



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 March 27, 2020, via Zoom Teleconference, dial in number US: 1 (312) 626-6799 - Webinar ID: 660 055 724.

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 April 6, 2020 at 10:00 a.m. via teleconference.

CONSENT AGENDA

I. AUDITS

A. Energy Agent and/or Private Aggregator Initial Registrations

EE19101411L	Vanguard Energy Services, LLC d/b/a VES – New Jersey, LLC	I – EA
EE19070800L	Freedom Logistics, LLC d/b/a Freedom Energy Logistics	I – EA
GE19101330L	Budderfly, Inc.	I – PA
EE20010023L	Sustainable Energy Services, Inc.	I – EA/PA
GE20010024L		

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

EE19101405L	Cost Control Associates, Inc.	R – EA
EE19101404L	Satori Enterprises, LLC d/b/a Satori Energy	R – EA
EE19111476L	ClearPath Energy, LLC	R – EA
EE19091315L	Hospital Energy, LLC	R – EA
GE19101403L	NJHA Healthcare Business Solutions	R – PA
EE19121503L	TFS Energy Solutions, LLC	R – EA/PA
GE19121504L	d/b/a Tradition Energy	
EE20020157L	EnerConnex, LLC	R – EA/PA/EC
GE20020158L		
EE19121531L	Gabel Associates, Inc.	R – EA/PA/EC
GE19121532L		
EE19121520L	Reflective Energy Solutions, LLC	R – EA/PA/EC
GE19121521L		
EE19111480L	US Grid Energy, LLC	R – EA/PA/EC
GE19111481L	d/b/a US Grid Wholesale, LLC	
EE20010017L	Health Resource Network, Inc.	R- EA/PA/EC
GE20010018L	d/b/a HRNEnergy	
EE19121502L	Utiliz, LLC	R – EA/EC
GE20030210L		
EE20010058L	South Shore Trading and Distributors, Inc.	R – EA/EC
GE20010059L		

Electric Power Supplier Initial License

EE19080952L	SmartestEnergy US, LLC	I – ESL
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BACKGROUND: Commissioner Gordon recused himself from this matter. The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The

renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. 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 and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

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

- Vanguard Energy Services, LLC d/b/a VES – New Jersey LLC
- Freedom Logistics, LLC d/b/a Freedom Energy Logistics
- Budderfly, Inc.
- Sustainable Energy Services, Inc.

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

- Cost Control Associates, Inc.
- Satori Enterprises, LLC d/b/a Satori Energy
- ClearPath Energy, LLC
- Hospital Energy, LLC
- NJHA Healthcare Business Solutions
- TFS Energy Solutions, LLC d/b/a Tradition Energy
- EnerConnex, LLC
- Gabel Associates, Inc.
- Reflective Energy Solutions, LLC
- US Grid Energy, LLC d/b/a US Grid Wholesale, LLC
- Health Resource Network, Inc. d/b/a HRNEnergy
- Utiliz, LLC
- South Shore Trading and Distributors, Inc.

Finally, Staff recommended that the following applicant be issued an initial license as an electric power supplier for one year:

- SmartestEnergy US, LLC

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

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

- A. Docket Nos. BPU WR17090985 and OAL PUC 16279-18 – In the Matter of the Petition of New Jersey American Water Company, Inc., for Approval of Increased Tariff Rates and Charges for Water and Sewer Service, Change in Depreciation Rates and Other Tariff Modifications – OAL Request for Extension.**

BACKGROUND: The record in this matter closed on January 21, 2020. By previous order of extension, the due date for issuing an initial decision was extended until March 6, 2020. Administrative Law Judge Jacob S. Gertsman 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 April 20, 2020.

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

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

- A. Docket Nos. BPU EC19090999U and OAL PUC 15018-19 – In the Matter of Callaremi Cadillac Buick GMC, Petitioner v. Jersey Central Power and Light Company, Respondent – Request for Extension.**

BACKGROUND: The Initial Decision of the Administrative Law Judge Barry E. Moscovitz was received by the Board on March 5, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on April 20, 2020. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision.

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 limit for the Board to render a Final Decision be extended until June 4, 2020.

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

B. Docket Nos. BPU WC18121336U and OAL PUC 01651-19 – In the Matter of Michelle Fontanez, Petitioner v. Middlesex Water Company, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge Susan L. Olgiati was received by the Board on February 24, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on April 9, 2020. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision.

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 limit for the Board to render a Final Decision be extended until May 26, 2020.

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

C. Docket Nos. GC19050562U and OAL PUC 08929-19 – In the Matter of Syed S. Hussain, Petitioner v. South Jersey Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Syed Hussain (Petitioner) and South Jersey Gas Company (SJG or Company). The petition was filed on May 3, 2019, and transmitted to the Office of Administrative Law for hearing as a contested case on July 2, 2019. A Stipulation of Settlement (Stipulation) was agreed to between SJG and the Petitioner, dated January 28, 2020, and received by the OAL on February 13, 2020, resolving all issues in this matter. Administrative Law Judge (ALJ) Dorothy Incarvito-Garrabrant filed an Initial Decision in this matter with the Board on February 20, 2020.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, SJG agreed to discount/credit the Petitioner's account in the amount of \$850.00, resulting in an outstanding balance of \$550.00. The Petitioner agreed to pay \$550.00 within 30 days after the Petitioner returns an original executed Stipulation.

