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**Attorney for the City of Sea Isle City**

IN THE MATTER OF THE PETITION OF	)	STATE OF NEW JERSEY BOARD OF
OCEAN WIND LLC PURSUANT TO	)	PUBLIC UTILITIES
N.J.S.A. 48:3-87.1(f) FOR A	)	
DETERMINATION THAT CERTAIN	)	DIVISION OF CLEAN ENERGY
EASEMENTS AND CONSENTS NEEDED	)	
FOR CERTAIN ENVIRONMENTAL	)	DOCKET NO.:QO22050347
PERMITS IN, AND WITH RESPECT TO,	)	
THE COUNTY OF CAPE MAY ARE	)	
REASONABLY NECESSARY FOR THE	)	MOTION TO INTERVENE OF THE
CONSTRUCTION OR OPERATION OF	)	CITY OF SEA ISLE CITY
THE OCEAN WIND 1 QUALIFIED	)	
OFFSHORE WIND PROJECT	)	
	)	
	)	
	)	

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PJB/hkb  
1027-377  
SIC-Ocean Wind

The City of Sea Isle City (hereinafter “City”) hereby moves for an order of the Board of Public Utilities (“Board”) granting it intervention in the above referenced matter in accordance with the Order of the Board of June 29, 2022, as amended, and pursuant to N.J.A.C. 1:1-16.1(a), which provides that any person or entity not initially a party who will be “substantially,

specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.” Under N.J.A.C. 1:1-16.3(a), “In ruling upon a motion to intervene, the judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters.” Alternatively, the City moves to participate in accordance with N.J.A.C. 1:1-16.6. The City respectfully requests the Board to (1) grant it full rights as an intervenor in this matter pursuant to N.J.A.C. 1:1-16.1, and (2) order such further relief in connection therewith as the Board deems reasonable and just.

In support of this motion, the City states:

1. The City is a Municipal corporate body politic of the State of New Jersey, the territory of which fronts on the Atlantic Ocean in Cape May County, New Jersey.

2. Ocean Wind has publicly announced that it plans to install upwards of 200 wind turbines on towers as high as 900' or more tall as close as 10 to 15 miles to the beaches of Cape May County for the generation of electricity.

3. Ocean Wind's current Petition adverse to the County of Cape May seeks to gain Board approval of a route for transmission cables to deliver wind-generated electricity ultimately to the electrical grid.

4. The City will be substantially, specifically, and directly affected by the outcome of this Petition as follows.

5. This is only the second Petition to be considered by the Board under N.J.S.A. 48:3-87.1(f).

6. Each decision made by the Board in interpreting and applying N.J.S.A. 48:3-87.1(f) will directly impact the City inasmuch as those decisions will be applicable to the City

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should such a Petition be filed in connection with the City in the future.

7. The City has an obligation to the residents and businesses of and visitors to the City to represent their interests in any matter that will have a lasting, potentially negative impact on the City, such as the permanent placement of wind facilities that will dramatically alter the viewshed of the Atlantic Ocean from the beaches of the City.

8. The viewshed constitutes an important element of the natural environment of the City which, in turn, is a critical component of the second-homeowner and tourism driven economy of the City.

9. The decision of the Board in determining if and where the placement of transmission lines are reasonably necessary for the project will substantially, specifically, and directly affect the important interests and obligations of the City as detailed above.

10. Additionally, the Petitioner seeks to have the Board determine that the due process provisions of the New Jersey Eminent Domain Act, N.J.S.A. 20:3-1 *et seq.*, including but not limited to the requirement that an appraisal be completed of specific property proposed to be taken by the Board through the application of N.J.S.A. 48:3-87.1(f), do not apply. Such a decision will have a direct impact on the City inasmuch as it will potentially deprive the City of such due process in future proceedings.

11. Allowing the City to intervene and/or participate in this matter will add judicial economy and bring efficiency to this and future proceedings inasmuch as the City will be bound by the ultimate outcomes and issues of first impression related to N.J.S.A. 48:3-87.1(f), and such issues can potentially be resolved in a single proceeding instead of multiple proceedings.

12. The proposed wind turbines once fully in place will run the entire eastern seaboard of the City, creating unique challenges for the City.

13. The City along with its state and federal government partners have expended

millions of dollars on its coastline and the City has a vested interest to ensure the interchange or interaction of the wind turbines is consistent with this commitment. There exists the very real need to combine shore viability with the decision to place wind turbines off the City's coast.

14. The City will work with the parties to establish a procedural schedule in this case.

15. Granting the City intervention at this stage of the proceeding will not cause undue delay or confusion, nor impose an undue burden on any party to this proceeding.

16. The Verification of George Savastano is attached hereto stating that the facts stated in this motion are true and accurate to the best of his knowledge and belief.

