



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 20, 2019, at the State House Annex, Committee Room 4, 125 West State Street, Trenton, New Jersey 08625.

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

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

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

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

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

It was announced that the next regular Board Meeting would be held on January 8, 2020 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Energy Agent and/or Private Aggregator Initial Registrations

EE19101336L	MJI Management Group Corp. d/b/a GreenLine Energy	I – EA
EE19101364L GE19111489L	Energy Solutions USA, Inc.	I – EA/EC
EE19091072L GE19091073L	Energy Enablement, LLC	I – EA/PA

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

EE19091299L	Electricity Ratings, LLC	R – EA
EE19091297L	Energy Brokerage Services, LLC	R – EA
EE19101398L GE19101399L	Alternative Utility Services, Inc.	R – EA/PA/EC

Electric Power Supplier Renewal License

EE18020188L	CleanChoice Energy, Inc. d/b/a CleanChoice Energy; d/b/a Ethical Electric; d/b/a Clean Energy Option	R – ESL
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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:

- MJI Management Group Corp. d/b/a GreenLine Energy
- Energy Solutions USA, Inc.
- Energy Enablement, 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:

- Electricity Ratings, LLC
- Energy Brokerage Services, LLC
- Alternative Utility Services, Inc.

Finally, Staff recommended that the following applicant be issued a renewal license as an electric power supplier:

- CleanChoice Energy, Inc. d/b/a CleanChoice Energy; d/b/a Ethical Electric; d/b/a Clean Energy Option

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. EL20-10-000 – Anbaric Development Partners LLC v. PJM Interconnection, LLC.

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 or Commission) Rules of Practice and Procedure on November 26, 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. If a substantive filing is necessary to advance Board policy, Staff will bring the matter to the Board’s regular agenda. Staff recommended the Board ratify the doc-less intervention at this time.

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. TF19091212 – In the Matter of the Verified Petition of PEG Bandwidth NJ, LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On September 11, 2019, PEG Bandwidth NJ, LLC (Petitioner or PEG NJ) submitted a Petition to the Board requesting approval for PEG NJ to participate in certain financing arrangements up to an aggregate amount of \$325 million. PEG NJ is a wholly owned, direct subsidiary of Uniti Fiber Holdings Inc. (Fiber Holdings).

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. The Petitioner and the other subsidiaries of Fiber Holdings are expected to be guarantors for the financing arrangements.

While Fiber Holdings is expected to be the borrower under the Intercompany Financing, in order to maintain flexibility, authorization is sought for the Petitioner to be a borrower or co-borrower under the Financing Arrangements. The Financing Arrangement may be used for acquisitions, refinancing of then current outstanding debt, working capital requirements (including the development and expansion of distributed network systems), and general corporate purposes of Fiber Holdings and its subsidiaries. In order to maintain adequate flexibility, the Petitioner sought 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 \$325 million consistent with the parameters outlined in its 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

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes for the November 13, 2019 Agenda Meeting.

BACKGROUND: Staff presented the regular agenda meeting minutes of November 13, 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 No. AX19091003 – In the Matter of the Board's Review of the Energy Competition Licensing and Registration Rules at N.J.A.C. 14:4-5 et seq.

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

BACKGROUND AND DISCUSSION: On May 10, 2019, Governor Phil Murphy signed bills S. 604 and S. 605 (2018) [P.L. 2019, c. 100-101] (the Act) 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. The effective date of the Act was July 9, 2019. This matter involved the Board considering proposed amendments and adding new rules to N.J.A.C. 14:4 et seq., concerning energy competition and specifically to subchapter 5, N.J.A.C. 14:4-5 et seq., Energy Licensing and Registration.

The purpose of the rule amendments is to reflect the new law. The Board's amendments reflect that a license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by a timely and complete annual information update on a form prescribed by the Board. The licensees must submit within 30 days prior the anniversary date of the last approved licensing application, the renewal fee and annual information update form. The Board's amendments also apply to registrants for consistency. The amendments also reflect other updates to reflect current Board policies.

The proposed amendments and new rules will have a beneficial social impact by continuing to ensure that New Jersey energy customers will receive the benefits of a competitive marketplace. The proposed amendments to remove the annual expiration for licenses will provide more continuity of the licenses and registrations from year to year for third party suppliers and registrants as long as the licensee and registrant timely files a complete annual update form and appropriate fees to maintain their licenses and registrations. The amended rules will allow for a more efficient processing of filed annual update forms.

The proposed amendments and new rules will continue to ensure that customers have access to up to date website pages for accurate pricing information so they can make informed choices regarding the purchase of electric generation service or gas supply service from a supplier as well as, updated third party supplier customer contact information.

Staff recommended that the Board authorize publication of this regulation in the New Jersey Register for public comment.

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. EO19070834 – In the Matter of the Relocation and Consolidation of Atlantic City Electric Company’s Transmission System Operations Control Function.

BACKGROUND AND DISCUSSION: On July 22, 2019, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking approval of a plan to relocate its transmission system control function from Mays Landing, New Jersey to a new transmission system operations facility (TSO North) located in Kennett Square, Pennsylvania. (July 2019 Petition). The July 2019 Petition also sought authority to consolidate ACE’s transmission control function with that of Delmarva Power & Light Company (Delmarva) and Philadelphia Electric Company (PECO) at the TSO North facility. In the alternative, the Company requested that the Board issue an Order disclaiming jurisdiction over the transmission system control function consolidation initiative.

ACE also sought authority to purchase the TSO North facility (including a building and adjacent parcels of land), and to own and operate it jointly with Delmarva and PECO, as well as the authority to lease the facility on an interim basis to certain Exelon Corporate affiliates.

Comments were received from the New Jersey Division of Rate Counsel and reply comments were received from ACE.

Staff recommended that the Board approve the relocation and consolidation of ACE’s Transmission System Operations from May’s Landing NJ to Kennett Square, Pennsylvania, subject to certain conditions. Staff also recommended the Board approve the proposed lease agreement, subject to certain conditions.

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. ER19101429 – 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 2020 Associated with its Solar Renewable Energy Certificate (SREC II) Program.

BACKGROUND AND DISCUSSION: On October 31, 2019, Atlantic City Electric Company (ACE or Company) filed a petition (October 2019 SREC II Petition) with the Board seeking authority to maintain 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) for calendar year 2020.

The Company's SREC II Program was approved by Board Order (December 2013 Order) dated December 18, 2013 in BPU Docket No. EO12090799. 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 \$118.45 per SREC, which may cause participants to withdraw from the SREC II Program. Accordingly, in the October 2019 SREC II Petition, ACE proposed a modification to the cost recovery mechanism. ACE requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods and maintain the fee at \$17.07 and proposed to maintain the Rider RGGI rate for the recovery of SREC II Program costs at \$0.000000 per kWh.

Staff recommended that the Board issue an Order in this matter continuing the Administrative Fee for the SREC II Program at the Board's previously approved rate of \$17.07 per SREC for the 2020 calendar year.

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. ER19070806 – 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 Rider RRC – RGGI Recovery Charge of its Filed Tariff (2018 Rider RRC Filing), and Seeking Review and Approval of the Administrative Fee for the SREC II Program Effective as of January 1, 2020.

