



STATE OF NEW JERSEY
Board of Public Utilities
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www.nj.gov/bpu/

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, 2023 at the Board's Hearing Room at 44 South Clinton Avenue, Trenton via online @ <https://www.youtube.com/watch?v=ON6f3FEncdA>

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

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

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dr. Zenon Christodoulou, Commissioner
Christine Guhl-Sadovy, Commissioner
Marian Abdou, 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 July 12, 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.

1. AUDITS

A. Docket No. EA20090568– In the Matter of an Audit of the Affiliated Transactions between Public Service Electric and Gas Company, Public Service Enterprise Group and Its Affiliates and a Comprehensive Management Audit of Public Service Electric and Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:3-12.1 – 12.4, 14:4-3.7(e) and (f)

Alice Bator, Director, Division of Audits. presented this matter.

BACKGROUND: On April 25, 2023, Overland Consulting (“Overland”) submitted the confidential and redacted versions of the final report in the above-referenced audit (“Final Report”). The Final Report contains 23 total chapters, including an executive summary containing an overview of the audit, and makes numerous recommendations, which, if approved by the New Jersey Board of Public Utilities (“Board”) and implemented, may have an impact on financial materiality, quality of service, and regulatory compliance.

Board Staff (“Staff”) is recommending that the Board accept the Final Report “for filing purposes only.” Staff also recommends that the redacted version of the Final Report be released to the public and the confidential volume be released to the appropriate parties, subject to a confidentiality agreement if requested, for comments due by October 31, 2023.

Staff further recommends, consistent with the terms of the Agreement for Consulting Services (“Agreement”) with Overland, that the holdback of fees in the amount of \$320,000 pending acceptance of the Final Report “for filing purposes only” be released to Overland.

4. TELECOMMUNICATIONS

A. Docket No. TO21121237– In the Matter of the Broadband Access Study Commission (P.L. 2021, c. 161)

Valarry Bullard, Director, Office of Broadband, presented this matter.

BACKGROUND: Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) seeks authorization from the Board for an extension of the contract between the Board and ECC Technologies (“ECC”).

Staff asks that the Board authorize the issuance of a contract extension between the Board and ECC which would allow ECC to continue conducting research that is imperative to the development and implementation of the State’s five-year, Statewide digital equity and action plans according to the National Telecommunication and Information Administration (“NTIA”) grant award.

8. CLEAN ENERGY

A. Docket No.QO23060336 – In the Matter of the Contract Between Rutgers University, Department of Marine and Coastal Sciences (DMCS) and the New Jersey Board of Public Utilities (BPU), Division of Clean Energy.

Jim Ferris, Clean Energy, presented this matter.

BACKGROUND: This addresses the proposed contract between the New Jersey Board of Public Utilities (“NJBPU” or “Board”) and the Rutgers University Department of Marine and Coastal Sciences (“Rutgers DMCS”) through the Rutgers University Center for Ocean Observing Leadership (“RU-COOL”) for the period July 1, 2023 through June 30, 2024.

The proposed contract would provide funding for staffing, expertise, and resources necessary to carry RU COOL'S previous efforts forward. Activities for 2023, 2024 would include, one, stakeholder engagement focused on deepening understanding of the offshore wind resource and its variability across relevant time scales and ocean conditions, and, two, the development of new offshore wind resource baseline data product analyses and model case studies that explore the wind resource and its variability, as well as the associated potential power production from offshore wind.

Board Staff (“Staff”) recommends the Board approve the fiscal year 2024 contract between Rutgers DMCS and the Board in accordance with the established requirements of the State’s Grant Agreement entered into by State agencies.

CONSENT AGENDA

I. AUDITS

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

EE23040238L	NuEnergen, LCC	I-EA
EE23040232L	Renodis ER, LLC	I-EA

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 applicants be issued initial registrations as energy agents:

- NuEnergen, LLC
- Renodis ER LLC f/k/a The Eric Ryan Corporation

II. ENERGY

A. Docket Nos. BPU ER23020091 and OAL PUC 02235-2023 S – In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief (2/2023).

BACKGROUND: On February 15, 2023, pursuant to N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, Atlantic City Electric Company (“ACE” or “Company”), a public utility of the State of New Jersey subject to the jurisdiction of the New Jersey Board of Public Utilities (“Board”), filed a petition seeking approval of an increase in its current base rates for electric service of approximately \$104.8 million, excluding Sales and Use Tax, to be effective for electric service provided on or after March 17, 2023.

By Order dated March 6, 2023, the Board suspended the proposed rate increase until July 15, 2023 pending further action on this matter. The matter was transmitted to the New Jersey Office of Administrative Law (“OAL”) as a contested case, and was assigned to Administrative Law Judge Jacob Gertsman for consideration and hearing.

Since a review of this matter will not be complete prior to July 15, 2023, Board Staff recommends that the Board issue an order further suspending the proposed rate increase until November 15, 2023, pending resolution of this matter at the OAL.

