



**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 September 25, 2024 at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/live/-3V0gTgK398?si=r4G3JPZkeaRyoTw0>.

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 October 9, 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.

### 4. TELECOMMUNICATIONS

#### **A. Docket No. TO23030128 – In the Matter of the Request for Quotation (RFQ) for the Provision of Telecommunications Relay Services (TRS) – Request for an Extension.**

**BACKGROUND:** This matter involved a proposed second extension of the existing contract with T-Mobile Accessibility f/k/a Sprint (“Sprint” or “T-Mobile”) for the provisioning of Telecommunications Relay Services (“TRS”) in New Jersey. TRS is a telephone service that allows people with hearing, vision or speech disabilities to place and receive telephone calls from standard telephone users via a keyboard, computer, or other assistive technologies.

The current contract for TRS services was awarded to Sprint for a term of five (5) years as the winning bidder under a Request for Quotations (“RFQ”) issued by the New Jersey Board of Public Utilities (“Board”) in 2018. Sprint merged with T-Mobile shortly after the 2018 contract was awarded, with T-Mobile providing service through the contract period of October 1, 2018 through September 30, 2023. On September 29, 2023, the Board approved an extension of the TRS contract with T-Mobile for a period of up to one (1) year with an expiration date of September 30, 2024.

On June 27, 2024, the Board authorized the release of an RFQ to solicit proposals for the provision of TRS service following the conclusion of the extended contract on September 30, 2024. The bid due date was extended at the request of the bidders due to a large number of questions submitted, requiring additional time for responses.

On August 23, 2024, T-Mobile provided an extension offer to the Board with a proposal to extend the terms under the current contract from October 1, 2024 to December 31, 2024.

Because the extended contract is set to expire on September 30, 2024, Staff recommended that the Board approve a second extension of the contract for a three (3) month period through December 31, 2024, to prevent a gap in service. The extension affords the Board sufficient time to address the RFQ responses and secure necessary Treasury approvals, as well as ensure a smooth transition from the existing contract to a new contract vendor, if necessary. Treasury approval is also required for the extension.

**8. CLEAN ENERGY**

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

**BACKGROUND:** Deferred at the bench following Executive Session.

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

**BACKGROUND:** Deferred at the bench following Executive Session.

- C. Docket No. QO21010021 – In the Matter of the Request for Quotation for the Clean Energy Program Administrator - Executive Session.**

**BACKGROUND:** Deferred at the bench following Executive Session.

- D. Docket No. QO24040235 – In the Matter of the Request for Quotation for Escrow Services - Executive Session.**

**BACKGROUND:** This matter involves award of a contract for escrow services pursuant to a Request for Quotation issued following Staff of the New Jersey Board of Public Utilities' ("Staff") request for approval to hire a contractor to provide escrow services for projects registered in the Community Solar Energy Program ("CSEP").

By Order dated August 16, 2023, the New Jersey Board of Public Utilities ("Board") established the CSEP and required that projects registered in the CSEP post escrow of \$40.00 per kilowatt of project capacity within one year of conditional registration.

The Board further directed that the escrow amount be reimbursed to applicants in full upon receipt of permission to operate and submission of a post-construction certification package, pursuant to N.J.A.C. 14:8-11.5(j). Escrow amounts are forfeit to the State if a registered project fails to commence commercial operation before its registration expires.

By Order dated April 30, 2024, the Board updated the deadline for submission of escrow to the later of 10 business days after receipt of conditional approval for a project or 60 business days after the Board or the SuSI Program registration manager informs applicants of the method for depositing escrow with its designated escrow agent.

On May 13, 2024, the Board authorized the release of a Request for Quotation ("RFQ") to hire a contractor to provide escrow services for projects registered in the CSEP.

On July 15, 2024, the Board received one proposal in response to the RFQ. An evaluation committee composed of several Board Staff members reviewed and scored the proposal and subsequently recommended that the Board award a contract to the selected vendor, as discussed in executive session.

**E. Docket No. QO20090624 – In the Matter of New Jersey’s Whole House Pilot Program - Executive Session.**

**BACKGROUND:** On April 7, 2021 the Board awarded the Green & Healthy Homes Initiative (“GHHI”) a contract regarding the Whole House Pilot Program (“WHPP”). A “whole house” approach, as described in the 2019 New Jersey Energy Master Plan (“EMP”), refers to a holistic approach to healthy housing, incorporating and coordinating energy efficiency (“EE”) improvements while remediating health and safety hazards that pose a threat to human health and too often cause efficiency upgrade work to be deferred or delayed. The WHPP incorporates a “whole house” approach by working to address health and safety hazards that prevent weatherization and implement EE measures in single and multi-family residences occupied by low-income residents.

