



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 September 9, 2020, via Teleconference: 1 (301) 715 8592 Webinar ID: 990 8026 5741 or watch online @ <https://youtu.be/loAV1aDLHak>

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 September 23, 2020 at 10:00 a.m. live stream in committee room 4.

CONSENT AGENDA

I. AUDITS

A. Energy Agent Initial Registrations

EE20050335L	East Coast Energy Management Corp.	I – EA
EE20070510L	Affinity Energy Management, LLC	I – EA
EE20020186L GE20020187L	Breakerbox, LLC	I – EA/PA/EC

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

EE20060441L	RKB Energy Solutions, LLC	R – EA
EE20040299L	Accenture, LLP	R – EA
EE20060451L	Premier Energy Group, LLC	R – EA
EE20080521L	Premier Energy Management, LLC	R – EA
EE20050373L	Essential Energy, LLC d/b/a Utility Options	R – EA
EE20050372L	AOBA Alliance, Inc.	R – EA
EE20050346L GE20050347L	Achieve Energy Solutions, LLC	R – EA/PA
EE20020168L GE20020169L	Affiliated Power Purchasers Int'l, LLC d/b/a APPI; APPI Energy	R – EA/PA
EE20020173L GE20020174L	Sunlight Energy Group, LLC	R – EA/EC
EE20050331L GE20050332L	Titan Energy New England, Inc.	R – EA/PA/EC
EE20050328L GE20050329L	Albireo Energy, LLC	R – EA/PA/EC
EE20020182L GE20020183L	Best Practice Energy, LLC	R – EA/PA/EC

BACKGROUND: 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 for one year:

- East Coast Energy Management Corp.
- Affinity Energy Management, LLC
- Breakerbox, LLC

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

- RKB Energy Solutions, LLC
- Accenture LLP
- Premier Energy Group, LLC
- Premier Energy Management LLC
- Essential Energy, LLC d/b/a Utility Options
- AOBA Alliance, Inc.
- Achieve Energy Solutions, LLC
- Affiliated Power Purchasers Int'l LLC d/b/a APPI; APPI Energy
- Sunlight Energy Group, LLC
- Titan Energy New England, Inc.
- Albireo Energy, LLC
- Best Practice Energy, 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

A. Docket No. CE19040431 – In the Matter of the Petition of Comcast of Central New Jersey II, LLC for a Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Town of Clinton, County of Hunterdon, State of New Jersey.

BACKGROUND: This matter involved Comcast of Central New Jersey II, LLC (Comcast) seeking Board approval for Renewal of its Certificate of Approval to provide cable television service to the Town of Clinton (Town), County of Hunterdon for a ten year renewal term and contains a grant of \$6,000.00 for the Town.

On April 1, 2018, Comcast filed an application with the Town for renewal of municipal consent. On November 27, 2018, the Town adopted an ordinance granting renewal municipal consent to Comcast. On February 25, 2019, Comcast formally accepted the terms and conditions of the ordinance, and on April 2, 2019, Comcast filed with the Board for a renewal of its Certificate of Approval for the Town.

Staff recommended that the Board approve the renewal Certificate of approval. This Certificate shall expire on December 11, 2029.

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

B. Docket No. CF20010032 – In the Matter of the Amended Petition and Application of Service Electric Cable TV of Hunterdon, Inc. for Authority to Amend a Credit Agreement.

BACKGROUND: This matter involved Service Electric Cable T.V. of Hunterdon, Inc. (Service Electric) filing an amended petition, due to delays caused by COVID 19, to accommodate a new closing date and seeking Board approval for the amended petition.

On January 9, 2020, Service Electric filed a petition with the Board in the above captioned matter. Service Electric, a Pennsylvania Corporation, provides cable services in the State of New Jersey in twelve communities. Specifically, it provides cable television service in Hunterdon County in the communities of Alexandria, Frenchtown, Milford, Holland, Kingwood and Bloomsbury and in Warren County in the communities of Alpha, Greenwich, Harmony, Lopatcong, Phillipsburg and Hopatcong and sought approval to amend a previously approved Credit Facility (the amendment being the 2020 Credit Facility).

On April 6, 2020, the Board approved the application of Service Electric to amend its credit agreement. By letter dated August 12, 2020, the New Jersey Division of Rate Counsel did not object to the Board granting the Petitioner's request.

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 this petition.

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

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

A. Docket No. WF20060391 – In the Matter of the Request of SUEZ Water New Jersey, Inc. for Approval of Certain Amendments to the Currently Effective Money Pool and Affiliated Sector Agreements, and Approval for Reorganization.

BACKGROUND: This matter involved SUEZ Water New Jersey Inc. (SWNJ or Company), on behalf of their parent company seeking to add two additional affiliate companies, SUEZ Sewer New York, Inc. and SUEZ Sewer New York Holding Company, to the collective corporate Money Pool for shared financial resources. SWNJ filed its petition with the Board on June 3, 2020 to (1) to amend a currently effective Money Pool Agreement (MPA), (2) to amend a currently effective Affiliated Sector Agreement (ASA), and (3) for approval of part of a corporate reorganization (Reorganization), for which Board approval is required.:

Specifically, the Petitioner sought to add two entities as parties to the MPA: SUEZ Sewer New York Inc. (SSNY) and SUEZ Sewer New York Holding Company Inc. (SSNYH). The Petitioner stated that other than these additions, no other term, provision, or condition of the MPA previously approved by the Board will change. Thus, the Petition stated that under the proposed MPA, the parties (all utilities) will continue to deposit their receivables into a centralized bank account (the Money Pool) which is administered by SUEZ Water Management and Services, Inc. (SWM&S) as Administrative Agent. As under the previously approved MPA, Money Pool disbursements are not intended to be loans and will not be charged interest.

The Petition stated that approval of the proposed MPA is in the public interest because it will continue to permit those entities who are parties to the MPA to “meet their daily cash working capital and short-term cash needs in a way that is efficient and cost-effective.” In turn, the Petition stated that this will benefit customers by resulting in lower rates than would otherwise be required.

SWNJ stated that approval of the ASA is in the public interest because it will continue to permit SWNJ and the other ASA parties to utilize necessary services and expertise at reasonable costs from persons who are familiar with their organizational systems, processes, and management.

The Petition also stated that the Reorganization will be entirely transparent to customers since it will not result in any operational or administrative changes. Further, SWNJ asserted that there will not be an adverse impact on rates. With respect to its employees, the Petition makes clear that SWNJ will continue to abide by all existing collective bargaining contracts upon the completion of the Reorganization. Further, the Petition noted there will be no change in employment levels, compensation, or responsibilities as a result of the Reorganization. Finally, with respect to competition, SWNJ argued that the Reorganization will not adversely affect competition in the water industry because SWNJ will continue to serve a discrete service territory following the Reorganization.

The New Jersey Division of Rate Counsel reviewed this matter and indicated that it did not object to the approval of the Company's petition.

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 this petition.

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

B. Docket No. WR20070490 – In the Matter of Lake Lenape Water Company for Approval of an Increase in Rates for Service.

BACKGROUND: On July 23, 2020, Lake Lenape Water Company (Company or Petitioner) filed a petition with the Board seeking to increase its rates in water service by \$14,967.00 or 10.8%. The increase in rates was proposed to become effective for service on October 1, 2020. The Company provides water service to approximately 349 customers in the Township of Andover in Sussex County, New Jersey.

