



February 14, 2022

Kate McClellan Press
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203

RE: RFI 4944

Submitted via Email

Dear Ms. Press,

The American Clean Power Association (“ACP”) and the New York Offshore Wind Alliance (“NYOWA”) respectfully submit these comments in response to the Request for Information (“RFI”) issued by the New York State Energy Research and Development Authority (“NYSERDA”) pertaining to the development of an *Offshore Wind Cable Corridor Constraint Assessment* (hereinafter referred to as “Assessment”). ACP and NYOWA (collectively referred to as “ACP/NYOWA”) and their respective member organizations have a keen interest in the outcome of this RFI.

ACP is a national renewable energy trade association that unites the power of offshore wind, onshore wind, solar, storage, and transmission companies. Within the offshore wind industry, ACP represents all the major developers and original equipment manufacturers (OEMs) and organizes meetings with the relevant personnel from each company weekly, monthly, and quarterly to determine industry positions on a variety of policy issues, federal regulations, and legislation impacting fisheries, transmission, and maritime issues.¹

NYOWA is a diverse coalition of organizations with a shared interest in promoting the responsible development of offshore wind power for New York. NYOWA is a project of the Alliance for Clean Energy New York (ACE NY). NYOWA’s specific goal is to secure policies and programs that will achieve the State’s standard of 9,000 MW of offshore wind power by 2035. NYOWA members include project developers, environmental advocates, and organized labor, among other interested and affected stakeholder groups.

New York’s landmark Climate Leadership and Community Protection Act (CLCPA) codifies the state’s ambition for the development of 9,000 MW of offshore wind by 2035.² The Public Service

¹ The views and opinions expressed in this document do not necessarily reflect the official position of each individual member of ACP.

² Chapter 106 of the laws of 2019.

Commission has authorized NYSERDA to conduct annual procurements of between 750 MW and 1,000 MW through 2027, with the broad discretion to procure outside this band consistent with achievement of CLCPA goals and ratepayer value.³

NYSERDA has to date procured approximately 4,200 MW of OSW through four utility-scale projects – representing nearly half the capacity needed to reach the CLCPA terminal goal. A fifth project – the 132-MW South Fork Wind Farm – is contracted to the Long Island Power Authority. The five projects with state offtake agreements have all opted to construct radial transmission lines connecting the windfarms to the New York grid. With the exception of the South Fork Wind Farm – which recently received its Article VII authorization to construct transmission facilities in New York state jurisdictional waters and onshore⁴ – requests for transmission siting approvals are either pending or yet to be filed.

Additionally, Governor Hochul recently announced the next OSW procurement for early 2022 that could result in up to 2,000 MW of additional offshore wind generation.⁵ Eligible bidders will include leaseholders who will have secured development rights to the six new lease areas within the New York Bight being auctioned by the Bureau of Ocean Energy Management (BOEM) on February 23.⁶

Additional bulk power transmission will be essential to the sustained and orderly growth of the offshore wind industry in New York, and throughout the broader Northeast region. The Power Grid Study, mandated by the Accelerated Renewable Growth and Community Benefit Act,⁷ determined that “[t]he achievement of [the 9,000 MW offshore wind goal] is likely to require investments in New York’s electricity system”.⁸ The study posited a scenario whereby 3,000 MW of offshore wind imports would be allocated to Long Island and 6,000 MW to New York City as minimizing curtailments and necessary upgrades, though the study authors acknowledged the considerable technical, economic and environmental uncertainties underlying the analysis. The preliminary route feasibility analysis conducted as part of the Power Grid Study revealed “[m]ajor potential constraints...for many of the illustrative route segments”, but the study concluded that these “challenges may be overcome with suitable planning and outreach efforts”.⁹

To that end, the Public Service Commission recently issued a wide-ranging Order to advance the offshore wind related recommendations set out in the Power Grid Study. Among other things, the Order directed NYSERDA and PSC Staff to work with other state agencies “to develop coordinated plans for cable routing to ensure the success of the offshore wind program.”¹⁰

³ Case 15-E-0302, Order Adopting Modifications to the Clean Energy Standard (issued October 15, 2020).

⁴ Case 18-T-0604, Order Adopting Joint Proposal (issue March 18, 2021).

⁵ 2022 State of the State Book at 144.

⁶ Federal Register, Vol.87, No. 10 (January 14, 2022) at 2446.

⁷ Chapter 58 (Part JJJ) of the laws of 2020.

