



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
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 December 18, 2024 at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/live/DtLBIYisVpk?si=ha1ZfEEemTqSXATXu>

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. Lewis, 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 January 15, 2025, 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 third 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 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, which was approved by the Board on September 25, 2024.

Because the second extended contract was to expire on December 31, 2024, Board Staff (“Staff”) recommended that the Board approve a third extension of the contract for a three (3) month period through March 31, 2025.

8. CLEAN ENERGY

A. Docket No. QO24110856 – In the Matter of a Memorandum of Understanding Between Board of Public Utilities and Department of Environmental Protection to Fund DEP’s FY25 Electric School Bus Program Year Two.

BACKGROUND: This matter concerns a Memorandum of Understanding (MOU) between the New Jersey Department of Environmental Protection (DEP) and the New Jersey Board of Public Utilities (Board) to effectuate legislation that requires the Board to provide \$15 million to the DEP to fund the legislatively created Electric School Bus (ESB) Program, year two. The Board approved the MOU for the Electric School Bus Program, year one on April 30, 2024.

Board Staff ("Staff") recommended that the Board approve the MOU and authorize President Guhl-Sadovy to execute the MOU with DEP for the disbursement of Clean Energy Funds to the DEP to fund its ESB Program, consistent with legislative instruction, on behalf of the Board.

B. Docket No. QO24080605 – In the Matter of Request for Quotations for Program Administration of Federal Inflation Reduction Act (IRA) Home Efficiency Rebates (HER) and Home Electrification and Appliance Rebates (HEAR) Grants for Energy Efficiency and Electrification of Residential Homes.

BACKGROUND: This matter involves the New Jersey Board of Public Utilities ("Board") releasing a Request for Quotation ("RFQ") for services Program Administrator to manage the federal Inflation Reduction Act ("IRA") Home Efficiency Rebates ("HER" or "HOMES") program and Home Electrification and Appliance Rebates ("HEAR" or "HEEHR") program for energy efficiency and electrification of residential homes.

Under the IRA, the United States Department of Energy ("DOE") has allocated approximately \$9 billion to state and local governments through the HER Program and the HEAR Program for energy efficiency improvements and electrification in residential homes, respectively. The HER Program awards grants to state energy offices to establish rebate programs that reduce the upfront costs of whole-home energy efficiency upgrades in single-family and multi-family homes. The HEAR Program awards grants to state energy offices to develop and implement high-efficiency electric home rebate programs. Together, these programs aim to help American households save money on energy bills, improve their homes with clean energy and energy efficiency upgrades, and reduce pollution.

On February 15, 2023, Governor Phil Murphy signed Executive Order 316 ("EO 316"). EO 316 directed the State to advance the electrification of 400,000 additional residential dwelling units and 20,000 additional commercial spaces. EO 316 also directed the State to make electrification-ready by 2030 an additional 10% of residential units in low-income communities. EO 316 further directs the Board to ensure that the federal HOMES (or HER) program and the HEEHR (or HEAR) program are implemented and coordinated to support buildings electrification, with a primary focus on the needs of low- and moderate-income customers.

The Board has planned two new programs that will utilize this funding: (i) M-RISE, which includes income-qualified multifamily communities, and (ii) CP-HEAR, an adder program that provides targeted electrification to Comfort Partners participants.

The Program Administrator would be responsible administering M-RISE and CP-HEAR, including but not limited to coordinating with the Comfort Partners program, and providing support to the Board Staff to ensure compliance with DOE rules and regulations.

Staff recommended that the Board approve the release of the RFQ to hire a Program Administrator for federal IRA HER and HEAR grants for energy efficiency and electrification of residential homes, pending approval from the New Jersey Office of the State Comptroller.

D. Docket No. QO24110845 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the Rutgers University Regarding Funding for the New Jersey Climate Action Fellowship Program Year 2025-2026.

BACKGROUND: Staff of the New Jersey Board of Public Utilities' ("Board") Division of Clean Energy ("Staff") is seeking approval to enter into a Memorandum of Understanding ("MOU") by and between Rutgers, the State University's Eagleton Institute of Politics ("Institute") and the Board.

The MOU sets forth the terms and conditions for disbursement of funds from the Board to the Institute to fund the Institute's Science and Politics Fellowship Program ("Fellowship Program") program year 2025-2026.

Through the Fellowship Program, the Institute will administer up to four (4) Climate Action Fellowships ("Fellowships") to place doctoral-level scientists and engineers within the New Jersey State Government's executive and legislative branches to apply their training and expertise to the development and implementation of State policy, particularly with respect to actions aimed at combatting climate change and its impacts. The Institute has administered the Fellowship program since 2019 and placed numerous Climate Action fellows at the Board and throughout the State's government to provide technical expertise and project management assistance since the Fellowship Program's inception. The Institute seeks Board funding to continue the Fellowship Program for the 2025-2026 Fellowship Program year.

Staff recommended that the Board approve the MOU and authorize President Guhl-Sadovy to execute the MOU on the Board's behalf.

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.

BACKGROUND: To effectuate the goals and statutory objectives of the New Jersey Board of Public Utilities' ("Board") Clean Energy Program ("CEP") and objectives, Board Staff ("Staff") recommended the Board authorize the release of a mini-bid to the signatories of State Master Contract T3067 (Statewide Advertising and Public Relations Services) to seek quotations to develop and execute a marketing campaign for the CEP, subject to Treasury approval. The specific terms of the mini-bid were discussed in Executive Session.

