



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY AND CLEAN ENERGY

IN THE MATTER OF THE PETITION OF NEW	)	ORDER SUSPENDING
JERSEY NATURAL GAS COMPANY FOR	)	PROCEDURAL SCHEDULE
APPROVAL OF NEW ENERGY EFFICIENCY,	)	
BUILDING DECARBONIZATION START-UP, AND	)	
DEMAND RESPONSE PROGRAMS AND THE	)	DOCKET NO. QO23120868
ASSOCIATED COST RECOVERY MECHANISM	)	
PURSUANT TO THE CLEAN ENERGY ACT, N.J.S.A.	)	
48:3-87.8 ET SEQ. AND 48:3-98.1 ET SEQ. SECOND	)	
TRIENNIUM	)	

**Parties of Record:**

**Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel  
**Andrew K. Dembia, Esq.**, Regulatory Affairs Counsel, New Jersey Natural Gas Company  
**John Kolesnik, Esq.**, Counsel for the Energy Efficiency Alliance of New Jersey  
**Steven S. Goldenberg, Esq.**, Counsel for the New Jersey Large Energy Users Coalition  
**Kaitlin Morrison, Esq.** and **Maggie Broughton, Esq.**, Counsel for the New Jersey Progressive Equitable Energy Coalition, the Natural Resources Defense Council, and the Sierra Club

BY COMMISSIONER MARIAN ABDOU:

**BACKGROUND AND PROCEDURAL HISTORY**

By Order dated May 24, 2023, the New Jersey Board of Public Utilities (“Board”) directed each electric and gas public utility to propose, for Board approval, energy efficiency (“EE”) programs for the second three-year EE program period (“Triennium 2”) on or before October 2, 2023, and the Board addressed certain aspects of the Triennium 2 framework.<sup>1</sup>

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<sup>1</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023 (“May 2023 Order”).

By Order dated July 26, 2023, the Board approved the remaining aspects of the Triennium 2 framework.<sup>2</sup>

By Order dated September 27, 2023, the Board extended the filing deadline for Triennium 2 petitions from October 2, 2023 to December 1, 2023 and directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by December 8, 2023 and that entities file with the Board any responses to those motions by December 14, 2023.<sup>3</sup> By the September 2023 Order, the Board retained this matter for hearing and, pursuant to N.J.S.A. 48:2-32, designated President Guhl-Sadovy as Presiding Commissioner in this matter. By Order dated October 25, 2023, the Board delayed the start of Triennium 2 by six (6) months from July 1, 2024, until January 1, 2025.<sup>4</sup>

By Order dated January 10, 2024, the Board redesignated President Guhl-Sadovy as the Presiding Commissioner for the Public Service Electric and Gas Company ("PSE&G") filing and designated myself, Commissioner Abdou, as the Presiding Commissioner in this matter, authorized to rule on all motions that arise during the pendency of this proceeding and modify schedules that may be set as necessary to secure a just and expeditious determination of all issues.<sup>5</sup>

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<sup>2</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated July 26, 2023.

<sup>3</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated September 27, 2023 ("September 2023 Order"). The September 2023 Order also directed that any entity wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate. No entity filed a motion for admission *pro hac vice* in this matter.

<sup>4</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO23030150, Order dated October 25, 2023 ("October 2023 Order"). The October 2023 Order also extended Triennium 1 through December 31, 2024.

<sup>5</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs et al., BPU Docket Nos. QO23030150, QO23120868, QO23120869, QO23120870, QO23120871, QO23120872, QO23120874, and QO23120875, Order dated January 10, 2024 ("January 2024 Order"). By the January 2024 Order, the Board additionally redesignated Commissioner Abdou as the Presiding Commissioner for the Elizabethtown Gas Company ("ETG") and South Jersey Gas Company ("SJG") filings, BPU Docket Nos. QO23120869 and QO23120870.

