatory, confidential, or unlawful material or information of any kind.

Issues Determination Procedure: Pursuant to 16 NYCRR 1100-8.3(b), a pre-adjudicatory issues determination procedure will be conducted by the assigned ALJ. The procedure will be conducted solely on papers and briefing unless the ALJ, in the judge’s sole discretion, determines that oral argument is necessary. The purpose of the issues conference is to determine party status for any person or organization that has properly filed a petition (as indicated below), and to narrow and define those issues, if any, that will require adjudication in this matter. Participation in the issues determination procedure is limited to ORES staff, applicant, and those persons or organizations requesting party status.

Filing for Party Status and Proposed Issues: Persons seeking to participate in the issues determination procedure and any subsequent adjudicatory hearing must register on DMM and file a written petition explaining whether their request is for full party status or amicus status. For the required contents of petitions for full party status, see 16 NYCRR 1100-8.4(c)(1) and (2). To determine whether an issue is substantive and significant, see 16 NYCRR 1100-8.3(c)(2) and (3). For the required contents of a petition seeking amicus status, see 16 NYCRR 1100-8.4(c)(1) and (3). Petitioners may also file written briefs making arguments in support of their petitions.

All petitions requesting party status and briefs in support must be E-Filed on DMM no later than **4:00 p.m. on Wednesday, January 28, 2026**. Instructions for registering in DMM and E-Filing documents may be found at: <https://dps.ny.gov/dmm-help-electronic-filing-registration-instructions>.

Address all petitions to Maureen F. Leary, Administrative Law Judge, Office of Hearings and Alternative Dispute Resolution, New York State Department of Public Service, 3 Empire State Plaza, Albany, New York, 12223, email: maureen.leary@dps.ny.gov.

At the same time petitions and briefs are E-Filed on DMM, a copy of all papers must be emailed to the ALJ at the email address above, and furnished to applicant Hecate Energy Columbia County 1, LLC’s attorney, Noah Shaw, Esq., Foley Hoag LLP, 1301 Avenue of the Americas, 25th Floor, New York, NY 10019, (518) 226-9602, ncshaw@foleyhoag.com; and to ORES at the

Office of Renewable Energy Siting and Electric Transmission, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4590, ores.hearings@dps.ny.gov. Service of petitions and briefs by email is authorized provided they are received by all of the above parties and the ALJ by the 4:00 p.m. deadline.

Any questions about filing requirements or other hearing procedures may be addressed to Chief ALJ James T. McClymonds by telephone at (518) 473-4583. ORES's regulations may be found at <https://dps.ny.gov/ores-regulatory-documents>.

Statement of Compliance with Local Laws and Regulations: Any municipality, political subdivision or an agency thereof that received notice of the filing of the application pursuant to 16 NYCRR 1100-1.6(a) must file a statement indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations in effect as of December 23, 2024, if any, concerning the environment, or public health and safety. The statement must be filed and served by **4:00 p.m. on Wednesday, January 28, 2026**, in the same manner as petitions for party status. **Any municipality, political subdivision, or an agency thereof that proposes to adjudicate any issues related to a facility's compliance with local laws and regulations must file a petition for party status as provided for in 16 NYCRR 1100-8.4(c) and include the statement of compliance with local laws and regulations.**

Applicant Statement of Issues: No later than **4:00 p.m. on Wednesday, January 28, 2026**, applicant shall file and serve on ORES staff and the ALJ a statement of issues applicant intends to raise with respect to any determination of the Office, and briefing in support. Applicant shall serve the statement of issues and brief on persons filing petitions for party status within five (5) days of such filing. For the required contents of an applicant's statement of issues, see 16 NYCRR 1100-8.4(b)(1).

Responsive Briefing and Response to Comments: No later than **4:00 p.m. on Wednesday, February 18, 2026**, ORES staff may file and serve a response to any petitions for party status, any statement of issues by applicant, and the statement of compliance with local laws and regulations. By the same deadline, applicant may file and serve a response to any petition for party status or statement of compliance with local laws and regulations. In addition, the applicant shall file and serve on ORES staff a response to public comments received during the public comment period, including any supplemental information.

Document Availability: Copies of all application materials and draft permit conditions are available for inspection at the Office's Albany office during normal business hours. Contact the Office of Renewable Energy Siting and Electric Transmission, New York State Department of Public Service, Empire State Plaza, Agency Building 3, 14th Floor, Albany, NY 12223-1350, (518) 473-4590, ores.hearings@dps.ny.gov. Electronic copies are available at <https://dps.ny.gov/ores-permit-applications>, click on Project Permit Application Number 24-03041.

Copies of all application materials are also available at the Roeliff Jansen Community Library, 9091 State Route 22, Hillsdale, NY 12529.

Statutory and Regulatory Provisions: The application is being processed and this proceeding is being conducted according to Public Service Law article VIII and 16 NYCRR part 1100.

James T. McClymonds
Chief Administrative Law Judge for Article VIII Siting

November 18, 2025
Albany, New York