CONSENT AGENDA

I. AUDITS

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

EE24090726L	Wholesale Energy Corp.	I – EA
EE24070496L GE24070497L	Energytek, LLC d/b/a Energetek	I – EA/PA
EE24030200L GE24030201L	ECOM-Energy of California, Inc.	I – EA/EC

Electric Power and/or Natural Gas Supplier Initial Licenses

EE24090629L GE24090630L	Ameripro Energy Corp.	I – ESL/GSL
GE24090721L	Foster Energy Services, LLC d/b/a My Choice Energy	I – GSL

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, private aggregator, and/or energy consultant:

- Wholesale Energy Corp.
- Energytek, LLC d/b/a Energetek
- ECOM-Energy of California, Inc.

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

- Ameripro Energy Corp.
- Foster Energy Services, LLC d/b/a My Choice Energy

B. Docket No. TE24050295 – In the Matter of Petition of Zayo Northeast, LLC for Authorization to Provide Local Exchange and Interexchange Telecommunications Services Throughout the State of New Jersey.

BACKGROUND: On February 8, 1996, the Telecommunications Act of 1996 was signed into law to promote competition and remove barriers to entry into telecommunications markets. To that end, 47 U.S.C. § 253(a) provides that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” However, pursuant to 47 U.S.C. § 253(b), the New Jersey Board of Public Utilities (“Board”), as the State’s regulatory authority, may impose requirements necessary to protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers on a competitively neutral basis that is consistent with universal service.

On May 3, 2024, Zayo Northeast, LLC (“Zayo or Petitioner”) filed a petition seeking authorization from the Board to provide full facilities-based and resold local exchange and interexchange telecommunications services throughout the State of New Jersey (“Petition”). Petitioner requested a waiver of requirements to maintain books and records in accordance with the Uniform Systems of Accounts (“USOA”) and to keep records in New Jersey. Petitioner also requested authorization to maintain its books and records in accordance with the Generally Accepted Accounting Principles (“GAAP”) and outside New Jersey.

By letter dated June 19, 2024, the New Jersey Division of Rate Counsel (“Rate Counsel”) indicated that it did not oppose a grant of authority of Petitioner’s request to provide local exchange and interexchange telecommunications services throughout the State of New Jersey subject to certain conditions. Additionally, Rate Counsel did not object to granting Petitioner’s waiver requests in connection with maintaining books and records with GAAP, as opposed to the USOA, and within New Jersey. According to a revised letter submitted by Rate Counsel on September 4, 2024, Rate Counsel recommended that there be further review or monitoring of Zayo, as the final outcome of the Minnesota Department of Commerce complaint is undisclosed and directly applies to the type of service to be provided within New Jersey.

Following review, Board Staff (“Staff”) determined that the Petition complies with all applicable regulatory requirements and is consistent with the public interest, convenience, and necessity. Staff recommended that the Board approve Petitioner’s request for authorization to provide local exchange and interexchange telecommunications services throughout the State of New Jersey and to approve Petitioner’s request for a waiver to maintain its books in accordance with GAAP and outside New Jersey, as opposed to maintaining its books in accordance with the USOA and within New Jersey. In addition, given that the Zayo Group was the subject of a complaint filed with the Minnesota Public Utility Commission in Docket No. 22-609 regarding an alleged disconnection of a circuit, and because the docket has not been updated since January 2023, and there is no indication that the proceeding was officially closed, Staff recommended that the Board order Petitioner to update the Board, via email to Staff, on any further actions by the Minnesota Department of Commerce on the matter until resolved.

II. ENERGY

A. Docket No. ER24110854 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, to Implement Deferred Accounting, and for Other Appropriate Relief.

BACKGROUND: On November 21, 2024, pursuant to N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, Atlantic City Electric Company (“ACE” or “Company”), a public utility of the State of New Jersey subject to the jurisdiction of the New Jersey Board of Public Utilities (“Board”), filed a petition seeking approval of an increase in its current base rates for electric service of approximately \$120 million, excluding Sales and Use Tax, to be effective for electric service provided on or after December 21, 2024.

Because review of this matter will not be complete prior to December 21, 2024, Board Staff recommended that the Board issue an Order suspending the proposed rate increase until April 21, 2025.

B. Docket No. EF24060466 – In the Matter of the Petition of Atlantic City Electric Company for Authority to Issue Up to \$875 Million of Long-Term Debt Securities Pursuant to N.J.S.A. 48:3-9 (2025-2026).

BACKGROUND: On June 24, 2024, Atlantic City Electric Company, a public utility of the State of New Jersey, filed a petition, requesting authority pursuant to N.J.S.A. 48:3-9 to: (i) not later than December 31, 2026, at its option, issue and sell in one or more series up to \$875 million in aggregate of debt securities to finance a portion of its 2024 - 2026 construction program and convert a portion of its short-term debt expected to be incurred in connection with its capital expenditure program to permanent financing; and (ii) take any other action that may be necessary or desirable in connection therewith. The requested action would continue the long-term debt authority issued by the New Jersey Board of Public Utilities (“Board”) on July 13, 2022, in Docket No. EF22020044.

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.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TM24060405 – In the Matter of the Verified Joint Petition of United Fiber & Data, LLC, Transferor and Cablevision Lightpath LLC, Transferee for Approval to Transfer Ultimate Control of United Federal Data of New Jersey, LLC, Licensee.

BACKGROUND: On June 12, 2024, United Fiber & Data, LLC (“UFD”), which wholly owns and controls its licensee subsidiary United Federal Data of New Jersey, LLC (“United” or “Licensee”), and transferee, Cablevision Lightpath LLC (“Lightpath” and collectively with UFD, “Petitioners”), filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:2-51.1, 48:3-7, and 48:3-10 requesting approval for the transfer of control of United to Lightpath (“Transaction”) (“Petition”). According to the Petition, the Transaction is a component of Lightpath’s acquisition of substantially all the assets of UFD’s telecommunications business (“Business”), including all the Licensee’s equity. Following the closing of the Transaction, Lightpath would assume the outstanding membership interests of United.

