



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 January 17, 2019, at 44 South Clinton Avenue, Multipurpose room, 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
Robert M. Gordon, Commissioner

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

It was announced that the next regular Board Meeting would be held on February 27, 2019 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

EE18121314L	Statistical Energy, LLC	I – EA
EE18101195L	EGS Advanced Energy Solutions, Inc.	I – EA
EE18111255L	Troy & Banks, Inc.	I – EA
EE18101185L	Novo Energy Services, LLC	I – EA/PA/EC
GE18101186L		

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

EE18101165L	Reflective Energy Solutions, LLC	R – EA/PA/EC
GE18101166L		
EE18080927L	Big Bang Energy Group	R – EA/PA/EC
GE18080928L		
EE18101138L	Premiere Marketing, LLC	R – EA/PA/EC
GE18101139L	d/b/a Transparent Energy	
EE18101150L	Utility Answers, LLC	R – EA/PA/EC
GE18101151L		

Electric Power and/or Natural Gas Supplier Initial License

EE18111231L	Covanta Energy Marketing, LLC	I – ESL
GE18111251L	Mansfield Power & Gas, LLC	I – GSL

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE18080854L	American PowerNet Management, LP	R – ESL
E18111253L	BlueRock Energy, Inc.	R – EGSL
GE18111252L		
GE18101142L	World Fuel Services, Inc.	R – GSL

BACKGROUND: The Board must register all energy agents and consultants, and the Board must license all third party electric power suppliers and gas suppliers. An electric power supplier, gas supplier, or clean power marketer license shall be valid for one year from the date of issue, except where a licensee 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 applicant be issued initial registrations as an energy agent, private aggregator and/or energy consultant for one year:

- Statistical Energy LLC
- EGS Advanced Energy Solutions, Inc.
- Troy & Banks, Inc.
- Novo Energy Services 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:

- Reflective Energy Solutions, LLC
- Big Bang Energy Group
- Premiere Marketing, LLC d/b/a Transparent Energy
- Utility Answers LLC

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

- Covanta Energy Marketing, LLC
- Mansfield Power & Gas, LLC

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

- American PowerNet Management, LP
- BlueRock Energy, Inc.
- World Fuel Services, Inc.

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

II. ENERGY

A. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-406 Columbia Gas Transmission, LLC re: FERC Form No. 501-G Report.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on December 7, 2018. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

On December 6, 2018, Columbia Gas Transmission, LLC filed its Form No. 501-G in compliance with the Final Rule issued by the Commission in Docket No. RM18-11 on July 18, 2018, Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate (Order 849).

Staff recommended that the Board ratify this intervention.

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

B. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. RP19-445 Iroquois Gas Transmission System, L.P. re: FERC Form No. 501-G Report.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on

December 7, 2018. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

On December 6, 2018, Iroquois Gas Transmission System, L.P. (Iroquois) filed its Form No. 501-G in compliance with the Final Rule issued by the Commission in Docket No. RM18-11 on July 18, 2018, Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate (Order 849).

Iroquois stated that it intends to re-examine the justness and reasonableness of its rates pursuant to the rate “comeback” requirement by September 1, 2022 when it files its section 4 rate case.

Staff recommended that the Board ratify this intervention.

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

C. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. ER19-462 PJM Interconnection, LLC re: Order No. 841 Compliance Filing – ESR Accounting Proposal.

BACKGROUND: This matter involved Staff on behalf of the Board, filing a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on December 11, 2018. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

In compliance with the Commission’s Order, Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators, and accompanying the PJM Interconnection, LLC (PJM) “ESR Markets Operations Proposal” filing in PJM filed revisions to the PJM Open Access Transmission Tariff and the PJM Operating Agreement of PJM on December 3, 2018 in order to test its metering and accounting practices prior to implementation of the Electric Storage Resources Participation Model.

Staff recommended that the Board ratify this intervention.

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

D. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. ER19-469 PJM Interconnection, LLC re: Order No. 841 Compliance Filing – ESR Markets and Operations Proposal.

BACKGROUND: This matter involved Staff on behalf of the Board, filing a doc-less intervention in this proceeding as an “interested state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on December 11, 2018. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

In compliance with the Commission’s Order, Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators, PJM Interconnection, LLC (PJM) filed revisions to the PJM Open Access Transmission Tariff and the PJM Operating Agreement of PJM on December 3, 2018.

Staff recommended that the Board ratify this intervention.

