



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

ENERGY AND CLEAN ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC  
CITY ELECTRIC COMPANY FOR APPROVAL OF A  
VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE  
CHARGING

) ORDER ON MOTION TO  
) PARTICIPATE  
)  
)  
) DOCKET NO. EO18020190

**Parties of Record:**

**Philip J. Passanante, 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.  
**William Bittinger, Esq.**, Eastern Environmental Law Center on behalf of Environmental Movants  
**Kevin Auerbacher, Esq.**, Tesla, Inc.  
**Martin C. Rothfelder, Esq.**, EVGO Services LLC  
**Daniel Greenhouse, Esq.**, Counsel for Eastern Environmental Law Center EELC, who represents  
Natural Resource Defense Counsel, Environment New Jersey, Sierra Club, Tri-state Transportation  
Company, Work Environment Council of New Jersey, GreenFaith, Inc., and Isles, Inc.  
**Nathan Howe, Esq.**, Counsel for Greenlots, Inc.

**BY COMMISSIONER UPENDRA J. CHIVUKULA:**

By this Order, I grant the Alliance for Transportation Electrification's ("Alliance") motion to participate in the above-captioned proceeding.

**BACKGROUND**

On February 23, 2018, Atlantic City Electric Company ("ACE" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board" or "BPU") for approval of a Voluntary Program for Plug-In Vehicle ("PIV") Charging ("PIV Petition"). By Board Order dated March 26, 2018, the Board retained jurisdiction over the original matter, and designated myself as the presiding officer and authorized me to rule on all motions that arise during the pendency of this proceeding, as well as to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.<sup>1</sup>

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<sup>1</sup> In re 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").

On or about December 17, 2019, ACE filed an amended petition (“Amended Petition”), proposing a multitude of “offerings” designed to accelerate PIV adoption in New Jersey. The Amended Petition proposes a multi-year, \$42.107 million-dollar PIV program, that aims 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 seeks to recover \$42.107 million 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, offsetting costs to ratepayers.

On April 9, 2020, I issued a Prehearing Order with procedural schedule. In that Order, I granted the following motions to intervene: the Natural Resources Defense Council (“NRDC”), Charge Point, Inc. (“ChargePoint”), and Greenlots, Inc. (“Greenlots”). I also granted the following motions to participate: Public Service Electric and Gas Company (“PSE&G”) and Jersey Central Power & Light Company (“JCP&L”). On May 13, 2020, I granted Tesla, Inc.’s (“Tesla”) motion to intervene. On June 1, 2020, I issued an order granting the Eastern Environmental Law Center (“EELC”), who also represents NRDC, request to add Environment New Jersey (“ENJ”), Sierra Club, Tri-state Transportation Company (“TSTC”), Work Environment Council of New Jersey (“WEC”), GreenFaith, Inc. (“GreenFaith”), and Isles, Inc. (“Isles”) (hereinafter referred to as “Movants”) as interveners in this matter (“June 2020 Order”). The June 2020 Order also granted EVgo Services LLC’s (“EVgo”) motion to intervene.

### **THE ALLIANCE MOTION TO PARTICIPATE**

On May 7, 2020, the Alliance for Transportation Electrification (“Alliance”) filed a motion to participate in this matter. In its motion, Alliance acknowledges that the date for filing motions for intervention as set forth in the Prehearing Order was March 13, 2020; however, the Alliance respectfully requested that the Board accept their motion.

The Alliance is a 501(c)(6) non-profit corporation that engages policymakers at the State and local government level throughout the United States to: (i) remove barriers to EV adoption; (ii) encourage a collaborative and open approach to accelerate the deployment of EV charging infrastructure; (iii) support an appropriate utility role by implementing the private/competitive market, and (iv) promote interoperability and open standards in all parts of the EV charging ecosystem. The Alliance’s members consist of about 50 organizations including utilities, automobile and bus manufacturers, EV charging infrastructure providers and network operators, and related trade associations.

The Alliance asserts that the Board’s decision in this proceeding is likely to have significant precedential effect on the Alliance’s members in New Jersey. Alliance states that it will likely be directly and specifically affected by the outcome of this proceeding because there are a variety of policy-related issues and EV development issues that will be addressed and how those issues are decided will likely impact the Alliance’s members. Since the Alliance’s focus is to encourage a collaborative approach among divergent parties to reduce barriers to EV development, it is distinct from other parties and no other party will represent the interests of the Alliance.

The Alliance affirms that it will abide by the schedule set for the proceeding and will not cause undue delay or confusion.

## **DISCUSSIONS AND FINDINGS**

In consideration of the motion and having no objections been filed, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that the participation of the Alliance in this matter is likely to add constructively to the case without causing undue delay or confusion. I **HEREBY GRANT** the motion to participate filed on behalf of the 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).

DATED: July 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**

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