According to the petition, the rates which Petitioner proposed to revise or increase, have become unjust and unreasonable and the proposed rate increase is necessary for the following reasons:

- (1) To eliminate operating losses;
- (2) To enable the Petitioner to meet increased operating expenses and decreased revenue;
- (3) To establish its financial integrity; and
- (4) To enable the Petitioner to continue to furnish safe, adequate and proper service to its customers.

This matter was transmitted to the Office of Administrative Law for hearings as a contested case and once assigned, hearings will proceed accordingly.

Staff recommended that the Board issue an Initial Suspension Order suspending the requested rates until February 1, 2021.

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

There were no items in this category

VIII. CLEAN ENERGY

There were no items in this category

IX. MISCELLANEOUS

A. Approval of Minutes for the July 15, 2020 Agenda Meeting.

BACKGROUND: Staff presented the minutes of the Regular Board Agenda meeting of July 15, 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

AGENDA

1. AUDITS

Maureen Clerc, USF Team, presented this matter.

A. Docket No. EO20080532 – In the Matter of the Department of Community Affairs’ State Fiscal Year 2021 Universal Service Fund Administrative Cost Budget.

BACKGROUND AND DISCUSSION: This matter involved the Universal Service Fund (USF) administrative cost budget submitted by the Department of Community Affairs (DCA) for State Fiscal Year (FY) 2021 in the amount of \$7,631,276.00. The DCA is the Program Administrator for the Board’s USF program.

The Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. (the Act), established the USF. The Act directed the Board, inter alia, to determine for the USF the level of funding, the appropriate administration, and the purposes and programs to be funded.

On September 11, 2019, the Board approved the projected State Fiscal Year 2020 (FY 20) DCA USF administrative cost budget in the amount of \$6,618,443.00. The FY 2020 Budget encompassed an increase above the \$3 million cap instituted in the April 2003 Order, which required Board approval prior to such expenditures.

The proposed FY 2021 USF administrative cost budget increased by \$1,012,833.00 or 15% compared to the FY 2020 USF budget of \$6,618,443.00. The majority of the increase in the FY 2021 budget were due to DCA’s planned response to the COVID-19 pandemic as follows:

1. A new online application system has been created by DCA to increase program access, whereby the public can apply for utility assistance from the comfort of their homes and from any device. The public will now be able to apply online; via email; over the phone; by regular mail, fax or in person at an application agency (Subgrantee) by appointment only (until social distancing guidelines are relaxed); and
2. DCA’s plans for increased outreach efforts to increase awareness of program availability. DCA will be adding additional subgrantees in underserved areas of the state for the specific purpose of outreach. Additionally, DCA will be increasing their advertising of the programs through the use of billboards in these areas as well as targeted digital advertisements and social media posts.

The FY 2021 USF budget:

DCA	\$2,108,946.00
Subgrantees-	
County Welfare Organizations	\$227,200.00
Community Based Organizations	<u>\$5,295,130.00</u>
Total	\$7,631,276.00

Staff noted that the budget is an estimate. DCA will provide the Board with an accounting of all expenditures. Staff will come before the Board for final approval of all FY 2021 expenditures. Staff recommended approval of the fiscal year 2021 USF administrative cost budget.

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. GR20060381 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Basic Gas Supply Service Rate.

BACKGROUND AND DISCUSSION: On June 1, 2020, Elizabethtown Gas Company(Company or Elizabethtown) filed a petition with the Board seeking to decrease its Periodic Basic Gas Supply Service (BGSS-P) rate from the current per therm rate of \$0.4691 to \$0.4022 per therm, to be effective October 1, 2020 (2020 BGSS Petition).

In the 2020 BGSS Petition, the Company projected that its recoverable gas costs will be approximately \$15.5 million lower than the level recovered through its current BGSS-P rates, and projected that it would begin the BGSS year (October 1, 2020 through September 30, 2021) with a gas cost over recovered balance of approximately \$1.5 million.

Elizabethtown, Board Staff (Staff), and the New Jersey Division of Rate Counsel (collectively Parties) stipulated (Stipulation) that it would be both reasonable and in the public interest for the Board to authorize a provisional order to decrease Elizabethtown's current BGSS-P rate of \$0.4691 per therm to \$0.3783 effective October 1, 2020.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties which sought to implement a provisional BGSS-P rate, subject to refund, to be effective as of October 1, 2020. Staff also recommended that the Board direct Elizabethtown to file tariffs consistent with its Order by October 1, 2020. Staff further recommended that this matter be transmitted to the Office of Administrative Law for hearing.

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. GO20010091 – In the Matter of the Petition of New Jersey Natural Gas Company and Essential Power OPP, LCC for Approval of (1) an Amendment to the Service Agreement and (2) a Protective Order and Exemption from Public Disclosure of Confidential Information.

BACKGROUND AND DISCUSSION: This matter involved the Board considering an amendment to the Service Agreement Between New Jersey Natural Gas Company (NJNG or Company) and Essential Power OPP, LLC (collectively, Petitioners).

On January 31, 2020, NJNG and Essential Power OPP, LCC (Essential Power) filed a petition with the Board seeking approval of an amendment (First Amendment) to the Original Service Agreement for Service Classification Firm Transportation between NJNG and Essential Power, and establish a Protective Order and exemption from public disclosure of confidential information. The First Amendment, which incorporated changes to the volume parameters and the equation used to calculate the daily operating balance charge paid by Essential Power under Section B, Article VI, Operational Balancing Account and Overrun Usage, of the Original Service Agreement.

The Petitioners also sought a Protective Order and Exemption from Public Disclosure of Confidential Information. Specifically, the pricing and delivery terms contained in the First Amendment.

The Petitioners asserted that the First Amendment is in the best interest of its customers as it would reduce the operational flexibility provided in the Original Agreement regarding Operational Balancing Account volumes and reduces the risk of NJNG incurring an Operational Flow Order penalty by Texas Eastern Transmission, LP.

By letter dated June 11, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) indicated that based on a review of the petition and the documents, it did not object to the Board's approval of the First Amendment. The Rate Counsel recommended that the Board direct the Company to file a petition with the Board for review of the prudence of the Original Service Agreement, or any modified or new agreement, following the expiration of the current term.

Staff recommended that the Board issue and Order approving the First Amendment to the Original Service Agreement. Staff also recommended confidential treatment of certain information that is claimed to be commercially sensitive or proprietary, be decided by the Board's Custodian of Records pursuant to the Board's rules. Until the Board's Custodian of Records renders a decision, such information shall continue to be treated as confidential information pursuant to the agreement of the Petitioners, Staff and Rate Counsel. Staff

further recommended that the Board direct NJNG to file a petition for review of the prudence of the Original Service Agreement and the First Amendment or any modified or new agreement, following the expiration of the current term.

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. GR19091314 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of Societal Benefits Charge Factors for Remediation Year 2019.

BACKGROUND AND DISCUSSION: This matter involved the Board considering New Jersey Natural Gas Company's (NJNG or Company) 2019 Societal Benefits Charge (SBC) rates.

