

Kristi Izzo, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: EO12010025
44 S. Clinton Ave., 9th floor, P.O. Box 350
Trenton, NJ 08625-0350

Dear Ms. Kristi Izzo:

Renu Energy welcomes the opportunity provided by the Office of Clean Energy to comment on the OCE's straw proposal for the allocation of incremental SREC obligations incurred by "exempted" electricity furnished by Basic Generation Suppliers (BGS) under contract as a result of the revised calculations for SREC obligations mandated by the Solar Act of 2012.

Renu Energy would like to point out an inconsistency in the OCE straw proposal. The opening paragraph cites both BGS and Third Party Suppliers (TPS) as being the recipients for the incremental SREC obligations incurred by the exempted electricity provided by the BGS. The methodology explicitly identifies the BGS furnishing non-exempt electricity as the parties having to absorb the exempted SREC obligation. TPS appear to have been excluded from any pro rata allocation of the exempted SRECs. Non-exempted electricity is what is traded on the wholesale market to balance supply and demand and that which is produced and delivered by TPS. Since both BGS and TPS engage in this trading activity to satisfy the demands of their customers and TPS do not enter into contracts with electricity consumers, fairness would dictate that both BGS and TPS ought to absorb the incremental SREC obligations attributable to the exempted electricity. The statement preceding item #4 needs to be revised to read: "For any non-exempt electricity supplied by **BGS or TPS**, such **providers** shall calculate **their** solar obligations as follows:".

Renu Energy believes that the BGS providing exempted electricity under contracts in effect in EY 2013 ought to be accountable for fulfilling the required SRECs in effect under SEAFCA over the duration of their 3-year contracts according to their respective market shares. SEAFCA required SREC obligations of 596 gigawatt-hours in EY 2013, 772 gigawatt-hours in EY 2014 and 965 gigawatt-hours in EY 2015. The number of SRECs fixed under contract for the BGS is already determined from Steps 1 through 3 in the straw proposal with the number of megawatt-hours backed by SRECs in Step 1 to be calculated for EY 2013, EY 2014 and EY 2015 per the requirements in effect under SEAFCA. These are the requirements known to the BGS when they entered into contracts starting with EY 2011. The only variable with which BGS had to contend was the market share represented by electricity provided under BGS contracts. The market share of exempt electricity calculated for EY2013, Step 2iii, would be applied to the SEAFCA gigawatt-hours requirements for EY 2014 and EY 2015. The result from Step 3 derives the number of SRECs to be retired by the BGS under contract.

Steps 5iv and 5v are unnecessary as these calculations of market share of exempted electricity and associated SREC obligations have already been calculated in Steps 2iii and 3. A new Step 5iv instructs that the proper calculation is to multiply 5i by the appropriate EY percentage stipulated by the Solar Act (e.g. 2.05% for EY 2014). Step 5vi becomes the new Step 5v and

would therefore read that the result from Step 3 be subtracted from the new Step 5iv to obtain the excess MWHrs and SREC obligations attributable to the exempted electricity provided by the BGS under contract. The pro rata assignment of exempted SRECs to the non-exempted BGS and TPS is correctly stated in Steps 5vii to become the new Step 5vi, Step 5viii to become the new Step 5vii and Step 6. Appendix outlines the new steps.

The total amount of electricity demand is experiencing very little if any growth and the contribution of exempted electricity over a 3-year contract would remain fairly constant. Renu Energy believes that multiplying a calculated percentage of market share fixed over a 3-year period by the increasing SEAFCA gigawatt-hour targets represents a fairer methodology for allocating incremental SREC obligations incurred by the exempted electricity as a result of the Solar Act of 2012 to the BGS and TPS of non-exempted electricity. This approach conforms to the statute and is equitable to all parties.

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APPENDIX

PROPOSED REVISED SREC OBLIGATION ALLOCATION

- ◆ Steps 1 – 4 remain unchanged.
- ◆ Steps 5i – 5iii remain unchanged.
- ◆ Step 5iv – Multiply the result of 5i by the appropriate percentage corresponding to the energy year as prescribed in N.J.S.A. 48:87(d)(3).
- ◆ Step 5v – Subtract the result of Step 3 from Step 5iv. This figure represents the incremental SREC obligations owed by the BGS of exempt electricity which must be allocated among the BGS and TPS providers of non-exempt electricity.
- ◆ Step 5vi retains the same language as straw proposal Step 5vii.
- ◆ Step 5vii – Multiply Step 5v by Step 5vi.
- ◆ Step 6 – Add result of Step 4 to Step 5vii to arrive at an individual non-exempt provider's obligation in MWh.



