



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 May 19, 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 June 17, 2015 at the State House Annex, Committee Room 11, 125 West State Street, Trenton, New Jersey 08625.

CONSENT AGENDA

I. AUDITS

A. Non-docketed Matter – In the Matter of the Borough of Park Ridge – Request for Extension of Time to File Its 2014 Annual Report with the Board.

BACKGROUND: This matter involved a request by Borough of Park Ridge for a 60 day extension to file its 2014 annual report. According to the letter dated April 17, 2015, the Chief Financial Officer for the Borough of Park Ridge resigned, and the employee who would normally be working on the annual report was out on extended leave due to an injury, and has also subsequently resigned. The Borough of Park Ridge is authorizing its auditor to complete the annual report and expects to have it finished and submitted by May 31, 2015.

After review, Staff recommended that the Board approve this extension.

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. Non-docketed Matter – In the Matter of the Trenton Water Works – Request for Extension of Time to File Its 2014 Annual Report with the Board.

BACKGROUND: This matter involved a request by Trenton Water Works for a 60 day extension to file its 2014 annual report. According to the letter dated March 31, 2015, the Trenton Water Works has a shortage of personnel at the present time. Therefore, City of Trenton is requesting a 60 day extension to file the annual report for the Trenton Water Works. With this extension, the annual report will be due on or before May 31, 2015.

After review, Staff recommended that the Board approve this extension.

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. TE15020263 – In the Matter of the Verified Petition of Intrado Communications, Inc. for Authorization to Provide Facilities-Based Local Exchange and Interexchange Telecommunications Services in the State of New Jersey.

BACKGROUND: By letter dated February 24, 2015, Intrado Communications Inc. (Petitioner or Intrado Communications) filed a Petition with the Board for authority to provide facilities-based local exchange and interexchange telecommunications services in the State of New Jersey.

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

By letter dated March 10, 2015, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments with the Board stating that, based upon its review, "Rate Counsel is satisfied that the Petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. Accordingly, Rate Counsel "does not oppose the Board's grant of authority or approval of the requests contained in the Verified Petition.

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

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

Roll Call Vote:

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

D. Energy Agent, Private Aggregator and/or Energy Consultant Initial Registrations

EE14080892L	PGP Energy Corp.	I – EA
EE14101225L	MSI Utilities, Inc.	I – EA
EE15050501L	Wholesale Gas and Electric, LLC	I – EA
EE15020204L	Incite Energy, LLC	I – EA/EC
GE15040490L		
EE15010068L	Groundswell, Inc.	I – EA/PA
GE15010069L	d/b/a Groundswell of New Jersey	
EE15030295L	Integrity Energy, LLC	I – EA/PA
GE15030296L	d/b/a Integrity Energy	
EE15050502L	Provident Energy Consulting, LLC	I – EA/PA/EC
GE15050503L		
EE14121398L	Sprague Energy Solutions, Inc.	I – EA/PA/EC
GE14121399L		
EE14010032L	Premiere Marketing, LLC	I – EA/PA/EC
GE14010033L	d/b/a Premiere Energy Auctions	

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

EE15020210L	Destination Energy, LLC	R – EA
EE14080928L	Live Energy, Inc.	R – EA
EE15020191L	Amerex Brokers, LLC	R – EA
	d/b/a Amerex Energy Services	
EE15020192L	Best Power, LLC	R – EA
EE14080889L	On-Demand Energy, LP	R – EA/PA
GE15040448L		

EE15020212L	Jersey Energy Group, LLC	R – EA/PA/EC
GE15020213L		

Electric Power and/or Natural Gas Supplier Initial Licenses

EE14101245L	EDF Energy Services, LLC	I – ESL
EE14101095L	Star Energy Partners, LLC	I – EGSL
GE14101096L		

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE14060607L	Holcim (US), Incorporated	R – ESL
EE15040495L	Liberty Power Delaware, LLC	R – ESL
EE15040494L	Liberty Power Holdings, LLC	R – ESL
EE15010065L	Community Energy, Inc.	R – ESL
EE14070666L	FirstEnergy Solutions Corp.	R – ESL
EE15030339L	Verde Energy USA, Inc.	R – EGSL
GE15030340L		

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

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

- PGP Energy Corporation
- MSI Utilities, Inc.
- Wholesale Gas and Electric LLC
- Incite Energy LLC
- Groundswell Inc. d/b/a Groundswell of NJ
- Integrity Energy LLC d/b/a Integrity Energy
- Provident Energy Consulting, LLC
- Sprague Energy Solutions Inc.
- Premiere Marketing LLC d/b/a Premiere Energy Auctions

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:

- Destination Energy, LLC
- Live Energy Inc.
- Amerex Brokers LLC d/b/a Amerex Energy Services
- Best Power LLC
- On-Demand Energy, LP
- Jersey Energy Group, LLC

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

- EDF Energy Services, LLC
- Star Energy Partners, LLC

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

- Holcim (US) Inc.
- Liberty Power Delaware, LLC
- Liberty Power Holdings, LLC
- Community Energy, Inc.
- FirstEnergy Solutions Corp.
- Verde Energy USA, Inc.

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

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

II. ENERGY

A. Docket No. GE14101230 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Approval of a Municipal Franchise in the Borough of Andover, County of Sussex.

BACKGROUND: Commissioner Chivukula recused himself from this matter. This matter involved the approval of municipal consent granted to Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas (Elizabethtown or Company) by the Borough of Andover. Elizabethtown filed a petition on October 27, 2014, requesting Board approval of the consent for nonexclusive consent and permission to provide service and consent to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough for a period of twenty-five years.

A hearing in this matter was held on December 16, 2014, before William Agee, the Board's duly appointed Hearing Officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

The Rate Counsel was not opposed to this approval; however, Rate Counsel requested that approval of the petition be conditioned on certain provisions, which have been incorporated into the Board's order in this matter. The Board retains oversight over the Company's operations and the municipality retains the right to petition the Board should there be any issues with the franchise.

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

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

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

III. CABLE TELEVISION

A. Docket No. CE15030284 – In the Matter of the Petition of Cablevision of Oakland, LLC for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Township of Wayne, County of Passaic, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On July 2, 2014, the Township of Wayne (Township) granted Cablevision of Oakland, LLC (Cablevision) renewal municipal consent for a term of 15 years from the date of issuance of the Renewal Certificate of Approval. On November 25, 2014, Cablevision accepted the terms and conditions of the ordinance, and on March 6, 2015, Cablevision filed a petition with the Board.

