IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM, ESTABLISHMENT OF AN ELECTRIC VEHICLE SURCHARGE, AND FOR OTHER RELIEF (RECO EV)

DOCKET NO. EO20110730

ENERGY AND CLEAN ENERGY

Parties of Record:

James C. Meyer, Esq. and John L. Carley, Esq., on behalf of Rockland Electric Company
Stefanie Brand, Esq., Director, NJ Division of Rate Counsel
David Wooley, Esq. and Scott F. Dunbar Esq., on behalf of ChargePoint, Inc.

BY COMMISSIONER ROBERT GORDON:

BACKGROUND

On November 23, 2020, Rockland Electric Company (“RECO” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to invest approximately $6.7 million over a five (5) year period for a comprehensive electric vehicle (“EV”) program (“EV Program”), consisting of six (6) EV subprograms applicable to light-duty vehicles (“Petition”).

The six (6) proposed subprograms and associated budgets are:

<table>
<thead>
<tr>
<th>Subprogram</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make Ready</td>
<td>$4,804,041</td>
</tr>
<tr>
<td>Voluntary Time-of-Day Rate</td>
<td>$55,000</td>
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<tr>
<td>Direct Current Fast Charging Incentive</td>
<td>$377,362</td>
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<tr>
<td>Smart Charge</td>
<td>$625,625</td>
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<tr>
<td>EVolved REcharge</td>
<td>$243,760</td>
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<tr>
<td>Outreach and Education Program</td>
<td>$577,500</td>
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<tr>
<td><strong>Total Budget</strong></td>
<td><strong>$6,683,288</strong></td>
</tr>
</tbody>
</table>

According to RECO, the proposed EV Program was designed to be responsive to its customers’ needs and to address critical adoption barriers for EV transportation by providing education and
outreach, off-peak charging, and EV infrastructure solutions to reduce range anxiety. The Company stated it has no current plans to deploy, own and/or operate EV chargers. However, RECO indicated that should the Company decide to pursue the deployment, ownership, and/or operation of publicly accessible EV chargers, it would submit a separate filing with the Board setting forth the specifics of its proposed program, as outlined in the Board’s September 23, 2020 Order establishing minimum filing requirements for light duty EV charging in Docket No. QO20050357.\(^1\)

Additionally, in the Petition, the Company proposed to implement a non-bypassable 0.0047 cents per kilowatt hour (“kWh”) Electric Vehicle Surcharge (“EVS”) applicable to all RECO distribution customers to recover the costs associated with the EV Program. If the Board approves the Petition as proposed, a typical residential customer using 925 kWh per month will experience a $0.04 per month increase, or 0.02% during the initial year of the EV Program.

By Order dated January 27, 2021, 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.\(^2\) Further, the January 27, 2021 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by March 1, 2021.

**THE MOTIONS**

*ChargePoint, Inc. Motion to Intervene and Motion for Admission Pro Hac Vice*

On March 1, 2021, Charge Point, Inc. (“ChargePoint”), a large EV charging network with existing and prospective customers seeking to install EV charging stations in RECO’s service territory, filed a motion to intervene. ChargePoint Motion at 1-3. EV stations in ChargePoint’s network are almost exclusively owned and operated by charging station site hosts, which provide charging services to EV drivers. ChargePoint seeks intervenor status, asserting that it will be substantially, specifically and directly affected by the outcome of this proceeding in the following ways: 1) RECO’s proposed incentives to offset EV charging infrastructure costs will directly impact the cost of installing ChargePoint’s products and services; 2) ChargePoint’s ability to qualify its products for RECO’s incentives will impact its ability to sell its products and services; and 3) RECO’s voluntary time-of-day rates will impact the total cost and value of ChargePoint’s products and services. Id. at 3-4.

ChargePoint maintains that its interests are unique and specific to its business models, operations, customers, and prospective customers in RECO’s service territory. Id. at 4. ChargePoint also affirms that its participation in this proceeding will not unduly broaden the issues in the proceeding, create confusion, or result in undue delay. Id.

