



STATE OF NEW JERSEY
Board of Public Utilities
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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 July 24, 2024 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/live/0H-KyUZr7wE?si=QcAosi-NeHPkktWw>

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:

President Guhl-Sadovy, President
Commissioner Christodoulou, Commissioner¹
Commissioner Abdou, Commissioner
Commissioner 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 Wednesday August 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.

¹ Commissioner Christodoulou appeared telephonically.
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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.

4. TELECOMMUNICATIONS

A. Docket No. TO24010050 – In the Matter of the Request for Quotation for Consulting Services to Assist in Administration of Federal Broadband Grant Programs – Executive Session.

BACKGROUND: This matter concerns New Jersey's participation in the broadband focused grant programs authorized by the Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429. Additionally, the proposed Request for Quotation ("RFQ") touches upon the Capital Project Fund ("CPF") implemented by the American Rescue Plan Act of 2021, P.L. 117-2, 135 Stat. 233 ("ARP").

The Office of Broadband Connectivity ("OBC") seeks approval from the New Jersey Board of Public Utilities ("Board" or "BPU") to award a contract to a qualifying entity for the purpose of assistance with the Administration of Federal Broadband Grant Programs. The required work will consist of four (4) tasks: 1) assist the OBC with strategic planning for CPF and Broadband Equity, Access and Deployment ("BEAD") Programs; 2) assist the OBC with implementation of New Jersey's Plans under the BEAD program; 3) assist the OBC with implementation of the New Jersey Broadband Infrastructure Deployment Equity Program ("NJBIDE") CPF; and 4) assist the OBC with the design and implementation of a process for selecting grant recipients under BEAD and NJBIDE.

8. CLEAN ENERGY

A. Docket No. QO22120740 - In the Matter of the Development of a Second Offshore Wind Strategic Plan Pursuant to Executive Order Numbers 8, 92, and 307 – Executive Session.

BACKGROUND: On July 12, 2023, the New Jersey Board of Public Utilities ("Board" or BPU) approved a contract award to Ramboll Americas Engineering Solutions, Inc. ("Ramboll") for consulting services to assist Board Staff ("Staff") with the development of a second offshore wind strategic plan ("OSWSP2"). The Board made this contract award pursuant to the OSWSP2 Request for Quotation ("RFQ").

Since the contract award, a combination of unforeseen events, namely the acceleration of the fourth offshore wind solicitation ("Fourth Solicitation"), as well as the emergence of new information, caused Staff on January 23, 2024 to formally request certain modifications to the Ramboll Contract and OSWSP2's scope of work ("SOW").

Staff received a request from Ramboll for a contract modification for the Ramboll Contract. On June 6, 2024, Staff received an updated contract modification request from Ramboll with respect to the Ramboll Contract.

On July 8, 2024, Ramboll submitted a revised modification request, which is the Ramboll Contract Modification Request.

Staff recommends that the Board authorize a modification in accordance with the Ramboll Contract Modification Request, subject to New Jersey Department of the Treasury ("Treasury") approval. Staff is pursuing extra agency approvals Office of Management and Budget, ("OMB"), Office of Information Technology ("OIT"), and Treasury for the Ramboll Contract Modification Request.

CONSENT AGENDA

I. AUDITS

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

EE24060404L	BCG Consulting Group LLC	I – EA
EE24050352L	LowerEbill LLC	I – EA

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE16040375L GE16040376L	Greenlight Energy Inc.	R – ESL/GSL
EE15050609L	TriEagle Energy, LP	R – ESL

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 (“TPSs”). Annually thereafter, TPSs, 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”) recommended that the following applicants be issued initial registrations as an energy agent:

- BCG Consulting Group LLC
- LowerEbill LLC

In addition, Staff recommended that the following applicants be issued renewal licenses as an electric power and/or natural gas supplier:

- Greenlight Energy Inc.
- TriEagle Energy, LP

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE22050328: In the Matter of the Petition of Comcast of Avalon, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Sea Isle City, County of Cape May, State of New Jersey.

