



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
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**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 October 9, 2024 at 401 E State St, Trenton and via online @ [https://www.youtube.com/live/ScMf\\_CC3P5s?si=LUvORsCjZ0EwBnhw](https://www.youtube.com/live/ScMf_CC3P5s?si=LUvORsCjZ0EwBnhw)

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 23, 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 matter, 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

#### **A. Docket No. QO21030667 – In the Matter of the Release of the Solar Successor Competitive Administrator Request for Quotation (RFQ) – Executive Session.**

**BACKGROUND:** This matter involves a no-cost contract extension for work related to the administration of the Competitive Solar Incentive (“CSI”) Program.

Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval to extend the contract BPU’s CSI Program administrator, Daymark Energy Advisors, Inc. (“Daymark”) by one (1) year, with no proposed changes to the scope of work and no additional budgetary allocations beyond the original terms and conditions of the contract.

Staff recommends that the Board approve a one (1)-year no-cost contract extension with Daymark. The original contract will be funded from the Fiscal Year 2025 New Jersey Clean Energy Program (“NJCEP”) budget – Program Evaluation line.

## CONSENT AGENDA

### I. AUDITS

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

EE24090628L American Wholesale Energy Inc. I – EA

EE24080594L Op2mize Energy LLC I – EA/PA  
GE24080595L

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

EE21060885L Avion Energy, Inc. R – EA/PA  
GE21060886L

**BACKGROUND:** The New Jersey Board of Public Utilities (“Board”) must register all energy agents, private aggregators, and energy consultants, and the Board must license all third-party electric power suppliers and natural gas suppliers (“TPSs”). Annually thereafter, TPSs, as well as energy agents, private aggregators, and energy consultants, are required to timely file annual information update forms and renewal fees for their licenses and registrations in order to continue to do business in New Jersey. N.J.S.A. 48:3-78 to 79; N.J.A.C. 14:4-5.6 to 5.7; N.J.A.C. 14:4-5.8 to 5.9, and N.J.A.C. 14:4-5.11.

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

- A. American Wholesale Energy Inc.
- A. Op2mize Energy LLC

In addition, Staff recommended that the following applicant be issued renewal registrations as an energy agent and private aggregator:

- o Avion Energy, Inc.

### II. ENERGY

There were no items in this category.

### III. CABLE TELEVISION

**A. Docket No. CE23090644 – In the Matter of the Petition of Spectrum New Jersey, LLC, 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 Ridgefield, County of Bergen, State of New Jersey**

**BACKGROUND:** On March 30, 2011, Time Warner Entertainment Company, L.P. (“TWE”) filed an application with the Borough of Ridgefield (“Borough”) for renewal of municipal consent. On September 13, 2012, the New Jersey Board of Public Utilities (“Board”) approved the asset transfer of TWE to Time Warner Cable New York City, LLC (“TWCNYC”) in Docket No. CM12030252. On March 31, 2016, the Board approved the transfer of the equity interests of TWCNYC to Charter Communications, Inc. (“Charter”) in Docket No. CM15070770. On December 9, 2019, the Borough adopted an ordinance granting renewal municipal consent to Spectrum New York Metro, LLC f/k/a Time Warner Cable New York City, LLC (“SNYM”), an indirect subsidiary of Charter. On February 3, 2020, SNYM formally accepted the terms and conditions of the ordinance. On October 14, 2020, the Board approved the internal reorganization of Charter and SNYM 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. On September 11, 2023, Spectrum filed with the Board for a renewal of its Certificate of Approval for the Borough.

After review, Board Staff (“Staff”) recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on October 16, 2034.

**B. Docket No. CE24020118 – 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 Township of East Amwell, County of Hunterdon, State of New Jersey**

**BACKGROUND:** On February 21, 2023, Comcast of Central New Jersey II, LLC (“Comcast”) filed an application with the Township of East Amwell (“Township”) for renewal of municipal consent. The Township adopted an ordinance granting renewal municipal consent to Comcast on September 14, 2023. On November 20, 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 Township on February 20, 2024.

