



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 9<sup>th</sup> Floor**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on February 5, 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 February 19, 2020 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

## CONSENT AGENDA

### I. AUDITS

#### A. Energy Agent Initial Registrations

EE19111443L	Cutone and Company Consultants, LLC d/b/a LC Associates	I – EA
-------------	--	--------

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

EE19040517L	Aurora Energy Advisors, LLC	R – EA
EE19101427L	Energy Paradigm, LLC	R – EA
EE19050633L	EnerPros, LLC	R - EA/PA
GE19050634L		
EE19050673L	American PowerNet Management, LP	R – EA/PA/EC
GE19050674L		
EE19111440L	Concord Engineering Group	R – EA/PA/EC
GE19111441L	d/b/a Concord Energy Services	
EE19111468L	Custom Energy Solutions, LLC	R – EA/EC
GE19111469L		
EE19111458L	Utility Advantage, LLC	R – EA/EC
GE19111459L		

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

EE18111230L	SmartEnergy Holdings, LLC	R – ESL
EE19050620L	Median Energy, Corp.	R – EGSL
GE19050619L		
EE19050636L	Stream Energy New Jersey, LLC	R – EGSL
GE19050635L	d/b/a Stream, d/b/a Stream Energy	
EE19020155L	Direct Energy Services, LLC	R – EGSL
GE19020154L		
EE19020151L	Direct Energy Business, LLC	R – EGSL
GE19020150L	d/b/a Direct Energy Business	
GE19030361L	Infinite Energy, Inc. d/b/a Intelligent Energy	R – GSL
GE19050609L	Major Energy Services, LLC	R – GSL

**BACKGROUND:** The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. N.J.S.A. 48:3-78 to -79. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers with a license expiring prior to July 9,

2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. An energy agent, private aggregator, or energy consultant registration shall be valid for one year from the date of issue. Annually thereafter, licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

Staff recommended that the following applicant be issued initial registration as an energy agent for one year:

- Cutone & Company Consultants, LLC d/b/a LC Associates

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

- Aurora Energy Advisors, LLC
- Energy Paradigm, LLC
- EnerPros, LLC
- American PowerNet Management, LP
- Concord Engineering Group d/b/a Concord Energy Services
- Custom Energy Solutions, LLC
- Utility Advantage, LLC

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

- SmartEnergy Holdings, LLC
- Median Energy Corp.
- Stream Energy New Jersey, LLC d/b/a Stream, d/b/a Stream Energy
- Direct Energy Services, LLC
- Direct Energy Business, LLC d/b/a Direct Energy Business
- Infinite Energy, Inc. d/b/a Intelligent Energy
- Major Energy Services, LLC

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

## **II. ENERGY**

There were no items in this category.

## **III. CABLE TELEVISION**

There were no items in this category.

#### IV. TELECOMMUNICATIONS

**A. Docket No. TM19121534 – In the Matter of the Verified Petition of PEG Bandwidth NJ, LLC for Approval of a Pro Forma Change in Intermediate Ownership and Control.**

**BACKGROUND:** On December 17, 2019, PEG Bandwidth NJ, LLC (Petitioner) submitted a Petition to the Board for approval for a proposed pro forma change in the Petitioner's intermediate ownership and control structure with no change to its direct or ultimate owners (the 2020 Pro Forma Change). Following closing of the transaction, the same services will continue to be offered in New Jersey at the same rates, terms, and conditions to customers.

By letter dated January 16, 2020, the New Jersey Division of Rate Counsel submitted comments, stating that it did not oppose the approval of the Petitioners' requests in this matter.

Staff, having reviewed the Petition and supporting documents, did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner's competitive posture in the telecommunications market. Therefore, Staff recommended that the Petitioner be allowed to proceed with the proposed the 2020 Pro Forma Change.

**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

**A. Docket Nos. BPU WC19030377U and OAL PUC 09022-19 – In the Matter of Jarod Nappi, Petitioner v. New Jersey American Water, Respondent – Order of Extension.**

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on January 13, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on February 27, 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 April 15, 2020.

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

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

**A. Approval of the Minutes for the January 8, 2020 Agenda Meeting.**

**BACKGROUND:** Staff presented the meeting minutes of January 8, 2020, and recommended that they be accepted.

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

**After appropriate motion, the consent agenda was approved.**

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## AGENDA

### 1. AUDITS

William Foley, Bureau Chief, Division of Audits, presented these matters.