⁸ Power Grid Study, Appendix D at ES-1.

⁹ *Id.* at ES-2.

¹⁰ PSC Order at 17. The Order also directs several changes to NYSERDA’s offshore wind procurement process to support maximum delivery and flexibility including: 1) the deployment of HVDC as an eligibility criterion where appropriate (Order at 15); and 2) the inclusion of incremental mesh-grid ready designs. (Order at 14).

ACP and NYOWA strongly support this initiative and its overarching objectives. Done properly, this Assessment can serve as an authoritative, comprehensive, and science-based analysis of the near-shore and onshore environments and their conduciveness to the siting of transmission corridors to support offshore wind development. There are at least five potential benefits flowing from this Assessment.

First, this Assessment can contribute to future transmission planning and optimization to support the location of transmission corridors that have the potential to minimize economic, environmental, and social costs. Development of a definitive baseline understanding of the constraints to siting of transmission, their severity, and mitigation options across several potential routes will lead to more informed and transparent transmission planning on the part of the development community, the New York Independent System Operator (“NYISO”), state and local government, public utilities, and raise awareness with the public at large.

Second, a comprehensive transmission constraint assessment can support the development of an evidence-based record in agency review and decision-making for future Article VII proceedings. As noted previously, several projects in the New York development pipeline have yet to secure state permits; to the extent the study corridors coincide with or overlap proposed routes, this assessment can supplement or support the evidentiary record.

Third, as a shared and widely available information resource, the Assessment will increase public awareness about the opportunities and challenges of transmission to support offshore wind goals, as well as efforts to foster sound decision-making by developers, stakeholders and government agencies.

Fourth, the Assessment and related establishment of an inter-agency task force can facilitate greater coordination and information sharing among relevant state agencies with jurisdiction over aspects of transmission siting and construction. In turn, this can potentially improve certainty by ensuring that all state agencies operate from a shared baseline of information.

Fifth, as the RFI itself notes, the Assessment will be designed “to support future decision-making and policy development to achieve New York State’s goals and mandates and allow for commercial innovation”.¹¹ Transmission is increasingly recognized as the linchpin in achieving aggressive renewable energy and climate goals, and reducing barriers to timely, cost-effective, and environmentally responsible development has become a key area of interest at all levels of government.¹²

¹¹ RFI at 2.

¹² See, e.g., *Building a Better Grid Initiative To Upgrade and Expand the Nation's Electric Transmission Grid To Support Resilience, Reliability, and Decarbonization*, U.S. Dep’t of Energy, 87 FR 2769 (Jan. 19, 2022)(“[C]lean energy generation is increasingly the least-cost option in many parts of the country, and investment in transmission will play a critical role in unlocking the deployment of greater renewable energy generation.”); See Eric Larson, et al., *Net-Zero America: Potential Pathways, Infrastructure, and Impacts* at 77 (Dec. 15, 2020) (Estimating that high-voltage transmission capacity must expand by 60 percent by 2030, and triple by 2050, to transition America’s electricity system to net-zero emissions), available at https://environmenthalfcentury.princeton.edu/sites/g/files/toruqf331/files/2020-12/Princeton_NZA_Interim_Report_15_Dec_2020_FINAL.pdf.

That said, ACP/NYOWA urge NYSERDA to carefully consider how the agency's involvement in this area can be value-additive to support the ongoing role played by the private sector, as well as that of the NYISO and public utilities, in the planning and development of transmission assets serving New York State.

Specifically, the Assessment should be applied prospectively in such a way that it supports, rather than supplants, mature transmission plans associated with already-contracted projects, and projects in advanced-stage planning. Several of the identified Assessment general "approaches" appear to broadly encompass or spatially overlay routes provisionally selected by project developers. NYSERDA should take into account how the assessment of potential constraints associated with these study corridors, and the potential designation of strategic corridors and points of interconnection, will interface with the transmission routes being advanced by project developers¹³.

Going forward, one potential policy outcome of the Assessment and deliberations of the interagency task force is an identification of constructive roles that state government can play in addressing systemic obstacles to the siting of offshore and overland transmission. Where intractable or difficult-to-overcome environmental, technical, or stakeholder issues are identified, it is conceivable that more robust involvement of NYSERDA and/or sister agencies in pre-development activity can help resolve siting conflicts. The interagency task force should explore the merits of undertaking discrete actions, or a more comprehensive pursuit of "shovel ready" and pre-permitted OSW transmission corridors for development by the private sector.

