



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
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 March 3, 2021, via Teleconference: 1 301 715 8592 Webinar ID: 943 3636 8918 or watch online @ <https://youtu.be/M2qEMp8q9ck>

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

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 March 24, 2021 at 10:00 a.m. via teleconference with details to follow.

CONSENT AGENDA

I. AUDITS

A. Energy Agent Initial Registrations

EE21010082L Palm Energy, LLC I – EA

EE20100640L Power Target, LLC I – EA

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

**EE21010086L Technology Resource Solutions, Inc.
d/b/a VARO R – EA**

EE20080529L M and R Energy Resources Corp. R – EA

EE20110712L In Nature’s Image, LLC R – EA

EE20090580L Energy Edge Consulting, LLC R – EA

**EE20090583L Optimum Group, LLC
d/b/a Optimum Energy Solutions R – EA**

**EE20060453L National Auditing Services and Consulting, LLC
d/b/a National Energy Discounters R – EA**

**EE21010053L Avatar Management, Inc.
d/b/a Avatar Telcom and Energy Solutions R – EA**

EE21010055L Capital Energy, Inc. R – EA

EE21010059L Scott D. Lagrosa R – EA

EE21010062L Clear Point Energy, Inc. R – EA

EE20110713L The Energy Alliance, LLC R – EA

**EE21010052L Telco Pros, Inc.
d/b/a TPI Efficiency R – EA**

EE21020285L National Energy Cost Services, Inc. R – EA

**EE20120744L KEYTEX Energy Solutions, LLC R – EA/PA
GE20120745L**

**EE20110710L Convenient Ventures, LLC R – EA/PA
GE20110711L d/b/a EnergyObjective**

**EE20020178L Trane Energy Choice, LLC R – EA/PA
GE20020179L**

EE21020373L GE21020374L	TFS Energy Solutions, LLC d/b/a Tradition Energy	R – EA/PA
EE21020124L GE21020125L	TruEnergy Services, LLC	R – EA/PA
EE21010060L GE21010061L	New America Power, LLC	R – EA/PA/EC
EE20090581L GE20090582L	Relationship Management Consulting, LLC d/b/a RMC Energy Brokers	R – EA/EC
EE21010050L GE21010051L	Prospect Resources, Inc.	R – EA/EC
EE20090578L GE20090589L	Applied Energy Partners, LLC	R – EA/EC
EE20110707L GE20110708L	Legend Energy Advisors, LLC	R – EA/EC

BACKGROUND: The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board.

The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to be processed by Board Staff for approval or denial.

The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. An energy agent, private aggregator, or energy consultant registration shall be valid for one year from the date of issue. Annually thereafter, licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

Staff recommended that the following applicants be issued initial registrations as an energy agent for one year:

- Palm Energy, LLC
- Power Target, LLC

Staff also recommended that the following applicants be issued renewal registrations as an energy agent for one year:

- Technology Resource Solutions, Inc. d/b/a VARO
- M&R Energy Resources Corp.
- In Nature's Image LLC
- Energy Edge Consulting, LLC
- Optimum Group, LLC d/b/a Optimum Energy Solutions
- National Auditing Services & Consulting, LLC d/b/a National Energy Discounters
- Avatar Management Inc. d/b/a Avatar Telcom & Energy Solutions
- Capital Energy, Inc.
- Scott D Lagrosa
- Clear Point Energy, Inc.
- The Energy Alliance, LLC
- Telco Pros Inc. d/b/a TPI Efficiency
- National Energy Cost Services, Inc.
- KEYTEX Energy Solutions, LLC
- Convenient Ventures, LLC d/b/a EnergyObjective
- Trane Energy Choice, LLC
- TFS Energy Solutions, LLC d/b/a Tradition Energy
- TruEnergy Services, LLC
- New America Power, LLC
- Relationship Management Consulting, LLC d/b/a RMC Energy Brokers
- Prospect Resources Inc.
- Applied Energy Partners, LLC
- Legend Energy Advisors LLC

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

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

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 December 16, 2020 and January 7, 2021 Agenda Meetings.