BACKGROUND: On May 6, 2022, Comcast of Avalon, LLC (“Comcast”) filed a petition for an Automatic Renewal Certificate of Approval for the City of Sea Isle City (“City”), for a term to expire on March 8, 2032. The petition is based on the City’s ordinance granting renewal municipal consent, which was adopted February 10, 2009. The City’s ordinance granted a term of fifteen (15) years with an automatic renewal term of ten (10) years. The initial term expired on March 8, 2022.

Board Staff (“Staff”) recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on March 8, 2032.

B. Docket No. CE23010048 – In the Matter of the Petition of Comcast of Monmouth County, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of West Long Branch, County of Monmouth, State of New Jersey

BACKGROUND: On May 4, 2020, Comcast of Monmouth County, LLC (“Comcast”) filed an application with the Borough of West Long Branch (“Borough”) for renewal of municipal consent. The Borough adopted an ordinance granting renewal municipal consent to Comcast on August 3, 2022. On September 8, 2022, Comcast formally accepted the terms and conditions of the ordinance. Comcast filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the Borough on January 24, 2023.

After review, Board Staff (“Staff”) recommended approval of the proposed Renewal Certificate of Approval, as amended based on the policy considerations discussed. This Certificate shall expire on February 4, 2031.

IV. TELECOMMUNICATIONS

A. Docket No. TO24040245 - In the Matter of the Verified Petition of AT&T Corp. and AT&T Enterprises, Inc. for Approval of Internal Restructuring.

BACKGROUND: On April 26, 2024, AT&T Corp. and AT&T Enterprises, Inc. (collectively, “AT&T” or “Petitioners”), submitted a Verified Petition to the New Jersey Board of Public Utilities (“Board”) (“Petition”). In the Petition, the Petitioners requested Board approval *nunc pro tunc*, as of May 1, 2024, for an internal corporate restructuring involving a merger between AT&T Corp. and AT&T Enterprises, Inc., with AT&T Enterprises, Inc. as the surviving entity. Immediately following the merger, AT&T Enterprises, Inc. would be converted into and renamed AT&T Enterprises, LLC (“Internal Restructuring”).

Petitioners asserted that the Internal Restructuring would serve the public interest by preserving and enhancing AT&T Corp.'s strengths without posing any threat of anticompetitive effects or other public interest harms. Further, the Internal Restructuring would be seamless to customers of AT&T Corp.'s regulated services in New Jersey, which are strictly business customers. In the Petition, AT&T stated that the only change those customers would see is the service provider name on their AT&T bill. Customers' services, prices, terms, and conditions for those services would not be affected.

The New Jersey Division of Rate Counsel ("Rate Counsel") submitted comments on the matter. Rate Counsel did not object to Board approval, subject to certain conditions.

In response, Petitioners submitted a letter and a Supplemental Certification.

Following review of the records in the proceedings, Board Staff ("Staff") recommended approval of the Internal Restructuring *nunc pro tunc* to May 1, 2024.

V. WATER

A. Docket No. WR24030179; OAL Docket No. PUC 04695-24 - In the Matter of the Petition of Fayson Lake Water Company for Approval of an Increase in Rates and Other Appropriate Relief.

BACKGROUND: On March 12, 2024, Fayson Lake Water Company ("Fayson Lake" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") seeking approval of an increase in its base rates for water service of approximately \$262,048 for services rendered on and after April 11, 2024.

By Order dated March 20, 2024, the Board suspended the proposed rates until August 11, 2024. This matter was subsequently transmitted to the Office of Administrative Law for hearings as a contested case.

Board Staff ("Staff") recommended that the Board issue an Order further suspending the proposed rate increase until December 11, 2024.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

There were no items in this category.

After appropriate motion, consent agenda items IA, IIIA, IIIB, IVA, and VA

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

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. 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.

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

BACKGROUND: This matter relates to a petition, amended petition and motion for summary disposition filed by The College of New Jersey seeking relief from a penalty assessed by Public Service Electric and Gas for the consumption of natural gas during a period of interruption in January 2018. Both PSE&G and Rate Counsel also filed motions in the matter both seeking enforcement of the penalty.

