



**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 December 15, 2021, via online @ [https://youtu.be/P\\_bNIDtFd7c](https://youtu.be/P_bNIDtFd7c)

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 January 12, 2022 at 10:00 a.m. via livestream on youtube.

I. AUDITS

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

EE21081085L	Affinity Energy Management, LLC	R – EA
EE21101176L	Lava Energy, Inc.	R – EA
EE21101168L	WattB, Inc. d/b/a Wattbuy	R – EA
EE21020100L GE21111221L	Energy Solutions USA, Inc.	R – EA/EC
EE21050865L GE21050866L	Rock Promotions, LLC d/b/a Rock Energy Consultants	R – EA/EC
EE20030208L GE20030209L	Goldstar Energy Group, Inc.	R – EA/PA/EC
EE21101177L GE21101178L	Titan Energy New England, Inc.	R – EA/PA/EC

**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 (TPSs) with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any TPS renewal application that was filed prior to July 9, 2019 has been, and will continue to be processed by Board Staff (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 applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant:

- Affinity Energy Management, LLC
- Lava Energy, Inc.
- WattB, Inc. d/b/a Wattbuy
- Energy Solutions USA, Inc.
- Rock Promotions LLC d/b/a Rock Energy Consultants
- Goldstar Energy Group, Inc.
- Titan Energy New England, Inc.

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

## II. ENERGY

### A. Docket No. GE21060914 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of a Municipal Franchise in the Borough of Pine Beach, Ocean County.

**BACKGROUND:** This matter involved approval of a franchise renewal agreement to be granted to New Jersey Natural Gas (NJNG or Company) by the Borough of Pine Beach (Borough) located in Ocean County, New Jersey.

On June 15, 2021, NJNG filed a petition with the Board requesting approval of a franchise renewal enacted by the Borough providing consent for the Company's use of the Borough's streets for the furnishing of gas service for a period of 50 years (Petition).

This consent is a renewal of a prior consent that expired on March 25, 2020. The resolution enacted by the Borough granted NJNG the right to provide service and to lay and construct its facilities within the public rights-of-way to provide that service. Since the expiration of the consent to use the streets and rights of way, the Company represented that it has continued to provide adequate and safe gas service to its customers at just and reasonable rates.

A hearing in this matter was held on September 28, 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 submitted written comments on November 10, 2021, indicating that it did not oppose to the Company's petition. However, the Rate Counsel requested that approval of the petition be conditioned on certain provisions.

Staff recommended that the Board approve the Petitioner's request, subject to the terms and conditions set forth in the Board Order.

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

**B. Docket No. GE21060921 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of a Municipal Franchise in the Township of Byram, Sussex County.**

**BACKGROUND:** This matter involved the Board considering approval of New Jersey Natural Gas Company's (NJNG or Company) consent to provide natural gas service to the Township of Byram, Sussex County, New Jersey for a period of 50 years.

NJNG does not currently provide natural gas service within the Township of Byram (Township). On June 15, 2021, by Ordinance No. 008-2021 (Ordinance), the Township approved a franchise agreement for the Company for a period of 50 years, and granted NJNG consent to lay, maintain, and operate gas facilities within a specified portion of the Township. By letter dated June 16, 2021, NJNG accepted and agreed to the terms and conditions of the Ordinance.

On June 17, 2021, NJNG filed a petition with the Board, seeking approval of the franchise agreement granted by the Township. As required by law and after notice, a municipal consent hearing in this matter was held on September 28, 2021.

A hearing in this matter was held on September 28, 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 written submissions with the Board related to this proceeding. The Rate Counsel did not oppose the franchise agreement, however, Rate Counsel requested that the approval of the petition include certain restrictions.

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. CE20050366 – In the Matter of the Petition of Comcast of Central New Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of West Windsor, County of Mercer, State of New Jersey.

**BACKGROUND:** On June 22, 2016, Comcast of Central New Jersey, LLC (Petitioner) filed an application with the Township of West Windsor (Township) for renewal of municipal consent. On September 19, 2019, the Township submitted an ordinance to the Office of Cable Television and Telecommunications for review.

On December 16, 2019, the Township, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner. The Petitioner formally accepted the terms and conditions of the ordinance on March 1, 2020. On May 27, 2020, the Petitioner filed with the Board for a renewal of its Certificate for the Township.

Staff reviewed the application for municipal consent, the municipal consent ordinance, and the petition for a Renewal Certificate of Approval. Based upon the review and the recommendation of the Office of Cable Television and Telecommunications, Staff recommended approval of the Petitioner's request for a renewal of its Certificate of Approval for the Township. This Certificate shall expire on March 22, 2032.

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

### IV. TELECOMMUNICATIONS

There were no items in this category.

### V. WATER

There were no items in this category.

### VI. RELIABILITY AND SECURITY

#### A. Docket Nos. GS21111229K, GS21111228K, GS21111226K, GS21111224K, GS21111227K and GS21111225K – 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 did 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 were 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 six and total penalty of \$18,000.00.

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 were 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:**

- **October 28, 2021; and**
- **November 17, 2021.**

**BACKGROUND:** Staff presented the regular agenda meeting of October 28, 2021 and November 17, 2021 minutes, and recommended that they be accepted.

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

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

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

## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

#### **A. Docket No. ER21010001 – In the Matter of Federal Energy Items for 2021 – FERC Docket No. RM21-17 – Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection.**

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

**BACKGROUND AND DISCUSSION:** On July 15, 2021, the Federal Energy Regulatory Commission published an Advanced Notice of Proposed Rulemaking (ANOPR) in Docket No. RM21-17-000, 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 and improvements to transmission planning, transmission cost allocation, and generation interconnection. On October 12, 2021, Staff, on behalf of the Board, and together with other state agencies, filed initial comments in response to the ANOPR (Initial Comments).

On November 26, 2021, Staff, on behalf of the Board, and together with the parties supporting the Initial Comments, filed the Reply Comments of the State Agencies (Reply Comments). The Reply Comments, opposed several commenters seeking to limit competition in future transmission planning, including incumbent Transmission Owners. In addition, the Reply Comments reinforce the need for an Independent Transmission Monitor, highlighting the customer benefits that would be provided through additional transparency.

Staff recommended the Board ratify the Reply Comments, filed on November 26, 2021.

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

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

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

**B. Docket Nos. BPU ER21050823 and OAL PUC 05219-21 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Changes in Electric Rates, its Tariff for Electric Service, and its Depreciation Rates; and for Other Relief;**

**Docket Nos. BPU EO21030675 and OAL PUC 05218-21 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of a Final Settlement of its Transition Bond Transaction; and Other Relief; and**

**Docket No. ER21091143 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Deferred Accounting Treatment For Storm Preparation Costs Related to Tropical Storm Henri; and For Other Relief.**

**BACKGROUND AND DISCUSSION:** On March 29, 2021, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking approval to defer, until its next base rate case, \$63,000.00 related to the Transition Bond Charge (TBC) over collection and interest (Securitization Petition). According to RECO, the net amount of \$63,000.00 includes \$1,062,000.00, which was over-collected from RECO's customers through the TBC plus interest, offset by \$999,000.00 which was under-collected from RECO's customers for the TBC-Tax.

On May 21, 2021, RECO also 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 (2021 Rate Case Petition).

In addition, on September 24, 2021, the Company filed a separate petition which sought approval for deferred accounting treatment for Storm Preparation Costs, approximately \$3.7 million, related to Tropical Storm Henri (Henri Petition). The Henri Petition requested that the Board authorize RECO to: 1) defer on its books for accounting purposes the actual prudently incurred, unreimbursed incremental preparation costs associated with Tropical Storm Henri, because those costs did not qualify for automatic deferral under the Company's existing storm cost deferral mechanism; and 2) address recovery in rates of the total deferred incremental operation and maintenance storm related costs, the time period for recovery, and the carrying charge and manner of recovery, in a Phase Two of the Company's 2021 Rate Case Petition.

After discovery and comprehensive settlement discussions, the Company, the New Jersey Division of Rate Counsel and Board Staff (collectively, the Parties) executed a stipulation of settlement (Stipulation) resolving these matters. Subsequently, Administrative Law Judge Thomas R. Betancourt issued his Initial Decision approving the Stipulation of the Parties, finding that the Stipulation was voluntary, consistent with the law and fully disposes of all issues in controversy.

Staff recommended that the Board adopt the Initial Decision of ALJ Betancourt. Staff also recommended that the Board direct RECO to file tariffs consistent with its order by December 30, 2021.



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

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

**C. Docket Nos. EO21111211 and GO21111212 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Infrastructure Advancement Program.**

**BACKGROUND AND DISCUSSION:** On November 4, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval to implement its proposed Infrastructure Advancement Program (IAP or Program) and an associated cost recovery mechanism. The Company proposed a four-year Program with a total investment level of approximately \$848 million. This would allow the Company to replace aging overhead and underground electrical equipment, modernize electric distribution substation equipment, upgrade gas metering and regulating stations, and install electric vehicle infrastructure to support the Company's transition to an electric fleet.

The Program includes 12 electric projects totaling approximately \$708 million, and one gas project with an approximate cost of \$140 million.

PSE&G proposed a cost recovery mechanism that will involve proposed new electric and gas IAP rate components of the Company's Infrastructure Investment Program Charges for its electric and gas tariffs, with proposed semi-annual rate adjustment filings beginning October 31, 2022.

Staff recommended that the Board retain this matter for hearing at the Board, and designated Commissioner Mary-Anna Holden to preside over the matter with authority to rule on all motions that arise during the pendency of these proceedings, and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Staff also recommended that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by January 14, 2022. Any party wishing to file a motion for admission of counsel pro hac vice, should do so concurrently with any motion to intervene or participate.

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

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

**D. Docket No. ER2111208 – In the Matter of the Verified Petition of Jersey Central Power and Light Company Seeking Review and Approval of its Administrative Fee for the SREC II Program for the Calendar Year 2022 Effective as of January 1, 2022.**

**BACKGROUND AND DISCUSSION:** On November 1, 2021, Jersey Central Power & Light (JCP&L or Company) filed a petition with the Board seeking approval for the continuation of the Administrative Fee component of the Program Participant Fees at the current level of \$17.00 per purchased Solar Renewable Energy Certificate (SREC) for calendar year 2022 (November 2021 Petition).

JCP&L requested authorization to carry forward any over or under recovered Administrative Fee balances for recovery in future annual periods, and maintained the SREC II Administrative Fee at \$17.00 per purchased SREC for calendar year 2022, subject to re-evaluation at the end of 2022.

According to the November 2021 Petition, using the cost recovery provisions from the December 2013 Order, the Company would need to decrease the Administrative Fee from \$17.00 to a credit of \$10.22 per SREC.

Accordingly, JCP&L proposed a modification to the cost recovery mechanism for the SREC II Program. The November 2021 Petition further provided that JCP&L's request to maintain the Administrative Fee at its current level is driven by a number of concerns.

On November 23, 2021, the New Jersey Division of Rate Counsel (Rate Counsel) submitted a non-objection letter regarding JCP&L's request to maintain the current Administrative Fee of \$17.00 per SREC through the end of calendar year 2022, subject to re-evaluation at the end of 2022. The Rate Counsel explained that JCP&L's proposal is consistent with the objective of assuring that ratepayers do not pay for JCP&L's administrative costs for the SREC II program.

Staff recommended that the Board issue an Order in this matter approving the maintenance of the Administrative Fee for the SREC II Program at the Board's previously approved rate of \$17.00 per SREC for calendar year 2022.

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

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

**E. Docket No. ER21091108 – In the Matter of the Verified Petition of Rockland Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative Recovery Charge for 2022 Associated with its Solar Renewable Energy Certificate Program.**

**BACKGROUND AND DISCUSSION:** On September 1, 2021, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking authority to maintain the Administrative Fee and Regional Greenhouse Gas Initiative Surcharge (RGGI Surcharge) associated with the Company’s Solar Renewable Energy Certificate (SREC) Program (SREC II Program) for calendar year 2022.

RECO sought the continuation of their SREC II cost recovery mechanism. According to RECO, using the cost recovery provisions from the December 2013 Order would decrease the Administrative Fee from \$30.00 to \$26.16 per SREC. RECO provided that notwithstanding actual administrative costs and fees are expected to fluctuate from year to year, a reduction of the Administrative Fee could result in an under-recovery in 2022 and subsequent calendar years.

Accordingly, RECO requested authorization to carry forward their current over recovered administrative fee balances and maintain the Administrative Fee at \$30.00 for calendar year 2022. Additionally, RECO sought approval to maintain its RGGI Surcharge for the recovery of the SREC II Program Direct Costs at \$0.000000 per kWh.

Staff recommended that the Board issue an Order in this matter approving the maintenance of the SREC II Administrative Fee at the Board’s previously approved rate of \$30.00 per SREC for the 2022 calendar year. The parties will continue to review all issues related to this Petition.

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

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

**F. Docket No. GR21060951 – In the Matter of the Petition of South Jersey Gas Company for Approval of Base Rate Adjustments Pursuant to the Accelerated Infrastructure Replacement Program.**

**BACKGROUND AND DISCUSSION:** On June 30, 2021, South Jersey Gas Company (SJG or Company) filed a petition with the Board seeking authority to establish rates to recover an annualized increase in the revenue requirements associated with its Accelerated Infrastructure Replacement Program (AIRP II) projects placed into service during the period of July 1, 2020 through September 30, 2021, to take effect January 1, 2022.

The Company sought to recover \$6,121,553.00, including Sales and Use Tax (SUT) related to AIRP II expenditures based upon actual costs from July 1, 2020 through May

31, 2021, and projected program expenditures from June 1, 2021 through September 30, 2021.

On October 26, 2021, SJG updated the June 2021 Petition to include actual AIRP expenditures through September 30, 2021 (Update). As a result, the revenue requirement sought by SJG was modified from \$6,121,553.00 to \$7,124,835.00.

Following a review of the June 2021 Petition, the Update, and discovery, SJG, Staff, and the New Jersey Division of Rate Counsel executed a stipulation of settlement (Stipulation) resolving all issues related to the Petition that would allow the Company to recover a revenue requirement based upon the Update related to the AIRP II expenditures as of September 30, 2021.

Staff recommended that the Board issue an Order approving the Stipulation. Staff also recommended that the Board direct SJG to file tariffs consistent with the Board's Order by January 1, 2022.

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

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

**G. Docket No. ER21070980 – In the Matter of the Combined and Consolidated Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Rate Associated with its Legacy Solar Renewable Energy Certificate (SREC I) Financing Program, its Successor Solar Renewable Energy Certificate (SREC II) Financing Program, and its Solar Transition Incentive Program (2021).**

**BACKGROUND AND DISCUSSION:** This matter involved the Board considering the Solar Renewable Energy Certificate (SREC) II Program administrative fee for calendar year 2022 for participation in Atlantic City Electric's Company (ACE or Company) SREC II Program.

On July 9, 2021, the Company filed a petition with supporting exhibits with the Board seeking authority to adjust the level of the Rider Regional Greenhouse Gas Initiative Recovery Charge associated with ACE's legacy SREC Financing Program (SREC I Program), the Company's successor Solar Renewable Energy Certificate Financing Program (SREC II Program), and its Transition Renewable Energy Certificate Program.

The Company sought the continuation of their SREC II cost recovery mechanism. According to the petition, using the cost recovery provisions from the December 2013 Order, the Company would need to increase the Administrative Fee from \$17.07 to \$53.16 per SREC. However, ACE believed that an increase of this magnitude from the current Administrative Fee will cause SREC II Program to fail, as participants will likely seek to terminate their participation. To prevent possible premature termination of the SREC II Program participants, ACE requested that the Board allow the Company to maintain the

Administrative Fee at its current level of \$17.07 for calendar year 2022, and further requested that the Company be authorized to carry forward any unrecovered SREC II Program Participant Fees, including Administrative Fees, for recovery from SREC II Program participants in future annual period(s).

Staff recommended that the Board issue an Order approving the maintenance of ACE's SREC II Administrative Fee at the Board's previously approved rate of \$17.07 per SREC for calendar year 2022. The parties will continue to review all matters concerning the July 2021 Petition.

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

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

**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 WR21071006 and OAL PUC 06672-2021S – In the Matter of the Petition of the Atlantic City Sewerage Company for Approval to Increase Tariff Rates and Charges for Sewerage Service and Other Tariff Changes.**

**BACKGROUND AND DISCUSSION:** On July 23, 2021, Atlantic City Sewerage Company (ACSC, Company or Petitioner) filed a petition with the Board seeking to increase its base tariff rates for sewerage service, to establish fees and make various changes to its tariff language. Specifically, the Company requested the following relief: to increase rates by approximately \$2.5 million or 11.9% above the annual level of revenues for the test year ending November 30, 2021, and to make certain identified tariff changes.

On August 5, 2021, the Board transmitted the Company's base rate request to the Office of Administrative Law for hearing as a contested case, and the matter was assigned to the Administrative Law Judge (ALJ) Jacob S. Gertsman.

By an Order dated August 18, 2021, the Board suspended rates until December 18, 2021, the implementation of changes the Company sought to make to its tariff. By way of a

second suspension Order issued on December 1, 2021, the proposed rate increase was further suspended until April 1, 2022. A telephone Pre-Hearing Conference was convened by ALJ Gertsman on September 1, 2021, and a procedural schedule was agreed to by the Parties and submitted to ALJ Gertsman.

Extensive discovery was exchanged between the parties, with the Company providing responses to data requests. After proper notice, two virtual public comment hearings were held: one on the afternoon of October 20, 2021, and a second on the evening of the same day. No one from the public was in attendance. The virtual public comment hearings were transcribed and made a part of the record of this proceeding.

Several settlement discussions were held after notice to all parties. As a result of these discussions, the parties executed the Stipulation resolving all issues in this proceeding.

ALJ Gertsman issued his Initial Decision recommending that the Board adopt the Stipulation of the Parties.

Staff recommended the Board adopt the Initial Decision and approve the Stipulation which approves the increase in revenues.

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

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

**B. Docket No. WE21101185 – In the Matter of the Application of SUEZ Water Environmental Services, Inc. for the Approval of Services Renewal Agreement for the Operation and Management of the Town of Kearny’s Water System.**

**BACKGROUND AND DISCUSSION:** This matter involved the Board considering whether to approve a public-private contract between the Town of Kearny (Petitioner, Kearny or Town) and SUEZ Water Environmental Services, Inc. pertaining to a services renewal contract for the operation and management of the town's water system.

On October 14, 2021, pursuant to the New Jersey Water Supply Public-Private Contracting Act (Water Act), the Petitioner filed an application requesting that the Board approve a services renewal contract (Public-Private Contract) with SUEZ Environmental Services Inc. (Company or SUEZ) for the operation and management of its water system.

Kearny is a municipal corporation within the County of Hudson. As the owner and operator of a water supply, transmission and distribution system, Kearny provides services to its residents. Kearny has approximately 8,300 customer accounts including residential, commercial and industrial.

The Petitioner has jurisdiction to determine the terms and conditions under which it supplies water to customers within its municipal limits. Kearny determined to enter into a contract for services pursuant to the Water Act.

According to Kearny, the Town chose SUEZ because of its financial proposal, technical criteria, financial strength as well as its experience in operating 20 water and five wastewater facilities throughout New Jersey, with 84 contracts nationwide as well as proven capability in operating water supply systems, including membrane filtration systems. The Company has also performed successfully in Kearny through a water services agreement, which will help to provide a seamless transition. Its familiarity with the system since running it on an emergency basis, and the fact that SUEZ was providing Kearny with water meter reading, billing, collections, and customer service since 2007 independently justified the award of the contract to SUEZ.

A public hearing was conducted on September 7, 2021 as part of Kearny's governing body's regularly scheduled meeting. No members of the public requested to speak at the public hearing and Kearny received no public comments in writing.

A resolution was introduced on September 7, 2021 (Ordinance 2021-394) by the Town Council authorizing and directing the execution of the Public-Private Contract with SUEZ, to provide contractor operator services in connection with Kearny's water system in accordance with the Water Act.

On October 14, 2021, the Petitioner submitted a hearing report to the New Jersey Department of Environmental Protection Agency (NJDEP), which must complete its review and submit its comments to the Board and Department of Community Affairs within 60 days of its receipt thereof.

The DCA approved the renewal contract at its December 8, 2021 agenda meeting.

By letter dated December 2, 2021, the New Jersey Division of Rate Counsel filed comments and advised the Board that based on its review of the application and discovery responses provided by both Kearny and SUEZ, it had no objection to Board approval of the Public-Private Contract.

Staff recommended the Board approve the Public-Private Contract between the Town of Kearny and SUEZ Environmental Services, Inc.

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

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

**C. Docket Nos. WR21050813 and OAL PUC 04690-2021S – In the Matter of the Middlesex Water Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.**

**BACKGROUND AND DISCUSSION:** On May 20, 2021, Middlesex Water Company (Middlesex, Company or Petitioner) filed a petition with the Board seeking to increase its base rates approximately \$31.30 million or about 37.79%, with rates proposed to become effective for service on and after February 22, 2022.

The Company also requested the authority to update the base consumption and base costs established in the Company's prior base rate proceeding and utilized when setting the Company's Purchased Water Adjustment Clause and the authorization to reinstitute a Distribution System Improvement Charge (DSIC) through a new Foundational Filing to include future planned DSIC-eligible projects, well as other tariff changes.

Middlesex, the New Jersey Division of Rate Counsel and Board Staff (Parties) executed into a Stipulation of Settlement (Stipulation) agreeing to an overall increase in revenues totaling \$27,713,843.00, which represents a 33.64% increase over total present water sales revenues of \$82,396,603.00.

The Stipulation provides that the rate increase be implemented in two phases. The initial increase is proposed to become effective on January 1, 2022. The second phase of the increase is proposed to become effective on January 1, 2023.

The Township of East Brunswick Water Utility, the Township of Marlboro and the Old Bridge Municipal Utilities Authority (collectively, Intervenors), which were all granted intervenor status by Administrative Law Judge (ALJ) Jacob S. Gertsman, filed letters with the Board stating that they do not object to the Stipulation.

ALJ Gertsman issued an Initial Decision recommending that the Board adopt the Stipulation of the Parties.

Staff recommended that the Board issue an Order approving the Initial Decision and Stipulation of the Parties.

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

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



**D. Docket No. WX19050612 – In the Matter of Proposed Amendment to N.J.A.C. 14:9 Adoption by Reference of the Uniform System of Accounts for Water Utilities; and**

**Docket No. WX19050613 – In the Matter of Proposed Amendment to N.J.A.C. 14:9 Adoption by Reference of the Uniform System of Accounts for Wastewater (Sewer) Utilities.**

**BACKGROUND AND DISCUSSION:** On November 4, 2021, SUEZ Water New Jersey (SUEZ NJ) requested from the Board a one-year extension of the January 1, 2022 effective date for the implementation of the 1996 National Association of Regulatory Commissioners (NARUC) Uniform System of Accounts (USOA) for Water and Wastewater Utilities as required by the Board adoption of updated USOA for Water Utilities and Wastewater Utilities.

SUEZ NJ stated that it has begun the process of implementing the USOA and is concerned due to the fact that their accounting system is shared with their affiliated companies in Idaho, and Pennsylvania. SUEZ is familiar with the process as their affiliates use the updated system although they are unsure due to their size that they will be able to complete the conversion and verify its accuracy before the effective date. SUEZ emphasized the importance of minimizing potential issues by not rushing the verification process.

By letter dated, November 8, 2021, the Atlantic City Sewerage Company (ACSC) requested a one-year extension of the January 1, 2022 effective date for the implementation of the 1996 NARUC Uniform System of Accounts for Water and Wastewater Utilities as required by the Board's adoption of updated USOA for Water Utilities (N.J.A.C. 14:9-12) and Wastewater Utilities.

ACSC stated that it has undertaken efforts to implement the USOA, but they are concerned with the complexity of the process. ACSC would like to ensure accurate account mapping and may need to change its entire account number convention to accommodate the updated USOA. ACSC also emphasized that due to the size of their company they may lack the resources to implement the updated USOA.

The New Jersey Division of Rate Counsel stated that it did not oppose the requested one-year waiver of the operationally effective date.

Staff recommended that the Board issue an Order granting SUEZ NJ's and ACSC's requests for a one-year extension of the January 1, 2022 effective date for the implementation of the 1996 NARUC USOAs for Water and Wastewater Utilities.

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

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

**E. Docket No. WR21081056 – In the Matter of Petition of Aqua New Jersey, Inc., for Approval of a 2022 Purchased Wastewater Treatment Adjustment Clause True-Up and Other Required Approvals.**

**BACKGROUND AND DISCUSSION:** On August 10, 2021, Aqua New Jersey, Inc. (Aqua, Petitioner or Company) filed a petition with the Board to set prospective Purchase Sewer Treatment Adjustment Clause (PSTAC) rates for calendar year 2022. Aqua represented that it will true-up 2021 PSTAC revenues and rates in its 2022 PSTAC filing, and commits to making the 2022 PSTAC filing on a timely basis.

The Petitioner's Walkkill Sewer Division (Walkkill), formerly the Walkkill Sewer Company, provides wastewater service to approximately 423 customers in a portion of the Township of Hardyston, County of Sussex, pursuant to an Order of the Board. Walkkill transmits the wastewater it collects to the Sussex County Municipal Utilities Authority (SCMUA) for treatment.

The Petitioner's Maxim Wastewater Division (Maxim) provides wastewater service to approximately 2,590 customers in the Township of Howell, County of Monmouth, pursuant to a municipal consent and franchise, and an Order of the Board approving the franchise and accepting the Petitioner's initial tariff for filing. Maxim transmits the wastewater it collects to the Ocean County Municipal Utilities Authority.

The Petitioner also purchased wastewater treatment services from the Logan Township Municipal Utilities Authority (LTMUA). LTMUA treats all of the wastewater collected by the Company in its Woolwich service territory pursuant to the Sewer Service Agreement dated September 14, 2000 (as amended April 28, 2015) between the Company and LTMUA. LTMUA bills the Company a fixed monthly amount for each Equivalent Dwelling Unit (EDU), which is determined by the LTMUA rate schedule in effect. There are approximately 2,959 EDUs for which the LTMUA provides treatment.

Aqua's last water base rate case concluded in May 2019. Aqua's last wastewater base rate case concluded in December 2020 and implemented a uniform fixed monthly PSTAC for all wastewater customers.

The matter was retained by the Board for review and disposition. The Company, the New Jersey Division of Rate Counsel Rate Counsel, and Board Staff (collectively, Parties) agreed that a public comment hearing was not required because the Petitioner had proposed a decrease in rates.

Staff recommended that the Board adopt the Stipulation of the Parties in this matter with rates to become effective on January 1, 2022.

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

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

**F. Docket No. WR21091128 – In the Matter of the Petition of Atlantic City Sewerage Company to Decrease the Level of its Purchased Sewerage Treatment Adjustment Clause.**

**BACKGROUND AND DISCUSSION:** On September 9, 2021, the Atlantic City Sewerage Company (Company, Petitioner) filed a petition with the Board for approval of a decrease in the level of its Purchased Sewerage Treatment Adjustment Clause (PSTAC).

Following discovery, a Stipulation of Settlement (Stipulation) was entered into by representatives of the Company, the New Jersey Division of Rate Counsel and Board Staff (collectively, Parties). The Stipulation agreed to decrease the Company's PSTAC from its current level.

Based on the estimated costs for 2022, the under-recovery from revenues for 2021, the 2020 credit and the estimated 2021 credit for treatment flows from the Atlantic City Utilities Authority, and the costs of this proceeding, the Parties agreed that the Petitioner's current PSTAC rates on file with the Board should be decreased by approximately \$1.9 million.

Staff recommended that the Board adopt the Stipulation of the Parties in this matter with rates to become effective on January 1, 2022.

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

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

**G. Docket No. WM21060909 – In the Matter of the Joint Petition of Veolia Environnement S.A., Veolia North America, Inc., SUEZ S.A., and SUEZ Water New Jersey, Inc., for Approval of a Change of Control of SUEZ Water New Jersey, Inc., and Other Related Approvals.**

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

**BACKGROUND AND DISCUSSION:** On June 11, 2021, Veolia Environnement S.A. (Veolia), Veolia North America, Inc., a Delaware corporation and wholly-owned subsidiary of Veolia (Veolia North America), SUEZ S.A., SUEZ Water New Jersey Inc. (SWNJ), a New Jersey corporation (together, the Joint Petitioners) filed a petition with the Board for a change in control seeking approval of Veolia's acquisition of a majority or all of the outstanding shares of SUEZ in accordance with a Combination Agreement entered into between those entities on May 14, 2021. As a result of this acquisition, Veolia would acquire a majority control of or all of SUEZ's equity interests in SWR and its subsidiary, SWNJ, (Transaction).

The Joint Petitioners asserted that the Transaction combines the expertise of Veolia and SUEZ as world leaders in water and wastewater treatment and distribution/collection services that will enable Veolia, on a global level, to accelerate its development of technological solutions to, inter alia, satisfy the need for safe and sufficient supplies of water, and to create value and opportunities for its employees, shareholders, and customers. For New Jersey, the Joint Petitioners pointed to benefits including the continuation of SWNJ's capital plan, the continuation and potential improvements to customer service, continued robust access to the financial markets, and continued enhanced community engagement. Veolia stated it would also commit to providing financial support to reduce arrearages caused by the COVID-19 pandemic and to contribute additional funding in light of the hardships imposed by COVID-19 on low-income customers.

Staff and the New Jersey Division of Rate Counsel (Rate Counsel) issued several rounds of discovery to the Joint Petitioners. The Joint Petitioners responded to those requests and participated in several informal discovery conferences. A series of formal settlement discussions followed, which ultimately resulted in Joint Stipulation on December 1, 2021 (Stipulation).

On November 4, 2021, the Joint Petitioners, Rate Counsel and Staff (the Parties) attended a virtual public hearing conducted by Suzanne N. Patnaude, Senior Counsel and Administrative Practice Officer, on behalf of President Joseph Fiordaliso. No members of the public spoke or submitted written comments on the Petition.

Having reviewed the Petition and the entire record, Staff found that the proposed Transaction and the Stipulation among the Parties are reasonable, in the public interest and in accordance with the law. Staff recommended the Board approve the Stipulation of the Parties.

Staff further recommended approval of the transaction under the terms reflected in the Stipulation of Settlement signed by Staff, the Joint Petitioners and the New Jersey Division of Rate Counsel.

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

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

## 6. RELIABILITY AND SECURITY

There were no items in this category.

**7. 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 – Billing Dispute.**

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

**BACKGROUND AND DISCUSSION:** This matter involved a billing dispute between Scott Waselik (Petitioner) and Jersey Central Power & Light Company (JCP&L or Company). The petition was transmitted to the Office of Administrative Law for a hearing as a contested case. On September 21, 2021, Administrative Law Judge (ALJ) Irene Jones filed an Initial Decision in this matter with the Board. At the October 28, 2021 Board meeting, Staff recommended and was granted a 45-day extension of time for issuing a final decision. No exceptions to the Initial Decision have been received by the Board.

The Petitioner alleged that JCP&L incorrectly billed his account, and claimed that JCP&L'S billing to him was based on the wrong meter. The Petitioner requested that JCP&L credit his account in full for the time he was billed for the wrong meter.

JCP&L, in its answer, stated that an investigation was performed to determine the appropriate meter associated with the Petitioner's apartment. The investigation revealed that the Petitioner was billed for the wrong meter. JCP&L contended that after the adjustment between the billed meter and the Petitioner's apartment meter, it resulted in \$42.47 in charges added to the account. JCP&L further stated that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. JCP&L requested that the relief sought be denied on the basis that the Petitioner failed to set forth a claim upon which relief may be granted.

In her Initial Decision, ALJ Jones concluded that the Petitioner failed to sustain the required burden of proof. In order to prevail, the Petitioner must demonstrate that he did not owe the respondent any money on his account or that he was overcharged for his consumption. He failed to make such a showing. The adjustment from the switched meter was \$42.47. However, the Petitioner did not pay anything on his account during the entire dispute, some 18 months. While ALJ Jones found credible the Petitioner's testimony that he spent a great deal of time and effort on this matter, ALJ Jones concluded that the Petitioner was not entitled to free electric service. To allow such would require other JCP&L customers to subsidize the Petitioner's costs, as the account becomes an uncollectible expense, which the Company is entitled to recover in rates. ALJ Jones ordered the requested relief in this matter be denied and the matter be dismissed.

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

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

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

## 8. CLEAN ENERGY

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

**A. 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. QO20090595 – Trina Solar – Monroe Sicklerville Road Landfill Solar, LLC.**

**BACKGROUND AND DISCUSSION:** On April 27, 2021, Sicklerville Road LF Solar, LLC (Trina Solar) submitted an application to the Board to have its project certified as being located on a properly closed landfill facility (Subsection (t) of the Solar Act). The proposed 2.418 MWdc project is to be constructed on the Monroe Township Landfill, which is located on Block 901, Lot 2 & 3 on 739 Sicklerville Road, Monroe Township, NJ.

Subsection (t) of the Solar Act provides for Board establishment of a certification program for approval of certain grid supply solar electric power generation facilities located on properly closed landfills, brownfields, and areas of historic fill that seek eligibility for Solar Renewable Energy Certificates.

Staff received the Subsection t application from Trina Solar on September 4, 2020, with a slightly revised application submitted on October 26, 2020. At the time of submission of these applications, the landfill had not been capped. In January 2021, the applicant withdrew their application following a discussion with Staff from the New Jersey Department of Environmental (NJDEP) and the Board encouraging resubmission once the landfill had been properly closed. Trina Solar withdrew the application in January 2021, and submitted an updated application on May 17, 2021. Staff reviewed the application for administrative completeness before transmitting a copy of the application to the NJDEP for review and advice on May 20, 2021.

On November 5, 2021, Staff received an advisory memorandum from the NJDEP addressing the application, the land classification and status of remediation. The NJDEP determined that the 18.44 acres requested for Subsection (t) certification at the Monroe Township Landfill constitute a “properly closed sanitary landfill facility” as defined by the Solar Act. However, in order to obtain full certification the additional considerations below must be met.

On the basis of NJDEP's determination, information contained in the application, and other relevant factors, Staff recommended that the Board conditionally certify the applicant's project as being located on a "properly closed sanitary landfill" pursuant to Subsection (t).

Staff also recommended that the Board authorize Staff to require that the conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to Staff's issuance of full certification of the project's eligibility for Transition Renewable Energy Certificates (TREC). Staff further recommended that the Board direct the applicant to file its TREC registration within 14 days of the date of the Order and explicitly grant conditional certification.

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

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

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

**Docket No. EO12090862V – In the Matter of 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 2012; and**

**Docket No. QO18010052 – In the Matter of the Petition of Syncarpha Gems, LLC for an Order Extending the Expiration Date Set Forth in the Conditional Certification Issued Under the Transition Incentive Program Until October 30, 2022.**

**BACKGROUND AND DISCUSSION:** This matter involved the Board considering a request from Syncarpha Gems, LLC (Syncarpha) for an extension of time to complete its Syncarpha GEMS landfill project in the Transition Incentive Program (TI).

On September 10, 2021, Syncarpha submitted a petition for an extension of the deadline in the TI program for their 4.5 MWdc project. The solar developer first submitted a Subsection t application for this project toward obtaining Solar Renewable Energy Certificate Registration Program (SREC) eligibility in November 2017.

The New Jersey Department of Environmental Protection (NJDEP) issued an administrative consent order for landfill in September 2019 and subsequently issued a final memo on the Subsection t application to Board staff in October 2019. The Board provided conditional certification to the application on November 13, 2019. The SREC registration processing team issued a project acceptance letter on December 20, 2019 with a two year project completion deadline of December 20, 2021.

On May 28, 2020, the developer petitioned for eligibility in the Transition Incentive program which the Board granted on July 15, 2020. On June 24, 2021, due to impacts on solar project development from the COVID 19 crisis and changes brought by the Clean Energy Act of 2018, the Board granted Subsection (t) applicants registered in the TI program on or before the effective date of the Order an extension to the latter of April 30, 2022, or the date set by the Board Order granting the project's conditional certification.

With the petition under consideration today, the developer sought an extension of their current deadline to commence commercial operations of April 2022 to October 2022. The justification cited for this request is that NJDEP and NJDCA permitting and other delays directly associated with the COVID 19 pandemic have made it impossible for the Petitioner to meet the April 30, 2022 deadline established the Transition Incentive Extension Order.

Staff noted that the Transition Incentive program was intended as an interim measure until a successor program was available. The TI incentive levels were based upon solar costs in the SREC program from as early as 2018. The Board closed the TI program on August 27 after an extensive stakeholder process and an Order providing thirty days' notice. Staff are concerned about the extraordinary amount of capacity in the Transition Incentive pipeline at over 1.5 gigawatts and the implications for the cost to ratepayers if Transition incentive extensions are granted indiscriminately. The Successor Solar incentive Program opened on August 28 with an Interim Subsection t Market Segment provided for 75 MWdc of capacity is open for applications.

Based upon the review of the petition, Staff recommended that the Board:

- Find that the Petitioner was given more time to complete than any other similarly situated project;
- Find that the Petitioner has already received additional time to compensate for the delays cited in the petition in the form of the six-month extension granted in June of this year, and therefore,
- Deny the petition and encourage the Petitioner to pursue an incentive through the Interim Subsection t Administratively Determined Incentive Program.

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

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



**C. Docket No. QO18070697 – In the Matter of the Remote Net Metering Application Filed Pursuant to the Board's Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018; and**

**Docket No. QO21091133 – Advanced Solar Products – Woodbridge Township.**

**BACKGROUND AND DISCUSSION:** The Clean Energy Act of 2018 was signed by Governor Murphy on May 23, 2018. Section 6 required the Board to establish an application and approval process for Remote Net Metering (RNM) within 120 days of the law's enactment. By Order dated September 17, 2018, the Board approved recommendation of Board Staff for a RNM application and approval process based on stakeholder input.

Advanced Solar Products, on behalf of Woodbridge Township, submitted a RNM application to Staff on September 14, 2021 and to Public Service Electric and Gas Company (PSE&G) on September 17, 2021. Staff confirmed with PSE&G that the application conforms to the Board's requirements for RNM applications issued in the September 17, 2018 Order.

Staff recommended that the Board approve the application to participate in the RNM program subject to the applicant's compliance with the conditions established by PSE&G in its conditional approval issued on October 28, 2021.

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

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

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

**Ariane Benrey, Solar Manager, Division of Clean Energy**, presented this matter.

**BACKGROUND AND DISCUSSION:** This matter relates to deadlines in effect for community solar projects participating in Program Year 1 (PY1) of the Community Solar Energy Pilot Program. These Program Year 1 projects are subject to two separate deadlines:

1. The Pilot Program community solar deadline for project completion; and
2. The Transition Incentive (TI) Program eligibility deadline.

On October 28, 2021, the Board approved a rule amendment to the Pilot Program project completion deadlines at N.J.A.C. 14:8-9.3(c)(8). As a consequence, PY1 projects have a completion deadline of December 30, 2021 (eighteen months plus a six-month extension granted by Staff from the effective date of the Board Order granting them conditional approval, i.e. from December 30, 2019).

Staff recommended that the Board grant an extension to the PY1 community solar deadline to become fully operational to April 30, 2022. This would ensure that the PY1 community solar deadline ends on the same date as the PY1 projects' Transition Incentive Program deadline.

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

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

**James Ferris, P.E., CEM, Deputy Director, Division of Clean Energy,** presented this matters.

**E. Docket No. QO21091119 – In the Matter of a Memorandum of Agreement Between the New Jersey Board of Public Utilities and the National Offshore Wind Research and Development Consortium (NOWRDC) to Establish the Procedures and Protocols for the NJBPU's Membership in the NOWRDC – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session pursuant to attorney-client privilege and contract negotiations exceptions to the Open Public Meetings Act, and it is regarding a proposed Memorandum of Agreement (MOA) between the Board and the National Offshore Wind Research and Development Consortium (NOW-RDC), that establishes the procedures and process by which the consortium uses the funds committed by New Jersey as part of our membership in the consortium.

The Offshore Winds Strategic Plan adopted by the Board on September 9, 2020 recommended, among other things, that New Jersey join other states to coordinate regional monitoring and research in order to support scientific and technical research at State and regional levels to address issues related to offshore wind energy project planning, citing, construction, operation, and monitoring. One of the more prominent United States regional offshore wind research organizations is the NOW-RDC established in 2018 as a not-for-profit corporation to facilitate and enhance the expansion and implementation of offshore wind research and development.

On July 6, 2021, the Board submitted a letter of intent to NOW-RDC to join the consortium as a public sponsor member and on July 14, 2021, the consortium's board of directors approved the Board's public sponsor membership. This membership requires a commitment of \$1 million to the consortium over the four year period from January 1, 2022, through December 31, 2025, to support research initiatives in offshore wind, as well as a commitment for the Board to provide \$25,000.00 per year for its annual membership dues to support consortium operations and administration.

Staff recommended that the Board approve the MOA and authorized the President Fiordaliso to sign it.

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

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

**F. Docket No. QO21040708 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the New Jersey Department of Environmental Protection to Establish the Procedures and Protocols for Collection and Administration of the Research and Monitoring Fee Charged to Offshore Wind Developers Who Receive an Award in Offshore Wind Solicitation 2 – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session pursuant to attorney-client privilege and contract negotiations exceptions to the Open Public Meetings Act, and it involved a Memorandum of Understanding (MOU) between the Board and New Jersey Department of Environmental Protection (NJDEP) on how the \$10,000.00 per megawatt fee charged to each of the successful developers in the second offshore wind solicitation to support research initiatives and the regional monitoring of wildlife and fisheries related to the introduction of offshore wind projects.

