

record, contribute to an understanding of the issues or assist the decision-making process.² The PSEG Companies respectfully submit that acceptance of its answer will assist the Commission in its deliberations, and thus request that this answer be considered by the Commission in this proceeding.

II. ANSWER

A. Stop the Lines! Intervention Is Late – By Over Four Years.

This proceeding was initiated in the Order Accepting Filing, Requiring Compliance Filing Accepting and Suspending Proposed Tariff Sheets, and Establishing Hearing Procedures, 111 FERC ¶ 61,308 (May 31, 2005). That order set for hearing in this docket the justness and reasonableness of the rate design in PJM Interconnection, L.L.C. (“PJM”)

Comments were due within 21 days of PJM’s submittal of a compliance filing. The Compliance filing was submitted on June 30, 2005. Thus, interventions were due on Thursday, July 21, 2005.

On July 26, 2005 the Commission issued an order granting 45 interventions. This order was issued over four years and four months ago.

² See, e.g., *Las Vegas Cogeneration Limited Partnership*, 117 FERC ¶ 61,309 at P 20 (2006) (accepted answer of Las Vegas Cogeneration Limited Partnership and subsequent answer of Nevada Power Company “because they [would] lead to a more accurate and complete record” in the proceeding). See also *Virginia Electric and Power Company*, 124 FERC ¶ 61,207 at P 22 (2008) (accepted answer as it aided in the decision-making process); *Pepco Holdings, Inc.* 125 FERC ¶ 61,130 at P 24 (2008) (accepted answer because it provided information to assist in the decision-making process); *Potomac-Appalachian Transmission Highline, LLC*, 122 FERC ¶ 61,188 at P 23 (2008) (accepted answer because assisted in decision-making process); *Southern California Edison Co.*, 122 FERC ¶ 61,187 at P 19 (2008) (answer would assist in decision-making process); *S. Natural Gas Co.*, 121 FERC ¶ 61,118, at P 5 (2007) (answer to protest accepted because it assisted the Commission in understanding the issues and ensured a complete record); *New York Independent System Operator, Inc.*, 121 FERC ¶ 61,112 at P 4 (2007) (answer to protest accepted because it provided information that assisted the Commission in its decision-making process); *PJM Interconnection, L.L.C.*, 116 FERC ¶ 61,179 at P 9 (2006); *Delmarva Power & Light Co.*, 93 FERC ¶ 61,098 at P 11 (2000) (allowing answers to ensure a complete and accurate record).

Since the inception of this matter, nearly 600 documents have been filed in this matter with the FERC. Hearings have occurred before an administrative law judge. Exhaustive briefings, along with exhibits have been submitted. The Commission has issued orders and petitions for review of the orders were submitted at the United States Court of Appeals for the Seventh Circuit. The Court in the Seventh Circuit upheld the Commission's decision on existing facilities but remanded for further explanation the portion of the Commission's decision regarding cost allocation for new transmission facilities at 500 kV and above.³ Upon remand, on January 21, 2010 the Commission issued an order establishing a paper hearing procedure applicable to the parties to this matter.⁴

The PSEG Companies note that the Commission already ruled on late filed interventions in this matter. In Opinion No. 494-A – Order on Rehearing and Compliance Filing, PJM Interconnection, L.L.C., Docket Nos. EL05-121-003, 122 FERC ¶ 61,082 (January 31, 2008) (“Opinion No. 494-A”), the Commission denied late-filed interventions of the Kentucky Public Service Commission (“KPSC”), the Office of the Ohio Consumer Council (“OCC”) and the Indiana and Michigan Municipal Distributors Association (“IMMDA”). In so doing, the Commission said:

When late intervention is sought after the issuance of a dispositive order, the prejudice to other parties and the burden upon the Commission of granting the late intervention may be substantial. Thus, movants bear a higher burden to demonstrate good cause for granting such late intervention. These are requests filed after the issuance of a dispositive order. KPSC, OCC, and IMMDA have not met the higher burden of justifying their late interventions. Accordingly, we deny the motions to intervene, without prejudice to subsequent motions in any sub-docket in this proceeding. (omitting footnote).⁵

³ *Illinois Commerce Commission v. FERC*, 576 F3d 470 (7th Cir. 2009)

⁴ *PJM Interconnection, L.L.C.*, 130 FERC ¶ 61,052 (2010).

⁵ Opinion No. 494-A, P12.

In sum, the Commission has already denied untimely motions to intervene in this matter. There is no reason to grant the motion of Stop the Lines! filed more than four years late.

B. Stop the Lines! Has Not Established Any “Good Cause” For Granting Intervention at This Late Date, or Satisfied Any of the Other Criteria for Late Intervention Under Rule 214(d)

Stop the Lines! has not proffered any explanation why its extremely late motion should be granted. Notably, the motion fails to satisfy any of the criteria for late intervention under the Commission’s Rule 214(d).⁶ Stop the Lines! has not offered a “good cause” for failing to file a timely motion to intervene.⁷ Given the extensive and lengthy history of this matter, such a late intervention is extremely likely to cause disruption, prejudice or burdens on the other parties that have participated in this matter for years.⁸

Similarly, Stop the Lines! fails to establish that it even has a legitimate interest in the subject of this FERC matter. While Stop the Lines! claims it is comprised of “landowners and residents” along a proposed new transmission line, its motion does not identify any of the alleged “members” of this group. While it voices its opposition to a specific 500 kV transmission project, the motion fails to explain how this group or its members have a legitimate interest in this FERC proceeding, which concerns cost allocation for the purpose of setting transmission rates, not whether a specific transmission line should be sited.

⁶ 18 C.F.R. § 385.214(d) (2009).

⁷ 18 C.F.R. § 385.214(d)(i).

⁸ 18 C.F.R. §§ 385.214(d)(ii) and (iv).

Because Stop the Lines! has no legitimate interest in the issues at stake in this matter, it likewise cannot establish that it has an interest that is not adequately represented by other parties.⁹ Notably, the New Jersey Board of Public Utilities and the New Jersey Division of Rate Counsel are parties to the instant matter. While its motion references a New Jersey Board of Public Utilities matter in which Stop the Lines! has intervened,¹⁰ it fails to offer any explanation how its participation in that case supports a four-year late intervention in this unrelated matter.

In sum, Stop the Lines! has failed to offer any justification for granting its motion to intervene some four and one-half years after the deadline for intervention.

⁹ See 18 C.F.R. § 385.214(d)(iii).

¹⁰ *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 09010335 (PSE&G seeking a determination from the New Jersey Board of Public Utilities that the Susquehanna-Roseland transmission project is “reasonably necessary for the service, convenience or welfare of the public.”

III. CONCLUSION

WHEREFORE, for the reasons set forth herein, the PSEG Companies respectfully requests that the Commission fully consider the answer hereinabove set forth above and reject Stop the Lines!' untimely motion to intervene.

Respectfully submitted,

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Newark, New Jersey

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice.

Dated at Newark, New Jersey this 27th day of January 2010.

James E. Wrynn

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