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November 16, 2018

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

Re: **Motion to Intervene:** I/M/O Petition of Public Service Electric & Gas Company for Approval of Its Clean Energy Future-Energy Cloud (“CEF-EC”) Program on a Regulated Basis
Presiding Officer: Commissioner Holden
BPU Docket # EO18101115

Dear Secretary Camacho-Welch:

We represent Environment New Jersey (“ENJ”), Sierra Club, Environmental Defense Fund (“EDF”), and Natural Resources Defense Council (“NRDC”) in this matter. Attached please find:

- Motion to Intervene and Certificate of Service.
- Certifications of Thomas Schuster, Sierra Club; Dale Bryk, NRDC; Mary Barber, EDF and Doug O’Malley, ENJ.
- Motion for Admission Pro Hac Vice for John Finnigan.
- Affidavits in Support of Request to Appear Pro Hac Vice by John Finnigan.

We will send one original and six copies by overnight mail and serve all parties on the Service List electronically.

CMS
A. Fort, Esq.
P. Krogman, Esq.
P. Van-Brunt, Esq.
A. Peterson
K. Sheehan, Esq.

Sincerely yours,

Aaron Kleinbaum, Esq.
Daniel Greenhouse, Esq.
Eastern Environmental Law Center

c: *via* email, with attachments
Service List

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Attorneys for Movants,
Environment New Jersey, Environmental Defense Fund, Sierra Club and Natural
Resources Defense Council

IN THE MATTER OF 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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION COMMISSIONER HOLDEN BPU DOCKET NO. EO18101115
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MOTION FOR INTERVENTION OF ENVIRONMENT NEW JERSEY, ENVIRONMENTAL
DEFENSE FUND, SIERRA CLUB AND NATURAL RESOURCES DEFENSE COUNCIL

The Environment New Jersey (“ENJ”), Environmental Defense Fund (“EDF”), Sierra
Club and Natural Resources Defense Council (“NRDC”) (collectively “Movants”) respectfully
move pursuant to the New Jersey Administrative Code (“N.J.A.C.”) 1:1-16.1 *et seq.*, to intervene
in the above-captioned Energy Cloud proceeding (“PSE&G Petition”).

BACKGROUND

A. Movants ENJ, EDF, Sierra Club and NRDC

1. ENJ is one of the State’s largest nonprofit, citizen-based advocacy organizations with
more than 20,000 dues-paying citizen members. A majority of its members are in the

service area of PSE&G. The above referenced PSE&G Petition directly impacts the economic, safety and environmental interests of ENJ and its members. ENJ has intervened in prior Board of Public Utility (“BPU”) proceedings, including the PSE&G petition that proposed construction of the Roseland Susquehanna transmission lines. The organization has a documented record for advocating for a smarter, more resilient energy grid to allow the state to be able to achieve its clean energy goals and to bring smart meter technology to New Jersey ratepayers.

2. EDF is a national non-profit membership organization, which links science, economics, and law to create innovative, equitable, and cost-effective solutions to society’s most urgent environmental problems. EDF has more than 360,000 dues-paying members nationwide, over 11,000 in New Jersey, and over 1,000 in PSE&G’s service territory. The PSE&G Petition directly impacts the economic, safety and environmental interests of EDF and its members. EDF has previously intervened in cases involving New Jersey utilities. For instance, as demonstrated in a recent BPU issued final order, *In the Matter of Public Service Electric and Gas Company for Approval of a Gas System Modernization Program and Associated Cost Recovery Mechanism* (“PSE&G Gas Case”), EDF was granted intervention and provided material and unique contributions to the matters at issue in such proceedings.
3. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 410,000 dues-paying members globally, including more than 12,000 in New Jersey and many in

PSE&G's New Jersey service territory.

4. Sierra Club is the nation's oldest and largest grassroots environmental organization, with more than 20,000 members in New Jersey. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the Earth; to practicing and promoting the responsible use of the Earth's resources and ecosystems; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives.
5. Movants would provide material and unique contributions to the PSE&G Petition, particularly with respect to the Clean Energy Future - Energy Cloud ("CEF-EC") Program, which seeks to improve reliability and customer satisfaction by modernizing the grid and installing AMI meters.
6. As discussed in greater detail below, Movants have long-standing expertise and experience in working with utilities throughout the country, using new methods to better institute distributed generation, energy efficiency, and modernization improvements so that scarce ratepayer funds are cost-effectively utilized.
7. Movants, through their current programs aimed at optimizing the benefits of grid modernization, have developed considerable expertise in understanding best practices in instituting grid modernization programs. Movants' grid modernization experience and expertise is more fully discussed below.
8. Movants intend to provide evidence and testimony that will identify areas where the PSE&G Petition can be optimized to cost-effectively improve grid modernization through delivering to customers all available benefits from the program and optimizing the clean energy benefits from these investments.

