

September 6, 2022

**VIA E-MAIL (BOARD.SECRETARY@BPU.NJ.GOV)**

**Gregory Eisenstark**

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Acting 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 Dkt. No. QO22050347**

Dear Acting Secretary Diaz:

This firm represents Ocean Wind LLC in the above-referenced matter.

On August 29, 2022, the Law Office of Paul J. Baldini, P.A. filed with the Board of Public Utilities ("Board") what it referred to as an "answer and opposition to the petition filed by Ocean Wind I" on behalf of nine municipalities (Sea Isle City, Dennis Township, Lower Township, Borough of Avalon, Middle Township, Borough of Wildwood Crest, Borough of Stone Harbor, City of Wildwood, and City of North Wildwood)(referred to hereinafter as the "Nine Municipalities").

As a threshold matter, this pleading is unauthorized and must be stricken from the record. In President Fiordaliso's August 15, 2022 Order in this matter ("August 15 Order"), he granted the Nine Municipalities participant status. As "participants," the Nine Municipalities have no standing to file an "answer and opposition" to the Petition. See *N.J.A.C. 1:1-16.6(c)*, which provides that the judge shall determine the nature and extent of participation. The August 15 Order specifically limits what participants can do in this matter, stating that "[p]articipants shall be permitted to argue orally and submit comments as a Public Written Comment." August 15 Order at p. 5. Therefore, the August 29, 2022 "answer and opposition" filed by the Nine Municipalities is impermissible and should be stricken from the record.

Moreover, the Nine Municipalities "answer and opposition" is nothing more than an amalgam of duplicative arguments that attempt to support earlier motions filed by the County of Cape May in this matter, along with arguments seeking reconsideration of the August 15 Order that granted the Nine Municipalities participant status. In regard to the Nine Municipalities' arguments that they should have been granted intervenor status, they have previously filed a Motion for Reconsideration of the August 16 Order, which Ocean Wind responded to on August

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26, 2022. The Nine Municipalities are not entitled to yet another filing in regard to their request for reconsideration of the August 15 Order. To the extent the Nine Municipalities' August 29 "answer and opposition" is yet another attempt to support earlier motions filed by the County of Cape May, the Nine Municipalities lack standing to do so for the same reason cited hereinabove.

In sum, the Nine Municipalities' August 29, 2022 "answer and opposition" is an impermissible and unauthorized pleading and should be stricken from the record of this matter or otherwise disregarded.

Respectfully,

COZEN O'CONNOR



By: Gregory Eisenstark

GE:lg

c: Service List (*via electronic mail*)

**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  
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