



STATE OF NEW JERSEY
Board of Public Utilities
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ENGINEERING

IN THE MATTER OF JERSEY CENTRAL POWER)
& LIGHT COMPANY'S ATTAINMENT OF)
MINIMUM RELIABILITY LEVELS)
) DOCKET NO. EO25070453

Parties of Record:

Gregory Eisenstark, Esq. Cozen O'Connor on behalf of Jersey Central Power & Light Company
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Renee Steinhagen, Esq., on behalf of Vote Solar, New Jersey Citizen Action Education Fund, Environment New Jersey, and the NJPIRG Citizen Lobby
Janine G. Bauer, Esq., on behalf of AARP
John M. Glynn, Esq., on behalf of the Borough of Little Silver and on behalf of Colts Neck Township
Michael O'Grodnick, Esq., on behalf of Bethlehem Township
Thomas F. Collins, Jr., Esq., on behalf of Byram Township
James F. Moscagiuri, Esq., on behalf of Kingwood Township

BY COMMISSIONER CHRISTINE GUHL-SADOVY:

BACKGROUND AND PROCEDURAL HISTORY

By Order dated August 13, 2025, the New Jersey Board of Public Utilities ("Board") ordered Jersey Central Power & Light Company ("JCP&L" or "Company") to show cause why the Board should not impose certain penalties upon the Company for failure to comply with the Board's Electric Distribution Service Reliability and Quality Standards, as codified at N.J.A.C. 14:5-8.1 *et seq.*, and for the Company's failure to meet the Board's Minimum Reliability Levels for calendar years 2022, 2023, and 2024.^{1,2}

On October 10, 2025, JCP&L filed its Answer to the August 2025 Order ("Answer"). By the Answer, JCP&L denied all but one (1) allegation made by the Board in the August 2025 Order

¹ In re Jersey Central Power & Light Company's Attainment of Minimum Reliability Levels, BPU Docket No. EO25070453, Order dated August 13, 2025 ("August 2025 Order").

² On September 10, 2025, the Board issued an Order in this docket which extended the deadline for JCP&L to provide its Answer until October 10, 2025.

and asserted seven (7) affirmative defenses arguing against the imposition of penalties.

On April 13, 2026, Board Staff (“Staff”) submitted a letter to JCP&L which concluded that a penalty was warranted, and noted its intention to recommend the Board issue a penalty against JCP&L in the amount of \$44,100,000.

By letter dated April 16, 2026, JCP&L stated that it disagreed with the magnitude of Staff’s recommended penalty, but indicated that the Company would work with Staff towards a balanced resolution that addresses the Board’s concerns, delivers direct and lasting benefits to customers, and preserves the Company’s ability to make the long-term investments necessary to support reliability and grid resilience.

By Order dated July 15, 2026, the Board designated myself, Commissioner Christine Guhl-Sadovy, to preside over this matter and directed that all motions seeking leave to intervene or participate in this matter, and seeking admission of counsel *pro hac vice*, file the appropriate motion with the Board on or before August 12, 2026.³

Motions to Intervene

Borough of Little Silver

On August 11, 2026, the Borough of Little Silver (“Little Silver”) filed a Motion to Intervene or Participate in this proceeding. By correspondence dated August 18, 2026, Little Silver filed a revised Motion to Intervene or Participate, thereby seeking to participate in this matter represented by counsel. By its Motion, Little Silver argued that it exists within JCP&L’s service territory and has numerous residents that experience repeated outages. Little Silver argued its interests are sufficiently distinct from the other parties to this proceeding because it is a local government with its own distinct citizenry, that it will add constructively to this case, and that its interest satisfies the standards for intervention. Little Silver further requested that, in the alternative, it be granted participant status in this matter.

Vote Solar, New Jersey Citizen Action Education Fund, Environment New Jersey, and the New Jersey Public Interest Research Group Citizen Lobby

On August 11, 2026, Vote Solar, the New Jersey Citizen Action Education Fund, Environment New Jersey, and the New Jersey Public Interest Research Group Citizen Lobby (collectively, “Joint Movants”) filed a Motion to Intervene in this matter. By their Motion, the Joint Movants argued that they are each nonprofit organizations with unique perspectives regarding energy policy, economic justice, clean energy, climate, and ratepayer interests. The Joint Movants identified that they have significant interest specifically in JCP&L’s territory that are distinct from the other parties to this proceeding, will participate in a manner that adds constructively to this case, and that their participation will not cause undue confusion or delay.

