



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on May 5, 2020, via Teleconference: +1 312 626 6799 - Webinar ID: 978 7911 0539, watch online @ <https://youtu.be/mHZgLiOSWvg>.

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 May 20, 2020 at 10:00 a.m. via teleconference.

## CONSENT AGENDA

### I. AUDITS

#### A. Energy Agent and/or Private Aggregator Initial Registrations

EE20010065L GE20010066L	Lucid Solution Consulting, LLC	I – EA/PA
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#### Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE20030271L	Open Market Energy, LLC	R – EA
EE19121513L	Just One Energy, LLC	R – EA
EE19121529L	d/b/a E-Agent EGS Advanced Energy Solutions, Inc.	R – EA
EE20010031L	Energy Initiatives, Inc.	R – EA
EE20030265L GE20030266L	The Legacy Energy Group, LLC d/b/a Legacy Energy; Legacy	R – EA/PA
EE20030228L GE20030229L	Avalon Energy Services, LLC	R – EA/PA
EE20010083L GE20010084L	Option One Energy, LLC	R – EA/PA
EE19111497L GE19111498L	Sprague Energy Solutions, Inc.	R – EA/PA/EC
EE20010081L GE20010082L	Lower Watt, LLC	R – EA/PA/EC
EE20010042L GE20010043L	Novo Energy Services, LLC	R – EA/PA/EC
EE20030218L GE20040290L	Luthin Associates, Inc.	R – EA/EC

**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 and private aggregator for one year:

- Lucid Solution Consulting 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:

- Open Market Energy LLC
- Just One Energy, LLC d/b/a E-Agent
- EGS Advanced Energy Solutions, Inc.
- Energy Initiatives Inc.
- The Legacy Energy Group, LLC d/b/a Legacy Energy; Legacy
- Avalon Energy Services LLC
- Option One Energy LLC
- Sprague Energy Solutions, Inc.
- Lower Watt, LLC
- Novo Energy Services LLC
- Luthin Associates, Inc.

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

## II. ENERGY

### A. Docket No. ER19040428 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2020 – Compliance Tariffs.

**BACKGROUND:** Beginning on January 31, 2020 and ending on February 4, 2020, two descending clock auctions were initiated to secure the Basic Generation Service (BGS) electricity requirements of Atlantic City Electric Company, Jersey Central Power and Light Company, Public Service Electric and Gas Company, and Rockland Electric Company (collectively, EDCs).

On February 5, 2020, the Board certified the results of the Auctions for BGS-Residential and Small Commercial Pricing and Commercial Industrial Energy Price supply and ancillary services. The Board also directed the EDCs to: 1) execute the necessary documents with the winning bidders, including the BGS Supplier Master Agreements; 2) implement the BGS rates resulting from the Auctions beginning June 1, 2020; and 3) file revised tariff sheets reflecting the BGS rates resulting from the Auction by March 1, 2020.

Consistent with the Board's directive, the EDCs filed revised tariffs to become effective on June 1, 2020 that incorporated the changes resulting from the recently completed auctions. Staff has reviewed the tariff filings of the EDCs and found them consistent with the rate structure and results approved by the Board for this auction process.

Staff recommended that the Board approve the tariff filings of the EDCs and notify interested parties through a Secretary's letter. Staff also recommended that the Board direct the EDCs to post the approved tariffs on their respective websites.

**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. TF20020136 – In the Matter of BCM One, Inc. – Referenced to as (BCM) Petition for Approval to Obtain Debt Financing.**

**BACKGROUND:** On February 7, 2020, BCM One, Inc. (BCM One) filed a petition with the Board for approval and authority to obtain debt financing in the amount of \$200 million. BCM One is wholly owned by BCM One Group Holdings, Inc., which will take on the additional indebtedness, the proceeds of which will be used to effect the acquisition of complementary entities engaged in similar business activities to BCM One. Should such complementary entities be regulated by the Board, approval of such acquisitions would be necessary and undertaken at a later time.

BCM One is a corporation organized under the laws of the State of New York with principal offices located in New York, New York. BCM One, formerly known as McGraw Communications, Inc., was authorized to provide local exchange and interexchange telecommunications services. BCM One currently has one employee in New Jersey.

On December 18, 2018, the Board approved a transfer of control of petition and supplemental approval to obtain debt financing submitted by BCM One and BCM One Group Holdings, Inc. The debt financing approval was for an aggregate amount of \$105 million. On April 18, 2019, BCM One sought and received Board approval for additional debt financing in the amount of \$50 million.

