



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350
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 25, 2019, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

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

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

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

Joseph L. Fiordaliso, President
*Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner
Robert M. Gordon, Commissioner

*Commissioner Holden participated by telephone.

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 November 13, 2019 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Docket No. TE19070863 – In the Matter of the Petition of Talkie Communications, Inc. Requesting an Order of Approval to Provide Local Exchange and Interexchange Telecommunication Services Throughout the State of New Jersey.

BACKGROUND: By letter dated July 17, 2019, Talkie Communication, Inc. (Petitioner or Talkie) filed a petition with the Board requesting authority to provide facilities-based competitive intrastate local exchange and interexchange telecommunications services to residential and business customers throughout the State of New Jersey.

The Petitioner sought authority to provide resold and facilities-based competitive interstate and intrastate local exchange and interexchange telecommunications services to business and residential customers at both single and multiple locations throughout the State of New Jersey. The Petitioner will facilitate the availability of broadband and related services providing fully integrated last mile broadband solutions on an individual case-by-case basis. The Petitioner proposed to provide data private line and data network services, managed virtual private network configuration, backhaul and transport connectivity as well as digital voice services to both business and residential customers in the State of New Jersey.

Additionally, the Petitioner will offer its customers a full-service solution which combines local dial tone, long distance, voice over internet protocol, internet access, telephone equipment (including PBX) and professional product management. The Petitioner will design and integrate all of the elements of the communications infrastructure to deliver a seamless interoperable solution for all customers. The Petitioner will coordinate with incumbent local exchange carriers to provide emergency 9-1-1 services as well as directory publication in the State of New Jersey. Based on five years business plans, the Petitioner expects to provide services to 100 business customers and 100 residential customers by the end of the 1st year. And, by the end of the 5th year, the Petitioner anticipates providing services to 250 business customers and 650 residential customers. The Petitioner will not construct any facilities but may lease facilities in or on existing buildings, conduits, ducts, and other facilities and structures of other entities.

The Petitioner requested a waiver of N.J.S.A. 48:3-7.8 which require that books and records be kept within the State of New Jersey. In accordance with N.J.A.C. 14:1-5.15(a) and for administrative efficiencies, the Petitioner requested permission to keep all financial books, records, documents and other writings incident to the conduct of the Petitioner's business in the State of New Jersey at the Petitioner's corporate offices located in Centreville, Maryland.

By letter dated September 10, 2019, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that, based on its review, the Rate Counsel was satisfied that the petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. The Rate Counsel did not oppose the Petitioner's request to treat its financial information as confidential and placed under seal. Accordingly, the Rate Counsel did not oppose a grant of authority or approval of the Petitioner's request to provide local exchange and interexchange telecommunications services throughout the State of New Jersey.

After review, Staff recommended that the Board grant the Petitioner authority to provide local exchange and interexchange telecommunications services throughout the State of New Jersey. Staff also recommended that the Board approve the request for waiver from its requirements that the Petitioner maintain its financial books and records within New Jersey.

Staff also recommended that the Board order Talkie to provide the Board notice of its website link that contains the terms and conditions prior to commencing local exchange, interexchange and E-9-1-1 services to residential and business customers and notify the Board within 10 days from the date it begins providing such services to New Jersey customers.

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

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

EE19040447L	Capacity Markets Partners, LLC	I – EA
EE19091276L	Enerwise Global Technologies, LLC d/b/a CPower	I – EA
EE19080921L	Scott D. Lagrosa	I – EA
EE19091239L	LouElla Enterprises, LLC d/b/a Enerchange Power and Gas (EP&G)	I – EA
EE19070848L	Scott Monetti d/b/a Oxford Energy	I – EA
EE19080879L	Integrity Energy Services	I – EA/PA
GE19080880L	Limited Liability Company	
EE19080904L	TMGES, Inc.	I – EA/PA/EC
GE19080905L	d/b/a Ananta Energy Source	
EE18070763L	New America Power, LLC	I – EA/PA/EC
GE18070764L		
EE19080886L	Energy Auction House, Inc.	I – EA/PA/EC
GE19080887L		
EE19080955L	River Oaks Energy, Inc.	I – EA/PA
GE19080956L		

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

EE19091316L	Infinity Power Partners, LLC	R – EA
EE19070840L	Telco Pros, Inc. d/b/a TPI Efficiency	R – EA
EE16040381L	Liberty Power Holdings, LLC	R – EA
EE19030351L	Bradley R. Lewis d/b/a CreativEnergy Options	R – EA
EE19070853L	Prudential Energy Services Corporation	R – EA
EE19070869L	L5E, LLC	R – EA/PA
GE19070870L	d/b/a 5	
EE19070854L	CSD Energy Advisors, LLC	R – EA/EC
GE19070855L	d/b/a CSD Energy	

