



STATE OF NEW JERSEY
Board of Public Utilities
 44 South Clinton Avenue, 9th Floor
 Post Office Box 350
 Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY & CLEAN ENERGY

IN THE MATTER OF THE PETITION OF PUBLIC)	ORDER ON MOTION
SERVICE ELECTRIC AND GAS COMPANY FOR)	TO INTERVENE
APPROVAL OF ITS CLEAN ENERGY FUTURE –)	
ELECTRIC VEHICLE AND ENERGY STORAGE (“CEF-)	
EVES”) PROGRAM ON A REGULATED BASIS)	DOCKET NO. EO18101111

Parties of Record:

Stefanie Brand, Esq., Director, NJ Division of Rate Counsel
Matthew M. Weissman, Esq., General Regulatory Counsel, PSEG Services Company
Matthew S. Slowinski, Esq., Counsel for CCMT and MSEIA
Murray E. Bevan, Esq., Counsel for ChargePoint, Inc.
Christopher E. Torkelson, Esq., Counsel for Direct Energy Business, LLC, et al.
Steven G. Goldenberg, Esq., Counsel for NJLEUC
William Harla, Esq., Counsel for Enel X North America. Inc.
Daniel Greenhouse, Esq., Counsel for ENF, EDF, and NRDC
James H. Laskey, Esq., Counsel for Burns & McDonnell Engineering Company, LLC
Lauri A. Mazzuchetti, Esq., Counsel for Sunrun, Inc.
Martin C. Rothfelder, Esq., Counsel for EVgo Services, LLC
Nathan Howe, Esq., Counsel for Greenlots
Kevin Auerbacher, Esq., Counsel for Tesla
Paul Yousif, Esq., Counsel for Blue Bird Body Company
Ira G. Megdal, Esq., Counsel for Electrify America, LLC

BY COMMISSIONER UPENDRA J. CHIVUKULA:

On October 11, 2018, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) requesting approval of its Clean Energy Future – Electric Vehicle and Energy Storage Program (“CEF-EVES Program” or “Program”). The proposed Program would consist of up to \$261 million of investment over a period of six (6) years and approximately \$103 million in expenses. PSE&G claims that the proposed Program will support the widespread adoption of electric vehicles (“EV”), including multi-family and low income customers. Additionally, the Petition maintains that the EV program will have extensive societal benefits including environmental benefits, job creation, supporting schools, mitigation of EV market barriers, and increased knowledge of how to optimize the distribution system through smart chargers with two-way communication.

By Order dated October 29, 2018 (“October 2018 Order”), the Board determined that the Petition described above should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the October 2018 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by November 13, 2018.

On December 7, 2018, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed a Motion to Stay (“Stay Motion”), requesting the Board to stay the Petition until the conclusion of several administrative proceedings.

On April 22, 2020, a Prehearing Order was issued (“April 2020 Prehearing Order”) wherein a procedural schedule was set and motions for intervention and participation status were ruled upon. The following motions to intervene were granted: The New Jersey Large Energy Users Coalition (“NJLEUC”), Enel X North America, Inc. (“Enel X”), Blue Bird Body Corporation (“Blue Bird”), Burns & McDonnell Engineering Company, Inc. (“BMcD”), Charge Point, Inc. (“Charge Point”), Climate Change Mitigation Technologies, LLC (“CCMT”), EVgo Services, LLC (“EVgo”), Zeco Systems, Inc. d/b/a Greenlots (“Greenlots”), Environmental Defense Fund, Natural Resources Defense Council, Environment New Jersey, and Sierra Club (hereinafter “Environmentalists”), Mid-Atlantic Solar & Storage Industries Association (“MSSIA”), Tesla Inc. (“Tesla”), Direct Energy Business, LLC (“Direct Energy”), and Sunrun, Inc. (“Sunrun”). The following motions to participate were granted: Atlantic City Electric Company (“ACE”), Alliance for Transportation Electrification (“Alliance”), Jersey Central Power & Light Company (“JCP&L”), Rockland Electric Company (“RECO”), and SemaConnect, LLC (“SemaConect”). The April 2020 Prehearing Order also denied the New Jersey Division of Rate Counsel’s (“Rate Counsel”) Motion to Stay filed in December 2018.

Within procedural schedule set forth in the April 2020 Prehearing Order, all motions were due April 17, 2020. Discovery and responses have been propounded throughout July and August, 2020. As established in the April 2020 Prehearing Order, intervener testimony was due September 4, 2020 and evidentiary hearings are set for the week of December 7, 2020.

