

STATE OF NEW JERSEY
Board of Public Utilities
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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 23, 2024 at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ https://www.youtube.com/live/A_5Ky--CP2o?si=En_R39E3wei-GAEp

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 November 21, 2024, at 11:00 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. TO23100776 – In the Matter of the New Jersey Broadband Infrastructure Deployment Equity Pilot Program – Executive Session.

BACKGROUND: Presented in executive session was a need to publish in the New Jersey Broadband Infrastructure Deployment Equity program's Notice of Funding Availability, NOFA, in the New Jersey Register and subsequently release the NJBIDE pilot program application consistent with NOFA. NJBIDE is New Jersey's subgrant program funded by the American Rescue Plan Capital Projects fund. These steps are crucial for officially launching the NJBIDE pilot program and inviting applications from eligible entities. The NOFA includes eligibility criteria, the application and awards timeline, a merit scoring rubric and links to the Office of Broadband Connectivity's website where the application will be posted.

Staff recommends that the Board approve the publication of the NOFA in New Jersey Register and release an NJBIDE grant application consistent with the NOFA.

8. CLEAN ENERGY

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

BACKGROUND: This matter involves a release of a request for quotation, or RFQ, for services of a program administrator to manage New Jersey's Clean Energy Program. The Clean Energy Program consists of a suite of statewide energy efficiency and renewable energy programs that are available to customers in each of the service territories of New Jersey's seven investor-owned natural gas and electric utilities.

Staff anticipates that this RFQ will be approximately a two-year contract funded by the NJCEP Fiscal Year 2025 Budget, with the option for an additional two-year contract extension. Staff with assistance from Budget and Fiscal have received all required approvals for a release of the RFQ to procure a contractor through the waiver of advertising process. Staff notes that proposals received in connection with this RFQ will be reviewed through timely and ongoing briefings with the Board President and Commissioners.

Staff recommends that the Board approve the release of the RFQ to solicit proposals from qualified consultants for the purpose of hiring a program administrator for the New Jersey Clean Energy Program.

E. Docket No. QO24100823 – In the Matter of Mini-Bid Request for Quotation for Contractor Support for Marketing and Communication Services for the New Jersey Clean Energy Program – Executive Session.

BACKGROUND: Deferred at the bench following Executive Session.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TF24070491 – In the Matter of the Verified Petition of PEG Bandwidth NJ, LLC and Uniti National LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On July 2, 2024, PEG Bandwidth NJ, LLC (“PEG NJ”) and Uniti National LLC (“Uniti National”) (together, “Petitioners”) submitted a Verified Petition to the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-7 and 48:3-9, requesting Board approval for PEG NJ and Uniti National to participate in certain new Financing Arrangements.

Petitioners are indirect subsidiaries of Uniti Group Inc. (“Uniti Group”) and seek Board approval to participate as guarantors or co-guarantors and to pledge their assets as security for certain new financing arrangements of their corporate parent and affiliates. Specifically, Uniti Group’s subsidiaries, Uniti Group LP, Uniti Fiber Holdings Inc., Uniti Group Finance 2019 Inc., and CSL Capital, LLC have completed an offering of \$300 million aggregate principal amount of 10.50% senior secured notes due 2028 (“Financing Arrangements”). The Financing Arrangements will be guaranteed on a senior unsecured basis by Uniti Group, and on a senior secured basis by each of Uniti Group LP’s subsidiaries, including Petitioners, that is an issuer, obligor or guarantor under Uniti Group’s senior secured credit facilities and existing secured notes. As such, Petitioners seek approval to enter into or participate in Financing Arrangements in support of their corporate parents and affiliates.

Board Staff, after review of the information submitted in this proceeding, determined that the Financing Arrangements are in accordance with the law and in the public interest and therefore recommended approval of the Petition.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS24090732K, GS24090733K, GS24090734K, ES24090735K, GS24090736K, GS24090737K, GS24090738K, GS24090739K, GS24090740K, GS24090741K, GS24090742K, GS24090743K, GS24090744K, GS24090745K, GS24090746K, GS24090747K, GS24090748K, GS24090749K, GS24090750K, GS24090751K, GS24090752K, GS24090753K, GS24090754K, GS24090755K, GS24090756K, GS24090757K, GS24090758K, ES24090759K, GS24090760K, GS24090761K, GS24090762K, GS24090763K, GS24090764K, GS24090765K, GS24090766K, GS24090767K, GS24090768K, GS24090769K, GS24090770K, and GS24090771K – In the Matter of Public Service Electric and Gas Company Alleged Violations of the Underground Facility Protections Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection 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 forty (40) settlements which total \$118,500.

