

# NEW JERSEY SENATE

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November 1, 2023

Honorable Phil Murphy  
Governor  
State of New Jersey  
PO Box 001  
Trenton, NJ 08625-0001

Dear Governor Murphy,

We are respectfully requesting that you direct Attorney General Matt Platkin to retain special outside counsel and immediately commence litigation to regain for New Jersey taxpayers all cash expenditures and tax credits your Administration advanced to subsidize Orsted's failed wind farms off the Jersey Shore. We are also requesting that you publicly release documents requested below so long-overdue hearings of the Legislature can finally bring accountability to the incredible waste of taxpayer money spent on this failed project.

**First, immediately release a full accounting and status of the more than \$1 billion of appropriations and tax credits that your Administration was advancing to, or spending on behalf of, failed wind farms.** During this year's budget process, the nonpartisan Office of Legislative Services noted that the more than \$1 billion in appropriations and tax credits had been enacted including: a \$265 million JBOC authorization to spend money on wind farm projects, hundreds of millions of dollars in tax credits authorized in legislation, and miscellaneous appropriations through State budgets. Some of these subsidies are discussed and can be found [here](#). Any responsible administration would regularly maintain an accounting of all such subsidies and their status, so we are asking that the accounting be provided immediately.

**Second, immediately release the financial models and representations that you relied upon as your basis for legislation you rushed through the Legislature and enacted in less than a week this past June.** That special legislation allowed Orsted to keep considerable federal tax credits that were otherwise required to be used for utility rate stabilization. While that legislation was rushed through the Legislature, there were reports that financial modeling was made available to you and Democrat legislative leaders. Financial modeling and accompanying representations shared with only a select few people can and should be provided to the full Legislature and public immediately.

**Third, immediately release unredacted Orsted escrow agreement documents filed with BPU under the special legislation noted above.** The unredacted escrow documents were filed last month and supposedly provide minimal financial recovery for New Jersey taxpayers who have

funded failed windfarms. However, BPU has only released versions of the documents that were redacted by Orsted which can be found (with heavy redactions) [here](#). Unredacted escrow agreements – not just portions of escrow agreements that Orsted wants the Legislature and public to see – should be provided immediately.

Finally, we are respectfully requesting that you publicly release all documents in your Administration's possession, whether prepared by or on behalf of Orsted or your Administration, explaining the continued viability of wind farms and/or showing timelines for the completion of various stages of the project. These documents will show who at Orsted and your Administration was aware of, or misrepresenting, the risks that up to a \$1 billion or more of State resources and time were being wasted. As part of this request, we respectfully request an explanation as to when Orsted notified State officials that they were abandoning the project, whether legislative leaders were notified in advance of the announcement, and what, if any, steps were taken by your Administration to delay action on a public announcement? We understand that gathering all such documents, including but not limited to emails, papers, reports, and filings through your office, the Economic Development Authority, the Board of Public Utilities, and the Department of Treasury will take time, but ask that these documents be provided no later than December 31.


Depending on the outcome of legislative elections next week, we will be advancing, or requesting, special Senate committee action to review all of these documents as well as others. We want transparency and accountability for this colossal waste and failure so nothing like it happens again. Equally important, we want assurances that your Administration is exhausting every effort to regain up to \$1 billion in cash and tax credits allocated to this boondoggle. Aggressive, and public, legislative inquiries are long overdue.

Thank you for your anticipated cooperation with these requests.

Sincerely,



Michael L. Testa, Jr.



Anthony M. Bucco

c: Honorable Nicholas Scutari, Senate President  
Full Legislature