



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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DIVISION OF 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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT	)	ORDER RULING ON MOTIONS AND MODIFYING THE PROCEDURAL SCHEDULE
	)	DOCKET NO. QO22050347

**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  
**Michael J. Donohue, Esq.**, Blaney Donohue & Weinberg, P.C., on behalf of Cape May County  
**Gerald M. Thornton**, Commissioner Director Board of County Commissioners, Cape May County  
**Kevin Lare**, Administrator Board of County Commissioners, Cape May County  
**Rita M. Rothberg**, County Clerk, Cape May County  
**Jeffrey R. Lindsay, Esq.**, County Counsel, Cape May County  
**Dorothy F. McCrosson, Esq.**, Solicitor for the City of Ocean City, McCrosson & Stanton, P.C.  
**M. James Maley, Jr., Esq.**, Maley Givens, P.C., for Upper Township

**BY PRESIDENT FIORDALISO**

By this Order, I set forth the rulings below on the motions to intervene and the request to participate as well as set forth a modified procedural schedule in this proceeding.

**BACKGROUND**

On May 20, 2022, Ocean Wind LLC (“Ocean Wind” or “Petitioner”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board” or “BPU”), pursuant to N.J.S.A. 48:3-87.1(f), the Offshore Wind Economic Development Act (“OWEDA” or “Statute”), seeking the Board’s determination that certain easements across properties owned by the County of Cape May, New Jersey (“County”) and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of Petitioner’s qualified offshore wind project, Ocean Wind I (“Project” or “QOWP”).

On June 8, 2022, the County filed a motion with the Board requesting that the Board decline jurisdiction over the Petition and to dismiss the Petition without prejudice as unripe for disposition and non-justiciable under N.J.S.A. 48:3-87.1(f) and N.J.S.A. 20:3-1 et seq. (“June 8, 2022 Motion”). On June 20, 2022, Ocean Wind filed a reply brief in opposition to the June 8, 2022 Motion (“June 20, 2022 Reply Brief”), and on June 27, 2022 the County filed a reply to Ocean Wind’s June 20, 2022 Reply Brief. The June 8, 2022 Motion will be addressed in a separate Order.

On June 29, 2022, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated me as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings as well as to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues (“June 29, 2022 Order”). Further, the June 29, 2022 Order directed the County to be included as a necessary party, and further directed any entities seeking to intervene or participate in this matter to file the appropriate motions with the Board on or before July 15, 2022.

On July 5, 2022, I issued an Order setting the procedural schedule in this matter, including a July 15, 2022 deadline to file motions (“July 5, 2022 Order”). Multiple government entities requested that the deadline to file motions to intervene be extended from July 15, 2022 to July 31, 2022.<sup>1</sup> These government entities generally noted that the added time would help them confer with the appropriate decision makers and provide them with sufficient time to prepare any filings. In response, on July 14, 2022, I issued an Order modifying the procedural schedule to accommodate the requests for an extension of the deadline for filing motions, with the new deadline of July 29, 2022 (“July 14, 2022 Order”).

### **MOTIONS TO INTERVENE AND REQUEST TO PARTICIPATE**

Prior to the revised, July 29, 2022 deadline for submission of motions, the Board received 11 motions to intervene pursuant to N.J.A.C. 1:1-16.1(a), which provides that any person or entity not initially a party who will be “substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.”

Motions to intervene were received from the New Jersey municipalities listed below (each, a “Motion” and collectively, the “Motions”):

- Borough of Avalon (“Avalon”)
- Township of Dennis (“Dennis”)
- Township of Lower (“Lower”)
- Township of Middle (“Middle”)
- City of North Wildwood (“North Wildwood”)
- City of Ocean City (“Ocean City”)
- City of Sea Isle City (“Sea Isle City”)
- Borough of Stone Harbor (“Stone Harbor”)
- Upper Township (“Upper”)

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<sup>1</sup> Requests to extend the deadline to file motions were received from the following government entities: Borough of Avalon; Township of Dennis; Township of Lower; Township of Middle; City of North Wildwood, City of Ocean City; City of Sea Isle City; Borough of Stone Harbor; County of Cape May; and the New Jersey League of Municipalities. In addition, the New Jersey Association of Counties also submitted a request to extend this deadline.

- City of Wildwood (“Wildwood”)
- Borough of Wildwood Crest (“Wildwood Crest”)

All of these Motions assert that each decision the Board makes in interpreting and applying N.J.S.A. 48:3-87.1(f) will directly impact their municipality inasmuch as those decisions will be applicable to the municipality should a similar Petition be filed in connection with the municipality in the future. All of the Motions (with the exception of the Motion of Upper Township) express concerns regarding the impact to viewshed and to tourism the Project may have. Several of the Motions express concerns regarding the impact to property values, infrastructure, wildlife and fishing industries the Project may have.

