

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Application of Sunrise Wind LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of Up to 6.2 Miles (320 kilovolt [kV]) of Direct Current (DC) Submarine Export Cable from the New York State Territorial Waters Boundary to the Smith Point County Park on Fire Island in the Town of Brookhaven in Suffolk County and Up to 17.5 Miles (320 kV) of Onshore Transmission Cable from the Landfall at Fire Island to a New Onshore Converter Station in the Town of Brookhaven and Up to 1 Mile (138 kV) of Alternating Current (AC) Onshore Interconnection Cable Connecting to the Existing Holbrook Substation in the Town of Brookhaven in Suffolk County

Case 20-T-_____

APPLICATION OF SUNRISE WIND LLC FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION OF UP TO 6.2 MILES (320 KILOVOLT [KV]) OF DIRECT CURRENT (DC) SUBMARINE EXPORT CABLE FROM THE NEW YORK STATE TERRITORIAL WATERS BOUNDARY TO THE SMITH POINT COUNTY PARK ON FIRE ISLAND IN THE TOWN OF BROOKHAVEN IN SUFFOLK COUNTY AND UP TO 17.5 MILES (320 KV) OF ONSHORE TRANSMISSION CABLE FROM THE LANDFALL AT FIRE ISLAND TO A NEW ONSHORE CONVERTER STATION IN THE TOWN OF BROOKHAVEN AND UP TO 1 MILE (138 KV) OF ALTERNATING CURRENT (AC) ONSHORE INTERCONNECTION CABLE CONNECTING TO THE EXISTING HOLBROOK SUBSTATION IN THE TOWN OF BROOKHAVEN IN SUFFOLK COUNTY

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Dated: December 09, 2020

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PUBLIC SERVICE COMMISSION

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I. INTRODUCTION

Pursuant to New York Public Service Law (PSL) § 122 and the New York State Department of Public Service's (the Department) associated implementing regulations (16 New York Codes Rules and Regulations [NYCRR] Parts 85, 86, and 88), Sunrise Wind LLC (Sunrise Wind or the Applicant), a 50/50 joint venture between Orsted North America Inc. (Orsted NA) and Eversource Investment LLC (Eversource), files this application (the Application) with the

New York State Public Service Commission (NYSPSC) to secure the Certificate of Environmental Compatibility and Public Need (CECPN) necessary to allow the Applicant to construct, operate, and maintain the Sunrise Wind New York Cable Project (the Project).¹

Pursuant to PSL § 122 and 16 NYCRR § 85-2.8, the Application provides: (1) information about the Applicant and its regulatory contacts, (2) information about the Project location, (3) a description of the Project, (4) a summary of the environmental studies conducted with respect to the Project and its environmental impact, (5) a description of the need for the Project, (6) a description of any reasonable alternative routes or technology available to the Project, including the comparative merits and determinants of each location submitted, and the reasons why the primary location is best suited for the Project, and (7) other relevant information that the Applicant deems necessary or desirable for the NYSPSC to consider as it evaluates the Application. Each of these categories of information is explained in further detail in the Application's accompanying 15 exhibits and 15 appendices, all of which were prepared in accordance with PSL Article VII and 16 NYCRR Parts 85, 86, and 88.²

II. THE APPLICANT

The Applicant's legal name and address are:

Sunrise Wind LLC
437 Madison Avenue
Suite 1903
New York, NY 10022

¹ The Applicant's limited and tailored petition seeking waivers of certain sections of the Department's rules and regulations governing the contents of the Application pursuant to 16 NYCRR § 3.3 (c) is attached to the Application as Exhibit A.

² A Table of Contents providing an overview of the Application's contents, including Exhibits 1 through 9 and E-1 through E-6, the table and figures included therein, and the accompanying appendices, is attached to the Application as Exhibit B.

