

---

IN THE MATTER OF THE PROVISION OF  
BASIC GENERATION SERVICE  
FOR THE PERIOD BEGINNING JUNE 1, 2026

---

:  
:  
: **Docket No. ER25040190**  
:  
:

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, 2026**

**July 1, 2025**

# TABLE of CONTENTS

I. INTRODUCTION .....	1
II. OVERVIEW OF THE EDCs’ PROPOSAL FOR THE 2026 BGS AUCTIONS .....	5
II. A. Product Definition .....	5
II. B. BGS – Residential Small Commercial Pricing (“BGS-RSCP”) .....	6
II. C. BGS – Commercial and Industrial Energy Pricing (“BGS-CIEP”) .....	21
II. D. BGS-RSCP and BGS-CIEP .....	24
II. E. Regulatory Milestones and Tentative Auction Timeline .....	26
II. F. Direct Current Fast Charging Stations Pilot Programs .....	29
III. THE EDCs’ PROPOSAL MEETS THE OBJECTIVES OF THE BGS PROCUREMENT	
PROCESS .....	30
III. A. The Goals .....	30
III. B. Joint Proposal Meets the Objectives .....	33
III. B. 1. Product Definition.....	33
III. B. 2. Auction Format .....	34
III. B. 3. Competitive Safeguards.....	35
III. B. 4. Qualification Procedures.....	35
III. B. 5. Rate Design.....	36
III. B. 6. Roles .....	36
IV. CONDUCT OF THE AUCTIONS .....	38
IV. A. The Roles of the Board, the Board Advisor, the EDCs and the Auction	
Manager .....	38
IV. A. 1. The Role of the Board and the Board Advisor .....	38
IV. A. 2. The Role of the EDCs.....	39
IV. A. 3. The Role of the Auction Manager .....	40
IV. B. Confidentiality of Auction Information .....	41
IV. C. Board Approval and Execution of BGS Supplier Master Agreements .....	43
V. LIST OF CHANGES.....	44
VI. APPENDIX A .....	47
VII. APPENDIX B .....	123
VIII. APPENDIX C .....	206
IX. APPENDIX D .....	305

## I. INTRODUCTION

The New Jersey electric distribution companies (“EDCs”) are 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”). On April 23, 2025, the New Jersey Board of Public Utilities (“BPU” or “Board”) issued an Order in BPU Docket No. ER25040190 instructing the EDCs to submit a proposal to procure basic generation service supply (“BGS Supply”) beginning June 1, 2026. Accordingly, the EDCs hereby submit this proposal to completely specify how the EDCs intend to procure supply for their BGS customers.

This will be the twenty-fifth year where the EDCs have submitted a joint proposal for the procurement of electric power for all BGS customers in the state through a statewide Auction Process. The EDCs recognize that the rising cost of energy and capacity has recently increased rates charged to BGS customers. While acknowledging difficult current market conditions, the EDCs maintain that the core elements of this joint proposal (i.e., the product definition, the auction format, the competitive safeguards, the qualification procedures, the rate design, and the roles of various parties integral to the BGS Auctions) continue to encompass the most appropriate method for procuring BGS supply for New Jersey’s BGS customers. Changing the core elements of the BGS Auction Process after twenty-four successful years may lead to unintended consequences that result in, for example, heightened rate volatility, lower bidder participation, and increased BGS rates.

The Board has consistently approved the core elements of the EDCs’ joint proposal, stating in its most recent Order approving the 2025 BGS Auction Process (“2025 Order”) that:

*The Proposal, as modified herein, appears to be the best means to secure BGS service for the 2025 BGS period for BGS-CIEP customers, and for the remaining one-third of the needs of BGS-RSCP customers, as well as for a portion of the BGS-RSCP service required for the 2026 and 2027 BGS periods.<sup>1</sup>*

The Board’s consultant, Bates White, LLC (“Bates White”), reflects these same sentiments in its Annual Final Report on the 2025 BGS RSCP and CIEP Auctions where it provided a brief summary of procurement strategies in various other states including Maryland, Ohio, Illinois,

---

<sup>1</sup> *Decision and Order; I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2025*, BPU Docket No. ER24030191, at page 20.

Pennsylvania, Delaware, and Massachusetts.<sup>2</sup> The report listed several general pros and cons for each of the jurisdictions. Bates White acknowledges that its list of procurement alternatives is not a “comprehensive overview” and is meant to serve as a list of examples of what is done in other jurisdictions.<sup>3</sup> In considering recommendations related to the BGS Auction Process, Bates White ultimately concluded that none of the various procurement methods will avoid the energy and capacity price increases currently prevalent in the marketplace by stating:

*A more general point must be made here, which is that it is unclear that any of these changes will result in lower rates for customers. Certain changes can bring more flexibility to procurement, more rate volatility and more price transparency, but none of these methods allow for the utility to avoid the cost of energy and capacity in a given wholesale market.<sup>4</sup>*

While the core elements of the EDCs’ joint proposal have been stable over the years, the EDCs have continually and incrementally refined the Auction Process aiming to maintain or strengthen the level of participation by suppliers so that prices at the Auctions, and rates paid by customers, are the product of vigorous competition and are consistent with market conditions. The EDCs continue to do so within this proposal. For instance, in 2009, the EDCs introduced a process by which prospective suppliers could provide comments from their financial institutions on the pre-auction letter of credit to facilitate compliance with the requirement for financial guarantees in the application process. This comment process was expanded in 2015 to include the letter of credit appended to the BGS Supplier Master Agreements (“BGS SMAs”) used during the supply period. In 2018 and 2019, the EDCs modified the shape of the decrement formulas, which are auction parameters that are important to ensure that the round-by-round pace of the Auctions is appropriate. Additionally, transmission was removed from the BGS product during the 2021 BGS proceeding<sup>5</sup> in response to concerns raised by BGS suppliers regarding a disparity in timing between BGS suppliers’ payments to PJM Interconnection L.L.C. (“PJM”) for transmission costs and the receipt of payment for such costs from the EDCs. The EDCs have also monitored closely through the years changes in the markets that could adversely impact suppliers

---

<sup>2</sup> See Bates White’s Annual Final Report on the 2025 BGS RSCP and CIEP Auctions at pages 22-28.

<sup>3</sup> See Bates White’s Annual Final Report on the 2025 BGS RSCP and CIEP Auctions at page 22.

<sup>4</sup> See Bates White’s Annual Final Report on the 2025 BGS RSCP and CIEP Auctions at page 28.

<sup>5</sup> *I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2021*, BPU Docket No. ER20030190.

and customers. This led, for example, to the introduction of supplements to the SMAs to protect BGS suppliers from uncertainty in capacity costs as a result of the introduction of the Capacity Performance Resource construct in PJM for the 2015 Auctions and again in 2020 as PJM delayed the base residual auction (“BRA”) for the 2022/2023 delivery year until changes to its capacity market were finalized at the Federal Energy Regulatory Commission (“FERC”). In turn, the latter change protected the EDCs’ customers by reducing the likelihood that suppliers would find it necessary to include a risk premium in their BGS-RSCP bids to account for an uncertain capacity price in the 2022/2023 delivery year. The EDCs have continued the use of supplements to the SMAs each year since the 2020 BGS proceeding<sup>6</sup> as the issues surrounding the postponement of PJM’s base residual auctions have persisted and further delays have since occurred. The use of these supplements to the SMAs has protected the EDCs’ customers by reducing the likelihood of suppliers including a risk premium in their BGS-RSCP bids in response to the uncertainty surrounding capacity prices.

