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Please reply to Trenton

**Re: BPU Docket No. EO18020190
IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC
COMPANY FOR APPROVAL OF A VOLUNTARY PROGRAM FOR
PLUG-IN VEHICLE CHARGING**

April 17, 2020

E-MAIL ONLY

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625

Dear Secretary Camacho-Welch:

On behalf of the EVgo Services LLC, enclosed please find the **MOTION TO INTERVENE
OF EVGO SERVICES LLC** for filing.

Sincerely,



Martin C. Rothfelder

Cc: Service list (e-mail only)

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

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

**MOTION TO INTERVENE OF
EVGO SERVICES LLC**

EVgo Services LLC (“EVgo”) hereby moves before the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 1:1-16.1 et seq., to grant EVgo status as an intervenor party in the above-captioned proceeding with full rights and obligations of intervention. In support of its motion, EVgo states as follows.

BACKGROUND

1. On February 22, 2018, Atlantic City Electric (“ACE”) initiated the above-captioned proceeding by filing a Petition seeking approval for electric vehicle (“EV”) programs; the Petition was later amended on December 17, 2019. The Petition requests approval for a \$42 million investment for thirteen EV programs to accelerate the growth of transportation electrification in New Jersey.

2. EVgo is a Delaware Limited Liability Company and an electric vehicle service provider (“EVSP”), which owns and operates America’s largest and most reliable public EV fast charging¹ network, with more than more 800 publicly accessible fast charging locations installed in 34 states and 66 metropolitan markets. In New Jersey, EVgo currently owns and operates 40 chargers, with a small footprint in ACE territory with interest in expansion.

¹ A direct current (“DC”) “fast charging” station is a unit with a capacity of 50 kW and above, which provides a typical EV with an estimated 90 miles of range within 30 minutes

3. ACE proposes two Direct Current Fast Charging (DCFC) subprograms. Under Offering 7, ACE would install, own, and operate up to 45 public DCFC. Under Offering 9, ACE proposes to incentivize private owners/operators of public DCFC at up to 30 locations (up to a maximum of 120 chargers) with an off-bill demand charge incentive for private, competitive, non-utility owner/operators of publicly available DCFCs, as well as a “make ready” incentive.

4. As a private owner/operator of public DCFC, EVgo strongly supports a collaborative approach to make-ready as shared in Offering 9, which will catalyze private sector investments and enable a vibrant competitive charging market in its territory. It is EVgo’s intent to participate in the make ready program and ensure effective program design through EVgo’s intervention.

5. EVgo intends to lend its experience and expertise resulting from its knowledge DC fast charging station programs across the country, including Pacific Gas & Electric’s Fast Charge Make Ready Program², to provide suggestions to optimize program design to ensure a vibrant, competitive EV charging market in New Jersey.

6. EVgo agrees with ACE that demand charges disincentivize the installation of public DCFC, especially during low periods of utilization. Effective rate designs will in turn aid in the deployment of fast charging infrastructure to enable New Jersey’s stated goals for EV adoption. In its filing, ACE proposes an off-bill incentive to reduce the effective cost of electricity to a known “set point.” to offset electricity bill expenses. EVgo intends to explore whether this is an appropriate mechanism or if properly designed rates, as have been approved throughout the country in places such as but not limited to

² See Decision on the Transportation Electrification Standard Review Projects. CPUC Decision No.18-05-040. (May 31, 2018) (available at: <https://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=6442457637>).

Pennsylvania³, Connecticut⁴, Rhode Island⁵, Colorado⁶ and California⁷ would be appropriate in lieu of or in conjunction with set point incentive that ACE intends to utilize to defray operating costs for DC fast chargers.

7. EVgo also applauds New Jersey for its very recent enactment of P.L. 2019, c.362 establishing goals and incentives for increased use of plug-in EVs in the State and looks forward to contributing to the attainment of the goals as a competitive EVSP and through participation in utility-filed proceedings such as this proceeding and other agency-sponsored forums for EV policy and program development.

³ PECO Energy Company (“PECO”) received regulatory approval in late 2018 for a new DCFC rider that offers commercial EV charging facilities a credit against the applicable distribution demand charge for up to 36 months. *PECO Energy Company*, PA PUC Docket no. R-2018-3000164, Opinion and Order (Dec. 20, 2018)(available at: <http://www.puc.pa.gov/pdocs/1599296.docx>).