This initiative is being referred to as the Research and Monitoring Initiative (RMI). The RMI will further the scientific understanding of the impacts from the offshore wind farms, both beneficial and detrimental, on existing natural resources and ecosystems through all phases of offshore wind farm development, pre-construction, construction, operation, and decommissioning. This MOU establishes that the Board and the NJDEP will work cooperatively as equal partners to establish the procedures and protocols for utilization of the RMI fee, as well as the establishment, implementation, and oversight of this collaborate interagency effort.

Staff recommended that the Board approve the MOU and authorized the President Fiordaliso to sign it.

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

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

**G. Docket No. QO21101203 – In the Matter of the Establishment of a Multi-Unit Dwelling EV Charging Program.**

**Cathleen Lewis, E-Mobility Programs Manager, Division of Clean Energy**, presented this matter.

**BACKGROUND AND DISCUSSION:** This matter involved the Board consider creating an incentive program to encourage the building of EV charging infrastructure in Multi-Unit Dwellings.

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

On January 17, 2020, Governor Murphy signed S-2252 into law, constituting the EV Act. The EV Act, in relevant part, creates an incentive program for light duty EVs and at-home EV charging infrastructure. The EV Act established the State's goals for the use of plug-in EVs and the development of supporting EV charging infrastructure. In particular, the EV Act authorized the Board to adopt policies and programs to accomplish the State's goals, which include:

1. At least 1,000 Level-Two (L2) charging locations available for public use across the State by December 31, 2025.
2. At least 400 Direct Current Fast Chargers available for public use at no fewer than 200 charging locations in the State by December 31, 2025.
3. At least 15 percent of all multi-family residential properties in the State shall be equipped with electric vehicle supply equipment available to residents through a combination of Level One, L2, and Make-Ready parking spaces by December 31, 2025.

Of the \$14 million appropriated, Staff recommended to utilize \$1 million for EV infrastructure improvements at Multi-Unit Dwelling (MUD) Program throughout the State. The Program would provide incentives for:

- 1) L2 chargers;
- 2) The Make-Ready infrastructure for all eligible EV chargers at MUDs; and
- 3) Bonus incentives for EV chargers and Make-Ready infrastructure at MUDs located in Overburdened Municipalities.

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

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

**9. MISCELLANEOUS**

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

**A. Docket No. QO21111217 – In the Matter of the New Jersey Fuel Cell Task Force – Executive Session.**

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session pursuant to attorney-client privilege and contract negotiations exceptions to the Open Public Meetings Act, and it involved the New Jersey's fuel cell task force. On June 19, 2020 Governor Murphy signed a bill into law, PL-2020, Chapter 38, which created the New Jersey Fuel Cell Task Force. This task force is housed within the Board and the Board is required to staff the task force.

The task force currently consists of 13 members, including executive branch members and Governor's appointees from private industry, and Commissioner Chivukula as the chair of the task force. The purposes of the fuel cell task force is to develop a plan to increase the use of fuel cells in the State and provide information, education and resources for that purpose. The task force must issue an annual report detailing their plan to increase the use of fuel cells in the State, including any recommendations for legislative or regulatory action that are necessary to effectuate the plan. Their first report is due on April 21, 2022.

On October 29, 2021, Staff released a request for response (RFR) to New Jersey's four public research institutions, Montclair State University, the New Jersey Institute of Technology, Rowan University and Rutgers University. The purpose of the RFR was to engage the Universities to assist the task force in writing their annual report.

Staff recommended that the Board approve Staff's recommendation on engaging a university for the purpose of assisting the New Jersey Fuel Cell Task Force in writing their annual report. Staff further requested that the Board authorize President Fiordaliso to execute a Memorandum of Understanding with the selected university on behalf of the Board.

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

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

**B. Docket No. GO19070846 – In the Matter of the Exploration of Gas Capacity and Related Issues – Consultant Final Report Regarding the Current and Mid-Term Future Supply and Demand.**

**BACKGROUND AND DISCUSSION:** This matter involved the Board considering accepting the report submitted by London Economics International, LLC on Gas Capacity and directing Staff to take additional action.

By Order dated May 20, 2020, the Board directed Staff to issue a Request for Quotation (RFQ) to hire an independent consultant to investigate the current and future natural gas capacity outlook for New Jersey. Following the RFQ process, the Board engaged London Economics International, LLC (LEI), and on November 5, 2021, LEI provided Staff with its final report entitled, *Final Report: Analysis of Natural Gas Capacity to Serve New Jersey Firm Customers* (LEI Report).

The LEI Report concluded, in part, that there is adequate firm gas capacity through 2030 for the gas distribution companies to meet their projected winter design they demand. The LEI Report notes that if New Jersey met just half of its electrification goals, the State would have adequate gas capacity even in more extreme scenarios such as a 1-in-90 design day. The LEI Report also provides recommendations on non-pipeline alternatives to be utilized in the event of a capacity constraint, as well as best practices to be utilized during a potential emergency created by a capacity shortfall.

Staff recommended that the Board accept the LEI Report for filing and make the redacted LEI Report available to the public via the Board's website. Staff further recommended that the Board direct Staff to initiate a stakeholder process to receive comments regarding the LEI Report.

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

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

**C. Docket No. 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:** This matter involved the Board revisiting the revised Customer Bill of Rights of September 14, 2021 to remove temporary protections provided through various Executive Orders (EO) issued by Governor Murphy in response to the COVID-19 pandemic, revise certain notice requirements, and make rulings on waiver requested submitted to the Board.

On September 14, 2021, the Board issued a revised Utility Customer Bill of Rights (Bill of Rights) incorporating certain changes made to the Board’s regulations since the establishment of the Bill of Rights in 1986. The revised Bill of Rights also included new temporary consumer protections mandated by Governor Phil Murphy through various Executive Orders due to the COVID-19 pandemic. Those temporary protections issued by the Governor’s executive orders expire on December 31, 2021.

On October 16, 2021, the Board issued an Order clarifying the notice requirements set out in the September 2021 Order, which included language from the temporary legislation signed by Governor Murphy on May 12, 2021. The October 2021 Order required the utilities to provide the Board with a report evidencing compliance with the notice provisions set out in the Order, including providing copies of the revised Bill of Rights sent to customers and translations of those revised Bill of Rights in a different language, if applicable, pursuant to the May 2021 Legislation.

The Board subsequently received requests for waivers from Mount Olive Villages Water Company and Mount Olive Villages Sewer Company (collectively referred to as Mount Olive Village), Village Utility, LLC, Butler Electric), Montague Water Company and Montague Sewer Company (collectively referred to as Montague), and Shore Water Company seeking a waiver to the requirement that the revised Bill of Rights be posted to a website, a reduction in the frequency of the notice requirement, and limiting the notice to only a website posting, respectively.

