



May 29, 2020

Ira G. Megdal

Direct Phone 856-910-5007
Direct Fax 877-259-7984
imegdal@cozen.com

VIA EMAIL ONLY

Aida Camacho-Welch
Board Secretary
Board of Public Utilities
44 South Clinton Ave.
3rd Floor, Suite 314
Trenton, NJ 08625-0350

**Re: In the Matter of the Board of Public Utilities Offshore Wind Solicitation for
1,100 MW – Evaluation of the Offshore Wind Applications
BPU Docket No. QO18121289**

Dear Secretary Camacho-Welch:

This firm represents Ocean Wind LLC (“Ocean Wind”) in connection with the above referenced matter.

Pursuant to N.J.A.C. 14:1-12.1 et seq., we hereby submit on behalf of Ocean Wind a Public Copy of the Petition for Clarification (“Petition”) which was submitted to Jim Ferris at the Board of Public Utilities on May 18, 2020 (the “Public Copy”).

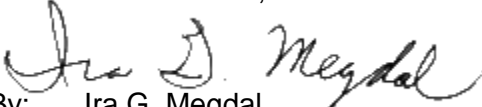
Under separate cover we are submitting to you a Confidential Copy of this letter, along with an Affidavit to substantiate the claim of confidentiality relative to the Petition.

The party designated to receive notices and other communications in connection with this matter is as follows:

Ira G. Megdal, Esq.
Cozen O’Connor
LibertyView, Suite 300
457 Haddonfield Road
Cherry Hill, NJ 08002

Sincerely,

COZEN O’CONNOR, PC


By: Ira G. Megdal

IGM:kn

Enclosure

cc: Service List Attached

LEGAL\46657316\1

**IN THE MATTER OF THE BOARD OF PUBLIC UTILITIES OFFSHORE WIND SOLICITATION
FOR 1,100 MW – EVALUATION OF THE OFFSHORE WIND APPLICATIONS
BPU Docket No. QO18121289**

CONFIDENTIAL SERVICE LIST

BPU

New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
PO Box 350
Trenton, NJ 08625

Paul Flanagan, Esq.
Executive Director
Paul.flanagan@bpu.nj.gov

Abe Silverman, Esq.
Chief Counsel
abe.silverman@bpu.nj.gov

Jim Ferris
Bureau Chief of New Technology
Jim.ferris@bpu.nj.gov

Andrea Hart, Esq.
Andrea.Hart@bpu.nj.gov

Kelly Mooij
Deputy Director Office of Clean Energy
Kelly.mooij@bpu.nj.gov

Cynthia Holland, Esq.
Cynthia.Holland@bpu.nj.gov

Joseph DeLosa
Joseph.DeLosa@bpu.nj.gov

Robert Brabston
Robert.brabston@bpu.nj.gov

Acadian Consulting Group

David E. Dismukes, Ph.D.
daviddismukes@acadianconsulting.com

Beth Oleks
betholeks@acadianconsulting.com

RATE COUNSEL

Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625

Stefanie A. Brand, Esq.
Director
sbrand@rpa.nj.gov

Henry Ogden, Esq.
hogden@rpa.nj.gov

Brian O. Lipman, Esq.
blipman@rpa.nj.gov

Felicia Thomas-Friel, Esq.
fthomas@rpa.nj.gov

DIVISION OF LAW

Department of Law & Public Safety
124 Halsey Street
PO Box 45029
Newark, NJ 07101

Alex Moreau, DAG
Alex.moreau@law.njoag.gov

Pamela Owen, DAG
Pamela.owen@law.njoag.gov



BEFORE THE
STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE BOARD OF :
PUBLIC UTILITIES OFFSHORE WIND :
SOLICITATION FOR 1,100 MW – :
EVALUATION OF THE OFFSHORE : BPU DOCKET NO.: QO18121289
WIND APPLICATIONS :
:

PETITION FOR CLARIFICATION

COZEN O'CONNOR
Attorneys for Petitioner
Ocean Wind, LLC
By: Ira G. Megdal, Esquire
Liberty View, Suite 300
457 Haddonfield Road
Cherry Hill, NJ 08002
(856) 910-5000

Gregory Eisenstark, Esquire
One Gateway Center
Suite 910
Newark, NJ 07102
(973) 200-7411

PUBLIC COPY

BEFORE THE
STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE BOARD OF :
PUBLIC UTILITIES OFFSHORE WIND :
SOLICITATION FOR 1,100 MW – :
EVALUATION OF THE OFFSHORE : BPU DOCKET NO.: QO18121289
WIND APPLICATIONS :
:

PETITION FOR CLARIFICATION

Ocean Wind LLC (“Ocean Wind” or the “Petitioner”) is the owner of a Qualified Offshore Wind Project (“QOWP”) pursuant to N.J.S.A. 48:3-87.1 et seq. Ocean Wind is a Delaware limited liability company, with its principal office at 520 Pacific Avenue, Atlantic City, N.J. 08401.