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE19010059L	Independence Energy Group, LLC	R – ESL
EE16060578L	Everyday Energy, LLC	R – EGSL
GE16060579L		
EE19050622L	Hudson Energy Services, LLC	R – EGSL
GE19050621L		

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:

- Capacity Markets Partners LLC
- Enerwise Global Technologies, LLC
- Integrity Energy Services LLC
- Scott D Lagrosa
- LouElla Enterprises LLC d/b/a Enerchange Power and Gas (EP&G)
- Scott Monetti d/b/a Oxford Energy
- TMGES Inc. d/b/a Ananta Energy Source
- New America Power LLC
- Energy Auction House Inc.
- River Oaks Energy, 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:

- Infinity Power Partners, LLC
- Telco Pros, Inc. d/b/a TPI Efficiency
- Liberty Power Holdings, LLC
- Bradley R. Lewis d/b/a CreativEnergy Options
- Prudential Energy Services Corporation
- L5E, LLC d/b/a 5
- CSD Energy Advisors, LLC d/b/a CSD Energy

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

- Everyday Energy, LLC
- Independence Energy Group LLC
- Hudson Energy Services, LLC

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

II. ENERGY

A. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 - FERC Docket No. ER19-2915 PJM Interconnection, LLC submits tariff filing: Revisions to Operating Agreement, Schedule 6, sec 1.5 re: Cost Commitment.

BACKGROUND: This matter involved Staff, on behalf of the Board, filed a doc-less intervention in this proceeding as a “state commission” under the Federal Energy Regulatory Commission (FERC) Rules of Practice and Procedure on October 3, 2019. 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 recommended that the Board ratify this intervention.

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

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS19080928K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: Commissioner Gordon recused himself from this matter. This matter involved settlements of alleged violations of the Underground Facility Protection Act (Act) by both excavators and operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death or major property damage. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities. The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns.

Moreover, the strategy seeks to establish appropriate disincentives for actions which violate the Act.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, with a \$25,000.00 maximum for a related series of violations. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$200,000.00 for each violation for each day with a \$2,000,000.00 maximum for any related series of violations.

The number of settlements are 45 with a total penalty of \$135,000.00.

Staff employed a single order to close multiple cases in order to create a more streamlined and effective enforcement process. Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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

VII. CUSTOMER ASSISTANCE

A. Docket Nos. WC19040445U and OAL PUC 06832-19 – In the Matter of Kevin Flournoy, Petitioner v. Middlesex Water Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Kevin Flournoy (Petitioner) and Middlesex Water Company (Middlesex or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Carl V. Buck III filed an Initial Decision in this matter with the Board on September 30, 2019, approving the Stipulation of Settlement (Stipulation) of the parties.

In his petition, the Petitioner claimed that the Company inaccurately billed him due to a water leak. Furthermore, the Petitioner requested his water meter pit be relocated to his property.

Middlesex, in its answer dated April 24, 2019, contended that the water leak was on the customer-side service line. Further, the Petitioner failed to provide evidence that the high water consumption was the result of anything other than the undisputed presence of the leak. Middlesex also contended that the Petitioner was billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. 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.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, Middlesex Water will credit the Petitioner's account \$750.00. The total amount currently due is \$3,199.92. The Petitioner shall remit payment in the amount of \$3,199.92 over a six-month period in six equal installments of \$533.32.

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

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 September 27, 2019 Agenda Meeting.

BACKGROUND: Staff presented the regular agenda meeting minutes of September 27, 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.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

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

A. Docket No. ER19020146 – In the Matter of the Petition of Atlantic City Electric Company to Reconcile and Update the Level of its Non-Utility Generation Charge and its Societal Benefits Charge (2019).

BACKGROUND AND DISCUSSION: On February 4, 2019, Atlantic City Electric Company (ACE or Company) filed a petition (February 2019 Petition) with the Board seeking approval of changes in its Non-Utility Generation Charge (NGC), and two components of its Societal Benefits Charge (SBC): 1) the Clean Energy Program (CEP) component; and 2) the Uncollectible Accounts (UNC) component. Based on the February 2019 Petition, the net impact of adjusting the NGC and the SBC rates [including Sales and Use Tax (SUT)] was an overall annual rate increase of approximately \$18.420 million.

Through the course of the proceeding, ACE updated the petition to include actual information through March 31, 2019 (March 2019 Update). According to the March 2019 Update, the net impact of adjusting the NGC and the CEP and UNC components of the SBC rates (including SUT) would result in an overall annual rate increase of approximately \$15.610 million.

On May 7, 2019, the Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a Stipulation for Provisional Rates requesting that the Board approve changes in the NGC and SBC on a provisional basis, subject to refund with interest, to allow the Parties sufficient time to complete their review of the February 2019 Petition and the proposed rates and costs. By Order (May 2019 Order) dated May 28, 2019, the Board approved the Stipulation for Provisional Rates.

