



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 March 23, 2022, via online @ <https://youtu.be/98A7IbPeWXc>

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

*Commissioner Gordon participated by phone.

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

It was also announced that the next regular Board Meeting will be held on April 6, 2022 at 10:00 a.m. via livestream on YouTube.

CONSENT AGENDA

I. AUDITS

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

EE20030231L	Long Distance Consultants, LLC	R – EA/EC
GE20040291L	d/b/a LD Energy	

EE21030654L	Global Energy, LLC	R– EA/PA/EC
GE21030655L	d/b/a Global Energy Electric and Gas	

Electric Power and/or Natural Gas Supplier Initial Licenses

EE21081045L	EcoPlus Power, LLC	I – ESL
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BACKGROUND: The Board must register all energy agents, private aggregators, and energy 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 (TPSs) with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any TPS renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by 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. At its regular agenda meeting of August 18, 2021, the Board approved the final adoption of proposed amendments to N.J.A.C. 14:4 et seq., concerning energy competition and specifically to subchapter 5, N.J.A.C. 14:4-5 et seq., Energy Licensing and Registration.

In accordance with the rule amendments, an energy agent, private aggregator, or energy consultant registration shall not expire so long as a registration renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the registrant's annual anniversary date. Any registration renewal application that was filed prior to August 18, 2021 has been, and will continue to, be processed by Staff for approval or denial in accordance with N.J.A.C. 14:4-5.9. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. 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.

After review, Staff recommended that the following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant:

- Long Distance Consultants, LLC d/b/a LD Energy
- Global Energy, LLC d/b/a Global Energy Electric & Gas

Staff also recommended that the following applicant be issued an initial license as an electric power:

- EcoPlus Power, LLC

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

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE21040726 – In the Matter of the Petition of Comcast of Central Jersey II, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Chatham, County of Morris, State of New Jersey.

BACKGROUND: This matter involved a petition requesting a Renewal Certificate of Approval to Comcast of Central New Jersey II, LLC (Comcast) for the Township of Chatham (Township) for a term of 10 years.

On August 20, 2019, Comcast filed an application with the Township for renewal of municipal consent, and on December 17, 2020, the Township adopted an ordinance granting renewal municipal consent to Comcast. On February 8, 2021, Comcast formally accepted the terms and conditions of the ordinance.

On April 27, 2021, Comcast filed with the Board for a renewal of its Certificate of Approval for the Township. After review, Staff recommended that the Board approve the proposed Renewal Certificate of Approval. This Certificate shall expire on May 16, 2030.

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

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS22020064K, GS22020065K, GS22020066K, GS22020067K, GS22020068K, GS22020069K, GS22020070K, GS22020049K, GS22020050K, GS22020051K, GS22020052K, GS22020053K, GS22020054K, GS22020055K, GS22020056K, GS22020057K, GS22020058K, GS22020059K, GS22020060K, GS22020061K and GS22020062K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act (Act) by both excavators and operators of underground facilities. This matter did not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction were failure to provide proper notice, failure to use reasonable care, and mismarking of facilities. The cases were settled in accordance with a penalty strategy, which escalates in relationship to aggravating factors, such as injury, property damage, fire, evacuation, road closure, and other public safety concerns, and provides disincentives for violations.

Pursuant to the Act, the Board, through the Bureau of One-Call, supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, with a \$25,000.00 maximum for a related series of violations. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$200,000.00 for each violation for each day with a \$2,000,000.00 maximum for any related series of violations.

The number of settlements are 21 with a total penalty of \$63,000.00.

After review, Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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

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 February 23, 2022 Agenda Minutes.

BACKGROUND: Staff presented the minutes of the Board meeting of February 23, 2022 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.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

Paul Lupo, Acting Director, Division of Energy, presented these matters.

A. Docket No. ER21111206 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Electric Base Rate Adjustments Pursuant to its Infrastructure Investment Program (11/2021).

BACKGROUND AND DISCUSSION: On November 1, 2021, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking review and approval of cost recovery associated with the Company's Infrastructure Investment Program (IIP or Program) through December 31, 2021 (Petition).

The Petition sought approval to recover a revenue requirement of \$2.2 million related to IIP through December 31, 2021. The Petition was based upon actual costs through September 30, 2021 of \$17.0 million, and projected program expenditures from October 1, 2021 to December 31, 2021 of \$16.1 million.

