



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 January 8, 2020, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

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

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

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

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

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

It was announced that the next regular Board Meeting would be held on January 22, 2020 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE19030380 – In the Matter of the Petition of Comcast of New Jersey II, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Berkeley Heights, County of Union, State of New Jersey.

BACKGROUND: On March 13, 2018, Comcast of New Jersey II, LLC (Comcast) filed an application with the Township of Berkeley Heights (Township) for renewal of municipal consent. On December 18, 2018, the Township adopted an ordinance granting renewal municipal consent to Comcast. On January 23, 2019, Comcast formally accepted the terms and conditions of the ordinance, and on March 22, 2019, Comcast filed with the Board for a renewal of its Certificate of Approval for the Township. Staff recommended approval of the proposed Renewable Certificate of Approval. This Certificate shall expire on December 14, 2028.

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

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

A. Docket No. WR19121516 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Wastewater Service, and Other Tariff Modifications.

BACKGROUND: On December 16, 2019, New Jersey-American Water Company (Company or Petitioner) filed a petition with the Board for authority to increase its base tariff rates and charges for water and wastewater service amounting to approximately \$87.8 million or 12.3% in additional annual revenues. The increase in rates is proposed to become effective on January 15, 2020.

The Company provides water service to approximately 652,000 customers and provides wastewater service to approximately 50,000 customers in portions of the following

counties, Atlantic, Bergen, Burlington, Camden, Cape May, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Union, and Warren.

Since the proposed revisions will increase existing rates and change or alter existing classifications in the Petitioner's tariff, Staff recommended that the Board issue an Order suspending the rate until May 13, 2020.

Staff also recommended that the Petitioner be directed to, at least 10 days prior to the date set for hearing on the petition by the Office of Administrative Law, file with this Board and with the Office of Administrative Law proof of compliance with the notice provisions of N.J.S.A. 48:2-32.2 and N.J.A.C. 14:1-5.12(b) and (c), which notice shall include a statement that any relief found by the Board to be just and reasonable may be allocated by the Board to any class or classes of customers on any rate or schedule as the Board may determine; and

Staff further recommended that the Petitioner be directed to serve copies of this Order upon the Office of Administrative Law, the New Jersey Division of Rate Counsel, the clerk of the affected municipalities, the clerk of the Board of Chosen Freeholders of the affected county and, where appropriate, the executive officer of the affected county within its service area. Service of this petition, notice of hearings and this Order may be made simultaneously. Proof of service of this Order shall be filed with the Board within 15 days of the date of this Order.

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

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC18111220U and OAL PUC 00977-19 – In the Matter of Danielle DeMary, Petitioner v. New Jersey American Water Company, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge Ellen S. Bass was received by the Board of Public Utilities (Board) on December 4, 2019; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on January 18, 2020. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until March 3, 2020.

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

B. Docket Nos. BPU EC19030384U and OAL PUC 07316-19 – In the Matter of Hadassah Muhammad, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Hadassah Muhammad (Petitioner) and Public Service Electric & Gas Company (PSE&G or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Barry E. Moscovitz filed an Initial Decision in this matter with the Board on December 4, 2019.

A stipulation of settlement (Stipulation) was agreed to between the Petitioner and the Company on November 20, 2019.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G agreed to credit the Petitioner's account in the amount of \$1,000.00, resulting in an outstanding balance of \$13,963.54. The Petitioner agreed to enter into a 48 month payment of \$286.54. PSE&G agreed to waive the security deposit on account ending in 4106.

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

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes for the December 6, 2019 Agenda Meeting.

BACKGROUND: Staff presented the regular agenda meeting minutes of December 6, 2019, and recommended that they be accepted.

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

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

Emily Smithman, FERC Specialist, Office of Federal and Regional Policy, presented these matters.

A. Docket No. ER19010009 – In the Matter of Federal Energy (FERC) Items for 2019 – FERC Docket No. EL20-10-000 – Anbaric Development Partners, LLC v. PJM Interconnection, LLC.

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing limited Comments in this proceeding as a “state commission” under the Federal Energy Regulatory Commission Rules of Practice and Procedure on December 19, 2019. The Board is a party to this case, having intervened on November 26, 2019. Staff recommended that the Board ratify the limited comments.

