



Agenda Date: 06/07/10

Agenda Item: 2C

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.nj.gov/bpu/

IN THE MATTER OF THE BOARD'S REVIEW
OF THE RETAIL MARGIN AND THE
COMMERCIAL AND INDUSTRIAL ENERGY
PRICING ("CIEP") THRESHOLD

ENERGY

DECISION AND ORDER

DOCKET NO. EO10050338

(E-SERVICE LIST ATTACHED)

BY THE BOARD:

In its Order in Docket Nos. EX01110754 and EO02070384 dated December 18, 2002, the Board approved the imposition of additional charge which has come to be known as the "Retail Margin" as a way to reflect within Basic Generation Service ("BGS") prices those costs of providing electric service at retail, including marketing costs and administrative expenses, which must be absorbed by third party suppliers seeking to compete for that market. The Board imposed the Retail Margin on larger customers, those with a load above 750 kW, in the belief that these customers should be encouraged to shop for retail electric supplies, and that this group of larger customers would be more attractive to licensed suppliers.

In the 2010 BGS proceeding, Docket No. EO09050351, the Board sought information to help it determine whether the Retail Margin is still serving its intended purpose, and therefore, requested comments from the Electric Distribution Companies ("EDCs") and interested stakeholders. Accordingly, the Board directed that a Secretary's Letter be issued requesting comment on the potential adjustment to the Retail Margin.

That Secretary's Letter was issued on November 12, 2009, with comments due by November 20, 2009, which were received in a timely manner from the EDCs, Retail Energy Supply Association ("RESA"), New Jersey Business Industry Association ("NJBIA"), the National Energy Marketers Association, Constellation, PPL EnergyPlus LLC and Rate Counsel. RESA and Constellation both maintained that the schedule in the Secretary's Letter for the submission of comments and the rendering of a Board decision did not allow adequate time for the careful consideration of all the business issues involved, and recommended that there be additional time for comments, discovery and hearings.

After reviewing the comments received from stakeholders, the Board determined that the complexity of the issues involved in this matter merited a greater amount of time and consideration than the current schedule would allow. Accordingly, in the 2010 BGS Order dated December 10, 2009, the Board directed that no change be made in the Retail Margin for the period beginning June 1, 2010. However, the Board directed Staff to initiate a proceeding regarding the Retail Margin, upon conclusion of the 2010 BGS Auction, which would allow all

stakeholders and interested parties to submit written comments, and to present oral testimony at a legislative type hearing. Further, the Board directed Staff to expand the proceeding to include consideration of any adjustments to the CIEP threshold as part of this proceeding because of its connection to the Retail Margin issue.

To begin a review of the Retail Margin and the CIEP threshold, the Board HEREBY DIRECTS Staff to initiate a proceeding as outlined in its 2010 BGS Order to determine 1) whether the Retail Margin Board imposed on larger customers with a load above 750 kW is still serving its intended purpose, and 2) whether there should be any adjustments to the CIEP threshold.

To expedite this process, the Board ADOPTS the following procedural schedule which would result in a Board decision on the Retail Margin and CIEP threshold prior to the time the Board issues a decision In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2011, Docket No. ER10040287.

Initial Comments Due	July 9, 2010
Oral/legislative Hearing	To be announced
Final Comments Due	September 3, 2010

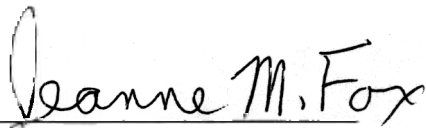
All comments must be filed with the Board's Secretary and be electronically served via email to parties on the attached e-service list. Parties wishing to be added to the e-service list may doing so be emailing Frank Perrotti at frank.perrotti@bpu.state.nj.us.

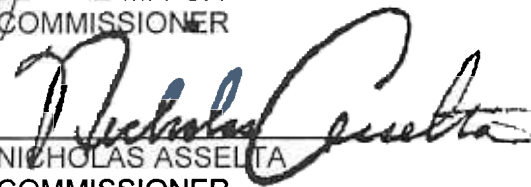
Parties should adhere to the above schedule unless otherwise directed. Parties will be advised of the time and place of the legislative-style hearing electronically via email and through a posting on the Board's webpage. The Board and/or Staff will also notify parties through the electronic service list and, when possible, through the BPU webpage, of the time and location of any meetings or hearings as well as of any schedule changes

DATED: 6/28/10

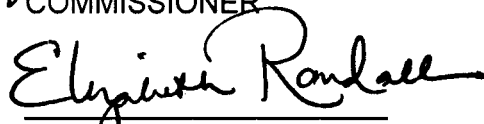
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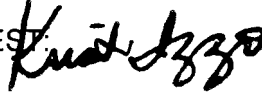

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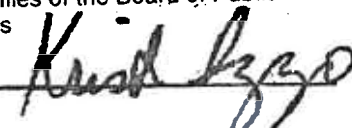

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I HEREBY CERTIFY that the within
document is a true copy of the original
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Commercial and Industrial Energy Pricing ("CIEP") Threshold
Docket No. EO10050338
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Docket No. EO10050338
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**In the Matter of the Board's Review of the Retail Margin and the
Commercial and Industrial Energy Pricing ("CIEP") Threshold
Docket No. EO10050338
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