



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 October 6, 2021, via online @ <https://youtu.be/JVj1gBwC9vQ>

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 28, 2021 at 10:00 a.m. via livestream on youtube.

CONSENT AGENDA

I. AUDITS

A. Energy Agent, Private Aggregator, and/or Energy Consultant Initial Registrations

EE21050788L GE21050789L	National Utilities Refund, LLC d/b/a National Energy	I – EA/PA
EE21070989L GE21070990L	AdvoSMART, Inc.	I – EA/PA/EC

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

EE21050771L	Gulf Stream Energy Consultants, LLC	R – EA
EE21050843L	The Energy Link, LLC	R – EA
EE21030633L	Rapid Power Management, LLC	R – EA
EE21050826L GE21050827L	Luthin Associates, Inc.	R – EA/EC
EE21040737L GE21040738L	Zentility, Inc. f/k/a HomeAde, LLC	R – EA/PA/EC

Electric Power and/or Natural Gas Supplier Initial Licenses

EE21020616L	Southern Energy Solution Group NJ, LLC	I – ESL
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BACKGROUND: The Board must register all energy agents, private aggregators, and energy consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment.

As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by Board Staff for approval or denial 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.

At its regular agenda meeting of August 18, 2021, the Board approved the final adoption of proposed amendments to N.J.A.C. 14:4 et seq., concerning energy competition and specifically to subchapter 5, N.J.A.C. 14:4-5 et seq., Energy Licensing and Registration. In accordance with the rule amendments, an energy agent, private aggregator, or energy consultant registration shall not expire so long as a registration renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the registrant's annual anniversary date. Any registration renewal application that was filed prior to August 18, 2021 has been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.9. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval.

Licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew annually their licenses and registrations timely in order to continue to do business in New Jersey.

Staff recommended that the following applicants be issued initial registration as an energy agent, private aggregator and/or energy consultant:

- National Utilities Refund, LLC d/b/a National Energy
- AdvoSMART, Inc.

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

- Gulf Stream Energy Consultants, LLC
- The Energy Link, LLC
- Rapid Power Management, LLC
- Luthin Associates, Inc.
- Zentility, Inc. f/k/a HomeAde, LLC

Staff further recommended that the following applicant be issued initial licenses as an electric power and/or natural gas supplier:

- Southern Energy Solution Group NJ, LLC

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

II. ENERGY

A. Docket Nos. BPU ER21050823 and OAL PUC 05219-2021N – 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 the 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 (SUT), 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%.

RECO stated that the Company's current electric distribution rates are not just and reasonable as 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, BPU Docket No. EO21030675, 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 change in the federal or state corporate tax rate that occurs after its post-test year adjustments.

By Order dated June 9, 2021, the Board suspended the proposed rate increase until October 21, 2021 pending further action on this matter. The matter was subsequently transmitted to the Office of Administrative Law (OAL) as a contested case, and was assigned to Administrative Law Judge (ALJ) Thomas R. Betancourt for consideration and hearing. On July 7, 2021, ALJ Betancourt issued an order consolidating this matter with RECO's current filing regarding its transition bond transaction.

Since a review of this matter will not be complete prior to October 21, 2021, Staff recommended that the Board issue an order suspending the proposed rate increase until February 21, 2022, pending resolution of this matter at the OAL.

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

III. CABLE TELEVISION

A. Docket No. CE19101409 – In the Matter of the Petition of Comcast of New Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of South Toms River, County of Ocean, State of New Jersey.

BACKGROUND: On October 22, 2019, Comcast of New Jersey, LLC filed a petition with the Board for an Automatic Renewal Certificate of Approval for the Borough of South Toms River (Borough) based on the automatic renewal provision.

The petition is based on the Borough's ordinance granting renewal municipal consent, which was adopted June 15, 2009. The Borough's ordinance granted a term of 15 years with an automatic renewal term of 10 years.

Staff recommended approval of the proposed Automatic Renewal Certificate of Approval. This Certificate shall expire on August 29, 2029.

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

IV. TELECOMMUNICATIONS

A. Docket No. TM21081054 – In the Matter of the Verified Petition of Magna5 Holdings, LLC, Magna5, LLC, and International Telcom, LLC for Approval of Transfer of Control of Magna5, LLC and Approval of Related Financing.