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March 28, 2014

Kristi Izzo, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: EO12010025
44 S. Clinton Ave., 9th floor, P.O. Box 350
Trenton, NJ 08625-0350

RE: Proposed Methodology for Calculating Solar RPS Obligations; Exempt BGS Providers, Non-Exempt BGS Providers and Third Party Electricity Suppliers

Dear Secretary Izzo:

Please accept the comments of NextEra Energy Power Marketing, LLC ("NextEra") in support of the Staff Straw Proposal ("Proposal") issued on March 11, 2014, by the Board of Public Utilities in the above referenced proceeding.

NextEra is an active participant in the New Jersey wholesale energy markets by providing a wide range of electricity products to electric utilities, municipalities, cooperatives and other load-serving entities. Accordingly, NextEra will be substantially and directly affected by the adoption of the Proposal.

NextEra believes that the Proposal is consistent with N.J.S.A. 48:3-87(d)(3)(c) and provides for a transparent, equitable and predictable implementation of the increase in the solar portion of the RPS beginning in Energy Year 2014. NextEra appreciates the straightforward formulaic provisions for the calculation of the solar obligations for exempt and non-exempt energy, and the specific adherence to the exemption for existing contracts provided by the Solar Act. Accordingly, NextEra recommends no changes to the Proposal and encourages its adoption by the Board of Public Utilities.

NextEra appreciates the opportunity to comment. Please contact me for any further information or clarification.

A handwritten signature in blue ink that reads "Chris P. Sherman".



Margaret Comes
Senior Attorney
Law Department

March 28, 2014

Kristi Izzo, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: EO12010025
44 S. Clinton Ave., 9th floor, P.O. Box 350
Trenton, NJ 08625-0350

Re: Staff Straw Proposal of March 11, 2014 for Proposed Methodology for Calculating Solar RPS Obligations; Exempt BGS Providers, Non-Exempt BGS Providers and Third Party Electricity Suppliers
Comments of New Jersey Electric Distribution Companies

Dear Secretary Izzo:

The following two brief comments are submitted on behalf of Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric and Gas Company, and Rockland Electric Company (collectively, the “EDCs”) to the Staff Straw Proposal (“Straw Proposal”) of March 11, 2014 entitled, “Proposed Methodology for Calculating Solar RPS Obligations; Exempt BGS Providers, Non-Exempt BGS Providers and Third Party Electricity Suppliers.”

1. Comment on Straw Proposal Methodology

The EDCs agree with the methodology proposed by Staff in the Straw Proposal for distributing exempt providers’ share of the solar RPS obligation, with two minor suggestions. First, the EDCs suggest that Staff circulate “Existing Table B” referenced in the Straw Proposal so that all parties are clear on the calculation methodology.¹

Second, the EDCs ask that Staff confirm the EDCs’ understanding of the meaning of “providers who are not exempt” referenced in the Straw Proposal. The Straw Proposal states:

¹ Straw Proposal at p. 2.

Because the statute both exempts certain BGS providers from the increased solar RPS requirement and its calculation as a percentage of retail load and also requires that the new increased solar RPS requirement be met, that portion of the new solar RPS requirement which certain providers are exempt from providing must be allocated among those *providers who are not exempt*. In working to develop an allocation methodology, Staff's primary consideration has been ensuring fairness between and among the *non-exempt providers*.²

It is the EDCs' understanding that "providers who are not exempt" and "non-exempt providers" mean suppliers who provide BGS Fixed Pricing ("FP") service and suppliers who provide BGS Commercial and Industrial Pricing ("CIEP") service. The EDCs request that Staff confirm the EDCs' understanding of this portion of the Straw Proposal so that all parties are clear on the calculation methodology.