By order on Motion for Reconsideration dated May 14, 2020, Power Edison, LLC was granted intervener status.

On or about April 17, 2020, Rate Counsel filed a motion to dismiss a portion of the Petition. PSE&G then filed an opposition to Rate Counsel’s motion on May 8, 2020 which was joined by intervenors, Blue Bird, CCMT, Charge Point, the Environmentalists, EVgo, Greenlots, BMcD, and MSSIA. On May 8, 2020, Direct Energy Business, LLC, et al., NRG Energy, Inc., and Just Energy Group Inc. (collectively, “Market Participants”) filed a letter in support of Rate Counsel’s Motion to Dismiss. Rate Counsel filed a reply to PSE&G’s opposition on May 22, 2020.

On July 1 2020, Rate Counsel’s motion to dismiss was denied and the parties were ordered to continue to move through the procedural schedule.

THE MOTION

Motion to Intervene

Electrify America, LLC

Electrify America, LLC (“Electrify America”) filed a Motion to Intervene on August 6, 2020. Electrify America is a wholly-owned subsidiary of Volkswagen Group of America headquartered in Reston, Virginia. In its motion, Electrify America asserted it is investing \$2 billion over 10 years on zero-emissions vehicle (“ZEV”) infrastructure, education and awareness, and efforts to support the increased adoption of ZEV technology in the United States. As a part the first half of its investment, Electrify America states it is building a nationwide network of ultra-fast direct current fast charging stations across over 500 locations and with over 2,000 individual direct current fast chargers already in operation.

Electrify America contends that its relationships with owners and operators of EVs is unique based upon its business model, and accordingly, its interests are individual and cannot be represented adequately by any other party in this proceeding. Electrify America maintains that its existing and planned charging infrastructure will be materially impacted by the utility’s proposed programs, including a potential for an increased cost of doing business due to this proceeding.

According to its Motion to Intervene, Electrify America did not operate any charging stations in New Jersey in November 2018 when intervention motions were originally due. However, presently Electrify America has nine charging stations in New Jersey, eight of which are in PSE&G territory.

Electrify America affirmed it will not add confusion to, or otherwise delay, the proceeding in any way and stated that it would abide by the existing procedural schedule.

RESPONSES

On August 13, 2020, PSE&G filed opposition to Electrify America’s motion to intervene, stating that the motion is untimely and inclusion at this late stage in the proceeding as an intervenor may cause unnecessary confusion and delay. The opposition further states that Electrify America’s interests are not sufficiently different from other parties, and as such, is already well represented by existing intervenors. PSE&G does maintain, however, that it does not object to Electrify America’s inclusion in the proceeding as a participant.

Electrify America filed a reply to PSE&G’s opposition on August 14, 2020, stating that its interests are not served by another intervenor because its business model is substantially different from other intervenors, nor can its interests be materially represented by the other parties. Electrify America reasserts that it will abide by the existing procedural schedule and will not cause delays. Lastly, Electrify America requests that its motion be granted so that it may present evidence which will assist in the Board making a decision on the Petition.

DISCUSSIONS AND FINDINGS

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

After consideration of the papers, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, Electrify America will be directly affected by the outcome of this proceeding and its interests are not currently served by another party. I **HEREBY FIND** that Electrify America will add measurably and constructively, while abiding by the current procedural schedule.

While untimely, I **HEREBY FIND** that Electrify America's Motion to Intervene has met the standards for intervention in this proceeding. Accordingly, I **HEREBY GRANT** the motion to intervene by Electrify America pursuant to the authority granted to me by the Board under the October 2018 Order. Due to the tardiness of Electrify America's participation in this proceeding, I **HEREBY ORDER** that, as an intervener in this proceeding, Electrify America must abide by the existing procedural schedule set forth in the April 2020 Prehearing Order.

DATED: September 17, 2020

BY:



UPENDRA J. CHIVUKULA
COMMISSIONER

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY
FOR APPROVAL OF ITS CLEANENERGY FUTURE – ELECTRIC VEHICLE AND ENERGY
STORAGE (“CEF-EVES”) PROGRAM ON A REGULATED BASIS
BPU DOCKET NO. EO18101111

SERVICE LIST

PSE&G

PSEG Services Corporation 80 Park
Plaza, T5G
Post Office Box 570
Newark NJ 07102

Joseph F. Accardo, Jr., Esq.
joseph.accardojr@pseg.com

Joseph A. Shea, Esq.
joseph.shea@pseg.com

Bernard Smalls
bernard.smalls@pseg.com

Caitlyn White
caitlyn.white@pseg.com

Michele Falcao
michele.falcao@pseg.com

Danielle Lopez, Esq.
danielle.lopez@pseg.com

Katherine E. Smith, Esq.
katherine.smith@pseg.com

Board of Public Utilities

44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch, Secretary
Board.secretary@bpu.nj.gov

