



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

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

A Regular Board meeting of the Board of Public Utilities was held on July 29, 2016, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

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:

Richard S. Mroz, President
Joseph L. Fiordaliso, Commissioner
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner

President Mroz presided at the meeting and Irene Kim Asbury, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board Meeting would be held on August 24, 2016 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Energy Agent Initial Registration

EE15070793L Texzon Utilities, Ltd. I-EA

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

EE15121378L Premier Energy Group, LLC R-EA

EE15121434L Power Management Company, LLC
d/b/a PMC Lightsavers Limited Liability Co. R-EA

EE15101109L Goldstar Energy Group, Inc. R-EA/EC

GE15101110L

EE15070791L Ultimate Energy Advisors, LLC R-EA/PA/EC

GE15070792L

EE16060566L Premiere Marketing, LLC R-EA/PA/EC

GE16060567L d/b/a Premiere Energy Auctions

EE15121366L EMEX, LLC R-EA/PA/EC

GE15121367L d/b/a EMEX Power, LLC

Natural Gas Supplier Initial License

GE16020109L Colonial Energy, Inc. I-GSL

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE15050518L Barclays Capital Services, Inc. R-ESL

EE16010076L First Point Power, LLC R-ESL

EE15121342L Respond Power, LLC R-ESL

EE15020196L Spark Energy Gas, LLC & Spark Energy, LLC R-EGSL

GE15020195L

EE15121346L Hudson Energy Services, LLC R-EGSL

GE15121347L

GE15121343L Major Energy Services, LLC

GE16030241L Constellation Energy Services–Natural Gas, LLC R-GSL

GE15080872L Vista Energy Marketing, LP R-GSL

GE15121379L Core Energy, Inc. R-GSL

BACKGROUND: The Board must register all energy agents and consultants, and the Board must license all third party electric power suppliers and gas suppliers. An electric power supplier, gas supplier, or clean power marketer license shall be valid for one year from the date of issue, except where a licensee had submitted a complete renewal application at least 30 days before the expiration of the existing license, in which case the existing license shall not expire until a decision had been reached upon the renewal application. 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, gas suppliers, and clean power marketers, as well as energy agents, private aggregators and energy consultants, are required to renew timely their licenses in order to continue to do business in New Jersey.

Having reviewed the submitted applications in accord with N.J.A.C. 14:4-5.4, -5.8 and -5.11, Staff recommended that the Board issue initial registrations as an energy agent for one year to:

- Texzon Utilities, Ltd.

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

- Premier Energy Group, LLC
- Power Management Co., LLC d/b/a PMC Lightsavers Limited Liability Company
- Goldstar Energy Group, Inc.
- Ultimate Energy Advisors, LLC
- Premiere Marketing, LLC d/b/a Premiere Energy Auctions
- EMEX, LLC d/b/a EMEX Power, LLC

Staff also, recommended that the following applicant be issued an initial license as an energy agent for one year:

- Colonial Energy, Inc.

Lastly, Staff recommended that the following applicants be issued renewal licenses as an electric power and/or natural gas supplier for one year:

- Barclays Capital Services, Inc.
- First Point Power LLC
- Respond Power LLC
- Spark Energy Gas, LLC & Spark Energy, LLC
- Hudson Energy Services, LLC
- Major Energy Services LLC
- Constellation Energy Services – Natural Gas, LLC
- Vista Energy Marketing, LP
- Core Energy Inc.

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

B. Docket No. TE16050441 – In the Matter of the Petition of Media Three Corporation d/b/a Empire One Telecommunications for Approval to Provide Competitive Facilities - Based Local Exchange and Interexchange Telecommunications Services throughout the State of New Jersey.

BACKGROUND: By letter dated April 30, 2016, Media Three Corporation d/b/a Empire One Telecommunications (EOT) filed a petition with the Board requesting an order of approval to provide competitive facilities-based intrastate local exchange and interexchange telecommunications services throughout the State of New Jersey.

EOT requested a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3, which requires 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. The Petitioner also stated upon written notice from the Board and/or Board Staff, it will provide its books and records at such time and place within New Jersey as the Board may designate and will pay any reasonable expenses for examination of the records.

By letter dated June 22, 2016, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that, based on its review, Rate Counsel was satisfied that the petition meets the regulatory requirements and is consistent with the

public interest, convenience, and necessity. In addition, Rate Counsel neither objected to a grant of the waiver requested in connection with record-keeping by the Petitioner, nor opposed the Petitioner's request to treat its financial information as confidential and placed under seal. Accordingly, Rate Counsel did not oppose a grant of authority or approval of the Petitioner's request to provide facilities-based and resold local exchange telecommunications services to carrier customers throughout the State of New Jersey.

After review, Staff recommended that the Board approve the request for authority to provide local exchange and interexchange telecommunications services in the State of New Jersey. Staff also recommended the Board approve the request for waivers from its requirements that the Petitioner maintain its books and records in accordance with the USOA and within New Jersey.

