



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 September 14, 2021, via online @ <https://youtu.be/LSykgC3tDs8>

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 also announced that the next regular Board Meeting will be held on October 6, 2021 at 10:00 a.m. via livestream on YouTube.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

A. Docket No. GE21020618 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of a Municipal Franchise in the Township of Byram, Sussex County.

BACKGROUND: This matter involved the approval of a franchise agreement granted to Elizabethtown Gas Company (Elizabethtown or Company) by the Township of Byram (Township) in Sussex County, New Jersey. Elizabethtown filed a petition requesting Board approval of the consent for the use of the streets for the furnishing of gas service for a period of 50 years.

This consent is for a new franchise and divides the Township into two territories, one for Elizabethtown and the other for New Jersey Natural Gas Company. The ordinance enacted by the Township grants Elizabethtown the right to provide service and to lay and construct its facilities within the public rights-of-way as a means to provide that service. The Company represented that it will provide adequate and safe gas service to potential customers at just and reasonable rates.

A hearing in this matter was held on July 16, 2021, before Heather Weisband, Esq., the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel (Rate Counsel) and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

The Rate Counsel did not oppose approval of the Municipal consent. However, Rate Counsel requested that approval of the petition be conditioned on certain provisions.

Staff recommended that the Board approve the franchise agreement, subject to the terms and conditions set forth in the Board Order.

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

III. CABLE TELEVISION

A. Docket No. CE19060750 – In the Matter of the Petition of Comcast of Wildwood, LLC, for a Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Gloucester City, County of Camden, State of New Jersey.

BACKGROUND: On June 25, 2019, Comcast of Wildwood, LLC filed a petition with the Board for an Automatic Renewal Certificate of Approval for the City of Gloucester (City) based on the automatic renewal provision. The City's ordinance granted renewal

municipal consent which was adopted on August 28, 2008. The City's ordinance granted a term of 15 years with an automatic renewal term of 10 years.

Staff recommended that the Board approve the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on June 24, 2029.

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

B. Docket No. CE19091207 – In the Matter of the Petition of Comcast of South Jersey, LLC, for a Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Lower Alloways Creek, County of Salem, State of New Jersey.

BACKGROUND: On September 13, 2019, Comcast of South Jersey, LLC filed a petition with the Board for an Automatic Renewal Certificate of Approval for the Township of Lower Alloways Creek (Township) based on the automatic renewal provision. The Township's ordinance granting renewal municipal consent, which was adopted on October 19, 2004. The Township's ordinance granted a term of 15 years with an automatic renewal term of 10 years.

Staff recommended that the Board approve the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on August 22, 2029.

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

IV. TELECOMMUNICATIONS

A. Docket No. TF21060911 – In the Matter of the Verified Joint Petition of PEG Bandwidth of NJ, LLC and Uniti National, LLC for Approval to Participate in Certain Financing Arrangements.

BACKGROUND: On June 11, 2021, PEG Bandwidth NJ, LLC and Uniti National LLC (Petitioners) filed a Petition with the Board requesting approval for PEG NJ and Uniti National to participate in certain financing arrangements of its corporate parents and affiliates.

The Petitioners requested approval to be guarantors of certain financing arrangements of their corporate parent and affiliates and to pledge their assets as security of those financing arrangements. Specifically, Uniti Group's subsidiaries Uniti Group LP, Uniti Group Finance 2019 Inc., and CSL Capital, LLC (together, the Issuers) have completed an offering of \$570 million aggregate principal amount 4.750% senior secured notes due 2028 (the Financing Arrangements). The Issuers used the net proceeds of the Financing Arrangements in their entirety to repurchase and cancel the Issuers' 6.00% senior secured notes due 2023 and to pay related fees and expenses. The Financing Arrangements are to be guaranteed on a senior secured basis by Uniti Group, and each of Uniti Group's subsidiaries, including the Petitioners that guarantees indebtedness under the Uniti Group's senior secured credit facilities and existing secured notes.

The New Jersey Division of Rate Counsel reviewed this matter and by letter dated August 13, 2021, stated 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

There were no items in this category.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the following Minutes:

- **July 15, 2020 Executive Session Minutes; and**
- **July 28, 2021 Special Board Agenda Minutes.**

BACKGROUND: Staff presented the July 15, 2020 Executive Session minutes; and the Special meeting minutes of July 28, 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.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. Docket No. ER21060939 – In the Matter of the 2021/2022 Annual Compliance Filings for the Universal Service Fund (USF) Program Factor within the Societal Benefits Charge Rate.