The New Jersey Division of Rate Counsel (Rate Counsel) has reviewed this matter and, by letter dated April 14, 2020, stated that it does not object to approval of the Petition. The Rate Counsel anticipated the funds from the Financing Arrangements will promote increased competition in the New Jersey telecommunications market for the benefit of customers in this state.

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**

**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 requesting 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.

By Order dated January 8, 2020, the Board suspended the proposed rate increase until May 15, 2020. 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 that:

- 1) The proposed revisions be, and are, suspended until September 15, 2020, unless prior to that date, the Board makes a determination disposing of the petition;
- 2) The Petitioner shall, 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
- 3) The Petitioner shall 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.

**B. Docket No. WF20030202 – In the Matter of the Petition of Aqua New Jersey, Inc. for Authority to Enter into Long-Term Debt in an Amount Up to \$25,000,000.00, and to Approve Refinancing of Existing Debt.**

**BACKGROUND:** On March 2, 2020, Aqua New Jersey, Inc. (Petitioner) filed a petition with the Board requesting authority to:

1. Make, execute and deliver to Essential Utilities, Inc. a note to refinance \$59,385,000.00 of the \$60,885,000.00 long-term debt currently outstanding and owed to Essential (the Refinanced Debt) and to provide new long-term debt (the New Debt) in the principal amount of up to \$25,000,000 (the Note); and
2. To take such actions as are necessary to effectuate the transactions described in the Petition.

The Petitioner stated that its parent company, Essential, has redeemed debt and issued new debt and intends to downstream a portion of the proceeds of that debt issuance to the Petitioner. In exchange for a portion of the proceeds of the debt issuance, the Petitioner sought authority to execute a Note to Essential for long-term debt in a principal amount of up to \$85,885,000.00 (of which \$59,385,000.00 relates to the Refinanced Debt and \$25,000,000.00 relates to the New Debt). The Petitioner also stated that the proceeds of the down-streamed New Debt will be used to rebalance the Company's capital structure.

The New Jersey Division of Rate Counsel has reviewed this matter and by letter dated April 16, 2020, stated that it did not object to the approval of the Company's petition.

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

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

**C. Docket No. WF20020188 – In the Matter of the Application of Middlesex Water Company for Authority to Issue and Sell Up to \$100 Million of Principal Amount Debt Securities.**

**BACKGROUND:** On March 5, 2020, Middlesex Water Company (Middlesex, Company or Petitioner) filed a petition with the Board requesting to:

- a) Borrow up to an aggregate principal amount of \$100.0 million in the private placement market in one or more transactions, and to make, execute and deliver to the one or more loan agreements, and to make, execute and deliver to the placement agent one or more contracts of purchase in connection therewith, if necessary, as well as such other documents as are reasonably required to perform its obligations thereunder;

- b) Make, execute and deliver one or more Supplemental Indentures of Mortgage (Supplemental Indentures) to the Company's Indenture Trustee, for purpose among other things, of issuing and describing the terms and conditions of the Company's First Mortgage Bonds; and
- c) Approval of a privately negotiated offering.

The Petitioner represented that to ensure the continued provision of safe and reliable water service to its customers, continuous plans for ongoing upgrades, replacements and improvements to its water system are necessary. These plans include preparation of a perpetual five-year capital infrastructure expenditure budget that is based on its engineering assessments, system studies and government regulatory requirements. The current five-year program, known as Water For Tomorrow, projects that Middlesex will spend approximately \$353.2 million through the year 2024 to replace aging infrastructure, remain compliant with water quality requirements, and enhance service. The funding of Middlesex's projected \$353.2 million infrastructure investment will require a combination of funds generated from operations, debt financing, and equity investments in order to maintain a balanced capital structure to continue to attract investor interest.

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.

## **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 Minutes for the March 19, 2020 Emergency Board Meeting and the March 27, 2020 Regular Agenda Meeting minutes.**

**BACKGROUND:** Staff presented the minutes of March 19, 2020 Emergency Board meeting minutes and the March 27, 2020 Regular Board meeting minutes and recommended 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

Alice A. Bator, Director, Division of Audits, presented these matters.

