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

COMBINED NOTICE OF ADJUDICATORY HEARING AND AVAILABILITY OF REVISED DRAFT PERMIT

(Issued August 14, 2026)

Applicant: Hecate Energy Columbia County 1, LLC
Chris Bullinger, Principal Officer
621 West Randolph Street
Chicago, IL 60661
Phone: (312) 340-5603
Email: CBullinger@HecateEnergy.com

Facility Location: Town of Copake, Columbia County

Applicant's Attorney: Noah Shaw, Esq.
Sarah M. Main, Esq.
Foley Hoag LLP
1301 Avenue of the Americas, 25th Floor
New York, NY 10019
Phone: (518) 226-9602
Email: ncshaw@foleyhoag.com

Title/DMM Matter No.: HECATE ENERGY COLUMBIA COUNTY/24-03041

Facility Description: On December 23, 2024, Hecate submitted an application to the New York State Office of Renewable Energy Siting and Electric Transmission (ORES) for a permit to construct and operate a 42-megawatt (MW) solar energy facility located in the Town of Copake, Columbia County pursuant to Public Service Law (PSL) Article VIII. This application followed Hecate's prior, related application for a solar project located in the Town of Copake (Shepherd's Run I), which the Executive Director dismissed without prejudice in a February 6, 2024 decision.

On November 18, 2025, ORES published a Combined Notice of Availability of Draft Permit Conditions, Public Comment Period, In-Person Public Comment Hearings, and Commencement of Issues Determination Procedure and a Notice of Virtual Public Comment Hearings (Notices). In accordance with the Notices, Administrative Law Judges (ALJs) presided over four in-person public comment hearings held in the Town of Copake Town Hall at 2:00 p.m. and 6:00 p.m. on Wednesday, January 21, 2026, and Thursday, January 22, 2026, and two virtual public comment

hearings at 2:00 p.m. and 6:00 p.m. on Tuesday, January 27, 2026. Numerous public comments on the project were received at the hearings. Over 1,000 public comments were also posted electronically in the Department's Document and Matter Management system, Case No 24-03041.

The ALJs thereafter initiated the Issues Determination process and sought additional information from the Applicant, ORES Staff, the Town of Copake, and other participants in the proceeding.

On June 25, 2026, the ALJs issued a Ruling on Issues and Party Status, and Order of Disposition (Issues Ruling). Under an extension of time, on July 10, 2026, Hecate and the Town of Copake appealed the Issues Ruling to the ORES Executive Director. The Applicant, the Town, and ORES Staff filed responses to the appeals on July 24, 2026. On August 3, 2026, the Town filed a motion for leave to file a reply to ORES staff's response, which the Applicant and ORES Staff opposed in separate filings.

On August 13, 2026, the ORES Interim Executive Director issued an Interim Decision remanding for further adjudicatory proceedings issues related to certain limited findings in the Issues Ruling. The Interim Decision also directed revisions to and reissuance of the draft permit.

On August 13, 2026, a procedural conference was held with the parties and thereafter, the ALJs issued a Ruling Adopting Procedural Schedule consistent with the Interim Decision, which set forth the dates for pre-hearing submissions and commencement of the adjudicatory hearing, among other requirements.

Adjudicatory Hearing: The Interim Decision found that an adjudicatory hearing was necessary in this proceeding to develop the factual record on the following issues:

I. (1) Whether the project application demonstrates proper delineation of all jurisdictional wetlands, identifies all potential wetlands impacts, and proposes appropriate avoidance, minimization, and/or mitigation measures of such impacts;

(2) Whether the project application demonstrates compliance with applicable wetlands laws and regulations;

(3) Whether the draft permit conditions effectively assure compliance with applicable wetlands laws and

regulations, including the imposition of appropriate avoidance, minimization, and/or mitigation measures;

II. (1) Whether the application identifies and addresses the project's impacts to Federal Emergency Management Administration (FEMA) designated flood zones;

(2) Whether the application demonstrates substantive compliance with Copake local law Chapter 135 governing development in FEMA designated flood zones.

III. (1) Whether a major project modification may be necessary;

(2) Whether the imposition of additional site-specific conditions should be required;

(3) Whether permit denial is warranted.

The ALJs will convene an adjudicatory hearing to consider the foregoing issues and any substantive and significant issues that may arise in public comments on the revised draft permit included with this Notice. The adjudicatory hearing will commence at the Town of Copake Town Hall, **commencing on September 8, 2026 at 10:00 a.m. and continuing, as necessary, on consecutive days thereafter.**

In accordance with the Interim Executive Director's Interim Decision, the parties to the adjudicatory hearing include ORES staff, the Applicant, and the Town of Copake. In preparation for the hearing, those parties are directed to limit the presentation of evidence to the foregoing issues and to demonstrate compliance or lack thereof with applicable State and local law, including ECL Article 24, the ORES regulations governing wetlands, and Town of Copake Chapter 135 governing flood plain protections. **Any factual or legal issues not addressed in the Interim Decision will not be considered in the adjudicatory hearing process.**

Revised Draft Permit and Other Document Availability: Copies of all application materials, the revised draft permit conditions, the Issues Ruling, appeals of the Issues Ruling, and the Executive Director's Interim Decision are available by going to https://dps.ny.gov/ores-permit-applications, clicking on "ORES Permit Applications," and clicking on Project Permit Application Number 24-03041. The foregoing documents are also available for inspection at the ORES Albany office during normal business hours, New York State Department of Public Service, 3 Empire State Plaza, 14th Floor, Albany, NY 12223-1350, by contacting ores.hearings@dps.ny.gov or (518)473-4590 to request access.

Copies of the project application materials are also available at the following locations near the project area:

Town of Copake Town Hall
230 Mountain View Road
Copake, NY 12516

Roeliff Jansen Community Library
9091 State Route 22
Hillsdale, NY 12529

Public Comments on the Revised Draft Permit: Written comments concerning the revised draft permit may be submitted but are limited to only the noted redline revisions. Comments must be filed with ORES by **5:00 p.m. on Friday, August 28, 2026.** Persons submitting written comments are strongly encouraged to post comments on the DPS DMM system website, 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).

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, 3 Empire State Plaza, Albany, NY 12242. Please reference Project Permit Application Number 24-03041 in all written comments. Written comments will be considered only if received by no later than **August 28, 2026.**

Public comments will be publicly posted on DMM. ORES reserves the right to refuse to post duplicate or repeat comments and to remove, without notice, comments containing any defamatory, obscene, indecent, discriminatory, confidential, unlawful or otherwise objectionable material or information of any kind.

Please take notice that the revised draft permit is subject to additional revisions in view of the Interim Executive Director's Interim Decision and is also dependent on the results of the above-noticed adjudicatory hearing.

Statutory and Regulatory Provisions: This proceeding is being conducted in accordance with Public Service Law Article VIII and [former] 16 NYCRR part 1100.

Maureen F. Leary
Administrative Law Judge

Dawn MacKillop-Soller
Administrative Law Judge

Dated: August 14, 2026
Albany, New York