



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**DIVISION OF ENERGY AND**  
**OFFICE OF CLEAN ENERGY**

IN THE MATTER OF THE VERIFIED PETITION OF )  
JERSEY CENTRAL POWER & LIGHT COMPANY )  
FOR AN ECONOMIC STIMULUS )  
DEMAND RESPONSE AND ENERGY )  
EFFICIENCY PROGRAM AND ASSOCIATED )  
COST RECOVERY MECHANISM )

DOCKET NO. EO09010062

(SERVICE LIST ATTACHED)

BY PRESIDENT JEANNE M. FOX:

On February 20, 2009, Jersey Central Power & Light Company ("JCP&L" or "the Company") submitted a petition for approval to administer four demand response and two energy efficiency programs in response to Governor Corzine's Economic Stimulus Plan and for approval of an associated cost recovery mechanism. According to the petition, these programs should be considered, to the extent relevant, as assisting in the achievement of the demand response and energy efficiency targets set forth in New Jersey's Energy Master Plan and in the Board's Order dated January 28, 2009 in Docket Number EO08121065. The petition describes a program consisting of two parts. There are four demand response programs previously filed in response to the Board's Order dated July 1, 2008 in Docket Numbers EO08150326 and EO08060421 ("July 1 Order"). In addition, there are two energy efficiency programs, a "whole house approach" program targeted at residential energy efficiency customers and a "whole building" program targeted at non-residential customers. JCP&L estimates total project expenditures during the first year of implementation of approximately \$47 million.

The Company proposes recovering the revenue requirements associated with the demand response programs through a Rider that would provide for an equal per kilowatt charge

applicable to all customers in all customer classes.<sup>1</sup> The Company proposes to recover the costs of the two energy efficiency programs by implementing a Rider that is a subcomponent of the Regional Greenhouse Gas Initiative Recovery Charge and will result in recovery of all capital and operation and maintenance (“O&M”) charges on a current basis as these costs are incurred.

By Order dated February 19, 2009, the Board determined that this matter should be retained by the Board for review and hearing, and, as authorized by N.J.S.A. 48:2-32, designated me as the presiding officer who is authorized to rule on all motions that arise during the proceeding and modify any schedule that may be set as necessary to secure just and expeditious determination of the issues

By letter dated March 5, 2009, Stephen R. Kern, Esq. filed a motion to intervene in this proceeding on behalf of Gerdau Ameristeel Corporation (“Gerdau”). According to the motion, Gerdau owns and operates a steelmaking facility in Sayreville, New Jersey that is served by JCP&L and is one of the largest customers on JCP&L’s system. Gerdau maintains that as a significant electricity customer of JCP&L, it has a vested interest in the level and recovery of proposed project costs that is not adequately represented by any other party currently in the proceeding. Gerdau additionally agrees to accept the record as it stands.

Mr. Kern has also moved pursuant to N.J.A.C. 1:1-5.2 and 1:21-2 for the admission *pro hac vice* of Robert A. Weishaar, Jr., Esq. a member in good standing of the bars of the District of Columbia and Pennsylvania, and of Dennis P. Jamouneau, Esq., a member in good standing of the bars of Texas and the District of Columbia. Mr. Weishaar and Mr. Jamouneau each filed an affidavit with the motions for admission asserting that there is good cause for his admission since each has expertise in the field of energy regulation and a legal background in regulatory proceedings involving regulated energy companies, that each has been requested by Gerdau to appear in these proceedings, and that each agrees to have all pleadings, briefs and other papers to be filed with the Board signed by New Jersey counsel. The affidavits also indicate that Mr. Weishaar and Mr. Jamouneau have satisfied all of the conditions for admission as set forth in R. 1:21-2(a), and that the fees required by R. 1:20-1(b) and 1:28-2 have been paid to the Disciplinary Oversight Committee and the New Jersey Lawyers’ Fund for Client Protection.

No objections to the motions were received.

#### FINDINGS and DISCUSSION

Pursuant to N.J.A.C. 1:1-16.3(a), to determine if a motion to intervene should be granted, the Board considers the nature and extent of the party’s interest in the outcome of the investigation, and whether the party’s interest is sufficiently different from that of other parties; whether inclusion will add constructively to the case; and whether intervention will confuse or delay the matter. Based on my review of the motions to intervene of Gerdau, and having received no objections after due notice to the parties, I HEREBY GRANT the motion.

Based on review of the motions for admission *pro hac vice* of Mr. Weishaar and Mr. Jamouneau, and the supporting affidavits, and no objections having been received, I FIND that Mr. Weishaar and Mr. Jamouneau have satisfied the conditions for admission, and therefore,

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<sup>1</sup> The Petition states that the details of the Rider and the costs of the individual demand response programs are set forth in detail in its petition filed on August 1, 2008, in response to the July 1 Order.

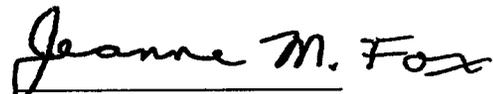
HEREBY GRANT the motions for admission to practice before the Board for this proceeding only, provided that they shall:

- 1) abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
- 2) submit proof of payment of the fees required by R.1:20-1(b) and 1:28-2;
- 3) consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against them that may arise out of their participation in this matter;
- 4) notify the Board immediately of any matter affecting their standing at the bar of any other jurisdiction; and
- 5) have all pleadings, briefs and other papers filed with the Board signed by the attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and the attorney admitted by this Order.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceeding in this matter.

DATED: 4/6/09

BY:

  
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JEANNE M. FOX  
PRESIDENT

I/M/O ENERGY EFFICIENCY PROGRAMS AND ASSOCIATED COST  
RECOVERY MECHANISM PROCEEDINGS  
BPU DOCKET NO. EO09010056

and

I/M/O THE PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY CONCERNING  
A PROPOSAL FOR ECONOMIC STIMULUS DEMAND RESPONSE AND ENERGY EFFICIENCY  
PROGRAMS AND ASSOCIATED COST RECOVERY MECHANISM  
BPU DOCKET NO. EO09010062

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