



STATE OF NEW JERSEY
Board of Public Utilities
 44 South Clinton Avenue, 9th Floor
 Post Office Box 350
 Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY & CLEAN ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC CITY)	ORDER ON MOTION TO
ELECTRIC COMPANY FOR APPROVAL OF A)	MODIFY THE PROCEDURAL
VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE)	SCHEDULE
CHARGING)	
)	DOCKET NO. EO18020190

Parties of Record:

Philip J. Passanante, Esq., Atlantic City Electric Company
Stefanie Brand, Esq., Director, NJ Division of Rate Counsel
Murray E. Bevan, Esq., Bevan, Mosca & Giuditta P.C. on behalf of ChargePoint, Inc.
William Bittinger, Esq., Eastern Environmental Law Center on behalf of Environmental Movants
Kevin Auerbacher, Esq., Tesla, Inc.
Martin C. Rothfelder, Esq., EVGO Services LLC
Nathan C. Howe, Esq., McCarter & English LLP on behalf of Greenlots
Ira G. Megdal, Esq., Counsel for Electrify America, LLC

BY COMMISSIONER UPENDRA J. CHIVUKULA:

By this Order, I modify the procedural schedule issued on September 9, 2020.

I. BACKGROUND

On February 23, 2018, Atlantic City Electric Company (“ACE” or “Company”) filed a petition (“PIV Petition”) with the New Jersey Board of Public Utilities (“Board” or “BPU”) for approval of a Voluntary Program for Plug-In Vehicle (“PIV”) Charging (“PIV Program”).

By Board Order dated March 26, 2018, the Board determined that the PIV Petition 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. The March 2018 Order further directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by April 13, 2018.¹

¹ In re Petition of Atlantic City Electric Company for Approval of a Voluntary Program for Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated March 26, 2018 (“March 2018 Order”).

On April 6, 2018, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed a motion with the Board to stay ACE’s PIV Petition.

On December 17, 2019, ACE filed an amended petition (“Amended Petition”), proposing 13 “offerings” designed to accelerate PIV adoption in New Jersey. The Amended Petition proposes a multi-year, \$42.107 million-dollar PIV program that aims to incentivize off-peak charging of PIVs, develop PIV infrastructure, provide grants to foster innovation in electrifying the transportation sector, and support for electrifying school buses.

On April 9, 2020, I issued a Prehearing Order (“April 2020 Prehearing Order”), wherein a procedural schedule was set where motions were due March 13, 2020. The following motions to intervene were granted: the Natural Resources Defense Council (“NRDC”), Charge Point, Inc. (“ChargePoint”) and Greenlots, Inc. (“Greenlots”). The following motions to participate were granted: Public Service Electric and Gas Company (“PSE&G”) and Jersey Central Power & Light Company (“JCP&L”). The April 2020 Prehearing Order also provided that Rate Counsel’s stay motion had been deemed denied by the operation of N.J.A.C. 14:1-8.7(c), and I also denied the stay motion. On May 13, 2020, I subsequently granted Tesla, Inc. (“Tesla”) Motion for Reconsideration of Intervenor status.

On or about April 13, 2020, Rate Counsel filed a motion to dismiss a portion of ACE’s Amended Petition. On or about May 4, 2020 ACE filed an opposition to Rate Counsel’s motion which was joined by interveners, Greenlots and NRDC. On or about May 18, 2020 Rate Counsel filed a reply to ACE’s opposition.

On May 4, 2020, the Eastern Environmental Law Center (“EELC”), representing NRDC filed a supplemental Motion to Intervene to add Environment New Jersey (“ENJ”), Sierra Club, Tri-State Transportation Company (“TSTC”), Work Environment Council of New Jersey (“WEC”), GreenFaith, Inc. (“GreenFaith”), and Isles, Inc. (“Isles”) (hereinafter referred to as “Movants”) as interveners in this matter. On June 2, 2020, I granted the motions for intervention of Movants and EvGo.

On June 10, 2020, I issued an order (“June 2020 Amended Procedural Schedule Order”), modifying the procedural schedule originally set forth in the April 2020 Prehearing Order. The June 2020 Amended Procedural Schedule Order provided the bar date for motions to intervene and participate as March 13, 2020, the first round of discovery requests to be propounded by June 24, 2020, and a second discovery round due on July 27, 2020.

By order dated June 26, 2020, Rate Counsel’s motion to dismiss was denied and the parties were ordered to continue moving through the procedural schedule as set forth in the June 2020 Amended Procedural Schedule Order.

