



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/

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on April 6, 2020, via teleconference US: +1 312 626 6799 – Webinar ID: 565 856 602 - Watched Online @ <https://youtu.be/72oHbLXjqLs> or <https://zoom.us/j/565856602>.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
*Upendra J. Chivukula, Commissioner
Robert M. Gordon, Commissioner

*Commissioner Chivukula joined the meeting while the Board discussing item 1D.

President Fiordaliso presided at the meeting and Aida Camacho-Welch, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board Meeting would be held on May 5, 2020 at 10:00 a.m. via teleconference.

According to the petition, the primary reasons for the requested increase was to earn a fair return on capital investments and projects made since the filing of the Company's last base rate case in 2017 so the Company can continue to attract capital at reasonable rates and invest in the infrastructure necessary to provide safe and reliable service.

The Company also requested authority to establish regulatory assets related to the following: 1) incremental costs associated with a pipeline integrity management program incurred in between rate cases; and 2) increased costs for the Company's Transmission Integrity Management Program, costs incurred in connection with the development of a cancelled pipeline project; and the Company's Early Retirement Incentive Program offered to employees in 2018-2019.

Since a review of this matter will not be complete prior to April 13, 2020, Staff recommended that the Board issue an order suspending the proposed rate increase until August 13, 2020, pending further action on this matter. Staff anticipated that this matter will be transmitted to the Office of Administrative Law for hearing.

DECISION: The Board adopted the recommendation of Staff as set forth above.

III. CABLE TELEVISION

A. Docket No. CF20010032 – In the Matter of the Application of Service Electric Cable T.V. of Hunterdon, Inc. for Authority to Amend a Credit Agreement.

BACKGROUND: On January 9, 2020, Service Electric Cable T.V. of Hunterdon, Inc. (SEH, Company, Petitioner) filed a petition with the Board seeking approval to amend a previously approved Credit Facility (the amendment being the 2020 Credit Agreement). SEH is a New Jersey cable television company operating its business in twelve communities in the counties of Hunterdon and Warren, New Jersey.

SEH asserted that its financial performance has continued to strengthen giving the Company an opportunity to reexamine pricing and structure of the current credit facility (2016 Credit Agreement) with more favorable terms. The Petitioner asserted that the proposed amendment will, among other things, give the Company flexibility and will allow cost savings due to current market conditions, particularly lower interest rates. The maturity dates to the loans will be extended five years; the revolving credit maturity date shall be extended as well, and the term maturity date shall be extended accordingly. The proposed amendment will also continue the accordion feature giving the Company the flexibility to draw on up to \$30 Million accordion for the United States Estate Tax on the Estate of Margaret Walson, one of the principal stockholders of Service Electric Television Inc.

The New Jersey Division of Rate Counsel reviewed this matter and by letter dated March 23, 2020, indicated that it did not object to Board approval of the Petitioner's request.

The Office of the Economist, after review of the information submitted in this proceeding, found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of this petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

IV. TELECOMMUNICATIONS

A. Docket No. TF20020185 – In the Matter of the Verified Petition of CenturyLink Communications, LLC for Approval to Participate in Certain Financing Arrangements (2020).

BACKGROUND: On February 26, 2020, CenturyLink Communications, LLC, (CCLC, Petitioner) filed a petition with the Board requesting approval to participate in certain financing arrangements that include the issuance of \$1,250 million aggregate principal amount of 4.000% Senior Secured Notes due 2027 by its parent company, CenturyLink, Inc. (CTL), and the entrance by CCLC into an amendment and extension of its existing 2017 Revolving Credit Facility and Term Loans that includes a revolving credit facility and various term loan agreements in the aggregate principal amount of \$6,499,451,048.00 (referred to as the Amended and Restated 2017 Credit Facility and Term Loans).

The Petitioner requested Board approval: 1) to act as a guarantor for the Senior Secured Notes and the Amended and Restated 2017 Credit Facility and Term Loans upon receipt of the required regulatory approvals, including from the Board; and 2) for its equity and other assets to be pledged in support of the Senior Secured Notes and the Amended and Restated 2017 Credit Facility and Term Loans.

