

February 29, 2024

VIA E-FILEING AND E-MAIL

Sherri L. Golden, Board Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
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; OAL Docket No. PUC00926-24**

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 reply to PSE&G's opposition to NRG's Motion to Intervene in the above docket.

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.)
Hon. Irene Jones, ALJ (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 :
RATES AND FOR CHANGES IN THE : BPU DOCKET NOS. ER23120924,
TARIFFS FOR ELECTRIC AND GAS : GR23120925
SERVICE, B.P.U.N.J. NO. 17 ELECTRIC : OAL DOCKET NO. PUC00926-24
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 :

**NRG’S REPLY TO PSE&G’S OPPOSITION
TO NRG’S MOTION TO INTERVENE**

NRG Energy, Inc. and its retail electric and gas supply affiliates (“NRG”), hereby reply to PSE&G’s opposition to NRG’s motion to intervene in the above-referenced proceeding.

1. PSE&G’s opposition, filed on February 27, 2024, fails to acknowledge NRG’s strongest argument for intervention in this proceeding that PSEG’s petition includes proposed changes to the Third Party Supplier (“TPS”) requirements in its gas tariff, which will directly affect NRG’s ability to provide gas supply services to its customers.

2. Specifically, PSE&G’s petition is proposing changes to the TPS nomination procedures, credit requirements, imbalance cash-out procedures, and force majeure in its gas tariff as summarized in the chart below taken directly from PSE&G’s petition:

Third Party Supplier Requirements		
Nomination Procedures	Original Sheet No. 115	§ 4.2. Added definition of a "Gas Day" and additional language to TPS Nomination Requirements
	Original Sheet Nos. 115 to 116	Removed § 4.3. TPS Nomination Requirements for Customers with a Maximum Requirement of 7,500 Therms Per Hour and Greater
Credit Requirements	Original Sheet No. 116	Added Security obligations for Third Party Suppliers
	Original Sheet No. 117	Changed "facsimile" to "electronic"
Imbalance Cash-Out Procedures	Original Sheet No. 118	§ 6.1.3. Changed "Under deliveries" to "Balancing" and specified the price reference during critical periods
	Original Sheet No. 120	Specified price reference during critical periods
	Original Sheet No. 121	§ 6.3.3. Added language addressing imbalance; § 6.3.4. Specified price reference during critical periods
	Original Sheet No. 122	§ 6.3.6. Deleted Pooling language as it is not commonly used now
		§ 6.4. Added language to Cash-out Billing and Payment
Force Majeure	Original Sheet Nos. 122 to 123	Revised language describing applicable scenarios

3. Administrative Law Judge ("ALJ") Gertsman previously granted intervention to NRG in the 2021 New Jersey Natural Gas ("NJNG") base rate case based on the same arguments that NRG asserts here, i.e., that NJNG's proposed changes to their TPS requirements in its gas tariff would substantially, specifically, and directly affect NRG's ability to serve their TPS customers.¹

4. It is important to note that NRG is the only TPS that has moved to intervene in this PSE&G proceeding. The Board of Public Utilities ("BPU") has previously found that this is a basis for granting intervention to NRG. For example, in the PSE&G GSMP III proceeding the Board granted NRG's motion to intervene because NRG would be "representing the specific interests of TPSs and their customers."² Therefore, the presiding ALJ should reject PSE&G's argument that

¹ 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)

² 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)

NRG's interests would be adequately represented by Board Staff and Rate Counsel in this proceeding.

5. The presiding ALJ should also reject PSE&G's argument that the scope of NRG's intervention should be limited to issues related to PSE&G's proposed time of use rates because NRG also has a strong interest in PSE&G's proposed gas tariff changes related to TPS requirements.

6. Moreover, PSE&G's argument that NRG's intervention will cause confusion and delay should also be dismissed. PSE&G argues that its motion to strike parts of Direct Energy's testimony in PSE&G's prior base rate case was granted on September 12, 2018. However, since then, the Board and OAL have granted intervention to NRG in other proceedings without any findings that NRG may cause confusion or delay. Those cases include the NJNG 2021 base rate proceeding and PSE&G GSMP III proceeding discussed above as well as the Jersey Central Power & Light ("JCP&L") Advanced Metering Infrastructure ("AMI") Program proceeding;³ Atlantic City Electric ("ACE") Smart Energy Network AMI program proceeding;⁴ and the PSE&G Clean Energy Future Electric Vehicle Program proceeding.⁵ Therefore, the Board and OAL have not found that a previously granted motion to strike testimony was sufficient grounds for rejecting NRG's subsequent motions to intervene.

³ 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)

⁴ 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)

⁵ 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)

7. In addition, the 2018 order granting PSE&G's motion to strike testimony concerned Direct Energy prior to it becoming an affiliate of NRG and is therefore not indicative of the testimony that NRG will present in this proceeding.

Pursuant to N.J.A.C. 1:1-16.1 et seq., and for the reasons set forth herein and in NRG's initial motion filing, NRG respectfully requests that it be permitted to intervene, with full procedural and substantive rights, in this proceeding.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Murray E. Bevan".

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Dated: February 29, 2024

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