



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
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 November 16, 2015, in the Multi-Purpose Room, 44 South Clinton Avenue, First Floor, 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 December 16, 2015 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT

I. AUDITS

A. Docket No. TE15091089 – In the Matter of the Verified Petition of thinQ, Inc. for Approval to Provide Competitive Local Exchange, Switched Access and Interexchange Telecommunications Services throughout the State of New Jersey.

BACKGROUND: By letter dated September 14, 2015, thinQ, Inc. (Petitioner or thinQ) filed a petition with the Board requesting authority to provide resold and facilities-based competitive local exchange, switched exchange access, and interexchange telecommunications services to subscribers throughout the State of New Jersey.

The Petitioner also requested a waiver of N.J.S.A. 48:3-7.8 which requires that books and records be kept within the State of New Jersey. Instead, in accordance with N.J.A.C. 14:1-5.15(a)2, the Petitioner requested permission to keep all books, records, documents and other writings incident to the conduct of the Petitioner's business in the State of New Jersey at the Petitioner's corporate offices located in Raleigh, North Carolina. 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 October 7, 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 Petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. Accordingly, Rate Counsel did 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 Petitioner's request to treat its financial information as confidential and placed under seal.

After review, Staff recommended that the Board approve the thinQ's request for authority to provide local exchange, switched exchange access and, interexchange telecommunications services in the State of New Jersey. Staff also recommended the Board approve the request for waiver from its requirements that the Petitioner maintain its books and records 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/or Private Aggregator Initial Registrations

EE15030371L	Energy Deals, LLC	I – EA
EE15010098L	Advanced Energy Solutions	I – EA
EE15060672L	ClearPath Energy, LLC	I – EA
EE15030369L	Energy Brokerage Services, LLC	I – EA/PA
GE15030370L		
EE15010040L	Convenient Ventures, LLC	I – EA/PA
GE15010041L	d/b/a EnergyObjective	

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

EE15050509L	Tobelmann Energy Brokers, Incorporated	R – EA
GE14101134L	NJHA Healthcare Business Solutions	R – PA
EE14101182L	National Energy Group Corporation	R – EA/EC
GE14101183L		

Natural Gas Supplier Renewal License

GE14101132L	Amerigreen Energy, Incorporated	R – GSL
-------------	---------------------------------	---------

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/or private aggregator for one year to:

- Energy Deals LLC
- Advanced Energy Solutions
- ClearPath Energy, LLC
- Energy Brokerage Services LLC
- Convenient Ventures, LLC d/b/a EnergyObjective

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:

- Tobelmann Energy Brokers, Inc.
- NJHA Healthcare Business Solutions
- National Energy Group Corp.

Lastly, Staff recommended that the following applicant be issued a renewal license as a natural gas supplier for one year:

- Amerigreen Energy, Inc.

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. ER16-76 – PJM Interconnection, LLC., Section 205(d) Rate Filing.

BACKGROUND: On October 14, 2015, PJM filed a proposed revision to their Open Access Transmission Tariff that would modify energy market offer cap provisions.

On November 2, 2015, Staff, acting on behalf of the Board, intervened in this matter as an “interested state commission.” Intervention is a procedural step that merely establishes party status in a proceeding at Federal Energy Regulatory Commission. Intervention is a necessary precursor to commenting in a proceeding, if a party wishes to comment.

Staff recommended that the Board ratify 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. CE15091017 – 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 North Brunswick, County of Middlesex, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On March 2, 2015, the Township of North Brunswick (Township) granted Cablevision of Raritan Valley (Cablevision) renewal municipal consent. On July 7, 2015, Cablevision accepted

the terms and conditions of the ordinance, and on September 8, 2015, Cablevision filed a petition with the Board for its Renewal 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

B. Docket No. CE15080978 – 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 City of Rahway, County of Union, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On May 11, 2015, the City of Rahway (City) granted Comcast of New Jersey II, LLC (Comcast) renewal municipal consent. On June 24, 2015, Comcast accepted the terms and conditions of the ordinance, and on August 21, 2015, Comcast filed a petition with the Board for its Renewal 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

C. Docket No. CE15080987 – In the Matter of the Petition of Comcast of Northwest New 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 Glen Gardner, County of Hunterdon, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On June 2, 2015, the Borough of Glen Gardner (Borough), after public hearing, adopted a municipal ordinance granting renewal consent to Comcast of Northwest New Jersey, LLC (Comcast) on. On June 16, 2015, Comcast accepted the terms and conditions of the ordinance, and on August 27, 2015, Comcast filed a petition with the Board for its Renewal Certificate of Approval for the Borough.

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

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. CE15010036 – 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 Dennis, County of Cape May, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On September 16, 2014, the Township of Dennis (Township) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On October 28, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on January 7, 2015, Comcast filed a petition with the Board for its Renewal 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

E. Docket No. CE14111341 – In the Matter of the Petition of Comcast of Garden State L.P. for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Pemberton, County of Burlington, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On September 3, 2014, the Township of Pemberton (Township) adopted an ordinance granting renewal municipal consent to Comcast of Garden State, LP (Comcast). On October 10, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on November 25, 2014, Comcast filed a petition with the Board for its Renewal 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

F. Docket No. CE15030278 – In the Matter of the Petition of Comcast of Burlington 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 Edgewater Park, County of Burlington, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 9, 2014, the Township of Edgewater Park (Township) adopted an ordinance granting renewal municipal consent to Comcast of Burlington County, LLC (Comcast). On January 23, 2015, Comcast formally accepted the terms and conditions of the ordinance, and on March 4, 2015, Comcast filed a petition with the Board for its Renewal 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

G. Docket No. CE15050600 – In the Matter of the Petition of Comcast of Burlington County, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Beverly, County of Burlington, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 9, 2014, the City of Beverly (City) adopted an ordinance granting renewal municipal consent to Comcast of Burlington County, LLC (Comcast). On January 23, 2015, Comcast formally accepted the terms and conditions of the ordinance, and on May 14, 2015, Comcast filed a petition with the Board for its Renewal Certificate of Approval for the City.

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 Nos. TE15020179 through TE15020186 and TE15030357 – In the Matter of the Petition of Verizon New Jersey, Inc. for Approval of Municipal Consents Pursuant to N.J.S.A. 48:2-14.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On February 2, 2015 and February 18, 2015, Verizon New Jersey Inc. (Verizon) filed a petition with the Board requesting approval of consent ordinances adopted by (1) the Borough of Buena in Atlantic County; (2) the Township of Chester in Morris County; (3) the Township of Colts Neck in Monmouth County; (4) the Township of Harding in the County of Morris; (5) the Borough of Old Tappan in Bergen County; (6) the Borough of South River in Middlesex County; (7) the Township of Washington in Morris County; (8) the Township of White in Warren County, and (9) the City of Passaic in Passaic County.

