



Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF)	DECISION AND ORDER
ATLANTIC CITY ELECTRIC COMPANY CONCERNING)	SETTING ADMINISTRATIVE
THE SETTING OF THE ADMINISTRATIVE FEE AND)	FEE
THE REGIONAL GREENHOUSE GAS INITIATIVE)	
RECOVERY CHARGE ("RIDER RGGI") FOR 2020)	
ASSOCIATED WITH ITS SOLAR RENEWABLE)	
ENERGY CERTIFICATE (SREC II) PROGRAM)	DOCKET NO. ER19101429

Parties of Record:

Philip J. Passanante, Esq., for Atlantic City Electric Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On October 31, 2019, Atlantic City Electric Company ("ACE" or "Company") filed a petition ("October 2019 SREC II Petition") with the New Jersey Board of Public Utilities ("Board") seeking authority to maintain its Administrative Fee and Rider Regional Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") associated with the Company's Solar Renewable Energy Certificate ("SREC") Program ("SREC II Program") for calendar year 2020. By this Decision and Order, the Board considers the Company's request to maintain the Administrative Fee for calendar year 2020.

Background and Procedural History

By Order dated August 7, 2008, the Board directed Jersey Central Power & Light Company ("JCP&L") and ACE to file, by September 30, 2008, a solar financing program based upon SRECs, utilizing and incorporating certain mandatory design and filing requirements. On October 1, 2008, ACE filed a proposed SREC financing program under BPU Docket No. EO08100875.

ACE, JCP&L, Board Staff ("Staff"), the New Jersey Division of Rate Counsel ("Rate Counsel"), and the Solar Alliance ("SA") considered the ACE and JCP&L filings in the course of 11 settlement meetings held between February and March 2009. Over the course of those settlement discussions, the ACE and JCP&L proposals were incorporated into a single program, which included a cost recovery mechanism and incentives. ACE, JCP&L, Staff, and SA

executed a stipulation on March 13, 2009 ("March 2009 Stipulation"). Rate Counsel was also a signatory to the March 2009 Stipulation, but reserved its right to contest three (3) specific issues. By Order dated March 27, 2009, the Board approved the March 2009 Stipulation and decided the contested issues.¹ The March 2009 Order authorized ACE to enter into long-term contracts to purchase SRECs with a total estimated program size of 19 MW. ("SREC I Program") Among other things, the March 2009 Order approved the recovery of costs through an SREC Financing Program rate component of the Rider RGGI equal to a per kWh charge applicable to all customers. As net program costs for the first year of the program were uncertain, the March 2009 Order required that ACE's Rider RGGI rate component for this program be set at zero (\$0.000000 per kWh).

On May 8, 2009, Rate Counsel filed a Notice of Appeal with the Superior Court of New Jersey, Appellate Division regarding the additional recoveries portion of the contested issues. On July 29, 2009, ACE, JCP&L, Staff, and Rate Counsel entered into a further stipulation of settlement with respect to the contested issues (the "Stipulation on Appeal"). By Order dated September 16, 2009, the Board modified its March 2009 Order to reflect the terms of the Stipulation on Appeal. Rate Counsel withdrew its appeal on September 23, 2009.²

On November 8, 2011, the Board directed the Office of Clean Energy to initiate an assessment of New Jersey's renewable energy programs as well as addressing issues raised by the Solar Energy Advancement and Fair Competition Act (P.L. 2009, c. 289) and the 2011 Energy Master Plan. On May 23, 2012, the Board issued an Order directing ACE "to file within, [sic] 5 business days of service of this Order, a notice of their intention to participate or not to participate in the Extended Electric Distribution Company SREC Programs consistent with Staff's recommendations adopted by the Board herein." (See Board Order in Docket No. EO11050311V). On September 5, 2012, ACE submitted a petition for Board approval of the Company's SREC II Program. By Order dated December 18, 2013, the Board authorized ACE to offer an SREC II Program with a total program size of up to 23 MW.³ The December 2013 Order set the Administrative Fee for SREC II Program participants at \$17.07 per SREC and further ordered that after five (5) years there would be a true-up of administrative costs and program participant fees, and the program participant fees would be adjusted on a prospective basis, beginning January 1, 2019. Additionally, the December 2013 Order directed ACE to "assess Application Fees, Assignment and Administrative Fees (collectively, "Program Participant Fees") to Program Participants.

By petition dated October 26, 2018 in Docket No. ER18101192, ACE sought authority from the Board to establish its Administrative Fee for calendar year 2019 and a Rider RGGI associated with the Company's SREC II Program. By Order dated December 18, 2018, the Board approved the continuation of the Administrative Fee at the previously approved rate of \$17.07 per SREC for calendar year 2019, and noted that the Parties would continue to review

¹ In re the Verified Petition of Atlantic City Electric Company Concerning a Proposal for a Solar Renewable Energy Certificate-Based Financing Program Under N.J.S.A. 48:3-98.1, BPU Docket No. EO08100875 (March 27, 2009). ("March 2009 Order")

² In re the Verified Petition of Atlantic City Electric Company Concerning a Proposal for a Solar Renewable Energy Certificate-Based Financing Program Under N.J.S.A. 48:3-98.1, BPU Docket No. EO0810087 (September 16, 2009).

