



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

**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 27, 2019, at the State House Annex, Committee Room 4, 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 October 7, 2019 at 44 South Clinton Avenue, Merit System Room, First Floor, Trenton, New Jersey 08625. It was also announced that the October 7 meeting would not be live streamed, but it will be recorded and posted to the NJBPU website.

## CONSENT AGENDA

### I. AUDITS

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

EE19070796L	Energy Choice Services, LLC	I – EA
EE19070829L	US Energy Link, LLC	I – EA
EE19080895L GE19080896L	FS Energy Limited Liability Company	I – EA/PA
EE19080881L GE19080882L	Charity+Power, Inc.	I – EA

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

EE18050526L	The Energy Alliance, LLC	R – EA
-------------	--------------------------	--------

#### Electric Power and/or Natural Gas Supplier Renewal Licenses

GE19060735L	Colonial Energy, Inc.	R – GSL
-------------	-----------------------	---------

**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:

- Energy Choice Services LLC
- US Energy Link, LLC

- FS Energy Limited Liability Company
- Charity+Power, 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:

- The Energy Alliance, LLC

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

- Colonial Energy Inc.

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

## II. ENERGY

### A. Docket No. ER19050552 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Changes in its Electric Rates, its Tariff for Electric Service, and its Depreciation Rates; and for Other Relief.

**BACKGROUND:** On May 3, 2019, Rockland Electric Company (RECO or Company) filed a petition with the Board for approval of an increase in its operating revenues of approximately \$19.9 million, to be effective for electric service provided on or after June 2, 2019. The Company also sought Board approval to implement new depreciation rates. RECO's petition also requested a return on equity of 10.40%.

According to the petition, the Company's current electric distribution rates are not just and reasonable because they do not produce an adequate, reasonable return on the Company's invested capital, and do not provide sufficient revenues to recover the Company's investment in rate base, operating expenses, financing costs and taxes.

The Company's petition also included the following requests:

- Approval to change its electric and general plant depreciation rates, including approval of an additional allowance for negative salvage costs and true up of existing net salvage allowance currently in rates;
- A finding that RECO's Storm Hardening Program investments were prudent;
- A finding that RECO's implementation of its Advanced Metering Infrastructure Program was prudent, including approval of its proposal for the recovery of the net book value of the legacy meters; and
- Relief from the obligation to file an Average and Peak Cost of Service Method in future base rate cases.

Since a review of this matter was not completed prior to June 2, 2019, Staff recommended the Board issue an order on May 28, 2019 suspending the proposed rate increase until October 2, 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 30, 2019, RECO 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 \$20.4 million.

Hence, Staff recommended that the Board issue a second order suspending the proposed rates until February 3, 2020, pending resolution of this matter at the OAL. The proposed suspension order suspending the Company's rates until February 3, 2020.

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

### III. CABLE TELEVISION

**A. Docket No. CE19010043 – In the Matter of the Petition of Comcast of Burlington County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Cinnaminson, County of Burlington, State of New Jersey.**

**BACKGROUND:** On January 10, 2019, Comcast of Burlington County, LLC (Comcast) filed a petition for an Automatic Renewal Certificate of Approval for the Township of Burlington (Township) based on the automatic renewal provision, for a term to expire on December 14, 2028.

The petition is based on the Township's ordinance granting renewal municipal consent which was adopted December 17, 2003. The Township's ordinance granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on December 14, 2018.

On March 3, 2016, the Township was notified by the Office of Cable Television & Telecommunications (OCTV&T) of the start of the three-year federally permitted ascertainment process. On April 27, 2017, the OCTV&T notified the Township that the Renewal Certificate of Approval contained the provision for automatic renewal. The notification letter outlined the steps necessary to not accept the automatic renewal Certificate of Approval.

On November 14, 2018, the Township was notified by Comcast of its intention to utilize the automatic renewal provision.

After review, Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on December 14, 2028.

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

### IV. TELECOMMUNICATIONS

**A. Docket No. TM19070862 – In the Matter of the Verified Joint Petition of Fusion Connect, Inc., Debtor-In-Possession, Fusion, LLC, Debtor-In-Possession, Fusion Cloud Services, LLC Debtor-In-Possession, and Telecom Holdings, LLC for Consent to a Transaction that will result in a Material Change to the Ownership and Control of Fusion LLC and Fusion Cloud Services, LLC.**

**BACKGROUND:** On July 29, 2019, Fusion Connect, Inc., debtor-in-possession (Fusion Connect), Fusion LLC, debtor-in-possession (Fusion LLC), Fusion Cloud Services, LLC, debtor-in-possession operating in New Jersey as Birch Communications, LLC d/b/a BirchComm, LLC (Birch) and Telecom Holdings LLC (Telecom Holdings), collectively,

"Petitioners," submitted a Petition to the Board requesting approval for a reorganization transaction which will result in Telecom Holdings acquiring a controlling interest in Fusion Connect's operating subsidiaries in New Jersey, specifically the Fusion NJ Licensees, through Telecom Holdings' acquisition of a majority of the common stock of Fusion Connect.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments by letter dated July 18, 2019, stating it did not oppose approval of the proposed the Petitioners requests in this matter provided conditions are imposed to ensure continued service quality in connection with potential future employment attrition in New Jersey. As a condition of approval, the Rate Counsel urged that the Board require the Petitioners to notify the Board and the Rate Counsel when New Jersey employees are slated for a workforce reduction that is greater than fifteen percent, throughout a three year period following approval.

