



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 February 28, 2018, at the State House Annex, Committee Room 15, 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:

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

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

It was announced that the next regular Board Meeting would be held on March 26, 2018 at the State House Annex, Committee Room 15, 125 West State Street, Trenton, New Jersey 08625.

9. MISCELLANEOUS

C. Non-Docketed Matter – In the Matter of the Board’s Designation of Aida Camacho-Welch as Secretary of the Board of Public Utilities and Records Custodian Pursuant to N.J.A.C. 14:1-1.3. and N.J.S.A. 47:1A-1, et seq.

President Joseph L. Fiordaliso, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved appointing Aida Camacho-Welch as Secretary of the Board. President Fiordaliso stated that currently, the position of Board Secretary is vacant. This matter designates Aida Camacho-Welch as Secretary of the Board and Records Custodian for the interim period of time until a permanent replacement is made.

The Board adopted the recommendation of the President as set forth above.

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

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

CONSENT AGENDA

I. AUDITS

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

EE17080861L	All Source Energy LLC	I – EA
EE16030242L	Lightstar Holdings LLC	I – EA
EE17121258L	Meretz Energy Group LLC	I – EA
GE17050542L	Goldstar Energy Group, Inc.	I – PA
EE17111193L	Arcadia Power, Inc.	I – EA/PA
GE17111194L		
EE17050537L	Choice Energy Services Retail, LP	I – EA/PA/EC
GE17050538L	d/b/a Choice Energy Services	
EE17040347L	Titan Energy New England, Inc.	I – EA/PA/EC
GE17040348L		
EE17121251L	Taurus Advisory Group LLC	I – EA/PA/EC
GE17121252L		

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

EE17091008L	Gold Star Energy, LLC d/b/a GSEUSA.COM	R – EA
EE18020127L	BKE Mechanical, Inc. d/b/a BKE Energy, Inc.	R – EA
EE15101106L	Save On Energy, LLC	R – EA
EE16060577L	Resource Energy Systems, LLC	R – EA
EE17080904L	New Energy Concepts, LLC	R – EA/PA

GE17080905L		
EE15050529L	Colonial Power Group, Inc.	R – EA/PA
GE15050530L		
EE18020153L	Goldstar Energy Group, Inc.	R – EA/EC
GE18020154L		
EE15101221L	Priority Power Management LLC	R – EA/PA
GE15101222L		
EE16030193L	Amerigreen Energy, Inc.	R – EA/PA/EC
GE16030194L	d/b/a Amerigreen Energy Brokers	
EE17030238L	Health Resource Network, Inc.	R – EA/PA/EC
GE17030239L	d/b/a HRNEnergy	
EE17050447L	Best Practice Energy LLC	R – EA/PA/EC
GE17050448L		

Electric Power and/or Natural Gas Supplier Initial Licenses

EE17111205L	Eligo Energy NJ, LLC	I – EGSL
GE17111204L		
GE17080810L	LPC Gas, LLC	I – GSL

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE17080819L	Barclays Services Corporation	R – ESL
EE17121308L	SmartEnergy Holdings, LLC	R - ESL
EE15040411L	Marathon Power, LLC	R – EGSL
GE15040412L		
EE17121305L	NATGASCO, Inc.	R – EGSL
GE17121304L	d/b/a Supreme Energy, Inc.	
EE17050453L	XOOM Energy New Jersey, LLC	R – EGSL
GE17050452L		

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.

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

- All Source Energy LLC
- Lightstar Holdings LLC
- Goldstar Energy Group, Inc.
- Meretz Energy Group LLC
- Arcadia Power, Inc.
- Choice Energy Services Retail, LP d/b/a Choice Energy Services
- Titan Energy New England, Inc.

- Taurus Advisory Group LLC

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

- Gold Star Energy, LLC d/b/a GSEUSA.COM
- BKE Mechanical, Inc. d/b/a BKE Energy, Inc.
- Save On Energy, LLC
- Resource Energy Systems, LLC
- New Energy Concepts, LLC
- Colonial Power Group, Inc.
- Goldstar Energy Group, Inc.
- Priority Power Management LLC
- Amerigreen Energy, Inc. d/b/a Amerigreen Energy Brokers
- Health Resource Network, Inc. d/b/a HRNEnergy
- Best Practice Energy LLC

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

- Eligo Energy NJ, LLC
- LPC Gas, LLC
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Finally, Staff recommended that the following applicants be issued renewal licenses as an electric power and/or natural gas supplier for one year:

- Barclays Services Corporation
- SmartEnergy Holdings, LLC
- Marathon Power, LLC
- NATGASCO, Inc. d/b/a Supreme Energy
- XOOM Energy New Jersey, LLC

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

II. ENERGY

A. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. EL18-34 – Section 206 Proceeding and Paper Hearing re: Fast Start Resources.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing for intervention in this proceeding as an “interested state commission” under Federal Energy Regulatory Commission (FERC) rules of practice. The FERC e-filing rules allow for doc-less interventions, which is how this matter was filed. The purpose of this intervention is to establish the Board as a party to the proceeding.

On December 21, 2017, the FERC issued an order, pursuant to section 206 of the Federal Power Act, instituting an investigation into whether PJM Interconnection, LLC’s practices regarding the pricing of fast-start resources may be unjust and unreasonable.

Fast-start resources are resources that are able to start quickly and are often dispatched to their inflexible economic minimum or maximum operating limits, and are thus not eligible to set prices absent a special regional transmission organizations and independent system

operators (RTO/ISO) fast-start pricing logic. Fast-start pricing allow an RTO's/ISO's software algorithms to incorporate the offers of fast-start resources into the market prices for energy and ancillary services.

The FERC has suggested revisions to the PJM Tariff that would result in rates that are just and reasonable and set forth a requirement for PJM to file initial briefs by February 12, 2018. If applicable, a refund effective date will be determined by the Commission within five months subsequent to the initiation of the proceeding. A final order is expected by September 30, 2018.

Staff recommended that the Board ratify this intervention.

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

B. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. CP18-46 – Adelphia Gateway Project.

BACKGROUND: This matter involved Staff on behalf of the Board, filing for intervention in this proceeding as an “interested state commission” under Federal Energy Regulatory Commission (FERC) rules of practice. The FERC e-filing rules allow for doc-less interventions, which is how this matter was filed. The purpose of this intervention is to establish the Board as a party to the proceeding.

On January 12, 2018, Adelphia Gateway, LLC (a subsidiary of New Jersey Resources Corporation) filed an application under section 7(c) of the Natural Gas Act and Part 157 of the Commission’s rules and regulations requesting certificate authority to acquire and convert certain existing pipeline and auxiliary facilities, to construct additional auxiliary facilities, and to own and operate the existing and new facilities as an interstate natural gas pipeline system for its proposed Adelphia Gateway Pipeline Project located in Pennsylvania and Delaware.

Adelphia plans to provide 250,000 Dekatherms per day (Dth/d) of natural gas transportation capacity from an interconnection with Texas Eastern Transmission, LP (Texas Eastern) in Bucks County, Pennsylvania to Marcus Hook, Delaware County, Pennsylvania, and 525,000 Dth/d of combined natural gas transportation capacity from an interconnection with Texas Eastern in Bucks County and an interconnection with Transcontinental Gas Pipeline Company, LLC in Northampton County to Martins Creek Terminal, Martins Creek, Pennsylvania.

Staff recommended that the Board ratify this intervention.

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

C. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. ER 18-614 – PJM Interconnection LLC re: RTEP Projects Approved December 2017.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing for intervention in this proceeding as an “interested state commission” under Federal Energy Regulatory Commission (FERC) rules of practice. The FERC e-filing rules allow for doc-less interventions, which is how this matter was filed. The purpose of this intervention is to establish the Board as a party to the proceeding.

On January 5, 2018, PJM submitted the PJM Board approved changes to the Regional Transmission Expansion Plan, which included approximately \$350.45 million in additional baseline transmission enhancements and expansions.

Among the projects approved by the PJM Board were certain “immediate need” projects in the Public Service Electric & Gas Zone that may no longer be necessary given the change in withdraw rights approved for Linden and Hudson Transmission Partners (HTP). Therefore, PPA-NJ has protested the PJM filing and sought new modeling from PJM to determine the need for those projects.

PJM’s filing also eliminates any cost allocation for HTP and Linden, consistent with other PJM filings. Collectively, the PJM Transmission Owners protest the filing, because PJM has failed to allocate any costs for Targeted Market Efficiency Projects (TMEPs) to HTP and Linden, despite their continued benefit from the congestion reductions achieved by those TMEPs.

Staff, on behalf of the Board, prepared and filed a limited Answer to support the protests, which raise issues quite similar to those of the Board in its Complaint.

Staff recommended that the Board ratify the intervention.

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

D. Docket No. ER18010004 - In the Matter of Federal Energy Items for 2018 – FERC Docket No. ER 18-680 – PJM Interconnection LLC re: Tariff Revisions Addressing Cost. Responsibility of Linden and HTP.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing for intervention in this proceeding as an “interested state commission” under Federal Energy Regulatory Commission (FERC) rules of practice. The FERC e-filing rules allow for doc-less interventions, which is how this matter was filed. The purpose of this intervention is to establish the Board as a party to the proceeding.

On January 19, 2018 PJM submitted certain tariff revisions to address the termination of Hudson Transmission Partners and Linden VFT’s Firm Transmission Withdraw Rights.

Notably, PJM stated that it has “made a good faith attempt to reconcile the Commission’s December 15 Orders with the existing provisions of the PJM Tariff relative to cost allocation. No doubt, others may have different legitimate interpretations as to how to appropriately implement these orders and how best to reconcile the existing Tariff provisions with the December 15 Orders.”

PJM urged the FERC to review this filing (and any protests thereto) in an expeditious manner to avoid the magnitude of a contested allocation of costs accumulating over time leading to both potential large refunds, as well as uncertainty as to future cost allocations.

Staff recommended that the Board ratify the intervention.

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

III. CABLE TELEVISION

A. Docket No. CE17121277 – 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 City of Summit, County of Union, State of New Jersey.

BACKGROUND: On December 8, 2017, Comcast of New Jersey II, LLC (Comcast) filed a petition with the Board for an Automatic Renewal Certificate of Approval for the City of Summit (City) based on the automatic renewal provision, for a term to expire on January 5, 2023. The record indicates that on May 20, 2008, the City granted Comcast renewal municipal consent for a term of ten years with an automatic renewal term of five years.

On February 26, 2015, the Office of Cable Television & Telecommunications (OCTV&T) notified the City of the start of the three-year federally permitted ascertainment process. The notification letter outlined the procedures required if the City chose to undergo the ascertainment process. On March 3, 2015, Comcast notified the City of the start of the ascertainment process.

On June 14, 2016, the OCTV&T notified the City that the Renewal Certificate of Approval contained a provision for automatic renewal. The notification letter outlined the steps necessary to not accept the automatic renewal.

On November 29, 2017, Comcast filed notice with the City that it intended to invoke the automatic renewal provisions of the franchise.

After review, Staff recommended approval of the proposed Automatic Renewal Certificate of Approval.

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

IV. TELECOMMUNICATIONS

A. Docket No. TM17121283 – In the Matter of the Verified Petition of magicJack VocalTel Ltd. and B. Riley Financial, Inc. for Approval of the Indirect Transfer of Control of YMax Communications Corp.

BACKGROUND: On December 14, 2017, magicJack VocalTec Ltd. (MJVT) and B. Riley Financial, Inc. (B. Riley)(collectively, the Petitioners), submitted a Petition to the Board requesting approval to consummate a merger transaction whereby B. Riley will acquire ultimate control of MLVT and its indirect wholly-owned subsidiary YMax Communications Corp. (YMax).

Following completion of the transaction, the same services will continue to be offered in New Jersey at the same rates, terms, and conditions to YMax customers.

Staff, having reviewed the Petition and supporting documents, did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioner, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner's competitive posture in the telecommunications market.

Therefore, Staff recommended that the Petitioner be allowed to proceed with the transaction. Staff also recommended that the Petitioners 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

B. Docket No. TF17111184 – In the Matter of the Petition of CenturyLink Communications, LLC for Approval to Participate in a Financing Arrangement.

BACKGROUND: On November 17, 2017, CenturyLink Communications, LLC (CLC) filed a petition with the Board requesting approval to participate in financing arrangements to pledge its assets and to be added as a guarantor in connection with approximately \$9.945 billion of debt obligations incurred by CenturyLink, Inc. as a result of the acquisition of Level 3 Communications, Inc. The closing of the CenturyLink/Level 3 merger transaction occurred on November 1, 2017.

On February 1, 2018, CLC amended its petition, seeking to add a financing participant and expand the financing amount. The Credit Agreement dated June 19, 2017, as amended by execution of the Incremental Assumption Agreement No. 1 dated January 29, 2018, adds a lender participant in certain components of the financing totaling an additional \$300 million in indebtedness. As a result, the total amount of the financing arrangement was increased to \$10.245 billion. CLC therefore requested authorization to pledge its assets and to participate in the guarantor financing arrangement described in the Credit Agreement, as amended.

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

V. WATER

A. 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 (Company), 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. On October 13, 2017, the Company filed a letter with the Board stating that it would not implement rates on an interim basis prior to the effective date of the Board's suspension Order resulting from the November 21, 2017 agenda meeting.

This matter was transmitted to the Office of Administrative Law for hearing(s) on October 30, 2017 and on November 21, 2017, the Board issued an Order suspending the Company's proposed rate increase until March, 15, 2018.

Since the case will not be completed by March 15, 2018, Staff recommended that the Board issue an order suspending the rates until July 15, 2018.

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

B. Docket No. WR17101049 – In the Matter 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 (Company), 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 for service on and after November 13, 2017.

On October 30, 2017, the matter was transmitted to the Office of Administrative Law for hearing(s) and on November 21, 2017, the Board issued an Order suspending the Company's proposed rate increase until March 15, 2018.

In view of the fact that this proceeding will not be completed by March 15, 2018, Staff recommended that the Board issue a further Order suspending the rates until July 15, 2018.

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

VI. RELIABILITY & SECURITY

A. Docket Nos. GS18010035K, 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 (Act) by both excavators and operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death or major property damage. 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 68 with a total penalty of \$202,000.00.

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 WC17070764U and OAL PUC 15550-2017N – In the Matter of 39 Union Condo Association, Inc., Petitioner v. Suez Water New Jersey, Inc., Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between 39 Union Condo Association (UCA) and Suez Water New Jersey (Suez or Company). The petition was transmitted to the Office of Administrative Law (OAL), for hearing as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on January 19, 2018.

While this matter was pending at the OAL, the parties engaged in negotiations and executed a Stipulation of Dismissal (Stipulation) that was made part of the Initial Decision, dated January 19, 2018. The Stipulation provides, “that any and all claims in the above-referenced action asserted against Suez by Plaintiff or against Plaintiff by Suez are hereby dismissed with prejudice, and without costs to any party.”

There is no settlement before the Board with specific terms and conditions; therefore, there is no basis under which the Board can accept the ALJ’s conclusion. The Stipulation of Dismissal which provides that the parties have amicably resolved the pending matter and that all claims that had been raised or could have been raised, including claims for costs and counsel fees, are dismissed with prejudice and without costs.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Moss. Staff recommended that the Board reject the Initial Decision Settlement in its entirety without modification and consider the petition withdrawn and this matter closed.

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

There were no items in this category.

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

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

A. Docket No. ER17090972 – In the Matter of Atlantic City Electric Company’s Verified Petition to Reconcile Costs Associated with its Residential Controllable Smart Thermostat Program for the Period from June 1, 2016 through May 31, 2017 and to Maintain its RGGI Recovery Charge for the Period October 1, 2017 through May 31, 2018.

BACKGROUND AND DISCUSSION: On September 13, 2017, Atlantic City Electric Company (Petitioner or ACE) filed a petition with the Board requesting authority to maintain the existing Residential Controllable Smart Thermostat Program (RCSTP) component of its Regional Greenhouse Gas Initiative Recovery (Rider RGGI) Charge of \$0.000000 per kWh (including taxes).

The Petitioner sought to reconcile RGGI costs and cost recoveries for the period commencing June 1, 2016 through May 31, 2017, and to recover forecast revenues for the period October 1, 2017 through May 31, 2018. The September 2016, petition was based on actual data through May 31, 2017 and projected data through May 31, 2018.

ACE, Board Staff, and the New Jersey Division of Rate Counsel (collectively, Parties) engaged in discovery and discussed matters at issue in this docket. As a result of those discussions, the Parties executed a stipulation of settlement (Stipulation) that recommended the continuation of the current RCSTP rate of \$0.000000 per kWh, including taxes.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties. Staff further recommended that the Board order ACE to file tariffs consistent with the Board’s Order within five days of service of the Order.

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

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

B. Docket No. GR17060593 – In the Matter of Public Service Electric and Gas Company’s 2017/2018 Annual Margin Adjustment Charge Filing under its Periodic Pricing Mechanism and for Changes in the Tariff for Gas Service.

BACKGROUND AND DISCUSSION: On June 1, 2017, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking to adjust its Margin Adjustment Charge (MAC). The MAC was established to ensure margins from Non-Firm

Transportation customers are credited to firm gas customers in recognition that both firm and non-firm customers should contribute toward off-setting the costs associated with maintaining the Company's distribution system.

In the filing, PSE&G projected that, based on actual results through April 2017, the Company's net MAC balance including cumulative interest at September 30, 2017 would be over collected by \$16.07 million. This translated to a change in the per therm MAC credit rate from the then existing credit rate of \$0.006338 (excluding Sales and Use Tax (SUT)) to a credit rate of \$0.006313 excluding SUT. However, since the MAC is filed annually, PSE&G proposed to maintain the current credit rate of \$0.006338 per therm and not implement the minor rate increase at this time.

Following a review of the information, the Company, Board Staff, and the New Jersey Division of Rate Counsel (collectively, Parties) executed a Stipulation of Settlement (Stipulation) by which the Parties agreed that the current MAC credit rate of \$0.006338 per therm should be maintained.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. In addition, Staff recommended that the Board direct PSE&G to file tariffs consistent with its Order within five days of service of the Order.

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

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

C. Docket No. ER17101027 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric Base Rate Adjustments Pursuant to the Energy Strong Program (September 2017 ES Electric Rates Filing).

BACKGROUND AND DISCUSSION: On September 29, 2017, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking authorization to establish rates to recover annualized increases in its electric related Energy Strong Program (ES Program) investment costs. The Company sought approval to recover \$8.841 million in revenue requirements. The Petition was based on actual costs for program investments placed in service from June 1, 2017 through August 31, 2017, and projected costs through November 30, 2017.

On December 15, 2017, PSE&G updated the Petition to include actual ES Program expenditures through November 30, 2017. The updated schedules reflected a reduction in the proposed revenue requirements from \$8.841 million to \$8.405 million.

On January 30, 2018, the Company, Board Staff, and the New Jersey Division of Rate Counsel executed a Stipulation of Settlement (Stipulation) that allows the Company to recover revenues of \$8.405 million related to the electric ES Program expenditures as of November 30, 2017.

Staff recommended that the Board issue an Order approving the Stipulation. Staff further recommended that the Board direct PSE&G to file tariffs consistent with the Board's Order prior to March 1, 2018.

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

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

D. Docket No. ER17020136 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric and Gas Societal Benefits Charge Rates.

BACKGROUND AND DISCUSSION: On February 15, 2017, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board requesting approval of a proposed increase in its electric Societal Benefits Charge (SBC) revenue of \$27.9 million related to the Electric Energy Efficiency and Renewable Energy and Social Programs components. The Company also sought approval of a proposed decrease in its gas SBC revenue of \$6.3 million.

PSE&G responded to discovery requests propounded by Staff and New Jersey Division of Rate Counsel (Rate Counsel) concerning the Company's filing. On June 26, 2017, the Company updated SBC Petition reflecting actual data through May 31, 2017. The information in the June Update translated into an annual revenue increase of \$21.1 million for electric and an annual revenue decrease of \$0.6 million for gas.

On February 7, 2018, PSE&G, Board Staff, and the Rate Counsel executed a stipulation of settlement (Stipulation) that allows the Company to increase revenues by \$20.2 million related to the electric SBC and decrease revenues by \$0.8 million related to the gas SBC.

Staff recommended that the Board issue an Order approving the Stipulation. Staff further recommended that the Board direct PSE&G to file tariffs consistent with the Board's Order prior to April 1, 2018.

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

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

E. Docket No. ER17121310 – In the Matter of the Basic Generation Service and the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff – December 20, 2017 Joint Filing.

BACKGROUND AND DISCUSSION: On December 21, 2017, Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric and Gas Company, and Rockland Electric Company (collectively, the EDCs) filed a joint petition (December 2017 PECO Petition) with the Board requesting recovery of Federal Energy Regulatory Commission (FERC) approved changes in transmission service related charges.

The EDCs proposed tariff changes to the Basic Generation Service (BGS), Residential and Small Commercial Pricing (BGS-RSCP) and Commercial and Industrial Energy Pricing (BGS-CIEP) rates to customers resulting from changes in the PJM Interconnection, LLC (PJM) Open Access Transmission Tariff (OATT) made in response to the formula rate filing made by PECO Energy Company in FERC Docket No. ER17-1519-000. The EDCs requested that the changes become effective on January 1, 2018.

