



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 December 6, 2019, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

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

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

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

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

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

It was announced that the next regular Board Meeting would be held on Friday, December 20, 2019 at the State House Annex, Committee Room 4, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

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

EE19101341L	Bakey Energy Consulting	I – EA
EE19060745L	Arthur Debowski d/b/a Progressive Energy	I – EA
EE19030422L	Our Energy Manager, LLC	I – EA
EE19030352L	XL Energy Corp.	I – EA
EE19101334L	Marketing Systems Group, LLC	I – EA/PA/EC
GE19101335L		
EE19101355L	TruEnergy Services, LLC	I – EA/PA/EC
GE19101356L	f/k/a Greenwave Concepts, LLC	
EE19091292L	Richards Energy Group, Inc.	I – EA/PA/EC
GE19091293L		
EE19091310L	Encore LED Lighting, LLC	I – EA/EC
GE19091311L		

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

EE19101412L	Statistical Energy, LLC d/b/a Statistical Energy, LLC	R – EA
EE19091309L	Summit Energy Services, Inc. d/b/a Schneider Electric	R – EA
EE19101357L	Connect Energy Resources, LLC	R – EA
EE19111449L	ENGIE Insight Services, Inc.	R – EA/PA
GE19111450L	f/k/a Ecova, Inc.	
EE19070809L	Muirfield Energy, Inc.	R – EA/PA/EC
GE19070810L		
EE17030283L	Better Cost Control, LLC	R – EA/EC
GE17030284L	d/b/a Ardor Energy	

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE19040480L	Frontier Utilities Northeast, LLC	R – EGSL
GE19040479L		

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 for one year:

- Bakey Energy Consulting
- Arthur Debowski d/b/a Progressive Energy
- Our Energy Manager LLC
- XL Energy Corp.
- Marketing Systems Group, LLC
- TruEnergy Services LLC f/k/a Greenwave Concepts LLC
- Richards Energy Group, Inc.
- Encore LED Lighting LLC

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

- Statistical Energy LLC d/b/a Statistical Energy LLC
- Summit Energy Services, Inc. d/b/a Schneider Electric
- Connect Energy Resources, LLC
- ENGIE Insight Services Inc. f/k/a Ecova, Inc.
- Muirfield Energy, Inc.
- Better Cost Control, LLC d/b/a Ardor Energy

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

- Frontier Utilities Northeast, 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 (FERC) Items for 2019 – FERC Docket No. EL19-100-000 PJM Interconnection, LLC re: Capacity minimum run time.

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 on November 7, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding. This matter involved a FERC 206 investigation regarding the justness and reasonableness of PJM’s minimum run-time rules and procedures. At present, Staff is monitoring the federal proceeding on behalf of the Board. Staff recommended the Board ratify the intervention.

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. EL19-90 ISO New England Inc. re: Order to Show Cause on Immediate Need; and

Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. EL19-91 PJM Interconnection, LLC re: Order to Show Cause on Immediate Need; and

Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 - FERC Docket No. EL19-92 Southwest Power Pool, Inc. re: Order to Show Cause on Immediate Need.

BACKGROUND: This matter involved Staff, on behalf of the Board, filing doc-less interventions in these proceedings as a “state commission” under the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure on November 7, 2019. The FERC e-filing rules allow for doc-less interventions, which serve to establish the Board as a party to the proceeding. Staff, on behalf of the Board, submitted interventions in three separate dockets, all of which concern 206 proceedings requesting PJM Interconnection, LLC, ISO New England Inc., and Southwest Power Pool, Inc. to show cause on how the exemption for immediate need reliability provisions in Commission-jurisdictional tariffs and agreements that establish a federal right of first refusal for an incumbent transmission developer with respect to transmission facilities selected in a regional transmission plan for purposes of cost allocation is being implemented. At present, Staff is monitoring the federal proceedings on behalf of the Board. Staff recommended the Board ratify the interventions.

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

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TM18111249 – In the Matter of the Verified Joint Petition of Service Electric Cable T.V., Inc. Service Electric Telephone Company, LLC and Ironton Telephone Company for Approval of a General Rule Transfer of Control.

BACKGROUND: On November 27, 2018, Service Electric Cable T.V., Inc. (SECTV), Service Electric Telephone Company, LLC (SET), and Ironton Telephone Company (ITC) (collectively Petitioners) filed a petition with the Board requesting approval for SECTV to acquire assets, primarily a portion of SET’s customer base, (predominantly business customers) from SET and for ITC to acquire complete ownership of SET through a Redemption and Sale Agreement (Agreement) among the Petitioners (the Proposed Transaction). All SET customers are currently served by Voice over Internet Protocol (VoIP).

