



**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 October 14, 2020, via Teleconference: 1 312 626 6799 Webinar ID: 995 3333 4521 or watch online @ <https://youtu.be/RS9Jrq3jAU>

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 October 28, 2020 at 10:00 a.m. via teleconference.

## CONSENT AGENDA

### I. AUDITS

#### A. Energy Agent and Private Aggregator Initial Registrations

EE19111445L GE19111446L	Bridge Energy Services, LLC d/b/a Bridge Energy Services	I – EA/PA
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#### Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE20070505L	ESG Energy, LLC	R – EA
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EE20080551L	WattB, Inc. d/b/a Wattbuy	R – EA
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EE20090576L	Unified Energy Services, LLC	R – EA
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EE20060439L	F and D Partners	R – EA
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EE20060457L GE20060458L	Good Energy L.P.	R – EA/PA/EC
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**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 applicant be issued initial registration as an energy agent and private aggregator for one year:

- Bridge Energy Services LLC d/b/a Bridge Energy Services

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

- EGS Energy LLC
- WattB, Inc. d/b/a Wattbuy
- Unified Energy Services, LLC
- F & D Partners

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

## II. ENERGY

### A. Docket No. GE20020114 – In the Matter of the Resolution of the Borough of Brielle, Monmouth County, New Jersey, Authorizing Renewal of the Franchise Agreement with New Jersey Natural Gas Company: Resolution No. 19-17-C.

**BACKGROUND:** This matter involved the approval of a municipal consent granted to New Jersey Natural Gas Company (NJNG or Company) by the Borough of Brielle (Borough) in Monmouth County, New Jersey.

NJNG filed a petition requesting Board approval of the consent for the use of the streets for the furnishing of gas service for a period of fifty years. This consent is a renewal of a prior consent that expired on February 24, 2019. The ordinances enacted by the Borough granted NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service.

On January 28, 2019 by Resolution No. 19-17-C, the Borough renewed NJNG's franchise for a period of 50 years and has granted NJNG consent to lay, maintain, and operate gas facilities in the Borough.

By letter dated August 19, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) did not oppose the approval of the Municipal consent. However, Rate Counsel requested that approval of the petition include certain restrictions which are incorporated in the Order.

A hearing in this matter was held on July 28, 2020, and appearances were made on behalf of the Company, the Rate Counsel and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this matter.

After review, Staff recommended that the Board approve the municipal consent, subject to the conditions set forth in the Board Order.

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

**B. Docket No. GE20020153 – In the Matter of the Resolution of the Township of Hazlet, Monmouth County, New Jersey, Authorizing Renewal of the Franchise Agreement with New Jersey Natural Gas Company: Resolution No. R-136.**

**BACKGROUND:** This matter involved the approval of municipal consent granted to New Jersey Natural Gas Company (NJNG or Company) by the Township of Hazlet (Township) in Monmouth County, New Jersey.

NJNG filed a petition requesting Board approval of the consent for the use of the streets for the furnishing of gas service for a period of fifty years. This consent is a renewal of a prior consent that expired on June 4, 2019. The ordinances enacted by the Township granted NJNG consent to lay, maintain, and operate gas facilities in the Township.

On May 21, 2019 by Resolution No. R-136, the Township renewed NJNG's franchise for a period of 50 years and has granted NJNG consent to lay, maintain, and operate gas facilities in the Township.

By letter dated August 19, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) did not oppose the approval of the Municipal consent. However, Rate Counsel requested that approval of the petition include certain restrictions which are incorporated in the Order.

A hearing in this matter was held on July 28, 2020, and appearances were made on behalf of the Company, the Rate Counsel and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this matter.

After review, Staff recommended that the Board approve the municipal consent, subject to the conditions set forth in the Board Order.

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

**C. Docket No. GE20020167 – In the Matter of the Resolution of the Borough of Fair Haven, Monmouth County, New Jersey, Authorizing Renewal of the Franchise Agreement with New Jersey Natural Gas Company: Resolution No. 2019-60.**

**BACKGROUND:** This matter involved the approval of municipal consent granted to New Jersey Natural Gas Company (NJNG or Company) by the Borough of Fair Haven (Borough) in Monmouth County, New Jersey.

