

ORDER NO. 89907

Skipjack Offshore Energy, LLC and US
Wind, Inc’s Offshore Wind Applications
Under the Clean Energy Jobs Act of 2019

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9666

Issue Date: August 12, 2021

To: Parties of Record and Interested Persons

On August 11, 2021, the Commission held a pre-hearing conference in this matter to establish a procedural schedule for this proceeding and to address any other pending preliminary matters. Representatives from Skipjack Offshore Energy, LLC (“Skipjack”) and US Wind, Inc. (“US Wind”) (together, the “Applicants”); the Office of People’s Counsel (“OPC”); and the Commission’s Technical Staff (“Staff”) appeared at the pre-hearing conference for this matter, as well as representatives for the entities seeking to intervene in the proceeding. The following petitions to intervene were filed on or before August 11, 2021 and considered as part of the pre-hearing conference: the Maryland Energy Administration (“MEA”); Baltimore Gas & Electric (“BGE”), Potomac Electric Power Company (“Pepco”), and Delmarva Power & Light Company (“the Exelon Companies”); the Town of Ocean City, Maryland; Baltimore-DC Building Trades Council; Sierra Club – Maryland League of Conservation Voters (“Sierra/MDLCV”); and the Business Network for Offshore Wind (“the Network”).

At the pre-hearing conference, the Commission adopted a procedural schedule for the matter, except for a schedule for public hearings, which will be scheduled at a later date. The Commission also granted Petitions to Intervene filed by the following persons: MEA; the Exelon companies; Town of Ocean City, Maryland; Baltimore-DC Building Trades Council; Sierra/MDLCV; the Network, along with US Wind, Skipjack, OPC and Staff (collectively, the “Parties”).

Further, the Commission found that a discovery procedure, as proposed by the parties and as modified at the preliminary hearing, was appropriate and was adopted in this case. Discovery commenced immediately on Wednesday, August 11, 2021 for all parties to this proceeding.¹

- Responses to discovery requests served by August 31, 2021 are due within 10 business days of service, and any objections to discovery requests must be served within five business days.
- Responses to discovery requests served after August 31, 2021 and up to October 1, 2021 are due within seven business days of service, and any objections to discovery requests must be served within five business days.
- Responses to discovery requests served after October 1, 2021 are due within five business days of service, and any objections to discovery requests must be served within two business days.

¹ Discovery of material marked “confidential” is contingent on the party executing the individual protective agreements sponsored by US Wind and Skipjack.

- No discovery requests by the parties shall be filed after the close of business on October 22, 2021.
- Electronic service of discovery requests, responses and documents is sufficient so long as the recipient acknowledges actual receipt, which the responding party should obtain and maintain, and hard copies shall be made available if electronic service is not successful.
- The parties should consult with each other and attempt in good faith to resolve all disputes prior to making an objection and again prior to filing a motion seeking relief from the Commission. In the event parties are unable to resolve a dispute, the aggrieved party may file a motion for relief within three business days from service of the written objection. The opponent shall respond to the motion within two business days of service of the motion. The motion and response shall be letter format, and shall each be limited in length to three single-spaced pages with a 12-point or greater font. The letters must specify the dates and times of all consultations for the purpose of resolving the dispute. The parties shall contact the Executive Secretary via phone or email to schedule a hearing, if necessary, and shall provide the Executive Secretary an electronic copy of the motion and response.

Both Applicants also submitted Public Information Act (“PIA”) exemption requests as part of their respective applications. Pursuant to COMAR 20.61.06.02(C), an

offshore wind applicant must clearly identify and mark the relevant portions of its application, as well as provide justification for each instance, in submitting the PIA exemption request. In identifying the confidential materials contained in its applications, Skipjack asserted that disclosure of the marked materials would expose trade secrets, confidential commercial or financial information, or confidential geological or geophysical information.² Similarly, US Wind identified the confidential portions of its application that contain sensitive commercial and/or financial information.³ Further, the Applicants included the required certification that the Commission will be held harmless if the Commission independently determines that one or more portions of an application subject to one or more PIA exemption requests must be disclosed under the Maryland Public Information Act, *Annotated Code of Maryland*, General Provisions Article (“GP”) § 4-101 *et. seq.* Thus, the Commission finds that the Applicants have satisfied the regulatory requirements enumerated in COMAR 20.61.06.02(C) and therefore grant the PIA exemption requests made by both US Wind and Skipjack.

IT IS THEREFORE, this 12th day of August, in the year Two Thousand Twenty One by the Public Service Commission of Maryland;

ORDERED: (1) That the PIA exemption requests filed by US Wind and Skipjack, pursuant to COMAR 20.61.06.02(C), are granted;

(2) That Parties shall file pleadings in this proceeding as follows:

(a) US Wind and Skipjack shall file Direct Testimony by August 25, 2021;

(b) ICF Resources, LLC (“ICF”) shall file its Comparison Report by September 1, 2021;

² Maillog No.’s 236285 and 236287 .

³ Maillog No. 236278.

- (c) Parties, other than the Applicants, shall file Direct Testimony, and the Applicants shall file any Supplemental Direct Testimony (addressing the ICF Comparison Report) by September 24, 2021;
- (d) All Parties shall file Rebuttal Testimony by October 18, 2021; and
- (e) Briefs shall be filed by November 19, 2021.

(3) That the Parties shall abide by the discovery procedure set forth in this Order;

(4) That evidentiary hearings are scheduled as follows:

- (a) October 27, 2021, beginning 10 minutes after the completion of the Administrative Meeting;
- (b) October 28, 2021 beginning at 10:00 a.m.;
- (c) October 29, 2021, beginning at 10:00 a.m.;
- (d) November 1, 2021, beginning at 10:00 a.m.;
- (e) November 2, 2021, beginning at 10:00 a.m.; and
- (f) November 3, 2021, beginning 10 minutes after the completion of the Administrative Meeting.

(5) Parties may provide live Rejoinder Testimony during their witnesses' appearances at the evidentiary hearings. The Commission reserves the right to revise the hearing schedule, as needed.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary