



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 December 16, 2020, via Teleconference: 1 312 626 6799 Webinar ID: 997 1392 5740 or watch online @ <https://youtu.be/9K7ai1rFX1w>

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

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

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

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

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

It was announced that the next regular Board Meeting would be held on January 7, 2021 at 10:00 a.m. via teleconference with details to follow.

CONSENT AGENDA

I. AUDITS

A. Energy Agent, Private Aggregator and/or Energy Consultant Initial Registrations

EE20100649L	Green Day Energy, LLC	I – EA/PA/EC
GE20100650L	d/b/a Green Day Energy	

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

EE20070507L	Wholesale Gas and Electric, LLC	R – EA
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EE20110703L	Ameresco, Inc.	R – E
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EE20080523L	JMI Consultants, LLC	R – EA/PA
GE20080524L		

EE20080526L	HealthTrust Purchasing Group, L.P.	R – EA/PA/EC
GE20080527L		

EE20070497L	US Energy Solutions, Inc.	R – EA/PA/EC
GE20070498L		

Natural Gas Supplier Initial License

GE20100652L	SmartEnergy Holdings, LLC	I – GSL
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BACKGROUND: The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment.

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

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

- Green Day Energy Limited Liability Company d/b/a Green Day Energy

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

- Wholesale Gas and Electric LLC
- Ameresco, Inc.
- JMI Consultants, LLC
- HealthTrust Purchasing Group, L.P.
- US Energy Solutions, Inc.

Staff further recommended that the following applicant be issued initial license as a natural gas supplier for one year:

- SmartEnergy Holdings, LLC

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

B. Docket No. TE20090626 – In the Matter of the Petition of Engine Communications Infrastructure, Inc. for an Order of Approval to Provide Competitive Intrastate Interexchange and Local Exchange Telecommunications Services Throughout the State of New Jersey.

BACKGROUND: By letter dated September 29, 2020, Engine Communications Infrastructure, Inc. (Petitioner or ECI) filed a petition with the Board requesting authority to provide competitive facilities-based and non-facilities based local exchange and intrastate interexchange telecommunications services to commercial subscribers throughout the State of New Jersey. ECI is a privately owned corporation organized under the laws of the State of Delaware.

The Petitioner sought authority to provide facilities-based and non-facilities-based competitive local exchange, and intrastate inter Local Access Transport Area (LATA) and intra-LATA interexchange telecommunications services offered to commercial subscribers in conjunction with interstate services within the State of New Jersey. The Petitioner stated that it intends to build and install a fiber-based network, which will be used to provide facilities-based fiber-ring and point-to-point dedicated private line transport services and alternative broadband solutions only to commercial subscribers or other communications carriers.

The Petitioner also requested a waiver of N.J.A.C. 14:1-4.3, which requires that books and records be maintained in accordance with the Uniform System of Accounts (USOA). For administrative efficiencies, the Petitioner requested permission to maintain its books and records in accordance with Generally Accepted Accounting Principles.

By letter dated November 7, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that it did not oppose the Board's grant of the Petitioner's requests in this matter.

Staff recommended that the Board grant the Petitioner authority to provide competitive local exchange and intrastate interexchange telecommunications services throughout the State of New Jersey. Staff's recommendation did not pertain to Non-CLEC Services. Staff also recommended that the Board approve the request for waivers from its requirements that the Petitioner maintain its financial books and records in accordance with the USOA.

Staff further recommended that the Board direct ECI to provide notice to the Board of its website link or file tariffs which contain information regarding the rates and general terms and conditions of its services within five days from the effective date of the Board Order.

In addition, Staff recommended that the Board order the Petitioner to: 1) provide the Board notice of its website link or file its publicly available service guide which contains the rates and general terms and conditions prior to commencing these services to end-users; and 2) notify the Board within 10 days from the date it begins providing such services to New Jersey customers.

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

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

A. Docket No. WF18010063 – In the Matter of the Application of Middlesex Water Company for Authority to Borrow up to \$14.0 Million and to Issue Evidences of Indebtedness Pursuant to the New Jersey Water Infrastructure Bank Financing Program.

BACKGROUND: In the original matter for this docket via Board Order dated March 26, 2018, Middlesex Water Company (MWC) requested and received approval from the Board to enter into a loan agreement with the New Jersey Infrastructure Bank (NJIB) to borrow up to \$14 million to help fund its capital construction program. The authority for that loan agreement, provided by the Board in 2018, will expire on December 31, 2020.

MWC informed the Board, by a verified letter dated December 2, 2020, that due to the COVID19 pandemic NJIB had to place some of its long-term debt financing plans on hold. The construction loan for MWC was one of those long-term debt financing transactions that were put on hold. NJIB informed MWC that the construction loan maturity date would be extended from December 31, 2020 to June 30, 2022. As a result of this change, MWC requested that the Board extend its authorization to June 30, 2022 to align with the new term of the construction loan from NJIB.

By letter dated December 4, 2020, the New Jersey Division of Rate Counsel stated that it did not object to the extension requested by MWC.

After review, Staff recommended that the Board approve the Middlesex Water Company's request.

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 the Minutes for the October 2, 2020 Agenda Meeting and October 14, 2020 Agenda Meeting.

BACKGROUND: Staff presented the meeting minutes of October 2, 2020, and recommended that they be accepted.

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

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

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

A. Docket No. EA17020137 – In the Matter of an Audit of the Affiliated Transactions between Rockland Electric Company, Orange and Rockland Utilities, Inc., Consolidated Edison, Inc. and Affiliates, Pursuant to N.J.S.A. 48:3-49, 48:3-55, 48:3-56, 49:3-58; and N.J.A.C. 14:4-3.7(e) and (f), and a Comprehensive Management Audit of Rockland Electric Company, Pursuant to N.J.S.A. 48:2-16.4 and N.J.A.C. 14:3-12.1 - 12.4.

BACKGROUND AND DISCUSSION: This matter involved the Final Report in the Audit of affiliated transactions between Rockland Electric Company (Rockland Electric or RECO), Orange and Rockland Utilities, Inc., Consolidated Edison, Inc. and affiliates, and, a Comprehensive Management Audit of Rockland Electric Company.