BACKGROUND AND DISCUSSION: On July 10, 2019, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of the deferred balances accumulated with respect to amounts the Company incurred under Board-approved demand response and renewable energy programs, to the extent accumulated from January 1, 2018 through December 31, 2018. In addition, the Company requested approval to decrease JCP&L's overall Rider RRC rate from \$0.000221 per kilowatt-hour (kWh) [excluding Sales and Use Tax (SUT)] to \$0.000000 per kWh (excluding SUT). JCP&L's proposed decrease in the RRC would result in a decrease of approximately \$4.5 million per year in Rider RRC revenues. Additionally, JCP&L also requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods and maintain the SREC II administrative fee at \$17.00 per purchased SREC for calendar year 2020.

On November 22, 2019, JCP&L, Board Staff and the New Jersey Division of Rate Counsel (the Parties) executed a stipulation of settlement (Stipulation) requesting that the Board authorize the reduction of the Rider RRC rate to \$0.000000 per kWh, for service effective

January 1, 2020. Additionally, the Stipulation would allow JCP&L to maintain the SREC II administrative fee at \$17.00 per purchased SREC for calendar year 2020.

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 tariff 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 No. ER19060741 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Solar Pilot Recovery Charge (SPRC) for its Solar Loan I Program.

BACKGROUND AND DISCUSSION: On June 24, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval of a decrease in its electric tariff SPRC rate. The Company requested a decrease in the SPRC revenues of approximately \$1.3 million for the period October 1, 2019 through September 30, 2020. The rates proposed for the SPRC were designed to recover approximately \$5.9 million in revenue on an annual basis.

Subsequently, PSE&G updated the revenue requirement to include actual data through September 30, 2019. Based on this update, the total revenue to be recovered from ratepayers was approximately \$5.87 million.

On November 20, 2019, PSE&G, Board Staff, and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) requesting that the Board approve the proposed decrease to the SPRC to \$0.000149 per kWh, including Sales and Use Tax (SUT).

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties. Staff further recommended that the Board order PSE&G to file 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

E. Docket No. EM19091002 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Sale and Conveyance of Real Property Located at 248 Stickles Pond Road, with a Municipal Tax Map Designation of Block 151, Lots 21 and 21Q0028 in the Township of Andover, County of Sussex and State of New Jersey to Series 2, P.S., a Separate Series of BBIS Investment 767, LLC, a Delaware Limited Liability Company for the Sum of \$2,000,000.00.

BACKGROUND AND DISCUSSION: On September 4, 2019, Public Service Electric and Gas Company (PSE&G) filed a petition with the Board seeking approval of a Contract for Sale and Conveyance of Real Estate (Contract) in the sale of certain property in the Township of Andover, New Jersey (Property) to Series 2, P.S., A Separate Series of BBIS Investment 767, LLC (Purchaser) for \$2,000,000.00. The Property consists of 100.8905 acres of land and three residential dwellings, two bearing street addresses of 248 Stickles Pond Road and one of 210 Stickles Pond Road, as well as an airplane hangar, garages, and sheds.

PSE&G represented that the Property is no longer used or useful to PSE&G as the Project has been completed and is fully in service. PSE&G also asserted that selling the Property will not compromise its ability to provide safe, adequate, and reliable utility service. At the time of closing, PSE&G intends to record a deed restriction on the Property that will run with the land, perpetually prohibiting its use as a public or private airport or for any other aeronautical use.

PSE&G advertised the Property for sale in May 2019 with no bids received other than the bid of the Purchaser. In June 2019, the Property was appraised at a fair market value of \$993,000.00. On July 30, 2019, PSE&G signed the Contract with the Purchaser.

On October 23, 2019, the New Jersey Division of the Rate Counsel (Rate Counsel) filed comments with the Board indicating that it did not object to the sale of the Property from PSE&G to the Purchaser. However, Rate Counsel recommended that the accounting for the proceeds of the sale, the loss in value between the purchase and the sale of the Property and the decommissioning costs and carrying costs for the Property, be reviewed in PSE&G's next base rate filing or other appropriate proceeding directed by the Board. The Rate Counsel also requested that approval of the Petition include certain conditions, which are incorporated into the Board Order.

Staff recommended Board approval of the transaction, subject to the conditions set forth in the Board Order.

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

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

F. Docket No. ER19040523 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Change in its Electric Non-Utility Generation Charge Rate.

BACKGROUND AND DISCUSSION: On April 26, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval to increase its electric Non-Utility Generation Charge (NGC). The Company's NGC rates are intended to recover the difference between the contract-set prices at which the Company purchases generation from Non-Utility Generators, and the market (day-ahead or real-time) price that the energy is sold through the PJM Interchange. The rates proposed in the NGC Petition were designed to increase revenues by \$8.93 million on an annual basis.

By Order dated July 10, 2019, the Board approved a stipulation to implement an electric NGC rate of \$0.000000 per kWh without losses and New Jersey Sales and Use Tax (SUT) on a provisional basis, subject to refund, with interest, to provide the Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Parties) additional time to complete the review of the proposed rates and underlying costs (July 2019 Order). As a result of the July 2019 Order, PSE&G implemented the proposed electric NGC rate of \$0.000000 per kWh without losses or SUT, which was expected to increase revenues by \$3.748 million. Effective July 15, 2019, the annual bill for a typical residential customer using 6,920 kWh per year and 740 kWh per summer month increased by \$0.60 or approximately 0.05%.

On October 16, 2019, the Company filed a response to discovery request INF-0001 that updated actual results through August 31, 2019. The actual results supported a lower NGC rate and revenue requirement. Based upon the discovery response, the Company updated the proposed NGC rate to \$0.000118 per kWh (without losses or SUT) with a target revenue increase of \$8.890 million. Accordingly, the proposed NGC rate would produce an additional \$5.142 million in annual revenue.

On December 3, 2019, the Parties executed a stipulation of settlement (Stipulation) requesting that PSE&G be authorized to implement an NGC rate of \$0.000117, without losses or SUT.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. In addition, Staff recommended that the Board direct PSE&G to file tariffs consistent with the Board's Order prior to 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

G. Docket No. ER19020156 – In the Matter of the Verified Petition of Rockland 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: On February 5, 2019, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking authority to establish its Administrative Fee and Regional Greenhouse Gas Initiative Surcharge (RGGI Surcharge) associated with the Company's Solar Renewable Energy Certificate (SREC) Program (SREC II Program) for calendar year 2019.

The Company's SREC II Program was approved by Board Order dated December 18, 2013. In the December 2013 Order, the Administrative Fee for SREC II Program participants was set at \$30.00 per SREC. According to RECO, using the cost recovery provisions from the December 2013 Order, the Company would have to increase the Administrative Fee from \$30.00 to \$57.28 per SREC. RECO proposed a modification to the cost recovery mechanism for the SREC II Program. RECO stated that it had yet to recover any Application Fees, Assignment and Administrative Fees and has not gathered enough information to inform changing the fee. RECO requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods and maintain the fee at \$30.00 and proposed to establish the RGGI Surcharge rate for the recovery of SREC II Program Direct Costs at \$0.000000 per kWh.

