



**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 July 15, 2020, via Teleconference: +1 301 715 8592 – Webinar ID: 944 5073 4900 watch online @ <https://youtu.be/3cCf8ra9CSs>

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 July 29, 2020 at 10:00 a.m. via teleconference.

## CONSENT AGENDA

### I. AUDITS

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

EE19111445L GE19111446L	Bridge Energy Services, LLC d/b/a Bridge Energy Services	I – EA/PA
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#### Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE20030247L	Energy Spectrum, Inc.	R – EA
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EE20020156L	Open Energy Services, LLC	R – EA
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EE20050330L	United Power Consultants, Inc. d/b/a United Power Consultants, Inc.	R – EA
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EE20050370L GE20050371L	Energy Consultants, LLC	R – EA/PA
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EE20040283L GE20040284L	RJT Energy Consultants, LLC	R – EA/PA
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EE19121527L GE19121528L	Utility Answers, LLC	R – EA/PA/EC
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EE19121524L GE19121525L	Premiere Marketing, LLC d/b/a Transparent Energy	R – EA/PA/EC
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EE20030272L GE20030273L	Rock Promotions, LLC d/b/a Rock Energy Consultants	R – EA/EC
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**BACKGROUND:** The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. An energy agent, private aggregator, or energy consultant registration shall be valid for one year from the date of issue. Annually thereafter, licensed

electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

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

- Bridge Energy Services, LLC d/b/a Bridge Energy Services

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

- Energy Spectrum, Inc.
- Open Energy Services LLC
- United Power Consultants, Inc. d/b/a United Power Consultants, Inc.
- Energy Consultants LLC
- RJT Energy Consultants, LLC
- Utility Answers LLC
- Premiere Marketing, LLC d/b/a Transparent Energy
- Rock Promotions LLC d/b/a Rock Energy Consultants

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

## II. ENERGY

### A. Docket No. ER20020146 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Review and Approval of Increases in, and Other Adjustments to, its Rates and Other Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therewith (2020 Base Rate Filing).

**BACKGROUND:** On February 18, 2020, Jersey Central Power and Light (JCP&L or Company) filed a petition with the Board for approval of an increase in its operating revenues of approximately \$186.94 million, to be effective for electric service provided on or after March 19, 2020. The Company also sought Board approval to implement new depreciation rates. JCP&L's petition requested a return on equity of 10.15%.

In addition, the Company sought the following: 1) revisions to certain terms and conditions of its existing tariff; 2) certain revisions to its LED Street Lighting tariff; and 3) approval to roll in all of the capital investments under the Company's Reliability Plus program.

The Company stated that their current electric distribution rates are not just and reasonable because they do not produce an adequate reasonable return on the Company's invested capital, and do not provide sufficient revenues to recover the Company's investment in rate base or its operating expenses.

By Order dated March 9, 2020, the Board issued an Order suspending the proposed rate increase until July 19, 2020 pending further action on this matter. The matter was subsequently transmitted to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge Irene Jones for consideration and hearing.

On June 2, 2020, JCP&L updated its petition to include nine months of actual data and three months of estimated data. The requested rate increase was modified to \$181.98 million.

Staff recommended that the Board issue a second order suspending the proposed rates until November 19, 2020, pending resolution of this matter at the Office of Administrative Law.

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

**B. Docket No. GR20030243 – In the Matter of the Petition of South Jersey Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revisions.**

**BACKGROUND:** On March 13, 2020, South Jersey Gas Company (Company or SJG) filed a petition with the Board seeking approval of an increase in its operating revenues of approximately \$75.3 million, or 12.2%, to be effective for gas service provided on or after April 13, 2020. The Company also sought Board approval to implement new depreciation rates and to make revisions to certain terms and conditions of its existing tariff. The Company's petition requested a 10.4% return on equity.

In addition, the Company sought authority to establish regulatory assets related to the following: 1) incremental costs associated with a pipeline integrity management program incurred in between rate cases; 2) increased costs for the Company's Transmission Integrity Management Program, costs incurred in connection with the development of a cancelled pipeline project; and the Company's Early Retirement Incentive Program offered to employees in 2018-2019.

According to the petition, the primary reasons for the requested increase is the need to earn a fair return on capital investments and projects made since the filing of the Company's last base rate case in 2017, and to ensure that the Company can continue to attract capital at reasonable rates and invest in the infrastructure necessary to provide safe and reliable service.

By Order dated April 6, 2020, the Board suspended the proposed rate increase until August 13, 2020 pending further action on this matter. This matter was subsequently transmitted to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge Tricia M. Caliguire for consideration and hearing.

On May 15, 2020, SJG updated its petition to include nine months of actual data and three months of estimated data. As a result, the requested rate increase was modified to approximately \$75.74 million.

Staff recommended that the Board issue a second order suspending the proposed rates until December 13, 2020, pending resolution of this matter at the Office of Administrative Law.

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

**C. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. ER20-2004 PJM Interconnection LLC re: PSE&G Order 864 Compliance Filing.**

**BACKGROUND:** This matter involved Staff, on behalf of the Board, intervening in the above captioned docket at the Federal Energy Regulatory Commission (FERC) on June 11, 2020. This case involved FERC's Order 864, which required Transmission Owners to revise their formula rate templates to account for excess or deficient Accumulated deferred income tax resulting from the Tax Cuts and Jobs Act of 2017. Public Service Electric and Gas Company submitted a compliance filing to the FERC on June 5, 2020, seeking to amend their Formula Rate Template to comply with Order 864. Intervention establishes party status in a proceeding. Staff will bring the matter to the Board's regular agenda. Staff recommended that the Board ratify this intervention.

**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. TM20050374 – In the Matter of the Verified Joint Petition of Cavalier Telephone Mid-Atlantic, LLC, and Intellifiber Networks, LLC, Sellers and Uniti Group Finance, Inc. and Uniti National LLC, Purchasers, for Approval for Sellers to Transfer Certain Assets to Purchasers.**

**BACKGROUND:** On May 29, 2020, Cavalier Telephone Mid-Atlantic, LLC and Intellifiber Networks, LLC (together, the Windstream Licensees or Sellers), Uniti Group Finance Inc. (Uniti Group Finance), and Uniti National LLC (Uniti National and together with Uniti Group Finance, Purchasers) (Purchasers and Sellers collectively, Petitioners), submitted a Joint Petition to the Board for Sellers to transfer certain fiber optic assets to Purchasers (the Transaction). The Transaction is part of a larger Settlement Agreement between Windstream Holdings, Inc. (ultimate parent company of Windstream Licensees) and Uniti Group Inc. to resolve a number of disputes between the two organizations.

Under an Asset Purchase Agreement, Uniti Group Finance will acquire certain assets of Debtors' competitive telecommunications subsidiaries. The Settlement Agreement, including the Asset Purchase Agreement and Transaction, was approved by the Bankruptcy Court in an order issued on May 12, 2020.

Following the transfer of assets, the same services will continue to be offered in New Jersey at the same rates, terms, and conditions to customers.

The New Jersey Division of Rate Counsel submitted comments by letter dated June 19, 2020, stating it did not object to Board approval of the Petitioners' request.

After review, Staff 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 Petitioners be allowed to proceed with the Transaction.

