



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 28, 2021, via online @ <https://youtu.be/j-MD-sca5A1>

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 November 17, 2021 at 10:00 a.m. via livestream on youtube.

CONSENT AGENDA

I. AUDITS

A. Energy Agent Initial Registration

EE21020604L Finance Guru, LLC I – EA

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

EE21040740L Stark Commodity Advisors, LLC R – EA

EE21050796L United Power Consultants, Inc. R – EA

EE21070995L Tenaska Power Management, LLC R – EA

EE21050830L Tobelmann Energy Brokers, Inc. R – EA

EE21050821L Unified Energy Services, LLC R – EA

**EE21060926L RJT Energy Consultants, LLC R – EA/PA
GE21060927L**

**EE20100680L Power Kiosk, LLC R – EA/PA
GE20100681L**

**EE21060906L Utility Answers, LLC R – EA/PA/EC
GE21060907L**

**EE21050846L South Shore Trading and Distributors, Inc. R – EA/EC
GE21050847L**

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 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.

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

Staff recommended that the following applicant be issued initial registration as an energy agent:

- Finance Guru LLC

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

- Stark Commodity Advisors, LLC
- United Power Consultants, Inc.
- Tenaska Power Management, LLC
- Tobelmann Energy Brokers, Inc.
- Unified Energy Services, LLC
- RJT Energy Consultants, LLC
- Power Kiosk, LLC
- Utility Answers, LLC
- South Shore Trading and Distributors, Inc.

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

B. Non-Docketed Matter – In the Matter of a Request for Extension of Treasury Contract Term #T-2482 Relating to Request for Proposal 13-X-22139, Management Consulting: Contracted Management Auditing Firms, BPU – Requesting for Approval of Six Month Contract Extension of Pre-Qualified Bidders List. Extension Contract Duration: January 1, 2022-June 30, 2022.

BACKGROUND: The Board is required to perform Management Audits by either Board Staff or an independent management consulting firm at least once every three years but in no event, less than once every six years. This consists of an audit of the operating procedures and any other internal workings of every gas or electric utility subject to the Board's jurisdiction. All expenses of the audits are borne by the affected utilities.

This matter involved Staff's request to extend for six months the Department of Treasury, Division of Purchase and Property, Purchase Bureau's Contract Term # T-2482 relating to a list of pre-qualified consulting firms contracted to perform management audits of utilities under the jurisdiction of the Board, which is anticipated to result in audit costs in excess of \$250,000.00 during the extension period from January 1, 2022 through June 30, 2022.

The existing contracts with the existing pool of consultants expire December 31, 2021. Pursuant to the Standard Terms and Conditions of Contract Term T-2482 under the Request for Proposal (RFP) 13-X-22139, Management Consulting, the contract may be extended, by mutual written consent of the consultants and Treasury. By extending the contract, it will allow the Board to fulfill its auditing obligations while Treasury finalizes the bid solicitation process for contracting with a pool of management consultants under the new bid solicitation.

Staff sought Office of Management and Budget approval of the extension of contract number T-2482, Management Consulting: Contracted Management Auditing Firms, BPU with the six pre-qualified consultants. Staff recommended approval prior to December 31, 2021, the date the contract expires.

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

II. ENERGY

A. Docket No. GE21020390 – In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Franchise in the Township of Southampton, Burlington County.

BACKGROUND: This matter involved approval of a franchise agreement granted to South Jersey Gas Company (SJG or Company) by the Township of Southampton (Township) in Burlington County, New Jersey.

SJG filed a petition with the Board requesting 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 non-exclusive franchise in the Township. Public Service Electric and Gas Company currently provides gas service to portions of the Township.

The ordinance enacted by the Township granted SJG 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 29, 2021, before Suzanne Patnaude, 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 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.

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. CE19111433 – In the Matter of the Petition of Comcast of Garden State, L.P. for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Fieldsboro, County of Burlington, State of New Jersey.

BACKGROUND: On November 1, 2019, Comcast of Garden State, LP filed a petition with the Board for an Automatic Renewal Certificate of Approval for the Borough of Fieldsboro (Borough) based on the automatic renewal provision. The Borough's ordinance granted a term of 15 years with an automatic renewal term of 10 years.

The petition is based on the Borough's ordinance granting renewal municipal consent, which was adopted October 13, 2004. The Borough'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 September 13, 2029.

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

IV. TELECOMMUNICATIONS

A. Docket No. TT19010137 – In the Matter of Verizon New Jersey's Letter Filing for Tariff Revisions to Withdraw Feature Group A Service in Certain Wire Centers in New Jersey.

BACKGROUND: On January 28, 2019, Verizon New Jersey, Inc. (Verizon) filed a letter with the Board to withdraw Feature Group A service in 39 wire centers of the State of New Jersey, which have undergone network transition from copper to fiber facilities. Alternative services are available over an upgraded all fiber-based platforms.

The letter stated that the Feature Group A service is primarily used for exchange access crossing State and/or a Local Access and Transport Areas and the withdrawal of it supports Verizon's initiative to update selective centers to the next-generation platforms and all-fiber facilities consistent with the rules established by the Federal Communications Commission in an Order dated November 29, 2017.

Verizon's filing indicated notification of the service withdrawal to its customers by mail. In addition, it stated that affected customers will receive an additional letter at least 90 days prior to service withdrawal. The letter gives customers time to make arrangements to either migrate to an alternative service offered by Verizon, or to other providers offering alternative services.

Verizon will continue to withdraw Feature Group A service from other wire centers once fiber deployment is completed. Currently, there are two customers with Feature Group A in the disconnect centers that are yet to be completely built.

By letter dated May 10, 2021, the New Jersey Division of Rate Counsel submitted comments stating that it did not oppose Board approval of the tariff revisions proposed by Verizon.

