

**ORDER NO. 89561**

Skipjack Offshore Energy, LLC's Qualified  
Offshore Wind Project's Compliance with  
Conditions Approved in 2017

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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CASE NO. 9629  
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**Issue Date: May 26, 2020**

**ORDER DENYING MOTION FOR CONTINUANCE**

On May 19, 2020, The Town of Ocean City, Maryland (“Ocean City”) filed a Motion to Continue Evidentiary Hearing of the proceeding currently scheduled for June 4 and June 5, 2020, arguing that the public health emergency caused by the COVID-19 has created extraordinary public health and logistical problems.<sup>1</sup> In particular, Ocean City contends that the questioning of witnesses and use of demonstrative evidence will be made more difficult under the restricted environment of a virtual hearing. Ocean City also claims that the public may have difficulty participating in the virtual hearing. On May 22, 2020, Skipjack Offshore Energy, LLC (“Skipjack”) filed a response opposing the Motion, asserting, *inter alia*, that an open-ended delay in the resolution of the scheduled hearing “could lead to delays in federal permitting reviews if federal agencies do not have certainty around the project’s specifications.”<sup>2</sup>

The Commission denies Ocean City’s Motion to Continue. The June 4-5, 2020 evidentiary hearing has been scheduled for several months. Specifically, on February 13,

<sup>1</sup> Ocean City Motion to Continue at 2.

<sup>2</sup> Skipjack Opposition at 4.

2020, the Commission determined that it would hold an evidentiary hearing to address impacts related to the change in turbine size selected by Skipjack, after the company announced that it had selected the 12 MW General Electric Haliade-X turbines to utilize in its offshore wind project.<sup>3</sup> On March 12, 2020, the Commission issued a letter order accepting the procedural schedule agreed to by all parties to this proceeding, including Ocean City. That schedule included filing dates for now-filed direct and rebuttal testimony, as well as the June 4 and 5, 2020 evidentiary hearing dates. On May 14, 2020, the Commission issued a letter order providing notice that the hearing will be virtual.<sup>4</sup> The order also provided instructions regarding how parties interested in actively participating in the hearing could do so, and mandated that parties prepare and email an exhibit list along with pre-marked copies of any exhibits that they may introduce at the evidentiary hearing.

The Commission finds that parties will have ample opportunity to participate in the June 4-5 hearings through virtual means. Pursuant to the Commission's COVID-19 Continuity of Operations Plan, the Commission has held hearings remotely via video teleconference, including weekly Administrative Meetings, the semi-annual EmPOWER Maryland meeting, and several rulemaking hearings.<sup>5</sup> More recently, the Commission's Public Utility Law Judge Division held a virtual evidentiary hearing regarding Delmarva Power & Light Company's base rate application.<sup>6</sup> These virtual hearings have protected the public and Commission staff from the current COVID-19 pandemic, while still

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<sup>3</sup> February 13, 2020 Notice of Intent to Conduct Evidentiary Hearings, Order No. 89500.

<sup>4</sup> May 14, 2020 Supplemental Notice of Virtual Evidentiary Hearing, Maillog No. 230202, amended by May 19, 2020 Updated Supplemental Notice of Virtual Evidentiary Hearing, Mail Log No. 230307.

<sup>5</sup> See <https://www.psc.state.md.us/covid-19-psc-continuity-of-operations-plan-march-2020/>.

<sup>6</sup> Case No. 9630, *Application of Delmarva Power & Light Company for an Increase in its Retail Rates for the Distribution of Electric Energy*.

affording parties the same rights they would have had at an in-person hearing. Similarly, during the June 4-5 evidentiary hearings, the parties will have the ability to swear in witnesses, introduce evidence, and cross examine witnesses. Additionally, the Commissioners will be able to ask questions of witnesses, and members of the public will be able to observe the hearing live through the Commission's YouTube channel. Regarding Ocean City's request that the hearing be conducted in the Town of Ocean City for the benefit of the public, the Commission notes that it already held a hearing for public comment at the Roland E. Powell Convention Center in Ocean City on January 18, 2020.<sup>7</sup>

Notwithstanding this decision, Ocean City raises an important issue that physical exhibits depicting the size and appearance of wind turbines may appear differently on a computer screen than in person. Accordingly, all parties who intend to introduce or utilize a physical exhibit or visual aid shall make available to any other party, upon request, a copy of that physical exhibit or visual aid. Additionally, all parties have the opportunity to provide physical exhibits and visual aids to the Executive Secretary and each member of the Commission.<sup>8</sup>

**IT IS THEREFORE**, this 26<sup>th</sup> day of May, in the year Two Thousand Twenty,  
by the Commission,

**ORDERED:** (1) That the Motion to Continue Evidentiary Hearing filed by  
Ocean City is denied;

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<sup>7</sup> See December 27, 2019 Notice of Hearing for Public Comment on Changes in Turbine Selection, Maillog No. 227998.

<sup>8</sup> Parties that wish to provide physical copies to Commissioners should email Susan Howard ([susan.howard@maryland.gov](mailto:susan.howard@maryland.gov)) at the Office of the Executive Secretary for guidance on how to provide the copies.

(2) That all parties who intend to introduce or utilize a physical exhibit or visual aid shall make available to any other party, upon request, a copy of that physical exhibit or visual aid; and

(3) That all parties shall have the opportunity to provide physical exhibits and visual aids to the Executive Secretary and each member of the Commission.

By Direction of the Commission,

*/s/ Andrew S. Johnston*

Andrew Johnston  
Executive Secretary