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

**B. Docket No. TM20060388 – In the Matter of Windstream Holdings, Inc., Windstream Services, LLC; A.R.C. Networks, Inc.; Bridgecom International, Inc.; Broadview Networks, Inc.; Broadview NP Acquisition Corp; Business Telecom, LLC; et al - Approval Transfer of Control of Windstream Holdings, Inc.**

**BACKGROUND:** On June 3, 2020, Windstream Holdings, Inc. and Windstream Services, LLC, on behalf of their subsidiaries active in New Jersey (Petitioner) submitted a Petition to the Board requesting authority to complete the intracompany and reorganization transactions necessary for Windstream to emerge from a bankruptcy proceeding commenced in February 2019. Subsequently on July 1, 2020, the Petitioners submitted a petition for a waiver of certain notice requirements to municipalities and utilities.

The Petitioners requested that the Board waive the individual notice requirements to municipalities and utilities and, in lieu thereof, permit the Petitioners to provide notice through publication in regional newspapers of mass circulation designed to reach all twenty-one counties in New Jersey. The Petitioners stated that the granting of this limited waiver in these extraordinary times is a limited accommodation caused by the staffing hardships that impact the Petitioners and its legal representative due to the COVID-19 pandemic.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments by letter dated July 8, 2020, stating it did not oppose a Board decision to grant the limited waiver requested by the Petitioners and allow public notice of the transaction to be provided through area newspapers of mass circulation conditioned on also requiring that public notice be provided via electronic format through a mass email to affected municipalities and customers, via its website and on social media sites. Additionally, Rate Counsel recommended that the Board review and approve the public notice the Petitioners intend to publish and require proof of publishing and certification that electronic notice has been provided to affected towns and customers to the Board with copy to Rate Counsel.

On June, 10, 2020, the Petitioners filed a response to Rate Counsel's comments and recommendations for additional notice requirements. While the Petitioners did not object to the posting of notice on its website, they requested that the Board reject the recommendations for individual, electronic notification to municipalities and customers and the use of social media, characterizing them as ineffective, unnecessary and burdensome. The Petitioners noted that they have already placed legal notices in seven newspapers of general circulation throughout the twenty-one counties in the State, providing readers with clear notice of the proceeding, their right to review the pending Petition and submit comments to the Board. The Petitioner's argued that the Rate Counsel's recommended electronic notice addressed to each of the 565 municipalities is

cumbersome, time-consuming and an unnecessary use of limited administrative staff during the COVID-19 pandemic.

Staff found that the Petitioners have demonstrated that complying with N.J.A.C. 14:5.14 (b) (12), would be difficult in today's pandemic times stating that their offices and their counsel's offices are operating at significantly reduced capacity with virtually no administrative staff present.

Therefore, Staff recommended that the Petitioners be granted the waiver in this instance of providing individual notice requirements to municipalities and utilities, in lieu thereof, the Petitioners will provide notice through publication in regional newspapers of mass circulation designed to reach all twenty-one counties in New Jersey. The Petitioners will also post notice on their website, but they should not be required to provide the individual electronic notice to municipalities as recommended by Rate Counsel.

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

## V. WATER

### A. Docket No. WO19030381 – In the Matter of the Petition of Suez Water NJ, Inc. for Approval of a Pilot Program to Facilitate the Replacement of Lead Service Lines and a Related Cost Recovery Mechanism – Request for Extension.

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on June 15, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on July 30, 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 September 13, 2020.

**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 June 10, 2020 Agenda Meeting.**

**BACKGROUND:** Staff presented the minutes of June 10, 2020 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. EA17010004 – In the Matter of the Request for a Financial Audit of the New Jersey Electric Distribution Companies’ Basic Generation Administrative Expense and Other Related Expenses – Order of Implementation.**

**BACKGROUND AND DISCUSSION:** This matter involved the Audit of Basic Generation Service (BGS) Administrative Costs for the four Electric Distribution Companies (EDCs), Atlantic City Electric Company (ACE), Jersey Power and Light Company (JCP&L), Public Service Electric and Gas Company (PSE&G) and Rockland Electric Company (RECO). Previously the Board accepted the Final Audit Report prepared by Liberty Consulting Group (Liberty) for filing purposes and released it for comment. The Board received comments from the four EDCs, the New Jersey Division of Rate Counsel and Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Gateway Energy Services Corporation, and NJR Retail Services Company.

Staff requested that the Board render a decision on the 16 Liberty recommendations set forth in the Final Audit Report. The recommendation are as follows:

1. Conduct an analysis of infringement risk that comports with prevailing methods of risk management.
2. Evaluate net cost and BGS-quality impacts of transitioning to simpler auction process.
3. Through the next EDC [Company Specific Addendum] (CSA) filings, establish a formal, documented definition of Commonly- and Directly-Incurred BGS Administrative Costs.
4. Establish a practice of conducting periodic reviews of the Auction Manager’s charges for BGS services.
5. Correct JCP&L’s under-inclusion of patent-related legal expenses.
6. Correct ACE’s under-inclusion of patent-related legal expenses.
7. Correct RECO’s under-inclusion of patent-related legal expenses.
8. Correct the methods and calculations for allocating lease costs for Newark offices used by the Auction Manager.
9. PSE&G should allocate the costs of auction viewing and bidder information session facilities.

10. ACE should adopt the practice of explaining more fully out-of-period adjustments in the future.
11. Enhance standardization of the categories of uniquely-incurred costs of the EDCs for performing and supporting BGS functions.
12. Provide for EDC filings with the BPU of periodic reports identifying BGS Administrative Costs at a reasonably-detailed categorical level, to support direct review of the accuracy and appropriateness of the components subjected to reconciliation.
13. Provide to the BPU supporting information sufficient to demonstrate that patent related legal costs originally included in delivery rates were charged to BGS customers per the established allocation factors.
14. Adjust ACE charges to the BGS-RSCP and BGS-CIEP to reflect the appropriate allocation of Auction Manager and Staff/Board Consultant Charges for the 2013 to 2016 BGS periods.
15. Periodically subject Auction Manager services procurement to meaningful competition.
16. Move Auction Manager billing into conformity with a 45-day benchmark.

Staff recommendations and comments received regarding implementation of the 16 Liberty recommendations from the Audit Report were vetted by both the Division of Audits and the Division of Energy.

The Audit review covered the administrative costs including direct and indirect costs incurred by the EDCs. These costs include but are not limited to such items as hiring an auction manager, consultants, confidential on-going patent litigation costs, office space, auction room costs as well as other costs that the utilities incur with respect to the purchase of electricity. Recovery of these costs are generally recovered from each winning bidder through a tranche fee factored into the bidder's price with the balance of these costs recovered through each EDC's BGS reconciliation charges and/or other recovery mechanisms, and in effect, are all recovered from customers.

The 16 recommendations in Liberty's Final Report are intended to improve the management and accounting for BGS Administrative Expenses. The EDC's agreed with 8 recommendations (Nos. 5, 6, 7, 8, 9, 10, 14 and 16), partially agree with 4 of the recommendations (Nos. 3, 11, 12 and 13) and disagree with 4 of the recommendations (Nos. 1, 2, 4, and 15). With respect to recommendations 2 and 15, Staff agreed with the EDC's and did not recommend implementation by the Company at this time.

Staff recommended implementation of the remaining 14 recommendations as recommended or modified by Staff.

**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. EO20060465 – In the Matter of the Alleged Failure of EnerPenn USA, 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 Initial Registration**

**Docket No. EE18060667L      EnerPenn USA, LLC**

**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 EnerPenn USA, LLC d/b/a YEP Energy (EnerPenn), which has been operating as an electric power supplier to provide services to residential, commercial, and industrial customers in New Jersey.

As a result of correspondence and telephone conversations between Staff and EnerPenn, EnerPenn submitted an Offer of Settlement (Offer) regarding its alleged violations. The Company made a monetary offer in the amount of \$2,800.00 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.