NJNG filed a petition requesting Board approval of the consent for the use of the streets within the Borough for the provision of gas service for a period of fifty years. This consent is a renewal of a prior consent that expired on March 24, 2019. The ordinances enacted by the Borough granted NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service.

On March 11, 2019 by Resolution No. 2019-60, the Borough renewed NJNG's franchise for a period of 50 years and has granted NJNG consent to lay, maintain, and operate gas facilities in the Borough.

By letter dated August 19, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) did not oppose the approval of the Municipal consent. However, Rate Counsel requested that approval of the petition include certain restrictions which are incorporated in the Order.

A hearing in this matter was held on July 28, 2020, and appearances were made on behalf of the Company, the Rate Counsel and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this matter.

After review, Staff recommended that the Board approve the municipal consent, subject to the conditions set forth in the Board Order.

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

**D. Docket No. GE20030201 – In the Matter of the Resolution of the Borough of Keyport, Monmouth County, New Jersey, Authorizing Renewal of the Franchise Agreement with New Jersey Natural Gas Company: Resolution Ordinance #7-19.**

**BACKGROUND:** This matter involved the approval of municipal consent granted to New Jersey Natural Gas Company (NJNG or Company) by the Borough of Keyport (Borough) in Monmouth County, New Jersey.

NJNG filed a petition requesting Board approval of the consent for the use of the streets for the furnishing of gas service for a period of fifty years. This consent is a renewal of a prior consent that expired on March 24, 2019. The ordinances enacted by the Borough granted NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service.

On March 19, 2019 by Ordinance No. 7-19, the Borough renewed NJNG's franchise for a period of 50 years and has granted NJNG consent to lay, maintain, and operate gas facilities in the Borough.

By letter dated August 19, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) did not oppose the approval of the Municipal consent. However, Rate Counsel requested that approval of the petition include certain restrictions which are incorporated in the Order.

A hearing in this matter was held on July 28, 2020, and appearances were made on behalf of the Company, the Rate Counsel and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this matter.

After review, Staff recommended that the Board approve the municipal consent, subject to the conditions set forth in the Board Order.

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

**E. Docket No. GE20030214 – In the Matter of the Resolution of the Borough of Lake Como, Monmouth County, New Jersey, Authorizing Renewal of the Franchise Agreement with New Jersey Natural Gas Company: Resolution No. 2019-138.**

**BACKGROUND:** This matter involved the approval of municipal consent granted to New Jersey Natural Gas Company (NJNG or Company) by the Borough of Lake Como (Borough) in Monmouth County, New Jersey.

NJNG filed a petition requesting Board approval of the consent for the use of the streets for the furnishing of gas service for a period of twenty five years. This consent is a renewal of a prior consent that expired on February 24, 2019. The ordinances enacted by the Borough granted NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service.

On November 18, 2019 by Resolution No. 2019-138, the Borough renewed NJNG's franchise for a period of 25 years and has granted NJNG consent to lay, maintain, and operate gas facilities in the Borough.

By letter dated August 19, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) did not oppose the approval of the Municipal consent. However, Rate Counsel requested that approval of the petition include certain restrictions which are incorporated in the Order.

A hearing in this matter was held on July 28, 2020, and appearances were made on behalf of the Company, the Rate Counsel and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this matter.

After review, Staff recommended that the Board approve the municipal consent, subject to the conditions set forth in the Board Order.

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

**F. Docket No. ER20010003– In the Matter of Federal Energy Items for 2020 - Triennial MRB Reviews.**

**BACKGROUND:** This matter involved Staff, on behalf of the Board, intervening in the above captioned dockets at the Federal Energy Regulatory Commission (FERC) on September 23, 2020. The PJM generators filed their triennial filings regarding market based rates authorization at FERC on or around June 30, 2020. The Independent Market Monitor for PJM filed a Protest in response to these triennial filings on or around August 31, 2020. Intervention establishes party status in a proceeding. Staff recommended ratification of the intervention.

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

**III. CABLE TELEVISION**

There were no items in this category.

#### IV. TELECOMMUNICATIONS

##### A. Docket No. TF20080540 – In the Matter of the Verified Petition of Level 3 Communications, LLC for Approval to Participate in a Financing Arrangement (8/20).

