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IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES  COMMISSIONER UPENDRA J. CHIVUKULA PRESIDING  BPU DOCKET # EO18020190
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**SUPPLEMENTAL MOTION FOR INTERVENTION**

**BY**

**NATURAL RESOURCES DEFENSE COUNCIL, ENVIRONMENT  
NEW JERSEY, SIERRA CLUB, TRI-STATE TRANSPORTATION  
CAMPAIGN, NEW JERSEY WORK ENVIRONMENT COUNCIL,  
GREENFAITH, AND ISLES**

The Natural Resources Defense Council (“NRDC”), Environment  
New Jersey, Sierra Club, Tri-State Transportation Campaign, New  
Jersey Work Environment Council, GreenFaith, and Isles (collectively  
“Movants”) hereby move 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 Voluntary Program  
for Plug-In Vehicle (“PIV”) Charging.<sup>1</sup>

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<sup>1</sup> This Supplemental Motion includes six entities requesting intervenor status in addition to NRDC, which filed its original Motion to Intervene in this proceeding on April 12, 2018.

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## PROCEDURAL HISTORY

1. On February 23, 2018, ACE filed a Petition with BPU, seeking approval of a Voluntary Program for Plug-In Vehicle Charging.
2. BPU filed the Petition under Docket # EO18020190.
3. On March 26, 2018, BPU issued an Order Designating Commissioner, Setting a Bar Date and Manner of Service. This Order designated Commissioner Upendra J. Chivukula as the presiding officer. The Order further directed all parties to serve all documents electronically, with hard copies to BPU. Finally, the Order set a deadline of April 13, 2018 for motions to intervene or participate.

4. On April 12, 2018, NRDC filed its original Motion to Intervene, along with a Certification of Noah Garcia (an NRDC employee at the time) in support of this Motion.
5. On September 5, 2019, Eastern Environmental Law Center (“EELC”) Staff Attorney William D. Bittinger emailed a BPU staff member asking to be added to any service list for this ACE proceeding.
6. On December 17, 2019, ACE filed with BPU an Amended Petition regarding its proposed Plug-In Vehicle Program.
7. On January 28, 2020, EELC Staff Attorney William D. Bittinger emailed a BPU staff member stating the following:

“It was great speaking with you on the phone just now. As we discussed, please add me and my colleague at the Eastern Environmental Law Center (EELC), Daniel Greenhouse (CC-ed here), to the Service List for the ACE proceeding. I saw that former EELC staffers Aaron Kleinbaum and Raghu Murthy were included on the Service List from ACE in their December 17, 2019 filing with BPU, but both Aaron and Raghu have left EELC and Dan and I are now handling the ACE proceeding at EELC.”

8. Based on EELC’s communications with BPU staff members in January, February, and March 2020, EELC received the impression that (1) EELC would be contacted by BPU regarding establishing a procedural schedule in the ACE proceeding and (2) such a procedural schedule would provide an opportunity to file Motions to Intervene – including a Supplemental Motion to Intervene from EELC on behalf of NRDC and additional organizations.
9. On April 9, 2020, BPU issued an Order in the ACE proceeding which included a procedural schedule. This Order included only Aaron Kleinbaum and Raghu Murthy on the Service List – despite EELC’s September 5, 2019 and January 28, 2020 emails to BPU staff (discussed above). Neither EELC

Staff Attorney William D. Bittinger nor EELC Senior Staff Attorney Daniel Greenhouse were directly, proactively notified by BPU of this Order.

10. On April 17, 2020, EELC Staff Attorney William D. Bittinger emailed BPU staff to check in to see if BPU had established an official deadline for filing Motions to Intervene in the ACE matter and, if so, when it would be. In response, a BPU staff member sent an email with the April 9, 2020 BPU Order attached.
11. The April 9, 2020 BPU Order (1) granted NRDC's Motion to Intervene, (2) does not appear to include a deadline specifically for Motions to Intervene, and (3) included a deadline of April 13, 2020 for "Motions Filed by any Party."
12. Nevertheless, given (1) the impression EELC received from BPU staff members (as outlined above) and (2) the fact that EELC attorneys William D. Bittinger and Daniel Greenhouse did not receive the April 9, 2020 BPU Order until April 17, 2020 (eight days after it was issued and four days after the deadline for "Motions Filed by any Party"), EELC submits this Supplemental Motion to Intervene on behalf of NRDC and the following six additional organizations: Environment New Jersey, Sierra Club, Tri-State Transportation Campaign, New Jersey Work Environment Council, GreenFaith, and Isles. Noah Garcia is no longer an NRDC employee, hence this Supplemental Motion to Intervene is supported by a Certification of Kathleen Harris, NRDC's Eastern Clean Vehicles and Fuels Advocate.
13. In the alternative, if BPU considers this Supplemental Motion to Intervene

to be untimely, Movants request leave to file this motion out of time.