- A. **Docket No. EO20010014 – In the Matter of the Alleged Failure of Apollo Edison, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.**

**Energy Agent, Private Aggregator, and/or Energy Consultant Initial Registrations**

EE19101379L  
GE19101380L

Apollo Edison, LLC

EA/PA/EC

**BACKGROUND AND DISCUSSION:** This matter involved potential violations under the Energy Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Apollo Edison LLC (Apollo Edison), which has been operating as an energy agent, private aggregator, and energy consultant to provide services to residential, commercial, and industrial customers in New Jersey. As a result of correspondence and telephone conversations between Staff and Apollo Edison, Apollo Edison submitted an Offer of Settlement (Offer) regarding its alleged violations. In the Offer of Settlement, Apollo Edison made a monetary offer in the amount of \$600.00 in order to resolve all issues concerning the violations.

Staff recommended that the Board issue an order accepting the Offer of Settlement of \$600.00 as it represents a reasonable settlement of potential violations with five conditions:

- 1) Apollo Edison will pay to the State of New Jersey the sum of \$600.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Apollo Edison, up to and including December 31, 2019.
- 2) The Offer of Settlement shall not relieve Apollo Edison or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after December 31, 2019.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Apollo Edison or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate.
- 4) Apollo Edison will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements.

- 5) The execution of this Offer of Settlement shall not be relied upon by Apollo Edison or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

Staff also recommended that the Board approve the initial application filed by Apollo Edison.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

- B. Docket No. EO20010020 – In the Matter of the Alleged Failure of US Energy Source, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.**

**Energy Agent, Private Aggregator, and/or Energy Consultant Initial Registrations**

**EE18101141L**

**US Energy Source, LLC**

**EA**

**BACKGROUND AND DISCUSSION:** This matter involved potential violations under the Energy Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by US Energy Source, LLC (US Energy Source), which has been operating as an energy agent to provide services to residential, commercial, and industrial customers in New Jersey. As a result of correspondence and telephone conversations between Staff and US Energy Source, US Energy Source submitted an Offer of Settlement (Offer) regarding its alleged violations. In the Offer of Settlement, US Energy Source made a monetary offer in the amount of \$900.00 in order to resolve all issues concerning the violations.

Staff recommended that the Board issue an order accepting the Offer of Settlement of \$900.00 as it represents a reasonable settlement of potential violations with five conditions:

- 1) US Energy Source will pay to the State of New Jersey the sum of \$900.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against US Energy Source, up to and including January 7, 2020.
- 2) The Offer of Settlement shall not relieve US Energy Source or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after January 7, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by US Energy Source or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate.
- 4) US Energy Source will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements.
- 5) The execution of this Offer of Settlement shall not be relied upon by US Energy Source or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

Staff also recommended that the Board approve the initial application filed by US Energy Source.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**C. Docket No. EO20010021 – In the Matter of the Alleged Failure of AvidXchange, Inc. to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.**

**Energy Agent, Private Aggregator, and/or Energy Consultant Initial Registrations**

**EE19080906L**

**AvidXchange, Inc.**

**EA**

**BACKGROUND AND DISCUSSION:** This matter involved potential violations under the Energy Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by AvidXchange, Inc. (AvidXchange), which has been operating as an energy agent to provide services to commercial and industrial customers in New Jersey. As a result of correspondence and telephone conversations between Staff and AvidXchange, AvidXchange submitted an Offer of Settlement (Offer) regarding its alleged violations. In the Offer of Settlement, AvidXchange made a monetary offer in the amount of \$500.00 in order to resolve all issues concerning the violations.

Staff recommended that the Board issue an order accepting the Offer of Settlement of \$500.00 as it represents a reasonable settlement of potential violations with five conditions:

- 1) AvidXchange will pay to the State of New Jersey the sum of \$500.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against AvidXchange, up to and including January 8, 2020.
- 2) The Offer of Settlement shall not relieve AvidXchange or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after January 8, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by AvidXchange or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate.
- 4) AvidXchange will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements.
- 5) The execution of this Offer of Settlement shall not be relied upon by AvidXchange or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

Staff also recommended that the Board approve the initial application filed by AvidXchange.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**D. Docket No. EO20010034 – In the Matter of the Alleged Failure of ARA Consulting Group, LLC d/b/a Commercial Power to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.**

**Energy Agent, Private Aggregator, and/or Energy Consultant Initial Registrations**

<b>EE18091056L</b>	<b>ARA Consulting Group, LLC</b>	<b>E/PA</b>
<b>GE18091057L</b>	<b>d/b/a Commercial Power</b>	

**BACKGROUND AND DISCUSSION:** This matter involved potential violations under the Energy Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by ARA Consulting Group, LLC d/b/a Commercial Power (Commercial Power), which has been operating as an energy agent, private aggregator, and energy consultant to provide services to residential, commercial, and industrial customers in New Jersey. As a result of correspondence and telephone conversations between Staff and Commercial Power, Commercial Power submitted an Offer of Settlement (Offer) regarding its alleged violations. In the Offer of Settlement, Commercial Power made a monetary offer in the amount of \$1,450.00 in order to resolve all issues concerning the violations.

