



Agenda Date: 9/23/20
Agenda Item: 8A

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/

DIVISIONS OF CLEAN ENERGY
AND ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF)
P.L. 2018, c. 17 REGARDING THE)
ESTABLISHMENT OF ENERGY EFFICIENCY AND)
PEAK DEMAND REDUCTION PROGRAMS)
)
) DOCKET NO. QO19010040

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Philip J. Passanante, Esq., Assistant General Counsel, Atlantic City Electric Company
Robert H. Oostdyk, Jr., Esq., Murphy McKeon P.C., on behalf of Butler Power and Light Company
Andrew K. Dembia, Esq., Regulatory Affairs Counsel, New Jersey Natural Gas Company
Joshua R. Eckert, Esq., Counsel, Jersey Central Power and Light Company
Joseph F. Accardo, Jr., Esq., Vice President – Regulatory and Deputy General Counsel, Public Service Electric and Gas Company
Margaret Comes, Esq., Associate Counsel, Rockland Electric Company
Deborah M. Franco, Esq., Regulatory Affairs Counsel, SJI Industries

BY THE BOARD:

Background and Procedural History

On January 13, 2008, L. 2007, c. 340 (“RGGI Act”) was signed into law based on the New Jersey Legislature’s findings that energy efficiency (“EE”) and conservation measures must be essential elements of the state’s energy future and that greater reliance on EE and conservation will provide significant benefits to the citizens of New Jersey. The Legislature also found that public utility involvement and competition in the conservation and EE industries are essential to maximize efficiencies.

Pursuant to Section 13 of the RGGI Act, codified as N.J.S.A. 48:3-98.1(a)(1), an electric or gas public utility may provide and invest in EE and conservation programs in its service territory on a regulated basis. Upon petition such investment in EE and conservation programs may be eligible for rate treatment approval by the Board, including a return on equity, or other incentives or rate mechanisms that decouple utility revenue from sales of electricity and gas. Ratemaking treatment

may include placing appropriate technology and program costs investments in the utility's rate base, or recovering the utility's technology and program costs through another ratemaking methodology approved by the Board.

By Order dated June 10, 2020, the Board approved an EE transition framework for EE programs implemented pursuant to the Clean Energy Act, L. 2018, c. 17, including requirements for the utilities to establish programs that reduce the use of electricity and natural gas within their territories.¹ New Jersey electric and gas utilities required to file a petition are Atlantic City Electric Company ("ACE"), Elizabethtown Gas Company ("ETG"), Jersey Central Power and Light Company ("JCP&L"), New Jersey Natural Gas Company ("NJNG"), Public Service Electric and Gas Company ("PSE&G"), Rockland Electric Company ("RECO"), and South Jersey Gas Company ("SJG").

At the time of the issuance of the June 2020 Order, PSE&G already had an EE filing pending before the Board. The Board addresses PSE&G's EE filing in I/M/O the Petition of Public Service Electric and Gas Company for Approval of Its Clean Energy Future - Energy Efficiency ("CEF-EE") Program on a Regulated Basis, BPU Docket Nos. GO18101112 and EO10121113, Order dated September 23, 2020.

In the June 2020 Order, the Board directed New Jersey's other electric and gas companies to file three-year program petitions by September 25, 2020 for approval by the Board by May 1, 2021 and implementation beginning July 1, 2021.

DISCUSSION AND FINDINGS

The Board determined that the petitions expected to be filed should be retained by the Board for hearing. As authorized by N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Fiordaliso or his designee as the presiding commissioner for the ACE, JCP&L, and RECO filings, who is authorized to rule on all motions that arise during the proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues. Additionally, the Board **HEREBY DESIGNATES** Commissioner Chivukula as the presiding commissioner for the ETG, NJNG, and SJG filings, who is authorized to rule on all motions that arise during the proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

Further, the Board **HEREBY DIRECTS** that any entity seeking to intervene or participate in any of the utilities' filings file the appropriate application with the Board by October 2, 2020. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate. Any response to motions should be filed no later than October 9, 2020.

