

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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Petition of Hecate Grid Swiftsure LLC for Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law and Order Granting a Lightened Regulatory Regime.

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Case 23-E-0421

**REQUEST FOR EXTENSION OF TIME TO FILE  
DECOMMISSIONING PLAN AND DECOMMISSIONING COST ESTIMATE**

On July 31, 2023, Hecate Grid Swiftsure LLC (“Hecate” or “Petitioner”) filed a petition, supplemented on December 11, 2023, requesting a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to Public Service Law (“PSL”) §68, authorizing the construction and operation of a battery energy storage system sized up to 650 megawatts (“MW”) located in Staten Island, New York (the “BESS”), along with an electric transmission interconnection (the “Transmission Interconnection,” and together with the “BESS,” the “Project”). The Petition also requested lightened regulation with respect to Petitioner’s ownership and operation of the Project as a wholesale electric market participant.

On June 21, 2024, the Public Service Commission (“Commission”) issued an order finding that the Petitioner satisfied the statutory requirements of PSL §68 and granted a CPCN for the Project, subject to conditions.<sup>1</sup> The Commission also authorized a lightened ratemaking regulatory

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<sup>1</sup> Case 23-E-0421: *Petition of Hecate Grid Swiftsure LLC for Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law and Order Granting a Lightened Regulatory Regime, Order Granting Certificate of Public Convenience and Necessity, and Providing for Lightened Ratemaking Regulation (June 21, 2024) (“CPCN Order”)*.

regime because Petitioner will own and operate the Project on a merchant basis and participate in the competitive markets administered by the New York Independent System Operator, Inc.

Two conditions of the CPCN Order were that Petitioner shall, within 90 days of its issuance, file with the Secretary, as set forth in the body of the CPCN Order, (1) a decommissioning plan, and (2) a decommissioning cost study.<sup>2</sup>

The Order further states that “[i]n the Secretary’s sole discretion, the deadline set forth in this Order may be extended. Any requests for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.”<sup>3</sup>

For the reasons set forth below, Petitioner hereby respectfully requests, out of time, that the Secretary grant an extension of six (6) months, from the date of this filing, for the filing of a decommissioning plan and cost study.

## **I. DISCUSSION**

As explained in the CPCN Petition, the proposed Project will consist of a 650 MW (AC) battery energy storage system covering approximately 9 acres on a parcel of approximately 12.66 acres of vacant land, previously used as a used car storage lot. The Facility will include battery energy storage units, transformers, switchgears on concrete pads and perimeter security fencing within a gravel surface. The BESS will store power using battery energy storage units. The Project would not generate any new electricity but would store electricity drawn from the grid and generated at other facilities. Stored energy would then be released to the grid in accordance with

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<sup>2</sup> CPCN Order, Ordering Clause 10.

<sup>3</sup> CPCN Order, Ordering Clause 13.

New York Independent System Operator and Con Edison's system requirements providing capacity and grid reliability services.

With its Petition, Hecate submitted a preliminary decommissioning plan.<sup>4</sup> Contained in the Decommissioning Plan was also a preliminary, decommissioning estimate.<sup>5</sup> As stated in the Decommissioning Plan, “[t]he attached preliminary decommissioning cost estimate is based on the preliminary design plans dated June 22, 2023. *Changes to the plans and construction may affect the scope and costs of Facility decommissioning.* If required, final decommissioning costs should be revised based on “As-Built” plans.”<sup>6</sup> [Emphasis supplied]

As noted above, as a condition to the grant of a CPCN, the Commission required that Petitioner file, within 90 days of the date of its Order, “a decommissioning plan that describes how and when Petitioner will decommission and restore the portions of the site on which the Storage Facility will be located.”<sup>7</sup> Within the same period, the Commission required that Petitioner also file “a decommissioning cost study that will be updated no more than 60 days after the Project’s commercial operation date (i.e., when the Project commences commercial operations), and every three years thereafter.”<sup>8</sup>

Engineering, design and equipment selection and procurement for the Project continues. Project construction is anticipated to commence late 2025. Given that, as noted above, “[c]hanges to the plans and construction may affect the scope and costs of Facility decommissioning,” Petitioners believes that it, in the interest of efficiency, it makes sense to file the required

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<sup>4</sup> CPCN Petition, Exhibit B.

<sup>5</sup> *See Id.*

<sup>6</sup> *Id.* at 8.

<sup>7</sup> CPCN Order, Ordering Clause 10.

<sup>8</sup> CPCN Order, Ordering Clause 13.

Decommissioning Plan and cost estimate closer to construction when design and equipment selections have been finalized. Indeed, if Petitioner filed a decommissioning plan now, as directed by the Commission's Order, it may be necessary to file another plan for Commission review as the Project approaches commencement of construction.

Accordingly, Petitioner respectfully requests a six (6) month extension of time, from this date, to file a decommissioning plan and decommissioning cost Estimate. A six-month extension will better time plan and estimate with commencement of construction thereby providing further accuracy with respect to decommissioning activities and costs.

## II. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests, out of time, that the Secretary grant a six-month extension, from the date of this request, to file a decommissioning plan and decommissioning cost estimate.

Dated: April 11, 2025

Respectfully submitted,

/s/ ***Steven D. Wilson***

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