BARCLAY DAMON LLP

October 8, 2021

VIA ELECTRONIC MAIL

Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350
secretary@dps.ny.gov

Re: 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

CASE: 21-T-0366

APPLICANT'S RESPONSE TO THE APPLICATION DEFICIENCIES

Dear Secretary Phillips:

On September 2, 2021, Empire Offshore Wind LLC (the Applicant) received your letter identifying certain deficiencies in the above-referenced Article VII Application (the Application). Below are the Applicant's responses to the deficiencies identified in the September 2nd letter (the Response). For the convenience of the Commission and DPS Staff, each of the identified deficiencies are first repeated below followed by the response to each.

Per your instructions, this Response will be served on all entities entitled to receive a copy of the Application pursuant to PSL § 122(2) and 16 NYCRR § 85-2.10(a), as well as any additional parties on the Party List in this proceeding, and will be filed with the Secretary's Office in accordance with 16 NYCRR § 3.5, together with proof of service on those receiving service of this Response.

Deficiency #1

16 NYCRR §86.3(a)(1) requires an applicant to submit detailed maps, drawings and explanations showing the right-of-way (ROW) for each proposed facility. Such maps, drawings and explanations shall include:

(1) New York State Department of Transportation (NYSDOT) maps (1:24,000 topographic edition), showing:

(i) the proposed ROW (with control points indicated), covering an area of at least five miles on either side of the proposed facility location;

(ii) where the construction or reconstruction of the proposed facility would necessitate permanent clearing or other changes to the topography, vegetation or man-made structures; and

(iii) any known archaeologic, geologic, historical or scenic area, park or untouched wilderness on or within three miles of the ROW.

The Application does not comply with the requirements of 16 NYCRR §86.3(a)(1)(i). Figures 2.2-3 and 2.2-4 do not show the extent of coverage of at least five miles on either side of the proposed facility location. Please provide revised Figures 2.2-3 and 2.2-4 showing at least five miles on either side of the proposed facility location.

Response #1

The Applicant is providing revised Figures 2.2-3 and 2.2-4, which are attached to this submittal. The revised figures show an area of at least five miles on either side of the proposed facilities on United States Geological Survey (USGS) 1:24,000 scale (7.5-minute quadrangle) series topographic mapping and NYSDOT 1:24,000 topographic edition mapping backgrounds, respectively.

Deficiency #2

16 NYCRR §86.4(a)(1) requires the Applicant to provide a statement explaining consideration of "[a]ny alternative route(s)." According to Exhibit 3, p. 20, the Applicant asserts that when evaluating cable landfall and Onshore Cable Route alternatives, maximizing the use of ROW would be a key factor in determining the route, however, the discussion(s) of alternative routes do not clearly address whether expansion(s) of existing ROWs would be required. Please describe the locations where alternative routes identified in the Application would require expansion of existing ROW.

In addition, the tabular summary of onshore cable route alternatives included as Table 3.7-1 should be expanded to include the comparison of the constraints on each alternative, including technical, commercial, state holder [sic], *environmental, and ROW constraints. Please provide a revised Table 3.7-1.*

Response #2

None of the alternative cable landfall or onshore routing alternatives evaluated for the Project involve expansion of an existing ROW. Based on the location of the onshore Project within a densely developed urban area of Brooklyn, New York, options for co-location of the cable landfall and onshore cable route alternatives along existing ROWs predominantly consist of existing public road ROWs. The public road ROWs are constrained by existing urban development and infrastructure such that expansion of the ROW in these areas is not possible or practicable. As such, cable landfall and onshore cable route alternatives along public ROWs were evaluated on the basis of the available space within the existing ROW, without ROW expansion. However, new ROWs within municipal parklands would be required for the onshore cable route alternatives originating at the Gravesend Bay and Verrazzano-Narrows cable landfall alternatives. All other onshore cable route alternatives are predominantly routed along public road ROWs but will require ROWs across municipal or private property, primarily in the vicinity of the cable landfall.

A revised Table 3.7-1 is attached, which has been expanded to include the comparison of the constraints on each alternative, including technical, commercial, stakeholder, environmental, and ROW constraints.

