



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY AND CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF )  
JERSEY CENTRAL POWER & LIGHT COMPANY FOR )  
APPROVAL OF JCP&L'S SECOND ENERGY )  
EFFICIENCY AND CONSERVATION PLAN )  
INCLUDING ENERGY EFFICIENCY AND PEAK )  
DEMAND REDUCTION PROGRAMS ("JCP&L EE&C )  
PLAN II FILING") )

ORDER RULING ON MOTIONS TO  
INTERVENE OR PARTICIPATE

DOCKET NO. QO23120872

**Parties of Record:**

**Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel  
**James C. Meyer, Esq.**, Counsel on behalf of Jersey Central Power & Light Company  
**John Kolesnik, Esq.**, Counsel on behalf of the Energy Efficiency Alliance of New Jersey  
**Steven S. Goldenberg, Esq.**, Counsel on behalf of the New Jersey Large Energy Users Coalition

BY COMMISSIONER DR. ZENON CHRISTODOULOU:

**BACKGROUND AND PROCEDURAL HISTORY**

***The New Jersey Clean Energy Act of 2018***

On May 23, 2018, Governor Murphy signed the Clean Energy Act into law ("CEA"). The CEA mandates that New Jersey's electric and gas public utilities increase their role in delivering energy efficiency ("EE") and peak demand reduction ("PDR") programs. The CEA further directs the New Jersey Board of Public Utilities ("Board") to require the electric and gas utilities to reduce customer use of electricity and natural gas in their respective service territories.

Specifically, the CEA directs the Board to require:

- (a) each electric public utility to achieve, within its territory by its customers, annual reductions of at least 2% of the average annual electricity usage in the prior three years within five years of implementation of its electric energy efficiency program; and
- (b) each natural gas public utility to achieve, within its territory by its customers, annual reductions in the use of natural gas of at least 0.75% of the average annual natural gas

usage in the prior three years within five years of implementation of its gas energy efficiency program.<sup>1</sup>

### ***Triennium 1***

By Order dated June 10, 2020, the Board approved, pursuant to the CEA, utility programs that reduce the use of electricity and natural gas within the utilities' territories.<sup>2</sup> In the June 2020 Order, the Board directed the utilities to file three-year program petitions by September 25, 2020 for approval by the Board by May 1, 2021 and implementation from July 1, 2021 through June 30, 2024 ("Triennium 1").

By Order dated April 27, 2021, the Board approved a stipulation of settlement authorizing Jersey Central Power and Light Company ("JCP&L" or "Company") to implement its portfolio of EE programs.<sup>3</sup>

### ***Triennium 2***

By Order dated May 24, 2023, the Board directed each electric and gas public utility to propose, for Board approval, EE programs for the second three-year EE program period ("Triennium 2") on or before October 2, 2023, and the Board addressed certain aspects of the Triennium 2 framework.<sup>4</sup> By Order dated July 26, 2023, the Board approved the remaining aspects of the Triennium 2 framework.<sup>5</sup>

By Order dated September 27, 2023, the Board extended the filing deadline for Triennium 2 petitions from October 2, 2023 to December 1, 2023 and directed that any entities seeking to

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<sup>1</sup> N.J.S.A. 48:3-87.9(a).

<sup>2</sup> 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, and QO17091004, Order dated June 10, 2020 ("June 2020 Order").

<sup>3</sup> In re the Verified Petition of Jersey Central Power and Light Company for Approval of JCP&L's Energy Efficiency and Conservation Plan Including Energy and Peak Demand Reduction Programs (JCP&L EE&C), BPU Docket No. EO20090620, Order dated April 27, 2021.

<sup>4</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023 ("May 2023 Order").

