



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://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 31, 2016, 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 30, 2016 at the State House Annex, Committee Room 4, 125 West State Street, Trenton, New Jersey 08625.

## CONSENT AGENDA

### I. AUDITS

#### A. Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE16060581L	Capital Energy Inc. d/b/a Capital Energy Services	R – EA
EE15050610L	Resource Energy Systems, LLC	R – EA
EE16010064L	Taylor Consulting and Contracting, LLC	R – EA/PA/EC
GE16010065L		
EE16040360L	ARA Consulting Group, LLC	R – EA/PA/EC
GE16040361L	d/b/a Commercial Power	

#### Electric Power Supplier Initial Licenses

EE16080755L	LifeEnergy, LLC	I – ESL
EE16060571L	ResCom Energy, LLC	I – ESL

#### Electric Power and/or Natural Gas Supplier Renewal Licenses

EE16060584L	Champion Energy Services, LLC	R – ESL
EE14090947L	Alpha Gas & Electric, LLC	R – EGSL
GE14090946L		

**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, private aggregators and energy consultants, 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 following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant for one year:

- Capital Energy Inc. d/b/a Capital Energy Services
- Resource Energy Systems, LLC
- Taylor Consulting and Contracting, LLC
- Ara Consulting Group, LLC d/b/a Commercial Power

Staff also recommended that the following applicants be issued an initial license as an electric power supplier for one year:

- LifeEnergy, LLC
- ResCom Energy, LLC

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

- Champion Energy Services, LLC
- Alpha Gas & Electric, LLC

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

**B. Docket No. TE16080823 – In the Matter of the Verified Petition of Synergem Technologies, Inc. for Approval to Provide Competitive Local Exchange, Switched Access, and Interexchange Telecommunications Services throughout the State of New Jersey.**

**BACKGROUND:** On August 25, 2016, Synergem Technologies, Inc. (Petitioner or Synergem) filed a petition with the Board requesting an order of approval to provide resold and facilities based competitive local exchange, switched exchange access, and interexchange telecommunications services throughout the State of New Jersey.

The Petitioner will provide 911 call routing to customers. The Petitioner intends to provide services with a combination of time division multiplexing and voice over internet protocol technologies, to use its own switching facilities and to obtain transport from other providers, and offer services to interconnecting carriers.

The Petitioner will coordinate with incumbent local exchange carriers for the provision of emergency 911 services to local customers. The Petitioner's ability to provide network services will rely substantially on the technical capabilities and network services of its underlying carriers that have been certificated and deemed technically and managerially capable of providing telecommunications services in New Jersey.

Synergem 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, Petitioner requested permission to keep all books, records, documents and other writings incident to the conduct of Petitioner's business in the State of New Jersey at the Petitioner's corporate offices located in Pilot Mountain, 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 September 16, 2016, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that, based on its review, "the Petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity". Rate Counsel neither objected to a grant of the waiver requested by the Petitioner, nor opposed the Petitioner's request to treat its financial information as confidential and placed under seal. Accordingly, Rate Counsel did not oppose a grant of authority or approval of the Petitioner's request to provide local exchange, switched exchange access and interexchange telecommunications services in New Jersey.

After review, Staff recommended that the Board approve the Petitioner's request for authority to provide local exchange, switched 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 Petitioner maintain its books and records within New Jersey.

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

## II. ENERGY

### A. Docket No. ER16010003 – In the Matter of the Federal Energy Items for 2016 – FERC Docket No. EL16-107 – Southern Maryland Electric Cooperative, Petition for Declaratory Ruling.

**BACKGROUND:** This matter involved Staff, on behalf of the Board, filing for intervention in this proceeding as an “interested state commission” under Federal Energy Regulatory Commission (FERC) rules of practice. The FERC e-filing rules allow for doc-less interventions, which is how this matter was filed. The purpose of this intervention is to establish the Board as a party to the proceeding.

On August 23, 2016, Southern Maryland Electric Cooperative, Inc. and Choptank Electric Cooperative, Inc., filed a petition for a declaratory order requesting that the Commission review regulations promulgated by the Public Service Commission of Maryland (MD PSC) regarding community solar energy generation systems (CSEGSs) and to issue a declaratory order finding that the MD PSC's CSEGS regulations do not comply with federal law, including the Public Utility Regulatory Policies Act and the Federal Power Act, all as more fully explained in the petition.

The Cooperatives were concerned that while CSEGSs might have characteristics similar to Qualifying Facilities (QFs), they have not been required by the regulations to achieve QF status; the Cooperatives argue QF status is necessary for the “sales” by CSEGSs to Maryland electric companies to compile with federal law. The Cooperatives contend that the language in the CSEGSs Regulations that allows an electric company to record subscriber credits as kilowatt hours, instead of limiting payment to the subscriber in a dollar amount, violates PURPA because that could mean that CSEGSs are compensated at prices higher than the utility's avoided costs.

Several parties have intervened and commented on the proceeding, which is pending FERC's final decision. MD PSC has filed a motion to dismiss on the basis that the issues are not ripe. It is also, as the MD PSC protest confirms, far from clear if there is even a violation of federal law. At this stage of this experimental program, any FERC action is premature. This motion is supported by National Association of Regulatory Utility Commissioners in its filed comments. Staff is monitoring the proceeding.

