



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A regular Board meeting of the Board of Public Utilities was held on February 23, 2022, livestreamed @ <https://youtu.be/zF7RXy6xBsQ>

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner
*Robert M. Gordon, Commissioner

*Commissioner Gordon participated by phone.

President Fiordaliso presided at the meeting and Aida Camacho-Welch, Secretary of the Board, carried out the duties of the Secretary.

It was also announced that the next regular Board Meeting will be held on March 9, 2022 at 10:00 a.m. livestream on YouTube.

CONSENT AGENDA

I. AUDITS

A. Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE21030658L	Amerex Brokers, LLC d/b/a Amerex Energy Services	R – EA
EE21060928L	RKB Energy Solutions, LLC	R – EA
EE21111232L	Ameresco, Inc.	R – EA
EE21020101L	Vervantis, Inc.	R – EA
EE21020118L	Arthur Debowski d/b/a Progressive Energy	R – EA
EE20100677L	Management Services Partners, LLC	R – EA
EE21020488L	Yardi Systems, Inc.	R – EA
EE21020503L	Troy and Banks, Inc.	R – EA
EE20110706L	Reliable Power Alternatives Corp.	R – EA
EE21020528L	ABC Energy, LLC	R – EA
EE21050814L	The Fitzmichael Group, LLC d/b/a Juice Energy Advisors	R – EA
EE21060898L GE21060899L	Integrity Energy, LLC d/b/a Integrity Energy	R – EA/PA
EE21020610L GE21020611L	Option One Energy, LLC	R – EA/PA
EE21060900L GE21060901L	Advisors Energy Group, LLC	R – EA/EC
EE21010070L GE21010071L	Navigate Power, LLC	R – EA/EC
EE21020600L GE21020601L	Custom Energy Solutions, LLC	R – EA/EC
EE21070991L GE21070992L	Sunlight Energy Group, LLC	R – EA/EC
EE21071009L GE21071010L	Albireo Energy, LLC	R – EA/PA/EC

EE21060904L GE21060905L	Premiere Marketing, LLC d/b/a Transparent Energy	R – EA/PA/EC
EE21050791L GE21050792L	Enel X North America, Inc.	R – EA/PA/EC
EE21071013L GE21071014L	Best Practice Energy, LLC	R – EA/PA/EC

BACKGROUND: The Board must register all energy agents, private aggregators, and energy consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment.

As such, any third party suppliers (TPSs) with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any TPS renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by Board Staff (Staff) for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval.

At its regular agenda meeting of August 18, 2021, the Board approved the final adoption of proposed amendments to N.J.A.C. 14:4 et seq., concerning energy competition and specifically to subchapter 5, N.J.A.C. 14:4-5 et seq., Energy Licensing and Registration.

In accordance with the rule amendments, an energy agent, private aggregator, or energy consultant registration shall not expire so long as a registration renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the registrant's annual anniversary date. Any registration renewal application that was filed prior to August 18, 2021 has been, and will continue to, be processed by Staff for approval or denial in accordance with N.J.A.C. 14:4-5.9. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. Annually thereafter, licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

Staff recommended that the following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant:

- Amerex Brokers, LLC d/b/a Amerex Energy Services
- RKB Energy Solutions, LLC

- Ameresco, Inc.
- Vervantis, Inc.
- Arthur Debowski d/b/a Progressive Energy
- Management Services Partners, LLC
- Yardi Systems, Inc.
- Troy & Banks, Inc.
- Reliable Power Alternatives Corp. d/b/a RPAC
- ABC Energy, LLC
- The Fitzmichael Group d/b/a Juice Energy Advisors
- Integrity Energy, LLC d/b/a Integrity Energy
- Option One Energy, LLC
- Advisors Energy Group, LLC
- Navigate Power, LLC
- Custom Energy Solutions, LLC
- Albireo Energy, LLC
- Sunlight Energy Group, LLC
- Premiere Marketing, LLC d/b/a Transparent Energy
- Enel X North America, Inc.
- Best Practice Energy, LLC

DECISION: The Board adopted the recommendation of Staff as set forth above.

II. ENERGY

A. Docket No. GF21081066 – In the Matter of the Petition of South Jersey Gas Company to Issue Long-Term Debt and Security Therefore and for Authority to Issue and Sell Short-Term Indebtedness, All Through September 30, 2024.

