



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 May 24, 2023 via online @ <https://www.youtube.com/watch?v=-JTD69YoVJo>

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
Dr. Zenon Christodoulou, Commissioner

President Fiordaliso presided at the meeting and Sherri L. Golden, 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 June 7, 2023 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.

6. RELIABILITY AND SECURITY

A. Docket No. GA22020074 –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.

Francis Gaffney, Director, Division of Reliability and Security, presented this matter.

BACKGROUND: Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”), Division of Reliability and Security (“Staff”), is seeking approval to enter into the attached Memorandum of Understanding (“MOU”) by and between Rowan University (“Rowan”) and the Board.

The MOU sets forth the terms and conditions for disbursement of funds from the United States Department of Energy (“USDOE”) to Rowan to draft the New Jersey State Energy Security Plan (“NJSESP”).

The NJSESP will rewrite and update the 2012 (amended 2017) State Energy Assurance Plan (“2012 Plan”).

The NJSESP will evaluate New Jersey’s current energy landscape, people, and processes, and provide strategies to build energy resilience and protect New Jersey’s citizens from current and emerging threats. The NJSESP will incorporate new Federal funding requirements, and provide strategies for collectively working with stakeholders to anticipate, mitigate, and/or respond to strategic energy incidents affecting energy assurance and State security. The NJSESP will also benefit other sectors for study, analysis, and support planning, such as State mitigation, preparedness, response, and recovery initiatives.

Staff recommends that the Board approve the MOU and authorize the President to execute the MOU on behalf of the Board.

8. CLEAN ENERGY

A. Docket No. QO23040234 – In the Matter of a Request for Quotation for the Design of the New Jersey Energy Storage Incentive Program.

Matthew Rossi, Clean Energy Budget Policy Manager, Division of Clean Energy, presented this matter.

BACKGROUND: This matter involves a Request for Quotation (“RFQ”) for services related to the design of the New Jersey Energy Storage Incentive Program (“NJSIP”). Specifically, Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval to hire a contractor to aid in the design of the NJSIP policies and development of the associated rules and regulations, as well as coordinate with a contractor selected to administer the NJSIP, who will be selected in a subsequent RFQ.

This RFQ allow for up to a two-year procurement, with the option for an additional one-year extension upon mutual agreement between the Board and the contractor. The total budget for this RFQ is estimated at \$500,000.

Staff recommends that the board approve releasing the RFQ to hire a contractor to assist Staff in the design of the proposed NJSIP.

E. Docket No. QO23040234 – In the Matter of a 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

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

BACKGROUND: The above-captioned matter is on appeal in the Superior Court of New Jersey, Appellate Division, Appellate Division Docket No. A-789-22T1.

The New Jersey Division of Rate Counsel (“Rate Counsel”) filed a Motion to Settle the Record (“Motion”) with the New Jersey Board of Public Utilities (“Board”) pursuant to New Jersey Court Rule 2:5-5(a)

The Motion seeks to exclude from the record informal discovery exchanged between Rate Counsel and Ocean Wind LLC (“Ocean Wind”).

Board Staff (“Staff”) recommends that the Board grant the Motion and direct Staff and the New Jersey Division of Law (“DOL”) to amend the Statement of Items Comprising the Record (“SICR”) that is before the Appellate Division to remove Item 8 and Item 10.

F. Docket No. QO23040234 – In the Matter of a 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.

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

BACKGROUND: On April 3, 2023 a letter brief (“Letter Brief”), in lieu of a formal submission on behalf of the City of Ocean City, New Jersey (“Ocean City”), was submitted to the New Jersey Board of Public Utilities (“Board”) in support of Ocean City’s Motion to Stay (“Motion”) both the Board’s orders dated September 28, 2022 and November 2, 2022.

For the reasons set forth below, Board Staff (“Staff”) recommends that the Board deny the Motion.

CONSENT AGENDA

I. AUDITS

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

EE23030157L 3 Point Energy LLC I – EA

This matter relates to an application for an initial registration as an energy agent.

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

EE21071019L Choose Energy, Inc. R – EA

This matter relates to an application for a renewal registration as an energy agent.

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE19060731L Ambit Northeast, LLC R – EGSL

GE19060730L d/b/a Ambit Energy

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 timely file annual information update forms and renewal fees for 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 recommends that the following applicant be issued an initial registration as an energy agent:

- 3 Point Energy LLC

In addition, Staff recommends that the following applicant be issued renewal registration as an energy agent:

- Choose Energy, Inc.