Following a review of the Petition and discovery responses, the Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, Parties) executed a stipulation of settlement (Stipulation) recommending that the Board maintain the SREC II Administrative Fee of \$30.00 per SREC for the remainder of calendar year 2019, maintain the \$30.00 Administrative Fee per SREC for calendar year 2020 and set the RGGI Surcharge charge applicable to the SREC II Program's direct charges at \$0.000000 per kWh.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff further recommended that the Board order RECO to file tariffs consistent with the Board's Order by December 31, 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

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

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

BACKGROUND AND DISCUSSION: On October 7, 2019, Navigant Consulting, Inc. (Navigant) was retained by the Board to conduct: 1) A Cost Benefit Analysis (CBA) of the Advanced Metering Infrastructure (AMI) program of Rockland Electric Company (RECO) in the above docketed matter (Capstone Report); and 2) A nationwide AMI gold standards analysis. On November 6, 2019, Navigant filed the Capstone Report entitled “Independent Review of RECO’s AMI Business Case and Recommendations for the Board. At the November 13, 2019 Board Agenda Meeting, the Board voted in favor of accepting the Capstone Report, posting it on the Board’s website, and entering it into the record in the above docketed matter.

On November 27, 2019, Navigant filed its second report entitled “AMI Gold Standards Report: An Assessment of the Smart Metering Landscape” (AMI Gold Standards Report).

Staff recommended that Navigant’s AMI Gold Standard Report be accepted for filing purposes and be made available to the public via the Board’s website.

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. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. RM19-15-000 – Notice of Proposed Rulemaking on Qualifying Facility Rates and Requirements under the Public Utilities Regulatory Policy Act of 1978; and

Docket No. ER19010009 – In the Matter of Federal Energy Items for 2019 – FERC Docket No. AD16-16-000 – Implementation Issues Under the Public Utility Regulatory Policies Act of 1978.

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

BACKGROUND AND DISCUSSION: On December 3, 2019, Staff, on behalf of the Board, joined with multi-state attorney generals’ offices and Rhode Island Department of Public Utilities (the State Entities), filed Comments in this proceeding before the Federal Energy Regulatory Commission (Commission). On September 19, 2019, the Commission issued a Notice of Proposed Rulemaking (NOPR) on its regulations under the Public Utility Regulatory Policies Act of 1978 (PURPA). Significantly, this is the first time since PURPA

was passed nearly four decades ago that it had been substantively modified. The NOPR proposes changes to four main aspects of PURPA, including those related to calculating rates. The Comments of the State Entities were filed on December 3, 2019. Staff also worked with the National Association of Regulatory Utility Commissioners to draft their Comments to the NOPR. Staff recommended the Board ratify the State Entities Comments 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

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

Michael R. Beck, Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: By Order dated February 27, 2019, the Board directed Staff to initiate a stakeholder process to discuss whether there is sufficient gas capacity in New Jersey to meet the needs of its residents. Additionally, the Board noted their interest in the effectiveness of energy competition and the extent third party suppliers are an economical option for residential customers. Upon conclusion of the stakeholder meeting, comments were received from Levitan and Associates (Levitan), a consultant in this field. These comments and the report prepared by Levitan for New Jersey Natural Gas (NJNG) are the subject of the motion filed by New Jersey Rate Counsel (Rate Counsel).

On October 1, 2019, a Stakeholder Meeting was held relative to the gas capacity issue. On October 30, 2019, the Rate Counsel filed a motion seeking to 1) strike the comments of Levitan and the report Levitan prepared for NJNG, and 2) asked Board to obtain a determination from the New Jersey State Ethics Commission (State Ethics Commission) as to whether Levitan may continue to serve as a consultant to BPU under its existing contracts (Offshore Wind and ZEC).

The Rate Counsel alleged that the comments submitted by Levitan is Levitan's attempt to influence the Board to adopt NJNG's positions on the matter. Levitan denied the allegations arguing that the report was based strictly on inputs from the public domain and not confidential information gathered from any other proceedings and the study did not advocate for any specific solutions. NJNG submitted its own reply to the Rate Counsel's motion to strike further arguing that the State Ethics Commission does not have jurisdiction over this matter to render an opinion.

Staff recommended that the Board deny Rate Counsel's Motion to Strike in its entirety and permit the comments and report of Levitan to stand.

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. – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in executive session. On November 26, 2019, Altice USA (Altice, Company) filed a motion to stay the Board's November 13, 2019, cease and desist order requiring Altice to audit its records and issue refunds within 60 days to all customers affected by their failure to prorate final customer bills. Staff reviewed the motion and found Altice's motion failed to meet the legal criterion for the grant of a stay and recommended the Board deny the stay.

By way of background, this matter involved Altice's decision to discontinue proration of final customer bills in October of 2016.

Altice claimed it received that authority to change its prorating policy under a 2011 Board order, which approved the request of Altice's predecessor, Cablevision, for relief of certain Board rules.

On December 18, 2018, the Board issued an order to show cause against Altice requiring they provide proofs as to why its failure to prorate bills should not immediately be discontinued; why the Board should not find Altice's actions violate both the Board's 2011 rule relief order and the Board's 2016 order approving the acquisition of Cablevision by Altice, referred to as the merger order; and why the Board should not issue a penalty for Altice's failure to prorate customers' bills.

On November 13, 2019, the Board issued a cease and desist order against Altice finding the Company did violate both the rule relief order, the merger order, and required Altice to issue refunds to customers so affected.

On November 26, 2019, Altice filed a motion with the Board seeking to stay the Board's cease and desist order, and to audits its records and provide refunds to customers. Altice also requested a waiver of the bond requirement under the court's rules.

Staff noted that on the same day, Altice simultaneously filed a notice of appeal in the New Jersey Superior Court Appellate Division, seeking an appeal of the Board's cease and desist order. Additionally, on December 13, 2019, Altice filed a complaint for permanent

injunctive relief and declaratory relief in the U.S. District Court for the District of New Jersey, seeking relief from the Board's cease and desist order as well.

In both the State and Federal filings, Altice provided the same arguments from its answer to the order to show cause issued by the Board alleging that the company received relief from its 2011 rule relief order. Staff recommended that any parties seeking injunctive relief, such as a stay of a Board order, bears the burden of establishing four factors under existing case law established in the *Crowe v. DeGioia* decision.

Altice is required to show: 1) They will suffer immediate and irreparable harm if the emergency relief is not granted; 2) The legal right underlying their claims is well settled; 3) There is reasonable probability that they will succeed on the merits; and 4) The balance of the equities in granting or denying relief weighs in their favor. Altice contends in its brief that they meet all required factors. They claimed that they would suffer irreparable harm if the Board did not stay the order. They indicated that complying with the order would require a special carve-out of the standard policy where New Jersey's billing systems would have to be modified; separate quality controls implemented; contracted and in-house customer service reps retrained; terms of services modified; and notice to customers provided, all of which they indicate a committed expense of \$5 million.

Altice contended it also had no way of contacting and refunding former customers, subject to the Board's order, a majority of which they claim have moved. These costs, Altice argued are not recoverable upon a favorable determination by the court and that Altice believes they constitute irreparable harm.

Alice claimed they meet the second prong of the test, the legal right underlying their claim being well-settled, based on its proposition that the predecessor, Cablevision, received a blanket waiver of the Board's rules requiring proration. Altice was also confident there was a reasonable probability of success in its challenge as required under prong three, stating that the Board in its rule relief order exempted them from proration requirements and that proration also constitutes rule regulation which is preempted by federal law.

