



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 September 11, 2019, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

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 September 27, 2019 at the State House Annex, Committee Room 4, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

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

EE19070814L	Capital Energy, Inc.	EA
EE19060744L	RTE Enterprises, LLC	EA
EE19070811L	Wholesale Gas and Electric, LLC	EA
EE19070805L	WattB, Inc.	EA
EE19050567L	Reliable Power Alternatives, Corp.	EA
EE19070779L	Papillon Productions, LLC	EA/PA
GE19070780L		
EE19070851L	Legend Energy Advisors, LLC	EA/EC
GE19070852L		
EE19070788L	Relationship Management Consulting, LLC	EA/EC
GE19070789L	d/b/a RMC Energy Brokers	
EE19050556L	HealthTrust Purchasing Group, LP	EA/PA/EC
GE19050557L		
EE19070777L	US Energy Solutions, Inc.	EA/PA/EC
GE19070778L		

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

EE19070799L	Broker Online Exchange, LLC	EA
EE19050579L	ESG Energy, LLC	EA
EE19060742L	Energy Edge Consulting, LLC	EA
EE19070802L	Advantage Energy Partners, LLC	EA
EE19070776L	Lava Energy, Inc.	EA
EE19070787L	Optimum Group, LLC	EA
	d/b/a Optimum Energy Solutions	
EE19050599L	National Utility Service, Inc.	EA
	d/b/a NUS Consulting Group	
EE19070847L	Ameresco, Inc.	EA
EE19060711L	Convenient Ventures, LLC	EA/PA
GE19060712L	d/b/a EnergyObjective	
EE19070807L	MountainView Partners, LLC	EA/EC
GE19070808L	d/b/a M3 Energy	

Electric Power and/or Natural Gas Supplier Initial Licenses

EE19070785L	Great American Gas and Electric, LLC	EGSL
GE19070784L		

BACKGROUND: The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of

enactment. As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. 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 and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations 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:

- Capital Energy, Inc.
- RTE Enterprises, LLC
- Wholesale Gas and Electric, LLC
- WattB, Inc.
- Reliable Power Alternatives Corp
- Papillon Productions, LLC
- Legend Energy Advisors, LLC
- Relationship Management Consulting LLC d/b/a RMC Energy Brokers
- HealthTrust Purchasing Group, LP
- US Energy Solutions, Inc.

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

- Broker Online Exchange, LLC
- ESG Energy, LLC
- Energy Edge Consulting, LLC
- Advantage Energy Partners, LLC
- Lava Energy, Inc.
- Optimum Group, LLC d/b/a Optimum Energy Solutions
- National Utility Service, Inc. d/b/a NUS Consulting Group
- Ameresco, Inc.
- Convenient Ventures LLC d/b/a Energy Objectives
- MountainView Partners LLC d/b/a M3 Energy

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

- Great American Gas & Electric, LLC

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

B. Docket No. TE19070786 – In the Matter of the Verified Petition of Foursquare Communications, LLC for Authority to Provide Competitive Facilities-Based Local Exchange Services, Interexchange Services, and Exchange Access Services Throughout the State of New Jersey.

BACKGROUND: By letter dated July 1, 2019, Foursquare Communications, LLC (Petitioner or Foursquare) filed a petition with the Board requesting authority to provide competitive facilities-based local exchange services, interexchange services and, exchange access services throughout the State of New Jersey.

The Petitioner asserted that approval of its Petition will further the public interest by expanding the availability of competitive telecommunications services in the State of New Jersey. The Petitioner also asserted that approval of this Petition will provide New Jersey customers with access to new technologies and service choices and will permit customers to achieve increased efficiencies and cost savings.

Foursquare also requested a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3, which requires that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts (USOA), respectively. The Petitioner also states, upon written notice from the Board and/or Board Staff, it will provide its financial books and records at such time and place within New Jersey as the Board may designate and will pay any reasonable expenses for examination of the records.

By letter dated August 9, 2019, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that, based on its review, the Rate Counsel was satisfied that the verified petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. The Rate Counsel neither objected to granting the waiver requests in connection with record-keeping by the Petitioner, nor the Rate Counsel opposed the Petitioner's request to treat its financial information as confidential and placed under seal.

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

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

II. ENERGY

A. Docket No. GR19040486 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revision.

BACKGROUND: On April 18, 2019, Elizabethtown Gas Company (Elizabethtown or Company), filed a petition with the Board for approval of an increase in its operating revenues of approximately \$65.03 million, to be effective for gas service provided on or

after May 19, 2019. The Company also sought Board approval to implement new depreciation rates. Elizabethtown's petition also requested a return on equity of 10.40%.

The Company also proposed to establish a regulatory asset in which the incremental costs associated with a transmission integrity management program incurred between rate cases will be tracked and deferred for later review and recovery in rates.

Since a review of this matter was not complete prior to May 19, 2019, at the recommendation of Board Staff, the Board issued an Order on May 8, 2019, suspending the proposed rates until September 19, 2019. The matter was transmitted to the Office of Administrative Law (OAL) as a contested case and is currently before Administrative Law Judge Irene Jones.

On July 16, 2019, Elizabethtown updated its petition to include nine months of actual data and three months of estimated data. As a result, the requested rate increase was modified to \$65.88 million.

After review, Board Staff recommended that a second order be issued in this matter, suspending the proposed rates until January 19, 2020, pending resolution of this matter at the OAL.

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

B. Docket Nos. BPU EC17090969 and OAL PUC 02000-2018 N – In the Matter of Donald McKay, Petitioner v. Jersey Central Power and Light Company, Respondent – OAL Request for Extension.