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

E. Docket No. ER18080925 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 and for other Appropriate Relief (2018).

BACKGROUND: On August 21, 2018, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking authority to: (i) increase rates and charges for electric service that would result from the proposed amendments to the Company's tariff; (ii) create a regulatory asset to record the costs to achieve merger synergy savings and to amortize those costs over a five year period; (iii) incorporate the results of its cost of service study and consider the unitized rate of return for each customer rate class in the allocation of overall revenue requirements among rate classes; and (iv) modify certain charges, including monthly customer charges, and update its tariff for certain tariff modifications. The requested rate increase was \$109.3 million [excluding Sales and Use Tax (SUT)] at the time of the filing.

The Company also requested that the Board: (i) relieve it of the obligation to file an alternative rate design using Peak and Average Coincident Peak method as required by the Board in the Order issued in connection with in Docket No. ER03020110; (ii) approve a 10.10% ROE; (iii) approve a revenue decoupling mechanism; and (iv) approval to use the Company's depreciation study to update its depreciation rates.

The Company sought to implement its proposed rates to become effective for service rendered on or after September 21, 2018, but in no event after May 21, 2019.

Since a review of this matter was not complete prior to September 21, 2018, at the recommendation of Board Staff, the Board issued an order on September 17, 2018, suspending the proposed rate increase until January 21, 2019 pending further action on this matter. The matter was transmitted to the Office of Administrative Law (OAL) as a contested case and is currently before Administrative Law Judge Tricia M. Caliguire for consideration and hearing.

On November 19, 2018, ACE updated its petition to include nine months of actual data and three months of estimated dated. The requested rate increase was modified to \$121.9 million (excluding SUT).

Staff recommended that the Board issue a second order in this matter, suspending the proposed rate increase until May 21, 2019, pending resolution of this matter at the OAL.

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

III. CABLE TELEVISION

- A. Docket No. CE18080964 – 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 Alloway, County of Salem, State of New Jersey.**

BACKGROUND: On June 21, 2018, the Township of Alloway (Township) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On July 9, 2018, Comcast formally accepted the terms and conditions of the ordinance, and on August 28, 2018, 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 March 6, 2027.

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

- B. Docket No. CS18121288 – In the Matter of the Alleged Failure of Altice USA, Inc. to Comply with Certain Provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:18-1.1 et seq.**

BACKGROUND: On December 18, 2018, the Board issued an Order to Show Cause regarding allegations of the failure of Altice USA, Inc. (Altice, Company) to comply with certain provisions of the New Jersey Cable Television Act, and the New Jersey Administrative Code. Accordingly, the Board ordered Altice to file an Answer to the Order to Show Cause no later than January 15, 2019.

By letter dated January 5, 2019, Altice indicated that due to holidays, vacation schedules and the resulting absence of key personnel, it would be difficult for the Company to prepare its response by the deadline, and requested an extension of the due date for the filing of its Answer to the Order to Show Cause to January 31, 2019.

Good cause having been presented to extend the time for filing of the Answer, Staff recommended the Board to grant the request for an extension of time to file as within time.

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

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

- A. Docket No. WR18121351 – In the Matter of the Petition of Aqua New Jersey, Inc. for Approval of an Increase in Rates for Water Service and Other Tariff Changes (2018).**

BACKGROUND: On December 21, 2018, Aqua New Jersey, Inc. (Company or Petitioner) filed a petition with the Board seeking to increase rates for water service in the amount of \$7,201,793.00 or 18.7% over pro-forma present rate revenues of \$38,522,567.00.

On December 28, 2018, the Company submitted a letter stating that it will not implement rates on an interim basis prior to the effective date of the Board's Suspension Order resulting from the Board's January 17, 2019 Agenda Meeting. This matter was transmitted to the Office of Administrative Law for hearing(s).

The average water bill for the general metered customer using 5,000 gallons of water a month (i.e., 60,000 gallons per year) would increase by \$8.30 per month, from \$42.95 to \$51.25 or approximately 19.30% increase. The average water bill for a Wallkill general metered customer using 5,000 gallons of water a month would increase by \$9.72 per month, from \$31.79 to \$41.51. The average water bill for a Tranquility Springs general metered customer using 5,000 gallons of water a month would increase by \$4.66 per month, from \$46.59 to \$51.25. The average water bill for a Seaview Harbor general metered customer using 5,000 gallons of water a month would increase by \$.04 per month, from \$75.23 to \$72.27. The average water bill for a Byram Township general metered customer using 5,000 gallons of water a month would decrease by \$.08 per month, from \$75.35 to \$75.27. The average water bill for a Cliffside Park general metered customer using 5,000 gallons of water a month would increase by \$6.25 per month, from \$45.00 to \$51.25.