The New Jersey League of Municipalities (“NJLM”) filed a motion with the Board requesting that they be allowed to participate in this matter pursuant to N.J.A.C. 1:1-16.6. In support of its motion, NJLM states that it is a statewide advocate for municipal governments, and has an obligation to ensure that the interests of its members are represented in this proceeding; that the decision made by the Board in interpreting and applying N.J.S.A. 48:3-87.1(f) will directly impact New Jersey municipal governments inasmuch as those decisions will be applicable to municipal governments should a similar petition be filed in connection with other municipal governments in the future; and that the decision of the Board, along with the procedural processes adopted in considering petitions under N.J.S.A. 48:3-87.1(f) will have a lasting effect on municipalities.

On August 4, 2022 Ocean Wind filed a response to the Motions to intervene and NJLM’s motion to participate (“Ocean Wind’s Response”). Ocean Wind’s Response indicates that the Petitioner does not object to the Motions that Upper Township and Ocean City each filed because the on-shore cable route travels through these municipalities. With the exception of Upper Township and Ocean City, Ocean Wind’s Response asserts that the Motions from all other municipalities listed above (“Additional Movants”) should be denied for either intervenor or participant status because the onshore cable routes do not cross through any of these municipalities other than Ocean City and Upper Township; issues concerning the validity of the Statute or the offshore portion of the Project – such as the viewshed – are outside of the scope of this proceeding; and the interests of these other municipalities will be well-represented by Cape May County, Upper Township, and Ocean City.

On August 12, 2022 the Law Offices of Paul J. Baldini, P.A. submitted a letter on behalf of Sea Isle City, Dennis, Lower, Avalon, Middle, Wildwood Crest, Stone Harbor, and North Wildwood requesting time to respond to Ocean Wind’s Response, and stating that Ocean Wind’s Response included facts that were not supported by appropriate certifications or record. The filing noted that a fact-finding hearing may be necessary in order to resolve the purported outstanding factual disputes before a final decision can be entered on the motions to intervene.

### **REQUEST TO MODIFY PROCEDURAL SCHEDULE**

On July 26, 2022, Ocean Wind submitted a letter (“Letter”) to the Board requesting, among other things, that the procedural schedule set forth in the July 14, 2022 Order be modified because it does not give Ocean Wind sufficient time to prepare and file rebuttal testimony; that the due date of August 26, 2022 for Ocean Wind’s reply to opposition and testimony conflicts with long-established travel plans for certain members of the Ocean Wind team; and that Ocean Wind’s counsel has an unavoidable conflict during the week of October 17, 2022, during which oral argument is now scheduled. Accordingly, Ocean Wind requested that the current procedural schedule be modified.

## **DISCUSSION AND FINDINGS**

### **Motions to Intervene and Request to Participate**

The standards for considering intervention motions are set forth at N.J.A.C. 1:1-16.3(a). That rule requires that the decision-maker consider the following factors:

- 1) The nature and extent of the moving party's interest in the outcome of the case;
- 2) Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
- 3) The prospect for confusion and delay arising from inclusion of the party; and
- 4) Other appropriate matters.

Alternatively, if the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding, insofar as the moving entity may have their motion to intervene treated in the alternative as a motion to participate. In accordance with N.J.A.C. 1:1-16.6(b), in consideration of whether to grant a movant "participant" status, the trier of fact must consider whether the movant is likely to "add constructively to the case without causing undue delay or confusion." If the trier of fact grants the movant "participant" status, under N.J.A.C. 1:1-16.6(c), such trier of fact determines the nature and extent of the movant's participation, which is limited to the movant's right to argue orally; file a statement or brief; file exceptions; or all of these.

After carefully considering the Motions and given the lack of any objections, I **FIND** that Upper Township and Ocean City have sufficient interest in this proceeding, and will be directly affected by the outcome of this proceeding because the Project's on-shore cable route physically travels through both of these municipalities. Further, I **FIND** that Upper Township and Ocean City will add measurably and constructively to the proceeding. Therefore, I **HEREBY GRANT** Upper Township and Ocean City intervenor status in this proceeding.

