



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 November 21, 2017, 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

Commissioner Fiordaliso Participated via Teleconference.

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 December 19, 2017 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

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

EE17050539L	Aegean Energy Advisors, LLC	I – EA
EE17101077L	The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions	I – EA
EE17080867L	Broadleaf, LLC d/b/a Broadleaf Energy	I – EA
EE17101078L	Satori Enterprises LLC Satori Energy	I – EA
EE17040401L	Summit Energy Services, Inc. d/b/a Schneider Electric	I – EA
EE17091009L	Utility Answers LLC	I – EA/PA/EC
GE17091010L		
EE17090996L	Premiere Marketing, LLC	I – EA/PA/EC
GE17090997L	d/b/a Transparent Energy	
EE17090946L	Sunlight Energy Group LLC	I – EA/EC
GE17090947L		

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

EE17050449L	Avion Energy, Inc.	R – EA/PA
GE17050450L	d/b/a Avion Energy, ectoPro, AEG Network	
EE16050438L	Groundswell Inc.	R – EA/PA
GE16050439L	d/b/a Groundswell of NJ	
EE16090880L	Keytex Energy Solutions, LLC	R – EA/PA
GE16090881L		
EE17020150L	Reflective Energy Solution LLC	R – EA/PA/EC
GE17020151L		
EE15020200L	Concord Engineering Group	R – EA/PA/EC
GE15020201L	d/b/a Concord Energy Services	

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE17050543L	AEP Energy, Inc.	R - ESL
EE16090885L	Green Mountain Energy Company	R – ESL
EE15091048L	AP Gas & Electric (NJ), LLC d/b/a APG&E	R – ESL
EE15030372L	Residents Energy, LLC	R – EGSL
GE15030373L		

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 has 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 has 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 accordance 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, private aggregator and/or energy consultant for one year to:

- Aegean Energy Advisors, LLC
- The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions
- Broadleaf, LLC d/b/a Broadleaf Energy
- Satori Enterprises LLC d/b/a Satori Energy
- Summit Energy Services, Inc. d/b/a Schneider Electric
- Utility Answers LLC
- Premiere Marketing, LLC d/b/a Transparent Energy
- Sunlight Energy Group LLC

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

- Avion Energy, Inc. d/b/a Avion Energy, ectoPro, AEG Network
- Groundswell Inc. d/b/a Groundswell of NJ
- Keytex Energy Solutions, LLC
- Reflective Energy Solution LLC
- Concord Engineering Group d/b/a Concord Energy Services

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

- AEP Energy, Inc.
- Green Mountain Energy Company
- AP Gas & Electric (NJ), LLC d/b/a APG&E
- Residents Energy, LLC

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

II. ENERGY

A. Docket No. GE17080834 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of a Municipal Franchise in the Township of Ocean, Ocean County, New Jersey.

BACKGROUND: This matter involved the approval of a municipal consent granted to New Jersey Natural Gas Company (NJNG) by the Township of Ocean (Township). NJNG filed a petition with the Board requesting approval of the consent for the use of the streets for the furnishing of gas service for a period of five years. This consent is a renewal of a prior consent that expired on October 1, 2017.

The ordinances enacted by the Township grant NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service.

Staff recommended that the Board approve the municipal consent, subject to the conditions set forth in the Board Order.

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

B. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket Nos. EL15-40, ER15-2563-000, ER16-429, ER16-453, and ER16-619 – In the Matter of Non-Consolidated Proceedings Re: The Artificial Island Project.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing for intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC) rules of practice. FERC e-filing rules allow for doc-less interventions within a specified time period.

Artificial Island is a stability project proposed by PJM that includes the installation of an underwater transmission line carrying electricity from the Salem/Hope Creek nuclear plants to Delaware (more specifically the Delmarva Peninsula). The States of Delaware and Maryland have challenged the cost allocation of the project. In this docket, PJM has revised and updated its cost allocation. FERC has granted an extension until August 11, 2018 for parties to comment.

Staff intervened to establish the Board as a party in these proceedings. Staff anticipates filing comments in this proceeding, which will be addressed on the regular agenda at a later date.

Staff recommended that the Board ratify these interventions.

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

C. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. EL17-84 – PJM Interconnection LLC Re: Order to Show Cause Proceeding.

BACKGROUND: This matter involved Staff, on behalf of the Board, intervening in this case. Intervention is necessary to create party status before the Federal Energy Regulatory Commission (FERC), which enables the party to participate fully. Staff filed comments on behalf of the Board, which are also pending ratification. The Board is an “interested state commission” under the FERC rules.

On July 10, 2017, PJM submitted for filing an unexecuted Interconnection Service Agreement (ISA) entered into among PJM, Hudson Transmission Partners, LLC (HTP, or Hudson), and Public Service Electric and Gas Company (PSE&G), which modifies Service Agreement No. 2536 filed with and accepted by the FERC in Docket No. ER10-1740-000. Hudson sought to modify its ISA, but PSE&G refused. PJM’s filing stated, as further clarified, that it was submitted by PJM at the request of HTP.

On July 31, 2017, the Hudson submitted comments in Support of PJM Filing. In response to the suggestion that HTP terminate its ISA and, effectively, cut its losses, HTP claimed that doing so would “waste valuable transmission infrastructure, and hurt system reliability.”

On July 31, 2017, Public Service Electric and Gas Company submitted a Motion to Intervene and Protest. PSE&G challenged that the Original ISA requires consent before it can be amended; PJM lacks the authority to file the Amended ISA; and PJM's filing undermines the interconnection process. Finally, PJM erred by not proceeding with dispute resolution.

On August 10, 2017, HTP submitted its Answer to PSE&G's Protest, requesting FERC reject the Protest.

Staff recommended that the Board ratify the filing.

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

D. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. EL17-90 – Linden VFT v. PSE&G and PJM Interconnection, LLC.

BACKGROUND: This matter involved Staff, on behalf of the Board, intervening in this case. Intervention is necessary to create party status before Federal Energy Regulatory Commission (FERC), which enables the party to participate fully. Staff filed comments on behalf of the Board, which are also pending ratification. The Board is an "interested state commission" under the FERC rules.

Linden VFT (Linden), Hudson Transmission Partners (HTP), and Consolidated Edison (ConEd) have challenged their Regional Transmission Expansion Plan (RTEP) cost allocation obligations in diminish or eliminate their allocation. To date they have been unsuccessful.

Having been unsuccessful in avoiding their cost allocation obligations by other litigation, as requested by HTP, PJM made the 205 filing on July 10, 2017. HTP asked PJM to submit an unexecuted Interconnection Service Agreement (Amended ISA) among PJM, HTP and Public Service Electric and Gas Company (PSE&G), which amends the previously-accepted Interconnection Service Agreement among the Parties (Original ISA or Contract) to transfer Firm Transmission Withdraw Rights (FTWRs) to Non-Firm.

On August 9, 2017, Linden requested that PJM submit an unexecuted Amended ISA, reducing its FTWRs to Non-Firm. At the request of Linden, PJM made a 205 filing on August 9, 2017. The Board protested Linden's substantially similar request on the same grounds stated in the HTP proceeding, because Linden makes a substantially similar claim.

Upon review of FERC's decision in the HTP matter, Linden filed the instant matter (Complaint under Section 206 of the FPA) against PSE&G and PJM.

Staff recommended that the Board ratify the intervention.

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

E. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. EL17-94 – New York Power Authority v. PJM Interconnection and PJM Transmission Owners.

BACKGROUND: This matter involved Staff, on behalf of the Board, intervening in this case. Intervention is necessary to create party status before Federal Energy Regulatory Commission (FERC), which enables the party to participate fully. Staff filed comments on behalf of the Board, which are also pending ratification. The Board is an “interested state commission” under the FERC rules.

On July 10, 2017, PJM submitted for filing an unexecuted Interconnection Service Agreement (ISA) entered into among PJM, Hudson Transmission Partners, LLC (Hudson or HTP), and Public Service Electric and Gas Company (PSE&G), which modifies Service Agreement No. 2536 filed with and accepted by the FERC in Docket No. ER10-1740-000. Hudson sought to modify its ISA, but PSE&G refused. PJM’s filing states, as further clarified, that it was submitted by PJM at the request of HTP.

On July 31, 2017, the Hudson submitted Comments in Support of PJM Filing. In response to the suggestion that HTP terminate its ISA and, effectively, cut its losses, HTP claimed doing so would “waste valuable transmission infrastructure, and hurt system reliability.”

On July 31, 2017, Linden VFT, LLC (Linden) also submitted Supporting Comments, requesting that the FERC accept the Amended ISA.

On July 31, 2017, Public Service Electric and Gas Company submitted a Motion to Intervene and Protest. PSE&G challenges that the Original ISA requires consent before it can be amended; PJM lacks the authority to file the Amended ISA; and PJM’s filing undermines the interconnection process. Finally, PJM erred by not proceeding with dispute resolution.

On August 10, 2017, HTP submitted its Answer to PSE&G’s Protest, requesting FERC reject the Protest.

Staff recommended that the Board ratify the filing.

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

III. CABLE TELEVISION

A. Docket No. CE17091014 – In the Matter of the Petition of Comcast of 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 Borough of Roselle Park, County of Union, State of New Jersey.

BACKGROUND: On September 29, 2017, Comcast of New Jersey II, LLC (Comcast) filed a petition with the Board for an Automatic Renewal Certificate of Approval for the Borough of Roselle Park (Borough) based on the automatic renewal provision, for a term to expire on November 2, 2027.

On December 29, 2003, the Borough granted Comcast renewal municipal consent for a term of 15 years with an automatic renewal term of ten years and subsequently amended the ordinance on February 19, 2004.

Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on November 2, 2027.

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

B. Docket No. CE13080756 – In the Matter of the Application of Verizon New Jersey, Inc. for Renewal of a System-wide Cable Television Franchise.

BACKGROUND: On December 15, 2006, the Board approved a system-wide cable television franchise to Verizon New Jersey, Inc. to allow it to provide cable television service in 316 municipalities as authorized by the New Jersey Cable Television Act, as amended by L2006, c.83, in competition with incumbent cable television companies. That order was amended on December 18, 2006, August 1, 2007, April 9, 2008, October 23, 2008, April 27, 2009, July 29, 2009, April 11, 2012, November 20, 2012 and April 29, 2013.

