



**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 April 6, 2022, via online @ [https://youtu.be/d0\\_xC4uyuu4](https://youtu.be/d0_xC4uyuu4)

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 Carmen D. Diaz, Acting Board 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 May 4, 2022 at 10:00 a.m. via livestream on YouTube.

## CONSENT AGENDA

### I. AUDITS

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

EE21050769L	AOBA Alliance, Inc.	R – EA
EE21040739L	Atlas Commodities II Retail Energy, LLC d/b/a Atlas Retail Energy	R – EA
EE21040736L	Daniel J Reith, LLC	R – EA
EE21050816L	National Auditing Services and Consulting, LLC d/b/a National Energy Discounters	R – EA
EE21101165L	Summit Energy Services, Inc. d/b/a Schneider Electric	R – EA
EE21060919L	Technology Resource Solutions, Inc. d/b/a VARO	R – EA
EE21101172L	Bridge Energy Services, LLC	R – EA/PA
GE21101173L	d/b/a Bridge Energy Services	
EE21020097L	Pappas Financial Group, LLC	R – EA/PA/EC
GE21020098L	d/b/a EnergyLink; J. Pappas Energy	

#### Electric Power and/or Natural Gas Supplier Initial Licenses

GE21121255L	Inspire Energy Holdings, LLC	I – GSL
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**BACKGROUND:** The Board must register all energy agents, private aggregators, and energy consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers (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 the effective

date of the licensing and registration rule amendments, September 20, 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:

- AOBA Alliance, Inc.
- Atlas Commodities II Retail Energy, LLC d/b/a Atlas Retail Energy
- Daniel J Reith LLC
- National Auditing Services & Consulting, LLC d/b/a National Energy Discounters
- Summit Energy Services, Inc.
- Technology Resource Solutions, Inc. d/b/a VARO
- Bridge Energy Services, LLC d/b/a Bridge Energy Services
- Pappas Financial Group d/b/a EnergyLink; J. Pappas Energy

In addition, Staff also recommended that the following applicant be issued an initial license as a natural gas supplier:

- Inspire Energy Holdings, LLC

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

## II. ENERGY

### A. Docket No. EC19030317 – County of Cumberland, Petitioner v. Atlantic City Electric Company, Respondent.

**BACKGROUND:** On March 8, 2019, the County of Cumberland (County or Petitioner) filed a petition with the Board seeking a declaratory ruling that the relocation of the utility lines and poles in question were for the public benefit, and the costs related thereto should be paid for by Atlantic City Electric (ACE or Company).

The following four projects are the subject of the Petition: 1) the Yank Marine Project; 2) the Willow Grove Lake Project; 3) the Burlington Road C Bridge Project; and 4) the Fortescue Bridge Project (collectively, Projects).

The County asserted that the Willow Grove Lake Project, the Burlington Road Bridge Project, and the Fortescue Bridge Project were undertaken by the County and necessitate the relocation of utility lines and equipment. With regard to the Yank Marine Project, the County Planning Board required that the right-of-way (ROW) be expanded to widen the roadway. In each case, either the County or Yank Marine refused to absorb the cost for relocating utility lines and equipment within the public ROW, or only the Willow Grove Lake project moved forward to completion without the issue of payment respecting the cost of relocation of utility lines and poles being resolved.

On August 20, 2019, this matter was transferred to the Office of Administrative Law and assigned to Administrative Law Judge (ALJ) Dorothy Incarvito-Garrabrant.

Evidentiary hearings were held on January 15, 2020, and February 5, 2020 in person, and November 10, 2020 virtually.

Prior to issuing an Initial Decision, ALJ Incarvito-Garrabrant was named to the Superior Court. On November 1, 2021, the parties participated in a telephonic conference with ALJ Edward J. Delanoy during which they agreed that additional hearing dates would not be necessary, and the matter was reassigned to ALJ Tricia M. Caliguire. The record was reopened on December 13, 2021, by ALJ Caliguire for a telephonic conference with the parties to confirm details of the case.

On January 19, 2022, the County filed a letter notifying ALJ Caliguire that the County Planning Board intended to reconsider a ruling regarding the required expansion of County Road 616, the Yank Marine Project. On February 2, 2022, the County Planning Board modified its approval of the Yank Marine Project and withdrew its demand that the ACE relocate utility lines and poles along County Route 616. On February 10, 2022, the parties confirmed that the ruling requested from the Board involves payment for only Burlington Road Bridge Project and Fortescue Bridge Project.

On February 24, 2022, ALJ Caliguire issued an Initial Decision granting the relief sought in the Petition.

On March 9, 2022, ACE filed a letter with the Board providing exceptions to the Initial Decision issued by ALJ Caliguire. ACE requested the Board modify or reject the ALJ's Initial Decision.

On March 17, 2022, the County filed a letter with the Board providing a response to ACE's filed exceptions. The County is requesting the Board to accept the ALJ's Initial Decision.

Staff recommended that the Board extends the 45-day period.

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

### III. CABLE TELEVISION

#### **A. Docket No. CE20020155 – In the Matter of the Petition of Comcast of Gloucester County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Paulsboro, County of Gloucester, State of New Jersey.**

**BACKGROUND:** This matter involved a Petition requesting an Automatic Renewal Certificate of Approval to Comcast of Gloucester County, LLC (Comcast) for the Borough of Paulsboro (Borough) for a term of 10 years. Staff recommends approval.

On February 21, 2020, Comcast filed a petition for an Automatic Renewal Certificate of Approval for the Borough based on the automatic renewal provision, for a term to expire on January 17, 2030.

The petition is based on the Borough's ordinance granting renewal municipal consent, which was adopted October 25, 2005. The Borough's ordinance granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on January 17, 2020.

Staff recommended Board approve the proposed automatic Renewal Certificate of Approval.

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

#### IV. TELECOMMUNICATIONS

**A. Docket No. TM22010029 – In the Matter of the Verified Petition of Intrado Communications, LLC for Approval of a Pro Forma Change in Ownership and Control.**

**BACKGROUND:** On January 28, 2022, Intrado Communications, LLC (Petitioner or Intrado Communications) submitted a Verified Petition (Petition) with the Board requested approval, to the extent required, to complete an internal reorganization that will result in a pro forma change in ownership and control (*Pro Forma Change*).

Following consummation of the reorganization, Petitioner represents that there will be no change to the services, rates, terms and conditions currently being offered to customers in New Jersey.

By letter dated March 9, 2022, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments in support of the continuation of what it described as “innovative, high quality telecommunications services” within the State's telecommunications market for the benefit of both residential and business customers in New Jersey. Accordingly, the Rate Counsel, did not oppose the Board granting the requests sought by Petitioner in its Petition.

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

After review, Staff recommended that the Petitioner be allowed to proceed with the internal reorganization.

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

**B. Docket Nos. BPU TC17091015 and OAL PUC 01597-2018 – In the Matter of Business Automation Technologies, Inc. d/b/a Data Network Solutions, Petitioner v. Verizon New Jersey, Inc., Respondent.**

**BACKGROUND:** This matter involved Staff recommending that the Board seek a second request for extension of the time to render its Final Decision on the Initial Decision in this matter, extending the due date to May 31, 2022.

In September 2017, Business Automation Technologies d/b/a Data Network Solutions (DNS or Petitioner) filed a petition with the Board contesting billings by Verizon New Jersey, Inc. (Verizon) for access charges under a Board-approved interconnection agreement (Petition).

Following unsuccessful informal settlement discussions, the matter was transmitted to the Office of Administrative Law (OAL) for hearings as a contested case in January 2018 and assigned to Administrative Law Judge (ALJ) Tricia M. Caliguire. On January 28, 2022, ALJ Caliguire issued her Initial Decision in this matter.

On February 14, 2022, the Petitioner filed a letter requesting an extension of the dates for filing exceptions and replies, noting additional time was needed to review the extensive record in the matter. The Petitioner received consent from counsel for Verizon to request filing of exceptions on February 21, 2022, and replies on March 14, 2022. On February 18, 2022, the Petitioner filed an amendment, seeking an additional week to the extension requests, with exceptions due on February 28, 2022, and replies due on March 21, 2022.

On February 23, 2022, the Board granted the requested extension of the deadlines for the parties' filing of Exceptions and Reply Exceptions, as well as an additional 45-day extension of the time for the Board to render a Final Decision on the Initial Decision, from March 14, 2022 to April 28, 2022.

Exceptions and Reply Exceptions were filed by both parties in the matter requiring additional time for review. Because additional time is required for Staff and the Attorney General's Office to perform a full review of the record, Staff recommended that the Board seek an additional extension of the time in which the Board must render a Final Decision from the OAL, extending the due date from April 28, 2022 to May 31, 2022.

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

## V. WATER

There were no items in this category.

## VI. RELIABILITY AND SECURITY

**A. Docket Nos. GS22020082K, GS22020084K, GS22020083K, GS22020081K, GS22020088K, GS22020097K, GS22020098K, GS22020096K, ES22020105K, ES22020104K, ES22020107K, GS22020094K, GS22020093K, GS22020091K, GS22020092K, GS22020090K, GS22020087K, GS22020100K, GS22020101K, GS22020099K, ES22020106K, GS22020086K, GS22020089K, GS22020095K, and GS22020085K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73-91.**

**BACKGROUND:** This matter involved settlements of alleged violations of the Underground Facility Protection Act (Act) by both excavators and operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction are failure to

provide proper notice, failure to use reasonable care, and mismarking of facilities. The cases 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. There are 25 settlements in the attached Appendix which total \$75,000.00.

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. N.J.S.A. 48:2-88. 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. N.J.S.A. 48:2-86(c).

Staff employed a single order to close multiple cases, resulting in a streamlined and effective enforcement process.

Staff recommended that the Board approve the offers of settlement and received payments.

**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 March 9, 2022 Agenda Minutes.

**BACKGROUND:** Staff presented the minutes of March 9, 2022, 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

**A. Docket No. GA22020074 – In the Matter of the Audit of the Affiliated Transactions Between New Jersey Natural Gas Company and New Jersey Resources Corporation and Affiliates and NJNG’s Compliance with Affiliate Relations and Fair Competition Standards and Electric Discount and Energy Competition Act Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-12.1 – 14:3-12.4, 14:4-3 et seq. and Comprehensive Management Audit of NJNG Pursuant to N.J.S.A. 48:2-16.4 & N.J.A.C. 14:3-12.1-14:3-12.4.**

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

**BACKGROUND AND DISCUSSION:** This matter involved Staff’s request to commence an Affiliated Transaction Audit between New Jersey Natural Gas Company (NJNG), its parent New Jersey Resources, and NJNG’s affiliates for an eight year period. This audit will also include a review of NJNG’s compliance with affiliate standards and a comprehensive management audit of New Jersey Natural Gas Company. A Request for Proposal which includes a phase I and a phase II of the audit has been drafted for your consideration.

Phase I will examine affiliate transactions, as well as cost allocations, between NJNG its parent, and affiliates. In addition, Phase I will consider NJNG’s compliance with Board rules and statutes regarding affiliate and fair competition.

Phase II will be a comprehensive management audit to review the management and operations of the Company and will examine all major and functional areas of NJNG’s operations. Areas to be examined are outlined in the RFP with specificity in the scope of work.

Staff recommended that the Board permit Audit Staff to release the RFP to the pool of six pre-qualified management consultants to solicit bids to perform the scope of work.

**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. GA22030141 – In the Matter of an Audit of the Affiliated Transactions between Elizabethtown Gas Company (ETG) and South Jersey Industries and its Affiliates and ETG’s Compliance with Affiliate Relations and Fair Competition Standards and Electric Discount and Energy Competition Act Pursuant to N.J.S.A. 48:3-49, 48:3-58 & N.J.A.C. 14:4-3 et seq. and a Comprehensive Management Audit of Elizabethtown Gas Company Pursuant to N.J.S.A. 48:2-16.4, and N.J.A.C. 14:3-12.1-14:3-12.4.**

**William Foley, Bureau Chief, Division of Audits**, presented these matter.

**BACKGROUND AND DISCUSSION:** This matter involved Staff’s request to commence an Affiliated Transaction Audit between Elizabethtown Gas Company (ETG), its parent South Jersey Industries, past holding companies and ETG’s affiliates for a twelve- year period. This review will also include a review of ETG’s compliance with affiliate standards and a comprehensive management audit of Elizabethtown Gas Company. A Request for Proposal which includes a phase I and a phase II of the audit has been drafted for your consideration.

Phase I will examine affiliate transactions, as well as cost allocations, between ETG and its parents, and affiliates. In addition, Phase I will consider ETG’s compliance with Board rules and statutes regarding affiliate and fair competition.

Phase II will be a comprehensive management audit to review the management and operations of the Company and will examine all major and functional areas of ETG’s operations. Areas to be examined are outlined in the RFP with specificity in the scope of work.

Staff recommended that the Board permit Audit Staff to release the RFP to the pool of six pre- qualified management consultants to solicit bids to perform the scope of work.

**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>

## 2. ENERGY

**Ryan Moran, Division of Energy**, presented these matters.

- A. Non-Docketed Matter – In the Matter of Management Consulting: Oversight of the Board of Public Utilities Basic Generation Service Auction Process – Request for Proposal – Selection of Consultant.**

**BACKGROUND AND DISCUSSION:** At its October 31, 2016, public agenda meeting, the Board directed that a Request for Proposal (RFP) be initiated through the Department of Treasury to hire a consultant to perform oversight of the Basic Generation Service

(BGS) auction process. The Department of Treasury subsequently notified Board Staff (Staff) in writing that the Board has the authority to issue RFPs on this subject matter without consultation or coordination with Treasury.

At its April 21, 2017, public agenda meeting, the Board authorized Staff to issue an RFP on behalf of the Board to hire a consultant to perform oversight of the BGS auction process. The RFP was created by Staff and released to the public for bid. An evaluation committee was formed consisting of staff from the Division of Energy, Fiscal Office, Counsel's Office, and the Office of the Chief of Staff. After scoring, the Evaluation Committee determined that Bates White, LLC (Bates White) should be awarded the contract, which the Board approved.

The contract was for a three year period beginning with the 2018 BGS process (which commenced July 1, 2017) and would expire on June 30, 2020, or upon Board acceptance of Bates White's Final Report in conjunction with the 2020 BGS procurement process. The contract between the Board and Bates White provides that the contract may be extended for all or part of three one-year periods, by mutual written consent of Bates White as the contractor, and the Board. Under this provision, the Board if it so chooses may request that Staff enter into negotiations with Bates White to extend the contract for up to three one-year periods one year at a time. In May 2020, the Board authorized Staff to extend the contract for the first one year term to complete the 2021 BGS procurement process. In May 2021, the Board authorized Staff to extend the contract for the second one year term to complete the contract for the 2022 BGS procurement process.

Based on its continued satisfaction with Bates White's performance, Staff recommended that the Board authorize Staff to extend the contract for the third one year term in order to complete the 2023 BGS procurement process. Staff noted that this is the final authorized extension and that it is working to develop a new RFP for release.

**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. ER22030127 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2023.**

**BACKGROUND AND DISCUSSION:** Two-thirds of the State's Basic Generation Service (BGS) requirements for Residential and Small Commercial Pricing (RSCP) customers are under contract for the period of June 1, 2023 through May 31, 2024. The Board must determine how the remaining one-third of the State's BGS requirements for RSCP customers, as well as the State's annual BGS requirements for Commercial and Industrial Energy Pricing (CIEP) customers, should be procured beginning June 1, 2023. In addition, the Board must determine how Rockland Electric Company (Rockland) will procure the annual BGS capacity requirements for its non-PJM, Interconnection, LLC (PJM) service area within New Jersey for the period beginning June 1, 2023.

Staff recommended that the Board initiate a transparent and public proceeding, consistent with that, employed for the past 21 years, to determine the process that should be used for the procurement of BGS-RSCP and BGS-CIEP supply, and the capacity needs of Rockland's non-PJM service area within New Jersey. To initiate this proceeding, Staff also recommended that the Board approve the preliminary procedural schedule that would result in a Board decision on the process in November 2022, and would permit a BGS procurement process in February 2023.

