



***REVISED – July 14, 2020**

**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/**

**AGENDA FOR BOARD MEETING
The meeting will be held on
Wednesday, July 15, 2020 – 10:00 a.m.**

**Listen Via Teleconference: 1 301 715 8592 – Webinar ID: 944 5073 4900
Password: 123677**

Watch Online: <https://youtu.be/3cCf8ra9CSs>

Executive Session

(Open Session will not reconvene until the conclusion of the Executive Session, which will commence at 10:00 a.m. The only business to be conducted in the 10:00 a.m. Open Session will be the reading of the public notice statement, roll call, and the exception, under the Open Public Meetings Act, for each item to be considered in Executive Session.)

9. MISCELLANEOUS

- A.** Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric Program.

The Board will consider releasing a Notice of Grant Availability to be published in the New Jersey register in order to solicit proposals from non-profit entities interested in administering the Board's Payment Assistance for Gas and Electric ("PAGE") Program. PAGE is a utility assistance program that provides grants to electric and natural gas customers in order to prevent shut off or restore service.



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CONSENT AGENDA FOR BOARD MEETING
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I. AUDITS

A. Energy Agent and/or Private Aggregator Initial Registrations

EE19111445L GE19111446L	Bridge Energy Services, LLC d/b/a Bridge Energy Services	I – EA/PA
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This matter relates to an application for initial registration as an energy agent for one year.

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

EE20030247L	Energy Spectrum, Inc.	R – EA
EE20020156L	Open Energy Services, LLC	R – EA
EE20050330L	United Power Consultants, Inc. d/b/a United Power Consultants, Inc.	R – EA
EE20050370L GE20050371L	Energy Consultants, LLC	R – EA/PA
EE20040283L GE20040284L	RJT Energy Consultants, LLC	R – EA/PA
EE19121527L GE19121528L	Utility Answers, LLC	R – EA/PA/EC

I. AUDITS (CONT'D)

[EE19121524L](#)
[GE19121525L](#)

Premiere Marketing, LLC
d/b/a Transparent Energy

R – EA/PA/EC

[EE20030272L](#)
[GE20030273L](#)

Rock Promotions, LLC
d/b/a Rock Energy Consultants

R – EA/EC

These matters relate to the above applicants being issued renewal registrations as an energy agent, private aggregator and/or energy agent consultant for one year.

II. ENERGY

- A. [Docket No. ER20020146 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Review and Approval of Increases in, and Other Adjustments to, its Rates and Other Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therewith \(“2020 Base Rate Filing”\).](#)

This matter involves a petition for a base rate increase filed by Jersey Central Power and Light Company. The proposed Board action is the second suspension of the proposed rates for four months, to November 19, 2020, to allow the Board to investigate the just and reasonableness of the proposed rates.

- B. [Docket No. GR20030243 – In the Matter of the Petition of South Jersey Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revisions.](#)

This matter involves a petition for a base rate increase filed by South Jersey Gas Company. The proposed Board action is the second suspension of the proposed rates for four months, to December 13, 2020, to allow the Board to investigate the just and reasonableness of the proposed rates.

- C. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. ER20-2004 PJM Interconnection L.L.C. re: PSE&G Order 864 Compliance Filing.

The Board will consider ratification of the intervention filed by Staff, on behalf of the Board.

III. CABLE TELEVISION

NO ITEMS FOR CONSIDERATION

IV. TELECOMMUNICATIONS

- A. [Docket No. TM20050374 – In the Matter of the Verified Joint Petition of Cavalier Telephone Mid-Atlantic, LLC, and Intellifiber Networks, LLC, Sellers and Uniti Group Finance, Inc. and Uniti National LLC, Purchasers, for Approval for Sellers to Transfer Certain Assets to Purchasers.](#)

Cavalier Telephone Mid-Atlantic, LLC (“Cavalier”) and Intellifiber Networks, LLC (“Intellifiber”) authorized CLECs operating in New Jersey (both Windstream Subsidiaries) and Uniti Group Finance, Inc. and Uniti National LLC, (the “Purchasers”) petitioned the Board for the approval of a transfer of certain fiber optics assets from the Windstream Subsidiaries to Purchasers. The Transaction is part of a larger Settlement Agreement (from the related Chapter 11 reorganization) between Windstream Holdings, Inc. (ultimate parent company of Windstream Licensees) (“Windstream”) and Purchasers to resolve a number of disputes between the two organizations.

