

May 17, 2022

## VIA E-MAIL (BOARD.SECRETARY@BPU.NJ.GOV)

**Gregory Eisenstark** 

Direct Phone 973-200-7411 Direct Fax 973-200-7465 geisenstark@cozen.com

Ms. Carmen Diaz, Acting Secretary NJ Board of Public Utilities 44 South Clinton Street, 9th Floor P.O. Box 350 Trenton, New Jersey 08625

Re: IN THE MATTER OF THE PETITION OF OCEAN WIND LLC PURSUANT TO N.J.S.A. 48:3-87.1(f) FOR ADETERMINATION 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 Dkt. No. QO22020041

Dear Acting Secretary Diaz:

This firm represents Ocean Wind LLC in the above-referenced matter.

Enclosed for filing please find a Certification of Service and an Affidavit of Publication in regard to the public hearings scheduled for May 19, 2022 for this matter.

These documents are being filed with the Board Secretary electronically only, consistent with the Board's Order dated March 19, 2020 (Docket No. EO20030254) directing that all submissions to the Board, of any kind, be submitted electronically. I hereby certify that copies of the within documents have this day been transmitted to all persons on the attached service list via electronic mail

No paper copies will follow and we would appreciate if the Board Secretary's office would please acknowledge receipt of this letter. Thank you for your anticipated courtesy and cooperation.

Sincerely,

COZEN O'CONNOR

By: Gregory Eisenstark

Attachments

cc: Service List (via electronic mail)

LEGAL\57984784\1

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.: Q022020041

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#### STATE OF NEW JERSEY

#### **BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF :

OCEAN WIND LLC PURSUANT TO N.J.S.A. : BPU DOCKET NO. QO22020041

48:3-87.1(f) FOR A DETERMINATION THAT :

EASEMENTS ACROSS GREEN ACRES- :

RESTRICTED PROPERTIES AND CONSENTS :

NEEDED FOR CERTAIN ENVIRONMENTAL : CERTIFICATION OF SERVICE

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 :

I hereby certify that, on April 29, 2022, I served a copy of the attached public notice on all parties to this matter on the attached service list, via electronic mail.

A copy of the April 29, 2022 electronic mail transmission and accompanying documents is attached hereto.

I certify that the foregoing statements made by be are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Gregory Eisenstark

Cozen O'Connor, LLC

Attorneys for Ocean Wind LLC

Dated: May 17, 2022

.

**From:** Eisenstark, Gregory

**Sent:** Friday, April 29, 2022 12:17 PM

**To:** 'Aaron Bullwinkel'; 'Abe Silverman (abe.silverman@bpu.nj.gov)'; 'Aida Camacho-Welch

(board.secretary@bpu.nj.gov)'; 'Ana Murteira'; 'Andrea Hart'; 'Bobby Barr'; 'Cara Lewis'; 'Daren Eppley'; 'David Apy'; 'Dorothy F. McCrosson'; 'Gerald M. Thornton'; 'Gregory Eisenstark (geisenstark@cozen.com)'; 'Hon. Jay Gillian, Mayor'; 'Jim Ferris'; 'Jody Levchuk'; 'Joseph DeLosa'; 'Judeth P. Yeaney'; 'Karen Bergman'; 'Keith Hartzell'; 'Kelly Mooij'; 'Kevin Lare (kevin.lare@co.cape-may.nj.us)'; 'Lipman, Brian'; 'Marc Reimer'; 'Martha Sullivan Sapp'; 'Matthew Kaplan'; 'Maura Caroselli (mcaroselli@rpa.nj.gov)'; 'Melissa Rasner'; 'Michael J. Connolly (MConnolly@cozen.com)'; 'Pamela Owen'; 'Peter V. Madden'; 'Rita M. Rothberg'; 'Robert Brabston (Robert.Brabston@bpu.nj.gov)'; 'Sean

Moriarty'; 'Shawn M. LaTourette'; 'Stacy Peterson (stacy.peterson@bpu.nj.gov)';

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Carlena [RPA]; Youchak, Paul (LPS)

**Subject:** IN THE MATTER OF THE PETITION OF OCEAN WIND, LLC PURSUANT TO N.J.S.A.

48:3-87.1(f) et al., BPU Dkt. No. QO22020041 - Notice of Public Hearings

Attachments: LEGAL 57726452v1 Dkt No QO22020041 Ocean Wind Notice of Public Hearing

transmittal.PDF

Attached please find correspondence on behalf of Ocean Wind, LLC in the above-referenced matter.

These documents are being filed with the Board Secretary electronically only, consistent with the Board's Order dated March 19, 2020 (Docket No. EO20030254) directing that all submissions to the Board, of any kind, be submitted electronically.

Thank you.



Gregory Eisenstark

Member | Cozen O'Connor

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P: 973-200-7411 F: 973-200-7465

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April 29, 2022

**VIA E-MAIL** 

**Gregory Eisenstark** 

Direct Phone 973-200-7411 Direct Fax 973-200-7465 geisenstark@cozen.com

Re: 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 Dkt. No. QO22020041

To: All parties on the Attached Service List

Enclosed for service is a copy of the Notice of Public Hearings in the above-captioned matter.

This letter and the enclosure are being sent to the parties electronically, consistent with the Board of Public Utilities' Order dated March 19, 2020 (Docket No. EO20030254) directing that all submissions to the Board, of any kind, be submitted electronically.

Very truly yours,

COZEN O'CONNOR

Lynx Eint

By: Gregory Eisenstark, Esq.

**Enclosure** 

c: Attached service list

LEGAL\57725533\1

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.: Q022020041

#### **Service List**

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# **State of New Jersey** Governor Philip D. Murphy

Lt. Governor Sheila Y. Oliver

#### **Board of Public Utilities**







Joseph L. Fiordaliso President

Mary-Anna Holden Dianne Solomon Upendra Chivukula Bob Gordon Commissioners

## NOTICE<sup>1</sup>

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** 

Docket No. QO22020041

Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and N.J.S.A. 48:3-87.1(f)(2), the New Jersey Board of Public Utilities ("NJBPU" or "Board") hereby gives notice and invites all interested parties and members of the public to participate in a Public Hearing. The meeting will take place in two sessions to provide opportunity for increased public participation.

#### **PUBLIC HEARING SESSION #1**

DATE: Thursday, May 19, 2022

START TIME: 9:00 A.M.

> LOCATION: Zoom Virtual Webinar

> > https://bit.lv/NJBPU-MAY-19-AM

(Note: If you are typing in the URL, please use all UPPERCASE text.)

If you would like to speak during Session #1 of the public hearing, you must register via this form: https://bit.ly/NJBPU-MAY-19-AM-SPEAK. (Note: If you are typing in the URL, please use all UPPERCASE text.)

Or head to https://zoom.us/join and enter

Webinar ID: 837 9147 3707

Passcode: 812780

Via telephone: (312) 626 6799

Webinar ID: 837 9147 3707

Passcode: 812780

LEGAL\57632146\1

<sup>&</sup>lt;sup>1</sup> Not a paid legal advertisement.

# **State of New Jersey**

Governor Philip D. Murphy Lt. Governor Sheila Y. Oliver









#### Joseph L. Fiordaliso President

Mary-Anna Holden Dianne Solomon Upendra Chivukula Bob Gordon Commissioners

#### **PUBLIC HEARING SESSION #2**

**DATE:** Thursday, May 19, 2022

START TIME: 5:30 P.M.

> LOCATION: Zoom Virtual Webinar

> > https://bit.ly/NJBPU-MAY-19-PM

(Note: If you are typing in the URL, please use all UPPERCASE text.)

If you would like to speak during Session #2 of the public hearing, you must register via this form https://bit.ly/NJBPU-MAY-19-PM-SPEAK . (Note: If you are typing in the URL, please use all UPPERCASE text.)

Or head to https://zoom.us/join and enter

Webinar ID: 841 7479 7341

Passcode: 924379

Via telephone: (646) 558-8656

Webinar ID: 841 7479 7341

Passcode: 924379

Please note that both sessions of this meeting will be conducted via Zoom. If you would like to speak during the public hearing, you must register for a session before attending via one of the registration links provided above. We encourage stakeholders to check the webinar system requirements ahead of the meeting.

