



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 AND CLEAN ENERGY

IN THE MATTER OF THE PETITION OF PUBLIC)
SERVICE ELECTRIC AND GAS COMPANY FOR)
APPROVAL OF ITS CLEAN ENERGY FUTURE –)
ELECTRIC VEHICLE AND ENERGY STORAGE)
("CEF-EVES") PROGRAM ON A REGUALTED)
BASIS) DOCKET NO. EO18101111

Parties of Record:

Stefanie Brand, Esq., Director, NJ Division of Rate Counsel
Matthew M. Weissman, Esq., General Regulatory Counsel, PSEG Services Company
Matthew S. Slowinski, Esq., Counsel for CCMT and MSEIA
Murray E. Bevan, Esq., Counsel for ChargePoint, Inc.
Christopher E. Torkelson, Esq., Counsel for Direct Energy Business, LLC, et al.
Steven G. Goldenberg, Esq., Counsel for NJLEUC
William Harla, Esq., Counsel for Enel X North America. Inc.
Daniel Greenhouse, Esq., Counsel for ENF, EDF, and NRDC
James H. Laskey, Esq., Counsel for Burns and McDonnell Engineering Company, LLC
Lauri A. Mazzuchetti, Esq., Counsel for Sunrun, Inc.
Martin C. Rothfelder, Esq., Counsel for EVgo Services, LLC
Nathan Howe, Esq., Counsel for Greenlots
Kevin Auerbacher, Esq., Counsel for Tesla
Paul Yousif, Esq., Counsel for Blue Bird Body Company
Ira G. Megdal, Esq., Counsel for Electrify America, LLC

BY COMMISSIONER UPENDRA J. CHIVUKULA:

I. BACKGROUND

On October 11, 2018, Public Service Electric and Gas Company ("PSE&G" or "Company") filed a petition ("Petition") with the New Jersey Board of Public Utilities ("Board") requesting approval of its Clean Energy Future – Electric Vehicle and Energy Storage Program ("CEF-EVES Program" or "Program"). The proposed electric vehicles ("EV") program would consist of up to \$261 million of investment over a period of six (6) years and approximately \$103 million in expenses. PSE&G claims that the proposed Program will support the widespread adoption of EVs, including multifamily and low income customers. The proposed energy storage ("ES") program proposes

to commit up to \$109 million of investment in five (5) ES subprograms over approximately six (6) years. The Company maintains that its ES subprograms are designed to incorporate utility-scale energy storage into the Company's distribution system to optimize electricity costs for PSE&G's customers, support grid operations, and facilitate the integration of renewables on the PSE&G grid.

By Order dated October 29, 2018 ("October 2018 Order"), the Board determined that the Petition described above 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. Further, the October 2018 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by November 13, 2018.

Environment New Jersey ("ENJ"), Environmental Defense Fund ("EDF"), Natural Resources Defense Council ("NRDC"), and Sierra Club (collectively "Environmental Movants") filed a Motion to Intervene on November 13, 2018. On April 22, 2020, I granted the Environmental Movants Motion to Intervene.

On October 28, 2020, the Environmental Movants filed a motion for substitution of counsel with attorneys Nathaniel Shoaff and Diana Csank withdrawing as counsel, to be substituted by Zachary M. Fabish.

Additionally, Daniel A. Greenhouse, counsel for the Environmental Movants, also filed a motion on October 28, 2020 for admission *pro hac vice* of Zachary M. Fabish. According to the motion, Mr. Greenhouse is a member in good standing of the bar of the State of New Jersey and serving as attorney of record in this proceeding. Mr. Greenhouse stated that Mr. Fabish is a member in good standing of the bars of the State of California and the District of Columbia. The Environmental Movants requested Mr. Fabish's representation in this matter. The Environmental Movants contend there is good cause for Mr. Fabish to be admitted *pro hac vice* because he has significant experience in energy law and in representing the interests of environmental groups. In a sworn affidavit, Mr. Fabish represented that he provided payment of fees required by R. 1:20-1(b) and 1:28-2 to Board Staff and agreed to abide by the other requirements for admission *pro hac vice*.

II. DISCUSSION AND FINDINGS

A. Environmental Movants' Motion

I have reviewed the Environmental Movants' motion for substitution of counsel with attorneys Nathaniel Shoaff and Diana Csank withdrawing as counsel, to be substituted by Zachary M. Fabish. I also reviewed the Environmental Movants' motion admission *pro hac vice* of Mr. Fabish, and the supporting affidavit.

I agree that this proceeding involves a complex field of law. I am persuaded that Mr. Fabish has an established attorney-client relationship with the Environmental Movants and that he has been requested to represent them in this proceeding. Having received no objections to the motion after due notice to the parties, I **FIND** that Mr. Fabish has satisfied the conditions for admission *pro hac vice*. Therefore, Mr. Fabish is **HEREBY ADMITTED** to practice before the Board *pro hac vice* in this matter, provided that he shall:

1. Abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against each of them that may arise out of his participation in this matter;
3. Notify the Board immediately of any matter affecting his/her standing at the bar of any other jurisdiction; and
4. Have all pleadings, briefs and other papers filed with the Board signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and the admitted attorney therein.

