



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**www.bpu.state.nj.us**

IN THE MATTER OF THE PETITION OF PUBLIC  
SERVICE ELECTRIC AND GAS COMPANY FOR )  
APPROVAL OF A SOLAR ENERGY PROGRAM AND )  
AN ASSOCIATED COST RECOVERY MECHANISM

**DIVISION OF ENERGY AND**  
**OFFICE OF CLEAN ENERGY**

**PREHEARING ORDER**

DOCKET NO. EO07040278

(SERVICE LIST ATTACHED)

BY THE BOARD<sup>1</sup>

Following the filing of the petition in the above-captioned matter, an initial conference was convened on May 31, 2007 and attended by Public Service Electric and Gas Company ("PSE&G"), Rate Counsel, Board Staff and other potential, interested parties. On July 12, 2007, a prehearing conference was held. Having considered input by the parties in attendance at the conferences, the Board HEREBY ISSUES this Prehearing Order. By this Order, the Board also considers and rules upon various motions for intervention and participant status as set forth below in item 2.

**1. NATURE OF PROCEEDING AND ISSUES TO BE RESOLVED:**

The above-captioned matter concerns a petition submitted on behalf of Public Service Electric & Gas Company, ("PSE&G" or the "Company") on April 19, 2007. In its petition, PSE&G proposes to implement a solar energy program within its electric service territory across all customer classes. It proposes to provide financing for the installation of solar photovoltaic systems. PSE&G also proposes to recover the costs of the proposed solar energy program, including an incentive, through its electric Societal Benefits Charge.

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<sup>1</sup> Subsequent to the August 1, 2007 agenda meeting, Commissioner Christine V. Bator received information that led her to conclude that she should recuse herself from any involvement in Docket No. EO07040278. Commissioner Bator recused herself as of September 7, 2007 and is therefore not a signatory to this order.

## 2. PARTIES AND ATTORNEYS OR REPRESENTATIVES

The current Parties to this proceeding are set forth below:

|                                           |                                                                                                                                        |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Petitioners                               | Frances I. Sundheim, Esq.<br>Vice President and Corporate Rate Counsel<br>Gregory Eisenstark, Esq.<br>Assistant Corporate Rate Counsel |
| Public Advocate, Division of Rate Counsel | Paul Flanagan, Esq.<br>Ami Morita, Esq.                                                                                                |
| Board of Public Utilities Staff           | Alex Moreau, DAG                                                                                                                       |
| Board of Public Utilities Staff Members   | Mark Beyer, Chief Economist<br>Nusha Wyner, Director, Division of Energy<br>Michael Winka, Director, Office of Clean Energy            |

The Board now considers the motions for intervention in this proceeding.

The following parties have submitted motions for intervention: New Jersey Large Energy Users Coalition, New Jersey Natural Gas Company, Rockland Electric Company, South Jersey Gas Company, and the Retail Energy Supply Association. Jersey Central Power and Light Company filed a motion for participation.

At the outset, it must be noted that on July 27, 2007, PSE&G submitted a letter to the Board in which it indicated that it does not oppose the motions for intervention that have been filed by the following entities: New Jersey Natural Gas, South Jersey Gas Company, and the Retail Energy Supply Association. With regard to the motion to intervene filed by the New Jersey Large Energy Users Coalition ("NJLEUC"), PSE&G indicated that it did not oppose said motion on condition that that NJLEUC submit a list of its members. In the same correspondence, PSE&G indicated that it did not oppose the motion for participation filed by Jersey Central Power and Light Company. On July 31, 2007, PSE&G indicated that it did not oppose the motions filed by Rockland Electric Company or by the Mid Atlantic Solar Energy Industries Association.

### NEW JERSEY LARGE ENERGY USERS COALITION

On May 17, 2007, NJLEUC, an association whose members include large volume customers serviced by PSE&G, moved to intervene in the above-captioned proceeding. In support of its motion, NJLEUC asserts that it satisfied the factors for intervention based upon the following reasons. Because the NJLEUC members are large end-use customers on the PSE&G system, they assert that they will be directly and immediately affected by the implementation and funding of PSE&G proposed solar energy program. NJLEUC claims that it has a "unique perspective and insight" regarding the potential impacts of PSE&G proposed solar energy program on large customers; thus, NJLEUC states that its entry as an intervener to these proceedings would "measurably and constructively" advance this proceeding.

