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August 17, 2020

VIA ELECTRONIC MAIL

aida.camcacho@bpu.nj.gov
board.secretary@bpu.nj.gov

Aida Camacho-Welch
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

RE: 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

Dear Secretary Camacho-Welch:

The undersigned attorney is Assistant General Counsel to Atlantic City Electric Company (“ACE” or the “Company”) in connection with the above referenced matter. Please accept this communication in lieu of a more formally styled response to the untimely Motion for Leave to Intervene on Behalf of Electrify America, LLC (“EA”) (referred to herein as the “Motion”), filed on or about August 6, 2020. Please be advised that ACE opposes EA’s request for intervention at this late stage in the proceeding. It should be noted, however, that the Company would *not* object to EA’s inclusion in the proceeding as a Participant.

In support of its opposition, ACE respectfully submits that EA does not have a direct interest that is “sufficiently different from other parties in the case so as to add measurably and constructively to the scope of the case.” *N.J.A.C. 1:1-16.3*. Electric Vehicle Service Equipment (“EVSE”) providers similar to EA are already well represented by Intervenors in this proceeding. EVgo Services, LLC, Tesla, Inc., and ChargePoint, Inc. already represent companies who are “building a nationwide network of ultra-fast direct current fast charging stations” (as EA describes its operations in the Motion). Moreover, the list of Intervenors in this proceeding include companies that do not necessarily develop EVSE, but who contribute software, equipment, and/or parts to EV charging.

Moreover, the Motion is not timely. EA notes that it was not operating any charging stations in New Jersey in April 2018, when motions to intervene were originally due. Still, ACE’s Amended Petition was filed on December 17, 2019, exactly eight months ago. As noted in EA’s

Motion, numerous other companies with business interests in the electric vehicle space filed more timely Motions relative to the date of filing of the Company's Amended Petition. EA's Motion does not provide any explanation as to why it failed to file sooner – after two rounds of discovery and only weeks before the filing of direct testimony by the New Jersey Division of Rate Counsel (“Rate Counsel”) and other Intervenors in the case.

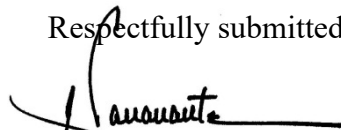
Considering that two rounds of discovery in this case have already concluded and a discovery/settlement meeting is scheduled to be held on the very date this response is being filed,¹ allowing additional Intervenors (that do not represent sufficiently different interests from other Intervenors already a party to the filing) at this late stage with full rights to conduct discovery could result in unnecessary confusion and delay of this proceeding. Allowing a late filed Intervenor in this case at this late date is also unnecessary considering that other Intervenors with similar interests have already actively participated in discovery in this case.

ACE respectfully requests, therefore, that, the Presiding Officer deny the Motion. However, to the extent the Presiding Officer deems EA to have a sufficient interest in the outcome of this case, EA's status should be limited to that of a Participant pursuant to *N.J.A.C. 1:1-16.6*.

Consistent with the Order issued by the New Jersey Board of Public Utilities (the “Board”) in connection with *In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations*, BPU Docket No. EO20030254, Order dated March 19, 2020, this communication is being electronically filed with the Secretary of the Board, Rate Counsel, the parties, and EA's counsel. No paper copies will follow.

Thank you for your cooperation and courtesies. Feel free to contact the undersigned with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rasanante", with a large, stylized flourish extending from the left side of the signature.

Philip J. Rasanante
An Attorney at Law of the
State of New Jersey

Enclosure

cc: Service List
Ira G. Megdal, Esquire (imegdal@cozen.com)
William Lesser, Esquire (wlesser@cozen.com)

¹ These dates are outlined in and consistent with the Procedural Schedule that was appended to the Prehearing Order(s) issued by Presiding Officer Chivukula in this matter.