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October 14, 2020

VIA EMAIL

Ms. Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350

Re: I/M/O the Petition of Public Service Electric and Gas Company For Approval of Its Clean Energy Future-Energy Cloud (“CEF-EC”) Program on a Regulated Basis

BPU Docket No.: EO18101115

Dear Secretary Camacho-Welch:

This law firm represents Utilidata, Inc. (“Utilidata”) in the above-referenced matter. Kindly accept this letter brief, in lieu of a more formal brief on behalf of Utilidata in support of its motion to intervene in the above listed matter as a Party pursuant to N.J.A.C. 1:1-16.1 et seq. before the Board of Public Utilities (“BPU” or the “Board”).

As an initial matter, Utilidata acknowledges that the Board’s Order in this matter of October 29, 2018, Agenda Item 2N, provided that motions for intervention were originally due by November 16, 2018, although Utilidata is today filing timely motions to intervene in the parallel Jersey Central Power and Light (“JCP&L”) and Atlantic City Electric Company (“ACE”) AMI proceedings. However, we submit that there are special reasons that justify the granting of this motion as to the Public Service Electric and Gas Company’s (“PSEG”) proceeding as if it had been

timely filed as set forth in detail in this letter brief and supporting certification. In addition, Utilidata notes that several entities have filed motions for intervention following that date, and have been granted intervention status as recently as in June of 2020. Utilidata now respectfully requests that the Board consider Utilidata's motion as timely filed. For all of the reasons set forth below, the BPU should grant Utilidata full Party intervenor status in this proceeding.

As a practical matter, even if individual programmatic variations are ultimately adopted for PSEG, JCP&L and ACE, the Board, in these three proceedings, is principally establishing a single statewide AMI policy, and the dockets should move together on essentially a common calendar. While Utilidata's intervention can proceed apace with the PSEG and the other two utility dockets, its intervention here will not cause any undue delay or add complexity to the matters. To the contrary, its participation will add immeasurably to the Board's understanding of the issues, thus simplifying its task of fashioning an AMI program such that the detriments of any late filed intervention request as to the PSEG proceeding are far outweighed by the benefits that Utilidata's participation will bring to the AMI discussion.

Utilidata should be granted full party intervention in this matter because Utilidata is the market leader in meter-based software and has the ability to offer the Board its unique expertise in this regard and has a significant interest in the outcome of this proceeding. (See Certification of Jess Melanson ("Melanson Cert.") at ¶2, attached hereto). Utilidata is a software company with over a decade of experience operating the electric distribution grid, primarily for the purpose of optimizing voltage to make the grid more efficient and reliable. Utilidata's platform uses advanced metering infrastructure (AMI) data to improve grid operations and deliver an industry-leading 3-5% energy savings. In recent years, Utilidata has also become the industry leader in building meter-based software, helping drive additional value from AMI deployments. Utilidata developed the first third-party application for Itron's meter platform, and is building the core operational

intelligence software for Landis+Gyr Technology, Inc.’s (“Landis+Gyr”) next generation meter. No company has more experience building software applications for next generation smart meters.¹ (Melanson Cert. at ¶4).

Utilidata’s software platform and meter-based applications have the potential to significantly increase the value of an AMI deployment by enabling better performance and new use cases, which can streamline and modernize utility operations, provide an enhanced customer experience, benefit the environment, and serve as a means to achieve the goals of the 2019 Energy Master Plan: Pathway to 2050. In particular, meter-based software can quickly and cost-effectively provide the grid-edge visibility necessary for utilities to better plan, invest in, and operate the grid. This includes granular visibility into the secondary system which is critical to support electrification, demand flexibility, DER penetration, grid resilience, and grid efficiency. (Melanson Cert. at ¶5).

Moreover, no party will be prejudiced by permitting Utilidata’s late intervention because when the Petition was first filed, a moratorium was imposed on smart meter technology. Additionally, Utilidata agrees to take the proceedings as it finds them and will not cause any delay. Utilidata will not seek to delay the proceeding in any manner and will promptly provide its filed testimony upon receipt of a Board order granting intervention. Additionally, since the filing of the PSEG Petition in 2018, significant issues have recently come before the Board which are directly impacted by AMI. On February 19, 2020, the Board ordered JCP&L, ACE, and PSEG to file or update previously filed petitions for AMI implementation. ACE and JCP&L submitted their petitions on August 26, 2020 and August 27, 2020 respectively. Given the recent and consolidated nature of the Board’s order, Utilidata urges the Board to now consider the Petitions together as the

¹ Landis+Gyr was granted full party intervention in this matter on June 5, 2020.

collective vehicle to establish comprehensive AMI standards across the state of New Jersey. As such, Utilidata should be granted full party intervention in all three proceedings (PSEG, JCP&L and ACE) to ensure the development of a complete unitary record. Utilidata is submitting simultaneous motions to intervene in the JCP&L and ACE matters as well. Furthermore, Utilidata will submit testimony within a few days of being granted intervention as to not cause any delay.

Also, on September 23, 2020, the Board issued an order implementing provisions of the Electric Vehicle Act of 2020. AMI, approved with the right performance standards and deployed with the right capabilities, is critical to advance the adoption of electric vehicles and the development of EV charging infrastructure. AMI can provide granular EV hosting capacity analysis to better site charging infrastructure, streamline interconnection of charging infrastructure using real-time grid conditions and enable flexible load management by sending price signals to charging infrastructure.