I **FIND** that each of the Additional Movants' Motions, submitted by Avalon; Dennis; Lower; Middle; North Wildwood; Sea Isle City; Stone Harbor; Wildwood; and Wildwood Crest, have not met the required statutory standard for intervention, insofar as showing that their interests in this matter warrant granting their Motions. N.J.A.C. 1:1-16.3(a) requires consideration of the "nature and extent of the movant's interest." The issue the Board is being asked to consider in this proceeding is whether certain easements across properties the County owns, as well as certain consents needed from the County for particular environmental permits in or with respect to the County, are reasonably necessary for the construction or operation of Project. The Motions the Additional Movants submitted do not show an interest in this specific determination. Rather, these Motions state concerns that would cause the prospect of confusion of the issue before the Board, which concerns include but are not limited to the Project's impact on viewshed, tourism, property values, wildlife, or the fishing industry. In addition, the Additional Movants' Motions are not sufficiently different from each other, and, in fact, use identical language in many cases. As such, I **FIND** that the Additional Movants have not met the requirements to intervene and as such, I **HEREBY DENY** Avalon, Dennis, Lower, Middle, North Wildwood, Sea Isle City, Stone Harbor, Wildwood, and Wildwood Crest intervenor status.

However, pursuant to N.J.A.C. 1:1-16.5, I will treat Additional Movants' Motions, in the alternative, as motions for permission to participate. Considered under this standard, I **FIND** that Avalon, Dennis, Lower, Middle, North Wildwood, Sea Isle City, Stone Harbor, Wildwood, and Wildwood Crest, while not having sufficient interest for intervenor status, do have an interest in this proceeding, and that granting each of the Additional Movants participant status will add

constructively to this proceeding without causing undue delay or confusion, subject to the direction below. Therefore I **HEREBY GRANT** Avalon, Dennis, Lower, Middle, North Wildwood, Sea Isle City, Stone Harbor, Wildwood, and Wildwood Crest participant status.

I further **FIND** that NJLM has an interest in this proceeding, and that granting participant status to NJLM will not cause undue delay or confusion, subject to the direction below. Therefore I **HEREBY GRANT** NJLM participant status.

Intervenors shall be permitted to argue orally, file a statement or brief, participate in the settlement conference, and file exceptions. Participants shall be permitted to argue orally and submit comments as a Public Written Comment. All parties, including intervenors and participants, are reminded that this proceeding is limited in scope to whether certain easements across properties owned by the County and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of Project. This proceeding is not addressing any other aspect of the Project, including but not limited to the view shed, impact on tourism or property values, or impact on the wildlife or the fishing industry. Accordingly, I **HEREBY DIRECT** all parties, including intervenors and participants to limit their filings and comments in this proceeding to the narrow scope defined above.

#### **Requests to Modify Procedural Schedule**

In order to accommodate the parties' ability to meaningfully participate in this proceeding and to provide for more flexibility, I set forth the modified procedural schedule ("Modified Schedule") in Exhibit A herein.

I **HEREBY ISSUE** the following Modified Procedural Schedule identified as Exhibit A herein. I further **DIRECT** the parties to comply with the Modified Schedule's terms and to work cooperatively with each other to the fullest extent possible in the interest of reaching a just determination in this proceeding.

I **HEREBY DIRECT** that this Order be posted on the Board's website. For reference, the June 29, 2022 Order, the July 5, 2022 Order, and the July 14, 2022 Order are each included in Exhibit B herein.

Parties are **HEREBY DIRECTED** to serve all documents electronically.

This provisional ruling is subject to ratification or other alteration by the Board, as it deems appropriate during the proceedings in this matter.

DATED: August 15, 2022

BY:



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JOSEPH L. FIORDALISO  
PRESIDENT

**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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT**

**BPU DOCKET NO. QO22050347**

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**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**

**Exhibit A:  
Modified Procedural Schedule**

<b>Item</b>	<b>Date</b>
Motions Due	July 29, 2022
Ocean Wind's Responses to Motions	August 5, 2022
Opposition and Testimony from Parties	August 29, 2022
Ocean Wind Reply	September 16, 2022
Public Hearing	September 29 or September 30, 2022
Public Written Comments Deadline	October 12, 2022
Settlement Conference	October 14, 2022
Parties Respond to Public Comment	October 26, 2022
Oral Argument	November 7 or November 10, 2022

Further details regarding the Public Hearing and Oral Argument will be forthcoming.

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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

**BPU DOCKET NO. QO22050347**

**Exhibit B:**

**June 29, 2022 Order, July 5, 2022 Order, and July 14, 2022 Order**

DOCKET NO. QO22050347



Agenda Date: 6/29/22  
Agenda Item: 8B

**STATE OF NEW JERSEY**  
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Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF OCEAN WIND	)	ORDER DESIGNATING
LLC PURSUANT TO N.J.S.A. 48:3-87.1(F) FOR A	)	COMMISSIONER, SETTING
DETERMINATION THAT CERTAIN EASEMENTS AND	)	MANNER OF SERVICE AND
CONSENTS NEEDED FOR CERTAIN	)	BAR DATE
ENVIRONMENTAL PERMITS IN, AND WITH RESPECT	)	
TO, THE COUNTY OF CAPE MAY ARE REASONABLY	)	DOCKET NO. QO22050347
NECESSARY FOR THE CONSTRUCTION OR	)	
OPERATION OF THE OCEAN WIND 1 QUALIFIED	)	
OFFSHORE WIND PROJECT	)	