As referenced in Exhibit 1 to the Application, any pleading, motion, notice, order, or other document required to be served upon the Applicant or filed by any party to this proceeding should be served upon the following individuals:

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III. PROJECT LOCATION

Electrical transmission facilities for the Project will be comprised of both onshore and offshore cable systems. Specifically, power from the Sunrise Wind Farm (SRWF), located offshore in federal waters on the Outer Continental Shelf (OCS), will be delivered to the existing mainland electric grid via distinct transmission cable segments: the submarine segment of the export cable (SRWEC), which will be located in both federal and NYS waters (the NYS portion of the cable referred to as the SRWEC–NYS), the terrestrial underground segment of the transmission cable (the Onshore Transmission Cable), the new Onshore Converter Station (the OnCS–DC), and the underground segment of the interconnection cable (the Onshore Interconnection Cable). The Onshore Transmission Cable, the OnCS–DC and Onshore Interconnection Cable (collectively, the Onshore Facilities) are all located in the Town of Brookhaven, Suffolk County, New York.

IV. DESCRIPTION OF THE PROJECT

Exhibit 2: Location of Facilities further describes the Project location, including associated maps, and also describes the corridor the Applicant is proposing to certify. The Project will be sited within the proposed corridor during preparation of the Project Environmental Management and Control Plan (EM&CP).

The Project's components are generally defined into two categories:

- SRWEC–NYS
 - One direct current (DC) submarine export cable bundle (320 kilovolt [kV]) up to 6.2 miles (mi) (10 kilometers [km]) in length in NYS waters and up to 1,575 ft (480 m) located onshore (*i.e.*, above the Mean High Water Line [MHWL], as defined by the United States [US] Army Corps of Engineers [USACE] [33 Code of Federal Regulations (CFR) 329]) and underground, up to the transition joint bays (TJBs);
- Onshore Facilities
 - One underground transmission circuit (320 kV) (referred to as the Onshore Transmission Cable) up to 17.5 mi (28.2 km) in length within existing roadway rights-of-way (ROW), TJBs, and concrete and/or direct buried joint bays and associated components;
 - One OnCS–DC that will transform the Project voltage to 138 kV alternating current (AC);

- Two AC underground circuits (138 kV AC) (referred to as the Onshore Interconnection Cable) up to 1 mi (1.6 km) in length which will connect the new OnCS–DC to the existing Holbrook Substation; and,
- Fiber optic cables co-located with both the Onshore Transmission Cable and Onshore Interconnection Cable.

The SRWEC–NYS will deliver electricity generated by the SRWF. The SRWEC enters NYS territorial waters at a point three nautical miles (nm) offshore from Fire Island. The Applicant will install one duct per cable circuit via horizontal directional drilling (HDD) methodology to land the SRWEC–NYS at the landfall location on the eastern portion of Smith Point County Park on Fire Island in the Town of Brookhaven. The transition of the SRWEC–NYS to the Onshore Transmission Cable will be where the cables are spliced together at co-located TJBs and link boxes located at the work area within Smith Point County Park (the Landfall Work Area). From the Landfall Work Area, the Onshore Transmission Cable will run parallel to Fire Island Beach Road within the Smith Point County Park paved parking lot, crossing under the William Floyd Parkway to a recreational area located to the west of William Floyd Parkway. The Onshore Transmission Cable will be routed across the Intracoastal Waterway (ICW) via the ICW HDD to a paved parking lot within the Smith Point Marina along East Concourse Drive. From the ICW Work Area, the Onshore Transmission Cable will turn north along East Concourse, then north along William Floyd Parkway and turn west onto Mastic Boulevard. The Onshore Transmission Cable will travel west along Mastic Boulevard to Ashley Place, turn north on Ashley Place and then west along Montauk Highway. The Onshore Transmission Cable will cross Carmans River via HDD, continue west along Montauk Highway and turn north along Yaphank

Avenue. The Onshore Transmission Cable will cross Sunrise Highway at Yaphank Avenue via trenchless crossing and turn northwest on Horseblock Road. The Onshore Transmission Cable will cross the Long Island Rail Road (LIRR) at Manor Road to Long Island Avenue via trenchless crossing. The Onshore Transmission Cable will turn west along the Long Island Expressway (LIE) South Service Road, continue to Waverly Avenue, and then turns south on Waverly Avenue to Long Island Avenue. The Onshore Transmission Cable will turn west on Long Island Avenue and continue west onto Union Avenue and will reach the OnCS–DC via Union Avenue. The OnCS–DC will support the Project’s interconnection to the existing electrical grid by transforming the Project voltage to 138 kV AC. Finally, the Onshore Interconnection Cable from the OnCS–DC will begin at a set of termination structures located along the northerly portion of the selected site and would be routed along the LIE South Service Road corridor and existing overhead utility ROW or would be routed along Union Avenue to the existing overhead utility ROW for connection to the Holbrook Substation.