TCNJ owns, maintains, and operates an on campus cogeneration plant that supplies electricity and steam for heating throughout its campus. The plant receives service from PSE&G under a legacy tariff known as CIG service. For CIG customers taking BGSS from PS under the BGSS-CIG option, the tariff requires customers upon advanced notification to discontinue natural gas use. Customers must also maintain a fuel oil backup for the cogen. If the customer fails to interrupt, the tariff provides for a penalty rate of ten times the highest price of the daily rates for delivery in various defined zones as published in a publication known as Gas Daily.

During a 48-hour period in January of 2018, TCNJ failed to interrupt gas use when directed to do so. PSE&G assessed TCNJ a penalty for not curtailing service during the interruption period. Through the course of this proceeding, the parties engaged in discovery and TCNJ, PSE&G, and Rate Counsel submitted stipulated facts and exhibits to the Board. Subsequently, TCNJ, Rate Counsel and PS filed motions for summary disposition, responses, and reply briefs. Following an extensive review of the complete record in this matter, Staff recommends that the Board order the following.

One, that TCNJ shall pay the full penalty amount to PSE&G on a monthly basis over a five-year period beginning September 1 of 2024 without interest. If TCNJ fails to make timely payments, PSE&G should be authorized to take any action permitted under its tariff and governing law, including, but not limited to, transferring TCNJ to an appropriate alternative rate class. TCNJ may remain on the tariff provided that they make timely payments of the penalty and TCNJ annually certificates to PSE&G with a copy to Staff that it will suspend operations during an interruption event or that it has an alternative fuel source that can be legally used at its facilities and that it will have and maintain the availability of at least seven days of fuel. Finally, Staff recommends that TCNJ's motion to supplement be granted.

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

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

B. Docket No. ER21121257 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Seeking Review and Approval of Its Deferred Balances Relating to, and an Adjustment of, the Societal Benefits Charge Clause of Its Filed Tariff (“2020/2021 SBC Filing”).

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

BACKGROUND: On December 30th of 2021, JCP&L filed a petition seeking review and approval of its deferred balances in and an adjustment to certain components of its Societal Benefits Charge Clause for calendar years 2020 and 2021.

Following a review of the petition, conducting discovery, and discussions among the parties, the parties executed a stipulation resolving the matter. As a result there will be no impact on customer bills. Staff recommends the Board issue an order adopting the stipulation and directing JCP&L to file revised tariffs by August 1.

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

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

C. Docket No. ER23070471 – In the Matter of Rockland Electric Company’s Annual Conservation Incentive Program Filing – Reconciliation for the Period July 1, 2022 – June 30, 2023.

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

BACKGROUND: On July 28, 2023 Rockland Electric Company filed a petition seeking approval of adjustments to its Conservation Incentive Program customer class rates to account for lost sale revenues resulting from potential decreases in customer uses. The petition was based on actual information through June 30th of 2023.

The parties have now executed a stipulation resolving the petition recommending approval of the proposed rates. Based on the stipulation, a typical residential customer will see an increase in their monthly bill of \$1.87. Staff recommends the Board approve the stipulation and direct Rockland to file revised tariffs by August 1.

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

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

D. Docket No. ER24020073 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Conservation Incentive Program (2024 PSE&G Electric CIP Rate Filing).

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

BACKGROUND: On February 1, 2024 PSE&G filed a petition seeking approval of adjustments to the company's Electric Conservation Incentive Program customer class rates to account for potential lost sales stemming from the company's Energy Efficiency Programs. The petition was based on actual information through November of 2023 and forecasted data through May of 2024.

The parties have executed a stipulation recommending approval of the proposed rates on a provisional basis subject to refund. Based on the stipulation, a typical residential customer would see an increase in their average monthly bill of 73 cents. Staff recommends the Board approve the stipulation and direct PSE&G to file revised tariffs by August 1.

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

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

E. Docket No. ER24010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2024 – FERC Docket No. ER24- 2045-000, PJM Interconnection, L.L.C., Improvements to Generator Interconnection Procedures and Agreements.

