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December 8, 2023

***VIA ELECTRONIC MAIL ONLY***

Hon. Sherri L. Golden, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
P.O. Box 350  
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[Board.secretary@bpu.nj.gov](mailto:Board.secretary@bpu.nj.gov)

**Re : In the Matter of the Petition of Atlantic City Electric Company for Approval of a Change to Its Zero Emission Certificate Recovery Charge (2023)  
BPU Docket No. ER23110785**

Dear Secretary Golden:

Please accept for filing these comments on behalf of the Division of Rate Counsel (“Rate Counsel”) to the following Atlantic City Electric Company (“ACE” or “Company”) petition referenced above.

As directed by the Board’s Order in Docket No. EO20030254, dated March 19, 2020, Rate Counsel hereby submits this filing via email only to the Board Secretary and service list.

**Please acknowledge receipt of these comments.** Thank you for your consideration and attention to this matter.

In May 2018 the State of New Jersey established the Zero Emissions Certificate (“ZEC”) Program and ordered the Board of Public Utilities (“Board” or “BPU”) to create a mechanism for the issuance of ZECs, which represent “the fuel diversity, air quality and other environmental attributes” of one megawatt-hour of nuclear generation, N.J.S.A. 48:3-87.4, and to create a Zero Emissions Certificate Recovery Charge (“ZEC Charge”). In the enabling legislation New Jersey also directed the State-regulated electric distribution companies (“EDCs”) to return excess monies collected in each EDC’s separate ZECRC interest-bearing account to its retail distribution customers at the end of each energy year. N.J.S.A. 48:3-87.5 3(j) (2).

On November 1, 2023, ACE filed a letter petition seeking to maintain its ZEC Reconciliation Charge rate (“ZECRC”) at zero as of February 1, 2024 in order to prevent a future potential under-collection.

The Company is also proposing that the Board allow this and future ZEC Reconciliation Charge Rate filings to be handled similar to BGS reconciliation filings each year through 30-day-notice compliance filings with provisional rates subject to additional examination by the Board.<sup>1</sup>

Rate Counsel has reviewed the petition for this matter and does not object to ACE’s request to set its ZECRC rate to be effective for Energy Year 2024 at \$0.000000. In addition, Rate Counsel does not disagree with the data in support of the originally calculated ZECRC over-collected balance of \$46,022 (with an associated ZECRC credit rate of \$0.000000) or the updated ZECRC over-collected balance of \$24,288 (with an associated ZECRC credit rate of \$0.000000).

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<sup>1</sup> ACE Petition, p. 2.

However, in regard to ACE's request to allow future filings to be handled similarly to BGS reconciliation filings each year through a 30-day notice with provisional rates subject to additional examination by the Board, it is unclear to Rate Counsel how the Company's proposed compliance filing with a thirty-day notice would satisfy the Board's statutory public hearing notice requirements if the proposed adjusted rate would lead to an increase in rates.<sup>2</sup>

Further, Rate Counsel notes that ACE made this same request in its prior October 2022 RECCR filing, but the Board declined to rule on that request Order where it stated: "The Board declines at this time to predetermine that ACE's future RECCR adjustment filings will not require, or will not otherwise justify according to the Board's discretion, the holding of public hearings."<sup>3</sup> Rate Counsel is unaware of any additional information in the record which would justify a change in the Board's prior decision on this issue.

Respectfully submitted,

BRIAN O. LIPMAN, DIRECTOR  
DIVISION OF RATE COUNSEL

By:  /s/ Bethany Rocque-Romaine  
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Assistant Deputy Rate Counsel

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<sup>2</sup> Id.

<sup>3</sup> 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, Dkt. EO18080899; and In the Matter of the Petition of Atlantic City Electric Company for Approval of a Change to its Zero Emission Certificate Recovery Charge (10/2021), Dkt. EO2110119, Order dated April 6, 2022, p. 3.

**IMO Petition of ACE ZEC  
Reconciliation**

**BPU Docket No. ER23110785**

**SERVICE LIST**

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