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**DIVISION OF RATE COUNSEL**  
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BOARD OF PUBLIC UTILITIES  
 TRENTON, NJ

PHIL MURPHY  
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SHEILA OLIVER  
 Lt. Governor

STEFANIE A. BRAND  
 Director

September 3, 2019

**Via Hand-Delivery**

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

**Re: 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  
 BPU Docket No. EO18101111**

Dear Secretary Camacho-Welch:

Please accept this letter in response to the letter filed by PSE&G on August 30, 2019 in the above-referenced matter. On August 23, 2019, PSE&G circulated a proposed schedule via electronic mail to the parties in this matter. Rate Counsel responded to PSE&G and copied the parties on August 27, 2019 ("August 27<sup>th</sup> letter"). In its response, Rate Counsel asserted it was inappropriate to proceed with a procedural schedule given Rate Counsel's pending Motion to Stay. Rate Counsel reminded the parties that the Board has three different proceedings pending that will likely direct the Board's policy on electric vehicles going forward. Until those matters are concluded, it is inappropriate to begin a procedural schedule in this matter.

On August 30, 2019, PSE&G filed with the Board a response to Rate Counsel's letter.<sup>1</sup> In this letter, PSE&G asserts it is appropriate for the parties to proceed with developing a schedule and that failure to impose a procedural schedule will result in "further, undue delay." PSE&G fails to address the prejudice to Rate Counsel, Board Staff and any other parties with proceeding with this matter while the proceedings that will establish the general policy that will drive the Board's decision in this specific matter are still pending. The Board should not impose a procedural schedule while those matters are pending. To do so will be a waste of all parties resources, as any work done in this matter may need to be modified or irrelevant after the Board

<sup>1</sup> Because PSE&G failed to provide the Board with a copy of Rate Counsel's August 27<sup>th</sup> letter to the parties, a copy is attached to this correspondence. The August 27<sup>th</sup> letter more fully spells out Rate Counsel's position on a procedural schedule in this matter.

CMS

Aida Camacho-Welch, Secretary  
September 3, 2019  
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issues its guidance. At this time, the Board should not issue a procedure schedule prior to providing policy direction.

Thank you for your attention to this matter.

Respectfully submitted,

STEFANIE A. BRAND, ESQ.  
Director, Division of Rate Counsel

By:   
Brian O. Lipman, Esq.  
Litigation Manager

BOL  
Enclosure

c: Service List (w/enc.)

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PHIL MURPHY  
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SHEILA OLIVER  
*Lt. Governor*

STEFANIE A. BRAND  
*Director*

August 27, 2019

**Via Electronic Mail and US Regular Mail**

Justin B. Incardone, Esq.  
Assistant General Regulatory Counsel  
PSEG Services Corporation  
80 Park Plaza, T5G  
Newark, New Jersey 07102-4194

Re: 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  
BPU Docket No. EO18101111  
Procedural Proposal and Motion to Stay

Dear Mr. Incardone:

We write in response to the proposed procedural schedule in the above-referenced matter, circulated by PSE&G on August 23. As explained below, Rate Counsel objects to setting a procedural schedule while our Motion to Stay and relevant and required proceedings remain pending.

Rate Counsel moved to stay this matter on December 7, 2018. PSE&G opposed the motion, and Rate Counsel replied. The Board has not yet ruled on that motion.<sup>1</sup> PSE&G's CEF-EVES Petition implicates policy questions that are being considered in three different proceedings: 1) the 2019 State Energy Master Plan update, initiated by the Governor pursuant to N.J.S.A. 52:27F-14 *et seq.*; 2) the energy storage study, initiated by the Board as directed by the Legislature pursuant to N.J.S.A. 48:3-87.8(1)(a); and 3) the Board's Electric Vehicle Stakeholder Group.<sup>2</sup> PSE&G is a party to each of those proceedings. None of those proceedings have concluded. Each remains important to a wide range of stakeholders; in fact, twenty-two entities moved to intervene or participate in the above-referenced Petition. The State has not yet articulated its policies on electric vehicles, energy storage or their significant financial implications. Accordingly, PSE&G's Petition cannot be considered without knowing if its

<sup>1</sup> On April 6, 2018, for similar reasons, Rate Counsel moved to dismiss an electric vehicle Petition filed by Atlantic City Electric Company in BPU Docket No. EO18020190. That Motion to Stay also remains pending.

<sup>2</sup> Board Agenda Item 9B (August 23, 2017).

Justin B. Incardone, Esq.  
August 27, 2019  
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proposals would complement or undermine the State's policies. To do so would be counterproductive and a waste of administrative resources.

Since the bases for our Motion to Stay and the pending proceedings remain unchanged, Rate Counsel reiterates that this matter should be held in abeyance until the above proceedings are resolved. Until then, consideration of this matter is inconsistent with statutes and with sound administrative practice.

Very truly yours,

STEFANIE A. BRAND, DIRECTOR  
DIVISION OF RATE COUNSEL

By: Brian Weeks  
Brian Weeks, Esq.  
Deputy Rate Counsel

c: Service List

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