

RONALD J. GELZUNAS

ATTORNEY AT LAW

July 28, 2022

Via Email Only: Board.Secretary@bpu.nj.gov

Carmen Dias, Board Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350

Re: The Petition of Ocean Wind LLC
Motion To Intervene of the Borough of Wildwood Crest

Dear Ms. Dias:

Attached please find a copy of the Motion to Intervene of the Borough of Wildwood Crest, a copy of a proposed form of Order and the Proof of Service in the above matter.

Thank you.

Sincerely,

/s/Ronald J. Gelzunas

RONALD J. GELZUNAS

RJG:aad
Encl.

cc: Don Cabrera, Mayor (via email)
Patricia Feketics, Borough Clerk (via email)

Ronald J. Gelzunas, Esquire
RONALD J. GELZUNAS, LLC
P.O. Box 1288
100 East Lavender Road
Wildwood Crest, NJ 08260
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RonGelzunas@Comcast.net
Attorney ID No.: 013322000
Attorney for Intervener Borough of Wildwood Crest

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 BOROUGH OF WILDWOOD CREST
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The Borough of Wildwood Crest (the “Borough”) 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 Borough moves to participate in accordance with N.J.A.C. 1:1-16.6. The Borough 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 Borough states:

1. The Borough of Wildwood Crest 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 Borough will be substantially, specifically and directly effected 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 Borough inasmuch as those decisions will be applicable to the Borough should such a Petition be filed in connection with

the Borough in the future.

7. The Borough has an obligation to the residents and businesses of and visitors to the Borough to represent their interests in any matter that will have a lasting, potentially negative impact on the Borough, such as the permanent placement of wind facilities that will dramatically alter the viewshed of the Atlantic Ocean from the beaches of the Borough.
8. The viewshed constitutes an important element of the natural environment of the Borough which, in turn, is a critical component of the second-homeowner and tourism driven economy of the Borough.
9. The decision of the Board in determining if and where the placement of transmission line are reasonably necessary for the project will substantially, specifically and directly effect the important interests and obligations of the Borough 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 Borough inasmuch as it will potentially deprive the Borough of such due process in future proceedings.
11. Allowing the Borough to intervene and/or participate in this matter will add judicial economy and bring efficiency to this and future proceedings inasmuch as the Borough 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 Borough will work with the parties to establish a procedural schedule in this case.

13. Granting the Borough 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 of Administrator) is attached hereto stating that the facts stated in this motion are true and accurate to the best of his knowledge and belief.

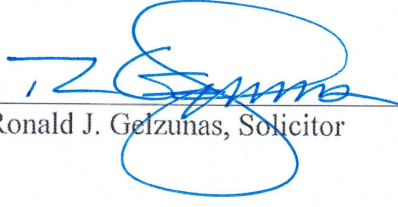
15. Correspondence concerning this Motion and this proceeding should be sent to:

Ronald J. Gelzunas, Esquire
RONALD J. GELZUNAS, LLC
P.O. Box 1288
100 East Lavender Road
Wildwood Crest, NJ 08260
(609) 854-4502; Fax (609) 784-0999
RonGelzunas@Comcast.net
Attorney ID No.: 013322000

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

WHEREFORE, the Borough of Wildwood Crest 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



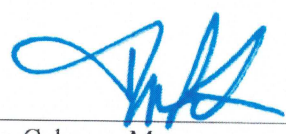
Ronald J. Gelzunas, Solicitor

VERIFICATION

STATE OF NEW JERSEY

COUNTY OF CAPE MAY

I, Don Cabrera (Mayor/Administrator), hereby state that I am the Mayor of the Borough of Wildwood Crest, the Petitioner in the foregoing Petition; that I am authorized to make this Verification on behalf of the Borough of Wildwood Crest, 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.



Don Cabrera, Mayor

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 BOROUGH OF WILDWOOD CREST
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ORDER

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

Date: _____

PROOF OF SERVICE

I the undersigned, am employed by the law firm of Ronald J. Gelzunas, 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:

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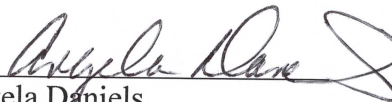
Dottie McCrosson
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Mayor Jay Gillia
mayor@ocnj.us

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


Angela Daniels
Legal Assistant