

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GREEN OCEANS *et al.*,

Plaintiffs,

v.

BUREAU OF OCEAN ENERGY
MANAGEMENT *et al.*,

Defendants,

and

SUNRISE WIND LLC,

Proposed Intervenor-Defendant,

and

STATE OF NEW YORK *et al.*,

Proposed Intervenor-Defendants

C.A. No. 26-cv-01006-RCL

DECLARATION OF GEORGES SASSINE

SENIOR VICE PRESIDENT FOR LARGE-SCALE RESOURCES

**NEW YORK STATE ENERGY RESEARCH AND
DEVELOPMENT AUTHORITY**

I, Georges Sassine, declare as follows:

1. I currently serve as the Senior Vice President for Large-Scale Resources at the New York State Energy Research and Development Authority (NYSERDA). I have been a Vice President at NYSERDA since 2021. In this role, I lead NYSERDA's

work in advancing utility-scale electricity resources, which includes, but is not limited to, land-based renewable energy and offshore wind resources. I submit this declaration based on personal knowledge and in reliance on the records cited below in support of the State of New York and NYSERDA's motion to intervene and to defer filing an Answer.

Personal background and qualifications

2. Prior to joining NYSERDA, I spent nearly ten years at General Electric (GE) where I took on a wide scope of responsibilities including strategy, scenario planning, product management, marketing and business development. I hold a bachelor's degree in Engineering, Mechanical Engineering, from the American University of Beirut and a master's degree in Public Policy from Harvard University

3. As the Senior Vice President for Large-Scale Resources, I oversee NYSERDA's Offshore Wind Program, supporting a talented team of topical experts engaged in advancing competitive procurement of new strategic projects, rigorous contract management of a portfolio of contracted offshore wind projects with a total nameplate capacity (maximum power output) of 1,700 megawatts, advancing grid integration solutions, and driving workforce development and economic development investment opportunities including manufacturing and port infrastructure. These efforts support the implementation of New York's prioritization of offshore wind in its energy portfolio in a manner that minimizes risks and maximizes benefits, with a focus on NYSERDA's role as the purchaser of offshore wind renewable energy certificates on behalf of New York's load-serving entities.

The New York State Energy Research and Development Authority

(NYSERDA)

4. NYSERDA was founded in 1975 as a public benefit corporation under Article 8, Title 9 and Title 9A of the New York Public Authorities Law. Pursuant to these statutory authorities, NYSERDA plays a leading role in designing and implementing New York's policies and programs that advance the energy-related legislative, regulatory, and policy goals of the State. Included among those policy goals, the 2019 New York State Climate Leadership and Community Protection Act (the Climate Act) seeks the procurement of at least 9 gigawatts (9,000 megawatts) of electricity generated by offshore wind resources to serve the state electricity system by 2035.

5. Among its programmatic activities, NYSERDA administers New York's Clean Energy Standard¹ pursuant to orders of the New York State Public Service Commission (the Commission or PSC) issued since August 1, 2016.² In this role, NYSERDA competitively awards long-term contracts to developers of new large-scale generation resources eligible to participate in the program, including offshore wind. Following the enactment of the Climate Act, the PSC has incorporated the Climate

¹ New York's Clean Energy Standard is the successor to New York's Renewable Portfolio Standard (RPS) and has similar characteristics to RPS programs in other states.

² New York Public Service Commission Case 15-E-0302, *Proceeding to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, Order Adopting a Clean Energy Standard (issued Aug. 1, 2016); *see also* PSC Case 18-E-0071, *In the Matter of Offshore Wind Energy*, Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement (issued July 12, 2018) (establishing Offshore Wind Standard and providing for Renewable Energy Certificates).

Act's targets of 9 gigawatts of offshore wind by 2035 and 70% renewable energy into the Clean Energy Standard.

6. The Clean Energy Standard includes an Offshore Wind Standard that requires utilities and other entities that supply electricity to procure offshore wind renewable energy certificates.

7. When NYSERDA awards and contracts with an offshore wind generation project, it commits to purchase renewable energy certificates from the project. One renewable energy certificate represents the environmental attributes associated with 1 megawatt-hour of electricity generated by the project (as compared to electricity generated by burning fossil fuels) and consumed in New York. In accordance with PSC orders, NYSERDA will sell the renewable energy certificates it purchases from offshore wind projects to the utilities and other companies that supply electricity to end-users in New York as well as the voluntary market (for example, optional green energy purchases by companies, which reduce the cost exposure of the program to ratepayers).