Staff further recommended that the Board direct the EDCs to make a BGS filing by July 1, 2022, describing how they intend to procure the remaining BGS-RSCP and the BGS-CIEP requirements. This shall also include Rockland filing a proposal as part of its July 1, 2022 BGS filing for procuring the capacity requirements for its non-PJM service area within New Jersey. Staff also recommended that the Board invite all other interested stakeholders to file any alternative BGS procurement processes with the Board by July 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>

**C. Docket Nos. BPU GR21060878 and OAL PUC 09885-2021N – In the Matter of the Petition of Public Service Electric and Gas Company's 2021/2022 Annual BGSS Commodity Charge Filing for its Residential Gas Customers Under its Periodic Pricing Mechanism and for Changes in its Balancing Charge.**

**BACKGROUND AND DISCUSSION:** On June 1, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval to maintain its Basic Gas Supply Service (BGSS) Residential Gas Service (BGSS-RSG) rate as well as its Balancing Charge rate (2021 BGSS Petition). PSE&G requested authority to maintain the Company's current per therm BGSS-RSG rate of \$0.319937, effective October 1, 2021.

According to PSE&G, an increase in BGSS revenue of approximately \$49 million, excluding losses and SUT, would be required for the period October 1, 2021 through September 30, 2022. However, due to the significant volatility in natural gas prices, the Company proposed to maintain its current rate. The residential gas service (RSG) customer class was expected to be over-recovered by approximately \$30.4 million by September 30, 2021.

The Company also sought authority to increase its per therm Balancing Charge rate from \$0.085723 to \$0.093477. The requested increase reflects a projected increase in the costs of interstate pipeline transportation services that make up PSE&G's gas supply portfolio. This projected increase is the result of two factors: 1) the absence of sizable pipeline refunds included in last year's filing following the settlement of the Transco and Texas Eastern rate cases; and 2) a projected Texas Eastern rate case filing expected to be made before the end of this year.

PSE&G further requested the following: 1) approval to potentially procure up to 4,000 dekatherms per day of renewable natural gas (RNG) and include the supply and costs in the BGSS-RSG portfolio; and 2) approval to execute an amendment to the Requirements Contract with PSEG Energy Resources & Trade LLC (ER&T) providing for a five year extension, continuing on a year-to-year basis thereafter, subject to a two-year termination notice requirement.

Based upon the 2021 BGSS Petition, the combined impact of the proposed changes on a typical residential heating customer using 172 therms per month during the winter months, and 1,040 therms on an annual basis, is an annual increase of \$5.38, or approximately 0.60%.

On November 1, 2021, all four GDCs filed an Emergent Motion of New Jersey's Gas Distribution Companies for Waivers Necessary to Permit Self-Implementing BGSS Increases Effective December 1, 2021 (Motion).

By Order dated November 17, 2021, the Board approved a stipulation for provisional rates executed by PSE&G, the Board and the New Jersey Division of Rate Counsel (collectively, Parties). The Board also denied NRG's Motion to Intervene. The November 2021 Provisional Order authorized PSE&G to implement a per therm BGSS-RSG rate of \$0.319937. All rates approved in the November 2021 Provisional Order became effective for services rendered on and after December 1, 2021 on a provisional basis, subject to refund. As a result of the November 2021 Provisional Order, a typical residential customer using 172 therms per month during the winter months and 1,040 therms on an annual basis would see an increase in their annual bill of \$5.38, or 0.59%.

By Order dated November 17, 2021, the Board granted the GDCs Motion and ordered the GDCs to file any notice of a December 1, 2021 self-implementing rate increase by November 19, 2021.

