



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

### **MINUTES OF THE REGULAR MEETING OF THE BOARD OF PUBLIC UTILITIES**

A regular board meeting of the New Jersey Board of Public Utilities was held on January 31, 2024 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ [https://www.youtube.com/live/O41X9gLq\\_L8?si=S2R6t7sQN-y8-tiN](https://www.youtube.com/live/O41X9gLq_L8?si=S2R6t7sQN-y8-tiN)

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at 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  
Dr. Zenon Christodoulou, Commissioner  
Marian Abdou, Commissioner  
Michael Bange, 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 February 14, 2024, 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 attorney-client privilege and/or contract negotiations exceptions, was discussed in Executive Session.

### 2. ENERGY

#### **B. Docket No. ER23030124 – In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2024 – Rockland Electric Company’s Request for Proposal – RFP Results.**

**BACKGROUND:** By Order dated November 17, 2023, the New Jersey Board of Public Utilities (“Board”) approved a proposal made by Rockland Electric Company (“Rockland” or “Company”) to secure the capacity requirements for Basic Generation Service (“BGS”) customers in the portion of the Company’s service territory that lies outside of the area served through PJM, its Central and Western Divisions, commencing June 1, 2024. Rockland proposed to purchase the energy and capacity needs of its BGS customers in the New York Independent System Operator (“NYISO”) market, and blend its forecast of those prices into the BGS-Residential and Small Commercial Pricing (“BGS-RSCP”) price.

On August 16, 2013, FERC approved the creation of a new capacity market zone in the Lower Hudson Valley region encompassing NYISO Load Zones G, H, I, and J in FERC docket number ER13-1380. Lower Hudson Valley capacity is not actively traded, and the Company does not expect the above to change before the BGS Auction. As a result of the capacity market changes at the NYISO noted above, the Company would purchase the capacity needs of its BGS customers in its Central and Western Divisions in the NYISO capacity market and blend its forecast of those prices into the BGS-RSCP price.

The independent analysis conducted by Bates White indicates the RFP process proceeded without meaningful interruption, according to the Board-approved Auction rules, and in an acceptably fair and transparent manner.

Bates White recommends the Board certify the results. Staff assigned to oversee the RFP process also recommends the Board certify the final results of the RFP. Further, Staff also recommends that the Board direct Rockland to execute the necessary documents with the winning bidders.

## 8. CLEAN ENERGY

**A. 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.**

**BACKGROUND:** This matter concerns consideration of a grant agreement with Montclair State University (“MSU”) to assist New Jersey Board of Public Utilities’ (“Board”) Staff (“Staff”) with the seven (7) utility energy efficiency (“EE”) filings for the second three-year EE transition period, January 1, 2025 through June 30, 2027 (“Triennium 2”). Specifically, the selected institution will aid Staff in their analysis of the filings and provide overall project management support for each filing, as described in the attached Request for Response (“RFR”) approved by the Board on September 14, 2023.

Staff recommends that the Board approve the evaluation committee’s recommendation that MSU be awarded this engagement to assist Staff with the Triennium 2 EE Filings. Staff further recommends that the Board designate President Guhl-Sadovy to execute a grant agreement with MSU consistent with the terms of the RFR.

Staff recommends that the Board approve the evaluation committee’s recommendation that MSU be awarded a contract for this engagement to assist Staff with the Triennium 2 EE filings. Staff further recommends that the Board designate President Guhl-Sadovy to execute a grant agreement with MSU consistent with the terms of the RFR.

## CONSENT AGENDA

### I. AUDITS

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

EE23070450L	Upstream Renewable New Jersey LLC	I – EA
EE23070481L GE23070482L	Sprague Operating Resources LLC	I – EA/PA/EC

These matters relate to applications for initial registrations as an energy agent, private aggregator, and/or energy consultant.

