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50 Park Place, Suite 1025
Newark, NJ 07102
ph 973 424 1166
fx 973 710 4653
easternenvironmental.org

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CASE MANAGEMENT

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BOARD OF PUBLIC UTILITIES
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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

November 16, 2018

via overnight mail and email
Aida Camacho-Welch, Secretary
New Jersey Board Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Re: **Motion to Intervene:** I/M/O Petition of Public Service Electric & Gas Company
for Approval of Its Clean Energy Future-Energy Efficiency ("CEF-EE") Program
on a Regulated Basis
Presiding Officer: Commissioner Solomon
BPU Docket #s GO18101112 & ~~EO10121113~~ *EO18101113*

Dear Secretary Camacho-Welch:

We represent Environment New Jersey ("ENJ"), Sierra Club, Environmental Defense Fund ("EDF"), New Jersey League of Conservation Voters ("NJ LCV") and Natural Resources Defense Council ("NRDC") in this matter. Attached please find:

- Motion to Intervene in the above referenced matter.
- Certifications of Doug O'Malley, ENJ; Henry Gajda, NJ LCV; Thomas Schuster, Sierra Club; Dale Bryk, NRDC and Mary Barber, EDF.

We will send one original and six copies by overnight mail and serve all parties on the Service List electronically.

Case mgmt
B. Rocque-Romaine, Esq.
M. Lupo, Esq.
A. Harb, Esq.
P. Krogman, Esq.
E. Kuo, Esq.
P. Van Buren, Esq.
S. Peterson

c: via email, with attachments
Service List

Sincerely yours,

Aaron Kleinbaum, Esq.
Daniel Greenhouse, Esq.
Eastern Environmental Law Center

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Aaron Kleinbaum
Daniel Greenhouse
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
973.424.1166

akleinbaum@easternenvironmental.org
dgreenhouse@easternenvironmental.org

Attorneys for Movants,

Environment New Jersey, Environmental Defense Fund, Sierra Club, New Jersey
League of Conservation Voters and Natural Resources Defense Council

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES DIVISION OF ENERGY AND OFFICE OF CLEAN ENERGY COMMISSIONER SOLOMON BPU DOCKET NOS. GO18101112 & EO121113
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MOTION FOR INTERVENTION OF ENVIRONMENT NEW JERSEY,
ENVIRONMENTAL DEFENSE FUND, SIERRA CLUB, NEW JERSEY LEAGUE OF
CONSERVATION VOTERS AND NATURAL RESOURCES DEFENSE COUNCIL

Environment New Jersey (“ENJ”), Environmental Defense Fund (“EDF”), Sierra Club (“SC”), New Jersey League of Conservation Voters (“LCV”) and the Natural Resources Defense Council (“NRDC”) hereby move to intervene in the above captioned proceeding before New Jersey Board of Public Utilities (“BPU”), with Commissioner Dianne Solomon presiding, wherein Public Service Electric and Gas Company (“PSE&G”) seeks, among other relief, approval from the Board of Public Utilities (“BPU”) of twenty-two sub-programs including seven residential subprograms, seven commercial and industrial subprograms, and eight pilot subprograms (collectively, “2018 EE Programs”). Among other proposals to recover costs, PSE&G is reintroducing the

“Green Enabling Mechanism,” (GEM) a decoupling proposal that it proposed as part of its 2018 Rate Case (filed on January 12, 2018).¹

PROCEDURAL HISTORY

1. On October 11, 2018, PSE&G filed the Petition with BPU. The PSE&G Petition requested the aforementioned subprograms and proposals to recover costs.
2. On October 29, 2018, BPU issued an Order regarding PSE&G’s Clean Energy Future-Energy Efficiency (“CEF-EE”) Program under the above referenced Docket nos. GO18101112 and EO10121113.

FACTS

A. Movants’ Interest in This Matter and Experience with BPU Proceedings

1. ENJ founded in 2006, is one of the State’s largest nonprofit, citizen-based advocacy organizations. It succeeds its sister organizations, including New Jersey Public Interest Research Group Law & Policy Center and New Jersey Public Interest Research Group Citizen Lobby whose work spans the past four plus decades. The state offices are in Trenton and New Brunswick. ENJ’s political arm is a project of Environment America, Inc. which is a national network of state based environmental advocacy organizations, representing more than a million citizen activists and members across the country. In New Jersey, there are more than 20,000 dues-paying citizen members of ENJ, primarily in North and Central Jersey, a majority of them in the service area of PSE&G.²

¹ In The Matter Of The Petition Of Public Service Electric And Gas Company For Approval Of Its Clean Energy Future-Energy Efficiency, Clean Energy Future-Electric Vehicle And Energy Storage, And Clean Energy Future-Energy Cloud Programs On A Regulated Basis (“Petition”) p. 12.