Deficiency #3

16 NYCRR §86.4(b) requires the Applicant to show any alternatives considered on NYSDOT maps. Figures 3.5-1, 3.5-2, 3.6-1, and 3.7-1 do not show considered alternatives on NYSDOT maps. Please provide revised Figures 3.5-1, 3.5-2, 3.6-1, and 3.7-1 on NYSDOT maps.

Response #3

Attached to this submittal are revised Figures 3.5-1, 3.5-2, 3.6-1, and 3.7-1 on NYSDOT maps.

Deficiency #4

PSL §122(1)(c) states that "[a]n applicant for a certificate shall file with the commission an application . . . containing . . . a summary of any studies which have been made of the environmental impact of the project, and a description of such studies." Further, "[c]opies of all the studies referred to in (c) shall be filed with the commission and shall be available for public inspection. 16 NYCRR §86.5(a) requires the Applicant to provide a "statement describing any study which has been made of the impact of the proposed facility on the environment. That statement shall include a description of the methods employed in making that study and a summary of its findings." Page 4-125 of Application Exhibit 4 briefly describes the Marine Archeological Resources Survey and states that "[a]dditional survey results will be available in late 2021 for portions of the submarine export cable corridor that were not included in the 2018 and 2019 survey efforts, and the Applicant will provide a Marine Archeological Survey Report when available." Please provide the Marine Archeological Survey Report and a copy of the response from the New York State Historic Preservation Office (NYSHPO) establishing its concurrence with the report's recommendations and related comments.

Further, Appendix H of the Application provides an Analysis of Visual Effects to Historic Properties, however, page 4-133 of Application Exhibit 4 states that "[t]he Applicant is conducting ongoing consultation with NYSHPO and is in the process of identifying any other interested parties and determining if any further actions are needed to ensure that there will be no significant adverse impacts to these resources." Please provide a copy of the response from the NYSHPO establishing a determination that adverse impacts to historic architectural resources have been avoided or otherwise indicating whether avoidance, minimization, and/or mitigation measures are required.

Response #4

On behalf of the Applicant, SEARCH, Inc. (SEARCH)[1] is conducting a marine archaeological resources assessment (MARA) of high-resolution geophysical (HRG) survey data collected during multiple non-intrusive survey campaigns conducted by third-party marine survey contractors in preparation for infrastructure installation. The MARA is the "Marine Archeological Survey Report" described in Exhibit 4, and it is being developed in accordance with the Bureau of Ocean Energy Management (BOEM) guidelines for offshore renewable energy projects. The MARA captures the study areas for both Empire Wind 1 and Empire Wind 2 Projects. Upon completion of the MARA, which the Applicant anticipates will occur approximately October 15, 2021, it will be filed with the Commission for DPS Staff's review. Empire will also concurrently file the MARA with BOEM and promptly provide a copy to the New York State Energy Research and Development Authority (NYSERDA) and other New York State agencies, including NYSHPO, for their review and comment. As indicated in the Application, Appendix A, Attachment A-2, the consultation with the NYSHPO started back in 2018, when the Applicant and NYSHPO concurred on the approach to surveys for terrestrial archaeology, underwater archaeology and historic architecture. Moreover, NYSHPO's response regarding terrestrial archeology was provided in Appendix A. The Applicant will continue to consult with the NYSHPO regarding the results of the MARA during the preparation of the EM&CP, and will provide site-specific mitigation recommendations and/or avoidance measures, if necessary.

By way of background on the MARA, SEARCH already has reviewed HRG survey data prior to geotechnical investigations. SEARCH also has selected archaeological geotechnical locations to inform the MARA, particularly for review of the sub-bottom and ground model data. SEARCH is completing the MARA to identify potential submerged cultural resources, including along the Project-specific submarine export cable route for the Empire Wind 1 Project. SEARCH designed the MARA and is preparing this report in compliance with the implementing regulations for Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800), the National Environmental Policy Act (NEPA) (Title 42 U.S.C. §§ 4321 *et seq.*), and other applicable laws and regulations.

