



Agenda Date: 6/29/22
Agenda Item: 8B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

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| IN THE MATTER OF THE PETITION OF OCEAN WIND |) | ORDER DESIGNATING |
| LLC PURSUANT TO N.J.S.A. 48:3-87.1(F) FOR A |) | COMMISSIONER, SETTING |
| DETERMINATION THAT CERTAIN EASEMENTS AND |) | MANNER OF SERVICE AND |
| CONSENTS NEEDED FOR CERTAIN |) | BAR DATE |
| ENVIRONMENTAL PERMITS IN, AND WITH RESPECT |) | |
| TO, THE COUNTY OF CAPE MAY ARE REASONABLY |) | DOCKET NO. QO22050347 |
| NECESSARY FOR THE CONSTRUCTION OR |) | |
| OPERATION OF THE OCEAN WIND 1 QUALIFIED |) | |
| OFFSHORE WIND PROJECT |) | |

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Cozen O'Connor, P.C., on behalf of Ocean Wind LLC
Michael J. Donohue, Esq., Blaney Donohue & Weinberg, P.C., on behalf of Cape May County
Gerald M. Thornton, Commissioner Director Board of County Commissioners, Cape May County
Kevin Lare, Administrator Board of County Commissioners, Cape May County
Rita M. Rothberg, County Clerk, Cape May County
Jeffrey R. Lindsay, Esq., County Counsel, Cape May County

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) considers retention of a petition filed by Ocean Wind LLC’s (“Ocean Wind” or “Company”), which requests that the Board determine that certain easements across properties owned by the County of Cape May (“Cape May County” or “County”) and certain consents needed from the County for certain environmental permits in, and with respect to the County, are reasonably necessary for the construction or operation of the Ocean Wind 1 Qualified Offshore Wind Project (“Project”) (“Cape May Petition”).

BACKGROUND

In response to Governor Murphy’s Executive Order No. 8, which called upon the Board to fully implement the Offshore Wind Economic Development Act, the Board issued its first offshore wind solicitation in September 2018. Ocean Wind submitted an application and in June 2019, the Board approved the Project as a Qualified Offshore Wind Project (“QOWP”). Since the award,

Ocean Wind has been in the planning, permitting and preconstruction phase of the Project. A significant aspect of the preconstruction activities involves obtaining the necessary easements, permits and consents for the onshore construction of the electricity export cable, which will bring the renewable electricity from the offshore wind turbines to the electric transmission and distribution system in New Jersey.

On February 2, 2022, Ocean Wind filed a petition with the Board, pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across Green Acres-restricted properties owned by the City of Ocean City, New Jersey ("Ocean City"), and that certain municipal consents needed for particular environmental permits in or with respect to Ocean City, are reasonably necessary for the construction or operation of the QOWP, Ocean Wind I ("Ocean City Petition").

On May 20, 2022, Ocean Wind filed the instant petition, pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across properties owned by the Cape May County and certain consents needed from the County for certain environmental permits in, and with respect to the County, are reasonably necessary for the construction or operation of the Project.

The Cape May Petition pertains only to Cape May County and is the subject of this Order. While the Cape May Petition and the Ocean City Petition both concern the same onshore cable for the electricity export cable of Ocean Wind 1's QOWP, each petition covers different easements and consents for different parts of the cable.

N.J.S.A. 48:3-87.1(f) grants the Board the authority to make a determination on a petition from a QOWP "seeking authority to obtain the easement, right-of way, or other real property interest."

DISCUSSION

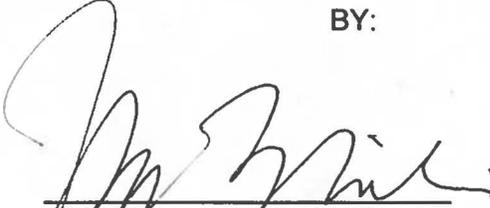
The Board has determined that it should retain the Cape May Petition. Accordingly, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Joseph L. Fiordaliso as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the Board **HEREBY DIRECTS** that the County of Cape May be included as a necessary party in this proceeding, and **HEREBY DIRECTS** any entity seeking to intervene or participate in this matter file the appropriate application with the Board on or before July 15, 2022. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

In addition, in compliance with the Board's Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order. The Board **HEREBY DIRECTS** Board Staff to post this Order to the Board's website.

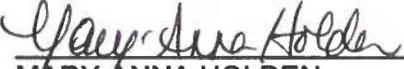
The effective date of this Order is July 1, 2022.

DATED: June 29, 2022

BOARD OF PUBLIC UTILITIES
BY:



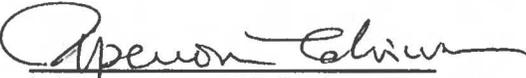
JOSEPH L. FIORDALISO
PRESIDENT



MARY ANNA HOLDEN
COMMISSIONER



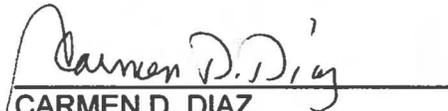
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 

CARMEN D. DIAZ
ACTING SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the 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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

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