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

- Ambit Northeast, LLC d/b/a Ambit Energy

Evaluation of Agent/Aggregator/Consultant Application

Staff reviews the energy agents, private aggregators, and energy consultants' applications in accordance with N.J.A.C. 14:4-5.8, N.J.A.C. 14:4-5.9 and N.J.A.C. 14:4-5.11. Staff reviews updated corporate information and financial information for compliance with N.J.S.A. 48:3-90 and N.J.S.A. 48:3-78(i), which address the registration of energy agents. Staff also monitors complaints received by the Division of Customer Assistance and the New Jersey Division of Consumer Affairs.

Evaluation of Energy Supplier Application

Staff reviews the suppliers' corporate information, financial information, and any new residential marketing materials and/or contracts for compliance with N.J.A.C. 14:4-5.3 "Application contents – initial electric power supplier and/or natural gas supplier license," and N.J.A.C. 14:4-5.7, "Application for renewal of an electric power supplier, or gas supplier license," as well as for compliance with the requirements in N.J.S.A. 48:3-49 et seq. ("EDECA") in general.

Pursuant to N.J.A.C. 14:4-7.4(d), the State of New Jersey requires that "[a] TPS shall comply with all [Federal Trade Commission] telemarketing rules." In addition, N.J.A.C. 14:4-7.4(e) provides that "A TPS shall not market to retail customers prior to its receipt from the Board of a supplier license." Accordingly, all TPSs doing business in the State of New Jersey, any of its agents, telemarketers and brokers and/or any other third party employed by the TPS must be in compliance with all federal and State rules including, but not limited to, "do-not-call" provisions. Staff reviews the application and ensures that all applicants provide a "Do Not Call Certification under Oath," along with their submissions.

Staff also monitors complaints received by the Division of Customer Assistance and the New Jersey Division of Consumer Affairs. At times, Staff contacts other State commissions regarding their experiences with the respective applicants.

For qualification as an electric supplier, Staff also verifies membership in PJM and participation in the Reliability Assurance Agreement.

Options and Recommendations: Staff has reviewed the above referenced applications and finds them to be in compliance with the Board's regulations.

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE20120752 – In the Matter of the Petition of Comcast of Long Beach Island, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Beach Haven, County of Ocean, State of New Jersey.

BACKGROUND: This matter relates to a petition filed with the New Jersey Board of Public Utilities ("Board") requesting a Renewal Certificate of Approval be issued to Comcast of Long Beach Island, LLC ("Comcast") for the Borough of Beach Haven ("Borough") for a term of 10 years.

Board Staff ("Staff") recommends approval.

B. Docket No. CE21050854 – In the Matter of the Petition of Comcast of Long Beach Island, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Ship Bottom, County of Ocean, State of New Jersey.

BACKGROUND: This matter relates to a petition filed with the New Jersey Board of Public Utilities ("Board") requesting a Renewal Certificate of Approval be issued to Comcast of Long Beach Island, LLC ("Comcast") for the Borough of Ship Bottom ("Borough") for a term of 10 years.

Board Staff ("Staff") recommends approval.

IV. TELECOMMUNICATIONS

A. Docket No. TF23010054 – In the Matter of the Verified Petition of PEG Bandwidth, NJ, LLC and Uniti National LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On January 27, 2023, PEG Bandwidth NJ, LLC and Uniti National LLC submitted a Verified Petition to the New Jersey Board of Public Utilities ("Board") pursuant to N.J.S.A. 48:3-7 and 48:3-9, requesting Board approval for PEG Bandwidth NJ and Uniti National to participate in certain financing arrangements of its corporate parents and affiliates. The proceeds will be used to repurchase approximately \$213.4 million aggregate principal amount of existing notes and for general corporate purposes.

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the petition, subject to certain conditions which are set forth in the Board Order.

V. WATER

A. Docket No. WF23020095 – In the Matter of the Verified Petition of Middlesex Water Company for Approval to issue up to 3,700,000 Shares of Common Stock Under Middlesex Water Company Investment Plan.

BACKGROUND: On February 17, 2023, Middlesex Water Company, a public utility of the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-9 and N.J.A.C. 14:1-5.9, requesting authority to issue and sell up to 3,700,000 shares of its Common Stock, having no par value, through the Middlesex Water Company Investment Plan (“Plan”), to holders of record of its Common Stock.

The purpose of the Plan is to provide participants with a convenient and economical way of reinvesting cash dividends paid on shares of Common Stock, as well as optional cash payments, for shares of Common Stock without payment of any brokerage commission fee or service charge. Shares of Common Stock purchased through the Plan by participants will be acquired directly from the Company.

The Company plans to use the proceeds from the sales of Common Stock pursuant to the Plan for general working capital needs, ongoing capital improvements, and for other corporate purposes.

