



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 ("Board") was held on April 26, 2023, at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ https://www.youtube.com/watch?v=olr_y2iac9s.

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

*Commissioner Holden participated by phone.

President Fiordaliso presided at the meeting and Sherri 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 May 10, 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

A. Docket No. QO23010008 – In the Matter of a Dual-Use Solar Energy Pilot Program Grant Agreement Between the New Jersey Board of Public Utilities and Rutgers, the State University on Behalf of its RU Agrivoltaics Program.

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

BACKGROUND: This item related to a recommendation of Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) that the Board engage the Rutgers University Agrivoltaics Program (“RAP”) to develop and implement the Dual Use Pilot Program (“Pilot Program”) mandated by the Dual Use Solar Act of 2021.

The program will provide incentives to qualifying solar electric generation facilities located on unpreserved farmland which plan to maintain the land's active agricultural or horticultural use. Dual use solar can provide farmers with an additional stream of revenue assisting with farm financial viability enabling continued agricultural or horticultural production of land while also increasing the statewide production of clean energy.

Staff worked with RAP to develop a Scope of Work delineating roles and responsibilities for RAP in facilitating the development and implementation of a Dual Use Pilot Program. The scope of work was developed in collaboration with RAP which identifies various tasks from initial program design through to final evaluation of the program.

Staff recommends the Board approve a grant agreement with Rutgers University for the program development, implementation, and evaluation services as outlined in the scope of work in accordance with the terms and conditions in the Treasury approved grant.

After appropriate motion, the Board reconvened to open session.

CONSENT AGENDA

I. AUDITS

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

EE23010006L

Pinebrook Energy Advisors LLC

I – EA

BACKGROUND: The New Jersey Board of Public Utilities (“Board”) must register all energy agents, private aggregators, and energy consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. N.J.S.A. 48:3-78 to -79. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers (“TPSs”) with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any TPS renewal application that was filed prior to July 9, 2019 has been, and will continue to be, processed by Board Staff (“Staff”) for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. At its regular agenda meeting of August 18, 2021, the Board approved the final adoption of proposed amendments to N.J.A.C. 14:4 et seq., concerning energy competition and specifically to subchapter 5, N.J.A.C. 14:4-5 et seq., Energy Licensing and Registration. In accordance with the rule amendments, an energy agent, private aggregator, or energy consultant registration shall not expire so long as a registration renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the registrant’s annual anniversary date. N.J.A.C. 14:4-5.8(g); N.J.A.C. 14:4-5.11(e). Any registration renewal application that was filed prior to the effective date of the licensing and registration rule amendments, September 20, 2021, has been, and will continue to, be processed by Staff for approval or denial in accordance with N.J.A.C. 14:4-5.9. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. Annually thereafter, licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to timely file annual information update forms and renewal fees for their licenses and registrations in order to continue to do business in New Jersey. N.J.S.A. 48:3-78 to -79; N.J.A.C. 14:4-5.6 to -5.7; N.J.A.C. 14:4-5.8 to -5.9, and N.J.A.C. 14:4-5.11.

Staff recommended that the following applicant be issued initial registration as an energy agent: Pinebrook Energy Advisors LLC.

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE20110728 – In the Matter of the Petition of Comcast of Long Beach Island, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Surf City, County of Ocean, State of New Jersey.

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

On March 14, 2019, Comcast filed an application with the Borough for renewal of municipal consent.

On February 12, 2020, the Borough adopted an ordinance granting renewal municipal consent to Comcast.

On April 21, 2020, Comcast formally accepted the terms and conditions of the ordinance.

On November 20, 2020, Comcast filed with the Board for a renewal of its Certificate of Approval for the Borough.

Board Staff recommended approval.

B. Docket No. CE20090591 – In the Matter of the Petition of Comcast of Long Beach Island, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Harvey Cedars, County of Ocean, State of New Jersey.

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

On March 14, 2019, Comcast filed an application with the Borough for renewal of municipal consent.

On March 16, 2020, the Borough adopted an ordinance granting renewal municipal consent to Comcast.

On April 21, 2020, Comcast formally accepted the terms and conditions of the ordinance.

On September 14, 2020, Comcast filed with the Board for a renewal of its Certificate of Approval for the Borough.

