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November 17, 2023

**VIA ELECTRONIC MAIL**  
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[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Sherri L. Golden, RMC  
Secretary of the Board  
Board of Public Utilities  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
P.O. Box 350  
Trenton, New Jersey 08625-0350

**RE:** In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three  
BPU Docket No. EO20090621

Dear Secretary Golden:

The undersigned represents Atlantic City Electric Company (“ACE” or the “Company”), the Petitioner in the above-referenced proceeding. ACE submits this Letter in lieu of a more formal petition to request an extension of the term of its initial energy efficiency (“EE”) program (“Triennium 1 EE Program”). In addition, the Company seeks the approval of the Board of Public Utilities (“Board”) of a budget of \$29,500,000 for the extension period, as well as other relief related to its budget request.

### **Background**

ACE sought approval of its Triennium 1 EE Program with the filing of a detailed petition on September 25, 2020. Following a comprehensive proceeding on the Company’s request, the Board authorized ACE to implement a portfolio of EE programs pursuant to the terms of an Order

dated April 27, 2021.<sup>1</sup> Specifically, ACE’s Triennium 1 EE Program entailed the implementation, administration, and investment in a slate of eight (8) residential sub-programs, four (4) Commercial and Industrial sub-programs, and one (1) multifamily sub-program with a total budget of \$96,065,276 for the period beginning July 1, 2021 and ending June, 30, 2024. In addition to the portfolio of EE programs, the Board approved the Company’s implementation of a cost recovery mechanism, the EE Surcharge, which is included as a component of ACE’s Rider Regional Greenhouse Gas Initiative (“Rider RGGI”).

In 2023,<sup>2</sup> the Board issued a series of Orders establishing a comprehensive framework to maximize the use and deployment of EE measures and setting out detailed requirements for the filing of EE programs to be implemented in the period July 1, 2024 through June 30, 2027 (“Triennium 2”). Originally, the Board directed New Jersey’s electric public utilities and natural gas public utilities to make Triennium 2 EE program filings by October 2, 2023, but later modified the required Triennium 2 filing due date to December 1, 2023.<sup>3</sup>

On October 25, 2023, the Board issued an Order providing further direction on the required Triennium 2 EE filing and altering the terms of Triennium 1 and Triennium 2.<sup>4</sup> In its Order, the

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<sup>1</sup> See *In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs* and *In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three*, BPU Docket Nos. QO19010040 and EO20090621, Order dated April 27, 2021.

<sup>2</sup> See e.g., *In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs*, BPU Docket Nos. QO19010040, QO23020150 and QO17091004, Order Directing the Utilities to Propose Second Triennium Energy Efficiency and Peak Demand Reduction Programs, dated May 24, 2023 [“May 2023 Order”], and *In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs*, BPU Docket Nos. QO19010040, QO23020150 and QO17091004, Order Directing the Utilities to Propose Second Triennium Energy Efficiency and Peak Demand Reduction Programs, dated July 26, 2023.

<sup>3</sup> See *In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs*, BPU Docket Nos. QO19010040, QO23020150 and QO17091004, Order Designating Commissioner, Setting Manner of Service and Bar Dates, dated September 27, 2023.

<sup>4</sup> See *In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs*, BPU Docket Nos. QO19010040, QO23020150, Order, dated October 25, 2023 [“Triennium 1 Extension Order”].

Board directed utilities to extend the term of Triennium 1 by six months (i.e., to December 31, 2024) and to make extension filings with the Board that included related budget requests for the six-month extension period.<sup>5</sup> In addition, the Board determined that the term of Triennium 2 should be shortened by six months such that Program Year 4 would begin on January 1, 2025 and conclude on June 30, 2025, and the Triennium 2 period would run from January 1, 2025 to June 30, 2027.<sup>6</sup> The Board also accepted new utility-specific annual energy reduction targets for Triennium 2, which had been proposed by Staff, and directed that the new energy reduction targets and the revised term be reflected in Triennium 2 filings.<sup>7</sup>

The purpose of this Letter filing is to comply with the Board's directive to file a six-month extension of the Triennium 1 EE Program.

