



STATE OF NEW JERSEY
Board of Public Utilities
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Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on August 19, 2015, at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

Richard S. Mroz, President
Joseph L. Fiordaliso, Commissioner
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner

President Mroz presided at the meeting and Irene Kim Asbury, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board Meeting would be held on September 11, 2015 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Docket No. TE15060727 – In the Matter of the Verified Petition of SQF, LLC d/b/a Tilson for Authorization to Provide Local Exchange and Interexchange Telecommunications Services throughout the State of New Jersey.

BACKGROUND: By letter dated June 16, 2015, SQF, LLC d/b/a Tilson (Petitioner or SQF) filed a petition with the Board for authorization to provide local exchange and interexchange telecommunications services in the State of New Jersey.

The Petitioner will provide radio frequency (RF) transport and backhaul services to commercial mobile radio service providers using a system of fiber optic cables and small antennas and conversion equipment attached to poles and other structures. The Petitioner also may transport and distribute its wireless customer's data services. The Petitioner will provide both interstate and intrastate wholesale wireless services to commercial customers. Tilson is currently managing small cell wireless deployment for Verizon Wireless in New Jersey and elsewhere along the eastern seaboard, facilitating the proliferation of distributed antenna systems in the region.

Tilson and SQF have particular expertise in regulatory work surrounding the zoning, permitting, and siting of wireless telecommunications facilities. The furnishing of RF transport services requires certain physical arrangements of Petitioner's and other entities' equipment and is subject to the availability and the economic feasibility of providing such necessary equipment and facilities. Hence, the Petitioner will reserve the right not to provide service to or from a location where the necessary facilities or equipment are not available and/or some specific limitations applicable to RF transport services exist.

By letter dated June 30 and July 10, 2015, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments with the Board stating that, based on its review, Rate Counsel was satisfied that the petition meets the regulatory requirements and is consistent with the public interest, convenience.

After review, Staff recommended that the Board approve the request for authority to provide local exchange and interexchange telecommunications services in the State of New Jersey. Staff also recommended the Board approve the request for waivers from its requirements that the Petitioner maintain its books and records in accordance with the USOA and within New Jersey.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

B. Energy Agent and Private Aggregator Initial Registrations

EE15060673L	Early Bird Power LLC	I – EA/PA
GE15060674L		

Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE15010049L	Capital Energy, Incorporated d/b/a Capital Energy Services	R – EA
EE15020207L	Smart Energy Brokers	R – EA
EE15010052L	Bradley R. Lewis	R – EA
EE15070822L	The Eric Ryan Corporation	R – EA
EE15060664L	Energy Auction Exchange, LLC	R – EA/PA
GE15060665L		
EE14121403L	Energy Auction House, Incorporated	R – EA/EC
GE14121404L		
EE14080890L	Utility Advantage, LLC	R – EA/EC
GE14080891L		
EE14101250L	AUI Associates, Incorporated	R – EA/PA
GE14101251L		
EE14091019L	Your NJ Energy Choice, LLC	R – EA/PA
GE14091020L	d/b/a Best Energy Deals	
EE15050522L	BidURenergy, Incorporated	R – EA/PA/EC
GE15050523L		
EE15050524L	Keytex Energy Solutions, LLC	R – EA/PA/EC
GE15050525L		
EE15050510L	Reliable Power Alternatives Corporation	R – EA/EC
GE15050511L		

Electric Power and/or Natural Gas Supplier Initial License

EE14121392L	Mansfield Power and Gas, LLC	I – EGSL
GE14121393L		

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE14080916L	American PowerNet Management, LP	R – ESL
EE15080874L	HIKO Energy, LLC	R – EGSL
GE15080873L		

BACKGROUND: The Board must register all energy agents and consultants, and license all third party electric power suppliers and gas suppliers. An electric power supplier, gas supplier, or clean power marketer license shall be valid for one year from the date of issue, except where a licensee has submitted a complete renewal application at least 30 days before the expiration of the existing license, in which case the existing license shall not expire until a decision has been reached upon the renewal application. An energy agent, private aggregator or energy consultant registration shall be valid for one year from the date of issue. Annually thereafter, licensed electric power suppliers, gas suppliers, and clean power marketers, as well as energy agents and private aggregators, are required to renew timely their licenses in order to continue to do business in New Jersey.

Having reviewed the submitted applications in accord with N.J.A.C. 14:4-5.4, Staff recommended that the Board issue initial registrations as an energy agent and private

aggregator for one year to:

- Early Bird Power LLC

In addition, Staff recommended that the following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant for one year:

- The Eric Ryan Corporation
- Energy Auction House Inc.
- AUI Associates, Inc.
- BidURenergy, Inc.
- Keytex Energy Solutions, LLC

Staff also recommended that the following applicant be issued an initial license as an electric power and natural gas supplier for one year:

- Mansfield Power and Gas, LLC

Staff recommended that the following applicants be issued renewal licenses as an electric power and/or natural gas supplier for one year:

- American PowerNet Management, LP

Staff further recommended approval of the renewal applications of the following energy agents, energy consultants and/or private aggregators under the limited waiver program:

- Capital Energy Inc. d/b/a Capital Energy Services
- Smart Energy Brokers
- Bradley R. Lewis
- Energy Auction Exchange, LLC
- Utility Advantage, Inc.
- Your NJ Energy Choice, LLC d/b/a Best Energy Deals Reliable Power Alternatives Corp.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

II. ENERGY

A. Docket No. GE15040487 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Borough of Stratford, Camden County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the Borough of Stratford for the use of the streets for the furnishing of gas service for a period of fifty years in the Borough of Stratford.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the Borough of Stratford grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

B. Docket No. GE15040488 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Borough of Swedesboro, Gloucester County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the Borough of Swedesboro for the use of the streets for the furnishing of gas service for a period of fifty years in the Borough of Swedesboro.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the Borough of Swedesboro grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

C. Docket No. GE15020267 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Borough Woodstown, Salem County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the Borough Woodstown for the use of the streets for the furnishing of gas service for a period of fifty years in the Borough of Woodstown.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the Borough Woodstown grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

D. Docket No. GE15040405 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the City of Northfield, Atlantic County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the City of Northfield for the use of the streets for the furnishing of gas service for a period of fifty years in the City of Northfield.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the City of Northfield grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

E. Docket No. GE15040406 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the City of Salem, Salem County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the City of Salem for the use of the streets for the furnishing of gas service for a period of fifty years in the City of Salem.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the City of Salem grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it

has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

Staff recommended that the Board issue an Order approving the Municipal Consent.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

F. Docket No. GE15020264 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of Commercial, Cumberland County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the Township of Commercial for the use of the streets for the furnishing of gas service for a period of fifty years in the Township of Commercial.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the Township of Commercial grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Since the time the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been

incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

G. Docket No. GE15020266 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of Maurice River, Cumberland County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the Township of Maurice River for the use of the streets for the furnishing of gas service for a period of fifty years in the Township of Maurice River.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the Township of Maurice River grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

H. Docket No. GE15020265 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Township of Pennsville, Salem County, New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved approval of a municipal consent granted to South Jersey Gas Company (SJG or Company) by the Township of Pennsville for the use of the streets for the furnishing of gas service for a period of fifty years in the Township of Pennsville.

The consent is a renewal of prior consent that had expired. The ordinance enacted by the Township of Pennsville grants SJG the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. Although the consent to use the streets and rights of way expired, the Company represented that it has continued to provide adequate and safe gas service to its customers at tariff rates approved by the Board.

Hearings in this matter were held on May 22, 2015, before William Agee, the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to these proceedings.

Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petitions be conditioned on certain provisions, which have been incorporated into the proposed Board order, with the exception as to the imposition of a time limitation on the right to serve.

