



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 August 16, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/watch?v=vVdVi34mWCK>

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 September 14, 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 matters, which involved N.J.S.A. 10:4-12(b)(7) attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

1. AUDITS

C. Non-Docketed Matter In The Matter Of A Request For Authorization For Release Of A Bid Solicitation, Bid No. 23DPP00886 For A State Term Contract For Management And Financial Consulting - Contracted Management/Financial Auditing Firms, BPU, Through The Department Of Treasury

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

BACKGROUND: This matter involves Staff's request for the Board to authorize the release of a Bid Solicitation by Treasury on behalf of the Board.

Staff recommends that the Board take action consistent with the discussion in the executive session today.

2. ENERGY

A. Docket No. GO23070473 – In the Matter of a Request for Quotation Regarding Implementation of Executive Order 317

Stacy Peterson, Dep. Executive Director, presented this matter.

BACKGROUND: Executive Order 317 mandates that within 18 months the Board develop recommendations regarding how the natural gas industry can meet the Governor's goal of 50 percent reduction in greenhouse gas emissions below 2006 levels by 2030.

As required by Executive Order 317, on March 6 the Board initiated a proceeding and directed Staff to engage with stakeholders to investigate and recommend how the natural gas industry can best meet these goals.

Staff recommends that the Board authorize Staff to issue a request for quotation on behalf of the Board to hire a consultant to provide support in this proceeding.

8. CLEAN ENERGY

A. Docket No. QO23060337 – In the Matter of an Agreement Between the New Jersey Department of Environmental Protection and the Board of Public Utilities Regarding Use of Regional Greenhouse Gas Initiatives Proceeds-Medium and Heavy Duty Electric Vehicles.

David Titus, Division of Clean Energy, presented this matter.

BACKGROUND: This matter pertains to a Memorandum of Understanding between the New Jersey Department of Environmental Protection and the BPU regarding the use of regional

greenhouse gas initiatives. New Jersey's participation in RGGI auction for years 2020 through 2022 resulted in \$372 million in funding. New Jersey's RGGI Strategic Funding Plan allocated 60 percent of the funding to the New Jersey Economic Development Authority and 20 percent of the funding each to BPU and DEP. The BPU's charge in the Strategic Funding Plan for 2020 to 2022 was to invest in clean transportation, particularly for low and median income residents.

The proposed MOU would authorize DEP to expend \$24 million in unallocated funds from BPU's allocation for the purpose of covering the costs of making the switch from a diesel vehicle to an electric vehicle, including the cost of an electric vehicle charger.

Staff recommends that the Board approve the MOU and authorize President Fiordaliso to execute the MOU on the BPU's behalf.

B. Docket No. QO20090624 – In the Matter of New Jersey’s Whole House Pilot Program.

Kevin Nedza, Division of Clean Energy

BACKGROUND: April 7, 2021, the Board awarded the Green & Healthy Homes Initiative (“GHHI”) a contract regarding the Whole House Pilot Program. This program takes a “whole house” approach, as described in the 2019 New Jersey Energy Master Plan, by working to address health and safety hazards that prevent weatherization and implement energy efficiency measures in single- and multi-family residences occupied by low-income residents.

Trenton was selected as the location of the Whole House Pilot Program. This pilot program is designed to serve as the model and basis for scaling-up a statewide Whole House program. The proposed Contract Modification will incorporate a supplemental scope of work which will enable GHHI to work on building electrification as part of the Whole House Pilot Program, an element that was not included in the original scope of work.

Under this proposed Contract Modification, GHHI will develop and run an electrification subprogram as part of the WHPP. The Contract Modification will extend the contract by a period of thirteen months, from September 2, 2023 until September 30, 2024, enabling GHHI to incorporate building electrification into the Whole House Pilot Program and into its final report. •

Staff requests and recommends that the Board approve the Contract Modification to allow GHHI to implement building electrification as part of the WHPP and extend the Current WHPP Contract length by approximately 13 months, pending the receipt of all required Treasury approvals.

C. Docket No. QO22010020 – In the Matter of Customer Relationship Management System for Benchmarking.

Alexis Trautman, Division of Clean Energy, presented this matter

BACKGROUND: On September 7, 2022, the Board issued the Benchmarking Order, which authorized Staff to implement a plan for a Customer Relationship Management (“CRM”) vendor to provide and manage a system and a team to include a help desk, support outreach, manage communications, and process and review applications for exemptions from the benchmarking requirement with Staff oversight, as well as make final determinations on exemption applications and appeals.

On December 8, 2022, the Division of Purchase and Property (“DPP”) within the Department of the Treasury issued a bid solicitation on behalf of BPU for the CRM vendor. On February 15, 2023, DPP received proposals. On May 12, 2023, the evaluation committee, which included

Staff, met to evaluate proposals that were eligible for consideration regarding the CRM vendor award. Staff recommends that the Board approve ClearlyEnergy as its CRM vendor.

9. MISCELLANEOUS

A. Docket No. EO23040266 – In the Matter of a Request for Quotation (“RFQ”) Related to Assistance in Administering the Board of Public Utilities’ Zero Emission Certificate (“ZEC”) Program for Eligible Nuclear Power Plants Pursuant to N.J.S.A. 48:3-87.3 to 87.7.

Ben Witherell, Chief Economist, presented this matter

BACKGROUND: The ZEC Act, N.J.S.A. 48:3-87.3, et seq. (“Act”) mandates that every three (3) years, the Board must conduct a proceeding to certify which, if any, nuclear power plants (“Units”) are eligible to participate in the Zero Emission Certificate Program (“ZEC Program”) and receive ZECs in accordance with the Act. The Third Eligibility Period of the ZEC Program is June 1, 2025 through May 31, 2028 (“ZEC 3”). The Board must determine which, if any, Units are eligible to participate in ZEC 3 by the end of April 2024.

CONSENT AGENDA

I. AUDITS

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

EE23060406L Beeson & Associates, Inc. LLC I – EA

EE23060393L Energy and Source Group, LLC. I – EA

EE23030178L Neighborhood Energy of New England L.L.C. I – EA/PA/EC

EE23010055L P.P.E.G. LLC. I – EA/EC

These matters relate to applications for initial registrations as energy agents.

