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November 21, 2017

Via Overnight Mail

Honorable Gail M. Cookson, A.L.J.
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

**Re: 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**

Dear Judge Cookson:

Please accept this response by the New Jersey Division of Rate Counsel ("Rate Counsel") to the motions filed by Residents Against Giant Electric, Inc. and the Joint Municipal Group to strike portions of the Reply Brief filed by Jersey Central Power and Light ("JCP&L" or "the Company"). Rate Counsel joins those motions to the extent JCP&L, in its reply brief, attempts to improperly enlarge the record by introducing argument and evidence; 1) from outside the record; 2) subject to orders of the Court issued during the hearing; or, 3) excluded from the record by the Court following argument and briefing.

Specifically, Residents Against Giant Electric, Inc. moves that all references in the Company's Reply Brief that refer to or discuss any excluded portions of JCPL Exhibits 53 and 54 be stricken. The Joint Municipal Group seeks to strike those portions of the

Company's reply brief that cites to evidence that was not part of the record. That includes: 1) argument about "Weather Normalized" peak demand (JCP&L Reply Brief, p. 14; 2) the testimony of Moshe Bonder (JCP&L Reply Brief, p. 24); 3) excluded portions of the Rejoinder Report (JCP&L Reply Brief, p. 18.); 4) and, the issue of "friendly" cross-examination considered and allowed by the Court during the hearing (JCP&L Reply Brief, p. 11).

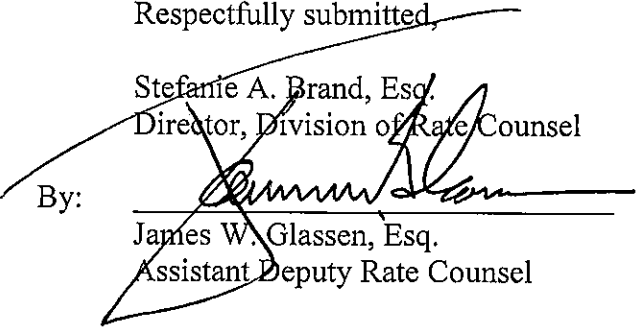
The Company argues that vague references to issues before the Court in other briefs, opened the door to arguments regarding the excluded evidence. These assertions are without merit. Rate Counsel noted in its Reply Brief that JCP&L improperly relied on evidence previously excluded by this Court in its Initial Brief. (Rate Counsel Reply at p. 6.) The Company has continued this practice in its Reply Brief denying Rate Counsel and the other parties the opportunity to respond.

As Rate Counsel noted in its Reply Brief, "Only by referencing and relying on argument from evidence outside the record does the Company hope to bolster its position in support of the relief sought in its petition. The effort to "bootstrap" its argument in this manner should be rejected." (Rate Counsel Reply at p. 6.) Rate Counsel urges the Court to grant the motions filed by Residents Against Giant Electric and the Joint Municipal Group to strike the improper introduction of argument and evidence that was clearly extrinsic to the record in this matter.

Respectfully submitted,

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By:


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JWG
cc: Service List

I/M/O Jersey Central Power & Light
Company Pursuant to N.J.S.A. 40:55D-19 for
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