

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 ZACHARY COHEN TO
MOTION OF SOUTH FORK WIND LLC
TO STRIKE ENTIRE TESTIMONY OF SIMON KINSELLA

Dear Judge Belsito,

I, Zachary Cohen, am an intervening party in the above-caption proceeding.

On November 5, 2020, South Fork Wind LLC (formerly Deepwater Wind South Fork LLC) served a motion to strike the testimony of Simon Kinsella in its entirety.

On November 11, 2020, Administrative Law Judge Belsito invited (via email) other parties who “wish to respond to the Applicant’s motion ... may do so by close of business on November 16, 2020.” This is my response to Applicant’s Motion to Strike Testimony.

Mr. Kinsella has contributed to the record testimony that I have found to be well researched, reliable and substantiated. Mr. Kinsella has introduced facts into the proceeding that otherwise would not have been included. His testimony is factual, informative and helpful and I believe he is knowledgeable about the subject matter of his testimony.

Furthermore, Mr. Kinsella should be treated in the same manner as all other parties in

this proceeding and be “afforded reasonable opportunity to present evidence and examine and cross-examine witnesses.” [16 NYCRR § 4.5(a)]

I would like to add that Mr. Kinsella provides large amounts of needed information that South Fork Wind LLC (SFW) either does not provide or which SFW provides of incorrect information. Much of Mr. Kinsella’s work is important to educate everyone involved in Case 18-T-0604 (Case), and to help the 1.1 million Long Island electricity accounts that will pay for SFW.

Let me start with an important piece of Case information that shows that SFW gave information that hides that SFW will over-charge \$200 million compared to the statements made by SFW and LIPA. The issue begins with the initial price per kilowatt from the original 90 MW section that is approximately twice as high as the prices from other new Long Island wind farms. But Mr. Kinsella and my work strongly analyzes and discusses how much SFW would annually raise its prices. My work on this, and important public information, would not have been possible without working with Mr. Kinsella. He often can provide information needed by a financial analyzer and which is also needed by the public.

I discussed this problem in my first Cohen-1 Case submission. There had been mentions by SWF at presentations that the prices per year would rise about 2% per year. As is stated in the LIPA South Fork Wind Farm *Fact Sheet*: “The price for the 90-megawatt South Fork starts at 16 cents per kWh, and the price for the 40-megawatt project starts at 8.6 cents per kWh. Both prices escalate at an average of 2% per year for 20 years.”

Several of us began in 2016 or 2017 analyzing the pros and cons of what SWF proposed. We had financial reports of a few important results such as the Comptroller estimate of the entire production each year and the total money SWF will receive over 20 years. Obviously, the Comptroller information should always be provided to the public and it is wrong for it to disappear and not be available.

My Cohen-1 in this Case used the information provided by the Comptroller and assumed that like a traditional provider working for the public, the SWF prices would rise the same amount each year (and I assumed that each price was used for 12 months which is not true for the initial price which goes up at the next January, possibly only one month away). My

calculation proved that the annual increase would be 3 percent if the starting price is about 16.3 cents per KW (which was shown in the South Fork Wind Farm *Fact Sheet* graph) or close to 3.2 percent if the starting price is 16.0 cents (which is quoted above from the same publication).

Almost all the financial information needed by the public to do a good analysis of SFW was blacked out in the Power Purchase Agreement (PPA) from February/March of 2017 between LIPA and SFW. Fortunately, Mr. Kinsella has persistently supported publication of needed financial information from the PPA and all other publications. He, and others, have used FOILs to receive some of the needed financial information. Mr. Kinsella sent me the previously blackened Appendix 4 of the PPA which indicates the expected prices for each increase.

My financial analysis, shown in my submitted Cohen-5 Excel and discussed in the submitted paper to Judge Belsito, shows that the price paid to SFW increases by 5 percent in the first 4 increases, and then 3 percent in the next five years of increases. SFW will receive **200,000,000 dollars more** (my given bold face) than if they did a true and standard 2% price increase every 12 months. LIPA and SFW are not telling the financial truth of this pricing to the public. There should not be any limitation of the discussion of early financial and functional views of SFW or agreements with LIPA.¹

The second section of **SOUTH FORK WIND, LLC MOTION TO STRIKE TESTIMONY** demands that Mr. Kinsella not be involved in discussing science and engineering of the Case because he might not have that professional education and does not work professionally in that area. I strongly disagree as much of the most important information in those areas only requires understanding which can either be done online or can be learned.

For example, the Cohen-3 submission to the case showed that SFW turbines on their towers installed in the ocean would be visible from Montauk at all levels, even from the beach. SFW has stated incorrectly, and continues to state incorrectly, that the wind towers will not be visible from Long Island. Mr. Kinsella, me, and a couple of others worked together at a quick

¹ In the **SOUTH FORK WIND, LLC MOTION TO STRIKE TESTIMONY** the SFW on pages 4 and 5 and in footnotes 3 and 4 states other New York Cases which received acceptance of what SWF wants. But SWF implies that the other Cases had already received NYISO or Commission confirmations of findings in those cases. That does not compare to the lower acceptance level or lack of acceptance yet of SWF. SFW does not have acceptance yet to build the wind farm in the ocean. That acceptance probably cannot happen before 2022. No one knows for sure what the final proposal will be so we in the case must ask about all the possibilities.

pace to do the simple geometry/trigonometry calculation to determine the exact truth. My Cohen-3 submission shows several online calculations which disagreed with the claims of SFW. This is more proof of why people of intelligence who work thoroughly can come up with more accurate analysis than is given by SFW.

Another important science and engineering related work that has required people like Mr. Kinsella, and me, to disagree with SFW and LIPA are the SFW semi-science statements about the need for the increased electricity. We have both examined, Mr. Kinsella extensively, the questionable need for routing of new cables through the ocean to East Hampton and to the existing Cove Hollow sub-station. Mr. Kinsella and I have submitted to the case the non-need for the cables. My Cohen-4 submission used papers given to the public by LIPA in 2016 and a PSEGLI/LIPA paper from 2017 that required a FOIL to receive (and I also used a similar PSEGLI/LIPA paper from 2018). It did not require a science degree to analyze heights of towers, noise, and most importantly, the removal of the need of East Hampton for SFW after new cables are installed from Riverhead before SFW is built. As importantly, the fact that the LIPA advanced cable additions and improvements would eliminate any need for a construction of a new sub-station in Cove Hollow.

SFW and LIPA often give incorrect information or answers to the public, and especially to Mr. Kinsella and other people, such as me, working on the case. We must be allowed to question what has either not been discussed or not been properly discussed no matter what year it was avoided or done. For the reasons cited (above), I respectfully request that the Motion by South Fork Wind LLC to Strike Testimony of Simon Kinsella be denied in full.

Respectfully submitted,



Zachary Cohen

Dated: November 16, 2020

East Hampton, New York