After appropriate notice, a hearing in these matters was held on April 22, 2015, at the Board Offices in Trenton, New Jersey before William P. Agee, Esq., the Board's duly designated Hearing Examiner.

Verizon stated that it entered into a Stipulation with the New Jersey Division of Rate Counsel. The Stipulation stipulates that all nine Consent Ordinances referred to in the Petitions were properly and lawfully adopted by the Municipalities.

According to Verizon, the Ordinances are essentially similar in substance to the Ordinances adopted by other Municipalities and Counties throughout the State which have been accepted by the Petitioner and approved by the Board in prior proceedings similar to this in which Rate Counsel has participated.

After review, Staff recommended that the Board approve Verizon's requests.

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. TF15101145 – In the Matter of the Verified Petition of Network Billing Systems, LLC for Approval to Participate in Additional Financing Arrangements of Fusion NBS Acquisition Corp.

BACKGROUND: On October 2, 2015, Network Billing Systems, LLC (Petitioner) filed a petition with the Board requesting approval to the extent necessary, to participate in an additional financing arrangement.

The Petitioners request is for, and related pledge of assets in support of a Credit Agreement in the aggregate amount of \$40 million entered into by Fusion NBS Acquisition Corp. (FNAC) on August 28, 2015 (the Credit Agreement), specifically, the Credit Agreement provides for \$15 million in revolving loans and \$25 million in term

loans. FNAC drew down \$12 million of the \$15 million in revolving loans on August 28, 2015. FNAC has not yet borrowed under the term loan facility.

The Credit Agreement is secured with a first priority lien on substantially all of the assets of FNAC and its subsidiaries; however, the lien on the New Jersey assets of NBS for the term loan(s) will not be effective until receipt of approval from the Board. Fusion and the subsidiaries of FNAC also provided a guaranty as security under the Credit Agreement; however, the guaranty by NBS for the term loan(s) will not be effective until receipt of the necessary regulatory approvals, including approval from the Board.

After review of the information submitted in this proceeding, the Office of the Economist found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of this 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

V. WATER

A. Docket No. WR15101177 – In the Matter of the Petition for Approval of an Increase in Rates for Water Service and Other Tariff Changes for United Water New Jersey, Inc.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On October 7, 2015, United Water New Jersey, Inc. (UWNJ, Company or Petitioner), filed a petition with the Board seeking to increase its rate for water service amounting to approximately \$29,485,322 or 13.51% above the annual revenues.

The Company is engaged in the business of collecting, treating and distributing water for retail service to customers located in the northern and western portions of the State. Specifically, UWNJ serves approximately 200,000 customers located in portions of Bergen, Hudson, Passaic, Morris, Hunterdon and Sussex Counties. UWNJ also supplies water service to municipalities including the Township of Saddle Brook, the Borough of Fairlawn, the Borough of Saddle River, the Borough of Allendale, the Borough of Mahwah, the Village of Ridgewood and the Borough of Ramsey.

The increase in rates is proposed to become effective on November 30, 2015. The Petitioner does not seek interim rate relief pending final determination on the petition.

Since the proposed revisions will increase existing rates and change or alter existing classifications in the Petitioner's tariff, Staff recommended that the Board issue an Order that included the following:

1. The proposed revisions be, and are suspended until March 30, 2016 unless the Board prior to that date makes a determination disposing of the petition;
2. The Petitioner shall, at least ten days prior to the date set for hearing on the petition by the Office of Administrative Law, file with the Board and with the Office of Administrative Law proof of compliance with the Notice provisions of N.J.S.A. 48:2-32.2 and N.J.A.C. 14: 1-5.12 (b) and (c), which Notice shall include a statement that any relief found by the Board to be just and reasonable may be allocated by the Board to any class or classes of customers on any rate or schedule as the Board may determine; and
3. The Petitioner shall service of copies of this Order upon the Office of Administrative Law, the New Jersey Division of Rate Counsel, the clerk of each affected municipality, the clerk to the Board of Chosen Freeholders of each affected county, and where appropriate, the executive officer of each affected county within its service area. Service of the petition, notice of hearings and this Order may be made simultaneously. Proof of service of this Order shall be filed with the Board within 15 days of the date of this Order.

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. BPU WO13070663 and OAL PUC 01156-14 – In the Matter of the Application by United Water New Jersey (UWNJ) Pursuant to N.J.S.A. 40:55D-19 to Appeal the Decision of the Borough of Montvale Zoning Board of Adjustment Denying the Application by UWNJ for a Variance Pursuant to N.J.S.A. 40:55D-70(d)(2) to Permit the Expansion of a Non-Conforming Use and Construct a Pump Station; and a Determination that the Use of such Land is Reasonably Necessary for the Service, Convenience or Welfare of the Public; and that the Zoning and Land Use Ordinances of Montvale Shall Have No Application Thereto – Request for Extension.

BACKGROUND: Commissioner Chivukula recused himself from this matter. The Initial Decision of the Administrative Law Judge was received by the Board on October 29, 2015; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on December 14, 2015. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until January 28, 2016.

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

VI. RELIABILITY & SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC14111273U and OAL PUC 01086-15 – In the Matter of Sweet Grace Cake Designs, LLC, 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 Sweet Grace Cake Designs, LLC (Sweet Grace) and Public Service Electric and Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on January 16, 2015, as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on October 19, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, PSE&G agreed to credit Sweet Grace's account \$2,456.26, leaving a balance of \$750.00. Sweet Grace in return, agrees to pay the balance over three months plus current bill, by the 29th of each month beginning with the August bill. Staff contacted PSE&G regarding settlement payments, James Walsh of Customer Operations advice that the stipulation in this matter was not signed by both parties until the month of October. As a result, the customer made a good-faith payment in October and, as agreed by both parties, will pay the balance in full during the month of November.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Moss. 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 Executive Session Minutes of the August 20, 2014 Agenda Meeting and the Minutes of the October 15, 2015 Agenda Meeting.

BACKGROUND: Staff presented the executive session minutes of August 20, 2014 and the regular agenda minutes of October 15, 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

There were no items in this category.

2. ENERGY

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

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

DISCUSSION AND BACKGROUND: 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) with the Board which is a renewal of an existing sublease agreement dated 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 20 year period, commencing on July 30, 1995 and expiring on July 30, 2015.

The Company stated that it has no need for this capacity, and will enter into the Renewal Sublease with the Granite Water Supply Company (Granite) with a commencement date of July 31, 2015.

In addition, JCP&L requested a waiver of the advertising requirement set forth in N.J.A.C. 14:1-5.6(b). JCP&L stated that the waiver of the advertising requirement is consistent with the Board's prior determinations with respect to Merrill Creek subleases due to, inter alia, the "extremely limited" market for such rights. The Company further asserts that waiver of this requirement will not adversely affect the public interest.

By Order dated August 19, 2015, the Board authorized an extension of the Original Sublease on a month-to-month basis pending completion of the Board's review of the Renewal Sublease.