**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, Staff recommended that the Board approve the initial license application filed by EnerPenn to be a Third Party Electric Power Supplier.

**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. EO20050352 – In the Matter of the Petition of Commercial Metals Company for a Declaratory Ruling.**

**BACKGROUND AND DISCUSSION:** On May 12, 2020, Commercial Metals Company (CMC) filed a petition requesting that the Board issue a declaratory ruling exempting CMC’s load from renewable portfolio standards compliance. CMC currently receives electric service from Jersey Central Power and Light Company at its electric arc furnace mini mill in Sayreville, New Jersey (Sayreville Mill).

Staff recommended that the petition be retained by the Board for hearing pursuant to N.J.S.A. 48:2-32, and designated Commissioner Dianne Solomon as the presiding officer with authority to establish and modify schedules, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

Staff recommended that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by August 5, 2020. Commissioner Solomon will render a decision on any motions filed, and any parties wishing to file a motion for admission counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

**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. ER19091302 and GR19091303 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Tax Adjustment Credit and Gas Tax Adjustment Credit (2019 TAC Filing).**

**BACKGROUND AND DISCUSSION:** On September 26, 2019, Public Service Electric and Gas Company (PSE&G, Company) filed a petition with the Board seeking approval for electric and gas base rate changes associated with the Electric Tax Adjustment Credit and Gas Tax Adjustment Credit (collectively, TACs) to establish new rates for 2020 (September 2019 TAC Petition).

By Order dated January 22, 2020, the Board approved the implementation of PSE&G’s proposed TAC rates on a provisional basis, subject to refund with interest on any net over recovered balance. The TAC rates became effective on February 1, 2020, while the Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Parties) continued a comprehensive review of this matter.

Through the course of this proceeding, PSE&G updated its schedules to reflect actual data through December 31, 2019. On March 26, 2020, PSE&G updated the schedules to reflect the impact of the Private Letter Ruling (PLR Update), which provided guidance on the treatment of both the deficient deferred taxes related to Cost of Removal and the excess deferred taxes associated with accounting method changes related to repair deductions and capitalization of mixed service costs that are not subject to the tax normalization rules. As a result of actuals through June 30, 2019 and the PLR Update, the total impact of adjusting the TACs would result in an overall refund of approximately \$280.8 million.

The Parties executed a stipulation of settlement (Stipulation) that recommended revising and finalizing the rates implemented per the January 2020 Order to incorporate the PLR update.

As a result of the Stipulation, the annual impact on the typical residential electric customer using 740 kWh in a summer month and 6,920 kWh would be a decrease of \$4.04 or approximately 0.31%. The annual impact on the typical residential gas heating customer using 172 therms in a winter month and 1,040 therms annually would be a decrease of \$10.04 or approximately 1.15%.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties which seeks to revise and finalize the rates that were implemented per the January 2020 Order. Staff also recommended that the Board order PSE&G to file tariffs consistent with the Order by July 16, 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 No. GR19120002 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism (GSMP II) (December 2019 GSMP II Rate Filing).**

**BACKGROUND AND DISCUSSION:** On December 30, 2019, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval for gas base rate changes to provide for cost recovery associated with certain capitalized investment costs within the extension of the Company's Gas System Modernization Program (GSMP II or Program) (December 2019 Petition). In the December 2019 Petition, the Company sought approval to recover a revenue requirement of approximately \$18.245 million associated with capitalized investments made through February 29, 2020 not yet recovered in rates.

On March 16, 2020, the Company provided an update reflecting actual data through February 29, 2020 Update. PSE&G replaced 259 miles of main and 18,007 services through February 29, 2020. The Update supported a revenue requirement of \$18.293

million. However, PSE&G indicated that was not seeking the updated amount and proposed to recover the originally proposed revenue requirement of \$18.245 million and defer the difference of \$49,000 until the next roll in.

Following the review of the December 2019 Petition, PSE&G, the New Jersey Division of Rate Counsel and Board Staff (collectively, Parties) executed a stipulation of settlement (Stipulation) resolving all of the issues related to the December 2019 Petition. The Stipulation would allow the Company to recover a gas revenue requirement of \$18.245 million.

The annual bill impact on the typical residential gas heating customer using 172 therms in a winter month and 1,040 therms annually is an increase of \$10.88, or approximately 1.25%

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct PSE&G to file tariffs consistent with its Order by July 16, 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 Items for 2020 – FERC Docket No. ER20-2046 PJM Interconnection LLC re: Transmission Owners’ Amendments to Attachment M-3.**

**BACKGROUND AND DISCUSSION:** This matter involved a filing by Staff on behalf of the Board at Federal Energy Regulatory Commission (FERC) initiated by the collective transmission owners (TOs) in PJM region. The TOs were exercising their rights under the Consolidated Transmission Owners Agreement (CTOA), and in doing so they filed revisions to the PJM Open Acts Transmission Tariff (OATT) under Section 205 of the Federal Power Act.

These revisions to the OATT concern what the TOs consider to be asset management projects. Specifically these are projects to replace assets that are at the end of their useful life. The revisions to the OATT would establish a process for the transmission owners to coordinate with PJM on planning of these projects who retain much of the control over these projects for the TOs.

Staff has been actively following this proposal through the stakeholder process at PJM, where members did not endorse the proposal that the TOs filed with FERC. Nevertheless, the TOs did proceed to FERC, which required comments and protests to be filed by July 6, 2020.

Staff, acting on behalf of the Board, filed a protest on the following grounds:

- 1) The TOs revisions unreasonably limit competition; and
- 2) The TOs revisions do not allow for sufficient transparency of the planning process; and also the TOs revisions would not be consistent with cost allocation principals.

The PJM members voted in support of a separate solution package, which PJM filed with FERC July 2, 2020. This separate proposal is also pending at FERC for approval, two proposals covering essentially the same subject matter area, pending before the federal regulator.

Staff recommended that the Board ratify the intervention and protest in this proceeding 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 Items for 2020 – FERC Docket No. RM20-10 Electric Transmission Incentives Policy under Section 219 of the Federal Power Act.**

**BACKGROUND AND DISCUSSION: BACKGROUND AND DISCUSSION:** This matter involved the intervention and comments filed by Staff on behalf of the Board, in a Notice of Proposed Rulemaking (NOPR). The NOPR concerns incentive adders for the return on equity for different transmission projects. Sometimes these incentive adders are called Federal Energy Regulatory Commission (FERC) Candy. For many years, in fact over a decade, the Board has actively challenged FERC Candy in various proceedings.

Most recently, Governor's Energy Master Plan identified return on equity (ROE) as an area needing reform and requiring the Board's engagement at Federal Energy Regulatory Commission (FERC) on issues concerning ROE. In fact the draft Energy Master Plan specifically referenced the proceeding that led to the current NOPR.

Consistent with that policy direction, and the Board's prior policy on transmission incentives, or FERC Candy, Staff thoroughly reviewed the NOPR and prepared comments that addressed the following key areas:

First, Staff asserted that that NOPR is not consistent with Section 219 of the Federal Power Act. That is the statute that governs these incentive adders.

Second, Staff asserted that the NOPR does not provide a reasonable basis, for the significant policy changes proposed, and any adoption of this NOPR as a final rule would be arbitrary and capricious.

Finally, Staff asserted that the NOPR will not achieve its intended purpose, and that is the comment to the effect. The deadline for comments was July 1, 2020.

Staff recommended that the Board ratify Staff's intervention and comments in this proceeding 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>

### 3. CABLE TELEVISION

There were no items in this category.

