



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PROCEEDING)
FOR INFRASTRUCTURE INVESTMENT)
AND A COST RECOVERY MECHANISM)
FOR GAS & ELECTRIC UTILITIES)
)
) ORDER GRANTING MOTIONS
FOR INTERVENTION AND
ADMISSION PRO HAC VICE
DOCKET NO. EO09010049

IN THE MATTER OF THE VERIFIED PETITION)
OF JERSEY CENTRAL POWER & LIGHT)
COMPANY FOR AN ECONOMIC STIMULUS)
INFRASTRUCTURE INVESTMENT PROGRAM)
AND ASSOCIATED COST RECOVERY)
MECHANISM)
DOCKET NO. EO09010055

(SERVICE LIST ATTACHED)

BY PRESIDENT JEANNNE M. FOX:

On January 30, 2009, Jersey Central Power & Light Company ("JCP&L" or the "Company") submitted a petition seeking approval to implement and administer an Infrastructure Investment Program and an associated cost recovery mechanism. According to the petition, the Company would accelerate its electric distribution system capital infrastructure investments, helping to stimulate the State's economy and create new employment opportunities. JCP&L estimates total distribution infrastructure expenditures over a 12-month period totaling \$40 million. The Company proposes also to spend \$11 million for projects that would improve the energy efficiency of its distribution system. The Company estimates that the projects described in its petition will directly result in 75 additional jobs over the one-year construction period.

The Company proposes recovering the costs associated with the program through a Rider to the RGGI Recovery Clause (or any similar rider or clause directed by the Board) commencing on the date of Board approval of the proposal. According to the petition, the rider will be designed to fully recover the revenue requirements associated with the actual invested amounts. The proposed annual revenue requirement (estimated at \$52 million) will include a weighted average cost of capital equal to that determined in its last base rate case, amortization

(over a two-year period) and taxes. The rider would be applicable to all rate schedules and applied on a per kilowatt-hour ("kWh") basis. The rate impact on an average residential customer using 1000 kWh per month would be a 1.3 percent increase

By Order dated January 29, 2009, the Board determined that this matter should be retained by the Board for review and hearing, and, as authorized by N.J.S.A. 48:2-32, designated me as the presiding officer who is authorized to rule on all motions that arise during the proceeding and modify any schedule that may be set as necessary to secure just and expeditious determination of the issues

By letter dated February 11, 2009, Steven S. Goldenberg, Esq. filed a motion to intervene in this proceeding on behalf of the New Jersey Large Energy Users Coalition ("NJLEUC"). According to the motion, NJLEUC is an association of large volume customers which, among other things, monitors regulatory proceedings on behalf of its members, including those serviced by JCP&L. According to the motion, NJLEUC's members, as large consumers of gas and electric service, will be directly and immediately affected by the infrastructure investments and associated rate relief requested by the petition. NJLEUC maintains that it has a unique perspective not otherwise represented, and its participation in this matter will constructively and measurably advance this proceeding as required by N.J.A.C. 1:1-16.3(a). NJLEUC also commits to working cooperatively with the other parties to this proceeding, to the extent possible.

Mr. Goldenberg has also moved pursuant to N.J.A.C. 1:1-5.2 and 1:21-2 for the admission *pro hac vice* of Paul F. Forshay, Esq. a member in good standing of the bar of the District of Columbia. Mr. Forshay filed an affidavit with the motion asserting that there is good cause for his admission since he has considerable experience representing marketers and large end users in proceedings before the Board and the Federal Energy Regulatory Commission, that he has been requested by NJLEUC to appear in these proceedings, and that he is associated in this matter with Mr. Goldenberg who is New Jersey counsel of record. The affidavit also indicates that Mr. Forshay has satisfied all of the conditions for admission as set forth in R. 1:21-2(a), and that the fees required by R. 1:20-1(b) and 1:28-2 have been paid to the Disciplinary Oversight Committee and the New Jersey Lawyers' Fund for Client Protection.