The Petitioner also requested approval to participate in debt financing arrangements as addressed and described in greater detail in the Petition. The Petitioner stated that CTL has issued \$1,250 million aggregate principal amount of its Senior Secured Notes in a private offering that was not registered under the Securities Act of 1933. The Petitioner also indicated that CTL has amended and restated its existing 2017 Credit Facility and Term Loans. The Amended and Restated 2017 Credit Facility and Term Loans are in substantially the same form as the financing approved by the Board in 2017 as part of the acquisition of Level 3 Communications, LLC, including the parties to the note (CTL, CCLC, and several unregulated subsidiaries), and the assets pledged by CCLC as security in support of the 2017 Credit Facility and Term Loans, which includes term loan agreements identified as the Term Loan A Facility, the Term Loan A-1 Facility, and the Term Loan B Facility, in the aggregate principal amounts of \$6,499,451,048.00. These financing arrangements have allowed CTL to repay a portion of its outstanding indebtedness under the 2017 Credit Facility and Term Loans in the aggregate principal amount of \$1,250,000,000.00 and extend the maturity date by 28 months of approximately \$6.5 billion of debt.

The Petitioner stated that the financing arrangements will enable CTL and CCLC to take advantage of lower interest rates and more favorable maturity terms, thereby significantly reducing interest expenses. According to the Petition, the financing arrangements will provide the Petitioner with the financial flexibility to maintain and expand its networks and

services, as well as delivering services to new markets, thus allowing more consumers to benefit from its competitive services.

The Office of the Economist, after review of the information submitted in this proceeding, found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of this petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

B. Docket No. TF20020137 – In the Matter of the Verified Petition of Grasshopper Group, LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On February 10, 2020, Grasshopper Group, LLC (Petitioner) filed a petition with the Board requesting, to the extent necessary, to participate in a financing arrangement, whereby the Petitioner would guarantee debt in an initial amount of up to approximately \$3,300 million.

The contemplated transaction will be financed in part by secured funded debt by LogMeIn and its subsidiaries in the amount of \$3,300 million. Financial commitments consisting of approximately \$2,700 million and a five-year \$250 million revolving credit facility together and approximately \$600 million in additional debt together with the secured funded debt. In addition, borrowers may add one or more incremental loans in the aggregate maximum amount of \$545 million and 100% of the 4-quarter EBITDA.

The financing may be used for working capital and other corporate purposes including but not limited to investments and other purchases.

The Office of the Economist, after review of the information submitted in this proceeding, found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of this petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

C. Docket No. TM20030204 – In the Matter of the Verified Joint Petition of Fusion Connect, Inc., Fusion LLC, and Fusion Cloud Services, for Consent to a Change in Control of Fusion LLC and Fusion Cloud Services LLC.

BACKGROUND: On March 4, 2020, Fusion Connect, Inc., Fusion LLC, (Fusion LLC), and Fusion Cloud Services, LLC, (Fusion Cloud), (collectively, the Petitioners), submitted a Petition to the Board requesting approval for a transaction (the Transaction) which will result in a material change in the ultimate control of Fusion LLC and Fusion Cloud (together, the Fusion NJ Licensees).

Following closing of the Transaction, the same services will continue to be offered in New Jersey at the same rates, terms, and conditions to customers.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments by letter dated March 27, 2020, stating it does not oppose approval of the proposed Petitioners' requests in this matter provided conditions are imposed to ensure continued service quality in connection with potential future employment attrition in New Jersey. As a

condition of approval, Rate Counsel recommends that the Board require Petitioners to notify the Board and Rate Counsel if effectuating a reduction in New Jersey Jobs that is greater than 15% throughout a three year period following post issuance of the Board's Order.

Staff shared the concern of Rate Counsel to avoid the potential for diminished service, service quality and customer service capability based on post-transaction employment attrition. Staff also concurred with the Rate Counsel that there is a need for the Board to be notified when there is a reduction in staff, consistent with the Board's findings in similar merger reviews. Staff noted that the Petitioners are already under obligation to report a headcount reduction of 15% during the 3 years after closing. Accordingly, no additional pre-reduction reporting requirements should be imposed at this time.