The continued refinement of the BGS Auction Process has contributed to its longevity and success. Through the cooperation of the Board and Board Staff, the EDCs, and other stakeholders, the Auction Process has adapted over time in response to market changes and concerns of suppliers and other stakeholders to the benefit of BGS customers. The continued cooperation across parties and the flexibility of the BGS Auction Process allowed the BGS Auctions to be conducted successfully during the COVID-19 health crisis. Specifically, the 2021 BGS Auctions were held remotely for the first time since their inception by implementing collaborative changes to various protocols. These protocols put in place allowed for the continued, successful, remote-conduct of each BGS Auction since 2021, and the EDCs and Auction Manager are again committed to working with Board Staff and the Board Advisor should they wish to be located with a subset of personnel from the Auction Manager Team during the 2026 BGS Auctions.

Critical aspects of the joint proposal for a statewide Auction Process are explained in the next section. Section III explains how the EDCs’ joint proposal is best suited to meet the objectives of the Auction Process. Section IV provides additional details regarding the conduct

---

<sup>6</sup> *I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2020*, BPU Docket No. ER19040428.

of the Auctions. Section V closes by providing a list of material changes the EDCs are proposing in this filing as compared to last year's approved Auction Process.

## **II. OVERVIEW OF THE EDCS' PROPOSAL FOR THE 2026 BGS AUCTIONS**

The EDCs have again worked together to develop a detailed proposal for the competitive bidding process 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, 2026 ("2026 BGS Auctions") is summarized below.

### **II. A. Product Definition**

The EDCs propose that the BGS product remain unchanged from the prior BGS proceeding. Specifically:

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 BGS supplier. In accordance with PJM Agreements, BGS suppliers will be physically and financially responsible for the hour-by-hour provision of electricity to BGS customers. The product will be a "full requirements service", which will exclude charges for transmission and transmission-related costs, but which will continue to include the provision of capacity, energy, ancillary services, fulfilment of the obligations under the Renewable Portfolio Standard ("RPS"), and any other services as may be required by PJM.
2. The EDCs, rather than the BGS suppliers, will continue to be responsible for transmission and transmission-related costs. Each EDC will be responsible for payment of transmission-related costs to PJM for BGS Load. The specific charges and credits that will be the responsibility of the EDC rather than the BGS supplier are provided in the BGS SMAs included as Appendices C and D of this filing. Any PJM charges (or credits) and/or other obligations not specifically addressed therein as being the EDCs' responsibility will remain or, if a newly implemented charge (or credit), will become the responsibility of the BGS suppliers.
3. Each EDC will collect from its BGS customers the amounts required to meet its transmission payment obligations to PJM through a specific transmission charge. The

details of the transmission charge for an EDC are included in its Company Specific Addendum. The EDCs will file the level of the transmission charge along with the BGS tariff sheets twice a year for the rates to customers to become effective January 1 and June 1 of each year. If there is a material transmission cost increase (or decrease), the EDCs will (either individually or jointly) make a supplemental filing to the Board to change the transmission charge paid by BGS customers.

4. The BGS SMAs will set forth the commercial terms and conditions under which each BGS supplier will operate and will govern the interaction of each EDC and its BGS suppliers during the supply period. 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. The BGS SMAs include an appendix (Appendix E of the BGS-CIEP SMA and Appendix H of the BGS-RSCP SMA), which lists current PJM billing line items and specifies those billing line items that will be the financial responsibility of the EDC.
5. Aside from transmission, BGS suppliers assume responsibility for the LSE obligations of each BGS tranche and assume responsibility for managing any uncertainty associated with these obligations, including uncertainty associated with migration risk. 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.

## **II. B. BGS – Residential Small Commercial Pricing (“BGS-RSCP”)**

The EDCs’ proposal for the 2026 BGS-RSCP Auction can be summarized as follows:

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 describes 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. Full requirements service includes energy, capacity, ancillary services, as well as the obligation to meet the requirements

under the RPS. For each EDC, tranches in the 2026 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, 2026 through May 31, 2027 was secured through the 2024 and 2025 Auctions. Therefore, approximately one-third of the EDCs' BGS-RSCP Load will be procured for the BGS Supply period beginning June 1, 2026. Following a successful Auction Process, the EDCs will have under contract approximately one-third of their total BGS-RSCP Load with a remaining contract term of one year, approximately one-third of their total BGS-RSCP Load with a remaining contract term of two years, and approximately 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 using 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. In the 2020 BGS proceeding, the EDCs proposed, and the Board approved, the use of a capacity proxy price ("Capacity Proxy Price") for each EDC to be treated as the capacity price for the 2022/2023 delivery year as the capacity price for that delivery year, established by PJM's capacity auctions, was not expected to be known prior to the 2020 BGS-RSCP Auction. Following various delays in PJM conducting its base residual auctions, the EDCs continued to propose, and the Board continued to approve, the use of

capacity proxy prices in the 2021, 2022<sup>7</sup>, 2023<sup>8</sup>, 2024<sup>9</sup>, and 2025<sup>10</sup> BGS proceedings as one or more of the capacity prices for the applicable delivery years covered by the BGS-RSCP product were not expected to be known prior to the given BGS-RSCP Auction.

5. On April 11, 2023, PJM filed to revise its schedule for its capacity auctions for the 2025/2026 through the 2028/2029 delivery years, and the FERC issued an Order accepting PJM's proposed revisions on June 9, 2023. Additionally, the FERC required PJM to submit a compliance filing in response to the FERC's June 9, 2023 Order, and such compliance filing was to include an illustrative auction schedule for the 2025/2026 through the 2028/2029 delivery years. On February 12, 2024, PJM filed to delay the commencement of its base residual auction for the 2025/2026 delivery year, and the FERC issued an Order accepting PJM's request to delay on February 26, 2024. On October 15, 2024, PJM filed to delay the commencement of its base residual auction for the 2026/2027 delivery year by approximately six months. In this filing, PJM provided a revised capacity auction schedule for the 2026/2027 through the 2029/2030 delivery years and explained that the delay in conducting the base residual auction for the 2026/2027 delivery year would also result in a delay for other delivery years through the 2029/2030 delivery year. The FERC issued an Order granting PJM's request to delay on November 8, 2024.
6. As it stands at the time of the EDCs submitting this joint proposal, the results of the base residual auctions for the 2026/2027, 2027/2028, and 2028/2029 delivery years (all three delivery years covered by the 2026 BGS-RSCP product supply term) are not yet available and the most recent capacity auction schedule published by PJM calls for the base residual auctions for the 2026/2027, 2027/2028, and 2028/2029 delivery years to be held in July

---

<sup>7</sup> *I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2022*, BPU Docket No. ER21030631.

<sup>8</sup> *I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2023*, BPU Docket No. ER22030127.

<sup>9</sup> *I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2024*, BPU Docket No. ER23030124.

