



Agenda Date: 9/28/22  
Agenda Item: 2G

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
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ENERGY

IN THE MATTER OF THE 2022/2023 ANNUAL )  
COMPLIANCE FILINGS FOR THE UNIVERSAL )  
SERVICE FUND (“USF”) PROGRAM FACTOR WITHIN )  
THE SOCIETAL BENEFITS CHARGE RATE – ORDER )  
APPROVING INTERIM USF RATES AND LIFELINE )  
RATES )  
) DECISION AND ORDER  
) APPROVING INTERIM USF  
) RATES AND LIFELINE RATES  
)  
) DOCKET NO. ER22060374  
)

**Parties of Record:**

**Matthew M. Weissman, Esq.**, Public Service Electric and Gas Company  
**Philip J. Passanante, Esq.**, Atlantic City Electric Company  
**Joshua R. Eckert, Esq.**, 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  
**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel

BY THE BOARD:

On June 27, 2022, Public Service Electric and Gas Company (“PSE&G”), on behalf of itself and the other gas and electric distribution utilities (collectively, “Utilities”), made a filing with the New Jersey Board of Public Utilities (“Board”) for the 2022-2023 Universal Service Fund (“USF”) and Lifeline program year (“June 2022 Filing”).<sup>1</sup> The June 2022 Filing included actual cost data from October 2021 to April 2022 and estimated data for May 2022 through September 2022. Additionally, pursuant to the Board’s June 2010 Order, the Utilities requested reimbursement of their actual USF-related administrative costs as of April 2022 and estimated administrative costs through September 2022, and requested full recovery of their administrative costs in the month following Board approval of the new USF rate.<sup>2</sup> In addition, the Utilities requested that the Board

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<sup>1</sup> The four (4) gas distribution companies (“GDCs”) include 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> In re the Recovery of Administrative Costs Expended by Utilities Under Universal Services Funds Program, BPU Docket No. EO09090771, Order dated June 21, 2010 (“June 2010 Order”).

finalize the current USF interim rates that were approved in the September 2021 Order.<sup>3</sup> The parties to the June 2022 Filing included the Utilities, Board Staff (“Staff”) and the New Jersey Division of the Rate Counsel (“Rate Counsel”) (collectively, “Parties”). By this Order, the Board considers the June 2022 Filing, and all comments pertaining thereto, and renders a Decision resolving the matters contained therein.

## **BACKGROUND**

The Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. mandated that the Board establish a non-lapsing USF to assist low-income consumers with the payment of electric and natural gas bills. Pursuant to N.J.S.A. 48:3-60(b), the Board must determine the level of funding, the appropriate administration, and the purposes of the programs funded with USF monies. On April 30, 2003, the Board established a permanent statewide program through which USF funds are collected from customers of the State’s Utilities on a uniform basis.<sup>4</sup> On July 16, 2003, the Board further established that funding for Lifeline, an energy assistance program created by the Legislature at N.J.S.A. 48:2-29.15 and administered by the Department of Human Services and also funded through the Societal Benefits Charge (“SBC”), would be collected in the same manner as USF.<sup>5</sup>

Administrative expenses for the first year of the USF program were in addition to the USF budget, and capped at 10% of the \$30 million program for the year. If the USF 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 considered administrative expenses, and as such, were not subject to the 10% cap. Pursuant to the July 16, 2003 Order, USF and Lifeline rates were effective as of August 1, 2003.

The Board directed the Utilities to make annual compliance filings for the USF and Lifeline components of the SBC by April 1st each year, including notice and public hearings, with any new tariffs to be effective July 1st of each year.

On June 22, 2005, the Board changed the annual USF compliance filing date from April 1, 2005 to July 1, 2005, and the effective date from July 1, 2005 to October 1, 2005.<sup>6</sup>

Pursuant to the June 2010 Order, the Board approved seven (7) separate stipulations of settlement resolving all issues pertaining to the Utilities’ past USF-related administrative costs. In addition, each stipulation of settlement identified the future USF-related costs that each individual utility must include in the annual USF Compliance Filing.

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<sup>3</sup> In re the 2021/2022 Annual Compliance filings for the Universal Service Fund (“USF”) Program Factor within the Societal Benefits Charge Rate, BPU Docket No. ER21060939, Order dated September 14, 2021 (“September 2021 Order”).

<sup>4</sup> In re the Establishment of a Universal Service Fund Pursuant to Section 12 of the Electric Discount and Energy Competition Act of 1999, Docket No. EX00020091, Order dated April 30, 2003.

<sup>5</sup> In re the Establishment of a Universal Service Fund Pursuant to Section 12 of the Electric Discount and Energy Competition Act of 1999, Docket No. EX00020091, Order dated July 16, 2003.