By letter dated February 10, 2009, Stephen R. Kern, Esq. filed a motion to intervene in this proceeding on behalf of Gerdau Ameristeel Corporation ("Gerdau"). According to the motion, Gerdau owns and operates a steelmaking facility in Sayreville, New Jersey that is served by JCP&L, and is one of the largest customers on JCP&L's system. Gerdau maintains that as a significant electricity customer, it has an interest in the level and recovery of proposed intrastate project costs that is not adequately represented by any other party currently in the proceeding. Gerdau additionally agrees to "take the record as it stands."

Mr. Kern has also moved pursuant to N.J.A.C. 1:1-5.2 and 1:21-2 for the admission *pro hac vice* of Robert A. Weishaar, Jr., Esq. a member in good standing of the bars of the District of Columbia and Pennsylvania, and of Dennis P. Jamouneau, Esq., a member in good standing of the bars of Texas and the District of Columbia. Mr. Weishaar and Mr. Jamouneau each filed an affidavit with the motions asserting that there is good cause for his admission since each has expertise in the field of energy regulation and a legal background in regulatory proceedings involving regulated energy companies, that each has been requested by Gerdau to appear in these proceedings, and that each agrees to have all pleadings, briefs and other papers to be filed with the Board signed by New Jersey counsel. The affidavits also indicate that Mr. Weishaar and Mr. Jamouneau have satisfied all of the conditions for admission as set forth in

R. 1:21-2(a), and that the fees required by R. 1:20-1(b) and 1:28-2 have been paid to the Disciplinary Oversight Committee and the New Jersey Lawyers' Fund for Client Protection

No objections to the motions were received.

FINDINGS and DISCUSSION

Pursuant to N.J.A.C. 1:1-16.3(a), to determine if a motion to intervene should be granted, the Board considers the nature and extent of the party's interest in the outcome of the investigation, and whether the party's interest is sufficiently different from that of other parties; whether inclusion will add constructively to the case; and whether intervention will confuse or delay the matter. Based on my review of the motions to intervene of NJLEUC and Gerdau, and having received no objections after due notice to the parties, I HEREBY GRANT the motions provided that NJLEUC and Gerdau comply with the schedule previously adopted for this proceeding.

Based on review of the motions for admission *pro hac vice* of Mr. Forshay, Mr. Weishaar and Mr. Janouneau, and the supporting affidavits, and no objections having been received, I FIND that Mr. Forshay, Mr. Weishaar and Mr. Janouneau have satisfied the conditions for admission, and therefore, HEREBY GRANT the motions for admission to practice before the Board for this proceeding only, provided that they shall:

- 1) abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
- 2) submit proof of payment of the fees required by R.1:20-1(b) and 1:28-2;
- 3) consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against him that may arise out of his participation in this matter;
- 4) notify the Board immediately of any matter affecting his standing at the bar of any other jurisdiction; and
- 5) have all pleadings, briefs and other papers filed with the Board signed by the attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and the attorney admitted by this Order.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceeding in this matter.

DATED:

BY:


JEANNE M. FOX
PRESIDENT

I/M/O PROCEEDING FOR INFRASTRUCTURE INVESTMENT AND A COST
RECOVERY MECHANISM FOR ALL GAS & ELECTRIC UTILITIES
BPU DOCKET NO. EO09010049

and

I/M/O INFRASTRUCTURE INVESTMENT AND A COST RECOVERY MECHANISM
FOR JERSEY CENTRAL POWER & LIGHT COMPANY
BPU DOCKET NO. EO09

SERVICE LIST

BPU

Alice Bator, Bureau Chief
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-2448
FAX: (973) 648-7420
alice.bator@bpu.state.nj.us

Mark Beyer, Chief Economist *
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 693-3414
FAX: (973) 648-4410
mark.beyer@bpu.state.nj.us

