



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/

DIVISION OF CLEAN ENERGY

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)

ORDER SETTING
 PROCEDURAL SCHEDULE
 DOCKET NO. QO22050347

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 PRESIDENT FIORDALISO:

By this Order, I set forth a procedural schedule for this proceeding.

BACKGROUND

On May 20, 2022, Ocean Wind LLC (“Ocean Wind” or “Petitioner”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board” or “BPU”), pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board’s determination that certain easements across properties owned by the County of Cape May (“County”) and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of Petitioner’s qualified offshore wind project, Ocean Wind I (“Project” or “QOWP”).

N.J.S.A. 48:3-87.1(f)(2) grants the Board the authority to make a determination on a petition from a qualified offshore wind project “seeking authority to obtain the easement, right-of way, or other

real property interest.”

On June 8, 2022, Michael J. Donohue, Esq. on behalf of the County of Cape May, filed a motion with the Board, requesting the Board to decline jurisdiction over the Petition and to dismiss the Petition without prejudice as unripe for disposition and non-justiciable under N.J.S.A. 48:3-87.1(f) and N.J.S.A. 20:3-1 et seq. (“June 8, 2022 Motion”). On June 20, 2022, Ocean Wind filed a reply brief in opposition to the June 8, 2022 Motion, and on June 27, 2022 the County filed a reply to Ocean Wind’s reply. The June 8, 2022 Motion will be addressed at a later date.

On June 29, 2022, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues (“June 29, 2022 Order”). Further, the June 29, 2022 Order directed the County to be included as a necessary party, and further directed any entities seeking to intervene or participate in this matter to file the appropriate motions with the Board on or before July 15, 2022.

I note that P.L. 2021, c. 178 envisions a transparent and public process for the evaluation. In accordance with N.J.S.A. 48:3-87.1(f)(2), the Board is required to hold a public hearing and to provide the opportunity for public comments on the Petition.

The public will have an opportunity to file comments and attend a public hearing. I, President Fiordaliso, will preside over the public hearing. Notice of the public hearing shall be provided to the "news media, the owner of the real property subject to the petition, and the governing body and municipal clerk of the municipality and the clerk of the county in which the lands proposed to be conveyed are located." N.J.S.A. 48:3-87.1(f)(2). Public Comments may be submitted using the Board's Public Document Search tool, located at <https://publicaccess.bpu.state.nj.us/> using DOCKET NO. QO22050347.

DISCUSSION & FINDINGS

I **HEREBY ISSUE** the following procedural schedule (“Schedule”) attached hereto as Exhibit A. I further **HEREBY DIRECT** the parties to comply with the Schedule’s terms and to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding. The Schedule provides the parties with opportunities to present evidence and arguments to aid in the Board’s deliberation.

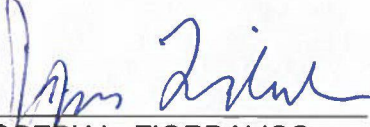
In compliance with the Board’s Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

I **HEREBY DIRECT** that this Order be posted on the Board’s website.

This provisional ruling is subject to ratification or other alteration by the Board, as it deems appropriate during the proceedings in this matter.

DATED: 7/5/22

BY:



JOSEPH L. FIORDALISO
PRESIDENT

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

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**Exhibit A:
Procedural Schedule**

Item	Date
Motions Due	July 15, 2022
Opposition and Testimony from Parties	July 29, 2022
Ocean Wind Reply	August 12, 2022
Public Hearing	August 23, 2022
Public Written Comments Deadline	September 6, 2022
Settlement Conference	Week of September 12, 2022
Parties Respond to Public Comments	September 20, 2022
Oral Argument	Week of October 3, 2022

Further details regarding the Public Hearing and Oral Argument will be forthcoming.

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