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

There were no items in this category.

After appropriate motion, consent agenda items

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

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

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

Alexander Cary, Division of Energy, presented in this matter.

BACKGROUND: On July 22, 2024 Midatlantic Offshore Development, LLC, otherwise known as MAOD, submitted a formula rate tariff filing to the Federal Energy Regulatory Commission, otherwise known as FERC, in FERC Docket Number ER 24-2564. MAOD proposed a base return on equity, or ROE, of 10.26 percent, plus a .5 percent regional transmission organization matter for a total proposed ROE of 10.76 percent.

On August 12, 2024, Staff of the New Jersey Board of Public Utilities filed a protest with FERC challenging MAOD's proposed ROE and requesting that FERC set the matter for hearing and settlement. Staff was later ratified by the Board.

In response to this protest, on August 27, 2024 MAOD filed an answer asserting that its proposed ROE and depreciation rates are just and reasonable and not unduly discriminatory and requesting that FERC reject the Board's protest and accept MAOD's proposed formula rate.

On September 11, 2024, on behalf of the Board, Staff filed a response to MAOD's answer. Staff's response argued that MAOD's answer did not include information that would allow FERC to make a determination on the merits and contained new or erroneous information that could complicate the Commission's decision-making. Therefore, the response reiterated its request to the Commission to set the matter for hearing and settlement proceedings.

On September 20, 2024, FERC set the matter for hearing in settlement in FERC Docket Number EL 24-137. Staff recommends that the Board ratify the September 11, 2024 response that Staff filed with FERC.

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

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

B. Docket No. ER23040231 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Seeking Review of its Deferred Balance with Respect to the Tax Act Adjustment of its Filed Tariff (“2021/2022 TAA Filing”).

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

BACKGROUND: On April 14, 2023, Jersey Central Power and Light Company filed a petition seeking review and reconciliation of the company's Rider Tax Act Adjustment rates and revenues from January 1, 2021 through December 31st of 2022. On June 12th of this year, the company provided an update to the petition with actuals through May 15th of 2024.

Following review of the petitions, the petition and discussion among the parties, the parties have executed a stipulation resolving all issues. There are no bill impacts associated with the stipulation.

Staff recommends the Board approve the stipulation and direct the company to file revised tariffs prior to October 31.

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

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

C. Docket No. GC18111234 – In the Matter of the Verified Petition of The College of New Jersey for Relief from a Penalty Assessed by Public Service Electric and Gas Company.

Heather Weisband, Division of Energy, presented in this matter, with clarification from **Stacy Peterson, Division of Energy**.

BACKGROUND: This matter pertains to a motion for classification or, in the alternative, reconsideration filed by the College of New Jersey, TCNJ, regarding your July 24, 2024 order in this matter. TCNJ received service from PSE&G under a grandfathered tariff where in consideration for a lower rate TCNJ must discontinue natural gas use upon eight or more hours notification by PSE&G. Therefore, customers on this tariff must annually certify that, among other things, they will suspend their gas use when under an interruption, or that they have an alternative fuel source that can be legally used for seven or more days at the customer's facility.

PSE&G assessed TCNJ an approximate \$2 million fine for failure to discontinue the natural gas use during that period of interruption and in your July 4, 2024 order, among other things, you ordered TCNJ to pay the full penalty amount. TCNJ's motion does not question the penalty amount, but instead is an ask of clarification of wording provided in your order and, or the alternative, if the clarification is not provided, a motion for reconsideration.

Staff reviewed TCNJ's motion as long, in addition with your Board order dated July 24, 2024, and Staff concluded that the Board required TCNJ to certify that it will maintain an alternative fuel source that can be used in a period of interruption and not that that fuel source must be located on site.

