Rockland Electric Company

Margaret Comes
Associate Counsel
Law Department

June 29, 2020

VIA EMAIL

Honorable Aida Camacho-Welch
State of New Jersey
Board of Public Utilities
44 South Clinton Avenue,
9th Floor,
PO Box 350
Trenton, New Jersey 08625-0350

RE: In the Matter of the Petition of Rockland Electric Company for Waiver of *N.J.A.C.* 14:3-4.6 Enforcement
BPU DOCKET NO. _____

Dear Secretary Camacho-Welch:

Enclosed please find for filing Verified Petition of Rockland Electric Company for Waiver of *N.J.A.C.* 14:3-4.6 Enforcement

Respectfully,

Margaret Comes
Margaret Comes
Associate Counsel

Enclosure
c: Service List

Service List
Petition of Rockland Electric Company for Waiver of *N.J.A.C.* 14:3-4.6 Enforcement
Docket No. _____

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Trenton, NJ 08625-0350

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF
ROCKLAND ELECTRIC COMPANY
FOR WAIVER OF N.J.A.C. 14:3-4.6 BPU DOCKET NO. _____
ENFORCEMENT

VERIFIED PETITION

Rockland Electric Company ("RECO", or the "Company"), a corporation of the State of New Jersey, which has an office at One Lethbridge Plaza, Suite 32 – Second Floor, Route 17 North, Mahwah, New Jersey 07430, respectfully petitions the New Jersey Board of Public Utilities ("Board"), pursuant to *N.J.S.A.* N.J.S.A. 48:2-13 and *N.J.A.C.* 14:1–1.2 as follows:

INTRODUCTION AND OVERVIEW

Petitioner is a public utility engaged in the distribution of electricity and the provision of electric Basic Generation Service, for residential, commercial and industrial purposes within the State of New Jersey. RECO is a wholly-owned subsidiary of Orange and Rockland Utilities, Inc. ("Orange and Rockland"), and an affiliate of Consolidated Edison Company of New York, Inc. ("Con Edison"). RECO provides electric distribution service to approximately 73,000 customers in an area which extends from eastern Bergen County at the Hudson River to western Passaic County and small communities in Sussex County, New Jersey.

The rates and charges for electric service furnished by RECO and the conditions upon which the same are furnished are set forth in RECO's tariff designated B.P.U. No. 3 - Electricity.

RECO is subject to regulation by the Board for the purposes of setting its retail distribution rates and to assure safe, adequate and reliable electric distribution service pursuant to N.J.S.A. 48:2-13, *et seq*. RECO is filing this Petition seeking the Board's waiver of enforcement

of N.J.A.C. 14:3-4.6, pursuant to *N.J.A.C.* 14:1-1.2, for those meters that tested fast in RECO's Retirement Report, as discussed below.

Annexed to the Petition are the following Exhibits:

Exhibit 1	RECO's 2019 Electric Meter Retirement Report
Exhibit 2	A spreadsheet identifying the twenty meters that tested high
Exhibit 3	The Company's usage analysis of Adjusted Accounts
Exhibit 4	The Company's usage analysis of Accounts Not Adjusted
Exhibit 5	Staff letter of May 20, 2020
Exhibit 6	Testimony of Keith Scerbo

BACKGROUND

As explained in the Testimony of Keith Scerbo ("Scerbo Testimony"), which is annexed as Exhibit 6, on July 6, 2016, the Company filed a petition in BPU Docket No. ER16060524 ("AMI Petition") requesting that the Board issue an Order approving the Company's proposed Advanced Metering Infrastructure ("AMI") Program, including the deployment of AMI and smart meters. As part of the AMI Program, RECO proposed to install smart meters and remove and retire a corresponding number of legacy meters.

After a fully litigated proceeding before Commissioner Upendra J. Chivukula, the Board issued a Decision and Order, effective September 2, 2017 ("RECO AMI Order"), in BPU Docket No. ER16060524, approving RECO's AMI Program.

In the RECO AMI Order, AMI Petition, the Board directed the Company to test all of the legacy meters removed and retired. The Board stated:

> Pursuant to the Board's rules, if the meter is found to be inaccurate, **adjustments may be appropriate**.[1] (emphasis added)

After the Board's issuance of the RECO AMI Order, the Company commenced implementing the AMI Program. The Company began AMI electric meter deployment in May 2018 in the Mahwah area of Bergen County. In April 2019, the Company completed mass deployment for its New Jersey service territory by installing thousands of meters and removing a corresponding number of legacy meters.

The Company contracted with a vendor, *i.e.*, Smart Grid Solutions ("SGS"), to perform the removal of the legacy meters and the installation of the replacement smart meters. SGS managed the removal work from a central warehouse located in Allendale, New Jersey. The Company also contracted with a vendor, *i.e.*, TESCO, to perform the retirement testing of all legacy meters removed by SGS pursuant to the Company's AMI Program.