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

II. ENERGY

A. Docket No. EE15091009 – In the Matter of the Petition of Atlantic City Electric Company for Approval of an Ordinance Adopted by the City of Wildwood, in the County of Cape May, State of New Jersey, Granting the Municipality's Consent to Construct, Erect, Maintain and Operate Utility Facilities for the Purpose of Providing Electric Service.

BACKGROUND: This matter involved approval of a municipal consent granted to Atlantic City Electric Company (ACE or Company) by the City of Wildwood (City). On September 8, 2015, ACE filed a petition with the Board requesting approval of the municipal consent for the use of the streets for the furnishing of electric service for a period of fifty years in the City.

As required by law and after notice, a hearing in this matter was held on January 5, 2016 before William Agee, Esq., the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

The Rate Counsel, in its written comments to the petition dated January 19, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to the statutory maximum of fifty years. However, Rate Counsel requested that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modification.

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

B. Docket No. GE15111321 – In the Matter of the Petition of Pivotal Holdings, Inc., d/b/a Elizabethtown Gas for Approval of a Municipal Franchise in the Borough of Branchville, Sussex County.

BACKGROUND: This matter involved the approval of municipal consent granted to Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas (Elizabethtown or Company) by the Borough of Branchville (Borough).

On November 23, 2015, Elizabethtown filed a petition requesting the Board approval to the municipal consent adopted by the Borough. As required by law and after notice, a hearing in this matter was held on April 19, 2016, before William Agee, Esq., the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

The Rate Counsel, in its revised comments to the petition dated June 8, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to the statutory maximum of fifty years. However, Rate Counsel requested that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modification.

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

C. Docket No. ER16030252 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to Its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 for Approval of a Grid Resiliency Initiative and Cost Recovery Related Thereto, and for Other Appropriate Relief (2016).

BACKGROUND: On March 22, 2016, Atlantic City Electric Company (ACE or Company), filed a petition with the Board for approval of an increase in its current base rates for electric service of approximately \$84.4 million, including Sales and Use Tax, to be effective for electric service provided on or after April 22, 2016. The Company also requested a return on equity of 10.60%. According to the petition, the primary reason for the requested increase is that Company's current base rates do not: (i) provide sufficient operating revenues to reflect increased investment in the Company's rate base, meet operating expenses, taxes, and fixed charges; and (ii) provide an opportunity to earn a reasonable rate of return on the fair value of the Company's property.

In addition, ACE sought authority to implement a grid resiliency program, the PowerAhead Program, with an associated cost recovery mechanism. The Company proposed to implement the program over a five year period at a total of approximately capital investment of \$176 million. According to the petition, the PowerAhead Program is designed to modernize the electric grid through energy efficiency, increased distribution generation, and resiliency, all geared toward improving the distribution system's ability to withstand major storm events.

Additionally, the Company requested that the Board relieve it of the obligation to file an alternative rate design using Peak and Average Coincident Peak method as required by the Board in the Order issued in connection with Docket No. ER03020110. ACE also sought approval of its proposed economic development riders to promote economic development in its service territory.

This matter was transmitted to the Office of Administrative Law, and was assigned to Administrative Law Judge Irene Jones.

Since this matter will not be completed by August 22, 2016, Staff recommended that the Board issue an order further suspending the proposed rate increase until December 22, 2016 pending further action on this matter.

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

D. Docket No. GE15111254 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Borough of Lawnside, Camden County.

BACKGROUND: On October 19, 2015, South Jersey Gas Company (Company), filed a petition requesting that the Board approve the municipal consent adopted by the Borough of Lawnside. As required by law and after notice, a hearing in this matter was held on February 17, 2016. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

Rate Counsel, in its written comments to the petition dated March 15, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty years. However, Rate Counsel requested that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modifications.

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

E. Docket No. GE15101198 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of Monroe, Gloucester County.

BACKGROUND: On October 14, 2015, South Jersey Gas Company (Company), filed a petition requesting that the Board approve the municipal consent adopted by the Township of Monroe. As required by law and after notice, a hearing in this matter was held on February 17, 2016. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

Rate Counsel, in its written comments to the petition dated March 15, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty years. However, Rate Counsel requested that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modifications.

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

F. Docket No. GE15101212 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the City of Vineland, Cumberland County.

BACKGROUND: On October 23, 2015, South Jersey Gas Company (Company), filed a petition requesting that the Board approve the municipal consent adopted by the City of Vineland. As required by law and after notice, a hearing in this matter was held on February 17, 2016. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

Rate Counsel, in its written comments to the petition dated March 15, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty years. However, Rate Counsel requested that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modifications.

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

G. Docket No. GE15101197 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of Washington, Gloucester County.

BACKGROUND: On October 14, 2015, South Jersey Gas Company (Company), filed a petition requesting that the Board approve the municipal consent adopted by the Township of Washington. As required by law and after notice, a hearing in this matter was held on February 17, 2016. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

Rate Counsel, in its written comments to the petition dated March 15, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty years. However, Rate Counsel requests that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modifications.

