



Agenda Date: 9/23/20  
Agenda Item: 20

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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ENERGY

IN THE MATTER OF THE 2020/2021 ANNUAL	)	ORDER APPROVING
COMPLIANCE FILINGS FOR THE UNIVERSAL	)	INTERIM USF RATES AND
SERVICE FUND ("USF") PROGRAM FACTOR WITHIN	)	LIFELINE RATES
THE SOCIETAL BENEFITS CHARGE RATE	)	
	)	DOCKET NO. ER20060392

**Parties of Record:**

**Matthew M. Weissman, Esq.**, Public Service Electric and Gas Company  
**Philip J. Passanante, Esq.**, Atlantic City Electric Company  
**Michael J. Connolly, Esq.**, Cozen O'Connor, for Jersey Central Power & Light Company  
**Andrew Dembia, Esq.**, New Jersey Natural Gas Company  
**Margaret Comes, Esq.**, Rockland Electric Company  
**Deborah Franco, Esq.**, on behalf of South Jersey Gas Company and Elizabethtown Gas Company  
**Stefanie A. Brand, Esq.**, Director, New Jersey Division of Rate Counsel

BY THE BOARD:

**BACKGROUND**

The Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. provided that the New Jersey Board of Public Utilities ("Board") establish a non-lapsing Universal Service Fund ("USF") to assist low income consumers with the payment of electric and natural gas bills. This fund was to be established by the Board, pursuant to N.J.S.A. 48:3-60(b), wherein the Board was to determine the level of funding, the appropriate administration, and the purposes of the programs to be funded with monies from the fund. In its July 16, 2003 Order in Docket No. EX00020091, the Board established a permanent statewide program through which funds for the USF program are collected from customers of electric and natural gas public utilities operating in

the State (collectively, “Utilities”) on a uniform basis.<sup>1</sup> That Order established that Lifeline<sup>2</sup> funding was to be generated in the same fashion as USF.

Administrative expenses for the first year of the USF program were in addition to the program budget and were capped at 10% of the \$30 million program for the year. If the program exceeded the \$30 million, any administrative expenses above \$3 million (10% of the initial year’s budget) required advance approval by the Board. One-time start-up costs were not to be counted as administrative expenses and were not to be subject to the 10% cap. Those USF rates were approved by the Board by Order dated July 16, 2003, and the rates became effective on August 1, 2003. Lifeline rates based upon a \$72 million budget also became effective August 1, 2003. The Board directed the Utilities to make annual compliance filings for the USF and Lifeline components of the SBC by April 1<sup>st</sup> each year, including notice and public hearings, with any new tariffs to be effective July 1<sup>st</sup> of each year.

In its June 22, 2005 Order in Docket No. EX00020091, the Board ordered that the annual USF compliance filing date and effective date be changed from April 1<sup>st</sup> and July 1<sup>st</sup>, respectively, to July 1<sup>st</sup> and October 1<sup>st</sup>, respectively.

On June 21, 2010, in Docket No. EO09090771, the Board approved seven (7) separate stipulations of settlement resolving all issues pertaining to the past USF related administrative costs of the Utilities. In addition, each individual stipulation of settlement identified the future USF related costs each utility would be allowed to include in the annual USF Compliance Filing.

By Order dated September 27, 2019, the Board approved the proposed rates set forth in the 2019/2020 USF compliance filing in Docket No. ER19060736 (“September 27, 2019 Order”). The proposed rates were established to recover an approximate \$118.9 million USF budget and a \$74.6 million Lifeline budget. Accordingly, the current rates, including Sales and Use Tax (“SUT”), are:

	Electric	Gas
USF	\$0.001332/kWh	\$0.0066/therm
Lifeline	\$0.000755/kWh	\$0.0055/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002087/kWh</b>	<b>\$0.0121/therm</b>

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<sup>1</sup> The four (4) gas distribution companies (“GDCs”) include Public Service Electric and Gas Company (“PSE&G”), Elizabethtown Gas Company (“ETG”), New Jersey Natural Gas Company (“NJNG”), and South Jersey Gas Company (“SJG”). The four (4) electric distribution companies (“EDCs”) include PSE&G, Atlantic City Electric Company (“ACE”), Jersey Central Power & Light Company (“JCP&L”) and Rockland Electric Company (“RECO”).

