



STATE OF NEW JERSEY
Board of Public Utilities
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**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on February 27, 2019, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

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 the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

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

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner
Robert M. Gordon, Commissioner

President Fiordaliso presided at the meeting and Aida Camacho-Welch, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board Meeting would be held on March 13, 2019 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

Resolution:

Household leaks waste nearly one trillion gallons of water a year nationwide, which is equal to the annual water use of nearly 11 million homes. Therefore, through a Resolution, the Board declared its support for and encouraged all New Jersey residents to participate in the Environmental Protection Agency's "Fix-a-Leak Week" initiatives March 18-24, 2019. The Board encouraged the adoption of programs and offering of products that will promote water efficiency and reduce the amount of electricity used by water treatment facilities, the Board also encouraged regulated water utilities to adopt monthly billing in order to assist consumers in their conservation efforts and for earlier leak detection.

CONSENT AGENDA

I. AUDITS

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

EE17121269L	The Energy Link, LLC	I – EA
EE19010101L	H.P. Technologies, Inc.	I – EA
EE18111238L	AUI Associates, Inc.	I – EA/PA
GE18111239L		
EE18120004L	EZ Energy Services, LLC	I – EA/EC
GE18120006L		

Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE18101160L	Aegean Energy Advisors, LLC	R – EA
EE15070787L	US Energy Consulting Group, LLC	R – EA
EE15030367L	Energy Initiatives, Inc.	R – EA
EE18121312L	TFS Energy Solutions, LLC	R – EA/PA/EC
GE18121313L	d/b/a Tradition Energy	
EE18040461L	Best Practice Energy, LLC	R – EA/PA/EC
GE18040462L		
EE18080921L	EnerConnex, LLC	R – EA/PA/EC
GE18080922L		
EE19020170L	Taurus Advisory Group, LLC	R- EA/PA/EC
GE19020171L		
EE19010092L	Gabel Associates, Inc.	R – EA/PA/EC
GE19010093L		

Electric Power and/or Natural Gas Supplier Initial Licenses

EE19010067L	Pure Energy USA NJ, LLC d/b/a Pure Energy	I – ESL
EE18050530L	American Power & Gas of NJ, LLC	I – EGSL
GE18050529L		
GE18121349L	Tenaska Power Services Company	I – GSL

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE18030312L	ENGIE Retail, LLC	R – EGSL
GE18030311L	d/b/a Think Energy	
GE18030270L	Global Energy, LLC	R – GSL
GE19010015L	d/b/a Global Energy Electric & Gas Sprague Operating Resources, LLC	R – GSL

BACKGROUND: The Board must register all energy agents and consultants, and the Board must license all third party electric power suppliers and gas suppliers. An electric power supplier, gas supplier, or clean power marketer license shall be valid for one year from the date of issue, except where a licensee has submitted a complete renewal application at least 30 days before the expiration of the existing license, in which case the existing license shall not expire until a decision has been reached upon the renewal application. An energy agent, private aggregator or energy consultant registration shall be valid for one year from the date of issue. Annually thereafter, licensed electric power suppliers, gas suppliers, and clean power marketers, as well as energy agents, private aggregators and energy consultants, are required to renew timely their licenses in order to continue to do business in New Jersey.

Staff recommended that the following applicant be issued initial registrations as an energy agent, private aggregator and/or energy consultant for one year:

- The Energy Link, LLC
- H.P. Technologies, Inc.
- AUI Associates, Inc.
- EZ Energy Services LLC

Staff also recommended that the following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant for one year:

- Aegean Energy Advisors, LLC
- US Energy Consulting Group, LLC
- Energy Initiatives, Inc.
- TFS Energy Solutions, LLC d/b/a Tradition Energy
- Best Practice Energy, LLC
- EnerConnex, LLC
- Taurus Advisory Group, LLC
- Gabel Associates, Inc.

Staff recommended that the following applicants be issued initial licenses as an electric power and/or natural gas supplier for one year:

- Pure Energy USA NJ, LLC d/b/a Pure Energy
- American Power & Gas of NJ, LLC
- Tenaska Power Services Co.

Finally, Staff recommended that the following applicants be issued renewal licenses as an electric power and/or natural gas supplier for one year:

- ENGIE Retail, LLC d/b/a Think Energy
- Global Energy, LLC d/b/a Global Energy Electric & Gas
- Sprague Operating Resources, LLC

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

II. ENERGY

A. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-343 Texas Eastern Transmission, LP re: 2018 Rate Case Filing.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing a doc-less intervention in this proceeding as an “interested state commission” under the Federal

Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on January 11, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

As a background, on November 30, 2018, Texas Eastern Transmission, LP (Texas Eastern) filed a Section 4 Rate Case Filing with the Commission. Texas Eastern's proposed tariff revisions include changes to the transportation and storage rates for services that Texas Eastern provides under its firm and interruptible rate schedules, and the establishment of a gathering rate. Moreover, Texas Eastern proposed rate increases for the maximum recourse reservation and usage charges for each of the Access Area and Market Area zone matrices. Texas Eastern stated that the changes proposed in this filing are warranted to recover its cost of service and the proposed increases are primarily due to the significant growth in Texas Eastern's rate base due to the growth in system net plant.

If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board's regular agenda.

Staff recommended that the Board ratify this intervention.

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

B. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-515 Columbia Gas Transmission, LLC re: Modernization II Base Rate Reset.

BACKGROUND: Staff, on behalf of the Board, filed a doc-less intervention in this proceeding as an "interested state commission" under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on January 10, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

As a background, on December 31, 2018, Columbia Gas Transmission, LLC (Columbia) filed tariff revisions to reset and reduce base rates set in the Modernization II Settlement Agreement, which was approved by the Commission on March 17, 2016 in Docket No. RP16-314. Columbia explained that as a part of the transition from the Modernization I Settlement to the Modernization II Settlement, Columbia agreed to reset and reduce its base transportation recourse rates. Columbia stated that the Modernization II Settlement preserves and extends the core elements of the 2012 settlement between Columbia and its shippers that allows Columbia to recover certain costs incurred under its modernization program.

If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board's regular agenda.

Staff recommended that the Board ratify this intervention.

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

C. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-517 Columbia Gas Transmission, LLC re: Capital Cost Recovery Mechanism 2019.

BACKGROUND: Staff, on behalf of the Board, filed a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on January 10, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

As a background, on December 31, 2018, Columbia Gas Transmission, LLC (Columbia) filed revised tariff records to implement sections 7.4 and 7.13 of the Stipulation and Agreement approved by the Commission in an order issued on March 17, 2016 in Docket No. RP16-314-000, the Modernization II Settlement. Columbia stated that the Modernization II Settlement preserves and extends the core elements of a 2012 settlement between Columbia and its shippers that allows Columbia to recover certain costs incurred under its modernization program through its Capital Cost Recovery Mechanism (CCRM) rate, and updates the CCRM rate annually to reflect the prior year’s modernization projects. Columbia stated that its revised CCRM rate will take into account both changes in the revenue requirement for the upcoming period and unrecovered revenue requirements from the preceding periods.

If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board’s regular agenda.

Staff recommended that the Board ratify this intervention.

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

D. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. ER19-745 PJM Interconnection, LLC re: 2019 RTEP Annual Cost Allocations.

BACKGROUND: Staff, on behalf of the Board, filed a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC) Rules of Practice and Procedure on January 10, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

As a background, on December 31, 2018, PJM Interconnection, LLC (PJM) filed revisions to Schedule 12-Appendix and Schedule 12-Appendix A of the PJM Tariff to provide updated annual cost allocations included in the PJM Regional Transmission Expansion Plan. PJM’s filing included cost allocations for Regional Facilities and Necessary Lower Voltage Facilities and Lower Voltage Facilities. PJM stated that it determined the cost responsibility assignments for the Merchant Transmission Facilities based on the Facility’s respective peak load in the 12-month period ending October 31, 2018, up to the amount of the Firm Transmission Withdrawal Rights set forth in their respective interconnection service agreements.

If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board’s regular agenda.

Staff recommended that the Board ratify this intervention.

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

E. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. ER19-772 PJM Interconnection, LLC re: Revisions to Sch. 12-Appx A – Dec. 2018 RTEP.

BACKGROUND: Staff, on behalf of the Board, filed a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on January 10, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

As a background, on January 4, 2019, PJM Interconnection, LLC (PJM) filed revisions to Schedule 12-Appendix A of the PJM Tariff to incorporate cost responsibility assignments for 36 new baseline upgrades in a recent update to the PJM Regional Transmission Expansion Plan (RTEP) which now revises the RTEP approved by the PJM Board of Managers (PJM Board) on December 5, 2018. PJM requested that the revised Tariff sections become effective on April 4, 2019. PJM stated that this filing is in compliance with the Schedule 12 requirement for PJM to designate, within 30 days of the PJM Board’s approval of each RTEP and file with the Commission, the “responsible customers” that will be subject to charges related to transmission enhancements and expansions included in the RTEP.

If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board’s regular agenda.

Staff recommended that the Board ratify this intervention.

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

F. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. EL19-27 Independent Market Monitor for PJM v. PJM Interconnection, LLC.