On July 19, 2019, Silverpoint submitted the Final Report, which was accepted by the Board for filing purposes only and released for comment on August 7, 2019. On October 7, 2019, Rockland filed its initial comments on the recommendations included in the Final Report. The Company responded to the specific recommendations made by Silverpoint and provided further commentary on various statements made within the Final Report. The Company concurred with five of the recommendations, and agreed to take action to implement those accepted recommendations. The Company disagreed with five of the recommendations, and accepted one in concept with clarifications and/or minor exceptions.

By letter dated October 7, 2019, the New Jersey Division of Rate Counsel (Rate Counsel) filed its initial comments on the recommendations included in the Final Report. Rate Counsel supported all 11 recommendations and recommended that the Board order RECO's compliance on implementing these recommendations. Rate Counsel also made additional recommendations based upon its review of the Final Report.

Staff recommended that Rockland Electric be directed to implement the 11 recommendations as modified in the draft order before the Board and for Rockland to formulate a detailed implementation plan within 60 days from the effective date of the order in this matter.

Staff also recommended that the Board approve the recommendations in the audit report as modified in the order to provide an implementation plan within the 60 days of the date of this order.

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

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

B. Docket No. WA18080849 – In the Matter of an Audit of the Affiliated Transactions between New Jersey American Water Company, American Water Works Company, Inc. and its Affiliates Including a Review of Operational and Financial Performance of New Jersey American Water Company and a Comprehensive Management Audit of New Jersey American Water Company Pursuant to N.J.A.C. 14:3-12.1 - 14:3-12.4 – Acceptance of Audit Report “for filing purposes only”.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Final Report “for filing purposes only” of the Audit of the Affiliated Transactions between New Jersey American Water Company, and American Water Works Company, Inc. (NJAW or Company) and its Affiliates including a review of Operational and Financial Performance of New Jersey American Water Company and a Comprehensive Management Audit of New Jersey American Water Company.

At its agenda meeting of August 29, 2018, the Board authorized Staff to initiate a two-phase audit of New Jersey American Water Company. Phase one consisted of an audit of affiliated transactions of NJAW and American Water Works Company Inc., (AWW), and all affiliates and any competitive services of NJAW. It also included a review of NJAW’s financial and operational performance. Phase two consisted of a comprehensive management audit of NJAW. The Board also authorized Staff to send a Request for Proposal (RFP) to the seven pre-approved management consulting firms under State Term Contract T2482.

In accordance with the RFP, bid proposals were submitted to the Board, Division of Audits by November 2, 2018 from Silver Point Consulting, Sage Management Consultants, Overland Consulting, Schumaker and Company, and Saleeby Consulting. The sixth and seventh firm, The Liberty Consulting Group and NorthStar Consulting Group did not submit a bid. The bid proposals were subsequently forwarded to the Evaluation Committee for review and analysis. The Evaluation Committee consisted of staff members from the Division of Audits (3), the Division of Water (2), and Counsel’s Office (1).

At its February 27, 2019 agenda meeting, the Board approved the Evaluation Committee’s recommendation of Schumaker to perform the audits at a not-to-exceed cost of \$633,520.00. The Board further authorized President Fiordaliso to execute a consulting agreement with Schumaker.

Staff recommended that the report be released to the public for comments due by January 31, 2021. Staff also recommended issuance of a Secretary’s letter requesting comments by the due date.

Staff concluded that Schumaker and Company satisfactorily completed the audit report, and consistent with the terms of the Agreement between the Board and Schumaker. Therefore, Staff recommended that the holdback of fees in the amount of \$126,704.00 pending acceptance of this audit report “for filing purposes only” be released to Schumaker and Company.

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

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

C. Docket No. EA20110733 – In the Matter of an Audit of the Affiliated Transactions between Jersey Central Power and Light Company, First Energy Corp. and its Affiliates 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).

BACKGROUND AND DISCUSSION: This matter involved Staff requesting the Board to authorize the initiation of an audit of affiliated transactions between Jersey Central Power and Light Company (JCP&L or Company), a wholly-owned subsidiary of First Energy Corp. Staff prepared a Request for Proposal (RFP) for consideration which includes a phase I and a phase II of the audit.

The Phase I portion of this audit will be the Comprehensive Management Audit which will be performed in accordance with the New Jersey statutes and our Administrative Code, as identified in Section 3.2 of the RFP. It also includes two sections, Utility Operations and Executive Management. There will be a comprehensive review of the utility operations which will examine, but not limited to, the management structure of utility operations, the decision-making processes of JCP&L operations, and management of the distribution company for maintenance projects, distribution system upgrades and smart grid to improve system reliability and resiliency of JCP&L's distribution system under the normal course of business and during severe or any storm event.

There will be a review of vegetation management, and JCP&L's customer service operations, and more specifically communication and coordination of repairs during normal and storm events internally and externally to the Company. This will include how the Company can improve communications with their customers and municipal officials during storm events.

It will also include a review and analysis of the distribution system to determine whether there are portions of their distribution system that are prone to outages that, if placed underground, would improve reliability and resiliency of the system during normal and storm-related events in a cost-effective and efficient manner, as it would result in the avoidance of large-scale outages.

The Executive Management section will examine the typical areas in a comprehensive management audit review structure and organization of the Company, each department, from cyber security, customer relations, to the Board of Directors.

In addition, it will examine the internal and external investigations of First Energy and its impact on JCP&L and its New Jersey customers and examine whether NJ is sufficiently insulated from any risks associated with activities of its affiliates and parent company.

The second phase of the audit will review the affiliate transactions and allocation of costs between affiliates, the holding company and JCP&L. This section will determine whether the Company is complying with the Board's Affiliate Relations and Fair Competition Standards.

Staff recommended that the Board permit Audit Staff to release the RFP to the pool of six qualified management consultants to solicit bids to perform the scope of work.

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

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

2. ENERGY

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

A. Docket No EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; and

Docket No EO18091003 – In the Matter of the Application of Atlantic City Electric Company for Approval to Implement a Zero Emission Certificate (ZEC) Charge and Tariff Page(s) Related Thereto in Support of the ZEC Program Authorized by N.J.S.A. 48:3-87.3 et seq. and a Board Order Initiating the ZEC Program Dated August 29, 2018.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Atlantic City Electric Company's (ACE or Company) Zero Emission Credit Return of Excess Collections rate filing.

