



Agenda Date: 2/23/22
Agenda Item: 8B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF OCEAN)
WIND, LLC PURSUANT TO N.J.S.A. 48:3-87.1(f))
FOR A DETERMINATION THAT EASEMENTS)
ACROSS GREEN ACRES-RESTRICTED)
PROPERTIES AND CONSENTS NEEDED FOR)
CERTAIN ENVIRONMENTAL PERMITS IN, AND)
WITH RESPECT TO, THE CITY OF OCEAN CITY)
ARE REASONABLY NECESSARY FOR THE)
CONSTRUCTION OR OPERATION OF THE OCEAN)
WIND 1 QUALIFIED OFFSHORE WIND PROJECT) DOCKET NO. QO22020041

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Cozen O'Connor, P.C., on behalf of Ocean Wind LLC

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board" or "BPU") retains Ocean Wind LLC's ("Ocean Wind" or "Company") petition which requests that the Board determine: 1) certain easements owned by City of Ocean City, New Jersey ("Ocean City") are reasonably necessary for the construction and operation of Ocean Wind's qualified offshore wind project ("QOWP"); and 2) municipal consents needed from Ocean City for the issuance of permits from the New Jersey Department of Environmental Protection ("NJDEP") are reasonably necessary for the construction of the QOWP ("Petition").

BACKGROUND

In response to Governor Murphy's Executive Order No. 8, which called upon the Board to fully implement the Offshore Wind Economic Development Act, the Board issued its first offshore wind solicitation. Ocean Wind submitted an application and in June 2019, the Board approved Ocean Wind's 1,100 MW offshore wind project, Ocean Wind 1, as a QOWP ("Project"). Since the award, Ocean Wind has been in the planning, permitting and preconstruction phase of the Project. A

significant aspect of the preconstruction activities involves obtaining the necessary easements and municipal consents for the onshore cable route, which will bring the renewable electricity from the offshore wind turbines to the electric transmission and distribution system in New Jersey.

On February 2, 2022, Ocean Wind filed the Petition with the Board, pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across Green Acres-restricted properties owned by Ocean City, and that certain municipal consents needed for particular environmental permits in or with respect to Ocean City, are reasonably necessary for the construction or operation of the QOWP, Ocean Wind I.

N.J.S.A. 48:3-87.1(f) grants the Board the authority to make a determination on a petition from a QOWP "seeking authority to obtain the easement, right-of way, or other real property interest."

DISCUSSION

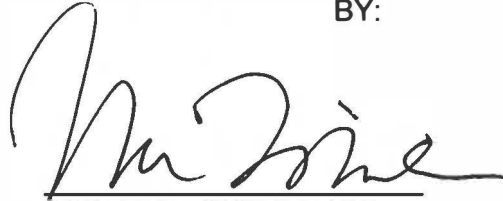
The Board has determined that it should retain the Petition for hearing. Accordingly, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Joseph L. Fiordaliso as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the Board **HEREBY DIRECTS** that any entity seeking to intervene or participate in this matter file the appropriate application with the Board on or before March 9, 2022. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

In addition, in compliance with the Board's Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order. The Board **HEREBY DIRECTS** Staff to post this Order to the Board's website.

The effective date of this Order is February 25, 2022.

DATED: February 23, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARYANNA HOLDEN
COMMISSIONER




DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 

AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF THE PETITION OF OCEAN WIND, LLC PURSUANT TO N.J.S.A. 48:3-87.1(f) FOR A DETERMINATION THAT EASEMENTS ACROSS GREEN ACRES-RESTRICTED PROPERTIES AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE CITY OF OCEAN CITY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

BPU DOCKET NO. QO22020041

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