



Agenda Date: 1/18/12
Agenda Item: LSA

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 THE BOARD:

This matter comes before the Board on an application from the Division of Rate Counsel ("Rate Counsel"), requesting that the Board establish a procedural schedule to conclude this matter consistent with the statutory framework.

On August 19, 2010, Governor Chris Christie signed into law the Offshore Wind Economic Development Act ("The Act"), P.L. 2010, c. 57, which amends and supplements the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. On February 10, 2011, the Board of Public Utilities ("Board") adopted N.J.A.C. 14:8-6.1 et seq., providing an application process and a framework under which the Board will review any application and ultimately approve, conditionally approve, or deny the application.

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.

Upon receipt of the application, Board staff immediately began the administrative review process pursuant to N.J.A.C. 14:8-6.4 et seq. The initial review uncovered administrative deficiencies which were outlined in letters to the applicant on June 2, 2011 and June 13, 2011. The applicant responded to the administrative deficiencies with written submissions on June 8, 2011 and June 14, 2011. Staff then determined that the application was administratively complete as of June 14, 2011, and provided such notice to FACW on June 22, 2011.

Pursuant to the Act, the Board has 180 days to conduct its review, and to approve, conditionally approve, or deny the application. N.J.S.A. 48:3-87.1(d). Pursuant to N.J.A.C. 14:8-6.3 and 6.4, on December 16, 2011, the Board, with the consent of the applicant, ordered that the review period be extended to March 21, 2011.

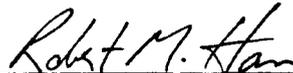
DISCUSSION

Board Staff has been conducting a substantive review of the FACW application since June 14, 2011. However, the Board believes that it is imperative that all appropriate parties have an opportunity to provide input into the merits of the application before a final decision is made. Once a more complete record has been developed, the Board will be in a better position to determine if the application should be approved, conditionally approved, or denied.

Accordingly, the Board HEREBY DETERMINES to retain jurisdiction over this matter and HEREBY APPOINTS President Robert M. Hanna to serve as the presiding officer. The presiding officer is HEREBY AUTHORIZED to set and modify the schedule for this matter as appropriate, decide upon motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

DATED: 1/18/12

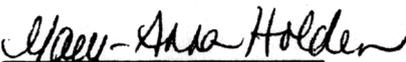
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BY:


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COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


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MARY ANNA HOLDEN
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



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-PROCEDURAL SCHEDULE
DOCKET NO. EO11050314V

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