**BACKGROUND:** This matter involved Level 3 Communications, LLC (Level 3 LLC or Petitioner) seeking Board approval to engage an issuance of debt financing in the amount of \$840 million directly from its parent company, Level 3 Financing. Raising this additional capital, at low interest from its parent company, will allow Level 3 Communications, LLC to be more competitive and offer better rates and service to its current and future customers.

On August 26, 2020, Level 3 Communications, LLC (Level 3 LLC or Petitioner) filed a petition with the Board requesting approval to participate in a financing arrangement in connection with the issuance of \$840 million aggregate principal amount of 3.625% Senior Notes due 2029 (the Senior Notes) by its parent company, Level 3 Financing, Inc. (Financing), for the intended purpose of permitting Financing to redeem \$840 million aggregate principal amount of other debt. The Petitioner stated that this request is a refinancing, in part, of transactions previously approved by the Board in 2015.

Concurrently with the issuance of the Senior Notes, Financing has lent funds equal to the \$840 million proceeds of the Senior Notes to Level 3 LLC in return for the Intercompany Demand Note. The Petitioner stated that the Intercompany Demand Note (IDN) is in substantially the same form as the notes utilized for financing arrangements previously approved by the Board.

Specifically, the Petitioner requested approval to act as guarantor for the Senior Notes upon receipt of the required regulatory approvals, including from the Board. Additionally, Level 3 LLC has issued an IDN to Financing as part of this financing. Level 3 LLC stated that this action is consistent with prior financing arrangements previously approved by the Board. The Petitioner requested approval to permit the IDN used in exchange for the proceeds of the Senior Notes to remain unpaid for more than 12 months from the date of issuance.

The Petitioner stated that the financing arrangement will enable Financing and Level 3 Parent to take advantage of lower interest rates and more favorable maturity terms, thereby significantly reducing interest expenses. According to the Petition, the financing arrangement will provide the Petitioner with the financial flexibility to maintain and expand its networks and services. The Petitioner further asserted that the financing arrangement will enable it to continue delivering services to new markets, thus allowing more consumers to benefit from its competitive services.

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

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

**V. WATER**

There were no items in this category.

**VI. RELIABILITY AND SECURITY**

There were no items in this category.

**VII. CUSTOMER ASSISTANCE**

**A. Docket No. WC19050572U – In the Matter of Steven L. Wong, Petitioner v. New Jersey American Water Company, Respondent – Billing Dispute.**

**BACKGROUND:** This matter involved a billing dispute between Steven L. Wong (Petitioner) and New Jersey American Water Company (NJAW). The petition was transmitted to the Office of Administrative Law for a hearing as a contested case.

A Settlement Agreement and General Release (Stipulation) was made between NJAW and Petitioner (Parties) dated September 16, 2020 resolving all issues in this matter. Administrative Law Judge (ALJ) Nanci G. Stokes filed an Initial Decision in this matter with the Board on September 17, 2020 approving the Stipulation of the Parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, NJAW agreed to credit the Petitioner's account in the amount of \$914.78 by September 30, 2020. The Petitioner will then pay the remaining balance within 90 days.

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

**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 Minutes for the August 12, 2020 Agenda Meeting.**

**BACKGROUND:** Staff presented the minutes of August 12, 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.**

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## AGENDA

### 1. AUDITS

Alice Bator, Director, Division of Audits, presented this matter.

#### A. Docket No. AX19091003 – In the Matter of the Board's Review of the Energy Competition Licensing and Registration Rules At N.J.A.C. 14:4-5 et seq.

**BACKGROUND AND DISCUSSION:** This matter involved a proposal of Energy Competition Licensing and Registration rule amendments with substantial changes for publication in the New Jersey Register for public comment.

On May 10, 2019, Governor Phil Murphy signed bills S. 604 and S. 605 (2018) [P.L. 2019, c. 100-101] (the Act) 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. The effective date of the Act was July 9, 2019. These rule amendments were first proposed, and approved, at the December 20, 2019 Board agenda meeting and published in the register on February 3, 2020.

