



**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 May 19, 2021, via Teleconference: 1 301 715 8592 Webinar ID: 984 0239 4177 or watch online @ <https://youtu.be/vhn2hfsI57g>

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 June 9, 2021 at 11:00 a.m. via teleconference with details to follow.

## CONSENT AGENDA

### I. AUDITS

#### A. Energy Agent Initial Registration

EE21010054L MBA Energy Group, Inc. I – EA

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

EE21020119L Broadway Energy Group, Corp. R – EA

EE21020627L Freedom Logistics, LLC R – EA  
d/b/a Freedom Energy Logistics, LLC

EE21010064L Capacity Markets Partners, LLC R – EA

EE21040710L Elite Energy Group, Inc. R – EA

EE21020494L AvidXchange, Inc. R – EA

EE20090575L U.S. Power Trade, LLC R – EA

EE21020614L Kinect Energy, Inc. R – EA/PA  
GE21020615L

EE21010073L ENGIE Insight Services, Inc. R – EA/PA  
GE21010074L d/b/a ENGIE Impact

EE21020498L EnerPros, LLC R – EA/PA  
GE21020499L

EE20070508L BidURenergy, Inc. R – EA/PA/EC  
GE20070509L

EE21020608L Reflective Energy Solutions, LLC R – EA/PA/EC  
GE21020609L

**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 applicant be issued initial registration as an energy agent for one year:

- MBA Energy Group 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:

- Broadway Energy Group Corp.
- Freedom Logistics LLC d/b/a Freedom Energy Logistics, LLC
- Capacity Markets Partners, LLC
- Elite Energy Group Inc.
- AvidXchange, Inc.
- U.S. Power Trade, LLC
- Kinect Energy, Inc.
- ENGIE Insight Services Inc. d/b/a ENGIE Impact
- EnerPros, LLC
- BidURenergy, Inc.
- Reflective Energy Solutions, LLC

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

## II. ENERGY

**A. Docket No. EF20120759 – In the Matter of the Verified Petition of Jersey Central Power and Light Company for Authority to Issue and Sell Up to \$500,000,000 Aggregate Principal Amount of Senior Notes in One or More Series and to Make, Execute and Deliver One or More Supplemental Indentures in Connection Therewith.**

**BACKGROUND:** On December 22, 2020, Jersey Central Power and Light Company (Petitioner or Company) filed a petition with the Board seeking authority to issue and sell, one or more series from time to time through October 30, 2022, notes in an aggregate principal amount not to exceed \$500,000,000.00.

The Petitioner indicated that it wants to maintain the flexibility to issue and sell the New Senior Notes in one or more transactions, publicly, through either competitive biddings or negotiated underwritings, or privately, through direct placements. The Petitioner stated

that the New Senior Notes will be sold primarily based on their own credit ratings as unsecured general obligations of the Company, and that these and similar securities should be treated by investors as relatively fungible as between issuers. The Petitioner asserted that securities such as the New Senior Notes are typically sold with interest rates negotiated at the time of sale based upon spreads over comparable maturities of U.S. Treasury securities.

Based upon past experience with its prior issuance and sales of the Prior Senior Notes, the Petitioner expects that there will be competition, not only among the institutional investors seeking to purchase the New Senior Notes within a given maturity range and credit rating, but also among the underwriters seeking to place the issue on behalf of the Petitioner, with the underwriters competing primarily in the areas of the "quality" of the investor base and investor pricing requirements. The Petitioner requested that, should it determine, based upon existing market conditions and other relevant factors, to issue and sell the New Senior Notes, it should be authorized to do so on a negotiated basis in a manner similar to that authorized in the past by the Board in the Prior Orders. The Company proposed that New Senior Notes will have maturity dates of not less than one year nor more than thirty-one years from the date of issuance.

The purpose of the issuance of the New Senior Notes is to provide a portion of the permanent financing required by the Company to provide safe, adequate and proper service to the public. The Company expects to apply the net proceeds of the sale of the New Senior Notes to the repayment of outstanding short-term debt, to address storm recovery and restoration costs and expenses, capital expenditures, working capital requirements and for other general corporate purposes, including to reimburse the Company's treasury for funds previously expended therefrom for the above purposes. The Company noted that it may also use such net proceeds to repurchase senior notes in the open market.

The New Jersey Division of Rate Counsel reviewed this matter, and by letter dated April 27, 2021, did not oppose Board approval subject to the conditions listed in the Order.

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.

### **III. CABLE TELEVISION**

There were no items in this category.

