



STATE OF NEW JERSEY
Board of Public Utilities
 44 South Clinton Avenue, 1st Floor
 Post Office Box 350
 Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF ROCKLAND)	ORDER AMENDING
ELECTRIC COMPANY FOR APPROVAL OF AN)	PROCEDURAL SCHEDULE
INFRASTRUCTURE INVESTMENT PROGRAM, AND)	
RELATED COST RECOVERY MECHANISM)	DOCKET NO. ER22030198
)	
)	
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Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
James C. Meyer, Esq., Riker Danzig Scherer Hyland and Peretti LLP, on behalf of Rockland Electric Company
John L. Carley, Esq., Consolidated Edison Company of New York, Inc. on behalf of Rockland Electric Company

BY COMMISSIONER ROBERT M. GORDON:

RELEVANT BACKGROUND AND PROCEDURAL HISTORY

On March 30, 2022, Rockland Electric Company (“RECO” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of a five (5) year Infrastructure Investment Program (“IIP” or “Program”) with a total investment level of \$209 million pursuant to N.J.S.A. 48:2-1 et seq. and N.J.A.C. 14:3-2A.1 et seq. (“II&R Rules”) (“Petition”).¹

On May 18, 2022, the Board ordered that the Petition be retained by the Board for hearing, and pursuant to N.J.S.A. 48:2-32, designated myself, Commissioner Robert M. Gordon, as the Presiding Commissioner, with the authority to rule on all motions that arise during the pendency of the proceedings, and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.² The Board further directed that any entity seeking to intervene or participate file the appropriate application with the Board on or before June 1, 2022, and any motion for admission *pro hac vice* should be filed concurrently with any motion to

¹ On December 19, 2017, the Board adopted new rules for utility “Infrastructure Investment and Recovery” to encourage utilities to implement infrastructure investments. The rules are codified at N.J.A.C. 14:3-2A.1 et seq. and became effective on January 16, 2018.

² In re the Petition of Rockland Electric Company for Approval of an Infrastructure Investment Program, and Related Cost Recovery Mechanism, Order Designating Commissioner, Setting Manner of Service and Bar Date, BPU Docket No. ER22030198, May 18, 2022.

intervene or participate.³

On May 24, 2022, South Jersey Gas Co. ("SJG") and Elizabethtown Gas Co. ("ETG") filed a Motion to Participate, and on June 1, 2022, RECO responded, *inter alia*, that it had no objection. On April 27, 2022, Public Service Electric & Gas Co. ("PSE&G") filed a Motion to Participate.

On July 14, 2022, I issued a Prehearing Order setting Procedural Schedule and Rulings on Motions to Participate wherein, among other things, I granted SJG, ETG, and PSE&G's Motions, and attached, as Exhibit A, the Procedural Schedule in this matter.⁴

On August 9, 2022, I received correspondence from RECO seeking to amend the Procedural Schedule attached as Exhibit A to the Prehearing Order. RECO explained that Exhibit A to the Prehearing Order was inconsistent with a joint proposed procedural schedule submitted on June 16, 2022. According to RECO, and agreed to by Rate Counsel, Exhibit A to the Prehearing Order has an "inadvertent transcription error that: (i) reflects an incorrect date for Rate Counsel/Intervenor testimony and (ii) omits the necessary item for discovery on Rate Counsel/Intervenor testimony."

DISCUSSION AND FINDINGS

I reviewed RECO's August 9, 2022 correspondence, RECO's proposed amendments to Exhibit A of the Prehearing Order, and the June 16, 2022 joint proposed procedural schedule. Having the consent of the parties, and to provide consistency with the June 16, 2022 joint proposed procedural schedule, I **HEREBY GRANT** RECO's request to amend the Procedural Schedule attached as Exhibit A to the Prehearing Order.

As such, I **HEREBY ORDER** that the Modified Procedural Schedule, a copy of which is affixed to this Order, supersedes the Procedural Schedule provided as Exhibit A to the Prehearing Order, and I **HEREBY ORDER** that the attached Modified Procedural Schedule be controlling as of the date of this 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:

8/24/22



ROBERT M. GORDON
COMMISSIONER

³ Id.

⁴ In re the Petition of Rockland Electric Company for Approval of an Infrastructure Investment Program, and Related Cost Recovery Mechanism, Prehearing Order Setting Procedural Schedule and Rulings on Motions to Participate, BPU Docket No. ER22030198, July 14, 2022 ("Prehearing Order").

IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF AN
INFRASTRUCTURE INVESTMENT PROGRAM, AND RELATED COST RECOVERY MECHANISM

BPU DOCKET NO. ER22030198

SERVICE LIST

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**In the Matter of the Petition of Rockland Electric Company for Approval of an
Infrastructure Investment Program (IIP)
Amended Procedural Schedule**

BPU Docket No. ER22030198

Motions to Intervene/Participate	June 1, 2022
First Round Discovery Requests+	June 10, 2022
First Round of Discovery Answers	June 24, 2022
Second Round Discovery Requests +	July 1, 2022
Second Round Discovery Answers	July 15, 2022
Discovery Conference	Week of July 25, 2022
Third Round Discovery Requests +	August 1, 2022
Third Round Discovery Answers and Discovery Conference Requests	August 12, 2022
Settlement Meetings	Week of August 22, 2022
Rate Counsel/Intervenor Testimony	September 2, 2022
Public Hearings	September 13, 2022: 4:30 pm and 5:30 pm
Discovery on Rate Counsel/Intervenor Testimony	September 16, 2022
Responses to Discovery on Rate Counsel/Intervenor Testimony	September 30, 2022
Rebuttal Testimony	October 7, 2022
Settlement Conferences(s) (if necessary) ++	Week of October 17, 2022
Discovery on Rebuttal Testimony	October 21, 2022
Responses to Discovery on Rebuttal Testimony	November 4, 2022
Evidentiary Hearings +++	December 1 – 2, 2022 and December 5, 2022
Initial and Reply Briefs	TBD by Commissioner Gordon after evidentiary hearings

+ Discovery has already commenced in accordance with the procedural rules. The parties will endeavor to adhere to the discovery schedule. However, Petitioner agrees that discovery is ongoing and will endeavor to answer all discovery within fifteen days of service or earlier if possible.

++Parties to confer to determine if they agree settlement conferences would be beneficial. If so, this week is reserved for such conferences.

+++Subject to Commissioner Gordon's availability. Rate Counsel has proposed live surrebuttal. RECO is amenable if live rejoinder is also provided. Rate Counsel wishes to discuss this issue with Commissioner Gordon prior to evidentiary hearings.