In response to the stakeholder comments received on April 3<sup>rd</sup> and June 1<sup>st</sup> of 2020 following the publication of the rule amendments in the New Jersey Register, substantial changes are being made to remove items requiring additional review. In particular, previously proposed additions in N.J.A.C. 14:4-1.2 and -5.1 have been removed for further discussion and analysis.

The purpose of the rule amendments is to reflect the new law. The Board's amendments reflect that a license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by a timely and complete annual information update on a form prescribed by the Board. The licensees must submit within 30 days to the anniversary date of the last approved licensing application, the renewal fee and annual information update form. The Board's amendments also apply to registrants for consistency. The amendments also reflect other updates to reflect current Board policies.

The proposed amendments and new rules will have a beneficial social impact by continuing to ensure that New Jersey energy customers will receive the benefits of a competitive marketplace. The proposed amendments to remove the annual expiration for licenses will provide more continuity of the licenses and registrations from year to year for third party suppliers and registrants as long as the licensee and registrant timely files a complete annual update form and appropriate fees to maintain their licenses and registrations. The amended rules will allow for a more efficient processing of filed annual update forms.

The proposed amendments and new rules will continue to ensure that customers have access to up to date website pages for accurate pricing information so they can make informed choices regarding the purchase of electric generation service or gas supply service from a supplier as well as, updated third party supplier customer contact information.

Staff recommended that the Board authorize re-publication of the amended proposed regulation in the New Jersey Register for public comment, which will be due at the end of October.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## 2. ENERGY

**Stacy Peterson, Director, Division of Energy**, presented this matter.

### **A. Docket No. ER20040282 – In the Matter of the Petition of Rockland Electric Company’s Annual Societal Benefits Charge Filing.**

**BACKGROUND AND DISCUSSION:** This matter involved the Board considering Rockland Electric Company’s Societal Benefits Charge rates.

On April 1, 2020, Rockland Electric Company (RECO or Company) filed a petition with the Board, which constituted its annual cost recovery filing of over-recovered or under-recovered cost balances collected through its Societal Benefits Charge (SBC) (2020 Filing) for the reconciliation period from August 1, 2019 through July 31, 2020, and of projected spending during the period through July 31, 2021. The Company filed revisions to the Demand Side Management (DSM) and Clean Energy Program, components, together, (SBC Component Programs) of the SBC rate.

In the 2020 Filing, which reflected actual data through February 2020, RECO proposed a decrease in the rate for the SBC Component Programs from the current rate of 0.3582 cents per kilowatt hour ( $\text{¢/kWh}$ ), including Sales and Use Taxes (SUT), to 0.3031  $\text{¢/kWh}$ , including SUT. The 2020 Filing explained the decrease in the SBC Component Program rate is the result of an anticipated over-collection of \$805,447.00 for the period of August 1, 2019 through July 31, 2020.

Through discovery, the Company updated its proposed revenue requirements related to the SBC Component Programs to reflect actual data for the period August 1, 2019 through July 31, 2020, and projected DSM and Clean Energy Components of the SBC for the period August 2020 through July 2021. As a result of the update, the Company’s proposed SBC Component Programs rate went from the current 0.3582  $\text{¢/kWh}$  to 0.3132  $\text{¢/kWh}$ . The updated information resulted in an anticipated over-collection of \$668,236.00 for the period August 1, 2020 through July 31, 2021.

Following discovery, RECO, the New Jersey Division of Rate Counsel and Board Staff, (the Parties) executed a Stipulation of Settlement (Stipulation). The Stipulation allows for RECO to implement a total SBC rate of 0.5384  $\text{¢/kWh}$ , including SUT. If approved by the Board, it would result in a monthly decrease of \$0.29.

Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct RECO to file revised tariff by November 1, 2020.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

### 3. CABLE TELEVISION

**Lawanda Gilbert, Director, Office of Cable Television and Telecommunications,** presented these matters.

**A. Docket No. CO20090598 – In the Matter of the Notification of Pro Forma Internal Restructuring by Charter Communications, Inc. and Spectrum New York Metro, LLC, f/k/a Time Warner Cable New York City, LLC or in the Alternative, Petition for Approval of a Pro Forma Internal Reorganization.**

**BACKGROUND AND DISCUSSION:** This matter involved Charter Communications, Inc. (Charter) and Spectrum New York Metro, LLC, (SNYM) submitting a petition to the Board seeking approval of an internal restructuring that will create a new subsidiary that will separate the New York and New Jersey assets, and will only hold Charter’s New Jersey cable assets and franchises (the Internal Restructuring). Under the Internal Restructuring, SNYM will continue to control Charter’s New Jersey cable assets and franchises under a separate new subsidiary owned directly by SNYM, and ultimately controlled by Charter.