Ian Oxenham, Division of Energy, presented in this matter.

BACKGROUND: Good morning, Madam President and Commissioners. On May 16, 2024 PJM submitted its compliance filing to Order 2023, a major generator interconnection reform rule that the Federal Energy Regulatory Commission, FERC, adopted last year. As part of its filing, PJM requested an independent entity variation that would exempt it from an Order 2023 requirement that transmission providers account for the proposed charging of behavior of electric storage resources in interconnection studies. This requirement was designed to prevent transmission providers from automatically assuming that electric storage resources will charge during peak load conditions, a practice which forces such resources to pay for unnecessary transmission upgrades in order to connect to the grid. Exempting PJM from this requirement would likely

make it more expensive and difficult to achieve New Jersey's ambitious storage target of 2,000 megawatts by 2030, thereby harming both New Jersey ratepayers and policy interests.

Therefore, on June 20, 2024, Board of Public Utilities Staff, on behalf of the Board, filed a protest with FERC arguing that it should deny PJM's requested independent entity variation. The protest noted that FERC already rejected PJM's arguments on this issue in the Order 2023 rulemaking proceeding and that there was no reason why FERC should not accept those arguments. The protest further explained that PJM failed to make the required showing to legally justify its requested variation because the variation does nothing to advance the purpose of Order 2023 and FERC already found that this approach was unduly discriminatory. The protest then explained the harm to New Jersey ratepayers and policy interests that would result if FERC nonetheless granted PJM's requested variation.

Staff recommends that the Board ratify the protest that Staff filed with FERC on June 20, 2024.

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

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

F. Docket No. GR18101197 – 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; and

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.

Dean Taklif, Division of Energy, presented in this matter.

BACKGROUND: On December 11, 2023, Elizabethtown Gas Company filed a petition with the Board seeking approval of its second Infrastructure Protection Program, or IIP, and an associated cost recovery mechanism. The company proposed a five-year program beginning July 1, 2024 with a total investment of approximately 625 million that would install 250 miles of new main and would retire approximately 274 miles of at risk cast iron, vintage steel and vintage plastic mains.

On January 31, 2024, the Board retained the petition and designated Commissioner Michael Bange as the Presiding Commissioner. On April 25, 2024, Commissioner Bange issued an order ruling on the motions to intervene and/or participate in this matter.

Following an initial review of the petition, propounded discovery, and discussions with the parties, the company, Board Staff, New Jersey Division of Rate Counsel, and NJLEUC executed a stipulation of settlement which would defer any action on the petition until the Board issues its findings in its pending future natural gas proceeding initiated in response to Executive Order 317. The Environmental Defense Fund, an intervenor in the prior IIP, did not sign the stipulation, but indicated that they take no position in this matter.

The stipulation would authorize the company to extend its prior IIP through December 31, 2025 and replace 75 miles of cast iron and vintage steel mains with a total investment of \$120 million. The company will maintain a total capital baseline spend of \$103.5 million and spend an additional \$12 million on similar projects through the extension. The second IIP petition will be held in abeyance throughout the extension and the parties will be convening a status conference no later than January 31, 2025 to restart the second IIP proceeding.

While there will be no rate impact at this time, the company estimates that the cumulative bill impact of the program on a typical residential customer using 100 therms monthly will be an increase of approximately \$3.66 a month, or approximately 2.6 percent.

At this time, Staff recommends the Board issue an order approving the stipulation.

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

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

3. CABLE TELEVISION

A. Docket No. CE15111316 – In the Matter of the Application of Cablevision of New Jersey, LLC for the Renewal of its System-Wide Cable Television Franchise.

Lawanda Gilbert, Division of Cable Television, presented in this matter.

BACKGROUND: Item 3A involves the first phase of the renewal process of a systemwide franchise for Cablevision of New Jersey, LLC and requests Board approval for the release of the ascertainment report by the Office of Cable Television and Telecommunications.