- A. Docket No. EA17030297 – In the Matter of an Audit of the Affiliated Transactions between Atlantic City Electric Company, Pepco Holdings LLC, Exelon Inc. and Affiliates Including a Review of Operational and Financial Performance of Atlantic City Electric Company Pursuant to N.J.S.A. 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:4-3.7(e) and (f) and a Comprehensive Management Audit of Atlantic City Electric Company Pursuant to N.J.S.A. 48:2-16.4 and N.J.A.C. 14:3-12.1 et seq.**

**BACKGROUND AND DISCUSSION:** This matter involved Comprehensive Management Audit of Atlantic City Electric, audit of affiliated transactions between Atlantic City Electric, Pepco Holdings, Exelon, Inc., and Affiliates including a review of operational and financial performance of Atlantic City Electric Company.

On March 11, 2020, Liberty Consulting Group, Inc. (Liberty) submitted its Final Audit Report, consistent with the terms of the agreement between the Board and Liberty Consulting Group, Inc. Therefore, Staff recommended that the Board accept the Final Audit Report for filing purposes only and release the public version of the Final Report for comments due by June 5, 2020. Staff believes that Liberty satisfactorily completed the audit report, and consistent with the terms of the agreement between the Board and Liberty.

Staff also recommended that the hold back of fees in the amount of \$250,813.60 pending acceptance of the audit report for filing purposes only be released to Liberty Consulting Group. Staff further recommended that the Board determined that comments on the report should be filed with the Board and the Division of Audits by June 5, 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. EO20040305 – In the Matter of the Alleged Failure of Eisenbach Consulting, 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**

EE19080888L  
GE19080889L

Eisenbach Consulting, 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 Eisenbach Consulting, LLC (Company), who had been operating as an energy agent, private aggregator, and energy consultant to provide service to residential, commercial and Industrial customers, and has eight customers in New Jersey.

As a result of correspondence and telephone conversations, the Company submitted an Offer of Settlement (Offer) regarding its alleged violations. The Company made a monetary offer in the amount of \$2,000.00 to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) The Company will pay to the State of New Jersey the sum of \$2,000.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Eisenbach Consulting, LLC up to and including April 15, 2020.
- 2) The Offer of Settlement shall not relieve the Company or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after April 15, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by the Company or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) The Company will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by the Company 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>

In addition, the Company also filed an application with the Board seeking an initial registration as an energy agent, private aggregator, and energy consultant. Staff recommended that the Board approve the initial registration application filed by the Company as an energy agent, private aggregator, and energy consultant.

**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. ER19101332 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for the Review and Approval of Costs Incurred for Environmental Remediation of Manufactured Gas Plant Sites Pursuant to the Remediation Adjustment Clause of its Filed Tariff (2018 RAC Filing).**

**BACKGROUND AND DISCUSSION:** On October 4, 2019, Jersey Central Power and Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of actual costs and expenditures incurred by JCP&L related to the environmental remediation of its former manufactured gas plant (MGP) sites for the period from January 1, 2018 through December 31, 2018 (2018 RAC Period) (2018 RAC Petition). The 2018 Remediation Adjustment Clause (RAC) Petition proposed no change be made to the Rider RAC tariff rate beyond the increased approved in the 2017 Rider RAC filing approved by the Board on October 25, 2019.

In the 2018 RAC Petition, the Company included actual MGP data for the 2018 RAC Period and expenditures. While the total recoverable MGP remediation expense for 2018 totaled \$2.42 million, when combined with the 2018 over-recovered deferred RAC balance of (\$1.08) million, and the remaining amortization or prior RAC expenditures previously approved for recovery, the resultant increase to JCP&L's Rider RAC charge would be \$0.000214 kWh (before Sales and Use Tax) and would recover an additional \$4.3 million in revenues annually if the increase was implemented at this time. However, as noted above, the Company requested that no change be made to the Rider RAC tariff rate beyond the increased approved in the 2017 Rider RAC Filing.

MGP Remediation Costs Incurred	\$ 17,709,121.00
Carrying Cost on Deferred MGP Costs Accrued	\$ 1,975,403.00
Application of Over-Recovered SBC	\$(17,256,349.00)
Total Unrecovered MGP Costs at 12/31/18	\$ 2,428,175.00
Less: Natural Resource Damages Expenses	\$ (1,196.00)
Less: Incentive Compensation Program Costs	\$ 9,922.00
Total MGP Costs Submitted for Recovery	\$ 2,419,450.00
Ending Under-Recovered Deferred RAC Balances	\$ (1,079,137.00)
Total Recoverable MGP Remediation Costs Inc. Under-Recovery	\$1,340,313.00
Net Annual Recoverable MGP Expenses	<b>\$ 191,473.00</b>

Following a review of the 2018 RAC Petition and discovery responses, JCP&L, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, Parties) executed a stipulation of settlement (Stipulation) intended to resolve the 2018 RAC Petition.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff also recommended that the Board direct JCP&L to file revised tariff sheets consistent with the Board Order by June 1, 2020.