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

BACKGROUND AND DISCUSSION: This matter involved Staff, on behalf of the Board, filing a Motion for Leave to Answer and Answer in the above captioned docket in accordance with the Federal Energy Regulatory Commission deadline of December 20, 2019. The aforementioned docket concerns Jersey Central Power and Light’s proposed ATRR formula rate for 2020, filed on October 30, 2019. The Board is a party to this case, having intervened on November 7, 2019, and filed a Protest on November 20, 2019. Staff recommended that the Board ratify motion for Leave to Answer and Answer filed on December 16, 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

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

C. Docket No. GR19060698 – In the Matter of the Petition of Public Service Electric and Gas Company’s 2019 Annual Margin Adjustment Charge (MAC).

BACKGROUND AND DISCUSSION: On May 31, 2019, Public Service Electric Company and Gas (PSE&G or Company) filed a petition with the Board seeking authority to adjust its Margin Adjustment Charge (MAC). The MAC was established to ensure margins from non-firm transportation customers are credited to firm gas customers in recognition that both firm and non-firm customers should contribute toward the cost of maintaining the Company’s distribution system. PSE&G projected that, based on actual data through April 2019, the net MAC balance including cumulative interest, on September 30, 2019, would be an over-collected balance of \$20.28 million including interest. This translated to a change in the MAC rate from the existing credit rate of \$0.006758 per therm to a credit rate of \$0.008510 per therm, a decrease of \$0.001752 per therm. However, the Company proposed maintaining the current credit rate since the over-collection at the end of September 2019 is dependent on forecasted margins from large customers, and these margins can be extremely volatile and could be adversely impacted by many unforeseeable factors.

On October 25, 2019, the Company updated the information in the filing to include actual data through September 2019, which supported a credit rate of \$0.007141 per therm. Based on the update, the change in the MAC credit rate would decrease the Company’s revenues by \$0.9 million.

On December 19, 2019, the Company, the New Jersey Division of Rate Counsel and Board Staff (collectively, Parties) executed a stipulation of settlement (Stipulation). Pursuant to the terms of the Stipulation, the Company will implement a rate designed to decrease the over- collected balance by \$5.0 million. The actual over-collected MAC balance including cumulative interest on September 30, 2019 was \$17.02 million. The increased credit to firm customers would result in a MAC credit rate of \$0.009239 per therm including SUT.

Staff recommended that the Board approve the Stipulation of the Parties. Staff further recommended that the Board direct PSE&G to file revised tariff prior to February 1, 2020.

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

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

D. Docket Nos. ER19060764 and GR19060765 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Green Programs Recovery Charge and its Gas Green Programs Recovery Charge (2019 PSE&G Green Programs Cost Recovery Filing).

BACKGROUND AND DISCUSSION: On June 28, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a Petition with the Board seeking approval to modify

its electric and gas components of its Green Programs Recovery Charge (GPRC). The proposed rates for the combined components of the electric and gas GPRCs for the period October 1, 2019 through September 30, 2020 were designed to recover approximately \$51.8 million (electric) and \$11.4 million (gas) in revenues on an annual basis. As filed, the resulting net combined annual revenue impacts on the Company's electric customers are a decrease of \$13.4 million for the Company's electric customers and an increase of \$5.5 million for the Company's gas customers.

On December 19, 2019, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Parties), executed a stipulation of settlement (Stipulation) requesting that the Board approve the modifications to the Company's electric and gas GPRC rates.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff further recommended that the Board order PSE&G to file tariffs consistent with the Board's Order by February 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. GR19060726 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Cost Recovery Charge Associated with Energy Efficiency Programs (EET Charge).

BACKGROUND AND DISCUSSION: On June 14, 2019, South Jersey Gas Company (SJG or Company) filed a petition with the Board seeking approval to increase the Company's Energy Efficiency Tracker (EET) rate from the current rate of \$0.014405 per therm, including Sales and Use Tax and Public Utility Assessment (collectively, Taxes) to \$0.016820 per therm, including Taxes.

