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File No.: 300135-70

DEC 07 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ
December 6, 2018

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Via FedEx and Email

Aida Camacho-Welch, Esq.
Secretary of the Board
New Jersey Board of Public Utilities
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RECEIVED
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DEC 07 2018
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**RE: In the Matter of the Petition of Public Service Electric & Gas Company for Approval of Its Clean Energy Future-Energy Cloud ("CEF-EC") Program on a Regulated Basis
BPU Docket No.: EO18101115**

Dear Secretary Camacho-Welch:

Enclosed are an original and ten (10) copies of a Supplemental Motion to Intervene of Direct Energy Business, LLC ("Direct Business"), Direct Energy Business Marketing, LLC ("Direct Marketing"), Direct Energy Services, LLC ("Direct Services"), and Gateway Energy Services Corporation ("Gateway"), (collectively, "Direct Energy"), NRG Energy, Inc. ("NRG"), Just Energy Group, Inc. ("Just Energy") and Centrica Business Solutions (collectively the "Market Participants") in the above proceeding. By copy of this letter, copies of this Supplemental Motion are being forwarded on this date via email to all persons whose names appear on the attached Service List.

This Supplemental Motion identifies two additional entities, NRG and Just Energy, who are joining in the original request to intervene, on the same grounds as the original moving parties. There are no other substantive changes to the original Motion.

I also have enclosed an extra copy of this Supplemental Motion to be stamped "filed" and returned to this office in the enclosed self-addressed envelope.

*Case Mgmt
list copied*

Thank you for your courtesies.

Respectfully submitted,



Christopher E. Torkelson

CET/ldr
Enclosures

cc: Stefanie A. Brand, Esq. (w/enc., via email and FedEx)
Matthew M. Weissman, Esq. (w/enc., via email and FedEx)
All Persons on Attached Service List (w/enc., via email only)

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE GAS AND ELECTRIC
COMPANY FOR APPROVAL OF ITS CLEAN ENERGY FUTURE- ENERGY CLOUD
("CEF-EC") PROGRAM ON A REGULATED BASIS

BPU DOCKET NO. EO18101115

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DEC 07 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

DEC 07 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

IN THE MATTER OF THE PETITION :
 OF PUBLIC SERVICE ELECTRIC :
 AND GAS COMPANY FOR : BPU DOCKET NO. EO18101115
 APPROVAL OF ITS CLEAN ENERGY :
 FUTURE-ENERGY CLOUD (“CEF- :
 EC”) PROGRAM ON A REGULATED :
 BASIS :

**SUPPLEMENTAL MOTION TO INTERVENE OF DIRECT ENERGY BUSINESS, LLC,
 DIRECT ENERGY BUSINESS MARKETING, LLC,
 DIRECT ENERGY SERVICES, LLC, GATEWAY ENERGY SERVICES
 CORPORATION, NRG ENERGY, INC., JUST ENERGY GROUP INC. AND
 CENTRICA BUSINESS SOLUTIONS**

Pursuant to N.J.A.C. 1:1-16.1 and 16.2, Direct Energy Business, LLC (“Direct Business”), Direct Energy Business Marketing, LLC (“Direct Marketing”), Direct Energy Services, LLC (“Direct Services”), and Gateway Energy Services Corporation (“Gateway”), (collectively, “Direct Energy”), NRG Energy, Inc. (“NRG”), Just Energy Group Inc. (“Just Energy”) and Centrica Business Solutions (collectively, the “Market Participants”) hereby file this Supplemental Motion to Intervene (“Supplemental Motion”) in the above-captioned proceeding initiated by a Petition filed on October 11, 2018 by Public Service Electric and Gas Company (“PSE&G”) for Approval of its Clean Energy Future-Energy Cloud Program on a Regulated Basis (“Petition”).¹

In support of the Supplemental Motion, the Market Participants state as follows:

¹ The Supplemental Motion includes two additional entities requesting intervenor status – NRG and Just Energy and renames the motioning parties to the “Market Participants.” It also contains new paragraphs (2 and 3) to describe NRG and Just Energy and to provide information relevant to their participation in this proceeding. Also, Paragraph 43 contains justification for the inclusion of NRG and Just Energy at this time. Otherwise, the Supplemental Motion makes no substantive changes to the original Motion. Notably, NRG’s and Just Energy’s interests in this proceeding are aligned with those of Direct Energy and Centrica Business Solutions, and the Market Participants intend to jointly litigate this case. Therefore, neither the number of parties nor the issues to be addressed, relative to

