



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 August 18, 2021, via online @ <https://youtu.be/a317AuaTOqU>.

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 also announced that the next regular Board Meeting will be held on September 1, 2021 at 10:00 a.m. via livestream on youtube.

CONSENT AGENDA

I. AUDITS

A. Energy Agent and Energy Consultant Initial Registrations

EE21050786L	Competitive Energy Services, LLC	I – EA
EE21060931L	Orzel Energy Solutions, LLC	I – EA
EE21050817L GE21050818L	Sealed, Inc.	I – EA/EC

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

EE21050766L GE21050767L	AEP Energy, Inc.	R–EA/EC/PA
EE21040688L GE21040689L	Avalon Energy Services, LLC	R–EA/PA
EE21040735L	EGS Advanced Energy Solutions, Inc.	R–EA
EE21020123L GE21020140L	Encore LED Lighting, LLC	R–EA/EC
EE21050770L	Energy Initiatives, Inc.	R–EA
EE21050780L GE21050781L	Novo Energy Services, LLC	R–EA/EC/PA
EE21050758L GE21050759L	Royal Energy, Inc.	R–EA/PA
EE21030643L	T.E. Energy Consultants, LLC	R–EA
EE21050834L GE21050835L	Taurus Advisory Group, LLC	R–EA/PA/EC
EE21030660L	The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions, LLC	R–EA
EE21060895L	US Energy Consulting Group, LLC	R–EA

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

within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019, has been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7.

The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. An energy agent, private aggregator, or energy consultant registration shall be valid for one year from the date of issue. Annually thereafter, licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

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

- Competitive Energy Services, LLC
- Orzel Energy Solutions, LLC
- Sealed, Inc.

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

- AEP Energy, Inc.
- Avalon Energy Services, LLC
- EGS Advanced Energy Solutions, Inc.
- Encore LED Lighting, LLC
- Energy Initiatives, Inc.
- Novo Energy Services, LLC
- Royal Energy, Inc.
- T.E. Energy Consultants, LLC
- Taurus Advisory Group, LLC
- The M Group Energy Solutions, LLC, d/b/a TMG Energy Solutions, LLC
- US Energy Consulting Group, LLC

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

II. ENERGY

A. Docket Nos. BPU GR21030679 and OAL PUC 04111-21 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of an Increase in Gas Base Rates and for Changes in its Tariff for Gas Service, Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:21.1; and for Changes to Depreciation Rates for Gas Property Pursuant to N.J.S.A. 48:2-18.

BACKGROUND: On March 30, 2021, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board requesting to: (i) increase its current base rates for natural gas service by approximately \$165.67 million [excluding Sales and Use Tax (SUT)]; (ii) implement certain rate and tariff revisions; and (iii) revise its existing depreciation rates, effective April 29, 2021, but no later than December 30, 2021.

The Company also requested a return on equity of 10.50%. According to the Petition, the Company's current base rates and charges for natural gas service are not sufficient at their current level and, if left unchanged, the current base rates will impair NJNG's ability to meet operating and maintenance expenses, taxes, and fixed charges, and its ability to earn a reasonable rate of return on the fair value of the Company's property.

NJNG also sought authority from the Board to do the following:

1. Increase rates and charges for natural gas service that would result from the proposed amendments to the Company's tariff;
2. Update the underlying inventory related costs of its Balancing Charge rate;
3. Incorporate the results of its cost of service study supporting the implementation of new base rates;
4. Update its tariff for certain modifications and revisions; and
5. Recover regulatory assets recorded on the Company's balance sheet, including amortization of these assets.

By Order dated April 27, 2021, the Board suspended the proposed rate increase until August 29, 2021 pending further action on this matter. The matter was subsequently transmitted to the Office of Administrative Law (OAL) as a contested case, and was assigned to Administrative Law Judge Jacob S. Gertsman for consideration and hearing. On June 22, 2021, ALJ Gerstman issued an order consolidating this matter with NJNG's current filing regarding its base rate adjustment pursuant NJ RISE and SAFE II Programs.

On July 9, 2021, NJNG updated its Petition to include nine months of actual data and three months of estimated data. The requested rate increase was modified to approximately \$163.90 million excluding SUT.

A review of this matter will not be complete prior to August 29, 2021. Accordingly, Board Staff recommended that a second order be issued in this matter, suspending the proposed rate increase until December 29, 2021, pending resolution of this matter at the OAL.

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

III. CABLE TELEVISION

A. Docket No. CE18121355 – In the Matter of the Petition of Comcast of Monmouth County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Little Silver, County of Monmouth, State of New Jersey.

BACKGROUND: This matter involved Comcast of Monmouth County, LLC (Comcast), seeking Board approval for a Renewal of its Certificate of Approval to the Borough of Little Silver (Borough), County of Monmouth for a term of 15 years.

On April 15, 2017, Comcast filed an application with the Borough for renewal of municipal consent, and on October 15, 2018, the Borough adopted an ordinance granting renewal municipal consent to Comcast. On October 26, 2018, Comcast formally accepted the terms and conditions of the ordinance. On December 28, 2018, Comcast filed with the Board for a renewal of its Certificate of Approval for the Borough.

After review, Staff recommended that the Board approve the proposed Renewal Certificate of Approval. This Certificate shall expire on January 15, 2033.

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

B. Docket No. CE19050677 – In the Matter of the Petition of Comcast New Jersey II, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Clark, County of Union, State of New Jersey.

BACKGROUND: This matter involved Comcast of New Jersey II, LLC (Comcast), seeking Board approval for a Renewal of its Certificate of Approval to the Township of Clark (Township), County of Monmouth for a term of 15 years.