After review, Staff did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioner's competitive posture in the telecommunications market.

Staff recommended that the Petitioners be allowed to proceed with the Transaction.

DECISION: The Board adopted the recommendation of Staff as set forth above.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the Minutes for the March 9, 2020 Agenda Meeting.

BACKGROUND: Staff presented the meeting minutes of March 9, 2020, and recommended that they be accepted.

DECISION: The Board adopted the recommendation of Staff as set forth above.

After appropriate motion, the consent agenda was approved.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Gordon	Aye

AGENDA

1. AUDITS

Alice A. Bator, Director, Division of Audits, presented these matters.

A. Docket No. AA15090993 – In the Matter of the Rate Charged by One Call Concepts, Inc. for Operation of the New Jersey One-Call Damage Prevention System and Request to Extend Contract.

BACKGROUND AND DISCUSSION: On October 15, 2015, the Board selected One-Call Concepts, Inc. (One Call Concepts) to operate the New Jersey One-Call Damage Prevention System for a second five-year term beginning March 1, 2016, and ending February 28, 2021. One-Call Concepts is compensated for its services by charging underground operators.

On February 3, 2020, One-Call Concepts filed a letter petition with the Board seeking approval of a tariff for its Facilities Protection Services, which includes a rate increase from \$1.36 to \$1.43 per mark-out notification ticket to underground facility operators.

On March 17, 2020, One-Call Concepts revised the proposed tariffs changing the effective date for its tariff from April 1, 2020 to May 1, 2020. The change is calculated based upon the contract award of a fixed dollar amount per message received.

The charge is subject to an annual adjustment, up or down, based upon the actual revenues received. The proposed rate is reasonable and will allow One-Call Concepts to receive the contractual amount agreed to for the rendering of its services.

One-Call Concepts also requested a two-year extension of the contract, which is allowed under its terms and conditions of the contract as long as One-Call Concepts agrees to operate under the existing contract terms and conditions and the fixed dollar amount per message received and as long as the contract manager, the Office of Management and Budget, Purchase and Property also agree to the extension.

Staff recommended approval of the \$1.43 per mark-out rate and the associated tariff with an effective date of May 1, 2020. Staff also recommended that the Board seek approval of the extension from the Office of Management and Budget to accept One Call Concept's request and extend the contract two more years through February 28, 2023.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Gordon	Aye

B. Docket No. EO20030224 – In the Matter of the Alleged Failure of KNL Consulting, 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, Private Aggregator, and/or Energy Consultant Initial Registrations

EE19101421L KNL Consulting, LLC

EA

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Energy Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by KNL Consulting, LLC (KNL), who had been operating as an energy agent to provide services to commercial customers in New Jersey.

As a result of correspondence and telephone conversations, KNL submitted an Offer of Settlement (Offer) regarding its alleged violations. KNL made a monetary offer in the amount of \$3,400.00 to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) KNL will pay to the State of New Jersey the sum of \$3,400.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against KNL, up to and including March 10, 2020.
- 2) The Offer of Settlement shall not relieve KNL or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after March 10, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by KNL or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) KNL will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by KNL or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration as an energy agent. Staff recommended that the Board approve the initial registration application as an Energy Agent.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Gordon	Aye

C. Docket No. EO20020164 – In the Matter of the Alleged Failure of Rapid Power Management, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-7 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.

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

EE19040518L Rapid Power Management, LLC EA

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Rapid Power Management, LLC (Rapid Power Management), who had been operating as an energy agent to provide services to commercial and industrial customers in New Jersey.

As a result of correspondence and telephone conversations, Rapid Power Management submitted an Offer of Settlement (Offer) regarding its alleged violations. Rapid Power Management made a monetary offer in the amount of \$3,400.00 to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) Rapid Power Management will pay to the State of New Jersey the sum of \$3,400.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Rapid Power Management, up to and including February 18, 2020.
- 2) The Offer of Settlement shall not relieve Rapid Power Management or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 18, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Rapid Power Management or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.

