



Agenda Date: 04/07/21

Agenda Item: 8G

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF EAST COAST POWER AND GAS)
– REQUEST MOTION FOR EXTENSION OF TIME) ORDER
FILING 2020 RPS REPORT) DOCKET NO. QO21020316

Parties of Record:

Regulatory Affairs, East Coast Power and Gas
Stephanie Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

In this Order, the New Jersey Board of Public Utilities (“Board”) considers the motion of East Coast Power and Gas (“ECPG”) for a ninety-day extension of time to file its statutorily required Renewable Portfolio Standard (“RPS”) compliance report with the Board.

BACKGROUND

On February 9, 1999, the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 to -109 (“EDECA”) was signed into law. EDECA requires compliance with New Jersey’s Renewable Portfolio Standards (“RPS”) by each Third Party Supplier and Basic Generation Service Provider (“TPS/BGS Provider”); each must include electricity generated from renewable energy sources in its electricity portfolio. The enabling statute provides regulated entities the ability to demonstrate RPS compliance by participating in a renewable energy trading program approved by the Board. N.J.S.A. 48:3-87(d). By requiring the retirement of renewable energy certificates (“RECs”) to satisfy the RPS, New Jersey provides a market-based incentive to the owners of eligible renewable energy generation facilities and furthers the State policy of developing renewable energy.

Specific reporting requirements are set out at N.J.A.C. 14:8-2.11. The RPS rules define a “true-up period” that extends from the end of the compliance period on May 31 for no less than 120 days. The true-up period is intended to facilitate RPS compliance by giving TPS/BGS providers time to ascertain their RPS obligation by confirming the amount of retail electricity sold during the Energy Year (“EY”)¹ and the associated number of RECs or SRECs required. N.J.A.C. 14:8-2.2.

¹ An Energy Year is defined as the period beginning on June 1 and ending on May 31 of the next year, numbered according to the calendar year in which it ends. N.J.S.A. 48:3-51.

Each TPS/BGS Provider with retail sales in New Jersey during the EY must submit an annual compliance report (“Annual Report”) to the Board by December 1 of each calendar year, demonstrating that it has complied with the RPS for Class I, Class II, and solar renewable energy. N.J.A.C. 14:8-2.11. The Annual Reports for Energy Year 2020 (“EY20”) were therefore due, under the Rules, on December 1, 2020.

The Annual Reports must demonstrate how compliance with the RPS was achieved by including the total number of megawatt-hours (“MWh”) of electricity sold to retail customers and the amount of Solar Renewable Energy Certificates (“SREC”) and Renewable Energy Certificates (“REC”) retired (collectively, “S/REC”). In the event that TPS/BGS Providers were unable to procure sufficient S/RECs, the Board in implementing the statute provided a second method of satisfying the compliance requirements, Alternative Compliance Payments (“ACP”) and Solar Alternative Compliance Payments (“SACP”) (collectively, “S/ACP”).

As noted above, the true-up period begins upon the close of the Energy Year on May 31st. PJM-EIS GATS receives PJM Market Settlement unreconciled load data in early June. In early August, PJM-EIS GATS provides Staff with a PJM Market Settlement reconciled load data for the previous Energy Year for the TPS/BGS Providers.

TPS/BGS Providers are then given approximately two weeks to review their GATS ‘My RPS Compliance Report’ load data and submit retail sales adjustment requests. They must also submit an explanation as to why they are requesting this adjustment and any supporting documentation. If no retail sales adjustment request is received by the deadline, the GATS load number will be considered their final retail sales number. Staff then reports final total retail sales based on GATS load numbers and approved retail sales adjustment requests. These final retail sales numbers must be used by the TPS/BGS Providers to complete their RPS compliance reports.

FACTUAL AND PROCEDURAL HISTORY

ECPG represents that in May 2020 it started the process of exiting the retail energy business in all jurisdictions where it served. At that time, Petitioner states that it started working towards completing all required tasks to cease operations. Petitioner, which had operated as a licensed TPS in the State, asserts that all customers were returned to their utility companies for default service, with notification approved by the Board and without any interruption of service. After returning all customers to their respective utility companies ECPG says that it completed the process for license withdrawal in NJ. The records of the Board’s Audits Division reflect that ECPG’s withdrawal was processed on September 16, 2020.

While it was winding down its New Jersey operations, ECPG states that it experienced a significant reduction in staff, such that those employees that had previously handled the RPS reporting process left ECPG ahead of the 2020 filing date. ECPG acknowledges the importance of meeting its reporting obligations in each state and advises that it has sought assistance from an energy consultant to complete the 2020 RPS report.

In light of the above-described circumstances, ECPG now asks the Board for a 90-day extension to file the RPS report. In further support of the requested relief, Petitioner states that it is in good standing with all regulatory and state agency requirements in New Jersey; that it is not currently serving any customers; and that it operates in New Jersey currently solely for the purpose of completing its wind-down process and ceasing operations.

DISCUSSION AND FINDING

Petitioner's moving papers indicate that it understands the importance of completing the 2020 RPS report. The Board agrees. It is vitally important to the State's renewable energy goals that each TPS/BGS Provider demonstrate it has complied with the RPS for Class I, Class II, and solar renewable energy. The reporting requirements at N.J.A.C. 14:8-2.11 serve an important purpose, and Petitioner's RPS report is now some four months overdue.

After review of the record and the petition, the Board **FINDS** that the Petitioner has a history of compliance with New Jersey's regulatory requirements, including the RPS requirements. The Board **ALSO FINDS** that Petitioner is currently operating in the State for the sole purpose of completing the closure of its operations here and that it has engaged a consultant to assist it in satisfying its remaining regulatory obligations.

Accordingly, the Board **HEREBY GRANTS** the Motion, and **HEREBY DIRECTS** ECPG to file its RPS report within thirty (30) days from the effective date of this Order.

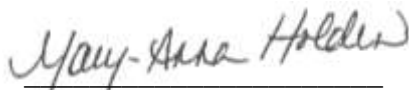
The effective date of this order is April 17, 2021.

DATED: April 7, 2021

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

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EXTENSION OF TIME FILING 2020 RPS REPORT**

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