

RECEIVED
June 22, 2017
JUN 21 2017
By *cms*
⌘

RECEIVED

JUN 21 2017

BOARD OF PUBLIC UTILITIES
MAIL ROOM

Fox Rothschild LLP
ATTORNEYS AT LAW
Mail: P. O. Box 5231, Princeton, NJ 08543-5231

Princeton Pike Corporate Center
997 Lenox Drive
Building 3
Lawrenceville, NJ 08648-2311
Tel (609) 896-3600 Fax (609) 896-1469
www.foxrothschild.com

STEVEN S. GOLDENBERG
Direct No: 609-896-4586
Email: sgoldenberg@FoxRothschild.com

June 16, 2017

VIA FEDERAL EXPRESS
Elia A. Pelios, A.L.J.
Office of Administrative Law
Quakerbridge Plaza, Bldg. 9
3444 Quakerbridge Road
Mercerville, NJ 08619

ER 17030308

Re: I/M/O the Petition of Atlantic City Electric Company for Approval of Amendments to Its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief (2017)

Dear Judge Pelios:

Enclosed are an original and three (3) copies of the Motion of the Builder's League of South Jersey to Intervene in this proceeding.

I am advised that this matter has been transmitted to the Office of Administrative Law using an incorrect docket number (ER16030252). I am further advised that the correct docket number, which appears on the motion and will be provided to you officially by the Board of Public Utilities, is ER17030308.

Thank you in advance for your anticipated courtesies.

Very truly yours,

Steven S. Goldenberg

SSG:jfp
Encl.

cc: Distribution List (w/ encl.) ✓
Irene K. Asbury, Secretary ✓

49605895
Car mgmt

In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to Its Tariff
to Provide for an Increase in Rates and Charges for Electric Service Pursuant to *N.J.S.A.* 48:2-21 and
N.J.S.A. 48:2-21.1, and for Other Appropriate Relief (2017)

BPU Docket No. _____

Service List

BPU

Irene Kim Asbury, Esquire
Secretary to the Board
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
(609) 777-3300 – Telephone
irene.asbury@bpu.nj.gov
board.secretary@bpu.nj.gov

Paul Flanagan, Esquire
Executive Director
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
paul.flanagan@bpu.nj.gov

Mark C. Beyer
Chief Economist
Board of Public Utilities
Office of the Economist
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
mark.beyer@bpu.nj.gov

Cynthia Covie, Esquire
Chief of Staff
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
cynthia.covie@bpu.nj.gov

Andrew McNally, Esquire
Chief Counsel
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
andrew.mcnally@bpu.nj.gov

Thomas Walker
Director, Division of Energy
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
thomas.walker@bpu.nj.gov

Carl Dzierzawiec
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
dzierzawiec@bpu.nj.gov

Son Lin Lai, Ph.D.
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
son-lin.lai@bpu.nj.gov

Henry Rich
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
henry.rich@bpu.nj.gov

Jackie Galka
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
jackie.galka@bpu.nj.gov

Jackie O'Grady
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
jackie.ogrady@bpu.nj.gov

Julie Ford-Williams
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
julie.ford@bpu.nj.gov

Richard Lambert
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
richard.lambert@bpu.nj.gov

Robert Schultheis
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
robert.schultheis@bpu.nj.gov

Scott Sumliner
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
scott.sumliner@bpu.nj.gov

Beverly Tyndell
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
beverly.tyndell@bpu.nj.gov

Stacy Peterson
Deputy Director
Division of Energy
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
stacy.peterson@bpu.nj.gov

Bethany Rocque-Romaine, Esquire
Legal Specialist
Board of Public Utilities
44 South Clinton Avenue, Suite 314
Trenton, NJ 08625
bethany.romaine@bpu.nj.gov

Megan Lupo, Esquire
Legal Specialist
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
megan.lupo@bpu.nj.gov

DAG

Caroline Vachier, Esquire
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
(973) 648-3709 – Telephone
(973) 648-3555 – Facsimile
caroline.vachier@dol.lps.state.nj.us

