



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

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ORES DENIES PERMIT FOR SHEPHERD'S RUN SOLAR PROJECT

Decision Supported by Evidence-Based Record Created by the ORES Process

ALBANY - The New York State Department of Public Service today announced that the Office of Renewable Energy Siting and Electric Transmission (ORES) has denied the application of Hecate Energy Columbia County 1, LLC for a permit to construct and operate Shepherd's Run Solar Project, a proposed 42 megawatt (MW) project in the Town of Copake (Town), Columbia County. The denial is based on ORES's determination that the applicant had not demonstrated compliance with applicable environmental considerations including flood protection requirements.

Office of Renewable Energy Siting and Electric Transmission Interim Executive Director Jason Zehr said, "ORES conducts thorough reviews of permit applications to ensure they meet all relevant standards. Weighing the full record of evidence presented in this case showed that the application did not meet the criteria for permit issuance."

Under Public Service Law Article VIII, an applicant seeking a permit for a major renewable energy facility through ORES bears the burden of demonstrating that its proposed facility will comply with applicable laws and regulations when constructed and operated in accordance with permit conditions.

The ORES process requires applicants to contribute \$1,000 per megawatt of proposed generating capacity to a local agency account. These funds give host municipalities and community participants access to legal and technical expertise to review, assess, and comment on proposed projects. This assistance supports meaningful participation and contributes to a complete record for an informed permitting decision. During the review of the Shepherd's Run Solar Project permit application, the Town of Copake and other community intervenors were awarded \$42,000 by the project applicant pursuant to the ORES requirements. The funding is designed to assist local governments and other stakeholders to participate in the siting process. Using these funds allowed the Town to hire experts to evaluate the application and present its issues for consideration. The Town's participation, including expert evidence concerning wetlands and flood protection, contributed to the record considered in reaching the decision.

Department of Public Service CEO Rory Christian said, “New York remains committed to advancing renewable energy projects that meet all standards established by law. This project application did not meet New York’s rigorous standards. I commend ORES on its decision to deny this permit based on the record presented in the case.”

The record for this project was further developed through four in-person and two virtual public comment hearings and a public comment period, which gave community members an opportunity to review the draft permit, submit comments, and raise issues for consideration.

The record also includes technical submissions and evidence presented at an adjudicatory hearing on wetland and flood protection issues that was held in Copake on September 14, 2026. ORES Interim Executive Director Jason Zehr considered the full record, including staff analysis, public comments, municipal statements concerning compliance with local laws, and the evidence presented during the hearing in reaching a final permit decision.

Permit decisions reflect the extensive preparation and technical review that precede a final decision. Environmental studies, community consultation, and review by ORES subject matter experts help identify issues early, and project designs often undergo multiple revisions to avoid, minimize, and mitigate impacts. Proposals that cannot meet applicable standards may not advance to a formal permit application.

This process and evidence-based decision marks the third time that a large scale renewable energy project proposed in New York State has been denied through a State permitting process when the applicants have been unable to demonstrate their proposals meet the legal standards.

- In February 2024, ORES denied an earlier application for a 60-megawatt Shepherd’s Run facility after the applicant lost control of land necessary for the proposed project.
- In August of 2022, the New York State Board on Electric Generation Siting and the Environment, the state-level large-scale energy infrastructure permitting entity that preceded ORES, denied a certificate for North Side Energy Center, a proposed solar project in St. Lawrence County because the applicant did not demonstrate compliance with environmental requirements concerning wetlands and threatened and endangered species.
- Almost 40 large scale renewable energy projects to date were found to have met the legal standards and were permitted through the ORES process.

ORES remains committed to a thorough, transparent, and timely review of applications for proposed large-scale renewable energy facilities and major electric generation through a process that protects natural resources and provides meaningful opportunities for municipal and public participation. Each application is evaluated on its own record under the applicable legal requirements. Since its establishment in 2020, ORES has issued permits for 38 renewable energy facilities that will contribute over 5,400 megawatts of clean energy to New York’s electric grid.

The decision and all publicly available documents associated with the permitting decision may be reviewed by going to the Department’s Documents section of the website at www.dps.ny.gov and entering the Matter Number 24-03041 in the input box labeled "Search for Case/Matter Number." Many libraries offer free Internet access. Department documents may also be obtained from the Department’s Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.