



**VIA EMAIL**

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**[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)**

Aida Camacho-Welch  
Secretary of the Board  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
P.O. Box 350  
Trenton, New Jersey 08625-0350

**RE: In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three.  
BPU Docket No. EO20090621**

**In the Matter of the Implementation of PL. 2018, c. Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs  
BPU Docket No. QO10010040**

Dear Secretary Camacho-Welch:

On behalf of the Energy Efficiency Alliance of New Jersey (“EEA-NJ”), please accept for filing the attached Motion to Intervene in the above-captioned matter. Please do not hesitate to contact us with questions or comments.

Consistent with the Order issued by the Board in connection with In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Order dated March 19, 2020, this Motion is being electronically filed with the Secretary of the Board. No paper copies will follow.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Erin Cosgrove'.

Erin Cosgrove  
Director of Regulatory Affairs  
Energy Efficiency Alliance of New Jersey

Cc: See attached service list

**State of New Jersey  
Board of Public Utilities**

**IN THE MATTER OF THE PETITION  
OF ATLANTIC CITY ELECTRIC  
COMPANY FOR APPROVAL OF AN  
ENERGY EFFICIENCY PROGRAM,  
COST RECOVERY MECHANISM, AND  
OTHER RELATED RELIEF FOR PLAN  
YEARS ONE THROUGH THREE.**

**Docket Nos.: EO20090621 &  
QO10010040**

**MOTION TO INTERVENE**

The Energy Efficiency Alliance of New Jersey (“EEA-NJ”) respectfully requests the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.A.C. § 1:1-16.1, et seq., grant its motion for intervention in the above-captioned matter. All communications and correspondence concerning this proceeding should be directed to:

Erin Cosgrove  
Energy Efficiency Alliance of New Jersey  
701 E. Gate Dr.  
Mt. Laurel, NJ 08054  
(609) 710 - 0177  
ecosgrove@eeaofnj.org

**A. Introduction**

1. EEA-NJ is a 501(c)(6) trade association that, together with its sister organization the Keystone Energy Efficiency Alliance (“KEEA”), represents 75 business members. These members manufacture, design, and implement energy efficiency improvements in buildings across Pennsylvania and New Jersey on behalf of regulated utilities, the state, and ratepayers.<sup>1</sup>

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<sup>1</sup> EEA-NJ is a non-profit tax-exempt 501(c)(6) corporation and is comprised of the following members in New Jersey: American Efficient, Applied Energy Group, Attics and More, Bright

2. In 2008, the RGGI Act, 2008, P.L. 2007, c. 340, was signed into law based on the finding that energy efficiency and conservation measures must be essential elements of the state's energy future. The legislation further found that public utility involvement in the energy efficiency industry is essential to maximize efficiency.

3. On May 23, 2018, Governor Murphy signed into law the Clean Energy Act of 2018, P.L. 2018, c. 17 ("CEA").<sup>2</sup> The CEA supports and expands upon the RGGI Act and establishes aggressive energy reduction targets and other clean energy strategies. Specifically, the CEA states that "each electric public utility shall be required to achieve annual reductions in the use of electricity of two percent of the average annual usage in the prior three years within five years of implementation of its electric energy efficiency program."<sup>3</sup> Additionally, "[e]ach natural gas public utility shall be required to achieve annual reductions in the use of natural gas of 0.75 percent of the average annual usage in the prior three years within five years of implementation of its gas energy efficiency program."<sup>4</sup>

4. On June 10, 2020 the New Jersey Board of Public Utilities ("Board" or "BPU") issued an Order directing the New Jersey public utilities to file petitions to implement three-year energy efficiency and peak demand response programs ("EE Order").<sup>5</sup> The EE Order

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Power, CHP Alliance, CLEAResult, CMC Energy Services, C Power, Embertec, EMC Electric Market, Energy Analysis Group, ERS, Franklin Energy, Google/Nest, Green Energy Economics, Inc., Greenlife Energy Solutions, Honeywell Utility Solutions, Hutchinson, ICF International, Lime Energy, MaGrann Associates, National Energy Improvement Fund (NEIF), Oracle (OPower), Performance Systems Development, Rexel, SAW Associates LLC, Sealed EE, ThinkEco, Threshold, Uplight, Warren Energy Engineering.

<sup>2</sup> P.L. 2018, c. 17 (N.J.S.A. 48:3-87.8 et seq.).

<sup>3</sup> N.J.S.A. 48:3-87.9 3(a).

<sup>4</sup> N.J.S.A. 48:3-87.9 3(b).

<sup>5</sup> See, In The Matter Of The Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket Nos. QO19010040,

included a comprehensive strategy to achieve the targets established by the CEA for the state and public utilities and a path for the transition to more extensive investment in energy efficiency by the state and public utilities. The EE Order directed that all public utilities file energy efficiency and peak demand reduction plans by September 25, 2020.

5. On September 25, 2020, ACE filed a petition with the Board seeking approval of its Energy Efficiency Program Plan (“EE Program”) and related cost recovery mechanism. The EE Program will encompass a wide array of new energy efficiency programs, products, and services geared toward engaging all of ACE’s customers. The EE Program includes an incremental expenditure of nearly \$99 million and is anticipated to run from July 1, 2021 through June 30, 2024.