III. CABLE TELEVISION

A. Docket No. CE21040698– 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 Barnegat Light, 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 Barnegat Light for a term of 10 years.

Board Staff (“Staff”) recommends approval.

B. Docket No. CE20120753 – In the Matter of the Petition of Comcast of Central New Jersey II, LLC, for a Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Raritan, County of Hunterdon, 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 Central New Jersey II, LLC for the Township of Raritan for a term of 10 years.

Board Staff (“Staff”) recommends approval.

C. Docket No. CE21121245 – In the Matter of the Petition of Comcast of Garden State L.P., for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Eastampton, County of Burlington, 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 Garden State L.P., for the Township of Eastampton for a term of 10 years.

Board Staff (“Staff”) recommends approval.

D. Docket No. CE20110725 – 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 Township of Long Beach, 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, L.L.C. (“Comcast”) for the Township of Long Beach (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

A. Docket No. TF22070416 – In the Matter of the Verified Petition of Onvoy, LLC, Broadvox-CLEC, LLC, ANPI, LLC and Neutral Tandem-New Jersey, LLC, Licensees, and Sinch AB (publ.) for Approval for Licensees to Participate in Certain Financing Arrangements.

BACKGROUND: On July 1, 2022, Onvoy, LLC (“Onvoy”), Broadvox-CLEC, LLC, ANPI, LLC, and Neutral Tandem-New Jersey, LLC (collectively, the “Licensees”) and Sinch AB (publ) (“Sinch AB” and together with the Licensees, “Petitioners”) 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 approval for Licensees to participate in certain financing arrangements of their corporate parents and affiliates. Petitioners seek Board approval for Licensees to participate in new, amended and restated financing arrangements (“Financing Arrangements”), up to an aggregate amount of \$1 billion. On June 9, 2021, the Board approved the transfer of indirect control of Licensees to Sinch US Holdings Inc. (“Sinch US”) whereby Sinch US acquired all of the issued and outstanding shares of common stock of Onvoy Holdings, Inc. in BPU Docket TM21040704.

The Financing Arrangements may be used for acquisitions, stock purchases, repaying the existing debt of Onvoy and its subsidiaries, refinancing existing debt, working capital requirements and general corporate purposes of the company. In order to maintain flexibility, Petitioners seek authorization for each Licensee to be a borrower or a co-borrower under the Financing Arrangements. Sinch AB would be the lender.

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 Nos. BPU WR23050292 and OAL PUC 04736-2023 S – In the Matter of Middlesex Water Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.

BACKGROUND: On May 15, 2023, Middlesex Water Company (“Middlesex,” “Company,” or “Petitioner”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of an increase in its base water rates of approximately \$33.9 million, or 31.23%, above present revenues of \$109.3 million for services rendered on and after June 15, 2023 (“Petition”).

Board Staff (“Staff”) recommends that the Board issue an Order suspending the proposed rate increase until October 15, 2023. Staff also recommends that this matter be transmitted to the New Jersey Office of Administrative Law (“OAL”) for hearings as a contested case.

VI. RELIABILITY AND SECURITY

A. Docket No. GS23050286K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by Wyshinski Construction LLC.

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 Wyshinski Construction LLC (“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 July 16, 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, IIA, IIIA, IIIB, IIIC, IIID, IVA, VA, and VIA were approved.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

AGENDA

1. AUDITS

- A. Docket No. EA20090568 – In the Matter of an Audit of the Affiliated Transactions between Public Service Electric and Gas Company, Public Service Enterprise Group and Its Affiliates and a Comprehensive Management Audit of Public Service Electric and Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:3-12.1 – 12.4, 14:4-3.7(e) and (f)**

Alice Bator, Director, Division of Audits, presented this matter.

BACKGROUND: This matter involves the Comprehensive Management and Affiliated Transaction and Affiliate Standards Compliance Review Audit of Public Service Electric and Gas Company. On April 25 of this year, Overland Consulting submitted a final audit report doing this audit. The final report contains 23 chapters including an executive summary chapter, phase one and phase two of the audit, and makes approximately 66 recommendations, one of which has an additional three sub recommendations related to it.

Staff recommends the Board accept the final audit report for filing purposes only and release the public final report for comments due on October 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

2. ENERGY

- A. Docket No. ER23010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. ER23-1407-000, Transource Pennsylvania, LLC & PJM Interconnection, L.L.C.**

Ian Oxenham, Division of Energy, presented this matter.

BACKGROUND: On March 16, 2023, Transource Pennsylvania, LLC submitted a filing to the Federal Energy Regulatory Commission requesting both Abandoned Plant and Construction Work In Progress incentives for its North Delta Substation project. The North Delta Substation is a State Agreement Approach project being built in Peach Bottom Township, Pennsylvania to support the reliable integration of New Jersey offshore wind. The Abandoned Plant Incentive would allow Transource to recover prudently incurred costs if the project is canceled for reasons beyond its control, while the Construction Work In Progress Incentive would allow Transource to start charging New Jersey ratepayers for the substation before it is placed in service.