BACKGROUND: Staff, on behalf of the Board, filed a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC) Rules of Practice and Procedure on January 24, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

As a background, on December 28, 2018, the Independent Market Monitor (Market Monitor or IMM) for PJM Interconnection, LLC (PJM) filed a formal Complaint against PJM challenging PJM’s determination to not assess a Fuel Cost Policy penalty to an unidentified market seller (withheld due to confidentiality concerns – market service data). The Market Monitor stated that PJM should be directed to find that the indicated actions constitute a violation of a Fuel Cost Policy and to assess the required penalty. In a subsequent meeting with Staff, PJM indicated that it would take the position that the IMM does not have the right to file complaints at FERC against PJM. In unrelated dockets, the Board has spoken against PJM’s interpretation of the IMM’s authority. The Organization of PJM States, Inc., of which the Board is an active member, has similarly filed comments in opposition to PJM’s interpretation.

A substantive filing is separately posted on the Board’s regular agenda.

Staff recommended that the Board ratify this intervention.

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

G. Docket No. GE18101217 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of a Municipal Franchise in the Township of Roxbury, Morris County.

BACKGROUND: This matter involved the approval of a municipal consent granted to New Jersey Natural Gas Company (NJNG or Company) by the Township of Roxbury (Township) located in Morris County. NJNG filed a petition requesting Board approval of the consent for the use of the streets for the furnishing of gas service for a period of 15 years.

The ordinance enacted by the Township grant NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service.

A hearing in this matter was held on January 8, 2018, before Megan Lupo, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

The Rate Counsel did not oppose approval of this petition. However, the Rate Counsel requested that approval of the petition be conditioned on certain provisions.

Staff recommended that the Board approve the municipal consent, subject to certain terms and conditions.

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

III. CABLE TELEVISION

A. Docket No. CE18101143 – In the Matter of the Petition of Comcast of Burlington County, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Bordentown, County of Burlington, State of New Jersey.

BACKGROUND: On June 11, 2018, the City of Bordentown (City) adopted an ordinance granting renewal municipal consent to Comcast of Burlington County, LLC (Comcast). On September 10, 2018, Comcast formally accepted the terms and conditions of the ordinance, and on October 18, 2018, Comcast filed with the Board for a renewal of its Certificate of Approval for the City.

Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire November 9, 2031.

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

B. Docket No. CE18020189 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Folsom, County of Atlantic, State of New Jersey.

BACKGROUND: On February 23, 2018, Comcast of South Jersey, LLC filed a petition for an Automatic Renewal Certificate of Approval for the Borough of Folsom (Borough) based on the automatic renewal provision, for a term to expire on January 22, 2028.

The petition is based on the Borough's ordinance granting renewal municipal consent which was adopted on August 8, 2002. The Borough's ordinance granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on January 22, 2018.

Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on January 22, 2028.

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

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

There were no items in this category.

VI. RELIABILITY & SECURITY

A. Docket Nos. GS18121260K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act (Act) by both excavators and operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death or major property damage. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities. The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns. Moreover, the strategy seeks to establish appropriate disincentives for actions which violate the Act.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, with a \$25,000.00 maximum for a related series of violations. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000.00 for each violation for each day with a \$1,000,000.00 maximum for any related series of violations.

The number of settlements are 58 and total penalty of \$172,000.00.

Staff employed a single order to close multiple cases in order to create a more streamlined and effective enforcement process. Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC16100995U and OAL PUC 18763-2016 – In the Matter of Joseph A. Canning Sr., Petitioner v. Atlantic City Electric Company, Respondent – OAL Request for Extension.

BACKGROUND: The record in this matter closed on April 23, 2018. By previous orders of extension, the due date for issuing an initial decision was extended until January 21, 2019. Administrative Law Judge Elia A. Pelios requested additional time to complete the Initial Decision due to a voluminous caseload.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time for filing the initial decision be extended until March 7, 2019.

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

B. Docket Nos. BPU EC17060689U and OAL PUC 03687-18 – In the Matter of Linda Lacey, Petitioner v. Public Service Electric and Gas Company, Respondent.

BACKGROUND: This matter involved a billing dispute between Linda Lacey (Petitioner) and Public Service Electric and Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on January 17, 2019, approving the Stipulation of the Parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G agreed to credit Petitioner's account in the amount of \$725.16.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Moss. Staff recommended the Board adopt the Initial Decision of ALJ Moss.

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes for the December 18, 2018, Agenda Meeting.

BACKGROUND: Staff presented the minutes of December 18, 2018, and recommended that they be accepted.

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

Approval of the Executive Session Minutes for January 31, 2018, Agenda Item 2G; August 29, 2018, Agenda Item 1F; May 31, 2017, Agenda Items 1A and 1B; June 17, 2015, Agenda Item 8G; and Approval of the Minutes for the February 8, 2018, Special Agenda Meeting, Item 2A.

BACKGROUND: Commissioner Gordon recused himself from these matters. Staff presented the Executive Session minutes of January 31, 2018, item 2G, August 29, 2018, item 1F, May 31, 2017, items 1A and 1B; June 17, 2015, item 8G; and February 8, 2018, special agenda meeting, item 2A, and recommended they be accepted.

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

After appropriate motion, the consent agenda was approved.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye (excluding noted recusals)

AGENDA

1. AUDITS

Alice A. Bator, Director, Division of Audits, presented these matters.

A. Docket No. WA16121156 – In the Matter of an Audit of the Affiliated Transactions between Aqua New Jersey Water Company and Aqua America and Affiliates and a Comprehensive Management Audit of Aqua New Jersey Water Company Pursuant to N.J.A.C. 14:3-12.1-14:3-12.4.

BACKGROUND AND DISCUSSION: On January 25, 2017, the Board authorized Staff to initiate an audit of affiliated transactions between Aqua New Jersey Water Company (Company), its holding company, Aqua America and affiliates, and a Comprehensive Management Audit of Aqua NJ. The Board also authorized Staff to send a Request for Proposal to the seven pre-approved management consulting firms.

In accordance with the request for proposals (RFP), bid proposals were submitted to Board's Audits Division by March 10, 2017 from Silver Point Consulting, Sage Management Consultants (Sage), Overland Consulting, Schumaker and Company and Saleeby Consulting. The sixth firm, NorthStar Consulting Group, advised Board Staff, in writing that they would not bid on this project. The seventh firm, Liberty Consulting Group, did not submit a bid. The bid proposals were subsequently forwarded to the Evaluation Committee for review and analysis. The Evaluation Committee consisted of three staff members from the Division of Audits, two from the Division of Water, and one from Counsel's Office.

On May 31, 2017, the Board approved the Evaluation Committee's recommendation of Sage to perform the audits at a not-to-exceed cost of \$399,700.00. The Board further authorized former President Mroz to execute a consulting agreement with Sage.

On June 18, 2018, Sage submitted its Final Report to Board Staff, which included 66 recommendations.

Staff recommended that the Board accept Sage's Final Report for filing purposes only and authorize the release of the report, and the release of the holdback fees in the amount of \$79,940.00 owed to Sage in accordance with the contract. These actions were adopted by the Board.

On September 28, 2018, Aqua NJ filed its comments on the recommendations included in the Final Report. The Company responded to the specific recommendations made by Sage and provided further commentary on various statements made within the audit report. The Company concurred with the majority of the 66 recommendations contained in the Final Report.

Staff reviewed all Final Report recommendations and comments and was satisfied that 61 of the 66 recommendations in Sage's final report should be implemented. Staff is of the opinion that more information is necessary for Staff to make a proper recommendation to the Board with respect to the relationship with the Company, its affiliates and HomeServe. Staff recommended that the Board commence a separate proceeding or direct the Division of Water to review this matter in the current pending base rate case.

Staff recommended that Aqua NJ, with the assistance of the Division of Audits, formulate

detailed implementation plans for any of the 61 recommendations as modified in the Order and not already implemented by the Company within 60 days from the effective date of the Board Order.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. WA18080849 – In the Matter of an Audit of the Affiliated Transactions between New Jersey American Water Company, and American Water Works Company, Inc. and its Affiliates including a review of Operational and Financial Performance of New Jersey American Water Company and a Comprehensive Management Audit of New Jersey American Water Company Pursuant to N.J.A.C. 14:3-12.1-14:3-12.4 – See Executive Session.

BACKGROUND AND DISCUSSION: This matter was first discussed in executive session and it involved a comprehensive management audit of New Jersey American Water Company and an audit of affiliated transactions between New Jersey American Water Company, American Waterworks Company and its affiliates, including review of operational and financial performance of New Jersey American Water. Staff requested that the Board select a consulting firm to conduct the audit from the list of the pre-approved management consulting firms that responded with bids to the Board's request for proposal that the Board approved for release.

Five bid proposals were received by the Board's Division of Audits. The bids received were from Silverpoint Consulting, Sage Management Consultants, Overland Consulting, Schumaker & Company, and Saleeby Consulting. These five consultants are from a pool of pre-qualified consultants which includes seven under Treasury Contract No. 2482 from management audits. NorthStar Consulting Group and Liberty Consulting Group did not submit bids.

A committee was formed to evaluate the bid proposals. The committee included three staff from the Division of Audits, two staff from the Division of Water, and one staff from counsel's office.

The committee evaluated the five bid proposals in five categories:

- (1) The proposal's general approach and plans and meetings and requirements of the Request for Proposal (RFP);
- (2) the proposals detailed approach and plans to perform the services required by the scope of work;
- (3) the bidders documented experience in successfully completing contracts of a similar size and scope to this RFP;
- (4) the bidders qualifications in the overall ability to mobilize and undertake the successful completion of the contract; and
- (5) cost was ultimately as well included in the overall evaluation and bid prices.