#### **Requested Relief**

1. Pursuant to the Triennium 1 Extension Order, ACE seeks the Board's approval to continue its current slate of Triennium 1 EE programs for the 18-month period July 1, 2023 through December 31, 2024, with an incremental budget for the six-month extension period of \$29,500,000. Attached hereto as **Exhibit A** is the Company's calculation of the incremental budget for the extended Program Year 3. ACE would note that this amount is less than the full 50 percent the Board authorized the Company to request.

2. The Company's calculation methodology reflected in Exhibit A is consistent with the guidance provided by Board Staff through the Utility Working Group discussion process. ACE asserts that this level of incremental funding is necessary to continue the momentum the Company

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<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> *Id.* at 8.

is experiencing as its EE programs continue to ramp up and are deployed. Further, this funding level is required to continue the Triennium 1 EE Programs without interruption so that the Company can meet the Board's energy reduction targets.

3. As of June 30, 2023, ACE had \$66,269,656 remaining of its Triennium 1 EE Program budget. Combining the remaining existing budget with the proposed six-month extension budget results in a total budget of \$95,769,656 for Program Year 3, which will extend 18 months from July 1, 2023 to December 31, 2024.

4. Also included in **Exhibit A** is a detailed breakdown by EE program of the Company's allocation of the incremental budget.

5. Consistent with the Triennium 1 Extension Order, the energy savings target ACE is required to meet is 50 percent of the Program Year 3 energy savings target, or an estimated 43,645 megawatt hours ("MWh") annual savings and 525,226 MWh lifetime savings, for the extension period.

6. ACE will comply with the rules, provisions and practices instituted by the Board when approving the Triennium 1 EE Program, with the following two exceptions that have been expressly authorized by the Board:

A. ACE shall be permitted to shift program budgets within the same sector or among sectors during the six-month Triennium 1 extension period consistent with the Staff recommendations adopted by the Board in the May 2023 Order.<sup>8</sup> Specifically, during the extension period ACE may shift budgets between programs within the same sector up to and including 25 percent with notification to Staff and the New Jersey Division of Rate Counsel ("Rate Counsel"), and up to 50 percent with Staff approval, and greater than 50

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<sup>8</sup> May 2023 Order, at 18-19, 36.

percent with Board approval. In addition, the Company may also shift budgets out of a sector up to and including 10 percent of the total Triennium 1 budget with notification to Staff and Rate Counsel, greater than 10 percent and up to 20 percent with Staff approval, and over 20 percent with Board approval. For the avoidance of doubt, the six-month extension period shall be considered its own “365-day period” for the purposes of determining limitations on the shifting of budgets during the six-month extension period. The Company submits that this language reflects the Board’s intention in the Triennium 1 Extension Order<sup>9</sup> and includes it here for the sake of completeness.

B. ACE will submit its Program Year 3 annual progress report no later than 150 days following the end of Program Year 3, that is, on or about May 31, 2025.

7. The Company will electronically serve notice and a copy of this filing, together with a copy of the attached Exhibit, upon Rate Counsel and the Department of Law and Public Safety. Copies of this Letter and supporting Exhibits will also be sent electronically to the persons identified on the service list provided with this filing. Copies of the Company’s filing will be available on the Company’s website at [www.atlanticcityelectric.com/PublicPostings](http://www.atlanticcityelectric.com/PublicPostings).<sup>10</sup>

8. As noted above, the Company respectfully submits that its requests are in the public interest and fully consistent with the guidance of Board Staff and the Board’s Orders governing Triennium 1 filings. Given the Board’s extension of Program Year 3, ACE requires additional funding if it is to achieve the energy reduction targets set by the Board and continue the progress it has made to date with the implementation of its Triennium 1 EE Program. The Company has

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<sup>9</sup> Triennium 1 Extension Order, at 8 (authorizing utilities “to shift program budgets within the same sector or among sectors during the half-year Triennium 1 extension according to the parameters applicable to Triennium 2”).

