



BOARD OF PUBLIC UTILITIES

AUG 28 2017

MAIL RECEIVED

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Lt. Governor

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STEFANIE A. BRAND
Director

August 22, 2017

Via E-Mail and Regular Mail

Mayor Jack Trotta
Township of Plumsted
121 Evergreen Road
New Egypt, N.J. 08533

Members of the Township Committee
Township of Plumsted
121 Evergreen Road
New Egypt, N.J. 08533

**RE: I/M/O Plumsted Community Energy Aggregation – Round 4
Township of Plumsted, County of Ocean
BPU Dkt. No.: EO17060595**

Dear Mayor Trotta and Members of the Township Committee:

The State Division of Rate Counsel writes to provide our comments on the draft opt-out public notice for the fourth round of the Plumsted Community Energy Aggregation (“PCEA-Round 4”) Program, an Option 2 government energy aggregation program pursuant to N.J.A.C. 14:4-6.1 et seq. organized by the Township of Plumsted. That draft public notice was provided to this office by Gabel Associates, the Energy Agent for the PCEA-Round 4 Program, on August 18, 2017.

As you may recall, by letter dated June 19, 2017 this office provided comments on the two draft bidding documents for the PCEA-Round 4 Program filed by the Energy Agent on June 2, 2017 (“June 2 Filing”) with Rate Counsel and the Board of Public Utilities (“BPU”). The June 2 Filing advised that the Township of Plumsted will serve as the Lead Agency for the PCEA-Round 4 Program. Rate Counsel recommended that the Township have a municipal attorney review the June 2 Filing documents along with our comments. Rate Counsel reiterates that recommendation here. Since our June 19, 2017 comment letter speaks for itself, we limit our comments here to only the draft public notice.

Case mgmt
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The cover letter advises residents that they may view information on the PCEA - Round 4 Program on the Township web site (www.pmua.net).¹ Rate Counsel recommends ensuring that all current public documents relating to the PCEA-Round 4 Program are posted on the Township's web site and adding a sentence advising residents of a physical location where they may review hard copies of those documents, including those provided in the June 2 Filing. The draft opt-out public notice currently lists only the option of consulting the Township's web site for further information. Identifying a location, such as a municipal building or library, where prospective customers may review in person all PCEA-Round 4 Program documents will assist those without internet access.

The Board's Government Energy Aggregation program rules require that the notice to residential customers must include "a contact name, phone number, and e-mail address for customer inquiries." N.J.A.C. 14:4-6.6(r)(7). The draft opt-out notice includes a phone number, and e-mail address for customer inquiries. Rate Counsel recommends adding the name of a person for prospective customers to contact with questions about the PCEA-Round 4 Program.

The draft opt-out public notice also must provide the information required by the September 30, 2014 Board Order regarding Third-Party Supplier Contract Summaries, I/M/O Third Party Suppliers - N.J.A.C. 14:4 et seq., the Board's Review of Consumer Protection Provisions of its Rules Concerning Third Party Suppliers, in Docket No. EX14060579. The PCEA-Round 4 Contract Summary states that the "Price Structure" will be "non-variable." The September 30, 2014 Board Order, however, requires the Contract Summary to indicate whether the price is "fixed" or "variable" and, if variable, to provide certain information including whether there are any ranges or ceilings on that variation. That Board Order also requires filling out the Contract Summary using "plain language." The undefined term "non-variable," rather than "fixed" or "variable," does not appear consistent with those criteria.

The Third-Party Supplier information on the Contract Summary does not include a New Jersey mailing address, an item required by the September 30, 2014 Board Order.

Accordingly, Rate Counsel recommends revising the draft opt-out public notice to reflect the changes discussed above.

¹ The energy aggregation documents posted on the Township web site apply to earlier rounds of the PCEA Program.

We again recommend having a municipal attorney review the PCEA-Round 4 Program's June 2 Filing documents and Rate Counsel's comments on them, as well as the draft opt-out public notice and our comments on it. Of course, all documents relating to the PCEA-Round 4 Program, including public notices, must comply with all provisions of public utility, consumer protection and other applicable law.

Respectfully submitted,

STEFANIE A. BRAND
DIRECTOR, DIVISION OF RATE COUNSEL

By: Brian Weeks
Brian Weeks
Deputy Rate Counsel

c: Service List (via e-mail and Regular Mail)

IMO GOVERNMENT AGGREGATION
PROGRAM
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BPU DKT. No. EO17060595

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