After review, Staff recommended approval of the Renewal Sublease effective November 27, 2015. Staff also recommended that JCP&L be directed to file with the Board, for administrative review, a signed copy of the executed agreement between JCP&L and Granite within ten days of the agreement's execution. In addition, Staff recommended that the Board approve the waiver of the advertising requirement set forth in N.J.A.C. 14:1-5.6(b). Staff further recommended that the Company's costs and accounting treatment of costs and revenues under the sub-leases will remain subject to audit by the Board and be reviewed in the context of its next base rate proceeding.

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. EF15060751 – In the Matter of the Petition of Public Service Electric and Gas Company Pursuant to N.J.S.A. 48:3-7 and 48:3-9 for Authority, from January 1, 2016 through December 31, 2017, to Sell and/or Encumber Property and Purchase, Issue and Sell Debt.

Mark C. Beyer, Chief Economist, presented this matter.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. Public Service Electric and Gas Company, (Petitioner) filed a petition dated June 30, 2015, requesting authority from January 1, 2016 through December 31, 2017 to issue and sell New Long-Term Debt in aggregate principal amount of not more than \$2,200,000,000 secured and unsecured, with maturities up to 40 years.

The Petitioner also requested authority to execute and deliver one or more indentures or supplemental indentures and/or one or more pledges, Uniform Commercial Code financing statements and related agreements and instruments, creating one or more encumbrances and/or liens on the property and/or assets of the Petitioner and providing for pledges, transfers or sales of assets and/or issuance of its First and Refunding Mortgage Bonds and/or Medium-Term Notes and/or debenture bonds and/or promissory notes and/or other debt instruments and/or evidences of indebtedness, secured or unsecured, having maturities of from 1 to 40 years; to purchase through tender offer, open market or negotiated transactions, redeem at a premium or defease any or all of its currently outstanding debt payable more than 12 months after the date of original issuance at or above par to achieve cost savings or more efficient management of its capital structure.

The New Long-Term Debt will be used to provide funds for the financing of the Petitioner's physical plant and facilities, construction and/or other general corporate purposes, acquisition opportunities and/or to reimburse its treasury for funds expended. The funds will also be used to refinance \$171.2 million of maturing debt.

The Office of the Economist, after review of the information submitted in this proceeding, found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of this 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

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

C. Docket No. GM12100970 – In the Matter of Cogen Technologies Linden Venture, LP, Public Service Electric and Gas Company, and Elizabethtown Gas for: (1) Motion for Protective Order and Exemption from Public Disclosure of Confidential Information; and (2) Approval of Gas Service Agreement between Cogen Technologies Linden Venture, LP and Public Service Electric and Gas Company and Elizabethtown Gas.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. By Order dated March 27, 1991, the Board approved a gas service agreement (GSA) between Public Service Electric and Gas Company (PSE&G), Cogen Technologies Linden Venture, LP (Linden Cogen or Buyer) and Elizabethtown Gas Company (ETG and with PSE&G, Sellers) (collectively, the Parties). Under the GSA, under certain cold weather conditions, PSE&G and ETG can curtail gas delivery service to Linden Cogen, and require it to switch to burning butane.

By Order dated November 20, 2012, the Board approved a modification of the GSA through an Interim Operating Agreement (IOA) executed by the Buyer and Sellers (November 2012 Order). The IOA provides, among other things, for the modification of Linden Cogen's obligation to provide butane services under the GSA. The November 2012 Order specified that the IOA would be effective through March 31, 2013. In a series of subsequent orders, the Board approved the Parties' extension of the IOA through the next two winter seasons, for a term ending on March 31, 2015. The Board further provided that should the Parties determine that they wish to extend the IOA beyond March 31, 2015, they should file notice with the Secretary of the Board by March 1, 2015, with any future modification requests to be filed no later than June 1, immediately preceding the relevant winter season.

By letter dated March 13, 2015, PSE&G on behalf of the Parties submitted a letter providing notice that the Parties had mutually determined to continue the term of the IOA for an additional winter season, through March 31, 2016. On June 1, 2015, the Parties filed a letter petition requesting approval of an Amendment to the IOA (Amendment) extending the term of the IOA for an additional winter season, through March 31, 2016.

On July 8, 2015, the New Jersey Division of Rate Counsel submitted a letter indicating that it did not object to approval of the petition.

Staff recommended that the Board grant the relief requested by the letter petition, and therefore, approve the Amendment executed by the Parties, thereby extending the IOA through March 31, 2016. In addition, Staff recommended that the Board continue to require the Petitioners to file any requests for future modifications by June 1 preceding the winter season for which the modifications are requested.

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. GR14111287 – In the Matter of the Petition of Soundview Paper Company, LLC for Approval of a Rate Schedule CSG Transportation Service Agreement between Public Service Electric and Gas Company and Soundview Paper Company, LLC; and

Docket No. GR15060659 – In the Matter of Rate Schedule CSG Transportation Service Agreement between Public Service Electric and Gas Company and Marcal Manufacturing, LLC and the Potential Discount of Societal Benefits Charges.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On November 10, 2014, Soundview Paper Company, LLC (Soundview) filed a petition requesting that the Board determine that Soundview qualifies for a discounted gas service rate, and that the Board approve a Rate Schedule Contract Service Gas (CSG) Transportation Service Agreement between Public Service Electric and Gas Company (PSE&G or Company) and Soundview that had not been negotiated between the parties. Soundview also sought Board approval of a discount on the Societal Benefits Charge (SBC). By letter dated November 25, 2014, PSE&G filed its answer to the petition asserting that no service agreement existed that could be approved by the Board, and that the only issue before the Board was the request for a discount on the SBC charge.

On June 9, 2015, the Company filed a letter petition with the Board seeking approval of a Rate Schedule CSG Transportation Service Agreement between PSE&G and Marcal Manufacturing LLC (Marcal) (Service Agreement). The filing was submitted pursuant to PSE&G's Rate Schedule CSG-Contract Service as set forth in its Tariff for Gas Service on file with and approved by the Board. The Service Agreement set forth the rates, terms and conditions under which PSE&G proposes to provide firm natural gas distribution services to Marcal's facilities at 1 Market Street, Elmwood Park, New Jersey. PSE&G states that the offer included in the Service Agreement is reasonable because the proposed rates exceed marginal costs, and approval of the Service Agreement may prevent the loss of load or result in additional load. PSE&G further requested expedited treatment of the filing.

According to the letter, Marcal also requested to have the SBC discounted during the term of the Service Agreement such that it pays only the portion of the SBC applicable to the programs administered by the Board's Office of Clean Energy or its successor. PSE&G asserted that it takes no position on Marcal's request for a discount on the SBC charge. Both PSE&G and Marcal requested that the Board determine the level of the SBC applicable to this service, and specify the exact amount of the discount in its Order.