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments by letter dated June 13, 2019 stating it did not oppose approval of joint Petitioners’ requests and states that it would not object should the Board decide to treat Petitioner’s filing as a waiver

request (without the need of an amended filing) of the Board's Mass Migration rules, should the Board deem it appropriate and warranted under the fact sensitive circumstances in this matter and accordingly does not object to relaxation, modification and/or waiver of the Board's mass migration rules, or a decision by the Board to grant Petitioner's requests with a condition that customers not be migrated to SECTV until SECTV has been granted Competitive Local Exchange Carrier Authority by the Board.

Staff, having reviewed the Petition and supporting documents, did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner's competitive posture in the telecommunications market. Staff was satisfied that since the customers that are being transferred are VoIP customers, the Board does not have jurisdiction and therefore the Board's Mass Migration rules do not apply. Customers were given notice of the change and further, the Petitioners have stated that SECTV has committed to continue to provide service to any transferred customers under the same rates, terms and conditions as they currently receive under their SET contracts. Staff recommended that the Petitioners be allowed to proceed with the Transaction.

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

B. Docket No. TF19091206 – In the Matter of the Verified Petition of Manhattan Telecommunications Corporation of New Jersey for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On September 11, 2019, Manhattan Telecommunications Corporation of New Jersey (Petitioner) filed a petition requesting approval from the Board, to the extent necessary, to participate in a financing transaction whereby the Petitioner would guarantee debt in an amount of up to approximately \$130 million. Manhattan Telecommunications is a wholly owned subsidiary of Manhattan Telecommunications Corporation and indirect subsidiary of Metropolitan Telecommunications Holding Company (MetTel Holding), a privately held Delaware holding company

The Petitioner requested Board approval for MetTel Holding, and certain of its direct and indirect subsidiaries, including Manhattan Telecommunications, to enter into a Third Amended and Restated Credit Agreement (Agreement), with certain such subsidiaries also entering into a related Security Agreement with JPMorgan Chase Bank, N.A. JP Morgan Chase Bank, N.A. will serve as the Administrative Agent under the Agreement for a series of lenders.

Pursuant to the Agreement, MetTel Holding expects to receive a revolving credit facility and additional term loan capacity. Specifically, MetTel Holding will receive a revolving credit facility of \$60,000,000.00 (with the ability to increase by up to an additional \$30,000,000.00 to \$90,000,000.00) and additional term loan capacity of up to \$40,000,000.00 under a Senior Secured Term Loan. The obligations of the revolving credit facility and the additional term loan capacity will be secured by a security interest in all of the assets of MetTel Holding and certain of its subsidiaries. While Manhattan Telecommunications will not be a Borrower under the Agreement, it will act as a Guarantor of MetTel Holding and the other Borrowers. As such, Manhattan Telecommunications will be jointly and severally liable for the full amount of the proceeds of the credit facility and

term loan. Manhattan Telecommunications' assets, including the NJ CPCN, will not be collateralized to secure the debt unless and until it should join the Agreement as a Borrower. The proceeds of the credit facility will be used for general corporate purposes, dividends and/or acquisitions.

The New Jersey Division of Rate Counsel, by letter dated November 8, 2019, stated it had no objection to the Board's approval of this petition.

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

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

C. Docket No. TF19101406 – In the Matter of the Verified Petition of Level 3 Communications, LLC for Approval to Participate in a Financing Arrangement.

BACKGROUND: On October 18, 2019, Level 3 Communications, LLC filed a petition requesting approval from the Board to participate in a financing arrangement in connection with the issuance of \$1 billion aggregate principal amount of 4.625% Senior Notes due 2027 by its immediate parent company, Level 3 Financing, Inc. (Financing). Specifically, Level 3 LLC seeks approval: (1) to act as a guarantor for the Senior Notes upon receipt of the required regulatory approvals; and (2) to the extent required, to permit Level 3 LLC to issue an intercompany demand note to Financing in exchange for the proceeds of the Senior Notes.

The New Jersey Division of Rate Counsel, by letter dated November 14, 2019, stated that it had no objection to the Board's approval of this petition.

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

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

D. Docket No. TF19091241 – In the Matter of the Verified Petition of FirstLight Fiber, Inc. for Approval to Expand its Financing Arrangements.

BACKGROUND: On September 18, 2019 FirstLight Fiber, Inc. submitted a Petition to the Board requesting Board approval for FirstLight to participate in certain financing arrangements up to an aggregate amount of \$975 million.