On September 16 2019, the Parties executed a stipulation of settlement (Stipulation) that recommended finalization of the rates that were implemented per May 2019 Order.

Staff recommended that the Board adopt the Stipulation of the Parties, which sought to finalize the rates that were implemented per May 2019 Order. Staff further recommended that the Board order ACE to file revised tariffs consistent with the Order within five days of the effective date of the Board Order.

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

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

B. Docket No. ER18101192 – In the Matter of the Verified Petition of Atlantic City Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative Recovery Charge (Rider RGGI) for 2019 associated with its Solar Renewable Energy Certificate (SREC II) Program.

BACKGROUND AND DISCUSSION: By petition (October 2018 Petition) dated October 26, 2018, Atlantic City Electric Company (ACE or Company) sought authority from the Board to establish its Administrative Fee and Rider Regional Greenhouse Gas Initiative Recovery Charge (Rider RGGI) associated with the Company's Solar Renewable Energy Certificate (SREC) II Program (SREC II Program).

The Company's SREC II Program was approved by Board Order dated December 18, 2013 (December 2013 Order). In the December 2013 Order, the Administrative Fee for SREC II Program participants was set at \$17.07 per SREC. According to ACE, using the cost recovery provisions from the December 2013 Order, the Company would have to increase the Administrative Fee from \$17.07 to \$431.78 per SREC, which may cause participants to withdraw from the SREC II Program. Accordingly, in the October 2018 Petition, ACE proposed a modification to the cost recovery mechanism for the SREC II Program. ACE requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods and maintain the fee at \$17.07. ACE also proposed to initially set the Rider RGGI rate for the recovery of SREC II Program costs at \$0.000000 per kWh.

By Order dated December 18, 2018, the Board approved the continuation of the Administrative Fee at the Board's previously approved rate of \$17.07 per SREC for the 2019 calendar year. The Board noted that the parties would continue to review all other issues related to the October 2018 Petition.

On October 7, 2019, the Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) recommending that the Board's previously approved SREC II Administrative Fee of \$17.07 per SREC be maintained for the remainder of calendar year 2019 and that the Rider RGGI charge applicable to the SREC II Program's direct charges be initially set at \$0.000000 per kWh.

Staff recommended that the Board approve the Stipulation of the Parties. Staff further recommended that the Board direct ACE to file tariffs consistent with the Board's Order by November 15, 2019.

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

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

C. Docket No. GR19070873 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Revise its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-System Margin Sharing Credit.

BACKGROUND AND DISCUSSION: On July 31, 2019, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition (July 2019 Petition) with the Board seeking approval to modify its rates relating to the review and true up of its: (1) Weather Normalization Clause (WNC), (2) the New Jersey Clean Energy Program (CEP) component of its Societal Benefits Charge, and (3) its On-System Margin Sharing Credit (OSMC).

With respect to the WNC, the Company proposed to decrease its current rate from \$0.0000 per therm inclusive of all applicable taxes to a credit rate of \$0.0050 per therm inclusive of all applicable taxes effective October 1, 2019. The current period margin revenue excess of \$1,877,951.00 netted against the prior year deficiency balance of \$282,181.00 results in \$1,595,770.00 being credited to customers.

The Company proposed to modify its current CEP rate from \$0.0215 per therm inclusive of all applicable taxes to \$0.0213 per therm inclusive of all applicable taxes. The rate was designed to recover prior period costs, net costs incurred to provide Board-approved CEP programs for the period ending June 30, 2019 and projected costs for the period ending June 30, 2020, which total \$9,958,369.00. The Company's allocated funding for the Fiscal Year 2020 CEP level is \$10,637,432.00.

The OSMC provides for 80% of the margins generated from certain on-system non-firm sales and transportation services to be flowed-back (credited) to firm customers. The Company proposed to increase the OSMC credit rate of \$0.0007 per therm to a credit rate of \$0.0015 per therm inclusive of all applicable taxes effective November 1, 2019. The Company's total OSMC is \$418,937.00 which will be credited to customers.

After an initial review of the 2019 Petition, Elizabethtown, the New Jersey Division of Rate Counsel, and Board Staff (Collectively, the Parties) executed a Stipulation Regarding Provisional WNC, CEP and OSMC Rates (Stipulation) requesting the Board approve the WNC, CEP, and OSMC requested in the 2019 Petition, on a provisional basis, subject to refund with interest.

Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct Elizabethtown to file revised tariff sheets by November 1, 2019.

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

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

D. Docket No. ER18080965 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for the Review and Approval of Costs Incurred for Environmental Remediation of Manufactured Gas Plant Sites Pursuant to the Remediation Adjustment Clause of its Filed Tariff (2017 RAC Filing).