<sup>2</sup> Lifeline is an energy assistance program created by the Legislature at N.J.S.A. 48:2-29.15, administered by the Department of Human Services and funded through the Societal Benefits Charge (“SBC”).

**PROCEDURAL HISTORY**

On June 25, 2020, PSE&G, on behalf of itself and the other Utilities, made a filing with the Board for the 2020-2021 USF and Lifeline program year (“June 2020 Filing”). The June 2020 Filing included actual cost data from October 2019 to April 2020 and estimated data for May 2020 through September 2020. The parties to the June 2020 Filing included the Utilities, Staff of the Board (“Staff”) and the New Jersey Division of the Rate Counsel (“Rate Counsel”) (collectively, “the Parties”). No other party intervened in this rate proceeding. Pursuant to the Board’s June 21, 2010 Order, the Utilities included their actual USF-related administrative costs, as of April 2020 and estimated administrative costs through September 2020. In addition, the Utilities requested full recovery of these administrative costs in the month following Board approval of the new USF rate.<sup>3</sup> Finally, the Utilities requested that the Board finalize the current USF interim rates, which were approved in the September 27, 2019 Order.

In the June 2020 Filing, the Utilities proposed that the statewide USF rates be set to recover approximately \$125.6 million, representing an increase of approximately \$6.7 million from the existing \$118.9 million being recovered under the current USF rates. The Utilities asserted that the calculations of the program costs supported the recovery of \$74.6 million for the State’s Lifeline program, representing no increase from the existing \$74.6 million being recovered under the current rates. Further, the rates proposed in the June 2020 Filing include an estimated Department of Community Affairs (“DCA”) administrative budget of \$6.6 million. The requested rates, including SUT, were as follows:

	Electric	Gas
USF	\$0.001523/kWh	\$0.0059/therm
Lifeline	\$0.000759/kWh	\$0.0057/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002282/kWh</b>	<b>\$0.0116/therm</b>

The Utilities note that these calculations are subject to uncertainties due to a number of factors, such as program changes, participation rates and jurisdictional volumes. The proposed rates in the June 2020 Filing were also predicated upon an estimated \$2 million electric under-recovery balance and an estimated \$1.7 million gas under-recovery balance as of September 30, 2020.

Subsequently, on July 29, 2020, the Utilities provided Staff and Rate Counsel with actual cost data, and supporting documentation through June 30, 2020 (“June 2020 Update”). The June 2020 Update reflected a lower USF budget of approximately \$124 million, a gas under-recovery balance of approximately \$1.8 million, and an electric under-recovery balance of approximately \$137,000.

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<sup>3</sup> PSE&G, JCP&L, ACE, NJNG, and ETG did not request recovery of administrative expenses.

The updated 2020/2021 USF rates, including SUT, with nine (9) months of actual data and three (3) months of estimated data, were as follows:

	Electric	Gas
USF	\$0.001494/kWh	\$0.0060/therm
Lifeline	\$0.000759/kWh	\$0.0057/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002253/kWh</b>	<b>\$0.0117/therm</b>

Lastly, on August 20, 2020, the Utilities provided Staff and Rate Counsel with actual cost data, and supporting documentation through July 31, 2020 (“July 2020 Update”). The July 2020 Update included a new estimated USF administrative budget of \$7,631,276 and reflected a slightly lower USF budget of \$123.7 million, with a gas under-recovery balance of approximately \$1.7 million and an electric over-recovery balance of approximately \$214,000.

The final 2020/2021 USF rates from the July 2020 Update, including SUT, with 10 months of actual data and two (2) months of estimated data, were as follows:

	Electric	Gas
USF	\$0.001493/kWh	\$0.0059/therm
Lifeline	\$0.000759/kWh	\$0.0057/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002252/kWh</b>	<b>\$0.0116/therm</b>

In accordance with N.J.S.A. 48:2-32.4 to -32.6, two (2) public hearings were held telephonically for each geographic region served by each of the gas and electric utilities.<sup>4</sup> Members of the public were afforded the opportunity to participate in the public hearings with respect to both the program policies and the rates, as well as to submit written comments about these matters. A hearing officer from Staff presided at each of the public hearings.