14. In addition, by this Motion, EELC attorneys William D. Bittinger and Daniel Greenhouse formally request that BPU Secretary of the Board Aida Camacho-Welch (1) add them to the service list for the ACE proceeding, representing Movants, and (2) remove Aaron Kleinbaum and Raghu Murthy from this service list.

## **FACTS**

### **A. Movants' Interest in This Matter**

15. 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.<sup>2</sup> NRDC has more than 410,000 dues-paying members globally, including more than twelve thousand in New Jersey and many in ACE's New Jersey service territory.

16. Environment New Jersey ("ENJ") is a non-profit organization focused on protecting New Jersey's environment and providing the people of the Garden State with a voice in the environmental debate. ENJ represents more than 20,000 dues-paying citizen members across the state and has built an e-mail activist list of more than 60,000 people. ENJ combines independent research with effective civic engagement to protect and restore New Jersey's environment. ENJ works to protect New Jersey's air,

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<sup>2</sup> Certification of Kathy Harris ("Harris Cert.") para. 2.

water and open spaces and fight climate change by transitioning to a clean energy economy. Specifically, ENJ shines the light of public scrutiny on the threats facing New Jersey's environment and the ways we can preserve New Jersey's important natural heritage through research; designing and distributing educational materials based on this research for citizens and decision-makers; and providing in-depth information in an easily accessible way through the Internet and ENJ's e-activist network. These resources facilitate and encourage citizen involvement in protecting their environment, both in their own backyards and statewide. The organization, building on a legacy of environmental organizing through NJPIRG, was founded in 2006, and is based in New Brunswick and Trenton.

17. Founded in 1892, the Sierra Club is the nation's oldest and largest grassroots environmental organization, with over 791,000 members nationwide, including more than 20,000 New Jersey members. The Sierra Club is a nonprofit corporation incorporated in California, and is dedicated to exploring, enjoying, and protecting the wild places of the Earth; to practicing and promoting the responsible use of Earth's resources and ecosystems; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives.

18. Tri-State Transportation Campaign (TSTC) is a 501(c)(3) non-profit advocacy and policy organization dedicated to improving people's lives by

expanding mobility options, reducing car dependency, and ensuring a more equitable and sustainable transportation network throughout New York, New Jersey and Connecticut. TSTC was founded in 1993 by leading environmental, transportation, and planning organizations as a response to the mounting environmental and economic costs of automobile and truck dependence and promising reforms after the 1991 passage of a federal transportation bill, the Intermodal Surface Transportation Efficiency Act. TSTC advances its mission by conducting research and developing analyses of public and private data, state and agency budgets, and legislation in order to advocate for a balanced transportation network in front of elected and appointed officials, agency staff, and the media. Our staff, who have deep legal, environmental, technical, policy and communications expertise, have earned us important seats on panels, commissions, task forces and boards, including on New Jersey Governor Phil Murphy's transition teams, as well as a reputation in the media and amongst our colleagues as experts in the tri-state transportation sector.

19. Isles, Inc. is a community development and environmental organization based in Trenton, New Jersey. Our mission is to foster self-reliant families and healthy, sustainable communities. We design and develop effective services that support this mission and share what we learn with others who can make a difference. In Trenton, less than 65% of students graduate from high school; over 20% of homes are vacant; and residents need job training and transportation options that will help them compete

in an ever-changing economy. Isles meets these challenges through services like our Isles Youth Institute which has provided education, training, and life skills support to drop-outs for 25 years. Isles' Center for Energy and Environmental Training (CEET) has helped over a thousand underemployed workers access energy efficiency and green job careers while our planning and development work identifies and implements solutions that help activate and revitalize neighborhoods. Isles also focuses on state-level advocacy and has advocated for state-wide electrification solutions for all vehicles and for local electric mobility projects that can benefit low- and moderate-income communities.