After review, Staff recommended that the Board ratify this intervention.

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

## III. CABLE TELEVISION

There were no items in this category.

#### IV. TELECOMMUNICATIONS

##### A. Docket No. TF16080787 – In the Matter of the Verified Petition of Access Point, Inc. for Approval of a Financing Transaction.

**BACKGROUND:** On August 11, 2016, Access Point, Inc. (Petitioner) filed a Petition with the Board requesting approval to participate in new financing arrangements in an amount of up to \$6 million.

The Petitioner proposed to enter into a senior secured credit facility (Facility) with East West Bank (Issuer). The Facility provides for a revolving line of credit up to \$6 million, to mature three years from the closing date. The Issuer will issue Letters of Credit (LOC), which may not have an initial term of greater than twelve months, although a LOC may contain renewal provisions satisfactory to Issuer. The LOCs will reduce the availability of funds under the credit facility on a dollar for dollar basis.

The proceeds of the Facility will be used: (i) to refinance certain existing indebtedness of the Petitioner; (ii) for working capital and other corporate purposes, including capital expenditures and redemption of preferred equity interests of the Petitioner; and (iii) to pay transaction fees, costs and expenses related to the Facility. The Facility will be secured by perfected first priority liens and security interested encumbering: (i) all tangible and intangible assets of the Petitioner and Guarantors (including, without limitation, deposit accounts, securities accounts, investments, accounts receivable, inventory, equipment, investment property, cash, leases, contract rights, intellectual property and licenses); and (ii) a pledge of all equity interests of Petitioner and of its commonly held affiliates, Telecom Expense Management Company, LLC and Access Point of Virginia, Inc.

The interest rate on funds borrowed from the Facility will be the London Interbank Offered Rate (LIBOR) + 3.5% with a 1% LIBOR floor. In the event the LIBOR rate is unavailable or deemed illegal in accordance with then applicable law, the interest rate will be Prime + 1.5%.

The Petitioner stated that its participation in the proposed financing transaction will neither result in a change in management matters, in the Petitioner's day-to-day operations in New Jersey, nor will it adversely affect current or proposed operations in New Jersey.

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 the Petitioner's request.

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

#### V. WATER

##### A. Docket Nos. BPU WR16060510 and OAL PUC 09261-16 – In the Matter of the Petition of SUEZ Water Arlington Hills, Inc. for Approval of an Increase in Rates for Wastewater Service and Other Tariff Changes.

**BACKGROUND:** On June 15, 2016, SUEZ Water Arlington Hills Inc. (Petitioner, Arlington Hills or Company), filed a petition with the Board seeking to increase its rates for wastewater service amounting to approximately \$1,404,396.00 or 118% above the annual level of test year revenues as of April 30, 2016. In order to mitigate the effects of the proposed rate

increase on its customers, the Company also proposed that the rate increase be implemented in four installments and increase rates annually over the course of the next four years. The Company proposed that the initial increase in rates become effective on July 29, 2016.

The Petitioner currently serves approximately 600 residential customers and 25 commercial customers in the Borough of Mount Arlington and one commercial customer in the Township of Roxbury, Morris County, New Jersey.

According to the petition, the need for and the magnitude of the proposed rate increase is driven by a number of factors, including the completion of a major project known as the Arlington Hills Wastewater Treatment Plant which is needed to serve both the current and anticipated customers. The petition also stated that Arlington Hills sought the rate increase to enable the Company to maintain a satisfactory credit position; to preserve its financial integrity; to permit proper maintenance and improvement to utility facilities required to furnish safe, adequate and proper service to its customers; and to earn a reasonable return upon the fair value of its property used and useful in the public service.

On June 20, 2016, this matter was transmitted to the Office of Administrative Law for hearings and on July 29, 2016, the Board issued an Order suspending the Company's proposed rate increase until November 29, 2016.

Since this matter will not be completed by November 29, 2016, Staff recommended that the rates be further suspended until March 29, 2017.

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

## VI. RELIABILITY & SECURITY

### A. Docket Nos. **GS16090829K, 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 (the 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 Act.

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 \$1,000.00 and not more than \$2,500.00 per violation per day, with a \$25,000.00 maximum for a related series of violations. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$100,000.00 for each violation for each day with a \$1,000,000.00 maximum for any related series of violations.

The number of settlements are 27 with a total penalty of \$81,000.00.

Staff employed a single order to close multiple cases in order to create a more streamlined and effective enforcement process. 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.

## VII. CUSTOMER ASSISTANCE

### A. Docket Nos. BPU WC16030200U and OAL PUC 06292-16 – In the Matter of Stanislav Borukhovich, Petitioner v. SUEZ Water New Jersey, Inc., Respondent – Billing Dispute.

**BACKGROUND:** This matter involved a billing dispute between Stanislav Borukhovich (Petitioner) and Suez Water New Jersey (Suez). The petition was transmitted to the Office of Administrative Law on April 21, 2016, for hearing as a contested case. Administrative Law Judge (ALJ) Richard McGill filed an Initial Decision in this matter with the Board on September 15, 2016, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, and in order to fully resolve this matter, Suez agreed to accept and the Petitioner agreed to pay the sum of \$775.00 in settlement of charges set forth on Suez bill dated July 14, 2015, for water charges on his premises. The Petitioner agreed to have his petition dismissed with prejudice.

