

July 20, 2021

VIA E-FILEING & E-MAIL

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Ave, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

**Re: I/M/O THE PETITION OF ELIZABETHTOWN GAS COMPANY TO REVIEW
ITS PERIODIC BASIC GAS SUPPLY SERVICE RATE**

BPU Docket No. GR21060876

Dear Secretary Camacho-Welch:

Please accept this letter on behalf of NRG and its affiliates Reliant Energy Northeast, LLC d/b/a NRG Home/NRG Business; Energy Plus Natural Gas LP; XOOM Energy New Jersey, LLC; Stream Energy New Jersey, LLC; Direct Energy Services, LLC; Direct Energy Business, LLC; Direct Energy Business Marketing, LLC; and Gateway Energy Services Corporation (“NRG”) in response to Elizabethtown Gas’ opposition to NRG’s Motion to Intervene in its 2021/2022 Basic Gas Supply Service (“BGSS”) proceeding. For the reasons set forth in NRG’s June 22 Motion and the arguments set forth below, the Board of Public Utilities (“Board” or “BPU”) should grant NRG’s Motion to Intervene.

ETG misapplies the standard the Board must apply in considering a Motion to Intervene to NRG’s Motion. Clearly, NRG and the gas products it offers are “substantially, specifically and directly affected by the outcome” of this proceeding, and the NRG Motion meets all of the criteria for intervention. *See* N.J.A.C 1:1-16.3(a). ETG’s renewable natural gas (“RNG”) plans directly affect NRG’s retail gas supply business since NRG is also interested in offering RNG to its New

Jersey customers. Also, the BGSS rates approved in this proceeding will impact the rates that NRG will charge its customers in order to remain competitive with ETG's BGSS product in ETG's service territory.

Furthermore, as NRG has demonstrated through its prior interventions in multiple BPU proceedings, NRG's intervention will not cause confusion or delay.¹ In fact, NRG's active intervention, including its extensive knowledge about renewable natural gas, will add measurably and constructively to the proceeding. For these reasons, NRG meets the relevant criteria and is a necessary party.

In a misplaced attempt to deny NRG full intervention status, ETG points to Board decisions regarding prior retail supplier interventions in BGSS proceedings where the Board only granted participant status to the supplier or retail supply trade associations.² However, NRG has not filed for intervention in any prior ETG BGSS proceedings, and more significantly, the BPU has not denied any NRG interventions. Clearly, NRG has set forth in its intervention reasons for granting its motion which are measurably different from prior Board decisions on intervention in BGSS proceedings.

¹ See, e.g., April 1, 2020, Order granting intervenor status to the "Market Participants", including NRG Energy and Direct Energy, in I/M/O 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); November 13, 2019, Order granting intervenor status to the "Market Participants", including NRG Energy and Direct Energy, in I/M/O Petition Of Public Service Electric & Gas Company For Approval Of Its Clean Energy Future-Energy Efficiency ("CEF-EE") Program On A Regulated Basis (BPU Docket Nos. GO18101112 AND EO18101113); April 22, 2020, Order granting intervenor status to the "Market Participants", including NRG Energy and Direct Energy, in I/M/O Petition Of Public Service Electric And Gas Company For Approval Of Its Clean Energy Future --Electric Vehicle And Energy Storage ("CEF-EVES") Program On A Regulated Basis (BPU Docket Nos. EO18101111).

² See page 5 of ETG's Response letter in which it argues NRG should be denied even participant status pursuant to N.J.A.C. 1:1-16.6(b)

Specifically, in a clear expansion of its BGSS product, ETG is requesting cost recovery for renewable natural gas purchases from RevLNG, another South Jersey Industries affiliate, starting on March 1, 2022. ETG plans to inject the compressed RNG into its distribution system. However, the Electric Discount and Energy Competition Act, (“EDECA”) defines basic gas supply service as “not a competitive service,”³ which raises significant concerns over ETG’s inclusion of this new RNG supply option (and its costs) in its BGSS non-competitive service. This proposal is inconsistent with the meaning of BGSS and would operate to defeat EDECA’s pro-competitive intent. NRG’s active involvement in the case will ensure that this issue and its cost implications are fully considered. As a competitive supplier, NRG currently offers RNG products in other states and looks forward to offering these same services in New Jersey. NRG also offers other innovative gas commodity products to their customers, including carbon offsets, that would provide environmental benefits similar to renewable natural gas.

Finally, NRG notes that it has no other avenue to raise its concerns regarding the self-implementing bill credits that ETG offers customers during the winter heating months when the most gas commodity is sold, which impacts the prices that NRG and other retail suppliers can charge for their products if they wish to remain competitive with the BGSS product. For almost 18 years the Board has not instituted a generic proceeding involving all GDCs to address BGSS procedures, including the winter bill credits, and to NRG’s understanding the Board has no plans to do so. Thus, in order to raise these important issues which directly affect NRG’s retail gas supply business NRG has no other option than to intervene in this proceeding in order to develop

³ See NJSA 48:3-49 et seq.

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a full record on these issues and to ensure the Board will address them, especially when EDECA's pro-competitive purpose could easily be defeated in the meantime.

For the forgoing reasons NRG request that the Board grant its Motion to Intervene.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Murray E. Bevan". The signature is fluid and cursive, with the first name "Murray" and last name "Bevan" clearly distinguishable.

Murray E. Bevan

cc: Service List (via e-mail)
Angela Schorr, NRG (via e-mail)

**IN THE MATTER OF THE PETITION OF ELIZABETHTOWN GAS COMPANY
TO REVIEW ITS PERIODIC BASIC GAS SUPPLY SERVICE RATE**

BPU DOCKET NO. GR21060876

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CERTIFICATION OF SERVICE

I certify that on this 20th day of July 2021, I caused NRG's response to Elizabethtown Gas' opposition to NRG's Motion to Intervene to be served by electronic mail upon the following individuals:

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