



STATE OF NEW JERSEY
Board of Public Utilities
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www.nj.gov/bpu/

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

A regular Board meeting of the New Jersey Board of Public Utilities was held on June 8, 2022, via online @ <https://youtu.be/1x9KXp0aymI>

Adequate notice of the meeting was provided pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.3. Notice was also provided in accordance with the requirements of N.J.S.A 48:2-32.8, and notice was posted to the Board's website and posted on the Board's bulletin board located at 44 South Clinton Ave., Trenton, New Jersey.

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 Carmen D. Diaz, Acting Board 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 June 29, 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

EE21020602L	Energy Advisory Service, LLC	R – EA
EE21050785L	Evolution Energy Partners, LLC	R – EA
EE21050763L	Just One Energy, LLC d/b/a E-Agent	R – EA
EE21030653L	Power Brokers, LLC	R – EA
EE20020161L	Premier Power Solutions, LLC	R – EA
EE22050346L	Progressive Energy Consulting, LLC	R – EA
EE20010041L	Resource Energy Systems, LLC	R – EA
EE20100644L	Edison Energy, LLC	R – EA/PA/EC
GE20100645L		
EE21060934L	Energy Consultants, LLC	R – EA/PA
GE21060935L		
EE21030662L	Innovative Energy Advisors, LLC	R – EA/PA
GE21030663L		

BACKGROUND: The New Jersey Board of Public Utilities (“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 Board Staff (“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 the effective date of the licensing and registration rule amendments, September 20, 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.

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

- Energy Advisory Service, LLC
- Evolution Energy Partners, LLC
- Just One Energy, LLC d/b/a E-Agent
- Power Brokers, LLC
- Premier Power Solutions, LLC
- Progressive Energy Consulting, LLC
- Resource Energy Systems, LLC
- Edison Energy, LLC
- Energy Consultants, LLC
- Innovative Energy Advisors, LLC

B. Docket No. TO22050325 – In the Matter of Alteva of Warwick, LLC Requesting Three Months Extension to File Calendar Year 2021 Annual Report by June 30, 2022.

BACKGROUND: This matter involved a request by Alteva of Warwick LLC (“AW”) for a three (3) month extension to file its calendar year (“CY”) 2021 annual report by June 30, 2022.

Pursuant to N.J.A.C. 14:3-6.3, every utility shall file with the New Jersey Board of Public Utilities (“Board”), on or before March 31st of each year, an annual report summarizing its finances and operations for the preceding calendar year. A utility may file a request with the Board Secretary for an extension of up to 30 days for filing the annual report. Each additional 30-day extension, after the initial extension is granted, requires the submission of a separate request for extension. Current policy requires Board approval for an extension of time to file an annual report, which extends the filing date by more than 30 days.

On April 30, 2022, AW requested a three (3) month extension to file CY 2021 annual report by June 30, 2022. Per AW’s letter, the utility’s key employee who was compiling and filing the annual report of the utility passed away at the end of August 2021. Therefore, AW asserted that it needed additional time to ensure the accuracy in compiling and reporting financial data to the Board. With this extension, the CY 2021 annual report would be due on or before June 30, 2022.

After review, Board Staff (“Staff”) recommended that the Board waive the provision in N.J.A.C. 14:3-6.3, which requires that each 30-day extension be a separate submission. Staff also recommended that the Board extend the deadline by three (3) months until June 30, 2022 and authorize the Board Secretary to issue a letter consistent with the same.

C. Docket No. WO22050326 - In the Matter of the Borough of Park Ridge Requesting Three Months Extension to File Calendar Year 2021 Annual Report by June 30, 2022.

BACKGROUND: This matter involved a request by Borough of Park Ridge (“BPR”) for a three (3) month extension to file its calendar year (“CY”) 2021 annual report by June 30, 2022.

Pursuant to N.J.A.C. 14:3-6.3, every utility shall file with the New Jersey Board of Public Utilities (“Board”), on or before March 31st of each year, an annual report summarizing its finances and operations for the preceding CY. A utility may file a request with the Board Secretary for an extension of up to 30 days for filing the annual report. Each additional 30-day extension, after the initial extension is granted, requires the submission of a separate request for extension. Current policy requires Board approval for an extension of time to file an annual report, which extends the filing date by more than 30 days.

On May 1, 2022, the BPR requested a three (3) month extension to file CY 2021 annual report by June 30, 2022. According to BPR’s letter, the utility has gone through a turnover of three (3) chief financial officers in a short period. BPR requested additional time to ensure the accuracy in compiling and reporting financial data to the Board. With this extension, the CY 2021 annual report will be due on or before June 30, 2022.

After review, Board Staff recommended that the Board grant the extension request and authorize the Board Secretary to issue a letter expressing the same.

II. ENERGY

A. Docket No. BPU GO17010023 and OAL PUC 01160 -17 - In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulatory Station Pursuant to N.J.S.A. 40:55D-19 - 2017 Petition; and

Docket No. BPU GO18111257 and OAL PUC 17810-18 - In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulatory Station Pursuant to N.J.S.A. 40:55D-19 - 2018 Petition.

BACKGROUND: This matter involved: 1) a June 3, 2022 motion from the Township of Holmdel (“Holmdel”) for an extension of the deadlines to file written exceptions and replies to exceptions to the May 18, 2022 Initial Decision of Administrative Law Judge (“ALJ”) Elia A. Pelios (“ALJ Initial Decision”); and 2) consideration of the need for a 45-day extension of time for the New Jersey Board of Public Utilities (“Board”) to issue its Final Decision in this matter

On June 3, 2022, Holmdel moved for an extension of time to permit exceptions to the ALJ Initial Decision be extended to July 1, 2022, and that the deadline for replies be extended to July 22, 2022. Holmdel’s motion indicated that it required additional time to review the voluminous hearing record, including thousands of pages of testimony and exhibits. On June 7, 2022, the New Jersey Division of Rate Counsel (“Rate Counsel”) indicated to Board Staff (“Staff”) that it had no objection to the Holmdel’s motion.

On June 6, 2022, New Jersey Natural Gas Company (“NJNG”) filed a response to Holmdel’s motion opposing the length of the extension. According to NJNG, it agreed to a lesser extension, and suggested a compromise schedule in which the exceptions would be due on June 16, 2022, and replies would be due on June 30, 2022. While NJNG opposed the longer timeline sought by Holmdel, NJNG nonetheless requested that if the Board grants Holmdel’s motion that the deadline for replies be extended to July 25, 2022.

