



STATE OF NEW JERSEY
Board of Public Utilities
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DIVISIONS OF CLEAN ENERGY
AND ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF <u>L.</u> 2018, <u>C.</u> 17 REGARDING THE ESTABLISHMENT OF ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAMS)	PREHEARING ORDER SETTING PROCEDURAL SCHEDULE AND RULING ON MOTIONS TO PARTICIPATE AND INTERVENE AND FOR ADMISSION PRO HAC VICE
IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER AND LIGHT COMPANY FOR APPROVAL OF JCP&L'S ENERGY EFFICIENCY AND CONSERVATION PLAN INCLUDING ENERGY AND PEAK DEMAND REDUCTION PROGRAMS (JCP&L EE&C))	DOCKET NOS. QO19010040 AND EO20090620

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
James C. Meyer, Esq., Riker Danzig Scherer Hyland Perretti, LLP, on behalf of Jersey Central Power and Light Company
Erin Cosgrove, Esq., Counsel for the Energy Efficiency Alliance of New Jersey
Steven S. Goldenberg, Esq., Counsel for the New Jersey Large Energy Users Coalition

BY PRESIDENT FIORDALISO:

Background and Procedural History

On January 13, 2008, L. 2007, c. 340 ("RGGI Act") was signed into law based on the New Jersey Legislature's findings that energy efficiency ("EE") and conservation measures must be essential elements of the state's energy future and that greater reliance on EE and conservation will provide significant benefits to the citizens of New Jersey. The Legislature also found that public utility involvement and competition in the conservation and EE industries are essential to maximize efficiencies.

Pursuant to Section 13 of the RGGI Act, codified as N.J.S.A. 48:3-98.1(a)(1), an electric or gas public utility ("Utility" or collectively "Utilities") may provide and invest in EE and conservation programs in its service territory on a regulated basis. Upon petition, such investment in EE and conservation programs may be eligible for rate treatment approval by the Board, including a return on equity, or other incentives or rate mechanisms that decouple utility revenue from sales of

electricity and gas. Ratemaking treatment may include placing appropriate technology and program costs investments in the Utility’s rate base, or recovering the Utility’s technology and program costs through another ratemaking methodology approved by the Board.

By Order dated June 10, 2020, the New Jersey Board of Public Utilities (“Board”) approved an EE transition framework for EE programs implemented pursuant to the Clean Energy Act, L. 2018, c. 17, including requirements for the Utilities to establish programs that reduce the use of electricity and natural gas within their territories.¹ In the June 2020 Order, the Board directed New Jersey’s electric and gas companies to file three-year program petitions by September 25, 2020 for approval by the Board by May 1, 2021 and implementation beginning July 1, 2021.

SEPTEMBER 2020 PETITION

On September 25, 2020, Jersey Central Power and Light Company (“JCP&L or “Company”) filed the requisite petition with the Board (“September 2020 Petition” or “Petition”). In the Petition, the Company proposed to invest approximately \$230.1 million (investment and expenses) in its EE and Conservation plan (“EE Program”) over a three (3) year period (July 1, 2021 through June 30, 2024). The proposed programs and associated costs are summarized in the table below:

Program	Sub-Programs/Products	Proposed Budget (3 Year Program)
Direct Install		\$26,135,580
Efficient Products	Efficient Products	\$67,647,413
Energy Solutions for Business	<ul style="list-style-type: none"> • Energy Management • Engineered Solutions • Prescriptive/Custom 	\$4,281,446 \$10,802,198 \$64,609,040
Existing Homes	<ul style="list-style-type: none"> • Home Performance with Energy Star • Moderate Income Weatherization • Quick Home Energy Check-Up 	\$22,643,087 \$13,709,728 \$7,271,529
Home Energy Education and Management	Behavioral	\$4,146,482
Home Optimization and Peak Demand Reduction		\$3,321,963
Multi-family		\$5,755,006
TOTAL		\$230,143,473

In addition to approval of the plan to implement the EE Program, the Company requested approval of a cost recovery mechanism. Specifically, JCP&L requested authority to recover the revenue requirement associated with the costs to implement the EE Program, including incentives, outside services, inspections and quality control, information technology costs, and operations and maintenance (“O&M”) costs. The Company proposed to recover program costs through a separate surcharge clause of its tariff, Rider EE&C. The revenue requirement recovered through

¹ In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket Nos. QO19010040, QO19060748, QO17091004, Order dated June 10, 2020 (“June 2020 Order”).