#### **Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations**

EE20040319L	WatchWire LLC	R – EA/EC
GE20040320L	f/k/a EnergyWatch LLC	

These matters relate to applications for a renewal registrations as an energy agent and energy consultant.

### II. ENERGY

There were no items presented in this category.

### III. CABLE TELEVISION

There were no items presented in this category.

### IV. TELECOMMUNICATIONS

#### **A. Docket No. TF23080582 – In the Matter of the Verified Petition of DSCI, LLC for Approval to Participate in Financing Arrangements.**

**BACKGROUND:** On August 22, 2023, DSCI, LLC (“DSCI”) submitted a Verified Petition to the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-7 and 48:3-9, requesting Board approval for DSCI to participate in certain financing arrangements up to an aggregate amount of \$1.2 billion consisting of four (4) separate credit agreements (“Financing Arrangements”) (“Petition”). DSCI is seeking Board approval to participate in the Financing Arrangements that may be used to refinance existing debt, for acquisitions and other expansion activities, and for working capital and other general corporate purposes.

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

**V. WATER**

There were no items presented in this category.

**VI. RELIABILITY AND SECURITY**

**A. Docket Nos. GS23120884K, GS23120885K, GS23120886K, WS23120887K, GS23120888K, GS23120889K, GS23120890K, GS23120891K, GS23120892K, GS23120893K, GS23120894K, GS23120895K, GS23120896K, GS23120897K, GS23120898K, GS23120899K, GS23120900K, GS23120901K, GS23120902K, GS23120903K, GS23120904K, GS23120905K, GS23120906K, and GS23120907 – 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, not having a valid markout at the time of excavation and failure to properly mark. There are 24 settlements in the attached Appendix, which total \$72,000.

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.

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

**After appropriate motion, consent agenda items IA, IVA, and VIA were approved.**

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**IX. MISCELLANEOUS**

**A.** Approval for the September 18, 2023 Minutes;  
Approval for the September 27, 2023 Minutes; and  
Approval for the October 11, 2023 Minutes.

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Abstained</b>

## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

#### **A. Docket No. GR23120882 – In the Matter of the Petition of Elizabethtown Gas Company to Implement an Infrastructure Investment Program ("IIP") and Associated Recovery Mechanism Pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:3-2A.**

**Stacy Peterson, Division of Energy**, presented this matter.

**BACKGROUND:** On December 11, 2023 Elizabethtown Gas Company filed a petition with the Board seeking approval of an infrastructure investment program and associated cost recovery mechanism. Pursuant to N.J.A.C. 14:3-2A, Elizabethtown Gas has proposed a five-year program beginning on July of 2024 with a total investment level of approximately \$625 million.

At this time, Staff recommends that the Board retain this matter for hearing at the Board and designate Commissioner, a presiding Commissioner. Staff further recommends that the Board set a bar date of February 29, 2024 for the filing of motions to intervene and/or participate.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

#### **B. Docket No. ER23030124 – In the Matter of the Provision of Basic Generation Service ("BGS") for the Period Beginning June 1, 2024 – Rockland Electric Company's Request for Proposal – RFP Results – Executive Session.**

**Stacy Peterson, Division of Energy**, presented this matter.

**BACKGROUND:** By order dated November 17 the Board approved a proposal made by Rockland Electric to conduct a procurement process where Rockland would enter into bilateral contracts or agreements to hedge the cost of energy purchased from the New York Independent System Operator to satisfy the BGS needs for residential and small commercial customers in the Company's central and western divisions.

On January 30, 2024, Rockland conducted the procurement process for these customers for the period June 1, 2024 through May 31, 2027. An independent analysis conducted by Bates White indicates that the RFP proceeded without meaningful interruption according to the Board approved rules for the RFP and in an acceptably fair and transparent manner.