Maureen Clerc, Bureau of Energy Programs and Assistance, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a filing made by the electric and gas distribution companies requesting adjustments to their statewide electric and gas Universal Service Fund (USF) Program and Lifeline Program rates within the Societal Benefits Charge.

After review of the USF and Lifeline Utility Assistance Program (Lifeline) compliance filing from the Gas and the Electric Distribution Companies (collectively, Utilities), and the various submissions, Staff recommended that the Board implement the proposed electric and gas rates based upon the filing provided by the Utilities on June 25, 2021 (June 2021 Filing). This data contained actual program costs for seven months from October 1, 2020 through April 2021 and five months of estimated costs for May 2021 through September 2021. The USF rates reflect costs for the projected period of October 1, 2021 through September 30, 2022. The proposed rates would go into effect October 1, 2021 and would support a USF budget of approximately \$215.5 million which includes:

- \$103 million in estimated program expansion costs;
- \$7.8 million estimated USF administrative costs for New Jersey Department of Community Affairs;
- \$5 million for NJ SHARES' SMART program;
- \$3.2 million gas over-recovery balance;
- \$6.2 million electric over-recovery balance; and
- A Lifeline budget of \$74.6 million.

The rates in effect during October 1, 2020-September 2021 were as follows and supported a \$124 million USF budget and a \$74.6 million Lifeline budget:

	Electric	Gas
USF	\$0.001493/kWh	\$0.0059/therm
Lifeline	\$0.000759/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.002252/kWh	\$0.0116/therm

The rates implemented by the Board at this proceeding were as follows and were stated to be effective from October 1, 2021 through September 30, 2022. These rates support a \$215.5 million USF budget and a \$74.6 million Lifeline budget:

	Electric	Gas
USF	\$0.002468/kWh	\$0.0133/therm
Lifeline	\$0.000787/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.003255/kWh	\$0.0190/therm

The new combined USF/Lifeline rates represented an:

- Annual increase of \$8.88 for an average residential gas customer utilizing 1,200 therms per year;
- Annual increase of \$7.82 for an average residential electric customer utilizing 7,800 kWh per year; and
- Annual bill of \$48.19 per year for an average residential customer who uses both gas and electricity, (an increase of approximately 53% or \$16.70 from the current level of \$31.49 per year).

Additionally, the Board:

- Directed the Utilities to file appropriate tariff pages consistent with the Board's order prior to October 1, 2021 when the rates become effective;
- Determined the rates effective through September 30, 2020 be considered final rates as they have been reviewed and trued up; and
- Directed Staff to reimburse the utilities for \$4,819.00 in USF administrative costs incurred from July 1, 2020 through June 30, 2021.

Staff recommended that the Board implement the proposed electric and gas rates based upon the filing provided by the Utilities on June 25, 2021. These rates support a USF budget of \$215.5 million for the new program year, which begins October 1, 2021. This is an increase of approximately \$92 million from the current USF program budget. If approved, this budget and rates would be effective October 1, 2021.

Staff also recommended that the Board approve the Lifeline rates contained in the June filing which support a Lifeline program budget of approximately \$74.6 million. If approved, these rates would also be effective October 1, 2021. The combined USF/Lifeline rates would represent an increase of \$8.88 per year for an average residential gas customer and an increase of \$7.82 per year for an average residential electric customer. The combined USF/Lifeline annual bill would be \$48.19 per year for an average residential customer who uses both gas and electric, which is a net increase of \$16.70.

Staff further recommended the Board direct Staff to reimburse the utilities for the USF related administrative costs, which total \$4,819.00. Finally, Staff recommended that the Board finalize the interim USF rates that were approved previously through September 30, 2020, because these rates have been reviewed and trued up.

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. ER21010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2021 – FERC Docket No ER21-2582 Revisions to Application of Minimum Offer Price Rule.

Joseph DeLosa, Bureau Chief, Bureau of Federal and Regional Policy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of comments, filed by Staff on behalf of the Board on August 20, 2021, supporting PJM's revised Minimum Offer Price Rule.

