



Agenda Date: 5/31/17
Agenda Item: 2C

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF PUBLIC)
SERVICE ELECTRIC AND GAS COMPANY FOR)
APPROVAL OF A CHANGE IN ITS ELECTRIC)
NON-UTILITY GENERATION CHARGE RATE)
)
) DOCKET NO. ER16080785
) OAL DOCKET NO. PUC17606-16

Parties of Record:

Matthew M. Weissman, Esq., Public Service Electric and Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On August 10, 2016, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of a decrease in its electric Non-Utility Generation Charge (“NGC”) rates. (“August 2016 NGC Petition”) By Order dated September 23, 2016, the Board approved the NGC rates requested by PSE&G, provisionally subject to refund. By this Decision and Order, the Board considers an Initial Decision executed by the Administrative Law Judge (“ALJ”) and Stipulation for Final Rates (“Stipulation”) executed by PSE&G, Board Staff, and the New Jersey Division of Rate Counsel (“Rate Counsel”) (collectively, “Parties”) intended to resolve the Company’s requests related to the above docketed matter.

BACKGROUND

Pursuant to the Electric Discount and Energy Competition Act, specifically, N.J.S.A. 48: 3-60, in 1999 the Board established PSE&G Non-Utility Generation Transition Charge (“NTC”),¹ and the associated cost recovery mechanisms. The Board required each electric utility to file a request for recovery of deferred expenses pertaining to un-recovered balances in the NGC, and any transition period purchased power costs.

¹ By Order dated March 6, 2007, in Docket No. GR05080686, the Board approved a renaming of the NTC to the NGC. The NGC component addressed in this petition is limited to the “Non-Utility Generation above market costs.

The Company's NGC rate is intended to recover the difference between the contract-set prices at which PSE&G purchases generation from non-utility generators ("NUGs") under contracts entered into pursuant to 16 U.S.C.A. §§ 791-828c,² and the market ("day-ahead" or "real-time") price that the energy is sold for through the PJM Interconnection, LLC ("PJM") market.³

PSE&G sells purchased NUG power in the PJM market. Contractual purchase power agreement ("PPA") payments may differ from the market value of that power. The net revenues that the Company receives from PJM for the power sales are used to offset payments due to the NUG under the PPA, with the difference (positive or negative) reflected in the NGC.

On August 10, 2016, PSE&G filed the August NGC Petition with the Board requesting a decrease in the revenues collected through the NGC of approximately \$75.7 million. In the August 2016 NGC Petition, PSE&G requested that the Board provisionally approve NGC rates to become effective on and after October 1, 2016. The proposed decrease reflected the fact that the last significant NUG contract payment was recorded in April 2016, resulting in the then current NGC rate being significantly higher than required going forward.

By Order dated September 23, 2016, the Board approved a stipulation executed by the Parties to implement the proposed electric NGC rates on a provisional basis, subject to refund, with interest, to provide the Parties additional time to complete the review of the proposed rates and underlying costs. ("September 2016 Order") As a result of the September 2016 Order, PSE&G implemented the proposed electric NGC decrease of \$75.7 million, effective October 1, 2016. This translated to an annual bill decrease of \$14.28 or approximately 1.11% for a typical residential customer using 7,200 kWh per year and 750 kWh in a summer month. Subsequently, PSE&G updated the revenue requirement to include actual results through September 30, 2016.

On November 8, 2016, the Matter was transmitted to the Office of Administrative Law ("OAL") and assigned to ALJ Irene Jones.

STIPULATION

Following discovery, the Parties met to discuss the issues in this matter. As a result, on May 2, 2017, the Parties executed the Stipulation in this matter. The Stipulation provides the following:⁴

4. The over-recovered balance to be returned to customers including interest through September 30, 2016 is \$5.1 million. The Parties agree that the actual NGC above-market revenues and expenses incurred prior to October 1, 2016 have been reviewed and deemed prudent and reasonable by the Parties. The Parties further agree that the forecasts of costs and revenues for the NGC and

² Also known as the Public Utilities Regulatory Policies Act of 1978 ("PURPA").

³ PJM is a regional transmission organization, or "RTO", that coordinates the movement of wholesale electricity in all or parts of thirteen states and the District of Columbia.

⁴ Although described in this Order, should there be a conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the findings and conclusions contained in the Order.

the actual results from October 1, 2016 forward will be reviewed in the Company's next NGC filing.