The Petitioner is engaged in the business of collecting, treating and distributing water for retail service to approximately 53,000 customers. The Company's customers are located in several municipalities in Warren, Hunterdon, Mercer, Burlington, Monmouth, Camden, Ocean, Sussex, Gloucester and Atlantic Counties, New Jersey. The Company has organized its business by the following Division: Northern Division (based in Phillipsburg), Central Division (based in Hamilton), Eastern Division (based in Berkeley) and the Southern Division (based in Blackwood). The Company is also engaged in the wastewater collection, treatment and transmission business and currently serves approximately 6,000 wastewater customers who are not a part of this proceeding.

Staff recommended that the Board issue an Order suspending Aqua's proposed rate increase until May 21, 2019.

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

VI. RELIABILITY & SECURITY

A. Docket Nos. ES18101135K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

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 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 51 and total penalty of \$149,000.00.

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 Docket No. WC18060610U and OAL PUC 13027-18 – In the Matter of Moshe I. Klein, Petitioner v. New Jersey American Water, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Moshe I. Klein (Petitioner) and New Jersey American Water (NJAW or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Carl V. Buck III filed an Initial Decision in this matter with the Board on December 6, 2018.

Pursuant to the terms of an agreement, and in order to fully resolve this matter, NJAW agreed to credit the Petitioner's account in the amount of \$820.66 in full and final settlement of the billing dispute by December 15, 2018. The Petitioner further agreed to pay the outstanding balance on the account within 30 days.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Buck. Staff recommended the Board adopt the Initial Decision of ALJ Carl V. Buck III.

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

B. Docket Nos. BPU Docket No. EC18060651U and OAL PUC 10899-18 – In the Matter of Kurt Schwartz, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Kurt P. Schwartz (Petitioner) and Public Service Electric and Gas Company (PSE&G or Company). The petition 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 January 8, 2019, approving Stipulation of the Parties.

Pursuant to the terms of the a Stipulation of Settlement (Stipulation), and in order to fully resolve this matter with respect to the past due balance of \$4,549.18 for energy charges, the Petitioner agreed to enter into Deferred Payment Arrangement (DPA) for 18 consecutive months, beginning December 2018 and concluding in June 2020. The Terms of the DPA are for 17 consecutive monthly payments of \$252.00 plus current charges. The eighteenth and

final DPA payment will be \$266.18 plus the current monthly charges. If the DPA is broken, PSE&G can proceed with regular collection activity as noted in New Jersey Administrative Code at N.J.A.C. 14:3-7.7.

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

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

Approval of the Minutes for the November 19, 2018 Agenda Meeting.

BACKGROUND: Staff presented the minutes of November 19, 2018 Board meeting, and recommended they be accepted.

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

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. EL19-8 PJM Interconnection, LLC re: Maintenance Adder Revisions to Operating Agreement; and

Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. ER19-210 PJM Interconnection, LLC re: Maintenance Adder Revisions to PJM Tariff.

Cynthia L. M. Holland, Esq., Director, Office of Federal and Regional Policy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved Staff on behalf of the Board, filing an Answer with the Federal Energy Regulatory Commission (Commission or FERC) in response to statements made in the record regarding PJM's proposal to eliminate an existing restriction that prevents sellers of energy from combined cycle and combustion turbine generating units from including major inspection and overhaul costs in their energy market offers. In the Answer, Staff provided support for comments made by the Independent Market Monitor and reinforced prior statements of the Board on this topic, which have raised concerns about the adverse precedent that could ultimately result in PJM Interconnection LLC making tariff changes that would leave customers suffering from artificially inflated prices. Staff recommended that the Board approve the Answer filed in this matter on December 21, 2018.

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

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

Stacy Peterson, Director, Division of Energy, presented these matters.

B. Docket No. ER18121290 – In the Matter of the Provision of Basic Generation Service and the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff – December 6, 2018 Joint Filing.

BACKGROUND AND DISCUSSION: On December 6, 2018, Atlantic City Electric Company (ACE), Jersey Central Power & Light Company (JCP&L), Public Service Electric and Gas Company (PSE&G), and Rockland Electric Company (Rockland) (collectively, the EDCs) filed a joint petition (December 2018 Petition) with the Board requesting recovery of Federal Energy Regulatory Commission (FERC) approved changes in firm transmission service related charges.