Therefore, Staff recommends the following. One, the Board clarify that the subject language of the July 24, 2024 order does not require TCNJ to maintain alternate fuel on site. Staff further recommends that the Board clarify that the subject language requires TCNJ to certify annually that TCNJ will maintain the availability of an alternative fuel source that TCNJ can use to operate its two boilers and the availability may be on site or through a contractual supply. Staff recommends that the Board does not address TCNJ's alternative request for reconsideration and that they order that the July 24, 2024 order remain in full force and effect.

For clarification, the grandfathered schedule that TCNJ is currently on does not have the certification requirement. However, part of the Board's July 24, 2024 order was that TCNJ begin certifying annually. So, just clarifying that it's not in the tariff. It's an additional requirement pursuant to the Board's order.

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

A. Docket No. TO23100776 – In the Matter of the New Jersey Broadband Infrastructure Deployment Equity Pilot Program – Executive Session.

Elena Thaxton, Division of Telecommunications, presented in this matter.

BACKGROUND: Presented in executive session was a need to publish in the New Jersey Broadband Infrastructure Deployment Equity program's Notice of Funding Availability, NOFA, in the New Jersey Register and subsequently release the NJBIDE pilot program application consistent with NOFA. NJBIDE is New Jersey's subgrant program funded by the American Rescue Plan Capital Projects fund. These steps are crucial for officially launching the NJBIDE pilot program and inviting applications from eligible entities.

Staff recommends that the Board approve the publication of the NOFA in New Jersey Register and release an NJBIDE grant application consistent with the NOFA.

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

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

5. WATER

A. Docket No. WO24080614 – In the Matter of a Contract between the Borough of Beach Haven and Utility Service Group Water Solutions, LLC.

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

BACKGROUND: On July 17, 2024 the Borough of Beach Haven filed a petition pursuant to N.J.S.A. 58:26-19 seeking approval to enter into a water supply public-private contract with Utility Service Group Water Solutions, LLC for full service tank management and maintenance. The New Jersey Department of Community Affairs has approved the contract and Rate Counsel filed comments indicating that it had no objection to Board approval of the contract.

Staff recommends that the Board approve the contract subject to the condition that any extension of the contract beyond the terms per tank or any amendment to the contract change or change to the formula or other basis for determining charges contained therein be subject to Board review and approval.

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

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

B. Docket No. WR24060400 – In the Matter of the Petition of Veolia Water New Jersey, Inc., for Approval of the Foundational Filing Related to Distribution System Improvement Charge.

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

BACKGROUND: On June 3, 2024, Veolia Water New Jersey, Incorporated filed a petition with the Board seeking approval to implement a distribution system improvement charge for the renewal of water distribution assets for the period of 2024 through 2028. On August 14, 2024, Staff requested and received consent from Veolia and Rate Counsel for an extension of the 120-day review period in this matter, which would permit this matter to be heard at the Board's October 23, 2024 agenda meeting.

Properly noticed public hearings were held regarding this matter on September 12, 2024. Following a review of the foundational filing, Veolia, Board Staff, and Rate Counsel executed a Minutes for October 23, 2024
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stipulation of settlement in this matter. While there is no immediate rate impact on approval of this order, the maximum rate impact for the average 5/8 inch meter customer is expected to be \$4.08 per month.

Staff recommends the Board waive the requirement for a 120-day review period specified in N.J.A.C. 14:9-10.4(c) and issue an order approving the stipulation.

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

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

C. Docket No. WM24100783 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for: (1) Approval of its Agreement with Shrewsbury Township, New Jersey for the Purchase and Sale of Water System; (2) a Determination that the Purchase Price is Reasonable; (3) a Determination that the Transaction Costs are Reasonable; and (4) for Such Other Approvals as May Be Necessary to Complete the Proposed Transaction.

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

BACKGROUND: On October 7, 2024, New Jersey-American Water Company, Incorporated filed a petition with the Board seeking: (1) approval pursuant to the provisions of the Water Infrastructure Protection Act of an agreement between Shrewsbury Township and New Jersey-American Water; (2) a determination of the purchase price pursuant to the agreement is reasonable and thus the rate base of the township water system; (3) approval of New Jersey-American Water's transaction closing and transition costs are reasonable and prudent and may be deferred for recovery in a future base rate case; (4) such other approvals as may be necessary to complete the proposed transaction.

Staff recommends that the Board maintain this matter for hearing and designate a presiding Commissioner and Staff further recommends that the Board set a bar date of November 8, 2024 for the filing of motions to intervene and/or participate.