SGS would accumulate the removed legacy meters at its Allendale warehouse. On a scheduled basis a transportation company, hired by TESCO, would arrive at the warehouse, pick up the legacy meters and transport them to TESCO for testing. TESCO would then test the removed legacy meters as required by the RECO AMI Order.

As the Testimony of Keith Scerbo (Exhibit 6) explains, the Company filed with the Board its 2019 Electric Meter Retirement Report, a copy of which is attached as Exhibit 1 to this

[1] RECO AMI Order at pages 21-22.

Petition. The Report shows that of the legacy meters tested, twenty meters failed and tested high. The spreadsheet attached as Exhibit 2 to this Petition shows the result of the testing of the twenty meters that tested high. The Company evaluated all of these accounts by comparing the customer's usage during calendar years 2017 and 2018 (and that portion of 2019 prior to the meter removal) to the customer's usage after the meter exchange. The spreadsheets attached as Exhibits 3 and 4 to this Petition set forth the results of that usage evaluation. Usage did not align on five of the twenty customer accounts (Exhibit 3), but usage on the remaining fifteen accounts was consistent before and after the meter exchange (Exhibit 4). The Company therefore credited the five accounts set out in Exhibit 3 where usage did not align, but did not credit the fifteen accounts set out in Exhibit 4 where usage was consistent before and after the meter exchange. The Company determined that these fifteen meters were damaged after removal and during transit to the testing facility. None of the customers served by the fifteen legacy meters at issue have alleged that the Company overcharged them during the period prior to meter replacement. The Company submitted the results of its evaluation to Board Staff.

By letter dated May 20, 2020, a copy of which is attached as Exhibit 5 to the Petition, Board Staff rejected the Company's evaluation and required that the Company adjust these fifteen meters according to the methodology in *N.J.A.C.* 14:3-4.6(c) and file with Board Staff by June 30, 2020, a Certification reflecting that RECO effectuated these adjustments.

DISCUSSION

The Company has established Good Cause for Waiver Under *N.J.A.C.* 14:1-1.2: the Company's Evaluation showed the Fifteen Accounts Were Properly Billed, and the Application of *N.J.A.C.* 14:3-4.6 Will Deny the Company the Value of Electric Service Provided Before the Legacy Meters Were Removed

` The Company has established Good Cause for Waiver Under *N.J.A.C.* 14:1-1. As the Testimony of Keith Scerbo ("Scerbo Testimony") explains, the fifteen accounts at issue were properly billed. The Company removed, tested, and replaced thousands of legacy meters with AMI meters. The Company evaluated twenty meters that tested high. Usage did not align on five of the twenty customer accounts, but usage on the remaining fifteen accounts was consistent before and after the meter exchange. The Company therefore credited the five accounts where usage did not align, but did not credit the fifteen accounts at issue here where usage was consistent before and after the meter exchange. The Company determined that these fifteen meters were damaged after removal and during transit to the testing facility. None of the customers served by the fifteen legacy meters at issue have alleged that the Company overcharged them during the period prior to meter replacement. The instant situation is unlike the high bill complaints and diversion of service incidents where the Board has applied *N.J.A.C.* 14:3-4.6.

The Board is authorized to waive its rules pursuant to *N.J.A.C.* 14:1-1.2. Specifically, *N.J.A.C.* 14:1-1.2(a) states the Board's rules "shall be liberally construed to permit the Board to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Board." In addition, *N.J.A.C.* 14: 1-1.2(b)(1) provides the Board may, for good cause shown, relax or permit deviations from the Board's rules "if full compliance

with the rule(s) would adversely affect the ratepayers of a utility or other regulated entity, the ability of said utility or other regulated entity to continue to render safe, adequate and proper service, or the interests of the general public."

In this instance, *N.J.A.C.* 14:1-1.2(a) calls for a liberal construction of *N.J.A.C.* 14:3-4.6 and does not require application of the adjustment formula in *N.J.A.C.* 14:3-4.6. First, the Scerbo Testimony shows the fifteen customer accounts were properly billed prior to their removal. In addition, the Board's RECO AMI Order recognized that not all meter error during RECO's legacy meter removal process requires adjustment under *N.J.A.C.* 14:3-4.6. In the RECO AMI Order, the Board concluded that, "if the meter is found to be inaccurate, **adjustments may be appropriate**.[2] In this instance, the Company's usage evaluation showed that although the fifteen legacy meters tested high, the fifteen accounts were properly billed prior to the removal of the fifteen legacy meters. Finally, the Board has concluded that customer usage analysis can be used by a utility to properly bill for electric usage.[3]

N.J.A.C. 14: 1-1.2(b)(1) also allows the Board in this situation to conclude that the *N.J.A.C.* 14:3-4.6 formula is not required and can be waived because strict application will adversely affect the Company. The testimony of Keith Scerbo shows that while the legacy meters were in use, they properly measured customer usage. If the *N.J.A.C.* 14:3-4.6 formula is applied to the fifteen accounts, these customers will not receive the proper billing that *N.J.A.C.* 14:3-4.6 was designed to provide, but in fact will be improperly credited for electric service they