After review, Staff recommended that the Board approve the municipal consents without modification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

III. CABLE TELEVISION

A. Docket No. CE15040401 – In the Matter of the Petition of Comcast of New Jersey II, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Irvington, County of Essex, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On January 13, 2015, the Township of Irvington (Township) granted Comcast of New Jersey II, LLC (Comcast) renewal municipal consent for a term of 15 years. On January 21, 2015, Comcast accepted the terms and conditions of the ordinance, and on April 1, 2015, Comcast filed a petition with the Board for renewal of its Certificate of Approval for the Township.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval for the Township.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

B. Docket No. CE15040426 – In the Matter of the Petition of CSC TKR, LLC d/b/a Cablevision of Raritan Valley for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Township of Edison, County of Middlesex, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On October 22, 2014, the Township of Edison (Township) granted CSC TKR, LLC d/b/a Cablevision of Raritan Valley (Cablevision) renewal municipal consent for a term of 15 years from the date of issuance of the Renewal Certificate of Approval. On February 17, 2015, Cablevision accepted the terms and conditions of the ordinance, and on April 8, 2015, Cablevision filed a petition with the Board for renewal of its Certificate of Approval for the Township.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval for the Township.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

C. Docket No. CE15010037 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Linwood, County of Atlantic, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On November 12, 2014, the City of Linwood (City) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On November 13, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on January 7, 2015, Comcast filed with the Board for a renewal of its Certificate of Approval for the City.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval for the City.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

D. Docket No. CE14030240 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Galloway, County of Atlantic, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 10, 2013, the Township of Galloway (Township) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On January 23, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on March 10, 2014, Comcast filed with the Board for a renewal of its Certificate of Approval for the Township.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

E. Docket No. CE14091060 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Shiloh, County of Cumberland, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On February 3, 2014, the Borough of Shiloh (Borough) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On August 11, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on September 24, 2014, Comcast filed with the Board for a renewal of its Certificate of Approval for the Borough.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

IV. TELECOMMUNICATIONS

A. Docket No. TO15010114 – In the Matter of the Joint Application of United Telephone Company of New Jersey, Inc. d/b/a CenturyLink for Approval and Teleport Communications America, LLC of an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996.

BACKGROUND: By separate letter dated January 28, 2015, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink and Teleport Communications America, LLC (collectively, Petitioners) filed an application with the Board for the approval of a negotiated Interconnection Agreement. The agreement sets forth the terms, conditions and prices under which the Petitioners will offer and provide network interconnection, call transport and termination, and ancillary services to each other.

After review, Staff recommended approval of the Agreement.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

B. Docket No. TF15060723 – In the Matter of the Verified Joint Petition of Onvoy, LLC, The Broadvox Holding Company, LLC and Broadvox-CLEC, LLC for Approval: (1) for the Transfer of Control of Broadvox-CLEC, LLC to Onvoy, LLC, (2) for Onvoy, LLC to Expand Its Financing Arrangements; and (3) for Broadvox-CLEC, LLC to Participate in the Existing and Future Financing Arrangements of Onvoy, LLC.

BACKGROUND: On June 12, 2015, Onvoy, LLC (Onvoy), The Broadvox Holding Company, LLC (BV-Holding), and Broadvox-CLEC, LLC (BV-CLEC), (collectively, the Petitioners) submitted a petition to the Board requesting authorization: 1) to complete the transfer of control of BV-CLEC from BV-Holdings to Onvoy (Transaction); (2) for Onvoy to expand its financing arrangements up to an aggregate amount of \$75 million; and (3) for BV-CLEC, following completion of the Broadvox Transaction, to participate in those financing arrangements. Following the proposed transfer, the Petitioners will continue to offer the same services in New Jersey at the same rates, terms, and conditions.

By letter dated July 31, 2015, the New Jersey Division of Rate Counsel advised that it has no objection to the Board’s grant of Petitioners’ requests.

After review, Staff did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner’s competitive posture in the telecommunications market. Staff recommended that the Petitioners be allowed to proceed with the Transaction and related financing.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

V. WATER

There were no items in this category.

VI. RELIABILITY & SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC13111112U and OAL PUC 01143-14 – In the Matter of Kevin and Whitney Witasick, Petitioners v. Atlantic City Electric Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Kevin and Whitney Witasick (Mr. & Mrs. Witasick) and Atlantic City Electric Company (ACE). The petition was transmitted to the Office of Administrative Law on January 27, 2014, as a contested case. Administrative Law Judge (ALJ) W. Todd Miller filed an Initial Decision in this matter with the Board on July 9, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Mr. & Mrs. Witasick's outstanding balance at the time of the Settlement was \$1,730.70. Pursuant to the terms of the Settlement and in order to fully resolve this matter, ACE will credit Mr. & Mrs. Witasick's account in the amount of \$1,100.00. Mr. & Mrs. Witasick agreed to pay the remaining balance of \$630.70.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Miller. Staff recommended that the Board adopt the Initial Decision.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Executive Session Minutes of the December 17, 2014 Agenda meeting – Items Late Starter B and Late Starter C.

Approval of the Minutes of the July 22, 2015 Agenda Meeting.

BACKGROUND: Staff presented the executive session minutes of December 17, 2014 for items Late Starter B and Late Starter C, and the July 22, 2015 Board agenda meeting, and recommended that they be accepted.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

AGENDA

1. AUDITS

A. Docket No. EO15070821 – In the Matter of the Department of Community Affairs' State Fiscal Year 2016 Universal Service Fund Administrative Cost Budget.

Maureen Clerc, USF Team, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the Universal Service Fund (USF) administrative cost budget submitted by the Department of Community Affairs (DCA) for State Fiscal Year (FY) 2016 in the amount of \$7,265,447.00. The DCA is the USF Program Administrator. The proposed FY 2016 USF administrative cost budget has increased by \$336,947.00 compared to the FY 2015 USF budget of \$6,928,500.00, which was approved by the Board on September 30, 2014.

The FY 2016 budget is broken down as follow:

DCA	\$1,791,877.00
Subgrantees-	
County Welfare Organizations	\$238,560.00
Community Based Organizations	<u>\$5,235,010.00</u>
Total	<u>\$7,265,447.00</u>

Staff has reviewed DCA's proposed FY 2016 budget and found that the costs listed appear to be appropriate and necessary for the administration of the USF program by DCA. Therefore, Staff recommended that the Board approve this budget. It is noted that the budget is an estimate. DCA will provide the Board with an accounting of all expenditures; after reviewing these expenditures Board Staff will come before the Board for final approval of all expenditures.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:

President Mroz	Aye
Commissioner Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye

2. ENERGY

A. Docket Nos. BPU GR14121411 and OAL PUC 03304-15 – In the Matter of the Petition of Public Service Electric and Gas Company to Modify Its Manufactured Gas Plant Remediation Component within Its Electric Societal Benefits Charge (SBC) and Its Gas SBC; During the Remediation Adjustment Charge (RAC) 22 Period, August 1, 2013 to July 31, 2014.

Jerome May, Director, Division of Energy, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. The Manufactured Gas Plant Remediation Adjustment Clause (RAC) allows

recovery of reasonably incurred Manufactured Gas Plant (MGP) Remediation Program Costs (MGP Costs) plus carrying charges by Public Service Electric and Gas Company (Company), amortized over a seven year rolling average period. The Company's MGP Costs are allocated to gas and electric customers on a sixty / forty percent basis pursuant to prior Orders of the Board.

On December 15, 2014, the Company filed a petition with the Board requesting an Order finding that its RAC activities and net MGP costs incurred during the RAC 22 period, August 1, 2013 through July 31, 2014, of \$84.998 million were reasonable and appropriate for recovery, and that the Company is justified in increasing the electric and gas RAC remediation rates accordingly.

On March 10, 2015, this matter was filed with the Office of Administrative Law and assigned to Administrative Law Judge (ALJ) Michael Antoniewicz.

The Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff, (collectively, Parties) reached an agreement on the RAC 22 issues, and on July 8, 2015 stipulated as follows:

In his Initial Decision dated July 9, 2015, ALJ Antoniewicz found that the Parties voluntarily agreed to the settlement which resolved all issues in controversy and is consistent with the law.