On September 16, 2020, Charter and SNYM f/k/a Time Warner Cable New York City, LLC (collectively the Petitioners) jointly submitted a petition to the Board describing an internal reorganization to be undertaken by Charter and SNYM that will create a new Charter and SNYM subsidiary that will hold Charter’s New Jersey cable assets and franchises (the Transaction). Under the Transaction, the New Jersey cable assets and franchises will reside in a new subsidiary that SNYM will own directly and continue to control. SNYM in turn will remain ultimately controlled by Charter.

SNYM, with its principal offices at 200 Roosevelt Place, Palisades Park, New Jersey 07650, is a Delaware limited liability company that operates a cable television system in 14 municipalities in Bergen County and Hudson County, New Jersey (the Bergen System).

The Transaction involves the reorganization and transfer of assets among wholly-owned subsidiaries of Charter to be accomplished through two restructuring steps beginning with the newly formed Spectrum New Jersey, LLC, and then the contribution of all of SNYM’s New Jersey cable and internet assets to Spectrum New Jersey LLC (SNJ).

SNYM holds cable assets and franchises in both the New York City metropolitan area and New Jersey. The Charter’s intent is to separate the New York and New Jersey assets, by

creating a new subsidiary where Charter's New Jersey cable assets will reside. Specifically, SNYM as the holder of Charter's cable franchises in New Jersey, would establish Spectrum New Jersey, LLC (SNJ) as a new 100% owned direct subsidiary.

The sequence of the transaction will be as follow:

Step One - SNYM forms SNJ;

Step two - SNYM contributes all of its New Jersey cable and internet assets, subject to any New Jersey cable and internet related liabilities (collectively, the New Jersey Transfer) to SNJ (as more fully described in the Draft RA); and

Step three - SNJ will be designated as a non-guarantor of the CCO Debt, the Time Warner Cable New York City, LLC debt, and the TWCE, LLC debt (CCO Debt or Charter Debt).

The Petitioners asserted that the Transaction will benefit New Jersey subscribers by providing Charter with greater flexibility to take advantage of attractive opportunities for debt financing, while also insulating the ultimate New Jersey CATV company from providing a guarantee of Charter Communications Operating, LLC and its subsidiaries' debt secured by the assets of a New Jersey regulated cable entity.

By letter dated October 13, 2020, the New Jersey Division of Rate Counsel submitted comments indicating that they had no objection to the petition.

After review of the Petition and all information provided by the Petitioners indicate that SNYM will continue to maintain the financial resources and technical qualifications necessary to provide safe, adequate, and proper service under the New Jersey subsidiary. Staff recommend the Board approval of the Transaction, subject to certain conditions including:

- 1- The Petitioners be required to file an FCC Form 394 Application for Franchising Authority Consent to Assignment or Transfer of Control of a Television System Franchise to formally transfer the new franchises to the new SNJ entity;
- 2- Charter to withdraw its petition filed on September 16, 2020, in Docket No. CF20090597, seeking approval to participate in Certain Financing Arrangements;
- 3- Charter to file an affidavit certifying it has undertaken all necessary steps to exclude the new entity, SNJ, as a guarantor and pledger of its assets from all Charter debt.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. CO20100636 – In the Matter of Certain Responses by Spectrum New York Metro, LLC, f/k/a Time Warner Cable New York City LLC, to Letters of Inquiry Regarding Form F99 and Related Filings for Fiscal Years Ended December 31, 2018 and 2019 – Offer of Settlement.**

**BACKGROUND AND DISCUSSION:** This matter involved an Offer of Settlement (Offer) to resolving specific allegations of noncompliance with the Board’s rules and regulations with respect to the cable subsidiary of Charter Communications, Spectrum New York Metro, LLC f/k/a Time Warner Cable New York City, LLC.