NJLEUC's motion is timely. As requested by PSE&G, NJLEUC submitted its list of members on July 27, 2007. No other parties have filed oppositions to NJLEUC's motion.

### NEW JERSEY NATURAL GAS COMPANY

By motion dated July 9, 2007, New Jersey Natural Gas Company ("NJNG") filed a motion to intervene. NJNG is a natural gas distribution public utility regulated under the laws of the State of New Jersey and subject to the Board's jurisdiction, with its principal place of business located at 1415 Wyckoff Road, Wall, New Jersey. NJNG provides gas and related energy services to its residential, commercial and industrial customers in Monmouth, and Ocean Counties and to parts of Middlesex and Morris Counties as well.

NJNG asserts that as a participant in renewable energy and efficiency programs promoted by the New Jersey Clean Energy Program, the proposed solar energy program could impact "any related current or future activities in the NJNG service territory," dealing with renewable energy and efficiency, thus specifically and directly affecting NJNG. NJNG also claims that no other party in this case thus far has interests that are similar to NJNG because there is no independent natural gas company that services the same customer base as NJNG does.

Its participation in this case would add measurably and constructively to the proceedings because it would present the interests of a neighboring local distribution company.

NJNG has timely filed this motion. No other parties have filed oppositions to NJNG's motion.

### ROCKLAND ELECTRIC COMPANY

On July 18, 2007, Rockland Electric Company ("RECO") filed a motion to intervene in the instant matter. RECO is a New Jersey corporation that maintains its principal offices at 82 East Allendale Road, Suite 8, Saddle River New Jersey. It is a public utility regulated by the Board. RECO is engaged in the distribution of electric energy to the residential commercial and industrial customers in its service territory, which is comprised of the northern parts of Bergen and Passaic Counties, and in small areas of the northeastern and northwestern parts of Sussex County, New Jersey.

As a participant in the BGS auction for the procurement of its electric supply, RECO's asserts that its interests are substantially, specifically and directly affected by PSE&G proposed solar energy program. RECO asserts that this proposal will have impacts in the energy marketplace in which it and PSE&G participate because the proposal will establish "a new solar renewable energy program that has the potential to impact the procurement and pricing of BGS and satisfaction of RPS requirements." RECO also states that "PSE&G's proposal may affect winning bidders' ability to comply with RPS requirements, which could affect prices resulting from the BGS auction." Furthermore, as a participant in the State's Clean Energy Program, RECO's claims that the "PSE&G proposal has the potential to impact future renewable activities in RECO's service territory" because the Board has in the past established substantive policy changes and/ or procedural requirements in individual cases, and relied on those determinations in other cases. Thus, the outcome of this proceeding, RECO alleges, could affect the result of other proceedings that involve or impact RECO. RECO also states that its interests in the instant proceeding are materially different from because no other party or potential party to this matter have the same consumer base, service territory or economic interests.

RECO has timely filed this motion. No other parties have filed oppositions to RECO's motion.

#### SOUTH JERSEY GAS COMPANY

On July 23, 2007, South Jersey Gas Company ("SJG") filed a motion to intervene in the above-captioned matter. SJG is a public utility corporation of the State of New Jersey with its principal office at 1 South Jersey Plaza, Folsom, New Jersey. It is engaged in the transmission, distribution, transportation and sale of natural gas within its service territory, which includes all or portions of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties. South Jersey's customers include residential, commercial and industrial customers.

In its moving papers, SJG states that as an active participant in the promotion of renewable energy efficiency programs that are affected by New Jersey's clean energy programs, SJG asserts that PSE&G proposed solar energy program may change the renewable energy market in New Jersey, which could then impact current and future SJG renewable energy and energy efficiency activities in South Jersey's territory. Moreover, SJG states that the proposed financing program included in PSE&G petition in the above-captioned matter may, should it be approved by the Board, "affect current or potential SJG programs or related offerings concerning renewable energy or energy efficiency." SJG then concludes that, as a result, "the final outcome of PSE&G's petition has the potential to 'substantially, specifically, and directly' affect SJG and its customers. SJG maintains that its interests are "sufficiently different from any other party' currently in this proceeding" because, in addition to the potential effect the proposed solar energy program may have on SJG's energy efficiency programs, SJG is the only natural gas local distribution company serving its customers.