On January 21, 2022, the Company updated to the Petition to include actual Program expenditures through December 31, 2021. The update reflected an increase in the proposed revenue requirement of \$2.1 million.

Following a review of the Petition, the Update of January 21, 2022, and discovery responses, ACE, the New Jersey Division of Rate Counsel, and Staff executed a Stipulation and Agreement (Stipulation) that would allow the Company to recover an electric revenue requirement of \$2.1 million.

Staff recommended that the Board issue an Order adopting the Stipulation. Staff also recommended that the Board direct ACE to file tariff sheets consistent with its Order by March 31, 2022.

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. EO22020043 – In the Matter of the Petition of Cumberland County Improvement Authority for the Approval of the Extension of Electric Public Utility Facilities of Atlantic City Electric Company Pursuant to N.J.S.A. 48:2-27.

BACKGROUND AND DISCUSSION: On February 2, 2022, the Cumberland County Improvement Authority (CCIA or Authority) filed a petition with the Board seeking approval for the extension or expansion of electric public utility facilities of Atlantic City Electric Company (ACE) (Petition).

According to the Petition, CCIA developed an Economic Development Strategic Plan for Cumberland County for 2020-2030 (Plan) for regional growth and innovation, utilizing a strategy based upon the ever-changing dynamics of the regional economy, existing assets, and future opportunities to be shaped by innovative thinking, investment, and technology.

On February 17, 2022, ACE filed a Motion to Intervene in this matter and argued that it has substantial, specific, and direct interest in this proceeding and its outcome.

Staff recommended that the Board retain this matter for hearing at the Board, and designated Commissioner Gordon as the Presiding Officer with authority to rule on all motions that arise during the pendency of this proceeding, and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Staff also recommended that the Board grant ACE's Motion to Intervene. Staff further recommended that the Board set a bar date of April 6, 2022 for the filing of motions to intervene and/or participate and for admission pro hac vice.

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 Nos. BPU GR21060876 and OAL PUC 09816-2021N – In the Matter of the Petition of Elizabethtown Gas Company to Review its Basic Gas Supply Service Rate.

BACKGROUND AND DISCUSSION: On June 1, 2021, Elizabethtown Gas Company (ETG or Company) filed a petition with the Board seeking approval to modify its periodic Basic Gas Supply Service-Periodic (BGSS-P) rate (2021 BGSS Petition). ETG also sought authority to increase its BGSS-P rate from \$0.3783 per therm to \$0.4367 per therm effective October 1, 2021. Based upon the request in the 2021 BGSS Petition, the Company projected that its recoverable gas costs at the proposed rate would be approximately \$14.0 million higher than the level recovered through current BGSS-P rates.

ETG also projected that it will begin the BGSS Year (October 1, 2021 through September 30, 2022) with a gas cost under recovery balance of approximately \$2.3 million.

The Company stated the calculated increase in the BGSS-P rate was due primarily to higher commodity gas costs related to market pricing, combined with the impact of the Columbia Gas rate case which increased demand and commodity costs as well as new capacity contracts which increased demand charges. The Company will be contracting for renewable natural gas (RNG) delivered by RevLNG, starting March 1, 2022.

Additionally, ETG implemented its Conservation Incentive Program (CIP) pursuant to Board Order dated April 7, 2021, in combined Docket Nos. QO19010040 and GO20090619. As a result, the CIP rate is being set at \$0.000 for the period October 1, 2021 through September 30, 2022.

On June 22, 2021, NRG Energy, Inc., and its affiliates Reliant Energy Northeast, LLC, d/b/a NRG Home/NRG Business; Energy Plus Natural Gas LP; Xoom Energy New Jersey, LLC; Stream Energy New Jersey, LLC; Direct Energy Services, LLC; Direct Energy Business, LLC; Direct Energy Business Marketing, LLC; and Gateway Energy Services Corporation (collectively, NRG), filed a Motion to Intervene in this proceeding, which was opposed by ETG.

On August 10, 2021, ETG filed an amended 2021 BGSS Petition (2021 Amended BGSS Petition) in which the Company removed its request to contract for RNG supply. This change did not change the Company's originally proposed per therm BGSS-P rate of \$0.4367. Subsequently, the Company updated its proposed per therm BGSS-P rate to \$0.4254.

