



Agenda Date: 8/13/25  
Agenda Item: LSA

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

## CLEAN ENERGY

IN THE MATTER OF DECLARING TRANSMISSION	)	ORDER ON THE STATE
TO SUPPORT OFFSHORE WIND A PUBLIC	)	AGREEMENT APPROACH (SAA) -
POLICY OF THE STATE OF NEW JERSEY	)	PROJECT ADJUSTMENTS
	)	
	)	DOCKET NO. QO20100630
	)	

**Parties of Record:**

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**Susan McGill**, PJM Interconnection, L.L.C.  
**Andrew Hendry**, Jersey Central Power & Light Company  
**Cynthia Holland**, Exelon Corporation  
**Matthew Virant**, Mid-Atlantic Offshore Development, LLC  
**Jason Niven**, LS Power Grid Mid-Atlantic, LLC  
**Shadab Ali**, PPL Electric Utilities  
**Jodi Moskowitz**, Public Service Electric and Gas Company  
**Maria J. Malguarnera**, Transource Energy, LLC

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“BPU” or “Board”) considers Jersey Central Power & Light Company’s (“JCP&L” or “Company”) Motion for Declaratory Guidance (“JCP&L Motion”) seeking to either affirm or modify the schedule for JCP&L’s State Agreement Approach (“SAA” or “SAA 1.0”) projects supporting the State’s offshore wind (“OSW”) development originally approved via Order dated October 26, 2022.<sup>1</sup>

## BACKGROUND AND PROCEDURAL HISTORY

This order concerns the set of OSW support projects originally awarded in the Board's October 2022 Order, as detailed in Appendix A of that order, as described in further detail below ("SAA Projects"). By Order dated November 18, 2020 the Board initiated the proceeding for New Jersey to become the first state to integrate its offshore wind ("OSW") transmission goals with its regional

<sup>1</sup> In re Declaring Transmission to Support Offshore Wind a Public Policy of the State of New Jersey, BPU Docket No. QO20100630, Order dated October 26, 2022 (“October 2022 Order”).

electric transmission grid's planning and development process.<sup>2</sup> To position the State to reach Governor Phil Murphy's ambitious OSW goals, by the November 2020 Order the Board formally requested the inclusion of its OSW public policy into PJM Interconnection, LLC's ("PJM") regional transmission expansion plan ("RTEP") analysis through the State Agreement Approach ("SAA"). PJM is a federally regulated regional transmission organization, separate from the companies that own electric generation and transmission facilities, that coordinates the dispatch of wholesale electricity and operation of the electric system, the electric "grid," in thirteen (13) states and the District of Columbia, including New Jersey. The SAA is a mechanism, defined within PJM's Operating Agreement and Tariff, that allows a state to pursue public policy goals within PJM's RTEP if the state agrees to voluntarily assume cost responsibilities for any transmission projects selected to support the identified public policy goals.<sup>3</sup>

By the November 2020 Order, the Board formally requested that PJM incorporate New Jersey's OSW goals into the PJM RTEP transmission planning process via the SAA. On December 18, 2020, PJM submitted to the Federal Energy Regulatory Commission ("FERC") an executed SAA Study Agreement ("Study Agreement") between PJM and the Board to begin implementing the SAA.<sup>4</sup> The Study Agreement provided, for the first time, a framework for PJM to utilize its existing competitive solicitation process to receive proposals in response to the Board's SAA request.<sup>5</sup> PJM's existing solicitation process is designed to be integrated with regular RTEP cycles, and is the central forum for specialized transmission developers to submit transmission project proposals in the PJM footprint. The SAA competitive proposal window ("SAA Solicitation") opened in April 2021 and closed in September 2021.