On May 31, 2019, Comcast filed a petition for an Automatic Renewal Certificate of Approval for the Township based on the automatic renewal provision, for a term to expire on June 27, 2029.

The petition is based on the Township's ordinance granting renewal municipal consent, which was adopted June 21, 2004. The Township's ordinance granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on June 27, 2019. On May 29, 2019, Comcast filed a petition with the Board for Automatic Renewal of its Certificate of Approval for the Township.

After review, Staff recommended that the Board approve the proposed Renewal Certificate of Approval. This Certificate shall expire on June 27, 2029.

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

IV. TELECOMMUNICATIONS

A. Docket No. TF19050649 – In the Matter of the Verified Joint Petition of ExteNet Asset Entity, LLC, Assignee, and ExteNet Systems, Inc., Assignor, for Approval for ExteNet Asset Entity, LLC, to Participate in Certain Financing Arrangements.

BACKGROUND: On May 23, 2019, ExteNet Asset Entity, LLC (EAE) and ExteNet Systems, Inc. (ESI) (collectively, the Petitioners) filed a Petition with the Board requesting approval for EAE to enter into or participate in certain financing arrangements, following completion of a certain associated transaction filed simultaneously with the Petition. On May 25, 2021, the Petitioners submitted a letter confirming the proposed participation in the Financing Arrangements would remain consistent with the terms set forth in the Petition.

The Petitioners sought Board approval for EAE to enter into, or to otherwise participate in, financing arrangements up to an aggregate amount of \$780 million. The Petitioners expect that any long-term indebtedness incurred as part of the Financing Arrangements will mature up to ten years after issuance, depending on the type of debt instrument. Interest rate(s) will be set according to market conditions at issuance and may be fixed or floating, or a combination thereof, depending on the type of debt. Some or all of the Financing

Arrangements may be secured facilities, which may include a grant of a security interest in the assets of ExteNet Guarantor and its subsidiaries, including EAE. A portion of the Financing Arrangements may be unsecured facilities. For secured facilities, the equity of ExteNet Guarantor and its subsidiaries may be pledged as additional security.

Additionally, ExteNet Guarantor and certain of its current and future subsidiaries, including EAE, may provide a guaranty as security for the full amount of the Financing Arrangements. The Financing Arrangements may be used to pay off existing financing arrangements of ESI and for other permitted purposes of ESI and its subsidiaries, including EAE. Although ExteNet Issuer is expected to be the borrower under the Financing Arrangements, in order to maintain flexibility, approval is sought for EAE to be a borrower or co-borrower under the Financing Arrangements.

The Petitioners stated that the Financing Arrangements will serve the public interest by promoting competition among telecommunications carriers by providing ESI and its subsidiaries, including EAE, with access to greater financial resources that will allow ExteNet to deploy additional communications infrastructure and compete more effectively. Petitioners stated that the participation of EAE in the Financing Arrangements is necessary and appropriate, is consistent with its provision of services to wireless service provider customers who, in turn, can then improve the services provided directly to the public, will not impair its ability to perform such services, and will promote the purposes of ESI and EAE.

The New Jersey Division of Rate Counsel reviewed this matter and by letter dated July 22, 2021 stated that it did not object to Board approval of the petition.

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

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

B. Docket No. TO12090874 – In the Matter of the Petition of United Telephone Company of New Jersey, Inc. d/b/a CenturyLink for Certification with Regard to the Use of High-Cost Support Funds.

BACKGROUND: On June 19, 2020, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink (CenturyLink or Company) filed a petition with the Board seeking modification to the Board's Eligible Telecommunications Carrier (ETC) certification process as set forth in its November 20, 2012 Order. According to the Company, its request will eliminate unnecessary paper submissions, allow Staff 24/7 access to the data and information and provide savings and efficiencies to both Staff and the Company.

CenturyLink is an incumbent local exchange carrier certified as an ETC by the Board in 1998. As an ETC, the Company is eligible to receive federal universal service funding through the federal high-cost universal service program. It provides telecommunications service to customers in all or portions of Hunterdon, Sussex, Somerset, Morris, and Warren counties and it is a rural telephone company as defined by the Telecommunications Act of 1996.

Subsequent to the Board's November 2012 Order, the Federal Communications Commission (FCC) initiated an electronic filing system in 2017, which requires an ETC to make its annual certification Form 481 filing and accompanying data directly through USAC's online portal in an effort to streamline and modernize the process.

Based upon these changes by the Federal Communications Commission, the Company requested modification to the existing ETC certification process previously established by the Board to conform with the use of the online USAC portal.

The New Jersey Division of Rate Counsel did not oppose the Company's Petition.

Staff recommended approval of the Petition with certain modifications as follows:

1. On or before July 1st of each year, the Company will file a letter with the Board requesting ETC certification supported by an affidavit executed by an authorized corporate officer, affirming that the funds received will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.
2. The Company will confirm with Staff (within 30 days after filing of its letter referenced in paragraph 1), to ensure it has access to the USAC portal and the data needed to complete the ETC certification process.
3. The Company will no longer be required to file the July 1st and January 1st reports as had been previously ordered by the Board's November 20, 2012 ETC order.
4. The Company will no longer be required to publish newspaper notice of its request to the Board for ETC certification.
5. However, in lieu of newspaper notification, the Company will be required to provide a legal notice on its website.

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

V. WATER

A. Docket No. WR21070979 – In the Matter of the Petition of Gordon's Corner Water Company for an Increase in Rates and Charges for Water Service.

