

BY COMMISSIONER MARY-ANNA HOLDEN:

On November 6, 2013, Petitioner, Atlantic City Electric Company (“ACE” or “Petitioner”) filed a Petition and six (6) testimonial exhibits marked as Exhibits P-11 through P-15 and P-18 with the New Jersey Board of Public Utilities (“BPU” or “Board”). Petitioner is seeking authorization for transmission upgrades which include separating the 230 kv transmission line at Orchard Substation into two (2) separate lines, one from Orchard to Cumberland in the east and the other from Orchard to Churchtown to the west. The proposed upgrades also include establishing the Churchtown to Orchard 230 kv line in place of the existing Deepwater to Monroe 138 kv line. The existing Deepwater to Monroe to Lewes 138 kv line is currently constructed on double circuit lattice towers with the Deepwater to Upper Pittsgrove 138 kv line. Petitioner plans to rebuild and upgrade the Deepwater to Upper Pittsgrove 138 kv line. Petitioner requests a finding and determination of the zoning and land use ordinances and all the regulations promulgated by the Township of Upper Pittsgrove, Borough of Woodstown, Township of Pilesgrove, Township of Mannington and the Township of Pennsville in the County of Salem have no application to the proposed transmission line and the pertinent facilities, including but not limited to substations. On _____, 2014, a pre-hearing conference was held in this matter. Various parties representing ACE, Staff of the Board (“Staff”), and the Division of Rate Counsel (“Rate Counsel”) participated in the pre-hearing conference.

Upon consideration of the positions put forth at the conference, and the submission provided following that conference, I **HEREBY FIND AND ADOPT** as follows:

1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:

Whether the Petition of ACE satisfies the requirements set forth in *N.J.S.A. 40:55(d)19* such that the Board may authorize ACE to construct a proposed transmission line.

2. PARTIES AND ATTORNEYS ARE REPRESENTATIVES:

Parties to this matter include ACE, Rate Counsel, and Board Staff. On March 19, 2014, the Board entered an Order designating the presiding commissioner and setting a manner of service of the Order. Within the Order, the Board set a date for intervention/participation motions and responses. To date, no other parties have been formally admitted to the case. If intervention/participation motions are granted, the Service List in this matter will be amended.

3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:

ACE has served each municipality as required by *N.J.S.A. 40:55(d)19*.

4. SCHEDULE OF HEARING DATE, TIME AND PLACE:

An Evidentiary Hearing shall be scheduled for Wednesday, November 5, 2014 at the Board's Office, 44 South Clinton Avenue, Trenton, New Jersey. Rate Counsel will have the opportunity for Oral Surrebuttal at the Evidentiary Hearing.

A public hearing in the service territory will be scheduled, at a location reasonably convenient to the affected municipalities, on Tuesday, August 5, 2014.

5. STIPULATIONS:

Stipulations among the parties are encouraged, but at this time no stipulations have been entered in this matter.

6. SETTLEMENTS:

Settlement conference(s) among the parties are encouraged and may be convened at the convenience of the parties without prior approval or knowledge.

7. AMENDMENTS TO PLEADINGS:

At this time, there have not been any amendments to pleadings.

8. CASE EVENTS AND DATE FOR COMPLETION:

The parties participating in the pre-hearing conference of _____, 2014 discussed proposals and options for a procedural schedule. Based upon that discussion, the following partial schedule has been set:

<u>Case Event</u>	<u>Date for Completion</u>
Last date for discovery requests on initial testimony	June 16
Responses to discovery requests on initial testimony	July 1
Last date for supplemental discovery on initial testimony	July 14
Last date for responses to supplemental discovery on initial testimony	July 28
Public hearing	August 5
Reply testimony	August 12
Last date for discovery requests on reply testimony	August 19
Last date for responses to discovery requests on reply testimony	August 26
Rebuttal testimony	September 2
Last date for discovery request on rebuttal testimony	September 16
Last date to propound any discovery on any party	September 23

Last date for responses to discovery requests or rebuttal testimony	October 7
Evidentiary hearing	November 5
Initial briefs (if needed)	December 5
Reply briefs (if needed)	January 5, 2015
Anticipated Board action	February 2015

9. ORDER OF PROOFS:

The Petitioner shall proceed first. The order of testimony is to be determined.

10. EXHIBITS MARKED FOR IDENTIFICATION:

None at this time.

11. EXHIBITS MARKED IN EVIDENCE:

None at this time.

12. ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:

Petitioner has submitted pre-filed testimony of 11 witnesses. Rate Counsel anticipates _____ witnesses.

13. MOTIONS CONTEMPLATED, PENDING OR GRANTED:

At this time, no motions for intervention have been submitted.

14. OTHER SPECIAL MATTERS:

None.

In the interest of efficiency and economy, all parties are **HEREBY DIRECTED** to serve electronically all documents to the service list with two (2) hard copies provided to a designee of each party. I **FURTHER DIRECT** Staff to distribute this Order to the service list.

Upon due consideration, I **HEREBY ADOPT** this as the schedule in this matter and I **HEREBY ISSUE** this Pre-Hearing Order. This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: June 2, 2014

By: Mary-Anna Holden
Mary-Anna Holden
Presiding Commissioner