



Save LBI

PO Box 579

Ship Bottom, NJ 08008

www.savelbi.org

RECEIVED
MAILROOM

MAR 13 2023

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
PO Box 350
Trenton, NJ 08625-0350

March 10, 2023

RE: DOCKET NOS. QO20082555 and QO21050824

The Board, in its order of June 30, 2021¹, has approved the Atlantic Shores Offshore Wind (ASOW) Project as a qualified offshore wind facility and deemed it eligible to receive payments for Offshore Renewable Energy Credits (ORECs) for 1510MW of electrical generating capacity. The Board concluded that the project will not impose unreasonable costs on NJ ratepayers and that a cost-benefit analysis demonstrates a net positive economic and environmental outcome to the state.

The Board has relied in large part on the evaluation by its consultant, Levitan & Associates, Inc. (LAI) of the proposed bids submitted by ASOW and competing developers². However the details supporting the Board's conclusions have been redacted or omitted from the public version of the LAI report, Given the weight placed on this evaluation, we have requested those details in accordance with the Open Public Records Act (OPRA). This request has been denied.

Left with no other alternative, LBI has requested an independent economic analysis of the project which is enclosed. This report concludes that:

- NJ ratepayers will be required to pay from \$50-85/MWH over and above the market price for power from the ASOW facility. This in essence represents a ratepayer present value subsidy of \$2.6 billion.

¹ BPU Order of June 30, 2021 Docket Nos. QO20080555 and QO21050824

² Evaluation Report New Jersey Offshore Wind Solicitation #2, May 25, 2021, Levitan and Associated Inc.

- In finding that the economic and environmental benefits of the ASOW project outweigh the subsidized cost borne by ratepayers, the BPU has relied on a benefit-cost ratio calculation that is highly flawed.
- The estimate of economic benefits ignores the offsetting negative economic impacts of the project on beach tourism and on shore and fishing communities.
- The values proposed to represent the environmental benefits are highly subjective and are intended to reflect global impacts of greenhouse gas emissions and are thus inappropriate for representing only state-wide impacts, as required by law.
- As a result of the Federal tax credits and the above market rates embedded in the BPU approved OREC prices, Atlantic Shores will realize a 24% internal rate of return (IRR) on its investment, well in excess of that which is reasonable for its level of financial risk in the project.

In view of the findings in this independent analysis, it is imperative that the Board make available the details of its consultant's evaluation of these matters upon which the Board relied in its decision to approve the ASOW project.

The public interest demands that these economic impacts be more thoroughly examined than has previously been possible. This is made more relevant by the enactment of the Federal Inflation Protection Act in 2022, which provides additional tax credit opportunities to the developer which should be considered by the Board in its own economic analysis of the ratepayer impacts and cost-benefit of the project.

We are ready to discuss this matter further with members of your staff at their earliest convenience.

Sincerely,

Bob Stern

Bob Stern, President
Save LBI, Inc.

CC: BPU Staff
Office of Rate Counsel

Enclosure: LBI Independent Economic Analysis

Economic Analysis of the Atlantic Shores Offshore Wind Project

by

Edward P. O'Donnell

for



SAVELBI

February 2023

Executive Summary

The NJ Board of Public Utilities (BPU) has approved the Atlantic Shores Offshore Wind (ASOW) Project as a qualified offshore wind facility and deemed it eligible to receive payments for Offshore Renewable Energy Credits (ORECs) for 1510MW of electrical generating capacity. The BPU concluded that the project will not impose unreasonable costs on NJ ratepayers and that a cost-benefit analysis demonstrates a net positive economic and environmental outcome to the state. This report independently evaluates the basis for these conclusions to confirm or refute them and provide recommendations on changes, if any, warranted to the BPU order.

The following are the major findings and conclusions which are detailed in the report:

Ratepayer Impacts

- NJ ratepayers will be required to pay from \$50-85/MWH over and above the market price for power from the ASOW facility. This in essence represents a ratepayer subsidy for offshore wind generation.
- The ratepayer subsidy totals \$7.7 billion over the life of the facility and the 2023 present value (PV) of these above market ratepayer costs is \$2.6 billion.
- If the ratepayer subsidy is based on the value of greenhouse gases avoided, the BPU has grossly overvalued the cost of carbon emissions avoided by the renewable wind generation from this facility.

Benefit-Cost Analysis

- In finding that the economic and environmental benefits of the ASOW project outweigh the subsidized cost borne by ratepayers, the BPU has relied on a benefit-cost ratio calculation that is highly flawed.
- The estimate of economic benefits ignores the offsetting negative economic impacts of the project on beach tourism and on shore and fishing communities, which is estimated to be in excess of \$350 million/year.
- The values proposed to represent the environmental benefits are highly subjective and are intended to reflect global impacts of greenhouse gas emissions and are thus inappropriate for representing only state-wide impacts, as required by law.
- A net positive benefit-cost ratio cannot be achieved without a significant reduction in the approved OREC pricing.

Developer's Return on Investment

- As a result of the Federal tax credits and the above market rates embedded in the BPU approved OREC prices, Atlantic Shores will realize a 24% internal rate of return (IRR) on its investment, well in excess of that which is reasonable for its level of financial risk in the project.
- A reduction in OREC prices by 35% would reduce the ratepayer impact to less than \$1 billion while still allowing Atlantic Shores to achieve an IRR of 10-14% which is more appropriate as a risk adjusted return on investment.

Conclusions

This report demonstrates that the ASOW project will burden ratepayers with above market power prices, amounting to a subsidy of \$2.6 billion in PV terms. This added cost has not been demonstrated to be reasonable or justified by any economic or environmental benefits or cost-benefit analysis. The added cost is a direct result of the OREC pricing proposed by the developer and approved by the BPU.

The BPU evaluation supporting the approval of OREC prices does not provide the details necessary to allow the public to assess and challenge the validity of the decision. In the absence of this information, and based on the analysis contained in this report, it is proposed that the OREC pricing schedule be reduced by at least 35% in order to mitigate the unreasonable ratepayer burden, while still allowing the developer to earn a reasonable rate of return.

Economic Analysis of the Atlantic Shores Offshore Wind Project

1.0 Introduction

The NJ Board of Public Utilities (BPU), in its order of June 30, 2021¹, has approved the Atlantic Shores Offshore Wind (ASOW) Project as a qualified offshore wind facility and deemed it eligible to receive payments for Offshore Renewable Energy Credits (ORECs) for 1510MW of electrical generating capacity. The BPU concluded that the project will not impose unreasonable costs on NJ ratepayers and that a cost-benefit analysis demonstrates a net positive economic and environmental outcome to the state.

The BPU has relied in large part on the evaluation by its consultant, Levitan & Associates, Inc. (LAI) of the proposed bids submitted by ASOW and competing developers². Given the weight placed on this evaluation, it is appropriate to attempt to independently evaluate the economic analysis and conclusions therein to confirm or refute them and provide recommendations on changes, if any, warranted to the BPU order. That is the purpose of this report.

2.0 Methodology

In this study, we have used input values reported and applied in the LAI evaluation wherever available and deemed reasonable. Where key factors and assumptions have been redacted or unstated, we have used publicly available sources for comparable projects. We would welcome the opportunity to review further the underlying data supporting the LAI analysis and to share our sources and assumptions in order to reach a common understanding and agreement on the economic costs and benefits of the project to the extent possible.

3.0 Ratepayer Impacts

An independent analysis and review of the BPU consultant's evaluation of the ASOW proposal reveals that New Jersey ratepayers will bear a substantial and inordinate burden of additional costs through the lifetime of the proposed generation facility. This additional cost is in the form of above market prices for power embedded in the guaranteed ORECs proposed by the bidder and

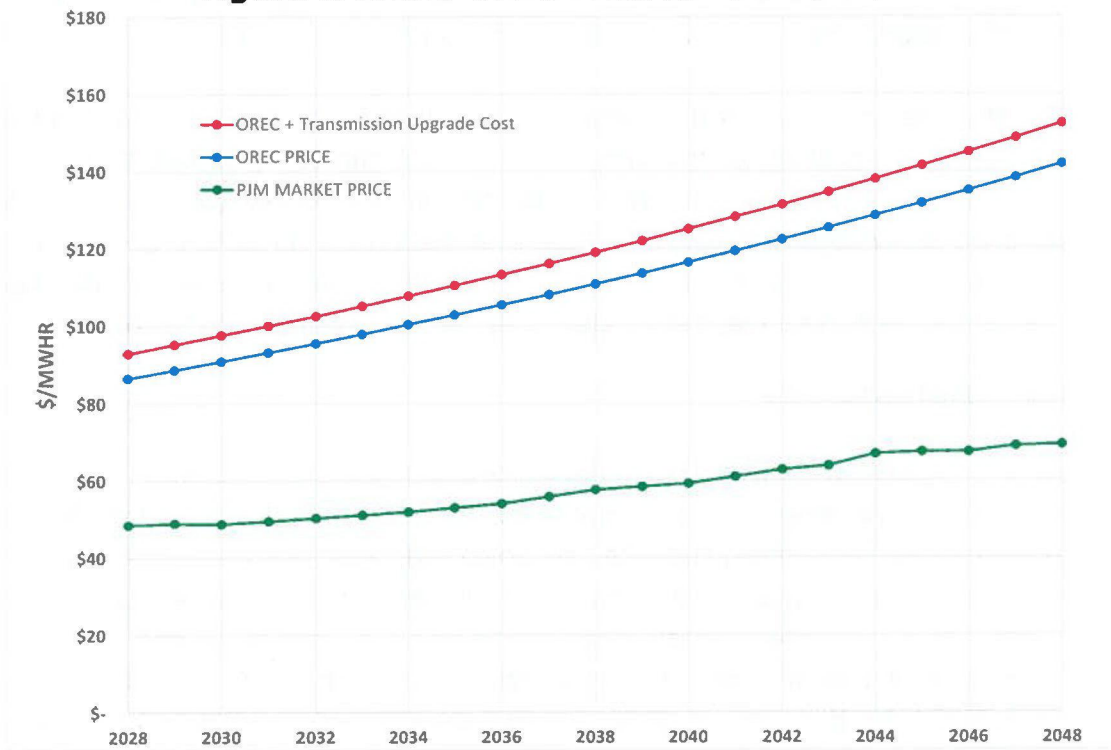
¹ BPU Order of June 30, 2021 Docket Nos. Q020080555 and Q021050824

² Evaluation Report New Jersey Offshore Wind Solicitation #2, May 25, 2021, Levitan and Associated Inc.

approved by the BPU in its order of June 30, 2021, together with related transmission upgrade costs.

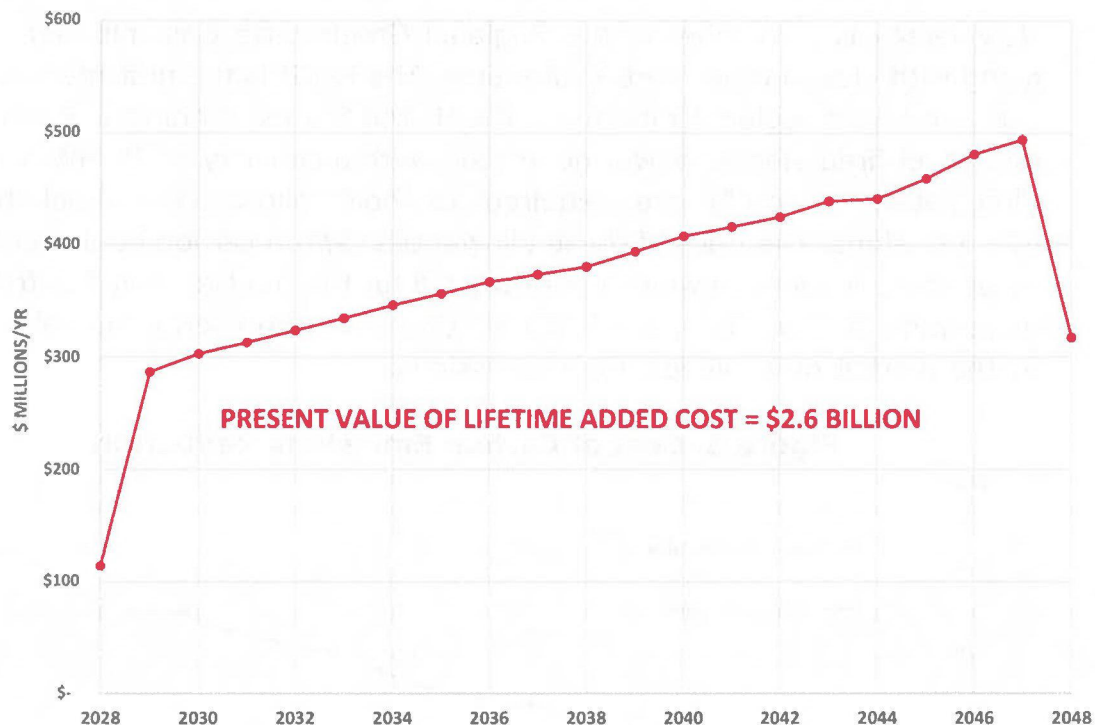
Figure 1 below shows the OREC prices and transmission upgrade costs over the 2028-2048 operating life of the project. The BPU order entitles ASOW to collect fees for ORECs produced at \$86.62/MWH beginning in 2028, and increasing to \$141.92/MWH in 2048. Transmission upgrade costs will add another \$6-10/MWH to these guaranteed prices. As an offset, the market revenue received from PJM for energy, capacity and Renewable Energy Credits (RECs) will be credited back to the ratepayers.

