



Agenda Date: 3/24/17
Agenda Item: 2G

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 DENYING JOINT
CENTRAL POWER & LIGHT COMPANY PURSUANT)	MUNICIPAL GROUP'S REQUEST
TO <u>N.J.S.A.</u> 40:55D-19 FOR A DETERMINATION THAT)	FOR INTERLOCUTORY REVIEW
THE MONMOUTH COUNTY RELIABILITY PROJECT IS)	
REASONABLY NECESSARY FOR THE SERVICE,)	BPU DOCKET NO. EO16080750
CONVENIENCE OR WELFARE OF THE PUBLIC)	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:

This matter is before the New Jersey Board of Public Utilities ("Board") on the February 16, 2017 request of intervenors, Townships of Middletown, Hazlet and Holmdel (collectively, "Joint Municipal Group" or "JMG"),¹ pursuant to N.J.A.C. 1:1-14.10, for interlocutory review of the January 13, 2017 Order of the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ Cookson"), denying the Joint Municipal Group's Motion to Dismiss the petition of Jersey Central Power and Light Company ("JCP&L" or "Company") and for a stay of these proceedings pending the outcome of the request for interlocutory review. For the reasons noted herein, the Board denies JMG's request for interlocutory review of ALJ Cookson's January 13, 2017 Order. Further, because the Board has decided not to review this matter on an interlocutory basis, JMG's request for a stay pending the outcome of the Board's review of its request for interlocutory review is moot and therefore denied.

¹ By correspondence dated March 3, 2017, Counsel for the Joint Municipal Group indicated that the Township of Aberdeen had joined the Joint Municipal Group in this proceeding; however, the Township of Aberdeen was not part of the Joint Municipal Group at the time the request for interlocutory review was filed with the Board.

BACKGROUND

On August 9, 2016, JCP&L, 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 ("NJT") 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 (the "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 ("MLUL").

According to the petition, construction and energization of the Project will enhance the reliability and redundancy of JCP&L's transmission and distribution system in Monmouth County. JCP&L represents that the route is approximately ten (10) miles long, and will be constructed within an existing NJT right-of-way ("ROW"), with the remaining portion built on an existing JCP&L ROW.

JCP&L states that a "minimal" additional ROW will be necessary where the Project crosses the Navesink River and parallels the existing NJT railway bridge and then follows the existing ROW into the NJT Red Bank station. The Company also states that additional easement rights will be necessary for vegetation management and temporary ROW agreements with private and/or public entities, and the majority of the rights needed are limited to vegetation management. JCP&L describes the Project as being divided into fourteen (14) segments. The Company proposes to either remove existing wood pole structures and replace them with steel monopoles, or install steel monopoles for the new 230 kV circuit in each segment of the Project. Additionally, segments one (1), two (2), three (3), four (4), five (5), seven (7), eleven (11), twelve (12) and fourteen (14) will be constructed within the existing NJT ROW.

The Company represents that the Project is necessary to address an identified criteria violation that can occur for the outage of the Atlantic-Red Bank (S1033) 230 kV line and the No. 2, 230-34.5 kV transformer, with the loss of the Atlantic-Red Bank (T2020) 230 kV line and the No. 8, 230-34.5 kV transformer due to failure of a common structure containing both circuits. If this were to occur, JCP&L claims that it would experience a significant customer load loss. More specifically, the petition indicates that a loss of the S1033 and the T2020 230 kV lines would create a local area voltage collapse in the Monmouth County area with a potential load loss exceeding 700 megawatts. JCP&L indicates that there are approximately 213,938 customers served by the affected substations based on active connected customer meters as of June 2015.

The Company further represents that PJM² has established a required in-service date of June 1, 2016 for the Project. After consultation between JCP&L and PJM, the projected achievable in-service date was established as June 1, 2019, which will allow sufficient time for JCP&L to receive all the necessary approvals for the Project and to complete its construction.

² PJM, the Pennsylvania-New Jersey-Maryland Interconnection, LLC, is the privately-held, limited liability corporation approved by the Federal Energy Regulation Commission as a Regional Transmission Organization that manages the regional, high-voltage electricity grid serving all or parts of thirteen (13) states, including New Jersey. PJM also operates the regional competitive wholesale electric market and manages the regional transmission planning process. N.J.S.A. 48:3-51.