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the Petition, subject to certain conditions set forth in the Board Order.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS23040215K, GS23040216K, GS23040217K, GS23040218K, GS23040219K, GS23040220K, GS23040221K, GS23040222K, GS23040223K, GS23040224K, GS23040225K, GS23040226K, GS23040227K, GS23040228K, and GS23040229K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involves settlements of alleged violations of the Underground Facility Protection Act (“Act”) by both excavators and underground facility operators. This matter does not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction are failure to properly mark facilities, not having a valid markout ticket, and failure to use reasonable care when excavating. There are 15 settlements in the attached Appendix, which total \$45,000.

Staff of the New Jersey Board of Public Utilities (“Staff”) recommends approval of the settlements provided in the attached Appendix so that these cases can be brought to closure.

B. Docket No. GS23040268K –In the Matter of Alleged Violations of the Underground Facility Protection Act. N.J.S.A. 48:2-73 to 91 by R.C. Construction.

BACKGROUND: This item is a recommendation for the issuance of a Final Order of Penalty Assessment (“FOPA”) resulting from an alleged violation of the Underground Facility Protection Act (“Act”) by R.C. Construction (“Respondent”). This item does not contain violations involving catastrophic situations, death or major property damage.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommends approval of the FOPA. Staff further recommends that if Respondent fails to make the required payment by June 10, 2023, that the Board direct Staff to docket the FOPA against the Respondent as a Judgment with the New Jersey Superior Court or transfer the debt to the Department of Treasury for debt collection.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

There were no items in this category.

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

After appropriate motion, consent agenda items IA, IIIA, IIIB, IVA, VA and VIB were approved.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Christodoulou	Aye

AGENDA

1. AUDITS

NO ITEMS FOR CONSIDERATION

2. ENERGY

A. Docket No. ER2301001 –In the Matter of the Board of Public Utilities-Federal Energy Regulatory Commission (FERC) Items for 2023-National Transmission Needs Study.

Ian Oxenham, Division of Water and Energy, presented this matter.

BACKGROUND: On March 6, 2023, the United States Department of Energy (“DOE”) published a Notice of Availability in the Federal Register announcing the release of the draft National Transmission Needs Study (“Needs Study”). The Needs Study is mandated by Section 216(a) of the Federal Power Act (“FPA”), as amended in 2021 by the Infrastructure Investment and Jobs Act (“IIJA”). Specifically, Section 216(a) requires DOE to conduct a nationwide study of both present and future transmission congestion and capacity constraints every three (3) years. The Needs Study is meant to guide the designation of National Interest Electric Transmission Corridors (“NIETC”) and inform DOE’s exercise of its various transmission authorities.

In the Needs Study, DOE took a holistic approach to assessing transmission requirements that largely aligned with the transmission planning philosophy that Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) has advocated for in the Federal Energy Regulatory Commission’s (“FERC’s”) ongoing transmission rulemaking docket. However, the Needs Study’s central case included transmission requirements for achieving very high levels of clean energy by 2040, and did not clearly distinguish between needs solely driven by clean energy goals and those that also supported reliability or provided costs savings to consumers.

On April 20, 2023, Staff submitted comments to DOE on the Needs Study. In the comments, Staff expressed support for DOE’s holistic approach to transmission planning, while also offering constructive criticism on how it addressed transmission needs. Specifically, in light of multiple recent studies indicating that significant amounts of new transmission development could both reduce total electricity costs and support higher levels of clean energy, Staff recommended that DOE focus on identifying such “no regrets” opportunities rather than the transmission buildout needed to support a given level of clean energy.

Staff recommends that the Board ratify the Comments that Staff filed on April 20, 2023.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Christodoulou	Aye

B. Docket No. ER22030127 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2023.

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

BACKGROUND: Beginning on February 3, 2023 and ending on February 6, 2023, two (2) descending clock auctions were held to secure the Basic Generation Service (“BGS”) electricity requirements of Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric and Gas Company, and Rockland Electric Company (collectively, “EDCs”). The results of the auctions were approved by the New Jersey Board of Public Utilities (“Board”) on February 8, 2023.

The EDCs have filed compliance tariffs to implement the results of the auctions effective for service rendered on and after June 1, 2023.

Board Staff (“Staff”) has reviewed the tariff filings of the EDCs and found them consistent with the rate structure and results approved by the Board for the auction process.

Staff recommends that the Board approve the tariff filings of the EDCs and notify interested parties through the attached draft Secretary’s letter. As part of the draft Secretary’s Letter, the EDCs will be asked to post the approved tariff sheets on their respective websites.