### **IV. TELECOMMUNICATIONS**

There were no items in this category.

## V. WATER

### A. Docket Nos. 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 – Order of 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 expired on April 7, 2021. On April 7, 2021, the Board issued an Order of Extension requesting an additional 45-day extension of time for issuing the Final Decision in order to adequately review the extensive record in this matter. On April 7, 2021, the Office of Administrative Law granted the Board's request, thus extending the 45-day statutory period for review and issuing of a Final Decision until May 22, 2021.

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 July 6, 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 WC20120743U and OAL PUC 01007-21 – In the Matter of ABX Group, LLC, Petitioner v. Middlesex Water Company, Respondent – Request for Extension.

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on April 22, 2021. Therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on June 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 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 July 22, 2021.

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

**B. Docket Nos. BPU WC19040533U and OAL PUC 08357-19 – In the Matter of Ifeoma Ezekwo, Petitioner v. Suez Water New Jersey, Respondent – Request for Extension.**

**BACKGROUND:** The Initial Decision of the Administrative Law Judge was received by the Board on April 28, 2021. Therefore, the 45 day statutory period for review and the issuing of a Final Decision will expire on June 14, 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 July 29, 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 the following Minutes:**

- **October 14, 2020 Executive Session Minutes;**
- **October 28, 2020 Executive Session Minutes;**
- **January 27, 2021 Executive Session Minutes; and**
- **April 7, 2021 Board Agenda Minutes.**

**BACKGROUND:** Staff presented the Executive Session minutes of October 14, 2020, October 28, 2020, January 27, 2021, and the minutes of the Regular Board Agenda meeting of April 7, 2021, and recommended that they be accepted.

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

**After appropriate motion, the consent agenda was approved.**

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

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

#### **A. Non-docketed Matter – In the Matter of Management Consulting: Oversight of the Board of Public Utilities Basic Generation Service Auction Process.**

**BACKGROUND AND DISCUSSION:** This matter involved the Board will considering a contract extension for the Management Consulting Contract related to the oversight of the Basic Generation Service Auction Process.

At its October 31, 2016 public agenda meeting, the Board directed that a Request for Proposal (RFP) be initiated through the Department of Treasury to hire a consultant to perform oversight of the Basic Generation Service (BGS) auction process. The Department of Treasury subsequently notified Board Staff (Staff) in writing that the Board has the authority to issue RFPs on this subject matter without consultation or coordination with Treasury. At its April 21, 2017 public agenda meeting, the Board authorized Staff to issue an RFP on behalf of the Board to hire a consultant to perform oversight of the BGS auction process. The RFP was created by Staff and released to the public for bid. An evaluation committee was formed consisting of staff from the Division of Energy, Fiscal Office, Counsels Office, and the Office of the Chief of Staff. After scoring, the Evaluation Committee determined that Bates White, LLC (Bates White) should be awarded the RFP contract, which the Board approved.

The contract was for a three year period beginning with the 2018 BGS process (which commenced July 1, 2017) and would expire on June 30, 2020 or upon Board acceptance of Bates White's Final Report in conjunction with the 2020 BGS procurement process. The contract between the Board and Bates White provides that the contract may be extended for all or part of three one-year periods, by mutual written consent of Bates White as the contractor, and the Board. Under this provision, the Board if it so chooses may request that Staff enter into negotiations with Bates White to extend the contact for up to three one-year periods, one year at a time. In May 2020, the Board authorized Staff to extend the contract for the first one year term to complete the 2021 BGS procurement process.

Based on its continued satisfaction with Bates White's performance, Staff recommended that the Board authorize Staff to extend the contract for the second one year term in order to complete the 2022 BGS procurement process.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. GR20120771 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism (GSMP II) (December 2020 GSMP II Rate Filing).**

**BACKGROUND AND DISCUSSION:** On December 31, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval for gas base rate changes to provide for cost recovery associated with certain capitalized investment costs within the extension of the Company's Gas System Modernization Program (GSMP II) (December 2020 Petition). In the December 2020 Petition, the Company sought approval to recover a revenue requirement of approximately \$26.355 million associated with the capitalized investment costs of GSMP II through February 28, 2021 not yet recovered in rates.

On March 15, 2021, the Company provided an update reflecting actual data through February 28, 2021 (Update). PSE&G replaced approximately 559 miles of main and 35,892 services through February 28, 2021. The Update supported a proposed revenue requirement of approximately \$21.332 million.