Based upon the committee's evaluation report, staff, recommended that the Board approve the evaluation committee's recommendation of Schumaker & Company and award this consulting engagement for a not-to-exceed bid price of \$633,520.00. Staff further recommended that the Board authorize President Fiordaliso to execute a

consulting agreement with Schumaker & Company.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

2. ENERGY

Stacy Peterson, Director, Division of Energy, presented these matters.

A. Docket No. ER19010062 – In the Matter of a Request by Atlantic City Electric Company for Approval of Tariff Pages Related to the Implementation of Veterans’ Organizations Rates Pursuant to N.J.S.A. 48:2-21.41 and Deferred Accounting Authority for Costs and Lost Revenue Related Thereto.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans’ organization a residential rate for service delivered to the property at which the veterans’ organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board shall establish a reasonable procedure by which an organization may certify itself as a veterans’ organization with the public utility.

On January 15, 2019, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking review and approval of the Company’s draft tariff sheets reflecting changes to the requirements for veterans’ organizations in accordance with the Act. Additionally, ACE submitted a proposed application form for veterans’ organizations to complete in order to have the request processed.

ACE requested authority to defer on its books actually incurred costs associated with the implementation of the requirements for veterans’ organizations and not otherwise recovered through its currently approved base rates and also sought recovery from any loss of distribution revenues which include customer charges, delivery charges and demand charges, as a result of applying the lower Rate Schedule to the veterans’ organization accounts. The Company stated that the appropriate amortization period for such deferred expenses would be addressed in the Company’s next base rate case or in another appropriate rate recovery proceeding. ACE requested recovery of carrying charges on the deferred balances, calculated based upon ACE’s weighted average cost of capital that was approved by the Board on September 22, 2017.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Board Staff further recommended that the Board approve the deferral of lost revenues related to implementation of the Act to be reviewed in each ACE’s next base rate case and deny the request to defer implementation costs. Staff recommended that ACE be required to file revised tariffs by March 15, 2019.

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

forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. ER19020191 – In the Matter of the Verified Petition of the Borough of Butler Seeking Review and Approval of the Veterans’ Organizations Service Application and Tariff.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans’ organization a residential rate for service delivered to the property at which the veterans’ organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may certify itself as a veterans’ organization with the public utility.

On February 6, 2019, the Borough of Butler (Butler Electric or Company) filed a petition with the Board seeking review and approval of the Company’s draft tariff sheets reflecting changes to the requirements for veterans’ organizations in accordance with the Act. Additionally, Butler Electric submitted a proposed application form for veterans’ organizations to complete in order to have the request processed.

In its petition, Butler Electric indicated veterans’ organizations in its service area are already being charged the residential rate. The Company sought to modify its tariff to comply with the Act.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff recommended that Butler Electric be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

C. Docket No. GR19010017 – In the Matter of Elizabethtown Gas Company’s Request for Deferred Accounting Authority for Costs and Lost Revenue Related to Veterans’ Organizations Pursuant to N.J.S.A. 48:2-21.41 and Associated Tariffs.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans’ organization a residential rate for service delivered to the property at which the veterans’ organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may

certify itself as a veterans' organization with the public utility.

On January 7, 2019, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition with the Board seeking review and approval of the Company's draft tariff sheets reflecting changes to the requirements for veterans' organizations in accordance with the Act. Additionally, Elizabethtown submitted a proposed application form for veterans' organizations to complete in order to have the request processed.

In its petition, Elizabethtown indicated that the Company intended to manually review the applications received from veterans' organizations and manually calculate the change in rate using a function in their existing billing system.

Elizabethtown requested authority to defer on its books actually incurred costs associated with the implementation of the requirements for veterans' organizations and not otherwise recovered through its currently approved base rates and also sought recovery from any loss of distribution revenues which include customer charges, delivery charges and demand charges, as a result of applying the lower residential rate to the veterans' organization accounts. The Company stated that the appropriate amortization period for such deferred expenses would be addressed in the Company's next base rate case or in another appropriate rate recovery proceeding. Elizabethtown requested recovery of carrying charges on the deferred balances, calculated based upon Elizabethtown's weighted average cost of capital that was approved by the Board on June 30, 2017.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff further recommended that the Board approve the deferral of lost revenues related to implementation of the Act to be reviewed in Elizabethtown's next base rate case and deny the request to defer implementation costs. Staff further recommended that Elizabethtown be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

D. Docket No. ER19010013 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Seeking Review and Approval of the Veterans' Organization Service Application and Tariff.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans' organization a residential rate for service delivered to the property at which the veterans' organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may certify itself as a veterans' organization with the public utility.

On January 3, 2019, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of the Company's draft tariff

sheets reflecting changes to the requirements for veterans' organizations in accordance with the Act. Additionally, JCP&L submitted a proposed application form for veterans' organizations to complete in order to have the request processed.

In its petition, JCP&L indicated that the Company intended to hire one additional employee at the cost of \$40,000.00 to review the applications received from veterans' organizations, but depending on the volume of applications received, may need to hire additional employees at an estimated cost of \$40,000.00 per employee.

JCP&L requested authority to defer on its books actually incurred costs associated with the implementation of the requirements for veterans' organizations and not otherwise recovered through its currently approved base rates and also sought recovery from any loss of distribution revenues which include customer charges and distribution charges, as a result of applying the lower Residential Service rate to the veterans' organization accounts. The Company stated that the appropriate amortization period for such deferred expenses would be addressed in the Company's next base rate case or in another appropriate rate recovery proceeding. JCP&L requested recovery of carrying charges on the deferred balances, calculated based upon JCP&L's weighted average cost of capital that was approved by the Board on December 12, 2016.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff further recommended that the Board approve the deferral of lost revenues related to implementation of the Act to be reviewed in each JCP&L's next base rate case and deny the request to defer implementation costs. Staff further recommended that JCP&L be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

E. Docket No. GR19010016 – In the Matter of New Jersey Natural Gas Company's Request for Deferred Accounting Authority for Costs and Lost Revenue Related to Veterans' Organizations Pursuant to N.J.S.A. 48:2-21.41 and Associated Tariff Changes.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans' organization a residential rate for service delivered to the property at which the veterans' organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may certify itself as a veterans' organization with the public utility.

On January 3, 2019, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board seeking review and approval of the Company's draft tariff sheets reflecting changes to the requirements for veterans' organizations in accordance with the Act. Additionally, NJNG submitted a proposed application form for veterans' organizations to complete in order to have the request processed.

In its petition, NJNG indicated the Company plans to use existing personnel to manually process applications of the veterans' organizations, perform the annual review of accounts, and apply credits to accounts, if applicable. NJNG also indicated, if the manual process becomes cumbersome, the Company will explore automation, programming modifications, and may require additional personnel.

NJNG requested authority to defer on its books actually incurred costs associated with the implementation of the requirements for veterans' organizations and not otherwise recovered through its currently approved base rates and also sought recovery from any loss of distribution revenues which include customer charges and delivery charges, as a result of applying the lower residential rate to the veterans' organization accounts. The Company stated that the appropriate amortization period for such deferred expenses would be addressed in the Company's next base rate case or in another appropriate rate recovery proceeding. NJNG requested recovery of carrying charges on the deferred balances, calculated based upon NJNG's weighted average cost of capital that was approved by the Board on September 23, 2016.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff further recommended that the Board approve the deferral of lost revenues related to implementation of the Act to be reviewed in each NJNG's next base rate case and deny the request to defer implementation costs. Staff further recommended that NJNG be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

F. Docket No. GR19010063 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Deferred Accounting Authority for Costs and Lost Revenue Related to N.J.S.A. 48:2-21.41 and Associated Tariff Changes.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans' organization a residential rate for service delivered to the property at which the veterans' organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may certify itself as a veterans' organization with the public utility.

On January 14, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking review and approval of the Company's draft tariff sheets reflecting changes to the requirements for veterans' organizations in accordance with the Act. Additionally, PSE&G submitted a proposed application form for veterans' organizations to complete in order to have the request processed.

In its petition, PSE&G indicated that the Company expects \$150,000.00 in information

technology costs to implement the ACT. PSE&G also indicated the intent to utilize current employees to implement the ACT and that any administration costs are being deemed as *de minimis* and not the subject of any future cost recovery filing.

PSE&G requested authority to defer on its books actually incurred costs associated with the implementation of the requirements for veterans' organizations and not otherwise recovered through its currently approved base rates and recovery from any loss of distribution revenues which include customer charges, delivery charges and supply charges, as a result of applying the lower residential rate to the veterans' organization accounts. The Company stated that the appropriate amortization period for such deferred expenses would be addressed in the Company's next base rate case or in another appropriate rate recovery proceeding. PSE&G requested recovery of carrying charges on the deferred balances, calculated based upon PSE&G's weighted average cost of capital that was approved by the Board on October 29, 2018.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff further recommended that the Board approve the deferral of lost revenues related to implementation of the Act to be reviewed in each PSE&G's next base rate case and deny the request to defer implementation costs. Staff further recommended that PSE&G be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

G. Docket No. ER19010046 – In the Matter of Rockland Electric Company's Request for Deferred Accounting Authority for Costs and Lost Revenue Related to Veterans' Organizations Pursuant to N.J.S.A. 48:2-21.41 and Associated Tariff Changes.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans' organization a residential rate for service delivered to the property at which the veterans' organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may certify itself as a veterans' organization with the public utility.