Staff recommended that the Board grant an extension of the deadlines for the parties to file Exceptions and Reply Exceptions to the ALJ Initial Decision, to July 1, 2022 and July 25, 2022 respectively. Staff further recommended that the Board grant Staff’s request for an additional 45-days prior to the Board rendering its Final Decision until August 19, 2022.

III. CABLE TELEVISION

A. Docket No. CE21081058 – In the Matter of the Petition of Comcast of New Jersey II, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of East Orange, County of Essex, State of New Jersey.

BACKGROUND: This matter involved a petition requesting a Renewal Certificate of Approval to Comcast of New Jersey II, LLC (“Comcast”) for the City of East Orange (“City”) for a term of 10 years.

On July 25, 2016, Comcast filed an application with the City for renewal of municipal consent. On May 24, 2021, the City adopted an ordinance granting renewal municipal consent to Comcast. On June 16, 2021, Comcast formally accepted the terms and conditions of the ordinance. On August 11, 2021, Comcast filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the City.

Board Staff recommended that the Board approve the proposed renewal certificate of approval. The certificate shall expire on December 31, 2027.

IV. TELECOMMUNICATIONS

A. Docket No. TF22030137 – In the Matter of the Verified Petition of Everstream Solutions, LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On March 14, 2022, Everstream Solutions LLC (“Everstream”) submitted a petition to the New Jersey Board of Public Utilities (“Board”) requesting approval for Everstream to participate in certain financing arrangements up to an aggregate amount of \$975 million. Everstream is a wholly owned subsidiary of Midwest Fiber Acquisition LLC (“Midwest”), a Delaware limited liability company.

Everstream asserted that the financing arrangements would serve the public interest because they would be used to refinance existing debt, for acquisitions and other expansion activities, to provide for ongoing working capital, and for other corporate purposes. According to Everstream, the financing arrangements would also provide access to greater financial resources that will allow Midwest and its current and future

subsidiaries, including Everstream, to become more effective competitors in the communications industry.

Everstream also asserted that the financing arrangements are necessary and appropriate, and would not impair Everstream's ability to provide its services and would promote its corporate purposes. The financing arrangements would be transparent to Everstream's customers and would not disrupt service or cause customer confusion or inconvenience.

By letter dated May 4, 2022, the New Jersey Division of Rate Counsel stated that it had no objection to the Board's approval of this petition.

Having reviewed of the information submitted in the proceeding, the Office of the Economist found that the action requested was in accordance with the law and in the public interest, and therefore recommended approval of the petition, subject to the conditions set forth in the Board Order.

B. Docket No. TF22040250 - In the Matter of the Verified Joint Petition of Lingo Management, LLC, Lingo Communications, LLC, B. Riley Principal Investments, LLC, Matrix Telecom, LLC, Licensee, and BullsEye Telecom, Inc., Licensee, for Approval for Licensees to Participate in Certain Financing Arrangements.

BACKGROUND: On April 14, 2022, Lingo Management, LLC ("Lingo Management"), Lingo Communications, LLC ("Lingo"), and B. Riley Principal Investments, LLC ("BRPI") (Lingo Management, Lingo, and BRPI collectively, "Lingo Entities"), BullsEye Telecom, Inc. ("BullsEye"), and Matrix Telecom, LLC ("Matrix") (BullsEye and Matrix collectively, "Licensees") (Lingo Entities and Licensees collectively referred to as "Petitioners") submitted a verified petition to the New Jersey Board of Public Utilities ("Board") requesting approval for Petitioners to participate in certain financing arrangements upon completion of the proposed transfer of control of BullsEye to the Lingo Entities ("Transaction").

On September 17, 2018, the Board approved a request filed by Matrix to enter into or otherwise participate in certain financing arrangements. Matrix informed the Board that BRPI's affiliates agreed to acquire the outstanding debt of Lingo Management and its subsidiaries, which was reflected in an Amended and Restated Credit and Guaranty Agreement with BRF Finance Co., LLC (an affiliate of BRPI), dated November 30, 2020 ("Credit Agreement"). The Credit Agreement replaced the financing arrangements originally approved in Docket No. TF18070795.

The Petitioners sought approval for BullsEye, upon completion of the transaction, to be added to the existing approved financing arrangements described in the petition, and to increase the aggregate amount of financing, which will be reflected in new, amended, or restated financing arrangements. According to the petition, the financing arrangements would be used for the purchase price of the transaction and associated fees and costs, and also may be used for future acquisitions, refinancing of then-current outstanding debt, working capital requirements, and other general corporate purposes.

The Petitioners stated that they expect Lingo Management to be the borrower, but in order to maintain flexibility, requested authorization for each of the Licensees to act as a borrower, co-borrower, or guarantor under the financing arrangements. The Petitioners averred that some or all of the financing arrangements may be secured facilities, which

may include a grant of a security interest in the assets of the Lingo Entities and certain current and future subsidiaries, including the Licensees. The Petitioners further stated that a portion of the financing arrangements also may be unsecured facilities.

After review, the Office of the Economist found that the action requested was in accordance with the law and in the public interest, and therefore recommended approval of the petition, subject to the conditions set forth in the Board Order.

C. Docket No. TM22040244 - In the Matter of the Verified Joint Petition of Lingo Management, LLC, Lingo Communications, LLC, B. Riley Principal Investments, LLC, Matrix Telecom, LLC, Licensee, and BullsEye Telecom, Inc., Licensee for Approval of the Proposed Transfer of Control of BullsEye Telecom, Inc.

BACKGROUND: On April 8, 2022, Lingo Management, LLC (“Lingo Management”), Lingo Communications, LLC (“Lingo”), and B. Riley Principal Investments, LLC (“BRPI”) (Lingo Management, Lingo, and BRPI collectively, “Lingo Entities”), BullsEye Telecom, Inc. (“BullsEye”), and Matrix Telecom, LLC (“Matrix”) (BullsEye and Matrix collectively, “Licensees”) (Lingo Entities and Licensees collectively referred to as “Petitioners”) submitted a verified petition to the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:2-51.1 and N.J.S.A. 48:3-10, with the Board for approval of the transfer of control of BullsEye to the Lingo Entities.