The Board’s Office of Cable Television and Telecommunications (OCTV&T or Office) uncovered a number of apparent deficiencies during the course of a review and investigation of the OCTV Form F99 filed by Spectrum New York Metro, LLC (SNYM) for fiscal years ending December 31, 2018 and 2019, financial statements for the calendar year ending December 31, 2019 and Form 10K. The Office alleged that SNYM was not conforming to certain provisions of the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq. The statutes require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

As a result of correspondence, telephone conversations and settlement conferences between SNYM and the OCTV&T, on October 8, 2020, SNYM submitted an Offer concerning the non-conforming practices outlined on the schedule of the alleged violations.

In order to resolve this matter and avoid the cost of litigation, SNYM submitted an Offer on October 8, 2020 agreeing to remedial and corrective action, and a payment of a \$156,000.00 penalty.

Staff recommended that the Board accept SNYM’s Offer of Settlement for \$156,000.00 to resolve the underlying allegations and issues alleged by the Office. The Staff also recommended that the Board condition its Order accepting the Offer by requiring SNYM to provide verified proof to the Office, no later than December 14, 2020.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**4. TELECOMMUNICATIONS**

There were no items in this category.

**5. WATER**

There were no items in this category.

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

There were no items in this category.

**8. CLEAN ENERGY**

**Kelly Mooij, Director, Office of Clean Energy**, presented this matter.

**A. Docket No. QO18080969 – In the Matter of the Extension RFP for New Jersey Clean Energy Program Administrator – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session and it pertains to an extension of the New Jersey Clean Energy Program Administrator contract. According to the terms of the current contract, the contract may be extended for an additional year.

Staff requested Board approval of an extension to this contract for a period of one year to ensure continued, uninterrupted provision of Clean Energy programs while Staff develops the Request for Proposal for a program administrator for the next generation of energy efficiency programs.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**Scott Hunter, Renewable Energy Program Administrator, Office of Clean Energy, Division of Economic Development and Energy Policy, presented these matters.**

**B. Docket Nos. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, the Solar Act of 2012; and**

**Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (T) of the Solar Act of 2012; and**

**Docket No QO20060460 – In the Matter of Mount Olive Solar Farm, LLC – Application for Subsection (T), Block 4100, Lot 10, Combe Fill North Landfill.**

**BACKGROUND AND DISCUSSION:** On April 9, 2020, Mount Olive Solar Farm, LLC (Mount Olive) submitted an application to the Board to have its project certified as being located on a properly closed sanitary landfill facility pursuant to N.J.S.A. 48:3-87(t) (Subsection (t) of the Solar Act). Mount Olive project is proposed to be constructed on the Combe Fill North Landfill (Landfill), which was previously owned by the Combe Fill Corporation and subsequently the Township of Mount Olive.

The Landfill, located at Block 4100, Lot 10 on 149 Gold Mine Road in Mount Olive Township, was the subject of a previous application submitted in January 2019 which was held in abeyance by Board staff (Staff) while ownership and site control was being resolved. The property recently changed ownership following a tax certificate sale by the Township. The current application's owner certification was confirmed based on documentation supplied to Staff on May 28, 2020. The previous applicant withdrew its application on June 5, 2020 following consummation of the property sale.

Following review of the application and the advisory memorandum provided by the New Jersey Department of Environmental Protection (NJDEP), Staff recommended that the Board grant conditional certification of eligibility for Transition Renewable Energy Certificates (TREC) based on the NJDEP determination that the project proposed by Mount Olive Solar Farm, LLC is located on property defined as a "properly closed sanitary landfill" consistent with the Solar Act of 2012.

Staff also recommended that the Board direct Mount Olive Solar to submit an initial Transition Incentive program registration package within 14 days of the effective date of this order, or the order granted by the Board, in accordance with the Administrative Code's Title 14, Chapter 8, Subchapter 2.4, and to complete construction within two years in accordance with the Administrative Code's Title 14, Chapter 8, Subchapter 10.4.

Staff further recommended that the Board direct Staff to issue full certification to the project upon the applicant's demonstration that all requirements for full certification, including all NJDEP requirements and all TREC eligibility requirements for full certification have been satisfied, provided that the project commences commercial operations within those two years of acceptance into the TI program.