Petitioners stated that the Transaction would not result in any harm to the public interest. The majority of UFD’s customers are purchasers of unregulated dark fiber. Petitioners further asserted that the Transaction would benefit competition in New Jersey’s telecommunications market because Lightpath will integrate UFD’s fiber network and Lightpath’s much larger existing fiber network to provide enterprises throughout New Jersey with access to enhanced low-latency fiber services provided over the Petitioners combined networks. Petitioners have also stated that United does not have any employees located in New Jersey.

The New Jersey Division of Rate Counsel (“Rate Counsel”) submitted comments on the matter indicating that Rate Counsel did not oppose Board approval of the Petition.

Following review of the records in the proceeding, Board Staff recommended approval of the Petition.

B. Docket No. TE24030163 – In the Matter of Petition of DISH Wireless L.L.C. for Designation as an Eligible Telecommunications Carrier in the State of New Jersey for the Limited Purpose of Providing Lifeline Service to Qualifying Customers.

BACKGROUND: On March 4, 2024, DISH Wireless L.L.C. d/b/a Gen Mobile (“DISH Wireless” 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 under the Gen Mobile brand to qualifying New Jersey consumers (“Petition”). By the Petition, DISH Wireless 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.

DISH Wireless 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 October 29, 2024, the New Jersey Division of Rate Counsel indicated that it did not oppose the request by DISH Wireless for ETC designation.

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

C. Docket No. TF24060397 – In the Matter of the Verified Joint Petition of Zayo Group, LLC, and Zayo Northeast, LLC, for Approval (1) of a Pro Forma Assignment of Certain Assets of Zayo Group, LLC and (2) for Zayo Northeast, LLC to Participate in Certain Financing Arrangements.

BACKGROUND: On June 5, 2024, Zayo Group, LLC (“Zayo Group”) and its indirect subsidiary Zayo Northeast, LLC (“Zayo NE”), (together, “Petitioners”), filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval, pursuant to N.J.S.A. 48:3-7 and N.J.S.A. 48:3-9, and the regulations of the Board, of a pro forma assignment of certain Zayo Group assets to Zayo NE (“Pro Forma Assignment”), including to the extent necessary a waiver of the Board’s mass migration rules, N.J.A.C. 14:10-12.1 et seq., and for Zayo NE to participate in financing arrangements (“Financing Arrangements”) (“Petition”).

Petitioners asserted that the Pro Forma Assignment is part of Zayo Group’s plan for an internal restructuring which will organize its network and operations in the Northeast and Mid-Atlantic regions being assigned. Zayo Group would implement this plan by assigning to Zayo NE certain assets in New Jersey, including communications optical fiber, certain customer contracts, rights in third party fibers, and associated telecommunications equipment used to provision services or facilities to the affected customers.

The Petitioners also sought Board approval for Zayo NE to participate in Financing Agreements up to an aggregate amount (as defined in the Petition) and thereby to incur debt as a guarantor and to pledge its assets as security for financing arrangements in the aggregate amount. Some or all of the Financing Arrangements may involve secured debt, which may include a grant of a security interest in the assets of Zayo Issuer, LLC and its current and future subsidiaries, including Zayo NE. A portion of the Financing Arrangements may be unsecured debt. For the secured debt, the equity of Zayo Issuer, LLC and its current and future subsidiaries, including Zayo NE, may be pledged as additional security.

The New Jersey Division of Rate Counsel (“Rate Counsel”) submitted comments on the Petition. Rate Counsel stated that it did not object to Board approval of the Pro Forma Assignment of Zayo Group’s assets, including a waiver of the mass migration rules, and Zayo NE’s participation in the Financing Arrangements described in the Petition. Accordingly, Rate Counsel did not oppose Board approval of the Petition.

Following review of the records in the proceedings, Board Staff (“Staff”) recommended approval of the Pro Forma Assignment and Financing Arrangements, with certain reporting requirements. Staff also recommended a waiver of the Board’s mass migration rules.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

- A. Approval for the September 25, 2024 Minutes;
Approval for the October 9, 2024 Minutes;
and Approval for the October 23, 2024 Minutes.**

After appropriate motion, consent agenda items IA, IB, IIA, IIB, IVA, IVB, IVC, IXA

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. EL24-148-000 and ER25-118-000.

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

BACKGROUND: On July 30, 2024 PJM's capacity auction cleared at a record high price of \$269.92 per megawatt day. Staff estimated that if the cost of this increase is recovered over a single year, this increase to the capacity cost for the average New Jersey residential ratepayer for the 2025, 2026 delivery year will be roughly \$11 per month. Staff has serious concerns that the capacity prices customers will pay as a result of this capacity auction may not reflect market fundamentals and Staff is concerned that this problem could worsen in the future capacity auctions.

On September 27, 2024, five public interest organizations, or PIOs, filed a complaint with FERC under Section 206 of the Federal Power Act. The PIOs asserted that PJM's capacity market rules are unjust and unreasonable because they fail to require a consistent accounting of the resource adequacy contributions of power plants operating under a Reliability Must Run, or RMR, arrangements.

On October 15, 2024, PJM filed an answer to the POI's complaint that supported a delay to PJM's auction by six months. However, PJM also contended that its current treatment of RMR resources is just and reasonable.