After review, Board Staff (“Staff”) recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on June 30, 2033.

#### IV. TELECOMMUNICATIONS

##### **A. Docket No. TM24060411 - In the Matter of the Verified Petition of Windstream Parent, Inc., Windstream Holdings II, LLC and Uniti Group Inc. for Approval of the Indirect Transfer of Control of Authorized Telecommunications Providers.**

**BACKGROUND:** On June 14, 2024, Windstream Holdings II, LLC (“Windstream”), a Delaware limited liability company, on behalf of its subsidiaries holding New Jersey authorizations (collectively, “Windstream Licensees”), Uniti Group Inc. (“Uniti”), a Maryland corporation, on behalf of its subsidiaries holding New Jersey authorizations (“Uniti Licensees”), and Windstream Parent, Inc. (“Parent”), a Delaware corporation (together with Windstream and Uniti, “Petitioners”) filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to relevant provisions of New Jersey law, including without limitation N.J.S.A. 48:2-51.1 and N.J.A.C. 14:1-5.14, requesting a grant of authority to complete a transaction that will result in the acquisition of indirect control of the Windstream Licensees and Uniti Licensees by Parent (“Transaction”) (“Petition”). Following the closing of the Transaction, Parent, as the new parent of both Uniti and Windstream, would become the indirect owner of the Windstream Licensees and the Uniti Licensees.

Petitioners asserted that the proposed Transaction would generate substantial benefits by creating a more dynamic and competitive provider throughout Windstream’s and Uniti’s footprints and across their respective business sectors. Petitioners also stated that the Transaction is consistent with the public policy criteria delineated in N.J.S.A. 48:2-51.1. Further, Petitioners stated that combining Uniti’s and Windstream’s respective network assets, experience, and competencies will help both companies realize efficiencies, leverage each other’s resources, realize economies of scale in procurement, and better position Parent to invest in continued fiber and broadband expansion than either Windstream or Uniti could do alone.

Petitioners stated that Uniti’s and Windstream’s core competencies are complementary, with Windstream’s focus on mass-market, last-mile services and Uniti’s core competency in dark fiber, wholesale and middle-mile connectivity allowing each company to leverage the other’s resources.

Petitioners state that they have not engaged in any material integration planning, and there are no current plans with regards to New Jersey employees. Petitioners additionally stated that Parent will be able to fulfill and satisfy the pension benefits of Windstream’s employees and that Uniti does not have a pension plan for employees.

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, however Rate Counsel stated that the Board should require Parent to submit a report one (1) year from the date of the Transaction listing how many New Jersey employees there were at the date of the Transaction and one (1) year later, since Petitioners state that they currently do not have plans for New Jersey employees.

Following review of the records in the proceedings, Board Staff recommended approval of the Transaction and agreed with Rate Counsel's recommendation.

## **V. WATER**

There were no items in this category.

## **VI. RELIABILITY AND SECURITY**

**A. Docket Nos. ES24090632K, ES24090633K, ES24090634K, WS24090635K, ES24090636K, ES24090637K, ES24090638K, ES24090639K, WS24090640K, ES24090641K, ES24090642K, ES24090643K, ES24090645K, ES24090646K, ES24090647K, ES24090648K, ES24090649K, ES24090650K, ES24090651K, GS24090652K, ES24090653K, ES24090654K, ES24090655K, ES24090656K, ES24090657K, ES24090658K, ES24090659K, ES24090660K, ES24090661K, ES24090662K, ES24090663K, ES24090664K, ES24090665K, ES24090666K, ES24090667K, GS24090668K, GS24090669K, GS24090670K, GS24090671K, GS24090676K, GS24090677K, GS24090678K, GS24090679K, GS24090680K, GS24090681K, GS24090682K, GS24090683K, GS24090684K, GS24090685K, GS24090686K, GS24090687K, GS24090688K, GS24090689K, GS24090690K, GS24090691K, GS24090692K, GS24090693K, GS24090694K, GS24090695K, GS24090696K, GS24090697K, GS24090698K, GS24090699K, GS24090700K, GS24090701K, GS24090702K, GS24090703K, GS24090704K, GS24090705K, GS24090706K, GS24090707K, GS24090708K, ES24090709K, ES24090710K, GS24090711K, GS24090712K, GS24090713K, GS24090714K, and GS24090715K – IN THE MATTER OF JERSEY CENTRAL POWER & LIGHT COMPANY ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. EOC 2021-0186**