On December 1, 2023, New Jersey Natural Gas Company (“NJNG” or “Petitioner”) filed the requisite petition with the Board (“Petition”), and on December 26, 2023, Board Staff (“Staff”) issued NJNG a letter of administrative deficiency (“Letter”) identifying administratively incomplete portions of the Petition and requesting that the Company cure any deficiencies. On January 2, 2024, NJNG filed an update to the Petition to cure the deficiencies identified in the Letter (“Update”). N.J.S.A. 48:3-98.1(b) provides the Board with 180 days to approve, modify, or deny the Company’s requested recovery of costs for the Program. The 180-day review period commenced on January 2, 2024 for the Petition.

In the January 2024 Order, the Board directed that any entity wishing to file a motion for leave to intervene or participate, or to update a previously-filed motion for leave to intervene or participate, in this proceeding shall have until seven (7) days following Staff’s issuance of a letter of administrative completeness to the Company.<sup>6</sup> On January 12, 2024, Staff issued a letter of administrative completeness, noting that the Update adequately cured the deficiencies identified in the Letter and that Staff therefore determined the Petition to be administratively complete. The Board subsequently received no additional or updated motions seeking leave to intervene or participate.

By Order dated February 26, 2024, after considering all Motions to Intervene or Participate in this matter and responses to the Motions, I granted intervenor status to the New Jersey Large Energy Users’ Coalition (“NJLEUC”), the Energy Efficiency Alliance of New Jersey (“EEA-NJ”), the Natural Resources Defense Council (“NRDC”), the New Jersey Progressive Equitable Energy Coalition (“NJPEEC”), and the Sierra Club (collectively, “Intervenors”), and participant status to Uplight, Inc. and the joint utilities: Atlantic City Electric Company, ETG, Jersey Central Power & Light Company, PSE&G, Rockland Electric Company, and SJG.<sup>7</sup>

On March 19, 2024, the parties to this matter submitted for approval a stipulation of settlement, proposing to extend the 180-day review period to October 15, 2024 (“Stipulation”).

By Order dated April 23, 2024, I approved the Stipulation, extending the 180-day review period to October 15, 2024, and established the procedural schedule for this matter, which was annexed to the Order (“April 23 Procedural Schedule”).<sup>8</sup>

On April 25, 2024, I received correspondence from NJNG seeking to amend the April 23 Procedural Schedule, specifically, by extending the deadline for the New Jersey Division of Rate Counsel (“Rate Counsel”) and Intervenors to file testimony by two (2) weeks from April 29, 2024,

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<sup>6</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs et al., BPU Docket Nos. QO23030150, QO23120868, QO23120869, QO23120870, QO23120871, QO23120872, QO23120874, and QO23120875, Order dated January 10, 2024.

<sup>7</sup> In re the Petition of New Jersey Natural Gas Company for Approval of New Energy Efficiency, Building Decarbonization Start-Up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq. Second Triennium, BPU Docket No. QO23120868, Order dated February 26, 2024.

<sup>8</sup> In re the Petition of New Jersey Natural Gas Company for Approval of New Energy Efficiency, Building Decarbonization Start-Up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq. Second Triennium, BPU Docket No. QO23120868, Order dated April 23, 2024.

to May 13, 2024, to allow for further settlement negotiations. NJNG did not request further modification to the April 23 Procedural Schedule in its April 25, 2024, correspondence. According to the correspondence, Rate Counsel, Board Staff, and the Intervenor supported the request. Subsequently, on May 8, 2024, NJNG filed correspondence requesting the filing for Rate Counsel and Intervenor testimony be extended to May 28, 2024. The correspondence indicated that the request was supported by Rate Counsel, Board Staff, and the Intervenor. By Order dated May 15, 2024, I extended the deadline for the filing of Respondent/Intervenor testimony to May 28, 2024, and, with the consent of the parties, suspended the April 23 Procedural Schedule until May 28, 2024.<sup>9</sup>

On May 20, 2024, NJNG filed correspondence seeking to suspend the procedural schedule indefinitely so that the parties may continue settlement negotiations. Rate Counsel and the Intervenor indicated their consent to NJNG's request in writing on May 21 and May 22, 2024. Board Staff indicated its consent to the request on May 24, 2024.

