

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

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

**MOTION FOR LIMITED INTERVENTION BY  
STOP THE LINES!  
LANDOWNERS DIRECTLY IMPACTED  
BY THE SUSQUEHANNA-ROSELAND PROJECT**

Stop the Lines!, by and through its counsel Carol A. Overland, Legalectric, P.O. Box 176, Red Wing, MN 55066, files this Motion for Limited Intervention in the above-captioned proceeding. In support of this filing, Stop the Lines! states as follows:

1. This Motion for Limited Intervention 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. This Motion is made after the deadline for Intervention, therefore a late intervention, and is a request for limited intervention, specifically to participate in the paper hearing under the procedures and timelines established in the Order of January 21, 2010.

2. PSE&G has Petitioned the New Jersey Board of Public Utilities (“NJBP”) for approval of the Susquehanna-Roseland project, where it must demonstrate to the NJBP that the Project is necessary for the service, convenience and welfare of the public (N.J.S.A. 40:55D-19). Stop the Lines! is a party to the NJBP

proceedings and challenges PSE&G's claim that the Project is necessary and its claim that the line is required for "reliability."

3. Stop the Lines! is comprised of landowners and residents along and/or near the proposed easement for the proposed Susquehanna-Roseland transmission line, to be located in the State of New Jersey. Susquehanna-Roseland is a major transmission project is proposed to be constructed by Public Service Electric & Gas Company ("PSE&G"). PSEG's Susquehanna-Roseland Transmission Project proposes construction of a new high capacity quad or tri-bundled 500 kV transmission line through New Jersey and Pennsylvania, with an estimated cost of more than \$1.2 billion, \$750 million of which is for the New Jersey portion.

3. The interests of Stop the Lines!, as landowners and residents directly affected by the Susquehanna-Roseland transmission project, are not represented in the FERC proceedings by any party. The interests of Stop the Lines! are distinct from other intervenors in the NJBPU proceeding, including the "Municipal Intervenors," a coalition of local governments along the proposed route, and the "Environmental Intervenors," a coalition of New Jersey environmental organizations – neither of these groups is comprised of individual landowners and directly affected residents concerned with land rights – governments and organizations have interests distinct from those they represent. While there are multiple parties in the FERC proceedings with divergent positions none are landowners and ratepayers directly affected by the outcome of this cost-apportionment proceeding.

4. Most Stop the Lines! members are PSE&G ratepayers as well as landowners along the route. PSE&G ratepayers would bear a portion of the cost of the

entire Susquehanna-Roseland line, not only that part in New Jersey. PSE&G ratepayers, and ratepayers throughout New Jersey, would pay a portion of all of the “backbone” projects proposed by PJM – the purpose of this docket is to apportion that cost.

6. In the course of the NJBPU proceedings, PSE&G has made inadequate efforts to identify the costs of this project, and has made no attempt to quantify the financial impact of the Project on the New Jersey ratepayers. Throughout the New Jersey BPU proceeding, PSE&G has asserted 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, that cost allocation formula for this Project, and others, 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 (7<sup>th</sup> Cir. 2009), now remanded and the subject of the paper hearing in the above-captioned docket.

7. The cost apportionment scheme was entered into evidence in the NJBPU proceeding during the evidentiary hearing by PSE&G, and no mention was made by PSE&G of the 7<sup>th</sup> Circuit decision. However, this far-reaching decision was brought into the record by the Intervenors in their Joint Motion for Dismissal, in the evidentiary hearings, and in Initial and Reply briefs. Exhibit A, Joint Intervenors Motion for Dismissal. The resolution of cost allocation is a material issue in the NJBPU docket.

8. Stop the Lines! and other intervenors have requested that a decision in the NJBPU proceedings be deferred until a cost allocation formula acceptable to the court is in place for the Project. The NJBPU has not yet ruled on the Joint Intervenors request for dismissal. The NJBPU has made a determination that additional information is required

before it can make its decision and has delayed that decision for at least 30 days to solicit additional information from PJM. A letter has been issued by the BPU requesting further information from PJM regarding need for the project and other “backbone” projects, PJM has sent its “response,” and Stop the Lines! will have specific information requests in response to that filing.

9. In light of the material importance of a valid cost allocation formula for the Project to the BPU’s decision in the pending NJBPU proceedings, and the specific need issues raised in the FERC Order of January 21, 2010, Stop the Lines! requests limited intervention. Information sought by FERC in this docket is necessary to fully inform the record in the NJBPU proceeding, and Stop the Lines! perspective will help to inform the FERC record..

10. Stop the Lines! is heartened by the information requested of PJM by FERC, much of which is directly relevant to PJM claimed “need” for the Susquehanna-Roseland transmission project as claimed in the NJBPU docket, and the other “backbone” projects as well, including:

- Cost – and a breakdown of those costs as requested by FERC.
- Optimization – especially in light of exhibits in the NJBPU proceeding that show increasingly stringent criteria and fewer and fewer “violations,” stretching out the timeline with fewer and less severe violations, i.e., ones below typical distribution factors which could be addressed in other ways.
- Relation of DFAX analysis with NERC reliability analysis – PJM appears to be conflating analyses and purposes.
- Quantification and location of costs and benefits, including costs and benefits for generators and purchasers.
- Request for production of “studies, methodologies or other evidence to support their positions...”

11. Stop the Lines! also is heartened to note the issues raised for all parties to comment on in FERC Order Point 11, and the openness and invitation to address issues not specifically addressed that are relevant.

12. Stop the Lines! requests limited intervention in the above-captioned matter to comment on these issues raised in the order during the FERC proceedings in response to the remand order of the Seventh Circuit in *Illinois Commerce Commission, supra*, because of the relevance and importance of cost allocation and associated issues raised to the Susquehanna-Roseland docket at the NJBPU. Stop the Lines! has reviewed the January 21, 2010, Order and pledges to abide by the deadlines presented in the Order. Delay is against the interests of Stop the Lines! which will give best efforts to inform the NJBPU record with information from this docket within the tight NJBPU timelines.

13. Stop the Lines! limited intervention is not intended to be disruptive or cause delay with the resolution of the FERC remand proceedings. Stop the Lines! requests limited intervention to Comment within the scope and timeline presented in the January 21, 2010 Order. Because Stop the Lines! is directly impacted by the Project, it is in the public interest that Stop the Lines! intervene in these proceedings. Again, Stop the Lines! shall abide by all deadlines presented in the Order.

14. 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):

Carol A. Overland  
Attorney at Law (MN Lic. No. 254617)  
Legalelectric  
P.O. Box 176

Red Wing, MN 55066  
(612) 227-8638  
(302) 834-3466  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

Dave Slaperud  
Stop the Lines!  
PO Box 398  
Tranquility, NJ 07879  
[info@stopthelines.com](mailto:info@stopthelines.com)

**I. CONCLUSION**

Stop the Lines! respectfully requests that the Commission:

1. Grant Stop the Lines!' request for Limited Intervention;
2. Granting such other and further relief as may be necessary, just and appropriate.

Respectfully submitted,



Dated: January 24, 2010

---

Carol A. Overland  
Attorney for Stop the Lines

**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 25, 2010



---

Carol A. Overland  
for  
Stop the Lines!