**BACKGROUND:** This matter involved settlements of alleged violations of the Underground Facility Protection Act ("Act") by multiple underground facility operators and excavators. 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 are seventy-nine (79) settlements which total \$222,500.

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**

- A. Approval for the June 27, 2024 Minutes;  
Approval for the July 24, 2024 Minutes;  
Approval for the August 14, 2024 Minutes.

**After appropriate motion, consent agenda items**

<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 Nos. BPU ER23120924 and GR23120925 and OAL PUC 00926-24 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service, B.P.U.N.J. No. 17 Electric and B.P.U.N.J. No. 17 Gas, and for Changes in Depreciation Rates, Pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 and N.J.S.A. 48:2- 21.1, and for Other Appropriate Relief.**

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

**BACKGROUND:** On December 29, 2023 Public Service Electric and Gas Company (“PSE&G” or “PS”) filed a petition seeking approval of an increase in its electric and gas base rates. The net revenue impact of all proposals to electric customers was an increase of approximately \$462 million. The net revenue impact of all proposals to gas customers was an increase of approximately \$364 million. In their petition, PSE&G also sought an increase in their return on equity, modification of its depreciation rates, prudence determination, and final rate recovery of several infrastructure programs and investments and several rate and tariff changes.

PS provided updates for actual results to the end of the test year, May 31st of 2024, which modified the proposed revenue requirement to an increase of \$514 million for electric customers and a net increase of \$356 million for gas customers.

The parties held numerous discovery and settlement conferences and as a result several parties executed a stipulation resolving the matter which was approved by an initial decision from Administrative Law Judge Jones. Electrify America, a participant, filed exceptions to the initial decision to which PS responded.

Some key components of the stipulation are an overall revenue requirement of \$505 million, excluding SUT, consisting of a net \$341 million increase for electric and a net \$164 million increase for gas. The company's ROE would be 9.6 percent with a 55 percent equity and 45 percent debt capital structure. PS would also be authorized to record as a regulatory asset or liability the difference between its actual total pension and OPEB expenses compared to the amount included in the 12+O update.

PS would also be permitted to defer major storm costs, subject to certain conditions, which are outlined in the stipulation. This storm deferral mechanism would be in place until the company's next rate case where it would be reviewed by the parties. The stipulation also addresses the review of several of PS's infrastructure investments that will continue beyond the conclusion of this case.



Based on the stipulation, an average, the average monthly bill for a typical residential electric customer will increase by \$8.93. The average monthly bill for a typical residential gas heating customer will increase by \$6.54.

Staff recommends that the Board adopt the initial decision and stipulation for service rendered on or after October 15. Staff further recommends the Board direct PSE&G to file revised tariffs by October 10. With respect to Electrify America's exceptions, Staff recommends that the Board not accept Electrify America's exceptions.

**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 Nos. BPU WR24010057 and OAL PUC 02300-24 – In the Matter of the Petition of Aqua New Jersey, Inc. for Approval of an Increase in Rates for Water Service, COVID-19 Deferred Cost Recovery, Adjustment of Certain Depreciation Rates, and Other Tariff Changes.**

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

**BACKGROUND:** On January 19, 2024, Aqua New Jersey, Inc. filed a petition seeking approval of an increase in its base rates for water service of approximately \$8.3 million. During the course of the proceeding, Aqua updated the petition to include 12 months of actual information which modified the proposed revenue requirement to approximately \$7.7 million. The company also requested authorization to reset its current distribution system improvement charge to zero, implement a new DSIC, recover its deferred COVID-19 costs and lead service line replacement cost, as well as use deferred accounting for future PFAS costs and future lead service line replacement costs through a surcharge.