I. INTRODUCTION

1. Direct Energy is one of the largest competitive retail providers of electricity, natural gas and home services in North America, with over 4 million customer relationships, multiple brands and roughly 5,000 employees. As third-party energy suppliers in New Jersey, the four intervening Direct Energy companies hold electric power licenses, as follows: Direct Business – ESL-0165; Direct Marketing – ESL-0142; Direct Services – ESL-0078; and Gateway – ESL-0166. Direct Energy is licensed to sell electricity to customers in PSE&G’s service territory. Direct Energy and its affiliated Connected Home division offers Hive products in the direct to consumer market, as well as through partners such as retail energy providers. With Hive, consumers can control their heating and cooling, lights, plugs and sensors through a mobile application. In addition, Direct Energy has a family of brands, including: (i) Mister Sparky, which designs, installs, services and repairs electrical systems and parts; (ii) Airtron, which offers HVAC solutions including new installations; and (iii) One-Hour Heating and Air Conditioning, which offers installation, repair, and maintenance for heating, ventilation and air conditioning systems. Direct Energy also offers home energy audits, using customer data to perform analytics and offer recommendations on how to reduce their overall energy consumption.

2. NRG is a leading integrated power company in the U.S. A Fortune 500 company, NRG operates a reliable and efficient electric generation, a demand-side business focusing on demand response and other customer-sited energy efficiency and distributed energy investments, and a retail platform serving residential and commercial businesses. Its retail electricity providers serve almost three million customers across more than a dozen states. One million of those customers are in the Northeast markets, which include customers in New Jersey. Its demand-side

the original Motion filed by Direct Energy and Centrica Business Solutions, would change as a result of granting the Supplemental Motion.

businesses work with consumers on an “all-of-the-above” approach to controlling their energy costs and content. NRG’s retail companies have more than 25 years combined experience with retail energy competition and customer service. NRG is headquartered in Princeton, New Jersey. The company has several licensed third party suppliers that are actively serving residential, commercial, industrial and institutional customers across New Jersey.² These NRG retail companies offer customers a range of products including 100% renewable, cash back and travel rewards.

3. Just Energy Group Inc. is the parent company of licensed third party suppliers serving retail customers in New Jersey.³ Specializing in electricity, natural gas and green energy, the Just Energy corporate family serves close to two million residential and commercial customers throughout North America, the United Kingdom, Ireland and Germany, including electric and natural gas supply customers in New Jersey. Just Energy’s affiliates generally offer a wide range of energy products and home energy management services such as long-term fixed-price, flat bill programs, smart thermostats and home water filtration. Just Energy and its affiliates serve residential and commercial customers throughout New Jersey.

4. Centrica Business Solutions, a subsidiary of Centrica plc and affiliate of Direct Energy, integrates localized energy solutions for businesses around the world that leverages its energy insights, onsite generation and demand management capabilities. The energy solutions integrated by Centrica Business Solutions include solar, combined heat and power, energy efficiency, energy insight, demand response, power generation and energy storage. Centrica

² As third-party energy suppliers in New Jersey, NRG holds electric power supplier licenses, as follows: Energy Plus Holdings LLC – ESL-0087, Independence Energy Group LLC – ESL-0100, Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business – ESL-0093, Green Mountain Energy Company – ESL-0098, and XOOM Energy New Jersey, LLC – ESL-0115.

³ Just Energy holds third-party supplier licenses in New Jersey as follows: Hudson Energy Services, LLC – ESL-0083 and Just Energy Solutions, Inc. – ESL-0046.

Business Solutions provides end-to-end energy services across design, manufacture, financing, installation and maintenance. Offering innovative distributed energy solutions, Centrica Business Solutions enables organizations to improve operational efficiency, increase resilience and drive their business vision forward.

