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December 14, 2023

Sherri L. Golden, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625-0350

Re: In the Matter of the Petition of Rockland Electric Company for Approval of Its Energy Efficiency and Peak Demand Reduction Programs  
Docket No. QO23120875

Dear Secretary Golden:

Rockland Electric Company (“RECO” or “the Company”) submits this letter in lieu of a more formal response to the motions RECO received in the above matter. RECO received the following motions:

1. Motion to Participate of Atlantic City Electric Company (“ACE”);
2. Motion to Participate of Jersey Central Power & Light Company (“JCP&L”);
3. Motion to Participate of Public Service Electric and Gas Company (“PSE&G”);
4. Motion to Participate of Elizabethtown Gas Company (“ETG”);
5. Motion to Participate of New Jersey Natural Gas Company (“NJNG”);
6. Motion to Participate of South Jersey Gas Company (“SJG”);
7. Motion to Intervene of Energy Efficiency Alliance of New Jersey (“EEA-NJ”);  
and,
8. Motion to Intervene of Enerwise Global Technologies, Inc. d/b/a CPower (“CPower”).

RECO does not oppose the Motions to Participate of ACE, JCP&L, PSE&G, ETG, NJNG, and SJG.

RECO does not oppose the Motion to Intervene of EEA-NJ.

As explained further below, RECO opposes the Motion to Intervene of CPower. The CPower Motion should be denied. Instead, CPower should be granted participant status in lieu of intervenor status.

### **Background**

On December 1, 2023, as required by the Order of the Board of Public Utilities (“Board”) of September 27, 2023 in Docket Nos. QO19010040 *et seq.*, (“September 27 Order”)<sup>1</sup>, RECO filed its Second Triennium Petition for Approval of Its Energy Efficiency and Peak Demand Reduction Programs (“Petition”) with the Board. Specifically, RECO is proposing eight Core programs and three Additional Utility-Led Initiatives to support New Jersey’s energy efficiency goals. The Core programs proposed are: Whole Home, Income-Qualified, Energy Efficient Products, Behavioral, Energy Solutions, C&I Prescriptive & Custom, C&I Direct Install, and Multi-Family Programs. The three Additional Utility-Led Initiatives are the Next Generation Savings, Building Decarbonization, and Demand Response Programs.

The September 27, 2023 Order designated Commissioner Christodoulou as the presiding commissioner for the RECO Petition and directed that Motions to Intervene and Participate be filed by December 8, 2023. On December 8, 2023, CPower filed a Motion to Intervene in the RECO proceeding.

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<sup>1</sup> Order Designating Commissioner, Setting Manager of Service and Bar Dates, *I/M/O Implementation of P.L. 2018, C. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs*, BPU Docket Nos. QO19010040 *et seq.*, (September 27, 2023).

### Argument

*N.J.A.C.* 1:1-16.1 sets forth the standards for intervention in an administrative proceeding and provides that "[a]ny person or entity not initially a party ... who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene." Here, CPower fails to show that it will be "substantially, specifically and directly affected" by the outcome of the RECO filing. In its Motion, CPower asserts only a general interest in the outcome as an entity that "aggregates end use customer demand response, distributed generation, and energy storage resources."<sup>2</sup> For example, CPower states that it has energy efficiency and optimization programs that "find no counterpart in New Jersey,"<sup>3</sup> that it can "provide an industry perspective which will help reduce or eliminate unforeseen issues with which BPU staff, Rate Counsel, and the utilities may not previously be familiar,"<sup>4</sup> and that it has "extensive knowledge of best practices in similar programs throughout the country."<sup>5</sup> However, these examples of CPower's knowledge and abilities do not demonstrate that that CPower will be "substantially, specifically and directly affected" by the outcome of the RECO filing.

In its Motion, CPower states that if full intervention is not warranted, "CPower respectfully requests that this Motion be treated as a Motion to Participate."<sup>6</sup> RECO has no objection to CPower's alternative Motion to be a Participant in the proceeding.

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<sup>2</sup> CPower Motion at par. 1.

<sup>3</sup> *Id.* at par. 10.

<sup>4</sup> *Id.* at par. 9.

<sup>5</sup> *Id.* at par. 9.

<sup>6</sup> *Id.* at par. 17.

**Conclusion**

For the above reasons, the Company requests that the Board deny CPower's Motion to Intervene. The Company has no objection to CPower's alternative Motion to be a Participant in the proceeding.

Respectfully submitted,

  
Margaret Comes

c: email service list