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NRG Energy, Inc.
804 Carnegie Center
Princeton, NJ 08540

October 22, 2018

OCT 24 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

VIA OVERNIGHT MAIL AND EMAIL

Honorable Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350

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OCT 24 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**Re: I/M/O the Implementation of L. 2018, c. 16 Regarding the Establishment of a
Zero Emission Certificate Program for Eligible Nuclear Power Plants
BPU Docket No. EO18080899**

Dear Secretary Camacho-Welch:

Please accept this letter, in lieu of a more formal brief on behalf of NRG Energy, Inc. ("NRG") in connection with the above-captioned matter.

By Order dated August 29, 2018, the Board directed the Board staff to establish a ZEC application process, ordered the Electric Distribution Companies ("EDCs") file tariffs in compliance with the Act, stated that President Fiordaliso will be the presiding officer, and provided that any entity seeking to intervene or participate in the tariff portion of the matter file the appropriate application with the Board by October 23, 2018.

There is confusion among stakeholders in the community related to the meaning of the August 29 Board Order and the nature and openness of the ZEC proceeding, not just the tariff proceeding. This procedural confusion seems in part to be derived from the Act, which requires an early tariff filing (by Day 150 after the enactment of the Act) and the August 29 Board Order requiring interventions in the tariff portions of the proceedings by October 23, combined with the fact that the Board has not entered an Order in the ZEC proceedings to date. Accordingly, given that the ZEC program, including the establishment of a rank-ordered list of nuclear power plants eligible to be selected to receive ZECs, must be completed no later than 330 days after enactment, or by April 18, 2019, we would respectfully urge the Board to move quickly to address the procedural issues and schedule in the ZEC proceeding, including an appropriate schedule for intervention.

Out of an abundance of caution, NRG files the instant letter to preserve its right to participate in the ZEC proceeding, and for the reasons set forth below, the BPU should grant NRG

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participation status in that proceeding. Should the Board issue a supplemental order in that proceeding, NRG will file a more formal motion in that proceeding as well.¹

NRG should be permitted to participate in the ZEC proceeding. NRG owns approximately 26,000 MW of generation assets and serves more than three million retail customers across the United States. One million of those customers are in the Northeast markets, which includes customers in New Jersey. NRG is in a unique position to provide the Board with critical insight as to the method and application process for determining the eligibility and selection of nuclear power plants and the establishment of a mechanism for each EDC to purchase ZECs from selected nuclear power plants because it has been involved in other related ZEC proceedings in other states, participates in the PJM wholesale market, and participates in New Jersey's retail market.

N.J.A.C. 1:1-16.6(c) provides that "[a]ny person or entity with a significant interest in the outcome of a case may move for permission to participate." NRG respectfully requests a participant status in the above-mentioned proceeding that will include the ability to offer oral argument, file statements and briefs, and participate in conferences. N.J.A.C. 1:1-16.6(c), see, e.g., *In re the Petition of Public Service Electric & Gas Company for Approval of the Energy Strong Program*, BPU Dkt. Nos. EO13020155; GO130201562013, N.J. PUC LEXIS 307, Final Decision (October 16, 2013) (environmental organization permitted to "appropriately share its expertise... by participating in conferences and site visits, and filing statements and briefs including its perspective on the various proposals.").

For the foregoing reasons, NRG should be granted full rights as a participant in this matter pursuant to N.J.A.C. 1:1-16.6(c) including, without limitation, the ability to offer oral argument, file statements and briefs, and participate in conferences.

Please do not hesitate to contact the undersigned with questions. Thank you for your consideration.

Very truly yours,

/s/ Jennifer S. Hsia

Jennifer S. Hsia



Counsel for **NRG Energy, Inc.**

Cc: Service List (Email Only)

¹ We reserve our right to intervene in Docket Nos. EO18091004, EO18091005, EO18091003 and EO18091002 nunc pro tunc to the extent necessary and to the extent the proceeding herein becomes a surrogate for the ZEC proceedings. We are also providing the parties in the aforementioned dockets a courtesy copy of NRG's application.

