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

IN THE MATTER OF THE PETITION OF PUBLIC	)	ORDER FURTHER EXTENDING
SERVICE ELECTRIC AND GAS COMPANY FOR	)	REVIEW PERIOD
APPROVAL OF ITS CLEAN ENERGY FUTURE-	)	
ENERGY EFFICIENCY II (CEF-EE II) PROGRAM ON	)	DOCKET NO. QO23120874
A REGULATED BASIS	)	

**Parties of Record:**

**Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel  
**Stacey M. Mickles, Esq.**, Counsel, Public Service Electric and 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 PRESIDENT GUHL-SADOVY:

**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 (3)-year EE program period ("Triennium 2") pursuant to the Clean Energy Act of 2018, P.L. 2018, c. 17, on or before October 2, 2023, and 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 ("May 2023 Order").

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 former Commissioner Mary-Anna Holden as Presiding Commissioner for the PSE&G and the Butler Electric Utility (“Butler”) filings. 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>

On December 1, 2023, Public Service Electric and Gas Company (“PSE&G”) filed the requisite petition with the Board (“Petition”). In the Petition, the Company proposed a total budget of approximately \$3.4 billion for its Clean Energy Future – Energy Efficiency II Program (“CEF-EE II”) over a thirty (30)-month period from January 1, 2025 through June 30, 2027. By the Petition, the Company additionally proposed to offer its electric CEF-EE II programs to PSE&G gas customers who are also Butler customers.

On December 28, 2023, Board Staff (“Staff”) issued PSE&G 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, PSE&G filed an update to the Petition to cure the deficiencies identified in the Letter (“Update”).

By Order dated January 10, 2024, the Board found that the Petition satisfied the Board’s requirement that Butler submit a proposal to deliver Triennium 2 EE programs to Butler

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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”).

<sup>4</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, BPU Docket No. QO23030150, Order dated October 25, 2023 (“October 2023 Order”). The October 2023 Order also extended Triennium 1 through December 31, 2024.

customers.<sup>5</sup> Also by the January 2024 Order, in light of Commissioner Holden's retirement, the Board designated myself, President Guhl-Sadovy, as the Presiding Commissioner authorized to rule on all motions arising 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.

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. Accordingly, pursuant to N.J.S.A. 48:3-98.1(b), the 180-day period for the Board to review the proposal in this matter commenced on January 5, 2024.

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, the Energy Efficiency Alliance of New Jersey, the Natural Resources Defense Council, the New Jersey Progressive Equitable Energy Coalition, and the Sierra Club (collectively, "Intervenors"), and participant status to Advanced Energy United, Inc.; Convergent Energy and Power; Enerwise Global Technologies, Inc. d/b/a CPower; Google, LLC; Uplight Inc.; and the joint utilities: Atlantic City Electric Company, Elizabethtown Gas Company, New Jersey Natural Gas Company, Jersey Central Power & Light Company, Rockland Electric Company, and South Jersey Gas Company.<sup>6</sup>

On March 19, 2024, the parties to this matter submitted a stipulation of settlement agreeing to extend the 180-day review period to October 15, 2024 ("March 2024 Stipulation"). By Prehearing Order dated March 28, 2024, I approved the March 2024 Stipulation, thereby extending the 180-day review period to October 15, 2024, and established the procedural schedule in this matter ("March 28 Procedural Schedule"), annexed thereto as Exhibit A.<sup>7</sup>

On May 3, 2024, I received correspondence from PSE&G requesting, with the consent of all parties to this matter, to amend the March 28 Procedural Schedule. Specifically, the Company requested to extend the deadline for the New Jersey Division of Rate Counsel ("Rate Counsel") and the Intervenors to file testimony by two (2) weeks, from May 7, 2024 to May 21, 2024, to allow for further settlement discussions. The Company did not request further modification to the March 28 Procedural Schedule. The correspondence indicated that Rate Counsel, Board Staff, and the Intervenors supported the request.

On May 17, 2024, I received correspondence from PSE&G requesting, with the consent of all parties to this matter, to further extend the deadline for Rate Counsel and the Intervenors to file testimony by two (2) weeks, from May 21, 2024 to June 4, 2024, to allow for further settlement discussions. The Company did not request further modification to the March 28 Procedural

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<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").

<sup>6</sup> In re the Petition of Public Service Electric and Gas Company for Approval of Its Clean Energy Future - Energy Efficiency II (CEF-EE II) Program on a Regulated Basis – Order Ruling on Motions to Intervene or Participate, BPU Docket No. QO23120874, Order dated February 26, 2024.

<sup>7</sup> In re the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future - Energy Efficiency II (CEF-EE II) Program on a Regulated Basis, BPU Docket No. QO23120874, Order dated March 28, 2024.

Schedule. The correspondence indicated that Rate Counsel, Staff, and the Intervenor supported the request.

By Order dated June 3, 2024, I suspended the March 28 Procedural Schedule until June 4, 2024 and directed the parties to this proceeding to provide an update and, to the extent necessary, a proposed modified procedural schedule for my consideration no later than June 6, 2024.<sup>8</sup>

On June 6, 2024, I received correspondence from PSE&G requesting, with the consent of all parties to this matter, to further extend the deadline for Rate Counsel and the Intervenor to file testimony until July 1, 2024, to allow for further settlement discussions. By Order dated July 1, 2024, I granted the Company's request to suspend the March 28 Procedural Schedule.<sup>9</sup> The Company did not request further modification to the March 28 Procedural Schedule.

On October 6, 2024, the parties to this proceeding submitted a stipulation of settlement, for my approval, agreeing that a further extension to the 180-day review period is appropriate and agreeing to extend the 180-day period for the Board to review this matter to October 31, 2024 ("October 2024 Stipulation").

### **DISCUSSION AND FINDINGS**

N.J.S.A. 48:2-21.3 allows any public utility to file with the Board a written stipulation waiving the effective date of any tariff or rate, subject to the Board's approval. In this case, the parties to this proceeding have agreed to an extension until October 31, 2024. No party has opposed the October 2024 Stipulation or the extension of the review period. As such, having reviewed the October 2024 Stipulation, I **HEREBY FIND** the October 2024 Stipulation to be reasonable, in the public interest, and in accordance with the law. Accordingly, I **HEREBY APPROVE** the October 2024 Stipulation in its entirety, **HEREBY INCORPORATE** its terms and conditions as though fully set forth herein, and **HEREBY EXTEND** the review period until October 31, 2024.

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

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<sup>8</sup> In re the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future - Energy Efficiency II (CEF-EE II) Program on a Regulated Basis, BPU Docket No. QO23120874, Order dated June 3, 2024.

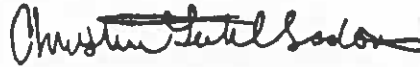
<sup>9</sup> In re the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future - Energy Efficiency II (CEF-EE II) Program on a Regulated Basis, BPU Docket No. QO23120874, Order dated July 1, 2024.

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

DATED:

10/15/2024

BY:

A handwritten signature in black ink, appearing to read "Christine Guhl-Sadovy", written over a horizontal line.

CHRISTINE GUHL-SADOVY  
PRESIDENT

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR APPROVAL OF  
ITS CLEAN ENERGY FUTURE-ENERGY EFFICIENCY II (CEF-EE II) PROGRAM ON A REGULATED BASIS

DOCKET NO. QO23120874

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