

*Sup*  
*11/20/18*

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NOV 16 2018

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TRENTON, NJ

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November 13, 2018

Client/Matter No. 21561/2

Aida Camacho-Welch, Secretary of the Board  
Board of Public Utilities  
44 South Clinton Avenue  
3<sup>rd</sup> Floor, Suite 314  
PO Box 350  
Trenton, New Jersey 08625-0350

RECEIVED  
CASE MANAGEMENT

NOV 16 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

Re: 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 *EO1810113*  
BPU Docket Nos. GO18101112 and ~~EO1012113~~

Dear Secretary Camacho-Welch:

Enclosed for filing are an original and ten (10) copies of motion of New Jersey Large Energy Users Coalition to intervene in these proceedings and for the *pro hac vice* admission of Paul F. Forshay.

The parties on the distribution list have received copies of these motions via electronic mail this date.

Thank you for your anticipated courtesies in this matter.

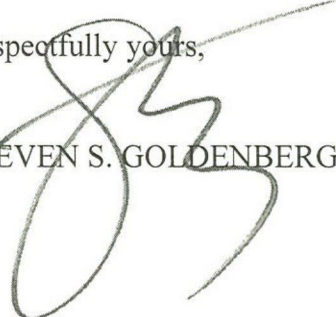
Respectfully yours,

STEVEN S. GOLDENBERG

SSG/rad  
Encls.

cc: Distribution List  
Docs #3451047-v1

*Case mgmt*



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CASE MANAGEMENT

NOV 16 2018  
BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

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MAIL ROOM

NOV 16 2018  
BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

IN THE MATTER OF THE PETITION OF )  
PUBLIC SERVICE ELECTRIC AND GAS )  
COMPANY FOR APPROVAL OF ITS ) BPU DOCKET NOS. GO18101112  
CLEAN ENERGY FUTURE-ENERGY ) and ~~EO1012113~~  
EFFICIENCY ("CEF-EE") PROGRAM ) *EO18101113*  
ON A REGULATED BASIS )

**MOTION TO INTERVENE OF  
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large volume electric and natural gas distribution customers serviced by Public Service Electric and Gas Company ("PSE&G" or the "Company"), hereby moves to intervene in the above-captioned proceeding. In support of its motion, NJLEUC states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

Steven S. Goldenberg, Esq.  
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Phone: 732-741-3900  
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[sgoldenberg@ghclaw.com](mailto:sgoldenberg@ghclaw.com)

Paul F. Forshay, Esq.  
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Phone: 202-383-0100  
Fax: 202-637-3593  
[paulforshay@eversheds-sutherland.com](mailto:paulforshay@eversheds-sutherland.com)

2. On October 11, 2018, PSE&G filed a Petition seeking the Board's approval of its proposed Clean Energy Future-Energy Efficiency Program. PSE&G proposes to invest \$2.5 billion in 22 energy efficiency subprograms and \$283 million in associated operating expenses over the six year term of the CEF-EE Program. The subprograms would include eight proposed pilot programs and fourteen programs that would deploy energy efficiency measures to residential and commercial and industrial customers, with an emphasis placed on the hardest to reach sectors including low income, multi-family, small business and local government. The subprograms would include customer incentives, including rebates and on-bill payment options, investments in information technology, energy audits and inspections, training, program management and quality control efforts. PSE&G states that the CEF-EE Program will produce customer savings through reduced electric and natural gas consumption, environmental benefits and economic development.

3. PSE&G proposes that cost recovery occur through a new CEF-EE Program component ("CEF-EEC") of the Company's Green Programs Recovery Charge. The CEF-EEC would apply to all electric and natural gas rate schedules on an equal dollar per kilowatt-hour or dollar per therm basis. Depreciation or amortization of program-related investments would occur, depending on asset class, over periods of between five and twenty years. The maximum projected annual rate increase for a typical residential electric customer, during the initial phase of the Company's envisioned "long-term energy efficiency program", is \$43.20 or 3.50%, and for a typical residential gas heating customer is \$20.04 or 2.28%. No projected rate increase is stated for large volume commercial and industrial customers.

