

November 1, 2023

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**VIA E-MAIL (BOARD.SECRETARY@BPU.NJ.GOV)**

Ms. Sherri Golden  
Board Secretary  
NJ Board of Public Utilities  
44 South Clinton Street, 9th Floor  
P.O. Box 350  
Trenton, New Jersey 08625

**Re: Ocean Wind LLC Compliance filing pursuant to P.L. 2023, c. 99  
BPU Docket No. QO23090671**

Dear Secretary Golden:

This firm represents Ocean Wind LLC ("Ocean Wind") in conjunction with the above referenced matter.

On September 5, 2023, Ocean Wind submitted a compliance filing ("September 5 Compliance Filing") to the Board of Public Utilities ("Board") pursuant to P.L.2023, c. 99 regarding the Ocean Wind 1 qualified offshore wind project ("Ocean Wind 1"). The purpose of the compliance filing was for Ocean Wind 1 to qualify to retain certain federal tax incentives pursuant to recent amendments to New Jersey law. The Compliance Filing included an Affidavit of David Hardy, Chief Executive Officer of Orsted North America, Inc., with an attached milestone schedule, as well as a compliance statement of EEW American Offshore Structures, Inc.

On October 4, 2023, Ocean Wind submitted a compliance filing in this matter ("October 4 Compliance Filing," together with the September 5 Compliance Filing, the "Compliance Filing"). The October 4 Compliance Filing included a "Parent Company Guaranty." It also included an "Escrow Agreement." At the time of the October 4 Compliance Filing, Ocean Wind had deposited \$200,000,000 into an escrow account.

The Board has not issued a final approval of the Compliance Filing. Due to changed circumstances, Ocean Wind has determined that it no longer wishes to pursue the relief available to it under P.L.2023, c. 99. Therefore, Ocean Wind hereby withdraws the Compliance Filing.

Ocean Wind and Orsted A/S reserve all rights and remedies with respect to all issues relating to the withdrawn Compliance Filing.

Respectfully submitted,  
Cozen O'Connor

A handwritten signature in blue ink, appearing to read "Gregory Eisenstark".

By: Gregory Eisenstark, Esq.

c: Michael Beck, Esq. Chief Counsel, BPU  
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