Board Staff recommended approval.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

A. Docket No. WF22120732 – In the Matter of the Petition of Gordon’s Corner 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 (2022).

BACKGROUND: On December 13, 2022, Gordon’s Corner Water Company (“Gordon’s Corner”), a public utility of the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking authority to make, execute and deliver a Promissory Note, Term Loan Agreement and such other instruments as may be required by the lender, CoBank, ACB (“CoBank”), in connection with a certain multiple advance senior secured term loan in the amount of up to \$3,000,000 (“Loan”).

Gordon’s Corner would use the Loan proceeds to finance production well rehabilitation, relocation and construction of a bulk water interconnection with one of the company’s primary water suppliers, Veolia Water (Matchaponix); treatment plant filter rehabilitations; and service line installations and replacements throughout the company’s distribution system.

After review of the information submitted in this proceeding, the Office of the Economist found that the action requested is in accordance with the law and in the public interest, and recommended approval of the petition, subject to certain conditions.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS23010020K, WS23010021K, GS23010022K, GS23010023K, GS23010024K, GS23010025K, GS23010026K, GS23010027K, GS23010028K, GS23010029K, GS23010030K, GS23010031K, GS23010032K, GS23010033K, GS23010034K, GS23010035K, GS23010036K, GS23010037K, GS23010038K, GS23010039K, GS23010040K, GS23010041K, GS23010042K, GS23010043K, GS23010044K, and GS23010045K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. This matter did not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction were failure to provide proper notice, failure to use reasonable care, and mismarking of facilities. The cases were settled in accordance with a penalty strategy, which escalates in relationship to aggravating factors, such as injury, property damage, fire, evacuation, road closure, and other public safety concerns, and provides disincentives for violations. There are 26 settlements in the attached Appendix, which total \$78,000.

Staff of the New Jersey Board of Public Utilities (“Board”) recommended that the Board approve the settlements provided in the attached Appendix so that these cases can be brought to closure.

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 Votes:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Christodoulou	Aye

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. Docket Nos. BPU GR22060364 and OAL PUC 08580-2022 – In the Matter of the Petition of South Jersey Gas Company to Revise the Level of its Basic Gas Supply Service (“BGSS”) Charge and Conservation Incentive Program (“CIP”) Charge for the Year Ending September 30, 2023.

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

BACKGROUND AND DISCUSSION: On June 1, 2022, South Jersey Gas Company (“SJG”) filed a petition seeking approval to modify the level of its Basic Gas Supply Service (“BGSS”) Charges, increase the level of its Balancing Service Clause (“BSC”) Charge associated with its Rider J General Service, increase the level of its BSC Charge associated with its Rider I Large Volume, and modify the level of its Conservation Incentive Program (“CIP”) rates for the period October 1, 2022 through September 30, 2023.

By Order dated September 7, 2022, the New Jersey Board of Public Utilities (“Board”) approved a stipulation for provisional rates executed by the parties which authorized SJG to implement its proposed rates on a provisional basis effective October 1, 2022.

On February 14, 2023, SJG filed a notice indicating that it would self-implement a Periodic BGSS (“BGSS-P”) rate reduction, effective March 1, 2023. The parties executed a stipulation which would finalize SJG’s BGSS-P, BSC and CIP rates, which was subsequently approved by Administrative Law Judge (“ALJ”) Irene Jones. ALJ Jones issued an initial decision recommending that the Board adopt the stipulation.

Board Staff (“Staff”) recommended that the Board issue an order adopting the initial decision and stipulation and directing SJG to file revised tariffs consistent with the order by May 10, 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. ER22020034 – In the Matter of the Petition of Rockland Electric Company’s Annual RGGI Surcharge Filing Reconciling Costs for Calendar Year 2021 and Estimating Costs for Calendar Year 2022.

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

BACKGROUND AND DISCUSSION: On February 1, 2022, Rockland Electric Company (“RECO”) filed a petition requesting a review of and approval of, approval to reconcile costs and revenues for its Regional Greenhouse Gas Initiative (“RGGI”) Surcharge and to update the RGGI Surcharge.

