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(973) 947-7111
Attorneys for Petitioner,
Fishermen's Atlantic City Windfarm, LLC

IN RE PETITION OF FISHERMEN'S
ATLANTIC CITY WINDFARM, LLC FOR
THE APPROVAL OF THE STATE WATERS
WIND PROJECT AND AUTHORIZING
OFFSHORE WIND RENEWABLE ENERGY
CERTIFICATES

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BPU Docket No.: EO11050314V

CONSENT ORDER

THIS MATTER having been opened to the New Jersey Board of Public Utilities (the "*Board*") by way of Petition of Fishermen's Atlantic City Windfarm, LLC, as Petitioner ("*FACW*" or the "*Petitioner*"), the Signatory Parties (as hereinafter defined) do hereby join in recommending that the Board approve this "Consent Order" and the recommendations made herein. In furtherance thereof, Inglesino, Pearlman, Wyciskala & Taylor, LLC, counsel for Petitioner, the Division of Rate Counsel ("*Rate Counsel*"), Staff of the New Jersey Board of Public Utilities ("*Board Staff*"), Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric & Gas Company and Rockland Electric Company (collectively, the "*EDCs*"), and together with Petitioner, Rate Counsel and Board Staff, the "*Signatory Parties*"), have agreed to the relief contained herein, and

WHEREAS, the above matter pertains to FACW's Petition for Approval of the State Waters Wind Project and Authorizing Offshore Wind Renewable Energy Certificates ("*FACW's Petition*");

WHEREAS, FACW, Rate Counsel, and Board Staff entered into a Stipulation on Joint Record of Exhibits, dated June 27, 2013 (the "*Joint Record Stipulation*"), adopting a joint list of pre-marked exhibits as the entire record with respect to FACW's Petition;

WHEREAS, in its Order dated July 29, 2013, which took effect on July 30, 2013 (the "*July 29, 2013 Order*"), the Board approved the Joint Record Stipulation as comprising the full record (the "*Joint Record*") with respect to FACW's Petition;

WHEREAS, the July 29, 2013 Order further provided a ten day period from the effective date thereof for the parties to submit additional relevant information;

WHEREAS, on August 9, 2013, FACW filed with the Board, the testimony of Christopher Wissemann ("*Update Testimony Exhibit 1*") and Steven Gabel ("*Update Testimony Exhibit 2*") in support of FACW's Petition;

WHEREAS, on August 15, 2013, Rate Counsel filed with the Board the testimony of Dr. David Dismukes ("*Dismukes Supplemental Testimony*"), in support of Rate Counsel's position with respect to FACW's Petition;

WHEREAS, all counsel and parties have now agreed to move the Update Testimony Exhibit 1, Update Testimony Exhibit 2 and Dismukes Supplemental Testimony into evidence and to amend the Joint Record accordingly;

WHEREAS, in the July 29, 2013 Order, the Board rejected any assertion in the Joint Record Stipulation that it received an application filed pursuant to N.J.S.A. 48:3-87.1 from FACW prior to May 19, 2011;

WHEREAS, on October 15, 2013, the Honorable Robert M. Hanna issued an Order (the “*Seventh Amended Prehearing Order*”) establishing the current procedural schedule in the above referenced matter;

WHEREAS, the Seventh Amended Prehearing Order established November 12-14, 2013, as the dates for evidentiary hearings regarding FACW’s Petition, with Initial Briefs and Reply Briefs to be respectively submitted within fifteen (15) and thirty (30) days thereafter;

WHEREAS, the Signatory Parties have now agreed to a revised procedural schedule, under which FACW waives its right to a hearing, contingent upon the establishment of the following procedural schedule: (1) submission of FACW’s initial brief no later than November 18, 2013; (2) submission of the reply briefs of all parties, excepting FACW, no later than December 4, 2013; (3) submission of FACW’s reply brief no later than December 13, 2013; and (4) oral argument on December 19, 2013 or December 20, 2013, or as soon thereafter as the availability of the hearing officer may permit (collectively, the “*Procedural Schedule*”).