[2] RECO AMI Order at pages 21-22.. (emphasis added)
[3] See, e.g., Order Adopting Initial Decision, *Robert Bouhon v. Atlantic City Electric Co.*, BPU Docket No. EC16030212U, 2017 WL 4619029 (N.J.Bd.Reg.Com.) (February 22, 2017) (evidence showed that customer tampered with meter from 2009 to 2014, and company could adjust charges for the years with customer usage data from 2008).

received. Meanwhile, the Company will be severely disadvantaged because it will not receive revenue for the electric service it provided and properly billed.

In *Jason Conkright v. Atlantic City Electric Company,*[4] Board recognized that where a Company provides electric service in good faith, it is entitled to the value of that electric service so that it can continue to provide safe and reliable service. In the *Conkright* case, the customer's electric meter failed to register accurately, causing the customer to be undercharged. The customer alleged that he was not responsible for the undercharges because the undercharge scenario was not addressed in the company's Tariff. The customer also alleged that he was not responsible for the undercharges because his electric utility, Atlantic City Electric Company ("ACE"), was better able to detect the undercharges he was.

ACE argued that the customer received the value of electric service for which ACE should be paid. The OAL Judge agreed and stated:

> I am mindful of the legal principles of unjust enrichment and *quantum meruit*. Respondent asserted these in its counterclaim. Here it is undeniable that petitioner received electric service during the disputed period. Therefore the service must be paid for in accordance with these equitable principles, despite the legal arguments raised by petitioner.[5]

The Board adopted the decision of the OAL Judge.[6]

The instant situation is analogous. The Company provided the fifteen customers electric service and were billed properly by RECO. The Company is entitled to the value of electric service it provided.

CONCLUSION

[4] BPU Docket No. EC08121023U, OAL Docket No. PUC2619-09 (January 21, 2010).
[5] *Conkright* at page 5.
[6] *Conkright* at page 1.

For the above reasons, the Company is entitled to a waiver of *N.J.A.C.* 14:3-4.6.

COMMUNICATIONS

Communications and correspondence related to this Petition should be sent as follows:

Margaret Comes, Esq.
Associate Counsel
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4 Irving Place
New York, NY 10003
(212) 460-3013
comesm@coned.com

REQUEST FOR RELIEF

For all the foregoing reasons, RECO respectfully requests that the Board retain jurisdiction of this matter and review and expeditiously issue an order approving this Petition specifically finding that:

1. The Board waives enforcement of N.J.A.C. 14:3-4.6 for those meters that tested fast in RECO's Retirement Report, as discussed above; and

2. Providing such other relief as is just and proper.

Respectfully submitted,

ROCKLAND ELECTRIC COMPANY

By Margaret Comes

Margaret Comes, Esq.
Associate Counsel
Consolidated Edison Company Of New York, Inc.
Law Department, 18th Floor
4 Irving Place
New York, NY 10003
Attorney for Rockland Electric Company

Dated: June 24, 2020

STATE OF NEW YORK)

: ss

COUNTY OF ROCKLAND)

Keith Scerbo, of full age, being duly sworn according to law, on his oath deposes and says

1. I am the Director of Advanced Metering Infrastructure of Orange and Rockland Utilities, Inc., the parent company of Rockland Electric Company, the petitioner in the foregoing Petition.

2. I have read the annexed petition, and the matters and things contained therein are true to the best of my knowledge and belief.

Keith Scerbo

Sworn to and subscribed to
Before me this 24 day
of June, 2020

DAVID H. BRAUNFOTEL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BR5019642
Qualified In Rockland County
My Commission Expires October 25, 2021

EXHIBIT 1

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
44 SOUTH CLINTON AVE.
P.O. BOX 350
TRENTON, NJ 08625-0350

TABLE I, PAGE 1
ELECTRIC METER RETIREMENT TEST DATA
COMPANY: Orange and Rockland Utilities
YEAR: 2019

