



Agenda Date: 11/17/23

Agenda Item: 8F

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF NEW JERSEY CLEAN ENERGY)	ORDER
PROGRAM FISCAL YEAR 2024 COMMUNITY ENERGY)	
PLAN GRANT PROGRAM)	DOCKET NO. QO23090714
)	
IN THE MATTER OF NEW JERSEY CLEAN ENERGY)	
PROGRAM FISCAL YEAR 2024 COMMUNITY ENERGY)	
PLAN IMPLEMENTATION GRANT PROGRAM)	DOCKET NO. QO23100729

Party of Record:

Brian O. Lipman, Esq., New Jersey Division of Rate Counsel

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) considers Board Staff’s (“Staff’s”) recommendations for the Fiscal Year 2024 (“FY 2024”) Community Energy Plan (“CEP”) Grant Program and the Community Energy Plan Implementation (“CEPI”) Grant Program (collectively, “Programs”), including recommendations that the CEP Grant Program be funded in the amount of \$4,574,034 for FY 2024 and that the CEPI Grant Program be funded in the amount of \$3,414,180 for FY 2024, such that funding for both Programs together totals \$7,998,214.

BACKGROUND AND PROCEDURAL HISTORY

The Board created the CEP Grant Program in 2019 with the purpose of providing grants to municipalities throughout New Jersey to create localized energy plans that are aligned with the goals of New Jersey's Energy Master Plan ("EMP").¹ The EMP goals chosen for inclusion in the CEP Grant Program are associated with EMP Strategies 1, 2, 3, 4, 6, and 7. Staff partners with Sustainable Jersey for purposes of the CEP Grant Program, wherein Sustainable Jersey assists with program design and provides technical assistance with respect to awardees selected to participate in the CEP Grant Program.²

Between Fiscal Year 2019 ("FY 2019") and Fiscal Year 2021 ("FY 2021") respectively, grant awards for the CEP Grant Program were scaled by population size, ranging from \$5,000 to \$25,000 in possible grant amount based on related municipal population size.³ For the first iteration of the CEP Grant Program beginning in FY 2019 ("Plan Year 1"), the Board awarded grants under the CEP Grant Program to Bergen County (award made in 2020), Lawrence Township (award made in 2021), and Jersey City (award made in 2021).⁴ Bergen County and Jersey City were both awarded \$25,000 based on their respective populations being over 100,000 people, and Lawrence Township was awarded \$15,000 based on its population being between 25,001 and 50,000 people.⁵

In 2021, following the selection of grantees for the Plan Year 1 CEP Grant Program, the Board requested the BPU's Division of Clean Energy's Office of Clean Energy Equity to evaluate the CEP Grant Program results from Plan Year 1, with a focus on prioritizing low- and moderate-income communities and removing barriers to participation. After conducting such a review, Staff recommended revising the CEP Grant Program's application ("CEP Application") requirements, identifying "overburdened municipalities" ("OBMs") that would be eligible to receive \$25,000 grants as well as technical assistance from Sustainable Jersey in submitting their respective CEP Applications and developing their respective CEPs. Those municipalities not identified as OBMs would be eligible for \$10,000 grants each. The Board approved these changes to the CEP Grant

¹ In re the Clean Energy Programs and Budget for Fiscal Year 2019 Trued Up and Revised Budget, BPU Docket No. QO18040393, Order dated March 29, 2019. See also New Jersey Board of Public Utilities, 2019 New Jersey Energy Master Plan: Pathway to 2050, https://nj.gov/bpu/pdf/publicnotice/NJBPU_EMP.pdf.

² For more information about Sustainable Jersey, a non-profit organization, please visit <https://www.sustainablejersey.com>.

³ Grant allocations by population were as follows: Population of under 10,000 = \$5,000 grant award; Population of 10,001 to under 25,000 = \$10,000 grant award; Population of 25,001 to 50,000 = \$15,000 grant award; Population of 50,001 to 100,000 = \$20,000 grant award; Population of over 100,000 = \$25,000 grant award.