<sup>5</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated July 26, 2023.

intervene or participate in this matter file the appropriate application with the Board by December 8, 2023, and that entities file with the Board any responses to those motions by December 14, 2023.<sup>6</sup> By the September 2023 Order, the Board retained this matter for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself, Commissioner Dr. Zenon Christodoulou, as Presiding Commissioner in this matter authorized to rule on all motions that arise during the pendency of this proceeding, and modify schedules that may be set as necessary to secure a just and expeditious determination of all issues. By Order dated October 25, 2023, the Board delayed the start of Triennium 2 by six months from July 1, 2024 until January 1, 2025.<sup>7</sup>

**DECEMBER 2023 PETITION**

On December 1, 2023, JCP&L filed the requisite petition with the Board (“Petition”). In the Petition, the Company proposed a total budget of approximately \$964 million for its EE and Conservation Plan II (“EE&C Plan II”) over a 30-month period from January 1, 2025 through June 30, 2027. The proposed programs and associated costs are summarized in the table below:

Category	Sector	Program	Total
Core	Residential	Whole Home	\$104,638,446
		Income Qualified	\$56,765,825
		EE Products	\$91,147,416
		Behavioral	\$6,796,963
	Commercial	Energy Solutions	\$279,857,588
		Prescriptive and Custom	\$197,749,825
		Direct Install	\$140,181,530
Multifamily	Multifamily	\$9,808,842	
Utility-Led		Building Decarbonization	\$45,206,578
		Load Optimization & PDR	\$21,834,279
		Next Generation Savings	\$7,813,969
		Conservation Voltage Reduction	\$227,500
Other Portfolio Costs		Workforce Development	\$1,500,000
		Community Outreach	\$625,000

<sup>6</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated September 27, 2023 (“September 2023 Order”). The September 2023 Order also directed that any entity wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate. No entity filed a motion for admission *pro hac vice* in this matter.

<sup>7</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO23030150, Order dated October 25, 2023 (“October 2023 Order”). The October 2023 Order also extended Triennium 1 through December 31, 2024.

	<b>Total</b>	<b>\$964,153,761</b>
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JCP&L sought authorization to recover its EE&C Plan II costs through a consumption rate measured in dollars per kilowatt-hour (“kWh”). This rate would be applicable to all customer classes within the Company’s tariff rate schedules. To achieve this, the Company proposed introducing a new rate component, EE&C2, under its existing Rider - Regional Greenhouse Gas Initiative (“RGGI”) Recovery Charge (“Rider RRC”).

The revenue requirement associated with EE&C Plan II is structured to recover costs annually, including any over/under amounts from previous periods. The initial forecasted amount is \$16,192,427, inclusive of Sales and Use Tax (“SUT”), for the initial period spanning from January 1, 2025 to June 30, 2025. Furthermore, the revenue requirement remains subject to potential adjustments, considering net revenue offsets from PJM Interconnection LLC (“PJM”) capacity resources, marketplace revenues negotiated with vendors, financial benefits from data usage, or other revenue sources resulting from the implementation of EE&C Plan II.

JCP&L estimated that the initial bill impact for a typical residential customer using 783 kWh monthly would experience an increase of \$0.97, including SUT, or 0.8% per month for the initial recovery period. The maximum cumulative bill impact on a typical residential customer using 783 kWh per month over the entire 2.5-year program period is estimated to be approximately \$4.86 or about 4.2% from the current average monthly bill.

On December 28, 2023, Board Staff (“Staff”) issued JCP&L a letter of administrative deficiency (“Letter”) identifying administratively incomplete portions of the Petition and requesting that the Company cure any deficiencies. On January 16, 2024, JCP&L filed an update to the Petition to cure the deficiencies identified in the Letter (“Update”).

By Order dated January 10, 2024, the Board directed that any entity wishing to file a motion for leave to intervene or participate, or to update a previously-filed motion for leave to intervene or participate, in this proceeding shall have until seven (7) days following Staff’s issuance of a letter of administrative completeness to the Company.<sup>8</sup> On January 19, 2024, Staff issued a letter of administrative completeness, noting that the Update adequately cured the deficiencies identified in the Letter and that Staff therefore determined the Petition to be administratively complete. The Board subsequently received no additional or updated motions seeking leave to intervene or participate.

**THE MOTIONS**

**Motions to Intervene**

*New Jersey Large Energy Users Coalition*

<sup>8</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs et al., BPU Docket Nos. QO23030150, QO23120868, QO23120869, QO23120870, QO23120871, QO23120872, QO23120874, and QO23120875, Order dated January 10, 2024 (“January 2024 Order”). By the January 2024 Order, the Board additionally redesignated President Guhl-Sadovy as the presiding commissioner for the Public Service Electric and Gas Company (“PSE&G”) filing, BPU Docket No. QO23120874, and Commissioner Abdou as the presiding commissioner for the Elizabethtown Gas Company (“ETG”), New Jersey Natural Gas Company (“NJNG”), and South Jersey Gas Company (“SJG”) filings, BPU Docket Nos. QO23120869, QO23120868, and QO23120870.