The Project includes offshore and onshore components within NYS that are subject to PSL Article VII review and will interconnect at the existing Holbrook Substation, which is owned and operated by the Long Island Power Authority (LIPA).

The SRWF and the submarine segment of the export cable within federal waters (SRWEC–OCS) are subject to review and approval by the Bureau of Ocean Energy Management (BOEM), as required by 30 CFR Part 585 and are discussed separately within the Construction and Operations Plan (COP) submitted to the BOEM.

V. SUMMARY OF ENVIRONMENTAL STUDIES AND ENVIRONMENTAL IMPACT

The Project has been, and will continue to, be designed, constructed, and operated in a manner that avoids or otherwise minimizes impacts to environmental resources. To this end, environmental surveys, environmental assessments, and literature reviews were conducted by technical experts consulting on the Project. Consultations with relevant NYS and federal agencies and Native American tribes were conducted by both the Applicant and retained technical experts. Exhibit 4 to the Application summarizes the results of environmental surveys, environmental impact assessments, literature reviews, and agency correspondence conducted for the Project under the following categories:

- 4.1: Introduction
- 4.2: Land Use
- 4.3: Visual and Aesthetic Resources
- 4.4: Cultural and Historic Resources
- 4.5: Topography, Geology, Soils, and Groundwater
- 4.6: Terrestrial Ecology and Wildlife
- 4.7: Wetlands and Water Resources
- 4.8: Benthic and Shellfish Resources
- 4.9: Finfish and Essential Fish Habitat (EFH)
- 4.10: Marine Mammals and Sea Turtles
- 4.11: Marine Physical and Chemical Characteristics
- 4.12: Noise

- 4.13: Electromagnetic Fields (EMF)
- 4.14: Air Quality

As presented in Exhibit 4, the Applicant has designed the Project to be constructed and operated underground and within existing road and utility ROW or industrial areas to the extent practicable; therefore, it is not anticipated that construction and operation of the Project will have any significant adverse impacts on environmental resources.

Reports summarizing the existing resources based on the environmental surveys, environmental assessments, literature reviews, and agency consultations conducted for the Project include:

- Appendix 4-A: Consistency with New York State Coastal Management Program Policies
- Appendix 4-B: Visual Resources Assessment
- Appendix 4-C: Onshore Above-ground Historic Properties Report
- Appendix 4-D: Phase 1A Archaeological Survey
- Appendix 4-E: Onshore Ecological Assessment and Field Survey Report
- Appendix 4-F: Preliminary Invasive Species Management Plan
- Appendix 4-G: Benthic Resources Characterization Report – NYS Waters
- Appendix 4-H: Hydrodynamic and Sediment Transport Modeling Report – NYS Waters
- Appendix 4-I: Onshore Acoustic Assessment
- Appendix 4-J: Magnetic-Field Assessment in NYS

VI. NEED FOR THE PROJECT

The SRWF and this Project will provide clean, reliable offshore wind energy that will increase the amount and availability of renewable energy to NYS while creating the opportunity to displace electricity generated by fossil fuel-powered plants and offering substantial economic and environmental benefits. NYS has adopted substantial renewable portfolio standards and clean energy targets to address issues associated with climate change, highlighting the current and future demand for the SRWF and this Project.

In 2014, NYS launched Reforming the Energy Vision (REV), a comprehensive energy strategy that strives to make energy more affordable, builds a more resilient energy system, improves existing initiatives and infrastructure, creates jobs and business opportunities, and protects the environment. Further, REV is focused on building an integrated energy network able to harness the combined benefits of the central grid with clean, locally generated power.