SEARCH is reviewing gradiometer, side-scan sonar, and sub-bottom profiler datasets to assess the presence or absence of potential submerged cultural resources within the preliminary area of potential effects (PAPE) along the proposed submarine export cable route. The PAPE to be evaluated in this report is limited to areas of potential seabed impact associated with the proposed

[1] SEARCH, Inc was retained as an independent Qualified Marine Archeologist for the entirety of Empire Wind 1 and Empire Wind 2 Projects, including the Offshore Wind Farm.

undertaking. SEARCH is conducting environmental, pre-contact, and historical background research, as well as a review of previous archaeological investigations and submerged cultural resources reported in the vicinity of the PAPE, to supplement and guide data analysis. SEARCH is also developing a paleolandscape reconstruction based upon environmental and cultural contexts, regional geology, and the results of the HRG survey and geotechnical campaigns, which includes analysis of cultural cores specifically selected to inform the reconstruction.

Similar to the MARA, the Applicant has also updated the Analysis of Visual Effects to Historic Properties (AVEHP) that was submitted with its Construction and Operations Plan (COP) in response to comments provided by BOEM. The AVEHP filed with BOEM also includes study areas for both Empire Wind 1 and Empire Wind 2 Projects. The updated AVEHP is entitled "Analysis of Visual Effects on Historic and Architectural Properties" and was filed with BOEM on September 30, 2021; a copy also has been provided to NYSERDA and other New York State agencies, including NYSHPO, for their review and comment. As with MARA, the Applicant will continue to consult with the NYSHPO regarding the results of the AVEHP during the preparation of the EM&CP, and will provide site-specific mitigation recommendations and/or avoidance measures, if necessary.

Deficiency #5

16 NYCRR §86.5(b)(1) and (4) require the Applicant to detail how the proposed project will impact plant and wildlife and what protections will be undertaken to limit such impacts while clearing a ROW. Please provide any analysis supporting the Applicant's conclusion that there will be no significant difference in impact on fishing grounds, protected species, eelgrass, benthic resources, and marine mammals among the alternative cable routes.

Response #5

The Applicant reviewed characteristics of the submarine export cable route alternatives (SEC 1, SEC 2, SEC 3, SEC 4, and SEC 5) relative to the potential occurrence of fishing grounds, protected species, eelgrass, benthic resources, and marine mammals along the alternative cable routes.

Generally, effects on fishing grounds, benthic, and pelagic resources are expected to be localized, temporary, and reversible along any of the submarine export cable route alternatives. Water column habitats within the export cable corridor would be temporarily affected during construction of the Project. The most likely construction-related effect on open water near the bottom would be the temporary and localized increase in turbidity resulting from equipment disturbing softbottom substrates during pre-lay dredging and when cables are installed. Chemical stressors related to inadvertent releases of fuels and fluids from vessels would be minimized through compliance with applicable U.S. regulatory requirements and the implementation of an agency-approved Oil Spill Response Plan and Emergency Response Plan. Sessile benthic organisms within or adjacent to the submarine export cable corridor would be exposed temporarily to increased turbidity and subsequent sedimentation. Once the subsea cables are installed, no significant turbidity effects would be expected, and sand waves and ripples would reform; epifauna and shallow infauna then would begin recolonizing the softbottom areas, followed by bivalves and other burrowing organisms. Encrusting and attaching species would colonize the cable protection material (e.g.,

rock or mattresses), forming small artificial reefs. Mobile species would move into the hardbottom area to forage or take shelter. These impacts to benthic resources would be general and similar in scale for submarine export cable route installation and operations along any of the submarine export cable route alternatives. Impacts would not differ substantively among submarine export cable route alternatives.

Fishing Grounds

The Applicant reviewed fishing effort (otter trawling, squid trawling, scallop dredging, hydraulic clam dredging, etc.) based on Automatic Identification System (AIS), Vessel Monitoring System (VMS) Transit Counts, Vessel Trip Reports (VTR), as well as fishing vessel transit data supplied by the commercial fishing industry as part of the New York State Energy Research Development and Authority (NYSERDA) sponsored Fisheries Transit Workshop in Port Jefferson, New York.

Based on mapping of the most recent publicly-available VMS data (2015-2016) and VTR Data (2011-2015) on the Mid-Atlantic Regional Council on the Ocean (MARCO) portal, none of the submarine export cable route alternatives within New York state waters cross areas used as:

- Multi-species Groundfish Otter Trawling (vessels larger than 65 ft) at < 4 knots (7.4 km/h);
- Squid Trawling at < 4 knots (7.4 km/h);
- Scallop fishing activity at < 5 knots (9.3 km/h);
- Pelagics (herring/mackerel/squid) fishing activity at < 4 knots (7.4 km/h);
- Monkfish fishing activity at < 4 knots (7.4 km/h);
- Longline fishing activity; or
- Surfclam/Quahog dredge fishing activity at < 4 knots (7.4 km/h).

