

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF  
PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY FOR A DETERMINATION  
PURSUANT TO THE PROVISIONS  
OF N.J.S.A. 40:550-19  
(SUSQUEHANNA –ROSELAND  
TRANSMISSION LINE)

BPU Docket No. EMO9010035

**STOP THE LINES  
REQUEST FOR THE PRODUCTION OF  
DOCUMENTS AND  
INTERROGATORIES RE: PSE&G  
REBUTTAL TESTIMONY**

Stop the Lines hereby makes the following Interrogatories and Requests for the Production of Documents of Public Service Electric and Gas Company's witnesses presenting Rebuttal Testimony, pursuant to N.J.A.C. § 1:10-1 et seq.

**INSTRUCTIONS**

Stop the Lines requests that answers to these Interrogatories and Requests for Production of Documents be provided to Carol A. Overland and David Slaperud, Stop the Lines, at the address below. Stop the Lines requests that responses also be provided electronically to [overland@legalelectric.org](mailto:overland@legalelectric.org) and [info@stophelines.com](mailto:info@stophelines.com).

For each response, identify the party answering and the Interrogatory to which it is responsive.

When the following terms or names are used, the undersigned intends the meanings hereinafter described to be associated with such terms and names.

These Interrogatories and Request for Production of Documents are ongoing. If your answers should change, or if new information becomes available, please update these responses as soon as possible

## DEFINITIONS

Stop the Lines adopts the following Definitions for the purposes of this Discovery:

1. The singular includes the plural and the plural includes the singular where appropriate to the sense of the Demand for Production.
2. "Identify" or "identity" when used in reference to:
  - A. an individual, shall mean to state his full name, present or last known residential address, and present or last known employment position or business affiliation, indicating name of company, job title, employment address, and telephone numbers;
  - B. a firm, partnership, corporation, proprietorship, association or other organization or entity shall mean to state its full name, present or last known address and telephone number (designating which, the legal form of such entity or organization, and the identity of its chief executive officer);
  - C. a "document" shall mean to state, if applicable, the date of the document, the name of the person who prepared the document, the name of the recipient of the document, and the subject matter of the document. A copy of the document may be provided, in lieu of an answer, to that portion of the Interrogatory that it answers, where labeled as to which Interrogatory it is responsive.
  - D. meetings and events, list all identifying features, including date, place and participants.
  - E. other information, means provide the information requested.
3. "Date" shall mean the exact date, month and year, if ascertainable, or if not, the best available approximation including relationship to other events.
4. "BPU" means the New Jersey Board of Public Utilities and its employees and Commissioners, and also includes the Division of the Ratepayer Advocate and its employees.
5. "Concerning" and "addressing" mean relating to, referring to, describing, evidencing or constituting.
6. "Applicants" means the PSE&G, a New Jersey public utility, and also includes where necessary PJM as witness for PSE&G, and PPL as Pennsylvania applicant, and all principals, partners, members, representatives, employees, agents, contractors, officers, directors, affiliates and related companies.
7. "Document" means writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained and translated, if

necessary, through electronic devices into reasonably usable form, and other tangible things within the scope of the discovery rules.

## **INTERROGATORIES**

### **William H. Baily**

33. You testify that “major research programs in the U.S. on the biological effects of EMF have ceased.” Rebuttal, p. 3, l. 24-25.
  - a. Why have they ceased?
  - b. Has funding ceased?
  - c. Identify sources of funding for those EMF projects that you have worked on, by funder, amount and date.
  
34. You testify that Dr. Martin Blank’s conclusions are not consistent with the conclusions of some expert panels. Rebuttal, p. 4, l. 7-9.
  - a. Please identify the panels referred to in this response.
  - b. Were the reports of the panels identified unanimous reports of all participants?
  - c. Was the EMF RAPID report released with consensus among the participants?
  
35. You testify that “research has not found consistent or strong evidence of harm to humans.”
  - a. Has there been inconsistent evidence? Please describe and provide examples.
  - b. Has there been weak evidence? Please provide examples.
  - c. Have there been studies with inconsistent, inconclusive, and/or weak results? Please provide examples.
  - d. Regarding any studies identified in “c” above, what is the confidence factor of those studies?
  