On January 11, 2019, Rockland Electric Company (Rockland or Company) filed a petition with the Board seeking review and approval of the Company's draft tariff sheets reflecting changes to the requirements for veterans' organizations in accordance with the Act. Additionally, Rockland submitted a proposed application form for veterans' organizations to complete in order to have the request processed.

Rockland sought recovery from any loss of distribution revenues which include customer charges, and distribution charges, as a result of applying the lower service classification No. 1 rate to the veterans' organization accounts. Rockland requested recovery of carrying charges on the deferred balances, calculated based upon Rockland's weighted

average cost of capital that was approved by the Board on February 23, 2017.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff further recommended that the Board approve the deferral of lost revenues related to implementation of the Act to be reviewed in each Rockland's next base rate case. Staff further recommended that Rockland be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

H. Docket No. GR19010018 – In the Matter of South Jersey Gas Company's Request for Deferred Accounting Authority for Costs and Lost Revenue Related to Veterans' Organizations Pursuant to N.J.S.A. 48:2-21.41 and Associated Tariff Changes.

BACKGROUND AND DISCUSSION: P.L. 2018, c. 77 (the Act) was signed into law on August 10, 2018. The law requires that a public utility shall charge a veterans' organization a residential rate for service delivered to the property at which the veterans' organization primarily operates, if the residential rate is lower than the commercial rate for service at that property. The law further states, that a public utility, in consultation with the Board, shall establish a reasonable procedure by which an organization may certify itself as a veterans' organization with the public utility.

On January 7, 2019, South Jersey Gas Company (SJG or Company) filed a petition with the Board seeking review and approval of the Company's draft tariff sheets reflecting changes to the requirements for veterans' organizations in accordance with the Act. Additionally, SJG submitted a proposed application form for veterans' organizations to complete in order to have the request processed.

In its petition, SJG indicated that the Company intended to manually review the applications received from veterans' organizations, however the Company is unable to quantify the labor costs at this time.

SJG requested authority to defer on its books actually incurred costs associated with the implementation of the requirements for veterans' organizations and not otherwise recovered through its currently approved base rates and also sought recovery from any loss of distribution revenues which include customer charges and delivery charges, as a result of applying the lower residential rate to the veterans' organization accounts. The Company stated that the appropriate amortization period for such deferred expenses would be addressed in the Company's next base rate case or in another appropriate rate recovery proceeding. SJG requested recovery of carrying charges on the deferred balances, calculated based upon SJG's weighted average cost of capital that was approved by the Board on October 20, 2017.

Staff recommended that the Board issue an order approving the modified tariffs and applications. Staff further recommended that the Board approve the deferral of lost

revenues related to implementation of the Act to be reviewed in each SJG's next base rate case and deny the request to defer implementation costs. Staff further recommended that SJG be required to file revised tariffs by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

I. Docket No. ER18090984 – In the Matter of Matter of Atlantic City Electric Company's Verified Petition to Reconcile Costs Associated with its Residential Controllable Smart Thermostat Program for the Period from June 1, 2017 through May 31, 2018 and to Maintain its RGGI Recovery Charge for the Period October 1, 2018 through May 31, 2019.

BACKGROUND AND DISCUSSION: On September 12, 2018, Atlantic City Electric Company (ACE or Company) filed a petition (September 2018 Petition) with the Board requesting authority to maintain the existing Residential Controllable Smart Thermostat Program (RCSTP) component of its Regional Greenhouse Gas Initiative Recovery (Rider RGGI) Charge of \$0.000000 per kWh (including taxes).

The Company sought to reconcile Rider Regional Greenhouse Gas Initiative Recovery costs and cost recoveries for the period commencing June 1, 2017 through May 31, 2018, and to recover forecast revenues for the period October 1, 2018 through May 31, 2019. The September 2018 Petition was based on actual data through May 31, 2018 and projected data through May 31, 2019. During the discovery process, ACE updated its schedules and associated revenue requirement to reflect actual data through August 31, 2018.

ACE, Board Staff, and the New Jersey Division of Rate Counsel (collectively, the Parties) engaged in discovery and discussions, and the Parties executed a stipulation of settlement (Stipulation) that recommended the continuation of the current RCSTP rate of \$0.000000 per kWh, including taxes.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties. Staff also recommended that the Board order ACE to file tariffs consistent with the Board's Order by March 15, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

J. Docket No. GR18080852 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Revise its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise Its On-System Margin Sharing Credit.

BACKGROUND AND DISCUSSION: On August 1, 2018, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition (August 2018 Petition) with the Board seeking approval to modify its rates relating to the review and true up of its Weather Normalization Clause (WNC), the New Jersey Clean Energy Program (CEP) component of its Societal Benefits Charge, and its On-System Margin Sharing Credit (OSMC).

With respect to the WNC, the current recoverable margin excess of \$898,111.00 decreased by the prior year deficiency of \$7.151 million will result in a \$6.253 million net revenue deficiency. The proposed WNC rate of \$0.0194 per therm was designed to recover a deficiency balance associated with the 2018 Winter Period (October 1, 2017 through May 31, 2018) that was attributable to colder than normal weather experienced in the Company's service territory during this period, as well as a prior period.

The CEP was created through the Electric Discount and Energy Competition Act in an effort to promote energy efficiency and renewable energy programs by offering financial incentives, programs, and services to New Jersey residents, business owners and local governments. The Board annually sets each energy utility's share of the CEP costs to be collected from customers and transferred to the Board as funding for those programs. For Elizabethtown, projected CEP costs for the period ending June 30, 2019 total \$10.637 million. In addition, the petition indicated that the Company incurred \$1.922 million of CEP costs during the period July 1, 2017 through June 30, 2018. When combined with certain other adjustments, Elizabethtown's proposed CEP rate of \$0.0215 per therm would recover approximately \$9.976 million from customers.

The OSMC provides for 80% of the margins generated from certain on-system non-firm sales and transportation services to be flowed-back (credited) to firm customers. The petition proposed a decrease in the OSMC credit to customers from a credit of \$0.0047 per therm to a credit of \$0.0007 per therm. The Company's total OSMC customer credit was \$214,533.00.

The monthly bill impact of the rate changes proposed in the August 2018 Petition for a customer using 100 therms in a winter month was an increase of \$1.98 or 2.2%.

On October 29, 2018, the Board issued an Order (October 2018 Provisional Order) in this docket approving a stipulation executed by Elizabethtown, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties). The October 2018 Provisional Order authorized Elizabethtown to implement the rates proposed in the August 2018 petition on a provisional basis, subject to refund, effective November 1, 2018.

Following a review of the August 2018 Petition and discovery responses, on January 31, 2019, the Parties executed a stipulation of settlement (Stipulation) which seeks to finalize the rates approved provisionally in the October 2018 Provisional Order.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. In addition, Staff recommended that the Board direct Elizabethtown to file tariff sheets consistent with its Order by March 9, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

K. Docket No. EM18090985 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Approval to Enter into a Subscription Agreement and Multi-Subscriber Addendum for Spare Transmission Equipment Services to be Provided by an Affiliated Entity, Grid Assurance LLC.

BACKGROUND AND DISCUSSION: On September 12, 2018, Jersey Central Power and Light Company (JCP&L) filed a petition with the Board seeking approval to enter into a Subscription Agreement (Subscription Agreement or Agreement) with Grid Assurance LLC (Grid Assurance). The Subscription Agreement relates to the purchase of spare transmission equipment service offered by Grid Assurance.

Following a period of discovery, comments and reply comments were received from the New Jersey Division of Rate Counsel (Rate Counsel) and JCP&L. Staff recommended approval of the petition, subject to certain conditions requested by the Rate Counsel.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

L. Docket No. GR18120003 – In the Matter of the Petition of Johanna Foods, Inc. for a Reduction of the Societal Benefits Charge.

BACKGROUND AND DISCUSSION: On December 31, 2018, Johanna Foods, Inc. (Johanna or Petitioner), filed a petition with the Board requesting a 50 percent reduction in its Societal Benefits Charge (SBC) obligations for electric and gas service for a period of 20 years commencing the first date of the month following the effective date of the order for its production plant in Flemington, New Jersey.

The Petitioner currently receives electric service from Jersey Central Power & Light Company and gas service from Elizabethtown Gas Company.

While the Board granted similar requests for reduced SBC charges in the past, the Board recognized that the issues need to be reviewed on a generic basis and initiated a stakeholder proceeding to explore the related issues. Accordingly, Staff recommended that Johanna's petition be dismissed without prejudice.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

M. Docket No. GO17121241 – In the Matter of the Verified Petition of the Retail Energy Supply Association to Reopen the Provision of Basic Gas Supply Service Pursuant to the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq., and Establish Gas Capacity Procurement Programs.

BACKGROUND AND DISCUSSION: On November 27, 2017, the Retail Energy Supply Association (RESA) filed the aforementioned petition with the Board which it amended on March 5, 2018. RESA requested that the Board establish a proceeding to develop gas capacity release programs in the service territories of each of the four gas distribution companies, Elizabethtown Gas Company, New Jersey Natural Gas Company, South Jersey Gas Company, and Public Service Electric and Gas Company (collectively GDCs).

On July 12, 2018, the New Jersey Utility Association (NJUA), submitted comments on behalf of the GDCs. The NJUA opined that RESA's petition is meritless and should be dismissed by the Board. The NJUA stated that the GDCs have firm upstream capacity for Basic Gas Supply Service (BGSS) customers, not for third party suppliers (TPSs) firm transportation customers.