In January 2022, PJM filed Rate Schedule 49 at FERC, setting out the agreement between the Board and PJM to implement the SAA process for New Jersey ("SAA Agreement").<sup>6</sup> The provisions of the SAA Agreement formally establish the terms and obligations, under FERC jurisdiction, for the management of the SAA. The SAA Agreement sets out PJM's ongoing obligation to preserve the transmission capability created by selected SAA Projects for the purpose of enabling New Jersey's OSW generation procurements—referred to as "SAA Capability."<sup>7</sup> The SAA Agreement also establishes the Board's obligation relating to the assignment and cost responsibilities for the SAA Capability. FERC approved the SAA Agreement

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<sup>2</sup> In the Matter of Declaring Transmission to Support Offshore Wind a Public Policy of the State of New Jersey, BPU Docket No. QO20100630, Order dated November 18, 2020 ("November 2020 Order").

<sup>3</sup> PJM Operating Agreement, Schedule 6, section 1.5.9; PJM Tariff, Schedule 12(b)(xii).

<sup>4</sup> PJM Interconnection, L.L.C., 174 FERC ¶ 61,090 (2021).

<sup>5</sup> Id. at 5; see also PJM Service Agreement No. 5980 at section 2a (citing PJM Operating Agreement, Schedule 6, section 1.5.8(c)).

<sup>6</sup> PJM Interconnection, L.L.C., 179 FERC ¶ 61,024 (2022).

<sup>7</sup> See SAA Agreement at § 6.2(c) ("The SAA Capability will be based, modeled and reserved in a manner (i) consistent with PJM's reliability criteria, study assumptions, and modeling processes for offshore wind turbines as detailed in PJM Manuals, and (ii) as described and identified in any subsequent FERC filings, as well as in Appendix B herein (citing PJM Competitive Planning Webpage, 2021 NJ OSW Proposal Overview, at Appendix).") SAA Capability is defined as "all transmission capability created by a SAA Project(s), including but not limited to the capability to integrate resources injecting energy up to the Maximum Facility Output ("MFO"), capability which may become CIRs through the PJM interconnection process, and any other capability or rights under the PJM Tariff, and consistent with the reliability study criteria applied to the evaluation of a SAA Project(s) as set forth in Paragraph 6 [of the SAA Agreement]." See SAA Agreement at § 1.2.

on April 14, 2022.<sup>8</sup> The SAA Agreement was modified and subsequently approved by FERC on March 6, 2023, to expressly incorporate the costs and in-service dates for the selected SAA Projects.<sup>9</sup>

The SAA Solicitation yielded eighty (80) unique, competitive, ready-to-build designs by transmission developers seeking to integrate New Jersey's OSW resources into the PJM system. After a thorough evaluation of the SAA Solicitation, the Larrabee Collector Solution and a suite of associated upgrades to the larger PJM grid were determined to best meet New Jersey's stated SAA goals of reducing community disruption, environmental impacts, and customer costs, while minimizing risks. The Larabee Collector Solution was jointly submitted by Mid-Atlantic Offshore Development, LLC ("MAOD"), and JCP&L." The Larrabee Collector Solution will enable 4,890 MW of SAA Capability to PJM's grid.

The Larabee Collector Solution creates a new point of interconnection ("POI"), the Larrabee Collector Station ("LCS"), developed by MAOD, that will enable 3,742 MW of SAA Capability to PJM's transmission grid. The LCS includes sufficient land for the future installation of up to four (4) High Voltage Direct Current converter stations. The Larabee Collector Solution also includes JCP&L's Clean Energy Corridor ("NJCEC"): the transmission infrastructure necessary to transfer power to existing neighboring substations, Larrabee, Atlantic, and Smithburg, and upgrades the Smithburg POI to enable an additional 1,148 MW of SAA Capability. In addition, PJM evaluated and identified, through the RTEP process, the necessary network upgrades throughout the transmission system that the addition of this OSW generation would trigger, these identified network upgrades are also included in the SAA 1.0 award. Together the Larabee Collector Solution, which consists of MAOD's LCS and JCP&L's NJCEC, and the associated network upgrades identified by PJM through the RTEP are referred to above and collectively defined as the "SAA Projects."<sup>10</sup>

By its October 26, 2022 Order, as part of New Jersey's OSW coordinated transmission solution via the inaugural SAA process, the Board awarded the SAA Projects, as defined above, to nine SAA Developers to construct the onshore transmission facilities necessary to deliver 4,890 MW of OSW generation to New Jersey customers intended to help the State advance its clean energy targets and save ratepayers an estimated \$900 million compared to interconnecting this OSW generation through a non-SAA approach. As noted in Appendix A of the October 2022 Order, the latest in-service date for the SAA Projects is June 1, 2030.

