



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
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 February 17, 2021, via Teleconference: 1 646 558 8656 – Webinar ID: 926 1186 1417 or watch online @ <https://youtu.be/SNQ3bPh5Quk>

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

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

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

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

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

It was announced that the next regular Board Meeting would be held on March 3, 2021 at 11:00 a.m. via teleconference with details to follow.

CONSENT

I. AUDITS

A. Docket No. TE20100653 – In the Matter of the Verified Petition of Everstream Solutions, LLC for Approval to Provide Local Exchange and Interexchange Telecommunications Services Throughout the State of New Jersey.

BACKGROUND: By letter dated September 28, 2020, Everstream filed a petition with the Board requesting approval to provide local exchange and interexchange telecommunications services throughout the State of New Jersey.

Everstream is a privately held Limited Liability Company organized under the laws of the State of Ohio and, is a wholly owned subsidiary of Midwest Fiber Acquisition, LLC a New York based Corporation. Initially, the Petitioner was formed as 1C Network Services, LLC on September 13, 2012. The Petitioner filed Amended and Restated Article of Organization changing its legal name to Everstream on February 5, 2014. The Petitioner's principal offices are located at 1228 Euclid Avenue #250, Cleveland, Ohio 44115.

The Petitioner asserted that approval of its Petition will further the public interest by expanding the availability of competitive telecommunications services in the State of New Jersey. The Petitioner also asserted that approval of this Petition will provide New Jersey customers with access to new technologies and service choices and will permit customers to achieve increased efficiencies and cost savings.

The Petitioner requested a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3 which require that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts (USOA), respectively. For administrative efficiencies, the Petitioner requested permission to maintain its books and records in accordance with Generally Accepted Accounting Principles (GAAP) and to keep all financial books, records, documents and other writings incident to the conduct of Petitioner's business in the State of New Jersey at Petitioner's corporate offices located in Cleveland, Ohio.

By letter dated January 11, 2021, the New Jersey Division of Rate Counsel (Rate Counsel) submitted its comments to the Board stating that, based on its review, the Rate Counsel was satisfied that the verified petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. The Rate Counsel neither objected to granting the waiver requests in connection with record-keeping by the Petitioner, nor did the Rate Counsel oppose the Petitioner's request to treat its financial statement as confidential and placed under seal.

Staff recommended that the Board grant the Petitioner authority to provide local exchange and interexchange telecommunications services throughout the State of New Jersey. Staff's recommendation does not pertain to Non-CLEC Services. Staff also recommended that the Board approve the request for waiver from its requirements that the Petitioner maintain its financial books and records within New Jersey and in accordance with USOA.

Staff also recommended that Everstream provide notice to the Board of its website link or file tariffs which contain information regarding the rates and general terms and conditions of its services within five days from the effective date of the Board Order. To ensure service quality, Staff further recommended that the Petitioner notify the Board within 10 days from the date it begins service to New Jersey customers. Finally, Staff recommended that the Board order Everstream to:

- (1) provide the Board notice of its website link or file initial tariffs which contain the rates and general terms and conditions prior to commencing these services to end-users; and
- (2) notify the Board within 10 days from the date it begins providing such services to New Jersey customers.

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

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

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|----------------------------|--|-----------|
| EE20030230L | Clear Energy Solutions, LLC | R – EA |
| EE21010068L | US Energy Source, LLC | R – EA |
| EE21010067L | Summit Energy Services, Inc. d/b/a Schneider Electric | R – EA |
| EE20100683L | Scott Eric Monetti d/b/a Oxford Energy | R – EA |
| EE20080554L | Infinity Power Partners, LLC | R – EA |
| EE21010075L | Noble Hill Brokerage, LLC | R – EA |
| EE20080552L GE20080553L | MountainView Partners, LLC d/b/a M3 Energy | R – EA/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 had 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 renewal registrations as an energy agent for one year:

- Clear Energy Solutions LLC
- US Energy Source, LLC
- Scott Monetti d/b/a Oxford Energy
- Summit Energy Services, Inc. d/b/a Schneider Electric
- Infinity Power Partners, LLC
- Noble Hill Brokerage LLC
- MountainView Partners, LLC d/b/a M3 Energy

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

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TM20110721 – In the Matter of the Verified Joint Petition of PEG Bandwidth NJ, LLC, Seller and Everstream Solutions, LLC, Purchaser, for Approval for Seller to Transfer Certain Assets to Purchasers.

BACKGROUND: On November 4, 2020, PEG Bandwidth NJ, LLC (PEG Bandwidth) and Everstream Solutions LLC (Everstream together with Everstream, Petitioners) filed a Petition with the Board requesting approval for PEG Bandwidth to transfer certain assets and customers to Everstream. (the Transaction).