BACKGROUND: On August 6, 2021, Magna5 Holdings LLC a Delaware limited liability Company (the Transferor), on behalf of its subsidiary Magna5 LLC (the Licensee or Magna5), and International Telcom, LLC (the Transferee or International Telcom) (collectively, the Petitioners) filed a Petition with the Board requesting approval of the Petitioners request to consummate a purchase by Transferee to acquire all ownership units of the Licensee and indirectly, the Licensee's 100% direct subsidiary, Magna International LLC, resulting in the ultimate control of the Licensee and its subsidiary to be held by International Telecom (the Transaction).

The Petitioners also requested approval of related financing. Following completion of the transfer, Magna5 will continue to provide competitive services to existing customers in New Jersey at the same rates, terms, and conditions and in the same geographic areas as currently provided.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board on September 13, 2021 stating that Rate Counsel would not oppose a Board grant of approval as the Transaction yields positive benefits to New Jersey customers and is in the public interest.

After review, Staff did not find any reason to believe that there will be an adverse impact on rates, competition in New Jersey, the employees of the Petitioners, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, a positive benefit may be expected from the strengthening of the Petitioners' competitive posture in the telecommunications market.

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

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

V. WATER

A. Docket No. WE18080926 – In the Matter of the Petition of Village Utility, LLC for Approval of a Municipal Consent to Provide Sewerage Service to a Portion of the Township of Sparta, for Approval of Implementation of an Initial Tariff for Wastewater Service within the Township of Sparta, and for Other Required Approvals.

BACKGROUND: This matter involved the Board considering a joint request from Village Utility, LLC (Petitioner or Village Utility) and the New Jersey Division of Rate Counsel (Rate Counsel) for relief from a provision in the Stipulation of Settlement entered into by the parties and previously approved by the Board on March 29, 2019 which required Village Utility, LLC to file a base rate case on or before December 31, 2021.

On August 21, 2018, Village Utility filed a petition with the Board seeking approval of the following: (1) a municipal consent, Ordinance No. 18-072 (Ordinance), adopted August 14, 2018, by the Township of Sparta (Township), to allow the Petitioner to provide wastewater service to the franchise area in the Township; and (2) the implementation of an initial tariff for wastewater service within the Township, County of Sussex, New Jersey.

Following a review of discovery and subsequent settlement discussions, Village Utility, the Rate Counsel and Board Staff (Staff) executed a Stipulation of Settlement (Stipulation) on February 25, 2019, which, inter alia, required the Petitioner to file a base rate case on or before December 31, 2021. On March 29, 2019, the Board entered a Decision and Order approving the Stipulation.

Thereafter, Village Utility and Rate Counsel filed a joint letter on August 9, 2021, indicating that the current rates were established based on the assumption that a full build-out of the project would occur before December 31, 2021. However, the Petitioner stated that it will require additional time to complete construction and secure leases before full build out will be reached. The Petitioner further stated that it is anticipated that the full site build-out and full occupancy will occur closer to the end of 2022. Accordingly, Village Utility and Rate Counsel jointly requested that the Board grant the Petitioner relief from the requirement that it file a rate case before December 31, 2021.

Staff recommended that the Board approve an amendment to the March 29, 2021 Order that grants the Petitioner relief from the requirement of the Stipulation that it shall file its next base rate case on or before December 31, 2021.

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

B. 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: This matter involved the Board considering a request from SUEZ Water New Jersey Inc. (SWNJ, Petitioner or Company) for approval of First Revised Sheet 64A.

On November 23, 2020, SWNJ filed a Petition with the Board to increase its rates for water and wastewater services and to make other tariff changes. SWNJ is a public utility

corporation of the State of New Jersey engaged in the business of collecting, treating and 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.

The Board transmitted this matter to the Office of Administrative Law (OAL), and Administrative Law Judge (ALJ) Irene Jones was assigned to hear the case. Effective December 25, 2020, the Board entered an Order suspending increases, changes or alternations in rates until May 1, 2021 and the implementation of changes SWNJ sought to make to their tariffs. Effective May 1, 2021, the Board entered an Order Further Suspending the rate implementation until September 1, 2021, pending a Final Decision and Order.

Numerous settlement discussions were held during the course of this proceeding and the Company, Board Staff, the New Jersey Division of Rate Counsel (Rate Counsel) and Gordon's Corner (collectively, Signatory Parties) agreed to an overall increase in revenues totaling \$16,350,000.00 representing a 5.51% increase over total present water and wastewater sales revenues of \$296,797,004.00. The Signatory Parties executed a Stipulation of Settlement (Stipulation) and on May 3, 2021, ALJ Jones issued an Initial Decision in this matter recommending adoption of the Stipulation executed by the Signatory Parties, finding that the Signatory Parties had voluntarily agreed to the Stipulation and that the Stipulation fully disposed of all issues and is consistent with the law. By Order dated May 19, 2021, the Board adopted the Initial Decision and approved the Stipulation.

