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July 7, 2023

***Delivery Via Electronic Mail (emma.rodvien@puc.ri.gov)
with Hard Copies to be Hand Delivered on July 10, 2023***

Emma Rodvien
Coordinator
Energy Facility Siting Board
RI Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: SouthCoast Wind Energy LLC– Application to Construct Major Energy Facility
Docket No. SB-2022-02

Dear Ms. Rodvien:

Enclosed herewith please find an original and six copies of SouthCoast Wind Energy LLC's response to the Rhode Island Energy Facility Siting Board Chairman's letter dated July 3, 2023.

Please feel free to contact me if you have any questions.

Respectfully,



Christian F. Capizzo

CFC:nah
Enclosure

cc: Service List Updated March 1, 2023

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Energy Facility Siting Board.

Dated: July 7, 2023



Christian F. Capizzo

**Docket No. SB-2022-02 – SouthCoast Wind Energy LLC’s Application for a License to Construct Major Energy Facilities (Portsmouth, RI)
Service List – Updated March 1, 2023**

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Re: SouthCoast Wind Energy LLC– Application to Construct Major Energy Facility
Docket No. SB-2022-02

Dear Ms. Rodvien:

Please allow this letter to serve as a response to Rhode Island Energy Facility Siting Board (the “Board”) Chairman’s letter dated July 3, 2023. The letter was issued following the Board Coordinator’s receipt of what can only be called a highly unusual email communication from a single staff member of the Coastal Resources Management Council (“CRMC”), David Ciochetto, dated June 29, 2023 at 5 p.m. SouthCoast Wind understands that Mr. Ciochetto’s email was not authorized by CRMC.

SouthCoast Wind has had highly professional interactions with CRMC dating back more than a year. Contrary to the email’s inaccurate assertions, SouthCoast Wind has and will continue to conduct its permitting and siting efforts in an open and transparent manner, diligently and in good faith. SouthCoast Wind has and will continue to work closely with federal and state regulators to satisfy their questions and concerns about this complex multi-jurisdictional project.

The email is factually inaccurate and attributes statements to SouthCoast Wind and its counsel that were never made. For example:

- The email alleges that South Coast Wind “have [sic] not met with the fab.” Mr. Ciochetto himself attended a meeting between SouthCoast Wind and representatives of the Fishermen’s Advisory Board and CRMC on May 26, 2022. More recently, there was a March 7, 2023 meeting for SouthCoast Wind to present and discuss its Fisheries Monitoring Plan. Mr. Ciochetto was notified of this meeting.

- Furthermore, starting in late January 2023, SouthCoast Wind has been in active negotiations with Attorney Desautel, counsel for the FAB, focused on reaching an agreement with the FAB over funding an escrow account for the purpose of paying their legal counsel and experts. The drafting of this agreement, which is a necessary next step in the FAB process, is in its final stages. SouthCoast Wind referenced these discussions in its pre-filed testimony for the Show Cause Hearing. *See* Pre-Filed Testimony of Francis Slingsby, p. 12 ll.3-5 (“SouthCoast Wind has continued to engage in discussions with the Fisherman's Advisory Board and has retained Woods Hole Oceanographic Institute (WHOI) to conduct an economic impact analysis.”).
- The email makes the claim that “there is no application being reviewed by the CRMC for the state Waters [sic] portion.” In fact, following a series of pre-application discussions dating back to early 2022, SouthCoast Wind filed its Category B Assent application on February 24, 2023. Between February 24 and June 12, 2023, the date of the Show Cause hearing, SouthCoast Wind and CRMC had five meetings to discuss the Project and the Category B Assent application. In addition to these meetings, there have been numerous calls and emails. All of these communications are connected to CRMC’s review of SouthCoast Wind’s Category B Assent application in order for the application to be officially accepted by CRMC.
- SouthCoast Wind’s filings with the Board for the Show Cause hearing fairly and accurately reported that the CRMC was “currently reviewing” the Category B Assent application. SouthCoast Wind Response to Data Requests Set 1, at page 4; *see also* Pre-Filed Testimony of Francis Slingsby, June 2, 2023, p. 11 ll.15-17 (“SouthCoast Wind has been moving forward with other important Rhode Island state permit applications, including the submittal of the Category B Assent application and federal consistency certification[.]”).

Furthermore, in response to questioning by the Board Chair during the Show Cause hearing, Ms. Jennifer Flood, Permitting Director for SouthCoast Wind, explained that SouthCoast Wind’s projected timeline for the CRMC Category B Assent was based on the historic example of the CRMC review period for the Revolution Wind application, with some assumed efficiencies from the agency’s experience with that earlier application. *See* Transcript p.90 L. 17-25; p. 91:

17 MR. GERWATOWSKI: I'm glad you
18 mentioned CRMC. I'm generally familiar with
19 what CRMC does. They get involved in a lot
20 of complex issues and there are controversies
21 that arise.

22 I was surprised at how rapidly the
23 Category B assent was that you were
24 forecasting here. And obviously developers
25 need to be optimistic. But that just seemed
1 awfully rapid to me to have CRMC finishing
2 before the Siting Board. And I'm just
3 wondering, what was the reason why you would
4 have thought that?
5 MS. FLOOD: I think that we looked
6 at the Revolution Wind process and the
7 information required. And we did assume some
8 lessons learned and efficiencies, but this is
9 our best guess right now.

As with any projection that attempts to look into the future, SouthCoast Wind's assumptions about the CRMC's review timeline may ultimately prove to be incorrect. However, SouthCoast Wind was open and transparent about the basis for its projection and intends to diligently move forward with its permitting processes, including with the CRMC. There was no misrepresentation to this Board.

As always, SouthCoast Wind is ready to provide any additional information that may be helpful to the Board in addressing the contents of the June 29th email. Please feel free to contact me if you have any questions.

Respectfully,



Christian F. Capizzo

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cc: Service List Updated March 1, 2023