



**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 June 9, 2021, via Teleconference: 1 312 626 6799 Webinar ID: 950 1987 4514 or watch online @ [https://youtu.be/sTc9jH\\_I4TU](https://youtu.be/sTc9jH_I4TU)

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

President Fiordaliso announced that there will be a special Board meeting on June 30, 2021 at 11:00 a.m. via teleconference which will focus around the award of the second wind solicitation.

## CONSENT AGENDA

### I. AUDITS

There were no items in this category.

### II. ENERGY

#### **A. Docket No. ER21050823 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Changes in Electric Rates, its Tariff for Electric Service, and its Depreciation Rates; and for Other Relief.**

**BACKGROUND:** On May 21, 2021, Rockland Electric Company (RECO or Company) filed a petition with the Board for approval of an increase in its current base rates for electric service of approximately \$16.9 million, excluding Sales and Use Tax, to be effective for electric service provided on or after June 21, 2021. The Company also sought Board approval to implement new depreciation rates. RECO's petition requested a return on equity of 10.0%.

According to the petition, the Company's current electric distribution rates are not just and reasonable because they do not produce an adequate, reasonable return on the Company's invested capital that is dedicated to the service of the Company's electric distribution customers, and do not provide sufficient revenues to recover the Company's investment in rate base, operating expenses, financing costs and taxes.

RECO sought authority from the Board to do the following:

1. Increase rates and charges for electric service that would result from the proposed amendments to the Company's tariff;
2. Recover significant incurred and deferred costs relating to Tropical Storm Isaias that struck RECO's service territory in August 2020;
3. Modify its electric and general plant depreciations;
4. Approve its adjustments to the net salvage allowance and net salvage true-up amortization to reflect the Company's more recent experience;
5. Consolidate the Securitization Petition, within the base rate case, and approve the proposed regulatory treatment of the winding-up of the transition bond transaction; and
6. Defer the cost of impact of any changes in the federal or state corporate tax rate that occurs after its post-test year adjustments.

Since a review of this matter will not be complete prior to June 21, 2021, Board Staff recommended that the Board issue an order suspending the proposed rate increase until October 21, 2021, pending further action on this matter. Staff also recommended that this matter be transmitted to the Office of Administrative Law for hearing.

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

### III. CABLE TELEVISION

**A. Docket No. CE19070801 – In the Matter of the Petition of Comcast Garden State, L.P. for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Pitman, County of Gloucester, State of New Jersey.**

**BACKGROUND:** On July 10, 2019, Comcast of Garden State, LP (Comcast) filed a petition for an Automatic Renewal Certificate of Approval for the Borough of Pitman (Borough) based on the automatic renewal provision.

The petition is based on the Borough's ordinance granting renewal municipal consent, which was adopted on September 27, 2004, and amended on July 25, 2005. The Borough's ordinance granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on June 27, 2019.

Staff recommended that the Board approve the proposed Comcast Automatic Renewal Certificate of Approval. This Certificate shall expire on June 27, 2029.

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

### IV. TELECOMMUNICATIONS

**A. Docket No. TM21040704 – In the Matter of the Verified Joint Petition of GTCR Onvoy Holdings LLC, Transferor, Onvoy, LLC, Broadvox-CLEC, LLC, ANPI, LLC and Neutral Tandem-New Jersey, LLC, Licensees, and Sinch US Holding Inc., Transferee for Approval of the Transfer of Indirect Control of Licensees to Transferee.**

**BACKGROUND:** On April 13, 2021, GTCR Onvoy Holdings LLC, Onvoy, LLC, Broadvox-CLEC, LLC, ANPI, LLC, Neutral Tandem-New Jersey, LLC (Neutral Tandem and collectively, with Onvoy, BV-CLEC and ANPI, the Licensees); and Sinch US Holding Inc. (Transferee and collectively, with Transferor and Licensees, the Petitioners) filed a Petition with the Board for the approval, to the extent required, for the transfer of indirect control of Licensees 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 May 11, 2021, which stated it did not oppose the Board's approval of Transferor's transfer of indirect control of its Licensees to the Transferee.