B. Procedural Background

9. The PSE&G Petition was filed with the BPU on September 26, 2018. The PSE&G Petition states that the Energy Cloud Program will produce an estimated \$1.7 billion in customer savings and operational benefits over 20 years, more than double the cost. The nearly \$800 million program includes an investment of approximately \$721 million and \$73 million in other program costs. It would purportedly improve reliability and customer service and reduce the carbon footprint. The proposal includes a plan to educate customers about the many benefits of smart meters. If approved, PSE&G intends to install the smart meters by 2024.

C. Movants' Expertise in Grid Modernization

10. Movants have extensive expertise and experience in presenting evaluative frameworks and project solutions to increase the cost effectiveness, consumer, grid, environmental, and market benefits of electric system modernization plans and projects similar to the CEF-EC Program.
11. For example, Movants have participated in the Ohio *Power Forward* process, an 18-month examination of best practices for grid modernization by the Public Utilities Commission of Ohio, and Movants provided recommendations and arranged for subject matter experts to make presentations at workshops relating to grid modernization improvements at issue in the matter. Movants also participated in the New York Reforming Energy Vision matter, which has involved many of the same grid modernization programs that PSE&G proposes in this proceeding.
12. Movants will be able to draw on their extensive expertise relating to best practices and emerging technologies to find cost-effective solutions to electric grid modernization.

Movants' intervention in previous cases throughout the country on electric grid modernization has uniquely contributed to identifying and employing such solutions to ensure that modernization is provided through cost-effective means.

13. Movants will provide similar value with respect to the CEF-EC Program.

LEGAL GROUNDS FOR INTERVENTION

14. Any person or entity not yet a party "who will be substantially, specifically, and directly affected by the outcome of a contested case" may seek leave to intervene.¹

15. When ruling on a motion to intervene, the judge or presiding officer shall take into consideration the following factors: (1) the nature and extent of the moving party's interest in the outcome of the case; (2) whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case, (3) the prospect for confusion or undue delay arising from including of the party, and (4) other appropriate matters.²

ARGUMENT

A. Movants will be Directly Affected by the Outcome of the PSE&G Petition

16. Movants' New Jersey members will be substantially, specifically, and directly affected by the outcome of the PSE&G Petition. PSE&G proposed investments have an amplified impact upon Movants' membership in PSE&G's service territory, as the costs of the proposed projects would be borne by PSE&G's customers, as are the costs of a system without properly installed modernization measures. Movants and its members have a material interest in ensuring that the proposed investments are beneficial and cost-

¹ N.J.A.C. 1:1-16.1.

² N.J.A.C. 1:1-16.3(a).

effective, and that the CEF-EC Program, specifically, operates efficiently in advancing grid modernization.

17. The outcome of this case: (1) has significant implications for the provision of utility service and the functioning of the electric grid as it relates to safety, modernization, and economic welfare, and (2) goes to the heart of Movants' mission with regard to implementing grid modernization in a manner that achieves all available customer benefits including environmental benefits. These issues are of the utmost importance to Movants and their members in New Jersey.

18. The PSE&G Petition, if structured to maximize the full range of environmental and consumer benefits, will further Movants' mission by implementing grid modernization in an optimal manner.

B. Movants' Interest is Sufficiently Different from Any Other Party so as to add Measurably and Constructively to the Case.

19. Movants' unique expertise will measurably and constructively advance this proceeding in accordance with N.J.A.C. 1:1-16.3(a). In its filing, PSE&G proposes measures to institute the CEF-EC Program to modernize the distribution system, and Movants will add substantive value to this proceeding by bringing to bear unique expertise and analyses on nationwide grid modernization efforts and enabling a full development of the record.

20. Expertise and Analysis. Movants will review and analyze PSE&G's Petition, CEF-EC Program proposal, and filings. Drawing on their grid modernization expertise and experience in cost-effectively improving electric modernization, Movants will provide solutions and recommendations to improve Program efficacy. Movants additionally plan to review and comment on comments, proposals, and other information brought throughout the course of this proceeding to the extent that customer, safety, cost, and

environmental implications of the PSE&G Petition are optimized. This contemplated analysis will help assure that the PSE&G Petition and CEF-EC Program achieves the greatest result possible.