BACKGROUND: This matter concerns the modification to administrative costs submitted by DCA for State Fiscal Year 2021 with Universal Service Fund program. On June 22, 2022, the Board authorized reimbursement of \$6,579,188.00 to Treasury for Fiscal Year '21 DCA USF Administrative Expenses as Treasury advanced the money to DCA to cover the Fiscal Year '21 DCA USF Administrative Expenses. Subsequent to the June 29, 2022 order, Staff was notified that a number of encumbrances were inadvertently omitted and/or canceled during the development and analysis of the initial Fiscal Year '21 actual Administrative Expense total that the Board approved in the June 29, 2022 order.

Based on documentation from the State's audited accounting system received from DCA and Treasury, treasury represented that \$7,110,686.00 had been funded to DCA Treasury is certain that reimbursement of \$531,498.00 to Treasury was required in addition to the initial Fiscal Year '21 actual Administrative Expense total of \$6,579,188.00 approved by the June '22 order. Staff has reviewed DCA's and Treasury's account of the basis of additional Administrative Expenses and concludes that it is reasonable and necessary to reimburse Treasury for its payment of Fiscal Year '21 USF Administrative Expenses that Treasury determined were appropriate.

Staff, recommends that the Board authorize reimbursement of \$531,498.00 to Treasury for the adjustments to DCA's Fiscal Year '21 USF administrative costs.

B. **Docket No. TE23030127- In the Matter of the Application of AvaTarius, LLC for Authorization to Provide Local Exchange and Interexchange Telecommunications Services throughout the State of New Jersey**

BACKGROUND: AvaTarius, LLC (“Petitioner” or “AvaTarius”) filed a verified petition with the New Jersey Board of Public Utilities (“Board”) seeking authority to provide facilities-based and resold local and interexchange telecommunications services throughout the State of New Jersey (“Petition”). In the Petition, AvaTarius also requested a waiver of N.J.A.C. 14:10-1A.13 which requires that financial records be maintained in accordance with the Uniform System of Accounts (“USOA”).

Board Staff (“Staff”) recommends approval, subject to certain conditions. Staff also recommends that the Board approve the request for waiver from its requirements that Petitioner maintain its financial books and records in accordance with USOA.

II. ENERGY

A. Docket Nos. BPU ER23030144 and OAL PUC 03346-2023 N- In the Matter of the Verified Petition of Jersey Central Power & Light Company for Review and Approval of Increases in, and Other Adjustments to, its Rates and Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therewith (“JCP&L 2023 Base Rate Filing”),

BACKGROUND: On March 16, 2023, pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, Jersey Central Power & Light Company (“JCP&L” 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 for approval of an increase in its current base rates for electric service of approximately \$184.95 million, excluding Sales and Use Tax (“SUT”), to be effective for electric service provided on and after April 26, 2023 (“Petition”).

By Order dated April 12, 2023, the Board suspended the proposed rate increase until August 26, 2023, pending further action on this matter. The matter was subsequently transmitted to the Office of Administrative Law (“OAL”) as a contested case, and was assigned to Administrative Law Judge (“ALJ”) Irene Jones for consideration and hearing.

Because review of this matter will not be complete prior to August 26, 2023, Board Staff (“Staff”) recommends that the Board issue an order further suspending the proposed rate increase until December 26, 2023, pending further action on this matter at the OAL.

III. CABLE TELEVISION

A. Docket No. CE19070782 – In the Matter of the Verified Petition Cablevision of Oakland for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Montville, County of Morris, 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 Cablevision of Oakland, LLC (“Cablevision”) for a portion of the Township of Montville (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

B. Docket No. CE19070781 – In the Matter of the Verified Petition of CSC TKR, LLC d/b/a/ Cable of Morris for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Montville, County of Morris, 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 CSC TKR, LLC d/b/a Cablevision of Morris (“Cablevision”) for the entirety of the Township of Montville (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

C. Docket No. CE22020071 – In the Matter of the Verified Petition of Comcast of Monmouth County, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Atlantic Highlands, County of Monmouth, 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 Monmouth County, LLC (“Comcast”) for the Borough of Atlantic Highlands (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

D. Docket No. CE21060913 – In the Matter of the Verified Petition of Comcast of Monmouth County, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Village of Loch Arbour, County of Monmouth, 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 Monmouth County, LLC (“Comcast”) for the Village of Loch Arbour (“Village”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

A. Docket No. TO23050279 – In the Matter of the Verified Joint Petition of Zayo Group LLC and Electric Lightwave, LLC d/b/a Allstream for Waiver of Mass Migration Rules.

BACKGROUND: On May 4, 2023, Zayo Group, LLC (“Zayo Group”) and Electric Lightwave, LLC d/b/a Allstream (“Electric Lightwave,” collectively with Zayo Group, “Petitioners”) submitted a Verified Joint Petition to the New Jersey Board of Public Utilities (“Board”) requesting, to the extent necessary, a waiver of the Board’s mass migration rules, N.J.A.C. 14:10-12.1 et seq (“Petition”). To the extent that the Board believes approval is required, the Petitioners requested approval pursuant to N.J.S.A. 48:3-7.

Board Staff (“Staff”) recommends approval.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

- A. Approval for the August 17, 2022 Minutes;
Approval for the September 7, 2022 Minutes; and
Approval for the September 28, 2022 Minutes

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

After appropriate motion, consent agenda items IA, IB, IIA, IIIA, IIIB, IIIC, IIID, IVA were approved.

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

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

After appropriate motion, consent agenda item IX was approved.

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

AGENDA

1. AUDITS

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

Paul Buhagiar, Division of Audit, presented this matter

BACKGROUND: Before you today is a matter concerning the modification to administrative costs submitted by DCA for State Fiscal Year 2021 with Universal Service Fund program. On June 22, 2022, the Board authorized reimbursement of \$6,579,188.00 to Treasury for Fiscal Year '21 DCA USF Administrative Expenses as Treasury advanced the money to DCA to cover the Fiscal Year '21 DCA USF Administrative Expenses. Subsequent to the June 29, 2022 order, Staff was notified that a number of encumbrances were inadvertently omitted and/or canceled during the development and analysis of the initial Fiscal Year '21 actual Administrative Expense total that the Board approved in the June 29, 2022 order.

