



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
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 April 12, 2023, via online @ <https://www.youtube.com/watch?v=-UUiRPYIF7Q>

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

President Fiordaliso presided at the meeting and Sherri L. Golden, Secretary of the Board, carried out the duties of the Secretary.

It was also announced that the next regular Board Meeting will be held on April 26, 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

After appropriate motion, the following matter, which involved attorney-client privilege and/or contract negotiations exceptions, was discussed in Executive Session.

1. AUDITS

A. Docket No. EA20110733 – In the Matter of an Affiliated Transactions between Jersey Central Power & Light Company, First Energy Corp. and its Affiliates Pursuant to N.J.S.A 48:3-49, 48:3-55, 48:3-58 & 14:4-3.7 (e) and (f).

Alice Bator, Director, Division of Audits, presented this matter.

BACKGROUND: On February 7, 2023, the Liberty Consulting Group (“Liberty”) submitted the confidential and redacted versions of the final report in the above-referenced audit (“Final Report”). The Final Report contains 38 chapters, 13 in phase one, 25 in phase two, including executive summaries on each phase and makes numerous recommendations.

At this time, Board Staff (“Staff”) is recommending that the Board accept the Final Report for filing purposes only. Staff also recommends that the release of the public Final Report for comments due by May 22, 2023.

Staff recommends issuance of a secretary’s letter setting forth the request for comments. After review and receipt of these comments, Staff will bring this matter back to the Board’s agenda for consideration of an implementation plan. Staff further recommends, consistent with the terms of the Agreement for Consulting Services (“Agreement”) with Liberty, that the holdback of fees in the amount of \$293,916.80 pending acceptance of the Final Report “for filing purposes only” be released to Liberty.

2. Energy

E. Docket No. EO22090609 – In the Matter of a Request for Quotation Related to Oversight of the Basic Generation Service (BGS) Auction Process.

Ryann Moran, Division of Energy, presented this matter.

BACKGROUND: Since 2002, the electric distribution companies (“EDCs”) have utilized an auction process approved by the New Jersey Board of Public Utilities (“Board”) for the procurement of the needed supply of Basic Generation Service (“BGS”). For each of the BGS Auction procurements conducted since 2002, the Board retained consultants to oversee and monitor the BGS Auction process on behalf of the Board and Board Staff (“Staff”).

Staff is seeking authority to issue a request for quotation (“RFQ”) on behalf of the Board to hire a consultant to perform oversight of the BGS Auction process beginning July 1, 2023.

Staff recommends that the Board authorize Staff to issue an RFQ, on behalf of the Board, to hire a consultant to perform oversight of the BGS Auction process.

8. CLEAN ENERGY

A. Docket No. QO22120740 – In the Matter of the Development of a Second Offshore Wind Strategic Plan Pursuant to Executive Order Numbers 8, 92 and 307.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND: On January 31, 2018 Governor Murphy issued Executive Order number eight, which, among other directives, tasked the President of the BPU and the Commissioner of the Department of Environmental Protection with the development of an offshore wind strategic plan. In April 2018 the Board issued an RFQ for the development of New Jersey's first offshore wind strategic plan and subsequently awarded a contract to Ramboll US Corporation. In September 2020 the Board approved the first offshore wind strategic plan, which created a road map for New Jersey in pursuit of its then 7,500 megawatts of offshore wind generation procurement goal. Since the release of New Jersey's first offshore wind strategic plan, the Board made two offshore wind project awards in solicitation two in June 2021.

Governor Murphy through Executive Order 307 increased New Jersey's offshore wind procurement goal to 11,000 megawatts in September of 2022 and the Board awarded through the State Agreement Approach a suite of transmission projects that collectively provide a coordinated transmission solution for 6,400 megawatts of offshore wind generation. Additionally, major port and supply chain development activities are underway at the New Jersey Wind Port and the Port of Paulsboro.

Given the rapidly changing offshore wind energy landscape in New Jersey and along the eastern seaboard, Staff, in partnership with Staff from the New Jersey Department of Environmental Protection and New Jersey Economic Development Authority, have developed a request for quotations for the development of a second offshore wind strategic plan to guide New Jersey in achieving its offshore wind energy objectives in future solicitations.

Staff recommends that the Board approve the issuance of this RFQ as discussed in executive session.

H. Docket No. QO22100663 – In the Matter of the Wave and Tidal Energy Feasibility Study.

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

BACKGROUND: This matter concerns releasing a Request for Response (“RFR”) for a State college or university to undertake the Wave & Tidal Energy Feasibility Study (“Feasibility Study”). The Feasibility Study represents an important first step in gauging the potential for marine hydrokinetic resources to contribute to the State’s clean energy portfolio. Staff has budgeted for the study from the energy in the Clean Energy Fund and anticipates the study will take up to two years to complete.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommends the Board approve the release of the RFR to the State’s public colleges and universities.

J. Docket No. QO21010085 – In the Matter Modernizing New Jersey’s Interconnection Rules, Processes, and Metrics.

Paul Heitmann, Division of Clean Energy, presented this matter.

BACKGROUND: In May 2021, the New Jersey Board of Public Utilities (“Board”) approved a competitively bid contract with Guidehouse, Inc. (“Guidehouse”) to review New Jersey’s existing interconnection processes and develop recommendations to improve the interconnection process in New Jersey. Guidehouse effectively framed the research areas, organized and facilitated a comprehensive series of stakeholder meetings, and delivered a final report with nine findings and recommendations.

Four (4) of the recommendations contained in the report have been translated into draft rules by Staff, which are undergoing stakeholder review. The remaining five (5) recommendations require additional stakeholder engagement before they can proceed to rulemaking and Staff believes that Guidehouse’s continued expertise will be useful for this purpose.

Staff recommends that the Board approve the Guidehouse contract subject to receiving all necessary approvals from the New Jersey Department of Treasury.

9. MISCELLANEOUS

A. Docket No. AO23020085 – In the Matter of a Memorandum of Understanding between the Board of Public Utilities and the Department of Community Affairs Concerning Administration of Arrearage Relief Funding.

Maureen Clerc, Division of Customer Assistance, presented this matter.

BACKGROUND: This item concerns a Memorandum of Understanding (“MOU”) between the Board of Public Utilities (“Board”) and the New Jersey Department of Community Affairs (“DCA”). This MOU would authorize the DCA to disburse \$21,831,897.00 allocation from the fiscal year 2023 clean energy budget (“FY 23 CEP Budget”) to residential electric and gas customers in need of utility bill assistance. The funding stream is intended to supplement American Rescue Plan (“ARP”) funding for utility arrearage relief that is now depleted. There are thousands of households that applied for ARP utility bill relief who still need help and this \$21 million is intended to help those households with their electric and natural gas bills. Now that ARP funds are depleted and the winter termination period is over, this Arrearage Relief Funding is critical. This one time bill assistance will be provided until all funding is disbursed.