Accordingly, Staff, on behalf of the Board, filed comments with FERC opposing Transource's request to be awarded a Construction Work In Progress incentive on May 9, 2023.

Staff recommends that the Board ratify the comments that Staff filed with FERC May 9, 2023

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Abstain
	Commissioner Abdou	Abstain

B. Docket No. ER23010001 –In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. ER22-910-000, Rockland Electric Company & PJM Interconnection, L.L.C.

Ian Oxenham, Division of Energy, presented this matter.

BACKGROUND: On January 28, 2022 Rockland Electric Company, or RECO, filed a proposed increase in its Annual Transmission Revenue Requirement and corresponding revisions to its stated transmission rates with the Federal Energy Regulatory Commission, FERC. Specifically, RECO proposed to recover an Annual Transmission Revenue Requirement of \$20,354,318.00, an increase of nearly 21 percent from its prior revenue requirement of \$16,833,707.00. Under RECO's proposal, its return on equity would also increase to 11.04 percent in creating its RTO information adder, which is a 104 basis point increase over its current authorized ROE of 10 percent as a result of the RTO of the same pattern based on the ROE of 39.5 percent.

On January 28, 2022, the New Jersey Division of Rate Counsel intervened in the FERC docket, while the New Jersey Board of Public Utilities intervened on February 10, 2022 to gain a party status. On February 18, 2022 Rate Counsel filed a protest to RECO's filing, arguing that RECO's proposed rates were excessive and therefore unjust and unreasonable. RECO filed an answer to Rate Counsel's protest on March 7, 2022 contesting their claims.

On March 29, 2022 FERC initiated settlement judgment procedures for this matter. After over a year of negotiations, the parties reached an agreement in principle on April 26, 2023 that would result in a lower near-term rate increase for RECO customers than would occur under RECO's original filing. Under the terms of the settlement, RECO's Annual Transmission Requirement for the period August 30, 2022 to December 31, 2023 would be \$18,200,000.00.

Board Staff determined that this would increase the average monthly bill of a RECO customer by \$0.86 a month. Additionally, pursuant to the settlement, RECO's Transmission Revenue Requirement would increase to \$20,700,000.00 effective January 1, 2024. Staff determined that this would increase the average monthly bill of a RECO customer by an additional \$1.85. RECO, on behalf of the parties, plans to file the settlement with FERC by July 5, 2023.

Staff recommends the Board agree to the terms of the settlement and authorize a Deputy Attorney General from the Division of Law to sign the settlement on the Board's behalf.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

C. 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 Energy, presented this matter

BACKGROUND: In accordance with the contract between Bates White and the Board, Bates White submitted a final and redacted report regarding its review and oversight of the New Jersey Electric Distribution Company's BGS auction process for the supply period beginning June 1, 2023. The Division of Water and Energy reviewed the report and found it to be complete.

Staff recommends that Bates White's annual final report on the 2023 BGS RSCP and CIEP auctions be accepted for filing by the Board and that the redacted version be made available to the public via the Board's website.

Staff recommends the Board direct Staff to monitor market conditions and return to the Board on or before December 2023 with recommendations regarding the necessity of large scale changes to the auctions. And, lastly, Staff recommends that the Board direct the Division of Treasury to provide final payment to Bates White for its work on the 2023 BGS auction.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

D. Docket No. ER22070463 – In the Matter of the Petition of Atlantic City Electric Company for Implementation of an Adjustment to Its Conservation Incentive Program Rate Mechanism and Associated Customer Class Rates (2022).

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

BACKGROUND: On July 29, 2022, Atlantic City Electric filed a petition with the Board seeking approval to implement Conservation Incentive Program rates to account for potential lost sales revenues resulting from the Company's energy efficiency programs. On December 7, 2022, the Board approved as a stipulation which authorized ACE to implement its proposed CIP mechanism and associated rates on a provisional basis, subject to refund, while the matter remained under review. As a result of the stipulation for provisional rates, a typical residential customer using 680 kilowatt hours per month and 780 kilowatt hours annually was a decrease of \$0.24 to their monthly bill.

Following further review, the parties executed a stipulation that recommends finalizing the implemented CIP rates. As a result of the stipulation, the typical residential customer would experience no change to their bill. Staff recommends that the Board approve the stipulation.

Staff further recommends that the Board direct ACE to file revised tariff sheets consistent with its Order by 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

E. Docket No. EO22070469 – In the Matter of the Petition of Rockland Electric Company Annual Conservation Incentive Program Filing – Reconciliation for the Period of July 1, 2021 – June 30, 2022.

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

BACKGROUND: On July 29, 2022, Rockland Electric Company filed a petition with the Board seeking approval to implement Conservation Incentive Program Rates to account for potential lost sales revenues resulting from the company's energy efficiency programs.