Based on mapping of the same MARCO data, all of the submarine export cable route alternatives within New York State waters would cross areas of:

- Bottom trawl fishing activity (vessels smaller than 65 ft) at < 4 knots (7.4 km/h);
- Pots/traps fishing activity; and
- Sportfishing activity within New York State waters.

Areas that have had Squid Trawling activity at < 4 knots (7.4 km/h) would be crossed outside of New York State waters along all of the submarine export cable route alternatives, but this would not affect the analysis of the submarine export cable routes in New York State.

In addition to the datasets described above, and in order to better understand the level of commercial and recreational fishing effort that takes place within the Project Area, Offshore Fisheries Liaison Representatives (OFLR) were typically onboard survey vessels during the geophysical surveys, assisted by scout boats, to document fishing activity along the submarine cable route alternatives. The Applicant has also obtained information from extensive outreach with fishermen and fishery agencies, with a focus on those who travel or fish in or near the Empire Wind Lease Area and submarine export cable routes.

Minimal commercial fishing activity was observed along the submarine cable route during survey efforts. Frequent communications during construction activities between the OFLR, fishermen, and the installation vessel crew will ensure that this mitigation remains effective to minimize potential gear conflicts.

Based on these data and the low-intensity of commercial fishing activity along the submarine export cable routes in New York State, fishing grounds are not considered to be a differentiator between the submarine export cable route alternatives.

Protected Species and Marine Mammals

Protected species potentially present along the submarine cable route alternatives include marine mammals, sea turtles, and sturgeons as described in Section 4.7.2.1 of **Exhibit 4: Environmental Impact** of the Application. Marine mammals and sea turtles that occur in the vicinity of the submarine export cable route alternatives are highly mobile species, which utilize large areas of habitat (up and down the East Coast of the United States), well beyond the spatial extent of the various submarine export cable route alternatives. Therefore, the submarine export cable route alternatives all constitute a small percentage of the available habitat for these species. As highly mobile species, marine mammals and sea turtles will likely temporarily (for the duration of route clearance and installation activities) leave the vicinity of the work to use nearby habitat for any of the submarine export cable route alternatives. Similarly, Atlantic and shortnose sturgeons have the potential to be present along any of the submarine export cable route alternatives. The Applicant has proposed seasonal timing windows for seabed disturbance to minimize potential impacts. Based on the potential for these species to occur in any of the marine habitat in the vicinity, the potential impacts along submarine export cable route alternatives are not expected to differ.

Eelgrass and Benthic Resources

No soft coral, lobster, seagrass, or squid eggs were observed during the benthic surveys. The nearest mapped eelgrass is located inshore of the barrier islands off Long Island, which is approximately 11 miles from the Project (NYSDEC 2021). Based on a combination of publicly available information and the Applicant's site-specific data, benthic habitats along the submarine export cable route alternatives are similar, and no rare or sensitive habitats are known to occur along any of the submarine export cable route alternatives. Therefore, impacts to benthic habitats and resources are expected to be similar for all alternate routes.

References:

NYSDEC (New York State Department of Environmental Conservation). 2021. Statewide Seagrass Map. https://www.arcgis.com/home/webmap/viewer.html?webmap=12ba9d56b75d497a84a36f94180bb5ef&extent=-74.6987,39.852,-71.315,41.7603. Accessed Sept 15, 2021

Deficiency # 6

16 NYCRR § 86.6, requires a description of the proposed project and design, profile, and architectural drawings of all facilities and structures, including: (a) the length, width, and height of any structure; (b) the material of construction, color, and finish; and (c) a profile of the centerline of the right-of-way at exaggerated vertical scale. The drawing titled "Submarine Cable Buried Under Sea Floor" does not specify the proposed cable diameter and cable construction material. Further, drawing SKETCH-EE-607A-2 (Conduit Section - 2 Circuit (Trefoil Config)) does not specify the proposed conduit material. Please provide revised drawings indicating the cable diameter and construction material of the proposed submarine cable and the proposed conduit material of the 2 Circuit (Trefoil Config) onshore cable.

