

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

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.

Case No. 18-T-0604

**RESPONSE BY CYNTHIA CIRLIN TO
MOTION OF SOUTH FORK WIND LLC
TO STRIKE TESTIMONY OF KINSELLA**

I, Cynthia Cirlin, am an intervening party in the above-caption proceeding. Please accept my response to the Applicant's Motion to Strike the Testimony of Mr. Simon V. Kinsella.

On November 5, 2020, South Fork Wind LLC, the Applicant in this proceeding, served a motion to strike the entirety of Mr. Kinsella's testimony. On November 11, Judge Anthony Belsito invited all parties who "wish to respond to the Applicant's motion, they may do so by close of business on November 16, 2020."

After reading the Applicant's Motion to Strike Testimony, one needs to ask why the Applicant wants to strike Mr. Kinsella's testimony. The Applicant does not question the accuracy of the documents that Mr. Kinsella has produced. Rather,

they challenge Mr. Kinsella's right to ask questions and raise important concerns, a right of all stakeholders in an Article VII proceeding.

Mr. Kinsella's contributions to the record have been thoroughly researched and based on facts which are relevant and material to the outcome of this proceeding and a decision about whether or not Deepwater Wind should receive a "Certificate of Environmental Compatibility and Public Need for the Construction of ...Submarine Export Cable...and Terrestrial Export Cable...to an Interconnection Facility...connecting to the Existing East Hampton Substation..."

Because the Applicant has not been forthcoming with many facts and issues that are relevant and material to this proceeding, Mr. Kinsella has had to resort to using the Freedom of Information Act to obtain factual information about key concerns about the project, including pricing, environmental issues such as soil and water contamination, and the ability of the Deepwater South Fork wind farm actually to provide adequate electricity that is needed during the peak summer months. These issues and concerns should be judged on their merits by the Department of Public Service.

The finding of facts is critical to an Article VII proceeding. In Mr. Kinsella's testimony, he is witness to facts that the Applicant has not provided. In Mr. Kinsella's three pre-filed direct testimonies (October 9, 2020, "Part 2;" September 9, 2020, and October 9, 2020, regarding "PFAS" contamination;) and his entire Rebuttal Testimony (October 30, 2020,) referenced in Applicant's Motion to Strike Testimony (on page 1) he has included thousands of pages of documentary evidence that are critical to the due diligence required for the Department of Public Service to be able to make an informed decision based on a complete record regarding certification. Many of the documents contain valuable information from government agencies and offices that are written in plain language so that the average person may read and understand the issues of soil and water contamination and how considerably more ratepayers will be required to pay for electricity

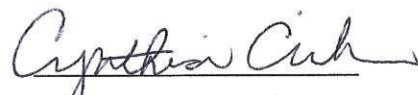
supplied by South Fork Wind, LLC., compared to currently prevailing electricity rates. Many of the documents provided by Mr. Kinsella are those from LIPA, PSEG Long Island, and even South Fork Wind. Is South Fork Wind proposing to strike its own documents?

Through his testimonies, rebuttal and exhibits, Mr. Kinsella is a witness to fact. The evidence presented by Mr. Kinsella should be included, and the Public Service Commission should be allowed to judge South Fork Wind's application on a full set of facts and on its merits. Mr. Kinsella's knowledgeable contribution should not be summarily stricken from the record before being considered. I trust the reliability and accuracy of Mr. Kinsella's evidence far more than that of South Fork Wind and the Town of East Hampton.

Mr. Kinsella should be treated in the same manner as all other parties in this proceeding, whether they be stakeholders, attorneys, local, state, and federal governments and their agencies, as well as public utilities and private energy corporations.

I respectfully request, therefore, that the Motion by South Fork Wind LLC to Strike the Testimony of Simon V. Kinsella be denied.

Respectfully submitted,



Cynthia Cirlin

November 16, 2020

East Hampton, New York