Alex Moreau, Esquire
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
(973) 648-3762 – Telephone
(973) 648-3555 – Facsimile
alex.moreau@dol.lps.state.nj.us

Veronica Beke, Esquire
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
veronica.beke@dol.lps.state.nj.us

Jenique Jones, Paralegal
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
jenique.jones@dol.lps.state.nj.us

RATE COUNSEL

Stefanie A. Brand, Esquire
Director
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003
(609) 984-1460 – Telephone
sbrand@rpa.state.nj.us

Brian O. Lipman, Esquire
Deputy Public Advocate
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003
(609) 984-1460 – Telephone
blipman@rpa.state.nj.us

Ami Morita, Esquire
Deputy Public Advocate
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003
(609) 984-1460 – Telephone
amorita@rpa.state.nj.us

Diane Schulze, Esquire
Deputy Public Advocate
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003
(609) 984-1460 – Telephone
dschulze@rpa.state.nj.us

Lisa Gurkas
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003
(609) 984-1460 – Telephone
lgurkas@rpa.state.nj.us

ACE

Philip J. Passanante, Esquire
Assistant General Counsel – 92DC42
Atlantic City Electric Company
500 N. Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066
(302) 429-3105 – Telephone
(302) 429-3801 – Facsimile
philip.passanante@pepcoholdings.com

Colleen A. Foley, Esquire
Saul Ewing LLP
One Riverfront Plaza, Suite 1520
Newark, New Jersey 07102
(973) 286-6711 - Telephone
cfoley@saul.com

Roger E. Pedersen, Manager
Manager, Regulatory Affairs – ACE
63ML38
Atlantic City Electric Company
5100 Harding Highway
Mays Landing, NJ 08330
(609) 625 5820 – Telephone
(609) 625 5838 – Facsimile
roger.pedersen@pepcoholdings.com



RECEIVED

JUN 21 2017

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BOARD OF PUBLIC UTILITIES
MAIL ROOM

In the Matter of the Petition of Atlantic)
City Electric Company for Approval of)
Amendments to Its Tariff to Provide for) BPU Docket No. ER 17030308
an Increase in Rates and Charges for)
Electric Service Pursuant to N.J.S.A.)
48:2-21 and N.J.S.A. 48:2-21.1, and for)
Other Appropriate Relief (2017))

MOTION TO INTERVENE OF
BUILDERS LEAGUE OF SOUTH JERSEY, INC.

The Builders League of South Jersey, Inc. ("BLSJ"), is a trade association whose members include builders and developers of residential, commercial, industrial, and office real estate in Burlington, Camden, Cumberland, Gloucester, Salem, Atlantic and Cape May Counties. BLSJ members are customers of Atlantic City Electric Company ("ACE") and conduct business with ACE for themselves and others in accordance with the Terms and Conditions set forth in ACE's tariff applicable to the manner in which ACE provides electric service to customers. BLSJ hereby moves to intervene in the above-captioned proceeding. In support of its motion, BLSJ states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

Steven S. Goldenberg
Fox Rothschild, LLP
997 Lenox Drive, Bldg. 3
Lawrenceville, NJ 08648
Phone: 609-896-3600
sgoldenberg@foxrothschild.com

Robert M. Washburn, Esquire
Flaster/Greenberg, P.C.
1810 Chapel Avenue West
Cherry Hill, NJ 08002
Phone: 856-382-2254
robert.washburn@flastergreenberg.com

Richard S. Van Osten, Exec. VP
Builders League of South Jersey
114 Haddontowne Court
Cherry Hill, NJ 08034
Phone: 856-616-8460
rick@blsj.com

2. By Petition dated March 30, 2017, ACE seeks the Board's approval to increase and revise ACE's rates and charges for electric service and for related relief. Specifically, ACE seeks, among other things, an annual increase in its current retail base rates for electric service of approximately \$70.2 million (\$74.8 million with SUT) over current delivery rates, or an approximate 6.57% increase for a typical residential customer. ACE also seeks a return on equity of 10.10%, an increase in the monthly customer charge, authority to implement a System Renewal Recovery Charge, and to revise certain of the Terms and Conditions in its current tariff. The Company also seeks authority to implement its proposed rates for service rendered on or after December 30, 2017 on an interim basis, subject to refund, if the requested rate change is not implemented in a timely manner.

