
IN THE MATTER OF THE PROVISION OF :
BASIC GENERATION SERVICE : **Docket No. ER19040428**
FOR THE PERIOD BEGINNING JUNE 1, 2020 :

Public Service Electric and Gas Company, Jersey Central Power &
Light Company, Atlantic City Electric Company, and Rockland
Electric Company

**PROPOSAL FOR
BASIC GENERATION SERVICE
REQUIREMENTS TO BE PROCURED EFFECTIVE
JUNE 1, 2020**

July 1, 2019

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I. INTRODUCTION

The New Jersey electric distribution companies (“EDCs”) – Public Service Electric and Gas Company (“PSE&G”), Jersey Central Power & Light Company (“JCP&L”), Atlantic City Electric Company (“ACE”), and Rockland Electric Company (“RECO”) – first filed a joint proposal for the procurement of electric power for basic generation service (“BGS”) customers on July 1, 2001. On December 10, 2001, after allowing various stakeholders to comment and holding public hearings, the New Jersey Board of Public Utilities (“BPU” or “Board”) approved the EDCs’ joint proposal to implement a statewide simultaneous descending clock auction (“clock auction”). The first BGS clock auction was held in February 2002. In the ensuing years, the EDCs have jointly filed an annual auction proposal to procure BGS Supply, which has been consistently approved by the Board and successfully implemented through the combined efforts of the Board, its Staff, the Auction Manager, the Board’s Advisor, and the EDCs. Since 2002, the annual energy auctions created and administered by the New Jersey BPU have been used to efficiently meet the demand of BGS customers.

After the first five years of BGS Auction experience, the Board conducted a review of the BGS Auction process, which led to some further improvements in the process, including the ability for bidders to comment on the alternate guaranty process and application forms. The Board conducted another comprehensive review following the 2012 BGS Auctions in Docket No. ER12020150. The Board solicited comments from all parties with a focus on the procurement process and policy issues directly related thereto. The Board Order in Docket No. ER19040428 instructed the EDCs to submit a proposal to procure BGS Supply beginning June 1, 2020. Accordingly, the EDCs hereby submit the instant proposal, which proposes to continue to conduct a statewide clock auction to procure power for BGS customers.

II. GOALS OF THE BGS PROCUREMENT PROCESS

In the following sections of this filing, the EDCs review why the BGS Auction Process continues to best meet the interests of New Jersey customers. The starting point of the explanation is a review of the goals of the BGS procurement process. In the Electric Discount and Energy Competition Act of 1999 (“EDECA”), the Legislature found and declared that it is the policy of the State, consistent with other important policy objectives, to rely upon competitive markets, where such markets exist, to deliver energy services to consumers (N.J.S.A. 48:3-50a(2)). To accomplish these policy objectives, EDECA directed the Board to implement “retail choice.” Retail choice allows retail electric customers to be given the choice of shopping directly for their electric service or opting not to shop and to receive BGS.

EDECA is quite clear on the subject of power procurement for BGS: “Power procured for basic generation service by an electric power supplier shall be purchased at prices consistent with market conditions.” (N.J.S.A. 48:3-57d). The same section goes on to note that “charges assessed to customers for basic generation service shall be regulated by the Board, and shall be based on the reasonable and prudent cost to the supplier of providing such service, *including the cost of power purchased at prices consistent with market conditions, by the supplier in the competitive wholesale marketplace.*” (Emphasis added.) BGS is a regulated *market-priced* service.

The goal of having BGS reflect market conditions and competitive power market prices not only is consistent with EDECA, but also is consistent with several other important objectives. Retail choice can only develop and proliferate efficiently if the alternative to retail choice – BGS – is efficiently priced.¹ As currently structured by the BPU, the BGS Auction Process ensures that BGS is efficiently priced. The BGS product is a full requirements product. Suppliers bear and include in their price a wide variety of risks including load variability, market volatility, fuel price increases, migration, and changes in the PJM marketplace. These

¹ “Efficient proliferation of retail choice” should not be confused with artificially stimulating retail choice or maximizing switching. Rather, efficient proliferation of retail choice occurs when Third Party Suppliers (“TPSs”) are able to offer added value that can induce customers to switch away from a market-priced BGS offering.

risks are not managed by regulation; rather, these risks are managed by competitive entities that can employ creative risk management strategies. Hence, the price that retailers compete against is the risk-adjusted price of competitive BGS suppliers providing full requirements service. A market price means the best or lowest market price that can be reasonably obtained, a price that will vary with market conditions including conditions in world energy markets. This is exactly what EDECA intended.

Intrinsic characteristics of the customer classes must also be considered in an examination of the appropriate BGS procurement process. In implementing the BGS Auction Process, the Board recognizes that some customer classes are able to understand the risks of price movements in competitive power markets and will be able to absorb risks or contract for the management of those risks. On the other hand, other customer classes may neither understand nor be able to manage these price risks in a way that yields a more economical result than the BGS offering.

In this regard, the BGS-RSCP product is designed to provide residential customers as well as smaller commercial and industrial customers with BGS at a stable price that still reflects competitive, market-based costs for a price-risk managed service. While it is entirely appropriate that such customers receive a stable market price, larger, more sophisticated, commercial and industrial customers can react to real-time electricity price signals to facilitate demand response and can contract for price-risk management in the competitive market. The BGS-CIEP product, which reflects real-time hourly energy spot prices,² has been implemented for such larger, more sophisticated customers.

These broad policy goals of the BGS procurement process are reflected in and expanded upon by a number of specific goals that apply to the BGS procurement process:

- To obtain reliable supply on behalf of BGS customers, at prices consistent with market conditions.

