



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)	REQUEST FOR EXTENSION
FISHERMEN'S ATLANTIC CITY WIND FARM, LLC)	OF TIME TO SUPPLEMENT
FOR THE APPROVAL OF THE STATE WATERS)	THE RECORD
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:

On July 31, 2013, I received correspondence on behalf of Fishermen's Atlantic City Windfarm, LLC (FACW) requesting a settlement meeting with Board Staff, a thirty-day extension of time to supplement the record, and a thirty-day extension of the procedural schedule. On August 1, 2013, Rate Counsel consented to an extension of time to supplement the record and indicated its willingness to participate in settlement discussions.

Concerning the request for settlement discussions, it is my understanding that settlement discussions with Staff, Rate Counsel, and the Intervenor were held in May and June 2013. Those meetings were consistent with the Second Amended Prehearing Order, dated October 24, 2012, in which I indicated that "settlement conferences among the parties are encouraged." As the presiding officer, I recognize the value of the settlement process and I encourage the parties to undertake any worthwhile efforts.

If the parties are able to reach an amicable solution, the Board should be notified as soon as possible. However, the lengthy procedural history in this matter does not warrant additional undue delay.

In order to resolve this matter in a timely fashion, the Board's July 29, 2013 order (July 29th Order) requires that I conduct a hearing, unless all parties opt to proceed on the papers and file a written waiver. **THEREFORE, TAKE NOTICE**, a hearing will be held on **August 26, 27, 28 and September 3, 2013**, unless the Board receives a proper waiver. In the event that any party wishes to proceed to hearing, each party shall provide any changes to the witness list previously provided on May 3, 2013 by August 16, 2013.

If the parties waive the opportunity for a hearing, they shall confer in order to set a briefing schedule. Waiver of the hearing does not preclude a party from filing a motion to supplement the record. In addition, I reserve the right to set oral argument.

Concerning the time period to supplement the record, the Board found that the Joint Record comprised the entire record. July 29th Order, at 18. In part, the Board relied on language in the Joint Record stating that the exhibits represent the "parties' cases-in-chief and the entire record in this matter." Ibid. The Board did not anticipate the need for significant supplements and, considering the signatories' representation, determined that ten days to close the record is reasonable. Any party wishing to supplement the record after the closing date must file a motion.

FACW's request for a thirty-day extension of time to supplement the record does not contain sufficient justification. FACW has not described the new evidence that it plans to submit, nor has it explained why such evidence is not presently available. Without more, there is insufficient basis to grant an extension of time to supplement the record. Therefore, FACW's request is **DENIED**. Pursuant to the July 29th Order, on August 9, 2013, which is ten days from the effective date of the Order, the record will close and FACW must notify the Board in writing whether it desires to proceed on the papers in lieu of a hearing.

TAKE NOTICE, a telephone scheduling conference will be held on Monday, August 12, 2013, at 9:30 a.m. Dialing information will be provided under separate correspondence.

Last, I acknowledge that FACW has consented to an extension of the procedural schedule for a period of no less than thirty days. Whether this matter proceeds by a hearing or on the papers will impact the date of final Board action.

DATED: 8.5.2013

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 – REQUEST FOR EXTENSION
OF TIME FOR APPLICATION REVIEW
DOCKET NO. EO11050314V

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