

February 5, 2024

**VIA E-FILING AND E-MAIL**

Sherri L. Golden, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 1st Floor  
Post Office Box 350  
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[Board.Secretary@bpu.nj.gov](mailto:Board.Secretary@bpu.nj.gov)

**RE: I/M/O the Petition of PSE&G for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service BPU Docket Nos. ER23120924 & GR23120925**

Dear Secretary Golden:

On behalf of NRG Energy, Inc., 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"), enclosed please find NRG's Motion to Intervene in the above dockets.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Murray E. Bevan

Enclosure

cc: Service List (via e-mail w/ enc.)

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

IN THE MATTER OF THE PETITION OF :  
PUBLIC SERVICE ELECTRIC AND GAS :  
COMPANY FOR APPROVAL OF AN :  
INCREASE IN ELECTRIC AND GAS : BPU DOCKET NOS. ER23120924,  
RATES AND FOR CHANGES IN THE : GR23120925  
TARIFFS FOR ELECTRIC AND GAS :  
SERVICE, B.P.U.N.J. NO. 17 ELECTRIC :  
AND B.P.U.N.J. NO. 17 GAS, AND FOR :  
CHANGES IN DEPRECIATION RATES, :  
PURSUANT TO N.J.S.A. 48:2-18, N.J.S.A.  
48:2-21 AND N.J.S.A. 48:2-21.1, AND  
FOR OTHER APPROPRIATE RELIEF

**MOTION TO INTERVENE OF NRG ENERGY, INC., 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 Energy, Inc. and its retail electric and gas supply affiliates (“NRG”), hereby move before the New Jersey Board of Public Utilities (“Board” or “BPU”), pursuant to N.J.A.C. § 1:1-16.1 et seq., to permit NRG to intervene as a party in the above-captioned proceeding with all rights and obligations typically afforded to an intervenor in such proceedings. In support of its motion, NRG states as follows:

1. N.J.A.C. 1:1-16.1(a) provides the standard for intervention in a proceeding before this Board. The party seeking to intervene must show that it will be substantially, specifically, and directly affected by the proceeding. In granting a motion to intervene, the Board must consider the nature and extent of the movant’s interest in the outcome of the case; whether the movant’s interest is sufficiently different from that of any party so as to add constructively to the scope of

the case; and whether there is the prospect of confusion or undue delay arising from the movant's inclusion. *See* N.J.A.C. 1:1-16.3(a).

2. NRG is a leading national integrated power company with a regional office in Princeton, New Jersey. With over six million customers NRG is nationally the third largest provider of residential electricity and natural gas services. As a Fortune 500 company, NRG creates value through best-in-class operations, reliable and efficient electric generation, and a retail platform serving residential, commercial, and industrial customers. NRG has numerous licensed Third Party Suppliers (TPSs) that are actively serving electricity and natural gas customers in PSE&G's service territory, including: Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business GSL-0176; Energy Plus Natural Gas LP GSL-0100; XOOM Energy New Jersey, LLC GSL-0112; Stream Energy New Jersey, LLC GSL-0120; Direct Energy Services, LLC GSL-0088; Direct Energy Business, LLC GSL-0145; Direct Energy Business Marketing, LLC GSL-0128; and Gateway Energy Services Corporation GSL-0146.

3. On December 29, 2023, Public Service Electric and Gas ("PSE&G") filed with the Board its gas and electric distribution base rate case petition. PSE&G's petition proposes gas and electric tariff changes and new time of use ("TOU") rates.

4. PSE&G's petition includes changes to the TPS requirements in its gas tariff that will directly affect NRG's ability to provide services to their customers.

5. PSE&G is also proposing changes to its electric tariff regarding AMI meters, customer access to historical interval usage data, and discontinuance of service. These tariff changes may also affect NRG's customers.

6. In addition, PSE&G's filing proposes a new residential time of use ("TOU") rate on a voluntary opt-in basis that will utilize AMI data to allow electric customers to save on their

bills by shifting usage to off-peak periods. PSE&G proposes to revise its RS tariff to include a new RS-TOU rate schedule offering customers the choice of a two-peak rate (TOU-2P) or a three-peak rate (TOU-3P). The RS-TOU 2P has two periods, on-peak from 4pm to 9pm weekdays excluding PJM Holidays and off-peak all other hours. The RS-TOU 3P rate has three periods, on-peak from 4pm to 9pm weekdays excluding PJM Holidays (same as RS-TOU 2P), off-peak from 12am to 6am and mid-peak for all other times. PSE&G also proposes to allow residential TOU rates (RLM or proposed RS-TOU) to serve residential EV charging at non-residential premises.

7. NRG and its customers are directly affected by this proceeding and have a substantial interest in PSE&G's proposed TOU rates because NRG and its affiliates are actively developing their own innovative TOU rate products for their residential electric customers.

8. PSE&G's proposed TOU rate periods (i.e., the times of day that are considered to be peak vs. off peak) will affect the TOU rates that NRG and other TPSs can offer to PSE&G electric customers. If NRG offers a TOU rate that has peak and off peak time periods that are different from PSE&G's TOU rate time periods, then residential electric customers will have to choose between receiving the off peak discount from PSE&G or from NRG. Therefore, it is important for the BPU to consider how PSE&G's proposed TOU rates will impact NRG and other TPSs so that customers will receive the maximum discount on their rates. Enabling customers to combine TOU rates from TPSs like NRG with PSE&G's distribution TOU rates will provide the strongest price signal to customers to change their energy usage to off peak periods.

9. NRG will be substantially, specifically, and directly affected by the outcome of this proceeding as the parent company of numerous licensed TPSs that are actively serving customers in PSE&G's service territory.

