



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

MINUTES OF THE REGULAR MEETING OF THE BOARD OF PUBLIC UTILITIES

A regular Board meeting of the New Jersey Board of Public Utilities was held on September 18, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/watch?v=XPRhrLjwFU>

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:

Christine Guhl-Sadovy, President
Mary-Anna Holden, Commissioner
Dr. Zenon Christodoulou, Commissioner
Marian Abdou, Commissioner

President Guhl-Sadovy 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 September 27, 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 matters, which involved N.J.S.A. 10:4-12(b)(7) attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

8. CLEAN ENERGY

A. Docket No. QO23030158 – In the Matter of Advancing Geothermal Heating and Cooling Systems in New Jersey

Rupa Deshmukh, Division of Water and Energy, presented this matter.

BACKGROUND: This matter pertains to a Memorandum of Understanding, or MOU, between the BPU and the New Jersey Department of Environmental Protection, or DEP, that would allow BPU to engage with New Jersey Corporation of Advanced Technology, or NJCAT, to scale up geothermal technology in the state. In the Buildings Decarbonization start-up programs for Energy Efficiency Triennium 2, geothermal or ground source heat pump, or GSHP, technology is one of the technologies considered for clean heating and cooling systems and reducing energy usage and electricity demand on the electric grid. NJCAT is a nonprofit corporation established for the development and commercialization of innovative or emerging energy and environmental technologies through a performance partnership agreement with DEP. NJCAT work would include conducting research, providing technical documentation and educational curriculum, and serving in an advisory role to develop innovative approaches to advancing GSHP systems including demonstration projects in New Jersey. The work described under the MOU is expected to commence in the fall of 2023.

The Staff recommends the Board to approve the MOU and authorize President Guhl-Sadovy to execute the MOU on the BPU's behalf.

B. Docket No. QO23070459 – In the Matter of the Contract for Consulting Services for the Second Triennium Utility Energy Efficiency Filings;

Docket No. QO19010040 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs;

Docket No. QO23030150 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. QO17091004 – In the Matter of Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3- 98.1 and N.J.S.A. 48:3-87.9 – Minimum Filing Requirements.

Kevin Nedza, Division, presented this matter.

BACKGROUND: The Clean Energy Act of 2018 directed the Board to require each electric and natural gas public utility to achieve annual reductions in electric and natural gas usage by their customers within their service territories.

In 2020 and early 2021, Board Staff worked with these utilities to create energy efficiency programs for the three-year period from July 1, 2021 through June 30, 2024, known as Triennium 1. On May 24 and July 26, 2023, the Board issued orders establishing the framework for the Triennium 2 period, which will run from July 1, 2024 through June 30, 2027. The Board further directed each utility to file proposals for their Triennium 2 programs on or before October 2, 2023.

As all seven filings must be analyzed by Staff simultaneously, Staff is requesting that the Board release a request for response to the State's public institutions of higher education.

The Staff requests and recommends that the Board approve the release of the request for response to the State's public colleges and universities.

C. QO23040234 – In the Matter of the Request for Quotation for the Design of the New Jersey Energy Storage Incentive Program.

Matthew Rossi, Division of Clean Energy, presented this matter

BACKGROUND: This matter involves the award of a contract for assistance with the design of the New Jersey Energy Storage Incentive Program, or NJSIP. On May 24, 2023 the New Jersey Board of Public Utilities authorized the release of a request for quotation to hire a contractor to aid with the design of the NJSIP policies, development of the associated rules and regulations, and to coordinate with a contractor selected to administer the NJSIP will be selected in a subsequent RFQ. On July 28, 2023, proposals were received from two firms in response to the RFQ. Board Staff reviewed and scored each proposal.

Staff recommends the Board award the contract for this project .

CONSENT AGENDA

I. AUDITS

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

EE23010012L BP Energy Retail I – EGSL
GE23010013L f/k/a EDF Energy Services, LLC

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. 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 recommends that the following applicant be issued initial licenses as an electric power and natural gas supplier: o BP Energy Retail Company LLC f/k/a EDF Energy Services, LLC

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. **Docket No CE20080537 – In the Matter of the Petition of Service Electric Cable T.V. of Hunterdon, Inc., for the Renewal of the Certificate of Approval for the Continued Construction, Operation and Maintenance of a Cable Television and Cable Communications System in the Township of Greenwich, County of Warren 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 Service Electric Cable T.V. of Hunterdon, Inc. to provide cable television service to the Township of Greenwich for a 15 year term.

Board Staff (“Staff”) recommends approval.