By letter dated August 2, 2021, the Petitioner notified the Board that one of the tariff pages approved by the May 19 Order contained an error, which failed to include all the meter sizes in a particular service territory. The Company included the corrected proposed tariff page with its correspondence. Accordingly, the Company requested that the Board approve First Revised Sheet No. 64A.

Staff recommended that the Board approve the revised tariff.

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

C. Docket Nos. BPU WR21060891 and OAL PUC 05056-21 – In the Matter of the Petition of SUEZ Water New Jersey, Inc. for Approval of Distribution System Improvement Charge Foundational Filing Pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:9-10.1 and 14:9-10.4 et seq. – Order of Extension.

BACKGROUND: The Initial Decision of Administrative Law Judge Gail S. Cookson was received by the Board on September 7, 2021; therefore, the 45-Day statutory period for review and the issuing of a Final Decision will expire on October 22, 2021. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the extensive record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until December 6, 2021.

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

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS21091117K, GS21091114K, GS21091115K, GS21091116K, and AS21091118K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act (Act) by both excavators and operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction are failure to provide proper notice, failure to use reasonable care, and mismarking of facilities. The cases have been settled in accordance with a penalty strategy which escalates in relationship to aggravating factors, such as injury, property damage, fire, evacuation, road closure, and other public safety concerns, and provides disincentives for violations.

Pursuant to the Act, the Board, through the Bureau of One-Call supervises and enforces the One-Call Underground Damage Prevention System. The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, with a \$25,000.00 maximum for a related series of violations. Violations involving a natural gas or hazardous liquid underground pipeline or distribution facility are subject to civil penalties not to exceed \$200,000.00 for each violation for each day with a \$2,000,000.00 maximum for any related series of violations.

The number of settlements are five with a total penalty in the amount of \$13,000.00.

Staff employed a single Order to close multiple cases in order to create a more streamlined and effective enforcement process. Staff recommended that the Board approve all those cases in which offers of settlement and payment have been received.

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

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:

- **August 18, 2021; and**
- **September 1, 2021.**

BACKGROUND: Staff presented the meeting minutes of August 18, 2021 and September 1, 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

Paul Lupo, Acting Director, Division of Energy, presented these matters.

A. Docket Nos. EC20100676 and OAL PUC 01436-2021S – In the Matter of Angelo Sciove, Petitioner v. Public Service Electric and Gas Company, Respondent.

BACKGROUND AND DISCUSSION: This matter involved a dispute between Angelo Sciove (Petitioner) and Public Service Electric and Gas Company (PSE&G).

On October 22, 2020, the Petitioner filed a petition with the Board seeking damages from PSE&G for damage to the Petitioner’s sewer line allegedly caused by PSE&G’s contractors during a gas main replacement project in 2016 (Petition).

On February 2, 2021, PSE&G filed an answer to the Petition, arguing that neither the Board nor the Office of Administrative Law (OAL) have legal authority to award damages and, therefore, the Petition should be dismissed.

On February 5, 2021, the matter was transferred to the OAL for hearing as a contested case, where it was assigned to Administrative Law Judge (ALJ) Judith Lieberman.

By Initial Decision dated July 21, 2021, ALJ Lieberman granted PSE&G’s motion to dismiss the Petition, finding that the Board lacks jurisdiction to award damages as sought by the Petitioner.

Staff recommended that the Board issue an Order adopting the Initial Decision and dismissing the Petition.

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

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

B. 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: This matter involved the Board considering Atlantic City Electric Company's (ACE or Company) 2021 Non-Utility Generation Charge and Societal Benefits Charge rates.

On February 1, 2021, 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 revenue 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 revenue increase of approximately \$33.318 million.

Following initial discussions, ACE, Board Staff (Staff), and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a Stipulation for Provisional Rates (Provisional Rate 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 would recover \$13.719 million. The remaining \$15.735 million would be deferred for recovery in a future SBC filing, subject to further discussions in the ongoing COVID-19 Proceeding.

As a result of the Provisional Rate Stipulation, which was approved by the Board in an Order dated June 9, 2021, the cumulative impact was anticipated to result in an increase of approximately \$1.36 or 1.01% on a total monthly bill.