### 4. TELECOMMUNICATIONS

There were no items in this category.

### 5. WATER

There were no items in this category.

### 6. RELIABILITY AND SECURITY

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

#### **A. Docket No. EX20060399 – In the Matter of the Readoption of N.J.A.C. Title 14 Public Utilities, Chapter 29 Energy Emergency.**

**BACKGROUND AND DISCUSSION:** This matter involved the readoption, without amendments, of the New Jersey Administrative Code (N.J.A.C.) Title 14, Chapter 29 Energy Emergency (Rules). The current rules are set to expire but are necessary for the continued supply and delivery of energy during an energy emergency declaration.

The Board readopting its rules governing energy emergencies at N.J.A.C. 14:29. These rules implement N.J.S.A. 52:27F- 16 and 17, which require the Board to establish a plan for addressing the situation in which the Governor declares an energy emergency. No amendments, repeals or new rules are proposed with this readoption. The rules govern both the planning for such an energy emergency, and the implementation of the plan when



necessary. These rules set the parameters and requirements of the distribution and sale of natural gas, electricity, and petroleum fuel products during a significant crisis or emergency event. They cover how the services are to be made available, the retail conditions and restrictions, curtailment of services, rationing of services, and the rules and implementation for usage reduction.

The last readoption was completed on September 18, 2013. The original rules were created and adopted via a full procedural process administered by the Board. The rules are set to expire on September 18, 2020.

Staff recommended that the Board readopt the rules in their current form making them valid through September 2027. Staff also recommended that the Board allow Staff to revisit these rules, at any time during their validity, to determine if updates and/or changes are necessary; at which point any such modifications will be brought before the Board for codification. The rules will be published in the August 17, 2020 register.

**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

There were no items in this category.

## 8. CLEAN ENERGY

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

### **A. Docket No. QO18121289 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications.**

**BACKGROUND AND DISCUSSION:** This matter involved a petition by Ocean Wind, LLC (Ocean Wind) submitted on May 29, 2020 requesting to increase the number of GE Haliade 12 MW Turbines, requesting the Board's authorization to increase the number of turbines previously approved by the Board on November 13, 2019 (the November 2019 Order).

On June 19, 2019, the Board approved the Ocean Wind 1,100 MW project (Project) as a Qualified Offshore Wind Project (the June 21 Order). The June 21 Order set an annual Offshore Wind Renewable Energy Certificates (OREC) allowance of 4,851,489 MWhs per year (the Annual OREC Allowance). The Annual OREC Allowance sets the maximum amount of energy approved for ORECs for the Project each year.

On October 2, 2019, Ocean Wind submitted a petition to the Board seeking authorization to utilize the GE 12 MW WTG instead of the originally proposed WTG (the WTG Petition). The WTG Petition, including supplemental information submitted by Ocean Wind in response to two rounds of questions from Staff (collectively the WTG Petition Information), was considered and approved by the Board on November 13, 2019.

On May 18, 2020, Ocean Wind submitted a petition to the Board requesting clarification on the WTG Order (the Petition for Clarification). Specifically, Ocean Wind sought confirmation that it may install more than the 92 GE 12 MW WTG approved in the WTG Order, so that it may consistently achieve the Annual OREC Allowance originally authorized in the June 21 Order.

Ocean Wind filed a Clarification Petition based on the October 29, 2019 announcement by Ørsted (owner of the Project) that it was running a comprehensive project to upgrade models and processes used to forecast energy production based on extensive production data from Ørsted's global asset portfolio. This analysis concluded that prior production forecasts underestimated the negative impact of two effects on energy production from wind farms—the blockage effect and the wake effect. The blockage effect arises when the wind slows down as it approaches turbines. The wake effect is the aggregated influence on the energy production of the wind farm, which results from the changes in wind speed caused by the impact of the turbines on each other. As a result of the analysis, Ocean Wind will likely need to increase the number of turbines in order to consistently achieve the Annual OREC Allowance.

The primary goal of the 1,100 MW solicitation was to procure clean offshore wind energy generation, and thereby realize all of the benefits associated with that clean energy generation, including reductions in greenhouse gas emissions to mitigate the impacts of climate change, and to meet the State's goal of 100% clean energy by 2050, while minimizing the cost to ratepayers, minimizing environmental impacts, and maximizing the economic benefits associated with the new offshore wind market. An increase to the number of WTGs in order to be in a better position to achieve the Project's Annual OREC Allowance is reasonable in light of the goals of the solicitation.

Increasing the number of WTGs will increase the nameplate capacity of the Project. The Board considers this increase reasonable in order to achieve the goals and benefits stated above. Additionally, the proposed nameplate capacity remains within the range contemplated by the Board in the June 21 Order, as demonstrated by the four options the Board considered which all ranged in size from 1,104 MW to 1,208 MW.

The Board's OREC funding mechanism requires a fixed, pay-for-performance OREC Purchase Price, not subject to modification unless otherwise agreed to by both parties. N.J.A.C. 14:8-6 et seq. Therefore, there will be no increase borne by ratepayers above the rates contained and described in the June 21 Order.

Staff recommended that the Board approve the Petition as submitted by Ocean Wind to increase the number of 12 MW turbines over the number approved in the November 13, 2019 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>

**Benjamin Goldstein, Program Specialist, Division of Clean Energy**, presented these matters.

**B. Docket No. QO20040289 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – East Brunswick Board of Education.**

**BACKGROUND AND DISCUSSION:** This matter involved East Brunswick Board of Education in East Brunswick (East Brunswick or EB) submitting an application on September 3, 2019 under the Fiscal Year 2020 (FY20) Pay for Performance – Existing Buildings (P4P – EB) Program pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY20 dated June 20, 2019. The project is located at East Brunswick High School, 380 Cranbury Road, East Brunswick, New Jersey. The applicant requested a total financial incentive of \$637,039.58 for a project that will cost \$1,712,743.81.

EB application proposed to install several different energy conservation measures. The project would upgrade the school’s interior and exterior lights with efficient LEDs, as well as install daylight dimming controls for the exterior lights that would be integrated into the district’s building management system. Controls would also be installed on heating ventilation and air conditioning (HVAC) systems to optimize HVAC efficiency, and demand control ventilation would also be added and integrated into the building management system. New, highly efficient transformers and insulation measures such as air-sealing and weather-stripping of doors, windows, roofs, and walls will further ensure that the building becomes much more efficient.

The estimated first incentive, for purchase of the equipment, is \$50,000.00. The estimated second incentive, for completed installation of the system, is \$293,519.79. The estimated third incentive, granted after acceptance and confirmation of required performance threshold data, is \$293,519.79. These incentive amounts are within entity cap guidelines. Annually, the proposed project is anticipated to conserve 863,782 kWh of electricity and 41,395 therms of natural gas. The project will also reduce peak electricity demand by an anticipated 247 kW per year. Additionally, the project is estimated to result in annual energy cost savings of \$146,852.00. Without incentives, the payback period for this project is 11.7 years; when factoring in the incentives, the payback period is reduced to 7.3 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 \$637,039.58, 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>

**C. Docket No. QO20060449 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – North Brunswick Township Board of Education.**

**BACKGROUND AND DISCUSSION:** This matter involved North Brunswick Township Board of Education in North Brunswick, New Jersey (NB) submitting an application on September 1, 2019 under the Fiscal Year 2020 (FY20) P4P – NB Program pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY20 dated June 20, 2019. The project is located at North Brunswick Township High School, 98 Raider Road, North Brunswick, New Jersey. The applicant requested a total financial incentive of \$663,769.26 for a project that will cost \$8,395,720.00.