BACKGROUND AND DISCUSSION: On August 30, 2018, Jersey Central Power and Light Company (JCP&L or the Company) filed a petition (2017 RAC Petition) with the Board seeking review and approval of actual costs and expenditures incurred by JCP&L relating to the environmental remediation of its former manufactured gas plant (MGP) sites for the period from January 1, 2017 through December 31, 2017 (2017 RAC Period) and an adjustment to the Remediation Adjustment Clause (Rider RAC) component of the Company’s Societal Benefits Charge.

In the 2017 RAC Petition, the Company includes actual MGP data for the 2017 RAC Period. The Company requested an increase in its Rider RAC charge to allow the recovery of an additional \$3.95 million on an annually excluding Sales and Use Tax (SUT) on an annual basis. The 2017 RAC Period costs totaled \$27,417 million as calculated below.

Remediation Costs	\$25,677,965.00
+ Deferred MGP cost accrued	\$ 1,367,595.00
= under recovered MGP	\$27,045,560.00
Less: NRD expenses	\$ (3,217)
Less: ICP costs	\$ (12,889)
=2017 MGP costs recoverable	\$27,029,454.00
+ Deferred RAC balances	\$ 387,850.00
= Total recoverable incl. under recovery	\$27,417,304.00

When combined with the 2017 under-recovered deferred RAC balance of \$0.4 million and the remaining amortization of prior RAC expenditures previously approved for recovery, the calculated increase to JCP&L’s Rider RAC is \$0.000195/kwh (before SUT).

Following a review of discovery and subsequent discussion, on October 4, 2019, JCP&L, Board Staff and the New Jersey Division of Rate Counsel (collectively, Parties) executed a stipulation of settlement (Stipulation) to resolve the 2017 RAC Petition. Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct JCP&L to file revised tariff sheets by November 1, 2019.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

E. Docket No. GR19050676 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs.

BACKGROUND AND DISCUSSION: On May 31, 2019, New Jersey Natural Gas Company (NJNG or Company) filed a petition (May 2019 Petition) with the Board seeking approval to increase its Energy Efficiency Rate (EE Rate) from \$0.0133 per therm to \$0.0187 per therm for the recovery of costs associated with the SAVEGREEN Project.

According to the May 2019 Petition, based on actual information through April 30, 2019, and estimated information for the period May 1, 2019 through September 30, 2020, NJNG anticipated being over recovered at September 30, 2019, by approximately \$0.438 million. Based on the current and anticipated levels of activity in SAVEGREEN, NJNG estimated the revenue requirement for the period October 2019 through September 2020 to be approximately \$12.368 million.

Subsequently, NJNG updated its revenue requirement to include actual information through June 30, 2019, and estimated information for the period July 1, 2019 to September 30, 2020. The Company's updated information indicated an anticipated over recovery at September 30, 2019, of approximately \$0.960 million and a revenue requirement for the period October 2019 through September 2020 to be approximately \$11.312 million, reflecting an EE Rate of \$0.0171 per therm.

On September 25, 2019, NJNG, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to increase its current EE Rate to \$0.0171 per therm.

Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct NJNG to file tariff consistent with the Board's Order by November 1, 2019.

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

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

F. Docket No. ER19040430 – In the Matter of Rockland Electric Company's Annual Societal Benefits Charge Filing (2019).

BACKGROUND AND DISCUSSION: On April 1, 2019, Rockland Electric Company (RECO or Company) filed a petition (2019 Filing) with the Board, which constituted its annual cost recovery filing of over-recovered or under-recovered cost balances collected through its Societal Benefits Charge (SBC). The Company filed revisions to the Demand Side Management (DSM) and Clean Energy Program (CEP) components, together, (SBC DSM/CEP Component Programs) of the SBC rate.

In the 2019 Filing, RECO proposed a decrease in the rate for the SBC DSM/CEP Component Programs from the current effective rate of 0.6050 cents per kilowatt hour

(¢/kWh), including Sales and Use Tax (SUT), to 0.5674 ¢/kWh, including SUT. The 2019 Filing explained the decrease in the rate component that was the result of an anticipated over-collection of \$447,464.00 for the period August 1, 2018 through July 31, 2019.

Subsequently, the Company updated its proposed revenue requirement based on actual data for the period August 1, 2018 through July 31, 2019, and projected costs for the SBC DSM/CEP Components for the period August 2019 through July 2020. As a result the Company's proposed total SBC rate decreased from 0.6050 ¢/kWh, including SUT to 0.5669 ¢/kWh, including SUT.

Following discovery, RECO, the New Jersey Division of Rate Counsel and the Board Staff (Collectively, the Parties) executed a stipulation of settlement (Stipulation). The Stipulation allows for RECO to implement a total SBC rate of 0.5669 ¢/kWh.

Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct RECO to file revised tariff sheets by November 1, 2019.

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

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

G. Docket No. GO19050553 – In the Matter of the Petition of Bayonne Energy Center, LLC for a Determination that the Board of Public Utilities has Authority to Regulate the Rates and Service on an Intrastate Transmission Pipeline Servicing the Bayonne Energy Center.

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

BACKGROUND AND DISCUSSION: On April 30, 2019, Bayonne Energy Center, LLC (Petitioner, BEC) filed a Petition with the Board seeking a determination that an existing high-pressure 7,500-foot, 16-inch diameter pipeline that transports natural gas from an interconnection with Texas Eastern Transmission Co. to a sole delivery point at the Bayonne Energy Center (BEC Pipeline), is subject to the Board's jurisdiction.

The Petitioner also sought a limited jurisdiction Hinshaw blanket certificate (Hinshaw Certificate) from the Federal Energy Regulatory Commission (FERC) to render a proposed 500-foot extension of the BEC Pipeline (the Proposed Pipeline) exempt from FERC jurisdiction. To receive the Hinshaw Certificate, the Petitioner must represent to the FERC, among other things, that the BEC Pipeline is subject to the Board's jurisdiction.

Staff recommended that the Board deny the Petitioner's request and find that the BEC Pipeline is not a regulated utility subject to the Board's jurisdiction.

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

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

H. Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. RP20-41 PennEast Pipeline Company re: Petition for Declaratory Order and Expedited Action.

Paul Youchak, Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: The Office of the Attorney General (OAG), acting on behalf of the Board and the Department of Environmental Protection (DEP), intervened and protested a petition for declaratory order filed by the PennEast Pipeline Company (PennEast) with the Federal Energy Regulatory Commission (FERC). PennEast requested a declaratory order from FERC stating that, pursuant to the Natural Gas Act, “Congress delegated the federal government’s eminent domain authority to certificate holders.” PennEast sought this action from FERC in an effort to reverse a recent decision from the Court of Appeals for the Third Circuit. The OAG drafted a detailed protest disputed the legal basis for PennEast’s filing. That filing was made on October 18, 2019. The Board was asked to ratify the intervention and protest at this time.

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

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

3. CABLE TELEVISION

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

There were no items in this category.

5. WATER

Michael Kammer, Director, Division of Water, presented these matters.

A. Docket Nos. BPU WR19030417 and OAL PUC 06559-2019S – In the Matter of Pinelands Water Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.

BACKGROUND AND DISCUSSION: Pinelands Water Company (Company) is engaged in the collection and treatment of Water services for customers in the portions of the Township of Southampton, Burlington County. Specifically, Pinelands serves approximately 2,400 retail customers in its service territory.

On March 29, 2019, the Company filed a petition with the Board seeking to increase its base tariff rates and charges for water service amounting to approximately \$189,104.00 or 22.49%.

After proper notice, a public hearing was held on July 8, 2019, at Laurel Hall located in the Leisuretowne Association at 236 Huntington Drive in Southampton, New Jersey, with Administrative Law Judge (ALJ) Caliguire presiding. Members of the public appeared at the public hearing, and approximately 28 individuals spoke at the public hearing in opposition to the proposed rate increase.

ALJ Caliguire recommended adoption of the Stipulation of Settlement (Stipulation) executed by the Company, the New Jersey Division of Rate Counsel and Board Staff, agreeing to an overall increase in revenues in the amount of \$133,506.00, representing a 16.12% increase over total present water sales revenues of \$961,882.00. Staff recommended that the Board adopt the Stipulation and the ALJ Caliguire’s initial Decision.

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

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

B. Docket Nos. BPU WR19030418 and OAL PUC 06560-2019S – In the Matter of Pinelands Wastewater Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.

BACKGROUND AND DISCUSSION: The Pinelands Wastewater Company (Company) is engaged in the collection and treatment of wastewater for customers in the Township of Southampton, Burlington County. Specifically, Pinelands serves approximately 2,400 retail customers in its service territory.

On March 29, 2019, the Company filed a petition with the Board seeking to increase its base tariff rates and charges for water service amounting to approximately \$482,929.00 or 39.22%.

After proper notice, a public hearing was held on July 8, 2019, at Laurel Hall located in the Leisuretowne Association at 236 Huntington Drive in Southamptton, New Jersey, with Administrative Law Judge (ALJ) Caliguire presiding. Members of the public appeared at the public hearing, and approximately 28 individuals spoke at the public hearing in opposition to the proposed rate increase.

