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11/26/18*

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CASE MANAGEMENT

NOV 19 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Via Overnight Mail and Email

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November 16, 2018

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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-Energy Cloud (“CEF-EC”) Program
on a Regulated Basis**

BPU Docket No.: E018101115

Dear Secretary Camacho-Welch:

On behalf of Enel X North America, Inc. (“Enel X”), we submit herewith an original and ten (10) copies of a Notice of Motion to Intervene as a Party in the above-referenced matter, along with an accompanying Letter Brief, Certification, Proposed Form of Order and Certification of Service in support of the Motion.

Thank you for your attention to this matter.

Very truly yours,

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

*Case Mgmt
Legal
P. Krogman
S. Peterson*

By: *William Harla*
William Harla

Encls.
WH/sh

cc: BPU Service List (via e-mail only)



DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

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500 Frank W. Burr Boulevard
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Attorneys for Enel X North America, Inc.

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**BOARD OF PUBLIC UTILITIES
TRENTON, NJ**

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

**I/M/O THE PETITION OF PUBLIC SERVICE
ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEAN ENERGY FUTURE-
ENERGY CLOUD (“CEF-EC”) PROGRAM ON A
REGULATED BASIS**

BPU Docket No.: E018101115

NOTICE OF MOTION TO
INTERVENE AS A PARTY

TO: Honorable Joseph L. Fiordaliso, Commissioner
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

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TRENTON, NJ**

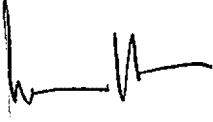
and

ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that, pursuant to N.J.A.C. 1:1-16.1, et seq., DeCotiis, FitzPatrick, Cole & Giblin, LLP, attorneys for Enel X North America, Inc. hereby move for an Order permitting it to intervene as a Party in the above-entitled proceeding with all the rights provided therefore, under all applicable rules, code and statutes, including, but not limited to, receive copies of all pleadings, papers, documents and exhibits and to introduce, submit and file direct testimony, pleadings, papers, documents and exhibits as appropriate, the right to participate in conferences, discovery, testimony and cross-examination, settlement, and to be heard on all issues before the Board;

PLEASE TAKE FURTHER NOTICE that, in support of its Motion, Enel X North America, Inc. shall rely upon the accompanying Letter Brief and Certification.

**DECOTIIS, FITZPATRICK,
COLE & GIBLIN, LLP**
Glenpointe Centre West
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Teaneck, New Jersey 07666
(201) 928-1100
Enel X North America, Inc.

By: 

William Harla

Dated: November 16, 2018

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**Re: I/M/O the Petition of Public Service Electric and Gas Company For
Approval of Its Clean Energy Future-Energy Cloud (“CEF-EC”) Program
on a Regulated Basis**

BPU Docket No.: E018101115

Dear Secretary Camacho-Welch:

This law firm represents Enel X North America, Inc. (formerly known as EnerNOC, Inc.) (“Enel X”) in the above-referenced matter. Kindly accept this letter, in lieu of a more formal brief on behalf of Enel X in support of its 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, full Party intervenor status in this proceeding.

Enel X 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, Enel X has deployed multiple customer-sited projects representing over 1 MW of capacity that provide multiple services to save energy users money and support the local grid. (See Certification of Katie Guerry (“Guerry Cert.”) at ¶2, attached hereto).



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.

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

A. Background Facts and Procedural History

On October 11, 2018, Public Service Gas and Electric Company ("PSE&G" or "the Company") filed a petition ("EC-AMI Petition") with the Board for approval of its Clean Energy Future-Energy Cloud ("CEF-EC") program on a regulated basis. PSE&G requests the Board approve a five-year, \$7.3 billion program designed to implement an Advanced Metering Infrastructure ("AMI") program within the PSE&G service territory. PSE&G states that the proposed AMI program will allow it greater visibility of its distribution system, as it will allow

operators to “see” the status of the network down to the customer meter level, including which customers are still without power during an outage. The CEF-EC or AMI program will also help with restoration improvements which will include faster identification of “nested outages.” Without the CEF-EC Program, PSE&G alleges it is dependent on customers calling to report an outage, adding significant delay in restoration and customer frustration. (See October 29, 2018, Board Order at pg. 1).

B. Enel X Should Be Permitted To Intervene As A Party In This Proceeding.

In support of the instant application for intervention in the proceeding described above, Enel X respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16.1, weigh in favor of the granting Enel X’s 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 meets each of the criteria set forth above. Here, PSE&G proposes that the CEF-EC Program will be deployed over five years at an estimated investment of approximately \$721 million and operations and maintenance costs of \$73 million. PSE&G submits this program in part, in accordance with the Board’s analysis of March 2018 Nor’easters to reduce customer outages and outage durations during major storm events. PSEG proposes 22 use cases that are part of Release 1. Release 1 will establish the basis of the CEF-EC Program, including the platform that is comprised of advanced electric meters, communications, and back-office systems. These use cases are diverse and include items as far reaching as Customer Power Quality and Load Profiling and Forecasting. (See PSE&G’s October 11, 2018 filing with the BPU, Petition, at ¶¶6, 8).

