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APR 13 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ



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APR 13 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

**via** overnight mail and email  
Aida Camacho-Welch  
Secretary of the Board  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350

Re: **Motion to Intervene**  
I/M/O Petition of Atlantic City Electric Company For Approval of a Voluntary  
Program For Plug-In Vehicle Charging  
BPU Docket # E018020190

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Dear Secretary Camacho-Welch:

My firm represents the Natural Resources Defense Council ("NRDC") in this matter. Attached please find a Motion For Intervention by NRDC, and a Certification of Noah Garcia in Support of Motion For Intervention. I will serve this Motion on all parties in the Service List electronically.

If you or BPU needs anything further from my client, please call or email anytime.

Sincerely yours

/s/ Raghu Murthy

Raghu Murthy  
Eastern Environmental Law Center

c: **via** email, with attachments  
Service List

*Case Mgmt*  
*Legal*  
*A. Moreau, Esq.*  
*T. Walker*

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CASE MANAGEMENT

APR 13 2018

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Attorneys for Natural Resources Defense Council

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES  COMMISSIONER UPENDRA J. CHIVUKULA PRESIDING  BPU DOCKET # EO18020190
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**MOTION FOR INTERVENTION BY NATURAL RESOURCES**

**DEFENSE COUNCIL**

The Natural Resources Defense Council ("NRDC") hereby moves to intervene in the above captioned proceeding before the Board of Public Utilities ("BPU"), wherein Atlantic City Electric Company ("ACE") seeks BPU approval of a Voluntary Program for Plug-In Vehicle Charging.

## FACTS

### A. NRDC's Interest in This Matter and Experience with BPU Proceedings

4. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild.<sup>1</sup> NRDC has more than 410,000 dues-paying members globally, including more than twelve thousand in New Jersey and many in ACE's New Jersey service territory.
5. BPU has granted intervenor status to NRDC in several matters involving clean energy and energy efficiency programs, due to NRDC's expertise in these fields.<sup>2</sup> For example:
  - South Jersey Gas Company, Docket # GO1110651.
  - Elizabethtown Gas Company, GO10070446 and GO10100735
  - South Jersey Gas Company, GO10110861
  - Rockland Electric Company, EO09010056 and EO09010061
  - New Jersey Natural Gas, EO09010057
  - Public Service Electric and Gas Company, EO09010058
6. The economic interests, environmental interests, and health of NRDC and its members (especially those within New Jersey) will be substantially, specifically and directly affected by the outcome of this case.<sup>3</sup>
7. NRDC shares the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-

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<sup>1</sup> Certification of Noah Garcia ("Garcia Cert.") para. 2

<sup>2</sup> Garcia Cert. para. 10

<sup>3</sup> Garcia Cert. para. 8

Level 2 charging station with a fifty percent discount on both purchase and installation. Qualified customers could also take advantage of twelve-month interest-free financing for their half of the costs. Petition p. 10.

- d. \$607,500: Up to fifty qualified customers, who own or operate condominium/apartment buildings where dedicated parking can be made available for Plug-In Vehicle charging infrastructure, and where at least three New Jersey registered Plug-In Vehicle owners reside, could buy a Smart Level 2 charging station with a fifty percent discount on purchase, and free installation. Petition p. 11.
- e. \$465,000: Up to one hundred qualified customers, who own or operate office buildings and garages where dedicated parking can be made available for Plug-In Vehicle charging infrastructure, could buy a Smart Level 2 charging station with a fifty percent discount on purchase (no installation discount). Petition pp. 11-12.
- f. \$3.6M: ACE would install and operate up to thirty Direct Current Fast Chargers along main transportation corridors, or in a community depot configuration, within ACE's New Jersey service territory. Petition p. 13.
- g. \$2.25M: ACE would install and operate up to 150 Level 2 chargers in appropriate neighborhood locations within ACE's New Jersey service territory. Petition pp. 13-14.

of ChargeEVC, a nonprofit organization dedicated to transportation electrification in New Jersey.

12. NRDC is an integral member of the Electric Vehicle Stakeholder Group convened by BPU in the September 2017.<sup>6</sup> Noah Garcia, who leads NRDC's transportation electrification efforts on the East Coast, submitted thorough responses to all three rounds of BPU Questions, with thoughtful analysis of many of the issues at stake in this proceeding: the goals of Plug-In Vehicle infrastructure, utilization of Plug-In Vehicles as demand response resources, differences in charging infrastructure deployment across market segments, and the relationship between Advanced Metering Infrastructure and the Plug-In Vehicle market.<sup>7</sup>
13. NRDC has been involved in regulatory proceedings on Plug-In Vehicles in California, Oregon, Washington, Nevada, Colorado, Michigan, Ohio, Missouri, Massachusetts, Rhode Island, New York, and Maryland.<sup>8</sup>
14. If this Motion is granted, NRDC will present expert testimony from Mr. Garcia.<sup>9</sup> Mr. Garcia holds a Bachelor of Arts and a Master of Arts in Public Policy from Stanford University, with a concentration in energy and environmental policy.<sup>10</sup> Mr. Garcia leads efforts at NRDC's transportation electrification on the East Coast.<sup>11</sup> In this capacity, Mr.

