

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 23-E-0413 - Petition of Empire Offshore Wind, LLC, for an Order Providing for Lightened Regulation and for Authority under Section 68 of the Public Service Law to Exercise Certain Municipal Consents.

NOTICE REQUESTING COMMENTS AND ANNOUNCING  
PUBLIC STATEMENT HEARING AND PROCEDURAL CONFERENCE

(Issued April 10, 2024)

Comments are requested concerning a petition filed by Empire Offshore Wind, LLC (Petitioner) pursuant to Section 68 of the Public Service Law seeking lightened regulation as an electric corporation, as well as a Certificate of Public Convenience and Necessity. The 816-megawatt offshore wind electric generation project (Project) associated with this petition, Empire Wind 1, is not located in New York State jurisdictional waters and, therefore, is outside the scope of Public Service Law regulation.

Relatedly, in June 2021, the Petitioner filed with the Public Service Commission (Commission) an application seeking a Certificate of Environmental Compatibility and Public Need (CECPN) for the construction of a transmission line and associated facilities to connect the Project to the State's electric grid. The CECPN was issued by the Commission in December 2023.<sup>1</sup> Additionally, in March 2024, the Commission issued a declaratory ruling that the Commission's approval of a proposed transaction involving the transfer of upstream

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<sup>1</sup> Case 21-T-0366, Application of Empire Offshore Wind LLC for a Certificate of Environmental Compatibility and Public Need, Order Adopting Terms of a Joint Proposal (issued December 18, 2023).

ownership interests in Petitioner was not required pursuant to PSL §70.<sup>2</sup> The scope of the Commission's review of the petition currently before it will not duplicate the issues that were previously considered and decided by the Commission in prior proceedings.

**PLEASE TAKE NOTICE** that a **virtual public statement hearing** will be held before Administrative Law Judges (ALJs) James Costello and Erika Bergen on:

**DATE:** April 25, 2024  
**TIME:** 1:00 p.m.

**Electronic Access:** [www.webex.com](http://www.webex.com)  
**Event Number:** 2339 864 9606  
**Password:** April25-1pm

**Phone-Only Access:** 518-549-0500  
**Access Code:** 2339 864 9606  
**Password:** 27745250

Those wishing to comment on any aspect of this proceeding will have the opportunity to make a statement on the record at the virtual public statement hearing. **Any person wishing to provide a public statement on the record at the hearing must register to do so by 3:00 p.m. on April 24, 2024.**

**To register and participate electronically:**

This option is for participants who want to make a statement and who will log in to the hearing electronically. Before the date and time indicated above, such participants must register by visiting [www.webex.com](http://www.webex.com), clicking "Join" at the top

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<sup>2</sup> Case 24-E-0083, Petition of bp Wind Energy Empire Holding LLC, et al. for a Declaratory Ruling Concerning Approval, Under Section 70 of the Public Service Law, of the Proposed Restructuring of Their Upstream Ownership of Empire Offshore Wind LLC and Beacon Wind LLC, Declaratory Ruling on Transfer Transaction (issued March 19, 2024).

right-hand corner of the screen, entering the event number listed above, and providing all requested information.

When logging in on the date and time of the hearing, participants will be asked to "select audio system." It is recommended that participants opt to have the system "call me" or "call using computer." The "call me" option will require that participants enter their phone numbers.

**To register and provide a statement by phone:**

This option is for participants who want to make a statement and who will not be logging into the hearing electronically. Before the date and time indicated above, such participants must register by calling **1-800-342-3330**, where they should follow prompts to the appropriate hearing and provide the following information: first name and last name, address, and phone number.

On the date and time of the hearing, call-in participants should dial **518-549-0500** and enter the access code listed above.

**To listen to the hearing without making a statement:**

This option is for those who only want to listen to the hearing, without making a comment on the record. Registration is not required for this option. Any interested person without internet access may listen to the hearing by phone by calling **518-549-0500** and entering the access code listed above.

Persons with disabilities requiring special accommodations should call the Department of Public Service's Human Resources Management Office at 518-474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are

encouraged to call the Department at 1-800-342-3377 for free language assistance services regarding this notice.

**Other Ways to Comment**

For those who cannot attend or prefer not to speak at the public statement hearing, there are several other ways to provide your comments. All comments should refer to Case "23-E-0413" and must **be submitted no later than May 2, 2024.**

**Internet or Mail:** Go to [www.dps.ny.gov](http://www.dps.ny.gov), click on "File Search" located under the heading "Commission Files", enter "23-E-0413" in the box labeled "Search by Case Number", and then click on "Post Comments" at the top of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350. All written comments will become part of the record considered by the Commission and may be accessed on the Department of Public Service website by searching the case number, as described above, and clicking on the "Public Comments" tab.

**Toll-Free Opinion Line:** Individuals may submit comments by calling the Commission's Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-State callers 24-hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

**PLEASE TAKE FURTHER NOTICE** that a virtual procedural conference will be held immediately following the public statement hearing, as part of the same teleconference.

The principal purposes of the procedural conference are to identify any potential parties and provide interested persons an opportunity to present and explain any proposals regarding the procedures they believe should be followed in this case by the ALJs and Commission including, but not limited to,

whether any issues of fact presented by the petition or public comments that warrant an evidentiary hearing. Other procedural issues also may be addressed.

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary