

October 26, 2023

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**CONFIDENTIAL COPY**

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

Ms. Sherri Golden  
Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
P.O. Box 350  
Trenton, New Jersey 08625

**Re: In the Matter of the Board of Public Utilities Offshore Wind Solicitation for  
1,100 MW - Evaluation of the Offshore Wind Applications  
BPU Docket No. QO18121289**

**Supplement to the Amended Petition for Approval of a Permissible Delay in the  
Commercial Operation Dates of the Ocean Wind LLC Qualified Offshore Wind  
Project and for Clarification/Update of the OREC Pricing Schedule as a Result of  
the Permissible Delay**

Dear Secretary Golden:

This firm represents Ocean Wind LLC ("Ocean Wind") in the above referenced matter.

Ocean Wind is in receipt of the letter dated October 12, 2023 on behalf of Board Staff requesting certain clarifications and additional information with respect to Ocean Wind's July 7, 2023 Supplement to the Amended Petition for Approval of a Permissible Delay in the Commercial Operation Dates of the Ocean Wind LLC Qualified Offshore Wind Project and for Clarification of the OREC Pricing Schedule as a Result of the Permissible Delay.

Attached hereto is a Confidential Copy of Ocean Wind's response to Board Staff's requests for clarification. Ocean Wind's response contains confidential trade secrets and other proprietary and confidential information. Accordingly, Ocean Wind is requesting confidential treatment of this document. An Affidavit in support of the claim of confidentiality from Matthew Kaplan, Authorized Person of Ocean Wind, is also attached hereto.

Under separate cover, Ocean Wind is also filing a redacted (public) copy of this document.

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Very truly yours,

Cozen O'Connor

A handwritten signature in blue ink, appearing to read "Gregory Eisenstark".

By: Gregory Eisenstark, Esq.

GE:wj  
Enclosures

cc: Jim Ferris, BPU  
Kevin Dillon, BPU  
Kim Diamond, BPU

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE BOARD OF PUBLIC UTILITIES OFFSHORE WIND SOLICITATION FOR 1,100 MW – EVALUATION OF THE OFFSHORE WIND APPLICATIONS	:	BPU DOCKET NO.: QO18121289
	:	
	:	AFFIDAVIT OF
	:	MATTHEW KAPLAN
	:	
SUPPLEMENT TO THE AMENDED PETITION FOR APPROVAL OF A PERMISSIBLE DELAY IN THE COMMERCIAL OPERATION DATES OF THE OCEAN WIND LLC QUALIFIED OFFSHORE WIND PROJECT AND FOR CLARIFICATION OF THE OREC PRICING SCHEDULE AS A RESULT OF THE PERMISSIBLE DELAY	:	
	:	

Matthew Kaplan, of full age, states:

1. I am the Authorized Person of Ocean Wind LLC (“Ocean Wind”), and I am authorized to make this Affidavit on behalf of Ocean Wind.
2. On October 26, 2023 Ocean Wind is filing with the New Jersey Board of Public Utilities (the “BPU” or “Board”) responses to requests for clarification issued by Board Staff (“Responses to Requests for Clarification”). These Responses to Requests for Clarification relate to Ocean Wind’s prior filing on July 7, 2023, the Supplement to the Amended Petition regarding the commercial operation dates (“Supplement”) for the Ocean Wind Qualified Offshore Wind Project (“Project”).
3. The Responses to Requests for Clarification contain detailed information about the Project’s current schedule for achieving commercial operation and actions outside of Ocean Wind’s control which impacted the schedule and Ocean Wind’s strategic response to such outside action.

4. Ocean Wind is currently in the phase of the Project where it is negotiating and entering into various financially significant contracts for equipment, construction, and other aspects of the Project. As such, Ocean Wind is negotiating with various vendors within the offshore wind supply chain. Other offshore wind projects are also in various stages of development along the east coast of the United States and are also negotiating with supply chain vendors for similar products and services. Therefore, public disclosure of revisions to the Project's commercial operations schedule could harm Ocean Wind's competitive position vis-à-vis other offshore wind projects, and vis-à-vis vendors, in regard to supply chain procurement and negotiations with vendors.

5. Accordingly, the Responses to Requests for Clarification contain information that Ocean Wind has not disclosed publicly. Such information is non-public information and is closely guarded by Ocean Wind. As discussed above, this concern is particularly acute during the current phase of the Project's development.

6. If this information were made public, it would place Ocean Wind at a competitive disadvantage relative to negotiation with vendors and timely access to the supply chain. In turn, this could lead to unfair advantages to Ocean Wind's competitors. As a result, the Responses to Requests for Clarification contain Trade Secret information.

7. Specifically, the information redacted consists of practices, processes, commercial analyses, or compilations of information not generally known or reasonably ascertainable by the public, by virtue of which Ocean Wind obtains an economic advantage in the process of negotiating with vendors. This is valuable commercial information that provides Ocean Wind with an advantage over vendors and potential competitors of Ocean Wind, who do not have this information, and it is not publicly available.

8. These Trade Secrets are exempt from disclosure under the Open Public Records Act, *N.J.S.A.* 47:1A-1 et seq. and the Board's regulations at *N.J.A.C.* 14:1-12.1(b).

9. With this Affidavit, Ocean Wind is filing a Public Copy and a Confidential Copy of the Responses to Requests for Clarification. The information redacted from the Public Copy should remain confidential until Ocean Wind agrees otherwise.



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Matthew Kaplan

Dated: October 26, 2023

Sworn to and subscribed electronically this 26<sup>th</sup> day of October, 2023



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Gregory Eisenstark  
Attorney-at-Law,  
State of New Jersey

The undersigned attorney, Gregory Eisenstark, certifies that the affiant electronically acknowledged the genuineness of the signature.



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Gregory Eisenstark, Esquire