



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY AND CLEAN ENERGY

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

**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 and McDonnell Engineering Company, LLC  
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**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:**

**I. BACKGROUND**

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 electric vehicles ("EV") 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 EVs, including multifamily and low income customers. The proposed energy storage ("ES") program proposes

to commit up to \$109 million of investment in five (5) ES subprograms over approximately six (6) years. The Company maintains that its ES subprograms are designed to incorporate utility-scale energy storage into the Company's distribution system to optimize electricity costs for PSE&G's customers, support grid operations, and facilitate the integration of renewables on the PSE&G grid.

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.

Environment New Jersey ("ENJ"), Environmental Defense Fund ("EDF"), Natural Resources Defense Council ("NRDC"), and Sierra Club (collectively "Environmental Movants") filed a Motion to Intervene on November 13, 2018. On April 22, 2020, I granted the Environmental Movants Motion to Intervene.

On October 28, 2020, the Environmental Movants filed a motion for substitution of counsel with attorneys Nathaniel Shoaff and Diana Csank withdrawing as counsel, to be substituted by Zachary M. Fabish.

Additionally, Daniel A. Greenhouse, counsel for the Environmental Movants, also filed a motion on October 28, 2020 for admission *pro hac vice* of Zachary M. Fabish. According to the motion, Mr. Greenhouse is a member in good standing of the bar of the State of New Jersey and serving as attorney of record in this proceeding. Mr. Greenhouse stated that Mr. Fabish is a member in good standing of the bars of the State of California and the District of Columbia. The Environmental Movants requested Mr. Fabish's representation in this matter. The Environmental Movants contend there is good cause for Mr. Fabish to be admitted *pro hac vice* because he has significant experience in energy law and in representing the interests of environmental groups. In a sworn affidavit, Mr. Fabish represented that he provided payment of fees required by R. 1:20-1(b) and 1:28-2 to Board Staff and agreed to abide by the other requirements for admission *pro hac vice*.

## **II. DISCUSSION AND FINDINGS**

### **A. Environmental Movants' Motion**

I have reviewed the Environmental Movants' motion for substitution of counsel with attorneys Nathaniel Shoaff and Diana Csank withdrawing as counsel, to be substituted by Zachary M. Fabish. I also reviewed the Environmental Movants' motion admission *pro hac vice* of Mr. Fabish, and the supporting affidavit.

I agree that this proceeding involves a complex field of law. I am persuaded that Mr. Fabish has an established attorney-client relationship with the Environmental Movants and that he has been requested to represent them in this proceeding. Having received no objections to the motion after due notice to the parties, I **FIND** that Mr. Fabish has satisfied the conditions for admission *pro hac vice*. Therefore, Mr. Fabish is **HEREBY ADMITTED** to practice before the Board *pro hac vice* in this matter, provided that he shall:

1. Abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against each of them that may arise out of his participation in this matter;
3. Notify the Board immediately of any matter affecting his/her standing at the bar of any other jurisdiction; and
4. Have all pleadings, briefs and other papers filed with the Board signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and the admitted attorney therein.

**B. Evidentiary Hearings**

Evidentiary Hearings in this matter will commence as scheduled for the week of December 7, 2020. In preparation for the virtual Evidentiary Hearings, I **HEREBY ISSUE** the following Evidentiary Hearing direction and procedures:

Parties shall file the following with the Board on or before **Tuesday, December 1, 2020**:

1. All hearing exhibits, electronically filed in .pdf format, and pre-marked for identification with each page numbered or Bates stamped;
2. A list of hearing exhibits identified as you would for the court reporter;
3. A list of all proposed attendees, including each attendee's phone number, affiliation, and whether he/she is eligible to hear confidential information by virtue of the nondisclosure agreement in this matter; and
4. If a party would like a designated party Break Out Room, please provide a list to Board Staff of the names and phone numbers of all people who may enter the Room.

The Company shall file with the Board binders containing a complete hard copy of the record, including all pre-filed and pre-marked hearing exhibits, **on or before Thursday, December 3, 2020**.

All witnesses shall have hard copy of his/her pre-filed testimony available for reference during the evidentiary hearings.

There shall be no recording of the Evidentiary Hearings or discussions in the Break Out Rooms, and as such, the only official record of this proceeding will be the transcript provided by the Court Reporter.

I **HEREBY DIRECT** that this Order be posted on the Board's website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: November 24, 2020

BY:



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UPENDRA J. CHIVUKULA  
COMMISSIONER

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