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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**C. Docket Nos. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24 The Solar Act of 2012 – Order to Provide Conditional Certification for TRECs to a Properly Closed Sanitary Landfill;**

**Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (T) of the Solar Act of 2012; and**

**Docket No. QO16100958 – In the Matter of EPP Renewable Energy, LLC – Application for Solar Act Subsection (T) Landfill Pollution Control Financing Authority of Camden County.**

**BACKGROUND AND DISCUSSION:** This matter involved the Board considering the EEP Renewable Energy, LLC (EEP) petition requesting Transition Renewable Energy Certificates (TREC) eligibility for its Pennsauken Landfill Subsection (t) application.

On June 27, 2019, EPP submitted a Subsection (t) application seeking Board approval of an additional 0.233 MW to be generated by its array and to have the project certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act.

On June 30, 2017, the Board conditionally certified the construction of a 3.0 MWdc solar facility by EPP Renewable Energy, LLC on the Pennsauken Landfill at 9600 River Road in Pennsauken Township, Camden County, New Jersey. EPP constructed a 2.97274 MWdc facility, which was inspected by Staff. Following EPP's demonstration that it had met the New Jersey Department of Environmental Protection (NJDEP) requirements, the Board fully certified the Pennsauken Landfill project for Solar Renewable Energy Certificate (SREC) eligibility. On June 27, 2019, EPP submitted a second application to the Board for additional capacity for the project also certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act. The proposed additional 0.233 MWdc capacity is to be located on the same 146 acres of land as the 2.97274 MWdc facility approved in the June 2017 Order.

By letter dated September 14, 2020, NJDEP reviewed the land classification and remediation status of the property described in the Subsection (t) application for the Pennsauken Landfill supplied by EPP. NJDEP determined that the proposed solar array, as rendered in maps labeled as Pennsauken Solar Phase B and C2 Pennsauken Sanitary Landfill, is located on Area D, a properly closed portion of a sanitary landfill facility as defined by the Solar Act. NJDEP found that the solar installation will constitute the construction of improvements on a closed landfill.

Staff recommended the Board find that the NJDEP's requirements must be addressed and grant conditional certification of the applicant's proposed solar electric generation facility, to be located within the 25 acres of Area D at the Pennsauken Landfill identified in the application with an array size not to exceed 0.233 megawatts DC.

To obtain full certification, Staff also recommended the Board direct the applicant to demonstrate to Staff that all the conditions described by the NJDEP have been met.

Staff further recommended the Board direct EPP to submit an initial Transition Incentive program registration package within 14 days of the effective date of the order granting this conditional certification in accordance with the Administrative Code's Title 14, Chapter 8, Subchapter 2.4 and to complete construction within two years in accordance with the Administrative Code's Title 14, Chapter 8, Subchapter 10.4.

Finally, Staff recommended that the Board direct Staff to issue full certification to the project upon the applicant's demonstration that all requirements for full certification, including all NJDEP requirements and all TREC eligibility requirements for eligibility, have been satisfied, provided that the project commences commercial operation within two years of acceptance into the TI program.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

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

**D. Docket No QO20030255 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – DSM Nutritional Products, LLC.**

**BACKGROUND AND DISCUSSION:** This matter involved DSM Nutritional Products (DSM), LLC (DSM or Applicant) in Belvidere, New Jersey, submitting an application on November 13, 2018 under the Fiscal Year 2019 (FY19) Large Energy Users Program (LEUP) pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY19 dated June 22, 2018. The project is located at 206 Mack's Island Road, Building 274, Belvidere, New Jersey. The applicant requested a total financial incentive of \$929,379.43 for a project that will cost \$4,250,000.00.

This application covers the replacement of the facility's existing chillers with three new, highly efficient 1000-ton chiller units. The Applicant requires a constant supply of chilled water for fermentation purposes, and the new system will meet chilled water needs while consuming significantly less energy throughout the year. The new chillers also utilize a more environmentally friendly refrigerant which has lower global warming potential than the existing system does.