On July 30, 2021, PJM filed proposed revisions (Proposal) to its Minimum Offer Price Rule (MOPR) at the Federal Energy Regulatory Commission. The Proposal represents a new approach to capacity market mitigation that, if accepted, will eliminate the risk of New Jersey's clean energy programs failing to clear the capacity market because of the MOPR. The Proposal is an outgrowth of the PJM Board's direction to stakeholders to revise the current, expanded MOPR rule. Because the "focused" scope of the MOPR outlined in the Proposal would limit the risk to New Jersey public policy goals, Staff, on behalf of the Board, filled comments in support of the Proposal on August 20, 2021. Staff recommended the Board ratify these comments.

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

Stacy Peterson, Deputy Executive Director, Executive Office, presented these matters.

C. Docket No. GR21040747 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of a Rate Adjustment Pursuant to the Infrastructure Investment Program (IIP).

BACKGROUND AND DISCUSSION: This matter involved the Board considering Elizabethtown Gas Company's (Elizabethtown or Company) Infrastructure Investment Program rate roll in. The parties executed a stipulation, which if approved, will result in an increase in the monthly bill of a typical residential customer of \$2.17.

On April 30, 2021, Elizabethtown filed a petition with the Board seeking approval for a rate adjustment to recover annualized increases in the revenue requirements associated with the Company's Infrastructure Investment Program (IIP) (April 2021 Petition). In the April 2021 Petition, the Company sought authorization to recover approximately \$7.2 million in revenue requirements, excluding sales and use tax, associated with the plant in-service IIP Projects during the period July 1, 2020 through June 30, 2021. The IIP investments included projects approximately \$65.1 million in projects anticipated to be placed in service, excluding Allowance for Funds Used During Construction and costs related to the independent monitor and methane survey leak. The April 2021 Petition included actual data through March 31, 2020 and projected data through June 30, 2021.

On July 15, 2021, Elizabethtown updated the April 2021 Petition to include actual IIP expenditures through June 30, 2021 (July 2021 Update). The July 2021 Update decreased the proposed revenue requirement to approximately \$7.06 million, excluding sales and use tax and actual investments of approximately \$63.79 million.

The Company, Board Staff (Staff), and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to recover revenue requirements of approximately \$7.06 million, excluding sales and use tax, related to IIP expenditures as of June 30, 2021.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct Elizabethtown to file tariffs consistent with the Board's Order by October 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

D. Docket No. GR21071007 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Revise its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-System Margin Sharing Credit.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Elizabethtown Gas Company's (Elizabethtown or Company) Weather Normalization Clause rate, New Jersey Clean Energy Program component of its Societal Benefits Charge, and its On-System Margin Sharing credit rate on a provisional basis. The parties executed a stipulation, which if approved by the Board, will result in a monthly increase of \$1.66 for the typical residential customer using 100 therms monthly on a provisional basis.

On July 23, 2021, Elizabethtown filed a petition with the Board seeking approval to revise the rates relating to the review and true-up of its: (1) Weather Normalization Clause (WNC) rate; (2) New Jersey Clean Energy Program (NJCEP) component of Elizabethtown's Societal Benefits Charge (SBC) rate; and (3) On-System Margin Sharing Credit (OSMC) rate (July 2021 Petition).

In the July 2021 Petition, Elizabethtown sought to increase the per therm WNC rate from \$0.0000 (or \$0.0171, which was effective October 1, 2020 through May 31, 2021) to \$0.0171. The proposed rate was designed to recover a deficiency balance associated with the period October 1, 2020 through May 31, 2021, which was attributable to the overall warmer than normal weather experienced in Elizabethtown's service territory during that period as well as the prior period deficiency balance. The total revenue deficiency balance is \$5,509,921.00 which, when divided by projected winter period therm volumes, produces the proposed WNC rate of \$0.0171 per therm.

In the July 2021 Petition, the Company also proposed to modify the NJCEP component of its SBC rate from \$0.0280 per therm to \$0.0276 per therm. The proposed rate was designed to recover prior period costs, the net costs incurred to provide Board-approved NJCEP programs for the period ending June 30, 2021, and projected costs for the period ending June 30, 2022, which total \$13,111,335.00. As a result of a Board Order dated June 24, 2021, which established the statewide funding levels for NJCEP for Fiscal Year 2022, Elizabethtown has been allocated \$12,474,243.00 of NJCEP funding responsibility for the 12 months ending June 30, 2022.

The OSMC provides for 80% of the margins generated from certain on-system non-form sales and transportation services to be flowed-back (credited) to firm customers. In the July 2021 Petition, the Company sought to increase the per therm OSMC credit rate from \$0.0020 to a credit rate of \$0.0021. The Company's total OSMC balance is \$662,916.00, which would be credited to customers.

The Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) determined that, while additional time was needed to complete a review of the Company's July 2021 Petition, it is reasonable and in the public interest for Elizabethtown to implement provisional WNC, NJCEP, and OSMC rates. Accordingly, the Parties executed a stipulation of settlement (Stipulation) which would allow Elizabethtown to modify its WNC, NJCEP, and OSMC rates as proposed in the July 2021 Petition, on a provisional basis, subject to refund.

Staff recommended the Board issue an Order adopting the Stipulation of the Parties. Staff also recommended the Board direct Elizabethtown to file tariffs consistent with the Order by October 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

E. Docket No. GR21060952 – In the Matter of the Petition of Public Service Electric and Gas Company to Revise its Weather Normalization Charge for the 2021-2022 Annual Period.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Public Service Electric and Gas Company's (PSE&G or Company) Weather Normalization Charge rate. The parties executed a stipulation, which if approved by the Board, will result in an annual bill decrease of \$0.78 for the typical residential customer using 1,040 therms.

On June 30, 2021, PSE&G filed a petition with the Board seeking approval to adjust its Weather Normalization Clause (WNC) rate (2021 WNC Petition).

In the 2021 WNC Petition, PSE&G sought approval to refund \$1,835,733.00 to customers over the 2021-2022 Winter Period through its WNC rate. The base level of normal degree days is defined in PSE&G's WNC Tariff for each month in the 2021-2022 Winter Period. Any excess or deficiency is to be credited or recovered in the following year during the Winter Period through the WNC.

According to the 2021 WNC Petition, the Heating Degrees Days for the 2020-2021 Winter Period were 269.17 days less than the normal heating degree-days, resulting in a margin revenue deficiency of \$31,244,886.00.

In accordance with the WNC Tariff, the Company represented that it trued-up the Degree Day Consumption Factors utilized in the determination of the proposed WNC at the end of the Winter Period, and that the revised tariff sheets reflect updated Degree Day Consumption Factors for the 2021-2022 Winter Period.

In the 2021 WNC Petition, the Company proposed a WNC credit rate of \$0.001120 per balancing therm that would be applicable to Residential Service Gas, General Service Gas, and Large Volume Gas customers.

After an initial review of the 2021 WNC Petition, the Company, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, the Parties) determined that while, additional time is needed to complete a review of the 2021 WNC Petition, it is reasonable and in the public interest to implement a revised WNC rate. Subsequently, the Parties executed a stipulation of settlement (Stipulation) which would allow PSE&G to implement the proposed WNC credit rate, on a provisional basis, subject to refund.

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 the Order by October 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

F. Docket No. ER21040682 – In the Matter of the Petition of Rockland Electric Company’s Annual Societal Benefits Charge Filing (2021).

BACKGROUND AND DISCUSSION: This matter involved the Board considering Rockland Electric Company’s (RECO or Company), Societal Benefits Charge (SBC) rates. The parties executed a stipulation, which if approved by the Board, would result in a monthly increase of \$0.08 for the typical residential customer.

In accordance with the July 22, 2002 Board Order, on April 1, 2021, RECO filed a petition with the Board regarding its annual cost recovery filing of over-recovered or under-recovered cost balances collected through its SBC (2021 Petition). The Company filed revisions to the Demand Side Management and the New Jersey Clean Energy Program components (together, SBC Component Program) of the SBC rate.

In the 2021 Petition, which reflected data through February 2021, RECO proposed an increase in the rate for the SBC Component Programs rates from the current rate of 0.3132 cents per kilowatt hour (ϕ /kWh), including Sales and Use Taxes (SUT), to 0.3229 ϕ /kWh, including SUT. In the 2021 Petition, RECO explained that the calculated SBC Component Program rate included the return of an estimated over-collection of \$428,715.00 for the 12 month period ending July 31, 2021.

Since the filing, the Company updated the revenue requirement related to the SBC Component Program based upon actual data for the period August 1, 2020 through May 31, 2021, and estimated data through July 2022 (Update). As a result of the Update, the Company proposed to increase the SBC Component Programs rate based upon an anticipated over-collection of \$394,206.00 for the period of August 1, 2020 through July 31, 2021, and projected spending of \$4,963,955.00 for the period August 1, 2021 through July 31, 2022. Based on the Update, the Company proposed to increase the SBC Component Programs rate from the current 0.5481 ϕ /kWh to 0.5505 ϕ /kWh.

