



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://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 May 10, 2023 via online @ [https://www.youtube.com/watch?v=gOLs1k\\_9uZY](https://www.youtube.com/watch?v=gOLs1k_9uZY)

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

The following members of the New Jersey Board of Public Utilities were present:

Joseph L. Fiordaliso, President  
Mary-Anna Holden, Commissioner  
Dianne Solomon, Commissioner  
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 May 24, 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. GA22020074 –In the Matter of an Audit of the Affiliated Transactions Between New Jersey Natural Gas Company and New Jersey Resources Corporation and its Affiliates and NJNG’S Compliance with Affiliate Relations and Fair Competition Standards and Electric Discount and Energy Competition Act and a Comprehensive Management Audit of New Jersey Natural Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-12.1 – 14:3-12.4, 14:4-3 et seq.**

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

**BACKGROUND:** The Liberty Consulting Group (“Liberty”) raised concerns with Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) and the Contract Manager regarding the responsiveness of New Jersey Natural Gas Company (“NJNG”, “Utility”, or “Company”) and the Company’s interpretation of the scope of work in the current audit.

After attempts to resolve the concerns with the Company and Liberty, on April 19, 2023, Liberty submitted written correspondence to the Contract Manager, advising Staff of the issues regarding responsiveness by NJNG. According to Liberty, NJNG has not provided full and complete responses to discovery and has objected to providing actual data through 2022 and forecasted data through 2027. Liberty finds the data requested is necessary to meet the requirements of the engagements as detailed in the Request for Proposal (“RFP”).

Staff recommends that the Board issue an order clarifying that the scope includes the review of current and forecasted information, and direct NJNG to provide full and complete responses to all current and future discovery requests by Liberty. Staff further recommends that the Board reiterate its directive from the Contract with Liberty that any future issues raised by Liberty and/or NJNG be brought to the attention of the audit Staff and the Contract Manager and that the Contract Manager take reasonable steps to resolve and that both the Company and Liberty abide by the Contract Manager’s decision and make good faith efforts to work together during the course of this audit and amicably resolve disagreements.

**9. MISCELLANEOUS**

**A. Docket No. EO23040266 – In the Matter of a Request for Quotation (“RFQ”) Related to Assistance in Administering the Board of Public Utilities’ Zero Emission Certificate (“ZEC”) Program for Eligible Nuclear Power Plants Pursuant to N.J.S.A. 48:3-87.3 to 87.7.**

**Dr. Ben Witherell, Chief Economist**, presented this matter.

**BACKGROUND:** Board Staff (“Staff”) seeks approval from the New Jersey Board of Public Utilities (“Board”) to release the attached Request for Quotation (“RFQ”) to procure a consultant for assistance regarding:

Determining the eligibility of nuclear power plants to be awarded Zero Emission Certificates (“ZEC” or “ZECs”) for the third eligibility period: June 1, 2025 – May 1, 2028 (“ZEC 3”);

Conducting an annual revenue review to ensure that the nuclear power plants are not receiving “double payments” for fuel diversity, resilience, air quality, or other environmental attributes; and

Any other item(s) requiring review and/or evaluation as deemed necessary via Board Order and/or the ZEC Act, N.J.S.A. 48:3-87.3, et seq. (“Act”).

Staff will subsequently return to the Board with a recommendation after receipt and evaluation of any responses to the RFQ.

## CONSENT AGENDA

### I. AUDITS

There were no items in this category.

### II. ENERGY

#### **A. Docket No. GF23020063 – In the Matter of the Petition of Elizabethtown Gas Company to Issue Long-Term Debt and Security Therefor and For Authority to Issue and Sell Short-Term Indebtedness, All Through December 31, 2025.**

**BACKGROUND:** On February 6, 2023, Elizabethtown Gas Company (“Company” or “ETG”), a public utility of the State of New Jersey filed a petition requesting that the New Jersey Board of Public Utilities (“Board”) grant authorization through December 31, 2025 to make, execute and deliver pursuant to N.J.S.A. 48:3-7 a Supplemental Mortgage Indenture and any such additional Supplemental Mortgage Indentures as may be advisable providing for the issuance of a First Mortgage Bond or First Mortgage Bonds (“Bonds”) (“Petition”). These Bonds will have a maturity or maturities of not more than 40 years from the respective dates of issuance, in an aggregate principal amount of not more than \$1,400,000,000 (“Financing Cap”) less the aggregate principal amount of any other long-term indebtedness issued pursuant to the Petition payable in more than 12 months.

