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STEFANIE A. BRAND  
Director

January 15, 2021

**VIA ELECTRONIC MAIL**

Honorable Aida Camacho-Welch, Secretary  
NJ Board of Public Utilities  
ATTN: BPU Docket Number: AX19091003  
44 South Clinton Avenue, 9th Floor  
P.O. Box 350  
Trenton, NJ 08625-0350

**Re: Rate Counsel's Comments on the Board's Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendments on Energy Competition Licensing and Registration Rules at N.J.A.C. 14:4-1.2 and 5  
BPU Docket No.: AX19091003**

Dear Secretary Camacho-Welch:

Please accept for filing the attached comments being submitted on behalf of the New Jersey Division of Rate Counsel ("Rate Counsel") in connection with the above-referenced matter. Copies of Rate Counsel's comments are being provided to all parties on the service list by electronic mail only.

**Please acknowledge receipt of these comments.**

Thank you for our consideration and attention to this matter.

Respectfully submitted,

Stefanie A. Brand, Esq.  
Director, Division of Rate Counsel

By: /s/ Maura Caroselli  
Maura Caroselli, Esq.  
Assistant Deputy Rate Counsel

Enclosures

cc: [rule.comments@bpu.nj.gov](mailto:rule.comments@bpu.nj.gov)  
Paul E. Flanagan, BPU  
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Suzanne Patnaude, BPU

**Rate Counsel’s Comments on the Board’s Notice of Proposed  
Substantial Changes Upon Adoption to Proposed Amendments on  
Energy Competition Licensing and Registration Rules at  
N.J.A.C. 14:4-1.2 and 5**

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**Additional Comments of the Division of Rate Counsel**

**Introduction**

Rate Counsel offers these comments on the Notice Proposed substantial Changes Upon Adoption to Proposed Amendments on Energy Competition Licensing and Registration Rules at N.J.A.C. 14:4-5 et seq. (“Notice”). Rate Counsel provided comments on the original rule proposal in this docket number and now provides additional comments in light of the Board’s substantial changes to the proposed rule upon adoption published in the New Jersey Register on November 16, 2020.

**The Board Resolved Two of Rate Counsel’s Concerns Regarding**

**“Self-Supply End-Users” and Confidentiality**

First, Rate Counsel would like to thank the Board for deleting references to “self-supply end-user” in the rule. Given the potential financial consequences to certain businesses, Rate Counsel agrees that this is an acceptable way to ensure that these businesses do not incur unintended charges associated with the Renewable Portfolio Standards (RPS).

Second, Rate Counsel thanks the Board for removing from the rule confidentiality designations for market share and customer counts pertaining to Third Party Suppliers' (TPS).

**The Board Has Not Responded to Rate Counsel's Comments Concerning Customer Complaints and the "Price to Compare"**

Rate Counsel notes two areas that were brought to the Board's attention in our previous comments but that were not summarized or addressed in the instant Notice. The Board did not address (1) Rate Counsel's request to make public the number of customer complaints for each TPS and (2) Rate Counsel's recommendation to make the "Price to Compare" clearer to customers. Therefore, Rate Counsel notes that the Board omitted the requirement in N.J.A.C. 1:30-6.1(a)(13) which requires a summary and response of rule comments. It provides:

When an agency adopts a proposed rule, the agency shall prepare a "notice of adoption" and submit the notice to the OAL. The notice of adoption shall comply with the requirements of this section..... A Summary of Public Comments and Agency Responses, that shall include a summary of the comments, arguments, data and views received, and points of controversy developed during the rulemaking proceeding; the reasons for adopting the public comments accepted; and the reasons for rejecting the public comments rejected. N.J.A.C. 1:30-6.1(a)(13).

Specifically, in its previous comments, Rate Counsel recommended that N.J.A.C. 14:4-5.2 include language that states that the Board will publish information on the NJ Power Switch website regarding the number and the nature of customer complaints received each year concerning each authorized third party supplier. This will enable ratepayers to make a more educated decision when choosing a supplier.

Also, in its previous comments, Rate Counsel noted that in addition to making the price

to compare easier to uncover noted at N.J.A.C. 14:4-5.2(c)(2), Rate Counsel recommends adding language to the rule that requires third party suppliers to clearly state pricing information on their websites. The Board should require the language “Price to Compare” in bold letters next to the appropriate price with a clear explanation of each type of pricing plan the supplier offers for residential and commercial customers. Third party suppliers should be required to provide pricing for residential and commercial separately on its website following the same format and information required in the “TPS Contract Summary Standardized Format” (except for the contract start date) pursuant to N.J.A.C. 14:4-7.6A. This would require the supplier to post on its website one “TPS Contract Summary Standardized Format” page per each residential and commercial price plan. Presenting the pricing information in the identical boxed format on each supplier’s website would benefit ratepayers in understanding what price and terms they are comparing to their public utility company and to other third party suppliers.