**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  
**Michael J. Donohue, Esq.**, Blaney Donohue & Weinberg, P.C., on behalf of Cape May County  
**Gerald M. Thornton**, Commissioner Director Board of County Commissioners, Cape May County  
**Kevin Lare**, Administrator Board of County Commissioners, Cape May County  
**Rita M. Rothberg**, County Clerk, Cape May County  
**Jeffrey R. Lindsay, Esq.**, County Counsel, Cape May County

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) considers retention of a petition filed by Ocean Wind LLC’s (“Ocean Wind” or “Company”), which requests that the Board determine that certain easements across properties owned by the County of Cape May (“Cape May County” or “County”) and certain consents needed from the County for certain environmental permits in, and with respect to the County, are reasonably necessary for the construction or operation of the Ocean Wind 1 Qualified Offshore Wind Project (“Project”) (“Cape May 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 in September 2018. Ocean Wind submitted an application and in June 2019, the Board approved the Project as a Qualified Offshore Wind Project (“QOWP”). 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, permits and consents for the onshore construction of the electricity export cable, 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 a 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 the City of Ocean City, New Jersey ("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 ("Ocean City Petition").

On May 20, 2022, Ocean Wind filed the instant petition, pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across properties owned by the Cape May County and certain consents needed from the County for certain environmental permits in, and with respect to the County, are reasonably necessary for the construction or operation of the Project.

The Cape May Petition pertains only to Cape May County and is the subject of this Order. While the Cape May Petition and the Ocean City Petition both concern the same onshore cable for the electricity export cable of Ocean Wind 1's QOWP, each petition covers different easements and consents for different parts of the cable.

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**

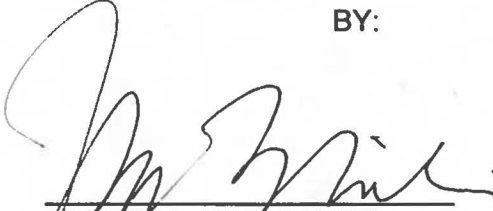
The Board has determined that it should retain the Cape May Petition. Accordingly, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Joseph L. Fiordaliso as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the Board **HEREBY DIRECTS** that the County of Cape May be included as a necessary party in this proceeding, and **HEREBY DIRECTS** any entity seeking to intervene or participate in this matter file the appropriate application with the Board on or before July 15, 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.

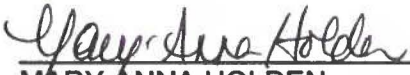
In addition, in compliance with the Board's Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order. The Board **HEREBY DIRECTS** Board Staff to post this Order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

The effective date of this Order is July 1, 2022.

DATED: June 29, 2022

BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

  
\_\_\_\_\_  
MARY ANNA HOLDEN  
COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER

  
\_\_\_\_\_  
UPENDRA J. CHIVUKULA  
COMMISSIONER

  
\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

ATTEST:   
\_\_\_\_\_  
CARMEN D. DIAZ  
ACTING SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities.

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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

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**Board of Public Utilities**  
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DIVISION OF 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 CERTAIN EASEMENTS AND )  
 CONSENTS NEEDED FOR CERTAIN )  
 ENVIRONMENTAL PERMITS IN, AND WITH RESPECT )  
 TO, THE COUNTY OF CAPE MAY ARE REASONABLY )  
 NECESSARY FOR THE CONSTRUCTION OR )  
 OPERATION OF THE OCEAN WIND 1 QUALIFIED )  
 OFFSHORE WIND PROJECT )

ORDER SETTING  
 PROCEDURAL SCHEDULE  
 DOCKET NO. QO22050347

**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  
**Michael J. Donohue, Esq.**, Blaney Donohue & Weinberg, P.C., on behalf of Cape May County  
**Gerald M. Thornton**, Commissioner Director Board of County Commissioners, Cape May County  
**Kevin Lare**, Administrator Board of County Commissioners, Cape May County  
**Rita M. Rothberg**, County Clerk, Cape May County  
**Jeffrey R. Lindsay, Esq.**, County Counsel, Cape May County

**BY PRESIDENT FIORDALISO:**

By this Order, I set forth a procedural schedule for this proceeding.

**BACKGROUND**

On May 20, 2022, Ocean Wind LLC (“Ocean Wind” or “Petitioner”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board” or “BPU”), pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board’s determination that certain easements across properties owned by the County of Cape May (“County”) and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of Petitioner’s qualified offshore wind project, Ocean Wind I (“Project” or “QOWP”).