BACKGROUND: Staff presented the December 16, 2020 and January 7, 2021 Board meeting minutes and recommended 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 Chivukula	Aye
	Commissioner Gordon	Aye

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

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

A. Docket No. GR20060378 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) Rates for F/Y 2021.

BACKGROUND AND DISCUSSION: This matter involved the Board finalizing New Jersey Natural Gas Company's (NJNG or Company) 2020 Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) filing.

On May 29, 2020, NJNG filed a petition with the Board seeking approval to modify its Basic Gas Supply Service and Conservation Incentive Program rates (2020 BGSS/CIP Petition). The 2020 BGSS/CIP Petition also sought approval to modify NJNG's Balancing Charge rate. NJNG requested that the changes become effective on October 1, 2020. The Company requested authority to decrease its current BGSS rate per therm from \$0.3753 to \$0.3320 effective October 1, 2020. As a result of the proposed rates, the Company's annual BGSS revenues would be reduced by approximately \$21.7 million. Based upon current market conditions, NJNG estimated the BGSS ending balance would be approximately \$7.9 million over recovered as of September 30, 2020. The estimated BGSS ending balance would be an under-recovery of approximately \$2.4 million as of September 30, 2021. NJNG also proposed to decrease its Balancing Charge from \$0.1088 per therm to \$0.1026 per therm. This decrease would result in an additional decrease in BGSS revenues of \$4.1 million.

The Company sought approval of the following per therm revised CIP rates to be effective October 1, 2020: Group I Residential Non-Heating – a charge of \$0.0173; Group II Residential Heating – a charge of \$0.0427; Group III General Service -- Small – a charge of \$0.04; and Group IV General Service – Large – a charge of \$0.0303. The CIP calculations result in an overall increase in after-tax revenue of approximately \$23.8 million, including \$19.9 million related to weather, which was warmer than normal, and a non-weather related margin deficiency of \$3.9 million.

Through discovery, the Company updated its CIP rate schedules. As a result of the update, CIP Groups I and II had a lower rate than originally proposed, while Groups III and IV were higher than originally proposed. The updated CIP calculations resulted in an overall increase in after-tax revenue of approximately \$17.6 million. As a result of the update, the overall decrease in after-tax revenue for the 2020 BGSS/CIP Petition is approximately \$8.2 million.

On September 9, 2020, the Board issued an Order in this docket, which approved a Stipulation of Settlement (Stipulation) executed by NJNG, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties) (September 2020 Provisional Order).

The September 2020 Provisional Order, authorized NJNG to implement a per therm BGSS rate of \$0.3320 and a per therm Balancing Charge of \$0.1026. The September 2020 Provisional Order also approved the following per therm CIP rates: (\$0.0334) for Group I Residential Non-Heat customers; \$0.0304 for Group II Residential Heat customers; \$0.0400 for Group III Small Commercial customers; and \$0.0303 for Group IV General Service Large Customers. All rates approved in the September 2020 Provisional Order became effective for services rendered on and after October 1, 2020 on a provisional basis, subject to refund. As a result of the September 2020 Provisional Order, a typical residential customer using 100 therms on a monthly basis would see a decrease of \$2.70, or approximately 2.4%.

On September 16, 2020, the Board transmitted this matter to the Office of Administrative Law as a contested case where it was subsequently assigned to Administrative Law Judge (ALJ) Jacob Gertsman.

Following appropriate notification, the Company implemented bill credits in the months of December and January, with an anticipated average credit of \$19 and \$24, respectively to a typical residential heating customer.

The Parties executed a stipulation of settlement (Stipulation) requesting that the Board approve the provisionally approved BGSS, Balancing Charge, and CIP rates, on a final basis, which was approved by ALJ Gertsman.

Staff recommended that the Board issue an Order approving the Initial Decision and Stipulation of the Parties. Staff also recommended that the Board direct NJNG to file tariffs consistent with the Order by April 1, 2021.