Rider EE&C would be designed to recover the annual costs of the EE Program, as well as any prior period over/under amounts in subsequent true-ups. The Company also proposed to recover lost revenues from reduced electricity sales associated with the EE Program by way of a reconcilable tariff clause, Rider Lost Revenue Adjustment Mechanism (“LRAM”). The rate for Rider LRAM would be set initially based upon forecasted energy efficiency sales loss targets, with rates effective July 1, 2021.

JCP&L estimated that the Rider EE&C bill impact for a typical residential customer using 768 kilowatt-hours per month would be an increase of \$1.25 or 1.2%, for the initial year of the EE Program.

By Order dated September 23, 2020, the Board determined that JCP&L’s Petition 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.² Further, the September 23, 2020 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by October 2, 2020, and that entities file with the Board any responses to those motions by October 9, 2020.

On October 16, 2020, Board Staff (“Staff”) issued a letter of administrative deficiency. In response to this letter, the Company made supplemental filings on October 5, 8, 27, and 30, 2020. On November 2, 2020, Staff issued a letter indicating that the supplemental filing satisfied the minimum filing requirements. The 180-day period for Board review therefore began on October 30, 2020.

THE MOTIONS

Motions to Intervene

On October 2, 2020, the Board received motions to intervene in this matter from New Jersey Natural Gas Company (“NJNG”), Public Service Electric and Gas Company (“PSE&G”), the Energy Efficiency Alliance of New Jersey (“EEANJ”), and the New Jersey Large Energy Users Coalition (“NJLEUC”).

NJNG

NJNG stated that the Board accepted Staff’s recommendation to have the Utilities collaborate with Staff to develop program design and requirements that are complementary to, and not competitive or overlapping with, the designs and requirements of State-administered or co-managed programs and to have the Utilities collaborate to consistently implement the Utility core programs. Additionally, in areas where gas and electric services territories overlap, in addition to establishing programs that include agreed-upon program design requirements, the Utilities are required to design a program structure that results in coordinated, consistent delivery of programs among all of the Utilities and allocates costs and energy savings appropriately based on the fuel type(s) treated by EE measures, ensuring that customers do not face confusion as a result of overlapping territories and can access both electric and gas measures simultaneously, where

² In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO19010040, Order dated September 23, 2020 (“September 23, 2020 Order”).

appropriate. NJNG asserted that JCP&L's proposed EE Program would directly affect NJNG, as the two Utilities will need to coordinate efforts to ensure consistency of their respective EE programs and JCP&L's service territory is overlapping with NJNG's service territory. Accordingly, NJNG maintained that it should be granted full intervener status so as to avoid customer confusion with program offerings. NJNG also argued that the Board's decision in this proceeding is likely to have precedential effect and impact not only on JCP&L and its customers but also on New Jersey's other gas and electric Utilities. NJNG asserted that a variety of issues that will be addressed in this case may have an impact on NJNG by establishing precedent and argued that NJNG will likely be directly and specifically affected by the relief provided in the matter. In the alternative, NJNG requested that its motion be treated as a motion to participate.