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

H. Docket No. GE15101211 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of Upper Pittsgrove, Salem County.

BACKGROUND: On October 26, 2015, South Jersey Gas Company (Company), filed a petition requesting that the Board approve the municipal consent adopted by the Township of Upper Pittsgrove. As required by law and after notice, a hearing in this matter was held on February 17, 2016. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

Rate Counsel, in its written comments to the petition dated March 15, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty years. However, Rate Counsel requests that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modifications.

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

I. Docket No. GE16010037 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of West Deptford, Gloucester County.

BACKGROUND: On January 4, 2016, South Jersey Gas Company (Company), filed a petition requesting that the Board approve the municipal consent adopted by the Township of West Deptford. As required by law and after notice, a hearing in this matter was held on February 17, 2016. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

Rate Counsel, in its written comments to the petition dated March 15, 2016, indicated that it did not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty years. However, Rate Counsel requests that approval of the petition include certain restrictions.

After review, Staff recommended that the Board approve the municipal consent without modifications.

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

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TF16050442 – In the Matter of the Verified Petition of Network Billing Systems, LLC for Approval to Participate in Additional Financing Arrangements of Fusion NBS Acquisition Corp.

BACKGROUND: On May 20, 2016, Network Billing Systems, LLC (NBS or Petitioner) submitted a Petition to the Board requesting approval to participate in existing, new and amended financing arrangements in an aggregate amount of up to \$150 million (this amount includes the \$100 million previously authorized by the Board).

NBS requested approval to participate as a borrower or guarantor and by providing a pledge of its assets as security for financing arrangements that are consistent with the parameters outlined in its Petition. Specifically, NBS sought Board approval to incur debt and pledge its assets as security for, up to an aggregate amount of up to \$150 million (which includes the \$100 million previously authorized by the Board). The Petitioner expects 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 will be fixed or floating, or a combination thereof, with floating rates consisting of a base rate plus an agreed upon margin. Some or all of the Financing Arrangements may be secured with security interests in some or all of the assets of the Company, including NBS. Further, Fusion and its current and future subsidiaries, including NBS, may provide a guaranty as security for all or part of the Financing Arrangements to the extent such entity is not a borrower. The Financing Arrangements may be used for acquisitions, working capital requirements, and other types of general corporate purposes.

The New Jersey Division of Rate Counsel, by letter dated June 22, 2016, stated that it did not object to 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.

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

V. WATER

A. Docket No. WR16060510 – In the Matter of the Petition of SUEZ Water Arlington Hills, Inc. for Approval of an Increase in Rates for Wastewater Service and Other Tariff Changes.

BACKGROUND: On June 15, 2016, SUEZ Water Arlington Hills Inc. (Arlington Hills or the Company), filed a petition with the Board seeking to increase its rates for wastewater service amounting to approximately \$1,404,396.00 or 118% above the annual level of test year revenues as of April 30, 2016. The Company stated that the proposed rate increase is driven by the construction of a new wastewater treatment plant, an increase in production, and an increase in all the associated costs of treatment resulting from additional customers. This new plant will service all Arlington Hills customers.

According to the petition, the need for and the magnitude of the proposed rate increase is driven by a number of factors, including the completion of a major project known as

the Arlington Hills Wastewater Treatment Plant which is needed to serve both the current and anticipated customers. Among other things, the petition also states that Arlington Hills seeks the rate increase to enable the Company to maintain a satisfactory credit position; to preserve its financial integrity; to permit proper maintenance and improvement to utility facilities required to furnish safe, adequate and proper service to its customers; and to earn a reasonable return upon the fair value of its property used and useful in the public service.

Since this proceeding was not completed by July 29, 2016, Staff recommended that the Board issue an Order suspending the proposed rate increase until November 29, 2016.

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

VI. RELIABILITY & SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC15060735U and OAL PUC 17958-15 – In the Matter of America’s Hope Daycare and Education, Inc., Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between America’s Hope Daycare and Education, Inc. (AHDE) and Public Service Electric & Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on November 5, 2015, as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on June 24, 2016, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, and in order to fully resolve this matter, PSE&G agreed to credit AHDE’s account \$4,300.00. AHDE agreed to enter into a ten month Deferred Payment Arrangement with PSE&G to pay off the remaining \$4,850.77. In addition to paying its monthly utility bills, AHDE agreed to make nine monthly supplemental payments of \$500.00, and a tenth payment of \$350.77 commencing with its June 2016 PSE&G bill. On July 12, 2016, Staff was advised by PSE&G that the credit had been applied and AHDE had made the required June payment.

