



Agenda Date: 11/21/14  
Agenda Item: 2C

**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 PENSVILLE, 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 )

ORDER

DOCKET NO. EO13111047

**Parties of Record:**

**Phillip J. Passanante, Esq.**, for Atlantic City Electric Company  
**Stefanie A. Brand, Esq. Director**, for New Jersey Division of Rate Counsel

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

**BACKGROUND**

The New Jersey Board of Public Utilities ("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), Twp. 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).

<sup>1</sup> Commissioner Dianne Solomon was not present at the 11/21/14 agenda meeting.

## PROCEDURAL HISTORY

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") seeking a determination that the zoning regulations of the affected municipalities do not apply to the proposed construction. The petition included maps of the proposed project and zoning maps of the affected municipalities, a certification of Steven R. Herling, Vice President of Planning at PJM Interconnection, LLC ("PJM") on the need for the project, and the prefiled testimony of the following witnesses: Frank Caroselli, Jason Tucker, Gregory A. Parsons, Michael Garrity, Nicholas Salvatore, Thomas Reilly and William H. Bailey, Ph.D.

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 of the 500 kV lines that transmits power from the Artificial Island nuclear units (Salem and Hope Creek) located in Lower Alloways Creek Township, to load centers further north and east (the "Orchard Substation"). While the Orchard Substation, which utilizes a temporary three 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. 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 represented that all upgrading of the facilities will be conducted almost exclusively within the existing rights of way.

By Order dated March 19, 2014, the Board retained this matter for hearing and designated Commissioner Mary-Anna Holden as the presiding officer with authority to establish and modify schedules, decide all motions, and otherwise control the conduct of this case. Commissioner Holden issued a Pre-Hearing Order, dated June 2, 2014, setting a procedural schedule, designating August 5, 2014, as the public hearing date and November 5, 2014 as the evidentiary hearing date. The Prehearing Order was posted on the Board's website and was served on representatives of the affected municipalities. No motions to intervene or participate were filed.

After publication of notice in newspapers of general circulation in ACE's service territory, a public hearing was held in Pilesgrove, New Jersey, a town affected by the proposed system improvement. One member of the public spoke, Jennifer Coombs-Kelly chairwomen for the Stop the Poles Organization, questioning the need for the project and the need to use poles of such height in the project.

In order to expedite the matter to allow construction to begin as soon as possible if the project is approved, the Company requested that the evidentiary hearing be rescheduled to an earlier

date. On consent of the parties, Commissioner Holden granted the request and rescheduled the evidentiary hearing for October 2, 2014.

At the October 2, 2014 evidentiary hearing, held in the Board's offices, with Commissioner Holden presiding, ACE submitted the pre-filed testimony of its witnesses. At the outset of the hearing, Commissioner Holden acknowledged the parties' stipulations to mark and to move into evidence all discovery exchanged between the parties as well as the prefilled testimony, marked as P-1 through P-20. As stated above all of ACE's witnesses attended the hearing in person and were available for cross-examination. After being introduced by the Company's attorney, each of the Company's witnesses noted on the record any subsequent changes to their pre-filed testimony before being presented for cross-examination.

## **TESTIMONY PRESENTED**

### **A. The Need for the Project**

Frank Caroselli is employed by PHI Service Company ("PHI"), a subsidiary service company of Pepco Holdings, Inc., as a Consulting Engineer within the Transmission Planning Department, where he provides services to ACE. (Ex. P-10 at L3 to 10). The purpose of Caroselli's testimony is to demonstrate the need for the Orchard Substation Project ("Project").

According to Caroselli, the need for the Project was identified in the PJM 2005 RTEP Report. (Id. at L82 to 83; Ex. P-10A). Orchard substation was placed into service in May 2005, with a temporary three terminal 230 kV configuration. Since May 2005, the Company has sought to complete the 230 kV work that will result in two separate 230 kV lines connected to Orchard substation. (Id. at L83 to 87). The Project combines the creation of a second 230 kV line out of Orchard substation with the replacement of a nearby aging 138 kV towerline. (Id. at L90 to 92).

Caroselli asserts that the Project is necessary to allow for the unrestricted use of Orchard 500/230 kV substation to maximize the ability to import power from the 500 kV system as necessary, without the severe relay and thermal limitations that currently exist. (Id. at L94 to 96). Second, the Project is necessary to reduce the excessive risk of losing all of the 230 kV facilities connected to Orchard substation as a single event, and effectively the 500/230 kV transformer as well, to an acceptable level. (Id. at L96 to 99; Ex. P-10B). At the Company's request, PJM studied the Project and determined that implementation of the Project would have no adverse impact on system reliability. (Id. at L104 to 105). Additionally, at a December 13, 2012 Transmission Expansion Advocacy Committee meeting, PJM staff presented Exhibit P-10C and no questions were asked by the other transmission owners. (Id. at L106 to 110).

According to Caroselli, the approximate cost of the 230 kV portion of the double circuit steel pole line and appurtenant facilities is \$12.5 million. (Id. at L112 to 113). The approximate cost for the 138 kV portion is \$20.6 million. (Id. at L113 to 114). The steel pole cost is allocated to the 138 kV project because it would have been spent to just rebuild the 138 kV, and the 230 kV costs are subject to cost sharing at the PJM level. (Id. at L114 to 116).

It is Caroselli's opinion that the Project is necessary to help ensure the Company's transmission system can continue operating in a reliable manner, considering load growth and uncertainty surrounding generation resources. (Id. at L117 to 122). ACE would like to complete the Project by May 31, 2015 to coincide with the planned retirement of 10 generating units owned by Calpine Generating Company LLC. (Id. at L123 to 125).

## B. Overview of the Project

Jason Tucker is employed by PHI as a Supervising Engineer within the Transmission and Civil Engineering Department and he provides services to ACE in that capacity. (Ex. P-11 at L3 to 9). According to Tucker's testimony, there is no other practical alternative for the construction of the Project that would have any less adverse impact. (Id. at L235 to 238).

