



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)
ORDER SUSPENDING
PROCEDURAL SCHEDULE
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 Atlantic City Electric Company’s (“ACE”) electric public utility facilities, and requesting that ACE fund the proposed extension or expansion (“Petition”). On February 17, 2022, ACE filed a motion to intervene, and on March 3, 2022, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed a letter of non-objection.

On March 23, 2022, and effective as of March 30, 2022, the Board retained this matter pursuant to N.J.S.A. 48:2-32, and designated myself, Commissioner Robert M. Gordon, as the Presiding Commissioner with authority to rule on all motions arising 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.¹ The Board granted ACE's Motion to Intervene and set April 6, 2022 as the deadline to file motions to intervene, participate, and for admission of counsel *pro hac vice*.²

On June 20, 2022, I issued a Prehearing Order with Procedural Schedule, and directed CCIA, Rate Counsel, and ACE (collectively, "Parties") to comply with its terms.³

Via correspondence dated August 18, 2022, CCIA requested suspension of the Procedural Schedule to file an amended petition. On August 23, 2022, I granted CCIA's request, conditioned upon, among other things, CCIA filing its amended petition on or before two (2) weeks from August 23, 2022, and the Parties submitting a new proposed procedural schedule three (3) business days from the filing of the amended petition.⁴ CCIA filed its Amended Petition on September 6, 2022. The Parties did not agree on a procedural schedule; however, Rate Counsel and ACE timely submitted separate schedules, on or before September 9, 2022, for my review and consideration.

On September 30, 2022, I issued an Order setting forth an Amended Procedural Schedule and directed the Parties to comply with its terms ("Amended Procedural Schedule").⁵

II. REQUEST TO SUSPEND THE AMENDED PROCEDURAL SCHEDULE

Via correspondence dated November 7, 2022, CCIA requested suspension of the Amended Procedural Schedule, until November 21, 2022, to allow for further settlement negotiations. CCIA represented that all parties consented, and stipulated that if the Parties fail to reach a settlement on or before November 21, 2022, they will submit a revised procedural schedule for my consideration.

III. DISCUSSION AND FINDINGS

I reviewed, in detail, my prior Orders in this matter, the Amended Procedural Schedule, and CCIA's November 7, 2022 correspondence. To allow for further settlement negotiations and to

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.

² Id.

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.

⁴ 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, Order Suspending Procedural Schedule, BPU Docket No. EO22020043, Order dated August 23, 2022.

⁵ 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, Order on Procedural Schedule for Amended Petition, BPU Docket No. EO22020043, Order dated September 30, 2022 ("September 2022 Order").

I reviewed, in detail, my prior Orders in this matter, the Amended Procedural Schedule, and CCIA's November 7, 2022 correspondence. To allow for further settlement negotiations and to ensure a just and expeditious determination of the issues, I **HEREBY SUSPEND** the Amended Procedural Schedule provided in the September 2022 Order up to and until November 21, 2022. I **HEREBY ORDER** that if the parties fail to execute a stipulation of settlement resolving all issues in this matter on or before November 21, 2022, the Parties shall submit a revised procedural schedule for my consideration.

I **HEREBY 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: 11/18/22


ROBERT M. GORDON
COMMISSIONER

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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