



REVISED – July 1, 2020

STATE OF NEW JERSEY  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

**AGENDA FOR BOARD MEETING**  
The meeting will be held on  
Thursday, July 2, 2020 – 10:00 a.m.

**Listen Via Teleconference:** 1 312 626 6799 – **Webinar ID:** 932 8116 1955  
**Watch Online:** [https://youtu.be/Mg\\_wKn6Pm0E](https://youtu.be/Mg_wKn6Pm0E)

### **Executive Session**

*(Open Session will not reconvene until the conclusion of the Executive Session, which will commence at 10:00 a.m. The only business to be conducted in the 10:00 a.m. Open Session will be the reading of the public notice statement, roll call, and the exception, under the Open Public Meetings Act, for each item to be considered in Executive Session.)*

### **9. MISCELLANEOUS**

- A.** Non-Docketed Matter – In the Matter of Agera Energy, aka Me Energy v. New Jersey Board of Public Utilities Claim Nos. 32, 247 (Objection Docket Nos. 647, 648, 654).

*The Board will receive a litigation update on the above-captioned matter.*



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**CONSENT AGENDA FOR BOARD MEETING**

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**I. AUDITS**

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

<a href="#">EE20030270L</a>	Evolution Energy Partners, LLC	R – EA
<a href="#">EE20040293L</a>	MSI Utilities, Inc.	R – EA
<a href="#">EE20020145L</a>	Consumer Sales Solutions, LLC	R – EA
<a href="#">EE20030248L</a> <a href="#">GE20030249L</a>	Advisors Energy Group, LLC	R – EA/EC
<a href="#">EE19111470L</a> <a href="#">GE19111471L</a>	Avion Energy, Inc. d/b/a Avion Energy, d/b/a ectoPro, d/b/a Avion Business Services	R – EA/PA

*These matters relate to the above applicants being issued renewal registrations as an energy agent, private aggregator and/or energy agent consultant for one year.*

**II. ENERGY**

NO ITEMS FOR CONSIDERATION

**III. CABLE TELEVISION**

NO ITEMS FOR CONSIDERATION

**IV. TELECOMMUNICATIONS**

NO ITEMS FOR CONSIDERATION

**V. WATER**

NO ITEMS FOR CONSIDERATION

**VI. RELIABILITY & SECURITY**

NO ITEMS FOR CONSIDERATION

**VII. CUSTOMER ASSISTANCE**

NO ITEMS FOR CONSIDERATION

**VIII. CLEAN ENERGY**

NO ITEMS FOR CONSIDERATION

**IX. MISCELLANEOUS**

**A.** Approval of Minutes for the May 20, 2020 Agenda Meeting.



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1. **AUDITS**

- A. [Docket No. EO20050367 – In the Matter of the Alleged Failure of Choose Energy, Inc. to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.](#)

**Energy Agent Initial Registration**

EE18030340L                      Choose Energy, Inc.                      EA

*This matter involves potential violations under the Electric Discount and Energy Competition Act by Choose Energy, Inc. which has been operating as an energy agent and private aggregator to arrange energy procurement for customers in New Jersey after the Company's registration had expired. Choose Energy, Inc. has submitted an Offer of Settlement regarding its violations alleged by staff and has filed an initial application to reapply for a new registration.*

- B. [Docket No. EO20050358 – In the Matter of the Alleged Failure of Pyxis Energy Generation, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.](#)

**Energy Agent Initial Registration**

EE19101338L                      Pyxis Energy Generation                      EA

*This matter involves potential violations under the Electric Discount and Energy Competition Act by Pyxis Energy Generation which has been operating as an energy agent and private aggregator to arrange energy procurement for customers in New Jersey after the Company's registration had expired. Pyxis Energy Generation has submitted an Offer of Settlement regarding its violations alleged by staff and has filed an initial application to reapply for a new registration.*

## 2. ENERGY

- A. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. EL20-42 New England Ratepayers Association re: Petition for Declaratory Order.

*The Board will consider ratification of the Protest filed by Staff, on behalf of the Board. The Protest challenges a request for a FERC Declaratory Order asserting federal jurisdiction over State net metering programs.*

- B. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket Nos. ER09-1256 and ER12-2708 Potomac-Appalachian Transmission Highline (PATH).

*The Board will consider ratification of the Reply Brief that Staff filed on behalf of the Board. The Reply Brief addresses the return on equity for the abandoned PATH project.*

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

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

*The Board will consider ratification of the Comments filed by Staff on behalf of the Board. The Comments concern PJM's second compliance filing on implementation of an expanded minimum offer price rule.*

## 3. CABLE TELEVISION

- A. [Docket No. CM20030211 – In the Matter of the Joint Petition of CSC TKR, LLC and Service Electric Cable T.V. of New Jersey, Inc. for the Approval of the Transfer of Certificates on Approval of Service Electric Cable T.V. of New Jersey, Inc.](#)

*Altice USA, Inc. seeks Board Approval of its purchase of the assets of the Service Electric Cable TV system pursuant to Board rules and regulations. Service Electric provides cable TV service to 28 communities in Sussex, Warren and Morris Counties, whose franchises would be transferred to Altice to provide Cable TV service.*

## 4. TELECOMMUNICATIONS

NO ITEMS FOR CONSIDERATION

**5. WATER**

NO ITEMS FOR CONSIDERATION

**6. RELIABILITY & SECURITY**

NO ITEMS FOR CONSIDERATION

**7. CUSTOMER ASSISTANCE**

- A. [Docket No. AX19060729 – In the Matter of Adopting Amendments of the New Jersey Administrative Code \(N.J.A.C.\) 14:3-3A.](#)

*This is to request the Board's approval to file the adoption of amendments to the Board's rule New Jersey Administrative Code (N.J.A.C.) 14:3-3A. The amendments provide greater clarity in the regulations that all utilities regulated by the Board are prohibited from discontinuing service to customers using life-sustaining equipment. The amendments also require that utilities develop customer outreach plans which educate the public and customers on the procedures and guidelines.*

**8. CLEAN ENERGY**

- A. [Docket No. QO19030306 – In the Matter of the State Energy Program for Program Year July 1, 2019 – June 30, 2020 – Extension: July 1, 2019 – June 30, 2021.](#)

*Staff seeks Board approval to extend the USDOE 2019 – 2020 State Energy Program for a period of one year, changing the end date from June 30, 2020 to June 30, 2021.*

- B. [Docket No. QO19050645 – In the Matter of Fiscal Year 2020 Clean Energy Budget – Extension.](#)

*The Board will consider a no-cost extension of the New Jersey Clean Energy Program's Fiscal Year 2020 programs and budget through July 15, 2020. The current Fiscal Year 2020 budget runs from July 1, 2019 through June 30, 2020. If approved, the extension will provide Staff with time to present a proposed 5<sup>th</sup> quarter Fiscal Year 2020 budget extension for Board consideration to run from July 15, 2020 to September 30, 2020 in order to align with the State of New Jersey's Fiscal Year 2020 extension.*

**9. MISCELLANEOUS**

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*The Board will receive a litigation update on the above-captioned matter.*

**\*LATE STARTER A**

**MISCELLANEOUS**

[Docket No. AO20060471 – In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic.](#)

*The Board will consider a recommendation by Staff that the Board permit the State’s gas, electric and investor owned water and wastewater utilities to establish a regulatory asset that would allow the affected utilities an opportunity to defer incremental COVID-19 related expenses. If approved, utilities would be permitted to establish a regulatory asset for accounting purposes; required to regularly report on their expenses as well as cost reductions; and required to make a separate filing with the Board requesting review and approval of any proposed recovery of these costs.*