

filed 8/24/15

C/S



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Please Reply to Whippany Office

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AUG 27 2015

WARDEN COUNTY CLERK
MAY 10 2015

August 18, 2015

Stephen J. Edelstein
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VIA LAWYERS SERVICE

Honorable Leland S. McGee, A.L.J.
Office of Administrative Law
33 Washington Street
Newark, New Jersey 07102

**Re: I/M/O Petition of Jersey Central Power & Light Company
OAL Docket No. PUC 8235-15
BPU Docket No. EO15030383**

Dear Judge McGee:

This office represents the Montville Township Board of Education ("Board"). On behalf of the Board, enclosed please find the original and two (2) copies of the following documents:

1. Notice of Motion to Intervene;
2. Letter Brief in Support of Motion to Intervene;
3. Certification of Stephen J. Edelstein;
4. Certification of Dr. Karen Cortellino;
5. Certification of Email Signature;
6. Proposed form of Order; and

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08054
973.301.0001

New York Office:
415 Madison Avenue
16th Floor
New York, New York
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CMS
B. Romaine

Honorable Leland S. McGee, A.L.J.

August 18, 2015

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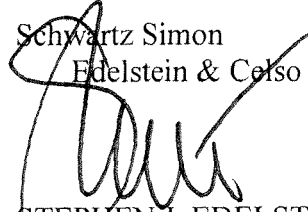
7. Certification of Service.

We respectfully request that Your Honor consider the enclosed documents and arrange for the return of stamped "Filed" copies of each document to our office in the self-addressed, stamped envelope enclosed for your convenience.

We thank Your Honor for your kind attention and courtesies.

Respectfully submitted,

Schwartz Simon
Edelstein & Celso LLC


STEPHEN J. EDELSTEIN
A Member Of The Firm

SJE/DPL
Enclosures

cc: All Parties on the Attached Service List (Via Regular Mail)



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Montville Township Board of Education

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BOARD OF PUBLIC UTILITIES
MAIL ROOM

IN THE MATTER OF THE PETITION
OF JERSEY CENTRAL POWER &
LIGHT COMPANY PURSUANT TO
N.J.S.A. 40:55D-19 FOR A
DETERMINATION REGARDING
THE MONTVILLE-WHIPpany 230
KV TRANSMISSION PROJECT

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW
OAL DOCKET NO. PUC 8235-15

BOARD OF PUBLIC UTILITIES
BPU DOCKET NO. EO15030383

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**NOTICE OF MOTION
TO INTERVENE**

TO: ALL PARTIES DESIGNATED ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that, pursuant to N.J.A.C. 1:1-16.1, et seq., the Montville Township Board of Education ("Board"), by and through its attorneys Schwartz Simon Edelstein & Celso LLC, hereby moves to intervene as a party in the above-captioned proceeding, with all the rights provided therefore, under all applicable rules, codes and statutes, including, but not limited to, the right to be heard on all issues.

PLEASE TAKE FURTHER NOTICE that in support of the within motion, the Board

shall rely upon the Certification of Dr. Karen Cortellino, the Certification of Stephen Edelstein, Esq., and the email Certification of Stephen Edelstein.

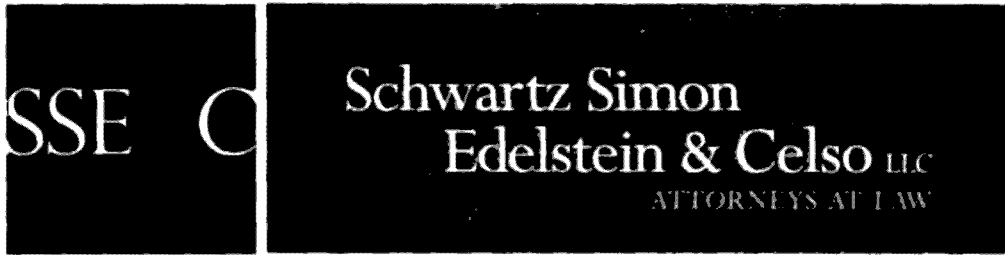
SCHWARTZ SIMON
EDELSTEIN & CELSO LLC
Attorneys for Proposed Intervener
Montville Township Board of Education

