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Jan 9/11/18

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File No.: 300135-70

DEC 07 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

December 6, 2018

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Via FedEx and Email

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: In the Matter of the Petition of Public Service Electric & Gas Company for
Approval of Its Clean Energy Future-Electric Vehicle and Energy Storage
("CEF-EVES") Program on a Regulated Basis
BPU Docket No.: EO18101111**

Dear Secretary Camacho-Welch:

Enclosed are an original and ten (10) copies of a Supplemental Motion to Intervene 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"), NRG Energy, Inc. ("NRG"), Just Energy Group, Inc. ("Just Energy") and Centrica Business Solutions (collectively the "Market Participants") in the above proceeding. By copy of this letter, copies of this Supplemental Motion are being forwarded on this date via email to all persons whose names appear on the attached Service List.

This Supplemental Motion identifies two additional entities, NRG and Just Energy, who are joining in the original request to intervene, on the same grounds as the original moving parties. There are no other substantive changes to the original Motion.

I also have enclosed an extra copy of this Supplemental Motion to be stamped "filed" and returned to this office in the enclosed self-addressed envelope.

*Case Mgmt
list copied*

Thank you for your courtesies.

Respectfully submitted,



Christopher E. Torkelson

CET/ldr
Enclosures

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

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

DOCKET NO. EO18101111

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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 ELECTRIC :
AND GAS COMPANY FOR : BPU DOCKET NO. EO18101111
APPROVAL OF ITS CLEAN ENERGY :
FUTURE-ELECTRIC VEHICLE AND :
ENERGY STORAGE ("CEF-EVES" :
PROGRAM ON A REGULATED BASIS :

**SUPPLEMENTAL MOTION TO INTERVENE OF DIRECT ENERGY BUSINESS, LLC,
DIRECT ENERGY BUSINESS MARKETING, LLC,
DIRECT ENERGY SERVICES, LLC, GATEWAY ENERGY SERVICES
CORPORATION, NRG ENERGY, INC., JUST ENERGY GROUP INC. 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"), NRG Energy, Inc. ("NRG"), Just Energy Group Inc. ("Just Energy") and Centrica Business Solutions (collectively, the "Market Participants") hereby file this Supplemental Motion to Intervene ("Supplemental 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-Electric Vehicle and Energy Storage Program on a Regulated Basis ("Petition"). In support of the Supplemental Motion, the Market Participants state as follows:¹

¹ The Supplemental Motion includes two additional entities requesting intervenor status – NRG and Just Energy – and renames the motioning parties to the "Market Participants." It also contains new paragraphs (2 and 3) to describe NRG and Just Energy and to provide information relevant to their participation in this proceeding. Also, Paragraph 34 contains justification for the inclusion of NRG and Just Energy at this time. Otherwise, the Supplemental Motion makes no substantive changes to the original Motion. Notably, NRG's and Just Energy's interests in this

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, four of the 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.

2. NRG is a leading integrated power company in the U.S. A Fortune 500 company, NRG operates a reliable and efficient electric generation, a demand-side business focusing on demand response and other customer-sited energy efficiency and distributed energy investments, and a retail platform serving residential and commercial businesses. Its retail electricity providers serve almost three million customers across more than a dozen states. One million of those customers are in the Northeast markets, which include customers in New Jersey. Its demand-side businesses work with consumers on an “all-of-the-above” approach to controlling their energy costs and content. NRG’s retail companies have more than 25 years combined experience with retail energy competition and customer service. NRG is headquartered in Princeton, New Jersey. The company has several licensed third party suppliers that are actively serving residential, commercial, industrial and institutional customers across New Jersey.² These NRG retail

proceeding are aligned with those of Direct Energy and Centrica Business Solutions, and the Market Participants intend to jointly litigate this case. Therefore, neither the number of parties nor the issues to be addressed, relative to the original Motion filed by Direct Energy and Centrica Business Solutions, would change as a result of granting the Supplemental Motion.