On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. N.J.S.A. 48:3-87.3 to -87.5. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. N.J.S.A. 48:3-87.5(b); N.J.S.A. 48:3-87.5(1). The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers. N.J.S.A. 48:3-87.5 (j)(1).

The Act also directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). N.J.S.A. 48:3-87.5(j). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a

selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by the Atlantic City Electric and directed that the tariffs not be implemented unless and until the Board issued a final order authorizing the Company to implement the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the Company to submit final tariffs to become effective on April 18, 2019. The Board further directed the ACE to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

On October 23, 2020, the Company submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Years 2019 and 2020.

Staff recommended that the Board approve ACE's proposed ZEC Recovery Charge (ZECRC) and a revised total ZECRC rate of \$0.004099, including SUT, for service rendered on and after January 1, 2021. As a result, a residential customer using approximately 650 kWh per month will see a decrease of \$0.11 in their monthly bill.

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

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

B. Docket No. EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; and

Docket No. EO18091018 – In the Matter of the Petition of Butler Electric for Approval of a Zero Emission Certificate Recovery Charge.

BACKGROUND AND DISCUSSION: The Board will consider Butler Electric's (Company) Zero Emission Credit Return of Excess Collections rate filing.

On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. N.J.S.A. 48:3-87.3 to -87.5. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. N.J.S.A. 48:3-87.5(b); N.J.S.A. 48:3-87.5(1). The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers. N.J.S.A. 48:3-87.5 (j)(1).

The Act also directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). N.J.S.A. 48:3-87.5(j). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by Butler Electric and directed that the tariffs not be implemented unless and until the Board issued a final order authorizing the Company to implement the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the Company to submit final tariffs to become effective on April 18, 2019. The Board further directed the Butler Electric to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

On October 23, 2020, the Company submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Years 2019 and 2020.

Staff recommended that the Board approve Butler's proposed Return of Excess Collections Credit Rate and a revised total Butler Electric ZEC Recovery Charge rate of \$0.003851, excluding SUT, for service rendered on and after January 1, 2021. As a result, a residential customer using approximately 650 kWh per month will see a decrease of \$0.10 in their monthly bill.

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

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

C. Docket No. EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; and

Docket No. EO18091002 – In the Matter of the Petition of Jersey Central Power and Light Company for Approval of a Zero Emission Certificate Recovery Charge.

BACKGROUND AND DISCUSSION: The Board will consider Jersey Central Power and Light Company's (JCP&L or Company) Zero Emission Credit Return of Excess Collections rate filing.ly bill of approximately \$0.10.

On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. N.J.S.A. 48:3-87.3 to -87.5. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. N.J.S.A. 48:3-87.5(b); N.J.S.A. 48:3-87.5(1). The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers. N.J.S.A. 48:3-87.5 (j)(1).

The Act also directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). N.J.S.A. 48:3-87.5(j). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by JCP&L and directed that the tariff not be implemented unless and until the Board issued a final order authorizing the Company to implement the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the Company to submit final tariff to become effective on April 18, 2019. The Board further directed the Company to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

On October 23, 2020, JCP&L submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Years 2019 and 2020.

Staff recommended that the Board approve JCP&L's proposed ZEC Reconciliation Charge rate and tariff, and a revised total JCP&L ZECRC rate of \$0.004097, including SUT, for service rendered on and after January 1, 2021. As a result, a residential customer using approximately 650 kWh per month will see a decrease of \$0.10 in their monthly bill.

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

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

D. Docket No. EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; and

Docket No. EO18091004 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Zero Emission Certificate Recovery Charge.

BACKGROUND AND DISCUSSION: The Board will consider Public Service Electric and Gas Company's (PSE&G or Company) Zero Emission Credit Return of Excess Collections rate filing.

On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. N.J.S.A. 48:3-87.3 to -87.5. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. N.J.S.A. 48:3-87.5(b); N.J.S.A. 48:3-87.5(1). The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers. N.J.S.A. 48:3-87.5 (j)(1).

The Act also directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). N.J.S.A. 48:3-87.5(j). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by the PSE&G and directed that the tariffs not be implemented unless and until the Board issued a final order authorizing the Company to implement the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the Company to submit final tariffs to become effective on April 18, 2019. The Board further directed the Company to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

On October 23, 2020, the Company submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Years 2019 and 2020.

Staff recommended that the Board approve PSE&G's proposed Return of Excess Collections Credit Rate and tariff, and a revised total PSE&G ZEC Recovery Charge rate of \$0.0041, including SUT, for service rendered on and after January 1, 2021. As a result, a residential customer using approximately 650 kWh per month will see a decrease of \$0.11 in their monthly bill.

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

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

E. Docket No. EO18080899 – In the Matter of the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; and

Docket No. EO18091005 – In the Matter of the Petition of Rockland Electric Company for Approval of a Zero Emission Certificate Recovery Charge.

BACKGROUND AND DISCUSSION: The Board will consider Rockland Electric Company's (RECO or Company) Zero Emission Credit Return of Excess Collections rate filing.

On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. N.J.S.A. 48:3-87.3 to -87.5. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. N.J.S.A. 48:3-87.5(b); N.J.S.A. 48:3-87.5(1). The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers. N.J.S.A. 48:3-87.5 (j)(1).

The Act also directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). N.J.S.A. 48:3-87.5(j). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by the Company and directed that the tariffs not be implemented unless and until the Board issued a final order authorizing the Company to implement the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the Company to submit final tariffs to become effective on April 18, 2019. The Board further directed RECO to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

On October 23, 2020, RECO submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Years 2019 and 2020.

Staff recommended that the Board approve RECO's proposed ZEC Recovery Charge rate and tariff, and a revised total RECO ZECRC rate of \$0.004102, including SUT, for service rendered on and after January 1, 2021. As a result, a residential customer using approximately 650 kWh per month will see a decrease of \$0.11 in their monthly bill.

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

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

F. Docket No. ER20100688 – In the Matter of the Verified Petition of Atlantic City Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative Recovery Charge (Rider RGGI) for 2021 Associated with its Solar Renewable Energy Certificate (SREC II) Program.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Solar Renewable Energy Certificate (SREC) II Program administrative fee for calendar year 2021 for participants in Atlantic City Electric Company's SREC II Program.

