



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC)	ORDER SUSPENDING
CITY ELECTRIC COMPANY FOR APPROVAL OF)	PROCEDURAL SCHEDULE
THE SMART ENERGY NETWORK PROGRAM)	
AND COST RECOVERY MECHANISM AND)	
OTHER RELATED RELIEF)	DOCKET NO. EO20080541

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Philip J. Passanante, Esq., on behalf of Atlantic City Electric Company
Christopher E. Torkelson, Esq., Karen O. Moury, Esq., Sarah C. Stoner, Esq., Eckert
 Seamans Cherin & Mellott, LLC on behalf of the Market Participants
William Harla, Esq., Alice M. Bergen, Esq., DeCotiis, FitzPatrick, Cole & Giblin, LLP on behalf
 of Utilidata

BY COMMISSIONER UPENDRA J. CHIVUKULA:

I. BACKGROUND

On February 19, 2020, the New Jersey Board of Public Utilities (“Board”) ordered three (3) of New Jersey’s electric distribution companies to file, or update a previously filed, petitions for Advanced Metering Infrastructure (“AMI”) programs by August 27, 2020.¹ In compliance with the AMI Order, on August 26, 2020, Atlantic City Electric Company (“ACE” or “Company”) filed a petition seeking approval of the Company’s plan to deploy an AMI system program throughout its service territory, the Smart Energy Network (“SEN”), including an associated cost recovery mechanism pursuant to N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1, and N.J.A.C. 14:3-2A.1, et seq. (“Petition”).

By Order dated September 23, 2020, the Board determined that the Petition should be retained by the Board for hearing, and pursuant to N.J.S.A. 48:2-32, designated myself, Commissioner Upendra Chivukula, as the Presiding Commissioner with authority to rule on all motions that arise during the pendency of these proceedings, and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.² On January 13, 2021, I

¹In re the Petition of Rockland Electric Company for Approval of an Advanced Metering Program; and for Other Relief, BPU Docket No. ER16060524, Order dated February 19, 2020 (“AMI Order”).

² In re the Petition of Atlantic City Electric for Approval of the Smart Energy Network Program and Cost Recovery Mechanism and for Other Related Relief, Order Designating a Commissioner, Setting A Bar Date and Manner of Service, BPU Docket No. EO20080541, Order dated September 23, 2020.

issued a Prehearing Order with Procedural Schedule and Order on Motions to Intervene or Participate and for Admission Pro Hac Vice (“January 2021 Order”).

Throughout February and March 2021, the parties engaged in multiple settlement discussions. On March 9, 2021, ACE filed a letter in lieu of a formal motion seeking to extend the due date for Rate Counsel/Intervenor Direct Testimony from March 10, 2021 to March 17, 2021 in order to continue settlement discussions. Via an Order Modifying the Procedural Schedule dated March 10, 2021, I granted ACE’s request to extend the due date of Rate Counsel’s/Intervenor’s direct testimony to March 17, 2021, and I ordered that the parties provide a proposed mutually acceptable amended Procedural Schedule for my review and consideration (“March 2021 Order”).³

On March 17, 2021, ACE filed correspondence requesting to suspend the procedural schedule provided in the January 2021 Order as amended by the March 2021 Order. ACE provided that the purpose for the suspension request was to facilitate on-going settlement discussions because, “ACE is optimistic that this proceeding can be resolved without the need for further litigation.”⁴

II. DISCUSSION AND FINDINGS

I reviewed ACE’s March 17, 2021 correspondence, and to allow for further settlement negotiations, I **HEREBY GRANT** ACE’s request to suspend the procedural schedule in this matter.

I **HEREBY DIRECT** that this Order be posted on the Board’s website.

This provisional ruling is subject to ratification or other alteration by the Board, as it deems appropriate during the proceedings in this matter.

DATED: March 18, 2021

BY:



UPENDRA J. CHIVUKULA
COMMISSIONER

³ In re the Petition of Atlantic City Electric for Approval of the Smart Energy Network Program and Cost Recovery Mechanism and for Other Related Relief, Order Amending Procedural Schedule, BPU Docket No. EO20080541, Order dated March 10, 2021.

⁴ The parties requested to reserve the right to seek a further/amended Procedural Schedule at a later date, in the event it is required.

**IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR
APPROVAL OF THE SMART ENERGY NETWORK PROGRAM AND COST RECOVERY
MECHANISM AND OTHER RELATED RELIEF**

BPU DOCKET NO. EO20080541

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