21. Full Development of the Record. Movants' intervention can assist with the development of a full record, through testimony, cross-examination, and briefing, in areas where other intervenors do not share Movants' particular expertise. If Movants are not permitted to intervene in this instant proceeding, evidence that they intend to present regarding vital ways to improve the PSE&G Petition for greater consumer, grid, and environmental benefits will not be available. In addition, receiving a different status would deny Movants access to the discovery process, which would preclude them from further developing and refining its position and arguments as the proceeding progresses, in a manner that is maximally beneficial for proceeding as a whole.

C. Intervention by Movants will not Cause Confusion or Result in Undue Delay.

22. Movants will work with other parties to ensure that it avoids duplicating efforts being made by other parties to this proceeding so as to prevent confusion and undue delay. In addition, Movants will strictly abide by the schedule and other rulings made herein.

CONCLUSION

Movants have met the criteria for intervention in the PSE&G Petition and respectfully request that an Order be issued granting them intervenor status.

Respectfully Submitted,

/s/ Aaron Kleinbaum
Aaron Kleinbaum, Esq.
Attorney Id# 002681991

Attorney for Environment New Jersey,
Environmental Defense Fund, Sierra Club
and Natural Resources Defense Council

CERTIFICATION OF SERVICE

I hereby certify that I have this day served by electronic mail a copy of the foregoing Motion for Intervention on all parties who have entered an appearance or are otherwise entitled to service in this proceeding.

Dated this 16th day of November 2018.

Respectfully Submitted,

/s/ Aaron Kleinbaum

Aaron Kleinbaum, Esq.

Id# 002681991

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IN THE MATTER OF 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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION COMMISSIONER HOLDEN BPU DOCKET NO. EO18101115
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CERTIFICATION OF THOMAS SCHUSTER IN SUPPORT OF
MOTION TO INTERVENE BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL
DEFENSE FUND, SIERRA CLUB AND NATURAL RESOURCES DEFENSE COUNCIL

I, Thomas Schuster, certify as follows:

1. I am of legal age and competent to give this declaration. The following information is within my personal knowledge.
2. I am a Sierra Club employee. I serve as a Senior Campaign Representative for Sierra Club’s Beyond Coal Campaign in New Jersey. I am responsible for ensuring that Sierra Club successfully executes the campaign’s goals in the state. As part of my responsibilities, I

regularly interact with employees and volunteers, and track relevant state legislation and regulatory developments.

3. Sierra Club is the nation's oldest and largest grassroots environmental nonprofit.

4. Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the ecosystems Earth's and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

5. In New Jersey, Sierra Club has more than 22,000 members and maintains twelve local groups that meet monthly with members throughout the state.

6. On behalf of its members, and as relevant in these proceedings, Sierra Club advocates for a just transition to a clean energy economy. To achieve this transition, Sierra Club champions policies and regulations that break our reliance on fossil fuels, and that spur a rapid transition to clean energy solutions such as energy efficiency, distributed solar, electric vehicles and energy storage. Sierra Club champions such policies and regulations in New Jersey and the rest of the country by: intervening, submitting comments, providing testimony, and presenting experts in energy- and transportation-related proceedings; participating in public hearings and workshops; speaking to students, civic organizations, and other stakeholders; and holding trainings and symposia—all to ensure that clean energy solutions reach every community.

7. I understand that in this case Public Service Electric & Gas Company ("PSE&G") seeks approval of its Clean Energy Future – Energy Cloud ("CEF-EC") Program.

8. Sierra Club and its members' interest in this case include but are not limited to incorporating best practices into the program to achieve maximal environmental benefits at the lowest possible cost, and distributing program benefits equitably.

9. Sierra Club's interests are therefore directly germane to this proceeding and its participation will not delay the disposition of this matter, create any additional burdens for the BPU, or otherwise burden or prejudice any of the existing parties to this litigation.

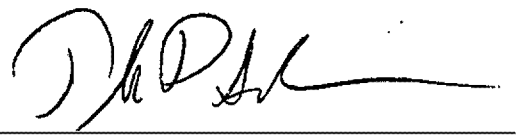
10. Sierra Club will strictly abide by the schedules and other rulings made in this proceeding.

