



Siting and Permitting

The attorneys in our Siting and Permitting Practice Group have extensive experience in the siting of large energy facilities in New York, New Jersey, Pennsylvania and other states along the East Coast of the United States. Much of this experience is in the context of New York's statutory framework for the siting of major utility transmission facilities and involves the preparation, filing and prosecution of applications for Certificates of Environmental Compatibility and Public Need under Article VII of the New York Public Service Law.

Attorneys with Substantial Experience in Siting and Permitting

In our experience, siting representation often encompasses numerous ancillary matters in addition to permit applications and proceedings. This includes matters such as obtaining necessary real estate interests (including the acquisition of fee parcels, licenses, permits, and easements); dealing with title, appraisal, and survey clearance issues; condemnation and valuation proceedings; real property assessments and tax issues; construction contracting (and related labor, insurance and claims work); and a broad range of other permitting-related activities. We assist our clients with these issues as and when they arise, and we also routinely provide advice with regard to:

- Air and water quality
- Cultural resource matters
- Federal and state environmental compliance
- Significant wildlife and habitat concerns
- Solid waste disposal
- Stormwater discharge

In conjunction with our siting representation, we have also assisted clients with permit applications submitted to the U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; the New York State Department of Environmental Conservation; the New York State Department of State; the New York State Department of Transportation; the New York State Department of Agriculture and Markets; the New York State Office of Parks, Recreation and Historic Preservation; the New York State Office of General Services; the City of New York; and other federal, state and local agencies.

Representative Experience in Energy and Utility Siting and Permitting Matters

Our firm serves as outside counsel to most of New York's electric utilities on electric transmission siting matters. We have worked closely with these clients on numerous concurrent projects to develop application documentation, oversee proper notice, filing and service, prosecute siting and permitting applications, assist in discovery and addressing the manifold elements of litigated and settled proceedings. We have represented a number of these clients in right-of-way acquisitions and other real estate-related matters.

No law firm has more experience than Cullen and Dykman with the modern-day requirements and expectations for electric transmission line Article VII applications. Over a dozen years ago, the firm began serving as siting counsel to Niagara Mohawk Power Corporation d/b/a National Grid and its affiliates. In that role, we have worked on many projects from the pre-application phase to full certification and approval. A few years later, the firm was retained as New York siting counsel by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation. In 2014, shortly after PSEG Long Island commenced operation of the Long Island Power Authority's electric transmission and distribution system, the firm initiated work on a number of LIPA's siting matters, including Article VII projects.

Cullen and Dykman attorneys have represented applicants in Article VII evidentiary hearings, public hearings, and settlement negotiations. We have drafted and reviewed virtually every type of document relevant to an Article VII proceeding. We also have developed over many years both a broad knowledge of the Article VII project siting process and excellent collaborative working relationships with counsel and technical experts at the New York State Department of Public Service, Department of Environmental Conservation and Department of Agriculture and Markets. This enables us to provide valuable assistance in drafting and reviewing the project application and all requisite exhibits, identifying and preparing the witnesses necessary to support those exhibits, managing and protecting the confidentiality of sensitive materials, and assisting clients in their development and execution of strategic project initiatives.