⁴ In re New Jersey Clean Energy Program Fiscal Year 2019 Community Energy Planning, BPU Docket No. QO19040497, Order dated February 5, 2020; In re New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning & In re New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning for the Township of Lawrence, BPU Docket Nos. QO21030678 & QO21030676, Order dated April 7, 2021; In re New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning & In re New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning for Jersey City, BPU Docket Nos. QO21030678 & QO21030677, Order dated April 7, 2021.

⁵ Id.

Program in October 2021, for the second iteration of the CEP Grant Program, which grant term spanned the period from June 2022 to November 2023 (“Plan Year 2”).⁶

On June 24, 2021, the Board approved a Fiscal Year 2022 (“FY 2022”) budget of \$1,000,000 for Plan Year 2 of the CEP Grant Program, with \$505,000 in new funding and \$495,000 in carryover funding from FY 2021 (\$505,000 + \$495,000 = \$1,000,000).⁷ The structure of the Plan Year 2 CEP Grant Program was changed to only allow municipalities to be eligible for participation in this program.⁸ On June 8, 2022, the Board approved 46 municipalities, including 24 OBMs, as part of the FY 2022 CEP Grant Program, for a total commitment to award \$820,000 of the available \$1,000,000 in CEP Grant Program funding.⁹ Prospect Park became the first municipality to adopt its CEP in March 2023. Other municipalities are still in the process of creating their respective CEPs. Of the total committed amount of \$820,000, approximately \$700,000 has been spent to date. The remaining \$120,000 difference (“\$120,000 Difference”) that has not yet been spent (\$820,000 - \$700,000 = \$120,000) is a result of some municipalities failing to submit to Staff their fully-completed respective CEP grant agreements (each, a “CEP Grant Agreement”), a prerequisite for a municipality to receive funding. The \$120,000 Difference was carried forward to the Fiscal Year 2023 (“FY 2023”).

To support the existing commitments and future rounds of funding for upcoming plan years, on June 29, 2022, the Board approved a FY 2023 budget of \$2,939,034 for the CEP Grant Program.¹⁰ Since the grant term for Plan Year 2 was 18 months, and spanned two (2) fiscal years, there was no new CEP Grant Program plan year during FY 2023.

On June 29, 2023, the Board issued an Order approving the opening of a new round of grant funding for the third iteration of the CEP Grant Program (“Plan Year 3”).¹¹ The June 29, 2023 Order also provided for grant funding to support the first year (“Initial Plan Year”) of municipalities’ implementation of their completed community energy plans (“Community Energy Plan Implementation Grants” or “CEPI Grants”) through a new CEPI grant program (“CEPI Grant Program”).¹² Accordingly, the June 29, 2023 Order allocated a total FY 2024 budget of \$5,574,034 from New Jersey’s Clean Energy Program (“NJCEP”) General Fund in support of both Programs, Plan Year 3 of the CEP Grant Program and the Initial Plan Year of the CEPI Grant Program.¹³ The FY 2024 budget does not specify how these funds will be split between both Programs. Therefore, Staff is proposing that \$4,574,034 be allocated toward the CEP Grant

⁶ In re New Jersey Clean Energy Program Fiscal Year 2022 Community Energy Planning, BPU Docket No. QO21091113, Order dated October 6, 2021.

⁷ In re the Clean Energy Programs and Budget for Fiscal Year 2022 – True-Up, Revised Budgets and Program Changes, BPU Docket No. QO21040720, Order dated June 24, 2021.

⁸ Id.

⁹ In re New Jersey Clean Energy Program Fiscal Year 2022 Community Energy Planning, BPU Docket No. QO21091113, Order dated June 8, 2022.

¹⁰ In re the Clean Energy Programs and Budget for the Fiscal Year 2023, BPU Docket No. QO22020113, Order dated June 29, 2022.

¹¹ In re the Clean Energy Programs and Budget for the Fiscal Year 2024, BPU Docket No. QO23040236, Order dated June 29, 2023 (“June 29, 2023 Order”).

¹² Id.

¹³ Id.

Program and that the remaining \$1,000,000 be allocated toward the CEPI Grant Program (\$4,574,034 + \$1,000,000 = \$5,574,034).

