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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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File No.: 300135-70

December 19, 2018

Via FedEx and Email

Aida Camacho-Welch, Esq.
Secretary of the Board
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CASE MANAGEMENT

DEC 20 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**Re: In the Matter of the Petition of Public Service Electric and 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:

In accordance with N.J.A.C. 1:1-12.2(c), Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, and Gateway Energy Services Corporation (collectively, "Direct Energy"), NRG Energy, Inc. ("NRG"), Just Energy Group, Inc. ("Just Energy") and Centrica Business Solutions (collectively, the "Market Participants") hereby submit this letter in response to the December 17, 2018 letter filed by Public Service Electric and Gas Company ("PSEG") opposing the Supplemental Motion to Intervene of the Market Participants. Direct Energy and Centrica Business Solutions previously submitted a letter on December 3, 2018 in response to PSEG's opposition to their intervention. As the interests of NRG and Just Energy in this proceeding are aligned with those previously expressed by Direct Energy and Centrica Business Solutions, the Market Participants incorporate herein the arguments set forth in the December 3, 2018 correspondence.

As fully discussed in the December 3, 2018 letter, the Market Participants respectfully request that the Board grant the Supplemental Motion on the basis that the Market Participants will be substantially, specifically and directly affected by the outcome of this contested case and that their business interests are sufficiently different from that of any party so as to add measurably and constructively to the scope of the case. Further, the Market Participants' intervention would not confuse the issues or cause any delay in the proceeding. Rather, their

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interventions would ensure that a more complete record is developed about matters affecting the competitive market. See N.J.A.C. 1:1-16.1 and 16.3.

In the Supplemental Motion, the Market Participants provided information about the business models and operations of NRG and Just Energy to show their interest in participating in this proceeding. As noted therein, 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 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. These NRG retail companies offer customers a range of products including 100% renewable, cash back and travel rewards. Supplemental Motion ¶ 2.

With respect to Just Energy, the Supplemental Motion explained that is the parent company of licensed third party suppliers serving retail customers in New Jersey. 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. Supplemental Motion ¶ 3.

PSEG objects to the addition of NRG and Just Energy as intervenors on the grounds that their motion is untimely. Importantly, however, the addition of NRG and Just Energy is not untimely as they are seeking to join in the Motion that was timely filed by Direct Energy and Centrica Business Solutions. As to an explanation for NRG and Just Energy seeking to join Direct Energy and Centrica Business Solutions approximately three weeks after the intervention was filed, the Market Participants note simply that time was needed: (i) to review the massive filings made in the three related PSEG proceedings; (ii) to determine whether their interests are aligned; (iii) to coordinate among themselves on a litigation strategy, including the execution of a joint litigation agreement; and (iv) to obtain necessary corporate approvals for the filing of the Supplemental Motion.

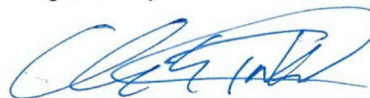
Consistent with their representations in the Supplemental Motion, the Market Participants intend to present a unified position in this proceeding. It is significant that the

Supplemental Motion raises no new or different issues, does not expand the number of parties and does not require any changes to the procedural schedule. Granting the Supplemental Motion would afford the Board the opportunity to hear, through the single voice of the Market Participants, the perspectives of additional companies participating in the energy market with unique business models, product and service offerings and experiences. Supplemental Motion ¶ 43.

With respect to PSEG's concerns about confusion and undue delay, they are unfounded. Contrary to PSEG's claims, the Supplemental Motion makes it entirely clear that the interests of NRG and Just Energy are aligned with those previously expressed by Direct Energy and Centrica Business Solutions. The Supplemental Motion is akin to an intervention by a trade association which presents a unified litigation position that is based on the perspectives of several entities participating in the market. Similarly, as with such an intervention, the Market Participants intend to jointly litigate this case as a single entity. Therefore, the Market Participants have no objection to PSEG's request in the letter of opposition that they not be permitted to serve or have separate discovery requests, testimonies, briefs, evidentiary hearing witnesses or other elements of their case. Specifically, if the Supplemental Motion is granted, the Market Participants will serve discovery, submit testimony, participate in evidentiary hearings, file briefs and otherwise present a litigation position as one party.

In conclusion, the Market Participants have interests in this proceeding that will be substantially and directly affected by the outcome, their interests are sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, and the Supplemental Motion will not delay or otherwise disrupt the adjudication of this proceeding. PSEG's opposition to the intervention of parties with whom they are seeking to compete should not be condoned.

Respectfully Submitted,



Christopher E. Torkelson

CET/ldr
Enclosures

cc: Stefanie A. Brand, Esq. (w/enc., via email and FedEx)
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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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