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 Christodoulou	Aye

C. Docket No. GR22120749 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism (“GSMP II”) (December 2022 GSMP II Rate Filing.

Mike Kammer, Director, Division of Water and Energy, presented to matter

BACKGROUND: On December 30, 2022, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) seeking review and approval of gas base rate changes to provide for cost recovery associated with the extension of the Company’s Gas System Modernization Program (“GSMP II” or “Program”) (“December 2022 Petition”).

On March 15, 2023, the Company provided an update reflecting actual data through February 28, 2023 that supported a revised revenue requirement of approximately \$10.887 million (“March 2023 Update”).

Following a review of the December 2022 Petition, the March 2023 Update, and discovery, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (“Staff”) executed a stipulation of settlement (“Stipulation”) which would allow the Company to recover a revenue requirement of \$10.887 million and resolves all issues related to the December 2022 Petition.

D. Docket No. ER23040209 – In the Matter of the Petition of Atlantic City Electric Company Requesting Approval of a Tariff Amendment to Add a Net Off-Peak Basic Generation Service (“BGS”) Energy Credit for Eligible Residential Electric Vehicle Customers Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3.

Mike Kammer, Director, Division of Water and Energy, presented to matter

BACKGROUND: On April 6, 2023, Atlantic City Electric Company (“ACE” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of a tariff modification to add a Basic Generation Service (“BGS”) residential Electric Vehicle (“EV”) Time-of-Use (“TOU”) rate option and the associated cost recovery (“Petition”).

On May 8, 2023, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments. On May 12, 2023, ACE submitted comments in response to Rate Counsel.

Staff recommends that the Board:

- a. Deny ACE’s cost recovery proposal provided in the Petition, which requested that all costs associated with the Petition flow through the BGS reconciliation charge;
- b. Authorize ACE to defer the costs associated with implementing the BGS EV TOU rate option until fully implemented;
- c. Direct ACE, once fully implemented, to file a petition to recover the deferred costs which may include a proposal to recover the costs through the BGS Reconciliation Charge filings;
- d. Direct ACE to remove the following language from the proposed tariff, “For ratemaking purposes, the electric vehicle RS BGS provision credits associated with this special provision will be reflected as a reduction to the Rate Schedule RS BGS revenues. Recovery for program credits, implementation, administration, data and networking, and education and outreach expenses will flow through the BGS Reconciliation Charge;”
- e. Approve ACE’s proposed tariff modifications to add a BGS EV TOU rate option for customers with EVs, as modified by d) above; and
- f. Direct ACE to file tariffs consistent with the Order by May 31, 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 Christodoulou	Aye

E. Docket No. ER23040212 – In the Matter of the Petition of Jersey Central Power and Light Company Requesting Approval of a Tariff Amendment to Add Basic Generation Service (BGS) Time-of-Use Rates for Eligible Residential Electric Vehicle Customers Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3.

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On April 10, 2023, Jersey Central Power and Light Company (“JCP&L” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of a tariff modification to add a Basic Generation Service (“BGS”) residential Electric Vehicle (“EV”) Time-of-Use (“TOU”) rate option and the associated cost recovery (“Petition”).

On May 8, 2023, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments. On May 12, 2023, JCP&L submitted reply comments to Rate Counsel.

Staff recommends that the Board:

Deny JCP&L’s cost recovery proposal which requested that all costs associated with the Petition flow through the BGS reconciliation charge;

Authorize JCP&L to defer the costs associated with implementing the BGS EV TOU rate option until fully implemented;

Direct JCP&L, once fully implemented, to file a petition to recover the deferred costs which may include a proposal to recover the costs through the BGS Reconciliation Charge filings;

Direct JCP&L to remove the following language from the proposed tariff, “COST RECOVERY: All incremental costs incurred for implementation and payment of the BGS EV TOU Credit will be included in the Company’s BGS Reconciliation Charge per kWh.”

Approve JCP&L’s proposed tariff modifications to add a BGS EV TOU rate option for customers with EVs as modified by d) above; and

Direct JCP&L to file tariffs consistent with the Order by May 31, 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 Christodoulou	Aye

F. Docket No. ER23030131 – In the Matter of the Petition of Public Service Electric and Gas Company Requesting Approval of a Tariff Amendment to Add Basic Generation Service (BGS) Time-of-Use Rates for Eligible Residential Electric Vehicle Customers Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On March 8, 2023, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of a tariff modification to add a Basic Generation Service (“BGS”) residential Electric Vehicle (“EV”) Time-of-Use (“TOU”) rate option and the associated cost recovery (“Petition”).