On March 20, 2009 Cablevision converted the Borough of Fair Lawn franchise into a systemwide cable television franchise as provided in the 2006 amendments to the New Jersey Cable Television Act and the Board memorialized the conversion was issued by the Board on June 10, 2009 which granted Cablevision a systemwide cable television franchise for a term of seven years. Since that initial order, Cablevision converted an additional 20 municipalities. On March 18, 2016, the Board issued a renewal systemwide cable television franchise to

Cablevision for a term of seven years, which expired on March 20, 2023. The Cablevision system franchise currently contains 21 municipalities.

Franchise renewals are governed by the Federal Communications Act, the State Act and the OCTV&T's rules under the New Jersey Administrative Code. Ascertainment is a term utilized to explain the factfinding process required under the Federal Act to examine the past performance of the cable operator and identify future cable related needs. Pursuant to the Board's rules, the OCTV&T must issue an ascertainment report to the Board, which must be made available for public inspection. The Board's review of Cablevision's performance is limited to any statewide needs and requirements established under the Act, the extent to which it has met its franchise commitments, and performance and substantial compliance with material terms and conditions of the franchise.

Following Cablevision's notice to the Board of its intent to renew its franchise, the OCTV&T notified Cablevision of its intent to review their performance and invited them to file comments. Cablevision filed its initial comments on December 1, 2023 and submitted amendments on June 4, 2024. A report prepared by the OCTV&T addresses Cablevision's comments and reviews its past performance under the past franchise term. Pursuant to the franchise renewal rules, Cablevision will file its formal franchise renewal application with the Board following the release of the report and two public hearings will be held thereafter to provide opportunity for public comment prior to final Board review.

Staff, therefore, recommends Board approval of the release of the ascertainment report in compliance with the renewal process.

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

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

B. Docket No. CE23120919 – In the Matter of the Application for Renewal of a System Wide Cable Television Franchise for Cablevision of Oakland, LLC.

Lawanda Gilbert, Division of Cable Television, presented in this matter.

BACKGROUND: On March 20, 2024, the New Jersey Board of Public Utilities considered Cablevision of Oakland, LLC's systemwide franchise application for renewal to provide service to 41 municipalities. The Board issued an order granting a renewal of the franchise for a seven year term and also approved the addition of the Townships of Montclair and West Orange to the service territory.

On April 2, 2024, the New Jersey Division of Rate Counsel filed a motion for reconsideration of the Board's March 20, 2024 order. On April 12, 2024, Cablevision filed a brief in opposition to Rate Counsel's motion. The State Cable Act provides, in relevant part, that, quote, in

determining whether a systemwide franchise should be issued, the Board shall consider only the requirements of Sections 17 and 28 of the State Act. These requirements are limited to whether the applicant has completed or is ready, willing, and able to comply with all applicable rules and regulations imposed by or pursuant to State or Federal law for cable television service providers and the specific commitments required for systemwide cable television providers.

Reconsideration of matters is reserved for those cases where either the decision is based upon a palpably incorrect or irrational basis or it is obvious that the finder of fact did not consider or fail to appreciate the significance of the probative, competent evidence. Following review of the matter, Staff has determined that the Board did not err in its approval of the renewal and properly considered all evidence in determining whether the renewal application met the statutory requirements. Rate Counsel's motion does not provide evidence to the contrary and Staff, therefore, recommends that the Board issue an order denying Rate Counsel's motion for reconsideration.

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

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

C. Docket No. CS18121288 – In the Matter of the Alleged Failure of Altice USA, Inc. to Comply with Certain Provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:18-1 et seq.

Lawanda Gilbert, Division of Cable Television, presented in this matter.

BACKGROUND: In October 2016, Altice USA, Incorporated issued a bill notice to customers indicating they would no longer prorate customer bills for customers terminating service prior to the end of the billing period as required pursuant to N.J.A.C. 14:18-3.8. On December 18, 2018, the Board issued an order to show cause against Altice seeking a response as to why its failure to prorate customer bills should not be immediately be discontinued and why the Board should not find that Altice's actions constituted a violation of several Board orders requiring refunds to be issued to all affected customers, as well as assessment of penalty.