Tucker has been personally responsible for the Project since 2012, when he was named to his present position. (Id. at L50 to 53). According to Tucker, ACE examined several system alternatives after determining that a transmission line had to be constructed between Churchtown-Orchard/Deepwater-Upper Pittsgrove. (Id. at L67 to 70). However, ACE determined none of the alternative routes could reasonably be compared in terms of cost and environmental impact. (Id. at L71 to 72). The route was chosen as the preferred route based on the following factors:

- The route will be constructed within ACE's existing Right-of-Way; it's fee-owned land; and secured easements.
- Minimal additional clearing will be required and .3 miles of the 230 kV segment of the line will be constructed underground to minimize any impact on wetlands that would result from forested wetland clearing for an overhead line.
- Any aesthetic impacts from this route are de minimus because the line traverses ACE's existing Right-of-Way. As most of the land impacted by the Right-of-Way is farmland and ACE will be replacing the existing lattice towers with steel monopoles, the footprint will be reduced, and the amount of land that can be tilled will be increased. (Id. at L72 to 83).

Therefore, Tucker maintains that the route is the most economic approach with an added benefit of minimizing new environmental impacts. (Id. at L84 to 86).

Tucker asserts that ACE adhered to the PJM Design and Application of Overhead Transmission Lines 69 kV and Above and the National Electric Safety Code in the design of the proposed line. (Id. at L104 to 106). ACE incorporated the concept of "prudent field management"<sup>2</sup> where modifications could be made at little or no cost. (Id. at L115 to 117). For example, ACE is using an existing right-of-way, selecting a phasing arrangement to provide cancellation of the magnetic fields wherever practical, and designing the new structures to provide five feet of additional ground clearance than required by PJM and three feet more than required by the NESC. (Id. at L 119 to 125). Although electric fields will be higher with the operation of the 230 kV line segment than the existing 138 kV lines, the electric fields associated with the operation of the 230 kV and 138 kV lines will be less than the New Jersey guideline of 3 kV/m at the edge of right-of-way. (Id. at L126 to 130).

Tucker represents that ACE's Foresters will work with contract planners to ensure property owners are notified and aware of the necessity of the work ACE needs to perform to ensure reliable and safe transmission of electrical services to all customers. (Id. at L134 to 136). To

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<sup>2</sup> "Prudent field management" suggests that it is reasonable to make low cost expenditures in the design of transmission lines that can result in a lowering of magnetic and electric fields to less than what would otherwise be experienced had such measures not been undertaken. (P6-112 to 115).

mitigate the proposed structure height increase of approximately 20 feet, the existing lattice tower structures will be replaced with steel monopoles. (Id. at L180 to 188).

Both electric and magnetic fields have been modeled by Exponent, ACE's outside consultant.<sup>3</sup> (Id. at L192 to 194). Tucker opined that the design of the design of the 230 kV and 138 kV series of transmission lines incorporated ACE's concept of prudent field management and that the expected field levels are substantially similar to field levels associated with other 230 kV and 138 kV lines throughout ACE's service territory. (Id. at L226 to 234).

In contrast to the proposed construction, an underground transmission line could result in longer outages and service restoration periods. (Id. at L252 to 258). The disturbance caused by the construction equipment necessary to construct and maintain the underground cables can result in significant adverse environmental impact. (Id. at L258 to 261). It would take a significantly longer time and impose additional costs to construct an underground versus overhead 230 kV line along the proposed route. (Id. at L262 to 269). The overhead line costs associated with the Project are estimated at approximately \$26.4 million for the overhead portion of the line; in other words, \$1,525,000 per mile for both circuits. (Id. at L273 to 277). In contrast, an underground system could range from \$11 to 12 million per mile for one 230 kV circuit, plus additional costs of stocking new inventory. (Id. at L278 to 285). While the long term performance of 230 kV solid dielectric cables is largely unknown, the availability of the circuit could be much less than that of comparable overhead line due to the additional time it takes to repair an underground cable. (Id. at L286 to 292).

Tucker asserts that the installation of an underground transmission line along the proposed route would have greater impact on the property owners than an overhead line during construction, especially on the farming community. (Id. at L293 to 300). The rural portions of the right-of-way pose special construction problems for underground transmission lines and the potential for adverse environmental impact, such as surface and subsurface disturbance as well as a negative impact on water quality and a change in the flow of underground water. (Id. at L305 to 311). The underground lines could also have a significant impact on wetland areas as root systems may need to be removed, whereas all root systems of trees remain with an overhead line except the area in the vicinity of the structure foundation. (Id. at L312 to 315). Lastly, the technology necessary to install, maintain, and repair such underground cable would impose additional economic, technical, and labor burdens on ACE, which has limited underground transmission facilities operated at a 230 kV level. (Id. at L316 to 321).

However, the Company decided to utilize an underground installation for a small section of line as it enters the Churchtown Substation to avoid impacts to environmentally sensitive areas that would result from an aerial option that would require a wider right-of-way due to electrical clearance requirements. (Id. at L325 to 330). Tucker concludes that such environmental constraints are not factors in Right-of-Way 106 through which the remainder of the proposed route is sited. (Id. at L330 to 331).

### **C. Station and Substation Construction**

Gregory A. Parsons is employed by the Company as a Consulting Engineer. (Ex. P-12 at L3 to 4). Parsons provided oversight and review of both the minor changes to the existing 230 kV terminals at Orchard substation and the design of the rebuild for the existing 230 kV line terminal at Churchtown substation. (Id. at L25 to 27). Parsons' testimony explains the Project's

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<sup>3</sup> See Direct Testimony of William H. Bailey (P-16) for further details on this issue.

station and substation construction as well as what aspects of the construction will require permits.

Four substations require modifications to accommodate the Project. (Id. at L33 to 35). First, the Deepwater Station requires retiring and removing one existing 138 kV line terminal and associated equipment, which does not require a permit. (Id. at L38 to 40). Second, the Churchtown Substation requires the following: removing connections to the existing overhead transmission line; relocating existing lightning arrestors, instrument transformers, and the line disconnect switch to make room for Transmission Engineering's 230 kV cable riser structure and cable terminations, attaching cable terminations to the relocated line disconnect switch; revising and applying relay settings, testing and commissioning protective relay schemes. (Id. at L41 to 47). All of this work requires a building permit from the Pennsville Township Building Department. (Id. at L48 to 49).

