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November 13, 2018

**BOARD OF PUBLIC UTILITIES
TRENTON, NJ**

Via Overnight Mail and Email

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**BOARD OF PUBLIC UTILITIES
TRENTON, NJ**

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

**Re: I/M/O The Petition of Public Service Electric and Gas Company For
Approval of Its Clean Energy Future-Electric Vehicle and Energy Storage
("CEF-EVES") Program on A Regulated Basis**

BPU Docket No.: EO18101111

Dear Secretary Camacho-Welch:

This law firm represents Enel X North America, Inc. (formerly known as EnerNOC, Inc.) ("Enel X"), and its subsidiary Electric Motor Werks, Inc. in the above-referenced matter. Kindly accept this letter, in lieu of a more formal brief on behalf of Enel X and Electric Motor Werks, in support of their motion to intervene in the above listed matter as a Party pursuant to N.J.A.C. 1:1-16.1 et seq. before the Board of Public Utilities ("BPU" or the "Board"). For the reasons set forth below, the BPU should grant Enel X and Electric Motor Werks, full Party intervenor status in that proceeding.

Enel X North America provides complete energy service solutions to businesses and consumers. Enel X partners with utilities nationwide to make the electric grid more affordable, reliable and clean. Since its first installation at the Glenwood Management-owned Barclay Tower in 2012 (then through Demand Energy), it has deployed 14 customer-sited projects

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S. Peterson
Stamp: Legal



representing 1.5 MW of capacity that provide multiple services to save energy users money and support the local grid. One of Enel X's most noteworthy projects has been installing energy storage with solar and fuel cells for a new microgrid at the Marcus Garvey Village, an affordable housing complex covering nine city blocks in Brooklyn, New York that was ravaged by Hurricane Sandy. The Village had experienced among the highest rates of brownouts before the storm. Now, the Village has clean, back-up power and received the Energy Storage North America project of the year award.

Enel X North America's experience developing and operating energy storage projects will constructively assist the Board in evaluating, among other things, the value of proposed investments and important details around program design that will maximize program benefits, while limiting the costs for New Jersey. Enel X North America partners with hundreds of customers in New Jersey to help them manage their electricity use. Enel X North America partners with over a dozen utilities across North America to deliver clean energy programs and has unique experience that can add valuable perspective on program design.

As for Electric Motor Werks ("eMotorWerks"), which is a part of Enel X, it is a leader in the electric vehicle (EV) charging market. eMotorWerks manufactures and sells smart, networked Level 2 EV supply equipment (EVSE)—JuiceBox™, the best-selling EV charger on Amazon—and has installed more than 35,000 units worldwide for residential, commercial, workplace, and fleet customers. The company's cloud-based software platform, JuiceNet™, enables EVs to become part of the smart grid ecosystem. JuiceNet™ is embedded in a number of manufacturers' hardware devices, including eMotorWerks' JuiceBox™. eMotorWerks partners with electric utilities across the United States to provide demand response aggregation services using the JuiceNet™ platform, and is also an active demand response provider in wholesale energy markets, utilizing smart EV charging load curtailment as a demand response

resource. The JuiceNet™ platform enables eMotorWerks to control when and how fast chargers draw power from the grid, helping utilities and grid operators to reduce costs, ease congestion, provide demand response, and absorb low cost renewable energy to avoid curtailments.

eMotorWerks wishes to intervene in the instant proceeding to support and refine PSEG's proposal pertaining to EV infrastructure investment. Transportation Electrification will play a critical role in meeting New Jersey's ambitious greenhouse gas reduction targets, and PSEG's proposed EV infrastructure spending will go a long way towards catalyzing the EV market in New Jersey. eMotorWerks' intervention in the proceeding can help PSEG structure its EV program in a way that maximizes the cost-effectiveness and carbon reduction impact of ratepayers' investments. eMotorWerks is active in many state-level markets across the United States and can represent best practices in EVSE incentive structures, rate design, smart EV charging, and interoperability requirements within the proceeding.

eMotorWerks has residential customers throughout North America, including in New Jersey. As a conservative estimate, eMotorWerks has under 200 known EVSE deployments in New Jersey to date, based on the number of customers who register their JuiceBox™ for eMotorWerks' smart charging services. Ultimately, eMotorWerks seeks to expand its market leadership in the residential and commercial customer segments within PSEG territory. eMotorWerks sells smart, networked EV supply equipment infrastructure to residential, commercial, workplace, and fleet customers, and collaborates with utilities and customers to provide cloud-based smart EV charging services.