² Certification of Doug O’Malley (“O’Malley Cert.”)

2. EDF is a national nonprofit membership organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to society's most urgent environmental problems.³ EDF has more than 439,000 dues-paying members nationwide, including more than fourteen thousand in New Jersey and many in PSE&G's New Jersey service territory.⁴
3. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild.⁵ NRDC has more than 410,000 dues-paying members globally, including more than twelve thousand in New Jersey and many in PSE&G's New Jersey service territory.
4. Sierra Club is the nation's oldest and largest grassroots environmental organization, with more than 20,000 members in New Jersey. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the Earth; to practicing and promoting the responsible use of the Earth's resources and ecosystems; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives.
5. LCV, founded in 2010, is a leading environmental group in New Jersey. It is the state affiliate of the League of Conservation Voters, located in Washington DC, whose environmental work spans the past four decades. LCV's offices are in Trenton and

³ February 18, 2016 BPU Order on Motions to Participate or Intervene And For Admission Pro Hac Vice and Prehearing Order with Procedural Schedule, Docket No. GR15091090, pp. 3-4.

⁴ Certification of Mary Barber ("Barber Cert.")

⁵ Certification of Dale Bryk ("Bryk Cert.")

Princeton and it has nearly 12,000 subscribers, many of whom live in PSEG's service territory.⁶

6. The economic interests, environmental interests, and health of ENJ, EDF, NRDC, SC and LCV ("Movants") and their members who live within PSE&G's service territory will be substantially, specifically and directly affected by the outcome of this case.⁷
7. Movants share the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey".⁸
8. To accomplish these goals, BPU requires each utility to "suggest and develop conservation proposals for presentation to the Board" that increase energy efficiency and environmental protection. N.J.A.C. 14:3-3.1(b). In this case, BPU will consider, among other issues, whether the energy efficiency Petition by PSE&G will further those goals and offer a more "efficient and economical operation." Public Service Co-ordinated Transport v. State, 5 N.J. 196, 225 (N.J. 1950).
9. ENJ has been directly involved in many energy efficiency matters including two stakeholder initiatives convened by the New Jersey Senate Environment Committee, on energy efficiency issues, focused directly on the issue of energy decoupling. ENJ has a record of intervening in a number of key energy issues at the BPU to represent the public interest and advocate for the environment. This has included the highly contested attempted merger of Exelon Inc. and PSEG,

⁶ Certification of Henry Gajda (Gajda Cert.)

⁷ Barber Cert., Bryk Cert.

⁸<http://www.bpu.state.nj.us/bpu/about/mission/>, see also N.J.S.A. 48:2-23. Barber Cert. para. 5, Bryk Cert. para. 5.

which ENJ successfully intervened in the BPU proceedings through 2005 and 2006 to raise consumer concerns with the proposed merger, which was ultimately denied, partially because of consumer concerns.⁹

10. SC has a long history working on energy issues as well as on environmentally sound infrastructure investments in the state of New Jersey. We were actively involved in energy issues around the passage of the Electric Discount and Energy Competition Act (EDECA); setting up the Clean Energy Fund; implementation of the Societal Benefits Charge; the PSE&G and Exelon merger; the Susquehanna – Roseland Transmission Line proceeding; and have been involved in other rate case hearings. In addition, SC NJ Chapter has been actively engaged with major legislative and regulatory developments impacting energy and climate in New Jersey for more than a decade. For example, the 2008 New Jersey Energy Master Plan (“EMP”) called for a 20% cut in electric use by 2020 by maximizing energy conservation and energy efficiency. The 2011 EMP goals were changed to a 17% reduction in demand by 2020. SC NJ Chapter engaged in the process by submitting extensive public comments on both EMPs. SC is currently working on the different facets of the new Energy Master Plan that will be released in 2019. This includes numerous stakeholder group meetings with the BPU.

11. EDF has made material and unique contributions, especially in the fields of energy efficiency and clean energy, in several BPU proceedings.¹⁰ For example:

- a. In September 2016, EDF was granted status as an intervenor in *I/M/O Rockland Electric Company – Request for Approval of an Advanced Metering Program*;

⁹ O’Malley Cert.

¹⁰ Barber Cert.