BACKGROUND: On August 13, 2021, South Jersey Gas Company (Petitioner, Company or South Jersey Gas) filed a petition (Petition) requesting the Board to grant authorization through September 30, 2024: to make, execute and deliver a Supplemental Mortgage Indenture and any such additional Supplemental Mortgage Indentures as may be advisable providing for the issuance of a First Mortgage Bond or First Mortgage Bonds. These Bonds will have a maturity or maturities of not more than 40 years from the respective dates of issuance, in an aggregate principal amount of not more than \$300,000,000 (the “Financing Cap”) less the aggregate principal amount of any other long-term indebtedness issued pursuant to this Petition payable in more than 12 months.

According to the Petition, the net proceeds of this transaction or series of transactions will be utilized to retire Short-Term Debt; to fund capital expenditure requirements; to fund gas supply acquisitions; for other general corporate purposes; and, potentially, to redeem, refinance (without regard to and unaffected by the Financing Cap), or defease any or all of the Company’s indebtedness or debt securities as long as such redemption, refinancing or defeasance is financially advantageous to the Petitioner. South Jersey Gas will utilize the net proceeds of this transaction or series of transactions to retire Short-Term Debt; to fund capital expenditure requirements; to fund gas supply acquisitions; other general corporate purposes; and, potentially, to redeem, refinance or defease any or all of the Company’s indebtedness or debt securities as long as such redemption, refinancing or

defeasance is financially advantageous to Company. South Jersey Gas's construction program has been financed, in part, by Short-Term Debt, and periodically the Petitioner is required to retire such Short-Term Debt.

After review of the information submitted in this proceeding, the Office of the Economist found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of the Petition, subject to certain conditions.

DECISION: The Board adopted the recommendation of Staff as set forth above.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TF21121252 – In the Matter of the Joint Petition of BCM One, Inc. (BCM) and Wholesale Carrier Services, Inc. (WCS) for Approval to Obtain Debt Financing.

BACKGROUND: On December 17, 2021, BCM One, Inc. (BCM One) and Wholesale Carrier Services, Inc. (WCS) filed a petition with the Board for approval and authority to obtain debt financing in the amount of \$200 million (Petition). BCM One and WCS are wholly owned by BCM One Group Holdings, Inc. BCM One Group Holdings, Inc. will take on the additional indebtedness, the proceeds of which will be used to effect the acquisition of complementary entities engaged in similar business activities to BCM One and WCS. Should such complementary entities be regulated by the Board, approval of such acquisitions would be necessary and undertaken at a later time.

After the loan proceeds are disbursed to BCM One Group Holdings, Inc., BCM and WCS will become co-borrowers with respect to the debt financing along with the other complementary entities that would also become co-borrowers of the debt financing.

By letter dated January 31, 2022, the New Jersey Division of Rate Counsel stated that it did not object to the approval of the Petition.

The Office of the Economist, after review of the information submitted found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of the Petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

B. Docket Nos. BPU TC17091015 and OAL PUC 01597-18 – In the Matter of Business Automation Technologies d/b/a Data Network Solutions, Petitioner v. Verizon New Jersey, Inc., Respondent.

BACKGROUND: In September 2017, Business Automation Technologies d/b/a Data Network Solutions (Petitioner) filed a petition with the Board contesting billings by Verizon New Jersey, Inc. (Verizon) for access charges under a Board-approved interconnection agreement (Petition).

The Petition was transmitted to the Office of Administrative Law and assigned to Administrative Law Judge (ALJ) Tricia M. Caliguire. On January 28, 2022, ALJ Caliguire issued her Initial Decision in this matter.

On February 14, 2022, the Petitioner filed a letter requesting an extension of the dates for filing exceptions and replies, noting additional time was needed to review the extensive record in the matter. The Petitioner received consent from counsel for Verizon to request filing of exceptions on February 21, 2022, and replies on March 14, 2022. On February 18, 2022, the Petitioner filed an amendment, seeking an additional week to the extension requests, with exceptions due on February 28, 2022, and replies due on March 21, 2022.

ALJ Caliguire's Initial Decision was filed on January 28, 2022, the time for deadline for the Board to issue a Final Decision is March 14, 2022.

Therefore, Staff recommended that the Board grant an extension of the deadlines for the parties' filing of Exceptions and Reply Exceptions to the Initial Decision of ALJ Caliguire. Because additional time is required for Staff and the Attorney General's Office to perform a full review of the record, Staff also recommended that the Board seek an additional 45-day extension of the time in which the Board must render a Final Decision from the Office of Administrative Law, until April 28, 2022.