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

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

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

B. Docket No. CE15030299 – In the Matter of the Petition of Cablevision of Oakland, LLC for a Renewal Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Borough of Riverdale, County of Morris, State of New Jersey.

BACKGROUND: Commissioner Chivukula recused himself from this matter. On November 4, 2013, the Borough of Riverdale (Borough) granted Cablevision of Oakland, LLC (Cablevision) renewal municipal consent for a term of five years from the date of issuance of the Renewal Certificate of Approval. On August 21, 2014, Cablevision accepted the terms and conditions of the ordinance, and on March 9, 2015, Cablevision filed a petition with the Board.

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

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

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

IV. TELECOMMUNICATIONS

A. Docket No. TF15030378 – In the Matter of the Petition of ACN Communication Services, Inc. for Approval to Participate in a Financing Arrangement.

BACKGROUND: On March 24, 2015, ACN Communications Services, Inc. (Petitioner, Company) filed a petition with the Board requesting approval, to the extent necessary, to participate in a financing arrangement in connection with the issuance of senior secured debt in the aggregate amount of up to \$135 million by ACN's immediate parent company, LKN Communications, Inc. Specifically, the Petitioner sought approval to pledge its assets as security and act as a guarantor in support of the Financing. Loans under that credit facility will be provided by a syndicate of financial institutions.

Each of the Parent's domestic subsidiaries, including the Petitioner, will guaranty Parent's obligations under the credit facility and grant a security interest to the Lenders in substantially all of the subsidiary's assets. The Company's Regulated Service assets are a small fraction of the total assets supporting the Credit Facility. The Company's annual revenues derived from the Regulated Service represent less than 1% of the Parent's annual consolidated revenues.

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

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

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

V. WATER

A. Docket No. WR15030391 – In the Matter of the Petition of Middlesex Water Company for Approval of an Increase in Its Rates for Water Service and Other Tariff Changes.

BACKGROUND: This petition was filed by Middlesex Water Company (the Company) with the Board on March 31, 2015, with rates proposed to become effective for service on and after May 4, 2015. On April 8, 2015, the Company submitted a letter advising that it will not implement rates on an interim basis prior to the effective date of the Board's Suspension Order resulting from the May 20, 2015 meeting. The Board meeting was subsequently changed to May 19, 2015.

This matter was transmitted to the Office of Administrative Law for hearing. In view of the fact that this proceeding will not be completed by May 4, 2015, an Order suspending the rates until September 4, 2015, is warranted.

After review, Staff recommended that the Board issue an Order suspending the rates until September 4, 2015.

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

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

B. Docket No. WE15010073 – In the Matter of the Petition of New Jersey American Water Company, Inc. for Approval of a Municipal Consent Granted by the Borough of Haddonfield, County of Camden.

BACKGROUND: President Mroz and Commissioner Chivukula recused themselves from this matter. January 13, 2015, New Jersey American Water Company, Inc. (NJAWC or Company) filed a Petition with the Board for approval of a Municipal Consent Ordinance adopted by the Mayor and Committee of the Borough of Haddonfield (Borough), to allow NJAWC to construct, lay, maintain and operate the necessary water and wastewater mains, pipes and appurtenances throughout the geographical area of the Borough and to provide water and wastewater services in the Borough.

By letter received on March 2, 2015, Stuart A. Platt filed a motion to intervene on behalf of the Borough. The Board granted the intervention on April 15, 2015. The Board received no comments from any party on the Township's motion.

On April 8, 2015, a duly noticed public hearing on the Company's Petition was held at the Board's Trenton office. Legal Specialist, James P. Kane, Esq., presided over the hearing at which representatives of the Company, Division of Rate Counsel (Rate Counsel) and Board Staff appeared. Two representatives from the Company testified during the public hearing. No members of the public appeared at the public hearing.

After review, Staff determined that approval of the Municipal Consent is necessary and is in the public interest for the provision of safe, adequate and proper water and wastewater utility service. Therefore, Staff recommended the Board approve the Municipal Consent, subject to certain provisions.

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. GS15030322K, et al. – In the Matter of the Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. This matter did not include settlements involving catastrophic situations, death or major property damage. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities.

The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns. Moreover, the strategy sought to establish appropriate disincentives for actions which violate the Underground Facility Protection Act.

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

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

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

B. Docket Nos. WS15030309K, et al. – In the Matter of the 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 Act by both excavators and operators of underground facilities. This matter did not include settlements involving catastrophic situations, death or major property damage. The categories of infraction include failure to provide proper notice, failure to use reasonable care and mismarking of facilities.

The cases have been settled in accordance with a penalty strategy which escalates the penalty ranges in relationship to the aggravating factors such as injury, property damage, fire, evacuation, road closure, and other public safety concerns. Moreover, the strategy seeks to establish appropriate disincentives for actions which violate the Underground Facility Protection Act.

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 EC13080722U and OAL PUC 13473-13 – In the Matter of Karen Robinson, Petitioner v. Public Service Electric and Gas Company, Respondent – OAL Request for Extension.

BACKGROUND: Commissioner Chivukula recused himself from this matter. The record in this matter was closed on August 11, 2014. By previous order of extension, the due date for issuing an initial decision was extended until May 4, 2015. Administrative Law Judge

Elia A. Pelios requested additional time to complete the initial decision due to voluminous caseload.

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 the time for filing the initial decision be extended until June 18, 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 Nos. BPU EC14090959U and OAL PUC 14570-14 – In the Matter of Reverend Donna M. Bevensee, 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 Reverend Donna M. Bevensee, (Reverend Bevensee) and Public Service Electric and Gas Company (PSE&G). The petition was transmitted to the Office of Administrative Law on October 28, 2014, as a contested case. Administrative Law Judge (ALJ) John F. Russo, Jr. filed an Initial Decision in this matter with the Board on April 8, 2015, approving a Stipulation of Settlement (Settlement) of the parties.

Pursuant to the terms of the Settlement, and in order to fully resolve this matter, PSE&G agreed to credit Reverend Bevensee's account ending in 827 02 in the amount of \$255.96. The parties further agreed that the commercial rate for the electric meter powering the garage on the property is correct and will be used for all future bills.

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

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

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

VIII. CLEAN ENERGY

This matter was deferred.

IX. MISCELLANEOUS

A. Approval of the Minutes of the May 19, 2015 Board Meeting.

BACKGROUND: Staff presented the minutes of Board meeting of May 19, 2015 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

Paul Flanagan, Executive Director, presented these matters.

