



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

KATHY HOCHUL
Governor

RORY M. CHRISTIAN
Chief Executive Officer

JASON ZEHR
ORES Interim Executive Director

August 31, 2026

Prattsburgh Wind, LLC
Attn: Jessica Ansert Klami, Esq. and James Muscato, Esq.
Young/Sommer LLC
500 Federal Street, 5th Floor
Troy, NY 12180
ijklami@youngsommer.com
jmuscato@youngsommer.com

RE: DMM Matter No. 21-00749 – Application of Prattsburgh Wind, LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 147-Megawatt (MW) Wind Energy Facility located in the Towns of Prattsburgh, Avoca, Cohocton, Howard, and Wheeler, Steuben County, New York.

Notice to Proceed - Phase 2, Tree Clearing

Dear Jessica Klami and James Muscato:

In accordance with the requirements of Article VIII and its implementing regulations (title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York [16 NYCRR] part 1100), the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) issued the above-captioned Major Renewable Energy Facility Siting Permit (Permit) to Prattsburgh Wind, LLC (Permittee or Prattsburgh Wind) for a 147 MW Wind Facility on September 24, 2024.

In accordance with 16 NYCRR § 1100-10.2 and subparts 5.1(g) and 6(b) of the Permit, the Permittee submitted pre-construction compliance filings to support a limited “Notice to Proceed” (NTP) with construction of Phase 2 of its overall phasing plan, which consists of tree clearing activities. The final approved compliance filings necessary for construction of Phase 2 are listed in **Attachment A**.

ORES hereby issues this Notice to Proceed with construction for the scope of activities as described in the Permittee’s request and in accordance with the documents listed in **Attachment A**.

This NTP is conditioned upon the following:

1. The Permittee providing proof of financial assurance for each Town prior to commencement of phase 2 activities in that Town (see Attachment A, Item # 6.a); and
2. The Permittee providing an executed Road Use Agreement and any necessary transportation permits with the Town of Prattsburgh prior to commencement of phase 2 activities within the Town of Prattsburgh (see Attachment A, Item # 9.a).

The Permittee is required to conduct all construction activities in accordance with the terms and conditions set forth in the Permit. Without limitation, this NTP does not provide authorization for any necessary federal or federally-delegated permits. It is the Permittee's responsibility to ensure it has received all necessary federal or federally-delegated permits before proceeding with construction as defined and authorized in this NTP.

Respectfully submitted,

/s/ William D. Bittinger
William D. Bittinger, Esq.,
Associate Counsel
New York State Department of Public Service, Office of General Counsel
On behalf of

OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION

cc: Party List for this proceeding

ATTACHMENT A
COMPLIANCE FILINGS

Pursuant to 16 NYCRR § 1100-10.1, applicable pre-construction compliance filings provided by the Permittee in support of its Notice to Proceed with Phase 2 construction have been received and/or approved, as necessary, as follows:

1. Permit subpart 6(c) - Final Net Conservation Benefit Plan (NCBP) for Grassland Birds filed as Appendix 2-L – Rev 2 Grassland Bird NCBP (DMM Item No. 308) on April 17, 2026 is hereby approved for all phases. The Office acknowledged receipt of the executed Implementation Agreement between the Permittee and NY Magnolia LLC in Exhibit D of the NCBP (Appendix 2-L – Rev 2 Grassland Bird NCBP) on June 16, 2026 (DMM Item No. 319).
2. Permit subpart 6(c) - Final Net Conservation Benefit Plan (NCBP) for Listed Bat Species shall be provided to offset impacts to listed bat species prior to erection of turbines. The Office acknowledged the Permittee's Request for a Revised Determination Letter (Appendix 2-N) (DMM Item No. 308), filed on April 17, 2026, on June 16, 2026 (DMM Item No. 319) and will respond accordingly.
3. Permit subpart 7.1(c) – Appendix 2-A Revision 4 Plans, Profiles, and Drawings (DMM Item No. 320) filed on July 1, 2026, is hereby approved for this phase only.
4. Permit subpart 7.1(a) – The Letter of Authorization (LOA) for Coverage Under SPDES General Permit for Stormwater Discharges from Construction Activity (CGP) General Permit No. GP-0-25-001 (DMM Item No. 249) filed on June 10, 2025 was acknowledged by the Office on August 11, 2025 (DMM Item No. 255). Please provide a copy of the 5-acre Waiver Authorization from the NYSDEC (if any) and the Stormwater Pollution Prevention Plan (SWPPP).
5. Permit Subparts 6(f) and 7.1(b)(1) – Appendix 2-J - Revision 1 Decommissioning Plan (DMM Item No. 294) filed on January 9, 2026 was approved for all phases on March 10, 2026 (DMM Item No. 298).
6. Permit Subpart 7.1(b)(2) - The Office acknowledged the Final Decommissioning Agreement – Town of Cohocton (DMM Item No. 284), filed on September 22, 2025, on March 10, 2026 (DMM Item No. 298).
 - a. This NTP is conditioned upon the Permittee providing proof of financial assurance for each town prior to commencement of phase 2 activities in that town, consistent with the Permittee's Response to Comments on Compliance Filing #2 (DMM Item No. 294) filed on January 9, 2026.
7. Permit Subpart 7.1(e)(2) – Appendix 2-B - Revision 1 Construction Operations Plan (DMM Item No. 294) filed on January 9, 2026 was approved for this phase only on March 10, 2026 (DMM Item No. 298).