The WHPP uses an integrated, statewide approach that streamlines and leverages existing resources, including programs and funding streams from multiple sources, including federal, State, and local governments, non-government organizations, and non-profit organizations into an integrated, single-stream process for each homeowner. Having such an integrated process eliminates the need for each homeowner to engage separately different entities to provide each desired service, thereby making the process much more seamless and efficient for program participants.

Trenton was selected as the location of the WHPP. The pilot was designed to serve as the model and basis for scaling-up a statewide whole house program. Lessons learned will be used to inform such statewide program, and a final report detailing and analyzing results of the WHPP would be delivered for the Board’s consideration at the conclusion of the project.

The proposed no-cost contract extension will extend the contract with GHHI by ten (10) months, from September 30, 2024, until June 30, 2025. The extension would allow for the completion of additional WHPP units (a “unit” consisting of a house, apartment, group of rooms, or single room occupied or intended for occupancy as separate living quarters, with a housing unit having independent facilities for living, cooking, eating and sleeping), enable more electrification and decarbonization interventions, and allow for more time to collect and evaluation data of WHPP units post-intervention.

Staff recommended that the Board approve the contract modification.

## CONSENT AGENDA

### I. AUDITS

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

EE24080592L

QFB Enterprises, Inc.

I – EA

**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 recommended that the following applicant be issued an initial registration as an energy agent:

- QFB Enterprises, Inc.

### II. ENERGY

There were no items in this category.

### III. CABLE TELEVISION

#### **A. Docket No. CE22120746 – In the Matter of the Petition of Comcast of Garden State L.P. for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Bellmawr, County of Camden, State of New Jersey.**

**BACKGROUND:** On December 23, 2022, Comcast of Garden State, L.P. (“Comcast”) filed a petition for an Automatic Renewal Certificate of Approval for the Borough of Bellmawr (“Borough”), for a term to expire on November 23, 2032. The petition was based on the Borough’s ordinance granting renewal municipal consent, which was adopted June 26, 2008. The Borough’s ordinance granted a term of fifteen (15) years with an automatic renewal term of ten (10) years. The initial term expired on November 23, 2022.

Board Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on November 23, 2032.

**B. Docket No. CE23110786 – In the Matter of the Petition of Comcast of 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 Essex Fells, County of Essex, State of New Jersey.**

**BACKGROUND:** On or about August 12, 2020, Comcast of New Jersey II, LLC (“Comcast”) filed an application with the Borough of Essex Fells (“Borough”) for renewal of municipal consent. On October 18, 2022, the Borough adopted an ordinance granting renewal municipal consent to Comcast. Comcast formally accepted the terms and conditions of the ordinance on March 30, 2023. Comcast filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the Borough on November 1, 2023.

After review, Board Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on May 12, 2031.

**C. Docket No. CE22120735 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for Commercial Township, County of Cumberland, State of New Jersey.**

**BACKGROUND:** On December 14, 2022, Comcast of South Jersey, LLC (“Comcast”) filed a petition for an Automatic Renewal Certificate of Approval for the Township of Commercial (“Township”), for a term to expire on October 1, 2032. The petition is based on the Township’s ordinance granting renewal municipal consent, which was adopted May 21, 2009. The Township’s ordinance granted a term of fifteen (15) years with an automatic renewal term of ten (10) years. The initial term expired on October 1, 2022.

Board Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on October 1, 2032.

**D. Docket No. CE23050293 – In the Matter of the Petition of Spectrum New Jersey, LLC, an Indirect Subsidiary of Charter Communications, Inc., for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Edgewater, County of Bergen, State of New Jersey.**

**BACKGROUND:** On October 10, 2018, Time Warner Cable New York City LLC, I/k/a Charter Communications filed an application with the Borough of Edgewater (“Borough”) for renewal of municipal consent. On October 14, 2020, the Board approved the internal reorganization of Charter Communications, Inc. and Spectrum New York Metro, LLC, f/k/a Time Warner Cable New York City, LLC and the transfer of Charter’s New Jersey cable assets and franchises into a newly created subsidiary, Spectrum New Jersey, LLC (“Spectrum”) in Docket No. CO20090598. The Borough adopted an ordinance granting renewal municipal consent to Spectrum on November 16, 2020. On February 17, 2021, Spectrum formally accepted the terms and conditions of the ordinance. Spectrum filed with the New Jersey Board of Public Utilities (“Board”) for a renewal of its Certificate of Approval for the Borough on May 17,

2023. On February 12, 2024, the Borough adopted an ordinance amending the municipal consent ordinance to address a deficiency found as a result of Board Staff's ("Staff") review regarding the provision of the franchise fee. Spectrum formally accepted the terms and conditions of the amended ordinance on March 20, 2024.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on August 24, 2034.

