



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 January 10, 2024 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/watch?v=8zo5Db7iJmI>

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:

Christine Guhl-Sadovy, President
Dr. Zenon Christodoulou, Commissioner
Marian Abdou, Commissioner
Michael Bange, Commissioner

President Guhl-Sadovy 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 January 31, 2024 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.

2. ENERGY

D. Docket No. EO24010002 – In the Matter of the Request for Quotation Regarding Proceeding Support for Public Service Electric and Gas Company’s 2023 Base Rate Case

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

BACKGROUND: On December 29, Public Service Electric and Gas Company filed a base rate case for approval of an increase in its current base rates for proposed electric and gas service. In order to satisfy its statutory mandate, the Board may require the services of an expert consultant, given the anticipated complexities involved in the matter.

Staff recommends that the Board authorize Staff to issue a request for quotation on behalf of the Board to hire a consultant.

8. CLEAN ENERGY

A. Docket No. QO23070459 – In the Matter of the Contract for Consulting Services for the Second Triennium Utility Energy Efficiency Filings;

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;

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

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

This item is deferred

B. Docket No. QO21121247 – In the Matter of the Request for Quotation for Consulting Services for the 3rd Offshore Wind Solicitation.

Kira Lawrence, Division of Clean Energy presented this matter.

BACKGROUND: On May 4, 2022 the Board approved a contract to Levitan and Associates to assist Staff in developing and issuing a third solicitation for offshore wind generation and to evaluate responses to that solicitation. Levitan has completed the majority of its services for the

third offshore wind solicitation. During the development of the solicitation guidance document and subsequent to receipt of proposals in response to the third offshore wind solicitation, additional services not contemplated in the approved LAI contract were identified relating to the offshore wind transmission network readiness and the pre-build infrastructure. In addition, on November 29, 2023, Governor Murphy directed the BPU to accelerate to early 2024 issuing and reviewing responses for the fourth solicitation for offshore wind generation. In order for Staff to comply with the Governor's direction and accelerated launch date, a consultant is needed to begin work as soon as possible to assist Staff with the development for the fourth solicitation. LAI has been the Board's consultant for all three previous solicitations and given LAI's experience with providing the necessary services, their knowledge of the Board's processes, and the time needed to develop the solicitation guidance document for issuance in early 2024, LAI's consulting services are needed for the fourth solicitation for offshore wind generation.

Staff recommends that the Board approve a modification to the LAI contract for the additional third solicitation services and for the fourth solicitation services as discussed in executive session. All approvals have been received from New Jersey's Office of Information Technology, the New Jersey Office of Management and Budget, and the New Jersey Department of Treasury.

CONSENT AGENDA

I. AUDITS

There were no items presented in this category

II. ENERGY

- A. **Docket Nos. ER23120924 and GR23120925 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service, B.P.U.N.J. No. 17 Electric and B.P.U.N.J. No. 17 Gas, and for Changes in Depreciation Rates, Pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief.**

BACKGROUND: On December 29, 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, Public Service Electric and Gas Company (“PSE&G” 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 \$522 million, excluding Sales and Use Tax (“SUT”) and an increase in its current base rates for gas service of approximately \$423 million, to be effective for electric service provided on and after January 29, 2024 (“Petition”).

Additionally, in the Petition, PSE&G sought: 1) recovery of storm costs through a new clause component rather than through base rates; 2) recovery of gas bad debt expense through a new component of the Societal Benefits Charge (“SBC”) rather than through base rates; and 3) an adjustment to flow-back certain tax benefits to customers through the Tax Adjustment Credit (“TAC”). The net revenue impact of all proposals to electric customers is an increase of approximately \$462 million. The net revenue impact of all proposals to gas customers is an increase of approximately \$364 million.

Because review of this matter will not be complete prior to January 29, 2024, Board Staff (“Staff”) recommends that the Board issue an order suspending the proposed rate increase until May 29, 2024, pending further action on this matter. Staff further recommends that the Board transmit this matter to the Office of Administrative Law (“OAL”) for hearing as a contested case.

