



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on December 2, 2020, via Teleconference: 1 301 715 8592 Webinar ID: 938 7618 4944 or watch online @ <https://youtu.be/6SZMwRNpKXw>

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 December 16, 2020 at 10:00 a.m. via teleconference with details to follow.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

A. Docket No. EF20080522 – In the Matter of the Petition of Atlantic City Electric Company for Authority to Issue Up to \$600 Million of Long-Term Debt Securities Pursuant to N.J.S.A. 48:3-9 (2021-2022).

BACKGROUND: On August 12, 2020, Atlantic City Electric Company (Petitioner or Company), filed a petition with the Board requesting authority to: (i) no later than December 31, 2022, at its option, issue and sell in one or more series up to \$600 million in aggregate of debt securities (Debt Securities) to finance a portion of its 2021-2022 construction program and convert a portion of its short-term debt expected to be incurred in connection with its capital expenditure program to permanent financing; and (ii) take any other action that may be necessary or desirable in connection therewith.

The Company represented that it has \$38.865 million in tax-exempt, and \$200 million in taxable, bonds scheduled to mature during 2021–2022. The Petitioner further represented that it is engaged in a construction program with estimated expenditures of \$1.075 billion during the years 2020-2022, designed to improve and extend its facilities so as to enable it to better serve the public. The Company sought the flexibility to issue long-term debt to finance up to \$238.9 million of short-term debt anticipated to be incurred.

The Debt Securities will consist of First Mortgage Bonds issued under the Company's Mortgage and Deed of Trust dated January 15, 1937 or any successor mortgage thereto; Senior Notes issued under the Company's Indenture (for Senior Debt Securities) dated as of April 1, 2004; or unsecured Notes issued under the Company's Indenture dated March 1, 1997.

By letter dated November 12, 2020, the New Jersey Division of Rate Counsel stated that it did not oppose approval of the Petition subject to the addition of certain provisions to the Order.

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. EF20060400 – In the Matter of the Petition of Public Service Electric and Gas Company, Pursuant to N.J.S.A 48:3-9 and N.J.A.C. 14:1-5.9, for Authority to Issue and Sell Short-Term Obligations Not Exceeding \$1.0 Billion Aggregate Principal Amount at any One Time Outstanding Through January 3, 2023.

BACKGROUND: On June 15, 2020, Public Service Electric and Gas Company (PSE&G or Petitioner) filed a petition with the Board on June 15, 2020, requesting authority to issue and sell (a) short-term obligations consisting of borrowings from banks, trust companies, insurance companies or other lenders, and (b) promissory notes (commercial paper) (together, Short-term Obligations) not to exceed \$1.0 billion in aggregate principal amount at any one time outstanding, through January 3, 2023.

The Company's request is virtually identical to the request in Docket No. EF18050524 wherein the Board authorized the Petitioner to issue Short-term Obligations, not exceeding \$1.0 billion in aggregate principal amount at any one time outstanding, through January 4, 2021.

The Petitioner stated that permanent financing and refinancing for its continuing facilities improvement programs are provided through the issuance of long-term debt and by internally generated cash and equity contributions.

According to the Petition, the requested authority will provide PSE&G with the flexibility it requires to meet continued cash needs and manage cash flows during 2021 and 2022. The Petitioner also requested that, within the limitation of \$1.0 billion aggregate principal amount at any one time outstanding, such Short-Term obligations may be issued, extended, or renewed from time to time through January 3, 2023 without further application to or approval of the Board.

By letter dated November 6, 2020, the New Jersey Division of Rate Counsel stated that it had reviewed this matter and was not opposed to Board approval subject to certain conditions.

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.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

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. GC18080939U – In the Matter of Dawn Macrillo, Petitioner v. South Jersey Gas, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on October 29, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on December 14, 2020. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until January 28, 2021.

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 September 23, 2020 Agenda Meeting.