A. Docket No. GA11050310 – In the Matter of an Audit of the Affiliated Transactions Between South Jersey Gas Company and Its Affiliates and a Comprehensive Management Audit of South Jersey Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-12.1, 14:3-12-4, 14:4-3 et seq.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the Audit of Affiliated Transactions between South Jersey Gas Company (SJG) and its Affiliates and a Comprehensive Management Audit of South Jersey Gas Company.

On November 22, 2013, the Board accepted the report of Overland Consulting (Overland) in these matters entitled Affiliated Transactions Audit Between SJG and its Affiliates and a Comprehensive Management Audit of South Jersey Gas Company. Ninety-one recommendations resulted from the report, which Overland conducted in two concurrent phases.

Phase I concentrated on SJG compliance with the competitive service statutes which included a review of affiliate transactions, planning, operations, and maintenance practices, procurement and purchasing, affiliate relationships, market conditions, review of previous audit recommendations, and affiliate cost allocation methodologies.

Phase II included a comprehensive management audit of SJG's major organizational areas which included an examination of executive management and corporate governance, organizational structure, human resources, strategic planning, finance, cash management, accounting and property records, customer service, external relations, distribution and operations management, clean energy, support services, contractor performance, and remediation costs.

Staff reviewed the final report and recommendations and the comments that were subsequently submitted by South Jersey Gas and the New Jersey Division of Rate Counsel and is satisfied that all of the 91 recommendations in the final report have already been addressed.

Of the 91 recommendations in Overland's Final Report, for improvement in the management and operations of South Jersey Gas, Staff agrees with the Company, that six of the recommendations do not need to be implemented by the Company at this time.

Staff recommended that the Board approve the implementation of the remaining 85 recommendations, subject to the specific modifications.

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. EP14080875L – In the Matter of Sterling Planet Inc.’s Request for a Clean Power Marketer License Renewal.

BACKGROUND AND DISCUSSION: This matter involved Sterling Planet, Inc.’s (Sterling), one of the two licensed Clean Power Marketers, whose license expired on April 28, 2014. On 7-28-14, Sterling filed its renewal application, which was 90 days late. Sterling requested that the Board waive the provisions found at N.J.A.C. 14:4-5.6(a) and -5.7(a), which require that Sterling file its renewal application at least 30 days before the expiration date of its existing license, and that the Board process its renewal application as if it had been timely filed.

Staff recommended that the Board approve the Sterling’s Planet’s request for a waiver under N.J.A.C. 14:1-1.2(b)(1) as in the public interest, just as it did in approving the limited waiver program for third party electric power suppliers and gas suppliers.

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

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

2. ENERGY

Frank Perrotti, FERC PJM Issues Manager, presented these matters.

A. Docket No. ER14040370 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2015 – Rockland Electric Company’s Procurement Process Results.

BACKGROUND AND DISCUSSION: By Order dated April 13, 2015, the Board approved a proposal by Rockland Electric Company’s (RECO) to conduct a procurement process where RECO would enter into a bi-lateral agreement or agreements to hedge the costs of energy purchases through the New York Independent System Operator (NYISO) (Energy Transaction) to satisfy the basic generation service energy needs for residential and small commercial customers in that portion of the Company’s service territory that lies outside of the area served through PJM, its Central and Western Divisions. In addition, in the April 13 Order the Board also approved RECO’s proposal to address the capacity needs of its Central and Western Divisions for the period of June 1, 2015 to May 31, 2016, by purchasing capacity from the NYISO monthly capacity market (Capacity Transaction).

On May 18, 2015, Rockland conducted its procurement process to acquire an Energy Transaction to satisfy part of the supply requirements for its non-PJM service areas within New Jersey for the period of June 1, 2015 through May 31, 2018. The results for the Energy Transaction procurement process were as follows: for the period June 1, 2015 to May 31, 2018 – Shell Trading Risk Management LLC will provide a Financial Energy Transaction at a price of \$47.40 MWh.

The independent analysis conducted by Boston Pacific indicates that the procurement process prices are consistent with market conditions. Boston Pacific recommended that the

Board certify the procurement process results. Staff assigned to oversee the procurement process also recommended that the Board certify the final results of the Energy Transaction.

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. Two-thirds of the State’s Basic Generation Service (BGS) requirements for residential and small commercial pricing (RSCP) customers are under contract for periods extending to May 31, 2018.

This matter involved the Board determining how the remaining one-third of the State’s BGS requirements for RSCP customers, as well as the State’s annual BGS requirements for Commercial and Industrial Energy Pricing (CIEP) customers should be procured beginning June 1, 2016.

Staff recommended that the Board initiate a transparent and public proceeding, consistent with that employed for the past fourteen years, to determine what type of process should be used for the procurement of BGS RSCP and BGS CIEP supply, and the capacity requirements of Rockland Electric Company’s non-PJM service area within New Jersey. To initiate this proceeding, Staff recommended that the Board approve the preliminary procedural schedule as part of your agenda package that would result in a Board decision on the process in November 2015, and would permit a BGS procurement process in February 2016, and a Rockland Electric Company procurement process for its non-PJM service area’s capacity needs.

Staff further recommended that the Board direct the electric distribution companies to make a BGS filing by July 1, 2015, describing how they intend to procure the remaining BGS RSCP and the BGS CIEP requirements. This shall include, Rockland filing a proposal as part of its July 1, 2015 BGS filing to procure the capacity requirements for the BGS customers in its non-PJM service area within New Jersey for the period beginning June 1, 2016. Staff also recommended that the Board invite all other interested stakeholders to file any alternative BGS procurement processes with the Board by July 1, 2015.

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

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

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

C. Docket Nos. BPU GR14091047 and OAL PUC 16111-14 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of Societal Benefits Charge Factors for Remediation Year 2014.

BACKGROUND AND DISCUSSION: On September 23, 2014, New Jersey Natural Gas Company (Company) filed a petition relating to the Company's Societal Benefits Charge factors for approval to decrease the Company's per therm Remediation Adjustment rate from 3.00 cents to 1.34 cents; decrease the New Jersey Clean Energy Program rate per therm from 4.22 cents to 2.57 cents; and approve the remediation expenditures incurred by the Company for the period July 1, 2013 through June 30, 2014.

Subsequent to discovery and substantive discussions of the issues, on March 25, 2015, the Company, Board Staff and New Jersey Division of Rate Counsel (the Parties) executed a Stipulation concurring with the above rates. Administrative Law Judge McGee issued an Initial Decision on April 2, 2015, approving the Stipulation.

