

From: [Greenblatt, Jeffrey](#)
To: [Belsito, Anthony \(DPS\)](#); [Si Kinsella](#)
Cc: [Gary Cobb](#); [Alexander Edlich \(Alex.Edlich@gmail.com\)](#); [amolloy@certilmanbalin.com](#); [Andrew.Davis@dps.ny.gov](#); [bdeluca@eastendenvironment.org](#); [Brian.Ossias@dps.ny.gov](#); [Cameron Macdonald \(Cam@GovJustice.org\)](#); [ccirlin@gmail.com](#); [David Fink](#); [debbrodie@optonline.net](#); [David Gruber \(dgruber@grubergray.com\)](#); [Donna.Hintz@dot.ny.gov](#); [dposnett@med.cornell.edu](#); [dspitzer@hodgsonruss.com](#); [Kelch, Hayley](#); [apozdnyakov@lipower.org](#); [lzafonte@lipower.org](#); [dtedesco@couchwhite.com](#); [dtedesco@couchwhite.com](#); [dunealpin@gmail.com](#); [dunealpin@gmail.com](#); [dunealpin@gmail.com](#); [ebaldwin@easthamptonvillage.org](#); [ede@dwgp.com](#); [ei57@aol.com](#); [eseiler@fklaw.com](#); [etzbrea@aol.com](#); [Eugene.Smith@dot.ny.gov](#); [fortressalarm@optonline.net](#); [fortressalarm@optonline.net](#); [greenfluke191@gmail.com](#); [haidun@law.columbia.edu](#); [info@preservemontauk.org](#); [Jane.Weigley@gmail.com](#); [jevansmtk@gmail.com](#); [JJilnicki@EHamptonNY.gov](#); [JJT0934@aol.com](#); [jon@easthamptonlawyer.com](#); [jonathan.binder@dec.ny.gov](#); [jwagner@certilmanbalin.com](#); [karen.gaidasz@dec.ny.gov](#); [kathywss@yahoo.com](#); [laraine@montaukchamber.com](#); [Laura.Cottingham@arnoldporter.com](#); [lgotko@fklaw.com](#); [lgrenci@optonline.net](#); [lindabjames@me.com](#); [lisa.covert@dec.ny.gov](#); [liveliner@hotmail.com](#); [Carolyn Logan Gluck](#); [LS@thembh.com](#); [lsinger@couchwhite.com](#); [lynnstanton@optonline.net](#); [Mark.Pattison@dos.ny.gov](#); [mbuckner@hodgsonruss.com](#); [MGerra@law.columbia.edu](#); [Michael Hansen \(MHnsn1@gmail.com\)](#); [Michael Mahoney \(michaelmah2008@gmail.com\)](#); [mlacey@certilmanbalin.com](#); [Nicholas.Forst@dps.ny.gov](#); [nsgstern@gmail.com](#); [pamelamahoney513@gmail.com](#); [pvenscoyoc@ehamptonny.gov](#); [rogerscate@gmail.com](#); [roxburylaw@gmail.com](#); [Shari.Calnero@parks.ny.gov](#); [sharvey@bsk.com](#); [stevenllambert@yahoo.com](#); [suej.farnham@gmail.com](#); [thomas.bjurlof@geodesic.io](#); [tombogdan@hotmail.com](#); [tysonr@BSK.com](#); [victorvisconti@hotmail.com](#); [weneedwindenergy@gmail.com](#); [zach4eh@gmail.com](#); [Sayre, Gregg \(DPS\)](#)
Subject: RE: IR Si Kinsella #32
Date: Thursday, September 03, 2020 8:29:04 AM
Attachments: [image003.png](#)
[PSEG Long Island response to Si Kinsella #32 \(9-3-20\).pdf](#)

Dear Administrative Law Judge Belsito and Mr. Kinsella,

Attached please find a response to Si Kinsella's information request Si Kinsella #32. Pursuant to 16 NYCRR §5.4(d) and ALJ Belsito's ruling issued on February 12, 2020 in this proceeding, PSEG Long Island is notifying ALJ Belsito of objections to Si Kinsella #32.

Respectfully submitted,

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PSEG Long Island
Case Name: Application of Deepwater Wind South Fork, LLC
Docket No(s): 18-T-0604

Response to Discovery Request: PSEGLI Kinsella 032
Subject: Basis of Determination of Award to Applicant
Date of Response: September 3, 2020

Question:

This Interrogatory/Document Request (“IR”) – Si Kinsella #32 – is following up on IRs #28(a) and #28(b) (submitted to Town of East Hampton).