<sup>10</sup> *I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2025*, BPU Docket No. ER24030191.

2025, December 2025, and June 2026, respectively. According to PJM's auction schedule, and assuming no additional delays, the results of the base residual auction for the 2026/2027 delivery year and for the 2027/2028 delivery year should be available prior to the 2026 BGS-RSCP Auction. However, the base residual auction for the 2028/2029 delivery year (the third year of the BGS-RSCP supply term) is scheduled to be held in June 2026, and as such, the capacity price for the 2028/2029 delivery year will not be known prior to the 2026 BGS-RSCP Auction.

7. If the capacity price is not known for the 2028/2029 delivery year prior to the 2026 BGS-RSCP Auction, it may be the case that BGS-RSCP suppliers are likely to include risk premiums into their bids to address this uncertainty and it may be the case that some bidders choose not to participate altogether. This could result in higher closing prices in the BGS-RSCP Auction than would otherwise be the case, to the detriment of BGS-RSCP customers. To address this potential problem, the EDCs propose to continue the approach approved by the Board each year since the 2020 BGS proceeding. The EDCs propose to address this issue by setting a Capacity Proxy Price for the 2028/2029 delivery year that suppliers will be able to incorporate into their bids. Additionally, although the results of the base residual auctions for the 2026/2027 and 2027/2028 delivery years are expected to be made available in July 2025 and December 2025, respectively, if unforeseen schedule delays at PJM occur, it may be the case that the capacity prices for the 2026/2027 and 2027/2028 delivery years may also not be known prior to the 2026 BGS-RSCP Auction. As such, out of an abundance of caution, the EDCs propose to set a Capacity Proxy Price for the 2026/2027 delivery year and a Capacity Proxy Price for the 2027/2028 delivery year that suppliers will be able to incorporate into their bids.
8. Consistent with past practice, if the results of the base residual auction for the 2026/2027 delivery year, the 2027/2028 delivery year, or the 2028/2029 delivery year are known at least five business days prior to the start of the 2026 BGS-RSCP Auction, the Capacity Proxy Price for the applicable delivery year will no longer be needed and will be voided. The EDCs have proposed, and the Board has approved, a similar approach each year since the 2020 BGS proceeding, proposing that a Capacity Proxy Price is not used if the results of the applicable base residual auction were available a set number of days prior to the

start of the applicable BGS-RSCP Auction. The EDCs' proposal for the 2026 BGS Auctions is consistent with the Board Order approving the 2022 BGS Auction Process<sup>11</sup> ("2022 Order"), and consistent with the EDCs' proposal since the 2023 BGS Auctions, whereas the EDCs' are proposing that if the results of the base residual auction for the 2026/2027 delivery year, the 2027/2028 delivery year, or the 2028/2029 delivery year are known at least five business days prior to the start of the 2026 BGS-RSCP Auction, the Capacity Proxy Price for the applicable delivery year will no longer be needed and will be voided.

9. The use of Capacity Proxy Prices is strongly supported by Bates White. In its Annual Final Report on the 2025 BGS RSCP and CIEP Auctions, Bates White noted, in regard to the use of Capacity Proxy Prices in the 2025 BGS Auctions, that it "[emphasizes] that the [capacity] proxy prices were necessary to remove enough risk to allow bidders to participate in the Auction."<sup>12</sup> Given the continued delay in PJM holding its base residual auctions, Bates White recommended the continued use of Capacity Proxy Prices, stating:

*We would recommend that the BPU continue to employ a proxy capacity price for any period where the capacity price is unknown at the time bidders provide their offers as this method has proven to be an effective way to incent bidder participation.*<sup>13</sup>

10. As the results of the base residual auction for the 2028/2029 delivery year are not expected to be known prior to the 2026 BGS-RSCP Auction, the EDCs propose a Capacity Proxy Price for the 2028/2029 delivery year. The EDCs are also proposing Capacity Proxy Prices for the 2026/2027 delivery year and for the 2027/2028 delivery year to account for any potential delays in PJM's base residual auctions for the 2026/2027 and 2027/2028 delivery years that could lead to the results of said base residual auctions not being known prior to the BGS-RSCP Auction. Again, if the results of the base residual auctions for the 2026/2027 delivery year, the 2027/2028 delivery year, or the 2028/2029

---

<sup>11</sup> *Decision and Order; I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2022*, BPU Docket No. ER21030631.

<sup>12</sup> See Bates White's Annual Final Report on the 2025 BGS RSCP and CIEP Auctions at page 7.

<sup>13</sup> *Id* at page 21.

delivery year are known at least five business days prior to the start of the BGS-RSCP Auction, the Capacity Proxy Price for the applicable delivery year will no longer be needed and will be voided.

11. This is the second year that, at the time of submitting the EDCs' joint proposal, the results of PJM's base residual auctions for all three years of the BGS-RSCP product supply term have not been available. At the time the EDCs filed their joint proposal for the 2025 BGS Auctions ("2025 Joint Proposal"), PJM had not held its base residual auctions for the 2025/2026, 2026/2027, and 2027/2028 delivery years (all three years of the 2025 BGS-RSCP product supply term). As such, in their 2025 Joint Proposal, the EDCs proposed a methodology for calculating the Capacity Proxy Prices for each of these three delivery years. The proposed methodology in the 2025 Joint Proposal was consistent with the method used to calculate the Capacity Proxy Prices each year since the 2020 BGS proceeding: the most recent results from the PJM capacity auctions for the two delivery years prior to the year for which the Capacity Proxy Price is calculated were used (if available<sup>14</sup>) and a factor of 0.9 was used to recognize the potential for lower prices in any pending PJM capacity auctions. When first proposing this methodology in their Supplemental Filing<sup>15</sup> submitted in the 2020 BGS proceeding, the EDCs looked to set a value for the Capacity Proxy Price for each EDC that would offer a "reasonable estimate" of the unknown capacity prices using current market data.<sup>16</sup> In choosing this methodology, the EDCs concluded that setting a Capacity Proxy Price that, to the extent possible, is set close to the actual price of capacity for that delivery year helps to minimize rate impacts for BGS customers resulting from any true-up payments to or from BGS

---

<sup>14</sup> At the time of filing their 2025 Joint Proposal, the EDCs were unable to utilize this exact methodology to establish the Capacity Proxy Prices for the 2027/2028 delivery year (i.e., utilizing the results of a PJM capacity auction for one or more of the delivery years that coincide with the delivery years to be served by winners in the BGS-RSCP auction to establish the Capacity Proxy Prices), as PJM had not yet held the base residual auctions for the 2025/2026 or the 2026/2027 delivery years. As such, in the 2025 Joint Proposal, the proposed Capacity Proxy Prices for the 2027/2028 delivery year were calculated by applying a factor of 0.9 to the most recent incremental auction results for the 2024/2025 delivery year, such that the proposed Capacity Proxy Prices for the 2027/2028 delivery year were set equal to the Capacity Proxy Prices proposed for the 2026/2027 delivery year.

<sup>15</sup> *Supplemental Proposal for Basic Generation Service Requirement to be Procured Effective June 1, 2020*, BPU Docket No. ER19040428.

