



Public Service Commission

Rory M. Christian

Chair and

Chief Executive Officer

James S. Alesi

David J. Valesky

John B. Maggiore

Uchenna S. Bright

Denise M. Sheehan

Commissioners

Three Empire State Plaza, Albany, NY 12223-1350

www.dps.ny.gov

May 7, 2024

Via Electronic Mail:

Ekin Senlet
Barclay Damon, LLP
80 State Street
Albany, New York 12207
Email: 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 1A 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 April 19, 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).

Part 1A of the Project (Part 1A EM&CP).² Ordering Condition 4 of the Part 1A EM&CP Order states:

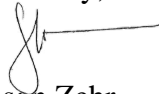
4. *The Certificate Holder shall not commence construction until it has received a "Notice to Proceed with Part 1A Construction" letter sent by the Chief of Environmental Certification and Compliance of the Office of Energy System Planning and Performance, or by a designee.*

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 1A EM&CP and required pre-construction notifications, meet the requirements to satisfy a Notice to Proceed with Part 1A Construction.

Empire Wind is hereby authorized to begin Part 1A 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 1A Subject to Conditions (issued April 19, 2024) (Part 1A EM&CP Order).