



**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 September 4, 2024 at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and online @ [https://www.youtube.com/live/rk\\_OiKKdvvw?si=Nc\\_Kg6oVAqXRLRJJ](https://www.youtube.com/live/rk_OiKKdvvw?si=Nc_Kg6oVAqXRLRJJ)

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, Commissioner  
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 September 25, 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 N.J.S.A. 10:4-12(b)(7) attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

### 8. CLEAN ENERGY

#### **C. Docket No. QO24060469 – In the Matter of Approval of Department of Environmental Protection's request for a no-cost extension to the term length of the Memorandum of Understanding (MOU) between BPU and DEP for advancing geothermal systems in New Jersey.**

**BACKGROUND:** Staff of the New Jersey Board of Public Utilities ("Board" or "BPU") ("Staff") recognizes the benefits of geothermal systems with respect to energy conservation and emissions reductions in heating and cooling buildings.

The Board approved a Memorandum of Understanding ("MOU") between BPU and the New Jersey Department of Environmental Protection ("DEP"), effective as of September 18, 2023 ("Effective Date"), to advance geothermal systems for heating and cooling in the State. The MOU allows BPU to engage with DEP, with the support of its engagement with the New Jersey Center for Advanced Technology ("NJCAT"), to develop workforce training resources for geothermal systems, develop customer education and outreach materials, and serve in an advisory role as related to Geothermal Heat Pump ("GHP") systems in the form of Ground-Source Heat Pumps ("GSHPs") and design a geothermal pilot project (collectively, "Geothermal Services"). The term of the MOU is eighteen (18) months from the Effective Date, and the total budget for the eighteen (18)-month assignment is \$400,000, which sole source of funding is from the BPU's Clean Energy Program's fiscal year 2024 budget, covering the period July 1, 2023 – June 30, 2024 ("Grant Funds").

Since the MOU went into effect, DEP held several meetings with Staff and NJCAT to refine the MOU's scope of work ("SOW") so that it aligns with BPU's priorities related to Triennium 2, the Future of Natural Gas proceeding, and an Act requiring BPU to conduct a geothermal study. The SOW was finalized on January 24, 2024, and BPU made payment in full to DEP on March 8, 2024. DEP proceeded to work on their contract with NJCAT ("Contract Agreement"), which was later finalized and possesses an effective date of July 1, 2024 ("NJCAT Contract Effective Date").

On June 13, 2024, in advance of the NJCAT Contract Effective Date, DEP submitted a request to BPU for a no-cost ten (10)-month extension of the term of the MOU, increasing the MOU's term from eighteen (18) months to twenty-eight (28) months, to allow enough time to complete all the Geothermal Services ("DEP's No-Cost Extension Request").

Staff recommends that the Board grant DEP's No-Cost Extension Request and approve an extension of ten (10) months to the original eighteen (18)-month term of the MOU, enabling the MOU to have a term of twenty-eight (28) months.

## CONSENT AGENDA

### I. AUDITS

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

EE24050332L	Integrated Energy Services, LLC	I – EA/PA/EC
GE24050333L	d/b/a WellStat	

#### Electric Power and/or Natural Gas Supplier Initial Licenses

EE24060476L	WGL Energy Services Inc.	I – ESL/GSL
GE24060477L		

GE24070524L	NextEra Energy Services New York, LLC	I – GSL
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**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 applicant be issued initial registrations as an energy agent, private aggregator, and energy consultant:

- Integrated Energy Services LLC d/b/a WellStat

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

- WGL Energy Services Inc.
- NextEra Energy Services New York, LLC

### II. ENERGY

There were no items in this category.

### III. CABLE TELEVISION

#### A. **Docket No. CE23020058 – In the Matter of the Petition of Comcast of Central New Jersey II, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Millstone, County of Somerset, State of New Jersey.**

**BACKGROUND:** On or about April 17, 2021, Comcast of Central New Jersey II, LLC (“Comcast”) filed an application with the Borough of Millstone (“Borough”) for renewal of municipal consent. The Borough adopted an ordinance granting renewal municipal consent to Comcast on July 18, 2022. On August 31, 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 February 1, 2023.

After review, Board Staff (“Staff”) recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on January 17, 2032.