The public hearing schedule was as follows:

<u>Date</u>	<u>Utility</u>	<u>Time</u>	<u>Location</u>
Monday, August 17, 2020	NJNG	4:30 and 5:30 PM	Telephonic
Tuesday, August 18, 2020	ETG	4:30 and 5:30 PM	Telephonic
Wednesday, August 19, 2020	SJG	4:30 and 5:30 PM	Telephonic
Thursday, August 20, 2020	RECO	4:30 and 5:30 PM	Telephonic
Wednesday, August 26, 2020	ACE	4:30 and 5:30 PM	Telephonic
Friday, August 28, 2020	JCPL	1:00 and 4:00 PM	Telephonic
Monday, August 31, 2020	PSE&G	4:30 and 5:30 PM	Telephonic

No comments were received from the public at the hearings listed above.

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<sup>4</sup> Due to the COVID-19 pandemic, public hearings were administered telephonically so that members of the public could have an opportunity to present their views on the June 2020 Filing.

## POSITIONS OF THE PARTIES

### **Division of Rate Counsel**

On September 8, 2020, Rate Counsel submitted comments concerning the June 2020 Filing and the June 2020 Update. Rate Counsel commented that the Utilities updated their original filing by replacing estimated data for the months of May and June 2020 with actual cost and revenue data for those two (2) months. In addition, Rate Counsel stated that these updates, if applied, would have no impact on the proposed Lifeline rates and have no material impact on the proposed USF rates except for the electric USF rate, which is reduced somewhat by the update.

Rate Counsel stated that the administrative costs incurred by those Utilities still recovering their administrative costs through the USF charge appear reasonable and are mainly based on the postage for mailing of USF-related letters to ratepayers. Further, Rate Counsel took no position on the reasonableness of the DCA's budget amount of \$6,620,000.

However, Rate Counsel stated its concern with the rate change that will result if more recent actual cost and revenue information is not relied on to set the USF rate in this proceeding. Specifically, if the June 2020 Update is relied on, the proposed electric USF rate will decrease from the \$0.001523/kWh rate that the Utilities originally proposed in this proceeding to \$0.001494. Therefore, Rate Counsel recommends that the Board adopt the lower electric USF rate that is reflected in the Utilities' June 2020 Update, given that the decrease is significant, i.e., approximately \$2 million over the next year.

Rate Counsel did not identify any discrepancies in the Utilities' 2020/2021 filings. Further, Rate Counsel stated that since actual USF and Lifeline costs and recoveries may not precisely track the projections contained in the Compliance Filing, any over or under collections in USF from the 2020/2021 program year will be reconciled and are subject to true-up in the next Annual Compliance Filing due in June, 2021.

Finally, Rate Counsel stated that it: 1) does not object to the Utilities' request for recovery of their actual administrative costs incurred in association with the USF program; 2) takes no position regarding the reasonableness of the DCA's proposed USF administrative budget; 3) recommends that the rates from the June 2020 Update be made effective October 1, 2020; and 4) does not object to the Board making the present interim USF and Lifeline rates permanent.

The Utilities did not file a response to Rate Counsel's comments.

## DISCUSSION AND FINDINGS

After review of the compliance filings and the various submissions with reference thereto, the Board **HEREBY DETERMINES** that it is appropriate to adopt the rates including the USF gas and electric rates based upon the most recent data contained in the July 2020 Update from August 20, 2020.

These USF rates reflect costs for the projected period of October 1, 2020 – September 30, 2021. These electric and gas rates are based on 10 months of actual information and two (2) months of estimated data.

Each year the Utilities submit a projected USF budget that is based on estimated benefit levels, program enrollment, and any program over or under-recovery. Further, the program budget can be influenced by additional factors such as commodity prices, and weather. The increase in this year's budget is attributed to a decrease in electric volumetric sales and a significantly lower over-recovery balance, resulting in an increase to the electric rate.

As such, the Board **HEREBY APPROVES** the following rates, including SUT, with detailed calculations in Exhibit A, effective on an interim basis on October 1, 2020:

	Electric	Gas
USF	\$0.001493/kWh	\$0.0059/therm
Lifeline	\$0.000759/kWh	\$0.0057/therm
<b>Combined USF/Lifeline</b>	<b>\$0.002252/kWh</b>	<b>\$0.0116/therm</b>

The above electric rates reflect a gas under-recovery balance of approximately \$1.7 million and an electric over-recovery balance of approximately \$214,000.<sup>5</sup> The overall USF budget is approximately \$123.7 million.