SERVICE LIST

BPU

Aida Camacho-Welch
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350
aida.camacho@bpu.nj.gov
board.secretary@bpu.nj.gov

Paul Flanagan
Executive Director
paul.flanagan@bpu.nj.gov

Benjamin Witherell
Chief Economist
benjamin.witherell@bpu.nj.gov

Noreen M. Giblin, Esquire
Chief Counsel
noreen.giblin@bpu.nj.gov

Grace Strom Power, Esquire
Chief of Staff
grace.power@bpu.nj.gov

Thomas Walker
Director State Energy Services
thomas.walker@bpu.nj.gov

Stacy Peterson
Director, Division of Energy
stacy.peterson@bpu.nj.gov

Kevin Nedza
Legislative Liaison
kevin.nedza@bpu.nj.gov

Bethany Rocque-Romaine, Esquire
Deputy Chief Counsel
bethany.romaine@bpu.nj.gov

Stacy Ho Richardson, Esquire

Counsel's Office
stacy.richardson@bpu.nj.gov

DIVISION OF LAW

Caroline Vachier, Esquire
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101-45029
caroline.vachier@law.njoag.gov

Joseph Snow, Esquire
Assistant Attorney General
joseph.snow@law.njoag.gov

Geoffrey Gersten, Esquire
Deputy Attorney General
geoffrey.gersten@law.njoag.gov

Alex Moreau, Esquire
Deputy Attorney General
alex.moreau@law.njoag.gov

Carolyn McIntosh, Esquire
Deputy Attorney General
carolyn.mcintosh@law.njoag.gov

RATE COUNSEL

Stefanie A. Brand, Esquire
Director
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625-0003
sbrand@rpa.nj.gov

Brian O. Lipman, Esquire
Deputy Public Advocate
blipman@rpa.nj.gov

Ami Morita, Esquire

Deputy Public Advocate
amorita@rpa.nj.gov

Felicia Thomas-Friel, Esquire
Deputy Public Advocate
fthomas@rpa.nj.gov

ACE

Philip J. Passanante, Esquire
Assistant General Counsel
Atlantic City Electric Utility
92DC42
500 N. Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066
philip.passanante@pepcoholdings.com

PSE&G

Joseph F. Accardo, Jr.
Deputy General Counsel
Public Service Electric & Gas
80 Park Plaza, T5G
P.O. Box 570
Newark, NJ 07102-4194
joseph.accardojr@pseg.com

Matthew M. Weissman, Esquire
Associate General Counsel
matthew.weissman@pseg.com

Michele Falcao
Regulatory Case Coordinator
michele.falcao@pseg.com

Hesser G. McBride, Jr., Esquire
Associate General Regulatory Counsel
hesser.mcbride@pseg.com

Michael McFadden
michael.mcfadden@pseg.com

Bernard Smalls
bernard.smalls@pseg.com

Stephen Swetz

stephen.swetz@pseg.com

Caitlyn White
caitlyn.white@pseg.com

Martin C. Rothfelder, Esquire
Rothfelder Stern, LLC
407 Greenwood Avenue, Suite 301
Trenton, NJ 08609-2158
mrothfelder@rothfelderstern.com

ROCKLAND ELECTRIC

Margaret Comes Esquire
Rockland Electric Utility Law
Department, Room 1815-S
4 Irving Place
New York, NY 10003
comesm@coned.com

William A. Atzl, Jr.
atzlw@coned.com

Cheryl M. Ruggiero
ruggieroc@coned.com

JCP&L

Mark A. Mader
Jersey Central Power & Light
300 Madison Avenue
P.O. Box 1911
Morristown, NJ 07962
mamader@firstenergycorp.com

Thomas R. Donadio
tdonadio@firstenergycorp.com

Sally J. Cheong
scheong@firstenergycorp.com

Gregory Eisenstark, Esquire
Windels Marx
120 Albany Street Plaza, 6th Floor
New Brunswick, NJ 08901
geisenstark@windelsmarx.com

ATLANTIC CITY ELECTRIC

Philip J. Passanante, Esq.
Assistant General Counsel
Atlantic City Electric Company – 92DC42
500 North Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066
Philip.passanante@pepcoholdings.com

Susan DeVito
Director, Pricing and Regulatory Services
Pepco Holdings LLC – 92DC56
500 North Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066
susan.devito@pepcoholdings.com

BUTLER ELECTRIC

Robert H. Oostdyk, Jr., Esq.
Murphy McKeon, PC
51 Route 23 South
P.O. Box 70
Riverdale, New Jersey 07457
Phone: (973) 835-0100 Fax: (973) 835-1732
roostdyk@murphymckeonlaw.com

James Lampmann, Borough Administrator
Borough of Butler
One Ace Road
Butler, New Jersey 07405
Phone: (973) 838-7200
jlampmann@butlerborough.com