

(b) TPS shall maintain a record of the complaints received, how resolved, and still pending, for review by the Board upon request, within 3 days' notice.

Amended by R.2001 d.46, effective February 5, 2001.

See: 32 N.J.R. 4249(a), 33 N.J.R. 565(a).

In (a), recodified i as 1.

14:4-3.10 Termination

(a) A TPS shall not terminate a residential contract due to non-payment in cases where charges are in dispute, provided undisputed charges are paid and the TPS and customer agree to resolve the disputed charges within 30 days of the time that a customer has notified the TPS that charges are in dispute.

(b) Residential may be terminated for non-payment at the time of the next meter reading but with at least the minimum 30 days' written notice, which shall include a toll-free or local telephone number of the TPS and the Board, the effective date, the reason for the contractual termination, timetable for the residential to choose another TPS before defaulting to basic generation service or gas service, and 15 to 30 days' notice to the LDC.

(c) TPS shall not terminate a separate or independent residential contract due to non-payment of a non-residential contract.

(d) TPS shall not terminate a residential contract for gas supply service or electric generation service for non-payment of another service, including gas supply service, gas related service, electric generation service or electric related service.

SUBCHAPTER 4. INTERIM ENVIRONMENTAL INFORMATION DISCLOSURE STANDARDS

Authority

P.L. 1999, c.23.

Source and Effective Date

R.2000 d.408, effective September 11,

2000 (to expire March 11, 2002).

See: 32 N.J.R. 3617(a).

14:4-4.1 Scope

(a) Each electricity supplier or basic generation service provider serving retail customers in the State is required to disclose to such customers, including residential, commercial and industrial customers, a uniform, common set of information about the environmental characteristics of the energy purchased by the customer. The environmental information must be published in a standardized label format attached hereto as Appendices A, B, and C, incorporated herein by reference, and distributed as part of the customer's billing materials or in other mailings determined by the

Board, and on customer contracts and marketing materials. This disclosure requirement is mandatory and applies to every electricity supplier and every electricity product, regardless of whether or not the supplier is making an environmental claim about the electricity product. The environmental information to be disclosed to the customer includes the following, as illustrated in Appendices A, B, and C:

1. Fuel mix associated with the generation of the electricity, including categories for coal, gas, hydroelectric (large), nuclear, oil and renewable energy, or regional average default values as determined by the New Jersey Board of Public Utilities (herein the "Board");

2. Air emissions, in pounds per megawatt hour, of sulfur dioxide, carbon dioxide, oxides of nitrogen, and any other pollutants that are associated with the generation of the electricity and that the Board may determine to pose an environmental or health hazard, or emissions default values determined by the Board; and

3. The electricity supplier's support of energy efficiency, as reflected in the number of discrete emission reduction credits that are based on energy conservation measures and that are retired pursuant to rules and regulations adopted pursuant to P.L. 1995, c.188.

(b) For the label in Appendix A, the environmental information shall be values based on actual data; for the label in Appendix B, the environmental information shall be a commitment by the supplier as to the electricity to be provided over the next year; and for the label in Appendix C, the environmental information shall be default values or averages determined in accordance with this subchapter.

(c) Electricity suppliers shall be permitted to elect whether to sell their entire portfolio of electricity supply as a single electricity product or to disaggregate their portfolio into distinct electricity products in accordance with N.J.A.C. 14:4-4.6(e).

(d) Environmental disclosure pertains to electricity purchases and not installed capacity purchases.

14:4-4.2 Implementation schedule

(a) The environmental disclosure standards set forth in this subchapter will be effective as regulations immediately upon adoption by the Board (adopted September 11, 2000) and will be effective for a period not to exceed 18 months. The Board may thereafter, in accordance with the procedures of the Administrative Procedure Act (P.L. 1968, c.410 (C.52:14B-1 et seq.)) readopt these standards, adopt these standards with amendments, or replace these standards with new standards.

(b) As of September 11, 2000, each electricity supplier is required to disclose environmental information to retail customers in its marketing activities in the State and when it solicits retail customers in New Jersey.

(c) The Environmental Disclosure Program will be incrementally implemented. The Phase I period is projected to end by January 1, 2002, with the commencement of Phase II of environmental disclosure. Phase I shall consist of two parts: Phase I-A, during which electricity suppliers shall implement environmental disclosure independently; and Phase I-B, during which the Program Administrator shall assist in the implementation of environmental disclosure in accordance with the terms set forth in Appendix D, incorporated herein by reference. Notwithstanding the projected start date for Phase II, the Board recognizes the importance of having a full tracking system in place and functioning as early as feasible, and seeks means to implement Phase II as soon as possible. Phase II shall be implemented after successful testing of the full tracking system.

14:4-4.3 Definitions

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

“Basic generation service” means electric generation service that is provided by a utility to any retail customer that has not chosen an alternative electric power supplier, whether or not the customer has received offers as to competitive supply options, including, but not limited to, any retail customer that cannot obtain such service from a non-utility electric power supplier for any reason, including non-payment for services. Basic generation service is not a competitive service and shall be fully regulated by the Board.

“Benchmark” means a reference point, describing emissions levels, to allow customers to make comparisons among alternative electricity products offered by suppliers. That is, a point of comparison for the air emissions associated with the electricity product being offered or sold to the customer. Initially, and until modified by Board order in consultation with the NJDEP, the specific benchmarks shall be based on the most recent data available from the Energy Information Administration and shall reflect the average emission rate of all electric generating units in New Jersey for SO₂ (that is, 2.5 pounds per megawatt hour) and CO₂ (that is, 1,213 pounds per megawatt hour); and NO_x (that is, 3.0 pounds per megawatt hour). In the case of NO_x, the benchmark set forth in Appendix F, incorporated herein by reference, takes into account the effect on this average of the new NO_x standards that first applied during the 1999 ozone season.

“Bilateral contract” or “bilateral wholesale contract” means a unit or system contract, or a contract for specified resources, between an electricity supplier and a generating company or between an electricity supplier and a wholesale power marketer.

“Contract for specified resources” means a contract between an electricity supplier and a generating company or wholesale power marketer:

1. In which the types of generating resources that may supply the electricity are specified, along with any other environmental criteria applicable to those resources;

2. Which requires the generating company or wholesale power marketer to deliver the resources into the PJM control area, or for Orange & Rockland, into the New York Power Pool (NYPP); and

3. Which requires that the generating company or wholesale power marketer be able to identify after the fact, and establish an audit trail to verify, the specific generating unit or units used to supply the contracts and to establish that the energy was generated and delivered into the PJM control area, or for Orange & Rockland, into the NYPP, and was not sold more than once.

“Customer” means any person that is connected to any part of the transmission and distribution system within an electric public utility’s service territory within New Jersey and that takes electricity directly from the transmission and distribution grid.

“Default values” means the fuel mix and air emissions information set forth by the Board that electricity suppliers shall be allowed to disclose to retail customers in place of the actual fuel mix and air emissions information data, when required to do so pursuant to this subsection. Initially, and until modified by Board order in consultation with the NJDEP, the default value for fuel mix (energy source) shall be the PJM average. The default value for air emissions shall be the PJM average adjusted, as set forth in Appendix F. Electricity suppliers with new electricity products and electricity suppliers newly serving retail customers in New Jersey, who elect not to make an environmental claim for their products, shall use the default values. Also, electricity suppliers making prospective environmental claims for new products and electricity suppliers disclosing actual generation data for existing products with a record of generation may use the default values, but only for that portion of the electricity supplier’s energy portfolio that is purchased from the spot market or wholesale market, and only if and for as long as contractual information that can trace the energy to its originating system or unit is not available.