Staff recommended that the Board approve the Initial Decision and 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

D. Docket Nos. BPU GR14060538 and OAL PUC 16109-14 – In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas to Review Its Periodic Basic Gas Supply Service Rate.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On May 30, 2014, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (Company) filed its annual petition with the Board requesting approval of a change in its Periodic Basic Gas Supply Service Rate (BGSS-P). The Company requested a rate decrease from 62.41 cents to 50.45 cents per therm for the period October 1, 2014 through September

On September 30, 2014, the Board approved the 50.45 cents per therm BGSS-P rate on a provisional basis.

On April 8, 2015, the Company, New Jersey Division of Rate Counsel and Staff (collectively, the Parties) executed a final Stipulation (Stipulation) recommending that the Company's BGSS-P provisional rate of 50.45 cents per therm be made final.

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

E. Docket Nos. BPU GR14070831 and OAL PUC 16110-14 – In the Matter of the Petition of South Jersey Gas Company to Change the Level of Its Societal Benefits Clause and Its Transportation Initiation Clause.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On July 31, 2014, the South Jersey Gas Company filed a petition with the Board for approval to decrease rates associated with its Transportation Initiation Clause (TIC) and two elements of its Societal Benefits Charge (SBC): its Remediation Adjustment Clause (RAC) and its Clean Energy Program (CLEP) as follows:

- Decrease its current RAC rate from \$0.011900 to 0.000491 per therm;
- Decrease its current Clean Energy Program rate (SBC-CLEP) from \$0.047400 to \$0.026441 per therm;
- Decrease its TIC rate from \$0.002400 per therm to \$0.001025 per therm.

The decrease on the monthly bill for the average residential heating customer utilizing 100 therms would approximate \$3.37 or (2.40%).

Staff recommended that the Board approve the proposed reduced rates.

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

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

F. Docket No. ER15030277 – In the Matter of the Petition of Atlantic City Electric Company to Reconcile and Update the Level of Its Non-Utility Generation Charge and Its Societal Benefits Charge (2015).

BACKGROUND AND DISCUSSION: On March 2, 2015, Atlantic City Electric Company (ACE or Company) filed a petition with the Board requesting approval for changes in its Non-Utility Generation Charge (NGC) and its Societal Benefits Charge (SBC). The net impact of adjusting the NGC and the SBC [(including Sales and Use Tax (SUT))] is an overall annual rate increase of approximately \$51.959 million.

By letter dated April 17, 2015, the Company updated the petition with actual information through March 31, 2014. Based on the updated filing, the net impact of adjusting the NGC and SBC rates (including SUT) is an overall annual rate increase of approximately \$33.857 million.

On May 7, 2015, ACE, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a Stipulation of Settlement (Stipulation) requesting that the Board approve changes in the NGC and SBC on a provisional basis, subject to refund with interest, to allow the Parties sufficient time to complete their review of the petition and the proposed rates and costs.

Staff recommended that the Board issue an Order accepting the Stipulation of the Parties. Staff further recommended that the Board order ACE to file tariffs consistent with the Order within five days of service of the order.

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

Roll Call Vote:

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

G. Docket No. ER14070650 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in Its Electric Solar Pilot Recovery Charge for Its Solar Loan I Program.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On July 1, 2014, Public Service Electric and Gas Company (PSE&G or the Company) filed a petition with the Board) seeking approval to decrease its electric Solar Pilot Recovery Charge (SPRC) by approximately \$8.5 million for the period October 1, 2014 through September 30, 2015. The rates proposed for the SPRC were designed to recover approximately \$10.4 million in revenue on an annual basis.

Subsequently, PSE&G updated its revenue requirement to include actuals through December 31, 2014. As a result of the update, PSE&G's new revenue requirement would result in a decrease of approximately \$9.7 million.

The Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, Parties), agreed that the SPRC rate should be decreased to \$0.000153 per kWh including Sales and Use Tax (SUT) at this time. Accordingly, on May 6, 2015 the Parties entered in a Stipulation of Settlement (Stipulation).

Staff recommended that the Board issue an order accepting the Stipulation of the Parties. Staff further recommended that the Board order PSE&G to file revised tariff sheets conforming to the terms of the Stipulation within five days of service of the Board Order.

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

Roll Call Vote:

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

H. Docket Nos. ER14070651 and GR14070652 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in Its Electric Green Programs Recovery Charge and Its Gas Green Programs Recovery Charge (2014 PSE&G Green Programs Cost Recovery Filing).

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On July 1, 2014, Public Service Electric and Gas Company (PSE&G or the Company) filed a petition with the New Jersey Board seeking approval to modify the electric and gas components of the Green Programs Recovery Charge (GPRC). The rates proposed were designed to recover approximately \$110.8 million (electric) and \$18.2 million (gas) in revenues on an annual basis. As filed, the resultant net annual revenue impact on the Company's electric and gas customers is an increase of \$0.3 million and a decrease of

\$0.3 million.

Subsequently, PSE&G updated its revenue requirement to include actuals through September 30, 2014. As a result of the update, the electric GPRC revenue increase would be \$0.290 million and the gas GPRC revenue decrease would be \$0.335 million for the period October 1, 2014 through September 30, 2015.

The Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) reached an agreement and executed a Stipulation of Settlement (Stipulation) resolving all issues.

Staff recommended that the Board issue an order accepting the Stipulation of the Parties. Staff further recommended that the Board order PSE&G to file revised tariff sheets conforming to the terms of the stipulation by within five days of service of the Board Order.

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

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

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

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. On May 1, 2015, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (ETG or Company) filed a petition with the Board seeking approval to continue, with modifications, the current energy-efficiency programs over a four-year period commencing September 1, 2015.

The total proposed gross investment for these programs is \$1.8 million, annually. ETG proposes to recover the costs through the proposed energy efficiency programs Rider Surcharge rate that will be reconciled as needed in its next proceeding to true-up that rate.

Although Staff had not deemed the petition to be administratively complete, but recommended that the Board retain this matter for hearing at the Board, and designated Commissioner Mary-Anna Holden as the presiding officer for proceedings on this matter with the authority to grant a single extension of the review period if agreed to by the parties. This would avoid delays in processing the matter, including the approval of a schedule. Staff further recommended that the Board direct any entities seeking to intervene in this matter to file the appropriate application with the Board by June 3, 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

T. David Wand, Deputy Attorney General, Department of Law and Public Safety, Division of Law, presented these matters.

J. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-1470 – PJM Interconnection, Inc. – Base Residual Auction, Tariff Waiver Request – Motion to Intervene – Ratification.