In 2015, NYS adopted the 2015 NYS Energy Plan (SEP) serving as a roadmap to advance the REV agenda. Among other clean energy goals, the SEP set forth NYS's long-term goal to provide 50 percent of its electricity from renewable resources by 2030 (the "50 by 30" goal).³ The SEP included an offshore wind initiative to encourage long-term and strategic regulatory coordination for large-scale offshore wind projects, resulting in the NYSPSC's issuance of an order to implement the Clean Energy Standards (CES or CES Order).⁴ The CES Order requested NYSERDA to lead a research, analysis, and outreach program to evaluate the potential for

³ New York State Energy Planning Board. 2015. "New York State Energy Plan. Volume 1: The Energy to Lead." Accessed June 25, 2020. Available at: <https://energyplan.ny.gov/Plans/2015>.

⁴ See Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, Order Adopting a Clean Energy Standard (issued August 1, 2016).

offshore wind energy in NYS resulting in the Offshore Wind Master Plan⁵, and a report titled “Offshore Wind Policy Options” paper (the Options Paper) that served as a roadmap for meeting the State’s goal of 2,400 MW of offshore energy generation by 2030. In 2018, as a result of the Options Paper and completion of a Generic Environmental Impact Statement (GEIS)⁶, the NYSPSC issued an Order Adopting the Offshore Wind Standard⁷, setting the stage for the first phase of procurements for offshore wind.

In response to the expressed need and demand and following its selection in a competitive request for proposals in which four developers responded with submitted proposals, the Applicant was one of two developers selected and executed a contract with NYSERDA for a 25-year OREC Agreement in October 2019. Under the OREC Agreement, NYSERDA will purchase ORECs generated by the operational SRWF and make them available for purchase by NYS load-serving entities. The SRWF and this Project are being developed to fulfill its obligations to New York in accordance with its OREC Agreement. As specified in the OREC Agreement, the Project will generate electricity from the SRWF located in a lease area for delivery to the LIPA Holbrook Substation. As such, the SRWF and this Project will help NYS achieve the aggressive clean energy goals set forth in REV, the CES and more recently, the Climate Leadership and Community Protection Act (CLCPA), which was effective in July 2019 and adopts the most ambitious and comprehensive climate and clean energy legislation in the country. Among other

⁵ Additional information on the Offshore Wind Master Plan is available at: <https://www.nyserdera.ny.gov/All-Programs/Programs/Offshore-Wind/About-Offshore-Wind/Master-Plan>.

⁶ See Case 18-E-0071, *In the Matter of Offshore Wind Energy*, Generic Environmental Impact Statement (issued June 14, 2018).

⁷ See Case 18-E-0071, *In the Matter of Offshore Wind Energy*, Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement (issued July 12, 2018).

things, the CLCPA establishes the NYS’s goals of achieving 100 percent carbon-free electricity by 2040 and 70 percent of electricity from renewable sources by 2030, including a target of reaching 9,000 MW of offshore wind by 2035.

VII. DESCRIPTION OF REASONABLE ALTERNATIVE ROUTES AND TECHNOLOGY

The Applicant considered multiple alternatives to achieve the SRWF purpose, which includes delivery of approximately 880 MW from Lease OCS-A-0487⁸ to the existing grid via a point of interconnection at the LIPA Holbrook Substation in the Town of Brookhaven. The evaluation of alternatives was completed in the context of creating a project design envelope to allow for reasonable flexibility in certain elements while supporting review and approval processes by federal and NYS regulations including siting alternatives, design alternatives, and construction alternatives.

Transmission and interconnection facilities are necessary to transmit electricity generated by the SRWF to the electrical grid. This specifically requires conveying (or delivering) electricity from the offshore wind farm to existing onshore electrical transmission facilities associated with the Project (*i.e.*, the Holbrook Substation). The Project includes multiple transmission and interconnection components: the OnCS–DC and Onshore Interconnection Cable, Onshore Transmission Cable, and SRWEC–NYS. Once the interconnection point was determined in the OREC Agreement, the Applicant reviewed alternative landfall sites and considered potential routes for Onshore Transmission Cable.

⁸ A portion of Lease Area OCS-A 0500 (Bay State Wind LLC) and the entirety of Lease Area OCS-A 0487 (formerly Deepwater Wind New England LLC) were assigned to Sunrise Wind LLC on September 3, 2020, and the two areas will be merged and a revised Lease OCS-A 0487 will be issued. Thus, when using the term “Lease Area” it refers to the Applicant’s merged Lease Area OCS-A 0487.

