



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF A PROCEEDING FOR)
INFRASTRUCTURE INVESTMENT AND A)
COST RECOVERY MECHANISM FOR ALL)
GAS & ELECTRIC UTILITIES)
)
) DOCKET NO. EO9010049

IN THE MATTER OF THE PETITION OF)
ATLANTIC CITY ELECTRIC COMPANY FOR)
APPROVAL OF CERTAIN ENERGY)
INFRASTRUCTURE INVESTMENTS AND)
APPROVAL OF COST RECOVERY FOR SUCH)
PROJECTS AND RELATED TARIFF MODIFICATIONS)
) DOCKET NO. EO09010054

(SERVICE LIST ATTACHED)

BY PRESIDENT JEANNNE M. FOX:

On January 30, 2009 Atlantic City Electric Company ("ACE" or the "Company") submitted a petition for approval of an Infrastructure Investment Program ("IIP") to accelerate certain capital infrastructure projects. According to the petition, the projects in the IIP program are incremental in nature, and will create jobs in support of the Governor's Economic Stimulus Plan. The Company has identified 21 incremental infrastructure projects, estimating total distribution infrastructure expenditures over a 24-month period totaling \$41.3 million (\$31 million more than would have been expended under a "business as usual" infrastructure program). The projects proposed by ACE fall into the following categories;

1. Energy Efficiency – Street light replacement program
2. Distribution Automation/Communication – Upgrade data network communication
3. Reliability-Replacement of Infrastructure – Wire/spacer/cable & feeder replacements
4. Equipment upgrades
5. Environmental upgrades – oil containment

The Company proposes recovering the revenue requirements associated with the IIP by implementing an Infrastructure Investment Surcharge ("ISS"). The ISS revenue requirement and rate setting processes would be subject to review in a base rate case to be filed by in 2010.

By Order dated January 29, 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 me 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 February 11, 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 who purchase electricity from ACE. According to the motion, NJLEUC's members, as large end-use customers on the ACE system, will be directly and immediately affected by the infrastructure investments and associated rate relief requested by the petition. NJLEUC maintains that it has a unique perspective not otherwise represented, and 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.

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.

No objections to the motions were received.

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, and 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. Based on my review of the NJLEUC's motion to intervene and having received no objections after due notice to the parties, I HEREBY GRANT the motion provided that NJLEUC complies with the schedule previously adopted for this proceeding.


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

DATED: 2/25/09

BY:


JEANNE M. FOX
PRESIDENT

I/M/O INFRASTRUCTURE INVESTMENT AND A COST RECOVERY MECHANISM
FOR ATLANTIC CITY ELECTRIC COMPANY
BPU DOCKET NOS. EO09010049 and EO09010054
SERVICE LIST

BPU

Alice Bator, Bureau Chief
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-2448
FAX: (973) 648-7420
alice.bator@bpu.state.nj.us

Mark Beyer, Chief Economist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 693-3414
FAX: (973) 648-4410
mark.beyer@bpu.state.nj.us

Victor Fortkiewicz, Exec. Dir.
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4852
FAX: (973) 648-2409
victor.fortkiewicz@bpu.state.nj.us

Donna Luhn
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4451
FAX: (973) 648-2409
donna.luhn@bpu.state.nj.us

Christine Lin
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3407
FAX: (973) 648-4410
christine.lin@bpu.state.nj.us

Michael Stonack
Board of Public Utilities
Office of Clean Energy
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4959
FAX: (973) 648-2242
michael.stonack@bpu.state.nj.us

Nanik Aswani
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-2270
FAX: (973) 648-2467/7420
Nanik.aswani@bpu.state.nj.us

Kristi Izzo, Secretary *
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3426
FAX: (973) 648-2409
kristi.izzo@bpu.state.nj.us

Robert Wojciak
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3978
FAX: (973) 648-4410
Robert.wojciak@bpu.state.nj.us

James Giuliano, Director
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3875
FAX: (973) 648-2242
James.giuliano@bpu.state.nj.us

Jerome May
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-4950
FAX: (973) 648-7420
Jerome.may@bpu.state.nj.us

Jackie O=Grady
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3451
FAX: (973) 648-4410
Jackie.ogrady@bpu.state.nj.us

Sheila Iannaccone, Bureau Chief
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 648-3705
FAX: (973) 648-7420
Sheila.iannaccone@bpu.state.nj.us

Suzanne Patnaude, Dep. Chief Counsel
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
PHONE: (973) 693-3858
FAX: (973) 648-2209
Suzanne.patnaude@bpu.state.nj.us

* means regular mail and email service

Ricky John
 Board of Public Utilities
 Two Gateway Center
 Newark, NJ 07102
 PHONE: (973)648-7218
 FAX: (973)648-7420
Ricky.john@bpu.state.nj.us

DAsG for Board Staff

Caroline Vachier, DAG *
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street, 5th Flr.
 P.O. Box 45029
 Newark, NJ 07101
 PHONE: (973)648-3709
 FAX: (973)648-3555
caroline.vachier@dol.lps.state.nj.us

Jessica L. Campbell, DAG
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street, 5th Flr.
 P.O. Box 45029
 Newark, NJ 07101
 PHONE: (973)648-4762
 FAX: (973)648-3555
jessica.campbell@dol.lps.state.nj.us