PSE&G

In its motion, PSE&G stated that, as the state's largest electric and gas distribution company and the only combined electric and gas distribution Utility, it has a significant interest in the outcome of the case. PSE&G argued that it is imperative, as noted in the June 2020 Order directing the Utilities to establish EE and peak demand reduction programs, that in areas where gas and electric services territories overlap, the Utilities design a program structure that results in coordinated, consistent delivery of programs among all of the Utilities and allocates costs and energy savings appropriately based on the fuel type(s) treated by EE measures. Additionally, PSE&G stated that coordination among the Utilities is necessary to avoid redundant or competing offerings and to ensure that customers do not face confusion as a result of overlapping territories and can access both electric and gas measures simultaneously. Since PSE&G's gas territory overlaps with JCP&L electric territory, PSE&G asserted that any decision by the Board with respect to JCP&L filing could have precedential effect and other impacts on PSE&G that could directly impact the Company's EE programs. More specifically, PSE&G maintained that any Board decision in the JCP&L matter could directly impact the cost sharing and investment split associated with EE sub-program structure in overlapping territories. PSE&G asserted that it is in a unique position as the only energy Utility whose service territories overlap with the service territories of the other major Utilities and as the Utility with the most extensive experience administering EE programs in the state, most recently completing its Clean Energy Future - Energy Efficiency proceeding. Accordingly, PSE&G argued that its intervention in this proceeding is likely to add constructively to the proceeding.

EEANJ

EEANJ is a 501(c)(6) trade association that, together with its sister organization, the Keystone Energy Efficiency Alliance, represents 75 business members. These members manufacture, design, and implement EE improvements in buildings across Pennsylvania and New Jersey on behalf of regulated utilities, the State, and ratepayers. EEANJ asserted that the proposed programs would directly affect the utilization of their services and products. EEANJ also represented that its interests in the proceeding are unique and not adequately represented by any other party; that its members can offer valuable perspectives on the design and implementation of the proposed programs; and that its intervention will not cause confusion or undue delay since it will coordinate its representation with similarly situated parties to the extent that it deems such coordination appropriate.

NJLEUC

NJLEUC, an association whose members include large volume electric customers serviced by JCP&L, was formed, in part, to monitor regulatory proceedings involving the state's electric and

natural gas utilities, including JCP&L. NJLEUC argued that its members are large volume purchasers of electric distribution service from JCP&L and, therefore, have a significant interest in the outcome of this proceeding.

NJLEUC asserted that its interests with regard to the filing are unique and substantially different from those of any other party seeking intervention and, as large end-use customers of JCP&L, its members will be directly affected by the proposed EE Program. NJLEUC further asserted that it has a unique perspective and insight regarding the potential impacts on JCP&L's large customers. NJLEUC also argued that fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to intervene in this proceeding, the outcome of which will have an impact on the electric service received from JCP&L by the members of NJLEUC. NJLEUC stated that the issues to be decided in this proceeding substantially, specifically, and directly affect NJLEUC, making intervention appropriate.

NJLEUC pointed out that it has been granted intervener status in prior JCP&L regulatory proceedings, including base rate cases and mergers. NJLEUC claimed that its entry as a party would measurably and constructively advance this proceeding because of the unique status of its members as large end-use customers. NJLEUC further stated that it will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

By motion dated October 2, 2020, NJLEUC, via Steven S. Goldenberg, Esq., also moved for the admission *pro hac vice* of Paul F. Forshay, Esq. The motion included a sworn affidavit by Mr. Forshay. Mr. Goldenberg stated that Mr. Forshay is a member in good standing admitted to the bar of the District of Columbia, he has had significant experience representing the interests of large end-use customers, and he has an attorney-client relationship with NJLEUC. By his affidavit, Mr. Forshay represented that he is associated with Mr. Goldenberg as New Jersey counsel of record, NJLEUC has requested his representation in this matter, and he has experience representing large end-use customers before the Federal Energy Regulatory Commission and the Board. He stated that his experience includes involvement in the various JCP&L rate and regulatory proceedings brought before the Board. Mr. Forshay represented that he has paid the fees required by R. 1:20-1(b) and 1:28-2 and that he agrees to abide by the other requirements for admission *pro hac vice*. Mr. Forshay also forwarded proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Staff.