The EDCs also requested that BGS suppliers be compensated for the changes to the OATT resulting from the implementation of the PECO formula rate effective on December 1, 2017. The EDCs confirmed that the suppliers will be compensated subject to the terms and conditions of the applicable Supplier Master Agreements (SMAs), and any difference between the payments to BGS-RSCP and BGS-CIEP suppliers and charges to customers will flow through the BGS Reconciliation Charges.

Pursuant to Section 15.9 of the SMAs, between each BGS Supplier and an EDC, if a filing is made with FERC to approve a change in Firm Transmission Service rates, upon the date the EDCs begins collecting the retail rates from its customers after approval by the Board, the EDCs will track the portion of such increase and retain such tracked amounts for the benefit of the BGS suppliers. When a Final FERC Order is issued approving the increase in Firm Transmission Service rates, the EDCs will pay each BGS Supplier the amounts tracked and retained for the benefit of such BGS Supplier as outlined in Section 15.9 of the SMA. Any differences between payments to BGS suppliers and charges to customers would flow through the BGS Reconciliation Charges.

Staff recommended that the Board issue an order approving the changes to the BGS-RSCP and BGS-CIEP rates requested in the December 2017 PECO Petition by each EDC for its transmission charges resulting from the FERC-approved changes effective as of April 1, 2018.

Staff also recommended that the Board authorize the EDCs to collect from BGS customers, effective April 1, 2018, the costs associated with the December 2017 PECO Petition and track such collections until receipt of a Final FERC Order in the matter.

Staff further recommended that the Board direct the EDCs to file tariffs and rates consistent with the Board's findings prior to April 1, 2018.

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

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

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

F. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. EL17-84 – PJM Interconnection LLC re: Order to Show Cause.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board filing limited Reply to the Answer of Hudson Transmission Partners, LLC (HTP) filed in response to the Board’s Motion for Rehearing. HTP’s Answer mischaracterizes the arguments and evidence underscoring the Board’s Request for Rehearing. Therefore, for the purposes of clarifying the record as to the Board’s position and assisting Federal Energy Regulatory Commission (FERC) in its decision making.

On July 10, 2017, PJM submitted for filing an unexecuted Interconnection Service Agreement entered into among PJM, Hudson Transmission Partners, LLC (Interconnection Customer), and Public Service Electric and Gas Company (PSE&G or Interconnected Transmission Owner) (HTP ISA), which modifies Service Agreement No. 2536 filed with and accepted by the FERC in Docket No. ER10-1740-000. The HTP ISA regards a pre-existing Merchant Transmission Facility interconnected to the PJM system. HTP sought to modify its ISA to terminate its firm withdraw rights in order to avoid cost allocation. PSE&G refused. PJM’s filing states, as further clarified, that it was submitted at the request of HTP.

On July 26, 2017, the New York Power Authority (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 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 MTFs “have been unable to obtain the necessary and timely recourse.”

On July 31, 2017, the HTP 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.”

Staff recommended that the Board ratify the filing.

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

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

G. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. ER18-507 – PJM Interconnection LLC re: HTP Amended Interconnection Service Agreement.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a limited Answer in response to Hudson Transmission Partners' (HTP's) comments in this proceeding. Staff protested PJM's filing on the same grounds as the Request for Rehearing filed in the underlying docket, specifically because the effect is that the amended Interconnection Service Agreement will result in unjust and unreasonable rates.

By Order dated December 15, 2017, Federal Energy Regulatory Commission (FERC) ruled favorably for HTP and held that the Board's cost allocation concerns were not within the scope of the proceeding. Notably, FERC found fault with the Board's failure to specifically challenge PJM Interconnection, LLC (PJM) tariff on the cost allocation issue. FERC ordered PJM to submit the amended HTP Interconnection Service Agreement (ISA).

On December 22, 2017, PJM submitted a compliance filing, containing the amended ISA allowing HTP to terminate its firm transmission withdraw rights.

The Board protested the compliance filing as a violation of the ban on unjust, unreasonable, and unduly preferential rates under the Federal Power Act. The Board's protest mirrors its Motion for Rehearing in the underlying docket.

Staff recommended that the Board ratify the limited Answer.

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

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

H. Docket No. ER18010004 – In the Matter of the Federal Energy Items for 2018 – FERC Docket No. ER18-608 - PJM Interconnection LLC re: Linden Amended Interconnection Service Agreement.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a limited Answer in response to Linden VFT's comments in this proceeding. Staff protested PJM's filing on the same grounds as the Request for Rehearing filed in the underlying docket, specifically because the effect is that the amended Interconnection Service Agreement will result in unjust and unreasonable rates. Linden VFT challenges the

Staff's Protest as a collateral attack on Federal Energy Regulatory Commission's (FERC) Order.

PJM made the 205 filing on July 10, 2017 as requested by HTP. 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. The goal is to avoid paying for Regional Transmission Expansion Plan projects that were allocated to HTP due to their FTWRs.

On August 9, 2017, Linden VFT similarly requested that PJM submit an unexecuted, amended ISA, reducing its FTWRs to Non-Firm. NJBPU protested Linden VFT's substantially similar request on the same grounds as our opposition to the HTP matter, because Linden makes a substantially similar claim.

By Order dated September 8, 2017, FERC rejected the Amended ISA submitted on behalf of HTP and instituted a proceeding under Section 206 of the Federal Power Act, concerning the justness and reasonableness of HTP being unable to convert its FTWRs to non-FTWRs. Pursuant to the Order, PSE&G and PJM were required to show cause by October 10, 2017. Although not required to file, the Board also filed on October 10, 2017. The Board opposed amending the ISA because it would enable HTP to shirk its cost allocation responsibilities.

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

In an October 5, 2017 Order, FERC rejected the Amended ISA but did not institute a separate proceeding, since Linden had already filed the instant matter.

By Order dated December 15, 2017, FERC ruled favorably for Linden, which allows them to modify their rights from Firm to Non-firm. FERC also claimed that the Board's cost allocation concerns were not within the scope of the proceeding. FERC found fault with the Board's failure to specifically challenge PJM's tariff on the cost allocation issue.

Staff recommended that the Board ratify the limited Answer.

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

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

I. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. ER 18-579 – PJM Interconnection LLC re: RTEP Annual Update.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a limited Answer in support of protests to PJM's reallocation of Regional Transmission Expansion Plan (RTEP) costs as part of its annual update filing. PJM reallocation the cost of certain RTEP projects, including the Bergen-Linden Corridor Project, which will have a significant impact on Public Service Electric & Gas (PSE&G) ratepayers. Protesting parties

challenge the fairness, appropriateness, and justness of the reallocation of costs and raise the question of whether this matter should be consolidated with the Board's own Complaint in EL18-54.

On December 29, 2017, PJM submitted its 2018 Annual Update Filing, including updates to the annual cost allocations for Regional and Necessary Lower Voltage Facilities and Lower Voltage Facilities included in the PJM RTEP.

Protests were filed by the PJM Transmission Owners (collectively), PSE&G individually (as supplement to the PJM Transmission Owners filing); and the Public Power Association of New Jersey.

Linden Variable Frequency Transformer Project, Hudson Transmission Partners, LLC and the New York Power Authority responding to the Answers and disputing the issues presented by the protesting parties.