Board Staff recommends approval of the Petition, subject to certain conditions which are set forth in the draft Board Order.

#### **B. Docket No. GF23020064 – In the Matter of the Petition of South Jersey Gas Company to Issue Long-Term Debt and Security Therefor and For Authority to issue and Sell Short-Term Indebtness, All Through December 31, 2025.**

**BACKGROUND:** On February 6, 2023, South Jersey Gas Company (“Company” or “SJG”), a public utility of the State of New Jersey filed a petition requesting that the New Jersey Board of Public Utilities (“Board”) grant authorization through December 31, 2025 to make, execute and deliver pursuant to N.J.S.A. 48:3-7 a Supplemental Mortgage Indenture and any such additional Supplemental Mortgage Indentures as may be advisable providing for the issuance of a First Mortgage Bond or First Mortgage Bonds (“Bonds”) (“Petition”). These Bonds will have a maturity or maturities of not more than 40 years from the respective dates of issuance, in an aggregate principal amount of not more than \$1,400,000,000 (“Financing Cap”) less the aggregate principal amount of any other long-term indebtedness issued pursuant to the Petition payable in more than 12 months.

Board Staff (“Staff”) recommends approval of the Petition, subject to certain conditions which are set forth in the draft Board Order.

### III. CABLE TELEVISION

There were no items in this category.

### IV. TELECOMMUNICATIONS

There were no items in this category.

### V. WATER

There were no items in this category.

### VI. RELIABILITY AND SECURITY

- A. Docket Nos. **GS23030180K, GS23030181K, GS23030182K, GS23030183K, GS23030184K, GS23030185K, GS23030186K, WS23030187K, WS23030188K, WS23030189K, WS23030190K, GS23030191K, GS23030192K, GS23030193K, GS23030194K, GS23030195K, and GS23030196K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.**

**BACKGROUND:** This matter involves settlements of alleged violations of the Underground Facility Protection Act (“Act”) by both excavators and operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction are failure to provide proper notice, failure to use reasonable care, and mismarking of facilities. There are 17 settlements in the attached Appendix, which total \$51,000.

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

- B. Docket Nos. **GS23040230K – In the Matter of the Alleged Violation of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by P&A Construction Corporation.**

**BACKGROUND:** This item is a recommendation for the issuance of a Final Order of Penalty Assessment (“FOPA”) resulting from an alleged violation of the Underground Facility Protection Act (“Act”) by P&A Construction Corporation (“Respondent”). This item does not contain violations involving catastrophic situations, death or major property damage.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommends approval of the FOPA.

### 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.

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

**After appropriate motion, consent agenda items IIA, IIB, IIIA,VIA, and VIB, were approved.**

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

## AGENDA

### 1. AUDITS

- A. Docket No. GA220074 –In the Matter of an Audit of the Affiliated Transactions between New Jersey Natural Gas Company and New Jersey Resources Corporation and its Affiliates and NJNG’s Compliance with Affiliate Relations and Fair Competition Standards and Electric Discount and Energy Competition Act and a Comprehensive Management Audit of New Jersey Natural Gas Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-12.1 – 14:3-12.4, 14:4-3 Et. Seq.**

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

**BACKGROUND:** The Liberty Consulting Group (“Liberty”) raised concerns with Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) and the Contract Manager regarding the responsiveness of New Jersey Natural Gas Company (“NJNG”, “Utility”, or “Company”) and the Company’s interpretation of the scope of work in the current audit.

