



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF
ATLANTIC CITY ELECTRIC COMPANY FOR
APPROVAL OF ITS MEDIUM-AND-HEAVY-DUTY
ELECTRIC VEHICLE PLAN

) ORDER ON MOTIONS TO
) INTERVENE OR PARTICIPATE
)
) DOCKET NO. QO25020097

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Kenneth Wan, Esq., Assistant General Counsel, Atlantic City Electric Company
Kaitlin Morrison, Esq., Staff Attorney, Eastern Environmental Law Center

BY COMMISSIONER MARIAN ABDOU:

BACKGROUND AND PROCEDURAL HISTORY

By Order dated October 23, 2024, the Board established minimum filing requirements directing the State's four (4) investor-owned electric distribution companies ("EDC") to propose programs calculated to expand access to charging for medium- and heavy-duty ("MHD") electric vehicles ("EV") and all EV fleets.¹ Specifically, the Board directed each EDC to file an MHD plan with the Board within 120 days of the effective date of the October 2024 Order, to include programs, subject to Board approval, that are calculated to expand access to charging for MHD EVs and all EV fleets.

On November 7, 2024, the Board received a Motion for Reconsideration filed by the New Jersey Division of Rate Counsel ("Rate Counsel"), whereby Rate Counsel argued that the Board erred in adopting the MHD framework contained in the October 2024 Order. By Order dated February 12, 2025, the Board denied Rate Counsel's Motion for Reconsideration and clarified certain sections of the October 2024 Order pertaining to EDC prudence when preparing sites for charging infrastructure.²

¹ In re Medium and Heavy Duty Electric Vehicle Charging Ecosystem, BPU Docket No. QO21060946, Order dated October 23, 2024 (Revised October 28, 2024) ("October 2024 Order").

² In re Medium and Heavy Duty Electric Vehicle Charging Ecosystem, BPU Docket No. QO21060946, Order dated February 12, 2025 ("February 2025 Order").

On February 27, 2025, Atlantic City Electric Company ("ACE" or "Company") filed its petition in this matter, proposing its MHD EV program ("Petition").

By Order dated April 23, 2025, the Board retained the Petition for hearing and designated myself, Commissioner Marian Abdou, to preside over all four (4) EDC MHD EV filings and directed that all motions to intervene or participate in this matter be filed by May 14, 2025.³

MOTIONS

Motion to Intervene

Environmental Intervenors

On May 14, 2025, the Board received a Joint Motion Seeking Leave to Intervene in this proceeding from Sierra Club, the New Jersey Progressive Equitable Energy Coalition, Environment New Jersey, Isles, Inc., and the Environmental Defense Fund ("Environmental Intervenors"). By their Joint Motion, the Environmental Intervenors noted that they are all environmental organizations with expertise advocating for clean energy and environmental justice in New Jersey and representing numerous members across the State. The Environmental Intervenors noted that they have all been granted intervenor status in past matters before the Board involving energy efficiency, vehicle electrification, and other critical matters involving enhancing public health and the New Jersey environment. The Environmental Intervenors proffered that the outcome of this case will have several substantial impacts on the Environmental Intervenors and their members; that they intend to present evidence and conduct examinations that will add substantially to this case; and that they would limit submissions and testimony to the relevant topics upon which they have expertise, thus avoiding undue confusion and delay.

Motion to Participate

Public Service Electric and Gas Company, Rockland Electric Company, and Jersey Central Power & Light Company

Also on May 14, 2025, the Board received a Joint Motion Seeking Leave to Participate in this matter filed by Public Service Electric and Gas Company, Rockland Electric Company, and Jersey Central Power & Light Company ("Joint Utilities"). By their Joint Motion, the Joint Utilities noted that the Board's decision in this matter will likely have a precedential impact upon all of New Jersey's EDCs, that the Joint Utilities' territories and customers are distinct from all other parties to this proceeding, that the Joint Utilities have a history of coordinating their activities in other Board dockets with the parties thereto, that their experience in the electric industry will allow them to add constructively to this proceeding, and that they will abide by all schedules set in this proceeding.

³ In re Medium and Heavy Duty Electric Vehicle Charging Ecosystem, et al., BPU Docket Nos QO21060946, QO25020096, QO25020097, QO25020100, and QO25020101, Order dated April 23, 2025.

Responses

Rate Counsel

By letter dated May 27, 2025, Rate Counsel responded to each of the Motions, noting no opposition to the Environmental Intervenors' Motion to Intervene or the Joint Utilities' Motion to Participate.

ACE

By letter dated May 29, 2025, ACE indicated it did not oppose the Environmental Intervenors' Motion to Intervene.

DISCUSSION 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.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant" if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

As the Board noted in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record that 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 intervenor's best interest be specific, direct, and different from that of the other parties to the proceeding so as to add measurable and constructively to the scope of the case.⁴

Motion to Intervene

After consideration of the papers, and given the lack of objection, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, that the Environmental Intervenors will be directly affected by the outcome of this proceeding and will add measurably and constructively to the case without causing undue delay or confusion. I **HEREBY FIND** that the Environmental Intervenors have met the standards

⁴ See In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106, Order dated June 8, 2005.

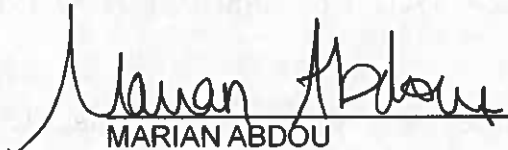
for intervention in this proceeding. Accordingly, I **HEREBY GRANT** the Environmental Intervenor's Motion to Intervene.

Motion to Participate

Regarding the Joint Motion to Participate filed by the Joint Utilities, and given the lack of objection, I **HEREBY FIND** that the Joint Utilities have a significant interest in this proceeding and that, as participants, the Joint Utilities are likely to add constructively to this case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** the Joint Utilities participant status, with the rights to argue orally, file statements or briefs, and file exceptions as set forth in N.J.A.C. 1:1-16.6(c).

DATED: July 31, 2025

BY:


MARIAN ABDOU
COMMISSIONER

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