



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
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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 January 11, 2023, via online @ <https://www.youtube.com/watch?v=ySAMSORhics>.

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 New Jersey Board of Public Utilities were present:

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Robert M. Gordon, Commissioner
Dr. Zenon Christodoulou, Commissioner

President Fiordaliso presided at the meeting and Carmen Diaz, Acting Secretary, carried out the duties of the Secretary.

It was also announced that the next regular Board Meeting will be held on January 25, 2023 at 10:00 a.m. and would be a hybrid meeting at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and livestreamed via YouTube.

EXECUTIVE SESSION

8. CLEAN ENERGY

D. Docket No. QO21081073 – In the Matter of Implementation of P.L. 2021, c. 200 Regarding Establishment of the School and Small Business Energy Efficiency Stimulus Program.

Kevin Nedza, Division of Clean Energy, presented this matter.

BACKGROUND:

This item pertained to the School and Small Business Energy Efficiency Program which was created by the New Jersey Board of Public Utilities (“Board”) in October 2021. The program consists of the School and Small Business Noncompliant Plumbing Fixture and Appliance Program and the School and Small Business Ventilation and Energy Efficiency Verification Program. These programs were designed to provide grants to schools and small businesses for the installation of certain heating, ventilation, and air conditioning systems and also energy efficient and water conserving appliances and fixtures in order to improve air quality and energy efficiency. The program is funded by \$180 million of federal money made available through the American Rescue Plan Act of 2021. In order to receive this federal funding, the Board entered into a Memorandum of Understanding (“MOU”) with the New Jersey Department of Community Affairs (“DCA”) in October 2021. The MOU contained a provision that due to Executive Order No. 166, an Integrity Monitor should be procured for the program, because the grant now exceeds \$20 million. Board Staff (“Staff”) worked with the New Jersey Department of Treasury extensively on procuring the Integrity Monitor. On September 28, 2022, the Board approved amendments to this MOU, including those that facilitate the procurement of the Integrity Monitor and the Board also selected a vendor to be the Integrity Monitor for the project. The MOU with DCA for Board consideration would provide \$500,000.00 to pay for the engagement.

After appropriate motion, the Board reconvened to open session.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE18121334 – In the Matter of the Petition of Service Electric Cable TV of New Jersey, Inc. for Renewal of its Certificate of Approval to Own, Operate, Extend, and Maintain a Cable Television System in the Borough of Andover, County of Sussex, State of New Jersey.

BACKGROUND: On December 17, 2018, Service Electric Cable TV of New Jersey, Inc. (“SECTV”) filed a petition with the New Jersey Board of Public Utilities (“Board”) for an Automatic Renewal of its Renewal Certificate for the Borough of Andover (“Andover”). The petition was based on Andover’s ordinance, and amended ordinance granting renewal municipal consent which was adopted on April 10, 2000. Andover granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on June 24, 2019.

After review, Board Staff recommended approval of the Renewal Certificate of Approval. The certificate shall expire on June 24, 2029.

IV. TELECOMMUNICATIONS

A. Docket No. TM22100628 – In the Matter of the Verified Petition of Spectrotel of New Jersey, LLC, Spectrotel, Inc., and Spectrotel Ultimate Holdings, LLC for Approval of a Change of Control of Spectrotel of New Jersey, LLC.

BACKGROUND: On October 12, 2022, Spectrotel of New Jersey, LLC (“Spectrotel NJ”), Spectrotel, Inc. (“Transferor”) and Spectrotel Ultimate Holdings, LLC (“Transferee”) (together, “Petitioners”), filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval of a transaction that would result in a change of control of Spectrotel NJ from the Transferor to the Transferee pursuant to N.J.S.A. 48:2-51.1 and N.J.A.C. 14:1-5.14 (“Transaction”). As a result of the Transaction, Spectrotel NJ would become an indirect subsidiary of the Transferee.

Pursuant to an Equity Purchase Agreement (“Agreement”) dated October 4, 2022, the Transferee would indirectly purchase all of the outstanding equity interests in Spectrotel Inc., thereby acquiring indirect ownership and control of Spectrotel NJ. The Petitioners asserted that the Transaction would not affect the day-to-day management or operations of Spectrotel NJ, and would not involve an assignment of operating authority, assets, or

customers. Additionally, the Petitioners stated that the Transaction would serve the public interest and will not result in the discontinuance of service or change in provider.