#### IV. TELECOMMUNICATIONS

##### **A. Docket No. TE24030204 – In the Matter of Petition of Global Connection Inc. of America d/b/a STANDUP WIRELESS for Designation as an Eligible Telecommunications Carrier in the State of New Jersey.**

**BACKGROUND:** On March 28, 2024, Global Connection Inc. of America d/b/a STANDUP WIRELESS ("STANDUP" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") requesting designation as an Eligible Telecommunications Carrier ("ETC") to provide Lifeline service to qualifying New Jersey consumers ("Petition").<sup>1</sup> By the Petition, STANDUP sought ETC designation solely for the purpose of providing Lifeline service and does not seek access to funds from the federal Universal Service Fund for participation in the Link-Up program or for providing service to high-cost areas.

STANDUP demonstrated and certified that the Company meets all the statutory and regulatory requirements, including those in the Federal Communication Commission's Lifeline and Link Up Reform Order of February 6, 2012, Lifeline Modernization Order of April 27, 2016, and Lifeline Order of December 1, 2017.

By letter dated August 23, 2024, the New Jersey Division of Rate Counsel indicated that it did not oppose the request by STANDUP for ETC designation.

Staff recommended approval of the Petition for designation of STANDUP as an ETC in the State of New Jersey.

##### **B. Docket No. TM24060410 – In the Matter of the Verified Petition of Windstream Holdings II, LLC and New Windstream, LLC for Approval of the Indirect Transfer of Control of Authorized Telecommunications Providers.**

**BACKGROUND:** On June 14, 2024, Windstream Holdings II, LLC, a Delaware limited liability company ("Windstream") on behalf of its subsidiaries holding New Jersey authorizations (collectively, "Windstream Licensees"), and New Windstream, LLC, a Delaware limited liability company ("New Windstream") (together with Windstream Holdings, "Joint Petitioners"), filed a petition requesting that the New Jersey Board of Public Utilities ("Board") grant authority pursuant to N.J.S.A. § 48:2-51.1 and N.J.A.C. § 14:1-5.14, to complete a *pro forma* corporate reorganization ("Reorganization") ("Petition"). The Reorganization, which is taking place at the parent holding company level, will result in New Windstream becoming the ultimate parent company of the Windstream Licensees and certain intermediate holding company changes.

Joint Petitioners asserted that the Reorganization is consistent with the public policy criteria delineated in N.J.S.A. § 48:2-51.1, to the extent the statute is applicable. Further, according to the Joint Petitioners, the Reorganization will increase tax efficiencies for Windstream, allowing Windstream Licensees to better compete in the telecommunications marketplace. Because the Reorganization is structured as a *pro forma* change of ownership at the holding company level, it will not affect any of the operations of Windstream Licensees. Customers will continue to have the same service providers and will continue to receive the same services and the same rates, terms, and conditions of service. Petitioners also stated that the Reorganization will be imperceptible to Windstream's New Jersey employees as it will cause no operational changes.

The New Jersey Division of Rate Counsel ("Rate Counsel") submitted comments on the matter. Rate Counsel is not opposed to Board approval of the Petition.

Following review of the records in the proceedings, Board Staff recommended approval of the Reorganization.

**C. Docket No. TF24040241 – In the Matter of the Verified Petition of CenturyLink Communications, LLC, Level 3 Communications, LLC, Broadwing Communications, LLC, Global Crossing Telecommunications, Inc., Global Crossing Local Services, Inc., Level 3 Telecom of New Jersey, LP, TelCove Operations, LLC, and WiTel Communications, LLC for Approval to Participate in Financing Arrangements.**

**BACKGROUND:** On April 23, 2024, CenturyLink Communications, LLC, together with Level 3 Communications, LLC, Broadwing Communications, LLC, Global Crossing Telecommunications, Inc., Global Crossing Local Services, Inc., Level 3 Telecom of New Jersey, LP, TelCove Operations, LLC, and WiTel Communications, LLC (collectively, "Petitioners"), submitted a verified petition, pursuant to N.J.S.A. 48:3-7 and N.J.S.A. 48:3-9, requesting approval from the New Jersey Board of Public Utilities ("Board") to participate in certain financing arrangements involving the restructuring of \$15 billion of outstanding indebtedness of Lumen Technologies, Inc. the parent company of Petitioners and its subsidiaries ("Petition").