5. By this Supplemental Motion to Intervene, the Market Participants seek party status in the above-captioned proceeding for the purpose of protecting their direct and substantial interest in the outcome of this proceeding. If PSE&G is granted approval by the Board to implement the five-year, \$794 million Clean Energy Future – Energy Cloud (“CEF-EC”) Program, the interests of the Market Participants will be directly and substantially affected.

6. Specifically, as third-party suppliers that are very active in New Jersey’s retail market, Direct Energy, NRG and Just Energy have a substantial and direct interest in a number of issues concerning PSE&G’s proposed CEF-EC Program, which would use smart meter technology as a platform enabling PSE&G to become a “leading smart energy services company” and directly compete with third-party suppliers in the market. Likewise, as a market leader in distributed energy solutions, Centrica Business Solutions has a substantial and direct interest in several issues regarding PSE&G’s proposal to use ratepayer funds to develop and promote programs that Centrica Business Solutions is already offering in the private market. Key issues include:

- PSE&G should be focusing on its core business functions of delivering electricity, including the deployment of smart meters, without seeking to transform itself into a “leading smart energy services company” that is offering “increased choice” and “new utility products and services” to consumers;
- The importance of restricting PSE&G’s use of the data from the smart meters for only their poles and wires functions (i.e. outage management, system planning) and

prohibiting PSE&G from using the data to develop or offer new products and services, which are within the domain of third party suppliers and other market participants, such as distribution energy solutions, demand response programs, time-of-use products; and other innovative products and services;

- The need to ensure that the data collected from smart meters are owned by the customer, not PSE&G, and that the customer can freely and easily authorize the release of the data to third parties of their choosing, and that such data is transferred through electronic data interchange (“EDI”), not solely through customer portals, such as Green Button Connect type platforms;
- A concern that the CEF-EC will adversely impact the ability of third-party suppliers and other market participants to provide innovative technologies to customers in PSE&G’s service territory, due to being at a competitive disadvantage relative to the utility; and
- Approval of PSE&G’s Petition may make customers more likely to perceive that the innovative products and services enabled by advanced metering infrastructure (“AMI”) are available only from the traditional monopoly provider and thereby serve to reinforce the historical utility-customer monopoly relationship, to the detriment of third-party suppliers and other market participants.

7. The Market Participants submit that these issues, among others, should be thoroughly examined in this proceeding.

II. BACKGROUND

8. On September 26, 2018, PSE&G initially filed this matter with the Board along with its Clean Energy Future – Energy Efficiency (“CEF-EE”)⁴ and Clean Energy Future – Electric Vehicle and Energy Storage (“CEF-EVES”)⁵ Programs. At the request of the Board, PSE&G subsequently filed these three Clean Energy Future Programs separately, with their own petitions and docket numbers. On October 11, 2018, PSE&G filed its Petition with the Board pursuant to N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1, and N.J.A.C. 14:3-2A, seeking approval for a CEF-EC Program.

9. PSE&G proposes to invest approximately \$721 million and operations and maintenance (“O&M”) costs of \$73 million from 2019 to 2024 in the CEF-EC Program. Petition at ¶ 6. Under PSE&G’s proposal, it would install approximately 2.2 million advanced (or “smart”) meters throughout its electric service territory over the course of a five-year period, beginning in 2019, resulting in its entire customer base receiving an advanced electric meter. Petition at ¶ 16.

10. As proposed by PSE&G, the CEF-EC Program would further consist of 70 applications or “use cases.” By this filing, PSE&G seeks BPU approval of the initial phase of the CEF-EC Program, referred to as “Release 1,” which features 22 of the 70 uses cases. PSE&G describes these 22 uses cases, which focus on customer engagement, network operations and planning, and new utility products and services, as establishing the foundation for the CEF-EC Program. Petition at ¶ 8.

11. By the Petition, PSE&G avers that the CEF-EC Program is cost-effective and refers to customer benefits being realized through increased participation in the existing Time of Use rate. Petition at ¶¶ 11-12.

⁴ Docket Nos. GO18101112 & EO10121113.

⁵ Docket No. EO18101111.