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. GR20060379 – In the Matter of the Petition of Public Service Electric and Gas Company’s 2020/2021 Annual BGSS Commodity Charge Filing for its Residential Gas Customers Under its Periodic Pricing Mechanism and for Changes in its Balancing Charge.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Public Service Electric and Gas Company’s (PSE&G or Company) 2020 Basic Gas Supply Service (BGSS) and Balancing Charge filing.

On June 1, 2020, PSE&G filed a petition with the Board requesting authority to maintain the Company’s Basic Gas Supply Service (BGSS Residential Gas Service (BGSS-RSG) rate of \$0.320127 per therm effective October 1, 2020 (2020 BGSS Petition). In the 2020 BGSS Petition the Company also sought authority to decrease its Balancing Charge from \$0.098620 to \$0.085723 per balancing use therm. Based upon the requests in the 2020 BGSS Petition, the Company’s BGSS revenues would remain the same.

On September 23, 2020, the Board issued an Order in this docket which approved a Stipulation of Settlement (Stipulation) executed by the PSE&G, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, the Parties) (September 2020 Provisional Order). The September 2020 Provisional Order authorized PSE&G to provisionally maintain its BGSS-RSG rate of \$0.320069 per therm, and decrease its per therm Balancing Charge of \$0.085723, for services rendered on and after October 1, 2020, subject to refund with interest. As a result of the September 2020 Provisional Order, a typical residential customer using 1,040 annual therms would experience a decrease in their annual bill of \$8.92 (based on rates in effect as of September 1, 2020 and assuming the customer receives BGSS service from PSE&G).

On October 5, 2020, the Board transmitted this matter to the Office of Administrative Law as a contested case where it was subsequently assigned to Administrative Law Judge (ALJ) Gail M. Cookson.

On January 22, 2021, the Parties executed a Stipulation requesting that the Board approve the BGSS-RSG rate of \$0.320004 and the Balancing Charge rate of \$0.085723 per balancing use therm, on a final basis.

Subsequently, ALJ Cookson issued an Initial Decision approving the Stipulation, finding that the Parties had voluntarily agreed to the terms of the Stipulation and that the Stipulation fully disposes of all matters and is consistent with law.

Staff recommended that the Board issue an Order approving the Initial Decision and Stipulation of the Parties. Staff also recommended that the Board direct PSE&G to file tariffs consistent with the Order by April 1, 2021.

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

C. Docket No. EM20100646 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Sale and Conveyance of Real Property Located at 331 Route 202, with a Municipal Tax Map Designation of Block 59.02 A/K/A 59.2, Lot 26 in the Township of Montville, County of Morris and State of New Jersey, to Diversified Properties LLC for \$1,200,000.00.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Public Service Electric and Gas Company's (PSE&G or Company) request to sell real property in Montville, New Jersey.

On October 9, 2020, PSE&G filed a petition with Board seeking approval of a Contract for Sale and Conveyance of Real Estate (Contract) for the sale of real property (Petition). PSE&G sought approval to sell a 15.05 acres parcel of vacant land (Property) bearing street address 331 Route 202, located at Lot 26 in Block 59.02 a/k/a 59.2 in the Township

of Montville, County of Morris, New Jersey to Diversified Properties, LLC (Buyer) for a guaranteed base consideration amount of \$1,200,000.00. Additionally, PSE&G sought a waiver of the advertising requirement.

The Property was originally purchased by PSE&G on October 14, 2009, for \$2,075,000.00 for the purpose of widening the existing Susquehanna Roseland Right-of-Way and building a new transmission tower on the Property.

PSE&G stated that the Property was no longer needed or useful to the Company and the sale would not compromise the ability of the Company to render safe, adequate and proper service.

On August 4, 2020, the Company signed the Contract with the Buyer subject to the Buyer's site development approvals consisting of 40,000 gross square feet of commercial space on the Property.

The Company, Board Staff, and the New Jersey Division of Rate Council participated in discovery and comment submittal.

