



STATE OF NEW JERSEY
Board of Public Utilities
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**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 7, 2021, via Teleconference: 1 301 715 8592 Webinar ID: 991 1293 6716 or watch online @ <https://youtu.be/buN5asIRd3U>

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 April 27, 2021 at 10:00 a.m. via teleconference with details to follow.

CONSENT AGENDA

I. AUDITS

A. Energy Agent Initial Registrations

EE21020105L Rodan Energy Solutions (USA), Inc. I – EA/EC
GE21030673L

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

EE20040287L CIMA Energy Solutions, LLC R – EA

EE20050333L PGP Energy Corporation R – EA

EE21020246L XL Energy Corporation R – EA

EE20110704L FS Energy, LLC R – EA/PA
GE20110705L

EE21020249L Energy Enablement, LLC R – EA/PA
GE21020251L

GE21020099L NJHA Healthcare Business Solutions, Inc. R – PA

EE21020267L Marketing Systems Group, LLC R – EA/PA/EC
GE21020272L

EE21020288L Mondre Energy, Inc. R – EA/PA/EC

Electric Power and Natural Gas Supplier Renewal Licenses

EE19020153L Gateway Energy Services Corporation R – EGSL
GE19020152L

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 had been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7. 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:

- Rodan Energy Solutions (USA) Inc.

Staff also recommended that the following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant for one year:

- CIMA Energy Solutions, LLC
- PGP Energy Corporation
- XL Energy Corp.
- FS Energy, LLC
- Energy Enablement, LLC
- NJHA Healthcare Business Solutions, Inc.
- Marketing Systems Group, LLC
- Mondre Energy, Inc.

Staff recommended that the following applicant be issued renewal licenses as an electric power and natural gas supplier for one year:

- Gateway Energy Services Corp.

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

A. Docket No. TM21020134 – In the Matter of the Verified Joint Petition of Lingo Communications, LLC, Transferor; Lingo Communications of the Northeast, LLC, Licensee; Matrix Telecom, LLC, Licensee; and B. Riley Principal Investments, LLC, Transferee, for Approval to Transfer Indirect Control of Lingo Communications of the Northeast, LLC and Matrix Telecom, LLC to B. Riley Principal Investments, LLC.

BACKGROUND On January 15, 2021, Lingo Communications, LLC (Lingo); Lingo Communications of the Northeast, LLC (Lingo Northeast) and Matrix Telecom, LLC

(Matrix) (Lingo Northeast and Matrix, hereinafter collectively referred to as Licensees); and B. Riley Principal Investments, LLC (Transferee) (all of which are hereinafter collectively referred to as Petitioners), filed a Petition with the Board requesting approval, to the extent required, for the transfer of indirect control of Licensees from Transferor to Transferee (the Transaction). 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 submitted comments by letter dated March 10, 2021, which stated that it did not oppose the requested action by the Petitioners.

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, and will result in positive benefits and is in the public interest. Moreover, a positive benefit may be expected from the strengthening of the Petitioners' 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.

B. Docket No. TF21010036 – In the Matter of BCM One, Inc. – Referred to as (BCM) Petition for Approval to Obtain Debt Financing.

BACKGROUND: On January 13, 2021, BCM One filed the Petition with the Board for approval and authority to obtain debt financing in the amount of \$100 million. Specifically, BCM One is wholly owned by BCM One Group Holdings, Inc., which will take on the additional indebtedness, the proceeds of which will be used to effect the acquisition of complementary entities engaged in similar business activities to BCM One. Should such complementary entities be regulated by the Board, approval of such acquisitions would be necessary and undertaken at a later time.

After the loan proceeds are disbursed to BCM One Group Holdings, Inc., BCM One will become a co-borrower with respect to the debt financing along with the other complementary entities that would also become co-borrowers of the debt financing. The debt financing will be on terms and conditions similar to those approved by the Board in Docket Nos. TM18101120, TF19020149, and TF20020136. Specifically, the \$100 million in additional financing will be secured by (1) substantially all of the assets of BCM One Group Holdings, Inc., BCM One and the other complementary entities, and (2) a pledge by BCM One Group Holdings, Inc. of its equity interests in BCM One and the other complementary entities. The debt financing is expected to include a combination of senior secured financing consisting of a term loan, revolving credit-facility, and certain other incremental and other loans.

By letter dated March 10, 2021, the New Jersey Division of Rate Counsel stated that it did not object to approval of the Petition.