The Petitioner sought Board approval to participate in new, amended or restated financing arrangements in an aggregate amount of up to \$975 million. The Petitioner expects that the maturity for any long-term indebtedness incurred as part of the financing will be set according to market conditions at issuance. Similarly, interest rate(s) will be set according to market conditions at issuance and may be fixed or floating, or a combination thereof, depending on the type of debt and market conditions.

Some or all of the Financing Arrangements may be secured facilities, which may include a grant of a security interest in the assets of Holdco and its current and future subsidiaries including FirstLight. A portion of the Financing Arrangements may be unsecured facilities. For the secured facilities, the equity of Holdco and its subsidiaries, including FirstLight, may be pledged as additional security. Additionally, Holdco and its current and future subsidiaries, including FirstLight, may provide a guaranty of the obligations owing under the Financing Arrangements, including, without limitation, the payment of the Aggregate Amount to the extent borrowed. The Financing Arrangement may be used to refinance existing debt, for acquisitions and other expansion activities and for general corporate purposes. In order to maintain adequate flexibility, the Petitioner therefore seeks authority to incur debt, as borrower, co-borrower or guarantor and to pledge its assets as security for Financing Arrangements up to an aggregate amount of \$975 million consistent with the parameters outlined above.

The New Jersey Division of Rate Counsel, by letter dated October 31, 2019, stated that it had no objection to the Board's approval of this petition.

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

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

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

A. Docket Nos. ES19080981K et al – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act 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 Underground Facility Protection Act (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. N.J.S.A. 48:2-88. 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. N.J.S.A. 48:2-86(c).

The number of settlements are 32 with a total penalty of \$92,000.00.

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

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

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC18101218U and OAL PUC 08607-19 – In the Matter of 400 Hamburg Turnpike, LLC, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between 400 Hamburg Turnpike (Petitioner) and Public Service Electric and Gas Company (PSE&G or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Thomas R. Betancourt filed an Initial Decision in this matter with the Board on October 25, 2019, approving the stipulation of settlement (Stipulation) of the parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G agreed to rebill account ending in 1005, making the balance due \$8,983.16. PSE&G also agreed to transfer a credit balance of \$2,133.66 from account ending in 6100 to account ending in 1005, bringing the current total balance due to \$6,849.50. The Petitioner agreed to pay this amount in 45 days. These two accounts in question will have the PSE&G gas and electric services disconnected and the accounts will be closed.

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

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

B. Docket Nos. BPU WC19030310U and OAL PUC 06646-19 – In the Matter of Valerie J. Dromboski, Petitioner v. Trenton Water Works, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Valerie J. Dromboski (Petitioner) and Trenton Water Works. The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Joseph Ascione filed an Initial Decision in this matter with the Board on October 24, 2019, approving the stipulation of settlement (Stipulation) of the parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, the Petitioner agreed to pay \$50.00 per month until the balance of \$528.45 is paid in full. The Petitioner has already made two payments of \$50.00.

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

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

C. Docket Nos. BPU GC19060709U and OAL PUC 09982-19 – In the Matter of F. Craig La Rocca, Petitioner v. South Jersey Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between F. Craig La Rocca (Petitioner) and South Jersey Gas Company (SJG or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Kathleen M. Calemno filed an Initial Decision in this matter with the Board on November 8, 2019, approving the stipulation of settlement (Stipulation) of the parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, SJG agreed to reduce the total amount in dispute by \$204.00 for the period covering May, 2017, through June 29, 2018, and credit the Petitioner's gas bill \$204.00. The parties agreed that this settlement memorialized on the record, at the hearing, resolved all issues in dispute and ended the matter.

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

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

D. Docket Nos. BPU EC18121329U and OAL PUC 08606-19 – In the Matter of Jacob Torkieh, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Jacob Torkieh (Petitioner) and Public Service Electric and Gas Company. The petition was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Jude-Anthony Tiscornia filed an Initial Decision in this matter with the Board on November 12, 2019, approving the stipulation of settlement (Stipulation) of the parties.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, the Petitioner agreed to enter into a deferred payment arrangement (DPA). The Petitioner's payments under the DPA start with the November 5, 2019 billing statement. The Petitioner shall pay the monthly charges plus \$1,381.00 for 2 consecutive months, due on company records by the 24th of each month. The third payment will be the current bill plus \$1,382.03 to complete the DPA.

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

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

E. Docket Nos. BPU EC19030414U and OAL PUC 07328-19 – In the Matter of Welsh Farms Store, Petitioner v. Jersey Central Power and Light, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on November 4, 2019; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on December 19, 2019. Prior to that date, the Board requests 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 February 2, 2020.

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 October 25, 2019 Agenda Meeting.

BACKGROUND: Staff presented the regular agenda meeting minutes of October 25, 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

A. Docket Nos. EO19111488, EE18111245L and GE18111246L – In the Matter of the Alleged Failure of Windstreet Energy, Inc. to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.

