

ii. Every third party accessing the provider agreement is contractually obligated to comply with all of its terms;

iii. The carrier identifies all such third parties in existence as of the date the agreement is entered into;

iv. The carrier includes on its website a listing, updated no less frequently than every 90 days, identifying all such third parties;

v. The carrier requires each third party to identify the source of the discount on all remittance advices and/or explanations of payment under which a discount is taken;

vi. The carrier notifies the third party of the termination of a provider contract upon issuance of the termination by the carrier or upon receipt of notice by the provider;

vii. The third party ceases its right to a provider's discounted rate upon termination of the provider's contract with the carrier. For purposes of this subsection, "third party" does not include any employer or other group for whom the carrier provides administrative services, including at least the payment of claims; and

viii. Carriers deliver to participating providers a copy of any agreement relied on in the adjudication of a claim within 30 days after the date of a request from the provider.

(d) Any adverse change or amendment during the term of the agreement may be made in accordance with the terms of the agreement only upon 90 days notice prior to the effective date of the change or amendment. If the provider declines to accept the amendment, the provider may terminate the agreement as set forth in N.J.A.C. 11:24C-4.3(c)3.

(e) Agreements may automatically renew. However, no adverse change may be made to the terms of an agreement upon its automatic renewal. Any such change may be made to the agreement as set forth in (d) above either before or after its renewal.

(f) Carriers shall deliver to participating providers a copy of the fully executed initial agreement and any amendments thereto within 30 days after the effective date of the initial or amended agreement, and within 30 days after the date of a request from the provider for a copy of the agreement and/or amendments.

#### 11:24C-4.4 Provider reimbursement

When participating providers are reimbursed on a basis other than fee-for-service (for example, capitation, per diem, or percent of charges), the agreement shall specify the dollar amount or methodology used by the carrier to determine reimbursement, and identify the services included in and excluded from the alternate reimbursement methodology.

#### 11:24C-4.5 Content and availability of provider network directories

(a) Carriers shall maintain accurate and current information on all providers, and make that information available to members and prospective members through network directories, as described in this section.

(b) Directories shall include, at a minimum, the following information on all participating providers: name, gender, office locations, phone numbers, professional designation, specialty, acceptance of new patients, practice limitations, and languages spoken other than English.

(c) Directories shall contain a listing of the carrier's in-network hospital outpatient facilities by the types of services the facilities provide. Where applicable, directories shall also prominently display a statement advising members that not all outpatient service providers located at in-network hospitals are in-network providers, and urging members to confirm whether an outpatient service provider is or is not a member of the network before obtaining services from such provider.

(d) A carrier's electronic directory shall include functions designed to facilitate the ability of members to customize their search for providers. Search functions shall include, but not be limited to, specialty and geographic area.

(e) Upon request, carriers shall provide their current printed directory to members and prospective members of the health benefits plans offered by the carrier. The requirement to supply printed directories upon request may be complied with by printing and mailing the most current version of the on-line directory applicable to a particular member's plan in lieu of periodic publication and stocking of hard copy directories. The carrier shall mail a copy of the printed directory to a member or prospective

member within five business days of the request **\*measured from the date of the carrier's receipt of the request\***.

(f) If a carrier publishes a hard copy of the directory, the information shall accurately reflect the content of the carrier's electronic directory as of the date the printed directory was submitted for publication. The following information shall be included in or accompany the printed directory:

1. The date of publication of the printed directory;

2. A statement that the directory is accurate as of the date on which the printed directory was submitted for publication;

3. A statement that more current directory information is available on the carrier's electronic directory available on the carrier's website;

4. The anticipated date on which the next printed edition will be published; and

5. The carrier's website address where the electronic directory can be accessed.

(g) Carriers shall maintain a history of their electronic directories for three years. This requirement may be met by establishing a capability of reconstructing a directory as of any date within the prior three years.

(h) Carriers publishing hard copy directories shall retain as business records copies of each version of its printed provider directory for at least three years from the publication date.

#### 11:24C-4.6 Standards for accuracy of provider directory information

(a) Carriers shall implement a system for maintaining accurate and current information on all providers listed in a network directory.

(b) Carriers shall ensure the information in the provider directory is based on the most recently submitted information from the provider or the Council for Affordable Quality Healthcare (CAQH).

(c) Carriers shall update electronic directories within 20 days of the carrier's receipt of confirmation from a provider or CAQH that current information is inaccurate or has changed. When a carrier disputes a notice that information on a provider is inaccurate, the carrier shall, within 15 days of receipt of a notice from a provider or consumer asserting that the information is inaccurate, respond to the notice in writing and include in its response the reason(s) supporting its position that the challenged information is accurate.