17. Correspondence concerning this Motion and this proceeding should be sent to: Paul J. Baldini, Esquire, 4413 New Jersey Avenue, Wildwood, NJ 08260 via email at [paul@paulbaldinilaw.com](mailto:paul@paulbaldinilaw.com); Hon. Joseph L. Fiordaliso, President, New Jersey Board of Public Utilities, c/o Acting Secretary Carmen Dias, 44 South Clinton Avenue, 9th Floor P.O. Box 350, Trenton, NJ 08625-0350 via email to: [board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov) and the Service List attached to the Proof of Filing/Proof of Service.

A Proof of Filing/Proof of Service and proposed form of Order granting intervention are attached hereto.

**WHEREFORE**, the City respectfully requests the Board to (1) grant it full rights as an intervenor in this matter pursuant to N.J.A.C. 1:1-16.1, and (2) order such further relief in connection therewith as the Board deems reasonable and just.

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Respectfully submitted

/s/**Paul J. Baldini**

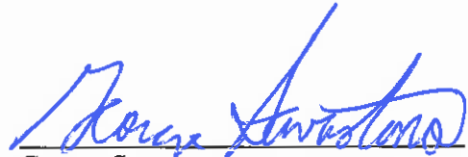
Paul J. Baldini, Esquire  
Solicitor for the City of Sea Isle City

## VERIFICATION

STATE OF NEW JERSEY

COUNTY OF CAPE MAY

I, George Savastano, hereby state that I am the Administrator for the City of Sea Isle City, the Petitioner in the foregoing Motion; that I am authorized to make this Verification on behalf of the City, that the foregoing Motion was prepared under my direction and supervision; and that the statements in the foregoing Motion are true and correct to the best of my knowledge, information, and belief.



George Savastano  
Administrator for the City of Sea Isle City

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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

) STATE OF NEW JERSEY BOARD OF  
) PUBLIC UTILITIES

) DIVISION OF CLEAN ENERGY

) DOCKET NO.:QO22050347

) **PROOF OF FILING/PROOF OF**  
) **SERVICE**

**PROOF OF FILING**

On July 18, 2022, the within Motion to Intervene of the City of Sea Isle City, a proposed Order granting the City intervention in this proceeding pursuant to N.J.A.C. 1:1-16.1 and 1:1-16.3, and this Proof of Filing/Proof of Service were electronically filed to Hon. Joseph L. Fiordaliso, President, New Jersey Board of Public Utilities, c/o Acting Secretary Carmen Dias, 44 South Clinton Avenue, 9th Floor P.O. Box 350, Trenton, NJ 08625-0350, via email to: board.secretary@bpu.nj.gov.

Dated: July 21, 2022

/s/Paul J. Baldini

Paul J. Baldini, Esquire

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### **CERTIFICATION OF SERVICE**

On July 18, 2022, I, the undersigned, forwarded via email a copy of the within Motion to Intervene of the City of Sea Isle City, an Order granting the City intervention in this proceeding pursuant to N.J.A.C. 1:1-16.1 and 1:1-16.3, and this Proof of Filing/Proof of Service were electronically filed to Hon. Joseph L. Fiordaliso, President, New Jersey Board of Public Utilities, c/o Acting Secretary Carmen Dias, 44 South Clinton Avenue, 9th Floor P.O. Box 350, Trenton, NJ 08625-0350, via email to: board.secretary@bpu.nj.gov.

I further certify that, on July 18, 2022, a copy of the above-referenced documents were forwarded via electronic mail to the members of the Service List associated with 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. The Service List utilized is the one included in President Fiordaliso's July 14, 2022 Order Modifying the Procedural Schedule in this matter and is attached hereto to this Proof of Filing/Proof of Service as attachment "A".

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.

Dated: July 21, 2022

/s/Paul J. Baldini

Paul J. Baldini, Esquire

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**In the Matter of the Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:37.1(f) for a Determination that 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  
BPU Docket No. QO22050347  
Service List**

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c/o Kyle Rutherford, Confidential Aide  
to the Mayor  
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Township of Lower  
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c/o Nicole J. Curio, Esq.  
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Township of Dennis  
c/o Kyle D. Weinberg, Esq. Blaney,  
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c/o Paul L. Baldini, Esq.  
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New Jersey State League of  
Municipalities  
c/o Frank Marshall, Esq.  
222 West State Street  
Trenton, NJ 08608

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) DIVISION OF CLEAN ENERGY

) DOCKET NO.:QO22050347

**ORDER**

On \_\_\_\_\_, 2022, the City of Sea Isle City filed a Motion to Intervene in this matter. I find that the City is a Municipal Corporation of the state of New Jersey that will be directly and substantially affected by the outcome of this proceeding and that no other party to this proceeding can adequately represent the City interests. Granting intervention to the City will not cause undue confusion or delay, nor impose an undue burden on any party to this proceeding. I therefore GRANT the City intervention in this proceeding pursuant to N.J.A.C. 1:1-16.1 and 1:1-16.3.

Date:

\_\_\_\_\_  
J.S.C.

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