5. The Parties further agree that the electric NGC rates as originally filed and approved provisionally effective October 1, 2016 should be approved as final by the Board. These rates are expected to generate a decrease in NGC revenues of \$75.7 million on an annual basis.
6. The Parties agree that the Company's electric NGC rates will remain unchanged. As a result, there will be no change to the current annual bill of \$1,284.28 for a typical residential customer using 7,200 kWh per year and 750 kWh in a summer month (based on current Delivery Rates and Basic Generation Service Residential Small Commercial Pricing (BGS-RSCP) charges in effect April 1, 2017 and assuming that the customer receives BGS-RSCP service from PSE&G).
7. Included as Attachment A of the Stipulation are the current rates for the NGC as of January 1, 2017 which reflect the rates provisionally approved by the Board effective October 1, 2016 as well as New Jersey Sales and Use Tax effective on January 1, 2017.
8. The Parties recommend that the Board issue an Order approving the Stipulation without modification, to the Provisional Order approved by the Board on September 23, 2016.

On May 4, 2017, ALJ Jones issued her Initial Decision, finding that the Parties voluntarily agreed to the Stipulation, and that the Stipulation fully disposed of all issues in controversy and was consistent with the law.

DISCUSSION AND FINDING

Having reviewed the record in this matter, including ALJ Jones' Initial Decision and the Stipulation, the Board **FINDS** that the Parties have voluntarily agreed to the Stipulation, and that the Stipulation fully disposes of all issues in this proceeding. The Board **FINDS** the Initial Decision, which adopts the Stipulation, to be reasonable, in the public interest and in accordance with the law. Therefore, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation, attached hereto, including all attachments and schedules, as its own, incorporating by reference the terms and conditions of the Stipulation, as if they were fully set forth at length herein. The Board **HEREBY APPROVES** the NGC credit rate of \$0.000086 (excluding losses and taxes) per kWh as made final.

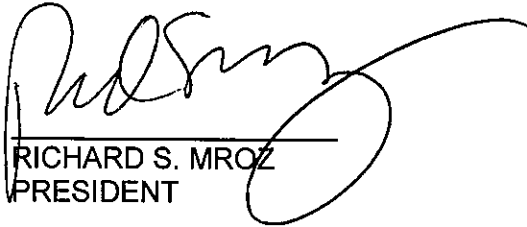
The Company is **HEREBY DIRECTED** to file the appropriate tariff sheets conforming to the terms and conditions of this Order within five (5) business days after the effective date of this Order.

The Company's costs remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

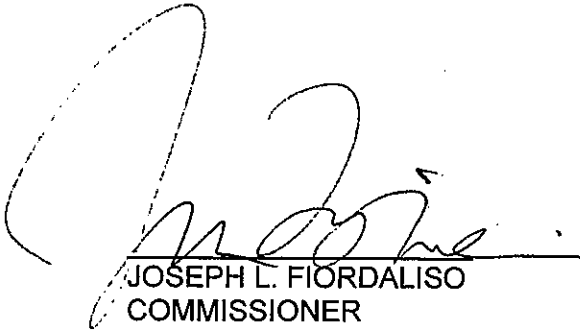
The effective date of this Order is June 10, 2017.

DATED: 5/31/17

BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



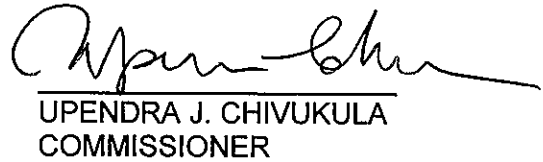
JOSEPH L. FIORDALISO
COMMISSIONER



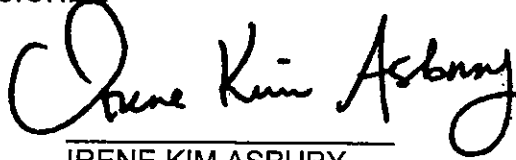
MARY-ANNA HOLDEN
COMMISSIONER



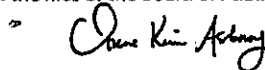
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities



IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY
FOR APPROVAL OF A CHANGE IN ITS ELECTRIC NON-UTILITY GENERATION
CHARGE RATE

BPU DOCKET NO. ER16080785
OAL DOCKET NO. PUC-17606-16

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May 2, 2017

In The Matter Of the Petition Of
Public Service Electric and Gas Company
for Approval of a Change in Its
Electric Non-Utility Generation Charge Rate

Docket No. ER16080785
OAL Docket No. PUC 17606-2016N

VIA ELECTRONIC MAIL & OVERNIGHT MAIL

Honorable Irene Jones
Administrative Law Judge
Office of Administrative Law
33 Washington Street
Newark, New Jersey 07102

Dear Judge Jones:

Enclosed is a fully executed Stipulation of Settlement in the above-referenced matter. If you have any questions regarding this, do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads "Matthew Weissman".