The Company reserves the right to pursue and/or attempt to collect the \$850.00 credited to the Petitioner's account from the Petitioner's former tenant, Delphia Harper Bullock. If the Petitioner fails to make the payment.

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

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

D. Docket Nos. BPU EC18030267U and OAL PUC 07972-2018 – In the Matter of Gertrude Holmes, Petitioner v. Public Service Electric and Gas Company, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge Andrew M. Baron was received by the Board on March 12, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on April 27, 2020. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

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 limit for the Board to render a Final Decision be extended until June 11, 2020.

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 February 19, 2020 Agenda Meeting.

BACKGROUND: Staff presented the minutes of the Regular Board Agenda meeting of February 19, 2020 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

- 2) The Offer of Settlement shall not relieve TMG or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 18, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by TMG or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) TMG will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq. The execution of this Offer of Settlement shall not be relied upon by TMG or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any 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

In addition, the Company filed an application seeking an initial registration as an energy agent. Staff recommended that the Board approve the initial registration application and issue a registration to TMG with EA-0639 as the new registration number.

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 Nos. BPU GR19050675 and OAL PUC 13827-19 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service and its Conservation Incentive Program Rates for F/Y 2020.**

BACKGROUND AND DISCUSSION: On May 31, 2019, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board requesting approval to decrease its per therm Periodic Basic Gas Supply Service (BGSS) rate from \$0.4129 to \$0.3984, and to increase the Company's overall Conservation Incentive Program (CIP)

rates. The Company also proposed to increase its per therm Balancing Charge rate by \$0.0250, from \$0.0848 to \$0.1098.

On August 13, 2019, NJNG submitted discovery responses updating its BGSS, Balancing Charge, and CIP schedules. The Company's updated calculations produced a BGSS rate and CIP rates for Groups II, III, and IV that were lower than originally filed. Therefore, the Company proposed that these lower updated rates be approved on a provisional basis effective October 1, 2019.

By Order dated September 11, 2019, the Board authorized NJNG to implement its updated BGSS, CIP, and Balancing Charge rates, on a provisional basis subject to refund. The September 2019 Provisional Order authorized New Jersey Natural Gas Company to: 1) decrease the Company's existing periodic BGSS rate to \$0.3753 per therm; 2) increase the Company's balancing charge to \$0.1098 per therm; 3) increase the CIP rates to \$0.0690 per therm for Group I Residential Non-Heat customers, \$0.0079 per therm for Group II Residential Heat customers, and a credit of \$0.0208 per therm for Group III Small Commercial customers; and 4) decrease the CIP rate to a credit rate of \$0.0043 per therm for Group IV Large Commercial customers. As a result of the September 2019 Provisional Order, the monthly bill impact on a typical residential customer using 100 therms was an increase of approximately \$0.94.

On September 27, 2019, this matter was transferred to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge (ALJ) Jacob S. Gertsman.

On November 13, 2019, the Board issued an Order approving a decrease to the inventory portion of the Balancing Charge resulting in a Balancing Charge of \$0.1088 per therm, effective November 15, 2019.

On February 20, 2020, the Company, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, Parties) executed a Stipulation for Final Rates (Stipulation) in this matter. As part of the Stipulation, the Parties agreed that the provisionally approved Periodic BGSS rate, CIP rates, and Balancing Charge rate that became effective October 1, 2019 should be made final. In addition, the Parties agreed that the Company's Periodic BGSS rate of \$0.4129 was self-implemented on February 1, 2019 in Docket No. GR18050586, and which remained in effect until October 1, 2019, and the Balancing Charge rate of \$0.1088, that became effective on November 15, 2019, and which is currently in effect, should be made final.

On February 25, 2020, ALJ Gertsman issued his Initial Decision recommending the Board approval of the Stipulation, finding that it fully disposed of any issues in controversy and was consistent with the law.

Staff recommended that the Board issue an Order approving the Initial Decision and Stipulation. Staff also recommended that the Board direct NJNG to file revised tariffs by April 15, 2020.

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. 651-55 – In the Matter of the Petition of Jersey Central Power and Light Company: (1) Grant and Convey to Public Service Electric and Gas Company a Certain Right of Way and Easement for Electric Transmission Lines Affecting Certain Lands in the Township of Blairstown, Warren County, New Jersey, for the Sum of \$13,574.00; and (2) to Transfer and Convey to Public Service Electric and Gas Company an Undivided Interest in and Certain Property, Rights and Interests for a Pumped Storage Electric Generating Project Adjacent to the Delaware River Near Tocks Island, Pahaquarry Township, Warren County, New Jersey, and Adjacent to Yards Creek in the Township of Blairstown and in the Township of Pahaquarry, Warren County, New Jersey for a Base Price of \$10,735,237.78 Plus Additions and Interest During Construction from December 1, 1964 to the Date of Conveyance; and

Docket No. EM98121463 – In the Matter of Jersey Central Power and Light Company d/b/a GPU Energy, Petitioner vs. Public Service Electric and Gas Company, Respondent.