The parties executed a stipulation resolving all issues related to the petition. As a result of the stipulation, a typical residential customer would see an increase in their monthly bill of approximately \$0.91 or 0.8 percent.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board issue an order approving the stipulation. Staff further recommended that the Board direct RECO to file revised tariffs prior to June 1, 2023 for service rendered on and after June 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

C. Docket Nos. ER22110669 and GR22110670 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric and Gas Rate Adjustments Pursuant to the Energy Strong II Program.

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

BACKGROUND AND DISCUSSION: On November 1, 2022, Public Service Electric and Gas Company (“PSE&G”) filed a petition seeking cost recovery of investments within its Energy Strong II Program placed into service from February 1, 2022 through January 31, 2023.

The parties executed a stipulation resolving all issues. As a result of the stipulation, a typical residential electric customer would see an annual increase of \$6.88 and a typical residential gas customer would see an increase in their annual bill of \$2.42.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board issue an order approving the stipulation. Staff further recommended that the Board direct PSE&G to file tariffs consistent with this order 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 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 Purchase Wastewater Treatment Clause.

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

BACKGROUND AND DISCUSSION: On November 15, 2022, New Jersey-American Water Company (“NJAW”) filed a petition 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”) were granted intervenor status in the matter.

NJAW, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”), and the New Jersey Division of Rate Counsel executed a stipulation of settlement resolving NJAW’s requests.

The stipulation agreed to an increase in annual revenues of \$6,994,000.00 or 0.84 percent. Middlesex and Mount Laurel filed letters indicating no objection to the stipulation. The change in the PWAC rate would result in a change of the annual bill for customers under the NJAW’s statewide general meter service rate by \$0.44 a month or 0.67 percent. PSTAC rate changes would result in changes depending on location.

Staff recommended that the Board adopt the stipulation. Staff further recommended that the Board direct NJAW to file tariffs consistent with this order 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	Recused

6. RELIABILITY AND SECURITY

A. Docket No. GX22020048 – In the Matter of the Proposed Readoption with Substantial Amendments to N.J.A.C. 14:7, Natural Gas Pipelines.

Frank Gaffney, Director, Division of Reliability and Security, presented this matter.

BACKGROUND AND DISCUSSION: Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) proposed readoption with non-substantial changes to the Board’s existing rules contained within the New Jersey Administrative Code N.J.A.C. 14:7, Natural Gas Pipelines. These rules address the construction, operation, and maintenance of intrastate natural gas transmission and distribution pipelines and provide a mechanism to address violations of these rules.

The rule proposal at N.J.A.C. 14:7 was published in the New Jersey Register on October 17, 2022 and was set to expire on June 14, 2023. Staff indicated that N.J.A.C. 14:7 is necessary and appropriate in that the rules will help ensure that New Jersey utility customers will receive safe, adequate, and proper service. The Board collected comments from stakeholder community for a period of 60 days through December 16, 2022.

Staff recommended that the Board approve the proposed readoption of this chapter with non-substantial changes for submission to the New Jersey 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 Christodoulou	Aye

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO23010008 – In the Matter of a Dual-Use Solar Energy Pilot Program Grant Agreement Between the New Jersey Board of Public Utilities and Rutgers, the State University on Behalf of its RU Agrivoltaics Program.

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

BACKGROUND: This item related to a recommendation of Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) that the Board engage the Rutgers University Agrivoltaics Program (“RAP”) to develop and implement the Dual Use Pilot Program (“Pilot Program”) mandated by the Dual Use Solar Act of 2021.

The program will provide incentives to qualifying solar electric generation facilities located on unpreserved farmland which plan to maintain the land's active agricultural or horticultural use. Dual use solar can provide farmers with an additional stream of revenue assisting with farm financial viability enabling continued agricultural or horticultural production of land while also increasing the statewide production of clean energy.

Staff worked with RAP to develop a Scope of Work delineating roles and responsibilities for RAP in facilitating the development and implementation of a Dual Use Pilot Program. The scope of work was developed in collaboration with RAP which identifies various tasks from initial program design through to final evaluation of the program.

Staff recommends the Board approve a grant agreement with Rutgers University for the program development, implementation, and evaluation services as outlined in the scope of work in accordance with the terms and conditions in the Treasury approved grant.

