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October 28, 2019

**In the Matter of the Petition of
SunPower Corporation Seeking a Declaratory Judgement
Pursuant to N.J.S.A. 52:14B-1 et seq., and/or
a Waiver Pursuant to the Waiver Rule, N.J.A.C. 14:1-1.2(b)**

BPU Docket No. QO19091240

VIA E-MAIL AND OVERNIGHT MAIL

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

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MAIL ROOM
OCT 29 2019
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Dear Secretary Camacho-Welch:

Enclosed are an original and ten copies of Public Service Electric and Gas Company's Motion to Intervene in the above proceeding.

By copy of this letter, copies of the motion are being forwarded this date via electronic mail to all persons whose name appear on the attached distribution list.

Thank you for your anticipated courtesies.

Respectfully submitted,

A handwritten signature in blue ink that reads "Matthew Weissman".

Matthew M. Weissman

C Attached Service List (E-Mail Only) ✓

CMS
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P. Krogman, Esq.
D. VanBuren, Esq.
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OCT 29 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

	:	MOTION
	:	TO
	:	INTERVENE
I/M/O the Verified Petition of	:	
SunPower Corporation Seeking a	:	
Declaratory Judgment Pursuant to	:	BPU Docket No. QO19091240
<u>N.J.S.A. 52:14B-1 et seq.</u> , and/or a Waiver	:	
Pursuant to the Waiver Rule, <u>N.J.A.C. 14:1-1.2(b)</u>	:	

Public Service Electric and Gas Company ("PSE&G" or the "Company"), an electric and gas public utility subject to the regulatory jurisdiction of the New Jersey Board of Public Utilities (the "Board"), and maintaining offices at 80 Park Plaza, Newark, New Jersey, hereby files this motion to intervene in the above-captioned proceeding pursuant to N.J.A.C. 1:1-16.6(a). In support of its motion, PSE&G respectfully submits:

1. PSE&G is a public utility engaged in the distribution of electricity and the provision of Basic Generation Service ("BGS") and distribution of gas and the provision of Basic Gas Supply Service ("BGSS"), for residential, commercial, and industrial purposes within the State of New Jersey. PSE&G provides service to approximately 2.2 million electric and 1.8 million gas customers in an area having a population in excess of six million persons, and which extends from the Hudson River opposite New York City, southwest to the Delaware River at Trenton, and south to Camden, New Jersey.

2. Copies of all correspondence and other communications relating to this proceeding and the within Motion should be addressed to:

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3. The criteria for intervention are set out in N.J.A.C. 1:1-16.1(a). Specifically:

Any person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.

4. Pursuant to N.J.A.C. 1:1-16.3(a), the factors that the Board must consider when ruling on a motion to intervene are as follows:

...the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's 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 of undue delay arising from the movant's inclusion, and other appropriate matters.

5. PSE&G respectfully submits that the above criteria and factors support the granting of this motion to intervene in the above-captioned proceeding.

6. Petitioner has filed the subject petition seeking a declaratory ruling: (i) confirming that energy generated from a solar facility it is developing to service the Delaware River Port Authority ("DRPA") will be considered "generated on the customer's side of the meter" pursuant to N.J.S.A. 48:3-51 and N.J.A.C. 14:8-4.1(b); (ii) confirming that the solar facility will be considered an "on-site generation facility" as defined in N.J.S.A. 48:3-51 and N.J.A.C. 14:8-1.2; and (iii) pursuant to N.J.A.C. 14:1-1.2(b), waiving the application of the requirements in N.J.A.C. 14:8-4.1(b)(1) to find that the solar facility may serve DRPA irrespective of tax maps demonstrating that the properties to be served by the solar facility are not contiguous, and may receive SRECs for its generation as a net metered facility. Petition, page 6, ¶5 and pages 12-13.

7. The solar facility would be interconnected to PSE&G's distribution system. Petition, page 4. Thus, the Board's ultimate decision in this proceeding could have a direct impact on PSE&G's operations and its customers, including an impact on the Company's evaluation process for future net-metering projects. In fact, PSE&G has declined to treat the solar facility as a net-metered project due to the Company's determination that it does not satisfy the Board's relevant net metering regulations.

8. The Board has previously granted intervention to PSE&G in a similar proceeding. *See I/M/O the Verified Joint Petition of Solops, LLC and College Road Associates, LLC for a Declaratory Judgment or, in the Alternative, for a Waiver of Rule*, Board Dkt. No. QO16060487 (August 24, 2016 Order). In the *Solops* matter, Board Staff recommended that the Board grant intervener status to PSE&G, noting the following:

The electric distribution companies ("EDC") play a central role in the implementation of the Board's net metering rules, which are intertwined

with the interconnection rules governing Class 1 renewable energy generation. [Citations omitted]. The Board and the public rely upon the EDCs to ensure that the renewable generation will not adversely affect safe, adequate, and proper functioning of the electricity grid. Staff concurs with PSE&G that the Board's ruling upon the underlying petition could have significant impact upon PSE&G and its evaluation of future net metering projects. In addition, as an EDC, PSE&G has expertise in interconnection issues and experience in dealing with the Board's net metering rules. Its perspective is both valuable and quite different from that of Petitioner. Thus, its involvement in this proceeding is likely to add constructively to the record. August 24, 2016 Order, page 2.

9. As demonstrated by the foregoing, and as was the case in the *Solops* matter, PSE&G's interest in this proceeding is clearly different from that of any other party and its participation can add measurably and constructively to this proceeding.

10. The Petition in this proceeding was filed on or about September 16, 2019; therefore, PSE&G's intervention would not cause confusion or undue delay. To PSE&G's knowledge, no procedural schedule has been approved in this case to date.

11. Accordingly, PSE&G respectfully requests that the Board grant it full intervention status in this proceeding pursuant to N.J.A.C. 1:1-16.1 *et seq.*

Respectfully submitted,

PSEG SERVICES CORPORATION
Attorneys for Public Service Electric and Gas Company

A handwritten signature in cursive script, reading "Matthew Weissman".

Matthew M. Weissman, Esq.

Dated: October 28, 2019.