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

**Roll Call Vote:**

<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. ER19020145 – In the Matter of Rockland Electric Company’s Annual RGGI Surcharge True-Up Filings for 2018.**

**BACKGROUND AND DISCUSSION:** On February 1, 2019, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking approval to recover program costs and revenue requirements related to several components of its Regional Greenhouse Gas Initiative (RGGI) Surcharge for calendar year 2018 (2018 RGGI Surcharge Filing). In the 2018 RGGI Surcharge Filing, RECO proposed to increase the total RGGI Surcharge from 0.0921 to 0.3670 cents per kWh.

While the 2018 RGGI Surcharge filing was pending, the Board authorized an adjustment to RECO’s RGGI Surcharge from 0.0921 to 0.2068 cents per kWh. Through the course of the proceeding, the Company updated its actual expenses and revenues through December 2019. As a result of the updates, the proposed total RGGI Surcharge rate decreased from the current rate of 0.2068 to 0.1923 cents per kWh.

On January 31, 2020, prior to the resolution of the 2018 RGGI Surcharge Filing, RECO filed the 2019 RGGI Surcharge Filing with the Board. In the 2019 RGGI Surcharge Filing,

the Company requested an overall increase in the total RGGI Surcharge from the current rate of 0.2068 cents per kWh to 0.2643 cents per kWh.

RECO, Board Staff (Staff), and the New Jersey Division of Rate Counsel (collectively, Parties) engaged in discovery and discussed the issues in the 2018 RGGI Surcharge Filing. As a result of those discussions, the Parties executed a stipulation of settlement (Stipulation) that resolved all issues related to the 2018 RGGI Surcharge Filing and recommended the maintenance of the total RGGI Surcharge rate of 0.2068 cents per kWh.

Staff recommended that the Board approve the Stipulation of the Parties. Staff further recommended that the Board direct RECO to file revised tariffs conforming to the terms of the Stipulation by June 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>

**C. Docket Nos. AX18010001 – In the Matter of the New Jersey Board of Public Utilities’ Consideration of the Tax Cuts And Jobs Act of 2017; and**

**Docket No. GR18030230 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Change in Rates, Customer Refund and Rider Associated with the Tax Cuts and Jobs Act of 2017; and**

**Docket No. GR19060701 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Rider “H” Rate Associated with the Tax Cuts and Jobs Act of 2017.**

**BACKGROUND AND DISCUSSION:** By Order dated January 31, 2018, the Board directed all affected utilities to file petitions proposing new rates reflecting the impacts from the Federal Tax Cuts and Jobs Act (TCJA) signed into law on December 22, 2017. The Generic TCJA Order specifically mandated that the utilities file amended tariff sheets reflecting a reduction in rates resulting from the reduction in the corporate tax rate effective April 1, 2018, as well as a plan to address other rate factors and to refund any over collection in rates.

On March 2, 2018, South Jersey Gas Company (SJG or Company) filed its petition pursuant to the Generic TCJA Order, including proposed tariffs as well as a proposed plan. Specifically, SJG stated that it planned the following: 1) a reduction in base rates of \$25.88 million effective April 1, 2018; 2) a corresponding estimate of \$12.88 million refund to customers for the period January 1, 2018 through March 31, 2018 for corresponding rate adjustment, (including interest at the Company’s short-term debt rate); and 3) a re-measurement and adjustment to rates related to its unprotected excess deferred income taxes (EDIT) of approximately \$27.1 million associated with the implementation of the 2017 Act. SJG proposed to return the unprotected excess deferred income taxes over a 10 year period through a rider.

By Order dated March 26, 2018, the Board directed the Company to implement its proposed based rate reduction on an interim basis, effective April 1, 2018. As a result of the March 26, 2018 Order, an average residential heating customer using 1,000 therms per year was expected receive an annual decrease of \$73.20 or 5.2%.

By Order dated September 17, 2018, the Board approved a stipulation that finalized the interim rates approved by the March 2018 Order and provided a customer refund of approximately \$13.9 million, including interest and taxes. The September 2018 Order further provided authorized SJG to implement its proposed Rider H with an initial credit rate of \$0.013043 to refund the Company's unprotected EDIT balance over a five year period, with interest at the Company's short-term debt rate. The September Order directed that the petition was to remain open until SJG submitted a filing to begin to begin amortizing the protected EDIT balance over the amortization period determined by the Average Rate Assumption Method (ARAM) no later than March 31, 2019. As a result of the September 2018 Order, a typical residential heating customers received a one-time refund of \$28.63 in addition to a revised annual decrease of \$74.02. Additionally, the same typical residential customer would see a \$13.04 decrease in their annual bill related to the unprotected EDIT balance being refunded through Rider H.