The Parties executed a stipulation of settlement (Stipulation) that recommended finalization of the rates that were implemented per the Provisional Rate Order.

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 November 1, 2021.

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

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

C. Docket No. ER21050753 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Electric Base Rate Adjustments Pursuant to the PowerAhead Program (5/2021).

BACKGROUND AND DISCUSSION: This matter involved the Board considering Atlantic City Electric Company’s (ACE or Company) PowerAhead rate roll in.

On May 3, 2021, the Company filed a petition (Petition) with the Board seeking review and approval of the capital investments related to the Company’s PowerAhead Program (PowerAhead) that were placed in service from January 1, 2021 through June 30, 2021 (May 2021 Petition).

In the May 2021 Petition, ACE sought to recover a revenue requirement of \$926,707.00 related to \$7,539,983.00 of plant-in-service investments through June 30, 2021 (Fifth Roll-In Period). The May 2021 Petition was based upon actual data through March 31, 2021, and projected information for the period April 1, 2021 through June 30, 2021.

On July 16, 2021, ACE updated the May 2021 Petition to include actual PowerAhead expenditures through June 30, 2021 (July 2021 Update). Based upon the July 2021 Update, the Company updated the proposed revenue requirement to \$949,617.00 associated with \$7,547,790.00 of plant-in-service investments.

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 a revenue requirement of \$949,617.00 based upon the July 2021 Update.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff also recommended that the Board direct ACE to file tariffs consistent with the Board’s Order by October 15, 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. ER20110698 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Seeking Review and Approval of its Deferred Balances Relating to, and an Adjustment of, the Solar Renewable Energy Certificates Financing Component (SREC) of the Rider RRC – RGGI Recovery Charge of its filed Tariff (2019 Rider RRC Filing), and Seeking Review and Approval of the Administrative Fee for the SREC II Program Effective as of January 1, 2021.

BACKGROUND AND DISCUSSION: This matter involved the Board considering Jersey Central Power and Light Company's (JCP&L or Company) Rider RRC rate petition.

On November 4, 2020, JCP&L filed a petition with the Board seeking review and approval of the deferred under-recovered balance of approximately \$1.825 million, including a carrying charge of \$8,466 associated with the Solar Renewable Energy Certificates Financing (SREC) Rider component of its Regional Greenhouse Gas Initiative Recovery Charge (Rider RRC) for the period January 1, 2019 to December 31, 2019 (November 2020 Petition).

In the November 2020 Petition, JCP&L sought approval to increase the SREC component rate of its Rider RRC from \$0.000000 per kilowatt-hour (kWh) to \$0.000094 per kWh, exclusive of Sales and Use Tax (SUT), based upon actual program costs through September 2020 and forecasted costs from October 2020 through December 2020. This would result in the Company's total Rider RRC rate increasing from \$0.000523 kWh to \$0.000617 per kWh, exclusive of SUT.

The Company's SREC II program was approved by Board Order dated December 18, 2013 in BPU Docket No. EO12080750. In the December 2013 Order, the Administrative Fee for the SREC II Program participants was set at \$17.00 per SREC. According to JCP&L, using the cost recovery provisions from the December 2013 Order, the Company would need to decrease the Administrative Fee from \$17.00 to \$3.56 per SREC. JCP&L stated that their forecast of administrative fees projected that in 2020 and again in 2021, the Company will purchase 6,240 SRECs from a project that is completed for those years but not yet able to deliver SRECs.

Accordingly, JCP&L proposed a modification to the cost recovery mechanism. JCP&L requested authorization to carry forward any under recovered or over recovered administrative fee balances for recovery in future annual periods, and maintain the SREC II Administrative Fee at \$17.00 per purchased SREC for calendar year 2021.

Following a review of the November 2020 Petition, the March 2021 Update, and discovery, JCP&L, Board Staff and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) resolving all issues related to the November 2020 Petition. The Stipulation would authorize JCP&L to increase the SREC Component of its Rider RRC based upon the March 2021 Update and maintain the Administrative Fee at \$17.00 for the remainder of the 2021 calendar year.

Staff recommended the Board issue an Order approving the Stipulation of the Parties and directing JCP&L to file revised tariffs by November.

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

A. Docket No. TX21040718 – In the Matter of the Proposed Re-Adoption of N.J.A.C. 14:10 – Telecommunications Rules.

Lawanda Gilbert, Director, Office of Cable Television and Telecommunications, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the draft proposal recommending re-adoption of the Board's rules governing telecommunications service at N.J.A.C. 14:10.

