

GIORDANO, HALLERAN & CIESLA, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WWW.GHCLAW.COM

Imp
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STEVEN S. GOLDENBERG, ESQ.
SHAREHOLDER
ALSO ADMITTED TO PRACTICE IN NY
SGOLDENBERG@GHCLAW.COM
DIRECT DIAL: (732) 219-5498

RECEIVED
MAIL ROOM

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Please Reply To:
125 HALF MILE ROAD
SUITE 300
RED BANK, NJ 07701
(732) 741-3900
FAX: (732) 224-6599

November 13, 2018

Client/Matter No. 21561/2

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

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CASE MANAGEMENT

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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. EO18101115

Dear Secretary Camacho-Welch:

Enclosed for filing are an original and ten (10) copies of motion of New Jersey Large Energy Users Coalition to intervene in these proceedings and for the *pro hac vice* admission of Paul F. Forshay.

The parties on the distribution list have received copies of these motions via electronic mail this date.

Thank you for your anticipated courtesies in this matter.

Respectfully yours,

STEVEN S. GOLDENBERG

Case mgmt

SSG/rad

Encls.

cc: Distribution List

Docs #3452103-v1

RECEIVED
CASE MANAGEMENT

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

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MAIL ROOM

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

IN THE MATTER OF THE PETITION OF)	
PUBLIC SERVICE ELECTRIC AND GAS)	
COMPANY FOR APPROVAL OF ITS)	BPU DOCKET NO. EO18101115
CLEAN ENERGY FUTURE-ENERGY)	
CLOUD ("CEF-EC") PROGRAM ON A)	
REGULATED BASIS)	

**MOTION TO INTERVENE OF
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large volume electric distribution customers serviced by Public Service Electric and Gas Company ("PSE&G" or the "Company"), hereby moves to intervene in the above-captioned proceeding. In support of its motion, NJLEUC states as follows:

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

Steven S. Goldenberg, Esq.
Giordano, Halleran & Ciesla, P.C
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-741-3900
Fax: 732-224-6599
sgoldenberg@ghclaw.com

Paul F. Forshay, Esq.
Eversheds Sutherland (US), LLP
700 Sixth Street, N.W., Suite 700
Washington, D.C. 20001-3980
Phone: 202-383-0100
Fax: 202-637-3593
paulforshay@eversheds-sutherland.com

2. On October 11, 2018, PSE&G filed a Petition seeking the Board's approval of its proposed Clean Energy Future-Energy Cloud Program. The CEF-EC Program would deploy advanced metering infrastructure ("AMI") throughout the Company's electric service territory to serve as a "technological platform" to strengthen and modernize the electric grid and enhance the customer experience. The Company states that the CEF-EC Program will, among other things, provide customer benefits, eliminate the need for manual meter reads, and afford the Company greater visibility of its electric distribution system, enabling the Company to observe the status of the network down to the customer level. This will, in turn, enable the Company to make a more informed assessment of the extent and location of power outages and facilitate future restoration efforts.

3. PSE&G proposes an initial expenditure of \$721 million in infrastructure investments and \$73 million in operation and maintenance costs over a five year period. This initial investment would encompass the first 22, out of a total of 70, proposed "use cases" that would apparently be implemented in an extended CEF-EC program of unstated duration and cost. This initial phase would establish the foundation for the extended CEF-EC program, and would focus on the introduction of approximately 2.2 million advanced meters, supported by certain communications and back-office systems.

4. PSE&G proposes a cost recovery mechanism that, it states, is consistent with the Board's infrastructure investment regulations, and would utilize semi-annual rate base adjustments that would be subject to an earnings test. PSE&G seeks approval to defer, as a regulatory asset, the estimated \$219 million (net book value) in stranded costs that will result from the replacement of currently-utilized electric meters with AMI meters. The Company seeks authorization to recover the regulatory asset over a five year period following the Company's

next base rate case, which will occur in five years. PSE&G proposes similar treatment for the \$73 million in O&M expenses that would be incurred during the five year AMI deployment period.