This application covers a comprehensive suite of energy conservation measures that will greatly reduce North Brunswick High School’s energy consumption. Variable refrigerant flow heat pumps (VRF HPs) will be installed to provide the school with electric heating and cooling, decreasing the school’s reliance on fossil fuels. The VRF HP system will include a dedicated outdoor air system with energy recovery ventilation to efficiently supply air for the heat pumps. It will also include system controls and a Building Automation System (BAS) to give facility managers greater measures of control over temperature set points and elements of the VRF HPs. Additionally, the school’s outdated rooftop units will be replaced with new, efficient models that include CO2 demand control ventilation and will be integrated into the BAS to further optimize efficiencies. The BAS will also be expanded to control the temperature set points for all existing HVAC equipment not being replaced as part of this project, and the supplemental baseboard heating will have its temperature controls reset to be in line with the rest of the HVAC system. Finally, high efficiency transformers, interior and exterior LEDs, and occupancy lighting controls on interior LEDs will be installed to reduce the school’s electric consumption.

The estimated first incentive, for purchase of the equipment, is \$50,000.00. The estimated second incentive, for completed installation of the system, is \$306,884.63. The estimated third incentive, granted after acceptance and confirmation of required performance threshold data, is \$306,884.63. These incentive amounts are within entity cap guidelines. Annually, the proposed project is anticipated to conserve 1,358,436 kWh of electricity and 17,598 therms of natural gas. The project will also reduce peak electricity demand by an anticipated 649 kW per year. Additionally, the project is estimated to result in annual energy cost savings of \$157,976.00. The payback period without incentives is 53.1 years; when factoring in the incentives, the payback period is reduced to 48.9 years.

Annually, the proposed project is anticipated to conserve 1,358,436 kWh of electricity and 17,598 therms of natural gas. The project will also reduce peak electricity demand by an anticipated 649 kW per year. Additionally, the project is estimated to result in annual energy cost savings of \$157,976.00. The payback period without incentives is 53.1 years; when factoring in the incentives, the payback period is reduced to 48.9 years.

Staff believed that the project is worthwhile and should be approved, most notably because the project's energy conservation measures are part of a larger Energy Savings Improvement Program (ESIP) application. Government facilities such as K-12 public schools may pursue large-scale capital improvement projects through ESIP that are paid for by the value of the project's future energy savings. The scope of the ESIP project must result in a positive cash flow and meet ESIP payback requirements of no more than 15 years for projects without a combined heat and power component. While this particular NB application shows an unusually lengthy payback period due to the high cost of some of the proposed measures, the larger ESIP project itself will result in a positive overall cash flow to the North Brunswick Township Board of Education while also resulting in significant energy savings. Staff views this project as representative of the type of comprehensive project that the Board typically incentivizes through the P4P – NB Program and recommended approval of the related application despite the longer than usual payback period.

Staff recommended approval of the application for the total estimated incentive amount of \$663,769.26 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>

**D. Docket No. QO20050359 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – NJ Transit.**

**BACKGROUND AND DISCUSSION:** Commissioner Gordon recused himself and did not participate in or vote on this matter. This matter involved an application submitted to the Board by NJ Transit on June 18, 2018 under the Fiscal Year 2018 (FY18) Large Energy Users Program pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY18 dated January 1, 2018. The proposed project will take place at several NJ Transit locations across New Jersey. The applicant requested a total financial incentive of \$1,603,766.67 for a project that will cost \$4,087,090.14.

This application covers three distinct Energy Efficiency upgrades:

1. Meadows Maintenance Facility (MMC) Lighting Upgrades – 1148 Newark Turnpike, Kearny, NJ 07032:
  - NJ Transit plans to replace 158 existing metal halide high-bay light fixtures with new LED fixtures in the Service & Inspection and Wheel True buildings at MMC. The new LED fixtures will be equipped with sensors which dim or turn off fixtures based on occupancy levels in the area. The existing 1000 and 400 watt HID high bays will be replaced with LED fixtures that maintain necessary light levels while using 50% less wattage.
2. Vehicle Base Facility Lighting Upgrades – 261 Grove Street, Bloomfield, NJ 07003:
  - NJ Transit plans to replace 100 existing metal halide high-bay light fixtures with new LED fixtures on the shop floor. The new LED fixtures will be equipped with sensors which dim or turn off fixtures based on occupancy levels in the area. The existing 400 watt HID high bays will be replaced with LED fixtures that maintain necessary light levels while using 50% less wattage.
3. Efficient Switch Heater Upgrades:
  - NJ Transit plans to upgrade existing switch heaters at various locations throughout its territory with high efficiency switch heaters. In cold conditions, the heaters are used to preserve the correct operation of switches in the rail system. Existing electric heaters will be replaced with new heaters with a more efficient design that provides three times more heat directly to the switch rail compared to the old design.
  - The rail switch locations identified for efficient upgrades are:  
  
Kearny, NJ 07032; Summit, NJ 07901; Wharton, NJ 07885; Landing, NJ 07850; Lincoln Park, NJ 07035; Harrison, NJ 07029; Atlantic City, NJ 08401; Pomona, NJ 08240; Elwood, NJ 08217; Winslow, NJ 08095; Lindenwold, NJ 08021; and Haddon, NJ 08108.

Annually, the proposed project is anticipated to conserve 4,859,899 kWh of electricity and reduce peak electricity demand by 157.35 kW. The project is estimated to result in annual energy cost savings of \$418,245.02, as well as annual operational and maintenance savings of \$240,386.00. The project's payback period without incentives is 6.21 years; when factoring in the incentives, the payback period is reduced to 3.77 years.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$1,603,766.67 for NJ Transit 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>recused</b>

**E. Docket No. QO20060448 – In the Matter of Providing Extensions to New Jersey’s Clean Energy Program Applications in Progress Delayed by COVID-19.**

**BACKGROUND AND DISCUSSION:** The Board through its New Jersey Clean Energy Program (NJCEP) includes several Energy Efficiency (EE) Programs targeting the commercial and industrial (C&I) market segments. Eligible applicants may receive rebates for a portion of the cost for installing energy efficient technologies such as lighting, heating, ventilation, and air conditioning upgrades, and other energy conservation measures. Incentives are also available for projects involving Distributed Energy Resources. NJCEP also includes the residential Home Performance with ENERGY STAR Program (HPwES), which provides incentives to homeowners that implement comprehensive energy efficiency measures in their homes. TRC Environmental Corporation (TRC) is the Program Manager engaged by the Board to manage the NJCEP C&I and residential programs; it also serves as the NJCEP Program Administrator.

Due to the COVID-19 pandemic, many NJCEP customers with applications in progress are likely to face significant difficulties in meeting project completion deadlines. In general, each NJCEP program have deadlines for applicants to perform certain tasks such as submitting required paperwork, installing the incented measures, or providing post-installation performance data. TRC noted that due to required construction moratoriums, safety concerns, and other pandemic-related issues, there will likely be a much higher than usual volume of applicants seeking extensions of these deadlines. The potential exists for dozens, if not hundreds, of requests to come in, which would overwhelm both Staff and TRC. Given the widespread nature of the pandemic and its ubiquitous impact on NJCEP participants, Staff believed that a blanket extension of all C&I and some residential program deadlines is warranted. Such an extension will be more equitably levied and much less administratively burdensome than considering extension requests on a case-by-case basis.