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 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 was also granted intervenor status by Order dated September 21, 2016.

Thereafter, the Joint Municipal Group filed a motion to dismiss on October 26, 2016 on the basis that the Company lacks standing since it does not have an easement for use of the NJT ROW. The Joint Municipal Group asserted that: (1) An easement agreement between JCP&L and NJT regarding this Project expired; and (2) JCP&L does not have a right to exercise its condemnation powers with respect to the NJT ROW.

The Company opposed the motion to dismiss via letter brief dated November 4, 2016, asserting that the easement agreement referred to by the Joint Municipal Group is unrelated to this Project, and that the petition and supporting testimony do not state that the Company would seek to condemn NJT property. The Company represented that it is in the process of acquiring the necessary NJT approvals to construct the Project in the NJT ROW, and that the Company does not have to obtain the NJT's approval prior to proceeding with the instant petition before the Board pursuant to the MLUL.

On January 13, 2017,³ ALJ Cookson denied the Joint Municipal Group's motion to dismiss, finding that the petition filed by JCP&L pursuant to the MLUL before the Board for a determination that the Project is reasonably necessary for the service, convenience or welfare of the public is neither speculative nor hypothetical. In the Matter of the Petition of JCP&L for 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, OAL Docket No. PUC 12098-16, at 9 (Order dated January 13, 2017). ALJ Cookson reasoned that the petition seeks a regulatory determination from the Board that the Project is necessary for the service, convenience or welfare of the public in order to satisfy the demands on the system and the reliability standards established by the North American Electric Reliability Corporation and effectuated on a planning level by PJM. ALJ Cookson stated that JCP&L has filed the Petition in order to obtain Board approval of the Project which it asserts is needed in order to resolve PJM identified planning criteria violations for electric reliability purposes. Id. at 8.

ALJ Cookson noted that the New Jersey Supreme Court has issued an opinion on the complexity of regulatory "chicken and egg" approvals such as this matter, citing to New York, S. & W. R. Co. v. Board of Public Utility Comm'rs, 29 N.J. 513, 530-31 (1959) ("W.R. case"). That case involved the issue of whether a railroad company needed to obtain the right to use a segment of track belonging to another railroad company before obtaining a determination about the use. Relying on the W.R. case, ALJ Cookson concluded that the Board's approval "is a necessary, even if not sufficient, condition for the Project to be constructed." She agreed with the Company that it is one of the most important approvals to acquire and cannot or at least need not await the procurement of every other approval or permit. Id. at 9.

Thereafter, the Joint Municipal Group filed a motion to stay discovery until a decision was reached on the motion to dismiss. However, in light of the fact that a decision was rendered on the motion to dismiss on January 13, 2017, ALJ Cookson denied the motion to stay by Order dated February 8, 2017.

³ The January 13, 2017 Order was not served on the parties by ALJ Cookson until February 8, 2017.

REQUEST FOR INTERLOCUTORY REVIEW

On February 16, 2017, pursuant to N.J.A.C. 1:1-14.10, the Joint Municipal Group filed a request for interlocutory review of the denial of its motion to dismiss and to stay the proceedings. The Joint Municipal Group submits that good cause exists here for the Board to review ALJ Cookson's decision on an interlocutory basis. In support of its argument, the Joint Municipal Group first argues that the taxpayers of Monmouth County have incurred significant costs and expenditures of time proceeding with an aggressive and extensive discovery schedule for approval of a project that cannot be constructed until JCP&L obtains approval from NJT. JMG asserts that "if JCP&L does not obtain NJT's approval to use this route, all of these proceedings will have been a very expensive exercise in futility." (JMG Brief at 2). JMG acknowledges the 'chicken and egg question', by asking "should the Company be required to negotiate with all affected landowners for land rights before filing a petition? Or should it negotiate after approval, with the tool of eminent domain authority waiting in the event JCP&L is unable to obtain the rights?" Nonetheless, JMG asserts that the Company's proposed path for the transmission line "cannot be used", id. at 2-3, because, according to JMG, the Company "gave up all rights to use" the NJT ROW over twenty (20) years ago, and construction would require the exercise of condemnation powers [the Company] cannot use against NJT." Id. at 7. JMG asserts that the petition misrepresents the nature of the rights JCP&L must still obtain, in that it failed to state that JCP&L does not currently have the right to use NJT's right of way for the Project.