DECISION: The Board adopted the recommendation of Staff as set forth above.

V. WATER

A. Docket No. WR22010019 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Wastewater Service, and Other Tariff Modifications.

BACKGROUND: On January 18, 2022, New Jersey-American Water Company (Company), filed a petition with the Board to increase its base tariff rates and charges for water and wastewater service amounting to approximately \$94.7 million or 11.22% in additional annual revenues. The Company proposed that the rate increase becomes effective on February 13, 2022.

According to the petition, the primary driver of the proposed rate increase is the capital investment needed to maintain and improve the Company's infrastructure to continue providing safe, reliable and adequate service to its customers.

The New Jersey Division of Rate Counsel is an intervener by statute. By letter dated January 18, 2022, Middlesex Water Company (Middlesex) filed a motion to intervene in this matter. Middlesex's motion will be transmitted to the Office of Administrative Law (OAL), along with the petition in this matter, for disposition.

After review, Staff recommended that the Board issue an Order suspending the rates until June 13, 2022. Staff also recommended that this matter be transmitted to the OAL for hearing as a contested case.

DECISION: The Board adopted the recommendation of Staff as set forth above.

B. Docket Nos. BPU WR22010018 and OAL PUC 00535-2022 N – In the Matter of the Joint Petition of Montague Water and Sewer Companies for an Increase in Rates for Water and Sewer Service.

BACKGROUND: On January 14, 2022, Montague Water Company and Montague Sewer Company (Companies) filed a joint petition with the Board seeking rate increases in the base tariff rates and charges for water and wastewater service.

According to the petition, the requested water rates were designed to increase revenues from metered water service by approximately \$401,754.00 or 97.4% above pro-forma present revenues of \$412,514.00. With respect to wastewater, the requested increase for wastewater service is approximately \$212,123.00 or 88.9% above pro-forma present revenues of \$238,695.00. The Companies proposed that the rate increases become effective on February 13, 2022.

After review, Staff recommended that the Board issue an Order suspending the proposed rate increases until June 13, 2022. Staff further recommended that this matter be transmitted to the Office of Administrative Law for hearings as a contested case.

DECISION: The Board adopted the recommendation of Staff as set forth above.

C. Docket Nos. WR21091141 and OAL PUC 08167-2021 S – In the Matter of the Petition of the Shore Water Company for an Increase in Tariff Rates and Charges for Water Service, and Other Relief.

BACKGROUND: On September 23, 2021, Shore Water Company (Company, or Petitioner) filed a petition with the Board seeking an increase in its rates and charges for water service and other relief amounting to approximately \$401,215.00 or 38.53%. The Company requested that the proposed increase in rates become effective on November 1, 2021.

By Order dated October 28, 2021, the Board suspended the proposed rate increase until March 1, 2022.

Since the matter is still pending before the Office of Administrative Law, Staff recommended that the Board issue an Order further suspending the rates until July 1, 2022.

DECISION: The Board adopted the recommendation of Staff as set forth above.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC21081103U and OAL PUC 09419-21 – In the Matter of Congregation M’Kor Shalom, Petitioner v. New Jersey-American Water Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Congregation M’Kor Shalom (Congregation) and New Jersey American Water Company (NJAW or Company). The petition was transmitted to the Office of Administrative Law for a hearing as a contested case. Administrative Law Judge (ALJ) Jeffrey N. Rabin filed an Initial Decision in this matter with the Board on January 6, 2022.

The Congregation alleged that NJAW incorrectly billed their account \$16,000.00 for a water leak that the Congregation alleged did not occur. Throughout the period relevant to this complaint, all services and religious schooling were done virtually.

NJAW, in its answer, denies all allegations in the petition. The Company noted that the total amount of water usage during the period in question was 2,443,000 gallons, an average of 814,333 per month. NJAW notified the Congregation of the high-water use on July 21, 2020 via letter. The letter indicated the high usage could be the result of a leak and advised the Congregation to inspect premises for possible leaks. The Congregation was to make contact with NJAW, if they could not determine the reason for higher water usage.