Following the review of the December 2020 Petition and Update, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) executed a stipulation of settlement (Stipulation) resolving all issues related to the December 2020 Petition. The Stipulation would allow the Company to recover a gas revenue requirement of approximately \$21.332 million based upon the Update. If approved by the Board, it will result in an annual increase of \$11.74 for the typical residential customer using 172 therms in a winter month and 1,040 therms annually.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct PSE&G to file tariffs consistent with its Order prior to June 1, 2021.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>



**C. Docket No. ER21010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission Items for 2021 – FERC Docket No. AD20-18 Offshore Wind Integration in RTO/ISOs.**

**Joseph DeLosa, Bureau of Federal and Regional Policy Office of Policy and Planning,** presented this matter.

**BACKGROUND AND DISCUSSION:** On October 27, 2020, the Federal Energy Regulatory Commission (FERC) hosted a technical conference to explore whether existing transmission planning, interconnection, and merchant transmission facility frameworks for regional transmission organizations and independent system operator are able to efficiently accommodate the anticipated growth in offshore wind generation, and consider any necessary improvements. FERC invited post-technical conference comments by Notice on March 11, 2021, raising several additional questions in response to the conference record.

On May 10, 2021, Staff, on behalf of the Board, filed post-technical conference comments (Comments) in response to the Notice. The Comments outline the Board's extensive experience with offshore wind, including the state's broad offshore wind goals, generation solicitations one and two, approval of procurement of Capacity Interconnection Rights, and pursuit of PJM's State Agreement Approach. In addition, the Comments explain the relationship between the Board's long-standing positions on regional and interregional transmission costs and potential advancement of public policy transmission planning. The Comments suggest actions FERC should take to ensure costs are evaluated in any future expansion of the public policy transmission planning process.

Staff recommended that the Board ratify the Comments filed by Staff on behalf of the Board, on May 10, 2021.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**3. CABLE TELEVISION**

There were no items in this category.

#### 4. TELECOMMUNICATIONS

**Lawanda R. Gilbert, Esq., Director, Office of Cable Television and the Office of Telecommunications**, presented these matters.

**A. Docket No. TO20090615 – In the Matter of the Petition of Xchange Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the State of New Jersey.**

**BACKGROUND AND DISCUSSION:** On September 24, 2020, Xchange Telecom LLC (Petitioner, Xchange or the Company) filed a Petition with the Board requesting designation as an Eligible Telecommunications Carrier (ETC) to provide Lifeline telecommunications service to qualifying New Jersey consumers. The Petition did not seek access to fund from the federal Universal Service Fund for participating in the Link-Up Program or providing high cost support, which are separate programs.

Xchange offers both wireline and wireless services. With respect to its wireline offering, the Company provides voice service by either reselling loops of the underlying carrier on a tariff basis, where Xchange provides the backbone network to the Public Switched Telephone Network (unbundled loops or UNE-L) or a wholesale agreement with Verizon where Xchange resells Verizon's copper or fiber services. Its fixed wireless service is provided via the network owned by Xchange, which links the customers to Xchange's network by a fixed wireless solution.

To be eligible to participate in the Lifeline program, consumers must either have an income that is at or below 135% of the Federal Poverty Guidelines or participate in certain federal assistance programs, such as the Supplemental Nutrition Assistance Program, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, the Veterans and Survivors Pension Benefit, or certain Tribal Programs.

The Company stated that it meets all the statutory and regulatory requirements for designation as an ETC in the State of New Jersey, including:

- 1) Common carrier status;
- 2) Offer all the supported services in its Lifeline service offering;
- 3) Offer Lifeline service throughout its designated ETC service area;
- 4) Advertise the availability of Lifeline service; and
- 5) Meet all of requirements for designation as an ETC for purposes of providing Lifeline services.

The Company proposed to offer its Lifeline customers the following:

- 1) 1,000 voice minutes
- 2) Unlimited text messages, and
- 3) 3 GB of data per month at no cost.

By letter dated March 18, 2021, the New Jersey Division of Rate Counsel submitted comments to the Board and it did not oppose approval if the Board determines that the Petitioner meets the ETC designation requirements and approval is beneficial to New Jersey consumers. Staff recommended approval of this petition.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. TO20100635 – In the Matter of the Petition of Q Link Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of New Jersey.**

**BACKGROUND AND DISCUSSION:** On October 5, 2020, Q Link Wireless LLC (Q Link or Petitioner) filed a Petition with the Board requesting designation as an Eligible Telecommunications Carrier (ETC) to provide Lifeline telecommunications service to qualifying New Jersey consumers. It will not seek access to funds from the federal Universal Service Fund for the purpose of participating in the Link-Up Program or providing service to high cost areas.

