



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY AND CLEAN ENERGY

IN THE MATTER OF THE PETITION OF NEW)	ORDER MODIFYING AND
JERSEY NATURAL GAS COMPANY FOR)	SUSPENDING PROCEDURAL
APPROVAL OF NEW ENERGY EFFICIENCY,)	SCHEDULE
BUILDING DECARBONIZATION START-UP, AND)	
DEMAND RESPONSE PROGRAMS AND THE)	
ASSOCIATED COST RECOVERY MECHANISM)	DOCKET NO. QO23120868
PURSUANT TO THE CLEAN ENERGY ACT, N.J.S.A.)	
48:3-87.8 ET SEQ. AND 48:3-98.1 ET SEQ. SECOND)	
TRIENNium)	

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Andrew K. Dembia, Esq., Regulatory Affairs Counsel, New Jersey Natural Gas Company
John Kolesnik, Esq., Counsel for the Energy Efficiency Alliance of New Jersey
Steven S. Goldenberg, Esq., Counsel for the New Jersey Large Energy Users Coalition
Kaitlin Morrison, Esq. and Maggie Broughton, Esq., Counsel for the New Jersey Progressive Equitable Energy Coalition, the Natural Resources Defense Council, and the Sierra Club

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.¹

¹ 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 (“May 2023 Order”).

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

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, 2023.³ 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, 2025.⁴

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.⁵

² 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.

³ 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.

⁴ 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.

⁵ 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 Elizabethtown Gas Company ("ETG") and South Jersey Gas Company ("SJG") filings, BPU Docket Nos. QO23120869 and QO23120870.

On December 1, 2023, New Jersey Natural Gas Company (“NJNG” or “Petitioner”) filed the requisite petition with the Board (“Petition”), and on December 26, 2023, Board Staff (“Staff”) issued NJNG a letter of administrative deficiency (“Letter”) identifying administratively incomplete portions of the Petition and requesting that the Company cure any deficiencies. On January 2, 2024, NJNG 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 2, 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.⁶ 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”), the Energy Efficiency Alliance of New Jersey (“EEA-NJ”), the Natural Resources Defense Council (“NRDC”), the New Jersey Progressive Equitable Energy Coalition (“NJPEEC”), and the Sierra Club (collectively, “Intervenors”), and participant status to Uplight, Inc. and the joint utilities: Atlantic City Electric Company, ETG, Jersey Central Power & Light Company, PSE&G, Rockland Electric Company, and SJG.⁷

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”).⁸

On April 25, 2024, I received correspondence from NJNG 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 April 29, 2024,

⁶ 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.

⁷ In re the Petition of New Jersey Natural Gas Company for Approval of the New Energy Efficiency, Building Decarbonization Start-Up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq. Second Triennium, BPU Docket No. QO23120868, Order dated February 26, 2024.

⁸ In re the Petition of New Jersey Natural Gas Company for Approval of the New Energy Efficiency, Building Decarbonization Start-Up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq. Second Triennium, BPU Docket No. QO23120868, Order dated April 23, 2024.

to May 13, 2024, to allow for further settlement negotiations. NJNG 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. Subsequently, on May 8, 2024, NJNG filed correspondence requesting the filing for Rate Counsel and Intervenor testimony be extended to May 28, 2024. The correspondence indicated that the request was supported by Rate Counsel, Board Staff, and the Intervenors.

DISCUSSION AND FINDINGS

I reviewed, in detail, the Petitioner's April 25, 2024 correspondence, as well as Petitioner's correspondence dated May 8, 2024. To allow further settlement negotiations and to ensure an equitable determination of the issues, I **HEREBY EXTEND** the deadline for the filing of Respondent/Intervenor testimony to May 28, 2024. Further, with the consent of the parties, I **HEREBY SUSPEND** the remainder of the April 23 Procedural Schedule until May 28, 2024.⁹

I **HEREBY DIRECT** the parties to provide an update and, to the extent necessary, a proposed modified procedural schedule for my consideration no later than May 21, 2024.

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: 5/15/2024

BY:



MARIAN ABDOU
COMMISSIONER

⁹ The public hearings presently scheduled for May 16, 2024 shall not be impacted by the issuance of this Order.

IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS COMPANY FOR APPROVAL OF NEW ENERGY EFFICIENCY, BUILDING DECARBONIZATION START-UP, AND DEMAND RESPONSE PROGRAMS AND THE ASSOCIATED COST RECOVERY MECHANISM PURSUANT TO THE CLEAN ENERGY ACT, N.J.S.A. 48:3-87.8 ET SEQ. AND 48:3-98.1 ET SEQ. SECOND TRIENNIUM

DOCKET NO. QO23120868

SERVICE LIST

New Jersey Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350

Sherri Golden, Board Secretary
board.secretary@bpu.nj.gov

Robert Brabston, Esq., Executive Director
robert.brabston@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

General Counsel's Office

Michael Beck, General Counsel
michael.beck@bpu.nj.gov

Carol Artale, Deputy General Counsel
carol.artale@bpu.nj.gov

Steven Athanassopoulos
steven.athanassopoulos@bpu.nj.gov

Rachel Boylan
rachel.boylan@bpu.nj.gov

Office of the Economist

Benjamin Witherell, Ph.D., Chief Economist
benjamin.witherell@bpu.nj.gov

Dianne Crilly
dianne.crilly@bpu.nj.gov

Jackie O'Grady
jackie.ogrady@bpu.nj.gov

Division of State Energy Services

Sara Bluhm Gibson, Director
sara.bluhm@bpu.nj.gov

Michelle Rossi
michelle.rossi@bpu.nj.gov

NJBPU, cont'd.

Division of Revenue and Rates

Andrew Tuzzo
andrew.tuzzo@bpu.nj.gov

Cindy Bianco
cindy.bianco@bpu.nj.gov

Division of Clean Energy

Stacy Ho Richardson, Deputy Director
stacy.richardson@bpu.nj.gov

Kevin Monte de Ramos
Bureau Chief, Energy Efficiency and Building
Decarbonization
kevin.montederamos@bpu.nj.gov

Kevin Nedza
kevin.nedza@bpu.nj.gov

Philip Chao
philip.chao@bpu.nj.gov

Rupa Deshmukh
rupa.deshmukh@bpu.nj.gov

Paul Heitmann
paul.heitmann@bpu.nj.gov

Indrani Pal
indrani.pal@bpu.nj.gov

Brandee Sullivan
brandee.sullivan@bpu.nj.gov

David Titus
david.titus@bpu.nj.gov

Alexis Trautman
alexis.trautman@bpu.nj.gov

Dustin Wang
dustin.wang@bpu.nj.gov

NJBPU Consultants

Andrew Grant
The Cadmus Group
720 SW Washington St., Suite 400
Portland, OR 97205
andrew.grant@cadmusgroup.com

Jason Meyer
DNV Energy Insights USA Inc.
1400 Ravello Rd
Katy, TX 77449
jason.meyer@dnv.com

Pankaj Lal, PhD
Cassidy Rucker
Montclair State University
426 Center for Environment & Life Sciences
Montclair, NJ 07043
lalp@montclair.edu
rucker@montclair.edu

Jennifer Senick
Rutgers Center for Green Building
Edward J. Bloustein School of Planning & Public
Policy
Rutgers, The State University of New Jersey
33 Livingston Ave #158
New Brunswick, NJ 08901
jsenick@rutgers.edu

Lisa Skumatz
Skumatz Economic Research Associates
PO Box 1486
Silverthorne, CO 80498
skumatz@serainc.com

New Jersey Division of Law
Department of Law & Public Safety
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street
Post Office Box 112
Trenton, NJ 08625-0112

Daren Eppley, Section Chief, DAG
daren.eppley@law.njoag.gov

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Matko Ilic, DAG
matko.ilic@law.njoag.gov

Steven A. Chaplar, DAG
steven.chaplar@law.njoag.gov

New Jersey Division of Rate Counsel

140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003

Brian Lipman, Esq., Director
blipman@rpa.nj.gov

Maura Caroselli, Esq., Managing Attorney
mcaroselli@rpa.nj.gov

Megan Lupo, Esq.
mlupo@rpa.nj.gov

Mamie W. Purnell, Esq.
mpurnell@rpa.nj.gov

Andrew Gold, Esq.
agold@rpa.nj.gov

Carlena Morrison, Paralegal
cmorrison@rpa.nj.gov

Terrence Coleman, Paralegal
tcoleman2@rpa.nj.gov

Rate Counsel Consultants

Robert J. Henkes
Henkes Consulting
7 Sunset Road
Old Greenwich, CT 06870
rhenkes@optonline.net

Applied Economics Clinic
6 Liberty Square PMB 98162
Boston, MA 02109

Elizabeth A. Stanton, PhD
liz.stanton@aeclinic.org

Sumera Patel
Sumera.patel@aeclinic.org

Jordan M. Burt
jordan.burt@aeclinic.org

Tanya Stasio
tanya.stasio@aeclinic.org

Rate Counsel Consultants, cont'd.

