



STATE OF NEW JERSEY
Board of Public Utilities
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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 October 15, 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 November 16, 2015 at the Merit System Room, 1st Floor, 44 South Clinton Ave., Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Docket No. TE15080977 – In the Matter of the Verified Petition of NetworkIP, LLC d/b/a Elite Telecom for Authorization to Provide Facilities-Based Interexchange Telecommunications Services in New Jersey.

BACKGROUND: By letter dated August 20, 2015, NetworkIP, LLC, d/b/a Elite Telecom (Petitioner or Elite Telecom) filed a Petition with the Board requesting authority to provide facilities-based interexchange telecommunications services in the State of New Jersey.

The Petitioner has submitted its financial information under seal and has filed a sworn affidavit with substantiation for confidential treatment in accordance with the Board's rules for determining confidentiality, and in compliance with the Open Public Records Act.

Elite Telecom requested a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3, which requires that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts (USOA), respectively. The Petitioner also stated, upon written notice from the Board and/or Board Staff, it will provide its books and records at such time and place within New Jersey as the Board may designate and will pay any reasonable expenses for examination of the records.

By letter dated August 31, 2015, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that, based on its review, "Rate Counsel is satisfied that the Verified Petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity." Accordingly, Rate Counsel does not oppose a grant of authority or approval of the Petitioner's request to provide telecommunications services in New Jersey. In addition, Rate Counsel did not object to a grant of the waivers requested by the Petitioner, nor did Rate Counsel oppose the Petitioner's request to treat its financial information as confidential and placed under seal.

After review, Staff recommended that the Board approve the Petitioner's request for authority to provide 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, Private Aggregator and/or Energy Consultant Initial Registrations

EE15040407L	Trianglenergy, LLC d/b/a Bidenergy Group	I – EA
EE15040418L	Brice Associates, LLC	I – EA
EE15050603L	Insight Sourcing Group, LLC	I – EA
EE15030297L	Lighthouse Business Consulting, Development and Services, LLC	I – EA
EE14121400L	Broadway Energy Group Corporation	I – EA
EE15050527L	FS Energy, LLC	I – EA/PA
GE15050528L		
EE15050614L	Greenwave Concepts, LLC	I – EA/PA
GE15050615L	d/b/a TruEnergy	
EE15020250L	South Shore Trading and Distributors, Incorporated	I – EA/EC
GE15091095L		
EE15010060L	Eisenbach Consulting, LLC	I – EA/PA/EC
GE15010061L		

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

EE15090999L	Broker Online Exchange, LLC	R – EA
EE15020205L	Progressive Energy Consulting, LLC	R – EA
EE15040415L	T.E. Energy Consultants, LLC	R – EA
EE15010101L	Technology Resource Solutions, Incorporated d/b/a VARO	R – EA
EE14101130L	Avalon Energy Services, LLC	R – EA/PA
GE14101131L		
EE15091056L	T&M Associates	R – EA/PA/EC
GE15091057L		
EE15010056L	EnerNOC, Incorporated	R – EA/PA/EC
GE15010057L		
EE15020200L	Concord Engineering Group	R – EA/PA/EC
GE15020201L	d/b/a Concord Energy Services	

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE14070823L	Green Mountain Energy Company	R – ESL
EE14070822L	Reliant Energy Northeast, LLC d/b/a Reliant, Reliant Energy, Reliant–NRG, NRG Business Solutions, NRG Residential Solutions and NRG Retail Solutions	R – ESL
EE14101248L	Oasis Power, LLC d/b/a Oasis Energy	R – EGSL
GE14101249L		

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 accordance with N.J.A.C. 14:4-5.4, Staff recommended that the Board issue initial registration as an energy agent, private aggregator and/or energy consultant for one year to:

- Trianglenergy, LLC d/b/a Bidenergy Group
- Brice Associates, LLC
- Insight Sourcing Group, LLC
- Lighthouse Business Consulting, Development and Services, LLC
- Broadway Energy Group Corp.
- FS Energy, LLC
- Greenwave Concepts, LLC d/b/a TruEnergy
- South Shore Trading and Distributors Inc.
- Eisenbach Consulting, 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:

- Avalon Energy Services, LLC
- T&M Associates
- EnerNoc, Inc.
- Concord Engineering Group d/b/a Concord Energy Services

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

- Green Mountain Energy Company
- Reliant Energy Northeast, LLC d/b/a Reliant, Reliant Energy, Reliant – NRG, NRG Business Solutions, NRG Residential Solutions, NRG Retail Solutions
- Oasis Power, LLC d/b/a Oasis Energy

Staff further recommended approval of the renewal application of the following energy agent under limited waiver program:

- Broker Online Exchange, LLC
- Progressive Energy Consulting, LLC
- T.E. Energy Consultants, LLC
- Technology Resource Solutions, Inc. d/b/a VARO

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. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL15-95-000 – Delaware Public Service Commission and Maryland Public Service Commission v. PJM Interconnection, LLC and Certain Transmission Owners Designated Under CTOA RS FERC No. 42.