Figure 1. ASOW OREC Price vs PJM Market Price



As can be seen from Figure 1 above, even after the PJM credits, ratepayers will be required to pay from \$50-85/MWH over and above the market price for power from the ASOW facility. This in essence represents a ratepayer subsidy for offshore wind generation. As shown in Figure 2 below, this added cost burden is substantial on an annualized and lifetime basis.

Figure 2. Added Ratepayer Cost for ASOW Project



The ratepayer subsidy increases from about \$300 million in the first full year of operation (2029) to \$500 million in 2047, totaling \$7.7 billion over the life of the facility. The 2023 present value (PV) of these above market ratepayer costs is \$2.6 billion.

Our analysis is confirmed by the independent evaluation provided by LAI, the BPU's consultant. LAI concludes that, on a levelized cost basis, ratepayers will pay a net premium of \$58.82/MWH after the PJM credits are returned to them. LAI puts the PV of those added costs at \$2.175 billion in 2021 which is equivalent to \$2.5 billion PV in 2023, close to our estimate.

The BPU has approved this proposed OREC pricing despite the large negative impact it will have on ratepayers across the board, including those least able to afford it. In fact, the BPU selected ASOW as the preferred bidder even though competing bids had lower levelized net costs of \$40-42 MWH. At that lower cost level, the ratepayer impact would be almost \$1 billion less.

The rationale for such an extraordinary decision appears to be in large part based on the belief that the avoided carbon and related emissions from offshore wind generation justify the added ratepayer burden. However, an

analysis demonstrates that the cost borne by ratepayers for such a presumed benefit far exceed the value placed on carbon reduction by the marketplace.

New Jersey is a member of the Regional Greenhouse Gas Initiative (RGGI), along with eleven other northeast states. The RGGI is the first market-based, cap-and-invest regional initiative in the United States. Within the RGGI states, fossil-fuel-fired electric power generators with a capacity of 25 MW or greater ("regulated sources") are required to hold allowances equal to their CO₂ emissions. The price of these allowances (\$/Ton carbon equivalent) is set by periodic auctions in which operators bid for the right to emit CO₂ from their generating facility. Thus, the RGGI auction price represents the value placed by the market on avoided carbon emissions.

