

Law Offices Of

KARAVAN & MORRIS

A Professional Corporation

MARCUS H. KARAVAN

Licensed in NJ & NY

STEVEN A. MORRIS

Licensed in NJ & PA

July 27, 2022

Via Electronic Mail

Acting Board Secretary Carmen Diaz
NJ Board of Public Utilities
44 South Clinton Street, 9th Floor
P.O. Box 350
Trenton, NJ 08625
board.secretary@bpu.nj.gov

**RE: IN THE MATTER OF THE PETITION OF OCEAN WIND LLC PURSUANT
TO NJSA 48:3-87.:(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
QUALIFIED OFFSHORE WIND PROJECT
BPU Docket NO.: QO22050347**

Dear Acting Secretary Diaz,

Please accept this correspondence with regard to the above-referenced matter. The undersigned represents proposed Intervenor, Middle Township. Kindly enter my appearance and include me in all further communications regarding this matter.

Enclosed please find Middle Township's Motion to Intervene in the above referenced Petition, along with a Verification of Kim Osmundsen, Township Clerk and Business Administrator, and a proposed form of Order. Copies of the same shall be simultaneously electronically served on the individuals included on the attached service list. The Township requests that these documents be filed with the Board and acknowledged and that the matter listed for disposition.

The Motion, Facts, Law, Argument, and Verification are included in attached documents. The proposed form of Order is also attached as a separate document. In keeping with Board procedure, the Township of Middle does not request oral argument but remains available to participate in the same should the Board deem it necessary.

K M

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Wildwood, NJ 08260

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Steve@KaravanMorris.com

Thank you for your time and attention to the above. Please contact me if you have any questions or require additional information.

Very respectfully yours,

The Law Offices Of
KARAVAN & MORRIS, P.C.

A handwritten signature in black ink, appearing to be 'MK' or similar, written over a horizontal line.

Marcus H. Karavan, Esquire

CC: Service List (*via electronic mail*)

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(609) 729-1700
Attorneys for Middle Township
Attorney ID # 000941983

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
QUALIFIED OFFSHORE WIND PROJECT

STATE OF NEW JERSEY BOARD OF
PUBLIC UTILITIES

DIVISION OF CLEAN ENERGY

DOCKET NO.: QO22050347

**MOTION TO INTERVENE OF THE
TOWNSHIP OF MIDDLE**

The Township of Middle (hereinafter “Township”) 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.” Pursuant to 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 moves to participate in accordance with N.J.A.C. 1:1-16.6. The Township 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 states:

1. The Township is a Municipal corporate body politic of the State of New Jersey, the economy of which is impacted by tourism dependent upon the Atlantic Ocean and the beaches in adjacent communities throughout 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's interest differ from the existing parties because the Township's interests relate to its redevelopment and land use regulatory activities, furthermore the Township has an interest on the potential economic impact to itself and the County.

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 inasmuch as those decisions will be applicable to the Township should such a Petition be filed in connection with the Township in the future.

7. The Township has an obligation to its residents, businesses and visitors to represent their interests in any matter that will have a lasting, potentially negative impact on the Township,

such as the permanent placement of wind facilities that will dramatically alter the viewshed of the Atlantic Ocean and potentially impact tourism in the Township and throughout the County.

8. 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 as detailed above.

9. 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 inasmuch as it will potentially deprive the Township of such due process in future proceedings.

10. Allowing the Township to intervene and/or participate in this matter will add judicial economy and bring efficiency to this and future proceedings inasmuch as the Township 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.

11. The Township will be substantially, specifically, and directly affected by the outcome of this Petition, as detailed above.

12. The Township will work with the parties to establish a procedural schedule.

13. Granting the Township 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. Granting intervention to the Township will allow the development of a full and complete record and allows the development of a full and complete record and allow consideration of a diversity of interests.

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

16. Correspondence concerning this Motion and this proceeding should be sent to: Steven A. Morris, Esquire, 3311 New Jersey Avenue, Wildwood, NJ 08260 via email at steve@karavanmorris.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 and the Service List attached to the Proof of Filing/Proof of Service.

WHEREFORE, the Township 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.

Very respectfully yours,
The Law Offices Of
KARAVAN & MORRIS, P.C.



Marcus H. Karavan, Esquire

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Attorney ID # 000941983

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
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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 27, 2022, the within Motion to Intervene of the Township of Middle, a proposed Order granting the Township 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 by the undersigned 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.



Steven A. Morris, Esquire

Dated: 7/28/22

CERTIFICATION OF SERVICE

On July 27, 2022, I, the undersigned, forwarded via email a copy of the within Motion to Intervene of the Township of Middle, an Order granting the Township 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 27, 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.



Steven A. Morris, Esquire

Dated: 7/28/22

The Law Offices Of
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Wildwood, New Jersey 08260
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Attorneys for Middle Township
Attorney ID # 000941983

IN THE MATTER OF THE PETITION OF
OCEAN WIND LLC PURSUANT TO N.J.S.A.
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STATE OF NEW JERSEY BOARD OF
PUBLIC UTILITIES

DIVISION OF CLEAN ENERGY

DOCKET NO.: Q022050347

ORDER

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

Date:

J.S.C.

**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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Township of Middle
c/o Steven A. Morris, Esq.
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Wildwood, NJ 08260

City of North Wildwood
Mayor Patrick T. Rosenello
c/o Kyle Rutherford, Confidential Aid
to the Mayor
901 Atlantic Avenue
North Wildwood, NJ 08260-5778

Township of Lower
c/o Kyle D. Weinberg, Esq.
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Borough of Avalon
c/o Nicole J. Curio, Esq.
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Township of Dennis
c/o Kyle D. Weinberg, Esq. Blaney,
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Upper Township
c/o M. James Maley, Jr., Esq.
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c/o Paul L. Baldini, Esq.
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Borough of Stone Harbor
c/o Steven A. Morris, Esq.
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New Jersey State League of
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c/o Frank Marshall, Esq.
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Attorneys for Middle Township
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DIVISION OF CLEAN ENERGY

DOCKET NO.: QO22050347

VERIFICATION

I, Kim Osmundsen, hereby state that I am the Administrator for the Township of Middle, the Petitioner in the foregoing Motion; that I am authorized to make this Verification on behalf of the Township, 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.

A handwritten signature in black ink, appearing to read "Kim Osmundsen", written over a horizontal line.

Kim Osmundsen, Township Administrator

Dated: