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January 19, 2022

Via Electronic Mail

Aida Camacho-Welch, Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

Re: In the Matter of the Petition of Public Service and Gas Company for
Approval of an Infrastructure Advancement Program ("IAP")
BPU Docket Nos.
Petition to Intervene pursuant to N.J.A.C. 1:1-16, et seq.

Dear Secretary Camacho-Welch:

This firm is counsel to the proposed intervenors New Jersey Laborers-Employers Cooperation and Education Trust ("NJLECET") in reference to the above-referenced matter. Enclosed please find NJLECET's Motion to Intervene and Certification of service. Thank you for your attention to this matter.

Respectfully submitted,

BRADLEY M. PARSONS

BMP:jc

cc: Attached Service List via email

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Attorneys for Intervenors

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

IN THE MATTER OF THE PETITION OF
PUBLIC SERVICE ELECTRIC AND GAS
COMPANY FOR APPROVAL OF AN
INFRASTRUCTURE ADVANCEMENT
PROGRAM

PETITION

BPU DOCKET NOS.

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**MOTION TO INTERVENE BY LABORERS-EMPLOYERS COOPERATION AND
EDUCATION TRUST**

New Jersey Laborers-Employers Cooperation and Education Trust ("NJLECET"), a 501(c)(3) nonprofit labor management fund, representing more than 25,000 laborers in New Jersey and their signatory contractors, hereby moves to intervene in the above-captioned proceeding. In support of its motion, NJLECET states as follows:

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

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2. On or about November 4, 2021, Public Service Electric and Gas Company (“PSE&G”) filed a Petition seeking approval by the New Jersey Board of Public Utilities (“Board” or “BPU”) of an Infrastructure Advancement Program (“IAP”) and associated cost recovery mechanism for a four-year period.
3. PSE&G proposes estimated investments of \$708 million in electric infrastructure over four years and \$140 million in gas infrastructure over four years, with cost recovery based upon the Board’s rules on Infrastructure Investment Programs (“IIPs”), as set forth in N.J.A.C. 14:3-2A.
4. PSE&G proposes a cost recovery mechanism that includes terms and conditions consistent with the rate treatment approved by the Board for PSE&G’s Energy Strong Programs on May 21, 2014 in BPU Docket Nos. EO13020155 and GO13020156 and on September 11, 2019 in BPU Docket Nos. EO18060629 and GO18060630. Cost recovery would occur through proposed new electric and gas IAP rate components of the Company’s Infrastructure Investment Program Charges (“IIPCs”), with the potential for semi-annual rate adjustment filings.
5. The initial cost of capital will be based on the return on equity, long-term debt rate, and capital structure approved in PSE&G’s Energy Strong II program. The return on net investment will be based upon a proposed weighted average cost of capital (“WACC”) based on the most recent WACC for base rates approved by the Board.
6. Consistent with the IIPs, PSE&G also proposes an earnings test that would limit the amount of investment to be included in the rate base adjustments.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, NJLECET respectfully submits that all factors for intervention set forth

in N.J.A.C. 1:1-16.3 and 16.6 weigh in favor of granting NJLECET's motion to intervene in the above-captioned proceeding:

1. NJLECET's membership comprises local unions engaged in the construction and the heavy highway construction industry. The management component of the NJLECET Board comprises representatives from labor as well as representatives from the Associated Construction Contractors of New Jersey ("ACCNJ"), which is itself represents some of the largest construction firms working in New Jersey. The ACCNJ's members work for New Jersey's utilities and for PSE&G. As a non-profit working to identify new and emerging markets, NJLECET's interests are sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case.
2. The cost-effectiveness of the IAP will depend on the successful management of labor and other project costs. NJLECET's membership has extensive experience with New Jersey large-scale construction, and the surrounding political and regulatory environment. NJLECT has unique perspective and insight regarding: the costs and feasibility of planned infrastructure projects; construction industry best practices for project continuity; the related economic impact of infrastructure investment; and the impact of the current financing environment and amortized costs on long-term construction projects.
3. The IAP is projected to create hundreds of jobs, many of them in the construction industry, and represents an opportunity to expand construction employment. NJLECET's members have significant experience in site-preparation and construction work for underground cable replacement, construction of concrete pads for electric vehicle charging stations, and gas system modernization work. Accordingly, NJLECET has a significant interest in, and will be substantially and specifically affected by the outcome of this proceeding.

Legal Standard:

4. N.J.A.C. 1:1-16.3(a) provides that in ruling on a motion to intervene, the Board shall consider:

the nature and extent of the movant's interest in the outcome of the case, whether the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters.

Id.

