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
OFFSHORE WIND RENEWABLE ENERGY
CERTIFICATE

ORDER SUSPENDING SCHEDULE,
SETTING MOTION PRACTICE
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.

<table>
<thead>
<tr>
<th>Motion Type</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Motion for a Protective Order</td>
<td>October 9, 2018</td>
</tr>
<tr>
<td>Reply to motion / cross-motion for release of claimed confidential information</td>
<td>October 16, 2018</td>
</tr>
<tr>
<td>Rebuttal</td>
<td>October 18, 2018</td>
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</table>
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

BPU

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