SJG has timely filed this motion. No other parties have filed oppositions to SJG's motion.

#### RETAIL ENERGY SUPPLY ASSOCIATION

On July 20, 2007 the Retail Energy Supply Association ("RESA") filed a motion to intervene in the above matter. RESA states that it is a "broad and diverse group of retail energy suppliers that share a common vision that competitive retail energy markets deliver more efficient, consumer-oriented outcomes than do regulated utility structures." RESA members include the following entities: Consolidated Edison Solutions, Inc.; Direct Energy Services, LLC; Hess Corporation; Liberty Power Corp.; Reliant Energy Retail Services, LLC; Sempra Energy Solution, LLC; Strategic Energy, LLC; SUEZ Energy Resources, NA, Inc.; and Us energy Savings Corp.

RESA claims that its members are "load-serving entities that must comply with the renewable portfolio standard that participate in the market for solar renewable energy credits. RESA further asserts that this market is "an integral subject of this proceeding."

RESA has timely filed its motion. No other parties have filed oppositions to RESA's motion.

#### MID ATLANTIC SOLAR ENERGY INDUSTRIES ASSOCIATION

On July 23, 2007, the Mid Atlantic Solar energy Industries Association ("MSEIA") filed a motion to intervene in the instant matter. MSEIA states that it is a "not-for-profit trade association of approximately sixty-five companies doing business in New Jersey and providing solar energy equipment, services, and expertise to retail customers, many of whom are retail electric

customers of PSE&G.” MSEIA states that given the identity of its members as set forth above, MSEIA interests “are different from and not adequately represented by any other party.” MSEIA also argues that it should be allowed to intervene in this proceeding because its outcome “will have a significant impact on the growth of the solar industry and affiliated businesses in New Jersey.

MSEIA’s motion in this matter is timely. No other parties have filed oppositions to MSEIA’s motion.

#### JERSEY CENTRAL POWER & LIGHT COMPANY

In its motion dated June 19, 2007, Jersey Central Power & Light Company (“JCP&L”) filed a motion for leave to participate in the instant matter. JCP&L is engaged as a New Jersey electric public utility subject to the jurisdiction of the Board. It is engaged in the production, generation, purchase, transmission, distribution and sale of electric energy and related utility services to customers within 13 counties and 236 municipalities in New Jersey. It maintains offices at 300 Madison Avenue, Morristown, New Jersey. JCP&L maintains that the Board’s consideration of this matter could impact JPL’s consideration of similar programs.

JCP&L also states that its participation in this matter will add “constructively to the conduct of the Board’s review of PSE&G’s Petitioner and will not cause undue delay or confusion.

JCP&L has timely filed its motion. No other parties have filed oppositions to JCP&L’s motion.

#### DISCUSSION

##### MOTIONS FOR INTERVENTION

The Board FINDS that NJLEUC, NJNG, RECO, SJG, RESA, and MSEIA have made adequate showings of their interests in this matter to grant intervention, which is not opposed by the Petitioner or any other party. In accordance with the request of PSE&G, on July 27, 2007, NJLEUC has submitted a list of its current members. Therefore, the Board HEREBY GRANTS the motion to intervene of NJLEUC, NJNG, RECO, SJG, RESA, and MSEIA.

##### JCP&L’S MOTION TO PARTICIPATE

Additionally, the Board FINDS that JCP&L has made an adequate showing to warrant its participation in the instant matter. PSE&G does not oppose JCP&L’s motion to participate in these proceedings. For the foregoing reasons, the Board HEREBY GRANTS the motion to participate of JCP&L.

In order to facilitate the efficient conduct of this case, the interveners and participant discussed above are HEREBY DIRECTED to consult with and work cooperatively with each other, Board Staff and Rate Counsel, to the greatest extent possible and consistent with their respective interests, so as to avoid undue delay and repetition.

Based upon the foregoing, the additional parties to this proceeding are set forth below:

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**3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:**

Three (3) public hearings are to be scheduled to be held September 2007, at a specific date, time and location to be announced. A draft notice is to be circulated to the parties by the petitioners.