11. Sierra Club will limit its submissions and testimony to the relevant topics regarding smart meters and Advanced Metering Infrastructure.

12. Sierra Club will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

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

Dated: November 16, 2018



Thomas Schuster
Sierra Club

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<p>IN THE MATTER OF 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</p>	<p>STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION COMMISSIONER HOLDEN BPU DOCKET NO. EO18101115</p>
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CERTIFICATION OF DALE BRYK IN SUPPORT OF MOTION FOR
INTERVENTION BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL
DEFENSE FUND, SIERRA CLUB AND NATURAL RESOURCES DEFENSE
COUNCIL

I, Dale Bryk, certify as follows:

1. I have been employed at the Natural Defense Resources Council (“NRDC”) since 1997.
2. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 410,000 dues-paying members

globally, including more than 12,000 in New Jersey and many in PSE&G's New Jersey service territory.

3. My current position at NRDC is Senior Strategic Director. I was previously director of NRDC's Energy and Transportation Program, with particular focus on utility regulation and state energy efficiency, renewable energy and climate policy. In this position, I am personally familiar with NRDC's efforts on smart meters and its related Advanced Metering Infrastructure (AMI) around the country. AMI, and the potential for smart meters to improve the distribution system and promote energy efficiency programs with customers, is a key issue in NRDC's energy platform.

4. The economic interests, environmental interests, and health of NRDC and its New Jersey members will be substantially, specifically and directly affected by the outcome of this case.

5. NRDC shares the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey

BPU has granted intervenor status to NRDC in several matters involving clean energy programs, because of NRDC's expertise in this field. For example:

- South Jersey Gas Company, Docket # GO1110651.
- Elizabethtown Gas Company, GO10070446 and GO10100735
- 2011: South Jersey Gas Company, GO10110861
- 2009: Rockland Electric Company, EO09010056 and EO09010061
- 2009: New Jersey Natural Gas, EO09010057
- Public Service Electric and Gas Company, EO09010058
- Public Service Electric and Gas Company, ER1800029 and GR 180030

6. NRDC's goal in this case is to assist the parties in ensuring that AMI, if approved, is implemented in the method most beneficial to customers. NRDC would provide material and unique contributions to the PSE&G Petition, particularly with respect to the potential for this AMI proposal to enable PSE&G to increase its investments in energy efficiency programs.

7. NRDC has longstanding expertise on decoupling. Since 2003, NRDC has partnered with a wide range of organizations, including Edison Electric Institute, American Gas Association, and the National Association of Regulatory Utility Commissioners, to create and implement clean energy mechanisms.

8. NRDC has intervened in dozens of utility regulatory proceedings in states across the nation to advance clean energy.

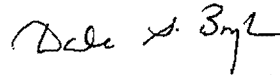
9. NRDC, as it has in previous cases, will strictly abide by the schedules and other rulings made by this Court.

10. NRDC will limit its submissions and testimony to the topics relevant (as determined by BPU) to AMI.

11. NRDC will work with all parties to ensure an efficient hearing process, and avoid duplication of efforts, confusion or any delays.

I certify that the above statements are true. I understand that if the above statements are willfully false, I am subject to punishment.

Dated: 11/16/18



Dale Bryk
Senior Strategic Director
Natural Resources Defense Council

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TRENTON, NJ

IN THE MATTER OF 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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION COMMISSIONER HOLDEN BPU DOCKET NO. EO18101115
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CERTIFICATION OF MARY BARBER IN SUPPORT OF MOTION FOR INTERVENTION BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL DEFENSE FUND, SIERRA CLUB AND NATURAL RESOURCES DEFENSE COUNCIL

I, Mary Barber, certify as follows:

1. I am employed at the Environmental Defense Fund (“EDF”).
2. EDF is a national nonprofit membership organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to society’s most urgent environmental problems.¹ EDF has more than 439,000 dues-paying members nationwide, including more than 14,000 in New Jersey and many

¹ February 18, 2016 BPU Order on Motions to Participate or Intervene And For Admission Pro Hac Vice and Prehearing Order with Procedural Schedule, Docket No. GR15091090, pp. 3-4.

in PSE&G's New Jersey service territory.

3. My current position at EDF is Director, New Jersey Clean Energy. In this position, I am personally familiar with EDF's efforts on smart meters and Advanced Meter Infrastructure (AMI) around the country. Smart meters, and AMI is an important component in energy efficiency programs, and thus a key issue in EDF's energy platform.

