



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</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 ATLANTIC )  
CITY ELECTRIC COMPANY FOR APPROVAL OF )  
A VOLUNTARY PROGRAM FOR PLUG-IN )  
VEHICLE CHARGING ) ORDER SUSPENDING THE  
PROCEDURAL SCHEDULE  
DOCKET NO. EO18020190

**Parties of Record:**

**Philip J. Passanante, Esq.**, Atlantic City Electric Company  
**Stefanie Brand, Esq.**, Director, NJ Division of Rate Counsel  
**Murray E. Bevan, Esq.**, Bevan, Mosca and Giuditta P.C. on behalf of ChargePoint, Inc.  
**William Bittinger, Esq.**, Eastern Environmental Law Center on behalf of Environmental Movants  
**Kevin Auerbacher, Esq.**, on behalf of Tesla, Inc.  
**Martin C. Rothfelder, Esq.**, on behalf of EVGO Services LLC  
**Nathan C. Howe, Esq.**, McCarter and English LLP on behalf of Greenlots  
**Ira G. Megdal, Esq.**, on behalf of Electrify America, LLC

**BY COMMISSIONER UPENDRA J. CHIVUKULA:**

**I. BACKGROUND**

On February 23, 2018, Atlantic City Electric Company (“ACE” or “Company”) filed a petition (“PIV Petition”) with the New Jersey Board of Public Utilities (“Board” or “BPU”) for approval of a Voluntary Program for Plug-In Vehicle (“PIV”) Charging (“PIV Program”).

By Board Order dated March 26, 2018, the Board determined that the PIV Petition 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.

Throughout early November 2020, the parties engaged in multiple settlement discussions. In preparation for Evidentiary Hearings, on November 12, 2020, a Pre-Hearing Conference was held with the parties. On November 13, 2020, I issued a Pre-Hearing Order outlining various directions, procedures and deadlines pertaining to the Evidentiary Hearings (“November 13 Pre-Hearing Order”).

On November 17, 19 and 20, 2020, the parties continued to engage in settlement negotiations. As a result, on November 23, 2020, ACE filed a letter with the Board, requesting the procedural schedule be suspended to permit the parties to focus on the drafting and execution of a mutually acceptable Stipulation of Settlement. The Company noted that if the parties are unable to negotiate a Stipulation of Settlement, the parties will advise the Board of Public Utilities and seek guidance regarding a revised procedural schedule.

**II. DISCUSSION AND FINDINGS**

I reviewed the letter submitted by ACE requesting suspension of the procedural schedule as the parties work towards an acceptable Stipulation of Settlement. I understand that after several days of detailed negotiations, the parties have made significant progress in resolving this matter. Having received the consent of all parties, I **HEREBY SUSPEND** the Evidentiary Hearings in this matter and the deadlines for the submission of documents as set forth in my November 13 Pre-Hearing Order. Additionally, I **HEREBY SUSPEND** the Procedural Schedule in this matter, attached hereto as Exhibit A, until otherwise instructed by Order.

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 23, 2020

BY:



UPENDRA J. CHIVUKULA  
COMMISSIONER

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR  
APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING  
BPU DOCKET NO. EO18020190

**SERVICE LIST**

**ACE**

500 N. Wakefield Drive  
Post Office Box 6066  
Newark DE 19714-6066

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

Clark M. Stalker, Esq.  
[clark.stalker@exeloncorp.com](mailto:clark.stalker@exeloncorp.com)

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

Michael Normand  
[michael.normand@delmarva.com](mailto:michael.normand@delmarva.com)

Jennifer Grisham  
Pepco Holdings LLC- EP3624  
701 Ninth Street, NW  
Washington DC 20068-0001  
[jmgrisham@pepcoholdings.com](mailto:jmgrisham@pepcoholdings.com)

**BPU**

44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton NJ 08625-0350

Paul Flanagan, Esq.  
Executive Director  
[paul.flanagan@bpu.nj.gov](mailto:paul.flanagan@bpu.nj.gov)

Christine Sadovy  
Chief of Staff  
[Christine.sadovy@bpu.nj.gov](mailto:Christine.sadovy@bpu.nj.gov)

