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BOARD OF PUBLIC UTILITIES  
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BOARD OF PUBLIC UTILITIES  
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STEFANIE A. BRAND  
Director

November 2, 2018

**HAND-DELIVERED**

The Honorable Aida Camacho-Welch, Secretary  
New Jersey Board of Public Utilities  
44 S. Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Trenton, New Jersey 08625-0350

**Re: I/M/O the Implementation of L. 2018, c. 16 Regarding the Establishment of  
a Zero Emission Certificate Program for Eligible Nuclear Power Plants  
BPU Docket No. EO18080899**

Dear Secretary Camacho-Welch:

Please accept for filing an original and ten (10) copies of this letter as the response of the Division of Rate Counsel ("Rate Counsel") to the brief filed jointly on behalf of Public Service Electric and Gas Company ("PSE&G"), PSEG Power LLC ("PSEG Power") and PSEG Nuclear LLC ("PSEG Nuclear") (the "Joint Opposition") in opposition to the Motion to Intervene of the Independent Market Monitor of PJM (the "Market Monitor") in the above-captioned proceeding. Enclosed is one additional copy. Please date stamp the copy as "filed" and return to our courier. Thank you for your consideration and attention to this matter.

Rate Counsel supports the Market Monitor's motion. Under N.J.A.C. 1:1-16.1(a), "[a]ny person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene." Further guidance on the application of this standard is found in N.J.A.C. 1:1-16.3 (a), which provides as follows:

*CMS*  
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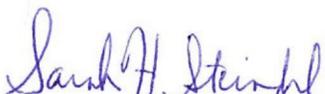
(a) In ruling upon a motion to intervene, the judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters.

The Market Monitor meets this standard. The granting of Zero Emissions Credits (“ZECs”) would affect the operation of the PJM wholesale electric markets, and thus would “substantially, specifically and directly” affect the Market Monitor in the performance of its market monitoring function. In addition, the Market Monitor is in a unique position to contribute to the development of a record to assist the Board in making its determinations, including not only the financial findings referred to in the Joint Opposition, but also the findings relating to the impacts of ZECs on the PJM wholesale electric markets. The Market Monitor’s familiarity with and expertise in the functioning of the PJM wholesale electric markets will allow it to make a significant contribution to the Board’s understanding of the issues in this proceeding.

Although the Market Monitor’s motion does not specifically request access to confidential information, Rate Counsel would support such access. The Market Monitor’s unique knowledge and expertise provide ample reason for the Board to deem its assistance “essential” in making the required determinations relating to the regarding the impact of ZECs in the PJM markets.

Respectfully submitted,

STEFANIE A. BRAND  
DIRECTOR, DIVISION OF RATE COUNSEL

By:   
\_\_\_\_\_  
Sarah H. Steindel, Esq.  
Assistant Deputy Rate Counsel

c: Service list

IM/JO THE IMPLEMENTATION OF L. 2018, C. 16  
REGARDING THE ESTABLISHMENT OF A ZERO  
EMISSION CERTIFICATE PROGRAM FOR ELIGIBLE  
NUCLEAR POWER PLANTS ORDER INITIATING THE  
ZERO EMISSION CERTIFICATE PROGRAM,  
DESIGNATING COMMISSIONER, SETTING MANNER  
OF SERVICE  
BPU Dkt. No.: EO18080899

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