On September 20, 2022, the Board approved a stipulation which authorized RECO to implement its proposed CIP mechanism and associated rates on a provisional basis subject to refund while the matter remained under review. As a result of that stipulation, a typical residential customer using 808 kilowatt hours a month and 7,800 kilowatt hours annually was a decrease of \$0.17 to their monthly bill. Following further review, the parties executed a stipulation that recommends finalizing the implemented CIP rates. As a result, the typical residential customer would experience no change to their bill.

Staff recommends that the Board approve the stipulation. Staff further recommends that the Board direct RECO to file revised tariff sheets consistent with this order by 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

F. Docket No. ER22100666- In the Matter of the Petition of Atlantic City Electric Company for Approval of Powering the Future, an Infrastructure Investment Program and Related Cost Recovery Mechanism, Pursuant to N.J.A.C. 14:3-2A.1 et seq.

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

BACKGROUND: On October 31, 2022, Atlantic City Electric Company filed a petition with the Board seeking approval to implement Infrastructure Investment Program and Related Cost Recovery Mechanism. The company proposed a total investment level of \$379 million over a four year program. Following extensive discovery and settlement meetings, the parties have executed a stipulation resolving this matter. As part of the settlement, Atlantic City Electric will invest a total of approximately \$93.1 million in the following programs: targeted reliability improvements, smart technology upgrades, solar and DER enablement, and substation improvements. The parties agree that the company will recover costs associated with the IIP investments on an accelerated basis and as a separate component of its existing rider IIP in the company's tariff. Atlantic City Electric will make up to five filings over the four year program to recover inservice investments on a rolling basis. There is no initial bill impact with the approval of this stipulation. However, following completion of the four year program, a typical residential customer using approximately 680 kilowatt hours per month will experience an increase in their monthly bill of approximately \$1.22 per month.

Staff recommends 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

3. CABLE TELEVISION

A. Docket No. CC23030139 – CSC TKR, LLC, Petitioner v. Borough of Madison, Respondent.

Lawanda Gilbert, Director, Office of Cable Television, presented this matter

BACKGROUND: This item involves a petition filed by Altice's subsidiary, CSC TKR, regarding a dispute with the Borough of Madison involving access to the Borough's highways for the provision of cable of TV service. In its petition, Altice seeks relief from the Board to address allegations that the Borough has unlawfully denied Altice access to its cable plant within the rights of way of the Borough, thereby restricting Altice from engaging in construction and maintenance of its cable plant unless they agree to provide additional fees to the Borough through a pole attachment agreement.

Altice is currently the holder of a systemwide cable franchise that authorizes the company under State and federal law to continue to construct and maintain the cable television system within the highways and the rights of way of the Borough. Altice routinely maintains pole attachment agreements and with local utility companies for access to utility poles located within the service

area. In this case, the Borough is one of ten towns within the State that owns its own municipal electric utility and poles.

However, the management of the poles has been governed by an agreement entered into between the Borough and New Jersey Bell Telephone Company, Verizon's predecessor, in 1950 referred to as the Joint Use Agreement.

On March 14, 2023, Altice filed its formal petition with the Board requesting the Board issue an order ruling that the Borough should, one, immediately cease its demand that Altice pay additional compensation over and above the cable TV franchise fee in consideration for receiving access to its cable television system in the Borough and, two, grant Altice the ability to immediately commence deployment of its FTTH cable television system and perform regular maintenance as needed to the cable television system located in the Borough.

On April 27, 2023, Altice filed a motion for partial summary decision in the matter requesting the Board issue a ruling only on its ability to access its plant in the Borough to complete construction and plant maintenance and allow the Pole Attachment Agreement issue to be dealt with separately. The Borough filed responses to the motion in opposition reiterating its previous arguments. Altice filed additional responses as well reiterating its previous arguments.

Based upon Staff's review of the proceeding, Staff concludes as follows: The Board and the OCTV&T have jurisdiction over this matter as the State's federally recognized cable franchise authority and may therefore enforce COAs based upon the municipal consent granted by the Borough for access to the rights of way which includes poles. The Board and the OCTV&T are also statutorily empowered to adjudicate pole attachment disputes under federal law. Altice has legal authority under its franchise to own, construct, and operate a cable television system in the Borough and is entitled to maintain its equipment in the Borough.

Staff recommends that the Board, grant Altice's motion for partial summary decision and issue an order directing the Borough to immediately allow Altice access to its plant to enable them to complete maintenance and work on its system, as well as commence deployment of its FTTH cable upgrade and require that Altice provide the requested free services to the municipal properties as required under its franchise and provide proof to the OCTV&T within 90 days. In addition, transmit all outstanding issues regarding pole attachment rates to the New Jersey Office of Administrative Law for hearing.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

4. TELECOMMUNICATIONS

A. Docket No. TO21121237 – In the Matter of the Broadband Access Study Commission (P.L. 2021, c. 161)

Valarry Bullard, Director, Office of Broadband, presented this matter.