In the October 22 Order, the Board recognized that the development of transmission projects requires years of planning and coordination. Also, by the October 2022 Order, Board found that "future revisions to the awarded projects herein under the Larrabee Collector Solution may be required depending on changed circumstances unknowable as of the time of award." With the appreciation that some flexibility is necessary, the Board retained the right to enter further Orders to reflect "significant updates" to the scope, or costs to the awarded SAA Projects based on future changes in circumstances. The Board also authorized Board Staff ("Staff") to review and accept routine "changes to elements of any awarded projects that would increase the benefits to New

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<sup>8</sup> Id.

<sup>9</sup> PJM Interconnection, L.L.C., ER23-775 (Mar. 6, 2023).

<sup>10</sup> The complete list of SAA Projects awarded at the time of the October 2022 Order can be found in Appendix A thereto. PJM assigned the SAA Projects the upgrade identification number B3737; transmission owners with an SAA Project having identification number B3737 are referred to as "SAA Developers."

Jersey ratepayers,” and to notify PJM of same.

As part of New Jersey’s Third Offshore Wind Solicitation, and by Orders dated January 24, 2024, the Board collectively awarded a total of 3,742 megawatts (“MW”) of new OSW generation off the State’s coast which would interconnect to New Jersey’s grid via the facilities constructed through the SAA Projects and are therefore dependent on the SAA Projects’ completion.<sup>11</sup> Enforcement of the requirements set forth in the January 24, 2024 Order for Attentive Energy 2, one of the two projects awarded in New Jersey’s Third Offshore Wind Solicitation, is currently stayed<sup>12</sup>. On May 16, 2025, the Leading Light Wind Project, also awarded in New Jersey’s Third Offshore Wind Solicitation, submitted a Motion to Stay Enforcement of the requirements set forth in the Board’s Order dated January 24, 2024.

By Presidential Action, in the form of a memorandum issued January 20, 2025 (“PM”), new OSW leasing was halted and a comprehensive review of federal wind leasing and permitting practices was initiated.<sup>13</sup> The PM does not affect existing wind energy leases, however, it directs the Secretary of the Interior to conduct a comprehensive review of the ecological, economic, and environmental necessity of terminating or amending any such existing leases. Additionally, the PM imposes a temporary moratorium on the issuance of new or renewed federal approvals, rights of way, permits, leases, or loans for onshore or offshore wind projects, subject to the completion of the comprehensive review. In pausing the federal approval process for offshore wind projects, the PM has introduced uncertainty for OSW projects requiring federal permits and authorizations. Projects that had expected or needed authorizations are now subject to uncertain approval timelines which may lead to significant project delays given the ambiguity in timeline and ultimate outcome for the comprehensive review required by the PM. Additionally, the PM has been cited by federal agencies as a justification in issuing stop-work orders for under construction projects and as a justification to revoke issued permits, further eroding confidence in the federal regulatory regime for offshore wind projects.<sup>14</sup>

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<sup>11</sup> In re the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC), BPU Docket No. QO22080481, Order dated January 24, 2024 (approving the “Attentive Energy 2” 1,342 MW project proposed by Attentive Energy LLC); In re the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC), BPU Docket No. QO22080481, Order dated January 24, 2024 (approving the Leading Light Wind 2,400 MW project proposed by Invenergy Wind Offshore LLC).

