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July 15, 2013

**VIA ELECTRONIC AND REGULAR MAIL**

The Honorable Kristi Izzo  
Secretary, New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
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***Re: Request for Extensions to File Renewable Energy Portfolio Standard Compliance Reports and Complete Related Financial Transactions for the Period June 1, 2012 through May 31, 2013***

Dear Secretary Izzo:

This firm represents the Retail Energy Supply Association (“RESA”), a broad and diverse group of retail energy suppliers who advocate for and promote vibrant and sustainable competitive retail energy markets that provide robust choice for residential, commercial and industrial consumers.<sup>1</sup> For the reasons stated below, RESA respectfully requests that the Board of Public Utilities (“Board”) grant Third Party Suppliers (“TPSs” or “suppliers”) a sixty (60) day extension until December 1, 2013 to file their annual reports regarding compliance with the state’s Renewable Energy Portfolio Standards (“RPS”) for Energy Year 2013. RESA believes TPSs will need sixty (60) days to review the Board’s estimate of load to determine the validity and accuracy of staff’s solar load data and complete transactions related to the acquisition of Solar Renewable Energy Credits (“SRECs”) and Solar Alternative Compliance Payments (“SACPs”). Failure to grant this extension of time would result in a significant hardship to TPSs

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<sup>1</sup>RESA’s members include: AEP Energy, Inc.; Champion Energy Services, LLC; ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; GDF SUEZ Energy Resources NA, Inc.; Hess Corporation; Homefield Energy; IDT Energy, Inc.; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; NRG, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

as they would have to make tens of millions of dollars of investments in an extremely brief timeframe without confidence in the solar load data. RESA remains appreciative of the Board's actions the past two years which granted TPSs a sixty (60) day extension of time for TPSs to comply with their EY 2011 and EY 2012 solar RPS obligations, and we believe a similar extension is warranted for this energy year.

RESA notes that the EDCs, in their June 21, 2013 correspondence, expressed no opposition to TPSs receiving an extra thirty (30) days to comply with their solar obligations, which has been their position in the past. However, the EDCs do not speak for TPSs, and the EDCs' correspondence fails to acknowledge that TPSs were granted a sixty (60) day extension of time for EY 2011 and EY 2012 compliance the past two years, far short of the EDCs' suggested extension for EY 2013 compliance. In light of this, RESA respectfully requests that the EDCs' suggested timeframe for TPS compliance with the Board's RPS standards be disregarded, and that a more reasonable, identical sixty (60) day extension be granted for TPSs.<sup>2</sup>

The Solar Energy Advancement and Fair Competition Act ("SEAFCA"), enacted on January 17, 2010, imposed significant changes on TPS by requiring them to procure a greater solar energy load overall, as well as establishing a new compliance structure by which these suppliers must demonstrate they have met these increased solar requirements. Specifically, SEAFCA requires that each supplier's solar obligation be based on its market share of total energy load, rather than a percentage of total energy load as had been the previous compliance mechanism. The experience of the past two energy years shows that TPSs will not have final load data from the Office of Clean Energy ("OCE") until late in September, allowing almost no time to comply with the current October 1 deadline.

While some of the inequities of SEAFCA have lapsed, and TPSs no longer have to account for exempted BGS contracts, it should be noted that for EY 2013, a fixed percentage requirement has not been implemented pursuant to the 2012 Solar Act, and a fixed GWh requirement remains in place. Additional work needs to be done to determine what each suppliers solar obligation is for EY 2013. Given the experience of the past two energy years, it is likely that OCE will require additional time in September to make the necessary calculations in order to inform each supplier of their obligation. An extension of time for compliance for TPSs is therefore both practical and necessary.

While new solar legislation signed into law on July 23, 2012 increases the solar RPS requirement, converts the fixed GWh requirement into a percentage effective EY 2014

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<sup>2</sup> Unlike the EDCs treatment of TPSs, RESA does not object to the EDCs request for a sixty (60) day extension of time to submit annual RPS reports.

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(beginning June 1, 2013), this legislation does nothing to assist TPSs in determining their solar RPS obligations for the EY 2013 compliance period. Due to the expected delays in being able to compute suppliers' solar obligations, RESA is requesting an additional sixty (60) days until December 1, 2013 to file its compliance reports with the Board for Energy Year 2013.

Please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,



Murray E. Bevan

cc: Mike Winka (via electronic mail only)  
Scott Hunter (via electronic mail only)  
Ron Jackson (via electronic mail only)  
Babette Tenzer, Deputy Attorney General (via electronic mail only)