

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

In the Matter of the New Jersey Board of) **BPU Docket No.** DOCKET NO. AO20060471
Public Utilities' Response to the)
COVID-19 Pandemic)

MOTION TO INTERVENE OF AARP

AARP, a nonprofit, nonpartisan social welfare organization with a membership, including nearly 1.2 million individuals residing in New Jersey, hereby moves to intervene in the above-captioned proceeding. In support of its motion, AARP states as follows:

1. All communications and correspondence in this proceeding should be directed to:

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2. On March 9, 2020, New Jersey Governor Phil Murphy signed Executive Order No. 103 ("EO 103"), declaring a State of Emergency and a Public Health Emergency in response to

the COVID-19 pandemic, in order to ensure the continuity of government services and protect the public.

3. On March 13, 2020, the Board of Public Utilities (“BPU” or “Board”) announced that the State’s public electric and gas utilities had universally agreed to suspend service shutoffs given the statewide public health emergency and the effort currently underway in response to the COVID-19 pandemic.

4. Acknowledging that the regulated utilities’ response to the COVID-19 pandemic, including but not limited to, complying with the Governor’s COVID-19-related Executive Orders, could cause the State’s regulated utilities to incur significant and extraordinary COVID-19-related expenditures that could have a negative financial impact on the State’s utilities, the Board issued an Order on July 2, 2020 (“July 2 Order”) authorizing each of the State’s utilities to create a COVID-19 related regulatory asset by deferring on their books and records the prudently incurred incremental costs related to COVID-19 beginning on March 9, 2020 through September 30, 2021 or 60 days after Governor Murphy issues an order, declaration, proclamation, or similar announcement that the Public Health Emergency is no longer in effect or, in the absence of such an order, declaration, proclamation or similar announcement, 60 days from the time the Public Health Emergency automatically terminates pursuant to N.J.S.A. 26:13-3(b), whichever is later.

5. The moratorium on water, electric and gas service shut offs was extended on October 15, 2020 through Executive Order 190 (“EO 190”) to March 15, 2021. This EO prohibited the gas, electric, and water utilities from discontinuing any gas, electric, or water service to New Jersey residents due to nonpayment, and prohibited the collection of any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue, during the public health emergency.

6. EO 190 requires that any gas, electric, or water service that was discontinued due to nonpayment after the social distancing measures went into effect, including where the disconnection was for unpaid bills incurred prior to the current public health emergency, be reconnected at any occupied residence at no cost to the customer.

7. On October 2, 2020, Rate Counsel filed a Petition for Relief initiating the matter entitled “In the Matter of COVID-19 Related Arrearages,” which was assigned Docket No. EO20100629U (“Rate Counsel Petition”).

8. The Rate Counsel Petition requested that the Board order a formal investigation into the scope of the COVID-19 public health emergency’s impact on ratepayers’ making of timely payments. The Rate Counsel petition further sought a moratorium on the discontinuance of service for non-payment, and the development of appropriate arrearage and bill payment assistance plans.

9. On October 14, 2020, the Board received a letter signed by AARP New Jersey, Anti-Poverty Network of New Jersey, Food and Water Action, Natural Resources Defense Council and New Jersey Citizen Action expressing their collective support for the Rate Counsel Petition.

10. On October 28, 2020 the Board agreed that it is necessary to expand the scope of the regulatory asset proceeding to examine all pandemic issues by way of a generic proceeding and incorporated the Rate Counsel Petition into the proceeding which will include, but not be limited to: impacts on rate setting, rate design, and utility financial strength; low income and other utility bill assistance programs; regulatory compliance; collections and termination of service; and ensuring the continued provision of safe and adequate service at just and reasonable rates, while recognizing the ramifications from the COVID-19 pandemic. See DOCKET NO. AO20060471.

11. The Board further directed any interested party, Rate Counsel, utilities, and other stakeholders to file comments by November 30, 2020 to address the scope of the proceeding, issues to be addressed, and the timing for addressing the issues identified.

12. On November 25, 2020 AARP timely filed comments with the Board with recommendations concerning the scope of the proceeding.

13. This motion by AARP to intervene is timely filed. (N.J.A.C. 1:1-16.2(a).)

WHEREFORE, in support of its motion to intervene in this proceeding, and as further summarized below, AARP respectfully submits that all criteria for intervention set forth in N.J.A.C. 1:1-16.1 *et seq.* (standards for intervention) and specifically N.J.A.C. 1:1-16.3(a) weigh in favor of granting of AARP's motion to intervene in the above-captioned proceeding:

1. AARP is a non-governmental, non-profit, and non-partisan organization whose interest is to protect the affordability, reliability, efficiency and safety of utility services for its NJ members who are concurrently residential ratepayers in the PSE&G service area aged 50 and over.

2. In New Jersey, AARP has nearly 1.2 million members aged 50+ throughout New Jersey. Members of AARP purchase electric, natural gas, water, sewer and telecommunications services and, therefore, they will be directly affected by the outcome of the above captioned proceeding;

3. AARP has sought, through its affordable utilities work, to guarantee that all residents in the state of New Jersey have access to safe, reliable, and affordable service and rates, advocating in particular for the needs of 50+ low, moderate and fixed-income ratepayers many of whom are AARP's members.

4. AARP has a unique perspective and insight regarding the potential impact on its members and all individuals age 50+ of discontinuance of service for non-payment, and the development of appropriate arrearage and bill payment assistance plans.