After review, Staff recommended that the Petitioners be allowed to proceed with the Transaction, finding that there will have no adverse effect to customers in New Jersey.

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

**B. Docket No. TM19050648 – In the Matter of the Verified Joint Petition of ExteNet Asset Entity, LLC, Assignee, and ExteNet Systems, Inc., Assignor, for Approval for Assignee to Acquire Certain Customers and Assets of Assignor.**

**BACKGROUND:** On May 23, 2019, ExteNet Asset Entity, LLC (EAE) and ExteNet Systems, Inc. (ESI) (collectively, Petitioners), submitted a Joint Petition to the Board requesting approval for EAE to acquire certain assets, including customer contracts and related telecommunications network infrastructure, of its indirect parent, ESI (the Transaction). Upon closing of the Transaction, EAE will become the service provider for those customers transferred and ESI will continue to operate under its existing Authority.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments by letter dated August 26, 2019, stating it did not oppose approval of the proposed the Petitioners' requests in this matter provided conditions are imposed to ensure continued service quality in connection with potential future employment attrition in New Jersey. As a condition of approval, the Rate Counsel urged that the Board require the Petitioners to notify the Board and the Rate Counsel and to provide an appropriate explanation in writing within a minimum of thirty days prior to effectuating an elimination of greater than 15% of the New Jersey employees' positions throughout a three year period following approval of the transaction.

After review, Staff recommended that the Petitioners be allowed to proceed with the Transaction.

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

**V. WATER**

**A. Docket No. WR19030417 – In the Matter of Pinelands Water Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.**

**BACKGROUND:** On April 1, 2019, Pinelands Water Company filed a petition with the Board requesting an increase in rates for water service in the amount of \$189,104.00 or 22.49% in additional annual revenues.

Pinelands Water Company is engaged in the business of treating and distributing water for retail services to approximately 2,400 customers in portions of Southampton Township, Burlington County, New Jersey.

The matter was transmitted to the Office of Administrative Law on April 5, 2019. Administrative Law Judge Patricia Caliguire was assigned to the case and hearings will proceed accordingly.

The increase in rates was proposed to become effective on April 29, 2019. By letter dated April 17, 2019, the Petitioner notified the Board that it would not implement the proposed rate increase on an interim basis prior to the effective date of the Suspension Order emanating from the Board's May 8, 2019 public agenda meeting.

On May 8, 2019, the Board issued an Initial Suspension Order which suspended the company's proposed rate increase until August 29, 2019.

Another Suspension Order suspends the Company's rates until December 29, 2019.

After review, Staff recommended that the Board issue a Suspension Order which further suspends the Company's rates until December 29, 2019.

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

**B. Docket No. WR19030418 – In the Matter of Pinelands Wastewater Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.**

**BACKGROUND:** On April 1, 2019, Pinelands Wastewater Company, (Petitioner) filed a petition with the Board for authority to increase its base tariff rates and charges for water service amounting to approximately \$482,969.00 or 39.22%.

The Petitioner proposed that the rate increase become effective on April 29, 2019. By letter dated April 11, 2019, the Petitioner notified the Board that it would not implement the proposed rates, on an interim basis, prior to the effective date of the Suspension Order resulting from the Board's May 8, 2019 public agenda meeting. The matter was transmitted to the Office of Administrative Law on April 5, 2019 and it is expected that hearings will proceed accordingly. Staff recommended that the Board issue an Order further suspending the proposed rate increase until December 29, 2019.

**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 GC17030190U and OAL PUC 03616-2018 S – In the Matter of Kim J. Notte T/A Colts Neck Inn Hotel and Residence, Petitioner v. New Jersey Natural Gas, Respondent – Request for Extension.**

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on August 27, 2019; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on October 11, 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 November 25, 2019.

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

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

**A. Approval of the Minutes for the August 7, 2019 Agenda Meeting.**

**BACKGROUND:** Staff presented the minutes of the Regular Board Agenda meeting of August 7, 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.**

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## AGENDA

### 1. AUDITS

Alice A. Bator, Director, Division of Audits, presented this matter.