On October 29, 2020, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking authority to maintain the Administrative Fee and Rider Regional Greenhouse Gas Initiative Recovery Charge (Rider RGGI) associated with the Company's Solar Renewable Energy Certificate (SREC) II Program (SREC II Program) for calendar year 2021 (October 2020 Petition).

The Company's SREC II Program was approved by Board Order dated December 18, 2013 in BPU Docket No. EO12090799 (December 2013 Order). In the December 2013 Order, the Administrative Fee for SREC II Program participants was set at \$17.07 per SREC. According to the October 2020 Petition, using the cost recovery provisions from the December 2013 Order, the Company would have to increase the Administrative Fee from \$17.07 to \$69.67 per SREC, which may cause participants to withdraw from the SREC II Program. Accordingly, in the October 2020 Petition, ACE proposed a modification to the cost recovery mechanism. ACE requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods, maintain the fee at \$17.07, and maintain the Rider RGGI rate for the recovery of SREC II Program costs at \$0.000000 per kWh.

Staff recommended that the Board issue an Order in this matter approving the maintenance of the Administrative Fee for the SREC II Program at the Board's previously approved rate of \$17.07 per SREC for the 2021 calendar year.

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

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

G. Docket No. ER20100691 – In the Matter of the Verified Petition of Rockland Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative (RGGI) Recovery Charge for 2021 Associated with its Solar Renewable Energy Certificate (SREC II) Program.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Solar Renewable Energy Certificate (SREC) II Program administrative fee for calendar year 2021 for participation in Rockland Electric Company's SREC II Program.

On October 30, 2020, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking authority to maintain the Administrative Fee and Regional Greenhouse Gas Initiative Surcharge (RGGI Surcharge) associated with the Company's SREC Program (SREC II Program) for calendar year 2021 (October 2020 Petition).

The Company's SREC II Program was approved by Board Order dated December 18, 2013 in BPU Docket No. EO13020118 (December 2013 Order). In the December 2013 Order, the Administrative Fee for SREC II Program participants was set at \$30.00 per SREC. According to the October 2020 Petition, if using the cost recovery provisions from the December 2013 Order, the Company would have to increase the Administrative Fee from \$30.00 to \$45.28 per SREC. Accordingly, in the October 2020 Petition, RECO proposed a modification to the cost recovery mechanism for the SREC II Program. RECO stated that an increase of this magnitude from the current Administrative Fee could cause the SREC II Program to fail, as program participants will likely seek to terminate their participation in the SREC II Program. Accordingly, RECO requested authorization to carry forward unrecovered administrative fee balances for recovery in future annual periods, maintain the fee at \$30.00, and establish the RGGI Surcharge rate for the recovery of SREC II Program Direct Costs at \$0.000000 per kWh.

Staff recommended that the Board issue an Order in this matter approving the maintenance of the SREC II Administrative Fee at the Board's previously approved rate of \$30.00 per SREC for the 2021 calendar year.

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

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

H. Docket No. ER20110698 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Seeking Review and Approval of its Deferred Balances Relating to, and an Adjustment of, the Solar Renewable Energy Certificates Financing Program Component (SREC) of the Rider RRC – RGGI Recovery Charge of its Filed Tariff (2019 Rider RRC Filing), and Seeking Review and Approval of the Administrative Fee for the SREC II Program Effective as of January 1, 2021.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Solar Renewable Energy Certificate (SREC) II Program administrative fee for calendar year 2021 for participation in Jersey Central Power and Light Company's SREC II Program.

On November 4, 2020, Jersey Central Power and Light (JCP&L or Company) filed a petition with the Board seeking review and approval of the deferred balances accumulated from January 1, 2019 to December 31, 2019, associated with its Board approved demand response and renewable energy programs (November 2020 Petition). JCP&L also sought approval to increase the SREC Rider component of the Company's Regional Greenhouse Gas Initiative Recovery Charge (Rider RRC) from \$0.000000 per kilowatt-hour (kWh) to \$0.000094 per kWh exclusive of Sales and Use Tax (SUT). This would result in the Company's overall Rider RRC increasing from \$0.000523 kWh to \$0.000617 per kWh, exclusive of SUT. Additionally, JCP&L requested to maintain the SREC II administrative fee at its current level for the 2021 calendar year.

The Company's SREC II Program was approved by Board Order dated December 18, 2013 in BPU Docket No. EO12080750. In the December 2013 Order, the Administrative Fee for SREC II Program participants was set at \$17.00 per SREC. According to the November 2020 Petition, using the cost recovery provisions from the December 2013 Order, the Company would need to decrease the Administrative Fee from \$17.00 to \$3.56 per SREC. Accordingly, in the November 2020 Petition, JCP&L proposed a modification to the cost recovery mechanism for the SREC II Program. JCP&L stated that its forecast of Administrative Fees assumed that in 2020, and again in 2021, JCP&L will purchase 6,240 SRECs from a project that is completed for those years but not yet able to deliver SRECs. According to JCP&L, if these projections do not materialize, it would be at risk of not recovering its administrative costs for the program if the Administrative Fee is lowered. Accordingly, JCP&L requested authorization to carry forward any under or over recovered administrative fee balances for recovery in future annual periods and maintain the SREC II Administrative Fee at \$17.00.

Staff recommended that the Board issue an Order in this matter approving the maintenance of the Administrative Fee for the SREC II Program at the Board's previously approved rate of \$17.00 per SREC for the 2021 calendar year.

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

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

3. CABLE TELEVISION

A. Docket No. CE20080516 – In the Matter of the Application of Verizon New Jersey, Inc. for a Renewal of a System-Wide Cable Television Franchise.

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

BACKGROUND AND DISCUSSION: This matter involved a review of Verizon New Jersey's (Verizon) Petition seeking a Renewal of its System-wide Cable Television Franchise, which is due to expire on December 18, 2020. Verizon New Jersey currently provides cable television service to all or parts of 379 municipalities in its service territory.