4. In addition, PSE&G proposes to recover lost revenues caused by the CEF-EE Program through the reintroduction of a proposed rate decoupling mechanism called the Green

Enabling Mechanism. PSE&G also seeks to be declared the exclusive provider of regulated energy efficiency programs offered in the Company's service territory as a prerequisite to the implementation of the CEF-EE Program.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, NJLEUC respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16.6 weigh in favor of the granting of NJLEUC's motion to intervene in the above-captioned proceeding:

1. NJLEUC formed, in part, to monitor regulatory proceedings involving the State's electric and natural gas utilities, including PSE&G, and to intervene in regulatory and rate proceedings to the extent necessary to represent its members' common interests. Members of NJLEUC purchase electric and natural gas distribution service from PSE&G and, therefore, have a significant interest in, and will be substantially and specifically affected by the outcome of this proceeding;

2. Given its capacity as an association of large end-use customers on the PSE&G system that will be directly and immediately affected by the rate relief sought by PSE&G in this proceeding, NJLEUC's interests are unique from and not adequately represented by any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on PSE&G's large consumers, of the relief that is sought by PSE&G in this proceeding.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to intervene in this proceeding, the outcome of which will have an

impact on the reliability and cost of electric and natural gas distribution service received from PSE&G by the members of NJLEUC;

6. NJLEUC has been granted Intervener status in recent regulatory, infrastructure and rate proceedings involving PSE&G, including the Energy Strong, Gas Modernization I and II, Energy Efficiency and Energy Efficiency Extension proceedings, and various solar proceedings, among others;

7. Accordingly, NJLEUC has a significant interest in the issues to be decided in this proceeding, which “substantially, specifically and directly affect” NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene;

8. Furthermore, the interests of NJLEUC’s members as large electric and natural gas distribution customers of PSE&G, and as active intervenors in matters involving PSE&G, are substantially different from those of any other party seeking intervention. Therefore, NJLEUC’s interests in this proceeding are unique on both a quantitative and qualitative basis;

9. NJLEUC’s entry as an intervenor would “measurably and constructively” advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as large end-use customers on the PSE&G distribution systems. NJLEUC’s entry as an intervenor would promote an informed and balanced presentation of the issues;

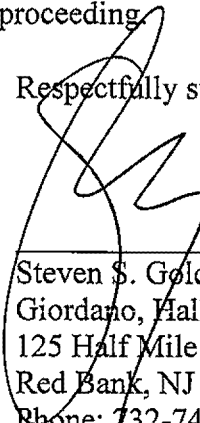
10. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

11. For the foregoing reasons, and because the cost and quality of electric and natural gas distribution service to NJLEUC’s members will be directly and substantially affected by the

issues to be determined in this proceeding, NJLEUC has a substantial, direct and immediate interest in the outcome that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, NJLEUC respectfully requests that it be permitted to intervene in the above-captioned proceeding.

Respectfully submitted,



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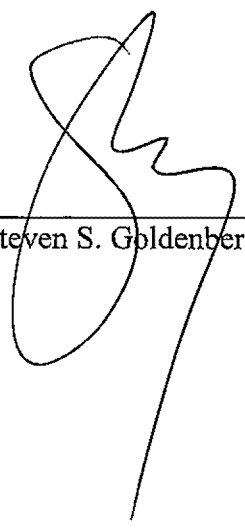
Steven S. Goldenberg  
Giordano, Halleran & Ciesla, P.C.  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777  
Phone: 732-741-3900  
Attorneys for New Jersey Large Energy  
Users Coalition

Dated: November 13, 2018

## **CERTIFICATION OF SERVICE**

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Aida Camacho-Welch, Secretary, Board of Public Utilities.

Dated at Red Bank, New Jersey, this 13th day of November, 2018.



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Steven S. Goldenberg



RECEIVED  
CASE MANAGEMENT

NOV 16 2018  
BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF	)	
PUBLIC SERVICE ELECTRIC AND GAS	)	
COMPANY FOR APPROVAL OF ITS	)	BPU DOCKET NOS. GO18101112
CLEAN ENERGY FUTURE-ENERGY	)	and EO1012113
EFFICIENCY ("CEF-EE") PROGRAM	)	
ON A REGULATED BASIS	)	

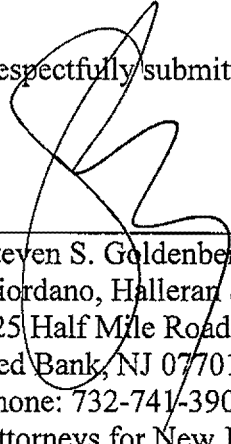
**MOTION FOR ADMISSION *PRO HAC VICE***

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia. There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist. Mr. Forshay was previously admitted to represent NJLEUC *pro hac vice* in the PSE&G Energy Strong, Gas Modernization I and II, Energy Efficiency, Energy Efficiency Extension proceedings, and in numerous PSE&G solar and base rate case proceedings. Mr. Forshay has had significant prior experience with both commercial and regulatory issues related to utility infrastructure, distribution and transmission, energy efficiency and energy resilience projects in New Jersey.