Based on documentation from the State's audited accounting system received from DCA and Treasury, treasury represented that \$7,110,686.00 had been funded to DCA. Accordingly, Treasury is certain that reimbursement of \$531,498.00 to Treasury was required in addition to the initial Fiscal Year '21 actual Administrative Expense total of \$6,579,188.00 approved by the June '22 order. Staff has reviewed DCA's and Treasury's account of the basis of additional Administrative Expenses and concludes that it is reasonable and necessary to reimburse Treasury for its payment of Fiscal Year '21 USF Administrative Expenses that Treasury determined were appropriate.

Staff, therefore, recommends that the Board authorize reimbursement of \$531,498.00 to Treasury for the adjustments to DCA's Fiscal Year '21 USF administrative costs.

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

B. Docket No. EO21070993 – In the Matter of the Department of Community Affairs’ State Fiscal Year 2022 Universal Service Fund Administrative Cost Budget.

Paul Buhagiar, Division of Audit, presented this matter

BACKGROUND: This matter relates to the administrative costs submitted by DCA for State Fiscal Year 2022 for the Universal Service Fund Program. On August 18, 2021, the Board approved a budget authorization of \$8,005,013.00 for USF administrative costs for Fiscal Year 2022. On June 23, 2023, DCA submitted a detailed USF administrative report for Fiscal Year '22 which listed actual expenditures of \$6,957,039.00. Staff has reviewed DCA's Fiscal Year '22 expenses and found that the costs listed therein appear appropriate and necessary at this time for the administration of the USF program.

Therefore, Staff recommends that the Board find that DCA has adequately justified its Fiscal Year

2022 USF Administrative Expenditures and authorize the reimbursement to the Department of Treasury in the amount of \$6,957,039.00.

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

C. Non-Docketed Matter– In the Matter of a Request for Authorization for Release of a Bid Solicitation, Bid No. 23DPP00886 for a State Term Contract for Management and Financial Consulting-Contracted Management/Financial Auditing Firms, BPU through the Department of Treasury-Executive Session

Alice Bator, Division of Audit, presented this matter

BACKGROUND: This matter involves Staff's request for the Board to authorize the release of a bid solicitation by Treasury on behalf of the Board.

Staff recommends that the Board take action for approval

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

2. ENERGY

A. Docket No. GO23070473 – In the Matter of a Request for Quotation Regarding Implementation of Executive Order 317- Executive Session

Stacy Peterson, Dep. Executive Director, presented this matter.

BACKGROUND: Executive Order 317 mandates that within 18 months the Board develop recommendations regarding how the natural gas industry can meet the Governor's goal of 50 percent reduction in greenhouse gas emissions below 2006 levels by 2030. As required by Executive Order 317, on March 6 the Board initiated a proceeding and directed Staff to engage with stakeholders to investigate and recommend how the natural gas industry can best meet these goals.

Staff recommends that the Board authorize Staff to issue a request for quotation on behalf of the Board to hire a consultant to provide support in this proceeding.

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

B. Docket No. ER23060410 – In the Matter of a In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2023 Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff.

Mike Kammer, Director, presented this matter.

BACKGROUND: On June 26, 2023, the electric distribution companies filed a joint petition requesting recovery of FERC approved changes in firm transmission service related charges effective September 1, 2023. As payment for the modified transmission charges began in June 2023, EDCs requested a waiver of the 30-day filing requirement. The EDCs noted that any differences between payments to PJM and charges to customers will flow through BGS reconciliation charges. Staff recommends that the Board approve the changes to the BGS-RSCP and CIEP transmission rates as requested by each EDC effective September 1, 2023.

Staff further recommends that the Board waive the 30-day filing requirement as requested by the EDCs. Staff further recommends that the Board direct the EDCs to file revised tariffs by September 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 Christodoulou	Aye
	Commissioner Guhl-Sadovy	Aye
	Commissioner Abdou	Aye

C. Docket No. ER23010001-In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. ER23-1996 PJM Interconnection, L.L.C. Revisions to Triggers Used to Determine Performance Assessment Intervals.

Ryann Reagan, Division of Water and Energy, presented this matter.

BACKGROUND: This is an item regarding PJM tariff revisions filed at FERC. On May 30, 2023 PJM Interconnection, LLC proposed amendments to its Open Access Transmission Tariff to refine the triggers used to determine Performance Assessment Intervals for capacity resources. PJM proposed to revise the pre-emergency and emergency actions and grid conditions which would trigger a Performance Assessment Interval for capacity market commitments for the 2023/2024 and 2024/2025 delivery years.

Based on the proposal filed with FERC, there is a disagreement among PJM and certain stakeholders within the FERC docket as to what level of reserves PJM tap into for the Performance Assessment Interval to be triggered. On July 20, 2023, Board Staff filed an answer in the proceeding to the debate among PJM and its stakeholders to support PJM's definition of a

Performance Assessment Interval trigger, supportive of triggering the Performance Assessment Interval when there is a shortage of evenly extended primary reserves to ensure that PJM takes appropriate measures to maintain reliability and balance the grid as it approaches emergency events. Staff recommends that the Board ratify the comments filed by Staff on July 20, 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

3. CABLE TELEVISION

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

Lawanda Gilbert, Director, Cable Television, presented this matter.

BACKGROUND: This item involves a motion filed by the Borough of Madison seeking reconsideration of the Board's order issued in this matter on June 29, 2023. By way of background, CSC TKR, LLC, a subsidiary of Altice USA, filed a petition in March 2023 seeking the Board's assistance in resolving a dispute with the borough regarding access to its lines and equipment located on poles within the borough's rights of way. Specifically, in November 2021, Altice alleged that the borough began denying Altice access to its equipment and restricting Altice from construction and maintenance to its cable plant unless they agreed to provide additional fees to the borough through a pole attachment agreement, in contravention of Altice's cable TV franchise granted by the Board.

