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 July 22, 2015, at the State House Annex, Committee Room 16, 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 August 19, 2015 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Energy Agent Initial Registration

EE14101088L	American Efficient, Incorporated d/b/a Go Good	I – EA

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

EE14121391L	Gulf Stream Energy Consultants, LLC	R – EA
EE14070736L	Front Line Power Solutions, LLC	R – EA
EE14050463L	Utilities Analyses, LLC	R – EA
EE14121387L	Optimum Group, LLC d/b/a Optimum Energy Solutions	R – EA
EE14101093L GE14101094L	EnerPros, LLC	R – EA/PA
EE14050446L GE14050447L	Energy Source, LLC d/b/a Energy Source New Jersey, LLC	R – EA/PA
EE14121388L GE14121389L	L5E, LLC d/b/a 5	R – EA/PA
EE15010050L GE15010051L	Kevin J. Cobb & Associates, Incorporated d/b/a Quest Energy Solutions	R – EA/PA
EE14050460L GE14050461L	Utility Savings Solutions, LLC	R – EA/PA
GE14101252L	New Jersey Business & Industry Association	R – PA
EE14091067L GE14091068L	Energy Professionals, LLC	R –EA/PA/EC
EE15010062L GE15010072L	Prospect Resources, Incorporated	R – EA/EC

Electric Power and/or Natural Gas Supplier Initial Licenses

EE15050620L	SmartEnergy Holdings, LLC	I – ESL
EE15050616L GE15050617L	Spring Energy RRH, LLC	I – EGSL

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE15020199L	Champion Energy Services, LLC	R – ESL
EE14070734L GE14070735L	Ambit Northeast, LLC d/b/a Ambit Energy	R – EGSL
EE14080873L GE14080874L	Consolidated Edison Solutions, Incorporated d/b/a ConEdison Solutions	R – EGSL
GE14080876L	Consolidated Edison Energy, Incorporated d/b/a Con Edison Energy	R – GSL
GE14070720L	Shell Energy North America (US), LP	R – GSL

BACKGROUND: The Board must register all energy agents and consultants, and the Board must 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 registration as an energy agent for one year to:

- American Efficient, Inc. d/b/a Go Good

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:

- Gulf Stream Energy Consultants, LLC
- Front Line Power Solutions, LLC
- EnerPros, LLC
- Kevin J. Cobb & Associates Inc. d/b/a Quest Energy Solutions
- Prospect Resources Inc.

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

- SmartEnergy Holdings, LLC
- Spring Energy RRH, LLC

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

- Champion Energy Services, LLC
- Ambit Northeast, LLC d/b/a Ambit Energy
- Consolidated Edison Solutions, Inc. d/b/a ConEdison Solutions
- Consolidated Edison Energy, Inc. d/b/a ConEdison Energy
- Shell Energy North America (US), L.P.

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

- Utilities Analyses, LLC
- Optimum Group, LLC d/b/a Optimum Energy Solutions
- Energy Source LLC d/b/a Energy Source NJ LLC
- L5E, LLC d/b/a 5
- Utility Savings Solutions LLC
- New Jersey Business & Industry Association
- Energy Professionals, LLC

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

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

II. ENERGY

A. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL15-73 – Duke Energy Corp., et al. v. PJM Interconnection, LLC – Institution of Proceeding and Refund Effective Date.

BACKGROUND: This matter involved the Federal Energy Regulatory Commission initiating a new proceeding under section 206 of the Federal Power Act to investigate hourly pricing. Staff, acting on behalf of the Board, filed a doc-less intervention in this proceeding as an interested state commission. Staff recommended ratification of the intervention.

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

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

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

BACKGROUND: This matter involved a petition that was made to the Federal Energy Regulatory Commission for authorization pursuant to Sections 203(A)(1)(A) and 203(A)(2) of the Federal Power Act. Staff, acting on behalf of the Board, filed a doc-less intervention in this proceeding as an interested state commission. Staff recommended ratification of the intervention.

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

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

C. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL15-80 – AEMA Coalition v. PJM Interconnection, LLC

BACKGROUND: This matter involved a complaint that was filed under section 206 of the Federal Power Act to the Federal Energy Regulatory Commission in this docket to address the role of Demand Response Resources in the Transition Incremental Auctions. Staff, acting on behalf of the Board, filed a doc-less intervention in this proceeding as an interested state commission. Staff recommended ratification of the intervention.

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

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

III. CABLE TELEVISION

A. Docket No. CE13080756 – In the Matter of the Application of Verizon New Jersey, Inc. for Renewal of a System-wide Cable Television Franchise.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 15, 2006, the Board approved a system-wide cable television franchise to allow Verizon New Jersey, Inc. to provide cable television service in 316 municipalities. That order was amended on December 18, 2006, August 1, 2007, April 9, 2008, October 23, 2008, April 27, 2009, July 29, 2009, April 11, 2012, November 20, 2012 and April 29, 2013.

On January 30, 2014, the Board issued a system-wide cable television franchise renewal for a term of seven years. On July 23, 2014, the Board issued an Order of Amendment to the system wide-franchise issued to Verizon to include the Borough of Seaside Heights. On June 3, 2015, Verizon filed notice with the Board and the Township of Woodland that it was adding the Township of Woodland to its system-wide cable television franchise.

The total number of municipalities covered by Verizon's system-wide cable television franchise is now 381. Verizon provides telephone service in all or parts of 526 municipalities in the state. Verizon provides its FiOS cable television service to all or parts of 359 municipalities.

After review, the Office of Cable Television recommended approval of the Second Order of Amendment to include the Township of Woodland into Verizon's renewal system-wide cable television franchise.

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. CE15030386 – In the Matter of the Petition of Comcast of Jersey City, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Jersey City, County of Hudson, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On January 14, 2015, the City of Jersey City (City) granted Comcast of Jersey City, LLC (Comcast) renewal municipal consent for a term of 15 years. On January 21, 2015, Comcast accepted the terms and conditions of the ordinance, and on March 30, 2015, Comcast filed a petition with the Board for Renewal of its Certificate of Approval for the City.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on May 15, 2028.

