

STATE OF NEW JERSEY

Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PROVISION OF BASIC)	DECISION AND ORDER
GENERATION SERVICE, THE COMPLIANCE)	APPROVING THE PASS-
TARIFF FILING REFLECTING CHANGES TO	j	THROUGH OF FERC
SCHEDULE 12 CHARGES IN PJM OPEN)	AUTHORIZED CHANGES IN FIRM
ACCESS TRANSMISSION TARIFF, AND THE)	TRANSMISSION SERVICE
SUBMISSION OF REVISED TARIFF SHEETS	ĺ	RELATED CHARGES
RELATED TO RELIABILITY MUST RUN)	
CHARGES FOR YORKTOWN 1 AND 2 AND B.L.)	
ENGLAND GENERATING UNITS- JUNE 27, 2019	í	
FILING	í	BPU DOCKET NO. ER19060763

Parties of Record:

Philip J. Passanante, Esq. on behalf of Atlantic City Electric Company Joseph A. Shea, Jr., Esq. on behalf of Public Service Electric and Gas Company Gregory Eisenstark, Esq. (Cozen O'Connor) on behalf of Jersey Central Power & Light Company John L. Carley, Esq. on behalf of Rockland Electric Company Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

By petition dated June 27, 2019, Atlantic City Electric Company ("ACE"), Jersey Central Power & Light Company ("JCP&L"), Public Service Electric & Gas Company ("PSE&G"), and Rockland Electric Company ("Rockland") (collectively, the "EDCs") filed a joint petition with the New Jersey Board of Public Utilities ("Board") requesting recovery of Federal Energy Regulatory Commission ("FERC") approved changes in firm transmission service related charges. The EDCs request that the changes in rates, if approved, be effective for service rendered on or after September 1, 2019.

The EDCs' proposed tariff changes reflect changes to the Basic Generation Service ("BGS") Residential and Small Commercial Pricing ("BGS-RSCP") and Commercial and Industrial Energy Pricing ("BGS-CIEP") rates to customers resulting from changes in the PJM Interconnection, LLC ("PJM") Open Access Transmission Tariff ("OATT") made in response to (i) the annual formula rate update filings made by PPL Electric Utilities Corporation ("PPL") in FERC Docket No. ER09-1148, by Baltimore Gas and Electric Company in FERC Docket No. ER09-1519, and by Tran-Allegheny Interstate Line Company ("TrAILCo") in FERC Docket No. ER07-562, and (ii)

the formula rate update filings made by the public utility affiliates of Pepco Holdings Inc. ("PHI") in FERC Docket No. ER08-1423 and the respective utility affiliate compliance filings for formula rate updates made by Atlantic City Electric Company ("ACE") in FERC Docket No. ER09-1156, Delmarva Power and Light ("Delmarva") in FERC Docket No. ER09-1158, and Potomac Electric Power Company ("PEPCO") in FERC Docket No. ER09-1159. The filings referred to in (i) and (ii) above are collectively referred to as the "TEC Filings."

Additionally, the EDCs' proposed tariff changes reflect changes to the BGS-RSCP and BGS-CIEP rates to customers resulting from changes in the PJM OATT relating to costs the suppliers will be assessed by PJM pursuant to Reliability Must Run ("RMR") charges approved by FERC.

Transmission Enhancement Charges

The Transmission Enhancement Charges ("TECs") detailed in Schedule 12 of the PJM OATT were implemented to compensate transmission owners for the annual transmission revenue requirements for "Required Transmission Enhancements" that are requested by PJM for reliability or economic purposes. TECs are recovered by PJM through an additional transmission charge in the transmission zones assigned cost responsibility for Required Transmission Enhancement projects.