- On January 30, 2014, the Board issued a system-wide cable television franchise renewal in the above referenced docket number for a term of seven years.
- On July 23, 2014, the Board issued an Order of Amendment to the system wide-franchise issued to Verizon to include the Borough of Seaside Heights.
- On July 23, 2015, the Board issued a Second Order of Amendment to the system-wide franchise issued to Verizon to include the Township of Woodland.
- On November 30, 2016, the Board issued a Third Order of Amendment to the system-wide franchise issued to Verizon to include the Borough of Milltown.
- On January 25, 2017, the Board issued a Fourth Order of Amendment to the system-wide franchise issued to Verizon to include the Township of Lower Alloways Creek.
- On June 30, 2017, the Board issued a Fifth Order of Amendment to the system-wide franchise issued to Verizon to include the City of Corbin City and the City of Estell Manor.
- On August 23, 2017, the Board issued a Sixth Order of Amendment to the system-wide franchise issued to Verizon to include the Township of Berkeley,
- On October 12, 2017, Verizon filed notice with the Board and with the Borough of Beachwood, the Borough of Pine Beach and the Borough of South Toms River that it was adding the Borough of Beachwood, the Borough of Pine Beach and the Borough of South Toms River to its system-wide cable television franchise.
- The total number of municipalities covered by Verizon's system-wide cable television franchise is now 389. Verizon provides telephone service in all or parts of 526 municipalities in the state.

- Verizon currently provides its FiOS cable television service to all or parts of 368 municipalities.

After review, the Office of Cable Television & Telecommunications recommended approval of the Seventh Order of Amendment to include the Borough of Beachwood, the Borough of Pine Beach and the Borough of South Toms River into Verizon's renewal system-wide cable television franchise, which will expire.

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

C. Docket No. CE11090583 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Egg Harbor, County of Atlantic, State of New Jersey.

BACKGROUND: On September 30, 2011, Comcast of South Jersey, LLC filed a petition for an Automatic Renewal Certificate of Approval for the City of Egg Harbor (City) based on the automatic renewal provision, for a term to expire on September 6, 2021.

The petition is based on the City's ordinance granting renewal municipal consent which was adopted on March 23, 1995. The City's ordinance granted a term of 15 years with an automatic renewal term of ten years. The initial term expired on September 6, 2011.

Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire September 6, 2021.

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

D. Docket No. CE14091059 – In the Matter of the Petition of Comcast of Gloucester 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 Clayton, County of Gloucester, State of New Jersey.

BACKGROUND: On September 24, 2014, Comcast of Gloucester County, LLC (Comcast) filed a petition for an Automatic Renewal Certificate of Approval for the Borough of Clayton (Borough) based on the automatic renewal provision.

On September 27, 2017, Comcast filed an amended petition to correctly reference the legal entity under which the Certificate of Approval is held; the original petition was filed under Comcast of South Jersey, LLC, but should have been filed under Comcast of Gloucester County, LLC.

The petition is based on the Borough's ordinance granting renewal municipal consent which was adopted on October 1, 2000. The Borough's ordinance granted a term of 15 years with an automatic renewal term of ten years.

Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire August 24, 2024.

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

E. Docket No. CE16020116 – In the Matter of the Petition of Comcast of New Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Ocean, County of Ocean, State of New Jersey.

BACKGROUND: On August 13, 2015, the Township of Ocean (Township) adopted an ordinance granting renewal municipal consent to Comcast of New Jersey, LLC (Comcast). On August 31, 2015, Comcast formally accepted the terms and conditions of the ordinance, and on February 12, 2016, Comcast filed with the Board for a renewal of its Certificate of Approval for the Township.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire October 10, 2026.

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

F. Docket No. CE12100916 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Woolwich, County of Gloucester, State of New Jersey.

BACKGROUND: On October 3, 2012, Comcast of South Jersey, LLC (Comcast) filed a petition for an Automatic Renewal Certificate of Approval for the Township of Woolwich (Township) based on the automatic renewal provision.

The petition is based on the Township's ordinance granting renewal municipal consent which was adopted on January 20, 1998. The Township's ordinance granted a term of 15 years with an automatic renewal term of ten years. The initial term expired on August 16, 2012.

Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire August 16, 2022.

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

IV. TELECOMMUNICATIONS

A. Docket No. TF17070761 – In the Matter of the Verified Joint Petition of GTT Americas, LLC and GC Pivotal, LLC d/b/a Global Capacity for Approval for GC Pivotal, LLC to Participate in Certain Financing Arrangements.

BACKGROUND: On July 7, 2017, GTT Americas, LLC (GTTA) and GC Pivotal, LLC d/b/a Global Capacity (Global Capacity) (together, Petitioners) filed a Petition with the Board requesting approval for Global Capacity to participate in financing arrangements.

The Petitioners requested Board approval for Global Capacity to participate in new, amended and restated financing arrangements up to an aggregate amount of \$2 Billion. GTTA expects that any long-term indebtedness incurred as part of the financing will mature up to ten years after issuance, depending on the type of debt instrument. Interest rates 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 GTTA Parent and its current and future subsidiaries, including Global Capacity. A portion of the financing arrangements may be unsecured facilities. For the secured facilities, the equity of GTTA Parent and its current and future subsidiaries, including Global Capacity, may be pledged as additional security.

Additionally, GTTA Parent and its current and future subsidiaries, including Global Capacity, may provide a guaranty as security for some or all of the financing arrangements. The financing arrangements may be used for acquisitions, transaction associated fees and costs, refinancing or repaying the existing debt of GTTA and its acquisitions, including Global Capacity, working capital requirements and general corporate purposes of the company. The Petitioners also requested Board authorization for Global Capacity to incur debt, as borrower, co-borrower or guarantor and pledge its assets as security for financing arrangements up to \$2 billion consistent with the parameters outlined above.

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. TF17091000 – In the Matter of the Verified Petition of ExteNet Systems, Inc. for Approval to Expand Its Authority to Participate in Financing Arrangements.

BACKGROUND: On September 21, 2017, ExteNet Systems, Inc. (ESI or Petitioner) filed a Petition with the Board requesting approval for ESI to participate in financing arrangements in an aggregate amount of up to \$750 million.

ESI sought approval to expand its authority to enter into or to otherwise participate in, new, amended, and restated financing arrangements up to an aggregate amount of \$750 million, including the \$475 million previously authorized. Long-term indebtedness incurred will mature up to ten years after issuance, depending on the type of debt instrument and market conditions. Interest rates 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, including a grant of a security interest in the assets of ESI and its subsidiaries. The equity of ESI and its subsidiaries may be pledged as additional security. Additionally, ESI and its parent and subsidiaries may provide a guaranty as security for some or all of the financing arrangements used for acquisitions, refinancing of then current outstanding debt, working capital requirements and the general corporate purposes of ESI and its subsidiaries. In order to maintain adequate flexibility, the Petitioner sought authority for ESI to incur debt as borrower, co-borrower or guarantor and pledge its assets as security for up to \$750 million consistent with the parameters outlined above.

The Petitioner contended that Board authorization of the financing arrangements will provide ESI access to greater financial resources that will allow ESI to become a more effective competitor in the communications industry. The Petitioner stated that among

other things, the financing arrangements may be used for acquisitions, to deploy additional communications infrastructure, to provide for ongoing working capital and for other corporate purposes. The Petitioner claimed that the financing arrangements are necessary and appropriate, are consistent with the performance by ESI of its services to wireless carriers to improve their services provided directly to the public, will not impair its ability to perform such services, and will promote its corporate purposes.

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.

C. Docket No. TM17090971 – In the Matter of the Verified Petition of Bandwidth.com CLEC, LLC for Approval to Transfer Indirect Control.

BACKGROUND: On September 11, 2017, Bandwidth.com CLEC, LLC (Bandwidth CLEC or Petitioner) filed a Verified Petition with the Board requesting approval to transfer control of Bandwidth CLEC to David A. Morken in connection with a planned restructuring of stock by its direct parent Bandwidth.com, Inc. (Bandwidth) related to an anticipated initial public offering of Bandwidth (the Transaction). Bandwidth CLEC has no employees in New Jersey therefore there will be no adverse impact on employment and there are no pension issues for review or consideration.

Following the proposed Transaction, Bandwidth CLEC will continue to offer the same services in New Jersey at the same rates, terms, and conditions.

After review, Staff recommended that the Petitioner be allowed to proceed with the transaction finding that there will be no adverse effect to customers in New Jersey. The Petitioners should also be ordered to notify the Secretary of the Board and the Office of Cable Television and Telecommunications within five days of the closing of the transaction.

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

V. WATER

A. Docket No. WR17101049 – In the Matter of the Petition of Middlesex Water Company for Approval of an Increase in Its Rates for Water Service and Other Tariff Changes, and for an Order Authorizing Special Accounting Treatment of Income Tax Refund Proceeds and Future Income Tax Deductions.

BACKGROUND: On October 10, 2017, Middlesex Water Company (Middlesex Water, Petitioner) filed a petition with the Board seeking to increase its rates for water service amounting to approximately \$15.26 million or 19.76% above the adjusted annual level of revenues for the test year ending December 31, 2017.

The increase in rates was proposed to become effective on November 13, 2017. The Petitioner did not seek interim rate relief pending final determination on the petition.

Since the proposed revisions will increase existing rates and change or alter existing classifications in the Petitioner's tariff, Staff recommended that the Board issue an Order that include the following:

1. The proposed revisions be suspended until March 15, 2018, unless the Board prior to that date makes a determination disposing of the petition;
2. The Petitioner shall, at least 10 days prior to the date set for hearing on the petition by the Office of Administrative Law, file with this Board and with the Office of Administrative Law proof of compliance with the Notice provisions of N.J.S.A. 48:2-32.2 and N.J.A.C. 14:1-5.12 (b) and (c), which Notice shall include a statement that any relief found by the Board to be just and reasonable may be allocated by the Board to any class or classes of customers on any rate or schedule as the Board may determine; and
3. The Petitioner shall serve of copies of this Order upon the Office of Administrative Law, the Division of Rate Counsel, the clerks of the affected municipalities, the clerks to the Board of Chosen Freeholders of the affected county, and where appropriate, the executive officers of the affected counties within its service area. Service of the petition, notice of hearings and this Order may be made simultaneously. Proof of service of this Order shall be filed with the Board within 15 days of the date of this Order.

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

B. Docket No. WR17101041 – In the Matter of the Application of Fayson Lake Water Company for the Approval of an Increase in Rates and Other Appropriate Relief.

BACKGROUND: On October 6, 2017, Fayson Lake Water Company (Fayson Lake, Petitioner), filed a petition with the Board seeking to increase its rates for water service amounting to approximately \$99,836.00 or 15.11% in additional annual revenues.

The increase in rates was proposed to become effective on November 15, 2017. The Petitioner did not seek interim rate relief pending final determination on the petition.

Since the proposed revisions will increase existing rates and change or alter existing classifications in the Petitioner's tariff, Staff recommended that the Board issue an Order that include the following:

1. The proposed revisions be suspended until March 15, 2018, unless the Board prior to that date makes a determination disposing of the petition;
2. The Petitioner shall, at least 10 days prior to the date set for hearing on the petition by the Office of Administrative Law, file with this Board and with the Office of Administrative Law proof of compliance with the Notice provisions of N.J.S.A. 48:2-32.2 and N.J.A.C. 14:1-5.12 (b) and (c), which Notice shall include a statement that any relief found by the Board to be just and reasonable may be allocated by the Board to any class or classes of customers on any rate or schedule as the Board may determine; and

3. The Petitioner shall serve of copies of this Order upon the Office of Administrative Law, the Division of Rate Counsel, the clerks of the affected municipalities, the clerks to the Board of Chosen Freeholders of the affected county, and where appropriate, the executive officers of the affected counties within its service area. Service of the petition, notice of hearings and this Order may be made simultaneously. Proof of service of this Order shall be filed with the Board within 15 days of the date of this Order.