Under the fourth prong, which requires that a public interest favor a stay, Altice claimed that the remedy was only postponed and, therefore, no additional harm results in the case of a stay. They also argued that prorations will create confusion and ill will among its customers since they will have to change the policy, were they successful in their appeal.

On December 9, 2019, the New Jersey Division of Rate Counsel (Rate Counsel) filed a brief in opposition to Altice's motion, stating that Altice failed to meet the criteria. The Rate Counsel argued that mere recitation of Altice's underlying theories is insufficient to meet the burden of proof for injunctive relief. They also refuted the claim that Altice's proration policy will engender ill will from its customers. To the contrary, the Rate Counsel stated Altice's reinstatement of the bill proration, as required by Board regulations, will promote increased customer satisfaction and resolve the many complaints received when the company discontinued this practice.

The alleged financial harm, which is described in Altice's motion, the Rate Counsel refuted as being self-inflicted. The facts and the applicable law do not support the relief requested and continued non-compliance of the proration policy is not in the public interests.

On December 16, 2019, Altice responded to the Rate Counsel's comments basically restating their previous claims. In reviewing the request for injunctive relief, the Board may only grant the remedy for good cause shown, if they have met the burden of clearly and convincingly demonstrating that they have satisfied four criteria. Regarding the first prong, irreparable harm, while Altice points to the costs it claims it will incur, New Jersey case law clearly states that mere monetary loss does not alone constitute irreparable harm. Altice's arguments focus on concerns over the substantial cost and burdens of changing their billing process.

However, Altice's arguments were not persuasive, as none of these arguments relieve Altice's obligations to continue to operate under current New Jersey rules and regulations. Case law advises that a stay is not a matter of right, even if irreparable may otherwise result. It requires an exercise of sound judicial discretion; the propriety of its issue is dependent upon the entire circumstances of a particular case and consideration of justice, equity and morality.

In this instance, Altice unilaterally opted to change its billing structure to conform to its practices in other states. Altice implemented this shift without notice or approval of the Board. Prior to 2016, Altice continued to prorate bills consistent with New Jersey law, from 2011 through 2016, and thereby establishing the ability to do so.

Additionally, Altice stated in its petition that it still has the ability to issue prorated refunds in what they referred to as, quote, limited or extraordinary circumstances, which they do not define. So it's clear that Altice still has the ability to prorate refunds.

The consumer protections provided for in the rules governing cable operators do not constitute rate regulation. And Altice's challenges of these rules, under the guise of rate regulation, is unavailable. Continued enforcement of the proration requirement, Altice alleged, will also put them at a marketplace disadvantage. This contention is also disingenuous as Altice, unlike its competitor Verizon, stands alone in its failure to prorate customers in New Jersey. To the contrary, permitting the company to continue this practice will place them at a competitive advantage over other providers within the State.

Staff disagreed. Notwithstanding the sample bill submitted by Altice during the Board's review of the waiver petition, which reflected proration, a representation this Board relied upon in issuing the waiver order. The rule also contains additional provisions that companies must continue to abide by.

Having reviewed the record and carefully considering the positions set forth by the parties, staff found that Altice has failed to meet its burden of proof that injunctive relief is necessary in this instance and, therefore, Staff recommended that the Board deny Altice's motion for a stay of the Board's cease and desist order. With respect to the request for a waiver of the bond requirement, because Altice has demonstrated it possesses sufficient financial means to sustain an unfavorable outcome on appeal, Staff recommended approval of the plea for relief from the filing of a bond.

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

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

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

A. Docket Nos. BPU WR19080925 and OAL PUC 11846-2019 – In the Matter of the Petition of Aqua New Jersey, Inc., Maxim Wastewater Division, for Approval of a 2018 Purchased Wastewater Treatment Adjustment Clause True-Up and Other Required Approvals.

BACKGROUND AND DISCUSSION: On August 15, 2019, Aqua New Jersey's Maxim Wastewater Division (Maxim) filed a petition with the Board for approval of a Purchased Sewerage Treatment Adjustment Clause (PSTAC) true-up for calendar year 2019 and to set rates prospectively for calendar year 2020.

Maxim services approximately 2,585 wastewater customers in a portion of Howell Township in Monmouth County, New Jersey.

Maxim is engaged in the collection and transmission of sewage. The Ocean County Utilities Authority receives and treats all of the sewage transmitted by Maxim.

On August 20, 2019, the matter was transmitted to the Office of Administrative Law and was later assigned to the Administrative Law Judge (ALJ) Jacob Gertsman for review and disposition.

On November 6, 2019, a public hearing was held at the Howell Township Municipal Building, at 5:30 p.m., over which ALJ Gertsman presided. No members of the public appeared.

After serving discovery upon Maxim, which was fully responded to, the Parties, consisting of Maxim, the New Jersey Division of Rate Counsel and Board Staff, engaged in a settlement discussion on November 7, 2019, and as a result, reached a stipulation of settlement (Stipulation) on all issues in the case.

The Stipulation called for the rates under the current PSTAC to increase to recover an additional \$161,828.00 in PSTAC revenues. For the average residential customer, the total annual flat PSTAC rate will increase from \$321.24 to \$381.92 or approximately 18.89%.

On November 19, 2019, ALJ Gertsman issued an Initial Decision recommending that the Board adopt the Stipulation of the Parties.

Staff recommended that the Board adopt the Initial Decision of ALJ Gertsman and 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 WR19080920 and OAL PUC 11578-2019 – In the Matter of the Petition of Aqua New Jersey, Inc. Wallkill Sewer Division, for Approval of a 2018 Purchased Wastewater Treatment Adjustment Clause True-Up and Other Required Approvals.

BACKGROUND AND DISCUSSION: On August 15, 2019, AQUA New Jersey Wallkill Sewer Division (Petitioner) filed a petition with the Board requesting to change the level of its Purchased Wastewater Treatment Adjustment Clause (PSTAC), costs and revenues for the calendar year 2018 and to set prospective rates for calendar year 2020.

The Petitioner is engaged in the collection and transmission of sewage to approximately 409 customers within a portion of its service territory in the Township of Hardyston, County of Sussex. The Petitioner's sewerage is transmitted to the Sussex County Municipal Utilities Authority (SCUMA) for treatment.

The matter was transmitted to the Office of Administrative Law on August 19, 2019, as a contested case and Administrative Law Judge (ALJ) Ernest Bongiovanni was assigned to hear the matter.

On October 20, 2019, ALJ Bongiovanni presided over a public hearing in Franklin, NJ. No members of the public appeared at the hearing to provide comments.

The Petitioner, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) held a number of settlement conferences and reached an agreement that has been memorialized in a stipulation of settlement (Stipulation). There were no interveners in this matter.

The Stipulation agrees to an \$8,782.00 in the Petitioners' PSTAC revenues. For the average residential customer, the PSTAC rate will increase from \$5.08 per thousand gallons to \$5.42 per thousand gallons, an increase of \$0.34 or approximately 6.73%.

On November 25, 2019, ALJ Bongiovanni issued an Initial Decision recommending that the Board adopt the Stipulation.

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

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

James P. Giuliano, Director, Division of Reliability and Security, presented this matter.

A. Docket No. GS19050643 – In the Matter of Allegations of Violations of Pipeline Safety Regulations by South Jersey Gas Company with Respect to a Gas Pipeline Safety Inspection in West Deptford, New Jersey on October 20, 2017.