**B. Docket No. CE23080581 – 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 Highlands, 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 Highlands (“Borough”) for renewal of municipal consent. The Borough adopted an ordinance granting renewal municipal consent to Comcast on December 21, 2022. On April 4, 2023, 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 August 22, 2023.

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

**C. Docket No. CE23090680 – In the Matter of the Verified Petition CSC TKR, LLC d/b/a Cablevision of Morris for Renewal of Certificate of Approval to Continue to Operate and Maintain a Cable System in the Borough of Netcong, County of Morris, State of New Jersey.**

**BACKGROUND:** On or about January 23, 2018, CSC TKR, LLC d/b/a Cablevision of Morris (“Cablevision”) filed an application with the Borough of Netcong (“Borough”) for renewal of municipal consent. The Borough adopted an ordinance granting renewal municipal consent to Cablevision on September 14, 2020. On May 18, 2021, Cablevision formally accepted the terms and conditions of the ordinance. Cablevision filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the Borough on September 19, 2023.

After review, Board Staff (“Staff”) recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on September 11, 2034.

**D. Docket No. CE24010011 – In the Matter of the Application of Cablevision of Monmouth, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Manalapan, County of Monmouth, State of New Jersey.**

**BACKGROUND:** On or about December 28, 2020, Cablevision of Monmouth, LLC (“Cablevision”) filed an application with the Township of Manalapan (“Township”) for renewal of municipal consent. The Township adopted an ordinance granting renewal municipal consent to Cablevision on October 11, 2023. On November 1, 2023, Cablevision formally accepted the terms and conditions of the ordinance. Cablevision filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the Township on January 4, 2024.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on September 11, 2034.

**E. Docket No. CE24030180 – In the Matter of the Verified Petition of Cablevision of Oakland, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Borough of Kinnelon, County of Morris, State of New Jersey.**

**BACKGROUND:** On or about April 15, 2022, Cablevision of Oakland, LLC (“Cablevision”) filed an application with the Borough of Kinnelon (“Borough”) for renewal of municipal consent. The Borough adopted an ordinance granting renewal municipal consent to Cablevision on December 28, 2022. On April 3, 2023, Cablevision formally accepted the terms and conditions of the ordinance. Cablevision filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the Borough on March 8, 2024.

After review, Board Staff (“Staff”) recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on September 11, 2039.

**IV. TELECOMMUNICATIONS**

There were no items in this category.

**V. WATER**

There were no items in this category.

**VI. RELIABILITY AND SECURITY**

**A. Docket Nos. GS24070498K, GS24070499K, GS24070500K, GS24070501K, GS24070502K, GS24070503K, GS24070504K, GS24070505K, GS24070506K, GS24070507K, GS24070508K, GS24070509K, GS24070510K, GS24070511K, GS24070512K, GS24070513K, GS24070514K, GS24070515K, GS24070516K, GS24070517K, GS24070518K, GS24070519K, GS24070520K, GS24070521K, and GS24070522K – In the Matter of New Jersey Natural Gas Company Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.**

**BACKGROUND:** This matter involved settlements of alleged violations of the Underground Facility Protection Act (“Act”) by multiple underground facility operators and excavator. This

matter did not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction include not having a proper mark out request at the time of excavation, failure to hand dig and locate, failure to use reasonable care and failure to properly mark. There were twenty-five (25) settlements which total \$75,000.

Staff of the New Jersey Board of Public Utilities ("Board") recommended that the Board approve the settlements provided in Appendix A of the Board's Order.

**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, IIIC, IIID, IIIE, VIA**

<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>

**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. ER21010083 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Constituting Its Annual Filing with Respect to the Non-Utility Generation Charge Clause of Its Filed Tariff (“2020 NGC Filing”).**

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

**BACKGROUND:** On January 29, 2021, JCP&L filed a petition seeking review and approval of the amounts included in the company's nonutility generation charge deferred balance for calendar year 2020. By order dated October 28, 2021, the Board approved a provisional stipulation whereby the parties recommended the Board authorize a provisional reduction in JCP&L's composite MTC/NGC factor.

Following additional discovery and discussions, the parties executed a stipulation for final rates recommending the maintenance of the rate approved in October of 2021. As a result of the stipulation, customers will see no further bill impact.