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

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket No. EO24090718 – In the Matter of the Department of Community Affairs' State Fiscal Year 2025 Universal Service Fund Administrative Cost Budget.

Tony Iskander, Division of Customer Assistance, presented in this matter.

BACKGROUND: This matter concerns a request from the New Jersey Department of Community Affairs for approval of a Universal Service Fund program's administrative cost budget for state fiscal year 2025. The DCA administers the USF program on the Board's behalf and this year has provided monthly credits on the electric and natural gas bills of approximately 226,000 New Jersey households. For fiscal year 2025, the DCA is requesting \$11,945,245.00, which is 5 percent of the current year's \$237 million total program budget. Included in the budget request are the DCA's cost for administering the program, as well as costs for DCA's subgrantees which process USF applications and provide outreach to the public at the local level.

This is only a budget. Board Staff will return to the Board with an accounting of actual fiscal year 2025 expenditures for Board approval.

Board Staff has fairly reviewed the budget and found it appropriate and necessary for administering the USF program. Therefore, Staff recommends that the fiscal year 2025 USF administrative cost budget be approved.

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

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

8. CLEAN ENERGY

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

Zainab Durda, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter involves a release of a request for quotation, or RFQ, for services of a program administrator to manage New Jersey's Clean Energy Program. The Clean Energy Program consists of a suite of statewide energy efficiency and renewable energy programs that are available to customers in each of the service territories of New Jersey's seven investor-owned natural gas and electric utilities.

Staff anticipates that this RFQ will be approximately a two year contract. Staff with assistance from Budget and Fiscal have received all required approvals for a release of the RFQ to procure

a contractor through the waiver of advertising process. Staff notes that proposals received in connection with this RFQ will be reviewed through timely and ongoing briefings with the Board President and Commissioners.

Staff recommends that the Board approve the release of the RFQ to solicit proposals from qualified consultants for the purpose of hiring a program administrator for the New Jersey Clean Energy Program.

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

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

B. Docket No. QX24080597 – In the Matter of a Rulemaking Proceeding to Establish the Dual-Use Solar Energy Pilot Program Pursuant to P.L. 2021, c. 170.

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

BACKGROUND: This matter involves proposal of amendments and new rules to the New Jersey Administrative Code for agrivoltaics, or dual-use solar, primarily as amendments to Subchapter 11, Chapter 8, renewable energy and energy efficiency in Title 14 and new rules as Subchapter 13 of Chapter 8, renewable energy and energy efficiency in Title 14.

In line with New Jersey's aggressive clean energy goals, today's item is to establish a pilot program for dual-use solar facilities in New Jersey and bring forward expansions to our renewable energy initiatives particularly within the solar sector. Agrivoltaics is an exciting opportunity for the Garden State since it offers the potential for farming to be combined with solar electricity generation to help meet our clean energy goals while preserving our farmland.

On July 9, 2021, the Dual-Use Solar Energy Act of 2021, or Dual-Use Act, was signed into law. The law directed the Board, in consultation with the Secretary of Agriculture, to adopt rules establishing a pilot program. The law further directed the Board to convert the pilot program into a permanent program within 36 months or no later than 48 or 60 months if applicable after the adoption of rules and regulations establishing the pilot program.

On May 1, 2023, the Board approved and executed a three-year grant agreement with the Rutgers Agrivoltaics Program, or RAP, at Rutgers University to facilitate the development and implementation of the pilot program. Staff formulated their recommendations for the design and implementation of the pilot program based on extensive stakeholder feedback on Staff's straw proposal, as well as close collaboration and consultation with RAP and other State agencies. The other State agencies included the New Jersey Department of Agriculture, or NJDA, State Agriculture Development Committee, or SADC, and the New Jersey Department of Environmental Protection, or NJDEP.

Staff's straw proposal consisted of two parts and was issued to the public for comment in November of 2023 and June of 2024. Staff thanks stakeholders for their insightful and helpful feedback and for participating in these stakeholder proceedings.

