



Agenda Date: 5/24/23
Agenda Item: 2H

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/

ENERGY

MERCER COUNTY IMPROVEMENT AUTHORITY)	DECISION AND ORDER
(THE "AUTHORITY") ENERGY SERVICES)	APPROVING ENERGY SERVICE
AGREEMENT BY AND BETWEEN THE)	AGREEMENT
AUTHORITY AND VICINITY ENERGY TRENTON)	
L.P. (THE "AGREEMENT") APPLICATION FOR)	
APPROVAL OF AGREEMENT PURSUANT TO)	
N.J.S.A. 40A:11-15(1)(C))	DOCKET NO. EO23020098

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Ryan J. Scerbo, Esq., Counsel – on behalf of Mercer County Improvement Authority.

BY THE BOARD:

On February 21, 2023, pursuant to N.J.S.A. 40A:11-15(1)(c), the Mercer County Improvement Authority ("Authority" or "Customer") filed an application for approval of an Energy Services Agreement ("Agreement") between the Authority and Vicinity Energy Trenton, L.P. ("Vicinity") concerning provision of energy and equipment services to the Cure Arena facility ("Petition"). By this Order, the Board considers approval of the Agreement.

BACKGROUND

Pursuant to an energy service agreement dated July 24, 1998, Vicinity provides energy and equipment services to the Customer ("Original Agreement"). Vicinity operates and maintains a district energy system in the City of Trenton ("System") through which Vicinity sells hot water and chilled water services to various customers ("Energy Services"). Vicinity installed, owns, and maintains equipment located within the Customer's building at the Cure Arena facility, located at 81 Hamilton Avenue, Trenton, New Jersey 08611 ("Premises").

PETITION

According to the Petition, the Authority and Vicinity seek to terminate the Original Agreement and enter into the Agreement. The Agreement includes Vicinity's continued provision of Energy Services and certain equipment services ("Equipment Service") to the Premises subject to certain terms and conditions. By the Agreement, Vicinity agrees to supply the Customer with Energy

Services and Equipment Service to the Premises for an initial term of 20 years and provides for extensions, with the total contract term not to exceed 40 years.

By the Agreement, Vicinity further agrees to supply the Customer's total Energy Services requirements up to the maximum quantity of Energy Services per hour contracted to be delivered for each building or process. Vicinity designed, purchased, and installed, and will continue to operate, maintain, and replace certain equipment on the Customer's premises as needed. Vicinity's responsibilities with respect to equipment at the Premises is set forth in Exhibit E of the Agreement. All other equipment is to be operated, owned, and/or maintained by the Customer.

On May 15, 2023, the New Jersey Division of Rate Counsel filed a letter of non-objection to the Agreement.

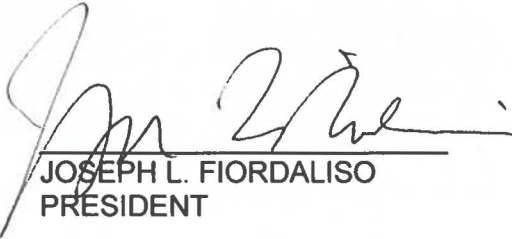
DISCUSSION AND FINDINGS

The Board, after careful review of the record in this matter, including the Petition, the Agreement, and supporting exhibits, pursuant to N.J.S.A. 40A:11-15(1)(c), **HEREBY FINDS** the Agreement will have a financial impact that is consistent with the purposes of N.J.S.A. 40A:11-15(1)(c). Accordingly, the Board **HEREBY APPROVES** the attached Agreement effective June 1, 2023. A copy of the Agreement is attached to this Order.

This Order shall be effective on May 31, 2023.

DATED: May 24, 2023

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
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.

MERCER COUNTY IMPROVEMENT AUTHORITY (THE "AUTHORITY") ENERGY SERVICES AGREEMENT BY AND BETWEEN THE AUTHORITY AND VICINITY ENERGY TRENTON L.P. (THE "AGREEMENT") APPLICATION FOR APPROVAL OF AGREEMENT PURSUANT TO N.J.S.A. 40A:11-15(1)(C)

BPU DOCKET NO. EO23020098

SERVICE LIST

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