Staff recommends the Board issue an order adopting the stipulation and directing JCP&L to file revised tariffs by September 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>

#### **B. Docket No. EO24010065 – In the Matter of the Board of Public Utilities – Department of Treasury and Internal Revenue Service Items for 2024 – IRS Docket No. REG132569-17 – Comments in Response to Proposed Rulemaking on the Definition of Energy Property and Rules Applicable to Energy Credit.**

**Ryann Reagan, Legal Division**, presented in this matter.

**BACKGROUND:** On July 18, 2024, the US Department of Treasury and the Internal Revenue Service (“IRS”) proposed regulations for Section 45Y, Clean Electricity Production Credit, and Section 48E, Clean Electricity Investment Credit of the Internal Revenue Code that would specify the eligibility requirements for the investment tax credit (“ITC”) and production tax credit (“PTC”) for energy related investments including offshore wind. This proposal follows the

previous technology specific PTC and ITC offshore wind guidance previously issued by the Treasury and the IRS and commented on by the Board. Notably, this new technology-neutral proposal maintained that power conditioning and transfer equipment constructed for offshore wind generation is eligible contingent on the same taxpayer owning both the power conditioning and transfer equipment and the offshore wind generation infrastructure. On August 2, 2024, President Guhl-Sadovy, on the recommendation of Board Staff, signed on to the multistate comments in response to this proposal.

The comments support making power conditioning and transfer equipment eligible for the ITC and PTC, but emphasized the need for Treasury and the IRS to reconsider the requirement that a single entity must own the generation infrastructure as well as the power conditioning and transferring equipment. Such a requirement would discourage decoupling offshore wind generation and transmission investments and future procurements, yet such decoupling was delivered, has delivered tremendous environmental and economic gains to the State of New Jersey. The comments were signed jointly by Connecticut, Massachusetts, Maine, Maryland, New Jersey, New York, and Rhode Island.

Staff recommends that the Board ratify the comments submitted to the Treasury and the IRS on August 2, 2024.

**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. ER24010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2024 – FERC Docket No. ER24- 2564-000.**

**Laura Storino, Division of Federal and Regional Affairs,** presented in this matter.

**BACKGROUND:** On July 22, 2024, Mid-Atlantic Offshore Development, LLC, known as MAOD, submitted a formula rate tariff filing to the Federal Energy Regulatory Commission, the FERC, in the FERC Docket Number ER 24-2564. MAOD proposed a base return on equity, an ROE, of 10.26 percent, plus a 0.50 percent regional transmission organization matter for a total proposed ROE of 10.76 percent. Staff of the New Jersey Board of Public Utilities believes MAOD's requested ROE is excessive.

On August 12, 2024, on behalf of the Board, Staff filed a protest with FERC requesting that FERC set this matter for hearing and settlement proceedings to determine whether MAOD's proposed ROE complies with the Federal Power Act's just and reasonable standard. The protest asserted that MAOD failed to properly support its calculation and relied on flawed calculation methods that are inconsistent with FERC's longstanding precedent.



Therefore, Staff asserted that MAOD failed to meet its burden of proof under the Federal Power Act Section 205. The protests noted that MAOD did not use the most recent financial data and may have used a proxy group, which does not accurately reflect MAOD's profile. Moreover, Staff argued that a reduction in ROE is appropriate due to the numerous incentives applied to the MAOD making the project low risk. The unique nature of the MAOD project supports establishing an ROE below the median of the zone of reasonableness. It is a first of its kind State Agreement Approach project developed and intended to solely support the generation of clean renewable offshore wind power and interconnect that generation to the New Jersey transmission system. As such, the cost of this project will be borne specifically by New Jersey customers and will not be imposed on the broader PJM interconnection customer base. The protest then explained the harm to New Jersey ratepayers and policy interests that would result if FERC did not set the matter for hearing and settlement.

Staff recommends that the Board ratify the protest that Staff filed with FERC on August 12, 2024.

**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. ER24010003 – In the Matter of the Board of Public Utilities - Federal Energy Regulatory Commission (FERC) Docket No. EL24-118 and EL24-126.**

**Alex Cary, Legal Division,** presented in this matter.

**BACKGROUND:** On June 20, 2024, the New Jersey Division of Rate Counsel, along with Maryland Office of People's Counsel and the Illinois Citizens Utility Board, together known as the Joint Consumer Advocates, filed a complaint with the Federal Energy Regulatory Commission, or FERC, asserting that PJM Interconnection, LLC's rules for participation of Energy Efficiency resources in the capacity market violate the Federal Power Act and requesting a technical conference on this matter.