Lifeline service is a federally funded program that is part of the Universal Service Fund and provides a \$9.25/month subsidy directly to the ETC providing telecommunications service to the qualified low-income consumer.

To be eligible to participate in the Lifeline program, consumers must either have an income that is at or below 135% of the Federal Poverty Guidelines or participate in certain federal assistance programs, such as the Supplemental Nutrition Assistance Program, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, the Veterans and Survivors Pension Benefit, or certain Tribal Programs.

Section 214(e)(2) of the Communications Act requires ETCs must meet the following criteria for designation as an ETC:

- 1) Common carrier status;
- 2) Offer all the supported services in its Lifeline service offering;
- 3) Offer Lifeline service throughout its designated ETC service area;
- 4) Advertise the availability of Lifeline service; and
- 5) Meet all of requirements for designation as an ETC for purposes of providing Lifeline services.

Q Link proposed to offer its Lifeline customers the following:

- 1) 1,000 voice minutes;
- 2) Unlimited text messages; and
- 3) 3 GB of data per month at no cost.

By letter dated April 14, 2021, the New Jersey Division of Rate Counsel submitted comments to the Board that it did not oppose approval if the Board determines that the Petitioner meets the ETC designation requirements and approval is beneficial to New Jersey consumers. Staff recommended that the Board approve the Petitioner's request.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

## 5. WATER

**Michael Kammer, Director, Division of Water**, presented these matters.

### **A. Docket Nos. BPU WR20110729 and OAL PUC 10966-20 – In the Matter of the Petition of SUEZ Water New Jersey, Inc. for Approval of an Increase in Rates for Water/Sewer Service and Other Tariff Changes.**

**BACKGROUND AND DISCUSSION:** On November 23, 2020, SUEZ Water New Jersey Inc. (SUEZ or Petitioner) filed a petition with the Board seeking to increase its base rates by approximately \$35,450,181.00 or approximately 12.00% above the annual level of revenues for the test year ending March 31, 2021. The Petitioner also sought to implement a Sur-credit mechanism concerning the Tax Cuts and Jobs Act of 2017 and unprotected regulatory liability and to incorporate the roll-in of current Distribution System Improvement Charge Investment into current rates.

SUEZ is engaged in distributing water for retail and wholesale customers and wastewater service to approximately 260,000 customers located in portions of Bergen, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Sussex, and Warren Counties.

This matter was transmitted to the Office of Administrative Law for hearings and Administrative Law Judge (ALJ) Irene Jones was assigned to hear the matter. Effective December 25, 2020, the Board entered an Order suspending the proposed rate increase until May 1, 2021. Effective May 1, 2021, the Board entered an Order Further Suspending the proposed rate until September 1, 2021, pending a Final Decision and Order in this matter.

ALJ Jones granted Gordon's Corner Water Company's motion to intervene in this matter.

On March 4, 2021, ALJ Jones presided over virtual public hearings via Zoom, at 4:30 p.m. and 5:30 p.m.

Subsequent to the public hearings, SUEZ, Gordons Corner Water Company, the New Jersey Division of Rate Counsel (collectively, the Parties) executed a Stipulation of Settlement (Stipulation) that resolved all issues that emanated during the course of this proceeding. According to the Stipulation, a base rate increase of \$16,350,000.00, which is approximately 5.51% over proforma present revenues of \$296,797,004.00. The impact of the rate increase will vary by Service Area. Customers in Service Area 1, who use 6,000 gallons of water per month, bills will increase from approximately \$49.50 per month

to approximately \$55.70 per month which is an increase of approximately \$6.20 per month.

ALJ Jones issued an Initial Decision recommending that the Board adopt the Stipulation.

Staff recommended that the Board adopt the Initial Decision of the Administrative Law Judge Jones.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket Nos. BPU WR20070490 and OAL PUC 09623-2020S – In the Matter of the Petition of Lake Lenape Water Company for Approval of an Increase in Rates for Service.**

**BACKGROUND AND DISCUSSION:** On July 23, 2020, Lake Lenape Water Company (Company or Petitioner) filed a petition with the Board seeking to increase its rates water service by \$14,967.00 or 10.8%. Its principle offices are located at 83 Eagle Chase, Woodbury, County of Nassau, State of New York, that provides Water service to approximately 357 metered residential customers in a portion of the Township of Andover, Sussex County.