PEG Bandwidth is a Delaware limited liability company with headquarters in Mobile, Alabama. It is a subsidiary of Uniti Group Inc. (Uniti Group, and together with its subsidiaries, Uniti), a Maryland corporation, headquartered in Little Rock, Arkansas. PEG Bandwidth is principally a carrier's carrier and provides telecommunications services to providers of wireless telecommunications as well as other carriers. PEG Bandwidth is authorized by the Federal Communications Commission (FCC) to provide interstate telecommunications services. In New Jersey, PEG Bandwidth is authorized to provide facilities-based and resold telephone service with authority to provide local exchange service.

The Petitioners stated that PEG Bandwidth and Everstream entered into an agreement whereby Everstream will acquire, along with other things, certain customer contracts and the associated telecommunications equipment used to provision the services or facilities to the affected customers (the Acquired Assets). The Acquired Assets include certain customers and assets of Seller located in New Jersey. None of the affected customers are residential end users; instead, all customers are either other carriers or enterprises. The Acquired Assets also included certain unregulated assets that the Purchaser will acquire from Seller. The Petitioners stated that the transaction will not interfere with the ability of PEG Bandwidth to continue to provide services to its other customers in New Jersey. Further, the petition stated that the transaction will allow Uniti to realize operational and other efficiencies, and to obtain additional capital in support of its remaining operations further strengthening PEG Bandwidth's position in the marketplace.

The Petitioners have indicated that all customers in New Jersey affected by the transaction are served under contracts. Those customers will receive notice of the transfer of services to Everstream, but due to the distinctive contract provisions that each customer/service provider relationship falls under, each notice will be individualized in order to outline the respective rights and requirements that are applicable amongst the relevant parties. In some cases, customer consent will be sought in connection with the transaction and consistent with the terms of the existing customer contracts. Following the transaction, the Petitioners stated that all customers will continue to receive their services over the same facilities as they do today, and will not suffer any adverse consequences as a result of the Transaction.

Upon closing of the Transaction, Everstream will become the service provider for those customers transferred and PEG Bandwidth will continue to operate under its existing Authority.

None of the affected customers are residential end users; instead, all customers are either other carriers or enterprises. The Petitioners have indicated that all customers in New Jersey affected by the transaction are served under contracts. Those customers will receive notice of the transfer of services to Everstream, but due to the distinctive contract provisions that each customer/service provider relationship falls under, each notice will be individualized in order to outline the respective rights and requirements that are applicable amongst the relevant parties.

By letter dated January 11, 2021, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments, which stated that it did not oppose Board approval of the proposed transfer of the assets. However, Rate Counsel recommended that a copy of the notice sent to affected customers be filed with the Board.

After review, Staff did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioners' competitive posture in the telecommunications market. Addressing Rate Counsel's recommendation, the Petitioners have submitted customer sample letters to the Board.

Therefore, Staff recommended that the Petitioners be allowed to proceed with the Transaction.

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

V. WATER

A. Docket No. WO20090593 – In the Matter of the Petition of SUEZ Water New Jersey, Inc. for Approval of an Affiliate contract to Paint the Hampton Storage Tanks in Hampton, New Jersey.

BACKGROUND: On September 15, 2020, Suez Water New Jersey, Inc. (SWNJ or Petitioner) filed a petition with the Board seeking approval from the Board of an intercompany contract (Affiliate Agreement) with its affiliate, Utility Service Company, Inc. (USC) for the painting of two storage tanks in Hampton, New Jersey (Hampton Tank Project). The Petitioner is a public utility corporation of the State of New Jersey subject to the jurisdiction of the Board with its principal office location at 461 From Road, Suite 400, Paramus New Jersey 07652. SWNJ is engaged in the business of collecting, treating and distributing water for retail service and wastewater collection to approximately more than 256,000 customers located in portions of Bergen, Hudson, Hunterdon, Monmouth, Middlesex, Morris, Passaic, Ocean, Sussex, and Warren Counties in the State of New Jersey.

According to the petition, USC is a corporation authorized to conduct business in the State of New Jersey and is the largest tank service firm in the United States. It maintains thousands of tanks under full service maintenance contracts coast to coast. USC's range of integrated water tank services includes professional maintenance solutions for existing tanks antenna site marketing and management communication site construction. Its clients include some of SWNJ's competitors that have utilities in other States. The Petitioner pointed out that the Board had in the past approved petitions regarding affiliate agreements between SWNJ and USC for work on SWNJ's Carlstadt Elevated Tank in Carlstadt, New Jersey in 2018 and the Cottonwood Tank in Franklin Lakes, New Jersey in 2015.