A METER COUNT	B METER TYPE / MODEL	C # SLOW METERS	D # ACCURATE METERS	E # FAST METERS	F # NON REGISTERING
1	D5S5U	0	1	0	0
2	D5S-8	0	2	0	0
2	D5SM	0	2	0	0
411	I-210	1	388	2	20
93	I50A	1	85	0	7
108	I55A	1	102	0	5
134	I55S	7	110	1	16
553	I60S	19	459	1	74
4,223	I70S	59	3,943	9	212
3	IM50A	0	3	0	0
2	IM55A	0	2	0	0
7	IM60S	1	6	0	0
387	IM70S	5	366	0	16
700	J3S	11	627	0	62
1,256	J4S	17	1,100	0	139
731	J5S	9	682	1	39
765	KV2CD	1	755	0	9
2	KV2CE	0	2	0	0
6	KV2CEP	0	6	0	0
374	KV2CP NON AMI	0	367	0	7
566	KV2CS	0	552	1	13
23	KV2P	1	18	1	3
429	KVD	7	415	1	6
73	KVE	1	70	0	2
10	KVP	0	9	0	1
397	KVS	4	377	0	16
166	MS	1	158	0	7
115	MS-II	1	111	0	3
1,620	MX	20	1,529	2	69
1	S12S	0	1	0	0
472	SSD	3	467	0	2
89	SSE	0	89	0	0
7	SSP	0	7	0	0
16	V612S	1	14	0	1
9	V64A	0	8	0	1
9	V65A	0	9	0	0
23	V65S	0	22	0	1
1	V66A	0	1	0	0
7	V66S	0	7	0	0
36	VM612S	0	35	0	1
7	VM62S	0	7	0	0
1	VM63A	0	1	0	0
4	VM64A	0	4	0	0
1	VM64S	0	1	0	0
48	VM65A	0	48	0	0
243	VM65S	1	241	0	1
5	VM66A	0	5	0	0
17	VM66S	0	15	0	2
2	VMW65A	0	2	0	0
1	VW65A	0	1	0	0

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
44 SOUTH CLINTON AVE.
P.O. BOX 350
TRENTON, NJ 08625-0350

TABLE I, PAGE 2
ELECTRIC METER RETIREMENT TEST DATA
COMPANY: Orange and Rockland Utilities
YEAR: 2019

A METER COUNT	B METER TYPE / MODEL	C # SLOW METERS	D # ACCURATE METERS	E # FAST METERS	F # NON REGISTERING
36	ALF	0	36	0	0
14	C1S6	0	14	0	0
11	C1SD	0	11	0	0
161	C1SE	5	156	0	0
4,648	C1SR	3	4,564	0	81
2,087	C1SRHP	1	2,070	0	16
265	C1SRHP6	7	256	0	2
19	CN1SR	0	19	0	0
28	CN1SRHP	0	28	0	0
35	D4S	1	32	0	2
1	D4S8	0	1	0	0
1	D4S8M	0	1	0	0
700	D5S	53	596	1	50
381	I210+C	1	364	0	16
11	I210+CN	0	10	0	1
46	KV2C	1	43	0	2
2	KV2CEP NON AMI	0	2	0	0
22,604		**244**	**21,435**	**20**	**905**

EXHIBIT 2

Exhibit 2

SerialNumber	ItemModelName	YearSet	TestDate	WeightedAverage	SLOW	ACCURATE	FAST	NON_REGISTERING	
605574108	MX	2000	3/4/2019	199.49	0	0	1	0	
605020920	MX	2003	2/22/2019	102.48	0	0	1	0	
601031993	I-210	2006	5/1/2019	106.98	0	0	1	0	
601028606	I-210	2006	4/24/2019	111.1	0	0	1	0	
601019328	KV2CS	2006	4/12/2019	119.47	0	0	1	0	
601014407	KV2P	2007	3/23/2019	102.13	0	0	1	0	
601013639	KVD	2006	4/9/2019	196.58	0	0	1	0	
98018631	J5S	1996	3/25/2019	171.16	0	0	1	0	
97858915	I70S	1998	3/29/2019	199.62	0	0	1	0	
95163869	I70S	1995	2/27/2019	200.53	0	0	1	0	
85391417	I70S	1990	3/29/2019	304.05	0	0	1	0	
83645952	I70S	1989	3/4/2019	201.83	0	0	1	0	
81027101	I70S	1989	3/4/2019	198.78	0	0	1	0	
77186892	I70S	1985	3/27/2019	188.89	0	0	1	0	
77152915	D5S	1988	3/21/2019	110.74	0	0	1	0	
74816964	I70S	1999	3/28/2019	324.8	0	0	1	0	
73881980	I70S	1982	6/19/2019	102.9	0	0	1	0	
53997362	I70S	1977	3/29/2019	199.8	0	0	1	0	
48603472	I60S	1967	5/1/2019	105.95	0	0	1	0	
40953397	I55S	1959	5/1/2019	103.6	0	0	1	0	

EXHIBIT 3

Exhibit #3 *

Account #1

Meter Test	2/22/2019	102.48
Meter Change	2/14/2019	

kWh usage	2017	2018	2019	2020
January	983	974	790	860
February	749	725	747	607
March	627	704	596	574
April	577	622	594	617
May	770	828	630	
June	949	1,031	956	
July	1,286	1,326	1,415	
August	1,068	1,254	1,136	
September	911	975	973	
October	720	711	685	
Novemebr	652	764	592	
December	814	735	857	
Total	**10,106**	**10,649**	**9,971**	