Bates White recommends and Staff concurs that the Board certify the RFP results. Staff also recommends that the Board direct Rockland to execute the necessary documents with the winning bidders.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**C. Docket No. EO23110785 – In the Matter of the Petition of Atlantic City Electric Company for Approval of a Change to its Zero Emission Certificate Recovery Charge (2023).**

**Stacy Peterson, Division of Energy,** presented this matter.

**BACKGROUND:** On November 1, Atlantic City Electric filed a petition seeking to maintain its Zero Emission Certificate Reconciliation Charge at zero. ACE also renewed its prior request that the Board allow this and future ZEC filings to be handled similar to the BGS reconciliation charge filings through 30 day notice compliance filings. Rate counsel has submitted comments on this matter. As a result of the request in the petition, there is no bill impact on customers.

Staff recommends that the Board authorize ACE to maintain its current ZEC reconciliation charge at zero. Staff further recommends the Board deny ACE's request that future reconciliation charge filings be handled similar to BGS reconciliation filings. However, Staff notes that several of the electric distribution companies have made similar requests to modify the handling of these filings. Accordingly, Staff recommends the Board direct ACE to work collaboratively with the other EDCs, Staff, and Rate counsel prior to the next annual filing to attempt to find a resolution.

Finally, Staff recommends the Board direct ACE to file revised tariffs by February 15.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**D. Docket No. GR23060330 – In the Matter of Public Service Electric and Gas Company's 2023 Annual Margin Adjustment Charge ("MAC").**

**Stacy Peterson, Division of Energy,** presented this matter.

**BACKGROUND:** On June 1, Public Service Electric and Gas filed a petition seeking approval to decrease its per therm margin adjustment charge rate. The petition was subsequently updated to provide actual data through September of 2023. Following a review of the petition, the update, and conducting discovery, the parties have executed a stipulation. As a result of the stipulation, customers would experience no change to their monthly bills.

Staff recommends the Board issue an order approving the stipulation and directing Public Service to file revised tariffs by February 15.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**E. Docket No. GR23070476 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate and (2) Revise its On-System Margin Sharing Credit.**

**Stacy Peterson, Division of Energy,** presented this matter.

**BACKGROUND:** On July 31 Elizabethtown Gas filed a petition seeking authority to revise the Clean Energy program component of its Societal Benefits Charge and its On-System Margin Sharing Credit for the period October 1, 2023 through September 30, 2024. Elizabethtown updated the OSMC calculation yielding a higher credit per therm based on revised projections. The parties have executed a stipulation, which would result in the monthly bill of a typical residential customer decreasing by four cents.

Staff recommends the Board issue an order adopting the stipulation and directing Elizabethtown to file revised tariffs by February 15.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**F. Docket No. GR23070477 – In the Matter of the Petition of Elizabethtown Gas Company to Revise the Remediation Adjustment Clause Component of its Societal Benefits Charge Rate.**

**Stacy Peterson, Division of Energy,** presented this matter.

**BACKGROUND:** On July 31 Elizabethtown also filed a petition seeking review and approval of the company's Remediation Adjustment Clause and net Manufactured Gas Plant costs incurred from July 1, 2022 through June 30th of 2023. Following review of the petition and conducting discovery, the parties have executed a stipulation resolving the matter. As a result of the stipulation, a typical residential customer would see a monthly increase of \$2.02.

Staff recommends the Board approve the stipulation and direct Elizabethtown to file revised tariffs by February 15.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**G. Docket No. GR23070478 – In the Matter of the Petition of Elizabethtown Gas Company to Revise its Energy Efficiency Program Rider Rate.**

**Stacy Peterson, Division of Energy,** presented this matter.

**BACKGROUND:** On July 31 Elizabethtown Gas Company filed a petition seeking authorization to revise the rate associated with its Energy Efficiency programs. Following review of the petition, updates, and conducting discovery, the parties have now executed a stipulation. As a result of the stipulation, a typical residential customer will experience a monthly increase of 82 cents.

Staff recommends that the Board issue an order adopting the stipulation and directing Elizabethtown to file revised tariffs by February 15.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**3. CABLE TELEVISION**

There were no items in this category.