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

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

### B. Docket Nos. BPU EC15070806U and OAL PUC 02087-16 – In the Matter of Louis J. Serbia, Petitioner v. Jersey Central Power & Light Company, Respondent – Request for Extension.

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on September 26, 2016; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on November 10, 2016. 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 December 25, 2016.

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

**C. Docket Nos. BPU EC16040280U and OAL PUC 08685-16 – In the Matter of Nancy Barone, Petitioner v. Atlantic City Electric Company, Respondent – Billing Dispute.**

**BACKGROUND:** This matter involved a billing dispute between Nancy Barone (Petitioner) and Atlantic City Electric Company (ACE). The petition was transmitted to the Office of Administrative Law on June 9, 2016, for hearing as a contested case. Administrative Law Judge (ALJ) Barry E. Moscovitz filed an Initial Decision in this matter with the Board on September 30, 2016, approving a Stipulation of Settlement (Settlement) of the parties.

The Petitioner’s outstanding balance at the time of the Settlement was \$668.16. Pursuant to the terms of the Settlement, and in order to fully resolve this matter, ACE agreed to reduce the amount due on the Petitioner’s account by twenty percent, leaving an outstanding balance of \$533.16. The Petitioner agreed to enter into a twenty-four month payment arrangement of \$22.21 per month, to pay off the \$533.16.

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

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

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

**A. Approval of the Minutes of the October 31, 2016 Agenda Meeting and the June 17, 2015 Executive Session minutes items 8E, 8F, 8H and 9A.**

**BACKGROUND:** Staff presented the minutes of the Board meeting of October 31, 2016, and the Executive Session minutes of June 17, 2015 items 8E, 8F, 8H and 9A, and recommended they be accepted.

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

**After appropriate motion, the consent agenda was approved.**

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>



## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

#### A. Docket No. EX14111343 – In the Matter of the Proposed Amendments to N.J.A.C. 14:4 et seq. – Government Energy Aggregation Programs, Energy Anti-Slamming, and Third Party Suppliers.

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

**BACKGROUND AND DISCUSSION:** This matter involved Staff recommending that the Board propose amendments to the rules at N.J.A.C. 14:4 concerning energy anti-slamming, government energy aggregation and retail choice consumer protection. The proposed amendments fall into the following categories: reduce switching times, improve the government energy aggregation program, require the third party suppliers to provide a contract summary to customers, and other.

The amendments are designed to incorporate recently enacted legislation into the regulations, incorporate requirements from a Board order into the regulations and make other improvements to the regulations for government energy aggregation, consumer protection, and other aspects of energy competition.

Staff recommended that the Board publish the draft regulations in the New Jersey Register.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

#### B. Docket No. GR16060491 – In the Matter of the Petition of South Jersey Gas Company to Revise the Cost Recovery Charge Associated with Energy Efficiency Programs.

**Thomas N. Walker, P.E., Director, Division of Energy**, presented this matter.

**BACKGROUND AND DISCUSSION:** On June 2, 2016, South Jersey Gas Company (SJG or Company) filed a petition with the Board requesting to decrease its Energy Efficiency Tracker (EET) rate. SJG requested to decrease its EET rate from \$0.007302 per therm (including taxes) to \$0.005995 per therm (including taxes).

The Company sought to reconcile EET costs and cost recoveries for the period commencing October 1, 2015 through September 30, 2016, and to recover forecast revenues for the period October 1, 2016 through September 30, 2017. The Petition was based on actual data through April 2016 and projected data through September 2017. During the discovery

process, SJG updated its schedules and associated revenue requirement to reflect actual data through August 31, 2016.

SJG, Board Staff, and the New Jersey Division of Rate Counsel (collectively, the Parties) engaged in discovery and as a result of those discussions, the Parties executed a stipulation of settlement (Settlement) that recommended a reduction of the EET rate to \$0.004576 per therm, including taxes, which reflects the updated revenue requirements supplied through discovery.

Staff recommended that the Board adopt the Settlement of the Parties. Staff further recommended that the Board order SJG to file revised tariff sheets conforming to the terms of the Settlement by November 10, 2016.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**Stacy Peterson, Deputy Director, Division of Energy,** presented these matters.

**C. Docket No. GR16050478 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs.**

**BACKGROUND AND DISCUSSION:** On May 26, 2016, New Jersey Natural Gas Company (NJNG or Company) filed a request with the Board, wherein the Company proposed to maintain the Energy Efficiency (EE) Rate of \$0.0327 per therm (including Sales and Use Tax (SUT)), for recovery of the costs associated with the Company's EE Programs. According to the petition, based on actual information through April 30, 2016 and estimated information through September 30, 2016, NJNG anticipated being under recovered at September 30, 2016 by approximately \$1.338 million. Based on the current and anticipated levels of activity, NJNG estimated the revenue requirement for the period October 2016 through September 2017 to be approximately \$20.926.00 million. Accordingly, the resultant revenue requirement through September 2017 for the petition was \$22.262.00 million. NJNG's current EE Rate of \$0.0327 per therm (including SUT) recovers approximately \$21.171 million. Given the relatively small increase in revenue required, NJNG proposed to maintain the current EE Rate of \$0.0327 previously approved by Order dated January 28, 2016.