Third, the Orchard Substation requires connecting new transmission conductors to the existing 230 kV line terminal equipment, revising and applying relay settings for both 230 kV line terminals, testing and commissioning protective relay schemes, and installing two additional monopoles. (Id. at L50 to 53). ACE requests relief from local zoning restrictions for the height of the transmission poles. (Id. at L53 to 54). Fourth, the Cumberland Station requires revising and applying relay settings, and testing and commissioning protective relay schemes, none of which require permits. (Id. at L55 to 57).

According to Parsons, the modifications will not increase any noise levels at the stations, nor will they require an enlargement of the substations' footprints. (Id. at L64 to 68).

#### **D. Route Justification**

Michael Garrity is also employed by PHI as a Lead Environmental Scientist within the Environmental Planning Department, and in that capacity provides services to ACE. (Ex. P-13 at L3 to 8). Garrity's testimony explains the various permits and approvals required for this Project to be completed. Garrity also provides testimony to support the proposed route by explaining the ACE solutions to the various impacts of the Project, particularly the environmental impacts.

With regards to selecting the route for the Project and studying the alternatives, Garrity states that he provided input by overseeing the process of identifying environmentally sensitive areas and jurisdictional limits of the New Jersey Department of Environmental Protection ("NJDEP") and the U.S. Army Corps of Engineers ("USACE"). (Id. at L47 to 54). Garrity also provided identification of the required environmental permits and actively participated in the site selection process through personal observation of the rights-of-way, review of Geographic Information System ("GIS") data, and an analysis of environmental constraint criteria. (Id. at L54 to 58).

Garrity represents that ACE will apply for necessary permits and approvals from the USACE and the NJDEP. (Id. at L62 to 69). Specifically, permits are required for the major water crossing of the Salem River and other minor crossings. (Id. at L77 to 79). Consultations will be held with: U.S. Fish and Wildlife; National Marine Fisheries; State Historical Preservation Office; and State and Fish Wildlife. (Id. at L62 to 74). ACE will also notify Indian Tribes and other interested parties. (Id. at L74 to 75).

There will be environmental impacts associated with the Project; however, the impacts were and will continue to be minimized. (Id. at L81 to 84). During the route selection stage, the existing right-of-way was used to limit environmental impacts. (Id. at L85 to 89). In the event

environmentally sensitive areas cannot be avoided, protective measures and best management practices will be employed during the construction phase. (Id. at L94 to 95). Additionally, ACE will incorporate the Edison Electric Institute's "Suggested Practices for Raptor Protection on Power Lines" avian protection recommendations in order to minimize the potential electrocution of large birds of prey. (Id. at L97 to 100).

During the construction phase, with regard to the temporary environmental impacts, Garrity commits that protective measures will be employed. (Id. at L103 to 105). Disturbed areas will be restored and stabilized. (Id. at L107 to 109). Sediment barriers will be used for work adjacent to streams and wet areas to prevent the flow of sediments into the areas. (Id. at L109 to 111). Work activities will be coordinated to minimize the number and frequency of vehicles in the areas. (Id. at L113 to 115). Measures will be taken to ensure the use or handling of fuels and lubricates do not result in any contamination, and any spills will be cleaned, placed in a proper container, and removed from right-of-way areas. (Id. at L116 to 120). Timing or seasonal restrictions on construction activities may be implemented to minimize impacts to threatened or endangered species. (Id. at L112 to 124).

Garrity recognizes that permanent impacts will result from the surface area coverage taken up by pole locations in wetland areas. (Id. at L126 to 127). The disturbance associated with a single pole is approximately 13 to 39 feet, and as new poles are constructed, the impact will be limited to the surface area of the pole base or its foundation within an existing cleared right of way. (Id. at L127 to 130).

ACE intends to minimize any potential visual impacts by using existing right-of-way containing transmission infrastructure. (Id. at L140 to 141). The new transmission line will be located in line with the existing lattice transmission tower, and the existing towers will be removed as construction of the new mono-poles is completed to reduce temporary impacts to sensitive areas. (Id. at L141 to 144). This methodology will be applied for much of the line from Deepwater Substation, then a single lattice tower to Orchard Substation, which will occupy less area and provide a cleaner look. (Id. at L144 to 147).

Garrity maintains that the selected route is the most reasonable and practicable alternative due to the use of the existing right-of-way and a design with a smaller profile, and there is no other reasonable, practicable alternative that would have any less adverse impact upon the environment. (Id. at L153 to 156, L169 to 173). Garrity also opines the facilities are necessary for the Company to continue to provide reliable electrical service. (Id. at L167 to 168).

#### **E. Real Estate and Zoning Issues**

Nicholas Kevin Salvatore is employed by ACE as a Senior Real Estate Representative. (Ex. P-14 at L7 to 10). Salvatore's testimony addresses the real estate and zoning issues associated with the Project.

Salvatore purchased the parcel of land that is now the Orchard Substation. (Id. at L37). Salvatore was involved with the Planning Board process and securing the right-of-way for the existing 230 kV line that runs along Bridgeton Road. (Id. at L37 to 39). Salvatore reviewed ACE's files pertaining to the right-of-way from the Orchard Substation to the Deepwater Substation. (Id. at L39 to 40).