On August 17, 2015, Staff received comments from the New Jersey Division of Rate Counsel (Rate Counsel). While Rate Counsel had no objections to the terms of the Service Agreement, it objected to granting Marcal any discount on the SBC.

Staff recommended that the Board issue an Order approving the Service Agreement between PSE&G and Marcal. Staff further recommended that, for the term of the agreement, the Board approve a discounted SBC charge applicable to Marcal which would consist only of the portion of the SBC that is attributable to the New Jersey Clean

Energy Program at the level set each year by the Board and allocated to PSE&G.

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. EO15050505 – In the Matter of the Application of Atlantic City Electric Company to Adjust the Level of Its Regional Greenhouse Gas Initiative Recovery Charge Rider (Rider RGGI) Rate Associated with Its Solar Renewable Energy Certificate Financing Program (2015).

DISCUSSION AND BACKGROUND: On May 4, 2015, Atlantic City Electric Company (ACE or Company) filed a petition with the Board, requesting approval to implement recovery of the costs associated with its Solar Renewable Energy Certificates Financing Program, from the commencement of the program through March 31, 2015 pursuant to the cost recovery mechanism approved in the March 31, 2009 and September 16, 2009 Board Orders. Based on the filing, the revenue requirement requested by ACE would recover an under- recovered balance of approximately \$7.1 million.

In response to a discovery request, the Company updated its proposed revenue requirement to recover an under-recovered balance through July 31, 2015 of approximately \$6.9 million. ACE, Board Staff and the New Jersey Division of Rate Counsel (Rate Counsel) (collectively, the Parties) actively participated in discovery and settlement negotiations which ultimately resulted in the execution of a Stipulation of Settlement (Stipulation) of all factual and legal issues pertaining to this matter.

Staff recommended that the Board issue an order adopting the Stipulation of the Parties as it is just and reasonable and in the public interest. As a result of the Stipulation, a typical residential customer using 1,000 kWh per month would experience an increase in their monthly bill of \$0.21 or 0.11%. The revised rate reflects an increase in revenues of approximately \$1.9 million.

In addition, Staff recommended that ACE be directed to file revised tariff sheets in compliance with the terms and conditions of the Stipulation by December 1, 2015, correcting the reference to Solar Renewable Energy Credit to Solar Renewable Energy Certificate. Staff recommended a November 27, 2015 effective date for the Order.

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. GR15030272 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Gas System Modernization Program and Associated Cost Recovery Mechanism.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On February 27, 2015, Public Service Electric and Gas Company (PSE&G, Company) filed a petition with the Board to implement and administer a Gas System Modernization Program (GSMP) and to implement an associated cost recovery mechanism. The Company sought approval to spend up to \$1.594 billion over 5.5 years to replace 810 miles of cast iron / unprotected steel mains, 55,000 unprotected steel services, and relocate inside meter sets.

On November 2, 2015, the Company, the Interveners, Participant, New Jersey Division of Rate Counsel and Board Staff stipulated and agreed (Stipulation) that:

- The Program is to be limited to incremental capital investment of \$650 million associated with replacing 400 miles of Program mains over a 3-year period. However, the Company will have the option of seeking Board approval to extend the Program beyond the term provided in the Stipulation.
- PSE&G is required to maintain the non-incremental replacement of cast iron and unprotected steel mains and services during the course of the Program of \$85 million per calendar year.
- During the time period from September 30, 2015 through September 30, 2018, the Company shall reduce its inventory of open leaks by 60%.

Staff recommended the Board approve the Stipulation allowing the Company to implement its program and seek Board approval to recover in base rate the capital investment costs of its GSMP.

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. ER15040482 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2016.

Frank Perrotti, FERC PJM Issues Manager, presented this matter.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved an Order memorializing actions taken by the Board at its November 16, 2015 agenda meeting pertaining to the provision of basic generation service (BGS) for retail customers who continue to purchase their electric supply from their electric utility company for the period beginning June 1, 2016.

Staff requested the Board that it be directed to retain a consultant to review the basic

generation service Administrative fees. Staff agreed with Rate Counsel's recent proposal regarding that as an initial step the electric distribution companies (EDCs) should be directed to provide a status update on the on-going BGS auction patent claim litigation. Staff indicated that based on the information provided, a determination can then be made as to whether those costs should be included in the review of BGS administrative costs. Staff believed this status update should be provided after the conclusion of the 2016 BGS Auction should the Board approve the EDCs' BGS proposal. If the EDCs or National Economic Research Associates (NERA), believe confidentiality regarding the patent litigation remains an issue, then prior to the status update an affidavit of confidentiality protection can be requested by the EDCs or by NERA for Staff and Rate Counsel to execute.

Each year, the Board determines that certain financial and competitive information should be protected, not only as a matter of fairness to potential bidders, but also to ensure that these and any future BGS Auctions is competitive. Staff recommended, as it has done in the past, that the Board find that the confidentiality provisions of its December 1, 2004 Order remain necessary and appropriate for the continued success of the BGS Auctions, and approve the same confidentiality provisions for the 2016 BGS Auctions by incorporating the reasoning and relevant provisions of its December 1, 2004 Order.

With the modifications and additions suggested above, Staff recommended that the Board approve the same basic descending clock auction process, the Auction Rules, Board approval process and Supplier Master Agreement that have been employed for the past few years.

Staff also recommended that the Board require each of the EDCs to file an amended BGS Compliance Filing by November 23, 2015. Staff further recommended that the Board grant Staff authority in reviewing the EDC's compliance filing, to request that the Board Secretary issue a compliance letter if Staff upon review finds them in compliance with the Board Order.

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. GR14040358 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Rates and Certain Tariff Modifications Related to Natural Gas Vehicles Set Forth in the Company's Tariff for Gas Service.

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

DISCUSSION AND BACKGROUND: On April 14, 2014, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board requesting approval of certain modifications to the Company's current tariff regarding natural gas vehicles (NGV).

NJNG asserted that the proposed NGV tariff modifications would provide residential and commercial customers with refueling opportunities for the following Service Classifications: (1) Company-owned and operated compressed natural gas (CNG) re-fueling facilities (Company Facilities); (2) separately metered customer owned and operated CNG re-fueling facilities (Customer Facilities); (3) separately metered Company owned CNG re-fueling facilities operated by the Customer at its location (Company Facilities at Customer Location). The Company asserted that the proposed rates and modifications would allow customers interested in taking advantage of the CNG refueling opportunities in the Company's service territory to more easily evaluate possible vehicle fueling options and determine the best approach to manage the refueling of NGVs based upon their particular circumstances.

The Company maintained that the proposed rates and tariffs would provide the necessary information for customers to evaluate the various refueling service options, installation costs and the requirements for owning and/or operating CNG re-fueling facilities. The Company asserted that the proposed rate and tariff modifications would have no adverse impact on the rates charged or services provided to NJNG customers served under other service classifications.