Motions to Participate

ACE, RECO, SJG, ETG

Atlantic City Electric Company ("ACE"), Rockland Electric Company ("RECO"), South Jersey Gas Company ("SJG") and Elizabethtown Gas Company ("ETG") each submitted motions to participate.³ Each stated that it is a New Jersey public Utility incorporated in the state of New Jersey engaged in the transmission, distribution, and sale of electricity or gas for residential, commercial, and industrial purposes within New Jersey. Each claimed a significant interest in the outcome of the proceeding because the substantive policy and or procedural requirements established in this proceeding are likely to have a precedential effect on proceedings involving the other Utilities. Each also argued that its interest as an investor-owned electric or gas Utility serving retail customers is materially different from that of JCP&L and from that of the other

³ SJG and ETG submitted a joint motion to participate.

parties. Finally, each also stated that its participation would not cause delay or confusion because it would abide by any schedule set for the proceeding.

Although ACE, RECO, SJG, and ETG sought participant status, each indicated that it is aware that certain Utilities may seek intervener status in their individual cases pending before the Board. Each pointed out that any Board order approving intervention for a Utility in their case would have to find that, based on the common/overlapping concerns in the June 2020 Order, the Utility satisfies the standard of being “substantially, specifically, and directly affected by the outcome” of the case, pursuant to N.J.A.C. 1:1-16.1(a). ACE, RECO, SJG, and ETG each stated that, if the Board determines that another Utility has a sufficient interest to be an intervener in one of their individual cases, then they would have the identical sufficient interest to be an intervener in that Utility’s case. Accordingly, ACE, RECO, SJG, and ETG each indicated that its motion for participant status is provisional and should be treated as a motion to intervene should JCP&L be granted intervener status in its case.

Google

On October 2, 2020, Google, LLC ("Google"), submitted a motion to participate. Google stated that it is a multinational technology company and an industry leader in smart home technology, including the Nest Learning Thermostat and the Nest Thermostat E. Google argued that it has a significant interest in the outcome of this proceeding because Google already participates in EE programs with PSE&G, NJNG, and SJG and believes that implementation of JCP&L's proposals will enlarge this opportunity and bring further benefits to New Jersey residents and businesses. Additionally, Google asserted that it would add constructively to this matter by clarifying certain issues and contributing to the development of a complete record based on its unique, significant interests in employing its technology to assist JCP&L and the State in reaching EE goals. Google further stated that it will not seek to delay the proceeding in any manner. Google noted that it was a participant in PSE&G's recently approved EE program.

BPA

The Building Performance Association (“BPA”) is a 501(c)6 industry association committed to supporting policies that will improve and increase the expansion of home and building performance, EE businesses, and industries. BPA is made up of more than 9,800 members who are working professionals in contracting services, weatherization, product manufacturing and distribution, program administration, building science, and nonprofits. BPA asserted that it and its New Jersey members have a significant interest in the outcome of the case and will add constructively to the case. Additionally, BPA stated that its participation will not cause undue delay or confusion. By letter dated October 16, 2020, BPA withdrew its motion to participate.

RESPONSES

On October 9, 2020, JCP&L submitted a letter responding to the filed motions to intervene and participate. In its letter, JCP&L indicated that it did not oppose the motions to participate filed by ACE, RECO, SJG, ETG, Google, and BPA. JCP&L also indicated that it did not oppose the motions to intervene of EEANJ and NJLEUC. With respect to the motions to intervene filed by NJNG and PSE&G, JCP&L objected, noting that NJNG has its own pending proceeding in which to address its own particular interests and that PSE&G does not have a pending case since it recently received approval of its EE programs in a matter in which no utilities had full intervener status. JCP&L argued that NJNG and PSE&G did not establish the required substantial, specific and direct impact from the outcome of JCP&L’s case and that their intervention would cause

unnecessary complications, confusion, and delay.

DISCUSSION AND FINDINGS

Motions to Intervene or Participate

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record that 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. See In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106 (June 8, 2005).

After consideration of the papers, and given the lack of any objections, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, that NJLEUC and EEANJ will be directly affected by the outcome of this proceeding and will add measurably and constructively to the case without causing undue delay or confusion. I **HEREBY FIND** that NJLEUC and EEANJ have met the standards for intervention in this proceeding. Accordingly, having received no objections, I **HEREBY GRANT** the motions for intervention of NJLEUC and EEANJ pursuant to the authority granted to me by the Board under the September 23, 2020 Order.