C Attached Service List (E-Mail Only)

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STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

IN THE MATTER OF THE PETITION OF)
PUBLIC SERVICE ELECTRIC AND GAS) OAL NO. PUC 17606-2016 N
COMPANY FOR APPROVAL OF A CHANGE) AGENCY NO. ER16080785
IN ITS ELECTRIC NON-UTILITY GENERATION)
CHARGE RATE)

STIPULATION OF SETTLEMENT

APPEARANCES:

Matthew M. Weissman, Esq., General Regulatory Counsel – Rates, for the Petitioner, Public Service Electric and Gas Company

Ami Morita, Deputy Rate Counsel, and **Diane Schulze**, Asst. Deputy Rate Counsel, for the New Jersey Division of Rate Counsel (**Stefanie A. Brand, Esq.** Director)

Alex Moreau, Patricia A. Krogman, and Emma Xiao, Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (**Christopher S. Porrino**, Attorney General of New Jersey)

STIPULATION OF SETTLEMENT

The Staff of the New Jersey Board of Public Utilities (“Board Staff”), the New Jersey Division of Rate Counsel (“Rate Counsel”), and Public Service Electric and Gas Company (“PSE&G” or the “Company”), the only parties to this proceeding (collectively, the “Parties”), stipulate and agree as follows:

1. On August 10, 2016 the Company filed a petition with the Board of Public Utilities (the “Board”) seeking approval of a change to its electric Non-utility Generation Charge (“NGC”). The Company’s NGC rate is intended to recover the difference

between the contract-set prices at which the Company purchases generation from the non-utility generators (“NUGs”), and the market (“day-ahead” or “real-time”) price at which the energy is sold through PJM Interconnection, L.L.C. (“PJM”)¹.

2. The filed-for rate changes per the August 10, 2016 petition proposed for the NGC were designed to decrease revenues by \$75.7 million on an annual basis.

3. The Company has responded to discovery requests propounded by Rate Counsel.

4. The over-recovered balance to be returned to customers including interest through September 30, 2016, which was provided in the response to RCR-A-1, is \$5.1 million. The Parties agree that the actual NGC above-market revenues and expenses incurred prior to October 1, 2016 have been reviewed and deemed prudent and reasonable by the Parties. The Parties further agree that the forecasts of costs and revenues for the NGC and the actual results from October 1, 2016 forward will be reviewed in the Company’s next NGC filing.

5. The Parties further agree that the electric NGC rates as originally filed and approved provisionally effective October 1, 2016 should be approved as final by the Board. These rates are expected to generate a decrease in NGC revenues of \$75.7 million on an annual basis.

6. The Parties agree that the Company’s electric NGC rates will remain unchanged. As a result, there will be no change to the current annual bill of \$1,284.28 for

¹ PJM is a regional transmission organization, or RTO, that coordinates the movement of wholesale electricity in all or parts of thirteen states and the District of Columbia.

a typical residential customer using 7,200 kWh per year and 750 kWh in a summer month (based on current Delivery Rates and Basic Generation Service Residential Small Commercial Pricing (BGS-RSCP) charges in effect April 1, 2017 and assuming that the customer receives BGS-RSCP service from PSE&G).

7. Included as Attachment A are the current rates for the NGC as of January 1, 2017 which reflect the rates provisionally approved by the Board effective October 1, 2016 as well as New Jersey Sales and Use Tax effective on January 1, 2017.

8. The Parties recommend that the Board issue an Order approving this Stipulation of Settlement ("Settlement") without modification, to the Provisional Order approved by the Board on September 23, 2016.

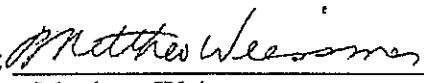
9. The undersigned Parties agree that this Settlement is being entered into exclusively for the purpose of resolving the issues in these matters.

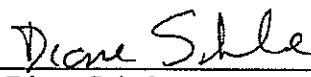
10. The Parties agree that this Settlement was negotiated and agreed to in its entirety with each section being mutually dependent on approval of all other sections. Therefore, if the Board modifies any of the terms of this Settlement, each Party is given the option, before implementation of any different rate or terms in this case, to accept the change or to resume the proceeding as if no agreement had been reached. If these proceedings are resumed, each Party is given the right to return to the position it was in before this Settlement was executed.

11. The undersigned Parties hereby agree that this Settlement has been made exclusively for the purpose of this proceeding and that this Settlement, in total or by specific item, is in no way binding upon them in any other proceeding, except to enforce the terms of this Settlement.