Following a discovery process, conferences and discussions between the Company, New Jersey Division of Rate Counsel and Board Staff (Staff), (collectively, the Parties), the Parties reached agreement on all relevant issues in this matter and executed a stipulation of settlement (Stipulation).

Among some of the modifications agreed to by the Parties are the revised tariff sheets modified from those sought in the petition to eliminate the Company Facilities at Customer Location Service Classification. As a result, NJNG will not operate and/or own any NGV facilities at NGV customer locations. Additionally, the revised tariff sheets include modifications to clarify automated meter reading requirements and extension cost deposits. 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
	Commissioner Chivukula	Aye

I. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER16-76 – PJM Interconnection, LLC, Section 205(d) Rate Filing.

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

DISCUSSION AND BACKGROUND: Staff, on behalf of the Board, joined with the Maryland Public Service Commission, Public Power Association of New Jersey, and Rockland Electric Company (the Load Group), to protest an increase in the energy market offer cap.

On November 2, 2015, Staff, acting on behalf of the Board, intervened in this matter as an “interested state commission.” Intervention is a procedural step that merely establishes party status in a proceeding at Federal Energy Regulatory Commission. Intervention is a necessary precursor to commenting in a proceeding, if a party wishes to comment.

Comments/Protests were due to be submitted on November 4, 2015. On that date, Staff, acting on behalf of the Board, filed a protest with the Load Group. The protest challenges that PJM’s filing for the increased offer cap lacks adequate justification, fails to satisfy the just and reasonable standard, contradicts prior PJM positions, and fails to account for imbalances between regions.

Staff recommended that the Board ratify the filing of the protest in this proceeding.

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. ET15020139 – In the Matter of the Letter Petition of Atlantic City Electric Company Requesting Approval of Certain Modifications to Its Rider Net Energy Metering (Rider NEM) Tariff Pursuant to N.J.A.C. 14:1-5.11.

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

DISCUSSION AND BACKGROUND: On February 3, 2015, Atlantic City Electric Company (ACE or Company) filed a letter petition with the Board requesting approval of certain modifications to the Company’s Rider Net Energy Metering (Rider NEM) portion of its tariff currently on file with the Board (Original Letter Petition).

According to the filing, the proposed modifications to the Company’s Rider NEM in the tariff will: (a) expand the availability of Rider NEM to a broader scope of eligible customer classifications; (b) clarify and expand on the scope of defined Class 1 renewable energy sources able to qualify for service pursuant to Rider NEM; and (c) eliminate the existing 100 kilowatt maximum capacity in order to be eligible for service pursuant to Rider NEM. The Company asserted in its letter petition that no customers’ rates will be affected by the Board’s approval of the modifications being proposed.

By letter dated October 16, 2015, the New Jersey Division of Rate Counsel (Rate Counsel) recommended changes to the proposed definition of Class I renewable resource, so that the language precisely tracks the definition in the Board’s regulations at N.J.A.C. 14:8.

In discussions with the Company, Board Staff also advised the Company that its proposed terminology in the Rider NEM Tariff Renewable Energy Credits needed to be

modified to conform with the definition at N.J.S.A. 48:3-51 so that it reads “Renewable Energy Certificates”.

On October 27, 2015, ACE filed an amended letter petition which revised its original request by adopting the language proposed by Rate Counsel and Staff.

By letter dated October 28, 2015, Rate Counsel stated that it has no objection to ACE’s proposed modifications to its Rider NEM tariff provisions as reflected in the Amended Letter Petition.

Staff recommended that the Board issue an order approving the changes to the Rider NEM Tariff requested by ACE as amended in its Amended Letter 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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

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

A. Docket No. WO15080961 – In the Matter of the Petition for Contract Approval by the Township of East Brunswick Under the New Jersey Water Supply Public Private Contracting Act, N.J.S.A. 58:26-19 et seq.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On August 14, 2015, the Township of East Brunswick submitted an application for approval of a contract with Utility Service Company, Inc. for water tank maintenance.

The Water Act authorizes public entities such as East Brunswick to enter into contracts with private firms for the provision of water supply services. The Water Act further states that once the Board approves a proposed contract, the jurisdiction of the Board terminates until or unless the contract is amended to change the formula or other basis of determining charges.

After complying with all the appropriate statutory requirements, East Brunswick

negotiated a contract with Utility Service Company to provide services for maintenance and repair to East Brunswick's three storage tanks over a 40-year period.

The municipal employees will not be affected by this water tank maintenance contract.

By letter dated October 28, 2015, the New Jersey Division of Rate Counsel advised the Board that it did not object to the Public-Private contract and was not opposed to the Board's approval of the Petition.

Staff recommended that the Board approve the Public-Private contract between the Township of East Brunswick and Utility Service Company.

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. WT15070780 – In the Matter of the Petition of New Jersey American Water Company, Inc. for Implementation of an Initial Tariff for Wastewater Service within Elk Township, County of Gloucester.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On July 10, 2015, New Jersey American Water Company (NJAW) filed a petition with the Board seeking approval to implement an initial tariff for wastewater service within the Township of Elk.

NJAW sought approval to provide wastewater service to a new 395 residential unit housing development in Elk. The proposed tariff includes a Fixed Service Charge (per customer) of \$15.06 per month and a sewer usage (volumetric) charge that is assumed to be equal to a customer's water meter registration. Monthly wastewater charges shall be based upon a customer's winter quarter consumption but in no case less than 2,000 gallons per month. The proposed wastewater usage charge will be \$0.68546 per 100 gallons (\$6.8546 per 1,000 gallons) or \$0.51272 per 10 Cubic Feet (\$5.1272 per 100 Cubic Feet).

The New Jersey Division of Rate Counsel did not object to NJAW's proposed Initial Tariff.

Staff recommended that the Board approve the Initial Wastewater Tariff for Elk 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. WO15070856 – In the Matter of the Notice and Approval of an Affiliate Agreement between United Water New Jersey, Inc. and Utility Service Company, Inc.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On July 31, 2015, United Water New Jersey (UWNJ) filed a petition with the Board seeking approval of the affiliate agreement it has with Utility Service Company for the rehabilitation and painting of UWNJ's Cottonwood Tank in Franklin Lakes. Proposals by UWNJ were requested and received from multiple contractors and Utility Service Company was the lowest bidder. UWNJ and Utility Service Company are both owned by Suez Environment North America, Inc. through multiple levels of successive ownership.

By letter dated October 30, 2015, New Jersey Division of Rate Counsel filed its comments, stating that it had reviewed the filing and was not opposed to the contract's approval, with the caveat that Board approval be limited to the affiliate contract and not include any specific cost in rates or any other ratemaking treatment.

Staff recommended that the Board approve the agreement as filed.

