

**STATE OF NEW JERSEY**  
**BOARD OF PUBLIC UTILITIES**

In the Matter of the New Jersey Board of Public Utilities Response to the COVID-10 Pandemic	BPU Docket NO. AO20060471
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**MOTION TO PARTICIPATE BY NEW JERSEY CITIZEN ACTION**

NEW JERSEY CITIZEN ACTION (“NJCA”), a statewide grassroots organization that fights for social, racial and economic justice, 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, Natural Resources Defense Council ("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, NJCA, 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 NJCA

11. NJCA is a state-wide, grassroots organization that combines ground organizing, legislative advocacy and electoral campaigns to win progressive policy and political victories that make a difference in people's lives. In addition to its issue advocacy campaigns, which include those related to health care, consumer finances and utility issues, NJCA provides free direct services to low- and moderate- income individuals across New Jersey to empower people to take control of their economic futures.

12. As discussed further below, NJCA and its members have a significant interest in the outcome of this case, because all of NJCA 's direct services are related to improving the economic security of low and moderate- income New Jerseyans. Its clients' ability to pay their utility bills has a significant impact on their ability to manage their finances and maintain safe housing for themselves and their families.

C. Expertise in Utility, Economic Security and COVID-19 Related Regulatory Matters

13. NJCA, as coordinator of the NJ for Healthcare Coalition, has taken an active role over the last year promoting policies and regulatory changes that have been needed to (1) facilitate health insurance coverage for the many individuals who have lost their employment, and (2) ensure access to affordable treatment for Covid-19 and no-cost testing and vaccines. Participation in these

healthcare related efforts has permitted NJCA to get an accurate picture of the number and demographic profile of the New Jersey residents impacted by the public health crisis.

14. For many years, NJCA, has monitored and advocated against utility proposals that would unfairly raise utility rates for consumers, especially the low- income consumers the organization represents. In several instances, NJCA has either participated or intervened in matters before the BPU when rate increase proposals are at issue, and the negative impact on consumers is anticipated. For example, NJCA was an integral partner in the Coalition for Affordable Power, which sought to ensure BPU's vigilance with respect PSE & G's \$3.9 billion "Energy Strong" proposal. Various members of the Coalition participated in the BPU proceedings, because they feared that power rates could skyrocket post-Hurricane Sandy if the BPU did not carefully scrutinize PSE & G's efforts alleged to build resiliency and redundancy in the utility's electric and gas infrastructure.

15. In addition, NJCA operates several programs, which are targeted at assisting low- and moderate- income people improve their economic security by providing a combination of direct services that promote asset-building and asset-preservation. Such programs include a statewide oil consortium that helps lower heating costs for low- and moderate-income homeowners, and financial coaching/housing counseling programs run out of its Economic Security Center.

16. Pursuant to its financial coaching program, NJCA works with low- and moderate- income New Jerseyans to help them stabilize their finances, pay down debt, improve credit and build savings. Since 2006, NJCA has assisted approximately 48,500 households prepare their taxes; and in 2019, PSE & G publicly urged its workforce members who were in financial difficulty to see if they were eligible for the 2018 Earned Income Tax Credit (EITC) by taking advantage of

NJCA's free tax preparation services. More specifically, as part of its financial education efforts, NJCA (through its Education Fund) coordinated and conducted in 2019, 69 financial education workshops for 6,344 individuals on topics such as basic banking, budgeting, credit and credit repair, saving and investing, homeownership, foreclosure prevention, and avoiding financial frauds and predatory lending.

17. For several years, NJCA (through its Education Fund) has also operated a HUD- Certified first- time homebuyer and foreclosure prevention counseling program. During 2019, NJCA it provided such housing services to 8,165 low- and moderate- income individuals across the state. Of these individuals, 44% were less than 50% of Area Median Income (AMI), 47% were 50-79% of AMI and 9% were reported as being 80-100% of AMI. More than 82% of NJCA's clients were minorities (i.e., 33% of its clients were Hispanic, 39% of its clients were African American, 8% were 'Other' minorities) and 18% of its clients were White. Most recently this program has been extended to provide counseling to renters during the COVID 19 pandemic state of emergency.

## **ARGUMENT**

### **THE CRITERIA FOR PARTICIPATION SET FORTH IN N.J.A.C. 1:1-16.6 WEIGH IN FAVOR OF GRANTING NJCA'S MOTION**

18. 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).

19. 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).

20. As indicated in the foregoing paragraphs, NJCA has a significant interest in this

proceeding, because its involvement therein furthers its utility and consumer finance advocacy agendas and directly impacts the economic security of the low- and moderate- income New Jerseyans, who it serves through its direct service programs.

21. NJCA's program experience and policy expertise will measurably and constructively advance this proceeding in accordance with N.J.A.C. 1:1-16.6(b). This is the case because NJCA and its staff will be able to help the fact finder achieve a fair, balanced and informed examination of the issues presented by the Board's Covid-19 response. In particular, NJCA will be able to comment on the impact that the Board's response will have on service availability, rates and cost recovery mechanisms on low- and moderate- income ratepayers.

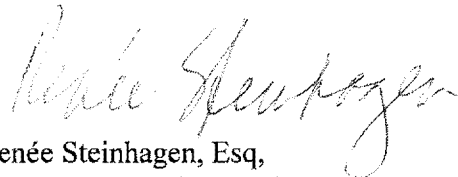
22. NJCA will not delay or confuse the proceeding if the motion for participation is granted. This is the case because NJCA will work with other parties to ensure that it will avoid duplicating efforts and so prevent undue delay. In addition, NJCA will strictly abide by the schedule and other rulings made herein.

23. This is an extremely important proceeding that is integral to the purpose of NJCA's Financial Justice Program. 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 a substantial number of its clients, NJCA has a substantial and immediate interest in the outcome of this proceeding; and in the interests of justice, its voice should be heard by the BPU.

**CONCLUSION**

For all the foregoing reasons, NJCA has met the criteria for participation in this proceeding and respectfully requests that an Order be issued granting them participant status.

Respectfully submitted,



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Dated: February 5, 2021.

**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 set forth on the attached service list.

Dated on this 5<sup>th</sup> of February 2021.

Respectfully Submitted,



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**CERTIFICATION**

I, Beverly Brown Ruggia, hereby certify that

1. I am the Director of NJCA's Financial Justice Program.
2. I have read the contents of the foregoing Motion and the statements contained therein are true and accurate to the best of my knowledge.

Dated on this 5<sup>th</sup> of February 2021.

A handwritten signature in cursive script that reads "Beverly Brown Ruggia".

Beverly Brown Ruggia  
Financial Justice Program, NJC