Under changes enacted by the Legislature to the State's Cable Television Act in 2006, Verizon was able to obtain what is known as a Systemwide Cable TV Franchise, which allowed Verizon to offer cable television service over its infrastructure used to provide telecommunications service. The Board granted Verizon's first cable TV franchise in December 2006, authorizing service to 316 municipalities. The franchise was renewed under a Board Order issued in January 2014 for another seven year term, with a total of 379 municipalities authorized, including the provision of service to Weymouth Township and Estell Manor which were previously unserved. Since the approval of the Renewal, Verizon has added an additional 12 municipalities for a total of 392 municipalities covered under the current franchise, which expires on December 18, 2020. Verizon is now seeking a second renewal of its franchise.

On January 24, 2018, the Board notified Verizon of its intention to review its performance under its System-Wide Franchise (SWF) pursuant to Federal and State guidelines as outlined above. On February 13, 2020, the Board invited Verizon to file comments on its performance under its SWF 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 Board on March 30, 2020. On May 5, 2020, the Board issued its Ascertainment Report on Verizon's performance under its SWF and the future system-wide cable television franchise needs of the State and the municipalities under the SWF. On August 5, 2020, Verizon filed electronically for renewal of its SWF.

Pursuant to N.J.A.C. 14:18-14.18, the Board was required to hold two public hearings in this matter, in two separate locations. Due to the COVID-19 pandemic, the public hearings were conducted remotely by teleconference on September 29 and October 1, 2020. Additionally, written comments were accepted by the Board until October 15, 2020. Several interested parties participated in the hearings and provided written comments

including municipal officials, residents, Chamber of Commerce officials, representatives of non-profits, operators of Public Educational Governmental (PEG) access channels, as well as Verizon and the New Jersey Division of Rate Counsel (Rate Counsel).

Following its review of Verizon's application and the comments received, Staff sought additional follow-up information from Verizon through discovery requests, which concluded on December 9, 2020. While all the comments generally supported approval of Verizon's application, there were several parties, including the Rate Counsel, that recommended the Board approve the renewal of Verizon's SWF subject to certain conditions and to address concerns focused on primarily two issues: 1) Verizon's deployment plans in its service area; and 2) the provision of Verizon's PEG access channels, equipment and training.

On the first issue, several parties made requests for Verizon to extend its FiOS service, including broadband, to unserved and underserved towns within its footprint, especially rural areas. In addition, many commenters also requested that Verizon be required to provide FiOS service to the entirety of all towns within its New Jersey service area. Parties highlighted the need for the availability of Verizon's service due to the COVID-19 pandemic and the numerous stay at home orders which have increased virtual learning, work from home, and telehealth uses.

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 Cable 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. The statute leaves it to Verizon's discretion to determine which additional towns it chooses to extend service to beyond the 70 required towns, and did not require that Verizon serve the entirety of any towns other than the required 70. Of the 392 towns currently included in Verizon's franchise, it currently provides service to all or parts of 372 municipalities.

Staff concurred with the concerns raised regarding Verizon's lack of additional deployment, as was noted in our Ascertainment Report. Verizon's deployment appears to have ground to a screeching halt following completion of its build out of the 70 required towns, with Verizon only adding an additional 12 towns to the franchise during the past seven years. However, due to the current statutory restrictions, the Board cannot require Verizon to provide FiOS service to any towns beyond the 70 required towns, nor can the Board require that Verizon serve the entirety of any town which it chooses to offer service in which is not one of the required 70 towns. The requirement of Broadband service is also outside the purview of the Board's review of Verizon's System-wide Cable TV Franchise and cannot be considered within the context of this matter.

However, in light of the concerns raised by many municipal officials, as well as Rate Counsel, Staff recommended the Board strongly urge Verizon to re-examine its future deployment plans in light of the increased need for service highlighted by the pandemic. Verizon should continue to engage with municipalities to find avenues to extend its service to address the many inquiries that the Board continues to receive in this regard from municipal officials and residents seeking access to Verizon's services.

An additional Staff recommendation in the Board's Order related to the deployment of service addresses pending filings by Verizon seeking waivers or mandatory access for deployment to Multiple Dwelling Units known as multiple dwelling units (MDUs), as

required under the State Cable Act. During its deployment to the 70 required municipalities over the past 14 years, Verizon filed numerous petitions with the Board seeking waivers from providing service to MDUs, primarily due to inability to reach agreements with the property owners. Verizon also filed numerous petitions seeking mandatory access to certain MDU properties where residents have requested access to Verizon's service. Staff has continued to work with Verizon on the resolution of these matters, urging Verizon to continue negotiations to try and reach consensus to provide service to as many properties as possible. As noted in Verizon's comments to the Board, Verizon has provided subsequent reports to Staff and has withdrawn a large number of the petitions following successful completion of negotiations to gain access. Unfortunately, a large number still remain unresolved, and many cases having been filed early in Verizon's deployment schedule are older dockets.

In an effort to address concerns regarding Verizon's provision of service to MDUs and the outstanding waiver and access petitions, Staff recommended that Verizon immediately reach out to the parties refresh the data on all pending waiver and access cases, and provide Board Staff with quarterly reports on their actions in this regard and the status of each case.

The second issue of concern from commenters dealt with requests that Verizon be required to address the disparity of PEG channels being cablecast in Standard Definition (SD) as opposed to High Definition (HD). The Jersey Access Users Group (JAG), representing over 70 access channel operators throughout the state, argued that HD is the method Verizon utilizes for broadcasting all other channels except PEG channels, and the broadcast of PEG channels in SD produces poor picture quality for the statutorily required PEG channels. They also requested Verizon provide the statutorily required PEG equipment and training, as well as a designated contact person to municipalities; and require PEG channels be listed in Verizon's Guide.

Staff shared the concerns raised by JAG, municipal officials, and Rate Counsel regarding the disparity in the PEG channels and recommended that Verizon be required to upgrade its PEG channels to HD as requested by several municipalities, to ensure PEG channels remain operational to provide important information to subscribers, especially during the pandemic. Staff also recommended Verizon provide reports to Staff on the PEG channel upgrade, as well as the requested provisions regarding PEG equipment and training availability, and Verizon contact information.

Having reviewed the application, Staff recommended that the Board grant Verizon a Renewal System-wide Cable Television Franchise, for a term of seven years, subject to the conditions related to the PEG channel upgrade, equipment, training and contact person, and refreshing of the data on pending MDU waiver and access cases, and reporting requirements for both.