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. CE15030306 – In the Matter of the Petition of CSC TKR, LLC d/b/a Cablevision of Morris for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Borough of Mountain Lakes, County of Morris, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 9, 2013, the Borough of Mountain Lakes (Borough) granted CSC TKR, LLC d/b/a Cablevision of Morris (Cablevision) renewal municipal consent for a term of 15 years from the date of issuance of the Renewal Certificate of Approval. On November 24, 2014, Cablevision accepted the terms and conditions of the ordinance, and on March 12, 2015, Cablevision filed a petition with the Board for renewal of its Certificate of Approval for the Borough.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on August 1, 2030.

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

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

D. Docket No. CE14030239 – In the Matter of the Petition of Comcast of South Jersey, LLC for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Elmer, County of Salem, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On December 11, 2013, the Borough of Elmer (Borough) adopted an ordinance granting renewal municipal consent to Comcast of South Jersey, LLC (Comcast). On January 23, 2014, Comcast formally accepted the terms and conditions of the ordinance, and on March 10, 2014, Comcast filed with the Board for a renewal of its Certificate of Approval for the Borough.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire November 17, 2027.

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

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

E. Docket No. CE11090571 – In the Matter of the Petition of Comcast of New 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 Manchester, County of Ocean, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On September 26, 2011, Comcast of New Jersey, LLC filed a petition for an Automatic Renewal Certificate of Approval for the Crestwood Villages area of the Township of Manchester (Township) based on the automatic renewal provision, for a term to expire on August 14, 2021.

The petition is based on the Township's ordinance granting renewal municipal consent which was adopted on August 22, 1996. The Township's ordinance granted a term of 15 years with an automatic renewal term of ten years. The initial term expired on August 14, 2011.

After review, Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire August 14, 2021.

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

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

IV. TELECOMMUNICATIONS

A. Docket No. TM15050554 – In the Matter of the Verified Joint Petition of Fibertech Holdings Corp. and Fiber Technologies Networks, LLC and Sidera Networks, Inc., Lightower Fiber Networks I, LLC and Lightower Fiber Networks II, LLC for Approval to Transfer Control of Fiber Technologies Networks, LLC and for Certain Financing Arrangements.

BACKGROUND: On May 8, 2015, Fibertech Holdings Corp. (Fibertech Holdings) and Sidera Networks, Inc. (together, the Petitioners) filed a petition with the Board requesting approval for the proposed transfer of control to Sidera of Fiber Technologies Networks, LLC (Fibertech), an indirect wholly-owned subsidiary of Fibertech Holdings, (the Transaction).

The Petitioners also sought approval for Fibertech, along with Lightower Fiber Networks I, LLC and Lightower Fiber Networks II, LLC to participate in the related financing arrangements in connection with the Transaction. Following the proposed Transaction, Fibertech will continue to offer the same services in New Jersey at the same rates, terms, and conditions.

Having reviewed the petition and supporting documents, Staff did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner's competitive posture in the telecommunications market. Staff recommended that the Petitioners be allowed to proceed with the Transaction and related financing finding that there will be no adverse effect to customers in New Jersey. Furthermore, Staff agreed with the Petitioners that the Mass Migration rules do not apply to this transaction because customers will not be "migrating" and therefore the waiver request for customer notification is justified.

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

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

B. Docket No. TF15060652 – In the Matter of the Verified Petition of Level 3 Communications, LLC, Broadwing Communications, LLC, Global Crossing Telecommunications, Inc., Global Crossing Local Services, Inc., Telcove Operations, LLC, tw telecom of New Jersey LP and Wiltel Communications, LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On June 2, 2015, Level 3 Communications, LLC (Petitioner) filed a petition with the Board requesting approval to participate in two separate financing arrangements. In the first transaction, Financing issued $700 million aggregate principal amount of its 5.125% Senior Notes due 2023, and $800 million aggregate principal amount of its 5.375% Senior Notes due 2025 in private offerings to qualified institutional

buyers that are exempt from registration under U.S. Federal securities laws. Financing has lent the proceeds it received in the offering of the Senior Notes to Level 3 LLC in return for intercompany demand notes issued by Level 3 LLC to Financing in the aggregate amount of $1.5 billion.

In the second transaction, Level 3 and Financing entered into a new term loan arrangement in the aggregate principal amount of $2 billion to refinance a term loan for which the Petitioners pledged assets and acted as guarantors pursuant to prior granted Board approval.

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**

C. Docket No. TM15050637 – In the Matter of the Verified Joint Petition of Crown Castle Operating Company and Sunesys, LLC for Approval (1) of the Transfer of Indirect Control of Sunesys, LLC to Crown Castle Operating Company and Related Transactions and (2) for Sunesys, LLC to Participate in Certain Financing Arrangements.

BACKGROUND: On May 29, 2015, Crown Castle Operating Company (CCOC) and Sunesys, LLC (Sunesys) (together, the Petitioners), filed a petition with the Board requesting approval for a transfer of the indirect control of Sunesys to CCOC (the Sunesys Transaction) and related post-closing transactions. The Petitioners also requested approval for Sunesys participate in certain financing (Financing) arrangements in the aggregate amount of up to $6.25 billion. Following the proposed transfer, Sunesys will continue to offer the same services in New Jersey at the same rates, terms, and conditions.

Having reviewed the petition and supporting documents, Staff did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner's competitive posture in the telecommunications market. Therefore, Staff recommended approval of the Sunesys Transaction and Financing.

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

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

V. WATER

A. Docket Nos. BPU WR15020269 and OAL PUC 03172-2015 – In the Matter of the Petition of United Water Toms River, Inc. for Approval of an Increase in Rates for Water Service and Other Tariff Changes.