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

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

B. Docket Nos. BPU WC14060545U and OAL PUC 01087-15 – In the Matter of Robert Smith, Petitioner v. SUEZ Water New Jersey, Inc., Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on July 1, 2016; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on August 15, 2016. Prior to that date, the Board

requested an additional 45-day extension of time for issuing the Final Decision in order to allow for the filing of any exceptions and replies consistent with N.J.A.C. 1:1-18.4 and to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until September 29, 2016.

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

Approval of the Minutes for the June 29, 2016 Agenda Meeting.

BACKGROUND: Staff presented the June 29, 2016 Board Agenda meeting minutes and recommended that they be accepted.

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

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

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

Jerome May, Director, Division of Energy, presented these matters.

A. Docket Nos. BPU ER15040499 and OAL PUC 15672-15 – In the Matter of the Verified Petition of Jersey Central Power & 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 (2012-2014 RAC Filing).

BACKGROUND AND DISCUSSION: On April 30, 2015, Jersey Central Power & Light Company (Company) filed its annual petition with the Board requesting approval of its Remediation Adjustment Clause (RAC) rate. The Company requested an increase in its RAC rate from \$0.000139 per kWh inclusive of all applicable taxes to \$0.00467 per kWh inclusive of all applicable taxes.

The annual bill impact on a residential customer usage of 1,000 kWh per month is an increase of \$0.33 from \$144.00 to \$144.33 or 0.23%.

The Parties, that included the Company, New Jersey Division of Rate Counsel and Board Staff, executed a Stipulation of Settlement that recommended approval of the \$0.000467 RAC rate. Staff recommended that the Board approve the Stipulation of Settlement of the parties.

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

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

B. Docket No. ER16060527 – 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 – Jersey Central Power & Light Company, Public Service Electric and Gas Company and Rockland Electric Company.

BACKGROUND AND DISCUSSION: On June 17, 2016, Jersey Central Power & Light Company, Public Service Electric & Gas Company, and Rockland Electric Company (collectively, the EDCs) filed a joint petition with the Board requesting recovery of Federal Energy Regulatory Commission (FERC) approved changes in firm transmission service related charges.

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 Open Access Transmission Tariff (OATT) made in response to (i) the annual formula rate update filings made by PPL Electric Utilities Corporation in FERC Docket No. ER09-1148, by American Electric Power Service Corporation (AEP) in FERC Docket No. ER08-1329 and ER10-355, and by Trans-Allegheny Interstate Line Company in FERC Docket No. ER07-562, and (ii) the formula rate update filings made by the public utility affiliates of Pepco Holdings Inc. in FERC Docket No. ER08-1423 and the respective utility affiliate compliance filings for formula rate updates made by Atlantic City Electric Company in Docket No. ER09-1156, Delmarva Power and Light in Docket No. ER09-1158, and Potomac Electric Power Company in Docket No. ER09-1159. The EDCs requested that the changes become effective on September 1, 2016.

The Transmission Enhancement Charges (TECs) were implemented to compensate transmission owners for the annual transmission revenue requirements for "Required Transmission Enhancements" that are requested by PJM for reliability or economic purposes. TECs are recovered by PJM through an additional transmission charge in the transmission zones assigned cost responsibility for Required Transmission Enhancement projects.

The rates included in the amended tariff sheets for each EDC reflect costs effective on June 1, 2016 for TECs resulting from the above listed FERC-approved filings, except the AEP- East, and for the AEP-East filing from its effective date on July 1, 2016. The EDCs also requested that the BGS suppliers be compensated for the changes to the OATT resulting from the implementation of the updates from formula rates effective June 1 and July 1, 2016. Suppliers will be compensated subject to the terms and conditions of the applicable Supplier Master Agreements (SMAs). Any differences between payments to BGS-RSCP and BGS-CIEP Suppliers and charges to customers will flow through BGS Reconciliation Charges. This treatment is consistent with the previously approved mechanisms.

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

After review, Staff recommended that the Board issue an order approving the changes to the TEC rates requested by each EDC for its increased transmission charges resulting from the FERC-approved changes to the TECs effective for service on or after September 1, 2016. Staff further recommended approval of the EDCs' request that the affected BGS suppliers receive the appropriate compensation for the rate adjustment(s) subject to the terms and conditions of the relevant BGS-RSCP and BGS-CIEP SMAs.

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

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

C. Docket No. ER16010003 – In the Matter of the Federal Energy Items for 2016 – D.C. Circuit Court Docket No. 16-1235 – American Public Power Association, National Rural Electric Cooperative Association, New Jersey Board of Public Utilities, and Public Power Association of New Jersey v. Federal Energy Regulatory Commission.

Cynthia Holland, Esq., Legal Specialist, Office of the Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: On June 9, 2015 Federal Energy Regulatory Commission’s (FERC’s) issued its Capacity Performance Order, including a substantial dissenting opinion from Chairman Bay.