Staff did not find that RESA has demonstrated that the utilities have sufficient gas capacity to create the type of capacity release program that RESA is proposing, nor has RESA clearly identified the impact that creating such a program would have on BGSS customers. In addition, Staff believed it would be prudent to consider the effectiveness of energy competition, by exploring if and to what extent TPSs are saving customers money on their natural gas supply, prior to considering any major changes to the utilities' current gas capacity release programs.

Staff recommended that the instant proceeding be closed. However, RESA raised concerns regarding the sufficiency of secured gas capacity for New Jersey's customers. Accordingly, Staff recommended that a stakeholder proceeding be opened to explore gas capacity issues and the related issue of savings achieved by residential customers served by TPSs.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

Cynthia L. M. Holland, Esq., Director, Office of Federal and Regional Policy, presented these matters.

N. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. EL19-27 Independent Market Monitor for PJM v. PJM Interconnection, LLC.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing an Answer with the Federal Energy Regulatory Commission (FERC) in support of the Independent Market Monitor's (Market Monitor's or IMM's) ability to file complaints at FERC. In this proceeding, the Market Monitor filed a Complaint with FERC against PJM Interconnection LLC (PJM) regarding PJM's decision to not assign a Fuel Cost Policy penalty to a certain Market Seller. In response, PJM filed a Motion to Dismiss, asserting that the Market Monitor does not have the authority to file such complaints in its capacity as IMM. This issue has been raised by PJM in unrelated dockets and has yet to be decided by FERC. The Board, several sister state commissions, and the Organization of PJM States, Inc. (OPSI) have opposed PJM's position in the prior dockets. OPSI has similarly opposed PJM's position in this docket, by a unanimous vote of its state commission members.

Staff recommended that the Board approve the Answer opposing PJM's position and supporting the IMM's right to file complaints at FERC.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

O. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. ER19-469 PJM Interconnection, LLC re: Compliance Filing for Order No. 841 – ESR Markets and Operations Proposal.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing comments with the Federal Energy Regulatory Commission (Commission) regarding PJM Interconnection LLC's (PJM's) compliance filing to the Commission's Order 841. Staff's comments raise key issues such as allowing Energy Storage Resource (ESR) market participation, without unjustly or unreasonably avoiding retail rate authority where appropriate, as well as jurisdictional issues pertaining to ESRs located on the interstate transmission system, on a distribution system or behind the meter. The Board has continuously voiced, Staff's comments urge the Commission to holistically evaluate the many, pending, interrelated PJM market issues to guard against unintended consequences and to ensure a just and reasonable result. Staff recommended that the Board approve the comments filed on February 7, 2019.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

P. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-445 Iroquois Gas Transmission System, L.P. re: FERC Form No. 501-G Report – See Executive Session.

Alex Moreau, Esq., Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in executive session and it involved Staff seeking the Board authorization to ratify its consent to the recommendation given in executive session.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

Q. Docket No. GE15040402 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval and Authorization to Construct and Operate the Southern Reliability Link Pursuant to N.J.A.C. 14:7-1.4; and

Docket No. GO15040403 – In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Southern Reliability Link Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:9-25.4.

This matter was deferred.

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

Benjamin Witherell, Chief Economist, Office of the Economist, presented these matters.

A. Docket No. WF18121292 – In the Matter of the Application of Middlesex Water Company for Authority to Issue up to \$140.0 Million of First Mortgage Bonds.

BACKGROUND AND DISCUSSION: On December 6, 2018, Middlesex Water

Company (Middlesex, Petitioner), filed a petition with the Board, requesting the following:

- a) To borrow up to an aggregate principal amount of \$140.0 million from the New Jersey Economic Development Authority in one or more transactions, and to make, execute and deliver to the Authority and the underwriter or placement agent one or more contracts of purchase in connection therewith, if necessary, as well as such other documents as are reasonably required to perform its obligations thereunder;
- b) To make, execute and deliver one or more Supplemental Indentures of Mortgage to the Company's Indenture Trustee, for the purpose, among other things, of issuing and describing the terms and conditions of the Company's First Mortgage Bonds;
- c) To issue up to \$140.0 million principal amount of the Company First Mortgage Bonds to the Authority to evidence and secure the Company's obligation to repay the Authority's loans. Each series of the Company First Mortgage Bonds is to be secured equally and ratably with all outstanding debt of Petitioner heretofore issued under the aforesaid Indenture of Mortgage, as supplemented. The Company First Mortgage Bonds are to bear interest at a rate to be determined based upon the rate(s) for the Authority Bonds which are intended to be sold at a negotiated price without further Order of the Board; and
- d) Approval of a privately negotiated offering.

The Petitioner represented that, to ensure the continued provision of safe and reliable water service to its customers, continuous plans for ongoing upgrades, replacements and improvements to its water system are necessary. These plans include preparation of a perpetual five-year capital infrastructure expenditure budget that is based on its engineering assessments, system studies and government regulatory requirements. The current five-year program, known as Water For Tomorrow, projects that Middlesex will spend approximately \$354.8 million through the year 2023 to replace aging infrastructure, remain compliant with water quality requirements, and enhance service. The funding of Middlesex's projected \$354.8 million infrastructure investment will require a combination of funds generated from operations, debt financing and equity investments in order to maintain a balanced capital structure to continue to attract investor interest.

The Office of the Economist, after review of the information submitted in this proceeding, found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of the petition.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. WM18090982 – In the Matter of the Petition for Approval of an Indirect Change of Control of the New Jersey Public Utility Subsidiaries of SUEZ Water Resources, Inc. and Other Related Approvals.

BACKGROUND AND DISCUSSION: On September 11, 2018, SUEZ Water Inc. (SUEZ Water), SUEZ Water Resources Inc. (SWR), SUEZ Water New Jersey Inc. (SWNJ), and Stichting Depository PGGM Infrastructure Funds (PGGM) (collectively, Joint Petitioners) filed a Verified Joint Petition seeking approval of an indirect change of control of SWR and SWNJ via the transfer of SWR and SWNJ into a new, direct subsidiary named NewCo.

After contributing all of the interest in SWR to NewCo, NewCo would then issue and sell to PGGM shares representing a 20% minority interest in NewCo. NewCo will become the direct corporate parent of SWR following SUEZ Water's contribution of 100% of its ownership interest in SWR to NewCo. As a result, NewCo will directly own 100% of SWR. SWR will then be converted from a Delaware "C" corporation to a Delaware limited liability company, and will be a "disregarded entity" for United States federal income tax purposes.

The Joint Petitioners asserted that this change should avoid any adverse federal income tax consequences associated with the transaction. This transaction broadens the ownership and brings a new source of capital to Suez. It follows the change in control approved by the Board in November 2018 whereby the various Suez regulated water companies in New Jersey were consolidated into SWNJ.

Benefits of the transaction to New Jersey ratepayers include: (1) a commitment to maintain a stable capital structure not to exceed 54% equity for five years post-transaction; (2) maintaining a Hackensack, NJ call center at least through March 31, 2024; (3) making a \$100,000.00 contribution to the Suez Cares within 60 days of completing the transaction as well as maintaining the Suez Cares program going forward; and (4) implementing improvements to online payment, voice-driven customer interfaces and online outage and alert systems.

The New Jersey Division of Rate Counsel, Staff and Joint Petitioners (the Parties) engaged in a discovery and settlement process from September 2018 through February 2019.

The Stipulation of Settlement (Stipulation) that Parties signed reflects a finding that in addition to the benefits outlined above, the transaction will have no adverse impact on rates, employees, competition or service.

The Office of the Economist, recommended that the Board approve the Stipulation of the Parties and indirect change of control as described in the petition.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

Michael Kammer, Director, Division of Water, presented these matters.

C. Docket No. AX18010001 – In the Matter of the New Jersey Board of Public Utilities’ Consideration of the Tax Cuts and Jobs Act of 2017; and

Docket Nos. WR18030238, WR18030239 and WR18030240 – In the Matter of the New Jersey Board of Public Utilities’ Consideration of the Tax Cuts and Jobs Act of 2017 – Filing on Behalf of SUEZ Water New Jersey, Inc. SUEZ Water Toms River, Inc. and SUEZ Water Arlington Hills, Inc.

BACKGROUND AND DISCUSSION: On January 31, 2018, the Board issued an Order (Tax Order) which established a proceeding (Tax Proceeding) for all affected utilities to consider the implications of the 2017 Act, and in particular to implement interim rates effective April 1, 2018, until a final Board review is complete. The Tax Order also established a procedural schedule for motions to intervene, discovery, technical conferences, filing of comments, and finally settlement conferences.

On March 5, 2018, pursuant to the Generic Tax Cuts and Jobs Act Order, SUEZ Water New Jersey, Inc., SUEZ Water Toms River, Inc., and SUEZ Water Arlington Hills, Inc. (the Joint Petitioners or Companies) filed a petition requesting Board approval to implement a reduction in base rates effective April 1, 2018, of \$12.1 million for SUEZ Water New Jersey Inc., \$1.6 million for SUEZ Water Toms River Inc. and \$0.2 million for SUEZ Water Arlington Hills Inc.

On March 26, 2018, the Board issued an Order (March 2018 Order) approving the implementation of the Joint Petitioners’ proposed rate reduction on an interim basis, effective April 1, 2018. The proposed refund and other rider tariffs were deferred until a later date.