On November 13, 2019, the Board issued a cease and desist order ordering that Altice cease and desist its policy of failing to prorate customer bills and also ordered, among other things, an audit, refunds to affected customers, and a contribution to Altice's low income internet access program. Thereafter, Altice initiated a series of appeals of the Board's cease and desist order in both State and Federal court.

At the conclusion of several rounds of litigation in both venues, on April 3, 2023 the New Jersey Supreme Court issued its decision which upheld the Board's regulation requiring proration of customer bills and reinstated the Board's 2019 cease and desist order. The court also remanded

to the Appellate Division of the New Jersey Superior Court the issue of whether or not the BPU failed to properly adhere to procedures in its enforcement action. On June 30, 2023, the Appellate Division issued its ruling in favor of the Board, holding that it followed proper procedures in its enforcement action against Altice.

Today Staff recommends that the Board issue an order that per the Supreme Court's decision formally reinstates the Board's November 13, 2019 cease and desist order and provides clarifications and/or updates to the requirements of the order to ensure consistency with the Court's rulings. As required by the cease and desist order, Altice must provide an audit of its customer billing records from December 18, 2018, the date of the Board's order to show cause to the present, and including the names and account numbers of all customers who were improperly billed and the amounts that each customers were improperly billed; two, provide refunds to all affected customers of the overage amounts and provide proof of such refunds to the Board and the Division of Rate Counsel; and, three, remit a one time nonrecoverable contribution totaling \$10,000.00 toward the Altice Advantage Internet Program to provide low cost internet service to New Jersey customers.

Staff, therefore, recommends approval of this order as discussed.

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

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

4. TELECOMMUNICATIONS

A. Docket No. TO24010050 – In the Matter of the Request for Quotation for Consulting Services to Assist in Administration of Federal Broadband Grant Programs – Executive Session.

Valarry Bullard, Division of Telecommunications, presented in this matter.

BACKGROUND: Earlier in the executive session, the request to award a contract to a qualified entity to assist with the administration of the Federal Broadband Grant Programs was presented. Approval of this request will allow the Office of Broadband Connectivity to issue a contract to the bidder who received the highest average technical score from the evaluation committee under this request for quotation. If awarded, this consultant will assist with the development of the State's Capital Projects Fund and Broadband Equity Access and Deployment programs in accordance with the terms of the grant.

Staff recommends that the Board authorize the selection of the successful bidder based on their highest average technical score from the evaluation committee.

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

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

5. WATER

There were no items in this category.

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO22120740 – In the Matter of the Development of a Second Offshore Wind Strategic Plan Pursuant to Executive Order Numbers 8, 92, and 307 – Executive Session.

Jack Streppone, Division of Clean Energy, presented in this matter.

BACKGROUND: On July 12, 2023 Board Staff approved the contract with Ramboll Americas Engineering Solutions, Incorporated for consulting services to assist Board Staff with the development of the second offshore wind strategic plan to inform the responsible development of offshore wind in New Jersey and guide New Jersey in achieving its offshore wind objectives in future solicitations.

In November 2023, following award of the Ramboll contract, Governor Murphy directed the Board to launch the fourth offshore wind solicitation in early 2024. As a result of this announcement and the emergence of new information which was not available during the commission RFQ development, in January 2024 BPU formally requested a modification of the offshore wind strategic plan timeline and deliverables. The final set of requested changes necessitate a contract modification.

As discussed in executive session, Board Staff recommends that the Board approve a contract modification with Ramboll, subject to final approval by the New Jersey Office of Management and Budget and the Department of Treasury for expanding consulting services to further assist in the development of the offshore wind strategic plan.

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

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

**B. Docket No. QO24050306 – In the Matter of the Clean Energy Program
Authorization of Commercial and Industrial Energy Efficiency Incentives
Exceeding \$500,000 – New Brunswick Energy LLC.**

Dustin Wang, Division of Clean Energy, presented in this matter.

