



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://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 )

THIRD AMENDED  
PREHEARING ORDER

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 15, 2011, 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.<sup>1</sup>

<sup>1</sup> The October 24, 2012 scheduling order contained a typographical error. The date the Board granted intervener status to the Electric Distribution Companies was December 15, 2011, not December 14, 2012.

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.<sup>2</sup>

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 and agreed to. The second amended hearing order in this matter was issued on October 24, 2012 which included the procedural schedule. On November 20, 2012, the Board extended the review period for the application to April 30, 2013.

The parties have advised that Hurricane Sandy and its aftermath have caused significant delays which would hinder their ability to comply with the schedule set forth in the October 24, 2012 order. In order to remedy this issue, the parties have proposed and agreed to the following amended procedural schedule which does not change the hearing dates or the deadline for Board action:

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<sup>2</sup> On October 18, 2012, FACW submitted additional financial documentation including information from PwC. Staff has informed me that the submission is under review.

Submission of all Expert Testimony	December 17, 2012
Discovery due on Expert Testimony	December 28, 2012
Expert Responses to Discovery	January 18, 2013
FACW Rebuttal Testimony	February 1, 2013
Hearing Dates (if necessary)	February 11 - 15, 2013, at 9:30 a.m.
Post Hearing Briefs	March 1, 2013
Rebuttal Briefs	March 15, 2013
Board Action	April 30, 2013

Upon due consideration, I HEREBY ADOPT the revised schedule. All other aspects of the prior procedural orders shall remain in effect.

DATED: 11/30/2012

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  
DOCKET NO. EO11050314V

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