5. In 2011, AARP commissioned a survey designed to better gather information on the needs, interests and concerns of 50+ New Jerseyans and determined that over two-thirds of NJ 50+ adults have experienced a problem paying their household utilities.

6. AARP found that older adults are especially vulnerable to high utility prices, in part because they spend a far greater proportion of their income on home energy costs than younger households.

7. AARP also found that older people limit or do without food (15%), medical services (11%) and prescription medicine (11%) to pay for higher energy bills.

8. Based on the impact of higher rates and tariffs and mechanisms to recover other costs on individuals who are age 50+ and who are less likely to be able to increase their income to meet higher rates of service and costs, AARP's purpose in intervening in this proceeding is to represent the interest of its members aged 50+ who purchase utility services and who stand to be directly and significantly affected and impacted monetarily by the COVID-19 pandemic's impact on the affordability of services and who are at risk of service shut offs and in need of arrearage and bill payment plans.

9. AARP and its members have a substantial, direct and specific interest in the outcome of this proceeding which is not represented by other parties to this proceeding. N.J.A.C. 1:1-16.1 provides that, "Any person or entity not initially a party, who ... will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene."

10. AARP's interests are different from and not adequately or sufficiently represented by the Division of the Rate Counsel or any other party. Rate Counsel's statutory duty is to represent all ratepayers whereas AARP represents the specific interests of its members, who are age 50+ residential ratepayers, many of whom live on fixed and limited household budgets.

11. N.J.A.C. 1:1-16.3(b) provides that "In cases where one of the parties is a State agency authorized by law to represent the public interest in a case, no movant shall be denied intervention solely because the movant's interest may be represented in part by said State agency."

12. AARP's members' interests are substantially different from those of any other parties including Rate Counsel in this proceeding.

13. AARP will add measurably and constructively to advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of its policy expertise, and the experience of its counsel and professional staff, by helping the fact finder to achieve a fair, balanced and informed examination of the issues presented by the Board's COVID-19 response and its impact on service availability, rates, tariffs, and cost recovery mechanisms on ratepayers age 50+ particularly low, moderate and fixed income ratepayers.

14. AARP will not confuse or delay the proceeding if the motion for intervention is granted.

15. AARP has actively participated as an intervener or as a participant in numerous energy proceedings including base rate, infrastructure investment and modernization cases, storm cost recovery-related and clean energy proceedings

16. AARP was granted intervener status in PSE&G's initial Energy Strong (I) proceeding and participated at trial, cross-examining witnesses and offering direct testimony,

AARP was also a party to the Board-approved settlement in that matter. See NJBPU Docket Nos. EO13020155 and GO13020156.

17. AARP has also actively participated in energy policy proceedings including the State's Energy Master Plan, legislative initiatives leading to and following the adoption of the Electric Discount & Energy Competition Act of 1999 (EDECA), and numerous deregulation and/or energy proceedings before the BPU and/or the state legislature.

18. Since 1998 AARP has advocated for and actively participated in the establishment of New Jersey's Universal Service Fund ("USF") to provide affordable utility rates for low and fixed-income consumers, a program which became operational in 2003 and is now a model for the nation (BPU Docket No. EX0002091).

19. AARP is a member of the BPU's USF Working Group and continues in its efforts to make the program fully operational and accessible to all eligible ratepayers.

20. Considering AARP's history of both federal and state advocacy in support of affordable, safe and reliable utility services as well as AARP's intervention in past proceedings, participation in legislative proceedings leading to and following the adoption of the Electric Discount & Energy Competition Act of 1999 (EDECA), and our participation in the Energy Master Plan process and our work to establish the USF, AARP holds a unique perspective and insight regarding the impact of an increase in gas and electric rates and tariffs, and mechanisms for recovering costs to replace existing infrastructure.

21. Fundamental fairness and due process considerations require AARP be afforded an opportunity to intervene in this proceeding, the outcome of which poses significant and imminent risks to all of PSE&G's customers including the potential for irreparable harm to ratepayers' quality of life.

22. Notwithstanding its unique interests, where it is possible and practical for it to do so, AARP will work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy, as it always does. There will be no delay or confusion.

23. This is an extremely important proceeding. Because the potential discontinuance of electric and gas service and need for bill payment and arrearage assistance plans will significantly affect the finances and quality of the lives of our members, AARP has a direct, substantial, specific and immediate interest in the outcome of this proceeding that cannot be adequately represented by any other party.

24. WHEREFORE, AARP respectfully requests that the Board find that it has met the requirements for intervention under N.J.A.C. 1:1-16.3(a), and grant AARP's motion to intervene in this proceeding, with full procedural and substantive rights in this proceeding, including discovery, and participation in the hearing including oral argument, cross-examination of witnesses and the filing of briefs and exceptions to the initial decision. (N.J.A.C. 1:1-16.1 ("Persons or entities permitted to intervene shall have all the rights and obligations of a party to the proceeding."))

Respectfully submitted,



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CERTIFICATION OF SERVICE

I hereby certify that I have this day served by electronic mail a copy of the foregoing Motion to Intervene on all parties set forth on the attached service list.

Dated at Lawrenceville, New Jersey on this 11th day of January 2021.



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CERTIFICATION

1. I am the New Jersey Director of Advocacy for AARP.
2. I have read the contents of the foregoing Motion and hereby certify that the statements therein contained are true and accurate to the best of my knowledge.



Evelyn Liebman, New Jersey Director of Advocacy
AARP

DATED: January 11, 2021