B. Docket No. CE22020108 – In the Matter of the Petition of Comcast of New Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Ocean Gate, 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 Ocean Gate (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

C. Docket CE22020110 – In the Matter of the Application of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Hardwick, County of Warren, 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 CSC TKR, LLC (“Cablevision”) for the Township of Hardwick (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

D. Docket No. CE22020111 – In the Matter of the Application of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in Green Township, County of Sussex, 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 CSC TKR, LLC (“Cablevision”), a subsidiary of Altice USA, Inc., for the Township of Green (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval

IV. TELECOMMUNICATIONS

A. Docket No. TF23030141 – In the Matter of the Certified Petition of Planet Networks, Inc. for Approval of Certain Previously Issued Equity Financing

BACKGROUND: On March 16, 2023, Planet Network, Inc., (“Petitioner”) submitted a Certified Petition to the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-7 and 48:3-9, requesting retroactive approval of certain equity financing in the aggregate amount of \$11,503,146.92 (“Financial Arrangements”) issued by Petitioner where Board approval should have been obtained prior to the issuance of same, but was not (“Petition”).

Petitioner now seeks to obtain approval for same. 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 order.

B. Docket No. TM22110694 – In the Matter of the Joint Petition of Xchange Telecom, LLC and NOVA Infrastructure Capital Advisors, LLC for Approval of a Transfer of Control of Xchange Telecom, LLC to NOVA Infrastructure Capital Advisors, LLC.

BACKGROUND: By letter dated May 16, 2023, Xchange Telecom LLC (“Xchange Telecom”) and NOVA Infrastructure Capital Advisors, LLC (“NOVA”) (collectively, “Petitioners”) submitted a restated petition for approval of the transfer of ownership of Xchange Telecom to NOVA (“Petition”). The Petition replaced the information provided by the Petitioners in their November 15, 2022 application in its entirety.

The transaction, which was consummated on November 28, 2022, resulted in Xchange Telecom becoming a wholly controlled, indirect subsidiary of NOVA (“the Transaction”). The Petitioners stated that the proposed transaction will enable Xchange Telecom to continue to operate as a competitive provider of broadband and telecommunications services in New Jersey, but will otherwise have no effect on the Company’s operations. The Petitioners asserted that the proposed transaction will have no adverse impact on New Jersey customers. Furthermore, the Petitioners state that the transaction will enable NOVA to provide operating capital for Xchange Telecom ensuring that its employees are provided with stable management and continues to serve to its customers.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommend that the Petitioners be allowed to complete the restructuring, nunc pro tunc, as proposed, finding that there will be no adverse effect to customers in New Jersey.

C. Docket No. TO23050303 – In the Matter of Refiled Application of Verizon New Jersey Inc. and Planet Networks, Inc. for Approval of a New Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996.

BACKGROUND: The following matter involves a joint petition filed by Verizon New Jersey Inc. (“Verizon”) and Planet Networks Inc. (“Planet Net”), seeking approval from the New Jersey Board of Public Utilities (“Board”) of a new Interconnection Agreement between the parties. The Board is authorized pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 (“Act”) to approve negotiated Interconnection Agreements, and any amendments to such agreements.

Staff recommends approval of the agreement.

D. Docket No. TO22120723 – In the Matter of the Verified Petition of Manhattan Telecommunications Corporation of New Jersey and Manhattan Telecommunications Corporation of New Jersey LLC for Approval of an Internal Restructuring.

BACKGROUND: On December 5, 2022, Manhattan Telecommunications Corporation of New Jersey (“Manhattan Telecommunications Corporation NJ”) and Manhattan Telecommunications Corporation of New Jersey LLC (“Manhattan Telecommunications New Jersey LLC”) (together, “Petitioners”), submitted a verified petition to the New Jersey Board of Public Utilities (“Board”) requesting approval of an internal, pro forma restructuring, pursuant to N.J.S.A. 48:3-7 and 48:3-10 (“Petition”).

The proposed restructuring would result in Manhattan Telecommunications Corporation NJ merging with an affiliate entity, Manhattan Telecommunications NJ LLC, with Manhattan Telecommunications NJ LLC being the surviving entity (“Transaction”).

Board Staff (“Staff”) recommend that Petitioners be allowed to complete the restructuring as proposed, nunc pro tunc, finding that there will be no adverse effect to customers in New Jersey.

V. WATER

There were no items in this category

VI. RELIABILITY AND SECURITY

- A. Docket Nos. ES23080495K, ES23080496K, GS23080484K, GS23080485K, GS23080486K, GS23080487K, GS23080488K, GS23080489K, GS23080490K, GS23080491K, GS23080492K, GS23080493K, ES23080494K, GS23080497K, GS23080498K, GS23080499K, GS23080500K, GS23080501K, GS23080502K, GS23080503K, GS23080504K, GS23080505K, GS23080506K, GS23080507K, GS23080508K, GS23080509K, GS23080510K, GS23080511K, GS23080512K, GS23080513K, GS23080514K, GS23080515K, GS23080516K, GS23080517K, GS23080518K, GS23080519K, GS23080520K, GS23080521K, GS23080522K, GS23080523K, GS23080524K, GS23080525K, GS23080526K, GS23080527K, GS23080528K, GS23080529K, GS23080530K, GS23080531K, GS23080532K, GS23080533K, GS23080534K, GS23080535K, GS23080536K, GS23080537K, GS23080538K, GS23080539K, GS23080540K, GS23080541K, GS23080542K, GS23080543K, GS23080544K, and GS23080545K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: On August 4, 2023, New Jersey’s investor-owned electric and gas utilities (individually, “Utility”, collectively, “Utilities”) filed a request for a 30-day extension to file their Program Year (“PY”) 2023 (“PY23”) (July 1, 2022 – June 30, 2023) energy efficiency (“EE”) annual Agenda Date: 9/18/23 Agenda Item: VIIIA 2 BPU DOCKET NOS. QO19010040, EO20090621, GO20090619, EO20090620, GO20090622, GO18101112, EO18101113, EO20090623, & GO20090618 Agenda Date: 9/18/23 Agenda Item: VIIIA reports, which would extend the filing deadline from September 15, 2023 to October 16, 2023.

Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) recommends that the Board grant the extension request and authorize the Board Secretary to issue a letter expressing the same.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

- A. Docket No. QO19010040 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs;

Docket No. EO20090621 – In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three;

Docket No. GO20090619 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act and the Establishment of a Conservation Incentive Program;

Docket No. EO20090620 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of JCP&L’s Energy Efficiency and Conservation Plan Including Energy Efficiency and Peak Demand Reduction Programs (JCP&L EE&C);

Docket No. GO20090622 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq.;

Docket Nos. GO18101112 and EO18101113 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future-Energy Efficiency (“CEF-EE”) Program on a Regulated Basis; Docket No. EO20090623 – In the Matter of the Petition of Rockland Electric Company for Approval of Its Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. GO20090618 – In the Matter of the Petition of South Jersey Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act

BACKGROUND: On August 4, 2023, New Jersey’s investor-owned electric and gas utilities (individually, “Utility”, collectively, “Utilities”) filed a request for a 30-day extension to file their Program Year (“PY”) 2023 (“PY23”) (July 1, 2022 – June 30, 2023) energy efficiency (“EE”) annual reports, which would extend the filing deadline from September 15, 2023 to October 16, 2023.¹

Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) recommends that the Board grant the extension request and authorize the Board Secretary to issue a letter expressing the same.

IX. MISCELLANEOUS

- A. Approval for the October 12, 2022 Minutes;
Approval for the October 26, 2022 Minutes; and
Approval for the November 9, 2022 Minutes.**

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

After appropriate motion, consent agenda items IA, IIIA, IIIB, IIIC, IIID, IVA, IVB, IVC, IVD, VIA

Roll Call Vote:

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| President Guhl-Sadovy | Aye |
| Commissioner Holden | Aye |
| Commissioner Christodoulou | Aye |
| Commissioner Abdou | Aye |

After appropriate motion, consent agenda items VIIIA

Roll Call Vote:

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| President Guhl-Sadovy | Aye |
| Commissioner Holden | Aye |
| Commissioner Christodoulou | Aye |
| Commissioner Abdou | Recused |

After appropriate motion, consent agenda items IXA

Roll Call Vote:

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| President Guhl-Sadovy | Abstain |
| Commissioner Holden | Aye |
| Commissioner Christodoulou | Aye |
| Commissioner Abdou | Abstain |

AGENDA

1. AUDITS

NO ITEMS FOR CONSIDERATION

2. ENERGY

A. Docket No. ER23010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – Notice of Intent and Request for Information: Designation of National Interest Electric Transmission Corridors [6450-01-P].

Ian Oxenham, Division of Energy, presented this matter.

BACKGROUND: Item 2A relates to comments that Staff filed with other commissions to jointly comment on a notice of intent. On May 9, 2023, the United States Department of Energy released a Notice of Intent and Request for Information proposing and seeking comment on an applicant driven, route specific approach to designating National Interest Electric Transmission Corridors, or NIETCs. Such NIETC designations give the Federal Energy Regulatory Commission backstop transmission siting authority and can unlock low-cost DOE financing for transmission projects in the NIETC.

On July 31, 2023, Staff of the New Jersey Board of Public Utilities, on behalf of the Board, jointly filed comments with North Carolina Utilities Commission, the Virginia State Corporation Commission, and the Michigan Public Service Commission on the RFI. The joint comments broadly argued for strong state role in the NIETC designation process and recommended ways DOE could maximize the chances its NIETC authority only advances cost-effective and well-planned transmission projects that serve the public interest. The sections of the joint comments that Staff wrote also advocated for a NIETC designation process that incorporated features that would particularly benefit states like New Jersey. Specifically, Staff argued for refinements to the DOE's proposal that would align the NIETC process with the competitive transmission solicitation approach favored by the Board and the transmission planning process of regional transmission organizations like PJM Interconnection. To that end, Staff recommended that State regulators should be able to submit need based NIETC designations that could attach to any competitively selected transmission project that served a state-identified transmission need. Staff also recommended that DOE prioritize NIETC designations and financial support for interregional transmission projects supported by states. Staff believes that implementation of these recommendations would increase the chances that transmission projects needed to support New Jersey's public policy goals will qualify for low cost federal financing, thereby reducing electricity costs for New Jersey ratepayers.