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

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Energy Discount and Energy Competition Act, (EDECA, or the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Windstreet Energy, Inc., who has been operating as an energy agent and energy consultant to arrange the retail sale of electricity, electric related services, gas supply or gas related services between private aggregators and electric or gas power suppliers to commercial and industrial customer in New Jersey. As a result of correspondence and telephone conversations between Staff and WindStreet Energy, Inc., WindStreet Energy, Inc. submitted an Offer of Settlement (Offer) regarding its alleged violations. In the Offer of Settlement, Windstreet did not admit to any violations and made a monetary offer in the amount of \$3,000.00 in order to resolve all issues concerning the violations alleged by Staff.

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

- 1) WindStreet Energy, Inc. will pay to the State of New Jersey the sum of \$3,000.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Windstreet Energy, Inc., up to and including May 8, 2019.
- 2) The Offer of Settlement shall not relieve WindStreet Energy, Inc. or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after May 8, 2019.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by WindStreet Energy, Inc. or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) WindStreet Energy, Inc. will comply with all provisions of the Act and Regulations regarding TPS licensing renewal requirement as set forth at N.J.S.A. 48:3-78, N.J.S.A. 48:3-79, and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by WindStreet Energy, Inc. or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

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

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

Staff also recommended that the Board accept Windstreet Energy's initial application to be Energy Agent, Energy Consultant and Private Aggregator in the State of New Jersey.

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

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

2. ENERGY

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

A. Docket No. EO17101114 – In the Matter of the Verified Petition of Public Power Association of New Jersey for Approval of the Allocation of Power Generated by the Hydroelectric Power Project on the Saint Lawrence River to New Jersey's Municipally Owned Utilities and Electric Cooperative and Their Customers.

BACKGROUND AND DISCUSSION: On October 26, 2017, the Public Power Association of New Jersey (PPANJ) filed a petition (October 2017 Petition) with the Board seeking approval of the allocation of power generated by the hydroelectric power project on the Saint Lawrence River to New Jersey's municipally owned utilities and electric cooperative and their customers.

On November 14, 2019, PPANJ, Board Staff, the New Jersey Division of Rate Counsel, and the State's four electric distribution companies (the Parties) executed a stipulation of settlement (Stipulation) in this matter.

Staff recommended that the Board adopt the Stipulation of the Parties.

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

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

B. Docket No. ER19030340 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Seeking Review and Approval of its Deferred Balances Relating to, and an Adjustment of, the Societal Benefits Charge Clause of its Filed Tariff (2018 SBC Filing).

BACKGROUND AND DISCUSSION: On March 15, 2019, Jersey Central Power and Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of the deferred balances, and an adjustment to certain components of, its Societal Benefits Charge (SBC) clause of its filed tariff to the extent accumulated for each from January 1, 2018 to December 31, 2018. The 2018 SBC Petition was filed prior to the resolution of the 2017 SBC Petition. As explained by JCP&L in the 2018 SBC Petition, if the revised and updated proposed rates in the 2017 SBC Petition were approved by the Board, JCP&L would request an increase of approximately \$2.6 million with respect to the Company's Demand Side Factor (DSF) and \$5.7 million related to the Company's Uncollectible Accounts Charge (UNC) with no change to the component related to the Company's Nuclear Decommissioning Costs (NDC). As such, in the 2018 SBC Petition JCP&L proposed that no change be made to the current Board approved Rider DSF, NDC and UNC rates from the August 2018 Order due to the cumulative impact of current rates on the Company's deferred balances for Rider DSF, NDC and UNC during calendar years 2017 and 2018.

The Board issued an Order on July 10, 2019 (July 2019 Order) approving a stipulation executed by JCP&L, the New Jersey Division of Rate Counsel, and Board Staff (Staff) (collectively, Parties) resolving the 2017 SBC Petition. As a result of the July 2019 Order, the Company was authorized to maintain the Board approved Rider DSF, NDC and UNC rates from the August 2018 Order.

Following a review of the 2018 SBC Petition and discovery responses, the Parties executed a stipulation of settlement (Stipulation) requesting that the Board authorize the maintenance of the rates approved in the Board's July 2019 Order.

Staff recommended that the Board adopt the Stipulation. Staff also recommended that the Board order JCP&L to file revised tariff sheets consistent with the Board's Order by January 1, 2020.

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. ER19070775 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Constituting its Annual Filing with Respect to the Non-Utility Generation Charge Clause of its Filed Tariff (2018 NGC Filing).

