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*8/6/18*

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CASE MANAGEMENT

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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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August 1, 2018

Aida Camacho-Welch, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, New Jersey 08625-0350

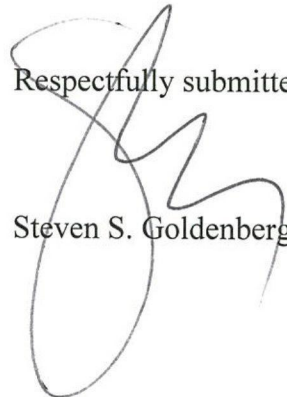
*ED18070728*

Re: In the Matter of the Petition of PJersey Central Power & Light Company for Approval of an Infrastructure Investment Program (Reliability Plus) BPU Docket No. TBA

Dear Secretary Camacho-Welch:

Enclosed are an original and ten copies of the motion of the New Jersey Large Energy Users Coalition to Intervene in the above proceeding along with a motion for the Admission Pro Hac Vice of Paul F. Forshay, Esq. Copies of the motions have been forwarded this date via email to all persons whose names appear on the attached distribution list.

Thank you for your anticipated courtesies.

Respectfully submitted,  
  
Steven S. Goldenberg

SSG:jfp  
Encl.  
cc: Distribution List

*EMS*  
*list copied*

# BPU

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Morristown, NJ 07960

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STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES  
BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

In the Matter of the Petition of Jersey Central )  
Power & Light Company for Approval of an ) BPU Docket No. \_\_\_\_\_  
Infrastructure Investment Program (Reliability )  
Plus) )

**MOTION TO INTERVENE OF  
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition (“NJLEUC”), an association whose members include large volume electric customers served by Jersey Central Power & Light Company (“JCP&L” or “Company”), hereby moves to intervene in the above-captioned proceeding. In support of its motion, NJLEUC states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

Steven S. Goldenberg, Esq.  
Fox Rothschild LLP  
997 Lenox Drive, Bldg. 3  
Lawrenceville, NJ 08648  
Phone: 609-896-3600  
Fax: 609-896-1469  
[sgoldenberg@foxrothschild.com](mailto:sgoldenberg@foxrothschild.com)

Paul F. Forshay, Esq.  
Eversheds-Sutherland (US) LLP  
700 Sixth Street, N.W., Suite 700  
Washington, D.C. 20001-3980  
Phone: 202-383-0100  
Fax: 202-637-3593  
[paul.forshay@eversheds-sutherland.com](mailto:paul.forshay@eversheds-sutherland.com)

2. On July 13, 2108, JCP&L petitioned the Board for approval of its proposed Reliability Plus Infrastructure Investment Program (“Reliability Plus”). Reliability Plus would authorize accelerated capital investments in the amount of \$387 million, which would be incremental to JCP&L’s proposed annual baseline capital spending during a four year program period. Reliability Plus would accelerate the Company’s projected infrastructure investments to meet anticipated challenges to its distribution system and to enhance the safety, reliability and  
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resiliency of the distribution system, making it less susceptible to damage in future major storm events and in blue-sky conditions. JCP&L proposes to recover the proposed program costs from ratepayers through an accelerated cost recovery adjustment clause that is stated to be consistent with the Board's Infrastructure Investment and Recovery rules. The adjustment clause that would employ a per kilowatt charge for commercial and industrial customers. JCP&L commits to bringing its next base rate case no later than five years after the commencement of the Reliability Plus program.

3. Reliability Plus would be comprised of four subprograms: (i) Overhead Circuit Reliability and Resiliency projects, that would primarily address the prevention of tree damage to distribution infrastructure; (ii) Substation Reliability Enhancement projects, that would make the Company's substations less susceptible to storm damage; (iii) Distribution Automation projects, that would implement intelligent controls into the system to permit rapid fault location, isolation and service restoration; and (iv) Underground System Improvement projects, that would accelerate replacement of certain underground infrastructure and rehabilitate underground systems.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, NJLEUC respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16 weigh in favor of the granting of NJLEUC's motion to intervene in this proceeding:

1. NJLEUC formed, in part, to monitor regulatory proceedings involving the State's electric and natural gas utilities, including JCP&L, and has consistently been granted intervenor status in JCP&L's regulatory and rate proceedings, including the Company's base rate cases and

recent MAIT petitions. Members of NJLEUC purchase electric distribution service from JCP&L and, therefore, will be substantially and specifically affected by the outcome of this proceeding;

2. Given its capacity as an association of large end-use customers of JCP&L that will be directly affected by the significant infrastructure upgrades proposed in this proceeding, NJLEUC's interests are unique from and not adequately represented by any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on large customers, of the rate relief that will be sought by JCP&L as a consequence of the implementation of Reliability Plus.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to fully participate as an Intervenor in this proceeding, the outcome of which will have a significant impact on the cost of electric service received from JCP&L by the members of NJLEUC;

6. Accordingly, the issues to be decided in this proceeding "substantially, specifically and directly affect" NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene as a party;