BACKGROUND AND DISCUSSION: On February 21, 2020, Jersey Central Power & Light Company (JCP&L) filed a petition with the Board requesting Board review and approval of a stipulation of settlement (Stipulation) related to JCP&L's interests in the Yards Creek Generating Station (Yards Creek). According to JCP&L, the Stipulation is intended to remove the constraint on the alienation of the respective interests in Yards Creek of the parties under a previously approved agreement.

JCP&L requested expedited review and approval of the Stipulation to facilitate discussions for potential transactions which the parties to the 1964 Agreement may wish to explore. JCP&L indicated that any disposition of JCP&L's undivided interest in Yards Creek will remain subject to the Board's approval under N.J.S.A. 48:3-7 and the Board's regulations under N.J.A.C. 14:1-5.6.

On March 2, 2020, the New Jersey Division of Rate Counsel submitted comments, indicating that it did not object to the requested relief, provided that JCP&L's interest in Yards Creek is valued the same as Public Service Electric and Gas Company's Fossil LLC's interest, in the event JCP&L sells its share of Yards Creek. As JCP&L acknowledged that the sale of its interest in Yards Creek would be subject to the Board's approval.

Staff recommended that the Board issue an Order approving the Stipulation.

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

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

C. Docket No. ER20030190 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2021.

BACKGROUND AND DISCUSSION: Two-thirds of the State’s Basic Generation Service (BGS) requirements for Residential and Small Commercial Pricing (RSCP) customers are under contract for the period of June 1, 2021 through May 31, 2022. The Board must determine how the remaining one-third of the State’s BGS requirements for RSCP customers, as well as the State’s annual BGS requirements for Commercial and Industrial Energy Pricing (CIEP) customers, should be procured beginning June 1, 2021. In addition, the Board must determine how Rockland Electric Company (Rockland) will procure the annual BGS energy and capacity requirements for its non-PJM, Interconnection, LLC (PJM) service area within New Jersey for the period beginning June 1, 2021.

Staff recommended that the Board initiate a transparent and public proceeding, consistent with what was employed for the past 19 years, to determine what type of process should be used for the procurement of BGS-RSCP and BGS-CIEP supply, and the capacity needs of Rockland’s non-PJM service area within New Jersey. To initiate this proceeding, Staff recommended that the Board approve the procedural schedule that would result in a Board decision on the process in November 2020, and would permit a BGS procurement process in February 2021.

Staff also recommended that the Board direct the electric distribution companies to make a BGS filing by July 1, 2020, describing how they intend to procure the remaining BGS-RSCP and BGS-CIEP requirements. This shall also include, Rockland filing a proposal as part of its July 1, 2020 BGS filing for procuring the energy and capacity requirements for its non-PJM service area within New Jersey. Staff further recommended that the Board invite all other interested stakeholders to file any alternative BGS procurement processes with the Board by July 1, 2020.

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. ER19111434 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Electric Base Rate Adjustments to the PowerAhead Program (11/2019).

BACKGROUND AND DISCUSSION: On November 1, 2019, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking review and approval of the capital investments related to the Company's PowerAhead Program (PowerAhead) that were placed in service from July 1, 2019 through December 31, 2019 (November 2019 Petition). ACE also sought to recover a revenue requirement of \$1,502,097.00 associated with \$12,197,527.00 of plant-in service investments. The Petition included actual data through September 30, 2019 and projected information for the period October 1, 2019 through December 31, 2019.

In addition, ACE sought to remedy an under-recovery associated with the electric revenue requirement that was not recovered through its first roll in. The Company proposed taking two steps to make up for the under recovery associated with the first roll-in period: The Company proposed to add an annual adjustment of \$503,941.00, which would remain in place going forward to correct for the under recovery going forward to prevent any "future under-recovery" that would otherwise result from the cost recovery mismatch. Additionally, ACE proposed to implement an additional, one-time adjustment to allow ACE to recover the \$251,971.00 that the Company did not recover beginning October 1, 2019 and ending March 31, 2020. ACE proposed to eliminate this second adjustment effective October 1, 2020 through its next PowerAhead recovery filing, anticipated to be made on or about May 1, 2020.

The Company also sought an increase in the annual electric revenue requirement of \$2,509,979.00, which includes both the annual electric revenue requirement associated with ACE's PowerAhead Expenditures from July 1, 2019 through December 31 2019 and the two adjustments to remedy the under-recovery associated with the first roll-in period.

On January 16, 2020, ACE updated its filing with actual data through December 31, 2019 (January 2020 Update). In the January 2020 update, the Company updated its revenue requirement to \$1,349,628.00 which would recover \$10,835,869.00 of plant-in service investments incurred from July 1, 2019 through December 31, 2019. The Company's two additional proposed adjustments associated with the first roll-in did not change. The updated total revenue requirement request was \$2,357,511.00.