The Company sought to reconcile Energy Efficiency Programs (EEP) costs and cost recoveries for the period commencing October 1, 2018 through September 30, 2019 (2019 Recovery Period), and to recover forecast revenues for the period October 1, 2019 through September 30, 2020. Information for the 2019 Recovery Period included seven months of actual data through April 30, 2019, and five months of projected data through September 30, 2019. The proposed EET rate of \$0.016820 per therm was designed to recover actual and projected allowable recoverable EEP costs of \$9,818,160.00, exclusive of Taxes through September 30, 2020, as well as return a projected over-recovered balance of \$1,050,161.00 at September 30, 2019, for a total revenue requirement of \$8,767,999.00, exclusive of Taxes.

As part of discovery, SJG updated its revenue requirement to include actual data through July 31, 2019. The updated revenue requirement would be \$9,082,902.00 which equates to \$10,210,877.00 of actual and projected expenses through September 2020, and a projected over-recovered balance of \$1,127,976.00 at September 30, 2019, both exclusive of Taxes.

SJG, Board Staff, and the New Jersey Division of Rate Counsel (collectively, Parties) executed a stipulation of settlement (Stipulation) that recommended approval of an increase in the EET rate to \$0.016820 per therm, including Taxes.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties. Staff further recommended that the Board order SJG to file tariffs consistent with the Board's Order by February 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

F. Docket No. ER19070850 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric and Gas Societal Benefits Charge Rates.

BACKGROUND AND DISCUSSION: On July 26, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking review and approval of changes to certain components of the Company's electric and gas Societal Benefits Charges (SBC). The Company sought to implement the proposed rates on November 1, 2019, and included projected costs from November 1, 2019 through October 31, 2020 (SBC Period).

PSE&G requested approval of a proposed increase in its electric SBC revenue requirements of approximately \$26.5 million related to the Energy Efficiency and Renewable Energy Programs and Social Programs. Additionally, PSE&G proposed an increase in its gas SBC revenue requirements of approximately \$6.8 million, related to EE&RE Programs.

Overall, the Company proposed to collect a total of \$218.8 million for the electric SBC over a 12 month period, representing the October 31, 2019 under collection of \$24.9 million, along with estimated expenses of \$193.9 million to be incurred in the SBC Period. PSE&G proposed to collect a total of approximately \$69.2 million for the gas SBC over a 12 month period, representing the May 31, 2019 under collected balance of \$4.9 million along with the estimated expenses of \$64.2 million to be incurred in the SBC Period.

On November 27, 2019, PSE&G updated the information in the Petition to reflect actual data through October 31, 2019. As a result, the proposed annual revenue requirement for SBC increased to approximately \$27.05 million for electric, and approximately \$10.45 million for gas. However, as the updated amounts were higher than what was publicly noticed, the Company did not update its July 2019 request.

PSE&G, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that would allow PSE&G to increase its SBC rates consistent with the original request in the Petition.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board direct PSE&G to file tariffs consistent with the Board's Order by February 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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

There were no items in this category.

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO19050645 – In the Matter of the Trued Up Budget.

Sherri Jones, Assistant Director, Division of Economic Development and Emerging Issues, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the trued-up expenses from FY19, reallocation of funds for FY20, revisions to the detailed budgets and one program revision. The FY20 programs and budgets were established through a Board Order entered in the Matter of the Clean Energy Programs and Budget for FY20, (June 21, 2019). By Order dated June 21, 2019, the Board approved a funding level of \$344,665,000.00

for FY20 via the Comprehensive Resource Analysis (CRA). In a separate Order also dated June 21, 2019, the Board approved FY19 programs and budgets for the New Jersey Clean Energy Program (FY20 Budget Order).

The Division of Clean Energy initially establishes annual budgets based, in part, on estimated expenses for the previous year. Once actual expenses are known, the Board then issues a revised budget Order to “true-up” any differences between actual and estimated expenses. The June 21, 2019 FY20 Budget Order included estimated carry-over of unspent funds from previous years, plus new funding of \$344,665,000.00, as set out in the June 21, 2019 CRA Order.

On December 9, 2019, staff released the proposal for public comment on the trued-up expenses from FY19, reallocation of funds for FY20, revisions to the detailed budgets and program revisions. Comments were due on December 20, 2019. Comments were received from New Jersey Division of Rate Counsel (Rate Counsel), Green Waste Energy, PSE&G and the Energy Consulting Group.

