

May 18, 2023

Sherri L. Golden, Secretary
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, NJ 08625-0350

VIA ELECTRONIC MAIL & EFILE

Re: In the Matter of the Verified Petition of Jersey Central Power & Light Company for Review and Approval of Increases in, and Other Adjustments to, its Rates and Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therein ("2023 Base Rate Filing");

BPU Docket No. 23030144

Dear Secretary Golden:

Please find attached for filing the Motion to Intervene of Walmart Inc. and the Motion for Admission *Pro Hac Vice* of Barry A. Naum in the above-referenced matter.

By copy of this letter, copies of the referenced documents are being forwarded this date via electronic mail to all persons on the distribution list.

Please contact the undersigned if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC



Steven W. Lee (NJ Bar No. 324262020)
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
slee@spilmanlaw.com

Counsel for Walmart Inc.

SWL/sds
Enclosures
c: Service List

In the Matter of the Verified Petition of Jersey Central Power & Light Company for Review and Approval of Increases in, and Other Adjustments to, its Rates and Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therein;

BPU Docket No. 23030144

SERVICE LIST

BOARD OF PUBLIC UTILITIES

44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, NJ 08625-0350

Sherri L. Golden, Secretary
Board.secretary@bpu.nj.gov

Robert Brabston, Esq., Executive Director
robert.brabston@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
Stacy.peterson@bpu.nj.gov

Michael Beck, Esq., General Counsel
Michael.beck@bpu.nj.gov

Carol Artale, Deputy General Counsel
Carol.artale@bpu.nj.gov

Heather Weisband, Senior Counsel
Heather.weisband@bpu.nj.gov

Michael Hunter, Regulatory Officer
Michael.hunter@bpu.nj.gov

Benjamin Witherell, Chief Economist
Benjamin.witherell@bpu.nj.gov

Jackie O'Grady
Jackie.ogrady@bpu.nj.gov

Mike Kammer, Director
Mike.kammer@bpu.nj.gov

Malike Cummings, Deputy Director
Malike.cummings@bpu.nj.gov

Ryan Moran
Ryan.moran@bpu.nj.gov

Bart Kilar
Bart.kilar@bpu.nj.gov

Jackie Galka
Jacqueline.galka@bpu.nj.gov

Bill Barkasy
William.barkasy@bpu.nj.gov

Scott Sumliner
Scott.sumliner@bpu.nj.gov

AJ DeAnni
Anthony.deanni@bpu.nj.gov

Dari Urban
Dari.urban@bpu.nj.gov

Dean Taklif
Dean.taklif@bpu.nj.gov

Cindy Bianco
Cindy.bianco@bpu.nj.gov

David Brown
David.brown@bpu.nj.gov

DIVISION OF LAW

25 Market Street
P.O. Box 112
Trenton, NJ 08625

Pamela Owen, Esq.
Pamela.owen@law.njoag.gov

Matko Ilic, Esq.
Matko.ilic@law.njoag.gov

Daren Eppley, Esq.
Daren.eppley@law.njoag.gov

NEW JERSEY DIVISION OF RATE COUNSEL

140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Brian Lipman, Esq.
blipman@rpa.nj.gov

T. David Wand, Esq.
dwand@rpa.nj.gov

Robert Glover, Esq.
rglover@rpa.nj.gov

Bethany Rocque-Romaine, Esq.
bromaine@rpa.nj.gov

JERSEY CENTRAL POWER AND LIGHT COMPANY

Mark A. Mader
James E. O'Toole
Jersey Central Power & Light Company
300 Madison Avenue
P.O. Box 1911
Morristown, NJ 07962-1911
mamader@firstenergycorp.com
jotoole@firstenergycorp.com

Tori L. Giesler
Carol A. Pittavino
Jersey Central Power & Light Company
800 Cabin Hill Drive
Greensburg, PA 15601
tgiesler@firstenergycorp.com
cpittavino@firstenergycorp.com

Joshua R. Eckert
FirstEnergy Service Company
76 S. Main Street
Akron, OH 44308-1890
jeckert@firstenergycorp.com

Devin Ryan, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
dryan@postschell.com

Gregory Eisenstark, Esq.
Michael J. Connolly, Esq.
Cozen O'Connor
1010 Kings Highway South
Cherry Hill, NJ 08034
geisenstark@cozen.com
mconnolly@cozen.com

William Lesser, Esq.
Cozen O'Connor
3 WTC, 175 Greenwich Street
55th Floor
New York, NY 10007
WLesser@cozen.com

COMMERCIAL METALS COMPANY

Murray E. Bevan, Esq.
Jennifer McCave, Esq.
Bevan, Mosca & Giuditta, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
mbevan@bmg.law
jmccave@bmg.law