Staff recommended that the Board issue an Order approving PSE&G's request, subject to the terms and conditions set forth in the 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

D. Docket No. ER21010001 – In the Matter of Federal Energy Items for 2021 – FERC Docket No. EL21-39 Neptune Regional Transmission System, LLC and the Long Island Power Authority v. PJM Interconnection, LLC.

Joseph DeLosa, Office of Federal and Regional Policy Division, presented this matter. **BACKGROUND AND DISCUSSION:** This matter involved the Board considering ratification of a protest filed in opposition to the Neptune and Long Island Power Authority Complaint.

On December 31, 2020, Neptune Regional Transmission System and Long Island Power Authority (collectively, Complainants), filed a complaint (Complaint) against PJM's process for allocating cost of transmission investment. The broad-based relief requested in the Complaint would serve to upend transmission cost allocation not just in New Jersey, but throughout PJM. Neptune has previously been litigants against the Board in New York seam litigation.

On February 9, 2021, Staff, on behalf of the Board, filed a protest (Protest) in response to the Complaint. The Protest pointed out that the issues raised by the Complaint have been directly addressed by the Commission, as recently as 2020. Complainants ignored this past Commission precedent. The Protest explained that Complainants have provided

neither the sufficient evidence nor the changed circumstances required to sustain the Complaint. Accordingly, Staff recommended that the Board ratify the Protest filed February 9, 2021.

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

A. Docket No. WO20080520 – In the Matter of the Petition of AG Logan Partners, LLC, Triple Net Investments XXXIX, LLC and AGP Logan, LLC for a Determination that an Anticipated Fire Suppression Water Service is not a Public Utility Pursuant to N.J.S.A. 48:2-13.

Michael Kammer, Director, Division of Water, presented this matter.

DISCUSSION AND BACKGROUND: This matter involved the Board considering whether the proposed private fire suppression system provided by AGP Logan Partners, LLC, Triple Net Investments XXXIX LLC and AGP Logan, LLC as more fully described in their submissions to the Board, renders them a public utility operating facilities for public use subject to regulation by the Board.

On August 6, 2020, AG Logan Partners, LLC and Triple Net Investments XXXIX, LLC, (collectively, Petitioners), together with AGP Logan, LLC filed a petition with the Board seeking a determination as to whether the Board has jurisdiction over a proposed fire suppression system pursuant to N.J.S.A. 48:2-13.

The Petitioners are developing property in Logan Township, Gloucester County, New Jersey. As part of the development, the Petitioners are proposing the construction of a fire suppression system to service the needs of two industrial parks.

The Petitioners expected to be billed for fire service by New Jersey American Water Company (NJAW) under Rate Schedule L-2 in NJAW's Board-approved tariff.

The New Jersey Division of Rate Counsel indicated that it had no objection to the issuance of a declaratory ruling from the Board that affirms that the proposed fire suppression system is not considered a public utility subject to Board jurisdiction.

Staff recommended that the Board find that the proposed private fire suppression system provided by the Petitioners, as described in their submissions to the Board, will not render them a public utility subject to the jurisdiction of the Board operating facilities for public use subject to regulation by the Board.

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC20080533U and OAL PUC 09634-20 – In the Matter of Walter Siegordner, Petitioner v. Suez Water Company, Respondent – Billing Dispute.

Julie Ford-Williams, Director, Division of Customer Assistance, presented these matters.

BACKGROUND AND DISCUSSION: This matter involved a billing dispute between Walter Siegordner (Petitioner) and Suez Water New Jersey (Suez or Company). On May 25, 2020, the Petitioner filed a petition with the Board requesting a formal hearing, regarding a billing dispute with Suez. The Petitioner contended that the amount of the water bills was due to incorrectly operating transponder for the water meter. The Petitioner alleged that Suez incorrectly billed his account from 2010 to 2017.

