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AUG 17 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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AUG 17 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

August 17, 2018

**Via Hand Delivery**

Hon. Aida Camacho-Welch  
Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Trenton, New Jersey 08625-0350

**RE: I/M/O of Public Service Electric and Gas Company for  
Approval of the Second Energy Strong Program  
(Energy Strong II)  
Docket Nos. EO18060629 and GO18060630**

Dear Secretary Camacho-Welch:

On behalf of Ferreira Construction Company, Inc. ("Ferreira"), please accept for filing an original and ten copies of Ferreira's Motion for Leave to Intervene or Participate in the above-captioned matter. Also enclosed is an additional copy that we ask you to stamp as "FILED" and return to us in the enclosed self-addressed, stamped envelope.

Please do not hesitate to contact us if you have any comments or questions.

Very truly yours,

**MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**



Michael Rato

Enclosures

cc: Attached Service List (via e-mail)

*CMS  
list copied*

**IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY FOR APPROVAL OF THE SECOND ENERGY STRONG PROGRAM  
(ENERGY STRONG II) DOCKET NOS. EO18060629 AND GO18060630**

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**IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY FOR APPROVAL OF THE SECOND ENERGY STRONG PROGRAM  
(ENERGY STRONG II) DOCKET NOS. EO18060629 AND GO18060630**

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AUG 17 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF	)	
PUBLIC SERVICE ELECTRIC AND	)	
GAS COMPANY FOR APPROVAL OF THE	)	DOCKET NO. EO18060629
SECOND ENERGY STRONG PROGRAM	)	DOCKET NO. GO18060630
(ENERGY STRONG II)	)	

**MOTION OF FERREIRA CONSTRUCTION CO., INC.  
FOR LEAVE TO INTERVENE IN THE PRESENT MATTER  
OR, ALTERNATIVELY, TO PARTICIPATE IN THE PRESENT MATTER**

1. Ferreira Construction Co., Inc. (“Ferreira”), by way of this Motion, respectfully requests leave to intervene in the present matter pursuant to N.J.A.C. § 1:1-16.1. In the alternative, Ferreira respectfully requests that it be allowed to participate in the instant proceedings pursuant to N.J.A.C. § 1:1-16.6.

**A. Introduction**

2. Ferreira is a privately held, large-scale, full-service construction company specializing in transportation infrastructure, utility related construction, marine work, buildings, interior renovations, solar installation, and construction management.

3. By order dated May 21, 2014, the New Jersey Board of Public Utilities (“BPU” or “Board”) authorized Public Service Electric and Gas Company (“PSE&G”) to implement a project to harden its electric and gas infrastructure, thereby making it less susceptible to damage from “Major Storm Events.” This program was referred to as the “Energy Strong” program (“Energy Strong I”).

4. On or about June 12, 2018, PSE&G filed a petition for approval of a continuation of the Energy Strong program (“Energy Strong II” or the “Program”). The Program seeks to, among other things, further improve the stability and durability of the State’s electric and gas

infrastructure, reduce power outages and related disruptions, and improve the resiliency of those systems. Such “storm hardening” and weather resiliency efforts continue to be an important concern for the Board and the public at large. See e.g., N.J. Board of Public Utilities, Press Release, New Jersey Board of Public Utilities Increases Utility Storm Response Requirements After March Nor’easters (July 25, 2018).

5. By Order dated July 25, 2018 (the “Scheduling Order”) the Board determined that the Energy Strong II Petition should be retained for hearing and designated Commissioner Joseph L. Fiordaliso as the presiding officer for this matter. Order Designating Commissioner and Setting Manner of Service and Bar Date, I/M/O the Petition of Public Service Electric and Gas Company for Approval of the Second Energy Strong Program (Energy Strong II), Docket Nos. EO18060629 and GO18060630 (July 25, 2018). That Scheduling Order, among other things, set a deadline of August 17, 2018 for motions to intervene or participate in this proceeding. (Scheduling Order at p. 2).

6. In accordance with the Scheduling Order, Ferreira respectfully submits this motion to intervene or participate in this matter.

**B. Motion for Intervention**

7. Pursuant to the New Jersey Administrative Code, a party may intervene in any matter where that party “will be substantially, specifically and directly affected by the outcome” of those proceedings. N.J.A.C. § 1:1-16.1(a). Such a motion may be made at any time after a case has been initiated, and in this matter, is being filed in accordance with the deadline set by the Board. See N.J.A.C. § 1:1-16.2(a); Scheduling Order at p. 2.

8. In analyzing a motion to intervene, the Board is directed to consider (a) the “nature and extent” of the moving party’s interest in the outcome of the case; (b) the extent to

which the movant's interest "is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;" (c) the "prospect of confusion or undue delay" resulting from the movant's inclusion; and (d) other "appropriate matters." N.J.A.C. § 1:1-16.3(a); see also Order, I/M/O Petition of PSE&G Co. for Approval of a Solar Generation Investment Program and an Associated Cost Recovery Mechanism, Docket No. EO09020125 (June 8, 2009) (setting forth standards for intervention).