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

C. Docket Nos. BPU WR17070726 and OAL PUC 10621-17 – In the Matter of the Petition of Andover Utility Company, Inc. for Approval of an Increase in Rates for Wastewater Service.

BACKGROUND: On July 7, 2017, Andover Utility Company, Inc. (Petitioner), filed a Petition for authority to increase its base tariff rates and charges for sewerage service amounting to approximately \$130,332.00 or 27.56%.

The Petitioner proposed that the rate increase become effective on August 7, 2017. On July 26, 2017, the Board issued an Order suspending the proposed rate increase until December 7, 2017. The matter was transmitted to the Office of Administrative Law for hearings on July 26, 2017.

Since this proceeding will not be completed by December 7, 2017, Staff recommended that the Board issue an Order further suspending the proposed rate increase until April 7, 2017.

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

VI. RELIABILITY & SECURITY

A. Docket Nos. TS17101034K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities. The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns. Moreover, the strategy seeks to establish appropriate disincentives for actions which violate the Underground Facility Protection Act (the Act).

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, with a \$25,000.00 maximum for a related series of violations. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000.00 for each violation for each day with a \$1,000,000.00 maximum for any related series of violations.

The number of settlements are 54 with a total amount of \$155,000.00.

Staff employed a single order to close multiple cases in order to create a more streamlined and effective enforcement process. Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC16121151U and OAL PUC 08455-17 – In the Matter of Super 8 Motel, Petitioner v. SUEZ Water Company, Inc., Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on October 13, 2017; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on November 27, 2017. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until January 11, 2018.

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes for the September 22, 2017 Agenda Meeting.

BACKGROUND: Staff presented the minutes of the Regular Board Agenda meeting of September 22, 2017 and recommended 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

Alice A. Bator, Director, Division of Audits, presented these matters.

A. Docket No. EA17020137 – In the Matter of an Audit of the Affiliated Transactions between Rockland Electric Company, Orange and Rockland Utilities, Inc., Consolidated Edison, Inc., and Affiliates, Pursuant to N.J.S.A. 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:4-3.7(e) and (f), and a Comprehensive Management Audit of Rockland Electric Company, Pursuant to N.J.S.A. 48:2-16.4 and N.J.A.C. 14:3-12.1 – 12.4.

BACKGROUND AND DISCUSSION: At its regular meeting of April 21, 2017, the Board initiated an audit and authorized Board Staff to mail a Request for Proposal to seven pre-approved management consulting firms for their bid submissions for a two-phased audit of Rockland Electric Company (RECO). Phase One consisted of an audit of affiliated transactions of RECO, Orange & Rockland Utilities, Inc., Consolidated Edison, Inc., and all affiliates and any competitive services of RECO. Phase Two consisted of a comprehensive management audit of RECO.

By July 12, 2017, five bid proposals were received by the Board's Division of Audits (Audits). The bids received were from NorthStar Consulting Group, SAGE Management Consultants, Saleeby Consulting Group, Schumaker and Company, Inc., and Silverpoint Consulting, LLC (Silverpoint). Liberty Consulting Group and Overland Consulting advised Board Staff, in writing, that they would not bid on this project. The bids ranged from a low of \$473,500.00 to a high of \$705,000.00. The Voting Committee was comprised of 8 representatives from Audits, the Division of Energy, the Office of the Economist, and the New Jersey Division of Rate Counsel's Office.

Staff recommended that the Board approve the Voting Committee's recommendation that Silverpoint be awarded this consulting engagement. Silverpoint's not-to-exceed bid is \$655,200.00. Staff further recommended that the Board authorize President Mroz to execute a consulting agreement with Silverpoint, consistent with the agreement.

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

B. Docket No. TE16121183 – In the Matter of the Petition of New Jersey MSA, LLC for Authority to Provide Competitive Local Exchange Telecommunications Services in the State of New Jersey.

BACKGROUND AND DISCUSSION: By letter dated December 20, 2016, New Jersey MSA LLC (Petitioner or New Jersey MSA) filed a Petition with the Board requesting authority to provide both facilities-based and resold competitive local exchange

telecommunications services to commercial business customers in the State of New Jersey.

The Petitioner submitted its financial information under seal and filed an affidavit in support of Motion to Appear PRO HAC VICE from its attorney, a Motion for Confidentiality and a sworn affidavit with substantiation for confidential treatment in accordance with the Board's rules for determining confidentiality.

New Jersey MSA is a privately held limited liability corporation organized under the laws of the State of Delaware and is a wholly owned subsidiary of Scientel Solutions, LLC (Scientel). The Petitioner's affiliate company, SW Networks, LLC is an operator of proprietary wireless networks and is owned and/or controlled by Scientel.

The Petitioner does not currently have customers, but intends to provide retail and wholesale wireline service offerings. The Petitioner states that currently there are no facilities under construction in New Jersey. The Petitioner stated that it will file its tariff with the Board and provide notice of its website link to the online tariff posting upon approval of its petition. The Petitioner maintains a toll-free number for customer service inquiries.

New Jersey MSA requested a waiver of N.J.S.A. 48:3-7.8 which requires that books and records be kept within the State of New Jersey. The Petitioner pledges to keep its books in accordance with generally accepted accounting principles. 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 January 26, 2017, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that the petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. Rate Counsel neither objected to the request 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.

Staff recommended that the Board approve the Petitioner's request for authority to provide competitive local exchange telecommunications services in the State of New Jersey. Staff also recommended the Board approve the Petitioner's request to keep its books in accordance with generally accepted accounting principle, and request for waiver from its requirements to maintain its books and records within New Jersey.

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

C. Docket No. TE16121188 – In the Matter of the Verified Petition of BlueBird Communications, LLC for Approval to Provide Resold and Facilities-Based Interexchange and Local Exchange Services throughout New Jersey.

BACKGROUND AND DISCUSSION: By letter dated December 22, 2016, BlueBird Communications, LLC (Petitioner or BlueBird) filed a petition with the Board requesting approval to provide resold and facilities-based interexchange and local exchange services to business and residential customers throughout New Jersey.

The Petitioner submitted its financial information under seal and filed an affidavit with substantiation for confidential treatment in accordance with the Board's rules for determining confidentiality.

BlueBird is a privately held limited liability company organized under the laws of the State of New York.

The Petitioner did not seek authority to provide local exchange telecommunications services in the service areas of small or rural Local Exchange Carriers (LECs) in New Jersey that qualify for rural exemption outlined in Section 251(f)(1) of the Federal Act. The Petitioner plans to offer its aforementioned services using a combination of both its own facilities and facilities of other carriers by purchasing unbundled network elements. The Petitioner's services will be provided using unbundled network element platform and resold telecommunications services. The Petitioner's services include but are not limited to, local exchange services for business customers that will enable customer to originate and terminate local calls in the local calling area served by the Petitioner and other LECs, switched local exchange services such as flat-rate and measure-rated local services, vertical services, direct inward and outward dial trunks, carrier access, public and semi-public coin telephone services, and other switched local services that currently exist or will exist in the future.

BlueBird also 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 financial 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 January 26, 2017, 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 Verified Petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. Rate Counsel neither objected to a grant of the waiver requested in connection with record-keeping by Petitioner, nor opposed the Petitioner's request to treat its financial information as confidential and place under seal.

Staff recommended that the Board approve the Petitioner's 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 financial books and records in accordance with the USOA and within New Jersey.

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

D. Docket No. EO16090855 – In the Matter of United Metro Energy Corp. d/b/a United Metro Energy Corp.

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Energy Discount and Energy Competition Act, (EDECA or the Act) by United Metro Energy Corporation d/b/a United Metro Energy Services Corporation (United). United has been operating as a third party supplier (TPS) to provide natural gas supply services to customers in New Jersey without a gas supplier license. As a result of correspondence, telephone conversations, and meetings between Staff and United, United submitted an Offer of Settlement (Offer of Settlement) regarding its alleged violations. In the Offer of Settlement, United made a monetary offer in the amount of eight thousand dollars (\$8,000.00) in order to resolve all issues concerning the violations alleged by Staff.

Staff recommended that the Board issue an order accepting the Offer of Settlement as it represents a reasonable settlement of potential violations with the following conditions:

- 1) United will pay to the State of New Jersey the sum of \$8,000.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations which have been or could have been alleged by the Board or the Staff against United, up to and including November 1, 2017.
- 2) The Offer of Settlement shall not relieve United or its parents, affiliates, subsidiaries or successors, from any liability for violations, if any, of the Act, the Regulations, or Board Orders that may occur after November 1, 2017.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by United or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate.
- 4) United will comply with all provisions of the Act and Regulations regarding TPS licensing renewal requirement.
- 5) The execution of the Offer of Settlement shall neither be deemed an admission by United or its affiliates, subsidiaries, or successors of any violation of the Act, the Regulations, or any Board Order; nor a determination by the Board or Staff that such a violation has occurred, nor shall Board approval of the Offer of Settlement be deemed a determination that a violation has occurred.
- 6) The execution of the Offer of Settlement shall not be relied upon by United or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

Commissioner Chivukula said that staff initially referenced the statute as N.J.A.C 14:4-5-1.1, then subsequently referenced it the second time as N.J.A.C 14:4-5-11. Further, he said that for the meeting minutes, we should get it represented accurately.

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

E. Docket No. TE17030307 – In the Matter of the Verified Petition of the Chillicothe Telephone Company, d/b/a Horizon Telcom, for Authorization to Provide Telecommunications Services in the State of New Jersey.

BACKGROUND AND DISCUSSION: By letters dated March 27, 2017 and October 13, 2017, the Chillicothe Telephone Company, d/b/a Horizon Telcom, (Petitioner or Horizon) filed initial and amended petition respectively with the Board requesting authority to provide telecommunications services in the State of New Jersey.

The Petitioner has submitted its financial information under seal and filed an affidavit with substantiation for confidential treatment in accordance with the Board's rules for determining confidentiality.

Horizon is a privately held corporation organized under the laws of the State of Ohio.

The Petitioner did not intend to offer traditional residential or business competitive local exchange telephone services or switched, interexchange telephone service. The Petitioner upon commencing Competitive Local Exchange Carrier (CLEC) service pursuant to this authority will provide, either directly or through an arrangement with others, access to 9-1-1 and E-9-1-1 services, telecommunications relay services, directory assistance, operator services, and non-discriminatory interconnection with other local exchange carriers.