“Electric generating unit” means a unit that generates electricity, if the owner or operator of the unit sells any portion of the electricity generated by the unit (or where the electricity produced by the unit is co-mingled at the facility at which the unit is located with electricity produced by another unit, sells any portion of the co-mingled electricity).

“Electric public utility” means a public utility, as that term is defined in N.J.S.A. 48:2-13, that transmits and distributes electricity to end users within this State.

“Electricity supplier” or “electric power supplier” means a person that is duly licensed by the Board to offer or provide electric generation service to retail customers in New Jersey, and includes, but is not limited to, load serving entities and electric public utilities that provide electricity to end-users, including basic generation service providers.

APPENDIX C

Label for New Product Based on Default Information

Environmental Information for the Electricity Product (Insert Product Identification)

(This is a new energy product. (Insert company name) has made no guarantee as to the environmental characteristics of the energy to be supplied from January through December, 2000. The data shown below are default values, and do not necessarily reflect the energy that (insert company name) will supply.)

(Insert Product Identification and company name)

Electricity can be generated in a number of ways with different impacts on the environment. The standardized environmental information shown below allows you to compare this electricity product with electricity products offered by other electric suppliers.

Energy Source

Default values are shown which represent 1996 regional averages.

Coal	_49_ %
Gas	_7_ %
Hydroelectric (large)	_2_ %
Nuclear	_34_ %
Oil	_6_ %
Renewable energy	
Captured methane gas	_0_ %
Fuel cells	_0_ %
Geothermal	_0_ %
Hydroelectric (small)	_0_ %
Solar	_0_ %
Solid waste	_2_ %
Wind	_0_ %
Wood or other biomass	_0_ %
<hr/>	
Renewable energy sources subtotal ___%	TOTAL 100%

Air Emissions

The emission data given are default values and represent the average amount of air pollution associated with the generation of electricity in the region. This amount is compared to the New Jersey benchmark. The benchmark approximates the average emission rate for all electricity generation in New Jersey.

Pollutant	Percentage of NJ Benchmark
CO ₂	126%
NO _x	153%
SO ₂	396%

CO₂ is a "greenhouse gas" which may contribute to global climate change. SO₂ and NO_x react to form acids found in acid rain. NO_x also reacts to form ground level ozone, an unhealthy component of "smog."

Energy Conservation

(Insert company name) is not investing in energy conservation measures for this electricity product. Energy conservation measures means less electricity needs to be generated and pollution is avoided.

Avoided generation	Avoided Air Emissions
0 KWh	_0_ tons CO ₂
	0 tons NO _x
	0 tons SO ₂

See your Terms of Service for further information regarding this label. For more information, contact your Energy Supplier for additional information or a copy of the Terms of Service.

APPENDIX D

Role of the Parties

Board of Public Utilities. Until the Program Administrator is established, the Board, in consultation with the NJDEP, will undertake responsibility for implementation of Phase I. If an independent Program Administrator is appointed, the Board, in consultation with the NJDEP, will assume an oversight role. Electricity suppliers. New Jersey electricity suppliers must create disclosure labels and provide them to current and prospective retail customers. Each electricity supplier must also report semi-annually to the Board or Program Administrator; these reports will include notice of any new unit or system contracts. During Phase I-A, each electricity supplier will independently develop the environmental information to be disclosed on each of its product's label, including determining the electric generating units or systems used to meet its retail load, where this can be readily known, and the environmental characteristics associated with such units or systems. Electricity suppliers must maintain documentation to support disclosure labels, including (if applicable) a demonstration of how it performed product differentiation and how it met any environmental claims made about electricity products in New Jersey. Suppliers of existing products must have their environmental information verified by an independent verifier. Suppliers of new products, if they base their labels on environmental claims, must demonstrate that these claims are met and have these demonstrations verified by an independent verifier. During Phase I-B, the Program Administrator will assist in the implementation of environmental disclosure in accordance with the terms set forth in Appendix A.

PJM ISO. In Phase I, the Board and the Program Administrator will rely on PJM ISO generation and load data to verify disclosure labels.

The New Jersey Department of Environmental Protection (NJDEP) will work with the Board in developing and updating New Jersey emissions benchmark(s) for disclosure labels and the default fuel mix and emissions values that the supplier of a new product shall disclose if no environmental claim is made for a new product, or when information about actual resources is unavailable. It will also work with the Board to develop processes for dispute resolution and processes for developing policy to address issues as they arise. The NJDEP will also aid in developing emissions and fuel mix data for New Jersey electric generating units that do not provide data to EPA. The NJDEP will also support environmental disclosure by working with representatives of environmental agencies in other states in the region to the end of achieving consistency, to the extent feasible, in the approaches taken to environmental disclosure in the various states.

Independent Verifiers—Certified Public Accountants (CPAs) who are licensed in New Jersey will provide verification services. During Phase I, a supplier of an existing product will be required to have the environmental information it intends to disclose on a product label verified before the information is used. If a supplier of a new product bases its label on environmental claims, the supplier must retrospectively demonstrate that these claims are met and have this demonstration verified by an independent verifier. In all cases, the CPA who performs the verification must be independent of the electricity supplier for whom it performs the verification.

Program Administrator. As soon as practicable following adoption of this proposal, the Board will appoint a Program Administrator to assist with the implementation of the disclosure program. The duties of the Program Administrator will include, but not necessarily be limited to, the following:

1. Review the disclosure labels developed by electricity suppliers for proper format, clarity and accuracy;
2. Verify that the electric power provided by electricity suppliers who have based disclosure labels on prospective information, met the fuel mix and emissions characteristics prospectively claimed;
3. Confirm that suppliers who based their labels for products on environmental claims, retrospectively demonstrated that these claims were met and that the demonstration was verified by an independent verifier;
4. Serve as a repository for the documentation that suppliers are required under N.J.A.C. 14:4-4.6 and 4.9, to submit for unit contracts and system contracts;
5. Develop and update the default values to be used by suppliers;
6. Answer questions market participants might have regarding disclosure requirements;
7. Provide information to electricity suppliers on energy efficiency, including opportunities for obtaining and retiring emission credits;
8. Provide information to electricity suppliers on the retirement of emission credits generated under NJDEP's Open Market Emission Trading Program;
9. Establish a semiannual reporting system for suppliers, and update the system as environmental disclosure evolves and the reporting needs change;
10. Provide guidelines to suppliers for the preparation of annual reports; and
11. Maintain an Internet website which displays disclosure labels for all products sold in New Jersey as well as other relevant information.