9. None of these elements are determinative; rather, the "standards involve[] an implicit balancing test. The need and desire for development of a full and complete record . . . must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings . . ." Order, I/M/O Petition of Atlantic City Elec. Co. for a Declaratory Order with Respect to the Definition of "Solar Renewable Energy Certificate" Pursuant to the Provisions of N.J.S.A. 48:3-51, Docket No. EO100780626V (Nov. 10, 2010) (granting motion for intervention). Ferreira respectfully submits that, for the reasons described below, its motion to intervene meets each of these elements.

10. As to the first element, it is quite clear that Ferreira has a substantial interest in the outcome of this matter. According to PSE&G, it anticipates continuing to use outside contractors (such as Ferreira) for much of the planned replacement work under the Program. (Direct Testimony of Wade E. Miller 30:10-15). Those contractors, of course, will need to maintain staff and equipment to perform that work. Ferreira specializes in precisely the type of large-scale heavy infrastructure projects, including many such projects for PSE&G, that are contemplated by the Program.

11. In addition, knowing whether a multi-year program such as the Project will be approved by the Board is important for contractors like Ferreira because it allows them to make investments in staff, materials and equipment with greater certainty.

12. Accordingly, Ferreira has a current and concrete interest in the Project that will be “specifically and directly” affected by the outcome of this matter.

13. As to the second element, there are no other parties to the proceeding with interests identical to those of Ferreira. While various other parties to the proceeding have a general interest in obtaining approval of the Program, or in making known their comments concerning the Program, Ferreira’s interest is much more specific and concrete. As noted above, Ferreira’s interest and expertise is with regard to the heavy infrastructure projects (and attendant jobs) that will be created as a result of the Program. Thus, Ferreira’s participation will add measurably and constructively to the scope and resolution of this matter.

14. Finally, allowing Ferreira to intervene in this action is not likely to cause any confusion or undue delay. Ferreira will coordinate its representation with similarly situated parties in this docket to the extent that it finds such action appropriate and will abide by the schedule set forth for this proceeding.

15. For the foregoing reasons, Ferreira respectfully requests that the Board grant this motion, and grant Ferreira intervenor status in this proceeding.

**C. Alternative Motion for Participant Status**

16. Alternatively, Ferreira requests that it be allowed to participate in the instant proceedings pursuant to N.J.A.C. § 1:1-16.6. Cf. N.J.A.C. § 1:1-16.5 (“Every motion for leave to intervene shall be treated, in the alternative, as a motion for permission to participate.”).

17. In analyzing such a request, the Board is directed to consider “whether the participant’s interest is likely to add constructively to the case without causing undue delay or confusion.” N.J.A.C. § 1:1-16.6(b).

18. As noted above, Ferreira’s status as a large-scale heavy infrastructure company that has completed the exact projects (including projects in Energy Strong I) contemplated by the Program gives it unique experience and a distinctive viewpoint concerning the Program as compared to the other parties and participants in this proceeding. Thus, Ferreira’s participation is likely to be constructive. For similar reasons, the Board previously permitted Ferreira to participate in proceedings relating to Energy Strong I and PSE&G’s GSMP I and II programs. See e.g., Order on Intervention & Participation Motions, I/M/O Public Service Electric and Gas for Approval of the Energy Strong Program, Docket Nos. EO13020155, GO13020156 (Sept. 30, 2013).

19. Ferreira will also coordinate its representation with similarly situated parties in this docket to the extent that it finds such action appropriate. Moreover, Ferreira will abide by the schedule set forth for this proceeding and, if granted participant status, will not seek to participate beyond the bounds permitted by N.J.A.C. § 1:1-16.6(c). Accordingly, allowing Ferreira participant status will not cause any undue delay or confusion with regard to these proceedings.

20. Copies of all correspondence and other communications relating to this proceeding should be addressed to:

Michael Rato  
McElroy, Deutsch, Mulvaney & Carpenter, LLP  
1300 Mount Kemble Avenue  
P.O. Box 2075  
Morristown, New Jersey 07962  
[mrato@mdmc-law.com](mailto:mrato@mdmc-law.com)



**WHEREFORE**, Ferreira Construction Co., Inc. respectfully requests (1) an Order granting Ferreira intervenor status in this proceeding pursuant to N.J.A.C. § 1:1-16.1; (2) or, in the alternative, an Order granting Ferreira full rights as a participant in this matter pursuant to N.J.A.C. § 1:1-16.6; and (3) providing such other or further relief as the Board may deem just and proper.

Dated: August 17, 2018

Respectfully submitted,



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Michael Rato

**McELROY, DEUTSCH, MULVANEY  
& CARPENTER LLP**

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