N.J.S.A. 48:3-87.1(f)(2) grants the Board the authority to make a determination on a petition from a qualified offshore wind project “seeking authority to obtain the easement, right-of way, or other

real property interest.”

On June 8, 2022, Michael J. Donohue, Esq. on behalf of the County of Cape May, filed a motion with the Board, requesting the Board to decline jurisdiction over the Petition and to dismiss the Petition without prejudice as unripe for disposition and non-justiciable under N.J.S.A. 48:3-87.1(f) and N.J.S.A. 20:3-1 et seq. (“June 8, 2022 Motion”). On June 20, 2022, Ocean Wind filed a reply brief in opposition to the June 8, 2022 Motion, and on June 27, 2022 the County filed a reply to Ocean Wind’s reply. The June 8, 2022 Motion will be addressed at a later date.

On June 29, 2022, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues (“June 29, 2022 Order”). Further, the June 29, 2022 Order directed the County to be included as a necessary party, and further directed any entities seeking to intervene or participate in this matter to file the appropriate motions with the Board on or before July 15, 2022.

I note that P.L. 2021, c. 178 envisions a transparent and public process for the evaluation. In accordance with N.J.S.A. 48:3-87.1(f)(2), the Board is required to hold a public hearing and to provide the opportunity for public comments on the Petition.

The public will have an opportunity to file comments and attend a public hearing. I, President Fiordaliso, will preside over the public hearing. Notice of the public hearing shall be provided to the "news media, the owner of the real property subject to the petition, and the governing body and municipal clerk of the municipality and the clerk of the county in which the lands proposed to be conveyed are located." N.J.S.A. 48:3-87.1(f)(2). Public Comments may be submitted using the Board's Public Document Search tool, located at <https://publicaccess.bpu.state.nj.us/> using DOCKET NO. QO22050347.

## **DISCUSSION & FINDINGS**

I **HEREBY ISSUE** the following procedural schedule (“Schedule”) attached hereto as Exhibit A. I further **HEREBY DIRECT** the parties to comply with the Schedule’s terms and to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding. The Schedule provides the parties with opportunities to present evidence and arguments to aid in the Board’s deliberation.

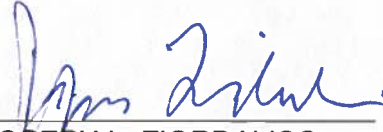
In compliance with the Board’s Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

I **HEREBY DIRECT** that this Order be posted on the Board’s website.

This provisional ruling is subject to ratification or other alteration by the Board, as it deems appropriate during the proceedings in this matter.

DATED: 7/5/22

BY:

A handwritten signature in blue ink, appearing to read "Joseph L. Fiordaliso", written over a horizontal line.

JOSEPH L. FIORDALISO  
PRESIDENT

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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

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DOCKET NO. QO22050347

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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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

**Exhibit A:  
Procedural Schedule**

<b>Item</b>	<b>Date</b>
Motions Due	July 15, 2022
Opposition and Testimony from Parties	July 29, 2022
Ocean Wind Reply	August 12, 2022
Public Hearing	August 23, 2022
Public Written Comments Deadline	September 6, 2022
Settlement Conference	Week of September 12, 2022
Parties Respond to Public Comments	September 20, 2022
Oral Argument	Week of October 3, 2022

Further details regarding the Public Hearing and Oral Argument will be forthcoming.

DOCKET NO. QO22050347



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

DIVISION OF 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 CERTAIN EASEMENTS )  
AND CONSENTS NEEDED FOR CERTAIN )  
ENVIRONMENTAL PERMITS IN, AND WITH )  
RESPECT TO, THE COUNTY OF CAPE MAY ARE )  
REASONABLY NECESSARY FOR THE )  
CONSTRUCTION OR OPERATION OF THE OCEAN )  
WIND 1 QUALIFIED OFFSHORE WIND PROJECT )  
)

ORDER MODIFYING THE  
PROCEDURAL SCHEDULE

DOCKET NO. QO22050347

**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  
**Michael J. Donohue, Esq.**, Blaney Donohue & Weinberg, P.C., on behalf of Cape May County  
**Gerald M. Thornton**, Commissioner Director Board of County Commissioners, Cape May County  
**Kevin Lare**, Administrator Board of County Commissioners, Cape May County  
**Rita M. Rothberg**, County Clerk, Cape May County  
**Jeffrey R. Lindsay, Esq.**, County Counsel, Cape May County

**BY PRESIDENT FIORDALISO:**

By this Order, I set forth a modified procedural schedule in this proceeding.

**BACKGROUND**

On May 20, 2022, Ocean Wind LLC ("Ocean Wind" or "Petitioner") filed a petition ("Petition") with the New Jersey Board of Public Utilities ("Board" or "BPU"), pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across properties owned by the County of Cape May ("County") and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of Petitioner's qualified offshore wind project, Ocean Wind I ("Project" or "QOWP").