BACKGROUND: Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) seeks authorization from the Board for an extension of the contract between the Board and ECC Technologies (“ECC”).

Staff asks that the Board authorize the issuance of a contract extension between the Board and ECC which would allow ECC to continue conducting research that is imperative to the development and implementation of the State’s five-year, Statewide digital equity and action plans according to the National Telecommunication and Information Administration (“NTIA”) grant award.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

5. WATER

A. Docket No. WR23050291 – In the Matter of Middlesex Water Company for Approval of Proposed Cost Recovery of Lead Service Line Replacement Plan.

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

BACKGROUND: On May 15, 2023, Middlesex Water Company filed a petition detailing a plan for the replacement of lead service lines and requesting that the Board authorize the company to defer the cost to replace customer side lead service lines as a regulatory asset until the company replaces all customer owned lead service lines and recovers the cost associated with the replacements. Additionally, the company requested authority to calculate a monthly carrying charge based on the balance of the regulatory asset account equal to the embedded cost of debt from the company’s then applicable base rate case.

Staff recommends that the Board retain this matter for hearing at the Board and designate a presiding Commissioner. Staff further recommends that the Board set a bar date of August 4, 2023 for the filing of motions to intervene and/or participate and for admission pro hac vice.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket No. AO20060471– In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic.

Maureen Clerc, Customer Assistance, presented this matter.

BACKGROUND: This matter concerns the Board's Universal Service Fund and Fresh Start programs. USF provides income eligible customers to monthly credits on their electric and gas bills. Fresh Start allows eligible USF customers with an opportunity to earn forgiveness on overdue balances by paying their currently monthly charges in full.

In response to the significant arrearages accrued by residential customers during the pandemic, in 2021 the Board expanded the USF and Fresh Start programs for a two-year period. These program expansions are scheduled to expire on September 30, 2023, unless further action is taken by the Board.

On January 23, 2023, Staff issued a public notice requesting comment regarding the future of USF and Fresh Start programs. A stakeholder meeting was also held on February 15, 2023, during which Staff presented the USF and Fresh Start program parameters before and after the expansions were put into place, as well as enrollment, cost, and rate impacts.

Staff reviewed the comments received and developed straw proposal which was released to the public with a request for information on May 3, 2023. In the straw proposal, Staff recommended maintaining the current USF program expansions while reducing the USF income ceiling to the federal Low Income Home Energy Assistance program, LIHEAP. Additionally, Staff recommended the following modifications to the Fresh Start program: Allow continued access to Fresh Start for USF enrollees through September 30, 2024; allow Fresh Start enrollment once every five years beginning October 1, 2024; permanently remove the \$100.00 cap on monthly Fresh Start forgiveness; and remove the temporary order for utilities to apply federal funds to Fresh Start balances.

Staff recommends the following: The modifications listed in Staff's straw proposal and as set forth in the order be made by the New Jersey Department of Community Affairs, which administers the USF program, and by the electric and gas public utility companies, which administer the Fresh Start program, by the deadlines of October 1, 2023 and October 1, 2024 respectively; and recovery for USF and Fresh Start be reviewed during the annual USF compliance filing.

Additionally, Staff recommends the following information be provided by the gas and electric public utility companies administering the Fresh Start program on a going forward basis: Two additional communications be sent to Fresh Start customers not in compliance with program requirements beginning October 1, 2023 as set forth in the order; additional Fresh Start performance data be reported to the Board quarterly beginning January 30, 2024 as set forth in the order; and a new Fresh Start assessment report be reported to the Board annually beginning February 15, 2025 as set forth in the order. Therefore, Staff recommends the Board approve these modifications to its USF and Fresh Start programs.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

B. Docket No. BPU EC19101351U and OAL PUC 16892-2019 S – Barbara Martin v. Atlantic City Electric Company.

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

BACKGROUND: This matter involves a billing dispute between Barbara Martin and Atlantic City Electric Company (“ACE” or “Atlantic City Electric”). The petition was received by the Board on October 9, 2019 and transmitted to the OAL on November 27, and assigned to Administrative Law Judge Catherine A. Tuohy. Mrs. Martin alleges that Atlantic City Electric incorrectly billed her and transferred the balance of her mother's account to her account. In a supplemental filing, Mrs. Martin claims that ACE misappropriated her USF credit.

ACE submitted an affidavit detailing Ms. Martin's account history and the USF credits received. ACE billing statements prove that Mrs. Martin received her USF monthly credit applied to her electric account and there was no misappropriation. Therefore, based on the foregoing, respondent ACE's motion for summary decision was granted and Ms. Martin's cross motion for summary decision was denied.