III. CABLE TELEVISION

- A. **Docket No CE23080553 –In the Matter of the Petition of Comcast of the Meadowlands, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Carlstadt, County of Bergen, 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 the Meadowlands, LLC, (“Comcast”) for the Borough of Carlstadt (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

B. Docket No. CE23090683- In the Matter of the Verified Petition of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Borough of Ogdensburg, County of Sussex, 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 (“Cablevision”) for the Borough of Ogdensburg (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

A. Docket No. TM23070449-In the Matter of the Verified Joint Petition of ExteNet Asset Entity, LLC and ExteNet Systems, LLC for Approval to Transfer Certain Assets Between Petitioners and a Waiver of Mass Migration Rules.

BACKGROUND: On July 17, 2023, ExteNet Asset Entity, LLC (“EAE”) and ExteNet Systems, LLC (“ESL”) (collectively, “Petitioners”), submitted a verified joint petition requesting approval from the New Jersey Board of Public Utilities (“Board”) to transfer certain assets, customer contracts and related telecommunications network infrastructure between Petitioners (“Transaction”), pursuant to N.J.S.A. 48:3-7 (“Petition”). The Transaction is in connection with certain financing arrangements for which EAE has existing authority from the Board. Additionally, the Petitioners requested a waiver of the Board’s mass migration rules, N.J.A.C. 14:10-12.1 et seq., to the extent applicable to the transfer of certain customer contracts between Petitioners.

The Petitioners asserted that the Transaction would be seamless to customers with respect to the services that those customers receive. According to the Petitioners, the Transaction will not cause confusion or disruption to customers, rates and terms of service, which will remain the same as governed by their existing contracts, and will utilize ESL’s current customer service, technical, operational and managerial personnel.

After review, Board Staff (“Staff”) recommend that the Petition be approved and the Petitioners be allowed to complete the Transaction finding that there will be no adverse effect to customers in New Jersey.

V. WATER

A. Docket No. WE23060397 – In the Matter of the Petition of Veolia Water New Jersey, Inc. for Approval to Expand its Franchise Area in the Township of Colts Neck in the County of Monmouth, State of New Jersey.

BACKGROUND: On June 20, 2023, Veolia Water New Jersey, Inc. (“VWNJ” or “Company”) filed a verified petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.A.C. 14:1-5.1 and N.J.A.C. 14:1-5.5, for approval of a municipal consent, Resolution No. 2023-96 (“Municipal Consent”) for the Company to expand its franchise to provide water and sewer service to a portion of Colts Neck Township (“Township”).

The Municipal Consent grants VWNJ consent to provide water and sewer service to a portion of the Township.

Board Staff ("Staff") recommends that the Board approve the Municipal Consent subject to the conditions set forth in the draft Board Order.

VI. RELIABILITY AND SECURITY

There were no items presented in this category

VII. CUSTOMER ASSISTANCE

A. Docket Nos. WC22060369U and OAL PUC 01950-23-A'meo, Inc. v Middlesex Water Company, Respondent

BACKGROUND: The Initial Decision in the above-captioned matter was received by the New Jersey Board of Public Utilities ("Board") on December 4, 2023. The 45-day period in which the Board is to consider this matter and render a final decision is January 18, 2024.

Additional time is required for Board Staff ("Staff") to perform a full review of the record. Staff therefore requests that the Board seek an additional 45-day extension of the time in which the Board may render a final decision from the Office of Administrative Law ("OAL"), until March 4, 2024.

IX. MISCELLANEOUS

- A. Approval for the July 12, 2023 Minutes;
- Approval for the July 26, 2023 Minutes; and
- Approval for the August 16, 2023 Minutes.

After appropriate motion, consent agenda items IIA, IIIA, IIIB, IVA, VA and VIIA were approved.

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

After appropriate motion, consent agenda items IXA were approved.