12. PSE&G proposes a cost recovery mechanism that will involve the potential of semi-annual base rate adjustment filings. Under its proposal, the costs to be included in rates will include: depreciation/amortization expense providing for the recovery of the invested capital over its useful book life; return on the net investment, where net investment is the capital expenditures less accumulated depreciation/amortization, less associated accumulated deferred income taxes; and the impact of any tax adjustments applicable to the CEF-EC Program. As proposed by PSE&G, the return on net investment will be based on a Weighted Average Cost of Capital.

13. Along with its Petition, PSE&G filed the following Direct Testimonies in support thereof: Gregory C. Dunlap (“Attachment 1”); Donna Powell (“Attachment 2”); and Stephen Swetz (“Attachment 3”). A review of the Direct Testimony of Mr. Dunlap reveals that the CEF-EC involves far more than the deployment of smart meters. To the contrary, PSE&G is using the ratepayer-funded deployment of smart meters as a platform to position itself as the dominant energy provider, expand its functions well beyond the role of an electric distribution company and offer innovative products and services that are better left to the private market and which are in many instances already being provided in that venue. Several examples follow.

14. The Direct Testimony of Mr. Dunlap describes the CEF-EC as establishing a business and technology operating model that enables a number of customer, community and company smart energy capabilities, with the deployment of AMI being at the core of the program. Attachment 1 at 1. Among the benefits of the CEF-EC identified by Mr. Dunlap is the opportunity for “new utility products and services” to be offered. Attachment 1 at 4-5. Mr. Dunlap also refers to the AMI as the foundational layer of the Energy Cloud, which will enable PSE&G to “[d]eploy numerous other smart use capabilities that are far broader in reach than AMI and the traditional utility model,” helping “PSE&G respond to the changing expectations of customers in regards to

service and products.” Attachment 1 at 6. He further states that this program will allow PSE&G to become a “leading smart energy services company” and represents “critical advances in PSE&G’s transformation to a smart energy services utility.” Attachment 1 at 6.

15. In describing the benefits of the CEF-EC, Mr. Dunlap testifies that the program will benefit PSE&G customers “by providing them with increased choice and engagement with their energy usage, lower energy bills, improved access to solar installations, reduced outages, innovative rates, new smart products and services, and support for EV infrastructure.” Attachment 1 at 6. In terms of choice, Mr. Dunlap points to customers’ options broadening “to include, for example, non-industry products and services (*e.g.*, Alexa, cable T, internet), and the bundling of utility and non-utility products and services (*e.g.*, home security, home energy management).” Attachment 1 at 13. He further describes the CEF-EC as “promoting energy conservation and efficiency” and “new utility products and services.” Attachment 1 at 7.

16. Mr. Dunlap also discusses the role of the CEF-EC in leading “New Jersey into a smart energy future by enabling PSE&G to become a key provider and enabler of smart digital capabilities.” Attachment 1 at 13. The “six interrelated smart capability domains” covered by the CEF-EC are Smart Operations, Smart Network, Smart Products and Services, Smart Customers, Smart Home, and Smart City. Attachment 1 at 13-15.

17. With respect to Smart Operations, Mr. Dunlap refers to the use of more granular customer data like daily usage, voltage profiles and smart appliance information to enhance customers’ ability to understand their energy consumption. Attachment 1 at 15-16.

18. As to Smart Network, Mr. Dunlap testifies that the historic distribution model is evolving into a distributed network of variable sources of energy and demand points, with the evolution being driven by distributed energy resources (“DERs”) reaching critical mass and the

prevalence of microgrids and storage resources across the service area and to all customer types. Attachment 1 at 16.

19. Regarding Smart Products and Services, Mr. Dunlap indicates that many “utilities and non-utilities are leveraging smart infrastructure, sensors, and data to develop new digital products and service offerings, often with business partners, and particularly in the context of the smart customer and home.” Attachment 1 at 16. His testimony further describes the CEF-EC as making integration of smart products and services possible, referring to examples that include in-home networks; appliance monitoring and service; safety and security; and DER facilitation, “where PSE&G could assist customers with sizing and locations of solar or EV charging.” Attachment 1 at 17.

20. In discussing Smart Customers, Mr. Dunlap testifies that “customers will welcome, and ultimately require, higher levels of engagement with their utility and energy usage through capabilities that the CEF-EC enables. These include full visibility of customers’ energy usage, tools to help them with efficiency, bill alerts, services delivered by home assistants, solar and EV support, and choice of a range of tailored rate options.” Attachment 1 at 17-18.