Staff recommended that the Board ratify the Answer.

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

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

J. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. ER 18-614 – PJM Interconnection LLC re: RTEP Projects Approved December 2017.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board filing a limited Answer in support of protests to PJM's reallocation of Regional Transmission Expansion Plan (RTEP) costs as part of its annual update filing. The PJM filing reallocates the cost of certain RTEP projects, specifically those approved by the PJM Board in December 2017. Protesting parties challenge the fairness, appropriateness, and justness of the reallocation of costs, question the need for certain projects, and raise the question of whether this matter should be consolidated with the Board's own Complaint in EL18-54.

On January 5, 2018, PJM submitted the PJM Board approved changes to the RTEP, which included approximately \$350.45 million in additional baseline transmission enhancements and expansions.

Among the projects approved by the PJM Board were certain "immediate need" projects in the Public Service Electric & Gas Zone that may no longer be necessary given the change in withdraw rights approved for Linden and Hudson Transmission Partners (HTP). Therefore, Public Power Association of New Jersey protested the PJM filing and sought new modeling from PJM to determine the need for those projects.

PJM's filing also eliminates any cost allocation for HTP and Linden, consistent with other PJM filings. The PJM Transmission Owners protest the filing, because PJM has failed to allocate any costs for Targeted Market Efficiency Projects to Hudson Transmission

Partners, LLC (TMEP) and Linden, despite their continued benefit from the congestion reductions achieved by those TMEPs.

Staff recommended that the Board ratify the Answer.

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

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

K. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. ER 18-680 – PJM Interconnection LLC re: Tariff Revisions Addressing Cost Responsibility of Linden and HTP.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a Protest to PJM’s reallocation of additional costs in its effort to effectuate the Federal Energy Regulatory Commission’s December 15 Order terminating the firm withdraw rights of Hudson Transmission Partners and Linden. The effect of this Tariff revision is to reallocate the costs to New Jersey ratepayers, despite continued benefits to New York.

On January 19, 2018, PJM submitted certain tariff revisions to address the termination of Hudson Transmission Partners, LLC and Linden Variable Frequency Transformer Project’s Firm Transmission Withdraw Rights.

Staff recommended that the Board ratify the Protest.

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

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

L. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. EL18-54 NJBPU v. PJM Interconnection et al. – See Executive Session.

Cynthia L. M. Holland, Esq., Legal Specialist, Office of the Chief Counsel and Alex Moreau, Esq., Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in executive session. Staff requested that the Board ratify and authorize the action recommended by the Division of Law in executive session, at Staff’s direction filed on behalf of the Board an informational filing in this docket, bringing to light also related proceedings in particular the Regional Transmission Expansion Plan cost allocation proceedings, bringing them to Federal Energy Regulatory Commission’s attention as related dockets as causing an unjust and unreasonable result. Staff recommended that the Board ratify the filing at this time.

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

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

M. Docket No. GR17070776 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism.

Geoffrey R. Gersten, Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: On July 27, 2017, Public Service Electric and Gas Company (Company or PSE&G) filed a petition with the Board for approval of the next phase of the Gas System Modernization Program and an associated cost recovery mechanism (GSMP II).

By Order dated September 22, 2017, the Board determined that the GSMP II petition described above should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, designated President Fiordaliso as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

The Board determined that it is appropriate to reassign this matter to Commissioner Upendra Chivukula as the presiding officer who is authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules as necessary to secure a just and expeditious determination of the issues. Additionally, and amend the procedural schedule to provide for a settlement conference on March 9, 2018 at the Board's Offices in Trenton, NJ. Evidentiary hearings are scheduled on April 4, 5, and 6, 2018 at the office of Administrative Law, Newark, NJ.

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. **WATER**

A. Docket No. AX18010001 – In the Matter of the New Jersey Board of Public Utilities’ Consideration of the Tax Cuts and Jobs Act of 2017; and

Docket Nos. BPU WR17090985 and OAL PUC 14251-2017S – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Sewer Service, Change in Depreciation Rates, and Other Tariff Modifications.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: On February 13, 2018, New Jersey American Water Company, Inc. (Petitioner, Company or NJAW) filed an emergent motion to consolidate NJAW’s pending rate case with the Board’s generic Tax Cut proceeding (Tax Cut Proceeding, Tax Order) concerning the Tax Cuts and Jobs Act of 2017 (Tax Act) and granting relief from the requirement that NJAW file tariffs reflecting rate decreases, to be effective April 1, 2016, resulting from tax rate changes emanating from the Tax Act.

The Petitioner’s motion requested that the Board: exempt NJAW from the requirements set forth in provision number two of the Tax Order requiring that the Company provide the tariff rates reflecting the new tax rate at 21% effective on April 1, 2018 and; to consolidate the requirements in the Tax Order into the Company’s base rate case which is currently pending before Administrative Law Judge (ALJ) Jacob Gertsman at the Office of Administrative Law. NJAW argued that complying with the Tax Order will result in an immediate rate decrease followed almost immediately by a rate increase at the conclusion of its base rate case. NJAW argued that this “yo yo” fluctuation in rates may be confusing to customers.

A coalition of NJAW customers identified as the OIW Customer Coalition (OIW) submitted their opposition to NJAW’s motion on February 20, 2018. The members of the OIW Customer Coalition are customers of NJAW and seek to enjoy the near-term benefits of reduced rates on an interim basis, as the Board’s Tax Order contemplates, rather waiting until NJAW’s base rate case is completed. The OIW argued that the Company’s possible “yo yo” fluctuation of rates is speculative at best and should not be used as a basis to defer rate relief for the Company’s customers immediately.

On February 23, 2018, the New Jersey Division of Rate Counsel (Rate Counsel) filed its response to the NJAW motion stating that it opposed NJAW’s request to be relieved from filing tariffs reflecting rate decreases required by the Tax Order for several reasons. The Rate Counsel stated that it did not share the Company’s concern regarding the potential customer confusion resulting from a rate decrease on April 1, 2018 followed a potential base rate increase several months later. The Rate Counsel noted that customers experience periodic rate changes through clause type adjustments such as the Distribution System Improvement Clause (DSIC) and the Purchased Water Adjustment Clause (PWAC), etc. The Rate Counsel also noted the Company’s DSIC changes every six months and alleged that the Company recently supported a proposed regulation regarding provisional rates that will involve frequent rate changes.

Staff recommended that the Board deny NJAW’s motion. The relief sought by the Petitioner in its motion is based upon speculation concerning “rate volatility” and the impact of the tax adjustments resulting from the recently enacted Tax Act and the Board’s responsive Tax

Order. Staff agreed with Rate Counsel's argument that customers are used to periodic rate changes. The DSIC changes semi-annually and the PWAC is adjusted annually. Staff further recommended that the Board deny the Company's request to consolidate the Tax Proceeding with its base rate case. The Tax Proceeding is pending before the Board and the base rate proceeding is pending before ALJ Gertsman.

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

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

6. RELIABILITY & SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC16090876U and OAL PUC 17128-16 – In the Matter of George Eikens, Petitioner v. Jersey Central Power and Light Company, Respondent – Billing Dispute.