After review, Board Staff recommended that Petitioners be allowed to complete the change of control as proposed, finding that there will be no adverse effect on customers in New Jersey.

V. WATER

There were no items in this category.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. Docket No. EX21091121 – In the Matter of the Proposed Readoption with Amendments to N.J.A.C. 14:5 – Electric Service.

Dean Taklif, Division of Water and Energy, presented this matter.

BACKGROUND: This matter considered the readoption, with two (2) non-substantial changes, of the New Jersey Board of Public Utilities' ("Board") rules contained within the New Jersey Administrative Code, Title 14, Chapter 5 known as the Energy Service Rules. These rules govern the provision of electric service over the areas of construction, inspection, and maintenance of utility plant, the testing and accuracy of electric meters, residential underground extensions, vegetation management, and the maintenance and preservation of records and accounts. Board Staff ("Staff") stated its belief that N.J.A.C. 14:5 is necessary and appropriate in that the rules would help ensure that New Jersey utility customers will receive safe, adequate, and proper service at reasonable rates. The rule proposal was published in the New Jersey Register on August 15, 2022 and would expire on January 18, 2023 if not readopted. The Board received comments on the rule proposal from the stakeholder community through October 14, 2022 and responded to each of the comments. The notice of adoption contained a summary of all stakeholder comments and Staff's responses. In response to comments received from stakeholders, Staff proposed that two (2) non-substantial changes to the original proposal to be made upon adoption. These changes clarify the definition of advanced meter infrastructure and ensure that the New Jersey Division of Rate Counsel receives major event reports at the same time as reported.

Staff recommended that the Board approve the notice of adoption for N.J.A.C. 14:5, with the rules becoming effective upon filing with the Office of Administrative Law and 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 Gordon	Aye
	Commissioner Christodoulou	Aye

B. Docket No. ER22010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. RM22-14-000 – Improvements to Generator Interconnection Procedures and Agreements.

Ryann Regan, Office of Federal and Regional Policy, presented this matter.

BACKGROUND: This matter related to an ongoing rulemaking proceeding at the Federal Energy Regulatory Commission (“FERC”). On June 16, 2022, FERC issued a notice of proposed rulemaking proposing reforms to FERC’s standards for generator interconnection procedures and agreements to address the existing interconnection queue backlogs, decrease uncertainty for interconnection customers, and ensure nondiscriminatory treatment of new technologies seeking to connect to the grid. FERC proposed to transition from a first come, first serve sequential review process to a first ready, first serve cluster review approach to address the drastic and constantly increasing nationwide interconnection queue backlogs. FERC further proposed several reforms that would facilitate better coordination between states as planning entities, transmission developers, and transmission providers. On October 13, 2022, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”), on behalf of the Board, filed comments in the generator interconnection notice of proposed rulemaking proceeding at FERC in general support of FERC’s proposed reforms. In light of other comments filed in the proceeding, Staff, on behalf of the Board, filed reply comments in the proceeding on December 14, 2022. The reply comments emphasized the Board’s support for reforms in the notice of proposed rulemaking that would ensure an appropriate interconnection timeline moving forward and highlight the need for any final rulemaking to include specific additional flexibility and interconnection requirements so that there is no discrimination against resources trying to interconnect in regions with competitive markets.

Staff recommended that the Board ratify the comments filed by Staff with FERC on December 14, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket Nos. BPU WO22010004 and OAL PUC 00319-22 – In the Matter of the Petition of New Jersey American Water Company for a Determination Concerning Fenwick Water Tank Pursuant to N.J.S.A. 40:55D-19.