On April 25, 2017, in Docket Nos. ER17-950-000 and ER17-940-001 ("ConEd Wheel Order"), FERC issued an Order that modified the PJM OATT as a result of the termination of a long-term firm point-to-point transmission service agreement between PJM and Consolidated Edison Company of New York, Inc. (the "ConEd Wheel"). The PJM tariff revisions remove ConEd as a party responsible for cost allocation under Schedule 12 of the PJM OATT. This, in turn, required that PJM reallocate the ConEd portion to the remaining entities as these costs relate to the ConEd Wheel. The cost reallocation being implemented pursuant to the ConEd Wheel Order is subject to ongoing legal challenges and protests before FERC by various interested entities. By Order dated July 26, 2017, the Board authorized the EDCs to begin collecting the TEC charges based on the reallocation related to the ConEd Wheel Order and track such collections until receipt of a Final FERC Order in the matter.

On May 1, 2017, in FERC Docket No. ER17-1519-000, PJM filed with FERC, on behalf of PECO for approval of a transmission formula rate template and formula rate protocols in the PJM OATT. PECO previously had a stated rate and sought authorization to move to a forward-looking formula rate under the PJM tariff. PECO requested an effective date of the proposed tariff revisions of July 1, 2017. On June 27, 2017, FERC issued a letter order ("FERC PECO Order") accepting PECO's filing, subject to refund, effective December 1, 2017. By Order dated February 28, 2018, the Board authorized the EDCs to begin collecting the charges related

¹ With the exception of a protest filed by the Board, the entities (i.e., Linden VFT, Hudson Transmission Partners, and New York Power Authority (collectively, "Merchant-related Protestors")) challenging the cost reallocation allege that less costs should be allocated to them and more costs should be allocated to the zones of the New Jersey EDCs.

² In re the Provision of Basic Generation Service and Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff—May 12, 2017 Filing, BPU Docket No. ER17050499 (July 26, 2017) ("July 2017 Order").

In re the Provision of Basic Generation Service and Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff – December 20, 2017 Joint Filing, BPU Docket No. ER17121310 (February 28, 2018) ("February 2018 Order").

to the FERC PECO Order and track such collections until receipt of a Final FERC Order in the matter.

On December 15, 2017, in Docket Nos. EL-17-84-000 and EL17-90-000 ("HTP and Linden VFT Orders"), FERC issued orders, effective January 1, 2018 that modified the PJM OATT as a result of a change in Hudson Transmission Partners' ("HTP") and Linden Variable Frequency Transformer Project ("VFT's") responsibility for certain transmission cost allocations resulting from the conversion of Firm to Non-Firm Transmission Withdrawal Rights. The revisions remove HTP and Linden VFT as parties responsible for cost allocation under Schedule 12 of the PJM OATT. While FERC has ruled on these matters through the issuance of the HTP and Linden VFT Orders, the cost reallocations being implemented are still subject to ongoing challenges before FERC. By two (2) separate Orders⁴ dated July 25, 2018, the Board authorized the EDCs to begin collecting the TEC charges based on the reallocation related to the HTP and Linden VFT Orders and track such collections until receipt of a Final FERC Order.

RMR Charges

The Reliability Must Run Charges ("RMR Charges") are specific additional PJM charges based on Section 120 of the PJM Tariff, whereby costs incurred to compensate a deactivating generating unit for its continued operation to alleviate a reliability impact are recovered by PJM through an additional transmission charge in the transmission zones assigned financial responsibility for the reliability upgrades.

RC Cape May Holdings, LLC

On March 3, 2017, RC Cape May Holdings, LLC ("RCCM") made a filing with FERC in Docket No. ER17-1083-001 for the recovery of costs associated with the continued operation of two (2) generating units ("B.L. England") for RMR purposes. In an Order dated April 26, 2017 in Docket No. ER17-1083-001 ("April 2017 RMR Order"), FERC issued an Order approving the B. L. England RMR charges. The April 2017 RMR Order did not impact PSE&G or Rockland. By Order⁵ dated August 23, 2017, the Board authorized ACE and JCP&L to begin collecting the RMR Charges associated with the April 2017 RMR Order ("B.L. England RMR") and track such collections until receipt of a Final FERC Order.