Figure 3. Cost of Carbon Emissions Reduction

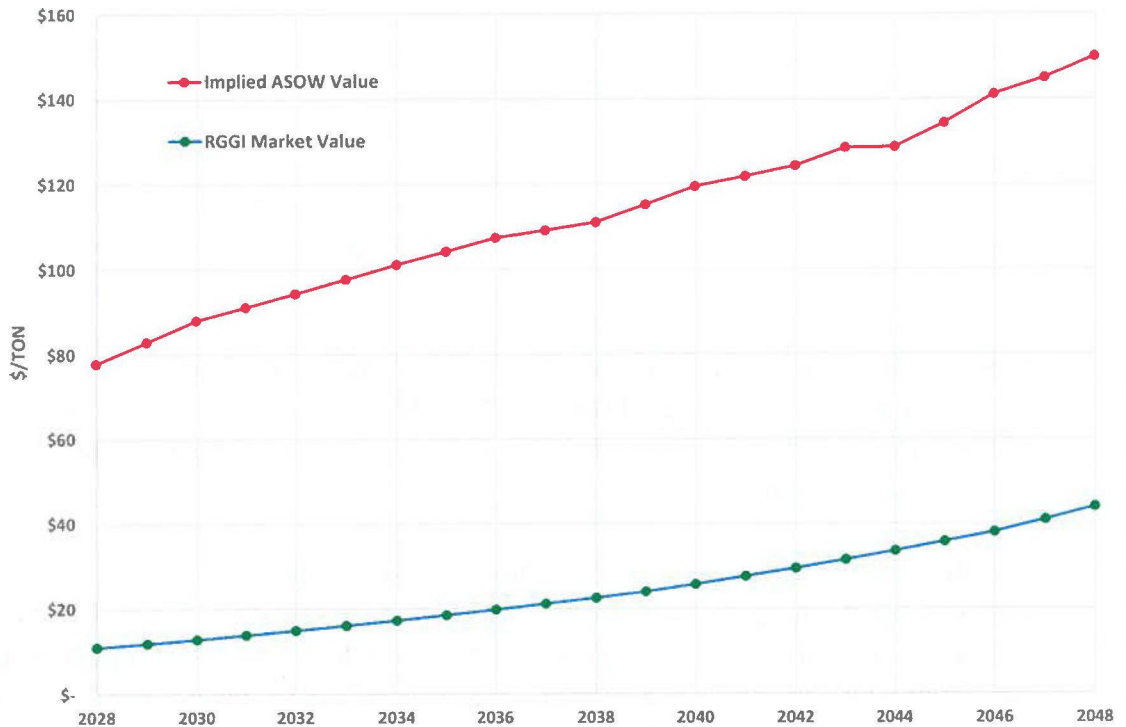


Figure 3 above compares the RGGI market price for carbon emissions as projected by LAI through the operating lifetime of the ASOW facility. As shown, this value is projected to be \$10-44 /Ton over this period. By contrast, the value of carbon emission reduction implied by the OREC price approved by the BPU ranges from \$77-150/Ton over this same period.

It thus appears that BPU has grossly overvalued the carbon emissions avoided by the renewable wind generation from this facility.

4.0 Benefit-Cost Analysis

The NJ Offshore Wind Economic Development Act (OWEDA) requires that all proposed projects demonstrate positive economic and environmental net benefits to the state to be considered for an OREC award, but the act does not provide details on how to determine the benefit-cost ratio (BCR). LAI has calculated this ratio as:

$$\text{BCR} = \frac{(\text{Ratepayer Offsets} + \text{Economic Benefits} + \text{Environmental Benefits})}{\text{OREC Costs}}$$

LAI concludes that the ASOW wind project has a BCR of 1.246 (an unduly precise number given the enormous uncertainties involved) but has redacted the specific values for each of the factors comprising the calculation.

Per our analysis and the LAI evaluation, on a levelized basis OREC Costs are \$114/MWH and the value of Ratepayer Offsets (PJM energy, capacity and RECs) is \$55/MWH. Thus, before including the projected Economic and Environmental Benefits, the BCR is less than 0.5, well below a positive outcome. This reflects the substantial negative impact on ratepayers previously discussed.

In order to arrive at a value of 1.246 then, LAI is apparently assigning a very large value to the combined Economic and Environmental Benefits. The project as proposed claims to have positive Economic Benefits in terms of NJ GDP growth and jobs created in the state. However, no consideration is given to the significant negative economic impacts of the project on beach communities. The negative impact on tourism and on our shore and fishing communities, is estimated to be in excess of \$350 million/year^{3 4}. This would totally offset any Economic Benefits claimed to contribute to the BCR.

The monetization of perceived Environmental Benefits is therefore clearly the most critical factor in determining the BCR for this project. LAI has applied the US Government's Interagency Working Group's (IAWG)⁵ social cost of carbon to estimate the value of Environmental Benefits.

³ University of Delaware, Atlantic Offshore Wind Energy Development: Values and Implications for Recreation and Tourism, sponsored by the Bureau of Ocean Energy Management (BOEM), March, 2018

⁴ <https://espis.boem.gov/final%20reports/5662.pdf>

⁵ Technical Support Document: Technical Update of the Social Cost of Carbon, Methane and Nitrous Oxide Interim Estimates under Executive Order 13990, February 2021.