BACKGROUND AND DISCUSSION: On October 20, 2017, Board Staff (Staff) conducted a construction inspection of plastic service installations performed by Crown Pipeline Construction (Crown), a contractor for South Jersey Gas Company (SJG), at 52 and 55 Holly Drive in West Deptford, New Jersey. During the field inspection, Staff observed a Crown employee performing an electrofusion plastic pipe joint without the proper credentials. Based on the inspection, it was determined that Crown employees were performing plastic pipe joints on SJG's system without the proper pipe joining qualifications as required by Title 49 Part 192 of the Code of Federal Regulations.

Following the October 20, 2017 inspection, Staff notified SJG of its findings and requested information concerning any other locations where the unqualified Crown employee may have performed plastic pipe joints for SJG, and any locations where plastic pipe joints were performed by unqualified individuals. On October 30, 2017, Staff received a response from SJG which revealed that the unqualified Crown employee had performed 17 electrofusion plastic pipe joints during calendar year 2017. SJG further revealed that an additional 40 plastic pipe joints were performed by 7 unqualified Crown employees between September 11, 2017 and October 19, 2017. On November 29, 2017, Staff conducted an inspection of SJG records at the company's Glassboro office, and as a result of the records inspection the list of plastic pipe joints performed by unqualified individuals was updated to 67. Staff later confirmed that a previously reviewed record of a plastic pipe joint was also performed by an unqualified individual, bringing the total number to 68.

Following Staff's investigation, SJG removed Crown from SJG construction work, tested the unqualified electrofusion tapped tees and fittings discovered during the investigation, and held meetings with employees and contractor personnel to address operator qualification and electrofusion issues.

On February 5, 2019, Staff sent a Notice of Probable Violation (NPV) letter to SJG citing violations of minimum federal pipeline safety regulations C.F.R. §192.13(c), §192.285 and §192.805(b) – Operator Qualification and Plastic Pipe Joining. In the NPV, Staff offered

SJG a compromise and settlement in lieu of civil administrative penalties for the alleged violations.

In response to the Notice of Probable Violation, SJG engaged Staff in settlement discussions, and on April 3, 2019 Staff sent a revised NPV with an offer of settlement, which provided for a one-time payment to the Treasurer of the State of New Jersey in the amount of One Hundred and Five Thousand Dollars (\$105,000.00). In addition to the payment, SJG would agree to implement the following remedy to the SJG MAXIMO computer program: 1) By December 31, 2019, provide the capability to allow gas facility records to be searched by pipe joiner and crew foreman; and 2) Upon implementation, coordinate with BPU Staff to review the upgraded capability.

By letter dated April 17, 2019, SJG sent an Answering Certification accepting the offer of settlement (Settlement) along with a payment in the amount of \$105,000.00 for the alleged violations.

Staff believed that the Settlement is consistent with its findings of probable violations concerning the actions of SJG, and that the corrective actions will enhance pipeline safety in SJG's service area. Staff recommended that the Settlement be approved by the Board.

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

7. CUSTOMER ASSISTANCE

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

A. Docket Nos. BPU EC18080950U and OAL PUC 15561-18 – In the Matter of One Stop Realty Shop, Petitioner v. Jersey Central Power and Light Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between One Stop Realty Shop (Petitioner) and Jersey Central Power, and Light Company (JCP&L or Company). On October 23, 2018, the petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Jeffrey R. Wilson filed an Initial Decision in this matter with the Board on November 12, 2019.

One Stop alleged that JCP&L incorrectly billed their account, and requested that the Board provide assistance in resolving this matter with the Company.

JCP&L, in its answer dated August 22, 2019, contended that One Stop was the beneficiary and end user of the unauthorized service at the time its lease commenced until service was disconnected. One Stop therefore is responsible to pay the charges for this unauthorized use pursuant to the terms of the Company's Tariff. One Stop has failed to meet its burden of proof to establish otherwise. The evidence presented by One Stop and the arguments that it has made show that it may have a valid dispute with its landlord. But they do not demonstrate that JCP&L acted improperly under its Tariff. The Company requested that the relief sought be denied and that the petition be dismissed with prejudice.

ALJ Wilson, in his Initial Decision, concluded the evidence presented at the hearing demonstrated that One Stop continued to utilize the unauthorized electric service between the time that the Certificate of Inspection and Certificate of Continued Occupancy were issued until the service was disconnected. Accordingly, ALJ Wilson further concluded that JCP&L's billing to One Stop for the unauthorized usage was appropriate. Therefore, ALJ Wilson ruled that the petition be dismissed and One Stop shall pay JCP&L \$734.96, the amount due as of the date of the hearing.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Wilson. 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 Nos. BPU EC19030414U and OAL PUC 07328-19 – In the Matter of Sarabjit Kaur, Petitioner v. Jersey Central Power and Light Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Sarabjit Kaur (Petitioner) and Jersey Central Power and Light Company (JCP&L or Company). On May 30, 2019, the petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Susan L. Olgiati filed an Initial Decision in this matter with the Board on November 4, 2019.

The Petitioner alleged that JCP&L incorrectly billed her account, and requested that the Board provide assistance in resolving this matter with the Company.

JCP&L, in its answer dated May 1, 2019, contended that services were supplied and 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.

ALJ Olgiati, in her Initial Decision, concluded that the Petitioner failed to provide any competent evidence demonstrating a genuine issue of material fact which precludes summary decision. ALJ Olgiati further concluded that any relief sought by the Petitioner is barred by respondent's tariff as the disputed billing falls well beyond the six-year period in which billing adjustment, if any, may be made. Therefore, ALJ Olgiati ruled that the petition be dismissed.

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

DECISION: 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

A. Docket No. QO19111466 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Vineland Veterans Memorial Home.

Benjamin Goldstein, Program Specialist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On the March 28, 2019, the State of New Jersey (State) on behalf of the Vinelands Memorial Home, submitted an application under the Fiscal Year 2019 Combined Heat and Power & Fuel Cell (CHP/FC) Program pursuant to the New Jersey Clean Energy Program Energy Efficiency and Renewable Energy Program Plan Filing for Fiscal Year 2019. The State requested Board approval of a financial incentive of \$1,162,700.00 for installation of a CHP system at the Vineland Veterans Memorial Home at 524 NW Blvd., Vineland, NJ. The project has a total cost of \$4,060,121.00.

The proposed system consists of a 557 kW gas engine prime mover that will generate electricity to power the facility. The thermal output from the system will be used to assist space heating and space cooling needs, including through a 125 ton capacity absorption chiller. The annual system efficiency is expected to reach 65.7%, exceeding the FY19 CHP Program's 60% minimum efficiency requirement. The system also incorporates blackstart and islanding capabilities, allowing the facility to operate in the event of a blackout or other event where it might become disconnected from the grid.

Annually, the project is anticipated to generate 4,419,226.3 kWh of electricity and utilize 13,855 MMBtu in waste heat. The proposed project is projected to save the facility \$590,869.00 in energy costs annually. Additionally, this application is being pursued via the Energy Savings Improvement Program (ESIP), which provides New Jersey government agencies with flexible financing to incorporate energy efficient upgrades.

ESIPs allow eligible entities to pay for energy efficiency measures using the future value of energy savings in lieu of paying up-front costs. The payback period without incentives and the tax credit is 6.87 years; when factoring in the incentives and tax credit granted through ESIP, the payback period is reduced to 4.9 years.