Acadian Consulting Group
5800 One Perkins Place Drive
Building 5, Suite F
Baton Rouge, LA 70808

David Dismukes, Ph.D.
daviddismukes@acadianconsulting.com

Michael Deupree
michaeldeupree@acadianconsulting.com

Nicolas Alvarez
nicolasalvarez@acadianconsulting.com

Taylor Deshotels
taylorshotels@acadianconsulting.com

Roberto Hasbun
robhasbun@acadianconsulting.com

Emily Mouch
emilymouch@acadianconsulting.com

Tyler French
tylerfrench@acadianconsulting.com

Jackson Gaspard
jacksongaspard@acadianconsulting.com

Eastern Environmental Law Center
One Gateway Center, Suite 2600
Newark, NJ 07102

Kaitlin Morrison, Esq.
kmorrison@easternenvironmental.org

Maggie Broughton, Esq.
mbroughton@easternenvironmental.org

Energy Efficiency Alliance of New Jersey
John M. Kolesnik, Esq., Policy Counsel
614 S. 4th St., #307
Philadelphia, PA 19147
jkolesnik@eeaofnj.org

New Jersey Large Energy Users Coalition
Steven S. Goldenberg, Esq.
Giordano, Halleran & Ciesla, P.C.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
sgoldenberg@ghclaw.com

New Jersey Natural Gas Company

1415 Wyckoff Road
P.O. Box 1464
Wall, New Jersey 07719

Andrew K. Dembia, Esq., Regulatory Affairs Counsel
adembia@njng.com

Mark G. Kahrer
mkahrer@njng.com

James Corcoran
jcorcoran@njng.com

Anne-Marie Peracchio
aperacchio@njng.com

Tina Trebino
ttrebino@njng.com

Judy DeSalvatore
jdesalvatore@njng.com

Todd Van Aken
tvanaken@njng.com

Susan Fastuca
sfantuca@njng.com

Mary Lou Pardey
mpardeym@njng.com

Uplight
Norris McLaughlin, P.A.
400 Crossing Boulevard, 8th Floor
P.O. Box 5933
Bridgewater, NJ 08807

James H. Laskey, Esq.
jlaskey@norris-law.com

Anthony D'Elia
adelia@norris-law.com

Neil Veilleux
Uplight Inc.
2350 Junction PI, Ste 200
Boulder, CO 80301
neil.veilleux@uplight.com

Rockland Electric Company
Margaret Comes, Esq., Associate Counsel
4 Irving Place
New York, New York 10003
comesm@coned.com

Atlantic City Electric Company

92DC42
500 North Wakefield Drive
P.O. Box 6066
Newark, DE 19702-6066

Philip J. Passanante, Esq.
Assistant General Counsel
philip.passanante@pepcoholdings.com

Nathanael Gillespie
nathanael.gillespie@exeloncorp.com

Jacob B. Sneed
jacob.sneed@exeloncorp.com

Jessica Yu
jessica.yu@exeloncorp.com

Heather Hall
heather.hall@pepcoholdings.com

Imran Bell
imran.bell@exeloncorp.com

Daniel Anderson
danderson@pepco.com

Ruth C. Kiselewich
ruth.kiselewich@exeloncorp.com

Susan Marinelli
smarinelli@pepcoholdings.com

Sherryl Chen
sherryl.chen@pepcoholdings.com

Brendon Baatz
brendon@gabelassociates.com

Public Service Electric and Gas Company
Stacey M. Mickles, Associate Counsel – Regulatory
Law Department
PSEG Services Corporation
80 Park Plaza – T10
Newark, New Jersey 07102-4194
stacey.mickles@pseg.com

Elizabethtown Gas Company & South Jersey Gas Company

Sheree Kelly, Esq., Regulatory Affairs Counsel
South Jersey Industries
520 Green Lane
Union, NJ 07083
skelly@sjindustries.com

Jersey Central Power & Light Company

Michael Martelo, Esq., Attorney
300 Madison Avenue
P.O. Box 1911
Morristown, NJ 07962-1911
mmartelo@firstenergycorp.com

Kurt E. Turosky
Diane L. Rapp
76 South Main
Akron, Ohio 44308
turoskyk@firstenergycorp.com
drapp@firstenergycorp.com

Edward C. Miller
Eric R. Rundy
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601
emille3@firstenergycorp.com
erundy@firstenergycorp.com

Mackenzie Klie
14997 Park Ave Ext
Meadville, Pennsylvania 16335
mklie@firstenergycorp.com

Kori R. Auman-Krebs
Viktor Lackmann
2800 Pottsville Pike
Reading, Pennsylvania 19605
kauman@firstenergycorp.com
vlackmann@firstenergycorp.com