- and for other relief.*¹¹ EDF supported Petitioner's Advanced Metering Program, on the condition that Petitioner incorporate several performance metrics and a data sharing policy. Ultimately, BPU approved the Program, and incorporated the performance metrics and data sharing policy recommended by EDF.¹²
- b. In September 30, 2013, in *I/M/O the Petition of Public Service Electric and Gas Company for Approval of the Energy Strong Program*, EDF was granted status as a participant, and the BPU recognized EDF's "extensive interest and knowledge and its involvement in multiple national research projects."¹³
- c. In June 2015, BPU noted its appreciation for EDF's participation in *I/M/O Comprehensive Energy Efficiency and Renewable Energy Resource Analysis For the Fiscal Year 2016 Clean Energy Program*.¹⁴ In this matter, BPU "worked with EDF's Investor Confidence Project to develop a straw proposal for the integration of [the Investor Confidence Project] into [the commercial and industrial programs before BPU.]"¹⁵ EDF's Investor Confidence Project lowers the transaction costs for energy efficiency projects, by assembling existing standards and practices into a consistent and transparent process that promotes efficient markets by increasing confidence in energy efficiency as a demand-side resource.¹⁶
- d. EDF has been granted intervenor status in several other BPU proceedings as well.¹⁷

¹¹ Docket # ER16060524

¹² August 23, 2017 Order and Decision P.22, 24.

¹³ October 16, 2013 BPU Order on Interlocutory Appeal, BPU Docket Numbers EO13020155 and GO13020156, p. 3.

¹⁴ June 17, 2015 Order, Docket Num. QO15040476, pp. 6-7.

¹⁵ Id. at p. 40.

¹⁶ <http://www.eepperformance.org>

¹⁷ E.g. Atlantic City Electric Company, Docket # ER16030252; Elizabethtown Gas, Docket # GR1509190; Public Service Electric and Gas Company, Docket # GR15030272

12. BPU has granted intervenor status to NRDC in several matters involving energy efficiency programs, because of NRDC's expertise in this field.¹⁸ For example:

- South Jersey Gas Company, Docket # GO1110651.
- Elizabethtown Gas Company, GO10070446 and GO10100735
- 2011: South Jersey Gas Company, GO10110861
- 2009: Rockland Electric Company, EO09010056 and EO09010061
- 2009: New Jersey Natural Gas, EO09010057
- Public Service Electric and Gas Company, EO09010058

13. LCV has provided considerable public comment on each of the BPU's Energy Master Plan Hearings. As part of its testimony, LCV advocated for energy efficiency improvements through processes such as decoupling and grid investments, as well as other technology improvements that advance clean energy goals. LCV's recommendations for energy efficiency, focused on the need for updating appliance standards in the state to help drive additional energy efficiency savings. LCV has testified in support of other energy efficiency programs proposed by PSEG, including their GEM program in 2018.¹⁹

14. PSE&G describes the proposed Green Enabling Mechanism as a modification that would "decouple" PSE&G's revenues from sales volumes.²⁰ PSE&G asserts that this modification would support the State Energy Master Plan policy to reduce energy use.²¹ Finally, PSE&G asserts that this modification is one prerequisite for PSE&G's investment into energy efficiency initiatives that would lower energy use, customer bills, and emissions.²²

¹⁸ Bryk Cert.

¹⁹ Gajda Cert.

²⁰ Petition, Direct testimony of D. Hansen.

²¹ Id.

²² Id.

15. Movants' goal in this case is to assist the parties in ensuring that the Green Enabling Mechanism, if approved, is implemented in the method most beneficial to customers.²³ As in the above noted BPU cases, Movants would provide material and unique contributions to this matter, particularly with respect to the potential for this decoupling proposal to enable PSE&G to achieve the optimal level of investment into energy efficiency programs.

B. Movants' Expertise in Decoupling and Energy Efficiency

16. NRDC has longstanding expertise on decoupling and energy efficiency. Since 2003, NRDC has partnered with a wide range of organizations, including Edison Electric Institute, American Gas Association, and the National Association of Regulatory Utility Commissioners, to create and implement decoupling mechanisms that have significantly increased investment into energy efficiency programs.²⁴

17. EDF and NRDC have intervened in dozens of utility regulatory proceedings, across twenty-five states, to advance energy efficiency and opine on decoupling.²⁵ For example, in July 2017, an NRDC expert, Amanda M. Levin, presented testimony to the Washington State Utilities and Transportation Commission on a utility's electricity decoupling mechanism.²⁶ Ms. Levin's testimony included a thorough examination of the performance of that decoupling mechanism, as well as analysis of decoupling mechanisms around the country.

18. PSE&G's 2018 Rate Case relied on NRDC's expertise in decoupling: the Direct Testimony of Dan Hansen, provided by PSE&G in support of the Green Enabling

²³ Cert.

²⁴ Bryk Cert.

²⁵ EDF has opined on decoupling in New York State's REV (Reforming the Energy Vision) proceedings, and several Ohio cases. Barber Cert. para. 9, Bryk Cert. para. 9.

