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| In the Matter of the New Jersey Board of Public Utilities Response to the COVID-19 Pandemic | State of New Jersey Board of Public Utilities BPU Docket NO. AO20060471 |
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MOTION FOR PARTICIPATION BY NATURAL RESOURCES DEFENSE COUNCIL

Natural Resources Defense Council (“NRDC”) seeks leave under New Jersey Administrative Code (“N.J.A.C.”) 1:1-16.1 *et. seq.*, to participate in the above captioned proceeding before the Board of Public Utilities (“BPU”).

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

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BACKGROUND

A. Procedural Background

2. On March 9, 2020, Governor Murphy signed Executive Order No. 103, declaring a State

of Emergency and Public Health Emergency in response to the COVID-19 Pandemic.

3. On March 13, 2020, the BPU announced the State’s regulated public electric and gas utilities agreed to suspend service shutoffs given the public health emergency.

4. On July 2, 2020, the BPU issued an Order authorizing each of the State’s utilities to create a COVID-19 regulatory asset.

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

6. On October 14, 2020, NRDC, AARP New Jersey, Anti-Poverty Network of New Jersey, Food and Water Action, and New Jersey Citizen Action submitted a signed letter to BPU expressing their collective support for the Rate Counsel Petition for Relief.

7. On October 15, 2020, Governor Murphy extended the moratorium on water, electric, and gas service shutoffs through Executive Order 190 (“E.O. 190”).

8. On October 28, 2020, BPU expanded the scope of the regulatory asset proceeding by incorporating the Rate Counsel Petition to include, but not 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. AO200060471.

9. The BPU further directed any interested party to submit comments by November 30, 2020 to address the scope of the proceeding, issues to be addressed, and timing for addressing the issues identified.

10. On November 30, 2020, NRDC, Anti-Poverty Network of New Jersey, New Jersey

Citizen Action, Food & Water Watch, and Center for Biological Diversity filed joint comments in this proceeding, which urged the Board address the following topics: (1) reporting requirements; (2) collections and termination of service; (3) low-income and other bill assistance programs; and (4) the role of planned investments in both state-run and utility-run clean energy programs.

B. Movant NRDC

11. NRDC is a global nonprofit membership organization with more than three million members and online activists with more than 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 410,000 dues-paying members globally, including more than 12,000 in New Jersey.

12. As discussed further below, NRDC and its members have a significant interest in the outcome of this case, because NRDC itself—on behalf of its members, locally in New Jersey and across the country—works to promote affordability of utility bills for customers, and policies that reduce energy consumption and decrease the emission of harmful climate pollutants.

C. Movant’s Expertise in COVID-19 Related Regulatory Matters

13. NRDC has intervened or otherwise participated in COVID-19 related proceedings before utility commissions in multiple states, including New York, Pennsylvania, North Carolina, Maryland, Virginia, Michigan, Illinois, and California, in which NRDC has urged the adoption of specific protections for low-income electric, gas, water, and wastewater customers and equitable cost recovery policies. More than a dozen NRDC legal and policy experts coordinate work across these and other states to track and analyze relevant data and policies and promote best practices concerning COVID-19 utility issues.

14. Prior to the COVID-19 pandemic, NRDC has advocated for many years, in many states including New Jersey, for policies to ensure the affordability of water and wastewater service for low-income customers and reduce or eliminate water shutoffs due to inability to pay water and wastewater bills.

15. In New Jersey, prior to the COVID-19 pandemic, NRDC staff authored or contributed to multiple reports on water affordability challenges in New Jersey and potential policy solutions and testified at multiple hearings of the State Legislature on that topic.

16. In New Jersey, during the COVID-19 pandemic, NRDC has testified at multiple hearings of the State Legislature on the effects of COVID-19 on water and wastewater customers and utilities and the policies that should be put in place to protect low-income customers struggling to pay their utility bills.

17. In April 2020, NRDC co-developed with other New Jersey water sector stakeholders a set of “COVID Response Recommendations to Ensure Access to Clean Water” issued by the Jersey Water Works Asset Management and Finance Committee.

18. Throughout the COVID-19 pandemic, NRDC has worked with national coalitions to advocate for federal COVID-19 relief funds for low-income utility customer assistance. NRDC is currently working to ensure that the U.S. Department of Health and Human Services quickly, effectively, and equitably administers a new emergency federal block grant program for low-income water and wastewater customer assistance; New Jersey is expected to receive tens of millions of dollars from that program to administer a statewide low-income water and wastewater customer assistance program.

LEGAL GROUNDS FOR PARTICIPATION

19. Under New Jersey law, any person or entity “with a significant interest in the outcome of a case may move for permission to participate.” N.J.A.C. 1:1-16.6(a).

20. When ruling on a motion to intervene, the presiding officer “shall consider whether the participant’s interest is likely to add constructively to the case without causing undue delay or confusion.” N.J.A.C. 1:1-16.6(b).

ARGUMENT

NRDC Has a Significant Interest in the Outcome of the Case

21. NRDC has a significant interest in the outcome of this case because it concerns key policies and programs in which NRDC has been an active participant, namely; utility bill affordability during the COVID-19 Pandemic, New Jersey’s utility shut-off moratorium, customer assistance and arrearage management programs for low-income customers and those affected by the pandemic, and utility rate-design and rate-recovery issues that impact bill affordability and the value proposition of several clean energy programs implemented by New Jersey that further NRDC’s mission of achieving a clean energy economy while maintain utility bill affordability.

NRDC Will Add Constructively to the Case

22. NRDC’s expertise will measurably and constructively advance this proceeding in accordance with N.J.A.C. 1:1-16.6(b). Both in New Jersey and nationally, NRDC has provided significant policy analysis and testimony on utility bill affordability, shut-off protections, and arrearage management, among other topics central to this proceeding. NRDC will leverage its expertise to add constructively to the record of this case.

NRDC Will not Cause Undue Delay or Confusion

23. NRDC will work with other parties to ensure that they avoid duplicating efforts and so as to prevent confusion and undue delay. In addition, NRDC will strictly abide by the schedule and other rulings made herein.

CONCLUSION

NRDC has met the criteria for participation in this proceeding and respectfully requests that an Order be issued granting them participant status.

DATED 02/05/21

Respectfully submitted,

/s/ Eric Miller

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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 for Participation on all parties who have entered an appearance or are otherwise entitled to service in this proceeding.

Dated this fifth day of February 2021.

Respectfully Submitted,

/s/ Eric Miller

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