Following the review of the voluminous record developed to date in the proceeding, through responsive filings from both parties, on June 29, 2023 the Board issued an order clarifying that the Board has subject matter jurisdiction over the matter as the State's cable franchising authority pursuant to the Cable Television Act to enforce the cable TV franchise based upon the municipal consent granted by the borough for access to the rights of way, including poles, and to adjudicate pole attachment disputes under federal law. The Board's order directed the borough to allow Altice immediate access to its plant that has existed in the borough since the initial franchise was granted in 1975 for the construction and maintenance and deployment of its fiber to the home system. The Board further directed remaining contested issue regarding the payment of pole attachment fees be transmitted to the Office of Administrative Law for hearing as a contested case.

On July 5, 2023, the borough filed the present motion for reconsideration and to stay the June 29, 2023 order. In its motion the borough argued the Board erred in finding that it has jurisdiction over this matter, because the Borough of Madison electric utility, which owns the poles, is not subject to the regulation or jurisdiction of the Board. Similarly, the borough argued that the Board erred in finding that the prior municipal consent ordinances and the systemwide franchise give Altice the authority to utilize the borough's utility poles contending that the borough never gave Altice approval to attach its equipment to its utility poles as required under the Joint Use Agreement. In response to the borough's motion, Altice argued that the motion was defective as it failed to

specifically outline the errors of law or fact the motion is based upon and separately numbered paragraphs as required under N.J.A.C. 14:17-9.6 and should be denied. Altice further argued that the motion should be denied because none of the borough's arguments changed any of the undisputed material facts or invalidate any legal conclusions found by the Board in its June 2023 order. Altice asserted that the borough ignored the Board's finding that the company's equipment has been attached to the borough's poles for decades without any objection from the borough until November 2021. Altice argued that because the borough's motion did not provide any new or erroneous information, it has failed to meet the standard for granting a motion for reconsideration and, therefore, should be denied.

In its July 2024 -- in its July 24, 2023 reply, the borough reiterated these arguments from all its previous filings. Staff has reviewed the motion and responsive filings and concludes the following. One, the borough's motion should be deemed deficient for failure to state in separately numbered paragraphs the alleged errors of law or fact relied upon. Two, the borough has not identified any error of law or facts that warrants reconsideration of any component of the Board's June 2023 order. Three, with respect to the Board's jurisdiction over the dispute at hand, the Board did not err in finding that it had subject matter jurisdiction over this matter nor did it err in finding that the undisputed facts indicate Altice is authorized to utilize the borough's utility poles. Furthermore, the borough did not set forth any facts or arguments which warrant reconsideration of the Board's findings with respect to Altice's right to access the equipment. Number four, good cause does not exist to warrant a stay of the Board's June 2023 order and upon reaffirming the Board's jurisdiction and the continuing validity and applicability of the systemwide franchise agreement, there is no basis to disturb or prevent Altice's access to its plant or the poles serving its customers in Madison. Accordingly, Board Staff recommends that the borough's motion seeking reconsideration and stay of the Board's June 2023 order be denied in its entirety.

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. CE22080511– In the Matter of the Verified Petition of CSC TKR, LLC d/b/a Cablevision of Morris for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Montville, County of Morris, State of New Jersey.

Lawanda Gilbert Director, Cable Television, presented this matter.

BACKGROUND: On March 16, 2022 Comcast Northwest New Jersey, LLC filed an application with the Town of Phillipsburg for initial municipal consent to provide service to the town. Through the petition, Comcast seeks to expand its adjoining cable TV system into the town to provide cable service as an overbuild to the current incumbent operator serving the town, who is Service Electric Cable TV of Hunterdon, thereby establishing Comcast as a second cable operator in the town. Approval will provide an alternative operator to serve the residents of the town along with competitive choice that is sought by many residents throughout the State. Pursuant to the Board's rules, the municipality and the company are required to provide the Office of Cable TV and Telecommunications with copies of all correspondence regarding the application and the municipality is required to submit a copy of the draft ordinance to the office for its review and

comment prior to its approval. On August 23, 2022 Comcast filed its application with the Board for an initial certificate of approval for the town without the prior requirements being fulfilled. Upon review of the application, Staff determined that there were deficiencies within the ordinance requiring amendment before the application can be processed. On March 9, 2023, the town adopted an ordinance amending the municipal consent ordinance to address said deficiencies and on March 15, 2023 Comcast formally accepted the terms and conditions of the amended ordinance.

Staff recommends approval of the proposed certificate of approval for a ten year term, which will include reporting requirements detailing the status of construction of the system to be submitted to Staff.

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

C. Docket No. CE23030147– In the Matter of the Petition of Comcast of Monmouth County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey.

Lawanda Gilbert Director, Cable Television, presented this matter.

BACKGROUND: On March 16, 2022 Comcast Northwest New Jersey, LLC filed an application with the Borough of Alpha for initial municipal consent to provide service. Similar to the last item, approval of the petition would allow Comcast to expand its system in the borough to provide cable service as an overbuild to the incumbent operator, Service Electric Cable TV, and will establish a second cable operator in the borough. Following Staff review of the draft ordinance, on February 14, 2023 the borough adopted an ordinance granting municipal consent to Comcast. On February 21, 2023 Comcast formally accepted the terms and conditions, and on March 17, 2023 Comcast filed its application with the Board for a certificate of approval.

Staff recommends approval of the proposed approval for a ten year term, which will include monitoring of the reporting requirements regarding the status of the 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	Aye
	Commissioner Abdou	Aye

D. Docket No. CE23030105– In the of the Petition of Comcast of Northwest New Jersey, LLC for a Certificate of Approval to Construct, Operate and Maintain a Cable Television System in and for the Township of Lopatcong, County of Warren, State of New Jersey

Lawanda Gilbert Director, Cable Television, presented this matter.

BACKGROUND: On or about March 9, 2023 Comcast Northwest New Jersey filed an application with the Township of Lopatcong for initial municipal consent to provide service. Similar to the last two items, approval of the petition will allow Comcast to expand its cable TV system into the township to provide cable service as an overbuild to the incumbent cable operator and will establish Comcast as a second cable operator in the township. On July 28, 2022 Comcast submitted a draft ordinance to Staff for review.

