



STATE OF NEW JERSEY
Board of Public Utilities
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ENERGY & CLEAN ENERGY

IN THE MATTER OF THE PETITION OF PUBLIC)	ORDER ON MOTION
SERVICE ELECTRIC AND GAS COMPANY FOR)	TO INTERVENE
APPROVAL OF ITS CLEAN ENERGY FUTURE –)	
ELECTRIC VEHICLE AND ENERGY STORAGE (“CEF-)	
EVES”) PROGRAM ON A REGULATED BASIS)	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
Ira G. Megdal, Esq., Counsel for Electrify America, LLC

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.

By Order dated October 29, 2018 (“October 2018 Order”), 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 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.

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 the Petition until the conclusion of several administrative proceedings.

On April 22, 2020, a Prehearing Order was issued (“April 2020 Prehearing Order”) wherein a procedural schedule was set and motions for intervention and participation status were ruled upon. The following motions to intervene were granted: The New Jersey Large Energy Users Coalition (“NJLEUC”), Enel X North America, Inc. (“Enel X”), Blue Bird Body Corporation (“Blue Bird”), Burns & McDonnell Engineering Company, Inc. (“BMcD”), Charge Point, Inc. (“Charge Point”), Climate Change Mitigation Technologies, LLC (“CCMT”), EVgo Services, LLC (“EVgo”), Zeco Systems, Inc. d/b/a Greenlots (“Greenlots”), Environmental Defense Fund, Natural Resources Defense Council, Environment New Jersey, and Sierra Club (hereinafter “Environmentalists”), Mid-Atlantic Solar & Storage Industries Association (“MSSIA”), Tesla Inc. (“Tesla”), Direct Energy Business, LLC (“Direct Energy”), and Sunrun, Inc. (“Sunrun”). The following motions to participate were granted: Atlantic City Electric Company (“ACE”), Alliance for Transportation Electrification (“Alliance”), Jersey Central Power & Light Company (“JCP&L”), Rockland Electric Company (“RECO”), and SemaConnect, LLC (“SemaConect”). The April 2020 Prehearing Order also denied the New Jersey Division of Rate Counsel’s (“Rate Counsel”) Motion to Stay filed in December 2018.

Within procedural schedule set forth in the April 2020 Prehearing Order, all motions were due April 17, 2020. Discovery and responses have been propounded throughout July and August, 2020. As established in the April 2020 Prehearing Order, intervenor testimony was due September 4, 2020 and evidentiary hearings are set for the week of December 7, 2020.

By order on Motion for Reconsideration dated May 14, 2020, Power Edison, LLC was granted intervenor status.

On or about April 17, 2020, Rate Counsel filed a motion to dismiss a portion of the Petition. PSE&G then filed an opposition to Rate Counsel’s motion on May 8, 2020 which was joined by intervenors, Blue Bird, CCMT, Charge Point, the Environmentalists, EVgo, Greenlots, BMcD, and MSSIA. On May 8, 2020, Direct Energy Business, LLC, et al., NRG Energy, Inc., and Just Energy Group Inc. (collectively, “Market Participants”) filed a letter in support of Rate Counsel’s Motion to Dismiss. Rate Counsel filed a reply to PSE&G’s opposition on May 22, 2020.

On July 1 2020, Rate Counsel’s motion to dismiss was denied and the parties were ordered to continue to move through the procedural schedule.

THE MOTION

Motion to Intervene

Electrify America, LLC

Electrify America, LLC (“Electrify America”) filed a Motion to Intervene on August 6, 2020. Electrify America is a wholly-owned subsidiary of Volkswagen Group of America headquartered in Reston, Virginia. In its motion, Electrify America asserted it is investing \$2 billion over 10 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 the first half of its investment, Electrify America states it is building a nationwide network of ultra-fast direct current fast charging stations across over 500 locations and with over 2,000 individual direct current fast chargers already in operation.

Electrify America contends that its relationships with owners and operators of EVs is unique based upon its business model, and accordingly, its interests are individual and cannot be represented adequately by any other party in this proceeding. Electrify America maintains that its existing and planned charging infrastructure will be materially impacted by the utility’s proposed programs, including a potential for an increased cost of doing business due to this proceeding.

According to its Motion to Intervene, Electrify America did not operate any charging stations in New Jersey in November 2018 when intervention motions were originally due. However, presently Electrify America has nine charging stations in New Jersey, eight of which are in PSE&G territory.

Electrify America affirmed it will not add confusion to, or otherwise delay, the proceeding in any way and stated that it would abide by the existing procedural schedule.

RESPONSES

On August 13, 2020, PSE&G filed opposition to Electrify America’s motion to intervene, stating that the motion is untimely and inclusion at this late stage in the proceeding as an intervenor may cause unnecessary confusion and delay. The opposition further states that Electrify America’s interests are not sufficiently different from other parties, and as such, is already well represented by existing intervenors. PSE&G does maintain, however, that it does not object to Electrify America’s inclusion in the proceeding as a participant.

Electrify America filed a reply to PSE&G’s opposition on August 14, 2020, stating that its interests are not served by another intervenor because its business model is substantially different from other intervenors, nor can its interests be materially represented by the other parties. Electrify America reasserts that it will abide by the existing procedural schedule and will not cause delays. Lastly, Electrify America requests that its motion be granted so that it may present evidence which will assist in the Board making a decision on the Petition.

DISCUSSIONS AND FINDINGS

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.

After consideration of the papers, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, Electrify America will be directly affected by the outcome of this proceeding and its interests are not currently served by another party. I **HEREBY FIND** that Electrify America will add measurably and constructively, while abiding by the current procedural schedule.

While untimely, I **HEREBY FIND** that Electrify America's Motion to Intervene has met the standards for intervention in this proceeding. Accordingly, I **HEREBY GRANT** the motion to intervene by Electrify America pursuant to the authority granted to me by the Board under the October 2018 Order. Due to the tardiness of Electrify America's participation in this proceeding, I **HEREBY ORDER** that, as an intervener in this proceeding, Electrify America must abide by the existing procedural schedule set forth in the April 2020 Prehearing Order.

DATED: September 17, 2020

BY:



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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