BACKGROUND: Commissioner Chivukula recused himself from this matter. United Water Toms River, Inc. (UWTR) filed a petition with the Board on February 27, 2015, with rates proposed to become effective for service on and after March 31, 2015. UWTR requested approval of a rate increase for water service in the amount of $5,208,512 or approximately 16.85%. This matter was transmitted to the Office of Administrative Law for hearings and on April 15, 2012, the Board issued an Order further suspending the proposed rate increase until July 31, 2015.

After review, Staff recommended that the Board issue an Order further suspending the rates until November 30, 2015.

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

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

B. Docket No. WM15040492 – In the Matter of the Joint Petition of American Water Works Company, Inc. and Environmental Disposal Corporation, for among other things, Approval of a Change in Control of Environmental Disposal Corporation – Motion for Intervention.

BACKGROUND: President Mroz and Commissioner Chivukula recused themselves from this matter. On April 29, 2015, American Water Works Company, Inc. (American Water) and Environmental Disposal Corporation (EDC) filed a petition with the Board seeking approval of the acquisition and control of EDC by American Water as contemplated in a Stock Purchase Agreement (Agreement) between American Water and the Hills Development Company, the parent of EDC. The Agreement provides that, subject to obtaining certain regulatory approvals and the satisfaction of certain other conditions, American Water will acquire all of the issued and outstanding capital stock of EDC and therefore will acquire 100% control of EDC.

Staff recommended that the Board grant the Intervention requests.

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

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

VI. RELIABILITY & SECURITY

A. Docket Nos. GS15060715K, 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.

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

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

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

B. Docket Nos. ES15060701K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: President Mroz and Commissioner Chivukula recused themselves from this matter. This matter involved settlements of alleged violations of the Underground Facility Protection Ac (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.

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

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

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

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC14101228U and OAL PUC 01081-15 – In the Matter of William L. Bunting, Jr., 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 William L. Bunting Jr. (Petitioner) 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) John S. Kennedy filed an Initial Decision in this matter with the Board on June 15, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the Settlement, PSE&G has agreed to credit the disputed amount of $615.12 to the account ending in 03108 at the Petitioner's premises leaving a zero balance. In return, the Petitioner will contact PSE&G regarding deactivating utility services when a tenant vacates the premises to ensure that no billing takes place.

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

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 WC14010059U and OAL PUC 05138-14 – In the Matter of Hernandez Realty P/A 6001 Polk Street, West New York, New Jersey, Petitioner v. United Water New Jersey, Respondent – Billing Dispute.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Hernandez Realty P/A 6001 Polk Street (Petitioner) and United Water New Jersey or Company (UWNJ). The petition was transmitted to the Office of Administrative Law on April 28, 2014, as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on June 16, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, the Petitioner agreed to pay $9,976.94 to UWNJ in full and final satisfaction for unbilled and unpaid water consumption provided at the subject premises. The parties further agreed that the Agreement supersedes any prior bills and that the Petitioner is free to share the information with the North Hudson Sewer Authority in the event that an additional sewer bill may be required. The parties have also agreed that UWNJ could reserve its right to collect $14,252.65 in the event that the Petitioner defaults making the settlement payment or tampers with the meter after the date of the Settlement Agreement and that the Petitioner would voluntarily agree to dismiss its petition in this matter.

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 of the ALJ.

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

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

C. Docket Nos. BPU EC14030294U and OAL PUC 07752-14 – In the Matter of Luisa Hernandez and Maritza Montanez, Petitioners v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Luisa Hernandez and Maritza Montanez (Petitioners) and Public Service Electric and Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on June 19, 2014, as a contested case. Administrative Law Judge (ALJ) Tiffany M. Williams filed an Initial Decision in this matter with the Board on June 29, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the Settlement, PSE&G agreed to credit account ending in 03105 the amount of $8,410.29. PSE&G also agreed to test the meter at the property and the Petitioners will request the Board witness the test. The bill will now reflect the Petitioners capacity and transmission charges based upon the Petitioners historic electric usage, not prior tenants.

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

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 EC13080722U and OAL PUC 13473-13 - In the Matter of Karen Robinson, Petitioner v. Public Service Electric and Gas Company, Respondent – 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 June 18, 2015; therefore the 45-day statutory period for review and the issuing of a Final Decision will expire on August 3, 2015. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order that the record may be adequately reviewed.

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 issue a Final Decision be extended until September 17, 2015.

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

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

E. Docket Nos. BPU WC13121170U and OAL PUC 02555-14 – In the Matter of 5704 Hudson Realty, LLC, Petitioner v. United Water New Jersey, Respondent – Billing Dispute.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between 5704 Hudson Realty, LLC (Petitioner) and United Water New Jersey (UWNJ). The petition was transmitted to the Office of Administrative Law on February 28, 2014, as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on June 16, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, the Petitioner agreed to pay the total settlement sum of $44,152.47 in full and final satisfaction for unbilled and unpaid water consumption. UWNJ reserves the right to collect $63,074.96 in the event that the Petitioner defaults in the making of the settlement payment or tampers with the meter after the date of the Settlement Agreement. The parties have further agreed that the Agreement supersedes any prior bills and Hudson is free to share the information with the North Hudson Sewer Authority in the event that an additional sewer bill may be required.

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 of the ALJ.

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

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes of the June 17, 2015 Agenda Meeting.

BACKGROUND: Staff presented the minutes of June 17, 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 Nos. BPU GR14050510 and OAL PUC 16084-14 – In the Matter of the Petition of South Jersey Gas Company to Revise the Level of Its Basic Gas Supply Charge and to Revise the Level of Its Conservation Incentive Program Charges for the Year Ending September 30, 2015.

