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File No.: 300135-70

Christopher E. Torkelson, Esq.
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November 16, 2018

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CASE MANAGEMENT

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Via Hand Delivery

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

**RE: I/M/O the Petition of Public Service Electric & 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 are an original and ten (10) copies of the Motion of Direct Energy Business, LLC ("Direct Business"), Direct Energy Business Marketing, LLC ("Direct Marketing"), Direct Energy Services, LLC ("Direct Services"), and Gateway Energy Services Corporation ("Gateway"), (collectively, "Direct Energy") and Centrica Business Solutions to Intervene in the above proceeding, together with an original and ten (10) copies of a Motion for Admission *Pro Hac Vice* of Karen O. Moury, Esq. and Sarah C. Stoner, Esq. By copy of this letter, copies of both motions are being forwarded on this date via email to all persons whose names appear on the attached Service List.

I have also enclosed an extra copy of each of these motions to be stamped and returned to this office by the courier.

CMS
list copied

Thank you for your courtesies.

Respectfully submitted,



Christopher E. Torkelson

CET/ldr
Enclosures

cc: Stephanie A. Brand, Esq. (w/encs., via email and FedEx)
Matthew M. Weissman, Esq. (w/encs., via email and Fedex)
All Persons on Attached Service List (w/encs., via email only)

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

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

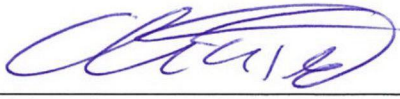
IN THE MATTER OF THE PETITION OF :
PUBLIC SERVICE GAS AND ELECTRIC :
COMPANY FOR APPROVAL OF ITS CLEAN : BPU Docket No. EO18101115
ENERGY FUTURE-ENERGY CLOUD ("CEF- :
EC") PROGRAM ON A REGULATED BASIS :

MOTION FOR ADMISSION *PRO HAC VICE*

Intervenors, Direct Energy Business, LLC ("Direct Business"), Direct Energy Business Marketing, LLC ("Direct Marketing"), Direct Energy Services, LLC ("Direct Services"), Gateway Energy Services Corporation ("Gateway"), (collectively, "Direct Energy") and Centrica Business Solutions, respectfully file this Motion for Admission *Pro Hac Vice* of Karen O. Moury, Esq. and Sarah C. Stoner, Esq. with the New Jersey Board of Public Utilities ("Board" or "BPU"). In support of its motion, Direct Energy and Centrica Business Solutions shall rely upon the Certification of Christopher E. Torkelson, Esq., and the Affidavits of Karen O. Moury, Esq. and Sarah C. Stoner, Esq., filed and served herewith.

**ECKERT SEAMANS CHERIN &
MELLOTT, LLC**

Attorneys for Intervenors Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Gateway Energy Services Corporation, and Centrica Business Solutions

By: 
Christopher E. Torkelson

Dated: November 16, 2018

CERTIFICATION OF FILING AND SERVICE

The undersigned hereby certifies that on the date set forth below an original and ten copies of the within Motion for Admission *Pro Hac Vice*, Certification of Christopher E. Torkelson, Esq. and Affidavits of Karen O. Moury, Esq. and Sarah C. Stoner, Esq. were sent for filing via hand delivery to the State of New Jersey, Board of Public Utilities as follows:

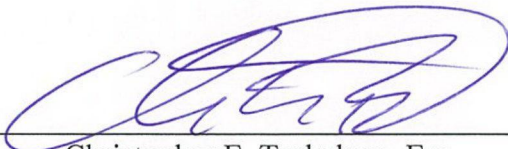
Aida Camacho-Welch
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
P. O. Box 350
Trenton, New Jersey 08625-0350

and that copies of each of the aforementioned documents were served via email and FedEx upon counsel of record as follows:

Stephanie A. Brand, Esq.
The Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, New Jersey 08625

Matthew M. Weissman, Esq.
Gen. Regulatory Counsel – Rates
PSEG Service Co.
80 Park Plaza T5
Newark, New Jersey 07102

and that copies of each of the aforementioned documents were served via electronic mail to the parties identified on the attached service list.



Christopher E. Torkelson, Esq.

Dated: November 16, 2018

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

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

**CERTIFICATION OF CHRISTOPHER E. TORKELSON, ESQ.
IN SUPPORT OF MOTION FOR ADMISSION
*PRO HAC VICE***

I, **CHRISTOPHER E. TORKELSON**, of full age, certify as follows:

1. I am an attorney-at-law admitted to practice in the State of New Jersey and a member of the law firm of Eckert Seamans Cherin & Mellott, LLC (“Eckert Seamans”), attorneys for intervenors, Direct Energy Business, LLC (“Direct Business”), Direct Energy Business Marketing, LLC (“Direct Marketing”), Direct Energy Services, LLC (“Direct Services”), Gateway Energy Services Corporation (“Gateway”), (collectively, “Direct Energy”) and Centrica Business Solutions. I am a member in good standing of the Bar of the State of New Jersey and qualified to practice pursuant to R. 1:21-1.

