

Agenda Date: 9/23/16 Agenda Item: 2N

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 <u>www.nj.gov/bpu/</u>

<u>ENERGY</u>

IN THE MATTER OF THE 2016/2017 ANNUAL)	ORDER APPROVING
COMPLIANCE FILINGS FOR THE UNIVERSAL)	INTERIM USF RATES AND
SERVICE FUND ("USF") PROGRAM FACTOR)	LIFELINE RATES
WITHIN THE SOCIETAL BENEFITS CHARGE)	
RATE)	DOCKET NO. ER16060536

Parties of Record:

Matthew M. Weissman, Esq., Public Service Electric and Gas Company Mary Patricia Keefe, Esq., Elizabethtown Gas Philip J. Passanante, Esq., Atlantic City Electric Michael J. Connolly, Esq., Windels Marx Lane & Mittendorf, LLP, for Jersey Central Power & Light Company Andrew Dembia, Esq., New Jersey Natural Gas Company Margaret Comes, Esq., Rockland Electric Company Ira Megdal, Esq., Cozen O'Connor, for South Jersey Gas Stefanie A. Brand, Esq., Director, Division of Rate Counse!

BY THE BOARD:

BACKGROUND

The Electric Discount and Energy Competition Act, <u>N.J.S.A.</u> 48:3-49 <u>et seq.</u> provided that the New Jersey Board of Public Utilities ("Board") establish a non-lapsing Universal Service Fund ("USF") to assist low income consumers with the payment of electric and gas bills. This fund was to be established by the Board, pursuant to <u>N.J.S.A.</u> 48:3-60(b), wherein the Board was to determine the level of funding, the appropriate administration, and the purposes of the programs to be funded with monies from the fund. In its July 16, 2003 Order in Docket No. EX00020091, the Board established a permanent statewide program through which funds for the USF program are collected from customers of electric and natural gas public utilities operating in the

State (collectively, "Utilities") on a uniform basis.¹ That Order established that Lifeline² funding was to be generated in the same fashion as USF.

For the first year of the USF program, administrative expenses for USF were in addition to the \$30 million budget and were capped at 10% of the \$30 million for the year. If the program exceeded the \$30 million, any administrative expenses above \$3 million (10% of the initial year's budget) require advance approval by the Board. One-time start-up costs were not to be counted as administrative expenses and were not to be subject to the 10% cap. Those USF rates were approved by the Board by Order dated July 16, 2003 and the rates became effective on August 1, 2003. Lifeline rates based upon a \$72 million budget also became effective August 1, 2003. The Board directed the Utilities to make annual compliance filings for the USF and Lifeline components of the SBC by April 1st each year, including notice and public hearings, with any new tariffs to be effective July 1st of each year.

In its June 22, 2005 Order in Docket No. EX00020091, the Board ordered that the annual USF compliance filing date and effective date be changed from April 1st and July 1st, respectively, to July 1st and October 1st, respectively.

On June 21, 2010, in Docket No. EO09090771, the Board approved seven separate stipulations of settlement resolving all issues pertaining to the past USF related administrative costs of the four EDCs and the four GDCs. In addition, each individual stipulation of settlement identified the future USF related costs each utility would be allowed to include in the annual USF Compliance Filing.

By Order dated September 11, 2015, the Board approved the proposed rates set forth in the 2015/2016 USF compliance filing in Docket No. ER15060732. The proposed rates were established to recover an approximate \$175.2 million USF budget and a \$74.2 million Lifeline budget. Accordingly, the current rates, including Sales and Use Tax ("SUT"), are:

	Electric	Gas
USF	\$0.002232/kWh	\$0.0051/therm
Lifeline	\$0.000724/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.002956/kWh	\$0.0108/therm

¹ The four gas distribution companies ("GDCs") include Public Service Electric and Gas ("PSE&G"), Elizabethtown Gas ("ETG"), New Jersey Natural Gas Company ("NJNG"), and South Jersey Gas Company ("SJG"). The four electric distribution companies ("EDCs") include PSE&G, Atlantic City Electric Company ("ACE"), Jersey Central Power & Light Company ("JCP&L") and Rockland Electric Company ("RECO"). ² Lifeline is an energy assistance program created by the Legislature at <u>N.J.S.A.</u> 48:2-29.15, administered

² Lifeline is an energy assistance program created by the Legislature at <u>N.J.S.A.</u> 48:2-29.15, administered by the Department of Human Services and funded through the Societal Benefits Charge ("SBC").

