



10/5/2018

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF CONSIDERATION OF)
THE STATE WATER WIND PROJECT AND) ORDER SUSPENDING SCHEDULE,
OFFSHORE WIND RENEWABLE ENERGY) SETTING MOTION PRACTICE
CERTIFICATE) SCHEDULE
)
) DOCKET NO. QO18080843

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Stephen B. Pearlman, Esq., Nautilus Offshore Wind, LLC
Alexander Hemsley, III, Esq., on behalf of the International Union of Operating Engineers
Albert G. Kroll, Esq., on behalf of New Jersey Laborers-Employers Cooperation and Education Trust
Aaron Kleinbaum, Esq., on behalf of National Wildlife Federation & NJ Audubon

BY PRESIDENT FIORDALISO:

BACKGROUND

On September 17, 2018, the New Jersey Board of Public Utilities ("Board") retained the Petition filed by Nautilus Offshore Wind, LLC ("Nautilus") which requested, among other things, approval of an offshore wind facility. President Joseph L. Fiordaliso was designated as the presiding officer, authorized to rule on all motions and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

On September 26, 2018, the New Jersey Laborers-Employers Cooperation and Education Trust ("NJLECET"), the International Union of Operating Engineers Local 825 ("IUOE"), and jointly the National Wildlife Federation and New Jersey Audubon Society ("NWF/NJA"), ("Intervenors"), filed timely motions to intervene in the proceeding.

On October 3, 2018, President Fiordaliso issued an Order granting all three motions to intervene. Following upon that determination, the intervenors sought to enter into the form non-disclosure agreement ("NDA") previously executed by Rate Counsel. This NDA represented the standard form of NDA developed by the Board and used in cases of all types.

Nautilus was unwilling to enter into the NDA with the Intervenors, and instead sought to negotiate a separate agreement. Such negotiation failed.

On October 5, 2018, Nautilus sent a letter to the Presiding Commissioner, seeking a Stay of the procedural schedule so it may have an opportunity to file a motion requesting a protective order. Specifically, Nautilus stated:

Please be advised that Nautilus intends to file a Motion for a Protective Order, in connection with the disclosure to intervenors in this proceeding, of proprietary and confidential information provided by Nautilus in connection with the Petition. We hereby request that you suspend the procedural schedule in this proceeding and set a motion calendar.

DISCUSSIONS AND FINDINGS

In response to the request from Nautilus, I **HEREBY SUSPEND** the procedural schedule established by the September 17, 2018 Order until the issues herein are resolved either by the Parties or by Order. Due to the suspension of the procedural schedule, the evidentiary hearings dates established therein (October 11, 2018 at 1 p.m. and October 12, 2018 at 10 a.m.) are **HEREBY CHANGED** to settlement conference dates so that the parties may continue to address these issues.

While the procedural schedule is suspended, I **HEREBY ISSUE** the following Motion Practice Schedule pertaining to the release of the full, confidential version of the Nautilus petition to all Intervenors, under a fully executed NDA, and **HEREBY DIRECT** the parties to comply with its terms.

Initial Motion for a Protective Order	October 9, 2018
Reply to motion / cross-motion for release of claimed confidential information	October 16, 2018
Rebuttal	October 18, 2018

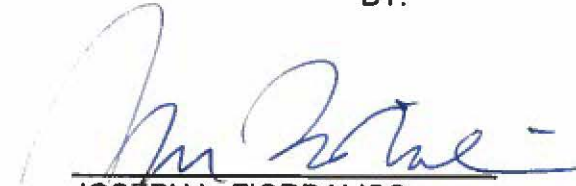
In each case, motion papers are due to all parties no later than 5:00 p.m., EDT, and may be served via e-mail. Hard copies as previously required will be served upon the Board's Secretary.

This Order shall be effective immediately.

DATED:

10/5/18

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT

In the Matter of the Petition of Nautilus Offshore Wind, LLC for the Approval of the State
Waters Wind Project and Authorizing Offshore Wind Renewable Energy Certificates

BPU Docket No. QO18080843

SERVICE LIST

BPU

Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Aida Camacho, Board Secretary
board.secretary@bpu.nj.gov

Paul Flanagan, Esq.
Executive Director
paul.flanagan@bpu.nj.gov

Grace Strom Power, Esq.
Chief of Staff
grace.power@bpu.nj.gov

Andrea Hart, Esq.
Legal Specialist
andrea.hart@bpu.nj.gov

Ken Sheehan, Esq.
Director, Division of Clean Energy
Ken.Sheehan@bpu.nj.gov

Frank Mossburg
Bates White, LL
2001 K Street NW, Suite 500
Washington, DC 20006
frank.mossburg@bateswhite.com