BACKGROUND AND DISCUSSION: On June 28, 2019, Jersey Central Power and Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of the amounts included in the Company's Non-Utility Generation Charge (NGC) deferred balance. Among other things, the NGC relates to the amounts paid by the Company under

Board-approved contracts with non-utility generators, for the period January 1, 2018 through December 31, 2018. In the 2018 NGC Petition, the Company projected that, at present rates, the net NGC deferred balance at December 31, 2019 would be an over-recovery of \$17,578,172.00, after the application of over-recovered carrying costs of \$692,693.00. The rates proposed in the 2018 NGC Petition would result in a decrease of \$5,699.63 per year in NGC revenues.

On June 12, 2019, the Board issued an Order approving a stipulation in the Company's 2017 NGC Petition. As approved in the June 2019 Order, the amounts relating to the Yards Creek costs the Company incurred during 2017 were excluded. As explained by JCP&L, in 2017, the Accounting Department established new cost collectors (accounts) for the Yards Creek facility. Inadvertently, JCP&L's Rates and Regulatory Affairs Department was not notified of the accounting changes and failed to capture costs included in these new accounts in the monthly balances recorded to the NGC. These costs do not represent new costs or cost categories allocated to the project, but simply a change to which accounts these costs are posted. The total misstatement of the deferred balance resulted in an additional under-recovery of \$62,814.71 for calendar year 2017.

On August 14, 2019, due to a filing error, JCP&L submitted documents that includes actual data for May 2019 instead of forecasted numbers. The Company's revised documents reflect the balances illustrated in its 2018 NGC Petition.

Subsequently, in response to discovery requests, the Company updated the 2018 NGC Petition for actual data through July 31, 2019. Based on the updated data, the net NGC deferred balance at December 31, 2019 would be an over-recovery of \$20,790,810.00, after the application of over-recovered carrying costs of \$725,802.00. Additionally, the Company's NGC deferred balance, as of December 31, 2020, has a projected over-collected balance of \$7,002,858.00.

Following a review of the 2018 NGC Petition and discovery responses, JCP&L, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to decrease its current NGC Rate to \$0.000105 per kWh (excluding Sales and Use Tax).

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff further recommended that the Board order JCP&L to file revised tariffs consistent with the Board's Order by January 1, 2020.

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 Nos. EC18080883, GC18080884, QC18091075 and OAL PUC 04197-2019N – In the Matter of Nicole Hagner and James Novick, Petitioners v. Jersey Central Power and Light Company and Public Service Electric and Gas Company, Respondents – Billing Dispute.

BACKGROUND AND DISCUSSION: On August 10, 2018, Nicole Hagner and James Novick (Petitioners) filed a petition requesting that the Board grant instructions for the following:

- a) Public Service Electric and Gas Company (PSE&G) to reimburse the Petitioners in the amount of \$2,329.60 in trenching expenses related to an extension of gas service to their home in Chatham, NJ;
- b) Jersey Central Power and Light Company (JCP&L) to reimburse the Petitioners in the amount of \$2,176.27 for the cost of wire plus \$500.00 in trenching expenses related to an extension of electric service to their home in Chatham, NJ; and
- c) The Office of Clean Energy to reimburse the Petitioners for the CoolAdvantage and WarmAdvantage rebates in the amount of \$1,400.00 that were denied for installing Heating, Ventilation, and Air Conditioning and domestic hot water heater in an area not designated for growth.

This matter was transmitted to the Office of Administrative Law on March 18, 2019 for hearing as a contested case. The matter was assigned to Administrative Law Judge (ALJ) Irene Jones.

On July 25, 2019, a plenary hearing was held before ALJ Jones, where the Petitioner and a JCP&L engineer, Sung Chung, testified. PSE&G reached a settlement with the Petitioners, which was reduced to writing and signed on June 5, 2019. Post-hearing briefs were filed by the Petitioners and JCP&L after the hearing. On October 26, 2019, the Petitioners withdrew their case against PSE&G.

On October 29, 2019, ALJ Jones issued an Initial Decision dismissing the Petition.

Staff recommended the Board approve of the Initial Decision without modification. Staff also recommended that the Board deny the Petitioners' request for Clean Energy Rebates.

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. EO19040499 – In the Matter of the New Jersey Board of Public Utilities – A Study to Determine the Optimal Voltage for Use in the Distribution Systems of Each Electric Public Utility in the State.

BACKGROUND AND DISCUSSION: By Order dated May 28, 2019, the Board directed Atlantic City Electric Company, Jersey Central Power and Light Company, Public Service Electric and Gas Company, Rockland Electric Company, and Butler Power and Light (Butler) (collectively, the EDCs) to jointly hire a consultant to analyze the readily available information on voltage optimization and on optimal voltage, with recommendations on the

individual EDC's ability to implement specific measures and the anticipated impact to each EDC's respective system. The Order also directed the EDCs to submit individual proposals for cost recovery by June 28, 2019.

