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January 23, 2025

**VIA ELECTRONIC MAIL**

**PUBLIC COPY**

Honorable Sherri Golden, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
Suite 314, P.O. Box 350  
Trenton, NJ 08625-0350  
board.secretary@bpu.nj.gov

Re: I/M/O THE OPENING OF NEW JERSEY'S THIRD SOLICITATION FOR  
OFFSHORE WIND RENEWABLE ENERGY CERTIFICATES (OREC)  
Docket No. QO22080481

Dear Secretary Golden:

On behalf of Attentive Energy LLC ("Attentive"), please find the enclosed Motion for Limited Stay of two requirements included in the January 24, 2024 Order issued by the Board for the Attentive Energy Two 1,342 MW Project on this docket.

To be clear, Attentive is not requesting either a stay of the entire Board Order or any amendment to the Board Order in this limited Motion.

This motion has been distributed to the enclosed service list via email and according to the standing confidentiality agreement on this docket.<sup>1</sup>

Please contact me if you have any questions or should you require any additional information.

Kind regards,

JAMES A. BOYD, JR., ESQ.

cc: Enclosed Service List (via email only)

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<sup>1</sup> Portions of this Motion contain confidential, proprietary, and/or commercially-sensitive information that is exempt from disclosure under New Jersey's Open Public Records Act. Attentive Energy has submitted a Confidential Copy of this Motion that should be treated as a non-public record that is exempt from disclosure. Attentive Energy has also submitted a Public Copy of this Motion that redacts the confidential, proprietary, and/or commercially-sensitive information and may be released to the public. Attentive Energy's General Counsel Murray Greene attests to the truth and accuracy of the confidential, proprietary, and/or commercially-sensitive nature of the information redacted as confidential in this Motion. All notices or other communications regarding the confidential nature of this Motion should be directed to Murray Greene at [murray.greene@totalenergies.com](mailto:murray.greene@totalenergies.com).

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE OPENING OF	)	
NEW JERSEY’S THIRD SOLICITATION	)	
FOR OFFSHORE WIND RENEWABLE	)	DOCKET NO. QO22080481
ENERGY CERTIFICATES (OREC)	)	
	)	

**Attentive Energy LLC’s Motion for a Limited Stay of Order<sup>1</sup>**

Attentive Energy LLC (“Attentive Energy”), through filing this motion (the “Motion”), respectfully seeks an order from the Board of Public Utilities (“Board”) pursuant to N.J.A.C. 1:1-12.1 et seq. and N.J.A.C. 14:1-8.7(d) staying the enforcement and suspending the obligations of (1) the initial Commitment Security<sup>2</sup> requirements enumerated in Attachment B, Paragraph 4(h)(i) of the Board’s Order Approving Attentive Energy Two 1,342 MW Project as a Qualified Offshore Wind Project dated January 24, 2024 under In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certifications (OREC), BPU Docket No. QO22080481 (the “Board Order”); and (2) the unpaid portion of the research and monitoring fee associated with New Jersey’s Research and Monitoring Initiative (the “RMI Fee”) requirements in Attachment B, Paragraph 10(a) of the Board Order, until January 24, 2026 for the reasons

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<sup>1</sup> Portions of this Motion contain confidential, proprietary, and/or commercially-sensitive information that is exempt from disclosure under New Jersey’s Open Public Records Act. Attentive Energy has submitted a Confidential Copy of this Motion that should be treated as a non-public record that is exempt from disclosure. Attentive Energy has also submitted a Public Copy of this Motion that redacts the confidential, proprietary, and/or commercially-sensitive information and may be released to the public. Attentive Energy’s General Counsel Murray Greene attests to the truth and accuracy of the confidential, proprietary, and/or commercially-sensitive nature of the information redacted as confidential in this Motion. All notices or other communications regarding the confidential nature of this Motion should be directed to Murray Greene at [murray.greene@totalenergies.com](mailto:murray.greene@totalenergies.com).

<sup>2</sup> Capitalized terms not defined in this Motion shall have the meaning assigned in the Board Order.

explained in detail herein. Importantly, Attentive Energy is *not* requesting either a stay of the entire Board Order or any amendment to the Board Order.