Board Staff believes that the DCA, Department of Community Affairs, as administrator of the of American Rescue Plan program, the Board’s Universal Service Fund program, and the federal LIHEAP program is the best entity to disburse that funding quickly to households in need.

Board Staff (“Staff”) requests the Board approve the MOU and authorize the President of the Board to sign the MOU on its behalf.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

A. Docket No. GE22100659 – In the Matter of the Petition of New Jersey Natural Gas for the Approval of a Municipal Franchise in the Township of Ocean, Ocean County.

BACKGROUND: This matter involves the approval of a franchise renewal agreement to New Jersey Natural Gas (“NJNG” or “Company”) by the Township of Ocean (“Township”) located in Ocean County, New Jersey. Pursuant to the requirements of N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, NJNG filed a petition requesting Board approval of a franchise renewal enacted by the Township providing consent for NJNG’s use of the Township’s streets for the furnishing of gas service for a period of 20 years.

Board Staff (“Staff”) recommends that the Board approve the franchise agreement renewal, subject to the terms and conditions set forth in the draft Board Order.

B. Docket No. ER23030144 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Review and Approval of Increases in, and other Adjustments to, its Rates and Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therewith (“JCP&L 2003 Base Rate Filing”).

BACKGROUND: On March 16, 2023, pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, Jersey Central Power & Light Company (“JCP&L” or “Company”), a public utility of the State of New Jersey subject to the jurisdiction of the New Jersey Board of Public Utilities (“Board”), filed a petition for approval of an increase in its current base rates for electric service of approximately \$184.95 million, excluding Sales and Use Tax (“SUT”), to be effective for electric service provided on and after April 26, 2023 (“Petition”).

Because review of this matter will not be complete prior to April 26, 2023, Board Staff (“Staff”) recommends that the Board issue an order suspending the proposed rate increase until August 26, 2023, pending further action on this matter. Staff further recommends that the Board transmit this matter to the Office of Administrative Law (“OAL”) for hearing as a contested case.

III. CABLE TELEVISION

- A. Docket No. CE19091271 – In the Matter of the Petition of Comcast of New Jersey II, LLC, for a Renewal Certificate of Approval of Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Garwood, County of Union, State of New Jersey.**

BACKGROUND: This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting an Automatic Renewal Certificate of Approval to Comcast of New Jersey II, LLC (“Comcast”) for the Borough of Garwood (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

- B. Docket No. CE20070494 – In the Matter of the Petition of Comcast of New Jersey, LL for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Pine Beach, County of Ocean, State of New Jersey.**

BACKGROUND: This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting a Renewal Certificate of Approval be issued to Comcast of New Jersey, LLC (“Comcast”) for the Borough of Pine Beach (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

- A. Docket Nos. TF22100630 – In the Matter of the Verified Petition of Spectrotel of New Jersey, LLC, Spectrotel, Inc. and Spectrotel Ultimate Holdings, LLC for Approval for Spectrotel of New Jersey, LLC to Participate in Certain Financing Arrangements.**

BACKGROUND: On October 17, 2022, Spectrotel of New Jersey, LLC, Spectrotel, Inc., and Spectrotel Ultimate Holdings, LLC filed a petition to the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-7 and 48:3-9, requesting approval for Spectrotel of New Jersey, LLC to participate in financing arrangements in an aggregate amount of up to \$70 million, comprised of a \$55 million term loan facility and a \$15 million revolving credit facility.

By Order dated January 11, 2023, Spectrotel Ultimate Holdings, LLC was authorized by the Board to acquire all outstanding equity interests in Spectrotel, Inc., including indirect ownership and control of Spectrotel of New Jersey, LLC. The proceeds from the financing arrangements at issue in the pending petition will repay existing debt and finance the transaction authorized by the Board on January 11, 2023.

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the petition, subject to certain conditions which are set forth in the Board Order.

V. WATER

A. Docket Nos. WE22100622 – In the Matter of the Petition of Veolia Water New Jersey, Inc. for Approval to Expand its Franchise Area in the Borough of Oakland, in the County of Bergen, State of New Jersey.

BACKGROUND: On October 5, 2022, Veolia Water New Jersey Inc. (“Veolia”, “Company” or “Petitioner”) filed a verified petition with the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.A.C. 14:1-5.1, N.J.A.C. 14:1-5.5, and other related statues and regulations, seeking approval of the Municipal Consent Ordinance No. 22-Code-881 (“Municipal Consent”) by the Borough of Oakland, County of Bergen (“Borough”). The proposed Municipal Consent would allow the Company to provide water service to an area of the Borough, Block 4202, Lots 1, 2 and 3, which is commonly known as 123 McCoy Road (“Proposed Franchise Area”), where it currently does not have a franchise.

B. Docket Nos. WF22100625 – In the Matter of the Application of Middlesex Water Company for Authority to issue and Sell up to 1.0 Million Shares of Common Stock.

BACKGROUND: On October 6, 2022, Middlesex Water Company (“Company”), a public utility in the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:3-7, 48:3-9 and N.J.A.C. 14:1-5.9, requesting authority to issue and sell in one (1) or more offerings up to 1,000,000 (1.0 million) shares of Common Stock, without par value. The net proceeds of the sale will be used to provide additional financing for the “Company’s Water for Tomorrow” capital program, to reduce short-term debt, and to maintain an appropriate balance in the capital structure of the Company, including its regulated affiliates.

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the petition, subject to certain conditions which are set forth in the Board Order.

C. Docket Nos. WF22110689 – In the Matter of the Application of Middlesex Water Company for Authority to Issue and Sell up to \$300.0 Million of Principal Amount Debt Securities.

BACKGROUND: On November 4, 2022, Middlesex Water Company (“Company”) , a public utility in the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:3-7, 48:3-9 and N.J.A.C. 14:1-5.9, requesting authority to issue and sell up to \$300.0 million of principal amount debt securities. The Company proposed to use the proceeds to fund a part of the capital expenditures to be incurred in its Water for Tomorrow capital program for the upgrade, replacement and improvements to its water system.

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the petition, subject to certain conditions, which are set forth in the Board Order.