4. The economic interests, environmental interests, and health of EDF and its members (especially those within New Jersey) will be substantially, specifically and directly affected by the outcome of this case.

5. EDF shares the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey".²

6. EDF has made material and unique contributions in several BPU proceedings:

- In September 2016, EDF was granted status as an intervenor in I/M/O Rockland Electric Company – Request for Approval of an Advanced Metering Program; and for other relief.³ EDF supported

²<http://www.bpu.state.nj.us/bpu/about/mission/>, see also N.J.S.A. 48:2-23.

³ Docket # ER16060524

Petitioner's Advanced Metering Program, on the condition that Petitioner incorporate several performance metrics and a data sharing policy. Ultimately, BPU approved the Program, and incorporated the performance metrics and data sharing policy recommended by EDF.⁴

- In September 30, 2013, in I/M/O the Petition of Public Service Electric and Gas Company for Approval of the Energy Strong Program, EDF was granted status as a participant, and the BPU recognized EDF's "extensive interest and knowledge and its involvement in multiple national research projects."⁵
- In June 2015, BPU noted its appreciation for EDF's participation in I/M/O Comprehensive Energy Efficiency and Renewable Energy Resource Analysis For the Fiscal Year 2016 Clean Energy Program.⁶ In this matter, BPU "worked with EDF's Investor Confidence Project to develop a straw proposal for the integration of [the Investor Confidence Project] into [the commercial and industrial programs before BPU.]"⁷ EDF's Investor Confidence Project lowers the transaction costs for energy efficiency projects, by assembling existing standards and practices into a consistent and transparent

⁴ August 23, 2017 Order and Decision P.22, 24.

⁵ October 16, 2013 BPU Order on Interlocutory Appeal, BPU Docket Numbers EO13020155 and GO13020156, p. 3.

⁶ June 17, 2015 Order, Docket Num. QO15040476, pp. 6-7.

⁷ Id. at p. 40.

process that promotes efficient markets by increasing confidence in energy efficiency as a demand-side resource.⁸

- In 2018, EDF was granted intervenor status in I/M/O the Petition of Public Service Electric and Gas Company for Approval of Rate Increase, BPU Docket Nos. ER18010029 & GR18010030.
- EDF has been granted intervenor status in several other BPU proceedings as well.⁹

7. EDF's goal in this case is to assist the parties in ensuring that the smart meters and AMI program, if approved, is implemented in the most cost-effective manner possible.

8. EDF, as it has in previous BPU proceedings, will strictly abide by the schedules

and other rulings made by this Court.

⁸ <http://www.eepformance.org>

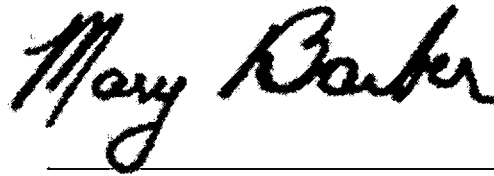
⁹ E.g. Atlantic City Electric Company, Docket # ER16030252; Elizabethtown Gas, Docket # GR1509190; Public Service Electric and Gas Company, Docket # GR15030272

9. EDF will limit its submissions and testimony to the topics relevant (as determined by BPU) to AMI, and providing customers with access to cost-effective smart metering.

10. EDF will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

I certify that the above statements are true. I understand that if the above statements are willfully false, I am subject to punishment.

Dated: November 16, 2018

A handwritten signature in black ink that reads "Mary Barber". The signature is written in a cursive style with a horizontal line underneath it.

Mary Barber
Director, New Jersey Clean Energy
Environmental Defense Fund

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CERTIFICATION OF DOUG O’MALLEY IN SUPPORT OF
MOTION TO INTERVENE BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL
DEFENSE FUND, SIERRA CLUB AND NATURAL RESOURCES DEFENSE COUNCIL

1. Founded in 2006, Environment New Jersey is one of the State’s largest nonprofit, citizen-based advocacy organizations. It succeeds its sister organizations, including New Jersey Public Interest Research Group Law & Policy Center and New Jersey Public Interest Research Group Citizen Lobby whose work spans the past four plus decades. The state offices are in Trenton and New Brunswick.

2. The organization’s political arm is a project of Environment America, Inc. which is a national network of state based environmental advocacy organizations, representing more than a

million citizen activists and members across the country. In New Jersey, there are more than 20,000 dues-paying citizen members of Environment New Jersey, primarily in North and Central Jersey, a majority of them in the service area of PSEG across the counties of Bergen, Hudson, Passaic, Essex, Union, Middlesex, Mercer, Somerset, Burlington and Camden.

