



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
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Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

MINUTES OF THE REGULAR MEETING OF THE BOARD OF PUBLIC UTILITIES

A regular Board meeting of the New Jersey Board of Public Utilities was held on October 25, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/watch?v=KQiTVGSEidU>

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 November 17, 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.

2. ENERGY

A. Docket No. ER23010001- In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. ER22-2200-000, Atlantic City Electric Company, PJM Interconnection, L.L.C.

Ian Oxenham , Division of Energy, presented this matter

BACKGROUND: On June 28, 2022, Atlantic City Electric Company (“ACE”) filed proposed changes to its stated transmission depreciation rates that would increase its annual depreciation accrual by \$19.1 million with the Federal Energy Regulatory Commission (“FERC”). The New Jersey Board of Public Utilities (“Board”) and the New Jersey Division of Rate Counsel (“Rate Counsel”) intervened in the resulting docket. Rate Counsel then filed a protest to ACE’s on July 18, 2022, arguing that several flaws in ACE’s methodology caused it to overstate the rate increase it needed and requesting that FERC initiate settlement procedures. ACE then filed an answer on August 2, 2022 contesting Rate Counsel’s claims. In response, FERC set the matter for settlement proceedings on August 31, 2022.

The ensuing settlement negotiations resulted in an agreement in principle on May 11, 2023. Following the agreement in principle, the parties developed revised depreciation rates and drafted a Settlement Agreement (“Settlement”). Board Staff (“Staff”) has reviewed these revised rates as well as the Settlement and confirmed that they are consistent with the agreement in principle.

Staff believes that the Settlement will benefit both ratepayers and the Board. The Settlement guarantees a substantial reduction in the magnitude of the rate increase that ACE originally sought.

Staff therefore recommends that the Board formally agree to the terms of the Settlement and authorize a Deputy Attorney General to sign the Settlement on the Board’s behalf.

7. CUSTOMER ASSISTANCE

A. Docket No. EO23050278 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) – Payment Assistance for Gas and Electric (PAGE) Program.

Tony Iskander, Division of Customer Assistance, presented this matter.

BACKGROUND: This matter concerns the New Jersey Board of Public Utilities’ (“Board”) Payment Assistance for Gas and Electric (“PAGE”) Program, which provides electric and natural gas credits to low-to moderate income households in need of assistance paying their utility bills.

Board Staff (“Staff”) recommends the Board approve the recommendation of the PAGE Evaluation Committee (“Committee”), comprised of Staff, to award the next three-year contract to

administer PAGE to New Jersey Statewide Heating Assistance and Referral Energy Service, Inc. ("NJ SHARES").

8. CLEAN ENERGY

A. Docket No. QO20080561 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Wind Innovation and New Development Institute.

Bailey Wind, Division of Clean Energy, presented this matter.

BACKGROUND: This item pertains to a memorandum of understanding (or MOU) between the Board and the NJ Economic Development Authority to continue funding programs in education, research, innovation, and workforce training related to the development of offshore wind in New Jersey as a precursor to the establishment of the Wind Institute.

The Board has approved MOUs for funding EDA offshore wind programs in fiscal years 2021, 2022, and 2023.

The MOU will provide the EDA with an additional \$10,000,000 in funding to continue and expand on these programs.

Board Staff recommends that the Board approve the fiscal year 2024 MOU with EDA for \$10,000,000 in funding for offshore wind related programs.

B. Docket No. QO20080562 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Expansion of the Clean Energy Innovation Economy in New Jersey.

Bailey Wind, Division of Clean Energy, presented this matter.

BACKGROUND: This item pertains to a memorandum of understanding (or MOU) between the Board and the NJ Economic Development Authority to continue funding to support early-stage, New Jersey-based clean tech companies. The Board has approved 3 previous MOUs with EDA for funding clean tech programs. If the MOU is it would enable additional funding of \$6,000,000 for fiscal year 2024.

Staff Recommendations: Board Staff recommends that the Board approve the fiscal year 2024 MOU with EDA for \$6,000,000 in funding for clean tech programs.