Suez, in its answer dated September 9, 2020, contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. Suez further contended that the meter in question was removed for testing and found to be accurate. The Company requested that the relief sought be denied on the basis that the Petitioner failed to set forth a claim upon which relief may be granted.

On September 30, 2020, this matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case. Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on February 2, 2021. No exceptions to the Initial Decision have been received by the Board.

ALJ Moss, in her Initial Decision noted that the meters removed from the Petitioner's home, were tested and did not run more than one- and one-half percent over one hundred. In addition, the Petitioner did not provide proof that the transponder that sent the meter reading to Suez did not work from 2008 to 2017. The bills that the Petitioner received during this time were based on actual meter readings. ALJ Moss further stated that from 2017 to 2020, when the transponder was not working, it could not send the meter readings to Suez, therefore the bills were based on estimated readings. Suez sent the Petitioner a check in the amount of \$937.00 which was the difference between the estimated readings and the actual readings from February 2017 to February 2020. ALJ Moss concluded that the Petitioner did not prove by preponderance of the evidence that he was improperly billed by Suez. Therefore, ALJ Moss ruled that all relief sought by the Petitioner be denied and the petition be dismissed.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Moss. Staff recommended the Board adopt the Initial Decision.

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

8. CLEAN ENERGY

A. Docket No. QO21010014 – In the Matter of the Clean Energy Acoustical Testing Pilot Program Pursuant to N.J.S.A. 48:3-60.3.

Dr. Kira Lawrence, Eagleton Science Fellow with the New Jersey Board of Public Utilities, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering approval of the Acoustical Testing Pilot Program. The program seeks to address water and energy losses arising from aging water infrastructure within New Jersey, with a focus on urban and older suburban areas that would result in benefits to overburdened communities.

The 2019 Energy Master Plan (EMP) recommended that “New Jersey should look to new energy-saving opportunities in complementary sectors, such as the water sector” noting that “energy costs associated with running pumps is one of the top three costs for water utilities in New Jersey. Wastewater treatment facilities could also be critical in driving energy reductions, as could monitoring and replacement of leaking water supply pipelines.”

The Board established fiscal year 2021 (FY21) for New Jersey's Clean Energy Programs (NJCEP) and Budgets by Board Order dated September 23, 2020. The NJCEP FY21 budget provided for the funding of numerous EE programs, including an allocation in the

amount of \$1.5 million for an Acoustical Testing Pilot Program. The Acoustical Testing Pilot Program encourages the exploration of new energy-saving opportunities in complementary sectors, such as the water sector.

This pilot incentive program allocated resources to facilitate water utilities purchasing or renting acoustic monitoring systems that employ permanent leak monitoring technology to enable them to more efficiently and effectively locate water leaks. This pilot program welcomes proposals from all New Jersey water utilities but primarily seeks to address water and energy losses in urban and older suburban communities with older infrastructure and that would also result in benefits to overburdened communities.

The Board noted that water and energy losses associated with leaking water infrastructure in New Jersey result in tens of billions of gallons and tens of millions of kilowatt-hours of energy lost each year. Advanced acoustic leak detection technology has been successfully employed by water utilities in New Jersey and elsewhere to more efficiently and effectively locate water leaks and thus realize significant water, energy, and cost savings, as well as further advance the objectives of the EMP.

Staff recommended that the Board approve the Acoustical Testing Pilot 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. QO16100967 – In the Matter of the New Jersey Board of Public Utilities Microgrid Report Town Center DER Microgrid Program – Phase II Detailed Designed.

James Ferris, Bureau Chief of New Technology, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering awards under the Phase II Town Center Distributed Energy Resources (TCDER) Microgrid Incentive Program.

The Board's Microgrid Incentive Program was developed in two phases. Phase I was for TCDER feasibility studies, and incentives under this program were provided to 13 government entities in 2017. The Phase II program was designed to help move the feasibility study projects towards the development and construction phase by providing incentives for detailed project design. The Phase II program requirements promoted the use of renewable Distributed Energy Resources (DER) and the use of clean energy technologies; and the incorporation of Federal Emergency Management Agency (FEMA) Category IV and Category III Critical Facilities.