On September 18, 2020, this matter was transmitted to the Office of Administrative Law (OAL) as a contested case and assigned to Administrative Law Judge (ALJ) Gail Cookson. On September 9, 2020, the Board issued an Order suspending increases, changes or alterations in rates for service until February 1, 2021.

On December 15, 2020, ALJ Cookson convened a pre-hearing conference in which the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff (collectively, Signatory Parties) participated.

On April 16, 2021, ALJ Cookson issued an Initial Decision in this matter recommending adoption of the Stipulation executed by the Signatory Parties, finding they had voluntarily agreed to the Stipulation and that the Stipulation fully disposes of all issues and is consistent with the law. The Stipulation agrees to a rate increase of \$10,936.00, or approximately 7.89%, over pro forma present revenues. No exceptions were received by the Board.

Staff recommended that the Board adopt the Initial Decision and the Stipulation of the Signatory Parties.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**6. RELIABILITY AND SECURITY**

**A. Docket No. GX21020091 – In the Matter of the Readoption of N.J.A.C. Title 14 Public Utilities, Chapter 6 Gas Service.**

**Robert Brabston, Deputy Executive Director**, presented this matter.

**BACKGROUND AND DISCUSSION:** This matter involved Staff recommending a readoption, without amendments, of the New Jersey Administrative Code (N.J.A.C.) Title 14, Chapter 6 Gas Service rules. The current rules are set to expire on June 18, 2021, but are necessary for the continued provision of safe, adequate and proper natural gas utility service to the residents and business of New Jersey.

These rules govern the construction, installation, maintenance and inspection of gas utility facilities consistent with safety standards adopted in Part 192, Title 49 of the Code of Federal Regulations (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), and Part 193, Title 49 of the Code of Federal Regulations (Liquefied Natural Gas Facilities: Federal Safety Standards).

Recommendations include the provisions of the code that are the requirement that each gas utility have emergency personnel available to respond to any emergency, and those need to be people who are trained and empowered to make decisions at the site. That's something that staff has continued to work with the utilities on and continues to make a high priority.

Staff recommended that the Board readopt the rules in their current form making them valid through June 18, 2028. Staff also recommended that the Board allow Staff to revisit these rules, at any time during their validity, to determine if updates and/or changes are necessary; at which point any such modifications will be brought before the Board for codification.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. AO21040742 – In the Matter of Extension of the Memorandum of Understanding Between the New Jersey Board of Public Utilities and the New Jersey Office of Homeland Security and Preparedness.**

**Jody Raines, Manager, Cyber Security Oversight and Compliance, Division of Reliability and Security**, presented this matter.

**BACKGROUND AND DISCUSSION:** This matter involved Staff recommending to the Board an extension of a Memorandum of Understanding (MOU) between the New Jersey Board of Public Utilities (Board) and the New Jersey Office of Homeland Security and Preparedness (NJOHSP). The current MOU was originally signed for a five-year period and will expire in May 2021. The continuation is necessary for the reporting and sharing of cyber intelligence for the utilities, and the provision of safe, adequate and proper utility service to the residents and business of New Jersey.

In 2016, the NJOHSP, created the New Jersey Cybersecurity Communications and Integration Cell, the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC), is an organization that deals with cyber threats to the organizations within the state of New Jersey.

The Board entered into an MOU with regard to information sharing and reporting to NJCCIC. The MOU provides for sharing of information, a reporting structure and most importantly, protection of classified or sensitive information.

Sharing of information in this manner is consistent with the Presidential Executive Order on improving the nation's cyber security, which includes removing barriers from threat information sharing.

Staff recommended that the Board extend the MOU as written, for another five years with review and auto-renewal at five year intervals.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**7. CUSTOMER ASSISTANCE**

There were no items in this category.

**8. CLEAN ENERGY**

**Matthew J. Rossi, J.D., Administrative Analyst, Division of Clean Energy**, presented these matters.

**A. Docket No. QO21010085 – In the Matter of Modernizing New Jersey’s Interconnection Rules, Processes and Metrics – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was first discussed in Executive Session. On February 17, 2021, the Board authorized and Staff issued a Request for Qualifications (RFQ) to retain a consultant for the purpose of engaging a contractor to update New Jersey’s interconnection rules to reflect national best practices and better enable the state to achieve its clean energy goals.

On March 30, 2021, proposals were received from four firms in response to the RFQ. Staff reviewed and scored each proposal. Staff recommended award as discussed in Executive Session.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**B. Docket No. QO21030667 – In the Matter of the Release of the Solar Successor Competitive Administrator Request for Quotation – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was first discussed in Executive Session and it involved the release of a Request for Quotation (RFQ) for services related to the design and administration of a competitive solicitation, as part of the proposed Solar Successor Program.