Staff sought approval for the initiation of the process or the adoption of the Board's regulations governing telecommunications providers in Chapter 10 of New Jersey Administrative Code, which rules are due to expire on January 21, 2022.

Staff's proposal for re-adoption of the rule includes edits aimed at modernizing the rules to address various changes in the industry and technology, as well as certain customer concerns that have arisen over the past seven years since the last review of the rules were conducted in 2014.

Staff held stakeholder meetings and accepted written comments to solicited input from the industry and public on the draft proposal. Participants included the major telecommunications providers in the State, Verizon, CenturyLink (n/k/a Lumen), AT&T as well as the New Jersey Division of Rate Counsel (Rate Counsel).

Some of the proposed amendments include, the deletion or updates of obsolete or outdated definitions to reflect how some telecommunication services are delivered today. The strengthening of requirements for carriers to provide the website locations with complete listings of all of the rates, terms and conditions of service. Ensuring that providers notify customers of any changes requiring rescheduling or cancellation of service calls in a timely fashion. Modifying service quality reporting standards to require reporting at a more granular level.

Requiring submission of annual maintenance plan to ensure adequate maintenance of poles and wires. Amendments proposed to provide customer receives appropriate adjustments to accounts within two billing cycles of date of outages. And extending the scope of the Board's existing Mass Migration rules to apply where a carrier withdraws service from their entire customer base within the State without providing a replacement service. Additionally other recommended changes include modernizing the filing procedures, implementing electronic notices in lieu of paper filing and removing some notice requirements for newspaper notices.

Following Board approval, the draft proposal will be sent to the Office of Administrative Law for publication in the New Jersey Register which will set forth the written comment period where parties will once again be able to voice their concerns prior to it being brought to the Board again for final approval.

Therefore, Staff recommended approval of the draft proposal.

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

5. WATER

A. Docket Nos. BPU WR21060917 and OAL PUC 05854-2021S – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Implement a Wastewater System Improvement Charge.

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

BACKGROUND AND DISCUSSION: This matter involved the Board considering adopting Administrative Law Judge Caliguire's Initial Decision and approve a Stipulation of Settlement reached amongst Staff, the New Jersey Division of Rate Counsel and New Jersey-American Water Company (NJAW) (the Parties), which provides for the implementation of a wastewater system improvement charge.

On June 15, 2021, New Jersey-American Water Company (NJAW) filed a petition with the Board to gain approval to implement their very first Wastewater System Improvement Charge for the period of 2021 through 2023.

NJAW's petition was transmitted to the Office of Administrative Law for hearing and it was assigned to ALJ Tricia Caliguire. ALJ Caliguire conducted a virtual public hearing on September 21, 2021. No members of the public appeared. Thus it went into virtual public hearing.

The NJAW, the Board Staff and the New Jersey Division of Rate Counsel engaged in discovery and settlement discussion and executed a Stipulation of Settlement (Stipulation). Under the terms of the Stipulation, a residential customer with a 5/8-inch meter will incur a Wastewater System Improvement Charge surcharge will be of \$2.05 per month. On September 22, 2021, ALJ Caliguire issues her decision recommending that the Board adopt the stipulation.

Staff recommended that the Board approve the Stipulation of the Parties.

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

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket Nos. BPU GC20060466U and OAL PUC 06930-20 – In the Matter of Jules Tonkinson, Petitioner v. South Jersey Gas Company, Respondent – Billing Dispute.

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

BACKGROUND AND DISCUSSION: This matter involved a billing and service dispute between Jules Tonkinson (Petitioner) and South Jersey Gas Company (SJG or Company).

The Petitioner alleged that SJG incorrectly determined that he was responsible for an outstanding balance and wrongly refused to provide service based upon the existence of that balance. The Petitioner requested that the Board provide assistance in resolving this matter with the Company.

The petition was transmitted to the Office of Administrative Law for a hearing as a contested case. Administrative Law Judge (ALJ) Kathleen M. Calemno filed an Initial Decision in this matter with the Board on July 26, 2021. At the September 1, 2021, Board meeting, Staff recommended and was granted a 45-day extension of time for issuing a final decision.

SJG, in its answer dated July 22, 2020, contended that no further response to the current BPU complaint is necessary, as the matter had been resolved and the dispute was settled with a \$276.77 credit being applied to the account in October 2019, pursuant to the settlement offer acceptance letter that was signed by the Petitioner on October 14, 2019.