On December 7, 2023, the New Jersey Large Energy Users Coalition (“NJLEUC”) filed a Motion to Intervene in this proceeding, noting that it is an association whose members include large electric distribution customers served by JCP&L. NJLEUC’s members purchase electric distribution service from JCP&L on a usage basis. NJLEUC asserted that it has a significant interest in the outcome of this proceeding because JCP&L proposed a cost recovery mechanism for EE&C Plan II through the existing RRC. NJLEUC noted that its interests are significantly different from any other party because it has unique insight regarding the potential costs to large usage-based customers and the impact these costs would have on New Jersey’s business community, economy, and tax base. NJLEUC further noted that it will endeavor to work cooperatively with other parties in this proceeding to ensure administrative efficiency.

#### *Convergent Energy and Power*

On December 8, 2023, Convergent Energy and Power (“Convergent”) filed a Motion to Intervene in this proceeding, noting that it currently operates or is developing more than 500 megawatts/800 megawatt-hours of energy storage and solar-plus-storage that it operates or is currently developing and at least some of these projects are located in New Jersey. Convergent maintained that, as a provider of battery energy storage devices to commercial and industrial electric utility customers, it has a direct and substantial interest in this proceeding because the Triennium 2 programs involve compensation for battery energy storage devices. Convergent noted that its interest is sufficiently different from that of any other party because of its unique knowledge of and experience with market structures and incentives for adopting battery storage. Convergent asserted that its intervention in this matter will not lead to undue confusion or delay because Convergent’s interests in the Triennium 2 programs are relatively narrow, limited only to how those programs will impact battery energy storage systems. Convergent requested that, in the alternative, its Motion to Intervene be treated as a Motion to Participate.

#### *Enerwise Global Technologies, Inc. d/b/a CPower*

On December 8, 2023, Enerwise Global Technologies, Inc. d/b/a CPower (“CPower”) filed a Motion to Intervene in this proceeding, noting that it is the largest Virtual Power Plant provider in the United States and aggregates end-use customer demand response, distributed generation, and energy storage resources to help meet demand reduction commitments and real-time supply needs. CPower identified that it is active at the wholesale and retail levels and has worked closely with regulators in other states to develop similar EE programs. CPower further noted that it serves the PJM Interconnection, which operates a forward capacity market that helps ensure reliability within PJM. CPower asserted that its interests in the outcome of this matter are sufficiently different from that of any other party due to the breadth and potential scope of CPower’s operations in New Jersey, which, through its service to PJM, serves the entire state of New Jersey, in contrast to individual public utilities which only serve portions of the state. Additionally, CPower maintained that it has unique knowledge concerning best practices in similar programs throughout the country and would provide an industry perspective which could reduce or eliminate unforeseen issues with which Staff, the New Jersey Division of Rate Counsel (“Rate Counsel”), and the utilities may not be familiar. CPower certified that it will abide by the schedule for this proceeding and that, consequently, its intervention in this matter will not unduly delay or otherwise disrupt this proceeding. CPower requested that, in the alternative, its Motion to Intervene be treated as a Motion to Participate.

#### *Energy Efficiency Alliance of New Jersey*

On December 8, 2023, the Energy Efficiency Alliance of New Jersey (“EEA-NJ”) filed a Motion to Intervene in this proceeding, noting that it is a 501(c)(6) trade association that, together with the Keystone Energy Efficiency Alliance, represents more than 60 business members. EEA-NJ noted that these members manufacture, design, and implement EE improvements in buildings across Pennsylvania and New Jersey on behalf of regulated utilities, the State of New Jersey, and ratepayers. EEA-NJ asserted that the proposed programs would directly affect the utilization of their services and products. EEA-NJ also represented that its interests in this proceeding are unique and not adequately represented by any other party, and that its members can offer valuable perspectives on the design and implementation of the proposed programs. Finally, EEA-NJ noted that its intervention would not cause confusion or undue delay because it would coordinate its representation with similarly situated parties to the extent that it deems such coordination appropriate.

