



Agenda Date: 8/16/23
Agenda Item: 9C

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/

OFFICE OF THE ECONOMIST

IN THE MATTER OF THE THIRD ELIGIBILITY PERIOD)
FOR THE ZERO EMISSION CERTIFICATE PROGRAM)
PURSUANT TO N.J.S.A. 48:3-87.3 TO 87.7)

ORDER OPENING THE)
THIRD ELIGIBILITY PERIOD)
OF THE ZERO EMISSION)
CERTIFICATE PROGRAM,)
SETTING DEADLINES, AND)
APPOINTING A PRESIDING)
COMMISSIONER)

) DOCKET NO. EO23080548

Party of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board”) opens the third eligibility period of the Zero Emission Certificate Program (“ZEC Program”) pursuant to N.J.S.A. 48:3-87.3, et seq. (“Act”) for the period June 1, 2025 through May 31, 2028 (“ZEC 3”), and issues the application, sets fees and initial deadlines, and designates a presiding commissioner.

I. BACKGROUND

On May 23, 2018, Governor Phil Murphy signed the ZEC Act into law. See L. 2018, c. 16 (“Act”). The Act required the Board to create a program and mechanism for the issuance of ZECs, representing the fuel diversity, air quality, and other environmental attributes of one megawatt-hour of electricity generated by an eligible nuclear power plant (“Unit”) selected by the Board to participate in the ZEC Program. As mandated by the Act, every three (3) years the Board conducts a proceeding to certify which, if any, Units are eligible to participate in the ZEC Program. N.J.S.A. 48:3-87.5(h). If a Unit is deemed eligible and is awarded ZECs, New Jersey’s four (4) investor-owned electric distribution

companies (“EDCs”) ¹, and the municipal electric distribution company Butler Electric Utility, purchase ZECs from the Unit, and the proceeds help the Unit prevent premature retirement. If the Board determines that no nuclear is eligible to receive ZECs under the eligibility criteria in the Act, it is under no obligation to certify any Unit as eligible to receive ZECs. N.J.S.A. 48:3-87.5(d).

On August 29, 2018, the Board Initiated the ZEC Program.² On April 18, 2019, the Board determined that the Hope Creek Nuclear Generating Station (“Hope Creek”), the Salem 1 Nuclear Generating Station (“Salem 1”), and the Salem 2 Nuclear Generating Station (“Salem 2”) were eligible to participate in the ZEC Program, and would receive ZECs for the “stub period” (April 18, 2019 through May 31, 2019) and the initial eligibility period (June 1, 2019 through May 31, 2022).³ On August 12, 2020, the Board opened the application window for the second ZEC eligibility period (“ZEC 2”), and on April 27, 2021, the Board found that Salem 1, Salem 2 and Hope Creek were eligible to receive ZECs for ZEC 2.⁴

In addition to formally opening the ZEC 3 application window via this Order, the Board in another docket accepted a bid for consultant services to assist Staff during ZEC 3.

II. DISCUSSION AND FINDINGS

The Board **HEREBY ORDERS** ZEC 3 applicants to use the ZEC 3 Application when applying for eligibility to receive ZECs in the third eligibility period, and the Board **HEREBY DIRECTS** Staff to post the ZEC 3 Application on the Board’s website at <https://nj.gov/bpu/agenda/zec.html>.

The Board **HEREBY DIRECTS** applicants to file ZEC 3 Applications electronically with the Board Secretary, and to contact the Board’s Chief Financial Officer for the proper procedure to submit the \$250,000 application fee.

¹ The EDCs are Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric and Gas Company, and Rockland Electric Company.

² In re the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants, BPU Docket No. EO18080899, Order dated August 29, 2018.

³ In re the Implementation of L. 2018, c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants; Application for Zero Emission Certificates of Salem 1 Nuclear Power Plant; Application for Zero Emission Certificates of Salem 2 Nuclear Power Plant; Application for Zero Emission Certificates of Hope Creek Nuclear Power Plant, BPU Docket Nos. EO18080899, EO18121338, EO18121339, and EO18121337, Order dated April 18, 2019.

⁴ In re the Application of PSEG Nuclear and Exelon Generation Company, LLC for the Zero Emission Certificate Program – Salem Unit 1; Application of PSEG Nuclear, LLC and Exelon Generation Company, LLC for the Zero Emission Certificate Program – Salem Unit 2; Application of PSEG Nuclear, LLC for the Zero Emission Certificate Program – Hope Creek, BPU Docket Nos. ER20080557, ER20080558, and ER20080559, Orders dated April 27, 2021.

The Board **HEREBY ORDERS** that the initial ZEC 3 schedule is as follows:

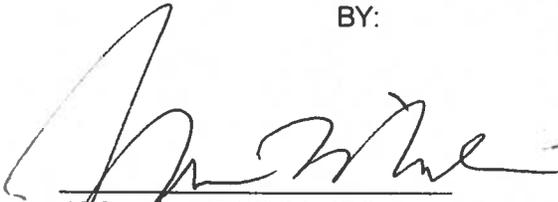
Application posted on Board website at https://nj.gov/bpu/agenda/zec.html	August 17, 2023
Submission of Letter of Intent to File	On or before August 23, 2023
Application window	August 24, 2023 – December 1, 2023
Motions for Intervention/Participation and Requests for Access to Confidential information	On or before September 7, 2023
Replies to Motions for Intervention/Participation and Access to Confidential information	On or before September 14, 2023

The Board **HEREBY DESIGNATES** Commissioner Marian Abdou as the Presiding Commissioner, who is 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.

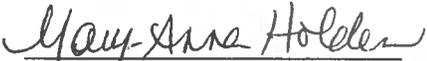
This Order shall be effective on August 16, 2023.

DATED: August 16, 2023

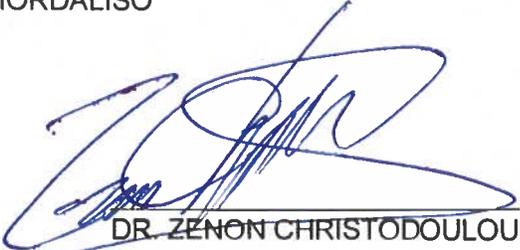
BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



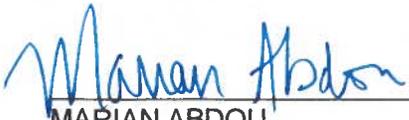
MARY ANNA HOLDEN
COMMISSIONER



DR. ZENON CHRISTODOULOU
COMMISSIONER



CHRISTINE GUHL SADOVY
COMMISSIONER



MARIAN ABDOU
COMMISSIONER

ATTEST:



SHERRIL 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 THIRD ELIGIBILITY PERIOD FOR THE ZERO EMISSION CERTIFICATE
PROGRAM PURSUANT TO N.J.S.A. 48:3-87.3 TO 87.7

DOCKET NO. EO23080548

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