In essence, the Joint Municipal Group states that it will be forced to incur legal expenses litigating against a hypothetical project that JCP&L cannot actually construct. According to JMG, only if and when JCP&L actually obtains the legal rights to construct this project would the relief sought in the petition be justiciable. The Joint Municipal Group further requests a stay of the proceedings while this request is pending.

By correspondence dated February 22, 2017, the Company filed opposition to both the request for interlocutory review and the request to stay the proceedings. JCP&L states that the Board should deny JMG's request because the interlocutory appeal raises no new legal or factual arguments, and instead is largely a recitation of the same allegations and arguments that ALJ Cookson considered and rejected in the motion to dismiss. Alternatively, JCP&L argues that the fact that JMG has incurred costs to intervene and participate in this matter is no basis to grant interlocutory review or disturb ALJ Cookson's Order. JCP&L states that JMG made the decision to intervene in this matter, and claims that the same statutory provision that permits the intervention of a municipality in matters before the Board makes clear that such intervention should be undertaken at the municipality's own cost and expense.

According to JCP&L, since the filing of its Petition, it has been very clear that it required NJT approval and the issuance of the appropriate NJT permit to construct the Project on NJT ROW. The Company represents that is in the process of acquiring the necessary NJT approvals to construct the Project in the NJT ROW. JCP&L indicates that its plans for obtaining vegetation management rights from private property owners for the Project are wholly-unrelated to obtaining NJT's approval to use the NJT ROW, citing to the petition at ¶12, ¶ 30 and Exhibit JC-10 at 305. JCP&L claims it never represented that it would seek to use eminent domain to acquire the right to use the NJT ROW.

JCP&L further asserts that ALJ Cookson properly rejected the Joint Municipal Group's argument that the Board should not proceed with JCP&L's petition pursuant to MLUL prior to the receipt of access to the NJT ROW. The Company states that there is simply no basis in the statutes or case law that a utility must secure all other permits and property rights prior to proceeding with a

petition to the Board pursuant to the MLUL. According to JCP&L, requiring a utility to secure all such rights and approvals prior to pursuing Board approval under the MLUL, is not only not required under the statute, but would be nonsensical and result in lengthy delays. In addition, JCP&L states that the Board's prior orders approving utility petitions pursuant to the MLUL explicitly recognize that the Board approval is only one of many rights and approvals necessary to construct a utility project, citing to several prior Board orders for the proposition that the Board not only allows utilities to pursue approval of construction projects under MLUL while it concurrently seeks other necessary rights and approvals, but it also routinely grants approval of such petitions before all other rights and approvals have been secured.

On March 21, 2017, Intervenor Residents Against Giant Electric ("RAGE") filed a statement, along with the Certification of Rachael Kanapka in support of JMG's request for interlocutory review and the imposition of a stay⁴. Included with RAGE's submission was a cover letter dated March 16, 2016 and 2,000 documents purportedly related to a request under the Open Public Records Act ("OPRA") served upon NJT, which were not submitted to ALJ Cookson at the time JMG's motion to dismiss was pending at the OAL. The correspondence included with the NJT documents indicates that RAGE received the documents on March 7, 2017—two (2) weeks prior to the submission to the Board, five (5) weeks after the request for interlocutory review, and eight (8) weeks after ALJ Cookson issued her initial decision. By way of reference, RAGE requested that the Board "please also consider this a motion for leave to file this statement." RAGE Statement at 1. Responsive papers to JMG's motion were due within three (3) days of RAGE's receipt of the request for interlocutory review, pursuant to N.J.A.C. 1:1-14.10. RAGE did not explain the timing of its filing as set forth in N.J.A.C. 1:1-14.10(g).