21. Regarding Smart Homes, Mr. Dunlap points to smart appliances, smart home safety and security systems and smart home energy equipment. He explains that CEF-EC makes smart homes possible by providing convenience and sustainability, as connected devices can optimize lighting, temperature, electric vehicle charging, and other end uses of electricity. Attachment 1 at 18.

22. As to Smart Cities, Mr. Dunlap describes urban areas that harness digital technology to create a sustainable and intelligent infrastructure. Through the CEF-EC, Mr. Dunlap

states that PSE&G would provide “network and data services to support these types of Smart City initiatives.” Attachment 1 at 18.

23. Describing Release 1 as laying the foundation for an overall long-term roadmap, Mr. Dunlap explains that future releases will include a vast array of initiatives such as demand response, DER analysis, innovative rate development, microgrids, innovative products and services, real-time pricing, advanced DER planning and energy management. Attachment 1 at 19-20. The program is expressly intended to enable PSE&G to evolve into a “smart utility” that is “capable of promoting a smart energy future for New Jersey” through the “enablement of connected smart customer, smart utility, smart home and smart city capabilities deployed on a foundational intelligent energy services platform.” Attachment 1, Schedule GD-CEF-EC-2, Section 2 (General Considerations). This platform – the PSE&G Energy Cloud – “will be inclusive of all customers, will provide infrastructure and data services that can be leveraged...to enable a whole new future of customer engagement and utility operations.” Attachment 1, Schedule GD-CEF-EC-2, Section 2 (General Considerations).

24. Mr. Dunlap refers to the CEF-EC as representing “a significant first step towards making New Jersey a leader in smart energy” and being a “customer-focused, cost-effective Program that will set the state for even further technological advances for utilities in the future.” Attachment 1 at 45. In one of the schedules attached to his testimony, it is stated that “[t]he next generation utility will need to operate and compete in non-traditional ways that focus on offering new energy products and services that use operational and customer data and digital platforms to customize offerings, improve service, and empower consumers. A number of global and local trends are driving this need to adapt, and utilities need to build business capability and platforms

that will enable them to operate under this new paradigm.” Attachment 1, Schedule GD-CEF-EC-2, Section 3 (The Case for the PSE&G Energy Cloud).

25. The CEF-EC also contains a significant component relating to customer communications. PSE&G has identified numerous customer communication channels that it intends to use, including inbound calls, outbound calls, walk-in customer service centers, website, door hangers, direct mail, email, bill messages and inserts, media, social media, local and community leaders, and advertising. Through its customer outreach campaign, PSE&G plans to conduct proactive and reactive communications about the Energy Cloud deployment. Attachment 1, Schedule GD-CED-EC-3.

26. The Direct Testimony of Ms. Powell explains the accounting and proposed regulatory treatment for costs related to the intelligent energy service platform. She also discusses how the Company accounts for capital assets and their retirement, and how the proposed deployment of AMI requires special regulatory and accounting treatment. Additionally, she addresses the O&M costs related to the program and PSE&G’s request to defer these costs. Attachment 2 at 2.

27. The Direct Testimony of Mr. Swetz relates to the Company’s request to recover the capital costs of the program using the Infrastructure Investment Program model. Attachment 3 at 1.

28. By Order adopted on October 29, 2018, the Board determined that the Petition should be retained by the Board for hearing and designated Commissioner Holden as the presiding officer. The Board further established November 16, 2018 as the date by which entities seeking to intervene or participate must file the appropriate application. The Order went into effect on November 8, 2018.

29. Pursuant to the Board's Order, the Market Participants file this Motion to Intervene, seeking to be granted full party status in this proceeding.

III. APPLICABLE LEGAL STANDARDS

30. Under N.J.A.C. 1:1-16.1, any person or entity who will be substantially and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.

31. In ruling on a motion to intervene, the presiding officer "shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters." N.J.A.C. 1:1-16.3. See e.g. In the Matter of the Petition of Public Service Electric and Gas Company Offering an Energy Stimulus Program, Docket No. EO09010058 (Order Granting Intervention and Admission Pro Hac Vice dated March 27, 2009).