On July 8, 2016, Staff, acting on behalf of the Board, joined the American Public Power Association, the National Rural Electric Cooperative Association, and the Public Power Association of New Jersey in filing a Notice of Appeal with the United States Court of Appeals for the D.C. Circuit following the denial of our requests for rehearing on the FERC’s decision approving PJM’s Capacity Performance proposal.

Staff recommended that the Board ratify the notice of appeal.

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

A. Docket No. TM16030248 – In the Matter of the Verified Petition of XO Holdings, XO Communications Services, LLC and Verizon Communications, Inc. for Approval of a Proposed Transaction.

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

BACKGROUND AND DISCUSSION: On March 21, 2016, XO Holdings, XO Communications Services, LLC (XO Communications Services) and Verizon Communications Inc. (Verizon Communications) (collectively, Petitioners) submitted a petition to the Board requesting approval of a proposed transaction to transfer to Verizon an indirect 100% ownership interest in XO Communications Services currently held by XO Holdings. Upon closing of the transaction, XO Communications Services will become a wholly-owned indirect subsidiary of Verizon Communications, a holding company, and

will continue to offer the same services in New Jersey at the same rates, terms, and conditions.

The Petition stated that, under the proposed transaction, XO Holdings will sell all of its interests in XO Communications Services to Verizon Communications. Upon closing of the transaction, XO Communications Services will become a wholly-owned indirect subsidiary of Verizon Communications. As a result, XO Communications Services will be transferred as an entity to Verizon Communications, with no change in XO Communications Services identity or assets, and, therefore no associated customer or asset transfers.

Following submission of the petition, discovery commenced by the Staff of the Board, to which the Petitioners and the New Jersey Division of Rate Counsel (Rate Counsel) were noticed. The Petitioners provided written responses to discovery requests on the impact of the proposed transaction.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board on May 11, 2016, supporting the proposed transaction to provide innovative, high quality telecommunications services to customers. Rate Counsel raised a concern on the potential negative impact to XO Communications Services employees in New Jersey. Rate Counsel, therefore, recommended that any approval be conditioned upon no negative impact or reduction of New Jersey employees for a minimum five-year period post transaction or no negative impact on employee pension obligations as triggered under N.J.S.A. 48:3-7.

After review of this matter, Staff found that the proposed transaction is consistent with the applicable law, is not contrary to the public interest, has a likelihood of creating positive benefits, and will have no material impact on the rates of current customers. Staff also found that the proposed transaction will have no impact on the provision of safe, adequate and proper service. Therefore, Staff recommended that the Board authorize the Petitioners to proceed with the proposed transaction subject to the following provisions:

1. For four years from the issuance of this Order, if there is any net loss of customer-facing jobs in New Jersey, greater than (15%), Verizon Communications shall notify the Board of such change and provide an appropriate explanation.
2. The Order is subject to the Petitioners notifying the Board Secretary and the Office of Cable Television and Telecommunications, in writing, within five days of the date of the closing of the proposed transaction.

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

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

5. WATER

A. Docket No. WF16050445 – In the Matter of the Application of Middlesex Water Company for the Authority to Borrow Up to \$4.0 Million and to Issue Evidences of Indebtedness Pursuant to the Environmental Infrastructure Trust Financing Program.

Mark C. Beyer, Chief Economist, presented this matter.

BACKGROUND AND DISCUSSION: On May 26, 2016, Middlesex Water Company (Company), filed a petition with the Board requesting authority to borrow up to \$4.0 million (Loans) from the New Jersey Environmental Infrastructure Trust (Trust), and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (State) and to secure the Loans by issuing and delivering to the Trust and State the Company's First Mortgage Bonds and/or other evidences of indebtedness in like amount.

The proceeds of the Loans will be used by the Company to finance the upgrade of the Tingley Lane Booster Station, located within the Company's service territory in Edison, New Jersey. The proceeds of the Loans will be used for project work that will commence in calendar year 2016.

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

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

Maria L. Moran, Director, Division of Water, presented these matters.

B. Docket No. WR16040303 – In the Matter of SUEZ Water New Jersey, Inc.’s Distribution System Improvement Charge Foundational Filing Pursuant to N.J.A.C. 14:9-10.4.

BACKGROUND AND DISCUSSION: On April 18, 2016, Suez Water New Jersey (Petitioner or Company) filed a petition with the Board for approval of a new Distribution System Improvement Charge or Distribution System Improvement Charge (DSIC) Foundational Filing.

The Petitioner’s recent base rate proceeding was approved on April 27, 2016. Therefore, the Company has met the requirement specified in N.J.A.C. 14:9-10.4(c) regarding the setting of new base rates. That Order reset the DSIC to zero and established the maximum amount of annual DSIC revenues that may be collected upon approval of a new foundational filing by the Petitioner at \$11,536,298.00, or 5% of the overall revenues as determined in the Company’s most recent base rate case.