20. Work Environment Council of New Jersey, Inc. (WEC) is an alliance of labor, community, and environmental organizations working together for safe, secure jobs, and a healthy, sustainable environment. WEC links workers, communities, and environmentalists through training, technical assistance, grassroots organizing, and public policy campaigns to promote dialogue, collaboration, and joint action. Formed in 1986, WEC is one of the nation's oldest state labor/environmental (or "blue-green") coalitions. Each year, approximately 135,000 New Jersey workers suffer a job-related disease or injury. New Jersey also has huge environmental problems. New Jersey residents breathe unhealthy air one out of three summer days. A majority of New Jersey's waterways are too polluted for fishing or swimming. New Jersey has more than 16,000 toxic waste sites. Many workers toil in dangerous workplaces and much of New Jersey's



population lives near these industries. Yet, despite the widespread fear of job losses, working people and communities are acting together to prevent these hazards from further impacting public health, and striving for a more sustainable future.

21. GreenFaith, Inc. is a not-for-profit membership coalition founded in 1992 with its principal place of business at 101 South Third Ave., #12, Highland Park NJ 08904. GreenFaith's mission is to inspire, educate and mobilize people of diverse religious backgrounds for environmental leadership. GreenFaith's work is based on beliefs shared by the world's great religions – that protecting the earth is a religious value, and that environmental stewardship is a moral responsibility. The organization mobilizes religious institutions to advocate and raise awareness of environmental injustice.

22. The economic interests, environmental interests, and health of NRDC and its members (especially those within New Jersey)<sup>3</sup> as well as of the other Movants will be substantially, specifically and directly affected by the outcome of this case.

23. NRDC<sup>4</sup> and the other Movants share the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources

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<sup>3</sup> Harris Cert. para. 9.

<sup>4</sup> HarrisCert. para. 10.

while maintaining a high quality of life in New Jersey.”<sup>5</sup>

24. To accomplish these goals, BPU requires each utility to “suggest and develop conservation proposals for presentation to the Board” that increase energy efficiency and environmental protection. N.J.A.C. 14:3-3.1(b). In this case, BPU will consider, among other issues, whether the Plug-In Vehicle Program proposed by ACE will further those goals and offer a more “efficient and economical operation.” Public Service Co-ordinated Transport v. State, 5 N.J 196, 225 (N.J. 1950).

25. ACE’s Plug-In Vehicle Program is a multi-year, \$42.107M program as follows:

- a. Offering 1 (\$120,000)<sup>6</sup>: “seeks to...provide qualified residential customers with opportunities to save on their energy costs by shifting usage, including but not limited to PIV charging, to off-peak times through time-of-use (‘TOU’) rates.”<sup>7</sup>
- b. Offering 2 (\$192,000)<sup>8</sup>: “seeks to...provide off-bill incentives to residential customers for off-peak PIV charging.”<sup>9</sup>
- c. Offering 3 (\$3.396 million)<sup>10</sup>: “seeks to...provide qualified residential customers with rebates for the purchase and installation of smart Level 2 chargers, plus incentives for off-peak PIV charging.”<sup>11</sup>
- d. Offering 4 (\$1,804,000)<sup>12</sup>: “seeks to...provide qualified customers who

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<sup>5</sup> <http://www.bpu.state.nj.us/bpu/about/mission/>, N.J.S.A. 48:2-23.

<sup>6</sup> Amended Petition, pg. 13.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.* at 14.

<sup>9</sup> *Id.* at 2.

<sup>10</sup> *Id.* at 14.

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *Id.* at 15.

- own or operate multi-family residential buildings with rebates for the purchase and installation of Level 2 chargers, plus a demand charge incentive.”<sup>13</sup>
- e. Offering 5 (\$806,000)<sup>14</sup>: “seeks to...provide qualified customers who own or operate office buildings or garages with a rebate for the purchase of Level 2 chargers, plus a demand charge incentive.”<sup>15</sup>
  - f. Offering 6 (\$806,000)<sup>16</sup>: “seeks to...provide qualified customers who maintain vehicle fleets with a rebate for the purchase of Level 2 chargers, plus a demand charge incentive.”<sup>17</sup>
  - g. Offering 7 (\$4.576 million)<sup>18</sup>: “seeks to...expand the availability of public PIV charging infrastructure through the Company’s installation and operation of up to 45 public Direct Current Fast Chargers (‘DCFCs’).”<sup>19</sup>
  - h. Offering 8 (\$7.336 million)<sup>20</sup>: “seeks to...expand the availability of public PIV charging infrastructure through the Company’s installation and operation of...up to 200 Level 2 chargers.”<sup>21</sup>
  - i. Offering 9 (\$4.071 million)<sup>22</sup>: “seeks to...further promote the deployment of public PIV infrastructure by providing a rate incentive

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<sup>13</sup> *Id.* at 2.