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved South Jersey Gas Company (Company) filing a petition with the Board seeking to revise its Basic Gas Supply Charge for year ending September 30, 2015. Following discovery and discussions, the Company, New Jersey Division of Rate Counsel, and Board Staff entered into a Stipulation for Final Basic Gas Supply Service Charge and Conservation Incentive Program (CIP) Rates, dated June 10, 2015, agreeing that the Company's provisional Basic Gas Supply Service (BGSS) and CIP rates approved by the Board on September 30, 2014 should be made "final". The provisional rate translated to an estimated increase in annual revenue of $5 million.

There are no changes to rates at this time.

Administrative Law Judge Kirk issued her Initial Decision on June 15, 2015, finding that the Stipulation was voluntarily agreed to, disposed of all issues in controversy, and was consistent with the law.

Staff recommended the Board approve the Stipulation of the parties and adopt the Initial Decision of Administrative Law Judge Kirk.

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. EX15010033 – In the Matter of the New Jersey Administrative Code 14:5 – Electric Service – Proposed Readoption with Amendments.

Jerome May, Director, Division of Energy, Michelle Rossi & John Masiello, Staff, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the adoption with clarifying amendments of N.J.A.C 14:5 Electric Service (Chapter 5). Hurricanes Irene and Sandy and the October 2011

snowstorm have highlighted the fact that steps need to be taken to enhance the reliability of New Jersey's electric distribution system during periods of exceptional weather. In the aftermath of these storms, the Board has taken a wide range of action to accomplish this. Overall, Staff believed that adopting the Chapter 5 rules with certain revisions is another important part of the process. The proposed amendments to Chapter 5 are the result of an extensive stakeholder process to determine the best way to move forward in a post-Sandy era, and the changes are intended to result in a more robust electric distribution system, both during periods of exceptional weather and on a day-to-day basis. Additionally, these amendments also serve to memorialize the directions in the Board's February 20, 2013 Order I/M/O the Board's Initiative to Revise Reporting Requirements and Improve Reliability Programs by the Electric Distribution Companies Operating in New Jersey (Docket Number EO12070650), that delineated many of the changes to Chapter 5 with regards to reporting requirements and Hazard Tree tracking.

The Chapter 5 rules will enhance the ability to track potential and/or identified problem areas within the electric distribution system, and to have the Electric Distribution Companies (EDCs) address these areas and improve system-wide reliability. The additional reporting requirements added by the amendments will aid in system evaluation and identification of high outage areas or equipment problems, help identify outage and fault catalysts, and allow Board Staff to better understand the current state of the electric distribution systems and infrastructure, as well as identify issues that the EDCs and Board should address. The additional Vegetation Management requirements will also enhance system performance by mitigating tree threats.

Staff recommended that the Board approve the readoption of N.J.A.C. 14:5 with clarifying amendments, noting that final approval from the Governor's Office is still pending.

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. Non-docketed Matter – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2015 – Boston Pacific's Final Report on the 2015 BGS Fixed Price and Commercial Industrial Energy Price Auctions.

BACKGROUND AND DISCUSSION: This matter involved the contractual obligations of the Boston Pacific Company (Boston Pacific) to the Board regarding the review and oversight of the New Jersey electric distribution companies' Basic Generation Service (BGS) auction process for the supply period beginning June 1, 2015. This matter involved the third year of a three contract with Boston Pacific.

In accordance with the contract, all contractual obligations regarding the procurement of BGS supply for the period beginning June 1, 2015 have been fulfilled satisfactorily by

Boston Pacific, including the submission of a redacted and confidential version of its final report on the 2015 BGS procurement process.

Staff recommended that Boston Pacific's Annual Final Report on the 2015 BGS-FP and BGS-CIEP Auctions be accepted for filing by the Board, and that the redacted version be made available to the public via the Board's website.

Staff also recommended that the 20% contractual hold back of fees be released, and that the Board direct the Division of Treasury to provide final payment to Boston Pacific.

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

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

D. Docket No. GO14121412 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1.

BACKGROUND AND DISCUSSION: On December 17, 2014, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board seeking approval to continue, with modifications, the current energy-efficiency programs and the no-interest on-bill-repayment-program offered in the NJNG SAVEGREEN Project over a three year period beginning no later than July 2015. The Company also requested approval for a continuation of the Board-approved mechanism for cost recovery. The total proposed gross investment for these programs was $127.95 million. NJNG proposed to recover the costs through the current Rider F in NJNG's tariff.

The Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) engaged in numerous settlement discussions which resulted in a Stipulation of Settlement (Stipulation) that would allow NJNG to invest $ 75.15 million over a two year period July 31, 2017.

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**

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

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

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

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

BACKGROUND AND DISCUSSION: On June 9, 2015, the Federal Energy Regulatory Commission (FERC) issued its order on PJM's capacity performance proposal, FERC Dkt. No. ER15-623. While that matter was pending, PJM staff was working on enhancements to its load forecasting model which is used to determine the regional peak-load forecast which sets the amount of capacity to be procured at auction. However, PJM has made the determination that this new load forecasting model will not be used in upcoming auctions that were scheduled for later this month and early August. On June 30, 2015, the joint consumer representatives requested that FERC direct PJM to update its 2015 regional peak-load forecast values for these upcoming auctions to reflect the new enhancements to the load forecasting models. Staff, acting on behalf of the Board, joined this complaint, along with several other parties, including the Delaware Public Service Commission and the New Jersey Division of Rate Counsel. Staff recommended that the Board ratify this action.

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

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

G. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-623 – PJM Interconnection, LLC – Capacity Performance Proposal – Request for Expedited Clarification or Rehearing.

BACKGROUND AND DISCUSSION: On June 9, 2015, the Federal Energy Regulatory Commission (FERC) issued its order on PJM's capacity performance proposal, FERC Dkt. No. ER15-623. That order accepted with limited conditions certain tariff language concerning the participation in the upcoming transition auctions to be held in July and early August. The joint consumer representatives requested expedited clarification or, in the alternative, expedited rehearing to ensure that annual demand response resources would be able to participate in those upcoming auctions. Staff, acting on behalf of the Board, joined this request, along with several other parties, including the Maryland Public Service Commission and the New Jersey Division of Rate Counsel. Staff

recommended that the Board ratify this action.

