



STATE OF NEW JERSEY
Board of Public Utilities
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DIVISIONS OF CLEAN ENERGY
 AND ENERGY

IN THE MATTER OF THE VERIFIED)	ORDER WITH PROCEDURAL SCHEDULE
PETITION OF JERSEY CENTRAL POWER)	AND ORDER ON MOTIONS TO
AND LIGHT COMPANY FOR APPROVAL)	INTERVENE OR PARTICIPATE AND
OF AN ELECTRIC VEHICLE PROGRAM)	MOTIONS FOR ADMISSION PRO HAC
AND AN ASSOCIATED COST RECOVERY)	VICE
MECHANISM)	
)	DOCKET NO. EO21030630

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Cozen O’Connor, P.C., on behalf of Jersey Central Power and Light Company
Murray E. Bevan, Esq. and Jennifer McCave, Esq., on behalf of ChargePoint, Inc.
Kevin Auerbacher, Esq., Tesla, Inc.
Stephen J. Humes, Esq., on behalf of NJR Clean Energy Ventures Corporation
Nathan C. Howe, Esq., on behalf of Zeco Systems, Inc. d/b/a Greenlots

BY COMMISSIONER ROBERT GORDON:

BACKGROUND

On March 1, 2021, Jersey Central Power and Light Company (“JCP&L” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to invest approximately \$49.924 million (\$16.242 million as capital expenditures and \$33.682 million for operations and maintenance expenses) over a four (4) year period, commencing January 1, 2022, for an electric vehicle (“EV”) program (“EV Driven Program”) (“Petition”).

As proposed in the Petition, the EV Driven Program would consist of five (5) sub-programs applicable to light-duty vehicles and one (1) sub-program related to consumer education and outreach initiatives.¹

¹ Light-duty, or passenger, vehicles are any two-axle, four-wheel vehicle, primarily designed for passenger travel or light-duty commercial use. N.J.S.A. 48:25-2.

The six (6) proposed Sub-programs and associated budgets are:

Sub-program	Budget (\$K)
Residential Customer	\$4,207
Mixed-Use Commercial	\$9,426
Direct Current Fast Charging (“DCFC”) Public Charging	\$11,219
DCFC Last Resort	\$4,225
Overburdened Communities	\$2,500
Program Implementation	\$18,347
Total Budget	\$49,924

According to JCP&L, the proposed EV Driven Program was designed to be responsive to its customers’ needs, support the attainment of the State’s goals for EV deployment and the reduction of greenhouse gas emissions, address critical adoption barriers for EV transportation by providing education and outreach, and provide EV infrastructure solutions to reduce range anxiety. JCP&L also proposed a last resort offering, wherein the Company would install, own and operate approximately 20 DCFC charging ports at appropriate locations within its service territory.

Additionally, in the Petition, the Company proposed to implement a non-bypassable cents per kilowatt hour (“kWh”) rate through a new tariff offering, “Rider EV”, which would be applicable to all JCP&L distribution customer rate classes to recover the costs associated with the EV Driven Program. JCP&L proposed to implement the Rider EV rate effective January 1, 2022. If the Petition is approved as proposed, JCP&L estimates that the revenue requirement for the initial program year would be \$2,852,556.

On March 24, 2021, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated myself as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the March 24, 2021 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by April 26, 2021.

PROCEDURAL SCHEDULE

Board Staff, Rate Counsel, and the Company have agreed to a proposal for a preliminary schedule, which has been attached as Exhibit A, and Staff recommends its approval.

THE MOTIONS

ChargePoint, Inc. Motion to Intervene

On March 30, 2021, Charge Point, Inc. (“ChargePoint”), a large EV charging network with existing and prospective customers seeking to install EV charging stations in JCP&L’s service territory, filed a motion to intervene. ChargePoint Motion at 1-2. ChargePoint seeks intervenor status, asserting that it will be substantially, specifically, and directly affected by the outcome of this proceeding as a provider of Level 2 EV chargers, DCFCs, and EV charging network services. Id. at 3-4.