The EDCs' proposed tariff revisions reflect changes to the Basic Generation Service (BGS) Residential/Small Commercial Pricing (BGS-RSCP) and Commercial and Industrial Energy Pricing (BGS-CIEP) rates to customers resulting from changes to the PJM Interconnection, LLC' (PJM) Open Access Transmission Tariff (OATT) made in response to (i) the annual formula rate update filing made by Potomac-Appalachian Transmission Highline, LLC (PATH); (ii) the annual formula rate update filing made by PSE&G; (iii) the annual formula rate update filing made by Virginia Electric Power Company (VEPCo); (iv) the annual formula rate update filing made by American Electric Power East Operating Companies and American Electric Power Transmission Companies (AEP); and (v) the annual formula rate update filing made by Mid-Atlantic interstate Transmission, LLC (MAIT); and the updates to JCP&L's FERC-authorized transmission rate. The EDCs requested that the revisions become effective on January 1, 2019.

On March 10, 2017, FERC issued an Order, effective January 1, 2017 which authorized AEP's Formula Rate transition from "historic" to "forward looking." On April 25, 2017, FERC issued an Order that modified the PJM OATT as a result of the termination of a long-term firm point-to-point transmission service agreement between PJM and Consolidated Edison Company of New York, Inc. (the ConEd Wheel). The PJM tariff revisions remove ConEd as a party responsible for cost allocation under Schedule 12 of the PJM OATT. This, in turn, required that PJM reallocate the ConEd portion to the remaining entities as these costs relate to the ConEd Wheel. The cost reallocation being implemented pursuant to the ConEd Wheel Order is subject to ongoing legal challenges and protests before FERC by various interested entities. The Board approved recovery of the AEP and ConEd Wheel transmission charges in an Order dated July 26, 2017 with the provision that the EDCs collect and track these charges, but not issue payment to the BGS Suppliers until a final FERC Order is issued.

On December 15, 2017, FERC issued Orders, effective January 1, 2018 that modified the PJM OATT as a result of a change in Hudson Transmission Partners' (HTP) and Linden VFT's responsibility for certain transmission cost allocations resulting from the conversion of Firm to Non-Firm Transmission Withdrawal Rights. The revisions remove HTP and Linden VFT as parties responsible for cost allocation under Schedule 12 of the PJM OATT. While FERC has ruled on these matters through the issuance of the HTP and Linden VFT Orders, the cost reallocations being implemented are still subject to ongoing challenges before FERC. By Order dated July 25, 2018, the Board approved recovery of the reallocated costs pursuant to the HTP and Linden VFT Orders, with the provision that the EDCs collect and track these charges, but not issue payment to the BGS suppliers until a final FERC Order is issued.

The EDCs also requested authorization to compensate BGS suppliers for the changes to the OATT resulting from the implementation of the MAIT, PATH, PSE&G, VEPCo, AEP project annual formula updates, as well as the JCP&L rate update, subject to the terms and conditions of the applicable Supplier Master Agreement(s) (SMAs). Any difference between the payments to BGS suppliers and charges to customers would flow through each EDC's BGS Reconciliation Charge.

In the December 2018 Petition, the EDCs also requested a waiver of the 30-day filing requirement that would otherwise apply to this type of submission, because BGS suppliers will begin paying the revised transmission charges for service in January 2019.

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 begin 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.

Staff recommended that the Board authorized the EDCs to collect from BGS customers the costs associated with the December 2018 Petition, effective February 1, 2019. Staff also recommended that the EDCs be authorized to collect these costs from BGS customers and track such collections until receipt of Final FERC Orders in these matters. In addition, Staff recommended that the EDCs be authorized to compensate BGS suppliers subject to the terms and conditions of the SMAs. Staff further recommended that the Board direct the EDCs to file tariffs and rates consistent with the Board's findings prior to February 1, 2019.

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

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

C. Docket No. ER18050543 – In the Matter of the Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Rate Associated with its Solar Renewable Energy Certificate Financing Program (2018).

BACKGROUND AND DISCUSSION: On May 18, 2018, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking approval to adjust the level of the Rider RGGI charge associated with ACE's Solar Renewable Energy Certificate (SREC) Financing Program to increase the rate component. Based on actual program costs through March 2018, and forecasted costs from April 2018 through August 2019, ACE proposed to recover approximately \$3.74 million of costs associated with the SREC Financing Program. ACE requested that the Board approve its request to adjust the SREC Financing Program component of its Rider RGGI rate from the current per kWh charge of \$0.000391 to \$0.000460, or an approximate \$510,000.00 increase over the current level of revenues being recovered for the SREC Financing Program.

In response to discovery, the Company updated the revenue requirement to reflect updated program data through September 30, 2018 and projected program costs from October 1, 2018 through August 31, 2019. The net effect of the September 2018 Update would modify the amount to be recovered through the Rider RGGI for this program to approximately \$3.04 million. The September 2018 Update also had the effect of decreasing the requested SREC Financing Program component of its Rider RGGI rate to \$0.000417 per kWh, which is still an increase from the current rate of \$0.000391.