BACKGROUND: On August 28, 2015, the Delaware and Maryland Public Service Commissions filed a complaint against PJM requesting that the Federal Energy Regulatory Commission (FERC) find that PJM's use of a "solution-based DFAX" to allocate the costs of the "Artificial Island" Regional Transmission Expansion Plan Project (Artificial Island Project) is unjust, unreasonable and unduly discriminatory and preferential.

On September 10, 2015, Staff, on behalf of the Board, filed for intervention in this proceeding as an "interested state commission" under FERC rules of practice. The purpose of this intervention is to establish the Board as a party to the proceeding. Staff has not taken a position on this matter. At present, Staff is monitoring the proceeding on behalf of the Board.

Staff recommended that the Board ratify the intervention.

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

III. CABLE TELEVISION

A. Docket No. CE15050621 – 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 Borough of South River, County of Middlesex, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On May 21, 2015, Comcast of New Jersey II, LLC (Comcast) filed a petition with the Board requesting an Automatic Renewal Certificate of Approval to Comcast for the Borough of South River (Borough) for a term of ten years.

On October 16, 2014, the Borough was notified by the Office of Cable Television that the Renewal Certificate of Approval contained provision for automatic renewal. The notification letter outlined the steps necessary to not accept the automatic renewal.

On April 16, 2015, Comcast filed notice with the Borough that it intended to invoke the automatic renewal provisions of the franchise.

After review, Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on June 19, 2025.

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. CE14101213 – In the Matter of the Petition of Cablevision of Monmouth, LLC for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Township of Lakewood, County of Ocean, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On May 23, 2013, after public hearing, the Township of Lakewood (Township) adopted an ordinance granting renewal municipal consent to Cablevision of Monmouth, LLC (Cablevision). On June 12, 2014, Cablevision formally accepted the terms and conditions of the ordinance, and on October 17, 2014, Cablevision 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. This Certificate shall expire on October 25, 2030.

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. CE14111329 – In the Matter of the Petition of Cablevision of Monmouth, LLC for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Borough of Lavallette, County of Ocean, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On February 24, 2014, after public hearing, the Borough of Lavallette (Borough) adopted an ordinance granting renewal municipal consent to Cablevision of Monmouth, LLC (Cablevision). On August 1, 2014, Cablevision formally accepted the terms and conditions of the ordinance, and on November 17, 2014, Cablevision 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. This Certificate shall expire on October 25, 2030.

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. CE14111327 – In the Matter of the Petition of CSC TKR, LLC d/b/a Cablevision of Hamilton for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Township of Robbinsville, County of Mercer, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On February 27, 2014, after public hearing, the Township of Robbinsville (Township) adopted an ordinance granting renewal municipal consent to Cablevision of Hamilton (Cablevision). On September 23, 2014, Cablevision formally accepted the terms and conditions of the ordinance, and on November 17, 2014, Cablevision filed with the Board for a renewal of its Certificate of Approval for the Township.

Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on October 25, 2025.

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. CE14111283 – 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 Port Republic, County of Atlantic, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On September 9, 2014, the City of Port Republic (City) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On October 23, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on November 7, 2014, 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. This Certificate shall expire March 23, 2029.

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. CE14111340 – 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 Elk, County of Gloucester, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 12, 2012, the Township of Elk (Township) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On October 6, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on November 25, 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. This Certificate shall expire November 5, 2027.

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. CE15050557 – In the Matter of the Petition of Comcast of Monmouth County, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Middletown, County of Monmouth, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. The Township of Middletown (Township), after public hearing, adopted a municipal ordinance granting renewal consent to Comcast of Monmouth County, LLC (Comcast) on March 2, 2015. On March 18, 2015, Comcast accepted the ordinance, and on May 12, 2015, Comcast filed a petition with the Board requesting Certificate of Approval for the Township for a term of ten years.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on August 3, 2029.

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. CE15070762 – In the Matter of the Petition of Comcast of Northwest New Jersey, LLC for a Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Franklin, County of Warren, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. The Township of Franklin (Township), after public hearing, adopted a municipal ordinance granting renewal consent to Comcast of Northwest New Jersey, LLC (Comcast) on May 4, 2015. On May 26, 2015, Comcast accepted the ordinance, and on July 1, 2015, Comcast filed a petition with the Board requesting a Certificate of Approval for a term of 15 years for the Township.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on April 18, 2030.

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. CO15090994 – In the Matter of the Petition of Verizon New Jersey, Inc. for Certification of Capability to Provide Cable Television Service to Sixty Percent of Households in the Borough of Highland Park and the Township of Woodland.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On September 1, 2015, Verizon New Jersey, Inc. (Verizon) filed a petition with the Board for approval of its certification that it is capable of providing service to 60 percent of the households in the Borough of Highland Park and the Township of Woodland.

