



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

IN THE MATTER OF THE PETITION OF PUBLIC)	<u>ENERGY</u>
SERVICE ELECTRIC AND GAS COMPANY FOR A)	
DETERMINATION PURSUANT TO THE PROVISIONS)	PREHEARING ORDER
OF <u>N.J.S.A. 40:55D-19</u> (SUSQUEHANNA – ROSELAND)	
TRANSMISSION LINE))	DOCKET NO. EM09010035

(SERVICE LIST ATTACHED)

BY THE BOARD¹

BACKGROUND

On January 12, 2009, Petitioner, Public Service Electric and Gas Company ("PSE&G" or "Petitioner") filed a petition and thirteen testimonial exhibits marked Exhibits P-1 through P-13 with the New Jersey Board of Public Utilities ("BPU" or "Board"). By letter dated January 16, 2009, PSE&G amended the petition to identify that a portion of the proposed Project would go through the Borough of Hopatcong. On February 26, 2009, a prehearing conference was held in this matter. That conference was attended by various parties representing PSE&G, many of the municipalities affected by the proposed line placement, private entities including camps and schools, the Eastern Environmental Law Clinic, the organization Stop The Lines, the Division of Rate Counsel, and Board Staff.

Upon consideration of the positions put forth at the conference, and the submissions provided following that conference, the Board finds the following:

NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:

Whether the petition by PSE&G satisfies the requirements set forth in N.J.S.A. 40:55D-19 such that the Board may authorize PSE&G to construct the proposed electric transmission line.

¹ Commissioner Frederick F. Butler did not participate in this matter.

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

Parties to this matter include PSE&G, Board Staff, and the Division of Rate Counsel. At this time, the Board will set a date for intervention / participation motions and responses, and thus to date no other parties have been formally admitted to the case. As intervention / participation motions are granted, the service list in this matter will be amended.

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

PSE&G has served each 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 October 19-23, 2009, at the Board's Newark offices, Two Gateway Center, Newark, New Jersey.

Public hearings will be scheduled, at locations reasonably convenient to the affected municipalities, on a schedule to be determined.

5. **STIPULATIONS:**

Stipulations among the parties are encouraged, but at this time, no stipulations have been entered in this matter.

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:**

Following an update provided by PSE&G by letter on January 16, 2009, no further amendments to pleadings are currently expected.

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

The parties in attendance at the Prehearing Conference of January 23, 2009 discussed proposals and options for a procedural schedule. Those parties in attendance were invited to submit proposed schedules to the pre-hearing officer shortly after the Prehearing Conference. Based upon those discussions and submissions and the considerations of the Board and the case, the following partial schedule has been set:

Supplemental Initial Testimony from PSE&G (if desired)	March 15
Requests for Intervention / Pro Hac Due	April 1
Objections to Requests for Intervention / Pro Hac Due	April 15
Responses to Objections to Requests for Intervention / Pro Hac Due	April 21
Last Date for Discovery Requests on Initial Testimony	May 15
Last Date for Responses to Discovery Requests on Initial Testimony	June 5
Reply Testimony	June 25
Last Date for Discovery Requests on Reply Testimony	July 10
Last Date for Responses to Discovery Requests on Reply Testimony	July 31
Rebuttal Testimony	August 26
Last Date for Discovery Requests on Rebuttal Testimony	September 10
Last Date for Responses to Discovery Requests on Rebuttal Testimony	September 30
Evidentiary Hearings	October 19-23
Initial Briefs	November 6
Reply Briefs	November 20
Anticipated Board Action	December 2009

9. **ORDER OF PROOFS:**

To be determined.

10. **EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.

EXHIBITS MARKED IN EVIDENCE:

None at this time.

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

Petitioners have submitted prefiled testimony of thirteen witnesses, including three witnesses that have provided testimony on behalf of PJM Interconnection, LLC. The other parties and potential intervenors have not yet determined whether they will sponsor the testimony of witnesses.

MOTIONS CONTEMPLATED, PENDING OR GRANTED:

A number of motions for intervention have previously been submitted, as well as applications for admission pro hac vice. These motions, as well as any other motions received prior to the deadline for intervention set above, are subject to the reply and response schedule set above, and are expected to be decided by the Board or a presiding Commissioner no later than April 27, 2009.

In addition, a number of entities have requested that the Board require PSE&G to set aside an escrow account to be used for the purpose of paying for experts for the municipalities. PSE&G has not consented to this request as of this date. Accordingly, the Board HEREBY REQUESTS that, if possible, those parties that continue to advocate for the institution of an escrow account file a joint motion by April 1, 2009, with any party opposing the motion filing responsive pleadings by April 15, 2009, and reply papers to be filed by no later than April 21, 2009. The Board or a Presiding Commissioner expects to decide any motion of this nature no later than April 27, 2009.

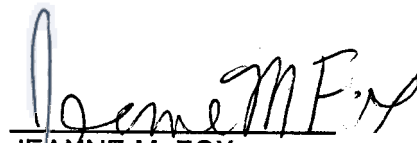
OTHER SPECIAL MATTERS:

None.

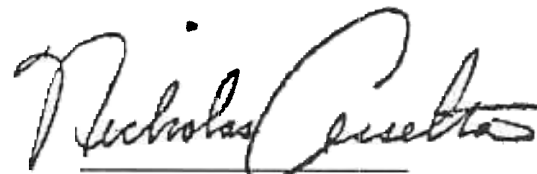
Therefore, upon consideration of the forgoing, the Board HEREBY ISSUES this prehearing order.

DATED: **3/12/09**

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