PROCEDURAL HISTORY

On June 23, 2016, PSE&G, on behalf of itself and the other Utilities, made a filing for the 2016-2017 USF and Lifeline program year. ("June 2016 Filing") The June 2016 Filing included actual cost data from October 2015 to April 2016 and estimated data for May 2016 through September 2016. The parties to the June 2016 Filing included the Utilities, Staff of the Board of Public Utilities ("Staff") and the New Jersey Division of the Rate Counsel ("Rate Counsel") (collectively, "the Parties"). No other parties intervened in this rate proceeding. Pursuant to the Board's June 21, 2010 Order, the Utilities included their actual USF-related administrative costs, as of April 2016 and estimated administrative costs through September 2016. In addition, the Utilities³ requested full recovery of these administrative costs in the month following Board approval of the new USF rate.

In the June 2016 Filing, the Utilities proposed that the statewide USF rates be set to recover approximately \$167.1 million, representing a decrease of approximately \$8 million from the existing \$175.2 million being recovered under the current USF rates. The Utilities asserted that the calculations of the program costs supported the recovery of \$74.6 million for the State's Lifeline program, representing an increase from the existing \$74.2 million being recovered under the current rates. Further, the rates proposed in the June 2016 Filing include an estimated Department of Community Affairs ("DCA") administrative budget of \$7.7 million. The requested rates, including SUT, were as follows:

	Electric	Gas
USF	\$0.001988/kWh	\$0.0076/therm
Lifeline	\$0.000778/kWh	\$0.0051/therm
Combined USF/Lifeline	\$0.002766/kWh	\$0.0127/therm

The Utilities note that these calculations are subject to uncertainties due to a number of factors, such as program changes, participation rates and jurisdictional volumes. The proposed rates in the June 2016 Filing were also predicated upon an estimated \$12.9 million electric under-recovery balance and an estimated \$400,000 gas under-recovery balance as of September 30, 2016.

On July 27, 2016, the Utilities provided Staff and Rate Counsel with actual cost data, and supporting documentation through June 30, 2016. Subsequently, on July 28, 2016, the DCA submitted its 2016-2017 administrative budget to the Board in the amount of \$6.8 million. This is an approximate \$400,000 decrease from the prior program year's budget, as well as an approximate \$900,000 decrease from the projected DCA budget contained in the Utilities' June 23, 2016 filing. When combined, this updated information reflected a higher USF budget of approximately \$167.4 million, a gas under-recovery balance of approximately \$600,000, and an electric over-recovery balance of approximately \$1.9 million.

³ PSE&G, JCP&L, NJNG, and ETG did not request recovery of administrative expenses.

The updated 2016/2017 USF rates, including the revised DCA administrative cost budget, SUT, and reflective of nine months of actual data and three months of estimated data, are as follows:

	Electric	Gas
USF	\$0.001992/kWh	\$0.0076/therm
Lifeline	\$0.000778/kWh	\$0.0051/therm
Combined USF/Lifeline	\$0.002770/kWh	\$0.0127/therm

In accordance with <u>N.J.S.A.</u> 48:2-32.4 to 32.6, two public hearings were held in each geographic region served by each of the Utilities. Members of the public were afforded the opportunity to participate in the public hearings with respect to both the program policies and the rates, as well as to submit written comments about these matters. A hearing officer from Staff presided at each of the public hearings.

The public hearing schedule was as follows:

August 11, 2016 – RECO – 4:30 and 5:30 p.m. – Mahwah
August 16, 2016 - NJNG - 4:30 and 5:30 p.m Rockaway
August 16, 2016 – JCP&L – 4:00 and 5:00 p.m. – Rockaway
August 17, 2016 – JCP&L– 4:30 and 5:30 p.m. – Freehold
August 17, 2016 - NJNG- 4:30 and 5:30 p.m. – Freehold
August 22, 2016 – PSE&G – 5:00 and 6:30 p.m Hackensack
August 22, 2016 – SJG – 4:30 and 5:30 p.m. – Voorhees
August 23, 2016 – PSE&G – 5:00 and 6:30 p.m Mt. Holly
August 23, 2016 – ETG – 4:30 and 5:30 p.m Union
August 24, 2016 – PSE&G – 5:00 and 6:30 p.m New Brunswick
August 25, 2016 – ETG – 4:30 and 5:30 p.m Flemington
August 29, 2015 – ACE – 4:30 and 5:30 p.m. – Mays Landing

At the public hearings there were no comments by the members of the public concerning this matter.