BACKGROUND: On July 9, 2021, Gordon's Corner Water Company, (Petitioner) filed a petition with the Board for authority to increase its base tariff rates and charges for water service amounting to approximately \$2,292,237.00 or 18.4%. The increase in rates is proposed to become effective on August 15, 2021. Gordon's Corner serves approximately 15,000 customers in portions of the Townships of Marlboro and Manalapan, in Monmouth County.

By letter dated July 12, 2021, the Petitioner notified the Board that it would not implement the proposed rates, on an interim basis, prior to the effective date of the Suspension Order resulting from the Board's August 18, 2021 public agenda meeting. The matter was transmitted to the Office of Administrative Law on April 5, 2018 and it is expected that hearings will proceed accordingly.

Staff recommended that the Board issue an Order suspending the proposed rate increase until December 15, 2021.

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

B. Docket No. WR21071006 – In the Matter of the Petition of the Atlantic City Sewerage Company for Approval of an Increase in Rates for Sewerage Service and Other Tariff Changes.

BACKGROUND: On July 23, 2021, Atlantic City Sewerage Company (Company or Atlantic City) filed a petition with the Board seeking to increase rates for water service in the amount of \$2,553,770.00 or approximately 11.9% above the annual level of present rate revenues for the test year ending November 30, 2021, with rates to become effective for service rendered on and after August 24, 2021 with rates proposed to become effective for service on and after August 24, 2021.

Due to the composition of its customer base, the small size of the Company and the economic situation in Atlantic City prior to the COVID-19 pandemic, the Company claimed it has been uniquely impacted by the COVID-19 pandemic. While the full impacts cannot be known with certainty at this time, the Company asserted that it will continue to feel those impacts for at least the next two years.

On August 5, 2021, the Board transmitted this matter to the Office of Administrative Law for hearing and initial disposition as a contested case.

In view of the fact that this proceeding will not be completed by August 24, 2021, Staff recommended that the Board issue an Order suspending the rates until December 18, 2021, unless the Board prior to that date, makes a determination disposing of the petition or enters an Order further suspending the proposed revisions.

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 the Minutes for June 24, 2021 and June 30, 2021 Agenda Meetings.

BACKGROUND: Staff presented the meeting minutes of June 24, 2020 and June 30, 2021 and recommended they be accepted.

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

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

A. Docket No. EO21070993 – In the Matter of the Department of Community Affairs’ State Fiscal Year 2022 Universal Service Fund Administrative Cost Budget.

Maureen Clerc, Bureau of Energy Programs & Assistance, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Universal Service Fund (USF) administrative cost budget submitted by the Department of Community Affairs (DCA) for State Fiscal Year (FY) 2022 in the amount of \$8,005,013.00. The DCA is the Program Administrator for the Board’s USF program.

The proposed FY 2022 USF administrative cost budget increased by \$373,737.00, or five percent compared to the FY 2021 USF budget of \$7,631,276.00. The increase to the FY 2022 budget is mainly due to line item increases to accommodate for an anticipated increase in enrollment in the programs, due to program expansion. Specifically, line item increases were due to the following reasons:

1. “Personnel and Fringe” increased by \$8,748.00 due to contractual agreements with the State such as annual wage increases.
2. “Consultants and Professional Fees” increased by \$18,835.00 due to anticipated increases in costs from: Office of Information Technology; 2-1-1 contractual costs for administering the USF/LIHEAP hotline; and increases for advertising and auditing the programs.
3. “Materials and Supplies” increased by \$49,200.00 due to an anticipated increase in printing costs.
4. “Other” cost category increased by \$9,150.00 due to anticipated increases for travel, the annual conference and postage costs.
5. “Subgrantees” increased by \$287,804.00 due to DCA’s intention to increase reimbursement rates per application for outreach agencies to the same rates paid to local application agencies. Also, DCA is contracting out with one additional outreach agency to increase program access.

The FY 2022 USF budget is broken down as follows:

DCA	\$2,194,879.00
Subgrantees-	
County Welfare Organizations	\$227,200.00
Community Based Organizations	<u>\$5,582,934.00</u>
Total	\$8,005,013.00

Staff noted that the budget is an estimate. DCA will provide the Board with an accounting of all expenditures; after reviewing these expenditures Board Staff will come before the Board for final approval of all FY 2022 expenditures.

Staff recommended approval of the fiscal year 2022 USF.

DECISION: After discussion, the Board adopted the recommendations 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. 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.

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

BACKGROUND AND DISCUSSION: This matter involved the final adoption of proposed Energy Competition Licensing and Registration rule amendments.

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. The law provides that third party electric power and natural gas supplier licenses issued by the Board 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 rule changes reflected the new law and provided for other modifications that was expected to make the licensing and registration process more efficient.

The Board authorized publication of the proposed regulations in the New Jersey Register for public comments on December 20, 2019. Comments were received the New Jersey Division of Rate Counsel (Rate Counsel) on June 1, 2020, the Retail Energy Supply Association and the New Jersey Large Energy Users Coalition on April 3, 2020.

Staff reviewed the comments and determined that several areas of the proposed regulations be removed for further discussion resulting in substantial changes and the need to request authorization to re-publish the proposed regulations without those sections in the New Jersey register for public comment.

The amended regulations were re-published to simply reflect the applicable law and to extend it to registrants in addition to licensees. Additional minor edits were also made. Comments were received on the re-published rules by January 15, 2021. Staff reviewed the additional comments which were mainly favorable.

Under the proposed regulations the Board will still have the authority to deny, suspend or revoke a license or registration at any time.