Phase II applications were received from 11 of 12 eligible applicants. Applications were scored and ranked by Staff in accordance with the program application requirements.

Staff identified the top eight ranked of the 11 applicants to receive incentives totaling the full allocated incentive amount of \$4 million. The seven highest ranked applications were recommended to receive the full incentive amount requested in their respective applications, while the eighth ranked application is recommended to receive the remainder of the authorized funding budget. The seven highest ranked applications are: Township of Montclair, Borough of Highland Park, Hudson County, City of Hoboken, Township of Neptune, State of New Jersey Department of Treasury for City of Trenton, and the City of Atlantic City. The eighth ranked is the Township of Woodbridge.

Collectively these eight projects, if implemented, would provide resilience to 24 FEMA Category IV facilities and 32 FEMA Category III facilities; 10.5 MW of new or existing solar PV generation; 2.9 MW of new or existing battery storage; over 24,000 tons of avoided CO₂ emissions annually; and at least 30 new or existing electric vehicle charging stations.

Staff recommended that the Board approve the incentive awards to the top eight ranked applicants as identified above.

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

C. Docket No. QO19010040 – In the Matter of the Implementation of L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. GO20090622 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq.

Stacy Ho Richardson, Deputy Director, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a stipulation of settlement regarding New Jersey Natural Gas Company's (NJNG or Company) proposed three-year Energy Efficiency (EE) Program (SAVEGREEN 2020 Program) and associated cost recovery mechanism offered through the company's SAVEGREEN Project.

Since passage of the Regional Greenhouse Gas Initiative law in 2008, NJNG has offered EE programs that have complemented or supplemented programs offered through New Jersey's Clean Energy Program.

On September 25, 2020, the Company proposed an expanded suite of energy efficiency offerings called the SAVEGREEN 2020 Program in response to the Clean Energy Act of 2018, which plays a key role in achieving the State's goal of 100% clean energy by 2050

by setting ambitious energy efficiency targets, among other clean energy strategies, as well as the Board's June 2020 energy efficiency order, which establishes a regulatory framework for the next generation of energy efficiency programs in New Jersey.

These next-generation EE programs will help our state meet the challenge of the climate crisis while advancing sustainable economic growth, providing significant benefits to residents and businesses throughout the state, and growing a clean energy workforce while considering diversity, inclusion, and equity.

Following extensive discovery and several settlement conferences, the Company, Board Staff, the New Jersey Division of Rate Counsel, the Energy Efficiency Alliance of New Jersey, and the Natural Resources Defense Council (collectively, the Parties) agreed to a stipulation of settlement (Stipulation) regarding the proposed SAVEGREEN 2020 program.

According to the Stipulation, NJNG will implement 11 subprograms, including five residential, one multi-family, and four commercial and industrial, at a total program budget of approximately \$258 million over three years beginning on July 1st. NJNG will also recover lost revenues from reduced natural gas sales associated with the SAVEGREEN 2020 Program by way of its current Conservation Incentive Program mechanism.

NJNG's programs and plans designed to be part of a consistent approach statewide to energy efficiency programs implemented pursuant to the Clean Energy Act and the Board's guidance.

Staff recommended that the Board approve the Stipulation of the Parties and NJNG's SAVEGREEN filing according to the terms and conditions in the stipulation.

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

D. Docket No. QO20100659 – In the Matter of the Petition of Deepak Kumar - Request For Transfer of Solar Photovoltaic Project NJSTRE1545384653 from TI Program to SREC Registration Program Project.

Ronald Jackson, Research Scientist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On October 13, 2020, Deepak Kumar (Petitioner) filed a petition requesting the Board reverse the transfer of his solar project into the Transition Incentive program and return it to the legacy Solar Renewable Energy Certification (SREC) Registration Program (SRP).