**4. TELECOMMUNICATIONS**

There were no items in this category.

**5. WATER**

**A. Docket No. WR23110791 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Change the Level of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause.**

**Stacy Peterson, Division of Water,** presented this matter.

**BACKGROUND:** On November 9, 2023 New Jersey American Water filed a petition requesting approval to modify its Purchased Water Adjustment Clause and its purchased Wastewater Adjustment Clause rates. On November 20 Middlesex Water filed a motion to intervene noting that it has a specific interest in the outcome as it's a large purchaser of water from New Jersey American Water. The motion was unopposed by any party.

At this time, Staff recommends that the Board grant the motion.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Recused</b>

## 6. RELIABILITY AND SECURITY

### **A. Docket No. AA15090993 – In the Matter of the Letter Request by One Call Concepts, Inc. for Approval of a Contract Extension of the New Jersey One-Call Damage Prevention System for Underground Utilities.**

**Ann Lang, Division of Reliability and Security,** presented this matter.

**BACKGROUND:** The Board has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act, which mandates that the Board establish a One Call Damage Prevention System to prevent damage of underground facilities resulting from excavation and/or demolition.

The Act grants the Board the authority to designate an operator of the system. The system operator, among other things, receives excavator request messages to mark the location of underground facilities in the area of planned excavation or demolitions. Excavators are not charged to make a call to 811. The system operator provides the message to the underground facility operator by a ticket. Underground facility operators pay the system operator for these tickets and provide mark outs at no cost to the excavator.

The current contract began on October 15, 2015 when the Board selected One Call Concepts to operate the system for a second five-year term beginning on March 1, 2016 and ending on February 28, 2021. According to the contract, One Call Concepts receives compensation for each message received and collects such compensation through the per ticket charge to underground facility operators based on an estimated average number of tickets per message.

The estimated ratio of tickets per message insures that One Call Concepts receives the contract rate of \$7.41 per message. One Call Concepts is compensated for its services by charging the underground facility operators. The contract permitted two one-year extensions, both of which were approved by the Board on April 6, 2020. Additionally, on April 6, 2020 the Board approved the \$1.43 per ticket rate and associated tariff with an effective date of May 1, 2020.

On February 17 the Board approved a third contract extension pursuant to standard terms and conditions. The extension was to terminate on February 28, 2024. By a letter dated September 14, 2023, One Call Concepts agreed to extend the contract for an additional year except for that they have asked for an increase in the per message rate of \$7.41 to \$8.49. One Call Concepts is not requesting that the outgoing ticket rate of \$1.43 change.

Pursuant to standard terms and conditions, the extension is allowable if it's in the best interest of the State. The system which is a federally mandated safety program further supports the mission to provide safe and adequate service at reasonable rates. The program protects residents of New

Jersey from dangers caused by the accidental contact with underground utilities during excavation. Excavation in the State cannot commence without first identifying the location of the underground facilities.

In order to continue this program during the ongoing procurement process, Staff believes that extending the contract is in the best interest of the State. Therefore, Staff recommends that the Board approve the fourth contract extension for the period of February 29, 2024 through February 28, 2025 in order to provide continuity in services during the procurement process. Staff also finds the proposed message rate reasonable as it has not changed in eight years.

Staff notes that the current tariff rate per ticket at \$1.43, if that's insufficient to cover the increase in the contract message rate up to \$8.49, One Call Concepts will be responsible for covering that loss during the extended contract period.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

## 7. CUSTOMER ASSISTANCE

### **A. Docket No. Docket Nos. BPU EC20030227U and OAL PUC 06441-20 – In the Matter of Martin Capozzi, Petitioner v. Jersey Central Power & Light Company, Respondent.**

**Richard Lambert, Division of Customer Assistance,** presented this matter.

**BACKGROUND:** This matter involves a billing dispute between Martin Capozzi and Jersey Central Power and Light Company. The petition was transmitted to the Office of Administrative Law for hearing as a contested case and Administrative Law Judge Jeffrey Rabin filed an initial decision in this matter with the Board on November 2, 2023. At its December 6, 2023 Board meeting, the Board granted a 45-day extension of time for issuing a final decision. No extensions to the initial decision have been filed.