On October 22, 2024, Staff filed comments in support of PJM's proposal to delay the upcoming 2026/2027 capacity auction for six months to June 2025 and to reschedule auctions through the 2029/2030 delivery year. In the comments filed, Staff agreed with the PIOs that the current PJM market rules are unjust and unreasonable due to their failure to account for the resource adequacy contributions of RMR units in PJM's capacity auctions. Staff, however, argued that PJM should address this issue as well as other issues raised by commenters in a comprehensive way.

Staff recommends that the Board ratify the comments that Staff filed with FERC on October 22, 2024.

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

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

B. Docket No. ER24100837 – In the Matter of the Petition of Butler Electric for Approval of a Zero Emission Certificate Recovery Charge.

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

BACKGROUND: On October 31, Butler Electric filed a petition seeking authority to decrease the return of excess collections credit rate component of its ZEC recovery charge to zero effective January 1, 2025. On November 25, Rate Counsel filed comments on the petition.

Based upon the request in the petition, a typical residential customer would experience a decrease in their monthly bill of 5 cents. Staff recommends the Board approve Butler's request to reset its return of excess collections credit rate of its ZEC recovery charge to zero and direct Butler to file revised tariffs prior to January 1.

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

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

C. Docket No. ER24020072 – In the Matter of Rockland Electric Company's Annual RGGI Surcharge Filing Reconciling Cost for Calendar Year 2023 and Estimated Costs for Calendar Year 2024.

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

BACKGROUND: On February 1, 2024 Rockland Electric filed a petition seeking review and true up of the company's regional greenhouse gas initiative surcharge component rates. On November 5, 2024 Rockland filed an amendment to the petition requesting a continuation of the SREC-II program administrative fee at the previously approved \$30.00 per SREC rate.

As the parties continue to review the petition, Staff recommends the Board issue an order approving the maintenance of the SREC-II administrative fee at the previously approved rate of \$30.00 for calendar year 2025.

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

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

D. Docket No. ER24070534 – In the Matter of the Combined and Consolidated Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Charges Associated with its Legacy Solar Renewable Energy Certificate (“SREC I”) Financing Program, its Successor Solar Renewable Energy Certificate (“SREC II”) Financing Program, its Solar Transition Incentive Program (“TREC”), its Successor Solar Incentive (“SuSI”) Program, its Energy Efficiency (“EE”) Program, and its Community Solar Energy Pilot (“CSEP”) Program (2024).

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

BACKGROUND: On July 19 Atlantic City Electric Company filed a petition seeking authority to adjust the level of its rider regional greenhouse gas initiative recovery charge associated with the company's solar and energy efficiency programs. As part of the petition ACE proposed to maintain the administrative fee associated with its SREC-II program at \$17.07 for calendar year 2025.

As the parties continue to review the petitions, Staff recommends that the Board issue an order approving the maintenance of the SREC-II fee at the previously approved rate of \$17.07 for calendar year 2025.

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. ER24020075 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Seeking Adjustment of Rider RRC-RGGI Recovery Charge (“Rider RRC”), Including: (1) Approval of Its Deferred Balances Relating to, and an Adjustment of, the Solar Renewable Energy Certificates Financing Program Component (“SREC Component”) of Rider RRC; (2) Approval of Deferred Balances Relating to, and an Adjustment of, the Transition Incentive Program Component (“TREC Component”) of Rider RRC; (3) Approval of Deferred Balances Relating to, and an Adjustment of, the Solar Successor Incentive Program Component (“SuSI Component”) of Rider RRC; (4) Approval of Its Deferred Balances Relating to, and an Adjustment of, the Energy Efficiency and Conservation Program Component (“EE&C Component”) of Rider RRC; (5) Approval of Its Administrative Fee for the SREC

II Program Effective as of January 1, 2025; (6) Approving the SREC II Program Administration Fee Deferred Balance from January 1, 2023 through December 31, 2023; and (7) Approval of Its Deferred Balances Relating to, and the Implementation of, the Community Solar Program Component (“CSP Component”) of Rider RRC (“2023 Rider RRC Filing”).

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

BACKGROUND: On February 1, Jersey Central Power and Light Company filed a petition seeking an adjustment of its rider regional greenhouse gas initiative recovery charge rate. As part of the petition, JCP&L sought to maintain the SREC-II program administrative fee of \$17 per SREC for calendar year 2025.

As the parties continue to review the petition, Staff recommends that the Board issue an order approving the maintenance of the previously approved \$17 per SREC rate for calendar year 2025.

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

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

F. Docket No. GR24060380 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs.

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

BACKGROUND: On May 31 New Jersey Natural Gas Company filed a petition requesting modifications to the company's energy efficiency rate for programs established between 2013 and 2021, which was subsequently updated to include actual information through August of 2024. Following the review of the petition, as well as the update, the parties have executed a stipulation that would allow the company to modify its EE rate consistent with the update. As a result of the stipulation, the monthly bill for a typical residential heating customer will increase by approximately 45 cents.

Staff recommends that the Board issue an order approving the stipulation and directing New Jersey Natural to file revised tariffs by December 29 for rates effective on and after January 1, 2025.

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

G. Docket No. ER24020074 – In the Matter of the Petition of Atlantic City Electric Company to Reconcile and Update the Level of its Non-Utility Generation Charge and its Societal Benefits Charge (2024).

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

BACKGROUND: On February 1 Atlantic City Electric filed a petition seeking approval for changes in its nonutility generation charge and the clean energy program and uncollectible accounts components of its societal benefits charge. Based upon the updates provided by ACE, the net impact of adjusting these components was an overall rate decrease of \$21.7 million. By order dated May 22, 2024, the Board approved a provisional stipulation consistent with the March update subject to refund and interest. As a result of that order, a typical residential customer was expected to experience a decrease in their monthly bill of \$1.46.

