

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE PETITION :
OF JERSEY CENTRAL POWER AND :
LIGHT COMPANY FOR APPROVAL : BPU DOCKET NO. EO20080545
OF AN ADVANCED METERING :
INFRASTRUCTURE (AMI) :
PROGRAM (JCP&L AMI) :**

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

Pursuant to N.J.A.C. 1:1-16.1 and 16.2, NRG Energy, Inc. (“NRG”), 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”), and Centrica Business Solutions (collectively, the “Market Participants”) hereby file this Motion to Intervene (“Motion”) in the above-captioned proceeding initiated by a Petition filed on August 27, 2020 by Jersey Central Power & Light Company (“JCP&L”) for Approval of an Advanced Metering Infrastructure Program (“Petition”). In support of the Motion, the Market Participants state as follows:

I. INTRODUCTION

1. 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, including in JCP&L’s service territory.¹ These NRG retail companies offer customers a range of products including 100% renewable, cash back and travel rewards.

2. 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. The four intervening Direct Energy companies hold electric power licenses to serve retail customers in New Jersey, including customers in JCP&L’s service territory.² Direct Energy also offers home energy audits, using customer data to perform analytics and offer recommendations on how to reduce their overall energy consumption.

3. 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

¹ As third-party energy suppliers in New Jersey, NRG companies hold 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, Stream Energy New Jersey, LLC – ESL-0109 and XOOM Energy New Jersey, LLC – ESL-0115.

² As third-party energy suppliers in New Jersey, the 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.

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.

4. By this 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 JCP&L is granted approval by the Board to implement the three-year, \$732 million Advanced Metering Infrastructure (“AMI”) Program, the interests of the Market Participants will be directly and substantially affected.

5. Specifically, as third-party suppliers that are very active in New Jersey’s retail market, NRG and Direct Energy have a substantial and direct interest in a number of issues concerning JCP&L’s proposed AMI Program. Likewise, as a market leader in distributed energy solutions, Centrica Business Solutions has a substantial and direct interest in several issues regarding JCP&L’s proposal.

6. The Market Participants support JCP&L’s proposal to deploy smart meters. The Market Participants take no position on JCP&L’s cost estimates for its proposed AMI Program, its proposed cost recovery mechanism or its proposed accounting treatment. The Market Participants’ interest in this proceeding involve key issues, including:

- The need to ensure that the data collected from smart meters are owned by the customer, not JCP&L, and that the customer can freely and easily authorize the release of the data to third parties of their choosing;
- The implementation of a Data Access Plan by JCP&L while AMI meters are being deployed so that entities offering energy services in the competitive market have

real-time and meaningful access to their customers' interval use data (with their consent) as soon as it becomes available, which will facilitate the provision of innovative solutions; and

- The importance of establishing guidelines for JCP&L's use of the data from the smart meters for only their poles and wires functions (i.e. outage management, reliability and system planning) and maintaining JCP&L's focus on its core functions rather than expanding its offerings to include new products and services that are within the domain 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. By Order dated February 19, 2020, the Board ordered three of New Jersey's electric distribution utilities, including JCP&L, to file or update a previously filed for Advanced Metering Infrastructure program by August 27, 2020. On August 27, 2020, JCP&L filed with the Board its Petition for approval of its AMI Program, pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1.

9. JCP&L proposes to install approximately 1.15 million advanced (or "smart") meters throughout its electric service territory over the course of a three-year period commencing on January 1, 2023. Petition at ¶ 5. Over a twenty-year study period, JCP&L projects total costs of the AMI Program of \$732 million, with \$506 million in capital investment and \$227 million in operations and maintenance ("O&M") costs. During the Pre-deployment Phase and Deployment Phase, JCP&L estimates expenditures of \$418 million, consisting of capital investment of \$342 million and O&M costs of approximately \$76 million. Petition at ¶ 9.

10. By the Petition, JCP&L avers that its proposed AMI Program is cost-effective and identifies a wide variety of potential customer and societal benefits of AMI. Petition at ¶¶ 11-12.

11. JCP&L proposes a cost recovery mechanism that will involve the fixing of an initial tariffed rate to be effective at the commencement of the Pre-Deployment Phase and annual rate filings thereafter. Petition at ¶ 16.

12. Along with its Petition, JCP&L filed the following Direct Testimonies in support thereof: John C. Ahr (“Exhibit JC-2”); and Carol Pittavino (“Exhibit JC-3”).

13. The Direct Testimony of Mr. Ahr described the AMI Program implementation as well as the benefits of the proposed program. Exhibit JC-2 at 3. Mr. Ahr detailed that “AMI smart meter data enables utilities to better understand and forecast DER affected demand and output, to predict its locational effects on the grid, and more effectively perform resource, capital and operational planning. AMI also provides data that allows granular (household) level forecasting which can then be aggregated throughout the system, allowing utilities to undertake more precise long-term planning by better identifying peaks. This capability will become more critical as electric vehicles and solar sources impact load profiles.” Exhibit JC-2 at 27. Notably, Mr. Ahr identified that smart meters will allow customers to benefit from time varying rates that may be offered by third party suppliers. Exhibit JC-2 at 7. Mr. Ahr also described that the capabilities of AMI help to support strategies to reduce energy consumption as well as to support deployment of renewable energy and distributed energy resources. Exhibit JC-2 at 27.