D. Docket Nos. WF22110695 – In the Matter of the Application of Pinelands Water Company for Authority to Make, Execute, and Deliver a Promissory Note, Term Loan Agreement and Such Other Instruments as may be Required by CoBank, ACB, in Connection with Said Loan, Pursuant to N.J.S.A. 48:3-7, N.J.S.A. 48:3-9 and N.J.A.C. 14:1-5.9

BACKGROUND: On November 18, 2022, Pinelands Water Company, a public utility in the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-7, 48:3-9 and N.J.A.C. 14:1-5.9, requesting authority to borrow up to an aggregate principal amount of \$4.9 million term loan from CoBank, ACB (“CoBank”) on the terms and conditions set forth in CoBank’s term sheet dated October 27, 2022 and to make, execute, and deliver to CoBank such instruments as are required to evidence and secure the loan, in accordance with its terms (“Petition”).

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the Petition, subject to certain conditions set forth in the Board Order.

E. Docket Nos. WF22110696 – In the Matter of the Application of Pinelands Wastewater Company for Authority to Make, Execute, and Deliver a Promissory Note, Term Loan Agreement and Such Other Instruments as May be Required by CoBank, ACB, in Connection with Said Loan, Pursuant to N.J.S.A. 48:3-7, N.J.S.A. 48:3-9 AND N.J.A.C. 14:1-5.9

BACKGROUND: On November 18, 2022, Pinelands Wastewater Company, a public utility in the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-7, 48:3-9 and N.J.A.C. 14:1-5.9, requesting authority to borrow up to an aggregate principal amount of \$4.9 million term loan from CoBank, ACB (“CoBank”) on the terms and conditions set forth in CoBank’s term sheet dated October 27, 2022 and to make, execute and deliver to CoBank such instruments as are required to evidence and secure the loan, in accordance with its terms (“Petition”).

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the Petition, subject to certain conditions which are set forth in the Board Order.

F. Docket Nos. WF22100619 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of a Municipal Consent Granted by Chester Township, Morris County, New Jersey

BACKGROUND: On October 5, 2022, New Jersey-American Water Company, Inc. (“NJAWC,” “Company,” or “Petitioner”) filed a verified petition with the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, for approval of a municipal consent granted to NJAWC by Chester Township (“Township”) for a limited franchise to provide water service to Chester School District, specifically for the Dickerson Elementary School and Bragg Elementary School (“Proposed Franchise Area” or collectively, “Schools”). The Municipal Consent was granted pursuant to Ordinance No. 2022-13 (“Ordinance” or “Municipal Consent”), adopted on August 16, 2022.

Board Staff (“Staff”) recommends that the Board approve the Municipal Consent, adopted August 16, 2022, granted to NJAWC by the Township, subject to the conditions in the draft Board Order.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the March 6, 2023 Minutes.

BACKGROUND: Staff presented the minutes of the Board meeting of March 6, 2023 and recommended they be accepted.

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

After appropriate motion, consent agenda items IIA, IIB, IIIA, IIIB, IVA, VA, VB, VC, VD, VE, VF and IXA were approved.

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

AGENDA

1. AUDITS

A. Docket No. EA20110733 –In the Matter of an Audit of the Affiliated Transactions Between Jersey Central Power & Light Company, First Energy Corp. and its Affiliates Pursuant to N.J.S.A. 48:3-49, 48:3-55, 48:3-56, 48:3-58 & N.J.A.C. 14:4-3.7(e) and (f)

Alice Bator, Director, Division of Audits, Presented this matter.

BACKGROUND: On February 7, 2023, the Liberty Consulting Group (“Liberty”) submitted the confidential and redacted versions of the final report in the above-referenced audit (“Final Report”). The Final Report contains 38 chapters, 13 in phase one, 25 in phase two, including executive summaries on each phase and makes numerous recommendations.

At this time, Board Staff (“Staff”) is recommending that the Board accept the Final Report for filing purposes only. Staff also recommends that the release of the public Final Report for comments due by May 22, 2023.

Staff recommends issuance of a secretary’s letter setting forth the request for comments. After review and receipt of these comments, Staff will bring this matter back to the Board’s agenda for consideration of an implementation plan. Staff further recommends, consistent with the terms of the Agreement for Consulting Services (“Agreement”) with Liberty, that the holdback of fees in the amount of \$293,916.80 pending acceptance of the Final Report “for filing purposes only” be released to Liberty.

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 Christodoulou	Aye

2. ENERGY

A. Docket No. ER23010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – Request for Information Transmission Siting and Economic Development Grants

Ryann Reagan, Division of Water and Energy, presented this matter.

BACKGROUND: On January 13, 2023, the Department of Energy (“DOE”) issued a Request for Information (“RFI”) regarding the issuance of grants through Section 50152 of the Inflation Reduction Act of 2022 (“IRA”) to help facilitate the siting of interstate and offshore electricity transmission lines. Board Staff (“Staff”) filed comments responding to the RFI on February 28, 2023. The comments sought clarification on how the DOE viewed the authority that states possessed over transmission, why the geographic scope needed to be expanded, and several questions in the RFI on barriers; cost allocation; and at what stage of planning the funds should target.

Staff recommends that the New Jersey Board of Public Utilities (“Board”) ratify the comments that Staff filed with the DOE on February 28, 2023.

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 Christodoulou	Aye

B. Docket No. ER2301001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. AD22-8-000 Transmission Planning and Cost Management

Ryann Reagan, Division of Water and Energy, presented this matter.

BACKGROUND: On October 6, 2022, the Federal Energy Regulatory Commission (“Commission” or “FERC”) hosted a technical conference on transmission costs, including efficient spending on transmission and management of such costs, as well as on transparency issues in the transmission development process. On December 23, 2022, the Commission issued a Notice Inviting Post-Technical Conference Comments (“Notice”) on some outstanding questions from major themes of this discussion.

On March 23, 2023, Board Staff (“Staff”) and the Illinois Commerce Commission (“ICC”) jointly filed comments in response to the Commission’s Notice highlighting the increased spending on local transmission in PJM in recent years and the potential role of an Independent Transmission Monitor (“ITM”) (“Comments”).

Staff recommends that the Board ratify the Comments filed on March 23, 2023.

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 Christodoulou	Aye

C. DOCKET No. EO20030203 – In the Matter of the Board of Public Utilities Investigation of Resource Adequacy Alternatives

Ryann Reagan, Division of Water and Energy, presented this matter.

BACKGROUND: On March 27, 2020, the New Jersey Board of Public Utilities (“BPU” or “Board”) Board directed Board Staff (“Staff”) to evaluate whether New Jersey could achieve its long-term clean energy and environmental objectives through continued participation in PJM Interconnection LLC (“PJM”) energy markets. Specifically, the Board launched an Investigation of Resource Adequacy Alternatives (“Investigation”) and directed Staff to investigate alternative resource adequacy structures and to return to the Board with recommendations on how to best meet the State’s needs consistent with clean energy and environmental goals, while considering the costs to utility customers.

