



January 14, 2010

VIA EMAIL

Ms. Kristi Izzo
Secretary of the Board
New Jersey Board of Public Utilities
2 Gateway Center
Newark, New Jersey 07102

Re: Response to Moscowitz Letter in Support of PJM filing

I/M/O THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS
COMPANY FOR A DETERMINATION PURSUANT TO THE PROVISIONS OF
N.J.S.A. 40:55D-19 (SUSQUEHANNA-ROSELAND)
BPU DOCKET NO. EM 09010035

Dear Ms. Izzo:

On behalf of the Environmental Intervenors in the above-captioned case, I am compelled to point out several anomalies in the letter of Ms. Moscowitz sent via email earlier this evening. Ms. Moscowitz wrote on behalf of PSE&G in support of a letter signed by PJM's Steven Herling. Her letter was prompted by a response filed by the Municipal Intervenors, with which the Environmental Intervenors agree.

In that letter, PSE&G essentially came to the defense of Mr. Herling and claimed that PJM's response was nothing new. As such, PSE&G argues, the Board should disregard the Municipal Intervenors objections to PJM's response. The Environmental Intervenors find it, quite frankly, incredible, that PSE&G would suggest that PJM's statements are fully supported by the testimony in the record. This reaction is based on the following:

First, PSE&G provides no references to discovery responses, items in the record (of which there are over 400), briefs, or oral testimony during the hearings. Environmental Intervenors are bemused by this turn of events, as Ms. Moscowitz was a staunch advocate for the practice that her adversaries reference not only page numbers, but also line numbers, while cross-examining PSE&G witnesses during the hearings.

Second, it boggles the mind how Mr. Herling could have opined as to the need for the line and the impacts the events that are discussed in the Notification by the

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Board that it was taking Official Notice of events occurring with respect to the PATH and MAPP projects. Indeed, the reason the Board is taking Official Notice of the various filings mentioned in the Board's notice, as well as the comments submitted by opposing intervenors is that those filings and events discussed therein all occurred after the pre-filed testimony. In fact, not only did those events occur after the filing of pre-filed testimony, they occurred after the close of the evidentiary hearings in this matter. Notably, PJM informed the commission in the Virginia proceeding that "While the results of these sensitivity analyses apply directly to the need date for the PATH Project, they suggest the potential for delays to other projects as well." (PATH-VA Response at 1 ¶ 1). PSE&G made no attempt to address this incongruity and to do so now would be, simply, disingenuous and out of time.

PSE&G has indicated on numerous occasions that it would abide any decision by PJM that the Project is no longer necessary. However, let us not forget, for one moment, that FERC rulings have granted PSE&G numerous financial incentives for constructing this Project. There is money to be made, and it comes out of the pockets of ratepayers. PSE&G has advocated, over the objection of the Office of the Public Advocate, for adders for membership in PJM and a number of other economic incentives. These financial advantages are no excuse for dissembling in this proceeding.

Without citations to support in the evidentiary record, PJM's comments are essentially useless, as are PSE&G's 11th hour and last ditch efforts to justify them. The Board, however, is fully capable of evaluating the merits of PJM's comments, objections thereto, and PSE&G's attempts to defend them. We trust that the BPU will give those comments and defenses the weight they deserve.

Respectfully submitted,

/s/

Julia LeMense, Esq.
Executive Director

Attorneys for Environmental Intervenors