² As third-party energy suppliers in New Jersey, NRG holds electric power supplier licenses, as follows: Energy Plus Holdings LLC – ESL-0087, Independence Energy Group LLC – ESL-0100, Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business – ESL-0093, Green Mountain Energy Company – ESL-0098, and XOOM Energy New Jersey, LLC – ESL-0115.

companies offer customers a range of products including 100% renewable, cash back and travel rewards.

3. Just Energy Group Inc. is the parent company of licensed third party suppliers serving retail customers in New Jersey.³ Specializing in electricity, natural gas and green energy, the Just Energy corporate family serves close to two million residential and commercial customers throughout North America, the United Kingdom, Ireland and Germany, including electric and natural gas supply customers in New Jersey. Just Energy's affiliates generally offer a wide range of energy products and home energy management services such as long-term fixed-price, flat bill programs, smart thermostats and home water filtration. Just Energy and its affiliates serve residential and commercial customers throughout New Jersey.

4. 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.

5. By this Supplemental Motion to Intervene, the Market Participants 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

³ Just Energy holds third-party supplier licenses in New Jersey as follows: Hudson Energy Services, LLC – ESL-0083 and Just Energy Solutions, Inc. – ESL-0046.

new ratepayer-funded electric vehicle and energy storage programs proposed by PSE&G, the interests of the Market Participants will be directly and substantially affected.

6. Specifically, as third-party suppliers that are very active in New Jersey's retail market, Direct Energy, NRG and Just Energy have a substantial and direct interest in a number of issues concerning PSE&G's proposal to recover costs of a Clean Energy Future – Electric Vehicle and Energy Storage Program. Likewise, as a market leader in distributed energy solutions, Centrica Business Solutions has a substantial and direct interest in several issues regarding PSE&G proposal to use ratepayer funds to support programs that it is offering in the private market. These issues include:

- The Clean Energy Future – Electric Vehicle and Energy Storage Program will impact the ability of third-party suppliers and other market participants to provide innovative technologies to customers in PSE&G's service territory;
- PSE&G should not own energy storage facilities or electric vehicle charging infrastructure as controlling those assets are outside its function as a regulated utility;
- The sale of output from PSE&G's proposed microgrid facilities into the market may impact the price of electricity that will inure to the detriment of suppliers;
- Approving PSE&G's Petition may make customers more likely to perceive that energy storage solutions and electric vehicle charging infrastructure is available only from the traditional monopoly provider and thereby serve to reinforce the historical utility-customer monopoly relationship;
- PSE&G's Petition raises concerns regarding cross-subsidization because it proposes to utilize ratepayers dollars to benefit certain customer classes;

- The Market Participants have concerns regarding equal access to customer data and the ability of third party suppliers and other market participants to provide competitive service to customers that would be served by the proposed microgrid projects; and
- PSE&G's proposal is premature given that New Jersey's Clean Energy Law calls for a study on energy storage that should include third party suppliers such as Direct Energy, NRG and Just Energy, and other stakeholders such as Centrica Business Solutions that provides energy storage services in the private market.

7. The Market Participants submit that these issues, among others, should be thoroughly examined in this proceeding.

II. BACKGROUND

8. On September 26, 2018, PSE&G initially filed this matter with the Board along with its Clean Energy Future – Energy Efficiency (“CEF-EE”)⁴ and Clean Energy Future – Energy Cloud (“CEF-EC”)⁵ Programs. At the request of the Board, PSE&G 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 N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, seeking approval for a Clean Energy Future – Electric Vehicle and Energy Storage Program (“CEF-EVES Program”).

9. PSE&G proposes to commit up to \$261 million of investment over approximately six years and projects \$103 million in expenses for four Electric Vehicle (“EV”) subprograms. Petition at ¶ 9. PSE&G proposes to commit up to \$109 million in five energy storage (“ES”) subprograms over six years and projects \$70 million in expenses. Petition at ¶ 16.