Horizon 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 financial 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 November 8, 2017, 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. Rate Counsel neither objected to a grant of the waiver requested in connection with record-keeping by Petitioner, nor Rate Counsel opposed the Petitioner's request to treat its financial information as confidential and place under seal.

Staff recommended that the Board authorize the Petitioner to provide facilities-based landline and interexchange and local exchange telecommunications services in the State of New Jersey. Staff's recommendation does not pertain to non-CLEC services. Staff also recommended the Board approve the Petitioner's request for waivers from its requirements that the Petitioner maintain its financial books and records in accordance with the USOA and within New Jersey.

President Mroz stated that the Board's responsibilities and obligations are in the oversight of telecommunications services at the local level from companies that are licensed to conduct that activity or telecommunication services which would be local phone. The effort or the applications in front of us are for the certification of the companies to do business, and what we're trying to do is to ensure that the language is now incorporated in the operative document accurately, and reflects the Board's jurisdiction over their activities. Further, President Mroz said that we are in the process of pulling together a set of frequently asked questions that would be guiding documents to specifically articulate the Board's responsibility and role and jurisdiction so that all parties can be clear about our role in these matters.

Commissioner Chivukula said that with incumbent telecommunications carriers moving away from landlines, we should probably also add those competitive local exchange carriers to the list.

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

F. Docket Nos. EE16050429L and GE16050430L – In the Matter of J. Andrew Associates d/b/a Seven – Utility Management Consultants, LLC.

BACKGROUND AND DISCUSSION: This matter involved an application filed by J. Andrew Associates, Inc. d/b/a Seven – Utility Management Consultants, LLC (SUMC) seeking an initial registration to be an Energy Agent in New Jersey.

SUMC failed to file a renewal registration application after its registration expired on September 17, 2014 until March 10, 2016 and failed to suspend all marketing to New Jersey customers after its registration expired and until a new application has been approved.

SUMC submitted several renewal applications in 2016 and 2017, that had conflicting information and in many cases missing information, making it difficult to assess the application. For example, SUMC's March 10, 2016 application indicated that it was seeking energy agents (EA), private aggregator (PA), and energy consultant (EC) registration, but it failed to include a surety bond. With its April 18, 2016 application it included a \$10,000.00 surety bond with a term of March 16, 2016 to March 15, 2017, but SUMC had indicated in the application it was seeking an EA/PA registration and not an

EC registration. The surety bond is required for an EC. SUMC also failed to maintain a valid New Jersey office.

SUMC provided inconsistent and untruthful answers to application question Nos. 8, 10, 11, and 13 in its submissions and applications dated March 2016 to the present.

SUMC misrepresented to the Staff that it was never investigated and never had an application denied or revoked yet the Pennsylvania Public Utility Commission denied SUMC's application and conducted a full investigation that was also litigated before an administrative law judge. The investigation was conducted because SUMC was acting as a broker/consultant without a valid license and it failed to provide litigation information on the application.

Staff recommended that the Board issue an Initial Order that is subject to finalization at the next Agenda Meeting unless within 20 days, SUMC requested a modification or dismissal of the Board's findings. In the Initial Order, Staff recommended denying the SUMC's application seeking to be an EA, PA, and/or EC with following additional conditions:

- 1) SUMC be prohibited from submitting an initial EA, PA, and/or EC registration application for 2 years from the effective date of this order.
- 2) SUMC is prohibited from having customer specific information.
- 3) SUMC be ordered to immediately cease all marketing to New Jersey customers and from arranging the retail sale of electricity, electric-related services, gas supply or gas-related services.
- 4) SUMC be ordered not to represent itself or act as an EC, PA, and/or EC.
- 5) Within 10 days from the effective date of the order in this matter, SUMC provide Staff with a certification that it has ceased these marketing activities.
- 6) Within 10 days from the effective date of the order in this matter, SUMC provide a list of all New Jersey customers from September 18, 2014 to the present and to notify all current New Jersey customer(s) if any that it does not have a valid registration as an EA and/or EC.

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

2. ENERGY

Thomas Walker, Director, Division of Energy, presented these matters.

A. Docket No. ER17040335 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2018.

BACKGROUND AND DISCUSSION: This matter involved a recommendation for securing electric power supplies for non-shopping Basic Generation Service (BGS) customers for the period beginning June 1, 2018. The recommendation is to allow the Electric Distribution Companies (EDCs) to conduct two descending clock auctions (Auctions) similar to those approved by the Board for the past sixteen years. The Auctions would secure full electricity requirements for hourly-priced service for the largest electric customers, and the full electricity requirements for smaller commercial and residential customers. The Auctions would be conducted in February 2018.

In addition to the auction structure, Staff proposed a regulatory process that would permit the Auctions to be implemented, similar to the past sixteen years, with a minimum need for additional Board direction. At the conclusion of the Auctions, Staff is proposing swift approval or rejection of the Auction results by the Board.

Staff recommended that the Board approve the same basic descending clock auction process, the auction rules, Board approval process and Supplier Master Agreements that have been successfully employed for the past few years. Staff also recommended that the Board require each of the EDCs to file an amended BGS Compliance Filing by December 4, 2017. Staff further recommended that the Board give Staff authority to review the EDCs' compliance filings, and should Staff find the EDCs' filings comply with the Board Order, grant Staff authority to have a Board Secretary's Letter issued approving the compliance filings.

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

B. Docket No. ER16090922 – 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 (2015 RAC Filing).

BACKGROUND AND DISCUSSION: On September 30, 2016, Jersey Central Power & Light Company (JCP&L or Company) filed a petition (2015 RAC Petition) with the Board seeking review and approval of the actual costs and expenditures incurred by JCP&L relating to the environmental remediation of its former manufactured gas plant (MGP) sites for the period January 1, 2015 through December 31, 2015 (2015 RAC Period) and an adjustment to the Remediation Adjustment Clause (Rider RAC) component of the Company's Societal Benefits Charge.

In the 2015 RAC Petition, the Company requested an increase in its Rider RAC charge to allow the recovery of an additional \$1.617 million (excluding Sales and Use Tax) on an annual basis. The 2015 RAC Period costs totaled \$8.624 million as calculated below:

\$ = \$000	Amount
Remediation Costs	\$6,574.00
+ Accrued Interest	\$852.00
= Net MGP costs	\$7,426.00
- NRD expenses	(\$99.00)
- Incentive comp	(\$13.00)
= 2015 MGP expenses	\$7,314.00
+ Deferred RAC balances	\$1,310.00
= Total recoverable	\$8,624.00

In accordance with previous Board Orders, the Company's proposed Rider RAC charge of \$0.000552 was determined by calculating the sum of: (1) one seventh of the Board approved deferred RAC under recovered balance at December 31, 2014 of \$64,428,766.00, exclusive of Natural Resource Damage related and incentive compensation costs; and (2) one seventh of the 2015 RAC related costs (including an under recovered balance of \$1,309,990.00) of \$8,623,994.00. The sum of these amounts total \$10,436,109.00, which was divided by the projected retail sales volumes to yield the proposed Rider RAC charge of \$0.000552.

Following a review of discovery and subsequent discussions, on October 6, 2017, JCP&L, Board Staff and the New Jersey Division of Rate Counsel (collectively, Parties) executed a Stipulation of Settlement (Stipulation) intended to resolve the 2015 RAC Petition. The stipulation recommended approval of a \$0.000551 per kWh RAC rate.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff further recommended that the Board direct JCP&L to file tariffs consistent with the Board's Order by December 1, 2017.

The monthly bill impact of the stipulated RAC rate on a residential customer using 500 kWh per month is an increase of \$0.04, from \$68.33 to \$68.37, or 0.06% (\$0.48 annually).

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

C. Docket No. ER17020091 – In the Matter of the Petition of Atlantic City Electric Company to Reconcile and Update the Level of Its Non-Utility Generation Charge and Its Societal Benefits Charge (2017).

BACKGROUND AND DISCUSSION: On February 1, 2017, Atlantic City Electric Company (ACE or Company) filed a petition with the Board requesting approval for changes in its Non-Utility Generation Charge (NGC) and its Societal Benefits Charge (SBC). Based on the petition, the net impact of adjusting the NGC and the SBC [(including Sales and Use Tax (SUT))] was an overall annual rate decrease of approximately \$28.857 million.

Through the course of the proceeding, the Company updated the petition with actual information through March 31, 2017. Based on the updated filing, the net impact of adjusting the NGC and SBC rates (including SUT) is an overall annual rate decrease of approximately \$31.728 million.

On May 10, 2017, ACE, Board Staff (Staff) and the New Jersey Division of Rate Counsel (Rate Counsel) (collectively, Parties) executed a Stipulation for Provisional Rates (Stipulation for Provisional Rates) requesting that the Board approve changes in the NGC and SBC on a provisional basis, subject to refund with interest, to allow the Parties sufficient time to complete their review of the petition and the proposed rates and costs. By Order dated May 31, 2017, the Board approved the Stipulation for Provisional Rates. (May 2017 Order).

On November 1, 2017, the Parties executed a Stipulation of Settlement (Stipulation) that recommended finalization of the rates that were implemented per the May 2017 Order.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties, which sought to finalize the rates that were implemented per the May 2017 Order. Staff further recommended that the Board order ACE to file tariffs consistent with the Order within days of service of the Board Order.

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

D. Docket No. GR17060673 – In the Matter of the Petition of South Jersey Gas Company to Revise the Cost Recovery Charge Associated with Energy Efficiency Programs.

BACKGROUND AND DISCUSSION: On June 23, 2017, South Jersey Gas Company (SJG or Company) filed a petition (June 2017 Petition) with the Board seeking to increase its Energy Efficiency Tracker (EET) rate. In the June 2017 Petition, SJG sought to increase its EET rate from \$0.004571 per therm (including taxes) to \$0.009917 per therm (including taxes).

The June 2017 Petition sought to reconcile EET costs and cost recoveries for the period commencing October 1, 2016 through September 30, 2017 (2017 Recovery Period) and to recover forecast revenues for the period October 1, 2017 through September 30, 2018. The June 2017 Petition was based on actual data through April 2017 and projected data through September 2018. As reflected in the June 2017 Petition, the proposed EET Rate of \$0.009917 per therm was designed to recover actual and projected allowable recoverable energy efficiency programs costs of \$5,434,575.00, exclusive of taxes through September 30, 2018 as well as return a projected over-recovered balance of \$260,181.00 at September 30, 2017, for a total revenue requirement of \$5,174,394.00, exclusive of taxes.

During the discovery process, SJG updated its schedules and associated revenue requirement to reflect actual data through September 30, 2017. The updated revenue requirement would be \$4,782,133.00 (\$5,464,823.00 actual and projected expenses through September 2018 and projected over-recovered balance of \$682,690.00 at September 30, 2017, both exclusive of taxes). Accordingly, based on the calculated revenue requirement, the revenues being collected through the EET would increase by approximately \$2,397,033.00 over what would otherwise be collected in rates.

