

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. _____

**Petition of South Jersey Energy Company
Pursuant to Rules Puc 102.01 and Puc 2505.13 Regarding
SJE 2011 RPS Compliance Requirements**

NOW COMES South Jersey Energy Company (“SJE”) by and through its attorney, and hereby petitions the Commission pursuant to Rules Puc 102.01 and Puc 2505.13 for an adjudicative proceeding¹ to review certain contested issues² arising from the Commission’s Letter Order dated October 14, 2013 regarding SJE’s 2011 RPS Compliance Requirements. In support of its Petition, Petitioner says the following:

INTRODUCTION

1. South Jersey Energy Company (“SJE”) is a duly- registered Competitive Electric Power Supplier (CEPS) in PSNH’s service territory. Docket No. DM 11 -119 (October 10, 2011).

2. On October 14, 2013, the Commission issued a Letter Order requiring SJE to remit to the Commission by November 1, 2013 the sum of \$93,849 in alternative compliance payments (ACP) for the 2011 Compliance Years.

3. Additionally, in its letter, the Commission also ruled that:

With these revisions, SJE requested that the Commission waive Puc 2503.04 (c) (1) to allow SJE to bank additional RECs for the 2010 Compliance Year and use those banked RECs for the 2011 Compliance Year.

¹ “Adjudicative proceeding” means a proceeding conducted pursuant to the procedure followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36 and the rules of the commission. *Rule Puc 102.01*.

² “Contested case” means a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by the commission after an opportunity for hearing. *Rule Puc 102.04*

The request to bank additional RECs was 16 months late and the amount of RECs requested to be banked and subsequently used cannot be verified by the New England Power Pool (NEPOOL) Generation Information System (GIS). Therefore, the Commission has denied the request to waive Puc 2503.04 (c) (1) in order to bank additional 2010 vintage RECs.

4. Accordingly, the PUC's July 9th decision appears to largely rest on its assertion that the amount of RECs belatedly requested by SJE to be banked in 2010, and subsequently used in 2011 for RPS compliance, cannot be verified by NEPOOL-GIS.³

5. As documented and explained in the accompanying pre-filed testimony of Louis DeCicco, SJE is asking the Commission to recognize the value of RECs that were acquired by SJE in 2010 expressly for the purpose of New Hampshire RPS compliance in 2010 and 2011. These RECs were inadvertently not banked in 2010, and therefore, were inadvertently retired, and have not been used for any purpose at any time.

6. Reduced to its essentials, if the Commission allows SJE to obtain credit for 1863 Class II RECs that were inadvertently not banked in 2010 for use in calculating SJE's 2011 RPS Compliance Requirements, SJE would be able to reduce the amount due to the Commission for the 2011 ACP obligation to \$156,412. Accordingly, SJE would owe the Commission an amount equal to \$156,412 for its 2011 ACP obligation. However, if this amount is further adjusted to take into account a prior ACP payment by SJE of \$156,412 and a further payment of \$30,887 made by SJE by electronic transfer on July 24, 2013, the amount due and payable by SJE to the Commission would be a negative \$30,887.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Commission undertake an adjudicative review of July 9, 2013 Letter Order, allow SJE to retroactively bank RECs that were acquired by SJE in 2010 for use in its 2011 RPS Compliance filing, all as documented and

³ In its July 9 2013 letter (Exhibit A) the Commission also denied SJE's request that the Commission allow it to revise the electricity sales data for 2010 compliance year. SJE is not asking the Commission to review this decision.

explained in the accompanying pre-filed testimony of Louis DeCicco, and to order such other and further relief as may be just, equitable and in the public interest.⁴

RESPECTFULLY SUBMITTED,
South Jersey Energy Company
by its Attorney,

Dated: November 12, 2013

/s/ James T. Rodier
James T. Rodier, Esq.
1465 Woodbury Ave., No. 303
Portsmouth, NH 03801-5918
603-559-9987
jrodier@mbtu-co2.com

⁴ Pursuant to Rule Puc 201.05,

(a) The commission shall waive the provisions of any of its rules, except where precluded by statute, upon request by an interested party, or on its own motion, if the commission finds that:

- (1) The waiver serves the public interest; and
- (2) The waiver will not disrupt the orderly and efficient resolution of matters before the commission.

(b) In determining the public interest, the commission shall waive a rule if:

- (1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or
- (2) The purpose of the rule would be satisfied by an alternative method proposed.

(e) A request for a waiver shall specify the basis for the waiver and proposed alternative, if any.