As part of discovery, the Company updated its revenue requirement to include actual information through June 30, 2016. The Company's updated information indicates an anticipated under recovery at September 30, 2016 of approximately \$1.140 million and a revenue requirement for the period October 2016 through September 2017 to be approximately \$20.707.00 million. The resultant revenue requirement through September 2017 was approximately \$21.847.00 million, according to the update. Despite the update, the Company continued to assert that it is beneficial to maintain the current level of the EE Rate.

Following discovery, NJNG, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties) executed a Stipulation of Settlement (Settlement) on October 3, 2016. The Settlement allows for NJNG to maintain the current EE Rate of \$0.0327. As a result of the Settlement, customers will not see any change in their annual bills.

Staff recommended that the Board adopt the Settlement of the Parties.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**D. Docket No. EO16070710 – In the Matter of the Request of Rockland Electric Company’s Extension of Building Utilization and Business Expansion Riders.**

**BACKGROUND AND DISCUSSION:** On July 28, 2016, Rockland Electric Company (RECO or Company) made a filing with the Board seeking to extend the Company’s Building Utilization Rider (BUR) and Business Expansion Rider (BER).

RECO proposed to extend the enrollment period of the BER and BUR through December 31, 2019, and eliminate the three month vacancy requirement in order to be eligible for the BUR credit.

The Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff participated in this matter. Discovery requests were sent by Staff and Rate Counsel and have been answered by RECO.

By letter dated October 3, 2016, RECO rescinded the proposed change to the vacancy requirements of the BUR.

By letter dated October 7, 2016, the Rate Counsel stated that the Rate Counsel did not object to the Board’s approval of RECO’s proposed changes to its BUR and BER tariffs.

Staff recommended that the Board approve the Company’s request. Staff further recommended that the Board direct RECO to file tariff sheets compliant with the Board’s findings within five days of service of the Board Order.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**E. Docket No. GR16070619 – In the Matter of the Schedule CSG Transportation Service Agreement between Public Service Electric and Gas Company and EFS Parlin Holdings, LLC (Parlin).**

**BACKGROUND AND DISCUSSION:** On June 29, 2016, Public Service Electric and Gas Company (PSE&G or Company) filed a letter with the Board requesting approval of the gas service agreement (Service Agreement) between PSE&G and EFS Parlin Holdings, LLC (Parlin). On September 16, 2016, PSE&G filed Amendment 1 to the Service Agreement (Amendment 1). On October 14, 2016, PSE&G filed Amendment No. 2 to the Service Agreement. (Amendment 2)

The filing was submitted pursuant to PSE&G's Rate Schedule Contract Service Gas (CSG) - Contract Service as set forth in its Tariff for Gas Service on file with and approved by Board – B.P.U. N.J. No. 15 Gas.

PSE&G presently provides natural gas transportation services to Parlin at its facilities located at 790 Washington Road, Parlin, NJ 08859. Parlin owns a 113 MW facility that operates in the PJM Interconnection, LLC (PJM) wholesale energy market.

Upon expiration of its gas service agreement, Parlin began paying the then applicable PSE&G Rate Schedule Non-Firm Transportation Gas Service rates for gas delivery service. Subsequently, in September 2015, Parlin submitted an application to PSE&G seeking a new discounted natural gas transportation rate pursuant to the Other Considerations provision of Rate Schedule CSG.

In its request, Parlin stated that the requested CSG agreement would: 1) prevent the closure of the plant that would otherwise occur as the result of financial pressure from PJM's newly instituted Capacity Performance regime such that the plant will continue to contribute revenues that benefit other customers of PSE&G; 2) will reduce the plant's variable operating costs such that plant electric energy production will increase thereby increasing gas revenues to the benefit of other PSE&G customers; and 3) will allow continued expenditures at the plant to the benefit of the State and its economy.

PSE&G evaluated Parlin's application and determined that it was consistent with the terms of its tariff. The proposed agreement would convert the method for determining the rate charge to Parlin from a one part variable rate to a two part rate consisting of a fixed component and a volumetric rate. PSE&G contended that the proposed Service Agreement is consistent with the CSG tariff requirements and is in the best interest of all customers. PSE&G stated that the shift in rate design from the tariff to place more of the revenues on a fixed, rather than variable, basis, and the early termination charge, make the receipt of revenues more assured than under the tariff pricing and arrangements. In addition, PSE&G stated that this shift in rate design of gas transportation service should also enable Parlin to sell more power in the market than it would without this changed, which should bring PSE&G customers and others in New Jersey additional economic benefits.

By letter dated October 19, 2016, the New Jersey Division of Rate Counsel stated that it did not object to the Board approving the service agreement between PSE&G and Parlin.

Staff recommended that the Board issue an Order approving the Service Agreement, as well as Amendment 1 and Amendment 2 between PSE&G and Parlin.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**F. Docket No. GR16020175 – In the Matter of the Petition of South Jersey Gas Company to Continue Its Accelerated Infrastructure Replacement Program (AIRP) Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 and for Approval of a Base Rate Adjustment to Reflect AIRP Investments in Base Rates.**

**BACKGROUND AND DISCUSSION:** On February 29, 2016, South Jersey Gas Company (SJG or Company) filed a petition with the Board seeking approval for: (1) gas base rate changes tied to capital investments associated with the Accelerated Infrastructure Replacement Program (AIRP) through September 30, 2016 (AIRP I) for all AIRP investments not previously placed in base rates; and (2) approval to continue its AIRP for an additional seven year period with a total program investment of \$500 million (AIRP II).