Staff recommends the Board ratify the joint comments filed with DOE on July 31, 2023.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

B. Docket No. ER23010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. AD23-7-000, PJM Capacity Market Forum.

Ian Oxenham, Division of Energy, presented this matter.

BACKGROUND: Item 2B is FERC comments, also joint comments, filed with the Commission. On April 19, 2023, the Federal Energy Regulatory Commission announced that it would hold a forum on the current state of the PJM Interconnection Capacity Market. FERC held the forum at its offices in Washington, DC on June 15, 2023.

On June 30, 2023, FERC released a notice requesting written comments on the topics discussed at the forum and set a comment deadline of August 14, 2023. The forum was partly a response to PJM's Resource Retirements, Replacements and Risks Report, also known as the 4R Report, released on February 24, 2023.

Staff recommends that the Board ratify the joint comments filed with FERC on August 14, 2023.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

C. Docket No. GR23060334 – 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, 2024.

Malike Cummings, Dep. Director, Division of Energy, presented this matter.

BACKGROUND: On June 1, 2023, South Jersey Gas Company filed a petition with the Board seeking approval to decrease the level of its Periodic Basic Gas Supply Service charge, modify its Balancing Service Clause charges, and Conservation Incentive Program rates for the period October 1, 2023 through September 30, 2024. Following an initial review and discussions, the parties determined that while additional time is needed to complete a full review of the petition, it is reasonable and in the public's interest for South Jersey to implement provisional rates. The parties executed a stipulation of settlement for provisional BGSS, BSC, and CIP rates, subject to refund with interest. As a result of the stipulation, a typical residential heating customer using 100 therms per month would see a net monthly decrease of approximately \$13.49.

Staff recommends that the Board issue an order adopting the stipulation. Staff further recommends that the Board direct South Jersey to file tariffs consistent with its order by September 30, 2023.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

D. Docket No. GR23060348 – 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 2024

Malike Cummings, Dep. Director, Division of Water and Energy, presented this matter

BACKGROUND: On June 1, 2023, New Jersey Natural Gas Company filed a petition with the Board requesting authority to modify its periodic Basic Gas Supply Service rate, its Balancing Charge rate, and Conservation Incentive Program rates effective October 1, 2023. Following initial review, the parties determined that while additional time is needed to complete a full review of the company's petition, it is reasonable and in the public's interest for New Jersey Natural to implement provisional rates. The parties have executed a stipulation of settlement which would allow New Jersey Natural to modify its BGSS-RSG rate, its Balancing Charge rate, and its Conservation Incentive Program rates on a provisional basis subject to refund effective October 1, 2023. As a result of the stipulation, a typical residential heating customer using 100 therms per month will see a net monthly decrease of approximately \$4.16. Staff recommends that the Board issue an order adopting the stipulation.

Staff further recommends that the Board direct New Jersey Natural to file tariffs consistent with the order.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

E. Docket No. GR23060333 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Rider "H" Rate Associated with the Tax Cuts and Jobs Act of 2017.

Malike Cummings, Dep. Director, Division of Water and Energy, presented this matter

BACKGROUND: Item 2E, on June 1, 2023, South Jersey Gas Company filed a petition with the Board seeking approval to revise its Rider H rate and to withdraw Rider H from its tariff. Following review and discussions, the parties executed a stipulation of settlement recommending the company revise the Rider H rate and remove it from its tariff with provision that recovery of any actual over refunded amounts if any will be addressed in the company's next base rate case. As

a result of the stipulation, a typical residential heating customer using 100 therms in a winter month would experience a monthly increase of \$1.88.

Staff recommends that the Board issue an order approving the stipulation.

Staff further recommends that the Board direct South Jersey Gas to file tariffs consistent with its order by October 1, 2023.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

3. CABLE TELEVISION

A. Docket No. CO23020096 – In the Matter of the Verified Petition of CSC TKR, LLC d/b/a Cablevision of Raritan Valley Pursuant to N.J.A.C. 14:18-5.1 (c) for Approval to Relocate its Customer Service Office from 2909 Washington Road in the City of Parlin, County of Middlesex, to 1028 US-9, Suite 1028, Old Bridge, County of Middlesex, State of New Jersey.

Lawanda Gilbert, Director, Office of Cable Television, presented this matter

BACKGROUND: Item 3A involves a request for approval to relocate a customer service office filed by Altice. On February 17, 2023, Altice submitted a verified petition to the Board pursuant to N.J.A.C. 14:18-5.1C requesting approval to relocate its existing customer service office located in the City of Parlin, New Jersey within the Borough of Sayreville to the Township of Old Bridge. Altice is a current holder of a municipal consent based certificate of approval issued by the Board on August 22, 2007 and is duly authorized to provide cable TV service in Sayreville. The municipal consent ordinance approved by the borough requires that Altice maintain a local business office in Sayreville for the purpose of receiving customer payments, receiving customer complaints, and return or change of equipment.