Exhibit 3 to the Application provides a description and evaluation of each alternative considered, including an explanation of why the preferred siting is best suited for the Project. Exhibit 3 also addresses alternative technologies and explains why the Project best meets the public necessity.

VIII. OTHER RELEVANT INFORMATION

Exhibit 1 to the Application provides the Applicant's corporate name, address, and phone number; the Applicant's principal officer's name, address, and phone number; and the names and addresses of the Applicant's representatives who should receive service of documents and correspondence in this proceeding.

Exhibits 2, 5, E-1, E-2, E-3, and E-4 to the Application provide a detailed description of the location of the various facilities that comprise the Project.

Exhibit 6 to the Application sets out the positive economic effects the Project's construction and operation will have on the traversed municipalities.

Exhibit 7 to the Application provides information on local laws, codes, and ordinances (the Local Laws) that are applicable, or potentially applicable, to the Project. As indicated in Exhibit 7, the Applicant requests that the NYSPSC grant waivers of specified provisions of those Local Laws that would be unreasonably restrictive if applied to the Project. To ensure that the relevant personnel (*i.e.*, Code Enforcement Officer, Building Inspector, Zoning Administrator, etc.) in the Town of Brookhaven are aware of the Applicant's requests for waivers contained within Exhibit 7 and the effect PSL § 130 has on any local permitting requirements, the Applicant has been voluntarily meeting, and will continue to meet with, the Town of Brookhaven.

Exhibit 8 to the Application describes other pending filings associated with the Application and Exhibit 9, which will be filed under separate cover with the NYSPSC's Records Access Officer due to the confidential information contained therein, provides estimated cost information regarding the Project.

Exhibit E-5 to the Application explains why the Project is not expected to cause any material adverse impacts to television, radio, or other communications systems, and Exhibit E-6 to the Application evaluates the impacts of the Project on airports, railroads, roads, and pedestrian areas. The latter analysis demonstrates that the Project will be designed and constructed in a manner that will avoid interference with any of these transport modes except for impacts on roads during construction, which will be temporary and minimized by appropriate measures.

Appendix 1-A to the Application contains the Applicant's most recent Public Involvement Plan (PIP) and Appendix 1-B contains agency correspondence. Key features of the PIP include identifying key stakeholders in the Project area; advancing the public's understanding of the Project; and encouraging and collecting input from, and disseminating information to, stakeholders and the communities surrounding the Project area. Various communication methods will be used as part of the Applicant's PIP, including but not limited to: public information meetings, presentations, a toll-free hotline, a website, direct mail, Project fact sheets and newsletters, and electronic mail. As part of its comprehensive PIP, the Applicant has taken the following significant efforts to inform the public about the Project:

- Met with key stakeholders, including NYS and federal agency staff (including that of the Department, NYS Department of Environmental Conservation [NYSDEC], USACE and

National Park Service [NPS]), NYS and federal legislators representing the Project area, local elected leaders, among other parties, informing them of the Project;

- Presented the Project to the Town of Brookhaven and Suffolk County elected officials and agencies;
- Sent letters to the landowners who will abut the Project, notifying them of the Project, and informing them of ongoing survey work and opportunities to engage with the Project team (*e.g.*, open houses and webinars, the Project website, etc.);
- Held one pre-application virtual open house in advance of filing with the web platform remaining available to those that access after the event. Print ads were placed in the Suffolk Times, TBR Village Beacon Record, South Shore Press, and Newsday. In addition, more than 2,000 postcards were delivered to residents and landowners within 500 ft (152.4 m) of the Project Onshore Facilities. The open house was attended by approximately 250 individuals and the materials from the open house will remain available throughout at least December 31. In addition, the Applicant will be available to field questions for viewers post the event;
- Published print and digital notice of the filing of the Application in newspapers of general circulation in Suffolk County, including Suffolk Times TBR Village Beacon Record, South Shore Press, The Tide of Moriches and Manorville, Long Island Advance, Newsday, Long Island Herald (South Shore Record), Neighbor Newspaper Holtsville and LI Business News, once a week for two consecutive weeks prior to this filing;
- Established a website at www.sunrisewindny.com which has been, and will continue to be, updated regularly with current Project information; and

- Established a toll-free hotline number (631-629-8410), an email address (info@sunrisewindny.com) and a Twitter account (@Sunrisewindny) to receive inquiries regarding the Project.