<sup>14</sup> *Id.* at 16.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> *Id.* at 16.

<sup>17</sup> *Id.* at 2.

<sup>18</sup> *Id.* at 17.

<sup>19</sup> *Id.* at 2.

<sup>20</sup> *Id.* at 18.

<sup>21</sup> *Id.* at 2.

<sup>22</sup> *Id.* at 19.

- to private owners/operators of public DCFCs at up to 30 locations (up to a maximum of 120 chargers), plus a ‘make ready’ work incentive.”<sup>23</sup>
- j. Offering 10 (\$2 million)<sup>24</sup>: “seeks to...provide grants (of up to \$2 million in total) to encourage innovative projects to further facilitate the electrification of the transportation sector, particularly in low- to-moderate (‘LMI’) and environmental justice (‘EJ’) communities.”<sup>25</sup>
- k. Offering 11 (\$5.5 million)<sup>26</sup>: “seeks to...provide funding to encourage the deployment of electric school buses in the Company’s service territory, with a focus on LMI and EJ communities.”<sup>27</sup>
- l. Offering 12 (\$2.5 million)<sup>28</sup>: “seeks to...provide incentives to make electric charging infrastructure available for New Jersey Transit buses operating in the Company’s service territory.”<sup>29</sup>
- m. Offering 13: “seeks to...offer a voluntary ‘Green Adder’ to customers participating in Offering 1, and a built-in Green Adder for Offerings 7 and 8, where the electricity provided will come from renewable sources.”<sup>30</sup>

26. NRDC’s<sup>31</sup> and the other Movants’ goal in this case is to assist the parties in ensuring that the Plug- In Vehicle Program, if approved, is

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<sup>23</sup> *Id.* at 2.

<sup>24</sup> *Id.* at 20.

<sup>25</sup> *Id.* at 2.

<sup>26</sup> *Id.* at 21.

<sup>27</sup> *Id.* at 2.

<sup>28</sup> *Id.* at 21.

<sup>29</sup> *Id.* at 2.

<sup>30</sup> *Id.* at 2-3.

<sup>31</sup> Harris Cert. para. 12.

implemented in the method most beneficial to customers.

## **B. NRDC's Experience with BPU Proceedings**

27. BPU has granted intervenor status to NRDC in several matters involving clean energy and energy efficiency programs, due to NRDC's expertise in these fields.<sup>32</sup> For example:

- South Jersey Gas Company, Docket # GO1110651.
- Elizabethtown Gas Company, GO10070446 and GO10100735
- South Jersey Gas Company, GO10110861
- Rockland Electric Company, EO09010056 and EO09010061
- New Jersey Natural Gas, EO09010057
- Public Service Electric and Gas Company, EO09010058

28. As in the above noted BPU cases, NRDC would provide material and unique contributions to this matter, particularly with respect to strategic deployment of charging infrastructure, load management, consumer pricing protections, public education on Plug-In Vehicles, data collection, and performance metrics.

## **C. NRDC's Expertise in Transportation Electrification**

29. NRDC has longstanding expertise in the field of transportation electrification, having studied this topic even before the introduction of mass-market Plug-In Vehicles in 2010. NRDC and ACE are both members of ChargeVC, a nonprofit organization dedicated to transportation electrification in New Jersey.

30. NRDC is an integral member of the Electric Vehicle Stakeholder Group

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<sup>32</sup> Harris Cert. para. 11.

convened by BPU in September 2017.<sup>33</sup> NRDC submitted thorough responses to all three rounds of BPU Questions, with thoughtful analysis of many of the issues at stake in this proceeding: the goals of Plug-In Vehicle infrastructure, utilization of Plug-In Vehicles as demand response resources, differences in charging infrastructure deployment across market segments, and the relationship between Advanced Metering Infrastructure and the Plug-In Vehicle market.<sup>34</sup>

31. NRDC has been involved in regulatory proceedings on Plug-In Vehicles in California, Oregon, Washington, Nevada, Colorado, Michigan, Ohio, Missouri, Massachusetts, Rhode Island, New York, and Maryland.<sup>35</sup>