**A. Docket No. ES19060756 – In the Matter of the Alleged Failure of Censtar Energy Corp., Spark Energy Gas, LLC, Spark Energy, LLC, Oasis Power, LLC d/b/a Oasis Energy, HIKO Energy, LLC, Major Energy Services, LLC and Respond Power, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq. and the N.J.A.C. 14:4-1.1 et seq.**

**BACKGROUND AND DISCUSSION:** This matter involved potential violations under the Energy Discount and Energy Competition Act, (EDECA, or the Act) by Censtar Energy Corp., Spark Energy Gas, LLC, Spark Energy, LLC, Oasis Power, LLC d/b/a Oasis Energy, HIKO Energy, LLC (HIKO), Major Energy Services LLC (Major) and Respond Power, LLC (hereinafter collectively, the "Spark Companies"), who have been operating as third party suppliers (TPSs) providing electric power and natural gas supply services to residential, commercial and/or industrial customers in New Jersey. As a result of correspondence, telephone conversations, and meetings between Staff and the Spark Companies, the Spark Companies submitted an Offer of Settlement regarding its alleged violations. In the Offer of Settlement, the Spark Companies did not admit to any violations but have made a monetary offer in the amount of Fifty-Five Thousand dollars (\$55,000.00) in order to resolve all issues concerning the alleged violations. Staff recommends that the Board accept the Offer of Settlement proffered by the Spark Companies with certain conditions.

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

- 1) The Spark Companies will pay to the State of New Jersey the sum of \$55,000.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations which have been or could have been alleged by the Board or the Staff against the Spark Companies, up to and including June 6, 2019.
- 2) The Offer of Settlement shall not relieve the Spark Companies or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations or Board Orders that may occur after June 6, 2019.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by the Spark Companies or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) The Spark Companies will comply with all provisions of the Act and Regulations regarding TPS licensing renewal requirement as set forth at N.J.S.A. 48:3-78, N.J.S.A. 48:3-79, and N.J.A.C. 14:4-5.6.
- 5) The execution of this Offer of Settlement shall not be relied upon by the Spark Companies or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>No</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

Staff recommended that the Board approve initial applications for Censtar Energy Corp., Spark Energy Gas, LLC, Spark Energy, LLC, Oasis Power, LLC d/b/a Oasis Energy to provide supply services as third-party suppliers in the State of New Jersey.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>No</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

Staff recommended the Board approve the Spark Companies' renewal applications for HIKO Energy, LLC and Respond Power, LLC.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>No</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

In her dissent, Commissioner Holden noted that one of the goals of this Agency is to be consistent, so that businesses and consumers can make decisions with some degree of predictability and certainty. Failing to act consistently when the Board is faced with a set of similar facts can result in an appellate court overruling determinations made by this Board on the basis that they are "arbitrary and capricious."

The Commissioner added that last month, on August 7, the Board approved a settlement with Green Mountain Energy Company for an alleged failure to comply with the same license renewal application requirements at issue in this case, which are set forth in New Jersey Administrative Code Title 14 Chapter 4, Subchapter 5. In that case, Green Mountain filed its renewal registrations 24 days late for a single Third-Party Supplier (or TPS) license and the Board agreed to a settlement of \$5,000.00 or roughly \$208.00 per day that the Company's license renewal was late.

However, in this case, Sparks and the companies it acquired failed to timely renew a total of seven TPS licenses for a total of 1,308 days beyond the due date. Applying the same daily penalty rate as the Green Mountain case of \$208.00 per day, this amount comes to \$272,064.00, far greater than the \$55,000.00 Staff proposed to settle for.

Additionally, in this case, Sparks also failed to comply with the Board's rules requiring companies to notify the Board when they acquire another company. Sparks acquired HIKO along with its two TPS licenses and also acquired Respond and Major, each with a single TPS license. These rules help ensure the Board stays current with changes in the industry and participating companies, which to me, is even more important than simply failing to timely renew a license registration, and therefore, should involve a higher penalty per day. This is especially true when one of the companies involved, HIKO, is facing major fines for improper business practices in several of our neighboring states.

The Commissioner further stated that Staff's recommendation to accept Sparks' offer of \$55,000.00 in settlement of all alleged violations gives Sparks a major discount relative to Green Mountain for the same violation of failure to timely renew its licenses and does not account for the more serious violation of failing to timely notify the Board of an acquisition. I found no facts in the record to justify this massive discount. An appropriate settlement that is consistent with and proportional to the settlement this Board just entered into with Green Mountain would be close to a million dollars.

## 2. ENERGY

Maureen Clerc, USF Team, presented this matter.

### A. Docket No. ER19060736 – In the Matter of the 2019/2020 Annual Compliance Filing for a Change in the Statewide Electric and Gas Permanent Universal Service Fund Program Factors within the Electric and Gas Societal Benefits Charge Rate Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:21.1.

**BACKGROUND AND DISCUSSION:** On June 24, 2019, Public Service Electric and Gas Company (PSE&G), on behalf of itself and the other Gas and Electric Distribution Companies (collectively, Utilities), made a filing with the Board for the 2019/2020 Universal Service Fund (USF) and Lifeline program year. (June 2019 Filing) The June 2019 Filing included actual cost data from October 2018 to April 2019 and estimated data for May 2019 through September 2019, and proposed a USF program budget of \$111.4 million and a Lifeline program budget of \$74.6 million.

