



January 13, 2023

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New Jersey Board of Public Utilities
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Carmen D. Diaz
Acting Secretary of the Board
New Jersey Board of Public Utilities
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ACP & MAREC Action comments: New Jersey Offshore Wind Solicitation #3, Solicitation Guidance Document, Application Submission for Proposed Offshore Wind Facilities

Dear President Fiordaliso, Acting Secretary Diaz and NJBPU staff,

MAREC Action (MAREC informally stands for “Mid-Atlantic Renewable Energy Coalition”) and the American Clean Power Association (ACP) respectfully submit these comments in response to the New Jersey Board of Public Utilities Draft Third Solicitation Documents. MAREC Action is a non-profit coalition of utility-scale offshore wind, land-based wind, solar and energy storage developers and manufacturers dedicated to the growth and development of renewable energy in New Jersey and across the PJM grid region. ACP is the national trade association representing the renewable energy industry in the United States, including in all aspects of offshore wind energy, bringing together over 1,000 member companies, 120,000 members, and a national workforce located across all 50 states with a common interest in encouraging the deployment and expansion of renewable energy resources. Significantly, our memberships include the leaseholders in New Jersey-adjacent offshore wind areas. The views and opinions expressed in this filing do not necessarily reflect the official position of each of ACP and MAREC Action’s individual members.

Please consider the following comments and questions as you finalize the Third Solicitation Guidance Document:

Project size: The BPU requires applicants to submit at least one 1,200 MW project, which we believe unnecessarily constrains applications. We do not object to a minimum capacity goal for the solicitation. However, we suggest the BPU allow any combination of projects equaling or surpassing 1,200 MW. Loosening this requirement will allow the most effective combination of projects to be revealed through the competitive bidding process—without diminishing the New Jersey’s ability to procure the desired level of offshore wind capacity.

Larrabee Collection Station and Sea Girt NGTC: The BPU appears to indicate that the Sea Girt National Guard Training Center (Sea Girt NGTC) as the only permissible cable landing point for projects



connecting to the Larrabee Tri-Collector Solution. *If for some reason the Sea Girt NGTC access is technically non-viable, would alternative landfalls be considered?*

In the same vein, *does the BPU contemplate a bid handicap, credit, or similar provision for projects in lease areas that are more geographically distant from the Larrabee Collector Station and Sea Girt NGTC?* If not, relative difficulty interconnecting with the Larrabee Tri-Collector Solution could put some projects at a competitive disadvantage given the must-use requirement for the joint transmission solution in the Third Solicitation (and potentially future solicitations).

Prebuild infrastructure: The way prebuild infrastructure is currently outlined in the draft Solicitation Guidance Document leaves many open-ended questions with respect to project schedule, risk, contracts, and how developers are expected to work together. It presents a major risk to both the prebuild developer that will need to build assets for others, as well as to those developers who will follow. To that end, we have a few prebuild observations for consideration and clarification by the BPU:

- *How will NJBPU manage coordination between the awarded developer designing the prebuild infrastructure and the other developers utilizing the prebuild infrastructure to ensure technical requirements, such as cable sizing, capacity, thermal requirements, etc., are aligned?*
- *How will NJBPU mitigate risks should the awarded developer designing the prebuild infrastructure use technical standards that are against other developers' requirements or awarded proposal?*
- We also note that by choosing a single right-of-way prebuild route, there is inherently going to be one common point of failure if a catastrophic event, such as a natural disaster or an accident resulting from future construction/excavation efforts, causes a disturbance along the single right-of-way route.

In-state spending and job creation reporting requirements: The offshore wind industry is committed to maximizing New Jersey job creation and spending. On page 23 of the Draft Solicitation Guidance Document, the BPU states that applications **must** include unconditional guarantees for direct in-state spending and jobs. However, the BPU's Evaluation of Non-Price Considerations on page 39 outlines flexibility to also submit in-state job & investment projections without guarantees (albeit for lesser credit). Fully understanding the BPU will give proposals with "guaranteed" employment impacts and in-state spending more weight than "expected", but not guaranteed, employment and spending—*will the BPU still consider proposals that only submit "expected" employment and spending to be valid?*

Environmental Protection Plan and Fisheries Protection Plan requirements, cumulative impacts: We urge the BPU to strike the bullet at the bottom of page 28 in the Draft Solicitation Guidance Document that requires Environmental Protection Plans to include a description of cumulative impacts of New Jersey's offshore wind development plans as well as interactive impacts with offshore wind development plans in neighboring states. This open-ended analysis seems better suited to a post-



solicitation effort by the BPU and/or the Bureau of Ocean Energy Management. A developer would not have access (especially during a short solicitation window) to the information about other offshore wind projects necessary to provide a cumulative assessment.

We note a similar issue on page 30, related to a description of cumulative impacts required for Fisheries Protection Plans. Again, a single developer weighing in on cumulative industry-wide impacts to fishing seems inappropriate for a project proposal. The BPU should remove both requirements for identification of cumulative impacts from the final Solicitation Guidance Document.

Regional Fisheries Compensation Fund: *Should the Regional Fund currently being led by these nine States come to fruition, will the BPU require developers to participate in that program? If so, how?*

ACP and MAREC Action greatly appreciate your consideration on these important issues. We applaud the BPU and your tireless work to bring the vision of responsible offshore wind development, clean energy, and economic opportunity to New Jersey.

Respectfully,

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