10. NRG intends to intervene in these proceedings to the extent necessary to ensure that PSE&G's proposed gas and electric tariff changes and TOU rates do not adversely affect the competitive market for NRG's TPS supply companies and its customers.

11. NRG's interests would not be adequately represented by other potential parties to the proceeding because NRG and its affiliates combined are among the largest TPSs operating in New Jersey. NRG has a unique business model and its interests and perspective are unique, such that their appearance as a party would "measurably and constructively" advance this proceeding. *See* N.J.A.C. 1:1-16.3(a).

12. NRG's intervention in this proceeding will not unduly broaden the issues in the proceeding, create confusion, or result in undue delay.

13. If any other TPS moves to intervene in this proceeding, NRG will collaborate with them as much as possible to ensure that TPSs' interests are represented in the most efficient manner possible in this proceeding.

14. The Board has previously granted motions to intervene filed by NRG and Direct Energy which NRG acquired in early 2021 in the following proceedings: Jersey Central Power & Light ("JCP&L") Advanced Metering Infrastructure ("AMI") Program proceeding<sup>1</sup>; Atlantic City Electric ("ACE") Smart Energy Network AMI program proceeding<sup>2</sup>; PSE&G Clean Energy Future

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<sup>1</sup> Prehearing Order With Procedural Schedule And Order On Motions To Intervene Or Participate And For Admission Pro Hac Vice (January 13, 2021), I/M/O The Petition Of Jersey Central Power & Light Company For Approval Of An Advanced Metering Infrastructure (AMI) Program (JCP&L AMI) (BPU Docket No. EO20080545)

<sup>2</sup> Prehearing Order With Procedural Schedule And Order On Motions To Intervene Or Participate And For Admission Pro Hac Vice (January 13, 2021), I/M/O The Petition Of Atlantic City Electric Company For Approval Of The Smart Energy Network Program And Cost Recovery Mechanism And Other Related Relief (BPU Docket No. EO20080541)

Electric Vehicle Program proceeding<sup>3</sup>; PSE&G Gas System Modernization Program (“GSMP III”)<sup>4</sup>; and New Jersey Natural Gas (“NJNG”) base rate case<sup>5</sup>.

15. The Board order in the PSE&G GSMP III proceeding granted NRG’s motion to intervene because they would be “representing the specific interests of TPSs and their customers.”

16. In the 2021 NJNG base rate case, NRG’s motion to intervene (that the BPU granted) argued, as NRG does here, that NJNG’s proposed tariff changes to their TPS requirements would substantially, specifically, and directly affect NRG’s ability to serve their TPS customers.

17. The Certification of Angela Schorr is attached hereto certifying that the facts and statements herein are true and accurate to the best of her knowledge and belief.

18. NRG requests that all pleadings, correspondence, discovery, and other documents be served on NRG at the following addresses (electronic service preferred):

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<sup>3</sup> Prehearing Order With Procedural Schedule And Order On Motions To Intervene Or Participate And For Admission Pro Hac Vice And Motion To Stay (April 22, 2020), I/M/O The 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 No. EO18101111)

<sup>4</sup> Order On Motions To Intervene Or Participate (June 27, 2023), I/M/O The Petition Of Public Service Electric And Gas Company For Approval Of The Next Phase Of The Gas System Modernization Program And Associated Recovery Mechanism (“GSMP III”) (BPU Docket No. GR23030102)

<sup>5</sup> On July 19, 2021, ALJ Gertsman granted intervenor status to NRG in the NJNG base rate case. *See* I/M/O The Petition Of New Jersey Natural Gas Company For Approval Of An Increase In Gas Base Rate And For Changes In Its Tariff For Gas Service Pursuant To N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1; And For Changes To Depreciation Rates For Gas Property Pursuant To N.J.S.A. 48:2-18 And In The Matter Of The Petition Of New Jersey Natural Gas Company For Approval Of A Base Rate Adjustment Pursuant To The Nj Rise And Safe II Programs (BPU DOCKET NO. GR21030679; OAL DOCKET. NO. PUC 04111-21; BPU DOCKET NO. GR21030680; OAL DOCKET. NO. PUC 04113-21).

19. In addition to the foregoing, NRG submits that fundamental fairness and due process require that the Board grant its Motion to Intervene as a party in the above matter and to grant such further relief as it deems is just, reasonable, and proper.

Pursuant to N.J.A.C. 1:1-16.1 et seq., NRG respectfully requests that it be permitted to intervene, with full procedural and substantive rights, in this proceeding.

Respectfully submitted,



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Counsel for NRG Energy, Inc.

Dated: February 5, 2024

**STATE OF NEW JERSEY  
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IN THE MATTER OF THE PETITION OF :  
PUBLIC SERVICE ELECTRIC AND GAS :  
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TARIFFS FOR ELECTRIC AND GAS :  
SERVICE, B.P.U.N.J. NO. 17 ELECTRIC :  
AND B.P.U.N.J. NO. 17 GAS, AND FOR :  
CHANGES IN DEPRECIATION RATES, :  
PURSUANT TO N.J.S.A. 48:2-18, N.J.S.A. :  
48:2-21 AND N.J.S.A. 48:2-21.1, AND :  
FOR OTHER APPROPRIATE RELIEF :

**CERTIFICATION OF ANGELA SCHORR**

Angela Schorr, of full age and upon my oath, deposes and says:

1. I am Angela Schorr, Director of Regulatory Affairs at NRG Energy, Inc.
2. I am authorized to make this statement on behalf of NRG Energy, Inc.
3. I have received the attached Motion to Intervene and certify that the facts set forth therein are true and accurate to the best of my knowledge and belief.

  
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Angela Schorr

Dated: February 5<sup>th</sup>, 2024



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