After review, Staff recommended that Verizon be allowed to proceed with the tariff changes finding that there will be no adverse effect to customers in New Jersey.

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

B. Docket No. TM21091109 – In the Matter of the Verified Joint Petition of BCM One, Inc., Wholesale Carrier Services, Inc., and BCM One Group Holdings, Inc. for Approval of Intermediate Transfer of Control.

BACKGROUND: On September 1, 2021, BCM One, Inc., (BCM One), Wholesale Carrier Services, Inc. (WCS) and BCM One Group Holdings, Inc., (BCM Group Holdings) (collectively, the Petitioners) submitted a petition with the Board for approval of the intermediate transfer of control of BCM One, WCS and BCM One Group Holdings (the Restructuring).

The Petition avers that the Restructuring will not alter the ultimate control of BCM One and WCS will not affect the management, operations or personnel of the certificated entities, in New Jersey or otherwise, and will not disrupt the growth of BCM One and WCS. The Petitioners stated that the purpose of the Restructuring is to allow BCM One and WCS to obtain increased capital investments, which will be used to support BCM and WCS, as well as to acquire complementary entities.

Following completion of the transfer, BCM One and WCS 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 by letter dated October 7, 2021 stating it did not object to approval of the Restructuring transfer requested by the Petitioners.

Staff recommended that the Petitioners be allowed to proceed with the Restructuring, finding that there will be no adverse effect to customers in New Jersey.

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

V. WATER

A. Docket No. WF21071020 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of a Financing Program Involving the Refinancing of Existing Long-Term Debt and the Issuance of New Long-Term Debt through December 31, 2024.

BACKGROUND: On July 30, 2021, New Jersey-American Water Company, Inc., (NJAW or Petitioner) filed a petition with the Board requesting authority to:

- 1) Issue and sell up to \$871,000,000 aggregate principal amount of long term debt consisting of one or more series of first mortgage bonds, notes, other bonds or other evidences of indebtedness, whether secured or unsecured, fixed rate or variable, tax-exempt or taxable (collectively, Long-Term Debt);
- 2) Execute and deliver one or more series of supplemental mortgage indentures, loan agreements, notes, and such other documents; and
- 3) Take such actions as Petitioner determines may be necessary or desirable in connection with any of the foregoing.

The Petitioner intends to use the net proceeds from its issuance of LT Debt to: (a) provide funds for its ongoing utility plant construction program; (b) refinance outstanding LT Debt of NJAW as such debt matures or is retired or can be replaced by lower-cost issues; (c) repay ST debt incurred in connection with NJAW's ongoing capital construction program, (d) provide capital for potential acquisitions; and (e) pay certain issuance costs related to the proposed financings.

The Petitioner also sought authority, without further Order of the Board, to issue and sell Long-Term Debt as described above in accordance with the terms and conditions contained in such accepted bid if the interest rate set forth in the bid is within maximum coupon spreads over U.S. Treasury Securities as provided in the Market Yield Spread Table set forth below and the price to be paid to Petitioner for such bid is not less than 98% of principal amount or no more than 102% of principal amount.

The New Jersey Division of Rate Counsel reviewed this matter and by letter dated October 7, 2021 indicated that it did not oppose the approval of this matter.

The Office of the Economist, after review of the information submitted, 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.

B. Docket No. WR21091141 – In the Matter of the Petition of Shore Water Company for an Increase in Tariff Rates and Charges for Water Service, and Other Relief.

BACKGROUND: On September 23, 2021, Shore Water Company (Petitioner, Shore or Company) filed a petition with the Board seeking to increase rates for water service in the amount of \$401,215.00 or approximately 38.53% above the annual level of present rate revenues for the test year ending December 31, 2021, with rates to become effective for service rendered on and after November 1, 2021.

The Petitioner stated that the existing tariff has become unjust and unreasonable because the revenues derived therefrom are insufficient to permit the Petitioner to meet the cost of operating the facilities used and useful in the service of the public; to obtain a just and reasonable return on the investment in said facilities; to maintain its financial integrity, attract capital, and to compensate investors for the risks assumed on a basis comparable to that in other business undertakings attended by corresponding risks; to encourage good management and furnish incentive for efficiency; to continue to furnish safe, adequate and

proper service, and to maintain its facilities in such condition as to discharge its public duties.

Shore further indicated that the base rate increase is largely driven by increases in the Company's operating expenses and needed capital investments, as well as complying with the Water Quality Accountability Act, developed an Asset Management Plan pursuant to the Act, has made corporate changes to permit it to make those additional investments in providing safe, adequate, and proper service to its customers, and is implementing its Financial Plan to accomplish all those actions.

The Company sought to revise and/or implement certain fees and charges in its tariffs which are generally associated with items such as bad checks and tampering, which costs should be the responsibility of individual customers causing those issues rather than all customer. Finally, as part of this petition Shore also requested an increase to the volumetric charges for commercial customers (metered), as well as it's metered larger condominium buildings.

On September 29, 2021, the Board transmitted this matter to the Office of Administrative Law for hearing and initial disposition as a contested case.

In view of the fact that this proceeding will not be completed by November 1, 2021, Staff recommended that the Board issue an Order suspending the rates until March 1, 2022.

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

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

A. Docket Nos. BPU EC19070821U and OAL PUC 10931-20 – In the Matter of Scott Waselik, Petitioner v. Jersey Central Power and Light Company, Respondent – Order of Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on September 21, 2021; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on November 5, 2021. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until December 20, 2021.

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

B. Docket Nos. BPU WC21030659U and OAL PUC 05867-21 – In the Matter of Vita Bekker, Petitioner v. SUEZ Water New Jersey, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Vita Bekker (Petitioner) and Suez Water New Jersey (Suez) alleging of improper billing. The petition was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case.