ACE, Board Staff and the New Jersey Division of Rate Counsel (collectively the Parties) conducted discovery in this matter and executed a Stipulation of Settlement (Stipulation) of all factual and legal issues pertaining to this docket. Per the Stipulation, ACE will implement a revised SREC Financing Program component of its Rider RGGI rate of \$0.000417 per kWh. This was based on the information in the September 2018 Update.

Staff recommended that the Board issue an order adopting the Stipulation of the Parties. Staff also recommended that the Board order ACE to file revised tariff sheets conforming to the terms of the Stipulation by February 1, 2019.

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

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

D. Docket No. GR18060625 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Cost Recovery Charge Associated with Energy Efficiency Programs.

BACKGROUND AND DISCUSSION: On June 11 2018, South Jersey Gas Company (SJG or Company) filed a petition with the Board seeking to decrease its Energy Efficiency Tracker (EET) rate. SJG sought to decrease its EET rate from \$0.009144 per therm, including Sales and Use Tax and Public Utility Assessment (collectively, Taxes) to \$0.006339 per therm, including Taxes.

The Company sought to reconcile EET costs and cost recoveries for the period commencing October 1, 2017 through September 30, 2018 (2018 Recovery Period) and to recover forecast revenues for the period October 1, 2018 through September 30, 2019. The June 2018 Petition was based on actual data through April 2018 and projected data through September 2019. As reflected in the June 2018 Petition, the proposed EET rate of \$0.006339 per therm was designed to recover actual and projected allowable recoverable EEP costs of \$3,521,015.00, exclusive of Taxes through September 30, 2019, as well as, return a projected over-recovered balance of \$166,413.00 at September 30, 2018, for a total revenue requirement of \$3,354,602, exclusive of Taxes.

During the discovery process, SJG updated its schedules and associated revenue requirement to reflect actual data through August 31, 2018. The updated revenue requirement would be \$3,327,820.00 which equates to \$3,486,789.00 actual and projected expenses through September 2019 and a projected over-recovered balance of \$158,969.00 at September 30, 2018, both exclusive of Taxes.

SJG, Board Staff, and the New Jersey Division of Rate Counsel (collectively, Parties) engaged in discovery and discussions, and executed a stipulation of settlement (Stipulation) that recommended approval of a decrease in the EET rate to \$0.006288 per therm, including Taxes, which reflects the updated revenue requirement supplied through discovery. This rate will be combined with the EET IV Extension Rate of \$0.008117 per therm, including Taxes, for a total combined EET rate of \$0.014405 per therm including Taxes.

Staff recommended that the Board issue an order adopting the Stipulation of the Parties. Staff also recommended that the Board order SJG to file revised tariff sheets conforming to the terms of the Stipulation by February 1, 2019.

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

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

Benjamin Witherell, Chief Economist, Office of the Economist, presented this matter.

E. Docket No. EF18090979 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Authority to Issue and Sell up to \$550,000,000.00 Aggregate Principal Amount of Senior Notes in One or More Series and to Make, Execute and Deliver One or More Supplemental Indentures in Connection Therewith.

BACKGROUND AND DISCUSSION: On September 7, 2018, Jersey Central Power & Light Company (Petitioner, Company) filed a petition with the Board seeking authority to issue and sell, in one or more series from time to time through June 30, 2020, notes in an aggregate principal amount not to exceed \$550,000,000.00.

The Petitioner stated that the New Senior Notes will be sold primarily based on their own credit ratings as unsecured general obligations of the Company and that these and similar securities should be treated by investors as relatively fungible as between issuers. The Petitioner asserted that securities such as the New Senior Notes are typically sold with interest rates negotiated at the time of sale based on spreads over comparable maturities of U.S. Treasury securities.

The purpose of the issuance of the New Senior Notes is to provide a portion of the permanent financing required by the Company to provide safe, adequate and proper service to the public. The Company expects to apply the net proceeds of the sale of the New Senior Notes to the repayment of \$300 million in 7.35% Senior Notes maturing February 1, 2019, any outstanding short-term debt, to address storm recovery and restoration costs and expenses, capital expenditures, working capital requirements and for other general corporate purposes, including to reimburse the Company's treasury for funds previously expended therefrom for the above purposes. The Company may also use such net proceeds to repurchase senior notes in the open market.

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

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

There were no items in this category.

6. RELIABILITY & SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

Eric Hartsfield, Director, Division of Customer Assistance, presented these matters.