Staff recommended that the Board approve the Initial Decision and the Settlement.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

B. Docket Nos. ER15030389 and GR15030390 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric and Gas Base Rate Adjustments Pursuant to the Energy Strong Program.

Jerome May, Director Division of Energy, and Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On May 21, 2014, the Board issued an Order approving Energy Strong, providing approval to invest up to \$1.0 billion to harden its electric and gas infrastructure to make them less susceptible to damage from wind, flying debris and water damage in anticipation of future storm events and to strengthen the resiliency of the Public Service Electric and Gas Company's (Company) delivery system. Investments are primarily being made over a three year period.

The Company is allowed recovery for all expenditures related to facilities that have been placed in service, but on a provisional basis, subject to refund.

Expenditures are subject to prudence review in the Company's base rate to be filed by 11/01/17.

Electric base rates are adjusted semi-annually, while gas base rates are adjusted annually.

On June 15, 2015, the Company provided actual spending and revenue requirements data through May 30, 2015.

On August 4, 2015, the Company, Board Staff and Rate Counsel (the Party) agreed to a settlement that allows the Company to recover revenues of \$5.530 million and 17.086 million for investment returns on electric and gas projects, respectively.

Staff recommended that the Board approve the Settlement of the party.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

C. Docket No. EM15060733 – In the Matter of the Verified Petition of Jersey Central Power & Light Company (JCP&L) and Mid-Atlantic Interstate Transmission, LLC (MAIT) for: (1) Approval of the Transfer of JCP&L's Transmission Assets to MAIT Pursuant to N.J.S.A. 48:3-7; (2) Approval of a Lease of JCP&L's Real Property and the Real Property Rights Associated with Its Transmission Assets to MAIT Pursuant to N.J.S.A. 48:3-7; (3) Approval of a Mutual Assistance Agreement Pursuant to N.J.S.A. 48:3-7.1; and (4) a Declaration that MAIT will be Deemed a Public Utility for, inter alia, the Purposes of Siting Authority Under N.J.S.A. 40:55D-19 and Eminent Domain Authority Pursuant to N.J.S.A. 48:3-17.6 et seq.; and

Docket No. EF02030185 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Authorization Pursuant to N.J.S.A. 48:3-7.2 for Approval to Participate in the FirstEnergy Corporation Intrasystem Money Pool.

Bethany Rocque-Romaine, Office of the Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On June 19, 2015, Jersey Central Power and Light Company (JCP&L) and the Mid-Atlantic Interstate Transmission, LLC (MAIT) filed a joint petition requesting various Board approvals related to FirstEnergy's proposed transfer of JCP&L's transmission assets to MAIT, including approval of leases pertaining to real property and real property rights associated with the transmission assets, approval of a mutual assistance agreement between JCP&L and MAIT, and a declaration that MAIT will be deemed a public utility in New Jersey for certain purposes. JCP&L is also requesting that the Board approve the addition of MAIT as a participant in the FirstEnergy Corp. Intrasystem Utility Money Pool.

Staff recommended that this matter be retrained by the Board, and the Board designate President Mroz as the presiding Commissioner, with authority to establish and modify schedules, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

D. Docket No. GR15070769 – In the Matter of the Request of Pivotal Utility Holdings, d/b/a Elizabethtown Gas to Refund Its Current Clean Energy Program Overrecovery Balance through a Bill Credit to Customers.

Jerome May, Director, Division of Energy, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. The Clean Energy Program (CEP) was created as a result of the Electric Discount and Energy Competition Act in an effort to promote both energy efficiency and renewable energy programs. The Board annually sets each energy utility’s share of the CEP costs to be collected from customers and transferred to the Board as funding for those programs.

The Elizabethtown Gas Company’s (Company) current CEP rate is \$0.0244 per therm, which was approved by the Board in BPU Docket No. GR14070755 on February 11, 2015 and made effective February 23, 2015. Subsequent to the filing, the Company determined that a customer credit of approximately \$6.900 million was justified as a result of the passage of time between the filing of the current CEP rate and its effective date.

The Company proposed to base the bill credit upon each customer’s individual gas usage for the twelve month period ending June 30, 2015.

Staff recommended that the Board approve the relief requested in the petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

E. Docket No. EX15050630 – In the Matter of N.J.A.C. 14:5A – Nuclear Plant Decommissioning Cost and Trust Fund Review – Readoption by Notice.

Jake Gertsman, Legal Specialist, Office of Chief Counsel, presented these matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the readoption by notice of N.J.A.C. 14:5A: Nuclear Plant Decommissioning Cost and Trust Fund Review, which will expire on October 7, 2015. The rules provide procedures to ensure that there will be adequate funds for the proper decommissioning of nuclear power plants owned by New Jersey utilities. Specifically, the rules require the filing of periodic update reports regarding trust funds held by a utility to cover decommissioning costs.

Staff recommended that the readoption proceed without amendments and that the Board readopt the rules by notice. Accordingly, the Board’s approval of the readoption by notice means that there will be no comment period. The readoption will become effective when the notice is filed with the Office of Administrative Law and will be effective for seven years.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

Jerome May, Director, Division of Energy, presented these matters.

F. Docket No. ER15070764 – In the Matter of the Provision of Basic Generation Service and the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff – Jersey Central Power & Light Company, Public Service Electric and Gas Company and Rockland Electric Company June 25, 2015 Filing.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On June 25, 2015, Jersey Central Power & Light Company, Public Service Electric & Gas Company, and Rockland Electric Company (collectively, the EDCs) filed a joint petition with the Board requesting recovery of Federal Energy Regulatory Commission (FERC) approved changes in firm transmission service related charges.

The EDCs’ proposed tariff changes reflect changes to the Basic Generation Service (BGS) Residential and Small Commercial Pricing (BGS-RSCP) and Commercial and Industrial Energy Pricing (BGS-CIEP) rates to customers resulting from changes in the PJM Open Access Transmission Tariff (OATT) made in response to (i) the annual formula rate update filings made by PPL Electric Utilities Corporation in FERC Docket No. ER09-1148, by American Electric Power Service Corporation (AEP) in FERC Docket No. ER08-1329 and ER10-355, and by Trans-Allegheny Interstate Line Company in FERC Docket No. ER07-562, and (ii) the formula rate update filings made by the public utility affiliates of Pepco Holdings Inc. (PHI) in FERC Docket No. ER08-1423 and the respective utility affiliate compliance filings for formula rate updates made by Atlantic City Electric Company in Docket No. ER09-1156, Delmarva Power and Light (Delmarva)

in Docket No. ER09-1158, and Potomac Electric Power Company in Docket No. ER09-1159. The filings referred to in (i) and (ii) above are collectively referred to as the “Filings.” The EDCs requested that the changes become effective on September 1, 2015.

The Transmission Enhancement Charges (TECs) detailed in Schedule 12 of the PJM OATT were implemented to compensate transmission owners for the annual transmission revenue requirements for “Required Transmission Enhancements” that are requested by PJM for reliability or economic purposes. TECs are recovered by PJM through an additional transmission charge in the transmission zones assigned cost responsibility for Required Transmission Enhancement projects.

The rates included in the amended tariff sheets for each EDC reflect costs effective on June 1, 2015 for TECs resulting from all of the FERC-approved filings except the AEP-East filing, and for the AEP-East filing as of its effective date on July 1, 2015. The EDCs also requested that the BGS suppliers be compensated for the changes to the OATT resulting from the implementation of the updates from formula rates effective June 1 and July 1, 2015. Suppliers will be compensated subject to the terms and conditions of the applicable Supplier Master Agreements (SMAs). Any differences between payments to BGS-RSCP and BGS-CIEP Suppliers and charges to customers will flow through BGS Reconciliation Charges. This treatment is consistent with the previously-approved mechanisms.

No comments were received from Rate Counsel or any other party.

