



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE PETITION OF PUBLIC	)	PREHEARING ORDER WITH
SERVICE ELECTRIC AND GAS COMPANY FOR	)	PROCEDURAL SCHEDULE
APPROVAL OF ITS CLEAN ENERGY FUTURE –	)	AND ORDER ON MOTIONS
ELECTRIC VEHICLE AND ENERGY STORAGE (“CEF-	)	TO INTERVENE OR
EVES”) PROGRAM ON A REGUALTED BASIS	)	PARTICIPATE AND FOR
	)	ADMISSION PRO HAC VICE
	)	AND MOTION TO STAY
	)	
	)	DOCKET NO. EO18101111

**Parties of Record:**

**Stefanie Brand, Esq.**, Director, NJ Division of Rate Counsel  
**Matthew M. Weissman, Esq.**, General Regulatory Counsel, PSEG Services Company  
**Matthew S. Slowinski, Esq.**, Counsel for CCMT and MSEIA  
**Murray E. Bevan, Esq.**, Counsel for ChargePoint, Inc.  
**Christopher E. Torkelson, Esq.**, Counsel for Direct Energy Business, LLC, et al.  
**Steven G. Goldenberg, Esq.**, Counsel for NJLEUC  
**William Harla, Esq.**, Counsel for Enel X North America. Inc.  
**Daniel Greenhouse, Esq.**, Counsel for ENF, EDF, and NRDC  
**James H. Laskey, Esq.**, Counsel for Burns & McDonnell Engineering Company, LLC  
**Lauri A. Mazzuchetti, Esq.**, Counsel for Sunrun, Inc.  
**Martin C. Rothfelder, Esq.**, Counsel for EVgo Services, LLC  
**Nathan Howe, Esq.**, Counsel for Greenlots  
**Kevin Auerbacher, Esq.**, Counsel for Tesla  
**Paul Yousif, Esq.**, Counsel for Blue Bird Body Company

**BY COMMISSIONER UPENDRA J. CHIVUKULA:**

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”). The proposed Program would consist of up to \$261 million of investment over a period of six (6) years and approximately \$103 million in expenses. PSE&G claims that the proposed Program will support the widespread adoption of electric vehicles (“EV”), including multi-family and low income customers. Additionally, the petition maintains that the EV program will have extensive societal benefits including environmental benefits, job creation, supporting

schools, mitigation of EV market barriers, and increased knowledge of how to optimize the distribution system through smart chargers with two-way communication.

The Company requests that the proposed CEF-EVES Program costs be recovered through a new Technology Innovation Charge ("TIC") in accordance with N.J.S.A. 48:2-21 and 48:2-21.1. The projected initial rate impact for the CEF-EVES Program for a typical residential customer using 750 kWh in a summer month and 7,200 kWh annually would experience an initial increase in their annual bill of \$1.24, or approximately 0.10%, with the expected maximum increase of approximately \$10.60, or 0.86%.

By an Order dated October 29, 2018, the Board determined that the petition described above should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself 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. Further, the October 29, 2018 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by November 13, 2018.

## **THE MOTIONS**

### **Motions to Participate**

#### *GreenLots, Inc.*

On November 14, 2018, Greenlots, Inc. ("Greenlots"), a provider of electric vehicle charging software and services, filed a motion to participate. Greenlots states that it has a "significant interest in the growth of electric vehicle charging infrastructure, the role of utilities, the scale of the market for electric vehicle charging infrastructure, and in regulatory developments that affect this landscape." Greenlots Motion at 2.

Greenlots asserts that it will constructively add to the case by offering its "deep and broad experience in developing electric vehicle charging infrastructure." Id at 2. Additionally, Greenlots argues that it has a direct and substantial interest in this proceeding that will not be adequately represented by any other party.

#### *Atlantic City Electric Company*

On November 13, 2018, *Atlantic City Electric Company* ("ACE") filed a Motion to Participate. ACE is a New Jersey public utility, engaged in the transmission, distribution, and sale of electric energy for residential, commercial, and industrial purposes within New Jersey. ACE's service territory comprises eight counties located in southern New Jersey and includes approximately 553,000 customers.

ACE contends it is entitled to participate because, as one of only four investor-owned electric utilities in New Jersey serving retail customers, it has a significant interest in this proceeding. Further, ACE states that the outcome of this proceeding may have a significant influence or precedential effect on other proceedings involving ACE, therefore, ACE seeks to participate so that it may remain apprised of potential policy developments, both substantive and procedural. ACE also has its own electric vehicle petition pending before the Board. ACE pledges to participate without causing any delay or confusion.

### *Alliance for Transportation Electrification*

Alliance for Transportation Electrification (“Alliance”) filed a Motion to Participate on November 13, 2018. The Alliance, a 501(c)(6) organization, consisting of about 40 organizations across the country, including both investor-owned and publicly-owned, auto manufacturers, EV supply equipment and related trade associations and other non-profit organizations involved in EVs. The Alliance asserts that the Board’s decision in this matter will have an impact on the Alliance’s members by serving as precedent. Further, the Alliance states that its interests are distinct from other parties in this case, that it will coordinate with similar entities where appropriate and, due to its experience in the electric industry, will add constructively to the proceeding. The Alliance lastly affirms that it will abide by the proceeding’s schedule and it will not cause undue delay or confusion.

### *Jersey Central Power & Light Company*

Jersey Central Power & Light Company (“JCP&L”) filed a Motion to Participate on November 13, 2018. JCP&L is a New Jersey electric public utility primarily engaged in the purchase, transmission, distribution and sale of electric energy and related utility services to approximately 1.1 million residential, commercial and industrial customers located within 13 counties and 236 municipalities of the State of New Jersey.

JCP&L asserts that this proceeding will have a precedential effect and impact JCP&L customers, and therefore, the JCP&L will be directly and specifically affected by the outcome. No other party will represent the interests of JCP&L customers in this case, so its interests are distinct from others in this matter. JCP&L ensures it will coordinate with other entities so as not to cause undue delay and confusion. JCP&L will also abide by any schedule set in the proceeding.