Subsequent to transmittal to the OAL, the parties executed a Stipulation of Settlement (Stipulation) resolving the matter. Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, Suez agreed to apply a credit of \$598.39, leaving a balance of \$531.61. The Petitioner agreed to pay the remaining balance on or before September 15, 2021. On October 4, 2021, Suez confirmed that the Petitioner made the required payment.

Administrative Law Judge (ALJ) Kimberly A. Moss filed an Initial Decision in this matter with the Board on September 13, 2021, approving the Stipulation.

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

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

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

There were no items in this category.

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 No. ER21010083 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Constituting Its Annual Filing with Respect to the Non-Utility Generation Charge Clause of Its Filed Tariff (2020 NGC Filing).

BACKGROUND AND DISCUSSION: On January 29, 2021, Jersey Central Power & Light Company (JCP&L or Company) filed a petition with the Board seeking review and approval of the amounts included in the Company's Non-Utility Generation Charge (NGC) deferred balance (2020 NGC Petition). The 2020 NGC Petition also sought review of the amounts paid by the Company under Board-approved contracts with non-utility generators (NUGs) for the period January 1, 2020 through December 31, 2020 (2020 NGC Period).

JCP&L stated that the net NGC deferral balance at December 31, 2020 amounted to an over-recovery of \$6,987,587.00 after the application of carrying costs of \$286,443.00. In addition, the Company projected that, at present rates, the net NGC deferred balance at December 31, 2021 would be an over-recovery of \$1,246,595.00 after the application of carrying costs of \$22,564.00. In JCP&L's 2019 NGC Petition under Docket No. ER20060473, the Company indicated that the Deferred Basic Generation Service (BGS) Transition Bond Charge (DB-TBC) would be fully satisfied as of May 2021. Accordingly, the Company proposed to reset the NGC factor, effective June 1, 2021, to reset the NGC to incorporate the removal of Yards Creek, St. Lawrence DB-TBC and Deferred BGS Market Transition Charge-Tax.

The proposed total NGC would be a credit rate of \$0.000114 per kWh [excluding Sales and Use Tax (SUT)] which would credit customers \$2,189,109.00 annually to refund the net of ongoing revenues and expenses from the lease of certain legacy fiber communications equipment to third parties and Rider Qualifying Facilities.

Subsequently, JCP&L submitted supplemental testimony regarding the Yards Creek transaction and updated the schedules in the 2020 NGC Petition to include actual information through June 2021 (Updates). Based upon the Updates, JCP&L projected that at present rates, the net NGC deferred balance at December 31, 2021, would be an over-recovery of \$323,421.00 (after the application of carrying charges). Based upon the Updates, JCP&L revised its proposed NGC credit rate to \$0.000215 per kWh, excluding SUT.

Following a review of the 2020 NGC Petition, the updates and discovery responses, JCP&L, Board Staff, and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a Provisional Rate Stipulation (Stipulation) allowing the Company to reduce its current composite Market Transition Charge/NGC factor to a credit of \$0.000215 per kWh (excluding SUT), on a provisional basis, subject to refund with interest.

Staff recommended that the Board issue an order adopting the Stipulation of the Parties. Staff also recommended that the Board order JCP&L to file tariffs consistent with the Board's Order by November 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

B. Docket No. EM19091002 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Sale and Conveyance of Real Property Located at 248 Stickles Pond Road, with a Municipal Tax Map Designation of Block 151, Lots 21 and 21Q0028, 210 in the Township of Andover, County of Sussex and State of New Jersey to Series 2, P.S., a Separate Series of BBIS Investment 767, LLC, a Delaware Limited Liability Company for the sum of \$2,000,000.00.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the Fifth Amendment to Public Service Electric and Gas Company's (PSE&G or Company) Contract to sell real property in the Township of Andover, New Jersey.

On September 4, 2019, the Company filed a petition with the Board seeking approval of a Contract for the Sale and Conveyance of Real Estate (Contract), which would allow PSE&G to sell real property in the Township of Andover, New Jersey (Property) to Series 2, P.S., A Separate Series of BBIS Investment 767, LLC (Buyer) for the sum total of \$2,000,000.00 (Petition).

The Property consists of approximately 100 acres of land, which was originally purchased in 2012 as part of the Susquehanna-Roseland electric transmission project. The Property was appraised in June 2019, by which the fair market value of the Property was determined to be \$993,000.00.

On December 20, 2019, the Board approved the Contract for the sale of the Property to the Buyer for the sum total of \$2,000,000.00. As part of the Contract, the Buyer was required to obtain governmental approvals for its intended development of the Property within 12 months from the expiration of the inspection period. After executing four amendments to the Contract which extended the inspection period, the Buyer's inspection period ultimately ended on August 25, 2020. As such, the Buyer was required to obtain its governmental approvals by August 25, 2021.

By correspondence dated August 16, 2021, PSE&G provided notification to the Board that the parties had executed a fifth amendment to the Contract (Fifth Amendment). According to the Company, the Buyer was unsuccessful in obtaining governmental approvals for its intended development of the Property. Rather than terminating the transaction, however, the Buyer offered to move forward with the purchase of the Property, subject to two substantial modifications to the Contract: 1) The sales price will be reduced from

\$2,000,000.00 to \$1,200,000.00; and 2) the Buyer will waive all governmental approvals relating to its purchase of the Property and move immediately to closing.

According to PSE&G, the proposed sales price of \$1,200,000.00 remains the highest offer received by the Company to purchase the Property and will allow PSE&G to close expeditiously without expending additional costs to once again market and continue to maintain the Property. Accordingly, PSE&G opted to proceed with the transaction and requested Board approval of the Fifth Amendment.