<sup>16</sup> See Supplemental Filing at page 4.

suppliers in the delivery year for which a Capacity Proxy Price was used. Generally, the greater the difference between the Capacity Proxy Price and the actual price for capacity for a given delivery year, the greater the true-up payment to or from the BGS suppliers in that delivery year, and thus the greater the rate impact in that delivery year for BGS customers. In the 2020 BGS proceeding, the EDCs proposed Capacity Proxy Prices for the 2022/2023 delivery year using current market data (averaging the most recent capacity auction results at that time for the 2020/2021 and 2021/2022 delivery years) and applying a factor of 0.9. The EDCs proposed to apply a factor of 0.9 to recognize the potential for lower prices in any pending PJM capacity auctions, given that at that time the capacity price for the 2019/2020 delivery period was lower than the capacity prices in the two subsequent delivery years.

12. However, in their 2025 Joint Proposal, the EDCs acknowledged that at the time of filing their 2025 Joint Proposal, capacity prices had begun to increase, where the Final Zonal Net Load Price for the 2024/2025 delivery year (\$56.56/MW-day) was higher than that of the 2023/2024 delivery year (\$50.96/MW-day). Further, the EDCs expressed that it seemed possible that the increase in capacity prices could continue – and potentially be greater than the relatively small increase realized between the 2024/2025 delivery year and the 2023/2024 delivery. The EDCs explained that this potential increase could come about due to an increase in energy demand coupled with anticipated generator retirements in PJM. As a precaution, in their 2025 Joint Proposal, the EDCs proposed that if the results of the base residual auction for the 2025/2026 delivery year (which were made available after the EDCs filed their 2025 Joint Proposal) reflected significant increases in capacity prices, the EDCs would adjust the calculation of the Capacity Proxy Prices for the 2026/2027 and 2027/2028 delivery years in order to achieve Capacity Proxy Prices that were more reflective of current prices. Specifically, the EDCs proposed that if the results of the base residual auction for the 2025/2026 delivery year were 50% (or more) higher than the Final Zonal Net Load Price for the 2024/2025 delivery year, the EDCs would adjust the proposed Capacity Proxy Prices for the 2026/2027 and 2027/2028 delivery years to no longer employ a factor of 0.9 in the calculation and would set the

Capacity Proxy Prices for those two delivery years at the actual base residual auction price realized for the 2025/2026 delivery year.

13. On July 30, 2024, PJM made available the results of the base residual auction for the 2025/2026 delivery year. The results of the base residual auction for the 2025/2026 delivery year (\$270.35/MW-day) were approximately 378% higher than the Final Zonal Net Load Price for the 2024/2025 delivery year (\$56.56/MW-day). Consistent with their 2025 Joint Proposal, the EDCs then updated the proposed Capacity Proxy Prices for the 2026/2027 and 2027/2028 delivery years to be equal to the base residual auction results for the 2025/2026 delivery year. In the 2025 Order, the Board approved the EDCs' setting of the Capacity Proxy Prices for the 2026/2027 and 2027/2028 delivery years equal to the base residual auction results for the 2025/2026 delivery year. As the results of the base residual auctions for the 2026/2027 and 2027/2028 delivery years were not made available prior to the 2025 BGS-RSCP Auction, the values of the Capacity Proxy Prices for the 2026/2027 and 2027/2028 delivery years remained set to the base residual auction results for the 2025/2026 delivery year.

14. The EDCs have continued to monitor the prices in PJM's capacity auctions. The table below provides the Final Zonal Net Load Prices reached in PJM's capacity auctions beginning with the 2019/2020 deliver year.

**Table 1. Final Zonal Net Load Prices**

<b>EDC</b>	<b>2019/2020 Final Zonal Net Load Price (\$/MW-day)</b>	<b>2020/2021 Final Zonal Net Load Price (\$/MW-day)</b>	<b>2021/2022 Final Zonal Net Load Price (\$/MW-day)</b>	<b>2022/2023 Final Zonal Net Load Price (\$/MW-day)</b>	<b>2023/2024 Final Zonal Net Load Price (\$/MW-day)</b>	<b>2024/2025 Final Zonal Net Load Price (\$/MW-day)</b>	<b>2025/2026 Final Zonal Net Load Price (\$/MW-day)</b>
PSE&G	115.83	174.32	188.46	97.93	50.96	56.56	270.43
JCP&L	115.58	174.32	164.73	97.93	50.96	56.56	270.43
ACE	115.58	174.32	164.73	97.93	50.96	56.56	270.43
RECO	115.58	174.32	164.73	97.93	50.96	56.56	270.43

15. The EDCs have also continued to monitor the PJM capacity market, and the upward pressure to capacity prices that was anticipated at the time the EDCs submitted their 2025 Joint Proposal has materialized and is very relevant today. In a January 8, 2024, news

release<sup>17</sup> that discussed PJM publishing its 2024 Long-Term Load Forecast, PJM estimated growth in electricity demand, and that such growth in demand “combined with accelerated generator retirements and the slow pace of replacement generation, will challenge reliability in the PJM footprint by 2030 if not addressed” (“2024 PJM News Release”). This release also stated that the increase in energy demand is “increasingly driven by the development of data centers throughout the PJM footprint, combined with the accelerating electrification of transportation and industry.” More recently, a January 30, 2025 news release<sup>18</sup> that discussed PJM publishing its 2025 Long-Term Load Forecast stated that PJM “has warned that a capacity shortage could affect the PJM system as early as the 2026/2027 Delivery Year” attributing this shortage to, among other factors, the pace of energy demand, stating that “[the] demand for electricity is growing at the fastest pace in years, primarily from the proliferation of data centers, electrification of buildings and vehicles, and manufacturing” (“2025 PJM News Release”).

16. The significant increase in PJM capacity market costs has resulted in considerable focus on capacity pricing and customer bill impacts. Following a complaint filed on December 30, 2024 by Governor Shapiro and the Commonwealth of Pennsylvania that asserted the price cap for PJM’s capacity auctions was unreasonable, PJM itself filed a response<sup>19</sup> on February 20, 2025 that would establish a price cap and price floor for its capacity auctions for the 2026/2027 and 2027/2028 delivery years (a “price collar”). PJM proposed that the lower and upper bounds for this price collar be approximately \$175/MW-day and approximately \$325/MW-day, respectively. In its filing, PJM attributed the need for the price collar to external factors stating:

*...the capacity market has recently had to absorb a significant number of external events, including, but not limited to: unprecedented and rapid load growth for the*

---

<sup>17</sup>See news release “PJM Publishes 2024 Long-Term Load Forecast”, January 8, 2024, available here: <https://insidelines.pjm.com/pjm-publishes-2024-long-term-load-forecast/>.

<sup>18</sup> See news release “2025 Long-Term Load Forecast Report Predicts Significant Increase in Electricity Demand”, January 30, 2025, available here: <https://insidelines.pjm.com/2025-long-term-load-forecast-report-predicts-significant-increase-in-electricity-demand/#:~:text=The%20PJM%202025%20Long%2DTerm,over%20the%20next%2015%20years.>

<sup>19</sup> *PJM Proposal for Revised Price Cap and Price Floor for the 2026/2027 and 2027/2028 Delivery Years*, FERC Docket No. ER25-1357-000.