BACKGROUND: The record in this matter closed on June 4, 2019; therefore, the forty-five day period to issue the initial decision expired on July 19, 2019. This extension request was not submitted by that date and is submitted now nunc pro tunc. Due to an inadvertent oversight, the Administrative Law Judge did not request an extension to issue the initial decision on time. Administrative Law Judge Irene Jones has requested additional time to complete the Initial Decision due to voluminous caseload.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time for filing the initial decision be extended until September 2, 2019.

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

III. CABLE TELEVISION

A. Docket No. CE18111254 – In the Matter of the Petition of Comcast of Central 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 Township of Montgomery, County of Somerset, State of New Jersey.

BACKGROUND: On August 27, 2016, Comcast of Central New Jersey II, LLC (Comcast) filed an application with the Township of Montgomery (Township) for renewal of municipal consent. On August 2, 2018, the Township adopted an ordinance granting renewal municipal consent to Comcast. On September 25, 2018, Comcast formally

accepted the terms and conditions of the ordinance. On November 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 on May 27, 2032.

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

B. Docket No. CE18111256 – In the Matter of the Petition of Comcast of Central 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 Township of Hillsborough, County of Somerset, State of New Jersey.

BACKGROUND: On September 15, 2014, Comcast of Central New Jersey II, LLC (Comcast) filed an application with the Township of Hillsborough (Township) for renewal of municipal consent. On September 11, 2018, the Township adopted an ordinance granting renewal municipal consent to Comcast. On September 25, 2018, Comcast formally accepted the terms and conditions of the ordinance. On November 29, 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 on June 19, 2025.

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. WO19080945 – In the Matter of the Petition of the Township of Middle Seeking an Order Pursuant to N.J.S.A. 40:14b-20(6) Approving the Extension of Water Service into the Del Haven Section of Middle Township as Necessary and Proper for the Public Convenience.

BACKGROUND: On August 21, 2019, the Township of Middle, Cape May County (Middle Township) filed a petition seeking a ruling from the Board pursuant to N.J.S.A. 40:14B-20(6), approving Middle Township's Resolution No. 222-19 (Resolution) requesting the extension of water service into the Del Haven Section of Middle Township (and areas immediately adjacent) (Del Haven), to be provided by the Lower Township Municipal Utilities Authority (LTMUA), as necessary and proper for the public convenience.

The LTMUA is a local sewer and water utilities authority, formed, organized and existing in accordance with the County and Municipal Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. and the ordinances of the Township of Lower.

The governing body of Middle Township has determined that the private wells in the Del Haven section of Middle Township and immediate vicinity are failing and therefore, to

protect the health, safety and general welfare of all currently occupied properties and all residential properties that may be developed in Del Haven, and the immediately adjacent sections of Middle Township in the future, those properties must be connected to a public water system. Therefore, Middle Township and the LTMUA initiated discussions and have agreed to enter into a proposed Water Supply and Distribution Agreement to provide for the construction of a water system extending service into the Del Haven section of Middle Township (and its immediate vicinity), and provide retail water service to the affected areas.

Pursuant to N.J.S.A. 40:14B-20(6), “no water shall be sold at retail in any municipality without the district unless the governing body of such municipality shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality, and the board of public utility commissioners shall have approved such resolution as necessary and proper for the public convenience.”

Staff recommended that the Board approve the Resolution adopted by Middle Township requesting that the LTMUA extend and provide water service into the Del Haven section of Middle Township and its immediate vicinity, as necessary and proper for the public convenience.

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

VI. RELIABILITY and SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC18050587U and OAL PUC 18174-2018 S – In the Matter of Margaret Pagan, Petitioner v. Atlantic City Electric Company, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on August 2, 2019; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on September 16, 2019. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8. Staff recommended that the time limit for the Board to render a Final Decision be extended until October 31, 2019.

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

B. Docket Nos. WC18101182U and OAL PUC 17969-2018 N – In the Matter of Julio Guerrero, Petitioner v. New Jersey American Water Company, Respondent - Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Julio Guerrero (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) Tama B. Hughes filed an Initial Decision in this matter with the Board on July 30, 2019.

On July 26, 2019, a Settlement Agreement and General Release (Stipulation) was made between NJAWC and the Petitioner resolving all issues in this matter. Pursuant to the terms of the Stipulation, the Petitioner agreed to pay the \$469.84 outstanding balance in full. Payment will occur through an installment plan of \$50 a month, in addition to monthly bills due for actual usage.

ALJ Hughes found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy, was consistent with the law, and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

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

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

C. Docket Nos. EC19020276U and OAL PUC 05437-2019 S – In the Matter of Marietta L. Bland, Petitioner v. Atlantic City Electric Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Marietta L. Bland (Petitioner) and Atlantic City Electric Company (ACE). 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 August 22, 2019.

The petition in this matter was filed on February 25, 2019, and thereafter transmitted to the OAL on April 18, 2019. Subsequently, a Settlement Agreement and General Release (Stipulation) were made between ACE and the Petitioner dated July 27, 2019.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, ACE agreed to credit the Petitioner's account in the amount of \$657.04, towards her \$2,257.04 balance. As a result, the total amount owed for past usage was \$1,600.00. To satisfy the \$1,600.00 balance, the Petitioner agreed to pay \$145.45 per month on the 1st of each month for eleven months, beginning August 1, 2019. The payments must be received and posted no later than the 1st of each month without any grace period.

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.

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

D. Docket Nos. WC19040487U and OAL PUC 07717-2019 S – In the Matter of Vanessa Barnes Bey, Petitioner v. New Jersey American Water Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Vanessa Barnes Bey (Petitioner) and New Jersey American Water Company (NJAW or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Elaine B. Frick filed an Initial Decision in this

matter with the Board on August 20, 2019, approving the Stipulation of Settlement (Stipulation) of the Parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, NJAW agreed to credit the Petitioner's account in the amount of \$298.62, making the total amount owed for past usage \$1,187.46. The Petitioner agreed to pay \$30.00 per month for six months, beginning September 13, 2019. Starting March 13, 2020, she shall pay \$56.00 per month for eighteen months to satisfy the remaining balance due. The Petitioner agreed to pay the installment payments and her current monthly usage in a timely manner going forward.