The Parties entered into a Settlement which fully disposed of all issues in controversy. Pursuant to the terms of the Settlement, and to fully resolve this matter, NJAW agreed to issue a credit in the amount of \$2,801.37 in full and final settlement of the billing dispute by December 31, 2021. The Congregation agreed to pay the outstanding balance on the account within 45 days after this date. The Congregation also agreed to dismiss with prejudice the complaint filed against NJAW within 30 days after NJAW issues the credit.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Jeffery N. Rabin. Staff recommended the Board adopt the Initial Decision of ALJ Jeffery N. Rabin.

DECISION: The Board adopted the recommendation of Staff as set forth above.

B. Docket Nos. BPU GC19101413U and OAL PUC 10173-20 – In the Matter of Mariusz Jedra, Petitioner v. Elizabethtown Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Mariusz Jedra (Petitioner) and Elizabethtown Gas Company (ETG). The petition was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case.

The parties entered into a Settlement Agreement, which fully disposed of all issues in controversy and is consistent with the law.

Pursuant to the terms of the Settlement, and in order to fully resolve this matter, ETG agreed to provide a credit to the Petitioner's account for \$3,000.00, toward the total amount due of \$7,220.90, reducing the balance owed by the Petitioner to \$4,220.90. The Petitioner shall pay \$351.75 per month for a period of 12 months on or by the due date referenced in ETG's monthly bills. Said amount will be paid each month in addition to any regular monthly usage/service charges. If the Petitioner fails to make payment, ETG may demand payment in full and/or initiate an enforcement and collection action for the remaining balance.

By Initial Decision issued on January 31, 2022, and submitted to the Board on February 2, 2022, ALJ Lieberman found that the Settlement was voluntary, its terms fully disposed of all issues in controversy, and it was consistent with the law.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Lieberman. Staff recommended the Board adopt the Initial Decision.

DECISION: The Board adopted the recommendation of Staff as set forth above.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the following Minutes:

- **December 15, 2021 Executive Session Minutes; and**
- **January 12, 2022 Agenda Minutes.**

BACKGROUND: Staff presented the Executive Session minutes of December 15, 2021, and the regular session minutes of January 12, 2022, and recommended that they be accepted.

DECISION: The Board adopted the recommendation of Staff as set forth above.

After appropriate motion, the consent agenda was approved.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

Paul Lupo, Acting Director, Division of Energy, presented these matters.

A. Docket No. GR21071007 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Revise its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-System Margin Sharing Credit.

BACKGROUND AND DISCUSSION: On July 23, 2021, Elizabethtown Gas Company (ETG or Company) filed a petition with the Board seeking approval to revise the rates relating to the review and true-up of its: (1) Weather Normalization Clause (WNC) rate; (2) New Jersey Clean Energy Program (CEP) component of ETG's Societal Benefits Charge (SBC) rate; and (3) On-System Margin Sharing Credit (OSMC) rate (July 2021 Petition).

ETG sought to modify the current per therm WNC rate from \$0.0000 to \$0.0171. The proposed rate was designed to recover a deficient balance associated with the period October 1, 2020 through May 31, 2021, which was attributable to the overall warmer than normal weather experienced in ETG's service territory, as well as recover the prior period deficient balance. The total revenue deficient balance is \$5,509,921.00 which, when divided by projected winter period therm volumes, produces the proposed WNC rate of \$0.0171 per therm.

The Company also proposed to modify the per therm CEP component of its SBC rate from \$0.0280 to \$0.0276. The proposed rate was designed to recover prior period costs, the net costs incurred to provide Board-approved CEP programs for the period ending June 30, 2021, and projected costs for the period ending June 30, 2022, which total \$13,111,335.00. By Order dated June 24, 2021, the Board established the Fiscal Year 2022 statewide funding levels for CEP programs. ETG was allocated \$12,474,243.00 of CEP funding responsibility for the 12 months ending June 30, 2022.

The OSMC provides for 80% of the margins generated from certain on-system non-form sales and transportation services to be flowed-back (credited) to firm customers. In the July 2021 Petition, ETG sought to increase the per therm OSMC credit rate from \$0.0020 to a credit rate of \$0.0021. The Company's total OSMC balance is \$662,916.00, which would be credited to firm customers.

By Order dated September 14, 2021 in this docket, the Board approved a stipulation for provisional rates establishing (1) a per therm WNC rate of \$0.0171; (2) a per therm CEP rate of \$0.0276; and (3) a per therm OSMC credit rate of \$0.0021 effective October 1, 2021 (Provisional Rates Order). As a result of the Provisional Rates Order, a typical residential customer using 100 therms on a monthly basis would see an increase in their bill of \$1.66, or approximately 1.7%.

