



STATE OF NEW JERSEY
Board of Public Utilities
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**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A regular Board meeting of the New Jersey Board of Public Utilities was held on June 29, 2022, via online @ <https://youtu.be/FBPCJuhzm-c>.

Adequate notice of the meeting was provided pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.3. Notice was also provided in accordance with the requirements of N.J.S.A 48:2-32.8, and notice was posted to the Board's website and posted on the Board's bulletin board located at 44 South Clinton Ave., Trenton, New Jersey.

The following members of the New Jersey 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

President Fiordaliso presided at the meeting and Carmen D. Diaz, Acting Secretary of the Board, carried out the duties of the Secretary.

It was also announced that the next regular Board Meeting would be held on July 13, 2022 at 10:00 a.m. and would be a hybrid meeting at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and livestreamed via YouTube.

EXECUTIVE SESSION

After appropriate motion, the following matter, which involved attorney-client privilege and/or contract negotiations exceptions, was discussed in Executive Session.

8. CLEAN ENERGY

A. Docket No. QO17091011 – In the Matter of the Approval of Contract Between Rutgers University, Department of Marine and Coastal Sciences (DMCS) and the New Jersey Board of Public Utilities (BPU), Division of Clean Energy – Executive Session.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter related to approval of a contract amendment for the Rutgers University Department of Marine and Coastal Sciences (“Rutgers DMCS”) to continue the work of the Center for Ocean Observing Leadership (“RU COOL”). The original contract between the New Jersey Board of Public Utilities (“Board”) and Rutgers DMCS had a performance period running from November 1, 2017 through October 31, 2018. The contract was previously amended by the Board with no gaps in order for RU COOL to continue their work.

The scope of work for this contract amendment term would: 1) continue RU-COOL’s stakeholder engagement outreach efforts; 2) allow RU-COOL to continue to operate, update, maintain, and validate the Rutgers University Weather Research and Forecasting model, as well as maintain, collect, and analyze observational data from their existing coastal observation systems; 3) explore wind turbine wakes and how they influence overall power production; and 4) allow Board Staff (“Staff”) to consult with RU-COOL on an “as needed” basis to support New Jersey’s ongoing efforts to responsibly develop offshore wind.

These efforts are being used to determine New Jersey’s potential Offshore Wind (“OSW”) energy distribution and can aid in improving forecasting of wind energy production, which supports the State’s OSW efforts.

Staff recommended that the Board approve the contract amendment with Rutgers DMCS for the period from July 1, 2022 to June 30, 2023.

After appropriate motion, the Board reconvened to open session.

CONSENT AGENDA

I. AUDITS

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

EE22040238L Bright Power, Inc. I – EA/PA/EC
 GE22040239L

EE22040257L iCheck Energy, LLC I – EA/PA/EC
 GE22040258L

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

EE21050831L Interactive Energy Group, LLC R – EA

EE21030644L KNL Consulting, LLC R – EA

EE21050862L Meretz Energy Group, LLC R – EA

EE21050768L Open Market Energy, LLC R – EA

EE21050776L Patriot Energy Group, LLC R – EA/PA
 GE21050777L

EE21050772L Lower Watt, LLC R – EA/PA/EC
 GE21050773L

Electric Power and/or Natural Gas Supplier Initial License

EE22040292L CPV Retail Energy, LP I – ESL

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE14101241L North American Power and Gas, LLC R – ESL/GSL
 GE14101242L d/b/a North American Power

BACKGROUND: The New Jersey Board of Public Utilities (“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. N.J.S.A. 48:3-78 to -79. 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. N.J.A.C. 14:4-5.8(g); N.J.A.C. 14:4-5.11(e). Any registration renewal application that was filed prior to the effective date of the licensing and registration rule amendments, September 20, 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. N.J.S.A. 48:3-78 to -79; N.J.A.C. 14:4-5.6 to -5.7; N.J.A.C. 14:4-5.8 to -5.9, and N.J.A.C. 14:4-5.11.

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

- Bright Power, Inc.
- iCheck Energy LLC

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

- Interactive Energy Group LLC
- KNL Consulting LLC
- Meretz Energy Group LLC
- Open Market Energy LLC
- Patriot Energy Group, LLC
- Lower Watt, LLC

In addition, Staff recommended that the following applicant be issued initial licenses as an electric power and/or natural gas supplier:

- CPV Retail Energy, LP

Lastly, Staff recommended that the following applicant be issued renewal licenses as an electric power and/or natural gas supplier:

- North American Power & Gas, LLC d/b/a North American Power

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS22030155K, GS22030157K, GS22030158K, ES22030159K, GS22030160K, GS22030161K, GS22030163K, GS22030164K, GS22030165K, GS22030166K, GS22030167K, GS22030168K, GS22030169K, GS22030170K, GS22030171K, GS22030172K, GS22030173K, GS22030174K, GS22030175K, GS22030176K, GS22030177K, GS22030178K, GS22030179K, and GS22030180K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. This matter did not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction were failure to provide proper notice, failure to use reasonable care, and mismarking of facilities. The cases were settled in accordance with a penalty strategy, which escalates in relationship to aggravating factors, such as injury, property damage, fire, evacuation, road closure, and other public safety concerns, and provides disincentives for violations. There were 24 settlements which total \$72,000.00.