In January 2023, the United States Department of Energy (“US DOE”) opened a formula grant funding opportunity known as the Energy Efficiency and Conservation Block Grant (“EECBG”) Program (such funding offered under the EECBG Program, the “EECBG Formula Funding”). The EECBG Formula Funding is to be used for community energy planning and project implementation designed to reduce carbon emissions, reduce energy use, and improve energy efficiency. The goals of the EECBG Program are to reduce fossil fuel emissions in a sustainable way that benefits local communities, reduces community energy usage as a result of receiving those funds, improves energy efficiency in various sectors (such as the transportation sector and the buildings sector, among others), and builds a clean and equitable energy economy. Select government entities at the state, tribal, and local levels were eligible to receive direct EECBG Formula Funding from US DOE. In New Jersey, 66 municipalities and 10 counties qualified for this funding,¹⁴ and the State qualified for \$2,414,180 in EECBG Formula Funding.¹⁵ As part of the EECBG’s requirements, New Jersey must allocate at least 60% of its funding to provide subgrants to municipalities that were not otherwise eligible for direct funding.¹⁶ On September 29, 2023, BPU submitted to US DOE an application for its allocated EECBG Formula Funding to the US DOE (“Formula Application”) on behalf of the State for its proposed allocation of EECBG Formula Funding (such submission date, the “US DOE Application Submission Date”). US DOE approval of the BPU’s Formula Application is expected to occur up to 60 days after the US DOE Application Submission Date.¹⁷ Within 180 days following the date on which the US DOE issues its approval of New Jersey’s Formula Application, US DOE guidelines require that the Board award all EECBG Formula Funding through subgrants to eligible entities.¹⁸ Eligible entities are applicants to the CEPI Grant Program who have a completed Community Energy Plan or a plan equivalent to a CEP (“Equivalent Plan”).

Community Energy Plan Grant Program

Staff consulted with Sustainable Jersey to develop recommendations for the FY 2024 CEP Grant Program, which will be Plan Year 3 of such program. As a result of such consultation, Sustainable Jersey will assist Staff with fulfilling the goals of (i) providing Plan Year 3 CEP Grant Program funding to municipalities that have not yet participated in the CEP Grant Program and (ii) using lessons learned from the Plan Year 2 of the CEP Grant Program to build a more effective CEP

¹⁴ US DOE, Office of State and Community Energy Programs (SCEP), Final Allocation of Funds - Table 1a. FINAL EECBG Program Formula Grant Funding Allocations to Local Governments Listed Alphabetically by State and Local Government (2023) at 30-32, [https://www.energy.gov/sites/default/files/2023-01/IIJA%20\(40552\)%20EECBG%20Program Attachment%201a.%20 Local%20Govt.%20Allocations_FI_NAL.pdf](https://www.energy.gov/sites/default/files/2023-01/IIJA%20(40552)%20EECBG%20Program%20Attachment%201a.%20Local%20Govt.%20Allocations_FI_NAL.pdf) (hereafter, “Final Allocation of Funds”).

¹⁵ Id. at 2.

¹⁶ Id.; US DOE, Office of the Under Secretary for Infrastructure, Golden Field Office, Administrative and Legal Requirements Document (ALRD) (2023) at 5, https://www.energy.gov/sites/default/files/2023-11/EECBG_ALRD_2023.10.27.vf_.pdf.

¹⁷ Id. at 1.

¹⁸ Id.; US DOE, Subject: Infrastructure Investment and Jobs Act of 2021 Energy Efficiency and Conservation Block Grant Program Formula Grant Applicant Instructions, EECBG Program Notice 22-01 (January 18, 2023) at 25, https://www.energy.gov/sites/default/files/2023-01/IIJA%20%2840552%29%20EECBG%20Program_Application%20Instructions.pdf.

Application and CEP Grant Program participation process in order to attract program applicants and assist CEP Grant Program grant awardees. Review of the CEP Grant Program structure focused on two (2) components: i) timeline and ii) criteria for OBMs.