**I. PRELIMINARY STATEMENT**

On January 24, 2024, the Board determined that Attentive Energy’s 1,342MW project (the “Project”) met the criteria to be deemed a Qualified Offshore Wind Project (“QOWP”) and issued the Board Order that is the subject of this Motion. Among its numerous requirements, the Board Order requires that Attentive Energy (1) submit a compliance filing with the Board within 180 days of the effective date of the Board Order (i.e., July 22, 2024); (2) post the first 50% of its Commitment Security for the Commercial Operation Date (“COD”) commitment (“COD Commitment”) within one year of the effective date of the Board Order (i.e., January 24, 2025), which totals \$33,550,000 for Attentive Energy; and (3) pay the first 50% of the \$15,000,000 RMI Fee within 90 days of the effective date of the Board Order and the remaining 50% of the \$15,000,000 RMI Fee in equal annual installments on the anniversary of the Board Order over a 2-year period (i.e., \$3,750,000 on January 24, 2025, and \$3,750,000 on January 24, 2026). See Board Order at pg. 47, Attachment B, Paragraph 4(a); pg. 49, Attachment B, Paragraph 4(h); pgs. 55–56, Attachment B, Paragraph 10(a).

The Board Order does not enumerate all of the necessary details regarding the Commitment Security, but instead requires that the necessary details be determined in the compliance filing to be submitted by Attentive Energy and accepted by the Board. The Board Order requires that the compliance filing include “[a] schedule with specific dates for each of the Critical Milestones” enumerated in the Board Order and “[a] detailed description and copy of the proposed financial instrument(s) to be used to secure Attentive’s commitments”. See Board Order at pg. 48, Attachment B, Paragraph 4(b).

As described in detail in this Motion, Attentive Energy timely submitted its compliance filing to the Board on July 22, 2024. The Board Staff accepted Attentive Energy's original compliance filing as timely but requested that Attentive Energy provide additional information relevant to the Commitment Security in a supplemental compliance filing. In addition, since Attentive Energy's submission of its original compliance filing, there have been multiple unexpected external events that need to be addressed in the supplemental compliance filing. These unexpected external events include (1) delays associated with the Prebuild Infrastructure, which Attentive Energy is required by the Board Order to utilize (see Board Order at pg. 39, Paragraph 3); (2) delays or uncertainty associated with common infrastructure other than the Prebuild Infrastructure, such as [REDACTED] caused by delays or unanticipated changes in other offshore wind projects; and (3) delays associated with the anticipated federal permitting timeline for the Project.

Consequently, Attentive Energy files this Motion to stay the enforcement and suspend the obligations of two specific requirements in the Board Order until January 24, 2026. This is to provide (1) the necessary time for Attentive Energy and the Board Staff to consider and address the unexpected external events in the supplemental compliance filing; (2) 180 days for the Board to consider and approve the supplemental compliance filing in advance of the initial Commitment Security being posted by Attentive Energy (or its parent companies); and (3) the necessary time for Attentive Energy (or its parent companies) to secure the approved financial instruments from the approved and acceptable financial institutions after the Board approves the supplemental compliance filing. Attentive Energy is *not* seeking a stay of the entire Board Order, but is instead only requesting a limited stay of the following two specific Board Order requirements until January 24, 2026 for the reasons stated herein: (1) Attentive Energy's initial Commitment Security

requirements enumerated in Attachment B, Paragraph 4(h)(i), which is the first 50% of its Commitment Security for the COD Commitment (i.e., \$33,550,000) that is currently due to be posted on January 24, 2025; and (2) the second RMI Fee payment requirement enumerated in Attachment B, Paragraph 10(a), a payment of \$3,750,000 that is currently due on January 24, 2025.

Attentive Energy remains committed to developing the Project and bringing the economic and environmental benefits of offshore wind energy to the State of New Jersey. As such, during the limited stay, Attentive Energy will continue to meet all other Board Order requirements. For the reasons described herein, Attentive Energy seeks the Board's assistance in the form of this limited stay of the two requirements of the Board Order discussed above.

## **II. RELEVANT FACTUAL BACKGROUND & PROCEDURAL HISTORY**

On August 19, 2010, the New Jersey Offshore Wind Economic Development Act ("OWEDA") was signed into law, amending and supplementing the Electric Discount and Energy Competition Act ("EDECA"), N.J.S.A. 48:3-49 et seq. OWEDA established, among other things, offshore wind as a Class I renewable energy resource under the Renewable Portfolio Standards, and directed the Board to establish an Offshore Wind Renewable Energy Certificate program requiring a percentage of the State's electric load to be supplied by offshore wind from QOWPs. A QOWP is defined as ". . . a wind turbine electric generation facility in the Atlantic Ocean and connected to the electric transmission system in this [S]tate and includes the associated transmission-related interconnection facilities and equipment, and approved by the Board pursuant to [N.J.S.A. 48:3-87.1]." N.J.S.A. 48:3-51.