Use of the IAWG report in economic or regulatory decision-making however is highly controversial and the subject of court challenges in several states. Indeed, the IAWG document provides for a wide range of values, depending on very subjective judgements of factors such as the rate at which potential social costs to future generations of present-day carbon emissions should be discounted to current dollars.

As a result, the value derived from the IAWG document as applied by the Federal Environmental Protection Agency (EPA) has varied from \$2/Ton during the Trump administration to \$191/Ton now being proposed by the current administration – a near hundred-fold increase, reflecting the reality that putting a monetary value on the social cost of carbon is a political rather than a scientific exercise.

Furthermore, and most importantly, the OWEDA mandates that, in order to approve an offshore wind project for OREC award, the BPU must find that the cost-benefit analysis for the project “demonstrates positive economic and environmental net benefits to the State” (emphasis added). Therefore, any consideration of Environmental Benefits of the ASOW project of avoided carbon emissions must be confined to those affecting NJ residents, businesses, or institutions. The values proposed by the IAWG are intended to reflect global impacts of carbon emissions and are thus inappropriate and not suitable in any case for representing only state-wide impacts.

In summary, no weight should be given a BCR which is so uncertain and subjective as to be meaningless, or which relies upon estimates of environmental benefits which are inappropriate for those accruing to the state. Given the large magnitude of the net ratepayer impact of the OREC pricing, a net positive BCR cannot be achieved without a significant reduction in the approved OREC pricing. If the BPU is relying on the LAI calculation to demonstrate compliance with the legislative mandate to show in-state positive net benefit of the project to obtain award of ORECs, the details of the calculation should be released, and the public allowed to provide comment on this critical element of the decision-making process.

5.0 Project Developer Economics

A developer of a power generation project is entitled to realize a reasonable rate of return on its investment. However, the magnitude of the return is a function of the risk assumed by the developer. The greater the risk, the higher the expected return, and vice versa – the lower the risk, the lower a return expected or allowed.

The NJ legislature has recognized that the financial risk of offshore wind projects must be limited, in order to attract developers to bid on such projects. A key feature of this risk mitigation is the guarantee of revenue for power delivered through the establishment of OREC prices throughout the operating life of the facility. We have previously shown that the OREC prices approved by the BPU for the ASOW project are well in excess of market prices. Thus, they substantially reduce the risk to the developer. This price guarantee allows the developer to secure equity investors and project financing at a reduced cost of capital, lowering their up front and debt service costs throughout the life of the project.