Yorktown

On January 5, 2017, in accordance with Section 116 of the PJM OATT, Dominion Energy Services, Inc., formerly Dominion Resources Services, Inc. ("Dominion") filed for a Deactivation Avoidable Cost ("DAC") Rate with FERC in Docket No. ER17-750-000 ("Dominion FERC Filing"). The filing at FERC is for the recovery of costs associated with the continued operation of two generating units, Yorktown 1 and 2, located in Yorktown, Virginia (collectively, "Yorktown Units"). On March 2, 2017, FERC accepted Dominion's filing for DAC rates, effective January 6, 2017.

⁴ In re the Provision of Basic Generation Service and the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff- February 2018 Joint Filing Related to JCP&L TECs AND In re the Provision of Basic Generation Service and the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff-February 2018 Joint Filing, BPU Docket Nos. ER18020157 and ER18020158 (July 25, 2018) ("July 2018 Orders").

⁵ In re the Provision of Basic Generation Service and Tariff Sheets Reflecting Proposed Revisions to Reliability Must Run Charge, BPU Docket No. ER17070719 (August 23, 2017).

On June 14, 2017, the U.S. Department of Energy ("DOE") issued an emergency order ("June DOE Emergency Order") in which it determined that the continued operation of the Yorktown Units is necessary to maintain grid reliability in the North Hampton Roads area east of Richmond, Virginia. As a result of the June DOE Emergency Order, and based on discussions with PJM in light of that Order, Dominion submitted a filing to FERC stating that Dominion and the Market Monitor for PJM agreed to initial rates while negotiations on the DAC Rates continued. In July 2017, PJM issued a statement that the June billing would reflect Deactivation charges/credits for the extension of the Yorktown Units, effective January 5, 2017. By Order⁶ dated December 19, 2017, the Board authorized the EDCs to begin collecting the RMR Charges related to the Yorktown Units ("Yorktown RMR") and track such collections until receipt of a Final FERC Order.

June 2019 Petition

In the June 2019 petition the EDC's requested to implement revised tariff rates. The proposed rates included in the amended tariff sheets for each EDC reflect costs effective as of June 1, 2019 for TECs resulting from the above listed FERC-approved TEC Filings and RMR filings. The proposed rates also include the rate adjustments resulting from the ConEd Wheel Order, the PECO Order and the HTP and Linden VFT Orders (collectively, "FERC Orders") and the Yorktown RMR.

The EDCs also requested that the BGS suppliers be compensated for the changes to the OATT resulting from the implementation of the updates to formula rates which became effective June 1, 2019. The EDCs represent that suppliers will be compensated subject to the terms and conditions of the applicable Supplier Master Agreements ("SMAs"). Any differences between payments to BGS-RSCP and BGS-CIEP suppliers and charges to customers will flow through BGS Reconciliation Charges. Because suppliers began to pay the modified transmission charges in June 2019, the EDCs requested a waiver of the 30-day filing requirement.

The EDCs also requested that the Yorktown RMR and B.L. England RMR Charges be set to zero in each of the EDC's respective tariffs, effective September 1, 2019. As indicated in the petition, any differences between payments to BGS-RSCP and BGS-CIEP suppliers and charges to customers to flow through BGS Reconciliation Charges with the understanding that no payments for the Yorktown RMR have been paid to suppliers and will not be until the receipt of a "Final FERC Order." The request reflects that the Yorktown Units and B.L. England units are no longer collecting RMR payments.

According to the EDCs, this filing satisfies the requirements of paragraph 15.9(a)(i) and (ii) of the BGS-RSCP and BGS-CIEP SMAs, which mandate that BGS-RSCP and BGS-CIEP suppliers be notified of rate increases for firm transmission service, and that the EDCs file for and obtain Board approval for an increase in retail rates commensurate with the FERC-implemented rate increase.