SJG, Board Staff, and the New Jersey Division of Rate Counsel (collectively, Parties) engaged in discovery and discussed matters at issue. As a result of those discussions, the Parties executed a Stipulation of Settlement (Stipulation) that recommended approval of an increase in the EET rate to \$0.009166 per therm (including taxes), which reflects the updated revenue requirement supplied through discovery.

Staff recommended that the Board issue an order adopting the Stipulation of the Parties. Staff further recommended that the Board order the Company to file revised tariff sheets conforming to the terms of the Stipulation by December 1, 2017.

Commissioner Chivukula asked staff for clarification that the increase was \$4.60.

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

Cynthia L. M. Holland, Esq., Legal Specialist, Office of the Chief Counsel, presented these matters.

E. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. RM18-1 – Grid Reliability and Resilience Pricing.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing Comments with the Federal Energy Regulatory Commission (FERC), in response to a Notice of Proposed Rulemaking. The comments reinforce long-standing statements of the Board and the Legislative Findings in the Electric Discount and Energy Competition Act of 1999, which restructured the State. Most notably, Staff, on behalf of

the Board, stated that it remains committed to the competitive markets, which can be structured to price certain attributes, such as reliability and resiliency. The matter is ongoing, with Reply Comments filed earlier this month and a decision from FERC anticipated shortly.

The Secretary of Energy issued this Notice of Proposed Rulemaking (NOPR) for final action by the FERC. This NOPR would require that certain independent system operators and regional transmission organizations establish tariffs subjecting power generating facilities with certain attributes to cost of service regulation.

On October 2, 2017, FERC issued notice establishing a comment deadline of October 23, 2017, with reply comments due November 7, 2017. On October 4, 2017, FERC presented questions to commenters on this NOPR.

In a substantially similar proceeding, Docket No. AD17-11, FERC Staff initiated a proceeding to seek information about State Policy impact on the wholesale markets. President Mroz submitted a Pre-Technical Conference Statement on April 25 and presented his opinions to FERC Staff during the May 1 and May 2 Technical Conference. NJ provided post-technical conference comments that discussed the importance of reliability and resiliency.

Staff recommended that the Board ratify the comments.

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

F. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. EL17-90 – Linden VFT v. PSE&G and PJM Interconnection, LLC.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing comments in this proceeding supporting a Motion to Dismiss and, in the alternative, urging Federal Energy Regulatory Commission (FERC), to reject the filing as unjust and unreasonable. This matter is a 206 Complaint initiated by Linden VFT (Linden), which has brought several related and redundant challenges before FERC in an effort to eliminate its cost allocation for PJM Regional Transmission Expansion Plan (RTEP) projects. The Board has repeatedly protested Linden's effort as an attempt to obtain a preferential rate, to the detriment of New Jersey ratepayers. Therefore, Staff asked that the Board ratify this filing. Linden, Hudson Transmission Partners (HTP), and Consolidated Edison (ConEd) have challenged their RTEP cost allocation obligations in diminish or eliminate their allocation. To date they have been unsuccessful.

Having been unsuccessful in avoiding their cost allocation obligations by other litigation, as requested by HTP, PJM made the 205 filing on July 10, 2017. HTP asked PJM to submit an unexecuted Interconnection Service Agreement (Amended ISA) among PJM,

HTP and Public Service Electric and Gas Company (PSE&G), which amends the previously-accepted Interconnection Service Agreement among the Parties (Original ISA or Contract) to transfer Firm Transmission Withdraw Rights (FTWRs) to Non-Firm.

On August 9, 2017, Linden similarly requested that PJM submit an unexecuted, amended ISA, reducing its FTWRs to Non-Firm. At the request of Linden, PJM made a 205 filing on August 9, 2017. The Board protested Linden's substantially similar request on the same grounds stated in the HTP proceeding, because Linden makes a substantially similar claim.

Upon review of FERC's decision in the HTP matter, Linden filed the instant matter (Complaint under Section 206 of the Federal Power Act) against PSE&G and PJM.

Staff recommended that the Board ratify the filing of these comments.

President Mroz noted that this is one of a number of issues that we're dealing with. We've talked about the ConEd Wheel and the implication of a loss is that they're might be additional costs that are placed upon the people of New Jersey. And it's nice to see that staff and the Board are committed to continue to make challenges as necessary.

Commissioner Chivukula stated that they're located in Linden and they will hurt New Jersey ratepayers.

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

G. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. EL17-94 – New York Power Authority v. PJM Interconnection LLC and PJM Transmission Owners.

BACKGROUND AND DISCUSSION: This matter involved the New York Power Authority (NYPA) seeking refunds of the cost allocation payments it has had to make since Hudson Transmission Partners (HTP) sought to terminate its Firm Transmission Withdraw Rights from PJM in an effort to eliminate its cost allocation obligation for certain PJM transmission upgrades. NYPA also sought consolidation with the on-going HTP proceeding. Staff, acting on behalf of the Board, filed comments objecting to NYPA's request for refunds, which would amount to a preferential rate for New York load over New Jersey load.

On July 10, 2017, PJM submitted for filing an unexecuted Interconnection Service Agreement entered into among PJM, Hudson Transmission Partners, LLC (Hudson), and Public Service Electric and Gas Company (PSE&G) (HTP Interconnection Service Agreement (ISA)), which modifies Service Agreement No. 2536 filed with and accepted by the FERC in Docket No. ER10-1740-000. Hudson sought to modify its ISA, but PSE&G refused. PJM's filing states, as further clarified, that it was submitted by PJM at the request of HTP.

On July 26, 2017, the NYPA filed a Motion to Intervene and Supportive Comments claiming, among other things, that the filing “will appropriately unburden NYPA from its election to receive firm rights that are no longer needed and have grown increasingly perilous to own.” Almost immediately, NYPA’s comments identify cost allocation, in particular allocation of the Bergen-Linden Corridor Project (BLC Project) as a “\$645 million liability that threatens the continued viability of the Hudson Transmission Project merchant transmission facility.” NYPA later dedicates an additional three pages to discussing its cost allocation disputes, from which NYPA and other merchant transmission facility owners they “have been unable to obtain the necessary and timely recourse.”

On July 31, 2017, the Hudson Transmission Partners, LLC submitted Comments in Support of PJM Filing, with substantially similar arguments to those advanced by NYPA. In response to the suggestion that HTP terminate its ISA and, effectively, cut its losses, HTP claimed doing so would “waste valuable transmission infrastructure, and hurt system reliability.”

On July 31, 2017, Linden VFT, LLC (Linden) also submitted Supporting Comments, requesting that the Commission accept the Amended ISA. Linden, like NYPA and HTP, references the cost allocation disputes. Linden stated that it, HTP, and ConEd has “have repeatedly informed all parties that such costs were not sustainable, especially in light of the fact that none of Con Edison, HTP or Linden received benefits that translate to even one dollar of additional revenues.”

On July 31, 2017, Public Service Electric and Gas Company submitted a Motion to Intervene and Protest. PSE&G challenges that the Original ISA requires consent before it can be amended; PJM lacks the authority to file the Amended ISA; and PJM’s filing undermines the interconnection process. Finally, PJM erred by not proceeding with dispute resolution.

Staff recommended that the Board ratify the filing.

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

H. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – FERC Docket No. ER17-905 – New York Independent System Operator, Inc. and PJM Interconnection, LLC Re: JOA Revisions.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing this Request for Rehearing challenging a Federal Energy Regulatory Commission’s (FERC) Order.

This filing involved the ConEd Wheel, which originally arose from two contracts dating back to the years 1975 and 1978. The contracts concerned the wheeling of 1,000 MW

of electricity to New York from New Jersey and back into New Jersey from New York, as discussed further below. The ConEd Wheel has been the subject of significant litigation at FERC, beginning in November 2001 when ConEd filed a complaint, FERC Docket No. EL02-23, and continuing through the related FERC Docket Nos. ER08-858 and ER08-867.

Since the execution of the 2009 Settlement, ConEd has challenged its cost responsibility for such upgrades. Notably, ConEd strongly opposed its allocation of costs associated with the Bergen-Linden Corridor, Sewaren, and Edison Rebuild projects. ConEd challenged its cost allocation under the solution-based distribution factor methodology, which (in general terms) follows the flow of electricity to determine the beneficiaries of a project. ConEd was not successful in revising its cost allocation responsibility via litigation.

Having litigated the issue unsuccessfully at FERC, ConEd sought other means of avoiding its cost allocation and informed PJM on April 28, 2016, that it would not exercise its rollover rights to the ConEd Wheel. Thus, the ConEd wheel will terminate on April 30, 2017.

Staff recommended that the Board ratify the filing of this Request for Rehearing.

President Mroz noted that it appears that interests in New York are attempting to receive something without paying for their fair share of the infrastructure.

Commissioner Fiordaliso said that if not for Cynthia Holland, and Tom Walker and his Energy Division, our backs would be left wide open for assault by FERC and other vendors, and the interests of the State of New Jersey and its residents wouldn't be served well. So I just want to say thank you to them and for making sure that New Jersey residents are well represented and our rights in the PJM area in particular are protected.

Commissioner Chivukula said that it was no share.

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

I. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – Non-docketed Interregional Transmission Policy Matter – See Executive Session.

Carolyn McIntosh, Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in executive session, and it involved the interregional policy matter. Board Staff sought the Board's permission to act on its behalf consistent with those discussions.

President Mroz asked Counsel to make a brief comment about this matter.

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

Thomas Walker, Director, Division of Energy, presented these matters.

J. Docket No. EO16080788 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Construction of the Mason Substation Damaged During Superstorm Sandy.

BACKGROUND AND DISCUSSION: On August 15, 2016, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board, seeking approval to construct, own and operate a New Substation (New Substation or Project) at the site of the current Mason and Building 9 substations (Existing Substation), which are located adjacent to each other in Kearny, New Jersey. The Existing Substation(s) are owned by New Jersey Transit Corporation (NJ Transit), however PSE&G requested approval for the Company to construct, own and primarily operate the New Substation.

According to the petition, the Existing Substation serves as a flow-through facility for power transmitted by PSE&G throughout Northern New Jersey and, as such, is critical to the reliability of electric service in Northern New Jersey.

PSE&G claimed that the Existing Substation was severely damaged during Superstorm Sandy and requires replacement. The Company submitted that the proposal is similar to the substation resiliency projects included in the Energy Strong Electric Station Flood Mitigation subprogram.

The Company proposed the costs of the project to be recovered through distribution rates using a mechanism similar to that adopted in the Energy Strong proceeding.

Following discussions among the parties, the Company, Board Staff, the New Jersey Division of Rate Counsel, Jersey Central Power and Light Company (JCP&L), NJ Transit and the New Jersey Large Energy Users Coalition (collectively, Signatory Parties) executed a stipulation of settlement (Stipulation) resolving this matter.

