

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF )  
 JERSEY CENTRAL POWER & LIGHT COMPANY )  
 ("JCP&L") AND MID-ATLANTIC INTERSTATE )  
 TRANSMISSION, LLC ("MAIT") FOR: (1) APPROVAL )  
 OF THE TRANSFER OF ITS TRANSMISSION ASSETS )  
 TO MAIT PURSUANT TO N.J.S.A. 48:3-7; (2) )  
 APPROVAL OF A LEASE OF JCP&L'S REAL )  
 PROPERTY AND THE REAL PROPERTY RIGHTS )  
 ASSOCIATED WITH ITS TRANSMISSION ASSETS TO )  
 MAIT PURSUANT TO N.J.S.A. 48:3-7; (3) APPROVAL )  
 OF A MUTUAL ASSISTANCE AGREEMENT )  
 PURSUANT TO N.J.S.A. 48:3-7.1; AND (4) A )  
 DECLARATION THAT MAIT WILL BE DEEMED A )  
 PUBLIC UTILITY FOR, *INTER ALIA*, THE PURPOSES )  
 OF SITING AUTHORITY UNDER N.J.S.A. 40:55D-19 )  
 AND EMINENT DOMAIN AUTHORITY PURSUANT TO )  
N.J.S.A. 48:3-17.6 ET. SEQ.

ORDER REGARDING  
 MOTION FOR A BRIEFING  
 ORDER AND SUSPENSION  
 OF THE PROCEDURAL  
 SCHEDULE

DOCKET NO. EM15060733

-AND-

IN THE MATTER OF THE VERIFIED PETITION OF )  
 JERSEY CENTRAL POWER AND LIGHT COMPANY )  
 FOR AUTHORIZATION PURSUANT TO N.J.S.A. 48:3-  
7.2 FOR APPROVAL TO PARTICIPATE IN THE )  
 FIRSTENERGY CORP. INTRASYSTEM MONEY POOL )

DOCKET NO. EF02030185

**Parties of RECORD:**

**Gregory Eisenstark**, Esq., Jersey Central Power and Light Co.  
**Stefanie A. Brand**, Esq., Director, New Jersey Division of Rate Counsel  
**Steven Goldenberg**, Esq., New Jersey Large Energy Users Coalition  
**Joseph Accardo**, Esq., Public Service Electric and Gas

BY PRESIDENT RICHARD MROZ:

On June 19, 2015, Jersey Central Power & Light (“JCP&L”) and Mid-Atlantic Interstate Transmission (“MAIT”) (collectively, “Joint Petitioners”) filed a petition requesting the Board issue a decision and order regarding seven (7) requested actions including declaring that MAIT will be a New Jersey public utility subject to the Board’s jurisdiction for certain, limited purposes and enjoying the rights and privileges of a public utility.

By Order dated August 19, 2015, the Board retained this matter for hearing, and designated me as the presiding officer with authority to establish and modify schedules, decide all motions and otherwise control the conduct of this case, subject to Board ratification. Additionally, the August 19 Order set Friday, September 18, 2015 as the last day for filing motions to intervene or participate in this matter.

Pursuant to the authority granted under the August 19 Order, I issued a pre-hearing order in this matter establishing a procedural schedule. On October 19, 2015, I issued an order granting the motions to intervene of Public Service Electric and Gas (“PSE&G”) and the New Jersey Large Energy Users Coalition (“NJLEUC”) and the motions to participate of Rockland Electric Company (“RECO”) and Atlantic City Electric Company (“ACE”). On October 26, 2015, the NJLEUC motion seeking *pro hac vice* admission of Paul Forshay, Esquire, was granted.

On December 4, 2015, a discovery/settlement conference was held with the parties and intervenors present.

On December 7, 2015, the Division of Rate Counsel (“Rate Counsel”) filed a motion (“RC Motion”) asking for a briefing schedule to resolve the legal issue of whether JCP&L’s proposed transmission affiliate, MAIT, can be designated a New Jersey public utility under New Jersey law and requesting the procedural schedule be held in abeyance, particularly staying Rate Counsel’s testimony filing deadline of December 11, 2015, pending a Board decision resolving this issue.

On December 8, 2015, the Joint Petitioners filed a letter response to the RC Motion arguing that the motion should be denied as untimely, and because granting the motion to resolve a single issue in isolation would result in undue delay of the proceeding and because the issue of whether MAIT can be a New Jersey public utility is important but not a threshold issue that must be decided in advance of the conclusion of the matter. While opposing the RC motion, the Joint Petitioners requested expedited treatment of this issue, if the RC Motion is granted.

On December 9, 2015, I notified the parties through email issued by Deputy Attorney General Babette Tenzer that the procedural schedule established by the October 7, 2015 Prehearing Order was suspended, including the December 11, 2015 deadline for the filing of Rate Counsel and intervenor testimony. I also directed that any other responses to the RC Motion should be filed by close of business on December 18, 2015. No additional responses were received.

After reviewing the RC Motion and Joint Petitioners' response and considering the complexity and critical nature of this issue and the importance of resolving this issue expeditiously,

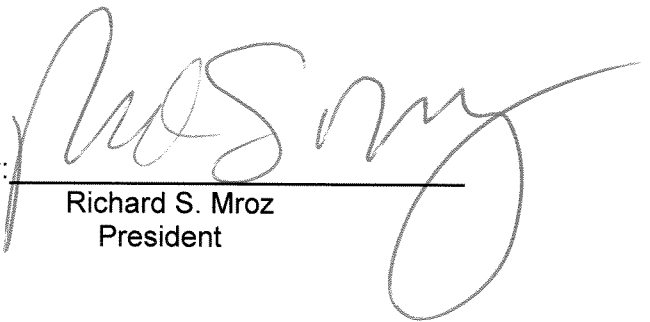
I **ORDER** the Parties to brief the issue of whether MAIT can qualify as a Public Utility under New Jersey law. All initial briefs must be filed on or before January 22, 2016, and any reply or on or before January 29, 2016.

I **DIRECT** Staff to post this Prehearing Order on the Board's website and distribute this Order electronically to the e-service list.

Further, this issue will be decided by the Board en banc at a regularly scheduled Board Agenda meeting.

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

DATED: January 8, 2016

By:   
Richard S. Mroz  
President

In the Matter of the Verified Petition of Jersey Central Power & Light Company ("JCP&L") and Mid-Atlantic Interstate Transmission, LLC ("MAIT") for (1) Approval of the Transfer of JCP&L's Transmission Assets to MAIT Pursuant to N.J.S.A. 48:3-7; (2) Approval of a Lease of the Real Property and Real Property Rights Associated with its Transmission Assets Pursuant to N.J.S.A. 48:3-7; (3) Approval of a Mutual Assistance Agreement Pursuant to N.J.S.A. 48:3-7,1; and (4) a Declaration that MAIT will be Deemed a Public Utility for, *inter alia*, the Purposes of Siting Authority under N.J.S.A. 40:55d-19 and Eminent Domain Authority pursuant to N.J.S.A. 48:3-17.6 et. seq.

-and-

In the Matter of the Verified Petition of Jersey Central Power and Light Company for Authorization Pursuant to N.J.S.A. 48:3-7.2 for Approval to Participate in the Firstenergy Corp. Intrasystem Money Pool  
Docket Nos: EM15060733 & EF02030185

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