

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 18-F-0325 - Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County.

RULING ADJOURNING SCHEDULE

(Issued January 26, 2022)

ANTHONY BELSITO, ERIKA BERGEN, and MICHAEL CARUSO: Examiners

On January 12, 2022, Danskammer Energy informed the parties by email that its request for an adjudicatory hearing with respect to the denial of its Title V permit application by the New York State Department of Environmental Conservation (DEC) was referred to the DEC Office of Hearings and Mediation.¹ Danskammer further informed the parties that DEC had published notice of several dates relevant to its hearing process, including public comment deadlines in February, deadlines related to petitions for party status in February and March, and an issues conference to be held on March 16, 2022.

Danskammer expressed the view that "the interests of efficiency and economy will be best served by aligning the Article 10 evidentiary hearing with the adjudicatory hearing before DEC," given the likelihood that the two processes will involve overlapping issues.² As such, Danskammer proposed that that the examiners adjourn without date the Article 10 litigation schedule until such time that a litigation schedule

¹ Email to parties and examiners from Brenda Colella, Esq., dated January 12, 2022.

² Id.

for the DEC hearing can be ascertained. To accommodate this proposal, Danskammer agreed to "extend the [Article 10] decisional timeframe by the same period of time that the [Article 10] litigation schedule is extended."³ On January 14, the examiners adjourned without date only the deadline for initial testimony, which was due to be filed on January 21, pending review of Danskammer's offer.⁴

On January 20, 2022, the examiners convened a procedural conference to discuss Danskammer's proposal. Several parties in attendance supported the proposal, and no party objected. The examiners expressed a willingness to accept Danskammer's proposal to adjourn the Article 10 litigation schedule without date, contingent on Danskammer's agreement to a commensurate extension of the Article 10 decisional deadline.

This ruling therefore confirms the oral ruling made at the conference held on January 20, 2022: the litigation schedule previously adopted is adjourned without date.

(SIGNED)

ERIKA BERGEN

(SIGNED)

ANTHONY BELSITO

(SIGNED)

MICHAEL CARUSO

³ Id.

⁴ Email to parties from examiner Erika Bergen, dated January 14, 2022.