### *Rockland Electric Company*

On November 15, 2018, Rockland Electric Company (“RECO”) filed a Motion to Participate. RECO is engaged in the distribution and sale of electricity for residential, commercial and industrial purposes in New Jersey, serving approximately 72,000 customers.

RECO’s contends that, as one of only four investor-owned utilities in the State, it has a significant interest in this proceeding. RECO wishes to be apprised of potential policy developments this proceeding may have as RECO believes this proceedings outcome may have precedential impacts. Further, RECO will add constructively to the proceeding, without causing undue delay or confusion.

### *SemaConnect*

On November 13, 2018, SemaConnect filed a Motion to Participate in this matter. SemaConnect is a U.S.-based manufacturer of smart, networked Level 2 EV charging stations, with over two dozen professionals in the mid-Atlantic region who design, assemble, distribute and service its products. SemaConnect contends that it has a significant interest in PSE&G’s filing for approval of EV subprograms consisting of a \$261 million of investment and \$103 million in expenses including incentives for the installation of 40,000 charging stations.

## Motions to Intervene

### *Blue Bird Body Company*

Blue Bird Body Company ("Blue Bird") filed a Motion to Intervene on November 13, 2018. Blue Bird is a school bus manufacturing company with corporate headquarters in Macon, GA and manufacturing facilities in Fort Valley, GA. According to its Motion, Blue Bird asserts that, in the last five years, it has sold 874 buses in New Jersey and estimates that there are about 5,000 of its buses currently operating in the State. In conjunction with Hoover Truck and Bus Centers ("Hoover"), Blue Bird sells, trains and services over 600 school bus operators in the State and over 10,000 employees associated with these activities. Blue Bird manufactures and sells approximately 150 school buses a year in New Jersey. Blue Bird is also currently marketing and selling ZEV All Electric Battery School Buses in the State.

Blue Bird maintains it is in a unique position to provide insight on the impact of this proceeding from the perspective of an Original Equipment Manufacturer and EV technology provider. Blue Bird asserts that it has a substantial interest in knowing, understanding and reviewing this proceeding, so that it has the opportunity to provide input on the deployment, testing and operation of All Electric Battery School Buses as well as V2G considerations. Blue Bird states that its interests are not adequately represented by any other Party to these proceedings. Lastly, Blue Bird agrees to not cause undue delay or confusion in this matter.

By motion dated November 16, 2018, Bluebird's attorney James H. Laskey, moved for the admission pro hac vice of Paul Yousif, Esq. The motion included a sworn affidavit by Mr. Yousif.

Through his affidavit Mr. Yousif stated that he is a member in good standing admitted to the bar in Michigan and represents BlueBird as in-house legal counsel in Georgia. By his affidavit, Mr. Yousif represented that BlueBird has requested his representation in this matter. Mr. Yousif represented that he has paid the fees required by R. 1:20-1(b) and 1:28-2, and he agreed to abide by the other requirements for admission pro hac vice.

On November 15, 2018, via sworn affidavit, Mr. Yousif forwarded proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Board Staff.

### *Tesla Inc.*

Tesla Inc. ("Tesla") filed a Motion to Intervene on November 5, 2018. Tesla is a developer and manufacturer of EVs, charging stations and energy storage facilities with customers throughout PSE&G's service territory.

Tesla maintains that the outcome of PSE&G's proposals 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.

*Power Edison, LLC*

Power Edison, LLC ("Power Edison") submitted a Motion to Intervene with the Board on November 13, 2018. Power Edison's motion was filed by its President and CEO, Shihab Kuran, Ph.D. Dr. Kuran is not an attorney authorized to practice in New Jersey and therefore may not represent Power Edison before the Board without filing an appropriate motion pursuant to N.J.A.C 1:1-5.2. Consequently, I will not consider Power Edison's motion at this time.

*Climate Change Mitigation Technologies LLC*

On November 12, 2018, Climate Change Mitigation Technologies LLC ("CCMT") filed a Motion to Intervene. In its Motion, CCMT asserts that it is possibly the only New Jersey-based private developer of medium and heavy-duty battery electric truck projects that is focused on the delivery of these trucks in the State of New Jersey.

If CCMT is allowed to intervene, it contends it will help PSE&G, the Board, and other parties synchronize the CEF-EVES Program with the New Jersey Department of Environmental Protection Volkswagen ("VW") Consent Order Program, ensuring that the two (2) programs work in tandem and that CCMT's projects and other battery electric truck projects are successful. As such, CCMT's economic interests are specific and substantial and the success of its projects will be directly impacted by the outcome of this proceeding. Due to its current involvement in New Jersey, CCMT asserts that this proceeding will measurably and constructively benefit from CCMT's intervention. CCMT assures that its intervention will not cause confusion of delay.

*ChargePoint, Inc.*

On November 19, 2018, the Board received an untimely Motion to Intervene from ChargePoint, Inc. ("ChargePoint"). ChargePoint operates a large EV charging network with over 56,000 independently-owned Level 2 and DC fast charging spots, including more than 900 publicly available and private charging spots in New Jersey. Stations in ChargePoint's network are almost exclusively owned and operated by independent EV charging station "site hosts," which provide EV charging services to EV drivers.

ChargePoint states that this proceeding will affect the competitive market for EV charging stations by influencing how a regulated utility participates in it. Being an active participant in this market, ChargePoint contends it has a substantial and specific economic interest in the sustainable and scalable growth of EV charging infrastructure in the State. ChargePoint stresses that its interests are distinct from those of other participants. ChargePoint hopes to provide testimony and supporting evidence that will not otherwise be available, believing it will be necessary for the Board to fully evaluate this Program. ChargePoint concludes by stating it will not cause confusion of delay to the proceeding.

*Direct Energy Business, LLC*

Direct Energy Business, LLC ("Direct Energy") filed an untimely Motion to Intervene on November 14, 2018. Direct Energy is a third party supplier ("TPS") that is very active in New Jersey. Centrica Business Solutions ("Centrica"), an affiliate of Direct Energy, integrates localized energy solutions for businesses.

