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April 13, 2018

VIA REGULAR MAIL AND EMAIL TO upendra.chivukula@bpu.nj.gov

The Honorable Upendra Chivukula
New Jersey Board of Public Utilities
44 S. Clinton Ave., 3rd Fl. Ste. 314
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CASE MANAGEMENT

APR 19 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**Re: *I/M/O the Petition of Atlantic City Electric Company for Approval of a
Voluntary Program for Plug-In Vehicle Charging***

BPU Docket No. EO18020190

Dear Commissioner Chivukula:

This firm represents ChargePoint, Inc. ("ChargePoint") in the above-referenced matter. Enclosed for filing, please find an original and two copies of ChargePoint's Motion to Intervene in this matter.

Thank you and please do not hesitate to contact me should you have any questions or concerns.

Respectfully submitted,

Murray E. Bevan
Murray E. Bevan

Enclosures

Cc: Service List ✓

Case Mgmt

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CASE MANAGEMENT

~~Re: Motion for~~ Petition of Atlantic City Electric Company for Approval of a
Voluntary Program for Plug-In Vehicle Charging

APR 19 2018

BPU Docket No. EO18020190

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TRENTON, NJ

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

IN THE MATTER OF THE PETITION OF	:	
ATLANTIC CITY ELECTRIC COMPANY	:	
FOR APPROVAL OF A VOLUNTARY	:	
PROGRAM FOR PLUG-IN VEHICLE	:	BPU Docket No. EO18020190
CHARGING	:	

**MOTION TO INTERVENE OF
CHARGEPOINT, INC.**

ChargePoint, Inc. ("ChargePoint") hereby moves before the New Jersey Board of Public Utilities ("Board"), pursuant to N.J.A.C. 1:1-16.1 *et seq.*, to permit ChargePoint to intervene as a party in the above-captioned proceeding with all of those rights and obligations typically afforded to an intervener in such proceedings. In support of its motion, ChargePoint states as follows:

1. On February 22, 2018, Atlantic City Electric Company ("ACE") initiated the above-captioned proceeding by filing a Petition requesting Approval of a Voluntary Program for Plug-In Vehicle Charging (the "EV Petition"). The EV Petition requests approval of a five year, \$14.9 million investment into a plug-in vehicle ("PIV") charging program, purportedly designed to be responsive to ACE customer needs and provide education and outreach, off-peak charging, a PIV infrastructure solution, and recover most or all of the costs associated with the purchase and installation of charging stations for itself and certain customers.

2. ChargePoint is the world's largest and most open electric vehicle ("EV") charging network, with nearly 48,000 Level 2 and DC fast charging spots, including more than 670 publicly available and private charging spots in New Jersey. By delivering more than 36 million EV charging sessions, ChargePoint drivers have delivered over 868 million electric miles and avoided over 36 million gallons of gas and 121 million kgs of GHG emissions.

3. Nationwide, ChargePoint has over 7,000 customers, including major employers, municipalities, universities, real estate developers and parking garage facility owners and operators providing EV charging and related services to EV drivers. Stations in ChargePoint's network are almost exclusively owned and operated by these EV charging station site hosts, which provide EV charging services to EV drivers.

4. ChargePoint has been an active participant in the Board's New Jersey Electric Vehicle Infrastructure Stakeholder Group ("EV Stakeholder Group"), formed in 2017. ChargePoint strongly supports a statewide approach to EV charging station deployment as the preferable method to advance New Jersey's EV charging infrastructure.

5. ChargePoint believes that ACE's proposed program structure will neither cost effectively nor efficiently accelerate the deployment of charging infrastructure in support of greater EV adoption and could actually hinder the development of a vibrant, sustainable EV charging ecosystem that is necessary to achieve long-term electrification benefits in New Jersey.

6. ChargePoint and its customers are directly affected by these proceedings because ACE's proposal to own an extensive network of EV chargers and operate them as a regulated entity in a competitive market, with ACE ratepayers bearing the full installation costs and risks,

is an unnecessarily complex and expensive approach that will negatively impact the existing competitive EV charging market. ChargePoint believes ACE can, and should, play an important role in helping facilitate the deployment of EV charging equipment and supporting grid integration within its service territory. However, their proposed program design does not, but should, promote competition, innovation, and customer choice in equipment and services, which is the best way to achieve scale in EV charging infrastructure development.

7. ChargePoint intends to participate in these proceedings to the extent necessary to address the issues set forth herein, and specifically to ensure that the PIV program proposed by ACE does not disrupt the competitive market and usurp the roles played by EV charging station site hosts and network service providers. The interests of ChargePoint in this proceeding cannot be adequately represented or protected by any other party.

8. N.J.A.C. 1:1-16.1(a) provides the standard for intervention in a proceeding before this Board. The party seeking to intervene must show that it will be substantially, specifically and directly affected by the proceeding in question. In granting a motion to intervene, the Board must consider the nature and extent of the movant's interest in the outcome of the case; whether the movant's interest is sufficiently different from that of any party so as to add constructively to the scope of the case; and whether there is the prospect of confusion or undue delay arising from the movant's inclusion. *See* N.J.A.C. 1:1-16.3(a).

9. First, ChargePoint has a substantial, specific and direct interest in this proceeding. The outcome of this proceeding will affect the competitive market for EV charging stations in the ACE service territory – a market in which ChargePoint is an active participant. ChargePoint

has a substantial and specific economic interest in the sustainable and scalable growth of EV charging infrastructure in New Jersey. This proceeding will determine if a regulated utility will be able to enter into and potentially control a currently competitive market, offer products and services at no cost, and usurp roles that are currently played by EV network service providers and sites hosts. ACE's proposal to use ratepayer dollars to enter into and disrupt the competitive EV charging market could slow, rather than accelerate, the adoption of EVs and grid benefits in the near and long term.