2. I am familiar with all of the facts and circumstances herein. I make this Certification in support of the applications of the following attorneys of the law firm of Eckert Seamans Cherin & Mellott, LLC to appear *pro hac vice* on behalf of Direct Energy and Centrica Business Solutions: Karen O. Moury, Esq., a member, and Sarah C. Stoner, Esq., an associate. I will be associated with this attorney in the handling of this matter in accordance with R. 1:21-2(a)(1)(B).

3. Ms. Moury and Ms. Stoner are attorneys practicing with the law firm of Eckert Seamans Cherin & Mellott, LLC in its Harrisburg office, located at 213 Market Street, 8th Floor, Harrisburg, PA 17101.

4. Ms. Moury is a member in good standing of the Bar of the Commonwealth of Pennsylvania, having been admitted there in 1982. Ms. Stoner is a member in good standing of the Bar of the Commonwealth of Pennsylvania, having been admitted there in 2013. Ms. Moury and Ms. Stoner are not now and have never been under any suspension or disbarment by the bar of any Court, and there are no disciplinary proceedings pending against them.

5. For purposes of this litigation, Ms. Moury and Ms. Stoner will be associated with me, New Jersey counsel of record for Direct Energy and Centrica Business Solutions, in accordance with R. 1:21-1. I will continue to serve as counsel of record for Direct Energy and Centrica Business Solutions and will ensure that Ms. Moury and Ms. Stoner comply with the New Jersey Rules of Court regarding *pro hac vice* admission, including the requirements of R. 1:20-1(b), 1:21-2(b) and 1:28-2.

6. Ms. Moury and Ms. Stoner have a long-standing attorney-client relationship with Direct Energy and Centrica Business Solutions and have substantial experience representing the interests of retail energy providers in regulatory and administrative proceedings. This proceeding, initiated by a Petition filed by Public Service Electric and Gas Company (PSE&G) involves a complex field of law in which Ms. Moury and Ms. Stoner are specialists. Consequently, the participation of Ms. Moury and Ms. Stoner in this litigation would substantially facilitate the representation of Direct Energy and Centrica Business Solutions.

7. There is good cause for the *pro hac vice* admission of Ms. Moury and Ms. Stoner as they are fully familiar with the facts, issues and pleadings in this action and no delay in the

conduct of the proceedings would be occasioned by their acting as attorneys for Direct Energy and Centrica Business Solutions in this matter.

8. In further support of this application, Direct Energy and Centrica Business Solutions will rely upon the Affidavits of Karen O. Moury, Esq. and Sarah C. Stoner, Esq., submitted herewith.

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



Christopher E. Torkelson, Esq.

Dated: November 16, 2018

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

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

**AFFIDAVIT OF KAREN O. MOURY, ESQ. IN SUPPORT
OF MOTION FOR ADMISSION *PRO HAC VICE***

Harrisburg)
) ss:
Pennsylvania)

I, **KAREN O. MOURY**, duly sworn according to law, depose and say:

1. I am an attorney-at-law in the Commonwealth of Pennsylvania and a member in the Harrisburg, Pennsylvania office of Eckert Seamans Cherin & Mellott, LLC ("Eckert Seamans"), counsel for intervenors Direct Energy Business, LLC ("Direct Business"), Direct Energy Business Marketing, LLC ("Direct Marketing"), Direct Energy Services, LLC ("Direct Services"), Gateway Energy Services Corporation ("Gateway"), (collectively, "Direct Energy") and Centrica Business Solutions. I am personally familiar with the facts set forth herein and authorized to make this affidavit, pursuant to R. 1:21-2, in support of my application to be admitted *pro hac vice* before the New Jersey Board of Public Utilities ("Board" or "BPU").

2. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania, having been admitted to that bar in 1982. I am not now and have never been under any suspension or disbarment by the Bar of any Courts and there are no disciplinary proceedings pending against me. During the pendency of this action, I will notify the Board of any change in standing with the Bar of any other court, and notify the Board immediately if any actions are instituted against me

in affecting my standing with the Bar of any state. I am domiciled and principally practice law in the Commonwealth of Pennsylvania.