On November 1, 2021, all four GDCs filed an Emergent Motion of New Jersey's Gas Distribution Companies for Waivers Necessary to Permit Self-Implementing BGSS Increases Effective December 1, 2021 (Motion).

By Order dated November 17, 2021, the Board approved a stipulation for provisional rates executed by the Parties and denied NRG's Motion to Intervene and Motion to Participate. The November 2021 Provisional Order authorized ETG to implement a per therm BGSS rate of \$0.04254. All rates approved in the November 2021 Provisional Order became effective for services rendered on and after December 1, 2021 on a provisional basis, subject to refund. As a result of the November 2021 Provisional Order, a typical residential customer using 100 therms on a monthly basis would see an increase of \$4.71, or approximately 4.5%.

Also by Order dated November 17, 2021, the Board granted the GDCs Motion and ordered the GDCs to file any notice of a December 1, 2021 self-implementing rate increase by November 19, 2021.

On November 18, 2021, ETG filed a notice of its intent to self-implement a BGSS-P rate adjustment based on a 5% increase of the monthly bill of a typical residential customer using 100 therms to be effective December 1, 2021 consistent with the January 2003 BGSS Order and the Board's ruling of the Motion (Notice). The self-implementing rate increase, effective December 1, 2021, resulted in an increase of the per therm BGSS-P rate from \$0.4254 to \$0.4798, on a provisional basis, subject to refund. As a result, a typical residential customer using 100 therms on a monthly basis would see an increase of \$5.44, or 5.0%, in addition to the impact of the November 2021 Provisional Order.

The Company, the New Jersey Division of Rate Counsel, and Board Staff executed a stipulation of settlement (Stipulation) which would allow ETG to modify its BGSS-P rate, on a final basis, which was subsequently approved Administrative Law Judge Irene Jones.

Staff recommended the Board issue an Order adopting the Initial Decision and Stipulation. Staff further recommended the Board direct ETG to file tariffs consistent with the Order by April 1, 2022.

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. GR21091145 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of Societal Benefits Charge Factors for Remediation Year 2021.

BACKGROUND AND DISCUSSION: On September 30, 2021, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board requesting approval to modify the following two rate components of its Societal Benefits Charge: 1) the Remediation Adjustment (RA) component; and 2) the New Jersey Clean Energy Program (NJCEP) component. Additionally, NJNG requested review and approval of the remediation expenditures incurred by the Company from July 1, 2020 through June 30, 2021 (Remediation Year 2021).

On January 21, 2022, NJNG revised the actual expenditures for Remediation Year 2021 and the NJCEP through discovery (January 2022 Update). Based upon the January 2022 Update, the requested recovery amount for the RA component was modified to \$11.600 million and the NJCEP component was modified to \$17.287 million which resulted in a proposed per therm RA rate \$0.0174 and a proposed per therm NJCEP rate of \$0.0259. When combined with the current per therm USF/Lifeline rate, the proposed total per therm SBC rate is \$0.0623.

Following a review of the Petition, the January 2022 Update, and discovery responses, NJNG, the New Jersey Division of Rate Counsel, and Board Staff executed a stipulation of settlement (Stipulation) that would allow the Company to implement the revised RA and NJCEP rates based upon the January 2022 Update.

Staff recommended that the Board approve the Stipulation. Staff also recommended that the Board direct NJNG to file revised tariffs consistent with the Stipulation by March 31, 2022.

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. ER21111205 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Electric Base Rate Adjustments Pursuant to the PowerAhead Program (11/2021).

BACKGROUND AND DISCUSSION: On November 1, 2021, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking to recover a revenue requirement of \$890,217.00 related to \$7,240,000.00 of plant-in-service investments (Sixth Roll-In Period) related to the Company’s PowerAhead Program (PowerAhead) that were placed in service from July 1, 2021 through December 31, 2021 (November 2021 Petition).

On January 18, 2022, ACE updated its November 2021 Petition with actual data through December 31, 2021 (January 2022 Update). Based upon the January 2022 Update, the Company updated its proposed revenue requirement to \$881,980.00 associated with \$7,171,518.00 of plant-in-service investments incurred in the Sixth Roll-In Period.