Pursuant to the Board's rules, an office is expressly required pursuant to a municipal consent ordinance and a Board order to be located within the municipality, such as in this instance, Altice is required to seek Board approval to relocate the office and it must demonstrate that the proposed relocation is not unreasonable and will not unduly prejudice the public interest.

Altice asserted in its petition that it meets these requirements as the new office will be located less than two miles from the existing office and will provide increased customer benefit, such as extended hours, free parking, and a more convenient location based in a well-traversed shopping area.

Upon review of the filings in this matter, Staff believes Altice has adequately demonstrated the proposed relocation is not unreasonable due to the close proximity of the new office to the prior location, as well as the added customer benefits and that it will not unduly prejudice the public interest. Staff, therefore, recommends approval of Altice's petition on the proposed relocation, as well as Altice's request for a limited waiver of the newspaper publication requirement.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

B. Docket No. CE23040267 – In the Matter of the Petition of Comcast of Northwest New Jersey, LLC for a Certificate of Approval to Construct, Operate and Maintain a Cable Television System in and for the Township of Pohatcong, County of Warren, State of New Jersey.

Lawanda Gilbert, Director, Office of Cable Television, presented this matter

BACKGROUND: On or about March 12, 2022, Comcast filed an application with the Township of Pohatcong for an initial municipal consent to provide service to the township. On February 21, 2023, the township adopted an ordinance granting municipal consent to Comcast. On March 16, 2023, Comcast formally accepted the terms and conditions of the ordinance.

On April 26, 2023, Comcast filed with the Board for a certificate of approval for the township. Approval of the petition would allow Comcast to expand its service territory into the township to provide cable TV service as an over build to the incumbent operator, Service Electric Cable TV of Hunterdon, and will establish Comcast as a second cable operator in the township, thereby offering competitive choice in the township that is sought by many residents throughout the State.

Staff recommends approval of proposed certificate of approval for a ten year term to expire on September 25, 2033. The franchise will also include recording requirements detailing the status of the construction of the new system to be submitted to Board Staff.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

C. Docket No. CE23030148 – In the Matter of Notice of Comcast of New Jersey II, LLC Regarding the Conversion of its Municipal Franchise in the City of Perth Amboy to a System-wide Franchise.

Lawanda Gilbert, Director, Office of Cable Television, presented this matter

BACKGROUND: On February 17, 2023, pursuant to N.J.S.A. 48:25.1 and N.J.A.C. 14:18-14.13, Comcast filed notice with the New Jersey Board of Public Utilities and the City of Perth Amboy advising that it would convert its municipal consent base franchise serving the city to a systemwide franchise.

Under N.J.S.A. 48:5A-25.1, the cable television operator with a municipal consent based franchise issued prior to the effective date of the Cable Television Act codified at N.J.S.A. 48:5A-1 may automatically convert any or all of its municipal franchises upon notice to the Board and to the affected municipality without the need for approval of either entity.

Pursuant to the Board's rules, Comcast is deemed to have been granted a systemwide franchise for the service territory of Perth Amboy upon the Board's receipt of the February 17 notice. While Board approval is not required pursuant to N.J.A.C. 14:18-14.13(e), the Board must issue an order memorializing the conversion of the franchise, which specifies the following.

The municipalities included in the systemwide franchise, the term length, the amount of the performance bond and types and amounts of insurance, and the systemwide franchise commitments required pursuant to N.J.S.A. 48:5A-28(h) through (n). Specifically, those requirements are imposed upon all cable television companies operating under a systemwide franchise and include commitments as to line extensions, public, educational and governmental, or PEG, access channels, interconnection with other cable television companies, free cable and internet service to public schools and municipal buildings, training and equipment for access users, PEG access return fees, and compliance with customer protection regulations.

Comcast has committed to abide by these regulations, as well as maintain its current insurance and performance bond amounts and adhere to requirements for a local office and the designation of the Office of Cable TV and Telecommunications as the complaint officer under the franchise. Comcast's certificate of approval and the underlying municipal consent ordinance from the City of Perth Amboy was renewed by the Board on September 28, 2022 for a term of ten years to expire on August 1, 2031. Because Comcast has now converted the municipal consent based franchise to a systemwide franchise, the terms of the certificate of approval are deemed expired and are replaced by the terms prescribed by N.J.S.A. 48:5A-28(h) through (n) and the applicable law pursuant to the Board's rules and regulations.

Staff recommends that the Board issue the order memorializing the conversion of the municipal consent based franchise for the City of Perth Amboy to a systemwide franchise for a seven year term to expire on February 17, 2030.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

4. TELECOMMUNICATIONS

A. Docket No. TO23070454 – In the Matter of the Digital Equity Planning Grant Program, Pursuant to Section 60304 (c) of the Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429.

DECISION-This matter was deferred.

5. WATER

A. Docket No. WM22110690 – In the Matter of Verified Joint Petition of Montague Water Co., Inc., Montague Sewer Co., Inc., Corix Infrastructure (US) Inc., and SW Merger Acquisition Corp. for Approval of a Change of Control of Montague Water Co., Inc., and Montague Sewer Co., Inc.