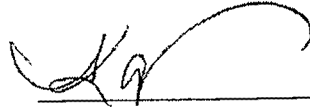
3. I am associated in this matter with New Jersey counsel of record, Christopher E. Torkelson, Esq., an attorney in the Princeton, New Jersey office of Eckert Seamans. I am advised that Mr. Torkelson is a member in good standing of the Bar of the State of New Jersey and is qualified to practice pursuant to R. 1:21-1.

4. I respectfully submit that good cause exists for my admission *pro hac vice*. I have been requested by Direct Energy and Centrica Business Solutions, with whom my firm has a long-standing attorney-client relationship, to represent them in this matter. I have a long-standing attorney-client relationship with Direct Energy and Centrica Business Solutions and have substantial experience representing the interests of retail energy providers in regulatory and administrative proceedings. This proceeding, initiated by a Petition filed by Public Service Electric and Gas Company (PSE&G) involves a complex field of law in which I am a specialist. Consequently, my participation in this litigation would substantially facilitate the representation of Direct Energy and Centrica Business Solutions. I am fully familiar with the facts and circumstances surrounding this case. My work in connection with this representation will assist in the handling of this matter.

5. As a condition of my admission, I agree to be bound by and comply with the requirements of all applicable rules, including the requirements of R. 1:20-1(b), R. 1:21-2 and R. 1:28-2, and to pay all fees as required by these rules. I will remain current as required by the within cited rules.

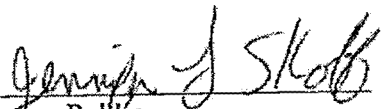
6. I shall make sure that all pleadings, briefs and other papers filed with the Board shall be signed and filed by an attorney of record who is authorized to practice before the Board.

7. Based upon the foregoing, I respectfully request that I be admitted *pro hac vice* to participate in this action.



Karen O. Moury, Esq.

SUBSCRIBED AND SWORN before
me this 11th day of November, 2018



Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Jennifer L. Skoff, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires Dec. 9, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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

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

**AFFIDAVIT OF SARAH C. STONER, ESQ. IN SUPPORT
OF MOTION FOR ADMISSION *PRO HAC VICE***

Harrisburg)
) ss:
Pennsylvania)

I, **SARAH C. STONER**, duly sworn according to law, depose and say:

1. I am an attorney-at-law in the Commonwealth of Pennsylvania and a member in the Harrisburg, Pennsylvania office of Eckert Seamans Cherin & Mellott, LLC ("Eckert Seamans"), counsel for intervenors Direct Energy Business, LLC ("Direct Business"), Direct Energy Business Marketing, LLC ("Direct Marketing"), Direct Energy Services, LLC ("Direct Services"), Gateway Energy Services Corporation ("Gateway"), (collectively, "Direct Energy") and Centrica Business Solutions. I am personally familiar with the facts set forth herein and authorized to make this affidavit, pursuant to R. 1:21-2, in support of my application to be admitted *pro hac vice* before the New Jersey Board of Public Utilities ("Board" or "BPU").

2. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania, having been admitted to that bar in 2013. I am not now and have never been under any suspension or disbarment by the Bar of any Courts and there are no disciplinary proceedings pending against me. During the pendency of this action, I will notify the Board of any change in standing with the Bar of any other court, and notify the Board immediately if any actions are instituted against me

in affecting my standing with the Bar of any state. I am domiciled and principally practice law in the Commonwealth of Pennsylvania.

3. I am associated in this matter with New Jersey counsel of record, Christopher E. Torkelson, Esq., an attorney in the Princeton, New Jersey office of Eckert Seamans. I am advised that Mr. Torkelson is a member in good standing of the Bar of the State of New Jersey and is qualified to practice pursuant to R. 1:21-1.

4. I respectfully submit that good cause exists for my admission *pro hac vice*. I have been requested by Direct Energy and Centrica Business Solutions, with whom my firm has a long-standing attorney-client relationship, to represent them in this matter. I have a long-standing attorney-client relationship with Direct Energy and Centrica Business Solutions and have substantial experience representing the interests of retail energy providers in regulatory and administrative proceedings. This proceeding, initiated by a Petition filed by Public Service Electric and Gas Company (PSE&G) involves a complex field of law in which I am a specialist. Consequently, my participation in this litigation would substantially facilitate the representation of Direct Energy and Centrica Business Solutions. I am fully familiar with the facts and circumstances surrounding this case. My work in connection with this representation will assist in the handling of this matter.

5. As a condition of my admission, I agree to be bound by and comply with the requirements of all applicable rules, including the requirements of R. 1:20-1(b), R. 1:21-2 and R. 1:28-2, and to pay all fees as required by these rules. I will remain current as required by the within cited rules.

