



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
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Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ALL UTILITIES

IN THE MATTER OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES' RESPONSE TO THE COVID-19 PANDEMIC)	ORDER EXTENDING THE
)	DEADLINE FOR THE FILING
)	OF PETITIONS FOR THE
)	RECOVERY OF COVID-19
)	REGULATORY ASSETS
)	
)	DOCKET NO. AO20060471

PARTIES OF RECORD:

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- Phillip J. Passanante, Esq.**, Atlantic City Electric Company
- Deborah Franco, Esq.**, Elizabethtown Gas Company and South Jersey Gas Company
- Joshua Eckert, Esq.**, Jersey Central Power & Light Company
- Andrew Dembia, Esq.**, New Jersey Natural Gas Company.
- Matthew Weissman, Esq.**, Public Service Electric and Gas Company
- John L. Carley, Esq.**, Rockland Electric Company
- Stephen R Bishop, Esq.** , New Jersey-American Water Company, Inc
- Rodolphe Bouichou**, Veolia Water New Jersey, Inc.
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- Wendy E. Stewart**, Atlantic City Sewer Company
- J. Bryce Mendenhall**, Montague Water Company
- Jeffrey Fuller**, Lake Lenape Water Company
- Henryk Schwarz**, Mt. Olive Villages Water Company and Mount Olive Villages Sewer Company
- Robert H. Oostdyk, Jr., Esq.**, Murphy McKeon P.C., on behalf of the Borough of Butler

BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

On July 2, 2020, the New Jersey Board of Public Utilities ("Board" or "BPU") issued an Order authorizing the State's utilities to create a COVID-19 regulatory asset by deferring incremental,

prudently incurred, COVID-19-related costs beginning on March 9, 2020 through September 30, 2021; 60 days after Governor Murphy issues an order, declaration, proclamation, or similar announcement that the Public Health Emergency is no longer in effect; or 60 days from the time the Public Health Emergency automatically terminates pursuant to N.J.S.A. 26:13-3(b) (“Regulatory Asset Period”).¹

The July 2020 Order required:

1. Each utility with a COVID-19 regulatory asset account to file quarterly reports, together with a verification by an authorized representative, with the Board detailing its COVID-19-related costs and offsets; and
2. All affected utilities to file a petition with the Board by December 31, 2021, or within 60 days of the close of the Regulatory Asset Period. The petition must address any potential rate recovery, including any prudency determinations, and the appropriate period of recovery for any approved amount of the regulatory asset and any associated savings; or, in the alternative, a utility may request that the Board defer consideration of rate recovery in future rate case.

On October 28, 2020, the Board retained this matter and designated President Joseph Fiordaliso as the Presiding Commissioner authorized to rule on all motions that arise during the pendency of these proceedings, and to modify any schedules that may be set, as necessary, to secure a just and expeditious determination of the issues.² On January 11, 2021, the Board granted AARP intervenor status. On March 16, 2021, the Board granted Legal Services of New Jersey, the Natural Resources Defense Council, and New Jersey Citizen Action participant status.

On July 6, 2021, Public Service Electric and Gas Company, South Jersey Gas Company, and Elizabethtown Gas Company jointly filed a letter motion seeking to extend the Regulatory Asset Period from September 30, 2021 to the end of 2023, and extend the deadline to file for COVID - 19 cost recovery to a date within 60 days of the corresponding extended Regulatory Asset Period. By Order dated September 14, 2021, the Board extended the Regulatory Asset Period from September 30, 2021 to December 31, 2022, and extended the filing deadline for recovery within 60 days of December 31, 2022.³

Board Staff, the New Jersey Division of Rate Counsel, and other interested parties participated in several working groups to discuss the cost recovery issues related to the regulatory assets. On July 20, 2022, President Fiordaliso directed interested parties to submit comments on 13 questions regarding the cost recovery issues within 60 days of July 20, 2022, and reply comments 21 days after the initial comments.⁴

¹ In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated July 2, 2020 (“July 2020 Order”).

² In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated October 28, 2020 (expanding the scope of this docket to examine all COVID-19 Pandemic-related issues by way of a generic proceeding, which allowed for a public comment period through November 30, 2020).

³ In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated September 14, 2021 (“September 2021 Order”).

⁴ In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated July 20, 2022.

On December 21, 2022, the Board issued an Order further extending the Regulatory Asset Period to March 15, 2023, and extending the filing for COVID-19 cost recovery to 60-days from the close of the extended Regulatory Asset Period.⁵ The Board also ordered the utilities to file a formal plan within 15 days of December 21, 2022, detailing accessing and use of state and federal funds, arrearage and disconnection reduction strategies, arrearage recovery efforts, savings due to COVID related changes, et al., during the Regulatory Asset Period.

DISCUSSION AND FINDINGS

As this is a matter of first impression involving COVID-19 regulatory asset cost recovery, and in light of the complexity of the issues and the comments received, the Board **HEREBY FINDS** that more time is necessary to analyze all issues and positions in this matter.

Accordingly, the Board **HEREBY ORDERS** that the May 15, 2023 filing deadline for recovery of COVID-19 regulatory asset balances is extended for an additional 60 days, to July 17, 2023. The Board **FURTHER ORDERS** that the close of the Regulatory Asset Period shall remain at March 15, 2023 consistent with the December 2022 Order.


⁴ In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated December 21, 2022 ("December 2022 Order").

The effective date of this Order is May 17, 2023.

DATED: May 10, 2023

BOARD OF PUBLIC UTILITIES

BY:



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PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



DR. ZENON CHRISTODOULOU
COMMISSIONER

ATTEST:



SHERRI L. GOLDEN
SECRETARY

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

**IN THE MATTER OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES' RESPONSE TO THE COVID-19
PANDEMIC**

DOCKET NO. AO20060471

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