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BOARD OF PUBLIC UTILITIES
TRENTON, NJ



September 30, 2019

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 Docket No. GO18101112 and EO18101113

VIA ELECTRONIC & OVERNIGHT MAIL

Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 S. Clinton Avenue, 9th Floor
P.O. Box 350
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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Dear Secretary Camacho-Welch:

On behalf of Public Service Electric and Gas Company ("PSE&G"), we write in response to Sunrun Inc.'s September 24, 2019 correspondence requesting that the New Jersey Board of Public Utilities ("BPU" or "Board") permit it to be "a party to potential final resolutions or additional, interim agreements in this proceeding." PSE&G objects to Sunrun's request. As an initial matter, Sunrun's request is not supported by any legal authority. To the contrary, the New Jersey Administrative Code is clear that participants such as Sunrun "shall be limited" to: (1) the right to argue orally; or (2) the right to file a statement or brief; or (3) the right to file exceptions to the initial decision with the agency head; or (4) all of the above. N.J.A.C. 1:1-16.6(c). Being party to a stipulation of settlement or interim agreement is not one of the delineated rights of a participant.

The New Jersey Administrative Code's narrow crafting of the role of participants should be adhered to particularly in a proceeding such as the instant one. Providing Sunrun and all other participants in this matter with full party rights for purposes of settlement would result in a logistical nightmare, to say the least. There are currently six entities with full party rights in this proceeding. Adding 12 participants would result in **18 entities**¹ having full party rights with respect to settlement. This means coordinating the availability of 18 parties just to schedule settlement conferences; giving 18 parties the ability to voice their positions at settlement conferences; receiving comments from 18 parties on stipulation drafts; and organizing the

¹ This count does not take into consideration the fact that several entities have joined together for purposes of this proceeding and are represented by the same legal counsel (e.g., five environmental advocacy groups represented by the Eastern Environmental Law Center). Thus, the actual number of entities with full party rights would be higher than 18 if the BPU were to grant Sunrun's request.

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signatures (or non-signatures) of 18 parties. Alternatively, as a participant to this proceeding, Sunrun is free to submit comments on any future stipulations executed by the parties. This is the more efficient and logical course of action.

Sunrun claims that the reasons Commissioner Solomon denied it intervener status -- the requirement that the BPU "meet its statutory obligations in a timely manner" and the "need for prompt and expeditious administrative proceedings" -- are no longer applicable because the parties agreed to extend the time for BPU action on PSE&G's Clean Energy Future -- Energy Efficiency ("CEF-EE") filing to March 2020. Sunrun's position is untenable. Those standards continue to apply, and the parties did not agree to extend the time for BPU action on this filing so that 18 additional entities could raise additional, tangential issues.

Sunrun's issues are particularly attenuated. Its motion to intervene in this proceeding focused on solar energy and energy storage, issues that are peripheral to this energy efficiency filing. *See, e.g., Sunrun's Motion to Intervene, page 2, para. 4.* Thus, it was proper for Commissioner Solomon to deny Sunrun's motion to intervene, and proper for the BPU to deny Sunrun's motion for interlocutory review of Commissioner Solomon's decision. Sunrun's request to be afforded full party rights with respect to settlement represents an improper attempt to circumvent those Orders, and should be denied.

Lastly, Sunrun is not without the opportunity to comment on energy efficiency policy in the State. The Board recently completed a stakeholder process that permitted members of the public to provide verbal and written comments on the draft Energy Master Plan, including its sections dedicated to energy efficiency. The Board has also commenced a stakeholder process pursuant to the Clean Energy Act of May 2018 to address various energy efficiency issues. As noted above, Sunrun may submit comments on any future stipulation of settlement that the parties execute in this proceeding. Sunrun also gave statements at both the public and evidentiary hearings in the CEF-EE filing.

For the foregoing reasons, PSE&G respectfully requests that the Board deny Sunrun's request to have full party rights with respect to settlement. PSE&G continues to have no objection to Sunrun -- and all other participants -- attending settlement conferences, subject to the conditions set forth in our September 24, 2019 letter to the Board. We thank the BPU for consideration of this submission.

Very truly yours,



Matthew M. Weissman

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