The remainder of the ACP/NYOWA comments address the specific questions posed by NYSERDA in the RFI.

What resources (e.g., natural and environmental, socioeconomic, infrastructure) beyond those described in the Offshore Wind Cable Corridor Constraints Assessment Framework, are of concern for potential undersea and overland cables?

The draft scoping study presents a comprehensive taxonomy of the resources potentially impacted by the placement of transmission cables in the offshore and onshore environments.

ACP/NYOWA would note that Article VII of the Public Service Law has served as an effective framework for reviewing the technical and economic viability, reliability, and environmental compatibility of proposed additions to the bulk power transmission within the PSC's jurisdiction. ACP/NYOWA believe that the resource parameters highlighted in Draft Assessment Framework appropriately prioritize the areas of most significant concern in the context of near-shore transmission development.

¹³ ACP/NYOWA would also note the likelihood that competitive bids will have been submitted pursuant to NYSERDA's third offshore wind solicitation in advance of the release of the Assessment. NYSERDA should clarify how the Assessment will be utilized, if at all, in the evaluation and execution of these proposed OSW resources.

ACP/NYOWA would suggest that, in addition to identifying and ranking potential impediments, the study also examine the attributes that favor transmission siting; namely, the availability of pre-existing public rights of way that provide for linear integrity to potential points of interconnection.

With regard to “linear utilities”, ACP/NYOWA respectfully suggest that this criterion should not be limited to locations where potential lines would literally *transect* existing utility rights-of-way. Equal or greater emphasis should be placed on *proximity* of the hypothetical corridors to existing or planned onshore grid facilities. If one of NYSERDA’s objectives is to identify corridors that minimize disturbance, it may be appropriate to add a metric that considers where the cable route is likely to interconnect with the grid, and the amount (and sensitivity) of disturbed land necessary to reach that point of interconnection. This analysis should also consider whether multiple projects could utilize a single corridor or portions of a corridor, which may help to minimize *net* disturbances from offshore wind development in the aggregate.

What stressors (e.g., sediment disturbance, traffic interruption, cable exposure) relating to the installation and operations of offshore wind cables present the greatest concerns?

The list of stressors presented in the Draft Assessment Framework seems reasonably comprehensive.

ACP/NYOWA wish to note that oftentimes the biggest challenge to the successful siting and permitting of major energy infrastructure is not directly related to conflicting use but rather stems from public perception and local stakeholder opposition. We appreciate this is a metric not easily measured or captured quantitatively, but it should nonetheless be acknowledged in the identification of future transmission corridors. One way to address this would be for NYSERDA to “pre-clear” potential “Not in My Backyard” opposition to transmission routes that are otherwise technically and environmentally preferable, potentially through the use of community benefits agreements if necessary.

Are there specific key stakeholders (e.g., non-governmental organizations, local government, academic institutions, environmental research organizations, the maritime community, OSW industry) that should be included in this outreach effort?

As noted previously, several of the approaches appear to overlap with the cable corridors envisioned by developers to deliver power from contracted wind farms to Zones J and K. These parties should be consulted to ensure that efforts by NYSERDA and other state agencies and developers are mutually reinforcing, and the best available data is being gathered for decision-making, and that the state’s near-term and longer-term offshore wind goals are moving forward compatibly (which ACP/NYOWA believe they can be). NYSERDA should work with individual developers to consider data sharing and exchanging information on key parameters, identifying constraints, and weighing mitigation strategies.

Additionally, although the study scope is confined to state jurisdictional waters and terrestrial areas, the siting of federal Wind Energy Areas and associated transmission rights of way will have a critical bearing on the efficacy of preferred state routes. ACP/NYOWA urge NYSERDA to coordinate

with BOEM and current and future lessees to make sure the potential routes being analyzed in state waters and onshore align with the most desirable transmission corridors in federal waters.

Depending on timing and progress made on the Assessment, NYSERDA should consider making provisions in its upcoming OREC Solicitation that facilitates engaging eligible bidders on these potential routes prior to bid submission. This consultation can ensure proper utilization of any resulting preferred or recommended Cable Corridors from the Report and ultimately de-risk some of the potential siting and permitting challenges.

Thank you for the opportunity to comment on the Assessment. We look forward to working with the NYSERDA team and other stakeholders as the process moves forward.

Sincerely,



On behalf of ACP/NYOWA

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