Based on the aforementioned, Enel X's and eMotorWerks' intervention is vital since their interests will be directly affected by the outcome of the proceeding. No other party represents their interests and only by intervening as a party to this proceeding can Enel X and eMotorWerks ensure that its interests are represented as the BPU considers this matter.

A. Background Facts and Procedural History

On October 11, 2018, Public Service Electric and Gas Company (“PSE&G”) filed a petition with the Board seeking approval for its Clean Energy Future-Electric Vehicle and Energy Storage Program (“CEF-EVES Program”). PSE&G asserts that the Program furthers the State’s goals by reducing greenhouse gas emissions, creating “green jobs”, launching the electric vehicle industry and energy storage technologies in New Jersey and making the electric grid more reliable, resilient and safe. (PSE&G Petition at 2, BPU Order at pg. 1.).

PSE&G requests that the proposed CEF-EVES Program be approved on an expedited basis through a new Technology Innovation Charge (“TIC”) in accordance with N.J.S.A. 48:2-21 and 48:2-21.1. The rate impact for the CEF-EVES Program for a typical residential customer using 750 kWh in a summer month and 7,200 kWh annually would experience an initial increase in their annual bill of \$1.24, or approximately 0.10%, with the expected maximum increase of approximately \$10.60, or 0.86%. (Petition at 12, Order at pg. 1).

B. Enel X and eMotorWerks Should Be Permitted To Intervene As A Party In These Proceedings.

In support of the instant application for intervention in the proceedings described above, Enel X and eMotorWerks respectfully submit that all factors for intervention set forth in N.J.A.C. 1:1-16.1, weigh in favor of the granting Enel X and eMotorWerks’ and application to intervene in all proceedings convened by the Board on the above referenced docket. The standard for intervention in an administrative proceeding provides:

- (a) Any person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene. [N.J.A.C. 1:1-16.1(a)].

When evaluating a motion for intervention, the following factors should be considered:

(1) the nature and extent of the movant's interests in the outcome of the case; (2) determination of whether the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case; (3) the prospect of confusion or undue delay arising from the movant's inclusion; and, (4) any other appropriate matters. N.J.A.C. 1:1-16.3; see also Atlantic Employers Ins. Co. v. Tots & Toddlers Pre-School Day Care Center, Inc., 239 N.J. Super. 276, 280 (App. Div.), certif. den. 122 N.J. 147 (1990) (noting courts apply a liberal construction to intervention rules); State by Bontempo v. Lanza, 39 N.J. 595, 599 (1963), cert. den. 375 U.S. 45 (1964) (same); R. 4:33-1 (intervention as of right must be granted when "the applicant claims an interest relating to the ... transaction which is the subject of the action and ... the disposition of the action may as a practical matter impair or impede the ability to protect that interest ...).

As set forth above, Enel X and eMotorWerks meet each of the criteria set forth above. Enel X very seeks to participate in these proceedings by representing its business and customer interests. Enel X has significant existing commercial interests with its Demand Response customers behind the PSE&G system. Programs such as those contemplated in PSE&G's filing(s), as an independent aggregator of Demand Response resources, need to be a party to protect the interests and investments of Enel X and its customers behind the PSE&G distribution system. Enel X's business model is focused on competitively providing existing and new customers with advanced energy solutions behind their meters which will be impacted by the plans filed by PSE&G. Its business plan within the PSE&G service territory and ability to engage with its customers will be directly impacted by the resolution of PSE&G's filing, and as an independent aggregator providing competitive solutions.