Ben Witherell, Director, Economist Office, presented this matter

BACKGROUND: This item is the joint petition of Montague Water Company, Montague Sewer Company, Corix US, and South West Merger Acquisition Corporation seeing approval of a change of control through a merger of Corix and South West. As Corix US is the current parent company of Montague Companies, the merger of Corix and South West represents an indirect change in the control of the Montague Companies.

The Montague Companies are regulated New Jersey public utilities that treat and distribute water to approximately 780 customers in Montague Township in Sussex County and collect, treat, and dispose of sewage for about 270 sewer customers. The joint petitioners, Staff, and Rate Counsel reached a stipulated settlement in principle on July 27 and finalized the settlement agreement on September 7. The following major elements are included in the stipulation of settlement. This transaction will not impact rates for service for existing customers of Montague Water and Montague Sewer, as the joint petitioners have agreed to no increases in base rates before at least January 1st of 2026. The change in control of these small water and sewerage companies will not impact competition in New Jersey, as the new merged company is not gaining or losing any New Jersey customers or service territory. The joint petitioners have committed to maintaining the current level of full-time operations, employees, and administrative support positions. The merger will ensure the Montague Companies will continue to have access to capital, if needed, to support investments in the systems and facilities that they operate. In addition, the Montague Companies will support the community through an annual contribution of \$3,000.00 for five years to the Montague Volunteer Fire Department that serves an area that includes Montague's customers.

Staff recommends approval of the transaction under the terms reflected in the stipulation of settlement. Staff believes that the stipulation is responsive to all applicable statutes and regulations, protects customers and employees while maintaining current rates, capital investment opportunities, staffing, and service lines.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

6. RELIABILITY AND SECURITY

A. Docket No. WS23070465– In the Matter of the Allegations of Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by Veolia Water Contract Operations USA, Inc. With Respect to an Incident at Madison St. and Newark St., in Hoboken, NJ on February 27, 2023.

Frank Gaffney, Director, Reliability and Security, presented this matter

BACKGROUND: Item 6A concerns an offer of compromise and settlement between the Board's Division of Reliability and Security, Bureau of One-Call, and Veolia Water Contract Operations USA, Incorporated to resolve alleged violations of the New Jersey One-Call Damage Prevention System.

On the morning of February 27, 2023, J. Fletcher Creamer and Sons, an excavator working for PSE&G, ruptured an unmarked 16-inch water main located at the intersection of Newark Street and Madison Street in Hoboken, New Jersey. As a result of the damage, thousands of customers lost water service or experienced reduced water pressure triggering a boil water advisory and a state of emergency for the City of Hoboken. The emergency continued for approximately two and a half days until repairs were completed on March 1st of 2023. The Board's Bureau of One-Call conducted an investigation of the incident and determined that Veolia Water Contract Operations USA, a nonutility entity under contract with the City of Hoboken to operate and maintain the city's water infrastructure, committed a series of one-call related violations between the time of the initial mark out request on January 7, 2023 and continuing after the damage occurred on February 27, 2023. In determining the appropriate penalty amount to be assessed, the Board is required to consider a number of penalty assessment factors, including, but not limited to, the nature, circumstances, and gravity of the violation. In this matter, given the nature and circumstances of the incident which caused a major disruption in the City of Hoboken, Staff determined that Veolia Water Contract Operations should be assessed the maximum penalty for a non-gas related incident.

On June 1, 2023 Staff issued a notice of probable violation and offer of settlement providing for a one time payment of \$80,000.00 for a continued daily violation and related series of violations. On June 22, 2023, Veolia Water Contract Operations USA submitted an answering certification agreeing to accept Staff's offer of settlement and pay a penalty of \$80,000.00. Additionally, in a letter submitted with acceptance of this settlement, Veolia Contract Water Operations also committed to implementing corrective actions to remedy causes of the incident, including the use of ground penetrating radar technology to locate Hoboken water facilities during future mark out requests.

Staff is recommending that the Board approve the settlement and proposed corrective measures.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

7. CUSTOMER ASSISTANCE

- A. **Docket No. EO23070446– In the Matter of the Department of Community Affairs’ State Fiscal Year 2024 Universal Service Fund Administrative Cost Budget.**

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

BACKGROUND: This matter concerns a request from the New Jersey Department of Community Affairs for approval of the Universal Service Fund program's administrative cost budget for fiscal year 2024. DCA administers the USF program on the Board's behalf and this year has provided monthly credits on the electric and natural gas bill of approximately 220,000 New Jersey households. For fiscal year 2024, DCA is requesting \$11,444,369.00, which is less than 5 percent of the current years' \$268 million total program budget. Included in the budget requests are DCA's costs for administering the program, as well as costs for DCA sub grantees, which process USF applications and provide outreach to the public at the local level. It should be noted that this is only a budget. Board Staff will return to the Board with an accounting of actual fiscal year 2024 expenditures for Board approval.