Consistent with the Board's contract with its Program Administrator, Staff coordinated with TRC regarding the proposed budget revisions and program revisions. The FY20 Proposed Budget Revisions include the True Up, Reallocations, and Detailed Budgets. Having reviewed and considered the comments, Staff recommended that the Board adopt and approve FY20 Proposed Budget Revisions and the Revised Office of Clean Energy and TRC Compliance Filings.

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. QX19060720 – In the Matter of N.J.A.C. 14:8-2.4 Amendments to Renewable Portfolio Standard Rules on Closure of the SREC Registration Program Pursuant to P.L. 2018, c. 17 – Rule Adoption.

James A. Boyd, Jr., Esq., Administrative Practice Officer, Office of Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved rulemaking that adopts amendments to N.J.A.C. 14:8-2.4 to conform the existing Renewable Portfolio Standard (RPS) rules to the imminent closure of the Solar Renewable Energy Credit (SREC) registration program.

The Rule adoption amends the RPS provisions governing the SREC Registration Program (SRP) to include a process for the Board’s determination that 5.1% of the retail electricity sold in New Jersey is attained from solar electric generation facilities. The amendment also adds provisions regarding the terms and conditions for solar projects that have been accepted in the SRP, but have not become operational by the time the Board determines that the 5.1% milestone has been attained and, as a result, closes the SRP.

Perambulatory language to the rule committed to a public dialogue on potential implications of the closure of the SRP, and on whether Board action is necessary to ensure that the solar market in New Jersey continues to remain healthy.

Amendments to the RPS rules are important since the current rules offer a SRP term of one or two years, depending upon project type, and offer an extension of six months if a project is unable to commence commercial operations prior to expiration. It is important to the proper functioning of the solar market and the expectations for current and future investors that the rules and procedures governing incentive eligibility be transparent, clear, timely and fairly applied.

Staff recommended that the Board direct Staff to publish this rule in New Jersey Register for formal adoption.

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. QO18070698 – In the Matter of the Closure of the SREC Registration Program Pursuant to P.L. 2018, c. 17.

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

BACKGROUND AND DISCUSSION: On May 23, 2018, Governor Murphy signed P.L. 2018, c. 17, codified at N.J.S.A. 48:3-51-87 into law (Clean Energy Act or CEA or Act), effective immediately. The Clean Energy Act directed the Board to close the Solar Renewable Energy Credit Registration Program (SRP) to new applicants once the Board determines that the 5.1% Milestone has been achieved. On June 22, 2018, the Board approved a rule proposal to amend the RPS rules governing the SRP at N.J.A.C. 14:8-2.4 to conform with this mandate.

On August 7, 2019, the Board approved a rule proposal addressing the methodology for determining the percentage of solar electric kilowatts sold, an approach for the Board to report on progress toward the attainment of the 5.1% milestone, and the implications of that milestone for project registration length.

In the August rule proposal, based upon solar installation and retail sales data available through July 2019, the Board projected that the 5.1% milestone would be achieved “on or about June 2020”. More recent data shows that depending upon the assumptions adopted the 5.1% milestone could be attained as early as March 2020.

The rule requires the Board to seek stakeholder input to refine the assumptions used in calculating attainment of the 5.1% Milestone. Staff recommended the Board provide, via Order, Staff’s current forecast for the month in which 5.1% of the kilowatt-hours sold in the State will be generated by solar electric generation facilities connected to the distribution system.

Staff further recommended that the Board direct Staff to gather final stakeholder input into the variables used in calculating the percent of retail electricity sales comprised from solar electricity, this input to be provided by January 21. Based upon these refined inputs.

Staff anticipated providing the Board an updated forecast for 5.1% milestone attainment by January 31, 2020 and continue with monthly reports as envisioned in the amended RPS rules.

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.

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

Docket No. QO19050651 – In the Matter of the Amended Petition of HESP Solar, LLC Seeking an Extension of its Conditional SREC Approval and Waiver of N.J.A.C. 18:8-2(i).