Staff of the New Jersey Board of Public Utilities (“Board”) recommended that the Board approve the settlements.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU GC20100651U and OAL PUC 03344-21 – In the Matter of Freweni Kidane, Petitioner v. South Jersey Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Freweni Kidane (“Petitioner”) and South Jersey Gas Company (“Respondent”). The petition was transmitted to the Office of Administrative Law (“OAL”) for a hearing as a contested case and assigned to Administrative Law Judge (“ALJ”) Catherine A. Tuohy.

On May 9, 2022, Petitioner and Respondent executed a stipulation of settlement to resolve issues related to the petition. On May 19, 2022, ALJ Tuohy filed an Initial Decision in this matter with the New Jersey Board of Public Utilities (“Board”) on May 19, 2022.

Board Staff recommended that the Board adopt the Initial Decision.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

There were no items in this category.

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

A. Docket No. EO20080532 – In the Matter of the Department of Community Affairs’ State Fiscal Year 2021 Universal Service Fund Administrative Cost Budget.

William Foley, Bureau Chief, Division of Audits, presented this matter.

BACKGROUND AND DISCUSSION: This matter concerned the administrative costs submitted by Department of Community Affairs (“DCA”) for State Fiscal Year 2021 (“FY21”) for the Universal Service Fund (“USF”) program.

On May 16, 2022, DCA submitted a detailed USF administrative report for FY21, which listed expenditures of \$6,579,188, with a remaining balance of \$1,052,088 or approximately 14% less than the authorized budget of \$7,631,276 approved on September 9, 2020.

The over budget amount was primary due to the results of lower than budget labor costs due to five (5) vacant positions and lower payments to community based organizations.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) reviewed the DCA’s FY21 expenses and found the costs appeared appropriate and necessary for the administration of the USF program. Staff recommended that the Board find that DCA has adequately justified its FY 2021 USF administrative expenditures. Staff further recommended that the Board authorize reimbursement of \$6,579,188 to the Department of Treasury to cover DCA’s FY21 USF administrative cost budget.

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

2. ENERGY

A. Docket No. ER22010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. ER22-1606 – PPL Electric Utilities Corporation; PJM Interconnection, L.L.C.

Ian Oxemham, presented this matter.

BACKGROUND: On April 11, 2022, the PJM Transmission Owners submitted a Federal Power Act (“FPA”) Section 205 filing with the Federal Energy Regulatory Commission (“FERC”), proposing changes to Schedule 12’s Open Access Transmission Tariff. Specifically, the PJM Transmission Owners proposed to allocate costs to zones in which transmission lines are physically located (“host zones”) even when the degree to which

customers in host-zones benefit from such lines, as measured by the long-standing distribution factor analysis (“DFAX”) methodology, is minimal. Under PJM’s current DFAX cost allocation approach, zones are not allocated any costs for a transmission project if their calculated distribution factor falls below 1%, known as the de minimis threshold. The main practical effect of the tariff change would be to shift \$226 million in transmission costs to Public Service Electric and Gas Company (“PSE&G”), which would significantly increase the transmission portion of their electric bills.

On May 2, 2022, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”), on behalf of the Board, jointly submitted a protest to FERC with the New Jersey Division of Rate Counsel (“Rate Counsel”). Several parties also commented in the proceeding, all of which also opposed the proposal. Even the parties that would benefit the most from the proposed change assert it would fail to fix what they claim are fundamental flaws in the transmission cost allocation methodology.

On May 17, 2021, Staff, on behalf of the Board, filed reply comments stressing that this total lack of any stakeholder support for the proposal provides yet another reason for it to be rejected.

Staff recommended that the Board ratify the Reply Comments filed.

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. ER21030631 – In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2022 – Bates White’s Final Report on the 2022 BGS Residential Small Commercial Pricing (“RSCP”) and Commercial Price (“CIEP”) Auctions.

Ryan Moran, Division of Water and Energy, presented this matter.

BACKGROUND: This agenda matter related to the final report submitted by Bates White, LLC (“Bates White”) for the 2022 Basic Generation Service (“BGS”) auctions. Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) determined that with the submittal of its final report, the contractual obligations of Bates White to the Board regarding the review and oversight of the BGS auction process for the supply period beginning June 1, 2022 has been fulfilled. Staff reviewed the report and found it to be complete.

