



Jersey Strong
Coastal Coalition
Waves Not Blades

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Sherri L. Golden, Secretary
NJ Board of Public Utilities
44 South Clinton Avenue, 9th Floor
PO Box 350
Trenton, NJ 08625-0350

February 10, 2025

**RE: IN THE MATTER OF THE OPENING NEW JERSEY'S THIRD SOLICITATION FOR OFFSHORE
WIND RENEWABLE ENERGY CERTIFICATES (ORECs)
ATTENTIVE ENERGY TWO WIND PROJECT
Docket No. QO22080481**

Dear Madam Secretary:

On January 24, 2024 the Board awarded a contract for ORECs to Attentive Energy LLC for 1342 MW of capacity from the Attentive Energy Two Wind project¹. On January 23, 2025 Attentive Energy LLC filed a Motion for Limited Stay², for a full year until January 24, 2026, of requirements to post financial Commitment Securities which were due on January 25, 2025. We object to this or any further stay of the Board's order for this project for the following reasons:

- The Board incorporated requirements into its Third Solicitation award orders for compliance filings and posting of financial guarantees within 180 days and 1 year of the award date, in order to ensure that the projects were completed as proposed without undue delay in the economic benefits proposed by the developers. To delay these deadlines by a full year would make a mockery of the process by which the Board holds developers accountable for meeting their contractual and financial commitments.
- Rate Counsel opposes granting the stay, commenting that "It is not in the public interest to grant a stay so Petitioner may be delay payment of its previously-mentioned financial obligations. In fact, the public will be harmed in two ways if the stay is granted. First, the public will essentially be asked to take the risk that Attentive may not go forward with its project, thereby foregoing funding for public infrastructure and education. Second, it undercuts the public confidence in the Board's bidding process. Granting this stay will further underscore that the bid submitted is not the actual offer, but rather a foot in the door to later change the offer as the winning bidder sees fit."³
- Attentive Energy requests this stay due to claimed external delays beyond its control. The terms of the Board order already protect their rights to schedule relief regarding Commitment Securities in such cases. Therefore, a stay of the order with respect to those commitments for the reasons cited is unnecessary.

¹ Order dated January 24, 2024, Docket QO22080841.

² Letter from James a, Boyd, Jr, Esq., Archer & Greiner PC to Board Secretary, January 23, 2025.

³ Letter from Rate Counsel to Board Secretary dated February 3, 2025, Docket QO22080481.

We agree with Rate Counsel and strongly object to the granting of any stay of the Board's January 24, 2024 order. Attentive Energy must comply with the terms of the order, including the required Commitment Security which is now overdue, or formally notify the Board that it is withdrawing from the award and cancelling the Attentive Energy Two Wind project.

Sincerely,



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CC (Via Email)

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