Specifically, Staff sought Board approval to hire a consultant to aid in the design of the competitive solicitation, development of the associated rules and regulations, and administration of the program.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>



**C. Docket No. QO21030648 – In the Matter of the Petition for Assignment of 1.0 TREC Factor for the PANYNJ ConRAC Parking-Deck Canopy (at EWR).**

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

**BACKGROUND AND DISCUSSION:** On March 12, 2021, Port Authority of New York and New Jersey (PANYNJ) submitted a request to the Board to assign a Transition Renewable Energy Certificates (TREC) factor of 1.0 for its 5 MW rooftop solar facility (the Project). PANYNJ proposed to locate the Project on a new, six-story structure at Newark Liberty International Airport (EWR), consisting of a three-story consolidated rental car facility (ConRAC) and above it, a three-story parking facility for the use of EWR passengers (the Parking Facility). According to PANYNJ, the 19.31 acre site is zoned “Airport/Airport Support” by the City of Newark.

The Project is designed to be located “behind-the-meter” providing “onsite generation” that will eventually be eligible for net metering. However, the Parking Facility is scheduled to be constructed in phases from 2021 to 2023. The Project is intended to achieve commercial operations in the fall of 2021, but full electrical load is not envisioned to be in place until phase two of construction of Parking Facility construction has completed in the spring of 2023.

The 5 MW project will not be eligible for net metering until spring of 2023 and PANYNJ had arranged with Public Service Electric and Gas Company for power sales to occur under the Purchased Energy Power (PEP) tariff in the interim.

The Petitioner asserted that the Project had been identified in the state’s Energy Master Plan (EMP) as critical to the state’s goals and that project financing is contingent upon the accelerated construction timeline and the receipt of the 1.0 TREC Factor. The Petitioner further asserted that since the PEP tariff will provide less compensation per megawatt hour produced than the project would receive under net metering, the Project will receive less incentive than a comparable commercial installation.

The project is an important component of the Port Authority's sustainability initiatives focusing on reducing Greenhouse Gas Emissions, particularly in environmental justice communities, and noted that in conjunction with this project, the Port Authority will consolidate all rental car companies at New Airport in a single space. The project will supply approximately 95% of the energy for the parking facility once it is complete and all the tenants are on-site.

The Project will materially advance one of the EMP’s primary goals, reducing emissions from the Port Authority’s energy-intensive transportation operations. Noting that environmental justice communities have been disproportionately impacted by poor air quality due in large part to “the geographic location of the marine terminals, bus depots, and Newark Airport,” the EMP points to a variety of initiatives undertaken to change that state of affairs. More specifically, it identified the construction and operation of the Parking Facility and its incorporation of a solar roof. The prominence accorded the Project in the EMP underscores its singular position and unique attributes.

Staff believed that the unique facts of this matter support deeming the project eligible for the 1.0 TREC factor provided to projects in the non-residential net metered rooftop/canopy

market segment. The project will have a behind-the-meter connection at all times, despite initially disposing of the majority of its generation through PSE&G's PEP tariff.

Staff recommended that the Board grant the petition and deem the project a net metered non-residential rooftop and canopy project, eligible for a 1.0 TREC factor and that the relief sought under these unique circumstances should be limited to them.

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

<b>Roll Call Vote:</b>	<b>President Fiordaliso</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Solomon</b>	<b>Aye</b>
	<b>Commissioner Chivukula</b>	<b>Aye</b>
	<b>Commissioner Gordon</b>	<b>Aye</b>

**9. MISCELLANEOUS**

There were no items in this category.

## EXECUTIVE SESSION

After appropriate motion, the following matters, which involved pending litigation attorney/client privilege and contract negotiation pursuant to the Open Public Meetings Act at N.J.S.A. 10:4-12(b)7 were considered for discussion in Executive Session.

### 8. CLEAN ENERGY

#### **A. Docket No. QO21010085 – In the Matter of Modernizing New Jersey's Interconnection Rules, Processes and Metrics.**

There were no discussions regarding this matter in Executive Session. Refer to open session minutes.

#### **B. Docket No. QO21030667 – In the Matter of the Release of the Solar Successor Competitive Administrator Request for Quotation (RFQ).**

There were no discussions regarding this matter in Executive Session. Refer to open session minutes.

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: June 24, 2021