- 4) Rapid Power Management will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by Rapid Power Management or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration as an energy agent. Staff recommended that the Board approve the initial registration application filed by Rapid Power Management as an Energy Agent.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Gordon	Aye

- D. Docket No. EO20020165 - In the Matter of the Alleged Failure of National Energy Network, Inc. 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, Private Aggregator, and/or Energy Consultant Initial Registrations

EE18050572L	National Energy Network, Inc.	E/EC
GE18111243L		

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by National Energy Network, Inc. (NEN), which has been operating as an energy agent and energy consultant to provide services to commercial and industrial customers in New Jersey.

As a result of correspondence and telephone conversations, NEN submitted an Offer of Settlement (Offer) regarding its alleged violations. NEN made a monetary offer in the amount of \$9,800.00 to resolve all issues concerning the violations alleged by Staff. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) NEN will pay to the State of New Jersey the sum of \$9,800.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against NEN, up to and including February 18, 2020.
- 2) The Offer of Settlement shall not relieve NEN or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 18, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by NEN or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) NEN will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by NEN or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration as an energy agent and energy consultant. Staff recommended that the Board approve the initial registration application filed by NEN as an Energy Agent and Energy Consultant.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

E. Docket No. EO20020166 - In the Matter of the Alleged Failure of Stark Commodity Advisors, LLC f/k/a Energy Finish Line, 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.

In the Matter of Stark Commodity Advisors, LLC f/k/a Energy Finish Line, LLC – Application for Initial Energy Agent. BPU Docket No. EE19020194L

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

**EE19020194L Stark Commodity Advisors, LLC EA
f/k/a Energy Finish Line, LLC**

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Stark Commodity Advisors, LLC f/k/a Energy Finish Line, LLC (SCA), who had been operating as an energy agent to provide services to commercial and industrial customers in New Jersey.

As a result of correspondence and telephone conversations, SCA submitted an Offer of Settlement (Offer) regarding its alleged violations. In the Offer of Settlement, SCA made a monetary offer in the amount of \$2,500.00 to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) SCA will pay to the State of New Jersey the sum of \$2,500.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against SCA, up to and including February 21, 2020.
- 2) The Offer of Settlement shall not relieve SCA or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 21, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by SCA or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) SCA will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by SCA or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

As a result of correspondence and telephone conversations, FCStone submitted an Offer of Settlement (Offer) regarding its alleged violations. FCStone made a monetary offer in the amount of \$3,000.00 in order to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) FCStone will pay to the State of New Jersey the sum of \$3,000.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against FCStone, up to and including February 21, 2020.
- 2) The Offer of Settlement shall not relieve FCStone or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 21, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by FCStone or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) FCStone will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by FCStone or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration as an energy agent. Staff recommended that the Board approve the initial registration application filed by FCStone as an Energy Agent.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

H. Docket No. EO20030196 - In the Matter of the Alleged Failure of T.E. Energy Consultants, 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, Private Aggregator, and/or Energy Consultant Initial Registrations

EE19030314

T.E. Energy Consultants, LLC

EA

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by T.E. Energy Consultants LLC (T.E. Energy Consultants), which has been operating as an energy agent to provide services to residential, commercial, and industrial customers in New Jersey.

As a result of correspondence and telephone conversations, T.E. Energy Consultants submitted an Offer of Settlement (Offer) regarding its alleged violations. T.E. Energy Consultants made a monetary offer in the amount of \$875.00 in order to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer as it represents a reasonable settlement of potential violations with the following conditions:

- 1) T.E. Energy Consultants will pay to the State of New Jersey the sum of \$875.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against T.E. Energy Consultants, up to and including February 14, 2020.
- 2) The Offer of Settlement shall not relieve T.E. Energy Consultants or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 14, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by T.E. Energy Consultants or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) T.E. Energy Consultants will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by T.E. Energy Consultants or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration application as an energy agent. Staff recommended that the Board approve the initial registration application filed by T.E. Energy as an Energy Agent.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

- I. **Docket No. EO20020152 - In the Matter of the Alleged Failure of Elite Energy Group, Inc. 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

EE19080898L Elite Energy Group, Inc. EA

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Elite Energy Group, Inc. (Elite Energy or Company), who had been operating as an energy agent to provide services to residential and commercial customers in New Jersey.

