



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 9<sup>th</sup> Floor**  
**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 October 7, 2019, at 44 South Clinton Avenue, Merit System Room, First Floor, 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 25, 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 Renewal Registrations

EE19080972L	Destination Energy, LLC	R – EA
EE19050616L	Applied Energy Partners, LLC	R – EA/EC
GE19070824L		
EE19070864L	JMJ/SGF, LLC d/b/a JMJ Power	R – EA
EE19030360L	Power Brokers, LLC	R – EA
EE19080903L	National Energy Cost Services, Inc.	R – EA

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

EE19060740L	Pilot Power Group, Inc.	I – ESL
EE19070819L	Sunwave USA Holdings, Inc.	I – EGSL
GE19070818L	d/b/a Sunwave Gas and Power	

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

EE19060747L	Spring Energy RRH, LLC	R – EGSL
GE19060746L	d/b/a Spring Power and Gas	
EE19040448L	Talen Energy Marketing, LLC	R – ESL
EE19010095L	XOOM Energy New Jersey, LLC	R – EGSL
GE19010094L		

**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. N.J.S.A. 48:3-78 to -79. 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 applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant for one year:

- Destination Energy, LLC
- Applied Energy Partners, LLC
- JMJ/SGF, LLC d/b/a JMJ Power
- Power Brokers LLC
- National Energy Cost Services Inc.

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

- Pilot Power Group, Inc.
- Sunwave USA Holdings Inc. d/b/a Sunwave Gas & Power

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

- Spring Energy RRH, LLC d/b/a Spring Power & Gas
- Talen Energy Marketing, LLC
- XOOM Energy New Jersey, LLC

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

## II. ENERGY

### **A. Docket Nos. BPU EC17090969 and OAL PUC 02000-18 – In the Matter of Donald McKay, Petitioner v. Jersey Central Power and Light Company, Respondent – Request for Extension.**

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on August 29, 2019; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on October 13, 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 27, 2019.

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

### **B. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. EL19-61 FERC – Order Instituting Section 206 Proceeding and Refund Effective Date.**

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

rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding.

At present, Staff is monitoring the proceeding on behalf of the Board. If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board's regular agenda. Staff recommended the Board ratify this intervention.

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

**C. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. PR19-58 – Bayonne Energy Center Application for Limited Jurisdiction Blanket Certificate of Public Convenience and Necessity.**

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

At present, Staff is monitoring the federal proceeding on behalf of the Board. Staff noted that a petition has been filed with the Board for its review, which will be handled separately by Counsel's Office. Staff recommended that the Board ratify this intervention.

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

**III. CABLE TELEVISION**

**A. Docket No. CE19010044 – In the Matter of the Petition of Comcast Garden State, L.P., for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Moorestown, County of Burlington, State of New Jersey.**

**BACKGROUND:** On January 10, 2019, Comcast of Garden State, LP filed a petition with the Board for an Automatic Renewal Certificate of Approval for the Township of Moorestown (Township) based on the automatic renewal provision, for a term to expire on December 31, 2028.

The petition is based on the Township's ordinance granting renewal municipal consent which was adopted on December 15, 2008. The Township's ordinance granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on December 31, 2018.

After review, Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on December 31, 2028.

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

#### IV. TELECOMMUNICATIONS

**A. Docket Nos. TE19070856 through TE19070861 – In the Matter of the Petition of Verizon New Jersey, Inc. for Approval of Municipal Consents Pursuant to N.J.S.A. 48:2-14.**

**BACKGROUND:** On July 26, 2019, Verizon New Jersey Inc. (Verizon or Petitioner) filed a petition with the Board requesting approval consent ordinances adopted by (1) the City of Elizabeth in Union County; (2) the Township of Harmony in Warren County; (3) the Borough of Laurel Springs in Camden County; (4) the City of Linwood in Atlantic County; (5) the Borough of Manasquan in Monmouth County; and (6) the Township of Scotch Plains in Union County (collectively, the Municipalities).

After appropriate notice, a hearing in these matters was held on September 11, 2019, at the Board Offices in Trenton, New Jersey before Legal Specialist Lanhi Saldana, Esq, the Board's duly designated Hearing Examiner.