3. Environment New Jersey is committed to preserving New Jersey's environment for this and future generations by protecting our land, air, and water and promoting a clean, renewable energy future. The organization, and our predecessors, has a had a rich and detailed history in engaging in advocacy and environmental organizing on a broad set of issues, and especially on clean energy issues.

4. Our work on energy goes back to the 1970s through our advocacy for the preservation of the Delaware Water Gap from the Tocks Island dam (which would have produced hydropower) to the preservation of the New Jersey Pine Barrens through the New Jersey Pinelands Act, which was spurred by the attempts to construct oil pipelines through the region to the work to expand solar power.

5. In more recent history, the organization has focused its clean energy advocacy on the work of the Board of Public Utilities, including the work in the early 2000s to establish a clean renewable energy portfolio standards for the state of 22.5% clean, renewable energy by 2021, as well as work to establish energy efficiency appliance standards. The work of the organization to oppose the energy market deregulatory process in 1999 led to the creation of the state Clean Energy Fund, which the organization has worked to defend from initial attempts to raids by the Legislature and subsequent Governors, which have intensified in the last decade. The program is run by the Board of Public Utilities' Office of Clean Energy.

6. The organization has a record of intervening in key energy issues that are in front of the Board of Public Utilities to represent the public interest and advocate for the environment. This has included the highly contested attempted merger of Exelon Inc. and PSEG, which we successfully intervened in the BPU proceedings to raise consumer concerns with the proposed merger, which was ultimately denied.

7. The organization has also a record of legally challenging energy projects proposed by the state of New Jersey and reviewed by the Board of Public Utilities and other state entities. The organization legally opposed the proposed construction of PSEG Roseland Susquehanna fossil-fueled powered transmission lines that bisected the Delaware Water Gap and ran through multiple North Jersey communities, as well as the current litigation against the construction of the South Jersey Gas gas power line through the heart of the New Jersey Pinelands and our most recent work to oppose the Zero Emissions Credits program for PSEG's currently profitable nuclear power plants in South Jersey which was debated in both houses of the New Jersey Legislature.

8. The organization has a documented record of advocating for improved air quality and reduced air pollution from fossil fuels. The most recent example is the release of Environment New Jersey's Trouble in the Air report in July 2018 which documented that the average number of unhealthy air days across the New Jersey metropolitan regions averaged more than 90 days. We have a record of challenging air permit and advocating for reduced emissions from fossil fuel power plants, stronger filter technology and the reduced use of fossil fuel generation, including increased investments in energy efficiency and we have advocated for an Energy Efficiency Resource Standard.

9. The organization has a demonstrably clear record of supporting additional actions to reduce global warming pollution and played a leading role in building up political and public support for the ultimate passage of the Global Warming Solutions Act of 2006 to reduce carbon pollution by 20% by 2020 and 80% by 2050 from 2006 emission levels. The organization has been an early champion of the Regional Greenhouse Gas Initiative (RGGI) and its investments in energy efficiency and filed successful litigation against the Christie Administration for the procedural nature of their removal of New Jersey from the program. The organization has had a record of providing public comment and stakeholder engagement with the BPU Energy Master Plan process, with the four most recent examples being the Corzine Administration process from 2007 through 2008 as well as the Christie Administration revisions of the Energy Master Plan in 2010 and 2011 as well as the revision in 2015, and the current ongoing update of the Energy Master Plan by the Murphy Administration this fall.

10. The organization has a documented record for advocating for a smarter, more resilient energy grid to allow the state to be able to achieve its clean energy goals and to bring smart meter technology to New Jersey ratepayers. Beyond removing the obvious inconvenience of not allowing utilities to have instant access to the power levels in particular communities, advance meter initiatives can finally start to harness the process of an electric grid that would be responsive to energy needs and to provide real-time data and real-time pricing for electricity use based on the current load on the grid. Smart meters also provide a tantalizing step towards time of use pricing for electric vehicles, which the organization has played a large role in promoting over the last decade. The organization has advocated for smart meters through the New Jersey Legislature, the NJBPU and the state Energy Master Plan hearings, and multiple press outlets,

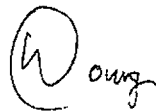
including New Jersey Spotlight, and has been part of the broader work of the Jersey Renews clean energy and climate coalition.

