



**Department of Public Service**  
**Office of Renewable Energy Siting  
and Electric Transmission**

**KATHY HOCHUL**

Governor

**RORY M. CHRISTIAN**

Chief Executive Officer

**JESSICA WALDORF**

ORES Interim Executive Director

Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

Dear Governor Hochul:

In accordance with the provisions of section 170 of the Executive Law, the following are actions the Office of Renewable Energy Siting and Electric Transmission (the Office or ORES) and the Department of Public Service (Department) have taken, or will be taking, to implement the recommendations contained in the Office of the State Comptroller's (OSC) final audit report (2023-S-52) Office of Renewable Energy Siting, Application Review and Site Permitting for Major Renewable Projects (Report).

OSC Recommendation:

Track the number of days from receipt of initial application to final permit issuance to provide the actual number of days it can take to issue a final permit.

Action Plan:

ORES concurs with the need to constantly evaluate and improve the time frames associated with the former Executive Law § 94-c, now Public Service Law article VIII, review process for renewable energy generation siting.<sup>1</sup> Immediately upon release of the Report, processes for tracking the pre-application submissions, applications, and supplement submissions were re-examined for additional efficiencies. As reflected in the Report, the Office

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<sup>1</sup>Effective April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, Ch 58, part O) repealed Executive Law § 94-c, repealed the current Public Service Law Article VIII, and enacted a new Public Service Law article VIII entitled "Siting of Renewable Energy and Electric Transmission" (Article VIII) (see RAPID Act §§ 2, 11). All applications pending before ORES on the effective date of the Act are considered and treated as applications filed pursuant to the RAPID Act as of the date of application filing (see id. § 4). Accordingly, this letter reflects these changes.

Response to final audit report 2023-S-52  
Office of Renewable Energy Siting  
Application Review and Site Permitting

was already actively tracking all time frames associated with the siting permit application review process, including the date of initial application filing through the date of the final siting permit. (Report at 10.) As demonstrated by the information provided by ORES to OSC, and publicly recorded on the ORES website and the NYS Department of Public Service's Document and Matter Management (DMM) system, the Office identifies with particularity the time frames associated with each step of the siting permit application review process.

The Report's single recommendation is that ORES should track the number of days from receipt of an initial siting permit application through final permit issuance to provide the actual number of days it can take to issue a final permit. This recommendation is premised upon the conclusion that an understanding of how long projects take from start until generation of energy would help decision-makers more effectively determine if they will meet, or make any necessary adjustments to meet, required Climate Leadership and Community Protection Act (Climate Act) timelines. (Report at 12.)

The Report acknowledges that "[n]either the time prior to an application's transfer to ORES nor the time to issue a notice of incomplete application and for the applicant to respond is taken into consideration in meeting [Article VIII] time frames. While the timing prior to an application transferring from [Public Service Law] Article 10 is out of ORES's control, as is the application's quality and the applicant's responsiveness, an accurate picture of the real time it can take to site permit a major renewable energy facility is necessary to determine if the State is on track to meet the goals of the Climate Act." (Report at 12.) Thus, the Report acknowledges that applicants control the timing as well as the quality and completeness of the initial and subsequent application submissions.

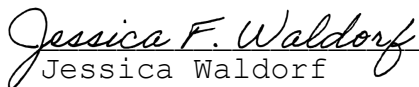
When an applicant fails to provide complete or relevant information, the Office issues a notice of incomplete application to provide an applicant with the opportunity to file the required information. ORES staff make themselves available to discuss the deficiencies with the applicant and are actively increasing efforts to communicate with applicants to inform the application supplement process and move an application to completeness. All time frames throughout the review process are actively tracked and listed on the DMM tracking system. The Office is engaging in ongoing information sessions with the development community, members of the bar, and potentially-impacted municipalities to

Response to final audit report 2023-S-52  
Office of Renewable Energy Siting  
Application Review and Site Permitting

ensure requirements for applications are clear, deficiencies are avoided, and communities have an opportunity for meaningful participation at the earliest possible juncture to avoid delays in the process. The Office is adding functionality to the DMM tracking system to better track preapplication materials and to the ORES website to provide increased transparency and improved tracking throughout the review process, even prior to filing of a formal application. The Office is also developing guidance for applicants, municipalities, and other stakeholders to better inform all participants regarding what is expected at each stage of the process and how to most effectively engage in those processes. All of these efforts reflect ORES's ongoing commitment to streamlining and expediting the permit process.

ORES remains committed to improving every phase of the renewable energy siting process. As noted in the Report, "permit siting process timing has improved since the inception of Section 94-C." (Report at 9.) The Office expects to continue to see improvements in the timeliness of each stage of project development and application review as all participants gain increased experience and incorporate lessons learned from prior reviews and final decisions.

If you have any questions concerning this response, please feel free to contact me.



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Jessica Waldorf

Interim Executive Director

New York State Office of Renewable Energy Siting and Transmission

Dated: October 21, 2024