Paul E. Flanagan, Esq.
Executive Director
paul.flanagan@bpu.nj.gov

Robert Brabston, Esq.,
Deputy Executive Director
robert.brabston@bpu.nj.gov

Christine Sadovy, Chief of Staff
christine.sadovy@bpu.nj.gov

Division of Clean Energy
Kelly Mooij, Director
kelly.mooij@bpu.nj.gov

Sherri Jones, Assistant Director
sherri.jones@bpu.nj.gov

Cathleen Lewis
cathleen.lewis@bpu.nj.gov

Division of Energy

Stacy Peterson, Director
stacy.peterson@bpu.nj.gov

Ryan Moran
ryan.moran@bpu.nj.gov

John Zarzycki
john.zarzycki@bpu.nj.gov

Counsel's Office

Abe Silverman, Esq.,
General Counsel
abe.silverman@bpu.nj.gov

Andrea Hart, Esq.
andrea.hart@bpu.nj.gov

Rate Counsel

140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Brian O. Lipman, Esq., Litigation
Manager blipman@rpa.nj.gov

Henry Ogden, Esq.
hoqden@rpa.nj.gov

Felicia Thomas-Friel, Esq.
ftomas@rpa.nj.gov

Kurt Lewandowski, Esq.
klewando@rpa.nj.gov

Brian Weeks, Esq.
bweeks@rpa.nj.gov

Shelly Massey, Paralegal
smassey@rpa.nj.gov

Division of Law

25 Market Street
Post Office Box 112
Trenton, NJ 08625

Michael Beck, DAG
michael.beck@law.njoag.gov

Pamela Owen, DAG
pamela.owen@law.njoag.gov

Matko Ilic, DAG
matko.ilic@law.njoag.gov

Alex Moreau, DAG
alex.moreau@law.njoag.gov

Bluebird Body Corporation

James H. Laskey
Norris Mcaughlin, P.A.
400 Crossing Blvd, 8th Floor
Bridgewater, New Jersey 08807
jhlaskey@nmmlaw.com

Paul Yousif, Esq.
VP, General Counsel & Corporate Treasurer
402 Blue Bird Blvd
Fort Valley, Georgia 31030
paul.yousif@blue-bird.com

Kevin L. Matthews NSI, LLC
1990 K St. NW Suite 320
Washington, DC 20005
kmatthews@nationalstrategies.com

Burns & McDonnell Engineering Company

Lindsay Grise, Esq., Legal Counsel
9400 Ward Parkway
Kansas City, MO 64112
lgrise@bmnsacd.com

Climate Change Mitigation Technologies, LLC

Slowinski Atkins, LLP
Eisenhower Corporate Campus
290 West Mt. Pleasant Avenue, Suite 2310
Livingston, NJ 07039-2729

James Sherman
jsherman@slowinskiatkins.com

Matthew S. Slowinski
mss@slowinskiatkins.com

Direct Energy

Christopher E. Torkelson, Esq.
Eckert Seamans Cherin & Mellott, LLC
P.O. Box 5404
Princeton, NJ 08543
ctorkelson@eckertseamans.com

Sarah C. Stoner, Esq.
Eckert Seamans Cherin & Mellott, LLC 213
Market Street, 8th Floor
Harrisburg, PA 17101
sstoner@eckertseamans.com

Karen O. Moury, Esq.
Eckert Seamans Cherin & Mellott, LLC 213
Market Street, 8th Floor
Harrisburg, PA 17101
kmoury@eckertseamans.com

EVgo

Rothfelder Stern, L.L.C.
Greenwood Avenue, Unit #301
Trenton, NJ 08609

Sara Rafalson
Director of Market Development
EVgo Services LLC
11835 West Olympic Boulevard, Suite 900
Los Angeles, CA 90064
sara.rafalson@evgo.com

Martin C. Rothfelder, Esq.
mrothfelder@rothfelderstern.com

Bradford M Stern, Esq.
bstern@rothfelderstern.com

ENJ, EDF, NRDC- Eastern Environmental Law Center

50 Park Place, Suite 1025
Newark, New Jersey 0710

Daniel Greenhouse, Esq.
dgreenhouse@easternenvironmental.org

William Bittinger, Esq.
wbittinger@easternenvironmental.org

Enel X

William Harla, Esq.
Decotiis, Fitzpatrick, Cole & Giblin,
LLP Glenpointe Centre West 500
Frank W. Burr Boulevard Teaneck,
New Jersey 07666
wharla@decotiislaw.com