Staff recommended that the Board issue an order approving the changes to the BGS-RSCP and BGS-CIEP rates requested by each EDC for changes in its transmission charges resulting from the FERC-approved changes to the TECs effective for service on or after September 1, 2015. Staff further recommended approval of the EDCs’ request that the affected BGS suppliers receive the appropriate compensation for the rate adjustment(s) subject to the terms and conditions of the relevant BGS-RSCP and BGS-CIEP SMAs.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

G. Docket No. EM15070855 – In the Matter of the Merrill Creek Reservoir Project – Jersey Central Power & Light Company Sublease of a Portion of Its Water Storage and Release Entitlements to Granite Water Supply Company.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. By letter dated June 19, 2015, Jersey Central Power and Light Company (JCP&L or Company) filed an Amended and Restated Sublease Agreement (Renewal Sublease) which is a renewal of an existing sublease agreement dated as of May 1, 1993 (Original Sublease) approved by Board Order dated December 30, 1992 (the December Order). Under the Original Sublease, JCP&L subleased a portion of its

leasehold interest in the reservoir area of the Merrill Creek project, along with related water storage and release entitlements of storage capacity for a twenty year period expiring on July 30, 2015.

According to the letter filing, since JCP&L has no need for this capacity, it will enter into the Renewal Sublease with the Granite Water Supply Company (Granite) with a commencement date of July 31, 2015. Also according to JCP&L, the December Order only requires that the Company file a copy of any new agreements or amendments at least ten days prior to the effective date. Based on that understanding, JCP&L requested that the Board inform the Company as soon as reasonably possible after the ten day period that the Renewal Sublease has been accepted and authorized consistent with the December Order. Alternatively, if the Board is unable to confirm acceptance and authorization of the Renewal Sublease or issue an Order approving the Renewal Sublease prior to July 31, 2015, JCP&L requested that the Board authorize extension of the Original Sublease on a month-to-month basis pending Board approval of the Renewal Sublease.

Board Staff (Staff) reviewed the letter filing and supporting exhibits including the proposed Renewal Sublease and believes that as the Renewal Sublease contains revisions to the Original Sublease, additional time is required for Board review. On July 30, 2015, Staff sent initial discovery to the Company.

Therefore, Staff recommended that the Board authorize the extension of the Original Sublease on a month-to-month basis pending completion of the review of the Renewal Sublease.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

H. Docket No. GR14091073 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas to Revise Its Energy Efficiency Program Rider Rate.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On September 29, 2014, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (Elizabethtown or Company) filed a Petition (2014 Petition) with the Board requesting to increase its then current Energy Efficiency Program (EEP) rate of \$0.0042 per therm to \$0.0098 per therm inclusive of all applicable taxes effective December 1, 2014. The current EEP rate of \$0.0088 per therm inclusive of all applicable taxes was made effective December 1, 2014 pursuant to the Board's November 21, 2014 Order in BPU Docket No. GR13090874. The EEP rate enables Elizabethtown to recover the costs associated with Elizabethtown's EEPs approved by the Board. The Company's EEPs consist of a range of rebates and related offers, including, for example, various customer education and outreach initiatives, as well as an on-line customer Dashboard that are designed to encourage customers to conserve energy and to provide them with information on how to lower their gas bills.

The 2014 Petition sought to reconcile EEP costs and cost recoveries for the period commencing July 1, 2013 through June 30, 2014 and to recover forecast revenues for the period July 1, 2014 through June 30, 2015. As reflected on EEP Schedule TK-4, actual EEP costs for the period July 1, 2013 through June 30, 2014 amounted to \$852,232. As reflected in the 2014 Petition, the rate of \$0.0098 per therm was designed to recover actual and projected allowable recoverable EEP costs of \$3,970,804 through June 30, 2015.

The Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Signatory Parties) engaged in numerous settlement discussions, which resulted a stipulation.

The Stipulation provides that the Company shall implement an EEP rate of \$0.0054 per therm, inclusive of all applicable taxes, and that rate shall remain in effect until changed by order of the Board. Upon approval by the Board of the EEP rate reflected in the Stipulation, the Company will file with the Board revised tariff sheets to reflect the EEP rate agreed to in the Stipulation effective September 1, 2015. Draft tariff sheets are attached to the Stipulation as Appendix B reflecting the EEP rate of \$.0054 per therm.

Staff recommended that the Board approve the Stipulation of the signatory parties.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

I. Docket No. GO12100946 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs with Certain Modifications and Approval of Associated Cost Recovery Mechanism; and

Docket No. GO15050504 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs with Certain Modifications and Approval of Associated Cost Recovery Mechanism.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On April 30, 2015, Elizabethtown Gas (Elizabethtown or Company) filed a petition with the Board seeking to extend the term of the Company’s Energy Efficiency Programs (EE Programs), with certain modifications, for an additional four year period effective September 1, 2015. Discovery is ongoing and public hearings are scheduled to be held on August 26, 2015 in Rahway, New Jersey, and on August 27, 2015 in Flemington, New Jersey. The Company’s existing EE Programs will expire on August 31, 2015. Settlement discussions among the Parties are ongoing but the Parties do not anticipate a Board Order in this matter prior to the August 31, 2015 expiration of the Company’s existing EE Programs.

Therefore, the parties, consisting of the Company, New Jersey Division of Rate Counsel and Board Staff, entered into a stipulation agreeing to the following salient terms:

- The Parties agreed that Elizabethtown shall extend its existing EE Programs through no later than December 31, 2015 or until the date set in the instant proceeding by a Board Order authorizing the implementation of revised or new Elizabethtown EE Programs, consistent in all other respects with the August 21, 2013 Order. The existing EE Programs include the Residential Gas Heating Ventilation and Air Conditioning and Gas Hot Water Heat Incentive Program, Commercial Customer Energy Efficiency Program, and Customer Education and Outreach Program.
- Elizabethtown is not seeking any additional funding for the EE Programs, including grants, incentives, incremental O&M expenses and carrying costs during this extension. Rather, approximately \$739,000 will remain in the current EE Program budget as of August 31, 2015, which the Company will continue to utilize for its existing EE Programs.
- The Parties agreed to continue settlement discussions in good faith to reach a timely resolution of this proceeding.
- The Parties also agreed to extend the 180-day Regional Greenhouse Gas Initiative Review Period to allow for a Board determination by December 31, 2015.

Staff recommended that the Board approve the Stipulation of the Parties.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

Cynthia Holland, Esq., Legal Specialist, presented these matters.

J. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL15-83 – Joint Consumer Representatives v. PJM Interconnection, LLC

BACKGROUND AND DISCUSSION: On July 30, 2015, on behalf of the Board, Staff joined the joint consumer representatives (JCR), including Delaware Public Service Commission and the New Jersey Division of Rate Counsel, in filing a Motion for Leave to Answer and Answer to PJM's position in this proceeding. The JCR Answer asserted that the sell-back of excess capacity provides insufficient mitigation to the over-procurement costs imposed on consumers and re-asserts that the load forecasting model must be improved to remedy to the over-procurement. Staff recommended the Board ratify the comments submitted.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:

President Mroz	Aye
Commissioner Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye

K. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-623 – PJM Interconnection, L.L.C. – Capacity Performance Proposal – Comments.

BACKGROUND AND DISCUSSION: The Joint Consumer Representatives and Interested State Commissions (including the New Jersey Division of Rate Counsel, the Board, Maryland Public Service Commission, and the Delaware Public Service Commission) filed comments on July 29, 2015. The comments support the Corrected Tariff Language contained in PJM’s July 22 Compliance Filing applicable to the calculation of the Market Seller Offer Cap for Capacity Performance Resources. The comments also support the Market Monitor’s Comments/Protest that the July 9 Compliance Filing does not properly incorporate the Capacity Performance Quantifiable Risk Adder. Staff recommended that the Board ratify comments submitted.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:

President Mroz	Aye
Commissioner Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye

L. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket Nos. EL13-48 and EL15-27 (Consolidated) Delaware Division of the Public Advocate, et al. v. Baltimore Gas and Electric Company, et al.