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. TF20120748 – In the Matter of the Verified Petition of PEG Bandwidth NJ, LLC and Uniti National, LLC for Approval to Participate in Certain Modified Additional Financing Arrangements.

BACKGROUND: On December 11, 2020, PEG Bandwidth NJ, LLC (PEG NJ) and Uniti National, LLC (Uniti National, and together with PEG NJ, Petitioners) submitted a Petition with the Board, requesting approval for PEG-NJ and Uniti National to participate in certain financing arrangements of their corporate parents and affiliates.

The Petitioners sought Board approval to enter into certain modifications to the revolving credit facilities that are one component of the Additional Financing Arrangements (the Modified Revolving Credit Facilities). Specifically, the Petitioners sought authority to improve the terms of the revolving credit facilities that are a component of the Additional Financing Arrangements previously approved by the Board.

More specifically, the Petitioners sought to lengthen the maturity of the revolving credit facility and to decrease the applicable interest rate. Pursuant to the Board's August 2020 Order, the Board approved, among other debt encumbrances, the following material terms of the revolving credit facilities: Borrower/Issuer: Uniti Group LP, Uniti Group Finance 2019 Inc. & CSL Capital, LLC Principal Amount: Up to \$575 million Debt Instruments: Revolving Credit Facilities Maturity: April 24, 2022 Interest Rate: LIBOR + Applicable Rate (4.75% - 5.25%) By its current Petition, the Petitioner sought authority to modify the revolving credit facilities as follows: Borrower/Issuer: Uniti Group LP, Uniti Group Finance 2019 Inc. & CSL Capital, LLC Principal Amount: Up to \$575 million Debt Instruments: Revolving Credit Facilities Maturity: Four years from closing, expected in 2025 Interest Rate: LIBOR + Applicable Rate (3.75% - 4.5%).

The remainder of the debt encumbrances approved by the Board in the Additional Financing Arrangements remain in place and are unaffected by this Petition.

The Petitioners stated that purposes for, and uses of, the Modified Revolving Credit Facilities remain the same as PEG NJ previously identified when securing approval for the Additional Financing Arrangements. In particular, the Petitioners will continue to use the Modified Revolving Credit Facilities to repay outstanding debt and for other purposes such as acquisitions, working capital requirements (including the development and expansion of distributed network systems), and general corporate purposes of the Petitioners and their affiliates and subsidiaries.

After review, the New Jersey Division of Rate Counsel submitted a letter dated March 10, 2021 stating that it had no objection to the Board's approval of this petition.

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.

V. WATER

A. Docket Nos. BPU WR19121516 and OAL PUC 17894-2019S – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Wastewater Service, and Other Tariff Modifications – Request for Extension.

BACKGROUND: The Initial Decision of Administrative Law Judge Jacob S. Gertsman was received by the Board on March 3, 2021; therefore the 45-Day statutory period for review and the issuing of a Final Decision will expire on April 7, 2021. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the extensive record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8. Staff recommended that the time limit for the Board to render a Final Decision be extended until May 22, 2021.

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

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU WC19101333U and OAL PUC 17770-19 – In the Matter of Theodore Ubanwa, Petitioner v. New Jersey American Water Company, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on February 26, 2021; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on April 12, 2021. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until May 27, 2021.

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of Minutes for the February 17, 2021 Agenda Meeting.

BACKGROUND: Staff presented the February 17, 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

- A. Docket No. EA20090568 – In the Matter of an Audit of the Affiliated Transactions Between Public Service Electric and Gas Company, Public Service Enterprise Group and its Affiliates and a Comprehensive Management Audit of Public Service Electric and Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:3-12.1 – 12.4, 14:4-3.7(e) and (f) – Executive Session.**

Alice Bator, Director, Division of Audits, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session, and it involved the commencement of the audit of affiliated transactions of Public Services Electric and Gas Company (PSE&G), its parent PSEG, affiliates and subsidiaries, and a comprehensive management audit of PSE&G. Specifically before you today is the selection of the consultant to perform the audit.

The Division of Audits received bid proposals from SilverPoint Consulting, Sage Management Consultants, Schumaker and Company, The Liberty Consulting Group, and Saleeby Consulting, and Overland Consulting. The bids ranged from a low of \$1,001,460.00 to a high of \$2,444,568.00.

