

New York State Comptroller
THOMAS P. DiNAPOLI

Public Service Commission

Application Review and Site Permitting for
Major Renewable Energy Projects
(Follow-Up)

July 2026 | Report 2025-F-27

Prepared by the Division of State Government Accountability



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Authority

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the Public Service Commission to implement the recommendations contained in our initial audit report, *Application Review and Site Permitting for Major Renewable Energy Projects* (Report [2023-S-52](#)).

Background, Objective, and Scope

The Climate Leadership and Community Protection Act (Climate Act), effective January 1, 2020, was designed to put the State on a path to zero emissions in all economic sectors and requires 100% carbon-free electricity by 2040, placing New York's program on par with leading programs nationally and internationally. The overarching goals of the Climate Act are to improve quality of life for New Yorkers, protect the environment, and strengthen infrastructure while growing economic opportunities and ensuring equity and inclusion so all residents benefit from Climate Act investments.

In support of these goals, the Climate Act tasked the Public Service Commission (PSC) with establishing a renewable energy program by June 30, 2021 to meet two requirements:

- By 2030, a minimum of 70% of statewide electric generation secured by load-serving entities (LSEs) (entities subject to PSC jurisdiction that secure energy to serve the electrical energy requirements of end-use customers in the State) to meet their customers' demand must be generated by renewable energy systems.
- By 2040, the statewide electrical demand system must be zero emission.

To consolidate the environmental review and permitting of major renewable energy facilities in the State, Section 94-C of Executive Law, Article 6 (Section 94-C) was passed in April 2020. Section 94-C created the Office of Renewable Energy Siting (ORES) under the Department of State to undertake the coordinated and timely review of proposed major renewable energy facilities to meet the State's renewable energy goals under the Climate Act, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors in the decision to permit such facilities. Further, ORES seeks to "streamline and expedite the siting of major renewable energy projects and associated transmission facilities to help achieve the State's clean energy and climate goals, while maintaining the State's strong environmental and public participation standards." Under Section 94-C, ORES was tasked with reviewing all proposed major renewable energy facilities that generate 25,000 kilowatts (kW) or more and any co-located energy storage systems. In addition, ORES reviewed proposed renewable energy projects generating over 20,000 kW but under 25,000 kW if they opted into the ORES review process.

Permit applications must contain a brief, clear, and concise written overall analysis of the major facility components and any other factors ORES should consider before granting the final permit. ORES has 60 days to determine whether a permit application is complete or to notify the

applicant in writing if their application is incomplete, along with the reasons why. The burden is on the applicant to respond in a timely manner, although ORES may send a follow-up notice about the incomplete application after 3 months or may deem the application withdrawn. Each time ORES files a notice of incomplete application, the clock resets for ORES, with another 60 days to review the application after the missing documentation is submitted. If ORES fails to make a determination within the 60-day time period, the application shall be deemed complete, provided there is proof of consultation with the municipality or political subdivision of the proposed project location related to procedural and substantive requirements of local laws prior to submission of the application.

Once an application is deemed complete, and relevant State agencies or authorities have been consulted, ORES has 60 days to prepare and publish the draft permit conditions for public comment or to issue a notice of intent to deny the application. This public comment period must last a minimum of 60 days, and include, at a minimum, written notice to the municipality or political subdivision in which the proposed major renewable energy facility is to be located; publication in a newspaper or in electronic form with general circulation in such municipality or political subdivision; and posting on ORES's website. If the municipality or political subdivision declares the facility isn't in compliance, ORES can decide whether to hold an adjudicatory hearing on the matter. If it doesn't hold an adjudicatory hearing, it must hold a non-adjudicatory hearing in the affected municipality or political subdivision.

ORES must make a final decision and issue a final siting permit for any major renewable energy project within 1 year from the date the application was deemed complete (only 6 months if the facility is proposed for an existing or abandoned commercial use location). Lastly, the siting permit is deemed to be automatically granted if ORES fails to meet these deadlines, unless ORES and the applicant agree to a 30-day extension.

On April 20, 2024, the Legislature enacted the Renewable Action Through Project Interconnection and Deployment Act (RAPID Act) to accelerate the siting of both major renewable energy facilities and major electric transmission facilities. The RAPID Act consolidated the environmental review, permitting, and siting of major renewable energy facilities and major electric transmission facilities under the purview of ORES to PSC upon PSC's adoption of the regulations.

The objective of our initial audit, issued April 24, 2024, was to determine whether ORES was fulfilling its obligations under State law to issue siting permits for major renewable energy projects within the required time frames. ORES was intended, in part, to reduce the time to site major renewable energy projects and bring them online faster in support of the Climate Act's ambitious goals and timeline. However, the audit found that, while the overall time between application and final siting permit had improved since the creation of ORES, the process took significantly longer than originally envisioned because certain aspects of the process were not considered. For the 15 projects ORES reviewed, we found that neither the time to issue a notice of incomplete application and for the applicant to respond, nor the time prior to an application's transfer to ORES was taken into consideration. For the 14 projects that received final siting permits, it took an average of 1,094 days (3 years) to deem the application complete—the

longest part of ORES's process—and, overall, an average of 1,333 days (3.7 years) from the initial application date to the date the final siting permit was issued.

While ORES cannot control the timing prior to an application transfer, the application's quality, or the applicant's responsiveness, for planning purposes and to understand the feasibility of meeting Climate Act goals, all site permit process time frames should be accounted for, as delays anywhere in the process can significantly increase the total time it can take to permit and construct major renewable energy projects and make them operational. A realistic accounting of the total time it can take to site major renewable energy projects would provide important information needed to plan for the overall success for the Climate Act and its goals for New Yorkers.

The objective of our follow-up was to assess the extent of implementation, as of February 2026, of the recommendation included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

PSC officials made significant progress in addressing the problems we identified in the initial audit report. The one recommendation identified in the initial audit report has been implemented.

Follow-Up Observations

Recommendation 1 – Track the number of days from receipt of the initial application to final permit issuance to provide the actual number of days it can take to issue a final siting permit.

Status – Implemented

Agency Action – Upon release of our initial audit report, ORES began re-examining its processes for tracking the pre-application submissions, applications, and supplementary submissions for efficiencies. The ORES Project Tracker follows each application from the initial submission through the completed application and to the issuance of the final permit. The Project Tracker is updated at every milestone and reviewed on a biweekly basis. We reviewed the major renewable energy projects with milestones after April 2024 in the Project Tracker and found the number of days from receipt of the initial application to final permit issuance was entered and tracked. For the 12 projects that obtained final siting permits after our initial audit report was issued, the average time taken to complete the application process was significantly reduced. It now takes an average of 262 days, down from 1,094 days. Additionally, the time from the initial application to the issuance of the final siting permit has decreased to an average of 549 days, compared to the previous average of 1,333 days.

We thank the management and staff of PSC for the courtesies and cooperation extended to our auditors during this follow-up.



Contact

Office of the New York State Comptroller
110 State Street
Albany, New York 12236

(518) 474-4044

www.osc.ny.gov

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Executive Team

Andrea C. Miller – Executive Deputy Comptroller

Tina Kim – Deputy Comptroller

Stephen C. Lynch – Assistant Comptroller

Contributors

Nadine Morrell – Audit Director

Brandon Ogden – Audit Manager

Melissa Davie – Audit Supervisor

Ryan Gregory – Examiner-in-Charge

Leigh Kenneston – Senior Examiner

Austin Smith – Staff Examiner



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