Staff recommended that the Board approve the Stipulation of the Signatory parties.

President Mroz said that this piece of infrastructure, the Mason Substation, is a critical piece of our electric transmission and distribution system, and it's also a critical facility to New Jersey Transit. This has been something that staff has spent much time with the parties trying to move towards a settlement. And I believe we now have a recommendation on a settlement of all the parties and that includes PSE&G, and New Jersey Transit.

Commissioner Fiordaliso said this further demonstrates that this Board and those entities that we regulate are intermittently involved in the daily lives of our 9 million residents. We're a proactive agency that ensures the ongoing viability of vital services that service so many people, so many industries, so many people within the State of New Jersey.

Commissioner Chivukula asked staff why the oversight monitor will be retained by NJ Transit when PSE&G is the owner.

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

K. Docket Nos. BPU EO15030383 and OAL PUC 08235-15 – In the Matter of the Petition of Jersey Central Power & Light Company Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Montville-Whippany 230 kV Transmission Project is Reasonably Necessary for the Service, Convenience or Welfare of the Public.

BACKGROUND AND DISCUSSION: This matter involved approval of the Montville-Whippany 230 KV transmission line proposed by Jersey Central Power & Light Company (JCP&L). The line is needed to correct a North American Electric Reliability Council (NERC) reliability criteria violation. The petition presents what JCP&L believes is the best route for the project.

Interested parties are New Jersey Division of Rate Counsel (Rate Counsel), Montville Township, the Montville Board of Education (Montville BOE) and the Wildlife Preserve foundation. The Township executed a stipulation with JCP&L over the project and has withdrawn all its testimony. Rate Council did not object to the project but questioned the costs associated with it. The Montville BOE and the Wildlife Preserve requested that the project be denied for impact and safety reasons.

JCP&L filed a petition with the Board on March 27, 2015 seeking the following determinations: 1) The construction of the proposed Project and all facilities involved in the Project are reasonably necessary for the service, convenience and welfare of the public; 2) The Zoning and Land Use Ordinances and all regulations promulgated by the municipal entities and the counties shall have no application to the Project, including, but not limited to, substations; and 3) That JCP&L be authorized to construct and energize the Project and the facilities appurtenant thereto in a timely manner, in order to permit JCP&L to satisfy its obligation to continue to provide safe, adequate and proper service to its customers, and to enable JCP&L to construct and energize the proposed facilities no later than June 1, 2017; with such authorization requested by December 31, 2015 so as to enable JCP&L to complete the permitting for the Project and commence construction in a timely manner.

The matter was transmitted to the Office of Administrative Law on June 3, 2015 for hearing as a contested matter, and subsequently assigned to the Honorable Leland McGee, Administrative Law Judge (ALJ). Prior to the filing of the petition, the Board received several hundred letters from members of the public in opposition to the Project.

On May 1, 2015, Montville, which is located within JCP&L's service territory along the proposed route of the Project, moved to intervene as a party in the proceeding. The Montville BOE filed a motion to intervene on August 19, 2015. After prehearing conferences, JCP&L filed a Motion to Establish a Procedural Schedule on August 21, 2015. On September 2, 2015, Montville BOE filed opposition to the motion and also filed a cross-motion (Montville Cross Motion) requesting that JCP&L be directed to establish an escrow account to fund its expert and professional fees "to properly assess this project, its impact on the Township, and possible alternatives." JCP&L and the Rate Counsel opposed the Montville Cross Motion.

On September 8, 2015, ALJ McGee issued a Prehearing Order in this matter which granted the motions to intervene of both Montville and Montville BOE and established a procedural schedule. The Prehearing Order also denied the Montville Cross Motion. After notice, public hearings were held on this matter on December 8, 2015 at Montville Township High School, in Montville, New Jersey. The Honorable Danielle Pasquale, ALJ presided over this proceeding. Many members of the public attended the hearing and commented on the petition. The Board also received additional written comments from members of the public.

On February 9, 2016, Wildlife Preserves, Inc. (WPI) filed a motion to intervene. On March 2, 2016, ALJ McGee issued an order denying WPI's motion to intervene, but granting it participant status, allowing WPI to file a statement and/or brief as well as the right to file exceptions to the Initial Decision.

Staff recommended that the Board Adopt the Stipulation entered into on May 24, 2016, and Adopt the Initial Decision in part, and Modify the Initial Decision, in part, rendered on August 17, 2017 to the extent it failed to consider the Stipulation entered into by Montville and JCP&L that modified the proposed route. The Board Found that the project is needed to address the Category C NERC violation for the safety and welfare of the public. The Board Find that the route of the project will have the least environmental and social impact to the area, and hereby finds that there is no basis to grant Montville BOE's exceptions to the Initial Decision.

President Mroz said we started today and I mentioned the need for New Jersey to be resilient and we, at this Board, have been as a matter of policy historically supporting the industry and ensuring, as the company's need to do, that they have safe and adequate service. And one of the things we've seen from the condition of the transmission and distribution system is that we have had to over the last decade, particularly look at the hardening of the assets and the upgrades of it, and when NERC standards were put in place in that same spirit to identify the need for continued reliable service, and to the extent there's that NERC standard violations project, not only seems to me to be necessary, but the record establishes that. And from there, everything else in this case seems to flow from it, including the issues around siting, as well as what might be the party's objections to the location of the line. But it does seem from the entirety of the

record that the recommendation is appropriate and sound.

Commissioner Holden said that after the major blackout of 2003, FERC required that there be adherence to NERC, or the North American Electric Reliability Council, and their reliability criteria standards. I feel this line is required since PJM identified several reliability violations. It is therefore, being built for reliability to mitigate customer interruption and minimize outage duration. I find this settlement very reasonable given the numerous hearings, and the lengthy negotiation that took place.

Commissioner Chivukula asked staff if the Board of Education presented any data regarding the EMF or otherwise.

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

L. Docket Nos. EO13020155 and GO13020156 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Energy Strong Program.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: On May 21, 2014, the Board issued an Order (May Order) approving a Stipulation of Settlement (Stipulation) entered in the Public Service Electric and Gas Company (PSE&G or Company) Energy Strong Program in Docket Nos. EO13020155 and GO13020156. The May Order provided PSE&G with approval to invest up to \$1.0 billion (\$0.6 billion electric and \$0.4 billion gas) to harden its infrastructure to make it less susceptible to damage from wind, flying debris and water damage in anticipation of future major storm events and to strengthen the resiliency of the Company's delivery system, with costs to be recovered through periodic base rate adjustments. A specific tenant of the Stipulation and the Order required PSE&G to file its next base rate case no later than November 1, 2017.

On September 27, 2017, a base rate case pre-filing meeting was held with PSE&G, New Jersey Division of Rate Counsel (Rate Counsel) and Board staff in attendance wherein PSE&G discussed its impending petition which was to be filed with 2 months actual data and 10 months of projected and several scheduled data updates to be filed in 2018.

On October 10, 2017, PSE&G filed a petition requesting a one month extension to file its base rate petition so as to allow it to file with three months actual data and nine months projected data. In response to PSE&G's request, on October 12, 2017, Rate Counsel filed a letter with the Board stating that it consented to PSE&G's request to file its base rate petition one month late to allow for the inclusion of 3 months of actual data and 9 months projected data. Rate Counsel also reiterated its objection to base rate cases being filed with less than 5 months actual data and 7 months projected data as required by the Board in the Elizabethtown Water Case.

On October 20, 2017, the Board granted PSE&G's request for a 1 month extension and issued an Order on October 20, 2017, requiring PSE&G to file a base rate case on or before December 1, 2017.

On November 14, 2017, PSE&G filed a letter with the Board requesting a second extension of two months to file the base rate case in order to allow the Company to file the case no later than February 1, 2018. The Company stated the base rate case would be based on the originally planned July 2017 to June 2018 test year, and the 2 month extension would enable PSE&G to submit 5 months of actual data and 7 months of projected data in its February 1, 2018 petition.

Staff recommended that the Board approve the request for a second extension.

President Mroz said it is probably worth us, in a comprehensive way, reviewing again the Board's responsibilities regarding actual and projected expenses.

Commissioner Fiordaliso said that he is supportive of this, and the deciding factor is the fact that we are going to get the filing because it will provide the Board with an accurate picture.

Commissioner Holden said that we're actually supposed to have 6&6, but a minimum of 5&7. It just begs the question of, going forward looking at this 30-some-year old case and are we using the best criteria and the right test years.

Commissioner Chivukula asked staff if there are any more extensions, or is this the last one.

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

Lawanda R. Gilbert, Esq., Director, Office of Cable Television & the Office of Telecommunications, presented these matters.

A. Docket Nos. BPU TC14050490 and OAL PUC 13695-14 – In the Matter of Larry S. Loigman, Petitioner v. Verizon New Jersey, Inc., Respondent.

BACKGROUND AND DISCUSSION: On May 16, 2014, Larry S. Loigman (Petitioner) filed a Petition with the Board against Verizon New Jersey Inc., (Verizon) stating that the Petitioner is a subscriber to Verizon services, including two telephone lines (three telephone numbers) and a digital subscriber line. In early March, according to the

Petitioner, the Petitioner contacted Verizon to arrange for service to be moved from his Ocean Township residence to a new residence in the Township of Lakewood, County of Ocean, New Jersey. The Petitioner alleged that Verizon repeatedly mishandled and mismanaged every aspect of the order, and made deliberate misrepresentations to the Petitioner about the status of the order, its products and services. The Petitioner believes that Verizon's offer to credit \$18.98 to its account for lost service under the applicable out of service rule is deficient and sought broader remedies including financial sanctions, cost, adoption of a more effective process of complaints handling, and better training for staff that interact with customers.

On July 3, 2014, Verizon responded to Petition denying the allegations except that the services were disconnected on March 28, 2014 instead of April 28, 2014 as requested by the Petitioner, However, according to Verizon, services were quickly reconnected on March 30, 2014, and the Petitioner's account was properly credited for an amount of \$18.98 for lost service under the applicable out-of-service rule.

On October 21, 2014, the above mentioned case was transmitted to the Office of Administrative Law as a contested case.

On September 18, 2017, Administrative Law Judge (ALJ) Solomon A. Metzger, issued an Initial Decision. ALJ Metzger accepted Verizon's argument that this matter can be dismissed on summary decision, given that there was no fact dispute and that the remedies sought by the petitioner (such as financial sanction and adoption of effective process for complaint handling) were unavailable as a matter of law.

On September 28, 2017, the Petitioner submitted exceptions seeking that the Board reject the Initial Decision and conduct a plenary hearing. The Petitioner stated that the utility gave false information, overcharged and ignored its service commitments in violation of the governing regulations, specifically, N.J.A.C. 14:10-1A.6. The Petitioner argued that the Initial Decision contains no findings of fact or conclusions of law, and thus, should be rejected by the Board.