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

Docket No. QO22080475 – In the Matter of Request for Extension of TREC Eligibility by Advanced Solar Products Inc. for HP Scotch Road, LLC NJSTRE1547357945;

Docket No. QO22080487 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Number NJSTRE1547322414, Liberty Drug, 195 Main Street, Chatham Township, Morris County, New Jersey 07928;

Docket No. QO22080546 – In the Matter of Verified Petition of Presidential Place Realty, LLC for an Extension of Time to Complete a Six-Rooftop Multi-Family Project Located at Presidential Drive in Lebanon, NJ, 08833 and Registered in the Transition Incentive Program: NJSTRE1547439926 (Building 1) NJSTRE1547451075 (Building 2) NJSTRE1547451203 (Building 3) NJSTRE1547455670 (Building 4) NJSTRE1547451989 (Building 5), and NJSTRE1547455618 (Building 6);

Docket No. QO22040259 – In the Matter of Request for Waiver and Extension of Time to Complete NJSTRE1547253964 in Transition Incentive Program – Pivot Energy Commercial Solar, LLC for Williams Sonoma/Jamesburg Project; and

Docket No. QO22070444 – In the Matter of the Petition of Pivot Energy for an Extension of the Expiration Dates of Two Projects in the Transition Incentive Program Located at 152 US Highway 206 Hillsborough Township NJSTRE1547393209 NJSTRE1547393282.

BACKGROUND: This matter involved an active appeal before the New Jersey Superior Court, Appellate Division. Staff of the New Jersey Board of Public (“Board”) provided a litigation update to the Board. There was no action required by the Board for this matter.

CONSENT AGENDA

I. AUDITS

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

EE23050283L	Enel X Advisory Services USA, LLC	I-EA
EE23080565L	JE Grant Associates, LLC	I-EA/PA/EC
GE23080566L	Energy Plus Solutions	

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.

Board Staff (“Staff”) recommends that the following applicants be issued initial registrations as an energy agent, private aggregator and/or energy consultant:

- Enel X Advisory Services USA, LLC
- JE Grant Associates, LLC d/b/a EnergyPlus Solutions

Staff has reviewed the above referenced applications and finds them to be in compliance with the Board’s regulations.

II. ENERGY

There were no items presented in this category

III. CABLE TELEVISION

- A. Docket No CE23040210-** In the Matter of the Verified Petition of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Borough of Hamburg, 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”) for the Borough of Hamburg (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

There were no items presented in this category

V. WATER

There were no items presented in this category

VI. RELIABILITY AND SECURITY

- A. Docket No. GS23090684K, GS23090685K, GS23090686K, GS23090687K, GS23090688K, GS23090689K, GS23090690K, GS23090691K, GS23090692K, GS23090693K, GS23090694K, GS23090695K, GS23090696K, GS23090697K, GS23090698K, GS23090699K, GS23090700K, GS23090701K, GS23090702K, GS23090703K, GS23090704K, GS23090705K, GS23090706K, GS23090707K, and GS23090708K — 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 include failure to use reasonable care, failure to properly mark and not having a valid markout at the time of excavation. There are 25 settlements in the attached Appendix, which total \$75,000.

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

VII. CUSTOMER ASSISTANCE

There were no items presented in this category.

VIII. CLEAN ENERGY

There were no items presented in this category.

IX. MISCELLANEOUS

- A. Approval for the April 12, 2023 Minutes; Approval for the May 10, 2023 Minutes; and Approval for the May 24, 2023 Minutes.**

After appropriate motion, consent agenda items IA, IIIA, and VIA

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

After appropriate motion, consent agenda items IXA

Roll Call Vote:	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 – FERC Docket No. ER22- 2200-000, Atlantic City Electric Company, PJM Interconnection, L.L.C. – Executive Session.

Ian Oxenham, Division of Energy, presented this matter.