Verizon stated that it entered into a Stipulation with the New Jersey Division of Rate Counsel (Rate Counsel). The Stipulation stipulated that all six Consent Ordinances referred to in the Petition were properly and lawfully adopted by the Municipalities. The Ordinances contains the terms and declarations of the municipal consents as set forth in Schedule A. Those terms vary from 15 to fifty years; there are no Ordinances for an indefinite or perpetual term of years.

According to Verizon, the Ordinances are essentially similar in substance to the Ordinances adopted by other Municipalities and Counties throughout the State which have been accepted by the Petitioner and approved by the Board in prior proceedings similar to this in which Rate Counsel had participated.

Verizon also stated that the referenced Ordinances do not confer any exclusive rights on the Petitioner for use of the public rights-of-way and the approval of the Ordinances will not result in any increase in rates or charges for the services performed by the Petitioner.

After review, Staff recommended that the Board approve the Petition.

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

#### V. WATER

**A. Docket No. WR19050600 – In the Matter of the Petition of Lake Lenape Water Company for Approval of an Increase in Rates for Water Service.**

**BACKGROUND:** On May 16, 2019, Lake Lenape Water Company (Company) filed a petition with the Board requesting an increase its rates for water service in the amount of \$34,819.00 or 24.7%.

On May 21, 2019, the matter was transmitted to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Irene Jones was assigned to the case. ALJ Jones scheduled an in-person pre-hearing conference on August 15, 2019; however, it was not attended by all of the parties. Another pre-hearing conference was scheduled for October 4, 2019 at the OAL in Newark, NJ.

The Company proposed rates to become effective for service on and after July 1, 2019. On June 21, 2019 the Board issued an Initial Suspension Order which suspended the Company's proposed rate increase until November 1, 2019.

The Company provides water service to approximately 353 customers in the Township of Andover, Sussex County, New Jersey.

The Company sought the increase to enable it to: (a) eliminate operating losses; (b) enable the Company to meet increase operating expenses and establish its financial integrity; and (c) enable the Company to continue to furnish safe, adequate and proper service to its customers.

After review, Staff recommended that the Board issue a Further Suspension Order which suspends the Company's rates until March 1, 2020.

**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**

There were no items in this category.

## **VIII. CLEAN ENERGY**

There were no items in this category.

## **IX. MISCELLANEOUS**

### **A. Approval of the Executive Session Minutes of December 19, 2017 – Item 2J; and**

#### **Approval of the Minutes for the September 11, 2019 Agenda Meeting.**

**BACKGROUND:** Commissioner Gordon and Commissioner Chivukula abstained from voting on the executive session minutes. Staff presented the executive session minutes of December 19, 2017 item 2J, and recommended that they be accepted.

Staff presented the regular agenda meeting minutes of September 11, 2019, and recommended that 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

**A. Docket No. GA19091305 – In the Matter of the Affiliated Transactions between South Jersey Gas Company and its Affiliates and a Comprehensive Management Audit of South Jersey Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-12.1 – 14:3-12.4, 14:4-3 et seq. – See Executive Session.**

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

**BACKGROUND AND DISCUSSION:** This matter was first discussed in executive session. This matter involved Staff's request to commence an affiliated transaction Audit of South Jersey Gas Company and its affiliates; and a Comprehensive Management Audit of South Jersey Gas Company. Staff drafted a Request for Proposal (RFP), which included a Phase I and a Phase II of the audit. Phase I will examine affiliated transactions between South Jersey Gas and its affiliates, as well as the cost allocations between South Jersey Gas, the parent and the affiliates, to ensure that the gas distribution company is being allocated a fair amount of reasonable costs. In addition, this part of the audit will also consider South Jersey Gas' compliance with our rules and regulations regarding affiliate and fair competition standards.

The Phase I section of the audit will examine the status of the merger order of the acquisition and consolidation of Elizabethtown Gas Company and Elkton Gas Company by and into South Jersey Industries. Phase I will also look at South Jersey's compliance and consistency with reporting requirements to various state departments, and any discrepancies, and delve into that.

