



Agenda Date: 2/10/12
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)
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:

BACKGROUND/PROCEDURAL HISTORY

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, the 180-day period for the Board's review began to run on June 14, 2011, when staff determined that FACW's application was administratively complete. Hence, the Board's review period was set to expire on December 11, 2011, unless the applicant consented to an extension of time. By letter dated November 23, 2011, the applicant consented to an initial additional 60 days of review, beyond the initial 180 days which placed the requirement to act no later than February 8, 2012. By letter dated December 13, 2011, the applicant consented to an additional extension, which placed the requirement for the Board to act on or before March 21, 2012. By order dated December 15, 2011, Docket No. EO11050314V, the Board ordered that the review period be extended to March 21, 2012.


By letter dated February 6, 2012, the applicant consented to an additional extension of time, which requires the Board to act on FACW's application on or before April 11, 2012.


FINDINGS and DISCUSSION

The Board has carefully considered staff's recommendations and **HEREBY FINDS** that FACW has consented to extend the time for the Board's review of its application. The extension until April 11, 2012 represents a fair and reasonable extension and is in the public interest. The Board **HEREBY ORDERS** that the review period to consider the above referenced application has been extended to April 11, 2012.


DATED: 2/10/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

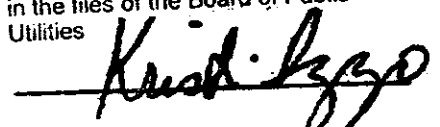

NICHOLAS ASSELTA
COMMISSIONER


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

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