The Petitioners asserted that the proposed reorganization is pro forma and the transaction would not affect BullsEye’s operations, and will be transparent to the Licensees’ customers.

By letter dated April 26, 2022, the New Jersey Division of Rate Counsel (“Rate Counsel”) submitted comments in support of the continuation of what it described as “innovative, high quality telecommunications services” within the State’s telecommunications market for the benefit of both residential and business customers in New Jersey. Accordingly, Rate Counsel did not oppose Board approval of the petition.

Board Staff (“Staff”), having reviewed the petition and supporting documents, did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioners’ competitive posture in the telecommunications market. Staff recommended that the Petitioners be allowed to complete the transfer of control as proposed, finding that there will be no adverse effect to customers in New Jersey.

D. Docket No. TO18121350 – In the Matter of the Joint Petition of United Telephone Company of New Jersey, Inc. d/b/a CenturyLink and Peerless Network of New Jersey, LLC for Approval of the Carrier Partner for Interconnected VOIP Provider Amendment to the Interconnection Agreement.

In the Matter of the Joint Petition of United Telephone Company of New Jersey, Inc. d/b/a CenturyLink and Peerless Network of New Jersey, LLC for Approval of the Third Party Transit Provider Amendment to the Interconnection Agreement.

On March 31, 2022, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink (“CenturyLink”) and Peerless Network of New Jersey, LLC (“Peerless”) filed joint petitions (hereinafter referred to as “Petition 1” and “Petition 2”) with the New Jersey Board of Public Utilities (“Board”) pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 (“Act”), seeking approval of amendments to a negotiated Interconnection Agreement (“IA”) previously approved by the Board under the same docket number on May 28, 2019.

CenturyLink is an incumbent local exchange carrier (“ILEC”) with the duty to negotiate interconnection agreements and Peerless is a competitive local exchange carrier (“CLEC”) authorized to operate in the State of New Jersey.

In the Petition 1 filing, CenturyLink and Peerless have entered into a Carrier Partner for Interconnected VoIP Provider amendment to the IA. Peerless wishes to act as a Carrier Partner for an Interconnected VoIP Provider.

In the Petition 2 amendment, Peerless would be allowed to provide transit service as a Third Party Transit Provider offering transiting services to other telecommunications carriers and exchange that traffic with CenturyLink.

The IA, and subsequent amendments, which set forth the terms, conditions and prices under which CenturyLink will offer and provide network interconnection to Peerless are subject to Section 251 and 252 of the Act.

Section 252(e) (1), requires that:

Any Interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

The New Jersey Division of Rate Counsel (“Rate Counsel”) submitted comments to the Board regarding the amendments of the IA. Rate Counsel had no objections to the amendments filed in Petition 1 and Petition 2.

After review, Board Staff recommended that the Board approve the amendments to the IA as outlined in Petition 1 and Petition 2.

V. WATER

A. Docket Nos. BPU WR22010018 and OAL PUC 00535-2022N - In the Matter of the Joint Petition of Montague Water and Sewer Companies for an Increase in Rates and Charges for Water Service.

BACKGROUND: On January 14, 2022, Montague Water Company and Montague Sewer Company (collectively, "Montague") filed a joint petition with the New Jersey Board of Public Utilities ("Board") seeking rate increases in the base tariff rates and charges for water and wastewater service. According to the joint petition, the requested water rates were designed to increase revenues from metered water service by approximately \$401,754.00 or 97.4% above pro-forma present revenues of \$412,514.00. With respect to wastewater, the requested increase for wastewater service was approximately \$212,123.00 or 88.9% above pro-forma present revenues of \$238,695.00. Montague proposed that the rate increases become effective on February 13, 2022.

By Order dated February 23, 2022, the Board suspended the proposed rate increase until June 13, 2022, pending further action in the matter. The matter was subsequently transmitted to the New Jersey Office of Administrative Law as a contested case, and assigned to Administrative Law Judge Kimberly Moss.

On May 13, 2022, Montague updated the petition to include 12 months of actual data. The updated request reflected a proposed increase in water revenues of \$395,288 or 96.66% about pro-forma present revenues of \$382,071. With respect to wastewater, the updated schedules reflected a proposed increase of \$224,569 or 101.6% about pre-forma present rate revenues of \$221,072.

Since a review of this matter would not be complete prior to June 13, 2022, Board Staff recommended that the Board issue an Order further suspending the proposed rate increase until September 13, 2022.

B. Docket Nos. BPU WR22010019 and OAL PUC 00808-22 - In the Matter of the Petition of New Jersey American Water Company, Inc. for Approval of increased Tariff Rates and Charges for Water and Wastewater Service, and Other Tariff Modifications.

BACKGROUND: On January 18, 2022, New Jersey-American Water Company, Inc. ("NJAWC") filed a petition with the New Jersey Board of Public Utilities ("Board") to increase its base tariff rates and charges for water and wastewater service amounting to approximately \$94.7 million or 11.22% in additional annual revenues. NJAWC provides water service to approximately 660,000 customers and provides wastewater service to approximately 49,900 customers in portions of the following counties: Atlantic, Bergen, Burlington, Camden, Cape May, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Union, and Warren. NJAWC proposed that the rate increase become effective on February 13, 2022.

By Order dated February 23, 2022, the Board suspended the proposed rate increase until June 13, 2022. This matter was transmitted to the New Jersey Office of Administrative Law and was assigned to Administrative Law Judge Tricia Caliguire for consideration and hearing.

Since the proposed revisions would increase existing water rates and change or alter existing classifications, in NJAWC's tariffs, Board Staff recommended that the Board issue an Order suspending the proposed rate increase until October 13, 2022.

C. Docket No. WO20110723 and OAL PUC 05592-21 – In the Matter of the Petition of 68-72 Franklin Place, LLC and the Village Courtyard Condominium Association for Relief of Certain in New Jersey American Water Company Tariff Charges.

BACKGROUND: 68-72 Franklin Place, LLC ("Franklin Place") is a condominium development, consisting of 12 townhouse-style condominium units situated in two multi-story buildings, located at 68-72 Franklin Place, Summit, New Jersey. New Jersey-American Water Company, Inc ("NJAWC") is a public utility of the State of New Jersey subject to the jurisdiction of the New Jersey Board of Public Utilities ("Board").