Staff recommended that Bates White’s report be accepted for filing by the Board, and that the redacted version be made available to the public via the Board’s website. Staff also recommended that the Board direct the Division of Treasury to provide final payment to Bates White for its work on the 2022 BGS Auctions.

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. EX21091121 – In the Matter of the Proposed Readoption with Amendments to N.J.A.C. 14:5 – Electric Service.

Dean Taklif, Division of Water and Energy, presented this matter.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) proposed to readopt, with amendments, the Board’s existing rules contained within the New Jersey Administrative Code (“N.J.A.C.”), Title 14, Chapter 5, titled “Electric Service” (“Electric Service Rules”).

The Electric Service Rules govern the provision of electric service over the areas of construction, inspection, and maintenance of utility plants, the testing and accuracy of electric meters, residential underground extensions, vegetation management, and the maintenance and preservation of records and accounts.

Pursuant to N.J.S.A. 52:14B-5.1(b), the Electric Service Rules, would expire on July 22, 2022. Staff stated its belief that N.J.A.C. 14:5 is necessary and appropriate to ensure that New Jersey utility customers receive safe, adequate, and proper service at reasonable rates.

On January 20, 2022, Staff held a stakeholder meeting to address possible amendments to the Electric Service Rules and any issues and/or effects on stakeholders. After the

stakeholder meeting, the Board received comments from the stakeholder community for a period of 30 days through February 21, 2022.

The readoption proposal contains changes to limit the scope of the definition of a major event, add reporting requirements for major event reports, and codifies the New Jersey Public Law 2021, Chapter 29, requiring priority restoration of medical facilities, nursing homes, and assisted living facilities. The proposal also changes the time period of the Custer Average Interruption Duration Index and System Average Interruption Frequency Index performance metric standards from the average of the years 2010 through 2014 to the average of the previous five (5) years from the reporting year. With regard to this change, the rolling five-year average for the benchmark standard period, Staff noted there would be a transition period once the change was implemented and recognized that the change would need to be considered in evaluating utility performance.

Staff recommended that the Board approve the proposed readoption of Chapter 5 with amendments for submission to the New Jersey Office of Administrative Law and publication in the New Jersey Register.

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 Nos. EO21111211 and GO21111212 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Infrastructure Advancement Program (IAP).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On November 4, 2021, Public Service Electric and Gas Company (“PSE&G”) filed a petition seeking approval to implement its proposed Infrastructure Advancement Program (“IAP”) and related cost recovery mechanism pursuant to N.J.A.C. 14:3-2A.

In the petition, PSE&G proposed to conduct a four (4)-year program with a total investment level of approximately \$848 million, which included 12 electric projects totaling approximately \$708 million and one (1) gas project with an approximate cost of \$140 million.

As proposed, the program would include the replacement of aging overhead and underground electrical equipment, modernization of electrical distribution substation equipment, upgrading of gas metering and regulating stations, and installation of electric vehicle infrastructure to support the company's transition to an electric fleet.

By order dated December 15, 2021, the New Jersey Board of Public Utilities (“Board”) retained the matter and designated Commissioner Mary-Anna Holden as the presiding Commissioner. Following extensive discovery and settlement conferences, the signatory

parties executed a stipulation that would allow PSE&G to implement a four year, \$511 million program, of which \$351 million would be accelerated recovery and \$160 million would be stipulated based if approved by the Board. On January 4, 2022, the New Jersey Large Energy Users Coalition, an intervenor in this matter, filed a letter with the Board indicating that it did not oppose the stipulation. As a result of the stipulation, there would be no additional bill impact on ratepayers. Any future bill impacts would be determined in PSE&G's subsequent rate adjustment filings.

Some key terms of the stipulation are that PSE&G's program would begin July 1 and end June 30, 2026. PSE&G will maintain an average annual baseline capital expenditure level over the program of at least \$325 million for electric investments and at least \$250 million for gas investments. PSE&G can seek recovery of the revenue requirements associated with a plant placed in service through four annual cost recovery filings with the cost being recovered through a new component of its electric and gas IIP tariffs. PSE&G will utilize its weighted average cost of capital from the most recently approved base rate case. PSE&G will also retain an independent monitor to review and report to the program.

Board Staff ("Staff") recommended that the Board issue an order approving the stipulation.

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

E. Docket No. ER21121243 – In the Matter of the Verified Petition of Rockland Electric Company for the Recovery of its Costs for the Successor Solar Incentive Program.

Paul Lupo, Division of Water and Energy, presented this matter.