Having reviewed the Petition and supporting documents, 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 concluded that the proposed Transaction will result in positive benefits and is in the public interest.

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

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

## V. WATER

### A. Docket No. WF21020622 – In the Matter of the Application of Middlesex Water Company for Authority to Issue Up to \$45.5 million of First Mortgage Bonds and to Redeem Certain Outstanding First Mortgage Bonds.

**BACKGROUND:** Middlesex Water Company filed a petition with the Board on February 25, 2021, requesting authority to:

- a) To borrow up to an aggregate principal amount of \$45.5 million and to make, execute and deliver to the New Jersey Economic Development Authority (NJEDA) and/or private placement agent Supplemental Loan Agreement(s) therefor and to make, execute and deliver to the NJEDA and/or private placement agent and/or the underwriter or placement agent Contract(s) of Purchase in connection therewith, if necessary, as well as such other documents as are reasonably required to perform its obligations thereunder;
- b) To make, execute and deliver, if necessary, such Supplemental Indenture(s) of Mortgage to the Company's Indenture Trustee, for purpose among other things, of issuing and describing the terms and conditions of any first mortgage bonds (the Company Bonds) issued in connection with borrowings under this Petition. Such Supplemental Indentures will, among other things, create and provide for the issuance of the various series of Company Bonds to be next designated under an Indenture of Mortgage, dated April 1, 1927, between the Company and United Counties Trust Company, as Trustee; as heretofore supplemented by a series of supplemental indentures issued, the first one dated as of October 1, 1939; the most recent one (Fifty-Fourth Supplemental Indenture) dated as of November 1, 2020;
- c) To issue up to \$45.5 million principal amount of the Company Bonds. Each series of Company Bonds is to bear interest at a rate to be determined based upon the negotiated offering rate for the NJEDA Bonds and/or the private placement of the borrowing; and are to be secured equally and ratably with the Company's Bonds by the aforesaid Indentures of Mortgage, as supplemented, all without further Order of the Board; and
- d) Approval of a negotiated offering or placement.

The New Jersey Division of Rate Counsel reviewed this matter and by letter dated May 5, 2021 indicated that it did not oppose approval of the Middlesex Water Company request.

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

**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**

There were no items in this category.

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

**A. Approval of Minutes for the April 27, 2021 and May 5, 2021 Agenda Meetings.**

**BACKGROUND:** Staff presented the meeting minutes of April 27, 2021 and May 5, 2021 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.**

<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. Docket No. ER21020088 – In the Matter of the Petition of Atlantic City Electric Company to Reconcile and Update the Level of its Non-Utility Generation Charge and its Societal Benefits Charge (2021).**

**BACKGROUND AND DISCUSSION:** On February 1, 2021, Atlantic City Electric Company (ACE) filed a petition with the Board seeking approval of modifications to its Non-Utility Generation Charge (NGC) and two components of its Societal Benefits Charge (SBC): 1) the Clean Energy Program (CEP) component; and 2) the Uncollectible Accounts (UNC) component (2021 NGC/SBC Petition). Based upon the 2021 NGC/SBC Petition, the net impact of adjusting the NGC and the SBC rates [including Sales and Use Tax (SUT)] was an overall annual rate increase of approximately \$31.645 million.

Through the course of the proceeding, ACE updated the 2021 NGC/SBC Petition to include actual information through March 31, 2021 (March 2021 Update). According to the March 2021 Update, the net impact of adjusting the NGC and the CEP and UNC components of the SBC rates (including SUT) would result in an overall annual rate increase of approximately \$33.318 million.

ACE, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a Stipulation for Provisional Rates (Stipulation) requesting that the Board approve changes in the NGC and the CEP component of the SBC consistent with the March 2021 Update, on a provisional basis, subject to refund with interest. With respect to the UNC component, the Parties recommended a modified provisional UNC rate, subject to refund with interest. The stipulated revenue requirement associated with UNC will recover \$13.719 million. The remaining \$15.735 million will be deferred for recovery in a future SBC filing, subject to further discussions in the ongoing COVID-19 Proceeding.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board order ACE to file tariffs consistent with the Order by June 15, 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>

**B. Docket Nos. BPU GR20060381 and OAL PUC 09629-2020 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate.**

**BACKGROUND AND DISCUSSION:** On June 1, 2020, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition with the Board seeking approval to decrease its per therm periodic Basic Gas Supply Service (BGSS-P) rate from \$0.4691 per therm to \$0.4022, effective October 1, 2020 through September 30, 2021 (2020 BGSS Petition).