AARP

On August 12, 2026, AARP filed a Motion to Intervene in this matter, noting that it is a social welfare organization that represents approximately 350,000 ratepayers in JCP&L territory. AARP

³ In re Jersey Central Power & Light Company’s Attainment of Minimum Reliability Levels, BPU Docket No. EO25070453, Order dated July 15, 2026.

argued that it represents a unique, vulnerable portion of the State's population; has advocated on behalf of this population in numerous prior proceedings before the Board; will assist the Board in determining the impact on this uniquely situated population; and AARP will not unduly delay or interrupt the prosecution of this proceeding.

Township of Bethlehem

On August 11, 2026, Mayor Paul Muir of Bethlehem Township ("Bethlehem") filed a Motion to Intervene in this proceeding, requesting that Bethlehem be granted intervenor status or, in the alternative, participant status in this proceeding. Bethlehem argued that it is a municipal corporation located within JCP&L's service territory with its own distinct customer base that will contribute its ground-level, municipal perspective on issues surrounding JCP&L's reliability levels. By correspondence dated September 10, 2026, Bethlehem updated its Motion to include representation by counsel.

Township of Byram

On August 11, 2026, the Township of Byram ("Byram") filed a Motion to Intervene in this proceeding, arguing that Byram is uniquely situated as a township within JCP&L's northern region with many years of correspondence detailing recurring outages, vegetation conditions, blocked roads, and other issues concerning JCP&L service. Byram further noted that it will endeavor to cooperate in this proceeding and will not cause undue delay or confusion if allowed to intervene in this matter.

Township of Kingwood

On August 12, 2026, the Township of Kingwood ("Kingwood") filed a Motion to Intervene in this proceeding, arguing that its inclusion as an intervenor will serve the public interest by including municipal perspectives. Kingwood noted that it intends to monitor the status of this proceeding, comment as necessary, and will not unduly delay the proceeding.

Colts Neck Township

On August 24, 2026, Colts Neck Township ("Colts Neck") filed a Motion to Intervene or Participate in this matter, arguing that it is a township in JCP&L's service territory with interests distinct from, and not fully represented by, the parties to this proceeding. Colts Neck further argued that it can provide specific evidence concerning outages in its borders, it can provide a distinct local perspective, its participation will meaningfully advance this proceeding, and it will add measurably and constructively to this proceeding.

Motions to Participate

Kin Gee

On July 23, 2026, Kin Gee filed a Motion to Participate on behalf of Consumers Helping Affect Regulation of Gas and Electric ("CHARGE"). By correspondence dated July 29, 2026, Mr. Gee withdrew CHARGE's Motion to Participate. Also on July 29, 2026, Mr. Gee filed a separate Motion to Participate, *pro se*, arguing that his interests are distinct from the other parties to this proceeding because he has been personally affected by JCP&L's system reliability. Mr. Gee further noted that he has actively participated in prior utility regulation and reliability proceedings by submitting comments and testifying at public hearings before the Board.

Stephen Agrista

On August 11, 2026, Stephen Agrista, a private New Jersey resident, filed a *pro se* Motion to Participate in this proceeding, indicating that he experienced at least five (5) hours of storm-related outages.

Atlantic City Electric Company

On August 12, 2026, Atlantic City Electric Company (“ACE”) filed a Motion to Participate in this matter, arguing that it has significant interest in this matter as an electric public utility regulated by the Board which would be affected by any policy or procedural requirements that may result from this proceeding. Additionally, ACE noted that it has a distinct customer base separate from JCP&L, thus representing a unique market segment separate from the interests represented by any other party to this proceeding. ACE further identified that it would add meaningfully to the record in this proceeding and will not cause any undue delay.