On November 19, 2021, PSE&G filed a notice of its intent to self-implement a BGSS-RSG rate adjustment based on a 5% increase of the monthly bill of a typical residential customer using 100 therms to be effective December 1, 2021 consistent with the January 6, 2003 BGSS Order and the Board's ruling of the Motion (Notice). The self-implementing rate increase, effective December 1, 2021, resulted in an increase of the per therm BGSS-P rate from \$0.319937 to \$0.363545 on a provisional basis, subject to refund. As a result, a typical residential customer using 100 therms per month would see an increase in their monthly bill of \$4.36, in addition to the impact of the November 2021 Provisional Order.

On December 29, 2021, PSE&G filed a second notice of its intent to self-implement a BGSS-RSG rate adjustment effective February 1, 2022 consistent with the January 6, 2003 BGSS Order. The self-implementing rate increase resulted in an increase of the per therm BGSS-RSG rate from \$0.363545 to \$0.410212 on a provisional basis, subject to refund. As a result, a typical residential customer using 100 therms per month would see an increase in their annual bill of \$4.67.

Following further review and discussions, the Parties executed a stipulation of settlement (Stipulation) for final rates, which was subsequently approved by Administrative Law Judge Gail Cookson.

Staff recommended the Board issue an Order adopting the Initial Decision and Stipulation.

Staff further recommended the Board direct PSE&G to file tariffs consistent with the Order by May 1, 2022, and to file a copy of the executed amendment to the Requirements Contract no more than 30 days after the date of the Order.

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

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

**D. Docket No. EO21101188 – In the Matter of the Petition of Rockland Electric Company for Approval of a Zero Emission Certificate Recovery Charge.**

**BACKGROUND AND DISCUSSION:** On November 1, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking cost recovery of certain investments within its Energy Strong II Program (Program). PSE&G sought approval to recover a revenue requirement for electric system investments of approximately \$18.1 million, associated with a total gross plant of approximately \$149.8 million. PSE&G also sought approval to recover a revenue requirement for gas system investments of approximately \$1.1 million, associated with a total gross plant of \$10.6 million. The Petition was based upon actual data through September 30, 2021 and projected data from October 1, 2021 through January 31, 2022.

On February 22, 2022, PSE&G updated the Petition to include actual Program expenditures through January 31, 2022 (Update). In the Update, the Company adjusted its proposed revenue requirement for electric system investments to approximately \$15.5 million associated with a total gross plant of approximately \$129 million. Additionally, the Company adjusted its proposed revenue requirement for gas system investments to approximately \$887,000, associated with a total gross plant of approximately of \$8.1 million.

Further, PSE&G provided notification that the Constable Hook substation project within Energy Strong II would not be completed within the timeframe of the Program. Therefore, PSE&G requested to modify the Energy Strong II stipulation so that the Company may remove the Constable Hook substation project from the Program and replace this work with flood mitigation work on the Company's Front Street substation. As proposed, this modification to the Program would not change the overall Program budget, but would qualify Front Street flood mitigation work for accelerated recovery.

Upon review of the Petition, Update, and discovery, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (Staff) (collectively, Parties) executed a stipulation of settlement (Stipulation) resolving all issues related to the Petition.

As a result of the Stipulation, a typical residential electric customer using approximately 740 kilowatt-hours (kWh) in a summer month and 6,920 kilowatt-hours annually will see an increase in their annual bill of \$6.68, or 0.52%, and a typical residential gas customer using 172 therms in a winter month and 1,040 therms annually will see an increase in their annual bill of \$0.46, or 0.04%.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties, and direct PSE&G to file tariffs consistent with its Order prior to May 1, 2022. Additionally, Staff recommended that the Board approve PSE&G's request to modify the Energy Strong II stipulation, which would allow the Company to substitute the Front Street substation project for the Constable Hook substation project within the 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>

**E. Docket No. EO21101179 – In the Matter of the Petition of Atlantic City Electric Company for Approval of a Change to its Zero Emission Certificate Recovery Charge (10/2021).**

**BACKGROUND AND DISCUSSION:** On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (C.48:3-87.3 to -87.7) (Act). The Act required the New Jersey Board of Public Utilities (Board) to implement a Zero Emission Certificate (ZEC) program within specified timelines. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers.