New Jersey has adopted a goal of 100% clean energy by 2050 through Executive Order 28 and the Energy Master Plan update. The electric distribution system infrastructure will have a major role in deciding whether clean energy resources, including rooftop solar, customer-sited battery storage and electric vehicles and the EV charging can actively contribute to that goal. (Guerry Cert., ¶4). Enel X is substantially, specifically and directly affected by the outcome of this proceeding because it manages a network of metering infrastructure with its Demand Response and DER customers to effectively and reliably deliver on commitments to customers, utilities, and system operators. Changes to PSE&G’s infrastructure or technology platforms that may impact any communications between and amongst Enel X, its customers, and PSE&G are of vital interest to Enel X. (Guerry Cert., ¶5).

Indeed, as an aggregator of customers on the PSE&G system, Enel X has a unique perspective on the data, telemetry and network changes that could result from this docket and as such seeks to intervene in this proceeding to contribute to the successful integration of PSE&G's proposed programs. (Guerry Cert., ¶6). Enel X's business model is built around utilizing advanced technological solutions for customer energy needs that also contribute to managing a modern grid. Investments in the energy cloud, such as those proposed by PSE&G, are critical to the improvement of the distribution system architecture. These investments will help PSE&G better integrate and accommodate customer cited solutions today and in the future. Success of this is of the utmost interest to Enel X. (Guerry Cert., ¶7).

Enel X's participation in this docket will serve to contribute to the thorough examination of PSE&G's proposals, including assessments of cost-effectiveness for customers and the competitive market. (Guerry Cert., ¶8). Enel X has customers in the PSE&G territory that already participate as Demand Response ("DR") customers in the PJM Emergency DR programs. (Guerry Cert., ¶9).

PSE&G's significant focus on DER/EV/PV control across each stage of their energy cloud plans will directly impact Enel X's systems, now and in the future, relied on to communicate with its customers and PSE&G to deliver its innovative customer solutions. The systems that Enel X uses are unique to Enel X, and as such representation of its interests in this docket cannot be adequately represented by any of its competitors. (Guerry Cert., ¶10).

Enel X's 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 should be granted the right to intervene in these proceedings. Furthermore, these interests will not be completely addressed by any other party in this proceeding. Moreover, Enel X's 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's intervention will not create any delay in this matter since this matter is at its inception. Enel X will abide by all scheduling orders in this proceeding. (Guerry Cert., ¶12).

CONCLUSION

For the foregoing reasons, Enel X should be granted permission to intervene in this proceeding as a Party to ensure that its specific interests are appropriately represented and protected.

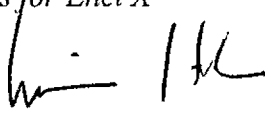
Respectfully submitted,

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

Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
(201) 928-1100

Attorneys for Enel X

By: _____


William Harla

WH/sh

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

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

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500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
(201) 928-1100

Attorneys for Enel X North America, Inc.

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

**BOARD OF PUBLIC UTILITIES
TRENTON, NJ**

**I/M/O THE PETITION OF PUBLIC SERVICE
ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEAN ENERGY FUTURE-
ENERGY CLOUD (“CEF-EC”) PROGRAM ON A
REGULATED BASIS**

BPU Docket No.: E018101115

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**BOARD OF PUBLIC UTILITIES
TRENTON, NJ**

I, Katie Guerry, of full age, do hereby certify as follows:

1. I am the Vice President, Regulatory Affairs North America of Enel X North America, Inc. (“Enel X”), which moves to intervene in this matter as a Party. I am familiar with the facts and circumstances concerning this matter and I make this Certification in support of and on behalf of Enel X’s Motion to Intervene.

2. Enel X 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, Enel X has deployed multiple customer-sited projects representing over 1 MW of capacity that provide multiple services to save energy users money and support the local grid.

3. In this proceedings, PSE&G proposes that the CEF-EC Program will be deployed over five years at an estimated investment of approximately \$721 million and operations and maintenance costs of \$73 million. PSE&G submits this program in part, in accordance with the

Board's analysis of March 2018 Nor'easters to reduce customer outages and outage durations during major storm events. PSEG proposes 22 use cases that are part of Release 1. Release 1 will establish the basis of the CEF-EC Program, including the platform that is comprised of advanced electric meters, communications, and back-office systems. These use cases are diverse and include items as far reaching as Customer Power Quality and Load Profiling and Forecasting. (See PSE&G's October 11, 2018 filing with the BPU, Petition, at ¶¶6, 8).