BACKGROUND: On June 28, 2022, Atlantic City Electric Company filed proposed changes to its stated transmission depreciation rates that would increase its annual depreciation accrual by \$19.1 million with the Federal Energy Regulatory Commission, or FERC. The New Jersey Board of Public Utilities and the New Jersey Division of Rate Counsel intervened in the resulting docket. Rate Counsel then filed a protest to ACE's filing on July 18, 2022 arguing that several flaws in ACE's methodology caused it to overstate the rate increase it needed and requesting that FERC initiate settlement procedures. ACE then filed an answer on August 2, 2022 contesting Rate Counsel's claims. In response, FERC set the matter for settlement proceedings on August 31, 2022. The ensuing settlement negotiations resulted in an agreement in principal earlier this year. Following the agreement in principal, the parties developed revised depreciation rates and drafted a settlement agreement.

Board Staff has reviewed these revised rates, as well as the settlement, and confirmed that they are consistent with the agreement in principle. Staff believes that the settlement will benefit ratepayers by guarantying a substantial reduction in the magnitude of the rate increase that ACE originally sought. Staff recommends that the Board agree to the terms of the settlement as discussed in executive session and authorize a Deputy Attorney General from the Division of Law to sign the settlement on the Board's behalf.

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

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

B. Docket No. GC18111234 – In the Matter of the Verified Petition of The College of New Jersey for Relief from a Penalty Assessed by Public Service Electric & Gas Company.

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

BACKGROUND: The College of New Jersey has a petition requesting relief from penalty assessed by Public Service Electric and Gas Company regarding the consumption of natural gas during the period of interruption in January 2018. On February 17, 2023, the Board, among other things, retained jurisdiction and designated former President Joseph Fiordaliso as the presiding Commissioner authorized to establish and modify schedules and decide all motions during the pendency of these proceedings, subject to the ratification by the Board. On June 17, 2023, former Presiding Commissioner Fiordaliso issued a prehearing order adopting a procedural schedule. On August 31, 2023, counsel for College of New Jersey submitted a request supported by the parties for a one-week extension of several dates in the procedural schedule.

Staff recommends that the Board designate a new Presiding Commissioner and grant the requested changes to the procedural schedule.

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

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

C. Docket No. ER23050273 – 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, Director, Division of Energy, presented this matter

BACKGROUND: On May 1, 2023, Public Service Electric and Gas Company filed a petition seeking cost recovery of electric infrastructure investments placed in service within its Energy Strong II Program from February 1, 2023 through July 31, 2023, which was subsequently updated. Based upon the updated filing, the company requested a revenue requirement for approximately \$9 million associated with electric infrastructure investments. The parties executed a stipulation of settlement that resolved all of the issues related to this matter. As a result of the stipulation, a typical residential electric customer will see an increase in their average monthly bill of 32 cents.

Staff recommends that the Board issue an order approving the stipulation and directing PSE&G to file revised tariffs prior to November 1, 2023.

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

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

3. ENERGY

There were no items presented in this category

4. TELECOMMUNICATIONS

There were no items presented in this category

5. WATER

A. Docket No. WR23050288 – In the Matter of the Petition of Middlesex Water Company for Approval of a Foundational Filing for Establishing a Distribution System Improvement Charge.

Malike Cummings, Division of Water, presented this matter

BACKGROUND: On May 15, 2023, Middlesex Water Company filed a petition with the Board seeking approval to establish a distribution system improvement charge. The petition included an engineering evaluation report identifying the DSIC-eligible work to be performed and explained the company has continually undertaken planning to address short and long term system needs throughout years of nominal operation, including the annual development of a five year capital program. Aftercare full review, the parties executed a stipulation of settlement that supported the DSIC foundational filing based on the DSIC eligible work to be performed. The parties agree that the company demonstrated that the proposed plan is cost effective, identified elements of the distribution system that required investment, including assets which are vulnerable, and identified efforts to extend the life of the distribution system assets. This stipulated base spending is \$6,160,561.00 and the maximum amount of annual DSIC revenues that may be collected is \$5,505,522.00. The company shall implement the DSIC surcharge if and when it achieves its specified levels of infrastructure investment and completes and places the facilities into service. As a result, an average residential customer with a 5/8 inch meter may see a maximum monthly DSIC surcharge of \$3.23.

Staff recommends that the Board issue an order approving the stipulation authorizing the company to implement a distribution system improvement charge to become effective November 1, 2023.

