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Attorneys for Proposed Intervenor, City of North Wildwood

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

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

Docket No.: QO22050347

Civil Action

**MOTION TO INTERVENE ON
BEHALF OF THE CITY OF NORTH
WILDWOOD, COUNTY OF CAPE
MAY, STATE OF NEW JERSEY**

PLEASE TAKE NOTICE, that the City of North Wildwood 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 City of

North Wildwood moves to participate in accordance with N.J.A.C. 1:1-16.6. The City of North Wildwood 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 of North Wildwood states:

1. The City of North Wildwood (hereinafter referred to as “City”) is a Municipal corporate body politic of the State of New Jersey, the territory of which borders barrier islands which front 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 effected by the outcome of this Petition as follows:
 - a. At present, the City has been provided with no information as to how this project will impact its local tourism and fishing industries as no impact report has been provided to the City, and the City has not had an opportunity to conduct any review of the project's potential impacts.
 - b. At present, the City has been provided no information as how this project will impact the City's infrastructure regarding the potential placement of

cables and transmission lines reasonably necessary for this project.

- c. At present, the City has been provided no information as how this project will potentially alter property values.
 - d. The City has been provided with no information related to the proposed transmission line route, alternate routes or any other aspect of project construction plans.
- 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 should such a Petition be filed in connection with the City in the future, and it has been publicly announced that Ocean Wind 1 will be followed by Ocean Wind 2 and there is a real possibility that the project may seek to traverse the City of North Wildwood..
 - 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 contained in the municipalities adjoining the City as well as the City.
 - 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 City 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 City inasmuch as it will potentially deprive the City of such due process in future proceedings.
10. 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.
11. The City will work with the parties to establish a procedural schedule in this case.
12. 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.
13. The Verification of the City's Mayor is attached hereto stating that the facts stated in this motion are true and accurate to the best of his knowledge and belief.
14. Correspondence concerning this Motion and this proceeding should be sent to:

**Michael J. Donohue, Esquire
Blaney, Donohue & Weinberg, P.C.
2123 Dune Drive, Suite 11
Avalon, New Jersey 08202**

A proposed form of Order is included herewith.

WHEREFORE, the City of North Wildwood 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,



Michael J. Donohue

Dated: July 29, 2022