Account #2

Meter Test	3/23/2019	102.13
Meter Change	3/14/2019	

kWh usage	2017	2018	2019	2020
January	49,140	47,250	48,510	48,930
February	53,130	48,720	47,250	48,930
March	51,030	44,940	47,040	36,960
April	53,760	41,790	49,560	19,110
May	64,680	75,810	56,910	
June	81,060	72,240	60,480	
July	77,280	86,100	85,470	
August	80,220	77,490	70,770	
September	76,020	76,440	60,060	
October	64,260	64,050	53,130	
Novemebr	58,590	60,270	51,450	
December	49,980	40,950	51,240	
Total	**759,150**	**736,050**	**681,870**	

Account #3

Meter Test	5/1/2019	103.6
Meter change	3/8/2019	

kWh usage	2017	2018	2019	2020
January	721	735	821	803
February	650	609	609	619
March	542	558	702	588
April	566	560	552	800
May	614	708	659	
June	809	865	892	
July	1,142	1,320	1,580	
August	1,042	1,166	1,263	
September	754	1,009	849	
October	788	632	848	
Novemebr	631	657	612	
December	640	687	668	
Total	**8,899**	**9,506**	**10,055**	

Account #4

Meter Test	6/19/2019	102.9
Meter change	6/18/2019	

kWh usage	2017	2018	2019	2020
January	114	6,230	1,071	2,183
February	100	5,496	1,120	1,515
March	100	3,844	2,013	1,445
April	104	3,711	1,937	1,469
May	382	4,374	537	
June	481	991	867	
July	44	1,461	1,461	
August	692	507	2,652	
September	797	1,210	1,270	
October	5,313	1,063	978	
Novemebr	5,680	3,009	1,254	
December	5,497	3,757	1,707	
Total	**19,304**	**35,653**	**16,867**	

Account #5

Meter Test	4/9/2019	196.58
Meter Change	4/4/2019	

kWh usage	2017	2018	2019	2020
January	19,240	20,760	32,240	16,360
February	17,920	18,680	29,200	15,840
March	17,419	16,475	27,520	15,320
April	18,620	17,044	29,680	11,440
May	18,680	17,120	26,920	
June	16,172	21,640	1,560	
July	15,667	20,080	16,880	
August	18,960	28,800	17,120	
September	19,360	31,680	18,680	
October	17,724	29,000	16,960	
Novemebr	14,955	33,840	17,720	
December	18,640	30,440	17,160	
Total	**213,360**	**285,560**	**251,640**	

*** Customer Names and Account Numbers Have Been Removed To Protect Customer Information**

EXHIBIT 4

Exhibit #4 *

Account #6

Meter Test	3/4/2019	199.49		
Meter Change	2/15/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	1,220	1,278	875	918
February	911	949	905	813
March	792	1,040	648	826
April	724	828	603	887
May	911	883	644	
June	1,244	1,635	1,104	
July	2,034	1,970	1,912	
August	1,412	2,144	1,670	
September	979	1,327	1,207	
October	1,044	777	886	
Novemebr	792	908	787	
December	947	896	1,015	
Total	**13,010**	**14,635**	**12,256**	

Account #7

Meter Test	4/12/2019	119.47		
Meter Change	3/13/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	9,923	10,050	8,684	8,471
February	7,861	8,509	7,362	8,422
March	7,363	8,043	7,762	7,108
April	6,820	6,824	5,878	6,429
May	7,432	6,527	5,534	
June	6,642	7,283	6,382	
July	7,906	7,431	8,191	
August	7,255	7,073	6,665	
September	6,450	6,537	6,546	
October	6,483	6,159	5,593	
Novemebr	7,334	6,916	6,893	
December	7,785	7,458	8,353	
Total	**89,254**	**88,811**	**83,843**	

Account #8

Meter Test	5/1/2019	106.98		
Meter Change	2/13/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	942	583	696	598
February	610	501	682	528
March	731	523	556	503
April	932	539	569	551
May	542	616	679	
June	725	856	849	
July	1,104	1,332	1,355	
August	744	1,324	1,046	
September	771	1,055	840	
October	711	787	660	
Novemebr	569	779	531	
December	508	816	686	
Total	**8,889**	**9,711**	**9,149**	

Account #9

Meter Test	4/24/2019	111.1		
Meter Change	3/20/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	No Active Acct	620	295	365
February	No Active Acct	406	292	265
March	445	350	297	253
April	525	323	295	223
May	371	481	350	
June	798	679	561	
July	734	1,079	1,155	
August	678	776	797	
September	790	570	678	
October	763	386	428	
Novemebr	688	329	418	
December	670	320	415	
Total	**6,462**	**6,319**	**5,981**	

Account #10

Meter Test	3/29/2019	199.62		
Meter Change	2/1/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	1,599	1,526	1,295	1,388
February	1,376	1,481	1,402	1,156
March	1,434	1,109	1,125	1,111
April	1,109	1,109	1,002	1,026
May	1,081	1,118	1,021	
June	1,254	3,110	1,467	
July	2,228	2,089	2,699	
August	2,626	2,801	3,801	
September	1,582	1,529	2,276	
October	2,011	2,851	1,601	
Novemebr	1,355	1,155	1,243	
December	1,232	1,310	1,428	
Total	**18,887**	**21,188**	**20,360**	