NJNG and PSE&G, both Utilities serving customers in New Jersey, noted that the Board's decision is likely to have precedential effect and impact on their utilities. I acknowledge that NJNG's and PSE&G's experience running their own EE programs in New Jersey put them in a position to add to the development of the record in this matter. I am not persuaded, however, that their interests are sufficiently distinct from those of the other parties that they merit intervenor status or that NJNG or PSE&G will be affected by the alleged precedential effect of this case. All of the proposed EE programs will be examined based on their specific components, just as programs proposed by NJNG and PSE&G will be reviewed and analyzed upon their own merits. After weighing the issues, I **FIND** that NJNG and PSE&G have not made showings that their interests in this matter warrant granting their motions to intervene, given the need for prompt and

expeditious administrative proceedings. Accordingly, I **HEREBY DENY** NJNG's and PSE&G's motions for intervention. Pursuant to N.J.A.C. 1:1-16.5, I will treat these motions, in the alternative, as motions to participate. Considered under this standard, I **FIND** that NJNG and PSE&G have significant interests in this proceeding and that, as participants, NJNG and PSE&G are likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** NJNG and PSE&G participant status, limited to the right to argue orally and file a statement or brief, as set out in N.J.A.C. 1:1-16.6(c)(1) and (2).

With regard to the motions to participate filed by ACE, RECO, SJG, ETG, and Google, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that the participation of ACE, RECO, SJG, ETG, and Google in this matter is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** the motions to participate filed on behalf of ACE, RECO, SJG, ETG, and Google, limited to the right to argue orally and file a statement or brief, as set out in N.J.A.C. 1:1-16.6(c)(1) and (2).

Motions for Admission *Pro Hac Vice*

I reviewed the motions of NJLEUC and the supporting affidavits of Mr. Forshay. I agree that this proceeding involves a complex field of law. I am persuaded that the named attorney has an established attorney-client relationship and has have been requested to represent his clients in this proceeding. Additionally, Mr. Forshay specializes in this area of law. Having received no objections to the motion after due notice to the parties, I **FIND** that Mr. Forshay satisfies the conditions for admission *pro hac vice*, submitted to the Board proof of payment to the New Jersey Lawyers' Fund for Client Protection of the fees required by R. 1:20- 1(b) and 1:28-2, and, therefore, **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.

In addition, I reviewed the proposal for a preliminary schedule, which has been agreed to by Staff, the New Jersey Division of Rate Counsel ("Rate Counsel"), and the Company. I **HEREBY ISSUE** the following as the Prehearing Order, along with the procedural schedule identified as Exhibit A, and **HEREBY DIRECT** the parties to comply with its terms.

PREHEARING ORDER

1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:

Through this proceeding, JCP&L seeks approval to implement its proposed \$230.1 million (investment and expenses) EE Program over a three (3) year period (July 1, 2021 through June 30, 2024). In addition to approval of the plan to implement the EE Program, the Company requested approval of a cost recovery mechanism. Specifically, JCP&L requested authority to recover the revenue requirement associated with the costs to implement the EE Program, including incentives, outside services, inspections and quality control, information technology costs, and O&M costs. The Company proposed to recover program costs through a separate surcharge clause of its tariff, Rider EE&C. The revenue requirement recovered through Rider EE&C would be designed to recover the annual costs of the EE Program as well as any prior period over/under amounts in subsequent true-ups. The Company also proposed to recover lost revenues from reduced electricity sales associated with the JCP&L EE Program by way of a reconcilable tariff clause, Rider LRAM. JCP&L proposed that the rate for Rider LRAM would be set initially based upon forecasted energy efficiency sales loss targets, with rates effective July 1, 2021.