10. Second, ChargePoint's interests are distinct from those of other participants in this Petition and the PIV Program. If the ChargePoint intervention is granted, ChargePoint plans to provide testimony and supporting evidence that will not otherwise be available in this docket and which will be necessary for the Board to fully evaluate ACE's proposed PIV Program. The breadth of ChargePoint's market and EV charging policy expertise would assist the Board in evaluating the most efficient and effective approaches to achieve sustainable and scalable growth in New Jersey's EV and EV charging infrastructure markets. For instance, ChargePoint has actively participated in recent and on-going utility-based EV charging infrastructure proceedings and programs in California (PG&E, Southern California Edison, San Diego Gas and Electric), Indiana (Northern Indiana Public Service Company), Kansas (Kansas City Power and Light Company), Missouri (Ameren), Kentucky (Kentucky Utilities & Louisville Gas & Electric), Massachusetts (Eversource Energy and National Grid), Michigan (Consumers Energy), Minnesota (Xcel Energy), Nevada (NV Energy), Texas (Austin Energy and CPS Energy), Washington (Puget Sound Energy), Oregon (Portland General Electric, Pacific Power), Utah (Rocky Mountain Power), and Wisconsin (Madison Gas & Electric). ChargePoint has also

actively participated in the major proceedings and policy initiatives targeting advancement of EV adoption in across the country.¹

11. Finally, intervention by ChargePoint will not cause confusion or delay the conclusion of this proceeding. ChargePoint is filing for intervention pursuant to the terms of the Board's Order. ChargePoint's intervention will clarify certain issues and contribute to the development of a complete record based on its unique, significant interests, which, as noted above, are substantially different than those of any other party to the proceeding. Moreover, ChargePoint will not seek to delay the proceeding in any manner.

12. The Certification of Kevin George Miller is attached hereto certifying that the facts and statements herein are true and accurate to the best of his knowledge and belief.

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

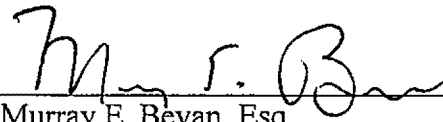
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¹ See, e.g. Comments of EVSP Coalition in Phase 1 and 2 of CPUC Rulemaking 09-08-009 (Order Instituting Rulemaking on the Commission's own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California's greenhouse gas emissions reduction goals); ChargePoint comments in CPUC Applications 12-11-001 through 004 (Application of the California Energy Commission for Approval of Electric Program Investment Charge Proposed 2012 through 2014 Triennial Investment Plan and related matters). ChargePoint (formerly Coulomb Technologies) has also been a member of the California Plug-In Electric Vehicle Collaborative, and active participant in development of the California ZEV Action Plan and in the California Energy Commission ("CEC") Renewable Fuel and Vehicle Technology Investment Plan process.

In addition to the foregoing, ChargePoint submits that fundamental fairness and due process require that the Board grant its Motion to Intervene as a party in the above matter and to grant such further relief as it deems is just, reasonable and proper.

Pursuant to N.J.A.C. 1:1-16.1 et seq., ChargePoint respectfully requests that it be permitted to intervene, with full procedural and substantive rights, in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. E. Bevan", is written over a horizontal line.

Murray E. Bevan, Esq.

Gabrielle A. Figueroa, Esq.

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Attorneys for ChargePoint, Inc.

Dated: April 13, 2018

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

IN THE MATTER OF THE PETITION OF :
ATLANTIC CITY ELECTRIC COMPANY :
FOR APPROVAL OF A VOLUNTARY :
PROGRAM FOR PLUG-IN VEHICLE : BPU Docket No. EO18020190
CHARGING :

CERTIFICATION OF KEVIN GEORGE MILLER

Kevin George Miller, of full age and upon my oath, deposes and says:

1. I am Kevin George Miller, Director of Public Policy at ChargePoint, Inc.
2. I am authorized to make this statement on behalf of ChargePoint, Inc.
3. I have received the attached Motion to Intervene and certify that the facts set forth therein are true and accurate to the best of my knowledge and belief.



KEVIN GEORGE MILLER

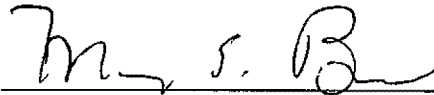
Dated: April 12, 2018

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

IN THE MATTER OF THE PETITION OF :
ATLANTIC CITY ELECTRIC COMPANY :
FOR APPROVAL OF A VOLUNTARY :
PROGRAM FOR PLUG-IN VEHICLE : BPU Docket No. EO18020190
CHARGING :

CERTIFICATION

Pursuant to R. 1:4-4(c), I am an attorney-at-law duly admitted to practice in the State of New Jersey, certify that Kevin George Miller has acknowledged that the signature on the electronic transmission is his signature. I further certify that the original document bearing the original signature will be filed if requested by the Board or any party to this proceeding.



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Dated: April 13, 2018

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

IN THE MATTER OF THE PETITION OF :
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CHARGING :

CERTIFICATION OF SERVICE

I certify that on this 13th day of April, 2018, I caused an original and two (2) copies of ChargePoint, Inc.'s Motion to Intervene to be served by way of regular mail upon the following individual:

The Honorable Upendra Chivukula
New Jersey Board of Public Utilities
44 S. Clinton Ave., 3rd Fl. Ste. 314
P.O. Box 350
Trenton, NJ 08625-0350

I further certify that I caused one (1) copy of the aforementioned document to be served upon the following individuals by electronic mail or regular mail:

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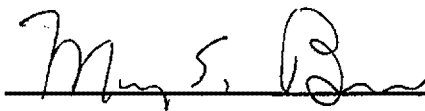
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