On November 19, 2020, Franklin Place and the Village Court Condominium Association ("Association") filed a joint complaint alleging improper charges by NJAWC. Franklin Place and the Association further alleged that they never should be required to install and/or be billed for an eight-inch meter to this condominium development of 12 units.

The matter was transmitted to the New Jersey Office of Administrative Law as a contested case and was assigned to Administrative Law Judge ("ALJ") Gail Cookson.

NJAWC filed a motion for Summary Decision on December 17, 2021. ALJ Cookson held oral argument on the motion March 22, 2022, at which time she also asked for some additional limited briefing. The additional limited briefs were filed on May 4, 2022 and the record closed on that date.

On May 12, 2022, ALJ Cookson issued an Initial Decision in the matter. The 45-day statutory period for the Board to review the record in this matter and issue a Final Decision was set to expire on June 27, 2022.

After review, Board Staff recommended that the Board request a 45-day extension of time for issuing its Final Decision in order to adequately review the record in this matter. This would extend the time for the Board to render a Final Decision until August 11, 2022.

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

There were no items in this category.

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

A. Docket No. ER22010003 – In the Matter of the Board of Public Utilities - Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. ER22-1606-000 – PPL Electric Utilities Corporation; PJM Interconnection, LLC

David Schmidt, Legal Specialist, presented this matter.

BACKGROUND AND DISCUSSION: On April 11, 2022, the PJM Interconnection, LLC (“PJM”) Transmission Owners (“TOs”) submitted a Federal Power Act Section 205 filing with the Federal Energy Regulatory Commission (“FERC”) proposing changes to Schedule 12, Section b(iii)(A)(6) of the PJM Open Access Transmission Tariff. Specifically, the PJM TOs proposed to allocate costs to zones in which transmission lines are physically located, i.e. the host zones, even when the degree to which customers in host zones benefit from such lines, as measured by the longstanding distribution factor (“DFAX”) analysis methodology, is minimal.

Under PJM’s current DFAX cost allocation methodology, zones are not allocated any costs for a transmission project if their calculated factor falls below the 1% threshold. The practical effects of these tariff changes would shift \$226 million in transmission costs to New Jersey ratepayers.

On May 2, 2022, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) and the New Jersey Division of Rate Counsel (“Rate Counsel”) submitted a joint protest to FERC on behalf of the Board. Staff and Rate Counsel argued that the proposed tariff revision constituted an arbitrary *post hoc* change to cost allocation methodology that were not supported by evidence, and thus were unduly discriminatory to customers in host zones as well as unjust and unreasonable.

Staff recommended that the Board ratify the joint protest filed with FERC on May 2, 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. GR21071018 – In the Matter of the Petition of Elizabethtown Gas Company to Revise the Remediation Adjustment Clause Component of its Societal Benefits Charge Rate.

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On July 30, 2021, Elizabethtown Gas Company (“Elizabethtown”) filed a petition seeking review and approval of the Elizabethtown’s Remediation Adjustment Clause (“RAC”) activities and net Manufactured Gas Plant (“MGP”) costs incurred between July 1, 2020 and June 30, 2021 based upon a seven (7) year cost amortization, in addition to specific adjustments in prior period true-up amounts. Based upon the net RAC period costs and amortization of previous RAC period expenses, Elizabethtown proposed a decrease to the current RAC of approximately \$3.93 million.

By Order dated November 17, 2021, the New Jersey Board of Public Utilities (“Board”) approved a stipulation for provisional rates executed by the parties. Following further review and discussions, the parties have now executed a stipulation requesting the Board approve the provisionally approved RAC rates on a final basis. There is no additional bill impact on residential ratepayers associated with the stipulation.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation and direct Elizabethtown to file revised tariff sheets by June 30.

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. GR20110726 – In the Matter of the Petition of South Jersey Gas Company to Implement an Infrastructure Investment Program (IIP) and Associated Recovery Mechanism Pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:3-2A.

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On November 19, 2020, South Jersey Gas Company (“SJG”) filed a petition seeking approval to implement an Infrastructure Investment Program (“IIP”) and related cost recovery mechanism pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:3-2A. In the petition, SJG proposed to conduct a five-year Program with a total investment level of approximately \$742.5 million to replace approximately 825 miles of vintage, at-risk coated steel main and vintage plastic main in SJG’s distribution system, as well as the installation of 43,500 excess flow valves on new service lines.

By Order dated January 7, 2021, the New Jersey Board of Public Utilities (“Board”) retained the matter and designated Commissioner Dianne Solomon as the Presiding Commissioner. On February 14, 2022, the New Jersey Division of Rate Counsel submitted direct testimony that supported a program consisting of the accelerated

replacement of 17.2 miles of vintage plastic main. On March 14, 2022, SJG submitted rebuttal testimony modifying the proposed program to a five-year, \$571.1 million program consisting of the replacement of 634 miles of gas main.

Following extensive discovery, the filing of testimony, and several settlement conferences, the parties executed a stipulation that would allow SJG to implement a five-year \$200 million program if approved by the Board. There is no initial impact on ratepayers associated with the stipulation.

Some key terms of the stipulation: SJG's program would begin July 1, 2022 through June 30, 2027; SJG would maintain an annual baseline capital expenditure level of \$88.7 million; SJG can seek recovery of the revenue requirements associated with plant placement service through five annual cost recovery filings; the program would have an \$800,000.00 per mile cost cap with any excess spending not recoverable through the IIP mechanism; SJG would provide a \$100,000.00 per year credit for operations and maintenance savings associated with the program; SJG would incorporate Advanced Leak Detection Plus technology; and, finally, SJG would retain an independent monitor to review and report on the program.

Board Staff ("Staff") recommended that the Board issue an Order approving the stipulation.

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. EM21101204 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Service Agreement with PSEG Services Corporations and Transfer of Utility Assets.

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On October 29, 2021, Public Service Electric and Gas Company ("PSE&G") filed a petition seeking approval to transfer approximately 496 PSE&G employees to PSE&G's affiliate, PSEG Service Corporation ("Service Company") and also amend the 2004 Service Agreement under which these services are provided.

The Service Company provides centralized services to PSE&G. PSE&G proposed to amend the 2004 Service Agreement to include two (2) additional service categories to cover 264 of the 496 employees. The first category is engineering and design and the second is construction support.