Staff recommended that the Board issue an order accepting the Offer of Settlement of \$1,450.00 as it represents a reasonable settlement of potential violations with five conditions:

- 1) Commercial Power will pay to the State of New Jersey the sum of \$1,450.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Commercial Power, up to and including January 9, 2020.
- 2) The Offer of Settlement shall not relieve Commercial Power or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after January 9, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Commercial Power or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate.

- 4) Commercial Power will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements.
- 5) The execution of this Offer of Settlement shall not be relied upon by Commercial Power or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

Staff also recommended that the Board approve the initial application filed by Commercial Power.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## 2. ENERGY

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

### **A. Docket No. ER19060697 – In the Matter of the Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Rate Associated with its Solar Renewable Energy Certificate Financing Program (2019).**

**BACKGROUND AND DISCUSSION:** On June 3, 2019, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking approval to adjust the level of the Regional Greenhouse Gas Initiative Recovery Charge Rider (Rider RGGI) associated with ACE’s Solar Renewable Energy Certificate (SREC) Financing Program (SREC Financing Program) to decrease the rate component. Based on actual program costs through April 2019 and forecasted costs from May 2019 through August 2020, ACE proposed to recover approximately \$2.75 million of costs associated with the SREC Financing Program. ACE requested that the Board approve its request to adjust the SREC Financing Program component of its Rider RGGI rate from the current per kWh charge of \$0.000417 to \$0.000337.

The Company updated the revenue requirement to reflect updated program data through June 30, 2019 and projected program costs from July 1, 2019 through August 31, 2020. (Update). The net effect of the Update would modify the amount to be recovered through the Rider RGGI for this program to approximately \$2.73 million. The Update also had the effect of decreasing the requested SREC Financing Program component of its Rider RGGI rate to \$0.000334 per kWh.

ACE, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively the Parties) conducted discovery in this matter and ultimately executed a stipulation of settlement (Stipulation) of all factual and legal issues pertaining to this docket. Per the Stipulation, ACE will implement a revised SREC Financing Program component of its Rider RGGI rate of \$0.000334 per kWh based on information in the Update.

Staff recommended that the Board issue an order adopting the Stipulation of the Parties. In addition, Staff recommended that ACE be directed to file revised tariff sheets in compliance with the terms and conditions of the Stipulation prior to March 1, 2020.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. ER19070816 – In the Matter of Atlantic City Electric Company’s Verified Petition to Reconcile Costs Associated with its Residential Controllable Smart Thermostat Program for the Period from June 1, 2018 through May 31, 2019, to Maintain its RGGI Recovery Charge for the Period October 1, 2019 through May 31, 2020, and to Establish a Plan for the Termination of the Program as of May 31, 2020.**

**BACKGROUND AND DISCUSSION:** On July 12, 2019, Atlantic City Electric Company (ACE or Company) filed a petition (July 2019 RCSTP Petition) with the Board requesting authority to maintain the existing Residential Controllable Smart Thermostat Program (RCSTP or Program) component of its Regional Greenhouse Gas Initiative Recovery Charge of \$0.000000 per kWh (including taxes). A plan to terminate the Program as of May 31, 2020 was also proposed in the July 2019 RCSTP Petition.

The Company sought to reconcile costs and cost recoveries for the period commencing June 1, 2018 through May 31, 2019, and to recover forecast revenues for the period October 1, 2019 through May 31, 2020. The July 2019 RCSTP Petition was based on actual data through May 31, 2019 and projected data through May 31, 2020. During the discovery process, ACE updated its schedules and associated revenue requirement to reflect actual data through July 31, 2019.

