



**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 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.

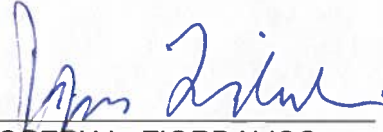
In compliance with the Board’s Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

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

SERVICE LIST

<b>OCEAN WIND LLC</b>	
Aaron Bullwinkel, Senior Legal Counsel Legal, Group Support Orsted Offshore North America 399 Boylston St., 12th Floor Boston, MA 02116 <a href="mailto:aarbu@orsted.com">aarbu@orsted.com</a>	Marc Reimer, Project Development Director Orsted Offshore North America 399 Boylston St., 12th Floor Boston, MA 02116 <a href="mailto:MREIM@orsted.com">MREIM@orsted.com</a>
Matthew Kaplan Orsted 437 Madison Avenue, 19th floor New York, NY-10022 <a href="mailto:MATKA@orsted.com">MATKA@orsted.com</a>	Gregory Eisenstark, Esq. Cozen O'Connor One Gateway Center, Suite 910 Newark, NJ 07102 <a href="mailto:geisenstark@cozen.com">geisenstark@cozen.com</a>
Michael J. Connolly, Esq. Cozen O'Connor PC One Gateway Center, Suite 910 Newark, NJ 07102 <a href="mailto:mconnolly@cozen.com">mconnolly@cozen.com</a>	William Lesser, Esq. Cozen O'Connor PC 3 WTC, 175 Greenwich Street – 55 <sup>th</sup> Floor New York, NY 10007 <a href="mailto:wlesser@cozen.com">wlesser@cozen.com</a>
Cara Lewis, Esq. PSEG Service Corp. 80 Park Plaza, T5 Newark, NJ 07101 <a href="mailto:cara.lewis@pseg.com">cara.lewis@pseg.com</a>	Ana Murteira, Esq. PSEG Service Corp. 80 Park Plaza, T5 Newark, NJ 07101 <a href="mailto:Ana.Murteira@pseg.com">Ana.Murteira@pseg.com</a>
<b>BOARD OF PUBLIC UTILITIES</b>	
Carmen Diaz, Acting Secretary 44 South Clinton Ave., 1 <sup>st</sup> Floor PO Box 350 Trenton, NJ 08625 <a href="mailto:board.secretary@bpu.nj.gov">board.secretary@bpu.nj.gov</a>	Robert Brabston, Esq., Executive Director 44 South Clinton Ave., 1 <sup>st</sup> Floor PO Box 350 Trenton, NJ 08625 <a href="mailto:robert.brabston@bpu.nj.gov">robert.brabston@bpu.nj.gov</a>

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<b>BOARD OF PUBLIC UTILITIES</b>	
<p>Stacy Peterson, Deputy Executive Director  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:stacy.peterson@bpu.nj.gov">stacy.peterson@bpu.nj.gov</a></p>	<p>Abe Silverman, Esq., Executive Policy Counsel  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:abe.silverman@bpu.nj.gov">abe.silverman@bpu.nj.gov</a></p>
<p>Kim Diamond, Esq.  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:kimberly.diamond@bpu.nj.gov">kimberly.diamond@bpu.nj.gov</a></p>	<p>Kelly Mooij, Director, Division of Clean Energy  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:kelly.mooij@bpu.nj.gov">kelly.mooij@bpu.nj.gov</a></p>
<p>Jim Ferris, Deputy Director  Division of Clean Energy  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:jim.ferris@bpu.nj.gov">jim.ferris@bpu.nj.gov</a></p>	<p>Véronique Oomen, Project Manager  Renewable Energy, Division of Clean Energy  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:veronique.oomen@bpu.nj.gov">veronique.oomen@bpu.nj.gov</a></p>
<p>Kira Lawrence, Research Scientist  Division of Clean Energy  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:kira.lawrence@bpu.nj.gov">kira.lawrence@bpu.nj.gov</a></p>	<p>Carol Artale, Deputy General Counsel  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:carol.artale@bpu.nj.gov">carol.artale@bpu.nj.gov</a></p>
<p>Andrea Hart, Senior Program Manager  Division of Clean Energy  44 South Clinton Ave., 1<sup>st</sup> Floor  PO Box 350  Trenton, NJ 08625  <a href="mailto:andrea.hart@bpu.nj.gov">andrea.hart@bpu.nj.gov</a></p>	
<b>DIVISION OF RATE COUNSEL</b>	
<p>Brian O. Lipman, Esq., Director  140 East Front Street, 4<sup>th</sup> Floor  P.O. Box 003 Trenton,  NJ 08625  <a href="mailto:blipman@rpa.nj.gov">blipman@rpa.nj.gov</a></p>	<p>Maura Caroselli, Esq., Managing Attorney  140 East Front Street, 4<sup>th</sup> Floor  PO Box 003  Trenton, NJ 08625  <a href="mailto:mcaroselli@rpa.nj.gov">mcaroselli@rpa.nj.gov</a></p>
<p>Megan Lupo, Esq.  140 East Front Street, 4<sup>th</sup> Floor  P.O. Box 003 Trenton,  NJ 08625  <a href="mailto:mlupo@rpa.nj.gov">mlupo@rpa.nj.gov</a></p>	<p>T. David Wand, Esq., Managing Attorney  140 East Front Street, 4<sup>th</sup> Floor  P.O. Box 003  Trenton, NJ 08625  <a href="mailto:dwand@rpa.nj.gov">dwand@rpa.nj.gov</a></p>

