

(a)

**DIVISION OF CONSUMER AFFAIRS**  
**Notice of Receipt and Final Action on Petition for**  
**Rulemaking**  
**Preapproved Sources of Continuing Education**  
**Hours for Certified Social Workers, Licensed**  
**Clinical Social Workers, and Licensed Social**  
**Workers**

**N.J.A.C. 13:44G-6.4**

Petitioner: Debra L. Wentz, Ph.D., CEO, New Jersey Association of Mental Health and Addiction Agencies, Inc.  
 Authority: N.J.S.A. 52:14B-4.

**Take notice** that on May 29, 2014, Debra L. Wentz, Ph.D., Chief Executive Officer of the New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA), requested that the Director of the Division of Consumer Affairs (Director) amend N.J.A.C. 13:44G-6.4(c) so that continuing education programs, courses, trainings, and conferences provided by NJAMHAA would be preapproved sources of continuing education hours for certified social workers, licensed clinical social workers, and licensed social workers. The petitioner states that this request has been presented to the State Board of Social Work Examiners (Board) and that the Board has determined that NJAMHAA should not be recognized as an entity whose continuing education programs, courses, trainings, and conferences are preapproved as NJAMHAA does not focus solely on providing social work continuing education.

N.J.S.A. 45:15BB-11 states that the Board has the power to adopt rules and regulations governing the practice of certified social workers, licensed clinical social workers, and licensed social workers. Such regulations include N.J.A.C. 13:44G-6.4. As the power to adopt and amend these regulations is vested in the Board and not the Director and, as the petitioner pointed out, the Board has already considered this issue and decided that NJAMHAA continuing education programs, courses, trainings, and conferences should not be preapproved, the Director does not have the authority to amend N.J.A.C. 13:44G-6.4 as requested and denies the petitioner's request.

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-3.6.

(b)

**DIVISION OF CONSUMER AFFAIRS**  
**STATE BOARD OF SOCIAL WORK EXAMINERS**  
**Notice of Receipt of Petition for Rulemaking**  
**Preapproved Sources of Continuing Education**  
**Hours for Certified Social Workers, Licensed**  
**Clinical Social Workers, and Licensed Social**  
**Workers**

**N.J.A.C. 13:44G-6.4**

Petitioner: Debra L. Wentz, Ph.D., CEO, New Jersey Association of Mental Health and Addiction Agencies, Inc.  
 Authority: N.J.S.A. 52:14B-4.

**Take notice** that on June 10, 2014, Debra L. Wentz, Ph.D., Chief Executive Officer of the New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA), requested that the State Board of Social Work Examiners (Board) amend N.J.A.C. 13:44G-6.4(c) so that continuing education programs, courses, trainings, and conferences provided by NJAMHAA would be preapproved sources of continuing education hours for certified social workers, licensed clinical social workers, and licensed social workers. The petitioner states that this request has been presented to the Board in the past and that the Board has determined that NJAMHAA should not be recognized as an entity whose continuing education programs, courses, trainings, and conferences are

preapproved as NJAMHAA does not focus solely on providing social work continuing education.

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-3.6.

**PUBLIC UTILITIES**

(c)

**BOARD OF PUBLIC UTILITIES**  
**Notice of Receipt of Petition for Rulemaking**  
**Energy Competition Standards**  
**Proposed New Rules and Amendments: Third Party**  
**Suppliers of Retail Electric and Gas Service**

Petitioner: Division of Rate Counsel

**Take notice** that on May 27, 2014, the Board of Public Utilities (Board) received a petition for rulemaking from the Division of Rate Counsel ("Rate Counsel") requesting that the Board modify existing rules and adopt new rules requiring Third Party Suppliers (TPSs) of retail electric and gas supply services to modify or expand contract terms and make clear and unequivocal disclosures of contract terms in TPS contracts and marketing materials. Rate Counsel also requests that the Board collect data regarding retail shoppers by residential and small business customers.

Rate Counsel states that the current rules at N.J.A.C. 14:4 are inadequate to address the concerns of TPS customers and require reexamination and modification.

In accordance with the provisions of N.J.A.C. 1:30-4.2, the Board will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.

