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ATTORNEYS AT LAW

October 2, 2020

**Via Email**

Hon. Upendra Chivukula, Commissioner  
Hon. Aida Camacho-Welch, Secretary  
Board of Public Utilities  
44 South Clinton Avenue  
Suite 314, 3<sup>rd</sup> Floor  
Trenton, NJ 08625-0350

Re: GO20090622- New Jersey Natural Gas Company - Approval Of Energy Efficiency Programs And The Associated Cost Recovery Mechanism Pursuant To The Clean Energy Act, N.J.S.A. 48:3-87.8 Et Seq. And 48:3-98.1 Et Seq. (Commissioner Chivukula, Presiding Officer )

**JCP&L's Motion to Participate**

Dear Commissioner Chivukula and Secretary Camacho-Welch:

Petitioner Jersey Central Power & Light ("JCP&L" or the "Company") submits this letter in lieu of more formal motion for participation in the above captioned matter, as follows:

1. On September 25, 2020, JCP&L filed a Verified Petition with the Board in *I/M/O the Verified Petition of Jersey Central Power & Light Company For Approval of JCP&L's Energy Efficiency and Conservation Plan Including Energy and Peak Demand Reduction Programs (JCP&L EE&C)*, and the matter is now pending in Docket No. EO20090620. JCP&L's filing was made in compliance with the Board's June 10, 2020 Decision and Order ("June 10 Order") in BPU Docket Nos. QO19010040, QO19060748, QO17091004.<sup>1</sup> The June 10 Order directed all of the state's electric and gas utilities to file energy efficiency and peak demand reduction programs with the Board. The June 10 Order (see pp. 11-12) also contained provisions for ongoing stakeholder efforts, collaboration among the utilities on design and implementation of core programs, and coordination and cost/savings allocations among gas and electric utilities with overlapping service territories. On September 23, the Board issued its Order Designating Commissioner, Setting Manner of Service and Bar dates applicable to all

<sup>1</sup> *In the Matter of the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs et. al.*, BPU Docket Nos. QO19010040, QO19060748, QO17091004, Order Directing the Utilities to Establish Energy Efficiency and Peak Demand Reduction Programs (June 10, 2020).

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the utility filings, and setting a bar date for motions to intervene or participate of October 2, 2020.

2. JCP&L is a New Jersey electric public utility primarily engaged in the purchase, transmission, distribution, and sale of electric energy and related utility services to more than 1,000,000 residential, commercial and industrial customers located within 13 counties and 236 municipalities of the State of New Jersey.

3. JCP&L meets the standard for participation since it has a “significant interest in the outcome” of the case and its participation will add constructively to the case without causing undue delay or confusion. N.J.A.C. 1:1-16.6 (a). The Company has a significant interest because the Board’s decisions on issues in this proceeding (which are very similar to the issues in JCP&L’s proceeding) are likely to have precedential effect and impact on New Jersey’s other utilities that made filings pursuant to the Board’s June 10 Order. Therefore, JCP&L is likely to be impacted by the relief provided by the Board in this case. Further, the service territory, customers and operations of JCP&L are distinct from those of other anticipated parties and participants in this proceeding. Thus, no other party or participant will represent the interests of JCP&L in this case.

4. Due to its experience in the electric industry, and its role in stakeholder proceedings leading up and following the June 10 Order, JCP&L’s participation in this proceeding is likely to add constructively to the proceeding. JCP&L will abide by the schedule that the Presiding Officer sets for the proceeding. Since this filing is made at the outset of the case, a mere week from the filing, JCP&L’s participation will not cause undue delay or confusion.

5. Although JCP&L seeks participant status, JCP&L is aware that certain utilities may seek intervenor status in JCP&L’s case pending in Docket No. EO20090620. Any Board order approving intervention for a utility in JCP&L’s case would have to find that, based on the common/overlapping concerns in the June 10 Order, the utility satisfies the standard of being “substantially, specifically, and directly affected by the outcome” of the case. N.J.A.C. 1:1-16.1(a). Of course, if the Board determines that the utility has a sufficient interest to be an intervenor in JCP&L’s case, then JCP&L would have the identical sufficient interest to be an intervenor in its case. *Accordingly, this motion for participant status is provisional, and should be treated as a motion to intervene should the utility that is the subject of the above captioned proceeding be granted intervenor status in JCP&L’s case.*

6. Copies of correspondence should be addressed to:

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7. For the foregoing reasons, JCP&L requests that the Board or Presiding Office issue and Order: (1) granting it rights as Participant in this matter pursuant to N.J.A.C. 1:1-16.6, (2) to the extent the Presiding Commissioner or Board grants intervenor status to New Jersey Natural Gas Company in JCP&L's EE&C case in Docket No. EO20090620, granting JCP&L Intervenor status in the above-captioned case involving that utility; and (3) providing such further relief in connection therewith as is deemed reasonable, just and consistent with the foregoing.

Pursuant to the Board's March 19, 2020 Order regarding the COVID-19 pandemic (Docket No. EO20030254), and its September 23, 2020 Order (Docket No. QO19010040) setting the manner of service, this filing is being electronically filed by email with the Secretary and served by email upon the attached service list, including the Division of Rate Counsel; no paper copies will follow.

Kindly have the Office of the Secretary or the Office of Case Management confirm receipt by email to the undersigned.

Thank you for your courtesy and cooperation.

Respectfully submitted,

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*/s/ James C. Meyer*

James C. Meyer  
Edward K. DeHope

cc: Attached Service List (by email)  
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