



Agenda Date: 3/26/18
Agenda Item: 2E-2

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF JERSEY)	ORDER ON REQUEST FOR
CENTRAL POWER & LIGHT COMPANY PURSUANT)	EXTENSION FOR FILING
TO N.J.S.A. 40:55D-19 FOR A DETERMINATION THAT)	EXCEPTIONS TO INITIAL
THE MONMOUTH COUNTY RELIABILITY PROJECT IS)	DECISION
REASONABLY NECESSARY FOR THE SERVICE,)	
CONVENIENCE OR WELFARE OF THE PUBLIC)	
)	BPU DOCKET NO. EO16080750
)	OAL DOCKET NO. PUC 12098-16

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Windels Marx Lane & Mittendorf, L.L.P., for Jersey Central Power & Light Company, Petitioner
Murray E. Bevan, Esq., Bevan, Mosca & Giuditta, P.C., for the Townships of Middletown, Hazlet, Holmdel and Aberdeen
Peter D. Dickson, Esq., Potter and Dickson, for Residents Against Giant Electric
Michael D. Fitzgerald, Esq., Monmouth County Counsel, for County of Monmouth
Jeffrey R. Merlino, Esq., Sciarrillo, Cornell, Merlino, McKeever & Osborne, L.L.P., for Middletown Township Board of Education

BY THE BOARD:

On August 9, 2016, Jersey Central Power and Light Company ("JCP&L" or "Company"), a New Jersey public utility, filed a petition with the Board pursuant to N.J.S.A. 40:55D-19, seeking a determination that a proposed 230 kilovolt ("kV") transmission line between New Jersey Transit's Aberdeen substation in Aberdeen, New Jersey, and JCP&L's Red Bank substation in Red Bank, New Jersey, as well as associated upgrades to JCP&L's Taylor Lane substation in Middletown, New Jersey ("Project") is reasonably necessary for the service, convenience or welfare of the public and therefore the Company is entitled to relief from complying with the zoning, site plan review, and other municipal land use ordinances or rules passed by municipalities along the proposed Project route under authority of Title 40, the New Jersey Municipal Land Use Law.

On August 10, 2016 the Board transmitted this matter as a contested case to the Office of Administrative Law ("OAL"), where it was assigned to Administrative Law Judge ("ALJ") Cookson. On September 21, 2016, ALJ Cookson entered a Case Management Order that established, inter alia, the schedule for discovery, the filing of pre-filed testimony, and the

hearing dates. The Joint Municipal Group ("JMG") was also granted intervenor status by Order dated September 21, 2016. Resident's Against Giant Electric, Inc. ("RAGE") was granted intervenor status by Order dated October 5, 2016.

Evidentiary hearings were held on April 4, 5, 6, 7, 10, 11, 12, 2017 at the OAL in Newark, New Jersey. On March 8, 2018, ALJ Cookson issued a 169-page decision ("Initial Decision"), which required exceptions to the Initial Decision to be filed within thirteen (13) days of the date the Initial Decision was mailed to the parties, to wit, on or before March 21, 2018.

On March 21, 2018, all state offices were closed due to a State of Emergency. As such, JCP&L filed its exceptions to the Initial Decision on March 22, 2018.

RAGE and JMG Request

On March 23, 2018, RAGE filed a request for a three week (3) extension to file its response to the exceptions to the Initial Decision, to wit, on or before April 17, 2018. In support of its request, RAGE stated that it would "require more than the 5 days provided in the rules" as the exceptions filed by the Company were "detailed and lengthy" and "99 pages in length." RAGE further stated that of the time provided in the rules for it to file its response, "two are weekend days." JMG joined in RAGE's request by correspondence dated March 23, 2018.

JCP&L Opposition

On March 23, 2018, JCP&L filed opposition to the request for a three (3) week extension to file responses to the exceptions to the Initial Decision. JCP&L asserted that the extension is unwarranted and would provide the intervenors with considerably more time to prepare their reply to the exceptions than JCP&L had to file its exceptions to the Initial Decision in this matter. JCP&L points out that while the rule allows five (5) days for replies to exceptions, pursuant to N.J.A.C. 1:1-1.4, "[i]n computing a period of time of less than seven days, Saturday, Sunday and legal holidays shall be excluded." Therefore, JCP&L states that the response is currently due on March 29, 2018.

The Company further argues that granting the request for an extension until April 17, 2018 provides twenty-six (26) days for the filing of a response, "which is fundamentally unfair and unnecessary." However, the Company indicated that if the Board inclined to grant the extension request, it should require all replies to the exceptions to be filed no later than April 4, 2018.

RAGE Reply

By correspondence dated March 25, 2018, RAGE filed its response to JCP&L's opposition. RAGE argued that JCP&L had more than thirteen (13) days to file its exceptions because it would have started to draft its brief prior to the issuance of the Initial Decision. RAGE also stated that JCP&L has failed "to claim that it would suffer any prejudice from the requested extension."

DISCUSSION AND FINDING:

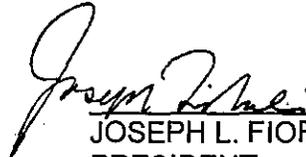
Pursuant to N.J.A.C. 1:1-18.4(d), any party may file a reply within five (5) days from receipt of exceptions to an initial decision. However, N.J.A.C. 1:1-18.8(a) provides that the time limit for filing exceptions replies to an Initial Decision may be extended for "good cause." Given the extensive record in this matter, as well as the length of the Initial Decision and the Company's exceptions filed thereto, the Board **HEREBY FINDS** that RAGE and JMG have demonstrated

good cause to warrant a fourteen (14) day extension to file their responses to JCP&L's exceptions to the Initial Decision. Accordingly, the Board **HEREBY GRANTS** RAGE and JMG's request for an extension of time, this extension shall apply to any party who is filing a reply to JCP&L's exceptions, and **HEREBY ORDERS** that all responses to the Company's exceptions to the Initial Decision be submitted on or before April 12, 2018.

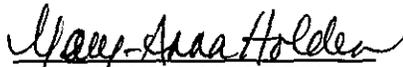
This Order shall be effective on April 5, 2018.

DATED: 3/28/18

BOARD OF PUBLIC UTILITIES
BY:



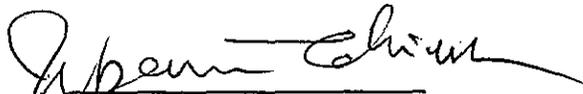
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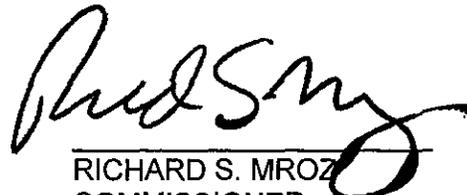
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COMMISSIONER



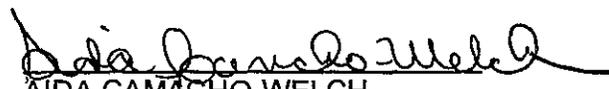
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ATTEST: 

AIDA CAMACHO-WELCH
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 JERSEY CENTRAL POWER & LIGHT COMPANY
PURSUANT TO N.J.S.A. 40:55D-19 FOR A DETERMINATION THAT THE MONMOUTH
COUNTY RELIABILITY PROJECT IS REASONABLY NECESSARY FOR THE SERVICE,
CONVENIENCE OR WELFARE OF THE PUBLIC

BPU DOCKET NO. EO16080750 & OAL DOCKET NO. PUC 12098-16

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