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

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Executive Session Minutes of June 30, 2017 – Item 2B; and

Approval of the Minutes for the July 10, 2019 Agenda Meeting.

BACKGROUND: Commissioner Gordon recused himself from voting on the executive session minutes. Staff presented the executive session minutes of June 30, 2017 – item 2B, and recommended they be accepted.

Staff presented the regular agenda minutes of July 10, 2019, 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

A. Docket No. EO19080907 – In the Matter of the Department of Community Affairs’ State Fiscal Year 2020 Universal Service Fund Administrative Cost Budget.

Maureen Clerc, USF Team, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Universal Service Fund (USF) administrative cost budget submitted by the Department of Community Affairs (DCA) for State Fiscal Year (FY) 2020 in the amount of \$6,618,443.00. The DCA administers USF for the Board. The proposed FY 2020 USF administrative cost budget has increased by \$218,438.00 compared to the FY 2019 USF budget of \$6,400,005.00, which was approved by the Board on August 29, 2018.

Staff reviewed the budget submitted by DCA. The USF administrative budget includes the budgets of the Community Based Organizations (CBOs), which process USF applications for DCA, with each county served by one or more agencies. The USF application is also the application for the federal Low Income Home Energy Assistance Program (LIHEAP), therefore DCA and CBOs submit joint USF/LIHEAP budgets. The budget of each individual agency is based on the number of applications the agency processed in the previous fiscal year and the percentage of households served for each program in a particular county. The DCA portion of the budget is split according to the number of households served for each program state-wide. After all Staff’s questions regarding the FY 2020 budget were answered and necessary modifications made, DCA submitted its final USF administrative cost budget on August 8, 2019 in the amount of \$6,618,443.00. The budget submitted covers the entire twelve month period of July 1, 2019 through June 30, 2020.

The FY 2020 USF budget is broken down as follows:

DCA	\$1,715,752.00
Subgrantees-	
County Welfare Organizations	\$227,200.00
Community Based Organizations	<u>\$4,675,491.00</u>
Total	\$6,618,443.00

Staff recommended that the Board approve this budget. It was noted that the budget is an estimate. DCA will provide the Board with an accounting of all expenditures, and asked the Board for final approval of all expenditures.

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

2. ENERGY

A. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket Nos. EL15-67-003, ER15-2562-002, ER17-950-003, EL17-68-000, EL17-84-001, EL17-90-001, EL17-94-000, ER18-579-002, ER18-680-000 – In the Matter of Non-Consolidated Settlement Proceedings Instituted by FERC Order.

Cynthia L. M. Holland, Esq., Director, Office of Federal and Regional Policy, presented these matters.

BACKGROUND AND DISCUSSION: On August 19, 2019 Staff, on behalf of the Board, together with the New Jersey Division of Rate Counsel (the Parties), filed an Answer with the Federal Energy Regulatory Commission opposing an improper motion filed by Consolidated Edison (ConEd) on the issue of the New York / New Jersey seam (Seam). In the Answer, the Parties explained that the many technical issues related to the Seam should be addressed holistically, and not subject to the narrow review advocated by ConEd. The Answer also does not oppose further proceedings, but explains that the correct pathway to initiate these proceedings is by granting one of the many outstanding rehearing requests that have been timely filed by the Board. Staff recommended that the Board approve the Answer filed in this proceeding.

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. EM19030357 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Approval of the Sale and Conveyance of Certain Portions of its Property in South Brunswick Township, Middlesex County, New Jersey and the Transfer of a Certain License in Connection Therewith Pursuant to N.J.S.A. 48:3-7 and N.J.A.C. 14:1-5.6.

BACKGROUND AND DISCUSSION: On March 19, 2019, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking approval of the sale of certain property in South Brunswick Township, New Jersey to BH of South Brunswick, LLC (Buyer) for a purchase price of approximately \$7,500,000.00.

JCP&L originally acquired the 15.24 acre property in 1973 for the purpose of siting, constructing, operating, and maintaining a transmission line.

JCP&L stated that the property is no longer used or useful to the Company and the transaction would not compromise the ability of the Company to render safe, adequate, and proper service.

The Company and the Buyer entered into a real estate sales agreement on December 7, 2018, contingent upon JCP&L's reservation of various easements for continued utility use.

The Company, Board Staff and the New Jersey Division of Rate Counsel participated in discovery and comment submittal.

Staff recommended that the Board issue an Order approving the sale, subject to the terms and conditions set forth in the Board 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 Gordon	Aye

C. Docket No. GR19050678 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate.

BACKGROUND AND DISCUSSION: On May 31, 2019, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition (2019 BGSS Petition) with the Board seeking to maintain its Periodic Basic Gas Supply Service (BGSS-P) rate of \$0.4691 per therm, to be effective October 1, 2019. The current BGSS-P rate of \$0.4691 per therm was designed to bring the BGSS balance to approximately zero as of September 30, 2020 at the time of the filing. The 2019 BGSS Petition further indicated that the Company's calculations result in a rate of \$0.4773 per therm. However, the Company proposed to maintain its current BGSS-P rate of \$0.4691 per therm.

On June 18, 2019, the Environmental Defense Fund (EDF) filed a Motion to Intervene in this proceeding which has been opposed by Elizabethtown and supported by the New Jersey Division of Rate Counsel (Rate Counsel).

Elizabethtown, Board Staff (Staff) and the Rate Counsel (collectively, Parties) determined that, while additional time is needed to complete a review of the 2019 BGSS Petition, it was reasonable and in the public interest for the proposed rate to be implemented on a provisional basis, subject to refund. Accordingly, the Parties executed a Stipulation Regarding Provisional BGSS Rate (Stipulation).

