



Agenda Date: 8/20/14
Agenda Item: LSB

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)	ORDER DESIGNATING
FISHERMEN'S ATLANTIC CITY WIND FARM, LLC)	PRESIDING COMMISSIONER
FOR THE APPROVAL OF THE STATE WATERS)	TO OVERSEE THE
PROJECT AND AUTHORIZING OFFSHORE WIND)	PROCEEDINGS TO
RENEWABLE ENERGY CERTIFICATES)	SUPPLEMENT THE RECORD
)	
)	DOCKET NO. EO11050314V

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Stephen B. Pearlman, Esq., **Pearlman & Miranda, LLC**, on behalf of Fishermen's Atlantic City Windfarm, LLC
Phillip J. Passanante, Esq., on behalf of Atlantic City Electric Company
Gregory Eisenstark, Esq., on behalf of Jersey Central Power & Light Company
Alexander C. Stern, Esq., on behalf of Public Service Electric and Gas Company
Susan J. Vercheak, Esq., on behalf of Rockland Electric Company

BY THE BOARD:

By Order dated March 28, 2014, the New Jersey Board of Public Utilities ("Board") denied the petition of Fishermen's Atlantic City Windfarm, LLC's ("FACW") for a determination, pursuant to N.J.S.A. 48:3-87.2, of eligibility as a qualified offshore wind facility as set forth in N.J.S.A. 48:3-87.1 et seq. and N.J.A.C. 14:8-6.5 et seq. The March 28 Order contains the extensive procedural history of this case, which is incorporated herein by reference.

By Order dated April 28, 2014, the Board denied FACW's motion to reopen the proceedings, to supplement the record and for reconsideration.

On May 5, 2014, FACW filed a notice of appeal with the Superior Court of New Jersey, Appellate Division, Docket No. A-003932-13. On June 30, 2014, FACW filed a motion to supplement the administrative record on appeal and to expedite Board findings on the supplemented record.

On August 8, 2014, the Court granted the motion and ordered the Board to complete its findings on the supplemented record within 120 days, and that the Board shall make a good faith effort to complete the remand sooner.

Accordingly, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Dianne Solomon as the presiding officer. The Board **FURTHER ORDERS** that President Solomon, as the presiding Commissioner, is **HEREBY AUTHORIZED** to establish and modify schedules, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

The Board **HEREBY DIRECTS** staff to post this Order on the Board's website and serve a copy of the Order to the service list electronically.

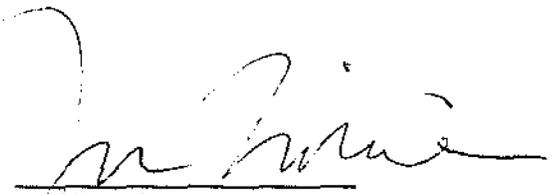
In addition, in the interests of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, with hard copies to each party upon request.

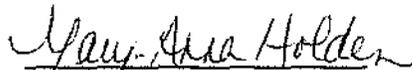
DATED: 8/20/14

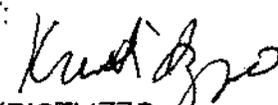
BOARD OF PUBLIC UTILITIES
BY:

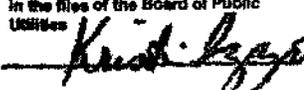

DIANNE SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


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
DOCKET NO. EO11050314V

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Rhonda Williams
City Clerk

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FILED, Clerk of the Appellate Division, August 08, 2014, A-003932-13

ORDER ON MOTION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-003932-13T3
MOTION NO. M-008460-13
BEFORE PART R
JUDGE(S): ALEXANDER P. WAUGH JR.
ALLISON E. ACCURSO

I/M/O 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

MOTION FILED: 06/30/2014 BY: FISHERMEN'S ATLANTIC CITY
WINDFARM, LLC
ANSWER(S) FILED: 07/10/2014 BY: PUBLIC UTILITIES

SUBMITTED TO COURT: August 07, 2014

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS
8th day of August, 2014, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT:

MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD ON APPEAL GRANTED

AND TO EXPEDITE BOARD FINDINGS ON THE SUPPLEMENTED RECORD REMANDED/OTHER

MOTION FOR ORAL ARGUMENT ON MOTION DENIED

SUPPLEMENTAL: The motion to expedite Board findings is remanded to Board for findings on supplemental record to be completed in 120 days, but Board shall make good faith effort to complete remand sooner.

FOR THE COURT:



ALEXANDER P. WAUGH JR., J.A.D.