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<sup>6</sup> Garcia Cert. para. 12

<sup>7</sup> <http://www.state.nj.us/bpu/agenda/stakeholdercomments.html>

<sup>8</sup> Garcia Cert. para 14

<sup>9</sup> Garcia Cert. para. 7

<sup>10</sup> Garcia Cert. para. 3

<sup>11</sup> Garcia Cert. para. 4

- The nature and extent of Movants' interest in the outcome of the case,
- Whether or not Movants' interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case,
- The prospect of confusion or undue delay arising from Movants' inclusion in the case.

18. BPU has set forth a balancing test for consideration of motions to intervene:

The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervenor's interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case.<sup>15</sup>

19. NRDC meets all three of the criteria for intervention at N.J.A.C. 17:27-16.3(a).

A. NRDC and Its Members Will Be Substantially, Specifically And Directly Impacted By The Outcome Of This Case.

20. The Plug-In Vehicle Program, if implemented properly, could potentially further two goals that BPU and Movants share. First, ensuring "safe, adequate and proper service"<sup>16</sup> at "just and reasonable rates"<sup>17</sup>. Second, implementing energy policy that will "conserve and preserve the quality

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<sup>15</sup> BPU Order on Extension for Time For Application Review and Motion to Intervene, December 14, 2011, Docket Num. EO11050314V, Agenda Item 8E.

<sup>16</sup> N.J.S.A. 48:2-23

<sup>17</sup> N.J.S.A. 48:2-25

NRDC and its members are sufficiently different from impacts to any other party in this proceeding, due to NRDC's unique position as nonprofit organization working to use partnerships, best practices, and market mechanisms to inform energy policy that benefits the environment.

B. NRDC's Unique Expertise and Experience Will Add Measurably And Constructively To The Case, And Allow Development of a Complete Record.

26. NRDC has unique expertise on several relevant issues, like strategic deployment of charging infrastructure, load management, consumer pricing protections, public education on Plug-In Vehicles, data collection, and performance metrics.

27. NRDC can add value to this proceeding because of its unique experience from analyzing transportation electrification projects around the country, and its involvement with regulatory proceedings on this topic in several states.

28. In sum, if NRDC is allowed into this proceeding as an intervenor, NRDC can assist with development of a complete record through discovery, testimony, cross-examination and briefing, in areas where NRDC holds unique expertise and experience. N.J.A.C. 1:1-16.1(b). In Re: Public Service Electric and Gas Company, supra, 2005 WL 1996822 (BPU allowed an intervention based on the party's ability to "assist in the development of the record.")

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Attorneys for Natural Resources Defense Council

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES  COMMISSIONER UPENDRA J. CHIVUKULA PRESIDING  BPU DOCKET # EO18020190
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**CERTIFICATION OF NOAH GARCIA IN SUPPORT OF MOTION**  
**FOR INTERVENTION BY NATURAL RESOURCES DEFENSE**  
**COUNCIL**

I, Noah Garcia, certify as follows:

1. I have been employed at Natural Resources Defense Council ("NRDC") since August 2015.
2. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 410,000 dues-paying members

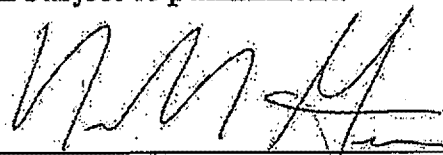


- 13). My testimony to the Massachusetts Department of Public Utilities on an Electric Vehicle Market Development Program included a thorough analysis of several integral components of ACE's proposed Plug-In Vehicle Program, such as load management, data collection, consumer protections, and strategic deployment of charging stations.
7. If this Motion is granted, I will present expert testimony in this case on behalf of NRDC.
8. The economic interests, environmental interests, and health of NRDC and its members (especially those within New Jersey) will be substantially, specifically and directly affected by the outcome of this case.
9. NRDC shares the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey".
10. BPU has granted intervenor status to NRDC in several matters involving clean energy and energy efficiency programs, due to NRDC's expertise in these fields. For example:
- South Jersey Gas Company, Docket # GO1110651.
  - Elizabethtown Gas Company, GO10070446 and GO10100735
  - 2011: South Jersey Gas Company, GO10110861
  - 2009: Rockland Electric Company, EO09010056 and EO09010061
  - 2009: New Jersey Natural Gas, EO09010057
  - Public Service Electric and Gas Company, EO09010058

14. NRDC has been involved in regulatory proceedings on Plug-In Vehicles in California, Oregon, Washington, Nevada, Colorado, Michigan, Ohio, Missouri, Massachusetts, Rhode Island, New York, and Maryland.
15. NRDC has published numerous comprehensive analyses on the air quality benefits and greenhouse gas reductions associated with Plug-In Vehicles, as well as papers and reports on transportation electrification policy. For example, see Guiding Principles for Utility Programs to Accelerate Transportation Electrification, August 2017, by Max Baumhefner. NRDC's writings on this topic are collected in a Resource Center at <https://www.nrdc.org/issues/promote-electric-vehicles>.
16. As it has in previous cases, NRDC will strictly abide by the schedules and other rulings made by BPU.
17. NRDC will limit its submissions and testimony to the relevant topics relevant, as determined by this Court.
18. NRDC will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

I certify that the above statements are true. I understand that if the above statements are willfully false, I am subject to punishment.

Date: 4/12/18

  
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Noah Garcia  
Transportation Policy Analyst  
Natural Resources Defense Council