Nonetheless, RAGE reiterates similar arguments made by JMG in support of the instant request. Namely, RAGE argues that, under the MLUL, the Company lacks standing to pursue this petition because it does not own an enforceable interest for use of the NJT ROW. As such, it also argues that, unless and until JCP&L has a legally enforceable right to construct the Project on the NJT ROW, this proceeding is very expensive, wasteful and completely unnecessary. Citing to Ms. Kanapka's certification, RAGE points out that it is undertaking extensive and continuing efforts to pay attorneys and experts, and maintaining an expensive and continuous education and outreach effort. Kanapka Certification at ¶ 19. RAGE further alleges that JCP&L has been dilatory in seeking the Board's approval and permission from NJT to use the NJT ROW. RAGE finally argues that the documents it received from NJT contained highly relevant information about the design and precise location of the Project and will need additional time to analyze these documents.

On March 23, 2017, JCP&L filed a letter brief in opposition to the statement filed by RAGE. JCP&L points out that RAGE's statement is untimely, unauthorized under the Uniform Administrative Procedure Rules and was submitted in an attempt to delay these proceedings. The Company also states that RAGE has not provided an explanation for its late filing and the Board should not consider it.

JCP&L also states that, should the Board consider RAGE's submission, the Board should reject its arguments. JCP&L once again asserts that New Jersey has a liberal threshold for standing, and it has a significant stake in the outcome of this matter. The Company further reiterates that it has not been dilatory in seeking the Board's approval of the Project and/or obtaining permitting to use the NJT ROW.

⁴ As noted above, JMG requested a stay pending the outcome of Interlocutory Review. RAGE purports to expand this request to a stay of the proceeding in toto.

With regard to the NJT documents, JCP&L argues that this matter does not concern the issue of whether NJT should grant the necessary approvals to the Company for use of the NJT ROW. JCP&L claims that discovery has been underway since October 2016, and the Company has responded to all discovery requests. The fact that there may be certain documents that NJT produced in response to an OPRA request that are beyond the scope of what RAGE or other parties requested in discovery does not in anyway establish that the Company was not responsive in its discovery production, according to JCP&L. In addition, JCP&L asserts that RAGE has failed to offer any argument with respect to the NJT documents that would require the Board to impose a stay. JCP&L states that RAGE has failed to articulate any factual or legal basis for the Board to stay this matter and, similar to JMG, has failed to even identify the legal standard applicable for the imposition of a stay.

No other parties filed responsive papers to the request for interlocutory review.

DISCUSSION AND FINDINGS

As the Board has noted in previous Orders, an order or ruling of an ALJ may be reviewed on an interlocutory basis by an agency head at the request of a party. N.J.A.C. 1:1-14.10(a). Pursuant to N.J.A.C. 1:14-14.4(a), a rule of special applicability that supplements N.J.A.C. 1:1-14.10, the Board shall determine whether to accept the request and conduct an interlocutory review by the later of (i) ten (10) days after receiving the request for interlocutory review or (ii) the Board's next regularly scheduled open meeting after expiration of the ten (10) day period from receipt of the request for interlocutory review.

In addition, under N.J.A.C. 1:14-14.4(b), if the Board determines to conduct an interlocutory review, it shall issue a decision, order, or other disposition of the review within twenty (20) days of that determination. Finally, it should be noted that N.J.A.C. 1:1-14.10(i), in relevant part, provides that

any order or ruling reviewable interlocutorily is subject to review by the agency head after the judge renders the initial decision in the contested case, even if an application for interlocutory review: 1. Was not made; 2. Was made but the agency head declined to review the order or ruling; or 3. Was made and not considered by the agency head within the established time frame.

The legal standard for accepting a matter for interlocutory review is stated in In re Uniform Administrative Procedure Rules, 90 N.J. 85 (1982). In that case, the New Jersey Supreme Court concluded that an agency has the right to review ALJ orders on an interlocutory basis "to determine whether they are reasonably likely to interfere with the decisional process or have a substantial effect upon the ultimate outcome of the proceeding." Id. at 97-98. The Court held that the agency head has broad discretion to determine which ALJ orders are subject to review on an interlocutory basis. However, the Court also noted that the power of the agency head to review ALJ orders on an interlocutory basis should be exercised sparingly. Id. at 100. In this regard, the Court observed:

In general, interlocutory review by courts is rarely granted because of the strong policy against piecemeal adjudications. See Hudson v. Hudson, 36 N.J. 549 (1962); Pennsylvania Railroad, 20 N.J. 398. Considerations of efficiency and economy also have pertinency in the field of administrative law. See Hackensack

v. Winner, 82 N.J. at 31-33; Hinfey v. Matawan Reg. Bd. of Ed., 77 N.J. 514 (1978). See infra at 102, n.6. Our State has long favored uninterrupted proceedings at the trial level, with a single and complete review, so as to avoid the possible inconvenience, expense and delay of a fragmented adjudication. Thus, "leave is granted only in the exceptional case where, on a balance of interests, justice suggests the need for review of the interlocutory order in advance of final judgment." Sullivan, "Interlocutory Appeals," 92 N.J.L.J. 162 (1969). These same principles should apply to an administrative tribunal.