ChargePoint maintains that its interests are unique and specific to its business models, operations, customers, and prospective customers in JCP&L's service territory. Id. at 4. ChargePoint also affirms that its participation in this proceeding will not broaden the issues in the proceeding unduly, create confusion, or result in undue delay. Id.

Tesla, Inc. Motion to Intervene

On March 19, 2021, Tesla Inc. ("Tesla") filed a motion to intervene. Tesla is an EV, EV Service Equipment ("EVSE") and energy storage developer and manufacturer with customers in JCP&L's service territory. Tesla Motion at 1-2. Tesla asserts that it has a strong and unique interest in the EV charging infrastructure and rates policy that could be directly impacted in this proceeding. Tesla maintains that this proceeding's outcome will directly impact how and when Tesla can deploy additional EVs and EVCSs in JCP&L's service area. Id. at 2.

Tesla states that it has no desire to delay these proceedings and will measurably, and constructively advance the proceedings, while working cooperatively with the other parties whenever possible and practical. Tesla asserts that its intervention will not cause confusion or delay. Id.

NJR Clean Energy Ventures Corporation Motion to Intervene and Motion for Admission Pro Hac Vice

NJR Clean Energy Ventures Corporation ("CEV") filed a Motion to Intervene on April 26, 2021. CEV invests in, owns and operates energy projects that generate clean power and provides low carbon energy solutions. Current projects include both commercial and residential solar system development and new emerging renewable energy technologies. CEV Motion at 2. According to its motion, CEV is interested in expanding into the EV market in New Jersey, including developing EV charging infrastructure, providing EV charging services to customers and developing integrated distributed renewable energy and EV charging system solutions. Id.

CEV asserts it will be substantially, specifically, and directly affected by the outcome of this proceeding. As a new EV charging service provider, CEV asserts it has a significant interest in the growth and development of EV charging infrastructure, the integration of distributed energy generation in EV infrastructure development, the proper role of utilities in scaling the market for EV charging infrastructure, and in regulatory policies that affect this landscape. Id. at 2-3. CEV maintains that JCP&L's proposed incentives, programs and rate structure will directly impact CEV's business. Id. at 3. CEV states that its interests are not adequately represented by another party since it is the only EV service provider seeking to develop and integrate renewable distributed generation at EV charging locations. Id.

Sean C. Sheely, an attorney in good standing of the State of New Jersey, moved to support the application of Stephen J. Humes to appear *pro hac vice* on behalf of CEV. According to the motion, Mr. Humes is in good standing of the Bar of New York and has an existing attorney-client relationship with CEV as well as substantial experience in public utility law. Mr Humes attests that he will comply with the requirements of all applicable rules and will pay all fees as required.

Zeco Systems Inc. d/b/a Greenlots Motion to Intervene

Zeco Systems, Inc. d/b/a Greenlots ("Greenlots"), an EV charging software and services provider, filed a Motion to Intervene on April 26, 2021. The Greenlots network supports a significant percentage of the DC fast charging infrastructure in North America, and a growing amount of

Level 2 charging, including locations in New Jersey. Greenlots Motion at 1. Greenlots asserts it has a direct and substantial interest in this proceeding, specifically, in the growth of EV charging infrastructure and the role of utilities in scaling the market for EV charging. Id. at 2. Due to Greenlots' unique business model, it maintains that its interests are sufficiently different from that of any other party and will add measurably and constructively to the scope of the case. Id. at 3.

Alliance for Transportation Electrification Motion to Participate

On April 26, 2021, the Alliance for Transportation Electrification ("Alliance") filed a Motion to Participate. The Alliance is a 501(c)(6) non-profit corporation that engages policy makers to remove EV adoption barriers, encourage a collaborative approach to accelerate deployment of EV charging infrastructure, support an appropriate utility role in the competitive market and promote interoperability and open standards in all parts of the EV charging ecosystem. The Alliance's members consist of about 50 organizations including utilities, automobile and bus manufacturers, EV charging infrastructure providers and network operators, and related trade associations. Alliance Motion at 1.

