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File No.: 300135-70

May 8, 2020

**VIA ELECTRONIC MAIL**

Aida Camacho-Welch, Secretary  
Board of Public Utilities  
44 South Clinton Avenue  
Trenton, New Jersey 08625

**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:

Direct Energy Business, LLC, *et al.*, NRG Energy, Inc., and Just Energy Group Inc. (collectively, the “Market Participants”) hereby submit this letter in support of the Motion to Dismiss filed by the New Jersey Division of Rate Counsel (“Rate Counsel”) on April 17, 2020. Rate Counsel’s Motion to Dismiss aptly requests that the Board of Public Utilities (“BPU” or “Board”) dismiss Public Service Electric and Gas Company’s (“PSE&G”) proposed electric vehicle (“EV”) sub-programs in PSE&G’s Clean Energy Future-Electric Vehicle and Energy Storage (“CEF-EVES”) proceeding.

The Market Participants support dismissal of PSE&G’s electric vehicle sub-programs through which PSE&G seeks recovery of and a return of its investments on the installation of EV charging equipment and the associated electric infrastructure. The Board should not permit PSE&G to own EV charging infrastructure as controlling those assets are outside its core functions as a regulated utility. The Board should also not permit PSE&G to require ratepayers to fund EV infrastructure that is not owned by PSE&G and subsidize certain specialized services not necessary to provide safe and adequate utility services.<sup>1</sup>

PSE&G’s proposal would allow it to offer EV services already available in the competitive market. As reflected in Rate Counsel’s Motion to Dismiss, there is no statutory authority for the

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<sup>1</sup> Rate Counsel Motion to Dismiss at 8-20.

Board to allow utilities such as PSE&G to use regulated rates to fund competitive services.<sup>2</sup> Dismissal of PSE&G's proposed EV sub-programs is necessary and appropriate to ensure that PSE&G does not position itself to gain an unfair advantage through use of ratepayer funds to undercut participants in the competitive market.

The Board's dismissal of PSE&G's EV sub-programs will also promote administrative efficiencies. The granting of Rate Counsel's Motion to Dismiss will avoid months of litigation and further Board action on programs that clearly should not be offered by a regulated utility. The granting of Rate Counsel's Motion to Dismiss would not only provide administrative efficiencies, it would uphold statutory provisions that prohibit PSE&G from purchasing and installing EV charging equipment and the charging of EVs.<sup>3</sup> Consequently, the Market Participants support Rate Counsel's Motion to Dismiss and urge the Board to dismiss PSE&G's Petition as it pertains to the proposed EV sub-programs.

Respectfully Submitted,

*Christopher E. Torkelson*

Christopher E. Torkelson

CET:

cc: All Parties on Attached Service List

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<sup>2</sup> Rate Counsel Motion to Dismiss at 2.

<sup>3</sup> Rate Counsel Motion to Dismiss at 21-27.