Staff's review uncovered several areas of correction recommended for the parties to address. On December 7, 2022 the township adopted an ordinance granting initial municipal consent to Comcast. On February 20, 2023 Comcast formally accepted the terms and conditions of the ordinance. On March 1, 2023 Comcast filed its application with the Board for an initial certificate of approval for the township. During the course of Staff's review, it was discovered that the adopted ordinance did not contain the recommended amendments in Staff's preliminary ordinance review. As an alternative to requiring the township to amend the ordinance, Staff determined that the deficiencies could be clarified through the Board's order approving the franchise conditioned upon Comcast confirmation. On May 11, 2023 Comcast confirmed that it would comply with the terms of Staff's recommended amendments to the ordinance. Having completed its review of the application and amended documentation, along with the ordinance and Comcast's confirmation

Staff recommends approval of the proposed certificate of approval for a ten year term which will include reporting requirements detailing the status of construction of the system.

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

There were no items in this category.

5. WATER

A. Nos. BPU WR22030138 and OAL PUC 02047-22 – In the Matter of the Petition of Middlesex Water Company to Change the Levels of its Purchased Water Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1, et seq.

Mike Kammer, Director, Water and Energy, presented this matter

BACKGROUND: On March 15, 2022 Middlesex Water Company filed a petition seeking to increase its Purchased Water Adjustment Clause to account for increases in the cost of purchased water resulting from the implementation of the DEP's regulations regarding PFAS. The new regulations caused the company to shut down its Park Avenue Wellfield, because it was out of compliance with the new regulations and commenced construction of a new PFAS treatment plant for the Wellfield. The Board transferred the petition to the Office of Administrative Law for hearing, where it was assigned to ALJ Jacob Gertsman. ALJ Gertsman granted intervenor status to the Old Bridge Municipal Utilities Authority and to the Township of Marlboro.

Following subsequent settlement discussions, Middlesex, Rate Counsel, and Board Staff executed a stipulation agreeing that the interim rate should be made permanent.

Staff recommends that the Board approve 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	Aye

6. RELIABILITY AND SECURITY

A. Docket No. EO23040241– In of the Letter Petition of Jersey Central Power & Light Company Seeking New Jersey Board of Public Utilities Approval Pursuant to N.J.A.C. 14:3-4.4(e) for Use of an Out of State Meter Testing Facility (“JCP&L TESCO Facility Filing”).

Frank Gaffney, Director, Reliability and Security, presented this matter

BACKGROUND: On April 21, 2023, JCP&L filed a letter petition requesting approval to use an out of state meter testing facility in accordance with N.J.A.C. 14:3-4.4(e). As part of its advanced metering infrastructure program, JCP&L contracted with The Eastern Specialty Company, TESCO, to perform mass retirement testing of New Jersey meters at a facility located in Bristol, Pennsylvania.

After a thorough review of the petition and comments received by the Division of Rate Counsel, Staff recommends that the Board approve the use of the out of state testing facility subject to certain conditions, including the condition that the TESCO facility only be used for testing New Jersey customer meters until such time that the number of JCP&L AMI program retired meters

that require testing no longer exceeds JCP& testing capacity in its New Jersey facility. This is a temporary location that is needed for the timely testing of a large amount of retired meters over a relatively short period of time.

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. GS23060366K– In the Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by Apple Coring & Sawing, LLC.

Shawn McIvor, Director, Reliability and Security, presented this matter

BACKGROUND: Item 6B, 6C, 6D are Staff recommendations for the issuance of three final orders of penalty assessment for alleged violations of the Underground Facility Protection Act by Apple Coring and Sawing, an excavator as defined by the Act.

Item 6B concerns a PSE&G natural gas damage that occurred on October 22, 2020 in Jersey City, New Jersey. After investigating this matter, Staff found that Apple Coring and Sawing was in violation of not having a valid mark out ticket as required by the One Call Rules. Staff issued a notice of probable violation to Apple Coring and Sawing via certified mail and regular mail advising the company to respond within 21 days with an offer of a settlement of \$3,000.00. To date, Staff has no record of response to the notice of probable violation. On May 9, 2023, Apple Coring was also served with notice of settlement conference for the informal meeting to discuss a separate, alleged violation and the October 22, 2020 violation. Apple Coring failed to respond and appear for a scheduled settlement conference to discuss the alleged violations. Apple Coring is, therefore, in default and the Board is not bound by the offer of settlement. In determining the appropriate penalty amount to be assessed, the Board is required to consider the penalty assessment factors, including, but not limited to, nature, circumstances, and gravity of the violation, history of prior offenses and the degree of the violator's culpability.

Staff's recommendation that the Board approve a final penalty assessment of \$8,000.00 through the issuance of a final order of penalty assessment.

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

C. Docket No. ES23070432K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by Apple Coring & Sawing, LLC.

Shawn Mclvor, Director, Reliability and Security, presented this matter

BACKGROUND: Item 6C concerns a PSE&G electric facility damage that occurred on May 3, 2021 in Cranford, New Jersey. After investigating this matter, Staff found that Apple Coring and Sawing did not have a valid mark out ticket as required by the One Call Rules. Staff issued a notice of probable violation to Apple Coring and Sawing via certified mail and regular mail advising the company to respond within 21 days to an offer of settlement of \$3,000.00.

To date, Staff has no record of response to the notice of probable violation. On May 9, 2023 Apple Coring was also served with a notice of settlement conference for an informal meeting to discuss a separate alleged violation in the May 3, 2021 violation. Apple Coring failed to respond and appear for a scheduled settlement conference to discuss the alleged violations. Apple Coring is, therefore, in default and the Board is not bound by the offer. In determining the appropriate penalty amount to be assessed, the Board is required to consider a number of penalty assessment factors that including, but not limited to, the nature, circumstances, and gravity of violation, history of prior offenses and the degrees of the violator's culpability.

Staff recommends that the Board approve the maximum penalty of \$2,500 for not having a valid mark out ticket and \$2,500 for outside the scope of work, proposed work, for a total of \$5,000 for the issuance of a final order of penalty assessment.