Issues to be Resolved

- A. The cost effectiveness and cost efficiency of the proposed activities and programs.
- B. The lawfulness of the proposed program offerings.
- C. The reasonableness and lawfulness of the proposed cost recovery mechanism.

2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:

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3. **SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:**

Pursuant to N.J.S.A. 48:2-32.6, public hearings will be held in the Company's service territory after publication of notice in newspapers of general circulation in JCP&L's service territory. The dates, times, and locations of the public hearings are to be determined.

4. **SCHEDULE OF HEARING DATES, TIME, AND PLACE:**

Evidentiary hearings are tentatively scheduled for March 18, 19, and 22, 2021 at a time and location to be determined based upon the availability of the parties and myself.

5. **STIPULATIONS:**

Staff, Rate Counsel, and JCP&L have entered into an Agreement of Non-Disclosure of Information Agreed to Be Confidential.

6. **SETTLEMENT:**

Parties are encouraged to engage in settlement discussion. Notice should be provided to all parties of any settlement discussions for the preparation of an agreement to resolve the issues in the case.

7. **AMENDMENTS TO PLEADINGS:**

None at this time.

8. **DISCOVERY AND DATE FOR COMPLETION:**

The time limits for discovery shall be as provided in Exhibit A or in accordance with N.J.A.C. 1:1-10.4.

9. **ORDER OF PROOFS:**

JCP&L has the burden of proof. The hearings will be conducted by topic in the following order:

First – JCP&L

Second – Rate Counsel

Third – EEANJ

Fourth – NJLEUC

Fifth – Staff

10. **EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.

11. **EXHIBITS MARKED IN EVIDENCE:**

None at this time.

12. **ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:**

JCP&L will present the following witnesses: Edward C. Miller, Brendon J. Baatz, Carol Pittavino
Rate Counsel and Intervener witnesses will be determined at a later time.

Any party substituting witnesses shall identify such witnesses within five (5) days of determining to replace a witness and in no event later than five (5) days before filing of testimony of a substitute witness. All direct testimony will be pre-filed, and all witnesses submitting pre-filed direct testimony will be subject to cross examination at evidentiary hearings, which will be conducted by topic (e.g., program elements, revenue requirements, and so forth).

13. **MOTIONS:**

All pending motions to intervene and/or participate have been addressed.

14. **SPECIAL MATTERS:**

None at this time.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

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: December 15, 2020

BY:



JOSEPH L. FIORDALISO
PRESIDENT

IN THE MATTER OF THE IMPLEMENTATION OF L. 2018, c. 17 REGARDING THE
ESTABLISHMENT OF ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION
PROGRAMS

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT
COMPANY FOR APPROVAL OF JCP&L'S ENERGY EFFICIENCY AND CONSERVATION
PLAN INCLUDING ENERGY AND PEAK DEMAND REDUCTION PROGRAMS (JCP&L EE&C)
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EXHIBIT A

DOCKET NOS. QO19010040 AND EO20090620

Procedural Schedule

Motions to Intervene/Participate	October 2, 2020
Responses to Intervention/Participation	October 9, 2020
First Round Discovery Requests+	November 6, 2020
First Round Discovery Answers	November 20, 2020
Second Round Discovery Requests	December 7, 2020
Discovery Conference	December 18, 2020
Second Round Discovery Answers	December 21, 2020
Rate Counsel/Intervener Testimony	January 25, 2021
Discovery on Testimony	February 3, 2021
Responses to Discovery	February 10, 2021
Rebuttal Testimony	February 16, 2021
Discovery on Rebuttal	February 23, 2021
Answers to Rebuttal Discovery	March 2, 2021
Public Hearing	TBD
Settlement Conference	March 9, 2021
Evidentiary Hearings with oral surrebuttal++	March 18, 19, & 22, 2021
Initial Briefs	April 1, 2021
Reply Briefs	April 12, 2021

+ Petitioner agrees that discovery is ongoing but objects to answering all discovery within seven business days of service.

++ Petitioner requests evidentiary hearings with oral surrebuttal and rejoinder. President Fiordaliso will consider this request prior to the evidentiary hearings.