Each EDC is allocated a different amount of RMR charges, the ACE derived Network Integration Transmission Service ("NITS") Charge, and the TECs from PJM based on the cost in each EDC's transmission zone. Based on the allocation of the TEC Filings transmission costs

⁶ In re the Provision of Basic Generation Service and Tariff Sheets Reflecting Proposed Revisions to Reliability Must Run Charge- November 2017 Yorktown Filing, BPU Docket No. ER17111150 (December 19, 2017).

among the service classes, the monthly bill for a residential customer using 650 kWh per month will change by approximately the following amounts (including Sales and Use Tax): a decrease of \$2.49 or 1.99% for ACE, a decrease of \$0.15 or 0.17% for JCP&L, an increase of \$0.14 or 0.12% for PSE&G; and an increase of \$0.10 or 0.09% for Rockland.

DISCUSSION AND FINDING

In the Board's Order dated December 2, 2003, in Docket No. EO03050394, the Board found that the pass through of any changes in the network integration transmission charge, and other charges associated with the FERC-approved OATT, is appropriate. Furthermore, by subsequent Orders, the Board approved Section 15.9 of the SMAs as filed by the EDCs which requires that the EDCs file for Board approval of any increases or decreases in their transmission charges that have been approved by FERC. The SMAs also authorize the EDCs to adjust the rates paid to suppliers for FERC-approved rates and increases to Firm Transmission Services once approved by the Board. The Board Orders further require that the EDCs review and verify any requested FERC authorized increases.

After review of the verifications and supporting documentation, the Board <u>HEREBY FINDS</u> that the June 27, 2019 filing satisfies the EDCs' obligations under paragraph 15.9(a)(i) and (ii) of the relevant SMAs, and <u>HEREBY APPROVES</u> the changes to the BGS-RSCP and BGS-CIEP rates requested by each EDC for its transmission charges resulting from the FERC-approved changes to the TECs and the ACE NITS, effective as of September 1, 2019.

However, with respect to the reallocations derived from the FERC Orders, the Board notes that these are not Final FERC Orders and are subject to ongoing challenges at FERC. The Board's December 22, 2006 Order⁷ at page 12 states,

Upon receipt of Board approval for the increase in the rates charged to BGS Customers, the EDCs would begin collecting the increase from BGS Customers, tracking that portion of the rates charged to BGS Customers attributable to the rate increase, and retaining such tracked amounts for the ultimate benefit of the BGS Suppliers. Upon approval by the FERC of a proposed rate increase, in a Final FERC Order not subject to refund, the EDCs would increase, by the amount approved by the Board, the BGS-FP auction price paid to BGS-FP Suppliers, and the BGS-CIEP Transmission Charge paid to BGS-CIEP Suppliers, and would pay each BGS Supplier, in proportion to its BGS Supplier Responsibility Share, the amounts tracked and retained for the benefit of BGS Suppliers until the date final FERC approval was received.

Accordingly, with respect to the allocations resulting from the FERC Orders, the Board <u>DENIES</u> the EDCs' request to pay suppliers at this time and <u>AUTHORIZES</u> the EDCs to collect from BGS customers, the costs associated with these Orders and track such collections until receipt of Final FERC Orders in the matters. For the remaining TEC changes, the EDCs are <u>HEREBY ORDERED</u> to compensate the BGS suppliers for this transmission rate change subject to the terms and conditions of the SMAs.

⁷ In re the Provision of Basic Generation Service for the Period Beginning June 1, 2007, BPU Docket No. EO06020119 (December 22, 2006).

Additionally, the Board <u>HEREBY AUTHORIZES</u> the EDCs to zero out the Yorktown RMR and B.L. England RMR rates, effective September 1, 2019. However, with respect to the Yorktown RMR payment to suppliers, the Board notes that there is still no FERC Final Order in the matter. Accordingly, the EDCs are not authorized to pay suppliers for costs related to the Yorktown RMR until receipt of a Final FERC Order.

Further, the Board <u>HEREBY DIRECTS</u> the EDCs to file tariffs and rates consistent with the Board's findings by September 1, 2019.

The EDCs' rates remain subject to audit by the Board. This Decision and Order does not preclude the Board from taking any actions deemed to be appropriate as a result of any Board audit.

The effective date of this Order is August 17, 2019.