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties and direct Elizabethtown to file tariffs consistent with its Order by October 1, 2019. Staff further recommended that the Motion to Intervene be denied because EDF's issues should be addressed in a more appropriate proceeding such as the Energy Master Plan, the General Gas Capacity proceeding recently opened by the Board, or one pertaining to Clean Energy Act matters. Staff also recommended that this matter be transmitted the office of Administrative Law for hearing.

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. GR19050675 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service and its Conservation Incentive Program Rates for F/Y 2020.

BACKGROUND AND DISCUSSION: On May 31, 2019, New Jersey Natural Gas Company (NJNG or Company) filed a petition (2019 BGSS/CIP Petition) with the Board requesting approval to decrease its Periodic BGSS rate from its current after tax level of \$0.4129 per therm to \$0.3984 per therm, and to increase the Company's overall Conservation Incentive Program (CIP) rates. The changes in the Company's CIP rates would yield an overall increase in after tax revenues of approximately \$13.8 million. NJNG requested that the changes to the Periodic Basic Gas Supply Service (BGSS) and CIP rates become effective October 1, 2019.

The Company also proposed to increase its balancing charge rate by \$0.0250 per therm, from \$0.0848 per therm to \$0.1098 effective October 1, 2019, to reflect updated costs. There is no balancing charge impact on sales customers' bills as the Balancing Charge is deducted from the BGSS price and added to the delivery price. The proposed change in the Company's Balancing Charge would yield an overall increase in after tax revenues of approximately \$16.6 million.

On June 18, 2019, the Environmental Defense Fund (EDF) filed a Motion to Intervene in this proceeding which was opposed by NJNG and supported by the New Jersey Division of Rate Counsel (Rate Counsel).

On August 13, 2019, NJNG submitted discovery responses updating its BGSS, Balancing Charge, and CIP schedules. The Company's updated calculations produce a BGSS rate and CIP rates for Groups II, III, and IV that are lower than originally filed. Therefore, the Company proposed that these lower updated rates be approved on a provisional basis effective October 1, 2019. Approval of the updated BGSS rate of \$0.3753 per therm would result in an overall decrease of after-tax revenue of approximately \$18.7 million to the current estimated annual BGSS revenue of \$205.6 million. Approval of the updated CIP rates for Groups II, III, and IV of \$0.0079, a credit rate of \$0.0208, and a credit rate of \$0.0043 per therm, respectively, and the requested CIP rate for Group I of \$0.0690 per therm, would result in an overall increase of after-tax revenue of approximately \$11.4 million to the current estimated annual CIP revenue of (\$8.7) million. Implementation of these revised BGSS and CIP rates combined with the requested Balancing Charge of \$0.1098, would result in an overall increase of after-tax revenue of approximately \$9.2 million.

NJNG, Board Staff and the Rate Counsel (collectively, the Parties) determined that, while additional time is needed to complete a review of the 2019 BGSS/CIP Petition, it is reasonable and in the public interest for the updated proposed rates to be implemented

on a provisional basis. Accordingly, on August 28, 2019, the Parties executed a stipulation of settlement (Stipulation) for provisional Periodic BGSS, CIP and Balancing Charge rates.

Staff recommended that: 1) The Board issue an Order adopting the Stipulation of the Parties, which sought to implement provisional Periodic BGSS, CIP, and Balancing Charge rates, subject to refund, to be effective as of October 1, 2019; 2) The Board direct NJNG to file tariffs consistent with its Order by October 1, 2019; 3) EDF's Motion to Intervene be denied because EDF's issues should be addressed in a more appropriate proceeding such as the Energy Master Plan, the General Gas Capacity proceeding recently opened by the Board or one pertaining to Clean Energy Act matters; and 4) This matter be transmitted to the Office of Administrative Law for hearing.

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. EM19060721 – In the Matter of the Petition for Approval of a Third Amendment to Lease Agreement Public Service Electric and Gas Company Third Amendment to Lease Agreement to Kinder Morgan Liquids Terminals, LLC.

BACKGROUND AND DISCUSSION: On June 13, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval of a third amendment to its lease agreement with Kinder Morgan Liquids Terminals LLC (Kinder Morgan) to operate and transport light oils through a PSE&G 12 inch steel pipe (Pipe) and associated right-of-way in the Township of Carteret and the City of Linden. The rental price under the proposed amendment is \$366,180.00 annually with a two percent increase in the rental each year of the two one year options.

Additionally, PSE&G sought a waiver of the requirement to advertise pursuant to N.J.A.C. 14:1-5.6 (i)7 since the waiver will not adversely affect the public interest because the Company was only seeking to amend a currently existing lease, the Pipe is no longer used and useful for utility purposes, there is no other prospective use for the Pipe, the rental price exceeds fair market value, there is no relationship between the Company and Kinder Morgan and advertising and bidding would likely not result in a higher rental price.

In its comments, the New Jersey Division of Rate Counsel (Rate Counsel) stated that it did not object to the granting of the requested waiver of the advertising requirement, provided that the Board Order granting the waiver requires the company to continue reflecting the revenue resulting from the subject lease as "above the line" for ratemaking purposes. The Rate Counsel recommended that any order approving the amendment contain conditions similar to those included in previous Board Orders related to the lease.

Staff recommended Board approval of the amended lease agreement and approval of the waiver of the requirement to advertise.

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

F. Docket Nos. EO18060629 and GO18060630 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Second Energy Strong Program (Energy Strong II).

BACKGROUND AND DISCUSSION: On June 12, 2018, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval to implement the next phase of its Energy Strong Program (Energy Strong II or Program) and an associated cost recovery mechanism.

