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**Board of Public Utilities**  
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ENERGY AND CLEAN ENERGY

IN THE MATTER OF THE PETITION OF )  
ELIZABETHTOWN GAS COMPANY FOR APPROVAL )  
OF TRIENNIUM 2 CLEAN ENERGY PROGRAMS )  
AND ASSOCIATED COST RECOVERY PURSUANT )  
TO THE CLEAN ENERGY ACT )  
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ORDER SUSPENDING  
PROCEDURAL SCHEDULE  
DOCKET NO. QO23120869

**Parties of Record:**

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BY COMMISSIONER MARIAN ABDOU:

**BACKGROUND AND PROCEDURAL HISTORY**

By Order dated May 24, 2023, the New Jersey Board of Public Utilities ("Board") directed each electric and gas public utility to propose, for Board approval, energy efficiency ("EE") programs for the second three-year EE program period ("Triennium 2") on or before October 2, 2023, and the Board addressed certain aspects of the Triennium 2 framework.<sup>1</sup>

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<sup>1</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023.

By Order dated July 26, 2023, the Board approved the remaining aspects of the Triennium 2 framework.<sup>2</sup>

By Order dated September 27, 2023, the Board extended the filing deadline for Triennium 2 petitions from October 2, 2023 to December 1, 2023 and directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by December 8, 2023 and that entities file with the Board any responses to those motions by December 14, 2023.<sup>3</sup> By the September 2023 Order, the Board retained this matter for hearing and, pursuant to N.J.S.A. 48:2-32, designated President Guhl-Sadovy as Presiding Commissioner in this matter. By Order dated October 25, 2023, the Board delayed the start of Triennium 2 by six (6) months from July 1, 2024, until January 1, 2025.<sup>4</sup>

By Order dated January 10, 2024, the Board redesignated President Guhl-Sadovy as the Presiding Commissioner for the Public Service Electric and Gas Company ("PSE&G") filing, and designated myself, Commissioner Abdou, as the Presiding Commissioner in this matter, authorized to rule on all motions that arise during the pendency of this proceeding, and modify schedules that may be set as necessary to secure a just and expeditious determination of all issues.<sup>5</sup>

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<sup>2</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated July 26, 2023.

<sup>3</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated September 27, 2023 ("September 2023 Order"). The September 2023 Order also directed that any entity wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate. No entity filed a motion for admission *pro hac vice* in this matter.

<sup>4</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO23030150, Order dated October 25, 2023 ("October 2023 Order"). The October 2023 Order also extended Triennium 1 through December 31, 2024.

<sup>5</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs et al., BPU Docket Nos. QO23030150, QO23120868, QO23120869, QO23120870, QO23120871, QO23120872, QO23120874, and QO23120875, Order dated January 10, 2024 ("January 2024 Order"). By the January 2024 Order, the Board additionally redesignated Commissioner Abdou as the Presiding Commissioner for the New Jersey Natural Gas Company ("NJNG") and South Jersey Gas Company ("SJG") filings, BPU Docket Nos. QO23120868 and QO23120870.

On December 1, 2023, Elizabethtown Gas Company (“ETG” or “Petitioner”) filed the requisite petition with the Board (“Petition”), and on December 26, 2023, Board Staff (“Staff”) issued ETG a letter of administrative deficiency (“Letter”) identifying administratively incomplete portions of the Petition and requesting that the Company cure any deficiencies. On January 5, 2024, ETG filed an update to the Petition to cure the deficiencies identified in the Letter (“Update”). N.J.S.A. 48:3-98.1(b) provides the Board with 180 days to approve, modify, or deny the Company’s requested recovery of costs for the Program. The 180-day review period commenced on January 5, 2024, for the Petition.

In the January 2024 Order, the Board directed that any entity wishing to file a motion for leave to intervene or participate, or to update a previously-filed motion for leave to intervene or participate, in this proceeding shall have until seven (7) days following Staff’s issuance of a letter of administrative completeness to the Company.<sup>6</sup> On January 12, 2024, Staff issued a letter of administrative completeness, noting that the Update adequately cured the deficiencies identified in the Letter and that Staff therefore determined the Petition to be administratively complete. The Board subsequently received no additional or updated motions seeking leave to intervene or participate.