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

BACKGROUND: New Jersey American-Water Company’s (“NJAW”) service territory includes the Borough of Bernardsville in Somerset County (“Borough”). The Borough’s Zoning Board adopted a resolution denying NJAW’s application to replace an existing water storage tank with a newly constructed, larger water tank at 426 Mendham Road, Block 5, Lot 5 in the Borough. On January 4, 2022, NJAW filed a petition seeking a determination that the proposed water tank is necessary for the service, convenience, and/or welfare of the public in NJAW’s service territory. The matter was transmitted to the New Jersey Office of Administrative Law for hearings and was assigned to Administrative Law Judge (“ALJ”) Tricia M. Caliguire. ALJ Caliguire granted intervenor status to Borough resident Paul Savas (“Intervenor”). On November 2, 2022, the Intervenor filed a motion seeking an order precluding or barring certain portions of the rebuttal testimony of one of the New Jersey Division of Rate Counsel’s (“Rate Counsel”) witnesses. On December 14, 2022, ALJ Caliguire issued a letter order granting the Intervenor’s motion to exclude a portion of Rate Counsel’s rebuttal testimony. Rate Counsel filed a motion for interlocutory review on December 19, 2022. The Intervenor responded to Rate Counsel’s motion on December 22, 2022.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board deny Rate Counsel’s motion.

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 Gordon	Aye
	Commissioner Christodoulou	Recused

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

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

Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (T) of the Solar Act of 2012; and

Docket No. QO21081096 – CEP Renewables Heritage Solar Farm LLC.

Diane Watson, Division of Clean Energy, presented this matter.

BACKGROUND: This matter related to the application for certification of a solar facility as eligible for Transition Renewable Energy Certificates (“TRECs”) pursuant to Subsection (t) of the Solar Act of 2012. CEP Renewables filed to have its Heritage solar farm project certified as being located on a brownfield pursuant to Subsection (t) of the Solar Act of 2012. The applicant’s proposed 27.4176 megawatt project will be located on 48 acres at the Heritage Mineral Site in Manchester Township in Ocean County. Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) reviewed the application and supplied a copy to the New Jersey Department of Environmental Protection (“NJDEP”) for their review. Staff received an advisory memo on the application and the NJDEP determined that the proposed site is a brownfield as defined by the Solar Act and in accordance with their three-prong determination. The NJDEP also provided specific conditions and requirements for permits and approvals that the project must satisfy.

Based on the review of the application and the advisory memo provided by the NJDEP, Staff recommended that the Board: 1) grant a conditional certification of the Heritage Solar Farm Project as proposed on the Heritage Mineral Site defined as a brownfield consistent with the Solar Act of 2012; 2) find that the conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to the Staff’s issuance of full certification; and 3) direct the applicant to file its TREC registration within 14 days of the date of the order.

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

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

B. Docket No. QO22110692 – In the Matter of the Remote Net Metering Application Filed Pursuant to the Board's Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018 – Advanced Solar Products Rutgers University Snyder Research Farm.

Scott Hunter, Division of Clean Energy, presented this matter.

BACKGROUND: This item related to an application submitted by Advanced Solar Products for remote net metering at the Rutgers University Snyder Research Farm (“Snyder Research Farm”). The Clean Energy Act of 2018 directed the New Jersey Board of Public Utilities (“Board”) to establish an application and approval process to certify public entities to act as a host customer for remote net metering capacity within 120 days of enactment. In compliance with this directive, the Board approved a process and public entity certification agreement by order dated September 17, 2018. On November 15, 2022, Advanced Solar Products submitted a remote net metering application for the Snyder Research Farm to the Board Secretary’s office. The application included a fully executed public entity certification agreement and an interconnection application, part one, executed by the Rutgers University Director of Sustainability and Energy as a representative of the customer generator. The certification agreement further specified that the primary host account is the Snyder Research Farm where the proposed 82.35 kilowatt solar electric generation facility would be located. The agreement also listed two (2) additional Rutgers accounts serving as host customer accounts and receiving customer accounts. Each receiving customer account is allocated more than 10 percent of credits per account and the total allocation among the accounts totals 100 percent of credits from the proposed solar facility. On November 15, 2022, Jersey Central Power & Light Company (“JCP&L”) was provided a revised application for remote net metering for the Snyder Research Farm. JCP&L reviewed the application and provided no objections to the revised application for interconnection or the public entity certification agreement.