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

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between George Eikens (Petitioner) and Jersey Central Power & Light (JCP&L or Company). The matter was transmitted to the Office of Administrative Law, for hearing as a contested case. Administrative Law Judge (ALJ) Tricia M. Caliguire filed an Initial Decision in this matter with the Board on December 5, 2017. At the Board's December 19, 2017 Agenda Meeting, Staff requested, and was granted, a 45-day extension of time for issuing a final decision. No exceptions to the Initial Decision have been received by the Board.

On September 22, 2017, the Petitioner and JCP&L participated in a settlement conference and agreed to a Settlement Agreement (Agreement), which was placed orally on the record before the ALJ Pursuant to the terms of the Agreement. The Petitioner agreed to make a down payment to JCP&L of \$1,700.00 by October 2, 2017. The Petitioners also agreed to make monthly installment payments of \$200.00 over the next twenty-four months, plus payments of the current charges. After questioning the Petitioner under oath, the ALJ approved the agreement. Following the hearing, the Company prepared the Settlement Agreement and a Certificate of Withdrawal, and delivered both to the Petitioners on September 25, 2017. The Petitioner did not sign or return either document to the Company, nor has the Petitioners made payments on his utility account.

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

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

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

8. CLEAN ENERGY

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

Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding to Establish a Program to Provide SRECs to Certified Brownfield, Historic Fill and Landfill Facilities; and

Docket No. QO15010030 – Conti Enterprise, Inc., Wayside Area, Naval Weapons Station Earle.

Scott Hunter, Manager, Renewable Energy Program Administrator, presented this matter.

BACKGROUND AND DISCUSSION: On or about April 5, 2017, Conti Enterprises, Inc. (Conti or Applicant) submitted an application to the Board to have its project certified as being located on a Brownfield. Conti's twenty-eight MWdc project is proposed to be constructed in the Wayside Area of Naval Weapons Station Earle in Tinton Falls, Monmouth County, NJ.

Subsection t of the Solar Act of 2012, provides for Board establishment of a certification program for approval of certain grid supply solar electric power generation facilities located on properly closed landfills, brownfields and areas of historic fill that seek eligibility for Solar Renewable Energy Certificates. On January 23, 2013, after conducting a public proceeding which the Board commenced on October 4, 2012, the Board established a certification program and directed Staff to work with New Jersey Department of Environmental Protection (NJDEP) to develop an application.

Staff issued an application for developers seeking Board approval pursuant to subsection (t) on April 10, 2013. Staff received thirty-seven unique applications to date which have been forwarded to NJDEP for an advisory recommendation on whether a site for a proposed facility is located on eligible land and the state of remediation on the site. Of those applications, the Board has certified or conditionally certified 19 applications and denied six. Six applications have been withdrawn, and six applications, including the Conti application, are pending review and approval.

Staff has received an advisory recommendation from NJDEP and recommended that the Board deny certification to Conti for its proposal to build a 28 MWdc solar facility project proposed to be located at the Naval Weapons Station Earle located in Tinton Falls, New Jersey.

NJDEP advised that the proposed project location is located on a federal military installation, which it does not consider to be "a commercial or industrial site," as that phrase

is used in the Solar Act's definition of "brownfield," where the installation is under the ownership or jurisdiction of a department or agency of the United States. NJDEP concluded, therefore, the location for this project is not a "former or current commercial or industrial site," within the requirements for classification as a "brownfield." NJDEP also advised that this determination is consistent with the language and intent of the Brownfield and Contaminated Site Remediation Act, which contains a definition for "brownfield site" that is identical to the Solar Act's definition of "brownfield". NJDEP stated that its determination is further supported by the Comprehensive Environmental Response, Compensation, and Liability Act.

Staff transmitted the application discussed above to NJDEP for a determination of eligible land use type and status of remediation on the proposed site.

NJDEP determined that the 162 acres requested for Subsection t certification on the Wayside Area at the Station is not located on land meeting the Solar Act's definition of a brownfield. Based on information provided in Conti's application and the analysis supplied by NJDEP, Staff recommended that the Board find that the project as proposed is not located on land meeting the definition of a "brownfield" because it is not "a commercial or industrial site," and deny the request for certification of the project.

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

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

Sherri Jones, Assistant Director, Division of Economic Development and Emerging Issues, presented these matters.

B. Docket No. QO17050465 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2018 – 2nd and 3rd Budget Revision.

BACKGROUND AND DISCUSSION: This matter involved Staff requesting that the Board approve revisions to the Fiscal Year 2018 (FY18) budgets for New Jersey's Clean Energy Program (NJCEP) approved under staff delegated authority.

Additionally, Staff requested the Board to consider the proposed revisions to the FY18 programs and program budgets through a Board Order entered in the present matter dated June 30, 2017, and revised through a Board Order entered in the present matter dated October 20, 2018.

In its Order dated February 4, 2014 (Delegation Order), the Board delegated limited authority to Staff to modify NJCEP budgets. The Delegation Order authorized Board Staff to revise NJCEP budgets within a given Funding Category (such as energy efficiency or renewable energy) so long as such revision would not reduce a program's budget by more than 10% and so long as the Commissioners and the public were provided with at least seven days' notice and an opportunity to comment.

On January 02, 2018, in accordance with the Delegation Order, Staff provided the requisite notice to increase the Residential New Construction Program funding levels to

\$3,400,000.00 and reduce the budgets of the heating ventilation and air conditioning; Energy Efficiency Products and Pay for Performance New Construction Programs by \$1,000,000.00, \$1,200,000.00 and \$1,200,000.00.

Staff received only one comment prior to the close of the comment period on January 9, 2018, and that one comment was supportive of the proposed Staff-Authorized Budget Revisions. Thereafter, on January 17, 2018, the Assistant Director of the Division of Economic Development and Emerging Issues approved the Staff-Authorized Budget Revisions.

Proposed FY18 Budget Revisions

On January 29, 2018, Staff posted on the NJCEP website a Request for Comments regarding the proposed FY18 budget revisions (3rd FY18 Budget Revisions).

Based on recent trends identified through monthly and yearly reporting and forecasting of actual commitments and expenditures, Staff recommended the following amounts be, as appropriate in each case, deducted or added to the budgets for the respective associated programs to either (a) provide the programs with the additional funding necessary to maintain essentially normal program operations through the end of FY18 or (b) reduce the programs' funding to avoid the programs being left with an unnecessary surplus at the end of FY18. Among the Programs to which Staff proposed to provide additional funding are:

- Comfort Partners: The \$6,000,000.00 in proposed additional funding would restore the \$6,000,000.00 originally cut from the program's FY18 budget (as compared to FY17).
- State Facilities Initiative: Board Staff proposed to provide an additional \$3,000,000.00 to this program for new capital projects and energy audits of state facilities energy efficiency projects in State-owned facilities or State-sponsored projects with the objective of producing energy and cost savings.
- EDA: Since the FY18 Budget was adopted, certain Green Growth Fund commitments were cancelled, resulting in \$1,944,416.48 becoming available to be allocated to other programs.
- Planning and Administration – National Renewable Energy Laboratory work: the Board's \$150,000.00 contract with the National Renewable Energy Laboratory for certain program evaluation work, the cost of which had been included in the Center for Energy, Economics and Environmental Policy (CEEPP) budget line, would be reallocated from the "CEEPP" budget line to the "Program Evaluation" budget line.