Board Staff, after review of the information submitted in this proceeding, determined that the action requested is in accordance with the law and in the public interest and therefore recommended approval of the Petition, subject to certain conditions.

**V. WATER**

**A. Docket No. WE23110867 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of a Municipal Consent Granted by the Township of Washington, County of Warren.**

**BACKGROUND:** On November 30, 2023, New Jersey-American Water Company, Inc. ("Company") filed a petition with the New Jersey Board of Public Utilities ("Board") pursuant to N.J.S.A. 48:2-14, N.J.S.A. 48:19-17 and 48:19-20, and N.J.A.C. 14:1-5.5, seeking approval of



Ordinance No. 2023-09 ("Municipal Consent") granted by the Township of Washington ("Township" ) on April 19, 2023. The Municipal Consent permits the Company to construct, lay, maintain and operate the necessary wastewater mains, pipes and to extend, operate and maintain waste water collection and treatment facilities in a portion of the Township, expanding the Company's existing franchise area.

On May 21, 2024, the Board conducted a duly noticed virtual public hearing on the Company's petition. No members of the public attended the hearing and the Board received no written public comments in this matter.

On June 11, 2024, the New Jersey Division of Rate Counsel filed comments stating that it did not object to Board approval of the Municipal Consent, subject to certain conditions.

Board Staff recommended that the Board approve the Municipal Consent, subject to the certain conditions.

**B. Docket No. WE24030202 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of a Municipal Consent Granted by the Borough of Manville, County of Somerset.**

**BACKGROUND:** On March 27, 2024, New Jersey-American Water Company, Inc. ("NJAWC" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5 seeking approval of Ordinance No. 2024-1312 ("Municipal Consent") issued by the Borough of Manville ("Borough" or "Manville") on March 11, 2024 granting the Company authority to provide wastewater services throughout the Borough of Manville.

On November 7, 2023, the Borough's voters approved a referendum approving the sale of the Borough's wastewater system to NJAWC. Subsequently, on March 11, 2024, the Borough issued the Municipal Consent as part of the sale process conducted in compliance with and pursuant to procedures set forth in N.J.S.A. 40:62-3 through 40:62-6.

On June 18, 2024, the Board conducted a duly noticed virtual public hearing on the Company's petition. No members of the public attended the hearing and the Board received no written public comments in this matter.

On August 5, 2024, the New Jersey Division of Rate Counsel filed comments stating that it did not object to Board approval of the Municipal Consent, subject to certain conditions.

Board Staff recommended that the Board approve the Municipal Consent, subject to the certain conditions.

## VI. RELIABILITY AND SECURITY

**A. Docket Nos. GS24070555K, GS24070556K, GS24070558K, GS24070559K, GS24070560K, GS24070561K, GS24070562K, GS24070563K, GS24070564K, GS24070565K, GS24070566K, GS24070567K, GS24070568K, GS24070569K, GS24070570K, GS24070571K, GS24070572K, GS24070573K, GS24070574K, GS24070575K, GS24070576K, GS24070577K, GS24070578K, GS24070579K, GS24070580K, GS24080581K, GS24080582K, GS24080583K, GS24080584K, GS24080585K, GS24080586K, GS24080587K, GS24080588K, GS24080589K, and GS24080590K – In the Matter of Public Service Electric and 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 thirty-five (35) settlements which total \$105,000.

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, IVA, IVB, IVC, and 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.

After appropriate motion, consent agenda items: VA and VB

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

**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. GR24040281 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of a Rate Adjustment Pursuant to the Infrastructure Investment Program (“IIP”).**

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

**BACKGROUND:** On April 30, Elizabethtown Gas filed a petition seeking rate adjustments to recover a revenue requirement of approximately \$6.3 million associated with the company's infrastructure investment program through June 30, 2024. On July 15, the company provided updated schedules, modifying its request to a revenue requirement of \$6.2 million.

Following a review of the petition, the update and discovery, the parties have executed a stipulation requesting that the Board authorize Elizabethtown to recover a revenue requirement of approximately \$6.2 million. As a result of the stipulation, a typical residential heating customer will experience an increase in their monthly bill of \$1.74.

Staff recommends the Board issue an order approving the stipulation and directing Elizabethtown to file revised tariffs by October 1.

**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. GR24060371 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate and Conservation Incentive Program Rates for the Year Ended September 30, 2025.**

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

**BACKGROUND:** On May 31, 2024 Elizabethtown Gas filed a petition seeking authorization to increase the level of its periodic basic gas supply service rate and modify its conservation incentive program rates for the period October 1, 2024 through September 30, 2025.

