



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF STANDARD OFFER CAPACITY	)	ORDER
AGREEMENTS BETWEEN NEW JERSEY POWER	)	
DEVELOPMENT LLC AND PUBLIC SERVICE	)	
ELECTRIC & GAS COMPANY; JERSEY CENTRAL	)	
POWER & LIGHT COMPANY; ATLANTIC CITY	)	
ELECTRIC; AND ROCKLAND ELECTRIC COMPANY;	)	
SUBMISSION OF A DISPUTE TO THE BOARD FOR	)	DOCKET NO. EO11110845
RESOLUTION	)	
	)	
and	)	
	)	
IN THE MATTER OF STANDARD OFFER CAPACITY	)	
AGREEMENTS BETWEEN CPV SHORE LLC AND	)	
PUBLIC SERVICE ELECTRIC & GAS COMPANY;	)	
JERSEY CENTRAL POWER & LIGHT COMPANY;	)	
ATLANTIC CITY ELECTRIC; AND ROCKLAND	)	
ELECTRIC COMPANY; SUBMISSION OF A DISPUTE	)	DOCKET NO. EO12020145
TO THE BOARD FOR RESOLUTION	)	
	)	

- James E. McGuire, Esq.**, for New Jersey Power Development, LLC
- Margaret Comes, Esq.**, for Rockland Electric Company
- Philip J. Passanante, Esq.**, for Atlantic City Electric Company
- Marc B. Lasky, Esq.**, for Jersey Central Power and Light Company
- Tamara L. Linde, Esq.**, for Public Service Electric & Gas Company
- Stefanie A. Brand**, Director, New Jersey Division of Rate Counsel
- Thomas P. Thackston, Esq.**, for Hess Newark, LLC
- Julie L. Friedberg, Esq.**, for NRG Energy, Inc.
- Vilna Waldron Gaston, Esq.**, for PSEG Power, LLC
- Stephen B. Genzer, Esq.**, for Exelon Generation Company, LLC
- Mara E. Zazzali-Hogan, Esq.**, for Calpine Corporation
- Catherine E. Tamasik, Esq.**, for West Deptford Energy, LLC
- Glenn S. Pantel, Esq.**, for CPV Shore, LLC

BY THE BOARD:

This matter comes before the Board on an application of CPV Shore LLC ("CPV"), seeking Board assistance in resolving a purported dispute under the Standard Offer Capacity Agreement ("SOCA") executed by CPV as part of the Long-Term Capacity Agreement Pilot Program ("LCAPP"). N.J.S.A. 48:3-98.2, and -98.4. This is the second petition for resolution of a claimed dispute under the SOCA filed with the Board; the first, filed by New Jersey Power Development LLC ("NJPD"), has already been retained by the Board, and President Hanna has been designated as the presiding officer. See I/M/O Standard Offer Capacity Agreements Between New Jersey Power Development LLC and Public Service Electric & Gas Company; Jersey Central Power & Light Company; Atlantic City Electric; and Rockland Electric Company; Submission of a Dispute to the Board for Resolution, EO11110845, Order dated February 10, 2012.

The matter before the Board today involves the same factual situation, the same set of contracts, and essentially the same parties as in the NJPD matter. In fact, as part of the initiation of this matter, CPV included a request to consolidate these petitions for purposes of the litigation.

On March 30, 2012, President Hanna, as presiding officer in the NJPD proceeding, issued an Order providing for intervention and participation status to a number of parties, including CPV. During the course of motion practice associated with those requests, CPV clarified its desire to both intervene in the NJPD matter and have the current matter consolidated with the NJPD proceeding. To date, no objections have been received to the request for consolidation.

Motions for consolidation are controlled by N.J.A.C. 1:1-17.3. Specifically, the Board must consider:

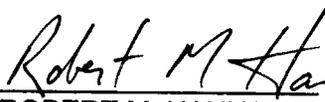
1. The identity of parties in each of the matters;
2. The nature of all the questions of fact and law respectively involved;
3. To the extent that common questions of fact and law are involved, the saving in time, expense, duplication and inconsistency which will be realized from hearing the matters together, and whether such issues can be thoroughly, competently, and fully tried and adjudicated together with and as a constituent part of all other issues in the two cases;
4. To the extent that dissimilar questions of fact or law are present, the danger of confusion, delay or undue prejudice to any party;
5. The advisability generally of disposing of all aspects of the controversy in a single proceeding; and
6. Other matters appropriate to a prompt and fair resolution of the issues, including whether a case still pending in an agency is contested or is ripe to be declared contested.

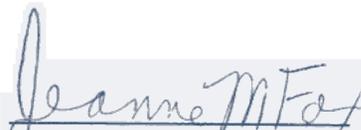
In this case, and in light of the lack of any objection, the analysis for consolidation is relatively simple. The parties, law, facts, issues, and most of the remedies are essentially identical; the few differences are such that they should have minimal impact, if any, upon the proceeding. As such, it is advisable to resolve these controversies within a single proceeding. .

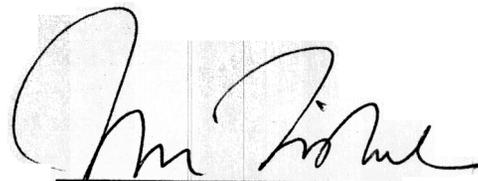
Accordingly, the Board HEREBY RETAINS jurisdiction over the CPV matter, HEREBY FINDS that procedural consolidation is appropriate under the circumstances described, and HEREBY CONFIRMS President Hanna as the presiding officer on the consolidated case. Based upon these determinations, the Board HEREBY ORDERS that Docket No. EO12020145 shall be consolidated with Docket No. EO11110845 for purposes of all further adjudication. The Board FURTHER ORDERS that the scheduling Order issued by the presiding officer on March 30, 2012 will control the consolidated case unless President Hanna determines that an adjustment in that schedule is necessary in the interests of achieving a just and expeditious determination of the issues.

DATED: 4/12/12

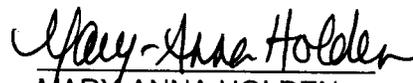
BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

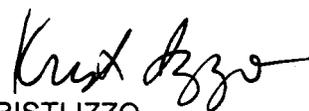
  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

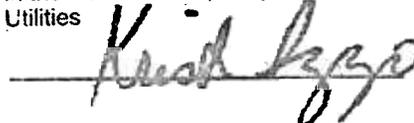
  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARY-ANNA HOLDEN  
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



**I/M/O STANDARD OFFER CAPACITY AGREEMENTS  
BPU DOCKET NO. EO11110845**

**SERVICE LIST**

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