In the 2020 BGSS Petition, the Company projected its recoverable gas costs will be approximately \$15.5 million lower than the level recovered through its current BGSS-P rates. The Company estimated that it would begin the BGSS year (October 1, 2020 through September 30, 2021) with an over recovered gas cost balance of approximately \$1.5 million. Through discovery, Elizabethtown updated the rate schedules to reflect actual results through June 2020 and NYMEX data through August 5, 2020, which supported a per therm BGSS-P rate of \$0.3783.

On September 9, 2020, the Board issued an Order in this docket approving a stipulation executed by Elizabethtown, the New Jersey Division of Rate Counsel and Board Staff (Staff) (collectively, the Parties) (September 2020 Provisional Order). The September 2020 Provisional Order authorized the Company to implement a per therm BGSS-P rate of \$0.3783, on a provisional basis, subject to refund, effective October 1, 2020. As a result of the September 2020 Provisional Order, the monthly bill of a residential heating customer using 100 therms would decrease by \$9.08.

On September 25, 2020, the Board transmitted this matter to the Office of Administrative Law as a contested case where it was subsequently assigned to Administrative Law Judge (ALJ) Gail M. Cookson.

The Parties executed a Stipulation for Final Rates (Stipulation) whereby the Parties requested that the Board approve the provisionally approved BGSS-P rate, on a final basis.

Subsequently, ALJ Cookson issued an Initial Decision approving the Stipulation finding that the Parties voluntarily agreed to the Settlement and that the Stipulation fully disposed of any issues in controversy and was consistent with the law.

Staff recommended that the Board issue an Order adopting the Initial Decision and Stipulation of the Parties. Staff also recommended that the Board direct Elizabethtown to file tariffs consistent with its Order by July 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. GR20070503 – In the Matter of the Petition of Elizabethtown Gas Company to Revise its Energy Efficiency Program Rider Rate.**

**BACKGROUND AND DISCUSSION:** On July 31, 2020, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition with the Board requesting authorization to modify its Energy Efficiency Program (EEP) rate (July 2020 Petition).

The Petitioner sought to reconcile EEP costs and cost recoveries for the period commencing July 1, 2019 through June 30, 2020, and to recover forecasted revenues for the July 1, 2020 through June 30, 2021, and included 12 months of actual data. Elizabethtown sought a revenue requirement of \$2,967,091.00, resulting in a decrease in its current per therm EEP rate from \$0.0073 to \$0.0067.

Through the course of the proceeding, Elizabethtown made several updates to its schedules and associated revenue requirements to reflect actual data through January 31, 2021, and an update to the carrying cost rate for over / under recoveries. As a result, the Company's updated revenue requirement was reduced to \$2,727,321.00 which produced a proposed per therm EEP rate of \$0.0062.

Elizabethtown, Board Staff, and the New Jersey Division of Rate Counsel (collectively, the Parties) engaged in discovery in this matter. As a result, the Parties executed a stipulation of settlement (Stipulation) that recommended approval of a per therm EEP rate of \$0.0062, as reflected in the updates.

Staff recommended that the Board adopt the Stipulation of the Parties. Staff also recommended that the Board direct Elizabethtown to file revised tariffs conforming to the terms of the Stipulation by July 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>

**D. Docket Nos. ER20060467 and GR20060468 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Green Programs Recovery Charge and its Gas Green Programs Recovery Charge (2020 PSE&G Green Programs Cost Recovery Filing).**

**BACKGROUND AND DISCUSSION:** On June 29, 2020, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval to modify the electric and gas components of its Green Programs Recovery Charge (GPRC) as well as recover its share of costs associated with the voltage optimization study and demographic study (2020 GPRC Petition). The combined component rates proposed in the 2020 GPRC Petition for the period October 1, 2020 through September 30, 2021 were designed to recover approximately \$67.1 million (electric) and \$19.7 million (gas) in revenues on an annual basis. As filed, the resulting net combined annual revenue impacts



are an increase of \$16.6 million for the Company's electric customers, and an increase of \$8.1 million for the Company's gas customers.