### **DISCUSSION AND FINDINGS**

I reviewed, in detail, the Petitioner's correspondence dated May 20, 2024 requesting a suspension of the Procedural Schedule as the parties work towards a possible settlement. To allow further settlement negotiations and to ensure an equitable determination of the issues, and with the consent of the parties, I **HEREBY SUSPEND** the April 23 Procedural Schedule in its entirety.

I **HEREBY ORDER** that the parties shall participate in a status update conference with myself that will occur during the last week of June 2024 to discuss progress made toward settlement and to determine whether to reinstate the April 23 Procedural Schedule. The Parties will be notified of the exact date of the status update conference by email.

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: June 4, 2024

BY:

  
MARIAN ABDOU  
COMMISSIONER

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<sup>9</sup> In re the Petition of New Jersey Natural Gas Company for Approval of New Energy Efficiency, Building Decarbonization Start-Up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq. Second Triennium, BPU Docket No. QO23120868, Order dated May 15, 2024.

IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS COMPANY FOR APPROVAL OF NEW ENERGY EFFICIENCY, BUILDING DECARBONIZATION START-UP, AND DEMAND RESPONSE PROGRAMS AND THE ASSOCIATED COST RECOVERY MECHANISM PURSUANT TO THE CLEAN ENERGY ACT, N.J.S.A. 48:3-87.8 ET SEQ. AND 48:3-98.1 ET SEQ. SECOND TRIENNIUM

DOCKET NO. QO23120868

SERVICE LIST

**New Jersey Board of Public Utilities**  
44 South Clinton Avenue, 1st Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

Sherri Golden, Board Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Robert Brabston, Esq., Executive Director  
[robert.brabston@bpu.nj.gov](mailto:robert.brabston@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

General Counsel's Office

Michael Beck, General Counsel  
[michael.beck@bpu.nj.gov](mailto:michael.beck@bpu.nj.gov)

Carol Artale, Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Steven Athanassopoulos  
[steven.athanassopoulos@bpu.nj.gov](mailto:steven.athanassopoulos@bpu.nj.gov)

Rachel Boylan  
[rachel.boylan@bpu.nj.gov](mailto:rachel.boylan@bpu.nj.gov)

Office of the Economist

Benjamin Witherell, Ph.D., Chief Economist  
[benjamin.witherell@bpu.nj.gov](mailto:benjamin.witherell@bpu.nj.gov)

Dianne Crilly  
[dianne.crilly@bpu.nj.gov](mailto:dianne.crilly@bpu.nj.gov)

Jackie O'Grady  
[jackie.ogrady@bpu.nj.gov](mailto:jackie.ogrady@bpu.nj.gov)

Division of State Energy Services

Sara Bluhm Gibson, Director  
[sara.bluhm@bpu.nj.gov](mailto:sara.bluhm@bpu.nj.gov)

Michelle Rossi  
[michelle.rossi@bpu.nj.gov](mailto:michelle.rossi@bpu.nj.gov)

**NJBPU, cont'd.**

Division of Revenue and Rates

Andrew Tuzzo  
[andrew.tuzzo@bpu.nj.gov](mailto:andrew.tuzzo@bpu.nj.gov)

Cindy Bianco  
[cindy.bianco@bpu.nj.gov](mailto:cindy.bianco@bpu.nj.gov)

Division of Clean Energy

Stacy Ho Richardson, Deputy Director  
[stacy.richardson@bpu.nj.gov](mailto:stacy.richardson@bpu.nj.gov)

Kevin Monte de Ramos  
Bureau Chief, Energy Efficiency and Building  
Decarbonization  
[kevin.montederamos@bpu.nj.gov](mailto:kevin.montederamos@bpu.nj.gov)

Kevin Nedza  
[kevin.nedza@bpu.nj.gov](mailto:kevin.nedza@bpu.nj.gov)

Philip Chao  
[philip.chao@bpu.nj.gov](mailto:philip.chao@bpu.nj.gov)

Rupa Deshmukh  
[rupa.deshmukh@bpu.nj.gov](mailto:rupa.deshmukh@bpu.nj.gov)