The Company proposed a five year program with a total investment level of approximately \$2.5 billion. According to PSE&G, the Program was aimed at improving the reliability and resiliency of the Company's electric and gas systems by rebuilding and raising critical electrical equipment, installing stronger poles and wires, deploying advanced technology, building backup pipes, modernizing critical gas equipment, and improving customer service. According to the petition, the proposed Program is consistent with the Board's rules on Infrastructure Investment Programs, promulgated in N.J.A.C. 14:3-2A. Additionally, the petition proposed to invest approximately \$1.5 billion in electric infrastructure and \$1 billion in gas infrastructure in the Program.

By Order dated July 25, 2018, the Board retained the petition and designated President Joseph L. Fiordaliso as the Presiding Officer. On November 30, 2018, President Fiordaliso issued a Prehearing Order setting forth a procedural schedule and ruling on all motions to intervene and participate.

Following discovery, the filing of testimony, evidentiary hearings and several settlement conferences, the Company, Board Staff, the New Jersey Division of Rate Counsel, the New Jersey Large Energy Users Coalition and AARP (collectively, Parties) executed a stipulation of settlement (Stipulation) resolving this matter on August 23, 2019.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties.

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

G. Docket Nos. GO18101112 and EO18101113 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future-Energy Efficiency Program on a Regulated Basis.

BACKGROUND AND DISCUSSION: October 11, 2018, Public Service Electric Company (PSE&G or Company) filed a petition with the Board seeking approval to implement its Clean Energy Future – Energy Efficiency Program (CEF-EE). The CEF-EE filing proposed 22 sub-programs, including seven residential sub-programs, seven commercial and industrial sub-programs, and eight pilot sub-programs (collectively, 2018 EE Programs). The proposed investment for the 2018 EE Programs was approximately \$2.8 billion. Among other things, the filing requested Board approval of a decoupling mechanism for recovering lost revenues and an agreement that, following a one year transition period, PSE&G would become the exclusive provider of Board-regulated energy efficiency programs within its service territory.

Following extensive discovery, several settlement conferences, two evidentiary hearings, and the submission of initial and reply briefs, PSE&G, Board Staff, the New Jersey Division of Rate Counsel, the Eastern Environmental Law Center, the Keystone Energy Efficiency Alliance, and the New Jersey Large Energy Users Coalition (collectively, Signatory Parties) have executed a stipulation of settlement (Stipulation) that addresses several issues in this matter.

On March 8, 2019, Direct Energy filed for reconsideration of the Board’s February 27, 2019 Order insofar as it granted Direct Energy’s motion for interlocutory review and affirmed the Prehearing Order, which denied Direct Energy’s motion to intervene and instead granted Direct Energy participant status. Direct Energy set forth several additional reasons and arguments for the Board to consider in support of Direct Energy’s intervention. On March 18, 2019, PSE&G filed its opposition to the motion. On March 25, 2019, Direct Energy filed a letter in response to PSE&G’s opposition. On April 18, 2019, the Board authorized a Secretary’s Letter advising the parties that, pursuant to N.J.A.C. 14:1-8.7, the Board would take additional time to consider the motion.

Staff recommended that the Board approve the Stipulation of Signatory Parties, which extends four of PSE&G’s current EE sub-programs for one year, closes the Company’s Direct Install sub-program as per the Stipulation of Settlement in the Company’s EE 2017 Program, and extends the period for Board action on the Company’s CEF-EE Program from September 18, 2019 until no later than March 16, 2020.

Staff also recommended that the Board deny Direct Energy’s motion for reconsideration on the ground that the time to intervene, if ever, will be when the Board directs all of the energy utilities to file energy efficiency plans.

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

H. Docket No. ER19040530 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric Base Rate Adjustments Pursuant to the Madison 4kV Substation Project (M&M 2019 Rate Filing).

BACKGROUND AND DISCUSSION: On April 30, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition (April 2019 Petition) with the Board seeking approval for electric base rate changes to provide for cost recovery associated with, the Madison & Marshall (M&M) substations. The M&M substations were initially part of the Energy Strong Program (ES Program) approved by the Board in Docket Nos. EO13020155 & GO13020156 on May 21, 2014. However, due to a change in scope, on December 14, 2015, PSE&G provided notice that it anticipated raising and rebuilding both the M&M electric substations at the Madison Substation site, rather than raising and rebuilding both stations at their original sites as originally provided in the Engineering Reports of the Madison Substation site.

After initially raising objection, the New Jersey Division of Rate Counsel agreed that PSE&G could proceed with the project, at the Madison Substation site. This filing was made pursuant to an Agreement Regarding Withdrawal of Objection (M&M Agreement), dated November 30, 2016. As part of the M&M agreement, the M&M investments were to be recovered outside of the ES Program. The Madison substation was placed into service in April 2019. The full removal and retirement of the Marshall Street substation is expected by March 2021, expenditures of which are not included in the April 2019 Petition.

The April 2019 Petition was based upon actual expenditures through March 31, 2019 and projected expenditures through June 30, 2019 that sought to recover in base rates an estimated annual revenue increase associated with the capitalized investment costs of the M&M substations incurred through June 30, 2019 of approximately \$7.4 million from the Company's electric customers. On July 15, 2019, the Company provided an updated schedule, which replaced the estimated data in the original schedules with actual data through June 30, 2019. As a result of the update for actuals costs through June 30, 2019, the PSE&G proposed annual revenue requirement decreased from \$7.4 million to \$7.1 million.

Staff recommended that the Board issue an Order approving the Stipulation. In addition, Staff recommended that the Board direct the Company to file tariff sheets by October 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

I. Docket No. GR19060699 – In the Matter of Public Service Electric and Gas Company’s 2019/2020 Annual BGSS Commodity Charge Filing for its Residential Gas Customers under its Periodic Pricing Mechanism and for Changes in its Balancing Charge.