For the rule proposal under consideration today, Subchapter 11 governs the Successor Solar Incentive, or SuSI, Program and establishing Subchapter 13 will set forth the provisions for a new segment within the Board's solar program for agrivoltaics as a Dual-Use Solar Energy Pilot Program. The pilot program is designed to evaluate and improve dual-use solar facilities and set requirements for their installation and operation. They will also provide incentives within the SuSI program which serves as a permanent program for providing solar incentives to qualified solar electric generation facilities.

The rule proposal establishes the pilot program based on the framework of the Dual-Use Act. The provisions established in the pilot program in the rule proposal mirror those laid out in the Board order that is in a companion agenda item. In addition, the rule proposal includes modifications to the SuSI program to integrate the process for awarding an agrivoltaics specific adder to dual-use pilot projects.

The proposed amendments and new rules are expected to have positive impacts on New Jersey by promoting the complementary legislative goals of the Clean Energy Act of 2018 and the Solar Act of 2021 of encouraging the continued efficient and orderly development of solar energy generation in the State and promoting the investment of new solar facilities at the least cost of solar incentive to ratepayers while protecting farmland and other sensitive environmental resources. The pilot program will help remove barriers to participation in solar energy and allow the agricultural community to participate in the advantages of solar energy in areas where it may not have been possible to do so without abandoning active farming on unpreserved farmland.

Staff anticipates that the pilot program as proposed in this rulemaking will build on the successes of the underlying SuSI Program. Staff recommends the Board approve the rule proposal for publication in the New Jersey Register.

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

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

C. Docket No. QO23090679 – In the Matter of the Dual-Use Solar Energy Pilot Program.

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

BACKGROUND: This matter involves the development and implementation of a Dual-Use Solar Energy Pilot Program, or pilot program, pursuant to the Dual-Use Solar Energy Act of 2021, or Dual-Use Act.

After an extensive review and thorough consideration of stakeholder comments, Staff recommends that the Board establish the pilot program via Board order per the following recommendations: (1) establish a pilot program pursuant to the Dual-Use Act; (2) award solar incentives in the form of New Jersey's Solar Renewable Energy Certificates-II, or SREC-IIs, for eligible dual-use solar energy projects upon selection through a competitive procurement; (3) establish the value of each SREC-II by using a baseline value for a solar energy project in the applicable subprogram of the Successor Solar Incentive, or SuSI, program, namely Administratively Determined Incentive, or ADI, program for the Competitive Solar Incentive, or CSI, program; (4) allow the solicitation process to establish the value of an adder, or additional financial incentive on top of the baseline SREC-II incentive. The adder will reflect the costs specific to the agricultural or horticultural aspects of a project; (5) in compliance with the Dual-Use Act set that maximum capacity limit for each Dual-Use Solar Energy Pilot Program Project, or pilot project, to be equal to 10 megawatts or less measured as the sum of the nameplate capacity and direct current, or DC, rating of all PV panels comprising the dual-use solar facility; (6) authorize Staff to issue a notice of incentive availability with an initial annual capacity target up to 50 megawatts for the first program year; (7) direct Staff to open the pilot program to accept expression of interests, or EOIs, for pilot project size at a minimum of 500 kilowatts DC through a prequalification application process on January 6, 2025; (8) open the pilot program to qualifying grid supply projects and net metered nonresidential market segments under the SuSI program, but do not allow pilot projects from participating in the Board's Community Solar Energy Program; (9) do not require CSI eligible facilities seeking to participate in the pilot program to also participate in a solicitation for the CSI program; (10) align siting criteria for the pilot program to that of the CSI program. In other words, prohibit the siting of pilot projects on forested lands, Green Acres land, and preserved farmland, as well as on the land types expressly prohibited by the Dual-Use Act; (11) do not allow the State's four electric distribution companies, or EDCs, to develop, own, or operate pilot projects, but require the EDCs to process interconnection applications for potential pilot projects in the order in which they are received.

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

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

D. Docket No. QO21060946 – In the Matter of Medium and Heavy Duty Electric Vehicle Charging Ecosystem.

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

BACKGROUND: This matter would adopt the minimum filing requirements which direct New Jersey's investor-owned electric distribution companies ("EDCs") to propose programs calculated to expand access for charging for medium and heavy duty electric vehicles. New Jersey's transportation sector accounts for nearly 40 percent of the State's net greenhouse gas emissions with medium and heavy duty trucks and buses emitting an outsized share of those emissions and air pollution, which is harmful to the public. These emissions disproportionately impact low income neighborhoods and communities of color.