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE VERIFIED)	
PETITION OF JERSEY CENTRAL POWER)	
& LIGHT COMPANY FOR REVIEW AND)	
APPROVAL OF INCREASES IN, AND)	BPU DOCKET NO. 23030144
OTHER ADJUSTMENTS TO, ITS RATES)	
AND CHARGES FOR ELECTRIC SERVICE,)	
AND FOR APPROVAL OF OTHER)	
PROPOSED TARIFF REVISIONS IN)	
CONNECTION THEREWITH ("2023 BASE)	
RATE FILING"))	

**MOTION TO INTERVENE OF
WALMART INC.**

Walmart Inc. ("Walmart") hereby move before the New Jersey Board of Public Utilities ("Board"), pursuant to N.J.A.C. 1:1-16 *et seq.*, to permit Walmart to intervene as a party in the above-captioned proceeding with all of those rights and obligations typically afforded to an intervenor in such proceedings. In support of its Motion, Walmart states as follows:

1. On March 16, 2023, Jersey Central Power & Light Company ("JCP&L" or "Company") filed a Petition for approval of an increase in its current base rates for electronic service of approximately \$184.95 million (excluding Sales and Use Tax ("SUT")). Petition, p. 5. The Company is also requesting a return on equity of 10.40 percent. Direct Testimony of Dylan W. D'Ascendis, p. 3.

2. On April 12, 2023, the Board issued an Order suspending JCP&L's proposed revisions until August 26, 2023, "unless the Board makes a determination disposing of the Petition or enters an Order further suspending the proposed revisions prior to that date."

3. Walmart is a national retailer of goods and services through the United States with its principal office located at 2608 SE J Street, Bentonville, AR 72716. Walmart has the privilege of providing its retail services throughout the State of New Jersey at three distribution centers,

three fulfillment centers, and 70 retail facilities, including 35 Supercenters, 27 Discount Stores, and eight Sam's Clubs.¹ As of January 31, 2023, the total number of Walmart associates in New Jersey is 23,864. Walmart spends approximately \$15.3 billion for merchandise and services with suppliers in the state of New Jersey, and as a result of Walmart's relationship with these suppliers, Walmart supports approximately 98,161 supplier jobs in the state of New Jersey.²

4. Walmart is a large commercial customer of JCP&L. In JCP&L's service territory specifically, Walmart operates 22 retail stores and related facilities that take electric service from JCP&L. JCP&L delivers over 52 million kWh of electricity annually to Walmart. Energy costs comprise a large portion of Walmart's operating costs. As a result, Walmart would be directly impacted by: (a) the adoption of JCP&L's rate increase requests, and (b) any rate design and ratemaking changes approved in implementing any approved increase.

5. Accordingly, Walmart has a real and substantial interest in the outcome of this proceeding. Further, as a large commercial customer of JCP&L with multiple accounts and facilities, Walmart cannot be adequately represented by any other party.

6. Walmart also submits that it has insights and comments that will be relevant and material to the Commission's ruling on the Petition. Walmart may also be directly affected by issues that may be raised in the proceeding by other parties. Walmart therefore seeks to intervene in this docket to protect its interests.

7. The Verification of Alex J. Kronauer is attached hereto stating that the facts stated in this Motion are true and accurate to the best of his knowledge and belief.

8. The granting of this Motion will not cause undue delay or confusion.

¹ <https://corporate.walmart.com/about/new-jersey>

² *Id.*

9. Walmart requests that all pleadings, correspondence, discovery, and other documents be served on Walmart at the following address (electronic service preferred):

Barry A. Naum
Steven W. Lee
SPILMAN THOMAS & BATTLE, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2742
Fax: (717) 795-2743
bnaum@spilmanlaw.com
slee@spilmanlaw.com

WHEREFORE, Walmart Inc. respectfully requests the New Jersey Board of Public Utilities to (1) grant it full procedural and substantive rights as an intervenor in this matter pursuant to N.J.A.C. 1:1-16 *et seq.*, and (2) order such further relief in connection therewith as the Board deems reasonable and just.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By  _____

Barry A. Naum
Steven W. Lee (NJ Bar No. 324262020)
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2742
Fax: (717) 795-2743
bnaum@spilmanlaw.com
slee@spilmanlaw.com

Counsel to Walmart Inc.

Date: May 18, 2023

VERIFICATION

In accordance with N.J.A.C. § 14:1-4.6, I, Alex J. Kronauer, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am the Senior Manager, Energy Services, of Walmart Inc. ("Walmart") and am authorized to make this Verification on behalf of Walmart.
2. I have reviewed the foregoing Motion to Intervene and attest that the information contained therein is true and correct to the best of my knowledge, information, and belief.



