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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, the Borough of Stone Harbor. Kindly enter my appearance and include me in all further communications regarding this matter.

Enclosed please find the Borough of Stone Harbor's Motion to Intervene in the above referenced Petition, along with a Verification of Robert Smith, Business Administrator for the Borough of Stone Harbor, 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 Borough 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 Borough of Stone Harbor does not request oral argument but remains available to participate in the same should the Board deem it necessary.

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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.



Marcus H. Karavan, Esquire

CC: Service List (*via electronic mail*)

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Attorneys for Borough of Stone Harbor
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 BY THE
BOROUGH OF STONE HARBOR**

TO: New Jersey Board of Public Utilities; Parties Identified on Annexed Service List:

The Borough of Stone Harbor (hereinafter “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, 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

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 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 affected by the outcome of this Petition as follows.

5. This is only the second Petition to be considered 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. A considerable portion of the Borough runs along the Atlantic Ocean and the Borough has a general interest in the siting of offshore wind projects located offshore of those portions of the Borough abutting the Atlantic Ocean, such as the proposed by Ocean Wind.

8. 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.

9. The viewshed constitutes an important element of the natural environment of the Borough that is cherished by residents and a critical component of the second homeowner and tourism driven economy of the Borough.

10. 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 Borough as detailed above.

11. 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.

12. 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.

13. The proposed wind turbines once fully in place will run the entire eastern seaboard of the Borough, creating unique challenges for the Borough.

14. The Borough along with its State and Federal government partners have expended millions of dollars on its coastline and the Borough has a vested interest to ensure the interchange

or interaction of the wind turbines is consistent with this commitment. There exists the very real need to combine shore viability with the decision to place wind turbines off the Borough's coast.

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

16. The Borough will work with the parties to establish a procedural schedule in this case.

17. 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.

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

19. 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 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.

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



Marcus H. Karavan, Esquire

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IN THE MATTER OF THE PETITION OF
OCEAN WIND LLC PURSUANT TO N.J.S.A.
48:3-87.1(f) FOR A DETERMINATION
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QUALIFIED OFFSHORE WIND PROJECT

STATE OF NEW JERSEY BOARD OF
PUBLIC UTILITIES

DIVISION OF CLEAN ENERGY

DOCKET NO.: QO22050347

ORDER

On _____, 2022, the Borough of Stone Harbor filed a Motion to Intervene in this matter. I find that the Borough 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 intervention in this proceeding pursuant to N.J.A.C. 1:1-16.1 and 1:1-16.3.

Date:

J.S.C.

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OCEAN WIND LLC PURSUANT TO N.J.S.A.
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VERIFICATION

I, Robert Smith, hereby state that I am the Administrator for the Borough of Stone Harbor, the Petitioner in the foregoing Motion; that I am authorized to make this Verification on behalf of the Borough, 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 be 'R. Smith', written over a horizontal line.

Robert Smith, Administrator

Dated:

7/29/22

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**PROOF OF FILING/PROOF OF
SERVICE**

PROOF OF FILING

On July 27, 2022, the within Motion to Intervene of the Borough of Stone Harbor, a proposed Order granting the Borough 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: 7/27/22

CERTIFICATION OF SERVICE

On July 27, 2022, I, the undersigned, forwarded via email a copy of the within Motion to Intervene of the Borough of Stone Harbor, an Order granting the Borough 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: 7/27/22

**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
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Mayor Patrick T. Rosenello
c/o Kyle Rutherford, Confidential Aid
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Borough of Avalon
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Township of Dennis
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New Jersey State League of
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