According to the motion, Direct Energy has a substantial and direct interest in a number of issues concerning PSE&G's proposal to recover costs of this Program. Likewise, as a market participant in distributed energy solutions, Centrica claims 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. More specifically, PSE&G's Program may impact the ability of TPSs to provide innovative technologies to customers in PSE&G territory. Further, according to Direct Energy, the Program may lead customers to falsely believe that energy storage solutions and EV charging infrastructure is available only from the traditional monopoly provider, potentially undercutting Direct Energy's public perception and its services. With these interests, both Direct Energy and Centrica assert to have an interest in this proceeding and, therefore, will be substantially and directly affected by its outcome.

Direct Energy, as a competitive supplier and Centrica, as a provider of distributed energy solutions, assert they have a unique perspective apart from other parties, benefiting this proceeding. Both movants affirm that their intervention will not result in delays for the proceeding.

By motion dated November 12, 2018, Christopher E. Torkelson Esq., moved for the admission pro hac vice of Karen O. Moury, Esq., and Sarah C. Stoner, Esq. The motion included sworn affidavits by Mr. Torkelson, Ms. Moury, and Ms. Stoner.

Mr. Torkelson stated that Ms. Moury and Ms. Stoner are members in good standing admitted to the Bar of the Commonwealth of Pennsylvania. For the purposes of this proceeding Ms. Moury and Ms. Stoner will be associated with Mr. Torkelson, and Mr. Torkelson will continue to serve as counsel of record for both Direct Energy and Centrica. Mr. Torkelson certified that Ms. Moury and Ms. Stoner have significant experience representing the interests of retail energy providers in regulatory and administrative proceedings, and have a long-standing attorney-client relationship with both Direct Energy and Centrica. Mr. Torkelson represented no delay would occur by their acting as attorneys for Direct Energy and Centrica.

On November 12, 2018 via their sworn affidavits, Ms. Moury and Ms. Stoner provided proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Board Staff.

*Direct Energy Business, LLC Supplemental Motion to Intervene*

Direct Energy and Centrica filed a Supplemental Motion to Intervene on December 7, 2018. NRG is a leading integrated power company in the U.S. and is a Fortune 500 company with its headquarters in Princeton, New Jersey. Just Energy Group, Inc. ("Just Energy") is the parent company of licensed TPSs serving retail customers in New Jersey, offering a wide range of energy products and home energy management services and serve customers throughout New Jersey. Collectively, Direct Energy, Centrica, NRG and Just Energy will be referred to hereinafter as the "Parties".

According to the Supplemental Motion, the Parties have a substantial and direct interest in a number of issues concerning PSE&G's proposal to recover costs of this Program. As market participants in distributed energy solutions, the Parties have 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. Further, according to the Supplemental Motion, the Program may lead customers to falsely believe that energy storage solutions and EV charging infrastructure is available only from the traditional monopoly provider. Additionally, the Parties have concerns that the sale of output from PSE&G's proposed microgrid facilities into the market may have an impact on the price of electricity that will inure to the detriment of suppliers.

The Parties argue that they will provide a unique perspective apart from other parties, benefiting this proceeding. The Parties affirm that their intervention will not result in delays for the proceeding.

*New Jersey Large Energy Users Coalition*

The New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large volume electric distribution customers serviced by the Company in New Jersey, moved to intervene on November 13, 2018.

According to the Motion, NJLEUC members purchase electric distribution service from PSE&G and, therefore, have a significant interest in, and will be substantially and specifically affected by the outcome of this proceeding. NJLEUC contends that it has a unique perspective on this matter, uniquely different than another party in this proceeding, and it will measurably and constructively contribute. Additionally, NJLEUC affirms that it will not delay or otherwise disrupt the proceeding. By motion dated November 12, 2018, NJLEUC, via Steven S. Goldenberg, Esq., also moved for the admission pro hac vice of Paul F. Forshay, Esq. The motion included a sworn affidavit by Mr. Forshay.

Mr. Goldenberg stated that Mr. Forshay is a member in good standing admitted to the bar of the District of Columbia and has had significant experience representing the interests of large end-use customers, and that he has an attorney-client relationship with NJLEUC. By his affidavit, Mr. Forshay represented that he is associated with Mr. Goldenberg as New Jersey counsel of record, NJLEUC has requested his representation in this matter, and that he has experience representing large end-use customers before Federal Energy Regulatory Commission and the Board. He stated that his experience includes involvement in the various PSE&G utility rate and infrastructure proceedings brought before the Board. Mr. Forshay represented that he has paid the fees required by R. 1:20-1(b) and 1:28-2, and he agreed to abide by the other requirements for admission pro hac vice.

On November 12, 2018, via sworn affidavit, Mr. Forshay forwarded proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Board Staff.

*Enel X North America, Inc. and Electric Motor Werks, Inc.*

Enel X North America, Inc. ("Enel X"), and its subsidiary Electric Motor Werks, Inc., ("eMotorWerks") filed an untimely Motion to Intervene on November 14, 2018. Enel X provides energy service solutions to businesses and consumers, and partners with utilities nationwide to make the electric grid more affordable, reliable and clean. Enel X North America partners with hundreds of customers in New Jersey to help them manage their electricity use. eMotorWerks manufactures and sells Level 2 EV supply chargers and equipment. eMotorWerks partners with electric utilities to provide demand response aggregation services and is also demand response provider in wholesale energy markets, utilizing EV charging load curtailment as a demand response. eMotorWerks has under 200 known residential customers in New Jersey with installed EV Level 2 supply equipment.

eMotorWerks seeks to intervene in the proceeding to support the proposed Program and to assist PSE&G structure its Program so that it maximizes cost effectiveness and carbon reductions. Further, eMotorWerks asserts that its interests will be directly affected by the outcome of the proceeding and that no other party currently represents its interests. eMotorWerks concludes by

stating that its participation in the full proceeding will contribute to the development of a complete record and that it will not create any delay or disruption by abiding by all scheduling orders.