By: _____

STEPHEN J. EDELSTEIN

Dated: August 18, 2015

C 117



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Newark, New Jersey 07102

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OFFICE OF ADMINISTRATIVE LAW
NEWARK, NJ

**Re: I/M/O the Petition of Jersey Central Power & Light Company
OAL Docket No. PUC 8235-15
BPU Docket No. EO15030383**

Dear Judge McGee:

This office represents the Montville Township Board of Education (“Board”), which seeks to intervene as a party in the above-referenced matter. Please accept this Letter Brief, in lieu of a more formal brief in support of the application.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

On March 27, 2015, Jersey Central Power & Light Company (“JCP&L”) filed a Verified Petition with the New Jersey Board of Public Utilities, pursuant to N.J.S.A. 40:55D-19, for a determination that the Montville-Whippany 230 kV Transmission Project (“Transmission Project”) is reasonably necessary. It was

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docketed by the BPU as No. EO15030383 and transferred to Your Honor under Docket No. PUC 8235-15.

The proposed Transmission Project seeks approval to construct a new 230 kV transmission line between JCP&L's Whippany substation located in East Hanover, New Jersey and its Montville substation located in Montville, New Jersey. The Transmission Project will have a significant impact to the height of the existing power lines and pole structures, along with an increase in voltage to the tune of 230,000 volts. As set forth in the Certification of Dr. Karen Cortellino, President of the Montville Board of Education, the Transmission Project is proposed to be constructed in part on property adjacent to the Robert R. Lazar Middle School located at 123 Changebridge Road, Montville Township, Morris County. The Project is also proposed to be constructed in part on property located in the general proximity of Montville High School located at 100 Horseneck Road, Montville Township, Morris County. Specific concerns are identified in the Dr. Cortellino's Certification.

Previously, a January 12, 2009 Petition filed by PSE&G, BPU Docket No. EM09010035, sought approval of a similar transmission project that in part utilized the same pathways and affected the same Board properties as the current JCP&L Petition. There, the Division of Energy issued a Procedural Order, dated April 30, 2009, granting the Board's motion to intervene in that matter. See Certification of Dr. Karen Cortellino.

In summary, the Board has safety concerns that arise partly because the Transmission Project is proposed to be constructed along a JCP&L easement that is located along and within the school property and encroaches upon the athletic fields of the Robert R. Lazar Middle School. The Board also has health concerns related to the potential affect on the students and faculty arising from exposure to certain levels of electric and magnetic fields. The Board seeks more information regarding the levels, particularly in light of the 500 kV circuits from Public Service Electric & Gas Company ("PSE&G") to the west of the JCP&L easement along the Robert R. Lazar Middle School property. The Transmission Project will certainly require construction access which will result in a physical change to the areas. Heavy construction equipment will bring physical danger, noise and pollution issues that may result in added health and safety risks to the students and faculty. The Transmission Project may also impact land use and aesthetics.

LEGAL ARGUMENT

PURSUANT TO THE STANDARDS UNDER N.J.A.C. 1:1-16, ET SEQ., THE BOARD MUST BE GRANTED LEAVE TO INTERVENE

Pursuant to N.J.A.C. 1:1-16.1, any entity which will be "substantially, specifically and directly affected by the outcome of a contested case" may seek intervention. In ruling upon a motion to intervene, the Judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of other parties, whether inclusion will add measurably and constructively to the

case, and whether intervention will result in confusion or undue delay. N.J.A.C. 1:1-16.3(a). A motion for leave to intervene may be filed at any time after a case is initiated. N.J.A.C. 1:1-16.2.