On February 2, 2022, Ocean Wind, LLC ("Ocean Wind"), filed a Verified Petition with the Board under BPU Docket No. QO22020041, together with supporting testimony and exhibits. The Verified Petition seeks the Board's determination that certain easements across property owned by the City of Ocean City ("Ocean City"), which are designated as Green Acres restricted properties, are reasonably necessary for the construction or operation of the Ocean Wind 1 Qualified Offshore Wind Project ("Project"). The property at issue is identified on the Official Tax Map of Ocean City as Block 611.11, Lots 137 and 145, Block 3500, Lot 1 (including riparian grant) and Block 3350.01, Lot 17 owned in fee by Ocean City. The Verified Petition also seeks the Board's determination that certain municipal consents and approvals are preempted and superseded, upon the Board finding them reasonably necessary for the construction and operation of the Project.

The easements and related approvals sought in the Verified Petition concern a segment of the onshore cable route that is proposed to be constructed in Ocean City. The onshore cable route will help transmit power from Ocean Wind's 1,100 MW offshore wind farm to load centers in the state.

#### Joseph L. Fiordaliso President

**State of New Jersey**Governor Philip D. Murphy
Lt. Governor Sheila Y. Oliver





Mary-Anna Holden
Dianne Solomon
Upendra Chivukula
Bob Gordon
Commissioners

#### **Board of Public Utilities**











A copy of this Notice of Public Hearing on the Verified Petition is being served upon the Clerk and governing body of the City of Ocean City, the Clerk and Administrator of the Board of County Commissioners of the County of Cape May, the Cape May County Clerk, the Department of Law & Public Safety, New Jersey Division of Law, the Director of the New Jersey Division of Rate Counsel, and the Commissioner of the New Jersey Department of Environmental Protection. This Notice is also being provided to the local news media. A copy of the Verified Petition, supporting documents and supplemental materials will be made available on the Board's website at: <u>BOARD OF PUBLIC UTILITIES (state.nj.us)</u>.

The Board has the statutory authority pursuant N.J.S.A. 48:3-87.1(f) to determine whether the requested easements are reasonably necessary for the construction or operation of the Project, and if such a determination is made, the Board shall issue an order approving the acquisition of the requested easements and related approvals. The Board intends to review and consider input from the public in making their determination.

Representatives from Ocean Wind will be asked to present an overview of the project at both sessions. Board Staff and the New Jersey Division of Rate Counsel will participate in both sessions. Members of the public are invited to virtually attend and present their views on this matter by registering through the above links.

#### **Comments**

In order to encourage full participation in this opportunity for public comment, please submit any requests for needed accommodations, such as interpreters, or listening assistance, 5 days prior to the above hearings to the Board Secretary at board.secretary@bpu.nj.gov.

The Board will also accept written and/or electronic comments. While all comments will be given equal consideration and will be made part of the final record of this proceeding, the preferred method of transmittal is via the Board's <a href="Public Document Search">Public Document Search</a> tool. Search for the docket number listed above, and post by utilizing the "Post Comments" button. Emailed comments may also be filed with the Acting Secretary of the Board, in pdf or Word format, to <a href="mailto:board.secretary@bpu.nj.gov">board.secretary@bpu.nj.gov</a>.

Written comments may be submitted to the Acting Board Secretary, Carmen Diaz, at the Board of Public Utilities, 44 South Clinton Avenue, 1st Floor, P.O. Box 350, Trenton, New Jersey 08625-0350. All emailed or mailed comments should include the name of the Petition and the docket number.

#### The deadline for comments on this matter is 5:00 P.M. ET on June 2, 2022.

All comments are considered "public documents" for purposes of the State's Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting them in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.