IV. ARGUMENT

32. It is critical that the Market Participants be granted party status in this proceeding so that they can adequately guard against being placed at a competitive disadvantage relative to the regulated public utility in the provision of products and services to customers. PSE&G's references in the Petition and in testimony to enhancing customers' choices and competing in the market run directly contrary to its role as the delivery company, demonstrating the importance of the Board hearing the perspectives of the supplier community and other market participants.

33. PSE&G's proposed CEF-EC Program is far more than a proposal to deploy smart meters to all customers. Rather, PSE&G is seeking to use ratepayer-funded AMI deployment as a platform for launching itself into the role of the predominant energy company to compete with

third-party suppliers and other private market participants in developing innovative products and services that go well beyond the traditional utility model. Indeed, PSE&G's own characterization of the CEF-EC Program is that it would establish a number of customer, community and company smart energy capabilities, with the deployment of AMI being the core of the program. Attachment 1 at 1. The six interrelated smart capability domains described by Mr. Dunlap would make PSE&G a key player in their customer's lives and in the community in ways that far exceed the delivery and metering of electricity services.

34. PSE&G should be focusing on its core business functions of delivering electricity, including the deployment of smart meters, without seeking to transform itself into a "leading smart energy service company" that leverages smart use capabilities to develop new utility products and services that are far broader in reach than AMI and the traditional utility model.

35. PSE&G's efforts to use ratepayer funds to launch a platform that would significantly expand its role beyond that of an electric distribution company will disrupt the effective functioning of private markets where many of the products and services identified by the Petition are already being offered.

36. Moreover, innovative energy solutions of the types referenced in the Petition are best delivered by the competitive marketplace rather through regulated electric distribution companies. As market participants who are accustomed to meeting the demands of consumers, the Market Participants are much better positioned than PSE&G to provide customized energy solutions and related services to customers, whether they are in the form of demand side response programs, time-of-use rates, distributed energy solutions or other innovative products and services.

37. Through the extensive customer outreach and communications described in the Petition, PSE&G would have a unique and powerful opportunity to strengthen its monopoly

relationship with its distribution customers. Through the proposed campaign, PSE&G would be constantly communicating with its distribution customers and portraying itself as the only entity from whom the innovative products and services enabled by AMI are available.

38. In reviewing PSE&G's Petition, the Board should consider only those aspects of the proposal that are necessary to deploy smart meters and should also impose limits on the ability of PSE&G to use this data. Specifically, PSE&G should be restricted to using such data only to further the performance of their functions as an electric distribution company (i.e. outage management, system planning). Additionally, PSE&G should be expressly prohibited from using the smart meter data to develop and offer new products and services, which are within the domain of third party suppliers and other market participants and in many instances are already available in the private market. While the list of such products and services is endless, examples include demand response programs, distributed energy solutions and time of use products.

39. Further, it is critical that the Board ensure that smart meter data that is made available through AMI deployment is designated as belonging to the customer, not PSE&G. It is also imperative that the Board direct PSE&G to implement a reasonable process for customers to freely and easily authorize the release of such data to third parties of their choosing.

40. In conjunction with the importance of enabling customers to have their data shared with third parties, the Board should also ensure that the data is transferred using EDI rather than solely through Green Button Connect type of platforms, which are portals for customer use. Only by receiving data through EDI can third party suppliers effectively use it to present product offerings to customers.

41. Along with affording equal access to the smart meter data by third party suppliers, the Board should direct PSE&G to implement supplier consolidated billing ("SCB") in its service

territory so that third party suppliers can use that data to develop innovative products and services demanded by consumers, including customized energy solutions tailored to meet their own unique needs. Without the ability to issue consolidated bills, which include both the commodity charges of the third party supplier and PSE&G's distribution charges, third party suppliers' efforts to leverage this investment in smart meters would be hampered. In order for third party suppliers to effectively present offers to customers, they must have the ability to handle their own billing services so that they can demonstrate through the presentation of the charges on the bill exactly what benefits are accruing to the customer through the selection of an innovative product offering.

