



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE PETITION FOR)
DCO ENERGY, LLC FOR A DECLARATORY)
RULING)
)
)
) ORDER ON MOTION FOR
PROCEDURAL SCHEDULE
MODIFICATION
DOCKET NO. QO20030191

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Murray E. Bevan, Esq., on behalf of DCO Energy, LLC
Philip J. Passanante, Esq., Atlantic City Electric Company

BY COMMISSIONER SOLOMON:

By this Order, I grant the motion filed by DCO Energy, LLC ("DCO Energy") to modify the Procedural Schedule.

I. BACKGROUND

On February 28, 2020, DCO Energy filed a petition ("Petition") with the New Jersey Board of Public Utilities ("Board"). DCO Energy requested that the Board issue a Declaratory Ruling that expanding the customer base of the Midtown Thermal Control Center ("MTCC") by adding the AtlantiCare Regional Medical Center ("AtlantiCare") will constitute an "on-site generation facility" within the meaning of N.J.S.A. 48:3-51 and N.J.S.A. 48:3-77 and is therefore entitled to all the benefits conferred upon such facilities by EDECA and New Jersey law. First, DCO Energy requests that the Board find that AtlantiCare is located on property contiguous to the MTCC generation facilities. Second, DCO Energy requests that the Board find that, if it were to pursue a microgrid via a new microgrid tariff, the reductions in kilowatt hour consumption and peak demand anticipated from the new combined heat and power ("CHP") commercial participants of the microgrid are qualified and may be counted under the Clean Energy Act as third-party energy efficiency gains to satisfy a portion of ACE's energy efficiency requirements.

On September 9, 2020, the Board retained the matter 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 this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

On October 5, 2020, DCO Energy filed a Motion to Modify the Procedural Schedule, set forth in the September 9, 2020 Board Order. According to the motion, all parties wish to provide more of an opportunity for settlement discussions.

II. DISCUSSION AND FINDINGS

I have reviewed DCO Energy's motion to modify the procedural schedule to allow for additional time for settlement discussions and **FIND** that it is reasonable and in the interest of developing a complete record. Having been granted the authority to amend the schedules within this proceeding by the Board, and after consideration of DCO's motion to modify the procedural schedule, finding the request meritorious, I **HEREBY AMEND** the procedural schedule set forth in the September 9, 2020 Order and **HEREBY ISSUE** the following modified procedural schedule (Exhibit A). I **HEREBY DIRECT** all parties to comply with its terms.

DATED: October 8, 2020

BY:

A handwritten signature in blue ink, appearing to read "D. Solomon", is written over a horizontal line.

DIANNE SOLOMON
COMMISSIONER

In the Matter of the Petition for DCO Energy, LLC for a Declaratory Ruling
BPU Docket No. QO20030191

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EXHIBIT A

In the Matter of the Petition for DCO Energy, LLC for a Declaratory Ruling
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Modified Procedural Schedule

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|--------------------------------------|--------------------|
| Opposition to Motions filed | September 14 |
| Reply to Opposition to Motions Filed | September 21, 2020 |
| Settlement Conference | September , 2020 |
| Discovery | September 23, 2020 |
| Discovery Response | September 30 |
| Initial Briefs Due | November 4, 2020 |
| Reply Briefs Due | November 18, 2020 |