Response #6

Attached to this Response are revisions to the referenced typical drawings for the submarine cable buried under the seafloor and the two-circuit conduit section in the trefoil configuration, including the proposed cable diameter. The "Submarine Cable Buried Under Sea Floor" drawing has also been updated to include the cable construction material, and SKETCH-EE-607A-2 provides the proposed conduit material.

Deficiency # 7

16 NYCRR §86.7 requires that the Application include a discussion of any potential economic impacts that the project will have. Please provide a statement which summarizes economic impacts (positive or negative) that the offshore components of this project may have on commercial fishing operations and/or commercial fishermen.

Response #7

Construction and operation of the offshore components of the Project (the submarine export cables within New York State waters) are expected to have little to no economic effect on commercial fishing or commercial fisherman, including consideration of both the potential positive and the potential negative effects of the Project. During cable route surveys for the past three years, Empire's Fisheries Liaisons have worked to identify and conduct outreach with all of the Project Area's active commercial fishermen. As part of this effort, Empire's Fisheries Liaisons have consulted the New York State Department of Environmental Conservation's marine fisheries staff, obtained lists of New York fishing license holders, and distributed survey notices and Project information to all fishermen who agreed to receive communications. The Applicant has documented over 1,000 contacts with fishermen and fishery agencies from within the Mid-Atlantic and southern New England region, with a focus on those who travel or fish in or near the Empire Wind Lease Area and submarine export cable routes. These contacts include individual and group meetings, conferences, telephone conversations, emails, and text messages. The information gathered has been used throughout the planning for the Project.

To support safe navigation through and fishing within the Project Area during construction operations and to minimize interactions with the commercial and recreational fishing industries, the Applicant has developed specific stakeholder communications measures in its Fisheries Communications Plan (available online at: https://www.equinor.com/en/what-we-do/empirewind/for-mariners.html) and its Public Involvement Plan (**see Appendix D: Public Involvement Plan** of the Application).

Empire's outreach, research and discussions with fishermen indicate that in recent years the Project Area has not been heavily fished. Fishing in this area primarily includes pot/trap fishing for blackfish (tautog), black seabass and conch/whelks. Gillnets may also be used along the submarine export cable route and may be fished "blind" similar to pot/trap fishing. There is also some seasonal fishing for crabs with light dredges, and hydraulic clam dredge vessels may occasionally harvest bait clams. Fishermen have indicated that they no longer catch lobsters in New York State waters along the submarine export cable route. More than 100 survey days have been spent on the submarine export cable route, and no contact with fishing gear has occurred.

Construction Impacts

Cable installation activities for the submarine export cables may overlap temporally and spatially with fishing activities. In the event of an overlap, it is possible that it will be necessary to ask fishermen to move their gear to other areas temporarily during cable installation and burial of the submarine export cables. To minimize potential fishing access impacts while ensuring safety, export cable installation activities will utilize a "rolling" construction safety zone along the submarine export cable route. As a result, submarine export cable installation impacts are anticipated to predominantly represent short-term impacts to fisheries where cable installation activities occur. Once cable installation in an area is complete, marine activities, including commercial and recreational fishing, will be able to resume.

Much of the fishing effort in the region (otter trawling, squid trawling, scallop dredging, hydraulic clam dredging, etc.) is concentrated outside of the Project Area based on Automatic Identification System (AIS) and Vessel Monitoring System (VMS) Transit Counts, as well as fishing vessel transit data supplied by the commercial fishing industry as part of the New York State sponsored Fisheries Transit Workshop in Port Jefferson, New York and information gathered through fisheries outreach. These data indicate that the level of fishing activity within the Project Area is variable, but available data from recent years (approximately 2011 to 2016) indicate low levels of fishing activity; therefore, with rolling safety zones to minimize the effect of potential displacement from fishing areas, the potential for economic impacts due to loss of access to grounds during installation of the submarine export cables is expected to be minimal.

As described in **Exhibit 4**, construction activities may result in localized, short-term impacts on fish and invertebrate resources, including: short-term physical disturbance of habitat, short-term exposure to underwater noise during construction activity, and short-term increase in turbidity and sediment deposition. The analysis of potential impacts supports the overall determination that construction activities associated with the Project would be unlikely to result in significant adverse impacts on demersal or pelagic life stages of fish or invertebrates. Because impacts on demersal and pelagic life stages of fish and invertebrates are likely to be short-term and localized,

construction is not expected to affect managed fishery stocks or populations and therefore is not expected to result in economic impacts.