In their cost recovery proposals, each EDC proposed to add the expenses of the study to an existing clause, such as the Regional Greenhouse Gas Initiative or Societal Benefits Charge clause; with some also proposing to recover carrying charges and amortization.

Staff recommended that Butler be permitted to recover prudent costs through its Levelized Energy Adjustment Clause.

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. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. ER20-227-000 PJM Interconnection, LLC re: Jersey Central Power and Light Company formula rate.

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

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a doc-less intervention in this proceeding as a "state commission" under the Federal Energy Regulatory Commission Rules of Practice and Procedure on November 7, 2019. On November 20, 2019, Staff, on behalf of the Board, together with Division of Rate Counsel (together, New Jersey Parties), filed a Protest on the Jersey Central Power and Light Company proposed formula rate for its annual transmission revenue "requirement" under the PJM Interconnection, LLC Open Access Transmission Tariff. Staff recommended the Board ratify the intervention and Protest.

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

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

Benjamin Witherell, Ph.D., Chief Economist, Office of the Economist, presented these matters.

G. Docket No. EF19091155 – In the Matter of the Petition of Atlantic City Electric Company Pursuant to N.J.S.A. 48:2-13 and N.J.S.A. 48:3-9 for Authority to Issue Up to \$350 Million of Short-Term Indebtedness Prior to January 1, 2022.

BACKGROUND AND DISCUSSION: On September 12, 2019, Atlantic City Electric Company (Petitioner) filed a petition with the Board requesting to continue to issue, renew

or extend unsecured short-term indebtedness from time to time prior to January 1, 2022, in an aggregate principal amount outstanding at any one time not in excess of \$350 million. The Board, in an Order issued in connection with BPU Docket No. EF17080925, dated December 19, 2017, authorized the Petitioner to issue similar Short-Term Debt prior to January 1, 2020.

According to the petition, cash requirements associated with the Petitioner's construction program will be provided by means of internally generated funds, and, to the extent necessary, through long-term external financing. However, the Petitioner anticipates that short-term external financing will also be needed to provide for temporary financing of construction program expenditures and other general corporate transactions. The Petitioner requested that the Board extend to January 1, 2022, the authorization previously granted by this Board in its Order dated December 19, 2017 relating to the issuance of Short-Term Debt by the Petitioner and to continue the limit of that authorization of \$350 million with regard to the aggregate amount of Short-Term Debt that may be outstanding at any one time.

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

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

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

H. Docket No. EF02030185 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Authorization Pursuant to N.J.S.A. 48:3-7.2 for Approval to Participate in the First Energy Corporation Intra System Money Pool Amendment No. 9 to the Petition.

BACKGROUND AND DISCUSSION: On June 26, 2019, Jersey Central Power and Light (JCP&L), filed a petition with the Board seeking (1) a ninth extension of the time within which JCP&L may participate in the FirstEnergy Intersystem Utility Money Pool (Money Pool), through December 31, 2022 (Amendment No. 9); and (2) to modify its authorization of its limitation on its Money Pool borrowings to an aggregate principal amount not to exceed \$500 million outstanding at any one time.

By Orders of the Board dated July 24, 2002, April 11, 2003, April 20, 2005, December 21, 2007, March 18, 2011, March 20, 2013 and January 25, 2017 (collectively, Money Pool Orders), the Board authorized the Company, from time to time through December 31, 2019, and subject to certain conditions specified in the Money Pool Orders, to participate in the Money Pool maintained for the benefit of various public utility subsidiaries of FirstEnergy Corp., including JCP&L. The Money Pool is made up of various FirstEnergy public utility subsidiaries investing available cash in the Money Pool, which may then be loaned by the Money Pool to other participating FirstEnergy utility subsidiaries to meet their short-term operating needs.

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

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

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

I. Docket No. GO19070846 – In the Matter of the Exploration of Gas Capacity and Related Issues.

This matter was deferred.

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

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

A. Docket No. WR19080949 – In the Matter of the Petition of the Atlantic City Sewerage Company to Decrease the Level of its Purchased Sewerage Treatment Adjustment Clause.

BACKGROUND AND DISCUSSION: Atlantic City Sewerage Company (Company or Petitioner) serves approximately 7,600 customers Atlantic City. The Petitioner purchases its sewerage treatment from the Atlantic County Utilities Authority. On August 23, 2019, the Company filed a petition requesting to decrease the level of its Purchased Sewerage Treatment Adjustment Clause (PSTAC). This matter was retained at the Board and no public hearing was required. The Company filed updated scheduled on November 5, 2019.