As part of the Investigation, Staff received several rounds of comments and proposals from stakeholders, hosted a Technical Conference and two (2) Work Sessions, and published two (2) reports with analyses of resource adequacy structure alternatives. In July 2021, Staff released its’ initial report: *Alternative Resource Adequacy Structures for New Jersey* (“2021 Report”). The 2021 Report modeled various alternative structures’ impact on prices and clean energy deployment. On July 14, 2021, the Board accepted the 2021 Report and directed Staff to report back in one (1) year on its efforts and to make any further recommendations.

In September 2022, Staff released a second report: *2022 Progress Report on New Jersey’s Resource Adequacy Alternatives: Update Regarding Staff’s Investigation of Resource Adequacy Alternatives* (“2022 Progress Report”). The 2022 Progress Report largely echoes the conclusions of the 2021 Report and introduced new concepts identified to facilitate the states clean energy transition more efficiently while ensuring reliability. Through the 2022 Progress Report, Staff recommends that the Board: 1) accept Staff’s finding that an Integrated Clean Capacity Market (“ICCM”) would result in significant cost savings and accelerate the Clean Energy Transition and that New Jersey should continue to advocate for its adoption at the regional level; 2) Staff should set course on a parallel track to develop a Regional Voluntary Clean Energy Market while regional efforts unfold; 3) New Jersey should favor the procurement of clean capacity over capacity from emitting resources.

A Stakeholder Meeting was held on October 11, 2023, where Staff presented the key findings and recommendations of the 2022 Progress Report, followed by written comments from the public. Staff has revised the 2022 Progress Report to address some of the questions and concerns raised by stakeholders.

Staff recommends that the Board take the following actions:

1. Accept the key findings from the 2022 Progress Report and close the Investigation;

2. Direct Staff to continue working with stakeholders and industry experts to develop a New Jersey-led alternative voluntary regional Forward Clean Energy market that could be implemented if regional efforts fail and to continue to explore other concepts introduced through this report.
3. Direct Staff to continue to engage in regional efforts and the advocate for the adoption of an ICCM, as the solution option identified to provide the most cost efficiencies and emissions reduction benefits.

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 Christodoulou	Aye

D. Docket Nos. ER23010053 – In the Matter of the Provision of Basic Generation Service, the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff

Ryan Moran, Division of Water and Energy, presented this matter.

BACKGROUND: On January 27, 2023, Atlantic City Electric Company (“ACE”), Jersey Central Power & Light Company (“JCP&L”), Public Service Electric and Gas Company (“PSE&G”), and Rockland Electric Company (“Rockland”) (collectively, “EDCs”) filed a joint petition with the New Jersey Board of Public Utilities (“Board”) requesting recovery of Federal Energy Regulatory Commission (“FERC”) approved changes in firm transmission service-related charges (“January 2023 Petition”).

Board Staff (“Staff”) recommends the following:

1. The Board approve the changes to the Basic Generation Service (“BGS”)-Residential and Small Commercial Pricing (“RSCP”) and BGS-Commercial and Industrial Energy Pricing (“CIEP”) transmission rates requested by each EDC for its transmission charges resulting from the FERC-approved changes to the Transmission Enhancement Charges (“TECs”) and the Network Integration Transmission Service Rate (“NITS”) in the January 2023 Petition, effective May 1, 2023;
2. The Board authorize the EDCs to collect from, or refund to, BGS customers, the costs associated with the January 2023 Petition;
3. The Board waive the 30-day filing requirement as requested by the EDCs in the January 2023 Petition; and
4. The Board direct the EDCs to file tariffs and rates consistent with the Board’s findings by May 1, 2023.

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 Christodoulou	Aye

E. Docket No. EO22090609 – In the Matter of a Request for Quotation Related to Oversight of the Basic Generation Service (BGS) Auction Process

Ryan Moran, Division of Water and Energy, presented this matter.

BACKGROUND: Since 2002, the electric distribution companies (“EDCs”) have utilized an auction process approved by the New Jersey Board of Public Utilities (“Board”) for the procurement of the needed supply of Basic Generation Service (“BGS”). For each of the BGS Auction procurements conducted since 2002, the Board retained consultants to oversee and monitor the BGS Auction process on behalf of the Board and Board Staff (“Staff”).

Staff is seeking authority to issue a request for quotation (“RFQ”) on behalf of the Board to hire a consultant to perform oversight of the BGS Auction process beginning July 1, 2023.

Staff recommends that the Board authorize Staff to issue an RFQ, on behalf of the Board, to hire a consultant to perform oversight of the BGS Auction process.

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 Christodoulou	Aye

F. Docket No. ER23030124 – In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2024

Ryan Moran, Division of Water and Energy, presented this matter.

BACKGROUND: Two-thirds of the State’s Basic Generation Service (“BGS”) requirements for Residential and Small Commercial Pricing (“BGS-RSCP”) customers are under contract for the period of June 1, 2024 through May 31, 2025.¹ The New Jersey Board of Public Utilities (“Board”) must determine how the remaining one-third of the State’s requirements for BGS-RSCP customers, as well as the State’s annual BGS requirements for Commercial and Industrial Energy Pricing (“BGS-CIEP”) customers, should be procured beginning June 1, 2024. In addition, the Board must determine how Rockland Electric Company (“Rockland”) will procure the annual BGS energy and capacity requirements for its non-PJM, Interconnection, LLC (“PJM”) service area within New Jersey for the period beginning June 1, 2024.

Board Staff (“Staff”) recommends that the Board initiate a transparent and public proceeding, consistent with that employed for the past 22 years, to determine the procurement process for

BGS-RSCP and BGS-CIEP supply and Rockland's non-PJM service area energy and capacity needs within New Jersey. To initiate this proceeding, Staff recommends that the Board approve the attached preliminary procedural schedule that would result in a Board decision on the process in November 2023, and would permit a BGS procurement process in February 2024.

Further, Staff recommends that the Board direct the electric distribution companies ("EDCs") to make a BGS filing, by July 3, 2023, describing how they intend to procure the remaining BGS-RSCP and BGS-CIEP requirements. As part of its July 3, 2023 BGS filing, Rockland shall include a proposal for procuring the energy capacity requirements for its non-PJM service area within New Jersey. Staff also recommends that the Board invite all other interested stakeholders to file any alternative BGS procurement process proposals with the Board by July 3, 2023.