11. The organization is represented by its director, Doug O'Malley, who has a 17 year history of working for the organization in Trenton and has led campaigns to promote clean, renewable energy in New Jersey, oppose new fossil fuel projects, build public support for solutions to our climate crisis and expand the hybrid, low-emission and electric vehicles across the state. Doug serves on the boards of the Work Environment Council, the Environmental Endowment of New Jersey, Environment America Inc. as well as serving as the president of the ChargeVC electric vehicle coalition. He has now worked across the Administrations of six New Jersey governors.

12. The organization's prolific research reports on clean energy have been represented by our research arm, the Frontier Group, represented by our senior researcher Tony Dutzik and deputy director. Tony has been the lead author of dozens of reports on a range of policy issues, focused primarily on climate, energy and transportation policy and their impacts on New Jersey and has helped to articulate the organization's policy solutions to some of the state's most vexing energy dilemmas.

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

Dated: November 16, 2018



Doug O'Malley
Director
Environment New Jersey and Environment
New Jersey Research & Policy Center

RECEIVED
CASE MANAGEMENT

NOV 20 2018

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Resources Defense Council

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

IN THE MATTER OF 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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION COMMISSIONER HOLDEN BPU DOCKET NO. EO18101115
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MOTION FOR ADMISSION *PRO HAC VICE*

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and serving as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of John Finnigan as attorney for Environment New Jersey, Environmental Defense Fund, Sierra Club and National Resources Defense Council (NRDC) in this proceeding.

Mr. Finnigan is a member in good standing of the bars of Ohio and Kentucky. There is good cause for Mr. Finnigan to be admitted *pro hac vice* because he has significant experience representing the interests of environmental non-profit organizations. As evidenced by his

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

Respectfully Submitted,

/s/ Aaron Kleinbaum

Aaron Kleinbaum, Esq.
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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

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

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

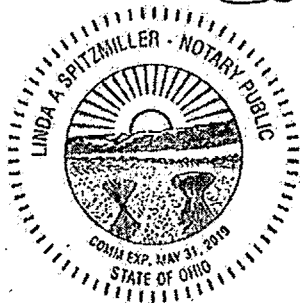
State of Ohio)
) ss.
County of Hamilton)

I, John Finnigan, duly sworn and according to law, hereby certify as follows:

1. I am employed by the Environmental Defense Fund (“EDF”), a national, not-for-profit environmental organization headquartered at 257 Park Avenue South, New York, New York 10010 as an attorney.
2. I am an attorney in good standing admitted to practice in the State of Ohio and the Commonwealth of Kentucky. My bar number for the Ohio Bar is 0018689 and my bar number for the Kentucky Bar is 86657. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.
3. I am associated in this matter with New Jersey counsel of record, Aaron Kleinbaum, Esq., who is qualified to practice pursuant to R. 1:21-1.
4. EDF, Sierra Club and the Natural Resources Defense Council (NRDC) have requested my representation in this matter.
5. There is good cause for my admission *pro hac vice* in that I have considerable experience representing environmental non-profit organizations in various proceedings before State Public Utility Commissions and on cases involving utilities, and am employed as an attorney by EDF. I also have experience before the New Jersey Board of Public Utilities in the previous case *In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Energy Strong Program*, BPU Docket Nos. EO13020155 and GO13020156 where I received *pro hac vice* admission, and *In re Atlantic City Electric Company Rate Case*, BPU Docket No. PUC 5556-16.
6. I will abide by all court rules and other requirements of rule 1:21-2(c) and 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 arise out of my participation in this matter;
 - c. Notify the 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 Office of Administrative Law signed by the attorney of record.
7. I have paid the fee to the New Jersey Lawyers' Fund for Client Protection as required by R. 1:20-1(b) and 1:20-2.
8. I certify that the foregoing statements by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

Dated: November 10, 2018



Respectfully Submitted,



/s/ John Finnigan

John Finnigan, Esq.
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Attorney for Environmental Defense Fund,
Sierra Club and Natural Resources Defense
Council

CERTIFICATION OF SERVICE

I hereby certify that I have this day served by electronic mail a copy of the foregoing Motion for Admission *Pro Hac Vice* and supporting affidavit on all parties who have entered an appearance or are otherwise entitled to service in this proceeding.

Dated this 16th day of November, 2018.

Respectfully Submitted,

/s/ Aaron Kleinbaum

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