Following a review of discovery and subsequent discussions, the Companies, New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff (collectively Signatory Parties executed the a stipulation of settlement (Stipulation).

Staff and the Rate Counsel reviewed the Joint Petition, exchanged discovery and reached a resolution on all issues in this matter. The Companies will apply a one-time sur-credit refund to customer accounts billed effective for a complete monthly cycle of bills within 60 days of the effective date of this Order on a bills rendered basis. The Stipulation further addresses the other effects of the Tax Act on the Companies’ rate base, including protected and unprotected deferred income taxes. Finally, the Stipulation appropriately provides that any change in the amounts described above, including rates and refunds, may occur, as necessary, in the Companies’ next base rate case.

Staff found the Stipulation of the Signatory Parties to be reasonable, in the public interest, and in accordance with the law. Therefore, Staff recommended that the Board adopt the Stipulation in its entirety. Staff also recommended that the Companies be directed to file a report with the Signatory Parties and the Board detailing the refund required by the Stipulation within 30 days of the completion of the issuance of the refund.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

D. Docket No. WR18101158 – In the Matter of SUEZ Water New Jersey, Inc. and SUEZ Water Toms River, Inc. Distribution System Improvement Charge Foundational Filing Pursuant to N.J.A.C. 14:9-10.4.

BACKGROUND AND DISCUSSION: On October 22, 2018, SUEZ Water New Jersey, Inc., and SUEZ Water Toms River, Inc. (Petitioners) filed a Petition with the Board for approval to file and implement a foundational filing for the Distribution System Improvement Charge (DSIC) for the renewal of water distribution system assets for the period of 2018 through 2022.

On February 13, 2019, public hearings were held in Toms River and Hackensack. No members of the public attended either hearing. To date no written comments have been received concerning the Petitioner's filing.

The Parties to this proceeding, namely, the Petitioners, the New Jersey Division of Rate Counsel (the Parties) and Board Staff, engaged in settlement negotiations and as a result, entered into a Stipulation of Settlement (Stipulation) that agrees to the parameters of the foundational filing and that provides for the following:

- In accordance with N.J.A.C. 14:9-10.4(c), SUEZ Water New Jersey, Inc., and SUEZ Water Toms River, Inc., had its base rates set by the Board's decision on November 19, 2018 regarding agenda item 5C, in Docket No. WR18050593 and the DSIC rate is reset to zero.
- The Parties recommended that the Board find that the Petitioner's foundational filing satisfies all of the requirements of N.J.A.C. 14:9-10.4(b).
- The Parties recommended that the Board find that the Petitioners' foundational filing, as updated on February 11, 2019, are DSIC eligible projects within the scope and meaning of the definition set forth in N.J.A.C. 14:9-10.2 and are eligible to be included in the Company's DSIC filings pursuant to N.J.A.C. 14:9-10.5.
- The Company's foundational filing requires an annual "base spending amount" of \$9,685,066.00 and a maximum amount (5%) of annual DSIC revenues that may be collected of \$13,707,646.00.

Staff recommended that the Board adopt the Stipulation reached amongst the Parties which establishes the foundational filing for SUEZ Water New Jersey, Inc., and SUEZ Water Toms River, Inc., and is in accordance with the applicable administrative code.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

E. Docket No. AX18010001 – In the Matter of the New Jersey Board of Public Utilities’ Consideration of the Tax Cuts and Jobs Act of 2017; and

Docket No. WR18030234 – In the Matter of the Atlantic City Sewerage Company’s Petition with Calculation of Rates under the Tax Cuts and Jobs Act of 2017.

BACKGROUND AND DISCUSSION: On January 31, 2018, the Board issued an Order (Tax Order) which established a proceeding (Tax Proceeding) for all affected utilities to consider the implications of the 2017 Act, and in particular to implement interim rates effective April 1, 2018, until a final Board review is complete. The Tax Order also established a procedural schedule for motions to intervene, discovery, technical conferences, filing of comments, and finally settlement conferences.

By letter dated May 31, 2018, Atlantic City Sewerage Company (ACSC or Petitioner) advised the Board that it was in the process of conducting a comprehensive review of its deferred income tax records. ACSC further advised the Board that it was in the process of determining the appropriate level of amortization of the regulatory liability to insure compliance with IRS normalization. The Petitioner noted that it currently estimates that this review process will be completed by September 2018. The Petitioner stated that it would engage in settlement discussions with the parties once this review process has been completed. In view of the foregoing, the Petitioner requested that Board extend the procedural schedule for matter be extended to permit a Board decision no later than its November 2018 public agenda meeting. By Order in this matter dated June 22, 2018, the Board granted ACSC’s request, and ACSC provided updates by letters dated November 8, 2018 and January 10, 2019.

By further Order in this proceeding dated March, 26, 2018, the Board adopted tariffs that became effective on April 1, 2018, which implemented a rate decrease resulting from the Board’s initial review of the 2017 Act on the Petitioner. Upon further review, ACSC determined that the April 1, 2018 rate decrease was insufficient. Specifically, the amount that should have been returned to ratepayers should have been \$449,350.00 (before gross up), rather than \$319,945.00 (before gross up), which had previously been returned to ratepayers. The Petitioner’s updated filings proposed to correct this error and addressed the other issues that remained open in this matter.

- The Parties reviewed the Petitioner's updates and agreed to the following Stipulation of Settlement (Stipulation):
- That an additional \$150,792.00 resulting from the April 1, 2018 rate decrease must be returned to customers as of March 1, 2019.
- With regard to unprotected ADIT, there is a \$162,225.00 regulatory asset that is due from Ratepayers. There is a remaining balance of \$3,711.00 due to

ratepayers for the period January 1, 2018 through March 31, 2018. The net amount due from ratepayers from the April 1, 2018 rate decrease is \$7,542.00. This amount will be recovered from ratepayers over three years based on the assumption that the Company will have a rate case resulting in rates in effect by 2021. This results in an annualized recovery of \$2,514.00.

- The foregoing requires a total annual rate reduction, before gross up, of \$190,107.00. After applying the gross up factor the result is the Company's proposal of a rate reduction of \$280,954.00 to be effective on March 1, 2019.

Staff recommended that the Board adopt the Stipulation of the Parties.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

6. RELIABILITY & SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

Benjamin Goldstein, Program Specialist, Division of Clean Energy, presented these matters.

A. Docket No. QO19010008 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Mack-Cali Realty, LP.

BACKGROUND AND DISCUSSION: Mack-Cali Realty, LP (the Company) submitted an application under the Fiscal Year 2016 Large Energy Users Program (LEUP) requesting Board approval of a financial incentive of \$979,909.25 for installation of energy efficiency upgrades at Plaza II-III Harborside, Jersey City, NJ that has a total cost of \$1,697,111.00.

The measures proposed for this project are designed to improve the efficiency of the building's central plant. Specifically, this project proposes replacing the pressure bypass system with a variable speed condenser water pumping system, upgrading the cooling tower to include a system with variable frequency drives (VFDs), retrofitting VFDs to condenser water pumps, and overhauling the Building Automation System to produce condenser water as efficiently as possible. These central plant upgrades will result in an automated and efficient heating and cooling system that provides only what the building needs based on demand.

Annually, this project is anticipated to save 3,365,304 kWh of electricity and reduce peak demand by 162.13 kW. The proposed project will have an estimated annual energy cost savings of \$192,158.00. The payback period without incentives is 8.83 years; when factoring in the incentives, the payback period is reduced to 3.72 years. Implementation of these measures will also assist in compliance with P.L. 2018, c. 17, § C.48:3-87.10, which requires the owner or operator of commercial buildings over 25,000 square feet to benchmark the building's energy and water use. The required inspection of sites that receive funding through the LEUP following the installation of energy efficient measures will not only help to ensure adherence to agreed-upon performance and energy savings baselines, but will also allow for a more defined pathway for commercial building owners to report their energy usage.

TRC Environmental Corporation (TRC) received the initial application on June 30, 2016. TRC submitted its Program Manager certification on December 20, 2018 and Program Administrator certification on December 21, 2018.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$979,909.25 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. GO18070682 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs and Approval of Associated Cost Recovery Mechanism.

BACKGROUND AND DISCUSSION: On June 29, 2018, the Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (ETG or Company) filed a petition with the Board to extend the term of the five subprograms listed above for a one-year period, effective January 1, 2019.

By Order dated August 29, 2018 (August 29 Order), the Board designated Commissioner Robert M. Gordon as the presiding officer in this matter. The August 29 Order authorized Commissioner Gordon to rule on all motions and modify schedules, as well as to render a decision on a stipulation to extend the 180-day review period applicable to these proceedings to the extent the stipulation is signed by all parties. The August 29 Order further directed that all motions to intervene, participate and appear *pro hac vice* be filed with the Board by September 21, 2018.

On September 20, 2018, Public Service Electric and Gas Company (PSE&G) moved to participate in this proceeding. By letter dated October 25, 2018, ETG filed a position of no objection.

By Order dated October 29, 2018 (October 29 Order), the Board reassigned this matter to Commissioner Dianne Solomon. The October 29 Order also approved a stipulation to extend the review period until February 28, 2019 and extended funding for the existing programs.

By Order dated November 5, 2018, Commissioner Solomon approved a procedural schedule applicable to this proceeding and granted PSE&G participation status.

