



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**www.nj.gov/bpu/**

DIVISION OF ENERGY

IN THE MATTER OF THE APPEAL OF JERSEY )  
CENTRAL POWER & LIGHT COMPANY PURSUANT TO ) PREHEARING ORDER  
N.J.S.A. 40:55D-19 FROM A DECISION OF THE )  
TOWNSHIP OF TEWKSBURY LAND USE BOARD ) DOCKET NO. EO09010010  
DENYING AN APPLICATION FOR PRELIMINARY AND )  
FINAL SITE PLAN APPROVAL AND VARIANCES IN )  
CONNECTION WITH THE CONSTRUCTION OF A 230 )  
KV/12.5 KV SUBSTATION )  
)

(SERVICE LIST ATTACHED)

**BY THE BOARD<sup>1</sup>:**

On January 7, 2009 Jersey Central Power & Light Company (“JCPL”) filed a petition with the New Jersey Board of Public Utilities (“Board”), seeking review of the denial of a site plan for a proposed electric substation, as provided for by N.J.S.A. 40:55D-19. Following receipt of answers and motions to intervene, and on notice to all interested entities, a prehearing conference was held on March 31, 2009, attended by JCP&L, the Tewksbury Land Use Board, the Township of Tewksbury, the Friends of Fairmont Historic District, the Division of Rate Counsel, and Board Staff. At that prehearing conference, the issues set forth in N.J.A.C. 1:1-13.2 were discussed, and all parties in attendance agreed upon a proposed schedule, subject to Board approval and availability.

Upon consideration of the positions put forth at the conference, the Board HEREBY FINDS the following:

**1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:**

This matter is an appeal of the denial of preliminary and final site plan approval and variances by the Tewksbury Land Use Board for the siting of an electric substation in the Township of Tewksbury, brought pursuant to N.J.S.A. 40:55D-19.

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<sup>1</sup> Commissioner Frederick Butler did not participate in this matter.

**2. PARTIES AND ATTORNEYS OR REPRESENTATIVES:**

During the prehearing conference, all parties consented to the intervention, as might be necessary, of the Township of Tewksbury, the Tewksbury Land Use Board, and the Friends of Fairmont Historic District. Accordingly, at this point, the Board HEREBY GRANTS, as may be necessary, intervention and notes that the parties to the case include Board Staff, JCP&L, the Division of Rate Counsel, the Township of Tewksbury, the Tewksbury Land Use Board, and the Friends of Fairmont Historic District. According to the parties, no further interventions are expected.

**3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:**

JCP&L has served the municipality, as required by N.J.S.A. 40:55D-19.

**4. SCHEDULE OF HEARING DATES, TIME AND PLACE:**

Evidentiary hearings are currently scheduled for June 17 and 18, 2009, at the Board's Newark offices, Two Gateway Center, Newark, New Jersey.

One public hearing will be held, at a location and schedule to be determined in conjunction with the parties, if possible.

**5. STIPULATIONS:**

Stipulations among the parties are encouraged, but at this time, no stipulations have been entered in this matter. A possible stipulation of facts was discussed at the prehearing conference, and is welcomed by the Board, but has not yet been submitted.

**6. SETTLEMENT:**

Settlement conference(s) among the parties are encouraged and may be convened at the convenience of the parties without prior approval or knowledge of the Board.

**7. AMENDMENTS TO PLEADINGS:**

No amendments to pleadings are currently expected.

**8. CASE EVENTS AND DATE FOR COMPLETION:**

The parties in attendance at the Prehearing Conference agreed upon the following schedule, with the understanding that the actual evidentiary hearing dates would be set at the convenience of the Presiding Commissioner:

Respondent's Direct Testimony	May 1
JCP&L's Rebuttal Testimony	May 15
Evidentiary Hearings (if necessary)	June 17-18
Initial Briefs	June 30
Reply Briefs	July 7
Anticipated Board Action	July 29

**9. ORDER OF PROOFS:**

To be determined.

**10. EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.

**11. EXHIBITS MARKED IN EVIDENCE:**

None at this time.

**12. ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:**

Petitioners have submitted prefiled testimony, and will, in the absence of a stipulation or other agreement, make those witnesses available for cross-examination. The other parties have not yet made a final determination as to whether they will sponsor the testimony of witnesses, and if so, how many.

**13. OTHER SPECIAL MATTERS:**

None.

Therefore, upon consideration of the forgoing, the Board HEREBY ISSUES this prehearing order. The Board FURTHER ORDERS that Commissioner Randall, as the presiding Commissioner, is HEREBY AUTHORIZED to modify the schedule set by this Order, decide upon motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

DATED: 4/27/09

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
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