On March 29, 2019, the Company submitted a compliance filing pursuant to the September 2018 Order, identifying the revised estimated EDIT balances and the proposed amortization and refund mechanism for the protected EDIT balance. The protected EDIT balance reflects a regulatory liability of approximately \$149.5 million (pre gross up), consisting of a \$181.0 million regulatory liability offset by a \$31.6 million regulatory asset related to the Company's net operating loss (NOL). The Company proposed to refund all EDIT balances through Rider H, with the unprotected EDIT and protected-NOL EDIT to be amortized over a five period, and the protected EDIT to be amortized over the remaining lives of the related assets utilizing ARAM.

Pursuant to the September 2018 Order, the Parties agreed that the Company would submit an annual Rider H True-Up Filing on June 1 to establish future Rider H rates, with a proposed effective date of October 1 of each year. Rider H includes the refund of the Company's unprotected EDIT, with interest at the Company's short-term debt rate, and the Company's protected EDIT.

Following discovery and discussions among the SJG, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) which resolve all issues related to these matters.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff also recommended that the Board direct SJG to file tariffs consistent with the Order by June 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>

**Cynthia L. M. Holland, Esq., Director, Office of Federal and Regional Policy,** presented these matters.

**D. Docket No. ER20010003 – In the Matter of Federal Energy (FERC) Items for 2020 - FERC Docket No. ER20-841 PJM Interconnection, LLC re: Proposed M-4 Tariff Revision on NERC Reliability Standard CIP-014.**

**BACKGROUND AND DISCUSSION:** This matter involved Staff, on behalf of the Board, filing a Request for Rehearing of the March 17, 2020 Order issued by the Federal Energy Regulatory Commission (FERC, Commission). The Board is a party to this case, having intervened as a “state commission” on January 23, 2020, and filed comments on February 7, 2020.

This proceeding was initiated at the Commission on January 17, 2020, when the PJM Transmission Owners submitted a filing to FERC under Section 205 of the Federal Power Act. The now-accepted Tariff Revision to the PJM Open Access Transmission Tariff defines planning procedure for CIP-014-2 supplemental projects without publicly disclosing information about the CIP-014-2 critical transmission station or substation.

The FERC accepted it as just and reasonable in their March 17, 2020 Order. Consistent with its prior comments arguing that the Commission reject it. On April 16, Staff filed a request for rehearing with a coalition of other parties. Staff recommended the Board ratify the April 16 Request for Rehearing at this time.

**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>

**E. Docket No. ER20010003 – In the Matter of Federal Energy (FERC) Items for 2020 - FERC Docket No. ER19-5 Commonwealth Edison Company v. PJM Interconnection, LLC – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session pursuant to attorney-client privilege exception to the Open Public Meeting Act.

On October 1, 2018, various Exelon transmission companies (Exelon), including BG&E, ComEd, Pepco, Atlantic City Electric, and Delmarva filed petitions at Federal Energy Regulatory Commission (FERC) to modify their Formula Rate Templates to address Financial Accounting Standard (FAS) 109 amounts. The amounts calculated using this standard are payable or refundable to customers, typically on an annual basis. These amounts, such as accumulated deferred income taxes (ADIT), are also included in transmission formula rates and are part of Formula Rate Templates.

Exelon proposed revisions to their formula rates to provide a mechanism to refund or recover, as appropriate, deferred tax excesses, excuse me, and deficiencies, including ADIT, AFUDC Equity, and flow-through items.

In September 7, 2018 Order, FERC rejected those applications. Exelon was to submit new filings with a mechanism to refund or recover, as appropriate, deferred income tax excess and deficiencies related to the Tax Cuts and Job Act.

After various deficiency letters and a request for rehearing, FERC accepted the Exelon's petitions with an October 1, 2018 effective date, subject to refund, set them for hearing on a consolidated basis, and directed the institution of settlement judge procedures.

The Board is a party to this proceeding, and Staff, on behalf of the Board, participated in settlement discussions in this case. Ultimately, the parties reached a settlement in this proceeding in early April 2020. However, the FERC then added this proceeding to their open meeting agenda for the April 2020 session.