A. Docket Nos. BPU WC17090970U and OAL PUC 04362-18 – In the Matter of Anselmo Marquez, Petitioner v. Middlesex Water Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Anselmo Marquez (Petitioner) and Middlesex Water Company (Middlesex). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Susan L. Olgiati filed an Initial Decision in this matter with the Board on November 2, 2018. At the November 19, 2018, Board meeting staff recommended 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.

ALJ Olgiati, in her Initial Decision, concluded that the Petitioner failed to provide any legally competent evidence showing that his meter was inaccurate, or that Middlesex was otherwise improperly billing his account. ALJ Olgiati noted that the only evidence produced by the Petitioner was the testimony of the Petitioner's wife, and her belief that the subject bills were in error. ALJ Olgiati characterized Petitioner's wife testimony as "sincere" but unsupported by other evidence. ALJ Olgiati concluded that the Petitioner failed to prove by a preponderance of the evidence that his water meter was inaccurate. Therefore, ALJ Olgiati ruled that the petition be dismissed.

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

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

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

B. Docket No. EO19010038U – In the Matter of the Proposed Memorandum of Understanding Between the Board of Public Utilities and the Division of Consumer Affairs – Review of Complaints Against Certain Third Party Suppliers.

BACKGROUND AND DISCUSSION: This matter involved a Memorandum of Understanding (MOU), which supersedes the MOUs signed on May 16, 2014 and February 24, 2017, was made for the purpose of carrying out cooperative efforts by the Board and the Division of Consumer Affairs (Consumer Affairs) in the investigation of and possible prosecution of claims against third party suppliers (TPSs) for violations of the Board’s consumer protection standards.

The Legislature charged the Board with implementing consumer protection standards. The Board adopted advertising, marketing, and contract standards for TPSs. Pursuant to the Consumer Affairs Act of 1971, the Legislature transferred to Consumer Affairs all of the functions, powers and duties of the Attorney General under the Consumer Fraud Act, and recognized that closer coordination among the various State agencies concerning consumer issues will enhance the effectiveness of the State’s efforts to adequately protect New Jersey consumers.

This MOU established the responsibilities of each agency and identifies how the agencies will share costs.

The MOU will continue to benefit energy consumers by ensuring that TPSs comply with the Board’s consumer protection standards and by strengthening consumer confidence in the TPS market. Staff recommended that the Board authorize President Fiordaliso to execute the MOU between the Board and Consumer Affairs.

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

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

8. CLEAN ENERGY

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

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

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. QO18040430 – Pettinos Solar, LLC – Pettinos Landfill.

BACKGROUND AND DISCUSSION: On March 28, 2018, Pettinos Solar, LLC (Petitioner) submitted an application with the Board to have its project certified as being located on a properly closed sanitary landfill facility pursuant to N.J.S.A. 48:3-87(t) (Subsection (t)) of the Solar Act. Pettinos Solar, LLC's 1.638 MWdc project is proposed to be constructed on property owned by Owens Corning and located at Block 1701, Lot 12.01, at 433 Berlin New Freedom Road in Winslow Township, Camden County, New Jersey.

Subsection (t) of the Solar Act of 2012, P.L. 2012, c. 24, enacted July 23, 2012, codified in part at N.J.S.A. 48:3-87 (t), 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 that 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.

Following review of the application and the advisory memorandum provided by the NJDEP, Staff recommended that the Board grant conditional certification based on the NJDEP determination that the project proposed by Pettinos Solar, LLC is located on property defined as a "properly closed sanitary landfill" consistent with the Solar Act of 2012.

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

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

B. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, C. 24, The Solar Act of 2012; and

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. QO18060622 – Seneca Energy, LLC – Lake Sand and Gravel Landfill.

BACKGROUND AND DISCUSSION: On May 18, 2018, Seneca Energy, LLC submitted an application with the Board to have its project certified as being located on a properly closed sanitary landfill facility pursuant to N.J.S.A. 48:3-87(t) (Subsection (t)) of the Solar Act. Seneca Energy, LLC's 13 MWdc project is proposed to be constructed on property owned by Seneca Energy, LLC and located at Block 202.02, Lots 10 & 11, at 290 Medford Lakes Road in Tabernacle Township, Burlington County, New Jersey.

Subsection (t) of the Solar Act of 2012, P.L. 2012, c. 24, enacted July 23, 2012, codified in part at N.J.S.A. 48:3-87 (t), 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 (SRECs). On January 23, 2013, after conducting a public proceeding that 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.