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 WR15050631 and OAL PUC 09355-15 – In the Matter of the Petition of Aqua New Jersey, Inc., Walkkill Sewer Division, for Approval of a Reconciliation of Purchased Wastewater Treatment Adjustment Clause Costs and Revenues and Other Required Approvals.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On May 26, 2015, Aqua New Jersey's Walkkill Sewer Division (Walkkill) filed a petition with the Board for approval of a Purchased Sewerage Treatment Adjustment Clause (PSTAC) true-up for calendar year 2014, and to set prospective rates for calendar year 2016. Walkkill is engaged in the collection and transmission of sewage. The Sussex County Municipal Utilities Authority receives and treats all of the sewage transmitted by Walkkill.

Walkkill serves approximately 399 wastewater customers in Hardyston Township, Sussex County. This matter was transmitted to the Office of Administrative Law and was assigned to Administrative Law Judge (ALJ) Ellen S. Bass. A public hearing in the service territory was held on the evening of September 29, 2015, in Hardyston, New Jersey. Four members of the public were in attendance; however, they were not customers of Walkkill and also chose not to speak.

Subsequent to the public hearing, and prior to evidentiary hearings, the Parties to the proceeding, consisting of Walkkill, New Jersey Division of Rate Counsel and Board Staff,

engaged in settlement negotiations and as a result, reached a settlement on all the issues in the case and executed a Stipulation. The key points of which are as follow:

- The Petitioner's rates reflect the recovery of wastewater treatment charges imposed by the Sussex County Municipal Utilities Authority. The current PSTAC tariff was last examined and approved by the Board in an Order in Docket No. WR07040245, dated October 8, 2009, which examined PSTAC revenues and expenses applicable to the period ending December 31, 2006. In that Order, the Board also directed Walkkill to file PSTAC true-up schedules for 2007 and 2008 within sixty days. At the time of the Board's Order in 2009, the Walkkill Sewer Company was independently owned and operated by Edgewater Associates. Walkkill did not make the true-up filings required by the Board, and was eventually acquired by Aqua in late 2010.
- Due to the unique facts of this case and the adverse impact of increased litigation filing costs upon ratepayers, Aqua seeks a limited waiver of the requirements to file annual PSTAC true-ups and annual petitions for adjustment.
- The overall Increase in Walkkill's PSTAC revenues totaling \$66,123 or approximately 47.38% above pro forma PSTAC revenues at present rates of approximately \$139,559.
- The average residential customer, with a 5/8" meter utilizing approximately 3,900 gallons of water per month, would see an increase in his wastewater bill from \$34.86 to \$44.97 per month, which equates to an overall monthly increase in the total wastewater bill of \$10.11 or approximately 29.00% increase.

ALJ Bass submitted her Initial Decision which recommended that the Board adopt the Stipulation of the Parties.

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

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. WO13050374 – In the Matter of the Petition of New Jersey American Water Company, Inc. for Review and Re-Approval of a Service Agreement with American Water Works Service Company, an Affiliate of Petitioner.

DISCUSSION AND BACKGROUND: Commissioner Chivukula recused himself from this matter. On May 2, 2013, New Jersey American Water Company (NJAW, Petitioner) filed a petition with the Board seeking approval of its continued participation in its Service Agreement with American Water Works Service Company, Inc. The Petitioner had agreed to submit the Service Agreement for review in connection with the Stipulation that resolved the Company's 2011 base rate case.

The Service Agreement submitted has been approved by the Board in the past for then-

affiliated entities which are now part of NJAW. NJAW asserted that the Service Company will continue to provide the services described in the Service Agreement at a lower cost and on a more efficient basis than New Jersey American Water Company could obtain said services on a standalone basis.

By letter dated July 25, 2014, New Jersey Division of Rate Counsel (Rate Counsel) submitted its comments for this proceeding in which it stated that:

1. Rate Counsel has devoted increased attention to the Service Company in recent years because the charges that the Service Company has billed to New Jersey-American have increased from approximately \$37,000,000 in 2009 to almost \$62,000,000 in 2012. While a majority of this increase is attributable to the New Business Transformation platform, the increase is still very significant for the ratepayers who have to pay these charges.
2. Following discussions with the Company and a review of the discovery, Rate Counsel is satisfied that the Company has begun making improvements to the areas that are of greatest concern to Rate Counsel. New Jersey-American appears to be responding to Rate Counsel's concern that its percentage of allocated charges have been too high and the Company is moving in the direction of increasing its percentage of direct charges. By increasing the percentage of direct charges, the Company has taken steps towards greater transparency in Service Company charges.

Rate Counsel stated that it would not object to the re-adoption of the Service Agreement if the Board adopted the following recommendations:

1. The Petitioner be directed to increase the percentage of fees that it pays to the Service Company to at least fifty percent (overhead included) by the end of 2016 because the Company must continue its focus on increasing direct charges to ensure that New Jersey American ratepayers are paying only for those services that are benefiting New Jersey and not subsidizing operations in other states or unregulated affiliates.
2. Approval of the petition should not include authorization to include in rates any expenses or capital items associated with the Service Agreement because such issues are properly reserved for base rate cases.
3. The Board's approval be limited only to the re-approval of the Service Agreement.

By letter dated August 24, 2015, NJAW responded to Rate Counsel's comments and requested that the Service Agreement be re-approved without the direct charge condition recommended by Rate Counsel. The Company stated that:

1. Rate Counsel did not offer any cost based justification for its recommendation; nor did Rate Counsel examine whether or not such a condition would create additional costs to comply or otherwise impede the efficiency to which services are provided to New Jersey American's customers.

2. Contrary to Rate Counsel's assertions, the New Jersey Division of Rate Counsel and the Board have routinely reviewed the services provided by the Service Company to New Jersey American.
3. The Service Agreement has been scrutinized in at least two Board Ordered Management Audits.

Staff recommended that no changes be made to the Service Agreement at this time. With regard to Rate Counsel's assertion that New Jersey American be required to increase the percentage of fees, Staff is not convinced that this additional requirement is necessary at this time. To the extent a question or issue arises regarding the changes allocated to New Jersey American, Rate Counsel and any other party will have the opportunity to examine any changes in the context of a future rate proceeding. Therefore, Staff further recommended that the Board not include this condition in its Order.

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

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC14121442U and OAL PUC 08184-15 – In the Matter of Salvatore Mufalli and Cynthia Smith, Petitioners v. Atlantic City Electric Company, Respondent – Billing Dispute.

Eric Hartsfield, Director, Division of Customer Assistance, presented this matter.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. This matter involved a billing dispute between Salvatore Mufalli and Cynthia Smith (Petitioners) and Atlantic City Electric Company (ACE). The petition in this matter was filed on or about December 29, 2014, and thereafter transmitted to the Office of Administrative Law. Administrative Law Judge (ALJ) Joseph F. Martone filed an Initial Decision in this matter with the Board on October 2, 2015, dismissing the petition. On October 14, 2015, the Petitioners filed exceptions with the Board and on October 19, 2015 ACE replied to the exceptions.