On September 22, 2021, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments in this matter indicating that it did not object to the Fifth Amendment. However, Rate Counsel recommended that the Board require PSE&G to resume marketing the Property with the intention of obtaining a higher sales price if the closing of the transaction does not occur by the date specified in the Fifth Amendment. Rate Counsel also requested that any Order approving the Fifth Amendment require PSE&G to meet certain additional conditions, most of which were previously included in the December 2019 Order.

Staff recommended that the Board approve the Fifth Amendment to the Contract for the sale of the Property, subject to the terms and conditions set forth in the Board 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

David Schmitt, Esq., Legal Specialist, Office of General Counsel, presented these matters.

C. Docket No. ER21010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2021 – FERC Docket ER21-39 Neptune Regional Transmission System, LLC, et al. v. PJM.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of comments, filed by Staff on behalf of the Board on October 8, 2021, in continued opposition to the cost allocation complaint of Neptune Regional Transmission System, and the Long Island Power Authority.

On December 31, 2020, Neptune Regional Transmission System and Long Island Power Authority (together, Complainants) filed a complaint (Complaint) against PJM's process for allocating cost of transmission investment. PJM largely assigns non-exempt transmission costs through the solution-based DFAX cost allocation method, meant to allocate costs in proportion to a zone's use of the transmission facility. The broad-based relief requested in the Complaint would serve to upend transmission cost allocation, not just in New Jersey, but throughout PJM. Neptune has previously been litigants against the Board in New York seam litigation.

On July 25, 2021, in response to the Complaint, the Federal Energy Regulatory Commission (FERC) issued an Order establishing Paper Hearing Procedures (Order). The Order also requested that stakeholders respond to several questions from FERC. On October 8, 2021, Staff, on behalf of the Board, filed initial comments in response to the Order, continuing the Board's opposition to the Complaint (Comments).

The Comments argued that FERC precedent, which requires Merchant Transmission Facilities to pay an ongoing share of system costs, compels rejection of the Complaint. Further, the Comments requested that any perceived inequities instead be addressed in FERC's Advance Notice of Proposed Rulemaking on transmission planning, which focuses on related issues.

Staff recommended the Board ratify the Comments filed on October 8, 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. ER21010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2021 – FERC Docket RM21-17 Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of joint comments regarding the Federal Energy Regulatory Commission's (FERC or Commission) Advance Notice of Proposed Rulemaking (ANOPR) regarding transmission planning, transmission cost allocation, and generation interconnection filed by Staff, on behalf of the Board, on October 12, 2021.

On July 15, 2021, the Commission issued an ANOPR, titled Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection. The ANOPR sought comments on the current state of improvements to transmission planning, transmission cost allocation and generation interconnection.

On October 12, 2021, the Staff, on behalf of the Board and together with other State agencies, filed comments in response to the ANOPR called joint comments. The joint comments explained the need for FERC to protect ratepayers or recommend several principles for the Commission to consider when pursuing transmission plan reform. Namely, the joint comments recommended increasing the transparency and cost oversight of the transmission planning process and by establishing an independent transmission monitor ensuring better planning for future system needs by breaking down the unnecessary silos in the planning process, considering a broader range of project benefits supporting environmental justice, eliminating barriers to interregional transmission planning and development, promoting grid enhancing technologies, exploring alternatives to the participant funding model for generation and exploring broader regional governance reform and increased transparency measures.

Staff recommended the Board ratify the joint Comments filed on October 12, 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. ER21010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2021 – FERC Docket RM21-17 Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of comments responding to the Federal Energy Regulatory Commission’s (FERC) Advance Notice of Proposed Rulemaking on transmission planning, cost allocation, and generation interconnection, filed by Staff, on behalf of the Board, on October 12, 2021.

On July 15, 2021, the FERC published a wide-ranging Advanced Notice of Proposed Rulemaking in Docket No. RM21-17-000, proposing potential revisions to transmission planning, transmission cost allocation, regional planning processes, and generation interconnection procedures nation-wide.

The comments highlight the key role of local transmission planning in driving wholesale customer’s costs. In the face of interconnection queue delays, the comments also supports PJM’s ongoing efforts to improve the queue, but encourage FERC to explore other potential avenues for improvement. The comments explain the barriers to interregional planning and explained that reform is necessary to ensure equitable sharing of benefits within and between regions. Lastly, the comments recommended creation of an independent transmission monitor to monitor, report and provide analysis on transmission development.

Staff recommended the Board ratify the Comments filed on October 12, 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

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

A. 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.

BACKGROUND AND DISCUSSION: This matter involved the Board considering whether to adopt Administrative Law Judge Cookson’s Initial Decision and approve a Stipulation of Settlement reached amongst Staff, the New Jersey Division of Rate Counsel (Rate Counsel) and Suez Water New Jersey, Inc. (Company or Petitioner), which provides for the implementation of a distribution system improvement charge for the renewal of water distribution system assets for the period of 2021 through 2025.

On June 7, 2021, the Company filed a petition with the Board for approval to file and implement an automatic adjustment clause that would establish a Distribution System Improvement Charge (DSIC) for the renewal of water distribution system assets for the period of 2021 through 2025 (2021 DSIC Foundational Filing).

The Petitioner filed the 2021 DSIC Foundational Filing on June 7, 2021 as a separately docketed matter from the base rate case. The Board transmitted this matter to the Office of Administrative Law as a contested case on June 11, 2021, where it was assigned to Administrative Law Judge (ALJ) Gail Cookson. ALJ Cookson presided over a virtual public hearing on August 24, 2021, and no members of the public appeared at the hearing to provide comments, and no written comments were received by the Board.

