



Department of Public Service

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www.dps.ny.gov

Public Service Commission

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July 9, 2024

Via Electronic Mail:

Ekin Senlet

Barclay Damon, LLP
80 State Street
Albany, NY 12207
esenlet@barclaydamon.com

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 1B Construction

Dear Ms. Senlet:

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 On June 21, 2024, the Commission issued an order approving Empire Wind's Environmental Management and Construction Plan for

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).

Ekin Senlet
July 9, 2024, CASE 21-T-0366

Part 1B of the Project (Part 1B EM&CP).² Ordering Condition 2 of the Part 1B EM&CP Order states:

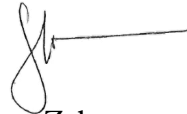
2. *The Certificate Holder shall not commence construction until it has received a “Notice to Proceed with Part 1B Construction” letter sent by the Chief of Environmental Certification and Compliance of the Office of Energy System Planning and Performance, or by a designee.*

Department of Public Service (DPS) Staff have determined that the information provided by Empire Wind, in conjunction with the Commission’s approval of the Part 1B EM&CP and required pre-construction notifications, meet the requirements to satisfy a Notice to Proceed with Part 1B Construction.

Empire Wind is hereby authorized to begin Part 1B construction activities 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,



Jason Zehr
Chief, Environmental Certification and Compliance
Office of Energy System Planning and Performance

cc: Dan Krzykowski, Barclay Damon LLP (dkrzykowski@barclaydamon.com)
Emma Marshall, Barclay Damon LLP (emarshall@barclaydamon.com)
Jeremy Flaum (jeremy.flaum@dps.ny.gov)
21-T-0366 Case File
DPS Central File

² Id., Order Approving Environmental Management and Construction Plan for Part 1B Subject to Conditions (issued June 21, 2024) (Part 1B EM&CP Order).