2. Comment on Annual Report Deadline

As Staff is aware, for the past three years, the EDCs have requested an extension of time to file with the Board the EDCs' annual reports ("Annual Reports") for demonstrating that they, along with their various BGS suppliers, have complied with the Board's Renewable Energy Portfolio Standards ("Standards") for the prior energy year (sometimes expressed as "EY"). Pursuant to the requirements of *N.J.A.C. 14:8-2.11*, the EDCs are required to submit Annual Reports with the Board by October 1. The Retail Energy Supply Association ("RESA") has requested similar extensions. In the past, those extension requests have been made at the end of the Energy Year, and the Board has granted them.³

In these comments, the EDCs suggest that Staff now include in their methodology that the deadline for filing the Annual Reports for EY 2014 be extended to December 1, 2014 and that the deadline for filing the Annual Reports for EY 2015 be extended to December 1, 2015, rather than have parties raise the extension issue at the end of each Energy Year, as they traditionally have done. An early resolution of the deadline for filing the Annual Reports would facilitate an efficient filing process for the 2014 EY and 2015 EY Annual Reports because all parties would know when their respective obligations must be met, and have time to respond once their annual obligations have been determined.

An extension is warranted for 2014 EY and 2015 EY, given the impact that the Solar Act has in allocating the NJ RPS Requirement among exempt and non-exempt providers. As the EDCs have noted in past extension requests, the first step in calculating a Supplier's solar obligation is to determine the Supplier's market share of the total electricity supplied statewide during the applicable energy year ("Total Supply"). The Total Supply during the energy year is calculated by the Office of Clean Energy ("OCE") and posted on the Board's website. Based on past experience, the data necessary to

² Straw Proposal at p. 2. (emphasis added)

³ See, e.g., *I/M/O/ New Jersey Renewable Portfolio Standard (NJ RPS) – Request for Board Action Extending NJ RPS Compliance Deadline for Energy Year 2013*, BPU Docket Number EO13070671V (August 21, 2013).

calculate Total Supply is not expected until September of each year. This delay results from several factors: (1) the fact that PJM has 60 days after the end of the energy year to make corrections to the actual usage data before the final data is sent to the EDCs; (2) once this corrected data is made available to the EDCs in August, further calculations requiring several weeks to complete are necessary before the EDCs can send the required data back to the OCE for use in OCE's calculations; (3) a further step is that Suppliers, at that point, have an additional two weeks to reconcile their actual sales with the data contained within the PJM GATS system or provide documentation of any discrepancies.

Clearly, the Solar Act of 2012⁴ will require the additional calculations set out by Staff in their Straw Proposal before Suppliers can finalize their solar obligation.

Once all sales and obligation data are final, the Suppliers are required to purchase the proper number of solar renewable energy certificates ("SRECs") to cover their obligations. Until the final obligations are known, Suppliers will remain unsure as to the number of SRECs they are required to obtain. Moreover, the inability of Suppliers to finalize their arrangements to comply with their solar obligations also serves to impede and delay the EDCs ability to complete and submit the Annual Reports to the Board.

Finally, the Standards also allow a Supplier to secure SRECs to comply with its solar obligation for EY 2014 and EY 2015 through the end of the true-up periods (i.e., through October 1st of each year). Given the expected delay in posting the Total Non-Exempt Supply to the Board's website, one can reasonably expect that many Suppliers will not finalize their solar obligation arrangements until late September of each year.

In light of these circumstances, the EDCs respectfully request that the due date for the Annual Reports be extended for two months, i.e., until December 1, 2014 and December 1, 2015.⁵ This extension would afford the EDCs sufficient time to address any GATS related issues, and review and compile the information provided by the Suppliers, thereby adding to the overall quality of the Annual Reports. It does not appear that either the Board or any third parties will be disadvantaged by the granting of this extension. The EDCs note that, to avoid additional administrative resources of the parties, only one Annual Report demonstrating compliance with the Standards should be required. As a result, the December 1, 2014 and December 1, 2015 Annual Reports would demonstrate compliance with the Board's annual Class I and II, and SREC requirements.

Please contact me if you have any questions regarding this matter.

Respectfully,

____s/_____
Margaret Comes
Senior Attorney

⁴ L. 2012, c. 24.

⁵The EDCs would not oppose moving the Supplier compliance dates to November 1, 2014 and November 1, 2015.



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March 28, 2014

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

Re: Proposed Methodology for Calculating Solar RPS Obligations; Exempt BGS Providers, Non-Exempt BGS Providers and Third Party Electricity Suppliers—Staff Straw Proposal Issued March 11, 2013

BPU Docket No. EO12010025

Dear Secretary Izzo:

Please accept this original and ten copies of as Comments submitted on behalf of the New Jersey Division of Rate Counsel (“Rate Counsel”) in connection with the above-captioned matter. Copies of the comments are being provided to all parties on the e-service list by electronic mail and hard copies will be provided upon request to our office.

