



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

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March 13, 2025

Via Electronic Mail:

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Re: Case 21-T-0366 – Application of Empire Offshore Wind LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 17.5 Miles of Transmission Lines from the Boundary of New York State Territorial Waters to a Point of Interconnection in Brooklyn, Kings County.

Notice to Proceed with Part 3 Construction and Installation of Noise Generating Equipment

Dear Ms. Senlet and Ms. Marshall:

The Application submitted by the Empire Offshore Wind LLC (Certificate Holder or Empire Wind) to construct two 230-kilvolt (kV) high voltage alternating current (HVAC) submarine export cables within an approximately 15.1 nautical mile-long submarine export cable corridor, extending from the boundary of New York State waters to the cable landfall and two, 0.2 mile-long 230-kV HVAC onshore export cables buried underground from the cable landfall to a new onshore substation at the South Brooklyn Marine Terminal (SBMT), along with two 345-kV HVAC underground cable circuits connecting the new onshore substation at the SBMT to the interconnection at Con Edison's Gowanus 345-kV Substation in Brooklyn, New York, was approved by the New York State Public Service Commission (Commission) on December 18, 2023, pursuant to Article VII of the Public Service Law.¹

¹ Case 21-T-0366, Application of Empire Offshore Wind LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 17.5 Miles of Transmission Lines from the Boundary of New York State Territorial Waters to a Point of Interconnection in Brooklyn, Kings County. Order Adopting Terms of a Joint Proposal (issued December 18, 2023).

On October 21, 2024, the Commission issued an Order approving Empire Wind's Environmental Management and Construction Plan for Part 3 of the Project (Part 3 EM&CP).² Subsequently, on December 12, 2024, Department of Public Service (DPS) Staff issued a Limited Notice to Proceed with Part 3 Construction, excluding installation of any noise generating equipment at the Project's onshore substation. Ordering Conditions 4, 5, and 6 of the Part 3 EM&CP Order state:

4. *Prior to the installation of any noise generating equipment at the Project's onshore substation at the South Brooklyn Marine Terminal site, the Certificate Holder shall submit a request for approval as an EM&CP change, pursuant to Condition C6 of the Project's Certificate of Environmental Compatibility and Public Need, a revised Appendix V "Empire Wind 1 Onshore Substation Pre-Construction Acoustic Assessment" (Noise Study), which demonstrates compliance with §24-232 of the New York City Administrative Code and resolving all outstanding comments related to noise impacts.*
5. *Prior to the installation of any noise generating equipment at the Project's onshore substation at the South Brooklyn Marine Terminal site, the Certificate Holder shall submit a request for approval as an EM&CP change, pursuant to Condition C6 of the Project's Certificate of Environmental Compatibility and Public Need, including an Operational Noise Assessment that resolves outstanding comments related to noise impacts.*
6. *The Certificate Holder shall not commence construction or installation of any noise generating equipment until it has received a "Notice to Proceed with Part 3 Construction and Installation of Noise Generating Equipment" letter sent by the Chief of Environmental Certification and Compliance of the Office of Energy System Planning and Performance, or by a designee.*

On March 13, 2025, DPS Staff approved Empire Wind's EM&CP Change Notice 3-1. EM&CP Change Notice 3-1 includes revisions to the Empire Wind 1 Onshore Substation Pre-Construction Acoustic Assessment (Noise Study or Operational Noise Assessment), included as Appendix V of the approved Part 3 EM&CP. As required pursuant to Ordering Conditions 4 and 5 of the Part 3 EM&CP Order, the revised Noise Study demonstrates compliance with §24-232 of the New York City Administrative Code and resolves all outstanding concerns expressed by DPS Staff through numerous rounds of review and consultation.

On March 11, 2025, Empire Wind filed with the Secretary a Request for Full Notice to Proceed for Part 3 EM&CP (Part 3 NTP Request).³ The Part 3 NTP Request seeks approval to commence full Part 3 construction activities, including installation of any noise generating

² *Id.*, Order Approving Environmental Management and Construction Plan for Part 3 Subject to Conditions (issued October 21, 2024) (Part 3 EM&CP Order).

³ *Id.*, Empire Offshore Wind, LLC Request for Full Notice to Proceed for Part 3 EM&CP – Notice of Intent to Commence Work for Part 3 EM&CP, filed March 11, 2025.

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equipment at the Project's onshore substation. DPS Staff have determined that the information provided by Empire Wind, in conjunction with the Commission's approval of the Part 3 EM&CP and required pre-construction notifications, meet the requirements to satisfy a Notice to Proceed with Part 3 Construction and Installation of Noise Generating Equipment.

Empire Wind is hereby authorized for full Part 3 construction activities, including installation of noise generating equipment, within the Project area boundary where all applicable permits/agreements have been received and provided to DPS Staff.

If you have any questions, please contact Jeremy Flaum of the Department's Environmental Compliance Staff, at (518) 486-2219 or by email at jeremy.flaum@dps.ny.gov.

Sincerely,



Sarah Crowell
Chief, Renewable Energy Siting
Office of Renewable Energy Siting and Electric
Transmission

cc: Jeremy Flaum (jeremy.flaum@dps.ny.gov)
21-T-0366 Case File
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