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 \$1,162,700.00 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

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

B. Docket No. QO17091011 – In the Matter of the Approval of Contract between Rutgers University, Department of Marine and Coastal Sciences and the New Jersey Board of Public Utilities, Office of Clean Energy – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved a proposed extension of the contract between the Board and the Rutgers University, Department of Marine and Coastal Sciences, for the period from January 1, 2020 through December 31, 2020, contingent on funding.

The work of the contract generally involves maintaining and running the Rutgers University Weather Research and Forecasting Modelling Program, which is used to analyze and predict the coastal weather patterns and extreme storm events and the coastal offshore wind resource for the State of New Jersey.

The Rutgers model is designed specifically for the unique meteorological and oceanographic conditions associated with the Mid-Atlantic regions. All data from the model is available to the public at no charge and is used by offshore wind developers and other offshore wind stakeholders. The Board has funded this work for the past several years.

This new contract extension will provide funding for staffing and expertise and resources necessary to continue to operate, maintain, and validate the model, to expand their research studies and stakeholder engagement, and to support the offshore wind strategic plan. Essential to many of the tasks in the contract for 2020 is expanding outreach to key stakeholders to further expand the use and understanding of the model data and activities with the goal of transitioning to a funding model that includes additional supporters of the work.

Staff recommended that the Board approve the extension of the contract with Rutgers, Department of Marine and Coastal Sciences, as discussed today 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

C. Docket No. QO17080939 – In the Matter of Contract between Rutgers’ Bloustein School – Center for Green Building and the New Jersey Clean Energy Program – Amendment #4 – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved Staff recommending that the Board approve the amendment to the contract for evaluation and research services between the Board, through the Office of Clean Energy, and the Rutgers Center for Green Building, and authorize President Fiordaliso to execute the contract amendment on behalf of the Board.

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. QO18060646 – In the Matter of the Community Solar Energy Pilot Program – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved the Community Solar Energy Pilot Program. It pertained to the award of projects for the first year of the pilot program.

Applications for the first year of the pilot program were accepted until 5:00 p.m. on September 9, 2019. At that time, the Board received a total of 252 applications representing just about 652 megawatts. Upon receipt, applications were reviewed for administrative completeness. Complete applications were scored based on the evaluation rubric that was published as part of the application form and ranked by Electric Distribution Companies service territory in order of their scores. The projects that scored the highest were the ones presented to the Board.

Staff recommended that the Board conditionally approve 45 community solar projects to be listed in appendices 1 through 45 of the draft community solar order and deny without prejudice the remaining 207 applications. The 45 projects recommended for conditional approval represent a cumulative capacity of 77.61048-megawatt DC. Their approvals would be conditional upon their being constructed and operated as they were proposed in their applications.

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, Division of Clean Energy, presented these matters.

E. Docket No. QO19080985 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules of N.J.A.C. 4:8-2.4(i) – Eznergy NJ, LLC – Arts High School.

BACKGROUND AND DISCUSSION: This matter involved SREC Registration Program application second extension requests. This Project, sized at 220 kilowatt direct current (kWdc), is a roof mounted system located on the Arts High School (Site) and is to be net-metered. This project is one of six projects planned for the Newark public school system.

On August 27, 2019, EZENERGY NJ, LLC (Petitioner) submitted a petition on behalf of the Newark Board of Education and Greenskies Renewable Energy, LLC, its financing entity, requesting a four-month extension for this project to April 2020 of the project completion date. The first extensions expire December 1 and December 5, 2019.

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 Petitioner submitted that it took over a year to get approval for the bonds to finance the roof replacement that was required before the solar systems could be installed. In addition, the Petitioner stated that it had planned to install the carports during the summer, but the roof replacement installations prevented this from happening; and the Board of Education refused to allow the installation until the repairs to the roof had been completed.

In addition, according to the Petitioner, two high schools also had interconnection issues with Public Service Electric & Gas Company that now have been resolved, but they did delay projects further.

On September 27, 2019, the Petitioner amended its petition requesting an eight-month extension to August 31, 2020. In support of the longer extension request, the Petitioner stated that the roof replacement work had not been completed until the end of the summer. At first, the Newark Board of Education would not allow the Petitioner to keep equipment

at the school or take up any parking spots or drill holes for the carport pillars during the school year.

The Petitioner, in discussions with staff over its request for second extensions, initially stated it would not be able to complete the construction for all six-school systems simultaneously with the inclusion of the carport construction until the summer of 2020.

The Petitioner confirmed that after meeting with the Newark Planning Board, and with the elimination of one carport system, it will be able to complete construction and obtain the permissions to operate by the April 2020 dates. The Petitioner submitted that these delays were unforeseeable and unavoidable.

Staff recommended that the Board find that the Petitioner has made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. However, in light of the 5.1 percent milestone anticipated to occur in mid-2020, Staff recommended that the Board grant the Petitioner an additional four months to achieve commercial operation of these projects, and to retain SREC eligibility provided that the 5.1 milestone does not occur prior to projects achieving commercial operation. Should the Board determine that the 5.1 milestone has been attained prior to the commencement of commercial operations and these projects commence commercial operations prior to the expiration of the four-month extensions, then the project will be eligible in the Transition Incentive Program.

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. QO19080986 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules of N.J.A.C. 4:8-2.4(i) – Ezenergy NJ, LLC – Barringer High School.

BACKGROUND AND DISCUSSION: This matter involved SREC Registration Program application second extension requests. This Project, originally sized at 441.09 kilowatt direct current (kWdc), is a carport mounted system located at the Barringer High School (Site) and is to be net-metered. This project was one of six projects planned for the Newark public school system.

On August 27, 2019, EZENERGY NJ, LLC (Petitioner) submitted a petition on behalf of the Newark Board of Education and Greenskies Renewable Energy, LLC, its financing entity, requesting a four-month extension for this project to April 2020 of the project completion date. The first extensions expire December 1 and December 5, 2019.

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 Petitioner stated that it took over a year to get approval for the bonds to finance the roof replacement that was required before the solar systems could be installed. In addition, the Petitioner stated that it had planned to install the carports during the summer, but the roof replacement installations prevented this from happening; and the Board of Education refused to allow the installation until the repairs to the roof had been completed.

In addition, according to the Petitioner, two high schools also had interconnection issues with Public Service Electric & Gas (PSE&G) that now have been resolved, but they did delay projects further.

On September 27, 2019, the Petitioner amended its petition requesting an eight-month extension to August 31, 2020. In support of the longer extension request, the Petitioner stated that the roof replacement work had not been completed until the end of the summer. At first, the Newark Board of Education would not allow the Petitioner to keep equipment at the school or take up any parking spots or drill holes for the carport pillars during the school year.

The Petitioner, in discussions with staff over its request for second extensions, initially stated it would not be able to complete the construction for all six-school systems simultaneously with the inclusion of the carport construction until the summer of 2020.

The Petitioner confirmed that after meeting with the Newark Planning Board, and with the elimination of one carport system, it will be able to complete construction and obtain the permissions to operate by the April 2020 dates. The Petitioner submitted that these delays were unforeseeable and unavoidable.