ALJ Caliguire issued an Initial Decision, recommending adoption of the Stipulation of Settlement (Stipulation) executed by the Company, the New Jersey Division of Rate Counsel and Board Staff, agreeing to an overall increase in revenues in the amount of \$368,593.00, representing a 29.86% increase over total present wastewater sales revenues of \$1,234,543.00. Staff recommended that the Board adopt the Stipulation and the Initial Decision of ALJ Caliguire.

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

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

Julie Ford-Williams, Director, Division of Customer Assistance, presented these matters.

A. Docket Nos. BPU GC17030190U and OAL PUC 03616-18 – In the Matter of Kim J. Notte T/A Colts Neck Inn Hotel and Residence, Petitioner v. New Jersey Natural Gas, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Kim J. Notte T/A Colts Neck Inn Hotel and Residence (Petitioner) and New Jersey Natural Gas (Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Judith Lieberman filed an Initial Decision in this matter with the Board on August 27, 2019.

ALJ Lieberman, in her Initial Decision, concluded that the Petitioner did not produce evidence documenting that her Company is distinct from the indebted business. The ALJ further concluded that the Petitioner did not meet her burden of proof regarding the denied application for service and determined the outstanding gas, in the amount of \$16,170.72 as of October 9, 2019, must be satisfied. Therefore, ALJ Lieberman ruled that the petition be dismissed.

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

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

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

B. Docket No. AX19060729 – In the Matter of the Proposed Amendments of the New Jersey Administrative Code (N.J.A.C.) 14:3-3A – to provide additional safeguards for those using life-sustaining medical equipment (Linda’s Law).

BACKGROUND AND DISCUSSION: This matter involved proposing amendments to the New Jersey Administrative Code (N.J.A.C.) 14:3-3A, to provide greater clarity in the regulations that all utilities regulated by the Board are prohibited from discontinuing service to customers using life-sustaining equipment upon the utility receiving proper verification that life-sustaining equipment is in use in the customer’s premises.

Governor Murphy signed into law, “Linda’s Law” P.L.2019 c.154, on July 5, 2019 which prohibits electric public utilities from discontinuing service to customers using life-sustaining equipment with verification of use of equipment. The proposed amendments will further prevent any future potential adverse situations for customers utilizing medical equipment or experiencing medical conditions which require utility service. These amendments set forth the circumstances in which a utility may discontinue residential service for nonpayment when a medical emergency exists, as well as notice requirements for discontinuance of service for residential and special customers.

In addition, the proposed amendments broaden the requirements for restoring service when an unknown account or master metered account is disconnected and a medical emergency exists. The proposed amendments also require that utilities also solicit information quarterly instead of annually from their residential customers in order to determine the presence of life-sustaining equipment.

The proposed amendments will help ensure that residential customers are further protected from discontinuance of service when an emergent medical situation exists within their premises. Therefore, Staff recommended that the Board approve this rule proposal for publication in the New Jersey Register to open a 60-day public comment period.

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

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

8. CLEAN ENERGY

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

A. Docket No. QG19091001 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – HMH Hospitals Corp.

BACKGROUND AND DISCUSSION: Commissioner Gordon recused himself from this matter. HMH Hospitals Corp. (Company) submitted an application under the Fiscal Year 2018 Large Energy Users Program (LEUP) pursuant to the New Jersey Clean Energy Program Energy Efficiency and Renewable Energy Program Plan Filing for Fiscal Year 2018. The Company requested Board approval of a financial incentive of \$732,213.02 to refurbish and upgrade the air handling unit at the Jersey Shore University Medical Center located in Neptune, NJ. The project has a total cost of \$1,215,612.30.

The refurbishment will include the replacement of three centrifugal fans with fan arrays, replacement of one heat wheel, and installation of controls to provide efficient operation of the four fan arrays and the hot & cold decks. These measures will improve the system's efficiency while maintaining necessary airflow for the area served.

The project is anticipated to conserve 1,825,094 kWh of electricity and 168,626 therms of natural gas per year. It will also reduce peak-electricity demand by an anticipated 208 kW. The project will have an estimated annual energy cost savings of \$339,556.00. The requested incentive will reduce the project's payback period from 3.58 to 1.45 years. Implementation of these measures will also assist in compliance with P.L. 2018, c. 17, § C.48:3-87.10, which requires the owner or operator of commercial buildings over 25,000 square feet to benchmark the building's energy and water use. The required inspection of sites that receive funding through the LEUP following the installation of energy efficient measures will not only help to ensure adherence to agreed-upon performance and energy savings baselines, but will also allow for a more defined pathway for commercial building owners to report their energy usage.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$732,213.02 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

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

B. Docket No. QO18080969 – In the Matter of the Contract Extension for NJCEP Program Administration and Management Services – See Executive Session.

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved Staff recommending the Board take action on this item, as discussed.

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

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

Ronald Jackson, Research Scientist, Division of Clean Energy, presented these matters.