<sup>12</sup> In the matter of the Board of Public Utilities offshore Wind Solicitation 3 for 1,200-4,000 MW- Attentive Energy BPU Docket No. QO24010061, Order Dated April 23, 2025 (“Order granting Motion for Stay”)

<sup>13</sup> Presidential Action: Memorandum to Agency Heads, Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects – The White House, released January 20, 2025, available at: <https://www.whitehouse.gov/presidential-actions/2025/01/temporary-withdrawal-of-all-areas-on-the-outer-continental-shelf-from-offshore-wind-leasing-and-review-of-the-federal-governments-leasing-and-permitting-practices-for-wind-projects/>.

<sup>14</sup> Director’s Order to Empire Offshore Wind LLC: Halt Ongoing Activities, released April 16, 2025, available at <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/BOEM%20Director%26%23039%3Bs%20Order%20Empire%20Wind.pdf>; Environmental Appeals Board, Order Granting Motion for Voluntary Remand, released March 14, 2025 available at [https://yosemite.epa.gov/oa/eab\\_web\\_docket.nsf/9C7B7CF33923032185258C4D0058F4A7/\\$File/Atlantic%20Shores%20Order%20Granting%20Motion%20for%20Voluntary%20Remand,%20FINAL.pdf](https://yosemite.epa.gov/oa/eab_web_docket.nsf/9C7B7CF33923032185258C4D0058F4A7/$File/Atlantic%20Shores%20Order%20Granting%20Motion%20for%20Voluntary%20Remand,%20FINAL.pdf)

Additionally, by Secretarial Memorandum dated July 15, 2025, the federal government limited the ability of federal agencies charged with reviewing offshore wind projects to advance these projects through the necessary review and permitting processes.<sup>15</sup> On July 29, 2025, the Department of the Interior (“DOI”) issued Secretarial Order 3437, which requires completion of a report similar in nature to the comprehensive federal review described by the PM within 45 days of the issuance of the Secretarial Order’s publication. While Secretarial Order 3437 provides clarity on the timeline for the comprehensive review, the outcome and effect of the review on OSW project development and federal approval processes remains unclear.<sup>16</sup>

By notice published February 3, 2025, the Board announced it would not proceed with awards for the State’s Fourth Offshore Wind Solicitation, citing uncertainty resulting from the PM and other federal actions as a driver for the determination that awarding the Fourth Solicitation would be irresponsible.<sup>17</sup>

### **JCP&L FILING<sup>18</sup>**

#### **JCP&L Motion for Declaratory Guidance<sup>19</sup>**

By the JCP&L Motion, JCP&L noted that, pursuant to its award, the Company entered into a Designated Entity Agreement (“DEA”) with PJM to construct its portion of the SAA Projects and incorporated therein its SAA Project development scope. The JCP&L DEA provides milestone dates for its SAA Projects including permitting dates through May 1, 2029 and project in-service dates through June 1, 2030. JCP&L identified that the PM temporarily withdraws “for wind energy leasing all areas within the Offshore Continental Shelf,” effectively preventing any new or renewed wind energy leases in the Offshore Continental Shelf for the purposes of any derived use of wind, including those established for the SAA Projects. JCP&L cited additional causes for uncertainty such as the Board’s February 3, 2025 notice, action taken by the United States Environmental Protection Agency to remand Atlantic Shores’ Clean Air Act permit for a 1.5 gigawatt (“GW”) offshore with project, and significant delays in local government approval processes.

Pursuant to its current development schedule, JCP&L commenced construction and expenditure for projects representing approximately \$50 million on or before June 16, 2025 and an additional

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<sup>15</sup> Secretarial Memorandum to Agency Heads, Revoking PPD-6 on U.S. Global Development Policy, released July 15, 2025, available at <https://public-inspection.federalregister.gov/2025-14587.pdf>.

<sup>16</sup> U.S. Department of the Interior, *Secretarial Order No. 3437: Ending Preferential Treatment for Unreliable, Foreign-Controlled Sources of Critical Minerals*, July 29, 2025, available at <https://www.doi.gov/document-library/secretary-order/so-3437-ending-preferential-treatment-unreliable-foreign>.