Approval of the certification petition will require the existing cable television companies within the Borough of Highland Park and the Township of Woodland to pay the same franchise fee required of Verizon, resulting in an increased fee from 2 percent of the basic revenues to 4 percent of the gross revenues of the cable provider.

This is the 25th such petition to be brought before the Board. By previous orders the Board approved the certifications filed by Verizon of its capability to provide service to at least 60 percent of the households in a total of 248 municipalities in the State.

After review, the Office of Cable Television and Telecommunications recommended that the Board approve the Verizon's request.

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. TM15080862 – In the Matter of the Verified Joint Petition of Odyssey Acquisition, LLC and ExteNet Systems, Inc. for Approval (1) of the Transfer of Indirect Control of ExteNet Systems, Inc. to Odyssey Acquisition, LLC and (2) for ExteNet Systems, Inc. to Participate in Certain Financing Arrangements.

BACKGROUND: On August 3, 2015, Odyssey Acquisition, LLC and ExteNet Systems, Inc. (ESI), (together, the Petitioners) filed a Petition with the Board requesting approval for (1) the transfer of indirect control of ESI to Buyer (Transaction) and (2) ESI to participate in financing arrangements in an aggregate amount of up to \$475 million.

Following the proposed Transaction, ESI will continue to offer the same services in New Jersey at the same rates, terms and conditions.

On August 20, 2015, the Petitioners filed a Supplement to the Petition, dated August 19, 2015 providing updated ownership information.

The New Jersey Division of Rate Counsel (Rate Counsel) reviewed this matter and by letter dated August 31, 2015 stated that it “does not oppose the Board’s grant of the Petitioners’ requests contained in the Joint Petition.”

Staff, having reviewed the Petition and supporting documents, 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. Therefore, 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

B. Docket No. TO15070774 – In the Matter of the Joint Application of United Telephone Company of New Jersey, Inc. d/b/a CenturyLink and Cooperative Communications, Inc. for Approval of an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996.

BACKGROUND: By separate letters, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink and Cooperative Communications, Inc. (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 negotiated Interconnection 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

V. WATER

There were no items in this category.

VI. RELIABILITY & SECURITY

A. Docket Nos. GS15091061K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. This matter did not involve settlements of catastrophic situations, death or major property damage. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities. The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns. Moreover, the strategy seeks to establish appropriate disincentives for actions which violate the Underground Facility Protection Act.

After review, Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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. GS15091044K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities. The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns. Moreover, the strategy seeks to establish appropriate disincentives for actions which violate the Underground Facility Protection Act.

After review, Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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. GS15020173K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by John Sutton, Rayne Construction Management.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act (ACT). This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C. 14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

D. Docket No. GS15020171K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Anthony Sierchio, Jersey Shore Lawn Sprinkler Construction Company, Incorporated.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act (ACT). This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C.14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

E. Docket No. GS15020170K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Niall Brady, 40 Shades of Green.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act (ACT). This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its

provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C. 14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

F. Docket No. GS15020169K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Genaro Covino, Covino and Sons Construction.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act (ACT). This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A.

48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C. 14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

G. Docket No. GS15020158K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Mike Hilton, Hilton Concrete, LLC.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act. This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation

for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C.14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

H. Docket No. GS15020159K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Ray Sanchez, Environmental Restoration, LLC.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act. This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C.14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

I. Docket No. GS15020150K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Steven Smith, Quality Landscape Services.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act. This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C.14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

J. Docket No. GS15020162K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Patricia Silva, Brasusa Construction, Incorporated.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act. This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C. 14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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. GS15020164K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Joseph Vartolone, Lo Grasso Builders.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act. This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C. 14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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. GS15020168K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. by Tom Brents, Brents Masonry.

BACKGROUND: This matter involved a Final Orders of Penalty Assessment resulting from alleged violations of the Underground Facility Protection Act. This matter does not contain violations involving catastrophic situations, death or major property damage.

Following the reports of the failure to obtain a valid mark-out prior to commencing excavation or demolition activities, or the failure to hand dig and locate facilities, or the failure to use reasonable care, or reports of a failure to mark out underground facilities or properly mark them, Board Staff contacted the entities involved, investigated the incident, and informed the entities of the date and location of the alleged violations.

In an attempt to resolve this matter the alleged violator had been sent a Notice of Probable Violation, an Offer of Settlement, and an Answering Certification deadline from the Board. These were sent by regular and certified mail in accordance with the Administrative Procedure Rules. The alleged violator failed to submit the Answering Certification. The certified mail was returned to the Board as “Accepted”, and the regular mail was not returned to the Board as undeliverable.

If the alleged violator fails to submit the Answering Certification within the deadline or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default. By non-acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing.