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

D. Docket No. GS23070433K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by Apple Coring & Sawing, LLC.

Shawn Mclvor, Director, Reliability and Security, presented this matter

BACKGROUND: Item 6D concerns a PSE&G natural gas damage that occurred on November 17, 2021 in Ridgefield Park, New Jersey. After investigating this matter, Staff found Apple Coring and Sawing did not have a valid mark out ticket as required by the One Call Rules. Staff issued a notice of probable violation to Apple Coring and Sawing via certified mail and regular mail advising the company to respond within 21 days to an offer of settlement of \$3,000.00.

To date, Staff has no record of response to notice of probable violation. On May 9, 2023, Apple Coring was also served with a notice of settlement conference for an informal meeting to discuss a separate alleged violation and the November 17, 2021 violation. Apple Coring failed to respond and appear for a scheduled settlement conference to discuss the alleged violations. Apple Coring is, therefore, in default and the Board is not bound by the offer of settlement. In determining the appropriate penalty amount to be assessed, the Board is required the consider

the penalty assessment factors, including, but not limited to, the nature, circumstances, and gravity of the violation, history of prior offenses and the degree of the violator's culpability. In this matter, Apple Coring damaged a high consequence natural gas facility with mechanized equipment, creating an unnecessary risk by not having a valid mark out and is a repeat offender.

Staff recommends that Board approve an escalating, final penalty assessment of \$10,000.00 through the issuance of a final order of penalty assessment.

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

7. CUSTOMER ASSISTANCE

A. Docket No. EO23050278– In of the Department of Community Affairs’ State Fiscal Year 2024 Universal Service Fund Administrative Cost Budget.

DECISION: ITEM HAS BEEN DEFERRED

8. CLEAN ENERGY

A. DOCKET NO. QO23060337 – In the Matter of an Agreement Between the New Jersey Department of Environmental Protection and the Board of Public Utilities Regarding Use of Regional Greenhouse Gas Initiatives Proceeds – Medium and Heavy-Duty Electric Vehicles – Executive Session.

David Titus, Division of Clean Energy, presented this matter

BACKGROUND: This matter pertains to a Memorandum of Understanding between the New Jersey Department of Environmental Protection and the BPU regarding the use of regional greenhouse gas initiatives. New Jersey's participation in RGGI auction for years 2020 through 2022 resulted in \$372 million in funding. New Jersey's RGGI Strategic Funding Plan allocated 60 percent of the funding to the New Jersey Economic Development Authority and 20 percent of the funding each to BPU and DEP. The BPU's charge in the Strategic Funding Plan for 2020 to 2022 was to invest in clean transportation, particularly for low and median income residents. Between 2020 and 2022 RGGI proceeds funded 194 projects in New Jersey, with funding amounts totaling \$186 and a half million. BPU funded 38 projects related to clean transportation for a total of \$49 and a half million.

The proposed MOU would authorize DEP to expend \$24 million in unallocated funds from BPU's allocation for the purpose of covering the costs of making the switch from a diesel vehicle to an electric vehicle, including the cost of an electric vehicle charger. Recipients of the funding will include local governments and companies located in environmental justice communities selected competitively through DEP's Vehicle Electrification Grant program, which was established through the Volkswagen Environmental Mitigation Trust.

Staff recommends that the Board approve the MOU and authorize President Fiordaliso to execute the MOU on the BPU'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	Aye

**B. Docket No. QO20090624 –Matter of New Jersey’s Whole House Pilot Program
– Executive Session.**

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

BACKGROUND: On April 7, 2021, the Board awarded the Green and Healthy Homes Initiative, GHHI, a contract regarding the Whole House Pilot Program, which takes a whole house approach as described in the 2019 New Jersey Energy Master Plan. This involves working to address health and safety hazards that prevent weatherization and to implement energy efficiency measures in single and multifamily residences occupied by low income residents.

Trenton was selected as a location of the Whole House Pilot Program and was designed to serve as a model and basis for scaling up a statewide Whole House Program. Lessons learned will be used to inform such a statewide program and a final report detailing and analyzing the results of the Pilot Program will be delivered for the Board's consideration at the conclusion of the project. GHHI is currently coordinating with Comfort Partners in Trenton, including PSE&G and CMC Energy, as well as local partner organizations, including Isles and Habitat For Humanity, to implement the Whole House Pilot Program. The proposed contract modification will extend the contract by a period of 13 months from September 2, 2023 until September 30, 2024.

Staff requests and recommends that the Board approve the contract modification and extend the current Whole House Pilot Program contract by 13 months, pending the receipt of all required Treasury approvals.

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

C. Docket No. QO22010020 – In the Matter of Customer Relationship Management System for Benchmarking – Executive Session

Alexis Trautman, Division of Clean Energy, presented this matter.

BACKGROUND: On May 23, 2018 the Clean Energy Act was signed into law mandating that no later than five years after the date of enactment the Board require the operator or operator of each commercial building under 25,000 square feet in the State to benchmark the energy and water use for the prior calendar year using the United States Environmental Protection Agency's Portfolio Manager tool. On September 7, 2022 the Board issued the Benchmarking Order which authorized Staff to implement a plan for a customer relationship management vendor to provide and manage a CRM system and a team to include a help desk, support outreach, manage communications, and process and review applications for exemptions from the benchmarking requirement with Staff oversight, as well as make final determinations on exemption applications and appeals.

On December 8, 2022, the Procurement Bureau within the Division of Purchase and Property, DPP, of the New Jersey Department of the Treasury issued a bid solicitation on behalf of BPU for the CRM vendor. On February 15, 2023, DPP's Proposal Review Unit received proposals from seven entities. On May 12, 2023 the evaluation committee, which included Staff, met to evaluate proposes that were eligible for consideration regarding the CRM vendor and to recommend an award. Staff seeks to procure the CRM system to assist the benchmarking program as part of a three year contract and with the option to extend the term twice, each for a one year period. Staff recommends that the Board approve the evaluation committee's selection of the CRM system, subject to Treasury, final Treasury approval.