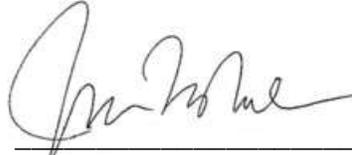
In addition, in compliance with the Board's Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order. The Board **HEREBY DIRECTS** Staff to post this Order to the Board's website.

¹ In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket Nos. QO19010040, QO19060748, QO17091004, Order dated June 10, 2020 ("June 2020 Order").

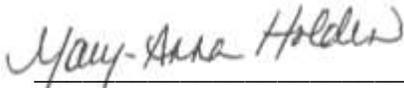
The effective date of this Order is September 30, 2020.

DATED: September 23, 2020

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

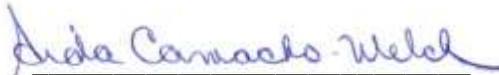


UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF THE IMPLEMENTATION OF P.L. 2018, c. 17 REGARDING THE
ESTABLISHMENT OF ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION
PROGRAMS - DOCKET NO. QO19010040

SERVICE LIST

New Jersey Division of Rate Counsel

140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Brian O. Lipman, Esq., Litigation Manager
blipman@rpa.nj.gov

Felicia Thomas-Friel, Esq.
Managing Attorney – Gas
fthomas@rpa.nj.gov

Kurt Lewandowski, Esq.
Assistant Deputy Rate Counsel
klewando@rpa.nj.gov

Maura Caroselli, Esq.
Assistant Deputy Rate Counsel
maura.caroselli@rpa.nj.gov

Rate Counsel Consultants

Robert J. Henkes
Henkes Consulting
7 Sunset Road
Old Greenwich, CT 06870
rhenkes@optonline.net

Ezra Hausman
77 Kaposia St.
Auburndale, MA 02466
ezra@ezrahausman.com

New Jersey Board of Public Utilities

44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch
Secretary of the Board
board.secretary@bpu.nj.gov

Paul Flanagan, Esq., Executive Director
paul.flanagan@bpu.nj.gov

Bob Brabston, Esq., Deputy Executive
Director
robert.brabston@bpu.nj.gov

Counsel's Office

Abe Silverman, Esq., General Counsel
abe.silverman@bpu.nj.gov

Carol Artale, Esq.
Deputy Chief Counsel
carol.artale@bpu.nj.gov

Rachel Boylan, Esq.
rachel.boylan@bpu.nj.gov

Office of the Economist

Dr. Ben Witherell, Director
benjamin.witherell@bpu.nj.gov

Division of Clean Energy

Kelly Mooij, Director
kelly.mooij@bpu.nj.gov

Stacy Ho Richardson, Esq.
Deputy Director
stacy.richardson@bpu.nj.gov

New Jersey Division of Law

Department of Law & Public Safety
Division of Law
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street
P.O. Box 112
Trenton, NJ 08625-0112

David Apy, Assistant Attorney General
david.apy@law.njoag.gov

Daren Eppley, Section Chief, DAG
daren.eppley@law.njoag.gov

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Michael Beck, DAG
michael.beck@law.njoag.gov

Matko Ilic, DAG
matko.ilic@law.njoag.gov

Terel Klein, DAG
terel.klein@law.njoag.gov

Butler Power and Light Company

Robert H. Oostdyk, Jr., Esq.
Murphy McKeon P.C.
51 Route 23 South
P.O. Box 70
Riverdale, NJ 07456
admin@butlerborough.com

Jim Lampmann
Borough Administrator
jlampmann@butlerborough.com

**Elizabethtown Gas Company and
South Jersey Gas Company**

Deborah M. Franco, Esq.
Regulatory Affairs Counsel
SJI Utilities
520 Green Lane
Union, NJ 07083
dfranco@sjindustries.com

