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November 6, 2020

**Via Electronic Mail**

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

**Re: I/M/O The Petition of Jersey Central Power and Light Company For  
Approval of An Advanced Metering Infrastructure (AMI) Program (JCP&L  
AMI)**

**BPU Docket No.: EO20080545**

Dear Secretary Camacho-Welch:

On behalf of Utilidata, Inc. (“Utilidata”), we submit for filing a Reply Brief in further Support of Utilidata’s Motion to Intervene as a Party in the above-referenced matter, along with an accompanying Certification of Service.

Thank you for your attention to this matter.

Respectfully submitted,

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

By: s/ Alice Bergen  
Alice M. Bergen

Encls.  
AMB/ts

cc: BPU Service List (*via e-mail only*)

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**BPU Docket No.: EO20080545**

Dear Secretary Camacho-Welch:

This law firm represents Utilidata, Inc. (“Utilidata”) in the above-referenced matter. Kindly accept this letter reply brief, in lieu of a more formal brief on behalf of Utilidata in further 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”) and in reply to the opposition brief submitted by Jersey Central Power & Light Company (“JCP&L”).

Despite JCP&L’s assertions to the contrary, Utilidata has satisfied each of the factors required for intervention set forth at N.J.A.C. 1:1-16.1. The standard for intervention in an administrative proceeding provides that “[a]ny 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) (emphasis added). In this regard, the BPU is instructed to evaluate: (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. As set forth in Utilidata's moving papers and herein, these factors are met.

While JCP&L does not oppose participant status, it does oppose Utilidata's full party status, erroneously contending that Utilidata's ulterior motive for intervention is to gain "a leg up on its competitors." This statement is unsupported and patently false. Rather, Utilidata's goal in intervening in these proceeding is simply to provide the Board additional information currently not included in the record in order to close the gap between commercial conversations about advanced meter software potential and the regulatory discussion of advanced meter use cases. Indeed, information regarding the latest capabilities of AMI and the outcomes they enable will be critical to informing a Board decision and is a reasonable basis for intervention.

Additionally, given the scale and duration of JCP&L's proposed investment, it is in the public interest that the Board build a substantial and diverse record to ensure any AMI approval provides the maximum value for ratepayers. This is especially critical in lieu of the COVID-19 pandemic. Utilidata's intervention will help to ensure this occurs.

JCP&L assertion that Utilidata's intervention in this matter would result in delay and confusion is meritless. As set forth in its moving papers, Utilidata will abide by all scheduling deadlines. (Melanson Cert. at ¶¶11, 17). Contrariwise, Utilidata, which has a substantial and direct interest in this case as the industry leader in building meter-based software with unapparelled experience building software applications for next generation smart meters will assist the Board by contributing to the development of a complete record for consideration by the BPU. Indeed, it simply cannot be credibly disputed that evidence from a diverse set of parties with relevant

expertise only serves the public interest. A robust regulatory proceeding with discovery, motions and testimony ensures the development of a strong record to inform any Board decision. Furthermore, Utilidata's technical expertise will only positively impact any settlement discussions by providing relevant evidence to submit a robust proposal to the Board.

Utilidata also outlined its interest in electric vehicles in its moving brief. AMI can provide a foundational technical backbone to integrate and optimize distributed energy resources (DERs) including electric vehicles. And, in fact, Utilidata provided examples in its brief of AMI use cases that would directly support the goals of the Electric Vehicles Act. Utilidata will provide additional information to the Board upon being granted full party status, including regulatory considerations to ensure an AMI decision supports the goals of the 2018 Energy Master Plan including transportation electrification.

Finally, JCP&L wrongly asserts Utilidata's only interest is in the PSEG AMI proceeding because it uses the term "use cases." Utilidata uses the term "use cases" generically as it is useful tool to articulate the value of AMI to achieve a particular jurisdiction's outcomes. Utilidata has a specific interest in AMI issues and is participating in relevant proceedings across many jurisdictions. Utilidata has filed motions to intervene in all three parallel AMI proceedings because it can provide the Board valuable information to consider in a statewide AMI rollout.

For all of the foregoing reasons, as well as those set forth in Utilidata's moving papers, 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  
Alice M. Bergen

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

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**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

**I/M/O THE PETITION OF JERSEY CENTRAL  
POWER AND LIGHT COMPANY FOR  
APPROVAL OF AN ADVANCED METERING  
INFRASTRUCTURE (AMI) PROGRAM (JCP&L  
AMI)**

**BPU Docket No.: EO20080545**

**CERTIFICATION OF SERVICE**

I, Alice M. Bergen, an Attorney at Law of the State of New Jersey, hereby certifies as follows:

1) On November 6, 2020, I caused to be served via email a copy of the enclosed Reply Brief in further Support of Utilidata's Motion to Intervene as a Party on the Secretary to the New Jersey Board of Public Utilities; and

2) On the same date, I also caused to be served by electronic mail a copy of the enclosed Letter Brief, on each party on the Service List.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

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

By: s/ Alice Bergen  
Alice M. Bergen

Dated: November 6, 2020

**IN THE MATTER OF THE PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY  
FOR APPROVAL OF AN ADVANCED METERING INFRASTRUCTURE (AMI) PROGRAM  
(JCP&L AMI)  
BPU DOCKET NO. EO20080545**

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