G. Docket No. ER22070415 – In the Matter of the Combined and Consolidated Application of Atlantic City Electric Company to Adjust the Level of its "Rider RGGI" Rate Associated with its Legacy Solar Renewable Energy Certificate ("SREC I") Financing Program, its Successor Solar Renewable Energy Certificate ("SREC II") Financing Program, its Solar Transition Incentive Program ("TREC"), and its Successor Solar Incentive ("SuSI") Program (2022)

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

BACKGROUND: On July 8, 2022, Atlantic City Electric Company ("ACE", "Company", or "Petitioner") filed a petition and supporting exhibits with the New Jersey Board of Public Utilities ("Board" or "BPU") seeking authority to adjust the level of the Rider Regional Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") rates associated with ACE's legacy Solar Renewable Energy Certificate ("SREC") Financing Program ("SREC I Program"), its successor Solar Renewable Energy Certificate Financing Program ("SREC II Program"), its Transition Renewable Energy Certificate ("TREC") Program ("TREC Program"), and the Successor Solar Incentive Program ("SuSI Program") ("July 2022 Petition").

The parties to the matter have executed a stipulation recommending adjustments to the components and the continuation of the company's SREC-II administration fee of \$17.07 for the calendar year 2023. Based upon the stipulation, a typical residential customer using 680 kilowatt hours per month will experience a monthly bill increase of approximately \$0.55.

Staff recommends that the Board issue an order approving the stipulation and directing ACE to file revised tariffs by April 30, 2023.

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 Christodoulou	Aye

H. Docket No. GR22060362 – In the Matter of the Petition of Public Service Electric and

**Gas Company for Approval of Changes in its Gas Conservation Incentive Program
(2022 PSE&G Gas Conservation Incentive Program Rate Filing)**

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

BACKGROUND: On June 1, 2022, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to implement a Gas Conservation Incentive Program (“GCIP”) and associated customer class rates to account for potential lost sales revenues stemming from the Company’s energy efficiency programs (“Petition”). The Company based the Petition upon actual information through April 2022 and forecasted information through September 2022.

On September 28, 2022, the Board approved a provisional stipulation, which authorized PSE&G to implement its proposed GCIP mechanism and associated rates, on a provisional basis, subject to refund, while the matter remained under review. As a result of the provisional stipulation, the annual impact on a typical residential gas heating customer using 172 therms in a winter month and 1,040 therms annually was an increase of \$30.38.

Through the course of this filing, the Company updated its schedules to reflect actual data through September 30, 2022.

PSE&G, Board Staff (“Staff”), and the New Jersey Division of Rate Counsel (collectively, “Parties”) have now executed a stipulation of settlement (“Stipulation”) that recommended finalizing the implementation of the Company’s proposed GCIP rates.

Staff recommends that the Board approve the Stipulation. Staff further recommends that the Board direct PSE&G to file revised tariffs consistent with the Stipulation by April 28, 2023.

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 Christodoulou	Aye

I. Docket No. GR22090574 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of Societal Benefits Charge Factors for Remediation Year 2022

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

BACKGROUND: On September 13, 2022, New Jersey Natural Gas Company (“NJNG” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to modify the Remediation Adjustment (“RA”) and New Jersey Clean Energy Program (“NJCEP”) components of its Societal Benefits Charge (“SBC”). NJNG also sought recovery of its remediation expenditures incurred from July 1, 2021 through June 30, 2022 (“Remediation Year 2022”) (“Petition”).

On February 9, 2023, NJNG revised the actual expenditures for Remediation Year 2022 and the RA and NJCEP rates (“February 2023 Update”). Following a review of the petition, including the update, the parties executed a stipulation requesting that the company be authorized to implement the revised RA and NJCEP rates based upon the update. As a result of the stipulation, a typical residential heating customer using 1,000 therms of gas annually will see an annual increase of approximately \$4.00.

Staff recommends that the Board approve the Stipulation. Staff further recommends that the Board direct NJNG to file revised tariffs consistent with the Stipulation by April 30, 2023.

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 Christodoulou	Aye

J. Docket No. GR23030102 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Recovery Mechanism (“GSMP III”)

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

BACKGROUND: On March 1, 2023, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of the next phase of its Gas System Modernization Program (“GSMP III” or “Program”) and an associated cost recovery mechanism pursuant to N.J.A.C. 14:3-2A (“Petition”).

Board Staff (“Staff”) recommends that the Board retain this matter for hearing and designate a presiding commissioner. Staff further recommends that the Board set a bar date of May 12, 2023 for the filing of motions to intervene and/or participate and for admission *pro hac vice*.

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

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

K. Docket Nos. BPU GR22060363 and OAL PUC 08468-22 – In the Matter of Public Service Electric and Gas Company’s 2022/2023 Annual BGSS Commodity Charge Filing for its Residential Gas Customers Under its Periodic Pricing Mechanism and for Changes in its Balancing Charge

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

BACKGROUND: On June 1, 2022, Public Service Electric and Gas Company (“PSE&G” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking

approval to increase its Basic Gas Supply Service (“BGSS”) Residential Gas Service (“BGSS-RSG”) rate, as well as its Balancing Charge rate (“Petition”).

By Order dated September 7, 2022, the Board approved a stipulation for provisional rates executed by PSE&G, Board Staff (“Staff”) and the New Jersey Division of Rate Counsel (collectively, “Parties”) which authorized PSE&G to implement its proposed BGSS-RSG and balancing charge effective for services rendered on and after October 1, 2022, on a provisional basis subject to refund.

The company's BGSS-RSG rate was subsequently modified both by the Board, by order dated November 9, 2022. In both February, January and February 2023 Public Service filed motion that it would implement its BGSS-RSG rate effective February 1 and March 1 respectively. The parties have now executed a stipulation which would allow PSE&G to finalize its BGSS-RSG rate as updated on March 1 and balancing charge which was subsequently approved by Administrative Law Judge Irene Jones. Staff recommends that the Board adopt the initial decision and stipulation and direct PSE&G to file revised tariffs by April 30, 2023.

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 Christodoulou	Aye

L. Docket Nos. BPU GR22060373 and OAL PUC 08285-22 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) Rates for F/Y 2023

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

BACKGROUND: On June 1, 2022, New Jersey Natural Gas Company (“NJNG” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting authority to modify its periodic Basic Gas Supply Service (“BGSS”) rate, its Balancing Charge rate and Conservation Incentive Program (“CIP”) rates (“2022 BGSS Petition”).

By order dated September 7, 2022 the Board approved a stipulation for provisional rates executed by the parties which authorized New Jersey Natural to implement BGSS, balancing charge, and CIP rates effective for services rendered on and after October 1, 2022 on a provisional basis subject to refund.

On February 22, 2023, NJNG filed a notice with the Board indicating it would implement a BGSS bill credit and lower its BGSS rate effective March 1, 2023 (“Notice”).²

The Parties have now executed a stipulation of settlement (“Stipulation”), which would allow NJNG to finalize its BGSS rate, CIP rates and Balancing Charge rate, which was subsequently approved by Administrative Law Judge Tricia Caliguire.

