



Agenda Date: 3/19/14  
Agenda Item: 2B

**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 THE PETITION OF ATLANTIC )  
CITY ELECTRIC COMPANY FOR A DETERMINATION )  
PURSUANT TO THE PROVISIONS OF N.J.S.A. )  
40:55D-19 THAT THE USE OF CERTAIN LANDS )  
WITHIN THE TOWNSHIP OF PENNSVILLE, )  
TOWNSHIP OF MANNINGTON, TOWNSHIP OF )  
PILESGROVE, BOROUGH OF WOODSTOWN, AND )  
THE TOWNSHIP OF UPPER PITTSBORO, AND ALL )  
IN THE COUNTY OF SALEM, ALL IN THE STATE OF )  
NEW JERSEY, ARE REASONABLY NECESSARY FOR )  
THE SERVICE, CONVENIENCE OR WELFARE OF )  
THE PUBLIC; AND THAT THE ZONING AND LAND )  
USE ORDINANCES OF THOSE MUNICIPALITIES AND )  
COUNTIES SHALL HAVE NO APPLICATION )  
THERE TO )

ORDER DESIGNATING  
PRESIDING  
COMMISSIONER AND  
SETTING MANNER OF  
SERVICE AND BAR DATE

DOCKET NO. EO13111047

**Parties of Record:**

**Philip Passanante, Esq.**, Atlantic City Electric Company  
**Stefanie A. Brand, Esq.**, Director, Division of Rate Counsel

**BY THE BOARD:**

The Board of Public Utilities (the "Board") is empowered to ensure that regulated public utilities provide safe, adequate and proper service to the citizens of New Jersey. N.J.S.A. 48:2-23. Pursuant to N.J.S.A. 48:2-13, the Board has been vested by the Legislature with the general supervision and regulation of and jurisdiction and control over all public utilities, "so far as may be necessary for the purpose of carrying out the provisions of [Title 48]." The courts of this State have held that the grant of power by the Legislature to the Board is to be read broadly, and that the provisions of the statute governing public utilities are to be construed liberally. See e.g., In re Public Service Electric and Gas Company, 35 N.J. 358, 371 (1961), Township of Deptford v. Woodbury Terrace Sewerage Corp., 54 N.J. 418, 424 (1969), Bergen County v. Dep't. of Public Utilities, 117 N.J. Super. 304 (App. Div. 1971).

On November 7, 2013, Atlantic City Electric ("ACE" or "Company"), a New Jersey public utility engaged in the business of transmitting and distributing electric energy for light, heat and power

within its service areas in Cape May, Cumberland, Atlantic, and Salem counties, and parts of Gloucester, Camden and Burlington counties, filed a petition with the Board pursuant to N.J.S.A. 40:55D-19 of the New Jersey Municipal Land Use Act ("MLUA").

According to the petition, transmission planning studies completed by PJM in conjunction with regional transmission owners in 2004 and 2005 identified the potential for a severe contingency overload of the 230 kV transmission line from ACE's Mickelton Substation to PECO Energy's Trainer Substation. Also according to the petition, to address this issue in time for the summer of 2008, ACE made the determination to install a new 500/230 kV substation in its service territory in proximity to one (1) of the 500 kV lines that transmits power from the artificial island nuclear units located in Lower Alloways Creek Township, to load centers further north and east (the "Orchard Substation"). While the Orchard Substation, which utilizes a temporary 3 terminal configuration, was placed in service May 2008, ACE maintains that this configuration creates challenges for the operation of its transmission system.

By the petition, ACE seeks permission to upgrade this portion of its system to eliminate what the Company has determined, to be an excessive risk of a 230kV transmission outage, created by the temporary configuration, by implementing a system that would leave the other lines intact if one line experiences problems. The Company maintains that these upgrades will complete the integration of the Orchard Substation into the Company's transmission system, ensuring that the ability to import large amounts of power is maximized pursuant to the design originally planned and approved by PJM. The Company represents that all upgrading of the facilities will be conducted almost exclusively within the existing rights of way. ACE requests that construction begin in August of 2014, in order to meet the targeted in-service date of May 2015.

N.J.S.A. 40:55D-19 provides that the MLUA, and any ordinance or regulations made under the authority thereof shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service if, upon petition by the public utility to the Board with notice to all affected municipalities, the Board thereafter conducts a hearing to determine whether the proposed installation of the development in question is "reasonably necessary for the service, convenience or welfare of the public."

Accordingly, the Board has determined that the petition should be retained by the Board for hearing to decide whether the system upgrades proposed by ACE are reasonably necessary for the service, convenience or welfare of the public consistent with N.J.S.A. 40:55-D-19. Pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** Commissioner Mary-Anna Holden as the presiding officer. The Board **FURTHER ORDERS** that Commissioner Holden, as the presiding Commissioner, is **HEREBY AUTHORIZED** to establish and modify schedules, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

The Board **HEREBY DIRECTS** that all entities seeking to intervene in this matter file the appropriate application with the Board by April 11, 2014.

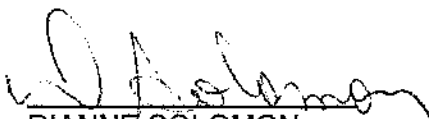
The Board **HEREBY DIRECTS** staff to post this Order on the Board's website and serve a copy of the Order to the service list electronically.

In addition, in the interests of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, with hard copies to each party upon request.

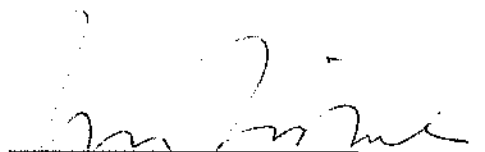
This Order shall be effective on March 28, 2014.

DATED: 3/19/2014

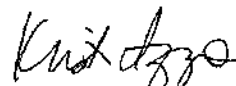
BOARD OF PUBLIC UTILITIES  
BY:

  
DIANNE SOLOMON  
PRESIDENT

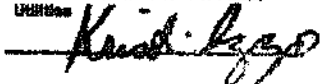
  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
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



IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR A DETERMINATION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40:55D-19 THAT THE USE OF CERTAIN LANDS WITHIN THE TOWNSHIP OF PENNSVILLE, TOWNSHIP OF MANNINGTON, TOWNSHIP OF PILESGROVE, BOROUGH OF WOODSTOWN, AND THE TOWNSHIP OF UPPER PITTSBORO, AND ALL IN THE COUNTY OF SALEM, ALL IN THE STATE OF NEW JERSEY, ARE REASONABLY NECESSARY FOR THE SERVICE, CONVENIENCE OR WELFARE OF THE PUBLIC; AND THAT THE ZONING AND LAND USE ORDINANCES OF THOSE MUNICIPALITIES AND COUNTIES SHALL HAVE NO APPLICATION THERETO

BPU DOCKET NO. EO131111047

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