On July 16, Elizabethtown filed amended CIP schedules which resulted in modifications to the proposed CIP rates. Following an initial review and discussions, the parties have determined

that while additional time is needed to complete a review of the petition, it's reasonable and in the public interest for Elizabethtown to implement provisional BGSS and CIP rates. Accordingly, the parties executed a stipulation for provisional rates subject to refund with interest.

As a result of the provisional stipulation, an average residential customer will see an increase in their monthly bill of \$4.17.

Staff recommends the Board issue an order adopting the provisional stipulation and directing Elizabethtown to file revised tariffs prior to October 1. Staff further recommends that this matter be transmitted to the Office of Administrative Law for hearing.

**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. GR24040207 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of a Base Rate Adjustment Pursuant to the Infrastructure Investment Program.**

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

**BACKGROUND:** On March 28 New Jersey Natural Gas filed a petition seeking approval to adjust the infrastructure investment program tariff component of its base rates to recover a revenue requirement of \$5.65 million associated with certain investments incurred through June 30th of 2024. On July 26, the company provided updated schedules and modified its requested revenue requirement to \$5.35 million.

Following review of the petition and the update, the parties have executed a stipulation requesting the Board authorize New Jersey Natural to adjust its IIP component to recover a revenue requirement of \$4.67 million. As a result of the stipulation, a typical residential heating customer will see an increase in their monthly bill of 71 cents.

Staff recommends the Board issue an order approving the stipulation and directing New Jersey Natural to file revised tariffs by October 1.

**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. GR24060372 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) Rates for F/Y 2025.**

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

**BACKGROUND:** On May 31 New Jersey Natural Gas filed a petition requesting authority to modify its periodic basic gas supply service rate, its balancing charge rate, and conservation incentive program rates. Through discovery, New Jersey Natural Gas updated the proposed CIP rates to reflect actual information through June 30. Following an initial review and discussions, the parties have executed a stipulation recommending that the Board approve a provisional stipulation to allow the parties time to continue to review the petition.

Based on the stipulation, the combined impact of the proposed changes on a typical residential heating customer is a monthly decrease of 12 cents.

Staff recommends the Board issue an order adopting the stipulation and directing New Jersey Natural to file revised tariffs by October 1. Staff further recommends that this matter be transmitted to the Office of Administrative Law for hearing.

**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. GR24050364 – In the Matter of Public Service Electric and Gas Company's 2024/2025 Annual BGSS Commodity Charge Filing for its Residential Gas Customers Under its Periodic Pricing Mechanism and for Changes in its Balancing Charge.**

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

**BACKGROUND:** On May 31 Public Service Electric and Gas Company filed a petition seeking approval to decrease its basic gas supply service, residential gas service rate, as well as increase its balancing charge rate. Following an initial review and discussions, the parties have determined while additional time is needed to complete a review, it's reasonable and in the public interest for PSE&G to implement provisional rates for which will be subject to refund with interest. As a result of the provisional stipulation, the annualized average monthly bill of a typical residential customer will decrease by approximately \$5.85.

Staff recommends the Board issue an order adopting the provisional stipulation and directing PSE&G to file revised tariffs by October 1. Staff further recommends this matter be transmitted to the Office of Administrative Law.

**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. GR24060369 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Gas Conservation Incentive Program (2024 PSE&G Gas Conservation Incentive Program).**

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

**BACKGROUND:** On May 31 PSE&G filed a petition seeking approval to modify the customer class rates associated with the company's gas conservation incentive program to account for potential lost sales revenues stemming from the company's energy efficiency programs. Following an initial review, the parties executed a stipulation recommending implementation of the proposed rates on a provisional basis subject to refund.

As a result of the stipulation, the monthly impact on a typical residential customer is a decrease of four cents.

Staff recommends the Board issue an order approving the provisional stipulation and directing PSE&G to file revised tariffs by October 1.

**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. GR24040282 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Rate Adjustment Pursuant to the Infrastructure Investment Program (“IIP”).**

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

**BACKGROUND:** On April 30, South Jersey Gas Company filed a petition seeking approval of a rate adjustment to recover a revenue requirement of \$4.24 million associated with the company's infrastructure investment program investments through June 30. On July 15, the company provided updated schedules and updated its requested revenue requirement to \$4.22 million.

Following a review of the petition and the update, the parties have executed a stipulation recommending that the Board authorize South Jersey Gas to recover a revenue requirement

consistent with the update. As a result of the stipulation, a typical residential heating customer will experience an increase in their monthly bill of \$1.14.

Staff recommends the Board issue an order approving the stipulation and directing South Jersey to file revised tariffs by October 1.