Offshore Wind Project Development in New York

8. New York has been engaged in the analysis and development of the offshore wind industry since before 2010, when NYSERDA published a series of studies related to the potential for offshore wind generation near Long Island and New York City.³

³ NYSERDA, *Wind - R&D Technical Reports Archive*, <https://www.nyserdera.ny.gov/About/Publications/Energy-Analysis-Reports-and-Studies/Wind-Reports/Wind-Reports-Archive>.

9. In 2018, NYSERDA published the New York State Offshore Wind Master Plan,⁴ which incorporated years of scientific analysis and extensive engagement with stakeholders and the public to determine the most responsible and cost-effective pathways for developing offshore wind in the New York Bight (the area of ocean between Long Island and New Jersey). The Master Plan published the results of 20 detailed technical studies, including an Aviation and Radar Assets Study,⁵ as well as studies on other topical areas in consideration of federal and state permitting. Throughout the development and implementation of its offshore wind program, New York has advanced its work in close coordination with federal agencies.

The Sunrise Wind Project

10. The Sunrise Wind Project is a 924-megawatt project developed by Sunrise Wind LLC (Sunrise Wind), a subsidiary of Ørsted.

NYSERDA Contract

11. Following the PSC's July 12, 2018, Order establishing the Offshore Wind Standard, NYSERDA launched New York's first offshore wind solicitation on November 8, 2018, and the Sunrise Wind Project submitted a proposal on February 14, 2019. The solicitation contained minimum eligibility requirements including demonstration of site control, a detailed permitting plan, and interconnection and

⁴ NYSERDA, *Offshore Wind Master Plan*, <https://www.nyserda.ny.gov/All-Programs/Offshore-Wind/About-Offshore-Wind/Master-Plan>.

⁵ NYSERDA, *New York State Offshore Wind Master Plan, Aviation and Radar Assets Study, Report 17-25c* (Aug. 2015), <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Publications/Research/Biomass-Solar-Wind/Master-Plan/17-25c-Aviation-and-Radar-Assets-Study.pdf>.

deliverability plan. Evaluation was based on pre-established criteria consisting of 70% price, 20% economic benefits to New York, and 10% project viability, which included an in-depth assessment of the projects' development plans and progress by a scoring committee comprised of NYSERDA staff, New York State Department of Public Service staff, and independent evaluators. Following evaluation pursuant to these criteria, NYSERDA notified Sunrise Wind on May 15, 2019, that its project had been awarded under the solicitation, contingent on negotiation of a final agreement.

12. On October 23, 2019, following final post-award contract negotiations, NYSERDA entered into an Offshore Wind Renewable Energy Certificate Purchase and Sale Agreement (OREC Agreement) with Sunrise Wind pursuant to which NYSERDA agreed to purchase, and Sunrise Wind agreed to sell, renewable energy certificates to NYSERDA for a term of 25 years that begins after the Sunrise Wind Project has started providing clean energy to New York State's electric grid.

13. On June 7, 2023, Sunrise Wind submitted a petition to the PSC requesting that the price of its OREC Agreement be increased to account for unforeseen inflation; the PSC denied this petition on October 12, 2023.⁶

14. New York launched its fourth offshore wind solicitation on November 30, 2023. The solicitation included minimum eligibility requirements and evaluation

⁶ New York Public Service Commission Case 18-E-0071, *In the Matter of Offshore Wind Energy*, Order Denying Petitions Seeking to Amend Contracts with Renewable Energy Projects (Oct. 2023), <https://documents.dps.ny.gov/public/MatterManagement/MatterFilingItem.aspx?FilingSeq=314377&MatterSeq=55709>.

criteria similar to New York's first offshore wind solicitation but imposed updated contract terms. Projects that held OREC Agreements based on prior awards and wished to participate in that solicitation were required to execute conditional termination agreements with NYSERDA that provided for the OREC Agreement to terminate in the event of either a non-award or an award and execution of a new contract pursuant to the award.

15. Sunrise Wind executed a conditional termination agreement of its prior existing OREC Agreement and submitted a proposal to the solicitation. NYSERDA notified Sunrise Wind on February 28, 2024, that the project had been awarded under the solicitation, contingent on negotiation of a final agreement.

16. On May 31, 2024, following final post-award contract negotiations, NYSERDA entered into an OREC Agreement with Sunrise Wind pursuant to which NYSERDA agreed to purchase, and Sunrise Wind agreed to sell, renewable energy certificates to NYSERDA for a term of 25 years, starting after the Sunrise Wind Project begins delivering energy to New York.⁷

Project Status

17. The Sunrise Wind Project is under construction and is expected to be fully operational in 2027.

⁷ Pursuant to the conditional termination agreement, the prior OREC Agreement terminated at the time the new OREC Agreement was entered into.