On October 5, 2017, the Board received Verizon's response to the Petitioner's exceptions, stating that the service outage that the Petitioner experienced prompting his complaint was addressed and that the situation no longer exists. A credit was issued in the amount of \$18.98 to resolve the service and billing dispute. Verizon disagreed with the exceptions filed by the Petitioner wherein additional action of the Board is sought, and requested that the Initial Decision be adopted.

Staff recommended that the Board adopt the Initial Decision.

President Mroz stated that this is the right recommendation. At the same time, it is clear to me from what I know of this matter that you can definitely sense the frustration of the applicant, of the petitioner and I think it's a reflection of what can be a very cumbersome process, dealing with a company when you have a problem with service.

Commissioner Fiordaliso said that with all the complaints that we get regarding Verizon's customer service, that we should meet with them on a periodic basis to go over their performance as far as customer service.

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

B. Docket Nos. BPU TC14070725 and OAL PUC 12838-15 – In the Matter of Beverly A. Williams, Petitioner v. Verizon New Jersey, Inc., Respondent – Failure to Provide Adequate Customer Service.

BACKGROUND AND DISCUSSION: On July 5, 2014, Beverly A. Williams (Petitioner) filed a Petition with the Board against Verizon New Jersey Inc., (Verizon) alleging that Verizon failed to provide her with adequate telephone service. Her complaint included frequent call drops and static on the caller's lines. The Petitioner sought monetary compensation for the quality of services she received from Verizon.

On February 10, 2015, Verizon responded to Petition denying the allegations but admitting that the Petitioner contacted Verizon many times. Verizon stated that it responded to each of the Petitioner's repair requests. Verizon further stated that it moved Petitioner's service from copper to FiOS on February 24, 2014. Thus, service is being provided over new facilities and any service issues the Petitioner was experiencing prior to that time would have been eliminated if they had been caused by Verizon facilities.

After reviewing the Petition and Verizon's response, the case was transmitted to the Office of Administrative Law as a contested case.

Evidentiary hearings were held on November 4, 2016 and December 8, 2016. The Petitioner testified on her own behalf to Verizon's landline service quality. Dana Venne, Jr., a former field technician and current local technician dispatch manager testified on behalf of Verizon. The Petitioner and Verizon filed post hearing briefs on February 3 and 2, 2017, respectively.

On September 20, 2017, Administrative Law Judge (ALJ), Caridad F. Rigo, issued an Initial Decision. ALJ Rigo found that the Petitioner failed to show by a preponderance of the credible evidence that Verizon's telephone services were faulty. ALJ Rigo, in the Initial Decision, further stated that assuming that Verizon did not provide petitioner with the service she had paid for, the Office of Administrative Law cannot provide the monetary relief she seeks.

Staff recommended that the Board adopt the Initial Decision in its entirety.

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

5. WATER

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

A. Docket No. WR17080871 – In the Matter of the Petition of Aqua New Jersey, Inc. Maxim Wastewater Division for Approval of a 2016 Purchased Wastewater Treatment Adjustment Clause True-Up and Other Required Approvals.

BACKGROUND AND DISCUSSION: On August 10, 2017, Maxim Wastewater Division (Maxim, or Company) filed a petition with the Board for approval of a Purchased Sewerage Treatment Adjustment Clause true-up for calendar year 2016, and to set rates for calendar year 2018. Maxim originally filed for a decrease in rates under the Purchased Wastewater Treatment Adjustment Clause.

Maxim is a wastewater utility engaged in the collection and transmission of sewage. The Ocean County Utilities Authority receives and treats all of the sewage that is transmitted by Maxim.

The matter was retained by the Board, and since the Company requested a decrease in rates, it was deemed that a public comment hearing was not required.

New Jersey Division of Rate Counsel and Staff served discovery upon Maxim, which was fully responded to by the Company. The Parties participated in a settlement conference on October 31, 2017, and subsequently entered into a Stipulation.

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

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

B. Docket No. WR17080872 – In the Matter of the Petition of Aqua New Jersey, Inc., Walkill Sewer Division for Approval of a 2016 Purchased Wastewater Treatment Adjustment Clause True-Up and Other Required Approvals.

BACKGROUND AND DISCUSSION: On August 11, 2017, Aqua New Jersey, Inc., Walkill Sewer Division (Petitioner, or Company) filed a petition with the Board for approval of a Purchased Wastewater Treatment Adjustment Clause (PSTAC) true-up for calendar year 2016, and to set prospective rates for calendar year 2018. The Petitioner originally filed for an overall decrease in PSTAC revenues totaling \$48,147.00 or approximately 26.1% below current PSTAC revenues of \$204,165.00.

The matter was retained by the Board and since the Petitioner requested a decrease in its PSTAC rates, it was deemed that a public comment hearing was not required. New Jersey Division of Rate Counsel and Staff served discovery upon the Petitioner, which was fully responded to by the Company.

The Parties participated in a settlement conference on October 31, 2017, and subsequently entered into a Stipulation. The Stipulation called for a decrease in the Petitioner's PSTAC revenues totaling \$50,237.00 or approximately 27.36% below current PSTAC revenues of \$204,165.00.

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

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

6. RELIABILITY & SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket No. EO17080888U – In the Matter of Christopher S. Porrino, Attorney General of the State of New Jersey, et al. v. IDT Energy, Inc. – See Executive Session.

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

8. CLEAN ENERGY

B. Scott Hunter, Manager, Renewable Energy Program Administrator, presented these matters.

A. Docket No. EO12090799 – In the Matter of the Verified Petition of Atlantic City Electric Company Concerning a Proposal for an Extended SREC-Based Financing Program Under N.J.S.A. 48:3-98.1;

Docket No. EO12080750 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Concerning a Proposal for a SREC-Based Financing Program Under N.J.S.A. 48:3-98.1; and

Docket No. EO13020118 – In the Matter of the Verified Petition of Rockland Electric Company Concerning a Proposal for a SREC-Based Financing Program Under N.J.S.A. 48:3-98.1.

BACKGROUND AND DISCUSSION: This matter involved Staff recommending that the Board approve the final recommendations of the Solicitation Manager (SM) for the seventh solicitation conducted under the Electric Distribution Companies' (EDCs) Solar Renewable Energy Certificate II (SREC II) Programs. On December 18, 2013, the

Board approved the settlement stipulations of Atlantic City Electric Company (ACE), Jersey Central Power and Light (JCP&L) and the Rockland Electric Company (RECO) for the extension of their SREC-based financing programs (jointly, SREC II Programs). After a Request for Proposals (RFP) process, the EDCs retained Navigant Consulting, Inc. to act as the SM for these programs.

The timeline for the seventh solicitation in the SREC II Programs was announced via release of the RFP for the seventh round of nine solicitations (Round 7) on July 5, 2017, including a webinar for prospective bidders on July 19, 2017. Consolidated bid applications were due on August 25, 2017. The solicitation included three market segments: residential and commercial under 50 kW, residential and commercial from 51 kW to 2 MW, and Landfill/Brownfield/Area of Historic Fill.

The SM issued its final recommendations report on October 13, 2017. The SM recommends awarding contracts to seven of fifteen projects bid in ACE's territory for award capacity totaling 1,851.26 kW. Of the fifteen projects bid, nine were in Segment 1 and six were in Segment 2. The SM recommended rejecting seven projects bid in ACE's Segment 1 and one project bid in ACE's Segment 2 because the pricing was not competitive. The SM recommended awarding thirty-one of the thirty-two projects bid in JCP&L's territory for award capacity totaling 2,752.94 kW. Of the thirty-nine projects recommended for bid acceptance, twenty-eight were in Segment 1, eleven were in Segment 2 and no project bids were recommended in Segment 3. The SM recommends rejecting one project bid in JCPL's Segment 1. Five of the project bids were recommended to be rejected for non-competitive prices. One project was bid in Segment 2 at 950.40 kW and recommended for an award in RECO's territory in Round 7.

Staff recommended that the Board adopt the recommendations of the SM regarding the results of the Seventh Solicitation in the EDC's SREC II Programs. The Board can accept, reject or modify Staff's recommendation to approve the SM's recommendations.

Commissioner Fiordaliso said that he is happy to see Rockland Electric be part of this project.

Commissioner Solomon asked staff if they know how much this particular project has cost the ratepayers.

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

B. Docket No. QO17080892 – In the Matter of the Petition of Luminous Solar, LLC for an Extension of Solar Renewable Energy Certificate Purchase and Sale Agreement with Atlantic City Electric Company.

BACKGROUND AND DISCUSSION: On August 7, 2017, Luminous Solar LLC (Luminous Solar, Petitioner) submitted a Petition to the Board requesting a three-month extension for a Solar Renewable Energy Certificate Purchase and Sale Agreement (SREC Agreement) between Luminous Solar and Atlantic City Electric Company (ACE). Luminous Solar has developed three solar electric generation projects (Projects) that serve Muzzarelli Farms. Luminous Solar submitted three bids for SREC agreements under Segment 1 of Electric Distribution Companies' (EDC) SREC II program to the program solicitation manager in July 2016. One of the three bids was approved by the Board in September 2016. The other two bids were rejected due to uncompetitive bid prices. The SREC Agreement for the approved bid at 44 MWdc was signed by ACE and Luminous Solar in November 2016.

The terms of the SREC Agreement require project completion within six months of the effective date of the agreement and provide for one three-month extension provided that the seller (Luminous Solar) certifies to the purchaser (ACE) that all local permits have been filed. Luminous Solar submitted a petition to the Board on August 7, 2017 seeking a second extension. A first extension granted by ACE expired on August 10, 2017.

Luminous Solar stated that due to unforeseen issues encountered when installing the "aggregate system" the subject project was increased in size to 52.36 kWdc. The increased system size from 44 kWdc to 52.36 kWdc exceeds the 10% variation allowed in the terms and conditions of the SREC agreement. The Petitioner stated that it "is working on a solution to reduce the size of the Project to within the allowed 10% deviation (the 'Solution') but, due to significant prior delays in the Project, the Petitioner will not be able to complete this Solution, thus satisfying all conditions under the Agreement, prior to the Deadline." Staff recommended that the Board grant the Petitioner's request for a second extension for the project's SREC Agreement between Luminous Solar and ACE.

Staff also recommended that the Board find that the delays caused by the petitioner's participation in the Redskye pilot at the encouragement of interconnection staff at ACE and the subsequent resizing required to remain compliant with the SREC Agreement were unavoidable and unforeseeable at the time the Petitioner entered into its SREC Agreement with ACE.

Staff further recommended that the Board grant the request for a second extension of the deadline for completion of the Project under the SREC Agreement with ACE; find that a two-month extension to January 21, 2018 to finalize project paperwork, including registration with Generation Attribute Tracking System, is appropriate given the advanced status of the Project; and find that failure to meet this deadline will result in an "Event of Default" voiding the Agreement.

