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September 16, 2022

VIA ELECTRONIC MAIL

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Honorable Bob Gordon
Presiding Commissioner
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 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 Presiding Commissioner Gordon:

Atlantic City Electric Company (“ACE” or the “Company”), an intervener in the above referenced proceeding, submits the following response to the September 14, 2022 correspondence of the Division of Rate Counsel (“Rate Counsel”).

Pending before Your Honor is the procedural schedule in this proceeding. The parties have submitted two proposed procedural schedules: one recommended by ACE and one recommended by Rate Counsel. ACE maintains that its proposed schedule is reasonable, in that it provides the Company sufficient time to prepare testimony in response to the Amended Petition; is consistent with the timing of testimony in the prior procedural schedule; and provides ACE an opportunity to present rebuttal testimony. However, what began as ACE’s presentation of a reasonable alternative to Rate Counsel’s proposed procedural schedule has escalated into a series of letters covering a myriad of legal and factual allegations. Included in the Rate Counsel correspondence are questions about the burden of proof, the role of ACE as an Intervenor, as well as concerns about discovery responses.

ACE does not wish to burden the record in this proceeding with further argument but offers this brief response for the purpose of preserving its rights. ACE wishes to meaningfully participate in this proceeding as a full party and has endeavored to timely respond to all discovery issued by Staff and Rate Counsel. Although all parties, including Rate Counsel, have acknowledged ACE’s

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significance to this proceeding, the Company's ability to add measurably and constructively to the case has been repeatedly challenged in the correspondence. ACE does not concede any of Rate Counsel's factual or legal allegations. ACE reserves the right to submit briefs and responses to such, in accordance with any and all applicable regulations or orders. Letters containing prejudicial, outdated, or inaccurate information are not the appropriate procedure for litigating these concerns, especially as the procedural schedule in this docket remains suspended. Therefore, ACE only makes this brief statement in opposition to Rate Counsel's various allegations.

Ultimately, ACE is a party to this proceeding and remains willing to work with the other parties to find a mutually agreeable schedule that advances this docket efficiently. ACE does not concede any of the factual or legal allegations made against it but reserves the right to respond in later briefs as appropriate. The Company also remains willing to participate in a conference if Your Honor so directs the parties.

Thank you for your time and attention to this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cynthia L.M. Holland".

Cynthia L.M. Holland
An Attorney at Law of the
State of New Jersey

cc: Service List

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