As a result of correspondence and telephone conversations, Elite Energy submitted an Offer of Settlement (Offer) regarding its alleged violations. Elite Energy made a monetary offer in the amount of \$1,000.00 to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer of Settlement as it represents a reasonable settlement of potential violations with the following conditions:

- 1) Elite Energy will pay to the State of New Jersey the sum of \$1,000.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Elite Energy, up to and including January 15, 2020.
- 2) The Offer of Settlement shall not relieve Elite Energy or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after January 15, 2020.

- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Elite Energy or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) Elite Energy will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by Elite Energy or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration application as an energy agent. Staff recommended that the Board approve the initial registration application filed by Elite Energy as an Energy Agent.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

- J. Docket No. EO20020171 - In the Matter of the Alleged Failure of Greencrown Energy, 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, Private Aggregator, and/or Energy Consultant Initial Registrations

EE19080943L	Greencrown Energy, LLC	EAP/AEC
GE19080944L		

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Greencrown Energy, LLC (Greencrown Energy or Company), who had

been operating as an energy agent, private aggregator, and energy consultant to provide services to commercial and industrial customers in New Jersey.

As a result of correspondence and telephone conversations, Greencrown Energy submitted an Offer of Settlement (Offer) regarding its alleged violations. Greencrown Energy made a monetary offer in the amount of \$900.00 in order to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer of Settlement of \$900.00 as it represents a reasonable settlement of potential violations with the following conditions:

- 1) Greencrown Energy will pay to the State of New Jersey the sum of \$900.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Greencrown Energy, up to and including February 6, 2020.
- 2) The Offer of Settlement shall not relieve Greencrown Energy or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 6, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Greencrown Energy or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) Greencrown Energy will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by Greencrown Energy or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration application as an Energy Agent, Private Aggregator and Energy Consultant. Staff recommended that the Board approve the initial registration application filed by Greencrown Energy.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

K. Docket No. EO20020163 - In the Matter of the Alleged Failure of Ultimate Energy Advisors, LLC d/b/a Ultimate Energy Advisors 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, Private Aggregator, and/or Energy Consultant Initial Registrations

EE19080888L	Ultimate Energy Advisors	EAP/AEC
GE19080889L		

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Energy Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Ultimate Energy Advisors, LLC dba Ultimate Energy Advisors, (Ultimate Energy Advisors or the Company), who had been operating as an energy agent to provide service to commercial and Industrial customers, but has only one customer in New Jersey.

As a result of correspondence and telephone conversations, Ultimate Energy Advisors submitted an Offer of Settlement (Offer) regarding its alleged violations. Ultimate Energy Advisors made a monetary offer in the amount of \$500.00 in order to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer of Settlement of \$500.00 as it represents a reasonable settlement of potential violations with the following conditions:

- 1) Ultimate Energy Advisors will pay to the State of New Jersey the sum of \$500.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against PSES up to and including February 24, 2020.
- 2) The Offer of Settlement shall not relieve Ultimate Energy Advisors or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 24, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Ultimate Energy Advisors or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) Ultimate Energy Advisors will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.

- 5) The execution of this Offer of Settlement shall not be relied upon by Ultimate Energy Advisors or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration as an Energy Agent. Staff recommended that the Board approve the initial registration application filed by Ultimate Energy Advisors as an Energy Agent.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

- L. Docket No. EO20030269 – In the Matter of the Alleged Failure of Innovative Energy Advisors, LLC to Comply with Certain Provisions of N.J.S.A. 48:3-49 et seq., and the New Jersey Administrative Code, N.J.A.C. 14:4-1.1 et seq.**

Energy Agent and Private Aggregator Initial Registrations

EE19080899L	Innovative Energy Advisors, LLC	E/PA
GE19080900L		

BACKGROUND AND DISCUSSION: This matter involved potential violations under the Electric Discount and Energy Competition Act (the Act), and N.J.A.C. 14:4-1.1 et seq. (the Regulations) by Innovative Energy Advisors, LLC (IEA or Company), who had been operating as an energy agent and private aggregator to provide services to commercial and industrial customers in New Jersey.