The parties have now executed a stipulation for final rates. As a result of the stipulation, customers will experience no further impact related to this petition. Staff recommends the Board issue an order approving the stipulation and directing ACE to file revised tariffs by January 1.

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

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

H. Docket No. ER23080483 – In the Matter of Jersey Central Power & Light Company’s Verified Petition to Establish a Rate for Rider Lost Revenue Adjustment Mechanism for Sales Losses Incurred During Program Year 1 Pursuant to the Energy Efficiency and Peak Demand Reduction Programs (“PY 1 Rider LRAM Filing”); and

Docket No. ER23110865 – In the Matter of Jersey Central Power & Light Company’s Verified Petition to Establish a Rate for Rider Lost Revenue Adjustment Mechanism for Sales Losses Incurred During Program Year 2 Pursuant to the Energy Efficiency and Peak Demand Reduction Programs (“PY 2 Rider LRAM Filing”).

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

BACKGROUND: On July 31st of 2023, JCP&L filed a petition seeking to establish and implement rates for its rider lost revenue adjustment mechanism tariff clause to recover the revenue impact of sales losses resulting in implementation of energy efficiency and peak demand reduction programs for the first year of Triennium 1. The company subsequently amended that petition.

On November 28th of 2023, JCP&L filed a petition seeking to establish and implement rates for its rider LRAM to recover the revenue impact of sales losses resulting from the implementation of the EE and PDR programs for the second year of Triennium 1.

Following review of both petitions and discussions among the parties, the parties have executed two stipulations seeking implementation of LRAM rates and resolving all issues in controversy in both petitions. As a result of both stipulations, a typical residential customer would see an increase in their monthly bill of 49 cents.

Staff recommends the Board issue an order approving the stipulations and directing JCP&L to file revised tariffs by December 30 for rates effective January 1.

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

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

- I. Docket No. EM24010018 – In the Matter of the Petition of Jersey Central Power & Light Company for Approval to Extend Participation in a Subscription Agreement and Multi-Subscriber Addendum for Spare Transmission Equipment Services as Provided by an Affiliated Entity, Grid Assurance, LLC Pursuant to N.J.S.A. 48:3-7.1 and N.J.A.C. 14:4-3.1.**

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

BACKGROUND: On January 9, 2024, Jersey Central Power and Light Company filed a petition with the Board seeking approval to extend its participation in a subscription agreement with Grid Assurance, LLC for its spare transmission equipment services for an additional five-year term with automatic renewals not requiring Board approval. Additionally, the company requested that the Board issue an interim order authorizing the company to continue operating under the terms of the agreement until the Board issued a final decision in order to dispose of the position. By order dated March 20, 2024, the Board issued an order authorizing JCP&L to continue operating under the agreement pending a final decision and order resolving all requests taken in the petition.

First Energy Transmission, LLC, a JCP&L affiliate, has a noncontrolling minority ownership stake in Grid Assurance, LLC. Therefore, the subscription agreement may constitute a management advisory service construction or engineering contract with an affiliate that requires

Board approval under N.J.S.A. 48:3-7.1. The subscription agreement allows JCP&L to mitigate the risk of long term outages from the loss of transmission equipment by increasing its transformer supply options. The company noted that continued participation in the subscription agreement would allow JCP&L to access Grid Assurance's inventory of long lead time transmission equipment under a discretionary sale of inventoried spares, even in the absence of a qualifying event as defined by the agreement.

On October 3, 2024, New Jersey Division of Rate Counsel filed comments generally agreeing with continuation of the subscription agreement with some conditions, but objecting to any automatic renewal of the agreement noting automatic renewals would prevent Board review in the event the agreement does not remain financially prudent.

Staff recommends that the Board issue an order authorizing JCP&L to extend participation in the subscription agreement for a five-year period ending in March of 2029 and directing the company to file a renewed agreement with the Board. Staff further recommends that the Board deny the company's request for automatic renewals and direct JCP&L to file a petition with the Board requesting approval for subsequent renewal of the subscription agreement at least one year prior to the renewal termination date.

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

A. Docket No. CE24080618 – In the Matter of the Application for Renewal of a System Wide Cable Television Franchise for Cablevision of Paterson, LLC

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

BACKGROUND: On March 18, 2015, the Board issued an order memorializing the conversion by Cablevision of Paterson, its municipal consent based franchise, to a systemwide franchise for a seven year term which expired on January 30, 2022. On February 27, 2019, Cablevision notified the Office of Cable Television and Telecommunications, or OCTV&T, of its intention to renew its systemwide franchise.

On January 9, 2024, a virtual public hearing was held to assess cable related needs and interests of the city and to review Cablevision's past performance. No comments were received at the hearing. On February 20, 2024, the OCTV&T notified Cablevision of its intention to review its performance under the previous franchise and invited the company to file comments on its performance and assess how it will meet the future needs of the community under the renewed franchise. Cablevision filed its official comments with the OCTV&T on March 19, 2024. On May

22, 2024 the Board issued an ascertainment report on Cablevision's performance under the franchise.

Cablevision subsequently filed an application with the Board for renewal of the franchise on August 20, 2024. Two virtual public hearings on the application were held on September 23, 2024 with no comments from the public received. Written comments were received from the New Jersey Division of Rate Counsel on September 30, 2024 indicating that Cablevision had met the parameters of the Board's statutory criteria outlined for review of the application under N.J.S.A. 48:5A-17 and 48:5A-28 and that they had no objection to approval of the application. No other comments were received.

Cablevision has committed to abide by the specific requirements for operating a systemwide franchise as delineated in subsections N.J.S.A. 48:5A-28 (h) through (n), as well as maintenance of its current insurance and performance bond amounts, adherence to the requirements for a local office, and the designation of the OCTV&T as the complaint officer under the franchise.