36. You testify that “there is little data to confirm the many hypotheses about biological mechanisms...” Rebuttal, p. 4, l. 18-19. Identify and provide copies of the “little data” to which you refer.
  
37. You testify that Dr. Blank’s argument regarding EMF synthesis of stress proteins is not “supported by most research performed in this area.” Is it supported by any research in this area? Identify studies supporting this perspective and provide copies.
  
38. Is it your testimony that “magnetic fields might stimulate this protective response directly.” Rebuttal, p. 5, l. 6-7.
  
39. Although this is beyond the scope of Dr. Blank’s testimony, you make reference to use of 60Hz magnetic fields in therapeutic applications. Rebuttal p. 5, l. 11-17. What research are you familiar with regarding impacts of magnetic fields at either lower or higher ranges than 60Hz. Identify studies and provide copies.

40. In your testimony, you criticize Dr. Blank for citing his own studies. Rebuttal, p. 6. Please provide citations to and copies of all of your own peer-reviewed work regarding EMF.
41. You quote the WHO Task Group, stating that “Generally, studies of the effects of ELF...” Rebuttal, p. 8, l. 18. Are there studies that do show indication of genotoxicity at fields below 59mT?” Identify and provide copies.

**Richard Franklin**

1. Describe your duties as Manager – Corporate Properties in detail.
2. Identify any and all connections between Advance Realty Development and PSEG Services Corporation, Public Service Electric & Gas and/or any other PSEG entity.
3. Identify your role in the agreement with the Highlands Council and property rights obtained in that agreement.
4. You testify that “PSE&G does not need to acquire additional property to construct the Project.” Rebuttal p. 4. However, PSE&G FERC filings attest to the difficulties inherent in this project. Please refer to PSE&G’s FERC Petition for Incentive Rates for the Susquehanna-Roseland Transmission Line, p. 5, attached, which states:

*Finally, the Susquehanna-Roseland Line presents significant and unique construction risks and challenges that the Petitioners must address. For example, PSE&G has committed to build, to the extent possible, the New Jersey portion of the Project within existing rights-of-way ("ROW") originally designed for 230 kV lines, not 500 kV lines.*

p. 5. And further:

*The Petitioners are still in the preliminary stages of the siting and regulatory process and do not anticipate beginning construction until early 2009. As a result, the Petitioners are still considering and evaluating different types of advanced technologies that can be used to improve the efficiency of the Project. However, the anticipated location of the line and desire by both Petitioners, to the extent possible, to use existing (but narrow) ROW, require the Petitioners to consider innovative engineering and line configurations. In PSE&G's case, given the unique challenges in siting new transmission projects in northern New Jersey, the most viable option is to use an existing 230 kV ROW. ~: Thus, PSE&G has committed, to the extent possible, to construct the New Jersey segment of the Project in the existing ROW for 230 kV transmission lines. Based upon preliminary investigations, it is also possible that PPL Electric will use existing 230 kV ROW for a substantial portion of its portion of the Project in Pennsylvania.*

*The use of existing ROW presents unique design and construction challenges, because the existing 230 kV ROW is only 150 feet wide. 74 The desirable width for 500 kV transmission lines is at least 200 feet. The larger ROW provides sufficient room to meet the current rules and regulations regarding electric-field levels, audible noise requirements and electromagnetic interference. Fitting a 500 kV transmission line into a*

*150 foot ROW. along with the 230 kV line, will make meeting these existing regulations significantly more difficult.*

p. 23.

- a. Where “the desirable width for 500kV transmission lines is at least 200 feet,” identify the steps PSE&G is taking to obtain this extra right of way.
- b. If additional right of way is not being obtained, explain why not.
- c. Where “[t]he larger ROW provides sufficient room to meet the current rules and regulations regarding electric-field levels, audible noise requirements and electromagnetic interference” what must be done to meet these existing regulations in the smaller ROW?
- d. What risks and challenges in use of the smaller right of way are sufficient to trigger a Petition to FERC for incentive rate recovery?