The Hampton Tank Project consists of two tanks at the same location that will be painted consecutively. The ground storage tank is a 50,000-gallon tank and the pedestal tank is a 50,000- gallon tank. The bids were sent to four vendors, three of which replied. Originally, the bids were separate for each tank, however the Petitioner decided that it would be beneficial to paint the tanks consecutively in order to take advantage of savings by not have additional startup costs. As a result of combining the two tank bids, USC was the lowest bidder from the other two bidders.

By letter dated December 4, 2020, the New Jersey Division of Rate Counsel filed comments in response to the petition, stating that it was opposed to the petition because SWNJ did not accept the lowest bid, on a separate basis, for each tank.

Staff recommended that the Board approve the Affiliate Agreement between SWNJ and USC and USC to render services outlined in the Affiliate Agreement for the Hampton Tank Project.

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 December 2, 2020 Agenda Meeting.

BACKGROUND: Staff presented the minutes of the Regular Board Agenda meeting of December 2, 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.

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| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Solomon | Aye |
| | Commissioner Chivukula | 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. GR20070501 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Revise its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-System Margin Sharing Credit.**

BACKGROUND AND DISCUSSION: On July 31, 2020, Elizabethtown filed a petition with the Board seeking approval to modify its rates relating to the review and true up of its: 1) Weather Normalization Charge (WNC); 2) the New Jersey Clean Energy Program (CEP) component of its Societal Benefits Charge (SBC); and 3) its On-System Margin Sharing Credit (OSMC) (July 2020 Petition).

The Company proposed to increase its current per therm rate from \$0.0000 (or \$0.0051 per therm that was effective April 1, 2020 through May 31, 2020) to a per therm rate of \$0.0171 with a proposed effective date of October 1, 2020. According to the July 2020 Petition, the current period margin revenue deficiency of \$5,739,573.00, netted against the prior year excess balance of \$204,994.00, results in \$5,534,579.00 being recovered from customers.

Additionally, the Company proposed to modify its current per therm CEP rate from \$0.0213 to \$0.0280. According to the July 2020 Petition, the rate was designed to recover prior period costs, net costs incurred to provide Board-approved CEP programs for the period ending June 30, 2020, and projected costs for the period ending June 30, 2021, which total \$13,247,917.00. The Company's allocated funding for the Fiscal Year 2020 CEP level was \$11,533,947.00.

The OSMC provides for 80% of the margins generated from certain on-system non-firm sales and transportation services to be flowed-back (credited) to firm customers. The Company proposed to increase the per therm OSMC credit rate of \$0.0015 to a per therm credit rate of \$0.0020 with a proposed effective date of October 1, 2020. The Company's total OSMC balance is \$603,923.00 which will be credited to customers.

By Order dated September 23, 2020, the Board approved a provisional stipulation entered into by the Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, Parties) establishing: 1) a per therm WNC rate of \$0.0171; 2) a per therm CEP component of the SBC rate of \$0.0280; and 3) a per therm OSMC credit rate of \$0.0020 (September 23 Provisional Order).

The Parties executed a stipulation of settlement (Stipulation) for final rates. The Stipulation recommended approval of the provisional WNC, CEP, and OSMC rates as final.

Staff also recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board direct Elizabethtown to file revised tariff sheets consistent with its Order by March 1, 2021.

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

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

B. Docket No. ER20100628 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for the Review and Approval of Costs Incurred for Environmental Remediation of Manufactured Gas Plant Sites Pursuant to the Remediation Adjustment Clause of its Filed Tariff (2019 RAC Filing).

BACKGROUND AND DISCUSSION: This matter involved the Board considering Jersey Central Power and Light Company's (JCP&L or Company) 2019 Remediation Adjustment Clause (RAC) filing. The parties have executed a stipulation, which if approved by the Board, will result in a monthly decrease of \$0.09 for the typical residential customer.

On October 1, 2020, JCP&L filed a petition with the Board seeking review and approval of actual costs and expenditures incurred by JCP&L related to the environmental remediation of its former manufactured gas plant (MGP) sites for the period from January 1, 2019 through December 31, 2019 (2019 RAC Period) (2019 RAC Petition).

In the 2019 RAC Petition, the Company included actual MGP data for the 2019 RAC Period and expenditures. The total recoverable MGP remediation expenses for 2019 totaled approximately \$4.339 million. When combined with the 2019 ending over-recovered deferred RAC balance of approximately \$2.231 million, the net remediation costs decreased to \$2.108 million. The 2019 net annual recoverable expenses and the remaining amortization or prior RAC expenditures previously approved for recovery, resulted in a decrease to JCP&L's Rider RAC revenues of approximately \$2.130 annually.

