

August 3, 2020

VIA EMAIL

Ira G. Megdal

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Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Ave., 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350

**Re: 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**

Dear Secretary Camacho-Welch:

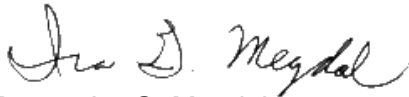
This firm represents Electrify America, LLC ("Electrify America"). On behalf of Electrify America we are transmitting, electronically a Motion for Leave to Intervene on behalf of Electrify America.

Given current circumstances, we are only filing electronically, and serving copies electronically on the attached service list.

Thank you for your attention to this matter.

Cordially yours,

COZEN O'CONNOR, PC



By: Ira G. Megdal

IGM

Enclosure

cc: Attached Service List

(All sent via email with enclosure)

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

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

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BPU Docket No.: EO18101111

**MOTION FOR LEAVE TO INTERVENE ON BEHALF OF
ELECTRIFY AMERICA, LLC**

Electrify America, LLC (“Electrify America” or “Movant”) by and through its undersigned counsel, hereby moves for leave to intervene in this proceeding pursuant to N.J.A.C. 1:1-16.1 et seq. Electrify America respectfully submits that all factors for full intervenor status, as set forth in N.J.A.C. 1:1-16.3 support the granting of Electrify America’s motion in the above-captioned proceeding. In support of its motion for intervenor status in this proceeding (“Motion”), Electrify America states as follows:

I. PROCEDURAL HISTORY

1. On October 11, 2018, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) requesting approval of its Clean Energy Future – Electric Vehicle and Energy Storage Program (“CEF-EVES Program” or “Program”).

2. 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.
3. PSE&G asserts that the proposed Program will support the widespread adoption of electric vehicles (“EV”), including for multifamily and low income customers.
4. The Company requests that the proposed CEF-EVES Program costs be recovered through a new Technology Innovation Charge (“TIC”).
5. PSE&G projects that the Program will result in annual increases to an average customer through the TIC of \$1.24 or approximately 0.10%.
6. By an Order dated October 29, 2018, the Board determined this matter should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, designated Commissioner Upendra J. Chivukula 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. 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.
7. By a Prehearing Order with Procedural Schedule and Order on Motion to Intervene or Participate and for Admission Pro Hac Vice and Motion to Stay (the “Prehearing Order”) dated April 22, 2020 Commissioner Chivukula *inter alia* ruled upon certain Motions to Intervene and certain Motions to Participate and Rate Counsel’s Motion to Stay. Commissioner Chivukula also thereby issued a procedural schedule for the conduct of this proceeding.
8. By an order on Motion for Reconsideration dated May 14, 2020 Commissioner Chivukula granted the Motion to Intervene of Power Edison, LLC.
9. On April 17, 2020 Rate Counsel filed a Motion to Dismiss this proceeding. Commissioner Chivukula denied that motion by an Order on Motion to Dismiss dated July 1, 2020.
10. If granted intervention in this proceeding, Electrify America agrees to be bound by the provisions of the Prehearing Order.

II. ELECTRIFY AMERICA

A. Electrify America's Interest in This Proceeding

11. Electrify America, a wholly-owned subsidiary of Volkswagen Group of America headquartered in Reston, Virginia, is investing \$2 billion over ten years on zero-emissions vehicle ("ZEV") infrastructure, education and awareness, and efforts to support the increased adoption of ZEV technology in the United States. As a part of its first half of its investment, Electrify America is building a nationwide network of ultra-fast direct current fast charging stations across over 500 locations and with over 2,000 individual DC fast chargers already in operation.

12. Electrify America's relationships with owners and operators of electric vehicles are unique based upon its business model. Electrify America is creating stations to charge the next generation of higher charging power electric vehicles ("EVs"). Electrify America's locations include multiple 150 kW-capable chargers and state-of-the-art 350 kW-capable chargers. These chargers can enable recharging speeds close to gasoline fueling for EVs expected to enter the market in the near future, with the 350 kW stations able to charge capable EVs at 20 miles of range per minute. Through extensive research and stakeholder outreach as outlined in Electrify America's ZEV investment plans¹, Electrify America holds that this fast-charging customer experience is crucial to enabling mass-market consumers to adopt EVs, especially for long-distance travel and in metropolitan areas where a large segment of the population may not have access to workplace or home charging. In addition, all Electrify America stations are designed for universal customer access through the inclusion of credit card readers, and both non-proprietary fast charging connector standards: SAE Combo and CHAdeMO. Accordingly, Electrify America's interests are individual and cannot be represented adequately by any other party in this proceeding.

¹ Available at <https://www.electrifyamerica.com/our-plan>, last accessed on August 8, 2019.

13. As an operator of an electric vehicle charging network with existing and potential customers within the PSE&G service territory, Electrify America has a direct and substantial interest in this proceeding.