Operations and Maintenance Impacts

The presence of Project-related submarine export cables during operations will not restrict access to traditional fishing grounds along the submarine export cable route. The Applicant will determine through a Cable Burial Risk Assessment (CBRA) the appropriate target burial depth for submarine export cables, informed by engagement with regulators and stakeholders (including commercial fisheries stakeholders), extensive experience with submarine assets, and based on an assessment of seabed conditions and activity (including fishing) in the area. The target burial depth accounts for seabed mobility and the potential risk of interaction with external hazards such as fishing gear and vessel anchors, while also considering other factors such as existing navigational routes.

The submarine export cable siting corridor is engineered to minimize areas where burial might be hindered by seabed conditions including hard grounds, variable glacial tills, areas of steep slopes, and shallow or surficial hardbottom or ledge. However, in certain locations where target burial depth is not achieved, cable protection may be required. It is anticipated that cable protection will have minimal impact to the existing fisheries regime, as areas where the seabed dictates cable protection are often found in proximity to other known seabed obstructions (snags) and therefore are not likely trawled or dredged.

Should an area of surficial hardbottom or a subsea asset crossing necessitate external protection of the cables (e.g., crushed rock), that area of bottom could become a snag to trawling or dredging (i.e., due to the potential for gear hangs), and that area may be considered ground lost to mobile gear. However, the available information indicates few if any crossings in trawling or dredging grounds where such crossing protection would be required. Cable burial remediation techniques, when applied, will be designed to minimize the potential for gear snags, as feasible. In areas where concrete mattresses are essential, for example at asset crossings, they will be covered by another material (e.g., crushed rock). Fixed gear fishing around such deployments would continue as normal or with the potential benefit of additional hardbottom seabed structure.

Based on the expected low levels of commercial fishing activity along the submarine export cable route and the continued access to fishing above subsea cables, the effects of the submarine export cables on commercial fishing operations are expected to be negligible. The introduction of hardbottom habitat may also have a positive impact in creating habitat for certain fish and invertebrate species (**see Exhibit 4** of the Application), although that positive impact is anticipated to be negligible in the context of managed fishery stocks or populations along the submarine export cable route, due to the relatively small area affected.

Deficiency # 8

Waivers Generally: The Application requests waivers of certain other rules establishing application requirements. Specifically, the Applicant requests that the Commission waive the requirement at 16 NYCRR §86.3(a)(2) that the Application include figures showing the proposed

Facility on NYSDOT maps at 1:250,000 scale. The Applicant indicates that maps at the required scale do not show the required information at an appropriate resolution and proposes that the Commission accept Figures 2.3-1 and 2.3-2, which show the required information on National Oceanographic and Atmospheric Administration (NOAA) charts, at scales of 1:100,000 and 1:24,000 respectively. The Applicant also request that for the offshore portion of the Facility only, the Commission waive the requirement at 16 NYCRR §86.3(b)(2) that the aerial photographs of "urban areas and urbanizing fringe areas" be taken within six months of the date of filing. Alternatively, the Applicant proposes that the Commission accept Figure 2.3-3, which includes offshore map tiles taken in March and April 2020, and October 2018. The Applicant asserts that maps provided in Figure 2.3-3 include the most recent aerial photographs available for the respective portions of the offshore Facility route.

Response #8

The Applicant acknowledges that additional information may be required before the Application documents are found to comply with PSL §122, in the event that the Commission denies the requested waivers.

Conclusion

The Applicant appreciates DPS Staff's diligent review of the Application and the timely issuance of the Deficiency Letter. To that end, the Applicant is looking forward to working with DPS Staff and other parties in moving forward with this proceeding as soon as the Application is found to be in compliance with Section 122 of the Public Service Law, which the Applicant anticipates occurring in November of 2021.

Very truly yours,

/s/ Ekin Senlet

Ekin Senlet, Esq.

Enclosures:
Attachment to Deficiency Response No. 1
Attachment to Deficiency Response No. 2
Attachment to Deficiency Response No. 3
Attachment to Deficiency Response No. 6