Account #11

Meter Test	3/25/2019	171.16		
Meter Change	1/29/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	685	597	623	615
February	751	618	586	536
March	667	562	518	551
April	426	548	516	520
May	588	629	554	
June	642	509	608	
July	957	1,094	1,029	
August	988	988	1,067	
September	783	904	717	
October	664	506	521	
Novemebr	481	525	575	
December	670	644	547	
Total	**8,302**	**8,124**	**7,861**	

Account #12

Meter Test	3/21/2019	110.74		
Meter change	1/22/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	1,251	1,111	813	843
February	970	992	629	696
March	1,040	826	569	596
April	837	837	569	794
May	804	887	573	
June	1,082	861	802	
July	1,671	1,773	1,410	
August	1,706	1,600	1,601	
September	1,205	1,283	1,096	
October	1,148	867	724	
Novemebr	899	957	658	
December	946	383	651	
Total	**13,559**	**12,377**	**10,095**	

Account #13

Meter Test	3/28/2019	324.8		
Meter change	2/18/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	925	939	805	943
February	713	759	830	828
March	702	810	699	775
April	654	698	663	850
May	722	716	665	
June	973	1,087	794	
July	1,705	1,795	1,585	
August	1,001	1,748	1,432	
September	672	1,496	1,083	
October	687	701	916	
Novemebr	610	875	913	
December	710	833	958	
Total	**10,074**	**12,457**	**11,343**	

Account #14

Meter Test	2/27/2019	200.53		
Meter Change	1/25/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	2,009	5,490	3,736	3,295
February	1,820	3,743	3,402	2,667
March	2,316	2,316	3,286	2,482
April	2,338	4,503	2,839	2,365
May	2,788	2,600	1,962	
June	2,730	3,106	1,925	
July	3,871	4,316	2,886	
August	3,763	3,410	4,554	
September	2,889	5,860	2,794	
October	2,733	2,801	2,219	
Novemebr	2,600	3,371	2,414	
December	3,406	3,520	2,732	
Total	**33,263**	**45,036**	**34,749**	

Account #15

Meter Test	5/1/2019	103.6		
Meter change	2/2/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	463	422	485	556
February	376	297	442	482
March	330	176	374	473
April	361	182	369	474
May	439	164	542	
June	679	158	748	
July	895	570	1,481	
August	617	596	1,119	
September	642	1,734	875	
October	532	541	644	
Novemebr	396	456	533	
December	420	412	512	
Total	**6,150**	**5,708**	**8,124**	

Account #16

Meter Test	3/29/2019	199.8		
Meter change	1/23/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	549	501	520	317
February	290	290	463	344
March	355	480	350	294
April	458	402	297	312
May	433	606	311	
June	705	761	528	
July	785	908	633	
August	537	835	521	
September	594	475	345	
October	442	498	338	
Novemebr	678	404	422	
December	449	474	444	
Total	**6,275**	**6,634**	**5,172**	

Account # 17

Meter Test	3/29/2019	304.05		
Meter change	2/18/2019			
kWh usage	**2017**	**2018**	**2019**	**2020**
January	709	657	573	640
February	531	649	659	584
March	525	535	539	551
April	523	474	500	497
May	599	558	613	
June	746	836	771	
July	1,028	971	989	
August	791	1,000	764	
September	801	829	792	
October	638	665	608	
Novemebr	564	645	557	
December	568	614	660	
Total	**8,023**	**8,433**	**8,025**	

Account #18

Meter Test	3/27/2019	188.89
Meter change	2/19/2019	

kWh usage	2017	2018	2019	2020
January	1,326	1,209	1,651	1,253
February	1,236	935	1,771	1,126
March	902	828	1,512	1,194
April	877	730	1,233	903
May	683	827	1,009	
June	1,147	858	1,143	
July	1,512	1,619	1,507	
August	1,437	1,411	1,264	
September	1,000	856	1,135	
October	743	756	757	
Novemebr	744	719	968	
December	1,082	1,388	1,412	
Total	**12,689**	**12,136**	**15,362**	

Account #19

Meter Test	3/4/2019	198.78
Meter change	2/7/2019	

kWh usage	2017	2018	2019	2020
January	1,842	2,021	1,499	1,778
February	1,565	2,263	1,196	1,553
March	1,301	1,349	1,211	1,417
April	2,443	2,448	1,780	1,816
May	3,100	3,649	2,700	
June	4,662	4,794	3,644	
July	5,709	5,548	5,343	
August	5,030	5,330	4,310	
September	3,786	4,365	3,385	
October	3,858	2,630	3,194	
Novemebr	1,928	1,357	1,618	
December	1,952	1,310	1,579	
Total	**37,176**	**37,064**	**31,459**	