The Alliance asserts that this proceeding will likely have a significant precedential effect on its members in New Jersey because the Board's decision may establish requirements and practices that affect the operation of the EV-related industry in the State of New Jersey; thereby resulting in important precedent and policy implementation. The Alliance represents that no other party represents its interests in the case. The Alliance agrees to act collaboratively, abide by the proceeding's schedule and coordinate its representation, when appropriate. Id. at 3.

Public Service Electric and Gas Company's Motion to Participate

On April 26, 2021, Public Service Electric and Gas Company ("PSE&G"), a New Jersey public utility involved in the purchase, transmission, distribution, and sale of electric energy with more than two (2) million residential, commercial and industrial electric customers in the state, filed a motion to participate in this proceeding. PSE&G Motion at 2.

PSE&G seeks participant status and asserts that issues to be addressed in the case may have the effect of establishing precedent, and therefore, PSE&G will be directly and specifically affected by this docket. Id. at 3. PSE&G claims that no other party or participant will represent its interests as the operations of the company are distinct from those of other parties and participants. PSE&G also asserts that its experience in the electric industry will add constructively to the proceeding. Id. at 4.

PSE&G affirms that it will abide by the schedule set for the proceeding and will work with other similarly situated parties to coordinate its representation. Lastly, PSE&G insists that its participation will not cause undue delay or confusion. Id.

RESPONSES

JCP&L Response to Motions

On May 5, 2021, JPC&L filed two responses to the motions. In its first response, the Company states it does not oppose Tesla, ChargePoint or Greenlot's motions to intervene, nor does it oppose the Alliance and PSE&G's motions to participate.

In its second response, however, the Company objects to CEV's motion to intervene. The Company states that CEV does not satisfy any of the criteria for intervention. JCP&L highlights

the fact that CEV is not currently active in New Jersey's EV market and argues that a "speculative interest in a market clearly does not establish that CEV will be 'substantially, specifically and directly affected'" by the proceeding, as required by the rules. JCP&L Response at 2. JCP&L states that CEV failed to demonstrate that its interests are sufficiently different than those of other parties in the case. JCP&L fears that if CEV is granted intervenor status, it may interject issues that are beyond the scope of the matter. Id. at 2. In its motion to intervene, CEV stated that it seeks to explore ways to integrate renewable energy systems with EV charging solutions. The Company states that this endeavor "is simply not an issue" in the Company's filing and is wholly outside the scope of this matter. Id. at 3. For these reasons, JCP&L requests that the Board deny CEV's motion to intervene.

CEV Response

CEV filed a response to JCP&L's objection on May 12, 2021. CEV requests that the Board grant its motion to intervene and maintains it will be "substantially, specifically and directly affected by the outcome of this proceeding and its interests are sufficiently different from that of any party so as to add measurably and constructively to the scope of the case." CEV Response at 1. CEV maintains that it will not seek to address the implementation of distributed generation policy generally nor address issues outside the scope of this proceeding. CEV confirms that it will only address whether customers utilizing distributed generation would qualify for the JCP&L program and how such rate structures would be treated by the Company. Id. CEV stresses that "[a]ddressing these issues now—proactively—in this proceeding will ensure that a more complete record is developed that fully resolves these issues, thereby serving the interest of administrative efficiency." Id. at 2. CEV concludes by stating that it remains the only party in the proceeding to raise distributed generation issues, and therefore, its interests are not currently represented.

DISCUSSIONS AND FINDINGS

In 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.

In consideration of ChargePoint, Greenlots and Tesla's Motions to Intervene, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3, ChargePoint, Greenlots and Tesla will be directly affected by the outcome of this proceeding and their interests are not currently served by another party. I **HEREBY FIND** that ChargePoint, Greenlots and Tesla will add measurably and constructively to the scope of the case and will not delay the proceedings. I **HEREBY FIND** that ChargePoint, Greenlots and Tesla have met the standards for intervention. Accordingly, having received no objection, I **HEREBY GRANT** the motions for intervention of ChargePoint, Greenlots and Tesla.