B. Evidentiary Hearings

Evidentiary Hearings in this matter will commence as scheduled for the week of December 7, 2020. In preparation for the virtual Evidentiary Hearings, I **HEREBY ISSUE** the following Evidentiary Hearing direction and procedures:

Parties shall file the following with the Board on or before **Tuesday, December 1, 2020**:

1. All hearing exhibits, electronically filed in .pdf format, and pre-marked for identification with each page numbered or Bates stamped;
2. A list of hearing exhibits identified as you would for the court reporter;
3. A list of all proposed attendees, including each attendee's phone number, affiliation, and whether he/she is eligible to hear confidential information by virtue of the nondisclosure agreement in this matter; and
4. If a party would like a designated party Break Out Room, please provide a list to Board Staff of the names and phone numbers of all people who may enter the Room.

The Company shall file with the Board binders containing a complete hard copy of the record, including all pre-filed and pre-marked hearing exhibits, **on or before Thursday, December 3, 2020**.

All witnesses shall have hard copy of his/her pre-filed testimony available for reference during the evidentiary hearings.

There shall be no recording of the Evidentiary Hearings or discussions in the Break Out Rooms, and as such, the only official record of this proceeding will be the transcript provided by the Court Reporter.

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: November 24, 2020

BY:



UPENDRA J. CHIVUKULA
COMMISSIONER

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR
APPROVAL OF ITS CLEANENERGY FUTURE – ELECTRIC VEHICLE AND ENERGY STORAGE
("CEF-EVES") PROGRAM ON A REGULATED BASIS
BPU DOCKET NO. EO18101111

SERVICE LIST

Board of Public Utilities

44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch, Secretary
board.secretary@bpu.nj.gov

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

Robert Brabston, Esq.
Deputy Executive Director
robert.brabston@bpu.nj.gov

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

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

Stacy Richardson, Esq.
Stacy.richardson@bpu.nj.gov

Cathleen Lewis
cathleen.lewis@bpu.nj.gov

Jim Ferris
Jim.ferris@bpu.nj.gov

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

Ryan Moran
ryan.moran@bpu.nj.gov

John Zarzycki
john.zarzycki@bpu.nj.gov

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

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

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

Charles Gurkas, paralegal
Charles.gurkas@bpu.nj.gov

Benjamin Witherell
Benjamin.witherell@bpu.nj.gov

Division of Law

25 Market Street
Post Office Box 112
Trenton, NJ 08625

Matko Ilic, DAG
matko.ilic@law.njoag.gov

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

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

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

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

Rate Counsel

140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003

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

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

Henry Ogden, Esq.
hogden@rpa.nj.gov

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

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

PSE&G

PSEG Services Corporation
80 Park Plaza, T5G
Post Office Box 570
Newark NJ 07102

Joseph F. Accardo, Jr., Esq.
joseph.accardojr@pseg.com

Joseph A. Shea Esq.
joseph.shea@pseg.com

Bernard Smalls
bernard.smalls@pseg.com

Caitlyn White
caitlyn.white@pseg.com

Michele Falcao
michele.falcao@pseg.com

Danielle Lopez, Esq.
danielle.lopez@pseg.com

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

Shelly Massey, Paralegal
smassey@rpa.nj.gov

Ezra D. Hausman PhD.
77 Kaposia Street
Newton MA 02466
ezra@ezrahausman.com
Dante Mugrace
PCMG and Associates
90 Moonlight Court
Toms River NJ 08753
dmugrace@pcmgregcon.com

Katherine E. Smith, Esq.
katherine.smith@pseg.com

Matthew M. Weissman Esq.
matthew.weissman@pseg.com

Kenneth T. Maloney
Cullen and Dykman LLP
1101 Fourteenth Street, N.W.
Suite 550
Washington, D.C. 20005-5633
KMaloney@cullenllp.com

Bruce V. Miller
Cullen and Dykman LLP
100 Quentin Roosevelt Boulevard
Garden City, NY 11530
BMiller@cullenllp.com

Bluebird Body Corporation

James H. Laskey
Norris Mcaughlin, P.A.
400 Crossing Blvd, 8th Floor
Bridgewater, New Jersey 08807
jhlaskey@nmmlaw.com

Kevin L. Matthews
NSI, LLC
1990 Kst. NW Suite 320
Washington, DC 20005
kmatthews@nationalstrategies.com

Paul Yousif, Esq.
VP, General Counsel & Corporate Treasurer
Blue Bird Body Corporation
402 Blue Bird Blvd
Fort Valley, Georgia 31030
paul.yousif@blue-bird.com