To afford the parties opportunity to file the settlement, parties filed a motion with FERC to strike the matter from FERC's open meeting agenda. Staff, on behalf of the Board, did not oppose this motion. Although FERC did not strike the item from the agenda, the parties were able to finalize the settlement without issue.

The settlement modifies formula rate templates used to address deferred taxes, which will create greater certainty going forward regarding the treatment of these FAS 109 amounts recorded by the Exelon companies.

It also results in refunds of approximately \$830 million to customers in the form of a reduction of the 2020 revenue requirement for all Exelon companies mentioned previously.

The Atlantic City Electric Company refund amount is just over \$100 million. The parties agreed that those refunds should be implemented through each company's formula rate annual update. This year, those updates are due on May 15.

To allow time for FERC review and to allow for comments, the settlement was filed publicly on April 24, 2020 with a request for expedited review. Comments on the settlement are due today. If the Board ratifies the agreement, Staff will inform the parties and FERC Staff, so that the Board may be added as a non-objecting party. Staff did not oppose the settlement.

Staff recommended that the Board ratify Staff's actions during the course of this proceeding, including not opposing the motion. Staff also recommended that the Board not to oppose the filed settlement.

**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. CE13080756 – In the Matter of the Application of Verizon New Jersey, Inc. for Renewal of a System-wide Cable Television Franchise – Ascertainment Report.

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

**BACKGROUND AND DISCUSSION:** This matter involved the renewal of the system-wide cable television franchise for Verizon New Jersey. In August 2006, amendments to the New Jersey Cable Act (State Act/Act) were enacted which were intended to accelerate cable competition and consumer choice. This legislation provided cable operators a choice between acquiring traditional franchises town by town, as had been the practice in New Jersey since the 1970's, or applying directly to the Board for a system-wide franchise. Verizon was the first operator to seek a system-wide franchise from the Board, and its initial application was approved in December 2006 for a seven year term, granting Verizon authority to provide Cable TV service in 216 towns. The Franchise was renewed for an additional seven year term upon its expiration, with Verizon's authority expanding to 379 towns. The current franchise is due to expire in December 2020, and Verizon is now seeking renewal of its term once again to continue its authority to provide service in 392 towns.

Franchise renewals are governed by the federal Communications Act, the State Act, and the Office of Cable Television and Telecommunication's (OCTV&T) rules under the New Jersey Administrative Code. As part of the renewal, the rules call for the local franchising authority, which is the Board, to engage in what is called an ascertainment process. Ascertainment is the term utilized to explain the fact-finding process described in the Federal Act (47 U.S.C. §546). The purpose of ascertainment is to examine the past performance of the cable operator and identify the future cable-related needs of the community served by the cable operator.

Federal rules require that, at least seven months prior to the expiration of the franchise, the OCTV&T must issue an ascertainment report to the Board, which must be made available to the public. The State Cable Act establishes strict criteria regarding the Board's review of Verizon's performance under its franchise, and it is limited to: 1) any statewide needs and requirements established under the Act; 2) the extent to which it has met its franchise commitments under the State Cable Act and the Board's rules, and 3) performance and substantial compliance with material terms and conditions of the franchise based on notice and opportunity to cure as placed on the record per Federal law.

The ascertainment report prepared by the OCTV&T addresses these matters which includes discussion of Verizon's deployment requirements. Unlike traditional cable television franchises, which generally cover the entirety of the municipalities that are served, Verizon's deployment requirements under the system-wide franchise are limited pursuant to the State Act to the residential areas of only 70 towns representing the county seats and the most densely populated towns (>7,111 persons / sq. mi) within its telephone service territory. Verizon was required to complete deployment of its FiOS service within six years of the date when it first started offering service in these towns. Of the 392 towns

in Verizon's franchise, it currently provides its FiOS cable television service to all or parts of 371 municipalities.

On January 24, 2018, the OCTV&T notified Verizon of its intention to review its performance under its system-wide franchise pursuant to Federal and state guidelines, as outlined above. On February 13, 2020, the OCTV&T invited Verizon to file comments on its performance under the franchise and to assess how it will meet the future needs of the communities listed in its franchise application. Verizon filed its Initial Comments with the OCTV&T on March 30, 2020. In its comments, Verizon contends that it has widely deployed its cable television service in New Jersey to fulfill its statutory obligations under the system-wide franchise, and that current and future cable related needs of the municipalities served by Verizon are substantially fulfilled by the State Act's statutory obligations, including higher franchise fees, public, educational and governmental programming, equipment and training and free municipal connections.