BACKGROUND: On June 28, 2021, the New Jersey Board of Public Utilities ("Board") issued an order establishing a new solar incentive program, the Solar Successor Incentive ("SuSI") program, with the goal of incenting up 3,750 megawatts of new solar generation by calendar year 2026.

On December 7, 2021, Rockland Electric Company ("RECO") filed a petition seeking approval to recover certain SuSI program administrator costs associated with implementing the SuSI program and proposed to recover the revenue requirements associated with the program as a new component of its Regional Greenhouse Gas Initiative ("RGGI") Surcharge. In the petition, RECO sought approval to recover a revenue requirement of \$403,371.00 associated with its pro rata share of the Solar Renewable Energy Certificate -II costs based upon the projected amounts from February 1, 2022 through December 31, 2022.

The parties executed a stipulation recommending establishing and incorporating a SuSI program rate as a component of the company's RGGI surcharge utilizing the rates proposed in the petition. As a result of the stipulation, the annual bill impact on a typical

residential customer is a monthly increase of \$0.16.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation and direct RECO to file tariffs by June 30, 2022.

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

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

F. Docket No. ER21121236 – In the Matter of the Petition of Atlantic City Electric Company Regarding the Initial Setting of the Regional Greenhouse Gas Initiative Recovery Charge Associated with the New Jersey Successor Solar Incentive (“SuSI”) Program.

Paul Lupo, Division of Energy and Water, presented this matter.

BACKGROUND: On December 1, 2021, Atlantic City Electric Company (“ACE”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to recover certain Solar Successor Incentive (“SuSI”) program administrative costs associated with implementing the SuSI program as a new component of its Rider Regional Greenhouse Gas Initiative (“RGGI”) charge.

In the petition, ACE sought approval to recover revenue requirement of approximately \$2.963 million associated with its pro rata share of the SREC-II costs. The petition was based upon projected costs of February 1, 2022 through February of 2023.

The parties executed a stipulation recommending establishing and incorporating a SuSI program rate as a component of the Rider RGGI utilizing the rates proposed in the petition. As a result of the stipulation, the monthly bill impact on a typical residential customer is an increase of \$0.26.

Board Staff (“Staff”) recommended that the Board issue an Order approving the stipulation and direct ACE to file tariffs by June 30, 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

G. Docket No. ER21050859 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Recovery of Associated Costs Related to the Community Solar Energy Pilot Program (“Pilot Program”).

Paul Lupo, Division of Water and Energy, presented this matter

BACKGROUND: On May 28, 2018, the Clean Energy Act was signed into law directing the New Jersey Board of Public Utilities (“Board”) to adopt rules and regulations establishing the Community Solar Pilot Program (“Pilot Program”).

On August 29, 2018, the Board approved the proposed Pilot Program rules, which were published in the New Jersey Register on October 1, 2018 and were subject to a 60 day public comment period that closed on November 30, 2018.

On January 17, 2019, the Board adopted the Pilot Program rules with no substantial changes, which were filed with the New Jersey Office of Administrative Law and published in the New Jersey Register on February 19, 2019.

The final Pilot Program rules provided the framework necessary for the development and implementation of Community Solar in New Jersey. On May 27, 2021, Public Service Electric and Gas Company (“PSE&G”) filed a petition seeking approval to recover certain incremental costs associated with implementing the Pilot Program and proposed to recover the revenue requirements associated with the Pilot Program as a new component of its electric Green Programs Recovery Charge (“GPRC”) tariff. In the petition, PSE&G sought approval to recover a revenue requirement of approximately \$429,000, which included incremental information technology investments, rate credits, and operating and maintenance costs associated with the Pilot Program. The petition included actual costs from February 1, 2020 through April 30, 2021.

The parties executed a stipulation recommending establishing and incorporating a Pilot Program rate as a component of the electric GPRC tariff utilizing the rates proposed in the petition. As a result of the stipulation, the annual bill impact on a typical residential electric customer is an increase of \$0.12.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation and direct PSE&G to file tariffs by June 30.

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

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

H. Docket No. ER21091108 – In the Matter of the Verified Petition of Rockland Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative (“RGGI”) Recovery Charge for 2022 Associated with its Solar Renewable Energy Certificate (“SREC II”) Program.

Paul Lupo, Division of Water and Energy, presented this matter

BACKGROUND AND DISCUSSION: On September 1, 2021, Rockland Electric Company (“RECO”) filed a petition related to its Solar Renewable Energy Certificate (“SREC”) Program (“SREC-II Program”) requesting authorization to carry forward the unrecovered administrative fee balance for recovery in future annual periods and to maintain the participant fee at \$30.00 per SREC, as well as maintain the SREC-II Program component of its Regional Greenhouse Gas Initiative (“RGGI”) surcharge, which is currently zero.

