



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3RD Floor, Suite 314
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Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC)
CITY ELECTRIC COMPANY FOR APPROVAL OF)
AMENDMENTS TO ITS TARIFF TO PROVIDE FOR AN)
INCREASE IN RATES AND CHARGES FOR ELECTRIC)
SERVICE PURSUANT TO N.J.S.A. 48:2-21 AND)
N.J.S.A. 48:2-21.1 AND FOR OTHER APPROPRIATE)
RELIEF (2018))

ORDER GRANTING
MOTION TO DISMISS

BPU DOCKET NO. ER18060638

Parties of Record:

Phillip J. Passanante, Esq., on behalf of Atlantic City Electric Company, Petitioner
Stefanie A. Brand, Esq., Director, Division of Rate Counsel

BY THE BOARD:

BACKGROUND

On June 15, 2018, pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:1-5.12, Atlantic City Electric Company ("ACE" or "Company"), a public utility of the State of New Jersey subject to the jurisdiction of the New Jersey Board of Public Utilities ("Board" or "BPU"), filed a petition for approval of an increase in its current base rates for electric service of approximately \$99.7 million, excluding Sales and Use Tax ("SUT") (\$106.3 million including SUT), to be effective for electric service provided on or after July 15, 2018. The Company also requested a return on equity ("ROE") of 10.10%. ACE further sought the implementation of a revenue decoupling mechanism or an automatic rate adjustment for certain customers and to make tariff changes as set forth in the petition. The proposed rate increases would result in an average residential customer bill increase of \$10.66 month, or 8.25%.

ACE filed its petition based on a test year¹ ending December 31, 2018, and included three (3) months of actual test year data for the months of January 2018, February 2018 and March 2018. The petition included a proposed procedural schedule, which provided for the filing of the Company's 12 + 0 update, or the full test-year actual data, in February 2019. The Company

¹ The "test year" is a twelve (12) month representative period used to establish rates.

represented that it would implement rates on a provisional basis after March 15, 2019, should the Board fail to make a final determination by that date.

Motion to Dismiss

On June 25, 2018, the New Jersey Division of Rate Counsel ("Rate Counsel") filed a motion to dismiss by way of letter brief on the grounds that the petition is deficient, as the Company filed with three (3) months of actual data and nine (9) months of estimated data, and thus fails to comport with Board policy requiring six (6) months of actual data. Rate Counsel relies on In re Elizabethtown Water Co. Rate Case, BPU Docket No. WR8504330 (May 23, 1985) ("Elizabethtown Water"), stating that it is established Board policy that "as a general guideline for major utilities, rate case petitions should contain when filed, six months of actual test year data and six months estimated data or at a minimum five months actual and seven months estimated data." (Rate Counsel Motion at 3 (citing Elizabethtown Water at 2)).

Rate Counsel contends that the 3+9 filing by ACE is essentially asking the Board to set rates based on projected, not actual, data. Further, Rate Counsel argues that while the Company states it will provide 12+0's in February 2019, by that time, the parties will have already conducted evidentiary hearings, submitted initial and reply briefs and the Administrative Law Judge will have issued an Initial Decision. Under ACE's proposed schedule, the 12+0 data will be provided *after* the record closes. Using ACE's proposed schedule, Rate Counsel argues that the Company is asking the Board to adopt a projected test year and base final rates on Company estimated data. Id. at 4.

Rate Counsel argues that the Board is not allowed to base final rates on projected data, stating that New Jersey law has recognized the importance of actual data as an important factor in base rate cases. Additionally, the utility has the burden of proof and the Board should not "indulge in speculation" as to projected data. (Id. at 4-5, citing In re the Revision of Rates Filed by New Jersey Power & Light Co., 9 N.J. 498, 508 (1952)). Rate Counsel reiterates its point by stating that "by filing with only three months of actual data, ACE's petition not only violates the long-standing Board policy set forth in Elizabethtown Water, it also makes it impossible for the Board to comply with the long-settled requirements of In re Proposed Increase Instate Industrial Sand Rates by the Central Railroad Company of New Jersey, R. D. Timpany, Trustee, 66 N.J. 12 (1974) and In re New Jersey Power and Light Co., 9 N.J. 498, 508 (1952), that require that final rates be based on actual, not hypothetical income and operating expenses, as the actual data will not be available until after the record in this matter has closed." Id. at 5-6.