The Evaluation Committee, which was comprised of representatives from the Divisions of Audits, Energy, and the Offices of the Economist and Counsel's office, reviewed the bid proposals and recommended that Overland be awarded this consulting engagement at a not-to-exceed price of \$1,600,000.00. The basis for the selection of Overland is explained in the Evaluation Report.

Staff requested that the Board authorize President Fiordaliso to execute the consulting agreement with Overland consistent with the proposed agreement. In the event that Overland seeks any substantive modifications to the proposed agreement, Staff will come back to the Board for consideration of those modifications.

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. ER21030631 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2022.

BACKGROUND AND DISCUSSION: Two-thirds of the State’s Basic Generation Service (BGS) requirements for Residential and Small Commercial Pricing (RSCP) customers are under contract for the period of June 1, 2022 through May 31, 2023. The Board must determine how the remaining one-third of the State’s BGS requirements for RSCP customers, as well as the State’s annual BGS requirements for Commercial and Industrial Energy Pricing (CIEP) customers, should be procured beginning June 1, 2022. In addition, the Board must determine how Rockland Electric Company (Rockland) will procure the annual BGS capacity requirements for its non-PJM, Interconnection, LLC (PJM) service area within New Jersey for the period beginning June 1, 2022.

Staff recommended that the Board initiate a transparent and public proceeding, consistent with that employed for the past 20 years, to determine the process that should be used for the procurement of BGS-RSCP and BGS-CIEP supply, and the capacity needs of Rockland’s non-PJM service area within New Jersey. To initiate this proceeding, Staff also recommended that the Board approve the preliminary procedural schedule that would result in a Board decision on the process in November 2021, and would permit a BGS procurement process in February 2022.

Staff further recommended that the Board direct the electric distribution companies to make a BGS filing by July 1, 2021, describing how they intend to procure the remaining BGS-RSCP and the BGS-CIEP requirements. This shall also include Rockland filing a proposal as part of its July 1, 2021 BGS filing for procuring the capacity requirements for its non-PJM service area within New Jersey. Finally, Staff recommended that the Board invite all other interested stakeholders to file any alternative BGS procurement processes with the Board by July 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. GR20090625 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of Societal Benefits Charge Factors for Remediation Year 2020.

BACKGROUND AND DISCUSSION: On September 29, 2020, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board requesting approval to change rates for two components of its Societal Benefits Charge (SBC): the Remediation Adjustment (RA) component and the New Jersey Clean Energy Program (NJCEP) component (Petition).

NJNG sought approval to increase the Company's per therm RA component from \$0.0145 to \$0.0164 and increase the NJCEP component from \$0.0213 to \$0.0302. Additionally, the Company sought approval of its incurred remediation expenditures from July 1, 2019 through June 30, 2020, (Remediation Year 2020). When combined with the Universal Service Fund/Lifeline rates in effect at the time the Petition was filed, the proposed total per therm SBC rate was \$0.0582. In the Petition, the RA revenue requirement was approximately \$11,089,294.00 and the NJCEP revenue requirement was approximately \$20.321 million.

Through discovery, NJNG revised the actual expenditures for Remediation Year 2019, and removed \$412 of additional interest the Company inadvertently included. As a result, the total recovery RA recovery amount was modified to \$11,086,777.00. However, these changes did not affect the proposed total SBC rate of \$0.0582 per therm.

The NJNG, the New Jersey Division of Rate Counsel, Board Staff (the Parties) executed a stipulation of settlement (Stipulation) to resolve all issues raised in or related to the NJNG's RA and NJCEP rates, including the Company's remediation expenses for the Remediation Year 2020.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct the Company to file tariffs consistent with the Board's Order by May 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 Nos. BPU ER20020146 and OAL PUC 04343-2020N – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Review and Approval of Increases in and Other Adjustments to its Rates and Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therewith (2020 Base Rate Filing).

BACKGROUND AND DISCUSSION: By Order dated October 28, 2020, the Board approved a Stipulation of Settlement (Stipulation) executed by the parties in the 2020 Base Rate Case filed by Jersey Central Power & Light Company (JCP&L or Company). Among other items, the parties agreed that \$95.1 million of Reliability Plus investments for projects placed in service through December 31, 2020 would be included in rate base.

Additionally, the parties agreed that the Company did not have to submit its October 15, 2020 Reliability Plus rate adjustment filing and, instead, the Company would submit a written report by January 15, 2021 detailing Reliability Plus investments placed in-service from July 1, 2020 through December 31, 2020. Additionally, Staff and the New Jersey

Division of Rate Counsel (Rate Counsel) were required to conduct a prudency review of these specific capital expenditures no later than 60 days after the Company submitted the January 15, 2021 report.