On January 28, 2020, the Company issued a Notice regarding the Transfer of Funding within certain PowerAhead subprograms. ACE indicated that the Company would be transferring funding amounts between projects within each sub-program, which, according to the Company, amounted to a "net zero" transfer of funding, and align with each sub-program's respective authorized spends.

On February 5, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) filed a letter objecting to the Company implementing the changes without further clarification. Following discussions between the Company, Rate Counsel, and Board Staff (Staff) (collectively, Parties), ACE submitted a letter on February 19, 2020 withdrawing its January 28, 2020 Notice of Transfer of Funding. Additionally, because the January 2020 Update incorporated certain funding transfers, the Company further updated the filing (February 2020 Update). In the February 2020 update, the Company updated its request to seek to recover \$9,801,163.00 in gross plant-in-service investments, which increased

its proposed revenue requirement by \$1,221,710.00. The Company's two proposed adjustments associated with the first roll-in did not change. The updated total revenue requirement request was \$2,229,592.00.

On March 16, 2020, the Parties executed a stipulation of settlement (Stipulation) that would allow the Company to recover a revenue requirement of \$1,725,651.00 million related to the PowerAhead Program as of April 1, 2020.

Staff recommended that the Board issue an Order approving the Stipulation. Staff further recommended that the Board direct ACE to file tariffs consistent with the Board's Order by April 1, 2020.

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.

E. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 - FERC Docket No. ER20-841 PJM Interconnection, LLC re: Proposed M-4 Tariff Revision on NERC Reliability Standard CIP-014.

BACKGROUND AND DISCUSSION: Staff, on behalf of the Board, signed a Joint Stakeholder Informational Filing the NERC on March 5, 2020. The Board is a party to this case, having filed an Intervention on January 23, 2020, and previously filed Comments on February 7, 2020. The Tariff Revision proposed to include Attachment M-4 in the PJM Open Access Transmission Tariff. Attachment M-4 will define planning procedure for CIP-014-2 supplemental projects without publicly disclosing information about the CIP-014-2 critical transmission station or substation. Staff was concerned that the process lacks sufficient transparency and oversight and further reduces competition for transmission projects. Staff recommended the Board ratify the Joint Stakeholder Informational Filing.

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. ER20010003 – In the Matter of Federal Energy Items for 2020 - FERC Docket No. EL19-91 PJM Interconnection, LLC re: Order to Show Cause on Immediate Need.

BACKGROUND AND DISCUSSION: Staff, on behalf of the Board, filed a Motion for Leave to Answer and Answer in this docket. The Board is a party to this case, having intervened on November 7, 2019. This case is one of three Section 206 proceedings where Federal Energy Regulatory Commission (FERC, Commission) requested PJM Interconnection, LLC (PJM), ISO New England Inc., and Southwest Power Pool, Inc. to show cause on how their application of the exemption for “immediate need” reliability projects comports with the narrow criteria established in Order No. 1000. PJM provided a response to the Commission’s questions that did not show that the current process satisfies the FERC’s criteria.

On January 27 2020, the Board commented in the docket to highlight this for the Commission and to praise the Commission for promoting competition. Numerous other stakeholders filed comments, both in support and criticizing PJM’s response. PJM filed an Answer on February 26, 2020, responding to many comments. PJM’s February 26, 2020 Answer specifically responds to the Board’s comments. Staff, on behalf of the Board, filed an Answer on March 12, 2020 to respond to PJM and requested that FERC initiate further proceedings to examine the exemption. Staff recommended the Board ratify the Motion to Leave for Answer and Answer at this 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

G. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020: Non-docketed Matter – Executive Session.

This matter was discussed in executive session pursuant to attorney-client privilege and pending litigation 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.

H. Docket No. EO20030203 - In The Matter of BPU Investigation of Resource Adequacy Alternatives.

Cynthia L. M. Holland, Esq., Director, Office of Federal and Regional Policy, presented this matter.

BACKGROUND AND DISCUSSION: Consistent with the Energy Master Plan (EMP), this matter involved Staff recommending the Board to initiate an Investigation of Resource Adequacy Procurement Alternatives to achieve New Jersey’s long-term clean energy and environmental objectives. The EMP envisions a proceeding in early 2020 to investigate the existing barriers inhibiting New Jersey from achieving the goal of 100% clean power

by 2050. Once these barriers are identified, the EMP provides a “commitment” to “explore all possible options, including leaving the PJM capacity market, to ensure that the state can realize a clean energy future at reasonable prices.”

Accordingly, Staff recommended that the Board approve a Staff-led investigation into whether the state can achieve its long-term clean energy objectives under the current resource adequacy paradigm and, if not, recommend to the Board how best to meet the state’s resource adequacy objectives. Staff also recommended that the Board approve the first step in this Investigation, a Staff-led technical conference to be conducted in early 2020.