*Environment New Jersey, Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club*

Environment New Jersey (“ENJ”), Environmental Defense Fund (“EDF”), Natural Resources Defense Council (“NRDC”), and Sierra Club (collectively “Environmental Movants”) filed a Motion to Intervene on November 13, 2018. ENJ is a citizen-based advocacy organization with more than 20,000 dues-paying citizen members, most of whom are in PSE&G’s service area. EDF is a national non-profit membership organization focused on environmental problems. EDF has more than 11,000 dues-paying members in New Jersey, with and over 1,000 in PSE&G territory. NRDC is a global nonprofit membership organization that seeks to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 12,000 dues-paying members in New Jersey and many in PSE&G’s New Jersey service territory. Sierra Club is a grassroots environmental organization, with more than 20,000 members in New Jersey.

According to their motion, the Environmental Movants are specifically and directly affected by this proceeding as they seek to promote the adoption of EVs and energy storage on behalf of their members. Collectively, Environmental Movant’s 43,000 New Jersey members have a material interest in ensuring that the proposed investments are beneficial and cost-effective, and that the Program operates efficiently in advancing EV ownership, the buildout of EV infrastructure, and energy storage. Environmental Movants also state that their interest is sufficiently different than any other party in this matter. Environmental Movants hope to provide expert testimony and other evidence to advance their aforementioned interests. Environmental Movants assert they have extensive experience and expertise in this subject matter and in engaging with state utility commissions. Environmental Movants avow to work with other parties, to prevent confusion and undue delay, and to strictly abide by the proceeding’s schedule.

By motion supported by an affidavit dated November 12, 2018, Aaron Kleinbaum, Esq. moved for the admission pro hac vice of Diana Csank, Esq. and Nathaniel Shoaff, Esq. as attorneys for ENJ, EDF, Sierra Club, and NRDC.

Mr. Kleinbaum stated that Ms. Csank is a member in good standing admitted to the bar in New York, and that Mr. Shoaff is a member in good standing with the California bar and has experience in energy law and representing the interests of environmental groups. Both Ms. Csank and Mr. Shoaff have represented that they have paid the fees required by R. 1:20- 1(b) and 1:28-2, and they agree to abide by the other requirements for admission pro hac vice.

On November 12, 2018, via a sworn affidavit, Ms. Csank and Mr. Shoaff provided proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Board Staff.

*Burns & McDonnell Engineering Company, Inc.*

Burns & McDonnell Engineering Company, Inc. (“BMcD”) filed a Motion to Intervene in this proceeding on November 13, 2018. BMcD is a design and construction firm, providing infrastructure for power, gas and communication markets in the US. It has experience in electric vehicle and energy storage design and construction.



BMcD asserts that it has a unique experience and distinctive viewpoint as a large-scale heavy infrastructure company with knowledge of EV and energy storage markets. BMcD avows abide by the proceeding's schedule, not interject on unrelated issues, and claims therefore, its intervention will not cause any undue delay or confusion.

*Mid-Atlantic Solar Energy Industries Association*

Mid-Atlantic Solar Energy Industries Association ("MSEIA") filed a Motion to Intervene on November 12, 2018 with the Board. MSEIA is an association of private companies active in developing solar energy, energy storage and EV in New Jersey. MSEIA states it has a fundamental policy principal of advancing clean energy at the lowest possible cost to ratepayers, while delivering the greatest value as a public good. Having numerous active clean energy, energy storage and EV developer and installers as members throughout PSE&G territory, MSEIA maintains it has a direct and substantial economic interest in the outcome.

MSEIA asserts that no other party in this proceeding adequately represents its interests, and more so, has the same level of experience and expertise on these issues. MSEIA, therefore, argues it will add measurably and constructively to the docket. MSEIA pledges to not cause any confusion or delay.

*SunRun Inc.*

Sunrun, Inc. ("Sunrun") filed an untimely Motion to Intervene on November 16, 2018, and requested leave to file late. Sunrun is a residential solar, storage and energy services company with more than 200,000 customers in 23 states. Sunrun has operated in New Jersey for almost 10 years and serves thousands of New Jersey residents, including customers in PSE&G's service territory.

Sunrun believes the outcome of this proceeding will have a substantial impact on the energy storage and renewable energy market. As an energy storage provider, therefore, Sunrun argues the proceeding's outcome will have a substantial, specific and direct impact on its interests. These interests, according to Sunrun, are distinct from those of other participants in this proceeding. Sunrun concludes by stating that it will cooperate with other parties and that it will not cause confusion or delay.

By motion dated December 3, 2018, SunRun, via Glenn T. Graham, Esq., also moved for the admission pro hac vice of Beren Argetsinger, Esq. The motion included a sworn affidavit by Mr. Argetsinger.

Through his affidavit Mr. Argetsinger stated that he is associated with Mr. Graham and that he is a member in good standing admitted to the bar of New York. By his affidavit, Mr. Argetsinger has stated that SunRun has requested he represent them in this matter. Mr. Argetsinger represented that he has paid the fees required by R. 1:20-1(b) and 1:28-2, and he agreed to abide by the other requirements for admission pro hac vice.

On December 3, 2018, via sworn affidavit, Mr. Argetsinger forwarded proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Board Staff.

### *EVgo Services, LLC*

EVgo Services, LLC (“EVgo”) filed an untimely Motion to Intervene with the Board on February 5, 2020. EVgo is an electric vehicle services provider, which owns and operates America’s largest EV fast charging network, with more than 750 publicly accessible fast charging locations installed in 34 states and 66 metropolitan markets. In New Jersey EVgo currently owns and operates 40 chargers, almost all of which are in PSE&G’s service territory. EVgo has also collaborated with PSE&G on five (5) fast charger station locations on the New Jersey Turnpike and Garden State Expressway.

EVgo believes that the outcome of this proceeding will have a substantial impact on the nature, growth, and economics of the competitive market for DC fast charging stations, a market which EVgo is currently an active participant. EVgo argues that its expertise and perspective will support the Board in assessing the various approaches to implement growth and support of the EV charging network. EVgo states that its intervention status will not cause confusion or delay, and that its interests are distinct from those of other participants in this proceeding and it will cooperate with others in this proceeding.