Following a review of the 2019 RAC Petition and discovery responses, JCP&L, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) intended to resolve the 2019 RAC Petition.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff also recommended that the Board direct JCP&L to file revised tariff sheets consistent with the Board Order by March 1, 2021.

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

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

C. Docket No. ER20010090 – In the Matter of the Petition of Rockland Electric Company’s Annual RGGI Surcharge True-Up Filings for 2019.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Rockland Electric Company’s (RECO or Company) 2019 Regional Greenhouse Gas Initiative (RGGI) True up filing. The parties have executed a stipulation, which if approved by the Board, will result in a \$0.82 decrease to the typical residential customer’s monthly bill.

On January 31, 2020, RECO filed a petition with the Board seeking approval to recover program costs and revenue requirements related to several components of its RGGI Surcharge for calendar year 2019 (2019 RGGI Surcharge Filing). In the 2019 RGGI Surcharge Filing, RECO proposed to increase the total RGGI Surcharge from 0.2068 to 0.2643 cents per kWh.

On May 20, 2020, RECO filed a petition with the Board seeking to establish a Transitional Renewable Energy Certificate (TREC) Program component of its RGGI Surcharge. By Order dated August 12, 2020, the Board authorized RECO to recover costs associated with its TREC Program and establish a TREC component as part of the Company’s RGGI Surcharge. As a result, the total current RGGI Surcharge increased from 0.2068 cents per kWh to 0.2541 cents per kWh.

Throughout the course of the proceeding, RECO updated its actual expenses and revenues through October 31, 2020 (December 2020 Update). As a result of the December 2020 Update and incorporating the Board approved TREC Program rate component from the August 2020 Order, the resultant RGGI Surcharge rate was decreased to 0.1285 cents per kWh.

RECO, Board Staff, and the New Jersey Division of Rate Counsel (collectively, the Parties) engaged in discovery, and subsequently executed a stipulation of settlement (Stipulation) resolving all issues related to the 2019 RGGI Surcharge Filing. The Stipulation recommended that the Board approve a decrease in the total RGGI Surcharge rate from 0.2068 cents per kWh to 0.1285 cents per kWh.

Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct RECO to file revised tariffs conforming to the terms of the Stipulation by March 1, 2021.

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

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| 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 Division, presented these matters.

D. Docket No. ER21010001 – In the Matter of Federal Energy Items for 2021 - FERC Docket No. ER20-2308 PJM Interconnection LLC re: Joint Stakeholders Amendments to Operating Agreement.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of request for rehearing filed in this docket regarding the rejection of the joint stakeholder proposal to address transmission infrastructure at the end of useful service life.

Staff, on behalf of the Board, and along with a wide range of parties representing customers, requested rehearing of a Federal Energy Regulatory Commission (Commission) rejection of a PJM stakeholder proposal to address replacements for end-of-useful-service-life transmission facilities. The January 19, 2021, rehearing request broadly asserted that the Commission rejection was arbitrary and capricious, overstated the legal rights of the PJM Transmission Owners, and will lead to unjust and unreasonable rates. The January 19 rehearing request was supported by the Public Power Association of New Jersey, LS Power, Old Dominion Electric Cooperative, American Municipal Power, the PJM Industrial Customer Coalition, and several consumer advocates, and is consistent with the Board's long-held policy positions in support of the benefits of competitive transmission investment. Staff recommended ratification of the January 19, 2021 request for rehearing.

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

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

E. Docket No. ER21010001 – In the Matter of Federal Energy Items for 2021 – DOE Request for Information DE-FOA-0002389 – Department of Energy's Request for Information: Offshore Wind Transmission System Integration Research Needs.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of a response to the Department of Energy's (DOE) Request for Information DE-FOA-0002389 on Offshore Wind Transmission System Integration Research Needs, filed on January 24, 2021.

On November 23, 2020, the DOE issued a Request for Information (RFI) on Offshore Wind (OSW) Transmission System Integration, seeking comments from interested stakeholders on priorities to guide the DOE's research agenda. On January 24, 2021 Staff, on behalf of the Board, filed a response to the RFI, highlighting policy areas that would benefit from prioritization by DOE research funding. Staff recommended that the DOE prioritize researching best practices in uniform technical standards for OSW transmission construction, technologies that will improve capacity accreditation and economics of OSW, and OSW forecast improvements. Staff recommended that the Board ratify the RFI response filed by Staff on behalf of the Board on January 24, 2021.

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

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

3. CABLE TELEVISION

A. Docket No. CX21020139 – In the Matter of Requests for an Investigation into the Operations of Altice USA, Inc. in New Jersey.