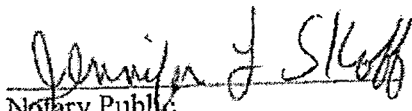
6. I shall make sure that all pleadings, briefs and other papers filed with the Board shall be signed and filed by an attorney of record who is authorized to practice before the Board.

7. Based upon the foregoing, I respectfully request that I be admitted *pro hac vice* to participate in this action.



Sarah C. Stoner, Esq.

SUBSCRIBED AND SWORN before
me this 11th day of November, 2018



Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Jennifer L. Skoff, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires Dec. 9, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

NOV 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

RECEIVED
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 : BPU DOCKET NO. EO18101115
APPROVAL OF ITS CLEAN ENERGY :
FUTURE-ENERGY CLOUD (“CEF- :
EC”) PROGRAM ON A REGULATED :
BASIS :

**MOTION TO INTERVENE OF DIRECT ENERGY BUSINESS, LLC,
DIRECT ENERGY BUSINESS MARKETING, LLC,
DIRECT ENERGY SERVICES, LLC, GATEWAY ENERGY SERVICES
CORPORATION, AND CENTRICA BUSINESS SOLUTIONS**

Pursuant to N.J.A.C. 1:1-16.1 and 16.2, Direct Energy Business, LLC (“Direct Business”), Direct Energy Business Marketing, LLC (“Direct Marketing”), Direct Energy Services, LLC (“Direct Services”), and Gateway Energy Services Corporation (“Gateway”), (collectively, “Direct Energy”) and Centrica Business Solutions hereby file this Motion to Intervene (“Motion”) in the above-captioned proceeding initiated by a Petition filed on October 11, 2018 by Public Service Electric and Gas Company (“PSE&G”) for Approval of its Clean Energy Future-Energy Cloud Program on a Regulated Basis (“Petition”). In support of the Motion, Direct Energy and Centrica Business Solutions state as follows:

I. INTRODUCTION

1. Direct Energy is one of the largest competitive retail providers of electricity, natural gas and home services in North America, with over 4 million customer relationships, multiple brands and roughly 5,000 employees. As third-party energy suppliers in New Jersey, the four intervening Direct Energy companies hold electric power licenses, as follows: Direct Business –

ESL-0165; Direct Marketing – ESL-0142; Direct Services – ESL-0078; and Gateway – ESL-0166. Direct Energy is licensed to sell electricity to customers in PSE&G’s service territory. Direct Energy and its affiliated Connected Home division offers Hive products in the direct to consumer market, as well as through partners such as retail energy providers. With Hive, consumers can control their heating and cooling, lights, plugs and sensors through a mobile application. In addition, Direct Energy has a family of brands, including: (i) Mister Sparky, which designs, installs, services and repairs electrical systems and parts; (ii) Airtron, which offers HVAC solutions including new installations; and (iii) One-Hour Heating and Air Conditioning, which offers installation, repair, and maintenance for heating, ventilation and air conditioning systems. Direct Energy also offers home energy audits, using customer data to perform analytics and offer recommendations on how to reduce their overall energy consumption.

2. Centrica Business Solutions, a subsidiary of Centrica plc and affiliate of Direct Energy, integrates localized energy solutions for businesses around the world that leverages its energy insights, onsite generation and demand management capabilities. The energy solutions integrated by Centrica Business Solutions include solar, combined heat and power, energy efficiency, energy insight, demand response, power generation and energy storage. Centrica Business Solutions provides end-to-end energy services across design, manufacture, financing, installation and maintenance. Offering innovative distributed energy solutions, Centrica Business Solutions enables organizations to improve operational efficiency, increase resilience and drive their business vision forward.

3. By this Motion to Intervene, Direct Energy and Centrica Business Solutions seek party status in the above-captioned proceeding for the purpose of protecting their direct and substantial interest in the outcome of this proceeding. If PSE&G is granted approval by the Board

to implement the five-year, \$794 million Clean Energy Future – Energy Cloud (“CEF-EC”) Program, the interests of Direct Energy and Centrica Business Solutions will be directly and substantially affected.

