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IN THE MATTER OF ATLANTIC CITY ELECTRIC COMPANY - APPROVAL OF AN ENERGY EFFICIENCY PROGRAM , COST RECOVERY MECHANISM AND OTHER RELATED RELIEF FOR PLAN YEARS ONE THROUGH THREE	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES OFFICE OF CLEAN ENERGY PRESIDENT FIODALISO BPU DOCKET NO. EO20090621
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MOTION FOR INTERVENTION BY NATURAL RESOURCES DEFENSE COUNCIL

The Natural Resources Defense Council (“NRDC”), seeks leave under New Jersey Administrative Code (“N.J.A.C.”) 1:1-16.1 *et seq.*, to intervene in the above captioned proceeding before the Board of Public Utilities (“BPU”), wherein Atlantic City Electric Company (“ACE”) seeks BPU approval of a three year energy efficiency program.

BACKGROUND

A. NRDC’s Interest in This Matter and Experience with BPU Proceedings

1. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 410,000 dues-paying members globally, including more

than 12,000 in New Jersey and many in ACE's New Jersey service territory.

2. As discussed further below, NRDC and its members are, specifically and directly affected by the outcome of this case concerning ACE's proposed Energy Efficiency Program, because NRDC itself has long-standing initiatives—on behalf of its members, locally in New Jersey and across the country—to promote cost-effective energy efficiency programs implemented by regulated electric and gas utilities.
3. If allowed to intervene, NRDC will provide expert testimony and other evidence to ensure that the ACE EE Program would promote the successful implement of energy efficiency programs and measures, ultimately, the interests of the public, including its members.

NRDC's Expertise in Energy Efficiency

4. NRDC has extensive expertise and experience in engaging state utility commissions as they structure statewide programs and policies, and evaluate utility-specific proposals, regarding energy efficiency, cost recovery, distribution planning, and related utility functions
5. With respect to energy efficiency programs, NRDC has participated in matters across the country, including California, Colorado, Illinois, Michigan, Missouri, Montana, New York, New Jersey, New Mexico North Carolina, Ohio, Pennsylvania, and Washington.
6. Thus, NRDC, if allowed to intervene, would draw on its relevant experience and expertise to help evaluate the ACE energy efficiencyIn program and, specifically, its ability to meet the requirements of New Jersey energy efficiency targets and policy priorities.

LEGAL GROUNDS FOR INTERVENTION

15. Under New Jersey law, any person or entity “who will be substantially, specifically, and directly affected by the outcome of a contested case” may seek leave to intervene and

become a party to an administrative case such as this case.¹

16. When ruling on a motion to intervene, the presiding officer shall take into consideration 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 or undue delay arising from including of the party, and (4) other appropriate matters.²

ARGUMENT

NRDC will be Substantially, Specifically, and Directly Affected by the Outcome of this Case.

17. Fundamentally, ACE seeks ratepayer dollars to fund its proposed Energy Efficiency Program.

Therefore, the outcome of this case will substantially, specifically, and directly affect NRDC's members who are ACE customers, because these members will bear approved program costs that could add up to millions of dollars. NRDC has more than 12,000 members in New Jersey, including ACE's service territory, and its material interest in ensuring that the proposed investments reduce energy usage and are cost-effective, and that the ACE energy efficiency program, specifically, operates effectively to reduce energy usage, decrease customer bills, and decrease the emission of harmful climate pollutants from the building sector, and by extension, the power sector.

18. The outcome of this case: (1) has significant implications for the provision of utility service and the functioning of the electric grid as it relates to safety, modernization, and economic welfare, and equity, and (2) goes to the heart of NRDC's mission with regard to ensuring

¹ N.J.A.C. 1:1-16.1.

² N.J.A.C. 1:1-16.3(a).

optimal planning and support for clean energy technologies and programs. These issues are of the utmost importance to NRDC and its members, including those in New Jersey.

19. The ACE Petition, if structured to maximize the full range of environmental and consumer benefits, will further NRDC's mission by implementing energy efficiency programs in an optimal manner.

NRDC's Interest is Sufficiently Different from Any Other Party so as to Add Measurably and Constructively to the Case.

20. NRDC's unique expertise will measurably and constructively advance this proceeding in accordance with N.J.A.C. 1:1-16.3(a). In its filing, ACE proposes energy efficiency measures that reduce electricity usage, can reduce customer bills, increase home comfort for customers, and advance the goals for the Clean Energy Act. NRDC will add substantive value to this proceeding by bringing to bear its unique expertise and analyses on nationwide energy efficiency programs and extensive experience with a wide range of energy efficiency-related utility policies, such as cost recovery, thus enabling a full development of the record.
21. Expertise and Analysis. NRDC will review and analyze ACE's petition, proposal, and filings. Drawing on its expertise and experience NRDC will provide solutions and recommendations to improve Program effectiveness while minimizing costs to ratepayers. NRDC additionally plans to review and comment on comments, proposals, and other information brought throughout the course of this proceeding to help ensure that customer, safety, cost, and environmental implications of the ACE Petition are optimized. This contemplated analysis will help assure that the ACE Petition and Energy Efficiency Program achieves the greatest result possible.

22. Full Development of the Record. NRDC's intervention can assist with the development of a full record, through testimony, cross-examination, and briefing, in areas where other intervenors do not share NRDC's particular expertise. If NRDC is not permitted to intervene in this instant proceeding, evidence that they intend to present regarding vital ways to improve the ACE Petition for greater consumer, grid, and environmental benefits will not be available. In addition, receiving a different status would deny Movants access to the discovery process, which would preclude them from further developing and refining its position and arguments as the proceeding progresses, in a manner that is maximally beneficial for proceeding as a whole.

Intervention by NRDC will not Cause Confusion or Result in Undue Delay.

23. NRDC will work with other parties to ensure that they avoid duplicating efforts and so as to prevent confusion and undue delay. In addition, NRDC will strictly abide by the schedule and other rulings made herein.

CONCLUSION

NRDC has met the criteria for intervention in the ACE Petition and respectfully requests that an Order be issued granting them intervenor status.

DATED: October 2, 2018

Respectfully Submitted,

/s/ Eric Miller

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CERTIFICATION OF SERVICE

I hereby certify that I have this day served by electronic mail a copy of the foregoing Motion for Intervention on all parties who have entered an appearance or are otherwise entitled to service in this proceeding.

Dated this 2nd day of October 2020.

Respectfully Submitted,

/s/ Eric Miller

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