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

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

6. RELIABILITY AND SECURITY

A. Docket No. GS23080583 – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by RVC Construction, LLC.

Shawn McIvor, Dep. Director, Reliability and Security, presented this matter

BACKGROUND: Item 6A is a Staff recommendation for the issuance of a final order of penalty assessment for an alleged violation of the Underground Facility Protection Act by RVC Construction, an excavator as defined by the Act. On April 21, 2022 RVC Construction damaged a natural gas facility in River Edge, New Jersey. After investigating the damage, Staff issued a notice of probable violation and offer of settlement to RVC Construction. RVC responded to the notice of probable violation contesting the alleged violation and requested a meeting of the Staff to present mitigating evidence. On June 28, 2023, Staff held a settlement conference with RVC to discuss the probable violation and mitigating evidence. RVC was represented by an attorney and presented no new evidence concerning the alleged violation. Because no new evidence was presented during the settlement conference, RVC agreed to pay the original offer of settlement by no later than July 14, 2023. To date, Staff has no record of payment from RVC Construction. RVC is, therefore, in default pursuant to N.J.A.C. 14:2-6.6A and the Board is not bound by the offer of settlement. In determining appropriate penalty amount to be assessed for the alleged violation, the Board is required to consider the penalty assessment factors listed in N.J.A.C. 14:2-6.2C, including, but not limited to, the nature, circumstances, and gravity of the violation. In this matter, RVC damaged a high consequence natural gas facility and created an unnecessary risk by not having a valid mark out at the time of excavation.

Staff is, therefore, recommending that the Board approve a final penalty assessment of \$6,000.00 through the issuance of a final order of penalty assessment.

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

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

7. CUSTOMER ASSISTANCE

A. Docket No. EO23050278 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) – Payment Assistance for Gas and Electric (PAGE) Program – Executive Session.

Tony Iskander, Division of Customer Assistance, presented this matter.

BACKGROUND: The PAGE program provides financial assistance to low or moderate income residential customers with their electric and gas bills. The Board is required by legislation to designate a nonprofit organization to receive this funding to administer the PAGE program on its behalf. As the Board's current PAGE contract expires in December of 2023, in June the Board initiated a competitive bidding process by authorizing the issuance of a notice of grant availability to solicit bids from nonprofits seeking to administer PAGE in the next contract period. The notice was published in the New Jersey Register on July 17, 2023, as well on the Board's website and was e-mailed out to numerous potentially interested parties. Additionally, a question and answer period was provided to all potentially interested bidders. These questions and answers were posted to the Board's website and were e-mailed to all potentially interested parties.

Three bids were received by the due date of September 15 and an evaluation committee comprised of Board Staff independently reviewed and scored each proposal according to criteria listed in the notice. Following a review and discussion, the committee recommends New Jersey Shares to serve as the PAGE program administrator for the next contract period. If approved, this contract will take effect in January of 2024 for a three-year period through December 31st of 2026.

Staff further recommends the Board authorize the President to sign the contract on its behalf.

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

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

8. CLEAN ENERGY

A. Docket No. QO20080561 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Wind Innovation and New Development Institute – Executive Session.

Bailey Wild, Division of Clean Energy, presented this matter

BACKGROUND: This item pertains to a Memorandum of Understanding between the Board and the New Jersey Economic Development Authority to continue funding programs in education, research, innovation, and workforce training related to the development of offshore wind in New Jersey as a precursor to the establishment of the Wind Institute.

The Board has approved MOUs for funding EDA offshore wind programs in fiscal years 2021, 2022, and 2023. If the MOU in front of you today is approved, it will enable an additional \$10 million in funding to continue development and execution of offshore wind workforce and education programs and develop initiatives that spearhead research and innovation that unlock market potential and/or specifically address challenges facing New Jersey's offshore wind industry for these programs in fiscal year 2024. The MOU will provide the EDA with an additional \$10 million to continue to expand these programs.

Board Staff recommends that the Board approve fiscal year 2024 MOU with EDA for \$10 million in funding for offshore wind related programs and authorize the President to execute it.

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

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

B. Docket No. QO20080562 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Expansion of the Clean Energy Innovation Economy in New Jersey – Executive Session.