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

Docket No. QO19080913 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules at N.J.A.C. 4:8-2.4(i) – GSPP ONYX New Brunswick, LLC – Lincoln Annex – Large.

BACKGROUND AND DISCUSSION: On August 13, 2019, GSPP Onyx New Brunswick, LLC (GSPP or Petitioner) submitted a Petition to the Board requesting a 45-business day extension to the project construction completion deadline for its Solar Renewable Energy Credit (SREC) Registration Program (SRP) application. The requested extension would extend the deadline to October 18, 2019. The 105.3-kilowatt dc (kW) project (Project), mounted on the roof at the New Brunswick Board of Education (NBBOE) Lincoln Annex - Large and is one of five NBBOE projects for which the Petitioner sought an SRP extension. Since this is a second extension request, granting it will require a waiver of the Board's rules at N.J.A.C. 14:8-2.4(i), which limit applicants to a single six-month extension of their conditional registration.

The SRP conditional registration length ran until February 14, 2019. GSPP requested and received from the SRP Team a six-month extension to August 14, 2019. GSPP submits that litigation and utility delays were beyond its control combined to prevent its construction team from meeting the August 14, 2019 deadline. According to the Petitioner, these delays were unavoidable and unforeseeable at the time that of the SRP initial conditional registration acceptance.

Staff recommended that the Board find that GSPP had made substantial progress toward Project completion and that the delays in timely completion were unavoidable and unforeseeable. Staff also recommended that the Board grant the Petitioner's request.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

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

Docket No. QO19080914 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules at N.J.A.C. 4:8-2.4(i) – GSPP ONYX New Brunswick, LLC – Lincoln Annex – Small.

BACKGROUND AND DISCUSSION: On August 13, 2019, GSPP Onyx New Brunswick, LLC (GSPP or Petitioner) submitted a Petition to the Board requesting a 45-business day extension to the project construction completion deadline for its Solar Renewable Energy Credit (SREC) Registration Program (SRP) application. The Petitioner's request would extend the deadline to October 18, 2019. The 70.2-kilowatt dc (kW) project (Project), mounted on the roof at the New Brunswick Board of Education (NBBOE) Lincoln Annex - Small and is one of five NBBOE projects for which the Petitioner sought an SRP extension. Since this is a second extension request, granting it will require a waiver of the Board's rules at N.J.A.C. 14:8-2.4(i), which limit applicants to a single six-month extension of their initial conditional registration.

The initial SRP conditional registration ran until February 14, 2019. GSPP requested and received from the SRP Team a six-month extension to August 14, 2019. GSPP submitted that litigation and utility delays beyond its control. According to the Petitioner, these delays were unavoidable and unforeseeable at the time that of the SRP initial conditional registration acceptance.

Staff recommended that the Board find that GSPP had made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. Staff recommended that the Board grant the Petitioner's request.

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

Roll Call Vote:

President Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye
Commissioner Gordon	Aye

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

Docket No. QO19080915 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules at N.J.A.C. 4:8-2.4(i) – GSPP ONYX New Brunswick, LLC – NBBOE Administration Building.

BACKGROUND AND DISCUSSION: On August 13, 2019, GSPP Onyx New Brunswick, LLC (GSPP or Petitioner) submitted a Petition to the Board requesting a 45-business day

extension to the project construction completion deadline. The Petitioner's request would extend the deadline to October 18, 2019. The 450.45-kilowatt dc (kW) project (Project), located on a carport at the New Brunswick Board of Education (NBBOE) administration building and is one of five NBBOE projects for which the Petitioner sought an SRP extension. Since this is a second extension request, granting it will require a waiver of the Board's rules at N.J.A.C. 14:8-2.4(i), which limit applicants to a single six-month extension of their initial conditional registration.

The initial SRP conditional registration ran until February 14, 2019. GSPP requested and received from the SRP Team a six-month extension to August 14, 2019. GSPP submitted that litigation and utility delays were beyond its control. According to the Petitioner, these delays were unavoidable and unforeseeable at the time that of the SRP initial conditional registration acceptance.

Staff recommended that the Board find that GSPP had made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. Therefore, Staff recommended that the Board grant the Petitioner's request.

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

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

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

Docket No. QO19080916 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules at N.J.A.C. 4:8-2.4(i) – GSPP ONYX New Brunswick, LLC – NBBOE High School.

BACKGROUND AND DISCUSSION: On August 13, 2019, GSPP Onyx New Brunswick, LLC (GSPP or Petitioner) submitted a Petition to the Board requesting a 45-business day extension to the project construction completion deadline for its Solar Renewable Energy Credit (SREC) Registration Program (SRP) application. The Petitioner's request would extend the deadline to October 18, 2019. The 450.45-kilowatt dc (kW) project (Project), located on a carport at the New Brunswick Board of Education (NBBOE) High School and is one of five NBBOE projects for which the Petitioner sought an SRP extension. Since this is a second extension request, granting it will require a waiver of the Board's rules at N.J.A.C. 14:8-2.4(i), which limit applicants to a single six-month extension of their conditional registration.