Subsequent to the public hearing, the Company, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties) engaged in settlement discussions and executed a stipulation of settlement (Stipulation) that resolved all issues that emanated from this proceeding. ALJ Cookson issued an initial decision recommending that the Board adopt the Stipulation of the Parties. 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

B. Docket No. WO21091144 – In the Matter of the Petition of the Borough of Ho-Ho-Kus to Enter into a Maintenance Contract with a Private Firm SUEZ Advanced Solutions (Utility Service Co., Inc.) for the Provision of Water Supply Services.

BACKGROUND AND DISCUSSION: This matter involved the Board considering whether to approve a public-private contract between the Borough of Ho-Ho-Kus (Borough, or Petitioner) and SUEZ Advanced Solutions (SUEZ) pertaining to the maintenance and management of two water storage tanks.

On August 12, 2021, pursuant to the New Jersey Water Supply Public-Private Contracting Act, the Borough submitted an application for approval of a public-private contract with Suez pertaining to a maintenance contract for the provision of water supply services, specifically the maintenance and management of two water storage tanks for a period of 20 years.

After proper notice, a public hearing on the proposed contract was held on August 24, 2021 in the Borough's Council Chambers. There were no issues raised by the public at the public hearing. The Borough adopted a resolution authorizing the maintenance contract with SUEZ.

On August 12, 2021, the Petitioner submitted a hearing report to Department of Environmental Protection (DEP). To date, the Board has received no comments from DEP and is unaware of any prevailing issues.

The municipal employees will not be affected by this water tank maintenance contract.

The New Jersey Division of Rate Counsel (Rate Counsel) filed comments objecting to the approval of the public-private contract at the October 28, 2021 Agenda Meeting because it was not properly or timely served with the Petition. Staff believes that the Borough's failure to provide Rate Counsel with a copy of the petition was inadvertent.

The Local Finance Board within the Division of Local Government Services at Department of Community Affairs is scheduled to take action on this matter at its November 10, 2021 public meeting.

The Borough advised Staff that the Public Contract contains an escalation clause that will increase the cost of the contract if it is not reviewed within the 60-day timeframe for the Board to conduct its review.

Staff recommended that the Board conditionally approve the Public-Private Contract. This will give the Board the opportunity to review the New Jersey Department of Community

Affairs', determination of their November 10, 2021 agenda meeting, and will provide Rate Counsel with the opportunity to review the Petition, and ask discovery and file any comments that it deems necessary.

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

A. Docket No. EX20090613 – In the Matter of the Proposed Re-adoption with Substantial Changes of New Jersey Administrative Code (N.J.A.C.) 14:2 “Protection of Underground Facilities: One-Call Damage Prevention System”.

JB Cuartas, CEM, Director, Reliability and Security Division, presented this matter.

BACKGROUND AND DISCUSSION: The primary purpose of the One-Call Damage Prevention Act is to establish the One-Call Damage Prevention System for the protection of underground facilities that are used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, traffic control, or for the transportation of a hazardous liquid. The matter before the Board is the re-adoption of N.J.A.C. 14:2 “Protection of Underground Facilities: One-Call Damage Prevention System” with substantial changes.

Staff proposed to begin the formal readoption process, with substantial changes, the Board’s existing rules contained within the New Jersey Administrative Code, N.J.A.C. 14:2 et seq. “Protection of Underground Facilities: One Call Damage Prevention System”. These rules provide for the implementation, administration and enforcement of N.J.S.A 48:2-73 et seq. “Underground Facilities Protection Act”.

The current rules have been in effect since February 11, 2015 when they were readopted without change. These rules will expire on February 11, 2022.

The appellate court recommended in Readoption of N.J.A.C. 14:2, No. A-3913-14T2 (App. Div. Aug. 18, 2017), that Board Staff either amplify its responses to comments and fully explain why the rules were adopted without change or amend N.J.A.C. 14:2. In response, Staff initiated a rulemaking, beginning with a pre-proposal process in accordance with N.J.S.A. 52:14B-4(e). Stakeholder meetings were included in the pre-proposal process to fully address issues and their effect on the stakeholder community.

Staff recommended that the Board approve the proposed readoption of this Chapter with substantial and technical changes, for submission to Office of Administrative Law and publication in the New Jersey Register.

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

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO18080969 – In the Matter of Clean Energy Program Administrator – Contract Extension – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session, and it pertained to a contract extension for administration and management services for New Jersey's Clean Energy Program. Staff sought approval for an extension of the contract by one year under Section 5.3 of the State Standard Terms and Conditions to provide continuity of services until a new contract is awarded.

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

Dustin Wang, Program Specialist Trainee, Division of Clean Energy, presented these matters.

B. Docket No. QG21081099 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Monroe Township Board of Education.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a Staff's recommendation for award of an over \$500,000.00 incentive to Monroe Township Board of Education (Township Board) in Williamstown, New Jersey, for the installation of energy efficiency (EE) measures under the Pay For Performance – Existing Buildings (P4P-EB).

On June 11, 2020, the Township Board submitted an application under the Fiscal Year 2020 (FY20) P4P-EB Program pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY20 dated June 21, 2019. The project is located at Williamstown High School, 700 North Tuckahoe Road, Williamstown, New Jersey 08094. The applicant requested a total financial incentive of \$615,450.73 for a project that will cost \$6,672,036.00.

These measures include an interior LED lighting retrofit, lighting occupancy controls, building envelope improvements, a new building management system, a new air handling unit and air conditioner for the gym, improved ventilation units, high efficient boilers, new premium efficiency motors, a variable speed drive on hot water pumps, an air cool chiller replacement, a variable speed drive on chilled water pumps, and roof insulation, exterior LED lighting, a variable frequency drive on a domestic water booster pump and transformer replacements.