Staff, therefore, recommends that the Board approve Cablevision's renewal application of its systemwide cable television franchise for Paterson.

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

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

4. TELECOMMUNICATIONS

A. Docket No. 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 Telecommunications, presented in this matter.

BACKGROUND: As discussed in executive session, Staff is requesting approval of an additional three month extension of the existing contract for the provision of telecommunications relay services, or TRS, in New Jersey. The current contract is due to expire on December 31, 2024 and the extension will ensure continuity of service to allow consumers with hearing, vision, or speech disabilities to continue to be able to place and receive phone calls while providing adequate time for the finalization of the new contract.

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. WR24090773 – In the Matter of the Petition of the Atlantic City Sewerage Company to Increase the Level of its Purchased Sewerage Treatment Adjustment Clause.

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

BACKGROUND: On September 30, 2024 Atlantic City Sewerage Company filed a petition seeking approval of an increase in the level of its purchased wastewater treatment adjustment clause rates. Following review of the petition, conducting discovery, and discussions, the parties have executed a stipulation resolving the petition, which would authorize a modified PSTAC rate effective January 1, 2025.

Based upon the stipulation, the average residential customer will see an increase in their annual bill of \$1.38. Staff recommends the Board approve the stipulation and direct Atlantic City Sewerage Company to file revised tariffs prior to January 1.

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

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

B. Docket No. WR24090719 – In the Matter of the Petition of Aqua New Jersey, Inc., for Approval of an Increase in its 2025 Purchased Wastewater Treatment Adjustment Clause (“PSTAC”) Rate, True-up of its 2023 PSTAC Rates, and Other Required Approvals.

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

BACKGROUND: On September 16, Aqua New Jersey filed a petition seeking approval to modify its purchased wastewater treatment adjustment clause rate for 2025 and to true up its 2023 PSTAC rates. Following review of the petition, conducting discovery, and discussions among the parties, the parties have executed a stipulation resolving the petition which would authorize Aqua to modify its PSTAC rate effective January 1, 2025.

As a result of the stipulation, the average residential customer will experience an increase in their annual bill of \$9.48. Staff recommends that the Board adopt the stipulation and direct Aqua to file revised tariffs by December 30.

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

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. QO24110856 – In the Matter of a Memorandum of Understanding Between Board of Public Utilities and Department of Environmental Protection to Fund DEP’s FY25 Electric School Bus Program Year Two – Executive Session.

Aviv Bernstein, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter concerns a memorandum of understanding between the Department of Environmental Protection and the Board of Public Utilities that requires, for a legislatively mandated program that requires the Board to provide \$15 million to DEP to fund the electric school bus program, year two. The Board approved the MOU for electric school bus program, year one on April 30, 2024.

Staff recommends that the Board authorize the President to execute the MOU with DEP for the distribution of the Clean Energy Fund to DEP to fund its ESB program consistent with legislative instruction on behalf of BPU.

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. QO24080605 – In the Matter of Request for Quotations for Program Administration of Federal Inflation Reduction Act (IRA) Home Efficiency Rebates (HER) and Home Electrification and Appliance Rebates (HEAR) Grants for Energy Efficiency and Electrification of Residential Homes – Executive Session.

Rupa Deshmukh, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter involves the release of a request for quotations, or RFQ, for services of a program administrator to manage the Federal Inflation Reduction Act, or IRA, home efficiency rebates, or HER or HOMES program, and Home Electrification and Appliance Rebates, HEAR or HEEHR program, for energy efficiency and electrification of residential homes. Respectively, these programs provide funding for energy efficiency improvements and electrification of residential homes.

Staff anticipates that this RFQ will be a three year contract with the option of extension up to three times, each for a one year term. Staff, with assistance from budget and fiscal, has received all required approvals for release of the RFQ to procure a contractor through the waiver of advertising process.

Staff recommends that the Board approve the release of the RFQ for the program administrator for IRA, HER and HEAR grants for energy efficiency and electrification of residential homes pending approval from the New Jersey Office of the State Comptroller.

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. QO20100630 – In the Matter of Declaring Transmission to Support Offshore Wind a Public Policy of the State of New Jersey.

Genevieve DiGiulio, Division of Clean Energy, presented in this matter.

BACKGROUND: As part of New Jersey's offshore wind coordinated transmission solution under the inaugural State Agreement Approach, or SAA, the New Jersey Board of Public Utilities awarded a series of projects to construct the onshore transmission facilities necessary to deliver offshore wind generation to New Jersey customers.

One of the predominant projects under the SAA is Mid-Atlantic's Offshore Development, or MAOD's, Larrabee Collection Solution.

By order dated June 29, 2023, the Board considered the first round of scope and cost of updates to the SAA projects. This round of cost adjustments included the pre-build extension

work to build the un-energized underground transmission infrastructure from the demarcation to each converter station within MAOD's Larrabee Collector Station parcel. Consistent with the pre-build infrastructure SGD, the future PBI developer will coordinate and install their final cable vaults on the converter parcels within MAOD's Larrabee Collector Station. This eliminates the need for MAOD's pre-build extension scope.

Accordingly, Staff recommends that the SAA scope be modified to remove the pre-build extension scope. This change results in a cost decrease of \$8.2 million to the state Agreement Approach. Staff recommends that the Board approve the presented scope and cost update.

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

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

D. Docket No. QO24110845 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the Rutgers University Regarding Funding for the New Jersey Climate Action Fellowship Program Year 2025-2026 – Executive Session.

Natalie Stuart, Division of Clean Energy, presented in this matter.