<sup>6</sup> In re the 2005/2006 Annual Compliance Filing Regarding Statewide Electric and Gas Universal Service Fund Factors within the Societal Benefits Charge (SBC) Rates Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, BPU Docket No. EX00020091, Order dated June 22, 2005 (“June 2005 Order”).

In the September 2021 Order, the Board approved the Utilities’ proposed rates set forth in the 2021/2022 USF compliance filing.<sup>7</sup> The rates were to recover an approximate \$215.5 million USF budget and a \$74.6 million Lifeline budget. Accordingly, the current rates, including Sales and Use Tax (“SUT”), are:

	Current Electric /kWh	Current Gas /therm
USF	\$0.002468	\$0.0133
Lifeline	\$0.000787	\$0.0057
<b>Combined USF/Lifeline</b>	<b>\$0.003255</b>	<b>\$0.0190</b>

**JUNE 2022 FILING**

In the June 2022 Filing, the Utilities proposed that the statewide USF rates be set to recover approximately \$263.5 million, representing an increase of approximately \$48 million from the existing \$215.5 million recovered under the current USF rates. The \$263.5 million proposed budget includes an estimated increase of \$33 million of incremental USF and Fresh Start costs related to the Fresh Start expansion, including increased estimated USF and Fresh Start benefits for May 2022 through September 2022.<sup>8</sup> The Utilities asserted that the calculations of the Lifeline program costs supported the recovery of \$74,550,000, which is unchanged from the previous year’s budget. Further, the rates proposed in the June 2022 Filing include an estimated Department of Community Affairs (“DCA”) administrative budget of \$8,966,597. DCA is the USF Program Administrator. The requested rates, including SUT, were as follows:<sup>9</sup>

	Current Electric /kWh	Proposed Electric /kWh	Current Gas /therm	Proposed Gas /therm
USF	\$0.002468	\$0.003423	\$0.0133	\$0.0098
Lifeline	\$0.000787	\$0.000784	\$0.0057	\$0.0055
<b>Combined USF/Lifeline</b>	\$0.003255	<b>\$0.004207</b>	\$0.0190	<b>\$0.0153</b>

The rates proposed in the June 2022 Filing were also predicated upon an estimated gas over-recovered balance of \$9.4 million, and an estimated electric under-recovered balance of \$35.7 million as of September 30, 2022.

On August 25, 2022, the Utilities provided Staff and Rate Counsel with actual cost data and supporting documentation through July 31, 2022 (“August 2022 Update”). The August 2022 Update reflected a higher than initially proposed USF budget of approximately \$268 million, a gas over-recovered balance of approximately \$5.4 million, and an electric under-recovered balance of approximately \$41.5 million.

<sup>7</sup> See September 2021 Order.

<sup>8</sup> See In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated June 24, 2021.

<sup>9</sup> The Utilities noted that the calculations are subject to uncertainties due to a number of factors, such as program changes, participation rates and jurisdictional volumes.

The August 2022 Update included 10 months of actual data and two (2) months of estimated data, with the following rates:

	Current Electric /kWh	Proposed Electric /kWh	Updated Electric /kWh	Current Gas /therm	Proposed Gas /therm	Updated Gas /therm
USF	\$0.002468	\$0.003423	\$0.003417	\$0.0133	\$0.0098	\$0.0111
Lifeline	\$0.000780	\$0.000784	\$0.000784	\$0.0057	\$0.0055	\$0.0055
<b>Combined USF/Lifeline</b>	\$0.003255	\$0.004207	<b>\$0.004201</b>	\$0.0190	\$0.0153	<b>\$0.0166</b>

In accordance with N.J.S.A. 48:2-32.4 - 32.6, two (2) virtual public hearings were held for the electric utilities.<sup>10</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 submit written comments about these matters. As the gas utilities proposed a rate decrease, public hearings for the gas utilities were not required.

The public hearing schedule was as follows:

<u>Date</u>	<u>Utility</u>	<u>Time</u>	<u>Location</u>
Wednesday, August 31, 2022	PSE&G	4:30 and 5:30 PM	Virtual
Thursday, September 1, 2022	JCP&L	4:30 and 5:00 PM	Virtual
Thursday, September 8, 2022	ACE	4:30 and 5:30 PM	Virtual
Monday, September 12, 2022	RECO	4:30 and 5:30 PM	Virtual

Members of the public attended the Utilities' public hearings. At the PSE&G public hearings, the public expressed opposition to any rate increases, and the public raised concerns regarding utility shutoffs and the recently lifted shutoff. No members of the public provided comment at the ACE, JCP&L and RECO public hearings. No written comments were filed with the Board.