Following a review of the 2021 Petition, Update, and discovery, RECO, the New Jersey Division of Rate Counsel, and Board Staff (collectively, the Parties) executed a stipulation of settlement (Stipulation). The Stipulation would allow RECO to implement a total SBC rate of 0.5505 ϕ /kWh.

Staff recommended that the Board approve the Stipulation of the Parties. Staff also recommended that the Board direct RECO to file revised tariff sheets by October 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

G. Docket No. GR21040748 – In the Matter of the Petition of South Jersey Gas Company for Approval of Base Rate Adjustments Pursuant to the Storm Hardening and Reliability Program (SHARP II).

BACKGROUND AND DISCUSSION: This matter involved the Board considering South Jersey Gas Company's (SJG or Company) Storm Hardening and Reliability Program (SHARP II) rates. The parties executed a stipulation, which if approved by the Board, will result in a monthly increase of \$0.63 for the typical residential customer.

On April 30, 2021, SJG filed a petition with the Board seeking authority to establish rates to recover annualized increases in the revenue requirements associated with the extension of its Storm Hardening and Reliability Program (SHARP II) (April 2021 Petition). In the April 2021 Petition, SJG sought to recover the revenue requirements related to SHARP II expenditures placed in service from July 1, 2020 through June 30, 2021, and included actual costs from July 1, 2020 through March 31, 2021, and projected data for the period April 1, 2021 through June 30, 2021.

The Company sought authority to recover SHARP II revenue requirements of approximately \$2.16 million [excluding Sales and Use Tax (SUT)] associated with actual and projected SHARP II investments of approximately \$22.00 million, including Allowance for Funds Used During Construction (AFUDC). On July 15, 2021, SJG provided an update with actual SHARP II expenditures through June 30, 2021 (Update). As reflected in the Update, the revenue requirement sought by SJG was modified to approximately \$2.22 million related to \$22.79 million of SHARP II investments, including AFUDC.

The Company, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to recover the proposed updated revenue of approximately \$2.22 million (excluding SUT) related to the SHARP II expenditures as of June 30, 2021.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct SJG to file tariffs consistent with the Board's Order by October 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

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 of the Implementation of P.L. 2012, c. 24, the Solar Act of 2012;

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

Docket No. QO20120764 – EPP Renewable Energy LLC, Pennsauken Landfill Solar Project Phase 4.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the EPP Renewable Energy, LLC petition requesting TREC eligibility for its Pennsauken Landfill Solar Project Phase 4 Subsection (t) application.

The matter relates to a Subsection (t) application received from EPP Renewable Energy to have its project certified as being located on a properly closed sanitary landfill pursuant to subsection (t) of the Solar Act. The applicant's 3.5 MWdc project is proposed to be located on ten acres of a portion of Pennsauken Township Landfill in Pennsauken, Camden, New Jersey.

Staff reviewed the application and supplied a copy to the New Jersey Department of Environmental Protection (NJDEP) for their review. Subsequently on July 7, 2021, Staff reviewed an advisory memo on the application where the NJDEP determined that the proposed site is not a properly closed sanitary landfill as defined by the Solar Act of 2012. Based on review of the application, recent history of the site, the NJDEP determined that

the groundwater remedial action is not protected from human health and safety and of the environment.

The NJDEP further advised that the proposed solar project fails to meet the definition of a properly closed sanitary landfill, since the remediation of the area proposed for the solar installation is ongoing.

Based upon the review of the application and the advisory memorandum provided by the NJDEP, Staff recommended that the Board deny the conditional certification of the EPP Renewable Energy, Phase Four Solar Project as proposed for the Pennsauken Landfill since the property does not meet the definition of a properly closed sanitary landfill consistent with the Solar Act of 2012.

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

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

Docket No. QO20040307 – Active Solar Development’s Phillipsburg II LLC – Phillipsburg Associates III Landfill.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Active Solar Development’s Phillipsburg Solar II, LLC petition requesting Transition Renewable Energy Certificates eligibility for its Phillipsburg Associates III Landfill Subsection (t) application.

The matter relates to a subsection (t) application from Active Solar Development to have its project certified as being located on a properly closed sanitary landfill and a brownfield pursuant to subsection (t) of the Solar Act of 2012. The applicant's 2.974 MWdc project is proposed to be located on a 12.69 acre property owned by I-78 Logistics Park in Phillipsburg Township in Warren County New Jersey.

