

**BEFORE THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE PETITION OF OCEAN WIND, LLC
PURSUANT TO N.J.S.A. 48:3-87.1(F) FOR A DETERMINATION
THAT EASEMENTS ACROSS GREEN ACRES-RESTRICTED
PROPERTIES AND CONSENTS NEEDED FOR CERTAIN
ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE
CITY OF OCEAN CITY ARE REASONABLY NECESSARY FOR
THE CONSTRUCTION OR OPERATION OF THE OCEAN
WIND 1 QUALIFIED OFFSHORE WIND PROJECT
BPU Docket No. QO22020041**

Rebuttal Testimony

of

Jason Kalwa

**Re: Rebuttal to Certain Statements in the Ocean City Solicitor's
Letter Dated April 27, 2022**

Dated: May 11, 2022

1 **I. INTRODUCTION AND BACKGROUND**

2 **Q. Please state your name and business address.**

3 A. My name is Jason Kalwa. My business address is 80 Park Plaza, Newark, NJ
4 07101.

5 **Q. Are you the same Jason Kalwa who submitted pre-filed direct testimony in
6 this matter?**

7 A. Yes.

8 **Q. Would you describe the purpose of your rebuttal testimony?**

9 A. I am testifying on behalf of petitioner Ocean Wind, LLC (“Ocean Wind”) in
10 response to certain issues raised in a letter filed by the City of Ocean City (“Ocean
11 City”) Solicitor.¹ More specifically, I respond to the suggestion that construction
12 of the on-shore portion of the Ocean Wind 1 Project (“Project”) will have negative
13 impacts on Ocean City.

14 As was the case with my direct testimony, this rebuttal testimony supports
15 Ocean Wind’s petition seeking a determination that certain easements across Green
16 Acres-restricted properties and municipal consents for New Jersey Department of
17 Environmental Protection (“NJDEP”) permits in Ocean City are reasonably
18 necessary for the construction or operation of the Ocean Wind Qualified Offshore
19 Wind Project (“QOWP”).

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¹ I have been advised by counsel that Ocean City’s letter is procedurally defective, in that it is a letter of counsel rather than testimony of an expert or fact witness. Accordingly, while I respond to certain statements in Ocean City’s letter, the Board should give no weight to that letter in the context of the evidentiary record of this proceeding.

1 **II. RESPONSE TO THE OCEAN CITY SOLICITOR’S LETTER**

2 **Q. On page two of the Ocean City Solicitor’s letter dated April 27, 2022, Ocean**
3 **City states that construction along the Preferred Route² would require**
4 **“excavation” of the “city’s pristine beach” and suggests that “the island”**
5 **would be “defaced” and “the activities of the people on the island” would be**
6 **“disrupted.” Are these accurate descriptions of what will occur during**
7 **construction of the portion of the on-shore line in Ocean City?**

8 A. No. These descriptions are inaccurate with respect to both construction at the beach
9 site and within the public road right-of-way. With respect to construction at the
10 beach site, there will be no surface excavation. Using horizontal directional drilling
11 (“HDD”), the drilling equipment is planned to be set-up on 35th St. and offshore in
12 the ocean. The underground line is planned to be installed approximately sixty feet
13 below the surface of the beach at its deepest point. Moreover, construction at the
14 beach site will not be active during the summer months.

15 With respect to construction along the public road right-of-way, the
16 construction will be similar to any of the other utility-type improvements that are
17 routinely installed along the public roads in Ocean City and nearly every
18 municipality in New Jersey. Most of the route will be in a duct bank and will
19 involve creating a trench, installing the facilities, and then back-filling and restoring
20 the area (e.g., paving). The duct bank installation will be performed using
21 conventional construction equipment (e.g., hydraulic excavators, dump trucks,
22 etc.). At the Crook Horn Creek crossing, a trenchless construction method (HDD)

² The “Preferred Route” is described in Ocean Wind’s Petition and direct testimony in this matter.

1 is planned, which is a common installation method at similar crossings for utilities.
2 HDD involves creating small temporary excavations at either end of the crossing
3 to facilitate the use of a drilling rig without other disturbances to the surface. Similar
4 to the duct bank portion, the area will be restored.

5 **Q. Once the construction is completed, will there be any long-term impacts in**
6 **Ocean City?**

7 A. No. Once construction is completed, the areas will be restored to their previous
8 condition. The underground facilities will not be visible on the beach. In the public
9 road right-of-way, the only visible change will be access lids (“manhole covers” or
10 “handhole lids”) to the splice vaults. These access lids will be similar to access lids
11 for other types of utilities installed in the public road right-of-way.

12

13 **III. CONCLUSION**

14 **Q. Please summarize your rebuttal testimony.**

15 A. Contrary to the suggestions in the Ocean City Solicitor’s letter, construction of the
16 on-shore portion of the project in Ocean City will have only temporary, minimal
17 impacts. There will be no surface excavation at the beach. The construction in the
18 public road right-of-way will be similar to that used for routine utility underground
19 construction, and the area will be restored once construction is completed.

20 **Q. Does this conclude your rebuttal testimony at this time?**

21 A. Yes, it does.