On September 30, 2019, NJNG filed a petition (Petition) with the Board requesting approval to change rates for two components of its SBC: the Remediation Adjustment (RA) and the New Jersey Clean Energy Program (NJCEP).

NJNG sought approval to increase the Company's per therm RA and NJCEP rates. Additionally, the Petition sought approval of the remediation expenditures incurred by the Company from July 1, 2018 through June 30, 2019. In the Petition, the Company proposed to increase the per therm RA rate from \$0.0127 to \$0.0147 and increase the per therm NJCEP rate from \$0.0222 to \$0.0271. When combined with the Universal Service Fund (USF)/Lifeline rates at the time the Petition was filed of \$0.0103 per therm, the proposed total SBC rate was \$0.0521 per therm. In the Petition, the RA revenue requirement was approximately \$9.844 million and the NJCEP revenue requirement was approximately \$18.149 million.

In response to discovery, NJNG updated the schedules in the Petition to reflect actual data through December 31, 2019 (Update). As a result of the Update, the proposed per therm RA rate was modified to \$0.0145 and the proposed per therm NJCEP rate was modified to \$0.0213. When combined with USF/Lifeline rates approved in the September 2019 Order, the proposed total per therm SBC rate was modified to \$0.0479. The updated RA revenue requirement is approximately \$9.710 million and the updated NJCEP revenue requirement is approximately \$14.252 million.

NJNG, Board Staff (Staff), and the New Jersey Division of Rate Counsel (collectively, Parties) engaged in discovery and discussed the issues in this matter. As a result of those discussions, the Parties executed a Stipulation of Settlement (Stipulation) that recommended NJNG implement modified RA and NJCEP rates consistent with the Update. If approved by the Board, it will result in an increase of \$0.90 per year for a customer using 1,000 annual therms.

Staff recommended that the Board adopt the Stipulation of the Parties. Staff also recommended that the Board direct NJNG to file revised tariffs conforming to the terms of the Stipulation by October 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. GR20030279 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Base Rate Adjustment Pursuant to the NJ RISE and SAFE II Programs.

BACKGROUND AND DISCUSSION: This matter involved the Board considering New Jersey Natural Gas Company (NJNG or Company) Reinvestment in System Enhancement program (NJ RISE Program) and Safety Acceleration and Facility Enhancement (SAFE) II Programs rate adjustments.

On March 30, 2020, NJNG filed a petition with the Board seeking approval to establish rates to recover annualized increases in the revenue requirements associated with its New Jersey NJ RISE Program and the extension of its SAFE program (SAFE II Program) (March 2020 Petition).

The Company sought approval to recover \$1.117 million in revenue related to NJ RISE Program expenditures through June 30, 2020, and \$6.329 million in revenue related to SAFE II Program costs through June 30, 2020. The March 2020 Petition was based upon actual costs through February 29, 2020, and projected program expenditures from March 1, 2020 through June 30, 2020.

On July 22, 2020, NJNG updated the March 2020 Petition to include actual NJ RISE and SAFE II Program expenditures through June 30, 2020. The update reflected a reduction in the proposed revenue requirements of \$0.399 million for both programs to \$7.05 million.

Following a review of the March 2020 Petition and discovery, the Company, Board Staff (Staff), and the New Jersey Division of Rate Counsel executed a Stipulation of Settlement (Stipulation) that allows the Company to recover revenues of \$0.920 million related to the NJ RISE Program, and \$6.127 million related to the SAFE II Program expenditures as of June 30, 2020. If approved by the Board it will result in a monthly increase of \$1.11 for the typical residential customer using 100 therms Monthly.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct NJNG to file tariffs consistent with the Board's Order by October 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

E. Docket No. GR20060378 – 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 Conservation Incentive Program Rates for F/Y 2021.

BACKGROUND AND DISCUSSION: This matter involved the Board considering New Jersey Natural Gas Company's (NJNG or Company) 2020 Basic Gas Supply Service (BGSS), Balancing Charge and Conservation Incentive Program (CIP) rates.

On May 29, 2020, NJNG filed a petition with the Board seeking approval to modify its BGSS and CIP rates (2020 BGSS/CIP Petition). The 2020 BGSS/CIP Petition also sought approval to modify NJNG's Balancing Charge rate. NJNG requested that the changes become effective on October 1, 2020.

The Company requested authority to decrease its current BGSS rate per therm from \$0.3753 to \$0.3320 effective October 1, 2020. As a result of the proposed rates, the Company's annual BGSS revenues would be reduced by approximately \$21.7 million. Based upon current market conditions, NJNG estimated the BGSS ending balance would be approximately \$7.9 million over recovered as of September 30, 2020. The estimated BGSS ending balance would be an under-recovery of approximately \$2.4 million as of September 30, 2021. NJNG also proposed to decrease its Balancing Charge from \$0.1088 per therm to \$0.1026 per therm. This decrease would result in an additional decrease in BGSS revenues of \$4.1 million.

The Company also sought approval of the following per therm revised CIP rates to be effective October 1, 2020: Group I Residential Non-Heating, a charge of \$0.0173; Group II Residential Heating, a charge of \$0.0427; Group III General Service, Small, a charge of \$0.04; and Group IV General Service, Large, a charge of \$0.0303. The CIP calculations result in an overall increase in after-tax revenue of approximately \$23.8 million, including \$19.9 million related to weather, which was warmer than normal, and a non-weather related margin deficiency of \$3.9 million.

Through discovery, the Company updated its CIP rate schedules. As a result of the update, CIP Groups I and II had a lower rate than originally proposed, while Groups III and IV were higher than originally proposed. The updated CIP calculations resulted in an overall increase in after-tax revenue of approximately \$17.6 million. As a result of the update, the overall decrease in after-tax revenue for the 2020 BGSS/CIP Petition is approximately \$8.2 million.

The Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Parties) determined that, while additional time needed to complete a review of the Company's 2020 BGSS/CIP Petition, it is reasonable and in the public interest for NJNG to implement provisional BGSS, CIP and Balancing Charges rates. Accordingly, the Parties executed a Stipulation of Settlement (Stipulation) which would allow NJNG to modify its BGSS, CIP and Balancing Charge rates, on a provisional basis, subject to refund. If approved, it will result in a decrease in the annual bill of a typical residential heating customer of \$27.00 on a provisional basis.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties, which sought to implement provisional changes in the Company's BGSS, CIP and Balancing Charge rates, subject to refund, to be effective as of October 1, 2020. In addition, Staff also recommended that the Board direct NJNG to file tariffs consistent with the Order by October 1, 2020. Staff further recommended that the Board direct that this matter be transmitted to the Office of Administrative Law for hearing.

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. GR20060383 – In the Matter of the Petition of South Jersey Gas Company to Revise the Level of its Basic Gas Supply Service Charge and Conservation Incentive Program Charges for the Year Ending September 30, 2021.

BACKGROUND AND DISCUSSION: This matter involved the Board considering South Jersey Gas Company's (South Jersey or Company) 2020 Basic Gas Supply Service (BGSS), Balancing Charge and Conservation Incentive Program (CIP) rates.