²⁶ Washington Utilities and Transportation Commission v. Puget Sound Energy, Docket #s UE-17033 and UG-170034

Mechanism, references²⁷ a May 2012 paper published by NRDC, titled “Removing Disincentives to Utility Energy Efficiency Efforts”. In that May 2012 paper, NRDC explains that decoupling is a necessary, but not sufficient, part of the package of policies that allow utilities to invest in energy efficiency. Before and since that 2012 paper, NRDC has published several other papers and reports on decoupling.²⁸ For example, see Decoupling for Municipally Owned Utilities: Innovation in Southern California, Electr. J. (2014) (explaining “the genesis, design, approval, and results of” two California decoupling mechanisms.)

ARGUMENT

19. “Any person or entity not initially a party... who will be substantially, specifically and directly affected by the outcome of a contested case may, on motion, seek leave to intervene.” N.J.A.C. 1:1-16.1.
20. Under N.J.A.C. 1:1-16.3(a), when ruling on this motion, this Court must consider, along with any other appropriate matters:
- The nature and extent of Movants’ interest in the outcome of the case,
 - Whether or not Movants’ interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case,
 - The prospect of confusion or undue delay arising from Movants’ inclusion in the case.
21. BPU has set forth a balancing test for consideration of motions to intervene:

The need and desire for development of a full and complete record, which 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

²⁷ Direct Testimony of D. Hansen, 2018 Rate Case Petition Exhibit P-10, p. 6.

²⁸ Bryk Cert.

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.²⁹

22. Movants meet all three of the criteria for intervention at N.J.A.C. 1:1-16.3(a).

A. Movants and Their Members Will Be Substantially, Specifically And Directly Impacted By The Outcome Of This Case.

23. Energy efficiency and the decoupling proposal, if implemented properly, could potentially further two goals that BPU and Movants share. First, ensuring "safe, adequate and proper service"³⁰ at "just and reasonable rates"³¹. Second, implementing energy policy that will "conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State."³² The extent to which PSE&G accomplishes these goals has a direct impact on Movants and their members. In Re Public Service Electric and Gas Company, 2005 WL 1996822, Docket # EM05020106 (BPU 2005)(A party's "interests in the environment, public health and energy policy" do constitute substantial, specific and direct impacts that justify intervention.)

24. BPU's decision will influence future energy efficiency and decoupling proposals in New Jersey. Energy efficiency and decoupling are key issues in the energy platforms of the Movants.

25. Movants have been involved in energy efficiency and decoupling proposals in New Jersey and around the country, and have an interest in applying the lessons learned through other American decoupling approvals to this project.

²⁹ BPU Order on Extension for Time For Application Review and Motion to Intervene, December 14, 2011, Docket Num. EO11050314V, Agenda Item 8E.

³⁰ N.J.S.A. 48:2-23

³¹ N.J.S.A. 48:2-25

³² N.J.S.A. 48:2-23

26. Movants and their members have a material interest in ensuring that, if approved, the Petition maximizes the potential energy efficiency and decoupling benefits, and ensures that PSE&G achieves the optimal level of investment into these programs.
27. Finally, Movants and their members have a material interest in ensuring that, if approved, the energy efficiency programs and decoupling are carried out in the manner most beneficial to customers.
28. In sum, the outcome of this case will have several substantial, specific and direct impacts on Movants and their members. Moreover, the impacts to Movants and their members are sufficiently different from impacts to any other party in this proceeding, due to Movants' unique position as nonprofit organizations working to use partnerships, best practices, and market mechanisms to inform energy policy that benefits the environment.

B. Movants' Unique Expertise and Experience Will Add Measurably And Constructively To The Case, And Allow Development of a Complete Record.

29. Movants have unique expertise on several relevant issues. As BPU has recognized in the past, EDF has "extensive interest and knowledge and its involvement in multiple national research projects"³³. Related specifically to this case, EDF has expertise in calculating the optimal level of investment in energy efficiency programs, and analyzing the cost-effectiveness of energy efficiency programs. Finally, PSE&G has already recognized NRDC's expertise on decoupling; the utility's Petition references a recent NRDC paper on the topic.

³³ October 16, 2013 BPU Order on Interlocutory Appeal, BPU Docket Numbers EO13020155 and GO13020156, p. 3. <http://www.state.nj.us/bpu/pdf/boardorders/2013/20131016/10-16-13-2G.pdf>

30. Movants can add value to this proceeding because of their unique experience from analyzing energy efficiency and decoupling projects in New Jersey and around the country.
31. In sum, if Movants are allowed into this proceeding as an intervenor, they can assist with development of a complete record through discovery, testimony, cross-examination and briefing, in areas where Movants hold unique expertise and experience. N.J.A.C. 1:1-16.1(b). In Re: Public Service Electric and Gas Company, supra, 2005 WL 1996822 (BPU allowed an intervention based on the party's ability to "assist in the development of the record.")
- C. Movants' Intervention Will Not Cause Confusion or Result in Undue Delay.
32. As they have in previous cases, Movants will strictly abide by the schedules and other rulings made by the BPU.
33. Movants will limit their submissions and testimony to the topics relevant (as determined by the BPU) to decoupling and energy efficiency.
34. Movants will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

CONCLUSION

For the reasons detailed above, ENJ, EDF, SC, LCV and NRDC respectfully request a BPU Order granting Movants status as intervenors.