Bailey Wild, Division of Clean Energy, presented this matter

BACKGROUND: This item pertains to a Memorandum of Understanding between the Board and the New Jersey Economic Development Authority to continue funding to support early stage New Jersey based clean tech companies. The Board has approved MOUs for funding clean tech programs in fiscal years 2021, 2022, and 2023.

If the MOU is approved, it will enable an additional \$6 million in funding for fiscal year 2024 to continue and expand previous years' programs. Board Staff recommends that the Board approve the fiscal year 2024 MOU with EDA for \$6 million in funding for clean tech programs and authorize the President to execute it.

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

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

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

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

Docket No. QO20120756 – Parker Road Solar Farm, LLC – Application for Solar Act Subsection (t), Block 37, Lots 15, 16, 16.01 & 16.03.

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

BACKGROUND: This item relates to a Subsection (t) application from CEP Renewables to have its Parker Road Solar Farm, LLC project certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012. The applicant's proposed 21.3 megawatt project is to be located on 39.44 acres at the Combe Fill South Municipal Sanitary Landfill site in Washington and Chester Townships in Morris County, New Jersey. Staff reviewed the application and supplied a copy to the NJDEP for their review. Staff received an advisory memo on the application where DEP determined that the Parker Road Solar Farm, LLC project is located on property defined as a properly closed sanitary landfill consistent to the Solar Act. DEP also provided specific conditions and requirements for permits and approvals from DEP that the proposed project must satisfy.

Based upon the review of the application and the advisory memorandum provided by NJDEP, Staff recommends the following three items: That the Board grant conditional certification of the Parker Road Solar Farm project as proposed for the Combe Fill South Municipal Sanitary Landfill site as a properly closed sanitary landfill consistent with the Solar Act of 2012; find the conditions for certification provided by NJDEP be fully documented as satisfied by the applicant prior to the Staff's issuance of full certification; and direct the applicant to file its TREC registration within 14 days of the date of this order.

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

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

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

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

Docket No. QO21081089 – ESKY Solar – Application for Solar Act Subsection (t), Block 57, Lot 9 (Partial), Lot 12, Lot 12.01 and Lot 13.

Diane Watson, Division of Clean Energy, presented this matter

BACKGROUND: This is from NJR Clean Energy Ventures III Corporation to have its Stags Leap Ranch Development project certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012. The applicant's proposed 12.5 megawatt project is to be located on 54 acres of the Henry Harris Sanitary Landfill site in Harrison Township, Gloucester County, New Jersey. Staff reviewed the application and supplied a copy to NJDEP for their review. Tax records obtained by the Division of Law from Gloucester County show that the part of the property for the proposed project located on portions of Block 57, Lot 9 has been actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the Farmland Assessment Act of 1964, within the ten year period prior to July 24, 2012 and, thus, that the development proposed on Lot 9 is not eligible for solar.

Staff received an advisory memo on the application where DEP determined that the Stags Leap Development project proposed for Block 57, Lots 12, 12.01, and 13 is located on property defined as a properly closed sanitary landfill consistent with the Solar Act. DEP also provided specific conditions and requirements for permits and approvals that the project must satisfy.

Based upon a review of the application, documents obtained from the Division of Law, and the advisory memorandum provided by DEP, Staff recommends the following four items: That the Board, first, grant conditional certification of the Stags Leap Ranch Development project for only the portion of the property at the Henry Harris Landfill site identified by DEP as being located on a properly closed sanitary landfill consistent with the Solar Act of 2012, specifically Block 57, Lots 12, 12.01 and 12.03; second, to direct the applicant to submit an updated registration package within 30 days of the effective date of this order, including revised set of plan maps reflecting array placement within the approved Block 57, Lots 12, 12.01, and 12.03; third, find the conditions for certification provided by DEP be fully documented as satisfied by the applicant prior to Staff's issuance of full certification; and, fourth, finally, direct the applicant to file its TREC registration within 14 days of the submission of the revised application.

