
**IN THE MATTER OF THE PETITION
OF ATLANTIC CITY ELECTRIC
COMPANY FOR APPROVAL OF AN
ENERGY EFFICIENCY PROGRAM,
COST RECOVERY MECHANISM AND
OTHER RELATED RELIEF FOR PLAN
YEARS ONE THROUGH THREE**

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

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
BPU DOCKET NO. EO20090621**

BPU DOCKET NO. QO19010040

**BEFORE THE HONORABLE JOSEPH L. FIORDALISO,
PRESIDENT AND COMMISSIONER**

APPEARANCES:

Philip J. Passanante, Esq., Assistant General Counsel, on behalf of Petitioner, Atlantic City Electric Company;

Brandon C. Simmons, Deputy Attorney General, on behalf of the Staff of the New Jersey Board of Public Utilities (**Gurbir S. Grewal**, Attorney General of New Jersey); and

Felicia Thomas Friel, Kurt Lewandowski, Sarah Steindel, and Maura Caroselli, Assistant Deputy Rate Counsels, on behalf of the New Jersey Division of Rate Counsel (**Stefanie A. Brand, Esq.**, Director).

TO THE HONORABLE COMMISSIONER:

It is hereby **AGREED**, as of the 17th day of December, 2020, by and among Atlantic City Electric Company (“ACE”), the Staff of the New Jersey Board of Public Utilities (“Board Staff”), and the New Jersey Division of Rate Counsel (“Rate Counsel”) (collectively, “Signatory Parties”) to execute this Stipulation Extending the 180-Day Review Period (“Stipulation”) for approval of ACE’s Petition in BPU Docket No. EO20090621, seeking to offer an Energy Efficiency Program

(“EE Program” or “Program”) pursuant to N.J.S.A. 48:3-98.1 with an associated cost recovery proposal.¹

The Signatory Parties do hereby join in recommending that President Fiordaliso, as Presiding Commissioner, issue an Order approving this Stipulation as set forth herein.

BACKGROUND

1. 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.

2. 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 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.

3. By Order dated June 10, 2020, the Board approved an EE transition framework for EE programs implemented pursuant to the Clean Energy Act of 2018, L. 2018, c. 17, including requirements for the utilities to establish programs that reduce the use of electricity and natural gas within their territories (“June 2020 Order”).

4. In the June 2020 Order, the Board directed New Jersey’s other 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.

¹ The New Jersey Board of Public Utilities shall be referred to in this Stipulation as the “Board” or “BPU.”

5. On September 25, 2020, consistent with the terms of the June 2020 Order, the Company petitioned the Board in this matter for approval seeking the Board's approval of an EE Program to be implemented throughout the Company's service territory over a three-year period beginning in July 2021. The EE Program is an extensive array of individual EE products and services designed to enable ACE customers to reduce their use of electricity. The costs of the EE Program include investment costs of approximately \$89 million and incremental operations and maintenance costs of \$10 million, for a total incremental EE Program cost of approximately \$99 million over three years.

6. On September 23, 2020, the Board issued an Order Designating Commissioner, Setting Manner of Service and Bar Dates ("September 2020 Order") in BPU Docket No. QO19010040, retaining all EE filings for review and designating President Joseph L. Fiordaliso or his designee as the Presiding Commissioner over electric distribution company cases, including the proposal filed by ACE.

7. On October 22, 2020, Board Staff notified the Company that ACE's EE Program Petition was administratively complete with respect to the Board's Minimum Filing Requirements and that the 180-day administrative review period commenced on October 21, 2020.

8. Conferences are being scheduled between and among the Signatory Parties in order to facilitate discovery and to discuss settlement.

STIPULATED TERMS

9. The Signatory Parties hereby agree that the 180-day review period is extended through Friday, April 30, 2021.

GENERAL TERMS

10. This Stipulation represents a mutual balancing of interests, contains interdependent provisions, and, therefore, is intended to be accepted in its entirety. In the event any particular

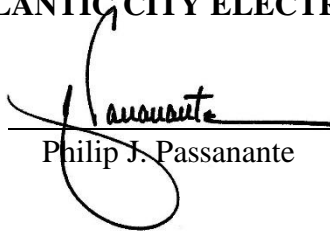
aspect of this Stipulation is not accepted and approved in its entirety by President Fiordaliso, his designee or the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by President Fiordaliso, his designee, or the Board in any applicable Order(s), then any Party hereto is free to pursue any legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

11. It is the intent of the Signatory Parties that the provision(s) hereof be approved by President Fiordaliso, his designee, or the Board as being in the public interest. The Signatory Parties further agree that they consider the Stipulation to be binding for all purposes herein.


12. It is specifically understood that this Stipulation represents a negotiated agreement and has been made exclusively for the purposes of this proceeding. Except as expressly provided herein, the Signatory Parties shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein, in total or by specific item. The Signatory Parties further agree that this Stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation. All rates are subject to audit by the Board.

WHEREFORE, the Signatory Parties hereto do respectfully submit this Stipulation and request that President Fiordaliso, his designee, or the Board issue a Decision and Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

ATLANTIC CITY ELECTRIC COMPANY

By:  _____
Philip J. Passanante

**GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the Board of Public Utilities**

By:  _____
Brandon C. Simmons
Deputy Attorney General

**STAFANIE A. BRAND
DIRECTOR, DIVISION OF RATE COUNSEL**

By: Felicia Thomas-Friel _____
Deputy Rate Counsel

Date: December 17, 2020