32. If this Motion is granted, NRDC and the other Movants will present expert testimony from Kathy Harris.<sup>36</sup> Ms. Harris holds a Bachelor of Science in Environmental Science and a Master of Marine Policy: both from the University of Delaware.<sup>37</sup> Ms. Harris currently serves as NRDC's Eastern Clean Vehicles and Fuels Advocate. In her position, Ms. Harris manages the organization's legislative, regulatory, and administrative efforts to expand transportation electrification on the East Coast. Ms. Harris is also personally familiar with NRDC's efforts on transportation electrification around the country.<sup>38</sup> Prior to joining NRDC, Ms. Harris served as the Clean Transportation Planner at the

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<sup>33</sup> Harris Cert. para. 14.

<sup>34</sup> <http://www.state.nj.us/bpu/agenda/stakeholdercomments.html>.

<sup>35</sup> Harris Cert. para 15.

<sup>36</sup> Harris Cert. para. 8.

<sup>37</sup> Harris Cert. para. 3.

<sup>38</sup> Harris Cert. para. 5.

Delaware Department of Natural Resources and Environmental Control (“DNREC”) for 4 years. During her tenure, Ms. Harris managed Delaware’s Clean Vehicle Rebate and Electric Vehicle Charging Equipment Rebate Programs and assisted the Department in several matters in front of the Delaware Public Service Commission.<sup>39</sup> Ms. Harris has provided testimony on numerous transportation electrification proceedings in Delaware (17-1094 and 19-0377), New York (18-E-0138), and Maryland (Case No. 9478).<sup>40</sup>

33. NRDC has published numerous comprehensive analyses on the air quality benefits and greenhouse gas reductions associated with Plug-In Vehicles, as well as papers and reports on transportation electrification policy.<sup>41</sup> For example, see Guiding Principles for Utility Programs to Accelerate Transportation Electrification, August 2017, by Max Baumhefner. NRDC’s writings on this topic are collected in a Resource Center at <https://www.nrdc.org/issues/promote-electric-vehicles>.

## ARGUMENT

34. “Any person or entity not initially a party... 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.

35. Under N.J.A.C. 1:1-16.3(a), when ruling on this motion, this Court must consider, along with any other appropriate matters:

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<sup>39</sup> Harris Cert. para. 4.

<sup>40</sup> Harris Cert. para. 7.

<sup>41</sup> HarrisCert. para. 16.

- The nature and extent of Movants’ interest in the outcome of the case,
- Whether or not Movants’ interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case,
- The prospect of confusion or undue delay arising from Movants’ inclusion in the case.

36. BPU has set forth a balancing test for consideration of motions to intervene:

The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervenor’s interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case.<sup>42</sup>

37. NRDC and the other Movants meet the criteria for intervention at N.J.A.C. 1:1- 16.3(a).

**A. Movants Will Be Substantially, Specifically And Directly Impacted By The Outcome Of This Case.**

**I. NRDC**

38. The Plug-In Vehicle Program, if implemented properly, could potentially further two goals that BPU and NRDC share. First, ensuring “safe, adequate and proper service”<sup>43</sup> at “just and reasonable rates”.<sup>44</sup> Second,

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<sup>42</sup> BPU Order on Extension for Time For Application Review and Motion to Intervene, December 14, 2011, Docket Num. EO11050314V, Agenda Item 8E.

<sup>43</sup> N.J.S.A. 48:2-23.

<sup>44</sup> N.J.S.A. 48:2-25.



implementing energy policy that will “conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State.”<sup>45</sup> The extent to which ACE accomplishes these goals has a direct impact on NRDC and its members. In Re Public Service Electric and Gas Company, 2005 WL 1996822, Docket # EM05020106 (BPU 2005) (A party’s “interests in the environment, public health and energy policy” do constitute substantial, specific and direct impacts that justify intervention.)

39. BPU’s decision in this case will influence future Plug-In Vehicle proposals in New Jersey. Transportation electrification is a key issue in NRDC’s energy platform.

40. NRDC has been involved in transportation electrification proposals around the country, and has an interest in applying the lessons learned to this project.

41. NRDC and its members have a material interest in ensuring that, if approved, the Plug-In Vehicle Program is implemented in a manner that lowers the cost of integrating renewable energy into the grid, lowers electricity rates, and deploys charging infrastructure strategically.