The combined USF/Lifeline rates represent an overall decrease of \$0.60 for an average residential gas customer utilizing 1,200 therms per year and an overall increase of \$1.29 for an average residential electric customer utilizing 7,800 kWh per year. The combined USF/Lifeline annual bill would be \$31.49 per year for an average residential customer who uses both gas and electricity, which is an increase of approximately 2.24% or \$0.69 from the current level of \$30.80 per year.

Since the 2019-2020 rates and the associated budget expenditures have been examined in the current proceeding and trued up, the Board **HEREBY FINALIZES** the USF interim rates that have been approved through September 30, 2019. The Utilities' costs will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

The Board **HEREBY ORDERS** that as part of future Annual USF Compliance Filings, prior interim rates should be examined and finalized.

The Utilities' actual administrative expenses from July 1, 2019 through June 30, 2020 appear reasonable. Accordingly, the Board **HEREBY APPROVES**, for recovery, the Utilities' actual administrative cost amounts for the period of July 1, 2019 through June 30, 2020 listed below:

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<sup>5</sup> The updated data provided by the Utilities on August 20, 2020 supported a USF electric rate of \$0.001493, which is lower than the rate provided in the public hearing notice, therefore it can be implemented. The July 2020 Update provided by the Utilities on August 20, 2020 supported a USF gas rate of \$0.0059/therm, which is unchanged from the rate that was included in the public hearing notice.

Actual Administrative Costs July 1, 2019 through June 30, 2020:

<u>EDCs</u>	<u>Costs</u>
ACE	\$0
JCP&L	\$0
PSE&G	\$0
RECO	\$322

<u>GDCs</u>	<u>Costs</u>
ETG	\$0
NJNG	\$0
PSE&G	\$0
SJG	\$1,901

EDC/GDC Total \$2,223

The Board, finding the Utilities' request to be reasonable, also **DIRECTS** Staff to request disbursement of funds to reimburse the Utilities for their USF related administrative costs, listed above, from the USF Trust Account in the first month after the new USF rate becomes effective. Finally, the Board **HEREBY ORDERS** the Utilities to file the appropriate tariff pages, in conformance with the requirements of this Order prior to October 1, 2020.

**CONCLUSION**

In summary, the Board **HEREBY APPROVES** the following:

- New USF/Lifeline rates will become effective, on an interim basis, on October 1, 2020;
- Utilities shall file the appropriate tariff pages prior to October 1, 2020;
- The interim USF rates approved by the Board through September 30, 2019 are determined to be final;
- Staff shall request that the New Jersey Department of the Treasury disburse the Utilities' administrative costs to them in the first month after the new USF rate becomes effective; and
- The Utilities' costs will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

This Order will be effective on September 23, 2020.

DATED: September 23, 2020

BOARD OF PUBLIC UTILITIES  
BY:



JOSEPH L. FIORDALISO  
PRESIDENT



MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER

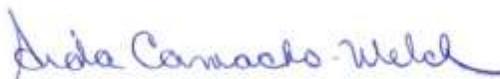


UPENDRA J. CHIVUKULA  
COMMISSIONER



ROBERT M. GORDON  
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH  
SECRETARY