⁴ Connecticut Light & Power (“Eversource”) has offered an Electric Vehicle Rate Rider Pilot (EVRRP) since July 1, 2014., *Request of CL&P for Approval of Electric Vehicle Rate Rider Pilot*, CT PURA Docket No. 13-12-11 (June 4, 2014). By an order issued March 6, 2019, the Connecticut utility regulator has extended this pilot program for another three years. *Application of The Connecticut Light and Power Company D/B/A Eversource Energy to Amend Its Rate Schedules – EV Rate Rider*, CT PURA Docket No. 17-10-46RE01 (March 6, 2019). Existing stations were allowed to switch onto this tariff. *Id.*

⁵ Rhode Island Public Utilities Commission, Docket Nos. 4770 and 4780 Minutes of August 24, 2018 RIPUC Meeting Approving Settlement (available at: [http://www.ripuc.ri.gov/eventsactions/minutes/082418\(NGrid\).pdf](http://www.ripuc.ri.gov/eventsactions/minutes/082418(NGrid).pdf)) Settlement available at: <http://www.ripuc.ri.gov/eventsactions/docket/4780page.html>).

⁶ *In the matter of advice letter No. 1798-Electric filed by Public Service Company of Colorado to Revise its PUC No. 8-Electric Tariff to Implement Rate Changes Effective on Thirty Day Notice*, PUC CO Proceeding No. 19AL-0290E. Recommended Decision (October 8, 2019)(Became Decision of Commission by Operation of Law)(available at: https://www.dora.state.co.us/pls/efi/efi_p2_v2_demo.show_document?p_dms_document_id=914054&p_session_id=).

⁷ Southern California Edison’s (“SCE”) commercial EV rate schedules are all-volumetric TOU rates with strong price signals to consume energy in off-peak and super-off-peak periods and to limit usage during on-peak or mid-peak period. One key feature is a five-year holiday from all demand charges, with the expectation that EV penetration will be higher after the holiday. In years six to ten, most of the demand charges applicable standard commercial rates will be phased back into the EV rates. Existing stations were allowed to switch onto this tariff. For more information, see: CPUC Decision Docket No. 18-05-040, p. 162 Ordering Paragraph 45 (June 6, 2018), and SCE Advice Letter 3853-E (filed August 29, 2018) to implement the new commercial EV rates approved in that order. *See also*: Decision Approving Application for Pacific Gas and Electric Company’s Commercial Electric Vehicle Rates, CPUC Application No. 18-11-003 Decision 19-10-055 (Issued September 23, 2019) (available at: <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M313/K977/313977396.PDF>), and Decision Authorizing Interim Rate Waiver for Electric Vehicle High Power Charging, CPUC Application No, Application 19-07-006 (Issued March 13, 2020)(available at: <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M329/K382/329382101.PDF>)

EVgo MEETS THE STANDARDS FOR INTERVENTION

8. N.J.A.C. 1:1-16.1 provides that “any person or entity not initially a party . . . who will be substantially, specifically and directly affected by the outcome” of a case may move to intervene. N.J.A.C. 1:1-16.3(a) further requires that the decision-maker consider:

- the nature and extent of the moving party's interest in the outcome of the case;
- 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;
- the prospect for confusion and delay arising from inclusion of the party; and
- other appropriate matters.

9. 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 in ACE service territory, a market in which EVgo is currently an active participant. Thus, EVgo has demonstrated that it has a substantial, specific, and direct interest in this proceeding and will be directly affected by its outcome.

10. As described above, EVgo is the nation’s largest owner-operator of public DC fast charging stations and has substantial policy and market experience and expertise in the design, deployment, and impact of utility-sponsored DC fast charging infrastructure programs. Because of its unique position in the EV marketplace both nationally and in New Jersey, no other party can adequately represent its interests in this proceeding. EVgo’s national market presence, experience and expertise will prove to be valuable in assisting ACE and the Board in the design and ultimate success of ACE’s DC Fast Charging programs. EVgo’s expertise and perspective will support the Board in assessing the various approaches for implementation to most effectively grow and support New Jersey’s EV charging infrastructure and EV adoption. Indeed, EVgo has demonstrated its ability to contribute uniquely and constructively to utility proceedings across the nation involving EV charging infrastructure to achieve mutually beneficial outcomes for utilities, ratepayers, and EV drivers. Thus, EVgo’s interest is “sufficiently different” from any other participant in this proceeding and EVgo will add “measurably and constructively” to scope of this proceeding and its successful outcome.

11. Intervention by EVgo will not cause confusion in or delay the conclusion of this proceeding. This proceeding is in its early stages and a substantive record has yet to be developed. EVgo does not seek a delay in this proceeding; on the contrary, EVgo desires to see a robust EV market develop in ACE's service territory and the rest of the State as fast as reasonably can be accomplished.

12. In addition to the foregoing demonstration that it meets the rule requirements of intervention, EVgo respectfully submits that fundamental fairness and due process require that the Board grant EVgo full status as an intervenor in this proceeding. EVgo accepts the procedural schedule and the record of the proceeding as it exists at the time of this filing for our motion to intervene.