8. Permit Subpart 7.1(e)(5) – CF2_Appendix 2-C_Facility Communications Plan (DMM Item No. 270) filed on September 9, 2025, was approved for this phase only on November 14, 2025 (DMM Item No. 291).
9. Permit Subpart 7.1(e)(8) – CF2_Appendix 2-D_Traffic Control Plan (DMM Item No. 270) filed on September 9, 2025 is hereby approved for this phase only. The Office acknowledged Appendix 1-F Road Use Agreements with the Towns of Cohocton and Avoca (DMM Item No. 249), filed on June 10, 2025, on August 11, 2025 (DMM Item No. 255). The Office further acknowledges the road use agreements with Stueben County and the Towns of Howard and Wheeler contained in CF2 Appendix 2-E Road Use Agreements (DMM Item No. 270) filed on September 9, 2025.
 - a. This NTP is conditioned upon the Permittee providing an executed Road Use Agreement and any other transportation permits (if required) with the Town of Prattsburgh prior to commencement of phase 2 activities within the Town of Prattsburgh.
10. Permit Subpart 7.1(f)(2) – Appendix 2-F - Revision 1 Wetland Restoration and Mitigation Plan (DMM Item No. 294) filed on January 9, 2026 was approved for all phases on March 10, 2026 (DMM Item No. 298).
11. Permit Subpart 7.1(h) - CF2 Appendix 2-H Landowner Agreements (DMM Item Nos. 271-275) filed on September 9, 2025 – as supplemented by Appendix 2-H Supplemental Additional Landowner Agreements (DMM Item No. 308) filed on April 17, 2016; Appendix 2-H - Supplement 2 Additional Landowner Agreement (DMM Item No. 320) filed on July 1, 2026; and Appendix 2-O Tennessee Gas Pipeline Encroachment Stipulation (DMM Item No. 320) filed on July 1, 2026 – is hereby approved for this phase only. Appendix 1-I. Land Rights Documentation (DMM Item No. 225) filed on March 21, 2025 was approved for all phases on August 11, 2025 (DMM Item No. 255).
 - a. This NTP does not convey any rights or interests in public or private property. The Permittee shall – pursuant to Permit Subpart 5.1(b) – be responsible for obtaining all real property, rights-of-way (ROW), access rights, and other interests or licenses in real property required for construction and operation of the Facility. The Permittee shall provide an updated Appendix 2-H Real Property Rights table and any updated documentation – including any necessary, additional consent/crossing agreements from utilities – prior to commencement of Phase 4 of construction.
12. Permit Subpart 7.1(j) – The Office acknowledged the Host Community Agreement between the Town of Cohocton and Prattsburgh Wind, LLC filed by the Permittee on September 22, 2025 (DMM Item No. 284) and the signed Host Community Agreements (HCAs) with the Towns of Avoca, Howard, and Wheeler (DMM Item No. 294), filed by the Permittee on January 9, 2026, on March 10, 2026 (DMM Item No. 298). The Office further acknowledges the signed HCA between the Town of Prattsburgh and Prattsburgh Wind, LLC in Appendix 2-Q Town of Prattsburgh HCA (DMM Item No. 320)

filed on July 1, 2026. The Office acknowledges that the Permittee – in its Response to Comments on Compliance Filing #2 (DMM Item No. 320) filed on July 1, 2026 and the signed HCA with the Town of Prattsburgh (which states that “The Company intends to enter into a payment in-lieu of taxes agreement (the ‘PILOT Agreement’) with respect to the Project with the Steuben County Industrial Development Agency (‘IDA’)” – has provided proof to a reasonable certainty that the Permittee and the Town of Prattsburgh have agreed on a PILOT Agreement. Please provide a copy of the PILOT Agreement upon execution.