Account #20

Meter Test	3/4/2019	201.83
Meter change	2/7/2019	

kWh usage	2017	2018	2019	2020
January	1,608	611	1,415	1,236
February	1,229	858	826	1,105
March	1,201	965	914	1,098
April	1,169	651	650	1,011
May	1,445	998	930	
June	2,112	2,183	1,662	
July	2,850	2,308	2,508	
August	2,120	2,295	2,382	
September	1,551	1,856	1,717	
October	1,592	1,009	1,173	
Novemebr	979	1,209	1,187	
December	1,532	611	1,405	
Total	**19,388**	**15,554**	**16,769**	

*** Customer Names and Account Numbers have been removed to Protect Customer Information**

EXHIBIT 5

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
P.O. Box 112
Trenton, NJ 08625

GURBIR S. GREWAL
Attorney General

MICHELLE L. MILLER
Director

May 29, 2020

VIA EMAIL
John Carley
Regulatory Specialist
Rockland Electric Company
4 Irving Place
New York, NY 10003

Re: Rockland Electric Company Request for Waiver of N.J.A.C. 14:3-4.6 Enforcement

Dear Mr. Carley:

This Office represents the Staff of the New Jersey Board of Public Utilities ("Board Staff") in relation to the above. Board Staff has reviewed Rockland Electric Company's ("REC") request to waive the adjustment charges for the meters that tested fast in REC's 2019 meter retirement report. (Attachment A). The remedy REC has offered is inconsistent with N.J.A.C. 14:3-4.6(c), Adjustment of Charges for Meter Error, and therefore Staff is unable to approve it. For each meter that tested fast, Staff directs that REC provide each customer the appropriate account adjustment in accordance with N.J.A.C. 14:3-4.6(c) on or before June 15, 2020. Certification reflecting that REC has effectuated the adjustments shall be filed with Board Staff by June 30, 2020. Certification shall be mailed to Marjorie Moore via e-mail (Marjorie.moore@bpu.nj.gov) and regular mail at: New Jersey Board of Public Utilities, 44 South Clinton Ave, POB 350, Trenton, NJ 08625.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,
GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ *Terel Klein*
Terel Klein
Deputy Attorney General

Enclosure
c: Marjorie Moore
Phillip Galka
Jim Giuliano
Lauren Mattox

SerialNumber	ItemModelName	YearSet	TestDate	WeightedAverage	SLOW	ACCURATE	FAST	NON_REGISTERING	
605574108	MX	2000	3/4/2019	199.49	0	0	1	0	
605020920	MX	2003	2/22/2019	102.48	0	0	1	0	
601031993	I-210	2006	5/1/2019	106.98	0	0	1	0	
601028606	I-210	2006	4/24/2019	111.1	0	0	1	0	
601019328	KV2CS	2006	4/12/2019	119.47	0	0	1	0	
601014407	KV2P	2007	3/23/2019	102.13	0	0	1	0	
601013639	KVD	2006	4/9/2019	196.58	0	0	1	0	
98018631	J5S	1996	3/25/2019	171.16	0	0	1	0	
97858915	I70S	1998	3/29/2019	199.62	0	0	1	0	
95163869	I70S	1995	2/27/2019	200.53	0	0	1	0	
85391417	I70S	1990	3/29/2019	304.05	0	0	1	0	
83645952	I70S	1989	3/4/2019	201.83	0	0	1	0	
81027101	I70S	1989	3/4/2019	198.78	0	0	1	0	
77186892	I70S	1985	3/27/2019	188.89	0	0	1	0	
77152915	D5S	1988	3/21/2019	110.74	0	0	1	0	
74816964	I70S	1999	3/28/2019	324.8	0	0	1	0	
73881980	I70S	1982	6/19/2019	102.9	0	0	1	0	
53997362	I70S	1977	3/29/2019	199.8	0	0	1	0	
48603472	I60S	1967	5/1/2019	105.95	0	0	1	0	
40953397	I55S	1959	5/1/2019	103.6	0	0	1	0	

EXHIBIT 6

ROCKLAND ELECTRIC COMPANY
DIRECT TESTIMONY OF
KEITH C. SCERBO

Q. Please state your name and business address.

A. Keith C. Scerbo and my business address is 390 West Route 59 Spring Valley, New York 10977.

Q. What is your current position at Orange and Rockland Utilities, Inc. (“Orange and Rockland”), Rockland Electric Company’s (“RECO” or the “Company”) corporate parent?

A. I am the Director of Advanced Metering Infrastructure (“AMI”) and Customer Meter Operations.

Q. Please describe your educational background.

A. In 1991, I graduated from the Juniata College with a Bachelor of Science Degree in Business Management.

Q. Please describe your work experience.

A. I joined Orange and Rockland in 1991 as a Customer Accounting Representative. I have since held the positions of Customer Systems Analyst – Customer Accounting, Business Analyst - Customer Information Management System (“CIMS”), Lead Business Analyst - CIMS, Sr. Specialist - CIMS, Section Manager – CIMS, and Director of New Business Services, prior to my present position.