BACKGROUND AND DISCUSSION: On July 30, 2015, Federal Energy Regulatory Commission (FERC) Trial Staff filed their Answer to the Joint Respondents’ Motion to Strike over ninety pages of FERC Trial Staff testimony. On July 31, 2015, on behalf of the Board, Staff joined in with the Joint Complainants in filing a document in support of the Answer of FERC Trial Staff. Staff supported FERC Trial Staff and opposed striking the testimony, because the FERC Trial Staff’s testimony addresses the very heart of this controversy – i.e., whether Respondents’ ROE is just and reasonable and, if not, what ROE would be just and reasonable. Staff recommended ratification of the Answer submitted in support of FERC Trial Staff.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:

President Mroz	Aye
Commissioner Fiordaliso	Aye
Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Chivukula	Aye

M. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL05-121-009 – In the Matter of the Settlement Proceedings Regarding FERC Order 494 Remand – See Executive Session.

This matter was discussed in executive session pursuant to attorney-client privilege exception to the Open Public Meetings Act. The Board will make the contents of its discussion of the above matter public at the earliest appropriate time.

3. CABLE TELEVISION

Lawanda R. Gilbert, Acting Director, Office of Cable Television, presented these matters.

A. Docket No. CO15070836 – In the Matter of the Alleged Failure of Certain Cable Television Subsidiaries or Affiliates of Comcast Cable Communications, LLC to Comply with Certain Provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq., the N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq., and Certain Provisions of Board Orders.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. Comcast Cable Communications, LLC owns and operates certain subsidiaries or affiliates that provide cable television services in New Jersey (referred to collectively hereinafter as Comcast). Comcast provides cable television services to approximately 1.1 million New Jersey customers throughout 338 municipalities in 19 counties.

The Office of Cable Television (OCTV), Bureau of Inspection and Enforcement uncovered a number of apparent deficiencies during the course of a compliance review. The OCTV served notice of its allegations that Comcast and its subsidiaries individually and collectively did not conform to certain provisions of the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq.

As a result of correspondence, telephone conversations and settlement conferences between Comcast and the Office, Comcast, on July 16, 2015, submitted an Offer of Settlement (Offer) concerning the alleged non-conforming practices including a monetary payment in the amount of \$337,000.00 in order to resolve all issues concerning the violations alleged by the Office.

Staff found that the Offer represents a reasonable settlement in view of the alleged violations. Therefore, Staff recommended that the Board accept the Offer of Settlement by Comcast subject to certain provisions, conditions and/or limitations.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

B. Docket No. CE09030230 – In the Matter of Cablevision of New Jersey, LLC Application for a System-wide Cable Television Franchise – Franchise Renewal/Ascertainment Report.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On March 20, 2009, Cablevision of New Jersey, LLC (Cablevision) converted the Borough of Fair Lawn into a system-wide cable television franchise as provided in the New Jersey Cable Television Act. The amendments to the State Act provided the ability for existing cable television operators to automatically convert any or all of their existing cable television franchises to a system-wide cable television franchise, by providing notice to the Board and the affected municipality. Since that time, Cablevision has converted an additional twenty municipalities in its New Jersey system. Cablevision’s system-wide cable television franchise is valid for seven years from the date of its first conversion and is set to expire on March 20, 2016.

Franchise renewal in New Jersey is governed by the federal Communications Policy Act of 1934, as amended (Federal Act), the State Act, and the New Jersey Administrative Code. Ascertainment is the term utilized to explain the fact-finding process described in the Federal Act (47 U.S.C. §546). The purpose of ascertainment is to examine the past performance of the cable operator and identify the future cable-related needs of the community.

The Board notified Cablevision on May 31, 2013, of its intention to review its performance under its franchise. On October 23, 2014, the Board invited Cablevision to file comments on its performance under its system-wide cable television franchise and to assess how to meet the future needs of communities served by its system-wide franchise. Cablevision filed its initial response with the Board on January 30, 2015.

The ascertainment report provides a review of the past performance of Cablevision and of the future cable-related needs of the communities served, taking into account the limitations established by the State Cable Act. Cablevision must file an application for renewal of its system-wide cable television franchise within 90 days of receipt of the ascertainment report, and two public hearings will be held in the franchise area to receive public comment.

The Office of Cable Television (OCTV) found that Cablevision is in compliance with its system-wide cable television franchise and is prepared to meet the future cable television-related needs of the communities. The OCTV recommended approval of the report for publication.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

C. Docket No. CE09030231 – In the Matter of Cablevision of Oakland, LLC Application for a System-wide Cable Television Franchise – Franchise Renewal/Ascertainment Report.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On March 20, 2009, Cablevision of Oakland, LLC (Cablevision) converted the Township of Cedar Grove into a system-wide cable television franchise as provided in the New Jersey Cable Television Act. The amendments to the State Act provided the ability for existing cable television operators to automatically convert any or all of their existing cable television franchises to a system-wide cable television franchise, by providing notice to the Board and the affected municipality. Since that time, Cablevision has converted an additional 37 municipalities in its Oakland system. Cablevision's system-wide cable television franchise is valid for seven years from the date of its first conversion and is set to expire on March 20, 2016.

Franchise renewal in New Jersey is governed by the federal Communications Policy Act of 1934, as amended (Federal Act), the State Act, and the New Jersey Administrative Code. Ascertainment is the term utilized to explain the fact-finding process described in the Federal Act (47 U.S.C. §546). The purpose of ascertainment is to examine the past performance of the cable operator and identify the future cable-related needs of the community.

The Board notified Cablevision on May 31, 2013, of its intention to review its performance under its franchise. On October 23, 2014, the Board invited Cablevision to file comments on its performance under its system-wide cable television franchise and to assess how to meet the future needs of communities served by its system-wide franchise. Cablevision filed its initial response with the Board on January 30, 2015.

The ascertainment report provides a review of the past performance of Cablevision and of the future cable-related needs of the communities served, taking into account the limitations established by the State Cable Act. Cablevision must file an application for renewal of its system-wide cable television franchise within 90 days of receipt of the ascertainment report, and two public hearings will be held in the franchise area to receive public comment.

The Office of Cable Television (OCTV) found that Cablevision is in compliance with its system-wide cable television franchise and is prepared to meet the future cable television-related needs of the communities. The OCTV recommended approval of the report for publication.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

D. Docket Nos. BPU CR14101099 through CR14101120, Consecutively, and OAL CTV 17093-14 – In the Matter of the Application of Comcast Cable Communications, LLC on behalf of Its Wholly Owned Subsidiaries for Approval of the Filing of Federal Communications Commission Forms 1240, an Annual Updating of the Maximum Permitted Rate for Basic Cable Service.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved ALJ W. Todd Miller’s Initial Decision which was filed with the Board on August 10, 2015, recommending approval of a Stipulation of Settlement (Stipulation or Settlement) regarding twenty-two Comcast Federal Communications Commission (FCC) Forms 1240, seeking approval to update the maximum permitted rates (MPRs) for basic cable service in the subsidiaries’ rate-regulated districts (collectively, the systems). This matter was filed on October 1, 2014 and transmitted to the Office of Administrative Law on December 15, 2015 for determination and initial disposition.

ALJ Miller noted that the parties settled the case and executed the Stipulation on July 23, 2015. The highlights of the Stipulation were foregone rate increases of approximately \$7,825,104 for nine of the twenty-two Form 1240 rate districts representing the difference between their “proposed” and “Stipulated” Form 1240 MPRs. The proposed MPRs for the remaining thirteen Form 1240 rate districts will remain unchanged.