Salvatore described the land use zones within the respective municipalities through which the proposed line passes, as follows:

- Township of Pennsville: The Zoning Ordinance is silent as to the use of transmission lines. Right-of-Way 106 and the proposed transmission line will traverse, at a minimum, in the following zones: Mixed Use District ("MU"); Light Industrial District ("LI"); and Residential Use District ("R2"). The transmission line may or may not be a permitted use within the Township of Pennsville. (Id. at L43 to 50).
- Township of Mannington: Public utilities are permitted uses in the affected zoning districts. Right-of-Way 106 and the proposed transmission line will traverse, at a minimum, the following zones: Agricultural District ("AR"); Conservation District ("CONS"); and Conditional Residential District ("CR"). The proposed transmission line meets the Ordinance Land Use classification of "Essential Service", which is a permitted use in all three zoning districts. The Ordinance provides for exceptions to height limitations for transmission towers subject to standards established under the National Electric Safety Code. (Id. at L51 to 60).
- Township of Pilesgrove: Public utilities are conditional uses in the affected zoning districts. Right-of-Way 106 and the proposed transmission line will traverse, at a minimum, the following zones: Agricultural Retention District ("AR2"); Agricultural Retention District ("AR1"); Restricted Residential District ("RR"); and Highway Commercial District ("HC"). The proposed use appears to meet all of the required conditions for a "public utility" as a conditional use under the Township's Land Use Ordinance; however, there is no specific height standard for this use. The standard height restrictions for the applicable zoning district would apply and the proposed tower height would require a use variance, as the maximum height established for each of the zones is 45 feet. (Id. at L61 to 73).
- Township of Borough Woodstown: Public utility uses are conditional uses in the affected zoning districts: Residential Zoning District ("R2") and Residential Zoning District ("R5"), of which Right-of-Way 106 and the proposed transmission line will traverse. Replacement of the existing lattice towers will require a use variance because the proposed +/- 115 foot tower height exceeds the maximum height standard established for principal uses in this zone by more than 10%. (Id. at L74 to 81).
- Township of Upper Pittsgrove: Public utility uses are conditional uses in the affected zoning district, Agricultural Zoning District ("A"), of which Right-of-Way 106 and the proposed transmission line will traverse. Replacement of the existing lattice towers, while considered a conditionally permitted use, would require a use variance because the proposed steel monopoles will exceed the 100 foot height condition for transmission towers set forth in the Ordinance. The Orchard Substation, which will require modification for the Project, is a permitted conditional use in the agricultural district. (Id. at L82 to 90).

The proposed 230 kV and rebuilt 138 kV line will be built within an existing right-of-way. (Id. at L102 to 103). Once built, Salvatore believes that the line will have no additional impact on the adjacent properties because it will be built on the same centerline as the current 138 kV line, which traverses predominantly through farmland. (Id. at L105 to 107). Within 50 feet of the edge of the right-of-way consists of farming structures. (Id. at L108 to 110). There are no schools,



hospitals, nursing homes or other public buildings within the immediate vicinity of the proposed line. (Id. at L120 to 122). Salvatore concludes that ACE does not need to remove any structures within the right-of-way to complete the Project other than the existing lattice towers. (Id. at L111 to 114). ACE has rights to use the affected right-of-way and fee-owned property for the upgrade and construction of the transmission lines. (Id. at L123 to 125).

Salvatore asserts that no new property will be affected because no additional right-of-way is required. (Id. at L134 to 135). J. McHale & Associates, New Jersey certified appraisers, conducted a study to determine any possible adverse impact the line will have on real estate values in the vicinity of the line. (Id. at L136 to 138). The report concluded there are no impacts as the new monopoles are less intrusive on the surrounding landscape, and property owners will not be as limited in the use of their property for agriculture as they are with the current lattice towers. (Id. at L138 to 141). Salvatore does not anticipate any physical structures will need to be taken through Eminent Domain proceedings. (Id. at L147 to 149). No additional easements or rights-of-way are required to allow the construction to proceed. (Id. at L153 to 154).

Salvatore opines that the route selected by ACE is the most appropriate and practicable, having the least adverse impact and conflict with the local Land Use Ordinances. (Id. at L162 to 165). Salvatore opines that the facilities are necessary for the maintenance of reliable electrical service in the municipalities and Salem County. (Id. at L165 to 166). The rebuilding of an existing transmission line and use of an existing corridor will result in less overall impact to people and the environment. (Id. at L167 to 169).

#### **F. Government Affairs and Public Outreach**

Thomas R. Reilly is employed by ACE as a Senior Public Affairs Manager. (Ex. P-15 at L3 to 4). Reilly developed and continues to manage the public outreach plan for the Project. (Id. at L24). The purpose of Reilly's testimony is to explain issues relating to government affairs.

After ACE decided to seek approval for the route, Reilly and his group reached out and continue to communicate with key external stakeholders who took an interest with the construction of the Project. (Id. at L25 to 33). Reilly and his group also conducted personal meetings with interested county and local officials as well as Stop the Poles. (Id. at L40 to 41). Further, presentations were made at public meetings and letters were sent to easement holders along the chosen route. (Id. at L43 to 47).

According to Reilly, ACE received seven inquiries from property owners where the right-of-way for the second line is located. (Id. at L50 to 51). In response to inquiries regarding construction timing, ACE stated it will attempt to conduct as much work as possible outside of farming windows, however, construction scheduling is dependent on PJM outage times as well as material and contractor resource availability. (Id. at L56 to 59). With regards to encroachment concerns as to personal infrastructure within ACE's right-of-way, Reilly assembled a cross departmental team consisting of Engineering, Construction Management, and Real Estate Right-of-Way professionals within the Company to review the concerns on site and develop plans to mitigate the issues where possible. (Id. at L52 to 53, L60 to 62). For all concerns to date, Reilly has concluded that ACE will be able to construct the line without the need to relocate personal infrastructure within the right-of-way. (Id. at L63 to 64).

Reilly asserts that the proposed route was met with positive feedback from the general public, as well as federal, state, county, and municipal governments, and there was an indication of preference of this route over State Highway 77. (Id. at L67 to 69). Reilly opines that ACE

addressed and will continue to adequately address any concerns that may be raised by affected stakeholders. (Id. at L77 to 78).