BACKGROUND AND DISCUSSION: On December 12, 2014, PJM filed a petition with the Federal Energy Regulatory Commission (FERC) proposing revisions to the PJM Operating Agreement and Open Access Transmission Tariff, which would make substantial changes to the rules governing participation in its electricity markets, particularly its Reliability Pricing Model (RPM). These revisions change pricing in RPM's Base Residual Auction and impose a penalty/reward for failure to achieve or exceed performance expectations from resources which obtain capacity revenues in that market. Staff recommended the Board seek ratification of the intervention motion filed at FERC.

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

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

K. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-1470 – PJM Interconnection, Inc. – Base Residual Auction, Tariff Waiver Request – Comments – Ratification.

BACKGROUND AND DISCUSSION: On April 14, 2015, the Board sought intervention and joined other public interest parties, the PJM Industrial Customer Coalition, the New Jersey Division of Rate Counsel, the Public Power Association of New Jersey, Maryland Office of People's Counsel, the Pennsylvania Office of Consumer Advocate, the Delaware Public Service Commission, the Delaware Division of the Public Advocate, and the Office of the Ohio Consumers' Counsel (collectively, Joint Consumer Representatives), filing joint comments opposing PJM's request for expedited grant of tariff waiver allowing it to delay its next Base Residual Auction (BRA), which is scheduled to occur in May 2015.

PJM's request to delay the BRA for up to three months to implement Reliability Pricing Model changes that PJM hopes will be approved as part of its Capacity Performance proposal fails to account for the significant time and stakeholder input associated with implementing market rule changes. The waiver request also fails to satisfy Federal Energy Regulatory Commission standard for granting a waiver of tariff provisions. Staff recommended the Board seek ratification of the comments.

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

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

L. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-1470 – PJM Interconnection, Inc. – Base Residual Auction, Tariff Waiver Request – Protest – Ratification.

BACKGROUND AND DISCUSSION: On April 14, 2015, the Board intervened and joined the Joint Consumer Representatives in their protest of PJM's tariff waiver and its proposed revisions. Staff believed that the changes will likely increase Reliability Pricing Model market revenues by more than 100% and thus the cost of electricity to end-use consumers. On April 16, PJM submitted a limited answer to the protests. The Board protested PJM's responses as deficient. On April 24, Federal Energy Regulatory Commission issued an Order granting PJM's request for tariff waiver and the postponement of the 2015 Base Residual Auction. Staff recommended the Board seek ratification of the protest.

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

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

M. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. ER15-623 – PJM Interconnection, Inc. – Capacity Performance Proposal – Protest to PJM's Response to the Commission's Deficiency Notice – Ratification.

BACKGROUND AND DISCUSSION: On December 12, 2014, PJM filed reforms to the reliability pricing market, and related rules in PJM's Open Access Transmission Tariff, and reliability assurance agreement among the Load Servicing Entities. On March 31, Federal Energy Regulatory Commission (FERC) issued PJM a Deficiency Notice and PJM filed its response on April 10.

This matter involved the Board and the Joint Consumer Representatives filing a joint protest on April 24, 2015 of PJM's response to FERC's Deficiency Notice. The Board maintained its position that these changes represent a fundamental redesign of the existing Reliability Pricing Mode capacity market and urged FERC to reject PJM's Capacity Performance proposal. Staff recommended the Board ratify the 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

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

BACKGROUND AND DISCUSSION: This matter which involved the transmission cost allocation settlement proceedings currently pending at FERC 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.

O. Docket No. ER15010003 – In the Matter of the Federal Energy Items for 2015 – FERC Docket No. EL13-48 and EL15-27 – Amended Memorandum of Understanding Concerning Cost Sharing of Expert Witness Fees.

BACKGROUND AND DISCUSSION: This matter involved amendment of November 21, 2013 Memorandum of Understanding (2013 MOU) between the New Jersey Division of Rate Counsel and the Board to cover additional costs incurred in litigating a complaint before Federal Energy Regulatory Commission. In December 2014, these matters were related to and consolidated with the Pepco 206 Proceeding. The amended MOU was created to account for the sharing of additional expert expenses and fees up to and including \$10,000 and is consistent with the terms outlined in the 2013 MOU regarding the Board's cost sharing responsibilities in the Pepco 206 Proceeding. Staff recommended the Board ratify the memorandum of understanding.

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

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

P. Docket No. EO15040404 - In the Matter of the Petition of the Consolidation and Relocation of Atlantic City Electric Company's System Operations and Dispatch Control Room with and into that of DelMarva Power & Light Company or, in the Alternative, for a Declaratory Order Disclaiming Jurisdiction over the Initiative (2015).

BACKGROUND AND DISCUSSION: On April 2, 2015, Atlantic City Electric Company (ACE) filed a petition to consolidate and co-locate its systems Operations and Dispatch Control Room (Control Room) with that of Delmarva Power & Light Company into a single facility to be moved from Mays Landing New Jersey to Newark, Delaware. ACE requested that the Board decline to assert jurisdiction over this matter.

Staff recommended that the Board retain this matter, and that a Commissioner be designated as presiding officer to preside over the public hearing and any necessary hearings, rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious

determination of the issues. President Mroz asked Commissioner Upendra Chivukula to act as the presiding officer.

Staff also recommended that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by June 10, 2015, and that all parties be directed to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, and also providing two hard copies to each party, unless otherwise requested by the parties, and that this order be put on the Board's website.

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

Q. Docket No. GO15040403 – In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Southern Reliability Link Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:9-25.4.

BACKGROUND AND DISCUSSION: On April 2, 2015, New Jersey Natural Gas (NJNG or Company) filed a petition with the Board requesting approval for the installation or operation of natural gas pipelines that are to be operated at pressure in excess of 250 psig if located within 100 feet of any building intended for human occupancy.

According to the petition, NJNG's customers at the southern end of its pipeline system, particularly those in Ocean, Burlington, and Monmouth Counties are likely to be adversely affected by a supply interruption or system failure. The Company represented that the proposed Southern Reliability Link project (Project) will connect the natural gas system in these counties to a new Transco supply point in Chesterfield, New Jersey, adjacent to the New Jersey Turnpike.

The Company further represented that, by creating a new redundant major feed, the Project will support safe, reliable, and resilient delivery of natural gas to its customers in Ocean, Burlington and Monmouth counties. NJNG sought permission to construct and operate the Project and is requesting approval on an expedited basis to permit it to start construction as soon as possible.

Staff recommended that the matter be retained by the Board and that the Board designated Commissioner Dianne Solomon as the presiding officer. Staff also recommended that June 30, 2015 be set as the deadline for the filing of motions to intervene or participate. Staff further recommended that the Board order the parties to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, with hard copies to each party upon request.

