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November 19, 2018

The Honorable New Jersey Board of Public Utilities  
44 South Clinton Avenue, 7th Floor, Box 350  
Trenton, New Jersey 08625

**Re: In the Matter of 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 Honorable Board of Public Utilities:

Regarding the above-captioned matter, the Office of the Attorney General ("OAG") understands that on May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16, (N.J.S.A. 48:3-87.3 to -87.7) ("Act"), which requires the New Jersey Board of Public Utilities ("Board") to create a program and mechanism for the issuance of Zero Emission Certificates ("ZECs"), each of which represents the fuel diversity, air quality, and other environmental attributes of one megawatt-hour of electricity generated by an eligible nuclear power plant selected by the Board to participate in the program. Because ZEC applications are expected to include certain information claimed to be confidential, various entities have moved to receive such confidential information, as provided under the Act. Specifically, N.J.S.A. 48:3-87.5(a) provides in part:


The board and the Attorney General shall jointly approve the disclosure of such confidential information to a party that they deem essential to aid the board in making the determinations required under this subsection, provided that the party is not in a position such that disclosure could harm competition and the party agrees in writing to maintain the confidentiality of the confidential information.



Please note that based on OAG's review of the motions to receive confidential information, it has been determined that only the New Jersey Division of Rate Counsel and the Independent Market Monitor for PJM Interconnection, L.L.C. should be deemed essential to aid the Board in making the applicable determinations as required under the Act. Also, parties receiving confidential information are required to execute and abide by the standard Agreement of Non-Disclosure of Information Claimed To Be Confidential, which is routinely used in proceedings at the Board. Thank you for your consideration.

Respectfully submitted,

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