4. New Jersey has adopted a goal of 100% clean energy by 2050 through Executive Order 28 and the Energy Master Plan update. The electric distribution system infrastructure will have a major role in deciding whether clean energy resources, including rooftop solar, customer-sited battery storage and electric vehicles and the EV charging can actively contribute to that goal.

5. Enel X manages a network of metering infrastructure with its Demand Response and DER customers to effectively and reliably deliver on commitments to customers, utilities, and system operators. Changes to PSE&G's infrastructure or technology platforms that may impact any communications between and amongst Enel X, its customers, and PSE&G are of vital interest to Enel X.

6. As an aggregator of customers on the PSE&G system, Enel X has a unique perspective on the data, telemetry and network changes that could result from this docket and as such seeks to intervene in this proceeding to contribute to the successful integration of PSE&G's proposed programs.

7. Enel X's business model is built around utilizing advanced technological solutions for customer energy needs that also contribute to managing a modern grid. Investments in the energy cloud, such as those proposed by PSE&G, are critical to the

improvement of the distribution system architecture. These investments will help PSE&G better integrate and accommodate customer cited solutions today and in the future. Success of this is of the utmost interest to Enel X.

8. Enel X's participation in this docket will contribute to the thorough examination of PSE&G's proposals, including assessments of cost-effectiveness for customers and the competitive market.

9. Enel X has customers in the PSE&G territory that already participate as Demand Response ("DR") customers in the PJM Emergency DR programs.

10. PSE&G's significant focus on DER/EV/PV control across each stage of their energy cloud plans will directly impact Enel X's systems, now and in the future, relied on to communicate with its customers and PSE&G to deliver its innovative customer solutions. The systems that Enel X uses are unique to Enel X, and as such representation of its interests in this docket cannot be adequately represented by any of its competitors.

11. For all of the reasons stated herein, Enel X must be permitted to intervene in this matter as a Party. As set forth above, Enel X's intervention will serve to assist the Board, as it brings unique knowledge to these proceedings.

12. Accordingly, Enel X requests permission to intervene in the matter as a Party, with the full rights and obligations of a Party, to participate in conferences, discovery, testimony and cross-examination, settlement, and to be heard on all issues before the Board. Enel X understands that it must take the proceedings as it finds them.

13. All correspondence, filings, discovery, reports, and documentation generally regarding this matter should be sent to the following persons:

William Harla, Esq.
DeCotiis, FitzPatrick, Cole & Giblin, LLP

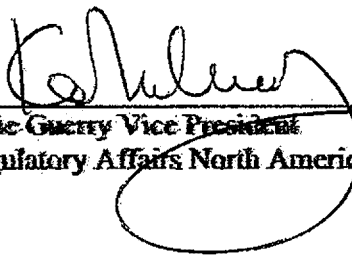
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Email: wharla@decotiislaw.com

Alice M. Bergen, Esq.
DeCotis, FitzPatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
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Katie Guerry
Vice President
Regulatory Affairs North America
Enel X North America, Inc.
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Brian Kauffman
Manager
Regulatory Affairs
Enel X North America, Inc.
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(617) 366-6607
Email: brian.kauffman@enel.com

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.~~


Katie Guerry Vice President
Regulatory Affairs North America

Dated: November 10, 2018

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
(201) 928-1100

Attorneys for Enel X North America, Inc.

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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

**I/M/O THE PETITION OF PUBLIC SERVICE
ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEAN ENERGY FUTURE-
ENERGY CLOUD (“CEF-EC”) PROGRAM ON A
REGULATED BASIS**

BPU Docket No.: E018101115

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., 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 and Certification 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. is 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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500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
(201) 928-1100

Attorneys for Enel X North America, Inc.

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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

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ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEAN ENERGY FUTURE-
ENERGY CLOUD (“CEF-EC”) PROGRAM ON A
REGULATED BASIS**

BPU Docket No.: E018101115

CERTIFICATION OF SERVICE

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

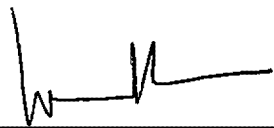
1) On November 16, 2018, I caused to be served via overnight mail and email an original and ten (10) copies of the enclosed Notice of Motion to Intervene as a Party, the supporting Letter Brief and Certification on the Secretary to the New Jersey Board of Public Utilities; and

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 and Certification, 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.

**DECOTIIS, FITZPATRICK,
COLE & GIBLIN, LLP**
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
(201) 928-1100
*Attorneys for
Enel X North America, Inc.*

By: _____


William Harla

Dated: November 16, 2018