We are enclosing one additional copy of the comments. Please stamp and date the extra copy as "filed" and return it in our self-addressed stamped envelope. Thank you for your consideration and assistance.

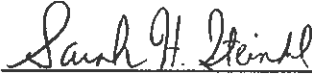
By e-mail circulated and notice posted on March 11, 2014, Board’s Office of Clean Energy (“OCE”), has requested comments on a Staff Straw Proposal concerning implementation of N.J.S.A. 48:3-87(d)(3)(c), which was enacted as part of the Solar Energy Act of 2012, P.L. 2012, c. 24 (“SEA”). The cited statutory provision exempts certain electric generation service

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providers from the SEA's increased obligations under Board's solar Renewable Portfolio Standard during Energy Years 2014 and 2015, and requires allocation to other electric generation service providers of the amount of the increased obligation which is not being covered by the exempt providers. Rate Counsel has no comments on the Staff Straw Proposal at this time but reserves its right to comment on any future rulemaking proposals.

Respectfully submitted,

STEFANIE A. BRAND
Director, Division of Rate Counsel

By: 
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March 28, 2014

VIA ELECTRONIC AND REGULAR MAIL

The Honorable Kristi Izzo
Secretary, New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
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Re: *Staff Straw Proposal for Public Comment on the Implementation of the Solar Act's Increased SREC Requirements in the RPS for EY 2014 and EY 2015*
Docket No. EO12010025

Dear Secretary Izzo:

The Retail Energy Supply Association (“RESA”)¹ respectfully submits these comments in the above-referenced Staff Straw Proposal for the Implementation of the increased SREC Requirements stemming from the 2012 Solar Act.

RESA is a broad and diverse group of retail energy suppliers that share a common vision that competitive retail energy markets deliver more efficient, customer-oriented outcomes than do regulated utility providers. RESA members offer retail electric service to residential, commercial, and industrial customers in New Jersey, throughout PJM and in other competitive markets across North America. RESA has been an active participant in New

¹ RESA’s members include: AEP Energy, Inc.; Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; GDF SUEZ Energy Resources NA, Inc.; Homefield Energy; IDT Energy, Inc.; Integrys Energy Services, Inc.; Interstate Gas Supply, Inc. dba IGS Energy; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; NRG Energy, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

Jersey's legislative and regulatory process regarding the 2012 Solar Act and the implementation of same.

At the outset, RESA notes that the calculation for third party suppliers ("TPSs") is straightforward under Board staff's proposal, since no TPS contracts were exempted from the increased solar renewable portfolio standards ("RPS") requirements under the 2012 Solar Act, and since the solar RPS requirements for EY 2014 and going forward are stated in terms of a percentage requirement, rather than the previous regime where a fixed GWh requirement was utilized. A straightforward percentage requirement is easier for all parties, TPSs and Basic Generation Service ("BGS") providers alike, and provides the regulatory certainty necessary for suppliers and providers to calculate their solar RPS requirements and accurately price customer contracts. The percentage requirement allows TPSs to know their solar RPS obligation ahead of time, rather than relying on Board staff to inform TPSs of their solar RPS obligation several months after the conclusion of the energy year. It provides certainty for TPSs and mitigates the need to include additional risk premiums in customer charges. In this limited sense, the 2012 Solar Act is beneficial to TPSs and their customers.

Of key importance to RESA is ensuring that the 2012 Solar Act SREC requirements are implemented in a fair and competitively neutral manner – despite the fact that the 2012 Solar Act, on its face, is manifestly anti-competitive because it allows for BGS providers to exempt their existing contracts from the increased RPS requirements for EY 2014 and EY 2015, but does not provide a similar exemption for the state's TPSs. This unfair treatment of BGS provider contracts over TPS contracts has an unfortunate precedent in New Jersey – the 2009 Solar Energy Advancement and Fair Competition Act ("SEAFCA") which exempted BGS provider contracts from the then increased solar RPS requirements *and* required that TPSs account for the exempt BGS provider's share of the increased solar RPS requirements. As Board staff is aware, this created a ripple effect which lasted for several years, requiring repeated extensions to the annual renewable reporting requirements deadline, and requiring TPSs to purchase SRECs above and beyond their own load share, and on behalf of their competitors, no less. Board staff should expect similar extension requests for EY 2014 and EY 2015 reporting, since non-exempt BGS providers will likely need additional time to ensure adequate SRECs are purchased to account for the exempt BGS provider's additional share.