On March 17, 2022, the New Jersey Division of Rate Counsel ("Rate Counsel") submitted comments indicating no objection to PSE&G's proposal subject to certain reporting requirements.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) believed that PSE&G’s request was reasonable and recommended that the Board authorize PSE&G to transfer the employees and amend the 2004 Service Agreement subject to the reporting requirements proposed by the Rate Counsel.

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 Nos. ER21101201 and GR21101202 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Tax Adjustment Credit and Gas Tax Adjustment Credit (2021 TAC Filing).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On October 29, 2021, Public Service Electric and Gas Company (“PSE&G”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval for electric and gas base rate changes associated with the electric and gas tax adjustment credits to establish new rates for 2022. Based upon the petition, the net impact of adjusting the Tax Adjustment Credits (“TACs”) was an overall increase of approximately \$14.7 million for electric customers and an increase of approximately \$31.0 million for gas customers.

The parties executed a stipulation recommending revising the TACs utilizing the rates proposed in the petition. As a result of the stipulation, the annual bill impact on a typical residential electric customer would be an increase of \$6.84. The annual impact on a typical residential gas heating customer would be an increase of \$17.14.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation and direct PSE&G to file revised tariffs by June 14.

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 Nos. ER21070965 and GR21070966 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Green Programs Recovery Charge and its Gas Green Programs Recovery Charge (2021 PSE&G Green Programs Cost Recovery Filing).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On July 1, 2021, Public Service Electric and Gas Company (“PSE&G”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to modify the electric and gas components of its Green Programs Recovery Charges (“GPRCs”), remove the Clean Energy Act Studies components of its GPRC tariff, and transfer the remaining balance to the Clean Energy Future – Energy Efficiency component and recover its Statewide Coordinator Systems expenditures. As filed, the resultant net combined annual impact on PSE&G’s electric ratepayers was an increase of approximately \$2.3 million and a gas increase of approximately \$2.1 million.

PSE&G provided an update to the petition in January 2022 to include actual results through September 2021. Additionally, in May 2022, PSE&G provided updated schedules to reflect a correction in one (1) of its electric components. There were no corrections reflected for the gas component.

The parties have executed a stipulation recommending revising the electric GPRC rates based upon the May 2022 correction and revising the gas GPRC rates based upon the January update. As a result of the stipulation, the annual bill impact on a typical residential customer is a decrease of \$0.80 and the annual impact on a typical residential gas customer is an increase of \$0.26.

Board Staff (“Staff”) recommended that the Board issue an Order approving the stipulation and direct PSE&G to file revised tariffs by June 14.

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. ER21121242 - In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Recovery of Associated Costs Related to the Solar Successor Incentive Program (SuSI Program).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On June 28, 2021, the New Jersey Board of Public Utilities (“Board”) issued an order establishing a new solar incentive program, the Solar Successor Incentive (“SuSI”) Program with the goal of incenting up to 3,750 megawatts of new solar generation by calendar year 2026.

On December 6, 2021, Public Service Electric and Gas Company (“PSE&G”) filed a petition seeking approval to recover certain SuSI Program Administrator costs associated with implementing the SuSI Program and proposed to recover the revenue requirements associated with the SuSI Program as a new component of its electric Green Programs Recovery Charge (“GPRC”). In the petition, PSE&G sought approval to recover a revenue requirement of approximately \$38 million associated with its pro rata share of the Solar Renewable Energy Certificate-II costs based upon projected amounts from March 2022 through September 2023.

The parties executed a stipulation recommending establishing and incorporating a SuSI Program rate as a component of the company’s electric GPRC tariff utilizing the rates proposed in the petition. As a result of the stipulation, the annual bill impact on the typical residential electric customer is an increase of \$4.48.

Board Staff (“Staff”) recommended that the Board issue an Order approving the stipulation and direct PSE&G to file revised tariffs by June 14.

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. ER22020035 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Conservation Incentive Program (2022 PSE&G Electric CIP Rate Filing).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On September 23, 2020, the New Jersey Board of Public Utilities (“Board”) approved Public Service Electric and Gas Company’s (“PSE&G’s”) Clean Energy Future – Energy Efficiency Program which included, among other things, the establishment of an electric and gas Conservation Incentive Program (“CIP”) mechanism to account for lost revenues resulting from the potential decrease in customer energy usage stemming from administering clean energy programs. The electric CIP is calculated each month by subtracting the baseline revenue per customer from the actual revenue from customer and multiplying the resulting revenue by the actual number of customers for that month and it results in either a CIP margin deficiency, which would be collected from customers or a margin excess to be refunded to customers.

On February 1, 2022, PSE&G filed a petition seeking approval to implement an electric CIP and associated customer class rates to account for lost sales revenue stemming from the company’s energy efficiency programs. As proposed in the petition, the net electric CIP recovery was approximately \$17.751 million, representing approximately \$38.768 million of allowed non-weather related margin recovery partially offset by weather related refunds to residential customers of approximately \$21.017 million.

The parties executed a provisional stipulation that recommended utilizing the electric CIP rates proposed in the petition on a provisional basis, subject to refund with interest. As a result of the provisional stipulation, the annual impact on a typical residential customer is a decrease of \$8.12.

Board Staff ("Staff") recommended that the Board issue an order approving the provisional stipulation and direct PSE&G to file revised tariff sheets by June 14.

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

I. Docket No. GM22040270- In the Matter of the Merger of South Jersey Gas Industries, Inc. and Boardwalk Merger Sub, Inc.

Mike Kammer, Director, Division of Water and Energy, presented this matter

BACKGROUND: On April 25, 2022, IIF US Holding II LP ("IIF US II"), New Jersey Boardwalk Holdings LLC ("Boardwalk"), Boardwalk Merger Sub, Inc. ("Merger Sub"), South Jersey Industries, Inc. ("SJI"), SJI Utilities, Inc., Elizabethtown Gas Company ("ETG"), and SJG (collectively, "Joint Petitioners"), filed a joint petition seeking approval from the New Jersey Board of Public Utilities ("Board") of an indirect change of control of ETG and SJG. The proposed transaction would be effectuated by a merger of SJI and Merger Sub, a wholly-owned subsidiary of Boardwalk, which is in turn a wholly-owned, indirect subsidiary of IIF US 2 ("Proposed Transaction").

