



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE 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)
DOCKET NO. EO22020043)

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
David Weinstein, Esq., Archer & Greiner P.C. on behalf of Cumberland County Improvement Authority
Cynthia L.M. Holland, Esq., Assistant General Counsel, on behalf of Atlantic City Electric Company

BY COMMISSIONER ROBERT M. GORDON:

I. BACKGROUND AND PROCEDURAL HISTORY:

On February 2, 2022, the Cumberland County Improvement Authority ("CCIA" or "Authority") filed a petition with the New Jersey Board of Public Utilities ("Board") seeking approval for the extension or expansion of electric public utility facilities of Atlantic City Electric Company ("ACE") ("Petition"). The Authority also requested that ACE fund the proposed extension or expansion, arguing that ACE's original expenditure will be recovered from the business received.

On February 17, 2022, ACE filed a motion to intervene. On March 3, 2022, Rate Counsel filed a comment letter of no objection to ACE's motion.

At its March 23, 2022 Meeting, the Board:¹

1. Ordered that the Petition be retained by the Board for hearing pursuant to N.J.S.A. 48:2-32;

¹ In re the 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, Order dated March 30, 2022 ("March 30, 2022 Order").

2. Designated myself, Commissioner Robert M. Gordon, as the Presiding Officer with authority to rule on all motions that arise during the pendency of this proceeding, and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues;
3. Required any entity seeking to intervene or participate file the appropriate application with the Board by April 6, 2022, and any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently;² and
4. Granted ACE's Motion to Intervene, finding that ACE met the standards for intervention as it has a significant interest in this proceeding and it will add measurably and constructively to the proceeding without causing delay.

On June 20, 2022, I issued a Prehearing Order with Procedural Schedule, and directed the parties to comply with its terms.³

II. REQUEST TO SUSPEND THE PROCEDURAL SCHEDULE

Via email correspondence dated August 18, 2022, CCIA requested suspension of the Procedural Schedule; specifically, Exhibit A attached to the June 2022 Prehearing Order. According to the August 18, 2022 email, CCIA made the request so it can file an Amended Petition in this matter. Additionally, CCIA represented that all parties consented to the suspension.

III. DISCUSSION AND FINDINGS

I reviewed CCIA's request for suspension of the Procedural Schedule, and I understand there are no objections from the parties. However, I am concerned that a suspension could significantly delay this matter. I want to ensure that this matter proceeds in a timely fashion and that the dates for the Evidentiary Hearings remain the same.

As such, I **HEREBY GRANT** CCIA's request to suspend the Procedural Schedule as provided in Exhibit A to the June 2022 Prehearing Order, subject to the following conditions:

1. The Petitioner must file its Amended Petition with the Board on or before two (2) weeks from the date of this Order;
2. Three (3) business days after the filing of the Amended Petition with the Board, the parties must present, to myself, a new proposed procedural schedule for my review and consideration; and
3. The dates for Evidentiary Hearings shall remain the week of January 17, 2023.

² As of April 6, 2022, the only Motion filed was ACE's Motion to Intervene which was granted by the full Board in the March 30, 2022 Order.

³ In re the 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, Prehearing Order with Procedural Schedule, BPU Docket No. EO22020043, Order dated June 20, 2022 ("June 2022 Prehearing Order").

In compliance with the Board's Order in Docket No. EO20030254, I **HEREBY DIRECT** all parties to serve documents electronically.⁴ No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

I **FURTHER DIRECT** that this Order be posted on the Board's website.

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

DATED: 8/23/22



ROBERT M. GORDON
COMMISSIONER

⁴ 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.

In the Matter of the 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

SERVICE LIST

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