13. EVgo notes that the order dated April 9, 2020 does not provide a deadline for intervention motions by nonparties such as EVgo, but does state a deadline of April 13, 2020 for "Motions Filed by any Party". To the extent that language is construed to apply to this motion (despite EVgo's non-party status), EVgo also requests leave to file this motion out of time. In support of that request, EVgo suggests that the timeframe allowed for such motions from the April 9 issuance of the order to April 13 is unusually short – four days and only two business days. In addition, the state has declared a Public Health Emergency in N.J. Governor Executive Order No. 103 (2020) due to the challenges of the COVID-19 virus. In light thereof, the state has been providing extended timeframes for agency action in administrative proceedings. See e.g. N.J. Governor's Executive Order No. 127 (2020). EVgo suggests these state actions and the very short timeframe allowed for motions, supports granting leave for allowing this motion out of time, if it is deemed to be out of time.

VERIFICATION

14. The Verification of Sara Rafalson, Senior Director of Market Development for EVgo, is attached hereto certifying that the statements and facts herein with respect to EVgo are accurate and true to the best of her knowledge and belief.

CORRESPONDENCE

15. All correspondence and communication concerning this motion should be addressed to the following persons on behalf of EVgo:

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CONCLUSION

Having demonstrated that it meets the standards for intervention pursuant to N.J.A.C. 1:1-16 .1 *et seq.*, EVgo respectfully requests that the Board fully grant it status as an intervenor in this proceeding with all rights and obligations attendant thereto, and to grant such further relief as the Board deems reasonable and just.

Respectfully submitted,

Rothfelder Stern, L.L.C.
Attorneys for the Movant

By: 

Martin C. Rothfelder

Date: April 17, 2020

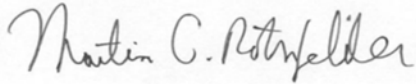
STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

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
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CERTIFICATE OF SERVICE

I, Martin C. Rothfelder, upon my oath, duly state that I have sent or caused to be sent by e-mail, the attached Motion to Intervene and supporting Verification by the to the persons set forth on the attached service list.

Date: April 17, 2020



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

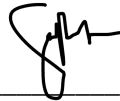
IN THE MATTER OF THE PETITION OF :
ATLANTIC CITY ELECTRIC COMPANY FOR :
APPROVAL OF A VOLUNTARY PROGRAM : BPU Docket No. EO18020190
FOR PLUG-IN VEHICLE CHARGING :
:

VERIFICATION OF SARA RAFALSON

I, Sara Rafalson, of full age and upon my oath, depose and say:

1. I am the Senior Director of Market Development of EVgo Services, LLC, and am authorized to make this statement on behalf of EVgo Services, LLC

2. I have reviewed the attached Motion to Intervene and certify that the facts set forth therein with respect to EVgo Services, LLC are true and accurate to the best of my knowledge and belief.



Date: 4/17/2020

**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 FROM April 9, 2020 ORDER

<p><u>ACE</u></p> <p>500 N. Wakefield Drive P.O. Box 6066 Newark DE 19714-6066</p> <p>Andrew J. McNally, Esq. andrew.mcnally@exeloncorp.com</p> <p>Clark M. Stalker, Esq. clark.stalker@exeloncorp.com</p> <p>Heather Hall, Manager heather.hall@pepcoholdings.com</p> <p>Michael Normand michael.normand@delmarva.com</p> <p>Jennifer Grisham Pepco Holdings LLC- EP3624 701 Ninth Street, NW Washington DC 20068-0001 jmgirsham@pepcoholdings.com</p> <p><u>PSE&G</u></p> <p>PSEG Services Corporation 80 Park Plaza-T5 Newark NJ 07102-4194</p> <p>Justin B. Incardone, Esq. Justin.incardone@pseg.com</p> <p>Bernard Smalls bernard.smalls@pseg.com</p> <p>Michele Falcao michele.falcao@pseg.com</p>	<p><u>Rate Counsel</u></p> <p>140 East Front Street, 4th Flr. P.O. Box 003 Trenton NJ 08625</p> <p>Stefanie A. Brand, Esq., Director sbrand@rpa.nj.gov</p> <p>Brian O. Lipman, Esq, Litigation Manager blipman@rpa.nj.gov</p> <p>Felicia Thomas-Friel, Esq. ftthomas@rpa.nj.gov</p> <p>Ami Morita, Esq. amorita@rpa.nj.gov</p> <p>Brian Weeks, Esq. bweeks@rpa.nj.gov</p> <p>Kurt Lewandowski, Esq. klewando@rpa.nj.gov</p> <p><u>Rate Counsel Consultants</u></p> <p>Ezra D. Hausman, Ph.D. 77 Kaposia Street Newton, MA 02466 ezra@ezrahausman.com</p> <p>Brian Kalcic Excel Consulting 225 S. Meramec Avenue, Suite 720T St. Louis, MO 63105 excel.consulting@sbcglobal.net</p> <p><u>BPU</u></p> <p>Post Office Box 350 Trenton NJ 08625-0350</p> <p>Paul Flanagan, Esq. Executive Director paul.flanagan@bpu.nj.gov</p>
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