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. QW22030128 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169;

Docket No. QO22110691 – In the Matter of the Petition to NJBPU for Special Dispensation to Enter the ADI Program NJADRE1549698037;

Docket No. QO22110702 – In the Matter of Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 Request for Determination of Eligibility in the Administratively Determined Incentive Program – Sanjay Kumar – NJADRE1549796449;

Docket No. QO22120722 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Gabriel and Melina Spitale – NJADRE1548865473;

Docket No. QO23020068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – David Wolven NJADRE15496587841;

Docket No. QO22100631 – In the Matter of Successor Solar Incentive Program Pursuant to P.L. 2021, c.169 – Request for Determination of Eligibility in the Administratively Determined Incentive Program – Paul Fioribello NJADRE1547412133;

Docket No. QO23010014 – In the Matter of the Successor Solar Incentive Program Pursuant to P.L. 2021, c.169 Request for Determination of Eligibility in the Administratively Determined Incentive Program – Nick Degregorio;

Docket No. QO23020089 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Oliver Turner – NJADRE1550158410;

Docket No. QO23020088 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Shveta Ghandi – NJADRE1549683296;

Docket No. QO23020083 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Dmitry Feldman NJADRE1552299582;

Docket No. QO23020092 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Andrew Glatz – NJADRE1549122129;

Docket No. QO23030142 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Jitendra Patel – NJADRE1549728852;

Docket No. QO23030143 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Tina Resta – NJADRE1549255860;

Docket No. QO23030155 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Registration – Mohamed Rahim NJADRE1549194190;

Docket No. QO23030106 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Maryann Vergulti NJADRE1550380223;

Docket No. QO23030107 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Alexander Applegate NJADRE1549640960;

Docket No. QO23030108 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Lauren Bender NJADRE1550694147;

Docket No. QO23030109 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Lavi-Feivel Blumberg NJADRE1552399336;

Docket No. QO23030110 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Michael Bussow NJADRE1550350704;

Docket No. QO23030111 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Ludmila Chumak NJADRE1552140092;

Docket No. QO23030112 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Lisa Correale NJADRE1550351761;

Docket No. QO23030113 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Courtney Simmons NJADRE1549640981;

Docket No. QO23030114 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Danielle Scirrotto NJADRE1552399380;

Docket No. QO23030115 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Edward Ozales NJADRE1550308158;

Docket No. QO23030116 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Martha Mejia NJADRE1552399300;

Docket No. QO23030117 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Zhishan Li NJADRE1549998526;

Docket No. QO23030118 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Abu Taher NJADRE1548409963;

Docket No. QO23030119 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Lindsey Destefan NJADRE1552140079;

Docket No. QO23030120 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Robert Edenschein NJADRE1550349108;

Docket No. QO23030121 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Duane Edmonson NJADRE1552140059;

Docket No. QO23030122 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Anne Facchinei NJADRE1550313727;

Docket No. QO23030123 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Daniel Hong NJADRE1549998522;

Docket No. QO23030159 – In the Matter of the Verified Petition of Jorge Cascante for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1550304478;

Docket No. QO23030160 – In the Matter of the Verified Petition of Vadym Osadchuk for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1552581401;

Docket No. QO23030161 – In the Matter of the Verified Petition of Rolando Chiriboga for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1550902991;

Docket No. QO23030162 – In the Matter of the Verified Petition of Paul Banff for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1552552645;

Docket No. QO23030163 – In the Matter of the Verified Petition of Irene Warner for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#155262879;

Docket No. QO23030164 – In the Matter of the Verified Petition of Henry Chau for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1552552647;

Docket No. QO23030165 – In the Matter of the Verified Petition of Nudrat Ayub for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1550580526;

Docket No. QO23030166 – In the Matter of the Verified Petition of Nafisa Soeltan for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1550074770;

Docket No. QO23030167 – In the Matter of the Verified Petition of Luz Gomez for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1552532603;

Docket No. QO23030168 – In the Matter of the Verified Petition of Edward Diaz for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1550155283;

Docket No. QO23030169 – In the Matter of the Verified Petition of Anthony Lopez for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1552560113;

Docket No. QO23030170 – In the Matter of the Verified Petition of Edgar Rameriz for Approval of a Waiver of the Requirement to Submit a Complete ADI Program Registration Package and Receive a Notice of Conditional Registration Prior to Beginning Construction on the Facility NJADRE#1550155266;

