



December 20, 2023

**VIA ELECTRONIC MAIL**  
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**Re: In the Matter of the Petition of Rockland Electric Company for Approval of its  
Energy Efficiency and Peak Demand Reduction Programs  
BPU Docket No. QO23120875**

**In the Matter of 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 No.: QO23030150**

Dear Secretary Golden:

On behalf of the Energy Efficiency Alliance of New Jersey (“EEA-NJ”), please accept the attached Reply to Rate Counsel’s Opposition to EEA-NJ’s Motion to Intervene in the above-captioned matter for filing. Please do not hesitate to contact us with questions or comments.

Consistent with the Order issued by the Board in connection with In the Matter of 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 Motion is being electronically filed with the Secretary of the Board. No paper copies will follow.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John M. Kolesnik", is written over a light blue horizontal line.

John M. Kolesnik, Esq.  
Policy Counsel  
Energy Efficiency Alliance of New Jersey

Cc: See attached service list

IN THE MATTER OF THE PETITION OF  
ROCKLAND ELECTRIC COMPANY FOR  
APPROVAL OF ITS ENERGY  
EFFICIENCY AND PEAK DEMAND  
REDUCTION PROGRAMS

**State of New Jersey  
Board of Public Utilities**

Docket Nos.: QO23030150  
&  
QO23120875

**REPLY TO RESPONSE TO  
MOTION TO INTERVENE**

**REPLY TO RESPONSE TO MOTION TO INTERVENE**

The Energy Efficiency Alliance of New Jersey (“EEA-NJ”) respectfully submits this reply to Rate Counsel’s opposition and in further support of its motion to intervene and requests the New Jersey Board of Public Utilities (“Board” or “BPU”), pursuant to N.J.A.C. § 1:1-16.1, et seq., grant its motion for intervention in the above-captioned matter.

1. EEA-NJ is a 501(c)(6) trade association that, together with its sister organization the Keystone Energy Efficiency Alliance (“KEEA”), represents over 60 business members. These members manufacture, design, and implement energy efficiency improvements in buildings across Pennsylvania and New Jersey on behalf of regulated utilities, the state, and ratepayers.<sup>1</sup> As a non-profit trade association EEA-NJ’s mission is to champion efficiency as the foundation of a clean, just, and resilient energy economy. Energy efficiency anchors all

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<sup>1</sup> EEA-NJ is a non-profit tax-exempt 501(c)(6) corporation and is comprised of the following members in New Jersey: Advanced Energy United, Applied Energy Group, Bright Power, C-Power, Calico Energy Inc., Ciel Power, CLEARresult, CMC Energy Services, Core Metrics, Counterpointe Sustainable Real Estate, Daikin, eco(n)Law LLC, Energy Analysis Group, Energy Infrastructure Partners, Four Seasons Produce, Franklin Energy, FSGi (Facility Solutions Group), Green Energy Economics, Honeywell, M&E Engineers, MaGrann Associates, Mifflin Consulting, LLC, MT Weatherization, National Energy Improvement Fund, Natural Resources Defense Council, Oracle Utilities (OPower), Pearl Certification, Performance Systems Development, PowerGreen Capital Corp, Recurve (Recurve Analytics), Sealed, Sunowner, Inc, Sustainable Lawrence, Synergy3 (Alek Air Management Inc), The Efficiency Network, Inc., Threshold, TRC, Tri State Light and Energy, Uplight, Utility Advantage, Vanguard Building Solutions, and Warren Energy Engineering.

efforts to meet our ongoing energy needs, improve health and comfort, promote energy equity, and protect our climate. EEA-NJ supports energy efficiency that grows strong local economies, helps create resilient communities and healthy buildings, addresses pressing environmental issues, and advances an equitable, just, and sustainable future.

2. Rate Counsel's opposition states EEA-NJ does not assert a legally protected right under N.J.S.A. Title 48.<sup>2</sup> However, pursuant to N.J.A.C. 1:1-16.1(a) there are two paths for which a party may intervene. EITHER "it has a statutory right" OR if it "will be substantially, specifically and directly affected by the outcome of a contested case."