4. Specifically, as a third-party supplier that is very active in New Jersey’s retail market, Direct Energy has a substantial and direct interest in a number of issues concerning PSE&G’s proposed CEF-EC Program, which would use smart meter technology as a platform enabling PSE&G to become a “leading smart energy services company” and directly compete with third-party suppliers in the market. Likewise, as a market leader in distributed energy solutions, Centrica Business Solutions has a substantial and direct interest in several issues regarding PSE&G’s proposal to use ratepayer funds to develop and promote programs that Centrica Business Solutions is already offering in the private market. Key issues include:

- PSE&G should be focusing on its core business functions of delivering electricity, including the deployment of smart meters, without seeking to transform itself into a “leading smart energy services company” that is offering “increased choice” and “new utility products and services” to consumers;
- The importance of restricting PSE&G’s use of the data from the smart meters for only their poles and wires functions (i.e. outage management, system planning) and prohibiting PSE&G from using the data to develop or offer new products and services, which are within the domain of third party suppliers and other market participants, such as distribution energy solutions, demand response programs, time-of-use products; and other innovative products and services;

- The need to ensure that the data collected from smart meters are owned by the customer, not PSE&G, and that the customer can freely and easily authorize the release of the data to third parties of their choosing, and that such data is transferred through electronic data interchange (“EDI”), not solely through customer portals, such as Green Button Connect type platforms;
- A concern that the CEF-EC will adversely impact the ability of third-party suppliers and other market participants to provide innovative technologies to customers in PSE&G’s service territory, due to being at a competitive disadvantage relative to the utility; and
- Approval of PSE&G’s Petition may make customers more likely to perceive that the innovative products and services enabled by advanced metering infrastructure (“AMI”) are available only from the traditional monopoly provider and thereby serve to reinforce the historical utility-customer monopoly relationship, to the detriment of third-party suppliers and other market participants.

5. Direct Energy and Centrica Business Solutions submit that these issues, among others, should be thoroughly examined in this proceeding.

II. BACKGROUND

6. On September 26, 2018, PSE&G initially filed this matter with the Board along with its Clean Energy Future – Energy Efficiency (“CEF-EE”)¹ and Clean Energy Future – Electric Vehicle and Energy Storage (“CEF-EVES”)² Programs. At the request of the Board, PSE&G subsequently filed these three Clean Energy Future Programs separately, with their own petitions and docket numbers. On October 11, 2018, PSE&G filed its Petition with the Board pursuant to

¹ Docket Nos. GO18101112 & EO10121113.

² Docket No. EO18101111.

N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1, and N.J.A.C. 14:3-2A, seeking approval for a CEF-EC Program.

7. PSE&G proposes to invest approximately \$721 million and operations and maintenance (“O&M”) costs of \$73 million from 2019 to 2024 in the CEF-EC Program. Petition at ¶ 6. Under PSE&G’s proposal, it would install approximately 2.2 million advanced (or “smart”) meters throughout its electric service territory over the course of a five-year period, beginning in 2019, resulting in its entire customer base receiving an advanced electric meter. Petition at ¶ 16.

8. As proposed by PSE&G, the CEF-EC Program would further consist of 70 applications or “use cases.” By this filing, PSE&G seeks BPU approval of the initial phase of the CEF-EC Program, referred to as “Release 1,” which features 22 of the 70 uses cases. PSE&G describes these 22 uses cases, which focus on customer engagement, network operations and planning, and new utility products and services, as establishing the foundation for the CEF-EC Program. Petition at ¶ 8.

9. By the Petition, PSE&G avers that the CEF-EC Program is cost-effective and refers to customer benefits being realized through increased participation in the existing Time of Use rate. Petition at ¶¶ 11-12.

10. PSE&G proposes a cost recovery mechanism that will involve the potential of semi-annual base rate adjustment filings. Under its proposal, the costs to be included in rates will include: depreciation/amortization expense providing for the recovery of the invested capital over its useful book life; return on the net investment, where net investment is the capital expenditures less accumulated depreciation/amortization, less associated accumulated deferred income taxes; and the impact of any tax adjustments applicable to the CEF-EC Program. As proposed by PSE&G, the return on net investment will be based on a Weighted Average Cost of Capital.

11. Along with its Petition, PSE&G filed the following Direct Testimonies in support thereof: Gregory C. Dunlap (“Attachment 1”); Donna Powell (“Attachment 2”); and Stephen Swetz (“Attachment 3”). A review of the Direct Testimony of Mr. Dunlap reveals that the CEF-EC involves far more than the deployment of smart meters. To the contrary, PSE&G is using the ratepayer-funded deployment of smart meters as a platform to position itself as the dominant energy provider, expand its functions well beyond the role of an electric distribution company and offer innovative products and services that are better left to the private market and which are in many instances already being provided in that venue. Several examples follow.