² The terms “real-time hourly energy spot price” or “real-time hourly spot price” refer to PJM’s Residual Metered Load aggregate real-time Locational Marginal Price.

- To establish a fair and transparent competitive process that will maximize participation. The process should be transparent in terms of the requirements for participation, the supply contract, the retail rates that will result from the Auction, and the manner in which final auction prices are determined and in which winners emerge at the Auction. The process should be fair and transparent in terms of providing timely and equal access to information for all bidders.
- To allocate supply responsibility efficiently over the loads of the multiple EDCs. An efficient allocation of supply helps to ensure that prices best reflect the market, so that any market perceptions regarding differences in serving various EDCs are reflected in the prices.
- To have competitive entities take, manage, and price BGS risks. BGS is a price-risk management service where competitive entities assemble supply components in the competitive power market, and assess and price these risks. This ensures that customers obtain the full benefits of competition by opening the price-risk management function to competitive discipline.
- To implement BGS at market rates that reflect customer class, seasonal and time-of-day market differences in order to encourage efficient consumption and conservation decisions, and in order to encourage the development of efficient retail competition. BGS rates should also minimize customer switching in response to rate design inefficiencies.
- To minimize customer confusion by presenting customers who stay on BGS with the appropriate type of retail rate structure and design.
- To design a BGS product consistent with the ability of various customer classes to react to price and manage energy price risks.
- To preserve the financial integrity of the EDCs. BGS costs and revenues exceed 60% of total EDC cost and revenues. BGS costs are an order of magnitude

greater than EDC earnings. It is imperative that the BGS process protects the financial integrity of the EDCs.

III. THE ESTABLISHED BGS AUCTION PROCESS IS UNIQUELY SUITED TO THE GOALS OF BGS PROCUREMENT

The Board's BGS Auction Process fully specifies and provides structure to all necessary aspects of a procurement process. In addition, all of the elements of the BGS Auction Process work together to achieve the goals identified in and flowing from EDECA's mandate. The remainder of this section discusses briefly how the principal elements of the BGS Auction Process work together to achieve these goals.

III. A. Product Definition

The BGS Auction Process defines the product as a full requirements product. BGS suppliers are responsible for serving a percentage of an EDC's default service load, whatever the load may be at any given point in time. Bidders compete to serve BGS customers by striving to be the best at assembling supply components (energy, capacity, renewable attributes, etc.) in the competitive power market, and at assessing and pricing the risks associated with serving a percentage of BGS Load. Having a full requirements product places the portfolio acquisition and price-risk management function in the hands of the competitive entities that can most efficiently carry out these tasks. The full requirements product is designed so that all aspects of BGS Supply that can be provided through the competitive market, including risk assessment and management, are provided and priced through the competitive market. The full requirements product is fully consistent with EDECA's preference for reliance on competitive forces. The full requirements product also obtains a full service price for BGS that serves as an efficient competitive benchmark for efficient retail choice and enables potential BGS suppliers to bid with knowledge as to the retail rates that will result from the Auction. The full requirements product thus also encourages the development and efficient working of competitive retail markets.

Currently, the full requirements product is procured separately for residential and smaller commercial and industrial customers (the "BGS-RSCP product") and for larger commercial and industrial customers (the "BGS-CIEP product"). The BGS-RSCP product is procured on a three-year rolling portfolio basis and the BGS-CIEP product is procured on an annual basis. The use of an appropriate term structure enables smaller commercial and

residential customers to benefit from a stable yet market-based rate that is appropriate for these customers, consistent with EDECA, and helps to minimize customer confusion. Providing larger customers price certainty for capacity, RPS compliance, and ancillary services also helps to minimize customer confusion and provides for an environment where the retail offerings can develop efficiently. This dual structure provides appropriate stability and a hedge against volatility for each customer type, and achieves the goal of designing a product that is consistent with the ability of various customer classes to react to price and to manage energy price risks.

III. B. Auction Format

The BGS Auction Process solicits bids through a clock auction: a multiple round process with dynamic information feedback. Bidders submit bids each round as prices tick down, and each round bidders get information about how the market views the auction opportunity. On the basis of that information, bidders have an opportunity to revise their bids, and switch their bids from one EDC to another. The information that bidders receive during the BGS Auction reduces the uncertainty that bidders face and leads to more aggressive bidding. In this way, the BGS clock auction format encourages competitive bidding and efficient market prices consistent with EDECA. The fact that bidders can switch from one EDC to another means that any price differences among the EDCs reflect the market's view of differences in the cost to serve each EDC's BGS Load. Hence, the BGS Auction achieves efficient relative prices and an efficient allocation of supply responsibility among the EDCs. As explained later in greater detail, the BGS Auction also provides a large degree of transparency as all bidders understand how prices are determined and how winners emerge. This transparency encourages participation and further helps to obtain reliable supply at prices consistent with market conditions.

III. C. Competitive Safeguards

In addition to the fact that a clock auction format promotes competitive bidding, several competitive safeguards are part and parcel with the BGS Auction Process: (i) the Association and Confidential Information Rules; (ii) the setting of load caps; and (iii) the ability to reduce the volume at the Auction.

The Association and Confidential Information Rules ensure that bidders independently and vigorously compete against each other at the Auction, resulting in competitive bidding, and leading to the procurement of reliable supply at an efficient market price. Additionally, the Association and Confidential Information Rules ensure that the bidders' confidential information is properly kept confidential so that participation in the BGS procurement process does not damage or hinder any other market activities that the bidder undertakes. Through its Auction Orders, the Board has consistently upheld the confidentiality of bidders' information as an exception to OPRA. Bidders' certainty that their competitively-sensitive information will be protected as confidential encourages participation. Robust participation in turn leads to efficient market prices.