It was further ordered that the petition and the supplemental petition in this matter be and is hereby dismissed. Staff has completed review and recommends the Board adopt the initial decision to dismiss the petition in this matter.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

8. CLEAN ENERGY

A. DOCKET NO. QO23060336- In the Matter of the 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 to this matter.

BACKGROUND: For more than a decade, through support from the New Jersey Board of Public Utilities (“Board” or “NJBPU”), the Department of Marine and Coastal Sciences at Rutgers University, or DMCS, has been conducting atmospheric research to evaluate offshore wind resources. DMCS, through the Rutgers University Center For Ocean Observing Leadership, or RU COOL, has developed and advanced models capable of estimating and forecasting wind speeds and other key parameters in the waters off of New Jersey's coastline. RU COOL has also, through the Partners in Science element of its previous contracts with the Board, engaged stakeholders in critical issues related to offshore wind development.

Staff is submitting a proposed contract between the NJBPU and Rutgers University DMCS for the period from July 1, 2023 through June 30, 2024. Staff recommends that the Board approve the fiscal year 2024 contract between Rutgers University Department of Marine and Coastal Sciences and the NJBPU

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

A. DOCKET NO. QO20100630- In the Matter of Declaring Transmission to Support Offshore Wind a Public Policy of the State of New Jersey

Andrea Hart, Division of Clean Energy, presented this matter.

BACKGROUND: Staff is recommending two updates on the State Agreement Approach, or the SAA. The first is a recommendation to approve certain scope changes and associated cost increases for some of the SAA projects. A second is to review scope related cost estimate adjustments for some of the SAA projects.

The first is a change to Mid-Atlantic Offshore Development, or MAOD project, to include the un-energized infrastructure from the end of the pre-build infrastructure to the direct current, or DC, converter stations and the alternating current, or AC, collector lines that run from the generator's DC converter station area to the Larrabee Collector station's AC interface.

Through close engagement with our consultant Brattle, PJM and MAOD, Staff determined there's significant benefits if MAOD constructs this interconnection work, including timing advantages and operational benefits. After engagement between MAOD and Staff, MAOD provided an updated cost estimate to their project and their scope with an estimate of \$23 million.

Since this work was not originally included in MAOD SAA award, Staff recommends that MAOD's scope of work under the SAA order be modified to include this interconnection work.

The second scope project also for the MAOD project is for a feasibility study pertaining to the pre-build infrastructure. MAOD proposed to PJM they conduct a study to determine the feasibility of the pre-build infrastructure as a modification to MAOD's SAA award. MAOD estimated the cost to perform the study is \$290,000.00.

The third scope change relates to Jersey Central Power and Light, JCP&L, project. The new scope involves the removal of some of the lines to accommodate the installation of larger lines and the replacement of certain equipment at the Middlesex substation. JCP&L estimated the cost increase for the additional scope to be \$17.47 million. The two lines are currently not in service, so the removal of the retired in place facilities would not be triggered in any of the analysis performed by PJM. This is only identifiable during a review of the physical layout of the equipment or visual inspection of the land. Regarding the substation, the original analysis identified the loading on the facilities, but it was not initially recognized that some of the specific components would not be able to support the increased loading. The estimated cost of the scope changes is approximately \$40.76 million.

The second SAA update is related to the cost estimate adjustments associated with several of the awarded SAA projects. PJM alerted Staff of ongoing cost estimate adjustments and presented this updated information at the May 9, 2023 TEAC, or the Transmission Expansion Advisory Committee meeting. PJM presented a total cost estimate increase of \$109.58 million across multiple SAA projects. With an increase in SAA project costs, Staff appreciates the significance of ratepayer impacts.

Of critical importance throughout the SAA was the baseline scenario or the cost of the transmission facilities that would be necessary to achieve New Jersey's offshore wind goals in the absence of an SAA solution. Using the baseline scenario, cost estimates and the SAA project cost estimates, Brattle and Staff were able to determine that at the time of the SAA award, New Jersey ratepayers realized an estimated savings of over \$900 million with the awarded SAA projects compared against the baseline. Due to the recent SAA project cost estimate adjustments, Staff requested that Brattle provide an updated comparison between the baseline scenario and the SAA projects with the new cost adjustments to determine the current estimated ratepayer savings. Brattle found that, like the SAA project cost estimate adjustments, the baseline scenario facilities would face similar cost adjustments

Brattle and Staff have determined that while the SAA project costs have increased since the date of the SAA award, these cost increases would have been applicable to the non-SAA project in the baseline scenario as well. New Jersey ratepayers would, nonetheless, still receive an estimated \$900 million in savings by utilizing the SAA rather than utilizing the baseline scenario.

Staff recommends that the Board approve and direct MAOD and JCP&L to modify and expand their scopes under their awarded SAA projects to include the aforementioned work, and, two, acknowledge the scope related cost estimate adjustments related to the SAA projects were presented at the May 9, 2023 TEAC meeting.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

A. Docket No. QO23040235 – In the Matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2024 Clean Energy Program.

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

BACKGROUND: In the matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2024 Clean Energy Program. The Electric Discount and Energy Competition Act required the Board to initially undertake a comprehensive resource analysis, or CRA, every four years. Since 2012 this has been done on an annual basis and for FY24 Staff has drafted another one year CRA.