After notice, public hearings were held on October 22, 2018 in Flemington, New Jersey and October 24, 2018 in Union, New Jersey. No members of the public attended.

Staff found the Stipulation to be reasonable, in the public interest, and in accordance with the law. Accordingly, Staff recommended the Board approve the Stipulation in its entirety.

Staff also recommended the Board ratify the decisions made by Commissioner Solomon during the pendency of this proceeding for the reasons stated in their decisions and Orders. The Company's rates and costs, including the energy efficiency program costs, remain subject to audit.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

C. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, The Solar Act of 2012; and

Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding to Establish a Program to Provide SRECs to Certified Brownfield, Historic Fill and Landfill Facilities; and

Docket No. QO17080893 – KDC Solar Black Rock, LLC – Schalks Crossing Road.

Scott Hunter, Manager, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On August 17, 2017, KDC Solar Black Rock, LLC (KDC or Applicant) submitted an application to the Board to have its project certified as being located on a brownfield pursuant to Subsection (t) of the Solar Act. The Applicant's 4.5 MWdc project is proposed to be constructed on a 15 acre parcel that includes one acre on which the Black Rock Gun Club was constructed. The entire subject property, Block 1402, Lot 55, at 33 Schalks Crossing Road, Plainsboro Township, Middlesex County, New Jersey, is 69.91 acres and owned by Turkey Island Corporation (Turkey Island). The one acre is taxed and assessed as commercial property. The remaining land on the 69-acre property is valued, taxed, and assessed as Qualified Farmland (3B). Following review of the application and the advisory memorandum provided by the New Jersey Department of Environmental Protection (NJDEP) in which NJDEP determined that the 15-acre portion of the 69-acre property for which KDC seeks certification is not a

brownfield, the Board issued an order on March 26, 2018 (KDC Black Rock Order) denying KDC's request for certification of the project.

On April 18, 2018, KDC moved for reconsideration of the KDC Black Rock Order and, in the alternative, reopening of the record. KDC asked for expedited treatment of the motion, requesting that the Board issue an order by May 22, 2018, due to uncertain construction costs after August 13, 2018. On May 22, 2018, the Board authorized the issuance of a letter from the Board Secretary to KDC, informing the Applicant that the Board was continuing its review, that the Board would act on the motion beyond the 60-day time period, and that the matter would remain open pending the Board's issuance of a final decision.

Staff and the New Jersey Division of Law reviewed the motion for reconsideration, the supporting documentation, and the entire record in this case as a whole.

Staff recommended that the Board reopen its prior decision to consider the evidence surrounding the property's assessment as a farmland and the property's eligibility for certification under Subsection (t) of the Solar Act. Staff also recommended that the Board deny KDC's motion for reconsideration on the basis that: (1) the Board did not err in its factual finding that the site is farmland and agrees with NJDEP's conclusion that the 69-acre property's historical status as qualified farmland – as corroborated by KDC's application, its motion for reconsideration, publicly available tax databases, and KDC's responses to discovery, including the certified tax records produced by Turkey Island through KDC – which precludes its status as a brownfield under the Solar Act; and (2) the Board did not err in its legal finding that the 69-acre property is governed by Subsection (s), which provides limited opportunities for the development of solar facilities on farmland, rather than Subsection (t), which provides opportunities for the development of solar facilities on properly closed sanitary landfill facilities, brownfields, and areas of historic fill.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

D. Docket No. EX19020148 – In the Matter of the Notice of Readoption of N.J.A.C. 14:8 – Renewable Energy and Energy Efficiency.

James A. Boyd, Jr., Esq., Administrative Practice Officer, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: According to State Law, every chapter in the New Jersey Administrative Code expires seven years after the chapter was last adopted. Thus, each agency must readopt each chapter that is set to expire by filing notice with the Office of Administrative Law no later than 30 days prior to the expiration of the chapter.

N.J.A.C. 14:8, which sets forth the rules for renewable energy and energy efficiency, is scheduled to expire on May 1, 2019. The notice satisfies the statutory and regulatory requirements to readopt the 14:8 without amendments through notice.

Staff recommended that the Board approve this notice so that N.J.A.C 14:8 “Renewable Energy and Energy Efficiency” will be readopted for a new period of seven years.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

Mahogany Hall, Program Specialist, Division of Clean Energy, presented these matters

E. Docket No. QO19010100 – In the Matter of US Department of Energy – The State Energy Program Competitive Award for Program Year 2017 – Financing Advanced Microgrids.

BACKGROUND AND DISCUSSION: In January 2018, the Board, along with the New Jersey Institute of Technology (NJIT) and Rutgers University, applied for a Department of Energy (DOE) State Energy Program Competitive 2017 Award to implement an Advanced Microgrid Financing Program. On September 21, 2018, the Board received notice from DOE that the proposal was selected for Award Negotiations.

On December 28, 2018, the Board received pre-award costs approval to cover the cost for Staff to attend the Competitive Award Kick-Off Meeting held in Washington, DC on February 5, 2019. On February 1, 2019, Staff received an Assistance Agreement from DOE, formally communicating the grant award. On February 5, Staff attended a mandatory kickoff meeting with DOE in Washington, D.C.

The project will research a variety of strategies for financing advanced community microgrids, which was part of our grant application package. The budget allocation for this award is \$299,996.00 over a two year period, allocated with our Project Partners as follows:

- **NJIT:** Federal Funds = \$250,550.00 Cost Match = \$64,479.00
- **Rutgers University:** Federal Funds = \$35,454.00 Cost Match = \$24,547.00
- **NJBPU:** Federal Funds = \$13,992.00 Cost Match = \$0.00

Staff recommended that the Board accept the \$299,996.00 grant award and direct Staff to implement the project, including entering into grant agreements with NJIT and Rutgers University for the abovementioned budget amounts.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

F. Docket No. QO19010099 – In the Matter of US Department of Energy – The State Energy Program Competitive Award for Program Year 2017 – New Jersey Underserved Communities Electric Vehicle Affordability Program.

BACKGROUND AND DISCUSSION: On January 11, 2018, the Board applied for a U.S. Department of Energy (DOE) State Energy Program (SEP) grant to implement a New Jersey Electric Vehicle (EV) project regarding access to EV transportation for low and moderate income communities. The scope of work is contained in the abstract, which was part of our grant application package. On September 21, 2018 the Board received a pre-approval letter from the DOE regarding the award. On December 28, 2018 the Board received pre-award costs approval from DOE. On February 1, 2019, the DOE formally awarded the grant to the Board. On February 5, 2019, Staff attended a mandatory kickoff meeting with the DOE in Washington, DC.

The budget for this program is \$100,000.00 over two years and allocates \$94,548.00 for procurement of a consultant, which will be a State university, to help implement the program.

At the core of the project will be a classic feasibility study in which we develop, screen, and perform a detailed analysis of prospective alternatives that create a clear path for underserved communities to access clean transportation in the form of plug-in electric vehicles.

During the initial development and screening process, less feasible alternatives will be screened out. An evaluation will continue for the most feasible alternatives. Finally, a specific alternative(s) will be recommended for implementation.

Staff recommended that the Board:

1. Find the Scope of Work for the DOE SEP Competitive Award identifies the factors needed to successfully implement the New Jersey Underserved Communities Electric Vehicle Affordability Program.
2. Find the implementation of the program will contribute to the State's Energy Master Plan goals through promotion of access to and use of plug-in electric vehicles in underserved communities.
3. Accept the DOE grant award in the amount of \$100,000.00 and approves an in-kind cost match of \$20,000.00 from Staff salaries.
4. Direct Staff to take appropriate measures to implement the program subject to and consistent with DOE approval of the 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 Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

Scott Hunter, Manager, Division of Clean Energy, presented these matters.

G. Docket No. QO16020130 – In the Matter of the Implementation of N.J.S.A. 48:3-87(R), Designating Grid-Supply Projects as Connected to the Distribution System – Order Implementing Certain Provisions of N.J.A.C. 14:8-2.4(G) for Energy Year 2020.

BACKGROUND AND DISCUSSION: By Order dated January 17, 2019, the Board closed the Generic Solar Proceeding initiated in 2017 and directed staff to “seek comment from all interested parties on the further steps to be taken with respect to the suspended Subsection r Rules and the Expressions of Interest received pursuant to those rules prior to their suspension.”

Staff issued a request for comments on Subsection r on February 11, 2019 with responses due on February 22, 2019. Stakeholder input was sought on:

- the aggregate capacity to make available to qualifying applicants,
- the ability of Solar Renewable Energy Certificates (SREC) market to handle additional capacity;
- individual system size limits and criteria for conditional designation; and
- the treatment of projects commencing commercial operations after the Board determines the market has attained 5.1% of retail electricity sales from solar electric generation facilities.

Staff recommended that the Board:

1. Announce a specific number of megawatts dc as the upper limit of aggregate capacity for which qualifying projects may seek conditional designation as "connected to the distribution system." This designation makes a project eligible for SRECs.
2. Announce the project qualifications for SREC eligibility. The key qualification at this time is having commenced commercial operations prior to the Board's determination that the market has attained 5.1% solar electricity. A "Transition Incentive Program" is currently under development.
3. Open a Subsection r application round authorizing Staff to accept applications from March 1 to March 14; and
4. Approve Subsection r application form and escrow agreement for immediate release.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

H. Docket No. QO18070698 – In the Matter of the Modification of the Solar Renewable Portfolio Standard and Solar Alternative Compliance Payment Schedules and the Reduction of the Qualification Life for Solar Renewable Energy Certificates for Solar Facilities.