Timeline

For the CEP Grant Program's Plan Year 3, Staff recommends shortening the program's term to 12 months from its previous term of 18 months to keep participating municipalities engaged in the process and increase the likelihood that municipalities with administratively incomplete CEP Grant Agreements have incentive to complete and submit to Staff their completed CEP Grant Agreements on a timely and more expeditious basis. In addition to having a shorter time span to complete the CEP, Staff recommends not requiring applicant municipalities to submit a proposed CEP budget until after they both have been selected for participation in the Plan Year 3 CEP Grant Program and have met with Sustainable Jersey. Staff also recommends expanding one (1) of the thresholds for determining OBMs in order to maintain an active pipeline of eligible OBMs. Accordingly, Staff's recommended new timeline of milestones for CEP Grant Program Plan Year 3 is as follows:

1. Within 30 days of the CEP Grant Program awards announcement through an awarding Board Order ("Award Order"), the Board will issue a CEP Grant Agreement to each municipality selected as a grantee ("CEP Grantee").
2. Within 30 days of its receipt of the CEP Grant Agreement, each CEP Grantee will be required to return to Staff its administratively complete CEP Grant Agreement, signed by the appropriate municipal authority (such date of submission, the "Grant Agreement Submission Date"). Only submitted CEP Grant Agreements that are administratively complete will trigger the Grant Agreement Submission Date. The Grant Agreement Submission Date will mark the start date beginning the CEP Grantee's grant term ("CEP Grantee's Grant Term").
3. Within 45 days of the Grant Agreement Submission Date, a CEP Grantee will establish who from their municipality will be working on the CEP Workplan Template ("Workplan Template"). There is no minimum or maximum amount of people required to form such a team for such purpose, and the team does not need to consist of solely municipal staff.
4. With respect to setting and holding a consultation meeting with Sustainable Jersey to discuss the CEP Workplan Template, the following would occur:
 - a. For OBMs, within 45 days of the Grant Agreement Submission Date, such municipalities each will schedule a consultation with Sustainable Jersey staff to review that municipality's FY 2023 Workplan Template and budget guidelines.¹⁹ Sustainable Jersey will provide guidance to such CEP Grantee during the consultation, so that the CEP Grantee is both informed about expectations related to the Workplan Template, including completion milestones, and equipped with an understanding of how to produce budget estimates.
 - b. For all other CEP Grantees, within 90 days of the Grant Agreement Submission Date, these municipalities will schedule a consultation with Sustainable Jersey staff to review that municipality's FY 2023 Workplan Template and budget guidelines. Sustainable Jersey will provide guidance to such CEP Grantee during

¹⁹ Sustainable Jersey offers the Workplan Template as a tool for municipalities to identify the most high-impact initiatives that municipalities can implement to reduce energy consumption, reduce greenhouse gas emissions, and achieve a sustainable energy future.

the consultation, so that the CEP Grantee is both informed about expectations related to the Workplan Template, including completion milestones, and equipped with the know-how for how to produce budget estimates.

5. Irrespective of a municipality's Grant Agreement Submission Date, within 105 days following the date of the Award Order for OMBs, and within 150 days following the date of the Award Order for all other CEP Grantees, each CEP Grantee will submit to Staff a proposed budget ("Proposed Municipal Budget") containing the content and presented in the form discussed with Sustainable Jersey (such date of submission, the "Budget Submission Date").
6. A CEP Grantee will complete the Workplan Template within six (6) months of its Grant Agreement Submission Date to arrive at a fully-developed, proposed CEP.
7. Within eight (8) months of the date of the Award Order, a CEP Grantee will conduct a minimum of one (1) public meeting to engage its municipal community in discussion of the fully-developed, proposed CEP.
8. Within 12 months of the date of the Award Order, taking into account feedback received from its municipal community received at the public meeting and otherwise, each CEP Grantee will do the following:
 - a. Finalize its CEP by having its municipal governing body formally adopt such CEP.
 - b. Submit formal proof of such municipal adoption of the CEP to Staff as evidence of its CEP approval.

Criteria for OBMs

In addition to reviewing the CEP Grant Program's timeline, Staff reviewed and reevaluated the criteria for determining whether a municipality qualifies as an OBM. Twenty-four (24) of the 48 municipalities that were eligible for OBM classification were selected to participate in the FY 2022 CEP Grant Program for Plan Year 2.²⁰ In order to maintain a steady pipeline of OBMs eligible for participation in the CEP Grant Program, Staff examined several potential changes to the OBM criteria, with the goal of finding a measure that expanded the range of eligible OBMs while at the same time not diminishing the original purpose for classifying a municipality as an OBM.

