



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC)	MOTION FOR
CITY ELECTRIC COMPANY FOR APPROVAL OF A)	RECONSIDERATION
VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE)	
CHARGING)	DOCKET NO. EO18020190

Parties of Record:

Andrew McNally, Esq., Atlantic City Electric Company
Stefanie Brand, Esq., Director, NJ Division of Rate Counsel
Murray E. Bevan, Esq., Bevan, Mosca & Giuditta P.C. on behalf of ChargePoint, Inc.
Raghu Murthy, Esq., Eastern Environmental Law Center on behalf of Natural Resources Defense Council
Kevin Auerbacher, Esq., Tesla, Inc.

BY COMMISSIONER UPENDRA J. CHIVUKULA:

On February 23, 2018, Atlantic City Electric Company ("ACE" or "Company") filed a petition ("PIV Petition") with the New Jersey Board of Public Utilities ("Board") for approval of a Voluntary Program for Plug-In Vehicle ("PIV") Charging ("PIV Program"). By Board Order dated March 26, 2018, the Board retained jurisdiction over the original matter, and designated myself as the presiding officer.¹ On or about December 17, 2019, ACE filed an amended petition ("Amended Petition"), proposing 13 offerings designed to accelerate PIV adoption in New Jersey.

The Amended Petition proposes a multi-year, \$42.107-million-dollar PIV program to incentivize off-peak charging of PIVs, develop PIV infrastructure, provide grants to foster innovation in electrifying the transportation sector, and support for electrifying school buses. ACE's Amended Petition includes initiatives that consist of Time of Use ("ToU") rates for residential customers who charge their PIVs during off peak hours. Additionally, ACE proposes working to have properly sited PIV charging infrastructure to alleviate "range anxiety", as well as infrastructure accessible to customers living in multi-family dwellings units ("MDUs") as well as low- to-moderate income communities ("LIC") and environmental justice ("EJ") communities.

¹ I/M/O the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated March 26, 2018 ("March 2018 Order").

ACE is seeking to recover \$42.107 million dollars via a base rate case. ACE first proposes that all capital investments related to the PIV be added to rate base as it is placed in service, for recovery in a future base rate proceeding. Second, ACE seeks to establish a regulatory asset ("PIV Regulatory Asset") which would capture the Company's non-capital costs associated with the program. The PIV Regulatory Asset would also capture the incremental revenues ACE would receive from use of its public chargers under Offerings 7 and 8, offsetting costs to ratepayers.

By the March 2018 Order, the Board designated the undersigned as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

On April 9, 2020, a prehearing order was issued wherein a procedural schedule was set and motions for intervention and participation status were ruled upon.

THE MOTIONS

Tesla, Inc. Motion for Reconsideration of Intervenor status

On February 21, 2020, Tesla, Inc. ("Tesla") a developer and manufacturer of EVs, EV charging stations, and energy storage facilities, filed a motion to intervene in response to ACE's Amended Petition. Tesla's motion to intervene was filed by its General Counsel, Kevin Auerbacher. Although Mr. Auerbacher is an attorney, he did not submit the proper certification or state that he was a New Jersey attorney in good standing. Due to Tesla's failure to file an appropriate motion pursuant to N.J.A.C 1:1-5.2, Tesla's motion to intervene was not considered in the April 9, 2020 prehearing order. On April 9, 2020, via electronic mail, counsel for Tesla submitted a motion for reconsideration, stating that he is a member of the New Jersey Bar, his dues have been paid, and that he is in good standing.

Tesla maintains that the outcome of ACE's proposal will directly impact how and when Tesla can deploy additional EVs charging stations and storage services throughout New Jersey. Tesla explains that its experience in developing infrastructure and related policy efforts will provide meaningful and constructive insight to this proceeding. Further, Tesla's contends that its interests are substantially different from those of any other party seeking intervention. Tesla concludes that it will not cause delay and will work cooperatively with other parties whenever possible and practical.

RESPONSES

The Board has not received any response to the motion for reconsideration.

FINDINGS

After consideration of the papers and given the lack of any objection, I **HEREBY FIND**, that Tesla's counsel is a New Jersey barred attorney and has provided proof that he is up to date on his dues and is in good standing. Additionally, I **HEREBY FIND** pursuant to N.J.A.C. 1:1-16.3 that Tesla will be directly affected by the outcome of this proceeding and will measurably and constructively contribute to the scope of the case and has met the standards for intervention as it has a sufficient

interest in this proceeding. Accordingly, having received no objection, I **HEREBY GRANT** Tesla's motion for intervention pursuant to the authority granted to me by the Board under the March 2018 Order.

I **HEREBY DIRECT** that this Order be posted on the Board's website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: May 13, 2020

BY:

A handwritten signature in dark ink, appearing to read "Upendra Chivukula", is written over a horizontal line.