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

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

H. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-623 – PJM Interconnection, LLC – Capacity Performance Proposal – Request for Rehearing.

BACKGROUND AND DISCUSSION: On June 9, 2015, the Federal Energy Regulatory Commission (FERC) issued its order on PJM's capacity performance proposal, FERC Dkt. No. ER15-623. The statutory deadline for rehearing request, under the Federal Power Act, was July 9, 2015. On that date, FERC received approximately 30 requests for a rehearing from various parties, including several state commissions. The joint consumer representatives filed a request for rehearing to address six errors with the capacity performance order, including issues over cost benefits, the penalty mechanism, and the default offer cap. The Board Staff, acting on behalf of the Board, joined the request along with several other parties, including the Delaware Public Service Commission and the New Jersey Division of Rate Counsel. Staff recommended that the Board ratify this action.

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. EF15070779 – In the Matter of a Financial and Operational Review of Jersey Central Power & Light Company's Distribution System – Staff Proposal for a Scope of Work to be Issued by Jersey Central Power & Light Company in a Request for Proposals to Consultants.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the Board's order for operational and financial review of Jersey Central Power & Light (JCP&L or Company) Distribution System. Staff outlined a proposal for a scope of work in a Request For Proposals (RFP) process necessary to hire consultants. Staff met with the Company to discuss the scope and logistics of the reviews and RFP process necessary to hire consultants. Staff recommended the Board to authorize Staff to provide these documents to JCP&L for issuance of their RFPs.

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

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

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

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

A. Docket Nos. BPU WR14030269 and OAL PUC 04042-14 – In the Matter of the Petition of Lake Lenape Water Company for Approval of an Increase in Rates for Service.

BACKGROUND AND DISCUSSION: By letter dated December 5, 2014, Lake Lenape Water Company (Company or Lake Lenape) advised the Board that its licensed operator had identified a number of potential issues that could pose a serious threat to the water service of its customers as the Company began preparation to paint the tank. These issues include the ability to provide safe, adequate and proper service along with the logistics of operating the system while the tank was being painted. The operator also stated that cold weather was coming fast and noted that paint does not dry or cure the same at colder temperatures. The operator requested that the tank painting project be postponed until Spring 2015. Based on the operator's concerns, Lake Lenape decided to postpone the tank painting until May 2015.

The Board previously approved a rate increase for Lake Lenape in August 2014 which would increase rates by $10,000 or 7.54%. As part of the Stipulation that was approved, Lake Lenape agreed that it would begin the necessary upgrades to paint the interior of its water tank on or before October 15, 2014.

By letter dated January 13, 2015, the New Jersey Division of Rate Counsel (Rate Counsel), a signatory to the Stipulation, recommended that the Board extend the time to complete the tank painting project from October 15, 2014 to June 15, 2015. Since ratepayers were paying for the tank painting project prior to the completion of the tank painting project, Rate Counsel further recommended the Board order that Lake Lenape's rates be declared interim subject to refund pending completion of the tank painting project and that the Company be required to refund a portion of the rate increase, with interest, to its ratepayers if the tank painting project was not completed by June 15, 2015.

Staff recommended that the rates be declared interim, subject to refund, pending the completion of the tank painting project. Certification has been received that the project is complete within the time frame specified. Therefore, Staff recommended that the Board finalize the interim rates for service rendered in Lake Lenape's service territory.

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

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

B. Docket No. WO15050548 – In the Matter of the Petition of the Township of Mahwah Water Utility Requiring Approval of a Contract for Water Tank Maintenance with Utility Service Co., Inc., Pursuant to the Provisions of the New Jersey Water Supply Public Private Contracting Act, N.J.S.A. 58:26-19 et seq.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On May 8, 2015, the Township of Mahwah Water Utility (Petitioner) submitted an application with the Board for approval of a contract with Utility Service Co., Inc. for water tank maintenance.

The Water Act authorizes public entities such as Mahwah to enter into contracts with private firms for the provision of water supply services. The Water Act further stated 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, Mahwah negotiated a contract with Utility Service Company to provide services for maintenance and repair to Mahwah's four storage tanks over a 20-year period.

Thirteen municipal employees will not be affected by this water tank maintenance contract.
By letter dated July 1, 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.

Therefore, Staff recommended that the Board approve the Public-Private contract between the Petitoner 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**

6. RELIABILITY & SECURITY

A. Docket No. GO13030202 – In the Matter of the Petition of South Jersey Gas Company for Authorization to Construct a 24" Pipeline through Maurice River Township in Cumberland County, City of Estell Manor in Atlantic County and Upper Township in Cape May County, New Jersey.

Paul Flanagan, Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On October 24, 2014, South Jersey Gas Company (SJG) filed a petition with the Board requesting for amendments to a prior Board Order issued by the Board on June 21, 2013. That Order authorized SJG to construct a pipeline subject to a number of conditions. SJG requested a modification of the approved route to move an interconnection and regulator station in Upper Township and also requested that the following additional condition be added to the Board's Order of June 21, 2013:

> Provided, however, that unless ordered to do so by this Board, or other governmental authority having jurisdiction, the Company will not connect any new customer to that portion of the Pipeline within the area designated as the Forest Area pursuant to the Comprehensive Management Plan.

After publication of notice in newspapers of general circulation in SJG's service territory, Commissioner Joseph L. Fiordaliso presided over public hearings that was held at the Upper Township Community Center in Tuckahoe on June 17, 2015.

Staff recommended that the Board approve both modifications pertaining to the location of the interconnection.

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. Non-docketed Matter – In the Matter of the Review of the June 23, 2015 Weather Event and Its Impact on Atlantic City Electric – Update.