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

BACKGROUND AND DISCUSSION: This matter involved the review of requests filed by ten municipalities Dunellen, Green Brook, Hamilton, Howell, Jackson, Montville, North Brunswick, Piscataway, Robbinsville and Sayreville (Petitioners) seeking an investigation into the operations of Altice USA, Inc. (Altice) due to various complaints regarding service and infrastructure.

Shortly following the Tropical Storm Isaias in the fall of 2020, the Board began receiving complaints from municipal officials regarding the lengthy time periods for restoration of service experienced by customers of the cable TV operator, Altice USA. In addition, the municipal officials provided details of numerous customer complaints and reports regarding difficulties experienced in interactions with Altice's customer service personnel. Issues detailed in the reports included:

- frequent and lengthy service disruptions (across all services)
- inconsistent connections and fluctuating Internet speeds
- long telephone wait times
- inability to reach a live operator
- failure to provide promised call backs
- incorrect outage/service info
- rude/discourteous customer service reps
- inability /failure to address service quality/billing issues

- general overall poor and ineffective customer service

The municipalities highlight the fact that with increased use of Altice's services during the pandemic, these customer service failings have had a deleterious effect on their constituencies, severely hampering the ability of customers to work from home and students to engage in virtual learning. They also indicated that they have not been able to gain any reasonable resolution of the complaints from Altice, with some requests having gone unanswered.

The complainants alleged the various customer service failings of Altice USA have resulted in their failure to provide safe adequate and proper service as required under statute, and they have requested that the Board commence an investigation into the adequacy of the infrastructure and the service provided by Altice.

The Petitioners requested that the Board examine the resources currently being allocated by Altice with respect to personnel, as well as capital investments for the general enhancements, upkeep and maintenance of the infrastructure necessary to ensure the provision of safe adequate and proper service.

Staff reviewed the municipal complaints and noted that similar complaints have been received by the Board's Office of Cable Television and Telecommunications from numerous individual Altice customers, as well as several legislative representatives. Staff concurred with the concerns raised regarding the allegations of Altice's failure to meet certain federal and state customer service requirements, and the need for an investigation to determine what efforts can be taken to properly address these concerns.

Therefore, Staff recommended that the Board grant the requests of the municipalities to initiate an investigation into the operations of Altice USA in New Jersey and the alleged failures to provide safe, adequate and proper service to NJ consumers.

Staff also recommended that the Board retain this matter for hearing at the Board, and designated Commissioner Mary-Anna Holden as the Presiding Officer with authority to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues; and allow the aggrieved municipalities and residents to voice their concerns regarding Altice's customer service failings; and provide the Company the opportunity to address the allegations.

A public hearing will be held in this matter on March 16, 2021 to provide all interested parties an opportunity to be heard. In the interest of public health and safety, the public hearing will be conducted virtually. Information concerning participation in the public hearing will be posted on the Board's website.

Staff further recommended that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by February 26, 2021. Any party wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate.

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

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

4. TELECOMMUNICATIONS

A. Docket No.TO21010048 – In the Matter of Compliance with Executive Order 190 by Cable and Telecommunication Services Providers.

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

BACKGROUND AND DISCUSSION: This matter involved the review of plans by the State’s cable television and telecommunications service providers to ensure compliance with the Executive Order (EO) 190 issued by Governor Murphy, which addresses continuation of internet and voice services during the continuation of the State of Emergency due to the pandemic.

On April 13, 2020, Governor Murphy issued EO 126, which provided the disconnection of residential internet and voice services by all cable and telecommunications providers during the COVID-19 pandemic. In lieu of disconnection, providers were allowed to implement plans which downgraded internet and voice services. The Board issued an Order on May 20, 2020, confirming the providers compliance with EO 126, and approving downgrade plans submitted by Comcast.

On October 12, 2020, Governor Murphy issued EO 190 to address continued relief for utility, broadband and voice customers. In addition to extending the moratorium for utility shutoffs, the Executive Order included certain requirements for the provision of Internet and voice services, which included:

- Offerings of Interest free 12 month payment plans for overdue balances;
- Options for Arrearage forgiveness plans, pursuant to Board Approval;
- Prohibition on late fees, down payments or deposits;
- Prohibition on disconnections of internet service for households with one or more school-age children using the service for educational purposes, and required reconnection of service where a change in circumstances occurred making the household eligible; and
- Providers may also enroll households in downgraded internet plans, approved by Board, in lieu of disconnection.

In December 2020, Altice sought approval of its EO 190 Compliance Plan from the Board. Altice’s Plan included:

- A 100% arrearage forgiveness program for customers with a past due balance of 90 days or more;
- A 12 month repayment plan for customers with less than 90 days past due balance; and
- A downgrade plan, where customers with school aged children would be enrolled in the Company's "Altice Advantage" Internet Plan, which offers 30 Mbps at 14.99/mo., in lieu of disconnection.