On July 13, 2020, I granted the Alliance for Transportation Electrification’s (“Alliance”) Motion to Participate.

On September 9, 2020, I issued an order (“September 2020 Amended Procedural Schedule Order”) granting Electrify America, LLC’s (“Electrify America”) motion to intervene and modifying the procedural schedule.

II. ACE MOTION FOR A MODIFICATION TO THE PROCEDURAL SCHEDULE

On October 13, 2020, ACE filed a motion for a modification of the procedural schedule, set forth in the September 2020 Amended Procedural Schedule Order (“ACE Motion for Procedural Schedule Modification”). ACE provided notice that it intended to substitute an expert witness. Further, the motion stated that ACE wishes to allow “for greater opportunity for meaningful and continued settlement discussions.”

III. DISCUSSION AND FINDINGS

ACE’s Motion to Modify the Procedural Schedule to allow for additional time in light of the expert witness substitution and to allow for more time for settlement discussion is reasonable in the interest of developing a complete record. Having been granted the authority to amend the schedules within this proceeding by the Board, and after consideration of ACE’s Motion for Procedural Schedule Modification, finding the request meritorious, I **HEREBY AMEND** the procedural schedule set forth in the September 2020 Amended Procedural Schedule Order and **HEREBY ISSUE** the following modified procedural schedule (Exhibit A). I **HEREBY DIRECT** all parties to comply with its terms

I **HEREBY DIRECT** that this Order be posted on the Board’s website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: October 15, 2020

BY:



UPENDRA J. CHIVUKULA
COMMISSIONER

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR
APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING
BPU DOCKET NO. EO18020190

SERVICE LIST

ACE

500 N. Wakefield Drive
P.O. Box 6066
Newark DE 19714-6066

Philip J. Passanante, Esq.
philip.passanante@pepcoholdings.com

Clark M. Stalker, Esq.
clark.stalker@exeloncorp.com

Heather Hall, Manager
heather.hall@pepcoholdings.com

Michael Normand
michael.normand@delmarva.com

Jennifer Grisham
Pepco Holdings LLC- EP3624
701 Ninth Street, NW
Washington DC 20068-0001
jmgrisham@pepcoholdings.com

BPU

44 South Clinton Avenue, 9th Floor
Trenton NJ 08625-0350

Paul Flanagan, Esq.
Executive Director
paul.flanagan@bpu.nj.gov

Christine Sadovy
Chief of Staff
Christine.sadovy@bpu.nj.gov

Aida Camacho-Welch
Board Secretary
aida.camacho@bpu.nj.gov

Office of the Economist

Benjamin Witherell, Chief Economist
Benjamin.witherell@bpu.nj.gov

Jacqueline O'Grady
jackie.ogrady@bpu.nj.gov

Counsel's Office

Abe Silverman, Esq.
General Counsel
abe.silverman@bpu.nj.gov

Carol Artale, Esq.
carol.artale@bpu.nj.gov

Andrea Hart, Esq.
andrea.hart@bpu.nj.gov

Division of Clean Energy

Kelly Mooij, Director
Kelly.mooij@bpu.nj.gov

Sherri Jones
sherri.jones@bpu.nj.gov

Cathleen Lewis
Cathleen.lewis@bpu.nj.gov

Division of Energy

Stacy Peterson, Director
stacy.peterson@bpu.nj.gov

Scott Sumliner
scott.sumliner@bpu.nj.gov

Christopher Oprysk
Christopher.oprysk@bpu.nj.gov

Division of Law

25 Market Street
P.O. Box 112
Trenton, NJ 08625

Brandon Simmons, DAG
brandon.simmons@law.njoag.gov

Alex Moreau, DAG
alex.moreau@law.njoag.gov

Rate Counsel

140 East Front Street, 4th Floor
P.O. Box 003
Trenton NJ 08625

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Brian O. Lipman, Esq, Litigation Manager
blipman@rpa.nj.gov

Felicia Thomas-Friel, Esq.
ftthomas@rpa.nj.gov

Ami Morita, Esq.
amorita@rpa.nj.gov

Rate Counsel Consultants

Ezra D. Hausman, Ph.D.
77 Kaposia Street
Newton, MA 02466
ezra@ezrahausman.com

PSE&G

PSEG Services Corporation
80 Park Plaza-T5
Newark NJ 07102-4194

Justin B. Incardone, Esq.
Justin.incardone@pseg.com

Michael Beck, DAG
michael.beck@law.njoag.gov

Pamela Owen, DAG
pamela.owen@law.njoag.gov

Brian Weeks, Esq.
bweeks@rpa.nj.gov

Kurt Lewandowski, Esq.
klewando@rpa.nj.gov

Shelly Massey, Paralegal
smassey@rpa.nj.gov

Karen Forbes, Secretary
kforbes@rpa.nj.gov

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720T
St. Louis, MO 63105
excel.consulting@sbcglobal.net

Bernard Smalls
bernard.smalls@pseg.com

Michele Falcao
michele.falcao@pseg.com

JCP&L

Lauren M. Lepkoski, Esq.
FirstEnergy Service Company
Legal Department
2800 Pottsville Pike
Reading, PA 19612-6001
llepkoski@firstenergycorp.com

CHARGEPOINT, INC.