Staff recommended that the Board adopt the Initial Decision and the Stipulation in their entirety as its own, incorporating by reference the terms and conditions therein.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

4. TELECOMMUNICATIONS

A. Docket No. TS15070837 – In the Matter of Citi Broadband Wireless LLC’s Failure to Comply with Regulations Requiring Payment of an Annual Assessment.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: CitiBroadband Wireless Inc. is obligated to pay an annual assessment for fiscal year 2015 based on Gross Interstate revenues for calendar year 2013. After numerous attempts by staff to collect the assessment, Citi Broadband failed to pay the required assessment of 500.00. If Citi Broadband fails to pay the required assessment by September 29, 2015 staff then recommends to the Board that it revoke its authority granted to CitiBroadband in Docket No.TE06060468.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

5. WATER

Maria L. Moran, Director, Division of Water, presented these matters.

A. Docket Nos. BPU WR15030391 and OAL PUC 04725-15 – In the Matter of the Petition of Middlesex Water Company for Approval of an Increase in Its Rates for Water Service and Other Tariff Changes.

BACKGROUND AND DISCUSSION: On March 31, 2015, Middlesex Water Company (Company) filed a petition requesting a rate increase of approximately \$9.45M or approximately 13.53%. The petition was filed on a “stand alone” basis, that is, for the Middlesex Water Company service area only.

The Company services approximately 59,000 retail water customers in the Townships of Edison and Woodbridge, the Boroughs of South Plainfield, Metuchen and Carteret and the City of South Amboy in Middlesex County, and the Township of Clark in Union County. On a contract basis, the Company serves part of the Township of Edison, the Boroughs of Highland Park and Sayreville, the Old Bridge Municipal Utilities Authority (MUA), Marlboro Township and the City of Rahway. The Company also services under a special contract basis for water treatment and pumping services the Township of East Brunswick.

After proper notice, a public hearing in the service territory was held on the evening of June 15, 2015 in Fords, NJ. No members of the public appeared at the public hearing.

The matter was transmitted to the Office of Administrative Law and assigned to Administrative Law Judge (ALJ) Cookson who granted intervention to the Township of Marlboro, the Old Bridge MUA and the Township of East Brunswick. The Signatory Parties (the Petitioner, New Jersey Division of Rate Counsel, Board Staff and the Township of East Brunswick) were present at the settlement conferences and negotiated a Stipulation of Settlement (Settlement). Marlboro Township and the Old Bridge MUA submitted no objection letters to the settlement.

The Settlement calls for an overall revenue requirement increase of \$5,000,000 or approximately 7.11% over present rate revenues of \$70,276,907.

As a result of the Settlement, the average bill for a general metered residential customer with a 5/8” meter using approximately 17,204 gallons of water per quarter will increase from \$129.03 to \$141.24, which is \$12.21 per quarter or approximately 9.46%.

ALJ Cookson submitted an Initial Decision which recommended that the Board adopt the

Settlement.

Staff recommended that the Board adopt the Initial Decision of ALJ Cookson.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

B. Docket No. WD15050634 – In the Matter of the Petition of New Jersey American Water Company, Inc. for Approval to Discontinue Service to a Portion of the Township of Mount Olive, Morris County.

BACKGROUND AND DISCUSSION: President Mroz and Commissioner Chivukula recused themselves from this matter. On May 27, 2015, the New Jersey American Water Company (NJAW) filed a petition with the Board for permission to discontinue water service in its Morris Chase and Morris Hunt service area located in Mount Olive.

As allowed by Township Ordinance No. 42-2008 and the Board's Municipal Consent Order for the Morris Chase/Morris Hunt service area, Mt. Olive has exercised its right to take over the ownership and operation of the water system for that service area. As such, NJAW will discontinue water service in the Morris Chase/Morris Hunt service area, as it relinquishes ownership of the system to Mount Olive and will no longer provide water service to that area.

The Division of Rate Counsel did not oppose Board approval of the petition.

Board Staff has determined that approval of the discontinuance of service will not adversely affect the public convenience and necessity in that there will be no interruption of service to customers, and as such recommended that the Board approve the discontinuance of service, subject to the following: (1) NJAW providing written notice to customers advising them of the discontinuance of service and that water service will now be provided by Mount Olive; (2) Customers affected by the transfer will continue to be provided with safe, adequate, and proper service by NJAW until the transfer takes place; (3) NJAW will discontinue service at the same time that Mount Olive takes over the provision of water service; (4) NJAW will provide written notice to the Board that the transfer has occurred, within fifteen days of its completion; and (5) the Order approving discontinuance of service shall be void if closing does not occur on or before April 13, 2016.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

C. Docket Nos. BPU WR15020269 and OAL PUC 03172-15 – In the Matter of the Petition of United Water Toms River Inc. for Approval of an Increase in Rates for Water Service and Other Tariff Changes.

BACKGROUND AND DISCUSSION: On February 27, 2015, United Water Toms River filed a petition for approval of an increase in rates for water service in the amount of approximately \$5,208,512 or 16.85%. The Company services approximately 50,000 customers located in the central portion of Ocean County, specifically in the municipalities of Toms River Township, the Borough of South Toms River, a portion of Berkeley Township, and seven customers in a small portion of Brick Township.

This matter was transmitted to the Office of Administrative Law and was assigned to Administrative Law Judge (ALJ) McGee. A public hearing in the service territory was held on the evening of May 28, 2015, in Bayville, New Jersey. Several members of the public were in attendance and predominantly spoke out in opposition to the proposed rate increase.

Subsequent to the public hearing, and prior to the evidentiary hearings, the Parties to the proceeding, consisting of the Company, the New Jersey Division of Rate Counsel and Board Staff, engaged in numerous settlement negotiations and as a result, reached a settlement on all issues in the case and executed a Stipulation. The key points of which are:

- The overall revenue requirement increase of \$2,800,000 or approximately 9.06% over total Company present rate revenues of \$30,907,087.
- The agreed upon tariff includes a 5/8" meter fixed monthly charge of \$11.50, with an agreed upon tariff includes a volumetric charge of \$7.1275 per thousand gallons.
- The average bill for a general metered residential customer with a 5/8" meter using 5,000 gallons of water a month (i.e., 60,000 gallons per year) will increase by \$4.72 per month, from \$42.42 to \$47.14 (\$509.04 per year to \$565.68 per year) or an increase of approximately 11.13%.

ALJ McGee submitted his Initial Decision which recommended that the Board adopt the Stipulation.

Staff recommended that the Board adopt the Initial Decision of ALJ McGee.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

6. RELIABILITY & SECURITY

A. Docket No. GE15040402 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval and Authorization to Construct and Operate the Southern Reliability Link Pursuant to N.J.A.C. 14:7-1.4 – Motions to Intervene.

Cynthia Covie, Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: On April 2, 2015, amended June 5, 2015, New Jersey Natural Gas (NJNG or Company) filed a petition with the Board seeking Board approval for the installation or operation of natural gas pipelines that are to be operated at pressure in excess of two-hundred fifty (250) pounds per square inch gauge if located within one-hundred feet of any building intended for human occupancy.

The Burlington County Board of Chosen Freeholders (Burlington County), Township of North Hanover and Township of Chesterfield filed motions to intervene in this proceeding. The Township of Plumsted filed a motion to participate, and the Pinelands Preservation Alliance filed a motion to intervene or in the alternative to participate in this proceeding.

This matter was deemed an uncontested matter, meaning that it's a case where there's no adjudicatory hearing, and as a pipeline safety case, there's no requirement for an evidentiary hearing. There is an agency determination whether the pipeline meets the state and federal pipeline regulations and risk to dwellings within 100 feet of the proposed pipeline. Uncontested matters are designed, however, to afford interested parties the opportunity to present their views. There is a public hearing and all interested parties may participate in that public hearing and may submit written comments. And a motion to intervene is not required for that.

In addition to there being an insufficient legal basis for granting the motions to intervene and/or participate, Staff noted that none of the parties will be procedurally or substantively disadvantaged by denying the motions to intervene and/or participate in the pipeline safety case.