Pursuant to the Act, the Board through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 per violation per day, with a \$25,000 maximum for a related series of violations. N.J.S.A. 48:2-88. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000 for each violation for each day with a \$1,000,000 maximum for any related series of violations. N.J.S.A. 48:2-86(c). N.J.A.C. 14:2-6.6 Failure of alleged violator to submit Answering Certification.

This Final Orders of Penalty Assessments is for the amount of \$6,000.00.

Staff recommended that the Board approve this Final Order of Penalty Assessment.

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

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC15010071U and OAL PUC 02671-15 – In the Matter of The Woodlands Condominium Association, Petitioner v. Middlesex Water Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between The Woodlands Condominium Association (WCA) and Middlesex Water Company (Middlesex or Company). The petition was transmitted to the Office of Administrative Law on February 20, 2015, as a contested case. Administrative Law Judge (ALJ) Joan Bedrin Murray filed an Initial Decision in this matter with the Board on September 1, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, Middlesex will terminate service at the 8-inch meter approved for termination by the Edison Fire Official. Under the Company's current tariff for Private Fire Protection, this service termination shall reduce the WCA's facilities charge from \$1,619.18 per month (\$19,430.16 per year) for two 8-inch meters to \$809.59 per month (\$9,715.08 per year) for one 8-inch meter. In addition, Middlesex will not impose a facilities charge for the connection designated for termination of service after September 30, 2015. All other costs not associated with the Company's distribution system infrastructure will be the responsibility of the WCA.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Murray. 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 EC14111288U and OAL PUC 01412-15 – In the Matter of Scott Wilkins, Petitioner v. Atlantic City Electric Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Scott Wilkins (Petitioner) and Atlantic City Electric Company (ACE). The petition was transmitted to the Office of Administrative Law on January 23, 2015, as a contested case. Administrative Law Judge (ALJ) Bruce M. Gorman filed an Initial Decision in this matter with the Board on August 31, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

The Petitioner's outstanding balance at the time of the Settlement was \$1,303.45. Pursuant to the terms of the Settlement and in order to fully resolve this matter, ACE will credit the Petitioner's account in the amount of \$903.45. The Petitioner agreed to pay the sum of \$400.00 over two years with 23 consecutive monthly payments of \$17.00 and a final payment of \$9.00 on the 24th month.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Gorman. 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

C. Docket Nos. BPU EC15010093U and OAL PUC 04278-15 – In the Matter of Francis Reyes, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Francis Reyes (Petitioner) and Public Service Electric & Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on March 26, 2015, as a contested case. Administrative Law Judge (ALJ) Gail M. Cookson filed an Initial Decision in this matter with the Board on September 4, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, PSE&G will credit the Petitioner's account in the amount of \$1,850.75 leaving an outstanding overdue balance of \$1,689.96. PSE&G also agreed to remove a \$260.00 deposit and credit that amount to the account, which will reduce the overdue balance to \$1,429.96. In addition to timely paying his bills for electric and gas service, the Petitioner will enter into a fifteen month Deferred Payment Arrangement by which to pay the overdue amount. The arrangement calls for fourteen monthly payments of \$100.00 and a fifteenth payment of \$29.96, plus current bills commencing in October 2015.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Cookson. 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

D. Docket Nos. BPU GC15020203U and OAL PUC 08070-15 – In the Matter of Steven and Shulie Kirschner, Petitioners v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Steven and Shulie Kirschner (Petitioners) and Public Service Electric & Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on June 2, 2015, as a contested case. Administrative Law Judge (ALJ) Margaret M. Monaco filed an Initial Decision in this matter with the Board on September 22, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement and in order to fully resolve this matter, PSE&G will credit the Petitioner's account in the amount of \$2,733.03.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Monaco. 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

E. Docket Nos. BPU EC15040493U and OAL PUC 08550-15 – In the Matter of Joe Bitondo, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Joe Bitondo (Petitioner) and Public Service Electric & Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on June 9, 2015, as a contested case. Administrative Law Judge (ALJ) Barry E. Moscovitz filed an Initial Decision in this matter with the Board on September 23, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

The Petitioner's outstanding balance at the time of the Settlement was \$5,295.42. Pursuant to the terms of the Settlement and in order to fully resolve this matter, PSE&G will credit the Petitioner's account in the amount of \$495.42. The Petitioner agreed to enter into a 24 month payment arrangement by which to pay the overdue balance. The payment arrangement calls for 24 supplemental monthly payments of \$200.00, plus current charges. Should the Petitioner fail to make his required payments, PSE&G

would be entitled to all amounts due and owing prior to the settlement.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Moscowitz. 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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes of the September 11, 2015 Agenda Meeting.

BACKGROUND: Staff presented the September 11, 2015 Board agenda meeting minutes, 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. AA15090993 – In the Matter of the Request for Proposal 15X23298 Designation of System Operator for New Jersey’s One-Call Damage Prevention System – See Executive Session.