Respectfully submitted,

/s/ Aaron Kleinbaum

Aaron Kleinbaum
Daniel Greenhouse
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
973.424.1166
akleinbaum@easternenvironmental.org
Attorneys for Environment New Jersey,
Environmental Defense Fund, Sierra Club,
New Jersey League of Conservation Voters
and Natural Resources Defense Council

CERTIFICATION OF SERVICE

I hereby certify that I have this day served by electronic mail a copy of the foregoing Motion for Intervention on all parties who have entered an appearance or are otherwise entitled to service in this proceeding.

Dated this 16th day of November 2018.

Respectfully Submitted,

/s/ Aaron Kleinbaum

Aaron Kleinbaum, Esq.

Id# 002681991

Eastern Environmental Law Center

50 Park Place, Suite 1025

Newark, NJ 07102

Phone 973.424.1166

akleinbaum@easternenvironmental.org

Attorney for Environment New

Jersey, Environmental Defense

Fund, Sierra Club and Natural

Resources Defense Council

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Aaron Kleinbaum
Daniel Greenhouse
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
973.424.1166
akleinbaum@easternenvironmental.org
dgreenhouse@easternenvironmental.org
Attorneys for Movants,

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Environment New Jersey, Environmental Defense Fund, Sierra Club, New Jersey League
of Conservation Voters and Natural Resources Defense Council

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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES DIVISION OF ENERGY AND OFFICE OF CLEAN ENERGY COMMISSIONER SOLOMON BPU DOCKET NOS. GO18101112 & EO121113
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CERTIFICATION OF HENRY GAJDA IN SUPPORT OF MOTION FOR INTERVENTION
BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL DEFENSE FUND, SIERRA
CLUB, NEW JERSEY LEAGUE OF CONSERVATION VOTERS AND NATURAL
RESOURCES DEFENSE COUNCIL

1. I am employed by the New Jersey League of Conservation Voters (New Jersey LCV) as a public policy associate.
2. Founded in 2010, New Jersey LCV is one of the leading environmental groups in New Jersey. It is the state affiliate, yet completely independent of, the League of Conservation Voters, located in Washington DC, whose work spans the past four decades. The state offices are in Trenton and Princeton.
3. New Jersey LCV is a statewide political voice for the environment. It supports environmentally responsible candidates for state and local offices, advocates for strong

environmental policies, and holds elected officials accountable to safeguard the health of our communities, the beauty of our state, and the strength of our economy.

4. New Jersey LCV is the only environmental organization in the state that has both a Political Action Committee and a Super PAC and has almost 12,000 members throughout New Jersey, predominantly along the Delaware River Watershed, including a considerable amount within PSEG's service area.
5. New Jersey LCV Education Fund has worked with nearly 30 environmental partners to produce two documents: *2017 Environmental Policy Guide* and *Agenda 18: New Jersey's Conservation Roadmap* (found at www.njlcvf.org). The Policy Guide is a collection of briefing documents aimed at providing accurate information and recommendations to address top environmental challenges and opportunities in the Garden State. Meanwhile, *Agenda '18* contains goals for the next administration and expert recommendations to address environmental challenges and ensure a greener Garden State.
6. New Jersey LCV has an extensive documented record advocating to address climate change through clean energy investments and played a critical, leadership role in building the political and public support for the passage of the Clean Energy Bill in May of 2018. During committee hearings, New Jersey LCV actively provided critical testimony on the bill, pushing for strong energy efficiency language. Its efforts were ultimately successful because Governor Murphy signed the bill.
7. The organization has provided considerable public comment on each of the BPU's Energy Master Plan Hearings. As part of our testimony, we strongly advocated for energy efficiency improvements through processes such as decoupling, grid investments, and

smart meter technology and were strongly supportive of moving New Jersey in a responsible and swift manner to achieve our clean energy goals. NJ LCV's recommendations, specifically for energy efficiency, focused on the need for updating appliance standards in the state to help drive additional energy efficiency savings.