IT IS on this 8th day of November, 2013,

ORDERED that the Joint Record is hereby amended to strike any assertion that the Board received an application filed pursuant to N.J.S.A. 48:3-87.1 from FACW prior to May 19, 2011; and it is further

ORDERED that the Joint Record is hereby amended to include the Update Testimony Exhibit 1, Update Testimony Exhibit 2 and Dismukes Supplemental Testimony, which are each hereby deemed evidence in this matter; and it is further

ORDERED that FACW’s initial brief shall be filed with the Board and distributed to the service list in electronic form no later than November 18, 2013, with hard copies to follow as soon thereafter as practicable; and it is further

ORDERED that the reply briefs of all parties, excepting FACW, shall be filed with the Board and distributed to the service list in electronic form no later than December 4, 2013, with hard copies to follow as soon thereafter as may be practicable; and it is further

ORDERED that FACW's reply brief shall be filed with the Board and distributed to the service list in electronic form no later than December 13, 2013, with hard copies to follow as soon thereafter as may be practicable; and it is further

ORDERED that oral argument shall be held on December 19, 2013 or December 20, 2013, or as soon thereafter as the availability of a hearing officer may permit; and it is further

ORDERED that no evidentiary hearings shall be held with respect to FACW's Petition, however, oral argument, consisting of 20 minutes allotted for each party, shall be held in lieu of hearings consistent with the Procedural Schedule; and it is further and finally

ORDERED that FACW shall file a transcript of the oral argument with the Board prior to the commencement of its deliberations in this matter.

SO ORDERED:

A handwritten signature in blue ink that reads "Robert M. Hanna" followed by a horizontal line.

Honorable Robert M. Hanna, President New Jersey
Board of Public Utilities

DATED: 11-8-2013

The following parties hereby consent to the entry of this Order

**Inglesino, Pearlman, Wyciskala
& Taylor, LLC**
*Attorneys for Fishermen's Atlantic City
Windfarm, LLC*



By: Denis F. Driscoll, Esq.

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By: Stephanie A. Brand
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Rockland Electric Company

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November 8, 2013

VIA ELECTRONIC MAIL

Stephen B. Pearlman, Esq.
Inglesino, Pearlman, Wyciskala & Taylor, LLC
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Re: In Re Petition of Fishermen's Energy Atlantic City Windfarm, LLC (the "Petitioner") for the Approval of a State Waters Project and Authorizing Offshore Wind Renewable Energy Certificates
BPU Docket No. EO11050314V

Dear Mr. Pearlman:

On behalf of Atlantic City Electric Company ("ACE"), Jersey Central Power & Light Company ("JCP&L"), Public Service Electric and Gas Company ("PSE&G"), and Rockland Electric Company ("RECO") (collectively, "the EDCs"), please be advised that the procedural schedule discussed on the November 6, 2013 conference call is acceptable to the EDCs. However, the EDCs will not be signing the Consent Document amending the Stipulated Joint Record. The EDCs did not sign the June 27, 2013 Joint Record Stipulation. Although reserving all rights to oppose any unjust and unreasonable imposition of obligations on the EDCs that may or may not arise out of a final Board decision in this proceeding, the EDCs once again take no position with respect to the agreement between Staff, Rate Counsel and Fishermen's Energy to forego evidentiary hearings and adopt a stipulated record.

Copies of this letter are being forwarded this date via electronic mail to all persons whose name appear on the attached distribution list.

Respectfully submitted,

Alexander C. Stern

Alexander C. Stern

ACS/jb

C Attached Service List (E-Mail Only)

**In Re Petition of Fishermen's Atlantic City Wind Farm, LLC for the Approval
of the State Waters Wind Project and Authorizing Offshore Wind Renewable Energy Certificates,
Submitted to the State Board of Public Utilities
Docket No. E011050314V**

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