



State of New Jersey
Board of Public Utilities
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www.bpu.state.nj.us

ENERGY

IN THE MATTER OF THE PROVISION OF)
BASIC GENERATION SERVICE) ORDER
ELECTRONIC DATA INTERCHANGE)
OVERSIGHT) DOCKET NO. EO06110808

(SERVICE LIST ATTACHED)

BY THE BOARD:

The Board of Public Utilities previously retained a consultant to provide oversight on its behalf regarding issues arising in the electronic data interchange ("EDI") between the electric and gas public utilities and third party suppliers ("TPSs"). The contract, which was with Gestalt, LLC, as extended with regard to the continuation of certain services, ended in December, 2006. To provide for additional assistance to the Board and Staff in developing and implementing further appropriate EDI improvements, as well as providing technical advice on new issues that may arise, the Board, by this Order, finds that an EDI consultant should again be procured to perform the monthly conference calls with the utilities, third party suppliers, and other interested parties, and to assist in mediation of issues that arise from the Board's EDI Working Group, which was created as a means to address problems and concerns of TPSs relating to EDI transactions with the State's gas and electric utilities. By this Order, the Board authorizes the Office of the Business Ombudsperson ("Ombudsperson"), pursuant to N.J.S.A. 48:2-95(c) to engage a professional to perform the EDI services through monies available in the Ombudsperson's budget, not to exceed \$15,000, and in accordance with Department of Treasury, Division of Purchase and Property, Circular 06-16-DPP, pertaining to delegated purchasing authority ("DPA").

BACKGROUND

By way of background, in 1999, as part of the implementation of electric retail choice pursuant to the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq., the Board approved an EDI protocol as the authorized manner for TPSs to enroll customers and exchange billing and metering information with the electric distribution companies (“EDCs”), Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric & Gas Company, and Rockland Electric Company. At that time, in order to have the EDI processes developed, tested and implemented in a timely manner, the Board retained the services of an EDI consultant. In order to meet the 1999 legislative deadline for retail competition, a straightforward EDI process was employed. The intention was to get a basic system up and running and to thereafter address and implement improvements. The EDI consultant’s assignment ended early in 2000 and thereafter Staff assumed the responsibility for guiding the EDI change process. This was largely done through weekly conference calls (later, monthly) in which parties could raise utility-specific or general design issues. Shortly thereafter, Staff also started the natural gas utilities on the path to implementing EDI.

Early in 2001, as customer retail switching decreased, the interest among TPSs and EDCs in continuing with EDI improvements declined. Consequently, the status of utility EDI processes in the State remained stagnant until mid-2003. At that time, as some commercial and industrial customers began to be priced on an hourly basis, there were renewed prospects for customer switching and this stimulated TPSs’ interest in marketing in New Jersey. At the same time, the renewed interest in customer switching created a new call for EDI improvements.

In 2004, as EDI issues again began to arise with the renewed interest in the energy marketplace, Gestalt was retained as a consultant for the Board. Gestalt’s major responsibility was to facilitate monthly EDI conference calls with the electric and gas industry, and assist in the mediation of issues that came about. Gestalt’s contract thereafter was extended with regard to certain services by one year. The EDI consultant was funded through the Basic Generation Service (“BGS”) retail margin charges paid by certain customers of the EDCs.¹

In order to assist the Board and Staff in developing and implementing further EDI improvements, Staff has recommended that an EDI consultant again be retained to perform the monthly conference calls and assist in mediation of issues that arise therefrom. The Division of Energy and the Office of the Business Ombudsperson recommend that the Board, pursuant to N.J.S.A. 48:2-95(c), authorize the Ombudsperson to engage a professional to perform the EDI services through monies available in the Ombudsperson’s budget, not to exceed \$15,000. Staff expects the pricing to be below \$15,000.00, as in the first two years.² As such, the procurement dollar level falls within the threshold set by Department of Treasury, Division of Purchase and Property Circular 06-16-DPP, for delegated purchasing authority. Staff, therefore, has recommended that the Board authorize the Office of the Business Ombudsperson to procure an

¹The Retail Margin was created by the Board Order of December 18, 2002 (Docket Nos. EX01110754 and EO02070384

²The not-to-exceed price for 2005-\$12,320.00 (included Staff training); the not-to-exceed price for 2006-\$6500.00 (no Staff training).