The Clean Energy Act of 2018 mandated the Board close the SREC market to new entrants upon the state's attainment of 5.1% of retail electricity sales from solar electricity generation. By Order dated April 6, 2020, the Board determined that the State would

reach this milestone before May 1, 2020, and directed the closure of the SRP effective on April 30, 2020, on which date the SRP would be closed to new registrations. The Projects in the SRP pipeline that had not commenced commercial operations by April 30, 2020, or failed to submit their post-construction certification package in a timely manner, would be not be SREC eligible and would instead become eligible for the Transition Incentive Program.

By Order dated April 27, 2020, due to Covid-19 and the Governor's Executive Orders in response to the pandemic, the Board waived certain of its rules to allow Board Staff and the SRP Administrator flexibility in determining when projects would have commenced commercial operations for purposes of establishing SREC eligibility. Specifically, in order to accommodate projects that would have achieved commercial operations by the April 30, 2020 deadline, but for the pandemic's effect on local code inspection and Electric Distribution Companies (EDC) "Permission to Operate" (PTO), the Board approved a narrow and time-limited waiver of the deadline for this SREC eligibility requirement.

To obtain this relief (PTO Waiver), the April 27, 2020 Order required registrants to submit the following to TRC, the Board's SRP Administrator:

1. An affidavit from the project owner that the failure to obtain PTO was attributable to COVID-related closures of critical local government offices or delays in the EDC issuance of PTO;
2. An affidavit signed by a person with direct personal knowledge stating that the project was complete but for final inspections or final permission to interconnect to the grid prior to April 30, 2020;
3. Date-stamped pictures of the array, inverter and balance of system;
4. Date-stamped evidence that project representatives attempted to communicate with local code officials (e.g. emails with the local code officials requesting an inspection); or, if the project has already passed local code inspections, evidence that the application to energize (Part II of the interconnection application) was submitted to the EDC;
5. An executed milestone report form that reflects the status of the project, including the date the request for inspection was filed with the municipal officials, date of receipt of inspection approval, and date of submission of application to energize (Part II of the interconnection application) with the EDC; and
6. Such other evidence as the Board's Staff and/or SRP Administrator may request.

Staff found that the Petitioner and his developer failed to avail themselves of the PTO waiver request process established by the April 27, 2020 Order. No substantive evidence has been produced, which demonstrates that the Petitioner's system was constructed by April 30, 2020 and that an inspection for local code compliance or EDC PTO by April 30, 2020 was delayed as a result of COVID.

Given the failure to follow the clear direction and timelines provided by the Board for projects whose final inspections and PTO were delayed by COVID-19 and the State of Emergency, Staff recommended denial of the petition.

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. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, the Solar Act of 2012;

Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (T) of the Solar Act of 2012; and

Docket No. QO20050345 – Holland Solar Farm, LLC/Hughesville Mill – Application for Subsection (T), Block 2, Lot 1.02.

B. Scott Hunter, Renewable Energy Program Administrator, Division of Clean Energy, Division of Economic Development & Energy Policy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Holland Solar Farm, LLC petition requesting Transition Renewable Energy Certificates (TRECs) eligibility for its Hughesville Mill Subsection (t) application.

On April 9, 2020, CEP Renewables d/b/a Holland Solar Farm, LLC (CEP Renewables) submitted an application to the Board to certify a 10.36 MWdc solar electric generation facility on a brownfield for TREC eligibility pursuant to Subsection (t) of the Solar Act. The project is proposed to be located on 80 acres of land known as the former Hughesville Mill property. Within this 80 acres, an 8.99 MWdc facility was developed by CEP Renewables previously referred to as Fiberville Estates which was certified for Solar Renewable Energy Certificates (SRECs) by the Board in June 2015. The 10.36 MW project is proposed on a separate 23.5 acre portion of the property. The Hughesville Mill property is located at 10 Mill Road in Holland Township, Hunterdon County.