The SRP conditional registration ran until February 14, 2019. GSPP requested and received from the SRP Team a six-month extension to August 14, 2019. GSPP submitted that litigation and utility delays were beyond its control. According to the Petitioner, these delays were unavoidable and unforeseeable at the time that of the SRP conditional registration acceptance.

Staff recommended that the Board find that GSPP had made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. Therefore, Staff recommended that the Board grant the Petitioner's request.

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

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

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

Docket No. QO19080917 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules at N.J.A.C. 4:8-2.4(i) – GSPP ONYX New Brunswick, LLC – NBBOE Middle School.

BACKGROUND AND DISCUSSION: On August 13, 2019, GSPP Onyx New Brunswick, LLC (GSPP or Petitioner) submitted a Petition to the Board requesting a 45-business day extension to the project construction completion deadline for its Solar Renewable Energy Credit (SREC) Registration Program (SRP) application. The Petitioner's request would extend the deadline to October 18, 2019. The 368.55-kilowatt dc (kW) project (Project), located on a carport at the New Brunswick Board of Education (NBBOE) Middle School and is one of five NBBOE projects for which Petitioner sought an SRP extension. Since this is a second extension request, granting it will require a waiver of the Board's rules at N.J.A.C. 14:8-2.4(i), which limit applicants to a single six-month extension of their initial conditional registration.

The SRP conditional registration ran until February 14, 2019. GSPP requested and received from the SRP Team a six-month extension to August 14, 2019. GSPP submits that litigation and utility delays were beyond its control. According to the Petitioner, these delays were unavoidable and unforeseeable at the time that of the SRP conditional registration acceptance.

Staff recommended that the Board find that GSPP had made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. Therefore, Staff recommended that the Board grant the Petitioner's request.

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

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

H. Docket No. QO18070713 – In the Matter of the Request for Proposal for Consulting Services: New Jersey’s Clean Energy Program – Marketing Services – See Executive Session.

Cathleen Lewis, Outreach Coordinator, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Solomon recused herself from this matter. This matter was first discussed in Executive Session and it involved Staff requesting the Board to approve Staff’s recommendation on this matter.

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

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

I. 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.

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

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

On April 12, 2018, Monroe Solar, LLC (Monroe Solar or Applicant) submitted an application to the Board to have its project certified as being located on a landfill and an area of historic fill pursuant to N.J.S.A. 48:3-87(t) (Subsection (t)) of the Solar Act. The Applicant submitted information to supplement the historic fill portion of the application on February 15, 2019 that Board staff delivered to the NJDEP on June 13, 2019. During pendency of the application, the NJDEP advised Staff of ongoing compliance and enforcement action involving the property and its owners. Staff held the supplemental information until advised by the NJDEP of the resolution of the compliance and enforcement activities.

The Monroe Solar 14.9 MWdc project is proposed to be constructed on property that is owned by B&J Warren and Sons Landfill and located at Block 49, Lot 18, in Monroe

Township, Middlesex County, New Jersey. Following review of the complete application, the NJDEP issued an advisory memorandum to Staff that the Monroe Solar application proposes to be located on property classified as a “properly closed sanitary landfill” as well as property classified as “an area of historic fill” consistent with the Solar Act of 2012.

Also, during the pendency of the application, on October 29, 2018, the Board addressed the provisions of the Clean Energy Act that reduced the SREC term, also known as the “Qualification Life,” from 15 years to 10 years. The Board ordered on October 29, 2018 that the Qualification Life of all SREC projects moving forward shall no longer be 15 years but instead shall be 10 years.

Staff recommended that the Board grant conditional certification to the Applicant for each portion of the project proposed by Monroe Solar based upon when the application was sufficiently complete to enable review by the NJDEP, with the property defined as a “properly closed sanitary landfill” receiving a 15 year qualification life and the property defined as an “area of historic fill” eligible for a 10 year qualification life.

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

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

9. MISCELLANEOUS

There were no items in this category.

EXECUTIVE SESSION

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

8. CLEAN ENERGY

B. Docket No. QO18080969 – In the Matter of the Contract Extension for NJCEP Program Administration and Management Services.

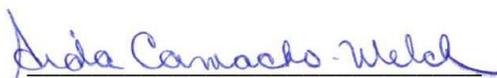
The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

H. Docket No. QO18070713 – In the Matter of the Request for Proposal for Consulting Services: New Jersey's Clean Energy Program – Marketing Services.

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: December 6, 2019