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

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

C. Docket No. QG18020110 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Meadows Landmark, LLC.

BACKGROUND AND DISCUSSION: Meadows Landmark LLC (Company) submitted an application under the Fiscal Year 2016 Pay for Performance Existing Buildings Program pursuant to the New Jersey Clean Energy Program Energy Efficiency and Renewable Energy Program & Budget Filing for Fiscal Year 2016. The Company requested Board approval of a financial incentive of \$609,828.48 for an ensemble of measures at its Meadows Office Complex at 201 State Route 17, Rutherford, NJ, Bergen County that has a total cost of \$1,765,400.00.

The proposed energy efficiency measures include the installation of LED lighting, both interior and exterior; high efficiency chillers; high efficiency motors; variable frequency drive retrofits; and heating ventilation and air conditioning control and building automation system control improvements. Installing these measures will result in annual electric savings by an estimated 2,646,519 kWh and an annual estimated electric peak demand reduction of 190 kW. There are no natural gas savings associated with this project. The proposed project will have an estimated annual energy cost savings of \$277,278.28. The payback period without the incentive is 6.4 years. With the incentive, the payback period is reduced to 4.2 years.

TRC Environmental Corporation received the initial application on May 23, 2016. TRC submitted its Program Manager certification on January 18, 2018 and Program Administrator certification on January 23, 2018.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$609,828.48 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

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

D. Docket No. QO17050495 – In the Matter of Saint Peter's University Hospital, Inc. for a Declaratory Ruling Pursuant to N.J.S.A. 52:14B-8 and N.J.S.A. 2A:16-50 et seq.

B. Scott Hunter, Renewable Energy Program Administrator, Office of Clean Energy, Division of Economic Development & Energy Policy, presented these matters.

BACKGROUND AND DISCUSSION: Saint Peter's University Hospital, Inc. (Saint Peter's) filed a petition with the Board for a declaratory judgment that its Combined Heat and Power (CHP) facility, to be located on the hospital grounds and to serve an additional 3 buildings owned by hospital affiliates, constitutes an "on-site generation facility". Specifically, the Saint Peter's campus includes Saint Peter's Hospital, the Children's Hospital at Saint Peter's University Hospital, the National Gianna Center for Women's Health and Fertility,

and the Center for Ambulatory Resources, which includes the CARES Surgicenter and the New Brunswick Cardiac Catheterization Lab (together, the Saint Peter's Campus).

The CHP facility will be located within the Saint Peter's Campus in an area immediately adjacent to Saint Peter's Hospital's existing boiler plant. The public thoroughfares terminate at border of the Saint Peter's Campus. The only roadways within the Saint Peter's Campus are private driveways. The substance of this petition is virtually identical to that of the Cooper Hospital petition that the Board granted at its April 17, 2017 Agenda meeting.

The New Jersey Division of Rate Counsel (Rate Counsel) propounded discovery to which Petitioner responded. On November 1, 2017, the Rate Counsel filed a letter stating that given the facts as represented, it did not object to the relief sought. Specifically, the Rate Counsel stated that the scenario here is similar to that of Cooper. However, the Rate Counsel argued that a Board Order should require St. Peter's corporate structure to remain the same; file an executed interconnection agreement with the Board; the ruling should apply only to the facts presented in the Petition; and any changes in the configuration of the system would render the Board Order void.

Staff recommended that the Board issue a Secretary's Letter informing counsel that because Saint Peter's is factually similar to Cooper Hospital, the Board is declining to render a declaratory ruling in this matter.

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

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

E. Docket No. QO18020151 - In the Matter of the Implementation of Executive Order No. 8 on Offshore Wind and the Initiation of a Rulemaking Proceeding on ORECs.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: On January 31, 2018, Governor Phil Murphy signed Executive Order No. 8 (EO8). According to EO8, the Board, in collaboration with other State agencies, is to fully implement the Offshore Wind Economic Development Act (OWEDA) and begin the process of moving the State toward a minimum goal of 1,100 megawatts of offshore wind (OSW) energy capacity consistent with OWEDA.

EO8 further calls upon the Board, within sixty days, to "initiate the administrative rulemaking process to establish the offshore wind renewable energy certificate (OREC) Funding Mechanism, through which rules and regulations shall describe the flow of payments for ORECs from suppliers to OSW developers. The OREC Funding Mechanism regulations shall also define the administrative steps to ensure, verify, and account for OREC payments to offshore wind developers."

On June 28, 2010, the New Jersey Legislature passed the Offshore Wind Economic Development Act, which was signed into law on August 19, 2010. OWEDA amended and supplemented the Electric Discount and Energy Competition Act (EDECA), as amended, to allow for the development of an OREC program.

OWEDA mandated that the BPU, within 180 days after the date of enactment of OWEDA, establish an offshore wind renewable energy certificate program to require that a percentage of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from offshore wind energy in order to support at least 1,100 megawatts of generation from qualified offshore wind projects.

On February 10, 2011, the Board adopted N.J.A.C. 14:8-6.1 et seq., providing an application process and a framework under which the Board would review any application and ultimately approve, conditionally approve, or deny the application. By Order dated May 16, 2011, in Docket No. EO11050290V, the Board opened an application window for 30 days for offshore wind projects in New Jersey territorial waters pursuant to N.J.S.A. 48:3-87.2. The Board received one application, which eventually was determined not to be a qualified offshore wind project.

The Board readopted N.J.A.C. 14:8-6.1 et seq. with amendments on January 23, 2013. The Board has not yet promulgated rules on the funding mechanism to date.

On November 9, 2015, Interior Department's Bureau of Ocean Energy Management (BOEM) held a competitive lease sale for renewable energy in federal waters, which offered nearly 344,000 acres offshore New Jersey for potential wind energy development. This is the largest competitive offshore wind lease area along the Mid Atlantic Coast, able to support over 3000 megawatts of installed capacity depending on project design.

The commercial wind energy leases were signed by BOEM on February 4, 2016, and went into effect on March 1, 2016. Lease OCS-A 0499 in the northern zone was assigned to US Wind Inc. On April 14, 2016, BOEM received an application to assign 100% of commercial lease OCS-A 0498 in the southern zone to Ocean Wind LLC which is owned by Orsted. BOEM approved the assignment on May 10, 2016. These lease areas are now available for development subject to the federal and state laws and regulations governing offshore wind development.

On January 31, 2018, Governor Phil Murphy signed Executive Order No. 8, calling upon the Board to fully implement OWEDA and initiate an Offshore Wind Strategic Planning Process with the assistance of the Department of Environmental Protection (DEP). In support of this action, the Department of the Treasury is directed to work with the BPU and the DEP "to ensure that necessary resources and expertise, including an offshore wind economic consultant, are available to advise and assist in the implementation of OWEDA and this Order [Executive Order No. 8]".

Executive Order No. 8 further calls upon the Board, to within sixty days, "initiate the administrative rulemaking process to establish the OREC Funding Mechanism, through which rules and regulations shall describe the flow of payments for ORECs from suppliers to OSW developers. The OREC Funding Mechanism regulations shall also define the administrative steps to ensure, verify, and account for OREC payments to offshore wind developers."