Accordingly, based on its findings, as part of the OBM qualification criteria, Staff recommends expanding the threshold for municipal qualification as a distressed community, based upon the New Jersey Department of Community Affairs' ("DCA's") Municipal Revitalization Index ("MRI"), by expanding the MRI threshold from 50 to 40. According to DCA's report on the MRI, after MRI scores are calculated, they are standardized to a 0 to 100 scale, with 100 being the most distressed and 0 being minimally distressed.²¹ Distress scores of 75 to 100 are areas of high distress, scores of 50 to 74 are areas of moderate distress, and anything below a score of 50 are areas of little to no distress.²² Although the new proposed threshold score of 40 does not fall under moderate or high distress, the MRI score combined with the requirement that at least 50% of a

²⁰ Selection for participation in the CEP Grant Program does not ensure that the municipality will receive funding, as the municipality must submit the CEP Grant Agreement (as defined herein). A number of municipalities did not submit their properly executed Grant Agreements to Staff and therefore did not receive funding under the CEP Grant Program for that program year.

²¹ New Jersey Department of Community Affairs, [Measuring Distress in New Jersey](https://www.nj.gov/dca/home/NJ_MRI_Report.pdf) (2017) at 32, https://www.nj.gov/dca/home/NJ_MRI_Report.pdf.

²² Id.

municipality's population lives within an overburdened community indicates that a municipality is still an area in need of assistance. Making this change would increase the number of OBMs from 48 in Plan Year 2 to 78 in Plan Year 3. The new OBM criteria would be as follows:

1. The municipality has more than 50% of its population living in an OBC Census Block, as such term is defined by the New Jersey Department of Environmental Protection ("NJ DEP") pursuant to New Jersey's Environmental Justice Law, N.J.S.A 13-1D-157 et seq.²³ and
2. The municipality meets one (1) or both of the following criteria:
 - a. More than 35% of the population is living on an income that is an amount that is under 200% of the threshold poverty level income line according to the U.S. Census 2021 American Community Survey census data;²⁴ and
 - b. The municipality has an MRI score of 40 or higher.

Community Energy Plan Implementation Grant Program

Pursuant to the Board's approval of FY 2024 grant funding to support municipalities' implementation of their completed CEPs, Staff recommends establishing a new CEPI Grant Program and launching the Initial Plan Year of such Program. The CEPI Grant Program would complement the CEP Grant Program. The objectives of the CEPI Grant Program would be to assist municipalities to implement municipal projects, as identified in each municipality's respective CEP, provide equitable grant distribution to all municipalities, provide for an inclusive selection process, support for OBMs, and offer a simplified application process. Review of the CEPI Grant Program applications ("CEPI Applications") would prioritize practical, cost-effective, and high-impact projects to be implemented by municipal governments.

Funding for this proposed CEPI Grant Program would come from two (2) sources, \$2,414,180 from the EECBG Program using EECBG Formula Funding, and \$1,000,000 from the NJCEP General Fund.²⁵ The total amount of funding for the CEPI Grant Program, therefore, will be in the amount of \$3,414,180 (\$2,414,180 + \$1,000,000 = \$3,414,180).

Staff recommends that, to qualify for the CEPI Grant Program, a municipal government must have completed either (i) a CEP or (ii) Equivalent Plan that is completed and has been approved by municipal resolution. An Equivalent Plan would address the same elements as a CEP, including a timeline for each project's implementation and strategies for implementation as identified using the Workplan Template.

The CEPI Grant Program offers each municipality the ability to receive up to \$250,000 in funding, irrespective if the municipality is an OBM or not. The municipal award recipient ("CEPI Grant Awardee") has sole discretion to determine whether it uses this sum to fund one (1) project or fund multiple projects stated in its CEP or Equivalent Plan. In the event that there are remaining,

²³ NJ DEP, What are Overburdened Communities (OBC)?, <https://dep.nj.gov/ej/communities>.