#### Motions to Participate

##### *ACE, ETG, NJNG, RECO, SJG, and PSE&G*

On December 8, 2023, Atlantic City Electric Company (“ACE”), ETG, NJNG, Rockland Electric Company (“RECO”), SJG, and PSE&G (collectively “Joint Movants”) submitted a joint motion to participate in this matter. The Joint Movants stated that they are public utility corporations incorporated in New Jersey and engaged in the transmission, distribution, and sale of electricity or gas for residential, commercial, and industrial purposes in the New Jersey. The Joint Movants claimed a significant interest in the outcome of this proceeding because the substantive policy and procedural requirements established in this proceeding are likely to have a precedential effect on proceedings involving the other utilities. The Joint Movants further noted that their interest as investor-owned electric or gas utilities serving retail customers are materially different from that of JCP&L and the other parties. Finally, the Joint Movants also stated that their participation would not cause delay or confusion because they would each abide by any schedule set for the proceeding.

##### *Google LLC*

On December 8, 2023, Google LLC (“Google”) filed a Motion to Participate in this proceeding, noting that it makes “Nest” devices which incorporate various features that help residential customers reduce their energy consumption for heating and cooling. Google noted that its Nest devices allow residential customers to participate in demand response programs, known as “Rush Hour Reward events,” run by utilities or third-party aggregators. Google further noted that it is the largest supplier of smart thermostats in New Jersey and it therefore has a significant interest in the outcome of this proceeding, specifically with regard to whether the Triennium 2 demand response programs will continue offering an efficient products rebate for smart thermostats, as proposed by JCP&L.

Additionally, Google claimed its interests are implicated by JCP&L’s proposal to expand its current Home Optimization and PDR program to residential customers and small business customers with smart thermostats. Google maintained that its participation in this matter will provide valuable insight due to its substantial experience with smart thermostat demand response programs in other states. Google argued that its participation in this matter will not cause undue confusion or undue delay because Google has participated in similar BPU proceedings in the past, including the PSE&G, JCP&L, NJNG, and SJG Triennium 1 proceedings, and therefore understands the procedural requirements of these proceedings.

*Uplight, Inc.*

On December 8, 2023, Uplight, Inc. ("Uplight") filed a Motion to Participate in this proceeding, noting that it is a technology provider to more than 80 electric and gas utilities across North America, including within New Jersey. Uplight's software provides customer engagement and demand management solutions to assist in achieving energy and carbon reduction goals. Uplight asserted that its experience maintaining similar EE programs nationwide would provide a tangible benefit to this proceeding. Additionally, Uplight stated that it already participates in EE programs within New Jersey and, therefore, has an interest in the outcome of this proceeding. Uplight further stated that its participation would not cause undue delay or confusion because it would coordinate its representation with similarly situated parties to the extent that it finds such coordination feasible.

**RESPONSES**

*JCP&L*

On December 14, 2023, JCP&L submitted a letter responding to the Motions to Intervene or Participate. By its letter response, JCP&L indicated that it did not oppose the Motions to Participate filed by the Joint Movants, Google, and Uplight. Additionally, JCP&L indicated it did not oppose the Motions to Intervene filed by EEA-NJ and NJLEUC, noting that both are trade associations that are expected to offer a unique and constructive perspective in this proceeding.

JCP&L objected to the Motions to Intervene filed by Convergent and CPower, arguing that neither demonstrated that it would be substantially and directly affected by the outcome of the proceeding and that granting intervenor status is likely to cause disruption and delay in the proceeding. JCP&L did not object to granting Convergent and CPower participant status.

*Rate Counsel*

On December 14, 2023, Rate Counsel submitted a letter responding to the filed Motions to Intervene or Participate. By its letter response, Rate Counsel indicated that it did not oppose the Motions to Participate filed by the Joint Movants, Google, and Uplight. Additionally, Rate Counsel indicated that it did not oppose NJLEUC's Motion to Intervene.