As evidenced by his affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b).

Respectfully submitted,



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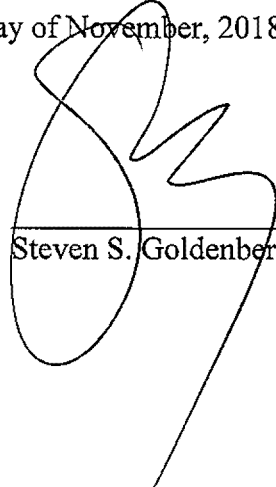
Steven S. Goldenberg, Esq.  
Giordano, Halleran & Ciesla, P.C.  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777  
Phone: 732-741-3900  
Attorneys for New Jersey Large Energy  
Users Coalition

Dated: November 13, 2018

### **CERTIFICATION OF SERVICE**

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion for Admission *Pro Hac Vice* to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Aida Camacho-Welch, Secretary, Board of Public Utilities.

Dated at Red Bank, New Jersey, this 13th day of November, 2018.



Steven S. Goldenberg

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

<b>IN THE MATTER OF THE PETITION OF</b>	)	
<b>PUBLIC SERVICE ELECTRIC AND GAS</b>	)	
<b>COMPANY FOR APPROVAL OF ITS</b>	)	<b>BPU DOCKET NOS. GO18101112</b>
<b>CLEAN ENERGY FUTURE-ENERGY</b>	)	<b>and EO1012113</b>
<b>EFFICIENCY ("CEF-EE") PROGRAM</b>	)	
<b>ON A REGULATED BASIS</b>	)	

**AFFIDAVIT IN SUPPORT OF REQUEST  
TO APPEAR *PRO HAC VICE***

Washington	)	
	)	ss.
District of Columbia	)	

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg, Esq. of the firm of Giordano, Halleran & Ciesla, P.C., who is qualified to practice law in this State pursuant to R. 1:21-1.

3. The New Jersey Large Energy Users Coalition ("NJLEUC") has requested my representation in this matter.

4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing large end-use customers in various proceedings before the Federal Energy Regulatory Commission ("FERC") and Board of Public Utilities and I have an attorney-client relationship with NJLEUC. I was previously admitted to represent NJLEUC *pro hac vice*

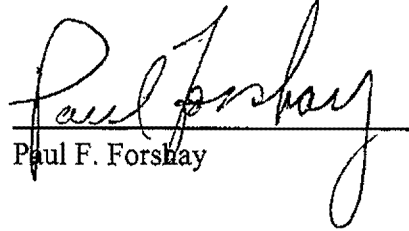
in the PSE&G Energy Strong, Gas Modernization I and II, Energy Efficiency and Energy Efficiency Extension proceedings, as well as numerous PSE&G solar and base rate proceedings. I have had significant prior experience with both commercial and regulatory issues related to utility infrastructure, distribution and transmission, energy efficiency and energy resilience projects in New Jersey, before FERC and elsewhere. The proceeding in which I seek admission involves a complex field of law in which I am a specialist.

5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b) and 1:28-2.


6. If this application to appear *pro hac vice* is granted, I agree to:

- a. abide by the New Jersey Court Rules, including all disciplinary rules;
- b. 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 me or my firm that may arise out of my participation in this matter;
- c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and
- d. have all pleadings, briefs and other papers filed with the Board of Public

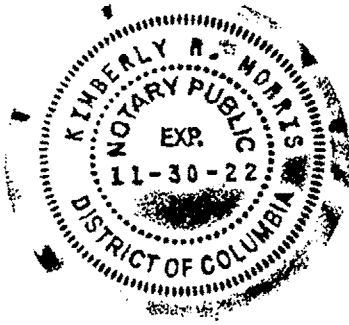
Utilities and Office of Administrative Law signed by the attorney of record.

  
Paul F. Forshay

SUBSCRIBED AND SWORN to before  
me this 13<sup>th</sup> day of November, 2018

  
Notary Public

Docs #3449439-v1



IN THE MATTER OF 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 DKT. NOS. GO18101112 & EO10121113

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