Representatives of the Petitioner, the New Jersey Division of Rate Counsel and Board Staff (the Parties) executed a stipulation of settlement (Stipulation) that fully resolves all issues that emanated from this proceeding. There were no interveners.

The Stipulation Agrees that the Petitioner’s 2019 PSTAC rate should decrease from \$24.610.00 per thousand cubic feet of water to \$22.889.00 per thousand cubic feet of water, which is a decrease of approximately 6.99%. The bill for the average residential customer using 9.3 thousand cubic feet of water will decrease from \$557.19 to \$541.18

per thousand feet of water, which is a decrease of \$16.01 or approximately 2.87% annually.

Staff recommended that the Board adopt the Stipulation of the Parties.

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

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

B. Docket Nos. BPU WR19060769 and OAL PUC 09375-2019 – In the Matter of the Petition of Mount Olive Villages Sewer Company, Inc. for Approval of an Increase in Rates for Sewer Service and Other Tariff Changes; and

Docket Nos. BPU WR19060770 and OAL PUC 09375-2019 – In the Matter of the Petition of Mount Olive Villages Water Company, Inc. for Approval of an Increase in Rates for Water Service and Other Tariff Changes.

BACKGROUND AND DISCUSSION: On June 28, 2019, Mount Olive Villages Water Company, Inc. and Mount Olive Villages Sewer Company, Inc. (collectively, Petitioners) filed a verified petition with the Board seeking to increase and revise its sewer rates by \$215,865.00 or 33.12%, and water rates by \$186,160.00 or 71.79%.

The Petitioners provide water service to approximately 301 customers and approximately 300 sewer customers in the Township of Mount Olive, Morris County, New Jersey.

The Board transmitted the matters to the Office of Administrative Law on July 10, 2019, as a contested case and Administrative Law Judge (ALJ) Jacob Gertsman was assigned to hear the matter.

A public hearing was held on October 2, 2019 at the Mount Olive Municipal Building in Budd Lake. ALJ Gail M. Cookson presided at the public hearing. Approximately 27 members of the public appeared at the hearing to provide comments.

The Petitioners, the New Jersey Division of Rate Counsel, and Board staff (the Parties) held a number of settlement conferences and reached an agreement that has been memorialized in the stipulation of settlement (Stipulation).

For the water Company, the Parties agreed to a rate increase of \$143,000.00 or 55.15%. The average residential water customer, using 13,500 gallons of water per quarter, (54,000 gallons per year), will see an increase from the current rate of \$47.60 per quarter to \$73.57 per quarter or 54.57%.

For the sewer company, the Parties agreed to a rate increase of \$126,000.00 or 19.33%. The average bill for a sewer customer being charged for one dwelling unit will go from \$145.89 to \$173.93 per quarter, an increase of \$28.04 per quarter or 19.2%.

On November 26, 2019, ALJ Gertsman issued an Initial Decision approving the Stipulation of the Parties.

Staff recommended that the Board adopt the Initial Decision of ALJ Gertsman.

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. WM19070825 – In the Matter of the Petition of New Jersey American Water Company, Inc. for Approval to Sell Real Property Located at 1025 Laurel Oak Road in the Township of Voorhees, County of Camden.

BACKGROUND AND DISCUSSION: On July 16, 2019, New Jersey American Water Company (NJAW or Company) filed a petition with the Board for approval to sell one parcel of land, totaling approximately 10 acres, and an approximately 73,8968 square foot office building of NJAWC, situate in the Township of Voorhees, County of Camden (Property). The Property being sold is known and designated as 1025 Laurel Oak Road, Lot 28, Block 161, as shown on the Tax Map of the County of Camden, New Jersey. The sale price is \$4,000,000.00.

On August 27, 2019, the Company filed an Amended Petition requesting a waiver of the advertising requirements pursuant to N.J.A.C. 14:1-5-6(i).

NJAWC provides water service to approximately 631,000 water customers and approximately 41,000 sewer customers located in portions of Atlantic, Bergen, Burlington, Camden, Cape May, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Union and Warren counties.

The Property was acquired by NJAW on April 1, 2010, and has been used as the Company's corporate headquarters since that time. On June 14, 2019, the Company relocated to One Water Street, Camden, New Jersey.

The Property is not located in the watershed and is not subject to the jurisdiction of the Watershed Property Review Board.

NJAW, the New Jersey Division of Rate Counsel and Board Staff (the Parties) entered into a stipulation of settlement (Stipulation) agreeing to the sale of the Property. The Parties also agreed that the Board approve NJAW's request to waive the advertising requirements set forth in N.J.A.C. 14:1-5-6(i).