Township of Jackson

On August 11, 2026, the Township of Jackson (“Jackson”) filed a Motion to Participate in this matter. By its Motion, Jackson identified numerous concerns it has with JCP&L’s system reliability and indicated that it has numerous outstanding repair requests with JCP&L about which Jackson has not received any update. Accordingly, Jackson requested that the Board compel JCP&L to provide Jackson with updates regarding those requests and review the requests as part of the Board’s determination in this matter.

Jackson additionally requested to be granted participant status in this matter, arguing that it has a unique perspective as a municipal stakeholder that can provide additional insight into JCP&L’s municipal reliability, customer service, and responsiveness.

By correspondence dated August 18, 2026, Jackson updated its motion to indicate that it is being represented by counsel in this matter.

Township of Jefferson

On August 12, 2026, the Township of Jefferson (“Jefferson”) filed a Motion to Participate in this matter, arguing that it, and its residents, have a direct and substantial interest in this proceeding because they have experienced significant JCP&L service interruptions and communication failures on the part of the Company. Additionally, Jefferson noted that it will not unnecessarily delay or expand this proceeding and intends to add meaningfully to a full record for consideration by the Board.

Public Service Electric and Gas Company

On August 12, 2026, Public Service Electric and Gas Company (“PSE&G”) filed a Motion to Participate in this matter, arguing that, as an electric public utility in New Jersey, it will be materially affected by any reliability obligations, remedial measures, evidentiary standards, and other outcomes occurring as a result of this proceeding. PSE&G noted it has a history of coordinating activities across New Jersey, extensive operational experience as an electric utility, and its inclusion will not cause undue delay or confusion.

Stanhope Borough

On August 12, 2026, the Borough of Stanhope ("Stanhope") filed a Motion to Participate in this matter, arguing that it is a municipality in JCP&L's service territory with significant safety and operational interest in JCP&L's service reliability. Stanhope noted that participant status would allow it to remain informed, and it can provide unique insight into the municipal perspective regarding JCP&L's reliability.

Positions of the Parties

By letter dated October 6, 2026, the New Jersey Division of Rate Counsel ("Rate Counsel") responded to the Motions seeking leave to intervene or participate in this matter, indicating no objection to any of the Motions.

DISCUSSION AND FINDINGS

In ruling on a Motion to Intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant" if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. N.J.A.C. 1:1-16.6(b). Under N.J.A.C. 1:1-16.6(c), such participation is limited to either the right to argue orally, file a statement or brief, file exceptions to the initial decision with the agency head, or all of these as determined by the trier of fact.

In addition, N.J.S.A. 48:2-32.2 grants every municipality in the State the right to, alone or jointly, intervene in any hearing or investigation held by the Board involving utility rates, fares, charges, services, or facilities affecting the municipality or members of the public in the municipality.

As the Board noted in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record that involves consideration of a diversity of interests must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervenor's best interest be specific, direct, and different from that of the other parties to the proceeding so as to add measurable and constructively to the scope of the case.⁴

Motions to Intervene

⁴ See In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106, Order dated June 8, 2005.

After consideration of the papers, and given the lack of objection, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, that the Joint Movants and AARP will be directly affected by the outcome of this proceeding and will add measurably and constructively to the case without causing undue delay or confusion. The Joint Movants have significant interests, specifically in JCP&L's territory, that are distinct from the other parties in this proceeding. AARP represents a unique, vulnerable portion of the State's population. I **HEREBY FIND** that the Joint Movants and AARP have met the standards for intervention in this proceeding. Accordingly, I **HEREBY GRANT** the Joint Movants' and AARP's respective Motions to Intervene.

Regarding the Motions to Intervene filed by Little Silver, Bethlehem, Byram, Kingwood, and Colts Neck (collectively, "Municipal Intervenors"), the Municipal Intervenors each identified that they are uniquely situated and can add constructively to this matter because they are each situated in JCP&L's service territory with unique perspectives specific to their respective municipality. Accordingly, because this matter concerns provision of electricity services, and reliability thereof, to the Municipal Intervenors and their residents, I **FURTHER GRANT** each of the Municipal Intervenors' respective Motions to Intervene.