**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>

**H. Docket No. GR24060370 – In the Matter of the Petition of South Jersey Gas Company to Revise the Level of its Basic Gas Supply Service (“BGSS”) Charge and Conservation Incentive Program (“CIP”) Charge for the Year Ending September 30, 2025.**

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

**BACKGROUND:** On May 31 South Jersey Gas filed a petition seeking approval to increase the level of its periodic basic gas supply service charge, modify the levels of its balancing service clause charges, and to revise the company's conservation incentive program rates for the period October 1, 2024 through September 30, 2025. Through discovery the company updated the proposed rates to reflect more recent information.

Following an initial review, the parties determined that additional time is needed to complete a review, but that it was reasonable and in the public interest for the company to implement provisional rates subject to refund with interest.

The parties have executed a stipulation, which if approved by the Board, would decrease the monthly bill of a typical residential customer by \$1.51.

Staff recommends the Board issue an order adopting the provisional stipulation and directing South Jersey to file revised tariffs by October 1. Staff further recommends that this matter be transmitted to the Office of Administrative Law for hearing.

**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>



**I. Docket No. ER24070486 – In the Matter of the 2024/2025 Annual Compliance Filings for the Universal Service Fund (“USF”) Program Factor within the Societal Benefits Charge Rates.**

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

**BACKGROUND:** This matter concerns the electric and gas utilities' annual compliance filing to determine the Universal Service Fund and Lifeline program budgets and rates for the upcoming program year. USF and Lifeline provide energy assistance benefits to over 200,000 low income New Jersey households.

The utilities submitted their annual compliance filing to the Board on June 28, 2024. In the filing, the utilities requested rate adjustments to recover a USF budget of approximately \$236.5 million dollars. A June filing also included costs to recover a Lifeline program budget of \$74.6 million. The June filing proposed an increased USF gas and electric rates, an increase to the Lifeline electric rate, and a decrease in the Lifeline gas rate. The June filing included seven months of actual costs and five months of estimated costs.

In the June filing the utilities also requested recovery of their USF related administrative costs and that the USF and Lifeline interim rates approved by the Board last September be finalized.

In July 2024 the utilities updated the information to include nine months of actual cost data through June 2024 and three months of estimated data through September 2024. However, the update would have resulted in a rate that was higher than publicly noticed and therefore cannot be used. In August 2024 the utilities updated the information to include ten months of actual data. However, this update would have also resulted in a rate that was higher than publicly noticed and therefore cannot be used.

The gas and electric utilities each held two virtual public hearings. At the JCP&L public hearing three members of the public attended, of which one member of the public made comments that she was opposed to rate increases, criticized JCP&L for neglecting to keep rates low, and claimed there was little effort to control rates. The constituent argued that JCP&L provides inadequate service and mishandles vegetation management. The constituent suggested there should be alternative options for ratepayers.

On September 10, 2024 Rate Counsel submitted comments regarding the June 2024 filing and subsequent updates and recommended the following. That the Board consider the most recent actual costs and revenue data updated through July 2024 with proposed adjustments by Rate Counsel; make adjustments to the societal benefits charge carrying costs; make adjustments to forecasting methodologies and order a more comprehensive audit of supporting amounts used to calculate the rates in next year's filing. Rate Counsel also concluded it does not object to the utilities' request for recovery of their actual administrative costs incurred in association with the USF program, took no position regarding the reasonableness of the Department of Community Affairs proposed USF administrative budget, recommended that the Board consider the most recent available actual costs and revenue data in establishing the USF/Lifeline rates, and did not object to the Board making the present interim USF and Lifeline rates permanent.

On September 13, 2024 the utilities submitted reply comments requesting the Board to approve the proposed USF and Lifeline rates for the 2024/2025 program year, along with approving administrative expenses incurred by the utilities from July 1, 2023 through June 30, 2024. The utilities further urged the Board to finalize the current USF interim rates, making them permanent as of the new rate period.

After reviewing the June filing and all the related submissions, Staff recommends the following. That the Board approve the Lifeline rates contained in the June filing with rates to be effective for service rendered on and after October 1, 2024. These rates support a Lifeline program budget of \$74.6 million. The Board approve the USF rates proposed in the June filing with rates to be effective for service rendered on and after October 1, 2024. These rates support a USF budget of approximately \$236.5 million dollars. Staff recommends the Board direct the utilities to file revised tariffs by September 30, 2024. The Board Staff recommends the Board direct Staff to reimburse the utilities for the USF related administrative costs, which total \$36,226.