By Order dated April 27, 2016, the Board determined that the AIRP II Petition should be retained by the Board for hearing and designated Commissioner Dianne Solomon as the presiding officer authorized to rule on all motions that arise during the pendency of the proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. On June 16, 2016, Commissioner Solomon issued a Prehearing Order in this matter, which approved a procedural schedule and granted Public Service Electric and Gas Company's (PSE&G) motion to participate.

On October 3, 2016, the Company, Board Staff and New Jersey Division of Rate Counsel (collectively, the Parties) agreed to a stipulation of settlement (Settlement) resolving this matter. PSE&G submitted a letter of non-objection to the Settlement. The Settlement allows the Company to recover an incremental AIRP I revenue requirement of \$11.046 million based on actual costs through August 31, 2016, on AIRP I expenditures not previously placed in base rates.

In addition, with regard to AIRP II, the program shall have a five-year term beginning October 1, 2016, ending September 30, 2021.

AIRP II shall be limited to \$302.5 million, excluding Allowance For Funds Used During Construction, derived by applying an average cost per mile cap of \$550,000.00 to an annual mileage cap of 110 miles, or 550 miles over the five year AIRP II Program term. Recovery of costs beyond the \$550,000.00 cap may be sought by the Company through base rate case proceedings.

The Company shall file its next base rate case no later than October 1, 2017.

The required annual spending for 2016 through six months after the end of the test year used in the 2017 Rate Case is subject to prudence review and, unless disallowed as unreasonable or imprudent, shall be included in rate base and rates as a result of the 2017 Rate Case.

Staff recommended that the Board approve the Settlement of the Parties. Staff further recommended that the Board direct SJG to file tariffs consistent with the Board's Order by November 10, 2016.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**G. Non-Docketed Matter – In the Matter of Management Consulting – Oversight of the Board of Public Utilities Basic Generation Service Auction Process – Request for Proposal.**

**BACKGROUND AND DISCUSSION:** Since 2002, the Electric Distribution Companies' have proposed and the Board has approved the use of an auction process for the procurement of the needed supply for Basic Generation Service (BGS). For each of the BGS Auction procurements conducted since 2002, the Board has retained consultants to help it oversee and monitor the auction process on behalf of the Board and its Staff.

Staff recommended the Board approve the release a Request for Proposal (RFP) through the Purchase Bureau, Division of Purchase and Property, Department of the Treasury, on behalf of the Board to hire a consultant to perform oversight of the basic generation service auction process. It is anticipated that the new contract established as a result of this RFP would be in effect starting with the 2018 BGS auction, process which will commence in May 2017.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**H. Docket No. ER16040337 – In the Matter of the Provision of Basic Generation Service for the Period beginning June 1, 2017.**

**BACKGROUND AND DISCUSSION:** This matter involved a recommendation securing electric power supplies for non-shopping Basic Generation Service (BGS) customers for the period beginning June 1, 2017. The recommendation is to allow the Electric Distribution Companies (EDCs) to conduct two descending clock auctions (Auctions) similar to those approved by the Board for the past fifteen years. The Auctions would secure full electricity requirements for hourly-priced service for the largest electric customers, and the full electricity requirements for smaller commercial and residential customers. The Auctions would be conducted in February 2017.

By Order dated May 25, 2016, the Board directed the EDCs consisting of Atlantic City Electric Company (ACE), Jersey Central Power & Light Company (JCP&L), Public Service Electric and Gas Company (PSE&G), and Rockland Electric Company (RECO), and invited all other interested parties, to file proposals by July 1, 2016 to determine how to procure the remaining one-third of the State's BGS requirements for residential and small commercial customers and the annual Commercial and Industrial Energy Pricing requirements for the period beginning June 1, 2017. A procedural schedule to address the proposals was also adopted by the Board at that time, including an opportunity for initial written comments, a legislative-type hearing, and final written comments.

On July 1, 2016, the EDCs filed a Joint Proposal for BGS procurement (Joint EDC Proposal), and each EDC also filed a company-specific addendum to the Joint EDC Proposal. A discovery period followed. Initial Comments on the BGS proposals were filed on September 6, 2016. Final Comments were filed on October 5, 2016.

Public hearings were held in each EDC's service territory to allow members of the public to present their views on the procurement process proposed by the EDCs, and the potential effect on customers' rates. PSE&G's public hearing was held on September 15, 2016; RECO's public hearing was held on September 19, 2016, JCP&L's public hearing was held on September 21, 2016, and ACE's public hearing was held on September 28, 2016.

Staff recommended that the Board approve the same basic descending clock auction process, the auction rules, Board approval process, and Supplier Master Agreements 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 14, 2016. Staff further recommended that the Board authorize Staff to review the EDCs' compliance filings, and should Staff find the EDCs' filings comply with the Board Order, grant Staff authority to have a Board Secretary's Letter issued approving the compliance filings.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**Thomas N. Walker, P.E., Director, Division of Energy**, presented these matters.

