

RECEIVED

MAR 30 2015

BOARD OF PUBLIC UTILITIES
MAIL ROOM

222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
Phone: (908) 753-8300
Fax: (908) 753-8301
www.bmgzlaw.com

MURRAY E. BEVAN
mbevan@bmgzlaw.com

March 25, 2015



VIA ELECTRONIC AND REGULAR MAIL

The Honorable Kenneth Sheehan
Secretary, New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
kenneth.sheehan@bpu.state.nj.us

Re: In the Matter of the Verified Petition of the Retail Energy Supply Association for Board-Approved Mechanism for Third Party Suppliers to Recover Incremental Costs Incurred as a Result of PJM's Capacity Performance Proposal, Docket No. EW15010092

Dear Secretary Sheehan:

On behalf of our client, the Retail Energy Supply Association ("RESA"),¹ please accept this letter regarding the Motion to Intervene (the "Motion") of Noble Americas Energy Solutions, LLC ("Noble Solutions") in the above referenced proceeding regarding RESA's Petition for Formal Hearing and Order (the "Petition") before the Board of Public Utilities (the "Board").

Similar to the Motion to Intervene filed by the Electric Distribution Companies ("EDCs"), RESA asserts that this Motion is procedurally defective because it is the wrong type

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

Case Mgmt
J. Denton
service list copies

of pleading and was filed almost two full months after RESA filed its Petition. Pursuant to the Board's Rules of Practice at N.J.A.C. 14:1-1 et seq. (the "Rules"), Noble Solutions should have filed a substantive answer to RESA's Petition within twenty days of receipt, rather than a motion to intervene. Nonetheless, RESA does not oppose Noble Americas' participation in the case, but is concerned that the Motion will prolong resolution of this proceeding.

As RESA explained in its letter regarding the EDCs' Motion on February 23, 2015, RESA is eager for the Board to review the substantive issues raised in the Petition and requests that the Board not allow the Noble Americas' Motion to cause additional delays. RESA fully believes that the relief requested is necessary and must be granted as soon as possible for the reasons set forth in the Petition. RESA would, therefore, encourage the Board to develop and issue a procedural schedule regarding this matter as soon as possible.

Please do not hesitate to contact me with any questions. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Murray E. Bevan". The signature is written in a cursive, flowing style.

Murray E. Bevan

cc: Attached Service List

**In the Matter of the Verified Petition of the Retail Energy Supply Association for
Board-Approved Mechanism for Third Party Providers to Recover Incremental Costs
Incurred as a Result of PJM's Capacity Performance Proposal
Docket No. EW15010092**

SERVICE LIST

BPU

Kenneth Sheehan
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Phone: (609) 292-5760
kenneth.sheehan@bpu.state.nj.us

Jerome May, Director
Division of Energy
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625
Phone: (609) 292-3960
Jerome.may@bpu.state.nj.us

Jacqueline Galka, Bureau Chief
Board of Public Utilities
Division of Energy
44 South Clinton Avenue, 9th Fl.
P.O. Box 350
Trenton, NJ 08625-0350
Phone: (609) 984-4657
jacqueline.galka@bpu.state.nj.us

Donna Sebest
Board of Public Utilities
44 South Clinton Avenue, 9th Fl.
P.O. Box 350
Trenton, NJ 08625-0350
Phone: (609) 292-1599
donna.sebest@bpu.state.nj.us

DAG

Babette Tenzer, DAG
Dept. Of Law & Public Safety
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
PHONE: (973) 648-7811
FAX: (973) 648-3555
Babette.tenzer@dol.lps.state.nj.us

Caroline Vachier, DAG
Dept. Of Law & Public Safety
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
PHONE: (973) 648-3709
FAX: (973) 648-3555
Caroline.vachier@dol.lps.state.nj.us

DIVISION OF RATE COUNSEL

Stefanie A. Brand, Esq., Director
Division of the Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
PHONE: (609) 984-1460
sbrand@rpa.state.nj.us

Ami Morita
Division of the Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
Phone: (609) 984-1460
amorita@rpa.state.nj.us

Diane Schulze
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
Phone: (609) 984-1460
dschulze@rpa.state.nj.us

Christine M. Juarez, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
Phone: (609) 984-1460
cjuarez@rpa.state.nj.us

Lisa Gurkas
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
Phone: (609) 984-1460
lgurkas@rpa.state.nj.us

PSE&G

Alexander Stern, Esq.
Asst. General Regulatory Counsel
Public Service Electric & Gas Company
80 Park Plaza, T-5
Newark, NJ 07102
Phone: (973) 430-5754
Fax: (973) 430-5983
alexander.stern@pseg.com

ATLANTIC CITY ELECTRIC CO.

Philip J. Passanante,
Assistant General Counsel
Atlantic City Electric Co. - 89KS42
800 King Street, 5th Floor
PO Box 231
Wilmington, DE 19899-0231
Philip.passanante@pepcoholdings.com

JCP&L

Kevin Connelly
First Energy
300 Madison Avenue
Morristown, NJ 07960
kconnelly@firstenergycorp.com

Gregory Eisenstark
Windels Marx Lane & Mittendorf, LLP
120 Albany Street Plaza
New Brunswick, NJ 08901
T: 732.448.2537
F: 732.846.8877
geisenstark@windelsmarx.com

ROCKLAND

James C. Meyer, Esq.
Riker, Danzig, Scherer, Hyland &
Perretti
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962
jmeyer@riker.com

Margaret Comes, Esq.,
Consolidated Edison Co. of NY
Law Department, Room 1815-S
4 Irving Place
New York, NY 10003
comesm@coned.com

NOBLE AMERICAS ENERGY SOLUTIONS

Jim Laskey
Norris McLaughlin & Marcus, P. A.
721 Route 202-206 · Suite 200
P.O. Box 5933
Bridgewater, New Jersey 08807-5933
Phone: (908)252-4221
Fax: (908)722-0755
jlaskey@nmmlaw.com