(d) Carriers shall confirm the participation of any provider who has not submitted a claim for a period of 12 months or otherwise communicated with the carrier in a manner evidencing the provider's intention to continue to participate in the carrier's network and for whom no change in provider status has been reported by CAQH. The process for confirming participation shall be as follows:

1. The carrier shall contact the provider and request that the provider confirm his or her intention to continue to participate in the carrier's provider network. Based on the provider's response, the carrier shall update its directories as necessary.

2. If the provider fails to respond to a communication by the carrier, the carrier shall mail a follow-up request to the provider by certified mail, return receipt requested. If the provider fails to respond to such request within 30 days, the carrier shall remove the provider from its network and update its directories as necessary.

## PUBLIC UTILITIES

### (a)

#### BOARD OF PUBLIC UTILITIES

#### Renewable Energy and Energy Efficiency Amount of Renewable Energy Required

#### Readoption with Amendments of Special Adopted Amendments: N.J.A.C. 14:8-2.2 and 2.3

Proposed: October 15, 2012 at 44 N.J.R. 2358(a).

Adopted: February 20, 2013, by the Board of Public Utilities, Robert

M. Hanna, President; Jeanne M. Fox, Joseph L. Fiordaliso, and Mary-Anna Holden, Commissioners.

Filed: February 20, 2013 as R.2013 d.049, **without change**.

Authority: N.J.S.A. 48:2-3 et seq. and 48:3-49 et seq.  
 BPU Docket Number: EX12080748.  
 Effective Date: February 20, 2013, Readoption of special adopted amendments;  
 March 18, 2013, Amendments to special adopted amendments.  
 Expiration Date: May 1, 2019.

The New Jersey Board of Public Utilities is herein readopting with amendments its special adoption of its Renewable Portfolio Standard amendments at N.J.A.C. 14:8-2.2 and 2.3. These amendments implement provisions of the Electric Discount Energy Competition Act (EDECA), N.J.S.A. 48:3-49 et seq., and other statutory authority. The amendments apply to electric power suppliers, electric public utilities, and entities that provide basic generation service (BGS).

**Summary of Public Comment and Agency Response:**  
**No comments were received.**

**Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. requires State agencies that adopt, readopt, or amend State regulations exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The Renewable Portfolio Standards have no Federal analogue and are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporate or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require a Federal standards analysis for the special adopted amendments readopted with amendments.

**Full text** of the special adopted amendments readopted with amendments follows:

SUBCHAPTER 2. RENEWABLE PORTFOLIO STANDARDS

14:8-2.2 Definitions

The following words and terms, when used in this subchapter, shall have the meanings given below, unless the context clearly indicates otherwise:

“Alternative compliance payment” or “ACP” means a payment of a certain dollar amount per megawatt hour, which a supplier/provider may submit to comply with the class I or class II renewable energy requirement in Table A in N.J.A.C. 14:8-2.3.

“Energy year” or “EY” means the 12-month period from June 1st through May 31st and shall be numbered according to the calendar year in which it ends.

“Renewable Energy Certificate” or “REC” means a certificate representing the environmental benefits or attributes of one megawatt-hour of generation from a generating facility that produces class I or class II renewable energy, but shall not include a solar renewable energy certificate.

“Solar alternative compliance payment” or “SACP” means a payment of a certain dollar amount per megawatt-hour (MWh), which a supplier/provider may submit to the Board to comply with the solar electric generation requirements under N.J.S.A. 48:3-87.

“Solar renewable energy certificate” or “SREC” means a certificate issued by the Board or its designee, which represents one megawatt-hour (MWh) of solar energy that is generated by a facility connected to the distribution system in New Jersey, and has value based upon, and driven by, the energy market.

“True-up period” means the period each year from the end of the energy year until October 1.

14:8-2.3 Amount of renewable energy required

(a) Each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, shall ensure that the electricity it sells each energy year in New Jersey includes at least the minimum amount of qualified renewable energy, as defined at N.J.A.C. 14:8-2.2, required for that energy year, as specified in this section. Requirements for class I and class II renewable energy are set forth in Table A below:

Table A

What Percentage Of Energy Supplied Must Be Class I Or Class II Renewable Energy?