Staff recommended that the Board adopt the Stipulation of the Parties.

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

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO19091240 – In the Matter of the Petition of SunPower Corporation for Declaratory Relief Pursuant to N.J.S.A. 52:14B-1 et seq. and/or a Waiver Pursuant to N.J.A.C. 14:1-1.2(b).

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

BACKGROUND AND DISCUSSION: On September 17, 2019, SunPower Corporation (Petitioner), a solar developer, filed a petition with the Board seeking a declaratory ruling that the energy generated from the solar facility it proposes to build (Solar Facility) will be considered “generated on the customer’s side of the meter”. The proposed 21 MWdc (Solar Facility) consisting of four distributed solar facilities is characterized by the petitioner as a single facility with four subparts.

Each distributed Solar Facility is located adjacent to one single property on which the end use of electricity occurs, the Port Authority Transit Corporation rapid transit line. The Petitioner sought this ruling so that energy generated by the Solar Facility will be eligible to serve as the basis for the creation of Solar Renewable Energy Certificates and so that the energy may be net metered.

Staff recommended the Board find that each of the four proposed generation facilities constitute an “on-site generation facility” within the meaning of the statute and waive the Board’s net metering rule which makes the meaning of “contiguous” more precise, as it specifies that generation and end use each occur within the legal boundaries of a property, as set forth within the official tax map.

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. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c.17.

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

BACKGROUND AND DISCUSSION: Pursuant to the Clean Energy Act of 2018, the Board is currently undertaking the 2019/2020 Solar Transition to close the Legacy Solar Renewable Energy Certificates (SRECs) Program to new registrations upon the attainment of the 5.1% Milestone. The Clean Energy Act further directs the Board to conduct a study to evaluate how to modify or replace the SREC Program so as to encourage the continued efficient and orderly development of solar renewable energy generating sources throughout the State.

On November 5, 2019, the Board engaged Cadmus Group, LLC to providing consulting services for the aforementioned study (collectively with their subcontractor referred to as the Consulting Team).

Staff conducted extensive stakeholder engagement on this issue. On December 26, 2018, Staff issued a Staff Straw Proposal (December 2018 Straw) that described Staff's proposed process and seven "Transition Principles." In response to stakeholder feedback received in response to the December 2018 Straw and at stakeholder meetings conducted in January and February 2019, Staff proposed developing a separate Transition Incentive, which would serve as a bridge between the Legacy SREC Program and the to-be-determined Successor Program.

On April 8, 2019, Staff issued a Stakeholder Notice inviting stakeholders to participate in two Workshops led by the Consulting Team on May 2, 2019 and June 14, 2019. Subsequently, Staff issued a Staff Straw Proposal on August 22, 2019, with revisions and additional opportunities to comment published on October 3 and November 14, 2019. Stakeholder meetings to discuss the Staff Straw Proposal were held on August 28, September 4, September 6, and October 18, 2019.

As one step in the ongoing Solar Transition, Staff recommended that the Board adopt a Transition Incentive, to serve as a bridge between the existing (Legacy) SREC Program and a to-be-determined Successor Program. More specifically, Staff recommended that the Board adopt a fixed-price, 15-year Transition Renewable Energy Certificate, available to projects which will be in the SREC pipeline but have not reached commercial operation at the time the Board determines that 5.1% of kilowatt hours sold in the State is generated from solar electric generation facilities.

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. QO19091282 – In the Matter of Clean Energy Program Release of the Request for Quotation (RFQ) EV Program Administrator – Executive Session.

Kevin Dillon, Clean Energy Specialist, Office of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in executive session and it involved awarding a contract to a firm to serve as program administrator to develop and manage a program that will support the EV market in New Jersey in order to realize the benefits associated with the electrification of transportation in the State. Staff recommended that the Board award a contract as discussed in executive session.

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

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

9. MISCELLANEOUS

A. Docket No. EG18020148 – In the Matter of Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) – Payment Assistance for Gas and Electric Program – Executive Session.

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

BACKGROUND AND DISCUSSION: President Fiordaliso recused himself from this matter. This matter was first discussed in executive session and Staff requested that the Board vote for action consistent with the discussion in executive session.

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

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

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

C. Docket No. QO19091282 – In the Matter of Clean Energy Program Release of the Request for Quotation (RFQ) EV Program Administrator.

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

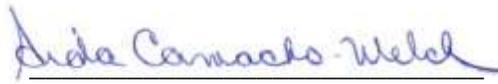
9. MISCELLANEOUS

A. Docket No. EG18020148 – In the Matter of Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) – Payment Assistance for Gas and Electric Program.

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: January 8, 2020