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April 8, 2022

VIA ELECTRONIC MAIL

carmen.diaz@bpu.nj.gov
board.secretary@bpu.nj.gov

Carmen D. Diaz
Acting Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

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

Dear Acting Secretary Diaz:

The undersigned serves as Assistant General Counsel on behalf of Atlantic City Electric Company ("ACE"). Attached for filing is a Motion to Participate in the above-referenced docket. As a courtesy, ACE also attaches a Service List for use in the docket.

Consistent with the Order issued by the New Jersey Board of Public Utilities (the "Board" or "BPU") in connection with *In the Matter of 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, these documents are being electronically filed with the Acting Secretary of the Board, the Division of Law, the New Jersey Division of Rate Counsel, and the Service List. No paper copies will follow.

Thank you for your consideration. Feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Passanante", written over a horizontal line.

Philip J. Passanante
An Attorney at Law of the
State of New Jersey

Enclosure
cc: Service List

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

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BPU DOCKET NOS. EO21111211
AND GO21111212**

**NOTICE OF MOTION
TO PARTICIPATE**

TO: Carmen D. Diaz
Acting Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, New Jersey 08625

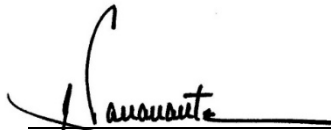
and

All Parties on the Attached Service List

PLEASE TAKE NOTICE that, pursuant to *N.J.A.C. 1:1-16.6*, Atlantic City Electric Company (“ACE”), by its undersigned counsel, hereby moves to participate in the above-titled proceeding.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion to Participate, ACE submits the annexed Certification of Philip J. Passanante, Esquire, dated April 8, 2022.

Dated: April 8, 2022



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**IN THE MATTER OF THE PETITION
OF PUBLIC SERVICE ELECTRIC AND
GAS COMPANY FOR APPROVAL OF
AN INFRASTRUCTURE
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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**BPU DOCKET NOS. EO21111211
AND GO21111212**

**CERTIFICATION IN SUPPORT OF
MOTION TO PARTICIPATE**

I, Philip J. Passanante, of full age, do hereby certify as follows:

1. I am Assistant General Counsel for Atlantic City Electric Company (“ACE” or the “Company”), and an attorney at law of the State of New Jersey. As such, I am familiar with the facts and circumstances concerning this matter, and I make this Certification in support of ACE’s Motion to Participate.

2. On or about November 4, 2021, Public Service Electric and Gas Company (“PSE&G” or the “Petitioner”) filed a petition (the “Petition”) with the New Jersey Board of Public Utilities (the “Board”) seeking approval to implement its proposed Infrastructure Advancement Program (“IAP” or the “Program”) and an associated cost recovery mechanism pursuant to N.J.A.C. 14:3-2A. PSE&G proposed a four (4) year Program with a total investment level of approximately \$848 million. The Honorable Mary-Anna Holden has been designated as the Presiding Officer with authority to rule on all motions that arise during the pendency of the Petition.

3. ACE is a New Jersey public utility incorporated in the State of New Jersey and maintains a regional office at 5100 Harding Highway, Mays Landing, New Jersey 08330. ACE is engaged in the transmission, distribution, and sale of electric energy for residential, commercial, and industrial purposes within New Jersey. The Company’s service territory comprises eight counties located in southern New Jersey and includes approximately 560,000

customers.

4. *N.J.A.C. 1:1-16.6(a)* sets forth the criteria for participation:

Any person or entity with a significant interest in the outcome of a case may move for permission to participate.

5. *N.J.A.C. 1:1-16.6(b)* sets forth the standard that must be weighed when considering a motion to participate:

In deciding whether to permit participation, the judge shall consider whether the participant's interest is likely to add constructively to the case without causing undue delay or confusion.¹

6. ACE is entitled to participate because, as one of only four investor-owned electric utilities in New Jersey serving retail customers, it has a significant interest in the above-captioned proceeding, *N.J.A.C. 1:1-16.1(a)*, and its interests and experience with infrastructure investment programs ("IIP") will add constructively to this proceeding without causing any delay or confusion, *N.J.A.C. 1:1-16.3(a)*. ACE's significant interest in the outcome of the proceeding is rooted in the fact that substantive policy and/or procedural requirements established in this proceeding can significantly influence, if not have a precedential effect on, the positions taken by parties in, and the outcome of, proceedings that currently involve ACE or IIP proceedings that might be filed by the Company in the future. Therefore, it is important that ACE be permitted Participant status in this proceeding so that it may monitor developments and be apprised of potential policy developments, both substantive and procedural, on these important issues in a timely manner.²

¹ The Company is mindful that an Order Designating Commissioner and Setting Manner of Service and Bar Date was released in this matter on December 15, 2021. Despite this, ACE respectfully notes that *N.J.A.C. 1:1-16.2 (a)* states that "[a] motion for leave to intervene [or participate] may be filed *at any time* after a case is initiated." (Emphasis added.) See also *N.J.A.C. 1:1-16.6*.