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

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

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket No. WX20110692 – In the Matter of the Re-Adoption by Notice without Change of New Jersey Administrative Code (N.J.A.C.) 14:9 et seq. "Water and Wastewater".

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

BACKGROUND AND DISCUSSION: This matter involved the Board considering readoption without changing its rules governing Water and Wastewater, found at N.J.A.C. 14:9. In accordance with N.J.S.A. 52:14B-5.1(b), these rules will expire on February 19, 2021.

The New Jersey Administrative Procedure Act (Act) requires that each State agency adopt regulations or rules that permit each agency to carry out its statutory authority. To keep the rules current, the Act provides that each rule “sunset” or expire every seven years. The rules governing the Water and Wastewater industries are set forth in NJ.A.C. 14:9 were last adopted by the Board in February 19 2014 and are therefore set to expire on February 19, 2021.

The rules found at N.J.A.C. 14:9 provide for the safe, adequate provision of water and wastewater services by regulated water and wastewater utilities. Readoption of the rules without change will insure seamless continuance of the Board’s oversight of the water and wastewater utilities within the State.

Staff recommended that the Board readopt the water and wastewater rules without change. Staff also recommended that the Board authorize the publication of the proposed readoption of the water and wastewater rules in an upcoming issue of the New Jersey Register.

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

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

Stacy Ho Richardson, Esq., Deputy Director, Division of Clean Energy, presented these matters.

A. Docket No. QO17080939 – In the Matter of Contract between Rutgers’ Bloustein School – Center for Green Buildings (RCGB) and the New Jersey Clean Energy Program.

BACKGROUND AND DISCUSSION: This matter involved the Board considering approval of contract extension with Rutgers’ Bloustein School Center for Green Buildings (RCGB) for 2021.

The proposed contract year 4 would extend the overall contract term and budget with RCGB from January 1, 2021 through December 31, 2021, based on a scope of work that includes program evaluation and market assessment professional services and that reflects the evolving role of RCGB given the energy efficiency transition.

Staff recommended that the Board approve extending the contract in accordance with the established requirements and per the State’s standard terms and conditions.

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

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

B. Docket No. QO20110700 – In the Matter of the Release of a Request for Quotation for Consulting Services for a Statewide Evaluator of Energy Efficiency Programs.

BACKGROUND AND DISCUSSION: This matter involved Staff seeking Board approval to issue a Request for Quotation (RFQ) to engage a contractor to serve as a Statewide Evaluation Manager that will oversee the evaluation, measurement, and verification (EM&V) of New Jersey’s expanded energy efficiency (EE) and peak demand reduction (PDR) programs.

In the June 10, 2020 Board Order, the Board outlined the framework for the next generation of New Jersey’s EE and PDR programs in the “EE Framework Order”. A key part of this updated framework was the development of consistent, standard, and transparent approach to EM&V for energy efficiency programs established pursuant to the Clean Energy Act. The EE Framework Order also called for establishment of an EM&V

Working Group (EM&V WG) that will develop recommendations for the Board's consideration on the State's EM&V practices. The Board directed Staff to solicit the professional services of a statewide evaluator to facilitate and lead the EM&V Working Group.

Staff developed this RFQ for a statewide evaluator to lead the development of an approach to EM&V, including guidelines, methods, inputs and schedules that is robust, accurate, transparent, consistent, and replicable statewide.

The statewide evaluator will ensure that this approach is applied to all state and utility-administered energy efficiency programs and used to continually improve the design and delivery of energy efficiency programs in the state. Some of the statewide evaluator's primary responsibilities are as follow:

- 1) Develop and prepare a master evaluation plan for each planning cycle of utility-administered, co-managed, and state-administered EE programs;
- 2) Develop quality assurance and quality control plans for evaluation data, activities and results;
- 3) Develop a plan for a cycle of statewide studies and evaluations related to the EM&V of New Jersey's EE programs;
- 4) Maintain and update statewide references, such as the New Jersey Protocols to Measure Resource Savings and the New Jersey Cost Test; and
- 5) Provide annual reporting on the results of state and utility-led EE programs.

All of the statewide evaluator's work with the EM&V Working Group will be in advisory capacity to Staff and the Board. Staff recommended that the Board approve the release of the RFQ for a statewide evaluator.

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

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

C. Docket No. QO19010040 – In the Matter of the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. QO20100684 – In the Matter of Butler Power and Light Company Establishing Energy Efficiency and Peak Demand Reduction Programs.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Staff's recommendations regarding how the Clean Energy Act's energy efficiency and peak

demand reduction requirements apply to Butler Power and Light Company (Butler Electric).

By Order dated June 10, 2020, the Board approved an energy efficiency (EE) transition framework for EE programs implemented pursuant to the Clean Energy Act of 2018 (CEA), including requirements for the investor-owned electric and gas public utilities to establish programs that reduce the use of electricity and natural gas within their territories

Butler Electric is a municipal electric utility in Morris County that is owned and operated by the Borough of Butler. Butler Electric serves residential and commercial customers in the Boroughs of Butler, Bloomingdale, and Kinnelon and partially services West Milford and Riverdale.

In light of the differences between Butler Electric and the investor-owned electric and gas utility companies, Staff recommended that the Board not require Butler Electric to file an EE program petition at the same scale, along the same timeline, and according to the same requirements as applicable to the other public utilities.

Staff also noted that customers throughout New Jersey, including within Butler's service territory, should have access to EE program offerings.

Staff also recommended that Butler Electric work collaboratively with Staff, the New Jersey Division of Rate Counsel (Rate Counsel), and the investor-owned electric and gas public utilities, as applicable, to develop a proposal to deliver EE and peak demand reduction (PDR) programs to Butler Electric customers that is compliant with the Clean Energy Act and consistent with the requirements for utility programs outlined in the Board's June 2020 Order.

Staff further recommended that Butler Electric submit a proposal by October 1, 2021, that includes a plan to implement programs from July 1, 2022, through June 30, 2024, to align with the current three-year program cycle of utility-administered EE programs.

In developing the proposal, Staff suggested that Butler Electric explore with Staff, Rate Counsel, and the other utilities options for funding these programs.