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

D. Docket No. QO19010040 – In the Matter 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

Alexis Trautman, Division Clean Energy, presented this matter

BACKGROUND: By order dated April 7, 2021 order, the Board authorized South Jersey Gas Company to implement its current energy efficiency programs for the Triennium 1 period commencing July 1, 2021 and ending June 30, 2024. The order authorized South Jersey Gas to offer various programs, including efficient products program through which South Jersey Gas provides incentives and on-bill payment for efficient products that reduce energy usage. On-bill payment is available for select products for customers to cover the remaining cost after applying the rebate discount of the efficient products. The April 2021 order also authorizes South Jersey Gas to shift budgets out of either the residential or the commercial and industrial sectors. South Jersey Gas may shift its program budgets for programs within the same sector up to 25 percent with Staff notification, above 25 percent up to 50 percent with Staff approval, and over 50 percent with Board approval.

South Jersey Gas may also shift up to 5 percent of its sector budgets between or among sectors with Staff notification, above 5 percent up to 10 percent with Staff approval, and over 10 percent with Board approval. On May 16, 2023 South Jersey Gas filed a petition with the Board requesting that the Board allow South Jersey Gas to modify its energy efficiency programs in two ways and indicated that it anticipates that the company will experience an approximate shortfall of \$15 million in the \$61.1 million efficient products budget. South Jersey Gas proposed to limit on-bill payment on efficient products to gas measures only for dual fuel projects where South Jersey Gas's service territories overlap with that of electric company. South Jersey Gas requested that the Board allow them to shift available budgets between sectors upon five days' notice to Staff and the New Jersey Division of Rate Counsel in order to quickly accommodate market demand.

On June 23, 2023 Rate Counsel submitted a comment letter indicating that they do not oppose South Jersey Gas's request to limit on-bill repayment on efficient products to gas measures. However, Rate Counsel opposed South Jersey Gas's request to waive the restriction on budget sector shifting and the corresponding notification requirements.

Staff agrees with Rate Counsel and recommends that the Board approve South Jersey Gas's request to allow South Jersey Gas to modify the program to only offer on-bill repayment on gas measures. However, Staff recommends that the Board deny South Jersey Gas's request to lift budget sector shifting restrictions. If closer to February 2024 South Jersey Gas anticipates that the approved modification above will be insufficient to address the program's budget constraints, South Jersey Gas can file a budget shift at that time.

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

E. Docket No. QX22100654 – In the Matter of a Rulemaking Proceeding to Create Siting Criteria for Grid Supply Solar Facilities and Net Metered Non-Residential Solar Facilities Over 5 Megawatts Pursuant to P.L. 2021, c. 169.

Diane Watson, Division of Clean Energy, presented this matter

BACKGROUND: This item involves the adoption of proposed rules for a new subchapter in the New Jersey Administrative Code, Title 14, Chapter 8, Subchapter 12, which is intended to specify siting criteria for grid supply solar facilities and net metered non-residential solar facilities with a capacity greater than five megawatts. The siting criteria would apply to installations competing in the Competitive Solar Incentive, or CSI, program, as well as to those qualifying solar facilities that choose to forego an incentive. The rule proposal implements sections six and eight of the Solar Act of 2021 and the provisions were developed in close cooperation with the New Jersey Department of Environmental Protection, the New Jersey Department of Agriculture, and the State Agricultural Development Committee. The proposed rule was published in the New Jersey Register at 55 N.J.R. 135 for a 60-day comment period on February 6, 2023 and a notice of

correction was issued March 20, 2023. The public comment period closed for the notice of proposal on April 7, 2023 and for the notice of correction on May 19, 2023.

Following the receipt and review of stakeholder comments, Staff recommends that the board adopt the proposed rule with three non-substantive changes and approve its publication in the New Jersey Register.

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

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

F. Docket No. QO22030153 – In the Matter of the Community Solar Energy Program.

Sawyer Morgan, Division of Clean Energy, presented this matter

BACKGROUND: This agenda item involves launching the Community Solar Energy Program, or CSEP. The CSEP is a conversion of the Community Solar Program which the Board established in 2019 into a permanent program. The goal of the CSEP is to approve at least 150 megawatts of community solar projects per year with incentives provided through the Administratively Determined Incentive Program. Community solar enables utility customers to participate in a community solar energy project that is remotely located from their properties and receive a credit on their utility bill for participation and enables them to access clean energy for utility customers currently unable to place solar generation directly on their own properties.

The BPU developed the pilot with a particular focus on ensuring that low to moderate income, LMI, customers can access community solar and that community solar development is pursued without materially compromising the preservation of open space or protected lands in New Jersey.

This agenda item marks another milestone in the Board's commitment to New Jersey's development of a sustainable, cost effective solar electricity market that serves New Jersey residents who haven't previously been able to go solar.

In the current energy year 2024, Staff recommends that the Board allocate capacity blocks in the ADI Program for community solar totaling 225 megawatts, divided among the four electric distribution companies approximately promotional to their retail sales.

Staff also recommends that registration in this CSEP component of the ADI Program be open to community solar projects no greater than 5 megawatts DC in size, which are located on rooftops, carports and canopies over impervious surfaces, contaminated sites and landfills, or bodies of water that have no established floral and faunal resources.

Staff recommends that the projects may register in the CSEP on a first-come, first-serve basis until each EDC megawatt block reaches full capacity, similar to other segments in the ADI Program. However, in the event that a block reaches capacity in the first business, first ten business days of an initial registration period, applicant projects would be accepted into the program in the order of the highest guaranteed minimum bill credit discounts which developers

commit to offer to all Subscribers. Projects wishing to register in the CSEP would be required to meet several maturity requirements, including for facilities sized 1 megawatt or greater written authorization from the EDC providing conditional approval to construct, a Community Engagement and Subscriber Acquisition plan, and copies of applications for all discretionary land use approvals and entitlements applicable to the project.

Staff recommends that all projects be required to serve a minimum of 51 percent LMI subscribers as measured by capacity subscribed. LMI subscribers would have several avenues to show income eligibility in order to minimize the burden of verification on the subscriber. Allowed eligibility verification methods would include participation in several assistance programs, residence in certain areas, and self-attestation that their household income is less than 80 percent of the median income.