Rate Counsel reasons that Board Staff and Rate Counsel should not be required to begin their examinations based on only three (3) months of actual data, as it promotes administrative inefficiency since the discovery process "will have to be repeated in its entirety once these nine (9) months of speculative forecasts are replaced with actual data." Id. at 6.

Rate Counsel continues by stating in its motion to dismiss that ACE's intent to implement interim rates requires the Board to dismiss the petition and require ACE to file with six (6) months of actual data. Rate Counsel believes that "ACE's insistence on instituting interim rates shifts the burden of its self-created regulatory lag to ratepayers, forcing them to provide ACE with a loan during the interim period." Id. at 8. By opting not to comply with Elizabethtown Water, ACE unfairly shifted the impact onto ratepayers. Rate Counsel is fearful that if the Board does not dismiss this proceeding, "ACE's model will become the norm." Ibid.

ACE Opposition

ACE filed its letter brief in opposition to Rate Counsel's motion on July 3, 2018. The Company first argues that Rate Counsel's position is inconsistent with Elizabethtown Water. (ACE Opposition at 2). The Company states that Rate Counsel argues that six (6) months of actual data are required, but this is inconsistent with the plain language of Elizabethtown Water, and is an attempt by Rate Counsel to interpret a general guideline as a mandatory requirement, and to impose more stringent filing requirements on ACE, and presumably other utilities. The Company asserts that, at a minimum, the Board must reject Rate Counsel's demand to require the filing of six (6) months of actual data as it is without merit and merely an attempt to delay the prompt processing of the Company's base rate request. Id. at 2-3.

The Company also argues that Rate Counsel has ignored prior base rate cases, in that a number of base rate filings have been made that differed from the guidance provided in Elizabethtown Water, and included less than five (5) months of actual data when the base rate case was initiated. ACE refers to base rate cases filed by Public Service Electric & Gas Company, New Jersey Natural Gas, South Jersey Gas Company and Elizabethtown Gas wherein they were initiated with three (3) months of actual data and nine (9) months of projected data. The Company further points out that its 2009 and 2011 base rate cases were filed with three (3) months of actual data and Rate Counsel did not move to dismiss those matters. Id. at 3-4.

ACE also casts doubt on Rate Counsel assertions that the case could be processed in nine (9) months if the Company filed with six (6) months of actual data. In the Company's 2017 base rate case, ACE claims it filed with five (5) months of actuals and a proposed procedural schedule that would complete the case in just over nine (9) months. Rate Counsel characterized the Company's proposed nine-month schedule as "unnecessarily truncated," and proposed an eleven (11) month procedural schedule. ACE states its view that parties working in good faith can find ways to address legitimate information needs in an efficient and timely manner. The Company represents it will provide updated actual results during this proceeding, and committed to providing nearly one-hundred (100) routine data responses before they are requested by Board Staff or Rate Counsel. Id. at 4.

ACE argues that Rate Counsel's request is merely a method of delaying and interjecting regulatory lag in base rate cases. The Company alleges that requiring more actual data as a threshold for initiating a base rate case results in more delay to obtain recovery of investments that are providing service to customers. According to the Company, Rate Counsel has every incentive to argue for measures that delay cost recovery. If the Board were to grant the motion, the Company claims it would not be able to refile its petition until August 2018, and would not be able to implement interim rates until May 2019 - nine (9) months later - further delaying the Company's recovery of costs to serve customers. This is not a reasonable result, and ACE asserts it must be rejected by the Board. Id. at 5.

The Company next argues that the Board is not limited to setting rates solely on actual costs. It states the Board's ratemaking authority is set out in N.J.S.A. 48:2-21, and "[a]n examination of the plain language of the statute indicates there is no prohibition as to the manner in which the Board arrives at rates or the data it employs." When setting rates, the Board must consider rate base, expenses and a fair rate of return, and to set rates that are just and reasonable. "The Board is not required to employ any particular mode of computing rates, but it must reach a result that is supportable: It is not the theory but the impact of the rate order which counts. If the

total effect of the rate order cannot be said to be unjust and unreasonable, judicial inquiry under the Act is at an end." Thus, ACE argues that it is well-settled law in New Jersey "that the Board has a large measure of legislative discretion in the exercise of its rate-making power, controlled by the statutory standard." ACE adds that over the years, the Board has used this discretion to set rates using a variety of methodologies and data, including forecasted data Id. at 6.

