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BRIAN O. LIPMAN
Director

June 28, 2022

Via Electronic Mail

Hon. Commissioner Bob Gordon
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350

**Re: I/M/O Petition of Cumberland County Improvement Authority for the
Approval of the Extension of Electric Public Utility Facilities of Atlantic City
Electric Company Pursuant to N.J.S.A. 48:2-27**

BPU Docket No. EO22020043

Dear Commissioner Gordon:

The New Jersey Division of Rate Counsel (“Rate Counsel”) hereby respectfully notes that the list of Issues to be Resolved in the June 20 Prehearing Order does not include the issue of standing, as requested by Rate Counsel. As explained in our June 9 letter to Your Honor,¹ the Verified Petition does not set forth a basis for the Cumberland County Improvement Authority (“CCIA”) to bring this petition.² The CCIA has petitioned the Board under the Main Extension statute, N.J.S.A. 48:2-27, but the CCIA has not referenced any project for which it is the customer or applicant for the extension of utility service. Instead, the CCIA has generally

¹ We enclose a copy of our June 9 letter for Your Honor’s convenience.

² As discussed at the June 7 Prehearing Conference, the CCIA has stated that it intends to file testimony that may further explain this issue. At this time, however, CCIA’s standing to bring this petition is unclear and therefore is an issue to be resolved during the pendency of this matter.

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referenced others' projects that it hopes may proceed, and objected to the electric utility's alleged failure or inability to provide utility service to such projects. However, none of those projects are CCIA's own, and none of the developers of any of those projects are parties to this matter. The parties agreed during the Prehearing Conference that testimony to be filed by CCIA may better address this issue. Nonetheless, at this time, CCIA's standing to bring this petition is uncertain.

Rather than moving under N.J.A.C. 1:1-13.2(b), for an amendment to the list of Issues to be Resolved in the June 20, 2022 Prehearing Order with Procedural Schedule in this matter, by this letter, Rate Counsel is confirming that it reserves the right to raise the standing issue at any time during this proceeding as discussed between the parties before Your Honor during the Prehearing Conference on June 7, 2022. Accordingly, Rate Counsel respectfully requests that Your Honor acknowledge that the issue of CCIA's standing to assert and receive the relief it is seeking is an issue that Rate Counsel may raise during the course of this proceeding.

Respectfully submitted,

BRIAN O. LIPMAN
DIRECTOR, DIVISION OF RATE COUNSEL

By: */s/ David Wand*
T. David Wand, Esq.
Deputy Rate Counsel

Enclosures: June 9, 2022 letter from Rate Counsel to Commissioner Gordon
June 20, 2022 Prehearing Order, BPU Docket No. EO22020043

cc: Service List (via electronic mail)

**I/M/O the Petition of Cumberland
County Improvement Authority
for the Approval of Extension of
Electric Public Utility Facilities of
Atlantic City Electric Company
BPU Docket No. EO22020043**

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