Staff recommends that subscribers to a new community solar project in the CSEP may be subscribed from anywhere within its EDC territory and there be no limit to the number of subscribers to each project.

Regarding generation credits that are not allocated to subscribers, Staff recommends that projects may bank credits for up to 12 months from the start of the project operation and they may allocate them to subscribers for up to 24 months from the start of project operation. Staff recommends requiring the EDCs to implement consolidated billing for community solar by January 1, 2025.

Finally, Staff recommends that the registration portal open to community solar projects on November 15, 2023 with a ten-business-day initial registration period.

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	Recused

G. Docket No. QX23070434 – In the Matter of a Rulemaking Proceeding to Establish the Community Solar Energy Program Pursuant to P.L. 2018, c. 17.

Sawyer Morgan, Division of Clean Energy, presented this matter

BACKGROUND: This item involves proposal of amendments to the New Jersey Administrative Code, primarily amendments to Subchapter 9 of Chapter 8, renewable energy and energy efficiency in Title 14. Subchapter 9 governs the Community Solar Energy Pilot Program, which will be converted to the Community Solar Energy Program, or CSEP. As explained already, the CSEP is designed to approve community solar facilities and set standards for their operation. It will also provide incentives within the SuSI Program, Successor Solar Incentive program, which serves as the permanent program for providing solar incentives to qualified solar electric generation facilities. The rule proposal would establish the Community Solar Energy Program based on the framework of the Pilot Program new standards for participation. The provisions establishing the CSEP in the rule proposal before you today mirror those laid out in the Board order that was approved just before this agenda item, in addition to provisions regarding municipal automatic enrollment projects. In addition, the rule proposal includes modifications to the Successor Solar Incentive program to incorporate the registration process for community solar

projects.

Staff recommends the Board approve the rule proposal for publication in the New Jersey Register.

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

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

H. Docket No. EO20110730 – In the Matter of the Petition of Rockland Electric Company for Approval of an Electric Vehicle Program, Establishment of an Electric Vehicle Surcharge, and for Other Relief; and

Docket No. EO22120743 – In the Matter of the Petition of Rockland Electric Company for Approval of an Electric Vehicle Managed Charging Program, and for Other Relief.

Jack Streppone, Division of Clean Energy, presented this matter

BACKGROUND: This is matter is regarding the Rockland Electric electric vehicle program. So, by order dated October 12, 2022, the Board approved stipulation which authorized RECO to implement an electric vehicle program with an approximate budget of \$7.6 million, which required RECO file a residential managed charging program by December 31st of 2022. On December 20, 2022, RECO filed a petition with the Board seeking approval for a residential managed charging program. By order dated January 25, 2023, the Board designated then Commissioner Robert M. Gordon as the presiding commissioner for the residential managed charging program petition. However, on March 31, 2023 then Commissioner Gordon formally retired from State service and left his position at the Board.

Therefore, Staff recommends that the Board redesignate a presiding commissioner for 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

9. MISCELLANEOUS

A. Docket No. EO23040266 – In the Matter of a Request for Quotation (“RFQ”) Related to Assistance in Administering the Board of Public Utilities’ Zero Emission Certificate (“ZEC”) Program for Eligible Nuclear Power Plants Pursuant to N.J.S.A. 48:3-87.3 to 87.7 – Executive Session.

Ben Witherell, Chief Economist, presented this matter

BACKGROUND: This matter was presented in executive session and it concerns the release of a request for quotation to retain a consultant to assist Staff with tasks related to administering the Zero Emission Certificate program. An evaluation committee reviewed the submitted quotes. After review and after requesting and receiving a best and final offer, the evaluation committee selected the overall best quote to recommend to the Board.

Staff recommends that the Board approve the evaluation committee's recommendation for a selected consultant and direct Staff to execute a contract for services as described in RFQ and scope of work.

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 EO23080551 – In the Matter of the Determination of the Zero Emission Certificate Price for Energy Year 2023.

Ben Witherell, Chief Economist, presented this matter

BACKGROUND: Pursuant to the ZEC Act, the Board is required to determine the ZEC price for each energy year that eligible nuclear plants have been selected by the Board to receive ZECs. The ZEC price is the dollar per megawatt hour price that the selected nuclear units receive for their generation under the ZEC Act. The formula for determining ZEC price is defined in the statute as the total dollars collected by New Jersey electric distribution companies through the ZEC charge divided by the larger of two values, either the total number of megawatt hours generated by the nuclear plants or 40 percent of the total megawatt hours of electricity sold by the electric distribution companies. As calculated by Staff, the resulting ZEC price for energy year 2023 is \$9.88 per megawatt hour of generation at the nuclear plants.

Staff, therefore, recommends that the Board determine the ZEC price for energy year 2023 to be \$9.88 per megawatt hour.

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

C. Docket No. EO23080548 – In the Matter of the Third Eligibility Period for the Zero Emission Certificate Program Pursuant to N.J.S.A. 48:3-87.3 to 87.7.

Ben Witherell, Chief Economist, presented this matter

BACKGROUND: Every three years Zero Emission Certificate, or ZEC, Act requires the Board to conduct a proceeding to certify which, if any, nuclear power plants are eligible to participate in the ZEC program and receive ZECs pursuant to the Act. On August 29th of 2018 the Board initiated the ZEC Program on April 18th of 2019 the Board determined that three nuclear plants were eligible to participate in the ZEC Program and would receive ZECs for the period April 18, 2019 through May 31st of 2022.

On August 12th of 2020 the Board opened the application window for the second ZEC eligibility period and on April 27, 2021 the Board found that three nuclear plants were eligible to receive ZECs for the period of June 1, 2022 through May 31, 2025.

Staff recommends that the Board open the third eligibility period of the ZEC Program, or ZEC 3, covering the period from June, I'm sorry, June 1, 2025 through May 31, 2028. Board Staff further recommends that, A, the Board approve the ZEC 3 application for publication on the Board's website, B, the Board set the ZEC 3 Program fees and deadlines, and, C, that the Board appoint a presiding commissioner for the docket.

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

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: 1/10/24