Annually, the proposed project is anticipated to conserve 4,689,025 kWh of electricity and reduce peak demand by 42.26 kW per year. The project also has an estimated annual energy cost savings of \$468,902.50. The payback period without incentives is 9.06 years; when factoring in the incentives, the payback period is reduced to 7.08 years.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$929,379.43 and issuance of a standard commitment letter to the Applicant, setting forth the terms and conditions of this commitment.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**E. Docket No. QO20090601 – In the Matter of Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Bristol-Myers Squibb.**

**BACKGROUND AND DISCUSSION:** Commissioner Gordon recused himself and did not participate in or vote on this matter. This matter involved Bristol-Myers Squibb (BMS), submitting an application on June 21, 2018, under the Fiscal Year 2018 (FY18) Large Energy Users Program pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY18 dated January 26, 2018. BMS requested a financial incentive of \$815,483.78 for a project that will cost \$1,949,867.00. The proposed project will take place at the following three locations across New Jersey:

- 1 Squibb Drive, New Brunswick, New Jersey 08901;
- 3401 Princeton Pike, Lawrenceville, New Jersey 08648; and
- 3551 Lawrenceville Road, Lawrenceville, New Jersey 08540.

The energy conservation measures proposed through this application vary by location. At the New Brunswick location, custom steam insulation blankets will be installed at over 254 exposed points throughout the steam-piping network in order to reduce heat losses. At the Princeton Pike location, new occupancy-based lighting controls will be installed to reduce runtime of existing LED lighting on 4th floor offices, 3rd floor offices, and four perimeter stair towers. The Lawrenceville Road location will feature the most extensive upgrades of the three project sites.

In addition to installing custom steam insulation blankets at 490 exposed points, existing pressure reducing valve controls will be retrofitted with digital controls that will be tied into the building automation system to allow pressure set points to be reduced based on necessary instantaneous steam load. Also, an existing constant speed fan motor cooling tower will be replaced with a more efficient tower with variable speed electronically commutated motors that reduce fan speed while maintaining the condenser water set point. Finally, two existing gas compressors will be replaced with new compressors that

have variable frequency drives and controls to optimize system efficiency by regulating gas flow based on need.

Finally, two existing gas compressors will be replaced with new compressors that have variable frequency drives and controls to optimize system efficiency by regulating gas flow based on need.

BMS estimated that this project will annually accomplish the following: conserve 1,396,449 kWh of electricity and 141,166 therms of natural gas, reduce peak demand by 69 kW, and result in energy cost savings of \$209,373.14. The payback period without incentives is 9.31 years; when factoring in the incentives, the payback period is reduced to 5.42 years.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$815,483.78 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>recused</b>

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

**F. Docket No. QW18030284 – In the Matter of the Award of Contract in Furtherance of the Matter of the Implementation of Executive Order 8 and Executive Order 92 Offshore Wind – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session. Staff requested the Board authorize the modification to the existing contract between the Board and Ramboll US Corporation (Ramboll) for the development of the Offshore Wind Strategic Plan.

The modification is due to out-of-scope work related to the number and scope of revisions to both the draft and final strategic plan necessary to incorporate comments from New Jersey state agencies and stakeholders. Staff believed that the additional work was necessary to complete the Plan as directed by Governor Murphy's Executive Order No. 8.

Staff recommended that the Board authorize a modification to the Raboll contract as discussed in executive session.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**9. MISCELLANEOUS**

Kevin Nedza, Office of Chief of Staff, presented this matter.

**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 – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session. Staff requested approval of a consultant for the second Zero Emission Certificate eligibility period. The Board approved the issuance of the Request for Quotation for this matter on August 12, 2020, and the evaluation committee has prepared a recommendation for the selection of a bidder. This matter is pending at the Department of the Treasury.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## EXECUTIVE SESSION

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

### 8. CLEAN ENERGY

**A. Docket No. QO18080969 – In the Matter of the Extension RFP for NJCEP Program Administrator.**

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

**F. Docket No. QW18030284 – In the Matter of the Award of Contract in Furtherance of the Matter of the Implementation of Executive Order 8 and Executive Order 92 Offshore Wind.**

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

### 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.**

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.



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AIDA CAMACHO-WELCH  
SECRETARY OF THE BOARD

Date: December 16, 2020