**4. SCHEDULE OF HEARING DATES, TIME AND PLACE:**

Hearings will be held on or after December 10, 2007. Hearings will take place at the Board of Public Utilities, Two Gateway Center, Newark, New Jersey. The precise date and time will be determined at a later date. The Board HEREBY DESIGNATES President Fox as the presiding Commissioner. As such, President Fox is HEREBY AUTHORIZED to modify the schedule set by this Order without the need for full Board approval, subject to subsequent Board ratification.

**5. STIPULATIONS:**

None at this time.

**6. SETTLEMENT:**

Settlement conference(s) among the parties are encouraged and may be convened at the convenience of the parties without prior approval or knowledge of the Board.

**7. AMENDMENTS TO PLEADINGS:**

As set forth in the June 1, 2007 direct testimony of Gerald Schirra that was submitted on behalf of PSE&G, PSE&G is making a modification to its Petition as it was originally filed. Specifically, the Company now proposes that the costs related to the PSE&G Solar Program be considered as incremental costs to be recovered through the Societal Benefits Charge.

**8. CASE EVENTS AND DATE FOR COMPLETION:**

|                                                                        |                                            |
|------------------------------------------------------------------------|--------------------------------------------|
| Petitioner's prefiled testimony                                        | Direct testimony was filed on June 1, 2007 |
| Discovery requests on Petitioner's prefiled testimony by:              | July 20, 2007                              |
| Responses to discovery requests on Petitioner's prefiled testimony by: | July 31, 2007                              |
| Follow-up discovery requests by:                                       | August 16, 2007                            |

|                                                         |                                                                                     |
|---------------------------------------------------------|-------------------------------------------------------------------------------------|
| Responses to follow-up discovery requests by:           | August 31, 2007                                                                     |
| Direct testimony by:                                    | September 21, 2007                                                                  |
| Discovery requests on direct testimony by:              | October 5, 2007                                                                     |
| Responses to discovery requests on direct testimony by: | October 19, 2007                                                                    |
| Rebuttal testimony by:                                  | October 26, 2007                                                                    |
| Discovery requests on rebuttal testimony by:            | November 7, 2006                                                                    |
| Responses to discovery on rebuttal testimony by:        | November 19, 2007                                                                   |
| Surrebuttal testimony by:                               | November 30, 2007                                                                   |
| Public Hearings                                         | TBD                                                                                 |
| Evidentiary Hearings                                    | Commencing on or after December 10, 2007; precise dates and times to be determined. |
| Initial Briefs                                          | To be determined at the conclusion of hearings.                                     |
| Reply Briefs                                            | To be determined at the conclusion of hearings.                                     |

**9. ORDER OF PROOFS:**

1. Petitioner
2. Rate Counsel
3. Others (if necessary)
4. Board Staff

**10. EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.



11. EXHIBITS MARKED IN EVIDENCE:

None at this time.

12. ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:

Petitioner has filed the direct testimony of three witnesses. Other witnesses are to be determined, with testimony to be prefiled in accordance with the schedule set forth above.

13. MOTIONS CONTEMPLATED, PENDING OR GRANTED:

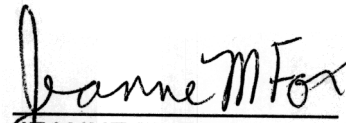
Motions for intervention are to be submitted on or before July 23, 2007. Various motions for intervention and participant status have been addressed above.

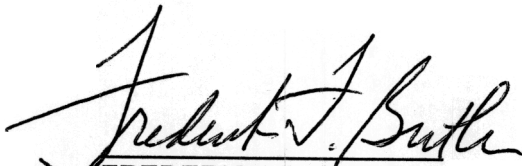
14. OTHER SPECIAL MATTERS:

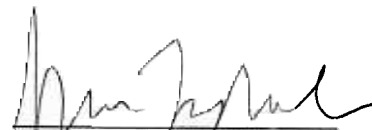
None.

DATED: 9/12/07

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

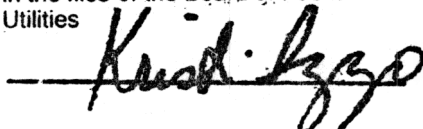
  
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ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public  
Utilities



**PUBLIC SERVICE ELECTRIC AND GAS COMPANY  
SOLAR ENERGY PROGRAM  
BPU DOCKET NO. EO07040278**

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