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

AGENDA

1. AUDITS

There were no items presented in this category

2. ENERGY

A. Docket No. GR23070474 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Cost Recovery Charge Associated with Energy Efficiency Programs (“EET Charge”).

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

BACKGROUND: On July 31 South Jersey Gas filed a petition seeking approval of an increase in its Energy Efficiency Tracker rate associated with its Energy Efficiency Programs. Following the receipt of updated information, the parties have executed a stipulation resolving the matter. As a result of the stipulation, a typical residential heating customer will experience an increase of \$1.37 in their monthly bill.

Staff recommends the Board issue an order adopting the stipulation and directing South Jersey to file revised tariffs by February 1.

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

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

B. Docket No. GR23070475 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Levels of its Societal Benefits Clause (“SBC”) Charges and its Transportation Initiation Clause (“TIC”) Charge.

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

BACKGROUND: On July 31 South Jersey also filed a petition requesting approval to revise the rates associated with its Transportation Initiation Clause and the Remediation Adjustment Clause and Clean Energy Program component of its Societal Benefits Charge. Following review of the petition and subsequent updates, the parties have executed a stipulation resolving the matter. As a result of the stipulation, a typical residential heating customer would experience an increase of 10 cents on a monthly basis.

Staff recommends the Board approve the stipulation and direct South Jersey to file revised tariffs by February 1.

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

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

C. Docket No. EO23100745- In the Matter of the Petition of Butler Electric for Approval of a Zero Emission Certificate Recovery Charge.

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

BACKGROUND: On October 20 Butler Electric filed a petition seeking authority to maintain the Return of Excess Collections Credit Rate component of the Zero Emission Certificate Recovery Charge. By the petition, Butler also requested that the Board develop a streamline system for future filings that will allow the company to most efficiently handle balances. Rate counsel filed comments recommending that the Board, among other things, deny Butler's request to increase its ZECRC in excess of 0.004 per kilowatt hour. Staff recommends that the Board approve the maintenance of Butler's current rate and direct Butler to file revised tariffs by February 1. Additionally, Staff recommends that the Board deny Butler's request, but notes that several of the electric distribution companies have made similar requests to modify the handling of these filings.

Staff recommends the Board direct Butler to work collaboratively with the other EDCs, Staff, and rate counsel prior to the next filing in an attempt to find a resolution.

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

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

D. Docket No. EO24010002 – In the Matter of the Request for Quotation Regarding Proceeding Support for Public Service Electric and Gas Company's 2023 Base Rate Case – Executive Session.

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

BACKGROUND: On December 29, Public Service Electric and Gas Company filed a base rate case for approval of an increase in its current base rates for proposed electric and gas service.

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 the proceeding consistent with the discussions in executive session.

3. CABLE TELEVISION

A. Docket No. CX21020139 – In the Matter of Requests for an Investigation into the Operations of Altice USA, Inc. in New Jersey.

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

BACKGROUND: This matter involves the resolution of a service quality proceeding regarding Altice's cable television services through a stipulation of settlement. By order dated February 17, 2021, the Board opened this docket initiating investigation into the adequacy of service provided by Altice based on numerous complaints and inquiries from at least ten municipalities and several State Legislators regarding various issues their residents and constituents experienced regarding problems with Altice's service. The townships of Robbinsville, Hamilton, Montville and Howell, and boroughs of Seaside Heights and Seaside Park were granted intervenor status.