APPENDIX E

Definitions of Fuel Types

Coal	Coal—Steam Turbine Pumped Storage Hydro Powered by Coal	Hydro	LPG Pumped Storage Hydro Powered by Gas Pondage Hydro Run-of-River Hydro
Gas	Natural Gas—Steam Turbine Natural Gas—Simple Combustion Turbine Natural Gas—Combined Cycle Combustion Turbine	Nuclear	Boiling & Pressurized Water Reactors Pumped Storage Hydro Powered by Nuclear
		Oil	Oil—Steam Turbine Oil—Simple Combustion Turbine

	Oil—Combined Cycle Combustion Turbine	Pallet Waste
	Diesel	Construction and Demolition
	No. 2 Heating Oil	Municipal Solid Waste Wood
	Jet Fuel	Mill Residue Wood
	Gasoline	Primary Wood Products Industries
	Kerosene	Secondary Wood Products Industries
	Pumped Storage Hydro Powered by Oil	Harvested Wood
Solar	Photovoltaics	Site Conversion Waste Wood
	Fuel Cells Powered by Photovoltaics	Sivicultural Waste Wood
Wind	Wind Turbines	Agricultural Residue
Captured Methane Gas	Landfill Gas	Sustainable Yield Wood
	Sewage Gas	Geothermal
	Agricultural Waste Digesters	Solid Waste
	Fuel Cells Powered by Methane	Incineration
Biomass	Urban Wood Waste	Wave/Tidal Action
		Wave/Tidal Action

APPENDIX F

Benchmark and Default Values

I. Default Values for the “Energy Source” Section of the Label^a

Coal	49%
Gas	7%
Hydroelectric (large)	2%
Nuclear	34%
Oil	6%
Renewable Energy Sources:	
Captured methane gas	0%
Fuel Cells	0%
Geothermal	0%
Hydroelectric (small)	0%
Solar	0%
Solid waste	2%
Wind	0%
Wood or other biomass	0%
TOTAL	100%

II. Benchmarks and Defaults for “Air Emissions” Section of the Label

	BENCHMARKS^b (pounds per megawatt-hour)	DEFAULTS^c (pounds per megawatt-hour)
CO ₂	1,213 ^d	1,525 ^e
NO _x	3.0 ^f	4.6 ^g
SO ₂	2.5 ^h	9.9 ⁱ

^aData from USEPA Acid Rain Division, E-GRID v.1.2, 1996 Data, except that the percentage for unspecified fuels was divided equally among the three fossil fuels: coal, gas and oil; the percentage for unspecified renewables was allocated to the solid waste category; and the percentage for hydroelectric was allocated to the hydroelectric (large) category.

^bBased on 1996 emissions data from Department of Energy; Energy Information Administration publication EIA-0629 “State Electricity Profiles,” p. 186 Table 1. 1996 Summary Statistics, February 1999.

^cBased on data from USEPA Acid Rain Division, E-GRID v.1.2, 1996 Data.

^dAverage rate of emissions of all New Jersey electric generating units in 1996: 22,842,000 tons of CO₂ emitted divided by the 37,663,185 megawatt hours generated and then multiplied by 2,000 to convert tons to pounds = 1,213 pounds per megawatt-hour.

^eBased on the 1996 average rate of emissions electric generating units within the PJM Interconnection, adjusted for importation of power from East Central Area Reliability Council (ECAR) Interconnection, and with the generation from New Jersey utility units removed: given that the 1996 PJM total generation is 238,402,036 megawatt-hours, and that of this 70,401,863 megawatt-hours were generated by utility units; and that 10,696,938 megawatt-hours were imported

from ECAR, and 1,389,324 megawatt-hours were imported from South East Reliability Council (SERC) (that is, that 4.83 percent of all power supplied with the PJM control area was imported power); and given that the 1996 rate of emissions of CO₂ from non-utility generation within PJM is 1,436 pounds per megawatt-hour; and that the 1996 average rate of emissions of CO₂ within ECAR is 2,219 pounds per megawatt-hour and within SERC is 1,562 pounds per megawatt-hour, the adjusted average is 1,525 pounds per megawatt-hour.

^fAverage rate of emissions of all New Jersey electric generating units, calculated for 1999, to take into account the effect of the new NO_x standards which first applied in the summer 1999 ozone season: given that the rate of growth of electricity generation is expected to continue to be 1.8 percent per year, the electricity generated in New Jersey in 1999 can be expected to be 39,733,825 megawatt-hours; given that approximately half of all New Jersey generation (that is, 19,866,913 megawatt-hours) occurs during the ozone season and that half of all New Jersey generation occurs during the remaining months of the year; given that the NO_x emission rate during the ozone season under the new NO_x Budget Program is expected to be 2 pounds per megawatt-hour; and assuming the NO_x emission rate during the other seven months of the year remains at the level it was in 1996 (77,000 tons of NO_x emitted in 1996 divided by the 37.663,185 megawatt-hours generated in 1996 and then multiplied by 2,000 to convert tons to pounds = 4.08 pounds per megawatt-hour); then the weighted average of the ozone season rates and the non-ozone season rates is 3.0.

^gBased on the 1996 average rate of emissions for electric generating units within the PJM Interconnection, adjusted for importation of power from ECAR Interconnection, and with the generation from New Jersey utility units removed: given that the 1996 PJM total generation is 238,402,036 megawatt-hours, and that of this 70,401,863 megawatt-hours were generated by utility units; and that 10,696,938 megawatt-hours were imported from ECAR, and 1,389,324 megawatt-hours were imported from SERC (that is, that 4.83 percent of all power supplied with the PJM control area was imported power); and given that the 1996 average rate of emissions of NO_x of non-utility generation within PJM is 4.11 pounds per megawatt-hour; and that the 1996 average rate of emissions of NO_x within ECAR is 7.02 pounds per megawatt-hour and within SERC is 4.78 pounds per megawatt-hour, the adjusted average is 4.6 pounds per megawatt-hour.

^hAverage rate of emissions of all New Jersey electric generating units in 1996: 47,000 tons of SO₂ emitted divided by the 37,663,185 megawatt-hours generated and then multiplied by 2,000 to convert tons to pounds = 2.5 pounds per megawatt-hour.

ⁱBased on the 1996 average rate of emissions for electric generating units within the PJM Interconnection, adjusted for importation of power from ECAR Interconnection, and with the generation from New Jersey utility units removed: given that the 1996 PJM total generation is 238,402,036 megawatt-hours, and that of this 70,401,863 megawatt-hours were generated by utility units; and that 10,696,938 megawatt-hours were imported from ECAR, and 1,389,324 megawatt-hours were imported from SERC (that is, that 4.83 percent of all power supplied with the PJM control area was imported power); and that given that the 1996 average rate of emissions of SO₂ from non-utility generation within PJM is 9.74 pounds per megawatt-hour, and the 1996 average rate of emissions of SO₂ within ECAR is 15.05 pounds per megawatt-hour and within SERC is 9.33 pounds per megawatt-hour, the adjusted average is 9.9 pounds per megawatt-hour.

APPENDIX G

New Jersey Non-Utility Generator Environmental Disclosure Default Methodology

The environmental disclosure provisions in New Jersey require electric power suppliers to disclose information about the environmental characteristics of their energy to all customers. During Phase I of the program, environmental characteristics disclosed by electric power providers are to be based on public available emissions and fuel mix information from the U.S. Environmental Protection Agency (EPA) and Energy Information Administration (EIA). However, emissions and fuel mix information for non-utility electric generating facilities (NUGs) are currently held confidential by EIA. In order for electric power suppliers to account for energy from NUG contracts in calculating their environmental disclosure information, they will need to either receive actual emissions information from their NUG energy sources directly, or, in cases where such information cannot be obtained, apply reasonable default emissions and fuel mix assumptions to NUG energy.

The discussion below identifies reasonable emissions and fuel mix assumptions that could be used as defaults for purchases from NUGs located in the State of New Jersey. The methodology utilizes aggregate information from EIA to identify a reasonable fuel mix default, emissions data from New Jersey DEP to identify reasonable emission rate defaults for NO_x and SO₂, and EPA greenhouse gas emissions factors to identify reasonable emission rate defaults for CO₂.