**Steven R. Herling**

41. You testify regarding the 2007 PJM Load Forecast Report, that it projected a 1.7% peak load growth for the PJM RTO between 2007 and 2008, and a 1.6% peak load growth for the PSEG zone. Rebuttal p. 2, l. 8-10.
  - a. What was the percentage peak growth/decrease for PJM RTO between 2007 and 2008?
  - b. What was the percentage peak growth/decrease for PSEG zone between 2007 and 2008?
  - c. Explain relationship between peak demand in PSEG zone and need for 500kV Susquehanna-Roseland transmission.
42. You discuss Demand Response. Rebuttal p. 3, l. 5-16.
  - a. What level of demand response, expressed in a percentage, was assumed in the described resource adequacy planning process?
  - b. What level of conservation, expressed in a percentage, was assumed in the described resource adequacy planning process?
43. You testify that “...the Susquehanna-Roseland line would still be needed. I did not specify when it would be needed, only that I expected that it would still be needed.” P. 4. l. 19-20. If you cannot or will not specify when it will be needed, what is the basis for your testimony supporting the project at this time?
44. Regarding whether the line will be built, please refer to PSE&G’s FERC Petition for Incentive Rates for the Susquehanna-Roseland Transmission Line, Docket EL-08-23, p. 4, attached, which states:

*The Petitioners also face the risk that the Project will be abandoned - a risk that will be compounded to the extent that regulatory approvals delay the Project. As explained below. PJM conducts multiple RTEP analyses per year. In each RTEP, PJM examines new generation, new forecasts for load, and plans for future needs. PJM's process allows PJM to terminate planned transmission projects if they are no longer*

*needed due to new investments in generation or merchant transmission facilities, or changing demand patterns. In today's environment - that includes PJM's Reliability Pricing Model CRPM") and significant efforts both at the state and federal level to improve demand side response - the risk that the transmission project is no longer needed is of particular concern to the Petitioners. The Petitioners face significant risk that their investment up until that time will not be recovered and need assurance that they will be entitled to full recovery of all abandonment costs if PIM determines the Project is no longer needed.*

- a. Has PSE&G been provided incentive rate treatment to allow recovery even if the Susquehanna-Roseland line isn't built?
  - b. What Section 219 and Commission Order No. 679 transmission rate incentives apply to this project?
  - c. Identify, using numerical value, the basis point incentive adder for this project.
  - d. Please address the statement that "the risk that the transmission project is no longer needed is of particular concern to the Petitioners."
45. Regarding FERC approval of the PJM tariff for cost apportionment, what is impact of the 7<sup>th</sup> Circuit decision in Illinois Commerce Commission v. Federal Energy Regulatory Commission, Nos. 08-1306, 08-1780, 08-2071, 08-2124, 08-2239 (August 6, 2009) on the PJM tariff for the Susquehanna-Roseland transmission project? (see attached).
46. You testify that the number and severity of reliability criteria violations is based in part on load forecasts, generation additions and retirements "and a number of other factors." Rebuttal P. 5, l. 1.
- a. Identify with specificity those "other factors."
  - b. Given decrease in demand, address the weight of these "other factors" as drivers for the line.
  - c. What is impact of decreased demand on economic dispatch?
47. Describe the manner in which PJM incorporates SEC filings' statements of demand and sales information into its load forecasts.
48. Regarding reliability criteria violations, explain how the modeling incorporates decreased demand, what load levels are presumed.
49. You testify regarding demand response and resources only in terms of the RPM auction. Rebuttal, p. 6-7. Other than the RPM auctions, how does PJM incorporate state or federal conservation mandates into its planning?
50. You testify that "energy efficiency programs contemplated for future implementation in PJM are far too uncertain to rely on, today, for transmission line planning purposes.
- a. What weight does PJM give energy efficiency programs in generation planning?
51. You testify that 85% of generation has dropped out of interconnection queue. P. 7, l. 21-22.