The townships of West Milford, Piscataway, Toms River, and the Borough of Sayreville were granted intervenor status in the proceeding. A virtual public hearing was held on March 16, 2021, which was attended by over 300 participants and approximately 60 speakers who provided detailed encounters of their experiences with deficiencies in Altice's service, including untrained customer service staff, long hold times, persistent outages, slow or spotty internet service, inadequate repairs requiring multiple tech visits, and overall dissatisfaction with the services provided. Following Board Staff's review of the comments and complaints received, on April 27, 2021 the Board issued an order requiring Altice to respond to numerous Staff information requests in order to evaluate the next steps in the investigation and determine what corrective actions may be necessary to ensure Altice's provision of safe, adequate, and proper service. Responses provided by Altice documented numerous changes that had been implemented to its customer service platforms, as well as upgrades to its infrastructure to address the various issues. In addition, Altice engaged each of the municipalities that were parties to the proceeding and one-on-one meetings to discuss the complaints from their residents and also followed up on almost all of the complaints received by the Board. Several settlement discussions held between the municipalities, as well as the New Jersey Division of Rate Counsel and Staff, resulted in a stipulation of settlement being reached which was filed with the Board on December 21, 2023, providing commitments from Altice to the municipalities for a three year term to address many of the concerns raised in the investigation. Commitments by Altice include an \$11 million capital commitment to infrastructure; submission of reports to municipalities, Staff, and Rate Counsel on network maintenance, service quality and customer service complaint levels; consistent training for all field operations and management staff; network maintenance, outages and emergency operations reporting; free one gig high speed broadband service to one community anchor institution in each of the municipalities; sponsorship of community initiatives by Altice in the municipalities totaling up to 120,000 across all communities; and a commitment for various notice and reporting requirements as required for by law.

Staff has reviewed the proposed stipulation and concludes that it represents a just and reasonable resolution of the issues brought forth in the proceeding and, therefore, recommends approval.

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

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

4. TELECOMMUNICATIONS

A. Docket No. TG23100748 – In the Matter of Digital Equity Planning Grant Program.

Valarry Bullard, Office of Broadband, presented this matter.

BACKGROUND: This matter involves the Digital Equity Planning Grant. We're here today to request authorization for the release of New Jersey's Digital Equity Plan to the National Telecommunications and Information Administration, or NTIA. Submission of the Digital Equity Plan is required pursuant to the Digital Equity Act and authorized pursuant to the Infrastructure Investment and Jobs Act. Consistent with instructions from NTIA and the Digital Equity Act, the Notice of Funding Opportunity, the draft of the proposal was made available to the public on October 31, 2023.

On October 31, 2023 a request for comments in connection with the Digital Equity Plan was published on the Board's website and requested comments were filed no later than November 30. Following the close of the comment period for the Digital Equity Plan, Board Staff finalized drafts of this plan in consideration afforded to the comments filed by the public. The public period having closed on November 30 and the due date for submission of the Digital Equity Plan fast approaching, Staff recommends that the Board authorize the release of the Digital Equity Act Plan to NTIA on or by January 12.

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

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

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.

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

BACKGROUND: On May 15, Middlesex Water filed a petition requesting authorization to recover costs associated with the company's plan to replace customer-side lead service lines. Following the review of the petition, conducting discovery, and several settlement discussions, the parties have executed a stipulation which would authorize the company to implement its plan. As a result of the stipulation, there is no immediate impact to customer rates. However, based on the estimated rollout of the plan, the average monthly bill impacts range from \$2.39 to \$5.72.

Staff recommends the Board approve the stipulation.

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

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

6. RELIABILITY AND SECURITY

There were no items presented in this category

7. CUSTOMER ASSISTANCE

There were no items presented in this category

8. CLEAN ENERGY

A. Docket No. QO23070459 – In the Matter of the Contract for Consulting Services for the Second Triennium Utility Energy Efficiency Filings;

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;

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

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

Item is deferred.

B. Docket No. QO21121247 – In the Matter of Request for Quotation for Consulting Services for the 3rd Offshore Wind Solicitation – Executive Session.