Annually, the project is anticipated to save 1,329,845 kWh of electricity and 8,660 therms of natural gas. The proposed project will have an estimated annual energy cost savings of \$187,781.00. The payback period without incentives is 35 years; when factoring in the incentives, the payback period is reduced to 32 years.

Staff recommended approval of the application for the total estimated incentive fund in the amount of \$615,450.73.

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. QG21081107 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Program Energy Efficiency Incentives Exceeding \$500,000.00 – Digital Realty, L.P.

BACKGROUND AND DISCUSSION: On March 5, 2020, Digital Realty, L.P. (Digital Realty) submitted an application under the Fiscal Year 2020 (FY20) LEUP Program pursuant to the Energy Efficiency and Renewable Energy Program Plan Filing for FY20 dated January 8, 2020. The project is located at Digital Realty, L.P., 365 South Randolphville Road, Piscataway, and 2 Peekay Drive, Clifton, NJ 07014.

Digital Realty submitted an application under the Large Energy Users Program requesting Board approval of a financial incentive of \$833,578.20 for the upgrade of computer room air conditioning (CRAC) controls at a data center in Piscataway, New Jersey and the installation of computer room air conditioning units at a data center in Clifton. This proposed project has a total cost of \$1,444,875.00.

If approved, this application would cover the CRAC controls upgrade at the data center in Piscataway and the CRAC unit installation at the data center in Clifton. Annually this project would conserve 3,870,090 kilowatt hours of electricity. It would also reduce peak

demand by an anticipated 473.1 kilowatts per year. The proposed project has an estimated annual energy cost savings of \$329,681.47.

Based on the certifications and the information provided by the Program Manager and Program Administrator, Staff recommended approval of the application for the total estimated incentive amount of \$833,578.20 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

Therefore, Staff recommended approval of the application for the total estimated incentive amount.

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

Cathleen Lewis, Outreach Coordinator, Division of Clean Energy, presented these matters.

D. Docket No. QO21070999 – In the Matter of the Fiscal Year 2022 Clean Fleet Electric Vehicle Incentive Program.

BACKGROUND AND DISCUSSION: In 2020 Governor Murphy set a goal of having 330,000 electric vehicles on the road by 2020, or 2025. These objectives were endorsed and amplified by the publication of the 2019 Energy Master Plan, which noted that transportation sectors makes up over 40 percent of all emissions in the State.

At the beginning of 2020 with support from the United States Department of Energy, the Board launched a pilot program offering an incentive to local government to purchase Electric Vehicle (EV) and EV chargers.

As part of the Fiscal Year 2022 (FY22) budget, the Board approved \$7 million to expand that program which serves local, county and State government.

In August the Board expanded incentive caps for vehicles and level two charges. In addition to the New Jersey Clean Energy budget for the program, the FY22 New Jersey State Budget and Appropriations Act allocated \$14 million to the Board for the purposes of funding EV infrastructure.

Staff recommended to utilize \$7 million of that \$14 million to expand the Clean Fleet Program. The expanded program requirements would include: Establishing a \$2,000.00 incentive for public level two charging; establishing a \$1,500.00 incentive for level two fleet chargers, chargers that are not accessible to the public; establishing an incentive of 50 percent of the make ready costs for eligible level two charging stations, either public or fleet, up to \$5,000.00; providing an incentive of up to 50 percent of the cost of eligible DC fast chargers and the make ready up to \$75,000.00 per charging station; providing that no more than half of the entities eligible charging stations shall be DC Fast Chargers, and

allowing eligible fast chargers to be of any brand that the eligible applicant selects providing the equipment is a dual port charger, has a standard port available for all electric vehicles and the capacity to capture data and that data will be shared with the Board periodically.

In addition, the recommendation is to provide a bonus incentive for the overburdened municipalities as defined in the Board's Community Energy Planning Program that will provide up to 50 percent more funding through this program than these municipalities are currently receiving for vehicles, chargers and make ready. Those eligible entities within these municipalities would utilize the bonus as either a 50 percent increase in the vehicle and charger cap based on the size of the municipality's population or a 50 percent increase in the dollar amount of the funding incentive for vehicle charging stations or make ready.

The Staff recommended approval of the modifications and enhancement of the FY22 Clean Fleet 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

E. Docket No. QC21081102 – In the Matter of the Petition of Yesha Sanji's Appeal of the Board of Public Utilities' Decision Denying Electric Car Point-of-Service Rebate and Request for Formal Hearing.

BACKGROUND AND DISCUSSION: Consistent with the EV Act signed into law on January 17, 2020, and to encourage adoption of electric vehicles, the Board created the Charge Up New Jersey program to encourage the purchase or lease of new light-duty plug-in Electric Vehicles (EVs) in the State. In its first year, the Program covered individuals who purchased or leased an EV from January 17, 2020 through December 15, 2020.

The Program launched for a second year with the release of the official Governor's Office announcement of its launch on July 6, 2021 (Program Effective Date). The Fiscal Year 1922 (FY22) Program was designed to further simplify the process for applicants by providing an incentive that is applied in full directly at the time of the point-of-sale (POS) or transaction. The Program Administrator then reimburses the dealership or showroom in full for the incentives paid to consumers.

This matter involved Yesha Sanji (Petitioner) contending that she purchased an electric vehicle on July 5, 2021 relying on the availability of the Fiscal Year 2022 program (FY22 Program) incentive as described in a press release that she believes she saw. According to the Petitioner, the press release the Petitioner had seen stated that the program opened on July 2, 2021. Staff denied the Petitioner's appeal, because the FY22 Charge Up New Jersey program did not open until July 6, 2021, when an official announcement opened the program.

The Petitioner sought a disbursement of electric vehicle incentive from the FY22 Charge Up New Jersey program. Among the criteria for the program, the terms and conditions require that the entirety of the purchase or lease of the eligible vehicle must occur on or after the official launch of phase two, which occurred on July 6, 2021.