*foreseeable future as the result of, among other things, electrification and the proliferation of high-demand data centers; retirements of generators with attributes needed to maintain reliability; state and federal policies that significantly affect the economics of the existing resource fleet and potential replacement capacity; slow new entry of replacement generation resources due to industry and external forces including siting, permitting and supply chain constraints; and the significant volume of resources that are being processed in the interconnection queue.*<sup>20</sup>

The FERC approved PJM's filing and price collar on April 21, 2025. As such, absent any subsequent changes, the base residual auction results, as well as any incremental auction results for the 2026/2027 and 2027/2028 delivery years, will not be less than approximately \$175/MW-day or greater than approximately \$325/MW-day.

17. In its Order approving the 2020 BGS Auction Process<sup>21</sup> ("2020 Order"), the Board recognized the difficulty in setting Capacity Proxy Prices as PJM's capacity auctions have "traditionally produced volatile results".<sup>22</sup> In the 2020 BGS proceeding, the Board approved the Capacity Proxy Prices proposed by the EDCs deducing that "[since] the Board cannot know the upcoming capacity auction price, and since the EDCs' numbers more clearly reflect recent prices, the Board approves the EDCs' proposed numbers as the capacity proxy price".<sup>23</sup> In its 2025 Order, the Board again acknowledged the difficulty in setting Capacity Proxy Prices, reiterating that PJM's capacity auctions have "traditionally produced volatile results" and stated that "[because] the Board cannot know the upcoming capacity auction prices, the Board hereby approves the EDCs' proposal to use a Capacity Proxy Price equal to the 2025/2026 delivery year [base residual auction] result".<sup>24</sup>

18. Like the Board, the EDCs cannot predict the results of PJM's capacity auctions, even for those delivery years to which a price collar applies. However, the EDCs still hold that

---

<sup>20</sup> *Id* at page 8.

<sup>21</sup> *Decision and Order; I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2020*, BPU Docket No. ER19040428.

<sup>22</sup> *See* 2020 Order at page 22.

<sup>23</sup> *See* 2020 Order at page 22.

<sup>24</sup> *See* 2025 Order at page 10.

setting the Capacity Proxy Prices at a reasonable estimate of the unknown capacity price for a given delivery year is the best approach for BGS customers. As it seems most likely that capacity prices will either continue to increase or minimally remain at current levels, the EDCs are proposing to set the values of the Capacity Proxy Prices for the 2026/2027, 2027/2028, and 2028/2029 delivery years equal to the Final Zonal Net Load Price for the 2025/2026 delivery year, the most recently available PJM capacity auction price.

19. The proposed values for the Capacity Proxy Prices for each of the 2026/2027, 2027/2028, and 2028/2027 delivery years are provided in the table below. These values are subject to change as discussed further below.

**Table 2. Proposed Capacity Proxy Prices.**

<b>EDC</b>	<b>2026/2027 Capacity Proxy Price (\$/MW-day)</b>	<b>2027/2028 Capacity Proxy Price (\$/MW-day)</b>	<b>2028/2029 Capacity Proxy Price (\$/MW-day)</b>
PSE&G	270.43	270.43	270.43
JCP&L	270.43	270.43	270.43
ACE	270.43	270.43	270.43
RECO	270.43	270.43	270.43

20. The proposed values for the 2026/2027 and 2027/2028 delivery years are within the bounds of the price collar. Further, the proposed values above are consistent with the EDCs' 2025 Joint Proposal as the values above aim to achieve Capacity Proxy Prices that are reflective of current prices. As explained above, setting a Capacity Proxy Price that, to the extent possible, is set close to the actual price of capacity for that delivery year helps to minimize rate impacts for BGS customers resulting from any true-up payments to or from BGS suppliers in the delivery year for which a Capacity Proxy Price was used. Additionally, as explained above, at the time the EDCs first proposed the use of Capacity Proxy Prices in the 2020 BGS proceeding, the EDCs proposed to employ a factor of 0.9 in their calculation of the Capacity Proxy Prices to recognize the potential for lower prices in any pending PJM capacity auctions, given that at that time the capacity price for the 2019/2020 delivery period was lower than the capacity prices in the two subsequent delivery years. As it seems likely that current capacity prices will either continue to increase or remain at current levels, the EDCs' proposed Capacity Proxy Prices above do

not employ a factor of 0.9 as applying this factor of 0.9 may not be appropriate if capacity prices are not currently expected to fall.

21. The proposed values above reflect the most recently available capacity prices (the Final Zonal Net Load Price for the 2025/2026 delivery year). Assuming no further delays, the results of the base residual auction for the 2026/2027 delivery year are expected to be made available on July 22, 2025, and the results of the base residual auction for the 2027/2028 delivery year are expected to be made available on December 17, 2025. In order to continue to use the most recently available capacity prices to set the Capacity Proxy Prices for the 2026 BGS-RSCP Auction, the EDCs are proposing that if the results of the base residual auction for the 2026/2027 delivery year become available at least five business days prior to the BGS-RSCP Auction, and if the base residual auction results for the 2027/2028 delivery year do not become available at least five business days prior to the BGS-RSCP Auction, then the EDCs will adjust the calculation of the Capacity Proxy Prices for the 2027/2028 and 2028/2029 delivery years and set them equal to the base residual auction price realized for the 2026/2027 delivery year (and would continue to not employ a factor of 0.9). In this case, the Capacity Proxy Prices for the 2026/2027 delivery year will be voided. Further, the EDCs are proposing that if the results of the base residual auction for the 2027/2028 delivery year become available at least five business days prior to the BGS-RSCP Auction such that the results of the base residual auctions for both of the 2026/2027 and 2027/2028 delivery years are made available, then the EDCs will further adjust the calculation of the Capacity Proxy Prices for the 2028/2029 delivery year and set them equal to the base residual auction price realized for the 2027/2028 delivery year (and would continue to not employ a factor of 0.9). In this case, the Capacity Proxy Prices for the 2026/2027 and 2027/2028 delivery years will be voided. This proposed methodology assures that the capacity proxy price that is ultimately utilized reflects the most recent base residual auction result that is available for a prior PJM delivery year.

22. The table below provides a summary of the EDCs' proposed Capacity Proxy Prices and the proposed methodologies for modifications to the same based on the availability of the 2026/2027 and 2027/2028 base residual auction results.