James P. Giuliano, Director, Division of Reliability and Security, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session pursuant to the attorney/client privilege exceptions to the Open Public Meetings Act and it involved the selection of a System Operator for the New Jersey One-Call Damage Prevention System for the period of March 1, 2016 through February 28, 2021.

The Board, at its meeting of February 11, 2015, authorized Staff to issue the Request for Proposal (RFP). Staff had the final version of the RFP approved by the Department of Treasury’s Division of Purchase and Property.

The RFP was published in the New Jersey Register as required by N.J.A.C. 14:2-2.2, and was publicly advertised and displayed on the State of New Jersey’s Purchase Bureau website for download. Additionally, e-mail notifications of the upcoming procurement were sent out to vendors registered with the Department of the Treasury. Bid proposals were opened and read by the Division of Purchase and Property on June 18, 2015. Only one bidder One Call Concepts submitted a response to the RFP. This bid submission was then forwarded to the Review Committee.

The Review Committee was comprised of the Procurement Specialist from the Department of the Treasury’s Division of Purchase and Property; three representatives from the Board’s Division of Reliability and Security and a representative from the Board’s Division of Audits.

The matter before the Board was to approve the Evaluation Committee’s recommendation to designate One Call Concepts of Hanover, Maryland, as the next System Operator of the New Jersey One-Call Damage Prevention System.

Staff recommended that the Board approve the Committee’s recommendation selecting One Call Concepts, Inc. to be the operator of the New Jersey One-Call System for a period of five years beginning March 1, 2016 and ending February 28, 2021.

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

2. ENERGY

A. Docket No. GR15050638 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the NJ Reinvestment in System Enhancement (NJ Rise) Program and Associated Rate Recovery Mechanism.

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

BACKGROUND AND DISCUSSION: On May 29, 2015, New Jersey Natural Gas Company (Company) filed a petition with the Board seeking approval of base tariff rates that will result in an annualized increase in a revenue requirement of \$388,798 associated with the Company's NJ Reinvestment in System Enhancement program. The Company is limited to a revenue requirement of this amount based on its Public Notice.

Staff recommended that the Board approve the Company's base tariff rates that will result in an annualized increase in a revenue requirement of \$388,798.

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. EM14060581 – In the Matter of the Verified Joint Petition of the Merger of Exelon Corporation and Pepco Holdings, Incorporated – Request for Extension.

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

BACKGROUND AND DISCUSSION: On March 6 2015 the Board issued an order approving a Stipulation of Settlement (Settlement) which would permit the merger of Exelon Corporation (Exelon) and Pepco Holdings, Inc. (Pepco), which owns the New Jersey utility Atlantic City Electric Company, subject to certain conditions. The Order contained a sunset date which required the parties to consummate the merger by November 1, 2015, unless otherwise extended by the Board. New Jersey, Maryland, Virginia and Delaware have approved the merger. In August, Washington, D.C. rejected the merger, thereby preventing Exelon and Pepco from finalizing the merger. Exelon filed a request to extend the sunset date to June 30, 2016.

The New Jersey Division of Rate Counsel (Rate Counsel) filed a letter in response to the request. While Rate Counsel did not object to the Board granting the extension, it asked the Board to allow a review by Rate Counsel of the final form of merger stating a concern that the terms originally outlined may be altered. Exelon filed a response objecting to this request contending that the most favored nation language in the Settlement requires Exelon to provide to the Board and Rate Counsel with copies of the settlement agreements of all jurisdictions along with an analysis of what benefits each

jurisdiction has been promised compared to New Jersey's settlement.

Staff recommended that the Board approve the extension of time to finalize the merger without requiring an additional review process of the merger closing documents at this time.

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. EC15091094 – In the Matter of Roudi, et al. v. Jersey Central Power & Light Company; First Energy Corporation; New Jersey Natural Gas Company; New Jersey Resources Corporation and ABC Companies Nos. 1-10.

Maureen Wagner, Esq., Legal Specialist, Office of the Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter was referred to the Board by an Order dated July 27, 2015 by Ocean County Superior Court Judge Robert A. Fall. Plaintiffs are property owners and/or lessees in a neighborhood in Brick Township known as Camp Osborn. Plaintiffs filed action in Superior Court alleging that Jersey Central Power & Light Company and New Jersey Natural Gas Company's failure to cut off service during Superstorm Sandy resulted in fires which damaged their property. The Superior Court has stayed the action pending a determination whether the Board will exercise "primary jurisdiction" over those factual determinations which are within the expertise of the Board. The Board has jurisdiction over utilities and has the expertise to determine the relevant issues in this matter.

After review, Staff recommended the Board accept jurisdiction.

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. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EC15-157 – Application for Authorization Pursuant to Sections 203(A)(1)(A) and 203(A)(2) of the Federal Power Act and Request for Waivers of Certain Filing Requirements of Pennsylvania Electric Company, et al.