As required under the rules, within 90 days following the issuance of the Ascertainment Report, Verizon will file its formal franchise renewal application with the Board in August. Two public hearings must be held by October to provide opportunity for public comment on Verizon's application, prior to the Board's review of Verizon's renewal application which will be considered prior to its expiration in December 2020.

The Board approved the release of OCTV&T's Ascertainment Report, in compliance with the renewal process for Verizon's system-wide franchise.

Staff, therefore, recommended that the Board approve for the release of the ascertainment report in compliance with the renewal process for Verizon's system-wide franchise.

**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>

#### **4. TELECOMMUNICATIONS**

There were no items in this category.

**5. WATER**

**A. Docket No. WM20030235 – In the Matter of the Application for Approval Pursuant to N.J.S.A. 40:14B-20(6) of a Resolution by the Township of Parsippany-Troy Hills Requesting the Southeast Morris County Municipal Utilities Authority to Sell Water within the Township at Retail.**

**Michael Kammer, Director, Division of Water**, presented this matter.

**BACKGROUND AND DISCUSSION:** On March 12, 2020, the Township of Parsippany-Troy Hills, Morris County (Township) filed a petition with the Board, for approval of Parsippany-Troy Hills' Resolution No. 2019-224 (Resolution) requesting that the Southeast Morris County Municipal Utilities Authority (SMCMUA or Authority) provide retail water service in the Township.

The SMCMUA is a municipal utilities authority created and governed by the County and Municipal Utilities Authority Law. The SMCMUA provides drinking water to customers in Morristown, Morris Township, Morris Plains and Hanover Township with some service in Mendham Township and Harding Township, and to certain customers and municipalities outside its District in Morris County, New Jersey. The Authority serves over 15,000 residential and 2,500 billed commercial/industrial accounts in its service territory.

The Authority's water system is the only source of water service to the retail service properties in the Township, which include the Morris County Policy and Fire Academy and the Greystone Hospital wastewater treatment plant. The proposed development of the retail service properties is dependent upon the availability of this water service. The new development and redevelopment of the properties will also result in increased water usage. The Authority already provides water supply to the existing structures on the retail service properties through a Bulk Sale Agreement with the Township. The Authority also has existing water system infrastructure in place in the area, while the Township does not. As such, the Township has determined that the Retail Service Properties would be best served as direct retail customers of the Authority. Being a direct retail customer of the Authority will also allow for the customer to interact explicitly with their water service provider.

The Rate Counsel filed comments stating that they did not oppose the resolution, and there will be no rate impact on customers of the Parsippany-Troy Hills MUA, and customers of the Parsippany-Troy Hills MUA that are served by Southeast Morris County will pay rates at retail, so there will be no rate impact on those customers as well.

Staff recommended that the Board approve the Parsippany-Troy Hills resolution and grant permission to SMCMUA to serve that portion of the township. Staff also recommended that the Board approve the resolution.

**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>

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

**A. Docket Nos. BPU WC18121336U and OAL PUC 01651-19 – In the Matter of Michelle Fontanez, Petitioner v. Middlesex 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 Michelle Fontanez (Petitioner) and Middlesex Water Company (Middlesex or Company). The petition was filed on December 5, 2018, and transmitted to the Office of Administrative Law on February 1, 2019 and assigned to Administrative Law Judge (ALJ) Susan L. Olgiati.

The Petitioner stated that Middlesex incorrectly billed her account in the amount of \$3,220.00, and that crossed meters existed at the premises. She further stated her service was shut off in error.

Middlesex, in its answer dated January 16, 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 because the Petitioner failed to set forth a claim upon which relief may be granted.

On May 10, 2019, Middlesex filed a motion for summary decision. The Petitioner did not file any response to the motion. By Order dated July 2, 2019, ALJ Olgiati denied Middlesex's motion. An evidentiary hearing was held on January 9, 2020, and on February 24, 2020, the ALJ issued her Initial Decision and determined that in 2013 Middlesex entered into three separate deferred payment arrangements with the Petitioner and noted the Petitioner's admission at the evidentiary hearing that from July 2015 until February 2017. The Petitioner made payments to Middlesex of \$75.00 per month (\$225.00 per quarter). However, the payments only paid down the Petitioner's outstanding past due balances, did not address her current quarterly charges, or satisfy the total amount due for continuing service from October 2015 through January 2017.