- B. [Docket No. TM20060388 – In the Matter of Windstream Holdings, Inc., Windstream Services, LLC; A.R.C. Networks, Inc.; Bridgecom International, Inc; Broadview Networks, Inc.; Broadview NP Acquisition Corp; Business Telecom, LLC; et al - Approval Transfer of Control of Windstream Holdings, Inc.](#)

On June 3, 2020 Windstream along with over 20 affiliates (Petitioners) filed a Petition with the Board seeking approval of certain inter-company and reorganization transactions in connection with the resolution of its Bankruptcy Proceeding in federal District Court. Pursuant to NJAC 14:1-5.14(b), Windstream is required to provide proof of service of the proposed transaction to the public, the municipalities served by the petitioners, and the public utilities serving the area. Because Windstream and its affiliates provide service throughout the entire state, fulfilling the notice requirement would require over 600 mass mailings, which Petitioner is unable to effectuate due to reduced Staffing as a result of COVID-19 work restrictions. Petitioners therefore are requesting a waiver of the notice requirements, allowing newspaper publication in lieu of providing notice to each municipality.

V. WATER

- A. [Docket No. WO19030381 – In the Matter of the Petition of Suez Water NJ, Inc. for Approval of a Pilot Program to Facilitate the Replacement of Lead Service Lines and a Related Cost Recovery Mechanism – Request for Extension.](#)

The Board will consider a 45-day extension of the time in which the Board may render a final decision from the Office of Administrative Law, until September 13, 2020.

VI. RELIABILITY AND SECURITY

NO ITEMS FOR CONSIDERATION

VII. CUSTOMER ASSISTANCE

NO ITEMS FOR CONSIDERATION

VIII. CLEAN ENERGY

NO ITEMS FOR CONSIDERATION

IX. MISCELLANEOUS

A. Approval of Minutes for the June 10, 2020 Agenda Meeting.



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1. AUDITS

- A. [Docket No. EA17010004 – In the Matter of the Request for a Financial Audit of the New Jersey Electric Distribution Companies’ Basic Generation Administrative Expense and Other Related Expenses – Order of Implementation.](#)

This matter involves the Final Report in the Audit of the BGS Administrative Costs. Specifically, the Board will be rendering its decision on the 16 recommendations set forth in the Final Audit Report of Liberty Consulting Group, many of which have been implemented already, some of which are in the process of being implemented, and some of which the Electric Distribution Companies disagrees with.

- B. [Docket No. EO20060465 – In the Matter of the Alleged Failure of EnerPenn USA, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-78 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.](#)

Energy Agent Initial Registration

Docket No. EE18060667L EnerPenn USA, LLC

This matter involves potential violations under the Energy Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. by EnerPenn USA, LLC d/b/a YEP Energy (“EnerPenn”) whereby EnerPenn failed to submit a timely renewal application for its electric power supplier license. EnerPenn has submitted an Offer of Settlement to resolve all issues concerning the violations alleged by Staff and has filed an initial application to reapply for a new license.

2. ENERGY

- A. [Docket No. EO20050352 – In the Matter of the Petition of Commercial Metals Company for a Declaratory Ruling.](#)

The Board will consider designating a presiding commissioner for Commercial Metal Company's Petition requesting a declaratory ruling.

- B. [Docket No. ER19091302 and GR19091303 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Tax Adjustment Credit and Gas Tax Adjustment Credit \("2019 TAC Filing"\).](#)

The Board will consider Public Service Electric and Gas Company's 2019 Tax Adjustment Credit rates. The parties have executed a stipulation for final rates that, if approved by the Board, will result in an annual decrease in the typical residential electric customer's bill of \$4.04 and a decrease in the typical residential gas customer's bill of \$10.04.