12. The Direct Testimony of Mr. Dunlap describes the CEF-EC as establishing a business and technology operating model that enables a number of customer, community and company smart energy capabilities, with the deployment of AMI being at the core of the program. Attachment 1 at 1. Among the benefits of the CEF-EC identified by Mr. Dunlap is the opportunity for “new utility products and services” to be offered. Attachment 1 at 4-5. Mr. Dunlap also refers to the AMI as the foundational layer of the Energy Cloud, which will enable PSE&G to “[d]eploy numerous other smart use capabilities that are far broader in reach than AMI and the traditional utility model,” helping “PSE&G respond to the changing expectations of customers in regards to service and products.” Attachment 1 at 6. He further states that this program will allow PSE&G to become a “leading smart energy services company” and represents “critical advances in PSE&G’s transformation to a smart energy services utility.” Attachment 1 at 6.

13. In describing the benefits of the CEF-EC, Mr. Dunlap testifies that the program will benefit PSE&G customers “by providing them with increased choice and engagement with their energy usage, lower energy bills, improved access to solar installations, reduced outages, innovative rates, new smart products and services, and support for EV infrastructure.” Attachment

1 at 6. In terms of choice, Mr. Dunlap points to customers' options broadening "to include, for example, non-industry products and services (e.g., Alexa, cable T, internet), and the bundling of utility and non-utility products and services (e.g., home security, home energy management)." Attachment 1 at 13. He further describes the CEF-EC as "promoting energy conservation and efficiency" and "new utility products and services." Attachment 1 at 7.

14. Mr. Dunlap also discusses the role of the CEF-EC in leading "New Jersey into a smart energy future by enabling PSE&G to become a key provider and enabler of smart digital capabilities." Attachment 1 at 13. The "six interrelated smart capability domains" covered by the CEF-EC are Smart Operations, Smart Network, Smart Products and Services, Smart Customers, Smart Home, and Smart City. Attachment 1 at 13-15.

15. With respect to Smart Operations, Mr. Dunlap refers to the use of more granular customer data like daily usage, voltage profiles and smart appliance information to enhance customers' ability to understand their energy consumption. Attachment 1 at 15-16.

16. As to Smart Network, Mr. Dunlap testifies that the historic distribution model is evolving into a distributed network of variable sources of energy and demand points, with the evolution being driven by distributed energy resources ("DERs") reaching critical mass and the prevalence of microgrids and storage resources across the service area and to all customer types. Attachment 1 at 16.

17. Regarding Smart Products and Services, Mr. Dunlap indicates that many "utilities and non-utilities are leveraging smart infrastructure, sensors, and data to develop new digital products and service offerings, often with business partners, and particularly in the context of the smart customer and home." Attachment 1 at 16. His testimony further describes the CEF-EC as making integration of smart products and services possible, referring to examples that include in-

home networks; appliance monitoring and service; safety and security; and DER facilitation, “where PSE&G could assist customers with sizing and locations of solar or EV charging.” Attachment 1 at 17.

18. In discussing Smart Customers, Mr. Dunlap testifies that “customers will welcome, and ultimately require, higher levels of engagement with their utility and energy usage through capabilities that the CEF-EC enables. These include full visibility of customers’ energy usage, tools to help them with efficiency, bill alerts, services delivered by home assistants, solar and EV support, and choice of a range of tailored rate options.” Attachment 1 at 17-18.

19. Regarding Smart Homes, Mr. Dunlap points to smart appliances, smart home safety and security systems and smart home energy equipment. He explains that CEF-EC makes smart homes possible by providing convenience and sustainability, as connected devices can optimize lighting, temperature, electric vehicle charging, and other end uses of electricity. Attachment 1 at 18.

20. As to Smart Cities, Mr. Dunlap describes urban areas that harness digital technology to create a sustainable and intelligent infrastructure. Through the CEF-EC, Mr. Dunlap states that PSE&G would provide “network and data services to support these types of Smart City initiatives.” Attachment 1 at 18.

21. Describing Release 1 as laying the foundation for an overall long-term roadmap, Mr. Dunlap explains that future releases will include a vast array of initiatives such as demand response, DER analysis, innovative rate development, microgrids, innovative products and services, real-time pricing, advanced DER planning and energy management. Attachment 1 at 19-20. The program is expressly intended to enable PSE&G to evolve into a “smart utility” that is “capable of promoting a smart energy future for New Jersey” through the “enablement of

connected smart customer, smart utility, smart home and smart city capabilities deployed on a foundational intelligent energy services platform.” Attachment 1, Schedule GD-CEF-EC-2, Section 2 (General Considerations). This platform – the PSE&G Energy Cloud – “will be inclusive of all customers, will provide infrastructure and data services that can be leveraged...to enable a whole new future of customer engagement and utility operations.” Attachment 1, Schedule GD-CEF-EC-2, Section 2 (General Considerations).