Staff reviewed the application for administrative completeness and supplied a copy to the New Jersey Department of Environmental Protection (NJDEP) for their review. The NJDEP reviewed the application and the history of the property and supplied Staff a memo on the application where they advised that the proposed site is a properly closed sanitary landfill and brown field as defined by the Solar Act of 2012.

The NJDEP also advised that the solar project will be installed on property that requires remediation and provided specific requirements to that end. Based upon the review of the application and the advisory memorandum provided by the NJDEP, Staff recommendation is as follows:

1. The Board grant conditional certification of this Phillipsburg II Solar Project as proposed for the Phillipsburg Associates III landfill on property defined as a properly closed sanitary landfill; and brown field consistent with the Solar Act of 2012;
2. The conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to the Staff's issuance of full certification; and
3. The applicant be directed to file its Transition Renewable Energy Certificates registration within 14 days of the 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

C. Docket No. QO21081070 – In the Matter of the Fiscal Year 2022 Electric Vehicle Tourism Incentive Program.

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

BACKGROUND AND DISCUSSION: This matter involved the Board considering a program to promote Electric Vehicle (EV) charging at tourist locations.

The matter pertains to advancing EV infrastructure. This program sought to increase the number of chargers available for public use throughout the State, encourage overnight lodging establishments to install charging and create additional corridor and community charging locations.

On January 17, 2020, Governor Murphy signed into law the EV Act. The EV Act, among other things, creates an incentive program for light duty EVs and at home EV charging infrastructure. The Act establishes the State's goal for use of plug-in EVs and the development of supporting EV charging infrastructure and authorized the Board to adopt policies and programs to accomplish the State's goal, which include in part:

1. At least 1,000 Level–Two (L2) charging locations available for public use across the State by December 31, 2025;
2. At least 400 direct current fast charges available for public use at no fewer than 200 charging locations in the State by December 31, 2025; and

3. At least 20 percent of all franchised overnight lodging establishments being equipped with electric vehicle supply equipment (EVSE) for routine use by guests of the establishment by providing L-2 charges by December 31, 2025.

The Fiscal Year 2022 New Jersey State Budget and Appropriations Act allocated an additional \$14 million to the Board for the purposes of creating programs to encourage EV infrastructure and charging and to move New Jersey closer to the goals outlined in the EV Act.

Staff recommended utilizing \$4 million of that \$14 million to create an EV tourism program. Staff proposed creating an EV tourism program to promote both EV adoption and tourism through investment in EV charges at key New Jersey tourism areas. This initiative would seek to establish a series of EV charges along corridor and community locations that encourage EV drivers to visit landmarks and locations considered areas of interest by the State's Division of Travel and Tourism, which highlight the best that New Jersey has to offer. Such a program would move New Jersey closer to the goals for public and overnight lodging charging locations as established by the EV Act and would reduce range anxiety for the residents and tourists in New Jersey.

The Program would be open to tourism locations in New Jersey that were interested in locating chargers at their site by locating chargers at various tourism destinations, would increase the visibility and availability of public charging while also reducing range anxiety.

Staff recommended the Board approve the program and authorized Staff to develop the application and evaluation criteria and launch the program as soon as possible.

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. QX20010047 – In the Matter of the Petition of Dakota Power Partners, LLC for a Rulemaking Proceeding to Establish Utility-Scale Solar Resources to Qualify for Class I Renewable Energy Credits.

This matter was deferred.

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

Docket No. QO20100684 – In the Matter of Butler Power and Light Company Establishing Energy Efficiency and Peak Demand Reduction Programs.

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

BACKGROUND AND DISCUSSION: This matter involved the Board considering an extension for Butler Electric Company (Butler Electric) to prepare energy efficiency and peak demand response programs as required under the Clean Energy Act of 2018.

The Clean Energy Act of 2018 requires each electric and natural gas public utility company in the State to reduce the use of electricity and natural gas in its service territory. Butler Electric is a municipal electric utility in Morris County that is owned and operated by the Borough of Butler and that serves residential and commercial customers in the Boroughs of Butler, Bloomingdale and Kinnelon and that partially services the Township of West Milford in the Borough of Riverdale. Because Butler Electric provides service to customers beyond the municipal boundaries of the Borough of Butler, Butler Electric is regulated by the Board as an electric public utility under the Clean Energy Act.