As a result of correspondence and telephone conversations, Innovative Energy Advisors, LLC submitted an Offer of Settlement (Offer) regarding its alleged violations. Innovative Energy Advisors, LLC made a monetary offer in the amount of \$350.00 in order to resolve all issues concerning the violations. Staff recommended that the Board issue an order accepting the Offer of Settlement of \$350.00 as it represents a reasonable settlement of potential violations with the following conditions:

- 1) IEA will pay to the State of New Jersey the sum of \$350.00 in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against IEA, up to and including February 17, 2020.
- 2) The Offer of Settlement shall not relieve IEA or its parents, affiliates, subsidiaries or successors, from any violations, if any, of the Act, the Regulations, or Board Orders that may occur after February 17, 2020.
- 3) Any future repeated violation(s) of the Act, the Regulations, or Board Orders by IEA or its parent, affiliates, subsidiaries, or successors that may now or in the future provide energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
- 4) IEA will comply with all provisions of the Act and Regulations regarding Registrant renewal requirements as set forth at N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq.
- 5) The execution of this Offer of Settlement shall not be relied upon by IEA or its affiliates, subsidiaries or successors in any attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

In addition, the Company also filed an application with the Board seeking an initial registration as an energy agent and private aggregator. Staff recommended that the Board approve the initial registration application filed by Innovative Energy Advisors as an energy agent and private aggregator.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

2. ENERGY

Stacy Peterson, Director, Division of Energy, presented these matters.

A. Docket No. GR19050678 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate.

BACKGROUND AND DISCUSSION: On May 31, 2019, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition with the Board seeking to maintain its Periodic Basic Gas Supply Service (BGSS-P) rate of \$0.4691 per therm, to be effective October 1, 2019 (2019 BGSS Petition). The current BGSS-P rate of \$0.4691 per therm was designed to bring the BGSS balance to approximately zero as of September 30, 2020 at the time of the filing. The 2019 BGSS Petition further indicated that, although the Company proposed to maintain its current BGSS-P rate, the Company's calculations resulted in a rate of \$0.4773 per therm.

By Order dated September 11, 2019, the Board authorized Elizabethtown to maintain its BGSS-P rate of \$0.4691 per therm on a provisional basis subject to refund. As a result of the September 2019 Provisional Order, customers' bills did not change.

On September 26, 2019, this matter was transmitted to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge (ALJ) Ernest M. Bongiovanni.

On March 16, 2020, the Company, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, Parties) executed a Stipulation for Final Rates (Stipulation) in this matter. As part of the Stipulation, the Parties agreed that the provisionally approved BGSS-P rate effective October 1, 2019 should be made final.

On March 17, 2020, ALJ Bongiovanni issued his Initial Decision recommending Board approval of the Stipulation, finding that the Parties voluntarily agreed to it, and that the Stipulation fully disposed of any issues in controversy and was consistent with the law.

Staff recommended that the Board issue an Order approving the Initial Decision and Stipulation. Staff also recommended that the Board direct Elizabethtown to file revised tariffs prior to May 1, 2020.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. GR19050679 and OAL Docket No. PUC 13594-19 – In the Matter of the Petition of South Jersey Gas Company to Revise the Level of its Basic Gas Supply Service Charge and Conservation Incentive Program Charge for the Year Ending September 30, 2020.

BACKGROUND AND DISCUSSION: On May 31, 2019, South Jersey Gas Company (South Jersey or Company) filed a petition with the Board seeking authority to: 1) decrease its Periodic Basic Gas Supply Service (BGSS) rate; 2) change the charges related to its Balancing Service Clause (BSC) and 3) revise its Conservation Incentive Program (CIP) rates (2019 BGSS/CIP Petition).