Therefore, they have been granted full rights of intervention and/or participation in the municipal land use case. They will participate in the evidentiary hearing in the municipal land use case. They'll participate in the public hearing and municipal land use case. They may participate in the litigation of that case, including discovery. They'll participate in the public hearing in the pipeline safety case. If they choose to do so, they can file written comments in this case. And, therefore, they'll have all rights authorized and allowed by law. There is no reason to believe that their positions won't be fully heard and considered by the Board.

Staff recommended that the Board deny the motions to intervene and/or participate.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

7. CUSTOMER ASSISTANCE

Eric Hartsfield, Director, Division of Customer Assistance, presented these matters.

A. Docket Nos. BPU GC13070636U and OAL PUC 13471-13 – In the Matter of Dianne Argila, Petitioner v. New Jersey Natural Gas Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Dianne Argila (Petitioner) and New Jersey Natural Gas Company (NJNG or Company). The petition was transmitted to the Office of Administrative Law on September 16, 2013, as a contested case. Administrative Law Judge (ALJ) Elia A. Pelios filed an Initial Decision in this matter with the Board on July 13, 2015, dismissing the petition. No exceptions to the Initial Decision have been received by the Board.

ALJ Pelios, in his Initial Decision, concluded that the parties agreed, that a gas leak was found in the Petitioner’s interior seal line, which is beyond what is defined by the tariff as the “point of delivery”. Accordingly, the leak occurred in what is defined by the tariff as “customer equipment” and as such, ALJ Pelios stated that any gas consumed by passing through the meter and lost to the leak after that point is the responsibility of the Petitioner. ALJ Pelios determined that to the extent that the Petitioner’s bill from NJNG reflects gas usage which includes gas lost to leak after the point of delivery, such does not constitute an overbilling.

ALJ Pelios concluded that the Petitioner had not met her burden of proof in showing that other leaks exist or that the repaired leak existed for a significant period of time. It is also noted that the parties stipulated to the fact that the meter tested accurate. Accordingly, the meter in service at the subject property reflects an accurate measurement of the gas consumed beyond the point of delivery. Finally, ALJ Pelios further concluded that the Petitioner has failed to demonstrate, by a preponderance of credible evidence, that they have suffered any damage or are entitled to a claim that is the result of NJNG’s negligence, recklessness or willful misconduct. Accordingly, ALJ Pelios ruled that the Petitioner’s appeal be dismissed.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Pelios. Staff recommended that the Board adopt the Initial Decision.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

B. Docket Nos. BPU EC13080722U and OAL PUC 13473-13 – In the Matter of Karen Robinson, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Karen Robinson (Petitioner) and Public Service Electric and Gas Company (PSE&G or Company). The petition was transmitted to the Office of Administrative Law on September 17, 2013, as a contested case. Administrative Law Judge (ALJ) Elia A. Pelios filed an Initial Decision in this matter with the Board on June 18, 2015, dismissing the petition. No exceptions to the Initial Decision have been received by the Board.

ALJ Pelios, in his Initial Decision, stated that PSE&G demonstrated that the meters in question were either accurate or inaccurate in favor of the Petitioner. ALJ Pelios concluded that the Petitioner had not met her burden of proof in demonstrating that the Company has been erroneous in its billing to her account because she offered no competent evidence challenging the accuracy of the meters or disputing the tests or methods employed by the respondent. Therefore, ALJ Pelios ruled that the petition of the Petitioner be dismissed with prejudice.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Pelios. Staff recommended that the Board adopt the Initial Decision.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

C. Docket Nos. BPU TC13100941U and OAL PUC 05818-14 – In the Matter of Edison-Metuchen Orthopedic Group, Petitioner v. Cooperative Communications Inc., Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: This matter originated as a billing dispute between Edison-Metuchen Orthopedic Group (Petitioner) and Cooperative Communications, Inc. (Respondent) for communication services rendered by Respondent to Petitioner.

The dispute between the Petitioner and the Respondent arose from an April 8, 2013 contract for telecommunications services as set forth in a document entitled “Cooperative Communications, Inc. Service Agreement Terms and Conditions”, which was not subject to any review by the Board. The petition was transmitted to the Office of Administrative Law on May 9, 2014, for hearing and initial disposition as a contested case. This matter was assigned to Administrative Law Judge (ALJ) Kimberly A. Moss, who, after several conferences and motions, as well as an Answer and Counterclaim filed by Respondent, concluded this case is about a contract dispute and that Respondent sought damages, which the Board has no jurisdiction to award.

ALJ Moss dismissed the Counterclaim and subsequently returned the case to the Board

after the Petitioner had withdrawn its petition. The Respondent by its Counterclaim specifically requested that the Board award it damages against the Petitioner for breach of the Agreement. To do so, the Board would need to review the terms of the Agreement, which was never subject to its review, to determine if the Petitioner breached it. Such exercise is not within the Board's specialized expertise under N.J.S.A. 48:2-13 et seq.

The Board, at its discretion, has the option of adopting, modifying or rejecting the Counterclaim Order of ALJ Moss. Staff recommended that the Board adopt ALJ Moss's Counterclaim Order and accept the withdrawal of the petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

8. CLEAN ENERGY

A. Docket No. QO15060740 – In the Matter of the New Jersey Renewable Portfolio Standard (NJ RPS) – Request for Board Action Extending NJ RPS Compliance Deadline for Energy Year 2015.

Elizabeth Ackerman, Acting Director, Division of Economic Development and Energy Policy, presented this matter.

BACKGROUND AND DISCUSSION: On March 6, 2015, the Electric Distribution Companies (EDCs) on behalf of their Basic Generation Service providers (BGS) requested an extension of the deadline for complying with New Jersey's Renewable Portfolio Standard (RPS) rules. On April 28, 2015, the Retail Energy Supply Association (RESA) on behalf of the Third Party Suppliers (TPS) also submitted a letter requesting an extension to file their Energy Year 2015 (EY15) RPS reports. The RPS rules require that Suppliers and Providers submit an annual report by October 1 demonstrating how RPS compliance was achieved, including the total number of megawatt-hours of electricity sold to retail customers, Solar Renewable Energy Certificates (SRECs) and Renewable Energy Certificates retired, and the Solar Alternative Compliance Payments (SACPs) and Alternative Compliance Payments (ACPs) paid.

Increased complexity of compliance with the solar portion of the RPS began with the energy years covered by Solar Energy Advancement and Fair Competition Act (SEAFCA) and now continues with exemptions provided through the Solar Act. SEAFCA changed both the solar energy generation requirements and the SREC reporting requirements for the TPS and the EDCs, with the changes requiring more complex calculations to determine the EDC and TPS solar generation requirements. The Solar Act increased the solar obligation of all retail electricity suppliers and those BGS providers with contracts executed after the effective date of the law. An exemption to the Solar Act's increase was provided to BGS providers with electric supply contracts

executed prior to the effective date of the law which requires additional calculations to spread the differential over the remaining providers. As a result, final supply numbers are not expected to be posted by Staff until later in September 2015, and the timeframe for the data availability results in an extremely abbreviated time period for the EDCs and TPS to generate accurate and timely reports by October 1, 2015.

Staff determined that the EDCs' and RESA's requests for a two month extension for submitting annual RPS reports is reasonable. Therefore, Staff recommended that the Board approve these requests and extend the deadline for submitting the Annual Reports for EY15 to December 1, 2015.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

B. Docket No. GR15010090 – In the Matter of the Petition of South Jersey Gas Company for Approval to Continue Its Energy Efficiency Programs and Energy Efficiency Tracker Pursuant to N.J.S.A. 48:3-98.1.

Marisa Slaten, Assistant Director, Division of Economic Development and Energy Policy, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. By Order dated June 21, 2013, the Board authorized South Jersey Gas Company (SJG or Company) to extend four energy efficiency programs (EEPs): 1) Enhanced Residential Heating, Ventilation, and Air Conditioning Rebate; 2) Residential Home Performance Finance; 3) Commercial Customer Direct Install Financing; and 4) Non-Residential Energy Efficiency Investment. The programs were designed to complement or supplement existing New Jersey Clean Energy Program offerings. The June 2013 Order also authorized SJG to continue its Energy Efficiency Tracker (EET) as the mechanism to recover all prudently incurred costs associated with the Existing EEPs and to continue earning a return on its investments.