ACE further argues that the Board's interim rate regulations provide incentives for all parties to resolve base rate cases. From ACE's perspective, some measure of fairness has been restored to the ratemaking process since all parties now have an incentive to efficiently process base rate cases without undue delay. ACE states the Board implemented the interim rates regulations because of its explicit recognition that the Legislature determined that rates cases should be resolved in nine (9) months, and that cases extending beyond that period should not be permitted to create or exacerbate regulatory lag at the sole expense of the utility. The Board's regulations, according to ACE, carefully balance the interests of customers and the regulated community providing all parties with reasons to work toward settlement. Id. at 7.

According to ACE, Rate Counsel has provided the Board with an opportunity to revisit Elizabethtown Water, and ACE urges the Board to continue its more recent approach and provide utilities with the flexibility to file rate cases with test year periods including more, or even all, forecasted data. ACE claims the Board has the authority to do this, and it would not alter the burden of proof as utilities would still bear that burden. In an era in which the Board has worked to facilitate significant investment in infrastructure renewal, replacement and resiliency, using more forecasted data could help to stretch out the time between base rate cases and provide customers with greater rate certainty for longer periods of time. Therefore, ACE respectfully requests that the Board take the opportunity presented by Rate Counsel to deny the motion and to provide updated guidance permitting the use of fully forecasted test years. Id. at 8.

Finally, ACE advises that it intends to update its filing to provide six (6) months of actual data in mid-August, a matter of a few weeks after the Board's July public agenda meeting. If the Board concludes that the Company's initial filing was not adequate, ACE requests the Board hold the case in abeyance until such time as the Company provides additional actual data in accordance with the Board's direction in deciding the motion. ACE suggests the Board direct the Company to provide the six (6) months of actual and six (6) months of forecasted data only and not unduly delay the processing of this case. Id. at 9.

Rate Counsel Reply

On July 11, 2018, Rate Counsel filed its reply to ACE's Opposition to the motion to dismiss by way of letter brief, asking that the Board reaffirm the Elizabethtown Water precedent that utilities file rate cases with six (6) months of actual and six (6) months of projected data. According to Rate Counsel, a valid concern exists that the interim rate regulation may remove any incentive for the utility to file a petition with actual and expected test year results. Rate Counsel contends that this would allow the utility to increase rates in "an amount of the Company's choosing", and therefore, over-collect from ratepayers. Rate Counsel further argues that the over-collection of rates is effectively a "ratepayer loan to the utilities." (Rate Counsel Reply at 2). Rate Counsel fears that while ratepayers may eventually receive a refund for the over-collection, not all ratepayers are in a position to withstand a period with increased rates. Id. at 2-3.

Rate Counsel also argues that under normal base rate cases, utilities have an incentive to move the proceeding quickly, making them more cooperative with discovery and settlement matters to implement the requested rates more quickly. Here, instead, with the test year and the amount

of interim rates picked “exclusively by the Company,” delay now is a benefit to the Company. Id. at 3.

Rate Counsel further objects to the Company's accusations that Rate Counsel seeks to delay the base rate case proceedings. Rate Counsel points to historic base rate case proceedings to show that all but one base rate cases filed by utilities and litigated by Rate Counsel within the last five years have been resolved within nine (9) to ten (10) months, and all of the Company's base rate cases have been resolved within six (6) months. Rate Counsel states that it routinely submits schedules that it believes are necessary to fully vet a case and have operated in good faith, never intentionally delaying a proceeding. Id. at 5.

In addition, Rate Counsel addresses the policy behind Elizabethtown Water, stating that requiring six (6) months of actual data strikes an appropriate balance, allowing for the development of a record based on actual data without undue delay. Rate Counsel states New Jersey law requires that rates are not to be based on hypothetical numbers; and while some forecasting is utilized, the Board has never relied on it to determine a base rate case. Id. at 7.

Rate Counsel restates that the Board should dismiss ACE's filing based on incomplete actual data, and require the Company to refile with six (6) months of actual data. Id. at 8.

DISCUSSION AND FINDINGS

Rate Counsel filed its motion to dismiss pursuant to N.J.A.C. 14:1-5.4(b). N.J.A.C. 14:1-5.4(b) provides as follows:

If after review the Board determines that a petition is deficient, the Board may refuse to consider and may issue an order dismissing said petition. In the case of a petition proposing increases in charges to customers, the time frame for Board decision set forth in N.J.S.A. 48:2-21(d) shall not begin to run until a complete petition has been filed with the Board.