[90 N.J. at 100].

The Court held that interlocutory review may be granted "only in the interest of justice or for good cause shown." Ibid. The Court further stated:

In the administrative arena, good cause will exist whenever, in the sound discretion of the agency head, there is a likelihood that such an interlocutory order will have an impact upon the status of the parties, the number and nature of claims or defenses, the identity and scope of issues, the presentation of evidence, the decisional process, or the outcome of the case.

[Ibid.].

The Board first notes that RAGE's submission of approximately 2,000 documents which it indicated were received pursuant to an OPRA request response from NJT are not appropriately before the Board because they were submitted as an attachment to a responsive brief in support of a request for interlocutory review. N.J.A.C. 1:1-14.10(f) requires the party requesting interlocutory review to provide the agency head with all papers, materials, transcripts or parts of the record which pertain to the request for interlocutory review. (emphasis added). Moreover, as a general proposition, appellate review is limited to the record developed before the lower court. Townsend v. Pierre, 221 N.J. 36, 45, n.2 (2015) (stating "We do not consider other deposition testimony that was not presented to the trial court and was submitted by the parties for the first time on appeal"). The NJT documents were not before ALJ Cookson as the subject of the underlying motion or otherwise. As such, the Board will not consider these documents in reviewing the pending request. Additionally, the Board declines to review any discovery dispute implied in RAGE's papers, in the first instance. Further, the Board makes no judgment or determination as to the affect or probative value of such documents because such issues remain before ALJ Cookson.

In addition, the Board notes that JCP&L's response to RAGE's statement in support of the request for interlocutory review was also not contemplated by the Uniform Administrative Procedure Rules. See 1:1-14.10(d).

As to the issue of whether or not to grant interlocutory review, the Board notes first that notwithstanding possible arguments regarding the timeliness of the request and/or reply filings, the Board has considered JMG's request for interlocutory review, JCP&L's opposition to the request, as well as RAGE's untimely statement and the certification of Ms. Kanapka in support of the request and JCP&L's response to RAGE's statement. However, the Board is not persuaded that it is appropriate to grant interlocutory review in this matter. As expressed in its moving papers, the primary issue raised by the Joint Municipal Group concerns whether JCP&L has the ability to construct the Project along the proposed route without the requisite approvals for use of the NJT ROW. However, the Company has represented, through testimony and discovery, that it is in the process of obtaining the necessary approvals and permits from NJT

for the construction of the Project in the NJT ROW. Moreover, ALJ Cookson indicated, that it is premature to address the merits of the petition on a motion to dismiss; rather, in deciding the motion, the assertions set forth by the petition, "must be taken as true at this stage," that –

The majority of the approximate ten mile-long route will be constructed within existing NJT ROW, with the remaining portion built on existing JCP&L ROW or the minimal additional ROW discussed above. Additional easement rights will be necessary for vegetation management and temporary right-of-way agreements with private and/or public entities. The majority of the rights needed, affecting approximately 350 parcels, are limited to vegetation management.

See In the Matter of the Petition of JCP&L for 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, OAL Docket No. PUC 12098-16, at 8 (Order dated January 13, 2017) (citing to the petition at ¶ 12).

We agree with ALJ Cookson's reasoning and by extension her conclusion that this case does not present a "purely speculative matter." Ibid.