The Company, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties) executed a stipulation of settlement (Stipulation) which would allow ETG to make its WNC, CEP, and OSMC rates final.

Staff recommended the Board issue an Order adopting the Stipulation of the Parties. Staff further recommended the Board direct ETG to file tariffs consistent with the Order by March 1, 2022.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. EO20080545 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Approval of an Advanced Metering Infrastructure (AMI) Program (JCP&L AMI).

BACKGROUND AND DISCUSSION: On August 27, 2020, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking approval of an Advanced Metering Infrastructure (AMI) program (Program) and an associated cost recovery mechanism. Through the Program, the Company sought to deploy AMI throughout its service territory, including approximately 1.1 million smart meters, as well as communications infrastructure and Information Technology (IT) systems, over a six - year period.

JCP&L estimated that the six-year Program rollout would cost approximately \$433 million, with approximately \$360 million in capital costs and approximately \$73 million in operations and maintenance (O&M) costs. JCP&L also sought to defer as a regulatory asset the undepreciated balance of its legacy meters, which was approximately \$126 million as of July 31, 2020. Additionally, JCP&L proposed a monthly opt-out fee of \$28.09 for customers who choose to retain their existing meter, as well as a one-time meter change-out fee of \$44.46 for customers that opt out after the AMI meter is installed on their premises.

On September 14, 2021, JCP&L filed a supplement to the Petition reflecting a change in the Program's capital cost (plant in service) from approximately \$360 million to approximately \$390 million over the six year Program rollout, which resulted from a modification to the Company's accounting policy. However, the Company noted that these cost increases would be balanced out with reductions in base costs.

Following discovery and several settlement conferences, the Company, Board Staff (Staff), the New Jersey Division of Rate Counsel, and a group of entities consisting of Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Gateway Energy Services Corporation, Centrica Business Solutions, and NRG Energy Inc. (the Market Participants) (collectively, Signatory Parties) executed a stipulation of settlement (Stipulation) resolving this matter. Utilidata, Inc., an intervener in

this matter, subsequently filed a letter with the Board indicating that it did not take a position on the Stipulation.

The Stipulation authorizes JCP&L to conduct the Program, with all costs (including capital investment, stranded costs, and incremental operations and maintenance costs) being deferred in regulatory assets for review in the Company's subsequent base rate case(s). The Stipulation also provides for a monthly opt-out fee of \$15.00 for customers who choose to retain their existing meter and a one-time meter change-out fee of \$44.46 for customers that opt out after the AMI meter is installed on their premises.

By Order dated September 23, 2020, this matter was retained at the Board and designated Commissioner Robert M. Gordon as the Presiding Commissioner with authority to rule on all motions that arise, and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

Staff recommended that the Board issue an Order approving the Stipulation of the Signatory Parties. Staff also recommended that the Board direct JCP&L to file tariff sheets reflecting the opt-out fees and other opt-out provisions associated with the Program before the commencement of the Program's meter deployment phase, which is projected to begin on January 1, 2023.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

C. Docket No. GR21071017 – In the Matter of the Petition of Elizabethtown Gas Company to Revise its Energy Efficiency Program Rider Rate.

BACKGROUND AND DISCUSSION: On July 30, 2021, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition with the Board requesting authorization to decrease the Energy Efficiency Program (EEP) rate component associated with its four-year amortization programs (July 2021 Petition).

Elizabethtown sought to reconcile EEP costs and cost recoveries for the period commencing July 1, 2020, through June 30, 2021, and to recover projected costs and revenues for the July 1, 2021, through June 30, 2022. Elizabethtown also sought a revenue requirement of \$1,206,689.00, resulting in a decrease in its current its four-year amortization EEP rate from \$0.0062 to \$0.0027 per therm resulting in a total EEP Rate, inclusive of the ten-year amortization EEP rate component, of \$0.0090 per therm.

Elizabethtown, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, the Parties) engaged in discovery in this matter, which Elizabethtown answered and provided all the requested documentation. As a result, the Parties executed a stipulation of settlement (Stipulation) that recommended approval of the Company's four-year amortization EEP Rider rate component of \$0.0027 per therm, as reflected in the Stipulation.