On June 1, 2020, South Jersey filed a petition with the Board seeking authority to: 1) decrease its Periodic Basic Gas Supply Service rates; 2) change the charges related to its Balancing Service Clause (BSC); and 3) revise its Conservation Incentive Program rates (2020 BGSS/CIP Petition).

The Company requested authority to change its current Periodic BGSS rate from \$0.447769 per therm to \$0.301985 per therm, effective October 1, 2020, resulting in a total deferred under recovered balance of \$17,596,777.00 to be recovered in the 2020-2021 BGSS Year. In determining the proposed rate, South Jersey included a credit to BGSS gas costs of \$24.1 million that was derived from the Board's approved margin sharing formula applicable to off-system sales, interruptible sales and transportation, and capacity releases.

South Jersey also proposed to recover \$24,558,175.00 of gas supply and related costs incurred as a result of the resolution of a contract dispute with Antero Resources Corporation (Antero), one of the Company's gas suppliers. South Jersey proposed to recover this over a two-year period. The Company stated that the costs represent the actual incremental costs that South Jersey incurred as a result of a judgment rendered by the United States District Court for Colorado concerning a contractual dispute between South Jersey and Antero that was subsequently upheld in the United States Court of Appeals for the Tenth Circuit. The Company asserted that the costs associated with the legal dispute with Antero were reasonably incurred by the Company in an effort to reduce the gas costs assessed to BGSS customers.

South Jersey, the New Jersey Division of Rate Counsel (Rate Counsel), and Board Staff (collectively, Parties) determined that, while additional time is needed to complete a review of the 2020 BGSS/CIP Petition, it is reasonable and in the public interest for the proposed rates to be implemented on a provisional basis with the exception of the \$24,558,175.00 pertaining to the Antero litigation. This amount was removed pending a complete review. Accordingly, the Parties executed a Stipulation of Settlement (Stipulation) for provisional BGSS and CIP rates. If approved, will result in a decrease in the monthly bill of a typical residential heating customer of \$13.60 on a provisional basis.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties, which sought to implement provisional BGSS, BSC, and CIP rates, subject to refund to be effective as of October 1, 2020. Staff also recommended that the Board direct SJG to file tariffs consistent with its Order by October 1, 2020. Staff further recommended that this matter be transmitted to the Office of Administrative Law for hearing.

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

Joseph DeLosa, Office of Federal and Regional Policy, presented these matters.

G. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. AD20-19 Cybersecurity Incentives Policy White Paper.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of comments filed on August 17, 2020 regarding a White Paper with recommendations about the use of incentive adders to promote cybersecurity measures.

The Board intervened in the above captioned docket at the Federal Energy Regulatory Commission (FERC) on August 6, 2020. This case involved a White Paper written by FERC Staff on how to enhance cybersecurity reliability standards. FERC Staff proposed augmenting existing cybersecurity reliability standards with monetary incentives to utilities that go above and beyond those standards.

On August 17, Staff, on behalf of Board, filed comments in this proceeding. The comments support FERC Staff's goal of ensuring cybersecurity reliability, but question the methods proposed in the White Paper and propose an alternative method Staff recommended the Board ratify the Comments 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

H. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. RM20-12 Notice of Inquiry re Potential Enhancements to the Critical Infrastructure Protection Reliability Standards.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of intervention and comments filed on August 24, 2020 regarding Federal Energy Regulatory Commission's (FERC) consideration of the effectiveness of Critical Infrastructure Protection standards in addressing a number of topics, such as risks pertaining to data security, detection of anomalies and events, and mitigation of cybersecurity events.

Staff, on behalf of the Board, intervened on August 27, 2020 and filed comments in the above captioned docket at the FERC. This docket involved FERC's consideration of the effectiveness of current cybersecurity reliability measures in addressing topics such as risk to data security. The comments support FERC's action to pursue necessary revisions to preserve the reliability and security of the Bulk Electric System. Staff recommended the Board ratify the Intervention and Comments 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

I. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 - FERC Docket No. ER20-2046 PJM Interconnection LLC re: Transmission Owners Amendments to Attachment M-3.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a Request for Rehearing of Federal Energy Regulatory Commission's (FERC) Order accepting Tariff changes proposed by the PJM Transmission Owners on transmission planning for projects at the end of their service life.

The Board is a party to this case, having intervened on June 19, 2020, filed a Protest on July 6, and filed a Motion for Leave to Answer and Answer on August 4. The case involved transmission planning processes for facilities reaching the end of their useful life. The PJM Transmission Owners filed proposed amendments to Attachment M-3 of the PJM Open Access Transmission Tariff (Tariff) under Section 205 of the Federal Power Act on June 12, 2020. The 205 filing originated from a PJM stakeholder process that examined how to plan for transmission equipment at the end of its useful life. FERC issued an Order accepting the PJM Transmission Owners' Tariff revisions on August 11.

Staff recommended that the Board file a Request for Rehearing on September 10, 2020. This item was not for ratification.

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

There were no items in this category

4. TELECOMMUNICATIONS

There were no items in this category

5. WATER

Michael Kammer, Director, Division of Water, presented this matter.

A. Docket Nos. BPU WO19030381 and OAL PUC 07138-19 – In the Matter of the Petition of SUEZ Water New Jersey, Inc. for Approval of a Pilot Program to Facilitate the Replacement of Lead Service Lines and a Related Cost Recovery Mechanism.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Initial Decision issued by Administrative Law Judge Gertsman granting the New Jersey Division of Rate Counsel's motion for summary decision.

On March 22, 2019, SUEZ Water New Jersey (SUEZ or Company) filed a petition with the Board seeking approval of the following: (1) a Lead Service Line (LSL) replacement surcharge Pilot Program (Pilot Program); (2) a modification to SUEZ's tariff to charge all General Metered Service water customers a LSL Replacement Surcharge; (3) deferred accounting treatment for all costs related to the Pilot Program and all costs already

incurred for the LSL replacement program to date; and (4) a modification to SUEZ's tariff, on an interim basis, allowing the Company to perform LSL replacements on the customer-owned side of the service line and charge the customer \$1,000.00 for the work.

According to the petition, the replacement of LSLs was in response to SUEZ's exceeding the action level for lead concentrations in more than 10% of its customer taps sampled; as per the guidelines of the Lead and Copper Rule of the United States Environmental Protection Agency, which are enforced by the New Jersey Department of Environmental Protection (NJDEP). The Company stated that there are 2,258 known customer-owned LSLs in its service territory, and 153,155 customer-owned service lines in its service territory where it is unknown if the lines are made of lead based material.

SUEZ represented that it would prioritize the replacement of LSLs and will replace at least 7% of Company-owned LSLs and goosenecks, or approximately 2,338, in 2019 as required by the NJDEP, and would offer to replace the customer side LSLs where applicable.

The Board transmitted this matter as a contested case to the Office of Administration Law (OAL), where it was assigned to Administrative Law Judge (ALJ) Gertsman. ALJ Gertsman conducted a telephonic prehearing conference and subsequently adopted a procedural schedule that had been agreed to by the Parties.

SUEZ filed direct testimony on August 19, 2019 in further support of its petition. The New Jersey Division of Rate Counsel (Rate Counsel) filed direct testimony October 18, 2019. SUEZ filed reply testimony on December 10, 2019.