The load cap limits the number of tranches that a bidder can bid and win at the Auction. This competitive safeguard not only controls the ability of any entity to unduly influence the auction-closing prices but also provides for needed diversity in the pool of BGS suppliers. This diversity limits the exposure of the EDCs and their customers to the credit risk of any one entity, providing reliable supply sources to BGS customers.

III. D. Qualification Procedures

The BGS Auction Process provides for a standardized qualification process. As part of the qualification process, all prospective bidders must accept in advance the terms of a form of master contract between the BGS supplier and the EDC acting as agent for its customers, and the terms of the auction rules under which BGS is procured. All prospective bidders also must meet standard credit provisions, which ensure that customers receive the benefit of the BGS bargain in terms of reliable service for the term of the contract. The standard contract terms, qualification process, credit terms, and the price-only basis for the evaluation of bids, directly contribute to the transparency of the process as bidders understand the terms under which they participate in the BGS process. These features also contribute to the fairness of the process. Once a prospective supplier has been qualified, and registered as a bidder, its bids are evaluated on a price-only basis, which ensures that all bidders compete on a "level playing field." The transparency and fairness of the process encourage maximum participation, and maximum participation leads to efficient market prices.

III. E. Rate Design

The BGS Auction Process features a method for translating the auction closing prices into retail rates. For residential and smaller commercial and industrial customers, the rate design methodology properly reflects time-of-use pricing differentials. For larger commercial and industrial customers, the rate design methodology reflects energy prices at the hourly market. In both cases, the methodologies employed provide the proper benchmarks to advance the goal of efficient retail pricing and development of competitive retail markets. The EDCs specify and communicate the rate design methodology to bidders in advance of the Auction. Thus, bidders can properly assess the risk in serving BGS Load, reducing bidders' uncertainty and encouraging participation in the process.

III. F. Roles

The EDCs, the BGS Auction Manager, Board Staff, and the Board's Advisor all have clearly defined roles that allow them to contribute to the management of the BGS procurement process. The EDCs file with the Board their procurement proposal each year, provide bidders with data and documents needed to prepare their bids, assess the financial and creditworthiness qualifications of suppliers, support the promotion of the auction opportunity, and manage the contracts with BGS suppliers on behalf of their customers. These activities maximize the participation in the process and ensure efficient market prices. The Board considers the procurement proposal as well as accounting, contingency plans, and cost recovery. Approval of these items helps to further the goal of protecting the financial integrity of the EDCs.

The BGS Auction Manager serves as a single point of contact for bidder questions and concerns, maintains a website through which bidders are kept informed about the process, ensuring the fairness of the process by providing equal access to information for all bidders. Additionally, the BGS Auction Manager manages the qualification procedure and the bid process. Board Staff and the Board Advisor monitor the entire process and monitor the bids round by round. This oversight further enhances the fairness and the transparency of the process, promoting participation.

Further, the BGS Auction Manager and the Board's Advisor each submit a report to the Board promptly at the close of the Auction so that the Board can be in a position to evaluate

whether the process was competitive and whether the process was conducted as approved. The Board has in the past committed to make this assessment within two business days. This prompt Board review of auction results enables suppliers to give their best bids and contributes to the goal of obtaining reliable supply at prices consistent with market conditions. The way in which the BGS Auction Process is managed and the oversight provided by the Board and its Advisor are important factors in its success and in the ability of the process to meet its goals.

IV. OVERVIEW OF THE EDCS' PROPOSAL FOR THE 2020 AUCTIONS

The EDCs have again worked together to develop a detailed proposal for the competitive bidding to procure BGS Supply that builds on the experience of prior BGS Auctions. The EDCs' proposal for the BGS competitive bidding process for the supply period beginning June 1, 2020 ("2020 Auctions") is summarized below.

IV. A. BGS – Residential Small Commercial Pricing ("BGS-RSCP")

1. BGS-RSCP procurement offers will be solicited through a statewide Auction Process that simultaneously seeks offers for all BGS-RSCP Load in the State. Appendix B, the BGS-RSCP Auction Rules, further describe this Auction Process.
2. The BGS-RSCP Auction will seek offers for the supply of full requirements tranches of each EDC's BGS-RSCP Load for a three-year period. For each EDC, tranches in the 2020 BGS-RSCP Auction will be identical and uniform and will represent a fixed percentage of that EDC's total BGS-RSCP Load. Approximately two-thirds of the EDCs' BGS-RSCP Load for the period from June 1, 2020 through May 31, 2021 was secured through the 2018 and 2019 Auctions. Therefore, approximately one-third of the EDCs' BGS-RSCP Load will be procured for the BGS Supply period beginning June 1, 2020. Following a successful Auction Process, the EDCs will have under contract one-third of their total BGS-RSCP Load with a remaining contract term of one year, one-third of their total BGS-RSCP Load with a remaining contract term of two years, and one-third of their total BGS-RSCP Load for a term of three years.
3. The EDCs will use a multiple round descending clock auction to procure BGS-RSCP Supply. In a round, bidders will state how many tranches they wish to serve of an EDC's BGS-RSCP Load at the price in that round. The going price will decrease each round in which there is excess supply and the BGS-RSCP Auction will end when the amount proposed to be supplied is equal to the amount the EDCs wish to procure. There will be a single clearing price for each EDC's BGS-RSCP Load that will apply to all tranches for that EDC procured in this Auction. Payments to bidders from June through September will be shaped by the use of a summer multiplicative factor on the

Auction price, and payments for the remaining months will be shaped by the use of a winter multiplicative factor.