During the discovery process, the Utilities provided Board Staff and the New Jersey Division of Rate Counsel (Rate Counsel) with updated cost data on August 2, 2019 (August utility update) to include actual costs through June 2019. This updated data supported a \$119 million USF program budget and again, a \$74.6 million Lifeline program budget.

On August 29, 2018, the Board approved a \$6,400,005.00 New Jersey Department of Community Affairs (DCA) administrative cost budget for USF for Fiscal Year 2019 (FY 19 USF administrative budget), which was the amount used for DCA administrative costs in the June 2019 Filing and August utility update. This is because the FY 2020 USF administrative budget was received by the Department of Community Affairs too late to include in this year's compliance filing rate calculations.

The Rate Counsel submitted comments on August 27, 2019. The Rate Counsel stated that it: 1) did not object to the Utilities' request for recovery of their actual administrative costs incurred in association with the USF program; 2) took no position regarding the reasonableness of the DCA's proposed USF administrative budget; 3) did not object to the Board making the proposed USF and Lifeline rates effective October 1, 2019; and 4) did not object to the Board making the present interim USF and Lifeline rates permanent.

**Rate Impact**

- The following chart reflects the current USF and Lifeline rates, including SUT:

	Electric	Gas
USF	\$0.001338/kWh	\$0.0049/therm
Lifeline	\$0.000753/kWh	\$0.0054/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002091/kWh</b>	<b>\$0.0103/therm</b>

- The following chart reflects the proposed USF and Lifeline rates, including SUT:

	Electric	Gas
USF	\$0.001332/kWh	\$0.0066/therm
Lifeline	\$0.000755/kWh	\$0.0055/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002087/kWh</b>	<b>\$0.0121/therm</b>

**The combined USF/Lifeline rates represent:**

- an annual increase of \$2.11 for an average residential gas customer utilizing 1,200 therms per year;
- an annual decrease of \$0.03 for an average residential electric customer utilizing 7,800 kWh per year; and
- an annual bill of \$30.80 per year for an average residential customer who uses both gas and electricity, (an increase of approximately 7.27% or \$2.09 from the current level of \$28.71 per year).

The increase in this year's budget from \$112 million to \$119 million may be attributed to actual volumetric sales being lower than previously forecasted resulting in a gas under-recovery balance as well as an anticipated increase in gas disbursement benefits to USF.

Staff recommended the Board approve a USF budget of approximately \$119.M for the new program year. This is an increase of approximately \$7M from the currently USF budget. If approved, this budget and the rates would be effective October 1, 2019.

Staff also recommended that the Board approve the Lifeline rates contained in the filing, which support a Lifeline program budget of approximately \$74.6M. If approved, these rates would also be effective October 1, 2019.

Staff further recommended the Board direct Staff to reimburse the utilities for their USF administrative costs which total \$3,037.00.

Finally, Staff recommended that the Board finalize the interim USF rates that have been approved previously through September 30, 2018 because these rates have been reviewed and tried up.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

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

**B. Docket No. ER19050550 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Electric Base Rate Adjustments to the PowerAhead Program (5/2019).**

**BACKGROUND AND DISCUSSION:** On May 2, 2019, Atlantic City Electric Company (ACE or Company) filed a petition (May 2019 Petition) with the Board seeking the review and approval of the capital investments related to its PowerAhead Program (PowerAhead) that were placed in service from January 1, 2019 through June 30, 2019. In the May 2019 Petition, ACE sought to recover the revenue requirements associated with \$8.71 million of plant-in service investments. The May 2019 Petition included actual data through March 31, 2019 and projected information for the period April 1, 2019 through June 30, 2019.

On July 16, 2019, ACE updated its filing with actual data through June 30, 2019 (July 2019 Update). Based on the July 2019 Update, the Company updated its revenue requirement seeking to recover \$9.07 million of plant-in service investments incurred from January 1, 2019 to June 30, 2019.

On September 13, 2019, ACE, Board Staff (Staff), and New Jersey Division of Rate Counsel (the Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to recover a revenue requirement of \$251,970.00 related to the PowerAhead Program as of June 30, 2019.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board order ACE to file tariffs consistent with the Board's Order by October 1, 2019.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**C. Docket No. GR19030419 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Base Rate Adjustment Pursuant to the NJ Rise and Safe II Programs.**

**BACKGROUND AND DISCUSSION:** On March 29, 2019, New Jersey Natural Gas Company (NJNG or Company) filed a petition (March 2019 Petition) with the Board seeking authority to establish rates to recover annualized increases in the revenue requirements associated with its New Jersey Reinvestment in System Enhancement program (NJ RISE Program), and the extension of its Safety Acceleration and Facility Enhancement (SAFE) program (SAFE II Program) (collectively, Programs).

The March 2019 Petition sought approval to recover \$8.726 million for both Programs, approximately \$2.042 million in revenue related to NJ RISE Program expenditures through June 30, 2019, and approximately \$6.685 million in revenue related to SAFE II Program costs through June 30, 2019. The Company's March 2019 Petition is based upon actual costs through February 28, 2019, and projected program expenditures from March 1, 2019 through June 30, 2019.