BACKGROUND: Rutgers University's Eagleton Institute of Politics administers an Eagleton Science and Politics fellowship program in which doctoral level scientists and engineers are placed within New Jersey's state governments executive and legislative branches to apply their training and expertise in the development and implementation of State policy.

Since 2020 the NJBPU's Division of Clean Energy has annually hosted a fellow through the fellowship program to support the division's work. Given the success of the program over the last four years and the division's ongoing need for technical expertise, Staff has worked with the Eagleton Institute staff to develop a climate action track within the fellowship program and has prepared a memorandum of understanding for the Board's consideration.

As discussed in executive session, Staff recommends that the Board approve the MOU and authorize the President to execute it.

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.

Henry Gajda, Division of Clean Energy, presented in this matter.

BACKGROUND: To effectuate the goals and statutory objectives of the New Jersey Clean Energy Program, or CEP, Board Staff recommend the Board authorize the release of a mini bid to the signatories of the State's master contract for statewide advertising of public relations services and to develop and execute marketing services for the CEP subject to comptroller and treasury approval. The specific terms were discussed in executive session.

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

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

F. Docket No. QO24020127 – In the Matter of Proposed Updates to New Jersey's Clean Energy Program State Energy Program for Non-Investor-Owned Utilities.

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

BACKGROUND: On December 7, 2022, the Board approved a proposed plan to utilize \$9,847,540 in State Energy program formula funding allocated to the State of New Jersey under the Bipartisan Infrastructure Law. This plan included the following programs: The State Energy Program for Non-IOU Customers; the Multiunit Dwelling EV Charger Incentive Program for Non-IOU Customers; and the Municipal LED Streetlights Program for Non-IOU Customers. The Board approved Staff to submit this plan to the United States Department of Energy. On August 14, 2024, the Board approved revisions to this plan which removed the Multiunit Dwelling EV Charger Incentive Program for Non-IOU Customers and the Municipal LED Streetlights Program for Non-IOU Customers.

Staff proposes renewing the use of SEP funds to make incentives payable to non-IOU customers implementing certain electric measures through the State Energy Program for non-IOU customers with the goals of simplifying participation by allowing non-IOU electric utility customers to apply to the existing programs, capture additional energy saving opportunities in the facilities that currently are not eligible for electric incentives, improve access to EE financial incentives for non-IOU electric utility ratepayers, increase participation in the Whole Home, formally Home Performance with Energy Star, Direct Install and new construction programs and streamlining program administration and provide expedient payment processes.

Gas distribution company customers whose electricity is provided by a non-IOU electric company, with the exception of Butler Electric, will be eligible for this program. Residential customers will be eligible for the Whole Home Program. Both commercial and industrial

customers will be eligible for the Direct Install Program. These two programs provide whole building comprehensive services by offering customers technical assistance, installation services, and financial incentives. They will be delivered across the State by participating gas distribution companies and their existing contractor networks. In addition, new construction or buildings undergoing gut rehab will be eligible to participate in the new construction program, which offers incentives for energy efficiency upgrades resulting in above code energy performance through three different pathways. It will be delivered by New Jersey's Clean Energy Program.

The State Energy Program for non-IOU customers aims to complement New Jersey's existing energy efficiency programs and expand participant eligibility by offering financial incentives for eligible energy conservation measures to non-IOU customers in the residential, commercial, and industrial sectors. In doing so, the program aligns with New Jersey's Energy Master Plan, especially with the goal to increase New Jersey's overall energy efficiency.

Staff recommends approval of the proposed updates to the State Energy Program for non-IOU customers.

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

G. Docket No. QX22100653 – In the Matter of a Rulemaking Proceeding to Amend the Successor Solar Incentive Rules and Establish a Competitive Solar Incentive Pursuant to P.L. 2021, c. 169.

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

BACKGROUND: This agenda item involves the adoption of three proposed amendments to the New Jersey Administrative Code at Title 14, Chapter 8, Subchapter 11, which sets forth the rules for the Competitive Solar Incentive, or CSI, program within the Successor Solar Incentive, SuSI, program.

The CSI program provides incentives to qualified grid supply solar installations, certain electricity storage facilities that are combined with grid supply solar installations, and new net metered nonresidential solar facilities with a capacity greater than five megawatts. Rule amendments establishing the CSI program were proposed on December 7, 2022 and were published to the New Jersey Register on February 6, 2023. On November 17, 2023 the Board adopted the rule amendments with non-substantial changes. These were published on December 18, 2023 to the New Jersey Register 55 NJR 255(a). At the same agenda meeting, the Board approved proposed substantial changes upon adoption to the SuSI program rules that were also published in the Register on the same date for a 60 day comment period. The

resulting notice of adoption of substantial changes was not filed before the 18 month expiration date and the proposal expired on August 6, 2024.

On September 4, 2024, the Board approved the following two repropoed amendments for publication in the New Jersey Register. First, an amendment to the permitting requirements for registrants in the CSI program at N.J.A.C. 14:8-11.5(d), and, second, additions at N.J.A.C. 14:8-11.10(j) allowing for revisions to the confidential price gap based on an updated assessment of market conditions for discretion in awarding competitive bids above the confidential price caps and the adjustment of megawatt targets allocated per tranche. The amendments were published in the New Jersey Register on October 6, 2024 for a 60 day comment period.

Staff recommends that the Board adopt the two repropoed amendments with no changes and approved its 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	Aye
	Commissioner Bange	Aye

H. Docket No. QO23030150 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs.

Phil Chao, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter concerns changing the frequency of revisions of the Technical Reference Manual, the TRM. The TRM is the collection of equations to determine energy savings attributable to energy efficiency programs.