Board Staff has thoroughly reviewed the budget and found it appropriate and necessary for the administering the USF program. Staff further recommends the fiscal year 2024 USF administrative cost budget be approved

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

8. CLEAN ENERGY

- A. **Docket No. QO23030158 – In the Matter of Advancing Geothermal Heating and Cooling Systems in New Jersey – Executive Session.**

Rupa Deshmukh, Division of Clean Energy, presented to this matter.

BACKGROUND: This matter pertains to a Memorandum of Understanding, or MOU, between the BPU and the New Jersey Department of Environmental Protection, or DEP, that would allow BPU to engage with New Jersey Corporation of Advanced Technology, or NJCAT, to scale up geothermal technology in the state.

In the Buildings Decarbonization start-up programs for Energy Efficiency Triennium 2, geothermal or ground source heat pump, or GSHP, technology is one of the technologies considered for clean heating and cooling systems and reducing energy usage and electricity demand on the electric grid. NJCAT is a nonprofit corporation established for the development and commercialization of innovative or emerging energy and environmental technologies through a performance partnership agreement with DEP. NJCAT work would include conducting research, providing technical documentation and educational curriculum, and serving in an advisory role to develop innovative approaches to advancing GSHP systems including demonstration projects in New Jersey. The work described under the MOU is expected to commence in the fall of 2023.

The Staff recommends the Board approve the MOU and authorize President Guhl-Sadovy to execute the MOU on the BPU's behalf.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

B. Docket No. QO23070459 – In the Matter of the Contract for Consulting Services for the Second Triennium Utility Energy Efficiency Filings .

Docket No. QO19010040 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs;

Docket No. QO23030150 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. QO17091004 – In the Matter of Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3- 98.1 and N.J.S.A. 48:3-87.9 – Minimum Filing Requirement

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

BACKGROUND: The Clean Energy Act of 2018 directed the Board to require each electric and natural gas public utility to achieve annual reductions in electric and natural gas usage by their customers within their service territories. In 2020 and early 2021, Board Staff worked with these utilities to create energy efficiency programs for the three-year period from July 1, 2021 through June 30, 2024, known as Triennium 1.

On May 24 and July 26, 2023, the Board issued orders establishing the framework for the Triennium 2 period, which will run from July 1, 2024 through June 30, 2027. The Board further directed each utility to file proposals for their Triennium 2 programs on or before October 2, 2023.

As all seven filings must be analyzed by Staff simultaneously, Staff is requesting that the Board release a request for response to the State's public institutions of higher education. This request for response would require the selected institution to provide analysis of the filings and support Staff in their review of the filings and to provide project management support to Staff as needed. The Staff requests and recommends that the Board approve the release of the request for response to the State's public colleges and universities.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Recused |

C. Docket No. QO23040234 – In the Matter of the Request for Quotation for the Design of the New Jersey Energy Storage Incentive Program – Executive Session.

Matt Rossi, Division of Clean Energy, presented this matter.

BACKGROUND: This matter involves the award of a contract for assistance with the design of the New Jersey Energy Storage Incentive Program, or NJSIP.

On May 24, 2023 the New Jersey Board of Public Utilities authorized the release of a request for quotation to hire a contractor to aid with the design of the NJSIP policies, development of the associated rules and regulations, and to coordinate with a contractor selected to administer the NJSIP will be selected in a subsequent RFQ. On July 28, 2023, proposals were received from two firms in response to the RFQ. Board Staff reviewed and scored each proposal.

Staff recommends the Board award the contract to the recommended vendor as discussed in executive session.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

D. Docket No. QO22040256 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 – Application for Certification of Solar Facility as Eligible for SREC-Its in the Interim Subsection (t) Program – VCC 3905 River Road, LLC – Vineland Construction Company Landfill.

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

BACKGROUND: This item relates to a Subsection (t) application from Vineland Construction to have its VCC 3905 River Road, LLC project included in the interim Subsection (t) capacity block of the ADI program and certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012. The applicant's proposed 5.19 megawatt project is to be located on 12 acres at the Vineland Construction Company landfill site in Pennsauken Township, Camden County, New Jersey.

Staff reviewed the application and supplied a copy to NJDEP for their review. Staff received an advisory memo on the application where DEP determined that the Vineland Construction Company landfill does not constitute a properly closed sanitary landfill as defined in the Solar Act

of 2012. Based upon the review of the application and the advisory memorandum provided by NJDEP, Staff recommends that the Board deny the applicant's 5.19 megawatt VCC 3905 River Road project as not being located on a properly closed sanitary land consistent with the Solar Act of 2012.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

E. Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17;

Docket No. QO22090562 – In the Matter of the Petition of Ampericon for an Extension of the Expiration Date in the Transition Incentive Program for its Project at 35 Wooleytown Road Ampericon NJSTRE1547466208;

Docket No. QO22090561 – In the Matter of the Petition of Ampericon for an Extension of the Expiration Date in the Transition Incentive Program for its Project at 2201 74th Street Ampericon NJSTRE1547531812;