On July 18, 2019, NJNG updated the March 2019 Petition to include actual NJ RISE and SAFE II Program expenditures through June 30, 2019. The update reflected a net reduction in the proposed revenue requirements of \$0.883 million for both Programs to \$7.843 million.

On August 28, 2019, the Company, Board Staff and the New Jersey Division of Rate Counsel (the Parties) executed a Stipulation of Settlement (Stipulation) that allows the Company to recover revenues of \$1.37 million related to the NJ RISE Program and \$6.47 million related to the SAFE II Program expenditures as of June 30, 2019.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board direct NJNG to file tariffs consistent with the Board's Order by October 1, 2019.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**D. Docket No. GR19040522 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Gas Base Rate Adjustments Pursuant to its Gas System Modernization Program (April 2019 GSMP Rate Filing).**

**BACKGROUND AND DISCUSSION:** On April 29, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition (April 2019 Petition) with the Board and sought approval for gas base rate changes to provide for cost recovery associated with certain capitalized investment costs for the Company's Gas System Modernization

Program through June 30, 2019. The Company sought approval to recover a revenue requirement of \$11.6 million.

On July 15, 2019, the Company provided updated schedules, which replaced the estimated data in the initial schedules with actual data through June 30, 2019. The Company's proposed revenue requirement decreased from \$11.6 million to \$11.3 million.

On September 10, 2019, following review of the petition and discovery responses, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (Staff) (collectively, the Parties) executed a Stipulation of Settlement (Stipulation) that allows the Company to recover a gas revenue requirement of \$11.3 million.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. In addition, Staff recommended that the Board direct PSE&G to file tariff sheets consistent with its Order by October 1, 2019.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**E. 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) with the Board seeking to modify 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.

Following a period of discovery, Soundview and Board Staff executed a Joint Position (Joint Position), which Soundview filed with the Board on September 13, 2019. Among other things, the Joint Position provides that, through December 1, 2022, Soundview will pay reduced electric and SBC charges that provides for a 75% reduction. Additionally,

the Joint Position eliminates the condition that restricts Soundview from withdrawing any SBC funds during the time in which the SBC reduction is in place.

Comments on the Joint Position were received from the New Jersey Division of Rate Counsel on September 27, 2019.

Staff recommended that the Board issue an Order approving the Joint Position.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**F. Docket No. GR19040528 – In the Matter of the Petition of South Jersey Gas Company for Approval of Base Rate Adjustments Pursuant to the Accelerated Infrastructure Replacement Program (AIRP II).**

**BACKGROUND AND DISCUSSION:** On April 30, 2019, South Jersey Gas Company, (SJG or Company) filed a petition (April 2019 Petition) with the Board seeking authority to establish rates to recover annualized increases in the revenue requirements associated with the extension of its Accelerated Infrastructure Replacement Program (AIRP II), to replace unprotected bare steel and cast iron mains and services. The April 2019 Petition sought to recover \$6.9 million, including Sales and Use Tax (SUT) related to AIRP II expenditures based on actual costs from July 1, 2018 through March 31, 2019 and projected program expenditures from April 1, 2019 through June 30, 2019.

On July 15, 2019, SJG updated the April 2019 Petition to include actual AIRP expenditures through June 30, 2019. As reflected in the update, the revenue requirement sought by SJG was modified from \$6.9 million to \$7.1 million.

On September 3, 2019, the Company, Board Staff and the New Jersey Division of Rate Counsel (the Parties) executed a Stipulation of Settlement (Stipulation) that allows the Company to recover revenues of approximately \$7.1 million (including SUT) related to the AIRP II expenditures as of June 30, 2019.

A typical residential heating customer using 100 therms of natural gas during a winter month will see an increase in their monthly bill of \$1.97 or 1.4%.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board direct SJG to file tariffs consistent with the Board's Order by October 1, 2019.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**G. Docket No. GR19040529 – In the Matter of the Petition of South Jersey Gas Company for Approval of Base Rate Adjustments Pursuant to the Storm Hardening and Reliability Program (SHARP II).**

**BACKGROUND AND DISCUSSION:** On April 30, 2019, South Jersey Gas Company (SJG or Company) filed a petition (April 2019 SHARP II Petition) with the Board seeking review and approval of the Company's base rate adjustments pursuant to the Company's Storm Hardening and Reliability Program (SHARP II).

The April 2019, SHARP II Petition sought recovery of the revenue requirements related to SHARP II projects placed in service from June 1, 2018 through June 30, 2019. The Company's April 2019 SHARP II Petition included actual SHARP II investment data for the period June 1, 2018 through March 31, 2019 and projected data for the period April 1, 2019 through June 30, 2019. The Company sought authority to recover SHARP II revenue requirements of approximately \$3.2 million [including Sales and Use Tax (SUT)] associated with actual and projected SHARP II investments of approximately \$28.3 million, excluding Allowance for Funds Used During Construction (AFUDC).