N.J.S.A. 48:3-87.1(f)(2) grants the Board the authority to make a determination on a petition from a qualified offshore wind project "seeking authority to obtain the easement, right-of way, or other real property interest."

On June 8, 2022, Michael J. Donohue, Esq., on behalf of the County of Cape May, filed a motion with the Board, requesting the Board to decline jurisdiction over the Petition and to dismiss the Petition without prejudice as unripe for disposition and non-justiciable under N.J.S.A. 48:3-87.1(f) and N.J.S.A. 20:3-1 et seq. ("June 8, 2022 Motion"). On June 20, 2022, Ocean Wind filed a reply brief in opposition to the June 8, 2022 Motion ("June 20, 2022 Reply Brief"), and on June 27, 2022 the County filed a reply to Ocean Wind's June 20, 2022 Reply Brief. The June 8, 2022 Motion will be addressed at a later date.

On June 29, 2022, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated me as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings as well as to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues ("June 29, 2022 Order"). Further, the June 29, 2022 Order directed the County to be included as a necessary party, and further directed any entities seeking to intervene or participate in this matter to file the appropriate motions with the Board on or before July 15, 2022.

On July 5, 2022, I issued an Order setting the procedural schedule in this matter ("July 5, 2022 Order"). That Order set the July 15, 2022 due date for motions to be filed. Since the time of that Order, multiple government entities requested that the deadline to intervene be extended until July 31, 2022. These government entities generally noted that the added time would help them confer with the appropriate decision makers and provide them with time to prepare any filings.

I note that P.L. 2021, c. 178 envisions a transparent and public process for the evaluation of the Petition. In accordance with N.J.S.A. 48:3-87.1(f)(2), the Board is required to hold a public hearing and to provide the opportunity for public comments on the Petition.

The public will have an opportunity to file comments and attend a public hearing. I, President Fiordaliso, will preside over the public hearing. Notice of the public hearing shall be provided to the "news media, the owner of the real property subject to the petition, and the governing body and municipal clerk of the municipality and the clerk of the county in which the lands proposed to be conveyed are located." N.J.S.A. 48:3-87.1(f)(2). Public Comments may be submitted using the Board's Public Document Search tool, located at <https://publicaccess.bpu.state.nj.us/> using DOCKET NO. QO22050347.

### **MODIFIED PROCEDURAL SCHEDULE**

In order to accommodate the parties' ability to meaningfully participate in this proceeding and to provide for more flexibility, I set forth the modified procedural schedule ("Modified Schedule") in Exhibit A herein. Motions to intervene will now be due on July 29, 2022.

### **DISCUSSION & FINDINGS**

I **HEREBY ISSUE** the following Modified Schedule identified as Exhibit A herein. While there is no formal discovery period established for this proceeding, I further **DIRECT** the parties to comply with the Modified Schedule's terms and to work cooperatively with each other to the fullest extent possible

in the interest of reaching a just determination in this proceeding. The Modified Schedule provides the parties with opportunities to present evidence and arguments to aid in the Board's deliberation.

I **HEREBY DIRECT** that this Order be posted on the Board's website. For reference, the June 29, 2022 Order and July 5, 2022 Order are included in Exhibit B herein.

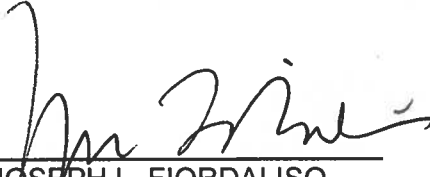
Parties are **HEREBY DIRECTED** to serve all documents electronically.

This provisional ruling is subject to ratification or other alteration by the Board, as it deems appropriate during the proceedings in this matter.

DATED:

BOARD OF PUBLIC UTILITIES  
BY:

7/14/22

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

**BPU DOCKET NO. QO22050347**

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<b>NEW JERSEY STATE LEAGUE OF MUNICIPALITIES</b>	
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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

**Exhibit A:  
Modified Procedural Schedule**

<b>Item</b>	<b>Date</b>
Motions Due	July 29, 2022
Ocean Wind's Responses to Motions	August 5, 2022
Opposition and Testimony from Parties	August 17, 2022
Ocean Wind Reply	August 26, 2022
Public Hearing	September 8, 2022
Public Written Comments Deadline	September 21, 2022
Settlement Conference	September 28, 29 or 30, 2022
Parties Respond to Public Comment	October 7, 2022
Oral Argument	Week of October 17, 2022

Further details regarding the Public Hearing and Oral Argument will be forthcoming.

