

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of the Petition of Public Service	:	
Electric and Gas Company for Approval of an	:	Docket No. ER23120924
Increase in Electric and Gas Rates and for	:	
Changes in the Tariffs for Electric and Gas	:	
Service, B.P.U.N.J. No. 17 Electric and	:	
B.P.U.N.J. No. 17 Gas, and for Changes in	:	
Depreciation Rates, Pursuant to <i>N.J.S.A. 48:2-18</i> ,	:	
<i>N.J.S.A. 48:2-21</i> and <i>N.J.S.A. 48:2-21.1</i> , and for	:	
Other Appropriate Relief	:	

MOTION TO INTERVENE OF ELECTRIFY AMERICA, LLC

Electrify America, LLC (“Electrify America”), by and through its undersigned counsel, hereby moves to intervene in the above-captioned proceeding. In support of its motion, Electrify America states as follows:

1. On December 29, 2023, Public Service Electric and Gas Company (“PSE&G”) filed a petition before the New Jersey Board of Public Utilities (“Board” or “BPU”), commencing a rate case and seeking an increase in PSE&G’s electric and gas rates pursuant to tariffs approved by the Board (the “Petition”). The Petition also seeks to make changes in the tariffs for electric and gas service, among other requested relief.

2. On January 10, 2024, the Board issued an Order suspending increases, changes, or alteration in PSE&G rates for service.

3. Several parties have filed motions to intervene or to participate in this proceeding, including Atlantic City Electric Company, Walmart Inc., New Jersey Natural Gas Company, NRG Energy, Inc., the New Jersey Large Energy Users Coalition, South Jersey Gas Company, the National Railroad Passenger Corporation, and Jersey Central Power & Light Company. No information concerning any transmittal to the Office of Administrative Law nor any procedural

schedule for this proceeding have been posted on the publicly accessible docket through the Board's website.

4. Electrify America is the largest open direct current fast charging (“DCFC”) network in the United States and is committed to investing over \$2 billion over ten years on zero emission vehicle infrastructure. This investment will enable millions of Americans to discover the benefits of electric driving and support the buildout of a nationwide network of ultra-fast community and highway chargers that are convenient and reliable, and consistent with government policy to support transportation electrification. To date, Electrify America has built a coast-to-coast network of DCFC chargers including 25 locations with 114 individual DC fast chargers in New Jersey—Electrify America has most of its New Jersey-based charging stations within PSE&G's service territory out of all four of the electric distribution companies operating in the State. The chargers range from 150 kW to 360 kW of power based on anticipated needs and use cases, as well as available real estate and power. The ultra-fast 360 kW chargers are among the most powerful public chargers on the market today, capable of recharging speeds close to gasoline refueling.

5. Electrify America has built a record of advocacy in New Jersey and before the BPU over the past few years to advance a supportive utility environment for public charging stations. Electrify America intervened *In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future – Electric Vehicle and Energy Storage (“CEF-EVES”) Program on a Regulated Basis*, Docket No. EO18101111. Electrify America also participated in recent proceedings with PSE&G as part of the Basic Generation Service, including most recently *In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2024*, Docket No. ER23030124. Electrify America has also intervened or

participated in proceedings involving other electric distribution companies, state-wide rulemaking proposals, state-wide straw proposals, and BPU solicited requests for comments. Electrify America has been a leader among electric vehicle service companies in advocating for DCFC rate design reform and to reduce high demand charges that create financial volatility for New Jersey public charging stations. Electrify America's continued investment in New Jersey and particularly within the PSE&G service territory depends in part on sustainable and predictable economics for the private market of EV infrastructure. Electrify America maintains that utility rates and incentives should be structured to support infrastructure development in order to align with State public policy and ensure the financial sustainability of continued EV infrastructure operation. Moreover, Electrify America contends that data sharing obligations should not serve as a prerequisite to accept such rates like any other utility customer.