Division of Law

124 Halsey Street
P.O. Box
Newark, NJ 07101-45029

Caroline Vachier, Esq.
Deputy Attorney General
caroline.vachier@law.njoag.gov

Anne Marie McShea
Offshore Wind Program Administrator
Anne.McShea@bpu.nj.gov

Bethany Rocque Romaine
Deputy Chief Counsel
Bethany.romaine@bpu.nj.gov

Suzanne Patnaude,
Legal Specialist
Suzanne.Patnaude@bpu.nj.gov

Ben Witherell
Chief Economist
Benjamin.Witherell@bpu.nj.gov

Jackie O'Grady
Office of the Economist
Jackie.OGrady@bpu.nj.gov

James Boyd, Esq.
Administrative Practice Officer
James.Boyd@bpu.nj.gov

Renee Greenberg, Esq.
Deputy Attorney General
Renee.greenberg@law.njoag.gov

Emma Yao Xiao, Esq.
Deputy Attorney General
Emma.Xiao@law.njoag.gov

Geoff Gersten, Esq.
Deputy Attorney General
Geoffrey.Gersten@law.njoag.gov

Andrew Kuntz, Esq.
Deputy Attorney General
Andrew.Kuntz@law.njoag.gov

Jason Anderson,
Paralegal
Jason.anderson@law.njoag.gov

Rate Counsel

Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq.,
Director
sbrand@rpa.nj.gov

Henry Ogden, Esq.
hogden@rpa.nj.gov

Felicia Thomas-Friel, Esq.
fthomas@rpa.nj.gov

Brian O. Lipman, Esq.
blipman@rpa.nj.gov

Nautilus Wind

Chris Wissemann
Managing Director
985 Ocean Drive
Cape May, NJ 08204
chris.wissemann@fishermensenergy.com

Steven Perlman, Esq.
Pearlman & Miranda, LLC
2 Broad Street, Suite 510
Bloomfield, NJ 07003
spearlman@pearlmanmiranda.com

Doug Copeland
EDF Renewables, Inc.
15445 Innovation Drive
San Diego, CA 92128
Doug.copeland@edf-re.com

Shelly Massey, Paralegal
smassey@rpa.nj.gov

Elizabeth Oleks
Acadia Consulting Group
5800 One Perkins Place Drive
Suite 5-F
Baton Rouge, LA 70808
betholeks@acadianconsulting.com

David Dismukes, Ph.D
Acadia Consulting Group
5800 One Perkins Place Drive, Suite 5-F
Baton Rouge, LA 70808
daviddismukes@acadianconsulting.com

Paul Gallagher
985 Ocean Drive
Cape May, NJ 08204
Paul.gallagher@fishermensenergy.com

Isaac Gabel-Frank, Vice President
Gabel Associates
417 Denison Street
Highland Park, NJ 08904
isaac@gabelassociates.com

Steven Gabel, President
Gabel Associates
417 Denison Street
Highland Park, NJ 08904
steven@gabelassociates.com

Adam Peterson, Esq.
Pearlman & Miranda, LLC
2 Broad Street, Suite 510
Bloomfield, NJ 07003
APeterson@pearlmanmiranda.com

International Union of Operating Engineers

Vincent M. Giblin, Esq.
DeCotiis, FitzPatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
VGiblin@decotiislaw.com

Greg Lalevee, Business Manager
International Union of Operating Engineers
Local 825 65 Springfield Avenue, 3rd Floor
Springfield, New Jersey 07081
GLalevee@iuoe825.org

Alexander Hemsley, III, Esq.
DeCotiis, FitzPatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
AHemsley@decotiislaw.com

Patricia Laureano
DeCotiis, FitzPatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
PLaureano@decotiislaw.com

New Jersey Laborers-Employers Cooperation and Education Trust

Albert G. Kroll, Esq.
Kroll Heineman Carton, LLC
99 Wood Avenue South, Suite 307
Iselin, New Jersey 08830
akroll@krollfirm.com

Bradley Parsons, Esq.
Kroll Heineman Carton, LLC
99 Wood Avenue South
Iselin, NJ 08830
BParsons@krollfirm.com

National Wildlife Federation & NJ Audubon

Aaron Kleinbaum
Executive Director
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
akleinbaum@easternenvironmental.org