On January 15, 2021, JCP&L submitted the required Reliability Plus report. Following a review of the report and discovery responses, the Company, Rate Counsel, and Staff (collectively, Parties) executed a Stipulation in which the Parties agreed that Reliability Plus expenditures placed in-service from July 1, 2020 through December 31, 2020 had been prudently incurred.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties.

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 No. QO20090624 – In the Matter of the Contract for Consulting Services for New Jersey's Whole House Pilot Program – Executive Session.

Kelly Mooij, Director, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved Staff's recommendation to award a contract for a consultant to assist us in the development and implementation of a whole house pilot program, which will coordinate energy efficiency improvements and health and safety hazard remediation into an integrated, single-stream process that leads to the greatest possible benefits for residents and communities, with a focus on low- to moderate-income residents in single- and multi-family homes.

The Board authorized the release of an Request for Qualification (RFQ) on October 28, 2020, for a consultant to do the following:

- Review and analyze case studies and best practices from other states;
- Identify and assess existing data, programs, resources, and funding streams in New Jersey that could be used and leveraged as part of a whole house approach to implementing energy efficiency and addressing health and safety hazards; and
- Design and implement a pilot program in a municipality in the state that streamlines and integrates existing programs to provide these services for single- and multi-family residences occupied by low- to moderate-income residents; and to assess pilot performance as a basis for establishing a statewide program.

The consultant will consult and coordinate with a wide array of organizations, including, but limited to, federal, state, and local government agencies, non-government organizations, utility companies, educational institutions, and non-profit organizations, as part of its review of best practices and development of a compendium of resources and funding sources, as well as the design and implementation of the pilot program.

Staff released the RFQ to nine entities on November 16, 2020, and posted an addenda to the RFQ on December 8, 2020 and December 30, 2020 that provided answers to questions by potential respondents.

An evaluation committee comprising Staff from the Division of Clean Energy, General Counsel's Office, and Division of Budget and Finance reviewed the bidders' responses using the Board's standard internal review process for awarding outside contracts.

The Committee recommended that the Board select the Green & Healthy Homes Initiative to provide professional technical services to design, implement, and evaluate a whole house pilot program for the State of New Jersey.

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. QO21030678 – In the Matter of the New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning; and

Docket No. QO21030676 – In the Matter of the New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning for the Township of Lawrence.

Kevin Dillon, Clean Energy Specialist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On March 29, 2019, the Board approved the Community Energy Plan Grant (CEPG) program through a Board Order entered under the Fiscal Year 2019 Budget docket. The program was designed to provide communities and local government with the opportunity to localize the Energy Master Plan’s (EMP) goals to their own communities.

In accordance with the Board’s Order in May 2019, Staff developed and administered an application process for CEPG. Through the CEPG program, local governments identify the strategies that are most applicable in their communities, what obstacles may exist, what opportunities there may be, and which Board incentive programs or other state programs may help them move towards the goals of the EMP.

On March 6, 2020, the Board received a grant application from the Township of Lawrence. Lawrence identified several opportunities, including calculating its carbon footprint, approaching firehouses and recreational facilities for emission reduction practices, and establishing educational programs to better align with EMP goals.

An evaluation committee comprised of Staff from the New Jersey Division of Clean Energy and Office of Policy and Planning reviewed the application on March 9, 2020.

At the time of application, the Township of Lawrence had a population of 32,668. Grant amounts are determined by population. The evaluation committee recommended that the Board award a grant to the Township of Lawrence commensurate with their population, in the amount of \$15,000.00.

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. QO21030678 – In the Matter of the New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning; and

Docket No. QO21030677 – In the Matter of the New Jersey Clean Energy Program Fiscal Year 2021 Community Energy Planning for Jersey City.

Cathleen Lewis, Outreach Coordinator, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On March 29, 2019, the Board approved the Community Energy Plan Grant (CEPG) Program through a Board Order entered under the Fiscal Year 2019 Budget docket. The program was designed to provide communities and local government with the opportunity to localize the Energy Master Plan's (EMPs) goals to their own communities.

In accordance with the Board's Order in May 2019, Staff has developed and administered an application process for CEPG. Through the CEPG program, local governments identify the strategies that are most applicable in their communities, what obstacles may exist, what opportunities there may be, and which Board incentive programs or other state programs may help them move towards the goals of the EMP.