By order dated December 15, 2021, the New Jersey Board of Public Utilities (“Board”) approved a continuation of the administrative fee at \$30.00 per SREC for calendar year 2022 and noted that the parties would continue to review all other issues. RECO made subsequent updates to the petition to reflect actual data through December 30, 2021.

The parties executed a stipulation recommending the Board’s previously approved administrative fee of \$30.00 per SREC be maintained for the remainder of this calendar year and that the RGGI surcharge applicable to the SREC-II program be maintained at zero. As a result of the stipulation, there would be no impact to ratepayers’ bills.

Board Staff (“Staff”) recommends that the Board issue an order approving the stipulation and direct RECO to file revised tariffs by June 30.

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

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

I. Docket Nos. BPU EC19030317 and OAL PUC 12007-2019 – In the Matter of County of Cumberland, Petitioner v. Atlantic City Electric Company, Respondent.

Paul Lupo, Division of Water and Energy, presented this matter

BACKGROUND: The issue before Administrative Law Judge (“ALJ”) Caliguire and the New Jersey Board of Public Utilities (“Board”) was whether Atlantic City Electric Company (“ACE”) or the County of Cumberland (“Cumberland”) was responsible to cover the costs of relocating a de-energization of utility equipment for a public works project within a public right of way.

By way of background, on March 8, 2019, Cumberland filed a petition seeking declaratory

ruling that the relocation of certain utility lines and poles were for the public benefit and that the cost should be paid by ACE. Initially, the matter involved four projects. However, two (2) of the four (4) projects were disposed of prior to ALJ Caliguire issuing an initial decision. Therefore, the only remaining projects subject to the initial decision were the following: Burlington Road Culvert and Fortescue Bridge.

After the filing of an answer, counterclaim, and answer to the counterclaim, on August 20, 2019 the matter was transmitted to the New Jersey Office of Administrative Law (“OAL”) for determination as a contested case. Initially, the case was assigned to ALJ Dorothy Incarvito-Garrabrant, who held three (3) days of evidentiary hearings. However, prior to issuing an initial decision, ALJ Incarvito-Garrabrant was named to the New Jersey Superior Court.

On November 1, 2021, the matter was reassigned to ALJ Caliguire and the parties agreed that additional evidentiary hearings were not necessary. On February 10, 2022, the parties withdrew their request for relief and/or resolved their disputes as to the Yank Marine and Willow Grove Lake projects.

ALJ Caliguire issued her initial decision on February 24, 2022 regarding the Burlington Road Culvert and Fortescue Bridge Projects granting the relief sought by Cumberland.

On March 9, 2022, ACE filed exceptions and requested that the Board modify or reject the initial decision. On March 17, 2022, Cumberland filed a response to ACE's exceptions and requested that the Board adopt the initial decision.

On April 6, 2022, the Board approved a 45-day extension until May 26, 2022 for Board Staff (“Staff”) to review the record and initial decision and for the Board to issue a final decision. On May 18, 2022, with the consent of the parties, the Board approved the second 45-day extension until July 11 for Staff to review the record and initial decision and for the Board to issue a final decision.

Staff agreed with the ALJ's decision and reasoning that the Burlington Road Culvert and Fortescue Bridge Projects were public projects conducted for the benefit of the public within the public right of way. Additionally, Staff agreed that the New Jersey High Voltage Proximity Act did not shift the burden of de-energizing away from the utility where it occurs in the public right of way on a public project that is also in the public right of way.

Staff recommended the Board adopt ALJ Caliguire's Initial Decision, without modification.

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

A. Docket No. TM21091142 – In the Matter of the Certified Petition of Connect Holding LLC, Lumen Technologies, Inc. and United Telephone Company of New Jersey, Inc. d/b/a Centurylink for Approval of Transfer of Control and Certain Financing Arrangements.

Lawanda R. Gilbert, Esq., Director, Office of Cable Television and Telecommunications, presented this matter.

BACKGROUND: This matter involved a petition filed by United Telephone Company of NJ (“United”), an affiliate of Lumen Technologies (“Lumen”) seeking approval of a transaction whereby United will be purchased by Connect Holding, LLC, an affiliate of Apollo Global Management, Inc. (“Apollo”), one of the largest alternative asset managers in the world. United operates as one of the state’s three Incumbent Local Exchange Carriers (“ILEC”), providing telecommunications services to approximately 26,000 residential and business customers in the northwestern part of the State in Sussex and Warren counties. As part of a \$7.5 billion deal, Apollo entered into an agreement with Lumen, United’s parent company, to purchase its ILEC subsidiaries in 20 states across the country. Following the transaction, Lumen would continue to operate as a Competitive Local Exchange Carrier (“CLEC”) under its various subsidiaries, while its ILEC operations will be transferred to Connect Holding.

