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February 26, 2021

The Honorable Jacob S. Gertsman
Administrative Law Judge
Office of Administrative Law
3444 Quakerbridge Road, Building 9
PO Box 49
Trenton NJ 08625-0049

Re: 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
OAL Docket No. PUC 00284-21

Dear Judge Gertsman:

Enclosed is a copy of the Amended Motion to Intervene of the Mid-Atlantic Solar and Storage Industries Association (MSSIA), the NJ Solar Energy Coalition (NJSEC) and the Solar Energy Industries Association (SEIA), hereafter "Joint Solar Intervenors;" the original motion was filed with the Board of Public Utilities on February 9, 2021 and served by email to those on the BPU Service List as filed by Atlantic City Electric Company. The Motion is supported by the Certification of Lyle Rawlings, which is enclosed here. This Amended Motion corrects names and includes an email and first class mail Service List.

Respectfully submitted,

POTTER AND DICKSON



By R. William Potter
Attorney for the Joint Solar Intervenors

RWP/erd
Enclosures

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
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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
OAL Docket No. PUC 00284-21

AMENDED JOINT MOTION TO INTERVENE BY THE
MID-ATLANTIC SOLAR AND STORAGE INDUSTRIES ASSOCIATION (MSSIA),
THE NEW JERSEY SOLAR ENERGY COALITION (NJSEC), AND
THE SOLAR ENERGY INDUSTRIES ASSOCIATION (SEIA)

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 Solar Energy Coalition (NJSEC), and the national organization, Solar Energy Industries Association (SEIA) 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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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
OAL Docket No. PUC 00284-21

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Mid-Atlantic Solar & Storage Industries Association

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MID-ATLANTIC SOLAR & STORAGE
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February 8, 2021

Aida Camacho-Welch
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**RE: 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 (12/20/20)
BPU Docket No. ER20120746**

Dear Secretary Camacho-Welch:

Certification of Lyle Rawlings in support of motion to intervene:

1. I, Lyle Rawlings, am the President of the Mid-Atlantic Solar & Storage Industries Association (MSSIA), which I co-founded in 1997. In addition to serving as an officer of MSSIA, I am also an owner and the President of Advanced Solar Products, a solar energy development, design, construction, and operation company.

I am a licensed professional engineer, and am expert in solar design, solar+storage design, and the integration of solar power with the electric grid.

I represented the solar industry in the BPU's first working group on interconnection of solar power with the grid ca. 2001, and was appointed by Governor McGreevy to represent the solar industry on his Renewable Energy Task Force in 2003. I have participated in research on the topic of discovering optimal pathways for achieving high-penetration renewable energy, and have co-authored peer-reviewed and non-peer-reviewed journal articles on that topic.

2. MSSIA is a not for profit, membership trade association of more than sixty companies and entities engaged in the production, development, financing, installation and operation of solar photovoltaic electric power production in New Jersey, Pennsylvania and Delaware.

3. As the Board knows, MSSIA, by and through its member companies and its President, has been actively engaged as one of the key stakeholders in many dockets and petitions addressing State energy policy. For over 23 years MSSIA, in accordance with its core policy principles, has consistently advocated for solar growth at the lowest possible cost to ratepayers, while delivering the greatest possible public good.

3. MSSIA and its membership will be directly and significantly affected by the outcome of the above captioned Atlantic City Electric (ACE) petition for an increase in rates and charges for electric service which includes a "Solar Hosting Initiative."

5. The Solar Hosting Initiative calls for the investment of "up to \$10 million over two years to complete needed upgrades to enable additional solar facilities to be installed...and so align with the stated goal of the [Energy Master Plan] to foster [Distributed Energy Resources] deployment by alleviating closed circuits." ACE Petition, para 9, p 10.

6. This investment proposal is necessary because "solar power facilities have been installed throughout ACE's service territory in significant numbers. In some instances, a capacity limit has been reached on certain feeders and substation transformers due to the aggregate amount of installed solar facilities, and [ACE] has closed those facilities to additional solar installations until the infrastructure is upgraded." Ibid.

7. Specifically, ACE has identified 38 feeders and 18 substation transformers as having no ability to accept additional solar installations without facility upgrades." ACE Petition, para 8, p. 10.