<sup>17</sup> “New Jersey Board of Public Utilities Statement on New Jersey’s Fourth Offshore Wind Solicitation,” *NJ.gov*, February 3, 2025, available at <https://www.nj.gov/bpu/newsroom/2024/approved/20250203.html>

<sup>18</sup> In addition to the below-discussed filings, by letter dated June 3, 2025, LS Power Grid Mid-Atlantic, LLC indicated it does not take a position on the JCP&L Motion but reserved the right to submit a position at a later date, and, by letter dated June 9, 2025, MAOD indicated it does not take a position on the JCP&L Motion but reserved the right to submit a position at a later date.

<sup>19</sup> By errata filing dated June 6, 2025, JCP&L corrected the reference to PJM project identifications contained on Page 5 of the JCP&L Motion to reflect accurate identification numbers.

\$330 million on or before July 7, 2025.<sup>20</sup> As such, JCP&L requested the Board 1) issue an “Order on reconsideration” affirming the current schedule for JCP&L’s SAA Project development, including its near-term construction schedule; 2) in the alternative, modify or authorize modification of the current SAA Project schedule, including all near-term construction; 3) consent to JCP&L’s extension of milestones for permit acquisitions and in-service dates, if applicable; and 4) grant such further relief as the Board deems reasonable and just insofar as it is consistent with JCP&L’s other requests.

### PJM Response

By letter dated June 9, 2025, PJM responded to the JCP&L Motion, noting that the dates for which JCP&L seeks extension are the Company’s schedule commitments pursuant to its DEA and pursuant to the DEA, JCP&L must work with PJM to revise those dates at the time PJM determines they will no longer be required to be met. PJM further noted that the facts about which JCP&L seeks clarity, if shared with PJM, could be relied upon in making such a determination that the dates for which JCP&L seeks extension are warranted. As such, PJM indicated it supports JCP&L’s request for guidance.

PJM further identified that, as a legal matter, changes to the SAA Projects’ scope and timelines can only be made in accordance with federal law and in accordance with the terms of the DEA. PJM noted that, once filed and accepted, service agreements such as DEAs have the force of federal law akin to statute or regulation. *See Mississippi Power & Light Co. v. Mississippi ex rel. Moore*, 487 U.S. 354, 373 (1988); *Nantahala Power & Light Co. v. Thornburg*, 476 U.S. 953, 966-67 (1986). PJM therefore encouraged the Board to provide the requested guidance but emphasized the Board should “do so in a manner that is consistent with the established mechanism to modify the State Agreement Approach agreements or JCP&L DEA according to their terms.”

### New Jersey Division of Rate Counsel Cross-Motion

By letter dated June 9, 2025, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed opposition and a cross-motion requesting the Board 1) deny JCP&L’s request to affirm the current schedule for the SAA Projects; 2) reopen the matter for additional evidentiary analysis related to costs and prudence and to determine the best course of action for the SAA Projects; and 3) stay the current schedule for all SAA Projects until such determination is made (“Cross-Motion”). By the Cross-Motion, Rate Counsel noted that the Board cannot issue advisory guidance on the SAA Projects without reopening the record to analyze the ratepayer impacts of changes in the project delivery schedules or other timing issues, or alternative use cases of SAA transmission projects.

Rate Counsel argued that the Board should reexamine the costs and risks associated with the SAA Projects to determine if those costs are reasonable and prudent and if the SAA Projects’ schedules should be modified or suspended to avoid unnecessarily generating more costs to ratepayers.

### JCP&L Response

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<sup>20</sup> Total expenditure will be over the course of years up the projects expected in service date. JCP&L total expenditure, as approved by the SAA October 2022 Order is \$760 million.

By letter dated June 19, 2025, JCP&L replied to Rate Counsel's Cross-Motion, noting that the Company filed the JCP&L Motion for the purpose of raising the potential impact of new external factors on the development of the SAA Projects and seeking to clarify the Board's desired timeframe for their development. JCP&L further noted that it will continue to develop the SAA Projects in accordance with the DEA and that the Board cannot unilaterally change the DEA's project milestones so Rate Counsel's Cross-Motion, to the extent it requests the Board to unilaterally change the DEA milestones, should be denied.