On December 22, 2021, ACE submitted a letter indicating that their Harbor Beach Substation project is to exceed 5% of the stipulated \$14 million budget. The Company, Board Staff (Staff) and the New Jersey Division of Rate Counsel (the Parties) agreed that the Company would not be seeking recovery of these overages in this proceeding.

The Parties executed a stipulation of settlement (Stipulation) that would allow the Company to recover a revenue requirement of \$881,980.00 based upon the January 2022 Update.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct ACE to file tariffs consistent with the Board’s Order by March 31, 2022.

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. EM21121253 – In the Matter of the Petition of Atlantic City Electric Company for Approval of the Modification of Power Purchase Agreements with Chambers Cogeneration Limited Partnership and Logan Generating Company, L.P.

BACKGROUND AND DISCUSSION: On December 22, 2021, Atlantic City Electric Company (ACE) filed a petition with the Board seeking approval of settlement agreements (Settlement Agreements) between ACE and Chambers, and ACE and Logan, as well as Modified Power Purchase Agreements (Modified PPAs), pursuant to which ACE will modify existing PPAs and terminate existing Power Sales Agreements (PSAs) with Chambers and Logan, respectively (Petition).

As noted in the Petition, the proposed transaction involves the modification and termination of the last of ACE's contracts to purchase electricity from Non-Utility Generations. Specifically, ACE requested to modify the existing Chambers and Logan PPAs such that existing interconnection rights would be preserved but coal-fired electric generation would cease, and the existing Chambers and Logan PSAs would be terminated.

According to the Petition, the PPAs would be modified such that certain interconnection rights and obligations in the PPAs will survive and Chambers and Logan may continue to sell into the PJM market for the transition period. The Company stated that this approach will allow status quo operations with respect to the plants until the transaction and transition are completed.

As part of the transaction, ACE will make a series of negotiated fixed monthly payments for the remaining term of the existing PPAs and PSAs, which will be partially offset by customer benefit payments from Chambers and Logan. According to the Petition, these customer benefit payments will result in customer savings of up to \$30 million over the remaining term of the existing agreements, consisting of approximately \$14 million on the Chambers agreement and approximately \$16 million on the Logan agreement. However, the Company noted that the actual amount of customer savings will depend on the date of the closing of the PPA modifications and PSA terminations.

Absent the proposed transaction, ACE estimated that its contract payments to the plants from January 2022 through December 2024 would total approximately \$417.8 million, which would be offset by PJM revenues of approximately \$159.3 million, resulting in total customer costs of approximately \$258.5 million. Under the terms of the transaction, ACE estimated that its payments to the plants from January 2022 through December 2024 would total approximately \$258.5 million, which would be offset by customer benefit payments from the plants of approximately \$30 million, resulting in total customer costs of approximately \$228.5 million.

Additionally, the proposed transaction would result in the discontinuance of coal-fired electric generation at Chambers and Logan, following brief transition periods. The purpose of the specified transition periods is to facilitate the orderly cessation of coal-fired operations, and in the case of Chambers, to obtain necessary approvals to produce steam using natural gas-fired boilers with fuel oil back-up.

Staff recommended the following:

1. The Board issue an Order approving the Settlement Agreements and Modified PPAs.
2. The Board direct ACE to collaborate with Staff and Rate Counsel within the Company's current Non-Utility Generations Charge proceeding (Docket No. ER22020038) in developing information to be filed in future NGC matters that will assist Staff and Rate Counsel in evaluating the cost effectiveness of the transaction.
3. The Board direct ACE to submit relevant information, including updates on the closing of the PPA modification and PSA termination, the final payments and benefits, the cessation of coal-fired electric generation at the plants, and the use of natural gas-fired boilers at the Chambers plant.

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. GR21040723 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of an Asset Management Agreement with South Jersey Resources Group.

BACKGROUND AND DISCUSSION: On April 23, 2021, Elizabethtown Gas Company (ETG or Company) filed a petition with the Board seeking approval of an extension of the Asset Management and Agency Agreement (AMA) between ETG and its affiliate South Jersey Resources Group, LLC (SJRG) for a five-year period.