RESA notes that since BGS fixed price ("BGS-FP") contracts carry a three year term, and BGS Commercial and Industrial Energy Pricing ("BGS-CIEP") carry only a one year term, it appears that only two years of BGS-FP contracts are exempt, and no BGS-CIEP contracts are exempt. This means that BGS-CIEP will have to share a portion of the exempt

BGS-FP customer load. While RESA maintains it is more equitable to share the exempt BGS provider load with non-exempt BGS providers (rather than force the exempted BGS provider load onto TPSs as has been done in the past) RESA questions whether it is competitively fair to spread exempt BGS-FP load across non-exempt BGS-CIEP. However, the statute makes no distinction regarding BGS-FP and BGS-CIEP, and only requires that the non-exempt BGS providers account for the exempt provider's increased solar RPS. It appears that the calculations provided in Staff's straw proposal are consistent with the legislative intent of the 2012 Solar Act.

RESA has additional concerns regarding the 2012 Solar Act and the current version of the Energy Competition rules. In particular, RESA begins with the premise that TPS contracts are not exempt from increases in the solar RPS under the 2012 Solar Act. This increase commenced with EY 2014 and will be accounted for in the upcoming reporting period for environmental compliance. TPSs are competitively disadvantaged and have to re-open *all* of their customer contracts in order to properly pass this increased solar RPS requirement along to customers. However, the Board's Energy Competition rules prohibit the use of "material change notices" to change material terms of a contract without the customer's authorization. RESA agrees wholeheartedly that TPSs should not be allowed to modify customer contracts without customer consent. Moreover, the bare examples of allowed changes do not specifically provide for TPSs to pass this increased cost along to customers. N.J.A.C. § 14:4-7.6(l) provides that "[c]hanging the price to reflect a change in the Sales and Use Tax or other State-mandated charge would be permitted as a change required by operation of law." RESA insists that this provision should be applied to the current situation where the State mandates and increases RPS compliance, and did not allow TPSs to exempt existing customer contracts from that increased compliance. RESA believes the solar RPS is a "State-mandated charge" and that TPSs should be allowed to invoke their material change provisions in order to account for these increased solar RPS costs.

With regards to the proposed calculations for exempt and non-exempt BGS provider compliance, RESA cannot tell from the information provided how Board staff will derive the total retail electricity sales for New Jersey, but assumes it will be based on data similar to that used in previous years for allocation of exempt load for purposes of solar RPS compliance. Understanding how Board staff derives this information would be beneficial in determining whether or not the calculations proposed are equitable as to BGS providers. As discussed above, the calculations for TPSs are straightforward for EY 2014.

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March 28, 2014
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RESA will continue to monitor this process to ensure equitable treatment for the State's TPSs, and to offer any advice or insight regarding the allocation of exempt portions of BGS load to non-exempt BGS providers.

Respectfully submitted,



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Jennifer L. Wnek, Esq.
Office of General Counsel and Corporate Secretary
Director of Legal Affairs

March 28, 2014

Via Email

Kristi Izzo, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket No: EO12010025
publiccomments@njcleanenergy.com

***Re: Comments from South Jersey Energy Company
 -Proposed Methodology for Calculating Solar RPS Obligations
 -Staff Straw Proposal***

Dear Ms. Izzo:

On behalf of South Jersey Energy Company (“SJE”), I am pleased to offer these comments regarding the Proposed Methodology for Calculating Solar RPS Obligations Straw Proposal (the “Straw Proposal”) issued by the Staff of the New Jersey Board of Public Utilities (the “Board”) on March 11, 2014.

For more than 15 years, SJE, a licensed, deregulated energy supplier has developed superior, customized energy solutions designed to maximize efficiency and value for its customers. SJE’s services include the supply of electricity to retail customers throughout the State of New Jersey. SJE commends the Board for engaging in this collaborative process and appreciates the opportunity to comment on the Straw Proposal.