POSITIONS OF THE PARTIES

Division of Rate Counsel

On August 31, 2016 Rate Counsel submitted comments concerning the June 2016 Filing. In its comments, Rate Counsel stated that it did not identify any serious discrepancies in the filing, and is not opposed to the proposed USF and Lifeline rates becoming effective on October 1, 2016 on an interim basis, subject to audit and refund. In addition, Rate Counsel stated that the utilities' updated calculations, which reflected two additional months of data would result in a slight increase in the originally proposed USF rates for both electric and gas utilities, but this increase would be largely offset by the updated DCA program budget. For those reasons, Rate Counsel suggested that the Board should adopt the originally proposed electric and gas rates, and the updated gas USF rate should not be adopted because this would result in a rate increase in excess of the rate increase which was listed in the notices for the public hearings by the utilities.

Further, Rate Counsel took no position concerning the reasonableness of DCA's proposed administrative USF budget. Also, Rate Counsel stated that the USF rates should remain interim and subject to audit and refund.

Rate Counsel noted that the current rates that are in effect are as follows:

	Electric	Gas
USF	\$0.002232/kWh	\$0.0051/therm
Lifeline	\$0.000724/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.002956/kWh	\$0.0108/therm

Rate Counsel further noted that in the filing the utilities proposed the following rates, including SUT:

	Electric	Gas
USF	\$0.001988/kWh	\$0.0076/therm
Lifeline	\$0.000778/kWh	\$0.0051/therm
Combined USF/Lifeline	\$0.002766/kWh	\$0.0127/therm

Rate Counsel further noted that the utilities updated their original filing by replacing estimated data for the months of May and June 2016 with actual cost and revenue data for those two months. These updates, if applied, would slightly increase the utilities' originally proposed USF rates for the electric and gas utilities.

Rate Counsel stated that the administrative costs incurred by those utilities still recovering their administrative costs through the USF charge net of previous reimbursements appear reasonable. In addition, Rate Counsel does not object to the utilities' request for recovery of their actual administrative costs.

Rate Counsel noted that the amounts the utilities sought for recovery of administrative expenses incurred from October 1, 2015 through September 30, 2016 were:

Electric Companies

JCP&L - \$0 RECO - \$(15) ACE - \$(2536) PSE&G - \$0

Total Electric Co.'s - \$(2,551)

Gas Companies

		\$0 \$(7,168) - \$0 \$(3,026)
Total Gas Co.'s	-	\$(10,194)
Total Electric/Gas Co).'s -	\$(12,745)

Electric and Gas Utilities

The Utilities did not submit reply comments.

DISCUSSION AND FINDINGS

After review of the compliance filings and the various submissions with reference thereto, including Rate Counsel's request that the Board adopt the originally proposed rates and not the updated rates, the Board <u>HEREBY</u> <u>DETERMINES</u> that it is appropriate to adopt the rates including the updated actual data and administrative cost budget.

These USF rates reflect the updated data, which include actual information through June 30, 2016, combined with the revised DCA administrative budget submitted on July 28, 2016. Also, these rates reflect costs for the projected period of October 1, 2016 – September 30, 2017. These rates are based on nine months of actual information and three months of estimated data. Further, these rates represent a more accurate projection of the upcoming USF program year's budget requirements than the rate the Utilities filed on June 23, 2016, which had seven months of actual, and five months of estimated data. Although the updated USF electric rate is higher than the rate included in the June filing, it represents a decrease from the current USF electric rate.

As such, the Board <u>HEREBY</u> <u>APPROVES</u> the following rates, including SUT, with detailed calculations in Exhibit A, effective on an interim basis on October 1, 2016:

	Electric	Gas
USF	\$0.001992/kWh	\$0.0076/therm
Lifeline	\$0.000778/kWh	\$0.0051/therm
Combined USF/Lifeline	\$0.002770/kWh	\$0.0127/therm

These revised rates reflect an overall USF budget of approximately \$167.4 million, a gas underrecovery balance of approximately \$600,000, and an electric over-recovery balance of approximately \$1.9 million.

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The combined USF/Lifeline rates represent a \$2.28 increase for an average residential gas customer utilizing 1,200 therms per year and a decrease of \$1.45 for an average residential electric customer utilizing 7,800 kWh per year. The combined USF/Lifeline annual bill would be \$36.85 per year for an average residential customer who uses both gas and electricity, an increase of approximately 2.31% or \$0.83 from the current level of \$36.02 per year.