If the proposal includes partnership with another utility, such as PSE&G, which is the sole provider of gas in Butler Electric's service territory, Staff recommended that Butler Electric should propose an approach to allocating costs and energy savings attributable to the programs.

Staff finally recommended that the proposal address provision of EE and PDR programs to Butler Electric customers who are not PSE&G customers.

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

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

Scott Hunter, Manager, Division of Clean Energy, presented these matters.

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

Docket No. EO12090880V – In the Matter of the Implementation of L. 2012, c. 24, the Solar Act of 2012, N.J.S.A. 48:3-87(Q)(R) and (S) – Proceedings to Establish the Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System;

Docket No. QO16020130 – In the Matter of the Implementation of N.J.S.A. 48:3-87(R) Designating Grid-Supply Projects as Connected to the Distribution System – Order Conditionally Approving Applications Pursuant to N.J.A.C. 14:8-2.4(G);

**Docket No. QO19030342 – HCE River Road Solar LLC, AC1-016;
Docket No. QO19030341 – HCE Strykers Road Solar LLC, AC1-018;**

Docket No. QO20080564 – In the Matter of the Verified Petition of HCE River Road Solar, LLC – for the Return of Certain Escrow Deposits Held by the New Jersey Board of Public Utilities; and

Docket No. QO20080565 – In the Matter of the Verified Petition of HCE Strykers Road Solar, LLC – for the Return of Certain Escrow Deposits Held by the New Jersey Board of Public Utilities.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the petitions (Petition) of HCE River Road Solar, LLC and HCE Strykers Road Solar, LLC (Petitioner or HCE) for the return of the escrow deposits that the Petitioner provided as part of its applications seeking designation as “connected to the distribution system”.

Subsection R of the Solar Act of 2012 (Act) required that the Board evaluate proposed "grid supply" projects, not seeking approval under Subsections Q, R, S, or T, for which applications are submitted on or after June 1, 2016.

During the implementation of the Subsection R, on May 23, 2018, the Clean Energy Act was signed by the Governor. Among the provisions relative to the two petitions, the Clean Energy Act mandated the Board to close the Solar Renewable Energy Certificate (SREC) SREC Registration Program upon the state's attainment of 5.1% of its electricity from solar electric generation facilities.

The Act also added an escrow requirement for all solar generation facilities over twenty-five kilowatts that filed applications after the Act's enactment.

The escrow amount shall be forfeited to the State if the facility is designated as connected to the distribution system pursuant to this subsection, but does not commence commercial operation within two years following the date of the designation by the Board.

On January 17, 2019, in light of the Clean Energy Act and the steps taken to implement Subsection R, the Board issued an order directing Staff to seek comment from all

interested parties on the further steps to be taken with respect to implement Subsection R and the Expressions of Interest received pursuant to the rules. Staff posted a Request for Comments on capacity on February 11, 2019, with comments due on February 22, 2019.

By Order dated February 27, 2019, the Board approved the opening of an application round for solar electric generation facilities seeking SREC approval pursuant to Subsection R, and the window was from March 1st until March 14th, and the application form and escrow agreement were made available at that time.

On March 1, 2019, Staff distributed the application and escrow agreement via e-mail to the parties that responded to that request for public comments and posted the application form on its webpage and the Clean Energy webpage. Any company applying for eligibility for SRECs under Subsection R with a valid Expression of Interest submitted in 2016 or 2017 was required to submit the completed application package by March 14, 2019.

A total of five Subsection R applications were received before the 5:00 p.m. deadline. Three of the five applications were submitted by the Petitioner. By order dated March 29, 2019, the Board conditionally approved all five applications.

On March 29, 2019, the Board conditionally approved the five applications pursuant to Subsection R. Designation of eligibility for SRECs was conditioned upon the applicant's demonstration of commencement of commercial operations before the Board determined that 5.1% of the retail sales were supplied by solar kilowatt hours.

The Board found that should a conditionally approved project not commence commercial operations prior to the Board's determination that the 5.1% milestone has been achieved, the project may not be eligible for an SREC, but may be eligible for an alternative incentive to be determined by the Board in an upcoming proceeding.

Three of the five Subsection R applications have commenced commercial operations. Two Subsection R applications commenced commercial operations prior to April 30, 2020, deadline for SREC eligibility.

The third application, which was also submitted by the Petitioner in March 2019, commenced commercial operations in May 2020 and has been certified as eligible for TRECs.

On September 1, 2020, HCE submitted petitions for the return of escrow the Company deposited for the two projects which it sought designation as "connected to the distribution system" pursuant to Subsection R.

The Petitioner represented that the Board provided no guidance "by way of rule or order" as to what the incentive following the SREC program would be prior to opening up the Subsection R application process and that the Board had a duty to provide this "specific" information on the future level of incentives.

The Petitioner stated that its project became "economically infeasible" as a result of the TREC factor assigned to rooftop Subsection R projects, and the factor came as a complete surprise when the TREC order was issued in December 2019 and that Petitioner had no reason to suspect that the successor incentive might not be as favorable as the SREC.

The Petitioner also contended that its project was undermined by the Board's rules on SREC market closure.

Staff disagreed with the arguments made by the Petitioner. Their responses to the February 11, 2019, request for comments, indicate that they had an awareness of the uncertainty surrounding the amount of the incentive that would be available, and that "applications approved after October 29, 2018, must commence commercial operations prior to the milestone's attainment" and that its own projects may not make that cut-off.

Staff believed that the record demonstrates that the Petitioner filed its application to develop this project with full understanding that they might not be completed in time to be eligible for the SREC Registration Program; and that the transition incentive to follow was not yet known; and that representations as to the amount of the incentive or the time at which it would be known had been made. Staff recommended that the Board deny the petitions.

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

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

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

Docket No. QX20030253 – In the Matter of a Rulemaking Proceeding to Amend the Renewable Portfolio Standard Rules and Create New Rules Establishing a Transition Incentive Program Pursuant to P.L. 2018, c.17 – Order Addressing Waiver of Requirements Established by N.J.A.C. 14:8-10.3(D).

BACKGROUND AND DISCUSSION: This matter involved the Board considering a waiving certain provisions of N.J.A.C. 14:10-3(d) relating to the implementation of the “Standing Order” provisions in the Transition Incentive Rules, which requires that 100% of Transition Renewable Energy Certificates (TRECs), generated by eligible solar projects be automatically transferred via an Irrevocable Standing Order upon creation to the joint account created for the New Jersey Electric Distribution Companies in the Generation Attribute Tracking System.