**I. Docket No. ER16010003 – In the Matter of the Federal Energy Items for 2016 –FERC Docket No. AD16-18, Competitive Transmission Development Technical Conference.**

**BACKGROUND AND DISCUSSION:** This matter involved Board Staff, acting on behalf of the Board, filing post-technical conference comments. On June 27–28, 2016, the Federal Energy Regulatory Commission (FERC) held a technical conference addressing issues related to competitive transmission development processes as well as transmission planning and cost allocation. At the Conference, the use of cost-containment provisions; FERC's consideration of transmission rates with cost-containment provisions resulting from competitive transmission development processes; the relationship of competitive

transmission development to transmission incentives; interregional transmission coordination, development, and cost allocation; and regional transmission planning and development were discussed.

By notice of August 3, 2016, FERC invited interested parties to file post-technical conference comments. FERC encouraged commenters “to submit new or additional information rather than reiterate information that is already in the record” and, “when possible, to provide examples in support of their answers.” The notice made these comments due 30 days from the issuance of the notice, on or before September 2, 2016.

On August 5, 2016, a Joint Motion was filed by the American Public Power Association, Edison Electric Institute, Large Public Power Council, National Rural Electric Cooperative Association, and Transmission Access Policy Study Group requesting a 31-day extension of time until October 3, 2016, to file post-technical conference comments.

Staff recommended that the Board ratify the post-technical conference comments.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**J. Docket No. ER16010003 – In the Matter of the Federal Energy Items for 2016 – FERC Docket Nos. EL16-6, ER16-121 – PJM Interconnection, LLC, Tariff Filing and Revisions to the Operating Agreement to Address Certain Revenue Inadequacy Issues Related to the Allocation of Auction Revenue Rights and Financial Transmission Rights.**

**BACKGROUND AND DISCUSSION:** On October 19, 2015, PJM made a filing with the Federal Energy Regulatory Commission (FERC) seeking to make limited modifications in two rules affecting its Financial Transmission Rights (FTRs) market. PJM reported that the FTR market was no longer experiencing underfunding as the result of several changes, beginning in June 2014, including: (i) a reduction in the number of Auction Revenue Rights (ARRs) and FTRs issued to market participants and (ii) an improvement in the accuracy of modeling transmission outages in the FTR Model and in the Day-Ahead Market.

PJM proposed additional modifications to the FTR market, designed to further reduce the possibility of future underfunding, namely: (i) eliminate portfolio netting, the netting of net negatively valued FTRs against positively valued FTRs and (ii) employ an added 1.5% growth rate to the 10-year simultaneous feasibility analysis used to determine ARR feasibility, which may accelerate transmission planning upgrades recommended to PJM’s Regional Transmission Expansion Plan.

On February 4, 2016, FERC held a technical conference and solicited initial and reply comments on a variety of topics related to the market. Staff filed such comments, which were also supported by the Public Service Commissions of Maryland, Delaware, West Virginia, and North Carolina. However, in a rather inconsistent decision, the FERC ruled against the



Board and supporting State Commissions. Staff, acting on behalf of the Board, and the Delaware Public Service Commission now seek rehearing, with reference to several errors in the FERC's final decision.

Staff recommended that the Board ratify Staff's Request for Rehearing in this proceeding.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**K. Docket No. EM14060581 – In the Matter of the Merger of Exelon Corporation and Pepco Holdings, Inc.**

**Paul Flanagan, Executive Director**, presented this matter.

**BACKGROUND AND DISCUSSION:** On March 6, 2015, the Board approved a Stipulation of Settlement setting the terms and conditions for the merger of Exelon and Pepco Holdings, Inc. (Joint Petitioners). The Merger Order contained a Most Favored Nation Provision (MFN Provision) which provided that Exelon meet and work with Staff and the New Jersey Division of Rate Counsel (Rate Counsel) to reconcile the Merger-related benefits provided to other jurisdictions involved in the merger, so that New Jersey received additional assurance that positive benefits will flow to customers of Atlantic City Electric Company (ACE) and the State of New Jersey.

The Joint Petitioners received final merger approval from the Washington DC Public Service Commission (DC PSC) on March 23, 2016, and the Merger closed on March 23, 2016.

In April 2016, settlement meetings and negotiation commenced, and on October 17, 2016, Staff, Rate Counsel and the Joint Petitioners (Signatory Parties) executed a Stipulation of Settlement (MFN Joint recommendation).

The Signatory Parties agreed that the Joint Petitioners shall provide \$53,795,196 on a net present value basis or equivalent to approximately \$97.07 on a per-distribution customer basis, in additional benefits to ACE customers and the State of New Jersey. Consistent with the terms of the MFN Provision, this amount was calculated by determining the per-distribution customer financial benefits provided in each jurisdiction. As noted in the Joint Recommendation, the financial benefits ordered by the DC PSC were the highest on a per-distribution customer basis and were used as the benchmark to calculate the additional benefits to be provided in New Jersey. When the additional \$97.07 per-distribution customer benefit is combined with the \$123.13 per-distribution customer benefit provided in the Board's Merger Order, which includes the \$113.16 direct rate credit already provided to distribution customers, the total amount is \$220.19 per-distribution customer, equivalent to the amount ordered by the DC PSC.