**B. Motion to Intervene**

6. Pursuant to N.J.A.C. § 1:1-16.1(a) a party may intervene in a matter where that party “will be substantially, specifically and directly affected by the outcome” of those proceedings. N.J.A.C. § 1: 1-16.3(a) further provides that, in ruling on a motion to intervene, the Board is directed to consider four factors:

- a. The nature and extent of the movant's interest in the outcome of the case,
- b. 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,
- c. The prospect of confusion or undue delay arising from the movant's inclusion,  
and
- d. Other appropriate matters.

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QO19060748, QO17091004, Order Directing the Utilities to Establish Energy Efficiency and Peak Demand Reduction Programs (dated June 10, 2020), at 38.

7. EEA-NJ's members will be substantially, specifically, and directly affected by the outcome of this proceeding. EEA-NJ's interest in this case differs from that of any other party and will add measurably and constructively to the scope of the case. Finally, inclusion of EEA-NJ as an intervenor will not cause confusion or delay.

8. EEA-NJ has a direct and substantial interest in ensuring cost-effective and successful energy efficiency and peak demand reduction programs in New Jersey because our business members are directly impacted by the success of these programs. EEA-NJ is a 501(c)(6) trade association that represents the energy efficiency industry. EEA-NJ represents 75 business members that manufacture, design, and implement energy efficiency improvements in buildings across New Jersey on behalf of regulated utilities, the State, and ratepayers. EEA-NJ's business members have a direct and substantial financial interest in this proceeding as the continuation and growth of their business is closely tied to the successful implementation of energy efficiency programs through this proceeding. Therefore, any energy efficiency plans approved by the Board will have a direct and substantial impact on EEA-NJ.

9. EEA-NJ's interest in this case differs from that of any other party, and EEA-NJ's interest will add measurably and constructively to the scope of the case. EEA-NJ is a well-established energy efficiency organization in New Jersey and offers a unique perspective of the business experience. EEA-NJ and its business members have extensive knowledge in the establishment and execution of utility- and state- run energy efficiency programs. EEA-NJ's business members participate in a number of energy efficiency programs and projects within the state and across the country. EEA-NJ has been a constructive and unique presence in the Board's numerous stakeholder meetings, often offering comments. Therefore, EEA-NJ can

add measurably and constructively to the case by offering its perspective and expertise about how ACE's proposal will impact the success of energy efficiency programs in ACE's territory and statewide.

10. Finally, EEA-NJ's intervention in this action will not cause any confusion or undue delay. EEA-NJ will aim to play a constructive role throughout this proceeding by coordinating its efforts in this proceeding with other parties and abiding the schedule set forth by the Board.

11. For the foregoing reasons, EEA-NJ respectfully requests that the Board grant this motion, and grant EEA-NJ intervenor status in this proceeding.

**WHEREFORE**, because EEA-NJ has a special interest in this case that is not otherwise adequately represented and because it is likely to provide informed input that will assist the Board in fully considering the matter without unduly complicating or disrupting the proceedings, EEA-NJ respectfully requests intervention in this proceeding.

Date: October 2, 2020

Respectfully submitted,



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Erin Cosgrove, Esq.  
Director of Regulatory Affairs  
Energy Efficiency Alliance of New Jersey  
701 E. Gate Dr.  
Mt. Laurel, NJ 08054  
(609) 710 - 0177  
ecosgrove@eeaofnj.org

**VERIFICATION**

I hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and that I am duly authorized to make this verification, and that I expect to be able to prove the same at any hearing held in this matter.

A handwritten signature in black ink that reads "Matt Elliott". The signature is written in a cursive style with a long horizontal stroke at the end.

Date: October 2, 2020

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Matt Elliott  
Executive Director  
Energy Efficiency Alliance of New Jersey

**State of New Jersey  
Board of Public Utilities**

**IN THE MATTER OF THE PETITION  
OF ATLANTIC CITY ELECTRIC  
COMPANY FOR APPROVAL OF AN  
ENERGY EFFICIENCY PROGRAM,  
COST RECOVERY MECHANISM, AND  
OTHER RELATED RELIEF FOR PLAN  
YEARS ONE THROUGH THREE.**

**Docket Nos.: EO20090621 &  
QO10010040**

**CERTIFICATION OF SERVICE**

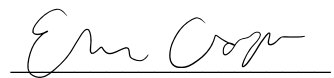
I, **ERIN COSGROVE**, of full age, certifies as follows:

1. I am an attorney of the State of New Jersey and serve as Director of Regulatory Affairs to the Energy Efficiency Alliance of New Jersey, the Intervenor in the matter.
2. I hereby certify, on the date below, I caused the within Motion to Intervene to be filed with the New Jersey Board of Public Utilities through sending an electronic copy to the Board Secretary's office at [aida.camacho@bpu.nj.gov](mailto:aida.camacho@bpu.nj.gov) and [board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov).
3. I further certify that, on the date below, I caused a complete copy of the Motion to Intervene to be sent by electronic mail to each of the parties listed in the attached Service List.
4. Consistent with the Order issued by the Board in connection with In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Order dated March 19, 2020, this Motion is being electronically filed and no paper copies will follow.



5. I further and finally 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.

Dated: October 2, 2020



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In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program,  
Cost Recovery Mechanism and Other Related Relief for Plan Years One Through Three  
BPU Docket No. EO20090621

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