### **G. Electric and Magnetic Field Strength and Prudent Field Management**

William H. Bailey, PhD, is employed by Exponent, Inc. ("Exponent"), a scientific research and engineering firm engaged in a broad spectrum of activities in science and technology, as a Principal Scientist in the Center for Exposure Assessment in Exponent's Health Science Practice. (Ex. P-18 at L3 to 6). Exponent's role in the project, at the request of ACE and PHI., was to model the levels of electric and magnetic fields ("ELF/EMF"), audible noise ("AN"), and radio noise ("RN") associated with the operation of the Project. (Id. at L90 to 92). Exponent also assessed the potential for adverse impacts of these phenomena by reference to relevant standards and guidelines for EMF, AN, and RN. (Id. at L92 to 94).

The purpose of Bailey's direct testimony is to describe the levels of alternating current electric and magnetic fields ("AC EMF"), AN, and RN associated with the construction of the Project. (Id. at L72 to 76).

#### **a. ELF/EMF**

Bailey described electric and magnetic fields as the following:

When an object contains more of one electric charge or the other, the net charge gives rise to an electric field. Magnetic fields are created when electric charges move or by the movement of electrons in certain materials such as permanent magnets. Electric and magnetic fields are properties of the space surrounding anything that generates, transmits, or uses electricity. Electric fields result from voltage applied to these objects, while magnetic fields result from the current flowing through these objects. Electric fields are measured in units of volts per meter (V/m) or kilovolts per meter (kV/m) and magnetic fields are measured in units of magnetic flux density called milligauss (mG).

(Id. at L123 to 138). The 2309 and 1405 circuits will be a source of ELF/EMF, just like other existing transmission circuits on the right-of-way and other parts of the electric system and any device or appliance connected to the electric system. (Id. at L143 to 147).

The magnetic field levels from existing transmission lines at the edges of the right-of-way are calculated to be low and will change little under proposed conditions. (Id. at L159 to 160). The largest increase in the magnetic field at the edge of the right-of-way due to the Project on any section of the route is .6mG and the largest decrease is 2.1 mG. (Id. at L151 to 164; P-17, Table A-2). Magnetic field levels under peak loading conditions are higher than under average loading but do not increase by more than 3.5 mG compared to the existing transmission line configuration in any cross-section. (Id. at L168 to 171). The changes in electric field levels at the edge of the right-of-way between existing and proposed conditions is small, with the largest increase at .10 kV/m compared to the existing configuration and the highest edge of the right-of-way electric field level will be 1.02 kV/m. (Id. at L174 to 178).

According to Bailey, there are no standards in New Jersey that apply to any electrical phenomena from transmission lines, nor are there any federal standards for EMF from power lines. (Id. at L181 to 183). The NJDEP has a guideline regarding the edge of right-of-way electric field level. (Id. at L184 to 187). The interim guideline limit at the edge of a transmission line's right-of-way is 3 kV/m, which has not been revised or rescinded. (Id. at L187 to 196).

Guidelines for exposure of the general public and occupational exposure to EMF have been recommended by the International Commission on Non-Ionizing Radiation Protection ("ICNIRP") and other agencies. (Id. at L198 to 199). The ICNIRP's 1998 guidelines recommend basic restrictions as limits to protect against acute effects that occur at very high EMF levels, such as perception, annoyance, and the stimulation of nerves and muscles. (Id. at L214 to 216). ICNIRP recommended reference levels of 4.2 kV/m and 833 mG for exposures of the general public to electric and magnetic fields. (Id. at L216 to 218). In 2010, ICNIRP increased the reference level for magnetic field exposure to 2,000 mG at 60 Hz. (Id. at L219 to 221).

The International Committee on Electromagnetic Safety ("ICES") also recommends standards for the safe use of electromagnetic energy in the range of 0 Hz to 300 GHz, including 60 Hz power frequency fields. (Id. at L204 to 206). The ICES defines reference levels for AC magnetic field exposure at 9,040 mG and electric field exposure at 5 kV/m, which are higher than ICNIRP's guidelines at 60 Hz. (Id. at L224 to 226). Exposures above the ICNIRP and ICES reference levels are permitted if it can be shown that the basic restrictions on internal electric fields are not exceeded. (Id. at L229 to 231).

For the Project, Bailey concludes that the highest magnetic field levels at average loading (26.7 mG) and at peak loading (28.1 mG) are far below the reference levels for the general public under ICNIRP, ICES, and NJDEP guidelines. (Id. at L232 to 236) The electric field levels are also below the recommended reference levels, even where the maximum electric field is 2.37 kV/m. (Id. at L236 to 238). Because the loading of circuits does not affect electric field levels, they will be the same at average and peak loading. (Id. at L238 to 239). The maximum electric field level at the edge of the right-of-way under proposed conditions will be 1.02 kV/m, below the NJDEP's protection guideline. (Id. at L238 to 241).

None of the panels, reviews, or studies on EMF and health that were reviewed by Exponent concluded long-term exposure to electric or magnetic fields at the strengths normally encountered in our environment is a known or likely cause of any adverse health effect. (Id. at L252 to 255). The World Health Organization's ("WHO") Task Group concluded there were no substantive health issues related to ELF electric fields at levels generally encountered by members of the public. (Id. at L275 to 278). The National Institute of Environmental Health Sciences ("NIEHS") states no regulatory action was recommended by or taken based on the NIEHS report to the U.S. Congress at the conclusion of the EMF Rapid Program, which suggested power companies and utilities continue siting power lines to reduce exposure and explore the ways to reduce the creation of magnetic fields around transmission and distribution lines without creating new hazards. (Id. at L287 to 292). The WHO recommends in the construction of new facilities that low-cost ways of reducing exposures be explored. (Id. at L292 to 294). The WHO stated appropriate exposure reduction measures will vary from country to country but policies based on the adoption of arbitrary law exposure limits are not warranted. (Id. at L294 to 296). The proposed Project is consistent with the recommendations of the WHO and NIEHS because it limits the spread of EMF sources in the area and minimizes the magnetic field level at right-of-way edges. (Id. at L301 to 312).

Bailey concludes, with a reasonable degree of scientific certainty, that EMF, at the levels described in Exponent's modeling for the Project, are not harmful to human health. (Id. at L359 to 361).