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

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

E. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program;

Docket No. QO20080556 – In the Matter of the Community Solar Energy Pilot Program Year 2 Application Form and Process;

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

Docket No. QO22110708 – In the Matter of the Verified Petition of Pennsville Landfill Solar, LLC for Approval of an Extension of the Community Solar

Energy Pilot Program Year 2 Project Completion Deadline for Pennsville Landfill Solar Projects (A) and (C);

Docket No. QO23080623 – In the Matter of the Petition of GreenPower Developers, LLC for Extension of Commercial Operation Deadline for Conditionally Approved Year 2 Community Solar Project Under Docket No. QO21020564 Due to Delays in Utility Upgrade Plan and Uncertainty in Timing and Cost of Utility Costs;

Docket No. QO21020474 – Community Solar Energy Pilot Program Year 2 – Solar Landscape Development, LLC – 1300 Wheaton Avenue; and

Docket No. QO21020475 – Community Solar Energy Pilot Program Year 2 – Solar Landscape Development, LLC – 1401 Wheaton Avenue.

Sawyer Morgan, Division of Clean Energy, presented this matter

BACKGROUND: This agenda item concerns three petitions from Solar Landscape Development, Trina Solar US Development, and GreenPower Developers regarding five projects conditionally approved in the Program Year 2 of the Community Solar Energy Pilot Program. All three petitions concern projects in the territory of Atlantic City Electric Company, ACE. The Board established the Pilot Program on February 19, 2019 and the program allows utility customers to participate in a solar energy project that may be remotely located from their properties and receive a credit on their utility bill. Community Solar, therefore, enables access to clean energy generation for utility customers unable to place solar generation directly on their own properties with a carve out for low to moderate income subscribers. During the second competitive solicitation process, the Board selected 105 applications on October 28, 2021. These projects initially had deadlines to become fully operational within 18 months, i.e., May 4, 2023.

On August 17, 2022, the Board issued an order extending the project completion deadline for PY2 projects in the Pilot Program and Transition Incentive Program to November 4, 2023. Solar Landscape filed a petition for an extension on February 9, 2023 for its two community solar on rooftops in Millville. Trina Solar filed a petition on November 28, 2022 for its two community solar projects on a landfill in Pennsville. And GreenPower filed a petition on August 14, 2023 for its community solar project on a landfill in Stafford Township. All four extensions in time in the program. All three petitions stated that ACE provided estimated timelines for interconnection upgrades that would be from a low of 20 months to a high of 32 months. The petitioners each separately engaged in discussion of alternate interconnection options, but ACE's construction timelines still extended beyond the deadlines. All three petitions requested extensions that would allow the projects to remain in the Pilot and TI programs for at least as long as ACE required to interconnect the projects and all three indicated they would have been able to fully complete project construction by the deadline were it not for the upgrades required for interconnection. Staff notes that community solar provides direct benefits to its customers in New Jersey, particularly LMI customers who must benefit from at least 51 percent of the projects' capacities. Staff also notes that only three of 33 approved community, megawatts of approved community solar pilot projects in ACE territory are expected to come online by the deadline which may raise equity concerns for potential subscribers as substantially more projects in other parts of the State have been able to become operational. In these specific cases, the extended interconnection timelines and the Community Solar Energy Pilot Program constitutes sufficient grounds for a waiver, because they were systemic, unforeseen, and unforeseeable by the petitioners and wholly outside of their control.

Staff recommends the Board grant the requests for extensions.

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

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

F. Docket No. QO22080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC).

Jim Ferris, Division of Clean Energy, presented this matter

BACKGROUND: This matter concerns the pre-build infrastructure, or PBI, proposals received from bidders submitted in accordance with the requirements of the solicitation guidance document for the third offshore wind solicitation. PBI consists of the duct banks and associated access vaults that would be installed by a single entity in one construction effort for use by four qualified offshore wind projects to be awarded by the Board to connect their projects to the electric transmission system in New Jersey. The PBI was identified during the solicitation for coordinated transmission projects conducted by PJM Interconnection, LLC, or PJM, on behalf of the Board using PJM's State Agreement Approach, or SAA, to support New Jersey's then goal of 7,500 megawatts of offshore wind. PBI would be installed between the shore landing point identified in the SAA project awards, the Sea Girt National Guard Training Center, and the awarded point of interconnection, the Larrabee Collector Station. The PBI would minimize environmental and community impacts by resulting in a single shore crossing and a single or limited onshore corridor to the point of interconnection. Board Staff was not able to directly solicit proposals for the preferred PBI design at the time of the SAA solicitation, which proposal window opened on November 18, 2020 and closed on September 17, 2021, because the shore landing point and the public interconnection between which the PBI would be installed were only identified as a result of the SAA proposals received and the subsequent SAA project awards.