Docket No. QO22100617 – In the Matter of the Verified Petition of Trinity Solar, Inc. for Approval of a Waiver of the Administratively Determined Incentive Program Rules with Respect to the Solar Facility Located at 202 Euclid Avenue, Hackensack, New Jersey 07601 (the “Hernandez Property”) NJADRE1548226026;

Docket No. QO23010056 – In the Matter of the Verified Petition of Trinity Solar Inc. for Approval of a Waiver of the Administratively Determined Incentive Program Rules with Respect to the Solar Facility Located at 2307 Lamington Court, Clarksboro, NJ 08020;

Docket No. QO23030151 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Laszlo Nadler NJADRE1548381783;

Docket No. QO23020087 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c.169 Petition for ADI Registration – Michael Carson – NJADRE1549679087;

Docket No. QO23030103 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Marilyn Brent NJADRE1549322715;

Docket No. QO23030175 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Frank Robertazzi NJADRE1549442433;

Docket No. QO23030174 – In the Matter of the Request for Determination of Eligibility in the Administratively Determined Incentive Program – Saurabh Gandhi NJADRE1549800287;

Docket No. QO23030199 – In the Matter of Hartz Solar, L.L.C. Seeking Waiver of N.J.A.C. 14:8-11.4(b) and Permission to File ADI/SuSI Program Registration Forms Post-Construction and Operation, for a New Facility Located at 100 Electric Avenue, Secaucus, New Jersey; and

Docket No. QO23040214 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2021, c. 169 Petition for ADI Waiver Eligibility – Chidi Njoku.

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

BACKGROUND AND DISCUSSION: This agenda item concerned 52 petitions for projects that requested entry into the Administratively Determined Incentive (“ADI”) Program. The ADI Program launched August 28, 2021 and is open to residential projects, net metered nonresidential projects equal or less than five (5) megawatts (“MW”), and community solar projects. Solar generation facilities are prohibited from registering in the ADI Program if they commenced commercial operation prior to the opening of the ADI Program registration portal or began construction prior to receipt of a notice of conditional registration. Additionally, the ADI rules limit increases in project generation capacity after registration in the ADI portal to 10 percent or 25 kilowatts, whichever is smaller.

Forty-four customers with projects that received permission to operate (“PTO”) prior to the receipt of the notice of conditional registration which necessarily entails having commenced construction prior to receipt have petitioned the New Jersey Board of Public Utilities (“Board”) to waive New Jersey Administrative Code (“N.J.A.C.”) 14:8-11.4(b) to register in the ADI program. While Board Staff (“Staff”) stated that it continues to believe this provision ensures solar incentives go only to projects that need incentives, especially in the context of capacity blocks in the ADI Program, Staff stated that circumstances associated with the transition, from the Transition Incentive Program to the ADI Program still warrant flexibility in the application of this restriction.

Additionally, four (4) residential customers with projects that received PTO prior to ADI Program launch have petitioned the Board for a waiver of N.J.A.C. 14:8-11.4(b). Petitioners contended that they have invested in solar panels in their home in good faith and should be allowed to participate in the ADI Program to receive an incentive. Similar to the previous set of projects, Staff indicated it is concerned that these projects would be stranded without an incentive in the absence of Board action.

Due to the recent change in incentive programs and the consequent potential for confusion among solar market participants, Staff stated it believes a waiver is appropriate and recommended that the Board grant the petitions. Staff also recommended that the qualification life for these projects commence on August 28, 2021, the opening of the ADI Program.

The Board also received four (4) petitions seeking a waiver of N.J.A.C. 14:8-11.5(k) for approval of solar facilities at a capacity that exceeds the size submitted in the initial registration package. The four (4) systems were installed with size increases ranging from 11 percent to 33 percent, increasing their aggregate capacity from 32.5 kilowatts to 39.4 kilowatts. The ADI Program is still relatively new and the MW caps included in the ADI Program did not previously exist. Staff noted that the proposed amendments to the rules governing the ADI Program would permanent an increase up to 20 percent or 25 kilowatt DC, whichever is smaller, rather than 10 percent or 25 kilowatts.