8. The organization has testified in support of other energy efficiency programs proposed by PSEG, including their GEM program earlier in 2018.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 11/16/18

/s/ Henry Gajda
Henry Gajda

Public Policy Associate
New Jersey League of Conservation Voters

Aaron Kleinbaum
Daniel Greenhouse
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
973.424.1166
akleinbaum@easternenvironmental.org
dgreenhouse@easternenvironmental.org

Attorneys for Movants,

Environment New Jersey, Environmental Defense Fund, Sierra Club, New Jersey League
of Conservation Voters and Natural Resources Defense Council

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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION AND OFFICE OF CLEAN ENERGY COMMISSIONER SOLOMON BPU DOCKET NOS. GO18101112 & EO1012113
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CERTIFICATION OF THOMAS SCHUSTER IN SUPPORT OF
MOTION TO INTERVENE BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL
DEFENSE FUND, SIERRA CLUB, LEAGUE OF CONSERVATION VOTERS AND
NATURAL RESOURCES DEFENSE COUNCIL

I, Thomas Schuster, certify as follows:

1. I am of legal age and competent to give this declaration. The following
information is within my personal knowledge.
2. I am a Sierra Club employee. I serve as a Senior Campaign Representative for
Sierra Club’s Beyond Coal Campaign in New Jersey. I am responsible for ensuring that Sierra

Club successfully executes the campaign's goals in the state. As part of my responsibilities, I regularly interact with employees and volunteers, and track relevant state legislation and regulatory developments.

3. Sierra Club is the nation's oldest and largest grassroots environmental nonprofit.

4. Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the ecosystems Earth's and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

5. In New Jersey, Sierra Club has more than 22,000 members and maintains twelve local groups that meet monthly with members throughout the state. Many of Sierra Club's members live in PSE&G's New Jersey service territory.

6. On behalf of its members, and as relevant in these proceedings, Sierra Club advocates for a just transition to a clean energy economy. To achieve this transition, Sierra Club champions policies and regulations that break our reliance on fossil fuels, and that spur a rapid transition to clean energy solutions such as energy efficiency, distributed solar, electric vehicles and energy storage. Sierra Club champions such policies and regulations in New Jersey and the rest of the country by: intervening, submitting comments, providing testimony, and presenting experts in energy- and transportation-related proceedings; participating in public hearings and workshops; speaking to students, civic organizations, and other stakeholders; and holding trainings and symposia—all to ensure that clean energy solutions reach every community.

7. I understand that in this case Public Service Electric & Gas Company ("PSE&G") seeks approval of its Clean Energy Future – Energy Efficiency ("CEF-EE") Program.

8. Sierra Club has a long history working on energy issues as well as on environmentally sound infrastructure investments in the state of New Jersey. We were actively involved in energy issues around the passage of the Electric Discount and Energy Competition Act (EDECA); setting up the Clean Energy Fund; implementation of the Societal Benefits Charge; the PSE&G and Exelon merger; the Susquehanna – Roseland Transmission Line proceeding; and have been involved in other rate case hearings.

9. Sierra Club has been actively engaged with major legislative and regulatory developments impacting energy and climate in New Jersey for more than a decade. For example, the 2008 New Jersey Energy Master Plan (“EMP”) called for a 20% cut in electric use by 2020 by maximizing energy conservation and energy efficiency. The 2008 EMP set a goal to ensure 30% of New Jersey electricity is from renewable sources by 2020, exceeding even the Renewable Portfolio Standards (“RPS”). The 2008 EMP also called for a reduction in the peak demand for electricity in the state by 5,700 MW by 2020. The 2011 EMP goals were changed to 22.5% renewable sources for electricity by 2020 and 17% reduction in demand by 2020. Sierra Club engaged in the process by submitting extensive public comments on both EMPs. We are currently working on the different facets of the new Energy Master Plan that will be released in 2019. This includes numerous stakeholder group meetings with the BPU.

10. Sierra Club and its members’ interest in this case include but are not limited to incorporating best practices into the program to achieve maximal environmental benefits at the lowest possible cost, and distributing program benefits equitably.

11. Sierra Club’s interests are therefore directly germane to this proceeding and its participation will not delay the disposition of this matter, create any additional burdens for the BPU, or otherwise burden or prejudice any of the existing parties to this litigation.

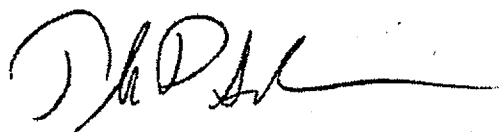
12. Sierra Club will strictly abide by the schedules and other rulings made in this proceeding.

13. Sierra Club will limit its submissions and testimony to the relevant topics regarding energy efficiency and decoupling.

14. Sierra Club will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 16, 2018

A handwritten signature in black ink, appearing to read 'T. Schuster', is written over a horizontal line.