Phase II will be the comprehensive management audit, which does a thorough review of the management and operations of the Company. It will examine all major and functional areas of South Jersey Gas' operations, including executive management, corporate governance, organizational structure, human resources, strategic planning, as well as, cyber security. And, this is all outlined in the RFP with specificity in the scope of work.

Staff recommended that the Board permit Audit Staff to release the RFP to the pool of seven consultants, already qualified management consultants, to solicit their bids to perform the scope of work.

**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>



**2. ENERGY**

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

**A. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. ER19-2722 – PJM Tariff Filing with FERC per 35: Fast-Start Compliance Filing.**

**BACKGROUND AND DISCUSSION:** This matter involved Staff, on behalf of the Board, filing comments with the Federal Energy Regulatory Commission (the Commission) on September 20, 2019. This matter arose from a compliance directive issued by the Commission to PJM on the issue of Fast-Start Pricing in the energy market. Generally, the Commission required PJM to consider additional costs for certain “Fast-Start” units (units with total start-up + notification time of 1-hr or less) in PJM’s energy market pricing.

On December 21, 2017, the Commission instituted an investigation to examine PJM’s practices regarding the pricing of Fast-Start resources and whether PJM should be required to revise its Open Access Transmission Tariff. The Commission had concern that pricing practices did not allow prices to reflect the marginal cost of the serving load.

On April 18, 2019, the Commission issued the Fast Start Order which directed PJM and New York Independent System Operator to implement tariff changes to ensure their pricing practices for Fast-Start resources are just and reasonable.

On August 30, 2019, PJM submitted their compliance filing to the Fast Start Order, opening the instant docket. (PJM Compliance Filing)

**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>

**B. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. ER19-2105 – PJM Interconnection, LLC re: Transmission Owner Border Rate Adjustment.**

**BACKGROUND AND DISCUSSION:** On September 27, 2019, Staff, on behalf of the Board, filed a Protest with the Federal Energy Regulatory Commission (Commission) in the above captioned matter. The Protest was filed to oppose updates to the Border Rate (i.e. charges for service to the Border of PJM-New York Independent System Operator Inc. (PJM-NYISO)), filed by the PJM Transmission Owners (TOs) that would further disadvantage New Jersey Ratepayers. The Protest asked the Commission to reject TOs Border Rate filing as unsupported and unjust and unreasonable. Furthermore, the Protest requested that the Commission initiate – without delay – a holistic proceeding to examine the unjust rates that continue on the PJM-NYISO seam. The pleading further

explains that the Commission must not narrowly accept changes to one element of the Border Rate, as proposed by the TOs, while several other key issues – actively disputed by the Board – remain pending. To accept the TOs proposed changes to one part of the Border Rate, while ignoring the other inextricably linked issues surrounding the seam, would be an unjust an unreasonable result. Staff recommended ratification of the Protest filed on September 27, 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>

### 3. CABLE TELEVISION

There were no items in this category.

### 4. TELECOMMUNICATIONS

There were no items in this category.

### 5. WATER

**A. Docket No. WO19080958 – In the Matter of the Petition of the Township of Mahwah Water Utility Requiring Approval of a Contract for Water Well Maintenance with Utility Service Company, Inc. Pursuant to the Provisions of the New Jersey Water Supply Public Private Contracting Act, N.J.S.A. 58:26-19, et seq.**

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

**BACKGROUND AND DISCUSSION:** On August 6, 2019, the Township of Mahwah (Petitioner, Mahwah) submitted a petition to the Board for approval of a contract with Utility Service Co., Inc. (Utility Service) for water well maintenance.

Mahwah issued a notice of its Request for Proposals of vendors interested in providing well maintenance services, which was published in the Bergen Record and Star Ledger and posted on its website on March 25, 2019.

Mahwah chose Utility Service and entered into a 20-year contract with Utility Service to provide long-term maintenance services needed to service its water wells and their accompanying pumps.