## **b. AN**

As to the effect on AN levels from the transmission lines, the highest edge of right-of-way AN level in fair weather is between the threshold of human hearing (0 dBA) and the noise level expected in one's bedroom (24 dBA). (Id. at L323 to 326). The calculated levels of AN in fair weather are well below the 50 dBA nighttime limit established by N.J.A.C. 7:29 (2012). (Id. at L327 to 328). The levels of AN in foul weather are calculated to be 25 dBA higher than the fair weather values, with the maximum at 39.5 dBA, which is still below the nighttime limit. (Id. at L330 to 335; Ex. P-17, Table A-5). Bailey concludes even though the AN levels will increase in some sections of the Project; the levels will remain low and well below the New Jersey limits. (Id. at L373 to 375).

## **c. RN**

Bailey represents that there are no federal or state limits for RN; however, the IEEE Radio Noise Design Guide identifies an acceptable level of fair weather RN from transmission lines as no more than 40 dB $\mu$ V/m at 100 feet from the outside conductors. (Id. at L350 to 352). In terms of the Project, the highest calculated foul weather value of RN at 100 feet outside the conductor occurs on the east side of XS-2 through XS-7 at 49.1 dB $\mu$ V/m. (Id. at L353 to 354). In fair weather, all values will be reduced by 17 dB $\mu$ V/m, and therefore, in all sections of the Project the RN will be well below the acceptable levels. (Id. at L354 to 358). Bailey concludes even though the RN levels will increase in some sections of the Project, the levels will remain low and well below the IEEE guideline. (Id. at L373 to 375).

## **DISCUSSION AND FINDINGS**

### **A. Review Criteria**

The applicable criteria to be reviewed by the Board in this matter are set forth in N.J.S.A. 40:55D-19. The statute states that the Board may grant the petition of a public utility for relief from local zoning restrictions on a proposed utility project running through multiple municipalities if, after hearing, on notice to all interested parties, the Board finds that:

the present or proposed use by the public utility ...of the land described in the petition is necessary for the service, convenience or welfare of the public... that the present or proposed use of the land is necessary to maintain reliable electric or natural gas supply service for the general public and that no alternative site or sites are reasonably available to achieve an equivalent public benefit, the public utility ...may proceed in accordance with such decision of the Board of Public Utilities, and ordinance or regulation made under the authority of [Municipal Land Use Law] notwithstanding.

The New Jersey Supreme Court, in In Re: Public Service Electric & Gas Co., 35 N.J. 368 (1961), explained the applicable legal principles:

- a. The phrase "for the service, convenience and welfare of the public" refers to the whole public served by the utility and not the limited group that benefits from the local zoning ordinance;

- b. The proposed use must be reasonably, not absolutely or indispensably, necessary for the service, convenience, and welfare of the public;
- c. The particular site or location must be found to be "reasonably necessary" and so the Board must consider the community zoning plan, the physical characteristics of the site, and the surrounding neighborhood;
- d. Alternative sites and their comparative advantages and disadvantages, including cost, must be considered in determining reasonable necessity; and
- e. The Board must weigh all interests and factors in light of all the facts, giving the utility preference if the balance is equal. The legislative intent is clear that the broad public interest is greater than local considerations.

Therefore, in making its determination, the Board must weigh all the interests and, in the event the interests are equal, the utility should be entitled to a preference because the legislative intent is clear that the broad public interest to be served is greater than local considerations. See, e.g., In re Monmouth Consolidated Water Co., 47 N.J. 251 (1966); In re Public Service Electric & Gas Company, supra, 35 N.J. at 377.

#### **B. Need for the Project**

PJM has responsibility for ensuring the reliability of the regional transmission system and coordinates the movement of wholesale electricity in its 13 state-plus venue, including most of New Jersey. The reliability criteria are established by North American Reliability Corporation ("NERC") per jurisdiction awarded by Federal Energy Regulatory Commission. A major component of this responsibility is PJM's planning for the system. The regional transmission operator ("RTO") evaluates the projected operation and capacity of its high-voltage electrical transmission system over both a five-year and 15-year planning basis. This evaluation includes assessment of the current transmission infrastructure, existing generation assets, dedicated capacity, updated load forecasts, and planned assets and generation on a multi-year look ahead and takes the PJM assumed conditions for each study year into account. From this analysis and review, PJM develops a Regional Transmission Expansion Plan ("RTEP"). Part of the function of this process is to specify anticipated NERC Reliability Standards criteria violations on the transmission system and then to develop projects designed to fix or mitigate these violations.

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. 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 (Salem and Hope Creek) located in Lower Alloways Creek Township, to load centers further north and east (the "Orchard Substation"). While the Orchard Substation, which utilizes a temporary three terminal configuration, was placed in service May 2008, ACE maintains that this configuration creates challenges for the operation of its transmission system.

According to the Company, the Project, once completed, will allow for the unrestricted use of the Orchard 500/230 kV substation to maximize the ability to import power from the 500 kV system as necessary, without the severe relay and thermal limitations that currently exist. The Project

will reduce the excessive risk of losing all of the 230 kV facilities connected to Orchard substation as a single event, and effectively the 500/230 kV transformer as well, to an acceptable level. ACE maintains that implementation of the Project would have no adverse impact on system reliability.

### **C. Alternatives Routes for the Project**

According to the record, ACE examined several routing alternatives after determining that a transmission line had to be constructed between Churchtown-Orchard/Deepwater-Upper Pittsgrove. None of the alternative routes were equal to the selected route when compared in terms of cost and environmental impact.

The record supports a determination that the selected route is the most reasonable and practicable alternative due to the use of the existing rights-of-way and a design with a smaller profile, and that there is no other reasonable, practicable alternative that would have any less adverse impact upon the environment.

### **D. Design, Engineering and Construction**

The transmission line will be constructed within ACE's existing rights-of-way; its fee-owned land and secured easements. According to the information submitted, minimal additional clearing will be required and .3 miles of the 230 kV segment of the line will be constructed underground to minimize any impact on wetlands that would otherwise result from forested wetland clearing for an overhead line.