SJE interprets the Straw Proposal to mean that only “Basic generation service providers” or “providers,” as those terms are defined in N.J.S.A. 48:3-51, are responsible for making up the difference in solar RPS obligations between exempt and non-exempt electricity. SJE further interprets the Straw Proposal to include as such providers, only public utilities supplying basic generation service and/or electric suppliers that supply basic generation service through the BGS auction process. Under this interpretation, SJE, which is not a public utility and does not supply any basic generation service pursuant to the BGS auction process, unless directed otherwise, SJE will calculate its solar RPS obligation by multiplying its total retail sales by 2.050% for Energy Year 2014.



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Pending confirmation by the Board of the foregoing interpretation, SJE believes that the Straw Proposal is consistent with the intent and instruction of N.J.S.A. 48:3-87(d)(3) and provides an equitable distribution of the exempt providers' share of the solar RPS obligation.

Respectfully submitted,

Jennifer L. Wnek

Jennifer L. Wnek, Esq.

jwnek@sjindustries.com

On behalf of South Jersey Energy Company

cc. G. Merritt-Epps
G. Nuzzo
D. Robbins
K. Laguardia
L. DeCicco



INDEPENDENT ENERGY PRODUCERS OF NEW JERSEY

ADAM KAUFMAN - EXECUTIVE DIRECTOR 609-530-1234

**Comments on the Staff Straw Proposal
Proposed Methodology for Calculating Solar RPS Obligations; Exempt BGS
Providers, Non-Exempt BGS Providers and Third Party Electricity Suppliers**

**Submitted on behalf of the
Independent Energy Producers of New Jersey (IEPNJ)**

March 28, 2014

The Independent Energy Producers of New Jersey (IEPNJ) appreciates the opportunity to provide these comments. The IEPNJ is a trade association that represents New Jersey's wholesale electric power generators.

IEPNJ members own approximately 80% of the electricity capacity in New Jersey. Members include companies that provide electricity for on-site use at New Jersey industrial and commercial facilities, as well as local and national corporations that sell electricity into the wholesale market for consumption by the state's utilities, which, in turn, sell that power to New Jersey homes and businesses. Since 1992, IEPNJ has worked productively with stakeholders, including the Board of Public Utilities (BPU), the Department of Environmental Protection (DEP), and the state legislature, to develop responsible environmental and energy policies.

The trade association and its members have been involved in New Jersey's electric market for over twenty years and in renewable energy issues since the creation of the Renewable Portfolio Standard (RPS).

After reviewing the Straw Proposal, the general methodology presented by Staff appears to provide an equitable distribution of the exempt providers' share of the solar RPS obligation. However, the Straw Proposal risks being overly general as to how exactly Board Staff and suppliers and providers are to determine their solar obligations, and it is not sufficiently specific as to the source of the data underpinning these determinations. Therefore, we would like to offer the following recommendations:

- IEPNJ recommends that the data underpinning the Straw Proposal's Sections 2, 4, 5, 6, and the following paragraph applicable to third party electricity suppliers be provided by a uniform and verifiable source. Specifically, the Straw Proposal should clearly delineate the data sources

that Staff will use to arrive at the market-based allocation of the increased obligation avoided by exempted electricity for non-exempt providers, as described in Sections 5i to 5iii. We recommend that source to be the New Jersey Electric Distribution Companies (EDCs). We believe this will help eliminate any inconsistency in the data between what Third Party Suppliers self-report to Board Staff, and what the EDC's report on behalf of BGS Providers. Furthermore, this will ensure that unaccounted for energy is correctly allocated and equitably distributed between and among BGS and Third Party Suppliers.

- IEPNJ recommends that a specific website address be identified for sections 2(i) and 5. It is not clear where the NJCEP currently posts this information and the frequency in which it is updated. The Board should identify the date when this information will become available and identify when the information will be confirmed as final.
- IEPNJ recommends that Staff implement this calculation entirely consistent with, and to the level of detail provided by, the Frequently Asked Question ("FAQ") – 75, posted on www.bgs-auction.com. This will ensure that the regulation implements the same methods relied upon by BGS suppliers when determining their potential renewable obligations under BGS.
- Finally, we recommend that the Board determine in this proceeding that the compliance deadline under the RPS for solar be extended from October 1st to December 1st until such time as all statewide solar requirements are non-exempt and have reverted back to the percentage requirement prescribed in the Solar Act.

IEPNJ appreciates the opportunity to present these comments.

Respectfully submitted,

Adam Kaufman
IEPNJ, Executive Director