After attempts to resolve the concerns with the Company and Liberty, on April 19, 2023, Liberty submitted written correspondence to the Contract Manager, advising Staff of the issues regarding responsiveness by NJNG. According to Liberty, NJNG has not provided full and complete responses to discovery and has objected to providing actual data through 2022 and forecasted data through 2027. Liberty finds the data requested is necessary to meet the requirements of the engagements as detailed in the Request for Proposal (“RFP”).

Staff recommends that the Board issue an order clarifying that the scope includes the review of current and forecasted information, and direct NJNG to provide full and complete responses to all current and future discovery requests by Liberty. Staff further recommends that the Board reiterate its directive from the Contract with Liberty that any future issues raised by Liberty and/or NJNG be brought to the attention of the audit Staff and the Contract Manager and that the Contract Manager take reasonable steps to resolve and that both the Company and Liberty abide by the Contract Manager’s decision and make good faith efforts to work together during the course of this audit and amicably resolve disagreements.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

## 2. ENERGY

### A. Docket No. GR22080486 –In the Matter of Petition of the Petition of Marcal Manufacturing, LLC for a Three-Year Extension in Electric and Natural Gas Societal Benefits Charges; and

**Docket No. GR22100657 – In the Matter of the Rate Schedule CSG Transportation Service Agreement Between Public Service Electric and Gas Company and Marcal Manufacturing, LLC.**

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

**BACKGROUND:** On August 12, 2022, Marcal Manufacturing, LLC (“Marcal”), formerly d/b/a Soundview Paper Company, LLC, filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking a three-year extension in Board-approved agreements governing the Societal Benefits Charge (“SBC”) paid by Marcal at its paper mill in Elmwood Park, New Jersey (“Marcal Mill”) for electric and natural gas service provided by Public Service Electric and Gas Company (“PSE&G” or “Company”) (“SBC Petition”).

On October 20, 2022, PSE&G and Marcal entered into a Rate Schedule Contract Service Gas (“CSG”) Amended Service Agreement (“2022 CSG Agreement”). On October 21, 2022, PSE&G filed a letter petition with the Board requesting approval of the 2022 CSG Agreement (“CSG Petition”). The 2022 CSG Agreement sought to continue the rates, terms, and conditions under which PSE&G provides natural gas transportation services to the Marcal Mill.

The current SBC discounts and Marcal’s current Rate Schedule CSG Transportation Service Agreement (“2015 CSG Agreement”) with PSE&G were set to expire on December 1, 2022. By Order dated November 9, 2022, the Board granted a temporary extension of the SBC discounts until a final determination was rendered regarding the SBC Petition.<sup>1</sup> By separate Order dated November 9, 2022, the Board approved a temporary extension of the 2015 CSG Agreement until a final determination was rendered regarding the CSG Petition.<sup>2</sup>

Following a review of both petitions and discovery, the New Jersey Division of Rate Counsel (“Rate Counsel”) submitted a comment letter addressing both matters.

Having reviewed the record in this matter, Board Staff (“Staff”) believes that the 2022 CSG Agreement and the proposed SBC discounts will have a beneficial financial impact to the State of New Jersey and PSE&G’s ratepayers. Therefore, Staff recommends the following:

1. The Board approve the 2022 CSG Agreement and the SBC discounts effective on the first day of the month following the effective date of Board approval and expiring on December 1, 2025.
2. Should Marcal file a request with the Board for state-funded assistance for a cogeneration facility or other clean energy project, Marcal should be required to include in that request a copy of the Board’s Order in this matter and a request that the SBC discounts terminate upon receipt of any substantive state-funded assistance or CEP grant prior to the time that the underlying project is energized.



3. The discounted SBC rate should apply only to electric and gas utility service provided in connection with Marcal's paper production operation and related activities. Therefore, Marcal should be required to provide written notification to the Board, the Director of the Division of Water and Energy, and PSE&G prior to engaging in business activities that are separate from its present production operation.