For the first three-year cycle of energy efficiency programs known as Triennium 1, the Board, per the recommendation of the evaluation measurement and verification working group, established a framework where two versions of the TRM were maintained. The first one was the Triannual TRM. It was established before the start of the Triennium and not updated during the Triennium. And this was used to calculate savings to determine the Clean Energy Act compliance savings and utility performance incentives.

Meanwhile, the second TRM, which we call the Annual TRM, which is updated annually, was meant to be used for planning purposes. The Triennium 2 framework further adapted maintaining these double TRMs to evaluate the savings.

However, energy efficiency market changes, such as changes to appliance standards, baseline HVAC equipment and other factors occur rather frequently. And as a result the Triennium TRM becomes dated leading to inaccurate savings calculations.

To provide more accurate savings and to reduce the complexity of maintaining two separate TRMs, Staff, therefore, recommends that the TRM be revised annually, rather than triannually. The annual TRM will be brought forward for consideration by the Board prior to each program year. The Triannual TRM will no longer exist and as a result an annual TRM will be used to calculate all savings or used to be calculated to calculate all performance tracking purposes, that includes the Clean Energy Act compliance savings, utility performance incentives, New Jersey cost test evaluations, as well as quarterly performance tracking reports.

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

I. Docket No. QO20020184 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169; and

Docket No. QO24070554 – In the Matter of the Establishment of a Remote Net Metering Market Segment in the ADI Program and of an Application and Approval Process Pursuant to P.L. 2023, Chapter. 190.

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

BACKGROUND: This agenda item concerns the launch of the new Remote Net Meeting, or RNM, market in the Administratively Determined Incentive, or ADI, program which opened to registrations in August of 2021.

On December 21, 2023, Governor Murphy signed into law an act concerning RNM. The act significantly modified the existing RNM program established in 2018 affecting the eligibility requirements, the application and approval process, and the sizing methodology for RNM facilities. The act directs the Board to establish an RNM application process modeled after the relevant rules and regulations adopted by the Board for the Community Solar Energy program, or CSEP. On August 14, 2024, Staff issued a request for information seeking public input on the implementation of an RNM process modified to conform with the act.

Consistent with CSEP, Staff recommends that the RNM projects be allowed to register on a first come, first serve basis. To further comply with the act, Staff recommends the Board require that the standard form of application be completed by the project developer and submitted to the relevant EDC or municipal electric authority.

Staff recommends that the Board allocate the capacity for this RNM market segment on a statewide basis, rather than implementing capacity segmentation consistent with the CSEP process. Furthermore, the Staff recommends that the Board finds it has the discretion to reallocate additional capacity to the RNM market segment beyond the statutory minimum of 50 megawatts. Staff also recommends that the RNM market segment limit CSEP in the manner in

which it prevents circumvention of the 5 megawatt statutory limit on project size so that it prescribes the extent to which projects may be located adjacent to each other.

Staff recommends the Board not provide preference for any site types and maintain flexibility in facility siting, excluding those restrictions established in the act and consistent with the restrictions found in other statutes governing solar development. In keeping with the act's specific direction that the calculation bill credit be modeled after the relevant CSEP rules, Staff recommends that the RNM bill credit be calculated based upon supply and delivery charges but exclude non-bypassable charges or demand charges. Staff also recommends that the Board incorporate into the RNM bill credit the other aspects of bill credit implementation by the EDCs.

Regarding the incentive for the new RNM market segment, Staff recommends that the Board affirm the incentive level of \$90 approved in the cost cap certification order in May of 2024. At this time, Staff does not recommend any additional adders for RNM projects. Staff notes that this incentive will be subject to review, along with all other ADI incentives in the three-year ADI incentive review required by the Board rules.

Staff recommends that the Board require the EDCs to submit quarterly electronic reports to the Board on intersection and energy production and that those reports shall be based on the CSEP reporting requirements.

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

J. Docket No. QO20020184 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169;

Docket No. QW23040243 – In the Matter of Eligibility Rules for the Customers of Solar Installers That Have Been Debarred from the Administratively Determined Incentive Program; and

Docket No. QO23070429 – In the Matter of Request for Determination of Eligibility in the Administratively Determined Incentive Program by Customer of Bankrupt Installer – James Purdon and Vanessa Rosa Zenernet Installation Company, LLC.

Rachel Boylan, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter relates to an order that the Board issued at its February 2024 agenda in which the Board waived various registration requirements for the abandoned customers of three solar installers that had been debarred for failure to perform and to respond to their customers and to the program manager.

One of the waivers was that the solar installer's signature would not be required on certain forms that are a part of the registration process, because, of course, it's difficult to get a signature from a business entity that is no longer allowed to participate in the program. The waiver was conditioned on the customer signing an affidavit that they, themselves, those signing the paperwork in place of their installer, had no personal knowledge of the installation since they hadn't done the work.

Some months later the attorney for a third-party owner reached out to say that the requirement of an affidavit to get this waiver had proven to be a stumbling block. A lot of the customers were simply not willing to go to the expense of a notary and/or the trouble of going out and getting an affidavit. And after consideration, Staff determined that getting a certification from the customers that they had no personal knowledge of the solar installation would serve the same purpose of an affidavit without being difficult for the customer to obtain.

Staff is, therefore, recommending that the Board modify its order to say that the waiver will be granted provided the customer provides a certification that it has no personal knowledge, rather than an affidavit, and it's recommending that the Board direct the program manager to accept a certification rather than affidavit.

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

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

9. MISCELLANEOUS

There were no items in this category.

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

Sherri L. Lewis

Sherri L. Lewis
Board Secretary

Date: 3/19/25