On March 6, 2023, the Board approved and issued the Third Solicitation "Solicitation Guidance Document," which provided the basis for the third round of applications for QOWPs. Applications for the Third Solicitation projects were to be submitted by June 23, 2023. On June 7, 2023, the Board extended the application due date to August 4, 2023. Attentive Energy submitted

its application for the Third Solicitation on August 4, 2023. On January 24, 2024, the Board approved the Project as a QOWP and issued the Board Order.

Pursuant to the requirements of the Board Order, Attentive Energy paid the first 50% of the \$15,000,000 RMI Fee on April 24, 2024.

Pursuant to the requirements of the Board Order, Attentive Energy timely submitted its compliance filing to the Board on July 22, 2024. The Board Staff accepted Attentive Energy's original compliance filing as timely but requested that Attentive Energy provide additional information relevant to the Commitment Security in a supplemental compliance filing. Attentive Energy prepared its original compliance filing, which included specific dates for the Critical Milestones, based on the requirements of the Board Order, the Prebuild Infrastructure solicitation schedule issued by the Board, the Prebuild Infrastructure project schedule as Attentive Energy understood it based on the Prebuild Infrastructure Solicitation Guidance Document, schedules for common infrastructure facilities such as [REDACTED], and the anticipated federal permitting timeline based on similar projects.

Following the submission of Attentive Energy's original compliance filing there have been multiple unexpected external events that need to be addressed in the supplemental compliance filing. First, the Prebuild Infrastructure solicitation and ultimate selection of a Prebuild Infrastructure developer has been delayed. Based on the original Prebuild Infrastructure solicitation schedule, the Board originally anticipated selecting a Prebuild Infrastructure developer in Q3 2024, with the Prebuild Infrastructure expected in-service date for onshore to be October 18, 2028 and the Prebuild Infrastructure expected in-service date for the full scope to be January 17, 2029. The Board did not select a Prebuild Infrastructure developer in Q3 2024, and a delayed award may extend the Prebuild Infrastructure expected in-service dates beyond October 18, 2028,

or January 17, 2029. Pursuant to the Board Order, Attentive Energy is required to use the Prebuild Infrastructure (see Board Order at pg. 39, Paragraph 3), and thus, the Prebuild Infrastructure expected in-service dates directly impact the Project schedule and the Critical Milestones to be set in the compliance filing.

Second, delays or unanticipated changes in other offshore wind projects may have an impact on other common infrastructure that Attentive Energy plans to utilize for the Project, and such impact may need to be addressed in the supplemental compliance filing. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Third, longer than anticipated federal permitting timelines will have an impact on the COD Critical Milestones. Attentive Energy relied on its original Construction and Operations Plan (“COP”) permitting timeline when setting the COD Critical Milestones in the original compliance filing, which was based on federal permitting schedules for similar projects. This estimate was derived from a review of other offshore wind projects’ timelines posted on the Title 41 of the Fixing America’s Surface Transportation Act (or “FAST-41”) Permitting Dashboard, which is managed by the Federal Permitting Improvement Steering Council. The FAST-41 Permitting Dashboard is an online tool that tracks project review and federal permitting milestones in real-time for infrastructure projects – such as the Project – covered under the federal agencies coordination and oversight procedures enumerated in FAST-41 to help streamline and clarify applicable federal environmental review and authorization processes. Since submission of the original compliance filing, the Bureau of Ocean Energy Management has indicated that the Project’s COP permitting timeline will be longer than was originally reasonably anticipated, which will result in an anticipated COP approval after the [REDACTED] date that Attentive Energy set for the Critical Milestone for COP approval in the original compliance filing. The Project’s COP permitting timeline could further change to account for the impact of the above-described unexpected external events or new unexpected external events. In addition to the Critical Milestone for COP approval, a delay in COP approval is likely to have an impact on the Critical Milestone for COD because Attentive Energy cannot start construction or secure project financing until all permitting approvals have been received.