Following a review of the July 2019 RCSTP Petition and discovery responses, ACE, Board Staff (Staff), and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) requesting that the Board maintain the continuation of the current RCSTP rate of \$0.000000 per kWh, including taxes. The

Stipulation also stated that the Company will submit a filing, no later than August 15, 2020, detailing the final reconciliation of Program costs and revenues with any excess revenues being refunded to customers as a credit to the Company's Non-Utility Generation Charge.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties. Staff further recommended that the Board order ACE to file tariffs consistent with the Board's Order by March 1, 2020.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

### 3. CABLE TELEVISION

**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.**

This matter was discussed in executive session pursuant to attorney-client privilege and pending litigation exception to the Open Public Meetings Act.

### 4. TELECOMMUNICATIONS

There were no items in this category.

### 5. WATER

There were no items in this category.

### 6. RELIABILITY AND SECURITY

**A. Docket No. AX19060700 – In the Matter of Special Adoption Rulemaking for Reliability and Security Maximum Penalty Increases Pursuant to Federal and State Law.**

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

**BACKGROUND AND DISCUSSION:** This matter involved Staff requesting the Board to approve a permanent rule amendment to N.J.A.C. 14:7-2.7, increasing the maximum civil penalties for natural gas pipeline safety violations. The rule amendment increases the maximum daily civil penalties from \$100,000.00 to \$200,000.00 for each violation, for each

day the violation persists, and the overall penalty for each series of violations from \$1,000,000.00 to a maximum of \$2,000,000.00.

The rule amendment adoption is designed to both strengthen the State's enforcement of civil penalties for pipeline safety violations, and align the Board's regulations with Federal Pipeline Safety provisions and New Jersey's annual Certification with the Pipeline and Hazardous Materials Safety Administration.

Staff recommended adoption of the permanent rule amendment to N.J.A.C. 14:7-2.7, increasing the maximum civil penalties for natural gas pipeline safety violations to \$200,000.00 for each violation, for each day the violation persists, up to \$2,000,000.00 for each series of violations.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## 7. 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 – Billing Dispute.**

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

**BACKGROUND AND DISCUSSION:** This matter involved a billing dispute between Danielle DeMary (Petitioner) and New Jersey American Water (NJAW or Company). The petition was filed on November 1, 2018, and transmitted to the Office of Administrative Law on January 17, 2019, for hearing as a contested case. Administrative Law Judge (ALJ) Tricia M. Caliguire filed an Initial Decision in this matter with the Board on December 4, 2019.

ALJ Caliguire, in her Initial Decision, concluded that the Petitioner failed to prove by a preponderance of the credible evidence that her NJAW water bill was inaccurate. ALJ Caliguire stated the results of the meter test that was supervised by the Board Staff showed that the meter operated "within the prescribed limits of accuracy." Accordingly, ALJ Caliguire concluded the Company followed proper procedures, and based on the results of the meter test, no adjustment to the Petitioner's bill is required. Therefore, ALJ ruled that the petition be dismissed, and the Petitioner remains responsible for the outstanding charges of \$1,359.76.

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

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## 8. CLEAN ENERGY

### **A. Docket No. QG20010005 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Princeton University.**

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

**BACKGROUND AND DISCUSSION:** This matter involved Princeton University (University) submitting an application under the Fiscal Year 2018 Large Energy Users Program pursuant to the New Jersey Clean Energy Program Energy Efficiency and Renewable Energy Program Plan Filing for Fiscal Year 2018. The University requested Board approval of a financial incentive of \$876,636.77 for the installation of energy conservation measures (ECMs) at various locations across the University's Princeton, NJ campus. The project has a total cost of \$3,428,213.10.

The application outlines proposed ECMs for seven different locations across the University's campus. At Bowen Hall, upgrades to several heating, ventilation, and air conditioning systems will enable the building's heating and cooling needs to be met based on occupancy and set to minimal use settings when spaces are unoccupied. Variable frequency drives and other fan upgrades will further assist in optimizing Bowen Hall's efficiency. At Jadwin Gym, the University will implement similar measures designed to serve heating and cooling needs based on occupancy, with occupancy and CO<sub>2</sub>-based sensors enabling more efficient scheduling and demand response capabilities. The University will also retrofit the gym's existing heating and ventilation units to include modernized, dynamic controls that allow building staff to control economizer dampers, schedule need based on occupancy, and more effectively utilize outdoor temperatures when possible. Additionally, the University will upgrade the existing lighting in the Frick Chemistry Lab, Jadwin Hall, Sherrard Hall, Burr Hall, and Baker Rink with LED lighting.