<sup>10</sup> In accordance with the Order issued by the Board in connection with *I/M/O 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, this document is being electronically filed only. No paper copies will follow.

made significant strides in the deployment of EE measures in its service territory and the requests set out in this Letter will help ACE continue to bring the benefits of EE to its customers and to the State of New Jersey.

WHEREFORE, ACE respectfully requests that the Board issue an Order finding that:

a. the six-month extension of ACE's approved Triennium 1 EE Program is in the public interest, and the Company is authorized to implement and administer Program Year 3 of the Triennium 1 EE Program through December 31, 2024;

b. ACE shall be authorized an incremental budget for the six-month Triennium 1 extension period of \$29,500,000, for a total revised Program Year 3 budget of \$95,769,656;

c. the Company shall be permitted to utilize deferred accounting and recover all reasonably incurred costs associated with the Triennium 1 EE Program, including the extension period, consistent with the Rider RGGI cost recovery mechanism previously approved by the Board;

d. ACE shall be permitted to recover through the Triennium 1 Rider RGGI cost recovery mechanism any projects the Company has committed to undertake, as well as projects that have commenced, prior to December 31, 2024, and may continue those projects for any completion and close-out activities;

Sherri L. Golden, RMC

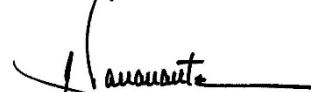
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e. ACE's Program Year 3 energy reduction target for the extension period shall be an estimated 43,645 MWh annual savings and 525,226 MWh lifetime savings; and

f. the Company shall be granted such other relief as the Board deems just and reasonable.

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

Enclosures

cc: Service List

# Exhibit A

Calculation of the Incremental Budget for the  
Extended Program Year 3



**Maximum Budget Calculation:**

	Tri 1 Program Budget	PY1 Program Budget (Actual Spend, per filed report)	PY2 Program Budget (Actual Spend, per filed report)	Commitments (as of 6/30/2023)	Remaining Budget	50% / Half Year Value
ACE	\$96,065,277	\$9,952,950	\$19,842,671	\$0	\$66,269,656	<b>\$33,134,828</b>

**Budget:**

Program	Current Approved Triennium 1 Budget (\$M)*	Proposed Extension Budget (\$M)	Total Extended Triennium 1 Budget (\$M)
Home Energy Reports	\$1,223,100.00	\$375,593.05	\$1,598,693.05
Efficient Products	\$16,996,436.00	\$5,219,314.18	\$22,215,750.18
Existing Homes QHEC	\$7,345,785.00	\$2,255,764.67	\$9,601,549.67
Existing Homes HPwES	\$7,966,123.00	\$2,446,259.83	\$10,412,382.83
Moderate Income Weatherization	\$13,471,022.00	\$4,136,719.96	\$17,607,741.96
Multi-Family	\$3,774,401.00	\$1,159,053.85	\$4,933,454.85
Energy Solutions for Business: Prescriptive and Custom	\$15,530,647.00	\$4,769,195.50	\$20,299,842.50
Energy Solutions for Business: Engineered Solutions	\$2,736,454.00	\$840,318.12	\$3,576,772.12
Direct Install	\$24,328,397.00	\$7,470,833.73	\$31,799,230.73
Energy Solutions for Business: Energy Management	\$1,942,912.00	\$596,634.97	\$2,539,546.97
Portfolio Costs	\$750,000.00	\$230,312.14	\$980,312.14
Total Investment	\$96,065,277.00	\$29,500,000.00	\$125,565,277.00
O&M (embedded in the table above)	\$ 11,332,333.00	\$ 2,950,000.00	\$ 14,282,333.00

\* Budget reflects current approved Triennium 1 budget, including budget transfers that occurred within the Triennium. Dated: May 16, 2023

Year	2024	2024	2024	2024	2024	2024
Period Starting	7/1/2024	8/1/2024	9/1/2024	10/1/2024	11/1/2024	12/1/2024
Period Ending	7/31/2024	8/31/2024	9/30/2024	10/31/2024	11/30/2024	12/31/2024
Program Year	4	4	4	4	4	4