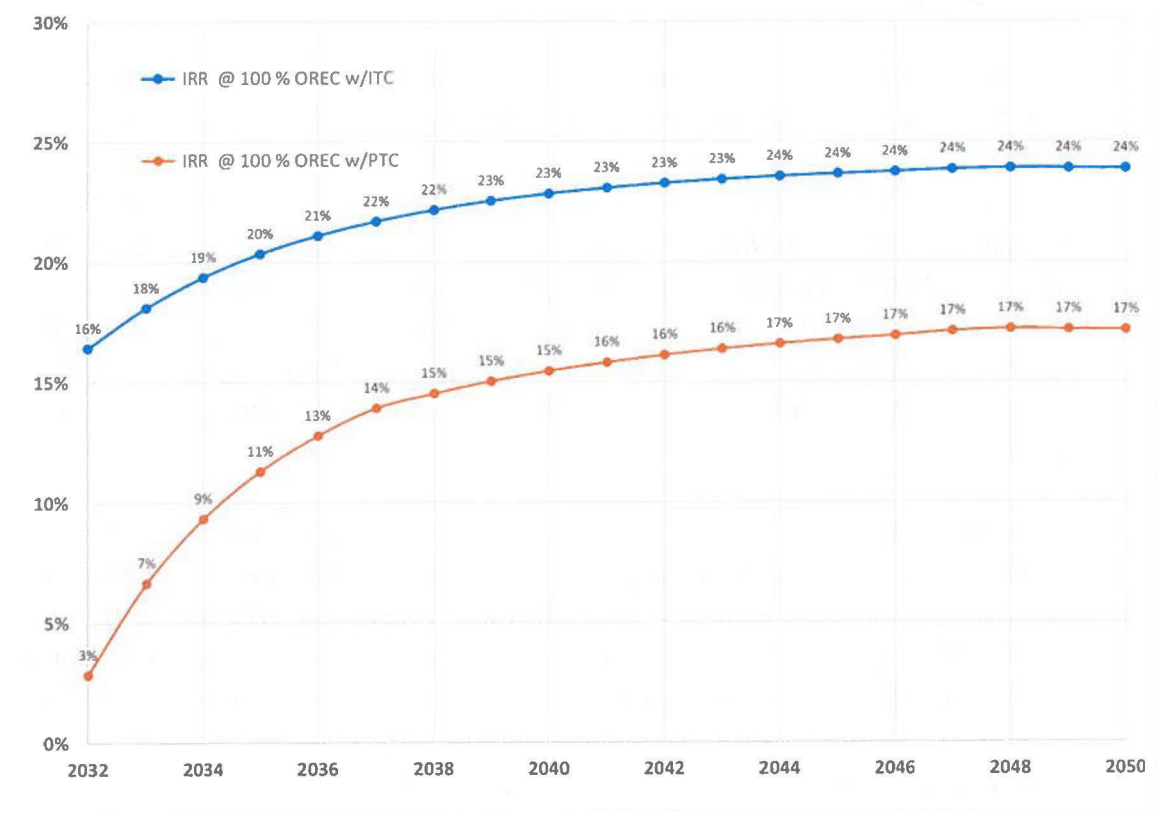
In addition to this, the Federal government has provided financial incentives through tax credits which greatly enhance the potential for positive returns on investment for such projects. The Inflation Reduction Act (IRA) enacted in 2022 offers offshore wind projects a choice of an Investment Tax Credit (ITC) of up to 40% of the capital cost of the project (including an added 10% bonus), to be collected when the facility becomes operational. Alternatively, the developer may opt to receive an increased Production Tax Credit (PTC) of 30.25 \$/MWH through the first 10 years of operation of the facility.

In its bid ASOW was required to submit detailed information on its projected costs of the project and its resulting Internal Rate of Return (IRR) which represents its return on investment. This information is necessary to determine whether the approved OREC prices are reasonable given the projected developer's costs and assumed financial risks.

However, these project financial details detailed have been redacted from the LAI evaluation, so we are unable to review and comment on whether they are in fact reasonable and justify the large ratepayer subsidy built into the OREC pricing. We therefore have no alternative than to conduct an independent financial analysis, based on available information for similar projects.

Using expected capital costs, financing terms, operating, maintenance and decommissioning costs and the revenue streams resulting from OREC production and tax credits, we calculated the IRR based on the expected cash flow over the life of the project. The result of our analysis is presented in Figure 4 below.