Dr. Kira Lawrence, Division of Clean Energy, presented this matter

BACKGROUND: On May 4, 2022 the Board approved a contract to Levitan and Associates to assist Staff in developing and issuing a third solicitation for offshore wind generation and to evaluate responses to that solicitation. Levitan has completed the majority of its services for the third offshore wind solicitation. During the development of the solicitation guidance document and subsequent to receipt of proposals in response to the third offshore wind solicitation, additional services not contemplated in the approved LAI contract were identified relating to the offshore wind transmission network readiness and the pre-build infrastructure. In addition, on November 29, 2023, Governor Murphy directed the BPU to accelerate to early 2024 issuing and reviewing responses for the fourth solicitation for offshore wind generation. In order for Staff to comply with

the Governor's direction, a consultant is needed to begin work as soon as possible. LAI has been the Board's consultant for all three previous solicitations and given LAI's experience with providing the necessary services, their knowledge of the Board's processes, and the time needed to develop the solicitation guidance document for issuance in early 2024, LAI's consulting services are needed for the fourth solicitation for offshore wind generation.

Staff recommends that the Board approve a modification to the LAI contract for the additional third solicitation services and for the fourth solicitation services as discussed in executive session. All approvals have been received from New Jersey's Office of Information Technology, the New Jersey Office of Management and Budget, and the New Jersey Department of Treasury.

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

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

C. Docket No. QO23060349 – In the Matter of the Petition of the North Jersey District Water Supply Commission, in Conjunction with Nexamp Solar, LLC., for a Floating Solar Project Eligibility Waiver Under the Competitive Solar Incentive Program, (P.L. 2021, c. 169).

Laura Scatena, Division of Clean Energy, presented this matter

BACKGROUND: This matter pertains to a request for a waiver of the New Jersey Board of Public Utilities' award site prohibitions for Competitive Solar Incentive-Eligible Facilities, or CSI Eligible Facilities, at N.J.A.C. 14:8-12.3(a)(1). Pursuant to N.J.A.C. 14:8-12.6, the North Jersey District Water Supply Commission, or NJDWSC, in conjunction with Nexamp Solar, LLC, or Nexamp, collectively the petitioners, filed a petition with the Board seeking to waive the prohibition. Petitioner seeks to locate a solar project on the Wanaque Reservoir within the Highlands Preservation Area, specifically at Block 106, Lot 1 at 1 F.A. Orechio Drive, Wanaque, Passaic County, New Jersey 07465, referred to as the project. The project is planned to be approximately ten megawatts of direct current consisting of two islands, each approximately ten acres in size, with on-land interconnection components. In support of siting the project on a permitted land use, petitioners point to various benefits they assert would be provided by the 1 2

Board Staff acknowledges that the resiliency benefits to critical infrastructure and the economic benefits to communities impacted by the project are supported by the State's and the Board's clean energy goals. Similarly, the environmental benefits cited by petitioners have some scientific support. However, Staff notes that over the last two to three years petitioners have failed to provide the missing site-specific information requested by the Highlands Council and the New Jersey Department of Environmental Protection, or NJDEP, regarding the project. This failure to address the specific concerns of the relevant administrative agencies outweighs general statements about environmental or community benefits. Pursuant to the CSI siting rules for consideration of waiving the prohibition for siting CSI-eligible facilities on permitted land uses at N.J.A.C. 14:8-12.6(a), quote, the Board or its designee shall make a positive finding with regard to any such petition only upon the following: One, consulting with other State agencies as appropriate; two, determining that the petitioner has documented sufficient facts and circumstances establishing the public's specific interest in siting the CSI-eligible facility on or within a permitted land use; and, three, finding the waiver is in the public interest.

Based on the information contained in the petition, Highlands Council's documentation pertaining to the project, and the NJDEP's findings, Staff recommends that the Board not make a positive finding that the project as proposed is in the public interest and deny the petitioner's request for a land use waiver. The denial means that petitioners are not allowed to move forward and the CSI program's second solicitation prequalification process for the project because it would be located within the Highlands Preservation Area. This is without prejudice and the applicant will be able to resubmit the waiver request with additional information.

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

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

D. Docket No. QW23070456 – In the Matter of the Petition of NextGrid Inc. for an Order Issuing a Waiver for the Development of a Solar Electricity Generation Facility in the New Jersey Pinelands Preservation Area Pursuant to the Competitive Solicitation Incentive Program Siting Requirements.