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. CABLE TELEVISION

A. Docket No. CM20030211 – In the Matter of the Joint Petition of CSC TKR, LLC (Altice USA, Inc.) and Service Electric Cable TV of New Jersey, Inc. for Approval of the Transfer of Certificates of Approval of Service Electric Cable TV of New Jersey, Inc. of Service Electric.

Lawanda R. Gilbert, Esq., Director, Office of Cable Television & the Office of Telecommunications, presented this matter.

BACKGROUND AND DISCUSSION: Altice USA, Inc., formerly known as Cablevision, and Service Electric Cable TV of NJ (Service Electric), Inc. filed a joint petition with the Board on March 5, 2020, seeking approval of Altice’s purchase of Service Electric’s cable television system, serving the northwestern portion of the State. Altice USA, Inc. and Service Electric also filed a joint petition with the Board seeking approval of the transfer of certificates of approval held by Service Electric.

On February 12, 2020, during its fourth quarter earnings call, Altice USA announced it had reached an agreement to acquire substantially all the assets of regional cable operator Service Electric Cable TV of New Jersey, Inc., for \$150 million in cash, subject to certain closing adjustments and closing conditions.

Altice stated that the acquisition would allow Altice USA to extend its footprint into neighboring communities to provide its high-quality broadband, video, mobile, and news offerings to thousands of additional homes and businesses in New Jersey.

Staff reviewed the Petition and prepared to issue Discovery Requests. The New Jersey Division of Rate Counsel will also be issuing Discovery Requests.

Staff recommended that the Board retain this matter for hearing at the Board and designated Commissioner Chivukula as the Presiding Officer. Staff also recommended that any entity seeking to intervene or participate in this matter file the appropriate application with the Board by April 14, 2020. Commissioner Chivukula will render a decision on motions to intervene and on any additional motions filed after the issuance of this Order. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

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. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

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

A. Docket Nos. BPU WR19111463 and OAL PUC 17126-2019S – In the Matter of the Petition of Middlesex Water Company for Approval to Change the Levels of its Purchased Water Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1 et seq.

BACKGROUND AND DISCUSSION: On November 14, 2019, Middlesex Water Company (Company, Middlesex) filed a petition with the Board seeking approval of an increase of its Purchased Water Adjustment Clause (PWAC) to recover increased purchased water costs together with deferred costs and associated expenses. The Company originally requested an increase in annual revenue of \$599,762.00 over pro forma present rate revenues of \$81,900,087.00, which represents an overall increase of approximately 0.73%.

Middlesex services approximately 61,000 retail water customers in the Townships of Edison and Woodbridge, the Boroughs of South Plainfield, Metuchen, and Carteret, and the City of South Amboy in Middlesex County; the Township of Clark in Union County; and the Township of Downe in Cumberland County.

The Board considered an Initial Decision Settlement (Initial Decision) recommending adoption of a stipulation of settlement (Stipulation) executed by the Company, the New Jersey Division of rate Counsel (Rate Counsel), and Board Staff (Staff) (collectively, Parties), agreeing to an overall increase in purchased water cost in the amount of \$32,741.00.

After publication of notice in newspapers of general circulation in the Company's service territory, two public hearings were held on the evening of February 13, 2020, at 4:30 p.m. and 5:30 p.m., at the Fords Branch of the Woodbridge Public Library, located at 211 Ford Avenue in Fords, New Jersey, with Administrative Law Judge (ALJ) Caliguire presiding. No members of the public appeared at the public hearings or filed written comments with the Board with regard to the proposed PWAC rate filing.

On January 3, 2020, the Company, in response to interrogatory RCR-2 issued by the Rate Counsel, informed the Parties that subsequent to the filing of the Petition in this matter, the Company was notified by New Jersey-American Water Company (NJAW) of an additional 24.9 million gallons of incremental water purchased above the level of its minimum requirement in the Company's water purchase agreement with NJAW. This increase resulted in a final billing reflecting a purchase of 180.5 gallons instead of the 155.5 gallons indicated in the Petition, resulting in an incremental water purchase cost of \$70,725.00.

On March 2, 2020, ALJ Caliguire issued an Initial Decision recommending adoption of the Stipulation executed by the Parties, finding they had voluntarily agreed to the Stipulation and that the Stipulation fully disposes of all issues and is consistent with the law. No exceptions were received by the Board.

Staff recommended that the Board adopt the Initial Decision.

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 Nos. BPU. WR19111465 and OAL PUC 16898-2019S – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Change the Level of its Purchased Water Adjustment Clause and Purchased Wastewater (Sewerage) Treatment Adjustment Clause.

BACKGROUND AND DISCUSSION: On November 15, 2019, New Jersey-American Water Company, Inc. (New Jersey-American Water or Company) filed a petition with the Board for approval to change the levels of its existing purchased water adjustment clause charge and purchased wastewater (sewerage) treatment adjustment clause charges, with respect to increased purchased water expenses and increased purchased wastewater treatment expenses. The total amount requested in the petition was an increase of annual revenues by \$4,444,232.00 or 0.66% above total Company revenues of approximately \$682,200,000.00.

