BEVAN, MOSCA, GIUDITTA & ZARILLO, P.C.
ATTORNEYS AT LAW

222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
Phone: (908) 753-8300
Fax: (908) 753-8301
www.bmgzlaw.com

MURRAY E. BEVAN
mbevan@bmgzlaw.com

March 20, 2015

VIA ELECTRONIC AND REGULAR MAIL

The Honorable Kenneth Sheehan
Secretary, New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
kenneth.sheehan@bpu.state.nj.us
rule.comments@bpu.state.nj.us

***Re: In the Matter of the Board's Review of the Energy Competition Rules at N.J.A.C. 14:4*, Docket No. EX14111343**

Dear Secretary Sheehan:

On behalf of our client, the Retail Energy Supply Association ("RESA"), [1] please accept this letter replying to the Initial Comments of other stakeholders in the Board of Public Utilities' ("Board's") review of the Government Energy Aggregation ("GEA") Program Rules as part of its ongoing review of the Energy Competition Rules in the above-referenced proceeding. In its Initial Comments, RESA responded point-by-point to the Discussion Document circulated by Board Staff regarding this matter and RESA will not rehash those comments here. Rather,

[1] The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

RESA will use this opportunity to address its concern with the Electric Distribution Companies' ("EDCs'") claim that there has not been adequate demonstration that a rule requiring them to provide more granular data would be beneficial, as well as to address a couple of matters raised by the EDCs and Commercial Utility Consultants ("CUC") that RESA did not comment on previously.

I. EDC Comments

RESA agrees with the EDCs that "the January 29th meeting produced some positive and thoughtful dialogue" and that additional meetings may be beneficial to the process of developing meaningful rule changes to the GEA program. While RESA would support further dialogue, however, it would urge Board staff to carefully tailor additional meetings and/or requests for written comments to only address matters which Board staff believe truly require clarification and more discourse. As RESA discussed in its Initial Comments, certain rule changes are imminently necessary to benefit the GEA program and customers' experience with it. RESA is concerned that open-ended and unnecessary additional meetings and comment opportunities would delay implementation of these needed changes.

While it would support the EDCs' call for limited additional stakeholder meetings, RESA disagrees with their statement that the benefits of a requirement for EDCs to provide more granular data in the pre-bid stage have not been established. RESA, as a broad and diverse association of third party suppliers ("TPSs"), as well as individual TPSs, have endorsed the recommendations for additional data. In addition, the consultants advising aggregation programs

and municipal leaders have also expressed support for access to better data. Moreover, the specific data that Con Edison Solutions asked the Board to require the EDCs to provide is currently available to TPSs who initiate historical usage requests for individual customers. Accordingly, the EDCs should readily have this information in connection with large scale aggregations and requiring them to provide such information should not impose more than a nominal burden on the EDCs' resources, despite what the EDCs suggest in their comments.

As explained in its Initial Comments, the first priority concern is to ensure the availability of capacity tag data at the pre-bid stage in the GEA process. To RESA's knowledge, JCP&L is the only EDC that did not provide this information, but since the first stakeholder meeting on January 29, JCP&L has begun to provide this information. This is a significant improvement in the status quo; however, RESA continues to support uniform data access policies as part of the GEA rules. RESA would also recommend that the EDCs confirm their ability and willingness to provide aggregate capacity tag information.

Capacity tag information is necessary for retail suppliers to adequately structure price offers as part of an aggregation bid. Without this information, TPSs must estimate the capacity obligation for GEA programs and build in costly risk premiums. The EDCs' provision of more granular data (beyond the aggregate capacity tag information) will also help to generate more efficient bid prices. The granular data will allow TPSs to understand not just the total load and capacity obligation for the aggregation group, but will also provide insight into the distribution of customers. This will enable TPSs to conduct more sophisticated data modeling when developing their bid prices.

For the foregoing reasons, RESA believes that sufficient demonstration has been made for a Board requirement that the EDCs provide more granular data. If Board Staff would find it helpful, however, RESA could confidentially provide some information on how these data issues affect bid prices. However, such information is competitively sensitive and could not be provided broadly.

II. Response to CUC

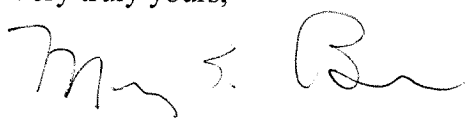
RESA generally supports all of the recommendations made by CUC and indeed expressed many of the same ideas in its Initial Comments. RESA would like to express particular support for CUC's recommendation that the Price to Compare ("PTC") be standardized and readily available on the Board website in an accurate, forward-looking and meaningful manner. RESA also supports the CUC's recommendation to require the EDCs to post the new BGS auction rates earlier in the calendar year. Currently, the Board promptly posts the BGS auction results (wholesale prices) in February, but the EDCs do not post their actual tariff rates for quite some time following the auction. Therefore, RESA agrees with CUC that the Board should impose a requirement for EDCs to post their tariff rates no later than April 15 for each upcoming Energy Year.

Once again, RESA supports the Board's review and enhancement of existing rules regarding government energy aggregation programs in order to improve the experience of New Jersey electric and gas customers. In developing such regulations, RESA encourages the Board

to take into account its recommendations made herein, as well as in the Initial Comments and during the discussion at the stakeholder meeting.

Please do not hesitate to contact me with any questions. Thank you.

Very truly yours,



Murray E. Bevan