

CASE 18-T-0604 - Application of Deepwater Wind South Fork, LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 3.5 Miles of Submarine Export Cable from the New York State Territorial Waters Boundary to the South Shore of the Town of East Hampton in Suffolk County and Approximately 4.1 Miles of Terrestrial Export Cable from the South Shore of the Town of East Hampton to an Interconnection Facility with an Interconnection Cable connecting to the Existing East Hampton Substation in the Town of East Hampton, Suffolk County.

RESPONSE TO MOTION BY SOUTH FORK WIND, LLC. TO STRIKE TESTIMONY

On November 5, 2020 South Fork Wind, LLC. moved to strike the entire testimony of Mr. Simon Kinsella.

On November 11, 2020 Administrative Law Judge Belsito invited other parties to respond to Applicant's motion to strike Mr. Kinsella's testimony.

It is our view that Mr. Kinsella has contributed substantive, detailed, factual and credible evidence that may otherwise not have been available for a complete record in the case.

We believe that Mr. Kinsella should be treated in the same manner as other parties in the proceeding and that he should be afforded a reasonable opportunity to present evidence and to cross-examine witnesses.

We suggest that if any of the evidence submitted by Mr. Kinsella is deemed not admissible, this should be established in a deliberate manner, where issues can be resolved and decisions recorded as part of the evidentiary phase of the proceeding.

For these reasons we respectfully request that Applicant's motion be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Bjurlof". The signature is written in a cursive, slightly stylized font.

Thomas Bjurlof

Long Island November 16, 2020