New Jersey-American Water purchases water on a routine basis from six separate entities and purchases wastewater treatment services from three separate entities, each of which adjusts its rates for service, and, in the case of wastewater treatment service providers, issues sewerage deficit/credit adjustments, at different times throughout the year.

This matter was transmitted to the Office of Administrative Law and assigned to Administrative Law Judge (ALJ) Jacob S. Gertsman. ALJ Gertsman granted intervener status to Middlesex Water Company (Middlesex) and the Mount Laurel Municipal Authority (Mount Laurel).

After publication of notice in newspapers of general circulation in the Company's service territory, public hearings were held on February 18, 2020, in Ocean City at 4:30 p.m. and 5:30 p.m.; on February 19, 2020, in Howell Township at 4:30 p.m. and 5:30 p.m.; and on February 20, 2020, in Hillsborough Township at 4:30 p.m. and 5:30 pm. Members of the public attended the public hearing but no written comments were received.

Subsequent to the public hearings and prior to the scheduled evidentiary hearings, a stipulation of settlement (Stipulation) was entered into by the Company, New Jersey Division of Rate Counsel and Board Staff (Signatory Parties). Middlesex and Mount Laurel did not sign the Stipulation, but filed letters stating that they did not object to the Stipulation.

ALJ Gertsman submitted an Initial Decision which recommended that the Board adopt the Stipulation of the Signatory Parties.

Staff recommended that the Board adopt the Initial Decision which adopts the Stipulation with rates to become effective on April 1, 2020.

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 AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC19030377U and OAL PUC 09022-19 – In the Matter of Jarod Nappi, Petitioner v. New Jersey American Water Company, Respondent – Billing Dispute.

Julie Ford-Williams, Director, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Jarod Nappi (Petitioner) and New Jersey American Water Company (NJAW or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. At the February 5, 2020, Board meeting, staff requested and was granted a 45-day

extension of time for issuing a final decision. No exceptions to the Initial Decision have been received by the Board.

On January 8, 2020 Administrative Law Judge (ALJ) Kelly J. Kirk issued her Initial Decision granting NJAW's motion for summary decision. No exceptions were filed.

ALJ Kirk in her Initial Decision, concluded the Petitioner did not present any evidence to contradict NJAW's certifications and create a genuine issue of material fact to support any finding that he was improperly billed or entitled to any reimbursement. NJAW certified that a computer performed the meter readings remotely. The system removed the potential for incorrect billing. ALJ Kirk found that it is not clear how the mismatch would have proved the Petitioner was overbilled. Accordingly, ALJ Kirk concluded that there is no genuine issue as to any material fact challenged and the Petitioner's petition should be dismissed.

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

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

8. CLEAN ENERGY

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

James Ferris, Bureau Chief of New Technology, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session and it involved a petition filed by Ocean Wind, LLC (Petitioner) on January 23, 2020, seeking authorization to procure capacity interconnection rights at the B.L. England Generating system in Beesley Point, New Jersey.

The Petitioner came before the Board as a result of the June 21, 2019, order approving the Ocean Wind 1100-megawatt project under this same docket.

The June 21, 2019 Order indicated that Ocean Wind, LLC was required to seek Board authorization to procure Capacity Interconnection Rights to mitigate transmission system upgrade costs in order to be subject to the true-up mechanism listed.

Staff recommended that the Board approve this 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. QO20020109 – In the Matter of United States Department of Energy – State Energy Program – July 2, 2020 – June 30, 2021.

Sara Bluhm, Director, Division of Clean Energy, presented these matters.

BACKGROUND AND DISCUSSION: This matter involved Board’s Division of Clean Energy seeking approval to submit the Fiscal Year 2020-2021 State Energy Program (SEP) Plan for submission to the United States Department of Energy (USDOE) with a budget level of \$1,471,080.00 plus \$294,216.00 in state matching funds. The federal allocation will be used to implement the following Market Titles: “Energy Efficiency Programs for Non-Investor Owned Utility Customers,” ‘Incorporating Health and Safety Measures into Energy Efficiency Upgrades, “Building Sector Decarbonization Roadmap”, “State Energy and Water Benchmarking Study” and “Staff Training and Development”.

The SEP was established in 1996 by consolidating two existing programs: the State Energy Conservation Program and the Institutional Conservation Program.

USDOE currently provides federal financial assistance and technical support to states for energy programs by means of the SEP. Federal laws and regulations provide the criteria for participation, and define how funds may be used. To be eligible for financial assistance, a State must submit an annual application to the USDOE, executed by the Governor, or his/her designee.

Staff indicated that the 2020-2021 SEP Plan will contribute to conservation of energy, reduce the rate of growth of energy demand, resource dependence on oil, and advance State and Federal energy conservation and efficient goals. Staff recommended that the Board approve the SEP budget of \$1,471,080.00 and a state match of \$294,216.00. Staff also recommended the Board direct Staff to submit the USDOE SEP Application to DOE as proposed on behalf of the Board. Staff further recommended the Board direct staff to take appropriate measures to implement such programs subject to and consistent with USDOE’s approval of the plan.

