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April 19, 2024

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
Trenton, NJ 08625-0350
Board.secretary@bpu.nj.gov

**Re : In the Matter of the Petition of Jersey Central Power and Light Company
for Approval of a Change to Its Zero Emission Certificate Recovery Charge
BPU Docket No. EO24010054**

Dear Secretary Golden:

Please accept for filing these comments on behalf of the Division of Rate Counsel (“Rate Counsel”) to the following Jersey Central Power and Light Company (“JCP&L 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 ZEC Charge interest-bearing account to its retail distribution customers at the end of each energy year. N.J.S.A. 48:3-87.5(j)(2). JCP&L has designated this refund component of its ZEC Charge as the “ZEC Reconciliation Charge”.

On February 17, 2023, the Board approved the Company’s November 4, 2022 petition request to maintain its Reconciliation Component rate of \$0.000089 per kWh without Sales and Use Tax (“SUT”) and the resulting overall ZEC Charge rate of \$0.004170 including SUT to commence on March 1, 2023.¹

On January 17, 2024, JCP&L filed a letter petition seeking to change its ZEC Reconciliation Charge to zero as of January 1, 2024. Because the ZEC Reconciliation Charge rate represents a credit to the customer, when the Reconciliation Charge rate is reduced to zero, the customer’s rate increases. If approved, this decrease in the ZEC Reconciliation Charge rate, which is a credit to the customer, will result in the bill of a residential customer using 783

¹ In re JCP&L Company’s Petition for Approval of a Zero Emission Certificate Recovery Charge, Docket No. EO22110703, Order dated February 17, 2023.

kilowatt-hours per month increasing by \$0.07 or 0.06% from \$118.30 per month to \$118.37 per month, including SUT.²

The Company is also proposing that the Board allow future ZEC Reconciliation Charge adjustment filings be handled via a compliance filing to be made no later than 30 days prior to any change.³

Rate Counsel has reviewed the petition for this matter and does not object to JCP&L's request to set the Reconciliation Component of its ZEC Charge rate at \$0.000000, to be effective for Energy Year 2024.

However, in regard to JCP&L's request to allow future filings to be handled by a compliance filing 30 days before a ZEC Reconciliation Charge rate change, 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.

Further, Rate Counsel notes that JCP&L made this same request in its prior November 4, 2022 ZEC Reconciliation Component adjustment filing. The Board denied JCP&L's request in a February 17, 2023 Order stating:

The Board declines at this time to predetermine that JCP&L's future ZEC Reconciliation Charge adjustment filings will not require, or otherwise justify according to the Board's discretion, public hearings. Accordingly, the Board HEREBY DENIES JCP&L's request that, if future ZEC Reconciliation Charge filings

² Petition, p.2.

³ Ibid.

are required, rate changes be addressed through a 30-day compliance filing.⁴

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 and believes the Board should deny this request.

Respectfully submitted,

BRIAN O. LIPMAN, DIRECTOR
DIVISION OF RATE COUNSEL

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

⁴ In the Matter of the Petition of Jersey Central Power and Light Company for the Approval of Zero Emission Certificate Recovery Charge, Docket EO2121073, Order dated February 17, 2023, p. 3.

**I/M/O Jersey Central Power &
Light Company for Approval of a
Zero Emissions Certificate
Recovery Charge
BPU Docket No.: EO24010054**

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