On July 11, Monitoring Analytics, LLC, the Independent Market Monitor, or IMM, for PJM filed a separate complaint with FERC requesting that the commission direct PJM to discontinue payments to consumers for Energy Efficiency and to recoup past payments that were claimed as a result of unlawful implementation of PJM capacity market rules for Energy Efficiency.

On July 30, 2024, on behalf of the New Jersey Board of Public Utilities, Board Staff filed comments in response to the IMM complaint. These comments requested that FERC, one, reject the IMM's request to discontinue Energy Efficiency payments and recoup previous payments; two, consolidate the IMM complaint and the Joint Consumer Advocates Complaint into one docket; and, three, convene a technical conference to holistically investigate and improve Energy Efficiency's participation in the PJM capacity market.

Staff recommends the Board ratify the comments submitted to FERC on July 30, 2024.

**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. WO24040242 – In the Matter of the Petition of Veolia Water New Jersey, Inc. for Approval to Defer the Cost to Paint the Main Located on Lemoine Ave. in the Borough of Fort Lee, State of New Jersey.**

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

**BACKGROUND:** On April 23 Veolia Water New Jersey, Incorporated filed a petition seeking approval to defer the costs associated with the painting of the company's 30-inch water main located on the George Washington Bridge Causeway in Fort Lee. Following discovery and settlement discussions, the parties executed a stipulation resolving the matter which recommends authorizing Veolia to defer the cost associated with the painting of the main for review in the company's next rate case.

Staff recommends the Board issue an order approving the stipulation.

**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. WO24060409 – In the Matter of the Application for Approval of a Resolution by the Borough of Florham Park Requesting the Southeast Morris County Municipal Utilities Authority to Convert Existing Bulk Water Sales and to Allow the Sale of Water at Retail Within the Borough as and when Necessary and Proper for Public Convenience Pursuant to N.J.S.A. 46:14B-20(6).**

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

**BACKGROUND:** On June 14, the Southeast Morris County Municipal Utilities Authority petitioned the Board for approval to amend an agreement with the Borough of Florham Park for water service converting 38 existing bulk water sales customers to retail customers. On July 23, the company filed an amended petition seeking authorization to add additional borough customers when and if requested by the property owner.

Staff recommends the Board approve the petition, but deny the additional request contained in the amended petition. Staff recommends that should SMC MUA wish to serve additional customers beyond the 38 concerned in the amended agreement, it file petition with 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>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**C. Docket Nos. BPU WR24010056 and OAL PUC 02409-24 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Wastewater Service, Change in Depreciation Rates, and Other Tariff Modifications.**

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

**BACKGROUND:** On January 19 New Jersey-American Water Company filed a petition seeking approval of an increase in its base rates for water and wastewater service of approximately \$161.7 million. Through the course of the proceeding, the company provided updates with actual results for the full 12-month test period resulting in a requested increase of approximately \$157.7 million.

Following settlement discussions, the company, Staff, and Rate Counsel executed a stipulation which was subsequently approved by Administrative Law Judge Tricia Caliguire. As a result of the stipulation, New Jersey-American would receive an overall revenue requirement increase of approximately \$79.5 million and a return on equity of 9.6 percent. The company will also implement a modified universal affordability tariff with tiered rate discounts for eligible customers. As a result of the stipulation, an average water customer will see an increase in their monthly bill of \$5.33. For an average statewide collection system wastewater customer, the monthly impact will be an increase of \$5.12.

Staff recommends the Board adopt the stipulation for rates effective September 15 and that the Board direct New Jersey-American to file revised tariffs by September 14.

**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>

**D. Docket No. WR24040240 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Implement a Resiliency and Environmental System Investment Charge.**

**Dean Taklif, Division of Engineering,** presented this matter.

**BACKGROUND:** On January 16, 2024, Governor Phil Murphy signed into law Public Law 2023, chapter 315, an act establishing the Resiliency and Environmental System Investment Charge, or RESIC program, for the cost recovery of certain investments made by water and wastewater utilities.

On April 19, 2024, New Jersey-American Water Company filed a petition with the Board seeking approval to implement a RESIC for the recovery of costs of investments for the period of 2024 through 2027. Following the review of the foundational filing and discovery, the company and Board Staff reached an agreement on this matter and subsequently executed a stipulation of settlement. The New Jersey Division of Rate Counsel and Mount Laurel Township Utilities Authority filed letters of non-objection to the stipulation.