Furthermore, it is often times necessary to obtain many approvals from separate governmental entities when a proposal involves the construction of a large-scale project, such as the instant matter. In these instances, the Board issues orders which are contingent upon other approvals or acquisitions of ROW. The Board need not halt its review while such concurrent process is occurring. See, generally, In re South Jersey Gas Co., 2016 N.J. Super. Unpub. LEXIS 2428, 11-13 (App. Div. November 7, 2016); In re South Jersey Gas Co., 447 N.J. Super. 459, 480-81 (App. Div. 2016). If the Board were to accept JMG's position, any petition for approval of a project that involves multiple land use and/or governmental approvals would never be able to proceed, as a result of the "chicken and egg" dilemma.

Moreover, evidentiary hearings are scheduled to occur at the OAL in April 2017, at which time the parties to this proceeding, including the Joint Municipal Group and RAGE, will be afforded the opportunity to present testimony, cross-examine witnesses and file post-hearing briefs. Furthermore, the evidentiary hearings will provide the Board with the information necessary when reviewing this matter after ALJ Cookson renders her Initial Decision. Pursuant to N.J.S.A. 40:55D-19, the Board and the ALJ are required to determine whether the Project is "reasonably necessary for the service, convenience or welfare of the public," which requires the analysis of several aspects of the Project, including the selection of the proposed route. Therefore, it is inefficient and not in the interest of judicial economy to conduct a piecemeal review of this matter prior to the rendering of an Initial Decision. Rather, the Board believes that the matter should remain with ALJ Cookson who, consistent with N.J.A.C. 1:1-14.6, has the power to preside over prehearing activities, conduct hearings, develop the record and render an initial decision dispositive of the issues before the OAL.

The Board notes that N.J.A.C. 1:1-14.10(i)(2) provides that "any order or ruling reviewable interlocutorily is subject to review by the agency head after the judge renders the initial decision in the contested case, even if an application for interlocutory review: [w]as made but the agency head declined to review the order or ruling."

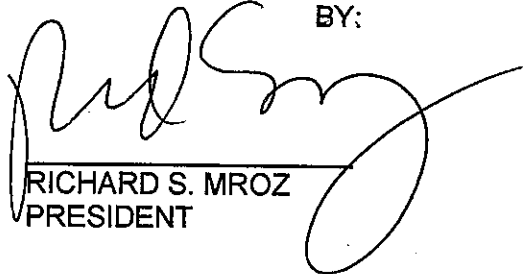
Accordingly, after careful consideration of JMG's request, JCP&L's opposition, RAGE's letter and certification in support of JMG's request, and JCP&L's opposition to RAGE's letter in support the Board **HEREBY DENIES** JMG's request for interlocutory review of ALJ Cookson's

January 13, 2017 Order. Further, because the Board has decided not to review this matter on an interlocutory basis, JMG's request for a stay pending the outcome of the Board's review of its request for interlocutory review is moot. Therefore, the Board **HEREBY DENIES** JMG's request for a stay of these proceedings.

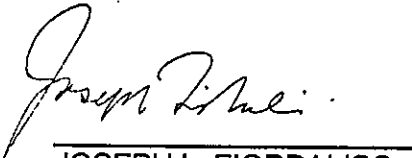
This Order shall become effective on April 3, 2017.

DATED: 3/24/17

BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT




JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER

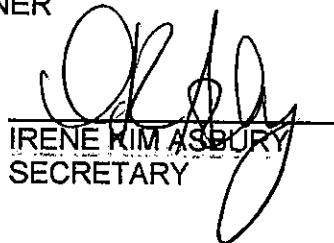


DIANNE SOLOMON
COMMISSIONER




UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:



IRENE KIM ASBURY
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

SERVICE LIST

Division of Rate Counsel:

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Fl.
Post Office Box 003
Trenton, NJ 08625-003
sbrand@rpa.state.nj.us

Brian Lipman, Esq. Litigation Manager
Division of Rate Counsel
140 East Front Street, 4th Fl.
Post Office Box 003
Trenton, NJ 08625-003
blipman@rpa.state.nj.us

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Post Office Box 003
Trenton, NJ 08625-003
ftthomas@rpa.state.nj.us

Henry Ogden, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Post Office Box 003
Trenton, NJ 08625-003
hogden@rpa.state.nj.us

James Glassen, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Post Office Box 003
Trenton, NJ 08625-003
jglassen@rpa.state.nj.us

Board of Public Utilities:

Irene Kim Asbury, Esq.
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
irene.asbury@bpu.nj.gov

