

POCNJ Legal Advisory

Lawsuit Filed Challenging NJ Law A5651

On July 27, 2023, Protect Our Coast NJ (POCNJ) filed a joint lawsuit with Defend Brigantine Beach (DBB) in the Superior Court of New Jersey. The defendants include the State of New Jersey, Ocean Wind LLC, and Orsted North America. The lawsuit identifies NJ law A5651, also known as S4019, and signed by the Governor in July 2023, to be in violation of the New Jersey Constitution as it authorizes subsidies to a single offshore wind developer, Ocean Wind LLC and Orsted North America, Inc. (Orsted).

Orsted, the Danish wind developer and owner of the Ocean Wind 1 project, lobbied the State of NJ for additional project funding citing inflationary and supply chain issues. In response, A5651 shifted federal credits earmarked for NJ customers to the offshore wind developer. On June 26, 2023, the NJ Division of Rate Counsel stated to the Senate Budget and Appropriations Committee that no factual basis has been offered to establish that any actual financial need exists to allow Orsted to retain additional tax credits.

The joint lawsuit filed on July 27, 2023, describes A5651 as unconstitutional special legislation intended solely to benefit Orsted from business and financial risks it voluntarily assumed in an approved agreement with the NJ Board of Public Utilities. Specifically, the law was passed for the singular purpose of benefiting the Danish wind developer in the construction of the Ocean Wind 1 project and has exposed ratepayers to additional financial burden.

Please stand with us in our legal battle to prevent A5651 from expropriating monies from the NJ ratepayers. **Please donate to POCNJ to support our Legal Defense Fund and our continuing efforts to stop offshore wind!**