BACKGROUND: New Brunswick Energy, LLC submitted an application under the Combined Heat and Power and Fuel Cell Program requesting Board approval of a financial incentive of \$2,555,625.00 for the installation of a combined heat and power system at the Rutgers Cancer Institute of New Jersey in New Brunswick. This proposed project has an estimated total cost of \$10,070,056.00. If approved, this application would cover the installation of a 1,990 kilowatt CHP system, which has a system efficiency of 77 percent and will have black start and islanding capabilities. Annually, this project is anticipated to produce 14,344,452.7 kilowatt hours of electricity and 47,025 MMBtu of recovered heat. The project is also anticipated to save an estimated 7,132,180.5 kilowatt hours in cooling and an estimated 22,690 MMBtu in heating.

Staff recommends approval of the application for the total estimated incentive amount.

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

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

**C. Docket No. QW24010070 – In the Matter of the Petition of Hartz Solar LLC for
Extension of Time to Complete a 3.9 MW Community Solar Project Registered
in the Transition Incentive (TI) Program; TI Application Number
NJSTRE154084015.**

Olivia Najjar, Division of Clean Energy, presented in this matter.

BACKGROUND: This agenda item concerns an extension petition in Program Year Two of the Community Solar Energy Pilot Program from community solar developer Hartz Solar, LLC.

The Pilot Program, established on February 19, 2019, allows utility customers to participate in a solar energy project remotely located from their properties and receive a credit on their utility bills. Community solar 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.

In Year Two of the Pilot Program, the Board selected 105 applications on October 28, 2021. These projects initially had a deadline to become fully operational within 18 months, or May 4, 2023. On August 17, 2022 the Board issued an order extending the project completion deadline for the Program Year Two projects in the Pilot Program and Transition Incentive Program to November 4, 2023.

Hartz Solar filed a petition on January 31, 2024 for its community solar project located at 201 Bay Avenue, Elizabeth, New Jersey requesting an extension of the expiration date in the TI program to file its post-construction packet. Hartz Solar stated that in spite of construction being complete in September of 2023, the project did not receive permission to operate from PSE&G until December 12, 2023, roughly five weeks after the November 4, 2023 deadline. Hartz Solar was advised upon their submission of post-construction packet in January 2024 that the TI program does not allow submittal after the November 4, 2023 deadline.

As such, the filing of the petition after the November 4 deadline does not, based on the records before the Board, constitute sufficient grounds to waive TI program and Pilot Program requirements. Furthermore, Hartz Solar did not provide sufficient evidence to substantiate their claim that the delay in issuance of PTO by PSE&G was beyond the known delays in turnaround time.

Staff recommends the Board deny Hartz Solar's request for extension. Based on the program rules, Hartz Solar's project will be able to register in the new permanent Community Solar Energy Program.

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

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

D. Docket No. QW23080630 – In the Matter of the Verified Petition of Geoscape Solar LLC for Approval of a Waiver and Extension of the Solar Transition Incentive Program Commercial Operation Deadline for the Fillo Factory Solar Project – NJSTRE1547462653.

Laura Scatena, Division of Clean Energy, presented in this matter.

BACKGROUND: This agenda item pertains to the petition filed on August 30, 2023 by Geoscape Solar, LLC requesting an extension of the deadline to complete project requirements in the Transition Incentive, or TI, Program. According to the petition, the project was accepted into the TI program on September 1, 2021, with a completion deadline of September 1, 2022 for its rooftop solar project on the Fillo Factory in Northvale, New Jersey sized at 960.08 kilowatt direct current. Petitioner requested an extension of approximately three months to December 2,

2022, alleging interconnection delays that were unforeseen and claiming that its circumstances were analogous to those described in the Gibbstown Order.

On August 29, 2022, the project received conditional permission to operate, or PTO, from Rockland Electric Company, or RECO, for a portion of the project, specifically a limited export of 499 kilowatt alternating current. On December 2, 2022, Geoscape received PTO from RECO for the full capacity of the project sized at 916.2 kilowatts direct current.