On September 11, 2020, the Board received a grant application from Jersey City. A steering committee including 15 community partners will assist in the planning process and has identified potential 60 strategies to effectuate changes in the energy, transportation, and waste sectors. The steering committee will evaluate these 60 proposals to determine which can be utilized to impact the EMP's strategies on a local level.

An evaluation committee comprising Staff from the Division of Clean Energy and Office of Policy and Planning reviewed the application on March 15, 2021.

At the time of application, Jersey City had a population of 265,549. After review of the Jersey City application, Staff recommended that the Board award Jersey City a Community Energy Plan Grant of \$25,000.00.

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. QO20100664 – In the Matter of Cavallo Petition for Enforcement of Environmental Information Disclosure rules and for Amendments to EID Rules.

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 a petition of Alfred Cavallo, Charles Skinner, Michael Bell, and Dale Meade (Petitioners) requesting that the Board initiate an Enforcement of Environmental Information Disclosure (EID) action against Third Party Suppliers (TPS) that the Petitioners claim are using Renewable Energy Certificates (RECs) as a misleading marketing tool.

The Petition was filed on July 9, 2020. The Petitioners appear to object to the use of the New Jersey's Renewable Portfolio Standards (RPS) and the retirement of RECs as New Jersey's primary means of promoting renewable energy. The Petitioners asserted that "Instead of buying these 'renewable energy certificate products' consumers should focus on actions that really do reduce fossil fuel use such as conservation and efficiency, supporting New Jersey's offshore wind program, and moving to electric vehicles to reduce petroleum consumption."

Additionally, the Petitioners asserted that many TPS do not post the required information on the environmental impacts of the energy sources that they use or else post outdated or incorrect information. In support of this claim, the Petitioners have provided a list of links to TPS websites. The Petitioners further contend that even if the information is posted and accurate, it is nearly impossible to locate on the vast majority of TPS websites. In addition, the Petitioners maintain that Third Party Suppliers are misleading consumers into thinking that they are using renewable energy when they are in fact still using conventional fuels with all their associated negative environmental impacts.

The Petitioners raised three specific concerns:

1. The Petitioners noted that the Board's rules require all suppliers to post an EID. The statement takes the form of a table or graph showing the fuels used to generate the electricity sold to retail consumers in New Jersey. The Petitioners asserted that many suppliers simply do not post this information or post outdated or incorrect information. They also stated that in almost all cases, even if this information is posted on a supplier's website, the information is difficult to find.
2. The Petitioners pointed out that the price of a REC used to supplement a retail electricity product is not mentioned in the suppliers' marketing materials, and that because some RECs prices are very low, that using these low-cost RECs amounts to fraudulent behavior on the part of suppliers.
3. The Petitioners expressed that several sites make exaggerated claims for RECs, such as claiming that a REC combined with conventional electricity is "pollution free," or similar terms.

The Petitioners' requested that the Board initiate a generic proceeding to alter the State's RPS policies. More importantly, the Board believes that the Legislature's decision to

authorize RECs as a tool to achieve the State's renewable energy goals was a sound one and has been justified by New Jersey's record on renewable energy. As noted above, the RPS has proven successful in providing sufficient clean energy attributes to meet the percentages established by the statute. As Staff noted, an RPS is used by 30 states and the District of Columbia.

The Board's rules already require that a Basic Generation Service and TPS Provider shall disclose information on the environmental characteristics of its energy supply, and that if the fuel mix for particular electricity cannot practicably be determined, the supplier/provider shall disclose a regional average that has been determined by the Board. N.J.A.C. 14:8-3.1(a)(b). The goal of these disclosure requirements is better consumer understanding of the impact of a supplier/provider's fuel sources. Further, the Board's rules require EIDs to be displayed on marketing materials (including websites), and the Staff noted in its most recent annual letter to TPS that EID labels must be kept up to date.

Staff recommended the Board deny the Petitioners' requests for generic Board action; and while Staff rejected the Petitioners' facial challenge to the validity of RECs, to the extent that the Petitioners or others witness specific violations of the EID rules, Staff proposed to investigate those matters on a case-by-case basis.

Staff requested that the Board increase spot audits of these issues, and to notify third-party suppliers when they are not in compliance and, if necessary, to initiate enforcement actions against entities that are not in compliance. Staff recommended the Board direct Staff to increase spot audits, and to notify Suppliers when they are not in compliance and, if necessary, to initiate enforcement actions against entities that are not complying.