On May 8, 2023, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments. On May 12, 2023, PSE&G submitted reply comments.

Staff recommends that the Board:

Deny PSE&G’s cost recovery proposal which requested that all costs associated with the Petition flow through the BGS reconciliation charge;

Authorize PSE&G to defer the costs associated with implementing the BGS EV TOU rate option until fully implemented;

Direct PSE&G, once fully implemented, to file a petition to recover the deferred costs which may include a proposal to recover the costs through the BGS Reconciliation Charge filings;

Direct PSE&G to remove the following language from the proposed tariff, “For ratemaking purposes, the credits associated with this special provision will be reflected as a reduction to the charges associated with the BGS rates applicable to Rate Schedule RS. The credit will be applied at least quarterly to the customer bill and will indicated the corresponding period(s) for which the credit applies;”

Approve PSE&G’s proposed tariff modifications to add a BGS EV TOU rate option for customers with EVs, as modified by d) above; and

Direct PSE&G to file tariffs consistent with the Order by May 31, 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 Christodoulou	Aye

G. Docket No. ER23030198 – In the Matter of the Petition of Rockland Electric Company Requesting Approval of a Tariff Amendment to Add Basic Generation Service (BGS) Time-of-Use Rates Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On March 31, 2023, Rockland Electric Company (“RECO” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of a tariff modification to add a Basic Generation Service (“BGS”) voluntary Time-of-Day (“TOD”) rate option and the associated cost recovery (“Petition”).

On May 8, 2023, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments. On May 12, 2023, RECO submitted reply comments.

Staff recommends that the Board:

Deny RECO’s cost recovery proposal which requested that all costs associated with the Petition flow through the BGS reconciliation charge;

Authorize RECO to defer the costs associated with implementing the voluntary TOD rate option until fully implemented;

Direct RECO, once fully implemented, to file a petition to recover the deferred costs which may include a proposal to recover the costs through the BGS Reconciliation Charge filings;

Approve RECO’s proposed tariff modifications to add a voluntary BGS TOD rate option; and

Direct RECO to file tariffs consistent with the Order by May 31, 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 Christodoulou	Aye

H. Docket No. EO23020098 –Mercer County Improvement Authority (the “Authority”) Energy Services Agreement By and Between the Authority and Vicinity Energy Trenton L.P. (the “Agreement”) Application for Approval of Agreement Pursuant to N.J.S.A. 40A:11-15(1)(c)

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On February 21, 2023, the Mercer County Improvement Authority (“Authority” or “Customer”) filed an application with the New Jersey Board of Public Utilities (“Board”) for approval for an Energy Services Agreement between the Authority and Vicinity Energy Trenton, L.P. (“Vicinity”) concerning provision of energy and equipment services to the Cure Arena facility (“Petition”).

On May 15, 2023, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed a letter of non-objection to the Agreement.

Board Staff (“Staff”) recommends that the Board issue an Order approving the Agreement, effective June 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 Christodoulou	Aye

- I. Docket No. GR22070466–_In the Matter of the Petition of Elizabethtown Gas Company to (1) Suspend 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**

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On July 29, 2022, Elizabethtown Gas Company (“Elizabethtown” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) seeking authority to suspend its Weather Normalization Clause (“WNC”) rate, revise the Clean Energy Program (“CEP”) component of its Societal Benefits Charge (“SBC”) rate, and revise its On-System Margin Sharing Credit (“OSMC”) for the period October 1, 2022 through September 30, 2023 (“July 2022 Petition”).¹

By Order dated September 7, 2022, the Board approved a stipulation for provisional rates.² The Provisional Rates Order authorized Elizabethtown to suspend its WNC rate and implement, on a provisional basis, a per therm CEP component rate of \$0.0260, and a per therm OSMC credit rate of \$0.0031, effective October 1, 2022. As a result of the Provisional Rates Order, a typical residential customer using 100 therms on a monthly basis would see a net monthly decrease in their bill of approximately \$0.26, or 0.2%.

Following further review and discussions, Elizabethtown, Board Staff (“Staff”), and the New Jersey Division of Rate Counsel executed a stipulation of settlement (“Stipulation”) for final rates.

Staff recommends that the Board issue an Order adopting the Stipulation. Staff further recommends that the Board direct Elizabethtown to file tariffs consistent with its Order by June 7, 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 Christodoulou	Aye

J. Docket No. ER22070412 and GR22070414 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Green Programs Recovery Charge and its Gas Green Programs Recovery Charge (“2022 PSE&G Green Programs Cost Recovery Filing”)

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On July 1, 2022, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to: 1) modify its electric and gas Green Programs Recovery Charge (“GPRC”) rates and 2) remove the Clean Energy Act Studies (“CEAS”) components from the GPRC tariffs and transfer the remaining under/over balance to the Clean Energy Future – Energy Efficiency (“CEF-EE”) components.