In addition, the Joint Petitioners proposed a set of merger commitments that they have said will ensure that ETG and SJG customers in the State of New Jersey will release substantial benefits from the proposed transaction.

Board Staff ("Staff") recommended that the Board retain the matter for hearing, and designate a commissioner to preside over the matter. Commissioner Holden agreed to preside over the matter. Staff further recommended that the Board set a bar date of July 8, 2022 for the filing of motions to intervene and/or participate and for motions 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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

A. Docket No. TX21040718 – In the Matter of the Proposed Re-Adoption of N.J.A.C. 14:10 – Telecommunications Rules.

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

BACKGROUND: This matter involved Staff seeking approval from the New Jersey Board of Public Utilities (“Board”) of the final re-adoption of the Board’s rules governing telecommunications providers codified at New Jersey Administrative Code (“N.J.A.C.”) 14:10, which were due to expire on July 20, 2022. The proposed action was a culmination of the rule readoption process, which began in June 2021 when a stakeholder meeting was held by the Staff of the Office of Cable Television and Telecommunications (“Staff”) in an effort to solicit input from the industry and public on the rule readoption. The stakeholder meeting was followed by submissions of written comments, which were reviewed by Staff prior to the introduction of the formal rule readoption proposal which was approved by the Board in October 2021.

The proposal was published in the New Jersey Register on November 15, 2021, and subject to written comments which were received from the major telecommunications providers in the State, including Verizon, CenturyLink doing business as Lumen, Altice USA, and the New Jersey Cable Telecommunications Association, as well as the New Jersey Division of Rate Counsel.

The rule readoption proposal recommended substantial changes to the rules to address various industry, regulatory, and technology changes, as well as many customer’s concerns that have arisen over the past seven years since the rules were last reviewed in 2014. Included among those proposed amendments were the deletion or updates of obsolete or outdated definitions; the strengthening requirements for carriers to provide website locations with complete listings of all their rates, terms, and conditions; ensuring providers notify customers of changes requiring rescheduling or a cancellation of service calls in a timely fashion; modifying service quality reporting standards to require reporting at a more granular level; requiring the submission of annual maintenance plans to ensure adequate maintenance of poles and wires; requiring adjustment to accounts within two billing cycles for outages; and extending the scope of the Board’s existing mass migration rules to apply where a carrier withdraws service from their entire customer base within the State without providing a replacement service.

The industry filed extensive comments arguing the Board’s rules are outdated and unnecessary in the highly competitive telecommunications marketplace seeking deletions of a majority of the Board’s rules in most instances. The industry argued against some rule changes such as more granular service quality reporting standards and the annual maintenance plan filings as adding new regulatory requirements that they felt were not needed. However, Staff believed measures such as these are needed to address matters that are continually the subject of customer complaints that we receive, including service

quality issues and reports of plants in disrepair. The final adoption would also implement industry recommendations in several areas, such as repealing notice of filing requirements of rate changes and replacing paper filings with electronic notices, consistent with modifications to the Board's general filing rules. Other rules, such as those regarding number reclamation, were also updated per industry recommendations to reflect current practices.

Additionally, in response to comments that the proposed change in the definition of subscriber created unintended ambiguity, the change was withdrawn and the current definition would continue unchanged. Overall, rule changes proposed by the industry which were found to have a deleterious effect on customer services were not recommended for final approval.

Staff recommended that the Board approve the readoption of the Board's regulations covering telecommunications with the rules becoming effective upon publication in 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

5. WATER

There were no items in this category.

6. RELIABILITY AND SECURITY

A. Docket No. EX20090613 – In the Matter of the Proposed Readoption with Substantial Changes of New Jersey Administrative Code (N.J.A.C.) 14:2 “Protection of Underground Facilities: One Call Damage Prevention System.”

Jody Raines, Deputy Director, Division of Reliability & Security, presented this matter.

BACKGROUND: This matter related to the proposed readoption with substantial changes of New Jersey Administrative Code (“N.J.A.C.”) 14:2, the Protection of Underground Facilities, One Call Damage Prevention System.

In October 1994, in recognition of the potential hazards posed by damage to underground facilities by excavation or the discharge of explosives and the significant risk to public safety, the New Jersey Legislature enacted N.J.S.A 48:2-73 et seq. “The Underground Facilities Protection Act” (“UFPA”). Within the UFPA, the Legislature determined that the New Jersey Board of Public Utilities (“Board”) is the appropriate State agency to designate the operator of, and provide policy oversight to, the One-Call Damages Prevention System and enforce the provisions of the act.

The Board created rules which are contained within the N.J.A.C. 14:2 et seq. "Protection of Underground Facilities: One Call Damage Prevention System" to provide for the implementation, administration and enforcement of the UFPA.

Accordingly, the Board has implemented a comprehensive New Jersey One-Call Damage Prevention System in order to reduce the frequency of damages caused by excavation. N.J.A.C. 14:2 is necessary and appropriate in that the rules will help ensure that New Jersey utility customers will receive safe, adequate, and proper service.

The rules had been in effect since February 11, 2015 when they were readopted without change. In response to a New Jersey Superior Court, Appellate Division decision in 2017, a rulemaking commenced. Several stakeholder meetings were held to more fully address amendments, issues, and their effect on the stakeholder community. The result of those stakeholder meetings resulted in Board Staff's ("Staff's") recommendation for the proposed reoption with substantial changes.

On December 6, 2021, the proposed rules with substantial changes were published in the New Jersey Register. A 60 day comment period followed. Public comments were received, reviewed and Staff responded to those comments. If not adopted, these rules would have expired on August 11, 2022.

Staff recommended that the Board readopt, with substantial changes, the Board's rules N.J.A.C. 14:2 et seq. Protection of Underground Facilities: One Call Damage Prevention System.

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

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO22030229 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000.00 – Monroe Township Board of Education.

Dustin Wang, Program Specialist, Division of Clean Energy, presented this matter.

