

State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
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Trenton, NJ 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF
ATLANTIC CITY ELECTRIC COMPANY
FOR APPROVAL OF AMENDMENTS TO ITS
TARIFF TO PROVIDE FOR AN INCREASE IN
RATES AND CHARGES FOR ELECTRIC
SERVICE PURSUANT TO N.J.S.. 8:2-21 AND
2-21.1, AND FOR OTHER APPROPRIATE
RELIEF (12/20/20)

BPU DOCKET No. ER20120746

JOINT MOTION TO INTERVENE BY THE
MID-ATLANTIC SOLAR AND STORAGE INDUSTRIES ASSOCIATION (MSSIA),
THE NEW JERSEY ENERGY COALITION (NJEC), AND
THE NATIONAL SOLAR ENERGY INDUSTRIES ASSOCIATION (NSEIA)

This Joint motion to intervene in the Atlantic City Electric (ACE) base rate case captioned, I/M/O the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.. 8:2-21 and 2-21.1, and for Other Appropriate Relief (12/20/20), BPU Docket No. ER20120746. is filed on behalf of three separate but cooperative associations of solar photovoltaic (PV) developers, installers, and consultants, as well as electric storage industries (hereafter Joint Solar Intervenors): .Mid-Atlantic Solar and Storage Industries Association (MSSIA), the New Jersey Energy Coalition (NJEC), and the National Solar Energy Industries Association (NSEIA) They are filing to intervene as a Joint Motion in order to "speak with one voice" seeking consensus while

providing the Board of Public Utilities (BPU) with useful information and evidence relevant to the outcome of the ACE rate case, and to do so in the most efficient, timely and cost effective manner.

In support of this Joint Motion, we submit the Certification of Lyle Rawlings, the President of the Mid-Atlantic Solar & Storage Industries Association (MSSIA) and Advanced Solar Products, which is attached as **Exhibit 1**.

The standards for adjudicating a motion to intervene are well known; as will be shown, the Joint Solar Intervenors satisfy all of those standards. More particularly, in N.J.A.C. 1:1-16.3(a) provides that Board in ruling on such motion 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.

Moreover, if the BPU believes the standards for intervention are not met, N.J.A.C. 1:1-16.5 provides for granting the moving party a more limited but nonetheless important role in the proceedings, as a "participant." N.J.A.C. 1:1-16.5. The "participant" is authorized to argue orally, file a statement or brief, file exceptions, or all of these as the decision-maker may elect.

In applying these standards to the issues in the case the BPU has articulated the

need to engage in a judicious "balancing test" – weighing the public interest in development of a full and accurate record in aid of decision against the interest of the petitioning party in obtaining a prompt and expeditious resolution of the matter. In this petition, we respectfully submit there is no conflict between the public interest and ACE's proposed "Solar Hosting Initiative," as set forth by ACE in its Petition and in the prefiled testimony of Gregory W. Brubaker.

We now demonstrate how the Joint Solar Intervenors satisfy all of the relevant standards for granting intervention status.

1 The Joint Solar Intervenors have significant interests of statewide importance in the outcome of the case:

The certification by Mr. Rawlings attests to the critical importance of the ACE proposal to invest up to \$10 million over the next two years in its "Solar Hosting Initiative" which is acutely needed to facilitate expanded development of solar PV systems in the ACE franchise area. As Mr. Rawlings points out:

"There is a de facto moratorium on 'additional solar installations' at many locations throughout the ACE territory, resulting in the inability of many solar projects to be constructed. In many other locations, restrictions in ACE's distribution system have resulted in significant reduction in size in many other solar projects, and significant cost for project by project upgrades to the ACE distribution system.... This piecemeal approach to upgrading ACE's infrastructure it is an inefficient and chaotic way to 'make ready' the grid, as is necessary for compliance with the Clean Energy Act of 2018 and the

EMP [Energy Master Plan] as well as the Global Warming Response Act's requirement of an 80% reduction in greenhouse gas emissions by 2050. Compliance with these laws constitutes nothing less than a complete overhaul of the way the state generates, distributes, and uses electric energy. The ACE Solar Hosting Initiative is an important first step in recognizing and acting upon this statewide imperative.” Rawlings ¶. 8 (Exhibit 1).

2. The Joint Solar Intervenors will add measurably and constructively to the proceedings:

No other party represents or purports to represent the breadth, depth and diversity of the renewable energy sector in this important, precedent-setting case. As such, the Joint Solar Intervenors will add constructively to the expeditious resolution of this important case. As Mr. Rawlings states: “MSSIA believes that it can contribute analysis and reasoning that can contribute aid in illuminating BPU’s consideration of ACE’s filing.” Rawlings ¶ 11 (Exhibit 1). “Furthermore, MSSIA [has] provided testimony, written comments, and presentations for EMP stakeholder meetings with staff and hearings in 2018 and 2019, as well as for several BPU dockets and in meetings with staff.” Rawlings ¶ 10 (Exhibit 1).

3. There is no prospect of the Joint Solar Intervenors causing confusion or delay in the case:

As no other party represents the interests of the Joint Solar Intervenors there is no prospect of their intervention causing confusion or undue -- or indeed any -- delay. Accordingly, the Joint Solar Intervenors will accept, support and abide by an expeditious

procedural schedule for concluding this case. Rawlings ¶ 12 (Exhibit 1).

4. Other important factors for the BPU to consider:

Intervention by the Joint Solar Intervenors will promote compliance with the State's aggressive clean energy policies combating global climate change: “The BPU’s plan for adding large amounts of solar power between now and 2030, as expressed in its Final Capstone Report ... calls for 7464 MW of additional solar capacity between EY 2022 and 2030 ... essentially more than tripling the amount of solar generation in the state relative to the 20/20 total. It is plainly evident that achievement of these BPU goals, and the requirements of the Clean Energy Act, and the Global Warming Response Act will require an orderly, efficient, fair and timely program of infrastructure improvements that will make the grid ready for this unprecedented change.” Rawlings ¶ 9 (Exhibit 1).

CONCLUSION: For the reasons expressed above and more fully in the Rawlings certification, the Joint Solar Intervenors respectfully request an order from the Board of Public Utilities admitting them as parties into the case, and adding them to the electronic service list.

Respectfully submitted,
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