Default Fuel Mix Methodology

An appropriate default fuel mix can be estimated using publicly available EIA data. Although EIA does not publish NUG emissions or fuel mix data at the facility level, they do provide fuel mix information aggregated at the State level. EIA information indicates that a reasonable fuel mix default for New Jersey NUGs is¹:

Coal	6%
Oil	2%
Gas	85%
Landfill gas	2%
MSW	5%

The percentages above for gas and oil are calculated directly from the EIA information on New Jersey NUG generation.

EIA holds confidential the information on coal and hydro generation in New Jersey because there are only two coal and a few small hydro NUG facilities in the State. However, the total coal & hydro generation number can be back calculated based on subtracting all other sources from the State NUG generation total. This calculation reveals 1,095,000 MWh of coal and hydro generation, which is equal to 6% of the NUG generation total. Indications are that very little NUG hydro generation exists in New Jersey, so it can be conservatively assumed that all this generation is coal.

EIA lumps landfill gas, Municipal Solid Waste (MSW), and wood together in one category that comprises 7% of the New Jersey NUG generation total. Additional data from EIA on renewable generation sources indicates that there is no NUG wood or wood waste generation in the State.² Unfortunately, EIA information does not provide a basis for differentiating landfill gas generation from MSW combustion. However, it is likely that MSW accounts for the majority of this category, based on the generally smaller size of landfill gas generating capacity. A reasonable assumption would be that 70% of the 7% is actually MSW, making MSW 5% of the State NUG total and landfill gas 2%.

Default Methodology for NO_x and SO₂

New Jersey DEP collects annual fuel consumption and NO_x and SO₂ emissions data from all significant stationary combustion sources in the State. Unfortunately, the database containing this information does not identify which sources are NUGs. However, based on a review of published EIA lists as well as a list of NUG sources included in the New Jersey NO_x Budget allocation, 25 NUG sources have been identified from the DEP database (see Exhibit 1).³

The information collected by DEP on these sources includes the type and quantity of fuel burned during the year and the tons on NO_x and SO₂ emitted during the year. This information along with generic fuel heat content information obtained from EIA⁴ provides a basis for estimating the Btus of fuel consumed by each facility. Knowing the annual emissions and annual Btus provides a basis for developing lbs/mmBtu NO_x and SO₂ emission rates. These rates can then be converted to lbs/MWh based on assumptions about the heat rate (efficiency) of power generation facilities. Typical coal fired power plants operate with an efficiency of about 10,000 Btu/kWh, new natural gas combined cycle facilities operate at efficiencies of 8,000-9,000 Btu/kWh and stoker boilers typically used for MSW combustion operate in the 12,000-14,000 Btu/kWh range. For the conversions here, 10,000 Btu/kWh is assumed for coal and oil, 9,000 Btu/kWh is assumed for gas and 13,000 Btu/kWh is assumed for MSW combustion. The table below illustrates 1997 DEP data for coal consumption and emissions by fuel type as well as the emissions rates calculated based on this data (see Exhibit 1 for further detail).

# Plants using	Fuel Consumption				Emissions			Emission Rates		
	Fuel Type	Fuel Units	Fuel Use	mmBtu	NO _x tons	SO ₂ tons	NO _x lb/mmBtu	SO ₂ lb/mmBtu	NO _x lb/MWh	SO ₂ lb/MWh
14	2FO	MGALS	9,581	1,328,833	148	107	0.22	0.161	2.23	1.61
4	6FO	MGALS	11,852	1,774,121	2,015	802	2.27	0.904	22.71	9.04
1	GSOLN	MGALS	0.42	52	0	0	1.68	0.088	16.82	0.88
7	KERO	MGALS	2,138	288,689	12	6	0.08	0.042	0.82	0.42
19	NG	MMCF	115,577	118,119,595	3,666	93	0.06	0.002	0.56	0.01
4	PG	MMCF	66,082	66,081,867	5,148	1,635	0.16	0.049	1.40	0.45
2	BIT Coal	TONS	958,817	19,679,719	1,729	1,419	0.18	0.144	1.58	1.30
3	MSW	TONS	1,427,048	221,543,356	1666.58	267.79	0.23	0.038	3.04	0.49
					14,384	4,330	0.13	0.04		

**Exhibit 1
New Jersey NUG Average NO_x and SO₂ Emission Rates by Fuel Type**

# Plants using	Fuel Consumption				Emissions			Emission Rates		
	Fuel Type	Fuel Units	Fuel Use	mmBtu	NO _x tons	SO ₂ tons	NO _x lb/mmBtu	SO ₂ lb/mmBtu	NO _x lb/MWh	SO ₂ lb/MWh
14	2FO	MGALS	9,581	1,328,833	148	107	0.22	0.161	2.23	1.61
4	6FO	MGALS	11,852	1,774,121	2,015	802	2.27	0.904	22.71	9.04
1	GSOLN	MGALS	0.42	52	0	0	1.68	0.088	16.82	0.88
7	KERO	MGALS	2,138	288,689	12	6	0.08	0.042	0.82	0.42
19	NG	MMCF	115,577	118,119,595	3,666	93	0.06	0.002	0.56	0.01
4	PG	MMCF	66,082	66,081,867	5,148	1,635	0.16	0.049	1.40	0.45
2	BIT Coal	TONS	958,817	19,679,719	1,729	1,419	0.18	0.144	1.58	1.30
3	MSW	TONS	1,427,048	221,543,356	1666.58	267.79	0.23	0.038	3.04	0.49
					14,384	4,330	0.13	0.04		

Conversion Factors
MGALS=(x)Barrels

23.81

Fuels with unknown heat content that were not estimated
#Plants Fuel Type Fuel Units Fuel Use NO_x SO₂

Plant Heat Rates*		2	4FO	MGALS	4,044	0.04	0.06
Btu/MWh Gas	9,000	13	DF	MGALS	280	13.59	1.53
Btu/MWh Oil & Coal	10,000	1	PETRO	MGALS	1,760	95.00	71.00
Btu/MWh MSW	13,000	1	SOLV	MGALS	270	2.13	1.56
		1	BUTA	MMCF	68	2.35	0.06
		1	SOLID	TONS	603	5.40	3.80
Fuel Heat Content**						118.51	78.00
	mmBtu/Barrel				Percent of Total	1%	2%
2FO	5.825						
6FO	6.287						
Gasoln	5.206						
Kero	5.670						
	mmBtu/mmCF						
NG	1,022						
PG (estimate)	1,000						
	mmBtu/ton						
BIT Coal	20.525						
MSW (estimate)	10						

*Plant heat rates estimated based on typical efficiencies reported for utility facilities.

**With the exception of PG and MSW, which are estimated, fuel heat content is taken from EIA Annual Energy Outlook 1999, Appendix H (incorporated herein by reference as Appendix I).

Although some of the data in the table above appear anomalous (residual fuel oil emissions rates are unreasonably high) the data provides a basis for identifying potential default NO_x and SO₂ emission rate characteristics for New Jersey NUGs. Cutting it up by major fuel type and rounding to tenths, the data indicate that the following emission rates would be reasonable for NUG defaults for coal, oil and gas generation:

	No _x (lbs/MWh)	SO ₂ (lbs/MWh)
Coal	2.0	1.5
Oil	3.0	2.0
Gas	1.0	0.05

For MSW, the heat content was estimated to be 50% of the heat content of coal. Based on this estimation, the NO_x emission rate for MSW is higher than coal (3.0 lbs/MWh) and the SO₂ emissions rate is lower (0.5 lbs/MWh). These data are somewhat less certain than that for coal and oil due to estimations of both plant efficiency and the heat content of waste that could be somewhat variable. Nonetheless, since the rates are in the ballpark of rates for coal, the data suggest that assigning MSW emissions rates compatible with coal is not unreasonable.