Q. Please generally describe your current responsibilities.

A. I am responsible for projects and processes associated with Orange and Rockland's and RECO's implementation of AMI, as well as all aspects of metering.

Q. Have you previously testified before the New Jersey Board of Public Utilities ("Board") or other regulatory bodies on energy matters?

A. Yes, I submitted rebuttal testimony in BPU Docket Number ER14030250 (RECO's Storm Hardening Surcharge proceeding), and direct testimony in RECO's last two electric rate cases, BPU Docket Numbers ER16050428 and ER19050552. I also provided pre-filed and live testimony in RECO's Advanced Metering Program proceeding in BPU Docket Number ER16060524 ("RECO AMI Proceeding").

Purpose

Q. What is the purpose of your testimony in this proceeding?

A. The purpose of my testimony is to support RECO's Petition that the Board waive enforcement of N.J.A.C. 14:3-4.6 for those meters that tested fast in RECO's Retirement Report, as discussed below.

Background

Q. Has the Board approved the Company's proposed AMI Program?

A. Yes. The Board approved the Company's AMI Program in its Decision and Order, dated August 23, 2017 ("AMI Order"), in the RECO AMI Proceeding. The Board approved RECO's deployment of AMI, including the installation of smart meters and the removal and retirement of a corresponding number of legacy meters. By letter dated September 19, 2017, RECO notified the Board of its intention to proceed with the AMI Program. As directed by the AMI Order, on December 11, 2017, RECO filed with the Board an AMI Implementation Plan.

Q. In the AMI Order, did the Board address the testing and adjustment of legacy meters that RECO would be replacing with smart meters?

A. Yes. The Board directed the Company to test the legacy meters and stated:

> Pursuant to the Board's rules, if the meter is found to be inaccurate, **adjustments may be appropriate**. (emphasis added)

Q. Please continue.

A. After the Board's issuance of the RECO AMI Order, the Company commenced implementing the AMI Program. The Company began AMI electric meter deployment in May 2018 in the Mahwah area of Bergen County. In April 2019, the Company completed mass deployment for its New Jersey

service territory by installing thousands of eligible meters and removing a corresponding number of legacy meters.

Q. How did the Company arrange for the removal and testing of the legacy meters?

A. The Company contracted with a vendor, *i.e.*, Smart Grid Solutions ("SGS"), to perform the removal of the legacy meters and the installation of the replacement smart meters. SGS managed the removal work from a central warehouse located in Allendale, New Jersey. The Company also contracted with a vendor, *i.e.*, TESCO, to perform the retirement testing of all legacy meters removed by SGS pursuant to the Company's AMI Program.

SGS would accumulate the removed legacy meters at its Allendale warehouse. On a scheduled basis a transportation company, hired by TESCO, would arrive at the warehouse, pick up the legacy meters and transport them to TESCO for testing. TESCO would then test the removed legacy meters as required by the RECO AMI Order.

Q. What were the results of the testing of the legacy meters?

A. The testing showed that twenty meters failed and tested high. See the Company's Electric Meter Retirement Report, a copy of which is attached as Exhibit 1 to the Petition. The

Company has reviewed the twenty meters that tested out of limits. The spreadsheet attached as Exhibit 2 to the Petition shows the result of the testing of the twenty meters that tested high.

Q. Did the Company evaluate the accounts associated with these twenty meters?

A. Yes. The Company evaluated all these accounts by comparing the customer's usage during calendar years 2017 and 2018 (and that portion of 2019 prior to the meter removal) to the customer's usage after the meter exchange. The spreadsheets attached as Exhibits 3 and 4 to the Petition set forth the results of that usage comparison. Usage did not align on five of these twenty customer accounts. See Exhibit 3. As a result, the Company has back billed these five accounts, and credited them to reflect the performance of the meters. The Company has determined that usage on the remaining fifteen meters to be consistent before and after the meter exchange. See Exhibit 4. As a result of its evaluation, the Company concluded that these meters were damaged after removal and during transit to the testing facility. Therefore, the Company determined that the accounts served by these fifteen meters were not eligible

for back billing and submitted its evaluation to Board Staff.

Q. Did Board Staff agree with the Company's evaluation?

A. No. By letter dated May 20, 2020, a copy of which is attached as Exhibit 5 to the Petition, Board Staff rejected the Company's evaluation and required that the Company adjust all twenty meters according to the methodology in *N.J.A.C.* 14:3-4.6(c) and file with Board Staff by June 30, 2020, a Certification reflecting that RECO effectuated these adjustments.

Q. Does the Company agree with Board Staff's conclusion?

A. No, the Company disagrees for the reasons set forth above and in the Petition.

Q. Does that conclude your direct testimony at this time?

A. Yes, it does.