Laura Scatena, Division of Clean Energy, presented this matter

BACKGROUND: This matter is related to a request for a waiver of the New Jersey Board of Public Utilities', Board's, siting prohibitions for Competitive Solar Incentive-Eligible Facilities, or CSI-eligible facilities, at N.J.A.C. 14:8-12.3(a)(1). Pursuant to N.J.A.C. 14:8-12.6, NextGrid, Inc., referred to as NextGrid, or petitioner, filed a petition with the Board seeking to waive the prohibition for alleged good cause shown by utilizing a closed landfill and marginalized property. Petitioner seeks to locate a solar project at the Manchester Township Landfill site at Block 116, Lot 13 at 110 Sam Pitts Road, also known as 1501 New Jersey 70, Whiting Township, Ocean County, New Jersey, referred to as the project, on land within the preservation area of the Pinelands area as designated in Subsection B of Section 10 at P.L. 1979, c. 111.

The project is planned to be 5.2 megawatts of direct current with battery storage constructed on 18.4 acres of the landfill within 32 acres of the property. As justification for siting a solar facility on prohibited land, petitioner pointed to the clean renewable energy generation, the use of a closed landfill in marginalized property, and local community benefits, such as job generation and the participation of an environmental justice community identified as an overburdened community in the clean energy economy. Once again, pursuant to the Competitive Solar Incentive, or CSI, siting rules for consideration of waiving the prohibition for siting CSI-eligible facilities on permitted land uses in the rules, the Board or its designee shall make a positive finding with regard to any such petition only upon: One, consulting with other State agencies as appropriate; two, determining that the petitioner has documented sufficient facts and circumstances establishing a public specific interest in siting this CSI-eligible facility on or within a specific prohibited land use; and, three, finding that the waiver is in the public interest. Based on the information contained in the petition and correspondence from the Pinelands Commission and the New Jersey Department 1 of Environmental Protection supporting a waiver determination and providing cogent rationales for these recommendations

Staff recommends that the Board make a positive finding that the project as proposed is in the public interest and approve the petitioner's request for a land use waiver. A waiver will allow NextGrid to move forward in the CSI program's second solicitation prequalification process for the project, despite its location within the preservation area of the Pinelands area, specifically on Block 116, Lot 13.

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

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

E. Docket No. QO22060410 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (t) of the Solar Act of 2012 – Miller Bros. Glassboro SLF.

Dr. Diane Watson, Division of Clean Energy, presented this matter

BACKGROUND: This item relates to a Subsection (t) application from Miller Brothers to have its Summit City Solar, LLC project certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012. The applicant's proposed 2.45 megawatt DC project to be located on 14 acres at the Glassboro Boro Landfill Site in the Borough of Glassboro, Gloucester County, New Jersey.

Staff reviewed the application and supplied a copy to NJDEP for their review. Tax records obtained by the Division of Law from Gloucester County show that the part of the property of the proposed project located on portions of Block 357, Lot 1 and Block 358, Lot 1 had been valued, assessed, and taxed pursuant to the Farmland Assessment Act of 1964 for a ten-year period prior to July 24, 2012. Therefore, the development proposed on these parcels does not meet the minimum eligibility requirements for inclusion in the Subsection (t) solar subsidy program. In light of the tax status of the larger blocks and lots, Block 357, Lot 1 and Block 358, Lot 1, NJDEP declined to evaluate the remaining approximately 0.26 acres located on Block 335, Lot 1 for land classification as a properly closed sanitary landfill. In the absence of an NJDEP evaluation and given the documentation of assessment of the majority of the project site as 3B Qualified Farmland

Staff recommends that the Board deny conditional certification for the application. Based on review of the application, tax records obtained by the Division of Law, and in the absence of an evaluation by NJDEP, Staff recommends that the Board deny conditional certification for the applicant's 2.45 megawatt DC Summit City Solar, LLC project as not being eligible for the participation in a Subsection (t) program consistent with the solar act of 2012.