UPENDRA J. CHIVUKULA
COMMISSIONER

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR
APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING
BPU DOCKET NO. EO18020190

SERVICE LIST

ACE

500 N. Wakefield Drive
P.O. Box 6066
Newark DE 19714-6066

Andrew J. McNally, Esq.
andrew.mcnally@exeloncorp.com

Clark M. Stalker, Esq.
clark.stalker@exeloncorp.com

Heather Hall, Manager
heather.hall@pepcoholdings.com

Michael Normand
michael.normand@delmarva.com

Jennifer Grisham
Pepco Holdings LLC- EP3624
701 Ninth Street, NW
Washington DC 20068-0001
jmgrisham@pepcoholdings.com

BPU

Post Office Box 350
Trenton NJ 08625-0350

Paul Flanagan, Esq.
Executive Director
paul.flanagan@bpu.nj.gov

Grace S. Power, Esq.
Chief of Staff
grace.power@bpu.nj.gov

Aida Camacho-Welch
Secretary of the Board
board.secretary@bpu.nj.gov

Christine Sadovy
Deputy Chief of Staff
Christine.sadovy@bpu.nj.gov

Office of the Economist

Benjamin Witherell, Chief Economist
Benjamin.witherell@bpu.nj.gov

Jacqueline O'Grady
jackie.ogrady@bpu.nj.gov

Counsel's Office

Abe Silverman, Esq.
General Counsel
abe.silverman@bpu.nj.gov

Ilene Lampitt, Esq.
ilene.lampitt@bpu.nj.gov

Andrea Hart, Esq.
andrea.hart@bpu.nj.gov

Division of Clean Energy

Kelly Mooij, Director
Kelly.mooij@bpu.nj.gov

Sherri Jones
sherri.jones@bpu.nj.gov

Cathleen Lewis
Cathleen.lewis@bpu.nj.gov

Division of Energy

Stacy Peterson, Director
stacy.peterson@bpu.nj.gov

Scott Sumliner
scott.sumliner@bpu.nj.gov

Christopher Oprysk
Christopher.oprysk@bpu.nj.gov

Division of Law

25 Market Street
P.O. Box 112
Trenton, NJ 08625

Brandon Simmons, DAG
brandon.simmons@law.njoag.gov

Alex Moreau, DAG
alex.moreau@law.njoag.gov

Michael Beck, DAG
michael.beck@law.njoag.gov

Pamela Owen, DAG
pamela.owen@law.njoag.gov

Rate Counsel

Post Office Box 003
Trenton NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Brian O. Lipman, Esq, Litigation Manager
blipman@rpa.nj.gov

Felicia Thomas-Friel, Esq.
ftthomas@rpa.nj.gov

Ami Morita, Esq.
amorita@rpa.nj.gov

Brian Weeks, Esq.
bweeks@rpa.nj.gov

Kurt Lewandowski, Esq.
klewando@rpa.nj.gov

Rate Counsel Consultants

Ezra D. Hausman, Ph.D.
77 Kaposia Street
Newton, MA 02466
ezra@ezrahausman.com

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720T
St. Louis, MO 63105
excel.consulting@sbcglobal.net

PSE&G

PSEG Services Corporation
80 Park Plaza-T5
Newark NJ 07102-4194

Justin B. Incardone, Esq.
Justin.incardone@pseg.com

Bernard Smalls
bernard.smalls@pseg.com

Michele Falcao
michele.falcao@pseg.com

JCP&L

Lauren M. Lepkoski, Esq.
FirstEnergy Service Company
Legal Department
2800 Pottsville Pike
Reading, PA 19612-6001
llepkoski@firstenergycorp.com

CHARGEPOINT, INC.

Murray E. Bevan, Esquire
Bevan, Mosca & Guiditta P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
mbevan@bmglaw.com

GREENLOTS

Thomas Ashley
Vice President, Policy
Greenlots
925 N. La Brea Avenue, 6th Floor
Los Angeles, CA 90038
tom@greenlots.com

Nathan Howe, Esq.
McCarter & English
100 Mulberry Street
Newark, NJ 07102-4056
nhowe@mccarter.com

NRDC

William Bittinger, Esq.
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
wbittinger@easternenvironmental.org

Daniel Greenhouse, Esq.
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
dgreenhouse@easternenvironmental.org

TESLA

Kevin Auerbacher
Managing Counsel
Tesla, Inc.
1333 H Street, NW, Floor 11
Washington, DC 20005
kauerbacher@tesla.com

Patrick Bean
Global Charging Policy Lead
Tesla, Inc.
1333 H Street, NW, Floor 11
Washington, DC 20005
pbean@tesla.com

Bill Ehrlich
Senior Policy Advisor
Tesla, Inc.
3500 Deer Creek
Palo Alto, CA 94304
wehrlich@tesla.com