By email, dated October 22, 2019, to the Honorable Jeffrey R. Wilson, ALJ, the Petitioner did in fact withdraw a prior petition stating that the matter had been resolved by a mutually agreeable settlement. SJG further alleged that the Petitioner had failed to repay SJG the remaining balance of \$1,033.69 as agreed upon, the total current outstanding balance is \$2,272.77, and requested that the relief sought in this second petition be denied.

ALJ Calemmo in her Initial Decision, stated that the Petitioner contended that he was opening a new account on Aldridge Way and had no responsibility for the outstanding charges attributed to the account for Benner Road. The Petitioner had the burden of demonstrating by a preponderance of credible evidence that he did not owe an outstanding balance to respondent. ALJ Calemmo concluded that the Petitioner has not met this burden. The Petitioner's explanations concerning his intended limited involvement on behalf of his wife Ms. Leonard, were insufficient to satisfy his burden in this matter. The Petitioner provided sworn testimony that he went too far in executing the settlement agreement. Despite not having the burden of proof, the Company took efforts to establish many facts of this case. Despite possessing a presumption of validity of its actions, SJG took care to demonstrate its analysis, which led to its reasonable belief that both the Petitioner and Leonard are responsible to SJG for the outstanding debt from the Benner Road residence.

ALJ Calemmo concluded that the Petitioner did not meet his burden of proof. SJG properly denied the Petitioner's request for service in his name until satisfaction of the debt on the Benner Road account. ALJ Calemmo ordered that the petition in this matter be hereby dismissed.

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

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

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

8. CLEAN ENERGY

A. Docket No. QO21091113 – In the Matter of New Jersey Clean Energy Program Fiscal Year 2022 Community Energy Planning.

Crystal Pruitt, Deputy Director, Division of Clean Energy, presented this matter

BACKGROUND AND DISCUSSION: This matter involved the Board considering Staff's recommendations on the proposed changes to the Community Energy Plan Grant (CEP Grant) program.

On March 29, 2019, the Board approved the CEP Grant program. This program was designed by the communities and local government with the opportunity to localize the Energy Master Plan's goals within their communities. From 2019 to 2021, Bergen County, Lawrence Township and Jersey City received a grant under the CEP Grant Program.

On June 24, 2021, the Board paused CEP Grant Program as part of the Fiscal Year 2022 budget document to re-evaluate and redesign the program with the goal of prioritizing low-and-moderate income communities.

The evaluation of the CEP grant program was conducted by the Office of Clean Energy Equity. As a result, the Office of Clean Energy Equity redesigned the CEP Grant program to better prioritize low-and-moderate-income and overburdened communities. The redesigned CEP Grant program removes barriers to participation from these communities with limited resources by simplifying the application process for all municipalities. Additionally, in order to better target low and moderate income and overburdened communities, Staff identified municipalities based on overburdened census tracts data, poverty level data and the New Jersey Department of Community Affairs.

Staff recommended that all New Jersey municipalities be eligible for \$10,000.00 grants unless they have been identified as an "overburdened municipality," in which case they are eligible for a \$25,000.00 grant, with additional aid in the form of technical assistance to help complete the grant application and technical support to develop the community energy plan after the grant is awarded.

It may be necessary for Staff to re-evaluate the program during the applicable program period, including the award amount, to ensure the efficient and successful operation of this grant program Municipal Revitalization Index. Forty-eight "overburdened municipalities" were identified. These "overburdened municipalities" would be eligible for enhanced benefits.

Staff recommended the Board approve the CEP program.

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

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

B. Docket No. QO21040720 – In the Matter of the Clean Energy Programs and Budget for the Fiscal Year 2022.

Matthew J. Rossi, Esq., Administrative Analyst, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Fiscal Year 2022 (FY22 Budget) first Budget revision for New Jersey's Clean Energy Program (NJCEP).

The matter is the first revision to the New Jersey Clean Energy Program Fiscal Year 2022 (FY22) Budget. FY22 programs and program budgets were established through a Board Order dated June 24, 2021.

Due to a higher than expected number of applications during fiscal year 2021, and early FY22 in the Residential Existing Homes Program, Staff proposed to shift current surplus funding from the Commercial and Industrial (C&I) Buildings Program. Specifically, the Home Performance with ENERGY STAR Program received a significant number 32 of applications, beyond what was originally estimated, and as a result, Staff projects the program will exceed the original forecast by approximately \$3,400,000.00.