Figure 4. Developer’s Internal Rate of Return at 100% OREC



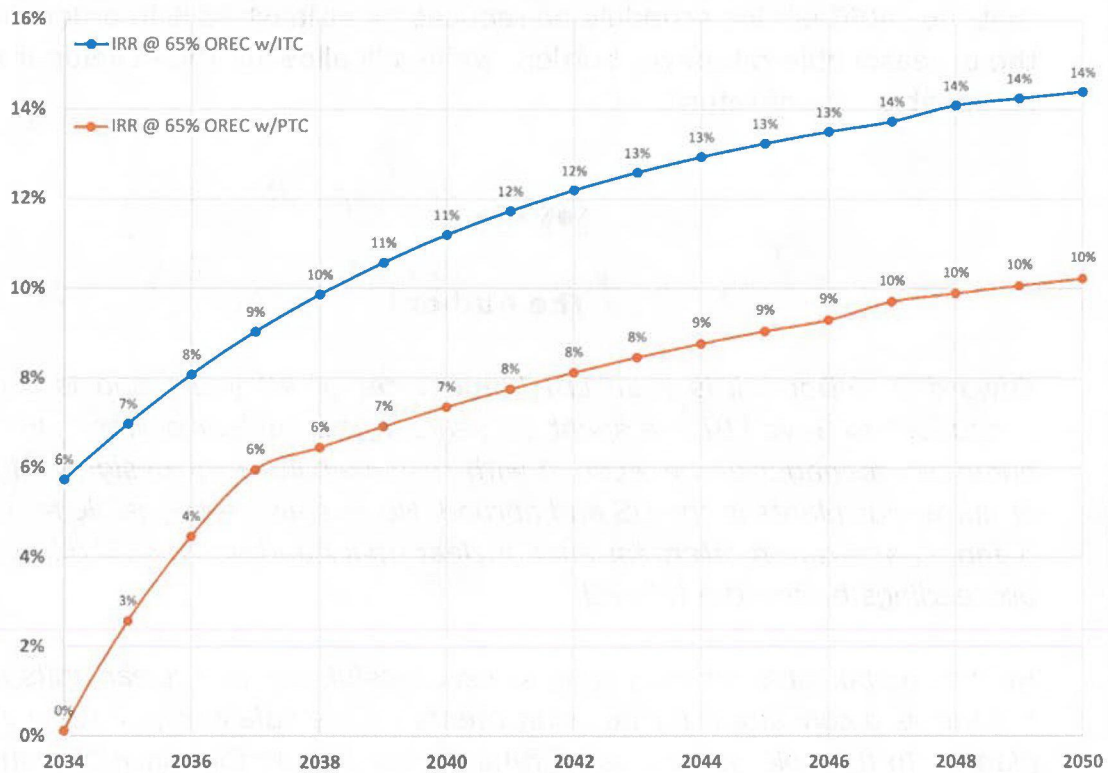
As indicated, the project will realize an increasing return, rapidly approaching 24% by the end of its economic life and through decommissioning. This assumes ASOW will opt for receiving the ITC which will be well in excess of \$1.6 billion in 2028. Even if it cannot be used directly to offset tax owed, the ITC can be transferred or sold, thereby monetizing the credit. Even with the PTC the return will reach 17%.

In view of the OREC price guarantees and tax credits available, we believe that a return of 24% or even 17% is unduly generous and that the developer is being too richly rewarded for the level of risk assumed at expense of ratepayers who are bearing \$2.6 billion in present value of added costs to support the developer’s return on investment.

To mitigate this burden, the guaranteed OREC prices should be reduced by at least 35% which will reduce the ratepayer impact to less than \$1 billion while still providing the developer a reasonable risk adjusted return on investment.

Figure 5 below indicates that the developer will still earn a return of 10-14% at an OREC price reduced by 35%, depending on whether ASOW chooses to receive the ITC or the PTC. This is a level of return more commensurate with the risk assumed than the higher 17-24%.

Figure 5. Developer’s Internal Rate of Return at 65% OREC



The ASOW bid was submitted in 2020, well before the IRA was enacted. As noted, the IRA provides for an additional bonus ITC or PTC of 10%, provided they meet certain domestic content requirements on manufactured components used in the project. This recently added incentive provides an opportunity for ASOW to increase its return by another 5% and provides another reason to revisit and reduce the OREC pricing currently approved for the project.

6.0 Conclusions

As discussed above, the ASOW project will burden ratepayers with above market rates, amounting to a subsidy of \$2.6 billion in PV terms. This added cost has not been demonstrated to be reasonable or justified by any economic or environmental benefits or cost-benefit analysis. The added cost is a direct result of the OREC pricing proposed by the developer and approved by the BPU.

The evaluation supporting that approval does not provide the details necessary to allow the public to assess and challenge the validity of the decision. In the absence of this information, and based on this analysis, it is therefore proposed that the OREC pricing schedule be reduced by at least 35% in order to mitigate the unreasonable ratepayer burden, while still allowing the developer to earn a reasonable rate of return.

§•§ •§• § •§

The Author

Edward P. O'Donnell is a an LBI homeowner of 40 years and is a pro bono consultant to Save LBI. He spent 35 years in the nuclear power industry as an engineer, manager and executive with responsibilities for design and licensing of numerous plants in the US and abroad. He was also responsible for corporate planning and rate matters for a NJ nuclear utility and has testified in utility rate proceedings before the NJ BPU.

He was responsible for managing the successful sale of nuclear units in NJ and PA and as a consultant for advising clients on the sale and purchase of nuclear plants. In this role he forecasted future costs and performance of plants for re-financing as merchant power suppliers in a de-regulated electrical energy market and performed analyses of the economic viability of nuclear plants in comparison with alternative fossil and renewable energy facilities. He is also a registered Enrolled Agent, authorized to represent individual and business entities before the IRS on tax matters.