The Petitioner filed its third Foundational Filing on April 18, 2016. After proper notice, a public hearing was held at the Bergen County Freeholders public meeting room on July 7, 2016, at 5:30 p.m., located in Hackensack, NJ. One member of the public appeared at the hearing to provide comments in relevant part stating that while he supported the approval of these capital projects to reduce the large water losses of the Company, he did not believe the Petitioner deserves to earn a return on the investment, but only recover the costs. The New Jersey Division of Rate Counsel (Rate Counsel) supplied a written copy of its verbal comments.

The Company, the Rate Counsel, and Board Staff, collectively, the Parties, agreed to a Stipulation of Settlement (Settlement). Among its provisions, the Parties requested that the Board approve the Company’s proposed Foundational Filing to permit the implementation of a DSIC. The Parties agreed that the maximum amount of annual DSIC revenues is \$11,536,298.00 and that the annual “base spending” requirement is \$7,371,693.00.

Staff recommended that the Board approve the Settlement of the Parties inclusive of the details set out in the Settlement and the Board Order.

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

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

C. Docket No. WM16030197 – In the Matter of the Joint Petition of SUEZ Water Toms River, Inc. and SBW&S Corp. for Authorization (i) for SBW&S Corp. to Discontinue the Service of Its Utility Companies and Sell Utility Assets and (ii) for SUEZ Water Toms River, Inc. to Acquire Control of SBW&S Corp.’s Utility Assets and to Expand Its Service Area Related to the Acquisition of Assets.

BACKGROUND AND DISCUSSION: On March 3, 2016, SUEZ Water Toms River, S.B. Water Company (SB Water) and S.B. Sewer Company (SB Sewer) (collectively, Joint Petitioners) filed a joint petition with the Board, seeking approval of the proposed acquisition of S.B. Water and S.B. Sewer, the Municipal Consent Resolution No. 2016-41 approved by the Township of Colts Neck, and the discontinuance of service by SB Water and SB Sewer.

SUEZ Water Toms River presently provides water service to approximately 50,000 customers located in portions of Ocean County. SB Water and SB Sewer presently provide water and sewer service to approximately 275 customers in Colts Neck Township, Monmouth County, New Jersey.

On July 6, 2016, a duly noticed public hearing on the Company’s petition was held at the Board’s Trenton office and no members of the public appeared at the hearing.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted its comments by letter dated July 11, 2016. Rate Counsel stated that It did not object to the Joint Petitioners request to allow SB Water and SB Sewer to discontinue service and sell its assets to SUEZ Water Toms River; it did not object to Board approval of the municipal consent; however approval of the municipal consent should be limited to a term of fifty years; the ratemaking treatment of any assets acquired or constructed as a result of the acquisition should be addressed in a future base rate proceeding; and the Board should Order that SUEZ Water Toms River not depreciate any portion of the water or sewer system that is funded by Contributions in Aid of Construction.

The rates for both the former SB Water and SB Sewer customers will not change at this time.

Staff recommended that the Board approve the acquisition of SB Water and SB Sewer by SUEZ Water Toms River; approve the Municipal Consent Resolution granted by the Township of Colts Neck to SUEZ Water Toms River; approve tariff pages for the former SB Water and SB Sewer customers to be incorporated into SUEZ Water Toms River Tariff; and approve the discontinuance of service by SB Water and SB Sewer.

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

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

D. Docket Nos. BPU WR16010089 and OAL PUC 02353-16 – In the Matter of the Petition of Aqua New Jersey, Inc. for Approval of an Increase in Rates for Water Service and Other Tariff Changes, and;

Docket No. WR16010090 – In the Matter of Aqua New Jersey, Inc. Distribution System Improvement Charge Foundational Filing 2016.

BACKGROUND AND DISCUSSION: On January 29, 2016, Aqua New Jersey filed a petition with the Board seeking to increase and revise its rates and charges for water service amounting to approximately \$2,535,564.00 or 6.69%. In addition, the Company filed a Distribution System Improvement Charge (DSIC) Foundational Filing which has been retained by the Board and separately docketed.

The rate petition was transmitted to the Office of Administrative Law and was assigned to Administrative Law Judge or ALJ Pelios.

After proper notice, ALJ Pelios presided over a public hearing on April 26, 2016, in Hamilton, New Jersey. No members of the public attended.

Subsequent to the public hearing, the Parties to the proceeding, Aqua, New Jersey Division of Rate Counsel and Board Staff, engaged in settlement negotiations on all the issues and entered into two Stipulation of Settlements (Settlement). Regarding the base rate case, ALJ Pelios issued his Initial Decision recommending adoption of the Settlement of the Parties.

The average bill for an Aqua New Jersey general metered residential customer with a 5/8" meter using 5,000 gallons of water a month will increase by \$0.10 per month. Since Aqua New Jersey provides service to various parts of the State, some service territories will see an increase while others will see a decrease.

Staff recommended that the Board adopt the Initial Decision which adopts the Settlement for rates, as well as the Stipulation for the Company's DSIC Foundational Filing to both become effective today.