On December 16, 2020, the Board approved Staff's recommendations that Butler Electric work collaboratively with Staff and New Jersey Division of Rate Counsel (Rate Counsel) and the investor-owned electric and gas public utilities as applicable to develop a proposal to deliver energy efficiency and peak demand reduction programs to Butler Electric customers that would be compliant with the Clean Energy Act and consistent with the requirements for utility programs as outlined in the Board's June 10, 2020 Order.

The Board further approved Staff's recommendations that Butler Electric submit a proposal by October 1, 2021 that includes a plan to implement programs from July 1, 2022 through June 30, 2024 to align with the current three-year program cycle of the utility-administered Energy Efficiency programs.

For the past several months Butler Electric has been discussing approaches to implementing energy efficiency programs in its territory with Staff, the Rate Counsel and Public Service Electric & Gas (PSE&G). At the same time, following the transition of administration of certain energy efficiency programs from New Jersey's Clean Energy Program to the utilities on July 1, 2021, the investor-owned utilities are currently discussing with Staff and Rate Counsel how the investor-owned utilities will use their Board approved budget to implement dual-fueled projects and overlapping utility territories during the current three-year program cycle.

Staff anticipated that a shared budget approach, if finalized, could enable customers served by both Butler Electric and PSE&G to participate in energy efficiency programs during the current program cycle.

Staff recommended that the Board direct Butler Electric and Staff to continue to work with Rate Counsel, PSE&G and the other investor-owned utilities to work towards jointly developing a shared budget approach.

Staff also recommended that the Board grant an extension to Butler Electric to submit an energy efficiency program proposal which shall apply to the time remaining in the current energy efficiency program cycle and could take the form of a joint petition by Butler Electric and PSE&G as soon as reasonably feasible following resolution of an approach that would work for Butler Electric should a resolution be reached, including Board approval, but no later than October 1, 2022.

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. QO21081073 – In the Matter of the Implementation of P.L. 2021, c. 200 Regarding Establishment of the School and Small Business Energy Efficiency Stimulus Program – Executive Session.

Kevin V. Nedza, Building Electrification Manager, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering approving a contract modification in order to select a Program Administrator for the School and Small Business Energy Efficiency Stimulus Program.

The matter was initially discussed in executive session and it pertains to P.L. 2021, Chapter 200, which was signed into law August 24, 2021. The School and Small Business Energy Efficiency Stimulus Program Fund, created two programs within the Board to provide grants to schools and small businesses. The two programs are the School and Small Business Ventilation and Energy Efficiency Verification and Repair program, and the School and Small Business Noncompliant Plumbing Fixtures and Appliance program.

The purpose of these programs is to provide grants to boards of education and small businesses for the installation of certain heating, ventilation and air conditioning systems, energy efficient and water conserving appliances and fixtures to improve air quality and energy distribution in school districts and small businesses, especially those that are located in underserved communities.

The proposed contract modification would be limited to the administration of these specific programs and the programs, including any administrative fees for the contract, will be paid for through federal funding made available through the American Rescue Plan act.

Staff recommended that the Board approve the contract modification to authorize the administration of these two programs and the contract modification will be contingent upon the approval by the Department of Treasury.

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

A. Docket No. AO20060471 – In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic.

Stacy Peterson, Deputy Executive Director, Executive Office, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Motion of Public Service Electric and Gas Company (PSE&G), South Jersey Gas Company (SJG), and Elizabethtown Gas Company (ETG) for an extension of the September 30, 2021 Regulatory Asset Period established on July 2, 2020.

By order dated July 2, 2020, the Board authorized each of the State's utilities to create a COVID-19 Regulatory Asset by deferring on their books and records the prudently incurred incremental costs related to COVID-19 beginning on March 9, 2020 through September 30, 2021 or 60 days after the end of the Public Health Emergency. Additionally, the July 2020 Order required that all affected utilities file a petition with the Board by December 31, 2021 or within 60 days of the close of the Regulatory Asset period.

The Public Health Emergency terminated on July 4, 2021. On July 6, 2021, PSE&G, SJG, and ETG (hereinafter collectively referred to as the Companies) filed a letter motion with the Board seeking amendment of the July 2020 order to extend the deferral period from September 30, 2021 to the end of 2023 and to adjust the deadline for filing petitions for recovery to a date within 60 days corresponding to the extended Regulatory Asset period. The motion was supported by the Companies.

In its response, the New Jersey Division of Rate Counsel (Rate Counsel) did not disagree that an extension may be a reasonable solution to the concerns raised by utilities subject to certain conditions. However, Rate Counsel expressed concerns with the length of the extension. Rate Counsel stated that should the Board grant an extension, conditions should be imposed on the extension.