The Petitioners claimed that ACE wrongly transferred the electric bill of a previous tenant to their primary residence. The electric bill in question was in the amount of \$4,889.00. ACE denied the allegations that the Petitioners were incorrectly billed. ACE requested that the relief sought by Petitioners be denied on the basis that they failed to set forth a claim upon which relief may be granted.

ALJ Martone stated that it was clear that the Petitioners, as customer of record, are responsible for payment for all electrical service rendered at the location in question. ALJ Martone concluded that the Petitioners had not met their burden of proof in demonstrating that they were not responsible. ALJ Martone ruled that the petition be denied and dismissed.

The Petitioners filed exceptions in which they reiterated the claim that the bill was incorrectly transferred to their account. The Petitioners also stated that it was unfathomable that a bill for thousands of dollars did not result in an interruption of service. In ACE's reply, it stated that the exceptions did not present any facts or evidence of changed circumstances which would warrant rejection of the Initial Decision. Staff recommended that the Board adopt the Initial Decision in this matter 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. EO14070702U - In the Matter of John J. Hoffman, Acting Attorney General of the State of New Jersey, et al. v. Palmco Power New Jersey, LLC, et al. – Docket No. MER-C-33-14 – Update – 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.

8. CLEAN ENERGY

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

A. In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000:

Docket No. QG15101213 – Journal Square Associates, LLC.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. The Board administers the New Jersey Clean Energy Program (NJCEP) Pay for Performance (P4P) – New Construction Program which promotes high performance buildings that achieve 15% or more energy cost savings than buildings built to the current energy code. Journal Square Associates, LLC, submitted an application to the P4P Program for a combination multi-family and mixed-use building located at 615 Pavonia Avenue, Jersey City, NJ for an incentive of \$686,731, of which:

- An estimated \$47,361 is for the proposed Energy Reduction Plan;
- An estimated \$473,607 is for installation of water source heat pumps, energy efficient domestic hot water boilers, low flow water fixtures, efficient windows and doors, efficient lighting, and ENERGY STAR-certified refrigerators and dishwashers; and
- An estimated \$165,763 is for the commissioning report.

This project will have an estimated 25% total energy savings, with an annual estimated electric savings of 614,687 kWh, an annual estimated electric demand increase of 33.96 kW, an annual estimated natural gas savings of 45,330 therms, and an annual estimated energy cost savings of \$150,286. The project has an estimated incremental cost of \$1,167,682, with an estimated 3 year simple payback after factoring in the incentive.

Staff determined that this application meets the eligibility criteria for the P4P Program and recommended that the Board approve this project.

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. EO09020122 – In the Matter of Contract for Applied Energy Group, Inc. for 2015 Program Coordination Services for the New Jersey Clean Energy Program; Contract No. 68922 – Request for Extension;

Docket No. EO05080667 – In the Matter of the Clean Energy Program Request for Proposal for Market Manager;

Docket No. EO09100835 – In the Matter of the Clean Energy Program – Honeywell International, Inc., Market Manager; Contract No. A67052 – Request for Extension; and

Docket No. EO09100836 – In the Matter of the Clean Energy Program – TRC Energy Services, Market Manager; Contract No. A67053 – Request for Extension.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. The current contracts for the Clean Energy Program market managers, Honeywell and TRC, and the program coordinator, Applied Energy Group (AEG), were set to expire on December 31, 2015. Staff sought Board approval to extend the contracts for 90 days to March 31, 2016, in order to allow for a smooth transition from the current consultants to a new single program administrator. The scope of work requirements set forth within the contracts were consolidated into a Request for Proposal which is presently in the final stage of the procurement process. The evaluation committee had recommended that the award go to one of two bids submitted. At its October 15, 2015 agenda meeting, the Board concurred with the committee’s recommendation and Treasury’s award of the new program administration contract to AEG and its team of subcontractors.

Staff recommended the Board approve the transmittal of the request for extensions to Treasury for executions, subject to Office of Management and Budget, Office of the State Comptroller and Treasury's final 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

C. Docket No. QX15091096 – In the Matter of the Renewable Energy and Energy Efficiency Rules, N.J.A.C. 14:8 – Amendments to Subchapter 8 – Rule Proposal.

This matter was deferred.

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

D. Docket No. EO09030210 – In the Matter of the 2009 State Energy Program/American Recovery and Reinvestment Act Funding Plan – Request for Allocation – Grant Program for Energy Savings through LED Surface Lighting Upgrades at State Owned Facilities.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. In July 2015, at Staff's request, United States Department of Energy approved the reallocation of \$1,800,000 from the American Recovery and Reinvestment Act (ARRA) Revolving Loan Fund (RLF) to fund a grant program focused on light emitting diode (LED) surface lighting upgrades at State-Owned facilities and administered through the State Energy Office (SEO). The RLF is administered cooperatively through Board's Office of Clean Energy and the Economic Development Authority.

The proposed program would allow the State to "lead by example" by implementing energy conservation measures in State-owned facilities to achieve real savings for New Jersey's taxpayers. The program also enables the State to engage federal dollars to advance energy efficiency and realize associated cost, environmental and quality of life benefits.

The State Energy Savings Initiative Oversight Committee proposed the following six projects: The State House, Department of Motor Vehicles, Central Distribution Warehouse, The Hughes Justice Complex, and Department of Labor. In aggregate, by replacing existing high-pressure sodium, metal halide, and fluorescent lighting, SEO Staff estimates that state taxpayers will avoid 1,810,194 kwh annually, resulting in a savings of \$199,148 in annual energy costs. When these savings are extended over the expected life of the equipment, 10 years, taxpayers are expected to save \$1,991,480.

Staff recommended that the Board approve the transfer of \$1,800,000 from the ARRA RLF within Economic Development Authority to fund energy savings through a grant program to upgrade LED Surface and Warehouse Lighting in eligible state-owned facilities.

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. QW15091100 – In the Matter of R3 Energy Management Audit and Review, LLC – Request Waiver for Pay for Performance Seeking Approval of Energy Reduction Plan.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. This matter concerned an appeal of R3 Energy Management Audit & Review LLC (R3) on behalf of their client, an office complex located in Rochelle Park, NJ (Petitioner). The Petitioner appealed denial of their application under the New Jersey Clean Energy Program (NJCEP) Pay for Performance Program (P4P) from market manager TRC Energy Services (TRC). NJCEP program coordinator, Applied Energy Group (AEG), reviewed and affirmed TRC’s denial.

TRC received Rochelle Park’s first Energy Reduction Plan (ERP) on August 21, 2014 for exterior lighting and four Heating Ventilation and Air Conditioning units and controls to be installed. Following several revisions to the ERP, TRC rejected the ERP because the savings level was achieving 14.43% and did not meet the 15% energy savings as required by the program rules according to the Fiscal Year 2014 Compliance Filing. In order to receive the full suite of incentives offered in the P4P Program, the submitted ERP must include a package of energy efficiency measures that achieve the minimum performance threshold or Energy Target (i.e., 15% of total building source energy consumption). Projects that cannot identify efficiency improvements that meet the minimum performance level will be referred to the appropriate SmartStart Buildings Program(s).

