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Protect Our Coast NJ (POCNJ)

PRESS RELEASE

ORSTED'S WIND SUBSIDIES UNCONSTITUTIONAL, NEW LAWSUIT SAYS

Ocean City, New Jersey—Protect Our Coast NJ, joined with Defend Brigantine Beach, two independent, non-partisan, grassroots groups opposing offshore wind development, and filed a lawsuit seeking to strike Orsted's nearly one billion dollars in subsidies as illegal "special" legislation in violation of the New Jersey Constitution. The legislation, A-5651/S-4019, passed the New Jersey Legislature in June and was signed into law shortly after by Governor Murphy.

"The Legislature's giveaway of federal tax credits to Orsted benefits a single company in violation of the New Jersey Constitution," said Bruce Afran, counsel to the two public interest groups that filed the suit. "In New Jersey, laws that favor a single private party are generally unconstitutional," Afran added.

Richard Stokes, POCNJ representative, commented that this lawsuit is intended to prevent a special giveaway to a foreign corporation that is trying to industrialize our ocean. "We are opposed to the construction of offshore wind turbines that will only damage our environment and hurt the sea life without any comparative environmental benefit."

The legislation reverses the NJ Board of Public Utilities 2019 order that requires Orsted to refund the tax credits to ratepayers to keep costs of the 98-unit turbine facility from being paid by the public. "It is important that we oppose this legislation that will only increase ratepayers' costs for electricity," Stokes said. These wind turbines are expected to have limited impact on the reduction of CO2 emissions according to the Bureau of Energy of Ocean Energy Management.

"This is poor public policy at its best that will increase electrical rates without any benefit to the environment." NJ Department of Environmental Protection has already acknowledged the wind turbines will destroy marine habitat, compress the seafloor, severely damage marine communities, compromise migration corridors for endangered marine mammals, cause commercial fishing stocks to decline, and injure the beach economy. New Jersey enjoys a \$47 billion tourist economy.

New Jersey's Division of Rate Counsel condemned the bill in a statement to the Assembly last month, saying that it would push the cost of the offshore wind project onto ratepayers and there was no evidence that Orsted needed the additional funds to build the turbine facility.

POCNJ opposes offshore wind development through individual contributions. All officers and members are volunteers who serve without a salary or compensation.