Following review of the application and the advisory memorandum provided by the NJDEP, Staff recommended that the Board deny conditional certification based on the NJDEP determination that the project proposed by Seneca Energy, LLC is not located on property defined as a "properly closed sanitary landfill" consistent with the Solar Act of 2012.

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

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

C. Docket No. QO18060646 – In the Matter of Community Solar Energy Pilot Program.

Ariane Benrey, Program Administrator, Office of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On May 23, 2018, the Clean Energy Act was signed into law, directing the Board to adopt rules and regulations establishing a Community Solar Energy Pilot Program within 210 days. On July 6, 2018, the Board released a Request for Comments which provided an opportunity for interested stakeholders to provide input on the design of the Community Solar Energy Pilot Program. A public meeting was held on July 24, 2018. Written comments were received until July 31, 2018.

On August 29, 2018, the Board approved the Proposed Rules for the Community Solar Energy Pilot Program. The Proposed Rules were sent to the Office of Administrative Law for publication in the New Jersey Register. The Proposed Rules were published in the New Jersey Register on October 1, 2018 and subject to a 60-day public comment period which closed on November 30, 2018. Additionally, the Board held two public hearings on the Proposed Rules on November 8, 2018.

The new rules establish a Community Solar Energy Pilot Program to enable electric utility customers to participate in a solar energy project that may be remotely located from their properties, but is within their electric public utility service territory. Participating customers (known as community solar subscribers) will receive a credit on their utility bills for their participation in a community solar project. Thus, the Pilot Program would enable access to solar energy to electric utility customers who have previously been unable to participate in clean energy. A full-scale Community Solar Energy Program will be developed no later than 36 months after the adoption of the rules and regulations establishing the Community Solar Energy Pilot Program, and will be informed by the data and experiences from the Pilot Program. At least 40 percent of the Pilot Program's annual capacity will be allocated to low- and moderate-income projects.

Staff recommended that the Board adopt the proposed Community Solar Energy Pilot Program with changes, in application of the Clean Energy Act. The final Rules will provide the framework necessary for the further development and implementation of community solar in New Jersey. The final Rules will be filed with the Office of Administrative Law for publication in the New Jersey Register.

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

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

D. Docket No. QO18121289 – In the Matter of the New Jersey Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications - See Executive Session.

Andrew Kuntz, Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session pursuant to the attorney/client privilege and contract negotiation exceptions to the Open Public Meeting Act, and it involved a request for a quotation for a contractor in this matter. Staff requested the Board to approve Staff's recommendation with respect to the selection of contractor.

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

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

E. Docket No. QO18121303 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Goldman Sachs.

Benjamin Goldstein, Program Specialist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: The Goldman Sachs Group, Inc. (Company) submitted an application under the Fiscal Year 2018 Large Energy Users Program (LEUP) pursuant to the New Jersey Clean Energy Program Energy Efficiency and Renewable Energy Program Plan Filing for Fiscal Year 2018. The Company requested Board approval of a financial incentive of \$1,181,956.07 for the installation of various energy efficiency upgrades at 30 Hudson St., Jersey City, NJ that have a total cost of \$1,812,673.00.

This application covers three distinct upgrades: (1) fourteen existing computer room air handler chilled water units will have new sheaves and belts installed to permanently reduce flow to match actual loading in the data center. Sheave replacements allow the units to run at reduced airflow, which produces significant fan consumption energy savings; (2) three existing chillers that currently operate with constant speed compressors will be retrofitted with variable frequency drives. The controls sequencing will be modified to provide equal runtime to all chillers and to align with actual chilled water load of the building throughout the year; and (3) approximately 90% of the owner-occupied areas of the high rise building will be outfitted with LEDs. Existing lighting controls, which are a combination of timeclock and daylighting, are expected to remain in place to control the new LED lamps.

Currently, the Goldman Sachs building at 30 Hudson Street uses 38,210,255 kWh of electricity annually, including 8,140 kW during periods of peak demand. This project is anticipated to save 3,602,806 kWh of electricity and reduce peak demand by 411 kW per year. The proposed project will have an estimated annual energy cost savings of \$384,419.00. The payback period without incentives is 4.72 years; when factoring in the incentives, the payback period is reduced to 1.16 years. Implementation of these measures will also assist in compliance with P.L. 2018, c. 17, § C.48:3-87.10, which requires the owner or operator of commercial buildings over 25,000 square feet to benchmark the building's energy and water use. The required inspection of sites that receive funding through the LEUP following the installation of energy efficient measures will not only help to ensure adherence to agreed-upon performance and energy savings baselines, but will also allow for a more defined pathway for commercial building owners to report their energy usage.