In consideration of CEV's Motion to Intervene, I **HEREBY FIND** that CEV, as a large renewable energy company that has already invested resources in entering the New Jersey market, has a concrete interest in the outcome of this proceeding, and therefore, its interests are not speculative. Further, I **HEREBY FIND** that CEV's involvement will add measurably and constructively to the specific issue of distributed generation as it relates to this proceeding. Lastly, I **HEREBY FIND** that no other party in this proceeding has raised the issue of distributed generation customer

eligibility, and therefore, another party does not currently represent CEV's interests. Accordingly, I **HEREBY GRANT** CEV's Motion to Intervene.

In consideration of PSE&G and the Alliance's Motions to Participate, I **HEREBY FIND**, pursuant to N.J.A.C.1:1-16.6(b), that PSE&G and the Alliance each have a significant interest in the outcome of the proceeding and that their participation in this matter is likely to add constructively to the case without causing undue delay or confusion. No objection having been filed, I **HEREBY GRANT** the motions to participate filed on behalf of PSE&G and the Alliance, limited to the right to argue orally and file a statement or brief as set out in N.J.A.C. 1:1-16.6(c)(1) and (2).

Additionally, having reviewed Mr. Sheely's motion to permit the appearance *pro hac vice* of Mr. Humes on behalf of CEV, and having received no objections, I **FIND** that Mr. Humes has satisfied the conditions for admission *pro hac vice*. Therefore, Mr. Humes is **HEREBY ADMITTED** to practice before the Board *pro hac vice* in this matter, provided that he shall:

1. Abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against him that may arise out of his participation in this matter;
3. Notify the Board immediately of any matter affecting his/her standing at the bar of any other jurisdiction; and
4. Have all pleadings, briefs and other papers filed with the Board signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this case and the admitted attorney therein.

I reviewed the proposal for a preliminary schedule, which has been agreed to by Board Staff, Rate Counsel and the Company. I **HEREBY ISSUE** the following procedural schedule identified as Exhibit A, and **HEREBY DIRECT** the parties to comply with its terms and to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

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: May 26, 2021

BY:



ROBERT M. GORDON
COMMISSIONER

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER AND LIGHT
COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM AND AN
ASSOCIATED COST RECOVERY MECHANISM

BPU DOCKET NO. EO21030630

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EXHIBIT A
Procedural Schedule

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER AND LIGHT
COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM AND AN ASSOCIATED
COST RECOVERY MECHANISM
BPU Docket No. EO21030630

Motions Filed by any Parties	March 1, 2021
Discovery requests served+	May 7, 2021
Company responses to discovery due	May 21, 2021
Second Round of Discovery Requests	May 28, 2021
Responses due on Second Round of Discovery Requests	June 11, 2021
Discovery conference	Week of June 14, 2021
Discovery/Settlement Conference	Weeks of June 21, 2021 and June 28, 2021
Intervenor/respondent testimony due	July 23, 2021
Discovery requests on intervenor/respondent testimony	August 6, 2021
Responses to discovery on intervenor/respondent testimony	August 20, 2021
Rebuttal testimony	September 3, 2021
Discovery requests on rebuttal testimony	September 20, 2021
Company responses to discovery on rebuttal testimony	October 4, 2021
Public Hearings	TBD
Settlement conferences	Week of October 4, 2021
Evidentiary hearings (with Oral Surrebuttal/Rejoinder)*	Week of October 18, 2021
Initial and Reply briefs	TBD by Presiding Commissioner after hearings

+Petitioner agrees that discovery is ongoing and will endeavor to answer all discovery within 15 days of service.

*Evidentiary hearing dates subject to Presiding Commissioner's availability. Petitioner requests evidentiary hearings with oral surrebuttal and rejoinder. The Presiding Commissioner will consider this request prior to the evidentiary hearings.