(d)

**BOARD OF PUBLIC UTILITIES**  
**Notice of Action on Petition for Rulemaking**  
**Clean Energy**  
**Proposed New Rule: Energy Efficiency Portfolio**  
**Standard**

Petitioner: Sierra Club

**Take notice** that on January 24, 2014, the Board of Public Utilities (Board) received a petition for rulemaking from the Sierra Club seeking new rules establishing an energy efficiency portfolio standard (EEPS), requiring each electric distribution company (EDC) and gas distribution company (GDC) to develop energy efficiency programs to meet the EEPS, and establishing a consistent Statewide cost recovery mechanism.

In accordance with N.J.A.C. 1:30-4.1(a), the Board mailed to the petitioner and filed with the Office of Administrative Law, a notice of receipt of the petitioner's request. Notice of the Board's receipt of the petition was published in the March 3, 2014, issue of the New Jersey Register at 46 N.J.R. 461(a).

**Take further notice** that the Board considered the petition for rulemaking during the open public session of its March 19, 2014, meeting, at which time the Board determined that further review and analysis of the issues raised by the petitioner were warranted to determine whether the requested creation of an EEPS was necessary and reasonable. Accordingly, the Board approved an extension of up to 90 days to finalize a notice of action on the petition for rulemaking. A notice acknowledging receipt of the petition and the Board's determination to refer the action for further review and analysis of the issues raised by the Sierra Club was published in the New Jersey Register on April 21, 2014, at 46 N.J.R. 717(a).

**Take further notice** that, at its open public session on May 21, 2014, the Board denied the petition for rulemaking for the reasons set forth

below. The petitioner states New Jersey's energy savings fall far below what the State could and should be achieving. The petitioner claims that New Jersey has not only lost its former leading position in energy efficiency but has fallen behind "the majority of other states" including other states in this region of the country. Pointing to the annual diversion of Clean Energy Trust Fund monies to the General Fund as the primary reason for the perceived poor performance, the petitioner asserts that these diversions not only leave the energy efficiency programs underfunded but cause regulatory uncertainty. In addition, the petitioner points to what it characterizes as poor coordination between the New Jersey Clean Energy Program (NJCEP) and utility energy efficiency programs. The petitioner acknowledges that the Board directed Board staff (Staff), in the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis Order for Fiscal Year 2014 ("CRA Order"), to create the Utility Work Group to review the performance of the State's and the utility-run energy efficiency programs. According to the petitioner, the Board could solve the problems caused by lack of funds by using existing statutory authority, N.J.S.A. 48:3-87(g) and (h) and N.J.S.A. 48:3-98.1, to adopt an EEPS for electricity and gas; and to establish what the petitioner believes would be an appropriate funding mechanism, namely through utility run energy efficiency programs with the recovery of the utilities' costs through rates.

In early 2013, the Sierra Club made substantially the same arguments in its comments on the initial Straw Proposal issued by Staff (Straw Proposal), the first revised Straw Proposal (Revised Straw) and second revised Straw Proposal (Second Revised Straw) that Board staff issued for public comment during the CRA proceeding. The petitioner stated that proposed funding levels and energy savings, as well as the proposed efficiency measures for 2014, were inadequate and insufficient. It urged the Board to set higher targets and achieve higher savings levels and thereby lower energy costs for residents. Then as now, the Sierra Club urged the Board to adopt an EEPS as the cure for these perceived ills. (CRA Order at 9-10, 28.)

Staff responded to these comments in the CRA Order. (CRA Order at 9-10.) Staff noted many of the petitioner's concerns in its recommendations to the Board in the CRA Order, acknowledging program administration issues and agreeing that there were opportunities to improve the energy savings associated with current NJCEP energy efficiency programs. (CRA Order at 10, 33-34.) Staff also recognized that adopting a more aggressive savings target, such as that recommended by the Sierra Club, might increase the level of energy savings delivered by the NJCEP (CRA Order at 10), and in its recommendation to the Board, Staff included a suggestion for the formation of a number of working groups to further explore numerous issues, including those raised by the petitioner, prior to setting funding levels for Fiscal Year 2014. (CRA Order at 33-34.) At the same time, Staff's recommendations on funding reflected its awareness that too large an increase in funding for energy efficiency meant an increase in the Societal Benefits Charge on ratepayers that funds the NJCEP.