42. Finally, NRDC and its members have a material interest in ensuring that, if approved, the Plug-In Vehicle Program is carried out in the manner most beneficial to customers.

43. In sum, the outcome of this case will have several substantial, specific and

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<sup>45</sup> N.J.S.A. 48:2-23.

direct impacts on NRDC and its members.

## **II. Environment New Jersey**

44. Environment New Jersey and its sister organizations have been at the forefront of advocating for clean transportation across the state, including South Jersey, for more than three decades. These organizations were instrumental in the passage of the 2004 Clean Cars legislation, which linked New Jersey with the California Clean Cars program, and its Zero Emission Vehicle mandate, and more recently, ENJ championed the passage of the 2020 Electric Vehicle omnibus legislation, which codified NJ's Clean Cars vehicle goals, laid out mandates for electric vehicle chargers in downtowns and major roadways, and mandated electrification of NJ Transit's bus fleet purchases by 2032.
45. Environment New Jersey represents citizen members across South Jersey and worked directly with communities across the region on the push to create more transportation electrification opportunities. ENJ, along with WEC and GreenFaith, were co-founders of the Jersey Renews climate and clean energy coalition, which represents more than 60 faith, labor, community and environmental organizations, and which includes organizations across the South Jersey ACE region.
46. The ACE proceeding directly impacts ENJ's electrification work because of the opportunity to (1) provide a South Jersey electric vehicle charging network on major roadways and downtowns and (2) counteract a patchwork and currently inadequate charging network.

47. The ACE filing also represents an opportunity to move towards smart chargers that will reflect time of use charging to ensure a more equitable and modern use of New Jersey's electric grid.

48. Finally, the ACE filing represents an opportunity to put a down payment on the desperately-needed modernization of NJ Transit bus depots throughout South Jersey so they can accommodate the transition to an all-electric NJ Transit bus fleet and its required on-site electric charger infrastructure.

### **III. Sierra Club**

49. As part of Sierra Club's goals, the Sierra Club's Clean Transportation for All campaign is working to ensure that everyone, including Sierra Club's members in New Jersey and the public at large, benefit from a 21st-century clean transportation system with access to cars, trucks, and buses that rely on little to no oil at all as well as to clean public transit—and other local clean transportation solutions—that centers on equity and justice.

50. This work in New Jersey has included the release of two separate reports that detail ways to address climate change and promote environmental justice through clean transportation, and campaigning for the electrification of school buses.

51. As such, Atlantic City Electric's proposed Plug-In Vehicle Program has the potential to help realize the Sierra Club's clean transportation objectives for the people of New Jersey.

#### **IV. Tri-State Transportation Campaign**

52. The Tri-State Transportation Campaign is a regionally-recognized advocacy organization focusing on transportation policy and its impacts on climate change, the economy, health and equity.
53. In New Jersey, the transportation sector is the largest contributor of harmful GHG emissions. TSTC has focused efforts to reduce these harmful emissions by first reducing vehicle miles traveled (“VMT”), increasing public transit and micro-mobility options and encouraging biking and walking.
54. TSTC focuses advocacy efforts on policy and legislation that encourages EV use and supports efforts to put EV infrastructure in place.
55. TSTC has worked successfully on efforts to expand transportation electrification options to all New Jersey residents through legislation (S2252 Smith 2018-2019) which expands electrification goals and initiatives in the state and specifically sets a time frame for full conversion to zero-emission NJ Transit bus fleet purchases by 2032.
56. TSTC authored a one-pager on EV bus fleets throughout the country and has testified before the state Senate and Assembly Transportation Committees and the Senate Select Committee on NJ Transit regarding efforts to electrify the transportation sector throughout the state.
57. TSTC has provided direct advocacy to the NJ Transit Board of Directors and agency staff regarding EV buses.
58. TSTC advocates for clean transportation options in all of New Jersey,

especially underserved communities, and expanding into South Jersey – which currently has minimal to no transit options. Through EV advocacy work, TSTC has highlighted the effect of transportation policy on public health – especially adult and childhood asthma rates, which disproportionately impact those in underserved communities and urban environments which are traditionally congested.

59. The ACE proceeding impacts TSTC’s advocacy to achieve more funding for NJ Transit’s capital needs, especially for bus electrification infrastructure in South Jersey. The South Jersey region has been historically neglected by NJ Transit underinvestment, and the region suffers from the double impacts of air pollution hurting public health and a non-robust public transit infrastructure.