8. As a result of the limitations mentioned in the ACE filing, and similar issues throughout its territory, 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 for many other solar projects, and significant cost for project-by-project upgrades to the ACE distribution system. Often a circuit or substation at first is allowed to host several solar projects with little or no upgrades, and then a single unlucky solar project must bear the cost of upgrades. This piece-meal approach to upgrading ACE's infrastructure 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, as well as the Global Warming Response Act's requirement of and 80 percent 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.

9. The issues described above have already severely affected many MSSIA member businesses, and the harm is expected to accelerate. As MSSIA has calculated on several sunny Spring and Fall days, the statewide generation of solar power within New Jersey's borders can exceed 25% of the peak consumption of electric power in the state between 11:00 AM and 3:00 PM, and can reach 30% in the middle of the day. The BPU's plan for adding large amounts of solar power between now and 2030, as expressed in its Final Capstone Report dated January 7, 2021, calls for 7,464 MW of additional solar capacity between EY 2022 and 2030 (in addition to EY 2021 construction), essentially more than tripling the amount of solar generation in the state relative to the 2020 total. It is plainly evident that achievement of these BPU goals, and the requirements of the Clean Energy Act, the EMP, 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.

10. MSSIA has recognized the importance of the matter described in the current ACE filing for some time. On the time scale during which regulated utilities have existed in the state, the problems discussed here are relatively recent. Throughout that 100-plus year history, the problem of *congestion* has been known. However, congestion was tackled in an electric grid that operated in a "top-down" fashion, with electric power flowing from primarily large, central power plants "downwards" through the transmission system, then the distribution system, to users. Now, and increasingly in the future,

much of the electric power is flowing, and will increasingly flow, “upwards” through the distribution system, then through the transmission system. The issues and problems discussed here thus concern congestion in the reverse direction.

While New Jersey’s appreciation of the issues raised by this change to distributed generation and the resulting “bottom-up” flow of electricity is recent, it is by no means new to the current ACE filing. Issues surrounding distributed generation have been experienced for years in jurisdictions where the penetration of solar energy is more advanced, like Germany and California. In 2014, PJM published its *PJM Renewable Integration Study*, which determined that billions of dollars of transmission upgrades would be needed if 20%, or 30%, renewable targets were to be achieved over the ensuing 10 to 15 years. It should be noted here that in the new “bottom-up” paradigm, infrastructure readiness issues will occur at the distribution level years before they occur at the transmission level; and that the requirements of the Clean Energy Act include 50% renewable electricity in the next *nine years* – a much more ambitious target than those studied by PJM.

Furthermore, MSSIA provided testimony, written comments, and presentations for EMP stakeholder meetings and hearings in 2018 and 2019, as well as for several BPU dockets and in meetings with staff.

11. While the challenge of making the electric grid ready for renewables has come to the fore in recent years, the ACE filing for its first Solar Hosting Initiative is the first time, to my knowledge, that a substantial step toward answering that challenge has been formally proposed through regulation. MSSIA has recommended an approach like the one currently proposed by ACE in its comments and testimony. MSSIA notes that a similar approach The new paradigm being ushered in by distributed generation and high-penetration renewables demands a *new regulatory philosophy*, one that can accomplish the needed infrastructure upgrades in the most efficient, orderly, and timely manner. MSSIA believes that it can contribute analysis and reasoning that can aid in illuminating BPU’s consideration of ACE’s filing.

11. MSSIA seeks to intervene on its own behalf and jointly with the Solar Energy Coalition, another New Jersey-based solar trade organization, and with the Solar Energy Industries Association, a national trade organization representing solar businesses. No other party to this Petition adequately represents MSSIA’s substantial financial and legally protected interest in the outcome of the ACE petition.

12. If permitted to intervene in this Petition, MSSIA will participate in a cooperative and constructive manner that will not cause any undue delay in the resolution of the Petition. Specifically, MSSIA will abide by the procedural schedule outlined by ACE in its Petition at p. 14, or as it may be amended. I am aware that if I have willfully made any false assertions in this Certification that I may be punished.

Sincerely



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2-21.1, AND FOR OTHER APPROPRIATE RELIEF (12/20/20)

BPU Docket No. ER20120746
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