Following extensive discovery and settlement discussions, the petitioners, Board Staff (“Staff”) and the New Jersey Division of Rate Counsel executed a stipulation of settlement. The settlement included a number of significant commitments agreed to by the petitioners that satisfy the statutory criteria required for Board review, including the impact on competition, rates, employees, and the provision of safe, adequate and proper service, as well as ensuring that the transaction will provide positive benefits to the State and consumers.

Chief among the commitments was Apollo’s commitment to invest tens of millions of dollars of capitol, as well as substantial managerial resources, to significantly expand the availability of symmetrical gigabit Fiber to the Premises broadband service in United’s footprint, which currently lacks access to access to high speed services for the majority of the residents. Under the stipulation, the petitioners committed to deploy fiber-optic facilities to over 72,000 premises, approximately half of the premises served in the service territory, over a five-year period.

Other commitments included:

- Low Income offerings through the Federal Affordable Connectivity Plan, as well as Standalone Voice and Broadband offerings.
- Ensured continued maintenance of the existing copper facilities
- Reporting on decreased employment levels

- Pension and 401(k) Plan protections

Concerns regarding utility provider experience were accommodated by recruitment of an experience management team, including several former senior executives with extensive telecommunications experience, some of which handled operations in New Jersey. Additionally, several members of the existing United team will continue to serve the new company following the transaction, ensuring that the transfer will be seamless for customers, with no interruptions in service, nor any planned reductions in the United workforce. The petitioners also pledged to continue to honor United’s ILEC obligations and contractual commitments.

Staff recommended that the Board approve the proposed transaction and the stipulation, which meets the statutory requirements, will result in positive benefits and is in the public interest.

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

5. WATER

There are no items in this category.

6. RELIABILITY AND SECURITY

There are no items in this category.

7. CUSTOMER ASSISTANCE

There are no items in this category.

8. CLEAN ENERGY

A. Docket No. QO17091011 – In the Matter of the Approval of Contract Between Rutgers University, Department of Marine and Coastal Sciences (DMCS) and the New Jersey Board of Public Utilities (BPU), Division of Clean Energy – Executive Session.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND: This matter related to approval of a contract amendment for the Rutgers University Department of Marine and Coastal Sciences (“Rutgers DMCS”) to continue the work of the Center for Ocean Observing Leadership (“RU COOL”). The original contract between the New Jersey Board of Public Utilities (“Board”) and Rutgers DMCS had a performance period running from November 1, 2017 through October 31, 2018. The contract was previously amended by the Board with no gaps in order for RU COOL to continue their work.

The scope of work for this contract amendment term would: 1) continue RU-COOL’s stakeholder engagement outreach efforts; 2) allow RU-COOL to continue to operate, update, maintain, and validate the Rutgers University Weather Research and Forecasting model, as well as maintain, collect, and analyze observational data from their existing coastal observation systems; 3) explore wind turbine wakes and how they influence overall power production; and 4) allow Board Staff (“Staff”) to consult with RU-COOL on an “as needed” basis to support New Jersey’s ongoing efforts to responsibly develop offshore wind.

These efforts are being used to determine New Jersey’s potential Offshore Wind (“OSW”) energy distribution and can aid in improving forecasting of wind energy production, which supports the State’s OSW efforts.

Staff recommended that the Board approve the contract amendment with Rutgers DMCS for the period from July 1, 2022 to June 30, 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

B. Docket No. QO22050347 – 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 Certain Easements and Consents Needed for Certain Environmental Permits in, and with Respect to, the County of Cape May are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND: This item related to a petition submitted by Ocean Wind, LLC (“Ocean Wind”). Orsted’s 1,100 megawatt Ocean Wind project was the first New Jersey offshore wind project awarded by the Board and designated as a Qualified Offshore Wind Project in June 2019.

On May 20, 2022, Ocean Wind filed a petition pursuant to N.J.S.A. 48:3-87.1(f), legislation that was signed into law last summer. The petition sought a determination from the New Jersey Board of Public Utilities (“Board”) that certain easements across properties owned by Cape May County (“County”) and certain consents needed from the County for certain environmental permits in and with respect to the County are reasonably necessary for the construction or operation of the Ocean Wind Project.

Board Staff (“Staff”) recommended that the Board retain the petition for hearing and designate a presiding officer for the proceeding. President Fiordaliso agreed to preside over the matter. Staff also recommended that the Board assign the County as a necessary party in this proceeding. Staff further recommended that the Board direct any entity seeking to intervene or participate in this matter to file the appropriate application with the Board on or before July 15, 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

C. Docket No. QO22020112 – In the Matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2023 Clean Energy Program.

Matt Rossi, Division of Clean Energy, presented this matter.