DATED: 8/7/19

BOARD OF PUBLIC UTILITIES

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ATTEST:

AIDA CAMACHO-WELCH

SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

IN THE MATTER OF THE PROVISION OF BASIC GENERATION SERVICE, THE COMPLIANCE TARIFF FILING REFLECTING CHANGES TO SCHEDULE 12 CHARGES IN PJM OPEN ACCESS TRANSMISSION TARIFF, AND THE SUBMISSION OF REVISED TARIFF SHEETS RELATED TO RELIABILITY MUST RUN CHARGES FOR YORKTOWN 1 AND 2 AND B.L. ENGLAND GENERATING UNITS- JUNE 27, 2019 FILING BPU Docket No. ER19060763

NOTIFICATION LIST

	BOARD OF PUBLIC UTILITIES Post Office Box 350 Trenton, NJ 08625-0350			
Stacy Peterson, Director Division of Energy stacy.peterson@bpu.nj.gov	Aida Camacho-Welch, Secretary Board.secretary@bpu.nj.gov	Benjamin Witherell, Chief Economist benjamin.witherell@bpu.nj.gov		
Andrea Hart, Esq. Counsel's Office andrea.hart@bpu.nj.gov	Cynthia Holland, Director Office of Federal and Regional Policy cynthia.holland@bpu.nj.gov			
Division of Rate Counsel Post Office Box 003 Trenton, NJ 08625-0003				
Stefanie A. Brand, Esq., Director sbrand@rpa.ni.gov	Brian Lipman blipman@rpa.nj.gov	Ami Morita amorita@rpa.nj.gov		
James Glassen iglassen@rpa.nj.gov	Celeste Clark cclark@rpa.nj.gov	Debora Layugen dlayugan@rpa.nj.gov		
	Department of Law & Public Safety Division of Law Post Office Box 45029 Newark, NJ 07101-45029			
Caroline Vachier, DAG caroline.vachier@law.njoag.gov	Andrew Kuntz, DAG andrew.kuntz@law.njoag.gov			

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EDCs			
Joseph Janocha Atlantic City Electric Co. – 63ML38 5100 Harding Highway Atlantic Regional Office Mays Landing, NJ 08330 joseph.janocha@pepcoholdings.com	Dan Tudor Pepco Holdings, Inc. 7801 Ninth Street NW Washington, DC 20068-0001 datudor@pepco.com	Phil Passanante, Esq. Atlantic City Electric Co. – 89KS Post Office Box 231 Wilmington, DE 19899 philip.passanante@pepcoholdings.com	
Yongmei Peng Jersey Central Power & Light Co. 300 Madison Ave. Morristown, NJ 07962 ypeng@firstenergycorp.com	Jennifer Spricigo First Energy 300 Madison Avenue Morristown, NJ 07960 ispricigo@firstenergycorp.com	Gregory Eisenstark, Esq. Cozen O'Connor One Gateway Center Suite 2600 Newark, NJ 07102 geisenstark@cozen.com	
John L. Carley, Esq. Consolidated Edison Co. of NY Law Dept., Room 1815-S 4 Irving Place New York, NY 10003 carleyi@coned.com	Margaret Comes, Sr. Staff Attorney Consolidated Edison Co. of NY Law Dept., Room 1815-S 4 Irving Place New York, NY 10003 comesm@coned.com	Joseph A. Shea, Esq. PSEG Services Corporation Post Office Box 570 80 Park Plaza, T-5 Newark, NJ 07101 Joseph.shea@pseg.com	
Chantale LaCasse NERA 1166 Avenue of the Americas, 29 th Floor New York, NY 10036 chantale.lacasse@nera.com	Myron Filewicz Manager- BGS PSE&G 80 Park Plaza, T-8 Post Office Box 570 Newark, NJ 07101 myron.filewicz@pseg.com	Terry Moran, Director Energy Supply Acquisitions & Operations PSE&G 80 Park Plaza, T-8 P.O. Box 570 Newark, NJ 07101 terrance.moran@pseg.com	
Diane Novak Senior Energy Acquisition Analyst Energy Acquisition Pepco Holdings 701 Ninth Street N.W. Washington, DC 20068 dnnovak@pepco.com			

