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BOARD OF PUBLIC UTILITIES
TRENTON, NJ
November 2, 2018

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BOARD OF PUBLIC UTILITIES
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Lt. Governor

HAND-DELIVERED

The Honorable Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 S. Clinton Avenue, 3rd 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 and for access to confidential information of the New Jersey Large Energy Users Coalition ("NJLEUC"). 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 NJLEUC's motion to intervene. 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) and (b), which provide as follows:

AMS
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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.

(b) In cases where one of the parties is a State agency authorized by law to represent the public interest in a case, no movant shall be denied intervention solely because the movant's interest may be represented in part by said State agency.

NJLEUC meets this standard. Since NJLEUC's members would be required to pay millions of dollars annually in Zero Emissions Credits ("ZEC") charges, the outcome of this proceeding will "substantially, specifically and directly" affect their interests. Under N.J.A.C. 1:1-16.3 (b), Rate Counsel's status as a party in this matter is not a reason to deny intervention to NJLUEC. Further, it is not the case that NJLEUC has "no legally cognizable interest" in this proceeding. NJLEUC has the right to dispute the Joint Movant's legal argument that the Board may not consider the reasonableness of a 0.4 cent per kWh ZEC charge, and, in addition NJLEUC has an interest in the Board's determination whether any nuclear units qualify to receive ZECs.

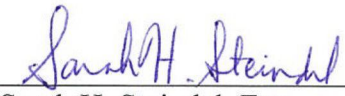
Rate Counsel also supports NJLEUC's request to receive confidential information. Rate Counsel is in agreement with NJLEUC that such access is essential to afford NJLEUC's

The Honorable Aida Camacho-Welch, Secretary
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members an adequate opportunity to assert their legally protected rights to just and reasonable utility rates.

Respectfully submitted,

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

c: Service list

I/M/O 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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