In addition, the heating, ventilation and air conditioning Program received a large volume of applications that are projected to exceed the original forecast by approximately 2,000,000.00. However, the current demand some of the Commercial and Industrial (C&I) Buildings sub-programs has been less than expected, making available sufficient funds in the amount of \$5,400,000.00 for the Existing Homes Program. Staff, with assistance from the C&I Buildings Program Manager, will monitor program activity and update forecasts to determine if, as part of the annual true-up budget process, additional funds may be required to replace some of the funds proposed for transfer to the Existing Homes Program at this time.

Therefore, the proposed budget includes a reallocation of \$5.4 million from the C&I Buildings Program the in order to ensure adequate funding is available in FY22. Staff distributed the proposed FY22 first budget revision to the listserv, posted them on the NJCEP website and solicited written comments from stakeholders and the public.

Staff reviewed and considered the comments received and recommended that the Board approve the processes utilized in developing this proposed revision and adopts and approves the first budget reallocation.

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

Kevin V. Nedza, Building Electrification Manager, Division of Clean Energy, presented these matters.

C. 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.

BACKGROUND AND DISCUSSION: This matter was first discussed in Executive Session and it involved the Board considering a Memorandum of Understanding (MOU) with the Department of Community Affairs (DCA) to implement the School and Small Business Energy Efficiency Stimulus Program Fund, P.L. 2021, c. 200.

This MOU will allow the Board to receive \$180,000,000.00 from the "American Rescue Plan Act of 2021" in order to fund the program under this law. Staff recommended that the Board approve the MOU with DCA in order to implement the law and further requests that the Board authorize President Fiordaliso to execute the MOU on behalf of the Board.

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

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

D. 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.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the proposed programs to implement the School and Small Business Energy Efficiency Stimulus Program Fund, P.L. 2021, c. 200.

On August 24, 2021, Government Murphy signed L. 2021, c. 200 into law, creating the School and Small Business Energy Efficiency Stimulus Program Fund (Fund) within the Board to effectuate the following: 1) the School and Small Business Ventilation and Energy Efficiency Verification and Repair (SSB-VEEVR) Program; and 2) the School and Small Business Noncompliant Plumbing Fixture and Appliance (SSB-NPFA) Program.

The SSB-VEEVR Program, will ensure that schools and small businesses will have functional heating, ventilation and air conditioning (HVAC) systems that are tested, adjusted and, if necessary are cost effective, repaired, upgraded, or replaced to increase efficiency and performance. For example, a Board of Education or small business receiving a grant to install filtration with a Minimum Efficiency Reporting Value of 13 or better in the HVAC system will have qualified testing personnel review system capacity and airflow to determine the highest Minimum Efficiency Reporting Value filtration that can be installed without adversely impacting equipment. The program further contains additional health and safety standards such as that occupied areas must meet the minimum ventilation rate requirements set forth in the American Society of Heating, Refrigerating and Air Conditioning Engineers standard 62.1-2019, Ventilation for Acceptable Indoor Air standard. Additionally, schools that participate in this program will be required to install a carbon dioxide detector in every classroom to better access air quality.

The SSB-NPFA program will provide grants to Boards of Education and small businesses to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards, and waste and potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances.

The programs will be funded with \$180,000,000.00 Federal money made available through the American Rescue Plan Act of 2021 per Federal guidelines and funding received for this program was obligated by December 31, 2024 and extended by December 31, 2026.

Based upon the comments received to the draft Program guides, Staff recommended several changes to the draft Program guides:

1. Highlighting the availability of State- and utility-run energy efficiency programs, including utility financing options;
2. When an applicant applies for and receives a utility incentive, Staff recommended that the amount of the incentive be reduced from the 25% of project costs not covered by the SSB-VEEVR program. If, however, the total amount awarded or granted from State or utility energy efficiency programs and the SSB-VEEVR program exceeds the total cost of the project, the SSB-VEEVR program grant shall be reduced to the extent necessary to render the total amount awarded and granted equal to the total cost of the project. On a related note, any incentives covered by a utility financing plan will be handled like any other utility energy efficiency incentive;
3. Working with the Program Administrator on educational and training materials for schools and small businesses, as well as to provide information online about the amounts awarded under the Programs;
4. To maximize participation in the Programs and ensure that the funding is available to a wide array of schools and small businesses, Staff recommended establishing caps of \$5 million per school district and \$500,000.00 per small business applicable to both Programs. Staff further recommended that the caps be adjusted depending upon the remaining funding levels; and
5. Due to the costs of HVAC system replacements, Staff recommended that the SSB-VEEVR Program operate in two phases, allowing for maintenance-only applications to be approved first. Under this approach, maintenance-only applications will be approved beginning on December 1, 2021. Replacement applications would begin to be approved on January 1, 2022 or at a later date as necessary to allow more entities to participate in the Program.