Staff recommended that the Board approve the Stipulation of the Parties. Staff further recommended that the Board direct Elizabethtown to file revised tariffs consistent with the Stipulation by February 28, 2022.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

D. Docket No. ER21070980 – In the Matter of the Combined and Consolidated Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Rate Associated with its Legacy Solar Renewable Energy Certificate (SREC I) Financing Program, its Successor Solar Renewable Energy Certificate (SREC II) Financing Program, and its Solar Transition Incentive Program (2021).

BACKGROUND AND DISCUSSION: On July 9, 2021, Atlantic City Electric Company (ACE or Company) filed a petition and supporting exhibits with the Board seeking authority to adjust the level of the Rider Regional Greenhouse Gas Initiative Recovery Charge (Rider RGGI) associated with ACE’s legacy Solar Renewable Energy Certificate (SREC) Financing Program (SREC I Program), the Company’s successor Solar Renewable Energy Certificate Financing Program (SREC II Program), and its Transition Renewable Energy Certificate (TREC) Program (TREC Program) (July 2021 Petition).

By Order dated December 15, 2021, the Board approved the continuation of the SREC II Program Administrative Fee at the previously approved rate of \$17.07 per SREC for calendar year 2022, and noted that the parties would continue to review all other issues related to the July 2021 Petition.

Following a review of the July 2021 Petition and discovery, ACE, Board Staff and the New Jersey Division of Rate Counsel executed a stipulation of settlement (Stipulation) recommending that the Board’s previously approved SREC II Administrative Fee of \$17.07 per SREC be maintained for the remainder of calendar year 2022, and that following Rider RGGI charges be revised:

- 1) A decrease to the SREC I Program rate of \$0.000299 to \$0.000189 per kilowatt hour (kWh), inclusive of Sales and Use Tax (SUT).
- 2) The maintenance of the SREC II Program rate of \$0.000000 per kWh.
- 3) An increase to the TREC Program rate from \$0.000411 to \$0.000988 per kWh, inclusive of SUT.

As a result of the Stipulation, the aggregate bill impact of the revised Rider RGGI charges for a typical residential customer using approximately 680 kWh per month is an increase of \$0.22 or 0.16 percent.

Staff recommended that the Board issue an Order approving ACE’s maintenance of its SREC II Program Administrative Fee at the Board’s previously approved rate of \$17.07 per SREC for calendar year 2022 as well as the revised aforementioned Rider RGGI charges.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

Michael Kammer, Director, Division of Water, presented these matters.

A. Docket No. WR22010017 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Proposed Cost Recovery of Lead Service Replacement Plan.

BACKGROUND AND DISCUSSION: On January 14, 2022, New Jersey-American Water Company, Inc. (NJAW or Company), filed a petition with the Board seeking approval of a cost recovery plan for the replacement of Company and customer side lead service lines. NJAW also requested expedited treatment of this matter.

Staff recommended that the Board retain this matter for hearing and designated Commissioner Mary-Anna Holden as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Staff also recommended that the Board set a bar date of March 25, 2022 for the filing of motions to intervene and/or participate, and for admission *pro hac vice*.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket Nos. BPU WR21070979 and OAL PUC 06235-21 – In the Matter of the Petition of Gordon’s Corner Water Company for an Increase in Rates and Charges for Water Service.

BACKGROUND AND DISCUSSION: On July 9, 2021, Gordon’s Corner Water Company (Gordon’s Corner) filed a petition with the Board seeking to increase base water rates in the amount of approximately \$1,717,359.00, or 14.10%.

The Board transmitted the matter to the Office of Administrative Law for hearings as a contested case and the matter was assigned to Administrative Law Judge (ALJ) Tricia M. Caliguire.

After proper notice, two public hearings were held virtually, via Zoom, at 4:30 p.m. and 5:30 p.m., on October 13, 2021, with ALJ Caliguire presiding. No members of the public appeared at either hearing. The public hearings were held virtually due to the ongoing COVID-19 pandemic.

Subsequent to the public hearings, Gordon’s Corner, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties) executed a Stipulation of Settlement (Stipulation) agreeing to an overall increase in revenues totaling \$1,437,865.00 which represents an 11.44% increase over present rate revenues.

As a result of the Stipulation, the average bill for a typical customer with a 5/8” meter, using 7,000 gallons of water per month, will go from \$56.15 to \$62.90, an increase of \$6.75 per month, or 12%.

ALJ Caliguire issued an Initial Decision recommending that the Board adopt the Stipulation of the Parties.