³ In re the Matter of the Petition of Atlantic City Electric Company Concerning a Proposal for an Extended Solar Renewable Energy Certificate (SREC)-Based Financing Program Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. E012090799 (December 18, 2013). ("December 2013 Order")

all other issues related to the October 2018 Petition.⁴ By Order dated October 25, 2019, the Board approved the continuation of the SREC II Administrative Fee at the Board's previously approved rate of \$17.07 for calendar year 2019 and set the Rider RGGI charge applicable to the SREC II Program's Direct Charges at \$0.000000 per kWh.⁵

October 2019 SREC II Petition

In the October 2019 SREC II Petition, ACE proposed a modification to the cost recovery mechanism, citing lower than expected participation in the program. According to ACE, using the cost recovery provisions from the December 2013 Order, the Company would have to increase the Administrative Fee from \$17.07 to \$118.45 per SREC, which may cause participants to withdraw, leading to premature termination of the program. Accordingly, ACE requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods, and maintain the fee at \$17.07 for calendar year 2020. Additionally, ACE proposed that the Rider RGGI Surcharge for the recovery of the SREC II Program's Direct Costs be maintained at its current rate of \$0.000000 per kWh.

Since the Company's October 2019 SREC II Petition did not propose an increase in rates, public hearings were not required or held in this matter.

DISCUSSION AND FINDING

The Board has reviewed the record in this matter to date, including the October 2019 SREC II Petition. The parties are in the process of reviewing the October 2019 SREC II Petition, which will not be completed prior to the impending increase in the administrative fee. Accordingly, the Board believes it is appropriate to maintain the Administrative Fee for the SREC II Program for the 2020 calendar year at its current level.

Accordingly, the Board **HEREBY APPROVES** the continuation of the SREC II Administrative Fee at the Board's previously approved rate of \$17.07 for calendar year 2020. The Board notes that the parties will continue to review all other matters concerning the October 2019 SREC II Petition.

The Company's costs, including those related to the program described above; remain subject to audit by the Board. This Decision and Order shall not preclude or prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

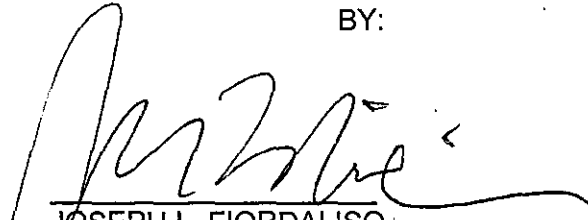
⁴ In re the Verified Petition of Atlantic City Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") for 2019 Associated With Its Solar Renewable Energy Certificate (SREC II) Program, BPU Docket No. ER18101192, (December 18, 2018).

⁵ In re the Verified Petition of Atlantic City Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") for 2019 Associated With Its Solar Renewable Energy Certificate (SREC II) Program, BPU Docket No. ER18101192, (October 25, 2019).

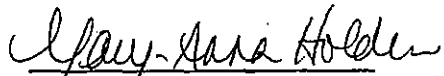
The effective date of this Order is December 30, 2019.

DATED: 12/20/19

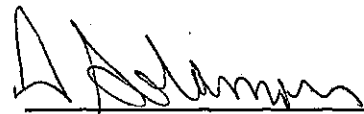
BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



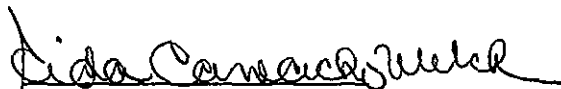
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

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 VERIFIED PETITION OF ATLANTIC CITY ELECTRIC COMPANY,
CONCERNING THE SETTING OF THE ADMINISTRATIVE FEE AND THE REGIONAL
GREENHOUSE GAS INITIATIVE RECOVERY CHARGE ("RIDER RGGI") FOR 2020
ASSOCIATED WITH ITS SOLAR RENEWABLE ENERGY CERTIFICATE (SREC II)
PROGRAM - DOCKET NO. ER19101429

SERVICE LIST

Board of Public Utilities

44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625-0350

Aida Camacho-Welch
Secretary of the Board
board.secretary@bpu.nj.gov

Counsel's Office

Heather Weisband, Esq.
heather.weisband@bpu.nj.gov

Division of Energy

Stacy Peterson, Director
stacy.peterson@bpu.nj.gov

Paul Lupo
paul.lupo@bpu.nj.gov

Stephan Luma
stephan.luma@bpu.nj.gov

Division of Rate Counsel

140 East Front Street, 4th Floor
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Brian O. Lipman, Litigation Manager
blipman@rpa.nj.gov

Felicia Thomas-Friel, Esq.
ftthomas@rpa.nj.gov

Ami Morita, Managing Attorney - Electric
amorita@rpa.nj.gov

Sarah H. Steindel, Esq.
ssteinde@rpa.nj.gov

Division of Law

NJ Department of Law and Public Safety
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street, P.O. Box 112
Trenton, NJ 08625

Pamela Owen, Esq.
pamela.owen@law.njoag.gov

Michael Beck, DAG
michael.beck@law.njoag.gov

Peter Van Brunt, DAG
peter.vanbrunt@law.njoag.gov

Atlantic City Electric Company

92DC42
500 N. Wakefield Drive
Post Office Box 6066
Newark, DE 19714-6066

Philip J. Passanante, Esq.
philip.passanante@pepcoholdings.com

Heather Hall, Manager, Regulatory Affairs
heather.hall@pepcoholdings.com

Susan DeVito
susan.devito@pepcoholdings.com

Thomas M. Hahn, Principal Rate Analyst
5100 Harding Highway
Mays Landing, NJ 08330
thomas.hahn@pepcoholdings.com