As outlined in the PIP, the Applicant will continue its robust public outreach efforts throughout the Project's siting and construction.

Appendix 1-C contains the Applicant's testimony in support of the Application.

IX. CONCLUSION

The Applicant respectfully requests that the NYSPSC issue an order pursuant to Article VII of the PSL granting the following:

- A CECPN for the construction, operation, and maintenance of the Project described herein; and
- Such other and further authorizations, consents, permissions, approvals, waivers and permits, as necessary, for the construction, operation, and maintenance of the Project, including, but not limited to:
 - A Certificate pursuant to Section 401 of the Clean Water Act, 33 USC § 1341 (a) (1) and 6 NYCRR § 608.9;
 - The waivers requested in the petition for waivers included in Exhibit A to the Application; and
 - The waivers of local ordinances described in Exhibit 7.

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Dated: December 09, 2020
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EXHIBIT A

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Case 20-T-_____

**PETITION OF SUNRISE WIND LLC FOR WAIVERS OF 16 NYCRR
§§ 86.3 (a) (1), 86.3 (a) (2), AND 86.3 (b) (2)**

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Attorneys for Sunrise Wind LLC

Dated: December 9, 2020

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Case 20-T-_____

**PETITION OF SUNRISE WIND LLC FOR WAIVERS OF 16 NYCRR
§§ 86.3 (a) (1), 86.3 (a) (2), AND 86.3 (b) (2)**

Pursuant to 16 NYCRR § 3.3 (c) and with its application (the “Application”) to the New York State Public Service Commission (the “Commission”) under Article VII of the New York State Public Service Law (the “PSL”) to secure a Certificate of Environmental Compatibility and Public Need to construct, operate, and maintain the Sunrise Wind New York Cable Project (the “Project”), Sunrise Wind LLC (“Sunrise Wind” or the “Applicant”) respectfully petitions the Commission for waivers or modifications of Sections 86.3 (a) (1), 86.3 (a) (2), and 86.3 (b) (2) of the Department of Public Service’s (the “Department”) rules and regulations governing the contents of the Application (the “Petition”).

I. The Commission Should Grant Sunrise Wind’s Petition for Waivers or Modifications of Certain of the Department’s Rules and Regulations

a. 16 NYCRR § 86.3 (a) (1): New York State Department of Transportation Maps (Figure 2.3-2)

16 NYCRR § 86.3 requires that Exhibit 2 of the Application contain “detailed maps, drawings and explanations showing the right-of-way for each proposed facility.”¹ In turn, 16 NYCRR § 86.3 (a) (1) requires an applicant to submit “New York State Department of Transportation [(“NYSDOT”)] maps (1:24,000 topographic edition)” showing: “(i) the proposed right-of-way (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; (iii) any known archaeological, geologic, historical or scenic area, park or untouched wilderness on or within three miles of the right-of-way.”² The Application contains the information required in 16 NYCRR § 86.3 (a) (1) (i), (ii), and (iii) within Figure 2.3-2, but is placed on NYSDOT mapping at 1:190,080 and 1:15,840 scale, as opposed to 1:24,000 scale.

NYSDOT mapping at 1:24,000 scale is not practical to depict the entire Project area and still show the information required in 16 NYCRR § 86.3 (a) (1). In lieu of providing NYSDOT maps at 1:24,000 scale, Sunrise Wind submits NYSDOT maps in Exhibit 2, Figure 2.3-2 at two different scales. The Cover Sheet is at 1:190,080 scale and depicts the general Project components as well as 3 mi (4.8 km) and 5 mi (8.0 km) Project buffers. Many of the components required by 16 NYCRR § 86.3 (a) (1) would not be seen at a scale of 1:24,000. Additionally, sheets 1 through 8 are provided at a map scale of 1:15,840 extending from the submarine segment of the export cable located in NYS waters (the “SRWEC–NYS”) to the new Onshore

¹ 16 NYCRR § 86.3 (a).

