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File No.: 1861-31

August 12, 2022

Via email only

Acting Secretary Carmen Diaz
New Jersey Board of Public Utilities
44 South Clinton Street, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625
via email to: board.secretary@bpu.nj.gov

**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**

REQUEST FOR TIME TO RESPOND TO OPPOSITION TO MOTIONS TO INTERVENE

Dear Acting Secretary Diaz:

Please be advised that this firm has been appointed amongst the municipalities as lead counsel to address the motions to intervene and ancillary issues thereto. This letter is submitted on behalf of the City of Sea Isle City, Dennis Township, Lower Township, the Borough of Avalon, Middle Township, Borough Wildwood Crest, the Borough Stone Harbor, and the City of North Wildwood. These municipalities all filed motions to intervene which are opposed by Ocean Wind, LLC. The purpose of this correspondence is to make the BPU aware that this firm will be filing a response to the opposition to the motions to intervene by the municipalities. The proposed July 26, 2022 modified procedural schedule omits a reasonable period of time to respond to the response to the motions. Basic due process requires that the intervenors be provided an opportunity to respond to the detailed opposition to the motions to intervene. The proposed modified procedural schedule submitted in the July 26, 2022 letter from Ocean Wind, LLC is attached as Exhibit A to their correspondence. This office specifically requests the BPU to adjust that proposed modified procedural schedule to include a response date to the opposition. This firm is requesting the opportunity to respond no later than August 21, 2022. Understanding that the DPU is functioning as a quasi judicial entity it is respectfully submitted that the administrative procedure act and the regulations promulgated thereunder are applicable

and full due process must be afforded to the intervenors prior to a final determination on the motions. I am also putting the BPU and Ocean Wind, LLC on notice that there are factual assertions contained within the Ocean Wind, LLC response to the motions to intervene and such facts are not supported by appropriate certifications or record. In either event many of those facts are disputed by the intervenors and may very well require a fact-finding hearing in order to resolve the outstanding factual disputes before a final decision can be entered on the motions to intervene. Again, the proposed modified procedural schedule must be amended in order to accommodate these hearings before moving forward with the entire matter. To move forward without the intervenors should they win the motion to intervene would only cause delay in the proceedings and cause duplicative proceedings to occur.

This firm looks forward to the opportunity to work with all parties involved in this matter and will move as expeditiously as reasonably possible and in a cooperative fashion to move this matter forward at a reasonable pace in a reasonable time. However, the interests of the collective parties and the responsibility of the BPU to hear those interests dictates that time and an opportunity to respond to Ocean Wind, LLC's response to the motions should be afforded to the municipalities. The process of selecting a lead counsel is designed to streamline the process and allow for a quicker response to the pleadings that may be coming forward, so the municipalities are doing what they can do to cooperate and move the matter forward however due process allows for a response to the response to the motions prior to a decision and if there remain factual disputes then there must be a hearing to resolve those factual disputes with findings of fact determined by this quasi judicial board, i.e. the Board of Public utilities.

I thank you for considering this correspondence and will continue to work on a response to Ocean Wind, LLC's responses to the motions to intervene.

I will await a response from the BPU and a decision to modify the procedural schedule. In the event a new proposed procedural schedule is required please advise and this firm will submit a revised proposed modified procedural schedule which includes reasonable due process for the intervenors to respond to the opposition to motions and as may be needed setting forth a factual hearing to resolve any outstanding factual disputes.

Respectfully submitted,

/s/Paul J. Baldini
Paul J. Baldini, Esquire

PJB/hkb

cc: All Parties on the Service List (via email)