Burns & McDonnell Engineering Company

Lindsay Grise
Legal Counsel
9400 Ward Parkway
Kansas City, MO 64112
lgrise@bmnsacd.com

Direct Energy

Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101

Karen O. Moury, Esq.
kmoury@eckertseamans.com

Sarah C. Stoner, Esq.
sstoner@eckertseamans.com

Christopher E. Torkelson, Esq.
Eckert Seamans Cherin & Mellott, LLC
P.O. Box 5404
Princeton, NJ 08543
ctorkelson@eckertseamans.com

ENJ, EDF, NRDC

Eastern Environmental Law Center
50 Park Place
Suite 1025
Newark, New Jersey 0710

William Bittinger, Esq.
wbittinger@easternenvironmental.org

Daniel Greenhouse, Esq.
dgreenhouse@easternenvironmental.org

EVgo

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

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

Bradford M Stern, Esq.
bstern@rothfelderstern.com

SunRun

Kelley Drye & Warren LLP
One Jefferson Road, 2nd Floor
Parsippany, New Jersey 07054

Lauri A. Mazzuchetti
lmazzuchetti@kelleydrye.com

Tesla

Kevin Auerbacher
Senior Counsel
Tesla, Inc.
1050 K St, NW, Ste 101
Washington, DC 20001
Kauerbacher@tesla.com

Greenlots

Thomas Ashley
Vice President, Policy
Greenlots
767 S. Alameda Street, Suite 200
Los Angeles, CA 90021
tom@greenlots.com

Joshua J. Cohen
Director, Policy
Greenlots
1910 Towne Centre Blvd., Ste. 250
Annapolis, MD 21401
jcohen@greenlots.com

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

Glenn T. Graham
ggraham@kelleydrye.com

Enel X

William Harla, Esq.
Decotiis, Fitzpatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, New Jersey 07666
wharla@decotiislaw.com

Guillermo C. Artilles
McCarter & English LLP
Four Gateway Center
100 Mulberry Street Newark, NJ 07102-4056
gaitiles@mccarter.com

Nathan C. Howe
McCarter & English LLP
Four Gateway Center
100 Mulberry Street Newark, NJ 07102-4056
nhowe@mccarter.com

MSEIA

Matthew S. Slowinski
Slowinski Atkins, LLP
Eisenhower Corporate Campus
290 West Mt. Pleasant Avenue, Suite 2310
Livingston, NJ 07039-2729
mss@slowinskiatkins.com

NJLEUC

Steven S. Goldenberg, Esq.
Giordano, Halleran & Ciesla, P.C.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
sgoldenberg@ghclaw.com

Paul F. Forshay, Esq.
Eversheds Sutherland (US), LLP
700 Sixth Street, N.W., Suite 700
Washington, D.C. 20001-3980
paulforshay@eversheds-sutherland.com

Power Edison

Shihab Kuran, Ph.D.
Power Edison, LLC
166 Deer Run
Watchung, NJ 07069
salkuran@poweredison.com

Umar A. Sheikh, Esq.
Offit Kurman
10 East 40th Street
Suite 3500
New York, NY 10016
usheikh@offitkurman.com

ChargePoint

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

Murray E. Bevan, Esq.
mbevan@bmq.law

Jennifer McCave, Esq.
jmccave@bmq.law

Katherine M. Dailey, paralegal
kdailey@bmq.law

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

Climate Change Mitigation Technologies, LLC

Slowinski Atkins, LLP
Eisenhower Corporate Campus
290 West Mt. Pleasant Avenue, Suite 2310
Livingston, NJ 07039-2729

James Sherman
jsherman@slowinskiatkins.com

Matthew S. Slowinski
mss@slowinskiatkins.com

ACE

Philip J. Passanante, Esq.
Assistant General Counsel
92DC42
500 North Wakefield Drive
Newark, DE 19702
philip.passanante@pepcoholdings.com

JCP&L

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

Alliance

Michael I. Krauthamer
Alliance for Transportation Electrification
michael@evTransportationAlliance.org

Barbara Koonz
Wilentz, Goldman and Spitzer, P.A.
90 Woodbridge Center Drive, Suite 900
Woodbridge, New Jersey 07095
bkoonz@wilentz.com

RECO

Rockland Electric Company
4 Irving Place Suite 1815-S
New York, New York 10003

Margaret Comes, Esq.
Associate Counsel
comesm@coned.com

James C. Meyer
Riker Danzig Scherer
Hyland and Perretti LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
JMEYER@RIKER.com

Jack Carley, Esq.
Assistant General Counsel
carleyj@coned.com

Sema Connect

Josh Cohen
Director of Policy and Utility Programs
SemaConnect Inc.
4961 Tesla Drive
Bowie, Maryland 20715
josh.cohen@semaconnect.com

Barbara Koonz
Wilentz, Goldman and Spitzer, P.A.
90 Woodbridge Center Drive, Suite 900
Woodbridge, New Jersey 07095
bkoonz@wilentz.com