Victor Fortkiewicz, Exec. Dir.
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4852
FAX: (973) 648-2409
victor.fortkiewicz@bpu.state.nj.us

Donna Luhn
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4451
FAX: (973) 648-2409
donna.luhn@bpu.state.nj.us

Christine Lin
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3407
FAX: (973) 648-4410
christine.lin@bpu.state.nj.us

Michael Stonack
Board of Public Utilities
Office of Clean Energy
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4959
FAX: (973) 648-2242
michael.stonack@bpu.state.nj.us

Nanik Aswani
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-2270
FAX: (973) 648-2467/7420
Nanik.aswani@bpu.state.nj.us

Kristi Izzo, Secretary *
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3426
FAX: (973) 648-2409
kristi.izzo@bpu.state.nj.us

Robert Wojciak
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3978
FAX: (973) 648-4410
Robert.wojciak@bpu.state.nj.us

James Giuliano, Director
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3875
FAX: (973) 648-2242
James.giuliano@bpu.state.nj.us

Jerome May
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4950
FAX: (973) 648-7420
Jerome.may@bpu.state.nj.us

Jackie O=Grady
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3451
FAX: (973) 648-4410
Jackie.ogrady@bpu.state.nj.us

* means regular mail and email service

Sheila Iannaccone, Bureau Chief
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973)648-3705
FAX: (973)648-7420
Sheila.iannaccone@bpu.state.nj.us

Suzanne Patnaude, Dep. Chief Counsel
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973)693-3858
FAX: (973) 648-2209
Suzanne.patnaude@bpu.state.nj.us

Ricky John
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973)648-7218
FAX: (973)648-7420
Ricky.john@bpu.state.nj.us

DAsG for Board Staff

Caroline Vachier, DAG *
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street, 5th Flr.
P.O. Box 45029
Newark, NJ 07101
PHONE: (973)648-3709
FAX: (973)648-3555
caroline.vachier@dol.lps.state.nj.us

Jessica L. Campbell, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street, 5th Flr.
P.O. Box 45029
Newark, NJ 07101
PHONE: (973)648-4762
FAX: (973)648-3555
jessica.campbell@dol.lps.state.nj.us

Kerri Kirschbaum, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street
PO Box 45029
Newark, NJ 07101
PHONE: (973)648-7811
FAX: (973)648-3555
kerri.kirschbaum@dol.lps.state.nj.us

Alex Moreau, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street
PO Box 45029
Newark, NJ 07101
PHONE: (973)648-3762
FAX: (973)648-3555
alex.moreau@dol.lps.state.nj.us

Anne M. Shatto, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street
PO Box 45029
Newark, NJ 07101
PHONE: (973) 648-3762
FAX: (973) 648-3555
anne.shatto@dol.lps.state.nj.us

Jenique Jones, Paralegal
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street
PO Box 45029
Newark, NJ 07101
PHONE: (973) 648-7159
FAX: (973) 648-3555
jenique.jones@dol.lps.state.nj.us

Advising DAsG

Elise Goldblat, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street
PO Box 45029
Newark, NJ 07101
PHONE: (973)648-3709
FAX: (973)648-3555
elise.goldblat@dol.lps.state.nj.us

Babette Tenzer, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street
PO Box 45029
Newark, NJ 07101
PHONE: (973)648-3441
FAX: (973)648-3555
babette.tenzer@dol.lps.state.nj.us

ADVOCATE

Stefanie A. Brand, Director *
 Dept. of The Public Advocate
 Division of Rate Counsel
 31 Clinton Street B 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
sbrand@rpa.state.nj.us

Paul Flanagan, Litigation Manager
 Dept. of The Public Advocate
 Division of Rate Counsel
 31 Clinton Street B 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
pflanagan@rpa.state.nj.us