After publication of notice in newspapers in general circulation in the Company's service territory, ALJ Gertsman presided over the public hearings in this matter on January 21, 2020 in Hackensack, New Jersey. Several members of the public spoke in opposition to the Company's petition at the public hearings. The Board did not receive any written comments in response to the petition.

The parties engaged in several settlement discussions, but were unable to reach an agreement.

The Rate Counsel filed a motion for summary decision on January 10, 2020. SUEZ filed opposition to the motion on February 3, 2020. The Rate Counsel filed its reply on February 10, 2020. Oral argument with regard to the motion was held before ALJ Gertsman on February 25, 2020.

ALJ Gertsman issued his Initial Decision granting the Rate Counsel's motion for summary decision and dismissed SUEZ' petition on June 15, 2020. The Initial Decision included the factual discussion and findings of fact that had previously been agreed to by the Parties.

The Board has used the discretionary authority under N.J.S.A. 48:2-21 to utilize deferred accounting on those occasions where the health of the public, or the ability of the utility to continue to provide service, were in peril.

Therefore, Staff recommended that the Board grant ALJ Gertsman's factual discussion and findings, as well as his legal analysis as it pertains to the applicable standard for a motion for summary decision. However, Staff recommended that the Board reject ALJ

Gertsman's legal conclusion and accompanying decision to grant Rate Counsel's motion for summary decision.

In view of the foregoing, Staff recommended that the Board remand this matter to the OAL for further findings of fact, regarding the possible allowance of deferred accounting treatment for LSLs which will result in the creation of a regulatory asset for the expenses associated with the replacement of LSLs for possible recovery in a future base rate case. Staff noted that allowing SUEZ to establish a regulatory asset for LSL's is not a finding by the Board with regard to the prudence of incurring the expenses associated with LSLs. Staff also noted that the Board allowing any utility to establish a regulatory asset for LSLs or any other expenditure does not guarantee future rate recovery of the deferred expenses included in the regulatory asset. The prudence of incurring the expenses associated with LSLs (or any other expense) and the possible future rate recovery of the deferred expenses for LSL's that are included in the regulatory asset will be addressed in detail by the Board in a future base rate proceeding filed by SUEZ.

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

Richard J. Lambert, Supervising Customer Representative, Division of Customer Assistance, presented this matter.

A. Docket No. EO20020110 – In the Matter of the Petition of Public Service Electric and Gas Company Pursuant to N.J.A.C. 14:3-5.1(e) for Approval of the Relocation of its North Hudson Customer Service Center from 4808 Bergenline Avenue, Union City to 5665 John F. Kennedy Boulevard, North Bergen.

BACKGROUND AND DISCUSSION: This matter involved Public Service Electric and Gas Company (PSE&G or Company) filing a petition with the Board requesting authorization to relocate its North Hudson Customer Service Center (CSC).

On February 4, 2020, PSE&G filed a petition with the Board to relocate its North Hudson CSC from 4808 Bergenline Avenue, Union City to 5665 John F. Kennedy Boulevard, North Bergen, which is 0.7 miles from the current location. The relocation of the CSC is intended to provide an improved customer service experience through a newly renovated and upgraded space with less likelihood of closures due to existing issues experienced at the current facility.

PSE&G advised that the relocation of this office is beneficial and will provide customers with the same high level of service. In addition, the Company stated that the new location enjoys the same access to mass transit and the same hours of operation that the current CSC offers. The new location will also have free onsite parking for customers, which is not available at the current location. PSE&G further stated that the 5665 John F. Kennedy Boulevard, North Bergen CSC will be Americans with Disabilities Act compliant.

The Company stated it had complied with N.J.A.C. 14:3-5.1(c) and (e), including mailing copies of the petition to the clerk of the affected municipality, as well as to the New Jersey Division of Rate Counsel (Rate Counsel). Notice of relocation is posted at the current CSC. In addition, the Company published notice of the relocation in the Newark Star Ledger on February 7, 2020; Jersey Journal on February 7, 2020; and El Especialito on February 13, 2020.

By letter dated August 4, 2020, the New Jersey Division of Rate Counsel advised Board Staff that it had no objection to PSE&G's relocation. Staff recommended that the Board grant PSE&G's request and authorized the relocation of its North Hudson CSC, currently located at 4808 Bergenline Avenue, Union City to 5665 John F. Kennedy Boulevard, North Bergen, New Jersey.

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

Ariane Benrey, Program Administrator, Division of Clean Energy, presented this matter.

A. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program;

Docket No. QO19091124 – In the Matter of Community Solar Energy Pilot Program Application Form – Citrine Power, LLC Block: 47 Lot: 9; and

Docket No. QO20050361 – In the Matter of the Verified Petition of Citrine Power LLC Seeking Board Authorization to Increase Solar Energy Project Size for a Board Approved Solar Energy Project in the Community Solar Energy Pilot Program.

BACKGROUND AND DISCUSSION: This matter involved a petition by Citrine Power, LLC (Citrine) requesting conditional approval to build a 1.16 MWdc community solar project as part of Program Year 1 of the Community Solar Energy Pilot Program.

On September 9, 2019, Citrine submitted an application for a 1.16 MWdc / 850 kWac system to participate in Program Year 1 (PY1) of the Pilot Program. The proposed project (Project) is a parking canopy located at the Blue Army Shrine in Franklin Township, in Jersey Central Power and Light (JCP&L) service territory

On May 18, 2020, Citrine filed a petition with the Board requesting an increase of the project's size from 1.16 MWdc to 2 MWdc. The petition contends the following: Citrine's original application to the Board was sized at 1.6 MWdc / 850 MWac based on JCP&L's hosting capacity map, which indicated that the interconnection point closest to the project's location (the Washington 24571 circuit) could accommodate 862 kWac capacity.

In light of JCP&L April 10, 2020 study, the petition contends that the Project will be economically feasible, and be able to bear the higher interconnection cost of interconnecting at Broadway 27635, if the Board were to grant an increase in project size from 1.16 MWdc to 2 MWdc.

The petition also requested a five-month extension from the date of the Board's December 20, 2019 Order for the six-month deadline to begin construction and the 12-month deadline for project completion required in the Pilot Program rules. The petition contends that the five-months between January and May 2020 during which Citrine had worked with JCP&L to determine interconnection options is a sufficient reason to grant a five-month extension for both deadlines.

Staff believed that Citrine's case is specific to the nature of the Pilot Program application process, during which projects were directed to submit applications to the Board prior to conducting a full interconnection study with the relevant electric distribution company, and instead to rely on the hosting capacity maps published by each Electric Distribution Companies. Staff also believed that granting the petition would be in the best interest of the Pilot Program as a whole, in order to support the early years of Community Solar development in New Jersey.

Furthermore, granting the petition would not be inconsistent with prior Orders: In recent weeks, a Community Solar JCP&L project representing 1.8625 megawatt dc formally withdrew from program year 1 of the Pilot Program. In light of this withdrawal, increasing Citrine's project by 0.84 megawatt dc would not exceed the limit of 21.67314 megawatt dc set for JCP&L's territory by the Board's December 20, 2019, order.

With respect to the petition's request for a five-month extension, Staff recommended that the Board deny the request without prejudice. There is an existing mechanism for staff to grant extensions based on the Pilot Program rules. Staff recommended that Citrine be directed to utilize those existing extension request mechanisms.