On August 12, 2021, Staff sent the Petitioner a letter stating that reliance on official State policy should be placed only on official documents, such as an official press release. Staff reiterated that the official press release was not posted until the afternoon of July 6, 2021.

Therefore, Staff recommended that the Board deny the Petitioners request.

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

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

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

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

**Docket No. QO20080563 – HESP Solar, LLC
Monmouth County Howell Landfill.**

BACKGROUND AND DISCUSSION: This matter involved the Board considering HESP Solar, LLC's (HESP) petition requesting Transition Renewable Energy Certificates (TREC) eligibility for its Monmouth County Howell Landfill Subsection (t) application.

On August 21, 2020, HESP submitted an application to the Board to have its project certified as being located on a properly closed landfill facility pursuant to N.J.S.A. 48:3-87(t) [Subsection (t) of the Solar Act]. The proposed 21.159 MWdc project is to be constructed on approximately 57 acres of the Monmouth County Howell Landfill, located in Howell, NJ.

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 with a memo on the application where they advised that the proposed site is a properly closed sanitary landfill as defined by the Solar Act. NJDEP also advised that the solar project will involve the construction of improvements on a closed landfill, which, pursuant to the law, requires the property owner to obtain approvals and permits from their Division of Solid and Hazardous Waste.

Based upon the review of the application and the advisory memorandum provided by the NJDEP, Staff recommended the following:

1. The Board grant conditional certification of the HESP solar project as proposed for the Monmouth County, Howell landfill on property defined as a properly closed sanitary landfill 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 Staff's issuance of full certification;
3. The applicant be directed to file its TREC registration within 14 days of the effective date of the order; and
4. If the applicant is also awarded community solar conditional approval, the applicant will re-register one of the transition incentive market segments. A conditionally certified project may not have concurrent community solar and subsection (t) registrations.

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

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

**Docket No. QO21040724 – HESP Solar, LLC
Pittsgrove Township Landfill.**

BACKGROUND AND DISCUSSION: This matter involved the Board considering HESP Solar, LLC's (HESP) petition requesting Transition Renewable Energy Certificates (TRECs) eligibility for its Pittsgrove Township Landfill Subsection (t) application.

On April 27, 2021 HESP submitted an application to Board to have its project certified as being located on a properly closed landfill facility pursuant to N.J.S.A. 48:3-87(t) [Subsection (t)] of the Solar Act]. The proposed 3.83 MWdc project is to be constructed on the Pittsgrove Township Landfill, which is located on 9.5 acre property in Pittsgrove Township, NJ.

The Staff reviewed the application for administrative completeness and supplied a copy to the NJDEP for their review. NJDEP reviewed the application and history of the property and supplied Staff with a memo on the application where they advised that the proposed site is a properly closed sanitary landfill as defined by the Solar Act. NJDEP also advised

that the solar project will involve the construction of improvements on the closed landfill which, pursuant to the law, requires the property to obtain approvals and permits from their Division of Solid and Hazardous Waste.

Based on the review of the application and the advisory memorandum provided by the DEP, Staff recommended the following:

1. The Board grant conditional certification of the HESP Solar Project as proposed for the Pittsgrove Township landfill on property defined as a properly closed sanitary landfill consistent with the Solar Act of 2012;
2. Conditions for certification provided by the NJDEP be fully documented and satisfied by the applicant prior to Staff's issuance of full certification;
3. The applicant be directed to file its TREC registration within 14 days of the date of the order; and
4. If the applicant is also awarded a community solar conditional approval, the applicant may only register under one of the transition incentive provided segments. A conditionally certified project may not have concurrent program year two community solar conditional approval and the subsection (t) transition incentive registration.

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

Ariane Benrey, Program Administrator, Division of Clean Energy, presented these matters.

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

Docket No. QO20080556 – In the Matter of the Community Solar Energy Pilot Program Year 2 Application Form and Process; and

Docket No. QO21081100 – In the Matter of Tattleaux Solar Group (Tattleaux) – Community Solar Energy Pilot Program Year 2, Community Solar Project Applications: Tattleaux VinelandCS and Tattleaux GlassboroCS.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a petition filed by Burns & Schaffer, Attorneys at Law, on behalf of Tattleaux Solar Group (Tattleaux or Petitioner), requesting that the Board accept a community solar application that was submitted after the application deadline (Petition).

On October 2, 2020 the Board issued the application form for the program Year Two

Community Solar Energy Pilot program. The deadline for submitting applications was February 5, 2021 at 5 p.m. eastern standard time.

On August 25, 2021, the Petitioner submitted a petition requesting that the Board accept and consider an application for a Tattleaux project named Tattleaux Vineland CS that had been filed after the deadline.

Staff examined the statements made in the petition and did not believe that the Petitioner's justifications for the late submission were factors outside of Tattleaux's control. Staff, therefore, recommended that the Board deny the petition and encourage Tattleaux to resubmit their application in future community solar program years.

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

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

I. Docket No. QX20090577 – In the Matter of a Rulemaking Proceeding to Amend the Community Solar Energy Pilot Program Rules at N.J.A.C. 14:8-9 – Rule Adoption.

BACKGROUND AND DISCUSSION: This matter involved the Board considering adoption of proposed rule amendments to the Community Solar Energy Pilot Program Rules, including amendments to the low- and moderate-income (LMI) subscriber verification rules.

On October 2, 2020 the Board issued a proposed rule amendment to the Community Solar Energy Pilot program rules, intended to streamline and facilitate the implementation of community solar projects based on stakeholder feedback and lessons learned during program year one.