5. The maximum cumulative impact of the CEF-EC Program on a typical residential electric customer during the initial phase of the program is projected to be an average annual increase of approximately 3.29% or about a \$3.38 increase in the average monthly bill. It is unclear from the Petition whether these figures include the deferred recovery of the approximately \$292 million in stranded costs and O&M expense associated with the CEF-EC program. No projected rate increase is stated for large volume commercial and industrial customers.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, NJLEUC respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16.6 weigh in favor of the granting of NJLEUC's motion to intervene in the above-captioned proceeding:

1. NJLEUC formed, in part, to monitor regulatory proceedings involving the State's electric and natural gas utilities, including PSE&G, and to intervene in regulatory and rate proceedings to the extent necessary to represent its members' common interests. Members of NJLEUC purchase electric distribution service from PSE&G and, therefore, have a significant interest in, and will be substantially and specifically affected by the outcome of this proceeding;

2. Given its capacity as an association of large end-use customers on the PSE&G system that will be directly and immediately affected by the rate relief sought by PSE&G in this proceeding, NJLEUC's interests are unique from and not adequately represented by any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on PSE&G's large consumers, of the relief that is sought by PSE&G in this proceeding.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to intervene in this proceeding, the outcome of which will have an impact on the reliability and cost of electric distribution service received from PSE&G by the members of NJLEUC;

6. NJLEUC has been granted Intervener status in recent regulatory, infrastructure and rate proceedings involving PSE&G, including the Energy Strong, Gas Modernization I and II, Energy Efficiency, Energy Efficiency Extension and various solar proceedings, among others;

7. Accordingly, NJLEUC has a significant interest in the issues to be decided in this proceeding, which "substantially, specifically and directly affect" NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene;

8. Furthermore, the interests of NJLEUC's members as large electric distribution customers of PSE&G, and as active intervenors in matters involving PSE&G, are substantially different from those of any other party seeking intervention. Therefore, NJLEUC's interests in this proceeding are unique on both a quantitative and qualitative basis;

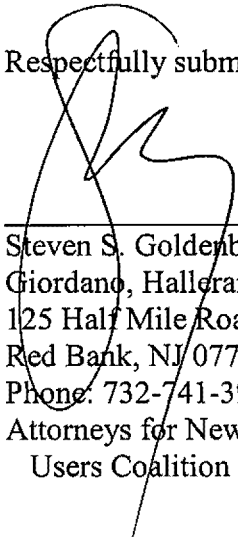
9. NJLEUC's entry as an intervenor would "measurably and constructively" advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as large end-use customers on the PSE&G system. NJLEUC's entry as an intervenor would promote an informed and balanced presentation of the issues;

10. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

11. For the foregoing reasons, and because the cost and quality of electric distribution service to NJLEUC's members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a substantial, direct and immediate interest in the outcome that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, NJLEUC respectfully requests that it be permitted to intervene in the above-captioned proceeding.

Respectfully submitted,



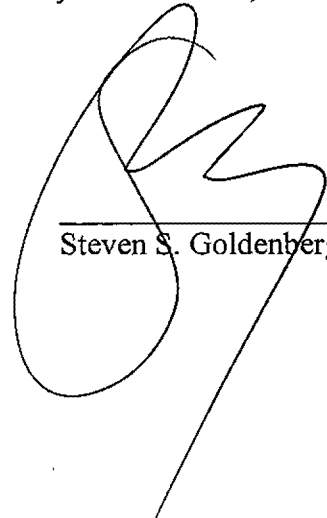
Steven S. Goldenberg
Giordano, Halleran & Ciesla, P.C.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-741-3900
Attorneys for New Jersey Large Energy
Users Coalition

Dated: November 13, 2018

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Aida Camacho-Welch, Secretary, Board of Public Utilities.

Dated at Red Bank, New Jersey, this 13th day of November, 2018.