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

C. Docket No. QO17050560 – In the Matter of the Petition of Radiant Energy, LLC for Approval of a Tripartite Interconnection Agreement between Atlantic City Electric, the Environmental Protection Agency and Radiant Energy, LLC.

BACKGROUND AND DISCUSSION: Radiant Energy (Radiant or Petitioner) sought approval of a tripartite Interconnection Agreement (Agreement) between Atlantic City Electric Company (ACE), the United States Environmental Protection Agency (EPA), and the Petitioner. The Petitioner must obtain approval from the Board because it proposed using a contract other than the standard bipartite form required of all customer-generators by the Board's interconnection rules at N.J.A.C. 14:8-5.1 and available from each Electric Distribution Company (EDC). The Petitioner also asked the Board to approve its proposed solar facility as eligible for net metering.

Since the request for approval of a tripartite contract arises out of the involvement of the EPA in the remediation of a Superfund site, as well as federal law prohibiting the EPA from indemnifying the other parties as required by the standard contract, Staff recommended that the Board grant this request.

With respect to net metering, the Petitioner has reconfigured its solar facility design to ensure that the portion serving a wastewater treatment plant that is part of the remediation effort. Staff has reviewed the reconfigured design and the relevant official tax maps and recommended that the Board grant this request as well.

Staff also recommended that the Board approve the petition for a waiver of the Board's Interconnection Agreement requirements at 14:8-5.1. Staff further recommended that the Board approve the energy generated at the solar facility for net metering treatment.

Commissioner Solomon asked staff if this was a unique situation.

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

9. MISCELLANEOUS

A. Docket No. QO17101024 – In the Matter of the New Jersey Board of Public Utilities – Natural Gas Vehicle Incremental Cost Grant Program.

Michael Winka, Director, Senior Policy Advisor, presented this matter.

BACKGROUND AND DISCUSSION: On October 20, 2017, the Board approved the Natural Gas Vehicle Incremental Cost Grant Program and authorized Staff to publish the application for grant awards and a description of the grant approval process. The primary goal of the program is to improve New Jersey's air quality and reduce reliance on and consumption of foreign oil through the use of domestic natural gas as a transportation fuel.

Staff recommended that the Board authorize President Mroz to approve disbursement of the grant awards on a first-in-time basis for this program and execute the requisite grant agreements.

President Mroz stated that we've had quite a bit of expression of interest over time from the heavy vehicle driving community, whether it be construction vehicles or transport vehicles. This is a modest attempt to try and move forward programs with some additional funding that will be available. Even though it's modest, I think it's worth doing to try and just respond to that kind of demand. So I think it's worth doing and it's also worth doing in the context of our overall policy to advance alternative fuel vehicles.

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

B. Docket No. EX14111343 – In the Matter of Proposed Amendments to N.J.A.C. 14:4 et seq. Government Energy Aggregation Programs, Energy Anti-Slamming, and Third-Party Suppliers.

James Boyd, Jr., Legal Specialist, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: The rule proposal was published in the New Jersey Register on December 5, 2016. It will expire on December 5, 2017, if the Board does not file the adoption with amendments with the Office of Administrative Law in time for the December 4, 2017 publication of the New Jersey Register. The proposed amendments fall into the following categories: reduce switching times, improve the government energy aggregation program, require the third party suppliers to provide a contract summary to customers, and other.

The amendments are designed to incorporate recently enacted legislation into the regulations, incorporate requirements from a Board order into the regulations and make other improvements to the regulations for government energy aggregation, consumer protection, and other aspects of energy competition.

Staff proposed that two non-substantive changes to the original proposal be made upon adoption in response to comments received from the stakeholders.

Staff recommended that the Board publish the adopted proposal with amendments in the New Jersey Register.

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

C. Docket No. EO17070748 – In the Matter of the Regulatory Assistance Project’s Electric Vehicle Infrastructure Report; “Getting from Here to There: Regulatory Considerations for Transportation Electrification” – Task 1 Questions.

Michael Winka, Director, Senior Policy Advisor, presented this matter.

BACKGROUND AND DISCUSSION: At the Board meeting of Wednesday, August 23, 2017, the Board considered Docket No. EO17070748 – In the Matter of the Regulatory Assistance Project Electric Vehicle Infrastructure Report, “Getting From Here to There: Regulatory Considerations for Transportation Electrification”. The Board voted to adopt the recommendation of Staff and the Regulatory Assistance Project Report to initiate a stakeholder proceeding.

Staff announced and convened informal stakeholder meetings on September 15, and October 16, 2017 (and will hold another stakeholder meeting on November 27, 2017). Staff posed the following “Task 1” questions and “Task 2” questions to the stakeholders:

Task 1 Questions:

Do EVs fall under the definition of demand side management and energy efficiency as set forth at N.J.S.A. 48:3-51 and/or N.J.S.A. 48:3-98.1.d.? Should owners and operators of Electric Vehicle Charging Stations (EVCS) that provide electric vehicle charging service be regulated as electric utilities? Are operators of EVSE reselling electricity or providing a charging service?

Task 2 Questions:

- What goals for EV Infrastructure should be established?
- What role should the Board, other government agencies; electric utilities, non-governmental organizations and the private market have in addressing EV/infrastructure adoption?
- What is the present status of EVs and EV infrastructure in New Jersey?
- What EV/EV infrastructure developments can be expected in the short/medium term under a Business as Usual scenario?

This memorandum addresses the Task 1 questions and responses, as the comment period has now closed. Task 2 questions will be addressed in a separate memorandum following the close of the comment period.

Significant comments were received from:

- New Jersey Division of Rate Counsel
- NJ Clean Cities Coalition
- Atlantic City Electric
- ChargEVC
- Sierra Club (Washington Office)
- JCP&L
- AF Mensah, Inc.
- Greenlots
- NRDC
- Tesla
- NJDEP
- Stevens University Center for Intelligent Networked Systems (comments received post deadline)

Staff recommended that EV and EVI meet the definition of EE in N.J.S.A. 48:3-98.1. This recommendation is based on the plain words in the statute that defines both conserving energy or making the use of electricity and natural gas more efficient by consumers.

Staff recommended that the Board directs the EDCs to file for a tariff amendment under N.J.A.C. 14:1-5.11 which provides for tariff changes that do not propose increases in charges to customers. The EDC would define EVSE as not reselling electricity and EVSE operators would be permitted to charge their customers by the kilowatt hour, if they so desire, in order to provide pricing transparency to customers.

President Mroz stated that the report and the work of staff has been to turn focus to a number of issues around the legal interpretation of the authority of the Board around electric vehicles, and particularly charging stations, and how we can move forward to help advance electric vehicles as they are further deployed.

Commissioner Fiordaliso asked staff if there was anything posted on the Board's website that makes any recommendations concerning this matter.

D. Docket No. AX16080751 – In the Matter of Electronic Filing Proposed Amendments: N.J.A.C. 14:1-1.6 and 14:17-1.6 and 4.2.

James Boyd, Jr., Legal Specialist, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: The Board approved this rule proposal to be submitted to the Office of Administrative Law on June 30, 2017. The Office of Administrative Law reviewed, approved, and published the proposal in the August 21, 2017 Register. The 60 day period for public comment expired on October 20, 2017. Staff received comments from the New Jersey Utility Association, the American Association of Retired Persons, New Jersey Large Energy Users Coalition (NJLEUC), Atlantic City Electric and New Jersey Division of Rate Counsel (Rate Counsel).

While the comments were generally supportive, the commenters requested clarification on select provisions of the rule. The full summary of comments and staff responses are included in the Office of Administrative Law Adoption document, important point of

clarification requested coordination between utilities and Case Management to allow assessed entities to seamlessly file post-Board Order compliance documents electronically. While staff agreed that petitioners should be able to file required continuing reports electronically, staff did not recommend changing the language in the rule as currently proposed. Staff is looking into methods to allow for electronic filings after the case is "closed" for recordkeeping purposes.

Staff proposed amendments to N.J.A.C. 14:1-1.6 and 4.2; 14:17-1.6 and 4.2 and proposing new rule N.J.A.C. 14:1-4.2A permitting directing the Board to establish an electronic filing system. The proposed amendment to N.J.A.C. 14:1-1.6(b) permits the electronic filing of documents pursuant to proposed new rule N.J.A.C. 14:1-4.2A. The proposed amendment to N.J.A.C. 14:1-1.6(c) expands the exception to the prohibition of the formal receipt of documents submitted electronically in a formal proceeding to include those filed pursuant to proposed new rule N.J.A.C. 14:1-4.2A.

Proposed new rule N.J.A.C. 14:1-4.2A states that the filing requirements of the existing rules in N.J.A.C. 14:1-4 do not apply to any electronically filed pleading or other paper and amendment thereof submitted pursuant to an electronic filing program established by the Board. The proposed new rule also sets forth the requirements of any electronic filing programs which includes, but is not limited to: The electronic copy will be considered the filed copy and any subsequent changes to the e-filed document must be filed as an amendment or supplement to the original filing; Electronically submitted documents will be deemed as officially filed upon submission; Any portion of the filing submitted by hard copy are subject to the provisions of N.J.A.C. 14:1-4.2; and The electronic filing does not affect the requirement to serve a hard copy of all pleadings to the Division of Law and Public Safety or the Rate Counsel pursuant to N.J.A.C. 14:1-5.12(b)(2) or any other filing or service requirements set forth in the Board's rules at N.J.A.C. 14:1 et seq. or N.J.A.C. 14:17 et seq.

The proposed amendment to N.J.A.C. 14:17-1.6(d) expands the exception to the prohibition of the formal receipt of documents submitted electronically in a formal proceeding to include those filed pursuant to proposed new rule N.J.A.C. 14:1-4.2A. Proposed new subsection N.J.A.C. 14:17-4.2(c) states that the provisions of this section do not apply to electronic filings made pursuant to N.J.A.C. 14:1-4.2A.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar, pursuant to N.J.A.C. 1:30-3.3(a)5.

Commissioner Holden stated that it needs to be mentioned that this is with regard to electronic filing. I don't think we mentioned it.

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

EXECUTIVE SESSION

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

2. ENERGY

I. Docket No. ER17010003 – In the Matter of the Federal Energy Items for 2017 – Non-docketed Interregional Transmission Policy Matter.

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

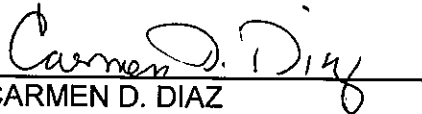
7. CUSTOMER ASSISTANCE

A. Docket No. EO17080888U – In the Matter of Christopher S. Porrino, Attorney General of the State of New Jersey, et al. v. IDT Energy, Inc.

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

After appropriate motion, the Board reconvened to Open Session.

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


CARMEN D. DIAZ
ASSISTANT BOARD SECRETARY

DATE: 1/31/18