⁴ Docket Nos. GO18101112 & EO10121113.

⁵ Docket No. EO18101115.

10. PSE&G proposes to recover the CEF-EVES Program as separate components of a new Technology Innovation Charge (“TIC”) to the Company’s Tariff for Electric Service. The two components of the TIC are the CEF-EV component and the CEF-ES component. Petition at ¶ 25. PSE&G proposes that the CEF-EV and CEF-ES components be applicable to all electric rate schedules on an equal cents per kilowatt-hour basis. Attachment 1 at 11-12.

11. PSE&G requests flexibility to transfer funds between EV subprograms and across years to “respond to market conditions and participant demands to further maximize energy savings and EV subprogram resources.” Petition at ¶ 14. Likewise, PSE&G seeks flexibility to transfer funds between ES subprograms and across subprogram years to respond to market conditions and participant demands. Petition at ¶ 21.

12. PSE&G requests that the Board approve this Petition and its proposed CEF-EVES Program on an expedited basis. Petition at ¶ 8. PSE&G requests that the proposed CEF-EVES Program be reviewed on the same schedule as the CEF-EE Program. Petition at ¶ 39. The CEF-EE Program was filed pursuant to N.J.S. § 48:3-98.1, which establishes a 180-day review period.

13. Along with its Petition, PSE&G filed the following Direct Testimonies in support thereof: Karen Reif (“Attachment 1”); Jorge Cardenas (“Attachment 2”); and Stephen Swetz (“Attachment 3”).

14. The Direct Testimony of Karen Reif describes the four EV subprograms PSE&G is proposing to support the deployment of EV charging infrastructure and accelerate electrification of vehicles as follows:

- **Residential Smart Charging** – PSE&G proposes to provide rebates for networked EV charges at residences in the PSE&G territory and customer incentives to encourage charging during off-peak periods.

- **Level 2 Mixed-Use Charging** – PSE&G seeks funding to deploy electrical infrastructure and provide rebates towards the upfront cost of Level 2 charging equipment and installation. This subprogram is designed to target a diverse set of customers (e.g. multifamily residences, workplaces, fleets, municipalities, overnight lodging) and serve a variety of end-use EV charging needs.
- **Public DC Fast Charging** – PSE&G proposes to deploy electrical infrastructure and either own or provide financial incentives towards the upfront cost of direct current (“DC”) Fast Charging equipment and installation. PSE&G also seeks to provide financial incentives to offset electricity costs.
- **Vehicle Innovation** – PSE&G seeks to provide incentives towards electric school buses and EV charging infrastructure that will serve school districts in the PSE&G territory, as well as establish an open bidding process to fund high-impact, customized electrification projects for customers with non-standard medium and heavy-duty vehicle electrification needs.

Attachment 1 at 3.

15. The Direct Testimony of Jorge Cardenas describes the five CEF-ES subprograms proposed by PSE&G. The subprograms reflect that PSE&G seeks funding to: (1) develop and construct energy storage systems for solar smoothing; (2) develop and construct energy storage systems to defer distribution upgrades; (3) utilize mobile energy storage systems for outage management solutions; (4) develop, install and operate microgrids; and (5) locate energy storage systems at public sector facilities to reduce peak demand. Attachment 2 at 5-21.

16. The Direct Testimony of Stephen Swetz focuses on the proposed methodology for recovery of the costs related to PSE&G's proposed CEF-EVES Program and the projected bill impacts.

17. By Order adopted on October 29, 2018, the Board determined that the Petition should be retained by the Board for hearing and designated Commissioner Chivukula as the presiding officer. The Board further established November 13, 2018 as the date by which entities seeking to intervene or participate must file the appropriate application. The Order went into effect on November 5, 2018.

18. Pursuant to the Board's Order, the Market Participants file this Motion to Intervene, seeking to be granted full party status in this proceeding.

III. APPLICABLE LEGAL STANDARDS

19. 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.

