



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF	)	FOURTH AMENDED
FISHERMEN'S ATLANTIC CITY WIND FARM, LLC	)	PREHEARING ORDER
FOR THE APPROVAL OF THE STATE WATERS	)	
PROJECT AND AUTHORIZING OFFSHORE WIND	)	
RENEWABLE ENERGY CERTIFICATES	)	DOCKET NO. EO11050314V

Parties of Record:

**Stefanie Brand**, Director, Division of Rate Counsel  
**Stephen B. Pearlman, Esq., Inglesino, Pearlman, Wyciskala & Taylor LLC**, on behalf of  
Fishermen's Atlantic City Windfarm, LLC  
**Phillip J. Passanante, Esq.**, on behalf of Atlantic City Electric Company  
**Marc B. Lasky, Esq.**, on behalf of Jersey Central Power & Light Company  
**Alexander C. Stern, Esq.**, on behalf of Public Service Electric & Gas Company  
**Susan J. Vercheak, Esq.**, on behalf of Rockland Electric Company

BY PRESIDENT ROBERT M. HANNA:

By Order dated May 16, 2011, in Docket No. EO11050290V, the Board opened an application window for 30 days for offshore wind projects in New Jersey territorial waters pursuant to N.J.S.A. 48:3-87.2. Fishermen's Atlantic City Windfarm, LLC ("FACW" or "the applicant"), submitted the only application to the Board on May 19, 2011. Board Staff determined that the application was administratively complete as of June 14, 2011.

By Order dated December 15, 2011, the Electric Distribution Companies (Atlantic City Electric, Jersey Central Power & Light Company, Public Service Electric & Gas Company and Rockland Electric Company, collectively "EDCs") were granted intervenor status.<sup>1</sup>

<sup>1</sup> The October 24, 2012 scheduling order contained a typographical error. The date the Board granted intervenor status to the Electric Distribution Companies was December 15, 2011, not December 14, 2012.

By Order dated January 18, 2012, the Board retained this matter for review and hearing, and as authorized by N.J.S.A. 48:2-32, designated me as the presiding officer to rule on all motions that arise during the proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

An initial prehearing order was approved on February 15, 2012. By Order dated March 12, 2012, the Board granted FACW's request to submit an amended application by April 20th. On April 2, 2012, however, FACW informed the Board that it could not meet the April 20th deadline and requested an extension until June 1, 2012, to submit an amended application. By Order dated April 12, 2012, the Board granted FACW's request to submit an amended application on or before June 1, 2012 and extended the review period for the application to December 31, 2012. FACW submitted an amended application on June 1, 2012 ("Amended Application").

A prehearing teleconference was held on June 27, 2012, during which the parties agreed to a revised procedural schedule. Through correspondence dated August 13, 2012 and supplemented on August 17, 2012, FACW requested that the BPU "temporarily discontinue" evaluation of FACW's Amended Application until September 17, 2012 so that it may consider modifications to its application. Rate Counsel and BPU consented to the suspension of review.

On August 28, 2012, the first amended prehearing order was issued, granting a suspension of the procedural schedule through September 17th and directing the parties to confer and provide the advising Deputy Attorney General with a proposed amended schedule no later than September 21, 2012. The order also directed FACW to provide a written statement of its assessment and the content of any proposed revisions to its Amended Application, on or before September 17, 2012. On September 17, 2012, FACW advised the Board that it had completed its evaluation of the Amended Application. FACW concluded that no changes to the Amended Application were necessary. FACW further agreed to obtain a report from PricewaterhouseCoopers (PwC) verifying the financial standing of XEMC, the manufacturer of the turbines named in the Amended Application.<sup>2</sup>

A status conference was held among the parties and the Advising Deputy Attorney General on September 20, 2012, during which a proposed amended schedule was discussed and agreed to. The second amended hearing order in this matter was issued on October 24, 2012 which included the procedural schedule. On November 20, 2012, the Board extended the review period for the application to April 30, 2013.

The parties advised that Hurricane Sandy and its aftermath significantly hindered their ability to comply with October 24, 2012 schedule. The parties proposed and agreed to an amended procedural schedule which was memorialized in the third amended hearing schedule issued on November 30, 2012.

Following the submission of the expert reports on December 17, 2012, pursuant to the procedural schedule, the Department of the Treasury ("Treasury") informed Board staff that a contract modification would be needed in order for Boston Pacific Company to perform services in support of the remaining items listed in the procedural schedule.

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<sup>2</sup> On October 18, 2012, FACW submitted additional financial documentation including information from PwC. Staff has informed me that the submission is under review.



A status conference was held among the parties and the Advising Deputy Attorney General on January 4, 2013, during which Board staff informed the parties of the need to temporarily suspend the procedural schedule pending Treasury's approval of a modification to Boston Pacific's contract. Treasury's approval was granted on January 23, 2013.

A subsequent status conference was held on February 8, 2013, during which the parties discussed amendments to the procedural schedule. By February 12, 2013, the parties consented to the following schedule:

Expert Responses to Discovery	March 11, 2013
FACW Rebuttal Testimony	March 25, 2013
Hearing Dates (if necessary) 44 S. Clinton Ave., Trenton, NJ 1 <sup>st</sup> Floor, Multi-Purpose Room	April 10 -12 and April 15, 2013, at 9:30 a.m.
Post Hearing Briefs	May 1, 2013
Rebuttal Briefs	May 10, 2013
Board Action	June 30, 2013

Counsel for FACW sent correspondence dated February 28, 2013, confirming its consent to the above schedule.

Upon due consideration, I HEREBY ADOPT the revised schedule. All other aspects of the prior procedural orders shall remain in effect. This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED:

3/7/2013

BY:

  
ROBERT M. HANNA

IN THE MATTER OF THE PETITION OF FISHERMEN'S ATLANTIC CITY WIND FARM, LLC  
FOR THE APPROVAL OF THE STATE WATERS PROJECT AND AUTHORIZING  
OFFSHORE WIND RENEWABLE ENERGY CERTIFICATES  
DOCKET NO. EO11050314V

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