



Agenda Date: 9/27/23
Agenda Item: 2A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE 2023/2024 ANNUAL)
COMPLIANCE FILINGS FOR THE UNIVERSAL SERVICE)
FUND ("USF") PROGRAM FACTOR WITHIN THE)
SOCIAL BENEFITS CHARGE RATE PURSUANT TO)
N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1)

DECISION AND ORDER
APPROVING INTERIM USF
RATES AND LIFELINE RATES
DOCKET NO. ER23060409

Parties of Record:

Stacey M. Barnes, Esq., Public Service Electric and Gas Company
Philip J. Passanante, Esq., Atlantic City Electric Company
Tori Giesler, Esq., Jersey Central Power & Light Company
Andrew Dembia, Esq., New Jersey Natural Gas Company
Margaret Comes, Esq., Rockland Electric Company
Sheree L. Kelly, Esq., on behalf of South Jersey Gas Company and Elizabethtown Gas Company
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On June 28, 2023, Public Service Electric and Gas Company ("PSE&G"), on behalf of itself and the other gas and electric distribution utilities (collectively, "Utilities"), made a filing with the New Jersey Board of Public Utilities ("Board") for the 2023-2024 Universal Service Fund ("USF") and Lifeline program year ("June 2023 Filing").¹ The June 2023 Filing included actual cost data from October 2022 to April 2023 and estimated data for May 2023 through September 2023. Pursuant to Order dated June 21, 2010, the Utilities included their actual USF-related administrative costs, as of April 2023 and estimated administrative costs through September 2023 and requested full recovery of their administrative costs in the month following Board approval of the new USF rate.²

¹ The four (4) gas distribution companies ("GDCs") include PSE&G, Elizabethtown Gas Company ("ETG"), New Jersey Natural Gas Company ("NJNG"), and South Jersey Gas Company ("SJG"). The four (4) electric distribution companies ("EDCs") include PSE&G, Atlantic City Electric Company ("ACE"), Jersey Central Power & Light Company ("JCP&L") and Rockland Electric Company ("RECO").

² In re the Recovery of Administrative Costs Expended by Utilities Under Universal Services Funds Program, BPU Docket No. EO09090771, Order dated June 21, 2010 ("June 2010 Order").

In addition, the Utilities requested that the Board finalize the current USF interim rates, which were approved in the September 2022 Order.³ The parties to the June 2023 Filing included the Utilities, Board Staff (“Staff”) and the New Jersey Division of the Rate Counsel (“Rate Counsel”) (collectively, “Parties”). By this Order, the Board considers the June 2023 Filing, and all comments pertaining thereto, and renders a Decision resolving the matters contained therein.

BACKGROUND

The Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. mandated that the Board establish a non-lapsing USF to assist low-income consumers with the payment of electric and natural gas bills. Pursuant to N.J.S.A. 48:3-60(b), the Board must determine the level of funding, the appropriate administration, and the purpose of the programs funded with USF monies. On April 30, 2003, the Board established a permanent statewide program through which USF funds are collected from customers of the State’s Utilities on a uniform basis through the Societal Benefits Charge (“SBC”).⁴ On July 16, 2003, the Board further established that funding for Lifeline, an energy assistance program created by the Legislature at N.J.S.A. 48:2-29.15 and administered by the Department of Human Services and also funded through the SBC, would be collected in the same manner as USF.⁵

Administrative expenses for the first year of the USF program were in addition to the program budget and were capped at 10% of the \$30 million program for the year. If the USF program exceeded the \$30 million cap, any administrative expenses above \$3 million (10% of the initial year’s budget) required advance approval by the Board. One-time start-up costs were not considered administrative expenses, and as such, were not to be subject to the 10% cap. Pursuant to the July 2003 Order, USF and Lifeline rates were effective as of August 1, 2003.

The Board directed the Utilities to make annual compliance filings for the USF and Lifeline components of the SBC by April 1st each year, including notice and public hearings, with any new tariffs to be effective July 1st of each year. On June 22, 2005, the Board changed the annual USF compliance filing date from April 1, 2005 to July 1, 2005, the effective date from July 1, 2005 to October 1, 2005.⁶

Pursuant to the June 2010 Order, the Board approved seven (7) separate stipulations of settlement resolving all issues pertaining to the Utilities’ past USF-related administrative costs. In addition, each individual stipulation of settlement identified the future USF-related costs that each utility must include in the annual USF compliance filing.