Staff recommends that:

1. The Board issue an Order adopting the Initial Decision and Stipulation; and

2. The Board direct NJNG to file tariffs consistent with the Order by April 30, 2023.

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 Christodoulou	Aye

M. Docket Nos. BPU GR22060366 and OAL PUC 08527-22 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate and its Conservation Incentive Program Rates

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

BACKGROUND: On June 1, 2022, Elizabethtown Gas Company (“ETG” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking to increase its Periodic Basic Gas Supply Service (“BGSS-P”) and Conservation Incentive Program (“CIP”) rates, effective October 1, 2022 (“Petition”).

By Order dated September 7, 2022, the Board approved a stipulation for provisional rates executed by ETG, the New Jersey Division of Rate Counsel, and Board Staff (collectively, “Parties”). In the September 2022 Order, based upon the Stipulation, the Board authorized ETG to implement provisional per-therm BGSS-P and CIP rates effective for services rendered on and after October 1, 2022, subject to refund.

The Parties executed a stipulation of settlement for final rates (“Stipulation”), which was subsequently approved by Administrative Law Judge Irene Jones.

Staff recommends that the Board issue an Order approving the Initial Decision and Stipulation. Staff further recommends that the Board direct ETG to file revised tariffs prior to May 1, 2023.

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 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 WR22090555 and OAL PUC 08466-2022S – In the Matter of an Increase in its Rates for Water Service and Other Tariffs Changes

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

BACKGROUND: On September 7, 2022, Pinelands Water Company (“Pinelands Water”, “Company” or “Petitioner”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking authority to increase its base tariff rates and charges for water service. This matter was transmitted to the Office of Administrative Law for hearings as a contested case where it was assigned to Administrative Law Judge (“ALJ”) Jacob S. Gertsman.

Following settlement discussions, the Company, the New Jersey Division of Rate Counsel (“Rate Counsel”) and Board Staff (“Staff”) (collectively, “Parties”) executed a Stipulation of Settlement (“Stipulation”) that resolved all issues that arose during the course of this proceeding.

The Stipulation agrees to a revenue increase for the Company of \$503,000.00 or 52.71% over present revenues of \$955,00.00. The Stipulation further agrees that the agreed upon rate increase be implemented in four (4) phases.

Staff recommends that the Board adopt the Initial Decision and Stipulation effective for service rendered on or after April 15, 2023. Staff further recommends that the Board direct Pinelands Water Company to file tariffs consistent with its order prior to April 15, 2023.

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 Christodoulou	Aye

B. Docket Nos. BPU WR22090556 and OAL PUC 08516-2022S – In the Matter of Pinelands Wastewater Company for Approval of an Increase in its Rates for Wastewater Service and Other Tariffs Changes

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

BACKGROUND: On September 7, 2022 Pinelands Wastewater Company (“Pinelands Wastewater”, “Company”, or “Petitioner”) filed a petition, pursuant to N.J.S.A. 48:2-21, N.J.A.C 14:1-5.11 and N.J.A.C 14:1-5.12 for authority to increase its base tariff rates and charges for wastewater service.

This matter was transmitted to the Office of Administrative Law for hearings as a contested case where it was assigned to Administrative Law Judge (“ALJ”) Jacob S. Gertsman.

Following settlement discussions, the Company, the New Jersey Division of Rate Counsel (“Rate Counsel”) and Board Staff (collectively, “Parties”) executed a Stipulation of Settlement (“Stipulation”) that resolved all issues that arose during the course of this proceeding.

The Stipulation agrees to a revenue increase for the Company of \$406,000.00 or 26.52% over present revenues of \$1,533,880.00. The Stipulation further agrees that the agreed upon rate increase be implemented in four (4) phases.

Staff recommends that the Board adopt the Initial Decision and Stipulation effective for services rendered on or after April 15, 2023. Staff further recommends that the Board direct Pinelands Wastewater to file tariffs consistent with its order prior to April 15, 2023.

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 Christodoulou	Aye

C. Docket No. WR22110693 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Change the Level of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause.

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

BACKGROUND: On November 15, 2022, New Jersey-American Water Company, Inc. (“NJAW” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval to modify its Purchased Water Adjustment Clause (“PWAC”) and its Purchased Wastewater Treatment Adjustment Clause (“PSTAC”).

Middlesex Water Company (“Middlesex”) and the Mount Laurel Municipal Utilities Authority (“Mount Laurel”) filed motions to intervene in this matter. No party objected to the motions to intervene.

Board Staff (“Staff”) recommends that the Board grant Middlesex’ and Mount Laurel’s motions to intervene.

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 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. QO22120740 – In the Matter of the Development of a Second Offshore Wind Strategic Plan Pursuant to Executive Order Numbers 8, 92, and 307– Executive Session.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND: On January 31, 2018 Governor Murphy issued Executive Order number eight, which, among other directives, tasked the President of the BPU and the Commissioner of the Department of Environmental Protection with the development of an offshore wind strategic plan. In April 2018 the Board issued an RFQ for the development of New Jersey's first offshore wind strategic plan and subsequently awarded a contract to Ramboll US Corporation. In September 2020 the Board approved the first offshore wind strategic plan, which created a road map for New Jersey in pursuit of its then 7,500 megawatts of offshore wind generation procurement goal. Since the release of New Jersey's first offshore wind strategic plan, the Board made two offshore wind project awards in solicitation two in June 2021.

Governor Murphy through Executive Order 307 increased New Jersey's offshore wind procurement goal to 11,000 megawatts in September of 2022 and the Board awarded through the State Agreement Approach a suite of transmission projects that collectively provide a coordinated transmission solution for 6,400 megawatts of offshore wind generation. Additionally, major port and supply chain development activities are underway at the New Jersey Wind Port and the Port of Paulsboro.

Given the rapidly changing offshore wind energy landscape in New Jersey and along the eastern seaboard, Staff, in partnership with Staff from the New Jersey Department of Environmental

Protection and New Jersey Economic Development Authority, have developed a request for quotations for the development of a second offshore wind strategic plan to guide New Jersey in achieving its offshore wind energy objectives in future solicitations.

Staff recommends that the Board approve the issuance of this RFQ as discussed in executive session.

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 Christodoulou	Aye

B. Docket No. QO22020113 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2023 – True-Up, Revised Budgets and Program Changes

Kelly Mooij, Director, Division of Clean Energy, presented this matter.