Following further review and discussions, ETG, the New Jersey Division of Rate Counsel, and Board Staff (Staff) (collectively, Parties) executed a stipulation of settlement (Stipulation) that would extend the AMA for two years with a transition of the full administration of the gas supply / asset management function back to the ETG by April 1, 2024.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties, which would allow the transition of the gas / supply asset management function back to the Company and will have SJRG perform this function while ETG prepares to take on this responsibility. Staff also recommended that a determination regarding confidential treatment of the proforma agreements in the Stipulation, which are claimed to be commercially sensitive or proprietary, be decided by the Board's Custodian of Records pursuant to the Board's rules. Until the Board's Custodian of Records renders a decision, such information should continue to be treated as confidential information.

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket No. WO21081067 – In the Matter of the Request of Aqua New Jersey, Inc. and Aqua Water Holdings, Inc. for Approval of Intercompany Restructuring and of an Affiliated Interest Agreement.

Benjamin Witherell, Ph.D., Chief Economist, Office of the Economist, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a joint petition filed on August 13, 2021 by Aqua New Jersey, Inc. (Aqua NJ) and Aqua Water Holdings, Inc. (Petitioners) seeking approval on two items. First, a change of control of Aqua NJ resulting from a corporate restructuring following from a merger of former parent company, Aqua America, with Peoples Gas Company in 2020. Second, an updated Affiliate Agreement between Aqua NJ and Aqua Services, Inc. to obtain services from the new parent company's service unit, Essential Services.

Aqua NJ serves about 55,000 water customers and 6,500 wastewater customers in New Jersey. The new parent company resulting from the 2020 merger, Essential Utilities, serves approximately 5 million gas, water, and wastewater customers across 10 states in the Mid-Atlantic and Midwest.

Following discovery and settlement conferences, the Petitioners, the New Jersey Division of Rate Counsel, and Staff executed a stipulation of settlement (Stipulation) intended to resolve all issues related to the Petition. The key terms of that Stipulation include:

- The requested change of control of Aqua NJ;
- The updated affiliate agreement for services, as just referenced.

In addition, the following positive benefits are noted:

- A contribution of \$10,000.00 per year for three years from Aqua NJ to the NJ Shares program; and
- A contribution of \$150,000.00 toward the company's COVID-19 arrearages balance.

Board staff from both the Division of Water and the Economist's Office reviewed the Stipulation. Staff recommended that the Board approve the Stipulation as submitted.

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 Nos. BPU WR21111220 and OAL PUC 10027-21 – In the Matter of New Jersey-American Water Company for Authorization to Change the Level of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause.

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

BACKGROUND AND DISCUSSION: On November 15, 2021, New Jersey American Water Company (NJAW or Company) filed a petition seeking authorization to change the level of its Purchased Water Adjustment Clause (PWAC) and its Purchased Sewerage Treatment Adjustment Clause (PSTAC). The Company requested an increase of \$934,275.00 or 0.13% above its current annual revenues.

NJAW's petition was transmitted to the Office of Administrative Law for hearings as a contested case and the matter was assigned to ALJ Tricia Caliguire. After proper notice, ALJ Caliguire conducted virtual public hearings at 4:30 pm and 5:30 pm on March 23, 2022. Middlesex Water Company (Middlesex) filed a motion to intervene on November 18, 2021. ALJ Caliguire granted Middlesex' motion on February 4, 2022.

NJAW, Board Staff and the New Jersey Division of Rate Counsel engaged in discovery and settlement discussions and executed a Stipulation of Settlement (Stipulation). The Stipulation agrees that:

1. That the Board approve the Company's change to the PWAC rate on PWAC Rate Schedule O-1 from \$0.4221 per thousand gallons of water to \$0.4606 per thousand gallons for Non-Exempt customers, and from \$0.3646 per thousand gallons to \$0.3978 per thousand gallons for Exempt customers.
2. That the Board permit the PSTAC changes as follows:
 - a. For Lakewood Township, Ocean County, the winter quarter as reflected within PSTAC Rate Schedule 2-B, the rate will go from \$4.9209 per thousand gallons to \$4.6793 per thousand gallons.
 - b. For Ocean City, Cape May County, the summer quarter as reflected within PSTAC Rate Schedule 1-B, the rate will go from \$33.9147 per thousand gallons to \$32.6814 per thousand gallons.
 - c. For the Adelpia section of Howell Township, Monmouth County, as reflected within PSTAC Rate Schedule 3-B, the rate will go from \$6.6021 per thousand gallons to \$6.5695 per thousand gallons.