If an overall average emissions rate is desired for the default, then treating landfill gas and MSW as gas and coal, respectively, the weighted average NO_x and SO₂ emissions rates for NUG generation in New Jersey based on the fuel mix identified above and rounded up to the nearest tenth would be:

NO_x: =1.2 lbs/MWh

SO₂: =0.3 lbs/MWh

Default Methodology for CO₂

Although actual CO₂ emissions data is not available for New Jersey NUG sources, relatively accurate CO₂ lb/MWh emission rate estimates can be derived based on fuel type and power plant efficiency. EPA's Inventory of Greenhouse Gas Emissions and Sinks provides emissions factors for

estimating CO₂ emissions rates for coal, oil and gas combustion, as follows:⁵

coal:	207 lbs/mmBtu
oil:	168 lbs/mmBtu
gas:	117 lbs/mmBtu

Assuming efficiencies of 9,000 Btu/kWh for combined cycle gas and 10,000 Btu/kWh for relatively new oil and coal facilities, appropriate default emissions rates would be:

Coal:	2,070 lbs/MWh
Oil:	1,680 lbs/MWh
Gas:	1,053 lbs/MWh

Although no specific factors are readily available for CO₂ emissions associated with burning landfill gas or MSW, it is probably appropriate to treat landfill gas as natural gas and MSW as coal for this purpose.

If an overall average emissions rate is desired for the default, then treating landfill gas and MSW as gas and coal, respectively, the weighted average CO₂ emissions rate for NUG generation in New Jersey rounded to the nearest hundred would be:

=1,200 lbs/ MWh

Reasonable NUG defaults Summary

Fuel Mix

Coal	6%
Oil	2%
Gas	85%
Landfill gas	2%
MSW	5%

Emission Rates

	NO _x (lbs/MWh)	SO ₂ (lbs/MWh)	CO ₂ (lbs/MWh)
Coal	2.0	1.5	2,070
Oil	3.0	2.0	1,680
Gas	1.0	0.05	1,053
Weighted Average	1.2	0.3	1,200

¹EIA data available at: <http://www.eia.doe.gov/cneaf/electricity/epav2/epav2t58.txt>

²See Energy Information Administration, "Challenges of Electric Power Industry Restructuring for Fuel Suppliers," September 1998. (Available at: <http://www.eig.doe.gov>).

³Since this list is probably not inclusive of all NUGs in the state, it was not used as the basis for determining the NUG fuel mix above. However, the Btu's of fuel consumed by fuel type according to this list indicates a very similar fuel mix as that identified using EIA generation data. The fuel mix of the 25 plants is: 83% gas, 9% coal, 1.5% oil, and 6% MSW.

⁴See Energy Information Administration, Annual Energy Outlook 1999, Appendix H. The heat content values used in this analysis are provided in Exhibit 1.

⁵See U.S. Environmental Protection Agency, "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-1993," 1994. All EPA data provided in kg C/mmBtu. Conversion based on 3.67 kg CO₂/kg C and 2.205 lbs CO₂/kg Co₂. EPA provides separate emissions factors for distillate and residual fuel oil, which are averaged together to obtain a composite number for oil of 168 lbs/mmBtu.

APPENDIX H

Label Update and Distribution Timing Requirements

HISTORICAL LABEL	
Date label must be updated & distributed to customers	Reporting period on label
September 15, 1999	July 1, 1998-June 30, 1999
April 1, 2000	January 1, 1999-December 31, 1999
October 1, 2000	July 1, 1999-June 30, 2000
April 1, 2001	January 1, 2000-December 31, 2000
October 1, 2001	July 1, 2000-June 30, 2001

First historical label	April 1, 2001	Jan. 1, 2000 through December 31, 2000.	April 1, 2001
Future historical labels	The next semiannual time set forth in the HISTORICAL table above.		

NEW PRODUCT LABEL (CLAIM)

	Date of label update	Reporting period on label	Distribution to customer
Initial prospective label	Commencement of marketing	12 month period for which power will first be provided in New Jersey	Commencement of marketing & six months after power is first provided.
First historical label	3 months after the end of the 12 month period	The same time period used on the prospective label (above).	3 months after the end of the 12 month period
Future historical labels	The next semiannual time set forth in the HISTORICAL table above.		

NEW PRODUCT LABEL (DEFAULT)

	Date of label update	Reporting period on label	Distribution to customer
Initial prospective label	Commencement of marketing	Until December 31, 2000.	Commencement of marketing, then each six months thereafter until the first historical label is used.

APPENDIX I

Table-1. Heat Rates

Conversion Factors			
Fuel	Units	Approximate Heat Content	
Coal¹			
Production	million Btu per short ton	21.287	
Consumption	million Btu per short ton	20.856	
Coke Plants	million Btu per short ton	26.800	
Industrial	million Btu per short ton	22.105	
Residential and Commercial	million Btu per short ton	23.011	
Electric Utilities	million Btu per short ton	20.525	
Imports	million Btu per short ton	25.000	
Exports	million Btu per short ton	26.174	
Coal Coke	million Btu per short ton	24.800	
Crude Oil			
Production	million Btu per barrel	5.800	
Imports	million Btu per barrel	5.948	
Petroleum Products			
Consumption ²	million Btu per barrel	-5.362	
Motor Gasoline ²	million Btu per barrel	5.206	
Jet Fuel (Kerosene)	million Btu per barrel	5.670	

Distillate Fuel Oil	million Btu per barrel	5.825
Residual Fuel Oil	million Btu per barrel	6.287
Liquefied Petroleum		
Gas	million Btu per barrel	3.625
Kerosene	million Btu per barrel	5.670
Petrochemical		
Feedstocks	million Btu per barrel	5.630
Unfinished Oils	million Btu per barrel	5.800
Imports ²	million Btu per barrel	-5.493
Exports ²	million Btu per barrel	-5.769
Natural Gas Plant Liquids		
Production ²	million Btu per barrel	-3.885
Natural Gas		
Production, Dry	Btu per cubic foot	1,028
Consumption	Btu per cubic foot	1,028
Non-electric Utilities	Btu per cubic foot	1,029
Electric Utilities	Btu per cubic foot	1,022
Imports	Btu per cubic foot	1,022
Exports	Btu per cubic foot	1,022
Electricity Consumption	Btu per kilowatt-hour	3,412

¹Conversion factors vary from year to year. 1996 values are reported.

²Conversion factors vary from year to year. 2000 values are reported.

Source: Energy Information Administration, AE099 National Energy Modeling System run AE099B.D100198A.

SUBCHAPTER 5. AFFILIATE RELATIONS, FAIR COMPETITION AND ACCOUNTING STANDARDS AND RELATED REPORTING REQUIREMENTS

Authority

P.L. 1999, c.23.

Source and Effective Date

R.2000 d.409, effective September 11, 2000 (to expire March 11, 2002).
See: 32 N.J.R. 3633(a).