On January 19, 2023, the Company provided a discovery response, updating the 2022 GRPC Petition to include actual results through September 30, 2022 (“January 2023 Update”).

PSE&G, Board Staff (“Staff”) and the New Jersey Division of Rate Counsel executed a stipulation of settlement (“Stipulation”) that, among other things, recommended revising the electric GPRC rates and the gas GPRC rates based upon the January 2023 Update.

Staff recommends that the Board issue an Order approving the Stipulation. Staff further recommends that the Board direct PSE&G to file revised tariffs consistent with the Board’s Order by May 31, 2023, for rates effective June 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 Christodoulou	Aye

K. Docket No. ER23020061- In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Conservation Incentive Program (2023 PSE&G Electric CIP Rate Filing)

Malike Cummings, Dep. Director, Division of Water and Energy, presented this matter

BACKGROUND: On February 1, 2023, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of adjustments to the Company’s Electric Conservation Incentive Program (“ECIP”) and associated rates to account for potential lost sales revenues stemming from the Company’s energy efficiency programs (“February 2023 Petition”).

PSE&G, Board Staff (“Staff”) and the New Jersey Division of Rate Counsel (collectively, “Parties”) executed a provisional stipulation of settlement (“Provisional Stipulation”) that recommended implementing the Company’s proposed updated ECIP rates on a provisional basis, subject to refund with interest.

Staff recommends that the Board approve the Provisional Stipulation. Staff further recommends that the Board direct PSE&G to file revised tariffs consistent with the Stipulation by May 31, 2023, for rates effective June 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 Christodoulou	Aye

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket No. WO22110713- In the Matter of the Petition of New Jersey American Water Company, Inc. For Approval of a Sewer Collection Services Agreement with the Township of Bridgewater.

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On December 1, 2022, New Jersey-American Water Company, Inc. (“NJAW” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of a Sewer Collection Services Agreement (“SCS Agreement) with the Township of Bridgewater. According to NJAW, the SCS Agreement became necessary due to NJAW’s acquisition of the sewer collection system previously owned and operated by the Borough of Bound Brook (“Borough” or “Bound Brook”).

Board Staff (“Staff”) recommends that the Board approve the SCS Agreement.

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 Christodoulou	Recused

B. Docket No. WR220660392- In the Matter of the Petition of Veolia Water New Jersey Inc. for Approval to Defer the Costs Related to the Replacement of Customer/Property Owner Side Lead Service Lines and Other Related Approvals

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On June 22, 2022, Veolia Water New Jersey Inc. (“Veolia” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting authorization to defer the costs to replace customer/property side Lead Service Lines (“LSLs”) as a regulatory asset until the Company’s next rate case filing (“Petition”).

Following discovery and settlement discussions, Veolia, the New Jersey Division of Rate Counsel (“Rate Counsel”), and Board Staff (“Staff”) (collectively, “Parties”) entered into a stipulation of settlement (“Stipulation”) which resolves all issues related to the Petition. As a result of the Stipulation, there is no immediate impact on customer rates until a new base rate case is filed on or around July 23, 2023. The Company estimates based on currently known information, that the average monthly impact for a residential customer range from a low of approximately \$0.75 per customer per month to a high of approximately \$2.35 per customer per month.

Staff recommends that the Board adopt 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 Christodoulou	Aye

6. RELIABILITY AND SECURITY

A. Docket No. QO20020109 – In the Matter of the United States Department of Energy-State Energy Program (July 1, 2022-June 30, 2023) - New Jersey State Energy Security Plan Development

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 – Executive Session.

Francis Gaffney, Director, Division of Reliability and Security, presented this matter.

BACKGROUND: Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”), Division of Reliability and Security (“Staff”), is seeking approval to enter into the attached Memorandum of Understanding (“MOU”) by and between Rowan University (“Rowan”) and the Board.

The MOU sets forth the terms and conditions for disbursement of funds from the United States Department of Energy (“USDOE”) to Rowan to draft the New Jersey State Energy Security Plan (“NJSESP”).

The NJSESP will rewrite and update the 2012 (amended 2017) State Energy Assurance Plan (“2012 Plan”).