On July 15, 2019, the Company provided an update with the actual investments through June 30, 2019. The update provided schedules supporting a revenue requirement of approximately \$3.1 million (including SUT) associated with approximately \$27.5 million of SHARP II investments, excluding AFUDC. To date most of the work the Company has completed is the installation of 6,613 excess flow valves costing approximately \$31.5 million.

On September 6, 2019, the Company, the New Jersey Division of Rate Counsel and Board (the Parties) Staff executed a Stipulation of Settlement (Stipulation) that would allow the Company to roll-in approximately \$27.5 million related to SHARP II investments with an associated revenue requirement of \$3.1 million.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties for provisional rates. Staff further recommended that the Board direct SJG to file tariffs consistent with the Board's Order by October 1, 2019.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**H. Docket No. GR19080894 – In the Matter of Rate Schedule CSG Transportation Service Agreement Between Public Service Electric and Gas Company and Holcim (US) Inc. a/k/a St. Lawrence Cement and the Related Request for a Discount in the Applicable Societal Benefits Charge.**

**BACKGROUND AND DISCUSSION:** On August 6, 2019, Public Service Electric and Gas Company (PSE&G or Company), filed a petition (August 2019 Petition) with the Board seeking approval of a Rate Schedule Contract Service Gas (CSG) Transportation Service Agreement Extension (the Service Agreement Extension) between PSE&G and Lehigh Cement Company, LLC (Lehigh Cement).

The filing was submitted pursuant to PSE&G's Rate Schedule CSG-Contract Service as set forth in its Tariff for Gas Service on file with and approved by the Board.

PSE&G presently provides natural gas transportation services to the facilities owned and operated by Lehigh Cement in Camden, NJ at rates and terms set by a an agreement approved by the Board on September 30, 2014. The Board's 2014 Order also approved a discounted Societal Benefits Charge (SBC) to Lehigh Cement's facility, formerly owned by Holcim of \$0.0375 per therm (inclusive of New Jersey Sales and Use Tax (SUT)).

The August 2019 Petition, sought a 10 year extension of the agreement approved by the 2014 Order.

On September 18, 2019, Staff received comments from the New Jersey Division of Rate Counsel (Rate Counsel). The Rate Counsel stated that it did not object to the granting of PSE&G's request to extend the discounted transportation and SBC rates now in effect for Lehigh Cement for an additional 10 years.

Staff recommended that the Board issue an Order approving the Service Agreement Extension between PSE&G and Lehigh Cement and the continuation of the discounted SBC charge of \$0.0375 per therm applicable to the service to Lehigh Cement.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**3. CABLE TELEVISION**

**A. 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.**

This matter was deferred

#### 4. TELECOMMUNICATIONS

Lawanda R. Gilbert, Esq., Director, Office of Cable Television & Telecommunications, presented this matter.

**A. Docket No. TO19020271 – In the Matter of the Petition of Verizon New Jersey, Inc. to Delete Certain Measurements and Standards from the New Jersey Carrier-to-Carrier Guidelines and the New Jersey Incentive Plan.**

**BACKGROUND AND DISCUSSION:** This matter involved a petition by Verizon New Jersey Inc. (Verizon) to delete certain measurements and standards from the New Jersey Carrier-To-Carrier (C2C) Guidelines and The New Jersey Incentive Plan. The C2C Guidelines Performance Standards and reports provide performance standards applicable to Verizon's service to competitive local exchange carriers (CLECs) and to wholesalers. The New Jersey Incentive Plan established service credits to be made to CLECs when certain metric standards are not met.

On December 11, 2018, Verizon requested the Board that four metrics be removed from the C2C Guidelines. The Company claims that the four metrics have become antiquated in today's competitive environment and do not serve their original intended purpose.

Specifically, Verizon requested the deletion of the following metrics:

- 1) NP-6-01-5000-NXX Updates – measures the percentage of NXX updates that were installed in Verizon's switches before the prescribed effective date;
- 2) OD-3-01-1020-% Directory Assistance Update Accuracy – measures Directory Assistance updates completed during the reporting period;
- 3) GE-1-01-1000-% of Directory Listing Verification Furnished on Time – measures the percentage of directory listing verification reports transmitted on or before the due date;
- 4) GE-3-01-1000-% of BFR responses furnished on time – measures the percentage of bona fide requests (BFRs) for access to Unbundled Network Elements (UNEs) for which Verizon provided a timely response.

The New Jersey Division of Rate Counsel filed comments, wherein they argued that three of the four metrics still serve a useful purpose, and offered several new Metrics to supplement the existing ones.

Staff submitted the petition to the list of active CLECs in NJ which comprise the Carrier Working Group for comment. AT&T supported Verizon's request to delete the four metrics. No other comments were received.

Staff recommended that the Board approve the deletion of the aforementioned four Metrics. Staff agreed with Verizon that the metrics are no longer useful in today's environment, which is evidenced by the lack of comments from the CLEC community. The only CLEC which provided comments, AT&T, concurred with the recommendation.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**5. WATER**

There were no items in this category.