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

James Ferris, Bureau Chief of New Technology, Division of Clean Energy, presented these matters.

B. Docket No. QO20080560 – In the Matter of the Development of an Offshore Wind Strategic Plan in Furtherance of the Implementation of Executive No. 8 and Executive Order No. 92.

BACKGROUND AND DISCUSSION: This matter involved the Board considering approval and release of the final Offshore Wind Strategic Plan (OSWSP). The draft Offshore Wind Strategic Plan was released for public comment on July 13, 2020. Public comments received by the Board have been considered, and this final Plan includes certain modifications based on the comments. The OSWSP will be a guide to establishing a new offshore wind industry to benefit New Jersey residents and mitigate climate change by developing a clean, renewable energy source.

On January 31, 2018, Governor Phil Murphy signed Executive Order Number 8 (EO8), calling upon the Board to fully implement the Offshore Wind Economic Development Act (OWEDA) and to take all necessary actions to “promote and realize the development of wind energy off the coast of New Jersey...”

In order to achieve this goal, EO8 directed the Board to develop an OSWSP. EO8 provided that the OSWSP include the critical components of offshore wind development. In developing the OSWSP, the Board was required to coordinate with the New Jersey Department of Environmental Protection (NJDEP) to ensure the State’s natural resources are protected throughout development and operation of offshore wind projects.

In response to the directives of EO8, on February 28, 2018, the Board directed Staff to take specific actions to develop an OSWSP in collaboration with the NJDEP and other New Jersey State agencies with responsibilities arising under OWEDA. To facilitate the development of the OSWSP, the Board directed Staff to solicit the necessary contracts for professional services to develop the OSWSP.

Accordingly, on April 25, 2018, the Board authorized the release of a Request for Qualifications for the professional services needed to develop the OSWSP. On September 5, 2018, a purchase order was issued to Ramboll US Corporation (Ramboll). Work on the OSWSP commenced in September 2018 and proceeded through submittal of a draft OSWSP in October 2019.

On November 19, 2019, Governor Murphy signed EO92, increasing the State’s offshore wind goal to 7,500 MW by 2035. As a result of the increase in offshore wind goals, Staff directed Ramboll to stop work on the OSWSP and provide Staff with a scope of work and associated budget for updating the draft OSWSP to reflect the new 7,500 MW goal.

Through June and July 2020, Ramboll submitted several drafts of the OSWSP to Staff. In addition to Staff’s review, these draft versions were shared with NJDEP and the New Jersey Economic Development Authority (NJEDA) for feedback. After considering the comments and edits from Staff, NJDEP, and NJEDA, on July 13, 2020, the draft OSWSP was issued for public comment. On August 3, 2020, a virtual public stakeholder meeting was held to present the OSWSP to the public and to receive comments from stakeholders. Eighty-two written comments were received by the close of the comment period, which

included 49 identical comments. All public comments received were reviewed and considered by Staff, and several modifications and additions were made to the plan as a result of the comments.

Many of the comments addressed future stakeholder engagement; regional collaboration; and collaboration with existing ocean, environmental, and fisheries' organizations. Staff appreciated the stakeholder engagement and feedback and incorporated these comments into a new final chapter of the plan.

Staff believed that this Offshore Wind Strategic Plan will be a guide to establishing a new offshore wind industry to benefit New Jersey residents and mitigate climate change by developing a clean, renewable energy source.

Staff recommended that the Board accept the plan and authorized Staff to release the final plan to the public.

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. QO20080555 – In the Matter of the Opening of Offshore Wind Renewable Energy Certificate Application Window for 1,200 to 2,400 Megawatts of Offshore Wind Capacity in Furtherance of Executive Order No. 8 and Executive Order No. 92.

BACKGROUND AND DISCUSSION: This matter involved the Board considering approving the Second Solicitation Guidance Document and opening the solicitation window for 1,200 megawatts to 2,400 megawatts of offshore wind capacity. The draft Second Solicitation Guidance Document was released for public comment on July 22, 2020. Public comments received by the Board have been considered, and this final Second Solicitation Guidance Document includes certain modifications based on the comments. This second solicitation will contribute to achieving New Jersey’s goal of 7,500 megawatts of offshore wind capacity by 2035.

On August 19, 2010, the Offshore Wind Economic Development Act (OWEDA) was signed into law, which amended and supplemented the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. As required by OWEDA, on February 10, 2011, the Board adopted rules that provided an application process and evaluation framework for offshore wind facilities. The Board readopted N.J.A.C. 14:8-6.1 et seq. with amendments on January 23, 2013.

On February 19, 2019, after a notice and comment period, the Board adopted new rules and amendments to N.J.A.C. 14:8-6.6, establishing the Offshore Wind Renewable Energy Certificates (OREC) funding mechanism (OREC Funding Mechanism Rules). The OREC Funding Mechanism Rules set forth the method and processes by which ratepayers will fund an Offshore Wind (OSW) project in accordance with all applicable laws, rules, and

Board Orders, and how all revenues earned from an OSW project will be refunded and delivered to ratepayers. The OREC Funding Mechanism Rules also mandate that the OREC price reflect the total capital and operating costs for an OSW project, offset by any State or Federal tax or production credits and any other subsidies or grants, as approved by the Board.

On January 31, 2018, Governor Phil Murphy signed Executive Order No. 8 (EO8), calling upon the Board to fully implement OWEDA and to issue a solicitation for 1,100 MW of OSW capacity.

On February 28, 2018, the Board directed Staff to take specific actions to implement EO8, including to prepare for the solicitation of the initial 1,100 MW of offshore wind capacity, and to initiate the rulemaking process to establish the OREC Funding Mechanism.

On September 17, 2018, the Board opened its first solicitation window from September 20, 2018, to December 28, 2018. As a result, on June 21, 2019, the Board approved the Ocean Wind 1,100 MW project for the State's first Qualified Offshore Wind Project eligible to receive ORECs.

On November 19, 2019, Governor Murphy signed EO92 increasing the State's offshore wind energy goal from 3,500 MW by 2030 to 7,500 MW by 2035.

On February 28, 2020, Governor Murphy proposed a solicitation schedule to achieve the goal of 7,500 MW by 2035.

In preparation for the second solicitation, on March 27, 2020, the Board approved a contract with Levitan & Associates (LAI) to act as the Board's offshore wind consultant for the development and evaluation of the second solicitation. LAI's scope of work included the preparation of a Solicitation Guidance Document for the second solicitation (Second Solicitation Guidance Document). The Second Solicitation Guidance Document provides the timeline and mechanics for the second solicitation, the application requirements, and the criteria for evaluating applications.

On July 22, 2020, a draft Second Solicitation Guidance Document was released for public comment, and on August 5, 2020, a virtual public stakeholder meeting was held to present the draft Second Solicitation Guidance Document and receive comments from stakeholders. Staff requested that written comments be received from stakeholders by August 19, 2020. Comments received during the public meeting and the written comments received during the written comment period were reviewed by Staff and LAI, and appropriate revisions were made to the Second Solicitation Guidance Document.