BACKGROUND: On February 9, 1999, the Electric Discount and Energy Competition Act (“EDECA”), N.J.S.A. 48:3-49 et seq., was signed into law, creating the Societal Benefits Charge (“SBC”) to fund programs for the advancement of energy efficiency (“EE”) and renewable energy (“RE”) in New Jersey. EDECA also provided for the New Jersey Board of Public Utilities (“Board”) to initiate proceedings and undertake a Comprehensive Resource Analysis (“CRA”) of EE and RE programs in New Jersey every four (4) years. The CRA would then be used to determine the appropriate level of funding over the next four (4) years for the EE and Class I RE programs, which are part of what is now known

as the New Jersey Clean Energy Program (“NJCEP”). Since 2012, the Board has done this on an annual basis and for Fiscal Year 2023 (“FY 23”), Board Staff (“Staff”) drafted another one year CRA.

The CRA Straw Proposal includes the level of funding estimated to meet the needs of the NJCEP. For FY23, Staff recommended that the Board set an SBC funding level of \$344,665,000, which is the same funding level approved by the Board since FY15. When combined with the new funding and other sources of funds, which include prior estimated commitments carried over from FY22, the total new proposed FY23 funding level is \$610,751,520.

Staff estimated that the proposed FY23 funding level would be sufficient to maintain a full portfolio of programs. Having reviewed and considered the comments regarding the proposed FY23 funding level, Staff recommended that the Board set, adopt, and approve the proposed FY23 funding level and proposed FY23 utility 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

D. Docket No. QO22020113 – In the Matter of the Clean Energy Programs and Budget for the Fiscal Year 2023.

Matt Rossi, Division of Clean Energy, presented this matter.

BACKGROUND: The New Jersey Clean Energy Program (“NJCEP”) promotes increased energy efficiency (“EE”) and the use of clean, renewable sources of energy. The results for New Jersey are a stronger economy, less pollution, lower costs, and reduced demand for electricity.

In developing the proposed Fiscal Year 2023 (“FY23”) budget and programs, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) was guided by the objectives set forth in various clean energy initiatives including the Clean Energy Act, which places considerable emphasis on the important role of EE in addition to requiring the transition of the solar program as well as setting energy storage and benchmarking goals, the Offshore Wind Economic Development Act, and NJ’s Electric Vehicle Act, among others. Staff was further led by the strategies detailed in the Energy Master Plan which set forth a roadmap for meeting the 100% clean energy by 2050 goals. Finally, Staff’s efforts were highly focused on equity and ensuring the benefits of clean energy and the clean energy economy are enjoyed by all residents.

Based on the goals set forth in the CRA Straw Proposal, the policy objectives of the NJCEP, and historic spend rates, Staff developed proposed programs and budgets.

Staff reviewed and considered the comments received and recommended that the Board approve the processes utilized in developing the detailed FY23 program budgets

contained in the order as well as the FY23 program budget and compliance filings.

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

E. Docket No. QO20020109 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2020 – June 30, 2021;

Docket No. QO21020626 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2021 – June 30, 2022; and

Docket No. QO22030140 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2022 – June 30, 2023.

Kelly Mooij, Director, Division of Clean Energy, presented this matter.

BACKGROUND: On April 6, 2022, the New Jersey Board of Public Utilities (“Board”) approved the State Energy Program (“SEP”) Plan for the 2022-2023 program year based on allocation of \$1,474,770 in funding for from the U.S. Department of Energy (“USDOE”) for the third year of New Jersey’s current three-year SEP Plan.

On April 20, the USDOE provided notice of an increase to New Jersey’s 2022-2023 SEP plan program allocation in the amount of \$11,340. The allocation for the three-year program cycle would increase from \$4,420,620 to \$4,431,960.

In previous program cycles, the Board allocated \$7,500 annually to training and conferences for a total budget of \$22,500 over a typical three-year period. In the current three-year SEP Plan period, however, the plan did not add to this Market Title in Program Year 2 due to COVID-19 restrictions. As the restrictions have eased, Board Staff (“Staff”) would be able to attend in-person trainings and conferences once again.

Staff recommended that the Board allocate the additional \$11,340 to the training and conferences Market Title for the 2022-2023 SEP plan program year increasing that Market Title budget to \$18,840, over the three (3) years of the program cycle.

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

F. Docket No. QO22020045 – In the Matter of the Remote Net Metering Application Filed Pursuant to the Board’s Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018 – National Energy Partners (NEP Solar)/City of North Wildwood.