42. The status of Direct Energy, NRG and Just Energy as competitive suppliers, and Centrica Business Solutions' status as a provider of distributed energy solutions in the private market give them a unique perspective that is likely to benefit the Board as it reviews PSE&G's petition. To the best of the Market Participants' knowledge, no other parties to this case will adequately represent its interest in this proceeding. The Market Participants have unique business models and their interests and perspective are unique, such that their appearance as parties would "measurably and constructively" advance this proceeding. See N.J.A.C. 1:1-16.3(a).

43. Moreover, intervention by the Market Participants in this proceeding will not result in a delay in having the matter timely adjudicated. The Market Participants submit that the addition of NRG and Just Energy is not untimely, as they are seeking to join in the Intervention timely filed by Direct Energy and Centrica Business Solutions on November 16, 2018.⁶ Nevertheless, late filed Motions to Intervene are traditionally granted if the intervenor's interest is sufficiently different so as to add measurably and constructively to the scope of the case and if the late-filed intervention will not cause confusion or undue delay. See N.J.A.C. 1:1-16.3. Even if the

⁶ Also, the Market Participants note that a motion for leave to intervene may be filed any time after a case is initiated. N.J.A.C. 1:1-16.2.

Supplemental Motion to Intervene of NRG and Just Energy is determined to be untimely, their intervention should, nonetheless, be granted, since the Supplemental Motion: (i) raises no new or different issues; (ii) does not expand the number of parties; (iii) does not require any changes to the procedural schedule; (iv) does not change any arguments raised by PSE&G in its Opposition Letter or the Letter in Response filed by Direct Energy and Centrica Business Solutions; and (v) would allow the Board to hear, through the single voice the Market Participants, the perspectives of additional companies in the energy market with unique business models, product and service offerings and experiences. See In the Matter of the Verified Petition of Jersey Central Power & Light Company and Mid-Atlantic Interstate Transmission, LLC, et al., Docket No. EM15060733, et al. (Order dated August 15, 2016) (late intervention granted based on representation that party would take the record “as is” and the party’s expertise would contribute to the development of a full and complete record).

44. Fundamental fairness and due process considerations require that Direct Energy and Centrica Business Solutions be afforded an opportunity to fully participate as an intervenor in this proceeding, due to its substantial and direct interests in the outcome of this proceeding.

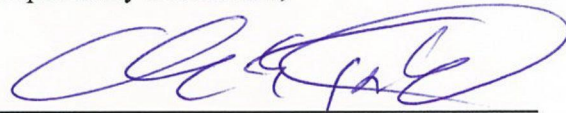
45. Direct Energy and Centrica Business Solutions are continuing to review PSE&G’s filing and testimony and reserves the right to raise other issues that, in their judgment, may affect their interests.

V. CONCLUSION

On the basis of the foregoing, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Gateway Energy Services Corporation, NRG Energy, Inc., Just Energy Group Inc. and Centrica Business Solutions respectfully request that the Board grant this Supplemental Motion to Intervene so that the Market Participants may have full

party status as an intervenor in this proceeding. The Market Participants have interests in this proceeding that will be substantially and directed affected by the outcome of this proceeding, their interests are sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, and this Supplemental Motion is timely and will not delay or otherwise disrupt the adjudication of this proceeding.

Respectfully Submitted,



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Attorneys for Direct Energy, NRG Energy, Inc.,
Just Energy Group Inc. and Centrica Business
Solutions (“Market Participants”)

Dated: December 6, 2018

CERTIFICATION OF FILING AND SERVICE

The undersigned hereby certifies that on the date set forth below an original and ten copies of the within Motion to Intervene was sent for filing via FedEx to the State of New Jersey, Board of Public Utilities as follows:

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

and that two copies of each of the aforementioned documents were served via email and FedEx upon counsel of record as follows:

Stefanie A. Brand, Esq.
The Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, New Jersey 08625

Matthew M. Weissman, Esq.
Gen. Regulatory Counsel – Rates
PSEG Service Co.
80 Park Plaza T5
Newark, New Jersey 07102

and that copies of each of the aforementioned documents were served via electronic mail to the parties identified on the attached service list.



Christopher E. Torkelson

Dated: December 6, 2018