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

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

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

Docket No. QO23120871 – In the Matter of the Petition of Atlantic City Electric Company for Approval of a Portfolio of Energy Efficiency, Building Decarbonization and Demand Response Programs, a Cost Recovery Mechanism, and Other Related Relief Pursuant to the Clean Energy Act for the Period January 2025 through June 2027 (Triennium 2);

Docket No. QO23120869 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of Triennium 2 Clean Energy Programs and Associated Cost Recovery Pursuant to the Clean Energy Act;

Docket No. QO23120872 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of JCP&L’s Second Energy Efficiency and Conservation Plan Including Energy Efficiency and Peak Demand Reduction Programs (“JCP&L EE&C Plan II Filing”);

Docket No. QO23120868 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of New Energy Efficiency, Building Decarbonization Start-Up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq. Second Triennium;

Docket No. QO23120874 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future-Energy Efficiency II (CEF-EE II) Program on a Regulated Basis;

Docket No. QO23120875 – In the Matter of the Petition of Rockland Electric Company for Approval of its Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. QO23120870 – In the Matter of the Petition of South Jersey Gas Company for Approval of Triennium 2 Clean Energy Programs and Associated Cost Recovery Pursuant to the Clean Energy Act.

Kevin Nezda, Division of Clean Energy, presented this matter

BACKGROUND: The Clean Energy Act of 2018 directed the Board to require each electric and natural gas public utility to achieve annual reductions in electric and natural and gas usage by their customers within their service territories. In 2020 and early 2021, Board Staff worked with these utilities to create Energy Efficiency, or EE, programs for the three-year period from July 1, 2021 through June 30, 2024, known as Triennium 1. Additionally, the Board found that Butler Electric Company satisfied their requirement to offer programs to their customers when Public Service Electric and Gas Company, PSE&G, began offering its Clean Energy Future, Energy Efficiency Program to Butler customers that had PSE&G as their gas utility. The Board issued orders on May 24, July 26, September 27, and October 25th of 2023 regarding Triennium 2, which will run from January 1, 2025 through June 30, 2027. The Board designated President Guhl-Sadovy as the Presiding Commissioner for the filings of Elizabethtown Natural Gas Company, New Jersey Natural Gas Company, and South Jersey Gas Company.

The Board further designated Commissioner Christodoulou as the Presiding Commissioner for the filings of Atlantic City Electric, Jersey Central Power and Light Company, and Rockland Electric Company. The Board lastly designated Commissioner Holden as the Presiding Commissioner for the filings of PSE&G and Butler. The utilities filed their Triennium 2 EE petitions on December 1, 2023. PSE&G's Clean Energy Future, Energy Efficiency II filing included programs for Butler's customers. Entities that wished to participate or intervene the filings had until December 8 to file a motion and responses to these motions were due on December 15.

On December 28, 2023, Staff issued letters advising Atlantic City Electric, Jersey Central Power and Light, Public Service Electric and Gas, and Rockland Electric that their Triennium 2 filings were administratively incomplete and required curing to be considered by the Board.

Staff recommends that the Board find that the petition filed by PSE&G satisfies the Triennium 2 requirements for Butler Electric Company.

Staff also recommends that any new entity wishing to intervene or participate in any Triennium 2 utility filings have until seven days following the issuance of a letter of administrative completeness by Staff in order to participate and that entities have an additional seven days to respond to these motions. In addition to posting to the public docket in each of these matters, Staff proposes to send a Listserv notification upon the issuance of these letters for the filings. Lastly, following Commissioner Holden's retirement from the Board,

Staff lastly recommends that the Board redesignate Presiding Commissioners for the PSE&G filings, as well as for the other filings as needed.

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

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

9. MISCELLANEOUS

There were no items presented for this matter.

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

A handwritten signature in cursive script, reading "Sherri L. Golden".

SHERRI L. GOLDEN
BOARD SECRETARY

Date: April 17, 2024