20. 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

21. It is critical that the Market Participants 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. This is especially true given PSE&G's stated intent to seek permission to offer products and/or services that it has not received approval to do in the past which are offered by competitive marketplace participants.

22. Innovative energy solutions such as vehicle electrification and energy storage systems are best delivered by the competitive marketplace rather through regulated electric distribution companies.

23. The Market Participants are better positioned than utilities to promote electric vehicle adoption because as vehicle electrification accelerates in the coming years, there will be significant grid challenges that will require a diverse set of supply based and demand-side management solutions to help account for the major increase in load requirements. For example, an electric sedan approximately doubles the load requirements for an average household in the United States. The increase in load requirements will be compounded by the electrification of larger fleet-based vehicles. Solution-focused retailers will serve an important role in managing grid challenges and are better positioned than utilities to encourage the adoption of electric vehicles.

24. PSE&G's planned investment threatens to stymie the investment of private investment dollars into New Jersey to develop new technologies like microgrids and electric vehicle charging stations. Innovation is largely driven by competitive companies investing shareholder dollars and putting their own capital at risk. PSE&G's proposal threatens to negatively

impact this potential because private companies cannot compete with a traditional utility that is guaranteed cost recovery for programs that deploy these new technologies.

25. Allowing PSE&G to recover costs from all ratepayers to deploy electric vehicle charging stations, microgrids and energy storage systems will push private investment in the energy storage and electric vehicle fields out of the market and hinder the development of electric vehicle and energy storage solutions in New Jersey over the long run. Further, electric vehicle charging stations, energy storage systems and similar technologies, are not a natural monopoly function. There are many private non-utility companies participating in the electric vehicle charging infrastructure and energy storage markets. To the extent that the Board wishes to incent investment in electric vehicles, microgrids and other energy storage solutions, it should do so through competitively neutral incentives, rather than favoring one market participant (the utility) over all others. The approval of PSE&G's proposed CEF-EVES would contravene New Jersey's longstanding policy of unbundling electric distribution and generation service. Moreover, Direct Energy, NRG and Just Energy have concerns that the sale of output from PSE&G's proposed microgrid facilities into the market may impact the price of electricity that will inure to the detriment of suppliers. The Market Participants also have concerns regarding equal access to customer data and the ability of third party suppliers and other market participants to provide competitive service to customers that would be served by the proposed microgrid projects.

26. With regard to electric vehicle charging infrastructure, utilities are not as well-positioned as competitive market participants to provide products and services beyond the infrastructure itself. These products and services include customer power supply agreements, demand side management, onsite generation, smart charging, etc. These products and services are critical in ensuring the success of electric vehicle adoption.

27. If an electric distribution utility is allowed to recover costs associated with energy solutions that will only be used to serve a subset of customers, it can essentially deploy new technologies with very limited risk to its shareholders. Utility-led energy storage and electric vehicle projects lead to inefficient costs and risk allocation which leads to inefficient investment decisions. Moreover, PSE&G makes no commitment that the proposed CEF-EVES program will reduce the overall cost of service to customers in the long run.

28. PSE&G will seek cost recovery of its proposed new electric vehicle and energy storage programs plus a rate of return on its capital deployed for the project. Conversely, private developers of energy storage systems such as microgrids must work with the utility before and during construction to ensure interconnection into the electric grid. Often the utility plays a prominent role in determining the costs to interconnect into the distribution system and these costs can be substantial. When a utility is acting as a competitor of private developers, as well as the gatekeeper to interconnection, it has an incentive to make it more difficult for private developers (i.e. competitors) to move forward with projects. Conversely, the utility would have incentive to favor its own projects. It would be unwise, and put the utility in an unfair competitive advantage, if PSE&G were allowed to serve as both the gate-keeper and competitor in a market for energy storage solutions such as microgrids.

29. PSE&G's Petition raises concerns regarding cross-subsidization because it proposes to utilize ratepayers dollars to benefit certain customer classes. For example, ratepayers will subsidize electric vehicle chargers through their PSE&G bill regardless of whether they benefit or not.