BACKGROUND AND DISCUSSION: On May 31, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition (2019 BGSS Petition) with the Board requesting authority to decrease the Company’s Basic Gas Supply Service (BGSS) Residential Gas Service (BGSS-RSG) rate from \$0.349059 per therm [including losses and Sales and Use Tax (SUT)] to \$0.340221 per therm (including losses and SUT) effective October 1, 2019. In the 2019 BGSS Petition, the Company also sought authority to change its’ Balancing Charge period from five months, November through March, to eight months, October through May. This change would result in a decrease of the Balancing Charge from \$0.102825 per therm to \$0.098620 per therm. As a result of requests in the 2019 BGSS Petition, the Company’s BGSS revenues would be decreased by approximately \$12 million annually.

Approval of the request as filed would decrease the annual bill for a typical residential heating customer using 172 therms per month during the winter months and 1,040 therms on an annual basis by \$5.89, or approximately 0.66% based upon rates in effect on May 1, 2019 and for those customers who receive BGSS service from PSE&G.

The Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) determined that, while additional time is needed to complete a review of the Company’s 2019 BGSS Petition, it is reasonable and in the public interest for the proposed rate reduction be provisionally approved. Subsequently, the Parties executed Stipulation of Settlement (Stipulation) which would allow PSE&G to implement its proposed BGSS-RSG Commodity Charge and Balancing Charge, on a provisional basis, subject to refund.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties, which sought to implement provisional changes in the Company’s BGSS-RSG and Balancing Charge rates, subject to refund, to be effective as of October 1, 2019. In addition, Staff recommended that the Board direct PSE&G to file tariffs consistent with the Order by October 1, 2019. Staff further recommended that the Board direct that this matter be transmitted to the Office of Administrative Law for hearing.

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

J. Docket No. GR19060761 – In the Matter of the Petition of Public Service Electric and Gas Company to Revise its Weather Normalization Charge for the 2019-2020 Annual Period.

BACKGROUND AND DISCUSSION: On June 27, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition (2019 WNC Petition) with the Board seeking approval to adjust its Weather Normalization Clause (WNC). In the 2019 WNC Petition, PSE&G seeks refund \$8,251,009.00 over the 2019-2020 Winter Period.

Additionally, in the Company's pending Basic Gas Supply Service (BGSS) filing submitted on June 1, 2019 in Docket No. GR19060699, PSE&G proposed an adjustment to its Balancing Charge, which includes changing the balancing period from five months (November through March) to eight months (October through May). The proposed WNC is based on the proposed eight months balancing period.

In crediting the margin revenue excess of \$8,251,009.00 over the 2019-2020 Winter period, the Company proposed a WNC credit rate of \$0.004800 without New Jersey Sales and Use Tax (SUT) (a credit rate of \$0.005118 including SUT per balancing therm). The rate would be applicable to the Company's gas customers receiving service under Rate Schedules Residential Service Gas, General Service Gas and Large Volume Gas customers during the 2019-2020 Winter Period.

After an initial review of the 2019 WNC Petition, on August 30, 2019, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff executed a Stipulation for a Provisional WNC (Stipulation).

Staff recommended that the Board issue an Order approving the Stipulation. In addition, Staff recommended that the Board direct PSE&G to file sheets consistent with its Order by October 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

K. Docket No. GR19050679 – In the Matter of the Petition of South Jersey Gas Company to Revise the Level of its Basic Gas Supply Service and Conservation Incentive Program Charges for the Year Ending September 30, 2020.

BACKGROUND AND DISCUSSION: On May 31, 2019, South Jersey Gas Company (South Jersey or Company) filed a petition (2019 BGSS/CIP Petition) with the Board and seeking authority to: 1) decrease its Periodic Basic Gas Supply Service (BGSS) rates; 2) change the charges related to its Balancing Service Clause (BSC), and 3) revise its Conservation Incentive Program (CIP) rates. With respect to the BGSS request, the proposed change would decrease the monthly bill of a residential heating customer using 100 therms by \$9.59 or 6.6%. The Rider "J" Balancing Service Clause- General

Service (BSC-GS) would increase the bill for a typical residential heating customer by \$5.32 or 3.7%. With respect to the CIP rates request, the same residential heating customer would see a decrease in the monthly bill of \$1.82 or 1.3%. On a combined basis, based on the 2019 BGSS/CIP Petition, a typical residential customer would experience a net monthly bill decrease of \$6.07 or 4.2%.

On June 18, 2019, the Environmental Defense Fund (EDF) filed a Motion to Intervene in this proceeding which has been opposed by South Jersey and supported by the New Jersey Division of Rate Counsel (Rate Counsel).

South Jersey, the Rate Counsel, and Board Staff (collectively, Parties) determined that, while additional time is needed to complete a review of the 2019 BGSS/CIP Petition, it is reasonable and in the public interest for the proposed rates to be implemented on a provisional basis. Accordingly, on September 3, 2019, the Parties executed a stipulation (Stipulation) for provisional BGSS and CIP rates.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties, which seeks to implement provisional BGSS, BSC and CIP rates, subject to refund to be effective as of October 1, 2019. In addition, Staff recommended that the Board direct South Jersey to file tariffs consistent with its Order by October 1, 2019. Additionally, Staff recommended that the Motion to Intervene be denied. Staff believed that EDF's issues should be addressed in a more appropriate proceeding such as the Energy Master Plan, the General Gas Capacity proceeding recently opened by the Board or one pertaining to Clean Energy Act matters. Staff further recommended that this matter be transmitted to the Office of Administrative Law for hearing.

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

L. Docket Nos. ER19070812 and GR19070813 – In the Matter of the Petition of Soundview Paper Company, LLC to Modify the Electric and Natural Gas Societal Benefits Charge due to Changed Circumstances.