Benefits of the Sunrise Wind Project

18. The Sunrise Wind Project will provide significant economic, energy, environmental, and air quality benefits to New York, most of which will be lost if the Project is cancelled. The economic benefits to New York are detailed below. The energy benefits are described in the accompanying declaration of Carl Mas, NYSERDA's Senior Vice President for Policy, Analysis, and Research, and the environmental and air quality benefits are described in the accompanying declaration of Hillel Hammer, NYSERDA's Senior Advisor for Policy and Analysis.

Tax Revenue and Economic Benefits

19. Sunrise Wind is projected to pay hundreds of millions of dollars in taxes to New York state and local governments over the life of the Project.

20. NYSERDA's agreement with Sunrise Wind specifically calls for over \$875 million in total economic benefits to accrue to New York by the end of the third year of the Project's operations.

21. NYSERDA further expects significant economic benefits to accrue to New York as a result of the Project after the third year of the Project's operations.

22. The Sunrise Wind Project supports numerous jobs in New York, which generate income taxes for New York.

23. Other economic benefits expected to accrue to New York as a result of the Sunrise Wind Project include investments in electrical infrastructure, sourcing of goods, services and materials from New York, workforce development initiatives, and fish and wildlife monitoring. Some examples are included below.

24. NYSERDA's agreement with Sunrise Wind requires Sunrise Wind to make \$8.4 million in financial commitments, half of which is committed to the monitoring of fish and invertebrates that support economically important fisheries and half of which is committed to monitoring wildlife of conservation concern (such as marine mammals and avian fauna).

25. Among its local economic benefits, Sunrise Wind signed a host community agreement with the Town of Brookhaven for nearly \$170 million over 25 years and has committed to \$700 million in investments in Suffolk County, New York alone.⁸ These investments include \$28 million in Payments in Lieu of Taxes (PILOT) to local municipalities and an operations and maintenance hub in East Setauket that has been projected to create up to 100 new long term jobs.

New York's Economic Interests

26. New York will lose hundreds of millions of dollars in tax revenue if the Sunrise Wind Project is cancelled.

27. If the Project is cancelled or delayed, the continued accrual of the \$875 million dollars in economic benefits committed to New York will be at immediate risk, including those described in paragraphs 19-25 above.

28. New York's efforts to diversify its energy supply and enhance grid resiliency and capacity in order to support downstate electric load growth while also

⁸ Press Release, Sunrise Wind, Suffolk County Executive Bellone and Brookhaven Town Supervisor Romaine Announce Local Benefits Agreements to Advance Sunrise Wind Project (Mar. 20, 2023), <https://sunrisewindny.com/news/2023/03/local-benefits-agreements-to-advance-sunrise-wind-project>.

meeting its climate goals will be compromised if the Sunrise Wind Project is cancelled or delayed.

29. If the Sunrise Wind Project is cancelled or delayed, NYSERDA and other state agencies would need to invest substantial time and money to analyze the impact of the Project's cancellation and to determine whether the clean energy from the Project could be replaced. Any such replacement, if one existed, would not be available on the same timeline as the Project (which is already partially completed) and would likely be more expensive for at least two reasons: first, the pricing of NYSERDA's contract with the Project was fixed years ago, and inflation since then, including inflation due to tariffs, has put upward pressure on the cost of offshore wind projects; and second, the federal tax credits that apply to the Project would also be lost, and any replacement project might not be able to access the tax credits given the acceleration of their expiration through the enactment of H.R. 1 in 2025. The loss of these tax credits would increase costs to New York's electricity ratepayers.

30. As discussed in the accompanying declaration of Hillel Hammer, the cancellation or delay of the Sunrise Wind Project would result in worse air quality for New Yorkers by extending reliance on polluting fossil fuel-based generation. Because of the higher incidence of resulting health harms, New York would face increased expenses due to associated costs borne by health service providers funded in part or in whole by New York.

31. The failure of the Sunrise Wind Project would chill the growth and development of offshore wind in New York. This challenge to the duly issued permits

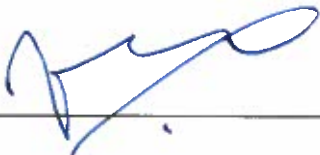
comes after over a decade and a half of work by New York's public and private sectors to develop the industry. A decision or settlement in this lawsuit impeding the Project would impair the public and private sector's confidence when investing money, time and other resources in offshore wind projects. Offshore wind developers will be far more cautious about investing in project development, and financing costs will rise if the challenge to the permits is successful, resulting in longer development timelines and driving up development costs, ultimately resulting in adverse financial impacts on ratepayers.

Conclusion

32. The Sunrise Wind Project provides substantial economic benefits to New York that the State is counting on. Delaying the Sunrise Wind Project's construction puts all these benefits in immediate jeopardy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on May 6, 2026.



Georges Sassine