5. As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desired for development of a full and complete record, which involves consideration of diversity of interests, must be weighed against the need for expeditious administrative proceedings. See Order, In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, Docket No. EM05020106 (June 8, 2005).

Argument:

6. NJLECET's participation would measurably and constructively advance this proceeding. Its members, experienced workers and employers in the construction industry, bring a unique perspective on: the costs and feasibility of planned infrastructure construction; the related economic impact; and the impact of the current financing environment and amortized costs on long-term construction projects, and the related economic impact. BPU has previously found that NJLECET's participation in a matter involving energy infrastructure and efficiency, would add constructively to the case without causing undue delay or confusion. See Order, In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Gas System Modernization Program and Associated Cost Recovery Mechanism ("GSMP II"), Docket No. GR17070776 (November 9, 2017).

7. NJLECET represents more than 25,000 construction laborers who are employed and have significant experience in site-preparation and construction work for underground cable replacement, construction of concrete pads for electric vehicle charging stations, and gas system modernization work.
8. Additionally, NJLECET's board comprises representatives from large New Jersey construction contractors. These contractors work for many of New Jersey's largest private corporations as well as New Jersey's largest utility companies, including PSE&G. NJLECET has particular expertise in: tracking construction projects; researching and providing market guidance in the construction industry; and legislative analysis as relates to construction and infrastructure investment. NJLECET partners with all sectors of the construction industry, local businesses, community activists, and government agencies, to research and promote effective economic development through investment in transportation and infrastructure.
9. NJLECET has an established track record of performing cost/benefit analyses, relating to large-scale construction projects. NJLECET's members, representing the construction industry, have significant experience in undertaking large-scale construction projects, and is uniquely situated to provide input on the impact of borrowing costs and the interest rate environment on large scale construction projects.
10. NJLECET's membership includes large-scale residential and commercial contractors whose projects and businesses will be directly impacted by enhanced energy infrastructure.
11. The IAP would have a direct beneficial impact on job creation for NJLECET's membership. PSE&G estimates that the IAP, if implemented as proposed, would create

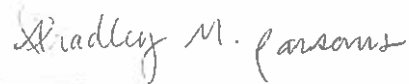
hundreds of jobs, many of them in New Jersey's construction and heavy construction industry.

12. The above-referenced interests of NJLECET's membership are unique to the construction industry and those employed within. The interests are unique from and are not adequately represented by the Division of the Rate Counsel or any other party to these proceedings. N.J.A.C. 17:27-27.1(a).
13. The issues to be decided in this proceeding "substantially, specifically and directly affect" NJLECET and its constituent members, thereby making NJLECET's intervention in this proceeding appropriate under the applicable standards.
14. NJLECET's entry as intervenor would "measurably and constructively" advance this Proceeding, because: its members are uniquely situated to provide input related to large-scale construction financing and cost-benefit analysis; its members have a unique financial interest in the IAP, both in the immediate benefit to construction employment and in the long-term efficiencies brought to residential and commercial construction projects; its members represent large-scale consumers of energy who would be directly impacted by the long term costs of inadequate energy infrastructure.
15. NJLECET's request to intervene comes prior to any proceedings in this matter and will not cause any delay.
16. NJLECET will work cooperatively with other parties in this proceeding in the interests of administrative efficiency. NJLECET will abide by procedural rulings and the granting of this motion will not cause undue delay or confusion.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.3 and 16.6, NJLECET respectfully requests that it be permitted to intervene in the above-captioned proceedings.

Respectfully submitted,

**KROLL HEINEMAN PTASIEWICZ &
PARSONS, LLC**

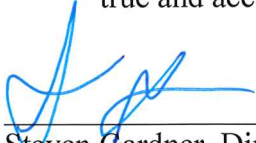
A handwritten signature in cursive script, reading "Bradley M. Parsons", is written above a horizontal line.

Bradley M. Parsons, Esq.
Kroll Heineman Ptasiewicz & Parsons, LLC
99 Wood Avenue South, Suite 307
Iselin, New Jersey 08830
Attorneys for NJLECET

DATED: January 19, 2022

CERTIFICATION

1. I am the Director of NJLECET.
2. I have read the herein motion and hereby certify that the statements contained therein are true and accurate to the best of my knowledge.

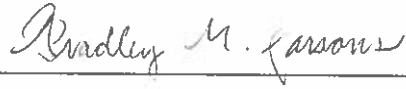


Steven Gardner, Director
NJLECET

Dated: January 19, 2022

CERTIFICATION OF SERVICE

I hereby certify that copies of the foregoing motion were sent via electronic mail to all parties on the attached service list.



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DATED: January 19, 2022