14. The Direct Testimony of Ms. Carol Pittavino explains the accounting and proposed regulatory treatment for costs related to the AMI Program. Her testimony provides the tariffs for the proposed program as well as detailed schedules setting forth the proposed revenue

requirements, initial rates and projected bill impacts from 2022 through 2027 (the projected end of meter deployment). Exhibit JC-3 at 1-2.

15. By Order dated September 23, 2020, the Board determined that the Petition should be retained by the Board for hearing and designated Commissioner Gordon as the presiding officer. The Board further established October 14, 2020 as the date by which entities seeking to intervene or participate must file the appropriate application. The Order went into effect on September 30, 2020.

16. Pursuant to the Board's Order, NRG, Direct Energy and Centrica Business Solutions file this Motion to Intervene, seeking to be granted full party status in this proceeding.

III. APPLICABLE LEGAL STANDARDS

17. 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.

18. 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. 1:1-16.3.³

IV. ARGUMENT

19. It is critical that the Market Participants be granted party status in this proceeding so that they can provide the perspectives of the supplier community and other market participants on important issues surrounding access to and the use of customer data acquired through AMI.

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).

20. JCP&L's proposed AMI Program will impact deployment of renewable energy, distributed energy resources, demand response, energy efficiency initiatives and electric vehicles. Many of these products and services are offered by the Market Participants. The deployment of AMI also facilitates time varying rates and a variety of other products and services that may be offered by third party suppliers. The potential impact of this proceeding on those products and resources directly and substantially impact the Market Participants. The Market Participants support the deployment of AMI and seek the opportunity to share their knowledge and experience gained from their involvement in other AMI proceedings (including a pending AMI proceeding in which the Market Participants were granted party status)⁴.

21. 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 JCP&L. It is also imperative that customers be permitted to authorize the sharing of their data with their chosen party suppliers or other entities.

22. The Board must also ensure that JCP&L develops and implements a comprehensive Data Access Plan in this proceeding and then implements this plan at the same time that it is working to deploy its smart meters and program its systems. Such a Data Access Plan must detail the process and methods for the Market Participants to have timely and efficient access, at no charge, to their customers' Interval Usage data (with their consent) as soon as it becomes available. Waiting to address data access issues until after the meters have been installed will unnecessarily delay New Jersey consumers' access to the innovative solutions that the competitive market can offer. This is the data of the future, and the only way that customers will realize the full benefits

⁴ *In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future-Energy Cloud ("CEF-EC") on a Regulated Basis*, Docket No. EO18101115 (Order dated June 4, 2020) (granting the Market Participants party status).

of their investment is to make the data widely available to entities of the customers' choice. Timely and efficient access to this smart meter data will enable third party suppliers to effectively present innovative product offerings to customers.

23. Along with affording equal access to the smart meter data by third party suppliers, the Board should take steps to complete the process that was started twenty years ago to implement supplier consolidated billing ("SCB") 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.⁵ Without the ability to issue consolidated bills, which include both the electricity supply charges of the third party supplier and utility 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. A Board decision in this matter directing SCB to be implemented in concert with the deployment of AMI meters, along with a Data Access Plan, is an appropriate resolution to the barrier that utility consolidated billing presents to the availability of innovative products from third party suppliers.

24. NRG's and Direct Energy's status 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 JCP&L's Petition. To the best

⁵ *I/M/O The Electric Discount and Energy Competition Act of 1999 Customer Account Services, Docket No. EX99090676* (Board directed the New Jersey Billing Implementation/EDI work group to create process flows, business rules and EDI transactions, or other Board approved electronic data exchange protocols necessary to facilitate the implementation of a SCB). However, no EDI transactions exist and it has been nearly twenty years since the Board last considered this issue.

of NRG's, Direct Energy's, and Centrica Business Solutions' knowledge, no other parties to this case will adequately represent its interest in this proceeding. NRG, Direct Energy and Centrica Business Solutions 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).

25. Moreover, intervention by NRG, Direct Energy and Centrica Business Solutions in this proceeding will not result in a delay in having the matter timely adjudicated.

26. Fundamental fairness and due process considerations require that NRG, 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.

27. NRG, Direct Energy and Centrica Business Solutions are continuing to review JCP&L's filing and testimony and reserve the right to raise other issues that, in their judgment, may affect their interests.

V. CONCLUSION

On the basis of the foregoing, NRG Energy, Inc., Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Gateway Energy Services Corporation, and Centrica Business Solutions respectfully request that the Board grant this 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 Motion is timely and will not delay or otherwise disrupt the adjudication of this proceeding.

Respectfully Submitted,



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Dated: October 14, 2020

CERTIFICATION OF SERVICE

I hereby certify that on this date an electronic copy of the foregoing Motion to Intervene were served on all parties set forth on the attached service list.



Christopher E. Torkelson

Dated: October 14, 2020

IN THE MATTER OF THE PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY
FOR APPROVAL OF AN ADVANCED METERING INFRASTRUCTURE (AMI) PROGRAM
(JCP&L AMI)

BPU DOCKET NO. EO20080545

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