Docket No. QO22090564 – In the Matter of Request for Extension of TREC Eligibility for TI Applications Numbered NJSTRE1547531989, NJSTRE1547530191, NJSTRE1547530199, NJSTRE1547530211, NJSTRE1547530214, NJSTRE1547530216, NJSTRE1547530218, and NJSTRE1547530225;

Docket No. QO22090571 – In the Matter of Request for Extension of TREC Eligibility for TI Application Numbered NJSTRE1547534369, Landmark Liquors, 1 West Street, Borough of Glassboro, Gloucester County, New Jersey;

Docket No. QO22090575 – In the Matter of the Verified Petition of NJ Solar 6 LLC for Approval of a Waiver and Extension of the Solar Transition Incentive Program Commercial Operation Deadline for the Immaculata High School Solar Projects NJSTRE1546741490 and NJSTRE1546741523;

Docket No. QO22090567 – In the Matter of Request for Extension of TREC Eligibility for TI Application Nos. NJSTRE1547531856 and NJSTRE1547531789;

Docket No. QO22120725 – In the Matter of the Verified Petition of NJ Terminal Solar, LLC for Approval of an Extension of the Transition Incentive Program Commercial Operation Deadline;

Docket No. QO22120728 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Number NJSTRE1547079661, Morristown Medical Center West Garage 100 Madison Avenue Morristown NJ 07960;

Docket No. QO22120741 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Numbers NJSTRE1547120973, Chilton Medical Center, 97 West Parkway, Pompton Plains, NJ 07444, and NJSTRE1547120983, Newton Medical Center, 175 High Street, Newton, NJ 07860;

Docket No. QO22120744 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Numbers NJSTRE1547121010, Womens Garage at Morristown Medical Center, 100 Madison Avenue, Morristown, NJ 07960, and NJSTRE1547121002, Hackettstown Medical Center, 651 Willow Grove Street, Hackettstown, NJ 07840;

Docket No. QO22050341 – In the Matter of the Verified Petition of Pivot Energy Commercial Solar LLC for an Order Approving the Waiver and Extension of the Solar Transition Incentive Program Permission to Operate Deadline for Williams Sonoma/Dayton Solar Generation Project;

Docket No. QO22080472 – In the Matter of the Verified Petition of Plankton Energy, LLC for an Extension of Time to Complete Project #NJSTRE1547462089 Registered in the Transition Incentive Program – 1801 Federal Street, Camden, NJ 08105;

Docket No. QO22090566 – In the Matter of Verified Petition of Correlate Infrastructure Partners Inc. for an Extension of Time to Complete Project #NJSTRE1547532494 Registered in the Transition Incentive Program;

Docket No. QO22070435 – In the Matter of the Verified Petition of Green Power Crossing, LLC for a Determination that the Petitioner’s Application was Registered on or before June 24, 2021 and Qualifies for the Automatic Six-Month Extension Provided by the Board’s June 8, 2022 Order to Complete the Project Located at 567 Monmouth Road, Jackson, NJ 08527;

Docket No. QO22100665 – In the Matter of the Verified Petition of Powerflex Solar, LLC for an Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Cape May BJ’s Project NJSTRE1545193844;

Docket No. QO22110698 – In the Matter of the Verified Petition of 55 Ramapo Solar LLC for Extension of the Expiration Date of the Conditional Acceptance NJSTRE1547001128 in the Solar Transition Incentive Program;

Docket No. QO23010049 – In the Matter of the Verified Petition of ESNJ-PLD-Clifton1, LLC for Acceptance of the Post-Construction Certification Package for Transition Incentive Number NJSTRE1547187150; and

Docket No. QO23030132 – In the Matter of Request for Waiver and Extension of Time to Complete NJSTRE1547450071 in Transition Incentive Program – Solar PV Project for Kiran Patel.

Laura Scatena, Division of Clean Energy, presented this matter

BACKGROUND: This agenda item pertains to 18 petitions of multiple entities seeking extension of time for registration within the Transition Incentive, or TI, program. Staff recommends the Board address these petitions together, because while they are at varying stages of development, all share a failure to satisfy the completion milestones of the TI program. Staff recommends the Board deny petitioner's request to extend the deadlines for the projects with one exception. With respect to BPU Docket Number QO22100665, petitioner PowerFlex with a project at BJ's in Cape May, Staff recommends that the Board allow the TI program administrator to process the final as-built paperwork for the 250 kilowatt AC portion of the system that received conditional permission to operate from Atlantic City Electric Company and allow the petitioner to register the remaining capacity as a separate project in the Administratively Determined Incentive, or ADI, program.

Staff recommends that if petitioners fail to complete these projects by the deadlines, they be encouraged to withdraw their TI registration and submit a registration for the ADI program.

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

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| Roll Call Vote: | President Guhl-Sadovy | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Abdou | Aye |

9. MISCELLANEOUS

There were no items presented for this matter.

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: 01-31-24