BY COMMISSIONER SOLOMON:

By this Order, I grant the motion filed by DCO Energy, LLC ("DCO Energy") to modify the Procedural Schedule.

I. BACKGROUND

On February 28, 2020, DCO Energy filed a petition ("Petition") with the New Jersey Board of Public Utilities ("Board"). DCO Energy requested that the Board issue a Declaratory Ruling that expanding the customer base of the Midtown Thermal Control Center ("MTCC") by adding the AtlantiCare Regional Medical Center ("AtlantiCare") will constitute an “on-site generation facility” within the meaning of N.J.S.A. 48:3-51 and N.J.S.A. 48:3-77 and is therefore entitled to all the benefits conferred upon such facilities by EDECA and New Jersey law. First, DCO Energy requests that the Board find that AtlantiCare is located on property contiguous to the MTCC generation facilities. Second, DCO Energy requests that the Board find that, if it were to pursue a microgrid via a new microgrid tariff, the reductions in kilowatt hour consumption and peak demand anticipated from the new combined heat and power ("CHP") commercial participants of the microgrid are qualified and may be counted under the Clean Energy Act as third-party energy efficiency gains to satisfy a portion of ACE’s energy efficiency requirements.

On September 9, 2020, the Board retained the matter 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 this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.
On October 5, 2020, DCO Energy filed a Motion to Modify the Procedural Schedule, set forth in the September 9, 2020 Board Order. According to the motion, all parties wish to provide more of an opportunity for settlement discussions.

II. DISCUSSION AND FINDINGS

I have reviewed DCO Energy’s motion to modify the procedural schedule to allow for additional time for settlement discussions and FIND that it is reasonable and in the interest of developing a complete record. Having been granted the authority to amend the schedules within this proceeding by the Board, and after consideration of DCO’s motion to modify the procedural schedule, finding the request meritorious, I HEREBY AMEND the procedural schedule set forth in the September 9, 2020 Order and HEREBY ISSUE the following modified procedural schedule (Exhibit A). I HEREBY DIRECT all parties to comply with its terms.

DATED: October 8, 2020

BY:

DIANNE SOLOMON
COMMISSIONER
In the Matter of the Petition for DCO Energy, LLC for a Declaratory Ruling
BPU Docket No. QO20030191

SERVICE LIST

DCO Energy
Bevan Mosca & Giuditta
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920

Murray E. Bevin, Esq.
mbevan@bmg.law

Christopher M. Casey, Esq.
ccasey@bmg.law

Katherine M. Dailey, Esq.
kdaily@bmg.law

New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton NJ 08625-0350

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

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

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

Atlantic City Electric Company
Philip Passanante, Esq.
Assistant General Counsel
92DC42
500 N. Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066
philip.passanante@exeloncorp.com

New Jersey Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003

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

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

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

Sarah H. Steindel, Esq.
ssteinde@rpa.nj.gov

Shelly Massey
smassey@rpa.nj.gov

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

Carol Artale, Esq., Deputy General Counsel
carol.artale@bpu.nj.gov

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

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

Stacy Ho Richardson
Deputy Director, Division of Clean Energy
stacy.richardson@bpu.nj.gov

Hannah Thonet, Chief Policy Advisor
hannah.thonet@bpu.nj.gov

Jim Ferris, Bureau Chief Advisor
jim.ferris@bpu.nj.gov
New Jersey Division of Law

Department of Law & Public Safety
Division of Law
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street
P.O. Box 112
Trenton, NJ 08625-0112

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Brandon Simmons, DAG
brandon.simmons@law.njoag.gov

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

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

Darren Eppley, DAG
Darren.eppley@law.njoag.gov
EXHIBIT A

In the Matter of the Petition for DCO Energy, LLC for a Declaratory Ruling  
BPU Docket No. QO20030191

Modified Procedural Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opposition to Motions filed</td>
<td>September 14</td>
</tr>
<tr>
<td>Reply to Opposition to Motions Filed</td>
<td>September 21, 2020</td>
</tr>
<tr>
<td>Settlement Conference</td>
<td>September 2020</td>
</tr>
<tr>
<td>Discovery</td>
<td>September 23, 2020</td>
</tr>
<tr>
<td>Discovery Response</td>
<td>September 30</td>
</tr>
<tr>
<td>Initial Briefs Due</td>
<td>November 4, 2020</td>
</tr>
<tr>
<td>Reply Briefs Due</td>
<td>November 18, 2020</td>
</tr>
</tbody>
</table>