² It should be noted that ACE received Board approval for an IIP that is currently underway. See *In re Petition of Atlantic City Electric Company for Approval of an Infrastructure Investment Program, and Related Cost Recovery Mechanism, Pursuant to N.J.A.C. 14:3-2A.1, et seq.*, BPU Docket No. EO18020196, Order dated April 18, 2019.

7. As an investor-owned electric utility serving retail customers, the Company's interests in this proceeding are materially different from Petitioner, who represents its own interests, and from the other parties (*i.e.*, Board Staff and the New Jersey Division of Rate Counsel), who represent primarily consumer interests.

8. Moreover, ACE's interests will contribute to the development of a complete record for consideration by the Board without causing any delay or confusion. *N.J.A.C. 1:1-16.3(a)*. In this matter, ACE intends to participate only in order to receive copies of testimony, briefs, and other materials; to monitor the proceedings; and possibly to file briefs and/or exceptions. ACE will abide by the procedural schedule(s) set in this matter.

9. At this time, ACE seeks only Participant status and does not foresee expanding that role. ACE must, however, reserve its right to seek full party intervenor status if the relevant circumstances underlying this proceeding change, and if it can establish that it satisfies regulatory requirements for such status.

10. The Company requests that all communications, correspondence, orders, and other documentation relating to this proceeding be directed to the following:

Philip J. Passanante, Esquire
Assistant General Counsel
Atlantic City Electric Company
92DC42
500 North Wakefield Drive
Newark, DE 19702
(302) 429-3105 – Telephone (Delaware)
(609) 909-7034 – Telephone (Trenton)
(302) 429-3801 – Facsimile
philip.passanante@pepcoholdings.com

and

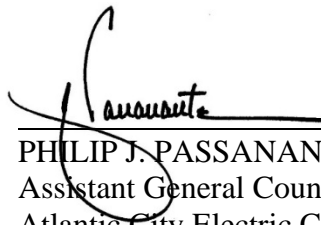
Cynthia L.M. Holland, Esquire
Assistant General Counsel
Atlantic City Electric Company
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Trenton, New Jersey 08608-1105
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ACE also respectfully requests that the above attorneys be placed on the official service list compiled for purposes of this proceeding.

11. Accordingly, ACE respectfully requests that the Board grant its Motion to Participate in this proceeding, with the rights to argue orally, file briefs or statements, and file exceptions.

I hereby certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 8, 2022



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**IN THE MATTER OF THE PETITION
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ADVANCEMENT PROGRAM (IAP)**

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

**BPU DOCKET NOS. EO21111211
AND GO21111212**

CERTIFICATION OF SERVICE

PHILIP J. PASSANANTE, of full age, hereby certify as follows:

1. I am an attorney at law in the State of New Jersey and Assistant General Counsel to Atlantic City Electric Company (“ACE”) in the above referenced matter, with which I am familiar.

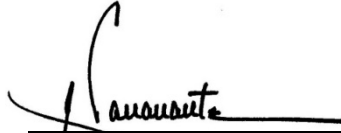
2. I hereby certify that, on this day, I caused ACE’s Motion to Participate and Certification of Philip J. Passanante, Esquire to be filed with the New Jersey Board of Public Utilities (the “Board” or “BPU”) by electronic mail to sent to the Board’s Secretary’s office at board.secretary@bpu.nj.gov.

3. I further certify that, on this day, I caused copies of ACE's Motion to Participate and Certification of Philip J. Passanante to be sent by electronic mail to each of the parties listed in the attached Service List.

4. Consistent with the Order issued by the Board in connection with *In the Matter of 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, only electronic copies of this Petition have been served on persons on the Service List.

5. I further and finally certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 8, 2022

A handwritten signature in dark ink, appearing to read "Passanante", is written over a horizontal line.

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Service List

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