These proposed amendments included modifications to the low and moderate income subscriber verification methods in order to remove barriers to access to community solar by LMI customers. Specifically, the Board proposed three mechanisms to expand the LMI eligibility criteria, including adding additional programs that automatically qualify a community solar subscriber as LMI, allowing subscribers to be qualified as LMI based on census data made publically available by the US Census Bureau and the United States Department of Housing and Urban Development, and providing a mechanism through which subscriber organizations may propose alternative income verification methods to the Board.

The proposed rule amendments also eliminated the option of requiring the production of subscriber tax returns to demonstrate LMI status, since this has proven to be an onerous burden on access to community solar. The rule amendments were published in the New Jersey Register on November 16, 2020 and open for public comments for 60 days. The Board received six public comments.

Staff recommended the Board adopt the proposed rule amendments with non-substantive changes. If approved, these amendments will be sent to the Office of Administrative Law and become effective upon publication in the New Jersey Register.

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

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

Docket No. QO20080556 – In the Matter of the Community Solar Energy Pilot Program Year 2 Application Form and Process – Application Awards.

BACKGROUND AND DISCUSSION: The Community Solar Energy Pilot Program is designed to enable access to the benefits of solar for New Jersey households that cannot afford or do not have the ability to install a solar system directly on their home or business. The Board's vision for community solar in New Jersey places specific emphasis on serving low and moderate income communities. Community solar is, therefore, a critical component to promoting a more equitable solar market and ensuring that solar is accessible to those who historically have not benefited from accessing the State's vibrant clean energy market, clean energy economy, as well as savings on their electric bills.

This emphasized on accessibility, inclusion and environmental justice has borne fruit. In the past two and a half years, New Jersey has become the recognized leader for low and moderate income community solar. The National Renewable Energy Lab recently reported that New Jersey's program has the highest commitment to low and moderate income community solar capacity in the country.

This pilot program has been a success. It provided valuable public policy experience in understanding how community solar can be best deployed in the State and established a strong foundation for the continued growth of this new segment of New Jersey's robust solar industry.

On October 2, 2020, the Board issued the application form for Program Year Two of the Community Solar Energy Pilot program solicitation. The application form included instructions for submitting an application, required documentation and the evaluation criteria which would be used to score applications.

The October 2 order set the Program Year Two capacity at 150 megawatts DC, divided among the four electric distribution companies based on their proportional shares of retail sales. The Board also announced the flexibility to allocate up to 10 percent, or 15 megawatts, over or under this 150 megawatt capacity limit.

The Board received 412 applications by the deadline on February 5, 2021, representing approximately 804 MWdc. As set forth in Section A of the Program Year Two application

form procedures, each application was first reviewed for administrative completeness. Applications that were deemed complete were then scored by an evaluation committee based on the evaluation criteria approved by the Board as Appendix C of the Program Year Two application form. Applications were scored out of a maximum of 100 possible points, including categories such as low and moderate income inclusion, siting and community engagement. Applications were ranked from the highest score to the lowest score in each electric distribution companies service territory.

Based on Staff's review of the applications received, Staff recommended that the Board conditionally approve the highest scoring applications within the capacity limits previously established by the Board. This conditional approval would be subject to projects maintaining compliance with all applicable rules and regulations, including the Pilot Program rules and the Transition Incentive Program. Projects must also be built and operated as they were proposed in their original application, unless otherwise authorized by the Board.

Staff recommended that the Board conditionally approve 105 community solar applications, for a total recommended awarded capacity of 164.69524 MWdc. This is broken up into a recommendation for a conditional award for three projects in Rockland Electric Company, seven projects in Atlantic City Electric Company, 28 projects in Jersey Central Power & Light Company and 67 projects in Public Service Electric & Gas Company service territories. All projects recommended for award have committed to allocating at least 51 percent of their capacity to low and moderate income customers.

These projects recommended for award are located on rooftops, landfills and brown fields. No projects are recommended on farmland or open space. These projects also include a demonstration of strong community support, among many other considerations.

Finally, in light of the timing of the permanent program and the experience gained throughout the implementation of the pilot program, Staff recommended the Board find good cause to waive its rules establishing a capacity allocation for Program Year Three and instead proceed directly to the development of the permanent program.

Staff also recommended that the Board directs Staff to launch a stakeholder proceeding and to report back to the Board with recommendations for the design of the permanent 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

9. MISCELLANEOUS

A. Docket No. QO21101181 – In the Matter of the Approval of a Grant for Technical Assistance – Executive Session.

Benjamin Witherell, Ph.D., Chief Economist, Office of the Economist, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session and it involved a grant to the Clean Energy and Sustainability Analytic Center in Montclair State University to provide technical assistance in the area of economic modeling. Specifically, they will utilize their computable general equilibrium model of the entire New Jersey economy to study the economic impacts of various potential policy options regarding treatment of utility arrearages or delinquent payments.

As a result of the COVID pandemic, delinquent payments have dramatically increased in both the number of delinquent accounts and the number of days and months they are in arrears, leading to a significant increase of the dollar value of arrearages. The model will include income stratified household level data to identify a particular and/or distributional impact for low and moderate income households.

The Project scope includes analysis of seven distinct scenarios and the scope further calls for a preliminary report to be provided to Board staff in March 2022 with a final report delivered in May. The total budget for the project is \$222,889.00.

Staff recommended that this grant be awarded to Montclair State University.

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 matters, which involved pending litigation and/or attorney-client privilege, were discussed in Executive Session.

8. CLEAN ENERGY

A. Docket No. QO18080969 – In the Matter of Clean Energy Program Administrator – Contract Extension.

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

9. MISCELLANEOUS

A. Docket No. QO21101181 – In the Matter of the Approval of a Grant for Technical Assistance.

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

After appropriate motion, the Board reconvened to Open Session.

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



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: December 15, 2021