Any aesthetic impacts from this route are de minimus because the line traverses ACE's existing right-of-way. As most of the land impacted is farmland and ACE will be replacing the existing lattice towers with steel monopoles, the footprint of the line will be reduced, and the amount of land that can be tilled will be increased.

ACE has submitted evidence that it adhered to the PJM Design and Application of Overhead Transmission Lines 69 kV and Above and the requirements of the National Electric Safety Code in the design of the proposed line. Furthermore, ACE has demonstrated that it incorporated the concept of "prudent field management" where modifications could be made at little or no cost. For example, ACE is using an existing right-of-way, selecting a phasing arrangement to provide cancellation of the magnetic fields wherever practical, and designing the new structures to provide five feet of additional ground clearance than required by PJM and three feet more than required by the NESC.

### **E. ELF/EMF**

The State of New Jersey has a guideline of 3 kV/m for electric fields at the edge of the right-of-way. This guideline was established by the NJDEP on June 4, 1981. Upon completion, based on the information provided in this proceeding, the Project will meet the State of New Jersey's electric field guidelines at the edge of the right of way. The Project will produce a maximum electric field of 2.37 kV/m.

Dr. Bailey testified as to existing standards for EMF. While there are no standards for electric fields within the right-of-way, New Jersey has adopted a 3 kV/m electric field standard at the edge of the right-of-way. There are also no standards in New Jersey for magnetic fields at the edge of the right-of-way, or within it. Elsewhere in the United States, only six states have

adopted standards for electric fields and only two states have adopted standards on magnetic fields; Florida and New York.

The expected EMF levels outside the right-of-way would be below those recommended in exposure guidelines published by international organizations. Several scientific organizations have published guidelines for exposure to EMF based on acute sensory effects that can occur at very high field levels. In its published guidelines, the International Commission of Non-Ionizing Radiation Protection ("ICNIRP") set limits to protect against the acute effects (i.e., the stimulation of nerves and muscles) that can occur at very high field levels. ICNIRP recommends a screening value of 2000 mG and 4.2 kV/m for the general public.

The International Committee on Electromagnetic Safety ("ICES") also recommends limiting EMF exposure at high levels because of the risk of acute effects, although its guidelines are higher than ICNIRP's guidelines at 60 Hz. The ICES recommends a residential exposure limit of 9,040 mG for magnetic fields and 5 kV/m for electric fields (ICES, 2002). Both guidelines incorporate large safety factors.

As previously stated, there are no federal standards for electric fields. New Jersey has adopted a standard of 3 kV/m for electric fields at the edge of a right-of-way. The maximum level of electric fields at the edge of the right-of-way for the Project is projected to be 2.37 kV/m. There are no standards in New Jersey, however, for electric fields within the right-of-way. Thus, the Board reviewed the standards of several other states presented in the record that set maximum levels of permitted electric fields within the right-of-way. The projected maximum level of electric fields associated with the Project at the edge of the right-of-way is 2.37 kV/m. Thus, the Board **HEREBY DETERMINES** that the Project will comply with the New Jersey's standard for electric fields at the edge of the right-of-way, and is well within the guidelines set by other states for electric fields within the right-of-way.

There are no federal standards for magnetic fields at power frequencies. Additionally, New Jersey has not adopted standards for magnetic fields. Therefore, the Board reviewed standards adopted by other states and the international community for guidance on commonly accepted levels of magnetic fields for transmission lines. At the state level, only New York and Florida have guidelines for magnetic fields. Those guidelines establish that magnetic fields for new 500 kV transmission lines at the edge of the right-of-way should not exceed 200 mG. The projected maximum levels of magnetic fields associated with the Project are 28.1 mG at peak loading at the edge of the right-of-way. Thus, the projected levels are lower than the standards set in other states. Therefore, the Board **HEREBY FINDS** that the estimated magnetic field levels are within the guidelines set by other states and the international community.

The methodology used by Dr. Bailey in his calculations is reasonable and was based upon his professional experience as a consultant with respect to EMF issues. However, the Board is concerned that the estimates calculated by Mr. Bailey should be shown to be accurate once the Project is fully operational. While scientific studies have not been able to provide conclusive evidence linking EMF to adverse impacts on human health at the levels expected from this Project, the Board is continuously monitoring ongoing efforts in this area and should material evidence be established that EMF could subject the population of New Jersey to adverse health effects, this Board will take appropriate action. In this spirit, the Board **HEREBY DIRECTS** ACE to conduct a survey of field readings in 2015 similar to that included in the record with the purpose of ensuring that: 1) ACE's estimated EMF and noise levels are correct, and 2) that the EMF and noise levels are within the NJ Guidelines, as well as within all other guidelines and standards considered in this Order. The Board **HEREBY ORDERS** ACE to submit with the

Board a report describing the results of the survey as soon as practicable after completion of the survey and in no event more than 12 months after the line becomes operational.

ACE employed the principle of "prudent avoidance", a precautionary principle stating that reasonable efforts to minimize potential risks should be taken when the actual magnitude of the risks is unknown, which requires that this type of project minimize EMF levels by limiting exposures that can be avoided with reasonable investments of money and effort. The Board agrees. The Board **HEREBY DETERMINES** that the design and routing of the Project incorporates reasonable efforts to manage EMF exposure.

#### **F. Cost Allocation**

In determining whether the Project is "reasonably necessary for the service, convenience or welfare of the public," the Board must consider the cost that New Jersey electricity customers will bear in connection with the Project. Construing this standard under the predecessor to N.J.S.A. 40:55D-19, the New Jersey Supreme Court stated:

Alternative sites or methods and their comparative advantages and disadvantages to all interests involved, including cost, must be considered in determining such reasonable necessity.

[In re: Public Service Electric & Gas Co., 35 N.J. 358, 377 (1961).]

The Board is cognizant that whether the Project is "reasonably necessary for the service, convenience or welfare of the public" must include consideration of the cost of the Project to New Jersey electricity customers.