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. QO19101327 – In the Matter of Clean Energy Request for Qualifications for OffShore Wind Consulting Service – Executive Session.

James Ferris, Bureau Chief of New Technology, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session and it involved a request for the Board to approve a contract for an Offshore Wind consultant in furtherance of New Jersey's offshore wind goals. Staff recommended that the Board approve a contract as discussed 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

B. Scott Hunter, Renewable Energy Program Administrator, Office of Clean Energy, presented these matters.

D. Docket No. QX20030253 – In the Matter of a Rulemaking Proceeding to Amend the Renewable Portfolio Standard Rules and Create New Rules Establishing a Transition Incentive Program Pursuant to P.L. 2018, c.17 (Rule Proposal).

BACKGROUND AND DISCUSSION: On May 23, 2018, Governor Murphy signed into law P.L. 2018, c. 17, codified at N.J.S.A. 48:3-51-87 (Clean Energy Act or CEA), effective immediately. The CEA directed the Board to close the Solar Renewable Energy Certificates (SREC) Registration Program (SRP) to new applicants once the Board determines that the 5.1% Milestone has been achieved. The CEA further directed the Board to study how to modify or replace the current SREC Program in a manner in which to support the continued development of solar in the State, while reducing costs to ratepayers.

On December 6, 2019, the Board ordered the creation of a Transition Incentive (TI) Program, designed to ensure a smooth and efficient transition from the current SREC Program to a new solar Successor Incentive Program (currently under development). The TI Program was clarified and amended in Board Orders on January 8 and March 9, 2020.

Staff recommended that the Board approve the publication of a Rule Proposal, which would propose the codification of the TI Program based on previously adopted Board Order. Specifically, the Board would propose to amend portions of the existing solar Renewable Portfolio Standard rules and create a new subchapter of the rules at N.J.A.C. 14:8-10 for the TI Program. If approved by the Board, the Rule Proposal would be sent to the Office of Administrative Law for publication in the New Jersey Register, and be open to public comments for 60 days before returning to the Board for modification or final approval.

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

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

E. Docket Nos. QO19010068 and QO18070698 – In the Matter of the closure of the SREC Registration Program Pursuant to P.L. 2018, c.17.

BACKGROUND AND DISCUSSION: This matter involved additional direction to participants in the Solar Renewable Energy Certificate (SREC) market on the procedures to be followed during the closure of the SREC Registration Program (SRP) and on the requirements for maintaining SREC eligibility following program closure.

On May 23, 2018, Governor Murphy signed P.L. 2018, c. 17, codified at N.J.S.A. 48:3-51-87 into law (Clean Energy Act or CEA or Act), effective immediately. The CEA directed the Board to close the SREC Registration Program (SRP) to new applicants once the Board determines that the 5.1% Milestone has been achieved. On June 22, 2018, the Board approved a rule proposal to amend the Renewable Portfolio Standards (RPS) rules governing the SRP at N.J.A.C. 14:8-2.4 to conform with this mandate.

On December 6, 2019, following numerous stakeholder meetings and iterative revisions to Staff's straw proposal, the Board approved a Transition Incentive program to provide solar incentives for projects that were unable to commence commercial operations prior to the Board's determination that the state has attained the 5.1% Milestone that will trigger closure of the SREC market. The Board approved a factorized Transition Renewable Energy Certificate (TREC) to serve as the Transition Incentive (TI) for those projects that have registered in the SRP and remain in good standing at the time of 5.1% Milestone attainment but have not commenced commercial operations at that time.

At its January 8, 2020 agenda meeting, the Board approved additional rule amendments addressing the calculation of the 5.1% milestone and several issues relevant to the SREC Program closure. The rules provide that a solar electric generation facility's commencement of commercial operations shall be determined by the date on which the electric distribution company grants the facility permission to operate and also that the mere act of registering a project in the SRP does not automatically grant SREC eligibility or the right to an extension of the initial registration.

On February 3, 2020, amendments to the RPS rules became effective upon publication which addressed the methodology for determining the percentage of solar electric kilowatts sold, an approach for the Board to report on progress toward the attainment of the 5.1% milestone, and the implications of that milestone for project registration length.

The rule amendments which became effective upon publication in the New Jersey Register on February 3, 2020, require Staff to provide forecasts on the attainment of the 5.1% Milestone on a monthly basis. Staff currently anticipates that the 5.1% Milestone will be attained around May/June 2020; the public was notified of this forecast in a Notice

issued on February 28, 2020. This forecast is subject to change based on variables such as monthly retail sales and the monthly rate of solar installations.

Closure of the SRP is necessarily linked with the creation of an incentive program to follow it. As Staff began working with stakeholders to develop such a program, it became apparent that a short-term program for projects already in development at the time of the 5.1% Milestone would be necessary in addition to a longer term successor program. On December 6, 2019, the Board approved a Transition Incentive Program to accommodate projects which have registered in the SRP after October 29, 2018 but have yet to commence commercial operations at the time the Board determines that the 5.1% Milestone has been attained. The Board has since clarified that the Transition Incentive program will remain open to new registrations until the establishment of a registration program for the to-be-determined Successor Program.