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David Wooley, an attorney of the State of New Jersey, moved under N.J.A.C. 1:1-5.2 to permit the appearance pro hac vice of Scott Dunbar, an attorney of the state of Colorado, in this proceeding. According to the motion, Mr. Dunbar indicates that he satisfies each of the conditions for admission, including good cause, set forth in R. 1:21-2(a) and that he has paid the required fee to the New Jersey Lawyers’ Fund for Client Protection and Ethics Financial Committee. Mr. Dunbar further agrees to abide by the Board and all applicable New Jersey court rules.

PSE&G Motion to Participate

On March 1, 2021, Public Service Electric and Gas Company (“PSE&G”), a New Jersey public utility involved in the purchase, transmission, distribution, and sale of electric energy with more than two (2) million residential, commercial and industrial electric customers in the state, filed a motion to participate in this proceeding. PSE&G Motion at 1.

PSE&G seeks participant status and asserts that issues to be addressed in the case may have an impact of establishing precedent, and therefore, PSE&G will be directly and specifically affected by this docket. Id. at 3. PSE&G claims that no other party or participant will represent its interests as the operations of the company are distinct from those of other parties and participants. Id. PSE&G also asserts that its experience in the electric industry will add constructively to the proceeding. Id. at 4.

PSE&G affirms that it will abide by the schedule set for the proceeding and will coordinate with other similarly-situated parties to coordinate its representation. Lastly, PSE&G insists that its participation will not cause undue delay or confusion. Id.

RESPONSES

On March 5, 2021, RECO filed a letter in response to the motion to participate filed by PSE&G and the motion to intervene filed by ChargePoint. RECO does not object to either motion.

DISCUSSIONS AND FINDINGS

Motions to Intervene and Participate

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.

In consideration of ChargePoint’s Motion to Intervene, I HEREBY FIND, pursuant to N.J.A.C. 1:1-16.3, ChargePoint will be directly affected by the outcome of this proceeding and its interests are not currently served by another party. I HEREBY FIND that ChargePoint will add measurably and constructively to the scope of the case, while abiding by the current procedural schedule. I HEREBY FIND that ChargePoint has met the standards for intervention as it has a sufficient interest in this proceeding. Accordingly, having received no objection, I HEREBY GRANT the motion for intervention of ChargePoint.
Additionally, having reviewed Mr. Wooley’s motion to permit the appearance pro hac vice of Mr. Dunbar, and having received no objections, I FIND that Mr. Dunbar has satisfied the conditions for admission pro hac vice. Therefore, Mr. Dunbar 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.

In consideration of the PSE&G’s Motion to Participate, I HEREBY FIND, pursuant to N.J.A.C. 1:1-16.6(b), that the participation of PSE&G in this matter is likely to add constructively to the case without causing undue delay or confusion. No objection having been filed, I HEREBY GRANT the motion to participate filed on behalf of PSE&G, limited to the right to argue orally and file a statement or brief as set out in N.J.A.C. 1:1-16.6(c)(1) and (2).

In addition, I reviewed the proposal for a preliminary schedule, which has been agreed to by Board Staff, Rate Counsel and the Company. I HEREBY ISSUE the following as the Prehearing Order, along with the procedural schedule identified as Exhibit A, and HEREBY DIRECT the parties to comply with its terms.
PREHEARING ORDER

1. **NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:**

   In the Petition, RECO proposed to invest approximately $6.7 million over a five (5) year period for the EV Program, consisting of six (6) EV subprograms applicable to light-duty vehicles. Additionally, the Company proposed to implement a non-bypassable 0.0047 cents per kWh EVS applicable to all RECO distribution customers to recover the costs associated with the EV Program. If the Board approves the Petition as proposed, a typical residential customer using 925 kWh per month will experience a $0.04 per month increase, or 0.02% during the initial year of the EV Program.

   **Issues to be Resolved**

   A. The cost effectiveness and cost efficiency of the proposed activities and programs.
   B. The lawfulness of the proposed program offerings.
   C. The reasonableness and lawfulness of the proposed cost recovery mechanism.

2. **PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:**

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   Pamela Owen, DAG
   Pamela.owen@law.njoag.gov
3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:

Pursuant to N.J.S.A. 48:2-32.6, public hearings will be held in the Company’s service territory after publication of notice in newspapers of general circulation in RECO’s service territory. The dates, times, and locations of the public hearings are to be determined.