Aida Camacho-Welch  
Board Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

***Office of the Economist***

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

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

***Counsel's Office***

Abe Silverman, Esq.  
General Counsel  
[abe.silverman@bpu.nj.gov](mailto:abe.silverman@bpu.nj.gov)

***Counsel's Office (continued)***

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

Andrea Hart, Esq.  
[andrea.hart@bpu.nj.gov](mailto:andrea.hart@bpu.nj.gov)

Charles Gurkas, paralegal  
[Charles.Gurkas@bpu.nj.gov](mailto:Charles.Gurkas@bpu.nj.gov)

***Division of Clean Energy***

Kelly Mooij, Director  
[Kelly.mooij@bpu.nj.gov](mailto:Kelly.mooij@bpu.nj.gov)

Sherri Jones  
[sherri.jones@bpu.nj.gov](mailto:sherri.jones@bpu.nj.gov)

Cathleen Lewis  
[Cathleen.lewis@bpu.nj.gov](mailto:Cathleen.lewis@bpu.nj.gov)

***Division of Energy***

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

Scott Sumliner  
[scott.sumliner@bpu.nj.gov](mailto:scott.sumliner@bpu.nj.gov)

Christopher Oprysk  
[Christopher.oprysk@bpu.nj.gov](mailto:Christopher.oprysk@bpu.nj.gov)

### **Division of Law**

25 Market Street  
Post Office Box 112  
Trenton, NJ 08625

Brandon Simmons, DAG  
[brandon.simmons@law.njoag.gov](mailto:brandon.simmons@law.njoag.gov)

Alex Moreau, DAG  
[alex.moreau@law.njoag.gov](mailto:alex.moreau@law.njoag.gov)

### **Rate Counsel**

140 East Front Street, 4th Floor  
Post Office Box 003  
Trenton NJ 08625

Stefanie A. Brand, Esq., Director  
[sbrand@rpa.nj.gov](mailto:sbrand@rpa.nj.gov)

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

Felicia Thomas-Friel, Esq.  
[ftomas@rpa.nj.gov](mailto:ftomas@rpa.nj.gov)

Ami Morita, Esq.  
[amorita@rpa.nj.gov](mailto:amorita@rpa.nj.gov)

### **Rate Counsel Consultants**

Ezra D. Hausman, Ph.D.  
77 Kaposia Street  
Newton, MA 02466  
[ezra@ezrahausman.com](mailto:ezra@ezrahausman.com)

### **PSE&G**

PSEG Services Corporation  
80 Park Plaza-T5  
Newark NJ 07102-4194

Justin B. Incardone, Esq.  
[Justin.incardone@pseg.com](mailto:Justin.incardone@pseg.com)

Michael Beck, DAG  
[michael.beck@law.njoag.gov](mailto:michael.beck@law.njoag.gov)

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

Brian Weeks, Esq.  
[bweeks@rpa.nj.gov](mailto:bweeks@rpa.nj.gov)

Kurt Lewandowski, Esq.  
[klewando@rpa.nj.gov](mailto:klewando@rpa.nj.gov)

Shelly Massey, Paralegal  
[smassey@rpa.nj.gov](mailto:smassey@rpa.nj.gov)

Karen Forbes, Secretary  
[kforbes@rpa.nj.gov](mailto:kforbes@rpa.nj.gov)

Brian Kalcic  
Excel Consulting  
225 S. Meramec Avenue, Suite 720T  
St. Louis, MO 63105  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)

Bernard Smalls  
[bernard.smalls@pseg.com](mailto:bernard.smalls@pseg.com)

Michele Falcao  
[michele.falcao@pseg.com](mailto:michele.falcao@pseg.com)

**JCP&L**

Lauren M. Lepkoski, Esq.  
FirstEnergy Service Company  
Legal Department  
2800 Pottsville Pike  
Reading, PA 19612-6001  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)

**CHARGEPOINT, INC.**

Bevan, Mosca and Guiditta P.C.  
222 Mount Airy Road, Suite 200  
Basking Ridge, NJ 07920

Murray E. Bevan, Esquire  
[mbevan@bmq.law](mailto:mbevan@bmq.law)

William K. Mosca, Jr. Esq.  
[wmosca@bmq.law](mailto:wmosca@bmq.law)