By the stipulation, the company and Staff agreed that the company's maximum annual RESIC revenues that may be collected are \$26,863,210.00 or no more than two and a half percent of the company's combined water and wastewater revenues established in the company's most recent base rate case.

Based on the stipulation, an average residential customer with a five-eighth inch meter would see a maximum monthly RESIC surcharge of \$2.32. Staff recommends that the Board issue an order approving the stipulation.

**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>

**E. Docket No. WR24030187 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Implement a Distribution System Improvement Charge.**

**Dean Taklif, Division of Water**, presented this matter.

**BACKGROUND:** On March 18, 2024, New Jersey-American Water Company filed a petition with the Board seeking approval to implement a Distribution System Improvement Charge, or DSIC, for the renewal of water distribution system assets for the period of 2024 through 2027.

Following a review of the foundational filing and discovery, New Jersey-American Water and Board Staff executed a stipulation of settlement in this matter. The New Jersey Division of Rate Counsel and Mount Laurel Township Municipal Utility Authority filed letters of non-objection to the adoption of this stipulation.

By the stipulation, the company and Staff agreed that the company's maximum annual DSIC revenues that may be collected are \$50,394,641.00 or no more than 5 percent of the company's water revenues established in the company's most recent base rate case. Based on the stipulation, an average residential customer with a five-eighth inch meter would see a maximum monthly DSIC surcharge of \$4.68.

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

**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>

**F. Docket No. WR24030203 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Implement a Wastewater System Improvement Charge.**

**Dean Taklif, Division of Water**, presented this matter.

**BACKGROUND:** On March 27, 2024 New Jersey-American Water Company filed a petition with the Board seeking approval to implement a Wastewater System Improvement Charge, or WSIC, for the renewal of wastewater system assets for the period of 2024 through 2027.

Following a review of the foundational filing and discovery, New Jersey American-Water and Board Staff executed a stipulation of settlement in this matter. The New Jersey Division of Rate Counsel submitted a letter of not objection to the stipulation. By the stipulation, the company and Staff agreed that the company's maximum annual WSIC revenues that may be collected are \$3,105,041.00, or no more than 5 percent of the company's waste water revenues established in the company's most recent base rate case. Based on the stipulation, the average residential customer with a five-eighth inch water meter would see a maximum monthly WSIC surcharge of \$3.95.

Staff recommends the Board issue an order approving the stipulation.

**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**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

There were no items in this category.

**8. CLEAN ENERGY**

**A. Docket No. QX23070434 – In the Matter of a Rulemaking Proceeding to Establish the Community Solar Energy Program Pursuant to P.L. 2018, c. 17.**

**Dr. Sawyer Morgan, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** This agenda item involves the adoption of proposed amendments in the New Jersey Administrative Code, Title 14, Chapter 8, subchapter 9 which sets forth the rules for the Community Solar Energy Pilot Program, and subchapter 11, which sets forth the rules for the Successor Solar Incentive Program. The proposed rule amendments establish and implement the Community Solar Energy Program, which is designed to improve community solar projects up to five megawatts and set standards for their operation.

The proposed rule was published in the New Jersey Register at 55 N.J.R. 1992 for a 60-day comment period on September 18, 2023 and a notice of correction was issued October 2, 2023. The public comment period closed for the notice of proposal on December 1, 2023.

Staff recommends that the Board adopt the proposed rule with non-substantive changes and approve its publication in the New Jersey register.

**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>

**ADDITIONAL BACKGROUND:** Staff also recommends that the Board vote separately to propose substantial changes upon adoption at proposed N.J.A.C. 14:8-9.2, amendments to Minutes for September 4, 2024  
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define mining sites and to include mining sites as permitted site types in the CSEP Community Energy Solar Program; at N.J.A.C. 14:8-9.5, an amendment to roll over unsubscribed capacity and permit electric distribution companies to register projects in such capacity; at N.J.A.C. 14:8-9.6, amendments to permit local governments to contract with existing community solar projects located in the same EDC service territory to become municipal community solar automatic enrollment projects and to permit the Board to set annual limits on such projects; at N.J.A.C. 14:8-9.7, an amendment to permit the Board to set a minimum guaranteed bill credit discount applicable to subscribers automatically enrolled to an automatic enrollment project; at N.J.A.C. 14:8-9.9, restoration of two provisions regarding the responsibilities of the EDCs; at N.J.A.C. 14:8-11.2 and 11.4, amendments updating the definition of co-location and clarifying the restrictions on co-located projects, as well as stating that projects sited on a landfill owned by a public entity and is not properly closed at the time of registration may be co-located up to 10 megawatts; at N.J.A.C. 14:8-11.5, an amendment requiring that all projects provide written authorization from the EDC providing conditional approval to construct and a milestone reporting form.

