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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 CITY OF WILDWOOD
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The City of Wildwood (the “City”) hereby moves for an order of the Board of Public Utilities (“Board”) granting its 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 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 of Wildwood 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 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 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.
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 line are reasonably necessary for the project will substantially, specifically and directly effect 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 City will work with the parties to establish a procedural schedule in this case.

13. 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.

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

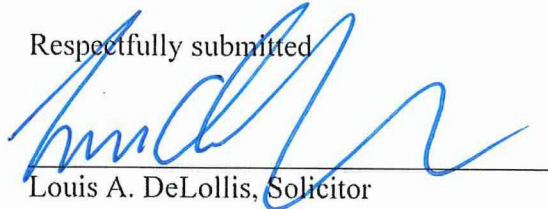
15. Correspondence concerning this Motion and this proceeding should be sent to:

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

WHEREFORE, the City of 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



Louis A. DeLollis, Solicitor

VERIFICATION

STATE OF NEW JERSEY

COUNTY OF CAPE MAY

I, Pete Byron (Mayor/Administrator), hereby state that I am the Mayor of the City of Wildwood, the Petitioner in the foregoing Petition; that I am authorized to make this Verification on behalf of the City of Wildwood, 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.

A handwritten signature in cursive script, appearing to read "Pete Byron", is written above a horizontal line.

Pete Bryon, Mayor