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February 6, 2014

Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**DE 13-322**  
**South Jersey Energy Company**  
**Objection to 2011 Alternative Compliance Payment**

Dear Ms. Howland:

The purpose of this brief letter is to provide a brief supplementation to South Jersey Energy Company's ("SJE") Petition filed on November 12, 2013.

As SJE noted in its Petition, the Commission's July 9, 2013 "decision appears to largely rest on its assertion that the amount of RECs belatedly requested by SJE to be banked in 2010, and subsequently used in 2011 for RPS compliance, cannot be verified by NEPOOL-GIS." *Petition* at ¶4.

SJE made the following request in its Petition to the Commission:

As documented and explained in the accompanying pre-filed testimony of Louis DeCicco, SJE is asking the Commission to recognize the value of RECs that were acquired by SJE in 2010 expressly for the purpose of New Hampshire RPS compliance in 2010 and 2011. These RECs were inadvertently not banked in 2010, and therefore, were inadvertently retired, and have not been used for any purpose at any time.

*Petition* at ¶5.

By this letter, SJE respectfully requests the Commission to consider the applicability of the following provision of law to the issue presented to it in this proceeding:

✓

Certificates shall only be used by providers of electricity for compliance with the requirements of RSA 362-F:3 in the year in which the generation represented by the certificate was produced, *except that unused certificates of the proper class issued for production during the prior 2 years* may be used to meet up to 30 percent of a provider's requirements

RSA 362-F:7, I (Emphasis added.)

SJE believes that the foregoing provision of law trumps any contrary rule, including Puc Form E-2500. Moreover, there is no provision or category in NEPOOL-GIS for “banked” certificates. However, as shown its pending Petition, SJE is able to demonstrate the existence of the requisite number of “unused” certificates in the NEPOOL-GIS system.

I have sent a copy of this letter to all parties on the Commission’s Service List for this proceeding.

Thank you for your attention to this matter.

Sincerely,  
**/s/ James T. Rodier**