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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

**BPU DOCKET NO. QO22050347**

**Exhibit B:  
June 29, 2022 Order and July 5, 2022 Order**

DOCKET NO. QO22050347



Agenda Date: 6/29/22  
Agenda Item: 8B

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF OCEAN WIND )	ORDER DESIGNATING
LLC PURSUANT TO N.J.S.A. 48:3-87.1(F) FOR A )	COMMISSIONER, SETTING
DETERMINATION THAT CERTAIN EASEMENTS AND )	MANNER OF SERVICE AND
CONSENTS NEEDED FOR CERTAIN )	BAR DATE
ENVIRONMENTAL PERMITS IN, AND WITH RESPECT )	
TO, THE COUNTY OF CAPE MAY ARE REASONABLY )	DOCKET NO. QO22050347
NECESSARY FOR THE CONSTRUCTION OR )	
OPERATION OF THE OCEAN WIND 1 QUALIFIED )	
OFFSHORE WIND PROJECT )	

**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**
- Michael J. Donohue, Esq., Blaney Donohue & Weinberg, P.C., on behalf of Cape May County**
- Gerald M. Thornton, Commissioner Director Board of County Commissioners, Cape May County**
- Kevin Lare, Administrator Board of County Commissioners, Cape May County**
- Rita M. Rothberg, County Clerk, Cape May County**
- Jeffrey R. Lindsay, Esq., County Counsel, Cape May County**

**BY THE BOARD:**

By this Order, the New Jersey Board of Public Utilities ("Board" or "BPU") considers retention of a petition filed by Ocean Wind LLC's ("Ocean Wind" or "Company"), which requests that the Board determine that certain easements across properties owned by the County of Cape May ("Cape May County" or "County") and certain consents needed from the County for certain environmental permits in, and with respect to the County, are reasonably necessary for the construction or operation of the Ocean Wind 1 Qualified Offshore Wind Project ("Project") ("Cape May 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 in September 2018. Ocean Wind submitted an application and in June 2019, the Board approved the Project as a Qualified Offshore Wind Project ("QOWP"). 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, permits and consents for the onshore construction of the electricity export cable, 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 a 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 the City of Ocean City, New Jersey ("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 ("Ocean City Petition").

On May 20, 2022, Ocean Wind filed the instant petition, pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across properties owned by the Cape May County and certain consents needed from the County for certain environmental permits in, and with respect to the County, are reasonably necessary for the construction or operation of the Project.

The Cape May Petition pertains only to Cape May County and is the subject of this Order. While the Cape May Petition and the Ocean City Petition both concern the same onshore cable for the electricity export cable of Ocean Wind 1's QOWP, each petition covers different easements and consents for different parts of the cable.

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**

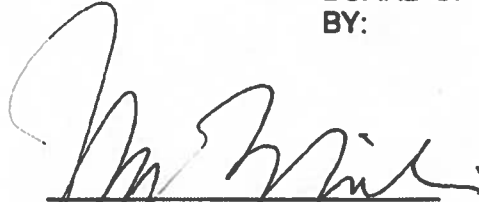
The Board has determined that it should retain the Cape May Petition. Accordingly, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Joseph L. Fiordaliso as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the Board **HEREBY DIRECTS** that the County of Cape May be included as a necessary party in this proceeding, and **HEREBY DIRECTS** any entity seeking to intervene or participate in this matter file the appropriate application with the Board on or before July 15, 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** Board Staff to post this Order to the Board's website.

The effective date of this Order is July 1, 2022.

DATED: June 29, 2022

BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

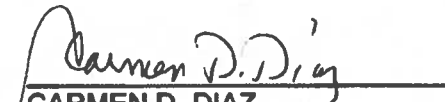
  
\_\_\_\_\_  
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COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
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UPEENDRA J. CHIVUKULA  
COMMISSIONER

  
\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
CARMEN D. DIAZ  
ACTING SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities.



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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

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Martha Sullivan Sapp, Director, Green Acres Program Mail Code 501-01 P.O. Box 420 501 East State Street, 1 <sup>st</sup> floor Trenton, New Jersey 08625-0420 <a href="mailto:Martha.Sapp@dep.nj.gov">Martha.Sapp@dep.nj.gov</a>	



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**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

DIVISION OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF OCEAN WIND	)	ORDER SETTING
LLC PURSUANT TO N.J.S.A. 48:3-87.1(F) FOR A	)	PROCEDURAL SCHEDULE
DETERMINATION THAT CERTAIN EASEMENTS AND	)	
CONSENTS NEEDED FOR CERTAIN	)	DOCKET NO. QO22050347
ENVIRONMENTAL PERMITS IN, AND WITH RESPECT	)	
TO, THE COUNTY OF CAPE MAY ARE REASONABLY	)	
NECESSARY FOR THE CONSTRUCTION OR	)	
OPERATION OF THE OCEAN WIND 1 QUALIFIED	)	
OFFSHORE WIND PROJECT	)	

**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**  
**Michael J. Donohue, Esq., Blaney Donohue & Weinberg, P.C., on behalf of Cape May County**  
**Gerald M. Thornton, Commissioner Director Board of County Commissioners, Cape May County**  
**Kevin Lare, Administrator Board of County Commissioners, Cape May County**  
**Rita M. Rothberg, County Clerk, Cape May County**  
**Jeffrey R. Lindsay, Esq., County Counsel, Cape May County**

**BY PRESIDENT FIORDALISO:**

By this Order, I set forth a procedural schedule for this proceeding.