Exhibit A

<b>2020/2021 Annual Compliance Filing For Changes in the Statewide Electric and Gas Permanent USF Fund Program Within SBC Rates Docket Nos. ER20060392</b>			
<b>USF RATE CALCULATION (based on ACTUALS through July 2020)</b>			
	<b>TOTAL</b>	<b>GAS</b>	<b>ELECTRIC</b>
<b>PERMANENT PROGRAM PROJECTIONS FOR 2020/2021</b>			
Administrative Costs - DCA (allocated based on benefits percentage)	\$7,631,276	\$1,451,865	\$6,179,411
Admin. Costs - Utility Postage and Handling	\$2,199	\$1,908	\$291
Estimate of Benefits for Program Year	\$110,431,244	\$21,009,753	\$89,421,491
Fresh Start Program Cost Estimates	<u>\$4,085,526</u>	<u>\$1,257,691</u>	<u>\$2,827,835</u>
<b>TOTAL</b>	<b>\$122,150,245</b>	<b>\$23,721,216</b>	<b>\$98,429,029</b>
Est. of Under/(Over) Recovery at 9/30/20 (Actuals through June 2020)	\$1,528,025	\$1,741,781	(\$213,756)
<b>TOTAL PERMANENT PROGRAM PROJECTIONS</b>	<b><u>\$123,678,270</u></b>	<b><u>\$25,462,997</u></b>	<b><u>\$98,215,273</u></b>
<b>ESTIMATES OF BENEFITS PERCENTAGES</b>	<b>100%</b>	<b>19.025%</b>	<b>80.975%</b>
<b>PROJECTED VOLUMES (normalized for 12 mos beg. 10/01/20)</b>		<b><u>4,602,769,896</u></b>	<b><u>70,176,669,736</u></b>
PROPOSED PRE-TAX RATE ***		\$0.0055	\$0.001400
CURRENT PRE-TAX RATE		<u>\$0.0062</u>	<u>\$0.001249</u>
PRE-TAX INCREASE/(DECREASE)		(\$0.0007)	\$0.000151
<b>PROPOSED USF RATE INCLUDING TAX (@6.625%) ***</b>		<b>\$0.0059</b>	<b>\$0.001493</b>
<b>CURRENT USF RATE INCLUDING TAX (@6.625%)</b>		<b><u>\$0.0066</u></b>	<b><u>\$0.001332</u></b>
<b>USF RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)</b>		<b><u>(\$0.0007)</u></b>	<b><u>\$0.000161</u></b>
<b>LIFELINE RATE CALCULATION</b>			
	<b>TOTAL</b>	<b>GAS</b>	<b>ELECTRIC</b>
JURISDICTIONAL REVENUE PERCENTAGES	100%	33%	67%
LIFELINE BUDGET	\$74,600,000	\$24,618,000	\$49,982,000
PROJECTED VOLUMES		<b><u>4,602,769,896</u></b>	<b><u>70,176,669,736</u></b>
PROPOSED PRE-TAX RATE		\$0.0053	\$0.000712
CURRENT PRE-TAX RATE		<u>\$0.0052</u>	<u>\$0.000708</u>
PRE-TAX INCREASE/(DECREASE)		\$0.0001	\$0.000004
<b>PROPOSED LIFELINE RATE INCLUDING TAX (@6.625%)</b>		<b>\$0.0057</b>	<b>\$0.000759</b>
<b>CURRENT LIFELINE RATE INCLUDING TAX (@6.625%)</b>		<b><u>\$0.0055</u></b>	<b><u>\$0.000755</u></b>
<b>LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)</b>		<b><u>\$0.0002</u></b>	<b><u>\$0.000004</u></b>
<b>COMBINED USF/LIFELINE RATES</b>			
		<b>GAS</b>	<b>ELECTRIC</b>
PROPOSED PRE-TAX USF/LIFELINE RATE		\$0.0108	\$0.002112
CURRENT PRE-TAX USF/LIFELINE RATE		<u>\$0.0114</u>	<u>\$0.001957</u>
PRE-TAX INCREASE/(DECREASE)		(\$0.0006)	\$0.000155
<b>PROPOSED USF/LIFELINE RATE INCLUDING TAX (@6.625%)</b>		<b>\$0.0116</b>	<b>\$0.002252</b>
<b>CURRENT USF/ LIFELINE RATE INCLUDING TAX (@6.625%)</b>		<b><u>\$0.0121</u></b>	<b><u>\$0.002087</u></b>
<b>USF/LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)</b>		<b><u>(\$0.0005)</u></b>	<b><u>\$0.000165</u></b>

IN THE MATTER OF THE 2020/2021 ANNUAL COMPLIANCE FILINGS FOR THE  
UNIVERSAL SERVICE FUND (“USF”) PROGRAM FACTOR WITHIN THE SOCIETAL  
BENEFITS CHARGE RATE – ORDER APPROVING INTERIM USF AND LIFELINE RATES  
Docket No. ER 20060392

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