Staff recommended that the Board adopt the Initial Decision and Stipulation of the Parties for service rendered on and after March 1, 2022.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket No. GO21101159 – In the Matter of the Petition of South Jersey Gas Company for Approval of the Closure of its Office Located at 111 North Franklin Boulevard, Pleasantville, New Jersey Pursuant to N.J.A.C. 14:3-5.1(e).

Richard J. Lambert, Administrative Analyst 4, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: On October 11, 2021, South Jersey Gas Company (SJG or Company) filed a petition with the Board to close its Pleasantville service center (Office) at 111 North Franklin Boulevard, Pleasantville (Petition). This Office has been closed for in-person customer payments since the start of the pandemic in March, 2020. Board Staff recommended that the Board grant SJG’s request and authorize the closure of the Office located at 111 North Franklin Boulevard, Pleasantville. A copy of the Petition was provided to the New Jersey Division of Rate Counsel (Rate Counsel).

SJG stated that due to the changes in customer interaction as a result of the COVID-19 Pandemic, it closed the Office for in-person customer transactions since the start of the pandemic. SJG also stated that foot traffic over the past few years has been declining at the Office.

The Company determined that the Office can be closed with minimal impact to customers because, in addition to the declining number of transactions at the location, customers who desire in-person service can be served by the Company’s nearby Atlantic City headquarters. The Atlantic City Office is approximately five miles away from the Office, and provides increased access to public transportation.

The Company also stated that the closure of this Office applies only to the in-person services, and will not impact other operations that currently exist at this location and in Pleasantville or the surrounding areas. The Company further stated that in addition to on-line payments, customer transactions at the Office have been facilitated by using a drop box option for customer payments and correspondence. SJG will continue to maintain this drop box at the location.

On January 11, 2022, the Rate Counsel submitted a letter concerning this matter. In its comments, the Rate Counsel noted that it neither supported nor opposed SJG’s request to close the Office. Also, the Rate Counsel noted that it reserves the right to review the prudence, recoverability, and rate impact of any cost incurred.

Staff recommended that the Board grant SJG’s request and authorize the closure of the Office located at 111 North Franklin Boulevard, Pleasantville.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. TO20070476 – In the Matter of the Notice by United Telephone Company of New Jersey, Inc. d/b/a CenturyLink of Changes in the Clinton, New Jersey Business Office Functions Pursuant to N.J.A.C. 14:3-5.1(c).

Julie Ford-Williams, Director, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: United Telephone Company of New Jersey Inc. d/b/a CenturyLink (CenturyLink or Company) filed a petition with the Board requesting a waiver of the Board’s rules at N.J.A.C. 14:3-5.1(c) to transition its Clinton Regional Customer Assistance Office (Clinton Office) to a virtual customer service platform and to change the manner in which it accepts payments.

By letter dated July 3, 2020, CenturyLink notified the Board that in light of the COVID-19 pandemic, it had ceased to operate its Clinton Office and was seeking to change the manner in which it accepts payments. A copy of the letter was provided to the New Jersey Division of Rate Counsel (Rate Counsel).

CenturyLink posted signage at the Clinton Office indicating the ways that customers can contact customer service representatives and also advising customers about the availability of the third party payment options, so that customers are fully aware of the locations available to them. The Company further stated it intends to maintain signage noting the closest bill pay locations and hours of operation of the kiosk.

Based on the justification for relocation provided in its petition, CenturyLink stated that due to the changes in customer interaction as a result of the COVID-19 Pandemic, it had transitioned the Clinton Office to a “virtual customer service platform”. CenturyLink also stated that over the previous 12 months, it had generally received, on average, three visits per day to the Clinton Office.

On November 19, 2020, the Rate Counsel submitted a letter advising that it did not oppose CenturyLink’s proposal to transition to a virtual model, but noted that it would present obstacles for technologically challenged individuals. The Rate Counsel also noted the lack of in person payment opportunities required the imposition of “service fees” charged by the third party providers entrusted to collect the bill payments, e.g., Walmart and Walgreens. The Rate Counsel recommended that the Board monitor the transition to the virtual platform by requiring quarterly reports of the performance of the virtual platform and customer complaints in relation to the services provided therein.

