



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/

ENERGY

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

Parties of Record:

Andrew McNally, Esq., Atlantic City Electric Company
Stefanie Brand, Esq., Director, NJ Division of Rate Counsel
Murray E. Bevan, Esq., Bevan, Mosca & Giuditta P.C. on behalf of ChargePoint, Inc.
Raghu Murthy, Esq., Eastern Environmental Law Center on behalf of Natural Resources Defense Council
Kevin Auerbacher, Esq., Tesla, Inc.

BY COMMISSIONER UPENDRA J. CHIVUKULA:

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”) for approval of a Voluntary Program for Plug-In Vehicle (“PIV”) Charging (“PIV Program”). By Board Order dated March 26, 2018, the Board retained jurisdiction over the original matter, and designated myself as the presiding officer.¹ On or about December 17, 2019, ACE filed an amended petition (“Amended Petition”), proposing 13 offerings designed to accelerate PIV adoption in New Jersey.

The Amended Petition proposes a multi-year, \$42.107-million-dollar PIV program to incentivize off-peak charging of PIVs, develop PIV infrastructure, provide grants to foster innovation in electrifying the transportation sector, and support for electrifying school buses. ACE’s Amended Petition includes initiatives that consist of Time of Use (“ToU”) rates for residential customers who charge their PIVs during off peak hours. Additionally, ACE proposes working to have properly sited PIV charging infrastructure to alleviate “range anxiety”, as well as infrastructure accessible to customers living in multi-family dwellings units (“MDUs”) as well as low- to-moderate income communities (“LIC”) and environmental justice (“EJ”) communities.

¹ I/M/O the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated March 26, 2018 (“March 2018 Order”).

ACE is seeking to recover \$42.107 million dollars via a base rate case. ACE first proposes that all capital investments related to the PIV be added to rate base as it is placed in service, for recovery in a future base rate proceeding. Second, ACE seeks to establish a regulatory asset ("PIV Regulatory Asset") which would capture the Company's non-capital costs associated with the program. The PIV Regulatory Asset would also capture the incremental revenues ACE would receive from use of its public chargers under Offerings 7 and 8, offsetting costs to ratepayers.

By the March 2018 Order, the Board designated the undersigned 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.

On April 9, 2020, a prehearing order was issued wherein a procedural schedule was set and motions for intervention and participation status were ruled upon.

THE MOTIONS

Tesla, Inc. Motion for Reconsideration of Intervenor status

On February 21, 2020, Tesla, Inc. ("Tesla") a developer and manufacturer of EVs, EV charging stations, and energy storage facilities, filed a motion to intervene in response to ACE's Amended Petition. Tesla's motion to intervene was filed by its General Counsel, Kevin Auerbacher. Although Mr. Auerbacher is an attorney, he did not submit the proper certification or state that he was a New Jersey attorney in good standing. Due to Tesla's failure to file an appropriate motion pursuant to N.J.A.C 1:1-5.2, Tesla's motion to intervene was not considered in the April 9, 2020 prehearing order. On April 9, 2020, via electronic mail, counsel for Tesla submitted a motion for reconsideration, stating that he is a member of the New Jersey Bar, his dues have been paid, and that he is in good standing.

Tesla maintains that the outcome of ACE's proposal will directly impact how and when Tesla can deploy additional EVs charging stations and storage services throughout New Jersey. Tesla explains that its experience in developing infrastructure and related policy efforts will provide meaningful and constructive insight to this proceeding. Further, Tesla's contends that its interests are substantially different from those of any other party seeking intervention. Tesla concludes that it will not cause delay and will work cooperatively with other parties whenever possible and practical.

RESPONSES

The Board has not received any response to the motion for reconsideration.

FINDINGS

After consideration of the papers and given the lack of any objection, I **HEREBY FIND**, that Tesla's counsel is a New Jersey barred attorney and has provided proof that he is up to date on his dues and is in good standing. Additionally, I **HEREBY FIND** pursuant to N.J.A.C. 1:1-16.3 that Tesla will be directly affected by the outcome of this proceeding and will measurably and constructively contribute to the scope of the case and has met the standards for intervention as it has a sufficient

interest in this proceeding. Accordingly, having received no objection, I **HEREBY GRANT** Tesla's motion for intervention pursuant to the authority granted to me by the Board under the March 2018 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: May 13, 2020

BY:

A handwritten signature in black ink, appearing to read "Upendra Chivukula", written over a horizontal line.

UPENDRA J. CHIVUKULA
COMMISSIONER

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