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

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

6. RELIABILITY & SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC14030248U and OAL PUC 11838-14 – In the Matter of Bianca Cortes, Petitioner v. SUEZ Water New Jersey, Inc., Respondent – Billing Dispute.

Eric Hartsfield, Director, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Ms. Bianca Cortes (Petitioner) and Suez Water New Jersey (Suez or Company). The petition was transmitted to the Office of Administrative Law (OAL) on September 11, 2014, for hearing as a contested case. Administrative Law Judge (ALJ) Leland S. McGee filed an Initial Decision in this matter with the Board on May 4, 2016. At its May 25, 2016, Board meeting staff recommended and was granted a 45-day extension of time for issuing a final decision. On May 18, 2016, the Petitioner filed exceptions to the Initial Decision with the Board.

ALJ McGee, in his Initial Decision concluded that the Petitioner had not met the burden of proof that the meter was inaccurately measuring consumption. ALJ McGee also concluded that there was no apparent explanation for the increase in the amount of billed service, and that Ms. Cortes' billing history reflects monthly bills in the range of \$30 - \$70. ALJ McGee further concluded that, during the period in question, the majority of the bills issued were estimated and there were discrepancies in the bills during the subject billing period that remain unsolved.

ALJ McGee ruled that within thirty days of the date of the Final Decision, Suez shall reconcile the discrepancy in the bills issued for the period beginning January 2011 through October 22, 2012, the date on which the meter was replaced. ALJ McGee also ruled that within thirty days of the date of the Final Decision, the Petitioner shall submit to Suez a specific amount that she claims was overbilled and the basis for that conclusion. ALJ McGee further ruled that if the parties do not reach an agreement within forty-five days of the Final Decision, the Petitioner may file a billing dispute claim for the specific amount determined to be improperly billed.

On May 18, 2016, the Petitioner filed exceptions. The Petitioner reiterated her claim that she was incorrectly over-billed by Suez in October 2012. On May 23, 2016, Suez submitted a reply to the exception, in which it supported ALJ Moss's decision.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ McGee. Staff recommended that the Board adopt the Initial Decision, in part, and remand the matter to the OAL for a second evidentiary hearing.

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

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

8. CLEAN ENERGY

Marisa Slaten, Assistant Director, Division of Economic Development and Energy Policy, presented these matters.

A. Docket NO. QO16040353 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2017 – Enhanced Outreach Plan.

BACKGROUND AND DISCUSSION: This matter involved an update on the Enhanced Outreach Plan, which the Applied Energy Group, Inc. (AEG) team will implement during FY17. Specifically, ICF International (ICF) will lead the outreach effort and they have already started to ramp up. ICF anticipates that ramp-up activities will be complete by October 1, 2016. The FY17 budget allocates \$2.9 million for outreach.

Section 3.10 of the Request for Proposal (RFP) for New Jersey Clean Energy Program (NJCEP) Program Administration Services required AEG to submit an Outreach Plan to staff for approval within 60 days of the contract effective date. AEG met with staff on February 11, 2016, to review an outline of the proposed plan and to receive initial feedback. The Outreach Plan was submitted to Staff for approval on March 14, 2016.

The Enhanced Outreach Plan is designed to improve NJCEP participation throughout the State by building off “best in class” experience and expertise provided by the NJCEP contractors. By driving program participation and assisting customers in overcoming barriers to installing Energy Efficiency (EE) measures, we expect to see lower overall costs and increased energy savings in the long run. Outreach will be mainly focused on direct outreach to customers/businesses and trade allies to drive increased activity within the full portfolio of programs.

The proposed Outreach Plan includes the following objectives as described in the RFP:

- a) Increase awareness of energy efficiency in general;
- b) Increase awareness of NJCEP programs in all three markets – Residential EE, Commercial and Industrial, EE and Renewables - to increase participation in NJCEP programs;
- c) Identify and overcome technical, financial and institutional barriers to energy efficiency;
- d) Build ongoing, long-term relationships with different customer classes, in order to achieve increased and deeper energy savings;
- e) Strengthen partnerships with professional, community, business, municipal and school organizations, as well as key stakeholders;
- f) Maintain and expand communications with utility contacts that provide energy efficiency information;
- g) Solicit ongoing feedback on how programs can be modified to improve contractor and customer access;
- h) Outline a regular schedule of outreach activities;
- i) Include targeted campaigns/outreach to certain industries that can especially benefit from NJCEP programs and build the State’s resiliency; and
- j) Provide technical support personnel at conferences and events to answer questions.

B. Docket No. GR16070618 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs with Certain Modifications and Approval of Associated Cost Recovery Mechanism.