The Signatory parties evaluated the benefits received by all merger jurisdictions. The MFN Joint Recommendation adjusts the benefits flowing to New Jersey to align them with the

other jurisdictions. Staff recommended the Board approve the MFN Joint Recommendation.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

### 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. WO16090836 – In the Matter of Services Agreement with SUEZ Water Environmental Services, Inc. for the Operation and Management of the Town of Kearny’s Water System.**

**BACKGROUND AND DISCUSSION:** On September 9, 2016, the Town of Kearny (Kearny, Petitioner) requested Board approval of an executory contract with SUEZ Environmental Services Inc. (SUEZ) for the operation and management of the Kearny water system.

Kearny made this application, per statute, to the Board, the New Jersey Department of Community Affairs (DCA), Division of Local Government Services, Local Finance Board and the New Jersey Department of Environmental Protection (DEP).

After complying with all the appropriate statutory requirements, Kearny established a contract with SUEZ to provide operation, management, maintenance and repair services for its water supply system for a five year period.

A public hearing was conducted on August 9, 2016, as part of Kearny’s governing body’s regularly scheduled meeting a verbatim record of the hearing was produced. No members of the public requested to speak at the public hearing and Kearny received no public comments in writing by August 16, 2016.

On September 9, 2016, the Petitioner submitted a Hearing Report to the DEP, which completed its review and submitted its comments to the Board and DCA within 60 days of its receipt thereof. To date, the Board has received no comments from the DEP.

By letter dated October 13, 2016, the New Jersey Division of Rate Counsel filed comments and 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 as set forth above.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**B. Docket No. WO16010057 – In the Matter of the Petition of SUEZ Water New Jersey, Inc. for Approval of an Affiliate Agreement Pursuant to N.J.S.A. 48:3-7.1.**

**BACKGROUND AND DISCUSSION:** On January 21, 2016, SUEZ Water New Jersey Inc. (SUEZ) filed a petition with the Board requesting approval and renewal of a 2014 long-standing Agreement between SUEZ and its affiliate, SUEZ Water New York.

SUEZ is a public utility corporation in the State of New Jersey and provides water service to approximately 198,000 customers located in portions of Bergen, Hudson, Passaic, Morris, Hunterdon and Sussex Counties.

SUEZ Water New York owns and operates the Lake Deforest Reservoir, consisting of the storage reservoir, dam and treatment works on the Hackensack River in the Town of Clarkstown in Rockland County, New York. The Reservoir benefits SUEZ Water New York, the Village of Nyack, New York, and SUEZ.

The Village of Nyack and SUEZ have utilized the Hackensack River to supply water to their customers for over 100 years.

This Agreement has been in effect since the mid-1950's. The only difference with this version is a Spill Skimming initiative, which will allow SUEZ Water New York to draw certain amounts of additional water from the Lake Deforest Reservoir during periods when water is plentiful.

Staff recommended that the Board approve the renewal of the 2014 long-standing Amendment Agreement between SUEZ and SUEZ Water New York. The Agreement is for a period of 20 years. The New York Public Service Commission has already approved the Agreement.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**6. RELIABILITY & SECURITY**

**James P. Giuliano, Director, Division of Reliability and Security**, presented these matters.

**A. Docket No. GS16070663K – In the Matter of Allegations of Violations of Pipeline Safety Regulations and the Underground Facility Protection Act by South Jersey Gas Company with Respect to a Gas Pipeline Incident in Pennsville, New Jersey on September 15, 2015.**

**BACKGROUND AND DISCUSSION:** On September 15, 2015, an explosion and fire occurred at a duplex located at North Broad Ave, Pennsville, New Jersey, Staff developed concerns regarding South Jersey Gas Company’s (SJG or Company) compliance with certain Underground Facility Protection Act (UFGPA) regulations.

Further investigation revealed a pattern of activity and practices for SJG, which had the potential of having Staff issue additional violations beyond the scope the Pennsville incident. Specifically, SJG’s mark-out practices and records process were inconsistent with the UFGPA.

Staff determined that there was a factual basis for alleging this pattern of violations and immediately requested SJG to take corrective action. SJG complied with Staff’s request.

Board Staff and SJG engaged in discussions and reached a Stipulation of Settlement to remedy the violations and bring the Company into compliance with the UFGPA. SJG has agreed to make amendments to Company’s procedures where alleged compliance violations were identified and to pay an amount of \$300,000.00 to the Treasurer of the State of New Jersey.

Staff recommended that the Board approve the Stipulation of Settlement.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**B. Docket No. GS16070664K – In the Matter of Allegations of Violations of the Underground Facility Protection Act by Henkels & McCoy, Inc. with Respect to a Gas Pipeline Incident in Elizabeth, New Jersey on April 5, 2016.**

**BACKGROUND AND DISCUSSION:** On April 5, 2016, there was incident which occurred at a multi-dwelling unit located at South Park Street, Elizabeth, New Jersey. Staff developed concerns regarding Henkels & McCoy’s, Inc.’s (H&M or Company) compliance with certain Underground Facility Protection Act (UFGPA) regulations.

Further investigation revealed a serious incident where H&M staff failed to comply with certain regulations and aspects of the UFGPA, which had the potential of having Board Staff issue additional violations beyond the scope the Elizabeth incident. Specifically, H&M’s emergency notification practices were inconsistent with the UFGPA.