Staff recommended granting automatic and immediate six-month extension to all active commercial and industrial program applications. Active applications are applications that have been approved, but have not been cancelled or rejected, have not yet received final payments, or have not been submitted to the Board for a waiver request. TRC, NJCEP’s Program Administrator, will be responsible for informing impacted applicants of the additional time they are eligible to utilize.

Staff also recommended granting a similar extension to Home Performance with ENERGY STAR projects in "claimed" status. This is a residential program and is administered in such a way that automatic extensions are not necessary, as TRC has the capability to review these requests quickly and grant extensions as needed. No other residential programs necessitate an extension at this time. As there is no approved extension policy on the books to date, Staff recommended that the Board allow home performance with

ENERGY STAR contractors to request a six-month extension from TRC as needed and grant TRC the ability to approve these extensions as needed.

**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>

**Scott Hunter, Renewable Energy Program Administrator, Office of Clean Energy, Division of Economic Development & Energy Policy, presented these matters.**

**F. Docket No. QO20020111 – In the Matter of the Petition of New Jersey-American Water Company for “Preferred” Transition Renewable Energy Certificate Factor for Floating Photovoltaic Solar Pursuant to the Board’s Transition Incentive Order.**

**BACKGROUND AND DISCUSSION:** On February 4, 2020, New Jersey American Water (NJAW or Petitioner) filed a petition with the Board seeking a “preferred siting,” or 1.0 Factor, for floating solar arrays generally and for a specific project, a floating 8.5 megawatt (MW) photovoltaic array proposed for NJAW’s Canoe Brook water treatment facility (Canoe Brook Project).

According to the Petitioner, the Canoe Brook Project will be one of the largest in North America, according to NJAW, and will be located on Reservoir 1 at the Canoe Brook facility in Millburn Township, New Jersey. The Petitioner asserted that there has been significant investment in the engineering design, development, and safe harboring of the current Federal Investment Tax credit.

On May 23, 2018, the Clean Energy Act (CEA) was signed into law and became effective immediately. Among many other mandates, the CEA directed the Board to adopt rules and regulations to close the solar renewable energy certificates Registration Program (SREC Program or SRP) to new applications once the Board determines that 5.1 percent of the kilowatt-hours sold in the State by each Third Party Suppliers / Basic Generation Service provider has been generated by solar electric power generators connected to the distribution system (5.1% Milestone). The CEA also directed the Board to complete a study that evaluates how to modify or replace the SREC program to encourage the continued efficient and orderly development of solar renewable energy generating sources throughout the State. By Order dated April 6, 2020, the Board determined that the 5.1% Milestone would be attained by April 30, 2020, and the SRP closed on that date.

The Board approved the Transition Incentive Program on December 6, 2019, following a yearlong iterative process. As described in more detail in the Transition Incentive Order, the Board approved a transition incentive to be delivered via a Transition Renewable Energy Certificate (TREC). A TREC has a base incentive value of \$152/MW-hour. That base value is tailored to various solar market segments by the application of factors “tied to the estimated costs of building the different types and to their varying revenue expectations.” Transition Incentive Order at 30. In other words, the factors allow the



TREC to provide differentiated financial incentives for different installation types with the goal of ensuring that ratepayers are providing the minimum necessary financial incentive to develop diverse types of projects.

The factors allow the Transition Incentive Program to provide differentiated financial incentives for different installation types with the goal of ensuring that ratepayers are providing the minimum necessary financial incentive to develop diverse types of projects. The Board identified eight market segments and assigned each a factor, ranging from 0.6 to 1.0, with the full value per TREC provided to projects with the highest incentive gap, like landfills and brown fields, and non-residential rooftops.

In an Order issued on January 8, 2020 to clarify certain aspects of the Transition Incentive Program, the Board stated that “new or innovative solar technologies can file a petition with the Board requesting that these type projects be assigned a TREC factorization level.”

The Canoe Brook Petition, which received a letter of support from the potential developer and owner, provides as arguments in favor of granting the highest TREC factor, various environmental attributes and the several similar projects known to be in various stages of development. The project supporters noted that the New Jersey Department of Environmental Protection has approved the Borough of Sayreville's 4.4 MW floating solar array, which was completed and energized last year, and is currently the largest operational floating solar project in the United States.

According to the Project Supporters, the Sayreville Project cost almost 50% more to build than a traditional ground-mount system, with a total project cost of approximately \$2.05/watt. RETTEW's experience over the past several years is that floating solar typically costs between \$2.00 and \$2.50 per watt. In addition, the Project Supporters stated that insurance, financing, and other soft costs are also higher because of the increased risk and longer timeline of this new technology typically eighteen to twenty four months.

On March 19, 2020, NJAW, the New Jersey Division of Rate Counsel, and Board Staff executed a Non-Disclosure Agreement. Based on the discovery, the Petitioner and the Supporting Parties had not demonstrated that there is a specific one-size-fits all incentive that should apply to all floating solar projects at the 1.0 factor level, in part, because there is limited experience with this new technology.

Staff recognized the potential for floating solar to play an important role in the New Jersey's solar future. However, in light of the lack of data on floating solar costs and revenues by size, Staff recommended that the Board deny the petition with respect to the request that the category of floating solar receive a 1.0 factor, and instead, allow parties, including Canoe Brook project developers and interested parties to continue submitting detailed cost and revenue data in support of their request to be assigned a project-specific factor through additional discovery and settlement proceedings.

Staff recommended that the Board assign a preliminary TREC factor of 0.6 to all floating solar projects that register in the Transition Incentive Program, allowing projects to petition the Board for a higher, project-specific factor, which will be assigned after a careful review of the expected project-specific costs and revenues.

**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>

**G. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c.24, the Solar Act of 2012;**

**Docket No. EO12090862V – In the Matter of Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding the Establish a Program to Provide SRECs to Certified Brownfield, Historic Fill and Landfill Facilities;**

**Docket No. QO18090999 – In the Matter of KDC Solar Kingsland, LLC Subsection (t) Application;**

**Docket No. QO18091000 – In the Matter of KDC Solar Avon, LLC Subsection (t) Application; and**

**Docket No. QO18091001 – In the Matter of KDC Solar Rutherford East, LLC Subsection (t) Application.**

**BACKGROUND AND DISCUSSION:** On March 20, 2020, KDC Solar (KDC Solar or Petitioner) filed a petition with the Board on behalf of KDC Solar Kingsland LLC, KDC Solar Avon LLC, and KDC Solar Rutherford East LLC for an extension of time to register those three grid supply solar projects in the Solar Renewable Energy Certificate (SREC) Registration Program (SRP) given the current public health crisis and resulting business disruption that has arisen since the Board conditionally certified the projects on March 9, 2020, with an effective date of March 19, 2020. N.J.A.C. 14:8-2.4(c)(1) includes, in part, the requirement that a solar electric generating facility shall submit an initial registration package within 14 business days from the effective date of an order granting approval, conditional certification, or designation.

KDC Solar Avon, LLC is a 11.27 MWdc project proposed to be constructed on property located at Block 231, Lots 14, 15, p/o 16; Block 233, Lot 14; Block 235, Lot 30, p/o 29 at 1000 Valley Brook Avenue in Lyndhurst Township, Bergen County, New Jersey.

KDC Solar Kingsland, LLC is a 8.66 MWdc project proposed to be constructed on property located at Block 236, Lots 1.01; Block 193, Lot 4 on Valley Brook Ave in Lyndhurst/ North Arlington, Bergen County, New Jersey.