Staff recommended that the Board find that the Petitioner has made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. However, in light of the 5.1 percent milestone anticipated to occur in mid-2020, Staff recommended that the Board grant the Petitioner an additional four months to achieve commercial operation of these projects, and to retain SREC eligibility provided that the 5.1 milestone does not occur prior to projects achieving commercial operation. Should the Board determine that the 5.1 milestone has been attained prior to the commencement of commercial operations and these projects commence commercial operations prior to the expiration of the four-month extensions, then the project will be eligible in the Transition Incentive Program.

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. QO19080987 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules of N.J.A.C. 4:8-2.4(i) – Ezenergy NJ, LLC – George Washington Carver Elementary School.

BACKGROUND AND DISCUSSION: This matter involved SREC Registration Program application second extension requests. This Project, sized at 496.6 kilowatt direct current (kWdc), is a roof mounted system located on the George Washington Carver Elementary School (Site) and is to be net-metered. This project was one of six projects planned for the Newark public school system.

On August 27, 2019, EZENERGY NJ, LLC (Petitioner) submitted a petition on behalf of the Newark Board of Education and Greenskies Renewable Energy, LLC, its financing entity, requesting a four-month extension for this project to April 2020 of the project completion date. The first extensions expire December 1 and December 5, 2019.

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 Petitioner stated that it took over a year to get approval for the bonds to finance the roof replacement that was required before the solar systems could be installed. In addition, the Petitioner stated that it had planned to install the carports during the summer, but the roof replacement installations prevented this from happening; and the Board of Education refused to allow the installation until the repairs to the roof had been completed.

In addition, according to the Petitioner, two high schools also had interconnection issues with Public Service Electric & Gas (PSE&G) that now have been resolved, but they did delay projects further.

On September 27, 2019, the Petitioner amended its petition requesting an eight-month extension to August 31, 2020. In support of the longer extension request, the Petitioner stated that the roof replacement work had not been completed until the end of the summer. At first, the Newark Board of Education would not allow the Petitioner to keep equipment at the school or take up any parking spots or drill holes for the carport pillars during the school year.

The Petitioner, in discussions with staff over its request for second extensions, initially stated it would not be able to complete the construction for all six-school systems simultaneously with the inclusion of the carport construction until the summer of 2020.

The Petitioner confirmed that after meeting with the Newark Planning Board, and with the elimination of one carport system, it will be able to complete construction and obtain the permissions to operate by the April 2020 dates. The Petitioner submitted that these delays were unforeseeable and unavoidable.

Staff recommended that the Board find that the Petitioner has made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. However, in light of the 5.1 percent milestone anticipated to occur in mid-2020, Staff recommended that the Board grant the Petitioner an additional four months to achieve commercial operation of these projects, and to retain SREC eligibility provided that the 5.1

milestone does not occur prior to projects achieving commercial operation. Should the Board determine that the 5.1 milestone has been attained prior to the commencement of commercial operations and these projects commence commercial operations prior to the expiration of the four-month extensions, then the project will be eligible in the Transition Incentive Program.

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. QO19080988 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules of N.J.A.C. 4:8-2.4(i) – Ezenergy NJ, LLC – Malcolm X Shabazz High School.

BACKGROUND AND DISCUSSION: This matter involved SREC Registration Program application second extension requests. This Project, originally sized at 862 kilowatt direct current (kWdc), was intended to include a carport and a roof mounted system located on the Malcolm X Shabazz High School (Site) and is to be net-metered. This project was one of six projects planned for the Newark public school system.

On August 27, 2019, EZENERGY NJ, LLC (Petitioner) submitted a petition on behalf of the Newark Board of Education and Greenskies Renewable Energy, LLC, its financing entity, requesting a four-month extension for this project to April 2020 of the project completion date. The first extensions expire December 1 and December 5, 2019.

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 Petitioner stated that it took over a year to get approval for the bonds to finance the roof replacement that was required before the solar systems could be installed. In addition, the Petitioner stated that it had planned to install the carports during the summer, but the roof replacement installations prevented this from happening; and the Board of Education refused to allow the installation until the repairs to the roof had been completed.

In addition, according to the Petitioner, two high schools also had interconnection issues with Public Service Electric & Gas (PSE&G) that now have been resolved, but they did delay projects further.

On September 27, 2019, the Petitioner amended its petition requesting an eight-month extension to August 31, 2020. In support of the longer extension request, the Petitioner stated that the roof replacement work had not been completed until the end of the summer. At first, the Newark Board of Education would not allow the Petitioner to keep equipment at the school or take up any parking spots or drill holes for the carport pillars during the school year.

The Petitioner, in discussions with staff over its request for second extensions, initially stated it would not be able to complete the construction for all six-school systems simultaneously with the inclusion of the carport construction until the summer of 2020.

The Petitioner confirmed that after meeting with the Newark Planning Board, and with the elimination of one carport system, it will be able to complete construction and obtain the permissions to operate by the April 2020 dates. The Petitioner submitted that these delays were unforeseeable and unavoidable.

Staff recommended that the Board find that the Petitioner has made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. However, in light of the 5.1 percent milestone anticipated to occur in mid-2020, Staff recommended that the Board grant the Petitioner an additional four months to achieve commercial operation of these projects, and to retain SREC eligibility provided that the 5.1 milestone does not occur prior to projects achieving commercial operation. Should the Board determine that the 5.1 milestone has been attained prior to the commencement of commercial operations and these projects commence commercial operations prior to the expiration of the four-month extensions, then the project will be eligible in the Transition Incentive Program.

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. QO19080989 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules of N.J.A.C. 4:8-2.4(i) – Ezenergy NJ, LLC – Technology High School.

BACKGROUND AND DISCUSSION: This matter involved SREC Registration Program application second extension requests. This Project, sized at 519.7 kilowatt direct current (kWdc), is a roof mounted and carport system located at Technology High School (Site), and is to be net-metered. This project was one of six projects planned for the Newark public school system.

On August 27, 2019, EZENERGY NJ, LLC (Petitioner) submitted a petition on behalf of the Newark Board of Education and Greenskies Renewable Energy, LLC, its financing entity, requesting a four-month extension for this project to April 2020 of the project completion date. The first extensions expire December 1 and December 5, 2019.

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 Petitioner stated that it took over a year to get approval for the bonds to finance the roof replacement that was required before the solar systems could be installed. In addition, the Petitioner stated that it had planned to install the carports during the summer,

but the roof replacement installations prevented this from happening; and the Board of Education refused to allow the installation until the repairs to the roof had been completed.

In addition, according to the Petitioner, two high schools also had interconnection issues with Public Service Electric & Gas (PSE&G) that now have been resolved, but they did delay projects further.

On September 27, 2019, the Petitioner amended its petition requesting an eight-month extension to August 31, 2020. In support of the longer extension request, the Petitioner stated that the roof replacement work had not been completed until the end of the summer. At first, the Newark Board of Education would not allow the Petitioner to keep equipment at the school or take up any parking spots or drill holes for the carport pillars during the school year.

The Petitioner, in discussions with staff over its request for second extensions, initially stated it would not be able to complete the construction for all six-school systems simultaneously with the inclusion of the carport construction until the summer of 2020.

The Petitioner confirmed that after meeting with the Newark Planning Board, and with the elimination of one carport system, it will be able to complete construction and obtain the permissions to operate by the April 2020 dates. The Petitioner submitted that these delays were unforeseeable and unavoidable.