### *Zeco Systems, Inc. d/b/a Greenlots*

On March 13, 2020, Zeco Syatems, Inc d/b/a Greenlots filed an untimely Motion to Intervene with the Board. Greenlots asserts that as a leading provider of EV charging software and services that it has a direct and substantial economic interest in the growth of New Jersey’s EV and EV Infrastructure markets, and that its interest will be affected by the Board’s determination in this proceeding. Greenlots additionally argues that its interest are significantly different from that of any party and will add measurably and constructively to the scope of the case.

## **RESPONSES**

### *Direct Energy Business, LLC Motion to Intervene*

On or about November 26, 2018, PSE&G filed opposition to Direct Energy and Centrica’s motion to intervene. PSE&G argues that Direct Energy and Centrica failed to set forth or offer any meaningful basis as to why either entity is entitled to intervene in this matter, rather offering vague claims that PSE&G’s CEF-EVES program raises cross-subsidization concerns and may deter private investment in energy technologies that may have a harmful effect on the competitive interests of Direct Energy and Centrica. PSE&G opposition pg. 3. PSE&G further asserts that neither Direct nor Centrica have alleged that it is a ratepayer of PSE&G, and that any concern they have as to potential ratepayers has no effect on either Direct Energy or Centrica, and neither is properly positioned to represent ratepayer interest in this proceeding. *Id.* at 4.

Finally, PSE&G argues that its petition is not premature but rather prudent and reasonable for the company to advance investment in regulated programs that will help New Jersey achieve its energy storage and electric vehicle goals. *Id.* at 6. Additionally, PSE&G asserts that the relationship between the petition and the Clean Energy Law is entirely irrelevant to Direct Energy and Centrica’s motion to intervene as it does not establish any interest in the proceeding for either entity. *Ibid.*

On November 30, Direct Energy and Centrica’s filed a reply to PSE&G’s opposition to the motion to intervene arguing that they will be substantially, specifically and directly affected by the outcome of this proceeding and that its interest are sufficiently different from that of any other

party so as to add measurably and constructively to the scope of the case. Direct Energy Reply at 1. Direct Energy and Centrica proffer that the energy solutions offered by Centrica Business Solutions, which include solar, combined heat and power, energy efficiency, energy insight, demand response, power generation and energy storage, will be substantially and directly impacted by this proceeding. Id. at 2.

Direct Energy and Centrica argue that PSE&G's claim that they are not ratepayers within PSE&G's service territory is completely unfounded as Direct Energy is a ratepayer of PSE&G and receives services from PSE&G at its headquarters in Iselin, New Jersey. Id. at 4. Further, Direct Energy and Centrica argues that PSE&G's intention to have their scope limited to only issues concerning energy storage would deprive them the opportunity to protect their various interests that directly stem from their status as a competitive supplier in PSE&G's service territory. Ibid.

While PSE&G claims that there is no relationship between this proceeding and the Clean Energy Act, Direct Energy and Centric offer that the law mandates the Board conduct a study on Energy Storage (N.J.S.A.48:3-87) and that the study is mandated to include various stakeholders, including third-party suppliers such as Direct Energy. Id. at 6. Direct Energy and Centrica argue that the Clean Energy Law is key to the Board understanding the nature of their interest in the outcome if this proceeding as a ratepayer and market participant. Ibid.

Finally, Direct Energy and Centrica argue that participation status in this matter is inadequate as it would limit them from actively participating in all aspects of this proceedings, including discovery, submitting testimony and cross-examining witnesses, and they would be deprived of an opportunity to fully develop the record on this issue. Id. at 7.

#### *Direct Energy Business, LLC Supplemental Motion to Intervene*

On or about December 19, 2018 PSE&G filed opposition to Direct Energy, Centrica and NRG's supplemental motion to intervene. PSE&G incorporates the arguments made in its initial opposition to movants motion which was submitted on November 23, 2018. PSE&G also objects to the addition of NRG and Just Energy arguing that the supplemental motion is devoid of any explanation for why NRG and Just Energy missed the BPU's filing deadline by more than three weeks. PSE&G's opposition to supplemental motion at 2.

PSE&G argues that the supplemental motion should be denied on the grounds that intervenor status for NRG and Just Energy would cause and has already caused confusion and undue delay. Id. at 2. Further, PSE&G argues that it is unclear from reading the supplemental motion the relationship between NRG and Just Energy to the initial Movants, pointing to Movants claim that their interests in this proceeding are aligned and they will jointly litigate this case, however, on the other hand arguing that they have sufficiently different interests in this proceeding and adding NRG and Just Energy would add the "perspectives of additional companies in the energy market with unique business models." Id. at 2 citing Movant's brief pp 1-2, fn .1 and p. 13, 34. Finally PSE&G claims that the supplemental motion has already caused delay in this proceeding and should not be granted intervention status.

#### *SunRun Inc. Motion for Leave to Late File and Intervene*

On or about November 23, 2018 the Board received SunRun's motion to intervene with a motion for leave to file late. SunRun offered that the reason for the late filing was a misunderstanding as to the date for motions to intervene in this docket as November 16, 2018 based on its understanding of the relationship between this proceeding and PSE&G's related Clean Energy

Future-Energy Efficiency Program Docket Nos. GO18101112 and Eo1012113 and Clean Energy Future-Energy Cloud Program in Docket No. Eo18101115 for which the Board established November 16, 2018 as the deadline for intervention whereas in this proceeding it was November 13, 2018. On or about November 28, 2018 PSE&G filed opposition to SunRun's motion for leave to file late and intervention status as SunRun has not met the threshold for participation status let alone intervention status. PSE&G Opposition pg. 2.

PSE&G argues that SunRun should be denied intervenor status but that if granted intervenor or participation status should only be limited to energy storage and that it be prohibited from raising issues related to behind-the-meter ("BTM") assets or technology in this proceeding. PSE&G argues that BTM technology is beyond the scope of this proceeding and the introduction of this topic would result in confusion of the issues and undue delay. Id. at 2.