² 16 NYCRR §§ 86.3 (a) (1) (i)-(iii).

Converter Station (the “OnCS–DC”), to provide a locational reference. Taken together, as required by 16 NYCRR § 86.3 (a) (1), the maps submitted in Figure 2.3-2 show “(i) the proposed right-of-way (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; (iii) any known archaeological, geologic, historical or scenic area, park or untouched wilderness on or within three miles of the right-of-way.” The Commission has previously granted similar waiver requests where the proposed maps showed all the information required by 16 NYCRR § 86.3 (a) (1).³ Accordingly, Sunrise Wind requests a waiver of 16 NYCRR § 86.3 (a) (1) to depict the above-described information on NYSDOT mapping at 1:190,080 and 1:15,840 scale.

b. 16 NYCRR § 86.3 (a) (2): NYSDOT Map (Figure 2.3-4)

16 NYCRR § 86.3 (a) (2) requires an applicant to submit NYSDOT “maps (1:250,000 topographic edition)” showing the relationship of the proposed facility to the Applicant’s overall system with respect to certain delineated items, including “(i) the location, length and capacity of the proposed facility, and of any existing facility related to the proposed facility; (ii) the location and function of any structure to be built on, or adjacent to, the right-of-way; (iii) the location and designation of each point of connection between an existing and proposed facility; and (iv) nearby, crossing or connecting rights-of-way or facilities of other utilities.”⁴ The Application contains the information required in 16 NYCRR § 86.3 (a) (2) (i)-(iv) within Figure 2.3-4, but is at 1:190,080 scale, as opposed to 1:250,000 scale.

³ See e.g. Case 18-T-0207, *Application of New York Power Authority for a Certificate of Environmental Compatibility and Need Pursuant to Article VII for the Rebuild of the Existing Moses-Adirondack 1&2 Transmission Lines*, Order on Waiver Requests (Issued Sept. 17, 2019).

⁴ 16 NYCRR §§ 86.3 (a) (2) (i)-(iv).

Mapping at 1:250,000 scale is not practical to depict the Project area with sufficient detail and resolution to usefully differentiate among the information required in 16 NYCRR § 86.3 (a) (2). In lieu of providing NYSDOT maps at 1:250,000 scale, Sunrise Wind submits a map in Exhibit 2, Figure 2.3-4 at the more-detailed 1:190,080 scale, which will provide greater resolution of the delineated features. This will ensure Project component legibility. As required by 16 NYCRR §§ 86.3 (a) (2) (i)-(iv), Figure 2.3-4 depicts the (i) location, length and capacity of the proposed facility, and of any existing facility related to the proposed facility; (ii) the location and function of any structure to be built on, or adjacent to, the right-of-way; (iii) the location and designation of each point of connection between an existing and proposed facility; and (iv) nearby, crossing or connecting rights-of-way or facilities of other utilities.⁵ Accordingly, Sunrise Wind requests a waiver of 16 NYCRR § 86.3 (a) (2) to depict the above-described information at 1:190,080 scale. The Commission has recently granted similar waiver requests of 16 NYCRR § 86.3 (a) (2).⁶

c. 16 NYCRR § 86.3 (b) (2): Aerial Photographs (Figure 2.3-5)

16 NYCRR § 86.3 (b) requires an applicant to submit:

- (1) . . . black-and-white or color aerial photographs of such coverage to show at least 1,200 feet on each side of the proposed right-of-way, and of such scale

⁵ Based on publically available information.