Rate Counsel opposed EEA-NJ's Motion to Intervene, arguing that, while EEA-NJ has potential economic interest in successful implementation of ACE's programs, it failed to assert a legally protected right under N.J.S.A. Title 48 to receive work from ACE. Rate Counsel further stated that it did not oppose participant status for EEA-NJ instead.

Rate Counsel opposed Convergent's Motion to Intervene, arguing that Convergent's interests in this proceeding are economic in nature and do not implicate a legally protected right under N.J.S.A. Title 48. Rate Counsel noted that it did not oppose Convergent's request in the alternative for status as a participant in this proceeding.

Rate Counsel opposed CPower's Motion to Intervene, arguing that CPower's interests in this proceeding are primarily to gain business in New Jersey and such interests do not constitute a legally protected right under N.J.S.A. Title 48. Rate Counsel noted that it did not oppose CPower's request in the alternative for status as a participant in this proceeding.

*EEA-NJ*

On December 20, 2023, EEA-NJ submitted a letter reply to Rate Counsel's opposition, noting that it will be substantially, specifically, and directly affected by the outcome of this case, despite having no legally protected right to intervene under N.J.S.A. Title 48. EEA-NJ further argued that Rate Counsel did not adequately explain why EEA-NJ would not be substantially, specifically, and directly affected by the outcome of this case and that EEA-NJ was granted intervenor status in numerous Triennium 1 proceedings because the Board found it would be directly affected by their outcomes.

EEA-NJ further argued that its interests differ from those of any other party because, as an EE trade organization, it can add directly and measurably to this proceeding through its member organizations' direct, extensive knowledge of the establishment and execution of State- and utility-run EE programs. EEA-NJ further noted that it has continually been a "constructive and unique presence in the Board's numerous stakeholder meetings often offering comments" and due to its historical involvement in EE proceedings in the state should be granted intervenor status.

#### *Convergent*

On December 20, 2023, Convergent submitted a letter reply to ACE's and Rate Counsel's responses, indicating that it does not oppose the request to convert its Motion to Intervene to a Motion to Participate consistent with its original request that, in the alternative, it be granted participant status in this matter.

### **DISCUSSION AND FINDINGS**

In a ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

Additionally, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record that involves consideration of a diversity of interests must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring



that an intervenor's interest be specific, direct, and different from that of the other parties so as to add measurably and constructively to the scope of the case.<sup>9</sup>

### Motions to Intervene

After consideration of the papers, and given the lack of any objections, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, that NJLEUC will be directly affected by the outcome of this proceeding and will add measurably and constructively to the case without causing undue delay or confusion. I **HEREBY FIND** that NJLEUC has met the standards for intervention in this proceeding. Accordingly, I **HEREBY GRANT** NJLEUC's Motion to Intervene.

Regarding EEA-NJ's Motion to Intervene, Rate Counsel indicated that it opposed granting intervenor status because EEA-NJ failed to demonstrate either a statutory right to intervene or a legally protected right to intervene under N.J.S.A. Title 48 to receive work from JCP&L. However, EEA-NJ represents more than 60 business members directly involved in the planning and implementation of EE programs in New Jersey. Additionally, EEA-NJ constructively participated in numerous Triennium 1 proceedings and has a direct interest in the outcome of this matter because its constituent members specifically design and implement EE programs throughout New Jersey. EEA-NJ is expected to add constructively to this proceeding via input gleaned from its extensive experience with EE programs specific to New Jersey. As such, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, that EEA-NJ will be substantially, specifically, and directly affected by the outcome of this proceeding and will add measurably and constructively to the case without causing undue delay or confusion. I **HEREBY FIND** that EEA-NJ has met the standards for intervention in this proceeding. Accordingly, I **HEREBY GRANT** EEA-NJ's Motion to Intervene.