Diane Schulze, Esq.
 Assistant Deputy Public Advocate
 Department of the Public Advocate
 Clinton Street B 11th Flr.
 31 Clinton Street B 11th Flr.
 PO Box 46005
 Newark, NJ 07102
 PHONE: (973)648-2690
 FAX: (973)624-1047
dschulze@rpa.state.nj.us

Felicia Thomas-Friel, Managing
 Attorney B Gas
 Department of the Public Advocate
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
fthomas@rpa.state.nj.us

Ami Morita, Esq.
 Division of the Rate Counsel
 Department of the Public Advocate
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
amorita@rpa.state.nj.us

Lisa Gurkas
 Division of the Rate Counsel
 Department of the Public Advocate
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
lgurkas@rpa.state.nj.us

Rate Counsel Consultants

Bruce Biewald
 Max Chang
 Synapse Energy Economics, Inc
 22 Pearl Street
 Cambridge, MA 02139
 PHONE: (617)661-3248
 FAX: (617)661-0599
bbiewald@synapse-energy.com
mchang@synapse-energy.com

Charles Salamone
 Cape Power Systems Consulting, LLC
 23 Westerly Drive
 Bourne, MA 02532
 PHONE: (774)271-0383
 FAX: (866)484-0298
csalamone@capepowersystems.com

Mike Majoros
 Margaret Kenney
 Snavely, King, Majoros, O'Connor & Lee,
 1111 14th Street, N.W., Suite 300
 Washington, DC 20005
 PHONE: (202)371-1111
 FAX: (202)842-4966
mmajoros@snavely-king.com
mkenney@snavely-king.com

James Goldstein
 John Stutz
 Tellus Institute
 11 Arlington Street
 Boston, MA 02116-3411
 PHONE: (617)266-5400
 FAX: (617)266-8303
jgold@tellus.org
jstutz@tellus.org

Matt Kahal
 Exeter Associates, Inc.
 5565 Sterrett Place, Suite 310
 Columbia, MD 21044
 PHONE: (410)992-7500
 FAX: (410)992-3445
mkahal@exeterassociates.com

JCP&L

Michael J. Filippone *
 Rates & Regulatory Affairs - NJ
 Jersey Central Power & Light Co.
 300 Madison Avenue
 PO Box 1911
 Morristown, NJ 07962-1911
 PHONE: (973)-401-8991
 FAX: (330)315-8948
mfilippone@firstenergycorp.com

Larry Sweeney
 Rates & Regulatory Affairs - NJ
 Jersey Central Power & Light Co
 300 Madison Avenue
 PO Box 1911
 Morristown, NJ 07962-1911
 PHONE: (973)401-8697
 FAX: (330)315-8948
lsweeney@firstenergycorp.com

Stephen L. Feld, Esq.
 Legal, 18th Floor
 FirstEnergy Corp.
 76 South Main St.
 Akron, OH 44308
 PHONE: (330)384-4573
 FAX: (330)315-9448
felds@firstenergycorp.com

Dana J. Parshall
 Energy Efficiency
 FirstEnergy Corp.
 76 South Main St.
 Akron, OH 44308
 PHONE: (330)384-5721
 FAX: (234)678-2140
parshalld@firstenergycorp.com

Dennis P. O'Boyle
 Central Jersey Region Admin.
 Jersey Central Power & Light Co.
 331 Newman Springs Rd. - Bldg. 3
 Red Bank, NJ 07701
 PHONE: (732)212-4111
 FAX: (330)315-9060
doboyle@firstenergycorp.com

Marc Lasky, Esq.
 Morgan Lewis & Bockius LLP
 89 Headquarters Plaza North
 Suite 1435
 Morristown, NJ 07960
 PHONE: (973)993-3133
 FAX: (877)432-9652
mlasky@morganlewis.com

Michael J. Connolly, Esq.
 Morgan Lewis & Bockius LLP
 89 Headquarters Plaza North
 Suite 1435
 Morristown, NJ 07960
 PHONE: (973)993-3132
 FAX: (877)432-9652
Michael.connolly@morganlewis.com