14:4-5.1 Scope

(a) These standards shall apply as follows:

1. N.J.A.C. 14:4-5.3 through 5.5 set forth standards of conduct applicable to transactions, between an electric public utility or gas public utility, including a related competitive business segment of an electric or gas public utility, and a related competitive business segment of the electric or gas public utility holding company providing or offering competitive services to retail customers in New Jersey or the public utility holding company itself providing or offering competitive services to retail customers in New Jersey, as defined herein;

2. N.J.A.C. 14:4-5.6 sets forth standards of conduct applicable to electric and/or gas public utilities and the related competitive business segments of each electric public utility and gas public utility, as well as the transactions, interactions and relations between an electric and/or gas public utility and a related competitive business segment of an electric and/or gas public utility; and

3. N.J.A.C. 14:4-5.7 through 5.9 address regulatory oversight, dispute resolution and violations and penalties applicable to electric and/or gas public utilities regarding affiliate relations, fair competition, accounting standards and related reporting requirements.

(b) The Board reserves the right to promulgate any additional interim standards as may be required to effectuate the intent of the Act.

(c) A New Jersey electric and/or gas public utility, which is also a multi-state electric and/or gas public utility and subject to the jurisdiction of other state or Federal regulatory commissions, may file an application, requesting a limited exemption from these standards or part(s) thereof, for transactions between the electric and/or public utility and its

affiliate(s) solely in its role of serving its jurisdictional areas wholly outside of New Jersey.

1. The applicant has the burden of proof to establish the appropriateness of the requested exemption.

14:4-5.2 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23), N.J.S.A. 48:3-49 et seq.

“Affiliate” means a “related competitive business segment of an electric public utility or a related competitive business segment of a gas public utility” or a “related competitive business segment of a public utility holding company” as defined herein and in the Act.

“Affiliated” means related to an electric or gas public utility as an affiliate thereof.

“Board” means the New Jersey Board of Public Utilities or any successor agency.

“Category” means a group of products and/or services that use the same type of electric and/or gas public utility assets or capacity. For example, “leases of land under utility transmission lines” or “use of a utility repair shop for third party equipment repair” would each constitute a separate product and/or service category.

“Competitive service” means any services, goods, or products offered by an electric public utility or a gas public utility that the Board has already determined or that the Board shall in the future determine to be competitive pursuant to section 8 or section 10 of the Act or that is not regulated by the Board.

“Cross-subsidization” means the offering of a competitive product and/or service by an electric and/or gas public utility, or the offering of a product and/or service by an affiliate, which relies in whole or in part on the utilization of utility employees, equipment or other assets, and for which full compensation (via cost allocations or direct payment), as determined by the Board, has not been provided for the use of such electric and/or gas public utility assets, resulting in the inappropriate transfer of benefits from the utility rate-payers to the competitive product and/or service or affiliate.

“Customer” means any person that is an end user and is connected to any part of the transmission and distribution system within an electric public utility’s service territory or a gas public utility’s service territory within this State.

“Customer information” means information data regarding a utility customer which the electric and/or gas public utility learned, acquired or developed while in the business of providing electric and/or gas public utility services.

“Demand side management” means the management of customer demand for energy service through the implementation of cost-effective energy efficiency technologies, including, but not limited to, installed conservation, load management and energy efficiency measures on and in the residential, commercial, industrial, institutional and governmental premises and facilities in this State.

“Dth” means decatherms or ten therms.

“EBB” means an electric and/or gas public utility’s electronic bulletin board.

“Electric public utility” means a public utility, as that term is defined in N.J.S.A. 48:2-13, that transmits and distributes electricity to end users within this State.

“Electric related service” means a service that is directly related to the consumption of electricity by an end user, including, but not limited to, the installation of demand side management measures at the end user’s premises, the maintenance, repair or replacement of appliances, lighting, motors or other energy-consuming devices at the end user’s premises, and the provision of energy consumption measurement and billing services.

“Existing products and/or services” means those products and/or services which an electric and/or gas public utility was offering prior to January 1, 1993, that have been approved by the Board prior to February 9, 1999, or an electric and/or gas public utility is offering on the effective date of the adoption of these standards.

“FERC” means the Federal Energy Regulatory Commission or any successor agency.

“Fully allocated cost” means an allocation of the direct, indirect and other economic costs of all equipment, vehicles, labor, related fringe benefits and overheads, real estate, furniture, fixtures and other personal and administration utilized, and other assets utilized and costs incurred, directly or indirectly in providing competitive services.

“Functional separation” means the formation of a separate business unit by an electric or gas public utility for purposes of offering competitive services permitted by N.J.S.A. 48:3-55(f) or N.J.S.A. 48:3-58(b) of the Act, which separate business unit shall be a related competitive business segment of an electric public utility or gas public utility as defined herein and in the Act.

“Gas public utility” means a public utility, as that term is defined in N.J.S.A. 48:2-13, that distributes gas to end users within this State.

“Gas related service” means a service that is directly related to the consumption of gas by an end user, including, but not limited to, the installation of demand side management measures at the end user’s premises, the maintenance, repair or replacement of appliances or other energy-consuming devices at the end user’s premises, and the provision of energy consumption measurement and billing services.

“Individual proprietary information” means a customer’s name, address, telephone number, energy usage and payment history and such other information as the Board, by Order, may determine.

“Joint purchases” means purchases made by a parent or holding company or affiliate thereof for use by one or more affiliates, the fully allocated costs of which are allocated to be paid proportionally by the affiliates, based upon utilization.

“Joint purchases allowed” means purchases not associated with merchant functions, examples of which would be joint purchases of office supplies and telephone services.

“Joint purchases not allowed” means purchases associated with merchant functions, examples of which would be gas and electric purchasing for resale, purchasing of gas transportation and storage capacity, purchasing of electric transmission, systems operations, and marketing.

“kW” means kilowatts or 1,000 watts.

“kWh” means kilowatt-hours or 1,000 watt-hours.

“Long term” means a transaction in excess of 31 days.

“Merchant functions” means the marketing and/or the provision of electric generation service and/or gas supply service to wholesale or retail customers, as opposed to the marketing and/or provision of transmission and distribution services, by an electric and/or gas public utility.

“Person” means an individual, partnership, corporation, association, trust, limited liability company, governmental entity or other legal entity.

“Products” means goods as defined in the Uniform Commercial Code, N.J.S.A., all other real, personal and intellectual property of whatever being or nature.

“Public posting” means a posting on an electric and/or gas public utility’s EBB, website or other industry recognized and publicly accessible electronic or print medium.

“Public utility holding company” or “PUHC” means: 1. Any company that, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of an electric public utility or a gas public utility or of a company which is a public utility holding company by virtue of this definition, unless the Securities and Exchange Commission, or its successor, by order declares such company not to be a public utility holding company under the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79 et seq., or its successor; or 2. Any person that the Securities and Exchange Commission, or its successor, determines, after notice and opportunity for hearing, directly or indirectly, to exercise, either alone or pursuant to an arrangement or understanding with one or more other persons, such a controlling influence over the management or policies of an electric public utility or a gas public utility or public utility holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935 or its successor.

4. For a first violation:

i. Order a violating electric and/or gas public utility to cease some or all competitive product and/or service offerings and form a related competitive business segment of the public utility to perform the competitive product and/or service offerings; or

ii. Order a violating related competitive business segment of an electric and/or gas public utility to cease some or all competitive product and/or service offerings and permit further competitive offerings only through a related competitive business segment of the public utility holding company; and

5. For a second and subsequent violations:

i. Order a violating related competitive business segment of the previously-violating public utility to cease some or all competitive product and/or service offerings and permit further competitive offerings only through a related competitive business segment of the public utility holding company.