22. Mr. Dunlap refers to the CEF-EC as representing “a significant first step towards making New Jersey a leader in smart energy” and being a “customer-focused, cost-effective Program that will set the state for even further technological advances for utilities in the future.” Attachment 1 at 45. In one of the schedules attached to his testimony, it is stated that “[t]he next generation utility will need to operate and compete in non-traditional ways that focus on offering new energy products and services that use operational and customer data and digital platforms to customize offerings, improve service, and empower consumers. A number of global and local trends are driving this need to adapt, and utilities need to build business capability and platforms that will enable them to operate under this new paradigm.” Attachment 1, Schedule GD-CEF-EC-2, Section 3 (The Case for the PSE&G Energy Cloud).

23. The CEF-EC also contains a significant component relating to customer communications. PSE&G has identified numerous customer communication channels that it intends to use, including inbound calls, outbound calls, walk-in customer service centers, website, door hangers, direct mail, email, bill messages and inserts, media, social media, local and community leaders, and advertising. Through its customer outreach campaign, PSE&G plans to conduct proactive and reactive communications about the Energy Cloud deployment. Attachment 1, Schedule GD-CED-EC-3.

24. The Direct Testimony of Ms. Powell explains the accounting and proposed regulatory treatment for costs related to the intelligent energy service platform. She also discusses how the Company accounts for capital assets and their retirement, and how the proposed deployment of AMI requires special regulatory and accounting treatment. Additionally, she addresses the O&M costs related to the program and PSE&G's request to defer these costs. Attachment 2 at 2.

25. The Direct Testimony of Mr. Swetz relates to the Company's request to recover the capital costs of the program using the Infrastructure Investment Program model. Attachment 3 at 1.

26. By Order adopted on October 29, 2018, the Board determined that the Petition should be retained by the Board for hearing and designated Commissioner Holden as the presiding officer. The Board further established November 16, 2018 as the date by which entities seeking to intervene or participate must file the appropriate application. The Order went into effect on November 8, 2018.

27. Pursuant to the Board's Order, Direct Energy and Centrica Business Solutions file this Motion to Intervene, seeking to be granted full party status in this proceeding.

III. APPLICABLE LEGAL STANDARDS

28. Under N.J.A.C. 1:1-16.1, any person or entity who will be substantially and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.

29. In ruling on a motion to intervene, the presiding officer "shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not 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, the prospect of confusion or undue delay arising from

the movant's inclusion, and other appropriate matters." N.J.A.C. 1:1-16.3. See e.g. In the Matter of the Petition of Public Service Electric and Gas Company Offering an Energy Stimulus Program, Docket No. EO09010058 (Order Granting Intervention and Admission Pro Hac Vice dated March 27, 2009).

IV. ARGUMENT

30. It is critical that Direct Energy and Centrica Business Solutions be granted party status in this proceeding so that they can adequately guard against being placed at a competitive disadvantage relative to the regulated public utility in the provision of products and services to customers. PSE&G's references in the Petition and in testimony to enhancing customers' choices and competing in the market run directly contrary to its role as the delivery company, demonstrating the importance of the Board hearing the perspectives of the supplier community and other market participants.

31. PSE&G's proposed CEF-EC Program is far more than a proposal to deploy smart meters to all customers. Rather, PSE&G is seeking to use ratepayer-funded AMI deployment as a platform for launching itself into the role of the predominant energy company to compete with third-party suppliers and other private market participants in developing innovative products and services that go well beyond the traditional utility model. Indeed, PSE&G's own characterization of the CEF-EC Program is that it would establish a number of customer, community and company smart energy capabilities, with the deployment of AMI being the core of the program. Attachment 1 at 1. The six interrelated smart capability domains described by Mr. Dunlap would make PSE&G a key player in their customer's lives and in the community in ways that far exceed the delivery and metering of electricity services.

32. PSE&G should be focusing on its core business functions of delivering electricity, including the deployment of smart meters, without seeking to transform itself into a “leading smart energy service company” that leverages smart use capabilities to develop new utility products and services that are far broader in reach than AMI and the traditional utility model.

33. PSE&G’s efforts to use ratepayer funds to launch a platform that would significantly expand its role beyond that of an electric distribution company will disrupt the effective functioning of private markets where many of the products and services identified by the Petition are already being offered.

34. Moreover, innovative energy solutions of the types referenced in the Petition are best delivered by the competitive marketplace rather through regulated electric distribution companies. As market participants who are accustomed to meeting the demands of consumers, Direct Marketing and Centrica Business Solutions are much better positioned than PSE&G to provide customized energy solutions and related services to customers, whether they are in the form of demand side response programs, time-of-use rates, distributed energy solutions or other innovative products and services.