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

There were no items in this category.

**8. CLEAN ENERGY**

**A. Docket No. QO19060710 – In the Matter of 1415 Park Avenue Petition for NJCEP CHP Incentive #2 Extension.**

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

**BACKGROUND AND DISCUSSION:** By letter date stamped June 19, 2019, 1415 Park Ave Development LLC (Park and Garden or Petitioner) filed a petition requesting the Board grant the Petitioner a fifth six-month extension for a project submitted under the New Jersey Clean Energy Program's (NJCEP) Combined Heat and Power (CHP) Program. Specifically, the Petitioner requested an additional six months to complete the equipment installation and submit paperwork to receive Incentive #2 for its CHP project. NJCEP is administered by the Board's Program Administrator, TRC Environmental Corporation.

The Petitioner stated that the project was finished within the program deadline and the subsequent extensions have been to improve performance and, in part, to address the interconnecting utility's safety concerns. Additionally, in a follow-up letter provided in August, Park and Garden demonstrated significant progress. The Petitioner included this CHP system in its design for multiple properties, and completion of the system at issue would conform with the Board's policy goal of increasing implementation of these systems in New Jersey.

Staff recommended that the Board approve the Petition and grant Petitioner until November 11, 2019, to finish construction and submit all necessary paperwork to receive Incentive #2 for its CHP project.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**Ronald Jackson, Division of Clean Energy**, presented these matters.

**B. Docket No. QO19070831 – In the Matter of the Petition of GoSolar Electric (Frank Carpino) for an Extension of Solar Renewable Energy Certificate Purchase and Sale Agreement with Atlantic City Electric Company.**

**BACKGROUND AND DISCUSSION:** On July 3, 2019, the Office of Clean Energy received a letter from Go Solar LLC, the project developer (Go Solar or Petitioner), requesting a three-month extension of the Solar Renewable Energy Certificate Purchase and Sale Agreement (PSA) between All Solar, LLC, the SREC owner (All Solar), and Atlantic City Electric Company (ACE). Case Management received the petition on July 19, 2019. As a winning bidder in ACE's SREC II financing program, All Solar entered into an SREC PSA with ACE on or about October 15, 2018. On March 25, 2019, Go Solar received an initial three-month extension from ACE of the six-month completion deadline to July 15, 2019. Any further extension beyond the first request by the Petitioner will have to be sought from the Board. The petitioner is now requesting an additional three-month extension of the PSA.

Go Solar has developed on behalf of All Solar a 47.2 kw dc solar project located at the home of Frank Carpino (Owner of Go Solar, LLC) who address is 705 Chickaree Cabin Road, Millville, NJ. The petitioner submits that the following factors caused the delay in completing the project and were unavoidable and unforeseeable at the time that they received the PSA.

1. Solar panel procurement delays due to the manufacturer is no longer having the SolarWorld panels they normally use and the time it took to research and find proper replacement panels.
2. They also cite a delay caused by the property undergoing extensive renovations.

Staff recommended that the Board deny the request for a second extension of the deadline for completion of the Project under the SREC Agreement with ACE.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**C. Docket No. QO19070830 – In the Matter of the Petition of GoSolar Electric (Ivy Simpkins) for an Extension of Solar Renewable Energy Certificate Purchase and Sale Agreement with Atlantic City Electric Company.**

**BACKGROUND AND DISCUSSION:** On July 3, 2019, the Office of Clean Energy received a letter from Go Solar LLC, the project developer, (Go Solar or Petitioner) requesting an one month extension of the Solar Renewable Energy Certificate Purchase and Sale Agreement (SREC Agreement) between All Solar, LLC, the SREC owner, (All Solar) and Atlantic City Electric Company (ACE). As a winning bidder in ACE's SREC II financing auction, All Solar entered into an SREC Purchase and Sale Agreement (PSA) with ACE on or about October 15, 2018. On March 25, 2019, Go Solar received an initial three-month extension of the six-month completion deadline to July 15, 2019 for the Project from ACE. Any further extension request by the petitioner will have to be sought from the Board. The petitioner is now requesting an additional one month extension of the PSA.

Go Solar has developed on behalf of All Solar an 8.26 kw dc solar project installed at the home of Ivy Simpkins whose address is 1901 S 2<sup>nd</sup> Street, L#9, Millville, NJ. Go Solar submits that project was delayed because they found roof issues when they inspected the property and had to wait until the customer replaced roof. The roof was replaced and the system completed on July 8th. However the required inspections were not completed before July 15<sup>th</sup>. Due to the size of this project, the Board can only grant a one month extension of the PSA to August 15, 2019. The project was completed and received the Permission to Operate from ACE on July 18, 2019.

Although the delays were not unavoidable and unforeseeable, the project was completed within the SRP extension deadline and only three days after the PSA with ACE expired.