Cynthia Holland, Esq., Legal Specialist, Office of the Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On June 19, 2015, the First Energy East Companies (including JCP&L), Mid-Atlantic Interstate Transmission (MAIT), and First Energy Transmission, filed an Application with the Federal Energy Regulatory Commission (FERC) seeking authorization to contribute what they describe as transmission assets to MAIT. Companion state filings are pending before the Board and the Pennsylvania Commission pursuant to each state’s separate and independent regulatory authority.

On August 21, 2015, Staff, on behalf of the Board filed a Motion to Stay the federal proceedings until conclusion of the case pending before the Board. Pennsylvania Public Utility Commission (PA PUC) filed a similar motion. MAIT, JCP&L and First Energy Transmission opposed the Board and the PA PUC’s Motion. Having made further progress in scheduling the proceeding pending before the Board, Staff, acting on behalf of the Board, supplemented its motion by filing that procedural schedule with FERC.

Staff recommended that the Board ratify the filing.

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. 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.

F. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket Nos. EL13-048 and EL15-27 (Consolidated) Delaware Division of the Public Advocate, et al. v. Baltimore Gas and Electric Company, et al. – See Executive Session.

Cynthia Holland, Esq., Legal Specialist, Office of the Chief Counsel, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session pursuant to the attorney/client privilege exceptions to the Open Public Meetings Act. This matter involved a filing in 2013 by the Board, as well as the joint complainants, including the New Jersey Division of Rate Counsel. In that case, the Board challenged the base return on equity of joint respondents which in this instance includes Pepco. Staff referred to this as the Pepco 206. The Board Staff has been on the litigation track thus far and in late September, Staff filed a motion to suspend the procedural schedule to delay the filing of additional testimony in that litigation to allow for time for settlement negotiations.

At this time, a settlement has been reached, which Staff asked the Board to approve. Therefore, Staff recommended that 1) the Board ratify the filing of the motion to suspend the procedural schedule; and 2) Staff requested that the Board approve the settlement terms which was discussed in executive session and are still subject to Federal Energy Regulatory Commission confidentiality and, therefore, were not disclosed at this time.

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

G. Docket No. GR15030392 – In the Matter of the Petition of New Jersey Natural Gas Company to Continue Its Basic Gas Supply Service Incentive Programs.

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

BACKGROUND AND DISCUSSION: On March 27, 2015, New Jersey Natural Gas Company filed a petition with the Board seeking approval to continue its Basic Gas Supply Service (BGSS) Incentive Programs, set to expire on October 31, 2015, for another year. The Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) agreed that the programs, with certain modifications, should be continued.

Staff recommended that the Board authorize the continuation of the BGSS Incentive Programs with modifications agreed to by 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
	Commissioner Chivukula	Aye

H. Docket EO15030383 – In the Matter of the Petition of Jersey Central Power & Light Company Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Montville-Whippany 230 kV Transmission Project is Reasonably Necessary for the Service, Convenience or Welfare of the Public.

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved a request for interlocutory review of an order issued by Administrative Law Judge (ALJ) Leland McGee denying intervenor Montville Township's motion seeking an escrow account, funded by Jersey Central Power & Light Company (JCP&L), to pay for its experts in connection with the review of JCP&L's request under N.J.S.A. 40:55D-19 which the Board determine that a proposed transmission line upgrade project between Montville and Whippany is not subject to local zoning rules and procedures.

The matter of JCP&L establishing an escrow account to pay intervenors' experts is an issue previously brought before the Board in the Public Service Electric & Gas Susquehanna/Roseland Transmission line matter, and in the 2012 JCP&L base rate case. The Board denied this same motion in both these cases.

Staff recommended upholding past Board precedent and denying Montville's motion to overturn ALJ McGee's decision to deny Montville's motion to establish the escrow account. Staff also recommended that interlocutory review be granted.

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. GR15060656 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Approval to Revise Its Base Rates to Recover the Costs of the Elizabethtown Natural Gas Distribution Utility Reinforcement Effort Program and Related Tariff Revisions.

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On June 3, 2015, the Elizabethtown Gas (Company) filed a petition with the Board seeking authorization to adjust its base rates to recover the return on up to \$14.9 million of Elizabethtown Natural Gas Distribution Utility Reinforcement Effort (ENDURE) expenditures plus allowance for funds used during construction.

The ENDURE revenue requirement adjustment effective November 1, 2015 reflects actual expenditures through August 31, 2015.

Rev. Req. [\$000] - Actual Through 08/31/15	
Capital Expenditures	\$11,469
Accum. Dep./ Def. ITC	(\$391)
Projected Rate Base	\$11,078
Rate of Return - net of tax	6.05%
Return	\$670
Depreciation Exp. [After Tax]	\$112
Allowable Net Income	\$782
Revenue Factor	1.71565
Revenue Requirement	\$1,342

The Company will have the opportunity to recover any ENDURE-tied return not included in the November 1, 2015 base rate change in the Company's next base rate case to be filed by September 1, 2016.