- a. Identify this generation by project, MW, fuel, location (spreadsheet and map is sufficient).
  - b. Identify this generation by project, and cost estimate of transmission upgrades necessary to interconnect.
  - c. How many of these projects were proposed at a location where interconnection was not reasonable to expect?
  - d. How does PJM work with generators to identify locations where generation can be more readily interconnected?
  - e. Identify impact of current record low natural gas prices on generation proposals.
52. In your testimony, you note that one obvious consequence of reduced energy consumption will be reduced levels of energy generated. Rebuttal, p. 8, l. 21-23.
- a. Does this identify an inherent flaw of economic dispatch?
  - b. How is the capital and service cost of transmission factored into the cost of local generation that is higher priced than more remote generation?
53. You testify about retired generators, old generators and efficiency. Rebuttal p. 9.
- a. Identify these retired generators in the first bullet point by fuel type and efficiency rating.
  - b. For the older plants identified in the bullet point at the bottom of p. 9, what efforts are being made to convert old plants from coal to gas.
  - c. The bullet point at the top of p. 10 addresses plants not running often. Are these peaking plants? Does the low level of operation signify a lack of market? Isn't that a sign that "market signals" are working?
54. Regarding PJM and demand reductions and conservation. P. 10-11.
- a. How does "backbone" transmission implement demand reductions and conservations?
  - b. How does transmission line loss associated with long distance transmission reduce demand or increase conservation?
55. You testify regarding 86,000MW of generating resources. P. 11.
- a. Of that 86,000, if 44,000MW are wind, how many are coal?
  - b. How many MW of offshore wind projects are in queue?
  - c. How many of those offshore wind projects in queue could readily connect at gas peaking plant substations?
  - d. What has PJM done to identify locations where offshore wind could easily interconnect where there is existing transmission infrastructure?
  - e. What has PJM done to identify locations where offshore wind could easily interconnect where there is existing generation that is rarely used and which has transmission reservations that could be contractually shared to provide interconnection for wind?

## **REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

### **William H. Baily**

13. Provide copies of research you have reviewed for the National Institutes of Health, the National Science Foundation and other U.S. federal agencies, including both the research and your reviewal comments.
14. Provide report, drafts, comments, and work papers for activities cited in your testimony:
  - a. Minnesota EQB Scientific Advisory Panel review,;
  - b. Transmission line health and safety for Vermont Department of Public Service;
  - c. New York State Department of Environmental Conservation;
  - d. Maryland Public Service Commission and Maryland Department of Natural Resources;
  - e. National Institute of Occupational Health and Safety;
  - f. Oak Ridge National laboratories;
  - g. U.S. Department of Energy
  - h. Federal railroad Administration
  - i. EMF RAPID program
  - j. International Agency for Research in Cancer, WHO
  - k. International Committee on Non-Ionizing Radiation Protection.

### **Richard Franklin**

1. Provide copy of job description and any directives from PSE&G and/or others regarding your work on this project.
2. Provide contracts/agreements, easements and records of compensation for land rights secured thus far for this project.
3. Provide contracts/agreements, easements and records of compensation regarding Fredon School Board and/or the Fredon School District,, including drafts, final and/or executed agreements.
4. Provide contracts/agreements, easements and records of compensation, drafts, final and/or executed agreements regarding other School Boards and/or the School Districts, including but not limited to the Montville School District.
5. Provide all contracts/agreements, easements and records of compensation regarding Highlands Council, including drafts, final and/or executed agreements.
6. You testify that “PSE&G has acquired additional property for the construction of temporary access roads and one permanent access road to date...” Rebuttal, p. 4.

- a. Provide copies of agreements, easements and records of compensation, planned or realized, for these acquisitions.
  - b. Identify additional property acquired on a map, cross-referencing with documents provided in response to (a) above.
7. You testify that “PSE&G has “modified right-of-way easements to acquire additional property rights...” Rebuttal, p. 4.
- a. Provide copies of agreements, easements and records of compensation, planned or realized, for these modifications.
  - b. Identify additional property acquired on a map, cross-referencing with documents provided in response to (a) above.
8. You testify that “PSE&G has “acquired additional property for construction of associated facilities...” Rebuttal, p. 4.
- a. Identify the “associated facilities” referred to in your testimony.
  - b. Provide copies of agreements, easements and records of compensation, planned or realized, for these associated facilities.
  - c. Identify additional property acquired on a map, cross-referencing with documents provided in response to (a) above, and identify associated facilities associated with property acquired.

These Interrogatories and Request for Production of Documents are ongoing. If your answers should change, or if new information becomes available, please update these responses as soon as possible.

Dated: September 24, 2009

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