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

Ronald Jackson, Research Scientist, Division of Clean Energy, presented these matters.

E. Docket No. QO20120737 – In the Matter of Dr. Vijay Kamath – Request for Inclusion into the Solar Renewable Energy Certificate Program.

BACKGROUND AND DISCUSSION: On November 22, 2020, Dr. Vijay Kamath (Petitioner) asked the Board to 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. 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 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 TRC, the Board's 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 EDC "Permission to Operate" (PTO), the Board approved a narrow and time-limited waiver of the deadline for this SREC eligibility requirement.

Staff believed that the SRP Administrator denied the waiver request for lack of project-specific information on the waiver on the affidavit from someone "with direct personal knowledge" without providing the Petitioner or his installer the opportunity to cure this specific deficiency.

Given the Petitioner's good faith attempts to follow the direction and timelines provided by the Board for projects whose final inspections and PTO were delayed by COVID-19 and the State of Emergency, as well as the direction provided by the SRP Administrator in its previous letters, Staff recommended that the Board grant this 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

F. Docket No. QO21010066 – In the Matter of Petition to Review the Transfer of the SREC Registration (NJSRRE154410629) to the TREC Program (John Ranieri).

BACKGROUND AND DISCUSSION: On January 25, 2021, Mr. John Ranieri (Petitioner) filed a petition on behalf of his father to deem his solar facility eligible for the legacy Solar Renewable Energy Certificate (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. 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 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 "Permission to Operate" (PTO), the Board approved a narrow and time-limited waiver of the deadline for this SREC eligibility requirement.

The Petitioner appeared convinced that he and his father submitted everything necessary to qualify for the PTO Waiver. However, the record does not support this. Although the Petitioner claimed that "everything was submitted" by July 1, 2020, he provided no evidence that the affidavit identified and repeatedly requested by TRC was ever filed.

Given the failure to meet the full requirements established by the Board for projects whose final inspections and PTO were delayed by COVID-19 and the State of Emergency, Staff recommended that the Board deny this 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

G. Docket No. QO21020316 – In the Matter of East Coast Power and Gas – Request Motion for Extension of Time Filing 2020 RPS Report.

BACKGROUND AND DISCUSSION: On January 29, 2021, East Coast Power & Gas (East Coast) submitted a petition with the Board requesting a ninety-day extension of time to file its statutorily required Renewable Portfolio Standard (RPS) report with the Board. ECPG was a Board-licensed Third Party Electricity Supplier (TPS) until September 2020.

On February 9, 1999, the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 to -109 (EDECA) was signed into law. EDECA requires compliance with New Jersey's Renewable Portfolio Standards (RPS) by each Third Party Supplier and Basic Generation Service Provider (TPS/BGS Provider); each must include electricity generated from renewable energy sources in its electricity portfolio. The enabling statute provides regulated entities the ability to demonstrate RPS compliance by participating in a renewable energy trading program approved by the Board. By requiring the retirement of renewable energy certificates (RECs) to satisfy the RPS, New Jersey provided a market-based incentive to the owners of eligible renewable energy generation facilities and furthers the State policy of developing renewable energy.

Each TPS/BGS Provider with retail sales in New Jersey during the Energy Year (EY) must submit an annual compliance report (Annual Report) to the Board by December 1 of each calendar year, demonstrating that it had complied with the RPS for Class I, Class II, and solar renewable energy. N.J.A.C. 14:8-2.11.

East Coast stated that in May 2020 it started the process of exiting the retail energy business in all jurisdictions where it served. At that time, the Petitioner stated that it started working towards completing all required tasks to cease operations. The Petitioner asserted that all customers were returned to their utility companies for default service, with notification approved by the Board and without any interruption of service. After returning all customers to their respective utility companies, East Coast says that it completed the process for license withdrawal in New Jersey.

While it was winding down its New Jersey operations, East Coast stated that it experienced a significant reduction in staff such that those employees that had previously handled the RPS reporting process left East Coast ahead of the 2020 filing date. East Coast acknowledged the importance of meeting its reporting obligations in each state and advises that it had sought assistance from an energy consultant to complete the 2020 RPS report.