14:4-5.7 Regulatory oversight

(a) No later than December 11, 2000, each electric and/or gas public utility shall file its compliance plan with the Board and provide a copy of said plan to the RA.

(b) Said compliance plan shall demonstrate that there are adequate procedures in place to ensure compliance with these standards.

1. Said compliance plan shall contain an accurate list of all affiliates of an electric and/or gas public utility, including the business name and address, name and business telephone number of at least one officer of each affiliate and a brief description of the business of each affiliate.

i. The information required by (b)1 above shall be updated within five business days of any change(s) thereto as well as make a public posting thereof.

(c) Absent Board action to the contrary, the electric and/or gas public utility's compliance plan shall be in effect between its filing and the Board's decision.

(d) Annually thereafter or upon changes thereto, the electric and/or gas public utility shall file a revised compliance plan with the Board and the RA.

(e) Upon the creation of a new affiliate which is covered by these standards, the electric and/or gas public utility shall immediately notify the Board as well as make a public posting thereof.

(f) By no later than September 11, 2000, at the discretion of the Board, the electric and/or gas public utility shall have an audit prepared by an independent auditor, to be selected

by the Board, which verifies that the electric and/or gas public utility is in compliance with these standards.

1. The scope of the audit shall be established by the Board.

(g) An audit performed by an independent auditor shall be at the gas and/or electric public utility's expense.

(h) After December 31, 2000, subsequent audits will be performed at least every two years thereafter.

14:4-5.8 Dispute resolution

(a) An electric and/or gas public utility shall establish and file with the Board a dispute resolution procedure, including the establishment of a telephone complaint hotline, to address complaints alleging violations of these standards.

(b) At a minimum, the procedure shall designate a person to conduct an investigation of the complaint and communicate the results of the investigation to the complainant, in writing, within thirty days after the complaint is received, including a description of any action taken.

(c) An electric and/or gas public utility shall report any violation of these standards to the Board, with a copy provided to the RA, within five business days of becoming aware of any such violation(s).

(d) The electric and/or gas public utility shall maintain a log of all resolved and pending complaints. The log shall be subject to review by the Board and RA and shall contain, at minimum, a summary of the complaint, the manner in which the complaint was resolved, or an explanation why the complaint remains pending.

14:4-5.9 Violations and penalties

(a) If, as a result of an audit conducted pursuant to N.J.A.C. 14:4-5.7(f) through (h) or by any other means, the Board determines that an electric and/or gas public utility has committed violations of N.J.A.C. 14:4-5.3, 5.4, 5.5, 5.7 or 5.8 which are not substantial violations, the Board is authorized to impose a penalty of up to \$10,000 for each such violation upon said electric and/or gas public utility.

(b) If, as a result of an audit conducted pursuant to N.J.A.C. 14:4-5.7(f) through (h) or by any other means, the Board determines after providing the electric and/or gas public utility notice of a public hearing and an opportunity to be heard, that an electric and/or gas public utility has committed violations of N.J.A.C. 14:4-5.3, 5.4, 5.5, 5.7 or 5.8 which are substantial in nature, the Board is authorized to take some or all of the following actions:

1. Impose a penalty of up to \$10,000 for each such violation(s).

2. Order appropriate reimbursement to electric and/or gas public utility ratepayers, including interest.

3. For a first violation:
 - i. Order a violating electric and/or gas public utility to cease some or all competitive product and/or service offerings and form a related competitive business segment of the public utility to perform the competitive product and/or service offerings; or
 - ii. Order a violating electric and/or gas public utility to cease some or all competitive product and/or service offerings through a related competitive business segment of the public utility holding company; and
4. For a second violation:
 - i. Initiate a hearing to reconsider its approval of the formation of the public utility holding company.

APPENDIX A

SECTION 1 Timing and Review

1. Time for Filing of Petition
 - a. The EDC/GDC shall file a petition at least sixty (60) days prior to the offering of any new maintenance, repair, replacement parts, service contract, power conditioning or equipment sales and/or lease or any other tariffed or non-tariffed EDC/GDC competitive services.
 - b. The EDC/GDC shall provide Staff a draft petition at least two weeks prior to filing of said petition with the Board, so that EDC/GDC representative(s) may discuss the salient aspects of said filing with Board staff at a mutually agreed to time.
2. Conditions for Review
 - a. The following conditions must be satisfied prior to Staff's review of said petition:
 - i. All filing requests are met and acknowledged by letter from Board Staff;
 - ii. Copies of the filing are served on the Division of the Ratepayer Advocate and other interested parties; and
 - iii. All confidentiality issues are resolved.

SECTION 2 Petition Filing and Confidentiality

1. Required Petition Contents
 - a. Said Petition must include the following to show that the competitive service offering(s) will not impair the EDC/GDC's ability to provide safe, adequate and proper service and that the service shall be offered on a non-discriminatory basis:
 - i. Dispatching schedules;
 - ii. A prioritization schedule which would show how the EDC/GDC will handle emergency, same day customer originated orders and proposed appliance service orders;
 - iii. Detailed description of how new competitive service offering(s) will affect this schedule, meter reading schedules, routine maintenance, etc.;
 - iv. Titles, competitive and non-competitive service responsibilities and number of all employees who are anticipated to be involved in the proposed competitive service offering(s);
 - v. Detailed description of how the proposed competitive service offering(s) will be marketed throughout demographic segments of the customer base;
 - vi. Indicate where the proposed competitive service offering(s) will be marketed;

- vii. Detailed description of the proposed competitive service offering(s), including a list of the parts covered under said offering(s);
- viii. Draft bill inserts shall state that:
 1. The Board has not approved the rates;
 2. "All prices may vary and will depend upon contractor and type of work performed" if rates vary;
 3. These services are also available from independent contractors;
 4. The EDC/GDC will provide free of charge, such services as gas leak investigations and other safety related services.
- ix. Derivation of the proposed charge(s) for each competitive service offering, which shall include calculations, working papers, statistical data and other information utilized. Said proposed charge(s) should exceed the fully allocated current cost of providing the proposed competitive service offering(s), which shall include the current cost of all equipment, vehicles, labor, fringe benefits, and overheads and administration expenses, other assets utilized and costs incurred, directly or indirectly, all current promotional, advertising and marketing costs, and the current fully loaded labor cost of management involved with this proposed competitive service offering(s);
- x. Estimate of market penetration which may be defined as the estimated number of orders or calls;
- xi. Estimated three year proforma revenue and expense statements relating to the proposed competitive service offering(s) which shall include all relevant calculations, working papers, surveys and other data in support of the projected revenues and expenses based upon a fully loaded labor rate and all promotional expenses;
- xii. A comparison of proposed charges with those of other EDC/GDCs and independent contractors for the same type(s) of service and specifically provide service charges for the following:
 1. EDC/GDC itself;
 2. 5 to 10 in-State independent contractors;
 3. Any out-of-State utility affiliates;
 4. Any out-of-State independent contractors;
 5. Any New Jersey EDC/GDC that offers the proposed competitive services offering(s) outside of its franchise area.
- xiii. Detailed explanation of the accounting treatment of revenues and costs of proposed competitive service offerings including whether the proposed competitive service offering(s) will be above or below the line;
- xiv. Accounts and Account Numbers that will be utilized in booking the revenues and expenses pertaining to the proposed competitive service offerings to ensure that there is strict separation and allocation of the EDC/GDC's revenues, costs, assets, risks and functions between competitive business segment and EDC/GDC;
- xv. Detailed explanation of how prices will be conveyed to customers if subcontractors are used;
- xvi. Complete list of all competitive service offering(s) currently offered by the EDC/GDC, the date of implementation, date of Board Order and Docket Number;