BACKGROUND AND DISCUSSION: On October 23, 2019, HESP Solar, LLC (HESP or Petitioner) submitted a Petition to the Board requesting a one month extension to November 23, 2019 for its Solar Renewable Energy Credit Registration Program application on behalf of Pine Brook Rehabilitation and Care Center. Since this is a third extension request, it will require a second 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; the Petitioner has already received one extension from the Board, which also required a waiver of N.J.A.C. 14:8-2.4(i). The Board granted HESP this second extension, to October 23, 2019, at its July 10, 2019 Agenda meeting.

HESP now submitted that the project has been fully constructed but claimed that HESP has been met with “serial, constantly changing, local entitlement issues” despite “extraordinary efforts far exceeding commercially reasonable efforts.” As such, the Petitioner asserted that it met with delays that were unavoidable and unforeseeable at the time it received the second extension of its initial conditional registration acceptance. HESP attributes its failure to receive the Permission to Operation from the electric distribution company by the extended deadline of October 23, 2019, to these local permitting issues. In the request for a second waiver of the Board’s rules, made on the same day, HESP stated that it “continues to expect [the Permission to Operate (PTO)] immanently.”

As of December 18, 2019, however, nearly two months after this statement was made, HESP continued to await not only the PTO but also the final building and fire inspections which are prerequisites for the PTO. Staff recommended that the Board find that HESP has not completed the project by the requested extension date and deny the petition.

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

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

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

Docket No. QO19101414 – In the Matter of Request for Waiver of SREC Registration Rules at N.J.A.C. 14:8-2.4(i) – HESP Solar, LLC – 75 Livingston Venture, LLC.

BACKGROUND AND DISCUSSION: On October 19, 2019, HESP Solar, LLC (HESP or Petitioner) submitted a Petition to the Board requesting a 30 day extension to November 18, 2019 for its Solar Renewable Energy Credit Registration Program (SRP) application on behalf of 75 Livingston Venture LLC, Roseland Borough, NJ. Since this is a second extension request, 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.

On April 6, 2018, the Petitioner submitted an application to the SRP application for a 244.2 kilowatts (kW) dc solar project. This project is a roof-mounted installation and is to be net metered. The Board’s SRP team issued the project its initial conditional registration on or about April 19, 2018 with a commitment length of twelve months with an initial expiration date of April 19, 2019. In response to a request for an extension dated March 27, 2019, on March 28, 2019, HESP received an initial six-month extension of the twelve-month project completion deadline to October 19, 2019 from the SRP Team.

HESP submitted that the project would have been completed long ago if not for delays in obtaining local building permits caused by the municipal permitting process that were unavoidable and unforeseeable at the time that they received the SRP initial conditional registration acceptance. The Petitioner noted that they have completed project construction and on October 17, 2019, the Borough of Roseland inspected and issued the Certificate of Approval. That same day, HESP applied for the Permission to Operate (PTO) from Public Service Electric and Gas (PSE&G). Since PSE&G did not provide the PTO, with an effective date of October 24, until October 31, 2019, after the October 19, 2019 deadline, HESP requested approval of a second extension to November 19, 2019.

Staff recommended that the Board find that since HESP has completed the project and the local permitting delays were unavoidable and unforeseeable and grant the Petitioner's request.

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

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

F. Docket No. QO19010068 – In the Matter of New Jersey Solar Transition Pursuant to P.L. 2018, c.17.

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

BACKGROUND AND DISCUSSION: On December 6, 2019, the Board issued the Transition Incentive Order (TI Order) that approved a new program designed to provide certainty to how New Jersey's solar programs were going to evolve, in light of the Clean Energy Act's requirements to transition away from the Legacy Solar Renewable Energy Credit (SREC) program.

Staff recommended that the Board clarify four aspects of the Transition Incentive Order:

1. That there should be no "gap" in incentive availability for solar projects developed prior to the implementation of the Successor Solar program, but after the closure of the Legacy SREC market, and that the TI program is intended to be open to such projects;
2. That How new solar technologies that are not assigned a factor in the Transition Incentive Order can apply to the Board for a factorization determination;
3. That Addressing a discrepancy between the Staff recommendation section and the ordering paragraphs of the Transition Incentive Order relating to factorization levels; and
4. That Which factorization levels a project receives if it is comprised of distinct segments that cover more than one category type.

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

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

9. MISCELLANEOUS

There were no items in this category.

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: February 5, 2020