The goals of the second solicitation are to:

- Procure 1,200 MW to 2,400 MW of OSW Capacity (the Board reserves its right to select less than 1,200 MW or more than 2,400 MW);
- Encourage competition;
- Promote economic development;
- Combat the threat of global climate change to New Jersey; and
- Achieve these goals at the lowest reasonable cost and lowest risk to New Jersey ratepayers.

Staff recommended that the Board accept the Second Solicitation Guidance Document for release to potential applicants, and open an application window for qualified offshore wind projects to be deemed eligible to receive offshore wind renewable energy certificates.

Staff also recommended that the Board open an application window beginning September 10, 2020, and closing on December 10, 2020 to allow interested applicants sufficient time to prepare and submit their application for review. This application window is expected to result in the Board considering project awards in June of 2021.

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

Kelly Mooij, Director, Division of Clean Energy, presented this matter.

D. Docket No. QO19050645 – In the Matter of the Clean Energy Order for Fiscal Year 2020 – 4th Budget Revision.

BACKGROUND AND DISCUSSION: This matter involved the fourth revision to the New Jersey's Clean Energy Program (NJCEP) Fiscal Year 2020 (FY20) Budget, and Staff presented recommendations to the Board of the Fiscal Year 2020 – 4th Budget revisions.

On April 14, 2020, New Jersey Governor Phil Murphy signed into law, a bill that extended the State's current FY20 to September 30, 2020. In order to align with the State's Fiscal Year, the Board extended the NJCEP FY20 budget. The extension provided the Board and the NJCEP additional time to assess the budget under the current health crisis. Staff now proposed a fourth revision to the FY20 Budget, reallocating funds among various programs.

The Board originally established FY20 programs and program budgets through a Board Order dated June 21, 2019, trued up and revised them through a Board Order dated January 8, 2020, revised them for a second time through an April 6, 2020 Board Order, extended them through a July 2, 2020 Board Order, extended them for a second time through a July 15, 2020 Board Order, and extended and revised the budget through a July 29, 2020 Board Order.

The COVID-19 pandemic created an environment of significant uncertainty regarding program participation levels. When initial budget forecasts were completed, much of the state was shut down and many unknowns existed regarding when and to what extent businesses would reopen and when projects could restart. However, program participation in some cases remained unaffected and rebounded sooner and faster than the levels previously estimated. Therefore, these proposed reallocations ensure that programs can remain operational through the remainder of the fiscal year.

Reallocations and Rationale for Programs Administered by the Division of Clean Energy:

Microgrids: The next phase for the Microgrid program, previously anticipated for award in FY20, will not issue before September 30, 2020; therefore, the budget will not be utilized during this fiscal year and will be reduced by \$4,000,000.00.

Sponsorships: In order to continue to fund yearly memberships that are due each July, Board Staff (Staff) recommended increasing this budget item by \$60,000.00 to cover these costs.

Storage: Staff is still in the process of developing recommendations for an energy storage program, and funds of \$4,105,000.00 will not be needed in FY20. Therefore, Staff recommended reallocating these funds to be used elsewhere.

Electric Vehicles: Robust participation in this program has exceeded prior forecasts. Given ongoing application trends, Staff recommended adding \$1,700,000.00 to ensure that the program can continue to process applications.

Research and development Energy Tech Hub: Staff recommended reallocating funds of \$250,000.00 which are not needed for the Tech Hub, out of the total \$1,500,000.00 FY20 budget to be used for programs that are currently offering incentives for energy efficiency measures.

Reallocations and Rationale for Programs Administered by TRC:

Residential Existing Homes: As a result of current applications and spending trends, Staff recommended increasing the budget by \$2,700,000.00 in order to ensure that the program will continue accepting and processing applications through September 2020.

Residential New Construction: Staff continued to review new and current applications and proposes increasing the budget by \$700,000.00.

Energy Efficiency Products: Due to the Appliance Recycling program and the Retail Lighting initiative being on hold for a period of time due to COVID-19 related issues, Staff recommended reducing the budget by \$500,000.00 so that funding can be used for the continuation of other programs.

Commercial & Industrial Buildings: In order to support unexpected rebound and increase in new applications, Staff recommended increasing the budget by \$5,010,000.00.

Local Government Energy Audits: Due to an increase in applications, Staff recommended adding an additional \$550,000.00 to continue the program through September.

Direct Install: Trends indicate that the Direct Install program will have excess funds; therefore, Staff recommended reducing the budget by \$1,250,000.00.

Renewable Storage: The FY20 budget had reserved \$140,000.00 for one remaining project that has since expired; Staff recommended adding this funding to allow for continuation of other programs.

Staff distributed the proposed FY20 fourth budget revisions to the listserv, posted them on the NJCEP website, and solicited written comments about them from stakeholders and the public. Staff reviewed the comments received and recommended the Board approve the processes utilized in developing these proposed revisions and approve the fourth budget reallocations.

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

Ariane Benrey, Program Administrator, Division of Clean Energy, presented this matter.

E. 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 Adoption).

BACKGROUND AND DISCUSSION: This matter involved the Board considering the adoption of a rule proposal to amend its existing solar renewable portfolio standard rules and create new rules establishing a Transition Incentive (TI) Program. The TI Program is intended to facilitate an interim replacement of the Solar Renewable Energy Certificate (SREC) Program pursuant to the Clean Energy Act of 2018, and to provide a bridge to a successor solar program.

On December 6, 2019, the Board ordered the creation of a 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.

On April 23, 2020, the Board approved the publication of a Rule Proposal, which proposed the codification of the TI Program based on the previously adopted Board Orders. Specifically, the Board proposed 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.

The Rule Proposal was sent to the Office of Administrative Law and published in the New Jersey Register on May 18, 2020. It was open to public comments for 60 days and is now returning to the Board for modification or final approval.

Staff recommended that the Board adopt the Rule Proposal with no substantive changes that conform the TI registration deadlines to those detailed in the Board's July 29, 2020 Order. If adopted, the Rule will become effective upon publication in the New Jersey Register.

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

Kelly Mooij, Director, Division of Clean Energy, presented these matters.

F. Docket No. QO20080561 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Wind Innovation and New Development Institute.

BACKGROUND AND DISCUSSION: This matter involved the Board considering entering into a Memorandum of Understanding (MOU) with the New Jersey Economic Development Authority (NJEDA) regarding the use of money allocated from the Division of Clean Energy budget to provide funding to the Wind Innovation and New Development (WIND) Institute. While the process to establish the WIND Institute is currently being established, collaboration between the two agencies is needed now to lay a cohesive groundwork for workforce development.

On August 16, 2019, Governor Phil Murphy signed Executive Order No. 79 and established a Council for the WIND Institute, charged with developing and implementing a plan to create a regional hub for New Jersey's burgeoning offshore wind industry and build upon the Murphy Administration's commitment to making New Jersey a national leader in offshore wind. The Council included representatives from the Office of the Secretary of Higher Education, the NJEDA, the Board, the Department of Education, the Department of Environmental Protection, and the Department of Labor and Workforce Development.

On April 22, 2020, the Wind Council released a report detailing plans for creating the WIND Institute, which will serve as a center for education, research, innovation, and workforce training related to the development of offshore wind in New Jersey and the Northeast and Mid-Atlantic region. The WIND Institute will coordinate and galvanize cross-organizational workforce and innovation efforts to position New Jersey as a leader in offshore wind. A primary function of the WIND Institute will be to act as a centralized hub for offshore wind workforce development by coordinating across stakeholder groups and State agencies.

