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STEFANIE A. BRAND  
*Director*

December 6, 2018

**HAND-DELIVERED**

Ms. Aida Camacho-Welch, Secretary  
New Jersey Board of Public Utilities  
44 S. Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Trenton, New Jersey 08625-0350

**Re: I/M/O the Implementation of L. 2018, c. 16 Regarding the Establishment of  
a Zero Emission Certificate Program for Eligible Nuclear Power Plants  
BPU Docket No. EO18080899**

Dear Secretary Camacho-Welch:

Please accept for filing an original and ten (10) copies of this letter as the request of Rate Counsel that the Board adopt and post on its website specific requirements relating to the service of the applications and associated non-disclosure agreements (“NDAs”) in this matter. In view of the very short time frames involved in this proceeding, Rate Counsel requests that the Board consider this matter at its December 18, 2018 agenda meeting.

Enclosed is one additional copy. Please date stamp the copy as “filed” and return to our courier. Thank you for your consideration and attention to this matter.

In this proceeding the Board of Public Utilities (“BPU” or “Board”) is charged with deciding within a very short, legislatively mandated, timeframe whether to award approximately \$300 million annually in ratepayer-funded subsidies in the form of Zero Emissions Certificates

("ZECs") to one or more nuclear power plants, and, if so, which plants will receive the subsidies. L. 2018, c. 16. Under the October 19, 2018 Board's Order Establishing the Program, Application and Procedural Process, applications are due to be filed on December 19, 2018, and comments on the applications are due on January 31, 2018. This leaves a period of approximately six weeks for Rate Counsel and other parties to review the applications, conduct any necessary discovery, and prepare their comments and supporting evidentiary materials. Thus, it is essential that Rate Counsel and other parties receive the applications, including confidential information, promptly. In order to assure that this occurs, Rate Counsel requests that the Board establish and post on its website the following requirement regarding service of the applications upon parties and participants:


1. The redacted, public version of an application must be immediately served electronically on all parties and participants, with a single hard copy to be provided to each party and participant promptly thereafter.
2. Simultaneously with the electronic service of the application, an NDA signed on behalf of the applicant must be served electronically on all parties that have been afforded access to information that has been provided on a confidential basis. In order to avoid any issues regarding the correct form of the standard NDA, the Board should post the form of NDA on its website.
3. Immediately upon receipt of signatures to the NDA on behalf of a party and any consultants, the applicant must immediately electronically serve on that party the full application, including all information provided on a confidential basis, with a single hard copy to be provided promptly thereafter.

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The above requirements will assure that Rate Counsel and other parties and participants are afforded the full opportunity provided under L. 2018, c. 16 to review the ZEC applications on a timely basis and submit comments and other materials for the record that will form the basis for the Board's determinations in this matter.

Thank you for your consideration of this request.

Respectfully submitted,



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Stefanie A. Brand  
Director, Division of Rate Counsel

c: Service list

**I/M/O THE IMPLEMENTATION OF L. 2018,  
C. 16 REGARDING THE ESTABLISHMENT  
OF A ZERO EMISSION CERTIFICATE  
PROGRAM FOR ELIGIBLE NUCLEAR  
POWER PLANTS  
BPU Dkt. No.: EO18080899**

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