The Company, New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) reached a Stipulation of Settlement (Stipulation). Staff recommended that the Board adopt 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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

A. Docket No. TS15091018 – In the Matter of NMG Telecom, LLC’s Failure to Comply with Regulations Requiring Filing of Annual Reports and Statement of Gross Intrastate Revenue.

Lawanda R. Gilbert, Esq., Director, Office of Cable Television & the Office of Telecommunications, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved NMG Telecom, LLC (NMG Telecom) failing to comply with statutory requirements to file its respective annual reports and a statement of gross intrastate revenue. NMG Telecom failed to file its annual report for calendar year 2013 resulting in a penalty of \$3,020.00, and a penalty of

\$1,195.00 for calendar year 2014. If NMG Telecom fails to comply with the Order to show cause, Staff recommended revocation of NMG Telecom respective authority.

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

A. Docket Nos. BPU WR15040498 and OAL PUC 06816-15 – In the Matter of the Petition of Gordon’s Corner Water Company for Authorization to Change the Level of Its Purchased Water Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1 et seq. and N.J.S.A. 48:2-21.

Maria L. Moran, Director, Division of Water, presented this matter.

BACKGROUND AND DISCUSSION: On April 30, 2015, Gordon’s Corner Water Company (Company) filed a petition seeking authorization to change the level of its Purchased Water Adjustment Clause (PWAC). Gordon’s Corner is a water utility engaged in the business of collecting, treating, and distributing water for retail service to approximately 15,000 customers in portions of the Townships of Marlboro and Manalapan in Monmouth County. The Company purchases water on a routine basis, pursuant to purchased water agreements, from three separate entities: the Township of Marlboro, United Water Matchaponix, and the Township of Aberdeen.

This matter was transmitted to the Office of Administrative Law and Administrative Law Judge Diana Sukovich (ALJ) was assigned to hear the matter. After proper notice, a public hearing was held on August 5, 2015, at the Manalapan Township Municipal Building. No members of the public attended the hearing to provide comments.

The Parties to this proceeding are Gordon’s Corner, the Division of Rate Counsel and Board Staff. The Parties exchanged discovery and, subsequent to the public hearing and prior to the scheduled evidentiary hearings for this matter, engaged in settlement discussions that resulted in a Stipulation.

The Stipulation calls for an increase to the PWAC rate which currently is at zero. Per the Stipulation, it will increase from zero to \$0.045 per thousand gallons of water. The PWAC rate of \$0.045 per thousand gallons of water is calculated as being effective on November 1, 2015, which accounts for two months of compression. The effective PWAC rate increase would result in an increase for the average customer using a 5/8” meter and consuming 9,000 gallons of water per month, from \$60.41 to \$60.82, an increase of \$0.41 per month.

On September 28 2015, ALJ Sukovich issued her Initial Decision recommending adoption of the Stipulation executed by the Parties, finding that the Parties had voluntarily agreed to the Stipulation and that the Stipulation fully disposes of all issues

and was consistent with the law.

Staff recommended that the Board adopt the ALJ's Initial Decision which in turn adopts 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
	Commissioner Chivukula	Aye

6. RELIABILITY & SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

Elizabeth Ackerman, RA+LEED AP, Acting Director, Division of Economic Development & Energy Policy, presented these matters.

A. Docket No. QO15040476 – In the Matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2016;

Docket No. QO15040477 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2016; and

Docket No. QO15091097 – In the Matter of the Pay-for-Performance Program – Investor’s Confidence Project Pilot.

BACKGROUND AND DISCUSSION: In order to facilitate investment in energy efficiency, the Environmental Defense Fund’s (EDF), Investor’s Confidence Project (ICP) created six protocols as a standardized set of best practices for energy efficiency retrofits for large, medium and small commercial and multifamily buildings. The goal of the ICP is to reduce transaction costs by assembling existing standards and practices into a consistent and transparent process that promotes efficient markets and increases confidence in energy efficiency as a demand-side resource.

Working with TRC and EDF, Board Staff developed a proposed Pay-for-Performance Program (P4P)/ICP one year pilot program (Pilot) that incorporates the ICP protocols into the P4P program. The Pilot will modify the P4P Existing Building program because its guidelines and requirements most closely align with ICP Large Commercial and Multifamily protocols. The Pilot is optional, i.e. participants can choose to participate in either the existing P4P program or the P4P/ICP Pilot, and will incorporate the ICP

protocols through an alternative compliance path within the P4P Existing Buildings program. Projects using this path must meet the ICP protocol requirements, some of which are not currently part of the P4P program. The goal of this Pilot is to test the value of adopting standardized protocols and greater measurement and verification for Commercial and Industrial projects, as the New Jersey Clean Energy Program seeks to increase private investment in energy efficiency in the State.