ALJ Olgiati, in her Initial Decision, concluded that the Petitioner had not proved by a preponderance of the evidence that her water bills were inaccurate or improperly charged by the Company. ALJ Olgiati further concluded that Middlesex's action in discontinuing the Petitioner's water service due to failure to comply with the terms of her latest payment arrangement was proper. Accordingly, the Petitioner remains responsible for the outstanding charges of \$3,320.10. 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.

<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. In the Matter of Petition to the NJ Board of Public Utilities for a Second Extension and Re-Activation of the Recently Expired 15-Year SREC Program Application:

- Docket No. QW20020096 – Leroy Cooper Elementary School
- Docket No. QW20020097 – Old Bridge High School
- Docket No. QW20020098 – Carl Sandburg Elementary School
- Docket No. QW20020099 – Grade 9 Center
- Docket No. QW20020100 – Raymond E. Voorhees Elementary School
- Docket No. QW20020101 – Memorial Elementary School
- Docket No. QW20020102 – Jonas Salk Middle School

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

**BACKGROUND AND DISCUSSION:** On January 31, 2020, GeoPeak Energy (GeoPeak or Petitioner) submitted seven Petitions requesting second extensions of three months to the project construction completion deadlines for its Solar Renewable Energy Credit (SREC) Registration Program (SRP) applications. These Old Bridge Township Board of Education solar systems are roof mounted, will be net metered, and are located at the following sites:

- Leroy Cooper Elementary School
- Old Bridge High School
- Carl Sandburg Elementary School
- Grade 9 Center
- Raymond E Voorhees Elementary School

- Memorial Elementary School
- Jonas Salk Middle School

While each of the seven solar electric generation facilities located at Old Bridge Township schools have received their Permission to Operate from JCP&L, the PTOs were received after their first extensions expired on November 17, 2019. The Petitioner did not seek or receive a second extension from the Board prior to those expirations. The Petitioner now claims that it would have petitioned the Board, but for the fact that it was unaware that it could do so.

A registrant for facilities that are net metered, provide on-site generation, or provide power for a qualified customer engaged in aggregated net metering may request an extension of six months prior to expiration of the conditional registration. The rules do not provide for a second extension, which must therefore be sought by seeking a waiver of the rules from the Board. If the conditional registration or extension expires before completion of construction, and no second extension is granted, the registrant shall begin the entire registration process again.

Staff recommended that the Board find that the Petitioner's claims that they were unaware that they could file a petition with the Board during the time that they could have done so, prior to the expiration of their first extensions, is not sufficient to justify granting a second extension. Staff also recommended that the Board deny the request to "reactivate" the original registrations. Finally, Staff recommended that the Board advise the registrant to submit new registrations that they may be eligible for the Transition Incentive Program that opened on May 1, 2020.

On the motion to approve Staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education Leroy Cooper Elementary School.

**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>

On the motion to approve Staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education Old Bridge High School.

**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>

On the motion to approve staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education Carl Sandburg Elementary School.

**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>

On the motion to approve Staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education Grade 9 Center.

**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>

On the motion to approve Staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education School Raymond E. Voorhees Elementary School.

**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>

On the motion to approve Staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education Memorial Elementary School.

**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>

On the motion to approve Staff's recommendation to deny GeoPeak Energy's request for re-activation and second extension of its SRP registration for the Old Bridge Township Board of Education Jonas Salk Middle School.

**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. QO18040433 – Monroe Solar Farm, LLC, B&J Warren and Sons Landfill – Executive Session.**

Pursuant to attorney-client privilege exception to the Open Public Meeting Act, the Board did not discuss this matter in Open Session. 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. QO19030303 – Request for Modification of Settlement Agreement of Board Order dated June 29, 2016 on behalf of CEP Solar, Ltd. – Executive Session.**

Pursuant to attorney-client privilege exception to the Open Public Meeting Act, the Board did not discuss this matter in Open Session. The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

**9. MISCELLANEOUS**

There were no items in this category.



## EXECUTIVE SESSION

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

### 2. ENERGY

#### **E. Docket No. ER20010003 – In the Matter of Federal Energy (FERC) Items for 2020 – FERC Docket No. ER19-5 Commonwealth Edison Company v. PJM Interconnection, LLC**

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. QO18040433 – Monroe Solar Farm, LLC, B&J Warren and Sons Landfill.**

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. QO19030303 – Request for Modification of Settlement Agreement of Board Order dated June 29, 2016 on behalf of CEP Solar, Ltd.**

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: June 10, 2020