Annually, the proposed project is anticipated to conserve 1,854,940 kWh of electricity and 70,535 therms of natural gas. The project will also reduce peak demand by an estimated 439 kW per year. The proposed project will have an estimated annual energy cost savings of \$161,344.00, as well as annual operational and maintenance savings of \$65,193.47. The payback period without incentives is 15.13 years; when factoring in the incentives, the payback period is reduced to 11.26 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 \$876,636.77 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.

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. QO19101327 – In the Matter of Clean Energy Request for Qualifications for Offshore Wind Economic Consulting Services – 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 Staff requesting the Board to authorize the release of a request for qualifications for an offshore wind consultant in furtherance of New Jersey’s offshore wind goals. Staff recommended that the Board authorize the release of this request for qualifications.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**C. Docket No. QO19040497 – In the Matter of New Jersey Clean Energy Program Fiscal Year 2019 Community Energy Planning.**

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

**BACKGROUND AND DISCUSSION:** On March 29, 2019, the Board created the Community Energy Plan Grant program. The program was designed to provide communities and local government with the opportunity to localize the Energy Master Plan’s goals to their own communities. With the Energy Master Plan (EMP) now released, we can award the first grant.

The Community Energy Plan Grants offer local government the ability to identify which strategies are most applicable in their communities, what obstacles may exist, what opportunities there may be and which BPU incentive programs or other state programs may help them move towards the goals of the EMP.

Awards are based on the quality of the application, the intended achievement of program goals, and population. The maximum grant allocation is based on the applicant's population, as follows:

Population of under 10,000 \$5,000.00  
Population of 10,001 to under 25,000 \$10,000.00  
Population of 25,001 to under 50,000 \$15,000.00  
Population of 50,001 to under 100,000 \$20,000.00  
Population of over 100,000 \$25,000.00

The review committee (the Committee) reviewed the application of Bergen County on January 3, 2020. Applicants required to receive a minimum of 30 points out of a possible 70; Bergen County received 58 points. Grant amounts are determined by population.

Bergen County received score sufficient to qualify and had a population of 905,116 at the time of submitting its application. The committee recommended that Bergen County be awarded the maximum grant of \$25,000.00.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>recused</b>

## 9. MISCELLANEOUS

There were no items in this category.

## LATE STARTER A

### ENERGY

**Docket No. ER19040428 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2020 – Executive Session.**

**Stacy Peterson, Director, Division of Energy,** presented this matter.

**BACKGROUND AND DISCUSSION:** This matter was first discussed in executive session and it related to the Basic Generation Service (BGS) Auction for rates that will go into effect beginning June 1, 2020, should the Board approve and certify the results.

The BGS-Residential Small Retail Customer (RSCP) Auction was conducted on February 3 and 4, 2020 representing approximately 4,500 megawatts of load in total. The RSCP Auction lasted 22 rounds with all 53 tranches filled by the auction bidders and resulted with 9 winning bidders. The winning prices are:

ACE – 8.269 cents per kWh  
JCP&L – 7.243 cents per kWh  
PSE&G – 10.216 cents per kWh  
Rockland – 8.242 cents per kWh

The BGS-CIEP auction was conducted on January 31, 2020, representing approximately 3,000 megawatts of load. The auction lasted 24 rounds with all 41 tranches filled. It started with 8 registered bidders and resulted with 5 winning bidders. The prices are:

ACE – \$350.55 per megawatt day  
JCP&L – \$321 per megawatt day  
PSE&G – \$359.98 per megawatt day  
Rockland – \$383.31 per megawatt day

Frank Mossburg from Bates White, the Board's advisor for the 2020 BGS auction. The Board advisors are active in all phases of the BGS auction, everything from reviewing the filing and comments to reviewing auction documents and bidder qualification to monitoring the bids on a round-by-round basis.

This is the 13<sup>th</sup> year that personnel from Bates White has performed this function, and they recommended that the Board certify the results of the 2020 BGS auction.

The primary reasons for recommending certification were as follows:

- 1- It was an open, fair, and transparent process.
- 2- It was competitive.
- 3- That the prices were consistent with broader market conditions.

The auction was also fair and transparent, and this is a price-only auction and all the rules were fairly applied by the auction manager, National Economic Research Associates (NERA). Therefore the winners are those who were willing to go to the lowest price. More importantly, the advisors were able to independently verify the winners and the winning bid prices.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

### EXECUTIVE SESSION

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

#### 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. QO19101327 – In the Matter of Clean Energy Request for Qualifications for Offshore Wind Economic Consulting Services.**

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

#### LATE STARTER A

#### ENERGY

- Docket No. ER19040428 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2020.**

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: March 9, 2020