Here, PSEG is proposing five sub-programs across its territory for energy storage totaling 35 MW at a cost of roughly \$100M over six years. Three sub-programs: solar smoothing,
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distribution deferral, and outage management, are directly distribution-connected. Two sub-programs: microgrids for critical facilities and peak reduction for public sector, are customer-sited. Enel X North America develops projects at this scale and has a significant business interest in delivering these programs on behalf of PSE&G. Considering Enel X already partners with many customers in PSE&G's territory, it would also be potentially at risk of losing existing business if PSE&G's filing resulted in encouraging customers to work with other energy service providers

In addition, PSE&G is proposing a total of \$364 million in EV infrastructure investments across capex and O&M. \$93M of this proposed budget is earmarked for incentives to support deployment of up to 37,000 smart, networked Level 2 EV chargers for PSEG residential customers. eMotorWerks' primary EVSE market is the residential segment, and as such PSE&G's proposal directly affects eMotorWerks as providing a large opportunity to expand market activities in the state. Thus, the standard for intervention in this proceeding is satisfied.

Enel X and eMotorWerks' full participation in this proceeding will contribute to the development of a complete record for consideration by the BPU. With the aforementioned principles in mind, Enel X and eMotorWerks should be granted the right to intervene in these proceedings. These interests will not be completely addressed by any other party in this proceeding. Moreover,

Enel X and eMotorWerks full participation in this proceeding will contribute to the development of a complete record for consideration by the Board, as well as to promote judicial economy. Finally, Enel X and eMotorWerks' intervention will not create any delay in this matter since this matter is at its inception. Enel X and eMotorWerks will abide by all scheduling orders in this proceeding.

CONCLUSION

For the foregoing reasons, Enel X and eMotorWerks should be granted permission to intervene in these proceedings as a Party to ensure that their specific interests are appropriately represented and protected.

Respectfully submitted,

**DECOTIIS, FITZPATRICK,
COLE & GIBLIN, LLP**

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Attorneys for Enel X, Electric Motor Werks

By: _____



William Harla

WH/sh

cc: BPU Service List (*via email only*)

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*Attorneys for Enel X North America, Inc.
and Electric Motor Werks, Inc.*

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STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES
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TRENTON, NJ

**I/M/O THE PETITION OF PUBLIC SERVICE
ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEAN ENERGY FUTURE-
ELECTRIC VEHICLE AND ENERGY STORAGE
("CEF-EVES") PROGRAM ON A REGULATED
BASIS**

BPU Docket No.: EO18101111

ORDER

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

This matter having been presented by DeCotiis, FitzPatrick, Cole & Giblin, LLP, attorneys for Enel X North America, Inc. and Electric Motor Werks, Inc. on notice to the Board of Public Utilities (and the Honorable Joseph L. Fiordaliso) and the parties and persons set forth on the attached Service List, and having considered the motion and other documents on file in this matter, including the Letter Brief submitted in support of the motion, and other good cause appearing,

IT IS on this _____ day of _____, 2018,

ORDERED that Enel X North America, Inc. and Electric Motor Werks, Inc. are hereby granted leave to intervene and fully participate in the above-entitled matter as a Party, and that it be placed on the Service List for receipt of all documents, papers, discovery materials, exhibits, and notifications of all hearings, conferences, presentations and all other proceedings in this matter.

Hon. Joseph L. Fiordaliso,
Commissioner

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

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*Attorneys for Enel X North America, Inc.
and Electric Motor Werks, Inc.*

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**I/M/O THE PETITION OF PUBLIC SERVICE
ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEAN ENERGY FUTURE-
ELECTRIC VEHICLE AND ENERGY STORAGE
("CEF-EVES") PROGRAM ON A REGULATED
BASIS**

BPU Docket No.: EO18101111

CERTIFICATION OF SERVICE

I, William Harla, an Attorney at Law of the State of New Jersey, hereby certifies as follows:

1) On November 13, 2018, I caused to be served via overnight mail and email an original and ten (10) copies of the enclosed Notice of Motion to Intervene as a Party, the supporting Letter Brief on the Secretary to the New Jersey Board of Public Utilities; and

2) On the same date, I also caused to be served by electronic mail a copy of the enclosed Notice of Motion to Intervene, the supporting Letter Brief, on each party on the Service List.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

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Electric Motor Werks, Inc.

By: William Harla
William Harla

Dated: November 13, 2018