- xvii. In the alternative to xvi above, Competitive Service Tariffs, Competitive Service Schedules, etc., shall be maintained similar to EDC/GDC tariffs, rates schedules, etc., and should provide a full description of the service, current rates and may be filed in redacted and unredacted versions, with the date of the Board Order approving the current tariff as well as the respective Docket Number reflected on the bottom of the tariff sheet;
 - xviii. Detailed description of the procedures the EDC/GDC will utilize to resolve any consumer complaints, dissatisfaction, etc., if the proposed competitive service offering(s) will be performed rendered by a participating subcontractor;
 - xix. Copies of a standard contract between the EDC/GDC and customer, the subcontractor and the customer, and EDC/GDC and the subcontractor which shall include provisions guaranteeing work quality assurance, customer satisfaction, warranties on parts and labor, response to customer complaints, pricing and response time, as agreed by the participating subcontractors.
2. Petition Confidentiality
- a. If the EDC/GDC claims that certain information contained in said Petition should be treated as confidential and proprietary, the EDC/GDC must file a motion requesting confidentiality which motion shall include:
 - i. Redacted Petition;
 - ii. Unredacted Petition with appropriate staff;
 - iii. All relevant documents, pages, etc., marked as confidential; and
 - iv. Detailed explanation as to why the information should be treated as confidential.

SUBCHAPTER 6. INTERIM GOVERNMENT ENERGY AGGREGATION PROGRAM STANDARDS

Authority

P.L. 1999, c.23.

Source and Effective Date

R.2000 d.409, effective September 11, 2000 (to expire March 11, 2002).
See: 32 N.J.R. 3633(a).

14:4-6.1 Scope

These standards shall apply to all government aggregators and TPSs.

14:4-6.2 Definitions

The following words and terms, when used in these standards, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23).

“Basic gas supply service” means gas supply service that is provided to any customer that has not chosen an alternative gas supplier, whether or not the customer has received offers as to competitive supply options, including, but not limited to, any customer that cannot obtain such service for any reason, including non-payment for services. Basic gas supply service is not a competitive service and shall be fully regulated by the Board.

“Basic generation service” means electric generation service that is provided, pursuant to section 9 of the Act, to any customer that has not chosen an alternative electric power supplier, whether or not the customer has received offers as to competitive supply options, including, but not limited to, any customer that cannot obtain such service from an electric power supplier for any reason, including non-payment for services. Basic generation service is not a competitive service and shall be fully regulated by the Board.

“BGS” means basic generation service as defined in the Act or herein.

“Board” means the New Jersey Board of Public Utilities or any successor agency.

“Contracting unit” means a unit of local government as defined in N.J.S.A. 40A:11-2(1) and 18A:18A-2a.

“Cooperative pricing system” means a purchasing system pursuant to N.J.A.C. 5:34-7 in which the lead agency advertises for bids, awards a master contract to a successful vendor providing for its own needs and for the prices to be extended to the registered members, and notifies them of the bid prices awarded. The registered members then contract with the vendor for their own needs, subject to the specifications of the master contract.

“Electric generation service” means the provision of retail electric energy and capacity which generated off-site from the location at which the consumption of such electric energy and capacity is metered for retail billing purposes, including agreements and arrangements related thereto.

“Electric power supplier” means a person or entity that is duly licensed pursuant to the provisions of this Act to offer and to assume the contractual and legal responsibility to provide electric generation service to retail customers, and includes load serving entities, marketers and brokers that offer or provide electric generation service to retail customers. The term excludes an electric public utility that provides electric generation service only as a basic generation service pursuant to section 9 of the Act.

“Electric public utility” means a public utility, as that term is defined in N.J.S.A. 48:2-13, that transmits and distributes electricity to end users within this State.

“Electric related service” means a service that is directly related to the consumption of electricity by an end user,

including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances, lighting, motors or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services.

"Gas public utility" means a public utility, as that term is defined in N.J.S.A. 48:2-13, that distributes gas to end users within this State.

"Gas related service" means a service that is directly related to the consumption of gas by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services.

"Gas supplier" means a person that is duly licensed pursuant to the provisions of this Act to offer and assume the contractual and legal obligation to provide gas supply service to retail customers, and includes, but is not limited to, marketers and brokers. A non-public utility affiliate of a public utility holding company may be a gas supplier, but a gas public utility or any subsidiary of a gas utility is not a gas supplier. In the event that a gas public utility is not part of a holding company legal structure, a related competitive business segment of that gas public utility may be a gas supplier, provided that related competitive business segment is structurally separated from the gas public utility, and provided that the interactions between the gas public utility and the related competitive business segment are subject to the affiliate relations standards adopted by the Board pursuant to subsection k of section 10 of this Act.

"Gas supply service" means the provision to customers of the retail commodity of gas, but not include any regulated distribution service.

"Government aggregator" means any government entity subject to the requirements of the "Local Public Contracts Law," P.L. 1971, c.198 (N.J.S.A. 40A:11-1 et seq.), the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq., or the "County College Contracts Law," P.L. 1982, c.189 (N.J.S.A. 18A:64A-25.1 et seq.), that enters into a written contract with a licensed electric power supplier or a licensed gas supplier for:

1. The provision of electric generation service, electric related service, gas supply service, or gas related service for its own use or the use of other government aggregators; or
2. If a municipal or county government, the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction.

"Government energy aggregation program" means a program and procedure pursuant to which a government aggregator enters into a written contract for the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction.

"LDC" means local distribution company and applies to electric and/or gas public utilities, as defined in the Act.

"Lead agency" means the contracting unit which is responsible for the management of the cooperative purchasing system (N.J.A.C. 5:34-7).

"Limited government energy aggregation program" means a program and procedure pursuant to which a government aggregator that is a municipality or a county provides for the aggregation of residential customers without the initial, affirmative, voluntary written consent of residential and business customers for electric generation service or gas supply service, either separately or bundled.

"Ratepayer Advocate (RA)" means the Division of Ratepayer Advocate or any successor agency.

"Regional electric generation service and/or gas supply service cooperative pricing system" means a new cooperative pricing system composed of two or more registered cooperative pricing systems and the participating local contracting units which have agreed to participate in the cooperative purchase of electricity generation service or gas supply service.

"Registered member" means a contracting unit which has been approved by the Director of the Division of Local Government Services for participation in a cooperative purchasing system pursuant to N.J.A.C. 5:34-7.2.

"System membership" or "membership" or "member" means the terms are set forth in Cooperative Purchasing Rules (N.J.A.C. 5:34-7).

"TPS" means a licensed third-party supplier and applies to electric power supplier and/or gas supplier as those terms are defined in the Act or herein, or a person acting on behalf of such supplier.

14:4-6.3 General provisions

(a) A government aggregator may obtain electric generation service, electric related service, gas supply service or gas related service, either separately or bundled, for its own facilities or with other government aggregators.

(b) A government aggregator that is county or municipal may contract for electric generation service or gas supply service, either separately or bundled, for business and residential customers within its territorial jurisdiction.