

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

In the Matter of the Application of Public)	
Service Electric and Gas Company for)	
Approval of an Infrastructure Advancement)	Docket Nos. EO21111211 and
Program (IAP))	GO21111212

**MOTION TO INTERVENE OF
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition (“NJLEUC”), an association whose members include large volume electric and natural gas customers served by Public Service Electric and Gas Company (“PSE&G” or “Company”), hereby moves to intervene in the above- captioned proceeding. In support of its motion, NJLEUC states as follows:

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

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2. On November 2, 2021, PSE&G filed a petition with the Board, pursuant to N.J.A.C. 14:3-2A, seeking approval to implement its proposed Infrastructure Advancement Program (“IAP”) and an associated rate recovery mechanism. The proposed four year, \$848 million capital spending program would expand upon the Company’s previous infrastructure offerings, which carried a combined \$5.8 billion price tag: Energy Strong I (\$1 billion), Energy Strong II (\$692 million), Gas Modernization I (\$650 million), Gas Modernization II (\$1.575 billion) and the multiple Clean Energy Future filings (\$1.882 billion) (the cited amounts reflecting settlement

amounts, rather than the amounts initially requested by PSE&G, which in numerous cases were orders of magnitude higher than the parties' settlements). IAP, which would bring the total PSE&G infrastructure spend to \$6.65 billion, would implement subprograms designed to upgrade or harden different portions of the Company's electric and natural gas distribution systems and, in addition, socialize the cost of the electric vehicle infrastructure needed for the Company to electrify its own motor vehicle fleet. PSE&G proposes a cost recovery mechanism that would establish new electric and gas IAP rate components in the Company's Infrastructure Investment Program charges to its electric and gas customers.

WHEREFORE, in support of its applications for intervention, NJLEUC respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16 weigh in favor of the granting of NJLEUC's motion to intervene in this proceeding:

1. NJLEUC formed, in part, to monitor regulatory and rate proceedings involving the State's electric and natural gas utilities, including PSE&G, and has consistently been granted intervenor status in PSE&G's regulatory, merger, rate and infrastructure proceedings, including the Energy Strong I, Energy Strong II, Gas Modernization I, Gas Modernization II and Clean Energy Future proceedings. Members of NJLEUC purchase electric and natural gas distribution service from PSE&G on a usage basis and, therefore, will be substantially and specifically affected by the outcome of this proceeding.

2. Given its capacity as an association of large end-use customers of PSE&G that will be directly affected by the significant infrastructure upgrades proposed in this proceeding, NJLEUC's interests are unique from and not adequately represented by any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on large usage-based customers, of the significant costs that are at issue in this proceeding,

particularly when added to multi-billion dollar costs associated with the PSE&G infrastructure proceedings that preceded it. NJLEUC's members also employ thousands of New Jersey residents, are a bedrock of the State's business community and economy, and pay substantial state taxes. Its members, particularly those businesses that are national in focus, continually assess the competitiveness of their New Jersey operations, which has a direct influence on their managements' willingness to further investment in them. The assessments take into account the outcome of proceedings like these, each of which has significantly increased their already-high energy costs, often by tens of thousands of dollars each month. In this regard, the significant monies NJLEUC members spend on the Company's infrastructure programs are every bit as real as the monies paid each year in taxes. No other party to this proceeding is similarly situated with NJLEUC in this regard.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of these proceedings.

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to fully participate as an Intervenor in this proceeding, the outcome of which could result in yet another significant increase to the cost of the electric and natural gas service PSE&G provides to the members of NJLEUC;

6. The issues to be decided in this proceeding "substantially, specifically and directly affect" NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene as a party;

7. Furthermore, the interests of NJLEUC's members as large end-use customers of PSE&G are substantially different from those of any other party seeking intervention. Therefore, NJLEUC's interests in this proceeding are unique on both a quantitative and qualitative basis;

8. NJLEUC's entry as a party would "measurably and constructively" advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as large end-use customers on PSE&G's distribution systems. NJLEUC's entry as a party would promote an informed and balanced presentation of the issues;

9. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

10. For the foregoing reasons, and because the cost of electric and natural gas service to NJLEUC's members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, and the Act, NJLEUC respectfully requests that it be permitted to intervene in this proceeding with full procedural and substantive rights.

Respectfully submitted,



Steven S. Goldenberg

Dated: December 20, 2021

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list in this proceeding.

Dated at Red Bank, New Jersey, this 20th day of December, 2021.

A handwritten signature in black ink, appearing to be 'SSG', written over a horizontal line.

Steven S. Goldenberg

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MOTION FOR ADMISSION *PRO HAC VICE*

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia. There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers in utility infrastructure, rate and regulatory proceedings, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist.

As evidenced by his affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b).

Respectfully submitted,



Steven S. Goldenberg

Dated: December 20, 2021

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**AFFIDAVIT IN SUPPORT OF REQUEST
TO APPEAR *PRO HAC VICE***

Washington)
) ss.
District of Columbia)

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg of the firm of Giordano, Halleran & Ciesla, P.C. who is qualified to practice law in this State pursuant to R. 1:21-1.

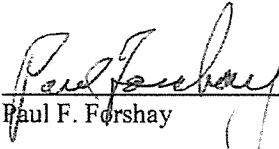
3. The New Jersey Large Energy Users Coalition ("NJLEUC") has requested my representation in this matter.

4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing large end-use customers in various proceedings, including utility infrastructure, rate and regulatory proceedings, before the Federal Energy Regulatory Commission and Board of Public Utilities and I have an attorney-client relationship with NJLEUC. The proceeding in which I seek admission involves a complex field of law in which I am a specialist.


5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b) and 1:28-2.

6. If this application to appear *pro hac vice* is granted, I agree to:

- a. abide by the New Jersey Court Rules, including all disciplinary rules;
- b. consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
- c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and
- d. have all pleadings, briefs and other papers filed with the Board of Public Utilities and Office of Administrative Law signed by the attorney of record.


Paul F. Forshay

SUBSCRIBED AND SWORN to before
me this 7th day of December, 2021


Notary Public

Rebecca A. Menso
Notary Public, District of Columbia
My Commission Expires October 14, 2025



CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion for Admission *Pro Hac Vice* to the parties identified on the distribution list.

Dated at Red Bank, New Jersey, this 20th day of December, 2021.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a final flourish.

Steven S. Goldenberg

Docs #5446755-v1