<b>DIVISION OF LAW</b>	
<p>Pamela Owen, DAG Hughes Justice Complex 25 Market Street PO Box 112 Trenton, NJ 08625 <a href="mailto:pamela.owen@law.njoag.gov">pamela.owen@law.njoag.gov</a></p>	<p>Daren Eppley, DAG Hughes Justice Complex 25 Market Street PO Box 112 Trenton, NJ 08625 <a href="mailto:daren.eppley@law.njoag.gov">daren.eppley@law.njoag.gov</a></p>
<p>Paul Youchak, DAG Hughes Justice Complex 25 Market Street PO Box 112 Trenton, NJ 08625 <a href="mailto:Paul.Youchak@law.njoag.gov">Paul.Youchak@law.njoag.gov</a></p>	<p>David Apy, Assistant Attorney General Environmental Practice Group Office of the Attorney General Richard J. Hughes Justice Complex 25 Market Street 7th Fl., P.O. Box 093 Trenton, New Jersey 08625 <a href="mailto:david.apy@law.njoag.gov">david.apy@law.njoag.gov</a></p>
<b>CAPE MAY COUNTY</b>	
<p>Kevin Lare, Administrator Board of County Commissioners Cape May County 4 Moore Road Cape May Courthouse, NJ 08210 <a href="mailto:kevin.lare@co.cape-may.nj.us">kevin.lare@co.cape-may.nj.us</a></p>	<p>Gerald M. Thornton, Commissioner Director Board of County Commissioners Cape May County 4 Moore Road Cape May Courthouse, NJ 08210 <a href="mailto:gerald.thornton@co.cape-may.nj.us">gerald.thornton@co.cape-may.nj.us</a></p>
<p>Rita M. Rothberg County Clerk County of Cape May 7 N Main Street P.O. Box 5000 Cape May Court House, NJ 08210-5000 <a href="mailto:coclerk@co.cape-may.nj.us">coclerk@co.cape-may.nj.us</a></p>	<p>Jeffrey R. Lindsay, Esq. County Counsel County of Cape May 7 N Main Street P.O. Box 5000 Cape May Court House, NJ 08210-5000 <a href="mailto:jeffrey.lindsay@co.cape-may.nj.us">jeffrey.lindsay@co.cape-may.nj.us</a></p>
<p>Michael J. Donohue, Esq Blaney Donohue &amp; Weinberg, P.C. 2123 Dune Drive, Suite 11 Avalon, NJ 08202 <a href="mailto:mike@blaneydonohue.com">mike@blaneydonohue.com</a></p>	

<b>OCEAN CITY</b>	
<p>Melissa Rasner  Municipal Clerk  City of Ocean City  861 Asbury Avenue  Ocean City NJ 08226  <a href="mailto:mrasner@ocnj.us">mrasner@ocnj.us</a></p>	<p>Dorothy F. McCrosson, Esq.  City Solicitor  McCrosson &amp; Stanton, P.C.  200 Asbury Avenue  Ocean City, New Jersey 08226  <a href="mailto:dmccrosson@ocnj.us">dmccrosson@ocnj.us</a></p>
<p>Hon. Jay Gillian, Mayor  City of Ocean City  861 Asbury Avenue  Ocean City, NJ 08226  <a href="mailto:mayor@ocnj.us">mayor@ocnj.us</a></p>	
<b>NJDEP</b>	
<p>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></p>	<p>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></p>
<p>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></p>	

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**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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