KDC Solar Rutherford East, LLC is a 5.81 MWdc project proposed to be constructed on the Rutherford Landfill located at Block 220, Lots 14 and 15.03 on Haul Road in Rutherford Township, Bergen County, New Jersey.

The three Orders, which each required the developer to submit an SREC registration within 14 business days of the effective date of the Order. The SRP registration for each Subsection (t) project was therefore required to be submitted by April 8, 2020 to be compliant with the Order and the SRP rules.

In light of the ability of many solar developers to continue processing SREC registrations through April 30, 2020 without issue, Staff recommended that the Board deny the Petitioner's waiver request and direct Staff to implement the penalty for failure to register within 14 business days.

Since the activities required for SREC registration can all be conducted within the parameters established by the Governor's Executive Orders, Staff also recommended that the Board direct KDC Solar to complete the registration for each individual project within 14 days of the effective date of this Order consistent with the SRP rules and the Board's most recent directives to similar Subsection (t) applicants.

Additionally, in previous cases where a Subsection (t) applicant had failed register within 14 days of the Board's order, the Board has imposed a fine upon the applicant. Staff is not recommending that a fine be imposed on the developer in this case, but rather grant an additional amount of time for registration of the three projects as it furthers the State's goal of siting solar facilities on properly closed sanitary landfill facilities, and find the petitioner failed to demonstrate special circumstances and provide good cause that would justify a waiver of the Board's rules.

**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>

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

**H. Docket No. QO20030262 – In the Matter of the Electric Vehicle Program Compliance Filing.**

**BACKGROUND AND DISCUSSION:** On April 6, 2020, the Board approved the FY20 Compliance Filing for the Charge Up New Jersey Program. The Compliance Filing included the terms and conditions for the first phase of the program, which had been created on January 17, 2020 when Governor Murphy signed S-2252 into law (P.L. 2019, c. 362; C.48:25-1 et seq.) The law created a program to provide \$30 million in incentives for residents who purchased EVs in the State of New Jersey.

The post-purchase portal went live on May 27, 2020. While processing applications for Phase One of the Charge Up New Jersey Program in June 2020, Staff was notified by program applicants that they were experiencing issues complying with the approved terms and conditions. This was a result of the State's safety precautions for COVID-19.

As a result of delays and closures in response to COVID-19 and the timing of the program's launch, some applicants may be deemed ineligible for an incentive Charge Up New Jersey's Program's terms and conditions, Staff reviewed those eligibility concerns and recommended that limited exemptions should be made for requirements that were impacted by COVID-19 related delays.

Staff recommended limited exemptions be made for three specific types:

- 1) Applicants who purchased or leased a vehicle out of state between March 21, 2020 and May 20, 2020. However, we do note that those vehicles must be still registered in the State of New Jersey;
- 2) Applicants who leased a vehicle between January 17, 2020, and May 27, 2020, for less than the 36-month minimum lease term; and
- 3) Applicants who had a valid New Jersey license that expired after March 13, 2020 and are subject to the license and registration renewal extensions granted by the State of New Jersey in response to COVID-19.

All applicants must adhere to all other terms and conditions to be eligible for an incentive.

**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>

**Scott Hunter, Renewable Energy Program Administrator, Office of Clean Energy, Division of Economic Development & Energy Policy, presented these matters.**

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

**Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding to Certified Brownfield, Historic Fill and Landfill Facilities;**

**Docket No. QO20060395 – In the Matter of the Petition of HESP Solar, LLC Seeking Participation in the Transition Incentive Program (Mount Arlington Borough Solar Project);**

**Docket No. QO20060396 – In the Matter of the Petition of HESP Solar, LLC Seeking Participation in the Transition Incentive Program (Jackson Legler Landfill); and**

**Docket No. QO20060398 – In the Matter of the Petition of Aero Haven Solar, LLC for a Determination that the Company's Application pursuant to Subsection (T) of the Solar Act of 2012 is Eligible to Participate in the Transition Incentive Program.**

**BACKGROUND AND DISCUSSION:** This matter involved a request by two solar developers to have their projects deemed eligible for the Transition Incentive program (Transition Incentive). The three projects in question applied for conditional certification pursuant to N.J.S.A. 48:3-87(t) (Subsection t) prior to October 29, 2018, but now seek to enter the Transition Incentive program.

On December 6, 2019, the Board established a Transition Incentive Program to provide a bridge between the legacy SREC program and a Successor Incentive program in an orderly and efficient manner. The Transition Incentive Program provides eligible projects with Transition Renewable.

HESP Solar, LLC, Jackson Ledger Landfill

On June 10, 2020, HESP Solar submitted a petition requesting the transfer of its solar renewable energy certificates registration for the Jackson Legler Landfill project to the Transition Incentive Program. HESP submitted a complete application for the Jackson Township project pursuant to Subsection (t) on April 16, 2018.

On August 29, 2018, based on the information provided in the application and NJDEP's determination that the solar project as proposed is a "properly closed sanitary landfill facility" under the Solar Act, the Board conditionally certified the HESP application for a project proposed to be located on the Jackson Legler Landfill in Jackson Township pursuant to Subsection t of the Solar Act. HESP's acceptance letter from the Solar Registration Program (SRP) set a deadline to submit a final as-built registration package of September 19, 2020. In the petition under review, HESP seeks a Board determination of eligibility for the Jackson Legler Landfill project for the Transition Incentive Program.

HESP Solar, LLC, Mount Arlington Borough

On June 10, 2020, HESP submitted a petition requesting the transfer of its SREC registration for the Mount Arlington Borough Landfill project to the Transition Incentive Program.

HESP submitted a complete application for a project proposed to be located on the Mt. Arlington Borough Landfill in Mount Arlington Borough pursuant to Subsection t on April 16, 2018. On December 18, 2018, based on the information provided in the application and the NJDEP's determination that the proposed solar array, as rendered in the drawing titled "Overall Proposed Site Plan," is located on a "properly closed sanitary landfill facility" under the Solar Act, the Board conditionally certified the HESP Mount Arlington application pursuant to Subsection t of the Solar Act. The HESP Mt. Arlington Order directed the Petitioner to demonstrate that it had satisfied all outstanding NJDEP requirements and had satisfied the requirements of the New Jersey Highlands Commission. HESP's acceptance letter from the SRP set an expiration date of February 1, 2021. In the petition under review, HESP seeks a Board determination of eligibility for the Mount Arlington Borough Landfill project in the Transition Incentive Program.

## Aero Haven Solar, LLC

Aero Haven submitted a complete application pursuant to Subsection t on March 28, 2018.

On November 19, 2018, based on the information provided in the application and the NJDEP's determination that the proposed solar project as rendered on drawing C-1, Aero Haven Sanitary Landfill, Conceptual Site Plan Layout for Solar dated August 9, 2018, is located on a portion of the landfill that qualifies as a "properly closed sanitary landfill facility" under the Solar Act, the Board conditionally certified the AC Power Aero Haven application pursuant to Subsection t of the Solar Act. The Aero Haven Order directed the Petitioner to demonstrate that it had satisfied all outstanding NJDEP requirements and had received a final determination from the New Jersey Pinelands Commission that it met the minimum requirements of the Comprehensive Management Plan and/or any other Pinelands Commission requirements.

Aero Haven's acceptance letter from the SRP set a deadline to submit a final as-built registration package of February 19, 2021. In the petition under review, Aero Haven sought a Board determination of its eligibility for the Transition Incentive Program. Additionally, the Aero Haven petition seeks an additional extension beyond the deadline proposed in the Transition Incentive rules described above for similarly situated projects. The Petitioner argued the extension is necessary to accommodate revised interconnection requirements and distribution system protective equipment upgrades mandated by PJM Interconnection, LLC (PJM), the regional transmission organization, and Atlantic City Electric Company, the local Electric Distribution Company.