Paul Heitmann  
[paul.heitmann@bpu.nj.gov](mailto:paul.heitmann@bpu.nj.gov)

Indrani Pal  
[indrani.pal@bpu.nj.gov](mailto:indrani.pal@bpu.nj.gov)

Brandee Sullivan  
[brandee.sullivan@bpu.nj.gov](mailto:brandee.sullivan@bpu.nj.gov)

David Titus  
[david.titus@bpu.nj.gov](mailto:david.titus@bpu.nj.gov)

Alexis Trautman  
[alexis.trautman@bpu.nj.gov](mailto:alexis.trautman@bpu.nj.gov)

Dustin Wang  
[dustin.wang@bpu.nj.gov](mailto:dustin.wang@bpu.nj.gov)

**NJBPU Consultants**

Andrew Grant  
The Cadmus Group  
720 SW Washington St., Suite 400  
Portland, OR 97205  
[andrew.grant@cadmusgroup.com](mailto:andrew.grant@cadmusgroup.com)

Jason Meyer  
DNV Energy Insights USA Inc.  
1400 Ravello Rd  
Katy, TX 77449  
[jason.meyer@dnv.com](mailto:jason.meyer@dnv.com)

Pankaj Lal, PhD  
Cassidy Rucker  
Montclair State University  
426 Center for Environment & Life Sciences  
Montclair, NJ 07043  
[lalp@montclair.edu](mailto:lalp@montclair.edu)  
[ruckerc@montclair.edu](mailto:ruckerc@montclair.edu)

Jennifer Senick  
Rutgers Center for Green Building  
Edward J. Bloustein School of Planning & Public  
Policy  
Rutgers, The State University of New Jersey  
33 Livingston Ave #158  
New Brunswick, NJ 08901  
[jsenick@rutgers.edu](mailto:jsenick@rutgers.edu)

Lisa Skumatz  
Skumatz Economic Research Associates  
PO Box 1486  
Silverthorne, CO 80498  
[skumatz@serainc.com](mailto:skumatz@serainc.com)

**New Jersey Division of Law**  
Department of Law & Public Safety  
R.J. Hughes Justice Complex, 7<sup>th</sup> Floor West  
25 Market Street  
Post Office Box 112  
Trenton, NJ 08625-0112

Daren Eppley, Section Chief, DAG  
[daren.eppley@law.njoag.gov](mailto:daren.eppley@law.njoag.gov)

Pamela Owen, Assistant Section Chief, DAG  
[pamela.owen@law.njoag.gov](mailto:pamela.owen@law.njoag.gov)

Matko Ilic, DAG  
[matko.ilic@law.njoag.gov](mailto:matko.ilic@law.njoag.gov)

Steven A. Chaplar, DAG  
[steven.chaplar@law.njoag.gov](mailto:steven.chaplar@law.njoag.gov)

**New Jersey Division of Rate Counsel**  
140 East Front Street, 4th Floor  
Post Office Box 003  
Trenton, NJ 08625-0003

Brian Lipman, Esq., Director  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Maura Caroselli, Esq., Managing Attorney  
[mcaroselli@rpa.nj.gov](mailto:mcaroselli@rpa.nj.gov)

Megan Lupo, Esq.  
[mlupo@rpa.nj.gov](mailto:mlupo@rpa.nj.gov)

Mamie W. Purnell, Esq.  
[mpurnell@rpa.nj.gov](mailto:mpurnell@rpa.nj.gov)

Andrew Gold, Esq.  
[agold@rpa.nj.gov](mailto:agold@rpa.nj.gov)

Carlena Morrison, Paralegal  
[cmorrison@rpa.nj.gov](mailto:cmorrison@rpa.nj.gov)

Terrence Coleman, Paralegal  
[tcoleman2@rpa.nj.gov](mailto:tcoleman2@rpa.nj.gov)

**Rate Counsel Consultants**

Robert J. Henkes  
Henkes Consulting  
7 Sunset Road  
Old Greenwich, CT 06870  
[rhenkes@optonline.net](mailto:rhenkes@optonline.net)