Jennifer McCave, Esq.  
[jmccave@bmq.law](mailto:jmccave@bmq.law)

Katherine M. Dailey, Paralegal  
[kdailey@bmq.law](mailto:kdailey@bmq.law)

**GREENLOTS**

925 N. La Brea Avenue, 6th Floor  
Los Angeles, CA 90038

Thomas Ashley  
Vice President, Policy  
[tom@greenlots.com](mailto:tom@greenlots.com)

Joshua Cohen  
[jcohen@greenlots.com](mailto:jcohen@greenlots.com)

McCarter and English  
100 Mulberry Street  
Newark, NJ 07102-4056

Nathan Howe, Esq.  
[nhowe@mccarter.com](mailto:nhowe@mccarter.com)

Guillermo Artilles  
[gartiles@mccarter.com](mailto:gartiles@mccarter.com)

**TESLA**

Kevin Auerbacher  
Managing Counsel  
Tesla, Inc.  
1333 H Street, NW, Floor 11  
Washington, DC 20005  
[kauerbacher@tesla.com](mailto:kauerbacher@tesla.com)

Bill Ehrlich  
Senior Policy Advisor  
Tesla, Inc.  
3500 Deer Creek  
Palo Alto, CA 94304  
[wehrlich@tesla.com](mailto:wehrlich@tesla.com)

Patrick Bean  
Global Charging Policy Lead  
Tesla, Inc.  
1333 H Street, NW, Floor 11  
Washington, DC 20005  
[pbean@tesla.com](mailto:pbean@tesla.com)

**NRDC**

William Bittinger, Esq.  
Eastern Environmental Law Center  
50 Park Place, Suite 1025  
Newark, NJ 07102  
[wbittinger@easternenvironmental.org](mailto:wbittinger@easternenvironmental.org)

Daniel Greenhouse, Esq.  
Eastern Environmental Law Center  
50 Park Place, Suite 1025  
Newark, NJ 07102  
[dgreenhouse@easternenvironmental.org](mailto:dgreenhouse@easternenvironmental.org)

**EVgo**

Rothfelder Stern, L.L.C.  
Greenwood Avenue, Unit #301  
Trenton, NJ 08609

EVgo Services LLC  
11835 West Olympic Boulevard, Suite 900  
Los Angeles, CA 90064

Martin C. Rothfelder, Esq.  
[mrothfelder@rothfelderstern.com](mailto:mrothfelder@rothfelderstern.com)

Sara Rafalson, Director of Market  
Development  
[sara.rafalson@evgo.com](mailto:sara.rafalson@evgo.com)

Bradford M Stern, Esq.  
[bstern@rothfelderstern.com](mailto:bstern@rothfelderstern.com)

Carine Dumit  
[carine.dumit@evgo.com](mailto:carine.dumit@evgo.com)

**Electrify America, LLC**

Ira G. Megdal, Esq.  
Cozen O'Connor  
Liberty View Suite 300  
457 Haddonfield Road  
Cherry Hill, NJ 08002  
[imegdal@cozen.com](mailto:imegdal@cozen.com)

David Appelbaum, Esq.  
Senior Counsel  
Electrify America, LLC  
2003 Edmund Halley Drive  
2nd Floor, Suite 200  
Reston, VA 20191  
[david.appelbaum@electrifyamerica.com](mailto:david.appelbaum@electrifyamerica.com)

William Lesser, Esq.  
Cozen O'Connor  
45 Broadway, 16th  
Floor New York, NY 10006  
[wlesser@cozen.com](mailto:wlesser@cozen.com)

**EXHIBIT A**

**IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR  
APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING DOCKET  
NO. EO18020190**

Amended Procedural Schedule

Settlement Conference	November 17, 2020 at 9 A.M.
Supplemental Information/Testimony by ACE	November 23, 2020
Discovery Requests on ACE Supplemental Information/Testimony propounded	December 1, 2020
Public Hearings	December 2, 2020 at 4:30 and 5:30 P.M.
Responses to Discovery on Supplemental Information/Testimony	December 8, 2020
Rebuttal Testimony filed by parties as appropriate	December 14, 2020
Evidentiary Hearings, with oral surrebuttal	TBD
Initial Briefs Due	TBD by Commissioner at evidentiary hearings