Additionally, the Company proposed to create a new Clean Energy Act Studies component of the GPRC to recover the cost associated with the demographic study and voltage optimization study as prescribed by the Clean Energy Act.

On December 2, 2020, the Company provided a discovery response updating the 2020 GRPC Petition to include actual results through September 30, 2020 and incorporating the Clean Energy Future – Energy Efficiency rate component in the Company's GPRCs (Update).

By Order dated January 27, 2021, the Board authorized PSE&G to implement revised electric and gas GPRCs consistent with the Update. As approved by the January 2021 Provisional Order, PSE&G implemented a total electric GPRC rate of \$0.002340 per kWh and a total gas GRPC rate of \$0.007382 per therm, on a provisional basis, subject to refund.

PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties), executed a final stipulation of settlement (Stipulation) requesting that the Board finalize the Company's electric and gas GPRC rates, as approved in the January 2021 Provision Order.

Staff recommended that the Board issue an Order adopting the Stipulation of the Parties. Staff also recommended that the Board order PSE&G to file tariffs consistent with the Board's Order by July 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>

**E. 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. EO20090623 – In the Matter of the Petition of Rockland Electric Company for Approval of its Energy Efficiency and Peak Demand Reduction Programs.**

**BACKGROUND AND DISCUSSION:** On September 25, 2020, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking approval of a proposed Energy Efficiency (EE) and Peak Demand Reduction program (EE Plan) (Petition). In the Petition, the Company sought approval to implement seven subprograms, including two residential subprograms, one multi-family subprogram, two commercial and industrial subprograms, and two pilot programs. The proposed investment for the EE Plan was approximately \$18,009,217.00, including administration costs. In addition, the

Company requested to recover program costs by establishing a Clean Energy Act component of the Company's existing Societal Benefits Charge. RECO also sought Board approval of a modified electric Conservation Incentive Program to recover a portion of the Company's revenues that will be lost as a result of the successful implementation of the EE Plan and the related decrease in energy sales.

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

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct RECO to file the appropriate tariff sheets consistent with its Order prior to July 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>

**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**

**B. Scott Hunter, Manager, Division of Clean Energy**, presented these matters.

**A. Docket No. EO12090832V – In the Matter the Implementation of L. 2012, c. 24, the Solar Act of 2012;**

**Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17; and**

**Docket No. QO20120738 – Marina Energy, LLC – Application for Solar Act Subsection (t), Block 173, Lots 1, 2, 3.02 and 3.03 Florence Township.**

**BACKGROUND AND DISCUSSION:** On December 2, 2020, Marina Energy, LLC submitted an application to the Board to have its project certified as being located on a properly closed sanitary landfill facility. Marina Energy, LLC’s 7.4 MWdc project is proposed to be constructed on the Florence Land Recontouring Landfill, which is located on Block 173, Lot 1, 2, 3.02 and 3.03 on Recovery Road aka Cedar Lane Extension or Jacksonville Road in Florence Township, Burlington County, NJ.

Following review of the application and the advisory memorandum provided by the New Jersey Department of Environmental Protection (NJDEP), that determined that the 29-acre area identified as the proposed location for the solar array constitutes a “properly closed sanitary landfill” pursuant to the Solar Act. NJDEP noted in its memorandum that because it is conducting operation and maintenance activities using public funds, and the remedy for this site must remain intact to ensure continued protectiveness, the property owner and solar developer are required to execute an Administrative Consent Order (ACO) with NJDEP.

As of the date of NJDEP’s recommendation memorandum, it had reached an agreement in principle on the ACO requirements with the property owner and solar developer. Since the solar installation will constitute the construction of improvements on a closed landfill, pursuant to the law, the property owner will need to obtain a Landfill Disruption Permit from the NJDEP Division of Solid and Hazardous Waste, as well as any permits identified by the Department, prior to construction of the solar electric power generation facility.