The Act further directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by the EDCs and directed that the tariffs not be implemented unless and until the Board issued a final order authorizing the implementation of the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the EDCs to submit final tariffs to become effective on April 18, 2019. The Board further directed the EDCs to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

On December 16, 2020, the Board approved the tariff and rate changes proposed by each EDC to refund the excess ZEC collections and corresponding interest related to Energy Years 2019 and 2020.

In October 2021, each EDC submitted a filing with the Board seeking to true up the ZEC

collections and corresponding interest related to Energy Year 2021. In their filings, all EDCs, except RECO, proposed that if future Return of Excess Collections Credit Rate adjustments are required that rate changes be handled via compliance filing and that the EDC's will make the filing no later than 30 days prior to any change in to the ZECRC.

The New Jersey Division of Rate Counsel (Rate Counsel) submitted comments in all five matters stating that it did not object to the EDCs' request to refund the excess of the 2020 Energy Year ZEC collection to its customers over a 12-month period. In addition, the Rate Counsel stated that it did not object to the proposed adjustment sought to the ZECRC for Energy Year 2022, but that it was unclear how a compliance filing with a 30-day notice would satisfy the Board's statutory public hearing notice requirements when a proposed adjusted rate would lead to an increase in rates.

Staff recommended that the Board approve the tariff and rate changes as proposed by each EDC. Staff also recommended that the Board deny the EDC's requests to file revised rates via compliance filings. Staff further recommended that the Board direct the EDCs to file revised tariffs prior to May 1, 2022 for service rendered on and after May 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. EO21101183 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Zero Emission Certificate Recovery Charge.**

**BACKGROUND AND DISCUSSION:** On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (N.J.S.A. 48:3-87.3 to -87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers.

The Act further directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by Public Service Electric & Gas Company (PSE&G) and directed that the tariff not be implemented unless and until the Board issued a final order authorizing the implementation of the ZEC

program. Subsequently, by Order dated April 18, 2019, the Board directed the EDCs to submit final tariffs to become effective on April 18, 2019. The Board further directed the EDCs to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

Via Board Orders dated July 10, 2019 and May 20, 2020, the Board directed the EDCs to submit various data to the Board for review on a yearly basis.

By Order dated December 16, 2020, the Board approved PSE&G's request to revise its Return of Excess Collections Credit Rate (RECCR), which is a component of the approved ZEC Recovery Charge (ZECRC) tariff to (\$0.000155) per kWh for an overall ZECRC rate of \$0.0041 per kWh.

On October 15, 2021, PSE&G submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Year 2021 (Petition).

The Company proposed to refund the excess ZECRC collection and corresponding interest over a 12-month period commencing January 1, 2022 through the previously established RECCR, which is a component of the approved ZECRC tariff and currently set at (\$0.000155) per kWh excluding New Jersey Sales and Use Tax (SUT). The proposed RECCR is (\$0.000087) per kWh, excluding SUT. Additionally, the Company also proposed for Energy Year 2022 and going forward, the Company will monitor the ZECRC excess collection balance and as it approaches zero, the Company further proposed to file with the Board. Any excess balance remaining at that point will be included in the Company's next RECCR filing.

The Company requested that if future RECCR adjustments are required, rate changes be handled via compliance filing, as the credit will fluctuate between Energy Years." See Petition at p.2. The Company proposed to make a compliance filing "no later than 30 days prior to any change to the RECCR."

PSE&G indicated that the total over-recovery to be returned to customers for Energy Year 2021 is \$3,458,720.00. This includes interest calculated on the Energy Year 2021 period at the Company's short-term debt rate.

On March 21, 2022, the New Jersey Division of Rate Counsel (Rate Counsel) filed a letter with the Board in this matter. In its letter, the Rate Counsel stated that it did not object to PSE&G's request to refund the excess of the 2020 Energy Year ZEC collection to its customers over a 12- month period. In addition, the Rate Counsel also stated that it did not object to the proposed adjustment sought to the ZECRC for Energy Year 2022, but that it was unclear how a compliance filing with a 30-day notice would satisfy the Board's statutory public hearing notice requirements when a proposed adjusted rate would lead to an increase in rates.