Staff recommended that the Board grant the ability of the Petitioners to transfer their SREC registrations to the Transition Incentive Program. To obtain full certification for TREC eligibility, the Board should require Aero Haven and HESP to transfer their project's SREC registrations to the Transition Incentive program prior to the Board's announcement of the opening of the Successor Incentive Program, in accordance with the proposed transition incentive rules at Title 14:8-10.4(d). The Petitioners should also be directed to submit registrations in the TREC portal that is online through the New Jersey Clean Energy Program.

Staff also recommended the Board that developers and owners of similarly situated Subsection (t) projects seeking eligibility for the Transition Incentive to submit registrations in the TREC portal. Should Staff determine that such a registration meets the program requirements, staff recommends it be given the authority to grant a conditional TREC certification for the project with a deadline to commence commercial operations by the later of the date set by the Board order granting the project conditional certification for SRECs, plus any extensions that have been granted, or April 30, 2021, in accordance with the proposed rule cited earlier. A project that meets these conditions and well as its case-specific Subsection (t) conditions shall be eligible to receive TRECs.

Staff further recommended the Board affirm that the conditions required for these projects' SREC eligibility discussed in its previous orders apply to the project's TREC eligibility. All conditions and requirements for these projects and their host properties shall remain in full force and effect. After the applicant has received full certification, Staff requested the Board direct Staff to issue a New Jersey Certification Number to the project for purposes of TREC creation for a 15-year qualification life.

Finally, Staff recommended the Board find that the Aero Haven project has pointed to very specific factors that require an extension of time to complete, including the case-specific, delayed interconnection process that was largely out of its control, And since Aero Haven has demonstrated significant progress on its project, grant extension to October 18, 2021 .

**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>

**J. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c.24, the Solar Act of 2012;**

**Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c.24, N.J.S.A. 48:3-87 (T) – A Proceeding to Certified Brownfield, Historic Fill and Landfield Facilities; and**

**Docket No. QO18010052 – In the Matter of Syncarpha GEMS, LLC, GEMS Landfield.**

**BACKGROUND AND DISCUSSION:** On May 28, 2020 Syncarpha GEMS LLC (Syncarpha or Petitioner) submitted a petition to the Board for a clarification for amendment to the Board’s Order of November 21, 2019 regarding Gloucester Environmental Management Services, Inc. (GEMS)

At the November 13, 2019 agenda meeting, the Board granted conditional certification of eligibility for Solar Renewable Energy Certificates (SREC) to the application submitted by Syncarpha for the GEMS Landfill pursuant to Subsection (t) of the Solar Act of 2012.

The Petitioner sought clarification that the GEMS project (Project) eligibility for SRECs may be transferred to the Transition Incentive Program. The Petitioner also sought the revised application for the project, submitted on June 2, 2020, through which Syncarpha sought to increase the capacity of the proposed solar electric generation facility from 4.2 MWdc to 4.5 MWdc. Syncarpha stated that the increase to the capacity would not increase the footprint of the project as identified in the original application that is addressed in the Syncarpha Order.

Staff recommended that the Board grant the ability of the Petitioner to transfer their SREC registrations to the Transition Incentive Program. To obtain full certification for Transition Renewable Energy Certificate (TREC) eligibility, the Board should require Syncarpha to transfer the project SREC Registration Program (SRP) to the Transition Incentive Program prior to the Board's announcement of the opening of the Successor Incentive program, in accordance with proposed transition signals at Title 14:8-10.4(d). In addition, Staff recommended that the Petitioner be directed to submit registration in the TREC online portal.

Since the revised application is for the same exact parcel previously granting conditional certification and that no additional review is required by the New Jersey Department of Environmental Protection, Staff recommended that it be considered an amended application rather than a new application. Staff also recommended the revised Subsection (t) application be treated like one that applied after October 29, 2018, consistent with the proposed Transition Incentive rules cited earlier and be granted a conditional certification for the project with a deadline to commence commercial operations by the date set by the Board order the project conditional certification for SREC, in this case December 20, 2021.

Staff further recommended the Board affirm that the conditions required for projects' SREC eligibility discussed in the previous orders apply to the project's TREC eligibility. All conditions and requirements for this projects and the host properties remain in full force and effect. After the applicant has received full certification, Staff recommended that the Board direct Staff to issue a New Jersey Certification Number to the project for purposes of TREC creation for a 15-year qualification life.

**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>

**Kelly Mooij, Director, Office of Clean Energy**, presented this matter.

**K. Docket No. QO19050645 – In the Matter of Fiscal Year 2020 Clean Energy Budget - Extension.**

**BACKGROUND AND DISCUSSION:** The Board approved the New Jersey Clean Energy Program's (NJCEP's) Fiscal Year 2020 (FY20) budget through a June 21, 2019 Board Order, which was trued up and revised through a January 8, 2020 Board Order, revised for a second time through an April 6, 2020 Board Order, and extended through a July 2, 2020 Order.

On April 14, 2020, Governor Murphy signed into law a bill that extended the State's current fiscal year to September 30, 2020. On June 30, 2020, Governor Murphy signed into law the budget for the extended state fiscal year. In order to align with the NJCEP's fiscal year with the State's fiscal year, staff will be proposing to extend the New Jersey Clean Energy Program FY20 through September 30, 2020.

Staff is currently developing recommendations for the proposed fifth quarter FY20 for the Board's consideration at the July 29 agenda meeting. To accommodate this development and the opportunity for full public comment on the full fifth quarter extension, Staff recommended another no-cost extension of the FY20 programs and budget for the period between July 15, 2020 and July 29, 2020, to allow for programs to continue until the Board considers the third revision of FY20 programs and budget on July 29, 2020.



Staff also recommended that the Board direct the utilities to continue to make monthly payments to the Clean Energy Program trust fund in accordance with the June 21, 2019 Board Order and consistent with current policies and procedures.

Staff finally recommended that the Board authorize the entities currently delivering Clean Energy Programs to continue delivering the programs consistent with approved program plans and budgets and for those entities to enter into or extend any contracts required to continue delivering the programs as authorized by the Division of Clean Energy.

**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>

## 9. MISCELLANEOUS

Maureen Clerc, USF Team, presented this matter.

### A. Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric Program – Executive Session.

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session pursuant to the attorney/client privilege and contract negotiation exceptions to the Open Public Meetings Act, and it involved the Board's Payment Assistance for Gas and Electric (PAGE) program, which provided relief on gas and electric bills for low to moderate income households in need, and it is administered by the Affordable Housing Alliance of Neptune, New Jersey.

Due to the forthcoming expiration of the current contract, Staff recommended that the Board place the administration of PAGE out for bidding again. In order to initiate that process, Staff also recommended that the Board authorize release of a Notice of Grant Availability for publication in the New Jersey register to solicit bids from nonprofit organizations seeking to administer PAGE on a going forward basis.

Staff further recommended the Board approval of the publication of the notice in the New Jersey Register and on the NJBPU website by August 17, 2020. It is Staff's goal to return to the Board with a recommended grantee by the October 28 Board agenda meeting.

**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 were discussed in Executive Session.

#### **9. MISCELLANEOUS**

**A. Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric Program.**

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

After appropriate motion, the Board reconvened to Open Session.

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



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AIDA CAMACHO-WELCH  
SECRETARY OF THE BOARD

Date: September 9, 2020