Applied Economics Clinic  
6 Liberty Square PMB 98162  
Boston, MA 02109

Elizabeth A. Stanton, PhD  
[liz.stanton@aeclinic.org](mailto:liz.stanton@aeclinic.org)

Sumera Patel  
[Sumera.patel@aeclinic.org](mailto:Sumera.patel@aeclinic.org)

Jordan M. Burt  
[jordan.burt@aeclinic.org](mailto:jordan.burt@aeclinic.org)

Tanya Stasio  
[tanya.stasio@aeclinic.org](mailto:tanya.stasio@aeclinic.org)

Rate Counsel Consultants, cont'd.

Acadian Consulting Group  
5800 One Perkins Place Drive  
Building 5, Suite F  
Baton Rouge, LA 70808

David Dismukes, Ph.D.  
[daviddismukes@acadianconsulting.com](mailto:daviddismukes@acadianconsulting.com)

Michael Deupree  
[michaeldeupree@acadianconsulting.com](mailto:michaeldeupree@acadianconsulting.com)

Nicolas Alvarez  
[nicolasalvarez@acadianconsulting.com](mailto:nicolasalvarez@acadianconsulting.com)

Taylor Deshotels  
[taylordeshotels@acadianconsulting.com](mailto:taylordeshotels@acadianconsulting.com)

Roberto Hasbun  
[robhasbun@acadianconsulting.com](mailto:robhasbun@acadianconsulting.com)

Emily Mouch  
[emilymouch@acadianconsulting.com](mailto:emilymouch@acadianconsulting.com)

Tyler French  
[tylerfrench@acadianconsulting.com](mailto:tylerfrench@acadianconsulting.com)

Jackson Gaspard  
[jacksongaspard@acadianconsulting.com](mailto:jacksongaspard@acadianconsulting.com)

**Eastern Environmental Law Center**  
One Gateway Center, Suite 2600  
Newark, NJ 07102

Kaitlin Morrison, Esq.  
[kmorrison@easternenvironmental.org](mailto:kmorrison@easternenvironmental.org)

Maggie Broughton, Esq.  
[mbroughton@easternenvironmental.org](mailto:mbroughton@easternenvironmental.org)

**Energy Efficiency Alliance of New Jersey**  
John M. Kolesnik, Esq., Policy Counsel  
614 S. 4<sup>th</sup> St., #307  
Philadelphia, PA 19147  
[jkolesnik@eeaofnj.org](mailto:jkolesnik@eeaofnj.org)

**New Jersey Large Energy Users Coalition**  
Steven S. Goldenberg, Esq.  
Giordano, Halleran & Ciesla, P.C.  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777  
[sgoldenberg@ghclaw.com](mailto:sgoldenberg@ghclaw.com)

**New Jersey Natural Gas Company**  
1415 Wyckoff Road  
P.O. Box 1464  
Wall, New Jersey 07719

Andrew K. Dembia, Esq., Regulatory Affairs Counsel  
[adembia@njng.com](mailto:adembia@njng.com)

Mark G. Kahrer  
[mkahrer@njng.com](mailto:mkahrer@njng.com)

James Corcoran  
[jcorcoran@njng.com](mailto:jcorcoran@njng.com)

Anne-Marie Peracchio  
[aperacchio@njng.com](mailto:aperacchio@njng.com)

Tina Trebino  
[ttrebino@njng.com](mailto:ttrebino@njng.com)

Judy DeSalvatore  
[jdesalvatore@njng.com](mailto:jdesalvatore@njng.com)

Todd Van Aken  
[tvanaken@njng.com](mailto:tvanaken@njng.com)

Susan Fastuca  
[sfantuca@njng.com](mailto:sfantuca@njng.com)

Mary Lou Pardey  
[mpardeym@njng.com](mailto:mpardeym@njng.com)

**Uplight**  
Norris McLaughlin, P.A.  
400 Crossing Boulevard, 8th Floor  
P.O. Box 5933  
Bridgewater, NJ 08807

James H. Laskey, Esq.  
[jlaskey@norris-law.com](mailto:jlaskey@norris-law.com)