In January 2021, Board Staff submitted inquiries to Altice on its proposed plan, and requested similar information from the State's incumbent cable and telecommunications providers on their compliance with EO 190.

Staff received responses from the following providers: 1) Altice, 2) Charter, 3) Comcast, 4) Service Electric Cable of Hunterdon, and 5) Verizon. All providers confirmed their compliance with the provisions of EO 190, with some indicating they had not engaged in disconnections of internet and voice services in most instances, and where disconnection had taken place, customers were offered the option of enrolling in the 12-month payment plans.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board addressing Altice's request, as well as the responses received from the other providers to the Board's inquiries. The Rate Counsel acknowledged that the providers' response to the Board's inquiries confirmed that they are complying with the parameters of Executive Order 190. To ensure compliance, the Rate Counsel recommended that the Board continue to monitor the programs and require the providers submit quarterly data to the Board detailing the number of customers in payment plans, downgrade plans, and arrearage plans, as well as disconnections and customer accounts maintained due to EO 190.

Staff reviewed the submissions of Altice, the responses from other providers and Rate Counsel's comments, and acknowledged that they appear to confirm compliance with the provisions of EO 190 related to cable and telecommunications providers, and recommended approval of Altice's debt forgiveness plan and downgrade plan. Staff also concurred with Rate Counsel's recommendations that the providers submit data to the Board and Rate Counsel to continue to ensure compliance, and recommended the Board require the providers submit data on the number of customers participating in the various plans offered by the providers, including but not limited to the 12-month repayment plans, the debt forgiveness plans, the downgrade plans, as well as the number of disconnections and accounts that are maintained based upon the prohibitions against disconnections of internet service for households with school aged children. Staff recommended approval of Altice's petition.

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

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

5. WATER

A. Docket No. WC21020108 – In the Matter of Donna Barone, on Behalf of Herself and All Other Similarly Situated, Plaintiffs, vs. Aqua New Jersey, Inc., Defendant.

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

BACKGROUND AND DISCUSSION: On April 5, 2020, Donna Barone and other unnamed individuals (Plaintiffs) filed a complaint, In the Matter of Donna Barone, on behalf of herself and all others similarly situated v. Aqua New Jersey, Inc. in the Law Division, Superior Court in Camden County.

The Plaintiffs are customers of Aqua New Jersey, Inc. (Aqua) and received water service in December 2019 or January 2020 in Blackwood Township, New Jersey. The Plaintiffs filed a class action lawsuit alleging that they incurred out-of-pocket expenses for medical evaluations or treatment after receiving a boil water notice from Aqua. The Plaintiffs sought to recover compensation for medical evaluations and care, as well as injunctive relief to require specific protocols be established in regard to incidences requiring boil water orders. The Plaintiffs also sought to bar Aqua from billing them for water service rendered in December 2019 or January 2020, or a refund of payments made to Aqua during that time period. Aqua moved for entry of an order dismissing the Plaintiffs' complaint or in the alternative referring certain issues to the Board pursuant to the doctrine of primary jurisdiction.

By Order dated February 1, 2021, the Honorable Michael J. Kassel, J.S.C., denied the motion to dismiss, but granted the motion to refer the matters to the Board pursuant to the doctrine of primary jurisdiction. The Order further stayed the Superior Court actions pending a determination by the Board as to whether it intends to exercise jurisdiction as to factual determinations regarding any of the issues raised in the complaint.

Staff recommended that the Board issue an Order finding that the issues raised by the complaint fall within the Board's jurisdiction. Staff also recommended that the Board accept primary jurisdiction to review the matter referred pursuant to Judge Kassel's Order. Finally, Staff recommended that this matter will be transmitted to the Office of Administrative Law for hearings as a contested case.

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

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| 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

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO20120750 – In the Matter of the Clean Energy Request for Qualifications of Offshore Wind Transmission Consulting Services for PJM State Agreement Approach Process – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved a request to the Board to approve a contract for Offshore Wind transmission consulting services.

On January 7, 2021, the Board authorized, and staff issued, a Request for Qualifications (RFQ) to retain a consultant to assist staff in working with PJM to develop a potential transmission options to support the injection of 7,500 megawatts of offshore wind into the New Jersey transmission grid through the State Agreement Approach.

On February 5, 2021, proposals were received from two firms in response to the RFQ. Staff reviewed and scored each proposal, and recommended that the Board approve a contract with the Brattle Group subject to receiving all required state approvals.