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

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

3. CABLE TELEVISION

This matter was deferred.

4. TELECOMMUNICATIONS

A. Docket No. TX11090570 – In the Matter of the Board’s Investigation Regarding the Reclassification of Incumbent Local Exchange Carrier Services as Competitive – Phase II Proceeding.

Harold Bond, Administrative Analyst I, Division of Telecommunications, presented this matter.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved the adoption of a signed stipulation between Board staff and Verizon. The Stipulation reclassifies Residential Basic Exchange Service, Single Line Business Service, Non-recurring charges for residential installation and Residential Directory Assistance as competitive services.

Although competitive, the Stipulation provides for rate caps at the following levels for a period of five years guaranteeing predictability for consumers. Residential basic exchange service and single line business will be capped at annual rate increases not to exceed \$1 in years one through four or \$2 in year five. Non-recurring charges for residential service connection and installation will remain at the existing rate for a period of three years and annual increases thereafter will not exceed \$5 in years four and five. In addition one free DA call per month will be maintained for a period of one year.

In order to address the commenter’s concerns regarding affordability, societal, social and Service Quality issues certain additional requirements will apply. Rate increases will not apply to Lifeline Service which will remain at \$1.95.

Verizon agreed to continue to provide the following social programs and services for the hard of hearing and visually impaired until otherwise directed by the Board:

1. Free Directory Assistance calls for consumers with proven visual or physical impairment;
2. A 25% discount on local message units and message charges for hearing-impaired persons; and
3. Repair priority given to consumers with serious illness or physical disability.

Verizon also agreed to adhere to all prior Board decisions related to Service Quality for

residential basic local exchange and single line business service for three years at which time the Board will determine whether these standards should apply for the remaining two years of the Stipulations.

Staff recommended the Board adopt the Stipulation which resolves all issues.

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

5. WATER

Michael Kammer, Bureau Chief, Division of Water, presented these matters.

A. Docket Nos. BPU WR14101263 and OAL PUC 14773-14 – In the Matter of the Petition of Atlantic City Sewerage Company for Authorization to Increase Its Tariff Rates and Charges for Sewerage Service.

BACKGROUND AND DISCUSSION: Atlantic City Sewerage Company (ACE) filed a petition with the Board for a rate increase on October 31, 2014. The Company sought in annual revenues of approximately \$2,756,051 or 13.99% above current revenues. The proposed rate increase was proposed to become effective on December 2, 2014. The Company operates a sewerage collection and transmission system that serves approximately 7,500 customers in Atlantic City.

The Board transmitted this matter to the Office of Administrative Law on November 14, 2015 and was assigned to Administrative Law Judge (ALJ) W. Todd Miller.

On December 17, 2104, the Board issued an Order suspending the proposed rate increase until April 2, 2015. On March 18, 2015, the Board issued on Order further suspending the proposed rate increase until August 2, 2015.

After proper notice, a public hearing was held on March 9, 2015 at 5:30 PM at ACE before ALJ Miller. No members of the public appeared at the hearing.

The Parties to this proceeding are ACE, the New Jersey Division of Rate Counsel Board Staff. Subsequent to the public hearing and prior to the scheduled evidentiary hearings, the parties engaged in settlement negotiations.

As a result of settlement negotiations, the Parties reached a settlement on all issues and entered into a Stipulation that among other things, provided for an overall increase of \$1,600,155 representing a \$8.1% above current operating revenues.

On April 30, 2015, ALJ Miller issued an Initial Decision recommending that the Board adopt Stipulation.

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

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

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

B. Docket No. WR15010118 – In the Matter of the Petition of Atlantic City Sewerage Company to Change the Level of Its Purchased Sewerage Treatment Adjustment Clause.

BACKGROUND AND DISCUSSION: Atlantic City Sewerage Company (Petitioner or Company) operates a sewerage collection and transmission system that serves approximately 7,500 customers in Atlantic City. Like most wastewater companies, the Petitioner does not treat its own wastewater. The Company's wastewater is treated by the Atlantic County Utilities Authority.

The Company filed a petition with the Board to change the level of its Purchased Sewerage Treatment Adjustment Clause (PSTAC) on January 30, 2015. The petition was retained by the Board.

After proper notice, a public hearing was held March 9, 2015 at 5:30 p.m. in Atlantic City. No member of the public attended the hearing.

Subsequent to the public hearing, the parties to this proceeding, the Petitioner, the New Jersey Division of Rate Counsel, and Board Staff engaged in settlement discussions. As a result of those discussions, the parties entered into the following Stipulation:

- The amount to be recovered through Petitioner's 2015 PSTAC is \$9,460,555; and
- When this amount is divided by the Petitioner's projected 2015 flows, the resulting PSTAC rate is \$25.251. This represents an annual increase of \$17.70 or 3.51% on the average residential customers' annual sewerage bill.

Staff recommended that the Board adopt the Stipulation with rates to become effective on June 1, 2015.

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

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

6. RELIABILITY & SECURITY

This matter was deferred.

7. CUSTOMER ASSISTANCE

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

A. Docket Nos. BPU WC14060612U and OAL PUC 13174-14 – In the Matter of Shams Mirkhani, Petitioner v. United Water New Jersey, Inc., Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Shams Mirkhani (Petitioner) and United Water New Jersey (UWNJ). The petition was filed on June 23, 2014, and thereafter transmitted to the Office of Administrative Law. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on March 13, 2015, dismissing the petition.

The Petitioner alleged that UWNJ incorrectly billed his account in the amount of \$1,300.00. UWNJ denied the allegations and stated that the water meter in question was tested and found to be working properly.

ALJ Moss concluded that the Petitioner did not prove by a preponderance of the evidence that he was improperly billed. ALJ Moss stated that since the meter in question was not running fast, the Petitioner was not entitled to an adjustment and therefore dismissed the petition.

Staff recommended that the Board adopt the initial decision of ALJ Moss.

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 EC12030239U and OAL PUC 03572-15 – In the Matter of Peter Triestman, Petitioner v. Public Service Electric and Gas Company, Respondent – Billing Dispute.

BACKGROUND AND DISCUSSION: Commissioner Chivukula recused himself from this matter. This matter involved a billing dispute between Peter Triestman (Petitioner) and Public Service Electric and Gas Company (PSE&G or Company). The petition was transmitted to the Office of Administrative Law (OAL) on April 23, 2012. A hearing was held on July 27, 2012, before Administrative Law Judge (ALJ) Kimberly A. Moss. ALJ Moss filed an Initial Decision with the Board on August 28, 2012, dismissing Mr. Triestman’s petition.