EO8 calls upon the Board to commence action on OWEDA. Therefore Staff recommended that the Board take immediate steps to marshal the necessary expertise and resources to effectuate EO8. Staff also recommended that the Board direct Staff to initiate the rulemaking process to establish the OREC Funding Mechanism. Staff further recommended

the Board Direct Staff to take the following actions within thirty days of this Board Order:

Initiate an Interagency Offshore Wind Taskforce by convening a meeting with the executive leadership of the State Agencies responsible for the implementation of OWEDA and Executive Order No. 8, and to develop the Offshore Wind Strategic Plan.

Finally, Staff recommended the Board to direct Staff to:

1. Develop an Offshore Wind Strategic Plan (OSW Strategic Plan) in collaboration with the DEP and other New Jersey state agencies with responsibilities arising under OWEDA, and in consultation with stakeholders to ensure competition, competitive pricing, net economic benefits, and the best value for New Jersey ratepayers. To this end, Staff shall work to establish a Scientific and Technical Advisory Committee to inform and guide this process as well as identify a timeline and opportunities for stakeholders to participate in the planning process. To facilitate the development of the OSW Strategic Plan, Staff shall solicit the necessary contracts for professional services to facilitate outreach, technical inputs and to compile and draft the report;
2. Commence the administrative rulemaking process, in accordance with the New Jersey Administrative Procedure Act, to develop and establish the OREC Funding Mechanism. Staff shall consult with key stakeholders on the minimum requirements of an OREC Funding Mechanism in compliance with OWEDA and the BPU rules. Staff shall develop and publish a timeline for broader stakeholder engagement and a formal rulemaking process;
3. Staff shall work with Treasury to ensure that necessary resources and expertise are available to advise and assist in the implementation of OWEDA and specifically in the establishment of an OREC Program through the approval of OREC Pricing Plans as outlined in OWEDA;
4. Prepare for the solicitation of the initial 1,100 megawatt goal of offshore wind capacity. Staff shall examine other State solicitations for offshore wind capacity and in conjunction with the OSW Strategic Planning Process, engage offshore wind developers and stakeholders in defining minimum requirements for the solicitation;
5. Within sixty days, Staff shall recommend to the Board plans for a Regional Offshore Wind Energy Roundtable to initiate discussions with sister states in the Northeast and Mid-Atlantic region and other stakeholders such as Rate Counsel and PJM Independent System Operator to explore the potential benefits of regional collaboration on offshore wind; and
6. Staff shall identify and recommend to the Board the necessary resources, staffing, and expertise needed to take these actions and fulfill Governor Murphy's Executive Order No. 8.

Staff recommended the Board to Direct that this Order be posted on the Board website.

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

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

F. Docket No. QO18010050 – In the Matter of Sustainability Solution Network – Request Proposing Amendments to the Rules Governing New Jersey's Renewable Portfolio Standard through 2030.

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

BACKGROUND AND DISCUSSION: On January 22, 2018, the Board received a petition for rulemaking from the Sustainability Solutions Network (Petitioner). The Petitioner sought amendments to the Renewable Portfolio Standard increasing the Class I requirements; and the creation of a new category of renewable energy certificate, Zero Emissions Credit. The Petitioner's stated goal is New Jersey's use of one hundred percent clean energy production by 2030.

On February 2, 2018, the Board filed a Notice of Petition with the New Jersey Office of Administrative Law and a copy of the notice was served on the Petitioner.

In September 2017, the Board initiated a Generic Solar Proceeding, in which it has noticed public hearings in different parts of the State and also requested and received public comment upon the existing solar program and proposals for future actions. The Board is in the process of reviewing and responding to the fourteen public comments/pages of public comments that have been submitted in response.

Staff recommended that the Board deny this petition for rulemaking.

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

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

9. MISCELLANEOUS

A. Docket No. EG18020148 – In the Matter of Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) – Payment Assistance for Gas and Electric Program.

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

BACKGROUND AND DISCUSSION: This matter involved the Board's Payment Assistance for Gas and Electric (PAGE) program, which provides electric and natural gas credits to low-to-middle income households in need of assistance on their utility bills. Staff is requesting the Board's approval to release a Notice of Grant Availability (Notice) for publication in the New Jersey Register to solicit bids to administer the program, as the current PAGE contract will expire at the end of the current fiscal year (June 30, 2018).

PAGE is funded by escheats dollars. N.J.S.A. 48:2-29.39 states that 75% of unclaimed utility deposits, received by the Unclaimed Utility Deposits Trust Fund from electric and gas utilities, shall be paid to NJSHARES or another statewide non-profit energy assistance organization designated by the Board. The PAGE program is currently administered by the

Affordable Housing Alliance (AHA).

On February 2, 2001, the Board selected NJ SHARES to administer the energy assistance program. NJ SHARES was the designee of these funds from 2001 through the end of Fiscal Year 2013 (FY13). NJSHARES spent the funding very quickly.

In December 2012, the Office of the State Comptroller released an audit report of NJSHARES that cited a number of issues, including ineligible applicants receiving grants, state funds being commingled with other program support dollars, money spent inappropriately on alcohol, and poor record keeping.

At its March 20, 2013 agenda meeting, the Board determined it was appropriate to periodically revisit the designation of the entity disbursing this energy assistance funding and initiated a competitive bidding process, publishing a Notice soliciting bids, which an Evaluation Committee comprised of Board Staff reviewed. Two bids from NJSHARES and AHA were received and the Evaluation Committee recommended the highest scoring bidder, AHA as the new Grantee. The Board accepted this recommendation and awarded a five year contract to the AHA from FY14-FY18 to administer what was now known as the PAGE program.

Staff requested the Board's approval to release of the Notice for publication in the New Jersey Register in order to inform the public of its plans to award the PAGE grant to a nonprofit organization that would help pay the gas and electric bills of households seeking assistance. Upon Board approval, a transmittal will be sent to the Office of Administrative Law for publication in the New Jersey Register on April 2, 2018 with bids due May 2, 2018. An Evaluation Committee comprised of Board Staff will review the proposals and make a recommendation to the Board at the June 20, 2018 agenda meeting.

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

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

B. BPU Docket No. AN17120012 – FirstEnergy Service Company, et al., v. New Jersey Board of Public Utilities, et al., Federal Docket No. 3:17-cv-06481 – 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.

C. Non-Docketed Matter – In the Matter of the Board's Designation of Aida Camacho-Welch as Secretary of the Board of Public Utilities and Records Custodian Pursuant to N.J.A.C. 14:1-1.3. and N.J.S.A. 47:1A-1, et seq.

Please refer to page 2 for details.

EXECUTIVE SESSION

After appropriate motion, the following matter, which involved pending litigation and communications covered under the attorney-client privilege to the Open Public Meetings Act was discussed in Executive Session.

2. ENERGY

L. Docket No. ER18010004 – In the Matter of Federal Energy Items for 2018 – FERC Docket No. EL18-54 NJBPU v. PJM Interconnection et al.

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

9. MISCELLANEOUS

B. BPU Docket No. AN17120012 – FirstEnergy Service Company, et al., v. New Jersey Board of Public Utilities, et al., Federal Docket No. 3:17-cv-06481.

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

After appropriate motion, the Board reconvened to Open Session.

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

DATE: May 22, 2018