### **III. LEGAL ARGUMENT**

#### **A. Legal Standard Governing a Request for a Stay of a Board Order**

Pursuant to N.J.A.C. 14:1-8.7(d), a stay of a Board order “will be granted only for good cause shown.” A stay should be granted when the movant can demonstrate:



- (1) immediate and irreparable harm if a stay is not granted;
  - (2) the legal right underlying the movant's claim is well-settled;
  - (3) there is a reasonable probability that the movant will succeed on the merits;
- and
- (4) the balance of the equities in granting a stay weighs in the movant's favor.

Crowe v. DeGioia, 90 N.J. 126, 132-34 (1982).

Although each of the foregoing factors must be satisfied, a “court may take a less rigid view than it would after a final hearing when the interlocutory injunction is merely designed to preserve the status quo.” See Waste Mgmt. of N.J., Inc. v. Union Cnty. Utils. Auth., 399 N.J. Super. 508, 520 (App. Div. 2008); McKenzie v. Corzine, 396 N.J. Super. 405, 414 (App. Div. 2007). Thus, because the decision to grant a stay is “based on an appropriate exercise of sound judicial discretion,” that discretion permits a court, or the Board in this instance, to “place less emphasis on a particular Crowe factor if another greatly requires the issuance of the [stay]” when the concern is to preserve the status quo. Waste Mgmt. of N.J., 399 N.J. Super. at 520 (citing N.J. State Bar Ass’n v. Northern N.J. Mortgage Assocs., 22 N.J. 184, 194 (1956)).

In the context of an issue of significant public importance, in addition to the “traditional factors,” a court or agency must also consider the public interest as “most paramount[.]” Waste Mgmt. of N.J., 399 N.J. Super. at 520 (citing McNeil v. Legislative Apportionment Comm’n, 176 N.J. 484, 484 (2003)); see also Garden State Equality v. Dow, 216 N.J. 314, 321 (2013); New Jersey Election Law Enforcement Com’n v. DiVincenzo, 445 N.J. Super. 187, 196 (App. Div. 2016). The Appellate Division has explained that courts, “in the exercise of their equitable powers, ‘may and frequently do, go much farther to both give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved.’” Waste

Mgmt. of N.J., 399 N.J. Super. at 520–21 (quoting Yakus v. United States, 321 U.S. 414, 440 (1944)). The Appellate Division has further explained that “[t]he goal is that through competitive bidding the public interest in achieving the most economic result will best be served.” PENPAC, Inc. v. Morris Cnty. Mun. Utils. Auth., 299 N.J. Super. 288, 294 (App. Div. 1997) (granting stay of award of public bid contract “due to the public interest involved”); see also Palamar Constr., Inc. v. Pennsauken Twp., 196 N.J. Super. 241, 245 (App. Div. 1983) (same).

**B. Attentive Energy has Demonstrated “Good Cause” for the Board to Grant the Stay of the Two Requested Board Order Requirements**

As described above, there have been multiple unexpected external events that need to be addressed in the supplemental compliance filing, such as (1) the delays associated with the Prebuild Infrastructure; (2) delays or uncertainty associated with common infrastructure other than the Prebuild Infrastructure; and (3) delays associated with the anticipated federal permitting timeline for the Project. As noted above, any delays caused by these unexpected external events will have an impact on the Project schedule and the Critical Milestones to be set in Attentive Energy’s supplemental compliance filing. Agreement on how to address each of these unexpected external events is necessary for Attentive Energy and the Board Staff to finalize the supplemental compliance filing. Due to the ongoing nature of the unexpected external events and the uncertainty that surrounds them, the discussions between Attentive Energy and the Board Staff regarding the necessary compliance filing updates are ongoing, and the timing for resolving the compliance filing will be dictated by Attentive Energy and the Board Staff reaching agreement on how to address each of these unexpected external events in the supplemental compliance filing.

This request to stay the two Board Order requirements until January 24, 2026 is necessary to provide (1) the necessary time for Attentive Energy and the Board Staff to consider and address the unexpected external events in the supplemental compliance filing; (2) 180 days for the Board

to consider and approve the supplemental compliance filing in advance of the initial Commitment Security being posted by Attentive Energy (or its parent companies); and (3) the necessary time for Attentive Energy (or its parent companies) to secure the approved financial instruments from the approved and acceptable financial institutions after the Board approves the supplemental compliance filing.