Tesla

Kevin Auerbacher Senior
Counsel Tesla, Inc.
1050 K St, NW, Ste 101
Washington, DC 20001
Kauerbacher@tesla.com

SunRun

Kelley Drye & Warren LLP
One Jefferson Road, 2nd Floor
Parsippany, New Jersey 07054

Lauri A. Mazzuchetti
lmazzuchetti@kelleydrye.com

Glenn T. Graham
ggraham@kelleydrye.com

MSEIA

Matthew S. Slowinski
Slowinski Atkins, LLP
Eisenhower Corporate Campus
290 West Mt. Pleasant Avenue, Suite 2310
Livingston, NJ 07039-2729
mss@slowinskiatkins.com

ACE

Philip J. Passanante, Esq.
Assistant General
Counsel 92DC42
500 North Wakefield
Drive Newark, DE 19702
philip.passanante@pepcoholdings.com

NJLEUC

Steven S. Goldenberg, Esq.
Giordano, Halleran & Ciesla, P.C
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
sgoldenberg@ghclaw.com

Paul F. Forshay, Esq. Eversheds
Sutherland (US), LLP 700 Sixth
Street, N.W., Suite 700
Washington, D.C. 20001-3980
paulforshay@eversheds-sutherland.com

Greenlots

Thomas Ashley
Vice President, Policy
767 S. Alameda Street, Suite 200
Los Angeles, CA 90021
tom@greenlots.com

McCarter & English LLP Four
Gateway Center 100 Mulberry
Street Newark, NJ 07102-4056

Guillermo C.
gaitiles@mccarter.com

Joshua J. Cohen
Director, Policy
1910 Towne Centre Blvd., Ste. 250
Annapolis, MD 21401
jcohen@greenlots.com

Artiles Nathan C. Howe
nhowe@mccarter.com

ChargePoint

Bevan, Mosca & Giuditta
P.C. 222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920

Murray Bevan, Esq.
mbevan@bmg.law

William K. Mosca, Jr., Esq.
wmosca@bmg.law

Jennifer McCave, Esq.
jmccave@bmg.law

Katherine M. Dailey, paralegal
kdailey@bmg.law

Power Edison

Shihab Kuran, Ph.D. Power Edison,
LLC 166 Deer Run
Watchung, NJ 07069
salkuran@poweredison.com

Umar A. Sheikh, Esq. Offit Kurman
10 East 40th Street Suite 3500
New York, NY 10016
usheikh@offitkurman.com

JCP&L

Lauren M. Lepkoski, Esq.
FirstEnergy Service
Company Legal Department
2800 Pottsville Pike
Reading, PA 19612-6001
llepkoski@firstenergycorp.com

Alliance

Barbara Koonz
Wilentz, Goldman & Spitzer, P.A.
90 Woodbridge Center Drive, Suite 900
Woodbridge, New Jersey 07095
bkoonz@wilentz.com

Michael I. Krauthamer
Alliance for Transportation Electrification
michael@evTransportationAlliance.org

RECO

Margaret Comes, Esq. Associate Counsel
Rockland Electric Company
4 Irving Place Suite 1815-S
New York, New York 10003
comesm@coned.com

James C. Meyer Riker Danzig
Scherer Hyland & Perretti LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
jmeyer@riker.com

Jack Carley, Esq. Assistant
General Counsel Consolidated
Edison Company of New York, Inc.
4 Irving Place Suite 1815-S New
York, New York 10003
carleyj@coned.com

Sema Connect

Josh Cohen
Director of Policy and Utility Programs
SemaConnect Inc.
4961 Tesla Drive
Bowie, Maryland 20715
josh.cohen@semaconnect.com

Electrify America, LLC

Ira G. Megdal, Esq. Cozen O'Connor
LibewrtyView Suite 300 457 Haddonfield
Road Cherry Hill, NJ 08002
imegdal@cozen.com

William Lesser, Esq. Cozen O'Connor
45 Broadway, 16th Floor New York, NY
10006
wlesser@cozen.com

David Appelbaum, Esq.
Senior Counsel
Electrify America, LLC
2003 Edmund Halley Drive
2nd Floor, Suite 200
Reston, VA 20191
david.appelbaum@electrifyamerica.com