As a result, Staff determined that requests for proposals for the PBI should be included in the third offshore wind solicitation for qualified offshore wind projects. The solicitation guidance document for the third offshore wind solicitation required all bidders to that solicitation to also submit a proposal to construct the PBI. Since the cost for the PBI would be recovered through the offshore wind renewable energy certificate, or OREC, funding mechanism, the PBI could only be awarded to a bidder who also received an award as a qualified offshore wind project. On August 4, 2023, applications were received from four offshore wind developers for offshore wind generation projects and separate applications were received from each of these four developers for the PBI. Staff has reviewed the PBI proposals submitted in the third offshore wind solicitation. The Staff finds that the proposed cost of the PBI, utilizing the OREC funding mechanism and subject to the requirement that the PBI could only be awarded to a developer who also receives an award as a qualified offshore wind project, imposes an unreasonable burden on New Jersey's ratepayers.

Staff has determined that a separate solicitation for the PBI, open to transmission developers, transmission owners, offshore wind generation developers, and other qualified firms, utilizing the Federal Energy Regulatory Commission approved transmission rates for cost recovery would increase competition and lead to ratepayer savings.

In order to fairly evaluate proposals from all bidders in a separate PBI solicitation, Staff recommends that the Board reject all of the PBI proposals received in the third offshore wind solicitation. Staff would like to make clear that rejecting the third offshore wind solicitation in the PBI proposals will not affect the generation project component of the third offshore wind solicitation applications and Staff is continuing to evaluate these project applications.

Staff also recommends that the Board direct Staff to develop a PBI solicitation guidance document and to present that document to the Board for approval, along with a recommendation to open a separate PBI solicitation within the next 30 days.

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

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

G. 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.

Stacy Richardson, Dep. Director, Division of Clean Energy, presented this matter

BACKGROUND: This matter concerns revisions to the term for the electric and gas company utilities' energy efficiency, or EE, filings for the second three-year cycle of programs, or Triennium 2, implemented pursuant to the New Jersey Clean Energy Act of 2018. On May 24, 2023 the Board directed the utilities to propose EE programs for Triennium 2. On July 26, 2023 the Board approved the remaining aspects of the Triennium 2 EE framework necessary for the utilities to submit their proposals. By this order, the Board directed that State and utility program administrators use the net savings goals provided in the Cadmus Group's goal-setting study as a starting point when developing proposed annual energy reduction goals. The Board also directed Staff to, one, evaluate whether energy savings from building energy codes and appliance standards, as well as from other State programs and initiatives, would support increasing the State's relative share of annual net energy reduction goals and thereby lowering utility annual net energy goals, and, two, determine whether to recommend that the Board approve State or utility savings goals at levels different from those in the goal-setting study. The utilities were originally required to submit their Triennium 2 filings on or before October 2, 2023. On September 21, 2023, the New Jersey Utilities Association submitted a request for an extension of the October 2 filing deadline. On September 23, 2023 the Board approved the NJUA's request extending the Triennium 2 filing deadline to December 1, 2023 and designated presiding commissioners for the anticipated filings. I will present a series of recommendations from Staff that pertain to the Triennium 2 and extension of Triennium 1 programs.