BACKGROUND: Staff presented the minutes of September 23, 2020 Board meeting minutes 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 Gordon	Aye

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

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

A. Docket No. ER20060473 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Constituting its Annual Filing With Respect to the Non-Utility Generation Charge Clause of its Filed Tariff (2019 NGC Filing).

BACKGROUND AND DISCUSSION: On June 26, 2020, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of the amounts included in the Company's Non-Utility Generation Charge (NGC) deferred balance (2019 NGC Petition). The 2019 NGC Petition also sought review of the amounts paid by the Company under Board-approved contracts with non-utility generators, for the period January 1, 2019 through December 31, 2019, (2019 NGC Period).

In the 2019 NGC Petition, JCP&L stated that the net NGC deferral balance at December 31, 2019 amounted to an over-recovery of \$25,032,211.00 after the application of carrying costs of \$743,833.00. In addition, the Company projected that, at present rates, the net NGC deferred balance as of December 31, 2020, would be an over-recovery of \$11,520,030.00 after the application of over-recovered carrying costs of \$318,731.00. Furthermore, JCP&L projected that, at present rates, the net NGC deferred balance as of July 31, 2021, will be an over-recovery of \$1,961,825.00 after the application of carrying costs of \$68,690.00. Accordingly, the Company proposed to maintain the composite Market Transition Charge/NGC factor of \$0.000105 per kWh [excluding Sales and Use Tax (SUT)].

Through discovery, JCP&L updated the schedules in the 2019 NGC Filing to include actual information through July 2020. Based upon the update, JCP&L projected that, at present rates, the net NGC deferred balance at December 31, 2020, would be an over-recovery of \$10,439,565.00 (after the application of carrying charges). Additionally, JCP&L projected that at present rates, the net NGC deferred balance as of July 31, 2021, will be an over-recovery of \$870,532.00.

Following a review of the 2019 NGC Petition and discovery responses, JCP&L, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to maintain its current composite MTC/NGC factor of \$0.000105 per kWh (excluding SUT).

Staff recommended that the Board issue an order adopting the Stipulation of the Parties. Staff also recommended that the Board order JCP&L to file tariffs consistent with the Board's Order by January 1, 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

B. Docket No. EM19111460 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Seeking Approval of the Transfer and Sale of the Company’s 25% Interest in the Three Mile Island Unit 2 Nuclear Generating Facility, and the Transfer of its Associated Nuclear Decommissioning Trust, Pursuant to N.J.S.A. 48:3-7, and a Waiver of the Advertising Requirements of N.J.A.C. 14:1-5.6(B).

BACKGROUND AND DISCUSSION: On November 13, 2019, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking approval of; (1) the sale of JCP&L’s 25% interest in the Three Mile Island Unit 2 (TMI-2) nuclear generating facility; (2) the transfer of its associated Nuclear Decommissioning Trust (NDT); (3) the waiver of the advertising requirements set forth in N.J.A.C. 14:1-5.6(b); and (4) the transfer of assumed liabilities, including all liabilities related to the decommissioning of the TMI-2 plant and site.

The Company entered into an Asset Purchase and Sale Agreement on October 15, 2019, along with Metropolitan Edison Company, Pennsylvania Electric Company (collectively, the Joint Owners) and affiliate GPU Nuclear, Inc. to sell the TMI-2 plant and site to TMI-2 Solutions, LLC (Buyer), a subsidiary of EnergySolutions, Inc., for a nominal cash consideration of \$10,000.00.

As part of the sale, the Joint Owners will convey their cumulative NDT balance of approximately \$900 million to the Buyer, with JCP&L’s share being approximately \$259 million. Meanwhile, the Buyer will undertake the decommissioning of TMI-2 with the goal of completing major decommissioning activities by 2037. According to the Decommissioning Cost Study, if the Joint Owners undertook the decommissioning, it is estimated that major decommissioning activities would cost at least \$1.3 billion and would be complete by approximately 2053.

The Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) participated in discovery and comment submittal.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties sale, subject to the conditions set forth in the Board Order.

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

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

C. Docket No. GM20020170 – Notice of Transfer of Property by South Jersey Gas Company in the Ordinary Course of Business Pursuant to N.J.A.C. 14:1-5.6.

BACKGROUND AND DISCUSSION: On February 19, 2020, South Jersey Gas Company (SJG) filed a notice with the Board of its intent to sell and transfer two parcels of real property (Property) in Bridgeton, New Jersey to Newell Vine Associates, LLC for the sum of \$1.00 each.

On April 1, 2020, SJG amended its notice to provide additional factual information, proposed journal entries to record the transaction, and maps of the Property.

The Company, Board Staff and the New Jersey Division of Rate Counsel participated in discovery and comment submittal.

Staff recommended that the Board issue an Order approving the sale, subject to the conditions set forth in the Board Order. In addition, Staff recommended that SJG be required to credit the tax assessed value of the Property to ratepayers through the Remediation Adjustment Clause.

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. ER20100672 – In the Matter of the Provision of Basic Generation Service, and the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff – October 23, 2020 Filing.

BACKGROUND AND DISCUSSION: By petition dated October 23, 2020, Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric & Gas Company and Rockland Electric Company (collectively, EDCs) filed a joint petition with the Board requesting recovery of Federal Energy Regulatory Commission (FERC) approved changes in firm transmission service related charges (October 2020 Petition).

The EDCs' proposed tariff changes reflect changes to the Basic Generation Service (BGS) Residential and Small Commercial Pricing (BGS-RSCP) and Commercial and Industrial Energy Pricing (BGS-CIEP) rates to customers resulting from changes in the PJM

Interconnection, LLC Open Access Transmission Tariff (OATT) pursuant to the following FERC Orders: 1) Order on Compliance Filing, Docket No. ER18-680 issued March 31, 2020; 2) Order Denying Rehearing and Granting Clarification, Docket Nos. ER15-1387-005 and ER15-1344-006 issued April 3, 2020; and 3) Order Accepting Compliance Filings, Docket Nos. ER15-1387-006 and ER15-1344-007 issued April 3, 2020. Additionally, the EDCs included the updated PECO formula rate revenue requirement, which was updated after the EDCs June 22, 2020 filing.

The EDCs also sought authority to charge or credit BGS customers over a 12 month period depending on the specific EDC rate design while paying or charging suppliers as they incur these charges or credits. The EDCs further sought approval for the flexibility to net the charges and credits for a supplier at the end of the rebilling period where it makes practical sense to do so.

Staff recommended that the Board approve the following: 1) The changes to the BGS-RSCP and BGS-CIEP rates requested by each EDCs for its transmission charges resulting from the FERC-approved changes to the Transmission Enhancement Charges and Network Integration Transmission Service rate in the October 2020 Petition, effective December 15, 2020; 2) The EDCs' request to pay suppliers at this time and authorization for the EDCs to collect from, or refund to, BGS customers the costs associated with the October 2020 Petition subject to the terms and conditions of the SMAs; 3) The EDCs' request to charge or credit BGS customers over a 12 month period depending on the specific EDC rate design while paying or charging suppliers as they incur these charges or credits; 4) Authorize the EDCs to use flexibility to net the charges and credits for a supplier at the end of the rebilling period where it makes practical sense to do so; and 5) Direct the EDCs to file tariffs and rates consistent with the Board's findings by December 15, 2020.

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

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

E. Docket No. EO20100654 – In the Matter of the Cease and Desist and Refund Instructions Letter of January 22, 2019 to Third Party Suppliers – Executive Session.

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

F. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket Nos. ER18-1314 and EL18-178 PJM Interconnection, LLC re: 206 Proceeding to Determine Just and Reasonable Replacement Rate; and

Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. EL16-49 – Calpine Corporation, et al. v. PJM Interconnection, LLC.