<u>Energy Year</u>	<u>Class I Renewable Energy</u>	<u>Class II Renewable Energy</u>
June 1, 2004 - May 31, 2005	.74%	2.50%
June 1, 2005 - May 31, 2006	0.983%	2.50%
June 1, 2006 - May 31, 2007	2.037%	2.50%
June 1, 2007 - May 31, 2008	2.924%	2.50%
June 1, 2008 - May 31, 2009	3.84%	2.50%
June 1, 2009 - May 31, 2010	4.685%	2.50%
EY 2011: June 1, 2010 - May 31, 2011	5.492%	2.50%
EY 2011: June 1, 2011 - May 31, 2012	6.320%	2.50%
EY 2011: June 1, 2012 - May 31, 2013	7.143%	2.50%
EY 2011: June 1, 2013 - May 31, 2014	7.977%	2.50%
EY 2011: June 1, 2014 - May 31, 2015	8.807%	2.50%

**PUBLIC UTILITIES**

**ADOPTIONS**

EY 2011: June 1, 2015 - May 31, 2016	9.649%	2.50%
EY 2011: June 1, 2016 - May 31, 2017	10.485%	2.50%
EY 2011: June 1, 2017 - May 31, 2018	12.325%	2.50%
EY 2011: June 1, 2018 - May 31, 2019	14.175%	2.50%
EY 2011: June 1, 2019 - May 31, 2020	16.029%	2.50%
EY 2011: June 1, 2020 - May 31, 2021	17.880%	2.50%

(b) The Board shall adopt rules setting minimum amounts of solar electric generation, class I renewable energy and class II renewable energy required for EY 2022 and each subsequent energy year. These minimum amounts shall be no lower than those required for EY 2021. The Board, in consultation with the NJDEP, EDCs, Rate Counsel, the solar energy industry and relevant stakeholders, shall periodically consider increasing the renewable energy portfolio standards beyond the minimum amounts set forth in this chapter, taking into account the cost impacts and public benefits of such increases including, but not limited to:

1.-4. (No change.)

(c) Each supplier/provider’s solar electric generation obligation shall be calculated in accordance with the requirements of P.L. 2012, c. 24. A supplier/provider shall meet the requirements for solar electric generation through:

1. Retirement of SRECs through a renewable energy trading program approved by the Board in consultation with the NJDEP; or
2. Submittal of one or more SACPs.

(d) A supplier/provider may meet the class I and class II renewable energy requirements in Table A above by retiring RECs in accordance with N.J.A.C. 14:8-2.8. Alternatively, a supplier/provider may comply with the class I and class II requirements of this subchapter by submitting the appropriate number of ACPs, in accordance with N.J.A.C. 14:8-2.10.

(e) (Reserved.)

(f) The following shall apply to the type of energy, and type of documentation, used for compliance with each of the requirements in this subchapter:

1. SRECs may be used to meet any requirement for solar electric generation, class I renewable energy, or class II renewable energy;

2.-3. (No change.)

(g) A supplier/provider shall not demonstrate compliance with this subchapter using direct supply of any type of renewable energy.

(h) (No change.)

(i) The same renewable energy shall not be used for more than one of the following:

1. Creation of an SREC under N.J.A.C. 14:8-2.9;
- 2.-3. (No change.)

(j) Each megawatt-hour (MWh) of retail electricity supplied in New Jersey by a supplier/provider subject to this subchapter carries with it an accompanying solar obligation. For Energy Year 2013, each supplier/provider shall calculate its solar obligation as set forth in (k) below. Subsection (k) below allocates the Table B Statewide solar obligation among all supplier/providers that are subject to this subchapter. All supplier/provider solar obligations, taken together, must equal the Statewide solar obligation set forth in Table B below for Energy Year 2013.

(k) For electricity supplied during EY 2013, a supplier/provider shall calculate its solar obligation as follows:

1. Determine the supplier/provider’s market share of all electricity supplied Statewide during the applicable energy year, as follows:

- i. Consult the Board’s NJCEP website to determine the number of MWhs of electricity supplied Statewide during the energy year by all supplier/providers subject to this subchapter;
- ii. Determine the number of MWhs of electricity the supplier/provider supplied during the energy year; and
- iii. Divide (k)1ii above by (k)1i above to obtain a fraction representing the supplier/provider’s market share; and

2. Multiply the supplier/provider’s market share from (k)1 above by the applicable Statewide solar obligation from Table B below. The result is the supplier/provider’s solar obligation for the electricity that it supplied during the energy year.

Table B  
Total Statewide Solar Obligation  
Starting June 1, 2010

<u>Energy Year</u>	<u>Statewide Solar Obligation in GWhs</u>
EY 2011: June 1, 2010 - May 31, 2011	306
EY 2012: June 1, 2011 - May 31, 2012	442
EY 2013: June 1, 2012 - May 31, 2013	596