In both the Fiscal Year 2015 and Fiscal Year 2016 Comprehensive Resource Analysis, the Board approved Staff's recommendations to work with the EDF to create this Pilot in support of the 2011 Energy Master Plan objective of transitioning clean energy, energy efficiency program to market-based financing and solutions.

Staff recommended that the Board approve this one year Pay-for-Performance ICP pilot whose ultimate goal is to increase private investment in New Jersey's energy services market.

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. QO15040476 – In the Matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2016; and

Docket No. QO15040477 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2016 – Local Government Energy Audit Program Revisions.

BACKGROUND AND DISCUSSION: This matter involved the Board considering expansion of the target markets eligible to participate in the Local Government Energy Audit (LGEA) program, which is part of New Jersey's Clean Energy Program (NJCEP). The LGEA program, as provided in TRC's Compliance Filing, currently limits the target markets eligible for participation in the LGEA program to qualifying municipalities and other government agencies, including New Jersey State Colleges and Universities, and select non-profits.

In June of 2011, the State Energy Office was created and charged with developing energy efficiency and renewable energy projects in state owned facilities. These projects can be procured through the Energy Savings Improvement Program (ESIP), a financing mechanism that allows public agencies to procure energy efficiency (EE) and renewable energy (RE) upgrades without capital outlay. The first step in an ESIP project is an energy audit to identify the possible energy conservation measures that become the basis of an Request for Proposal to procure comprehensive energy savings plan.

Staff recommended that eligibility to participate in the LGEA program be expanded to also include State contracting agencies and public agencies. By expanding the LGEA program eligibility, these additional entities will save money, and subsequently may pursue an ESIP to save energy through EE and RE projects.

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

Marisa Slaten, Esq., Assistant Director, Division of Economic Development and Energy Policy, presented these matters.

C. Docket No. QO15040476 – In the Matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2016; and

Docket No. QO15040477 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2016 – Commercial and Industrial (C&I) New Construction and C&I Retrofit Program – LED Measures.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the process for modifying the prescriptive list of Light Emitting Diode (LED) measures and incentives within the Commercial and Industrial New Construction and Retrofit Programs (Smart Start). SmartStart targets commercial, educational, governmental, institutional, industrial, and agricultural customers engaged in customer-initiated construction events including public schools construction, other new building construction, renovations, remodeling, equipment replacement, and manufacturing process improvements.

In order to account for market changes, a measure on the custom incentive list may be moved to the prescriptive measure list, or a reduction in the prescriptive rebate may occur with Board approval. The existing practice is that if a custom application is submitted for the same LED measure at least three times, upon receipt of a third application, TRC will request approval to add the custom measure to the prescriptive measure list. Additionally, as prices for LED measures drop, TRC proposed to Staff to reduce the prescriptive rebate amount to reflect the lower cost. After review, Staff circulates proposed changes to the public for comment and makes a recommendation to the Board. Because technology associated with LED measures is rapidly changing, the current process is not timely enough to meet these changes.

Staff recommended the Board approve delegated authority to make revisions to the prescriptive list and prescriptive incentives, subject to Board review and 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
	Commissioner Chivukula	Aye

D. Docket No. QO14101261 – In the Matter of the Clean Energy Program Administrator – Contract Award Recommendation – See Executive Session.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session pursuant to the attorney/client privilege and/or contract exceptions to the Open Public Meetings Act. The Request for Proposals was released publicly on April 21, 2015, and bids were due on July 29, 2015. Proposals were submitted by the following two firms: Applied Energy Group, and Lime Energy Services, Co.

The Evaluation Committee (Committee), comprised of Board Staff, Department of Treasury representatives and representative from the Office of the Information Technology, met on August 27, 2015 to evaluate and score the technical merits of both bids. The Committee's report details the procurement process, requests for bidder clarification, final pricing, the Committee's recommendation, the evaluation methodology, and a summary of the evaluation.

Staff recommended that the Board concur with the Evaluation Committee's report and recommendation.

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

9. MISCELLANEOUS

There were no items in this category.

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.

1. AUDITS

A. Docket No. AA15090993 – In the Matter of the Request for Proposal 15X23298 Designation of System Operator for New Jersey’s One-Call Damage Prevention System.

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

2. ENERGY

E. 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.

F. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket Nos. EL13-048 and EL15-27 (Consolidated) Delaware Division of the Public Advocate, et al. v. Baltimore Gas and Electric Company, et al.

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

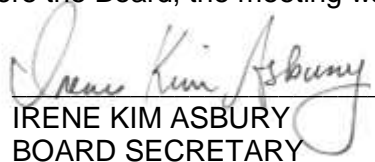
8. CLEAN ENERGY

D. Docket No. QO14101261 – In the Matter of the Clean Energy Program Administrator – Contract Award Recommendation.

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: November 16, 2015