Following the Board's extension of the Triennium 2 filing deadline to December 1, 2023, Staff requests that the Board revise the Triennium 2 term to commence on January 1, 2025 and conclude on June 30, 2027 for a total term of two and a half years. Extending the Triennium 2 by six months will enable Staff to explore with Rate Counsel, which would require the utilities' cooperation, Board action beyond 180 days, and thereby provide Staff with additional and more sufficient time to manage proceedings for the seven utility filings, including coordination of multiple consulting teams and to provide parties and the stakeholders additional time to review, analyze, and discuss the filings. Regarding Triennium 2 energy reduction targets for State and utility programs, under the guidance of the Statewide Evaluator of New Jersey's EE programs, consultants to the Board have estimated energy savings from the State's recent adoption of more stringent appliance standards and building energy codes, as well as from the Weatherization Assistance Program administered by the New Jersey Department of Community Affairs, that could contribute to additional energy savings achievement through State programs and initiatives. Under this analysis, the additional energy savings could support lowering both State and utility annual net energy goals. Based on analysis by the Statewide Evaluator and the Cadmus Group of the relative contribution of State and utility programs to meeting the CEA's energy reduction goals in Triennium 2, Staff recommends applying 11 percent of the additional energy savings to lower the State's annual net energy goals and applying 89 percent of the additional energy savings to lower the utilities' annual net energy goals. Staff recommends that the utilities proposed target values are aligned with these revised goals in accordance with the shortened Triennium 2 timeframe. Staff recommends that Program Year 4, or PY4, comprise six months from January 1, 2025 to June 30, 2025, sorry, 2027, and that assessment of the utilities' compliance with PY4 targets be based on retail sales during the most recent 36 months prior to the PY4. The Staff also recommends that the utilities provide six month projections for PY4 and submit quarterly reports rather than annual reports following the conclusion of PY4.

In order to continue EE programs without interruption, Staff recommends that the utilities file to extend their Triennium 1 programs by six months to December 31, 2024, with budgets designed to meet customer demand during this period. Since EE programs have been steadily ramping up during Triennium 1 to meet the CEA's energy reduction goals, Staff recommends that each utility's half-year Triennium 1 extension budget should not exceed 50 percent of the utility's Program Year 3, or PY3, budget.

Staff further recommends that the Board direct each utility to meet energy savings targets equivalent to 50 percent of its PY3 energy savings targets during the utility's half-year Triennium 1 extension. Finally, Staff recommends that all Triennium 1 rules, provisions, and practices should apply to the entire revised term of Triennium 1, including the half-year extension. As the only two exceptions to Triennium 1 rules, Staff recommends, one, allowing the utilities to submit Program Year 3 annual progress reports according to the due date applicable to Triennium 2 annual reports and, two, allowing the utilities to shift program budgets within the same sector or among sectors during the half-year extension according to the parameters applicable to Triennium 2. That concludes the Staff's recommendations.

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

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

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

Docket No. QO22080475 – In the Matter of Request for Extension of TREC Eligibility by Advanced Solar Products Inc. for HP Scotch Road, LLC NJSTRE1547357945;

Docket No. QO22080487 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Number NJSTRE1547322414, Liberty Drug, 195 Main Street, Chatham Township, Morris County, New Jersey 07928;

Docket No. QO22080546 – In the Matter of Verified Petition of Presidential Place Realty, LLC for an Extension of Time to Complete a Six-Rooftop Multi-Family Project Located at Presidential Drive in Lebanon, NJ, 08833 and Registered in the Transition Incentive Program: NJSTRE1547439926 (Building 1) NJSTRE1547451075 (Building 2) NJSTRE1547451203 (Building 3) NJSTRE1547455670 (Building 4) NJSTRE1547451989 (Building 5), and NJSTRE1547455618 (Building 6);

Docket No. QO22040259 – In the Matter of Request for Waiver and Extension of Time to Complete NJSTRE1547253964 in Transition Incentive Program – Pivot Energy Commercial Solar, LLC for Williams Sonoma/Jamesburg Project; and

Docket No. QO22070444 – In the Matter of the Petition of Pivot Energy for an Extension of the Expiration Dates of Two Projects in the Transition Incentive Program Located at 152 US Highway 206 Hillsborough Township NJSTRE1547393209 NJSTRE1547393282 – Executive Session.

BACKGROUND: This matter involved an active appeal before the New Jersey Superior Court, Appellate Division. Staff of the New Jersey Board of Public (“Board”) provided a litigation update to the Board. There was no action required by the Board for this matter.

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

SHERRI L. GOLDEN
BOARD SECRETARY

Date: 02-14-2024

Minutes of October 25, 2023
Board Agenda Meeting
Page 20 of 20