By Order dated February 26, 2024, after considering all Motions to Intervene or Participate in this matter and responses to the Motions, I granted intervenor status to the New Jersey Large Energy Users’ Coalition (“NJLEUC”) and the Energy Efficiency Alliance of New Jersey (“EEA-NJ”) (collectively, “Intervenors”), and participant status to Uplight, Inc. and the joint utilities: NJNG, Atlantic City Electric Company, Jersey Central Power & Light Company, PSE&G, Rockland Electric Company, and SJG.<sup>7</sup>

On March 19, 2024, the parties to this matter submitted for approval a stipulation of settlement, proposing to extend the 180-day review period to October 15, 2024 (“Stipulation”).

By Order dated April 23, 2024, I approved the Stipulation, extending the 180-day review period to October 15, 2024, and established the procedural schedule for this matter, which was annexed to the Order (“April 23 Procedural Schedule”).<sup>8</sup>

On April 25, 2024, I received correspondence from ETG seeking to amend the April 23 Procedural Schedule, specifically, by extending the deadline for the New Jersey Division of Rate Counsel (“Rate Counsel”) and Intervenors to file testimony by two (2) weeks from May 3, 2024, to May 17, 2024, to allow for further settlement negotiations. ETG did not request further modification to the April 23 Procedural Schedule in its April 25, 2024 correspondence. According to the correspondence, Rate Counsel, Board Staff, and the Intervenors supported the request.

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<sup>6</sup> In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018. Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs et al., BPU Docket Nos. QO23030150, QO23120868, QO23120869, QO23120870, QO23120871, QO23120872, QO23120874, and QO23120875, Order dated January 10, 2024.

<sup>7</sup> In re the Petition of Elizabethtown Gas Company for Approval of Triennium 2 Clean Energy Programs and Associated Cost Recovery Pursuant to the Clean Energy Act, BPU Docket No. QO23120869, Order dated February 26, 2024.

<sup>8</sup> In re the Petition of Elizabethtown Gas Company for Approval of Triennium 2 Clean Energy Programs and Associated Cost Recovery Pursuant to the Clean Energy Act, BPU Docket No. QO23120869, Order dated April 23, 2024.

Subsequently, on May 9, 2024, ETG filed correspondence requesting the filing for Rate Counsel and Intervenor testimony be extended to May 31, 2024. The correspondence indicated that the request was supported by Rate Counsel, Board Staff, and the Intervenors. By Order dated May 15, 2024, I extended the deadline for the filing of Respondent/Intervenor testimony to May 31, 2024, and, with the consent of the parties, suspended the April 23 Procedural Schedule until May 31, 2024.<sup>9</sup>

On May 23, 2024, ETG filed correspondence seeking to suspend the April 23 Procedural Schedule indefinitely so that the parties may continue settlement negotiations. Rate Counsel and the Intervenors indicated their consent to ETG's request in writing on May 23, 2024. Board Staff indicated its consent to the request on May 29, 2024.

### **DISCUSSION AND FINDINGS**

I reviewed, in detail, the Petitioner's correspondence dated May 23, 2024. To allow further settlement negotiations and to ensure an equitable determination of the issues, and with the consent of the parties, I **HEREBY SUSPEND** the April 23 Procedural Schedule in its entirety.


I **HEREBY ORDER** that the parties shall participate in a status update conference with myself that will occur during the last week of June 2024 to discuss progress made toward settlement and to determine whether to reinstate the April 23 Procedural Schedule. The Parties will be notified of the exact date of the status update conference by email.

I **HEREBY DIRECT** that this Order be posted on the Board's website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: June 4, 2024

BY:

  
MARIAN ABDU  
COMMISSIONER

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<sup>9</sup> In re the Petition of Elizabethtown Gas Company for Approval of Triennium 2 Clean Energy Programs and Associated Cost Recovery Pursuant to the Clean Energy Act, BPU Docket No. QO23120869, Order dated May 15, 2024.

IN THE MATTER OF THE PETITION OF ELIZABETHTOWN GAS COMPANY FOR APPROVAL OF TRIENNIUM 2  
CLEAN ENERGY PROGRAMS AND ASSOCIATED COST RECOVERY PURSUANT TO THE CLEAN ENERGY ACT

DOCKET NO. QO23120869

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