Public Service Electric and Gas Company

Stefanie A. Brand, Director
Division of Rate Counsel

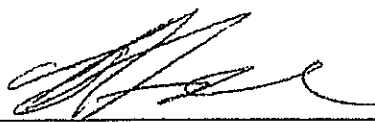
By: 
Matthew Weissman
General Regulatory Counsel - Rates

By: 
Diane Schulze
-Asst. Deputy Rate Counsel

DATED: April 26, 2017

DATED: May 2, 2017

Christopher S. Porrino,
Attorney General of New Jersey
Attorney for the Staff of the
Board of Public Utilities

By: 
Alex Moreau
Deputy Attorney General

DATED: 4-27-2017

PUBLIC SERVICE ELECTRIC AND GAS COMPANY
B.P.U.N.J. No. 15 ELECTRIC

Fourteenth Revised Sheet No. 60
Superseding
Thirteenth Revised Sheet No. 60

NON-UTILITY GENERATION CHARGE

	Cost Recovery (per kilowatthour)		
	St Lawrence NYPA Credit RS, RHS and RLM	Non-Utility Generation above market costs (\$0.000086)	Total
Total Cost per kilowatthour			
Amount per kilowatthour of cost recovery after application of losses:			
RS, RHS & RLM (Loss Factor =7.5377%)	(\$ 0.000052)	(\$0.000093)	(\$0.000145)
Other Secondary (Loss Factor =7.5377%)		(0.000093)	(0.000093)
LPL Primary (Loss Factor =5.1232%)		(0.000091)	(0.000091)
HTS Subtransmission (Loss Factor =2.9402%)		(0.000089)	(0.000089)
HTS High Voltage & HTS Transmission (Loss Factor =1.4590%)		(0.000087)	(0.000087)
Charges including New Jersey Sales and Use Tax (SUT)			
RS, RHS & RLM	(\$ 0.000056)	(\$0.000099)	(\$0.000155)
Other Secondary Service		(0.000099)	(0.000099)
LPL Primary		(0.000097)	(0.000097)
HTS Subtransmission		(0.000095)	(0.000095)
HTS High Voltage & HTS Transmission		(0.000093)	(0.000093)

NON-UTILITY GENERATION CHARGE

This mechanism is designed to insure recovery of costs associated with activities that are required to be accomplished to achieve specific public policy determinations mandated by Government. This charge shall recover: 1) above market costs associated with non-regulated generation costs which are related to long-term contractual power purchase arrangements approved by the Board and/or established under requirements of the Public Utility Regulatory Policies Act of 1978 and 2) other generation costs as may be approved by the Board. Actual costs incurred by the Company will be subject to deferred accounting. The St. Lawrence New York Power Authority (NYPA) Annual Benefit Allocation credit reflects the annual Economic Benefit allocation for New Jersey's investor owned utilities to supply residential customers' load.

Interest at the two-year constant maturity treasury rate plus 60 basis points will be accrued monthly on any under- or over-recovered Non-utility Generation above market cost balances. This interest rate shall change each August 1.

Date of Issue: February 8, 2017

Effective: March 6, 2017

Issued by SCOTT S. JENNINGS, Vice President Finance – PSE&G
80 Park Plaza, Newark, New Jersey 07102

Filed pursuant to Order of Board of Public Utilities dated January 25, 2017
in Docket No. EW15070839



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO.: PUC 17606-16

AGENCY DKT. NO.: ER16080785

**I/M/O THE PETITION OF PUBLIC SERVICE
ELECTRIC AND GAS COMPANY FOR APPROVAL
OF A CHANGE IN ITS ELECTRIC NON-UTILITY
GENERATION CHARGE RATE**

Matthew Weissman, Assistant General Regulatory Counsel, for petitioner,
Public Service Electric and Gas Company.

Diane Schultz, Assistant Deputy Public Advocate, for respondent, Division of
Rate Counsel appearing pursuant to N.J.A.C. 1:1-5.4(a)(2) (Stephanie A.
Brand, Director)

Alex Moreau, Deputy Attorney General, appearing pursuant to N.J.A.C. 1:1-
5.4(a)(2) for respondent (Christopher S. Porrino, Attorney General of New
Jersey, attorney)

Record Closed: May 2, 2017

Decided: May 4, 2017

Before **IRENE JONES, ALJ**

STATEMENT OF THE CASE

Petitioner, Public Service Electric and Gas Company ("Petitioner" or "Company") filed a petition with the Board of Public Utilities on August 10, 2016 seeking a change in its electric Non-Utility Generation Charge (NGC) rate. The petition proposed to decrease rates for the electric NUG components by \$75.7 million annually.

On November 21, 2016, the petition was transmitted to the Office of Administrative Law ("OAL") for hearing as a contested case. A prehearing conference was held and concluded on January 12, 2017.

Thereafter, the parties engaged in discovery and settlement conferences. On May 2, 2017, the parties filed an executed Stipulation of Settlement which is attached hereto and incorporated herein.

The parties have agreed that the electric NGC rates as originally filed and approved by the Board on a provisional basis, effective October 1, 2016 should be approved as final by the Board, thus resulting in decrease in NGC revenues of \$75.7 million on an annual basis.

I have reviewed the record and the terms of the Stipulation of Settlement and I
FIND:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or the signatures of their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

Therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and hereby are **CONCLUDED**.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

May 4 2017



DATE

IRENE JONES, ALJ

Date Received at Agency:

May 4, 2017

Date Mailed to Parties:

May 4, 2017

sej