The CRA straw proposal includes the level of funding estimated to meet the needs of the New Jersey Clean Energy Program. For FY24, Staff is recommending that the Board set an SBC funding level of \$344,665,000.00, which is the same founding level approved by the Board since FY15.

The CRA straw proposal recommends that the \$344,665,000.00 in new SBC funding be approved for FY24. Staff is recommending that this be allocated across the energy efficiency programs, distributed energy resource programs, renewable energy programs, EDA programs, planning and administration, BPU initiatives, and State energy initiatives. When combined with the new funding and other sources of funds, which include prior estimated commitments carried over from FY23, the total new proposed FY24 funding level is \$660,108,841.00. Staff estimates that the proposed FY24 funding level will be sufficient to maintain a full portfolio of programs. Staff has also determined that by maintaining the FY23 SBC funding level in FY24 that there will be no incremental impacts on rates. The CRA straw proposal sets out in details the rational utilized by Staff in developing the FY24 funding level. Having reviewed and considered the comments regarding the FY24 funding level, Staff recommends that the Board set, adopt, and approve the proposed FY24 funding level and proposed FY24 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Abstain

A. Docket No. QO23040236 – In the Matter of the Clean Energy Programs and Budget for the Fiscal Year 2024.

Matthew Rossi, Division of Clean Energy, presented this matter

BACKGROUND: The New Jersey Clean Energy Program promotes increased energy efficiency 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. Staff is guided in the development of this budget and programs 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, the New Jersey Electric Vehicle Act, among others. Staff is further guided by strategies detailed in the Energy Master Plan, or EMP, which sets forth a road map for meeting 100 percent clean energy by 2050 goals.

In February of 2023, Governor Murphy accelerated this goal through Executive Order 315 to reach this goal by 2035. The NJCEP budget is developed to achieve these clean energy goals and designed with Staff and our program administrator's involvement before being issued for public comment. Notice was distributed to the list serve about the posting to the New Jersey Clean Energy program website of the following proposed FY24 documents: The Division of Clean Energy compliance filing; the TRC program descriptions and budgets; the Charge Up New Jersey Compliance Filing; the Comfort Partners compliance filing; the Division of Property Management and Construction designated project list; the Proposed FY24 budget, and the CRA straw proposal. The distributions and postings requested comments on these documents with a due date of June 12, 2023.

On June 2, 2023 Staff posted a public hearing and presented an overview of proposed new NJCEP initiatives, along with program changes for FY24 and accepted public comment at that meeting. In addition, the New Jersey Department of Environmental Protection confirmed that the Board has consulted with NJDEP regarding the CRA straw proposal and the FY24 funding level and the NJDEP agreed with the proposed funding level. The budget is consistent with the funding levels approved in the CRA order. Based on the goals set forth in the CRA straw proposal, policy objectives of the New Jersey Clean Energy Program and historic spend rates, Staff, in close coordination with the program administrator, developed proposed program and budgets. Again, the total FY24 budget of \$660,108,841.00 for the NJCEP includes both new funding and estimated prior commitments which are carried over from FY23. This includes key program and funding levels, such as more than \$140 million in new funding for energy efficiency programs, over \$7.5 million in new funding for distributed energy resources, over \$12.5 million in new funding for renewable energy programs. The FY24 budget also covers costs for administration, including Staff's salaries and our partnerships with Sustainable Jersey and NJIT. New funding has been budgeted for program evaluation and analysis to continue the efforts on several critical studies to accrued by the Board, as well as to engage in several new studies to track and report the progress in meeting BMP goals and ensuring increased oversight in the programs. Several key BPU initiatives will continue to receive new funding, including community energy planning grants and energy storage. The FY24 budget allocates new funding for electric vehicle programs, including both ongoing and new programs.

Staff has reviewed and considered the comments received and recommends that the Board approve the processes utilized in developing the detailed FY24 program budgets contained in the order, as well as the FY24 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Yes
	Commissioner Abdou	Abstain

A. Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition

Docket No. QO22080475 – In the Matter of Request for Extension of TREC Eligibility by Advanced Solar Products Inc. for HP Scotch Road, LLC NJSTRE1547357945;

Docket No. QO22080487 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Number NJSTRE1547322414, Liberty Drug, 195 Main Street, Chatham Township, Morris County, New Jersey 07928;

Docket No. QO22080546 – In the Matter of Verified Petition of Presidential Place Realty, LLC for an Extension of Time to Complete a Six-Rooftop Multi-Family Project Located at Presidential Drive in Lebanon, NJ, 08833 and Registered in the Transition Incentive Program: NJSTRE1547439926 (Building 1) NJSTRE1547451075 (Building 2) NJSTRE1547451203 (Building 3) NJSTRE1547455670 (Building 4) NJSTRE1547451989 (Building 5), and NJSTRE1547455618 (Building 6);

Docket No. QO22040259 – In the Matter of the Request for Waiver and Extension of Time to Complete NJSTRE1547253964 in Transition Incentive Program – Pivot Energy Commercial Solar, LLC for Williams Sonoma/Jamesburg Project; and

Docket No. QO22070444 – In the Matter of the Petition of Pivot Energy for an Extension of the Expiration Dates of Two Projects in the Transition Incentive Program located at 152 US Highway 206 Hillsborough Township NJSTRE1547393209 NJSTRE1547393282.