- C. [Docket No. GR19120002 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism \("GSMP II"\) \(December 2019 GSMP II Rate Filing\).](#)

The Board will consider Public Service Electric and Gas Company's December 2019 Gas System Modernization Program Roll In rates. The parties have executed a stipulation, which if approved by the Board, will result in an increase of \$10.88 per year for a customer using 1,040 annual therms.

- D. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. ER20-2046 PJM Interconnection LLC re: Transmission Owners' Amendments to Attachment M-3.

The Board will consider ratification of the intervention and protest filed against the Transmission Owners' amendments to the PJM Tariff regarding so-called projects at the end of their service life.

- E. Docket No. ER20010003 – In the Matter of Federal Energy Items for 2020 – FERC Docket No. RM20-10 Electric Transmission Incentives Policy under Section 219 of the Federal Power Act.

The Board will consider ratification of the intervention and comments filed by Staff, on behalf of the Board. These comments respond to a federal notice of proposed rulemaking on return on equity incentives for certain transmission projects.

3. CABLE TELEVISION

NO ITEMS FOR CONSIDERATION

4. TELECOMMUNICATIONS

NO ITEMS FOR CONSIDERATION

5. WATER

NO ITEMS FOR CONSIDERATION

6. RELIABILITY AND SECURITY

- A.** Docket No. EX20060399 – In the Matter of the Readoption of N.J.A.C. Title 14 Public Utilities, Chapter 29 Energy Emergency.

The Board of Public Utilities is readopting its rules governing energy emergencies at N.J.A.C. 14:29. These rules implement N.J.S.A. 52:27F- 16 and 17, which require the Board to establish a plan for addressing the situation in which the Governor declares an energy emergency. The rules govern both the planning for such an energy emergency, and the implementation of the plan when necessary. They set the parameters and requirements for the distribution and sale of natural gas, electricity, and petroleum fuel products during a significant crisis or emergency event. No amendments, repeals or new rules are proposed with this readoption.

7. CUSTOMER ASSISTANCE

NO ITEMS FOR CONSIDERATION

8. CLEAN ENERGY

- A. [Docket No. QO18121289 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications.](#)

The Board will consider Ocean Wind's petition to change the number of turbines approved in the November 13, 2019 Board.

- B. [Docket No. QO20040289 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \\$500,000 – East Brunswick Board of Education.](#)

The Board will consider whether to grant the East Brunswick Board of Education an incentive of \$637,039.58 to install energy conservation measures at East Brunswick High School that have a total cost of \$1,712,743.81.

- C. [Docket No. QO20060449 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \\$500,000 – North Brunswick Township Board of Education.](#)

The Board will consider whether to grant the North Brunswick Township Board of Education an incentive of \$663,769.26 to install energy conservation measures at North Brunswick High School as part of a project that will cost \$8,395,720.00.

- D. [Docket No. QO20050359 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program energy Efficiency Incentives Exceeding \\$500,000 – NJ Transit.](#)

The Board will consider whether to grant NJ Transit an incentive of \$1,603,766.67 to install energy conservation measures at several locations across New Jersey as part of a project with a total cost of \$4,087,090.14.

- E. [Docket No. QO20060448 – In the Matter of Providing Extensions to New Jersey's Clean Energy Program Applications in Progress Delayed by COVID-19.](#)

The Board will consider whether to grant an extension to active New Jersey's Clean Energy Program commercial and industrial and Home Performance with ENERGY STAR applications due to delays caused by the COVID-19 pandemic.

8. CLEAN ENERGY (CONT'D)

- F. [Docket No. QO20020111 – In the Matter of the Petition of New Jersey-American Water Company for “Preferred” Transition Renewable Energy Certificate \(“TREC”\) Factor for Floating Photovoltaic Solar Pursuant To The Board’s Transition Incentive Order.](#)

This matter involves a petition from a floating solar project to assign an incentive level for its specific solar project, as well as for all floating solar projects going forward. Petitions, such as this one, were allowed under the Board’s prior Solar Transition Incentive program to ensure that novel or innovative solar technologies can be assigned an appropriate incentive level.

