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July 28, 2022

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, New Jersey 08625-0350
via email (board.secretary@bpu.nj.gov)

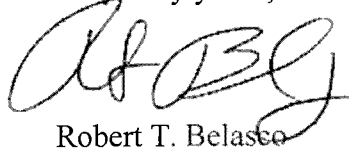
Re: BPU Docket No.: QO22050347
IN THE MATTER OF PETITION OF OCEAN WIND LLC PURSUANT TO N.J.S.A.
48:3-87.1(f) FOR A DETERMINATION THAT CERTAIN EASEMENTS AND
CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND
WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY
NECESSARY FOR THE CONSTRUCTION OR PROTECTION OF THE OCEAN
WIND 1 QUALIFIED OFFSHORE WIND PROJECT

Dear President Fiordaliso:

Please be advised that this office currently serves as the solicitor to the Township of Lower. Enclosed herein please find a copy of the Township of Lower's Motion to Intervene in the referenced matter which is currently pending before the New Jersey Board of Public Utilities. A proposed form of order and proof of service is also enclosed herein.

Thank you for your attention to this matter.

Very truly yours,



Robert T. Belasco

RTB
cc: Township of Lower (via email)

PROOF OF SERVICE

I the undersigned, am employed by the law firm of Stefankiewicz & Belasco, LLC. I hereby certify, that on July 28, 2022, a true and correct copy of enclosed Motion to Intervene has been filed, via email, with the New Jersey Board of Public Utilities (board.secretary@bpu.nj.gov), 44 South Clinton Avenue, 9th Floor P.O. Box 350, Trenton, New Jersey 08625-0350.

I further certify that on July 28, 2022, a copy of the documents identified herein, were also served via email on the following individuals:

Carmen Dias
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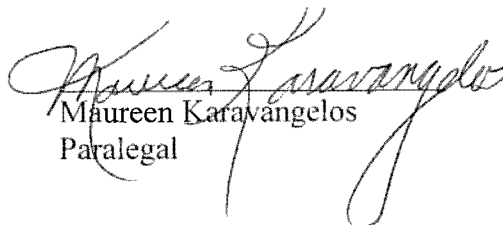
Dottie McCrosson
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Mayor Jay Gillia
mayor@ocnj.us

Martha Sapp
Martha.Sapp@dep.nj.gov

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 28, 2022


Maureen Karavangelos
Paralegal

STATE OF 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 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

MOTION TO INTERVENE OF THE
TOWNSHIP OF LOWER

The Township of Lower 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 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 Township of Lower moves to participate in accordance with N.J.A.C. 1:1-16.6. The Township of Lower 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 Township of Lower states:

1. The Township of Lower 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 Township of Lower 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 Township of Lower inasmuch as those decisions will be applicable to the Township of Lower should such a Petition be filed in connection with qualified offshore wind projects in the future.
7. The Township of Lower has an obligation to the residents and businesses of and visitors to the Township of Lower to represent their interests in any matter that will have a lasting, potentially negative impact on the Township of Lower, such as the permanent placement of wind facilities that will dramatically alter the viewshed of the Atlantic Ocean from the beaches of the Township of Lower.
8. The viewshed constitutes an important element of the natural environment of the Township of Lower which, in turn, is a critical component of the second-homeowner and tourism driven economy of the Township of Lower.
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 Township of Lower 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 Township of Lower inasmuch as it will potentially deprive it of such due process in future proceedings.

11. Allowing the Township of Lower to intervene and/or participate in this matter will add judicial economy and bring efficiency to this and future proceedings inasmuch as the Township of Lower 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 Township of Lower will work with the parties to establish a procedural schedule in this case.
13. Granting the Township of Lower 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.
14. The Verification of Mayor Frank Sippel is attached hereto stating that the facts stated in this motion are true and accurate to the best of his knowledge and belief.
15. Correspondence concerning this Motion and this proceeding should be sent to:

Robert T. Belasco, Esquire
Stefankiewicz & Belasco, LLC
111 E. 17th Avenue, Suite 100
North Wildwood, New Jersey 08260

A Certificate of Service and proposed form of Order granting intervention are attached hereto.

WHEREFORE, the Township of Lower 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.

Respectfully submitted



Robert T. Belasco, Esquire
Solicitor to the Township of Lower

VERIFICATION

STATE OF NEW JERSEY

COUNTY OF CAPE MAY

I, Mayor Frank Sippel, hereby state that I am the Mayor of the Township of Lower, the Petitioner in the foregoing Petition; that I am authorized to make this Verification on behalf of the Township of Lower, that the foregoing Petition was prepared under my direction and supervision; and that the statements in the foregoing Petition are true and correct to the best of my knowledge, information, and belief.



Mayor Frank Sippel

STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF
OCEAN WIND LLC PURSUANT TO
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DETERMINATION THAT CERTAIN
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MOTION TO INTERVENE OF THE
TOWNSHIP OF LOWER

ORDER

On _____, 2022, the Township of Lower filed a Motion to Intervene in this matter. I find that the Township of Lower 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 Township of Lower's interests. Granting intervention to the Township of Lower will not cause undue confusion or delay, nor impose an undue burden on any party to this proceeding. I therefore GRANT the Township of Lower's intervention in this proceeding pursuant to N.J.A.C. 1:1-16.1 and 1:1-16.3.

Date: _____