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

BACKGROUND AND DISCUSSION: This matter involved Staff reporting to the Board about the June 23, 2015 weather event which impacted Verizon Wireless, Public Service Electric and Gas Company and Atlantic City Electric (ACE). Staff identified certain communications gaps concerning ACE but generally reported that the recovery of the three utilities from storm damage appeared reasonable. The Board directed the Division to identify any lessons learned and come back to the Board with a final report and recommendations.

7. CUSTOMER ASSISTANCE

A. Docket No. EO14070703U – In the Matter of John J. Hoffman, Acting Attorney General of the State of New Jersey, et al. v. Keil & Sons, Inc. d/b/a Systrum Energy, et al. – Docket No. MER-C-34-14 – 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

A. Docket Nos. EG10020126 and EG11090554V – In the Matter of the Clean Energy Manufacturing Fund Solicitation – Award Modification – Fluitec Wind, LLC.

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

BACKGROUND AND DISCUSSION: On October 13, 2011 the Board approved Fluitec Wind LLC (FW) for a $300,000 Project Assessment and Design Grant and $3,000,000 for a Project Construction and Operation loan under the Edison Innovation Clean Energy Manufacturing Fund (CEMF) as recommended by The Economic Development Authority who serves as administrator of the CEMF. In the approved CEMF application, FW proposed to establish a manufacturing facility in Jersey City where it would conduct fluid testing, sub-assembly manufacturing, assembly and integration, remote monitoring, and quality control testing.

The loan agreement was signed on August 9, 2012. To date, the Company has received the $300,000 grant and approximately $900,000 in loan disbursements. Since the loan disbursement, FW spent two years developing wind turbine remote monitoring software that was a key to understanding the product spec requirements specific to wind turbines. FW recognized that in order to develop differentiable products for the wind industry, it would need to better understand the oil degradation process specific to wind turbines. Given that this data did not exist, FW developed its software platform, collecting and analyzing data for the equivalent of 35,000 turbine years.

FW found that a number of the originally proposed products in its CEMF application, including an agglomerator, sensor array, and membrane drying system, were not suitable for the wind industry. These were subsequently replaced with more relevant and applicable products including Breeze 320 (a wind turbine gear oil), Boost WT (an oil additive), and an oil filtration device. Additionally, the US off-shore wind industry, a proposed target market for FW products, has been delayed during the same time period. FW has since revised its product line and requested Board approval of an extension of time to establish its manufacturing facility and to allow for additional disbursements.

Staff recommended that the Board authorize modifications to the FW loan agreement and approve a two year extension to the loan disbursement period from August 9, 2015 to August 9, 2017. Staff also recommended that the Board consent to the change in

project plans and that up to $1,000,000 under Tranche IIA be allowed prior to commencement of commercial operations.

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**

Elizabeth Ackerman, Acting Director, Division of Economic Development and Energy Policy, presented these matters.

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

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

Docket No. QG15070778 – In the Matter of Rutgers, the State University Laboratory for Energy Smart Systems – Request for Grant Agreement – <u>See Executive Session</u>.

BACKGROUND AND DISCUSSION: On June 17, 2015, as part of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis (CRA) for Fiscal Year 16 and the New Clean Energy Programs Budget and Compliance Filings for FY16, the Board approved the Office of Clean Energy's Compliance Filing which included Rutgers Laboratory for Energy Smart Solutions (Rutgers LESS). In this matter, the Board considered approval of a grant agreement with Rutgers LESS to enable implementation of the 2016 Analytics for Energy Policies project.

Research on Demand Side Management (DSM) and Distributed Energy Resources (DER), along with widely recognized programs at Rutgers on industry energy and performance assessment, have been consolidated into the newly established Rutgers LESS (part of the Center for Advanced Infrastructure and Transportation, with a mission to work with industry and communities to advance DER and DSM.

In April 2015, Rutgers LESS submitted a proposal with a budget of $150,000 for an Analytics for Energy project to apply analytical methodologies that will be used to support energy policy decisions affecting customers in the State of New Jersey. Its framework will be geared towards behind-the-meter DER investments including distributed energy generation (both fossil fuel and renewable), energy storage (thermal and battery) and DSM technologies and strategies (demand response, price responsive demand, and energy efficiency). The analytical framework will be designed to assist the State in evaluating incentive design programs and proposed policies with respect to location, customer type, technology type and incentive structure.

Staff recommended Board approval of the draft grant agreement with Rutgers LESS and authorized President Mroz to execute the grant agreement.

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

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

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

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

Docket No. QG15070777 – In the Matter of the New Jersey Institute of Technology – Center for Building Knowledge "The Clean Energy Learning Center" – Request for Grant Agreement – See Executive Session.

BACKGROUND AND DISCUSSION: On June 17, 2015, as part of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 16 and the New Clean Energy Programs (NJCEP) Budget and Compliance Filings for FY16, the Board approved the Office of Clean Energy's Compliance Filing which included New Jersey Institute of Technology's (NJIT) Center for Building Knowledge. In this matter, the Board considered approval of a grant agreement with NJIT to enable implementation of the New Jersey Clean Energy Learning Center project.

NJIT Center for Building Knowledge has substantial experience developing launching and maintaining training programs focused on buildings and energy efficiency. On March 2, 2015, NJIT Center for Building Knowledge submitted a proposal 2016 Compliance Filing with a budget of $375,000 to develop, launch and maintain the Learning Center to provide high quality education and training on all aspects of clean energy program.

During Year 1 of a three year proposal, the Learning Center will primarily focus on providing online educational resources - available on-demand, 24 hours a day, 7 days a week – as a means to build stakeholder awareness of the Learning Center and its programs. In future phases, the program can expand to include in-person trainings and, potentially, an annual educational conference.

The Learning Center will provide educational offerings across the full range of stakeholder groups engaged with NJCEP – building owners and managers; design professionals; energy and other professionals; contractors; code officials; and Clean Energy program representatives. A key focus during Year 1 will be on energy code issues, both in terms of addressing upcoming changes to the code and in terms of helping code officials better understand how to evaluate new or unfamiliar Energy Efficiency technologies and design strategies for compliance.