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**B. Docket No. ER20120767 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Constituting its Annual Filing with Respect to the Tax Act Adjustment of its Filed Tariff (“2019 TAA Filing”)**

**Docket No. ER21121258-In the Matter of the Verified Petition of Jersey Central Power & Light Company Constituting its Annual Filing with Respect to the Tax Act Adjustment of its Filed Tariff (“2020 TAA Filing”)**

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

**BACKGROUND:** On December 29, 2020, Jersey Central Power & Light Company (“JCP&L” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking review and reconciliation of the Company’s Rider Tax Act Adjustment (“TAA”) rates and revenues from May 15, 2019 to December 31, 2019 (“2019 TAA Petition”).

On December 30, 2021 JCP&L filed a petition with the Board seeking review and reconciliation of JCP&L’s Rider TAA rates and revenues from January 1, 2020 to December 31, 2020 (“2020 TAA Petition”).

On September 27, 2022, the Company provided an update to its 2020 TAA Petition schedules with actuals through August 31, 2022 (“September 2022 Update”).

Following review of the petitions, discovery, and September 2022 Update, the Company, the New Jersey Division of Rate Counsel, and Board Staff (“Staff”) executed a stipulation of settlement (“Stipulation”), which would allow JCP&L to maintain its TAA rates at its current level.

Staff recommends that the Board approve the Stipulation and direct the Company to file revised tariffs prior to May 31, 2023 for service rendered on June 1, 2023.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**3. CABLE TELEVISION**

There were no items in this category.

**4. TELECOMMUNICATIONS**

There were no items in this category.

**5. WATER**

There were no items in this category

**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. QO22050358 – In the Matter of the Petition for Clarification and Interpretation of the Remote Net Metering (“RMN”) Program Pursuant to the Board’s Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018**

**Docket No. QO22040251-In the Matter of the Remote Net Metering Application Filed Pursuant to the Board’s Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018 The Phoebus Fund Airspace A – Town of Phillipsburg**

**In the Matter of the Remote Net Metering Application Filed Pursuant to the Board’s Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018 The Phoebus Fund Airspace B – Town of Phillipsburg**

**Veronique Oomen, Division of Clean Energy**, presented this matter

**BACKGROUND:** On May 31, 2022, the Phoebus Fund, LLC (“Phoebus” or “Petitioner”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) requesting clarification and interpretation of the Remote Net Metering (“RNM”) Program pursuant to the Board’s application and approval process implementing provisions of the Clean Energy Act of 2018.<sup>1</sup>

Petitioner requested the following:

1. that the Board will find legally transferred airspace to meet the “property” requirement of RNM provided airspace has been codified as real property in the New Jersey Revised Statutes and upheld by the N.J. Supreme Court;
2. that the Board will find “summary accounts” or “master accounts” to meet the definition of an “account” from the Board order on RNM;
3. that the approval for net metering be based on an approved meter but commissioning of the solar only occur after the full installation of all equipment at the site;
4. that RNM projects would be required to follow the Prevailing Wage Act requirements;
5. that co-located RNM solar projects would be eligible for the Administratively Determined (“ADI”) Program within the Successor Solar Incentive (“SuSI”) Program, and would be required to follow the rules outlined in Docket No. QX21040728.<sup>2</sup>

Board Staff (“Staff”) recommends the Board deny the Petition.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**B. Docket No. QO22050351 – In the Matter of Intersect Energy, LLC for A Declaratory Ruling Pursuant to N.J.S.A. 52:14B-8 and N.J.S.A. 2A:16-50 et seq. - Solar Condominiums – and For Ancillary Relief**

**Veronique Oomen, Division of Clean Energy**, presented this matter.

**BACKGROUND:** On May 23, 2022, Intersect Energy, LLC (“Intersect” or “Petitioner”) filed a petition for a declaratory ruling by the New Jersey Board of Public Utilities (“Board”) regarding the propriety of the solar condominium method of solar development and for ancillary relief (“Petition”).