Staff recommended the Board grant the Petitioner's PSA extension request to August 15, 2019.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**D. Docket No. QO19070837 – In the Matter of the Petition of JJU Solar Holdings, LLC (Universal Supply 25.2 kw) for an Extension of Solar Renewable Energy Certificate Purchase and Sale Agreement with Atlantic City Electric Company.**

**BACKGROUND AND DISCUSSION:** On July 22, 2019, Infiniti Energy Services (Infiniti or Petitioner) submitted a Petition to the Board on behalf of JJU Solar Holdings, LLC (JJU) requesting three-month extension of the Solar Renewable Energy Certificate Purchase and Sale Agreement (PSA) between JJU and Atlantic City Electric Company (ACE) for the above project. As a winning bidder in ACE's SREC II financing program, JJU entered into PSA with ACE on or about October 15, 2018. On April 8, 2019, JJU

received from ACE an initial three-month extension of the twelve-month completion deadline to July 15, 2019. Any further extension request by the petitioner will have to be granted by the Board. The Petitioner is now requesting an additional three month PSA extension.

This 25.2 kw dc solar project is located at Universal Supply, 582 S Egg Harbor Road, Hammonton, NJ. The Petitioner submits that the following interconnection process and other factors were unavoidable and unforeseeable at the time that JJU received the PSAs. They include:

1. A redesign of the proposed solar systems from a total of five projects at 280 kW dc down to two projects at 50 kWdc to meet ACE specifications due to the initial interconnection applications denial of three projects.
2. The time needed to refinance the two projects due to the denial of the initial interconnection applications.
3. The need to obtain a refund (\$22,194) from ACE for three of the five SREC II Financing Program PSAs interconnection applications that was denied.
4. Solar panel procurement delays due to inventory issues by the manufacturers.

Staff recommended that the Board grant this request for second extension of the deadline for completion of the Projects under the SREC Agreement with ACE of three months to October 15, 2019 as recommended in the December 2013 ACE stipulation.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**E. Docket No. QO19070838 – In the Matter of the Petition of JJU Solar Holdings (Universal Supply 28.08 kw) for an Extension of Solar Renewable Energy Certificate Purchase and Sale Agreement with Atlantic City Electric Company.**

**BACKGROUND AND DISCUSSION:** On July 22, 2019, Infiniti Energy Services (Infiniti or Petitioner) submitted a Petition to the Board on behalf of JJU Solar Holdings, LLC (JJU) requesting three-month extension of the Solar Renewable Energy Certificate Purchase and Sale Agreement (PSA) between JJU and Atlantic City Electric Company (ACE) for the above project. As a winning bidder in ACE’s SREC II financing program, JJU entered into a PSA with ACE on or about October 15, 2018. On April 8, 2019, JJU received from ACE an initial three-month extension of the twelve-month completion deadline to July 15, 2019. Any further extension request by the petitioner will have to be granted by the Board. The Petitioner is now requesting an additional three-month PSA extension.

This 28.08 kw dc solar project is located at Universal Supply, 590 S Egg Harbor Road, Hammonton, NJ. The Petitioner submits that the requirements imposed by ACE in the interconnection process and other factors were unavoidable and unforeseeable at the time that JJU received the PSAs. They include:

1. A redesign of the proposed solar systems from five total projects at 280 kw dc down to two projects at approximately 50 kw dc to meet ACE interconnection specifications.
2. The time needed to refinance the two projects due to the denial of the initial interconnection applications.
3. The need to obtain a refund (\$22,194.00) from ACE for the EDC SREC II program application fees for the three PSAs which were denied interconnection after initially being approved by ACE.
4. Solar panel procurement delays due to inventory issues by the manufacturers.

Staff recommended that the Board grant the request for a second extension of the deadline for completion of the Project under the SREC Agreement with ACE of three months to October 15, 2019, as recommended in the December 2013 ACE stipulation.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**F. Docket No. QO19091282 – In the Matter of the Release of EV Program Administrator Request for Quotation. See Executive Session.**

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

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in executive session and pertains to an authorization to release a Request for Quotations with the intent to retain an experienced consultant to assist staff in the development and administration of an incentive program for electric vehicles and electric vehicle infrastructure.

This program will allow the Board to act on the State's commitments as a signatory to the Zero Emission Vehicles Programs Memorandum of Understanding that sets a goal of 330,000 electric vehicles on New Jersey roads by 2025. It will also allow the Board to carry out the BPU task as part of the multi-agency Partnership, which is to consider how to dedicate funds from the Clean Energy Program and RGGI to establish a program to incentivize the sale and ownership of new and used zero emission vehicles in a manner that serves all markets and demographics throughout the State. It also allows the Board to utilize \$30 million in the Clean Energy Fund dedicated by Governor Murphy and the Legislature to establish a program to support the purchase and use of electric vehicles and infrastructure in New Jersey.

Therefore, Staff recommended that the Board approve the release of the Request for Quotation consistent with the discussion in executive session.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**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.

**8. CLEAN ENERGY**

**F. Docket No. QO19091282 – In the Matter of the Release of EV Program Administrator Request for Quotation.**

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 25, 2019