Staff recommended the Board deny the motion requesting an extension to December 2023 and instead authorize an extension of the Regulatory Asset period through December 2022 and a requirement to file a petition for recovery of these assets to be filed no later than 60 days following this new date.

Staff also recommended the Board order regulated utility companies to file a formal plan within ten days outlining how the additional time will be used in meeting the Regulatory Asset period deadline. Additionally, regulated utility companies should file as part of their quarterly reports additional data.

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. AX21091111 – In the Matter of the New Jersey Board of Public Utilities' Utility Customer Bill of Rights.

Julie Ford-Williams, Director, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board revisiting the Customer Bill of Rights established by Board Order on February 3, 1986 in light of the COVID-19 pandemic and expand the Bill of Rights to include certain temporary protections provided through Governor Murphy's Executive Orders in response to the pandemic.

By Order date February 3, 1986, the Board established a Consumer Bill of Rights which set forth in plain language the protections afforded to utility customers under the Board's regulations. In that order the Board required all utilities under its jurisdiction to inform customers of their respective rights by distributing a copy of the Bill of Rights to their customers.

In response to the COVID-19 pandemic, Governor Murphy signed a series of executive orders that temporarily established certain rights to utility customers in the State to ensure utility customers receive adequate protections due to the economic impact of the COVID-19 pandemic.

The Bill of Rights have not been revised since February 3, 1986. Since that time, there have been changes in the Board's regulations, along with additional customer protections mandated by Governor Murphy due to the COVID-19 pandemic. It has never been more important for utility customers to be aware of the protections granted to them through the Board's regulations and the additional temporary rights put into place by Governor Murphy through December 31, 2021.

Therefore, Staff proposed that the Customer Bill of Rights be revised. Staff noted that no new regulations are created nor any existing regulations changed by the establishment of the Bill of Rights. Rather, the Bill of Rights is wholly consistent with the existing Board regulations as found at N.J.A.C. 14:3-7, et seq. The current provisions of the Customer Bill of Rights will remain in place, however, the revisions are as follows:

- You are entitled to at least one deferred payment plan within a 12-month period. A deferred payment agreement offered by the utility company must be for at least a minimum term of 12 months with no money down. Your utility company may not require reconnection fees or deposit as a condition of continuing service and late charges, interest and liens for past due amounts are not permitted during that grace period;
- After December 31, 2021, residential gas, electric, and water and sewer utilities are permitted to inform customers that they are subject to termination of service due to nonpayment unless the customer is a participant of the Winter Termination Program;
- After December 31, 2021, residential gas, electric, water, and sewer utilities are permitted to disconnect service due to nonpayment provided, however, a disconnection may occur at any time if it is to prevent a risk to public health or safety;

- After December 31, 2021, residential service may be shut-off, after proper notice, only on Monday through Thursday from 8:00 a.m. to 4:00 p.m. A utility may not shut-off residential service on Friday, Saturday, Sunday, or a holiday or the day before a holiday, or if a valid medical emergency exists in your household; and
- You have the right to notification regarding any moratorium on rate increases.

Staff noted that provisions 3, 16, 17, 18 and 19 will expire December 31, 2021. Staff recommended that the Board approve the updated Customer Bill of Rights as revised so all residential utility customers may be made aware of their existing rights under the Governor's executive orders and Board regulations.

Staff also recommended that the Board order that all gas, electric, water and telecommunications companies under its jurisdiction comply with the following:

1. Provide all current residential customers with a copy of the Bill of Rights within seven days from the effective date of this order.
2. Provide all new customers with a copy of the Bill of Rights upon initiation of service.
3. Provide all current residential customers with a copy of the Bill of Rights with their monthly bills for those utilities who file a monthly billing cycle. All others shall provide a copy of the Bill of Rights on a monthly basis to current residential customers through an alternate means of distribution and prominently display the Bill of Rights in all of their customer service centers and on their websites.

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

EXECUTIVE SESSION

After appropriate motion, the following matter, which involved pending litigation attorney/client privilege, and/or contract exceptions to the Open Public Meetings Act was discussed in Executive Session.

8. CLEAN ENERGY

F. Docket No. QO21081073 – In the Matter of the Implementation of P.L. 2021, c. 200 Regarding Establishment of the School and Small Business Energy Efficiency Stimulus 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

Date: November 17, 2021