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

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

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

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. QO20050345 – Holland Solar Farm, LLC/Hughesville Mill – Application for Subsection (T), Block 2, Lot 1.02.

This matter was deferred.

C. Docket No. QO21010084 – In the Matter of Contract for Analyzing the Rate Impact of the Energy Master Plan – Executive Session.

Hannah Thonet, Senior Policy Advisor, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved Staff seeking approval to release an Request for Quotation (RFQ) to a list of qualified consultants for the purpose of engaging a contractor to finalize modeling and analysis for a Ratepayer Impact Study of the 2019 Energy Master Plan. Staff recommended that the Board permit the release of the RFQ to the list of qualified consultants to solicit their bids to perform the work outlined.

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

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

D. Docket No. QO20120740 – In the Matter of Eznergy NJ, LLC d/b/a Eznergy Solar Energy Solutions – Request Review Regrading Relief from Solar Renewable Energy Certificate (SREC) Denial Generation – Pelican Sport Center.

Ronald Jackson, Research Scientist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: Eznergy NJ, LLC (Ezenergy or Petitioner), a solar installer filed a petition with the Board seeking to waive its reporting rules and allow this customer to receive Solar Renewable Energy Certificates (SRECs) on the basis of inverter readings for a period of time during which generation at the Pelican Sport Center (Pelican) in Morris Plains, New Jersey was not recorded due to Petitioner’s failure to install a revenue grade meter.

On July 1, 2020, in the course of an onsite inspection of two newly installed systems, the SRP Program Administrator (TRC) discovered that the existing 85 kilowatt (kW) solar electric generation facility (the System) production was not being measured by a separate revenue grade meter. Upon investigation, Board Staff (Staff) found that from the date of installation through July 31, 2020, Pelican or its representative had been inappropriately entering inverter readings into the Generation Attributes Tracking System (GATS). Staff confirmed that the SolarEdge inverter is not ANSI-certified, and per Staff direction, GATS administrator PJM-EIS placed a hold on Pelican’s GATS account for the lack of a revenue grade meter.

According to the Petitioner, at the time of installation it was not yet familiar with the commercial product requirements of the vendor from whom it ordered equipment for the System and did not realize that a separate production meter was needed.

TRC did not inspect every project. Rather, TRC inspected a set percentage of projects for each type of solar project as a quality control measure. The facility owner is required upon commencement of commercial operations to file a post-construction certification package and request inspection of the facility or request an inspection waiver. In this case, the Program Administrator waived the inspection for this system, basing approval upon Petitioner's "Final As Built" documentation filed with TRC.

The post-construction paperwork submitted by the Petitioner indicated that a revenue grade meter had been installed when in fact, no such meter was ever installed. Therefore, Staff did not recommend a waiver of N.J.A.C. 14:8-2(c) and recommended that the petition be denied.

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

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

E. Docket No QO21010085 – In the Matter of Modernizing New Jersey's Interconnection Rules, Processes, and Metrics – Executive Session.

Hannah Thonet, Senior Policy Advisor, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved Staff seeking approval to release an Request for Quotation (RFQ) to a list of qualified consultants for the purpose of engaging a contractor to update New Jersey's interconnection rules to reflect national best practices and to better enable the state to achieve its clean energy goals. The selected contractor will assist Staff in advancing the grid modernization strategies outlined in the 2019 Energy Master Plan.

Staff recommended that the Board permit the release of the RFQ to the list of qualified consultants to solicit their bids to perform the work.

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

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

F. Docket No. EO18020190 – In the Matter of the Petition of Atlantic City Electric Company for Approval of a Voluntary Program for Plug-In Vehicle Charging.

Cathleen Lewis, Outreach Coordinator, Office of Clean Energy and Stacy Peterson, Director, Division of Energy, presented this matter.

BACKGROUND AND DISCUSSION: On February 23, 2018, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking approval of a voluntary Plug In Vehicle (PIV) Program for PIV Charging consisting of eight separate offerings. On December 17, 2019, ACE filed an amended petition seeking the review and approval of a voluntary Electric Vehicle (EV) Program, consisting of 13 separate offerings for EV charging in New Jersey to incentivize off-peak charging of EVs, develop EV infrastructure, provide grants to foster innovation in electrifying the transportation sector, and support for electrifying school buses (December 2019 Petition).

Following extensive discovery and settlement discussions, ACE, Board Staff, the New Jersey Division of Rate Counsel (Rate Counsel), ChargePoint Inc. (ChargePoint), EVgo Services LLC (EVgo), and Tesla, Inc. (Tesla) (collectively, Signatory Parties) executed a stipulation of settlement (Stipulation) resolving the December 2019 Petition.