Steven S. Goldenberg

RECEIVED
CASE MANAGEMENT

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

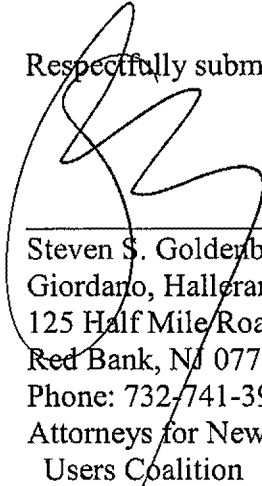
IN THE MATTER OF THE PETITION OF)
PUBLIC SERVICE ELECTRIC & GAS)
COMPANY FOR APPROVAL OF ITS) BPU DOCKET NO. EO18101115
CLEAN ENERGY FUTURE-ENERGY)
CLOUD (“CEF-EC”) PROGRAM ON A)
REGULATED BASIS)

MOTION FOR ADMISSION *PRO HAC VICE*

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia. There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist. Mr. Forshay was previously admitted to represent NJLEUC *pro hac vice* in the PSE&G Energy Strong, Gas Modernization I and II, Solar 4 All, Energy Efficiency, Energy Efficiency Extension, and numerous rate case proceedings. Mr. Forshay has had significant prior experience with both commercial and regulatory issues related to utility infrastructure, distribution and transmission, energy efficiency and energy resilience projects in New Jersey.

As evidenced by his affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b).

Respectfully submitted,



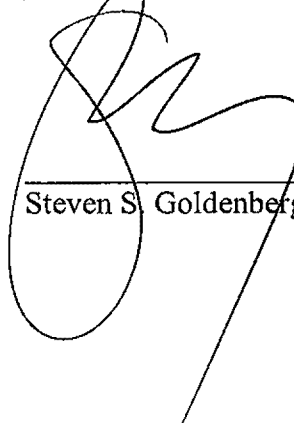
Steven S. Goldenberg, Esq.
Giordano, Halleran & Ciesla, P.C.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-741-3900
Attorneys for New Jersey Large Energy
Users Coalition

Dated: November 13, 2018

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion for Admission *Pro Hac Vice* to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Aida Camacho-Welch, Secretary, Board of Public Utilities.

Dated at Red Bank, New Jersey, this 13th day of November, 2018



Steven S. Goldenberg

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

**IN THE MATTER OF THE PETITION OF)
PUBLIC SERVICE ELECTRIC AND GAS)
COMPANY FOR APPROVAL OF ITS) BPU DOCKET NO. EO18101115
CLEAN ENERGY FUTURE-ENERGY)
CLOUD (CEF-EC”) PROGRAM ON A)
REGULATED BASIS)**

**AFFIDAVIT IN SUPPORT OF REQUEST
TO APPEAR *PRO HAC VICE***

Washington)
) ss.
District of Columbia)

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg, Esq. of the firm of Giordano, Halleran & Ciesla, P.C., who is qualified to practice law in this State pursuant to R. 1:21-1.

3. The New Jersey Large Energy Users Coalition (“NJLEUC”) has requested my representation in this matter.

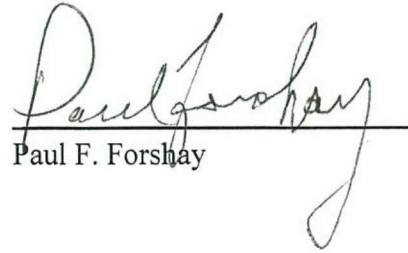
4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing large end-use customers in various proceedings before the Federal Energy Regulatory Commission (“FERC”) and Board of Public Utilities and I have an attorney-

client relationship with NJLEUC. I was previously admitted to represent NJLEUC *pro hac vice* in the PSE&G Energy Strong, Gas Modernization I and II, Solar 4 All, Energy Efficiency and Energy Efficiency Extension, and numerous rate proceedings. I have had significant prior experience with both commercial and regulatory issues related to utility infrastructure, distribution and transmission, energy efficiency and energy resilience projects in New Jersey, before FERC and elsewhere. The proceeding in which I seek admission involves a complex field of law in which I am a specialist.

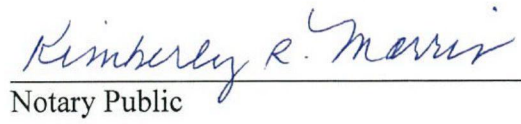
5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b) and 1:28-2.

