

August 15, 2014

Rosalie Serapiglia  
Division of Energy  
New Jersey Board of Public Utilities  
P.O. Box 350  
Trenton, New Jersey 08625-0350

Dear Ms. Serapiglia,

Re: Proposed Vegetative Management Rules

This letter represents the comments of the New Jersey State League of Municipalities for the most recent straw proposal of the Board's vegetative management rules. The League is particularly appreciative of the time and skill staff put into guiding the VM work group meeting on July 24<sup>th</sup>. That meeting was very helpful in giving the League a better understanding of the way in which EDCs and the BPU view these proposed rules.

Our initial comments on July 9<sup>th</sup> dealt largely with our perceived issues surrounding proposed N.J.A.C. 14:5-9.3(f). This section states that when an EDC performs VM at the request of a municipality, other than VM required under this subchapter, the EDC may require the municipality to pay the incremental cost above the EDC's cost to perform the VM required by this subchapter.

The League was concerned that this language may cause a "chilling effect" on the willingness of municipalities to speak up and inform EDCs of VM issues within their municipality. We were assured by EDC representatives that this cost is never charged unilaterally and that municipalities are told of the charge and must agree to pay it before the work actually begins. This understanding allays some of the League's misgivings about this section.

Additionally, the League appreciates staff's decision to maintain the permissive "may" language in subsection (f) by not adopting the joint EDC's suggestion to make the payment mandatory by replacing "may" with "shall."<sup>1</sup> The League believes that this is a positive step.

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<sup>1</sup> Joint EDC Comment, Dated June 6, 2014

The League supports the new reporting requirements of proposed N.J.A.C. 14:5-9.9(d)(1). These requirements, along with pro-active BPU Board and staff review and oversight of reports, will help ensure that EDCs comply with the subchapter's requirement regarding hazard trees.

The League further suggests that this information be made available to municipal officials by posting the reports on-line and emailing notice to municipalities advising of their availability and where to access the reports. It would be useful if the utility companies were able to provide report information directly to the municipalities as well, to enable them to monitor the removal of hazard trees within their area.

Thank you for the opportunity to share comments and participate in this important process.

Very Truly Yours,

A handwritten signature in black ink that reads "Janice S. Mironov". The signature is written in a cursive, flowing style.

Janice S. Mironov,  
League Immediate Past President,  
Mayor, East Windsor Township

cc. (via email)

Jerome May, BPU Division of Energy  
Stephanie Brand Esq., Division of Rate Counsel  
Michael J. Connolly, Esq. Jersey Central Power & Light Company  
Geoffrey Gerstein Esq., Division of Law