Attentive Energy is *not* requesting a stay of the entire Board Order, nor it is requesting any amendment to the Board Order. With this requested limited stay, Attentive Energy will continue to progress the Project and comply with the numerous other Board Order requirements, including preparing and submitting the necessary audited and unaudited financial statements (see In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certifications (OREC), BPU Docket No. QO22080481, and In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW – Attentive Energy LLC, BPU Docket No. QO24010061, Order Approving Waiver dated September 4, 2024 at pg. 6), environmental and fisheries information and updates (see Board Order at pg. 57, Attachment B, Paragraph 11(e)), guarantees and commitment information and updates (see id.), NJWP tower information and updates (see id. at pgs. 56–57, Attachment B, Paragraph 11(c)), permitting information and updates (see id. at pg. 57, Attachment B, Paragraph 11(d)), and quarterly Tier 1 Facilities, commitments, and Economic Impacts information and updates (see id. at pg. 57, Attachment B, Paragraph 11(f)).

**C. Attentive Energy Satisfies the Crowe Factors for a Stay of the Two Requested Board Order Requirements**

Based on the circumstances described herein and Attentive Energy’s demonstration of the Crowe factors below, there is more than sufficient “good cause” shown for the Board to stay the two requested Board Order requirements.

***1. Attentive Energy and the State of New Jersey and its Citizens will Suffer Immediate and Irreparable Harm if the Board does not Issue a Stay***

Attentive Energy and the State of New Jersey and its citizens will suffer immediate and irreparable harm if the Board does not grant the stay of the two requested Board Order requirements. New Jersey finds irreparable harm exists in every situation where it is difficult to ascertain the monetary value of a loss to a business. J.H. Renarde, Inc. v. Sims, 312 N.J. Super. 195, 203 (Ch. Div. 1998) (citing Nat'l Starch & Chem. Corp. v. Parker Chem. Corp., 219 N.J. Super. 158, 163 (App. Div. 1987)). Further, in Crowe, the Supreme Court of New Jersey held that “severe personal inconvenience can constitute irreparable injury justifying the issuance of [extraordinary] relief” such as a stay. 90 N.J. at 133.

Here, Attentive Energy faces potential monetary loss and severe personal inconvenience if the stay is not granted. The compliance filing and the associated documents include important Project-specific dates for the Critical Milestones, the types of financial instruments to be posted, and the necessary mechanisms, terms, and conditions associated with both the posting of specific financial instruments for the Commitment Security and the drawdown, return, or closing of the specific financial instruments based on Attentive Energy fulfilling the Critical Milestones by the dates set in the compliance filing. If Attentive Energy and the Board Staff are not provided with additional time to consider and address the unexpected external events in the supplemental compliance filing, then Attentive Energy will be obligated to comply with the Board Order without Board approval of the supplemental compliance filing, or the necessary time for Attentive Energy (or its parent companies) to secure the approved financial instruments from the approved and acceptable financial institutions. This will not be beneficial for Attentive Energy or the State of New Jersey, as it may, among other things, require Attentive Energy (or its parent companies) to modify financial instruments once the parties are aligned and bear the extra costs of such actions.

**2. *Attentive Energy's Legal Right to a Stay is Well-Settled under OWEDA***

The second element in Crowe details that “temporary relief should be withheld when the legal right underlying [the] claim is unsettled.” 90 N.J. at 133. However, that is not the case here. Attentive Energy’s right to relief is well-settled and set forth under OWEDA, N.J.S.A. 48:3-87.1 to -87.2. OWEDA “authorizes the [Board] to ‘review and approve, conditionally approve, or deny an application submitted’ for an offshore wind energy project.” In re Fishermen’s Atlantic City Windfarm, A-3932-13T3, 2015 WL 3454540, at \*2 (App. Div. May 29, 2015) (quoting N.J.S.A. 48:3-87.1(d)). “OWEDA sets forth the information that must be included in an application as well as the factors that the BPU is to consider in reviewing an application.” Id. (citing N.J.S.A. 87.1(a), (b), and (c)).

Attentive Energy complied fully with the requirements of OWEDA and the Board’s implementing regulations, and provided a detailed and comprehensive proposal to the Board. Additionally, the Board carefully examined Attentive Energy’s application and found that the Project met the criteria to be deemed a QOWP. In reaching this conclusion in the Board Order, the Board followed its own detailed regulations and the requirements of OWEDA. Attentive Energy has complied with the Board Order in all respects – it has already paid the first 50% of the \$15,000,000 RMI Fee on April 24, 2024 and timely submitted its compliance filing to the Board on July 22, 2024. And aside from the two specifically requested Board Order requirements, Attentive Energy will continue to meet all other Board Order requirements during the limited stay.