4. A rate design methodology that accounts for supply procured in prior Auctions will be used to translate final Auction prices into BGS-RSCP customer rates for one year beginning June 1, 2020. The EDCs' rate design proposals, including the timing of setting these rates, are detailed in each EDC's Company Specific Addendum. Bidders will be provided with a spreadsheet that converts final Auction prices into customer rates. This will enable bidders to assess migration risk at various price levels. BGS-RSCP rates will reflect market-influenced seasonality and time-of-day use, where appropriate and feasible, in order to provide efficient price signals.
5. The rate design methodology yields for each EDC the summer multiplicative factor and the winter multiplicative factor used for supplier payments. The EDCs propose that the summer and winter payment factors both be set to 1 for any EDC whose rate design methodology results in a summer payment factor less than 1 and a winter payment factor over 1. The EDCs will update the seasonal payment factors at the time of the compliance filing to the Board, to reflect updates of the inputs. Further, the EDCs will update inputs to the rate design methodology one final time approximately ten days before the BGS-RSCP Auction. All such updates will be communicated to bidders. The last update will be early enough to provide bidders certainty before the Auction while allowing the EDCs to update the PJM transmission obligations to their 2020 values and potentially to integrate any decisions by the Board regarding transmission rates issued at its January 2020 agenda meeting.
6. To ensure supplier diversity, each EDC will have a load cap for its BGS-RSCP Load ("EDC load cap"). An EDC load cap is a maximum number of tranches that a bidder can win in the Auction for that EDC. In addition, there will be a statewide load cap that limits the aggregate amount of BGS-RSCP Load for all EDCs that can be won by any bidder.

IV. B. BGS – Commercial and Industrial Energy Pricing ("BGS-CIEP")

The EDCs proposal for the 2020 BGS-CIEP Auction can be summarized as follows:

1. The EDCs propose a multiple round descending clock auction to procure BGS-CIEP Supply. BGS procurement offers will be solicited through a statewide Auction Process that simultaneously seeks offers for all BGS-CIEP Load in the State. Appendix A, the BGS-CIEP Auction Rules, further describe this Auction Process.
2. The BGS-CIEP Auction will seek offers for the supply of full requirements tranches of each EDC's BGS-CIEP Load. For each EDC, tranches will be identical and uniform and will represent a fixed percentage of that EDC's total BGS-CIEP Load based on a tranche size of approximately 75 MW on an eligible basis. The procurement term for BGS-CIEP load will be one year with the BGS-CIEP Supply period beginning on June 1, 2020.
3. The BGS-CIEP Auction will determine the BGS-CIEP Price, which will be paid to bidders on the basis of the capacity obligation of customers. The EDCs propose, consistent with previous BGS-CIEP Auctions, a pre-specified ancillary service component of \$6.00/MWh.
4. For BGS-CIEP tranches, rate schedules will specify the BGS-CIEP charge resulting from the final BGS-CIEP Auction Price as a per kW or per kWh rate, a per kW or per kWh rate for the transmission obligation, a pre-specified per kWh rate for ancillary services, and a provision to pass through the real-time hourly energy spot price. All CIEP customers will be charged the CIEP Standby Fee, which the EDCs propose be set at 0.015¢/kWh. BGS-CIEP suppliers will receive a proportional share of revenue, comprised of five elements: (i) the pre-specified CIEP Standby Fee for sales made to all CIEP-eligible customers at the customer meter, (ii) the daily BGS-CIEP capacity obligation times the BGS-CIEP Price determined at the BGS-CIEP Auction, (iii) the daily BGS-CIEP transmission obligation times the transmission rate, (iv) the hourly BGS-CIEP Load at the EDC's PJM zone bus times the real-time hourly spot price, and (v) the pre-specified ancillary services rate times BGS-CIEP sales adjusted for losses.

IV. C. BGS-RSCP and BGS-CIEP

1. Each BGS supplier will be required to assume PJM Load Serving Entity ("LSE") responsibility for the portion of BGS Load (whether BGS-CIEP or BGS-RSCP) served

by that supplier. In accordance with PJM Agreements, BGS suppliers will be physically and financially responsible for the day-to-day provision of electricity to BGS customers. This full requirements service includes the provision of capacity, energy, transmission, ancillary services and any other services as may be required by PJM. The LSE obligations of each BGS tranche are subject to uncertainty and bidders will be required to manage this uncertainty. All BGS customers are free to come and go from BGS, provided that they give notice at least 13 days before their next scheduled meter reading.

2. Each BGS supplier will be required to provide Renewable Energy Certificates (“RECs”) and Solar Renewable Energy Certificates (“SRECs”) to satisfy the obligations under the Renewable Portfolio Standards (“RPS”) corresponding to the portion of BGS load that it serves. The Clean Energy Act (P.L. 2018, c.17), which was signed into law on May 23, 2018, among other things, increased the BGS suppliers’ SREC obligations and Class I obligations for the supply period starting June 1, 2020. As such, the dollar-value of BGS suppliers’ compliance with the RPS is increasing as compared to prior years, especially given that these obligations include a requirement that BGS suppliers provide SRECs to fill the shortfall that exists because BGS contracts from the 2017 and 2018 BGS Auctions are exempt from the increased SREC obligations. The EDCs estimate the value of the RECs and SRECs for which 2020 BGS-RSCP suppliers are responsible to be \$3.5M per tranche annually and \$1M per tranche annually for 2020 BGS-CIEP suppliers.
3. The BGS Supplier Master Agreements (“BGS SMAs”) have always assigned the RPS obligations to the BGS suppliers and recognized the provision of RECs and SRECs (in compliance with the RPS) as a component of BGS supply. Additionally, the BGS suppliers have always had the obligation to cooperate with the EDCs’ RPS compliance efforts. While the SMAs have historically reflected the obligation of BGS suppliers to comply with the RPS, the EDCs now seek to modify the SMAs so as to mitigate the impact of the increased RPS obligation (described in the immediately preceding paragraph) associated with a BGS supplier defaulting and the subsequent impact of such a default on BGS customers. The EDCs now propose that each BGS supplier be