The monthly public SRP pipeline report issued by the SRP processing team on March 18, 2020 shows that the pipeline contained over 10,290 projects, for a total of 420 MWdc, as of February 29, 2020. In a typical month prior to the Federal Investment Tax Credit reduction on December 31, 2019, approximately 2,000 projects left the SRP pipeline due to project cancellation, expiration, or commencement of commercial operations. A roughly equivalent number of new projects registered in the SRP during the same period, such that the average number of projects remained at approximately 11,500. The number of new SRP registrations per month has trended lower since peaking at 2,600 in October 2019. Assuming that the majority of projects will neither accelerate their construction schedule to meet the 5.1% Milestone nor slow their progress to join the Transition Incentive Program, Staff anticipates the need to transfer approximately 9,000 projects from the SRP registration pipeline to a Transition Incentive pipeline after the attainment of the 5.1% Milestone.

Staff stated that current forecasts for attainment of the 5.1% Milestone and the obligatory SRP closure will occur proximate to May 2020. Given the imminent SRP closure and the need for a smooth transfer of projects that have not commenced commercial operations to the Transition Incentive program or the Successor Incentive Program, Staff recommended that the timelines and administrative practices in the SRP be strictly enforced. Staff stated that the COVID-19 health emergency constitutes an emergent circumstance that warrants the Board's use of its discretion in this enforcement.

In addition, Staff recommended that the Board grant staff the ability to issue first or second extensions for projects that had their conditional registration expire up until the day that the Board determines that the 5.1 percent milestone has been attained. All extensions will expire when the 5.1 percent milestone is reached.

In response to solar developers' inquiries about the potential for opening a new round of Subsection R from the Solar Act of 2012, staff recommended the Board state that no new Subsection R process will be opened since the criteria for Subsection R approval by the Board is unique to projects seeking to enter the SREC market which closure is rapidly approaching.

Finally, Staff recommended that the Board direct staff to work with the SRP processing team to develop and implement a communications plan to inform and educate the public, including solar developers, on SREC transition issues, including SRP closure and TREC registration.

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; and

Docket No. EO18121338 – Application for Zero Emission Certificates of Salem 1 Nuclear Power Plant; and

Docket No. EO18121339 – Application for Zero Emission Certificates of Salem 2 Power Plant; and

Docket No. EO18121337 – Application for Zero Emission Certificates of Hope Creek Nuclear Power Plant.

Thomas Walker, Director, State Energy Services Division, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a follow up to the Board's July 10, 2019 approval of the Zero Emission Certificates (ZEC) forward requirement processes directing Staff to return before the Board in December 2019 with final recommendations, and the Board's December 20, 2019 Order granting Staff an extension of this requirement until March 2020.

With its July 10, 2019 Order, the Board agreed with Staff about the need for a stakeholder process to solicit additional comments, recommendations, and input on the following aspects of continued implementation of the ZEC program:

- 1) Logistics and parameters of the dry cask study;
- 2) Revenue information that should be submitted to the Board annually by selected units, including what monies will qualify as revenues for fuel diversity, resilience, air quality, or other environmental attributes and by what methodology the Board would reduce the number of ZECs received by the selected unit(s);
- 3) The definition of "near full" capacity;
- 4) The timeline and submission schedule for applications for the second ZEC eligibility period;

- 5) The basis on which and by how much the Board would modify the ZEC charge; and
- 6) Parameters of the ten-year study about the “efficacy” of the ZEC program and what information should be collected for the study. The Board therefore directed Staff to implement the stakeholder process pursuant to the schedule above and to return to the Board with final recommendations in December 2019.

Staff initiated the stakeholder process as directed and a stakeholder meeting to be held on September 4, 2019 in New Brunswick, New Jersey for the purpose of soliciting comments on the above listed “going forward” ZEC criteria. The notice included multiple questions on the six specific sections of the Act enumerated above. Staff received oral and written comments from multiple entities. Staff continues to review and consider these comments. Additionally, Staff has been working to secure an extension of the Levitan contract to assist in reviewing stakeholder comments and developing recommendations applicable to continued implementation of the ZEC program.

Staff recommended that the Board grant Staff the extension regarding the ZEC forward procedures to allow a complete review and finalization of the ZEC Act requirements; and that the Board direct Staff to present the final ZEC program requirements to the Board for approval by the end of May 2020.

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

EXECUTIVE SESSION

After appropriate motion, the following matter, which involved pending litigation attorney-client privilege, and/or contract exceptions to the Open Public Meetings Act was discussed in Executive Session.

2. ENERGY

G. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020: Non-docketed Matter.

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

8. CLEAN ENERGY

A. Docket No. QO18121289 – In the Matter of the 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.

C. Docket No. QO19101327 – In the Matter of Clean Energy Request for Qualifications for OffShore Wind Consulting Service.

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: May 5, 2020