Kerri Kirschbaum, DAG
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street
 PO Box 45029
 Newark, NJ 07101
 PHONE: (973)648-7811
 FAX: (973)648-3555
kerri.kirschbaum@dol.lps.state.nj.us

Alex Moreau, DAG
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street
 PO Box 45029
 Newark, NJ 07101
 PHONE: (973)648-3762
 FAX: (973)648-3555
alex.moreau@dol.lps.state.nj.us

Anne M. Shatto, DAG
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street
 PO Box 45029
 Newark, NJ 07101
 PHONE: (973) 648-3762
 FAX: (973) 648-3555
anne.shatto@dol.lps.state.nj.us

Jenique Jones, Paralegal
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street
 PO Box 45029
 Newark, NJ 07101
 PHONE: (973) 648-7159
 FAX: (973) 648-3555
jenique.jones@dol.lps.state.nj.us

Advising DAsG

Elise Goldblat, DAG
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street
 PO Box 45029
 Newark, NJ 07101
 PHONE: (973)648-3709
 FAX: (973)648-3555
elise.goldblat@dol.lps.state.nj.us

Babette Tenzer, DAG
 NJ Dept. of Law & Public Safety
 Division of Law
 124 Halsey Street
 PO Box 45029
 Newark, NJ 07101
 PHONE: (973)648-3441
 FAX: (973)648-3555
babette.tenzer@dol.lps.state.nj.us

ADVOCATE

Stefanie A. Brand, Director *
 Division of Rate Counsel
 31 Clinton Street B 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
sbrand@rpa.state.nj.us

Paul Flanagan, Litigation Manager
 Division of Rate Counsel
 31 Clinton Street B 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973)648-2690
 FAX: (973)624-1047
pflanagan@rpa.state.nj.us

Felicia Thomas-Friel, Esq.
 Division of the Rate Counsel
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973) 648-2690
 FAX: (973) 624-1047
fthomas@rpa.state.nj.us

Ami Morita, Esq.
 Division of the Rate Counsel
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973) 648-2690
 FAX: (973) 624-1047
amorita@rpa.state.nj.us

James Glassen, Esq.
 Division of the Rate Counsel
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973) 648-2690
 FAX: (973) 624-1047
jglassen@rpa.state.nj.us

Lisa Gurkas
 Division of the Rate Counsel
 31 Clinton Street - 11th Flr.
 PO Box 46005
 Newark, NJ 07101
 PHONE: (973) 648-2690
 FAX: (973) 624-1047
lgurkas@rpa.state.nj.us

Bruce Biewald
 Max Chang
 Synapse Energy Economics, Inc
 22 Pearl Street
 Cambridge, MA 02139
 PHONE: (617) 661-3248
 FAX: (617) 661-0599
bbiewald@synapse-energy.com
mchang@synapse-energy.com

Charles Salamone
 Cape Power Systems Consulting, LLC
 23 Westerly Drive
 Bourne, MA 02532
 PHONE: (774) 271-0383
 FAX: (866) 484-0298
csalamone@capepowersystems.com

Mike Majoros
 Margaret Kenney
 Snavely, King, Majoros, O'Connor & Lee, Inc
 1111 14th Street, N.W., Suite 300
 Washington, DC 20005
 PHONE: (202) 371-1111
 FAX: (202) 842-4966
mmajoros@snavely-king.com
mkenney@snavely-king.com

James Goldstein
 John Stutz
 Tellus Institute
 11 Arlington Street
 Boston, MA 02116-3411
 PHONE: (617) 266-5400
 FAX: (617) 266-8303
jgold@tellus.org
jstutz@tellus.org

Matt Kahal
 Exeter Associates, Inc.
 5565 Sterrett Place, Suite 310
 Columbia, MD 21044
 PHONE: (410) 992-7500
 FAX: (410) 992-3445
mkahal@exeterassociates.com

ACE

Philip J. Passanante, Esq. *
 Assistant General Counsel
 Atlantic City Elec. Co. - 89KS42
 800 King St. 5th Floor
 P.O. Box 231
 Wilmington, DE 19899-0231
 PHONE: (302) 429-3105
Philip.passanante@pepcoholdings.com

Nicholas W. Mattia, Jr., Esq.
 Dickstein Shapiro LLP
 1825 Eye Street, NW
 Washington, DC 20006-5304
 PHONE: (202) 420-3035
mattian@dicksteinshapiro.com

Kenneth J. Parker, President
 ACE Region - 63ML36
 5100 Harding Highway
 Mays Landing, NJ 08330
Kenneth.parker@atlanticcityelectric.com

Roger E. Pedersen
 Manager, NJ Regulatory Affairs
 Atlantic City Elec. Co. - 63ML38
 5100 Harding Highway
 Mays Landing, NJ 08330
Roger.pedersen@pepcoholdings.com

* means regular mail and email service

Wayne W. Barndt
Manager, Regulatory Strategy & Policy
Pepco Holdings, Inc. - 79NC59
New Castle Regional Office 401
Eagle Run Road
P.O. Box 9239
Newark, DE 19714
Wayne.barndt@pepcoholdings.com