Procedurally, PSE&G argues that the motion should be denied as SunRun does not have a good cause for the extension of filing. Substantively, PSE&G believe that SunRun seeks to add BTM technology which is not included in PSE&G's filing and that it appears BTM technology is SunRun's only interest in this proceeding. Id. at 2. PSE&G also argues that SunRun's motion provides nothing more than vague and attenuated business interest in this proceeding and does not allege any facts to show any interest in PSE&G's program. Ibid. Further, PSE&G asserts that SunRun does not allege that it is currently engaged in the electric vehicle market in any way or that it has plans or commitments to enter the market at any point in the future. Id. at 3.

On or about December 4, 2018 SunRun filed a reply to PSE&G's opposition to the motion for leave to late file and intervene. SunRun argues that PSE&G arguments misstate SunRun's interest and are a transparent attempt to exclude the nation's leading residential solar and energy storage provider from meaningfully contributing to and representing its interests in this proceeding.

SunRun submits that the Board's determination on SunRun's motion should not turn on the fact that it was filed three (3) days after the date set, there is no procedural schedule established, no hearings have been conducted, and SunRun's intervention does not prejudice any of the parties and will not cause undue delay. SunRun's Reply pg. 3. Additionally, SunRun argues that its interests and participation will add measurably and constructively to the scope of the proceeding and it will not improperly enlarge, cause confusion or delay in the proceeding. Id. at 3.

In addition to the procedural arguments made by SunRun, they add that the potential for BTM energy storage to deliver the benefits that PSE&G proposes is directly related to PSE&G's energy storage program proposal, and that SunRun is the only intervenor who can provide this perspective in this proceeding. Id. at 4. SunRun argues that to exclude the consideration of BTM energy storage assets from this proceeding would deprive the Board of developing a full and complete record and leave out important market segments from these deliberations and potentially forgo a more cost-effective alternative that could save New Jersey ratepayers money. Id. at 6. For these reasons SunRun believes that it should be granted intervenor status but if the Board determines that status to not be appropriate they request participant status be granted to the fullest extent the Board determines to be appropriate.

## **Motion to Stay**

### **New Jersey Division of Rate Counsel Motion to Stay**

On December 7, 2018, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed a Motion to Stay (“Stay Motion”), requesting the Board to stay PSE&G’s petition until the conclusion of several administrative proceedings.

First, the Stay Motion argues why the EV portion of the filing should be stayed. Rate Counsel contends that the Petition requires the Board to make several key policy decisions including, “the proper role of New Jersey’s electric distribution companies (“EDC’s”) in EV-related ventures, whether ratepayers should fund any EV-related business activities, and the role of competition in the EV market.” Rate Counsel Stay Motion at 7. Additionally, Rate Counsel requests that the Board “carefully consider who will shoulder the costs, and reap the benefits.” *Id.* at 10. Rate Counsel believes the Board, the Governor and the Legislature have already initiated steps to contemplate these issues and, therefore, the Board should hold off making determinations as those processes are still underway. Specifically, the Governor’s 2019 Energy Master Plan (EMP) and the Board’s EV stakeholder group proceeding will address many of the issues related to EVs. Rate Counsel outlines the EMP process, arguing that it considers the role that EDCs should play in the EV market. Rate Counsel is particularly concerned with whether “ratepayers should fund” these activities. *Id.* at 19.

Second, Rate Counsel argues that, like the EV portion of the Petition, the energy storage portion is premature for the Board to decide. More specifically, the Clean Energy Act (“CEA”) mandates consideration of the policy and technical issues related to energy storage, as well as the 2019 EMP. Rate Counsel reasons that the Board should wait until these proceedings are completed before addressing the Petition to “prevent needless and duplicative consideration of issues, avoid duplication of effort, reduce unnecessary burden of time and expense, prevent conflicting, confused and uncertain outcomes, and ensure basic fairness to all parties.” *Id.* at 8.

Ultimately, Rate Counsel requests the Board address the broad policy decisions through administrative proceedings, rather than in an “*ad hoc* manner”, so that all stakeholders may participate in the development of the resulting policies. Furthermore, separate proceedings for each EDC before the Board establishes its policies, rather than after a uniform and standardized approach across the State, would “risk contradictory, inconsistent or disproportionate outcomes from different utilities, ratepayers and the EV market.” *Id.* at 17.

Rate Counsel outlines why it believes the criteria for preliminary relief is met—ratepayers will be “immediately and irreparably harmed” should the Board grant the Petition before the conclusion of the administrative proceedings. *Id.* at 9. Rate Counsel also states that ratepayers are likely to succeed on the merits, with the belief that the Board would require all EV and energy storage filings to be consistent with the EMP. Further, Rate Counsel believes the stay will not prejudice PSE&G.

On December 19 2018, the Board received PSE&G’s opposition to Rate Counsel’s Motion to Stay, asserting that Rate Counsel’s arguments in support of a delay have no merit. PSE&G argues that the EV stakeholder group has delayed meetings and that it should not be a hindrance to the petition proceeding on its merits. PSEG opposition pg. 6. Additionally, PSE&G argues that the program can be complimentary to the New Energy Master Plan as it is in the public interest to move these programs forward. PSE&G asserts that the Board should recognize that electric vehicles are a rapidly evolving technology that will require periodic reexamination to ensure New

Jersey is experiencing a proliferation of electric vehicles consistent with the State's goals in the most effective manner. Id. at 9. Further, the EVES Program can provide the Board with the information and data it needs to set practical policy directives. Ibid.

PSE&G asserts that the CEA does not require that the EVES program be stayed. According to PSE&G, Rate Counsel's assertion that because the Board has not yet adopted the quantitative performance indicators ("QPIs") the EVES program must be suspended until the BPU's work is complete, is misplaced. PSE&G argues the CEA does not expressly state nor suggest that EDC electric vehicle filling cannot proceed until the Board adopts QPIs. Rather, the plain language suggests that the Legislature is anticipating growth in the EVs which is the objective of the program. Id. at 10.