I. PETITION

Ocean Wind hereby petitions this Honorable Board (“Board” or “BPU”) for clarification of this Board’s “Order Authorizing Ocean Wind’s Turbine Replacement or Update” in this docket dated November 13, 2019, authorizing Ocean Wind to utilize the GE Haliade-X 12MW (the “GE Turbine”) as the wind turbine generator (“WTG”) for this QOWP (the “WTG Order”). Ocean Wind by this Petition seeks clarification of the WTG Order, such that Ocean Wind may install a sufficient number of GE Turbines so that Ocean Wind may be able to consistently achieve the Annual OREC Allowance approved by the Board in the June 21, 2019 Order in this docket (the “June 21 Order”).

II. PROCEDURAL BACKGROUND

1. Governor Murphy’s Executive Order No. 8 called upon the Board to fully implement the Offshore Wind Economic Development Act of 2010 (“OWEDA”) and to proceed with an initial Solicitation of offshore wind (“OSW”) capacity as a first step in meeting the State’s goal of 3,500 MW of OSW capacity by 2030.

2. Ocean Wind submitted an application on December 28, 2018 (the “Application”) in response to the Board’s solicitation (the “Solicitation”).

3. In the June 21 Order, the Board considered the applications received in the Solicitation and approved the Ocean Wind Project, granting Ocean Wind QOWP status, and establishing Ocean Wind's Annual OREC Allowance of 4,851,489 MWh.

4. Ocean Wind's Application identified the GE Haliade-X WTG (the "GE Turbine") as one of the WTGs it was considering for the QOWP, and provided details on it. Specifically, the Application stated that: "While [REDACTED] is the Project's Design Basis, the Company is also engaged in discussions with other suppliers of offshore WTGs, including GE and [REDACTED]. Ørsted successfully deployed turbines supplied by GE in the Block Island wind farm. Ørsted may elect to modify the Project's Design Basis to incorporate a different WTG."

5. Ocean Wind subsequently completed technical due diligence for the GE Turbine, and selected GE as the preferred WTG supplier for the QOWP. Ocean Wind then sought this Board's authorization to use GE Turbines. By the WTG Order, the Board approved Ocean Wind's use of the GE Turbines for the Ocean Wind Project. In the WTG Order, the Board recognized that, due to the use of the 12 MW GE WTG instead of the [REDACTED], the number of turbines would be decreased (which, at the time, Ocean Wind contemplated would reduce the number of turbines from [REDACTED]). Now, for the reasons discussed herein, Ocean Wind seeks clarification that it may increase the number of GE Turbines from the [REDACTED] previously contemplated up to an upper limit of [REDACTED], with the ultimate number of turbines to be installed for the Project depending upon [REDACTED]

[REDACTED]

The ability to add a variable number of incremental positions will give Ocean Wind [REDACTED]

[REDACTED]

III. FACTUAL BACKGROUND

6. Following development of BPU regulations and an application process, Ocean Wind submitted its application in a timely fashion, and its proposed Project was deemed a

QOWP. Ocean Wind's application materials indicated that Ocean Wind intended to install turbines [REDACTED].

The Board approved Ocean Wind's Project as a QOWP and explained that Ocean Wind is "only eligible to receive ORECs subject to the terms and conditions of this Board Order." June 21 Order at p. 19.

7. On October 29, 2019, Ocean Wind's affiliate Ørsted announced that it was running a comprehensive project to upgrade models and processes used to forecast energy production based on extensive production data from Ørsted's global asset portfolio. This thorough analysis led to the conclusion that prior production forecasts underestimated the negative impact of two effects on Ørsted's offshore wind assets (which will eventually include the Ocean Wind Project)—the blockage effect and the wake effect. [REDACTED]

[REDACTED]

[REDACTED] Achieving the Annual OREC Allowance is, of course, the principal purpose of the Order which leads to the anticipated generation of carbon-free energy at the core of the Board's Clean Energy and greenhouse gas reduction policies.