Additionally, the Board has determined that it is appropriate to examine the historic interim rates. Although the Board has historically approved USF rates on an interim basis, the rates have been reviewed and trued up annually when Board Staff and Rate Counsel reviewed the preceding year's actual data and future estimates to establish rates for subsequent years through the Annual USF Compliance Filing. Although the Board performs these annual true-ups and effectively finalizes the rates, it has not historically declared the prior interim rates as final. Since these historic rates and the associated budget expenditures have been examined each year following their approval and trued up, the Board <u>HEREBY FINALIZES</u> the USF interim rates that have been approved through September 30, 2015. The Utilities costs will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

The Board <u>HEREBY</u> ORDERS that as part of future Annual USF Compliance Filings, prior interim rates should be examined and finalized.

The Utilities' actual administrative expenses from July 1, 2015 through June 30, 2016 appear reasonable. Accordingly, the Board <u>HEREBY</u> <u>APPROVES</u>, for recovery, the Utilities' actual administrative cost amounts for the period of July 1, 2015 through June 30, 2016 listed below:

Actual Administrative Costs July 1, 2015 through June 30, 2016:

Electric Companies

JCP&L - \$0 RECO - \$579 ACE - \$2,536 PSE&G - \$0

Gas Companies

NJNG - \$0 SJG - \$3,299 ETG - \$0 PSE&G - \$0

Total Electric/Gas Co.'s - \$6,414

The Board, finding the Utilities' request to be reasonable, also <u>DIRECTS</u> Staff to request disbursement of funds to reimburse the Utilities for their USF related administrative costs, listed above, from the USF Trust Account in the first month after the new USF rate becomes effective. These utility administrative cost numbers differ from the figures contained in Rate Counsel's comments because these calculations do not include the reimbursement amounts that the utilities received for actual administrative costs for the prior year. Finally, the Board <u>HEREBY</u> <u>ORDERS</u> the Utilities to file the appropriate tariff pages, in conformance with the requirements of this Order prior to October 1, 2016.

CONCLUSION

In summary, the Board HEREBY APPROVES the following:

- New USF/Lifeline rates will become effective, on an interim basis, on October 1, 2016;
- Utilities shall file the appropriate tariff pages prior to October 1, 2016;
- The interim USF rates approved by the Board through September 30, 2015 are determined to be final;
- Staff shall request that the New Jersey Department of the Treasury disburse the Utilities' administrative costs to them in the first month after the new USF rate becomes effective; and
- The Utilities costs will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

This Order will be effective on October 1, 2016.

DATED: 912316 BOARD OF PUBLIC UTILITIES BY: CHARD S. MROZ PRESIDENT JOŚEPH L. FIORDALISO COMMISSIONER **COMMISSIONER** DIANNE SOLOMON UPENDRA J. CHIVUKULA COMMISSIONER COMMISSIONER ATTEST: I HEREBY CERTIFY that the within NETHJ. SHEET document is a true copy of the original ACTING SECRETARY es of the Board of Public Utilities

Exhibit A

2016/2017 Annual Compliance Filing For Changes in the Statewide Electric and Gas Permanent USF Fund Program Within SBC Rates Docket Nos. ER16060536

USF RATE CALCULATION (based on ACTUALS through June 2016)