Staff recommended that the Board authorize the final adoption of rule amendments for publication in the New Jersey Register.

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

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

2. ENERGY

Stacy Peterson, Deputy Executive Director, presented these matters.

A. Docket No. ER21060945 – 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 – June 25, 2021 Joint Filing.

BACKGROUND AND DISCUSSION: By petition dated June 25, 2021, Atlantic City Electric Company (ACE), 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 (June 2021 Petition). The EDCs requested that the changes in rates, if approved, be effective for service rendered on or after September 1, 2021.

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 (PJM) Open Access Transmission Tariff made in response to:

- (i) The annual formula rate update filings made by:
 - (a) PPL Electric Utilities Corporation in FERC Docket No. ER09-1148;
 - (b) Baltimore Gas and Electric Company in FERC Docket No. ER09-1100;
 - (c) PECO Energy Company in FERC Docket No. ER17-1519;
 - (d) Trans-Allegheny Interstate Line Company in FERC Docket No. ER07-562;
and
 - (e) Commonwealth Edison Company in FERC Docket No. ER07-583.
- (ii) The formula rate update filings made by the public utility affiliates of:
 - (a) Pepco Holdings LLC in FERC Docket No. ER08-1423; and
 - (b) The respective utility affiliate compliance filings for formula rate updates made by ACE in FERC Docket No. ER09-1156, Delmarva Power and Light in FERC Docket No. ER09-1158, and Potomac Electric Power Company in FERC Docket No. ER09-1159.

Any differences between payments to PJM and charges to customers will flow through BGS Reconciliation Charges. Because the EDCs began to pay the modified transmission charges in June 2021, the EDCs requested a waiver of the 30-day filing requirement. The EDCs filed the June 2021 Petition with the Board for approval to recover Transmission Enhancement Charges (TECS) and Network Integration Transmission Service (NITS) charges from BGS customers and to pay PJM for costs assigned to them by PJM for the load served in the respective EDC service territories.

No comments were received from the New Jersey Division of Rate Counsel or any other party.

Staff recommended approval of the changes to the BGS-RSCP and BGS-CIEP transmission rates requested by each EDC for its transmission charges resulting from the FERC-approved changes to the TECs NITS rate in the June 2021 Petition, effective September 1, 2021. Staff also recommended Board authorization for the EDCs to collect from, or refund to, BGS customers the costs associated with the June 2021 Petition. Staff further recommended the Board waive the 30-day filing requirement as requested by the EDCs in the June 2021 Petition. Finally, Staff recommended the Board direct the EDCs to file tariffs and rates consistent with the Board's findings by September 1, 2021.

DECISION: After discussion, the Board adopted the recommendations 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. ER20100658 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Change in its Electric Non-Utility Generation Charge.

BACKGROUND AND DISCUSSION: On October 15, 2020, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board requesting approval to decrease its electric Non-Utility Generation Charge (NGC) rate (2020 NGC Petition). In the 2020 NGC Petition, PSE&G proposed to decrease its current NGC rate of \$0.000117 per kilowatt-hour (kWh) to \$0.000063 per kWh. The rate proposed in the 2020 NGC petition is designed to decrease revenues by approximately \$2.330 million on an annual basis.

The proposed NGC rate was based upon actual costs and revenues through July 31, 2020, and projected expenses and recoveries through December 31, 2021. As of July 31, 2020, the Non-Utility Generation (NUG) Above Market Costs component of the NGC was under collected by \$2.440 million, including accrued interest. As of December 31, 2021, the NUG Above-Market Costs component of the NGC was expected to be under collected by approximately \$2.710 million, including interest.

On October 30, 2020, the Company filed a letter with the Board regarding the St. Lawrence Hydro Electric Power Credit (St. Lawrence Credit) indicating that PSE&G is in an “under-

recovered/over-refunded” position by approximately \$300,000.00 as of September 30, 2020. In order to prevent continued growth in the under recovered balance, the Company updated its tariff sheet to reset the St. Lawrence credit rate to \$0.000000 per kWh effective December 1, 2020. PSE&G proposed that the \$300,000.00 balance and any remaining additional under collections incurred prior to December 1, 2020 be transferred into the “NUG Above-Market Costs” component of the NGC to be recovered in future periods. The Company subsequently updated the St. Lawrence Credit under recovered/over refunded balance to be \$366,808.00 through November 30, 2020.

Through the course of the proceeding, the Company provided several updates to the proposed revenue requirement to include actual information through December 31, 2020, to include actual revenues for the period August 1, 2020 through December 31, 2020 that were inadvertently excluded from the rate calculation, as well as the estimated final over-refunded balance from the St. Lawrence Credit. As a result, the Company proposed a revised NGC rate of \$0.000023 per kWh designed to decrease revenues by approximately \$4.055 million on an annual basis.

Following the review of the 2020 NGC Petition, PSE&G, the New Jersey Division of Rate Counsel and Board Staff (collectively , the Parties) executed a stipulation of settlement (Stipulation) resolving all of the issues related to the 2020 NGC Petition.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct PSE&G to file tariffs consistent with its Order by September 1, 2021.

DECISION: After discussion, the Board adopted the recommendations 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 Nos. ER20100685 and GR20100686 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Tax Adjustment Credit and Gas Tax Adjustment Credit “2020 TAC Filing”.

BACKGROUND AND DISCUSSION: On October 28, 2020, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval for electric and gas base rate changes associated with the Electric Tax Adjustment Credit (ETAC) and Gas Tax Adjustment Credit (GTAC) (collectively, TACs) to establish revised rates for 2021 (October 2020 TAC Petition). The October 2020 TAC Petition was based upon actual information through June 2020 and forecasted information through December 31, 2021.