After reviewing the record, the Board adopted the Initial Decision, in part, and remanded, in part by Order dated December 19, 2012. The Petitioner’s alleged diversion of electric and gas service, and his right to a revised gas bill was remanded for further findings of fact. The remanded matter was transmitted to the OAL and filed on March 5, 2013, and a telephone conference was held on March 26, 2013. ALJ Moss conducted hearings on June 24, 2013 and September 10, 2013 on the remanded issues.

ALJ Moss filed an Initial Decision concerning the remanded matter with the Board on October 7, 2013, dismissing the petition of the Petitioner. By Order dated December 18,

2013 the Board adopted the Initial Decision rendered on October 7, 2013 and dismissed the petition. On or about January 29, 2014, the Petitioner filed a Notice of Appeal with the Superior Court, Appellate Division. Following briefing and oral argument, the court, by Order dated March 13, 2015, remanded the case to the Board and instructed the Board to transmit the matter to the OAL so that Triestman may have a full and fair opportunity to offer evidence on the nature of his tenancy.

The Board retransmitted this matter to the OAL on March 16, 2015. ALJ Moss filed an Initial Decision on April 27, 2015, dismissing the petition of the Petitioner. On May 11, 2015 the Petitioner filed exceptions. The Company replied to the exceptions on May 13, 2015. Staff recommended that the Board adopt the Initial Decision in this matter without modification.

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

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

8. CLEAN ENERGY

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

A. Docket No. EO09120975 – In the Matter of Revisions to New Jersey’s Clean Energy Program March 2014 Protocols to Measure Resource Savings.

BACKGROUND AND DISCUSSION: By Order dated May 21, 2014, the Board approved “Protocols to Measure Resource Savings” (Protocols) dated March 17, 2014. These Protocols are used by the program managers to estimate energy savings and renewable energy generation that result from the implementation of eligible measures under New Jersey’s Clean Energy Program (NJCEP). The Protocols require updating from time to time as baselines against which energy savings are measured change due to upgrades in energy codes or appliance efficiency standards, as programs or measures are added or changed, as a result of program evaluations, or due to other changes in the assumptions used to measure resource savings.

The Office of Clean Energy (OCE) asked Honeywell, the NJCEP Residential and Renewable Market Manager and TRC, the Commercial and Industrial Market Manager, to propose revisions that reflect Fiscal Year 2015 (FY15) program changes in codes, standards, new technologies, building practices and marketplace changes. OCE Staff circulated the red-lined draft of proposed Protocols to Energy Efficiency and Renewable Energy committee distribution lists, including the New Jersey Division of Rate Counsel, the State’s electric and natural gas utilities, the New Jersey Utilities Association, environmental groups and local governments.

Staff recommended Board approval of the Protocols to Measure Resource Savings dated April 27, 2015 for use in estimating savings from FY15 program measures.

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. EG12070655V – In the Matter of the Edison Innovation Green Growth Fund – Locus Energy’s Request for Limited Waiver of Default on the Direct Loan Agreement.

BACKGROUND AND DISCUSSION: On August 15, 2012, the Board approved a loan to Locus Energy, LLC (Locus Energy) for working capital in the amount of \$1,454,000 with repayment beginning in January of 2014 under the Edison Innovation Green Growth Fund (EIGGF), as recommended by the EIGGF administrator, the New Jersey Economic Development Authority (EDA). Several loan financing documents were executed, including a direct loan agreement. In December 2014, the Board approved a second EIGGF loan to Locus Energy for additional working capital in the amount of \$546,000 at the recommendation of EDA.

The Board’s EIGGF offers loans up to \$2 million with a performance grant component to support technology companies with Class I renewable energy or energy efficiency products or systems that have achieved "proof of concept" and successful independent beta results, have begun generating commercial revenues, and will receive dollar-for-dollar match funding by time of loan closing. EIGGF growth capital is intended to advance newly discovered energy efficient, renewable energy or supply chain products that will assist Class I renewable energy or energy efficient technologies in becoming competitive with traditional sources of electric generation.

Following the Board approval of the \$546,000 loan, Locus Energy LLC in the State of New York ceased to exist upon its merger with Locus Energy, Inc. By the merger, Locus Energy, Inc., formed in the State of Delaware, became the successor corporate entity to all debts, liabilities, and obligations of Locus Energy LLC.

On April 15, 2015, EDA notified the Board that Locus Energy had reorganized as a C Corporation when, by the direct loan agreement, Locus Energy was required to have continued as a limited liability company and not modify its corporate structure or legal name without the prior consent of the Board. EDA requested the Board approve a waiver of unintended technical default by Locus Energy. EDA Staff submitted that the company reorganized to attract capital from more investors and for tax advantage purposes. EDA Staff stated that the corporate structural change does not impact the Board’s secured interests nor does it pose a risk to repayment of the loan.

Staff recommended that the Board approve a limited waiver with all other terms and conditions continuing and authorize EDA to amend all necessary legal documents, including any loan financing documents, to reflect the proper legal name and corporate structure of the successor entity to Locus Energy, Inc.

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

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

C. Docket No. QW14060548 – In the Matter of the Petition for a Formal Hearing for Waiver of N.J.A.C. 14:8-2.9(c) – John J. Turi.

BACKGROUND AND DISCUSSION: In this matter, the Board considered a waiver of its rules pertaining to the Renewable Portfolio Standards (RPS) rules and a request by the customer-generator to be credited with solar renewable energy certificates (SRECs) for energy output measured by an inverter for a period of time, rather than actual metered solar generation from a revenue grade meter.

SRECs have a monetary value in the public market; over the course of their useful lives, they are bought, sold, and ultimately retired by Basic Generation Services (BGS) Providers or Third Party Suppliers to satisfy New Jersey RPS obligations. The RPS rules were designed to promote and secure maximum accuracy in measuring energy output as a basis for SREC creation, by using revenue grade meter methodology that can be verified. Because no revenue grade meter reading for the period January 2013 to May 2014 for was made available, actual metered data cannot be verified. Therefore, the proposed methodology uses insufficient and potentially inaccurate data contravening the purpose of the rules. Any deviation from the rule would negatively affect the RPS, as energy generated for sale would be unverified.

Permitting use of a less accurate methodology does not serve the public interest, as ratepayers bear the costs of SRECs based on that generation. The Petitioner had the responsibility to comply with the RPS rules, and Staff found that the Petitioner did not meet the requisite criteria to waive the rules.