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

BACKGROUND: This item related to an application submitted by National Energy Partners (“NEP”) for remote net metering at the City of North Wildwood. The Clean Energy Act of 2018 directed the New Jersey Board of Public Utilities (“Board”) to establish an application and approval process to certify public entities to act as a host customer for remote net metering capacity within 120 days of enactment. In compliance with this directive, the Board approved such a process and a public entity certification agreement on September 17, 2018.

On March 4, 2022, NEP submitted a remote net metering application for North Wildwood to the Board secretary’s office. The application included a fully executed public entity certification agreement and interconnection application, part one, executed by North Wildwood City administrator as a representative of the customer generator. The certification agreement further specifies that the primary host account for the proposed 89.91 kilowatt solar electric generation facility will be located belongs to the city of North Wildwood. The agreement also indicates that the two (2) host customer accounts will be serving as the receiving customer accounts and lists the percentage allocation credits from the proposed solar facility.

Atlantic City Electric Company (“ACE”) advised Board Staff (“Staff”) that it reviewed the application and did not object to the applicant’s request, however, ACE further advised that the position was contingent upon the applicant’s procurement of a transformer upgraded and that it communicated this condition directly with the customer.

Staff recommended that the Board find that the applicant has proposed a solar electric generation facility that is consistent with size limits established by the Board’s September 2018 remote net metering order. Staff further recommended that the Board find that the proposed solar electric generation facility described in the remote net metering application satisfies the criteria set out by the Board in the remote net metering order and approve the public entity certification agreement for the North Wildwood project.

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

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

G. Docket No. QO21101203 – In the Matter of the Establishment of a Multi-Unit Dwelling EV Charging Program; and

Docket No. QO21081070 – In the Matter of the Fiscal Year 2022 Electric Vehicle Tourism Incentive Program.

Cathleen Lewis, Division of Clean Energy, presented this matter.

BACKGROUND: This matter related to the Fiscal Year 2022 (“FY22”) \$14 million that was provided to the New Jersey Board of Public Utilities (“Board”) by the legislature for the purposes of creating programs to encourage electric vehicle (“EV”) charging infrastructure. The Board utilized those funds to create and expand several programs including EV Tourism, Clean Fleet and the Multi-Unit Dwelling (“MUD”) Program.

On May 18, 2022 the Board reallocated funding to better reflect the interest in the EV Tourism and MUD Program.

Staff recommended reallocating funding to better reflect the interest in the EV Tourism program to the MUD program. The proposal would allow all eligible applications in the FY22 Clean Fleet, EV Tourism and MUD Programs to be funded.

Upon approval, Board is estimated to have spent approximately \$10.8 million of the \$14 million that the Legislature appropriated in FY22.

Staff recommended approval of the proposed reallocations.

DECISION: After discussion, the Board adopted the recommendations 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

A. Docket Nos. GO19070846 and GO20010033 – In the Matter of the Exploration of Gas Capacity and Related Issues.

Kevin Nedza, Division of Clean Energy, presented this matter.

BACKGROUND: On December 20, 2019, the New Jersey Board of Public Utilities (“Board”) directed Board Staff (“Staff”) to hire an independent consultant to examine the current and future natural gas capacity outlook for New Jersey. On May 20, 2020, the Board approved a scope of work and a Request for Quotation, and as a result, the Board selected London Economics International, LLC (“LEI”) as its independent consultant.

On December 15, 2021, the Board released the redacted version of LEI’s report entitled, Final Report, Analysis of Natural Gas Capacity to Serve New Jersey Firm Customers, for public comment. As stated in the report, “The key findings of LEI’s analysis of potential

shortfalls are that, yes, under the most likely set of future outcomes, sufficient natural gas capacity exists on the regional interstate pipeline system to meet the future peak demand forecasts of New Jersey’s gas distribution companies (“GDCs”).

A stakeholder meeting was conducted on January 25, 2022 with written comments accepted through February 8, 2022. The stakeholder process focused on three areas. First, the conclusions of the LEI report. Second, the eight (8) non-pipeline alternatives (“NPAs”) identified in the report. And, third, the best practices and playbook to be utilized regarding gas capacity constraint. A total of 16 written comments were submitted and reviewed by Staff.

As a result, Staff recommended the following. First, Staff recommended that the Board accept the finding of the LEI report that through 2030 sufficient natural gas capacity exists on the regional interstate pipeline system to meet the future peak day demand forecasts of New Jersey’s GDCs. Second, Staff recommended that the Board direct the GDCs to in their future filings consider NPAs if they are cost effective and appropriate for their respective distribution systems. Finally, Staff recommended that the Board direct the Division of Reliability and Security to develop a Best Practices Guide and Playbook with input and participation from the GDCs.

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

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

Sherri L. Golden

SHERRI L. GOLDEN
BOARD SECRETARY

Date: July 12, 2023