

**THE UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

PJM Interconnection, L.L.C.)	Docket No. EL05-121-000
)	and all related Sub-Dockets
)	

**MOTION FOR LATE INTERVENTION BY THE
NEW JERSEY MUNICIPALITIES IMPACTED
BY THE SUSQUEHANNA-ROSELAND PROJECT**

The following Townships of the State of New Jersey -- Andover, Byram, East Hanover, Fredon, Hardwick, Montville and Parsippany (hereinafter referred to as “NJ Municipal Intervenors”) -- by and through its counsel Catherine E. Tamasik and Victoria A. Flynn of DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Glenpointe Centre West, Suite 31, Teaneck, New Jersey, 07666, file this Motion for Late Intervention in the above-captioned proceeding. In support of this filing, the NJ Municipal Intervenors state as follows:

I. BACKGROUND AND MOTION FOR LATE INTERVENTION

1. This Motion is filed pursuant to Sections 203, 205 and 206 of the Federal Power Act (“FPA”), 16 U.S.C. §§ 824b, 824d and 824e, and Rules 212 and 214 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission (“FERC”), 18 C.F.R. §§ 385.212, 385.214.

2. The NJ Municipal Intervenors are a group of municipalities located in the State of New Jersey, through which a major transmission project is proposed to be constructed by Public Service Electric & Gas Company (“PSE&G”). The proposed Susquehanna-Roseland Transmission Project (“the Project”) involves the installation of a new 500 kV transmission line through New Jersey and Pennsylvania, estimated to cost

more than \$1 billion. The portion to extend through the State of New Jersey is estimated to cost \$750 million. The New Jersey portion of the Project is proposed to be sited within PSE&G's existing right-of-way, which presently contains a 230 kV transmission line.

3. To avoid having to obtain multiple approvals from local municipalities, New Jersey state law permits PSE&G to petition the New Jersey Board of Public Utilities ("NJBPU") for approval of the Project. PSE&G must demonstrate to the NJBPU that the Project is necessary for the service, convenience and welfare of the public (N.J.S.A. 40:55D-19). In January 2009, PSE&G filed a Petition with the NJBPU, requesting approval of the Project. The NJ Municipal Intervenors are parties to the NJBPU proceedings and challenge PSE&G's claim that the Project is necessary.

4. In the course of the NJBPU proceedings, PSE&G has made no attempt to quantify the financial impact of the Project on the New Jersey ratepayers, despite its legal relevance. PSE&G has simply maintained that the cost of the Project will be shared in accordance with the cost apportionment formula approved by FERC. *See* FERC Order No. 494, *PJM Interconnection, L.L.C.*, 119 FERC Par. 61063 (2007). However, this cost allocation formula for this Project was struck down by the Seventh Circuit in *Illinois Commerce Commission, et al. v. Federal Energy Regulatory Commission*, 576 F.3d 470, *rehearing denied* 2009 LEXIS 24192 (7th Cir. 2009), which, upon information and belief, is now the subject of a remand proceeding at FERC in connection with the above-captioned docket.

5. As a result of the uncertainty as to how the cost of the Project is going to be allocated, the NJ Municipal Intervenors have requested that a decision in the NJBPU proceedings is deferred until a final cost allocation formula is in place for the Project.

Thus, the NJ Municipal Intervenors have sought to dismissal, without prejudice, of PSE&G's Petition in the NJBPU proceedings. The NJBPU has not ruled on the NJ Municipal Intervenors' request for dismissal.

6. In light of the probative value of the cost allocation formula for the Project in the pending NJBPU proceedings, the NJ Municipal Intervenors would respectfully request permission to intervene in the above-captioned matter so that it may keep abreast of the developments during the FERC proceedings in response to the remand order of the Seventh Circuit in *Illinois Commerce Commission, supra*.

7. At present, the interests of the NJ Municipal Intervenors are not represented in the FERC proceedings. PSE&G and the NJ Municipal Intervenors have conflicting interests with regard to the Project. It appears that there are multiple parties in the FERC proceedings with divergent positions. The involvement of the NJ Municipal Intervenors is not intended to be disruptive or cause delay with the resolution of the FERC remand proceedings. Instead, the NJ Municipal Intervenors wish to be engaged in the FERC proceedings so that it may be advised of the decisions issued during the course of the FERC proceedings and how the costs for the Project are eventually determined to be allocated. The NJ Municipal Intervenors also need to be kept apprised of the positions advocated by parties in these proceedings as they relate to the Project. This information will be informative for the NJ Municipal Intervenors in the context of the ongoing state proceedings involving the Project. Since the municipalities are directly impacted by the Project, it is in the public interest that the NJ Municipal Intervenors are permitted to intervene in these proceedings.

8. The persons to whom correspondence, pleadings and other papers in relation to this proceeding should be addressed and the persons whose names are to be placed on the Commission's official service list are designated as follows pursuant to Rule 203, 18 C.F.R. § 385.203 (2005):

Catherine E. Tamasik, Esq.
Victoria A. Flynn, Esq.
DeCotiis, FitzPatrick & Cole, LLP
Glenpointe Centre West
500 Frank W. Burr Blvd.
Teaneck, NJ 07666
(201) 928-1100
ctamasik@decotiislaw.com
vflynn@decotiislaw.com

II. CONCLUSION

For the foregoing reasons, the NJ Municipal Intervenors respectfully request that the Commission issue an order:

1. Granting the NJ Municipal Intervenors' request for Late Intervention;
2. Granting such other and further relief as may be necessary, just and appropriate.

Respectfully submitted,

DeCotiis, FitzPatrick & Cole, LLP
Attorneys for the NJ Municipal Intervenors

By: Victoria A. Flynn

Dated: January 18, 2010

CERTIFICATION OF SERVICE

I hereby certify that I have on this day e-filed the foregoing document with FERC, with the belief that by utilizing the e-filing system, each person on the service list for the Docket No. EL05-121-000 and related Sub-Dockets is served.

Dated: January 18, 2010

Victoria A. Flynn