

May 8, 2020

VIA E-MAIL ONLY

Aida Camacho-Welch
Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625-0350
Board.secretary@bpu.nj.gov

***Re: I/M/O the Petition of PSE&G 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:

On behalf of Intervenor, ChargePoint, Inc. (“ChargePoint”), enclosed please find ChargePoint’s response to Rate Counsel’s Motion to Dismiss filed on April 17, 2020 in the above-referenced matter.

Consistent with the Board’s Order dated March 19, 2020, in Docket No. EO20030254 temporarily waiving certain requirements for non-essential obligations, we submit these documents via electronic filing only, and copies have been provided via electronic mail to all parties and individuals as set forth in the official service list in this matter.

Thank you.

Very truly yours,



Murray E. Bevan

cc: Service List (via e-mail only)

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

PUBLIC SERVICE ELECTRIC AND GAS	:	
COMPANY - IN THE MATTER OF THE	:	
PETITION OF PUBLIC SERVICE	:	
ELECTRIC AND GAS COMPANY FOR	:	BPU Docket No. EO1810111
APPROVAL OF ITS CLEAN ENERGY	:	
FUTURE – ELECTRIC VEHICLE AND	:	
ENERGY STORAGE (“CEF-EVES”)	:	
PROGRAM ON A REGULATED BASIS	:	

**CHARGEPOINT, INC. RESPONSE TO
RATE COUNSEL’S MOTION TO DISMISS**

ChargePoint, Inc. ("ChargePoint") respectfully submits this response to the Motion to Dismiss filed by the New Jersey Division of Rate Counsel (“Rate Counsel”) on April 17, 2020, in the above-captioned proceeding.

1. On October 11, 2018, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) requesting approval of its Clean Energy Future – Electric Vehicle and Energy Storage Program (“CEF-EVES Program” or “Program”). ChargePoint timely filed its motion to intervene, and on April 22, 2020, Commissioner Chivukula granted ChargePoint’s motion.
2. In their Motion to Dismiss, Rate Counsel seeks dismissal of all four electric vehicle sub-programs that PSE&G proposed in its Petition. Rate Counsel argues that the Board cannot approve the Company’s proposal as a matter of law based on the principle that utilities may only seek recovery of ‘used and useful utility property’ that is dedicated to the public

service.¹ Rate Counsel further argues that the Company’s proposal is inconsistent with the Electric Discount and Energy Competition Act (“EDECA”), N.J.S.A. 48:3-49 *et seq.*, and that authority for the programs was not established in the recently enacted Plug-in Vehicle Act (“PIV Act”), P.L. 2019, c. 362, N.J.S.A. 48:25-1-11.²

3. ChargePoint generally supports the objectives of PSE&G’s Petition. Notwithstanding such support, ChargePoint takes no substantive position at this time on the arguments raised by Rate Counsel regarding the Petition’s consistency with “used and useful” principles, EDECA, or the PIV Act, except to point out that the substance of PSE&G’s Petition is complex, the EV charging market is rapidly evolving, and there are complicated questions requiring disposition of law and fact regarding the Petition that can only be adequately addressed with the benefit of a robust factual record.
4. ChargePoint has a direct interest in this proceeding and was granted intervenor status to provide testimony before the Board on best practices for utility investments in EV charging infrastructure that (i) bolster the competitive EV charging market, (ii) increase equitable access to EV charging, and (iii) enable product innovation throughout the Company’s service territory.

Respectfully submitted,



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¹ Rate Counsel’s Motion at 9-20.

² Rate Counsel’s Motion at 21-27.

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Dated: May 8, 2020