The proposed rule change will be published in the New Jersey Register for the purpose of providing notice and allow for the submittal of comments.

**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. QW23110860 – In the Matter of the Verified Petition of Hathaway Solar, LLC for an Order Waiving the Prohibition on Co-Location in the Community Solar Energy Program to Allow the Co-Location of Two 5MW Solar Facilities on the Somerville Landfill and Extending the Board’s Order Lifting the Megawatt Capacity Limits for Certain Projects in the Program.**

**Dr. Sawyer Morgan, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** This item involves the petition submitted by Hathaway Solar, LLC requesting dispensation for admittance of its two five megawatt projects, Somerville Pioneer I & II, into the permanent Community Solar Energy Program, or CSEP. The projects are planned to be sited together on a former landfill in the Borough of Somerville and the projects are needed to finalize the Borough's remediation plans for the uncapped municipal landfill.

The petitioner's projects were applied during year two of the Community Solar Pilot Program, but were not awarded conditional approval. The petitioner is seeking a waiver of the rules at N.J.A.C. 14:8-11.4(f), which prohibit co-location of projects combining to larger than five megawatts in the Administratively Determined Incentive Program.

The petitioner also requests special dispensation for the projects in that the Board extend automatic entry into the CSEP irrespective of the annual megawatt capacity limit to all legacy co-located projects sited on contaminated sites or landfills that, one, apply to year two of the Community Solar Pilot Program; two, were not conditionally approved to construct; and, three, meet all eligibility rules in the permanent program.

Board Staff recommends the Board approve the petitioner's request to waive N.J.A.C. 14:8-11.4(f) with respect to the project's co-location eligibility and direct the petitioner to apply for admittance into the CSEP under its rules as good cause has shown under the circumstances the projects are sited on a municipally owned landfill that is not yet properly closed and that they previously applied in the pilot program when requesting co-location granted.

Board Staff further recommends that the Board deny petitioner's request to lift the annual megawatt capacity limit in the CSEP to all legacy co-located projects that apply to year two of the pilot program because no other projects in year two fall under the same criteria of municipally owned landfills that were not properly closed at the time of registration.

**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>Recused</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

**C. Docket No. QO24060469 – In the Matter of Approval of Department of Environmental Protection’s request for a no-cost extension to the term length of the Memorandum of Understanding (MOU) between BPU and DEP for advancing geothermal systems in New Jersey – Executive Session.**

**Kevin Monte De Ramos, Division of Clean Energy,** presented this matter.

**BACKGROUND:** This matter relates to a no cost extension from the Department of Environmental Protection (“DEP”), with respect to a memorandum between the two-parties, BPU and the DEP, to advance geothermal heating and cooling systems in the State of New Jersey.

The Board approved a MOU on September 18, 2023, which is the MOU's effective date. The MOU allows BPU to engage with New Jersey Center for Advanced Technology (“NJCAT”) through a contract that also includes NJCAT and DEP. As discussed in executive session, Staff recommends that the Board approve the ten-month extension and authorize President Guhl-Sadovy to execute the revised MOU on behalf of the BPU.



**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. QO22080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC); and**

**Docket No. QO24010061 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW - Attentive Energy LLC.**

**Kevin Dillon, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** This item addresses a petition filed on April 16, 2024 by petitioner, Attentive Energy, LLC, regarding the financial reporting requirements related to its offshore wind project.

First, Attentive requests authorization to file unaudited quarterly financial statements instead of the audited quarterly financial statements required by N.J.A.C. 14:8-6.5(a)(4)(v). Attentive noted that the requirement for submitting audited quarterly financial statements is not an industry standard and poses a commercially unreasonable burden on the petitioner.