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<u> </u>	TOTAL	GAS	ELECTRIC
PERMANENT PROGRAM PROJECTIONS FOR 2016/2017			
Administrative Costs - DCA (allocated based on benefits percentage) (1)	\$6,883,454	\$1,319,874	\$5,563,580
Admin, Costs - Utility Postage and Handling	\$5,307	\$5,271	\$36
Estimate of Benefits for Program Year	\$154,869,486	\$29,695,593	\$125,173,893
Fresh Start Program Cost Estimates	<u>\$6,883,361</u>	<u>\$1,939,379</u>	\$4,943,982
TOTAL	\$168,641,608	\$32,960,117	\$135,681,491
Est. of Under/(Over) Recovery at 9/30/16 (Actuals through June 2016)	(\$1,268,361)	\$630,632	(\$1,898,993)
TOTAL PERMANENT PROGRAM PROJECTIONS	\$167,373,247	<u>\$33,590,749</u>	<u>\$133,782,498</u>
ESTIMATES OF BENEFITS PERCENTAGES	<u>100%</u>	<u>19.175%</u>	80.825%
PROJECTED VOLUMES (normalized for 12 mos beg. 10/01/16)		4,698,613,672	<u>71,843,197,473</u>
PROPOSED PRE-TAX RATE CURRENT PRE-TAX RATE PRE-TAX INCREASE(DECREASE)		\$0.0071 <u>\$0.0048</u> \$0.0023	\$0.001862 <u>\$0.002086</u> (\$0.000224)
PRÓPOSED USF RATE INCLUDING TAX (@7%) CURRENT USF RATE INCLUDING TAX (@7%) USF RATE INCREASE/(DECREASE) INCLUDING TAX (@7%)		\$0.0076 <u>\$0.0051</u> \$0.0025	\$0.001992 <u>\$0.002232</u> (\$0.000240)
LIFELINE RATE CALCULATION	TOTAL	GAS	ELECTRIC
JURISDICTIONAL REVENUE PERCENTAGES	<u>100%</u>	<u>30%</u>	<u>70%</u>
LIFELINE BUDGET	\$74,600,000	\$22,380,000	\$52,220,000
PROJECTED VOLUMES		<u>4,698,613,672</u>	<u>71,843,197,473</u>
PROPOSED PRE-TAX RATE CURRENT PRE-TAX RATE PRE-TAX INCREASE(DECREASE)		\$0.0048 <u>\$0.0053</u> (\$0.0005)	\$0.000727 <u>\$0,000677</u> \$0.000050
PROPOSED LIFELINE RATE INCLUDING TAX (@7%) CURRENT LIFELINE RATE INCLUDING TAX (@7%) LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@7%)		\$0.0051 <u>\$0.0057</u> (\$0.0006)	\$0.000778 <u>\$0.000724</u> \$0.000054
COMBINED USF/LIFELINE RATES		GAS	ELECTRIC
PROPOSED PRE-TAX USF/LIFELINE RATE CURRENT PRE-TAX USF/LIFELINE RATE PRE-TAX INCREASE(DECREASE)		\$0.0119 <u>\$0.0101</u> \$0.0018	\$0.002589 <u>\$0.002763</u> (\$0.000174)
PROPOSED USF/LIFELINE RATE INCLUDING TAX (@7%) CURRENT USF/ LIFELINE RATE INCLUDING TAX (@7%) USF/LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@7%)		\$0.0127 <u>\$0.0108</u> \$0.0019	\$0.002770 <u>\$0.002956</u> (\$0.000186)

In the Matter of the 2016/2017 Annual Compliance Filings for the Universal Service Fund (USF) Program Factor within the Societal Benefits Charge (SBC) Rate – Interim USF Rates and Lifeline Rates - Docket No. ER16060536

SERVICE LIST

Matthew M. Weissman, Esq. PSE&G 80 Park Plaza, T-5 Newark, New Jersey 07101 <u>matthew.weissman@pseg.com</u>

Mary Patricia Keefe, Esq. VP Reg Affairs & Business Support Elizabeth Town Gas Co. 520 Green Lane Union, New Jersey 07083 <u>mkeefee@ARLresources.com</u>

Philip J. Passanante, Esq. Atlantic City Electric 800 King Street, 5th Floor Post Office Box 231 Wilmington, Delaware 19899 philip.passanante@pepcoholdings.com

Michael J. Connolly, Esq. Windels Marx Lane & Mittendorf, LLP One Giralda Farms Madison, New Jersey 07940 <u>mconnolly@windelsmarx.com</u>

Andrew Dembia, Esq. New Jersey Natural Gas Company 1415 Wyckoff Road Post Office Box 1464 Wall, New Jersey 07719 adembia@ning.com

Margaret Comes, Esq. Consolidated Edison Co. of NY Law Department, Room 1815-S 4 Irving Place New York, New York 10003 <u>comesm@coned.com</u> **Board of Public Utilities**

44 South Clinton Avenue, 3rd Floor, Suite 314 Post Office Box 350 Trenton, New Jersey 08625-0350

Irene Kim Asbury, Esq. Secretary of the Board Irene.asbury@bpu.ni.gov

Peter Hilerio Office of the Secretary Peter.hilerio@bpu.ni.gov

Jerome May, Director Division of Energy Jerome.may@bpu.ni.gov

Stacy Peterson Deputy Director Division of Energy Stacy.peterson@bpu.nj.gov

Albert Weierman Administrative Analyst 1 Division of Audits <u>Albert.weierman@bpu.nj.gov</u>

Division of Rate Counsel 140 East Front Street, 4th Fioor Post Office Box 003 Trenton, New Jersey 08625-0003

Stefanie A. Brand, Esq., Director <u>sbrand@rpa.state.nj.us</u>

Sarah Steindel, Esq. ssteindel@rpa.state.nj.us Ira Megdal, Esq. Cozen O'Connor 457 Haddonfield Road, Suite 300 Cherry Hill, New Jersey 08002 IMegdal@cozen.com

Division of Law Department of Law and Public Safety 124 Halsey Street Newark, New Jersey 07102-45029

Emma Xiao, Esq. <u>Emma.xiao@dol.lps.state.nj.us</u>

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Geoffrey Gersten, Esq. Geoffrey.gersten@dol.lps.state.nj.us I.