[N.J.A.C. 14:1-5.4.]

Specifically, Rate Counsel asserts that consistent with the Board's Order in Elizabethtown Water, a petitioner must include six (6) months of actual data (or at a minimum, five (5) months) when filing a rate case. Rate Counsel further asserts that consistent with precedent and appropriate court decisions, the Board cannot set rates based on projected data. As a result of the three (3) months of data filed and the Company's proposed schedule, Rate Counsel asserts that twelve (12) month updates containing actual data will not be available until after the record in this proceeding is closed and briefs have been filed.

In opposition, ACE asserts that Rate Counsel's interpretation of Elizabethtown Water is a reach, as the order provided that including six (6) months of actual data (or at a minimum, five (5) months) is a general guideline and that in practice, including in two (2) prior ACE rate cases, the Board has accepted filings containing only three (3) months of actual data, with updates filed during the case, and at least in the case of the ACE filings, eventually leading to stipulations settling the matters.

After review of the evidential materials in this matter, it is undisputed that ACE filed its base rate case with three (3) months of actual data and nine (9) months of projected data. It is further

undisputed that in Elizabethtown Water the Board ordered utilities to submit five (5) months of actual data.

The issue of the utilization of an appropriate test year in a utility's base rate case is not a matter of first impression for the Board. In Elizabethtown Water, the Board found that a partly historic and partly forecasted test year "strikes a balance by enabling the parties to develop a substantive record based on sufficient actual data, but also providing petitioner with the opportunity to propose rates which should reflect conditions at the time the Board makes a determination in this matter and during the period of future rates." Id. at 2. The Board found that as a general guideline, rate case petitions should contain six (6) months of actual data and six (6) months of estimated data, or at a minimum, five months of actual data and seven months of estimated data. The Board further ordered that petitioner be given the opportunity to propose adjustments to expenses for a period of nine (9) months beyond the end of the test year, changes to rate base for a period of six (6) months beyond the end of the test year, and capitalization for a period of three (3) months beyond the end of the test year. Ibid. The Board stated that this Order established "the guidelines that should apply to the test years to be filed in the future by all major New Jersey Public Utilities." Ibid.

The Board also addressed this issue concerning the test year period to be utilized in base rate cases in In re the Petition of Rate Counsel Requesting a Board Order Directing Jersey Central Power and Light Company ("JCP&L") to File a Base Rate Case Petition and Establishing a Test Year of 2010, BPU Docket No. EO11090528 (July 18, 2012) ("In re JCP&L"). In In re JCP&L, Rate Counsel filed a petition seeking an Order pursuant to N.J.S.A. 48:2-21(b)(1) directing JCP&L to file a base rate case petition. In response to the petition, JCP&L raised arguments similar to those raised by ACE in this matter, asserting that the use of a purely historical test year is inconsistent with the Board's practice and precedent. In re JCP&L at 8. JCP&L argued that the Board need not decide on an appropriate test year because the Company's rates are not unjust or unreasonable and because the Board has a long-standing precedent for a utility filing a rate case to use a test year that reflects the most recent twelve (12) month period prior to new rates becoming effective. JCP&L claimed utilities file base rate cases with a few months of actual data and the remainder of the test year populated with projected data, which is then updated during the case. Ibid.; Rate Counsel, however, requested the Board require JCP&L to use a recent historical test year. The Board ordered JCP&L to file a base rate case at this time using a historical test year in order "to better capture the Company's spending patterns and capital needs." In re JCPL, at 13.

It is long-standing Board policy, as set forth in Elizabethtown Water, that as a general guideline for major utilities, utility rate case petitions contain when filed, six (6) months actual test year data and six (6) months estimated data, or at a minimum, five (5) months actual and seven (7) months estimated data. Elizabethtown Water at 2. With regard to any out-of-period adjustments, the Company shall have the opportunity to make a record with regard to "known and measurable" changes to the test year provided that the changes are (1) shown to be prudent and major in nature and consequence, (2) carefully quantified through proofs which (3) manifest reliable data. Ibid.; and see In re JCPL at 13.

Nonetheless, as noted by ACE,² since Elizabethtown Water, some cases have been filed with the Board and proceeded to conclusion when, at filing, the petitioner provided less than six (6) months of actual data. The Board further recognizes that at times, parties to these proceedings have been able to reach preliminary settlements that were held subject to the submission of twelve (12) months of actual data.

