

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. QO23120874
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IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF ITS ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAMS)	DOCKET NO. QO23120875
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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)	DOCKET NO. QO23120870
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Parties of Record:

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Margaret Comes, Esq., Associate Counsel, Rockland Electric Company
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BY THE BOARD:¹

By this Order, the New Jersey Board of Public Utilities (“Board”) accepts Public Service Electric and Gas Company’s (“PSE&G”) December 1, 2023 petition (“PSE&G Filing”) seeking approval of its second three-year program cycle (“Triennium 2”) proposal to deliver energy efficiency (“EE”) programs pursuant to the New Jersey Clean Energy Act of 2018, L. 2018, c. 17 (N.J.S.A. 48:3-87.8 *et seq.*) (“CEA”) in satisfaction of the Board’s requirement that Butler Power and Light Company (“Butler”) submit a proposal to establish its own Triennium 2 EE programs. The Board further re-designates presiding commissioners for PSE&G, Elizabethtown Gas Company (“ETG”), New Jersey Natural Gas Company (“NJNG”), and South Jersey Gas Company’s (“SJG”) respective filings, and extends the bar dates on Motions to Intervene or Participate for each of New Jersey’s electric and gas public utilities’ Triennium 2 filings.²

¹ Commissioner Michael Bange abstained from voting on this matter.

² New Jersey’s electric and gas public utilities include Atlantic City Electric Company (“ACE”), Butler, ETG, Jersey Central Power & Light Company (“JCP&L”), NJNG, Rockland Electric Company (“RECO”), SJG, and PSE&G (collectively, “Utilities”).

BACKGROUND

The New Jersey Clean Energy Act of 2018

On May 23, 2018, Governor Murphy signed the CEA into law. The CEA emphasizes the importance of EE and peak demand reduction (“PDR”) and calls upon New Jersey’s electric and gas public utilities to play an increased role in delivering EE and PDR programs to customers. The Act directs the Board to require each electric and gas public utility in the State to reduce customer use of electricity and natural gas in its service territory below what would have otherwise been used. Specifically, the CEA directs the BPU to require:

- (a) each electric public utility to achieve, within its territory by its customers, annual reductions of at least 2% of the average annual electricity usage in the prior three years within five years of implementation of its electric energy efficiency program; and
- (b) each natural gas public utility to achieve, within its territory by its customers, annual reductions in the use of natural gas of at least 0.75% of the average annual natural gas usage in the prior three years within five years of implementation of its gas energy efficiency program.³

Triennium 1

By Order dated June 10, 2020, the Board approved, pursuant to the CEA, utility programs that reduce the use of electricity and natural gas within the Utilities’ territories.⁴ By the June 2020 Order, the Board directed the Utilities to file three-year program petitions by September 25, 2020 for approval by the Board by May 1, 2021 and implementation from July 1, 2021 through June 30, 2024 (“Triennium 1”). Additionally, by the June 2020 Order, the Board directed Board Staff (“Staff”) to provide recommendations specific to Butler. By Order dated September 23, 2020, the Board approved a stipulation of settlement authorizing PSE&G to implement its Clean Energy Future – Energy Efficiency (“CEF-EE”) Program.⁵

On September 20, 2022, PSE&G filed a letter petition (“Letter Petition”) to extend the term of the 10 subprograms of the CEF-EE Program for a nine-month period (October 1, 2023 through June 30, 2024) in order to align the program with the three-year program cycle authorized by the Board for the other utilities. Additionally, the Letter Petition proposed offering PSE&G’s electric CEF-EE

³ N.J.S.A. 48:3-87.9(a).

⁴ In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket Nos. QO19010040, QO19060748, and QO17091004, Order dated June 10, 2020 (“June 2020 Order”).

⁵ In re the Petition of Public Service Electric and Gas Company for Approval of Its Clean Energy Future – Energy Efficiency (“CEF-EE”) Program on a Regulated Basis, BPU Docket Nos. GO18101112 and EO18101113, Order dated September 23, 2020.

programs to PSE&G gas customers who are also Butler Electric customers during the nine-month extension period. By Order dated October 10, 2022, the Board determined that the Letter Petition satisfied the requirement that Butler Electric submit a proposal to deliver EE and PDR programs to Butler customers.⁶ In addition, by Order dated May 24, 2023, the Board approved the extension of the term of the 10 subprograms of PSE&G's CEF-EE Program.⁷

Triennium 2

By Order dated May 24, 2023, the Board directed each electric and gas public utility to propose, for Board approval, Triennium 2 EE Programs on or before October 2, 2023 and addressed certain aspects of the Triennium 2 framework.⁸ By Order dated July 26, 2023, the Board approved the remaining aspects of the Triennium 2 framework.⁹

By Order dated September 27, 2023, the Board extended the filing deadline for Triennium 2 petitions from October 2, 2023 to December 1, 2023, and directed that any entities seeking to intervene or participate in these matters file the appropriate Motion with the Board by December 8, 2023, and that any responses to those Motions be filed by December 14, 2023.¹⁰ Additionally,

⁶ In re the Implementation of L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, Butler Electric, BPU Docket Nos. QO19010040 and QO20100684, Order dated October 12, 2022.