⁶ See e.g. Case 18-T-0207, *Application of New York Power Authority for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for the Rebuild of the Existing Moses-Adirondack 1&2 230 kV Transmission Lines Extending approximately 86 Miles from the Robert Moses Switchyard in the Town of Massena, St. Lawrence County to the Adirondack Substation in the Town of Croghan, Lewis County, New York*, Order on Waiver Requests (Issued Sep. 17, 2018), at 4-5 (granting a waiver request with respect to 16 NYCRR § 86.3 [a] [2] to show the required information on 1:24,000 scale maps); see also Case 19-T-0684, *Application of New York Transco LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the New York Public Service Law to Construct, Operate, and Maintain a New, Double-Circuit 54.5-Mile 345/115 Kilovolt Electric Transmission Line and Related Facilities Located in the Town of Schodack, Rensselaer County; the Towns of Stuyvesant, Stockport, Ghent, Claverack, Livingston, Gallatin, and Clermont in Columbia County; and the Towns of Milan, Clinton, and Pleasant Valley in Dutchess County*, Order on Waiver Requests (Issued Feb. 10, 2020), at 5; Case 19-T-0549, *Application of LS Power Grid New York, LLC, LS Power Grid New York Corporation I, and the New York Power Authority for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for Edie/Marcy to New Scotland; Princetown to Rotterdam Project*, Order on Waiver Requests (Issued Dec. 13, 2019).

and detail to enable discrimination and identification of all natural and cultural features. Such aerial photographs shall include overlays:

- (i) clearly identifying the proposed right-of-way;
- (ii) showing where the construction of the proposed facility would necessitate permanent clearing or other changes to the topography, vegetation or man-made structures;
- (iii) showing the location of access and maintenance routes; and
- (iv) showing the location of the facility on the right-of-way.

(2) Aerial photographs shall reflect the current situation. Aerial photographs of urban areas and urbanizing fringe areas shall be taken within six months of the date of filing. All aerial photographs shall indicate by whom and on what date the photographs were taken.⁷

The Application contains the information required in 16 NYCRR § 86.3 (b) (1) within Figure 2.3-5. Specifically, Figure 2.3-5 enables delineation and identification of all natural and cultural features, and includes the following overlays: (i) clear identification of the Project corridor; (ii) where the construction of the Project will necessitate permanent clearing or other changes to the topography, vegetation, or man-made structures; (iii) the location of access and maintenance routes;⁸ and (iv) the location of proposed facilities on the right-of-way.

The Applicant requests a waiver from 16 NYCRR § 86.3 (b) (2)'s requirement that the photographs "shall be taken within six months of the date of filing." Although the aerial photographs in Figure 2.3-5 are greater than six months old,⁹ they reflect the current conditions, as required by section 86.3 (b) (2). Moreover, no significant changes exist in the location where the Project/corridor will be located. The Commission has granted similar waiver requests in the past.¹⁰ Accordingly, Sunrise Wind requests a waiver of 16 NYCRR § 86.3 (b) (2).

⁷ 16 NYCRR § 86.3 (b).

⁸ There are no proposed access or maintenance routes at this time.

⁹ The aerial imagery in this figure was taken between August 9, 2019 and August 11, 2019.

¹⁰ See e.g. Case 06-T-1040, *Application of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Reconstruction, Operation and Maintenance of Approximately 21 Miles of 115 kV Double-Circuit Transmission Facilities from the Gardenville Substation in West Seneca to Structure 199 in Concord, Erie County*, Order Adopting the Terms of a Joint Proposal with Exceptions and Modification and Granting Certificate of Environmental Compatibility and Public Need (Issued April 24, 2009)

II. Conclusion

For the foregoing reasons, Sunrise Wind respectfully requests the Commission grant the Petition to waive or modify the requirements of 16 NYCRR §§ 86.3 (a) (1), 86.3 (a) (2), and 86.3 (b) (2).

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Dated: December 9, 2020
Albany, New York

at 5 and 20 (granting waiver request and noting that Department of Public Service Staff found the substituted aerial photography was “sufficiently recent to satisfy the need for a regulatory review”).

EXHIBIT B

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Application of Sunrise Wind LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of Up to 6.2 Miles (320 kilovolt [kV]) of Direct Current (DC) Submarine Export Cable from the New York State Territorial Waters Boundary to the Smith Point County Park on Fire Island in the Town of Brookhaven in Suffolk County and Up to 17.5 Miles (320 kV) of Onshore Transmission Cable from the Landfall at Fire Island to a New Onshore Converter Station in the Town of Brookhaven and Up to 1 Mile (138 kV) of Alternating Current (AC) Onshore Interconnection Cable Connecting to the Existing Holbrook Substation in the Town of Brookhaven in Suffolk County

Case 20-T-_____

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