Staff recommended that the Board find that the Petitioner has made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. However, in light of the 5.1 percent milestone anticipated to occur in mid-2020, Staff recommended that the Board grant the Petitioner an additional four months to achieve commercial operation of these projects, and to retain SREC eligibility provided that the 5.1 milestone does not occur prior to projects achieving commercial operation. Should the Board determine that the 5.1 milestone has been attained prior to the commencement of commercial operations and these projects commence commercial operations prior to the expiration of the four-month extensions, then the project will be eligible in the Transition Incentive Program.

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

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

J. Docket No. QO19080990 – In the Matter of the Request for a Waiver of the SREC Registration Program Rules of N.J.A.C. 4:8-2.4(i) – Ezenergy NJ, LLC – Weequahic High School.

BACKGROUND AND DISCUSSION: This matter involved SREC Registration Program application second extension requests. This Project, sized at 504.70 kilowatt direct current (kWdc), is a roof mounted and carport system located at Weequahic High School (Site) and is to be net-metered. This project was one of six projects planned for the Newark public school system.

On August 27, 2019, EZENERGY NJ, LLC (Petitioner) submitted a petition on behalf of the Newark Board of Education and Greenskies Renewable Energy, LLC, its financing entity, requesting a four-month extension for this project to April 2020 of the project completion date. The first extensions expire December 1 and December 5, 2019.

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 Petitioner stated that it took over a year to get approval for the bonds to finance the roof replacement that was required before the solar systems could be installed. In addition, the Petitioner stated that it had planned to install the carports during the summer, but the roof replacement installations prevented this from happening; and the Board of Education refused to allow the installation until the repairs to the roof had been completed.

In addition, according to the Petitioner, two high schools also had interconnection issues with Public Service Electric & Gas (PSE&G) that now have been resolved, but they did delay projects further.

On September 27, 2019, the Petitioner amended its petition requesting an eight-month extension to August 31, 2020. In support of the longer extension request, the Petitioner stated that the roof replacement work had not been completed until the end of the summer. At first, the Newark Board of Education would not allow the Petitioner to keep equipment at the school or take up any parking spots or drill holes for the carport pillars during the school year.

The Petitioner, in discussions with staff over its request for second extensions, initially stated it would not be able to complete the construction for all six-school systems simultaneously with the inclusion of the carport construction until the summer of 2020.

The Petitioner confirmed that after meeting with the Newark Planning Board, and with the elimination of one carport system, it will be able to complete construction and obtain the permissions to operate by the April 2020 dates. The Petitioner submitted that these delays were unforeseeable and unavoidable.

Staff recommended that the Board find that the Petitioner has made substantial progress toward project completion and that the delays were unavoidable and unforeseeable. However, in light of the 5.1 percent milestone anticipated to occur in mid-2020, Staff recommended that the Board grant the Petitioner an additional four months to achieve commercial operation of these projects, and to retain SREC eligibility provided that the 5.1

milestone does not occur prior to projects achieving commercial operation. Should the Board determine that the 5.1 milestone has been attained prior to the commencement of commercial operations and these projects commence commercial operations prior to the expiration of the four-month extensions, then the project will be eligible in the Transition Incentive Program.

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

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

K. Docket No. QW19091281 – In the Matter of the Petition of Radiant Energy, LLC for a Waiver from Section A-III 11(a) of the New Jersey Board of Public Utilities Community Solar Energy Pilot Program Application Form – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved a petition by Radiant Energy, LLC, pertaining to a request for a waiver from a section of the Community Solar Application Form. Staff recommended that the Board dismiss without prejudice Radiant Energy’s request for a waiver.

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

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

L. Docket No. QO19121507 – In the Matter of the Board of Public Utilities Clean Energy Program (RFP) Web Design, Development, Hosting and Maintenance – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved Staff recommending that the Board move forward with an RFP for web design, development, hosting and maintenance.

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. EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; and

Docket No. EO18121338 – Application for Zero Emission Certificates of Salem 1 Nuclear Power Plant; and

Docket No. EO18121339 – Application for Zero Emission Certificates of Salem 2 Nuclear Power Plant; and

Docket No. EO18121337 – Application for Zero Emission Certificates of Hope Creek Nuclear Power Plant.

Thomas Walker, Director, State Energy Services Division, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved Staff presenting the Board with a follow up to the Board’s July 10, 2019 approval of the Zero Emission Certificates (ZEC) forward requirement processes. The Board had directed Staff to return in December 2019, after conducting a Stakeholder process, with final recommendations. Staff is asking the Board to grant an extension of these recommendations until March 2020.

With its July 10, 2019 Order, the Board agreed with Staff about the need for a stakeholder process to solicit additional comments, recommendations, and input on the following aspects of continued implementation of the ZEC program: (1) logistics and parameters of the dry cask study; (2) revenue information that should be submitted to the Board annually by selected units, including what monies will qualify as revenues for fuel diversity, resilience, air quality, or other environmental attributes and by what methodology the Board would reduce the number of ZECs received by the selected unit(s); (3) the definition of “near full” capacity; (4) the timeline and submission schedule for applications for the second ZEC eligibility period; (5) the basis on which and by how much the Board would modify the ZEC charge; and (6) parameters of the ten-year study about the “efficacy” of the ZEC program and what information should be collected for the study. The Board therefore directed Staff to implement the stakeholder process pursuant to the schedule above and to return to the Board with final recommendations in December 2019.

Staff initiated the stakeholder process as directed and a stakeholder meeting to be held on September 4, 2019 in New Brunswick, New Jersey for the purpose of soliciting comments on the above listed “going forward” ZEC criteria. The notice included multiple

questions on the six specific sections of the Act enumerated above. Comments by multiple groups were received orally and in written form. Staff continues to review and consider these comments. Additionally, Staff has been working to secure an extension of the Levitan contract to assist in reviewing stakeholder comments and developing recommendations applicable to continued implementation of the ZEC program.

Due to time-conflicting Board and State goals outside of the ZEC program and the delay in procuring Levitan's extension, Staff requested that the Board grant Staff additional time to develop recommendations to the Board regarding continued implementation of the ZEC program. Staff anticipated that this work can be completed and presented to the Board in February or March 2020.

Staff recommended that the Board grant Staff the extension of the ZEC forward procedures to allow a complete review and finalization of the ZEC Act requirements. Staff also recommended that the Board direct Staff to present the final ZEC program requirements to the Board for approval in March 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

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.

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.**

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

8. CLEAN ENERGY

- B. Docket No. QO17091011 – In the Matter of the Approval of Contract between Rutgers University, Department of Marine and Coastal Sciences and the New Jersey Board of Public Utilities, Office of Clean Energy.**

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

- C. Docket No. QO17080939 – In the Matter of Contract between Rutgers' Bloustein School – Center for Green Building and the New Jersey Clean Energy Program – Amendment #4.**

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

- D. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program.**

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

- K. Docket No. QW19091281 – In the Matter of the Petition of Radiant Energy, LLC for a Waiver from Section A-III 11(a) of the New Jersey Board of Public Utilities Community Solar Energy Pilot Program Application Form.**

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

- L. Docket No. QO19121507 – In the Matter of the Board of Public Utilities Clean Energy Program for (RFP) Web Design, Development, Hosting and Maintenance.**

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 22, 2020