Alex J. Kronauer

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE VERIFIED)
PETITION OF JERSEY CENTRAL POWER)
& LIGHT COMPANY FOR REVIEW AND)
APPROVAL OF INCREASES IN, AND)
OTHER ADJUSTMENTS TO, ITS RATES)
AND CHARGES FOR ELECTRIC SERVICE,)
AND FOR APPROVAL OF OTHER)
PROPOSED TARIFF REVISIONS IN)
CONNECTION THEREWITH ("2023 BASE)
RATE FILING"))**


BPU DOCKET NO. 23030144

MOTION FOR ADMISSION *PRO HAC VICE*

I, Steven W. Lee, an attorney in good standing of the State of New Jersey and authorized to practice in this state, hereby move the Board of Public Utilities in accordance with *N.J.A.C.* 1:1-5.2 to permit the appearance of Barry A. Naum, a member of the bars of Pennsylvania and West Virginia, to appear *Pro Hac Vice* in the above-captioned matter. An Affidavit is attached and is relied upon in support of this Motion.

I hereby certify that copies of this Motion and the attached Affidavit have been served upon all parties in the above-captioned matter.

Dated: May 18, 2023


Steven W. Lee (NJ Bar No. 324262020)
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 791-2012
E-mail: slee@spilmanlaw.com

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE VERIFIED)
PETITION OF JERSEY CENTRAL POWER)
& LIGHT COMPANY FOR REVIEW AND)
APPROVAL OF INCREASES IN, AND)
OTHER ADJUSTMENTS TO, ITS RATES)
AND CHARGES FOR ELECTRIC SERVICE,)
AND FOR APPROVAL OF OTHER)
PROPOSED TARIFF REVISIONS IN)
CONNECTION THEREWITH ("2023 BASE)
RATE FILING"))**

BPU DOCKET NO. 23030144

AFFIDAVIT IN SUPPORT OF MOTION TO APPEAR PRO HAC VICE

Harrisburg, Pennsylvania:

I, Barry A. Naum, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the Commonwealth of Pennsylvania and the State of West Virginia.
2. I am associated in this matter with New Jersey counsel of record, Steven W. Lee, who is qualified to practice law in this State, pursuant to R. 1:21-1.
3. Walmart Inc. ("Walmart") has requested my representation in this matter.
4. I am not now the subject of any pending disciplinary proceedings in any jurisdiction nor have I been disciplined previously in any jurisdiction.
5. There is good cause for my admission *pro hac vice* in that I have a long-standing attorney-client relationship with Walmart in numerous states and jurisdictions, and Walmart has engaged me to represent its interests in the above-captioned cause due to the complex nature of the proceeding and the subject matter expertise that I provide in the field of Public Utility and Electricity Law.

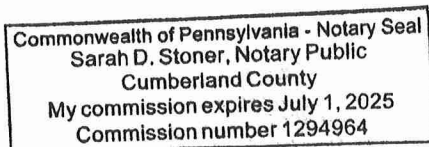
6. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:28-2 and 1:20-1(b).

7. If this application to appear *pro hac vice* is granted, I agree to:

- a. Abide by the agency rules and all applicable New Jersey court rules, including all disciplinary rules;
- b. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
- c. Notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of my courts; and
- d. Have all pleadings, briefs, and other papers filed with the Board of Public Utilities and the Office of Administrative Law signed by the attorney authorized to practice in this State.

Sworn and subscribed before me
This 18th day of May, 2023.

Sarah D. Stoner



Barry A. Naum

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE VERIFIED)
PETITION OF JERSEY CENTRAL POWER)
& LIGHT COMPANY FOR REVIEW AND)
APPROVAL OF INCREASES IN, AND)
OTHER ADJUSTMENTS TO, ITS RATES)
AND CHARGES FOR ELECTRIC SERVICE,)
AND FOR APPROVAL OF OTHER)
PROPOSED TARIFF REVISIONS IN)
CONNECTION THEREWITH ("2023 BASE)
RATE FILING"))**

BPU DOCKET NO. 23030144

ORDER

Steven W. Lee, an attorney of the state of New Jersey, moved under *N.J.A.C.* 1:1-5.2 to permit the appearance *pro hac vice* of Barry A. Naum, an attorney in the Commonwealth of Pennsylvania and State of West Virginia, in the above-captioned matter. The affidavit of Barry A. Naum indicates that he satisfies each of the conditions for admission, including good cause, set forth in *R.* 1-21-2(a) and that payment has been made to the New Jersey Lawyers' Fund for Client Protection.

Therefore, I **ORDER** that the motion seeking the admission of Barry A. Naum to practice before the Board of Public Utilities and the Office of Administrative Law ("OAL") *pro hac vice* in the above-captioned matter is hereby granted, provided that Barry A. Naum shall:

1. Abide by the agency Rules and all applicable New Jersey Court rules, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agency upon whom service of process may be made for all actions against him or his firm that may arise out of participation in this matter;

3. Notify the Board of Public Utilities and the Office of Administrative Law immediately of any matter affecting his standing at the bar of any other court; and
4. Have all pleadings, briefs, and other papers filed with the Board of Public Utilities and the Office of Administrative Law signed by an attorney authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and of the admitted attorney therein.

DATE

ALJ