BACKGROUND: The Monroe Township Board of Education submitted an application under the Pay for Performance, Existing Buildings Program requesting approval from the New Jersey Board of Public Utilities ("Board") of a financial incentive of \$512,438.68 for

the installation of energy efficiency measures at Williamstown Middle School in Williamstown, New Jersey. The project had a total cost of \$4,877,227.00. The application would cover an exterior light-emitting diode (“LED”) lighting retrofit, occupancy lighting controls, weatherstripping, and sealing on doors and windows, enabling of night setback in the building management system, a high efficiency hot water heater, variable speed drives on hot water pumps, high efficiency air-cooled chillers, variable speed drives on chilled water pumps, replacement and upgrade of roof insulation, an exterior LED lighting retrofit, and high efficiency transformers.

Annually, this project would conserve 1,068,836 kilowatt-hours of electricity and 3,870 therms of natural gas. The project would also reduce peak demand by an anticipated 2,297 kilowatts per year. The proposed project had an estimated annual energy cost savings of \$144,048.

Board Staff (“Staff”) recommended approval of the application for the total estimated incentive amount.

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. QO22040260 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000.00 – Gloucester County Utilities Authority.

Dustin Wang, Program Specialist, Division of Clean Energy, presented this matter.

BACKGROUND: Gloucester County Utilities Authority submitted an application under the Combined Heat and Power (“CHP”) Program requesting approval from the New Jersey Board of Public Utilities (“Board”) of a financial incentive of \$2,374,750.00 for the installation of CHP gas engines at the Gloucester County Utility Authority’s main facility. The proposed project had a cost \$9,456,671.00.

The application would cover the installation of two 600 kW CHP gas engines. The equipment would run on methane gas produced on-site by an anaerobic digester processing solid waste for 75% of the time and would run on natural gas for the remaining 25% of the time. The equipment would have black start islanding capability and output waste heat for use in process load heating and space heating.

Annually, the project was anticipated to generate 7,342,952 kilowatt-hours of electricity and was estimated to recover and utilize 25,990 MMBtu of thermal output. The project would have an estimated average annual cost savings of \$221,740.00.

Staff recommended approval of the application for the total estimated incentive amount.

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. QO21091113 – In the Matter of New Jersey Clean Energy Program Fiscal Year 2022 Community Energy Planning.

Lauren Griffith, Climate Fellow, Division of Clean Energy, presented this matter.

BACKGROUND: On March 29, 2019, the New Jersey Board of Public Utilities (“Board”) approved a Community Energy Plan Grant Program (“Program”). The Program was designed to provide communities in local government with the opportunity to localize the New Jersey Energy Master Plan’s goals within their own communities. Through the process of community energy planning, municipalities will be able to identify opportunities to reduce emissions and energy use, as well as increase resiliency, renewable energy, and energy efficiency.

On June 24, 2021, the Board paused the Program as part of the Fiscal Year 2022 budget document. The Board tasked the Office of Clean Energy Equity with reevaluating and redesigning the program with the goal of prioritizing low and moderate income communities and overburdened communities. The Office of Clean Energy Equity

redesigned the program to remove barriers to participation from communities with limited resources by simplifying the application process for all municipalities.

Additionally, Board Staff (“Staff”) used overburdened communities census tract data from the New Jersey Department of Environmental Protection and the New Jersey Department of Community Affairs’ Municipal Revitalization Index to identify municipalities that would benefit the most from additional program support.

48 municipalities were identified and these overburdened municipalities were eligible for enhanced benefits. These benefits included additional grant funds and options for technical assistance provided by Sustainable Jersey to prepare and submit applications, as well as to create their community energy plans once grants are awarded.

Staff relaunched the program on November 16, 2021 and closed the application period on March 18, 2022. After thorough review of the submitted applications, Staff found 46 municipalities to be eligible for Community Energy Plan Grants based on the submission of complete applications. 24 of these applications were from overburdened municipalities.

Based on Staff review and evaluation of the submitted applications, Staff recommended that the Board award Community Energy Plan Grants to the 46 municipalities that submitted complete applications to the Program.

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. EO21030630 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism.

Cathleen Lewis, E-Mobility Programs Manager, Division of Clean Energy, and Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On March 1, 2021, Jersey Central Power & Light Company (“JCP&L”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of its proposed Electric Vehicle (“EV”) Driven Program. Commissioner Gordon was assigned as the presiding officer.

Following extensive discovery and settlement negotiations, several parties executed a stipulation of settlement in the matter. As agreed to by the parties, the settlement meets the requirements of the Board’s September 2020 order establishing minimum filing requirements for light duty publically accessible EV charging infrastructure. Board Staff (“Staff”) noted that Shell Recharge Solutions did not oppose, but did not sign the stipulation.

The budget for the four (4) programs totals approximately \$39.88 million, including approximately \$28.64 million in EV investment and approximately \$11.24 million in incremental EV related operations and maintenance expenses. The program includes residential Make Ready program that will provide up to 2,000 ports, a Mixed Use Commercial Level 2 Make Ready program that will provide up to 900 ports, and includes a dedicated low and moderate income (“LMI”) multi-family, dedicated to LMI multi-family dwellings, and a Fast Charger Make Ready program that will provide up to 200 ports. The program would be required to report proposed reallocation of funds across programs. If those allocations exceed 5 percent of the budget, Staff approval is required. Reallocations exceeding 25 percent will require Board approval. The combination of Federal, State, and utility incentives may not fund more than 90 percent of the total cost of the project. If the incentives total more than 90 percent of the total project costs, utility funds would be reduced to meet the 90 percent requirement.

JCP&L will provide two (2) semiannual reports each year detailing quality and quantity of work and forecasting actual capital cost with the first report due September 1, 2022. Reports are due on September 1st and March 1st of each future year. JCP&L will also post public maps detailing areas that are best suited for EV infrastructure build out by the end of calendar year 2022 and earlier if possible. These maps would be prepared and updated by the company on a regular basis. JCP&L will perform a grid impact study as part of its integrated distribution plan required by the New Jersey Energy Master Plan.

As part of the settlement, JCP&L has agreed to remove provisions relating to ownership of EV charging stations by utilities as areas of last resort will be filed separately on the timeline spelled out in the Board’s minimum filing requirements order. No program participants in a site ownership capacity shall account for more than 50 percent of the offering's total program budget in totality for all of the entity's locations for the Mixed Commercial and Fast Charger Make Ready programs. All Make Ready programs will require the use of an improved network charger in order to collect data that will be utilized for future EV rate setting.

