

Michael F. Cerra, EXECUTIVE DIRECTOR

Loretta Buckelew, ASSISTANT EXECUTIVE DIRECTOR

July 29, 2022

**VIA ELECTRONIC MAIL** ([board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov))Acting Board Secretary Carmen Diaz  
NJ Board of Public Utilities  
44 South Clinton Street, 9th Floor  
P.O. Box 350  
Trenton, New Jersey 08625

**Re: 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  
BPU Docket No.: QO22050347**

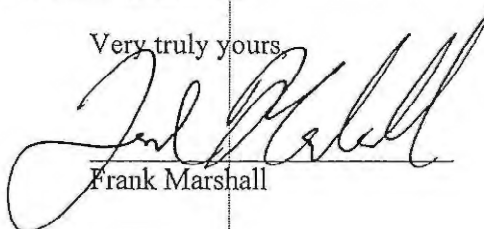
Dear Acting Secretary Diaz,

Enclosed please find the New Jersey State League of Municipalities' Motion to Participate in the above-referenced Petition, along with a Verification of League Executive Director, Michael F. Cerra, and a proposed form of Order. Copies of these documents are also being simultaneously electronically served on the individuals included in the attached service list. The League asks that these documents be filed with the Board and the matter listed for disposition and requests that you acknowledge receipt of these items on behalf of the Board.

The Motion, Verification, Certification of Service, and form of Order are included as a single document in the interests of efficiency. In keeping with Board procedure, oral argument is not requested but the League stands ready to participate in oral argument should the Board find it necessary.

I also, kindly request that the Service List be updated to reflect all email communications to the League related to this matter be sent to [fmarshall@njlm.org](mailto:fmarshall@njlm.org).

Very truly yours,

  
Frank Marshall

Enclosures

Cc: Attached Service List (via email)

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

**BPU DOCKET NO. QO22050347**

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<b>NEW JERSEY STATE LEAGUE OF MUNICIPALITIES</b>	
New Jersey State League of Municipalities c/o Frank Marshall, Esq. 222 West State Street Trenton, NJ 08608 <a href="mailto:league@njlm.org">league@njlm.org</a>	

**Frank Marshall (098762014)**  
**Associate General Counsel**  
**New Jersey State League of Municipalities**  
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**Trenton, NJ 08608**  
**PHONE: (609) 695-3481**  
**fmarshall@njlm.org**

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 OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT	MOTION TO PARTICIPATE OF THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES  DOCKET NO. QO22050347
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The New Jersey State League of Municipalities (the “League”) hereby moves for an order of the Board of Public Utilities (“Board”) granting leave to participate in the within matter in accordance with the Order of the Board of June 29, 2022, as modified July 14, 2022, and pursuant to N.J.A.C. 1:1-16.6, which provides that any person or entity with a significant interest in the outcome of a case may move for permission to participate. For the reasons set forth below, the League respectfully requests the Board to (1) grant it full rights to participate in this matter pursuant to N.J.A.C. 1:1-16.6, and (2) order such further relief in connection therewith as the Board deems reasonable and just.

In support of this motion, the League states:

1. Operating since 1915, the New Jersey State League of Municipalities is non-partisan, voluntary non-profit association created to assist New Jersey's local governments by acting as a repository for knowledge and expertise.
2. The League acts as an advocate for New Jersey's municipalities before the State and federal government, protecting communities' rights to self-government, and the promotion of strong local government.
3. Ocean Wind has publicly announced that it plans to install upwards of 200 wind turbines on towers as far as 900' or more off the shore of Cape May County for the generation of electricity.
4. Ocean Wind's current Petition adverse to the County of Cape May seeks to gain Board approval of a route for transmission cable to deliver wind-generated electricity ultimately to the electrical grid.
5. Ocean Wind has submitted a Petition to be considered by the Board under N.J.S.A. 48:3-87.1(f), the second such petition to be considered by the Board under this new law.
6. Each decision made by the Board in interpreting and applying N.J.S.A. 48:3-87.1(f) will impact New Jersey's municipal governments and their land use activities, as those decisions will serve to act as precedent should such a Petition be filed in connection with a Qualified Offshore Wind Project in the future.
7. The decision of the Board, along with the procedural processes adopted in considering Petitions under N.J.S.A. 48:3-87.1(f) will have a lasting effect on all municipalities.
8. The League, as a statewide advocate for municipal government, has an obligation to ensure that the interests of our members are represented in this process.

9. Allowing the League to participate in this matter will add judicial economy and provide the Board with additional perspective on more general municipal concerns.
10. The League will work with the parties to establish a procedural schedule in this case.
11. The Verification of League Executive Director, Michael F. Cerra is attached hereto stating the facts stated in this motion are true and accurate to the best of his knowledge and belief.
12. Correspondence concerning this Motion and this proceeding should be sent to:

Frank Marshall, Esq.  
NJ League of Municipalities  
222 W. State Street  
Trenton, New Jersey 08608  
[fmarshall@njlm.org](mailto:fmarshall@njlm.org)

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

**WHEREFORE**, the New Jersey State League of Municipalities requests the Board to (1) grant full rights as a participant in this matter pursuant to N.J.A.C. 1:1-16.6, and (2) order such further relief in connection therewith as the Board deems reasonable and just.

Respectfully submitted,

By: 

Frank Marshall

## VERIFICATION

STATE OF NEW JERSEY

COUNTY OF MERCER

I, Michael F. Cerra, hereby state that I am the Executive Director for the New Jersey State League of Municipalities, the petitioner in the foregoing motion; that I am authorized to make this Verification on behalf of the League, 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 'Michael F. Cerra', written over a horizontal line.

Michael F. Cerra  
Executive Director, NJ League of Municipalities

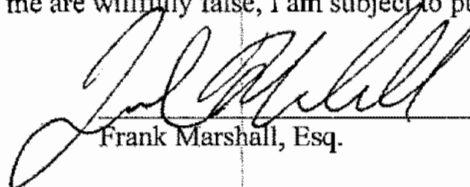
### CERTIFICATION OF SERVICE

On July 29, 2022, I, the undersigned, forwarded via email a copy of the within Motion to Participate of the New Jersey State League of Municipalities, and Order granting the League participation in this proceeding pursuant to N.J.A.C. 1:1-16.6, and this Proof of Filing/Proof of Service were electronically file 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](mailto:board.secretary@bpu.nj.gov).

I further certify that, on July 29, 2022, a copy of the above-referenced documents were forwarded via email 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.

Dated: July 29, 2022



Frank Marshall, Esq.

**Frank Marshall (098762014)**  
**Associate General Counsel**  
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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 OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT	MOTION TO PARTICIPATE OF THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES  DOCKET NO. QO22050347
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**ORDER**

On \_\_\_\_\_, 2022, the New Jersey State League of Municipalities  
filed a Motion to Participate in the above-captioned matter. I find that participation in this  
matter by the New Jersey State League of Municipalities will assist the Board with  
understanding the more general implications this proceeding will have on all  
municipalities within the State. Allowing the League to participate will not cause undue  
confusion or delay, nor impose any undue burden on any party to this proceeding. I  
therefore **GRANT** the League's participation in this proceeding pursuant to N.J.A.C. 1:1-  
16.6.

Date: \_\_\_\_\_