3. Rate Counsel fails to provide any citation for their argument that EEA-NJ would not be substantially, specifically and directly affected by the outcome of a contested case, because it is based on a standard that does not exist.

4. BPU has granted intervenor status to EEA-NJ multiple times for matters involving energy efficiency programs, including all the Utility filings from Triennium 1. In all of the Triennium 1 Utility proceedings BPU has found EEA-NJ would be directly affected by the outcome of the proceeding including:

- In re the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Program and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3- 98.1 et seq., BPU Docket Nos. QO19010040 and GO20090622, Order dated October 20, 2020
- In re the Petition of Elizabethtown Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act and the Establishment of a Conservation Incentive Program, BPU Docket No. GO20090619, Order dated November 20, 2020
- In re the Petition of South Jersey Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act, BPU Docket No. GO20090618, Order dated November 20, 2020

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<sup>2</sup> Rate Counsel Opposition at 3

- In re 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, Order dated December 21, 2020
- In re the Verified Petition of Jersey Central Power & Light Company for Approval of JCP&L's Energy Efficiency and Conservation Plan Including Energy and Peak Demand Reduction Programs (JCP&L EE&C), BPU Docket No. EO20090620, Order dated December 15, 2020
- In re the Petition of Rockland Electric Company for Approval of Its Energy Efficiency Program and Peak Demand Reduction Programs, BPU Docket No. EO20090623, Order dated December 9, 2020

5. N.J.A.C. § 1: 1-16.3(a) further provides that, in ruling on a motion to intervene, the Board is directed to consider four factors:

- a) The nature and extent of the movant's interest in the outcome of the case,
- b) Whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case,
- c) The prospect of confusion or undue delay arising from the movant's inclusion, and
- d) Other appropriate matters.

6. Application by the BPU of these standards involves an implicit balancing test.

The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an interveners' interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case.<sup>3</sup>

7. The Board has previously found that the “in weighing the nature and extent of KEEA's economic interest in the proceeding based on potential impacts on competition and

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<sup>3</sup> See In re Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control of Public Service Electric and Gas Company. and Related Authorizations, 2005 N.J. PUC LEXIS 58 (June 8, 2005), at 15-16.

changes in the energy efficiency markets, its ability to measurably and constructively assist the Board in its development of the record as a representative of multiple business members, and the need for a prompt and expeditious administrative proceeding, the Board FINDS that the value of KEEA's intervention outweighs the risk of confusion and delay that might arise from its inclusion as a party.<sup>4</sup>

8. EEA-NJ's interest in this case differs from that of any other party and will add measurably and constructively to the scope of the case. EEA-NJ and its business members have extensive knowledge in the establishment and execution of utility- and state- run energy efficiency programs within the state and across the country. EEA-NJ has been a constructive and unique presence in the Board's numerous stakeholder meetings often offering comments. Therefore, EEA-NJ can add measurably and constructively to the case by offering its perspective and expertise about how RECO's proposal will impact the success of energy efficiency programs in RECO's territory and statewide.

9. Finally, Fundamental fairness and due process considerations require that EEA-NJ be afforded an opportunity to fully participate as an Intervenor in this proceeding, the outcome of which will have a significant impact on the implementation of energy efficiency building decarbonization, and demand response programs from RECO by the members of EEA-NJ.

10. For the foregoing reasons, EEA-NJ respectfully requests that the Board grant this motion, and grant EEA-NJ intervenor status in this proceeding pursuant to N.J.A.C. 1:1-16.1 et seq.

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<sup>4</sup> BPU Order On Requests For Interlocutory Review And Motion To Intervene (February 27, 2019), I/M/O The Petition Of Public Service Electric & Gas Company For Approval Of Its Clean Energy Future-Energy Efficiency ("CEF-EE") Program On A Regulated Basis (BPU Docket Nos. GO18101112 & EO10121113)

Date: December 20, 2023

Respectfully submitted,



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