30. PSE&G's proposal to construct, own and operate electric vehicle charging infrastructure and energy storage solutions such as microgrids presents many legal, technical and

economic challenges that directly impact competitive market participants such as Direct Energy, NRG, Just Energy and Centrica Business Solutions.

31. The Market Participants submit that PSE&G's proposed energy storage programs are premature given that New Jersey's Clean Energy Law calls for the Board to conduct a study on energy storage that should include various stakeholders, including third party suppliers such as Direct Energy, NRG and Just Energy, as well as providers of energy storage services in the private market such as Centrica Business Solutions. N.J.S.A. 48:3-87.8. For PSE&G to propose numerous energy storage initiatives in advance of the study contemplated in the Clean Energy Law reflects that its proposal is inappropriate at this time.

32. The Market Participants oppose PSE&G's request to have this Petition reviewed on an expedited basis, on the same schedule as the CEF-EE Program. The CEF-EE Program was filed pursuant to N.J.S. § 48:3-98.1, which establishes a 180-day review period. An expedited review period of 180-days for the proposed CEF-EVES Program is not warranted and would not serve the public interest due to the novel and complex issues raised in PSE&G's Petition. Indeed, with an expedited review period, the Market Participants would be deprived of due process in that they would have insufficient opportunity to be heard on these novel and complex issues.

33. The status of Direct Energy, NRG and Just Energy as competitive suppliers, 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 the Market Participants' knowledge, no other parties to this case will adequately represent its interest in this proceeding. The Market Participants 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).

34. Moreover, intervention by the Market Participants in this proceeding will not result in a delay in having the matter timely adjudicated. The Market Participants submit that the addition of NRG and Just Energy is not untimely, as they are seeking to join in the Intervention timely filed by Direct Energy and Centrica Business Solutions on November 13, 2018.⁶ Nevertheless, late filed Motions to Intervene are traditionally granted if the intervenor's interest is sufficiently different so as to add measurably and constructively to the scope of the case and if the late-filed intervention will not cause confusion or undue delay. *See* N.J.A.C. 1:1-16.3. Even if the Supplemental Motion to Intervene of NRG and Just Energy is determined to be untimely, their intervention should, nonetheless, be granted, since the Supplemental Motion: (i) raises no new or different issues; (ii) does not expand the number of parties; (iii) does not require any changes to the procedural schedule; (iv) does not change any arguments raised by PSE&G in its Opposition or the Response filed by Direct Energy and Centrica Business Solutions; and (v) would allow the Board to hear, through the single voice of the Market Participants, the perspectives of additional companies in the energy market with unique business models, product and service offerings and experiences. See In the Matter of the Verified Petition of Jersey Central Power & Light Company and Mid-Atlantic Interstate Transmission, LLC, et al., Docket No. EM15060733, et al. (Order dated August 15, 2016) (late intervention granted based on representation that party would take the record "as is" and the party's expertise would contribute to the development of a full and complete record).

35. Fundamental fairness and due process considerations require that the Market Participants 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.

⁶ Also, the Market Participants note that a motion for leave to intervene may be filed any time after a case is initiated. N.J.A.C. 1:1-16.2.

36. The Market Participants 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, NRG Energy, Inc., Just Energy Group Inc. and Centrica Business Solutions respectfully request that the Board grant this Supplemental Motion to Intervene so that the Market Participants may have full party status as an intervenor in this proceeding. The Market Participants 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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Attorneys for Direct Energy, NRG Energy, Inc.,
Just Energy Group Inc. and Centrica Business
Solutions ("Market Participants")

Dated: December 6, 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 FedEx to the State of New Jersey, Board of Public Utilities as follows:

Aida Camacho-Welch
Secretary of the Board
Board of Public Utilities
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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:

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Matthew M. Weissman, Esq.
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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: December 6, 2018