Sandy Reed in her capacity as an employee of The Press of Atlantic City, a daily newspaper printed and published c/o 1000 West Washington Avenue, Pleasantville, New Jersey 08232, and distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice this Certification was published in The Press of Atlantic City:

Ad# 186196 Date: 4/29//2022

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date 5/3/2022

Mady Clesh
Sandy Reed

# Golf club unlawfully discriminated vs. women, state says

**DANA DIFILIPPO** 

newjerseymonitor.com

An exclusive golf club in Camden County banned women from becoming members, restricted their access to facilities and the golf course, and forbade them from leasing or buying houses on club land unless they did so with a man, according to a civil rights complaint the New Jersey Attorney General's Office filed Wednesday.

The Pine Valley Golf Club also hired mostly men with just six women on its 2020 — and relegated those women primarily to the laundry and luncheonette, according to the complaint.

All of those practices violate the state's anti-discrim-

The Pine Valley Golf Club is regarded as one of the most picturesque and exclusive golf clubs in the country. Golf Digest ranked it first in its 2021 list of America's 100 greatest golf courses.

The club's general manager, Charlie Raudenbush, didn't respond to a request for comment. But the club told the Attorney General's Office it lifted all gender restrictions on membership and facilities by last spring, after the office's civil rights division began investigat-

Still, the 108-year-old club had such an "extensive history" of gender discrimination that "a legacy of inequality" lingers today, the receipts, annual revenue office said.

Women remain a rarity at the club, with just three of its 700 members female as of last July, the office said. Trump owns a golf club in And while club officials say they no longer restrict property leases by gender,

for the 19 private dwellings on club-owned land, effectively locking women out, the office said.

"Gender-based discrimination has no place in New Jersey, period," acting Attorney General Matthew J. Platkin said in a statement.

State law prohibits discrimination in employment, housing and places of public accommodation. The club's gender-based practices impacted all three of those areas, according to the complaint.

The Pine Valley Golf Club 159-person staff as of July is private but has a "deeply intertwined" history with the former borough of Pine Valley and so historically has been a place of public accommodation, the complaint says. That borough ination law, the complaint merged into the neighboring borough of Pine Hill earlier this year, but the club owned all land in Pine Valley and was the primary recipient of services and benefits provided by its government, according to the complaint.

The complaint cites two other club policies Platkin's office said are discriminatory: The club prohibited men from wearing earrings and forbade employees from discussing their pay in violation of the Diane B. Allen Equal Pay Act.

If the Division on Civil Rights determines the club broke the state anti-discrimination law, it can order the club to make changes and pay compensatory damages.

The club's gross annual and net assets each exceed \$10 million, according to the civil rights complaint.

Former President Donald the same town, a few miles away, called the Trump National Golf Club Philadelphia. Golf Digest ranked it

# they also have said they won't enter any new leases Police chief charged

with drunken driving **MENSAH M. DEAN** 

The Philadelphia Inquirer A Burlington County police chief has been placed on restricted duty after being arrested Friday for allegedly driving drunk on a residential street, knocking down a mailbox and stop sign, and acting chief in 2017 after

fleeing the scene. Bordentown Township police Chief Brian Pesce, who has been with the department for 23 years and has served as chief since 2018, was charged with five crimes as a result of the crash in Hamilton Township, Mercer County, just before 10:30 p.m. Friday.

After crashing his pickup truck near Bruin Drive and Terrapin Lane, police said, Pesce drove away and was members of the local NAACP and careless driving, leaving as a whole. As chief, Pesce the scene of an accident involving property damage and failing to report an accident.

restricted duty while an in- diversity, according to the vestigation continues, said township's website.

Bordentown Administrator Michael Theokas. He declined further comment.

Attempts to reach Pesce's lawyer, John Hartmann, of Princeton, were unsuccess-

Pesce was promoted to the township's then-chief, Frank Nucera, was charged with federal hate crimes for allegedly attacking a handcuffed Black teen in 2016. Two juries deadlocked on those charges, but Nucera was convicted of lying to FBI agents during the investigation. In May of last year, he was sentenced to 28 months in federal prison.