Thomas Schuster
Sierra Club

Aaron Kleinbaum
Daniel Greenhouse
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
973.424.1166
akleinbaum@easternenvironmental.org
dgreenhouse@easternenvironmental.org

Attorneys for Movants,

Environment New Jersey, Environmental Defense Fund, Sierra Club, New Jersey
League of Conservation Voters and Natural Resources Defense Council

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NOV 20 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES ENERGY DIVISION AND OFFICE OF CLEAN ENERGY COMMISSIONER SOLOMON BPU DOCKET NOS. GO18101112 & EO1012113
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CERTIFICATION OF DALE BRYK IN SUPPORT OF
MOTION TO INTERVENE BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL
DEFENSE FUND, SIERRA CLUB, LEAGUE OF CONSERVATION VOTERS AND
NATURAL RESOURCES DEFENSE COUNCIL

I, Dale Bryk, certify as follows:

1. I have been employed at the Natural Defense Resources Council (“NRDC”) since 1997.
2. NRDC is a global nonprofit membership organization that combines the power of more than three million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild. NRDC has more than 410,000 dues-paying members globally, including more than 12,000 in New Jersey and many in PSE&G’s New Jersey service

territory.

3. My current position at NRDC is Senior Strategic Director. I was previously director of NRDC's Energy and Transportation Program, with particular focus on utility regulation and state energy efficiency, renewable energy and climate policy. In this position, I am personally familiar with NRDC's efforts on energy efficiency and decoupling around the country. Decoupling, and the potential for decoupling to increase investments in energy efficiency programs, is a key issue in NRDC's energy platform.

4. The economic interests, environmental interests, and health of NRDC and its members (especially those within New Jersey) will be substantially, specifically and directly affected by the outcome of this case.

5. NRDC shares the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey."

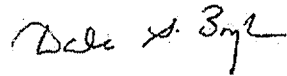
6. BPU has granted intervenor status to NRDC in several matters involving energy efficiency programs, because of NRDC's expertise in this field. For example:

- South Jersey Gas Company, Docket # GO1110651.
- Elizabethtown Gas Company, GO10070446 and GO10100735
- 2011: South Jersey Gas Company, GO10110861
- 2009: Rockland Electric Company, EO09010056 and EO09010061
- 2009: New Jersey Natural Gas, EO09010057
- Public Service Electric and Gas Company, EO09010058
- Public Service Electric and Gas Company, ER1800029 and GR 180030

7. NRDC's goal in this case is to assist the parties in ensuring that the energy efficiency programs and decoupling, if approved, is implemented in the method most beneficial to customers. NRDC would provide material and unique contributions to the PSE&G Petition, particularly with respect to the potential for this decoupling proposal to enable PSE&G to increase its investments in energy efficiency programs.
8. NRDC has longstanding expertise on decoupling. Since 2003, NRDC has partnered with a wide range of organizations, including Edison Electric Institute, American Gas Association, and the National Association of Regulatory Utility Commissioners, to create and implement decoupling mechanisms.
9. NRDC has intervened in dozens of utility regulatory proceedings in states across the nation to advance energy efficiency and opine on decoupling.
10. NRDC has published numerous papers and reports on decoupling.
11. NRDC, as it has in previous cases, will strictly abide by the schedules and other rulings made by BPU.
12. NRDC will limit its submissions and testimony to the topics relevant (as determined by this BPU) to decoupling and energy efficiency.
13. NRDC will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

I certify that the above statements are true. I understand that if the above statements are willfully false, I am subject to punishment.

Date: 11/16/18



Dale Bryk
Senior Strategic Director
Natural Resources Defense Council

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CASE MANAGEMENT

NOV 20 2018

Aaron Kleinbaum
Daniel Greenhouse
Eastern Environmental Law Center
50 Park Place, Suite 1025
Newark, NJ 07102
973.424.1166
akleinbaum@easternenvironmental.org
dgreenhouse@easternenvironmental.org

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Attorneys for Movants,

Environment New Jersey, Environmental Defense Fund, Sierra Club, New Jersey
League of Conservation Voters and Natural Resources Defense Council

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	STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES DIVISION OF ENERGY AND OFFICE OF CLEAN ENERGY COMMISSIONER SOLOMON BPU DOCKET NOS. GO18101112 & EO121113
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CERTIFICATION OF MARY BARBER IN SUPPORT OF MOTION FOR
INTERVENTION BY ENVIRONMENT NEW JERSEY, ENVIRONMENTAL DEFENSE
FUND, SIERRA CLUB, NEW JERSEY LEAGUE OF CONSERVATION VOTERS AND
NATURAL RESOURCES DEFENSE COUNCIL

I, Mary Barber, certify as follows:

1. I am employed at the Environmental Defense Fund (“EDF”).
2. EDF is a national nonprofit membership organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to society’s most urgent environmental problems.¹ EDF has more than 439,000 dues-paying members nationwide,

¹ February 18, 2016 BPU Order on Motions to Participate or Intervene And For Admission Pro Hac Vice and Prehearing Order with Procedural Schedule, Docket No. GR15091090, pp. 3-4.

including more than 14,000 in New Jersey and many in PSE&G's New Jersey service territory.