BACKGROUND AND DISCUSSION: On July 12, 2019, Soundview Paper Company, LLC (Soundview) filed a petition (2019 Soundview SBC Petition) seeking to modify the Board's existing orders governing the Societal Benefits Charge (SBC) paid by Soundview at its Marcal Mill in Elmwood Park, New Jersey for electric and gas service provided by Public Service Electric and Gas Company. In the 2019 Soundview SBC Petition, Soundview sought a 90% reduction of the SBC associated with the electric and natural gas distribution service it receives at the Marcal Mill through December 2022.

Additionally, Soundview indicated that it is considering applying for funds for a natural gas fired, cogeneration unit, which would likely not be up and running for at least two years. Accordingly, Soundview sought the elimination of the condition that restricts it from withdrawing any SBC funds during the time in which the SBC reduction is in effect.

Soundview requested expedited review and processing of the 2019 Soundview SBC Petition due to the limited amount of time to it has to make a final decision regarding whether permanently restarting operations in New Jersey is economically viable.

On July 12, 2019, Soundview filed a motion for the pro hac vice admission of Robert A. Weishaar, Jr. On July 19, 2019, Public Service Electric & Gas Company filed a motion to intervene in this proceeding.

Staff recommended that the Board grant the motions.

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

M. Docket Nos. BPU ER19050552 and OAL PUC 07548-2019 N – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Changes in Electric Rates, its Tariff for Electric Service, and its Depreciation Rates; and for Other Relief – See Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session, and it involved Staff seeking authority to issue a Request for Quotations (RFQ) to hire a consultant to undertake the cost-benefit analysis in the RECO electric case regarding AMI.

Staff also requested that the Board authorize the RFQ consistent with the discussion 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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket No. WO19070783 – In the Matter of the Petition for Contract Approval by the Township of Long Beach Under New Jersey Water Supply Public Private Contracting Act, N.J.S.A. 58:26-23 et seq.

Michael Kammer, Director, Division of Water, presented this matter.

BACKGROUND AND DISCUSSION: On July 1, 2019, the Township of Long Beach (Long Beach or Township), submitted an application (Petition) for approval of a contract with Suez Advanced Solutions (SUEZ or Company) for water tank maintenance.

On February 14, 2019, Long Beach issued a notice of its request for proposals (RFP) for vendors interested in providing water tank maintenance services and published same in the Beach Haven Times as well as the Asbury Park Press, newspapers of general circulation in the Township, and also posted the RFP on the Township's website. All proposals were received by the March 15, 2019 deadline specified in the RFP. Two proposals were submitted by Suez and Alpine Painting & Sandblasting Contractors and reviewed shortly thereafter.

On April 23, 2019 Long Beach notified the Department of Community Affairs, the Department of Environmental Protection and the Board of its intent to submit an application to enter into a contract with a private firm for the provision of water supply services.

Long Beach negotiated a contract with Suez on June 3, 2019, which included the required provisions pursuant to N.J.S.A. 58:26-23(e). According to the Petition, Long Beach chose SUEZ for the following reasons:

1. SUEZ has a track record of successful performance not only in New Jersey, but in numerous states;
2. SUEZ provided detailed and thorough inspection reports and recommendations for each tank; and
3. SUEZ's corporate company has the assets to provide backing in the event of an unstable economy and has the greatest amount of experience and qualifications.

Provided with the above information, Long Beach agreed to enter into a 20-year contract with SUEZ to provide it with a long-term tank maintenance plan on the Water Tanks.

Following publication in the Beach Haven Times, a public hearing on the proposed contract with SUEZ was scheduled for May 6, 2019 in the Township Municipal Court Room. Mayor Mancini and Commissioner Bayard spoke at the public hearing and their main comments dealt with the cost savings which will help maintain their facilities over the next 20 years. No members of the public spoke.

A resolution was adopted on June 3, 2019 (Resolution No. 19-0603.17(a)) by the Long Beach Council authorizing the process for a public private contract with SUEZ for tank maintenance in accordance with N.J.S.A. 58:26-23 et seq. Long Beach obtained a written opinion from its bond counsel, Parker McCay, P.A., on June 25, 2019 in accordance with N.J.S.A. 58:26-23(g).

Staff recommended that the Board approve the public private contract between the Township and SUEZ.

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

6. RELIABILITY and SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

Benjamin Goldstein, Program Specialist, Division of Clean Energy, presented these matters.

A. Docket No. QG19070835 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – New Jersey Department of Transportation.

BACKGROUND AND DISCUSSION: The New Jersey Department of Transportation (Applicant or NJDOT) submitted an application under the Fiscal Year 2017 Pay for Performance – Existing Buildings (P4P–EB) Program pursuant to the New Jersey Clean Energy Program (NJCEP) Energy Efficiency and Renewable Energy Program Plan Filing for Fiscal Year 2017. The NJDOT requested Board approval of a financial incentive of \$729,146.16 for installation of energy conservation measures (ECMs) at its main facility at 1035 Parkway Avenue, Trenton, NJ. The ECMs have a total estimated cost of \$10,878,393.77.

The largest improvement at the site involves decentralizing the main standard efficiency steam boiler plant and installing high-efficiency gas boilers at each of the facility's three main office buildings. The rest of the complex will be taken off the underground steam loop and given gas fired unit heaters. Additional measures include interior and exterior

lighting replacement with LEDs, interior lighting controls, and heating ventilation and air conditioning system controls for time-of-day scheduling.

Annually, this project is anticipated to save 769,188 kWh of electricity, as well as 231,784 therms of natural gas. The project will also reduce peak demand by an anticipated 210.65 kW. The proposed project will have an estimated annual energy cost savings of \$273,694.00. The payback period without incentives is 39.7 years; when factoring in the incentives, the anticipated payback period is 37.1 years.