BACKGROUND: This matter addresses the trued-up expenses from Fiscal Year 2022 (“FY22”), reallocation of funds for Fiscal Year 2023 (“FY23”), and revisions to the detailed FY23 budgets and program changes. The FY23 programs and budgets for New Jersey’s Clean Energy Program (“NJCEP”) were established through an Order (“FY23 Budget Order”) issued on June 29, 2022 by the New Jersey Board of Public Utilities (“Board” or “BPU”).¹ The budget was established, in part, based upon an estimate of expenses expected to be incurred during the fiscal year 2022. Once actual expenses become known on an annual basis, the Board typically approves a true-up budget, reconciling the differences between the expenses estimated for budgetary purposes and the expenses actually incurred. Consistent with that practice and now that all expenses actually incurred during FY22 are known, Board Staff is making a true-up recommendation which results in an additional \$46,396,198.00 to be available for the New Jersey Clean Energy Program.

On February 17, 2023 Staff released a proposal for the draft true-up budget, revised budgets, and program revisions. Staff held a virtual information session on the proposed true-up budget and program revisions on March 3, 2023. Public comments were accepted through March 10, 2023. Of the \$46,396,198.00 from FY22, Staff recommends the available funds be distributed as follows: Over 42 million to energy efficiency programs; roughly 3.5 million to renewable energy programs; 30,000 to EDA programs; and 400,000 to planning and administration.

In addition to the distribution of the available funds, Staff proposes the following reallocations among programs to budgets programs with budget performance. Staff recommends the following increases: \$2.4 million to the residential low income program, that is our Comfort Partners program; \$15 million to commercial and industrial buildings for energy efficiently; \$1.5 million for local government energy audits; 500,000 to indirect install; \$14 million in new construction energy efficiency; \$3 million for State facilities initiatives; \$5.9 million towards the LED streetlight replacement program; \$3.1 million to offshore wind -- and I'll just make a point and a clarification here, Commissioner Solomon, the \$3.1 million that's part of the budget reallocation does not include the funds for the offshore winds strategic plan that was included in the FY23 budget. I just checked on that, so I wanted to clarify that. So, thank you for the question. Continuing

on, \$375,000.00 to solar registration; \$50,000.00 in program evaluation; 300,000 towards outreach education and others; \$50,000.00 to membership budget; \$2 million to the multiunit dwelling charger program; and \$1 million to EV tourism. In consideration of updates to the participation levels from the EV program, Staff proposes the following reductions: \$2 million from the State vehicle fleet program and \$1 million from the local clean fleet program. Further, Staff updated the detailed budgets accordingly and revised the Division of Clean Energy, TRC, and Comfort Partners compliance filings to reflect previously approved developments and Board actions. Additionally, Staff proposes the following program changes: The Division of Clean Energy and Charge Up Compliance Filings have been updated to reflect a change in criteria for eligible chargers requiring that they must be energy star certified for the EV program; the TRC compliance filing has been revised to provide greater flexibility to raise the cap on State entities for Local Government Energy Audit Program. Lastly due to updated timelines and cost protections, \$200,000.00 has been reallocated to the Division of Property Management and Construction and the BPU designated project list. Thus, Staff believes the changes to the New Jersey Clean Energy Program budget as proposed presents a reasonable approach to maintaining the New Jersey Clean Energy Program budgets throughout the remainder of the fiscal year. Staff has reviewed and considered the comments received and recommend the Board approve the proposed FY23 true-up, revised budget, and program changes.

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 Christodoulou	Aye

C. 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. QO21081092 Cep Renewables - Port Belford Solar Farm LLC

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

BACKGROUND: On August 25, 2021, CEP Renewables (“Applicant”) submitted an application to the New Jersey Board of Public Utilities (“Board”), requesting to have the Port Belford Solar Farm LLC project certified as being located on a “properly closed sanitary landfill” pursuant to N.J.S.A. 48:3-87(t) [“Subsection (t)” of the Solar Act]. The proposed 26.496 MWdc Port Belford Solar Farm, LLC project is to be constructed on the Belford Landfill site located on approximately 42.08 acres.

The application was provided to the New Jersey Department of Environmental Protection (“NJDEP” or “Department”) on August 30, 2021, for a review of property classification and any

environmental requirements for constructing solar on the site. At DEP's request, application revisions were submitted on September 27, 2022 and November 28, 2022.

Following review of the application and the advisory memorandum provided by NJDEP on December 28, 2022, Board Staff ("Staff") recommends that the Board grant conditional certification of eligibility for Transition Renewable Energy Certificates ("TRECs") based on the NJDEP determination that the Port Belford Solar Farm, LLC is located on property defined as a "properly closed sanitary landfill" consistent with the Solar Act of 2012.

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 Christodoulou	Aye

D. Docket No. QO21101186 – In the Matter of the Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c.169 – Registration Requirements

Diane Watson, Clean Energy Division, presented this matter.

BACKGROUND: By Order dated December 7, 2022, the New Jersey Board of Public Utilities ("Board" or "BPU") established the Competitive Solar Incentive ("CSI") Program.¹ The CSI Program is open to qualifying grid supply solar installations and non-residential net metered solar installations with a capacity greater than five (5) megawatts ("MW"), as well as to eligible grid supply solar installations in combination with energy storage. The first solicitation of the CSI Program opened for prequalification on February 1, 2023, and closed to bids on March 31, 2023 at 11:59:59 pm EST.

Board Staff ("Staff") recommends that the Board waive, for registrants awarded under the first CSI Program solicitation, the registration requirement for electrical and building permits or documentation that applications for electrical and building permits have been submitted to the relevant municipality.

Staff also recommends that the Board allow participants in the first solicitation to submit the contract with the primary installer or the third-party owner one (1) year after registration in the CSI Program.

Finally, Staff recommends that the Board direct Staff to review the registration requirements and suggest any modifications that would create a more effective registration process in future solicitations.

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 Christodoulou Aye

E. 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. QO21050795 – CEP Renewables – Hamms Landfill Solar Farm LLC

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

BACKGROUND:

This item is a subsection (t) application from CEP Renewables to have its Hamms Landfill Solar Farm project certified as being located on a properly closed sanitary landfill pursuant to subsection (t) of the Solar Act of 2012. The applicant's proposed 9.8415 megawatt project is to be located on 20 acres at the Hamms Sanitation landfill site in Lafayette Township in Sussex County. Staff reviewed the application and supplied a copy to the New Jersey Department of Environmental Protection for their review. Staff received an advisory memo on the application where the DEP determined that the Hamms Landfill Solar Farm is located on property defined as a properly closed sanitary landfill consistent with the Solar Act. DEP also provided specific conditions and requirements for permits and approvals from DEP that the project proposed must satisfy. Based upon the review of the application and the advisory memorandum provided by the DEP, the Staff recommends the following three items: That the Board grant conditional certification of the Hamms Landfill Solar Farm project as proposed for the Hamms Sanitation landfill site on property defined as a properly closed sanitary landfill consistent with the Solar Act of 2012; find that the conditions for certification provided by the DEP be fully documented as satisfied by the applicant prior to Staff's issuance of full certification; and 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 Christodoulou	Aye

F. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program; and Docket No. QO21111218 – In the Matter of the Petition of Solar Landscape, LLC for Modification of the Community Solar Year 1 Bill Credit Regulations for Eight Community Solar Projects.