All EV related capital investments will be deferred and placed in a regulatory asset at the most recently approved weighted average cost of capital for recovery in a future base rate case. Additionally, all incremental EV related operations and maintenance expenses will be deferred in a separate regulatory asset at the prior month’s two-year treasury rate, plus 60 basis points, for recovery in a future base rate case. All costs incurred in connection with the program remains subject to prudence review in JCP&L’s next base rate case.

The stipulation includes residential time-of-use rates options, a rate parity solution for multiunit dwellings, and a demand charge for rebate program. As a result of the stipulation, there is no immediate impact on a residential customer's bill at this time. Any changes in rates related to the cost of these programs will be addressed in future JCP&L base rate case proceedings.

Staff recommended that the Board issue an Order approving the stipulation. Staff further recommended that the Board direct JCP&L to file tariffs consistent with its Order by June 30, 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

9. MISCELLANEOUS

A. Docket No. EO22040248 – In the Matter of the Verified Petition of the Retail Energy Supply Association for a Rulemaking Proceeding Regarding Pass-Through of Costs of Renewable Energy Portfolio Standards by Third Party Suppliers.

Jacqueline Hardy, Esq. Legal Specialist, presented this matter.

BACKGROUND: On April 13, 2022, the New Jersey Board of Public Utilities (“Board”) received a petition for rulemaking from the Retail Energy Supply Association (“RESA”) seeking to amend the Board’s regulation, N.J.A.C. 14:4-7.6(l), to 1) conform to the Clean Energy Act, P.L. 2018 c. 17 (“CEA”), and 2) allow third party suppliers (“TPSs”) to pass through all cost increases related to compliance with future State-mandated Renewable Energy Portfolio Standards (“RPS”) to customers who are on fixed price contracts that include a material change notice provision.

RESA’s proposed amendment would allow TPSs to increase customer rates that the TPS characterized as “fixed” or “firm,” for all future State-mandated RPS cost increases the TPS incurs. RESA proposed that the amendment be granted, regardless of whether or not the Legislature explicitly authorized it by including the legal terms, “change required by operation of law” and “notwithstanding any rule or regulation to the contrary” in applicable legislation.

The Board must act within 60-days from the date the petition for rulemaking was filed. Thus, the Board was required to issue its decision in this matter by June 13, 2022.

Board Staff (“Staff”) recommended that the Board deny the petition for rulemaking.

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

LATE STARTER A

CLEAN ENERGY

Docket No. QO19010068 - In the Matter of New Jersey Solar Transition Pursuant to P.L. 2018, C. 17.

Docket No. QO22030156 - In the Matter of a Request for an Extension of Time to Complete NJSTRE1545046932 In Transition Incentive Program - 480 South Democrat Road, Gibbstown NJ ESNJ-KEY-GIBBSTOWN, LLC.

Ariane Benrey, Solar Manager, Division of Clean Energy, presented this matter.

BACKGROUND: On March 25, 2022, ESNJ-KEY-GIBBSTOWN, LLC. filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting an extension to the Transition Incentive (“TI”) Program registration deadline of a 1.38 megawatt (“MW”) net metered non-residential carport solar project located in Gibbstown, New Jersey. The project was granted conditional acceptance in the TI Program on June 15, 2020 and received two (2) extensions provided on a generic basis by Board orders dated July 29, 2020 and June 24, 2021. The project had a TI Program deadline of April 30, 2022.

The petition was amended on April 30, 2022 with new information and a request for an extension until December 31, 2022. The petition stated that the project is fully constructed. However, the petition explained that Gibbstown is awaiting permission from Atlantic City Electric Company (“ACE”) to deliver the project’s full capacity to the grid, because, “ACE has not yet completed offsite upgrades necessary to allow interconnection for the full capacity of the project.”

Because these upgrades are not completed, ACE issued a conditional permission to operate for 50 kW AC of the 1.38 megawatt project. The petition asserted that had the interconnection upgrades been completed within ACE’s initial projected timeframe, the Gibbstown project could have been brought online prior to its TI expiration date and qualified for the full 1.38 megawatt project to receive Transition Renewable Energy Certificates (“TRECs”). Board Staff’s (“Staff’s”) belief was that short-term extensions to the expiration date may be justified when projects are mechanically and electronically complete, have all necessary permits and inspections, but are prevented from receiving permission to operate because of unanticipated and unforeseeable delays in the electric distribution company's completion of interconnection upgrades and that the delays occurred post execution of an interconnection agreement. Staff believed that the Gibbstown project may be a candidate for such an extension.

Specifically, Staff recommended that the Board find that the following three (3) factors constitute good cause to partially waive the TI expiration dates in the Board’s rules: 1) the project can demonstrate that it was electronically and mechanically complete prior to its TI program expiration date, which Staff recommends that the Board interpret as a project that could be energized, but for the lack of the necessary permission to operate from the electric distribution company (“EDC”) due to factors that are the sole responsibility of the EDC; 2) the project can demonstrate that it had received and demonstrated all necessary permits from all authorities having jurisdiction over the project prior to its TI program expiration date, including required final inspection; and 3) the project construction was proceeding based on a representation from the EDC that any necessary interconnection

upgrades would be completed prior to the project's TI program expiration date, that the project upgrades were fully funded by the project developer, but that despite the developer's best efforts, the estimated upgrade completion date was unilaterally extended by the EDC.

Staff recommended that the Board grant the petitioner a six-month extension to the project's TI Program deadline. The extension would take effect if, and only if, the petitioner provides Staff and the TI Program administrator with information to substantiate the claims made in the petition and therefore meets the three (3) factors identified previously within 30 days of the effective date of the order.

Staff further recommended that similarly situated parties be allowed to seek a comparable six-month waiver of the TI program expiration date for projects that can make a similar showing prior to their TI program deadline.

Staff also recommended that the Board direct Staff and the TI Program administrator to review administratively as part of the review of the project's post-construction certification packages.

Finally, if the petitioner was unable to provide the documentation recommended above to the satisfaction of Staff and the TI program administrator, Staff recommended that the Board allow the TI Program administrator to process the post-construction certification package for the 50 kW AC portion of the system that has received conditional permission to operate from ACE and allow the petitioner to register the remaining capacity as a separate project in the Administratively Determined Incentive Program.

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.

Sherri L. Golden

SHERRI L. GOLDEN
BOARD SECRETARY

Date: July 12, 2023