Joseph DeLosa, Office of Federal and Regional Policy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a request for clarification, or in the alternative, rehearing in the ongoing Federal Energy Regulatory Commission (FERC), Minimum Offer Price Rule (MOPR) proceeding.

In October 2020 order, FERC included unnecessary reference to the Board's Basic Generation Service (BGS) auction in a footnote. This reference has the possibility to inject unneeded uncertainty into the marketplace. The November 16, 2020 filing sought to clarify that this footnote is non-substantive, and does not materially impact the application of the MOPR to New Jersey's BGS.

PJM Interconnection, LLC agreed with the Board's position in a subsequent filing. Should FERC deny clarification, the November 16, 2020 filing requested rehearing on this limited issue and asserted that the errant footnote is not consistent with the findings in the body of the order, constituting legal error.

Staff recommended that the Board ratify the Request for Clarification, or in the alternative, rehearing, filed on November 16, 2020.

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket Nos. BPU WR20010056 and OAL PUC 01318-2020S – In the Matter of the Petition of Aqua New Jersey, Inc. for Approval of an Increase in Rates for Wastewater Service and Other Tariff Changes.

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

BACKGROUND AND DISCUSSION: On January 21, 2020, Aqua New Jersey Inc. (Aqua) filed a petition with the Board seeking to increase rates for wastewater service amounting to \$1,089,968.00 or 22.2% above annual revenues for the test year ending April 30, 2020. Among other things, Aqua's petition also proposed to implement a system wide Purchased Sewerage Treatment Adjustment Charge (PSTAC). Aqua serves approximately 5,281 wastewater customers throughout the State.

This matter was transmitted to the Office of Administrative Law for hearings and was assigned to Administrative Law Judge (ALJ) Jacob S. Gertsman. After proper notice, ALJ Gertsman held a virtual public hearings in the afternoon of August 6, 2020, and in the evening of September 24, 2020. Five members of the public appeared the September 24, 2020 public hearing and spoke in opposition to the proposed rate increase.

Aqua, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties), conducted extensive discovery and numerous settlement discussions. As a result of these discussions, the Parties reached a stipulation of settlement (Stipulation) that resolved all issues that emanated from this proceeding. The Stipulation agreed to a \$500,000.00 increase in annual revenues.

The Stipulation will result in the following monthly rate changes for the bills for a typical General Sewer Service residential customer for each of the following systems will be:

- a. Woolwich system (including operations located in North Hanover Township and the Borough of Wrightstown) is an increase of \$2.16 or 4%;
- b. Bear Brook system is a decrease of \$11.44 or 15%;
- c. Maxim system an increase of \$6.40 or 11%;
- d. Oakwood Village system is a decrease of \$5.19 or 8.0%;
- e. Stanton Ridge system a decrease of \$18.11 or 22%; and
- f. Walkkill System is \$9.41 or 28%.

The Stipulation also agreed that Aqua be permitted to implement a uniform fixed monthly PSTAC for all wastewater customers pursuant to N.J.A.C. 14:9-7.1 et seq. The Stipulation further agreed that the system-wide PSTAC rate be effective on January 1, 2021.

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

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

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

6. RELIABILITY AND SECURITY

Docket No. EX20090613 – In the Matter of the Proposed Readoption with Substantial Changes of New Jersey Administrative Code (N.J.A.C.) 14:2 “Protection of Underground Facilities: One Call Damage Prevention System”.

This matter was deferred.

7. CUSTOMER ASSISTANCE

A. Docket No. EC20020144U – In the Matter of Christine Smith, Petitioner v. Atlantic City Electric, Respondent – Billing Dispute.