**Table 3. Proposed Calculation Method Modifications to Capacity Proxy Prices Based on 2026/2027 and 2027/2028 BRA Results**

Proposed Modification Determinant	2026/2027 Capacity Proxy Price (\$/MW-day)	2027/2028 Capacity Proxy Price (\$/MW-day)	2028/2029 Capacity Proxy Price (\$/MW-day)
As Proposed in July 1, 2025 Joint Proposal	2025/2026 Final Zonal Net Load Price		
2026/2027 BRA results available five business days prior to BGS-RSCP Auction (but the 2027/2028 & 2028/2029 BRA results are not available)	N/A	2026/2027 BRA	
2026/2027 & 2027/2028 BRA results available five business days prior to BGS-RSCP Auction (but 2028/2029 BRA results are not available)	N/A	N/A	2027/2028 BRA

23. As described above, according to the most recent capacity auction schedule published by PJM, the base residual auctions for the 2026/2027, 2027/2028, and 2028/2029 delivery years are set to be held in July 2025, December 2025, and June 2026, respectively, and the EDCs are proposing to update the values of the Capacity Proxy Prices to reflect the most recent PJM capacity auction results. In terms of the timing of the EDCs' updates to the Capacity Proxy Prices, the EDCs are proposing that if the results of the base residual auction for the 2026/2027 delivery year are available at the time of the EDCs' Compliance Filing following the Board's decision on the EDCs' joint proposal in this proceeding (expected to occur in November 2025), and if the Board approves the EDCs' proposal as it pertains to the use of Capacity Proxy Prices for the 2027/2028 and 2028/2029 delivery years, the EDCs will update the values of the Capacity Proxy Prices for the 2027/2028 and 2028/2029 delivery years at that time. In this case, the Capacity Proxy Prices for the 2027/2028 and 2028/2029 delivery years will be set equal to the most recent PJM capacity

auction results (the base residual auction results) for the 2026/2027 delivery year (and not multiplied by 0.9). Furthermore, in the event the results of the base residual auctions for the 2026/2027 and the 2027/2028 delivery years are known at least five business days prior to the start of the BGS-RSCP Auction, but the results of the base residual auction for the 2028/2029 delivery are still not known five business days prior to the BGS-RSCP Auction, the EDCs also propose to update the Capacity Proxy Price for the 2028/2029 delivery year. In this case, the Capacity Proxy Prices for the 2028/2029 delivery year will be set equal to the most recent PJM capacity auction results (the base residual auction results) for the 2027/2028 delivery year (and not multiplied by 0.9).

24. Winning BGS-RSCP suppliers will be paid the closing price (cents/kWh) in the BGS-RSCP Auction for load served. In the 2026/2027, 2027/2028, and 2028/2029 delivery years, BGS-RSCP suppliers will additionally be paid (or will pay) the difference between the rate paid by BGS-RSCP suppliers for capacity and the final Capacity Proxy Price for that delivery year. Consistent with the processes approved by the Board since the 2020 BGS Auctions, these payments will only occur in the 2026/2027 delivery year, the 2027/2028 delivery year, or in the 2028/2029 delivery year, even if the value of the capacity price for that delivery year is known prior to the start of that delivery year - but only if the results are not known at least five business days prior to the start of the BGS-RSCP Auction. This construct provides certainty to BGS-RSCP suppliers that they will be fully compensated for the actual rates for capacity that they pay in the 2026/2027, 2027/2028, and in the 2028/2029 delivery years.
25. The conditions under which BGS-RSCP suppliers are paid (or pay) for the difference between the rate paid by BGS-RSCP suppliers for capacity and the Capacity Proxy Price are provided in detail in the Supplements to the BGS-RSCP SMA, attached to this filing as Appendix D (the “BGS-RSCP Capacity Supplements”).
26. If the results of the base residual auctions for the 2026/2027, 2027/2028, or the 2028/2029 delivery years are available at least five business days prior to the start of the BGS-RSCP Auction, then the BGS-RSCP Capacity Supplement for the applicable delivery year will no longer be needed and will be voided.

27. 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, 2026. The EDCs also include a worksheet for purposes of calculating the adjustment to the BGS-RSCP Auction price necessary to recover (or reimburse) BGS-RSCP customers for the estimated additional payments made to (or from) BGS-RSCP suppliers under the BGS-RSCP Capacity Supplements. The rate design also includes a line item to add the adjustment of the Capacity Proxy Price to the Auction price.
28. The EDCs' rate design proposals, including the timing of setting these rates, the setting of the transmission charge, and the adjustment in the BGS price because of the unknown capacity price, are detailed in each EDC's Company Specific Addendum. Suppliers will be provided with a spreadsheet that converts final Auction prices into customer rates. This will enable suppliers 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.
29. The rate design methodology yields, for each EDC, a summer multiplicative factor and a 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 10 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 2026 values.
30. 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 BGS-RSCP 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.

31. As reflected in the BGS-RSCP Auction Rules (Appendix B to this filing), the EDCs propose adjustments to the decrement formulas to incorporate the final decrements used in the 2025 BGS-RSCP Auction.

## **II. C. BGS – Commercial and Industrial Energy Pricing (“BGS-CIEP”)**

The EDCs’ proposal for the 2026 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 describes 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. Full requirements service includes energy, capacity, ancillary services, as well as the obligation to meet the requirements under the RPS. 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, 2026.
3. As discussed in Section II. B above, the results of PJM’s base residual auction for the 2026/2027 delivery year are not available at this time but are expected to be made available in July 2025. As such, at the time of this filing, the capacity price for the entire supply term of the 2026 BGS-CIEP product is not known. While unlikely, if unforeseen schedule delays at PJM occur, it may be the case that the capacity price for the 2026/2027 delivery year may not be known prior to the BGS-CIEP Auction. If the capacity price is not known for the 2026/2027 delivery year prior to the BGS-CIEP Auction, it may be the case that BGS-CIEP suppliers are likely to include risk premiums into their bids to address this uncertainty and it may be the case that some bidders choose not to participate altogether. This could result in higher closing prices in the BGS-CIEP Auction than would otherwise be the case, to the detriment of BGS-CIEP customers. As such, out of

an abundance of caution, the EDCs propose to set a Capacity Proxy Price for the 2026/2027 delivery year that suppliers will be able to incorporate into their bids in the BGS-CIEP Auction. Consistent with the EDCs' proposed use of Capacity Proxy Prices in the BGS-RSCP Auction, if the results of the base residual auction for the 2026/2027 delivery year are known at least five business days prior to the start of the BGS-CIEP Auction, the Capacity Proxy Price for the 2026/2027 delivery year will no longer be needed and will be voided.

4. The proposed value for the Capacity Proxy Prices for the 2026/2027 delivery year are provided in the table below.

**Table 4. Proposed Capacity Proxy Price.**

<b>EDC</b>	<b>2026/2027 Capacity Proxy Price (\$/MW-day)</b>
PSE&G	270.43
JCP&L	270.43
ACE	270.43
RECO	270.43

5. The Capacity Proxy Prices proposed above for the 2026/2027 delivery year reflect the most recently available capacity prices (the Final Zonal Net Load Price for the 2025/2026 delivery year). This method of using the most recently available capacity auction results is consistent with the EDCs' proposed method for determining the Capacity Proxy Prices for the BGS-RSCP Auction in this proceeding and is also consistent with the sentiment expressed in the EDCs' 2025 Joint Proposal in setting Capacity Proxy Prices that reflect the most current prices.
6. 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.
7. If the Capacity Proxy Price is not voided, BGS-CIEP suppliers will additionally be paid (or will pay) the difference between the rate paid by BGS-CIEP suppliers for capacity and the Capacity Proxy Price. This construct provides certainty to BGS-CIEP suppliers that they will be fully compensated for the actual rate for capacity that they pay in the 2026/2027 delivery year.