8. Public policy supports the Board enabling Ocean Wind to deliver clean energy production for the benefit of New Jersey ratepayers and the State, as intended by the Annual OREC Allowance set forth in the June 21 Order. Ocean Wind is aligned with such public policy, as [REDACTED]

[REDACTED]

[REDACTED] By this Petition, Ocean Wind further reaffirms its commitment to return all excess revenues during the 20-year OREC term to ratepayers, and will not exceed its Annual OREC Allowance over the 20 year OREC term, except as permitted by BPU regulations.

IV. BASIS FOR RELIEF

Ocean Wind respectfully requests that the Board consider the following factors:

9. The primary purpose behind OWEDA is to provide an adequate supply of clean renewable energy to New Jersey customers.

10. The Board determined the amount of such energy to be delivered by Ocean Wind as the Annual OREC allowance in the June 21 Order.

11. The clarification allowing Ocean Wind to install [REDACTED] GE Turbines would better enable Ocean Wind to consistently achieve its Annual OREC Allowance and the level of Clean Energy generation anticipated by the State than if Ocean Wind were limited to the [REDACTED] GE Turbines contemplated by Ocean Wind at the time it submitted its turbine-change petition.

12. [REDACTED]
[REDACTED]

13. Any increase in the number of turbines employed by Ocean Wind will increase the Project's overall capital expenditures, its spending in New Jersey and its economic benefits to the State.

14. [REDACTED]
[REDACTED] granting the relief requested in this Petition will enable Ocean Wind to meet the primary purpose of OWEDA, the Board's regulations and the June 21 Order with [REDACTED]
[REDACTED].

15. Given that [REDACTED] turbines would still represent a substantial decrease from the [REDACTED] that Ocean Wind originally anticipated, [REDACTED] that Ocean Wind noted in its petition for approval of the turbine change would still be available.

16. While the WTG Order understandably reiterated that Ocean Wind remains bound by the Annual OREC Allowance, it did not limit Ocean Wind to the [REDACTED] GE Turbines contemplated by Ocean Wind at the time it submitted its turbine-change petition.

17. [REDACTED]

[REDACTED]

[REDACTED]

V. REQUEST FOR EXPEDITED HANDLING

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. [REDACTED]

[REDACTED]

[REDACTED]

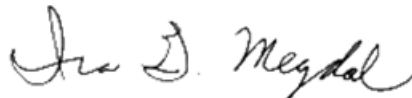
[REDACTED]

21. As a result Ocean Wind requests that this matter be determined by the Board at its July 15, 2020 Agenda Meeting.

VI. CONCLUSION

22. For the reasons stated herein Ocean Wind requests the Board to clarify that the WTG Order will allow Ocean Wind to install up to [REDACTED] in its Project.

COZEN O'CONNOR
Attorneys for Ocean Wind LLC



By: _____

Ira G. Megdal

DATED: May 18, 2020

Communications addressed to the Petitioner in this case are to be sent to:

COZEN O'CONNOR
Attn: Ira G. Megdal
457 Haddonfield Road
P.O. Box 5459
Cherry Hill, NJ 08002
(856) 910-5000
e-mail: imegdal@cozen.com

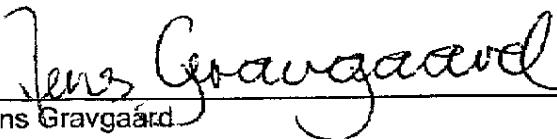
Attn: Gregory Eisenstark
One Gateway Center
Suite 910
Newark, NJ 07102
(973) 200-7411
e-mail: geisenstark@cozen.com

PUBLIC COPY

VERIFICATION

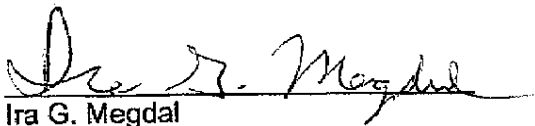
Jens Gravgaard, of full age, being duly sworn, according to law, deposes and says:

1. I am the Project Development Director of Ocean Wind LLC and am authorized to make this Verification on behalf of Ocean Wind LLC.
2. I have read the contents of the foregoing Petition and hereby verify that the statements therein contained are true and accurate to the best of my knowledge and belief.


Jens Gravgaard

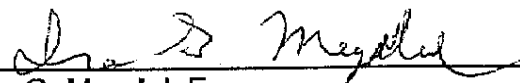
Sworn to and subscribed before me

this 18th day of May, 2020.



Ira G. Megdal
Attorney-at-law
State of New Jersey

This Verification is being submitted in facsimile form. The undersigned attorney, Ira G. Megdal, certifies that the affiant acknowledge the genuineness of the signature and that the Verification or a copy with an original signature affixed will be filed if requested by the Board of Public Utilities.


Ira G. Megdal, Esq.