As noted by Rate Counsel, even without delays, the schedule proposed by ACE would leave the parties concluding the case prior to the filing of twelve (12) months of actual data. Additionally, the Board adopted interim rate regulations at N.J.A.C. 14:1-5.12. In fact, ACE has advised the parties in its filing that it intends to implement interim rates if the case is not concluded within the statutorily permissible suspension periods.

Recently, the Board addressed the application of the newly adopted interim rate regulations. In In re New Jersey American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Sewer Service, Change in Depreciation Rates and Other Tariff Modifications, BPU Docket No. WR17090985 (June 22, 2018), the Board was confronted with a rate case that did not settle during the permitted rate suspension period in N.J.S.A. 48:2-21. In that case, Rate Counsel objected to New Jersey American Water Company, Inc.'s ("NJAW") imposition of interim rates pursuant to N.J.A.C. 14:1-5.12. In permitting interim rates, the Board specifically noted that NJAW had filed five (5) months of actual data, consistent with Elizabethtown Water. Id. at 11. See also, In re the Petition of United Water Toms River, Inc. for Approval of an Increase in Rates for Water Service and Other Tariff Changes, BPU Docket No. WRO8030139 (November 7, 2008) (noting that under N.J.S.A. 48:2-21.1, the Board may set a negotiated rate, subject to refund during the pendency of a rate proceeding (citing In re N.J. Power and Light Co., 15 N.J. 82, 96 (1954))).

As such, based on the specific circumstances of this matter, the Board **HEREBY FINDS** ACE's petition in this matter to be deficient, in that, at the time of filing, it did not provide the Board with sufficient actual data from the Company's selected test year to permit the parties an opportunity to review and conclude the case within the statutorily permissible period set forth in N.J.S.A. 48:2-21. With the imposition of interim rates pursuant to N.J.A.C. 14:1-5.12, the Board is mindful of the reality of what is necessary to conclude a rate proceeding.

² Specifically, ACE cites to In re the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric Service and Gas Service, B.P.U.N.J. No. 14 Electric and B.P.U. N.J. No. 14 Gas Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 and for Approval of a Gas Weather Normalization Clause; a Pension Expense Tracker and for Other Appropriate Relief, BPU Docket No. GR09050422 (July 9, 2010); In re the Petition of New Jersey Natural Gas Company for Approval of an Increase in Gas Base Rates and/or Changes in its Tariff for Gas Service, Approval of Safe Program Extension, and Approval of Safe Extension and NJ Rise Rate Recovery Mechanisms Pursuant to N.J.S.A. 48:2-21, 48:2-21.1 and for Changes to Depreciation Rates for Gas Property Pursuant to N.J.S.A. 48:2-18, BPU Docket No. GR15111304 (September 23, 2016); In re the Petition of South Jersey Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service and Other Tariff Revisions, BPU Docket No. GR10010035, (September 17, 2010); In re the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Approval of Increased Base Tariff Rates and Charges for Gas Services and Other Tariff Revisions, BPU Docket No. GR09030195 (December 17, 2009); and In re the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Approval of Increased Base Tariff Rates and Charges for Gas Service and Other Tariff Revisions, BPU Docket No. GR16090826 (June 30, 2017). (ACE Opposition at 3).

The Board's desire is to conclude a utility's rate case as expeditiously as possible, consistent with due process. To do so, the Board and the parties to the proceeding must have sufficient data to provide an opportunity for the matter to reach conclusion within the statutorily permissible period. Nonetheless, the filing of a rate case with six (6) months of actual test year data, requiring subsequent updates, will not guarantee that a rate case will conclude prior to the expiration of the suspension period. As such, although the Board finds that the petition in this case is deficient, the Board in no way intends to suggest that within a properly filed case, a party may not seek interim rates consistent with N.J.A.C. 14:1-5.12.