While a payback period of 37.1 years is lengthy, this figure should not be viewed in a vacuum. This application is being pursued as part of a larger Energy Savings Improvement Program (ESIP), which provides New Jersey government agencies with flexible financing to incorporate energy efficient upgrades. ESIPs allow eligible entities to pay for ECMs to be installed using the future value of energy savings in lieu of paying up-front costs. Governmental authorities can enter into contracts up to 15 years in length that ensure efficiency upgrades are installed in such a way that annual payments are lower than the savings projected. ESIP projects allow entities lacking significant capital resources to reduce their energy consumption and energy bills.

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 \$729,146.16 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

B. Docket No. QO19060757 – In the Matter of Fort Dix Bureau of Prisons – Request for an Extension.

BACKGROUND AND DISCUSSION: By letter received June 26, 2019, Fort Dix Bureau of Prisons (Fort Dix or Petitioner) filed a petition requesting the Board to grant additional time to submit the Final Incentive Application for a now-completed lighting retrofit project. The project was submitted through New Jersey Clean Energy Program's (NJCEP) Commercial and Industrial Retrofit Program, a subset of NJCEP's SmartStart Buildings Program (SmartStart). NJCEP is administered by the Board's Program Administrator, TRC Environmental Corporation (TRC).

The Petitioner submitted its initial application on February 13, 2015. TRC approved the application on July 15, 2015, giving the project an initial expiration date of July 15, 2016. Fort Dix was subsequently granted four extensions:

- the first expired on January 15, 2017;
- the second expired on July 15, 2017;
- the third expired on June 30, 2018; and
- the fourth expired on December 30, 2018.

On January 3, 2019, TRC sent Fort Dix an expiration notice informing the Petitioner that it had 30 days to either submit an appeal or request an extension. Fort Dix responded within the 30 day timeframe on January 29, 2019, requesting an additional extension on the grounds that the project's labor dynamics resulted in a slower installation pace and that the project had to be put on hold during the government shutdown. The Petitioner further provided evidence that the project was 95% complete at this point. On May 8, 2019, TRC responded to this request by notifying Fort Dix it would have to submit a formal petition to the Board in order to receive additional relief in this matter. On June 26, 2019, Fort Dix submitted the instant Petition to the Board. The Petition notes that the entire lighting retrofit was completed shortly after submitting the fifth extension request, and additional time was needed only to complete paperwork requirements by submitting the Final Incentive Application.

Based on the information provided by the Program Manager and Program Administrator, and careful review of the record, Staff recommended that the Board approve the Petition and grant Fort Dix a 60 day extension to file its Final Incentive Application.

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. QO19080951 – In the Matter of Energy Efficiency Technologies Research and Studies – Energy Efficiency Baseline Study.

BACKGROUND AND DISCUSSION: The Clean Energy Act of 2018, mandates that the Board require each electric public utility to develop an energy efficiency program to “achieve annual reductions in the use of electricity of two percent of the average annual usage in the prior three years within five years of implementation of its electric energy efficiency program” and each gas public utility to develop an energy efficiency program to “achieve annual reductions in the use of natural gas of 0.75 percent of the average annual usage in the prior three years within five years of implementation of its gas energy efficiency program.”

The Energy Efficiency Baseline Study will allow the Board and Board Staff to better understand current energy efficiency technologies and the saturation of energy efficiency equipment within New Jersey, as well as energy consumption behavior. This information regarding the current role of energy efficiency in New Jersey will assist the Board and Board Staff in developing or reviewing energy efficiency program design and making appropriate programmatic changes to increase access to energy efficiency programs.

Baseline Studies are integral aspects of Energy Efficiency Programs. They provide critical information regarding energy use patterns throughout a geographic territory which help to determine building stock, including saturation of energy efficient technologies and equipment. Baseline Studies are critical elements towards designing appropriate and effective energy efficiency programs. Baseline studies also assist

jurisdictions in establishing an accurate understanding of “business as usual” energy consumption, for comparison to the energy savings that results from energy efficiency programs.

Staff requested Board approval to release a Request for Proposal for the “Baseline Study Project of Residential and Commercial & Industrial Sites,” commonly referred to as the Energy Efficiency Baseline Study, via the New Jersey Department of Treasury.

Such a study will require approximately \$2,000,000.00 in funding and is anticipated to take 12 months to complete, following contract award. The funding for this project is already allocated in the Program Evaluation section of the Clean Energy Program’s Fiscal Year 2020 budget.

Staff recommended that the Board approve Staff’s release of a Request for Proposal for the competition of an Energy Efficiency Baseline Study via the New Jersey Department of the Treasury.

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 Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications – See Executive Session.

Jim Ferris, Bureau Chief of New Technology, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in executive session and it pertains to a petition filed by Ocean Wind on August 19, 2019, regarding the purchase of capacity interconnection rights from Exelon Generation Company at the Oyster Creek Nuclear Power Station.

At its June 21, 2019 Agenda meeting, the Board approved the Ocean Wind 1100-megawatt project which required that Ocean Wind seek Board authorization to procure capacity interconnection rights in order to be subject to the true-up mechanism. Board Staff recommended that the Board approve 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

9. MISCELLANEOUS

There were no items in this category.

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.

2. ENERGY

M. Docket Nos. BPU ER19050552 and OAL PUC 07548-2019 N – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Changes in Electric Rates, its Tariff for Electric Service, and its Depreciation Rates; and for Other Relief.

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

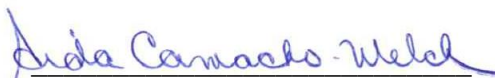
8. CLEAN ENERGY

D. Docket No. QO18121289 – In the Matter of the 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.

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: October 7, 2019