Motions to Participate

Regarding the Motions to Participate filed by PSE&G and ACE, I **HEREBY FIND** that PSE&G and ACE have a significant interest in this proceeding and that, as participants, PSE&G and ACE are likely to add constructively to this case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** PSE&G and ACE participant status, with the rights to argue orally, file statements or briefs, and file exceptions as set forth in N.J.A.C. 1:1-16.6(c).

Regarding the Motions to Participate filed by Jackson, Jefferson, and Stanhope, I **FURTHER FIND** that Jackson, Jefferson, and Stanhope have a significant interest in this proceeding and that, as participants, Jackson, Jefferson, and Stanhope are likely to add constructively to this case without causing undue delay or confusion.⁵ However, I **NOTE** that Jackson, Jefferson, and Stanhope, being municipalities of the State of New Jersey with comparable interests and potential to add constructively to the outcome of this matter to those of the Municipal Intervenors, also meet the standard to be added to this matter as intervenors. As such, I **HEREBY DENY** the Motions to Participate filed by Jackson, Jefferson, and Stanhope and, in the alternative, **FURTHER GRANT** Intervenor status to Jackson, Jefferson, and Stanhope pursuant to N.J.S.A. 48:2-32.2, to provide an equal status to all the interested municipalities.

Regarding the Motion to Participate filed by Kin Gee, Mr. Gee initially filed a Motion to Participate on behalf of CHARGE as its president. Mr. Gee then retracted the Motion and filed a separate Motion to Participate in this matter, *pro se*, as a private citizen in which Mr. Gee argued that, while Rate Counsel represents the interests of the State's ratepayers generally, Mr. Gee "personally experienced the consequences of the utility's inadequate service" and can provide a firsthand perspective to complement the other parties' perspectives. Mr. Gee emphasized that his history of providing comments at public hearings provided him the experience necessary to participate meaningfully in this proceeding. However, Mr. Gee did not provide evidence showing how his participation and perspective would differ substantially from that of Rate Counsel, which already represents the interests of the State's ratepayers, or from the municipalities that moved to

⁵ I have declined to rule on Jackson's request to compel JCP&L's production of certain information because it is outside the scope of this proceeding and to be addressed outside this proceeding.

intervene and participate in this matter, which provide the perspective of reliability issues specific to localities and their ratepayers. As such, because Mr. Gee's interests are not significantly distinct from the other parties to this proceeding, I **FURTHER FIND** that Mr. Gee's inclusion in this case will not add constructively without causing undue delay or confusion. Accordingly, I **HEREBY DENY** Kin Gee's Motion to Participate in this proceeding.

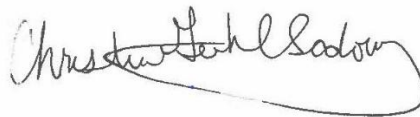
Regarding the Motion to Participate filed by Stephen Agrista, Mr. Agrista indicated that he would like to participate in this proceeding because he experienced outages for at least five (5) hours related to storms. Mr. Agrista did not provide any additional support showing that his interests are significantly distinct from the other parties to this proceeding or that his participation in this proceeding will constructively add to this case without causing undue delay or confusion. As such, I **HEREBY DENY** Stephen Agrista's Motion to Participate in this proceeding.

Additionally, I **NOTE** that parties denied the opportunity to intervene or participate in this proceeding retain the right to participate as members of the public, including filing comments to the docket and providing public comments at any public hearings held in connection with this matter.

In addition, in compliance with the Board's Orders in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically.⁶ No hard copies shall be filed until the Board lifts the restrictions imposed by the Orders. I **FURTHER DIRECT** Staff to post this Order to the Board's website.

DATED: 10/13/2026

BY:

A handwritten signature in cursive script, reading "Christine Guhl-Sadovy".

CHRISTINE GUHL-SADOVY
COMMISSIONER

⁶ In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Orders dated March 19, 2020 and June 10, 2020.

IN THE MATTER OF JERSEY CENTRAL POWER & LIGHT COMPANY'S ATTAINMENT OF MINIMUM
RELIABILITY LEVELS

DOCKET NO. EO25070453

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