Staff recommended to the Board that there is not sufficient cause to waive actual metered solar generation from a revenue grade meter as required by N.J.A.C. 14:8-2.9(c); therefore, no SRECs may issue or be credited to the Petitioner from January 2013 to June 2014. Additionally, the Petitioner sought to be credited with SRECs by the Board. However, the price of an SREC is set by the solar market not the Board.

As the relief requested is not available, Staff recommended that the Board determine that no SRECs may issue for the period beginning January 2013 and ending June 2014 and accordingly, all requests by the Petitioner be denied and the petition dismissed. Staff recommended that the Board deny the request as it is inconsistent with the RPS rules requiring specific amounts of purchased renewable energy annually.

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. QO14050489 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2015 – Release of the Request for Proposal for Baseline Study – See Executive Session.

BACKGROUND AND DISCUSSION: This matter was initially discussed in executive session pursuant to attorney-client privilege exception to the Open Public Meetings Act. This matter involved a Request for Proposal (RFP) to engage a contractor to design, execute, and analyze a comprehensive statewide Baseline Study for existing Residential and Commercial & Industrial (C&I) buildings. The Baseline Study will provide the Board with a better understanding of market sector-specific variables including residential and C&I building stock and characteristics, energy use, (including the saturations of energy appliances and equipment, i.e. electric, gas, and other fuels), penetration of energy efficient appliances and equipment, and energy consumption and management practices. This information will be used by the Board to calculate more accurate baselines for incentive programs, inform energy savings calculations, improve evaluation guidelines, and provide energy efficiency market potential estimates.

Staff recommended Board approval to transmit the RFP to Treasury Department for release, subject to Treasury's final approval, and authority to implement any additional revisions to the RFP requested by Treasury.

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

Docket No. EO12209862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87(T) – A Proceeding to Establish a Program to Provide Solar Renewable Energy Certificates to Certified Brownfield, Historic Fill and Landfill Facilities; and

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

BACKGROUND AND DISCUSSION: On February 25, 2015, Florence Land Recontouring filed a motion for reconsideration of a portion of the Board's January 21, 2015 Order in the above referenced matter. Due to the need for additional time for the review of the motion, a decision could not be issued within the required 60 day time period.

Staff recommended that the Board authorize a Secretary's Letter advising the Petitioner that the Board will continue its review of the above-referenced request for reconsideration and that accordingly, the Petition for reconsideration shall not be deemed denied under N.J.A.C. 14:1-8.7(c), and shall remain open pending the Board's issuance of a final decision upon the completion of its review.

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

Docket No. EO12090880V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87 (Q)(R) and (S) – Proceedings to Establish the Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System – Request for Approval of Grid-Supply Solar Electric Power Generation Pursuant to Subsection (S) – Supplemental Filing; and

Docket No. EO12121109V – In the Matter of EffiSolar Development, LLC; W2-088 (Freehold).

This matter was deferred.

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

Docket No. EO12090880V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87 (Q)(R) and (S) – Proceedings to Establish the Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System – Request for Approval of Grid-Supply Solar Electric Power Generation Pursuant to Subsection (S) – Supplemental Filing; and

Docket No. EO12121113V – In the Matter of EffiSolar Development, LLC; W2-083 (Kingwood/Frenchtown).

This matter was deferred.

H. Docket No. QO14050489 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2015 – Third Revised Fiscal Year 2015 Budget.

BACKGROUND AND DISCUSSION: This matter involved the Office of Clean Energy Staff coordinating with the Market Managers and Program Coordinator regarding proposed changes to the New Jersey Clean Energy Program (NJCEP) Fiscal Year 2015 (FY15) Programs and Budget. Staff discussed the proposed changes at the April 2015 public meeting of the Energy Efficiency (EE) Committee to receive comments and input. The

proposed changes were circulated to the EE and Renewable Energy committee listservs and posted on the NJCEP web site. Written comments were accepted from the public, considered by Board Staff and addressed with a response.

Staff reviewed, and with input from the public stakeholder process, determined that TRC's proposal is projected to benefit customers by allowing certain beneficial programs to remain open to new applicants through the remainder of FY15 without negatively impacting the programs from which funds are being transferred. Staff further determined the proposed changes to be consistent with the Energy Master Plan goal of reducing energy usage and associated emissions, supporting the Board's objective of optimizing societal benefits charges collected from ratepayers. Therefore, Staff recommended the Board approve the proposed revised budgets for the Residential and Commercial & Industrial EE 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
	Commissioner Chivukula	Aye

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

Docket QO15050549 – AT&T Services, Inc. (FY15 Middletown Project)

This matter was deferred.

9. MISCELLANEOUS

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

Maureen Clerc, USF Team, presented this matter.

BACKGROUND AND DISCUSSION: In 2010, Public Law 2009, chapter 207 was enacted, allocating \$25 million from the Societal Benefits Charge towards the funding of energy assistance grants. This law directs the Board to designate a nonprofit organization that would provide grants to help pay the gas and electric public utility bills of households seeking temporary assistance.

Following a competitive bidding process, in February 2011, the Board designated the Affordable Housing Alliance (AHA) as the Grantee to administer the distribution of these grants. The program became known as the Temporary Relief for Utility Expenses, or TRUE program. When the grant agreement between the Board and the AHA expired in March 2015, approximately \$6M was still available for use. Therefore Staff recommended that the Board issue a Notice of Availability of Grant to inform the public of its plans to award the remaining TRUE funds to a nonprofit organization for disbursement to households in need.

Upon the Board approval of the release of the Notice, a transmittal will be sent to the Office of Administrative Law for publication in the New Jersey Register for June 15, 2015. On that date, Staff will also posted the Notice on the Board website and email it to the Universal Service Fund Working Group and any potentially interested parties.

Once the solicitation period closes on July 15, 2015 an evaluation committee will review the proposals and Staff hopes to return to the Board with a recommendation for a Grantee in August so that the money can be distributed during the heating season.

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

EXECUTIVE SESSION

After appropriate motion, the following matters, involving the attorney-client privilege exception to the Open Public Meetings Act, were discussed in Executive Session.

2. ENERGY

N. 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 the law.

8. CLEAN ENERGY

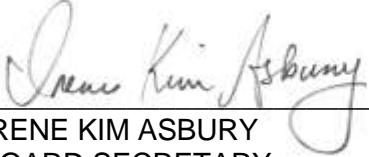
D. Docket No. QO14050489 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2015 – Release of the Request for Proposal for Baseline Study.

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

After appropriate motion, the Board reconvened to Open Session.

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

DATE: June 17, 2015



IRENE KIM ASBURY
BOARD SECRETARY