After Pesce took over as acting chief, he met with arrested a short time later. branch to assure them Nu-In addition to DUI, Pesce cera's misdeeds were not a was charged with reckless reflection of the department worked to instill a culture of inclusion with a focus on community policing, greater Pesce has been placed on transparency and increased

# **COVID-19 in NJ**

Here's an update of the COVID-19 numbers in the state:

**New positive cases:** 2,571

New deaths: 7

**Total number of positive cases:** 1,943,471

**Total number of deaths: 30,389** 

**Total vaccine doses administered:** 13,933,552

Rate of transmission: 1.11

**CASES BY COUNTY** 

Atlantic: 55,316 cases, 925 deaths, 376,209 doses adminis-

Cape May: 10,867 cases, 255 deaths, 132,920 doses adminis-

**Cumberland:** 33,020 cases, 562 deaths, 183,885 doses ad-

**Ocean:** 137,401 cases, 2,769 deaths, 697,467 doses adminis-

Figures are as of 1 p.m. April 28 Source: N.J. Department of Health State of New Jersey Governor Philip D. Murphy Lt. Governor Sheila Y. Oliver

**Board of Public Utilities** 

www.nj.gov/bpu/





Joseph L. Fiordaliso President

> Mary-Anna Holden Dianne Solomon Upendra Chivukula Bob Gordon Commissioners

### NOTICE1

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

### Docket No. Q022020041

Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and N.J.S.A. 48:3-87.1(f)(2), the New Jersey Board of Public Utilities ("NJBPU" or "Board") hereby gives notice and invites all interested parties and members of the public to participate in a Public Hearing. The meeting will take place in two sessions to provide opportunity for increased public participation.

**PUBLIC HEARING SESSION #1** 

DATE: Thursday, May 19, 2022

START TIME: 9:00 A.M.

LOCATION: Zoom Virtual Webinar

https://bit.ly/NJBPU-MAY-19-AM (Note: If you are typing in the URL, please use all UPPERCASE text.)

If you would like to speak during Session #1 of the public hearing, you must register via this form: https://bit.ly/NJBPU-MAY-19-AM-SPEAK. (Note: If you are typing in the URL, please use all UPPERCASE text.)

Or head to <a href="https://zoom.us/join">https://zoom.us/join</a> and enter Webinar ID: 837 9147 3707

Passcode: 812780 Via telephone: (312) 626 6799

Webinar ID: 837 9147 3707 Passcode: 812780

## PUBLIC HEARING SESSION #2

DATE: Thursday, May 19, 2022

START TIME: 5:30 P.M.

LOCATION: Zoom Virtual Webinar

https://bit.ly/NJBPU-MAY-19-PM

(Note: If you are typing in the URL, please use all UPPERCASE text.)

If you would like to speak during Session #2 of the public hearing, you must register via this form https://blt.ly/NJBPU-MAY-19-PM-SPEA (Note: If you are typing in the URL, please use all UPPERCASE text.)

Or head to https://zoom.us/join and enter Webinar ID: 841 7479 7341

Passcode: 924379

Via telephone: (646) 558-8656 Webinar ID: 841 7479 7341 Passcode: 924379

Please note that both sessions of this meeting will be conducted via Zoom. If you would like to speak during the public hearing, you must register for a session before attending via one of the registration links provided above. We encourage stakeholders to check the webinar system requirements ahead of the meeting.

On February 2, 2022, Ocean Wind, LLC ("Ocean Wind"), filed a Verified Petition with the Board under BPU Docket No. QO22020041, together with supporting testimony and exhibits. The Verified Petition seeks the Board's determination that certain easements across property owned by the City of Ocean City ("Ocean City"), which are designated as Green Acres restricted properties, are reasonably necessary for the construction or operation of the Ocean Wind 1 Qualified Offshore Wind Project ("Project"). The property at issue is identified on the Official Tax Map of Ocean City as Block 611.11, Lots 137 and 145, Block 3500, Lot 1 (including riparian grant) and Block 3350.01, Lot 17 owned in fee by Ocean City. The Verified Petition also seeks the Board's determination that certain municipal consents and approvals are preempted and superseded, upon the Board finding them reasonably necessary for the construction and operation of the Project.

The easements and related approvals sought in the Verified Petition concern a segment of the onshore cable route that is proposed to be constructed in Ocean City. The onshore cable route will help transmit power from Ocean Wind's 1,100 MW offshore wind farm to load centers in the state.

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