The parties executed a stipulation resolving all issues, which was subsequently approved by initial decision issued by ALJ Jacob Gertsman.

Some key components of the stipulation included overall base rate revenue requirement increase of \$2.25 million. The company's ROE would be 9.6 percent with a 53 percent equity and 47 percent debt to capital structure. Additionally, the current DSIC charge would be reset to zero and the company's new DSIC foundational filing would be approved. With respect to lead service line costs, Aqua would be allowed to recover its current deferred cost over a three year period. Going forward, Aqua will recover the lead service line replacement costs through a surcharge on a semiannual basis. Based on the stipulation, the average customer would see an increase in their monthly bill of \$7.23.

Staff recommends that the Board approve the initial decision and stipulation for rates effective October 15. Staff further recommends that the Board direct Aqua to file revised tariffs by October 11.

**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>

## 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. QO21030667 – In the Matter of the Release of the Solar Successor Competitive Administrator Request for Quotation (RFQ) – Executive Session.**

**Bence Oliver, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter pertains to a contract extension for work done by Daymark Energy Advisors related to the administration of the Competitive Solar Initiative Program. The initial term of the contract expires October 11, 2024. The requested extension represents the first of the three available one year periods allowed in the contract terms and conditions. No additional budgetary allocations or changes to the scope of work are requested for the extension.

Staff recommends that the Board approve a one-year contract extension with Daymark Energy Advisors.

**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. QO21101186 – In the Matter of the Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169; and**

**Docket No. QO24080621 – In the Matter of Citizens NP Solar, LLC – Application for Competitive Solar Incentive Program Tranche 3 Eligibility.**

**Bence Oliver, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** This item relates to the application from Citizens NP Solar, LLC in the Competitive Solar Incentive, or CSI, Program, seeking conditional certification of eligibility to generate SREC-IIs as a project located on a landfill.

On April 17, 2024, the Board award the applicant an SREC-II incentive of \$124.00 per megawatt hour in tranche three in the second solicitation of the CSI program. The proposed 7.416 megawatt DC project is to be located at the Hawthorne Inc., or National Park Sanitary Landfill site, Block 111, Lots 1, 2 and 3 in the Borough of National Park County, New Jersey. As part of the initial registration package, the applicant filed a contaminated site or landfill eligibility verification form, along with supporting documentation, to enable the Board in consultation with NJDEP to determine whether the project meets the requirements for participation in the contaminated sites and landfills tranche.

Staff reviewed the application and supplied a copy to NJDEP for their review. NJDEP reviewed the site to determine any compliance issues, required permits and approvals, and impacts to regulated areas that must be addressed prior to construction of the project and issued an advisory memo to staff on August 7, 2024.

Staff recommends that the Board: (1) grant conditional certification to the applicant's 7.416 megawatt project as being eligible to generate SREC-IIs as a landfill facility in the CSI program; (2) find the conditions for certification provided by NJDEP, including, but not limited to, the proper closure of the landfill in compliance with all appropriate NJDEP rules and regulations and the considerations presented in the advisory memo be fully documented as satisfied by the applicant prior to Staff's issuance of full certification; and (3) direct the applicant to submit this order with the final registration package within 30 days of the effective date of this order.

**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. QO21101186 – In the Matter of the Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169; and**

**Docket No. QO24080622 – In the Matter of NextGrid Manchester Landfill, LLC – Application for Competitive Solar Incentive Program Tranche 3 Eligibility.**

**Bence Oliver, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This application relates to the application from NextGrid Manchester Landfill, LLC in the Competitive Solar Incentive Program seeking conditional certification of eligibility to generate SREC-IIs as a project located on a landfill.