By the September 2022 Order, the Board approved the Utilities’ proposed rates set forth in the 2022/2023 USF compliance filing. The proposed rates were established to recover an

³ In re the Matter of the 2022/2023 Annual Compliance, filings for the Universal Service Fund (“USF”) Program Factor within the Societal Benefits Charge Rate, BPU Docket No. ER22060374, Order dated September 28, 2022 (“September 2022 Order”).

⁴ In re the Establishment of a Universal Service Fund Pursuant to Section 12 of the Electric Discount and Energy Competition Act of 1999 Order, Docket No. EX00020091, Order dated April 30, 2003.

⁵ In re the Establishment of a Universal Service Fund Pursuant to Section 12 of the Electric Discount and Energy Competition Act of 1999 Order, Docket No. EX00020091, Order dated July 16, 2003 (“July 2003 Order”).

⁶ In re the 2005/2006 Annual Compliance Filing Regarding Statewide Electric and Gas Universal Service Fund Factors within the Societal Benefits Charge (SBC) Rates Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, BPU Docket No. EX00020091, Order dated June 22, 2005 (“June 2005 Order”).

approximate \$268.3 million USF budget and a \$74.6 million Lifeline budget.⁷ Accordingly, the current rates, including Sales and Use Tax (“SUT”), are:

	Current Electric /kWh	Current Gas /therm
USF	\$0.003417	\$0.0111
Lifeline	\$0.000784	\$0.0055
Combined USF/Lifeline	\$0.004201	\$0.0166

JUNE 2023 FILING

In the June 2023 Filing, the Utilities proposed that the statewide USF rates be set to recover approximately \$132.3 million, representing an overall decrease of approximately \$136 million from the existing \$268.3 million being recovered under the current USF rates. The \$132.3 million proposed budget includes an estimated decrease of \$4.6 million in USF and Fresh Start costs related to an anticipated reduction in USF and Fresh Start enrollment in the upcoming program year, when a decrease in the USF income eligibility limits goes into effect.⁸ The Utilities asserted that the calculations of the Lifeline program costs supported the recovery of \$74,550,000, which is unchanged from the previous year’s budget. Further, the rates proposed in the June 2023 Filing include an estimated New Jersey Department of Community Affairs (“DCA”) administrative budget of \$12,124,695. DCA is the USF Program Administrator. The rates requested in the June 2023 Filing, including SUT, were as follows:⁹

	<u>Current</u> Electric /kWh	<u>Proposed</u> Electric /kWh	<u>Current</u> Gas /therm	<u>Proposed</u> Gas /therm
USF	\$0.003417	\$0.001291	\$0.0111	\$0.0115
Lifeline	\$0.000784	\$0.000744	\$0.0055	\$0.0062
Combined USF/Lifeline	\$0.004201	\$0.002035	\$0.0166	\$0.0177

The proposed rates in the June 2023 Filing were also predicated upon an estimated gas over recovery balance of \$541,243 and an estimated electric over recovery balance of approximately \$66.9 million as of September 30, 2023.

⁷ See September 2022 Order.

⁸ In re the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated June 29, 2023.

⁹ The Utilities noted that the calculations are subject to uncertainties due to a number of factors, such as program changes, participation rates and jurisdictional volumes.

On July 31, 2023, the Utilities provided Staff and Rate Counsel with actual cost data and supporting documentation through June 30, 2023 (“July 2023 Update”). The July 2023 Update reflected a higher than initially proposed USF total budget of approximately \$134.5 million, a gas over-recovery balance of \$494,069, and an electric over-recovery balance of approximately \$64.7 million. The updated 2023/2024 USF rates, including SUT, with nine (9) months of actual data and three (3) months of estimated data, were as follows:

	<u>Current</u> Electric /kWh	<u>Proposed</u> Electric /kWh	<u>July Update</u> Electric /kWh	<u>Current</u> Gas /therm	<u>Proposed</u> Gas /therm	<u>July Update</u> Gas /therm
USF	\$0.003417	\$0.001291	\$0.001325	\$0.0111	\$0.0115	\$0.0115
Lifeline	\$0.000784	\$0.000744	\$0.000744	\$0.0055	\$0.0062	\$0.0062
Combined USF/Lifeline	\$0.004201	\$0.002035	\$0.002069	\$0.0166	\$0.0177	\$0.0177

Subsequently, on August 18, 2023, the Utilities provided Staff and Rate Counsel with actual costs data and supporting documentation through July 31, 2023 (“August 2023 Update”). The August 2023 Update reflected a \$136.9 million USF budget, a gas under recovery of \$585,056 and an electric over recovery of approximately \$63.5 million. The updated 2023/2024 USF rates, including SUT, with 10 months of actuals and two (2) months of estimated data, were as follows:

	<u>Current</u> Electric /kWh	<u>Proposed</u> Electric /kWh	<u>August Update</u> Electric /kWh	<u>Current</u> Gas /therm	<u>Proposed</u> Gas /therm	<u>August Update</u> Gas /therm
USF	\$0.003417	\$0.001291	\$0.001346	\$0.0111	\$0.0115	\$0.0117
Lifeline	\$0.000784	\$0.000744	\$0.000744	\$0.0055	\$0.0062	\$0.0062
Combined USF/Lifeline	\$0.004201	\$0.002035	\$0.002090	\$0.0166	\$0.0177	\$0.0179

In accordance with N.J.S.A. 48:2-32.4 to -32.6, two (2) public hearings were held virtually for each geographic region served by each of the GDCs.¹⁰ Members of the public were afforded the opportunity to participate in the public hearings with respect to both the program policies and the rates, as well as submit written comments about these matters. As the EDCs proposed a rate decrease, public hearings for the EDCs were not required.

The public hearing schedule was as follows:

<u>Date</u>	<u>Utility</u>	<u>Time</u>	<u>Location</u>
Wednesday, August 23, 2023	NJNG	4:30 and 5:30 PM	Virtual/Telephonic
Wednesday, August 30, 2023	SJG	4:30 and 5:30 PM	Virtual/Telephonic
Thursday, August 31, 2023	ETG	4:30 and 5:30 PM	Virtual/Telephonic
Tuesday, September 5, 2023	PSE&G	4:30 and 5:30 PM	Virtual/Telephonic

The PSE&G public hearing on September 5, 2023, addressed pending Gas Conservation Incentive Program (“GCIP”) and Basic Gas Supply Service (“BGSS”) proceedings in addition to the USF filings. Attendees voiced concerns about rate hikes, energy shutoffs, energy company monopolies, and unaffordable bills, emphasizing the challenges of affording basic living

¹⁰ Due to the COVID-19 Pandemic, public hearings were administered virtually with a telephonic option so that members of the public could have an opportunity to present their views on the June 2023 Filing.

expenses, including access to food stamps. There was notable support for the 2030 sustainable development goals, particularly Affordability and Clean Energy. One attendee sought information on GCIP baseline per customer determination and the typical residential gas usage measure mentioned in the BGSS public notice.

POSITIONS OF THE PARTIES

Rate Counsel

On September 13, 2023, Rate Counsel submitted comments concerning the June 2023 Filing, as well as the July 2023 and August 2023 Updates. Rate Counsel commented that the Utilities' USF administrative costs appear reasonable and it has no objection to the Utilities recovering these costs. Rate Counsel also commented that it took no position on the reasonableness of the DCA's estimated administrative budget amount.

Rate Counsel stated it did not identify any other discrepancies in the Utilities' 2023/2024 Annual Compliance Filings, and it concluded that any over- or under-collections in USF that may result from the 2023/2024 program year will be reconciled and are subject to true-up in the next Annual Compliance Filings due in June 2024.

Finally, Rate Counsel concluded that it: 1) do not object to the two utilities' (SJG and RECO) request for recovery of their actual administrative costs incurred in association with the USF program; 2) took no position regarding the reasonableness of the DCA's proposed USF administrative budget; 3) recommended that the Board consider the most recent available actual cost and revenue data in establishing the USF/Lifeline rates, and 4) did not object to the Board making the present interim USF and Lifeline rates permanent.