8. The conditions under which BGS-CIEP suppliers are paid (or pay) for the difference between the rate paid by BGS-CIEP suppliers for capacity and the Capacity Proxy Price are provided in detail in the Supplement to the BGS-CIEP SMA, attached to this filing as Appendix D (the “BGS-CIEP Capacity Supplement”).
9. If the results of the base residual auction for the 2026/2027 delivery year are available at least five business days prior to the start of the BGS-CIEP Auction, then the BGS-CIEP Capacity Supplement will no longer be needed and will be voided.
10. Rate schedules for BGS-CIEP customers will specify the BGS-CIEP charge resulting from the final BGS-CIEP Auction Price as a per kW or per kWh rate. Rate schedules will also include a pre-specified per kWh rate for ancillary services, a provision to pass through the hourly real-time energy spot price,<sup>25</sup> as well as a transmission charge. All CIEP customers will be charged the CIEP Standby Fee, which the EDCs propose be set at 0.015¢/kWh.
11. BGS-CIEP suppliers will receive a proportional share of revenue, comprised of four 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 hourly BGS-CIEP Load at the EDC’s PJM zone bus times the hourly real-time energy spot price, and (iv) the pre-specified ancillary services rate times BGS-CIEP load adjusted for losses. The EDCs propose, consistent with previous BGS-CIEP Auctions, a pre-specified ancillary service component of \$6.00/MWh. As discussed above, if the Capacity Proxy Price is not voided, BGS-CIEP suppliers will additionally be paid (or will pay) the difference between the rate paid by BGS-CIEP suppliers for capacity and the Capacity Proxy Price. The EDCs include a worksheet in their rate design for purposes of calculating the adjustment to the BGS-CIEP Auction price necessary to recover (or reimburse) BGS-CIEP customers for the estimated additional payments made to (or from) BGS-CIEP suppliers under the BGS-CIEP Capacity Supplement. The rate design also includes a line item to add the

---

<sup>25</sup> Hourly real-time energy spot price refers to PJM’s Residual Metered Load aggregate real-time Locational Marginal Price (“LMP”).

adjustment of the Capacity Proxy Price to the Auction price used in the calculation in item (ii) described in this paragraph.

12. As reflected in the BGS-CIEP Auction Rules (Appendix A to this filing), the EDCs propose adjustments to the decrement formulas to incorporate the final decrements used in the 2025 BGS-CIEP Auction.

## **II. D. BGS-RSCP and BGS-CIEP**

The EDCs' proposal for additional items with respect to both the 2026 BGS-CIEP Auction and the 2026 BGS-RSCP Auction can be summarized as follows:

1. The EDCs propose that the CIEP line remain unchanged at 500 kW for the 2026 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.
2. 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.
3. The EDCs have developed contingency plans, tariff sheets, and accounting and cost recovery proposals that are detailed in each EDC's respective Company Specific Addendum. These are essential elements of the EDCs' proposal, and the EDCs request that the Board review and approve these elements of the proposal.
4. 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.

5. 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.

## II. E. Regulatory Milestones and Tentative Auction Timeline

The proposed Auction timeline is set forth in the table below. The EDCs request that the Board approve this proposed 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	Tuesday, July 1, 2025
Discovery request deadline	Tuesday, July 22, 2025
Discovery response deadline	Tuesday, August 5, 2025
First FAQ is posted	Tuesday, August 12, 2025
Release of Preliminary Draft of RSCP Pricing Spreadsheet	Tuesday, August 19, 2025
Deadline for Initial Comments on all proposals	Friday, September 5, 2025
Announce Alternate Guaranty Process Available	Tuesday, September 16, 2025
Legislative-type Board Hearing	TBA
Public Hearings	TBA
Illustrative Part 1 and DRAFT Part 2 Application Forms are posted	Thursday, October 9, 2025
Comment Process for Letters of Credit is posted	Thursday, October 9, 2025
Deadline for Final Comments	Friday, October 10, 2025
Information Webcast for Potential Bidders	Friday, October 17, 2025 (tentative)
Deadline for Expression of Interest in Alternate Guaranty Process	Tuesday, October 28, 2025
Deadline to propose modifications to the standard form of the Pre-Auction and Post-Auction Letters of Credit	Tuesday, October 28, 2025
Auction Manager provides individual responses to parties proposing modifications to the Letters of Credit	Wednesday, November 5, 2025
All modifications to the standard form of the Letters of Credit that are acceptable on an optional basis are posted	Friday, November 7, 2025
Post final credit instruments	Friday, November 7, 2025

Event	Date
Statewide minimum and maximum starting prices announced	Friday, November 14, 2025
Load caps announced	Friday, November 14, 2025
Tranche sizes announced	Friday, November 14, 2025
FINAL Illustrative Part 2 Application Forms are posted	Thursday, November 20, 2025
Board decision on Auction proposal	Expected November 2025
EDC Compliance Filing	December 2025
Expected Board Decision on Compliance Filing	December 2025
Final Supplier Master Agreements and Rules are posted	December 2025
Online Application Portal made available to Bidders	No later than Tuesday, December 2, 2025
Deadline for Foreign Applicants/Guarantors to submit draft documents	Tuesday, December 2, 2025
Information Webcast for Potential Bidders	Tuesday, December 2, 2025 (tentative)
Deadline to submit Part 1 Application due by NOON	Tuesday, December 16, 2025
Part 1 Applications are reviewed	December 16-19, 2025
Applicants are notified of Part 1 Application results	Friday, December 19, 2025
Deadline to submit Part 2 Application due by NOON	Wednesday, January 14, 2026
Deadline for Foreign Applicants/Guarantors to submit revised draft documents	Wednesday, January 14, 2026
Part 2 Applications are reviewed	January 14-22, 2026
Applicants are notified of Part 2 Application results	Thursday, January 22, 2026
Auction Manager informs Registered Bidders of changes to decrement formulas or ranges of total excess supply (if necessary)	Tuesday, January 27, 2026
Mark-to-Market Information Release	Tuesday, January 27, 2026
Tranche Fee is announced	Wednesday, January 28, 2026
Information Webcast for Registered Bidders	Wednesday, January 28, 2026 (tentative)
Final rate spreadsheets are posted	Thursday, January 29, 2026
Final seasonal factors announced	Thursday, January 29, 2026
First Trial Auctions for Registered Bidders	Thursday, January 29, 2026
EDCs provide Foreign Applicants/Guarantors with assessment of revised documents	Friday, January 30, 2026
Second Trial Auctions for Registered Bidders	Tuesday, February 3, 2026
Auction Manager informs Bidders registered in BGS-CIEP Auction of starting prices	Tuesday, February 3, 2026

<b>Event</b>	<b>Date</b>
Auction Manager informs Bidders registered in BGS-RSCP Auction of starting prices	Wednesday, February 4, 2026
<b>BGS-CIEP Auction Starts</b>	<b>Friday, February 6, 2026</b>
<b>BGS-RSCP Auction Starts</b>	<b>Monday, February 9, 2026</b>
Board decision on Auction results	Within two business days of close of the BGS-RSCP Auction or BGS-CIEP Auction, whichever comes later
Winning suppliers execute BGS Supplier Master Agreements	Within three business days of Board decision
Documents provided to bidders by Auction Manager containing confidential information must be destroyed	Within five business days of Board decision
BGS-RSCP rates filed with Board	No later than 30 days prior to becoming effective
Power Flows	Monday, June 1, 2026

## **II. F. Direct Current Fast Charging Stations Pilot Programs**

In its Order approving the 2024 BGS Auction Process,<sup>26</sup> the Board authorized the EDCs to implement two-year Direct Current Fast Charging (“DCFC”) pilot programs. The Board also, in its 2025 Order “[directed] the EDCs to file an update in the 2026 BGS proceeding to be filed in July 2025 on the status of the pilot programs” and also “[directed] the EDCs to file proposals in the 2026 BGS proceeding to implement permanent DCFC programs or provide justification for ending the programs”.<sup>27</sup> As such, each EDC’s Company Specific Addendum contains each EDC’s response to the Board’s 2025 Order relating to their respective DCFC pilot programs. Please *see* each EDC’s Company Specific Addendum for specific details on each EDC’s update and proposal.