After a review for administrative completeness, Staff provided the application to the New Jersey Department of Environmental Protection (NJDEP) for review. Upon their initial review, the NJDEP advised Board Staff that the subject property had been taxed as farmland in the past. On December 7, 2020, the NJDEP issued its advisory memorandum to Staff with the determination that the proposed solar array is located at a site that meets the State definition of a “brownfield” under the Brownfield and Contaminated Site Remediation Act, which is identical to the Solar Act’s definition of a “brownfield”. The Hughesville Mill site is a former industrial site that is currently vacant and underutilized, as the facility ceased operations in 2003. The NJDEP found the 23.5 acres requested by Holland Solar Farm LLC for Subsection (t) certification meets the State definition of a “brownfield”. However, in order to obtain full certification, additional considerations must be met.

The NJDEP noted that the solar installation will constitute the construction of improvements on a property which requires remediation. The property owner and the owner/operator of the solar installation must, in addition to any other actions required by law including, but not limited to, the Spill Compensation and Control Act, the Brownfield and Contaminated Site Remediation Act, and any regulations relevant to ensuring that the solar installation: does not exacerbate the contamination at the property; does not interfere with any necessary remediation of the property; and does not disrupt or change, without prior written permission from the NJDEP, any existing or future engineering or institutional control that is part of a remedial action for the property; and is protective of public health and the environment.

Staff recommended that the Board require the applicant to demonstrate, prior to receiving full certification, that the tax classification of the land has been changed from its current assessment as "qualified farmland" and that an amount equal to the monies saved by the landlord as a result of the farmland assessment has been remitted to the appropriate municipal authority.

Staff also recommended that in the event that Holland Township declines such payment, the Board direct the applicant to file an equivalent sum or to pay an equivalent sum to a bona fide charity serving the local community.

Finally, Staff recommended the Board find the facts of this case very specific to this unusual application and that full certification under Subsection (t) be granted to a facility that is constructed in accordance with this order, the NJDEP requirements, the plans as represented in the application, and the TREC registration.

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.

LATE STARTER A

TELECOMMUNICATIONS

Docket Nos. BPU TC17091015 and OAL PUC 01597-18 – In the Matter of the Petition of Business Automation Technologies, Inc. d/b/a Data Network Solutions v. Verizon New Jersey, Inc.

Michael R. Beck, Deputy Attorney General, Division of Law, Presented this matter.

BACKGROUND AND DISCUSSION: This matter was before the Board by way of letter filed on March 1, 2021, by Business Automation Technologies Inc. d/b/a Data Network Solutions (DNS or Petitioner) seeking a 30 day extension of time to comply with the Board's Order issued on January 27, 2021 in response to the Petitioner's Motion for Interlocutory Review in the present matter.

On January 27, 2021, the Board issued its Order Approving in Part the Petitioner's Motion for Interlocutory Review in the above referenced billing complaint against Verizon New Jersey (Verizon) being heard before Administrative Law Judge Tricia Caliguire at the Office of Administrative Law (OAL).

The Petitioner sought review of the ALJ's Order excluding certain exhibits, which the Petitioner alleged was improper because the witness was hampered from examining them on the electronic platform the hearing was conducted on Zoom due to his visual impairment.

The Board made the following findings in its January 27, 2021 Order:

- 1) The Petitioner was ordered to inform the OAL what accommodation the DNS witness needs for his visual impairment with respect to reviewing Exhibits 124 and 125 within 10 days of the date effective of this Order;
- 2) DNS will be permitted to recall the Witness to testify on the limited topic of Exhibits 124 and 125 with reasonable accommodation, Verizon will be permitted to cross-examine the DNS Witness; and
- 3) The limited scope of testimony will take place within 30 days of the effective date.

On March 1, 2021, the Petitioner filed a request with the Board seeking a 30 day extension of the deadline for rescheduling of the limited testimony. The Petitioner stated that witness underwent cataract surgery two weeks ago to address his visual impairment documented in the previous Motion, and requires an additional 30 days to reschedule the testimony by April 7, 2021, to allow for recuperation.

Staff recommended approval of the Petitioner's request for a 30 day extension.

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

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: April 27, 2021