#### Rate Counsel Reply

By letter dated July 11, 2025, Rate counsel replied to JCP&L's response, noting that the position asserted in JCP&L's response is "in direct conflict with the relief JCP&L requested in [the JCP&L Motion]" because, by the JCP&L Motion, JCP&L sought Board guidance on whether the SAA Projects' schedules remain or if they should be modified in light of recent federal action and local delays which indicates a need for clear guidance from the Board. Rate Counsel identified that the relief sought in its cross-motion emphasizes the need for clear guidance and for a clear record in this matter to help the parties address the complications posed by recent federal action, whereas "closed door discussions at PJM" do not offer such clarity or opportunity for public participation. Rate Counsel concluded that the best way for the Board to provide proper regulatory guidance on this issue is to reopen the matter to analyze costs and benefits in light of changed circumstances and to stay the current SAA Projects' schedules to allow time to come to such a determination.

#### Rate Counsel Request for Judicial Notice

By letter dated July 28, 2025, Rate Counsel filed a Request for Judicial Notice, requesting that the Board take notice of the New York Public Service Commission's ("NYPSC") July 17, 2025 Order ("NYPSC Order") in which the NYPSC recalibrated the timeline for offshore wind transmission development by strategically terminating its ongoing Public Policy Transmission Need ("PPTN") process to ensure New Yorkers are not burdened with premature infrastructure costs while preserving the flexibility to act quickly as soon as federal conditions allow. NYPSC noted that New York's commitment to offshore wind remains strong. By adjusting the pace of investment, the NYPSC intended to protect affordability today while preserving a path forward in the future.<sup>21</sup> Rate Counsel urged the Board to act similarly by examining the continued need for the SAA Projects to ensure the greatest benefit to the State's ratepayers.

#### **DISCUSSION AND FINDINGS**

In light of the federal government's actions jeopardizing OSW development in the near future, the State's ability to make substantive progress towards achieving its goal of 11GW of OSW generation in the near term is challenged. At the same time, developers remain obligated to comply with the timelines set forth in agreements approved by federal entities, such as the FERC-approved DEA, pursuant to which JCP&L and all SAA Developers must achieve certain SAA Projects' in-service dates. To meet those deadlines, SAA Developers must adhere to strict project commencement and expenditure timelines or risk failing to achieve the required in-service dates and breaching their contractual obligations. Absent the clear opportunity for OSW development

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<sup>21</sup> I/M/O New York Independent System Operator, Inc. Proposed Public Policy Transmission Needs for Consideration for 2022, Case 22-E-0633, Order (July 17, 2025) ("NYPSC Order").

in the near future, investment in the SAA Projects on the current timeline represents a risk that near-term expenditures on assets may not be used and useful on the originally anticipated timeline.

### JCP&L Motion

In its Motion, JCP&L identified multiple imminent commencement dates for SAA Projects representing \$380 million in expenditures over the course of construction. Absent Board and PJM guidance, JCP&L must proceed with expenditures related to SAA Projects, in accordance with the requirements in its DEA. Costs will be borne by New Jersey ratepayers if FERC finds the investments to be prudently incurred.<sup>22</sup> JCP&L therefore requested that the Board provide guidance as to whether JCP&L should continue with its current SAA Projects' schedules, and the costs associated therewith, as planned. Accordingly, JCP&L requested the Board issue an "Order on reconsideration" affirming the current SAA Project schedules or, in the alternative, issue an "Order on reconsideration" modifying, or authorizing modification of, the current SAA Project schedules, including all near-term construction and consenting to JCP&L's extension of milestones for permit acquisitions and in-service dates, if applicable.<sup>23</sup>

By its filing, PJM identified that the FERC-approved DEA, and the schedules contained therein, are only modifiable with PJM's consent and may preempt any unilateral action the Board takes over such directives and schedules. PJM further noted that it welcomes clarity and guidance offered by the Board and encouraged the Board to provide the guidance requested by JCP&L "in a manner consistent with the established mechanism to modify the SAA [A]greement or JCP&L DEA according to their terms."