Staff recommended that the Board grant CenturyLink’s request and authorize the transition of its Clinton Office to a virtual customer service platform, subject to the following conditions. In light of CenturyLink’s request, the Rate Counsel’s comments, Staff Discovery and subsequent meetings and discussions with the Company, Staff recommended the following:

1. In lieu of maintaining a fully functioning customer service office, as required by the rules, CenturyLink will allow payments to be made without a fee to the customer, at any Western Union payment kiosk located within the State of New Jersey. Signage must be placed to indicate that payments may be made at any Western Union authorized payment center in the State of New Jersey. Payment would be deemed paid by the due date if deposited by the date due.

2. CenturyLink will provide customers, who wish to return service equipment, with a pre-paid mailer box to facilitate the return of such equipment.
3. CenturyLink will be required to provide a quarterly report to the Division of Customer Assistance with data on monthly Western Union payments.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

8. CLEAN ENERGY

A. Docket No. QO21111207 – In the Matter of Request for Waiver an Extension of Time to Complete NJSTRE15747537829 in Transition Incentive Program – Centrica Business Solutions, Inc. for the Group SEB Project.

Scott Hunter, Manager, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On November 1, 2021, Centrica Business Solutions (Centrica or Petitioner) submitted a petition requesting a one-year extension of the expiration date in the TI program for its commercial solar electric generation facility proposed to be located at Groupe SEB in Millville, NJ. According to the petition, the solar developer first submitted a Level 2 interconnection application to Atlantic City Electric (ACE) in August 2020.

On August 27, 2021, Centrica filed a TI registration for a 1,496.28 kW dc non-residential rooftop-mounted net-metered solar electric generation facility. The Program Administrator issued an acceptance letter on September 20, 2021; the Petitioner asked that the expiration date of September 20, 2022 be extended to September 20, 2023.

The Petitioner stated that despite repeated requests from October 20, 2020 through October 5, 2021 for the invoice for ACE's estimate of the interconnection costs, an invoice was not received until October 19, 2021. During this time the developer and ACE were negotiating interconnection costs, and with each of the four cost estimates ACE advised that "the estimated time to complete this work is 12-18 months after receipt of a fully executed interconnection agreement, after interconnection work is invoiced, and after payment is received."

Staff noted that the Transition Incentive program was intended as an interim measure until a successor program was available. No opportunities for extension of project deadlines were provided in the TI program design. In addition, the TI incentive levels were based upon solar costs in the SREC program from as early as 2018, whereas the Petitioner seeks an extension until late 2023. The Board closed the TI program on August 27 after an extensive stakeholder process and an Order providing a thirty-day notice.

The Successor Solar Incentive Program's Administratively Determined Incentive program opened on August 28. The Administratively Determined Incentive (ADI) program provides projects with one year to complete program requirements and includes an opportunity for a six month extension.

Based upon the review of the petition, Staff recommended that the Board take the following three actions:

- Find that the Petitioner has not provided grounds for waiving its rules and granting an extension;
- Deny the petition; and
- Encourage the Petitioner to pursue an incentive through the ADI program when it is confident that the project can be completed within one year of registration.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. QO22020041 – In the Matter of the Petition of Ocean Wind, LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Easements Across Green Acres-Restricted Properties and Consents Needed for Certain Environmental Permits in, and with Respect to, the City of Ocean City are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project.

Veronique Oomen, Project Manager Renewable Energy, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: The 1,100 MW Ocean Wind, LLC (Ocean Wind) project was the first New Jersey offshore wind project the Board designated as a Qualified Offshore Wind project, through its June 2019 Order.

Since this award, Ocean Wind has been working on planning and preconstruction activities, which include obtaining permits, easements, and consents necessary for the construction of the electricity export cables that run from the project's offshore wind turbines, the source of electricity generation, to the onshore electric grid in New Jersey for this electricity's distribution and usage.

On February 2, 2022, Ocean Wind filed a petition with the Board pursuant to legislation that was signed into law last summer. The petition sought the Board's determination that certain easements across Green Acres-restricted onshore properties owned by Ocean City, as well as certain municipal consents needed for particular environmental permits in or with respect to Ocean City, are reasonably necessary for the Project's construction or operation.

Staff recommended that the Board retain the matter for hearing, and designated President Joseph L. Fiordaliso as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Also, any entity seeking to intervene or participate in this matter file the appropriate application with the Board on or before March 9, 2022. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

9. MISCELLANEOUS

There were no items in this category.

There being no further business before the Board, the meeting was adjourned.



AIDA CAMACHO-WELCH
SECRETARY

Date: March 23, 2022