**BACKGROUND**

On May 20, 2022, Ocean Wind LLC (“Ocean Wind” or “Petitioner”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board” or “BPU”), pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board’s determination that certain easements across properties owned by the County of Cape May (“County”) and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of Petitioner’s qualified offshore wind project, Ocean Wind I (“Project” or “QOWP”).

N.J.S.A. 48:3-87.1(f)(2) grants the Board the authority to make a determination on a petition from a qualified offshore wind project “seeking authority to obtain the easement, right-of way, or other

real property interest.”

On June 8, 2022, Michael J. Donohue, Esq. on behalf of the County of Cape May, filed a motion with the Board, requesting the Board to decline jurisdiction over the Petition and to dismiss the Petition without prejudice as unripe for disposition and non-justiciable under N.J.S.A. 48:3-87.1(f) and N.J.S.A. 20:3-1 et seq. (“June 8, 2022 Motion”). On June 20, 2022, Ocean Wind filed a reply brief in opposition to the June 8, 2022 Motion, and on June 27, 2022 the County filed a reply to Ocean Wind’s reply. The June 8, 2022 Motion will be addressed at a later date.

On June 29, 2022, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues (“June 29, 2022 Order”). Further, the June 29, 2022 Order directed the County to be included as a necessary party, and further directed any entities seeking to intervene or participate in this matter to file the appropriate motions with the Board on or before July 15, 2022.

I note that P.L. 2021, c. 178 envisions a transparent and public process for the evaluation. In accordance with N.J.S.A. 48:3-87.1(f)(2), the Board is required to hold a public hearing and to provide the opportunity for public comments on the Petition.

The public will have an opportunity to file comments and attend a public hearing. I, President Fiordaliso, will preside over the public hearing. Notice of the public hearing shall be provided to the “news media, the owner of the real property subject to the petition, and the governing body and municipal clerk of the municipality and the clerk of the county in which the lands proposed to be conveyed are located.” N.J.S.A. 48:3-87.1(f)(2). Public Comments may be submitted using the Board’s Public Document Search tool, located at <https://publicaccess.bpu.state.nj.us/> using DOCKET NO. QO22050347.

### **DISCUSSION & FINDINGS**

I **HEREBY ISSUE** the following procedural schedule (“Schedule”) attached hereto as Exhibit A. I further **HEREBY DIRECT** the parties to comply with the Schedule’s terms and to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding. The Schedule provides the parties with opportunities to present evidence and arguments to aid in the Board’s deliberation.

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.

I **HEREBY DIRECT** that this Order be posted on the Board’s website.

This provisional ruling is subject to ratification or other alteration by the Board, as it deems appropriate during the proceedings in this matter.

DATED: 7/5/22

BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

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DOCKET NO. QO22050347



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Shawn M. LaTourette, Commissioner 401 E. State St. 7th Floor, East Wing P.O. Box 402 Trenton, NJ 08625-0402 <a href="mailto:commissioner@dep.nj.gov">commissioner@dep.nj.gov</a>	Sean D. Moriarty, Deputy Commissioner for Legal, Regulatory and Legislative Affairs 401 E. State St., 7th Floor, East Wing P.O. Box 402 Trenton, New Jersey 08625-0402 <a href="mailto:Sean.Moriarty@dep.nj.gov">Sean.Moriarty@dep.nj.gov</a>
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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 CERTAIN EASEMENTS AND CONSENTS NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE REASONABLY NECESSARY FOR THE CONSTRUCTION OR OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT

DOCKET NO. QO22050347

**Exhibit A:  
Procedural Schedule**

<b>Item</b>	<b>Date</b>
Motions Due	July 15, 2022
Opposition and Testimony from Parties	July 29, 2022
Ocean Wind Reply	August 12, 2022
Public Hearing	August 23, 2022
Public Written Comments Deadline	September 6, 2022
Settlement Conference	Week of September 12, 2022
Parties Respond to Public Comments	September 20, 2022
Oral Argument	Week of October 3, 2022

Further details regarding the Public Hearing and Oral Argument will be forthcoming.

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