required either: to provide RECs and SRECs to the EDCs after each of the first three quarters of the Energy Year; or, in the alternative: to post collateral for the value associated with such RECs and SRECs. The EDCs' proposal will mitigate the risk that, if a BGS supplier defaults under the BGS SMA prior to complying with the RPS, or if the assignment of a BGS SMA were to take place during the course of the Energy Year, the EDCs would have neither the RECs and SRECs required for RPS compliance nor the funds to buy the RECs and SRECs for RPS compliance.

4. As stated above, to address the increased RPS compliance cost at issue, the EDCs propose additional terms to the BGS SMAs that require BGS suppliers to transfer RECs and SRECs to the EDCs after each of the first three quarters of the Energy Year. If a BGS supplier chooses not to transfer to an EDC the required RECs and SRECs in whole or in part, under the proposed terms of the BGS SMA, the BGS supplier would be required to post additional collateral to cover the value of the RECs and SRECs that the BGS supplier did not transfer. Thus, the risk is mitigated: the EDC would either receive the RECs or SRECs several times during the year or the EDC would obtain collateral that could be used to purchase the RECs or SRECs in an event of default.
5. In proposing a transfer of RECs and SRECs after each of the first three quarters of the Energy Year, the EDCs believe that the proper balance has been struck between addressing the credit risk described above versus increasing the administrative burden to the BGS suppliers and the EDCs associated with more frequent transfers of RECs and SRECs. Additionally, as BGS suppliers can choose to deliver all or part of the required RECs and SRECs when required to do so, BGS suppliers can make their own decision with regards to whether to provide RECs and SRECs or whether to meet any required increase in collateral. Thus, the EDCs believe that the flexibility afforded to BGS suppliers in these proposed amendments will not materially impact the BGS suppliers' cost of meeting the collateral requirements (and any resultant impact to pricing in the BGS Auctions), while mitigating risk as the RPS compliance becomes a larger cost component of overall BGS supply.

6. The detailed commercial terms and conditions under which the BGS supplier will operate will be set forth in the BGS SMAs. The BGS SMAs are designed to govern the interaction of each EDC and the BGS suppliers during the period when the BGS supplier is serving BGS Load. The BGS SMAs for BGS-CIEP and BGS-RSCP, as proposed by the EDCs and subject to Board approval, are attached to this filing as Appendices C and D.

7. In its “Annual Final Report on the 2019 BGS RSCP and CIEP Auctions”, the Board’s Advisor, Bates White LLC, notes that PJM submitted proposals to the Federal Energy Regulatory Commission (“FERC”) to implement changes to its capacity market in 2018 but that the FERC has not yet made a ruling on the proposal. As a consequence, PJM postponed the Base Residual Auction (for capacity in the delivery year of 2022/2023) to August 2019. The Board’s Advisor notes the possibility that the Base Residual Auction may not take place prior to the February 2020 Auction or that if it does take place, the FERC may invalidate its results. The Board’s Advisor notes that this would be problematic to bidders because “since the price of capacity is one key ingredient in their offer price. If this is an unknown, bidders will either not participate in the Auction or will include high risk premiums in their offers to compensate.”³ The Board’s Advisor recommends that the EDCs contact Staff to discuss possible contingency plans. The EDCs agree and can assure the Board that they are monitoring the activity and filings at the FERC and PJM concerning potential changes to the PJM capacity market, including matters related to the upcoming Base Residual Auction (for capacity in the delivery year of 2022/2023) currently scheduled to be held in August 2019. As the Board’s Advisor notes, there are several possible ways in which these events may unfold and for this reason the EDCs are not proposing a specific enhancement to the BGS process at this time. As events unfold and the impact of any subsequent and related FERC or PJM actions on the 2020 BGS Auctions can be assessed, the EDCs will consider and may propose subsequent enhancements to the BGS process they consider appropriate to mitigate risk.

³ Annual Final Report on the 2019 BGS RSCP and CIEP Auctions presented by Bates White to the Board, p. 16.