On September 18, 2015, the Board received a petition for a formal hearing from R3 to appeal AEG’s decision not to modify the guidelines of a 15% minimum reduction to existing energy consumption. The Petitioner conceded that the project does not meet the 15% and requested the BPU consider granting an exception.

Staff recommended that the Board deny the Petitioner’s request for an exception to the ERP as it is important that the NJCEP follow the minimum savings requirements and continue to provide incentives for projects that meet the guidelines of the programs.

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. QO15040477 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2016 – Fiscal Year 2016 True-Up Budget.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. At the outset of the fiscal year, the Board establishes annual budgets based, in part, on estimated expenses for the previous year. Once actual expenses are known, the Board annually issues a revised budget Order to “true up” any differences between actual and estimated expenses and commitments from the previous fiscal year.

A significant portion of the overall fiscal year budget includes funds to pay rebates and other commitments made by the New Jersey Clean Energy Program (NJCEP) in prior years. As of June 30, 2015, the NJCEP had approximately \$132 million in commitments. For most of the programs, the Fiscal Year 2015 carry over is associated with commitments made in previous fiscal years that are carried forward into Fiscal Year 2016 (FY16), to be paid upon project completion. This True-Up Budget does create new line items and allocates funding for the anticipate Marketing/Website Request For Proposals and for expenses related to the transition to a new Program Administrator. In a separate Board Order, Staff will propose funding reallocations for those programs experiencing higher than anticipated participating levels. There is no additional rate impact in this calendar year since the additional funds being added to the NJCEP FY16 Budget approved by the Board in June 2015 carry over from the previous fiscal year.

Staff recommended that the Board approve the trued-up FY16 budgets.

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

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

G. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, The Solar Act of 2012;

Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding to Establish a Program to Provide Solar Renewable Energy Certificates to Certified Brownfield, Historic Fill and Landfill Facilities; and

Docket No. QO14070714 – Pro-Tech Energy Solutions, LLC, Florence Land Recontouring Landfill – Motion for Reconsideration.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. On July 14, 2014, Pro-Tech submitted an application to develop a 9.2 MW dc solar facility comprised of 5 arrays on approximately 68 acres of a site identified in the application as a properly closed sanitary landfill. Following review of the application and the advisory memo provided by the New Jersey Department of Environmental Protection (NJDEP), the Board determined that 29 out of the 68 acres constituted a properly closed sanitary landfill and conditionally certified the 3 arrays located on those 29 acres. Pro-Tech filed a motion for reconsideration, arguing that all 5 arrays should be certified because the entire 68 acres identified in its application constituted either a properly closed sanitary landfill or a brownfield.

After review of the record and NJDEP’s advisory memo, Staff asserted that Pro-Tech had not demonstrated that the remainder of the site meets the definition of ‘properly closed sanitary landfill, and therefore Staff recommended that the Board deny the motion.

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. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, The Solar Act of 2012;

Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding to Establish a Program to Provide Solar Renewable Energy Certificates to Certified Brownfield, Historic Fill and Landfill Facilities; and

Docket No. QO15050543 – Pro-Tech Energy Solutions, LLC Florence Land Recontouring Landfill – Brownfield Application.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. On July 14, 2014, Pro-Tech Energy Solutions, LLC (Pro-Tech) submitted an application to develop a solar facility comprised of 5 arrays on approximately 68 acres of a site identified in the application as a properly closed sanitary landfill. Following review of the application and the advisory memo provided by the New Jersey Department of Environmental Protection (NJDEP), the Board determined that 29 out of the 68 acres constituted a properly closed sanitary landfill and conditionally certified the 3 arrays located on those 29 acres.

On May 7, 2015, Pro-Tech filed an application to have one additional array certified as being located on a brownfield, stating that the approximately 38 acres which the Board had not found to be a properly closed sanitary landfill met the statutory definition of 'brownfield.'

After review of the record and NJDEP's advisory memo, Staff believes that Pro-Tech has not demonstrated that the remainder of the site meets the definition of 'brownfield' and recommended that the Board deny the application.

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. AX12070601 – In the Matter of the Board's Main Extension Rules, N.J.A.C. 14:3-8.1 – Adoption.

William P. Agee, Legal Specialist, Office of the Chief Counsel, presented these matters.

DISCUSSION AND BACKGROUND: Commissioner Chivukula did not participate in the discussion, deliberation, or vote on this matter. The matter involved the proposed adoption with amendments of the Main Extension Rules. The proposed rules were approved by the Board on September 30, 2014, and were published in the New Jersey

Register on December 1, 2014. On November 16, 2015, the Board approved the adoption the rules.

The rules govern utility extensions of service to homes and entities requiring utility services. The adoption of these rules is intended to replace various existing rules governing utility extensions. The Board's approval of the adoption of the rules, and amendments, was done to comply with the direction of the New Jersey Superior Court, Appellate Division, in In re Centex Homes, LLC Petition for Extension of Serv., 411 N.J. Super. 244 (App. Div. 2009) (Centex Decision) and In the Matter of the Board's Main Extension Rules N.J.A.C. 14:3-8.1 et seq., 426 N.J. Super. 538 (App. Div. 2012) (Main Extension Decision) for the Board to amend its Main Extension rules and provide notice and refunds through a rulemaking proceeding.

Staff recommended that the Board approve the adoption with amendments of N.J.A.C. 14:3-8.1 et seq., Main Extension Rules.

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. AX15111248 – In the Matter of the Proposed Amendments to N.J.A.C. 14:3-8.5(d) and N.J.A.C. 14:3-8.14(c) (Main Extension).

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved proposed amendments of N.J.A.C. 14:3-8.5(d) and N.J.A.C. 14:3-8.14 (c)(6) providing basic requirements for all utilities regulated by the Board concerning Main Extensions. The proposed amendments were in response to comments received on the Board's rule proposal published on December 1, 2014 at 46 N.J.R. 2323 (a).

Staff recommended that the Board approve the proposed amendments of N.J.A.C. 14:3, Main Extension Rules.

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

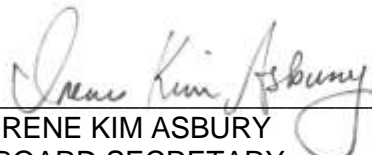
7. CUSTOMER ASSISTANCE

- B. Docket No. EO14070702U - In the Matter of John J. Hoffman, Acting Attorney General of the State of New Jersey, et al. v. Palmco Power New Jersey, LLC, et al. – Docket No. MER-C-33-14 – Update.**

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

DATED: December 16, 2015