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

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Christina Smith (Petitioner) and Atlantic City Electric Company (ACE or Company). The petition was transmitted to the Office of Administrative Law for a hearing as a contested case. Administrative Law Judge (ALJ) Joan M. Burke filed an Initial Decision in this matter with the Board on October 28, 2020. No exceptions to the Initial Decision have been received by the Board.

The Petitioner stated that she was wrongly billed by ACE from November 2018 to February 2019, and claimed that ACE agreed that her usage looked unusual. She further stated that ACE refused to adjust her account.

ACE, in its answer dated March 17, 2020, contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. ACE further contended that the meter in question was removed on February 22, 2019 and tested accurate. The Company requested that the relief sought be denied on the basis that the Petitioner failed to set forth a claim upon which relief may be granted.

ALJ Burke in her Initial Decision noted that the meter removed from the Petitioner’s home, was tested and registered at 99% accuracy for both light and full loads. The Petitioner did not provide any legally competent evidence to support her claim that the meter was inaccurate or the billing was incorrect. Therefore, ALJ Burke concluded that the meter removed from the Petitioner’s home on February 22, 2019 was accurate, as were the bills

in dispute. ALJ Burke ruled that all relief sought by the Petitioner be denied and the petition be dismissed.

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

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

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

8. CLEAN ENERGY

A. Docket No. QO20090584 – In the Matter of Revisions to New Jersey’s Clean Energy Program – Fiscal Year 2021 Protocols to Measure Resource Savings.

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

BACKGROUND AND DISCUSSION: This matter involved the Board considering adoption of the Fiscal Year 2021 Protocols to Measure Resource Savings.

New Jersey Clean Energy Program (NJCEP) uses the Protocols to estimate energy savings and renewable energy generation. The Protocols include algorithms for measuring energy and other resource savings or renewable or clean energy generation that result from the implementation of eligible measures under NJCEP.

On September 24, 2020, Staff released draft proposed updates to the Fiscal Year (FY) 20 Protocols (FY21 Protocols) for public comment via the energy efficiency Listserv, with a deadline for comments to be submitted by 5 p.m. on October 7, 2020. The release included both the “clean” version of the FY21 Protocols and a version that included the FY21 revisions “redlined” against the FY20 protocols, to provide for an easier review of the edits. Staff also presented and discussed the proposed updates with the Utility Working Group.

The draft Protocols primarily included updated references to U.S. Energy Information Administration Residential Energy Consumption Survey data, updated American Society of Heating, Refrigerating, and Air-Conditioning Engineers standards, three new residential measures (low-flow showerheads, door sealing, door sweeps foam sealant), six new commercial and industrial measures (horticultural LEDs, floating head pressure controls, floating suction pressure controls, low-flow faucet aerators/flow control valves, low-flow showerheads, and pipe wrap insulation), and revisions based on the recently adopted New Jersey Cost Test.

A number of comments were received from the stakeholders. After reviewing all of the comments and having discussions with stakeholders, Staff proposed an FY21 Protocol Addendum, which comprises most of the revisions and additions to the FY20 protocols as

proposed in September, with some modifications and corrections based on stakeholder feedback.

Staff noted that future updates to the protocols will be developed through a collaborative stakeholder process facilitated by the Evaluation, Measurement, and Verification Working Group, which will soon be established, and which will ensure that the timing of revisions to the protocols are aligned with each program cycle of energy efficiency programs in New Jersey.

Staff recommended that the Board approve and adopt this addendum as comprising interim measures that will serve as optional alternatives to the energy savings estimation methodologies in the FY20 Protocols. Under this approach, adherence to the methods prescribed by either the FY20 Protocols or the FY21 Protocols Addendum will represent compliance with Board-approved methods for estimating energy savings.

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.

EXECUTIVE SESSION

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

2. ENERGY

E. Docket No. EO20100654 – In the Matter of the Cease and Desist and Refund Instructions Letter of January 22, 2019 to Third Party Suppliers.

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

After appropriate motion, the Board reconvened to Open Session.

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: February 17, 2021