⁷ In re the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future – Energy Efficiency (“CEF-EE”) Program on a Regulated Basis, BPU Docket Nos. GO18101112 and EO18101113, Order dated May 24, 2023.

⁸ In re 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; In re 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; In re 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, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023.

⁹ In re 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; In re 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; In re 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, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated July 26, 2023.

¹⁰ In re 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; In re 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; In re Electric Public Utilities and Gas Utilities Offering

by the September 2023 Order, the Board retained these matters for hearing and, pursuant to N.J.S.A. 48:2-32, designated President Guhl-Sadovy as the presiding commissioner for the ETG, NJNG, and SJG filings; Commissioner Christodoulou as the presiding commissioner for the ACE, JCP&L, and RECO filings; and Commissioner Holden as the presiding commissioner for the PSE&G and Butler filings. By Order dated October 25, 2023, the Board delayed the start of Triennium 2 by six (6) months from July 1, 2024 until January 1, 2025.¹¹

On December 1, 2023, the Utilities filed petitions proposing their respective Triennium 2 programs. By the PSE&G Filing, PSE&G proposed to offer its electric CEF-EE II programs to PSE&G gas customers who are also Butler customers.

On December 26, 2023, Staff issued letters of administrative deficiency advising ETG, NJNG, and SJG that their Triennium 2 filings were administratively incomplete and required curing to be considered by the Board. On December 28, 2023, Staff issued letters of administrative deficiency advising ACE, JCP&L, PSE&G, and RECO that their Triennium 2 filings were administratively incomplete and required curing to be considered by the Board.

DISCUSSION AND FINDINGS

The Board **HEREBY FINDS** that the PSE&G Filing proposing to offer PSE&G electric CEF-EE II programs to PSE&G gas customers who are also Butler customers satisfies the Board's requirement that Butler submit a proposal to deliver Triennium 2 EE programs to Butler customers.

These matters are still pending before the Board. N.J.S.A. 48:2-32 requires that the Board designate a presiding commissioner in all matters retained by the Board. Accordingly, the Board **HEREBY FINDS** that Commissioner Holden is no longer the presiding commissioner in this matter due to her retirement from the Board and **HEREBY DESIGNATES** President Guhl-Sadovy as the presiding commissioner with authority to rule on all motions that arise during the pendency of the PSE&G Triennium 2 proceeding and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

The Board additionally **FURTHER DESIGNATES** Commissioner Abdou as the presiding commissioner with authority to rule on all motions that arise during the pendency of the ETG,

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, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated September 27, 2023 ("September 2023 Order").

¹¹ In re 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, BPU Docket No. QO23030150, Order dated October 25, 2023 ("October 2023 Order"). The October 2023 Order also extended Triennium 1 through December 31, 2024.

NJNG, and SJG Triennium 2 proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

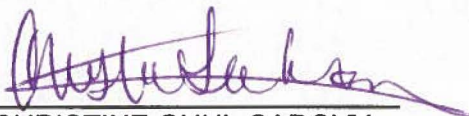
Further, considering that Staff deemed each of the Utilities' filings "Administratively Incomplete," the Board **HEREBY DIRECTS** that any entity seeking leave to intervene or participate, or to modify any previously-filed Motions to Intervene or Participate, in any of the Utilities' filings file the appropriate application with the Board within seven (7) days of Staff's issuance of a letter of administrative completeness in each matter. Any party wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any Motion to Intervene or Participate. Any response to any new or amended Motions should be filed within 14 days of Staff's issuance of a letter of administrative completeness in each matter.

In addition, pursuant to the Board's Order dated March 19, 2020, the Board **HEREBY DIRECTS** all parties to serve all documents electronically.¹² No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

This Order shall be effective on January 10, 2024.

DATED: January 10, 2024

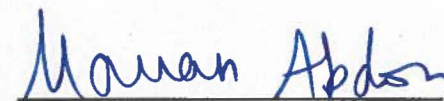
BOARD OF PUBLIC UTILITIES
BY:



CHRISTINE GUHL-SADOVY
PRESIDENT



DR. ZENON CHRISTODOULOU
COMMISSIONER



MARIAN ABDOU
COMMISSIONER

ATTEST:



SHERRI L. GOLDEN
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

¹² In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Order dated March 19, 2020.

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. QO23030150

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. QO23120871

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. QO23120869

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY FOR APPROVAL OF JCP&L'S ENERGY EFFICIENCY AND CONSERVATION PLAN INCLUDING ENERGY AND PEAK DEMAND REDUCTION PROGRAMS ("JCP&L EE&C PLAN II FILING"), DOCKET NO. QO23120872

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. QO23120869

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. QO23120874

IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF ITS ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAMS, DOCKET NO. QO23120875

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, DOCKET NO. QO23120870

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