In the 11 months since the issuance of the CRA Order, Staff has formed three work groups to review the current suite of NJCEP and utility-run energy efficiency programs; to review the data that is being collected; and to develop a prioritized schedule of evaluations which will be on-going. Collectively, the work groups were charged with addressing the issues raised by the petitioner in its comments on the Revised Straw and in this petition including reviewing alternative administrative and financial models for delivering cost-effective energy efficiency programs. A final recommendations report will address most of the issues raised in the Sierra Club petition such as the best administrative structure for delivering the programs; coordination between the NJCEP and utility programs; setting appropriate funding levels and energy savings goals; reassessing current ratemaking structure and throughput issues; and the role of performance incentives. It is anticipated that Staff will present this report to the Board by the end of the summer of 2014, and will recommend a formal proceeding to take comments on the report and to consider stakeholder input.

New Jersey's 2011 Energy Master Plan (EMP) recognizes the paramount importance of energy efficiency in lowering individual energy bills, collective energy rates, and the cost of doing business in the State, as well as the role energy efficiency plays in enhancing economic

development and advancing the State's environmental goals. (EMP at 1.) While continuing to recognize the role the utilities can play in delivering these programs, the EMP expressly directs the Board to evaluate several alternatives, such as increased use of revolving loans, performance based contracting, "and other incentives designed to reduce costs and improve delivery of energy efficiency programs." (EMP at 119.)

In addition, as described above, the various working groups that the Board directed Staff to create in the CRA Order are finalizing their recommendations, which will discuss a variety of options for improving the delivery of energy efficiency programs in the State. In light of the public policy set out in the EMP and the ongoing efforts to fully explore the alternatives for promoting energy efficiency before settling on a definitive course of action, granting the Sierra Club the relief requested in its petition at this time would be premature. The Sierra Club will have the opportunity to raise these issues in the context of the forthcoming proceedings. These issues should be considered in a timely, comprehensive, and public process that allows Staff, the utilities, the Division of Rate Counsel, and other experienced stakeholders to make recommendations to the Board as to the best programs and approaches prior to beginning a rule-making procedure limited to any one method.

While the Board's commitment to promoting and increasing energy efficiency remains unwavering, it must consider energy efficiency measures in the broader context of market transformation. Consistent with the EMP, the Board is seeking an approach that will phase out reliance on ratepayer-funded subsidies and phase in a market-driven model. (EMP at 116-119.) The Board understands that setting a standard without due consideration of all related issues, including cost to ratepayers, will not by itself result in the creation of a market for energy efficiency measures.

The Board sees nothing in the facts presented in the petition to support changing course and abandoning the ongoing consideration of alternatives in favor of embracing a single approach at this time. Accordingly, the Board denies the petition.

The Board was notified that the Sierra Club scheduled a public meeting for the evening of May 21, 2014, the date of the Agenda meeting at which the Board considered the Sierra Club's petition. The Board invites the Sierra Club to present the record of this public forum to the Utility Working Group for its consideration as soon as possible, as that group will have its last meeting in June 2014. The Board also notes that the petitioner will have a further opportunity to present its position and the record of the May 21, 2014, meeting when it participates in the broader public process.

A copy of this notice has been mailed to the petitioner consistent with the requirements of N.J.A.C. 1:30-4.2.

(a)

## BOARD OF PUBLIC UTILITIES

### In the Matter of the Board's Review of the Applicability and Calculation of a Consolidated Tax Adjustment Generic Proceeding Docket No. EO12121072 Notice of Opportunity to Provide Additional Information

On January 23, 2013, the Board of Public Utilities (Board) directed Board staff to convene all interested parties to participate in a proceeding to review issues related to the consolidated tax saving adjustment (CTA) to determine: 1) the continued use by the Board of the CTA policy; 2) how to calculate the amount of savings that result from filing a consolidated return; 3) how these savings should be equitably shared between the regulated company and the ratepayers; and 4) if a rulemaking proceeding should be undertaken to establish utility-wide or Statewide standards with respect to the implementation of a CTA policy.

In furtherance of the review of CTA policy, Board staff requested information via Notices of Opportunity to Comment dated March 6, 2013, and July 25, 2013. Additionally, a request for information was sent