3. The change in the PWAC rate would result in a change of the annual bill of an average residential customer utilizing 5,400 gallons per month as follows:

	Present Per Month	Proposed Per Month	Amount Change	Percent Change
Statewide - GMS	\$57.98	\$58.18	\$0.20	0.34%
Statewide - SFR	\$57.98	\$58.18	\$0.20	0.34%
SA1-B, SA1-C	\$55.54	\$55.75	\$0.21	0.38%
SA-1E	\$53.48	\$53.68	\$0.20	0.37%
SA-1F	\$31.84	\$32.05	\$0.21	0.66%

4. The PSTAC rate changes will result in:
- a. A decrease for sewer service in Lakewood Township, Ocean County utilizing 16,200 gallons of water in the winter and 64,800 gallons of water annually, of (\$1.30) per month or -2.07%.
 - b. A decrease for sewer service in Ocean City, Cape May County utilizing 17,000 gallons of water in the summer and 31,000 gallons of water annually, of (\$1.75) per month or -2.46%.
 - c. A decrease for sewer service in the Adelpia section of Howell Township, Monmouth County utilizing 64,800 gallons of water annually, of (\$0.17) per month or -0.24%.

Middlesex Water Company filed a letter stating that it did not object to the Stipulation.

On March 10, 2022, ALJ Caliguire issued her Initial Decision recommending that the Board adopt the Stipulation.

Staff recommended that the Board adopt the Initial 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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU GC21060947U and OAL PUC 06934-2021 – In the Matter of Jasvir Singh, Petitioner v. Elizabethtown Gas Company, Respondent.

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

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Jasvir Singh (Petitioner) and Elizabethtown Gas Company (ETG). The petition was transmitted to the Office of Administrative Law for a hearing as a contested case. Administrative Law Judge (ALJ) William T. Cooper III filed an Initial Decision in this matter with the Board on February 14, 2022. No exceptions have been filed.

ETG, in its answer, denies the allegation in the petition. According to ETG, on March 27, 2020, ETG’s Billing Department discovered a reading discrepancy for the Petitioner’s meter. The meter was verified as functioning (recording gas usage at the residence). However, the Encoder Receiver Transmitter (ERT) was not transmitting the usage information to ETG for billing purposes. The Petitioner had not received a bill from February 21, 2020 to March 23, 2021.

On March 15, 2021, ETG’s Billing Department mailed a meter change request letter to the Petitioner and his meter was changed on March 23, 2021. When the ETG technician went to the property to exchange the meter, a final reading was recorded. A cumulative bill was generated in the amount of \$928.75. The bill was based on six verified intermittent readings from February 21, 2020 to January 21, 2021, and estimated readings for the months when the readings were not being transmitted from the ERT.

In his Initial Decision, ALJ Cooper concluded the meter removed from the Petitioner’s home on March 23, 2021, was accurate in its recording of natural gas usage at the residence from February 2020 to March 2021. He further concluded that the bill of \$928.75 for the service used during that time period was also accurate. ALJ Cooper stated the Petitioner failed to provide any legally competent evidence to support the claim that the final reading obtained was inaccurate. ALJ Cooper ordered the requested relief in this matter be denied and the matter be dismissed.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Cooper. Staff completed its review and recommended that the Board adopt the Initial 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

8. CLEAN ENERGY

There were no items in this category.

9. MISCELLANEOUS

A. Non-Docketed Matter – In the Matter of the Board of Public Utilities’ Designation of an Acting Secretary and an Acting Records Custodian Beginning April 1, 2022.

Heather Weisband, Esq., Senior Counsel, Office of the General Counsel, presented this matter.

BACKGROUND AND DISCUSSION: On March 31, 2022, the Secretary of the Board retired, leaving the position of the Board Secretary vacant. Staff recommended that the Board authorize Assistant Secretary Carmen Diaz to serve as Acting Board Secretary beginning April 1, 2022. Staff also recommended that the Board authorize Assistant Secretary Carmen Diaz to serve as the Custodian of Records to oversee public access to documents under OPRA beginning April 1, 2022

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.



CARMEN D. DIAZ
ACTING BOARD SECRETARY

Date: October 26, 2022