For the ETAC, the proposed refund was approximately \$126.2 million, which would result in a decrease to electric customers of \$22.8 million when compared to the current ETAC. For the GTAC, the proposed refund was approximately \$127.7 million, which would result in an increase to gas customers of approximately \$49.0 million when compared to the current GTAC.

Through the course of the proceeding, PSE&G made several updates to the TACs schedules. On January 14, 2021, PSE&G updated the schedules to reflect a correction discovered in the Company's Cost of Removal (COR) balances in relation to an Internal Revenue Service Private Letter Ruling (COR Correction). On March 22, 2021, PSE&G updated the TACs schedules to incorporate the COR Correction and actual information through December 31, 2020 and to update 2021 billing determinants. As a result of the updates, the proposed ETAC refund was revised to approximately \$125.1 million, which would result in a decrease to electric customers of \$21.7 million. The proposed GTAC refund was revised to approximately \$119.5 million, which would result in an increase to gas customers of approximately \$57.1 million.

Following a review of the October 2020 TACs Petition, updates thereto, and discovery responses, the parties executed a stipulation of settlement (Stipulation) that recommended revising the TACs rates utilizing the proposed rates in the October 2020 TACs Petition.

Staff recommended that the Board issue an Order approving the Stipulation of the parties. Staff also recommended that the Board direct PSE&G to file tariff sheets consistent with the Board's Order by September 1, 2021.

DECISION: After discussion, the Board adopted the recommendations 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 Nos. ER20110734 and GR20110735 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric and Gas Societal Benefits Charge.

BACKGROUND AND DISCUSSION: On November 30, 2020, Public Service Electric and Gas Company (PSE&G or Company) filed a petition (2020 SBC Petition) with the Board seeking review and approval of changes to certain components of the Company's electric and gas Societal Benefits Charges (SBC) (2020 SBC Petition). The Company sought to implement the proposed rates on March 1, 2021, based upon actual costs through August 31, 2020, and estimated costs from March 1, 2021 through February 28, 2022 (SBC Period).

In the 2020 SBC Petition, PSE&G requested approval of a proposed increase in its electric SBC revenue requirements of approximately \$75.9 million related to the Energy Efficiency and Renewable Energy (EE&RE) Programs and Social Programs SBC components. This included a revenue decrease of \$13.6 million related to EE&RE Programs and a revenue increase of \$89.6 million related to its Social Programs. Additionally, PSE&G proposed a decrease in its gas SBC revenue requirements of approximately \$18.2 million, related to EE&RE Programs.

The Company proposed to collect a total of \$288.6 million for the electric SBC over a 12 month period (\$149.7 million for Social Programs and \$138.9 million for EE&RE Programs), and a total of approximately \$52.8 million for the gas SBC over a 12 month period.

On January 26, 2021, PSE&G, in response to Discovery Request RCR-0005, updated the information in the 2020 SBC Petition to reflect actual data through December 31, 2020 (January Update). As a result of the January Update, the proposed annual revenue requirement for the SBC increased to approximately \$77.9 million for electric, and the proposed gas annual revenue requirement was decreased to approximately \$15.0 million.

Following a review of the 2020 SBC Petition, subsequent updates, and discovery responses, PSE&G, Board Staff and the New Jersey Division of Rate Counsel (the Parties) executed a stipulation of settlement (Stipulation). With respect to the Social Programs component, the Parties recommended a modified rate. The stipulated revenue requirement associated with the Social Programs component will recover \$13.1 million. The remaining \$77.9 million will be deferred for recovery in the next SBC filing, subject to further discussions in the ongoing COVID-19 Proceeding.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct PSE&G to file tariffs consistent with the Board's Order by September 1, 2021.

DECISION: After discussion, the Board adopted the recommendations 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. GO21010047 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Standard Gas Service Agreement (FES) and a Standard Gas Service Agreement (FES) Addendum.

BACKGROUND AND DISCUSSION: On January 15, 2021, South Jersey Gas Company (SJG or Company) filed a petition with the Board seeking approval of a revised Standard Gas Service Agreement – Rate Schedule: Firm Electric Service (FES) and a Standard Gas Service Agreement Addendum (collectively, Replacement Agreement and Addendum) between SJG and Calpine Energy Services, L.P. (Calpine Energy Services or Calpine) (January 2021 Petition). Additionally, in the January 2021 Petition, SJG sought a Protective Order and Exemption from Public Disclosure of Confidential Information regarding the service volume amounts, billing determinants and rates in the Replacement Agreement and Addendum as this information is necessary to maintain proprietary and trade secrets of the Company.

Calpine Energy Services operates equipment for the generation of electricity in Carl's Corner, Mickleton, Millville, and Vineland, New Jersey. Currently, SJG provides gas service to Calpine Energy Services under a 2004 Standard Gas Service, FES and a Standard Gas Service Agreement Addendum.

Discovery was propounded on SJG by Board Staff and the New Jersey Division of Rate Counsel (Rate Counsel). The Rate Counsel submitted a letter on July 6, 2021 stating that, based upon a review of the January 2021 Petition, confidential analyses provided by SJG, and discovery responses, it did not object to the Board's approval of the Replacement Agreement and Addendum.

Staff recommended that the Board issue an Order approving the Replacement Agreement and Addendum. Staff also recommended that a determination regarding confidential treatment of certain information that is claimed to be commercially sensitive or proprietary be decided by the Board's Custodian of Records pursuant to the Board's rules. Until the Board's Custodian of Records renders a decision, such information should continue to be treated as confidential information.