### **DIVISION OF RATE COUNSEL'S POSITION**

On September 13, 2022, Rate Counsel submitted the following comments:

- 1) Rate Counsel does not object to SJG's and RECO's request for recovery of their actual administrative costs incurred in association with the USF program;
- 2) Rate Counsel takes no position on the reasonableness of the DCA's proposed budget for administration of the USF program;
- 3) Rate Counsel does not object to the Board making the present interim USF and Lifeline rates permanent; and
- 4) Rate Counsel recommends that the Board consider the most recent available actual cost and revenue data in establishing the USF/Lifeline rates, subject to the following, which if not adhered to would require further public hearings:
  - a. The USF rate for the gas utilities may not be increased over the current rate of \$0.0133/therm; and

<sup>10</sup> Due to the COVID-19 Pandemic, public hearings were conducted virtually.

- b. The USF rate for the electric utilities may not be increased to a rate above the originally proposed rate of \$0.003423/kWh.

Rate Counsel stated that any over- or under-collections in USF that may result from the 2022/2023 program year will be reconciled and are subject to true-up in the next Annual Compliance Filings due in June 2023.

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 FINDS** that it is appropriate to adopt interim USF rates based upon the August 2022 Update and supporting calculations as illustrated in Exhibit A of this Board Order. Therefore, the Board **HEREBY ORDERS** that the following rates, including SUT, be effective on an interim basis on October 1, 2022.

	Electric /kWh	Gas /therm
USF	\$0.003417	\$0.0111
Lifeline	\$0.000784	\$0.0055
<b>Combined USF/Lifeline</b>	<b>\$0.004201</b>	<b>\$0.0166</b>

Additionally, after examining the 2021-2022 interim rates and the September 2021 Order, the Board **HEREBY FINDS** the 2021-2022 interim rates and associated expenditures to be reasonable and in accordance with the law. Accordingly, the Board **HEREBY FINALIZES** the 2021-2022 interim rates approved through the September 2021 Order.

2021-2022 USF Interim Rates	Current Electric /kWh	Current Gas /therm
USF	\$0.002468	\$0.0133
Lifeline	\$0.000787	\$0.0057
<b>Combined USF/Lifeline</b>	<b>\$0.003255</b>	<b>\$0.0190</b>

The Board **HEREBY DETERMINES** that in subsequent Annual USF Compliance Filings, prior interim rates must be examined and finalized in subsequent proceedings.

Accordingly, the Board **HEREBY FINDS** that the administrative expenses of SJG and RECO are reasonable and **HEREBY APPROVES** the reimbursement of actual administrative cost amounts for the period of July 1, 2021 through June 30, 2022, as listed below:

<b>EDC's</b>	<b>Costs</b>
ACE	\$ -
JCP&L	\$ -
PSE&G	\$ -
RECO	\$2,809
<b>GDC's</b>	<b>Costs</b>
ETG	\$ -
NJNG	\$ -
PSE&G	\$ -
SJG	\$4,740
<b>EDC/GDC Total</b>	<b>\$7,549</b>

As such, the Board **HEREBY DIRECTS** Staff to request disbursement of funds to reimburse RECO and SJG for their USF-related administrative costs, provided above, from the USF Trust Account in the first month after the new USF rate becomes effective.

The Board **HEREBY ORDERS** the Utilities to file the appropriate tariff sheets, in conformance with the requirements of this Order by September 30, 2022.

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

- Adoption of USF/Lifeline interim rates and associated budgeted amounts based upon the August 2022 Update, to be effective on October 1, 2022;
- Finalization of the 2021–2022 interim rates and associated expenditures through September 30, 2021;
- Review of subsequent USF Compliance Filings and its associated interim rates be examined and finalized in subsequent proceedings;
- Approval of the Utilities' actual administrative cost amounts for the period of July 1, 2021 through June 30, 2022, whereby 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;
- The Utilities shall file the appropriate tariff sheets by September 30, 2022.

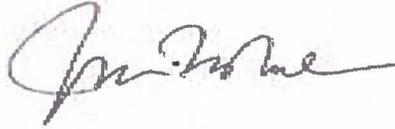
Approval of the combined USF/Lifeline rates based upon the August 2022 Update would result in an overall decrease of \$2.88 for an average residential gas customer utilizing 1,200 therms per year, and an overall increase of \$7.38 for an average residential electric customer utilizing 7,800 kWh per year. The combined USF/Lifeline annual bill would be \$52.69 per year for an average residential customer who uses both gas and electricity, from the current level of \$48.19 per year, which is an increase of approximately \$4.50 or 9.3%.

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.

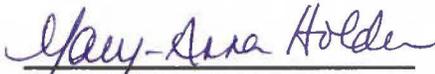
This Order will be effective on September 28, 2022.