Board Staff (“Staff”) recommended that the Board: 1) find that the applicant has proposed the solar electric generation facility as consistent with the size limits established by the Board’s September 2018 remote net metering order; and 2) find that the proposed solar electric generation facility described in the remote net metering application satisfies the criteria set out by the Board in the remote net metering order and approve the public entity certification agreement for the Rutgers Snyder project.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

C. Docket No. QO22110709 – In the Matter of the Remote Net Metering Application Filed Pursuant to the Board's Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018 – Advanced Solar Products Rutgers University Cook College.

Scott Hunter, Division of Clean Energy, presented this matter.

BACKGROUND: This item related to an application submitted by Advanced Solar Products for remote net metering at Rutgers University on their Cook College campus. The Clean Energy Act of 2018 directed the New Jersey Board of Public Utilities (“Board”) to establish the application and approval process to certify public entities to act as a host customer for remote net metering capacity within 120 day of enactment. In compliance with this directive, the Board approved such a process and public entity certification agreement by order dated September 17, 2018. On November 1, 2022, Advanced Solar Products submitted a remote net metering application for Cook College to the Board Secretary’s office. The application included a fully executed public entity certification agreement and an interconnection application, part one, also executed by the Rutgers University Director of Sustainability and Energy as a representative of the customer generator. The certification agreement further specifies that the primary host account is 101 Ryder Lane account on Cook College where the proposed 173.8 kilowatt solar electric generation facility would be located. The agreement also indicated that Rutgers account in Bordentown would be allocated 90 percent of the credits as a receiving customer account, with the Cook College account being allocated the remainder of the credits. On November 1, 2022, Public Service Electric and Gas Company (“PSE&G”) was provided the revised application for remote net metering for the project. PSE&G reviewed the application and provided no objections to the application for interconnection or the public entity certification agreement.

Board Staff (“Staff”) recommended that the Board: 1) find that the applicant has proposed a solar electric generation facility as consistent with the size limits established by the Board’s September 2018 remote net metering order; and 2) find that the proposed solar electric generation facility described in the remote net metering application satisfies the criteria set out by the Board in the remote net metering order of September 2018 and approve the public entity certification agreement for the Rutgers Cook College project.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

D. Docket No. QO21081073 – In the Matter of Implementation of P.L. 2021, c. 200 Regarding Establishment of the School and Small Business Energy Efficiency Stimulus Program – Executive Session.

Kevin Nedza, Division of Clean Energy, presented this matter.

BACKGROUND: This item pertained to the School and Small Business Energy Efficiency Program which was created by the New Jersey Board of Public Utilities (“Board”) in October 2021. The program consists of the School and Small Business Noncompliant Plumbing Fixture and Appliance Program and the School and Small Business Ventilation and Energy Efficiency Verification Program. These programs were designed to provide grants to schools and small businesses for the installation of certain heating, ventilation, and air conditioning systems and also energy efficient and water conserving appliances and fixtures in order to improve air quality and energy efficiency. The program is funded by \$180 million of federal money made available through the American Rescue Plan Act of 2021. In order to receive this federal funding, the Board entered into a Memorandum of Understanding (“MOU”) with the New Jersey Department of Community Affairs (“DCA”) in October 2021. The MOU contained a provision that due to Executive Order No. 166, an Integrity Monitor should be procured for the program, because the grant now exceeds \$20 million. Board Staff (“Staff”) worked with the New Jersey Department of Treasury extensively on procuring the Integrity Monitor. On September 28, 2022, the Board approved amendments to this MOU, including those that facilitate the procurement of the Integrity Monitor and the Board also selected a vendor to be the Integrity Monitor for the project. The MOU with DCA for Board consideration would provide \$500,000.00 to pay for the engagement.

Staff recommended that the Board approve the MOU and designate President Fiordaliso to sign the MOU on behalf of the Board.

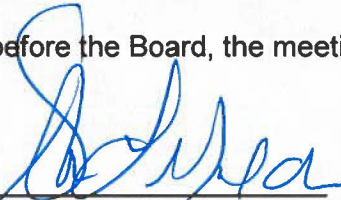
DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

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

9. MISCELLANEOUS

There were no items in this category

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: September 27, 2023