Attentive also requested confirmation from the Board that submittal of the unaudited quarterly financial statements shall be considered timely if provided to the Board no more than 60 days following the end of the applicable quarter. Additionally, Attentive requested Board confirmation that submittal of annual audited financial statements shall be considered timely if provided to the Board no more than 180 days following the end of the applicable fiscal year.

Upon consideration and review of the program requirements and industry standards, as well as comments received by Rate Counsel, Staff makes the following recommendations to the Board. First, Staff recommends that the Board use its waiver authority to grant Attentive's request to waive Board rules requiring audited quarterly financial statements and confirm Attentive's submission of unaudited quarterly financial statements is acceptable. Second, Staff recommends that the Board confirm that Attentive's submission of unaudited quarterly financial statements within 60 days of each fiscal quarter shall be considered timely. Finally, the Staff recommends that the Board find that Attentive's audited yearly financial statements submitted within 120 days of each fiscal year, at the end of each fiscal year beginning with fiscal year 2024 shall be considered timely.

**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. QO24040231 – In the Matter of Neha Viswanath and Rohit Ramkumar Appeal of Charge-Up New Jersey Rebate Denial.**

**Cathleen Lewis, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** The Charge Up New Jersey program was established by the Board to implement a program to incentivize the purchase or lease of new light duty plug-in electric vehicles in New Jersey. On June 24, 2021 the Board launched phase two of the Charge Up Program to provide incentive to eligible EV purchases at the time of the vehicle's purchase as a deduction to be applied for at the dealership or showroom.

Since its inception the rules and procedures surrounding Charge Up have been promulgated by the Staff and the Charge Up terms and conditions which are updated each fiscal year and posted on the Board's Clean Transportation website of the program administrator. The Board authorized the fiscal year 2024 Charge Up point of sale incentive on June 29, 2024 and resulted in the adoption of the FY24 Charge Up terms and conditions which are posted on the website of the program administrator.

Ms. Viswanath and Mr. Ramkumar purchased a Model 3 Tesla on October 17, 2023 during the Board's FY24 Charge Up program. The initial appeal dated October 30, 2023, at which time the petitioners requested that the Charge Up incentive be applied post purchase for their vehicles. Staff reviewed their request and denied their appeal on March 25, 2024. Following Staff's response, the petitioners filed a petition on April 11, 2024 for a formal hearing with the Board. Staff recommends that the Board deny this petition in accordance with Staff's March 25, 2024 denial as the appellants did not comply with the FY24 terms and conditions in carrying out the purchase of their vehicles.

**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. QX22100653 – In the Matter of a Rulemaking Proceeding to Amend the Successor Solar Incentive Rules and Establish a Competitive Solar Incentive Pursuant to P.L. 2021, c.169.**

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

**BACKGROUND:** This agenda item involves the reproposal of amendments to the New Jersey Administrative Code at Title 14, Chapter 8, subchapter 11, which sets forth the rules for the Competitive Solar Incentive, or CSI, program within the Successor Solar Incentive, or SuSI, program. The CSI program provides incentives to qualified grid supply solar installations, new net metered nonresidential solar facilities with a capacity greater than five megawatts, and certain electricity storage facilities that are combined with grid supply solar installations.

Rule amendments establishing the CSI program were proposed on December 7, 2022 and were published in the New Jersey Register on February 6, 2023. On November 17, 2023, the Board adopted the rule amendments with non-substantial changes. These were published on December 18, 2023 in the New Jersey Register at 55 NJR 2555(a).

At the same agenda meeting, the Board approved proposed substantial changes upon adoption to the SuSI program rules that were also published to the Register on the same date for a 60-day comment period. The resulting notice of adoption of substantial changes was not filed before the 18-month expiration date and the proposal expired on August 6, 2024.

Staff recommends that the Board approve two repropoed rule amendments for publication in the New Jersey Register. First, an amendment to the permitting requirements for registrants in the CSI program at N.J.A.C. 14:8-11.5(d) and, second, additions at N.J.A.C. 14:8-11.10(j) allowing for revisions to the confidential price cap for the CSI program based on an updated assessment of market conditions, Board discretion in awarding competitive bids above the confidential price caps, and the adjustment of megawatt targets allocated per tranche.

**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.

*Sherri L. Lewis*

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Sherri L. Lewis  
Board Secretary

Date: 1/29/2025