Scott Hunter, Division of Clean Energy, presented this matter

BACKGROUND: This item, this agenda items brings to a motion for reconsideration filed on December 1, 2022 on behalf of several solar developers regarding the order dated November 9, 2022 which denied the petitions of multiple entities seeking extensions of time for registrations within the Transition Incentive Program.

Based upon careful review of the petitioner's arguments and the November 9 order denying further extensions under the TI program, Staff recommends the following two actions. First, that the Board deny the joint motion. Second, continue to waive for any such petitioner's project the requirement in the New Jersey Administrative Code Title 14, Chapter 8, Subchapter 11.4(b), and necessitates projects in the ADI program obtain a notice of conditional registration prior to beginning construction.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Yes
	Commissioner Abdou	Abstain

A. Docket No. QO22040322– In the Matter of the Petition of NJR Clean Energy Ventures III Corporation for an Extension of the Expiration Date of the Conditional Acceptance in the Solar Transition Incentive Program NJSTRE1545322666 – NJR Clean Energy Ventures III Corporation Aero Haven Landfill.

Scott Hunter, Division of Clean Energy, presented this matter

BACKGROUND: This agenda item relates to a petition submitted by NJR Clean Energy Ventures for an extension of the expiration date of incentive eligibility of its Aero Haven Landfill project and Transition Incentive Program. By order dated November 19, 2018, the Board provided subsection (t) conditional certification to the 3.38 megawatt DC Aero Haven Landfill project.

The Board directed the applicant to submit initial SREC registration package within 14 days of the effective date of the order and complete construction within two years in accordance with the SREC registration rules. The project acceptance letter issued by the SREC registration processing team on February 19, 2019 provided two years to complete construction and submit a final as-built package. The original project expiration date was February 19, 2021. In response to a petition from the original owner of the Aero Haven project in July of 2020, the Board approved the transfer of the project from the legacy SREC program to the TI program and granted an extension of time to complete the commercial operations or achieve commercial operations to October 18, 2021. Subsequent to that, the project benefited from the blanket six month extension granted on June 24, 2021 and received a new expiration date of April 18, 2022. On April 29, 2022 NJR filed a petition for a third extension in the TI program seeking extension until three months after all agency approvals have been received, but no later than November 30, 2022.

Petitioner asserted that the extension was warranted because construction of the project was substantially complete, but a limited portion was delayed pending receipt of governmental authorizations, which were necessitated by project reconfiguration in response to the supply chain disruptions. On March 24th of 2023 the project received permission to operate at 2.77 megawatts.

Upon careful review of the petitioner's arguments in the March 9, August 17, and November 9, 2022 orders, which denied petitions for extension in the TI program for projects with similar issues, Staff recommends the following three actions. First, the Board deny the petition. Second, encourage the petitioner to participate in the CSI program. And, third, order that if the project is awarded a bid in the CSI program that electricity generated since the date of permission to operate shall be eligible to create SREC-IIs.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Yes
	Commissioner Abdou	Abstain

A. Docket No. QO23040262--_In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000 – Bristol-Myers Squibb.

Rupa Deshmukh, Division of Clean Energy, presented this matter

BACKGROUND: This matter is regarding the authorization of commercial and industrial incentives, energy efficiency incentives exceeding \$500,000.00. Bristol-Myers Squibb submitted an application under the Large Energy Users Program requesting Board approval of a financial incentive of \$807,691.86 for HVAC, airflow, and central plant upgrades at its Summit, Princeton, and New Brunswick facilities in New Jersey.

This proposed project has a total cost of \$10,731,970.00. If approved, this application would cover the replacement of existing laboratory fume hoods and airflow control system upgrades at the Summit facility, replacements of existing dedicated outdoor air system rooftop units, packaged air handling units, and outdoor air heat recovery units at the Princeton facility, and the retrofit of existing heating and ventilation units with new inverter duty motors, variable frequency drives and controls, the replacement of four existing exhaust fans, and the installation of a 500-ton plate and free heat exchanger and associated controls at the New Brunswick facility.

Annually, this project would conserve 1,811,767 kilowatt hours of electricity and 55,949 therms of natural gas. The proposed project has an estimated annual energy cost savings of \$209,667.00. Staff recommends the approval of the application for the total estimated incentive amount.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Aye
	Commissioner Guhl-Sadovy	Yes
	Commissioner Abdou	Abstain

9. MISCELLANEOUS

There were no items in this category.

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: 11-17-23