35. Through the extensive customer outreach and communications described in the Petition, PSE&G would have a unique and powerful opportunity to strengthen its monopoly relationship with its distribution customers. Through the proposed campaign, PSE&G would be constantly communicating with its distribution customers and portraying itself as the only entity from whom the innovative products and services enabled by AMI are available.

36. In reviewing PSE&G’s Petition, the Board should consider only those aspects of the proposal that are necessary to deploy smart meters and should also impose limits on the ability of PSE&G to use this data. Specifically, PSE&G should be restricted to using such data only to

further the performance of their functions as an electric distribution company (i.e. outage management, system planning). Additionally, PSE&G should be expressly prohibited from using the smart meter data to develop and offer new products and services, which are within the domain of third party suppliers and other market participants and in many instances are already available in the private market. While the list of such products and services is endless, examples include demand response programs, distributed energy solutions and time of use products.

37. Further, it is critical that the Board ensure that smart meter data that is made available through AMI deployment is designated as belonging to the customer, not PSE&G. It is also imperative that the Board direct PSE&G to implement a reasonable process for customers to freely and easily authorize the release of such data to third parties of their choosing.

38. In conjunction with the importance of enabling customers to have their data shared with third parties, the Board should also ensure that the data is transferred using EDI rather than solely through Green Button Connect type of platforms, which are portals for customer use. Only by receiving data through EDI can third party suppliers effectively use it to present product offerings to customers.

39. Along with affording equal access to the smart meter data by third party suppliers, the Board should direct PSE&G to implement supplier consolidated billing (“SCB”) in its service territory so that third party suppliers can use that data to develop innovative products and services demanded by consumers, including customized energy solutions tailored to meet their own unique needs. Without the ability to issue consolidated bills, which include both the commodity charges of the third party supplier and PSE&G’s distribution charges, third party suppliers’ efforts to leverage this investment in smart meters would be hampered. In order for third party suppliers to effectively present offers to customers, they must have the ability to handle their own billing

services so that they can demonstrate through the presentation of the charges on the bill exactly what benefits are accruing to the customer through the selection of an innovative product offering.

40. Direct Energy's status as a competitive supplier and Centrica Business Solutions' status as a provider of distributed energy solutions in the private market give them a unique perspective that is likely to benefit the Board as it reviews PSE&G's petition. To the best of Direct Energy's and Centrica Business Solutions' knowledge, no other parties to this case will adequately represent its interest in this proceeding. Direct Energy and Centrica Business Solutions have unique business models and their interests and perspective are unique, such that their appearance as parties would "measurably and constructively" advance this proceeding. See N.J.A.C. 1:1-16.3(a).

41. Moreover, intervention by Direct Energy and Centrica Business Solutions in this proceeding will not result in a delay in having the matter timely adjudicated.

42. Fundamental fairness and due process considerations require that Direct Energy and Centrica Business Solutions be afforded an opportunity to fully participate as an intervenor in this proceeding, due to its substantial and direct interests in the outcome of this proceeding.

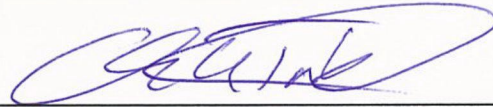
43. Direct Energy and Centrica Business Solutions are continuing to review PSE&G's filing and testimony and reserves the right to raise other issues that, in their judgment, may affect their interests.

V. CONCLUSION

On the basis of the foregoing, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Gateway Energy Services Corporation, and Centrica Business Solutions respectfully request that the Office of Administrative Law grant this Motion to Intervene so that Direct Energy and Centrica Business Solutions may have full party

status as an intervenor in this proceeding. Direct Energy and Centrica Business Solutions have interests in this proceeding that will be substantially and directed affected by the outcome of this proceeding, their interests are sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, and this Motion is timely and will not delay or otherwise disrupt the adjudication of this proceeding.

Respectfully Submitted,



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Dated: November 16, 2018

CERTIFICATION OF FILING AND SERVICE

The undersigned hereby certifies that on the date set forth below an original and ten copies of the within Motion to Intervene was sent for filing via hand delivery to the State of New Jersey, Board of Public Utilities as follows:

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

and that two copies of each of the aforementioned documents were served via email and FedEx upon counsel of record as follows:

Stephanie A. Brand, Esq.
The Division of Rate Counsel
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Matthew M. Weissman, Esq.
Gen. Regulatory Counsel – Rates
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80 Park Plaza T5
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and that copies of each of the aforementioned documents were served via electronic mail to the parties identified on the attached service list.



Christopher E. Torkelson

Dated: November 16, 2018