On the basis of the NJDEP’s determination, information contained in the application, and other relevant factors, Staff recommended that the Board conditionally certify the applicant’s project as being located on a “properly closed sanitary landfill” pursuant to Subsection (t), that the requirements from the NJDEP be fully met and that the applicant file its Transition Renewable Energy Certificates (TREC) registration within 14 days of the effective date of the Order.

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

**Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17; and**

**Docket No. QO20090606 – Advanced Solar Products, Inc. – Buckeye Pennsauken Terminal, LLC.**

**BACKGROUND AND DISCUSSION:** On September 24, 2020, Advanced Solar Products Inc. submitted its application to the Board to have its project certified as being located on an area of historic fill pursuant to Subsection (t) of the Solar Act. Applicant’s 27.881 MWdc project is proposed to be located on 95.26 acres owned by Buckeye Pennsauken Terminal, LLC at Block 1003, Lots 1-6 and 8-10 at 123 Derosse Avenue in Pennsauken Township, Camden County, New Jersey.

Staff reviewed the application and forwarded a copy to the New Jersey Department of Environmental Protection (NJDEP) for their review and recommendation. NJDEP indicated that the Buckeye Pennsauken Terminal site has been identified as a Delaware River tidal flat that has historically been utilized as a dredge soil disposal area since the 1920s. NJDEP determined that this site, identified as a Dredge Spoil Parcel, meets the regulatory definition of Historic Fill. Based on the solar Site Plan annexed to the subsection (t) application, NJDEP further determined that all panels will be installed on areas that are historic fill. The Department concluded that the solar facility, as rendered in the solar Site Plan annexed to the subsection (t) application, is located on land meeting the definition of “historic fill” as defined by the Solar Act. NJDEP noted that the solar installation will be installed on property that requires remediation.

Based upon the review of the application and the advisory memorandum provided by the NJDEP, Staff recommended that the Board grant conditional certification of the Buckeye Pennsauken Terminal solar project as located on property defined as an “area of historic fill” consistent with the Solar Act of 2012, that the conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to Staff’s issuance of full certification, and that the applicant be directed to file its Transition Renewable Energy Certificates registration within 14 days of the effective date of the Order.

**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>

**Ariane Benrey, Policy Analyst, Office of Policy and Planning**, presented these matters.

**C. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program;**

**Docket No. QO21040700 – Solar Landscape LLC – Request Emergent and Expedited Relief for Modification of the Community Solar Year 1 Enrollment Areas for Two Perth Amboy Solar Projects;**

**Docket No. QO19091258 – Community Solar Energy Pilot Program Application Form – Solar Landscape, Block: 425, Lot: 1.02, Block 426, Lot: 3:04; and**

**Docket No. QO19091261 – Community Solar Energy Pilot Program Application Form – Solar Landscape, Block: 428, Lot: 1.01.**

**BACKGROUND AND DISCUSSION:** This matter involved a petition by Solar Landscape, LLC, seeking permission from the Board to expand the enrollment area for two projects granted conditional approval as part of Program Year 1 (PY1) of the Community Solar Energy Pilot Program.

The Board’s approval of the two projects was conditional upon the projects being constructed and operated in compliance with the original Applications, the Board’s December Order, and applicable rules and regulations. One of the questions in the PY1 Application Form related to projects’ geographic limit, which is the area within which a project proposes to enroll customers. Both projects selected the enrollment area defined as “municipality or adjacent municipalities”, and were scored accordingly.

In its petition, Solar Landscape, LLC alleged that it has encountered significant issues enrolling customers for these two projects, and requested that the Board allow it to expand the geographic limitation to “county and adjacent counties”.

Staff noted in particular that, based on the score received by these two projects, granting a change in geographic limitation would not have impacted the likelihood of these projects being selected for PY1 in December 2019, and would therefore not unfairly disadvantage any past PY1 applications.

In light of the facts presented in the petition, and in particular the customer enrollment efforts demonstrated by Solar Landscape, LLC, Staff recommended that the Board grant the requested relief.