OTHER			
Rick Sahni Contract Services – Power BP Energy Company 501 W Lark Park Boulevard WL1-100B Houston, TX 77079 rick.sahni@bp.com	Matthew Clements Contract Services – Power BP Energy Company 501 W Lark Park Boulevard WL1-100B Houston, TX 77079 matthew.clements@bp.com	Commodity Operations Group Citigroup Energy Inc. 2800 Post Oak Boulevard Suite 500 Houston, TX 77056 ceiconfirms@citi.com	
Legal Department Citigroup Energy Inc. 2800 Post Oak Boulevard Suite 500 Houston, TX 77056	Jackie Roy ConocoPhillips 600 N. Dairy Ashford, CH1081 Houston, TX 77079 jackie.roy@conocophillips.com	John Forman ConocoPhillips 600 N. Dairy Ashford, CH1081 Houston, TX 77079 ohn.r.foreman@conocophillips.com	
Marcia Hissong DTE Energy Trading 414 South Main Street Suite 200 Ann Arbor, MI 48104 hissongm@dteenergy.com	James Buck DTE Energy Trading 414 South Main Street Suite 200 Ann Arbor, MI 48104 buckj@dteenergy.com	Cynthia Klots DTE Energy Trading 414 South Main Street Suite 200 Ann Arbor, MI 48104 klotsc@dteenergy.com	
Danielle Fazio Engelhart CTP (US) 400 Atlantic Street, 11 th Floor Stamford, CT 06901 danielle.fazio@ectp.com	Mara Kent Engelhart CTP (US) 400 Atlantic Street, 11 th Floor Stamford, CT 06901 mara.kent@ectp.com	Connie Cheng Macquarie Energy LLC 500 Dallas Street, Level 31 Houston, TX 77002 connie.cheng@macquarie.com	
Paul Rahm Exelon Generation Company 100 Constellation Way, Suite 500C Baltimore, MD 21102 paul.m.rahm@constellation.com	Jessica Miller Exelon Generation Company 100 Constellation Way, Suite 500C Baltimore, MD 21102 jessica.miller@constellation.com	Justin Brenner NextEra Energy Power Mktg. 700 Universe Boulevard CTR/JB Juno Beach, FL 33408-2683 DL-PJM-RFP@fpl.com	
Sherri Brudner Macquarie Energy LLC 500 Dallas Street, Level 31 Houston, TX 77002 sherri.brudner@cacquarie.com	Patricia Haule Macquarie Energy LLC 500 Dallas Street, Level 31 Houston, TX 77002 patricia.haule@macquarie.com	Shawn P. Leyden, Esq. PSEG Services Corporation 80 Park Plaza – T-19 P.O. Box 570 Newark, NJ 07101 shawn.leyden@pseg.com	
Cara Lorenzoni Noble Americas Gas & Power Four Stamford Plaza, 7 th Floor Stamford, CT 06902 clorenzoni@mercuria.com	Brian McPherson TransCanada Power Marketing Ltd. 110 Turnpike Road, Suite 300 Westborough, MA 01581 brian mcpherson@transcanada.com	Matthew Davies TransCanada Power Marketing Ltd. 110 Turnpike Road, Suite 300 Westborough, MA 01581 matthew davies@transcanada.com	

Alan Babp Talen Energy Marketing LLC GENPL7S 835 Hamilton Street, Suite 150 Allentown, PA 18101 alan.babp@talenenergy.com	Mariel Ynaya Talen Energy Marketing LLC GENPL7S 835 Hamilton Street, Suite 150 Allentown, PA 18101 mariel.ynaya@talenenergy.com	Marleen Nobile PSEG Services Corporation 80 Park Plaza, T-19 PO Box 570 Newark, NJ 07101 marleen.nobile@pseg.com
Steven Gabel Gabel Associates 417 Denison Street Highland Park, NJ 08904 steven@gabelassociates.com		