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February 9, 2023
New Jersey Board of Public Utilities
Secretary of the Board
44 South Clinton Ave., 1st Floor
PO Box 350
Trenton, NJ 08625-0350

via: publicaccess.bpu.state.nj.us

RE: New Jersey Board of Public Utilities Docket No. QO22080481, In The Matter Of The Opening Of New Jersey's Third Solicitation For Offshore Wind Renewable Energy Certificates, Request for Information

Dear New Jersey Board of Public Utilities Staff,

Attentive Energy LLC ("Attentive Energy") respectfully provides the following supplemental responses to the New Jersey Board of Public Utilities' (the "Board" or the "NJBPU") Draft Solicitation Guidance Document ("Draft SGD") for New Jersey's Third Solicitation for Offshore Wind Renewable Energy Certificates ("NJ3 solicitation").¹

Draft Solicitation Guidance Document Supplemental Comments

Stakeholder Engagement Plan

Overburdened Community (OBC) engagement and consideration is included in sections 3.8 and 3.10 but not included in 3.9. [REDACTED]

¹ Portions of this response contain confidential, proprietary, and/or commercially-sensitive information. Attentive Energy has submitted a Confidential Copy of this response that should be treated as a non-public record that is exempt from disclosure to the extent permitted under applicable laws and/or as expressly set forth in the RFI. Attentive Energy has also submitted a redacted version of this response that should only be released to the public to the extent permitted under applicable laws and/or as expressly set forth in the RFI. All notices or other communications regarding the confidential nature of this response should be directed to Attentive Energy's Senior Legal Counsel Murray Greene, murray.greene@totalenergies.com.

Furthermore, it would be helpful for the Board to provide definitions for OBCs, Affected communities, Frontline communities, EJ communities, and Disadvantaged Communities, along with guidance on how and when these terms should be used. For example:

- Should Proposers defer to OBCs when speaking about the negative and cumulative environmental stressors faced as outlined in the 2020 NJ EJ Law?
- Are OBCs interchangeable with “Affected communities”, “Frontline communities”, and “EJ communities” when discussing communities bearing the brunt of environmental injustice(s) and climate change impacts?
- Should “Disadvantaged Communities” be used when speaking to economic benefits and community investments for communities historically excluded from opportunity?
- Clarity in how best to identify these communities will be beneficial for properly structuring and ensuring appropriate engagement throughout the lifetime of the project.

Lastly, it would be useful to understand if the Board and/or another State entity will have a role in facilitating engagement with OBCs. With increased developer activity within the industry, along with the new guidance on stakeholder engagement, our team anticipates some of these communities may suffer from engagement fatigue and further disenfranchisement from stakeholder engagement and related procurement processes.

We again thank the Board for the opportunity to provide feedback, and ask questions, in response to the NJ3 solicitation Draft SGD. We look forward to supporting New Jersey and its communities as a long-term partner. If you have any additional questions or seek clarification to any of our responses, please do not hesitate to contact me at christen.wittman@totalenergies.com or (508) 272-6987.

Sincerely,



Christen Wittman
Project Director