Staff recommended that the Board grant the petitions that meet this new standard and that the Board grant Staff the ability to address similarly situated projects in the same manner pending final adoption of approval. Staff recommended that the petitions for projects with larger increases still be approved because of their small absolute increases and because of the novelty of the rule. This increase in capacity would not jeopardize the nonresidential market segment capacity allocation.

Altogether, Staff recommended the Board grant these 52 petitions and direct Staff to monitor future requests for size increases.

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 the Implementation of P.L. 2018, c. 17; and

Docket No. QO22090551 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Order Granting an up to 12-Month Extension for Projects Seeking an Incentive Pursuant to Subsection (t) in the Solar Transition Incentive Program – Motion for Reconsideration.

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

BACKGROUND AND DISCUSSION: This item concerned the motion for reconsideration filed by CEP Renewables (“CEP”). In response to the New Jersey Board of Public Utilities’ (“Board”) August 17, 2022 Order granting an extension opportunity in the Transition Incentive (“TI”) Program for applicants seeking eligibility for Transition Renewable Energy Credits (“TREC”) pursuant to Subsection (t) of the Solar Act of 2012. The August 17, 2022 Order addressed an extension of time to complete program requirements for projects that have been granted conditional certification or will receive conditional certification of their application pending review by Board Staff (“Staff”) and the New Jersey Department of Environmental Protection (“DEP”).

These projects are grid supply projects, meaning they sell their power in wholesale electricity markets operated by PJM Interconnection, LLC (“PJM”). Most, if not all, of the projects have been or will be subject to delays resulting from the backlog of new generation interconnection requests at PJM. Exact length of delay depends on when the project entered the PJM queue, where it is located, whether the project requires upgrades to the transmission. PJM proposed reforms to the interconnection process to handle the backlog and improve processing times. However, PJM’s filing recognized that many pending filings would still be considerably delayed.

In the August 17, 2022 Order, the Board found good cause to grant up to two (2) extensions for six (6) months due to the backlog in the proposed changes in the PJM Interconnection process, which must be filed by all Subsection (t) projects. The blanket extension was provided for eligible projects in order to provide certainty to those that were ready to move forward and to reduce administrative burden of addressing individual petitions.

On August 30, 2022 CEP filed a motion for reconsideration of the August 17, 2022 Order. CEP asked that the Board reconsider the length of extension provided in the order, alleging several errors in the Board’s characterization of the PJM process and surrounding circumstances. CEP subsequently supplemented its motion with additional filings on December 2, 2022, December 27, 2022 and February 10, 2023.

In asking for a longer term extension, CEP asserted that the August 17, 2022 Order misstated PJM’s timeline for projects to file interconnection requests with PJM prior to September 30, 2021 by stating that such projects were expected to complete interconnection process between June 2025 and September 2025. CEP stated that most pending Subsection (t) projects would not obtain a final interconnection agreement with PJM until the end of 2026. CEP also contended that developers had no way of knowing how long the delay would be at the time that the TI Program was closed.

In response to CEP’s motion for reconsideration, Staff made the five (5) recommendations. Staff recommended that the Board find that CEP identified an error in the August 17, 2022 Order which characterized the PJM Interconnection timeline for Subsection (t) projects and submitted interconnection requests between October 1, 2020 and September 30, 2021. Staff further recommended that the Board clarify that projects that filed interconnection requests with PJM between October 1, 2020 and September 30, 2021 would have final interconnection agreements between September 2026 and November 2026. Staff recommended that the Board find that this misstatement of the PJM timeline had no material effect on the Board’s determination to grant two (2) six-month extensions pending Subsection (t) projects. Staff further recommended that the Board find the developers knew or should have known of the increasing delays of the PJM Interconnection process for years before the close of the TI Program to registrations. Finally, Staff recommended the Board deny CEP’s motion for reconsideration of the August 17, 2022 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

D. Docket No. QO23030129 – In the Matter of the Second State Agreement Approach for Offshore Wind Transmission.

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

BACKGROUND AND DISCUSSION: This agenda item pertained to a recommendation from Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) that the Board make a formal request to PJM Interconnection, LLC (“PJM”) to include New Jersey’s current goal of 11,000 megawatts (“MW”) of offshore wind by 2040 into PJM’s Regional Transmission Expansion Planning (“RTEP”) using the PJM program known as the State Agreement Approach (“SAA”).