It has been the Board's general practice, and a requirement of parties to stipulations concluding rate cases, that twelve (12) months of actual data is required before concluding a rate case. See, In re the Petition of New Jersey Natural Gas Company for Approval of an Increase in Gas Base Rates and/or Changes in its Tariff for Gas Service, Approval of Safe Program Extension, and Approval of Safe Extension and NJ Rise Rate Recovery Mechanisms Pursuant to N.J.S.A. 48:2-21, 48:2-21.1 and for Changes to Depreciation Rates for Gas Property Pursuant to N.J.S.A. 48:2-18, BPU Docket No. GR15111304 (September 23, 2016); In re the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Approval of Increased Base Tariff Rates and Charges for Gas Services and Other Tariff Revisions, BPU Docket No. GR09030195 (December 17, 2009); In re the Petition of Pivotal Utility Holdings Inc. d/b/a Elizabethtown Gas for Approval of Increased Base Tariff Rates and Charges for Gas Service and Other Tariff Revisions, BPU Docket No. GR16090826 (June 30, 2017); In re the Petition of South Jersey Gas Company for Approval of Increase Base Tariff Rates and Charges for Gas Service and Other Tariff Revisions, BPU Docket No. GR17010071 (October 20, 2017); In re the Verified Petition of Rockland Electric Company for Approval of Changes in Electric Rates, its Tariff for Electric Service, and its Depreciation Rates; Approval of an Advanced Metering Program; and for Other Relief, BPU Docket No. ER16050428 (August 27, 2017).

Regarding ACE's arguments that a dismissal of this case will effectively interject regulatory lag into ACE's rate proceeding, the Board notes that ACE controls the timing of its rate case filing as well as the selected test year. Assuming ACE concluded that the rate filing was necessary, it could have chosen a test year that would have allowed it to file with sufficient actual data such that the filing would not have functionally guaranteed that interim rates would be required. In consideration of concerns regarding regulatory lag, the Board adopted interim rate rules,³ which set forth the process for utilities seeking interim rates at the conclusion of a suspension period. Within the Board's statutory and regulatory framework, an appropriate balance between the Board's obligations to expeditiously review rate proceedings and find just and reasonable rates is struck when, at the time of filing, a rate proceeding and a test year are set to permit sufficient time to permit the parties an opportunity to complete the proceeding within the two (2) statutory suspension periods. Generally, the timing of these filings and the setting of test years is within the purview of the utility, but the Board is obligated to ensure that such filings provide appropriate actual data, consistent with the Board's practices.

The Board **HEREBY AFFIRMS** the long-standing policy set forth in Elizabethtown Water that as a general guideline for major utilities, rate case petitions should contain when filed, six (6) months actual test year data and six (6) months estimated data, or at a minimum, five (5) months actual and seven (7) months estimated data. Elizabethtown Water at 2. With regard to any out-of-period adjustments, the Company shall have the opportunity to make a record with regard to "known and measurable" changes to the test year provided that the changes are: (1)

³ N.J.A.C. 14:1-5.12(e) – (g).

shown to be prudent and major in nature and consequence; (2) carefully quantified through proofs which; (3) manifest reliable data. Ibid.

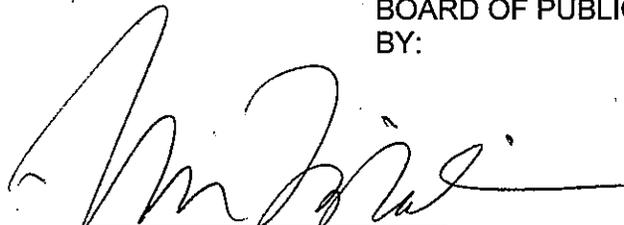
As such, the Company's base rate case petition is **HEREBY DISMISSED** without prejudice. The Company has advised in its papers that it will be prepared to file with six (6) months of actual test year data in August 2018. The Company may refile its petition with this information or may refile in the future with an adjusted test year, and test year data, consistent with this Order. In the interests of economy, if ACE chooses to refile its petition in August with updated test year information, it may take appropriate steps to incorporate portions of this petition into that proceeding.

To reiterate, ACE's petition is dismissed and this docket is closed. Any future filing will be separately filed before the Board and consistent with N.J.A.C. 14:1-5.4; any statutory suspension periods will commence from the receipt of a complete rate case filing.

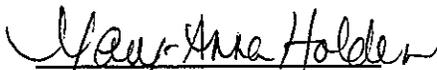
This Order shall be effective on August 4, 2018.

DATED: 7/25/18

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



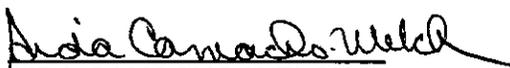
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UPENDRA J. CHIVUKULA
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COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

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

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR
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BPU DOCKET NO. ER18060638

SERVICE LIST

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