---

<sup>26</sup> *Decision and Order; I/M/O the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2024*, BPU Docket No. ER23030124.

<sup>27</sup> *See* 2025 Order at page 15.

### III. THE EDCS' PROPOSAL MEETS THE OBJECTIVES OF THE BGS PROCUREMENT PROCESS

In this next section, the EDCs review why the joint proposal best meets the interests of New Jersey customers.

#### III. A. The Goals

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.<sup>28</sup> As currently structured by the Board, the Auction Process ensures that BGS is efficiently priced. The BGS product is a full requirements product, as described in

---

<sup>28</sup> "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 are able to offer added value that can induce customers to switch away from a market-priced BGS offering.

Section II.A above. 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 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 TPSs compete against is the risk-adjusted price of competitive BGS suppliers providing full requirements service plus the transmission charge paid by BGS customers. The transmission charge paid by BGS customers is representative of the transmission costs of all load serving entities in PJM, including TPSs. 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 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 hourly real-time energy spot prices, 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 several specific goals that apply to the BGS procurement process:

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

- 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 way 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 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, including through the timely collection of the transmission

charge from BGS customers to meet each EDC's transmission payment obligations to PJM.

### **III. B. Joint Proposal Meets the Objectives**

The Board's Auction Process fully specifies and provides structure to all necessary aspects of a procurement process. In addition, all of the elements of the 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 Auction Process work together to achieve these goals.

#### **III. B. 1. Product Definition**

The Auction Process defines the product as a full requirements product including energy, capacity, ancillary services, as well as the obligation to meet the requirements under the RPS. 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 components of the BGS product that can be provided through the competitive market, including risk assessment and management, are provided and priced through the competitive market. This full requirements product is fully consistent with EDECA's preference for reliance on competitive forces. The full requirements product also obtains a price for BGS, which together with the transmission charge paid by BGS customers, 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. 2. Auction Format**

The 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. Based on 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. B. 3. Competitive Safeguards**

In addition to the fact that a clock auction format promotes competitive bidding, several competitive safeguards are part and parcel with the 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 the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq. 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. B. 4. Qualification Procedures**

The 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 Auction 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. B. 5. Rate Design**

The 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. BGS customers also pay a specific transmission charge for each EDC to collect from its BGS customers the amounts required to meet its transmission payment obligations to PJM. 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. The EDCs’ prompt collection of the transmission charge from customers is crucial to ensuring that the EDCs meet their payment obligations to PJM and preserve the financial integrity of the EDCs.

### **III. B. 6. 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 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. CONDUCT OF THE AUCTIONS**

In this section, the EDCs explain particular aspects of the conduct of the 2026 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, the EDCs present their request that the Board consider the results of the Auctions within two business days.

### **IV. A. The Roles of the Board, the Board Advisor, the EDCs and the Auction Manager**

#### **IV. 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 2026 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.

#### **IV. 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, 2026, 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 Auctions;
- 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.

#### **IV. 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, and 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.

#### **IV. B. Confidentiality of Auction Information**

On October 22, 2004, the Board issued an Order (BPU Docket No. EO04040288) wherein a list of information was found exempt from the requirements of OPRA 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.

#### **IV. C. 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.

## **V. LIST OF CHANGES**

Below is a list of changes made in this proposal for the provision of BGS Supply for the period beginning June 1, 2026 compared to the Auction Process approved in the 2025 BGS 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 the following changes as enhancements to the prior year's process, namely:

- The addition of the BGS-CIEP Capacity Supplement to the BGS-CIEP SMA;
- The addition of the BGS-RSCP Capacity Supplements to the BGS-RSCP SMA for the 2026/2027 delivery year, the 2027/2028 delivery year, and the 2028/2029 delivery year;
- Modifications to the EDCs' rate design methodology, as well as modifications to each EDC's Company Specific Addendum, to allow for the eventual calculation of the change in the Auction price necessary to accommodate additional payments to (or from) BGS-CIEP suppliers relating the Capacity Proxy Price for the 2026/2027, delivery year; and
- Modifications to the EDCs' rate design methodology, as well as modifications to each EDC's Company Specific Addendum, to allow for the eventual calculation of the change in the Auction price necessary to accommodate additional payments to (or from) BGS-RSCP suppliers relating the Capacity Proxy Price for the 2026/2027 delivery year, the 2027/2028 delivery year, and the 2028/2029 delivery year.

### **2. Additional Changes to documents**

The following additional changes to the documents are minor and primarily administrative in nature.

#### BGS Supplier Master Agreements

- Updates to the footnote and dates are made to the MtM Exposure Amount Calculation Information within Appendix B of the BGS-RSCP SMA;
- A modification is made to section 3.1(h) of the BGS-CIEP SMA to reflect the date by which suppliers must become an LSE in PJM to be consistent with the terms of the BGS-CIEP SMA;
- A modification is made to section 3.1(h) of the BGS-RSCP SMA to reflect the date by which suppliers must become an LSE in PJM to be consistent with the terms of the BGS-RSCP SMA;
- Appendix E of the BGS-CIEP SMA is updated to reflect the current list of PJM billing line items;
- Appendix H of the BGS-RSCP SMA is updated to reflect the current list of PJM billing line items;
- Dates are updated to the current year; and
- The docket number is updated.

#### 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;
- The BGS-CIEP Auction Rules include a description of the adjustment to payment for capacity in the 2026/2027 delivery year;
- The BGS-RSCP Auction Rules include a description of the adjustment to payment for capacity in the 2026/2027 delivery year, the 2027/2028 delivery year, and the 2028/2029 delivery year;

- Decrement formulas for the BGS-CIEP Auction reflect the final decrement formulas from the prior year; and
- Decrement formulas for the BGS-RSCP Auction reflect the final decrement formulas from the prior year.

Company-Specific Addenda

- Each EDC's Company Specific Addendum contains that EDC's response to the Board's 2025 Order relating to their respective DCFC pilot programs;
- Dates are updated to the current year; and
- The docket number is updated.

**VI. APPENDIX A**

**Provisional BGS-CIEP Auction Rules**

**VII. APPENDIX B**

**Provisional BGS-RSCP Auction Rules**

**VIII. APPENDIX C**

**BGS-CIEP Supplier Master Agreement**

**IX. APPENDIX D**

**BGS-RSCP Supplier Master Agreement**