In short, Staff recommended that the Board approve the SSB-VEEVR and SSB-NFPA Programs as recommended by Staff and authorized Staff to take all necessary steps to implement the Programs, including beginning to accept and process applications for both Programs, as well as close the Programs if or when the funding is fully committed. Staff also recommended that the Board direct Staff to return with recommendations to the energy efficiency savings targets to the Board prior to February 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

9. MISCELLANEOUS

A. Docket No. AX21091111 – In the Matter of the New Jersey Board of Public Utilities’ Utility Customer Bill of Rights.

Robert Brabston, Executive Director, Executive Office, presented this matter.

BACKGROUND AND DISCUSSION: On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the coronavirus disease of 2019 (COVID-19) a “public health emergency of international concern,” which means “an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response.”

On March 9, 2020, Governor Phil Murphy signed Executive Order No. 103 (EO 103) declaring a State of Emergency and a Public Health Emergency in response to the COVID-19 pandemic, in order to ensure the continuity of government services and protect the public.

On October 15, 2020, Governor Murphy signed Executive Order No. 190 (EO 190) prohibiting gas, electric, and water companies from discontinuing any gas, electric, or water service to a New Jersey resident and from charging a fee for late or untimely payment. EO 190 further prohibited a cable or telecommunication provider that provides residential internet and voice services to New Jersey residents from terminating such service due to nonpayment prior to November 15, 2020, and prohibited disconnection of internet or voice service due to nonpayment after November 15, 2020 if the service was used by one or more school-aged children for educational purposes. EO 190 also prohibited cable or telecommunications providers from imposing late fees, penalties, or reconnection costs as condition of maintaining service.

On March 3, 2021, Governor Murphy signed Executive Order No. 229 extending the disconnection moratorium of EO 190 and all related protections provided therein through June 30, 2021. On May 12, 2021, Governor Murphy signed temporary legislation requiring public and local utilities to provide notice to residential customers of available relief measures during the COVID-19 pandemic. The May 2021 Legislation required monthly notice to residential customers for 18 months after the end of the Public Health Emergency as declared in EO 103. On June 4, 2021, Governor Murphy signed legislation ending the COVID-19 Public Health Emergency within the State, but continued the restrictions on utility shut-off until January 2022.

On June 14, 2021, Governor Murphy ended the moratorium as of June 30, 2021, but provided residential customers with a grace period on utility collection activity or shut-offs until December 31, 2021 (EO 246). For those eligible for the Winter Termination Program, EO 246 effectively extended the moratorium until March 2022, which is the end of the winter termination period.

On September 14, 2021, the Board issued an order in this docket revising the Customer Bill of Rights (Bill of Rights) to include the temporary protections established by the recent legislation and the Governor's Executive Orders related to the COVID-19 pandemic (September 2021 Order). The Bill of Rights' modifications also reiterated provisions of the May 2021 Legislation, to wit, providing monthly notices to residential customers concerning the available resources in utility assistance during the COVID-19 pandemic.

The September 2021 Order, among other things, required utilities to provide a copy of the revised Bill of Rights to all current residential customers by September 28, 2021. Following the issuance of the September 2021 Order, Staff received several inquiries regarding methods of compliance with the requirements set forth therein, including but not limited to, monthly print notification or by electronic means; translation requirements set forth by the May 2021 Legislation; and other notification concerns. The instant Order serves to provide clarification of the September 2021 Order.

On September 23, 2021, Verizon New Jersey Inc. (Verizon) filed a Motion seeking a partial waiver of the Board's Order adopting the revised Bill of Rights (Verizon Motion).

Staff recommended that the Board grant Verizon's motion for an extension of time to fully comply with the September 2021 Order. Staff also recommended that the Board orders Verizon to provide its current residential customers with the revised Bill of Rights by October 27, 2021, and, thereafter, on a monthly basis as set out in this and the September 2021 Order. Staff further recommended that the Board order all Incumbent Local Exchange Companies to provide the revised Bill of Rights to their residential customers by October 27, 2021, and, thereafter, on a monthly basis consistent with this and the September 2021 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

EXECUTIVE SESSION

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

8. CLEAN ENERGY

C. 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: December 1, 2021