3. The Petition states that the requested increase is sought due in part to the significant incremental capital investments made in the Company's distribution infrastructure after December 31, 2015 that have not been reflected in rate base, including \$159.4 million invested in 2016.

4. The Petition also seeks approval of a System Renewal Recovery Charge, a tracker, that would enable more current cost recovery of investments as they are placed into service and to assist ACE's efforts to achieve its authorized rate of return.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, BLSJ respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16 weigh in favor of the granting of BLSJ's motion to intervene in the above-captioned proceeding:

1. BLSJ formed, in part, to monitor legislation, regulatory proceedings, and judicial proceedings that affect real estate development in this State. This mission includes the monitoring of utility rate cases and provisions contained in utility tariffs that affect the business interests of

BLSJ members. BLSJ participates and intervenes in legislation, regulatory, judicial, and rate proceedings to the extent necessary to represent its members' common interests. Members of BLSJ are electric distribution customers of ACE and are involved, for themselves and for third parties, in the development, installation and modification of electric infrastructure in the ACE service territory in accordance with the Terms and Conditions set forth in the ACE tariff. Therefore, BLSJ will be substantially and specifically affected by the outcome of the proceeding.

2. Given its capacity as an association of builders and developer customers of the ACE system that will be directly and immediately affected by the rate and Tariff-related relief sought by ACE in this proceeding, BLSJ's interests are unique from and not adequately represented by any other party.

3. BLSJ has a unique perspective and insight regarding the potential impact, on builders and developers, of the rate relief, charges and Tariff revisions that are being sought by ACE in this proceeding.

4. BLSJ's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding.

5. Fundamental fairness and due process considerations require that BLSJ be afforded an opportunity to fully participate as an Intervenor in this proceeding, the outcome of which will have a significant impact on the cost and the terms and conditions of the services ACE provides to the members of BLSJ.

6. Accordingly, the issues to be decided in this proceeding "substantially, specifically and directly affect" BLSJ and its members within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for BLSJ to intervene as a party.

7. Furthermore, the interests of BLSJ's members as builders and developers in connection with the development, installation, modification and use of ACE's distribution facilities and services, are substantially different from those of any other party seeking intervention. Therefore, BLSJ's interests in this proceeding are unique on both a quantitative and qualitative basis.

8. BLSJ's entry as a party would "measurably and constructively" advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as customers and users of the ACE electric distribution system. BLSJ's entry as a party would promote an informed and balanced presentation of the issues.

9. Notwithstanding its unique interests, where it is possible and practical for it to do so, BLSJ will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

10. For the foregoing reasons, and because BLSJ's members will be directly and substantially affected by the issues to be determined in this proceeding, BLSJ has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, et seq., BLSJ respectfully requests that it be permitted to intervene, with full procedural and substantive rights, in the above-captioned proceeding.

Dated: June 16, 2017

By: _____

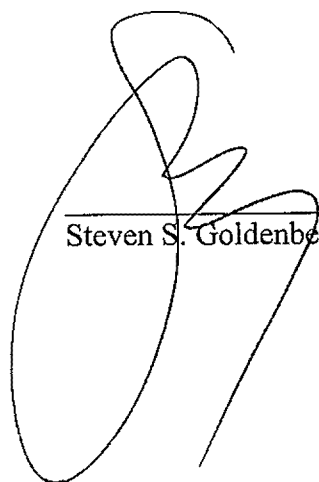
Respectfully submitted,

Steven S. Goldenberg
FOX ROTHSCHILD LLP
997 Lenox Drive, Bldg. 3
Lawrenceville, NJ 08648
Phone: 609-896-3600
Attorneys for the Builders League
of South Jersey, Inc.

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list. The original and three copies have been forwarded via Federal Express to the Honorable Elia A. Pelios, ALJ. Ten (10) copies have been forwarded via first class mail to Irene K. Asbury, Secretary, Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 16th day of June, 2017.



Steven S. Goldenberg