- G. [Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c.24, the Solar Act of 2012;](#)

[Docket No. EO12090862V – In the Matter of Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87\(T\) – A Proceeding the Establish a Program to Provide SRECs to Certified Brownfield, Historic Fill and Landfill Facilities;](#)

[Docket No. QO18090999 – In the Matter of KDC Solar Kingsland, LLC Subsection \(t\) Application;](#)

[Docket No. QO18091000 – In the Matter of KDC Solar Avon, LLC Subsection \(t\) Application; and](#)

[Docket No. QO18091001 – In the Matter of KDC Solar Rutherford East, LLC Subsection \(t\) Application.](#)

The Board will consider KDC Solar’s petition requesting an extension of the SREC registration requirement for three Subsection (t) applications for SREC eligibility addressed by the Board on March 9, 2020.

- H. [Docket No. QO20030262 – In the Matter of the Electric Vehicle Program Compliance Filing.](#)

As a result of safety precautions for COVID-19, dealerships and showrooms were closed and the Charge Up New Jersey Program launch was delayed. Subsequently, some applicants may be deemed ineligible for an incentive through the Charge Up New Jersey Program. The Board will consider limited exemptions to the Charge Up New Jersey Program terms and conditions to address these issues.

8. CLEAN ENERGY (CONT'D)

- I. [Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, The Solar Act of 2012;](#)

[Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c. 24, N.J.S.A. 48:3-87\(T\) – A Proceeding to Certified Brownfield, Historic Fill and Landfill Facilities;](#)

[Docket No. QO20060395 – In the Matter of the Petition of HESP Solar, LLC Seeking Participation in the Transition Incentive Program \(Mount Arlington Borough Solar Project\);](#)

[Docket No. QO20060396 – In the Matter of the Petition of HESP Solar, LLC Seeking Participation in the Transition Incentive Program \(Jackson Legler Landfill\); and](#)

[Docket No. QO20060398 – In the Matter of the Petition of Aero Haven Solar, LLC for a Determination that the Company's Application pursuant to Subsection \(T\) of the Solar Act of 2012 is Eligible to Participate in the Transition Incentive Program.](#)

Petitioners seek the ability to transfer their Subsection (t) solar projects into the Transition Incentive program. Complete applications for these projects were submitted prior to October 29, 2018, and this Order addresses the ability of Subsection (t) projects submitted before that date to transfer into the Transition Incentive program.

- J. [Docket No. QO18010052 – In the Matter of the Implementation of L. 2012, c.24, the Solar Act of 2012;](#)

[Docket No. EO12090862V – In the Matter of the Implementation of L. 2012, c.24, N.J.S.A. 48:3-87 \(T\) – A Proceeding to Certified Brownfield, Historic Fill and Landfield Facilities; and](#)

[Docket No. QO18010052 – In the Matter of Syncarpha GEMS, LLC, GEMS Landfield.](#)

The Board will consider the petition of Syncarpha GEMS LLC seeking to transfer the SREC registration of its Subsection (t) application to the Transition Incentive Program. The Board will also consider Syncarpha GEMS LLC's revised Subsection (t) application for eligibility in the Transition Incentive program that proposes an increase in system size while remaining within the footprint approved in its original application.

- K. [Docket No. *QO19050645 – In the Matter of Fiscal Year 2020 Clean Energy Budget - Extension.](#)

The Board will consider a no-cost extension of the New Jersey Clean Energy Program's Fiscal Year 2020 programs and budget through July 29, 2020. The current Fiscal Year 2020 budget runs from July 1, 2019 through July 15, 2020. If approved, the extension will provide Staff with time to present a proposed 5th quarter Fiscal Year 2020 budget extension for Board consideration to run from July 29, 2020 to September 30, 2020 in order to align with the State of New Jersey's Fiscal Year 2020 extension.

9. MISCELLANEOUS

- A. Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric Program – Executive Session.**

The Board will consider releasing a Notice of Grant Availability to be published in the New Jersey register in order to solicit proposals from non-profit entities interested in administering the Board's Payment Assistance for Gas and Electric ("PAGE") Program. PAGE is a utility assistance program that provides grants to electric and natural gas customers in order to prevent shut off or restore service.