Sawyer Morgan, Division of Clean Energy, presented this matter.

BACKGROUND: Solar Landscape ("Petitioner") filed a petition with the New Jersey Board of Public Utilities ("Board") seeking a modification of the regulations regarding bill credits in the Community Solar Energy Pilot Program ("Pilot Program") so that generated bill credits may be banked beyond 12 months following a community solar project's commercial operation ("Petition").

Board Staff ("Staff") recommends the Board waive the rules to allow banked bill credits to be allocated to customers for up to 24 months following a community solar project's commercial operation.

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

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

G. Docket No. EO20110730 – In the Matter of the Petition of Rockland Electric Company for Approval of an Electric Vehicle Program, Establishment of an Electric Vehicle Surcharge, and for Other Relief;

Docket No. EO21030630 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism;

Docket No. EO18020190 – In the Matter of the Petition of Atlantic City Electric Company for Approval of a Voluntary Program for Plug-In Vehicle Charging; and

Docket No. EO18101111 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future-Electric Vehicle and Energy Storage ("CEF-EVES") Program on a Regulated Basis

Kathleen Lewis, Division of Clean Energy, presented this matter.

BACKGROUND:

On September 23, 2020 the Board directed all the EDCs to file EV proposals by February 28, 2021. Between January 2021 and June 2022, each of the EDCs received Board approval for an EV program and each of those programs included requirements for network charges to be utilized in their programs. On January 18, 2022 Governor Murphy signed the Appliance Act into law. The Appliance Act established minimum efficiency for several categories of residential and commercial appliances, including EV charges. The Appliance Act requires that the eligible chargers that are sold, leased, or installed in the State meet the product specifications established in the Act and include a label indicating the product meets or exceeds the efficiency standards of the Act. Staff recommends that the Board direct PSE&G, ACE, JCP&L, and RECO to update their respective EV program eligibility requirements in compliance with the Appliance Act. Staff further recommends that the Board direct the EDCs to comply with any future regulations promulgated in accordance with the Appliance Act. **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 Christodoulou	Aye

H. Docket No. QO22100663 – In the Matter of the Wave and Tidal Energy Feasibility Study – Executive Session

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

BACKGROUND: This matter concerns releasing a Request for Response (“RFR”) for a State college or university to undertake the Wave & Tidal Energy Feasibility Study (“Feasibility Study”). The Feasibility Study represents an important first step in gauging the potential for marine hydrokinetic resources to contribute to the State’s clean energy portfolio. Staff has budgeted for the study from the energy in the Clean Energy Fund and anticipates the study will take up to two years to complete.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommends the Board approve the release of the RFR to the State’s public colleges and universities.

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 Christodoulou	Aye

I. Docket No. QO23010011 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000 – Port Authority of New York and New Jersey

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

BACKGROUND: Port Authority of New York and New Jersey (“Port Authority”) oversees APM Terminals and Millennium Marine Rail in Port Elizabeth, New Jersey which are undergoing high mast lighting retrofits. The Port Authority submitted an application (#67552) under the Fiscal Year 2022 (“FY22”) Large Energy Users Program (“LEUP”) Program, pursuant to the New Jersey’s Clean Energy Program (“NJCEP”) Energy Efficiency and Renewable Energy Program Plan Filing for FY22. In accordance with Docket No. EO07030203 (May 3, 2013), the Port Authority requested approval from the New Jersey Board of Public Utilities (“Board” or “BPU”) of an estimated financial incentive of \$998,671.41 for the replacement of the existing lighting fixtures with light-emitting diode (“LED”) fixtures at 5080 McLester Street, Port Elizabeth, New Jersey 07201 and 2380 Tripoli Street, Port Elizabeth, New Jersey 07201 with a total cost of approximately \$3,474,490.

The project is anticipated to annually save 3,026,277 kWh of electricity and annually reduce peak demand by 589.9 kilowatts. The proposed project will have an estimated annual energy cost savings of \$274,413 and operational and maintenance savings of \$61,322.

Board Staff (“Staff”) recommend 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 Christodoulou	Aye

J. Docket No. QO21010085 – In the Matter of Modernizing New Jersey’s Interconnection Rules, Processes, and Metrics – Executive Session

Paul Heitmann, Director, Division of Clean Energy, presented this matter.

BACKGROUND:

In May 2021, the New Jersey Board of Public Utilities (“Board”) approved a competitively bid contract with Guidehouse, Inc. (“Guidehouse”) to review New Jersey’s existing interconnection processes and develop recommendations to improve the interconnection process in New Jersey. Guidehouse effectively framed the research areas, organized and facilitated a comprehensive series of stakeholder meetings, and delivered a final report with nine findings and recommendations.

Four (4) of the recommendations contained in the report have been translated into draft rules by Staff, which are undergoing stakeholder review. The remaining five (5) recommendations require additional stakeholder engagement before they can proceed to rulemaking and Staff believes that Guidehouse’s continued expertise will be useful for this purpose.

Staff recommends that the Board approve the Guidehouse contract subject to receiving all necessary approvals from the New Jersey Department of Treasury.

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 Christodoulou	Aye

9. MISCELLANEOUS

A. Docket No. AO23020085 – In the Matter of a Memorandum of Understanding between the Board of Public Utilities and the Department of Community Affairs Concerning Administration of Arrearage Relief Funding – Executive Session

Maureen Clerc, Division of Customer Assistance, presented this matter.

BACKGROUND: This item concerns a Memorandum of Understanding (“MOU”) between the Board of Public Utilities (“Board”) and the New Jersey Department of Community Affairs (“DCA”).

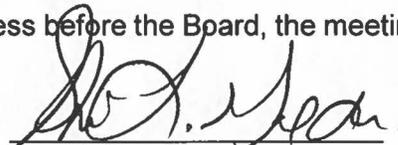
Board Staff believes that the DCA, Department of Community Affairs, as administrator of the of American Rescue Plan program, the Board's Universal Service Fund program, and the federal LIHEAP program is the best entity to disburse that funding quickly to households in need.

Board Staff ("Staff") requests the Board approve the MOU and authorize the President of the Board to sign the MOU on its behalf.

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 Christodoulou	Aye

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date:10-25-2023