DATED: September 28, 2022

BOARD OF PUBLIC UTILITIES  
BY:



\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT



\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER



\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER



\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

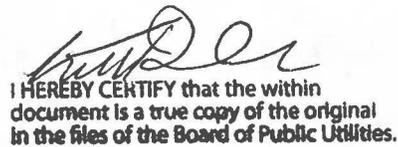


\_\_\_\_\_  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

ATTEST:



\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER



I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

<b>Exhibit A</b>			
<b><i>2022/2023 Annual Compliance Filing For Changes in the Statewide Electric and Gas Permanent USF Fund Program Within SBC Rates</i></b>			
<b><i>Docket No. ER22060374</i></b>			
<b><u>USF RATE CALCULATION (based on ACTUALS through July 2022)</u></b>			
	<b><u>TOTAL</u></b>	<b><u>GAS</u></b>	<b><u>ELECTRIC</u></b>
<b><u>PERMANENT PROGRAM PROJECTIONS FOR 2022/2023</u></b>			
Administrative Costs - DCA (allocated based on benefits percentage)	\$8,966,597	\$1,702,883	\$7,263,714
Admin. Costs - Utility Postage and Handling	\$13,743	\$10,437	\$3,307
Estimate of Benefits for Program Year	\$146,189,398	\$27,763,427	\$118,425,971
Fresh Start Program Cost Estimates	\$49,048,074	\$16,907,463	\$32,140,611
USF/Fresh Start Anticipated Costs for Program Expansion	\$27,971,548	\$6,355,865	\$21,615,683
<b>TOTAL</b>	<b>\$232,189,360</b>	<b>\$52,740,075</b>	<b>\$179,449,286</b>
Est. of Under/(Over) Recovery at 9/30/22 (Actuals through July 2022)	\$36,104,355	-\$5,360,325	\$41,464,679
<b>TOTAL PERMANENT PROGRAM PROJECTIONS</b>	<b>\$268,293,715</b>	<b>\$47,379,750</b>	<b>\$220,913,964</b>
<b>ESTIMATES OF BENEFITS PERCENTAGES</b>	<b>100%</b>		
<b>PROJECTED VOLUMES (normalized for 12 mos beg. 10/01/22)</b>		<b>4,563,382,909</b>	<b>68,936,986,599</b>
PROPOSED PRE-TAX RATE ***		\$0.0104	\$0.003205
CURRENT PRE-TAX RATE		\$0.0125	\$0.002315
PRE-TAX INCREASE/(DECREASE)		(\$0.0021)	\$0.000890
PROPOSED USF RATE INCLUDING TAX (@6.625%) ***		\$0.0111	\$0.003417
CURRENT USF RATE INCLUDING TAX (@6.625%)		\$0.0133	\$0.002468
USF RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		(\$0.0022)	\$0.000949
<b><u>LIFELINE RATE CALCULATION</u></b>			
	<b><u>TOTAL</u></b>	<b><u>GAS</u></b>	<b><u>ELECTRIC</u></b>
JURISDICTIONAL REVENUE PERCENTAGES	<b>100%</b>	<b>32%</b>	<b>68%</b>
LIFELINE BUDGET	\$74,550,000	\$23,856,000	\$50,694,000
PROJECTED VOLUMES		<b>4,563,382,909</b>	<b>68,936,986,599</b>
PROPOSED PRE-TAX RATE		\$0.0052	\$0.000735
CURRENT PRE-TAX RATE		\$0.0053	\$0.000738
PRE-TAX INCREASE/(DECREASE)		(\$0.0001)	(\$0.000003)
PROPOSED LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0055	\$0.000784
CURRENT LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0057	\$0.000787
LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		(\$0.0002)	(\$0.000003)
<b><u>COMBINED USF/LIFELINE RATES</u></b>			
		<b><u>GAS</u></b>	<b><u>ELECTRIC</u></b>
PROPOSED PRE-TAX USF/LIFELINE RATE		\$0.0156	\$0.003940
CURRENT PRE-TAX USF/LIFELINE RATE		\$0.0178	\$0.003053
PRE-TAX INCREASE/(DECREASE)		(\$0.0022)	\$0.000887
PROPOSED USF/LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0166	\$0.004201
CURRENT USF/ LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0190	\$0.003255
USF/LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		(\$0.0024)	\$0.000946

IN THE MATTER OF THE 2022/2023 ANNUAL COMPLIANCE FILINGS FOR THE UNIVERSAL SERVICE FUND  
("USF") PROGRAM FACTOR WITHIN THE SOCIETAL BENEFITS CHARGE RATE – ORDER APPROVING  
INTERIM USF RATES AND LIFELINE RATES

DOCKET NO. ER22060374

SERVICE LIST

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