EDI consultant, through the DPA process, to perform monthly conference calls and provide assistance in the mediation of any issues that arise and that funds not to exceed \$15,000.00 be allocated from the budget of the Ombudsperson's Office for this procurement.

DISCUSSION AND FINDINGS

In order to continue assisting the Board and Staff in developing and implementing further appropriate EDI improvements, as well as providing technical advice on new EDI issues that arise, the Board finds that it is again appropriate to allow for the procurement an EDI consultant to perform the monthly conference calls and assist in mediation of issues that arise from the Board's EDI Working Group. Furthermore, having the Ombudsperson engage an EDI consultant and use monies available from its budget to fund the EDI consultant are in accord with the statutory mandate for the BPU Ombudsperson. The Office of the BPU Business Ombudsperson was established pursuant to the BPU Business Ombudsman Act, N.J.S.A. 48:2-92 et seq., enacted in 2005. Pursuant to N.J.S.A. 48:2-95(a), the Ombudsperson is to assist any business, located in this State or seeking to relocate in this State, with regard to energy costs, potential benefits from switching to or utilizing third-party energy suppliers, State energy programs, subsidies or grants available to businesses to reduce their energy costs and promotion of energy efficiencies. The Ombudsman's functions are to include interfacing with energy marketers and, where appropriate, working to bring them together with businesses concerned about energy costs. N.J.S.A. 48:2-96(e). Electronic data interchange between energy marketers and the State's energy utilities is a necessary component to bring energy marketers together with businesses, in an effective and efficient manner.

Pursuant to N.J.S.A. 48:2-95(d), the Ombudsperson and its staff are funded through use of a portion of retail margin monies. N.J.S.A. 48:2-95(c) provides that the Ombudsperson, under the Board's supervision, shall organize the work of that office and "employ such professional, technical, research and clerical staff as may be necessary, proper and expedient to carry out the purposes of" the BPU Business Ombudsman Act. Given the role and functions of the Ombudsperson's Office, it is reasonable to interpret this provision as allowing for the engagement or use of services of others through a procurement under the BPU's supervision and consistent with Treasury procedures. The Board concurs with the Ombudsperson's Office that a strong, reliable EDI system is necessary if New Jersey is to have a robust energy shopping program and that its responsibilities include taking the steps that are required to have the most customer-friendly shopping program possible.

Accordingly, the Ombudsperson, under the BPU's supervision and consistent with Treasury requirements, should be authorized to retain an EDI consultant with a part of the monies unspent in its budget. Based on the foregoing, the Board concurs with the Ombudsperson's Office that an EDI consultant fee not to exceed \$15,000 is an appropriate expenditure of retail margin funds dedicated to the Ombudsperson's Office, and that the consultant should be retained with unspent monies from the budget of the Ombudsperson's Office. Therefore, the

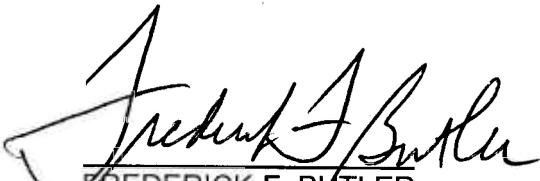
Board HEREBY AUTHORIZES the Office of the Business Ombudsperson to procure an EDI consultant, through the DPA process, to perform monthly conference calls and provide assistance in the mediation of any issues that arise. The Board DIRECTS that funds not to exceed \$15,000.00 be allocated from the budget of the Ombudsperson's Office for this procurement

DATED: 3/22/07

BOARD OF PUBLIC UTILITIES
BY:



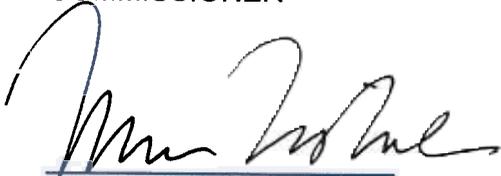
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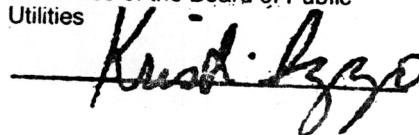
CHRISTINE V. BATOR
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ATTEST:



KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



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EO06110808
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Basic Generation Service ("BGS")
EO06110808
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Basic Generation Service ("BGS")
EO06110808
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