3. My current position at EDF is Director, New Jersey Clean Energy. In this position, I am personally familiar with EDF's efforts on energy efficiency and decoupling around the country. Implementing energy efficiency programs along with decoupling provides the potential for to increase investments in the energy efficiency programs. This is a key issue in EDF's energy platform.

4. The economic interests, environmental interests, and health of EDF and its members (especially those within New Jersey) will be substantially, specifically and directly affected by the outcome of this case.

5. EDF shares the goals of the Board of Public Utilities ("BPU") to "ensure the provision of safe, adequate and proper utility at reasonable, non-discriminatory rates", and to develop an energy policy that "promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey".²

6. EDF has made material and unique contributions in several BPU proceedings:

- In September 2016, EDF was granted status as an intervenor in I/M/O Rockland Electric Company – Request for Approval of an Advanced Metering Program; and for other relief.³ EDF supported

²<http://www.bpu.state.nj.us/bpu/about/mission/>, see also N.J.S.A. 48:2-23.

³ Docket # ER16060524

Petitioner's Advanced Metering Program, on the condition that Petitioner incorporate several performance metrics and a data sharing policy. Ultimately, BPU approved the Program, and incorporated the performance metrics and data sharing policy recommended by EDF.⁴

- In September 30, 2013, in I/M/O the Petition of Public Service Electric and Gas Company for Approval of the Energy Strong Program, EDF was granted status as a participant, and the BPU recognized EDF's "extensive interest and knowledge and its involvement in multiple national research projects."⁵
- In June 2015, BPU noted its appreciation for EDF's participation in I/M/O Comprehensive Energy Efficiency and Renewable Energy Resource Analysis For the Fiscal Year 2016 Clean Energy Program.⁶ In this matter, BPU "worked with EDF's Investor Confidence Project to develop a straw proposal for the integration of [the Investor Confidence Project] into [the commercial and industrial programs before BPU.]"⁷ EDF's Investor Confidence Project lowers the transaction costs for energy efficiency projects, by assembling existing standards and practices into a consistent and transparent

⁴ August 23, 2017 Order and Decision P.22, 24.

⁵ October 16, 2013 BPU Order on Interlocutory Appeal, BPU Docket Numbers EO13020155 and GO13020156, p. 3.

⁶ June 17, 2015 Order, Docket Num. QO15040476, pp. 6-7.

⁷ Id. at p. 40.

process that promotes efficient markets by increasing confidence in energy efficiency as a demand-side resource.⁸ year

- In 2018, EDF was granted intervenor status in I/M/O the Petition of Public Service Electric and Gas Company for Approval of Rate Increase, BPU Docket Nos. ER18010029 & GR18010030.
- EDF has been granted intervenor status in several other BPU proceedings as well.⁹

7. EDF's goal in this case is to assist the parties in ensuring that energy efficiency programs and decoupling, if approved, is implemented in the most cost-effective manner possible. As in the above noted BPU cases, EDF would provide material and unique contributions to this matter, particularly with respect to the potential for this decoupling proposal to enable PSE&G to achieve the optimal level of investment into energy efficiency programs.

8. EDF has intervened in several utility regulatory proceedings across the country to advance energy efficiency and opine on decoupling. For example, EDF has opined on decoupling in New York State's REV (Reforming the Energy Vision) proceedings, and several Ohio cases.

9. EDF, as it has in previous BPU proceedings, will strictly abide by the schedules and other rulings made by BPU.

⁸ <http://www.eepperformance.org>

⁹ E.g. Atlantic City Electric Company, Docket # ER16030252; Elizabethtown Gas, Docket # GR1509190; Public Service Electric and Gas Company, Docket # GR15030272

10. EDF will limit its submissions and testimony to the topics relevant (as determined by BPU) to energy efficiency and decoupling, and providing customers with access to cost-effective clean energy resources.

11. EDF will work with all parties to ensure an efficient hearing process, and avoid duplicate of efforts, confusion or any delays.

I certify that the above statements are true. I understand that if the above statements are willfully false, I am subject to punishment.

Dated: November 16, 2018

A handwritten signature in black ink, reading "May Barker". The signature is written in a cursive style with a horizontal line underneath it.

Director, New Jersey Clean Energy
Environmental Defense Fund