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

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

3. CABLE TELEVISION

A. Docket No. CX21010010 – In the Matter of Proposed Readoption with Substantial Amendments N.J.A.C. 14:18 – Regulations of Cable Television.

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

BACKGROUND AND DISCUSSION: This matter involved Staff seeking Board approval for the initiation of the process for the readoption of the Board's regulations governing cable TV providers in Chapter 18 of the New Jersey Administrative Code. Staff's proposal for readoption of the rules includes substantial changes aimed at addressing certain changes in the industry and technology, as well as certain customer concerns that have arisen over the past seven years since the last review of the rules was conducted in 2014.

Staff held two stakeholder meetings to solicit input from the industry and the public on the draft proposal. Participants at the stakeholder meetings included all of the cable TV operators in the state and the New Jersey Division of Rate Counsel (the Parties).

Many of the edits to the rules proposed by Staff aimed at addressing concerns raised by customers on their interactions with the cable providers by strengthening and supplementing customer service provisions: Some of the recommended changes include:

- Adding a specified time frame for completion of certain repairs affecting service, with Board notification upon completion, and filing of annual maintenance plans;

- Clarifying that the company may not restrict a customer's access to a "live" representative based upon the status of their account (i.e. past due, delinquent);
- Requiring the company bear the burden of proof in the event of a customer complaint to the Board disputing a missed appointment fee;
- Requiring local offices be maintained within the franchise territory of the system/ or the county;
- New section establishing cable service quality standards addressing the handling of customer service calls, installations, appointments, the resolution of service calls and attendant reporting requirements;
- Requiring the provision of PEG access channels at the same quality as commercial channels; and
- Strengthening the processing of violations allowing final penalty assessment if the company fails to respond.

Staff reviewed the extensive comments and made several changes to the initial draft, attempting where feasible to implement several of the proposed changes. While Staff recognizes that the industry comments sought removal of many more of the Board's rules, Staff believes the proposed readoption draft addresses to the extent possible the need for revisions to requirements while still maintaining the Board's duty to ensure the provision of safe, adequate and proper service, while providing regulations that are applied to all providers equitably.

The proposal will be sent to the Office of Administrative Law for publication in the New Jersey Register, which will set forth dates for a public hearing as well as a written comment period, where parties will once again be able to voice their concerns on the draft prior to being brought to the Board again for final approval. Therefore, Staff recommended approval of the proposal.

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

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

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

There were no items in this category.

6. RELIABILITY AND SECURITY

Jesus Cuartas, Director, Division of Reliability and Security, presented these matters

A. Docket No. GO21070977 – In the Matter of an Alleged Violation of Pipeline Safety Regulations by Elizabethtown Gas Company with Respect to a Gas Pipeline Incident in Pennington, New Jersey on October 30, 2019.

BACKGROUND AND DISCUSSION: This matter involved an investigation by the Board's Bureau of Pipeline Safety of a natural gas pipeline incident that resulted in the ignition of gas which caused an explosion and extensive fire damage to a single family home at 107 King George Road in Pennington, New Jersey.

The incident occurred on the morning of October 30, 2019 when a third-party excavator, who was digging with a backhoe, damaged an Elizabethtown Gas service line supplying gas service to 107 King George Road. While digging on the property on the front exterior wall of the home, the excavator damaged the service line causing gas to be released in the basement of the single family residence resulting in explosion and ensuing fire.

Based on the investigation conducted by Board Staff, it was determined that Elizabethtown Gas Company failed to properly provide timely notification of the incident to the authorities, specifically the company failed to notify the National Response Center within one hour, which is a federal code requirement.

Elizabethtown Gas also failed to take certain post-incident precautionary measures as required by the Company's emergency plan, specifically company personnel at the scene failed to preserve evidence as required by the company's emergency plan. As a result, the service line was further damaged by a mechanized equipment. The failure of the Company to properly follow its emergency plan procedures is also a violation of federal requirements. Both violations are enforceable by the Board's Pipeline Safety Staff under the Board's Pipeline Safety Certification with the United States Department of Transportation.

On May 27, 2021, Staff sent a notice of probable violation letter to Elizabethtown Gas citing a probable violation of 49 Code of Federal Regulations, 191.5(a), immediate notice of certain incidents, and 49 C.F.R. 192.605(a), procedural manual for operations, maintenance and emergencies.

The letter included an offer of settlement providing a one-time payment for \$12,000.00 and, in addition to the one-time payment, the Company agreed to retrain field personnel on the importance of preserving pipeline specimens following an accident involving the company's facility.

Staff recommended the Board approve this settlement of \$12,000.00 and retraining of personnel, as well as reviewing their emergency plan.

DECISION: After discussion, the Board adopted the recommendations 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. GE19121539 – In the Matter of the Petition of South Jersey Gas Company for Authorization to Construct and Operate a Transmission Pipeline Pursuant to N.J.A.C. 14:7-1.4.

BACKGROUND AND DISCUSSION: This matter involved a Petition by South Jersey Gas Company (SJG) for the authorization to construct and operate a transmission pipeline pursuant to N.J.A.C. 14:7-1.