The NJSESP will evaluate New Jersey’s current energy landscape, people, and processes, and provide strategies to build energy resilience and protect New Jersey’s citizens from current and emerging threats. The NJSESP will incorporate new Federal funding requirements, and provide strategies for collectively working with stakeholders to anticipate, mitigate, and/or respond to strategic energy incidents affecting energy assurance and State security. The NJSESP will also benefit other sectors for study, analysis, and support planning, such as State mitigation, preparedness, response, and recovery initiatives.

Staff recommends that the Board approve the MOU and authorize the President to execute the MOU on behalf of the Board.

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 Christodoulou	Aye

7. CUSTOMER ASSISTANCE

A. Docket No. AX21070998 – In the Matter of the Proposed Readoption with Substantial Amendments to N.J.A.C. 14:3, et. seq.

Julie Ford, Director Customer Assistance, presented this matter.

BACKGROUND: On July 13, 2022, the New Jersey Board of Public Utilities (“Board”) approved the final readoption with a substantial change, to the Board’s existing rules contained within the New Jersey Administrative Code, *N.J.A.C. 14:3 et seq.* “All Utilities.”

In addition, in response to comments, Board Staff (“Staff”) proposed one (1) change to the rule as originally proposed that was substantial and therefore could not be made upon adoption. For this change, Staff requested approval of a Notice of Proposed Substantial Change Upon Adoption to Proposed Amendment *N.J.A.C. 14:3-3A.1(d)*. The Notice was published in the New Jersey Register on August 15, 2022.

The Board received comments from the stakeholder community through October 14, 2022 and responded to each comment. The attached Notice contains a summary of all comments and Staff's responses and rule text of the substantial change and additional non-substantial changes.

Staff recommends that, in response to comments, the Board approve the Notice of Proposed Substantial Change Upon Adoption to Proposed Amendment *N.J.A.C. 14:3-3A.1(d)*, with the amended rule becoming effective upon filing with the New Jersey Office of Administrative Law.

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 Christodoulou	Aye

8. CLEAN ENERGY

A. Docket No. QO23040234– In the Matter of the Release of the Design of the New Jersey Storage Incentive Program Request for Quotation (RFQ)

Matthew Rossi, Clean Energy Budget Policy Manager, Division of Clean Energy, presented to this matter.

BACKGROUND: This matter involves a Request for Quotation (“RFQ”) for services related to the design of the New Jersey Energy Storage Incentive Program (“NJSIP”). Specifically, Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval to hire a contractor to aid in the design of the NJSIP policies and development of the associated rules and regulations, as well as coordinate with a contractor selected to administer the NJSIP, who will be selected in a subsequent RFQ.

This RFQ allow for up to a two-year procurement, with the option for an additional one-year extension upon mutual agreement between the Board and the contractor. The total budget for this RFQ is estimated at \$500,000.

Staff recommends that the board approve releasing the RFQ to hire a contractor to assist Staff in the design of the proposed NJSIP.

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 Christodoulou	Aye

B. Docket No. QO19010040 – In the of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs

Docket No. QO23030150-In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs

Docket No. QO17091004-In the Matter of Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 – Minimum Filing Requirements

Stacy Ho Richardson, Deputy Director, Division of Clean Energy, presented this matter

BACKGROUND: On May 23, 2018, Governor Murphy signed into law the New Jersey Clean Energy Act of 2018 (“CEA”), which plays a key role in achieving the State’s goal of 100% clean energy by establishing aggressive energy reduction requirements, among other clean energy strategies.¹ The CEA emphasizes the importance of energy efficiency (“EE”) and peak demand reduction (“PDR”) and calls upon New Jersey’s electric and gas public utilities to play an increased role in delivering EE and PDR programs to customers. The Act requires each electric and natural gas public utility (“Utility”) in New Jersey to reduce the use of electricity and natural gas in its service territory.

Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) has engaged in an extensive process in order to fully engage stakeholders, seek input from experts, research and evaluate best practices and, ultimately, recommend a framework for delivery of best-in-class EE and PDR programs in New Jersey for the second three-year program cycle (“Triennium 2”). The Order in this matter is accompanied by the following attachments:

- Attachment A: Minimum Filing Requirements (“MFRs”)
- Attachment B: Comment summaries and responses – general
- Attachment C: Triennium 2 Technical Reference Manual (“TRM”)
- Attachment D: Comment summaries and responses – TRM
- Attachment E: Comment summaries and responses – Net-to-gross (“NTG”)
- Attachment F: Triennium 2 New Jersey Cost Test (“NJCT”)
- Attachment G: Comment summaries and responses – NJCT
- Attachment H: Comment summaries and responses – Non-energy benefits

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 Christodoulou	Aye

C. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, the Solar Act of 2012.