**3. *Attentive Energy has Succeeded on the Merits under OWEDA***

Attentive Energy has already succeeded “on the merits” under OWEDA and the corresponding Board regulations as a result of the Board’s approval of the Project application. As indicated above, the language of OWEDA and the Board’s regulations are clear. Upon the Board’s determination that the Project is a QOWP, Attentive Energy has a right to develop the Project.

Attentive Energy has been and will continue to develop the Project as proposed and accepted by the Board. However, due to the unexpected external events described in detail above, the stay is both appropriate and necessary to provide (1) the necessary time for Attentive Energy and the Board Staff to consider and address the unexpected external events in the supplemental compliance filing; (2) 180 days for the Board to consider and approve the supplemental compliance filing in advance of the initial Commitment Security being posted by Attentive Energy (or its parent companies); and (3) the necessary time for Attentive Energy (or its parent companies) to secure the approved financial instruments from the approved and acceptable financial institutions after the Board approves the supplemental compliance filing.

***4. The Balance of the Equities Weighs in Attentive Energy's Favor***

This matter deals with issues of significant public importance – the development of New Jersey's offshore wind industry to provide clean energy to millions of ratepayers. The public's interest, in the context of the requested limited stay, is in reaping the benefits of the Project and heavily tips the balance of equities in Attentive Energy's favor. Granting the requested limited stay will provide (1) the necessary time for Attentive Energy and the Board Staff to consider and address the unexpected external events in the supplemental compliance filing; (2) 180 days for the Board to consider and approve the supplemental compliance filing in advance of the initial Commitment Security being posted by Attentive Energy (or its parent companies); and (3) the necessary time for Attentive Energy (or its parent companies) to secure the approved financial instruments from the approved and acceptable financial institutions after the Board approves the supplemental compliance filing. This, in turn, will allow the Project to achieve the maximum benefits possible for ratepayers as originally envisioned in both the Third Solicitation competitive process and the Board Order and in alignment with the case law cited above, OWEDA, and the State's renewable energy and offshore wind goals.

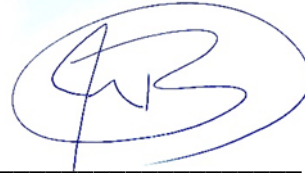
Additionally, the Project seeks to deliver on the economic benefits for communities and other stakeholders as originally envisioned in the Third Solicitation competitive process and the Board Order, recognizing the importance of these financial commitments for stakeholders, supply chains, and economic development. New Jersey ratepayers should receive the full benefit possible of this competitive process, which will further ensure that the State continues to be a national leader and model for the offshore wind industry for years to come.

**IV. CONCLUSION**

For the foregoing reasons, Attentive Energy respectfully requests that the Board stay the enforcement and suspend the obligations of the following two Board Order requirements until January 24, 2026:

1. Attentive Energy's initial Commitment Security requirements enumerated in Attachment B, Paragraph 4(h)(i), which is the first 50% of its Commitment Security for the COD Commitment (i.e., \$33,550,000) that is currently due to be posted on January 24, 2025;
2. The second RMI Fee payment requirement enumerated in Attachment B, Paragraph 10(a), which is payment of \$3,750,000 that is currently due on January 24, 2025; and
3. Provide any further relief deemed necessary by the Board.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'JB' monogram enclosed within a large, loopy oval shape. The signature is positioned above a horizontal line.

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*Attorneys for Attentive Energy LLC*



STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE OPENING OF	)	
NEW JERSEY’S THIRD SOLICITATION	)	
FOR OFFSHORE WIND RENEWABLE	)	DOCKET NO. QO22080481
ENERGY CERTIFICATES (OREC)	)	
	)	

**CERTIFICATION IN SUPPORT OF LIMITED MOTION TO STAY**

**Christen Wittman**, of full age, certifies as follows:

1. I am the Vice President Project Development for Attentive Energy LLC (“Attentive Energy”), the movant in the foregoing limited motion to stay (the “Motion”). I am duly authorized to make this Certification on behalf of Attentive Energy.

2. I hereby certify that I have read the annexed Motion, and that the matters and things contained therein and in this supporting Certification are true to the best of my knowledge, information, and belief. I am aware that, if any of the statements made by me in this Certification are willfully false, I am subject to punishment.



By: \_\_\_\_\_  
Name: Christen Wittman  
Title: Vice President Project Development

Dated: January 23, 2025

DOCKET NO. QO22080481

**SERVICE LIST**

**New Jersey Board of Utilities**

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