South Jersey Gas has filed a petition with the Board in accordance N.J.A.C. 14:7-1.4. This petition sought authorization and approval to construct a nine mile natural gas pipeline. Within this project is a 1.6 mile, 8-inch pipeline and a 7.1 mile 16-inch pipeline. The proposed 16-inch, seven mile pipeline will be a two way line designed to bring in gas during the non-winter months. The gas carrier through this line would be liquefied to at the future liquid natural gas facility to be constructed and will return to the system as natural gas on both the 16-inch and 8-inch line during the winter months. The projected pipeline will be in service during the timeframe approximately July 22, 2025.

This line will service a future proposed site in Vineland for liquid natural gas and that site would not export liquid natural gas. New Jersey has six other liquefied natural gas (LNG) facilities and this would be the seventh LNG to be designed to supplement existing winter supply during peak demand or provide temporary relief should a supply shortage or major catastrophic event occur on the interstate pipeline system. The future LNG facility associated with this line has a projected in-service timeframe for calendar year 2026.

The Board has jurisdiction over the construction of the pipeline per N.J.A.C. 14:7-1, which is limited in scope. N.J.A.C. 14:7-1 only addresses the safe construction of the pipeline in accordance with federal and state pipeline safety standards. The Board does not have citing authority over the LNG facility associated with the proposed pipeline. However, there are numerous local, state and federal permitting requirements needed before the LNG facility can be built. The Board does have inspection authority over the LNG facility once built and pipeline safety staff will conduct inspections of the facility.

Three residents of Vineland spoke in opposition at the multiple, spoke in opposition during multiple public hearings offered to address the pipeline. Complaints included loss of property value and potential accident from a pipeline failure. The New Jersey Division of Rate Counsel also opposed the pipeline and the LNG facility, answering comments and some of those underlying concerns were circling around lack of demonstrable need for construction of an additional site for resiliency purposes that were originally cited in the proposed construction.

After review, Staff found the proposed project to be in compliance with both federal code and the Board's pipeline safety rules. Staff recommended that the Board approve SJG's request to construct an 8-inch, 1.6 mile and 16-inch, 7.1 mile transmission pipeline in the City of Vineland as described in the SJG petition, although it is subject to certain conditions found in the Board order.

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

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

7. CUSTOMER ASSISTANCE

Julie Ford-Williams, Director, Division of Customer Assistance, presented these matters.

A. Docket Nos. BPU GC19050637U and OAL PUC 09483-19 – In the Matter of Ottavio Cinelli, Petitioner v. South Jersey Gas Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Ottavio Cinelli (Petitioner) and South Jersey Gas Company (SJG or Company). The petition was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case. Administrative Law Judge (ALJ) Kathleen M. Calemмо filed an Initial Decision in this matter with the Board on December 16, 2020.

The Petitioner alleged that SJG incorrectly billed his account, and requested that the Board provide assistance in resolving this matter with the Company.

SJG, in its answer dated June 5, 2019, contended that on June 29, 2017, the Petitioner requested to start new service in a new location in Clarksboro. The Company requested that the relief sought be denied.

ALJ Calemмо in her Initial Decision, found that the business records of SJG, consisting of recorded telephone conversations, billing statements, and checks drawn on the Petitioner's company account, all support the Petitioner's responsibility as the customer of record for the outstanding bill. As the customer of record, during the time in question, the Petitioner is responsible for payment for gas service rendered. Therefore, ALJ Calemмо concluded that the Petitioner presented no evidence to demonstrate that billing statements that included charges for the Medford gas usage from July 2017, through the shut-off for non-payment in July 2018, were not his responsibility. ALJ Calemмо further concluded that the Petitioner failed to satisfy his burden by a preponderance of the evidence. ALJ 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 Calemmo. Staff recommended the Board adopt the Initial Decision of the ALJ Calemmo.

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

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

B. Docket Nos. BPU GC18080939U and OAL PUC 10786-19 – In the Matter of Dawn Macrillo, Petitioner v. South Jersey Gas Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Dawn Macrillo (the Petitioner) and South Jersey Gas Company (SJG or Company). On October 29, 2020, the petition was transmitted to the OAL for hearing as a contested case. Administrative Law Judge (ALJ) John S. Kennedy filed an Initial Decision in this matter with the Board. No exceptions to the Initial Decision have been received by the Board.

The Petitioner alleged that SJG incorrectly billed her account, and requested that the Board provide assistance in resolving this matter with the Company. The petition was filed on August 24, 2018, and thereafter transmitted to Office of Administrative Law (OAL) on August 7, 2019.

SJG, in its answer dated September 4, 2018, stated that after a thorough investigation, it was determined that the meter was not read due to lack of access. Further, due to the age of the meter, it was scheduled to be exchanged several times between August 2014 and April 2016. The meter was finally removed on April 12, 2016. The meter was then tested and determined that it had not been registering any gas usage since August 1, 2014. In April 2017, the billing for the non-registering meter was completed and the total charges were \$2,401.03. SJG contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. 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 Kennedy in his Initial Decision, concluded that the amount billed from August 1, 2014, through April 12, 2016, was accurate. The ALJ further concluded that the Petitioner failed to provide any evidence or credible basis for her claims that her billing was incorrect. ALJ Kennedy 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 Kennedy. Staff recommended the Board adopt the Initial Decision ALJ Kennedy.

DECISION: After discussion, the Board adopted the recommendations 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

B. Scott Hunter, Manager, Division of Clean Energy, presented these matters.

A. Docket No. QO18070697 – In the Matter of the Remote Net Metering Application Filed Pursuant to the Board’s Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018; and

Docket No. QO21060892 – Vanguard Energy Partners, Raritan Valley Community College.

BACKGROUND AND DISCUSSION: This matter involved a Remote Net Metering (RNM) application from Vanguard Energy Partners on behalf of the Raritan Valley Community College (RVCC).