In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 - Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (t) of the Solar Act of 2012 – Docket No. QO19010068

Infiniti Energy, LLC - Subsection (t) Solar Application, Block 5501.1, 1271 S. Mill Road, Vineland, Cumberland County – Docket No. QO21081101

Diane M. Watson, Research Scientist, Division of Clean Energy, presented this matter.

BACKGROUND: On August 26, 2021, Infiniti Energy, LLC (“Applicant”) submitted an application to the New Jersey Board of Public Utilities (“Board”), requesting to have the solar generation project at the Vineland City S. Mill Road Sanitary Landfill facility certified as being located on a “properly closed sanitary landfill facility” pursuant to N.J.S.A. 48:3-87(t) [“Subsection (t)” of the Solar Act of 2012]. The proposed 14.9962 MWdc Infiniti Energy, LLC project is to be constructed at Block 5501, Lot 1, Vineland City, Cumberland County, New Jersey.

The application was provided to the New Jersey Department of Environmental Protection (“NJDEP” or “Department”) on September 8, 2021, for a review of property classification and any environmental requirements for constructing solar on the site. Following review of the application and the advisory memorandum provided by NJDEP on February 27, 2023, Board Staff (“Staff”) recommends that the Board grant conditional certification of eligibility for Transition Renewable Energy Certificates (“TRECs”) based on the NJDEP determination that the Infiniti Energy, LLC is located on property defined as a “properly closed sanitary landfill” consistent with the Solar Act of 2012.

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 Christodoulou	Aye

D. Docket No. QO1812189 – n the Matter of the Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications

Docket No QO201130665-In the Matter of PSEG Renewable Generation, LLC and Ocean Wind, LLC – Request Approval of Equity Interest in the Ocean Wind

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

BACKGROUND: In the first quarter of 2021, PSEG Renewable Generation, LLC (“PSEG Renewable”), which is part of the Public Service Enterprise Group (“PSEG”), sought approval from the New Jersey Board of Public Utilities (“Board”) to acquire from Orsted a 25% Ownership Interest (“25% Ownership Interest”) in the Ocean Wind 1 Qualified Offshore Wind Project (“Project”). On March 24, 2021, the Board approved PSEG Renewable’s acquisition of the 25% Ownership Interest in the Project.¹

On January 18, 2023, Ocean Wind LLC (“Ocean Wind”) submitted a letter in lieu of formal petition (“January 2023 Letter”) regarding the intent of PSEG Renewable to transfer its 25% Ownership Interest in the Project back to Orsted.² The reversion of the 25% Ownership Interest back to Orsted would result in Orsted once again holding a one hundred percent (100%) equity ownership interest in the Project, the same ownership interest in the Project that Orsted maintained at the time the Board approved Ocean Wind’s application and granted the Project an award to become a qualified offshore wind project under Docket No. QO18121289 (“Project Award”).³ The January 2023 Letter further requests that the Board provide its approval for such contemplated reversion of the 25% Ownership Interest if the Board, in its discretion, deems such approval necessary.

Board Staff (“Staff”) recommends that the Board find the request of Ocean Wind regarding the intent of PSEG Renewable to transfer its 25% Ownership Interest in the Project to Orsted, as expressed in the January 2023 Letter, to be reasonable and in accordance with the law. As a 100% equity owner of the Project, Orsted remains subject to all Board Orders, rules, and laws applicable to the Project.

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 Christodoulou	Aye

- E. 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

Jim Ferris, Division of Clean Energy, presented this matter

BACKGROUND: The above-captioned matter is on appeal in the Superior Court of New Jersey, Appellate Division, Appellate Division Docket No. A-789-22T1.

The New Jersey Division of Rate Counsel (“Rate Counsel”) filed a Motion to Settle the Record (“Motion”) with the New Jersey Board of Public Utilities (“Board”) pursuant to New Jersey Court Rule 2:5-5(a).

The Motion seeks to exclude from the record informal discovery exchanged between Rate Counsel and Ocean Wind LLC ("Ocean Wind").

Board Staff ("Staff") recommends that the Board grant the Motion and direct Staff and the New Jersey Division of Law ("DOL") to amend the Statement of Items Comprising the Record ("SICR") that is before the Appellate Division to remove Item 8 and It

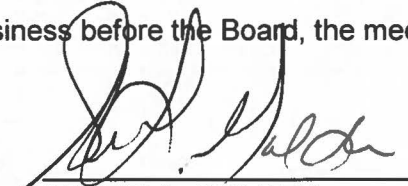
DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Christodoulou	Aye

9. MISCELLANEOUS

There are no items in this category

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: 10-25-2023