Staff determined that there was a factual basis for alleging violation and immediately requested H&M to take corrective action. H&M complied with Staff's request.

Board Staff and H&M then engaged in discussions and reached a Stipulation of Settlement to remedy the violations and bring the Company into compliance with the UFPA. H&M has agreed to make amendments to Company's procedures where alleged compliance violations were identified and to pay an amount of \$100,000.00 to the Treasurer of the State of New Jersey.

Staff recommended that the Board approve Stipulation of Settlement.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

## 7. CUSTOMER ASSISTANCE

### A. Docket Nos. BPU EC15111293U and OAL PUC 02088-16 – In the Matter of Mankapo R. Davis, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

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

**BACKGROUND AND DISCUSSION:** This matter involved a billing dispute between Mankapo R. Davis (Petitioner) and Public Service Electric and Gas Company (PSE&G or Company). The petition was transmitted to the Office of Administrative Law on December 17, 2015, as a contested case. Administrative Law Judge (ALJ) Patricia M. Kerins filed an Initial Decision in this matter with the Board on August 25, 2016, dismissing the petition. No exceptions to the Initial Decision have been received by the Board.

In his petition, the Petitioner stated that he was wrongly billed by PSE&G in the amount of \$1,921.00. He claimed that the high bill was due to an inaccurate reading from the electric meter.

PSE&G, in its answer received by the Board on December 9, 2015, denied the allegations that the Petitioner was incorrectly billed. PSE&G stated that in or about June 9, 2015, an investigation was conducted of its equipment. At that time, the Company found evidence of meter tampering in the form of a foreign device attached to the meter slowing down the spinning of the dials. The Company contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. PSE&G requested that the relief sought by the Petitioner be denied on the basis that she failed to set forth a claim upon which relief may be granted.

ALJ Kerins, in her Initial Decision, denied the Petitioner's request for relief. ALJ Kerins also concluded that Petitioner is liable to PSE&G in the amount of \$1,760.68 for electric service

billed for the period of the non-registering electric meter. Therefore, ALJ Kerins ruled that the Petitioner's request be dismissed.

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

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**8. CLEAN ENERGY**

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

**A. 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. QO16070632 – New Road Solar, LLC – South Brunswick Township Landfill.**

**BACKGROUND AND DISCUSSION:** On June 22, 2016, New Road Solar (New Road or Applicant) submitted an application to the Board to have its project certified as being located on a properly closed sanitary landfill facility. New Road's 13 MWdc project as rendered on the Site Plan as PV-1 is proposed to be constructed on the South Brunswick Township Landfill, which is owned by BFI Waste Systems of New Jersey, Inc.

Following review of the application and the advisory memorandum provided by the New Jersey Department of Environmental Protection (NJDEP), Staff recommended that the Board grant conditional certification because NJDEP advised that the project proposed by New Road is located on property defined as a "properly closed sanitary landfill."

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**B. Docket Nos. EO08070470 and QO16100993 – In the Matter of the Memorandum of Understanding between the New Jersey Board of Public Utilities and the New Jersey Economic Development Authority.**

**BACKGROUND AND DISCUSSION:** On March 9, 2011, the Board approved a Memorandum of Understanding (MOU) between the Board and the New Jersey Economic Development Authority (NJEDA) to jointly administrator several programs under the Clean Energy Program that are known as the NJEDA Assisted Clean Energy Finance Programs. This MOU was later amended in March 2012 and again in December 2012 to reflect changes in the administration of the programs as necessary. For Fiscal Year 2017 (FY17) however, the parties agreed that beginning in July 2016, no new funding will be provided to the NJEDA Assisted Clean Energy Financing Programs and that NJEDA will not accept any new applications but will continue to manage their current portfolio of loans. EDA's role will eventually be limited to monitoring closed projects.

Considering these changes, both the Board and NJEDA agreed that the parties should enter into a new MOU that reflects the changes in administration, and that the compensation as provided in the Second Amendment should be modified according to the streamlined responsibilities. As per compensation for administering the current portfolio of loans under the Edison Innovation Clean Energy Manufacturing Fund (CEMF) and the Edison Innovation Green Growth Fund (EIGGF), and the Large Scale Combined Heat and Power/Fuel Cell program (LSCHP-FC), collectively referred to as "EDA-Assisted BPU Clean Energy Finance Programs" the parties agree that EDA shall receive a 1% Administrative Fee on FY17 program funds and a .5% an outstanding Loan Balance Fee to be applied to the CEMF and EIGGF portfolio of loans that have already been fully disbursed.

Staff recommended that the Board approve the new MOU that reflects the above and other administrative changes and the revise compensation agreement.

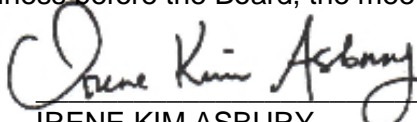
**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<b>Roll Call Vote:</b>	<b>President Mroz</b>	<b>Aye</b>
	<b>Commissioner Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>

**9. MISCELLANEOUS**

There were no items in this category.

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

  
\_\_\_\_\_  
IRENE KIM ASBURY  
BOARD SECRETARY

Date: November 30, 2016