8. The EDCs propose that the CIEP line remain unchanged at 500 kW for the 2020 BGS Auctions. BGS customers with a Peak Load Contribution (“PLC”) of 500 kW or more will be required to take service under a BGS-CIEP tariff or rate.
9. The EDCs propose to continue to allow potential bidders to propose modifications to the standard form of the Post-Auction Letter of Credit as well as to the standard form of the Pre-Auction Letter of Credit. The EDCs propose to continue to make available an alternate guaranty process for bidders that have corporate policies that preclude them from using the Standard Form of Guaranty appended to the BGS SMAs.
10. The EDCs propose to conduct the qualification and registration of bidders in January 2020. As has been the case in recent BGS Auctions, the online application portal would be expected to become available to suppliers in the December 2019 timeframe when auction documents are finalized to incorporate the Board’s decisions. However, suppliers would be required to submit their applications later than has been the case in recent BGS Auctions, approximately ten days into the new year. This timing makes it easier for suppliers to participate by avoiding conflicts with the holidays. Furthermore, this timing provides more time for the Board to review the EDCs’ compliance filing and to confirm that the compliance filing reflects the Board’s decisions.
11. Recent BGS Auctions have been conducted over three or more days. The BGS-CIEP Auction would start on the first Friday in February while the BGS-RSCP Auction would start on the first Monday in February. The Monday schedule for the BGS-RSCP Auction featured longer rounds in the expectation that both Auctions would run concurrently and, as a result, the BGS-RSCP Auction would continue into a second day. While the EDCs proposed, and the Board approved, an acceleration in the schedules in response to bidder comments in Docket No. 12020150, the time taken by the Auctions cannot be further shortened under the current structure. To conduct the Auctions more expeditiously, thereby reducing the time and costs of suppliers to participate, the EDCs propose to conduct the BGS-CIEP Auction and the BGS-RSCP Auction separately but simultaneously. Both Auctions would start on the same day, namely the first Monday of February. In a given round, CIEP bids and RSCP bids would be received in the same

timeframe. With this alternate structure, both Auctions could potentially be completed in one day. Reducing the time and costs of suppliers to participate could lead to an increase in the number of auction participants, to the benefit of BGS customers.

12. The EDCs have developed contingency plans, tariff sheets, and accounting and cost recovery proposals that are detailed in their respective Company Specific Addenda. These are essential elements of the EDCs' Auction proposal, and the EDCs request that the Board review and approve these elements of the proposal.
13. The Board will render a decision on the Auction Process and render a decision on the Auction results. Under the proposed Auction Process, the Board will approve or reject in their entirety the results of the BGS-RSCP Auction and, separately, the results of the BGS-CIEP Auction, by the end of the second business day following the day on which the last Auction closes. The Board, at its discretion, has the option of rendering a decision on the results of one Auction and of rendering a decision on the results of the other Auction at different points in time. For example, the Board may render a decision on the first Auction that closes while the second Auction is still in progress.
14. The bids at the Auctions will represent binding commitments on behalf of bidders and full acceptance of all contract terms. Upon Board approval, Auction results will be a binding commitment on the EDCs and the winning BGS suppliers.

V. CONDUCT OF THE AUCTIONS

In this section, the EDCs explain particular aspects of the conduct of the 2020 BGS Auctions. The roles of the Board, the Board Advisor, the EDCs and the Auction Manager are explained. In addition, the EDCs' proposal for continued confidentiality of sensitive Auction information is presented. Finally, a preliminary timeline for the Auction Process is provided.

V. A. The Roles of the Board, the Board Advisor, the EDCs and the Auction Manager

V. A. 1. The Role of the Board and the Board Advisor

Past Auction Processes have proven successful in achieving the benefit of market-based prices for BGS Supply. The EDCs believe that it is appropriate for the Auction Process to be similar to that approved in the previous Auctions.

The EDCs believe that the Board should again play a substantial role in the 2020 BGS Auctions. Specifically, the EDCs respectfully recommend that the Board and the Board Advisor be responsible for the following activities:

- The Board will approve the Auction Process set forth in this Proposal, the Auction Rules, and the EDCs' Company Specific Addenda;
- The Board will approve the BGS-CIEP Supplier Master Agreement and the BGS-RSCP Supplier Master Agreement;
- The Board Advisor will oversee the conduct of the Auctions and brief the Board during the Auction Process; and
- The Board will render a decision on final Auction results by the end of the second business day following the day on which the last Auction closes. The Board, at its discretion, has the option of rendering a decision on the results of one Auction and on the results of the other Auction at different points in time. For example, the Board may render a decision on the first Auction that closes while the second Auction is still in progress.

V. A. 2. The Role of the EDCs

It is important for the EDCs to work with the Board and with other parties to design a process that assures that supply for BGS customers is procured at a cost consistent with market conditions, that there is a smooth and seamless transfer of responsibility for BGS Supply from the prior year's BGS suppliers to BGS suppliers for the supply period beginning June 1, 2020, and that adequate protections are in place to assure that the BGS suppliers are physically and financially reliable.

In that regard, the EDCs believe that it is appropriate for the EDCs to continue to assume the previously-approved logistical responsibilities that include:

- Retention of NERA as Auction Manager to administer the Auction;
- Development of the Auction Process, which is presented to the Board in this filing;
- Promotion of the Auctions in conjunction with the Auction Manager;
- Supply of the data and other key information that the suppliers would use to prepare their bids and that will be made available through an Auction website maintained by the Auction Manager;
- Provision of follow-up technical support to the Auction Manager in response to specific questions received from bidders and potential bidders with respect to the data and Auction Process information and pre-Auction information packages;
- Development of the BGS SMAs and instruments for financial guarantees;
- Review and approval of financial qualifications, including review of alternate guaranty forms; and
- Execution of the BGS SMAs on behalf of their customers.

In addition, the EDCs propose to continue to fund the Board's retention of an independent Board Advisor to oversee the Auctions under the Board's supervision and to advise the Board with respect to interim and final approvals. As in years past, the cost of the independent Board Advisor will be recovered through the tranche fees paid by winning bidders.

V. A. 3. The Role of the Auction Manager

The EDCs will retain NERA as Auction Manager to administer the Auctions. The Auction Manager will be responsible for day-to-day administration, for dissemination of information about the Auction Process. Further, if necessary, the Auction Manager will be responsible for the development of software that will implement the rules of the Auction.