Petitioner requested a ruling that:

- (i) the condominium form of property ownership complies with the Clean Energy Act, P.L. 2018, c.17, the Board’s solar transition and net metering order and rules, the New Jersey Condominium and Redevelopment Laws, and the State’s energy and environmental justice policies and goals;
- (ii) the condominium form of property ownership is a viable solar development option for public entities that seek to develop solar facilities on a shared basis, and;
- (iii) solar condominium projects are eligible to participate in, and to receive all benefits conferred upon eligible projects in the Board’s Solar Successor Incentive (“SuSI”) Program.

Petitioner also asked the Board to reconsider, on its own motion, the portion of the September 17, 2018 Order considering remote net metering (“RNM”) that established the method by which the maximum capacity size of a remote net metered facility is determined.<sup>1</sup>

Board Staff (“Staff”) recommends the Board deny the Petition on all counts.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**C. Docket No. QO2303172 – In the Matter of the United States Department of Energy-State Energy Program-July 1, 2023-June 30, 2024.**

**Stacy Ho Richardson, Deputy Director, Division of Clean Energy**, presented this matter.

**BACKGROUND:** This item relates to the Division of Clean Energy within the New Jersey Board of Public Utilities (“Board” or “BPU”) 2022–2023 State Energy Program (“SEP”) Plan for submission to the United States Department of Energy (“USDOE”). The plan includes funding for a program that expands the eligibility of customers not served by investor-owned utilities (“non-IOU customers”) for financial incentives toward the purchase and installation of electric vehicle (“EV”) charging equipment (i) in their place of residence, (ii) in multi-unit dwellings (“MUD”), (iii) at unique attractions and overnight lodging establishments in New Jersey, and (iv) for New Jersey municipal government entity fleets, including the purchase of EVs for their fleets. • Board Staff (“Staff”) recommends approval of the 2023–2024 SEP Plan.

Staff further recommends submission of the 2022–2027 SEP application to the USDOE.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**D. Docket No. QO20020184 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169; and**

**Docket No. QO23040206 – In the Matter of Certification of Energy Year 2022 Cost Cap Calculation and Setting ADI Program Megawatt Blocks for Energy Year 2024.**

Veronique Oomen, Division of Clean Energy, presented this matter.

**BACKGROUND:** Pursuant to legislation and the rules of the New Jersey Board of Public utilities (“Board”), the Board must certify on an annual basis that the Cost Cap has not been exceeded and therefore that future incentive commitments are permitted. The Board must also set the megawatt (“MW”) block allocations for the Administratively Determined Incentive (“ADI”) Program for Energy Year (“EY”) 2024 (“EY24”).

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**9. MISCELLANEOUS**

**A. Docket No. EO23040266 – In the Matter of a Request for Quotation (RFQ) Related to Assistance in Administering the Board of Public Utilities “Zero Emission Certificate (“ZEC”) Program for Eligible Nuclear Power Plants Pursuant to N.J.S.A. 48:3-87.3 to 87.7.**

Dr. Ben Witherell, Chief Economist, presented this matter.

**BACKGROUND:** Board Staff (“Staff”) seeks approval from the New Jersey Board of Public Utilities (“Board”) to release the attached Request for Quotation (“RFQ”) to procure a consultant for assistance regarding:

Determining the eligibility of nuclear power plants to be awarded Zero Emission Certificates (“ZEC” or “ZECs”) for the third eligibility period: June 1, 2025 – May 1, 2028 (“ZEC 3”);

Conducting an annual revenue review to ensure that the nuclear power plants are not receiving “double payments” for fuel diversity, resilience, air quality, or other environmental attributes; and  
Any other item(s) requiring review and/or evaluation as deemed necessary via Board Order and/or the ZEC Act, N.J.S.A. 48:3-87.3, et seq. (“Act”).

