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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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Lt. Governor

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CASE MANAGEMENT

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NOV 09 2018

STEFANIE A. BRAND
Director

BOARD OF PUBLIC UTILITIES November 9, 2018
TRENTON, NJ

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 of the PJM Power Providers Group ("P3") 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.

Initially, Rate Counsel notes that none of the three movants currently has standing to oppose P3's motion. PSE&G, PSEG Power and PSEG Nuclear have filed a joint motion to intervene in this proceeding, but the Board has not acted on the motion. Unless and until the

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Board grants the motion, PSE&G, PSEG Power and PSEG Nuclear are not parties, and therefore have no standing to oppose P3's intervention.

Rate Counsel supports P3'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:

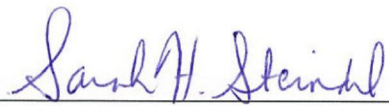
(a) In ruling upon a motion to intervene, the judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of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

P3 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 ability of P3's members to compete in the PJM wholesale electric markets. In addition, as participants in the PJM wholesale electric markets, P3's members are in a position to contribute significantly to the development of a record to assist the Board in making its determinations relating to the impacts of ZECs on the PJM wholesale electric markets. P3's involvement as a party would contribute to the Board's understanding of the issues in this proceeding and would not be "disruptive" as argued in the Joint Opposition.

Rate Counsel notes that, as clarified in P3's October 31, 2018 correspondence to the Board, P3 has not as yet sought access to confidential information that may be submitted in this proceeding. Rate Counsel reserves its rights to assert a position on behalf of ratepayers in the event such a request is filed.

Respectfully submitted,

STEFANIE A. BRAND
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By: 
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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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