



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**DIVISION OF ENERGY AND**  
**OFFICE OF CLEAN ENERGY**

IN THE MATTER OF THE PETITION OF PUBLIC  
SERVICE ELECTRIC AND GAS COMPANY )  
OFFERING AN ENERGY EFFICIENCY )  
ECONOMIC STIMULUS PROGRAM IN ITS )  
SERVICE TERRITORY ON A REGULATED )  
BASIS AND ASSOCIATED COST RECOVERY )  
MECHANISM PURSUANT TO N.J.S.A. 48:3-98.1 )

ORDER GRANTING  
INTERVENTION AND ADMISSION  
PRO HAC VICE

DOCKET NO. EO09010058

(SERVICE LIST ATTACHED)

BY PRESIDENT JEANNE M. FOX:

On January 21, 2009, Public Service Electric and Gas Company ("PSE&G" or "the Company") submitted a petition for approval to implement and administer an Energy Efficiency Program ("Energy Efficiency Program") in response to Governor Corzine's Economic Stimulus Plan and for approval of an associated cost recovery mechanism. According to the petition, the Energy Efficiency Program would stimulate the economy by lowering customers' energy bills and stimulating job creation, as well as addressing climate change and assisting the State in achieving its energy reduction goals. The petition describes a program consisting of eight "sub-programs" which would target specific energy efficiency measures to specific customer segments. PSE&G estimates total project expenditures over a two-year period of approximately \$190 million. The Company anticipates that this program will generate additional jobs for auditors, contractors, and contractor employees and will provide more detailed information when available.

The Company proposes recovering the costs associated with the program through two new Energy Efficiency Program charges, to be components of the Company's electric and gas Regional Greenhouse Gas Initiative ("RGGI") Recovery Charges. As envisioned by the petition, these charges would be filed annually. The Company's investments in the program would be subject to deferred accounting and the carrying charge on the Company's deferred balances and the return on the net investment for this Program would be set based upon PSE&G's

monthly weighted average cost of capital ("WACC"). The WAAC would be set to reflect current capital market conditions, including a 10.3% return on equity. The Company also seeks recovery of lost distribution margin revenues associated with this filing.

By Order dated February 19, 2009, the Board determined that this matter should be retained by the Board for review and hearing, and, as authorized by N.J.S.A. 48:2-32, designated the undersigned as the presiding officer who is authorized to rule on all motions that arise during the proceeding and modify any schedule that may be set as necessary to secure just and expeditious determination of the issues

By letter dated January 28, 2009, Steven S. Goldenberg, Esq. filed a motion to intervene in this proceeding on behalf of the New Jersey Large Energy Users Coalition ("NJLEUC"). According to the motion, NJLEUC is an association of large volume customers which, among other things, monitors regulatory proceedings on behalf of its members, including those serviced by PSE&G. According to the motion, NJLEUC's members, as large end-use customers on the PSE&G system, will be directly and immediately affected by the energy efficiency investments and associated rate relief requested by the petition. NJLEUC maintains that it has a unique perspective not otherwise represented and that its participation in this matter will constructively and measurably advance this proceeding, as required by N.J.A.C. 1:1-16.3(a). NJLEUC also commits to working cooperatively with the other parties to this proceeding, to the extent possible.

On February 9, 2009, PSE&G filed a response to the motion to intervene stating that without knowing the membership of NJLEUC it is not possible to determine whether the movant satisfies the criteria of N.J.S.A. 1:1-16.3(a). Accordingly, the Company did not object to the motion provided that NJLEUC promptly provided a membership list to the Company and the Board.

By letter dated February 10, 2009, the movant provided a membership list.

Mr. Goldenberg has also moved pursuant to N.J.A.C. 1:1-5.2 and 1:21-2 for the admission *pro hac vice* of Paul F. Forshay, Esq. a member in good standing of the bar of the District of Columbia. Mr. Forshay filed an affidavit with the motion asserting that there is good cause for his admission since he has considerable experience representing marketers and large end users in proceedings before the Board and the Federal Energy Regulatory Commission, he has been requested by NJLEUC to appear in these proceedings, and that he is associated in this matter with Mr. Goldenberg who is New Jersey counsel of record. The affidavit also indicates that Mr. Forshay has satisfied all of the conditions for admission as set forth in R. 1:21-2(a), and that the fees required by R. 1:20-1(b) and 1:28-2 have been paid to the Disciplinary Oversight Committee and the New Jersey Lawyers' Fund for Client Protection.

## FINDINGS and DISCUSSION

Pursuant to N.J.A.C. 1:1-16.3(a), to determine if a motion to intervene should be granted, the Board considers the nature and extent of the party's interest in the outcome of the investigation; whether the party's interest is sufficiently different from that of other parties; whether inclusion will add constructively to the case; and whether intervention will confuse or delay the matter.

As noted above, NJLEUC has provided its membership list to the Board, identifying membership that currently receives service from the Company.

Based on my review of NJLEUC's motion to intervene and the record in this matter, I HEREBY GRANT the motion, provided that NJLEUC complies with the schedule adopted for this proceeding on February 25, 2009.

Based on review of the motion for admission *pro hac vice* of Mr. Forshay and the supporting affidavit, and no objections having been received, I FIND that Mr. Forshay has satisfied the conditions for admission, and therefore, HEREBY GRANT the motion for admission to practice before the Board for this proceeding only, provided that Mr. Forshay shall:

- 1) abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
- 2) submit proof of payment of the fees required by R.1:20-1(b) and 1:28-2;
- 3) 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 him that may arise out of his participation in this matter;
- 4) notify the Board immediately of any matter affecting his standing at the bar of any other jurisdiction; and
- 5) have all pleadings, briefs and other papers filed with the Board signed by the 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 attorney admitted by this Order.

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

DATED: 3/27/09

BY:

  
JEANNE M. FOX  
PRESIDENT

I/M/O ENERGY EFFICIENCY PROGRAMS AND ASSOCIATED COST  
RECOVERY MECHANISM PROCEEDINGS  
BPU DOCKET NO. EO09010056

and

I/M/O THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY OFFERING  
AN ECONOMIC ENERGY EFFICIENCY STIMULUS PROGRAM IN ITS SERVICE TERRITORY  
ON A REGULATED BASIS AND FOR ASSOCIATED COST RECOVERY MECHANISM  
PURSUANT TO N.J.S.A. 48:3-98.1  
BPU DOCKET NO. GO09010058

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