Mr. Capozzi in his petition claimed that he was incorrectly billed by JCP&L. He claimed that when he turned off his circuit breakers, his meter continued running. Mr. Capozzi contacted JCP&L and requested an investigation, as well as a billing adjustment.

JCP&L in their response stated the meter was tested and performed and it was found to be accurate. The company also conducted a switch meter investigation to determine that there was a cross meter situation. JCP&L completed a rebill of the account and it was billed for actual uses associated with the meter registering service for this property for a period of six years as per N.J.A.C. 14:3-4.6. Thereafter, Mr. Capozzi was issued an adjustment of \$8,220.42. JCP&L contended that services were supplied and billed in accordance with terms and conditions and rate schedule set forth in its Board approved tariff. The company requested that any additional relief sought be denied on the basis that Mr. Capozzi failed to set forth a claim upon which relief may be granted.

ALJ Rabin concluded Mr. Capozzi failed to prove he was entitled to an additional reimbursement as he did not offer any credible evidence. ALJ Rabin ordered the requested relief in this matter be denied and that the matter dismissed. Staff completed its review and recommends the Board adopt the initial decision.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

## 8. CLEAN ENERGY

### **A. 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 – Executive Session.**

**Kevin Nedza, Division of Clean Energy,** presented in 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 early 2020, I'm sorry, 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, Triennium 1.

The Board issued orders on May 24, July 26, September 27, and October 25, 2023 regarding Triennium 2, which will run from January 1, 2025 through June 30, 2027. The Board further directed the utilities to file their proposals for the Triennium 2 programs on or before December 1, 2023. All submitted filings must be analyzed by Staff simultaneously.

On September 18, 2023, the Board approved Staff's request to release a request for response which relates to public institutions of higher education. The RFR will require the selected institution

to provide analysis of the filings and support Staff to review the filings and to provide project management support for Staff as indicated.

This item was discussed in executive session and Staff requests that the Board approve Staff's recommendation on engaging a university to assist with those Triennium 2 Efficiency filings. Staff further recommends that the Board designate President Guhl-Sadovy to execute a grant agreement with the selected university on behalf of the Board.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Recused</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**B. Docket No. QO21081104 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (t) of the Solar Act of 2012 – Sparta Township, Sparta Township Municipal Landfill.**

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

**BACKGROUND:** This item relates to a Subsection (t) application from the, from CP Engineers on behalf of Sparta Township to have the Sparta Township Landfill Project certified as being located on a brownfield pursuant to Subsection (t) the Solar Act of 2012. The applicant's proposed 7.29 megawatt DC project is to be located on a 20-acre site in the Sparta Township Landfill located on Block 12,001, Lot 4, in Sparta Township, Sussex County, New Jersey.

Staff reviewed the application, noting that the Sparta Township Landfill was not properly closed at the time of application and the applicant chose to submit the project for consideration as a brownfield. Staff supplied a copy of the application to NJDEP for their review of land use classification. Staff received an advisory memorandum on the application where NJDEP determined that the 20 acres proposed for solar development does not constitute a brownfield as defined by the Solar Act of 2012. The proposed site is a municipal landfill and, thus, is not considered a brownfield.

Based upon the information contained in the application and the advisory memorandum provided by DEP, Staff recommends that the Board deny conditional certification for the applicant's 7.29 megawatt Sparta Township Landfill project as not being located on a brownfield consistent with the Solar Act of 2012.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**9. MISCELLANEOUS**

There were no items in this category.

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

A handwritten signature in cursive script, reading "Sherri L. Golden".

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Sherri L. Golden  
Board Secretary

Date: April 30, 2024