²⁴ United States Census Bureau American Community Survey, Poverty Status in the Past 12 Months (2021), Table S1701, [https://data.census.gov/table/ACSST5Y2021.S1701?q=S1701&g=040XX00US34\\$0600000](https://data.census.gov/table/ACSST5Y2021.S1701?q=S1701&g=040XX00US34$0600000). For an example of another program in which poverty level income line is used as a measurement, please see the Comfort Partners program, <https://www.njcleanenergy.com/residential/programs/comfort-partners/comfort-partners>.

²⁵ Final Allocation of Funds, supra note 14, at 2; June 29, 2023 Order.

unallocated funds in the CEPI Grant Program budget, the CEPI Grant Awardee would have the opportunity to submit to Staff one (1) additional project for Staff's review and evaluation that is either listed on the municipality's original CEP, or that is not listed on the municipality's original CEP but is a new project that Staff has not yet seen and approved, so that such remaining, unallocated funds could be applied toward such additional project ("Additional Project"). Funding would not be available for projects listed on the original CEP or Additional Projects that are eligible for non-competitive funding through other federal, state, or utility sources.

Lastly, municipalities recognized as being OBMs would receive at least 40% of total funding awarded through the CEPI Grant Program as a whole. This program parameter aligns with the federal government's Justice40 Initiative, which states that at least 40% of benefits from federal funding should go to those communities that are identified as being disadvantaged.²⁶

DISCUSSION AND FINDINGS

After review and consideration of Staff's recommendations to establish the Plan Year 3 CEP Grant Program to be funded with FY 2024 funding, the Board **HEREBY FINDS** that implementation of Staff's recommendations will create a more streamlined and effective CEP Grant Program for municipal participants and will ensure that a steady pipeline of municipalities, including OBMs, will receive support through this program. The Board **FURTHER FINDS** that implementing Staff's recommendations for the Plan Year 3 CEP Grant Program will continue to prioritize low- and moderate-income and OBMs by providing additional financial and technical support to those communities. Accordingly, from the total FY 2024 budget of \$5,574,034 that the June 29, 2023 Order allocated for the Programs, the Board **HEREBY DIRECTS** Staff to establish the Plan Year 3 CEP Grant Program based on Staff's recommendations contained in this Order using \$4,574,034 of FY 2024 funding from the NJCEP budget, and **HEREBY DIRECTS** Staff to take all necessary and appropriate steps to implement the Plan Year 3 CEP Grant Program pursuant to the recommendations made herein.

Additionally, after review and consideration of Staff's recommendations to establish the CEPI Grant Program, the Board **HEREBY FINDS** that this new grant program will help municipalities implement projects that they planned through the CEP Grant Program. These projects will benefit the residents of New Jersey by encouraging clean energy projects that have positive local impacts. Accordingly, the Board **HEREBY DIRECTS** that funding for the CEPI Grant Program will come from two (2) sources: \$2,414,180 from EECBG Formula Funding and \$1,000,000 from the NJCEP budget for community energy grants, for a total budget of \$3,414,180 in FY 2024. The Board **FURTHER DIRECTS** Staff to establish the CEPI Grant Program and to take all necessary and appropriate steps to implement it pursuant to the recommendations made herein.

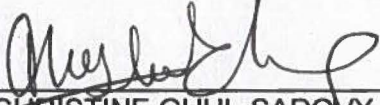
The Board **HEREBY DIRECTS** Staff to open the application windows for each of the Programs on or around November 27, 2023, accept applications for each Program until on or around January 31, 2024, and provide recommendations for grant awards for each of such Programs in Spring 2024.


²⁶ Federal Register, Executive Order 14008 (2021) at 7631-7632, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>; US DOE, Justice40 Initiative, <https://www.energy.gov/justice/justice40-initiative>


This Order shall be effective on November 24, 2023.

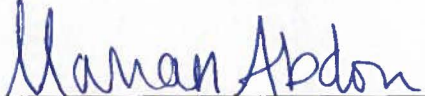
DATED: November 17, 2023

BOARD OF PUBLIC UTILITIES
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I HEREBY CERTIFY that the within
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PLAN GRANT PROGRAM
DOCKET NO. QO23090714

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