The Utilities did not file a response to Rate Counsel's comments.

DISCUSSION AND FINDINGS

After review of the entirety of the record, including the compliance filings and the various submissions with reference thereto, the Board **HEREBY FINDS** that it is appropriate to adopt the rates including the USF gas and electric rates based upon the July 2023 Update and supporting calculations as illustrated in Exhibit A of this Board Order. Therefore, the Board **HEREBY ORDERS** that the following rates, including SUT, be effective on an interim basis on October 1, 2023.

July 2023 Update	Electric /kWh	Gas /therm
USF	\$0.001325	\$0.0115
Lifeline	\$0.000744	\$0.0062
Combined USF/Lifeline	\$0.002069	\$0.0177

Additionally, after examining the 2022-2023 interim rates and the September 2022 Order, the Board **HEREBY FINDS** the 2022-2023 interim rates and associated expenditures to be reasonable and in accordance with the law. Accordingly, the Board **HEREBY FINALIZES** the 2022/2023 interim rates approved through the September 2022 Order.

The Board **HEREBY DETERMINES** that in subsequent annual USF compliance filings, prior interim rates should be examined and finalized.

The Board **HEREBY FINDS** that the administrative expenses of RECO and SJG are reasonable and **HEREBY APPROVES** the reimbursement of actual administrative cost amounts for the period July 1, 2022 through June 30, 2023, as listed below:

Actual Administrative Costs July 1, 2022 through June 30, 2023:

EDCs	Costs
ACE	\$ -
JCP&L	\$ -
PSE&G	\$ -
RECO	\$3,293
GDCs	Costs
ETG	\$ -
NJNG	\$ -
PSE&G	\$ -
SJG	\$13,464
EDC/GDC Total	\$16,757

As such, the Board **HEREBY DIRECTS** Staff to request disbursement of funds to reimburse RECO and SJG for their USF-related administrative costs, provided above, from the USF Trust Account in the first month after the new USF rate becomes effective.

The Board **HEREBY ORDERS** the Utilities to file the appropriate tariff pages, in conformance with the requirements of this Order by September 30, 2023, for rates effective October 1, 2023.

In summary, the Board **HEREBY APPROVES** the following:

- Adoption of USF/Lifeline interim rates and associated budgeted amounts based upon the July 2023 Update, to be effective on October 1, 2023;
- Finalization of the 2022/2023 interim rates and associated expenditures through September 30, 2022;
- Review of subsequent USF Compliance Filings and its associated interim rates be examined and finalized in subsequent proceedings;
- Approval of the Utilities' actual administrative cost amounts for the period of July 1, 2022 through June 30, 2023, whereby Staff shall request that the New Jersey Department of the Treasury disburse the Utilities' administrative costs to them in the first month after the new USF rate becomes effective;
- The Utilities shall file the appropriate tariff sheets by September 30, 2023.

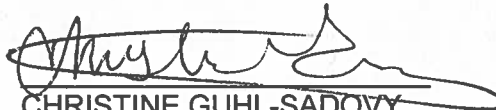
Approval of the combined USF/Lifeline rates based upon the July 2023 Update would represent an overall increase of \$1.32 for an average residential gas customer utilizing 1,200 therms per year and an overall decrease of \$16.63 for an average residential electric customer utilizing 7,800 kWh per year. The combined USF/Lifeline annual bill would be \$37.38 per year for an average residential customer who uses both gas and electricity, which is a decrease of \$15.31 from the current level of \$52.69 per year.

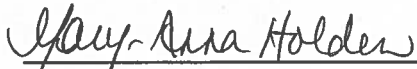
The Utilities' costs remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

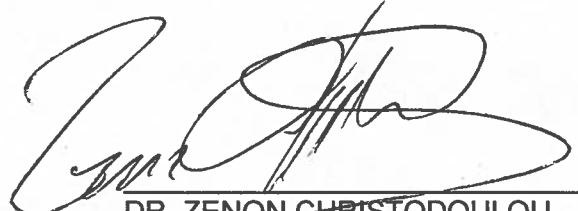
This Order will be effective on September 27, 2023.