6. If this application to appear *pro hac vice* is granted, I agree to:
- a. abide by the New Jersey Court Rules, including all disciplinary rules;
 - b. consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
 - c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and
 - d. have all pleadings, briefs and other papers filed with the Board of Public

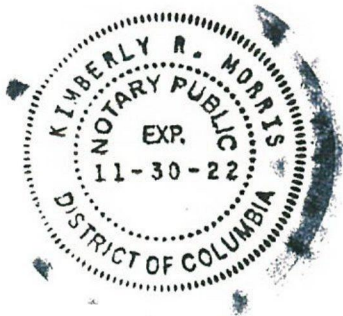
Utilities and Office of Administrative Law signed by the attorney of record.


Paul F. Forshay

SUBSCRIBED AND SWORN to before
me this 13th day of November, 2018


Notary Public

Docs #3449439-v1



**IN THE MATTER OF THE PETITION OF PUBLIC SERVICE GAS AND ELECTRIC COMPANY
FOR APPROVAL OF ITS CLEAN ENERGY FUTURE – ENERGY CLOUD ("CEF-EC")
PROGRAM ON A REGULATED BASIS**

BPU DOCKET NO. EO18101115

SERVICE LIST

PSEG

PSEG Services Corporation
80 Park Plaza, T5G
Post Office Box 570
Newark NJ 07102

Matthew M. Weissman Esq.
matthew.weissman@pseg.com

Joseph F. Accardo, Jr.
joseph.accardo@pseg.com

Caitlyn White
caitlyn.white@pseg.com

Michele Falcao, Esq.
michele.falcao@pseg.com

Justin B. Incardone Esq.
justin.incardone@pseg.com

Rate Counsel

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Brian O. Lipman, Esq.
blipman@rpa.nj.gov

Ami Morita, Esq.
amorita@rpa.nj.gov

Shelly Massey, Paralegal
smassey@rpa.nj.gov

BPU

Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch
Secretary of the Board
board.secretary@bpu.nj.gov

Paul Flanagan, Esq.
Executive Director
paul.flanagan@bpu.nj.gov

Grace Strom Power, Esq.
Chief of Staff
grace.power@bpu.nj.gov

Noreen Giblin, Esq.
Chief Counsel
noreen.giblin@bpu.nj.gov

Bethany Rocque Romaine
Deputy Chief Counsel
bethany.romaine@bpu.nj.gov

Ilene Lampitt, Esq.
Legal Specialist
ilene.lampitt@bpu.nj.gov

Suzanne Patnaude, Esq.
Legal Specialist
suzanne.patnaude@bpu.nj.gov

Ken Sheehan, Esq., Director
Division of Clean Energy
Ken.Sheehan@bpu.nj.gov

Christine Juarez, Esq.
cjuarez@rpa.nj.gov

James Glassen, Esq.
jglassen@rpa.nj.gov

Lisa Gurkas, Paralegal
lgurkas@rpa.state.nj.us

Kurt Lewandowski Esq
klewando@rpa.nj.gov

Division of Law

Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

Caroline Vachier, Esq.
Deputy Attorney General
caroline.vachier@law.njoag.gov

Geoffrey R. Gersten, Esq.
Deputy Attorney General
Geoffrey.Gersten@law.njoag.gov

Jenique Jones, Esq.
Deputy Attorney General
jenique.jones@law.njoag.gov

Patricia A. Krogman, Esq.
Deputy Attorney General
patricia.krogman@law.njoag.gov

Renee Greenberg, Esq.
Deputy Attorney General
renee.greenberg@law.njoag.gov

Andrew Kuntz, Esq.
Deputy Attorney General
Andrew.Kuntz@law.njoag.gov

Alex Moreau, Esq.
Deputy Attorney General
Alex.Moreau@law.njoag.gov

Sherri Jones
Assistant Director
Division of Clean Energy
sherri.jones@bpu.nj.gov

Stacy Peterson, Director
Division of Energy
Stacy.peterson@bpu.nj.gov

Paul Lupo, Chief
Bureau of Rates and Tariffs
paul.lupo@bpu.nj.gov