Anthony D'Elia  
[adelia@norris-law.com](mailto:adelia@norris-law.com)

Neil Veilleux  
Uplight Inc.  
2350 Junction Pl, Ste 200  
Boulder, CO 80301  
[neil.veilleux@uplight.com](mailto:neil.veilleux@uplight.com)

**Rockland Electric Company**  
Margaret Comes, Esq., Associate Counsel  
4 Irving Place  
New York, New York 10003  
[comesm@coned.com](mailto:comesm@coned.com)

**Atlantic City Electric Company**  
92DC42  
500 North Wakefield Drive  
P.O. Box 6066  
Newark, DE 19702-6066

Philip J. Passanante, Esq.  
Assistant General Counsel  
[philip.passanante@pepcoholdings.com](mailto:philip.passanante@pepcoholdings.com)

Nathanael Gillespie  
[nathanael.gillespie@exeloncorp.com](mailto:nathanael.gillespie@exeloncorp.com)

Jacob B. Sneedan  
[jacob.sneedan@exeloncorp.com](mailto:jacob.sneedan@exeloncorp.com)

Jessica Yu  
[jessica.yu@exeloncorp.com](mailto:jessica.yu@exeloncorp.com)

Heather Hall  
[heather.hall@pepcoholdings.com](mailto:heather.hall@pepcoholdings.com)

Imran Bell  
[imran.bell@exeloncorp.com](mailto:imran.bell@exeloncorp.com)

Daniel Anderson  
[danderson@pepco.com](mailto:danderson@pepco.com)

Ruth C. Kiselewich  
[ruth.kiselewich@exeloncorp.com](mailto:ruth.kiselewich@exeloncorp.com)

Susan Marinelli  
[smarinelli@pepcoholdings.com](mailto:smarinelli@pepcoholdings.com)

Sherryl Chen  
[sherryl.chen@pepcoholdings.com](mailto:sherryl.chen@pepcoholdings.com)

Brendon Baatz  
[brendon@gabelassociates.com](mailto:brendon@gabelassociates.com)

**Public Service Electric and Gas Company**  
Stacey M. Mickles, Associate Counsel – Regulatory  
Law Department  
PSEG Services Corporation  
80 Park Plaza – T10  
Newark, New Jersey 07102-4194  
[stacey.mickles@pseg.com](mailto:stacey.mickles@pseg.com)

**Elizabethtown Gas Company & South Jersey Gas Company**

Sheree Kelly, Esq., Regulatory Affairs Counsel  
South Jersey Industries  
520 Green Lane  
Union, NJ 07083  
[skelly@sjindustries.com](mailto:skelly@sjindustries.com)

**Jersey Central Power & Light Company**

Michael Martelo, Esq., Attorney  
300 Madison Avenue  
P.O. Box 1911  
Morristown, NJ 07962-1911  
[mmartelo@firstenergycorp.com](mailto:mmartelo@firstenergycorp.com)

Kurt E. Turosky  
Diane L. Rapp  
76 South Main  
Akron, Ohio 44308  
[turoskyk@firstenergycorp.com](mailto:turoskyk@firstenergycorp.com)  
[drapp@firstenergycorp.com](mailto:drapp@firstenergycorp.com)

Edward C. Miller  
Eric R. Rundy  
800 Cabin Hill Drive  
Greensburg, Pennsylvania 15601  
[emille3@firstenergycorp.com](mailto:emille3@firstenergycorp.com)  
[erundy@firstenergycorp.com](mailto:erundy@firstenergycorp.com)

Mackenzie Klie  
14997 Park Ave Ext  
Meadville, Pennsylvania 16335  
[mklie@firstenergycorp.com](mailto:mklie@firstenergycorp.com)

Kori R. Auman-Krebs  
Viktor Lackmann  
2800 Pottsville Pike  
Reading, Pennsylvania 19605  
[kauman@firstenergycorp.com](mailto:kauman@firstenergycorp.com)  
[vlackmann@firstenergycorp.com](mailto:vlackmann@firstenergycorp.com)