DATED: September 27, 2023

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER

ATTEST:


SHERRI L. GOLDEN
BOARD SECRETARY

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

Exhibit A

*2023/2024 Annual Compliance Filing For Changes in the Statewide
 Electric and Gas Permanent USF Fund Program Within SBC Rates
 Docket No. ER23060409*

USF RATE CALCULATION (based on ACTUALS through June 2023)

	<u>TOTAL</u>	<u>GAS</u>	<u>ELECTRIC</u>
<u>PERMANENT PROGRAM PROJECTIONS FOR 2023/2024</u>			
Administrative Costs - DCA (allocated based on benefits percentage)	\$12,124,895	\$2,909,931	\$9,214,764
Admin. Costs - Utility Postage and Handling	\$12,189	\$9,989	\$2,201
Estimate of Benefits for Program Year	\$155,529,665	\$37,327,175	\$118,202,490
Fresh Start Program Cost Estimates	\$36,651,513	\$12,124,130	\$24,527,383
USF/Fresh Start Reduction	(\$4,567,266)	(\$2,285,403)	(\$2,281,862)
TOTAL	\$199,750,796	\$50,085,822	\$149,664,976
Est. of Under/(Over) Recovery at 9/30/23 (Actuals through June 2023)	(\$65,216,271)	(\$494,069)	(\$64,722,202)
TOTAL PERMANENT PROGRAM PROJECTIONS	<u>\$134,534,526</u>	<u>\$49,591,753</u>	<u>\$84,942,774</u>
ESTIMATES OF BENEFITS PERCENTAGES	<u>100%</u>		
PROJECTED VOLUMES (normalized for 12 mos beg. 10/01/23)		Therms 4,601,409,680	Kilowatt Hours 68,312,638,645
PROPOSED PRE-TAX RATE ***		\$0.0108	\$0.001243
CURRENT PRE-TAX RATE		\$0.0104	\$0.003205
PRE-TAX INCREASE(DECREASE)		\$0.0004	(\$0.001962)
PROPOSED USF RATE INCLUDING TAX (@6.625%) ***		\$0.0115	\$0.001325
CURRENT USF RATE INCLUDING TAX (@6.625%)		\$0.0111	\$0.003417
USF RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		\$0.0004	(\$0.002092)

LIFELINE RATE CALCULATION

	<u>TOTAL</u>	<u>GAS</u>	<u>ELECTRIC</u>
JURISDICTIONAL REVENUE PERCENTAGES	<u>100%</u>	<u>36%</u>	<u>64%</u>
LIFELINE BUDGET	\$74,550,000	\$26,838,000	\$47,712,000
PROJECTED VOLUMES		<u>4,601,409,680</u>	<u>68,312,638,645</u>
PROPOSED PRE-TAX RATE		\$0.0058	\$0.000698
CURRENT PRE-TAX RATE		\$0.0052	\$0.000735
PRE-TAX INCREASE(DECREASE)		\$0.0006	(\$0.000037)
PROPOSED LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0062	\$0.000744
CURRENT LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0055	\$0.000784
LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		\$0.0007	(\$0.000040)

COMBINED USF/LIFELINE RATES

	<u>GAS</u>	<u>ELECTRIC</u>
PROPOSED PRE-TAX USF/LIFELINE RATE	\$0.0166	\$0.001941
CURRENT PRE-TAX USF/LIFELINE RATE	\$0.0156	\$0.003940
PRE-TAX INCREASE(DECREASE)	\$0.0010	(\$0.001999)
PROPOSED USF/LIFELINE RATE INCLUDING TAX (@6.625%)	\$0.0177	\$0.002069
CURRENT USF/ LIFELINE RATE INCLUDING TAX (@6.625%)	\$0.0166	\$0.004201
USF/LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)	\$0.0011	(\$0.002132)

IN THE MATTER OF THE 2023/2024 ANNUAL COMPLIANCE FILINGS FOR THE UNIVERSAL SERVICE FUND ("USF") PROGRAM FACTOR WITHIN THE SOCIETAL BENEFITS CHARGE RATE PURSUANT TO N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1

DOCKET NO. ER23060409

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