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BOARD OF PUBLIC UTILITIES
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State of New Jersey
DIVISION OF RATE COUNSEL
140 EAST FRONT STREET, 4TH FL
P.O. Box 003
TRENTON, NEW JERSEY 08625

STEFANIE A. BRAND
Director

May 8, 2018

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CASE MANAGEMENT

MAY 8 - 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Via E-mail and U.S. Regular Mail

Commissioner Dianne Solomon
NJ Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

**Re: IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC
COMPANY FOR APPROVAL OF AN INFRASTRUCTURE
INVESTMENT PROGRAM AND RELATED COST RECOVERY
MECHANISM, PURSUANT TO N.J.A.C. 14:3-2A.1 et. seq.
BPU Dkt. No. EO18020196**

Dear Commissioner Solomon:

Pursuant to Legal Specialist Andrea Hart's May 7, 2018 e-mail outlining Staff's draft schedule, attached please find Division of Rate Counsel's ("Rate Counsel") proposed amendment thereto (See Attachment A) in connection with the above referenced matter. As set forth in Rate Counsel's letter dated April 20, 2018 to Your Honor, due to witness availability and the schedules already established (many of which have statutory deadlines) the proposed schedule is not workable. Therefore, Rate Counsel respectfully requests that Your Honor adopt the attached procedural schedule which pushes out the schedule only slightly with hearings set for early December, 2018. These and other small adjustments to Staff's proposed schedule will allow Rate Counsel to fulfill its statutory mandate to represent the interest of the ratepayers in all the proceedings now before the Board.

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Tel: (609) 984-1460 • Fax: (609) 292-2923 • Fax: (609) 292-2954
<http://www.nj.gov/rpa> E-Mail: njratepayer@rpa.state.nj.us

As outlined in Rate Counsel's April 20, 2018 letter, in the last few weeks the utilities have filed an unprecedented number of cases that both Rate Counsel and the Board Staff must process, many of which have statutory deadlines¹ while the Atlantic IIP case has no statutory deadline. Moreover, the PSE&G Base Rate Case pending at the Office of Administrative Law set hearing dates from September 20 through October 12, 2018. Staff's proposed schedule calls for three Rate Counsel consultants in the Atlantic IIP case responding to discovery at the same time they may be testifying in the PSE&G base rate case. Due to these potential conflicts and existing vacation plans immediately after the Labor Day and Thanksgiving holidays, Rate Counsel respectfully requests that the following changes be made to Staff's recommended schedule:

1. The deadline for motions to intervene must be set at a date certain after the scheduling order has been issued by Your Honor. Rate Counsel recommends May 20 as the deadline date for motions to intervene to provide intervenors sufficient time to receive notice and intervene, if necessary.
2. Rate Counsel and Intervenor Direct Testimony due date moved two days from September 4th to September 6th.
3. Rate Counsel and Intervenor response to discovery due October 16 after the PSE&G hearings and moving the rest of the Staff's schedule out two weeks thereafter with evidentiary hearing scheduled for second week of December subject to Your Honor's availability.
4. The schedule proposed by Staff does not allow for live surrebuttal. If Rate Counsel is not permitted to offer live surrebuttal, we respectfully request that additional time be added to the schedule to allow for written surrebuttal.

¹ I/M/O the New Jersey Board of Public Utilities' Consideration of the Tax Cuts and Jobs Act of 2017, Docket No. AX18010001, et al (12 separate tax cases required by BPU Order to be resolved by July, 2018), several base rate cases that must be resolved in 9 months, several energy efficiency and renewable energy filings pursuant to N.J.S.A. 48:3-98.1 that must be resolved in six months as well as several legislative programs, A3724/S2313 (Establishes zero emission certificate program); A3723/S2314 (Establishes and modifies clean energy and energy efficiency programs; modifies State's solar renewable energy portfolio standards) and S1217 (Requires BPU consideration and approval of amended application for qualified wind energy project offshore in certain NJ territorial waters), which, if/when signed by the Governor, will require Rate Counsel and Staff's participation under short and strict statutory deadlines.