A public hearing on the proposed contract with Utility Service was scheduled for June 27, 2019. Notice of the public hearing was published in the Bergen Record on June 10,

2019. This notice was published pursuant to N.J.S.A. 58:26-24(b). No members of the public spoke at the public hearing.

On August 7, 2019, the Petitioner submitted a hearing report to New Jersey Department of Environmental Protection (DEP), which, pursuant to N.J.S.A. 58:26-25(a), must complete its review and submit its comments to the Board and NJ Department of Community Affairs within 60 days of its receipt thereof. To date, the Board has received no comments from DEP and is unaware of any prevailing issues.

Staff recommended that the Board approve the public private contract between the Township of Mahwah and Utility Service Co., Inc.

**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>

## 6. RELIABILITY AND SECURITY

There were no items in this category.

## 7. CUSTOMER ASSISTANCE

### A. Docket Nos. BPU EC18050587U and OAL PUC 18174-18 – In the Matter of Margaret Pagan, Petitioner v. Atlantic City Electric Company, Respondent – Billing Dispute.

**Julie Ford-Williams, Director, Division of Customer Assistance,** presented this matter.

**BACKGROUND AND DISCUSSION:** This matter involved a billing dispute between Margaret Pagan (Petitioner) and Atlantic City Electric Company (ACE or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Sarah G. Crowley filed an Initial Decision in this matter with the Board on August 2, 2019.

The Petitioner alleged that ACE incorrectly billed her account based on an allegation of meter tampering.

ACE, in its answer dated November 26, 2018, contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. Any and all charges alleged to have been incurred by the Petitioner were the caused solely by her action. The Company requested that the relief sought be denied on the basis that the Petitioner failed to set forth a claim upon which relief may be granted.

ALJ Crowley, in her Initial Decision concluded that the Petitioner did not prove by a preponderance of the credible evidence that the estimated bills were improper or that the meter in question was not tampered with. ALJ Crowley further concluded that the estimates provided by ACE which were based on subsequent bills, were consistent with the policy of the company as well as the relevant Tariff. Therefore, ALJ Crowley ruled that the petition be dismissed and the Petitioner is ordered to pay the \$6,129.32 in disputed bills.

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

**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>

## 8. CLEAN ENERGY

**A. Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c.17; and**

**Docket No. QO18101198 – In the Matter of the Award of Contract in Furtherance of the Redesign of Solar Renewable Energy Certificate Program – Amendment #1 – See Executive Session.**

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

**BACKGROUND AND DISCUSSION:** This matter was first discussed in executive session, and it involved staff recommending that the Board approve an amendment to the contract in furtherance of the Redesign of Solar Renewable Energy Certificate Program between the Board of Public Utilities through the Office of Clean Energy and Cadmus Group, LLC. and, authorized Staff to execute the amendment on behalf of the Board of Public Utilities.

**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>

**B. Docket No. QO19010040 – In the Matter of the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; and**

**Docket No. QO19060748 – In the Matter of the Clean Energy Act of 2018 – Utility Demographic Analysis.**

**Jessica Brand, Program Administrator, Energy Efficiency, Division of Clean Energy,** presented this matter.

**BACKGROUND AND DISCUSSION:** This matter involved directing the electric public utilities and gas public utilities to complete the demographic analysis, as required by N.J.S.A. 48:3-51-87 (CEA). Each electric public utility and gas public utility shall conduct a demographic analysis as part of the stakeholder process to determine if all of its customers are able to participate fully in implementing energy efficiency measures, to identify market barriers that prevent such participation, and to make recommendations for measures to overcome such barriers. The public utility shall be entitled to full and timely recovery of the costs associated with this analysis.

In addition to the larger Energy Efficiency Transition process (including Energy Efficiency Advisory Group and public stakeholder meetings), Staff hosted utility representatives on Thursday, September 12, 2019, to specifically discuss the CEA-required demographic analysis and options for completion.

Butler Electric had a separate meeting with Staff regarding the demographic analysis, which included a discussion of both the process and technical options discussed with all utilities and a discussion of Butler Electric-specific concerns. Butler has not participated in energy efficiency activities previously; therefore, there were some additional items to discuss. Staff shared the 9/12/19 meeting resources with Butler and made sure they had an opportunity to voice any questions or concerns.