6. In the Petition, PSE&G describes its Clean Energy Future – Electric Vehicle (“CEF-EV”) program, including seeking cost recovery and prudence review of CEF-EV investments and expenditures and approval for future rate adjustments. PSE&G discusses the nature of the CEF-EV program and the prior approved CEF-EVES program, including program enrollment and information regarding the requirements and incentives for participation in the program. (Petition ¶¶ 53-57; Exhibit P-9E, Exhibit P-11). The Public DC Fast-Charging subprogram is a key feature of PSE&G's CEF-EV program. (Exhibit P-11, at p. 4). Electrify America understands that this rate proceeding presents an opportunity to consider any modifications or changes to PSE&G's CEF-EV program.

7. Accordingly, Electrify America's interests in this proceeding are individual and cannot be represented adequately by any other party in this proceeding. The matters that will be addressed in this proceeding, specifically relating to the CEF-EV program and the Public DC Fast-

Charging subprogram, will directly affect Electrify America's existing business in PSE&G's service territory and may influence Electrify America's future investment decisions.

8. The criteria for intervention are set forth in N.J.A.C. 1:1-16.1:

[A]ny person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.

9. N.J.A.C. 1:1-16.3(a) sets forth further guidance to be used to evaluate a motion to intervene:

In ruling upon a motion to intervene, the judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, 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, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters.

10. As discussed herein, Electrify America has a direct interest in this proceeding, including but not limited to the Board's consideration of PSEG's CEF-EV program. Electrify America is an intended participant of the Public DC Fast-Charging subprogram. Moreover, Electrify America intervened in the proceeding that created the CEF-EVES program and more recently the BGS proceedings that have established PSE&G's rates for Electrify America. Electrify America's intervention in this proceeding would naturally build upon Electrify America's commitment and work to develop a supportive utility environment for EV infrastructure in New Jersey. Electrify America is a unique customer of PSE&G and the rates and tariffs approved by the Board in this proceeding will have a direct, pecuniary impact on Electrify America's charging stations in the PSE&G service territory. Therefore, Electrify America will be substantially, specifically, and directly affected by the outcome of this proceeding.

11. Electrify America's interests in this proceeding are not adequately represented by the current parties in this proceeding. Currently, no other electric vehicle charging company has

intervened in this proceeding. Electrify America's involvement in New Jersey as a leader among other charging companies is based on Electrify America's business model that has traditionally been focused on ultra-fast chargers with some of the fastest and most consumer-friendly recharging speeds, which has often resulted in greater exposure to demand charges. Electrify America nonetheless maintains communication with the other primary charging station operators as part of a collective effort to improve the utility environment for EV infrastructure in New Jersey. Based on the current intervenors and participants in this proceeding, Electrify America's interests are unique, and accordingly, Electrify America's intervention would add measurably and constructively to the scope of this proceeding.

12. Electrify America's intervention would not add confusion to, or otherwise delay, this proceeding in any way. To date, no procedural schedule for this proceeding has been publicly posted, but Electrify America will make every effort to abide by such procedural schedule once it becomes available. Further, Electrify America's interest in this case is largely limited to the CEF-EV program, which has been expressly discussed in the Petition and accompanying testimony, so there will no confusion arising from Electrify America's intervention in this proceeding.

13. All communications and notices with respect to this motion, and, if granted, Electrify America's intervention in this proceeding should be served on the following:

William Lesser, Esq.
Cozen O'Connor, P.C.
3 WTC
175 Greenwich Street, 55th Floor
New York, NY 10007
(212) 453-3808
Wlessler@cozen.com

-and-

Steve Bright, Esq.
Jigar Shah
Electrify America, LLC
1950 Opportunity Way, Suite 1500
Reston, VA 20190
Steve.Bright@electrifyamerica.com
Jigar.Shah@electrifyamerica.com

WHEREFORE, for the reasons set forth above, Electrify America respectfully requests it be granted intervenor status in this matter pursuant to N.J.A.C. 1:1-16.1 *et seq.*

Respectfully submitted,

COZEN O'CONNOR, PC



Dated: February 26, 2024

By: _____

William Lesser (N.J. Attorney ID 162532015)
COZEN O'CONNOR, PC
3 WTC
175 Greenwich Street, 55th Floor
New York, NY 10007
(212) 453-3808
wlesser@cozen.com