4. SCHEDULE OF HEARING DATES, TIME AND PLACE:

Evidentiary hearings are scheduled for the week of August 23, 2021, subject to Presiding Commissioner’s availability.

5. STIPULATIONS:

None at this time.

6. SETTLEMENT:

Parties are encouraged to engage in settlement discussion. Notice should be provided to all parties of any settlement discussions for the preparation of an agreement to resolve the issues in the case.
7. **DISCOVERY AND DATE FOR COMPLETION:**

The time limits for discovery shall be in accordance with N.J.A.C. 1:1-10.4 or as provided in Exhibit A.

8. **ORDER OF PROOFS:**

RECO has the burden of proof. The hearings will be conducted by topic in the following order:

First – RECO
Second – Rate Counsel
Third – ChargePoint
Fourth – Board Staff

9. **EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.

11. **EXHIBITS MARKED IN EVIDENCE:**

None at this time.

12. **ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:**

Witnesses will be determined at a later time.

Any party substituting witnesses shall identify such witnesses within five (5) days of determining to replace a witness, and in no event later than five (5) days before filing of testimony of a substitute witness. All direct testimony will be pre-filed, and all witnesses submitting pre-filed direct testimony will be subject to cross examination at evidentiary hearings, which will be conducted by topic (e.g., program elements, revenue requirements, and so forth).

13. **MOTIONS:**

All pending motions to intervene and/or participate have been addressed.

14. **SPECIAL MATTERS:**

None at this time.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.
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: April 8, 2021

BY:

ROBERT M. GORDON
COMMISSIONER
IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM, ESTABLISHMENT OF AN ELECTRIC VEHICLE SURCHARGE, AND FOR OTHER RELIEF (RECO EV)

BPU DOCKET NO. EO20110730

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# Procedural Schedule

**IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM, ESTABLISHMENT OF AN ELECTRIC VEHICLE SURCHARGE, AND FOR OTHER RELIEF (RECO EV)**  
BPU DOCKET NO. EO20110730

<table>
<thead>
<tr>
<th>Event/Deadline</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motions Filed by any Parties</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Discovery requests served +</td>
<td>March 8, 2021</td>
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<tr>
<td>Company responses to discovery due</td>
<td>March 22, 2021</td>
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<tr>
<td>Second Round of Discovery Requests</td>
<td>April 5, 2021</td>
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<tr>
<td>Responses due on Second Round of Discovery Requests</td>
<td>April 19, 2021</td>
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<tr>
<td>Discovery conference</td>
<td>Week of April 19, 2021</td>
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<tr>
<td>Third Round Discovery Requests</td>
<td>April 28, 2021</td>
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<tr>
<td>Third Round Discovery Answers</td>
<td>May 12, 2021</td>
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<tr>
<td>Discovery/Settlement Conference</td>
<td>Week of May 17, 2021</td>
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<td>Intervenor/respondent testimony due</td>
<td>June 11, 2021</td>
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<td>Discovery requests on intervenor/respondent testimony</td>
<td>June 18, 2021</td>
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<tr>
<td>Responses to discovery on intervenor/respondent testimony</td>
<td>July 2, 2021</td>
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<tr>
<td>Rebuttal testimony</td>
<td>July 23, 2021</td>
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<tr>
<td>Discovery requests on rebuttal testimony</td>
<td>July 30, 2021</td>
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<tr>
<td>Company responses to discovery on rebuttal testimony</td>
<td>August 6, 2021</td>
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<tr>
<td>Public Hearings</td>
<td>TBD</td>
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<td>Settlement conferences</td>
<td>Week of August 2, 2021</td>
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<tr>
<td>Evidentiary hearings (with Oral Surrebuttal)*</td>
<td>Week of August 23, 2021</td>
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<tr>
<td>Initial and Reply briefs</td>
<td>TBD by Presiding Commissioner after hearings</td>
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</tbody>
</table>

+ Petitioner agrees that discovery is ongoing and will endeavor to answer all discovery within 15 days of service.  
* Evidentiary hearing dates subject to Presiding Commissioner's availability. Petitioner requests evidentiary hearings with oral surrebuttal and rejoinder. The Presiding Commissioner will consider this request prior to the evidentiary hearings.