Staff recommends the Board finalize the current interim USF rates that were approved in the September 27, 2023 Board Order, as these have been reviewed and trued up. Staff recommends the Board permit subsequent USF compliance filings and its associated interim rates to be examined and finalized in subsequent proceedings. Staff recommends the Board reject Rate Counsel's comments that recommended adjustments and proposed modifications to forecasting methodologies at this time, but direct the utilities to work collaboratively with Staff and Rate Counsel prior to the 2025 filing to determine whether any adjustments to methodologies is warranted. Finally, Staff recommends that the Board order Staff to initiate a more comprehensive audit of the supporting amounts used to calculate the USF rates for the next program year.

If approved, the combined USF/Lifeline rates represent an overall increase of \$9.90 for an average residential gas customer using a thousand therms per year and an overall increase of \$7.02 for an average residential electric customer using 7,800 kilowatt hours per year. The combined USF/Lifeline annual bill would be \$50.76 per year for an average residential customer who uses both gas and electric, which would be a net increase of \$16.91.

**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**

#### **A. Docket No. CE16090920 – In the Matter of the Application of CSC TKR, 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 release of the Office of Cable Television and Telecommunications ascertainment report for the first phase of the renewal of the systemwide franchise of CSC TKR, LLC.

On January 11, 2010 CSC TKR notified the Board of its intention to convert its franchise in the Borough of Allentown to a systemwide cable television franchise as provided in the 2006 amendments to the New Jersey Cable Television Act. The conversion was memorialized by Board Order issued on February 11, 2010, which granted CSC TKR a systemwide cable television franchise for a term of seven years. During this term, CSC TKR converted an additional 35 municipalities and on February 22, 2017 the Board issued a renewal franchise to CSC TKR for a term of seven years, which expired on January 10, 2024.

Franchise renewals are governed by the Federal Communications Policy 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 for franchise renewals to examine the past performance of the cable operator and identify the future cable related needs of the community. Pursuant to the Board's rules, prior to the filing of a renewal application by the provider, the OCTV&T must issue an ascertainment report to the Board which must be made available to the public. The Board's review and the report is limited to CSC TKR's performance and statewide needs and requirements established under the act, the extent to which they have met their franchise commitments and perform in substantial compliance with material terms and conditions of the franchise.

On May 11, 2021 CSC TKR notified the Board of its intention to review its franchise and on June 20, 2024 the OCTV&T notified CSC TKR of its intention to review the company's performance under the franchise and invited the company to file comments on its performance. CSC TKR filed its comments with the OCTV&T on July 22, 2024. The report prepared by the OCTV&T addresses CSC TKR's comments and reviews the past performance under the franchise.

Pursuant to the franchise renewal rules, the CSC TKR will file its formal franchise renewal application in several months following the release of the report and two public hearings will be held thereafter to provide opportunity for public comment on the application prior to final Board review.

Staff, therefore, recommends that the Board approve the release of the OCTV&T report in compliance with the renewal process for CSC TKR systemwide franchise.

**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>

#### **4. TELECOMMUNICATIONS**

##### **A. Docket No. TO23030128 – In the Matter of the Request for Quotation (RFQ) for the Provision of Telecommunications Relay Services (TRS) – Request for an Extension – Executive Session.**

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

**BACKGROUND:** This matter involves a proposed second extension of the existing contract with T-Mobile Accessibility, formerly known as Sprint, for the provisioning of telecommunications relay services, or TRS, in New Jersey.

TRS is a telephone service that allows people with hearing, vision, or speech disabilities to place and receive telephone calls from standard telephone users via a keyboard computer or other assistive technologies. The current contract for TRS service was awarded to Sprint for a term of five years under a RFQ issued by the Board in 2018. Sprint merged with T-Mobile shortly after the 2018 contract was awarded and T-Mobile provided service through the contract period from October 1, 2018 through September 30, 2023. On September 29, 2023 the Board approved a one year extension of the TRS contract with T-Mobile with an expiration date of September 30, 2024.

On June 27, 2024, the Board authorized the release of the RFQ to solicit proposals for a new contract. The bid due date was extended at the request of the bidders due to a large number of questions that were submitted requiring additional time for responses.

On August 23, 2024 T-Mobile provided an extension offer to the Board with a proposal to extend the terms under the current contract from October 1 to December 31, 2024. Because the extended contract is set to expire on September 30, an extension is necessary to prevent a gap in service, as well as afford the Board sufficient time to address the RFQ responses and secure necessary Treasury approvals and ensure a smooth transition from the existing contract to a new contract vendor, if necessary.