On June 24, 2015, PSEG Long Island LLC (“PSEG LI”) through its operating subsidiary, Long Island Electric Utility Servco, LLC as agent of and acting on behalf of Long Island Lighting Company d/b/a LIPA (“LIPA”) release a Request for Proposals, South Fork Resources (“2015 South Fork RFP”).

According to 2015 South Fork RFP, “PSEG Long Island and Servco (collectively referred to as “PSEG Long Island” or “PSEG LI”), as agent of and acting on behalf of LIPA ... will administer this RFP on behalf of LIPA.

In February 2017, Deepwater Wind South Fork, LLC (the “Applicant”) was awarded a Power Purchase Agreement (“2017 PPA”) between it and LIPA.

On August 21, 2020, in its response to IR Si Kinsella #28(b), the Town of East Hampton (“Town”), alleges that –

LIPA, acting entirely independently of the Town, which [sic] issued an RFP in 2015 to develop an offshore wind farm. And it was LIPA’s Board of Trustees, again acting entirely independently of the Town, which [sic] reviewed the 21 responses to that RFP and selected Orsted/DWSF as the winning response [emphasis added].

1. How many responses were received pursuant to the 2015 South Fork RFP?
2. Please provide information and/or documentation in support of the number of responses received pursuant to the 2015 South Fork RFP including but not limited to their names and addresses.
3. Please provide documentation (if any exists) supporting the Town’s assertion that it was “LIPA, ... which [sic] issued an RFP in 2015 to develop an offshore wind farm” and not “PSEG Long Island and Servco (collectively referred to as “PSEG Long Island” or “PSEG LI”), as agent of and acting on behalf of LIPA.”

4. Please provide documentation (if any exists) supporting the Town's assertion that "it was LIPA's Board of Trustees, ... which [sic] reviewed the 21 responses to that RFP and selected Orsted/DWSF as the winning response" and not "PSEG Long Island and Servco (collectively referred to as "PSEG Long Island" or "PSEG LI"), as agent of and acting on behalf of LIPA."
5. Please provide documentation supporting the basis for the determination by PSEG LI (and/or LIPA) with respect to the award of the 2017 PPA to the Applicant including but not limited to any comparative analysis with respect to each of the "21 responses" (or the total number of responses if not "21") submitted pursuant to the 2015 South Fork RFP in support of the determination and any memoranda, reports, and/or findings of PSEG LI (or LIPA) its officers, employees, contractors and/or agents with regard thereto.
6. Please provide copies of any comparative "evaluation criteria" as set forth within the 2015 South Fork RFP for each of the "21 responses" (or the total number of responses if not "21") submitted pursuant to the 2015 South Fork RFP.
7. Please provide copies of any correspondence seeking to "clarify proposals for the purpose of assuring PSEG Long Island [has] a full understanding of their response to this RFP" for the "21 responses" (or the total number of responses if not "21") submitted pursuant to the 2015 South Fork RFP.
8. Please provide copies of any documentation as a results of any "interviews and/or site visits" pursuant to the 2015 South Fork RFP for any of the "21 responses" (or the total number of responses if not "21") submitted pursuant to the 2015 South Fork RFP.
9. Please provide copies of any "NYS Vendor Responsibility Questionnaire" provided by any of the "21 responses" (or the total number of responses if not "21") submitted pursuant to the 2015 South Fork RFP.
10. Please provide copies of any "additional information to supplement the information provided in the NYS Vendor Responsibility Questionnaire" provided by any of the "21 responses" (or the total number of responses if not "21") used "to assist the Selection Committee in making such a determination" pursuant to the 2015 South Fork RFP.

Attachments Provided Herewith: 0

Response:

1. The South Fork Offshore Wind Project was among 21 proposals to respond to the June 24, 2015 Request for Proposals for South Fork Resources ("2015 SF RFP").
2. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding

3. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding. Notwithstanding the foregoing and without waiving said objections, the 2015 SF RFP was issued by PSEG Long Island LLC through its operating subsidiary, Long Island Electric Utility Servco LLC (“Servco”), as agent of and acting on behalf of Long Island Lighting Company d/b/a LIPA.
4. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding.
5. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding.
6. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding.
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8. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding.
9. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding.
10. PSEG Long Island objects to this request on the grounds that it seeks confidential information that is neither relevant to, nor reasonably calculated to lead to, the discovery of admissible evidence in this Article VII proceeding.