## **V. Isles, Inc.**

60. Without deliberate planning, low-income communities will be left behind as our transportation system electrifies, while middle and upper-income families reap the benefits.

61. Targeting investment in underserved communities within Trenton, the greater Atlantic County region and South Jersey should be a priority. These communities suffer from high levels of asthma – primarily due to particulate matter from vehicles on the street – while they are excluded from thousands of jobs due to the lack of affordable and reliable transportation.

62. The \$2 million Innovation Fund within the Atlantic City Electric filing is

a great opportunity to expand clean transportation options within these communities while improving their mobility, which would be in line with the state-wide advocacy by Isles as part of our push for broader vehicle electrification.

## **VI. Work Environment Council of New Jersey, Inc.**

63. WEC is the one of the first state blue-green alliances in the country to focus on the impacts of climate change. WEC is a co-founder of the Jersey Renews climate and clean energy coalition, founded in 2017, which represents more than 60 labor, faith, community and environmental organizations. Jersey Renews is focused on expanding transportation electrification to all New Jersey residents, especially in low income and underserved communities across South Jersey.
64. WEC, through Jersey Renews, authored a white paper, “Transportation Electrification: Keeping An Eye on Equity” in June of 2019 that made the case for how electrification of our transportation sector needed to focus on benefiting low-income and underserved urban communities like Atlantic City that are also impacted disproportionately by pollution from the transportation sector. The report also highlighted the importance of building out electrification for public transit.
65. The ACE proceeding remedies some of these inequities by investing in bus electrification infrastructure in South Jersey, which would allow NJ Transit to transition off older, dirtier diesel vehicles to modern electric buses, especially in South Jersey’s urban cores, and fully eliminate the

unhealthy particulate emissions (especially PM 2.5) which especially plague South Jersey's cities and directly impact bus transit riders.

**VII. GreenFaith, Inc.**

66. GreenFaith has individual and institutional members in the ACE territory.

67. A number of these individual members, and individual representatives of the institutional members, are likely to have interest in purchasing an EV, and their decision will be materially impacted by the location of charging stations.

68. In addition, many of GreenFaith's institutional members are urban congregations, who have an interest in the distribution of charging stations being implemented in an equitable and nondiscriminatory manner.

69. For these reasons, GreenFaith will be affected by the outcome of the ACE Proceeding.

**B. Movants' Interests Are Sufficiently Different From Any Other Party So As To Add Measurably And Constructively To The Case.**

70. The impacts to Movants are sufficiently different from impacts to any other party in this proceeding, due to Movants' unique position as nonprofit organizations working to use diverse partnerships, community organizing, advocacy, best practices, and market mechanisms to inform energy policy that benefits the environment, public health, and at-risk members of their communities.

**C. NRDC's Unique Expertise and Experience Will Add Measurably And Constructively To The Case, And Allow Development of a Complete Record.**

71. NRDC has unique expertise on several relevant issues, like strategic deployment of charging infrastructure, load management, consumer pricing protections, public education on Plug-In Vehicles, data collection, and performance metrics.

72. NRDC can add value to this proceeding because of its unique experience from analyzing transportation electrification projects around the country, and its involvement with regulatory proceedings on this topic in several states.

73. In sum, if NRDC is allowed into this proceeding as an intervenor, NRDC can assist with development of a complete record through discovery, testimony, cross-examination and briefing, in areas where NRDC holds unique expertise and experience. N.J.A.C. 1:1-16.1(b). In Re: Public Service Electric and Gas Company, supra, 2005 WL 1996822 (BPU allowed an intervention based on the party's ability to "assist in the development of the record.")

**D. Intervention Will Not Cause Confusion or Result in Undue Delay.**

74. Going forward, NRDC<sup>46</sup> and the other Movants will strictly abide by the schedules and other rulings made by BPU.

75. NRDC<sup>47</sup> and the other Movants will limit their submissions and

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<sup>46</sup> Harris Cert. para. 17.

<sup>47</sup> Harris Cert. para. 18.



testimony to the relevant topics, as determined by this Court.

76. NRDC<sup>48</sup> and the other Movants will work with all parties to ensure an efficient hearing process, and avoid duplication of efforts, confusion or any delays.

## CONCLUSION

For the reasons detailed above, Movants respectfully request a BPU Order granting them intervenor status.

Respectfully submitted,

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<sup>48</sup> Harris Cert. para. 19.