The Auction Manager would be primarily responsible for the following tasks:

- Setting up and maintaining a website for the dissemination of Auction information to stakeholders. This Auction information includes application deadlines and information webcast dates, as well as the information packages prepared by the EDCs and the Auction Manager;
- Receiving queries from interested parties, directing the questions to EDC representatives if necessary, and returning the answers to the inquiring parties. To maintain fairness and to ensure that all parties have the same information, the Auction Manager will also maintain a database of all questions and answers on the website;
- Receiving applications for qualification and notifying interested parties of the results of the qualification procedure;
- Managing the Alternate Guaranty process;
- Receiving indicative offers and letters of credit, ensuring that these are in accordance with the rules and notifying registered bidders of their initial eligibility;
- Developing and testing bidding procedures that implement the Auction Rules;
- Providing technical help to bidders with respect to the Auction Rules and the bidding procedures;
- Managing the interface during the Auctions, to ensure that Auction parameters such as length of rounds and decrements are set appropriately;
- Developing information packages that will be made available to bidders at the time of the bidder information webcasts;
- Drafting manuals for the Auctions;
- Reviewing other information required of bidders before and after qualification and resolving issues over associations with the Board Advisor;

- Training potential bidders in the bidding procedures;
- Providing to the Board and the EDCs a full factual report on the Auctions and on the final results; and
- Preparing the BGS SMAs for the EDCs upon the completion of the Auctions, but before the Board renders its decision on the Auction results, in order to streamline and expedite the contract execution process.

In addition, the Auction Manager would support the EDCs and the Board by providing assistance, when appropriate, with the following tasks:

- Promoting the Auctions to potential participants; and
- Coordinating between the Board with its Advisor, and the EDCs.

The Auction Manager is important to a well-run process, from the promotion of the Auctions to the certification of the results, and performs an essential task in developing and testing the bidding procedures for the Auctions. As in years past, the cost of the Auction Manager will be recovered through the tranche fees paid by winning bidders.

V. B. Confidentiality of Auction Information

On October 22, 2004, the Board issued an Order (Docket No. EO04040288) wherein a list of information was found exempt from the requirements of the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 et seq., and the rules promulgated by the Board at N.J.A.C. 14:1-12 et seq. The Board found the following information, filed as part of the Auction Process, resulting from the BGS-RSCP or the BGS-CIEP Auctions, or provided by market participants for the purpose of participating in the Auctions, to be information that would provide an advantage to competitors or bidders, and deemed it confidential and not included as a government record pursuant to OPRA:

1. EDC-specific starting prices that are in effect for the first round of bidding;
2. Logic processes and algorithms used by the Auction Manager to determine the starting prices, and volume adjustments during the Auction rounds;

3. Indicative offers consisting of the number of tranches a qualified bidder is willing to supply at the maximum and minimum starting prices;
4. Auction round prices and individual bids in each round;
5. Bidder information supplied to qualify for the Auctions from the Part 1 Application;
 - The identities of the bidders except for the identities of the winners as released by the Board;
 - Information on Bidding Agreements;
 - Financial and Credit Requirements;
 - Guarantors' Information;
 - Justification for Omissions.
6. Bidder information supplied to register for the Auctions from the Part 2 Application:
 - The identities of the bidders except for the identities of the winners as released by the Board;
 - Qualified Bidders' Indicative Offers and Calculations of Required Bid Bond;
 - Qualified Bidders' Preliminary Maximum Interest in Each Product;
 - Additional Financial and Credit Requirements;
 - Associations and Confidential Information Certifications;
 - Justification for Omissions.

The EDCs request that the Board find and conclude that the foregoing information be deemed non-public proprietary commercial and financial information that would provide an advantage to competitors or bidders and not included as a government record pursuant to OPRA.

V. C. Regulatory Milestones and Tentative Auction Timeline

The proposed Auction timeline is as follows. The EDCs request that the Board approve this tentative timeline as a guideline for the conduct of the Auctions with the understanding that the time lapses between the various steps be materially adhered to (e.g., the time between the Part 2 application and the Auction not be unreasonably shortened). However, the specific dates would be subject to adjustment to accommodate holiday schedules, the schedules of other procurements in the region, and external events.

Event	Date
EDC proposal filed	Monday, July 01, 2019
Discovery request deadline	Monday, July 22, 2019
Discovery response deadline	Monday, August 05, 2019
First FAQ is posted	Tuesday, August 13, 2019
Release of Preliminary Draft of RSCP Pricing Spreadsheet	Tuesday, August 20, 2019
Deadline for Initial Comments on all proposals	Wednesday, September 04, 2019
Announce Alternate Guaranty Process Available	Tuesday, September 10, 2019
Legislative-type Board Hearing	September 2019
Public Hearings	September 2019
Information Webcast for Potential Bidders	Thursday, October 03, 2019
Illustrative Part 1 and Part 2 Application Forms are posted	Thursday, October 03, 2019
Comment Process for Letters of Credit is posted	Thursday, October 03, 2019
Deadline for Final Comments	Friday, October 04, 2019
Deadline for Expression of Interest in Alternate Guaranty Process	Tuesday, October 22, 2019
Deadline to propose modifications to the standard form of the Pre-Auction and Post-Auction Letters of Credit by NOON	Tuesday, October 22, 2019
Auction Manager provides individual responses to parties proposing modifications to the Letters of Credit	Thursday, October 31, 2019
All modifications to the standard form of the Letters of Credit that are acceptable on an optional basis are posted	Monday, November 04, 2019
Statewide minimum and maximum starting prices announced	Wednesday, November 13, 2019
Load caps announced	Wednesday, November 13, 2019
Tranche sizes announced	Wednesday, November 13, 2019
Board decision on Auction proposal	November 2019
EDC Compliance Filing	November/December 2019
Expected Board Decision on Compliance Filing	December 2019