**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>

**D. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program; and**

**Docket No. QO19091046 – In the Matter of a Community Solar Energy Pilot Program Application Form – Soltage, LLC – Block: 1900, Lot: 7.**

**BACKGROUND AND DISCUSSION:** On February 24, 2021, Soltage, LLC (Soltage) filed a petition with the Board seeking a waiver from the Board’s rules at N.J.A.C. 14:8-9.6(c), which state that the maximum number of participating subscribers for each community solar project is 250 subscribers per one MW installed capacity. In December 2019, Soltage received Board approval for a community solar project located at 900 Coopertown Road in Delanco Township. The Community Solar Energy Pilot Program (Pilot Program) rules limit the number of subscribers allowed to participate in a community solar project to a maximum of 250 subscribers per MW installed capacity.

Based on its track record and the average size of their subscriptions, Soltage's project is on track to exceed that maximum number of subscribers. Therefore, Staff requested a waiver of the maximum number for the Delanco project and recommended that the Board grant the 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>

**E. Docket No. QX21040725 – In the Matter of the Proposed Amendments to the Transition Incentive Program Rules: N.J.A.C. 14:8-2.2; 14:8-10.1; 14:8-10.3; 14:8-10.5; 14:8-10.6; and 14:8-10.7.**

**B. Scott Hunter, Manager, Division of Clean Energy,** presented this matter.

**BACKGROUND AND DISCUSSION:** This matter involved Staff’s proposed amendments to the existing rules for the Transition Incentive (TI) Program at N.J.A.C. 14:8-2.2; 14:8-10.1; 14:8-10.3; 14:8-10.5; 14:8-10.6; and 14:8-10.7, which complement the Board’s Renewable Portfolio Standard rules.

The TI Program, was designed to ensure a smooth efficient transition from the Solar Renewable Energy Certificate (SREC) Registration Program to a new solar Successor Incentive Program, which is currently under development.

The TI program rules were adopted on October 5, 2020. The proposal to amend the rules is based upon Staff's experience with implementing the rules and to provide consistency with Board Orders that were issued subsequent to the rule adoption.

Staff's proposal includes:

A new definition for the term "Floating solar." Clarification in the definition of "Qualification Life" to reflect the fact that the Qualification Life of a project is determined by its registration date.

New provisions to bring the TI rules into conformity with the Board's December 2020 order addressing projects with permission to operate before May 1, 2020.

Provisions to bring the TI rules into conformity with the Board's November 2020 order regarding the use of a Standing order in the Generation Attribute Tracking System.

New language would expressly allow a solar facility owner to assign ownership of TRECs generated by a project to a third-party via contract upon sale of the facility or upon facility owner bankruptcy.

New provisions will clarify the registration length for projects that transferred into the TI Program from the SREC Registration Program.

A new subchapter would specify that projects granted conditional acceptance in the Community Solar Pilot Program would have a TREC registration period of 18 months from the effective date of the board order granting the projects conditional acceptance.

A New Subchapter addresses TI program closure by clarifying that solar generation facilities for which a complete registration has been submitted to the TI program prior to the closure of the TI program to new registrations shall be eligible for the creation of TRECs.

This new subchapter is also intended to clarify that Subsection (t) projects, which submitted a complete Subsection (t) application prior to the Board order announcing the closure of the TI Program, will be eligible for TRECs if the Board grants the project conditional certification.

To conform with the TI rules to the July 2020 order on floating solar installation eligibility for TRECs, Staff proposed publishing the floating solar project TREC factor of 0.6, clarifying that floating solar projects may petition the Board should they seek to receive a TREC factor higher than 0.6.

Finally, a new subchapter is proposed to clarify that TRECs are considered BPU financial assistance subject to prevailing wage for projects 1 Megawatt dc or greater. Should these amendments be approved by the Board, the proposal will be subject to a 60-day public comment period, following publication in the New Jersey Register.

Staff recommended the Board approve the proposal to amend the TI rules and RPS rules.

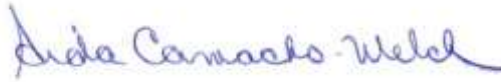
**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

<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.

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



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AIDA CAMACHO-WELCH  
SECRETARY OF THE BOARD

Date: July 14, 2021