By Order dated September 11, 2019, the Board authorized South Jersey to implement its proposed BGSS, BSC and CIP rates effective October 1, 2019, on a provisional basis, subject to refund. As a result of the September 2019 Provisional Order, the monthly bill impact on a typical residential customer using 100 therms was a decrease of approximately \$6.07.

On September 26, 2020, the 2019 BGSS/CIP Petition was transmitted to the Office of Administrative Law and assigned to Administrative Law Judge (ALJ) Tricia M. Caliguire for hearing as a contested case.

On March 16, 2020, the Company, Board Staff (Staff) and the New Jersey Division of Rate Counsel executed a Stipulation for Final Rates (Stipulation) agreeing to approve as final, the provisional BGSS, BSC and CIP rates.

On March 17, 2020, ALJ Caliguire issued an Initial Decision adopting the Stipulation, finding that the Parties voluntarily agreed to the Stipulation and that the Stipulation fully disposed of all issues in controversy and was consistent with the law.

Staff recommended that the Board issue an Order approving the Initial Decision and Stipulation. Staff also recommended that the Board direct South Jersey to file tariff sheets consistent with the terms and conditions of the Order by May 1, 2020.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

There were no items in this category.

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket Nos. QO19050645 and QO20030262 – In the Matter of the Clean Energy Order Program and Budget for Fiscal Year 2020 – 2nd Budget Revision and Electric Vehicle Program Compliance Filing.

Sherri Jones, Assistant Director, Division of Clean Energy presented this matter.

BACKGROUND AND DISCUSSION: The Fiscal Year (FY) 2020 Clean Energy Programs and Budgets were approved by the Board on June 21, 2019. On January 8, 2020, the Board approved the revised budget which included the true-up and budget reallocations.

On March 19, 2020, Staff posted on the New Jersey's Clean Energy Program website and distributed to the listserv a Request for Comments regarding the proposed FY20 2nd budget revisions and the Electric Vehicle Program Compliance filing. Staff accepted comments through March 31, 2020. The proposed budget reallocations included:

An increase of approximately \$9.3 million to the commercial and Industrial Buildings program:

- \$1 million to the energy efficiency program;
- \$395,000.00 to the Residential New Construction Program;
- \$133,000.00 to the local government energy audit program;
- \$100,000.00 to the SREC Registration program;
- \$66,000.00 to the combined heat and Power program; and
- \$70,000.00 for TRCs audit.

Additionally, the proposal included:

- A reduction to the Direct Install Program of approximately \$9.9 million; and
- \$1.3 million reduction from the multifamily program.

This matter also addresses two components for the electric vehicle program. In June 2019, Governor Murphy dedicated \$30 million in funds through the FY20 Appropriations Act as a mechanism to achieve the State's goal of 330,000 zero emission vehicles by 2025.

On January 17, 2020, Governor Murphy signed into law, an incentive program for light-duty electric vehicles and at-home EV charging infrastructure.

On March 19, 2020, Staff released a proposal for the second funding reallocations to the FY20 budget, as well as the FY20 Compliance Filing for the Charge Up New Jersey program.

The current EV incentive program has a budget of \$30 million dollars. In order to adhere to the requirements of the law, Staff recommended reallocating \$15,000,000.00 to fund the Plug-In Electric Vehicle Incentive Fund will fund the Charge Up New Jersey program. The total electric vehicle budget will remain the same.

Staff reviewed and considered the comments received and recommended that the Board approve the FY20 2nd Proposed Budget Revisions and the Electric Vehicle Charge Up New Jersey program.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. QO18070698 – In the Matter of the SREC Registration Program Pursuant to P.L. 2018, c. 17; and

Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, C. 17 – Calculation of 5.1% Milestone For SREC Program Closure.

B. Scott Hunter, Renewable Energy Program Administrator, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board determining that New Jersey will achieve the milestone set forth by the Legislature in P.L. 2018, c. 17, codified at N.J.S.A. 48:3-51 to -87 (Clean Energy Act), that 5.1% of the electricity consumed by New Jersey consumers is derived from solar power. In light of this

milestone, the Order also directs Staff to expedite implementation of the Transition Renewable Energy Certificate (TREC) program and provides additional guidance about TREC payment schedules and timing.