Additionally, PSE&G argues that the policy claims made by Rate Counsel do not warrant a suspension of the EV portion of the filing. PSE&G argues that Rate Counsel's claim that waiting for the EMP and EVSG process to conclude would avoid duplicative appearances and interventions is an erroneous assumption. Id. at 11. PSE&G asserts that EDCs will continue to seek participant status in other EDC's filings regardless of the EMP and EVSG processes. Ibid.

Rate Counsel claims that the program will "entangle" PSE&G in the EV automobile business and that the proposal set forth in the filing will represent new ventures into services already provided in the competitive market. PSE&G argues to the contrary that EDCs have a strong role to play in the proliferation of EV charging infrastructure and that they have sole jurisdiction over the electric distribution system and therefore are responsible for ensuring that EV impacts on the distribution system are monitored, mitigated, and proactively addressed to the extent necessary and possible. Id. at 12. For these reasons, PSE&G requests the Board to deny Rate Counsel's motion to stay.

## **DISCUSSIONS AND FINDINGS**

### **Motions to Intervene or Participate**

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which

involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervenor's interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See, In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106 (June 8, 2005).

After consideration of the papers and given the lack of any objections, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, NJLEU, Enel X, BlueBird, Burns and McDonnell Engineering, ChargePoint, Climate Change Mitigation Technologies, EVgo, Greenlots, Tesla, Environment New Jersey, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club MSEIA and its members will be directly affected by the outcome of this proceeding and will add measurably and constructively; I **HEREBY FIND** that NJLEUC, Enel X, BlueBird, Burns and McDonnell Engineering, ChargePoint, Climate Change Mitigation Technologies, EVgo, Greenlots, Tesla, Environment New Jersey, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, MSEIA and its members have met the standards for intervention in this proceeding. Accordingly, having received no objections, I **HEREBY GRANT** the motions for intervention of NJLEU, Enel X, BlueBird, Burns and McDonnell Engineering, ChargePoint, Climate Change Mitigation Technologies, EVgo, Greenlots, Environment New Jersey, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, MSEIA, and Tesla pursuant to the authority granted to me by the Board under the October 29, 2018 Order.

After consideration of the papers of Direct Energy, including the initial and supplemental Motions for Intervention, and the opposition filed by PSE&G, and Direct Energy's responses thereto, I am persuaded by Direct Energy's position that they will be directly affected by the outcome of this proceeding and will add measurably and constructively, therefore I **HEREBY FIND** that Direct Energy and its members have met the standards for intervention in this proceeding and **HEREBY GRANT** Direct Energy's motion for intervention pursuant to the authority granted to me by the Board under the October 29, 2018 Order.

With respect to Sunrun's motion for intervention and the request to file late, and the opposition filed by PSE&G, I am persuaded by the arguments made by Sunrun and therefore, I **HEREBY FIND** that Sunrun has met the standards for intervention in this proceeding and I **HEREBY GRANT** SunRun's motion for intervention pursuant to the authority granted to me by the Board under the October 29, 2018 Order.

With regard to the motions to participate filed by ACE, JCP&L, RECO, SemaConnect, and Alliance, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that the participation of ACE, JCP&L, RECO, SemaConnect, and Alliance in this matter is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** the motions to participate filed on behalf of ACE, JCP&L, RECO, SemaConnect, and Alliance, limited to the right to argue orally and file a statement or brief as set out in N.J.A.C. 1:1-16.6(c)(1) and (2). I **HEREBY DENY** the motion filed by Greenlots to Participate.

#### Motions for Admission Pro Hac Vice

I reviewed the Motions of NJLEUC, BlueBird, Sunrun, Arron Kleinbaum, Esq., and Christopher Torkelson, Esq., and the supporting affidavits of Mr. Forshay, Mr. Yousif, Mr. Argetsinger, Ms. Moury, Ms. Stoner, Ms. Csank and Mr. Shoaff, Esq. I agree that this proceeding involves a complex field of law. I am persuaded that the named attorneys have an established attorney-client relationship and that they have been requested to represent their clients in this proceeding. Additionally, the attorneys

named above specialize in this area of law. Having received no objections to the motion after due notice to the parties, I **FIND** that Mr. Forshay, Mr. Yuosif, Mr. Argetsinger, Ms. Moury, Ms. Stoner, Ms. Csank and Mr. Shoaff satisfied the conditions for admission pro hac vice, submitted to the Board proof of payment to the New Jersey Lawyers' Fund for Client Protection of the fees required by R. 1:20- 1(b) and 1:28-2, and therefore, **ARE HEREBY ADMITTED** to practice before the Board pro hac vice in this matter provided that they shall:

- (1) Abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
- (2) Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against each of them that may arise out of his participation in this matter;
- (3) Notify the Board immediately of any matter affecting his/her standing at the bar of any other jurisdiction; and
- (4) Have all pleadings, briefs and other papers filed with the Board signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and the admitted attorney therein.
- (5)

#### Rate Counsel's Motion to Stay

The Board carefully considered Rate Counsel's motion, PSE&G's opposition, and Rate Counsel's reply. In considering Rate Counsel's motion, the Board is mindful that a stay is an extraordinary equitable remedy which "will be granted only for good cause shown." N.J.A.C. 14:1-8.7(d).

Pursuant to N.J.A.C. 14:1-8.7(c) "Any motion hereunder which is not granted or otherwise expressly acted upon by the Board within 60 days after the filing thereof shall be deemed denied, unless the parties are otherwise notified in writing by the Board or its Secretary." The Board here did not send the parties notice that it tolled the motion. During the pendency of this Petition the EVSG has met and discussed the proper role of utilities in the EV market. Further, Governor Murphy on January 17, 2019 signed S-2252, codified N.J.A.C. 14:25-1 et seq., which requires the Board to create a rebate program to support electric vehicle purchases, and set a State goal of having 330,000 registered light-duty, PIVs in New Jersey by December 31, 2025 and at least 2 million EVs registered in New Jersey by December 31, 2035.

As to Rate Counsel's Motion to the Stay the Petition the same has been deemed denied by the operation of N.J.A.C. 14:1-8.7(c). In addition, I **HEREBY DENY** the motion as there is no good cause at this time to stay the petition.