The Clean Energy Act of 2018 required the Board to close the Solar Renewable Energy Certificate (SREC) registration program to new market entrants upon the state's attainment of 5.1% of its retail electricity sales from solar electric generation facilities, to modify or replace the SREC program and to encourage the continued efficient and orderly development of solar throughout the state.

As part of the solar transition planning process, on December 6, 2019, the Board ordered the creation of a Transition Incentive Program and TRECs to ensure a smooth and efficient transition from the SREC registration program to a new solar Successor Incentive Program, which is currently under development further refined through Board Orders

issued in January and March of 2020, And a rule proposal for the program was approved by the Board in May 2020 with comment due in July. The Transition Incentive rules were adopted by the Board in September and became effective upon publication in the New Jersey Register on October 5, 2020.

The Transition Incentive rule requires an Irrevocable Standing Order be created for each eligible TREC project. The standing order will cause the automatic transfer of TRECs created by an eligible solar project to the New Jersey Electric Distribution Companies (EDCs) Joint Generation Attribute Tracking System (GATS) Account. The Irrevocable Standing Order shall require for [the renewable energy generator] that 100 percent of the certificates be automatically transferred from each meter reading to the EDCs Joint GATS Account.

Staff learned in September that TREC-eligible project owners were establishing GATS accounts and executing their Standing Orders for their projects often with a significant lag following their project's commencement of commercial operations. As a result, the GATS account holders must manually transfer to the TREC administrator any TRECs created prior to the activation of the Standing Order, which may not occur for some months. The electricity produced by these projects before the execution of a Standing Order would not be eligible for the creation of a TREC were we to strictly interpret and enforce the rule.

Staff did not believe that making electricity generated by an otherwise eligible project before Standing Order execution was an intended result of the rule but rather conflicts the Board's policy goal of providing a smooth transition from the SRECs to a successor program.

Staff recommended that the Board waive the Administrative Code at Title 14:8-10.3(d)(1)(i) and 10.3(d)(3)(ii), only insofar as it requires that 100% of the TRECs generated for any project registered in the Transition Incentive program be transferred pursuant to a Standing Order. More precisely, Staff recommended that the Board waive this requirement only with respect to the energy otherwise TI-eligible projects generate prior to the date a Standing Order is activated.

Staff further recommended that the Board direct Staff to initiate a rulemaking proceeding to amend the TI Rules such that this waiver will no longer be necessary.

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

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

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

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

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Order addressing the start of Stage Two of the Charge Up New Jersey Program.

On April 6, 2020, the Board approved revisions to the Fiscal Year 2020 (FY20) budget for New Jersey's Clean Energy Program (NJCEP), as well as the program guidelines for the Charge Up New Jersey electric vehicle (EV) incentive program (Program). The Fiscal Year 2021 (FY21) Compliance Filing was approved by the Board on September 23, 2020. The intent of the Charge Up New Jersey program is to encourage the purchase or lease of new light-duty plug-in electric vehicles in the State, and assist New Jersey residents with making the switch to driving electric, consistent with the Electric Vehicle Act of 2020 (EV ACT).

The Board implemented the Program in two stages, a post-purchase program (Stage One) and a point-of-sale program (Stage Two). Eligibility began on the date of the EV Act signing on January 17, 2020, and Stage One of the Program began on May 27, 2020. Stage One allowed applicants to apply for post-purchase or post-lease EV incentives directly to the program administrator, the Center for Sustainable Energy (CSE), on the official program website. Incentives were processed on a first-come, first-serve basis by the program administrator and eligible applicants were issued their incentive in a single payment via check.

Stage Two of the Program seeks to simplify the process for applicants, occurring at the time of the vehicle transaction at a New Jersey car dealership or showroom. The Stage Two incentive will be applied directly to the transaction (point-of-sale) in full, and all paperwork will be facilitated by the EV salesperson or representative.

The EV Act called for the Board to deposit \$30 million each calendar year towards both stages of the Program respectively. In FY20, the Board issued over \$11 million in five months. In the FY21 budget, the Board approved \$23.4 million to fund the incentives and administrative costs of the Program. Due to the success of Stage One, available funds are anticipated to be depleted by the end of 2020, successfully fulfilling the legislative directive of the Program.

The Compliance Filing stated that Stage Two will launch in the fall of 2020; however, due to the success of Stage One of the Program in 2020, funds for Stage Two will not be available until July 1, 2021, contingent upon the Board's approval of the Fiscal Year 2022 Budget.

Given that the funds are expected to be fully utilized, Staff recommended postponing the Point of Sale Incentive Program until Summer 2021, after the Board has approved the FY22 budget.

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

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

9. MISCELLANEOUS

There were no items in this category.

LATE STARTER A

CLEAN ENERGY

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

Docket Nos. QO18060646 – In the Matter of the Community Solar Energy Pilot Program; and

Docket No. QO20080556 – In the Matter of the Community Solar Energy Pilot Program Year 2 Application Form and Process.

BACKGROUND AND DISCUSSION: This matter involved the Board considering an extension of time to review Gabel Associates' motion for reconsideration of several aspects of the Board's October 2, 2020 Order approving the application and process for Program Year 2 of the Community Solar Energy Pilot Program. The Board has 60 days to determine the motion, which is set to expire on December 18, 2020.

By Order dated October 2, 2020, the Board approved the Application Form and process for Program Year 2 of the Community Solar Energy Pilot Program. On October 19, 2020, Gabel Associates filed a Motion for Reconsideration regarding several elements of the Order.


N.J.A.C. 14:1-8.7(c) provides, with respect to motions for rehearing or reconsideration that "[a]ny motion hereunder which is not granted or otherwise expressly acted upon by the Board within 60 days after the filing thereof, shall be deemed denied, unless the parties are otherwise notified in writing by the Board or its Secretary."

In order to fully review the Motion, Staff recommended that the Board approve an extension to the review of the Motion. If approved, the Motion will therefore not be deemed denied, and shall remain open pending the Board's issuance of a final decision.

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

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

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: March 3, 2021