The revised Bill of Rights that have been sent to customers since the September 2021 Order contain new temporary rights provided by Governor Murphy under various Executive Orders. As of today’s date, those temporary rights have not been extended beyond the December 31, 2021 expiration date. Therefore, it is necessary and appropriate for the Board to update the revised Bill of Rights to remove those temporary rights afforded by the Governor’s Executive Orders and reflect only those rights that exist effective January 1, 2022 to avoid any potential confusion to customers.

Staff recommended the Board update the revised Bill of Rights as follows:

1. You have the right to utility service if you are a qualified applicant.
2. You have the right to a budget billing plan from your electric, gas, water, or wastewater utility.
3. You are entitled to at least one deferred payment plan within a twelve-month period.

4. You have the right to apply for utility assistance programs which may include arrearage forgiveness.
5. A residential electric, gas, water or wastewater customer who has been disconnected, shall have their service reconnected upon request if they can demonstrate they have applied to one of the following eligible assistance programs: Universal Service Fund; Low Income Home Energy Assistance; Payment Assistance for Gas and Electric, and Low Income Household Water Assistance. Also, the customer shall not have been enrolled in any of the assistance programs listed above during the prior year.
6. You have the right to have any complaint you make against your utility company handled promptly by that utility company.
7. You have the right to have your utility complaints and concerns investigated.
8. Your service may not be terminated for non-payment of disputed charges during a Board investigation.
9. You have the right to have your meter tested free of charge once a year by your utility company if you suspect it is not working properly. For a \$5 fee, the meter test will be conducted under the supervision of the staff of the Board.
10. You have the right to a written notice of termination from your utility company at least ten days prior to the discontinuance of service.
11. You have the right to gas and electric utilities service from November 15 to March 15 without fear of termination of such services(s) under the Winter Termination Program. If you are a participant in an energy assistance program or a gas and/or electric customer having financial difficulties paying your bill, you can request the company enroll you in a budget plan based on your ability to pay provided you make good faith payments toward all reasonable bills for service.
12. You have the right to receive posted notice of any impending shutoff if you live in a multi-family dwelling. This notice must be posted in a common area and/or sent individually to occupants.
13. You have the right to have a "diversion of service" investigation if you suspect the level of consumption reflected in your utility bill is unexplainably high.
14. Service shall not be shut-off for non-payment of repair or merchandise charges. No notice threatening discontinuance based on these charges may be given.
15. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.
16. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.
17. Your residential service may not be shut-off on holidays, weekends, or after 1:00 p.m. prior to a holiday or weekend, or if you have a valid medical emergency.

Staff further recommended the Board direct the utilities to provide notice of the updated revised Bill of Rights to its customers as follows:

1. Provide all current residential customers with a copy of the updated revised Bill of Rights within seven days from the effective date of this Order. Current residential customers who receive a printed version of their bills shall be provided with the updated revised Bill of Rights in paper format on a monthly basis. Current residential customers who receive their bills electronically



shall be provided with the updated revised Bill of Rights electronically on a monthly basis. Regardless of which delivery method employed, all utility companies shall, on a monthly basis for 18 months after the end of the Public Health Emergency as declared in EO 103, provide the updated revised Bill of Rights to their residential customers in a form and fashion that would maximize receipt by the customers;

2. Provide all new customers with a copy of the updated revised Bill of Rights upon initiation of service;
3. Pursuant to the May 2021 Legislation, an English and translated version of the updated revised Bill of Rights is required where the primary language of 10 percent or more of the population within a municipality is a language other than English as set forth therein. The monthly printed format of the updated revised Bill of Rights should also contain a translated version in said format, if required. For electronic billing residential customers, the monthly email should include a link to the translated version of the updated revised Bill of Rights in addition to the required English language version of the updated revised Bill of Rights;
4. In addition to providing the updated revised Bill of Rights to the residential customer in an appropriate format as set out above, the updated revised Bill of Rights must also be prominently displayed on the utility company's website, if applicable;
5. This notice requirement pertains to all gas, electric, water, and incumbent local exchange telephone public utilities within the jurisdiction of the Board;
6. The utility company shall report its compliance with the notice requirements set out in this order by January 31, 2022, detailing the method of distribution to customers and providing the Board with a copy of the English version of the updated revised Bill of Rights that was sent by the utility company to the residential customer; and
7. For those utilities required to provide a translated version of the updated revised Bill of Rights in accordance with the May 2021 Legislation, a copy of the translated version shall be provided to the Board by January 31, 2022 along with the English version of the updated revised Bill of Rights that was sent by the utility company to the residential customer.

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

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

**D. Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric Program – Executive Session.**

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

**BACKGROUND AND DISCUSSION:** This matter was initially discussed in Executive Session pursuant to attorney-client privilege and contract negotiations exceptions to the Open Public Meetings Act.

This matter pertained to the Board's contract with the Affordable Housing Alliance (AHA), for administration of the Payment Assistance for Gas and Electric program (PAGE), which provides grants on electric and natural gas bills for residential customers.

The current PAGE contract initiated in January 2021, provides PAGE grants to moderate and low income households. AHA applies a PAGE benefit cap of \$400.00 for low income PAGE households due to these households' ability to access federal Low Income Home Energy Assistance Program (LIHEAP) benefits. PAGE applies a benefit cap of \$700.00 to moderate income households.

The New Jersey LIHEAP income ceiling has been the income threshold used by AHA to provide these to low and moderate PAGE households. However, in October 2021, the income limits for LIHEAP and the Board's Universal Service Fund (USF) program, which also provide benefits to electric and gas customers, were raised significantly.

On September 29, 2021, AHA wrote a letter to Board Staff requesting clarification, if it should continue to use the LIHEAP income ceiling as the low income threshold and provide the same benefit caps to the different income groups. AHA also requested a waiver of the requirement to distribute PAGE grants according to a specific percentage breakdown between moderate and low income households.

In response to AHA's letter, Staff recommended a contract modification to allow for the following:

- 1) AHA continue to use the LIHEAP income ceiling as the low income threshold for PAGE;
- 2) Moderate income households should continue to receive the same benefit cap of \$700.00 and low income households receive the \$400.00 benefit cap, however Staff recommended that low income households denied LIHEAP benefits also be applied the \$700.00 benefit cap; and
- 3) The requirement to maintain a 60/40 percentage breakdown in PAGE grant distribution between the two different applicants be waived, while AHA continues to report the distribution in funds.

Staff further recommended these changes be retroactive to October 1, 2021, when the new Universal Service Fund and LIHEAP income limits went into effect.

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

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

## EXECUTIVE SESSION

After appropriate motion, the following matters, which involved attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

### 8. CLEAN ENERGY

**E. Docket No. QO21091119 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the National Offshore Wind Research and Development Consortium (NOWRDC) to Establish the Procedures and Protocols for the NJBPU’s Membership in the NOWRDC.**

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

**F. Docket No. QO21040708 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the New Jersey Department of Environmental Protection to Establish the Procedures and Protocols for Collection and Administration of the Research and Monitoring Fee Charged to Offshore Wind Developers Who Receive an Award in Offshore Wind Solicitation 2.**

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. QO21111217 – In the Matter of the New Jersey Fuel Cell Task Force.**

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

**D. Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric 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.



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AIDA CAMACHO-WELCH  
SECRETARY

Date: January 26, 2022