B. Electrify America Has a Position in the New Jersey Market, Which Is Expected to Grow

14. In November of 2018, when intervention motions were originally due in this proceeding, Electrify America did not operate any charging stations in New Jersey.

15. Electrify America opened its first New Jersey ultra-fast charging station in Bridgewater, New Jersey in May 2019.

16. Electrify America has nine charging locations energized in New Jersey to date, eight of which are in PSEG's service area in Somerdale; Cherry Hill, East Brunswick; Bridgewater; Fairfield; Kearny; Elizabeth; and Clifton. The latter two were recently energized.

17. Electrify America anticipates that it will continue to grow within PSE&G's service territory.

18. According to the Petition, PSE&G intends to invest \$62 million towards achieving 450 Public DC Fast Charging Stations in its service area, supported by ratepayers. Electrify America's existing and planned charging infrastructure will be materially impacted by the utility's proposed programs.

19. In addition electricity cost increases emanating from this proceeding may impact Electrify America by increasing its cost of doing business.

20. Thus the Program will directly affect Electrify America's existing New Jersey business, and its future investment decisions in this State.

III. STANDARD FOR INTERVENTION

21. The criteria for intervention are set forth in N.J.A.C. 1:1-16.1:

[A]ny person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.

22. N.J.A.C. 1:1-16.3(a) sets forth further guidance to be used to evaluate a motion to intervene:

In ruling upon a motion to intervene, the judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters.

IV. ELECTRIFY AMERICA MEETS THE STANDARD FOR INTERVENTION

23. As we have demonstrated, Electrify America has a direct pecuniary interest in this proceeding.

24. Electrify America has a unique business model.

25. Electrify America's participation in this proceeding is necessary in order for it to present evidence of its unique position in the market and the impact that this petition will have on its business model.

26. When Motions to Intervene were originally due, Electrify America did not operate charging stations in New Jersey. It does now.

27. Electrify America could be materially impacted by the Program.

28. A properly constructed Program could be beneficial to competitors in the EV sector in New Jersey, including Electrify America.

29. Electrify America therefore seeks to intervene in this matter because its rights may be substantially, specifically and directly affected by the outcome of this proceeding.

30. The interests of Electrify America and the other intervenors are not necessarily aligned.

31. Nevertheless, the Movant's intervention will not add confusion to, or otherwise delay, these proceedings in any way. Electrify America will abide by the existing Procedural Schedule.

V. NOTICES

32. All communications with respect to this Motion and in these proceedings should be served on the following persons:

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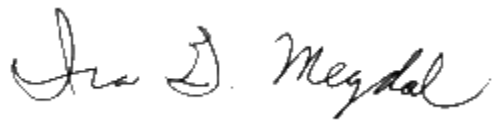
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VI. CONCLUSION

33. For the reasons set forth above, Electrify America respectfully requests that it be granted leave to intervene in this matter pursuant to N.J.A.C. 1:1-16.1 *et seq.*

34. Electrify America's participation in this proceeding will not prejudice any party and will not delay the schedule or broaden the scope of the issues in the proceeding. For the reasons stated above, Electrify America respectfully requests that the Commissioner Chivukula grant this Motion for Leave to Intervene.

Respectfully submitted,

By: 
Ira G. Megdal

Dated: August 3, 2020

VERIFICATION

COMMONWEALTH OF VIRGINIA)

COUNTY OF FAIRFAX)

Robert Barrosa, of full age, being duly sworn, upon his oath deposes and says:

1. I am the Director, Utility Strategy and Operations and I am authorized to make this Verification on behalf of Electrify America, LLC in this matter.
2. I have reviewed the within Motion for Leave to Intervene and the same is true and correct to the best of my knowledge, information and belief.
3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

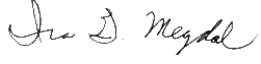
By: 

Robert Barrosa

Sworn to and subscribed

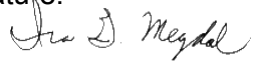
before me this 31st day of

July, 2020



Ira G. Megdal
Attorney-at-Law
State of New Jersey

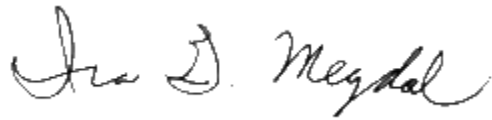
The undersigned attorney, Ira G. Megdal, certifies that the affiant electronically acknowledged the genuineness of the signature.



Ira G. Megdal, Esquire

CERTIFICATION OF SERVICE

Ira G. Megdal, certifies that I am a member of the firm of Cozen O'Connor and on this date I caused copies of the attached Motion for Leave to Intervene of Electrify America, LLC to be served via email upon each of the parties named on the service list attached to this filing. The above statements made by me are true. I am aware that if any statements made by me is willfully false, I am subject to punishment.

A handwritten signature in cursive script, reading "Ira G. Megdal", written in black ink.

Ira G. Megdal

Dated: August 3, 2020

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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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