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 \$1,181,956.07 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

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

9. MISCELLANEOUS

A. Docket No. AX17111144 – In the Matter of Consolidated Tax Adjustment Rulemaking.

James A. Boyd, Jr., Esq., Administrative Practice Officer, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a request for approval of a rule proposal to be submitted to the Office of Administrative Law for publication in the New Jersey Register. After receiving, reviewing, and responding to comments received during two 60-day public comment periods, Staff reported that the rule text remains unchanged, identical to the language in the Consolidated Tax Adjustment (CTA) rule proposal that the Board approved at the December 2017 Board Agenda Meeting.

At the direction of the Board, staff proposed a new paragraph to N.J.A.C. 14:1-5.12 that will require a utility that submits a Tariff Filing or Petition which proposes increases in charges to customers pursuant to this rule to include a CTA analysis with supporting information and documents as part of the filing requirements in a base rate case. The Board approved this rule proposal at the December 17, 2017 agenda meeting for publication in the New Jersey Register.

The new paragraph adjusts the scope of a CTA analysis by: (1) shall be for five consecutive tax years including the complete tax year within the utility's proposed test year; (2) The calculated CTA shall be allocated so that the rate base adjustment may be reduced by up to 25% of the full CTA; and (3) The transmission portion of an Electric Distribution Company's income shall not be included in the calculation of CTA.

Staff recommended that the Board approve the proposed rule adoption to be filed with the Office of Administrative Law for adoption in the New Jersey Register.

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

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

B. Docket No. AO19010010 – In the Matter of Approval of Contract for an Integrated Energy Plan - See Executive Session.

Michael Winka, Manager, Office of Policy and Planning, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session pursuant to the attorney/client privilege and contract negotiation exceptions to the Open Public Meeting Act, and it involved Staff issuing an Request for Quotations to solicit quotations to engage a contractor to provide analytical consulting service to develop a long-range Integrated Energy Plan for all energy resources and energy systems. The intended use of the Integrated Energy Plan is as a blueprint or a road map for the Board's consideration for New Jersey's energy future. The long-range plan will be through 2050 with milestone dates at 2030, 2040, with a reference based developed at 2020.

Staff recommended that the Board accept the recommendation of the evaluation team as discussed in executive session.

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

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

LATE STARTER A

CLEAN ENERGY

In the Matter of the Board's Establishing a Generic Proceeding to Review the State of the Solar Market; and

Docket No. QX17090949 – In the Matter of the Implementation of L. 2012, C. 24, The Solar Act of 2012; and

Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, C. 24, The Solar Act of 2012, N.J.S.A. 48:3-87(Q)(R) and (S) – Proceedings to Establish the Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System; and

Docket No. QO16020130 – In the Matter of the Implementation of N.J.S.A. 48:3-87(R), Designating Grid-Supply Projects as Connected to the Distribution System – Order Implementing Certain Provisions of N.J.A.C. 14:8-2.4(G) for Energy Year 2018.

Scott Hunter, Manager, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: By Order dated September 22, 2017, the Board opened a Generic Solar Proceeding to review its policies with respect to the development of the New Jersey solar market. The Board directed Staff that, with one exception, all existing programs would continue to operate in accordance with their implementing statute, regulations, and/or

Board Orders. However, the then-recently adopted rules implementing Subsection r of the Solar Act of 2012 were suspended until such time as the Board should lift the suspension. These rules provided a public process for determination of the maximum number of grid supply megawatts to be designated as “connected to the distribution system” during the following energy year.

On May 23, 2018, the Clean Energy Act was signed into law. The Clean Energy Act makes several substantial alterations to the operation of the New Jersey solar market, including a directive to the Board to terminate the Solar Renewable Energy Certificate (SREC) program once 5.1% of the State’s retail energy supply is obtained from solar generation. Thus, the Legislature has acted on the issue of future regulation of the New Jersey solar market and specifically upon the SREC market.

Staff recommended that the Board close the Generic Solar Proceeding and direct Staff to seek comment from all interested parties on the further steps to be taken with respect to the suspended Subsection (r) Rules and the Notices of Interest received pursuant to those rules prior to their suspension.

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

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

EXECUTIVE SESSION

After appropriate motion, the following matters, which involved pending litigation attorney/client privilege and contract negotiation pursuant to the Open Public Meetings Act at N.J.S.A. 10:4-12(b)7 was discussed in Executive Session.

8. CLEAN ENERGY

D. Docket No. QO18121289 – In the Matter of the New Jersey Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications.

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. Docket No. AO19010010 – In the Matter of Approval of Contract for an Integrated Energy Plan.

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: March 13, 2019