Staff recommended Board approval of the draft grant agreement and authorized

President Mroz to execute the grant agreement.

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

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

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

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

Docket No. QG15070776 – In the Matter of The College of New Jersey Sustainable Jersey – Request for Grant Agreement – See Executive Session.

BACKGROUND AND DISCUSSION: On June 17, 2015, as part of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year (FY) 2016 and the Budget and Compliance Filings for FY16, the Board approved the Office of Clean Energy's Compliance Filing which included the College of New Jersey Sustainable Jersey. In this matter, the Board considered approval of a grant agreement with Sustainable Jersey to enable implementation of "Sustainable Jersey – A Statewide Initiative of Municipal Governments and Leading Organizations Working to Assist Communities in Working toward a Sustainable Future" program.

Sustainable Jersey is a 501(c) (3) non-profit corporation that represents municipal governments and leading organizations working to assist communities in working toward a sustainable future. Over the past 9 years, Sustainable Jersey has been working with New Clean Energy Programs (NJCEP) to drive local government participation in existing NJCEP programs and work on development of new policies, technical resources and incentives.

Sustainable Jersey proposed a budget of $500,000.00 to provide and be responsible for the following services:

- The ongoing operations associated with the municipal and schools certification program, including activity integration and alignment with the NJCEP for the energy-elements of programs;
- The delivery of educational programs, outreach, and hands-on support for the local government sector as they pursue clean energy initiatives, especially regarding effective use of the NJCEP; and
- Strategic program growth, including ongoing development of Sustainable Jersey energy programs for both municipalities and schools.

Staff recommended Board approval of the draft grant agreement and authorized President Mroz to execute the grant agreement.

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

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

E. Docket No. EO09010048 – In the Matter of the Board Approval of Year Three of a Memorandum of Agreement Between Rutgers' Bloustein School – Center for Energy, Economic and Environmental Policy and the New Jersey Clean Energy Program – See Executive Session.

BACKGROUND AND DISCUSSION: Since 2003, Rutgers Center for Energy, Economic and Environmental Policy (CEEEP) has been performing evaluations for the New Jersey Clean Energy Program (NJCEP) Programs and assisting the Board in initiating the State Energy Master Planning (EMP) Process by providing extensive economic, environmental, and rate impact analysis. The Memorandum of Agreement (MOA) with Rutgers CEEEP will provide staffing, expertise and resources necessary to perform programmatic evaluations and needs benefit analyses of NJCEP Programs, to inform effective program design and resource allocation, in pursuit of New Jersey's EMP goals. The MOA will also include wind resource evaluations to be conducted by Rutgers University's Department of Marine and Coastal Sciences, which will assess offshore wind resource properties and wind power production potential.

In accordance with New Jersey Department of Treasury directives, there is an express preference to employ state universities whenever feasible, and a requirement for Office of Management and Budget approval of professional services contracts that exceed $250,000. In this matter, the Board approval is required to execute an MOA between the Board and Rutgers University for Year 3 (July 1, 2015–June 30, 2016) because the amount exceeds $250,000. The proposed budget for Year 3 funding is $1,265,000, which covers Rutgers CEEEP staff and its subcontractors, to conduct specified evaluation studies. The utilization of Rutgers CEEEP for these services is a good match for this independent evaluation and program improvement process as they are independent of the Board, but familiar with all the NJCEP issues and responsive to the Board's objectives for the program.

Staff recommended that the Board approve the third year of the MOA between the Board through the Office of Clean Energy and Rutgers CEEEP.

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. EO12090799 – In the Matter of the Petition of Atlantic City Electric Company Concerning a Proposal for an Extended Solar Renewable Energy Certificate (SREC)-Based Financing Program Under N.J.S.A. 48:3-98.1 (SREC II) – Results of the First Solicitation;

Docket No. E012080750 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Concerning a Proposal for a SREC-Based Financing Program Under N.J.S.A. 48:3-98.1 (SREC II); and

Docket No. EO13020118 – In the Matter of the Verified Petition of Rockland Electric Company for Approval to Implement an Extended SREC-Based Financing Program Under N.J.S.A. 48:3-98.1 (SREC II).

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the Board approval of the final recommendations of the Solicitation Manager (SM) for the first solicitation conducted under the Electric Distribution Companies' (EDCs') Solar Renewable Energy Certificate II (SREC II) Programs. On December 18, 2013, the Board approved the settlement stipulations of Atlantic City Electric Company, Jersey Central Power and Light and the Rockland Electric Company for the extension of their SREC-based financing programs (jointly: SREC II Programs). After a Request For Proposal process, the EDCs retained Navigant Consulting, Inc. (Navigant) to act as the SM for these programs.

The timeline for the first solicitation in the SREC II Programs was announced on March 19, 2015, including a webinar for prospective bidders on March 26, 2015, expression of interest forms due on April 20, 2015 and proposals due on April 23, 2015. The solicitation included three market segments: residential and commercial under 50 kW, residential and commercial from 51 kW to 2 MW, and Landfill/Brownfield/Area of Historic Fill.

The SM recommended awarding two of the three bids received for the market segment under 50 kW and all seven of the bids received for the market segment from 51 kW to 2 MW. No bids were received for the brownfield and landfill segment. The SM's Final Report for the first solicitation dated June 19, 2015 and the proposed Order addressing the SM's were provided to the Board for review.

Staff recommended that the Board approve the final recommendations of SM for the first solicitation conducted under the EDCs' SREC II 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**

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

Docket No. QG15070773 – AT&T Services, Inc. (Middletown).

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. The Combined Heat & Power/Fuel Cell (CHP/FC) Program is open to all Commercial and Industrial customers paying into the Societal Benefits Charge who install CHP/FC systems to further enhance energy efficiency in their buildings through on-site power generation with recovery and productive use of waste heat, thereby reducing existing and new demands to the electric power grid.