The Board agreed to provide NJEDA with \$4.5 million to support NJEDA efforts to develop and deliver programs that will empower New Jerseyans to participate in the offshore wind industry. While the process to establish the WIND Institute through legislation is ongoing, immediate action is needed to lay a cohesive groundwork for workforce development. To that end, the Board and the NJEDA have agreed to a MOU.

To achieve the goals of this MOU, the Board and NJEDA agreed that:

- a. NJEDA will dedicate the funds to support the following proposed offshore wind sector initiatives that it will undertake (Proposed Programs), as a precursor to any potential WIND Institute established by the Legislature:
 - i. Execution of a competitive grant solicitation to develop a Global Wind Organization safety training program and facility in New Jersey;
 - ii. Development of a best-in-class wind turbine technician training program;
 - iii. Creation of a plan to establish pathways into the offshore wind industry for New Jersey students and workers, driven by a cross-governmental working group to be coordinated by NJEDA; and
 - iv. Design and deliver a workforce development seminar that will provide local stakeholder groups with insight into the industry's workforce development needs to empower these stakeholder groups to build relevant workforce solutions.

Staff believed that this MOU and the funding provided by the Board will contribute to activities essential to positioning New Jersey as a hub for offshore wind workforce development, and to support the development and delivery of programs and facilities that empower New Jerseyans to participate in the offshore wind workforce.

Staff recommended that the Board approve the terms and conditions of the MOU and authorized the execution of the MOU by the President.

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. QO20080562 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Expansion of the Clean Energy Innovation Economy in New Jersey.

BACKGROUND AND DISCUSSION: This matter involved the Board considering entering into a Memorandum of Understanding (MOU) with the New Jersey Economic Development Authority (NJEDA) regarding the use of money allocated from the Division of Clean Energy budget to provide funding for New Jersey's Clean Energy and Clean Tech Ecosystem, which will be administered by the NJEDA. This MOU will support achieving New Jersey's clean energy goals, and implementing activities essential to restoring New Jersey's leadership as the most diverse and inclusive innovation ecosystem in the United States.

Governor Murphy released the State's 2019 Energy Master Plan on January 27, 2020, which set a goal of 100 percent clean energy by 2050 and outlined a strategy to expand the Clean Energy Innovation Economy in New Jersey through workforce training, investments in developing clean energy knowledge, and the growth of world-class research and development (New Jersey's Clean Energy and Clean Tech Ecosystem).

The 2019 Energy Master Plan recognizes that supporting clean energy and clean tech innovation aligns with two of the Administration's top priorities by Ensuring that New Jersey achieves 100% carbon free electricity and an 80% carbon footprint reduction by 2050, while simultaneously addressing long-standing environmental justice issues; and ii. Restoring New Jersey's leadership as the most diverse and inclusive innovation ecosystem in the United States.

The Board agreed to provide the NJEDA with \$1.250 million in the BPU's Clean Energy funding to execute programs that strengthen the State's Clean Energy and Clean Tech Ecosystem and encourage the continued development and growth of the green workforce and economy focusing on innovation. Therefore, Staff recommended that the Board and EDA agree to a MOU to provide funding and specify how the funds will be used.

The MOU establishes that the funds to be provided by the Board will be used for the following programs:

- i. A seed grant program to support research and development (R&D) activities for very early stage, NJ-based clean tech companies. These grants will aim to enable businesses to continue their work into the proof of concept and prototyping stages, at which point they can more readily attract outside investors and, in some cases, begin to generate revenue. Given the early stage nature of this ecosystem building activity, NJEDA will execute this program in conjunction with the New Jersey Commission on Science, Innovation, and Technology (CSIT).
- ii. A clean tech R&D asset mapping and voucher initiative to increase awareness, access, and utilization of the State's physical clean tech innovation-related assets such as testing equipment and specialized fabrication equipment. This initiative would launch an effort to inventory the relevant R&D assets and help facilitate greater third-party access by encouraging more standardized approaches to pricing, certifications/training, and usage agreements. Additionally, the initiative will develop a platform to make relevant asset-sharing information readily accessible to interested individuals and businesses in order to increase access to technology such as testing equipment and specialized fabrication equipment. NJEDA would help stimulate the asset-sharing marketplace by subsidizing the cost of a third party's access to specific R&D assets through a voucher program. NJEDA may partner with the NJ CSIT on this initiative.

Staff believed that this MOU and the funding provided by the Board will contribute to activities essential to restoring New Jersey's leadership as the most diverse and inclusive innovation ecosystem in the United States.

Staff recommended that the Board approve the terms and conditions of the MOU and authorize the execution of the MOU by the President.

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

There were no items in this category

LATE STARTER A

CLEAN ENERGY

Stacy Ho Richardson, Deputy Director, Division of Clean Energy, presented this matter.

Docket No. QO20030191 - In the Matter of the Petition for DCO Energy, LLC for a Declaratory Ruling.

BACKGROUND AND DISCUSSION: This matter involved a petition for declaratory order filed by DCO Energy, LLC (DCO Energy). The Board will consider establishing a procedural schedule, ruling on motions to intervene, establishing a briefing and settlement conference schedule, and designate a commissioner.

On February 28, 2020, DCO Energy filed a petition (Petition) with the Board requesting the issuance of a Declaratory Ruling that expanding the customer base of the Midtown Thermal Control Center (MTCC) by adding the AtlantiCare Regional Medical Center (AtlantiCare) will constitute an “on-site generation facility” and is therefore entitled to all the benefits conferred upon such facilities by Electric Discount and Energy Competition Act and New Jersey law.

DCO Energy requested that the Board find that AtlantiCare is located on property contiguous to the MTCC generation facilities. DCO Energy also requested that the Board find that, if it were to pursue a microgrid via a new microgrid tariff, the reductions in kilowatt hour consumption and peak demand anticipated from the new combined heat and power (CHP) commercial participants of the microgrid are qualified and may be counted under the Clean Energy Act as third-party energy efficiency gains to satisfy a portion of Atlantic City Electric Company’s (ACE) energy efficiency requirements.

The issues to be resolved:

1. Whether AtlantiCare is located on property contiguous to the MTCC generation facilities; and

2. Whether the reductions in kilowatt hour consumption and peak demand anticipated from the new CHP commercial participants of the microgrid are qualified and may be counted under the Clean Energy Act as third-party energy efficiency gains to satisfy a portion of ACE's energy efficiency requirements.

On March 20, 2020, ACE filed a Motion to Intervene, taking no position on the merits of DCO Energy's Petition.

Staff recommended that the Board retain this matter for hearing, and designate Commissioner Dianne Solomon as the Presiding Officer who is authorized to control the conduct of this proceeding, including to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the Petition. The schedule sets deadlines of September 14 for responses to motions filed, September 21 for responses to those motions, September 23 and September 30, 2020 for discovery and discovery responses, respectively, and October 5 and October 19, 2020 for initial and reply briefs.

Staff also recommended that the Board grant ACE's motion for intervention.

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

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: November 18, 2020