



**STATE OF NEW JERSEY  
Board of Public Utilities  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

ENERGY

IN THE MATTER OF THE PETITION OF	)	ORDER SETTING PROCEDURAL
ATLANTIC CITY ELECTRIC COMPANY FOR	)	SCHEDULE AND RULING ON
APPROVAL OF THE MODIFICATION OF	)	MOTIONS TO INTERVENE AND
POWER PURCHASE AGREEMENTS WITH	)	PARTICIPATE
CHAMBERS COGENERATION LIMITED	)	
PARTNERSHIP AND LOGAN GENERATING	)	DOCKET NO. EM21121253
COMPANY, L.P.	)	

**Parties of Record:**

**Cynthia L.M. Holland, Esq.**, Atlantic City Electric Company  
**Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel

BY COMMISSIONER DIANNE SOLOMON:

**BACKGROUND AND PROCEDURAL HISTORY**

On December 22, 2021, Atlantic City Electric Company (“ACE” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) seeking approval of settlement agreements between ACE and Chambers Cogeneration Limited Partnership (“Chambers”), and ACE and Logan Generating Company, L.P. (“Logan”), as well as modified Power Purchase Agreements (“PPAs”) pursuant to which ACE will modify existing PPAs and terminate existing Power Sales Agreements (“PSAs”) with Chambers and Logan, respectively (“Petition”).

According to the Petition, this proceeding involves the modification and termination of the last of ACE’s contracts to purchase electricity from Non-Utility Generators (“NUGs”). Specifically, ACE requested to modify the existing Chambers and Logan PPAs such that existing interconnection rights would be preserved but coal-fired electric generation would cease, as well as the termination of the existing Chambers and Logan PSAs.

On January 26, 2022, the Board retained this matter and designated myself as Presiding Commissioner with the authority to rule on all motions and modify schedules as necessary to secure a just and expeditious determination of the issues in this matter.<sup>1</sup> See January 26, 2022 Order at p. 2. The Board further ordered that entities seeking to intervene and/or participate must

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<sup>1</sup> In re the Petition of Atlantic City Electric Company for Approval of the Modification of Power Purchase Agreements with Chambers Cogeneration L.P. and Logan Generating Co. L.P., BPU Docket No. EM21121253, Order Designating Commissioner and Setting Manner of Service and Bar Date, dated January 26, 2022 (January 26, 2022 Order).

file the appropriate motion(s) by February 9, 2022, and any motions for admission *pro hac vice* should be filed concurrently.<sup>2</sup> Id.

### **MOTIONS TO INTERVENE AND/OR PARTICIPATE**

No motions to intervene and/or participate were filed on or before February 9, 2022, as required pursuant to the January 26, 2022 Order.<sup>3</sup>

### **PROPOSED PROCEDURAL SCHEDULE**

The parties agree to the following Procedural Schedule:

- New Jersey Division of Rate Counsel's ("Rate Counsel's") Comments due on or before March 7, 2022
- ACE's Comments due on or before March 14, 2022

### **DISCUSSION AND FINDINGS**

#### **Rulings on Motion to Intervene and/or Participate**

The January 26, 2022 Order provided that all motions to intervene and/or participate must be filed with the Board on or before February 9, 2022. As of February 9, 2022, no motions to intervene and/or participate were filed. Therefore, I **HEREBY ORDER** that the parties to this proceeding are the Company and Rate Counsel.

#### **Procedural Schedule**

Discussions between the parties resulted in the proposed Procedural Schedule provided above. I **HEREBY FIND** that the proposed Procedural Schedule is reasonable and reflects a timeframe most likely to render a successful result in this matter. As such, I **HEREBY ORDER** that the proposed Procedural Schedule is now the controlling Procedural Schedule, and I **FURTHER ORDER** that the Procedural Schedule in this matter is as follows:

- **Rate Counsel's Comments due on or before March 7, 2022**
- **ACE's Comments due on or before March 14, 2022**

Additionally, in compliance with the Board's Order in Docket No. EO20030254, I **HEREBY DIRECT** all parties to serve documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

I **FURTHER DIRECT** Staff to post this Order to the Board's website, and that a copy of the Order be served by electronic circulation to the service list.

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<sup>2</sup> Due to the COVID-19 pandemic, the Board also directed all parties to serve all documents electronically pursuant to In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Order dated March 19, 2020.

<sup>3</sup> Sierra Club, 350NJ-Rockland, and Environment New Jersey jointly provided comments in support of the Petition claiming that, "granting the petition would result in significant reductions in greenhouse gas pollution, significant public health benefits due to reductions in nitrogen oxides, sulfur dioxide, and particulate matter pollution, and savings to ACE ratepayers of tens of millions of dollars."

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

DATED: 2/17/2022

A handwritten signature in black ink, appearing to read "Dianne Solomon". The signature is written in a cursive style with a large initial "D".

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DIANNE SOLOMON  
COMMISSIONER

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR APPROVAL OF THE MODIFICATION OF POWER PURCHASE AGREEMENTS WITH CHAMBERS COGENERATION LIMITED PARTNERSHIP AND LOGAN GENERATING COMPANY, L.P.

DOCKET NO. EM21121253

SERVICE LIST

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