AT&T Services, Inc., which has a facility at 200 South Laurel Avenue in Middletown, NJ, submitted an application for a financial incentive in the amount of $2,000,000. The application has an estimated project cost of $11,128,000 and the project has an estimated 27 year simple payback after factoring in the incentive.

This project, for a 1MW solid oxide fuel cell system consisting of five units with capacities of 200 kW each, to be installed at 200 South Laurel Avenue in Middletown, will have the following annual estimated energy and cost savings:

- annual estimated electric production of 8,322,000 kWh
- an estimated average annual energy cost savings of $158,041.20

Staff determined that the AT&T Services, Inc. application meets the eligibility criteria for the CHP/FC Program, and recommended that the Board approve this 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**

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. QO15010095 – Dix Solar, LLC, Fort Dix #1 Landfill.

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

BACKGROUND AND DISCUSSION: This matter involved a request by Dix Solar, LLC (Dix) that the proposed Fort Dix #1 Landfill solar electric generation facility, to be located

in Pemberton Township, Burlington County, New Jersey, be certified as being located on a properly closed sanitary landfill facility and, therefore, eligible for Solar Renewable Energy Certificates (SRECs) pursuant to Subsection t of the Solar Act of 2012.

The 16.81 MW project is proposed to be constructed on the Fort Dix Landfill owned by United States Air Force. In its application, Dix represented that the Fort Dix #1 Landfill ceased operations as a landfill in approximately 1984. The New Jersey Department of Environmental Protection (NJDEP) reviewed the application and noted that the Fort Dix Landfill had been listed on the Federal National Priorities List. The landfill was closed under oversight of the United States Environmental Protection Agency (USEPA) and NJDEP's Site Remediation Program. In 2012, the USEPA deleted the Fort Dix Landfill from the National Priorities List. NJDEP determined that the Fort Dix #1 Landfill constitutes a "properly closed sanitary landfill facility."

Staff recommended that the Board grant conditional certification of the proposed project. Staff also recommended waiver of the provisions of the SREC Registration Program (SRP) in the Renewable Portfolio Standard rules requiring submittal of an initial registration package within ten days of installation contract execution and the registration length of one year for the Fort Dix #1 Landfill project. Staff further recommended that Dix be required to submit an SRP within fourteen days of the effective date of the Order and be granted a modification of one year provided in the current SRP to two years for construction to accommodate the longer construction period for Subsection t projects.

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

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

9. MISCELLANEOUS

A. Docket No. AX15060734 – In the Matter of the Adoption of the Board of Public Utilities' Supplemental Ethics Code Pursuant to N.J.S.A. 52:13D-23(a)(1).

Cynthia Covie, Chief Counsel, Counsel's Office, presented this matter.

BACKGROUND AND DISCUSSION: The Board is required by N.J.S.A. 52:13D-23(a)(1) to adopt a supplemental code of ethics. The supplemental code is required to address unique, agency-specific concerns not otherwise addressed in the Uniform Ethics Code or its related provisions in the New Jersey Administrative Code.

An ethics audit of the Board by the State Ethics Commission (SEC) directed the Board to "prepare a supplemental code of ethics that will meet the agency's particular concerns and submit the proposed supplemental code for approval by the SEC."

This Supplemental Ethics Code was reviewed and approved by SEC staff and the Office of the Attorney General - Division of Law. The Supplemental Code of Ethics was also

approved by the Board of the SEC at its meeting on June 16, 2015.

If the proposed Supplemental Code of Ethics is adopted by the Board, it will bind all the Board Commissioners and employees.

If the proposed Supplemental Code of Ethics is approved by the Board, the SEC, as the designated ethics agency for the Executive branch of government in New Jersey, will have the authority to enforce the provisions within.

Upon approval of the proposed Supplemental Code of Ethics, it will be posted on both the Board intranet and the SEC website.

Staff recommended that the Board adopt the Supplemental Code of Ethics.

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**

LATE STARTER A

ENERGY

Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket Nos. EL13-048 and EL15-27 (Consolidated) Delaware Division of the Public Advocate, et al. v. Baltimore Gas and Electric Company, et al. – In the Matter of Settlement Proceedings Regarding the Pepco 206 Matter.

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.

EXECUTIVE SESSION

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

2. ENERGY

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

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

7. CUSTOMER ASSISTANCE

A. Docket No. EO14070703U – In the Matter of John J. Hoffman, Acting Attorney General of the State of New Jersey, et al. v. Keil & Sons, Inc. d/b/a Systrum Energy, et al. – Docket No. MER-C-34-14.

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

8. CLEAN ENERGY

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

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

Docket No. QG15070778 – In the Matter of Rutgers, The State University Laboratory for Energy Smart Systems – Request for Grant Agreement.

Although this matter was initially scheduled to be discussed in executive session, but it was only discussed in open session.

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

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

Docket No. QG15070777 – In the Matter of the New Jersey Institute of Technology – Center for Building Knowledge "The Clean Energy Learning Center" – Request for Grant Agreement.

Although this matter was initially scheduled to be discussed in executive session, but it was only discussed in open session.

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

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

Docket No. QG15070776 – In the Matter of The College of New Jersey Sustainable Jersey – Request for Grant Agreement.

Although this matter was initially scheduled to be discussed in executive session, but it was only discussed in open session.

E. **Docket No. EO09010048 – In the Matter of the Board Approval of Year Three of a Memorandum of Agreement Between Rutgers' Bloustein School – Center for Energy, Economic and Environmental Policy and the New Jersey Clean Energy Program.**

Although this matter was initially scheduled to be discussed in executive session, but it was only discussed in open session.

LATE STARTER A

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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.

DATE: _____

IRENE KIM ASBURY
BOARD SECRETARY

EXECUTIVE SESSION

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

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After appropriate motion, the Board reconvened to Open Session.

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

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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.

DATE: Aug 19, 2015

IRENE KIM ASBURY
BOARD SECRETARY