Chris Colacello, Analyst I
chris.colacello@bpu.nj.gov

Benjamin Goldstein, Program Specialist
benjamin.goldstein@bpu.nj.gov

Mahogany A. Hall, Program Specialist 2
mahogany.hall@bpu.nj.gov

Division of Energy

Stacy Peterson, Director
stacy.peterson@bpu.nj.gov

Paul Lupo, Bureau Chief
paul.lupo@bpu.nj.gov

Bart Kilar
bart.kilar@bpu.nj.gov

Atlantic City Electric Company

Philip J. Passanante, Esq.
Assistant General Counsel
92DC42
P.O. Box 6066
Newark, DE 19714-6066
andrew.mcnally@exeloncorp.com

Susan Marinelli
smarinelli@pepcoholdings.com

Wayne Hudders
Manager, Demand Response and Energy
Efficiency Evaluation
701 9th St NW
Washington, DC 20068
(202) 872-2140
wayne.hudders@pepcoholdings.com

New Jersey Natural Gas Company

1415 Wyckoff Road
PO Box 1464
Wall, NJ 07719

Andrew K. Dembia, Esq.
Regulatory Affairs Counsel
adembia@njng.com

Maureen Minkel, General Manager
Energy Efficiency & Conservation
South Jersey Gas Company
1 South Jersey Place
Atlantic City, NJ 08401
mminkel@sjindustries.com

Jersey Central Power and Light Company

300 Madison Avenue
Morristown, NJ 07962-1911

Joshua R. Eckert, Esq., Counsel
jeckert@firstenergycorp.com

Kurt Turosky
kturosky@firstenergycorp.com

Kent Hatt
khatt@firstenergycorp.com

Rockland Electric Company

Margaret Comes, Esq.
Associate Counsel
4 Irving Place Room 1815-S
New York, New York 10003
comesm@coned.com

John Carley, Esq.
Associate General Counsel
4 Irving Place Room 1815-S
New York, New York 10003
carleyj@coned.com

Charmaine Cigliano, Section Manager
Customer Energy Services
Orange & Rockland Utilities, Inc.
390 West Route 59
Spring Valley, NY 10977
ciglianoc@oru.com

Donald Kennedy, Director
Customer Energy Services
Orange & Rockland Utilities, Inc.
390 West Route 59
Spring Valley, NY 10977
kennedyd@oru.com

Anne-Marie Peracchio
Director, Conservation & Clean Energy Policy
aperacchio@njng.com

Public Service Electric and Gas Company

PSEG Services Corporation
80 Park Plaza, T5
P.O. Box 570
Newark, NJ 07102

Matthew M. Weissman, Esq.
General State Regulatory Counsel
matthew.weissman@pseg.com

Joseph F. Accardo, Jr., Esq.
Vice President – Regulatory & Deputy
General Counsel
joseph.accardo@pseg.com

Danielle Lopez, Esq.
danielle.lopez@pseg.com

Tim Fagan
Manager, Planning and Evaluation
PSE&G – Renewables & Energy Solutions
tim.fagan@pseg.com

Karen Reif
karen.reif@pseg.com

Todd Van Aken
todd.vanaken@pseg.com

Caitlyn White
Regulatory Case Coordinator
caitlyn.white@pseg.com

Chemistry Council of New Jersey

Dennis Hart, Executive Director
150 West State Street
Trenton, NJ 08608
dhart@chemistrycouncilnj.org

Environmental Defense Fund

Mary Barber
Director, Regulatory & Legislative Affairs
mbarber@edf.org

New Jersey Utilities Association

Thomas R. Churchelow
President
154 West State Street, 1st Floor
Trenton, NJ 08608
tchurchelow@njua.com

Urban League of Essex County

Vivian Cox-Frasier
President & CEO
508 Central Avenue
Newark, NJ 07107
vfrasier@ulec.org