If the Board does not approve the extension request for the full capacity of the project, then the petitioner requested that the Board consider alternative relief in the form of allowing a portion of the project to receive conditional PTO from RECO to allow for processing under the TI program while the remaining portion of the project be allowed to register in the Administratively Determined Incentive, or ADI, Program.

Based on a thorough and careful review of the information contained in the petition, attached documentation pertaining to the project in the programmatic context, Board Staff recommends that the Board deny the extension, deny the request for an extension of time under the TI program, but allow the program administrator to process the final as-built paperwork for the portion of the system that received conditional PTO from RECO by the TI program deadline and allow the remaining balance of the project to register and seek incentives in the ADI Program.

Staff notes that N.J.A.C. 14:8-11.4(b) as amended allows this facility to participate in ADI despite having received PTO prior to its acceptance in that program, because it was previously registered in the TI Program and failed to meet the TI Program expiration dates.

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

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

E. 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;

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

Docket No. QW24030164 – In the Matter of the Petition of NJR Clean Energy Ventures III Corporation for a Declaratory Ruling Interpreting the October 25, 2023 Order or, in the Alternative, Waiving the Timeframe in the October 25, 2023 Order for Submitting the Initial TI Program Registration.

Laura Scatena, on behalf of Diane Watson, Division of Clean Energy, presented in this matter.

BACKGROUND: This item relates to a solar generation project proposed by NJR Clean Energy Ventures III Corporation, or NJR or petitioner hereafter, at the Henry Harris Landfill site in Harrison Township, Gloucester County, New Jersey. By order dated October 25, 2023, the Board denied conditional certification for a portion of the property located on Block 57, Lot 9 as being ineligible to generate Transition Renewable Energy Credits, or TRECs, pursuant to Subsection (t) of the Solar Act of 2012.

By the same order, the Board granted conditional certification for a portion of the property located on Block 57, Lots 12, 12.01 and 13. The Board directed NJR to submit a revised application package within 30 days of the effective date of the order, including updated site plans reflecting solar array placement within Block 57, Lots 12, 12.01 and 13, and to submit the initial Transition Incentive or TI program registration within 14 days of the revised application.

On November 30, 2023, NJR submitted the revised application package, but did not subsequently submit the initial TI program registration. On November 15, 2023, NJR filed a motion for reconsideration for the denial of conditional certification for the portion of the project located on Block 57, Lot 9. The petitioner argued that the Board erred based on the land use classification and taxation status for the lot and did not fully consider the regulatory record associated with the property.

On March 6, 2024, NJR submitted a petition seeking a declaratory ruling interpreting the timing of the submission of the initial registration package in the TI program as laid out in the October 2023 order or, in the alternative, seeking a waiver of the 14 day registration submission requirement in the October 2023 order for the portion of the property that received a conditional certification located on Block 57, Lots 12, 12.01 and 13.

Staff reviewed the petitioner's arguments and note the following. Based on the information provided by the petitioner in the project application, New Jersey Department of Environmental Protection and records obtained by the Division of Law, the history and taxation status of Block 57, Lot 9 was thoroughly considered in reaching the Board's October 2023 ruling and additional evidence does not demonstrate any error with regard to the taxation status of the property or the Board's interpretation. Staff believes that the failure to submit the registration in the TI program within 14 days of submitting the revised application package was due to an unjustified, but sincere misinterpretation of the registration directive and that the public benefit of the solar generation facility on the landfill outweighs the administrative mistake of the petitioner.

Based on the review of the petitioner's arguments and the October 2023 order, Staff recommends the following. That the Board, one, deny the petitioner's motion for reconsideration for the portion of the property located on Block 57, Lot 9; two, grant the petitioner's request that it be permitted to register its project as configured in the revised application submitted November 2023 in the TI program; three, waive the 14 day registration requirements set forth in the October 2023 order; and, four, direct the petitioner to file its TI program initial registration for the project within 14 days of the effective 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 Christodoulou	Aye
	Commissioner Abdou	Aye
	Commissioner Bange	Aye

9. MISCELLANEOUS

There were no items in this category.

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

Sherri L. Golden

Sherri L. Golden
Board Secretary

Date: 10/9/2024