BACKGROUND AND DISCUSSION: On October 29, 2018, the Board addressed the provisions reducing the Qualification Life for solar facilities in the Clean Energy Act of 2018. The Board found the legislative intent was to reduce the Qualification Life to ten years for all applications submitted after the effective date of the Order and directed to Staff to initiate a rulemaking.

Immediately following the October 29, 2019 Order, Staff posted notice to the RE email distribution list and the NJCleanenergy.com website advising stakeholders of the Board's directive. Registrations in the Solar Renewable Energy Certificate (SREC) Registration Program (SRP) and applications received by the Board for Conditional Certifications pursuant to Subsection t prior to (the) deadline that fulfill all conditions established by the Board shall receive a 15-year SREC Qualification Life. SRP registrations submitted after midnight would be eligible for a ten year Qualification Life.

On December 26, 2018, Staff issued a straw proposal and request for comments on SREC Transition Principles, Program Assumptions, and announced a Stakeholder Process on implementing a SREC Transition in compliance with statutory requirements. One of the SREC Transition Principles offers that Staff will "provide disclosure and notification to developers that certain projects may not be guaranteed participation in the current SREC program..."

Staff recommended that the Board clarify its October 29, 2019 Order that SRP registrations and Subsection t applications received after October 29 may not be eligible for SRECs. Projects that do not commence commercial operations prior to the state's attainment of 5.1% of kilowatt hours sold from solar electric power generators may be eligible for an alternative incentive that is currently the subject of the SREC Transition stakeholder process.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

I. Docket Nos. GO18101112 and EO18101113 – In the Matter of 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.

Stacy Ho Richardson, Esq., Legal Specialist, Counsel's Office, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved two requests for interlocutory review of Commissioner Solomon's January 22, 2019, prehearing order which denied the motions to intervene filed by Direct Energy and Sunrun, in Public Service Electric and Gas's (PSE&G) 2018 Clean Energy Future, Energy Efficiency Program filing. Also

before the Board was a motion to intervene by the Keystone Energy Efficiency Alliance, (KEEA).

In the prehearing order, Commissioner Solomon considered nine motions to intervene and six motions to participate. Direct Energy, on behalf of five affiliated third-party supplier companies, as well Centrica Business Solutions, NRG Energy, and Just Energy Group, were among the entities that moved to intervene.

Sunrun, a residential solar, storage, and energy services provider, also moved to intervene. The other entities that moved to intervene or participate included other energy efficiency businesses, utility companies, a coalition of large energy users, and a coalition of environmental organizations.

PSE&G filed a letter objecting to the intervention by Direct Energy and Sunrun. After considering all the issues and weighing the factors for intervention, Commissioner Solomon granted intervention to New Jersey Large Energy Users Coalition, the coalition of large energy users, and the Eastern Environmental Law Center, the coalition of environmental organizations. The Commissioner did not consider the motion by KEEA, because at the time, the motion was timely submitted, it was technically deficient.

On January 29, 2019, Direct Energy requested interlocutory review by the Board of the prehearing order insofar as it denied Direct Energy's motion for intervention and granted them participant status. Direct Energy asserted that, if approved, PSE&G's energy efficiency programs would place them and similarly situated energy efficiency suppliers and vendors at a competitive disadvantage because PSE&G could subsidize its products and services with ratepayers funds; provide on-bill financing, which competitors cannot do; and use customer data to offer value-added services that could also be supplied by the competitive energy efficiency market. Direct Energy argued that the Board should consider the prospective of PSE&G's competitors as it evaluates impacts on PSE&G's proposals.

PSE&G submitted opposition to Direct Energy's request, asserting, in summary, that the Presiding Commissioner appropriately balanced the factors for intervention to reach a well-reasoned and appropriate conclusion and that none of Direct Energy's arguments warrant reversing the prehearing order.

Staff's recommendations are as follow:

(1) Staff recommended that the Board accept Direct Energy's request for interlocutory review.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

- (2) Staff recommended that the Board affirm the Presiding Commissioner's decision to deny Direct Energy's motion to intervene.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

- (3) Staff recommended that the Board accept Sunrun's request for interlocutory review.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

- (4) Staff recommended that the Board affirm the Presiding Commissioner's decision to deny Sunrun's motion to intervene.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

- (5) Staff recommended that the Board approve Keystone Energy Efficiency Alliance's motion to intervene.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

9. MISCELLANEOUS

A. Docket No. EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act requires the Board to create a program and mechanism for the issuance of Zero Emission Certificates (ZECs). Under the program, certain eligible nuclear energy generators may be approved to provide ZECs for the State's energy supply, which in turn will be purchased by four Electric Distribution Companies (EDCs) and Butler. The Act identifies the basic steps required to establish this program, including program logistics, funding, costs, application, eligibility requirements, selection process, and the timelines associated with each aspect of the legislation.

The Act set several specific deadlines: 1) the completion of a proceeding within 180 days after the date of enactment of the Act, i.e., by November 19, 2018, to allow for the commencement of a ZEC program. In the proceeding, the Act requires the Board to issue an order establishing a ZEC program for selected nuclear power plants. The Board's Order must include but need not be limited to: (i) a method and application process for determination of the eligibility and selection of nuclear power plants; and (ii) establishment of a mechanism for each EDC to purchase ZECs from selected nuclear power plants. See N.J.S.A. 48:3-87.5(b); and 2) Completion of a proceeding to certify applicant nuclear power plants as eligible for the program and establish a rank-ordered list of the nuclear power plants eligible to be selected to receive ZECs, to be done no later than 330 days after the date of enactment of the Act, i.e., by April 18, 2019. See N.J.S.A. 48:3-87.5(d).

On November 19, 2018, the Board approved an Order that contained, among other things, approval of ZEC application and that the ZEC application window be opened and remain open until December 19, 2018. In addition the Board approved a December 31, 2018 deadline for requests for access to information submitted on a confidential basis, pursuant to N.J.S.A. 48:3-87.5(a). The Board also approved the implementation schedule and procedural schedule recommended by Board staff for application eligibility and ranking.

The implementation plan provided for the establishment of two teams, the Application Eligibility Team and the Ranking Team. The Ranking Team was to consist of Board staff, New Jersey Department of Environmental Protection Agency staff, and representatives of the Board's consultant, later determined to be Levitan.

The ZEC Ranking Team was ordered to finalize the scoring methodology and criteria for review, to use in creating a "ranked list" of eligible units, at the February 27, 2019 Agenda Meeting.

The Ranking Team met and recommended that the Board approve the ZEC Ranking Criteria proposed. Staff recommended that the Board approve the Ranking Team Proposals.

The seven ranking criteria include: 1) Unit Economic Viability; 2) Annual Unit Generation Net of Power Exports out of the State; 3) Plant Capacity Factor; 4) Nuclear Regulatory Commission Safety Rating; 5) Full time Annual Payroll plus Property Taxes or Payments in Lieu of taxes; 6) Total Avoided Carbon Dioxide Emissions Tons; and 7) Avoided Total Sulfur Dioxide, Nitrous Oxide and Particulate Matter Emissions Tons.

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

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. EX19020147 – In the Matter of Notice of the Readoption of N.J.A.C. 14:4 – Energy Competition.

James A. Boyd, Jr., Esq., Administrative Practice Officer, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: According to State Law, every chapter in the New Jersey Administrative Code expires seven years after the chapter was last adopted. Thus, each agency must readopt each chapter that is set to expire by filing notice with the Office of Administrative Law no later than 30 days prior to the expiration of the chapter.

N.J.A.C. 14:4, which sets forth the rules for energy competition in New Jersey, is scheduled to expire on April 1, 2019. The Notice satisfies the statutory and regulatory requirements to readopt the 14:4 without amendments through notice.

Staff recommended that the Board approves this notice so that N.J.A.C 14:4 “Energy Competition” will be readopted for a new period of seven years. The Board will retain all of its rights to amend, waive, and promulgate new rules in this chapter at any 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 Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

LATE STARTER A

MISCELLANEOUS

Docket No. QO18121289 – In the Matter of the New Jersey Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications – See Executive Session.

This matter was discussed in executive session pursuant to attorney-client privilege and contract negotiations exception to the Open Public Meetings Act. The Board will make the contents of its discussion of the above matter public at the earliest appropriate time.

EXECUTIVE SESSION

After appropriate motion, the following matters, which involved pending litigation attorney/client privilege and contract negotiation pursuant to the Open Public Meetings Act at N.J.S.A. 10:4-12(b)7 was discussed in Executive Session.

1. AUDITS

B. Docket No. WA18080849 – In the Matter of an Audit of the Affiliated Transactions between New Jersey American Water Company, and American Water Works Company, Inc. and its Affiliates including a review of Operational and Financial Performance of New Jersey American Water Company and a Comprehensive Management Audit of New Jersey American Water Company Pursuant to N.J.A.C. 14:3-12.1-14:3-12.4.

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

2. ENERGY

P. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-445 Iroquois Gas Transmission System, L.P. re: FERC Form No. 501-G Report.

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

LATE STARTER A

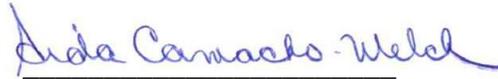
MISCELLANEOUS

Docket No. QO18121289 – In the Matter of the New Jersey Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications.

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

After appropriate motion, the Board reconvened to Open Session.

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: March 29, 2019