On September 23, 2020, the Board established Minimum Filing Requirements for light duty publicly accessible Electric Vehicle (EV) charging infrastructure. While those requirements were not applicable to this existing filing, they informed Staff's positions and policy priorities. Following extensive discovery and settlement discussions, several parties executed a stipulation in this matter.

As part of the Stipulation, ACE will implement an electric vehicle program with approximately \$14.8 million in program spending and \$5.9 million in operations and maintenance expenses.

The Stipulation requires that all charger sites funded by the program be networked so that they may be properly integrated into grid infrastructure, compatible with existing software and communicate virtually.

The Stipulation also requires that all charger sites funded by the program be networked in order to collect data on usage and provide customers with no less than two pre-qualified hardware and software vendors.

All data from the charger, including, but not limited to, time, type, and location of usage, will be collected in a manner to protect customers' privacy and will be provided to the Board and other third parties in a manner to be detailed in a forthcoming rule proposal for light-duty charging infrastructure, as required by the September 23rd Board Order.

This data will be used to inform future rates, and to better understand charging behavior for future EV Ecosystem build-out.

ACE will provide two semiannual reports each year to the Board, detailing quality and quantity of work as well as forecasted and actual capital costs of the installed infrastructure. ACE will also post public maps detailing areas that will be best suited for EV infrastructure build-out by the end of calendar year 2021 and earlier, if possible. These maps would be prepared and updated by the Company on a regular basis.

As part of the stipulation, and in recognition of ongoing considerations by the Board, the Innovation Fund portion of this filing had been withdrawn without prejudice.

Those portions of the filing would have included incentives on Medium and Heavy Duty Vehicles. However, as part of the September 23rd Board Order creating the minimum filing requirements, the Board called for a public stakeholder process on Medium and Heavy Duty Vehicle charging infrastructure.

Staff envisions that process starting in FY 2021.

In alignment with the minimum filing requirements, the current program includes no utility ownership or operation of charging stations. Any ownership proposals would be part of a future filing in accordance with the Last Resort criteria and process outlined in the September 23rd Board Order.

The capital investments made pursuant to ACE's EV Program, and consistent with the agreed-upon budget amounts, they will be included in rate base as those investments are completed and become charger-ready, and shall be reviewed for recovery in rates in a future base rate proceeding.

ACE will establish an EV Program Regulatory Asset to capture costs associated with the program offerings and incremental operations and maintenance costs. The incremental distribution system, O&M costs, required to connect non-utility owned public DCFCs will also be recorded in the Regulatory Asset.

There are several rate design modifications included, including the proposal participation in a residential time-of-use rate for those with L2 chargers following the collection of appropriate data. For DCFC participants, the parties have negotiated an interim per kWh distribution demand charge solution.

As a result of the stipulation, there will be no immediate impact on customers' bills. Any rate changes related to the cost of these programs will be addressed in future ACE base rate case proceedings and will be subject to a prudence review.

On March 26, 2018 the Board designated Commissioner Upendra Chivukula as the Presiding Officer with the authority to rule on all motions that arose during the pendency of the case, and modify procedural schedules, as necessary. Commissioner Chivukula presided over this matter, and the Board ratified the decisions made by Commissioner Chivukula during the pendency of this proceeding as stated in the Board Order

Staff recommended that the Board approve this settlement. Staff also recommended that ACE be directed to file revised tariffs consistent with the stipulations by March 1, 2021.

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

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

9. MISCELLANEOUS

A. Docket No. EO21020265 – In the Matter of the Memorandum of Understanding Between the New Jersey Transit Corporation and the New Jersey Board of Public Utilities Regarding the Use of Funds Generated by SBC to Support the Development of Infrastructure Related to Battery Electric Buses.

Sara Gibson, Director, Office of State Energy Services, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved establishing a memorandum of understanding (MOU) with New Jersey Transit for the purpose of retrofitting its Hilton Garage in Maplewood NJ. As previously allocated through the 2020 Clean Energy Fund True Up budget, the funding for this project is through the State Facilities Initiative. Staff recommended that the Board authorize the President to execute the MOU with New Jersey Transit subject to clarification and his understanding of the MOU.

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

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

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.

8. CLEAN ENERGY

A. Docket No. QO20120750 – In the Matter of the Clean Energy Request for Qualifications of Offshore Wind Transmission Consulting Services for PJM State Agreement Approach Process.

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

C. Docket No. QO21010084 – In the Matter of Contract for Analyzing the Rate Impact of the Energy Master Plan.


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

E. Docket No. QO21010085 – In the Matter of Modernizing New Jersey's Interconnection Rules, Processes, and Metrics.

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

Dated: April 7, 2021