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Rate Counsel respectfully requests that Your Honor adopt the attached compromise schedule in order to allow a full vetting of the first case filed under the new infrastructure regulation. In light of the already-scheduled hearings and the heavy case load that both Staff and Rate Counsel face in coming months, a two week delay from Staff proposed schedule is reasonable.

Thank you for your attention to this matter.

Respectfully submitted,

Stefanie A. Brand, Esq.
Director, Division of Rate Counsel

By:



Ami Morita, Esq.
Deputy Rate Counsel

AM
c: Service list

ATTACHMENT A

Rate Counsel Draft Version II (5/8/18)

I/M/O THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR APPROVAL OF AN INFRASTRUCTURE INVESTMENT PROGRAM, AND RELATED COST RECOVERY MECHANISM, PURSUANT TO N.J.A.C. 14:3-2A.1 et seq.

DOCKET NO. EO18020196

May 15, 2018	First round discovery requests are due.
May 20, 2018	Motion to Intervene.
June 4, 2018	All first round data responses provided by Atlantic.
June 12, 2018	Public hearings in the service territory (dependent upon Commissioner's availability).
June 19, 2018	Second round requests to Atlantic are due.
July 10, 2018	Atlantic provides all outstanding data responses.
July 16-19, 2018	Discovery conference/Settlement discussions, if necessary. (one day)
August 6-10, 2018	Discovery conference/Settlement discussions, if necessary. (one day)
September 6, 2018	Rate Counsel/Intervenor Direct Testimony filed.
September 18, 2018	Discovery requests propounded on Direct Testimony.
October 16, 2018	Responses to discovery requests on Direct Testimony due.
October 31, 2018	Rebuttal Testimony filed by all parties.
November 14, 2018	Discovery requests on Rebuttal Testimony propounded.
November 28, 2018	Responses to Rebuttal Testimony discovery requests are due.
December 11-13, 2018	Evidentiary Hearings, with live Surrebuttal, (dependent upon Commissioner's availability).
	Initial Briefs TBD
	Reply Briefs TBD

**I/M/O ATLANTIC ELECTRIC 2018
INFRASTRUCTURE FILING
BPU Dkt. No. EO18020196
SERVICE LIST**

Aida Camacho-Welch, Secretary
NJ Board of Public Utilities
44 South Clinton Ave., 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Paul Flanagan, Executive Director
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Noreen Giblin, Chief Counsel
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Bethany Rocque-Romaine, Esq.
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Veronica Beke, Esq.
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Caroline Vachier, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Geoffrey Gersten, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Alex Moreau, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Kurt Lewandowski, Esq.
Division of the Rate Counsel
140 East Front Street, 4th Fl.
P.O. Box 003
Trenton, NJ 08625

Brian O. Lipman, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Ami Morita, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

James Glassen. Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Diane Schulze, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Lisa Gurkas
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Jackie O'Grady
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

William Foley
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Darren Erbe
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Andrea Hart, Esq.
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Phillip Passanante, Esq.
Atlantic City Electric
92DC42
500 N. Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066

David Peterson
Chesapeake Regulatory Consultants Inc.
10351 Southern Maryland Blvd.
Suite 202
Dunkirk, MD 20754-9500

Colleen Foley, Esq.
Saul Ewing Arnstein & Lehr
One Riverfront Plaza, Suite 1520
Newark, NJ 07102

David Brown
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Grace Strom Power, Esq.
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Celeste Clark
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Thomas Walker
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Stacy Peterson
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Veronica Beke, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Roger Pedersen
Pepco Holdings LLC
500 N. Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066

Megan Lupo, Esq.
Counsel's Office
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Commissioner Dianne Solomon
NJ Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Max Chang
Synapse Energy Economics, Inc.
485 Massachusetts Ave., Suite 2
Cambridge, MA 02139

Erick Ford
NJ Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350

Anissa Torres
NJ Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350