Based on the aforementioned, as well as for all the reasons set forth below, and in the accompanying Certification of Jess Melanson, Utilidata's intervention is vital in this matter since its interests will be directly affected by the outcome of the proceeding and because by virtue of its singular expertise it can add significantly and uniquely to this proceedings as a surrogate expert to the Board. Utilidata's software leverages AMI data and is often deployed in conjunction with AMI rollouts, and therefore its business will be substantially, directly and specifically affected by the proceeding and the relief provided herein. No other party represents its interests and only by intervening as a party to this proceeding can Utilidata ensure that its interests are represented as the BPU considers this matter.

A. Background Facts and Procedural History.

On October 11, 2018, Public Service Gas and Electric Company ("PSEG") filed a petition ("EC-AMI Petition") with the Board for approval of its Clean Energy Future-Energy Cloud

(“CEF-EC”) program on a regulated basis. PSEG requests the Board approve a five-year, \$7.3 billion program designed to implement an Advanced Metering Infrastructure (“AMI”) program within the PSEG service territory. PSEG states that the proposed AMI program will allow it greater visibility of its distribution system, as it will allow operators to “see” the status of the network down to the customer meter level, including which customers are still without power during an outage. The CEF-EC or AMI program will also help with restoration improvements which will include faster identification of “nested outages.” Without the CEF-EC Program, PSEG alleges it is dependent on customers calling to report an outage, adding significant delay in restoration and customer frustration. (See October 29, 2018, Board Order at pg. 1).

B. Utilidata Should Be Permitted To Intervene As A Party In This Proceeding.

In support of the instant application for intervention in the proceeding described above, Utilidata respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16.1, weigh in favor of the granting Utilidata’s application to intervene in all proceedings convened by the Board on the above referenced docket. The standard for intervention in an administrative proceeding provides:

- (a) Any person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene. [N.J.A.C. 1.1-16.1(a)].

When evaluating a motion for intervention, the following factors should be considered: (1) the nature and extent of the movant’s interests in the outcome of the case; (2) determination of whether 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; (3) the prospect of confusion or undue delay arising from the movant’s inclusion; and, (4) any other appropriate matters. N.J.A.C. 1:1-16.3; see also Atlantic Employers Ins. Co. v. Tots & Toddlers Pre-School Day Care Center, Inc.,

239 N.J. Super. 276, 280 (App. Div.), certif. den. 122 N.J. 147 (1990) (noting courts apply a liberal construction to intervention rules); State by Bontempo v. Lanza, 39 N.J. 595, 599 (1963), cert. den. 375 U.S. 45 (1964) (same); R. 4:33-1 (intervention as of right must be granted when “the applicant claims an interest relating to the ... transaction which is the subject of the action and ... the disposition of the action may as a practical matter impair or impede the ability to protect that interest ...).

As set forth above, Utilidata meets each of the criteria set forth above. Utilidata is substantially, directly and specifically affected by this proceeding, as the Board’s decision will have an effect on Utilidata’s business operations in PSEG’s service territory and Utilidata’s software leverages AMI data and is often deployed in conjunction with AMI rollouts, and therefore its business will be substantially, directly and specifically affected by the relief provided herein. Additionally, this proceeding serves as a precedent for AMI decisions regarding other recently filed AMI petitions, including those filed by JCP&L and ACE. (Melanson Cert. at ¶6).

Utilidata’s participation as an intervenor will add measurably and constructively to the scope of the proceeding. Utilidata’s experience in both using AMI data to improve grid operations and deploying meter-based software provides a unique and important perspective. Utilidata has seen firsthand the risks associated with deploying AMI without robust consideration of future use cases and the role of on-meter software. In short, without consideration of these issues, the Board risks approving a PSE&G AMI rollout that will be unable to achieve all of PSE&G’s proposed use cases, and will prematurely become a stranded asset. Utilidata has a detailed technical understanding of what it takes to execute many of these use cases and to build impactful software that can be deployed in smart meters. Success of such efforts is heavily dependent on the requirements of the authorizing regulatory order, and the AMI hardware, software, and communications network procurement decisions that the utility makes based on that order.

Utilidata can provide the Board insights on how to avoid these pitfalls and the explicit outcomes, capabilities, and performance standards required to maximize success. (Melanson Cert. at ¶8).

Utilidata's full participation in this proceeding will contribute to the development of a complete record for consideration by the BPU. With the aforementioned principles in mind, Utilidata should be granted the right to intervene in these proceedings. Furthermore, these interests will not be completely addressed by any other party in this proceeding. Moreover, Utilidata's full participation in this proceeding will promote judicial economy. Finally, Utilidata's intervention will not create any delay in this matter. Utilidata will abide by all scheduling orders in this proceeding. (Melanson Cert. at ¶¶12, 14, 16).

CONCLUSION

For the foregoing reasons, Utilidata should be granted permission to intervene in this proceeding as a Party to ensure that its specific interests are appropriately represented and protected.

Respectfully submitted,

**DECOTIIS, FITZPATRICK,
COLE & GIBLIN, LLP**

By: Alice M. Bergen
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AMB/md

cc: BPU Service List (*via email only*)