On April 17, 2024, the Board awarded the applicant an SREC-II incentive of \$115.00 per megawatt hour in tranche three in the second solicitation of the CSI program. The proposed 5.2 megawatt DC project is to be located at the Manchester landfill site Block 116, Lot 13 at 110 Sam Pitts Road, Manchester Township, Ocean County, New Jersey. As part of the initial registration package, the applicant filed a contaminated site or landfill eligibility verification form, along with supporting documentation to enable the Board, in consultation with NJDEP, to determine whether the project meets the requirements for participation in the contaminated sites and landfills tranche.

Staff reviewed the application and supplied a copy to NJDEP for their review. NJDEP reviewed the site to determine any compliance issues, required permits and approvals, and impacts to regulated areas that must be addressed prior to construction of the project and issued an advisory memo to Staff on August 7, 2024.

Staff recommends that the Board: (1) grant conditional certification to the applicant's 5.2 megawatt project as being eligible to generate SREC-IIs as a landfill facility in the CSI program; (2) find that the conditions for certification provided by NJDEP, including, but not limited to, the proper closure of the landfill in compliance with all appropriate NJDEP rules and regulations and the considerations presented in the advisory memo be documented as fully satisfied by the applicant prior to the Staff's issuance of a full certification; and (3) direct the applicant to submit this order with a final registration package within 30 days of the effective date of this order.

**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. QO22090615 – In the Matter of the Verified Petition of the Passaic Valley Sewerage Commission for Approval of an Extension of the Transition Incentive Program Commercial Operation Deadline.**

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

**BACKGROUND:** This item pertains to the petition filed on September 29, 2022 by Passaic Valley Sewerage Commission, (“Petitioner” or “PVSC”), regarding an extension of the deadline to complete project requirements in the Transition Incentive, or TI program.

PVSC's project was conditionally accepted into the TI program on October 8, 2021 with a completion deadline of October 8, 2022 for a multi-phased solar project sized up to 18 megawatts across four separate TI registrations. They were referred to as the Canopy, Flood Wall, Rooftop, and Ground Mount phases or systems referred to in total as the project. Petitioner specified that the project was a part of its larger Energy Sustainability Roadmap Hybrid Microgrid Project.

On October 6, 2023, the project received permission to operate, or PTO, from PSE&G for a portion of their rooftop phase that equated to 903.96 kilowatts DC. On April 4, 2024 the project received a separate PTO from PSE&G for additional capacity in the rooftop phase and the flood wall phase. Also on October 6, 2023, PVSC filed supplemental information to its petition referred to as the first supplement, which did not include the ground mount registration to seek an extension of time until April 8, 2024. PVSC requested the extension arguing its unique circumstances as a public entity including challenges with the State's Environmental Justice Law, procurement and permitting process, and stakeholder feedback on the project design and scope.

On August 2, 2024, Petitioner filed another update to the petition referred to as the second supplement, stating that a portion of the rooftop system had been completed and its post-construction certification packaged submitted October 6, 2023 was prior to the program deadline. In addition, Petitioner stated that on April 5, 2024 its post-construction certification packages had been submitted for the remaining portion of the rooftop system and for the flood wall system. Due to the pendency of the instant petition, none of these packages have been reviewed yet. Petitioner also withdrew the canopy system from its extension request.

Finally, a second supplement advised that on July 18, 2024, the DEP issued a decision authorizing the modification of the PVSC's previously authorized air permit to enable PVSC to develop a partially fossil-based solution to provide backup power. The DEP attached a number of conditions to the air permit modification, including a directive to PVSC to install no less than five megawatts of solar generation at the facility by December 31, 2026.

Staff recommends that the Board deny the request for an extension of time under the TI program, but allow the program administrator to process the final paperwork for the portion of the rooftop system that received PTO from PSE&G by the TI program deadline. Staff also recommends that the Board allow the remaining balance of the rooftop system that received PTO on April 4, 2024 and the flood wall system to register and seek incentives in the

Administratively Determined Incentive Program provided they satisfy all other eligibility requirements and program rules and regulations.

Staff notes that N.J.A.C. 14:8-11.4(b) as amended allows this facility to apply to register in the ADI program, despite having commenced construction.

**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.



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Sherri L. Golden  
Board Secretary

Date: 12/18/2024