BACKGROUND AND DISCUSSION: By petition dated July 1, 2016, Elizabethtown Gas Company (ETG) filed a petition with the Board, seeking approval to continue its Residential Gas Heating Ventilation and Air Conditioning (HVAC) and Gas Hot Water Heater Incentive Program over a four-year period commencing January 1, 2017. ETG also requested approval of the following programs through the same time period:

- 1) Residential Home Energy Assessment Program
- 2) Residential Home Energy Report (Opower) Program
- 3) Residential Home Weatherization for Income Qualified Customers Program
- 4) Residential Financing Program
- 5) Commercial Financing Program
- 6) Commercial Steam Trap Survey and Repair Program

Together, the extended HVAC/Gas Hot Water Heater program and the six new programs are designated as the “Proposed Energy Efficiency (EE) Programs.”

ETG estimated a total program budget of approximately \$14.3 million over the four-year term. Of this amount, approximately \$6.6 million is related to operations and maintenance expenditures ETG expects to incur to operate the Proposed EE Programs. ETG proposed to recover the costs through an Energy Efficiency Program Rider Surcharge rate that will be reconciled as needed in its next proceeding to true-up that rate.

Staff recommended that the petition be retained by the Board for hearing and, the Board designated Commissioner Solomon as the presiding officer, and authorized her 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. Staff also recommended that the Board authorize Commissioner Solomon to render a decision on a stipulation pursuant to N.J.S.A. 48:2-21.3 extending the 180 day review period, if submitted, provided that the stipulation is executed by all parties to the proceeding. Staff further recommended that the Board direct any entities seeking to intervene or participate in this matter file the appropriate application with the Board by August 23, 2016.

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

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

9. MISCELLANEOUS

A. Docket No. AX16020100 – In the Matter of the Board’s E-Filing Program – Order Waiving Provisions of N.J.A.C. 14:4-2, N.J.A.C. 14:17-4.2(a), N.J.A.C.14:1-1.6(c) and N.J.A.C. 14:17-1.6(d).

Jake Gertsman, Legal Specialist, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the waiver of N.J.A.C. 14:4-2(a) and N.J.A.C. 14:17-4.2(a) requiring the submission of an original and 10 conformed copies of each pleading(s) if the party chooses to electronically file (e-filing) and N.J.A.C. 14:1-1.6(c) and N.J.A.C. 14:17-1.6(d) prohibiting the submission of an electronic document from being entered into the record of a formal proceeding.

In June 2015, the Board’s Information Technology Staff (Staff) contacted multiple companies notifying them of the launching of the Board’s e-Filing initiative and offering the opportunity to participate in a pilot testing period. Pilot program participants (participants) were able to provide documents pertaining to rate cases, tariff revisions, operating rights, financings and mergers. Each participant was required to electronically upload document(s) through the Board’s Infoshare system with a MyNewJersey Portal ID. In addition to the electronic filings, the participants were required to file two clearly marked courtesy copies sent by regular mail to the Board’s Office of Case Management. When the pilot program ended in August 2015, staff deemed the performance of the Board’s Information Technology system for e-filing a success and permitted the participants to continue filing electronically.

On March 8, 2016, a Secretary’s Letter was issued stating that prior to implementing the Board’s e-Filing system, the Board must first undertake a review of what, if any, rules must be amended or waived. Therefore, any party that has previously participated in the e-filing pilot program may continue to do so. Any party that wished to participate in the pilot program was directed to contact the Board Secretary’s office for further information.

Staff recommended the Board waive the requirements of N.J.A.C. 14:4-2(a), and N.J.A.C. 14:17-4.2(a) requiring an original and ten conformed copies; and the provisions of N.J.A.C. 14:1-1.6(c) and N.J.A.C. 14:17-1.6(d), prohibiting the submission of an electronic document from being entered into the record of a formal proceeding, by an Assessed Entity. Staff also recommended that the Board order that Assessed Entities may choose to e-file a petition, tariff filings, and other such affirmative documents filed by an Assessed Entity subject to the following requirements:

1. This waiver is limited to documents in affirmative proceedings filed by an Assessed Entity and specifically excludes answers to petitions and other responsive documents filed by an Assessed Entity;
2. The Assessed Entity must notify the Board Secretary in writing that it will be filing its documents electronically through the Board’s Infoshare system with a MyNewJersey Portal ID. The Assessed Entity must also notice the Board Secretary in writing of any change in its filing practice;

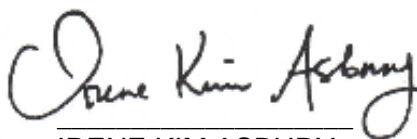
3. The Assessed Entity must file three conformed copies of each document which must be received by the Board within two business days of the electronic filing; and
4. The document shall be considered filed with the Board once the Assessed entity receives an electronic confirmation of the filing from the Board's Office of Case Management. This electronic confirmation shall not be forwarded to the Assessed entity unless all of these requirements have been met.

Staff recommended the Board further order that any documents submitted through the e-filing system which do not conform to the above requirements will not be considered filed with the Board.

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

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

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



IRENE KIM ASBURY
BOARD SECRETARY

Date: August 24, 2016