Convergent owns and operates large energy storage and solar-plus-storage facilities throughout North America, with some projects located in New Jersey. Convergent maintained that, due to its status as a provider of battery energy storage devices, it has a direct interest in this proceeding because it has a significant interest in programs that compensate battery energy storage devices. Convergent further argued that its interest is sufficiently different from that of any other party to this proceeding because it is a leading company in providing battery energy storage solutions and can therefore provide valuable insight into adoption of such resources for powering the grid. I am not persuaded, however, that Convergent's interests are sufficiently distinct from those of the other parties to merit intervenor status. Convergent did not offer any explanation as to how its interest, as a company not particularized to the EE market within New Jersey, is substantially different from that of other parties to this proceeding or how the outcome of this case will significantly impact Convergent other than to provide greater business opportunities in New Jersey. As such, I **HEREBY FIND** that Convergent has not made a showing that its interests in this matter warrant granting its Motion to Intervene, given the need for prompt and expeditious administrative proceedings. Accordingly, I **HEREBY DENY** Convergent's Motion to Intervene. Pursuant to N.J.A.C. 1:1-16.5, I will treat this Motion, in the alternative, as a Motion to Participate. Considered under this standard, I **FURTHER FIND** that Convergent has a significant interest in this proceeding and that, as a participant, Convergent is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** Convergent participant status, limited to the right to argue orally and file a statement or brief as set forth in N.J.A.C. 1:1-16.6(c)(1) and (2).

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<sup>9</sup> See In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106, Order dated June 8, 2005.

According to its motion, CPower is the largest Virtual Power Plant provider in the United States, aggregating end-use customer demand response, distributed generation, and energy storage resources to manage demand-side flexibility and demand reduction throughout the United States. Specific to New Jersey, CPower serves the PJM Interconnection, using its demand response to provide transmission and distribution benefits to PJM, which CPower indicated it would like to bring to New Jersey. I am not persuaded that CPower's interests are sufficiently distinct from that of the other parties to merit intervenor status. CPower did not offer any explanation as to how its interest, as a company operating within the PJM Interconnection, is substantially different from that of other parties to this proceeding or how the outcome of this case will significantly impact CPower other than to provide business opportunities within New Jersey akin to those it already has in New York. As such, I **HEREBY FIND** that CPower has not made a showing that its interests in this matter warrant granting its Motion to Intervene, given the need for prompt and expeditious administrative proceedings. Accordingly, I **HEREBY DENY** CPower's Motion to Intervene. Pursuant to N.J.A.C. 1:1-16.5, I will treat this Motion, in the alternative, as a Motion to Participate. Considered under this standard, I **FURTHER FIND** that CPower has a significant interest in this proceeding and that, as a participant, CPower is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** CPower participant status, limited to the right to argue orally and file a statement or brief as set forth in N.J.A.C. 1:1-16.6(c)(1) and (2).

#### **Motions to Participate**

With regard to the Joint Motion to Participate filed by the Joint Movants, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that the Joint Movants' participation in this matter is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** the Joint Motion to Participate filed on behalf of ACE, ETG, NJNG, PSE&G, RECO, and SJG, limited to the right to argue orally and file a statement or brief as set forth in N.J.A.C. 1:1-16.6(c)(1) and (2).

Concerning the Motion to Participate filed by Google, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that Google's participation in this matter is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** Google's Motion to Participate in this proceeding, limited to the right to argue orally and file statements or briefs as set forth in N.J.A.C. 1:1-16.6(c)(1) and (2).

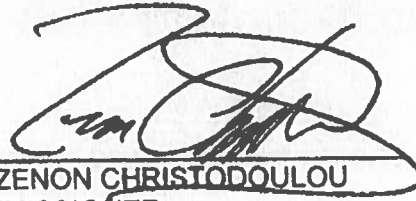
Concerning the Motion to Participate filed by Uplight, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that Uplight's participation in this matter is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** Uplight's Motion to Participate in this proceeding, limited to the right to argue orally and file statements or briefs as set forth in N.J.A.C. 1:1-16.6(c)(1) and (2).

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: 2/26/2024

BY:

A handwritten signature in black ink, appearing to be "Zenon Christodoulou", written over a horizontal line.

DR. ZENON CHRISTODOULOU  
COMMISSIONER

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT  
COMPANY FOR APPROVAL OF JCP&L'S SECOND ENERGY EFFICIENCY AND  
CONSERVATION PLAN INCLUDING ENERGY EFFICIENCY AND PEAK DEMAND  
REDUCTION PROGRAMS ("JCP&L EE&C PLAN II FILING")

DOCKET NO. QO23120872

SERVICE LIST

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