		4,425,000	4,425,000	4,425,000	4,425,000	4,425,000	4,425,000
<b>Direct Investment - Rebates/Admin Investments (\$) [Investment]</b>	26,550,000						
Home Energy Reports	338,034	56,339	56,339	56,339	56,339	56,339	56,339
Efficient Products	4,697,383	782,897	782,897	782,897	782,897	782,897	782,897
Existing Homes QHEC	2,030,188	338,365	338,365	338,365	338,365	338,365	338,365
Existing Homes HPwES	2,201,634	366,939	366,939	366,939	366,939	366,939	366,939
Moderate Income Weatherization	3,723,048	620,508	620,508	620,508	620,508	620,508	620,508
Multi-Family	1,043,148	173,858	173,858	173,858	173,858	173,858	173,858
Energy Solutions for Business: Prescriptive and Custom	4,292,276	715,379	715,379	715,379	715,379	715,379	715,379
Energy Solutions for Business: Engineered Solutions	756,286	126,048	126,048	126,048	126,048	126,048	126,048
Direct Install	6,723,750	1,120,625	1,120,625	1,120,625	1,120,625	1,120,625	1,120,625
Energy Solutions for Business: Energy Management	536,971	89,495	89,495	89,495	89,495	89,495	89,495
Portfolio Costs	207,281	34,547	34,547	34,547	34,547	34,547	34,547

		0	0	0	0	0	0
<b>Financing Cost Investment (\$) [Investment]</b>	0						
Home Energy Reports	0						
Efficient Products	0						
Existing Homes QHEC	0						
Existing Homes HPwES	0						
Moderate Income Weatherization	0						
Multi-Family	0						
Energy Solutions for Business: Prescriptive and Custom	0						
Energy Solutions for Business: Engineered Solutions	0						
Direct Install	0						
Energy Solutions for Business: Energy Management	0						
Portfolio Costs	0						

**IT Capital Investment (\$) [Investment]**

Home Energy Reports	0
Efficient Products	0
Existing Homes QHEC	0
Existing Homes HPwES	0
Moderate Income Weatherization	0
Multi-Family	0
Energy Solutions for Business: Prescriptive and Custom	0
Energy Solutions for Business: Engineered Solutions	0
Direct Install	0
Energy Solutions for Business: Energy Management	0
Portfolio Costs	0

0	0	0	0	0	0
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**Loan Investment Principle Repayments (\$) [Credit to RevReq]**

Home Energy Reports	0
Efficient Products	0
Existing Homes QHEC	0
Existing Homes HPwES	0
Moderate Income Weatherization	0
Multi-Family	0
Energy Solutions for Business: Prescriptive and Custom	0
Energy Solutions for Business: Engineered Solutions	0
Direct Install	0
Energy Solutions for Business: Energy Management	0
Portfolio Costs	0

0	0	0	0	0	0
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**Loan Investment Interest Repayments (\$) [Credit to RevReq]**

Home Energy Reports	0
Efficient Products	0
Existing Homes QHEC	0
Existing Homes HPwES	0
Moderate Income Weatherization	0
Multi-Family	0
Energy Solutions for Business: Prescriptive and Custom	0
Energy Solutions for Business: Engineered Solutions	0
Direct Install	0
Energy Solutions for Business: Energy Management	0
Portfolio Costs	0