On June 30, 2021 the Staff released a straw proposal on the medium and heavy duty EV ecosystem. During August and September of 2021 Staff hosted five technical panels. A second iteration of the straw was released in December of 2022 which addressed comments from that first straw proposal. The proposed minimum filing requirements include minor modifications to the second proposal, which take into account new technology and feedback from the comments received. The proposed MFRs employ the shared responsibility model that was previously utilized in the light duty charging utility programs. This model requires the EDCs to propose programs to fund make ready for certain medium and heavy duty charging uses.

The proposed minimum filing requirements require the following at each of the EDC's medium and heavy duty plans: Up to a hundred percent utility funding for make ready for publicly accessible medium and heavy duty charging; up to a hundred percent utility funding for make ready for charging for public serving fleets, which are those vehicle fleets that are operated by a government entity or that provide a public service; up to 50 percent utility funding for make ready for private fleets primarily operated or serving in overburdened municipalities as defined by the Clean Energy Office of Equity and for private fleets primarily operated or serving in overburdened communities that are directly adjacent to the federally approved freight EV corridors.

The proposed minimum filing requirements also encourage managed charging for all fleets, require managed charging for private fleets, and allow additional bonus incentives for charging located in overburdened municipalities or overburdened communities, charging for small businesses, and for fleets converting to EVs. It also establishes technical assistance and planning for all fleets, multiunit dwellings, and for public charging sites over 500 kilowatts.

The proposed MFRs impose the following responsibilities on those EDCs. They must provide and base sensitivities for make ready on the average cost to install level two charges, 50 kilowatt, 150 kilowatt, and 350 kilowatt charges. This will allow the EDCs to set incentive levels based on power level of the charger and allow the users to utilize the charger most appropriate for their use case. The EDCs must recommend a demand charge solution for publicly accessible charging. Updates to that solution must be included in future rate cases. EDCs must propose EV rates at their next rate case including for fleet managed charging and publicly accessible

charging. EDCs may provide an additional incentive to upgrade make ready to be ready for vehicle to grid or vehicle to building or V2X up to 50 percent of those incremental costs.

EDCs may provide an incentive equal to the amount of the make ready incentive for a load modifying or no wires solution that cuts in half the time to electrification. EDCs must comply with State data collection requirements and use network compliant charger networks. EDCs must provide updated grid capacity maps for medium and heavy duty charging that includes information about whether wires are above or below ground and maps that can be easily compared and overlaid with interconnection capacity maps.

EDCs must provide reports every six months on progress, which includes updated maps. They must propose measurement methods and enforcement mechanisms for all requirements. EDCs must propose a budget for the full program outlined in the MFRs, but the total funding of incentives is capped \$30 million for PSE&G, \$15 million for JCP&L, \$5 million or RECO, and \$5 million for ACE.

The program will run for 48 months and will be subject to those caps throughout the program duration. Once an EDC's medium and heavy duty plan is approved under certain conditions EDCs will be permitted to submit requests for cap adjustments or reallocation budgets between approved subprograms depending on the percent of the budget may require notice, Staff Or Board approval.

Staff also recommends ordering the following in conjunction with the adoption of the medium and heavy duty minimum filing requirements: Establishment of an EV working group for the purpose of sharing information, considering best practices from other state's EV policies; requiring certain biannual program reports be filed by each EDC concerning medium and heavy duty projects funded by the State and utility funds, the details of these requirements are enumerated in the order; permitting EDCs to own and operate publicly accessible EV charges and EVSE in areas of last resort upon filing of petition to the Board for the same, which would require public comment and subsequent Board approval.

Staff recommends the Board to approve these MFRs contained in exhibit two of the order to require the EDCs create these medium and heavy duty incentives.

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

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

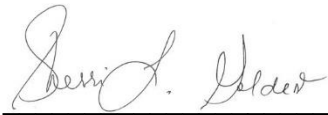
E. Docket No. QO24100823 – In the Matter of Mini-Bid Request for Quotation for Contractor Support for Marketing and Communication Services for the New Jersey Clean Energy Program – Executive Session.

BACKGROUND: Deferred at the bench following Executive Session.

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", written in dark ink.

Sherri L. Golden
Board Secretary

Date: 12/18/2024