Paul Flanagan, Executive Director
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
paul.flanagan@bpu.nj.gov

Andrew McNally, Chief Counsel
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
andrew.mcnally@bpu.nj.gov

Thomas Walker, Director
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
thomas.walker@bpu.nj.gov

Stacy Peterson, Deputy Director
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
stacy.peterson@bpu.nj.gov

Shelly Massey
Division of Rate Counsel
140 East Front Street, 4th Fl.
Post Office Box 003
Trenton, NJ 08625-003
smassey@rpa.state.nj.us

Peter Lanzalotta
Lanzalotta & Associates LLC
67 Royal Point Drive
Hilton Head Island, SC 29926
petelanz@lanzalotta.com

Deputy Attorneys General:

Geoffrey Gersten, DAG
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
geffrey.gersten@lps.state.nj.us

Alex Moreau, DAG
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
alex.moreau@lps.state.nj.us

Renee Greenberg, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
renee.greenberg@lps.state.nj.us

JCP&L:

Gregory Eisenstark, Esq.,
Windels Marx Lane & Mittendorf, LLP
120 Albany Street Plaza
New Brunswick, NJ 08901
geisenstark@windelsmarx.com

Michael J. Connolly, Esq.
Windels Marx Lane & Mittendorf, LLP
One Giralda Farms
Madison, NJ 07940
mconnolly@windelsmarx.com

Bethany Rocque-Romaine, Esq.
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
bethany.romaine@bpu.nj.gov

Megan Lupo, Esq.
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
megan.lupo@bpu.nj.gov

Carl Dzierzawiec
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
carl.dzierzawiec@bpu.nj.gov

John Masiello
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
john.masiello@bpu.nj.gov

Joint Municipal Group:

Murray Bevan, Esq.
Bevan, Mosca & Giuditta, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, New Jersey 07920
mbevan@bmg.law

RAGE, Inc.

Peter Dickson
Potter and Dickson
194 Nassau Street
Princeton, NJ 08542
rwppddl@cs.com

Kevin Connelly
Jersey Central Power & Light Company
300 Madison Avenue
P.O. Box 1911
Morristown, New Jersey 07960
kconnelly@firstenergycorp.com

Lauren M. Lepkoski, Esq.
FirstEnergy Service Company
Legal Department
2800 Pottsville Pike
Reading, PA 19612-6001
llepkoski@firstenergycorp.com

Municipalities:

Clerk
Township of Aberdeen
1 Aberdeen Square
Aberdeen, NJ 07747
karen.ventura@aberdeen.nj.org

Clerk
Township of Hazlet
319 Middle Road
Hazlet, NJ 07730-0371
egrandi@hazletwp.org

Clerk
Township of Holmdel
4 Crawford's Corner Road
P.O. Box 410
Holmdel, NJ 07733-0410
mdolougherty@holmdeltonwship-nj.com

Clerk
Township of Middletown
Municipal Building
One Kings Highway
Middletown, NJ 07748-2594

Clerk
Borough of Red Bank
90 Monmouth Street
Red Bank, NJ 07701
pborghia@redbanknj.org

Monmouth County Board of Chosen Freeholders:

Clerk
Monmouth County
Board of Chosen Freeholders
One East Main Street
Freehold, NJ 07728

Monmouth County:

Monmouth County Administrator
Hall of Records
1 East Main Street
Freehold, NJ 07728

Michael Fitzgerald, Esq.
Monmouth County
Hall of Records
1 East Main Street, Room 236
Freehold, NJ 07728
michael.fitzgerald@co.monmouth.nj.us

Middletown Board of Education:

Jeffrey R. Merlino, Esq.
Sciarrillo, Cornell, Merlino, McKeever &
Osborne, LLC
238 St. Paul Street
Westfield, NJ 07090
jmerlino@sciarrillolaw.com

Hazlet and Holmdel Boards of Education:

Douglas Kovats, Esq.
Kenney, Gross, Kovats & Parton
130 Maple Avenue
Building 8
Red Bank, NJ 07701
dlcovats@kenneygross.com

Michael Gross, Esq.
Kenney, Gross, Kovats & Parton
130 Maple Avenue
Building 8
Red Bank, NJ 07701
migross@kenneygross.com