Staff will subsequently return to the Board with a recommendation after receipt and evaluation of any responses to the RFQ.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**B. Docket No. AO20060471 – In the Matter of the New Jersey Board of Public Utilities Response to the COVID-19 Pandemic.**

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

**BACKGROUND:** The matter before the New Jersey Board of Public Utilities (“Board”) concerns the Board’s adoption of a standardized template by which the State’s local and public utilities are to file data regarding the Coronavirus Disease 2019 (“COVID-19”) pandemic’s impact on the State’s utilities and their service, pursuant to P.L. 2022, c.107 (“Statute”), which is codified as N.J.S.A. § 48:2-29.57 *et seq.*<sup>1</sup>

Board Staff (“Staff”) recommends the following:

1. the Board find the template prepared by Staff to be legally compliant with the entirety the Statute, and that each of the categories of information in the template are organized in a manner that is consistent with the Statute’s instruction;
2. the Board determine the template to be the form and manner by which the local utilities and public utilities are to file the data required by N.J.S.A. § 48:2-29.58(a) and N.J.S.A. § 48:2-29.59(a);
3. the Board direct each public and local utility to file three completed versions of the template on a quarterly basis, with one completed template for each separate month of the quarter, pursuant to the language of N.J.S.A. § 48:2-29.58(b);
4. the Board direct each public utility to file completed templates for the months of September 2022, October 2022, November 2022, December 2022, January 2023, February 2023, and March 2023, no later than September 15, 2023;
5. the Board order that the obligation of each local and public utility to complete the portions of the template covering N.J.S.A. § 48:2-29.58(a), which draw comparison “to the same time in 2019,” expires on September 15, 2024; and
6. the Board suspend the quarterly filings imposed by the Order in this docket dated July 2, 2020, which were expanded upon by other Orders in this docket , as the information required by N.J.S.A. § 48:2-29.58(a) and N.J.S.A. § 48:2-29.59(a) contain essentially all items of information previously required by the Board to be included in the earlier required quarterly filings.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**C. Docket No. AO20060471 – In the Matter of the New Jersey Board of Public Utilities Response to the COVID-19 Pandemic.**

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

**BACKGROUND:** On July 2, 2020, the New Jersey Board of Public Utilities (“Board”) issued an Order authorizing the State’s utilities to create a COVID-19 regulatory asset by deferring incremental, prudently incurred, COVID-19-related costs beginning on March 9, 2020 through the later of September 30, 2021 or 60 days after Governor Murphy issued an order, declaration, proclamation, or similar announcement that the Public Health Emergency is no longer in effect, or 60 days from the time the Public Health Emergency automatically terminates pursuant to N.J.S.A. 26:13-3(b) (“Regulatory Asset Period”).<sup>1</sup> The Board’s July 2020 Order required, among other things, that all affected utilities file a petition with the Board by the later of December 31, 2021, or within 60 days of the close of the Regulatory Asset Period.

Through a series of orders, the Regulatory Asset Period was extended until March 15, 2023 and the deadline for the filing of petitions for recovery of those regulatory assets was set for 60 days after March 15, 2023.

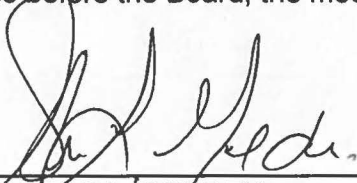
Board Staff (“Staff”), the New Jersey Division of Rate Counsel and other interested parties participating in several working groups, including discussions of cost recovery issues related to the regulatory assets. By Order dated July 20, 2022, President Fiordaliso directed interested parties to submit comments on 13 questions within 60 days from the date of the Order and reply comments 21 days after initial comments.

Considering the extraordinary nature of the impact of the COVID-19 pandemic on all stakeholders and the complexity of the issues to be addressed in the regulatory asset proceedings Staff requires more time to thoroughly assess and make reasonable recommendations to the Board regarding the COVID Regulatory Asset recovery issues. Accordingly, Staff recommends that the Board issue an Order extending the May 15, 2023 filing deadline by 60 days, until July 17, 2023.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

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



\_\_\_\_\_  
SHERRI L. GOLDEN  
BOARD SECRETARY

Date: 10-25-2023