The Board has long recognized that limits on the existing transmission system, as well as the challenges associated with expanding or replacing transmission facilities, represent a major source of cost uncertainty and potential risk of delays in meeting the State’s offshore wind goals.

On November 18, 2020, the Board formally requested that PJM incorporate the State’s then goal of 7,500 MW of offshore wind by 2035 into the RTEP using the SAA. Staff and PJM developed an SAA solicitation and at the close of the proposal window, PJM received 80 project proposals from 13 different applicants. After a thorough review by Staff, PJM, and the Board’s consultant, on October 26, 2022 the Board awarded a series of projects to construct the onshore transmission facilities necessary to successfully deliver 7,500 MW of offshore wind to New Jersey customers.

New Jersey ratepayers would realize hundreds of millions of dollars in savings from the selection of these transmission projects compared to the estimated cost of transmission facilities that would otherwise be necessary to achieve New Jersey’s 7,500 MW goal in the absence of the SAA solicitation.

In the October 26, 2022 Order, the Board directed Staff to begin the necessary preliminary steps to support a future SAA process to enable the transmission of New Jersey’s new goal of 11,000 MW of offshore wind generation to occur in a coordinated manner for the benefit of ratepayers.

Staff recommended that the Board direct PJM to seek potential transmission solutions for three (3) interrelated components of an open access offshore wind transmission system, including upgrades to the onshore PJM renewable grid, construction of the necessary shore crossings, and connecting the new or existing onshore substations to new offshore substations, and connecting different offshore substations serving various lease areas in an effort to network the project in these lease areas.

As in the first SAA, Staff noted that there were several safeguards in place to protect New Jersey ratepayers through the SAA process. First, approval of the instant item does not include authorization from the Board for PJM to move forward with any, with selecting any potential project. Once projects are proposed through the second SAA solicitation, the SAA allows the Board to evaluate the proposals in concert with PJM. Only after full consideration of the proposals would the Board be asked to permit New Jersey consumers to fund any projects selected by the Board. Alternatively, the Board may elect to terminate the process and not select any of the proposed projects.

Staff stated that there are no financial obligations associated with any step before the final decision of the Board and those obligations would only arise should the Board determine to move forward with one or more of the proposed solutions resulting of the PJM RTEP process.

Second, PJM's RTEP rules contain extensive protections for ratepayers, including cost containment options and the ability to incorporate phase implementation of any transmission upgrades. These provisions allow the State and PJM to consider such items as the financial strength of any construction scheduling commitments and the developer's incorporation of voluntary cost caps into their bids. Staff noted that such legally binding commitments and other forms of cost risk mitigation are likely to weigh heavily on whether an integrated transmission solution may be the more efficient or cost effective means to reach New Jersey's offshore wind goals.

Third, the Board may have to address concerns regarding the transfer of commercial risk between transmission developers and generation developers prior to approving a final coordinated transmission solution that may result from the second SAA. Staff and PJM would encourage entities bidding into the second SAA to consider how their submitted cost caps and other binding obligations may relate to the interconnection of qualified offshore wind generation projects.

The exploration of coordinated transmission alternatives through the second SAA does not impact how previously awarded or to be awarded projects projecting a total of 7,500 MW of offshore wind into New Jersey will interconnect into the PJM system. Those projects would interconnect as delineated in the applicable Board orders approving the qualified offshore wind projects.

Finally, Staff stated that Staff and the Board continue to work with other east coast states that have offshore wind programs to explore and investigate opportunities for coordinating on a regional offshore wind transmission solution up to and including a regional offshore wind backbone transmission system. While the second SAA is being initiated as a New Jersey only effort, discussions with other states and federal stakeholders in this important area are continuing and modifications to the second SAA order can be made if necessary to advance a regional offshore wind transmission solution.

Staff recommended that the Board approve an order formally requesting that PJM consider the State's new offshore wind goal of 11,000 MW as a public policy of the State of New Jersey and that PJM incorporate the new goal into the RTEP process via the SAA.

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

There were no items in this category.

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

A handwritten signature in cursive script, appearing to read "Sherril L. Golden".

SHERRI L. GOLDEN
BOARD SECRETARY

Date: November 17, 2023