The utilities were offered the opportunity, based on our discussion of the options, to submit comments by Thursday, September 19, 2019. Atlantic City Electric, Elizabethtown Gas, Jersey Central Power & Light, New Jersey Natural Gas, Rockland Electric, Public Service Electric & Gas, and South Jersey Gas opted to jointly submit comments that were supportive of the proposal recommended herein. They also included recommendations for some cost-saving approaches to the survey and a request that all existing data, both utility and New Jersey's Clean Energy Program participation data, be leveraged to make the survey as valuable as possible.

Staff recommended that the Board direct the utilities to take the following approach in order to complete the utility demographic analysis:

- Utilize a joint procurement in order to contract with a single, common consultant in order to insure consistency and comparability of results and, ultimately, an anonymized microdata set.
- Include in the analysis a series of demographic and firmographic questions, aimed at better understanding utility customer characteristics, particularly those that impact energy efficiency decision making.
- Utilize all existing data before directing the contractor to collect primary data, in order to minimize costs and leverage existing information.

- Include the Board staff in the Project Launch Meeting, as well as other project meetings and important updates.
- Recover prudent costs incurred related to the demographic analysis conducted by the utilities through a new component of the individual utility clauses used to collect costs related to programs under N.J.S.A. 48:3-98.1. The costs related to the analysis should be treated as operations and maintenance and will therefore earn no return. The requests for cost recovery should be included in the utilities' annual true up filings following the completion of the demographic analysis. Butler Electric Company may recover prudent costs through a quarterly filing to adjust its Levelized Energy Adjustment Clause.
- Submit a joint final report and microdata set resulting from the demographic analysis to the Board Secretary no later than May 1, 2020, with a copy provided to both the New Jersey Division of Rate Counsel and the Energy Efficiency Advisory Group.

**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. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, The Solar Act of 2012; and**

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

**Docket No. QO18040433 – Monroe Solar Farm, LLC, B&J Warren and Sons Landfill.**

This matter was deferred.

## **9. MISCELLANEOUS**

**A. Presentation by U.S. Department of Homeland Security – See Executive Session.**

This matter involved a presentation by the Cybersecurity and Infrastructure Security Agency that was only discussed in executive session for the Commissioners.

**LATE STARTER A**

**ENERGY**

**Docket Nos. BPU ER19050552 and OAL PUC 07548-2019N – 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.**

**Heather Weisband, Esq., Senior Counsel, Counsel’s Office,** presented this matter.

**BACKGROUND AND DISCUSSION:** This matter was first discussed in Executive Session and it involved a matter that was on the September 11, 2019 Board meeting, where the Board authorized Staff to issue an Request for Qualification (RFQ) to provide consulting services to evaluate the Advanced Metering Infrastructure program of Rockland Electric Company; and, also to better understand the state of Advanced Metering Infrastructure across the nation.

The RFQ was issued to a number of professional firms identified as having experience in this field. And, an evaluation committee here at the Board was formed. Two proposals were received in response to the RFQ, and Staff recommended that the Board vote consistent with the extensive discussion and recommendation that was provided 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>

## 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.

### 1. AUDITS

- A. **Docket No. GA19091305 – In the Matter the Affiliated Transactions between South Jersey Gas Company and its affiliates and a Comprehensive Management Audit of South Jersey Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-12.1 – 14:3-12.4, 14:4-3 et seq.**

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

- A. **Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c.17; and**

**Docket No. QO18101198 – In the Matter of the Award of Contract in Furtherance of the Redesign of Solar Renewable Energy Certificate Program – Amendment #1.**

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

## LATE STARTER A

### ENERGY

**Docket Nos. BPU ER19050552 and OAL PUC 07548-2019N – 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.



**9. MISCELLANEOUS**

**A. Presentation by U.S. Department of Homeland Security.**

This matter involved a presentation by the Cybersecurity and Infrastructure Security Agency that was only discussed in executive session for the Commissioners. There was no action taken.

After appropriate motion, the Board reconvened to Open Session.

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



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AIDA CAMACHO-WELCH  
SECRETARY OF THE BOARD

Date: November 13, 2019