Bevan, Mosca & Guiditta P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920

Murray E. Bevan, Esquire
mbevan@bmg.law

William K. Mosca, Jr. Esq.
wmosca@bmg.law

Jennifer McCave, Esq.
jmccave@bmg.law

Katherine M. Dailey, Paralegal
kdailey@bmg.law

GREENLOTS

925 N. La Brea Avenue, 6th Floor
Los Angeles, CA 90038

Thomas Ashley
Vice President, Policy
tom@greenlots.com

Joshua Cohen
jcohen@greenlots.com

McCarter & English
100 Mulberry Street
Newark, NJ 07102-4056

Nathan Howe, Esq.
nhowe@mccarter.com

Guillermo Artiles
gartiles@mccarter.com

TESLA

Kevin Auerbacher
Managing Counsel
Tesla, Inc.
1333 H Street, NW, Floor 11
Washington, DC 20005
kauerbacher@tesla.com

Bill Ehrlich
Senior Policy Advisor
Tesla, Inc.
3500 Deer Creek
Palo Alto, CA 94304
wehrlich@tesla.com

Patrick Bean
Global Charging Policy Lead
Tesla, Inc.
1333 H Street, NW, Floor 11
Washington, DC 20005
pbean@tesla.com

NRDC

William Bittinger, Esq.
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
wbittinger@easternenvironmental.org

Daniel Greenhouse, Esq.
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
dgreenhouse@easternenvironmental.org

EVgo

Rothfelder Stern, L.L.C.
Greenwood Avenue, Unit #301
Trenton, NJ 08609

Sara Rafalson
Director of Market Development
EVgo Services LLC
11835 West Olympic Boulevard, Suite 900
Los Angeles, CA 90064
sara.rafalson@evgo.com

Martin C. Rothfelder, Esq.
mrothfelder@rothfelderstern.com

Bradford M Stern, Esq.
bstern@rothfelderstern.com

Electrify America, LLC

Ira G. Megdal, Esq.
Cozen O'Connor
Liberty View Suite 300
457 Haddonfield Road
Cherry Hill, NJ 08002
imegdal@cozen.com

David Appelbaum, Esq.
Senior Counsel
Electrify America, LLC
2003 Edmund Halley Drive
2nd Floor, Suite 200
Reston, VA 20191
david.appelbaum@electrifyamerica.com

William Lesser, Esq.
Cozen O'Connor
45 Broadway, 16th
Floor New York, NY 10006
wlesser@cozen.com

EXHIBIT A

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR
APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING DOCKET
NO. EO18020190

Amended Procedural Schedule

Bar Date – Pending Motions to Intervene	March 13, 2020
Motion for Interventions Decision	March 20, 2020
Motions Filed by any Party	April 13, 2020
Opposition to Motions filed	May 4, 2020
Reply to Opposition Motions Filed	May 18, 2020
First round discovery requests propounded	June 24, 2020
Decision on Motions	June 26, 2020
First round discovery responses	July 9, 2020
Discovery Settlement Conference	Week of July 20, 2020
Second round discovery requests propounded	July 27, 2020
Second Round responses	August 11, 2020
Discovery/Settlement Conference	August 17, 2020
Rate Counsel/Intervenor Direct Testimony Due	September 18, 2020
Discovery propounded on Rate Counsel/Intervenors Direct Testimony	September 25, 2020
Responses to Discovery on Testimony	October 7, 2020
Rebuttal Testimony filed by parties as appropriate	October 19, 2020
Discovery Requests propounded on Rebuttal Testimony	October 26, 2020
Public Hearings (2)	TBA
Responses to discovery requests on Rebuttal Testimony	November 4, 2020
Settlement conference, if necessary	November 4,5 and 6, 2020
Evidentiary Hearings, with oral surrebuttal	November 12 and 13, 2020
Initial Briefs Due	TBD by Commissioner at evidentiary hearings