7. Furthermore, the interests of NJLEUC's members as large end-use customers of JCP&L are substantially different from those of any other party seeking intervention. Therefore, NJLEUC's interests in this proceeding are unique on both a quantitative and qualitative basis;

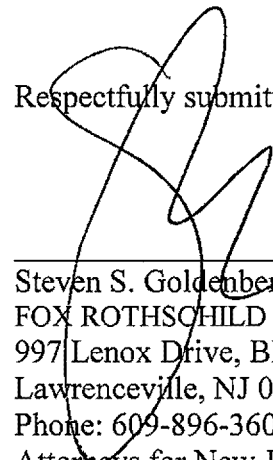
8. NJLEUC's entry as a party would "measurably and constructively" advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as large end-use customers on the JCP&L distribution system. NJLEUC's entry as a party would promote an informed and balanced presentation of the issues;

9. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

10. For the foregoing reasons, and because the cost of electric service to NJLEUC's members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, NJLEUC respectfully requests that it be permitted to intervene, with full procedural and substantive rights, in the above-captioned proceeding.

Respectfully submitted,



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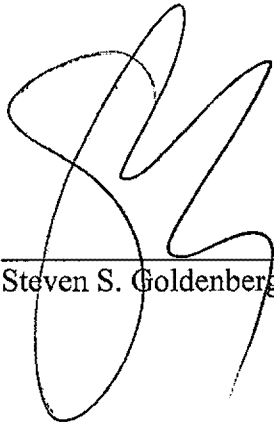
Steven S. Goldenberg, Esq.  
FOX ROTHSCHILD LLP  
997 Lenox Drive, Bldg. 3  
Lawrenceville, NJ 08648  
Phone: 609-896-3600  
Attorneys for New Jersey Large  
Energy Users Coalition

Dated: August 1, 2018

### **CERTIFICATION OF SERVICE**

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Aida Camacho-Welch, Secretary of the Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 1<sup>st</sup> day of August, 2018.



Steven S. Goldenberg



**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

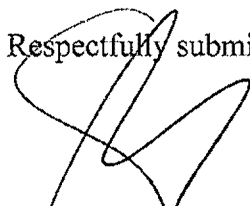
In the Matter of the Petition of Jersey Central            )  
Power & Light Company for Approval of an            )    BPU Docket No. \_\_\_\_\_  
Infrastructure Investment Program (Reliability        )  
Plus)    )

**MOTION FOR ADMISSION *PRO HAC VICE***

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia. There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers in utility rate and infrastructure proceedings, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist.

As evidenced by his affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b).

Respectfully submitted,



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Steven S. Goldenberg, Esq.  
FOX ROTHSCHILD LLP  
997 Lenox Drive, Bldg. 3  
Lawrenceville, NJ 08648  
Phone: 609-896-3600  
Attorneys for New Jersey Large  
Energy Users Coalition

Dated: August 1, 2018

**CERTIFICATION OF SERVICE**

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion for Admission *Pro Hac Vice* to the parties identified on the distribution list. An original and 10 copies have been forwarded via first class mail to Aida Camacho-Welch, Secretary of the Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 1<sup>st</sup> day of August, 2018.



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Steven S. Goldenberg

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

In the Matter of the Petition of Jersey Central            )  
Power & Light Company for Approval of an                ) Docket No. \_\_\_\_\_  
Infrastructure Investment Program (Reliability            )  
Plus)    )

**AFFIDAVIT IN SUPPORT OF REQUEST  
TO APPEAR *PRO HAC VICE***

Washington    )  
  )            ss.  
District of Columbia    )

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg, Esq. of the firm of Fox Rothschild LLP, who is qualified to practice law in this State pursuant to R. 1:21-1.

3. The New Jersey Large Energy Users Coalition (“NJLEUC”) has requested my representation in this matter.

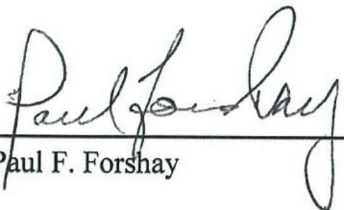
4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing large end-use customers in various proceedings, including utility rate and infrastructure proceedings, before the Federal Energy Regulatory Commission and Board of

Public Utilities and I have an attorney-client relationship with NJLEUC. The proceeding in which I seek admission involves a complex field of law in which I am a specialist.

5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b) and 1:28-2.

6. If this application to appear *pro hac vice* is granted, I agree to:

- a. abide by the New Jersey Court Rules, including all disciplinary rules;
- b. 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 me or my firm that may arise out of my participation in this matter;
- c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and
- d. have all pleadings, briefs and other papers filed with the Board of Public Utilities and Office of Administrative Law signed by the attorney of record.

  
Paul F. Forshay

SUBSCRIBED AND SWORN to before  
me this 30<sup>th</sup> day of July, 2018

  
\_\_\_\_\_  
Notary Public

**REBECCA A. MENSO**  
Notary Public, District of Columbia  
My Comm. Exp. October 14, 2020

