

October 11, 2022

New Jersey Board of Public Utilities

c/o Acting Board Secretary Carmen Diaz

Board of Public Utilities, 44 South Clinton Ave. -1st floor

P.O. Box 350 Trenton, NJ 08625

RE: Docket No. QO22050347

Ocean Wind LLC Petition Pursuant to N.J.S.A 48:3-87.1 (f)

Dear Acting Secretary Diaz,

Please accept the following comments as delivered at the September 29, 2022 public hearing as well as additional comments submitted herein.

“Thank you – commissioner Gordon, members of Orsted and Ocean Wind and the good Citizens of Cape May County and their Representatives.

I speak as a concerned citizen and coastal resident to voice my opposition to the petition at hand – Ocean Wind’s Verified Petition seeking the Board’s determination that certain easements upon, across, and under property owned by Cape

May County and consents needed from Cape May County for certain Environmental Permits in and with respect to Cape May County are reasonably necessary for the construction of Ocean Wind 1 Qualified Offshore Wind Project.

My opposition to the petition is grounded in the fact that rights matter in this country and in this state. Rights matter at the individual level, at the municipal level, at the state level and at the federal level. Individual rights, including the right to form government entities at all levels answerable to those citizens, are the bedrock upon which our society is built. All other rights stem from that.

Here today we have the citizens of Ocean City and Cape May County's rights - and soon to be every other coastal municipality in the state - being (steamrolled) petitioned by a private foreign owned corporation to be taken by an unelected BPU.

The request comes under the cover of a new, untested legislative action in the form of N.J.S.A. 48: 3-87.1(f)(g) that usurps Home Rule rights from the citizens and municipalities in this state; an Act that was written solely for the purpose of this project.

As such, the constitutionality and applicability of this Act remain open questions. And the absence of typical due process afforded individuals and municipalities in Eminent Domain cases requires that this issue be resolved in a court of law.

From this citizen's perspective it is clear these matters belong in our judicial system where rights are adjudicated. And not in front of an unelected Board of Public Utility Commissioners.

For this reason specifically, and for all of the broader concerns that the Ocean Wind 1 project brings into question regarding its environmental impact, economic benefit, visual and aesthetic distortions as well as the general public's rejection of the project as we have heard here today, I oppose the petition at hand."

In addition to the above spoken comments, I would also like to enter the NJ BPU's mission statement into the public record. Emphasis added by the contributor.

NJ BPU Mission Statement

To ensure that safe, adequate, and proper utility services are provided at reasonable, non-discriminatory rates to all members of the public who desire such services. To develop and regulate a competitive, economically cost-effective energy policy that promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey.

I would further like to submit the full text of N.J.S.A. 48:3-87.1 into the record and highlight subsection **(g)** of the statute, which stipulates that:

48:3-87.1 (g) - "A qualified offshore wind project or an open access offshore wind transmission facility approved by the board pursuant to this section shall be deemed to be an electric power generator for the purposes of section 10 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-19), and the qualified offshore wind project or open access offshore wind transmission facility may proceed in accordance with the decision of the board, notwithstanding any provision of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-19), or any ordinance, rule, or regulation adopted pursuant thereto, to the contrary; provided that the board **determines**: (1) that, for the purposes of the qualified offshore wind project or the open access offshore wind transmission facility, the electric power generator described in a petition filed with the board is necessary for the service, convenience, or welfare of the public, or that the qualified offshore wind project or the open access offshore wind transmission facility will provide **a net benefit to the environment** of the State; and (2) that no alternative site is reasonably available to achieve an equivalent public benefit.

The full text of N.J.S.A. 48:3-87.1 can be found here:

<https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>

Thank you for your consideration of these comments. I hope they provide guidance in arriving at a decision in the best interest and rights of the citizens of Ocean City, Cape May County and the state of New Jersey.

Sincerely,

MD

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