



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

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

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 14, 2012, 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 intervener status.

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.

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. FACW subsequently indicated that it would produce the PwC report by October 18, 2012¹, and the parties then consented to the following procedural schedule:

Discovery due on PwC report	October 26, 2012
Response to Discovery on PwC report due	November 7, 2012
Submission of all Expert Testimony	December 3, 2012
Discovery due on Expert Testimony	December 14, 2012
Expert Responses to Discovery	January 8, 2013
FACW Rebuttal Testimony	January 22, 2013
Hearing Dates (if necessary)	February 11 - 15, 2013, at 9:30 a.m.

¹ On October 18, 2012, FACW submitted additional financial documentation including information from PwC. Staff has informed me that the submission is under review.

Post Hearing Briefs	March 1, 2013
Rebuttal Briefs	March 15, 2013
Board Action	April 30, 2013

I HEREBY ADOPT the above listed schedule as consented to and proposed by the parties. In addition, after due consideration of the positions stated at the prehearing conference and in recognition of the needs of the case and the Board, I HEREBY FIND the following:

1. PARTIES

As listed above, the parties in this case remain those parties who have litigated this matter. No change in designated trial counsel shall be made without leave of the presiding commissioner if such change will interfere with the hearing dates.

2. NOTICES AND SERVICE

Additionally, I HEREBY DIRECT that this prehearing order be posted on the Board's website as soon as possible.

To expedite transmittal and reduce costs, all documents may be circulated by electronic mail to the parties on the e-services list with two (2) hard copies on request. Documents that must be filed with the Board must be provided in hard copy.

3. STIPULATIONS

Stipulations as to facts and issues among the parties are encouraged.

4. SETTLEMENT

Settlement conferences among the parties are encouraged.

5. ORDER OF PROOFS

FACW has the burden to prove why its petition should be granted. Live rebuttal testimony at the hearing may be permitted as determined by the hearing officer.

6. EXHIBITS

Exhibits may be moved into this contested case after notice to the parties and an opportunity for response.

Parties are encouraged to agree on the exhibits to be included in the record of this proceeding to the fullest extent possible.

No exhibit will be marked for identification or introduced into evidence at the hearing unless copies are provided to the undersigned Commissioner and to each party, unless otherwise agreed.

7. ESTIMATED NUMBER OF WITNESSES

To be determined after filing of written testimony and rebuttal testimony.

8. MOTIONS

None pending. Motions for intervention and participation will be addressed in accordance with N.J.A.C. 1:1-16.

I HEREBY ISSUE this prehearing Order. This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: 10/24/2012

BY:



ROBERT M. HANNA

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