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

In addition, I reviewed the proposal for a preliminary schedule, which has been agreed to by Board Staff, Rate Counsel and the Company. I **HEREBY ISSUE** the following as the Prehearing Order, along with the procedural schedule identified as Exhibit A, and **HEREBY DIRECT** the parties to comply with its terms.



## **PREHEARING ORDER**

### **1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:**

Through this proceeding, PSE&G seeks approval of its Clean Energy Future – Electric Vehicle and Energy Storage Program (“CEF-EVES Program” or “Program”). The proposed Program would consist of up to \$261 million of investment over a period of six (6) years and approximately \$103 million in expenses. PSE&G claims that the proposed Program will support the widespread adoption of electric vehicles (“EV”), including multi-family and low income customers. Additionally, the petition maintains that the EV program will have extensive societal benefits including environmental benefits, job creation, supporting schools, mitigation of EV market barriers, and increased knowledge of how to optimize the distribution system through smart chargers with two-way communication. The Company requests that the proposed CEF-EVES Program costs be recovered through a new Technology Innovation Charge (“TIC”) in accordance with N.J.S.A. 48:2-21 and 48:2-21.1. The projected rate impact for the CEF-EVES Program for a typical residential customer using 750 kWh in a summer month and 7,200 kWh annually would experience an initial increase in their annual bill of \$1.24, or approximately .10%, with the expected maximum increase of approximately \$10.60, or .86%.

#### **Issues to be Resolved**

- A. The cost effectiveness and cost efficiency of the proposed activities and programs.
- B. The lawfulness of the proposed program offerings.
- C. The reasonableness and lawfulness of the proposed cost recovery mechanism.

### **2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:**

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No change in designated trial counsel shall be made without leave if such change will interfere with the dates for hearings. If no specific counsel is set forth in this Order, any partner or associate may be expected to proceed with evidentiary hearings on the agreed dates.

3. **SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:**

Pursuant to N.J.S.A. 48:2-32.6, public hearings will be held in the Company's service territory after publication of notice in newspapers of general circulation in PSE&G's service territory. The dates, times, and locations of the public hearings are to be determined.

4. **SCHEDULE OF HEARING DATES, TIME AND PLACE:**

Evidentiary hearings are tentatively scheduled for the week of December 7, 2020 at a time and location to be determined based upon the availability of the parties and myself.

5. **STIPULATIONS:**

The Staff of the Board of Public Utilities, Rate Counsel and PSE&G have entered into an Agreement of Non-Disclosure of Information Agreed to Be Confidential.

6. **SETTLEMENT:**

Parties are encouraged to engage in settlement discussion. Notice should be provided to all parties of any settlement discussions for the preparation of an agreement to resolve the issues in the case.

7. **AMENDMENTS TO PLEADINGS:**

None at this time.

8. **DISCOVERY AND DATE FOR COMPLETION:**

The time limits for discovery shall be in accordance with N.J.A.C. 1:1-10.4 or as provided in Exhibit A.

9. **ORDER OF PROOFS:**

PSE&G has the burden of proof. The hearings will be conducted by topic in the following order:

First – PSE&G

Second – Rate Counsel

Third – Blue Bird

Fourth – Burns & McDonnell Engineering

Fifth – ChargePoint

Sixth – Climate Change Mitigation Technologies

Seventh – Direct Energy Business

Eighth – ENJ, EDF, NRDC

Ninth – Enel X North American

Tenth – EVgo Services

Eleventh – Greenlots

Twelfth – MSEIA

Thirteenth – NJLEUC

Fourteenth – Sunrun

Fifteenth- Tesla

Sixteenth - Board Staff

10. **EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.

11. **EXHIBITS MARKED IN EVIDENCE:**

None at this time.

12. **ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:**

PSE&G will present the following witnesses: Karen Reif, Vice President, Electric Vehicles; Jorge L. Cardenas Vice President, Energy Storage; and Stephen Swetz, Senior Director, Revenue requirements, cost recovery mechanism, and rate design.

Rate Counsel will present the following witnesses: Ezra D. Hausman, Ph.D. and Dante Mugrace. Additional witnesses may be identified by Rate Counsel as necessary for purposes of testimony.

Intervener's witnesses will be determined at a later time.

Any party substituting witnesses shall identify such witnesses within five (5) days of determining to replace a witness, and in no event later than five (5) days before filing of testimony of a substitute witness. All direct testimony will be pre-filed, and all witnesses submitting pre-filed direct testimony will be subject to cross examination at evidentiary hearings, which will be conducted by topic (e.g., program elements, revenue requirements, and so forth).

13. **MOTIONS:**

All pending motions to intervene and/or participate have been addressed.

14. **SPECIAL MATTERS:**

None at this time.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

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

DATED: April 22, 2020



UPENDRA J. CHIVUKULA  
COMMISSIONER

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR  
APPROVAL OF ITS CLEANENERGY FUTURE – ELECTRIC VEHICLE AND ENERGY STORAGE  
("CEF-EVES") PROGRAM ON A REGULATED BASIS  
BPU DOCKET NO. EO18101111

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**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**

Motions Filed by any Parties	4/17/2020
Opposition to Motions filed by parties	5/8/2020
Reply to Opposition Motions Filed	5/22/2020
Discovery requests served	7/6/2020
Company responses to discovery due	7/20/2020
Discovery conference	Week of July 20, 2020
Second Round of Discovery Requests	7/27/2020
Responses due on Second Round of Discovery Requests	8/10/2020
Discovery/Settlement Conference	Weeks of August 10, 2020 and August 17, 2020
Intervenor/respondent testimony due	9/4/2020
Discovery requests on Intervenor/respondent testimony	9/18/2020
Responses to discovery on intervenor/respondent testimony	10/2/2020
Rebuttal testimony	10/16/2020
Discovery requests on rebuttal testimony	10/26/2020
Public hearings	TBD
Company responses to discovery on rebuttal testimony	11/6/2020
Settlement conferences	Weeks of November 9, 2020 and November 16, 2020
Evidentiary hearings (if necessary)*	Week of December 7, 2020

\* Evidentiary hearing dates subject to Presiding Commissioner's availability