On May 23, 2018, Governor Murphy signed the Clean Energy Act into law, effective immediately. Among many other mandates, the Clean Energy Act directed the Board to adopt rules and regulations to close the Solar Renewable Energy Certificate Registration Program (SREC Program or SRP) to new applications once the Board determines that 5.1 percent of the kilowatt-hours sold in the State by third party electric suppliers and basic generation service providers has been generated by solar electric power generators connected to the distribution system (5.1 % Milestone).

On February 27, 2019, the Board clarified that the Legislature intended to limit access to the SREC market upon the attainment of the 5.1% milestone. Thus, "projects in the SRP pipeline that have not commenced commercial operations at the time the State reaches this milestone may not be eligible to participate in the SREC market." The Board also authorized Staff's use of the date on the Permission to Operate (PTO) letter issued by the Electric Distribution Companies as a proxy for the commencement of commercial operations. In addition, the Board directed Staff to commence a rulemaking proceeding to incorporate this authorization into the Board's rules.

On August 7, 2019, the Board approved a rule proposal addressing the methodology for determining the percentage of solar electric kilowatts sold (5.1% Calculation Rule), 51 N.J.R. 1457(a). On January 8, 2020, the Board approved the 5.1% Calculation Rule for publication in the New Jersey Register and it became effective upon publication in the New Jersey Register on February 3, 2020. The Rule required Staff to provide forecasts on the attainment of the 5.1% Milestone on a monthly basis, which the Board also directed Staff to publish in its January 8 Order.

On January 8, 2020, the Board adopted a rule amendment addressing the methodology for determining the percentage of solar electric kilowatt hours sold (5.1% Calculation Rule), 51 N.J.R. 1457(a), which became effective upon publication in the New Jersey Register on February 3, 2020. The 5.1% Calculation Rule required a proceeding to allow stakeholders to comment on the calculation of the 5.1% Milestone, following which the Board approved a calculation with the refined estimates at its February 19, 2020 agenda meeting (February 2020 Order) Except for the Subsection t projects with applications submitted prior to 10.29.18, all Registered projects must have Permission to Operate granted by the Electric Distribution Companies by April 30 and submit final as-built post-construction certification packages within 90 days of the PTO date. The PTO letter mark the date that commercial operations have commenced.

In the March 27,2020 Order, in light of the potential disruption to solar development business practices as a result of the COVID 19 response, the Board extended the deadline for project developers to submit a post-construction certification package within 90 days of the PTO issuance.

Staff recommended the Board direct the SRP process team to close the registration portal on the 91st day following May 1, 2020, the date the Board determines that the 5.1% milestone has been achieved.

In the March 27, 2020 Order, the Board granted staff the ability to issue first or second extensions for projects that had their conditional registration expire until the day that the Board determines the 5.1% milestone has been attained and all extensions expire when the 5.1% milestone was reached.

Staff also recommended that the Board formally declare that the State will generate 5.1% of its retail electricity sales from solar before May 1, 2020 making New Jersey one of the leading states in the country for clean, carbon-free, generation from solar. As a result of having met this milestone Staff recommended that the Board announce the closure of the SRP effective April 30, 2020, more than a full year ahead of the statutory deadline established by the Legislature of June 1, 2021.

Staff further recommended that the Board direct Staff to undertake the necessary administrative steps to close the market, and direct Staff to cease accepting SREC registrations on April 30, 2020. Finally, Staff recommended that the Board issue an order that all projects with active registrations in the SRP pipeline must have a PTO letter issued by their Electric Distribution Company prior to that date to be eligible for SRECs.

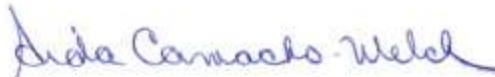
DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

9. MISCELLANEOUS

There were no items in this category.

There being no further business before the Board, the meeting was adjourned.



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: May 20, 2020