0	0	0	0	0	0
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<b>Administration Costs (\$) [Expense]</b>	2,950,000	491,667	491,667	491,667	491,667	491,667	491,667
Home Energy Reports	37,559	6,260	6,260	6,260	6,260	6,260	6,260
Efficient Products	521,931	86,989	86,989	86,989	86,989	86,989	86,989
Existing Homes QHEC	225,576	37,596	37,596	37,596	37,596	37,596	37,596
Existing Homes HPwES	244,626	40,771	40,771	40,771	40,771	40,771	40,771
Moderate Income Weatherization	413,672	68,945	68,945	68,945	68,945	68,945	68,945
Multi-Family	115,905	19,318	19,318	19,318	19,318	19,318	19,318
Energy Solutions for Business: Prescriptive and Custom	476,920	79,487	79,487	79,487	79,487	79,487	79,487
Energy Solutions for Business: Engineered Solutions	84,032	14,005	14,005	14,005	14,005	14,005	14,005
Direct Install	747,083	124,514	124,514	124,514	124,514	124,514	124,514
Energy Solutions for Business: Energy Management	59,663	9,944	9,944	9,944	9,944	9,944	9,944
Portfolio Costs	23,031	3,839	3,839	3,839	3,839	3,839	3,839

<b>Rebates Allocated to Partner Utility (\$)</b>	0	0	0	0	0	0
Home Energy Reports	0					
Efficient Products	0					
Existing Homes QHEC	0					
Existing Homes HPwES	0					
Moderate Income Weatherization	0					
Multi-Family	0					
Energy Solutions for Business: Prescriptive and Custom	0					
Energy Solutions for Business: Engineered Solutions	0					
Direct Install	0					
Energy Solutions for Business: Energy Management	0					
Portfolio Costs	0					

<b>Loans Allocated to Partner Utility (\$)</b>	0	0	0	0	0	0
Home Energy Reports	0					
Efficient Products	0					
Existing Homes QHEC	0					
Existing Homes HPwES	0					
Moderate Income Weatherization	0					
Multi-Family	0					
Energy Solutions for Business: Prescriptive and Custom	0					
Energy Solutions for Business: Engineered Solutions	0					
Direct Install	0					
Energy Solutions for Business: Energy Management	0					
Portfolio Costs	0					

**Loan Repayments Allocated to Partner Utility (\$)**

Home Energy Reports	0
Efficient Products	0
Existing Homes QHEC	0
Existing Homes HPwES	0
Moderate Income Weatherization	0
Multi-Family	0
Energy Solutions for Business: Prescriptive and Custom	0
Energy Solutions for Business: Engineered Solutions	0
Direct Install	0
Energy Solutions for Business: Energy Management	0
Portfolio Costs	0

0	0	0	0	0	0
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**Program-Level Electric Savings (kWh)**

Home Energy Reports	0
Efficient Products	0
Existing Homes QHEC	0
Existing Homes HPwES	0
Moderate Income Weatherization	0
Multi-Family	0
Energy Solutions for Business: Prescriptive and Custom	0
Energy Solutions for Business: Engineered Solutions	0
Direct Install	0
Energy Solutions for Business: Energy Management	0
Portfolio Costs	0

0	0	0	0	0	0
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**Program-Level Electric Demand Savings (kW)**

Home Energy Reports	0
Efficient Products	0
Existing Homes QHEC	0
Existing Homes HPwES	0
Moderate Income Weatherization	0
Multi-Family	0
Energy Solutions for Business: Prescriptive and Custom	0
Energy Solutions for Business: Engineered Solutions	0
Direct Install	0
Energy Solutions for Business: Energy Management	0
Portfolio Costs	0

0	0	0	0	0	0
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**Rate Class-Level Electric Savings (kWh)**

- Residential Service (RS)
- Monthly General Service (MGS)- Secondary
- Monthly General Service (MGS)- Primary
- Annual General Service (AGS) - Secondary
- Annual General Service (AGS) - Primary
- Transmission General Service (TGS)

0
0
0
0
0
0
0

0	0	0	0	0	0
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**Rate Class-Level Electric Billing Demand Savings (kW)**

- Residential Service (RS)
- Monthly General Service (MGS)- Secondary
- Monthly General Service (MGS)- Primary
- Annual General Service (AGS) - Secondary
- Annual General Service (AGS) - Primary
- Transmission General Service (TGS)

0
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In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program,  
Cost Recovery Mechanism and Other Related Relief for Plan Years One Through Three  
BPU Docket No. \_\_\_\_\_

**Service List**

**BPU**

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