On January 20, 2015, SJG filed a petition seeking approval to continue the EEPs for a three year period commencing July 1, 2015. The 2015 petition requested approval to continue SJG's four Existing EEPs, with one modification to change the repayment term for the Commercial Direct Install Program from two years to three years and to implement a new Social Marketing and Education Programs.

On February 18, 2015, Board Staff notified SJG that the filing was administratively incomplete. By filings dated January 23, 2015, January 26, 2015 and March 2, 2015, SJG supplemented the 2015 petition. On March 19, 2015, Staff notified SJG that the filing was administratively complete. Accordingly, Review Period commenced on March 2, 2015. By Order dated February 11, 2015, the Board retained this matter for review and hearing and designated Commissioner Dianne Solomon as the presiding officer. By Order dated April 13, 2015, Commissioner Solomon approved a procedural schedule.

By Order dated June 17, 2015, the Board extended SJG's Existing EEP's through August 31, 2015. The June 2015 Order did not approve an additional budget for the Existing EEPs during the extension as SJG indicated that approximately \$900,000 remained in the budget approved by the June 2013 Order as of June 30, 2015 which SJG would continue to utilize through August 31, 2015.

After several rounds of discovery and numerous settlement meetings, the Signatory Parties, the Company, New Jersey Division of Rate Counsel and Board Staff, reached a stipulation of settlement (Stipulation) which would provide for modified EEPs through August 31, 2017 and an associated cost recovery mechanism.

Staff recommended the Board adopt the Stipulation of the Signatory Parties.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

9. MISCELLANEOUS

A. Docket No. AX15010031 – In the Matter of N.J.A.C. 14:1 – Rules of Practice – Readoption with Amendments.

Jake Gertsman, Legal Specialist, Office of Chief Counsel, presented these matter.

BACKGROUND AND DISCUSSION: This matter involved the readoption with amendments of N.J.A.C. 14:1 Rules of Practice, which will expire on August 30, 2015. The readoption with amendments must be filed with the Office of Administrative Law for publication in the New Jersey Register before the expiration date of the existing rule, to prevent the rule from expiring.

The proposed readoption with amendments was approved by the Board on February 11, 2015, and was published in the New Jersey Register on March 16, 2015.

The rules govern practice and procedure before the Board which includes all pleadings, petitions and filings; fees and charges; appearances and motions in both contested and uncontested cases. The rules also cover confidentiality issues that arise pursuant to the Open Public Records Act.

In addition to recommending that the Board readopt the rule, staff recommended that the Board not adopt the proposed amendments to N.J.A.C. 14:1-1.3; 14:1-8.1 and 14:1-9.1 which concern contested and uncontested cases in response to comments received from Rate Counsel. Additionally, in response to the comment from the New Jersey Utilities Association, Staff recommended that the Board add clarifying language to new rule N.J.A.C. 14.1-7.5 regarding settlements to specify that the adopted new rule does not apply to withdrawn petitions or informal complaints. Finally, Staff recommended that the Board adopt the new section setting forth the requirements for petitions for

rulemaking in accordance with N.J.A.C. 14:1-30-4 et seq.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

B. Docket No. EG10100740 – In the Matter of the Energy Assistance Grants as Authorized Under L. 2009, c. 207 – Temporary Relief for Utility Expenses (TRUE) Program – Consideration of Evaluation Committee Recommendation.

Maureen Clerc, Universal Service Fund Team, presented this matter.

BACKGROUND AND DISCUSSION: On January 15, 2010, L. 2009, c. 207 was enacted, concerning the allocation of \$25 million from the Societal Benefits Charge towards the funding of utility assistance grants for qualified Limited Income Households. This law directs the Board to grant the \$25 million to a nonprofit organization for use in providing grants that would help pay the gas and electric public utility bills of households seeking temporary assistance.

Following a competitive Notice of Availability of Grant bidding process, on February 22, 2011, the Board designated the Affordable Housing Alliance (AHA) as the Grantee to administer the distribution of TRUE Program funding.

When the grant agreement between the Board and the AHA expired on March 4, 2015, approximately \$6 million was still available for use. Therefore at its May 19, 2015 agenda meeting, the Board determined that it would issue a Notice of Grant Availability informing the public of its plans to award the approximate amount of \$6 million in TRUE funds to a nonprofit energy organization that would help pay the gas and electric bills of households seeking temporary assistance.

On June 15, 2015, the Board published a Notice of Availability of Grants (Notice) in the New Jersey Register at 47 N.J.R. 1355(a), and on its website.

The evaluation committee was comprised of five Board Staff members: Maureen Clerc, (Office of the Secretary); Peter Hilerio, (Office of the Secretary); Eric Hartsfield, (Division of Customer Assistance); Al Weierman, (Division of Audits); and Jonathan Wallace, (Division of Economic Development and Energy Policy).

The Board received a total of five proposals from:

1. Affordable Housing Alliance (AHA);
2. Greater Bergen Community Action;
3. NJ 211 Partnership;
4. New Jersey SHARES (NJ SHARES); and
5. OCEAN, Inc.

The Evaluation Committee discussed and scored all proposals. The final scores were tallied and averaged, and AHA received the highest score.

Staff recommended AHA's selection as the TRUE Grantee and Program Administrator

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye

C. Docket No. EC15060657 – In the Matter of Susan Minutella, et al. v. Jersey Central Power & Light Company; FirstEnergy Corporation; New Jersey Natural Gas Company; New Jersey Resources Corporation and ABC Companies Nos. 1-10; and

Docket No. EC15060658 – In the Matter of E.J. Harvey, et al. v. Jersey Central Power & Light Company; FirstEnergy Corporation; New Jersey Natural Gas Company; New Jersey Resources Corporation and ABC Companies Nos. 1-10.

Maureen Wagner, Esq., Legal Specialist, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. In these matters the Plaintiffs are property owners and/or lessees in a neighborhood in Brick Township known as Camp Osborn who filed actions for property damage in the Superior Court, alleging that New Jersey Natural Gas Company (NJNG) and (JCP&L) cut off service during Superstorm Sandy resulting in fires which damaged their property. The Superior Court has stayed the action pending a determination whether the Board would exercise "primary jurisdiction" over those factual determinations which are within the expertise of the Board.

New Jersey Natural Gas Company and New Jersey Resources Corporation moved in both actions for dismissal of Plaintiffs' complaints, or in the alternative, referring certain issues to the Board pursuant to the doctrine of primary jurisdiction.

By Order dated March 30, 2015, the Honorable Robert A. Fall, J.S.C., denied the motions to dismiss, but granted the motions to refer the matters to the Board pursuant to the doctrine of primary jurisdiction.

The Issues in the Complaints touch upon matters which are of concern to the Board relating to how utilities prepare and operate under threat of a pending storm. There appear to be issues within the Board's jurisdiction. Therefore, Staff recommended that the Board accept jurisdiction, further review the matter and determine the best for manner for these cases to proceed.

DECISION: The Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Mroz	Aye
	Commissioner Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye

EXECUTIVE SESSION

After appropriate motion, the following matters, which involved pending litigation attorney-client privilege, and/or contract exceptions to the Open Public Meetings Act was discussed in Executive Session.

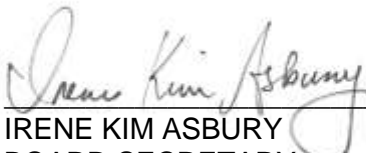
2. ENERGY

M. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL05-121-009 – In the Matter of the Settlement Proceedings Regarding FERC Order 494 Remand.

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

After appropriate motion, the Board reconvened to Open Session.

There being no further business before the Board, the meeting was adjourned.



IRENE KIM ASBURY
BOARD SECRETARY

DATE: September 11, 2015