Event	Date
Information Webcast for Potential Bidders	Tuesday, December 3, 2019 (tentative)
Online Application Portal made available to Bidders	Wednesday, December 18, 2019
Deadline to submit Part 1 Application due by NOON	Thursday, January 09, 2020
Part 1 Applications are reviewed	January 09-14, 2020
Applicants are notified of Part 1 Application Results	Tuesday, January 14, 2020
Mark-to-Market Information Release	Tuesday, January 21, 2020
Tranche Fee is announced	Tuesday, January 21, 2020
Transmission Rates announced	Tuesday, January 21, 2020
Deadline to submit Part 2 Application due by NOON	Wednesday, January 22, 2020
Part 2 Applications are reviewed	January 22-28, 2020
Final rate spreadsheets are posted	Thursday, January 23, 2020
Final seasonal factors announced	Thursday, January 23, 2020
Applicants are notified of Part 2 Application results	Tuesday, January 28, 2020
Information Webcast for Registered Bidders	Wednesday, January 29, 2020 (tentative)
Auction Manager informs Bidders registered in BGS-CIEP Auction of starting prices	Wednesday, January 29, 2020
Auction Manager informs Bidders registered in BGS-RSCP Auction of starting prices	Wednesday, January 29, 2020
Auction Manager informs Registered Bidders of changes to decrement formulas or ranges of total excess supply (if necessary)	Wednesday, January 29, 2020
Trial Auctions for Registered Bidders	Thursday, January 30, 2020
BGS-CIEP Auction Starts	Monday, February 03, 2020
BGS-RSCP Auction Starts	Monday, February 03, 2020
Board decision on Auction results	Within 2 business days of close of the BGS-RSCP Auction or BGS-CIEP Auction, whichever comes later
Winning suppliers execute BGS Supplier Master Agreements	Within 3 business days of Board decision
Documents provided to bidders by Auction Manager containing confidential information must be destroyed	Within 5 business days of Board decision
BGS-RSCP rates filed with Board	No later than 30 days prior to becoming effective
Power Flows	Monday, June 01, 2020

VI. BOARD APPROVAL AND EXECUTION OF BGS SUPPLIER MASTER AGREEMENTS

The EDCs propose that the Board decide formally, within two business days of the day on which the last Auction closes, whether or not to accept the Auction results. The Board, at its discretion, has the option of rendering a decision on the results of one Auction and of rendering a decision on the results of the other Auction at different points in time. For example, the Board may render a decision on the first Auction that closes while the second Auction is still in progress. Since the Auction Process would have been previously approved by the Board, accepted bids resulting from the Auction would be deemed reasonable and prudent.

The EDCs recommend that each winning bidder be immediately notified by the Auction Manager of the Board's approval of the Auction results, and that each winning bidder and each EDC be given a period of three business days from receipt of the notification to formally execute the BGS-CIEP and BGS-RSCP SMAs. The obligations outlined in those Agreements will be part of an irrevocable offer that will become a binding, contractual obligation upon the award of the bid and contract execution will memorialize this commitment.

In other words, the purpose of the review and approval process recommended by the EDCs is for the Board to take the necessary time at the start of the Auction Process to resolve potentially contentious issues, to provide a mechanism for an expeditious decision from the Board in response to the Auction results, and to provide assurance to potential bidders that, once they are notified by the Board that their offer to serve one or more tranches has been accepted, they will indeed be serving that BGS Load.

VII. LIST OF CHANGES

Below is provided a list of changes to the proposal for the provision of BGS for the period beginning June 1, 2020 compared to the proposal for the provision of BGS for the period beginning June 1, 2019. The EDCs provide this list for the convenience of the parties in this proceeding.

1. Overview of Changes to Proposal

The EDCs maintain all material aspects of the prior year's proposal with respect to the product, auction format, rate design, bidder interface, and competitive safeguards. The EDCs propose changes as enhancements to the prior year's process, namely:

- As reflected in the tentative Auction timeline, the qualification and registration of bidders will occur in January 2020.
- As reflected in the tentative Auction timeline, in the BGS-CIEP Auction Rules, and the BGS-RSCP Auction Rules, the BGS-CIEP Auction and the BGS-RSCP Auction will be conducted separately but simultaneously.
- As reflected in the BGS SMAs, BGS-CIEP and BGS-RSCP suppliers will be required to transfer RECs and SRECs to the EDCs after each of the first three quarters of the Energy Year, in an amount specified by each EDC, or else provide collateral to cover any shortfall in the number of RECs or SRECs transferred.

2. Changes to documents

Updates that have been made to the documents include:

BGS Supplier Master Agreements

- Dates are updated to the current year;
- The docket number is updated; and
- Definitions and terms modified to incorporate the proposed amendments related to RPS compliance and credit.

BGS Auction Rules

- Dates are updated to the current year;
- The tranche targets are updated with the most recent PJM data and the examples are modified as needed to reflect the change in the tranche targets;
- Decrement formulas reflect the final decrement formulas from the prior year for the BGS-CIEP Auction and for the BGS-RSCP Auction; and
- The information reported to bidders is updated to reflect that the two Auctions are conducted simultaneously.

Company-Specific Addenda

- Dates are updated to the current year;
- A more detailed definition of administrative costs is included;
- The cost of RPS compliance is explicitly named as a cost that can be recovered through the reconciliation charge; and
- The docket number is updated.