The Clean Energy Act of 2018 directs the Board to "establish an application and approval process to certify public entities to act as a host customer for remote net metering capacity" within one hundred and twenty days of enactment.

In compliance with this directive, the Board approved such a process by Board Order on September 17, 2018. In this Order, the Board implements the statute by clarifying the roles of host customer accounts and receiving customer accounts and also defines "public entity" for purposes of RNM to mean customers that are a State entity, school district, county, county agency, county authority, municipality, municipal agency or municipal authority and expressly included public universities in this definition.

On June 7, 2021, Vanguard filed a Remote Net Metering Public Entity Certification Agreement and Part I of the Interconnection Application with the Board for a 5.2 kWdc project at the Raritan Valley Community College. Vanguard also supplied the application package to Jersey Central Power & Light (JCP&L) for its review as required by the Board-approved application process.

The RVCC certification agreement uses two host customer accounts for the purposes of sizing the generator. RVCC also designated one of the host customer accounts as a receiving account for purposes of receiving credit for generation. In the application cover letter, the applicant advised that it plans to add the second host customer account as a receiving customer account once the building located adjacent to the solar facility is occupied, which RVCC advised should occur within a year. The applicant advised that RVCC will own the solar electric generation facility.

JCP&L reviewed RVCC's Public Entity Certification Agreement for administrative completeness and advises that it has no objection to it. JCP&L also executed Part I of the Interconnection Agreement granting permission to construction the system.

Staff recommended that the Board to:

- Clarify in this Order that a county community college, such as RVCC, qualifies within the definition of a "public entity";
- Clarify that a host customer account may also serve as a receiving customer account;
- Find that the proposed solar facility described in the Agreement satisfies the criteria set out by the Board in the RNM Order and approve the Agreement; and
- While RVCC proposes to own the project thus avoiding the statutory requirement for the owner to pay a public sponsor fee to the host customer, to answer a frequently asked question posed by solar developers.

Staff recommended that the Board clarify for future applicants that the public sponsor fee is to be paid within 30 days of issuance by the Electric Distribution Company of the Permission to operate the solar electric generation facility.

DECISION: After discussion, the Board adopted the recommendations 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. 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. QO20040306 – Active Solar Development's Phillipsburg Solar I, LLC – Ingersoll Rand Old Landfill.

BACKGROUND AND DISCUSSION: This matter involved a Subsection (t) application from Active Solar Development to have its project certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012. The Applicant's 4.32 MWdc project is proposed to be located on a 9.4 acre property owned by I-78 Logistics Park in Phillipsburg Township in Warren County, New Jersey.

Staff reviewed the application for administrative completeness and supplied a copy to the New Jersey Department of Environmental Protection (NJDEP) for their review. We subsequently received an advisory memo on the application where the NJDEP determined that the proposed site is a “properly closed sanitary landfill” as defined by the Solar Act.

The NJDEP also advised that the solar project will be installed on property that requires remediation and provided specific requirements to that end.

Based upon the review of the application and the advisory memorandum provided by the NJDEP, Staff recommended that:

- The Board grant conditional certification of the Phillipsburg I Solar project as proposed for the Ingersoll Rand Old Landfill on property defined as an “properly closed sanitary landfill” consistent with the Solar Act of 2012;
- The conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to Staff’s issuance of full certification; and
- The applicant be directed to file its Transition Renewable Energy Certificates registration within 14 days of the date of the Order.

DECISION: After discussion, the Board adopted the recommendations 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. 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. QO20040321 – Active Solar Development, LLC – Hillsborough Solar I Brownfield.

This matter was deferred.

D. Docket No. QO21070999 – In the Matter of the Fiscal Year 2022 Clean Fleet Electric Vehicle Incentive Program.

Cathleen Lewis, Outreach Coordinator, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: In 2020 Governor Murphy set a goal of having 330,000 electric vehicles on New Jersey’s roads by 2025. These objectives were

endorsed and amplified by the publication of the 2019 Energy Master Plan (EMP), which noted that the transportation sector made up over 40% of all emissions in the State. Included in the State objectives were goals to electrify 25% of the State fleet by 2025 and have at least 1,000 publically accessible Level-Two chargers in the State.

At the beginning of 2020, with support from the United States Department of Energy, the Board launched a Pilot Program offering an incentive to local governments who purchased electric vehicles (EV) and EV chargers.

As part of the Fiscal Year (FY) 22 Budget, the Board approved \$7 million to expand the program which serves local, county and state government.

If approved by the Board, the program expansion would allow for an increase in the number of incentives for certain entities in order to more effectively utilize the funds and to move both state and local fleets closer toward the State's vehicle electrification goals.

Program requirements would include:

- Increasing the limit for local governments, local entities, and local schools serving a population over 20,000 to five vehicles;
- Increasing the limit for local governments, local entities, and local schools serving a population over 50,000 to seven vehicles;
- Increasing the limit of vehicles for State Governments, state agencies/boards/commissions, state universities and counties, as well as local governments serving a population over 100,000 to ten vehicles;
- Increasing the limit for local governments, local entities, and local schools serving a population over 20,000 to two Level-Two charging stations; and
- Increasing the limit for state government, state agencies/boards/commissions, state universities, and counties, as well as local governments serving a population over 50,000, to four level-two charging stations.

Staff recommended that the Board approve the program details and launch of the FY22 Clean Fleet Program.

DECISION: After discussion, the Board adopted the recommendations 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.

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



AIDA CAMACHO-WELCH
SECRETARY

Date: October 6, 2021