Staff, therefore, recommends that the Board approve the second extension request of the contract for the three month period extending it through December 31, 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>

**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. QO20080561 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding Funding for the Wind Innovation and New Development Institute – Executive Session.**

**BACKGROUND:** Deferred at the bench following Executive Session.

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

**BACKGROUND:** Deferred at the bench following Executive Session.

**C. Docket No. QO21010021 – In the Matter of the Request for Quotation for the Clean Energy Program Administrator – Executive Session.**

**BACKGROUND:** Deferred at the bench following Executive Session.

**D. Docket No. QO24040235 – In the Matter of the Request for Quotation for Escrow Services – Executive Session.**

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

**BACKGROUND:** This matter involves a request for quotation for escrow services. Staff seeks approval to hire a contractor to assist with the escrow requirement in the Community Solar Energy Program. All projects accepted into the CSEP are required to submit an escrow deposit of \$40.00 per kilowatt of DC capacity following acceptance into the program, which would be returned to the project owner after completion of the project or forfeit to the State if a project is canceled.

On April 30, 2024, the Board authorized the release of an RFQ to hire a contractor to provide these escrow services. On July 15, 2024, the response to the RFQ was received and subsequently evaluated and scored by an evaluation committee of Board Staff members. Staff, with assistance from the Board's Division of Budget and Fiscal, will work with the Department of Treasury to receive all necessary approvals to procure a contractor through the waivers of advertising process.

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

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

<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. QO20090624 – In the Matter of New Jersey’s Whole House Pilot Program – Executive Session.**

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

**BACKGROUND:** On April 7, 2021 the Board awarded the Green and Healthy Homes Initiative, a contract regarding the Whole House Pilot Program, which takes a whole house approach as described in the 2019 New Jersey Energy Master Plan by working to address health and safety hazards that prevent weatherization and implement energy efficiency measures in single and multi-family residences occupied by low income residents.

Trenton was selected as a location of the Whole House Pilot Program and was designed to serve as the model and basis for scaling up a statewide Whole House Program. Lessons learned will be used to inform such a statewide program and a final report detailing and analyzing the results of the pilot program will be delivered for the Board's consideration upon conclusion of the project.

As discussed in executive session, Staff requests and recommends that the Board approve the contract extension.

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

**Docket No. QO24010060 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW – Invenergy Wind Offshore LLC.**

**Katharine Perry, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** This item addresses Invenergy Wind Offshore, LLCs July 22, 2024 motion to stay enforcement of the Board's order approving Leading Light Wind's 2,400 megawatt project as a qualified offshore wind project for which a Board Order was issued on January 24, 2024.

The motion requests that the Board maintain the status quo by staying enforcement of the January 24, 2024 order. In its motion, Invenergy describes negative developments related to the supply and costs of wind turbine generators that occurred during the application process for the Board's third offshore wind renewable energy certificate solicitation, as well as following the January 24, 2024 order. These negative developments have left Invenergy without a viable wind turbine supplier for its Leading Light Wind project.

Invenergy has requested the motion to provide Invenergy with the additional time to negotiate with wind turbine manufacturers in order to secure cost effective wind turbine option for the Leading Light Wind project.

Upon consideration of Invenergy's motion and comments received from Rate Counsel, Board Staff recommends that the Board approve Invenergy's motion to stay enforcement of the January 24, 2024 order until December 20, 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>

**G. Docket No. QW23100746 – In the Matter of the Petition of Altus Power for Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Mechanically Complete Community Solar PY2 Projects; and**

**Docket No. QW23110858 – In the Matter of the Petition of Altus Power for Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Certain Mechanically Complete Community Solar PY2 Projects.**

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

**BACKGROUND:** This agenda item concerns two motions for reconsideration filed on March 4th and 5th of 2024 by Altus Power, LLC on the order dated February 14, 2024, which denied their petition seeking extensions of time to complete projects within the transition incentive, or TI, program.

On February 14, 2024, the Board issued an order that denied two petitions filed by Altus Power seeking extensions in the TI program for 28 community solar projects. The Board rejected petitioner's claim that these projects were similarly situated to those granted an extension in the Gibbstown order. Altus Power requested that the Board reconsider the denial for 16 of the 28 projects, drawing a parallel to pilot year one projects that the Board granted a six month extension to in its August 17, 2022 order.

Staff notes that the same order that granted the pilot year one extension also granted a blanket six month extension to all pilot year two projects, including those that are at issue in the motions for reconsideration.

Based upon careful review of Altus Power's arguments and the February 2024 order denying further extensions under the TI program, Staff recommends the Board deny the motions.

**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", positioned above a horizontal line.

Sherri L. Golden  
Board Secretary

Date: 12/18/2024