The New Jersey Board of Public Utilities has regularly granted motions to intervene by interested parties. See In Re Atlantic City Electrical Company, Docket No. EM06090638, 2006 N.J. PUC LEXIS 81 (finding movant RC Cape May, LLC has interests specifically and directly related to the Board's processing of the petition; inclusion would not cause undue delay; and its interests would not adequately be represented by any other party); See also In Re Fishermen's Atlantic City Wind Farm, LLC, Docket No. EO11050314V, 2011 N.J. PUC LEXIS 310; See also In Re Public Service Electric and Gas Co., 304 N.J. Super. 247 (App. Div. 1997)(matters appealed not relevant to the present petition, but case history noting Administrative Law Judge's granting of motion to intervene to a trade association with members in the heating, cooling and appliance service business in PSE&G's application to increase charges for delivery and installation of gas appliance replacement parts.

Pursuant to N.J.A.C. 1:1-16.2, this motion to intervene is timely filed. The standards under N.J.A.C. 1:1-16, et seq. are met. The Board's interests will be substantially, specifically and directly impacted by the outcome of JCP&L's Petition. The Transmission Project seeks to utilize existing right-of-ways that are located on or abut Board properties which house children. The Board has identified substantial, specific and valid concerns, including those related to the

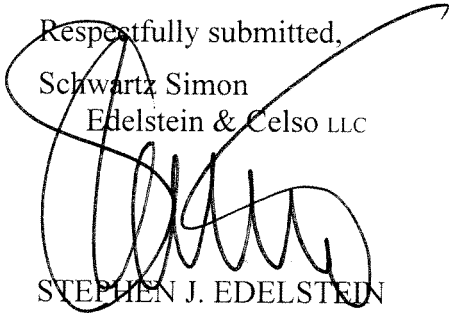
safety and health of students and faculty, the use and functionality of school properties, and property value and aesthetics.

The proceeding is at such an early stage that the Board's intervention will cause no undue delay or confusion. Moreover, there is no other party to the proceeding who would adequately represent the interests of the Board.

CONCLUSION

For the reasons set forth above, the Board requests that its motion to intervene be granted.

Respectfully submitted,
Schwartz Simon
Edelstein & Celso LLC



STEPHEN J. EDELSTEIN
A Member Of The Firm

SJE/DPL

cc: All Parties on the Annexed Service List

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**CERTIFICATION OF
STEPHEN J. EDELSTEIN**

I, Stephen J. Edelstein, Esq., of full age, hereby certify as follows:

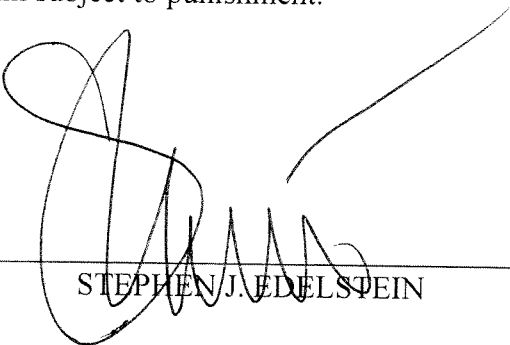
1. I am an attorney-at-law of the State of New Jersey and a member of the law firm of Schwartz Simon Edelstein & Celso LLC, attorneys for proposed Intervener Montville Township Board of Education ("Board"), in the above-captioned matter.

2. I make this Certification in support of the Board's motion to intervene as a party in this action.

3. Attached hereto as Exhibit 1 is a copy of the prior Public Service Electric & Gas Company's Petition to the New Jersey Board of Public Utilities, dated January 12, 2009, seeking the approval of a similar transmission project ("PSE&G Action").

4. Attached hereto as Exhibit 2 is a copy of the Division of Energy's Procedural Order, dated April 30, 2009, granting the Board's motion to intervene in the PSE&G Action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



STEPHEN J. EDELSTEIN

Dated: August 18, 2015