The Board recognizes the need for certainty regarding the SAA Projects' timelines, noting that SAA Projects' in-service dates are contained within the SAA Agreement and the SAA Developers' DEAs. A delay of project timelines will preserve ratepayer cost savings resulting from the SAA for future developments in the State's pursuit of its OSW policy goals and addresses Rate Counsel's concerns by avoiding expenditure while there is federal uncertainty regarding permitting for OSW projects. The Board also recognizes that while a delay will result in a postponement of near-term spending, a delay may also result in additional costs over time due to new purchase commitments and future cost escalations.

Because of the risk of near-term expenditures that may not be immediately used and useful, the State's ratepayers could be negatively impacted in the near-term by SAA Projects' development at this time, and thus the Board **HEREBY FINDS** that it is reasonable, prudent, and in the best interest of the State's ratepayers to delay some, or all, expenditures related to the SAA Projects. The Board **FINDS** it is not in the best interests of the State and the State's ratepayers to continue the full current development schedule of the SAA Projects.

The Board recognizes that development schedules are FERC jurisdictional and constrained by

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<sup>22</sup> Jersey Cent. Power & Light Co., 184 F.E.R.C. ¶61,108 (August 21, 2023).

<sup>23</sup> The JCP&L Motion requests the Board enter "Orders on reconsideration" affirming or modifying the current SAA Project schedules. Because the JCP&L Motion is a Motion for Declaratory Guidance and the Board is not reconsidering any directive contained in the October 2022 Order by this Order, the Board will not treat the JCP&L Motion or its requests for relief as Motions for Reconsideration but as separate requests for relief independent of the October 2022 Order.



the terms of the SAA Agreement and the DEAs between PJM and the SAA Developers. All modifications to the SAA Projects, including development timelines therein, must be properly administered through those documents and PJM's Operating Agreement and Tariff. Therefore, the Board, PJM, and the SAA Developers must work collaboratively to ensure development of the SAA Projects is in the interests of ratepayers. Therefore, the Board **HEREBY REQUESTS** JCP&L delay all possible expenditures related to SAA Projects with the assigned PJM upgrade identification number B3737 for a period of two-and-one-half years beginning on the effective date of this Order. The Board **HEREBY REQUESTS** PJM delay the current expected SAA Project in-service dates, as described in Appendix A to the October 2022 Order, by two-and-one-half-years from June 1, 2030 to January 1, 2033. Additionally, the Board **FURTHER DIRECTS** Staff to collaborate with all other SAA Developers and PJM to delay all – or as much as possible – other SAA Projects' expenditures concurrently with JCP&L's delay.

The Board **FURTHER FINDS** that continued collaboration between Staff and PJM to identify which SAA Projects' deadlines shall remain and which shall be delayed is imperative to ensuring the greatest benefit to the State's ratepayers. As such, the Board **FURTHER DIRECTS** Staff to collaborate with PJM and all SAA Developers, including JCP&L, to determine which SAA Projects' deadlines contained within the SAA Agreement and DEA shall be delayed and subsequently amended accordingly. Further, the Board **HEREBY CONSENTS** to the modification of the SAA Projects' milestone schedule contained in the DEA as deemed appropriate by JCP&L and PJM – and other SAA Developers, as appropriate – to best accommodate all modifications to the SAA Projects' milestones in accordance with the findings made by the Board in this order. The Board **HEREBY AUTHORIZES** the President of the Board to approve and sign any prudent modifications to the SAA Agreement to satisfy the objectives of this Order and for the continued management of the SAA Projects.