The estimated cost for the Project is \$33.39 million. The Board concludes, based on the testimony and evidence concerning the expected costs of the Project as well as the other positive economic benefits the Project will have on the economy, that the costs are reasonable. The Board concludes that the proposed line is cheaper than the alternatives, including doing nothing, and that was supported by expert testimony which was not refuted.

The Board **HEREBY DETERMINES** that the cost projections and countervailing economic benefits weigh in favor of approving the project.

#### **ADDITIONAL FINDINGS AND RECOMMENDATIONS**

As a procedural matter, the Board **HEREBY RATIFIES**, in their entirety, all preliminary Orders previously issued by Commissioner Holden during the pendency of this matter for the reasons stated in her Orders.

After a thorough review of the record in this proceeding, the Board **HEREBY FINDS**:

- 1) That the Project is necessary to provide safe, adequate, and reliable electric service in New Jersey and in the PJM region;
- 2) That the Project is reasonably necessary for the service, convenience and welfare of the public;
- 3) That ACE considered alternative routes for the Project;
- 4) That ACE considered alternative methods to alleviate the projected reliability criteria violations;



- 5) That the planned route, primarily along ACE's existing right-of-way, is a reasonable route considering the alternatives;
- 6) That the Project as proposed is to be designed and constructed in accordance with all applicable industry standards in a manner that will minimize adverse impacts upon the environment, to the extent known or predictable;
- 7) That based upon the record in this proceeding, the Project will not be adverse to the public health and welfare;
- 8) That the Project can be constructed, installed, and operated without substantial detriment to the public good and without causing undue economic injury to neighboring property owners;
- 9) That, in light of the reliability issues identified in this proceeding, there is no reasonable, practical, and permanent alternative to the construction and operation of the Project that would have any less adverse impact upon the environment, surrounding community, or local land use ordinances;
- 10) That ACE conducted a good faith, reasonable, and extensive analysis of alternative methods for the Project, and the Project represents the most effect and robust solution to the expected reliability criteria violations;
- 11) That ACE will take necessary steps to ensure that the Company and local fire and safety officials are adequately prepared in the unlikely event of an emergency;
- 12) That the findings contained within this Order are the result of a thorough and complete review of the record in this proceeding. The Board's findings are limited to the facts and circumstances of this particular Project along this particular route and shall not be construed as a determination by this Board on any other application.

Therefore, the Board **HEREBY DETERMINES**, in accordance with N.J.S.A. 40:55D-19, that the proposed Project is reasonably necessary for the service, convenience, and welfare of the public to enable ACE to continue to provide safe, adequate, and reliable service to its customers; that ACE should be able to construct and begin local operation of the Project, as proposed and modified by the Board in this Order and that the Local Land Use and Zoning Ordinances, and any other Ordinances, rules or regulations promulgated under the auspices of the Municipal Land Use Act of the State of New Jersey shall not apply to the construction, installation, and operation of the Project.

Accordingly, the Board **HEREBY ORDERS** that neither N.J.S.A. 40:55D-1 et seq., nor any other governmental ordinances or regulations, permits or license requirements made under the authority of N.J.S.A. 40:55D-1 et seq. shall apply to the siting, installation, construction, or operation of the Project, as proposed and modified in this Order. The Board, however, is cognizant that portions of the Project are located within areas governed by statutes and rules of the NJDEP, for instance. This Order shall not be construed as a certificate, license, consent, or permit to construct or disturb any land within the jurisdiction of any other regulatory agency. Should ACE need to obtain any approval or authorization to proceed from these entities or any other entity as may be required by law or rules, it is required to do so.

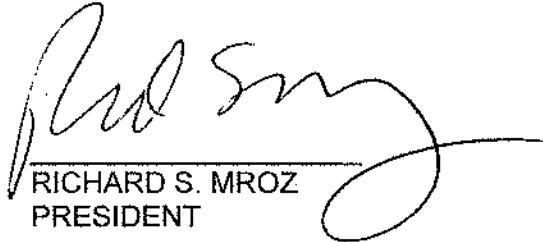
This Order is applicable only to the route as proposed by ACE. Should ACE determine that additional modifications to the Project route are required, because of the actions of another agency or for any other reason, it must request further approval from this Board.

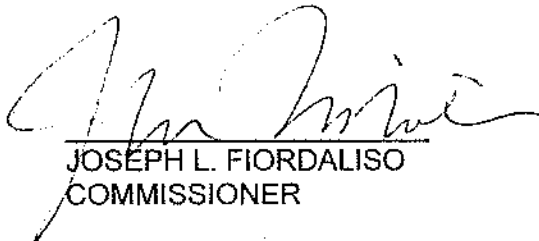
The Board FURTHER ORDERS that:

- 1) ACE minimize the visual impact of all transmission structures to the extent practicable;
- 2) ACE conduct a survey of EMF field readings during peak demand once the Project is operational, to ensure that the estimated readings are accurate. ACE shall report those findings to the Board as soon as practicable after the Project is operational, and in no event more than 12 months after the construction is complete. If the actual readings are substantially greater than the estimated readings testified to in this proceeding, the Board will take appropriate action;
- 3) ACE comply with the New Jersey audible noise requirements;
- 4) ACE compensate property owners for any and all physical property damages that may result from construction of the Project;
- 5) ACE report to the Board the findings of PJM's next completed RTEP. If that RTEP deems that this Project may no longer appear to be necessary, or can be delayed significantly, the Boards authority to reopen this matter remains.

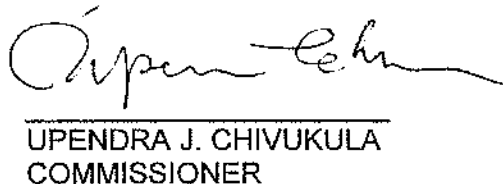
DATED: 11/21/14

BOARD OF PUBLIC UTILITIES  
BY:

  
RICHARD S. MROZ  
PRESIDENT

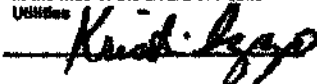
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
UPENDRA J. CHIVUKULA  
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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