



Agenda Date: 7/15/20  
Agenda Item: 2A

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE PETITION OF )  
COMMERCIAL METALS COMPANY FOR A )  
DECLARATORY RULING )  
) ORDER DESIGNATING  
) PRESIDING COMMISSIONER  
)  
) BPU DOCKET NO. EO20050352

**Parties of Record:**

**Murray Bevan, Esq.**, Bevan, Mosca & Giuditta, P.C. on behalf of Commercial Metals Company  
**Stefanie A. Brand, Esq.**, Director, Division of Rate Counsel

BY THE BOARD:

**BACKGROUND**

On May 12, 2020, Commercial Metals Company ("CMC") filed a petition requesting that the New Jersey Board of Public Utilities ("Board") issue a declaratory ruling exempting CMC's load from renewable portfolio standards ("RPS") compliance. CMC currently receives electric service from Jersey Central Power & Light Company ("JCP&L") at its electric arc furnace mini mill in Sayreville, New Jersey ("Sayreville Mill").

In the petition, CMC asserted that it has an economically viable opportunity to bypass the electric distribution system. CMC stated that it could build the facilities necessary to directly connect the Sayreville Mill to the transmission system. According to CMC, if it directly accessed the wholesale market, it would not have to pay any electric distribution costs, RPS compliance costs, the Societal Benefits Charge, upcoming RGGI costs, Sales and Use Tax, or other charges.

Accordingly, CMC petitioned the Board for a declaratory ruling that, because it has an economically viable opportunity to bypass the electric distribution system, its load may be exempt from RPS compliance so long as it remains an electric distribution customer of JCP&L. CMC indicated that if granted, it would provide the Board's order to suppliers when it negotiates its power supply agreements. CMS asserted that the Board order would enable the suppliers to pass on the RPS compliance costs savings to CMC without shifting those costs to other customers.

**DISCUSSION AND FINDINGS**

The Board has determined that the petition should be retained by the Board for hearing pursuant to N.J.S.A. 48:2-32. The Board **HEREBY DESIGNATES** Commissioner Dianne Solomon as the presiding officer. The Board **FURTHER ORDERS** that Commissioner Dianne Solomon, as the presiding Commissioner, is **HEREBY AUTHORIZED** to establish and modify schedules, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

The Board **HEREBY DIRECTS** that all entities seeking to intervene or participate in this matter file the appropriate application with the Board by August 5, 2020. Commissioner Dianne Solomon will render a decision on any motions filed. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

In addition, in compliance with the Board's Order in Docket No. EO20030254,<sup>1</sup> all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order. The Board **HEREBY DIRECTS** Staff to post this Order to the Board's website.

DATED: July 15, 2020

BOARD OF PUBLIC UTILITIES  
BY:



JOSEPH L. FIORDALISO  
PRESIDENT



MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER



UPENDRA J. CHIVUKULA  
COMMISSIONER



ROBERT M. GORDON  
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH  
SECRETARY

<sup>1</sup> In re the New Jersey Board Of Public Utilities' Response to the Covid-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket. No. EO20030254, (March 19, 2020).

IN THE MATTER OF THE PETITION OF COMMERCIAL METALS COMPANY FOR A DECLARATORY  
RULING - DOCKET NO. EO20050352

SERVICE LIST

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