#### Cross-Motion

In its June 9, 2025 Cross-Motion, Rate Counsel opposed the JCP&L Motion, arguing that the Board should not affirm the current schedule because ratepayers would ultimately bear the SAA Projects' costs and it is presently uncertain that the Projects will become used and useful in their delivery of OSW generation. Rate Counsel further asserted that the future costs of the SAA Projects, if the Board "simply grant[s]" JCP&L's motion to affirm the current schedule or any other proposed schedule changes, are uncertain and could potentially increase. Rate Counsel instead requested the Board indefinitely stay the current SAA Projects' schedules and reopen this matter to allow for additional evidentiary analysis and consideration of the ratepayer impacts of the SAA Projects in light of changed circumstances.

By the prior directives contained in this Order, the Board has, in effect, granted Rate Counsel's first and third requests in that it has declined to affirm the current SAA Projects' schedule, and instead, requested that the development dates for the SAA Projects be delayed for a period of up to two-and-one-half years. However, the Board disagrees that reopening this matter for further evidentiary analysis is the most prudent path forward at this time. No such analysis can be undertaken absent a revised set of milestones and in-service dates and other information that would be the product of the collaborative undertaking by Staff, PJM, and JCP&L pursuant to the above. As such, the Board **HEREBY DENIES** Rate Counsel's request to reopen this matter. The Board may later choose to gather more information about the continued costs and benefits of the SAA Projects should such fact finding become necessary.

Request for Judicial Notice

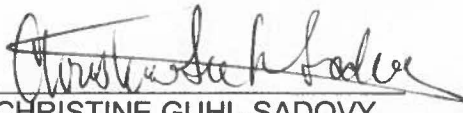
As discussed above, Rate Counsel requested, pursuant to N.J.S.A. 52:14B-10, that the Board take judicial notice of the NYPSC Order. No party submitted objections to Rate Counsel's request. Accordingly, pursuant to N.J.A.C. 1:1-15.2 and N.J.R.E. 201(d), the Board **HEREBY FINDS** the NYPSC Order to be judicially noticeable, **TAKES NOTICE** of the NYPSC Order, and **DIRECTS** that the NYPSC Order be admitted into the record in this proceeding.<sup>24</sup>

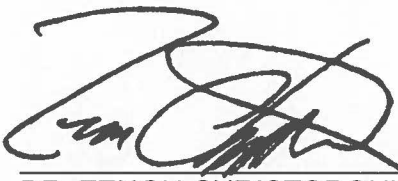
The Board **NOTES** that, while the NYPSC terminated its current OSW transmission solicitation process in response to current changes in federal policy, the NYPSC indicated that it remains committed to its OSW goals and directed its staff to address these goals in alternative OSW and clean energy proceedings.<sup>25</sup> NYPSC Order at 18. The NYPSC did not terminate its OSW goals in their entirety but, instead, shifted its exploration of OSW transmission deployment to its other clean energy review proceedings to plan infrastructure that reduces development risks, promotes cost-effective solutions, and maximizes reliability. Id

The effective date of this Order is August 13, 2025.

DATED: August 13, 2025

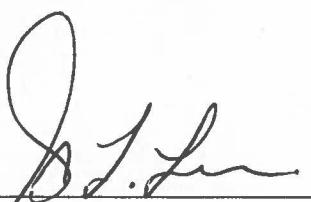
BOARD OF PUBLIC UTILITIES  
BY:

  
CHRISTINE GUHL-SADOVY  
PRESIDENT

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

  
MICHAEL BANGE  
COMMISSIONER

ATTEST:

  
SHERRI L. LEWIS  
BOARD SECRETARY

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

<sup>24</sup> In noticing the NYPSC Order, the Board only considers it as any other part of the record in this matter. The Board draws no conclusion from the NYPSC Order with respect to New Jersey's OSW development or the SAA Projects. The states' approaches, while similar in some aspects, are distinct and, as such, the Board's decision here as to New Jersey's OSW development is made on its own merits separately and independently from that of other states, including New York.

IN THE MATTER OF DECLARING TRANSMISSION TO SUPPORT OFFSHORE WIND A PUBLIC  
POLICY OF THE STATE OF NEW JERSEY

DOCKET NO. QO20100630

SERVICE LIST UPDATE

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