The Petitioner stated that it is currently operating in the State for the sole purpose of completing the closure of its operations here and that it had engaged a consultant to assist it in satisfying its remaining regulatory obligations. However, the report is already four months overdue. Staff recommended that the Board limit the relief to only granting the Petitioner a thirty-day extension from the effective date of the 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

Kelly Mooij, Director, Division of Clean Energy, presented these matters.

H. 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. GO20090618 – In the Matter of the Petition of South Jersey Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act.

BACKGROUND AND DISCUSSION: On September 25, 2020, South Jersey Gas Company (SJG or Company) filed a petition with the Board requesting approval of a proposed Energy Efficiency (EE) Program (EEP V or Program). SJG proposed to implement 14 subprograms, including six residential subprograms, one multi-family subprogram, four commercial and industrial (C&I) subprograms, and three pilot subprograms.

The Company requested approval of a cost recovery mechanism to recover the revenue requirement associated with the costs to implement the EEP V, including incentives, outside services, inspections and quality control, information technology, and operations and maintenance. SJG proposed to continue to recover lost revenues from reduced

natural gas sales associated with the EEP V through its current Conservation Incentive Program mechanism.

Following extensive discovery and several settlement conferences, SJG, Board Staff (Staff), the New Jersey Division of Rate Counsel, and the Energy Efficiency Alliance of New Jersey (collectively, Parties) executed a stipulation of settlement (Stipulation) that addresses the issues in this matter.

According to the Stipulation, South Jersey will implement ten subprograms, including five residential, one multi-family, and four commercial and industrial, at a total program budget of approximately \$133 million over three years beginning on July 1, 2021.

South Jersey will also continue to recover lost revenues from reduced natural gas sales associated with the EEP through its current Conservation Incentive Program mechanism. South Jersey's programs and plans are 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 South Jersey's EEP filing according to the terms and conditions set 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

I. 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. GO20090619 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act and the Establishment of a Conservation Incentive Program.

BACKGROUND AND DISCUSSION: The Board first authorized Elizabethtown Gas Company (ETG or Company) to offer Energy Efficiency (EE) programs and to implement an associated cost recovery mechanism in 2009. Since that time, Elizabethtown had made multiple filings seeking approval to implement EE programs that complement and supplement the offerings of New Jersey's Clean Energy Program and to recover program costs through an EEP rider rate mechanism.

On September 25, 2020, ETG filed a petition with the Board requesting approval of a proposed Energy Efficiency (EE) Program (EEP or Program) (Petition). ETG proposed to implement 14 subprograms, including six residential subprograms, one multi-family subprogram, four commercial and industrial subprograms, and three pilot subprograms. The proposed investment for the EEPs was approximately \$99.9 million, including

administrative costs. In the Petition, the Company also requested approval of a cost recovery mechanism to continue to recover the revenue requirement associated with the costs to implement the EEPs, including incentives, outside services, inspections and quality control, information technology, and operations and maintenance. The Company further requested authorization to implement a Conservation Incentive Program designed to recover lost revenues from reduced natural gas sales associated with the EEPs.

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 New Jersey Large Energy Users Coalition have agreed to a Stipulation of Settlement (Stipulation) regarding Elizabethtown's EE programs.

According to the Stipulation, Elizabethtown will implement ten subprograms, including five residential, one multi-family, and four commercial and industrial, at a total program budget of \$83.4 million over three years beginning on July 1, 2021. Elizabethtown also requested approval to implement a Conservation Incentive Program mechanism to recover lost revenues from reduced natural gas sales associated with the EE programs. Elizabethtown's programs and plans are designed to be part of a consistent approach statewide to EE programs implemented pursuant to the Clean Energy Act and the Board's guidance.

Staff recommended that the Board approve the Stipulation and Elizabethtown's EE 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

9. MISCELLANEOUS

There were no items in this category.

EXECUTIVE SESSION

After appropriate motion, the following matters, which involved pending litigation and/or attorney-client privilege, were discussed in Executive Session.

1. AUDITS

- A. Docket No. EA20090568 – In the Matter of an Audit of the Affiliated Transactions Between Public Service Electric and Gas Company, Public Service Enterprise Group and its Affiliates and a Comprehensive Management Audit of Public Service Electric and Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:3-12.1 – 12.4, 14:4-3.7(e) and (f).**

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

8. CLEAN ENERGY

- A. Docket No. QO20090624 – In the Matter of the Contract for Consulting Services for New Jersey's Whole House Pilot Program.**

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

After appropriate motion, the Board reconvened to Open Session.

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: May 19, 2021