Staff recommended that the Board approve PSE&G's proposed RECCR and tariff. Staff also recommended that the Board approve a revised total PSE&G ZECRC rate of \$0.004172 per kWh, including SUT, for service rendered on and after May 1, 2022. As a result of the Board's approval, a residential customer using 650 kWh per month will see an increase of \$0.04 in their monthly bill.

Staff further recommended that the Board deny PSE&G's request that if future RECCR



adjustments are required, rate changes be handled via a 30-day compliance filing.

**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. EO21111214 – In the Matter of the Petition of Butler Electric for Approval of a Zero Emission Certificate Recovery Charge.**

**BACKGROUND AND DISCUSSION:** On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (N.J.S.A. 48:3-87.3 to 87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers.

The Act further directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by Butler and directed that the tariff not be implemented unless and until the Board issued a final order authorizing the implementation of the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the EDCs to submit final tariffs to become effective on April 18, 2019. The Board further directed the EDCs to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

By Order dated December 16, 2020, the Board approved Butler's Electric Company (Butler or Company) request to revise its Return of Excess Collections Credit Rate (RECCR), which is a component of the approved ZEC Recovery Charge (ZECRC) tariff, to (\$0.000149) per kWh, excluding New Jersey Sales and Use Tax (SUT) for an overall ZECRC rate of \$0.003851 per kWh, excluding SUT.

On October 15, 2021, Butler submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Year 2021 (Petition).

The Company proposed to refund the excess ZEC recovery charge collection and corresponding interest over a 12-month period, commencing January 1, 2022, through the

previously established RECCR, which is a component of the approved ZECRC tariff and currently set at (\$0.000149) per kWh. The proposed RECCR is (\$0.000083) per kWh, excluding SUT. For Energy Year 2022 and going forward, the Company indicated that it will monitor the ZECRC excess collection balance and, as it approaches zero, proposed to make a filing at the Board at least 30 days in advance of Butler's intention to implement the rate change in the RECCR to zero. According to Butler, any excess balance remaining at that point will be included in the Company's next RECCR filing.

The Company requested, "that if future RECCR adjustments are required, rate changes be handled via compliance filing, as the credit will fluctuate between Energy Years. The Company proposed to make a compliance filing "no later than 30 days prior to any change to the RECCR.

In the filing, Butler indicated that the total over-recovery to be returned to customers for Energy Year 2021 is \$8,730.06. This includes interest calculated at the Company's short-term debt rate.

On March 18, 2022, the New Jersey Division of Rate Counsel (Rate Counsel) filed a letter with the Board in this matter. In its letter, Rate Counsel stated that it did not object to Butler's request to refund the excess of the 2020 Energy Year ZEC collection to its customers over a 12-month period. In addition, the Rate Counsel stated that it did not object to the proposed adjustment sought to the ZECRC for Energy Year 2022, but that it was unclear how a compliance filing with a 30-day notice would satisfy the Board's statutory public hearing notice requirements when a proposed adjusted rate would lead to an increase in rates.

Staff recommended that the Board approve a revised total Butler ZECRC rate of \$0.003917 per kWh, excluding SUT, for service rendered on and after May 1, 2022. As a result of the Board's approval, a residential customer using approximately 650 kWh per month will see an increase of \$0.05 in their monthly bill.

Staff also recommended that the Board deny Butler's request that if future RECCR adjustments are required, rate changes be handled via a 30-day compliance filing.

**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>

**H. Docket No. EO21101182 – In the Matter of the Petition of Jersey Central Power and Light Company for Approval of a Zero Emission Certificate Recovery Charge.**

**BACKGROUND AND DISCUSSION:** On May 23, 2018, Governor Phil Murphy signed into law L. 2018, c. 16 (N.J.S.A. 48:3-87.3 to 87.7) (Act). The Act required the Board to implement a Zero Emission Certificate (ZEC) program within specified timelines. Under the Act, the Board may approve certain eligible nuclear energy generators to receive ZECs, which New Jersey's electric distribution companies (EDCs) would be required to purchase. The Act also provided that the Board shall order the full recovery of EDCs' costs associated with the purchased ZECs through a non-bypassable charge imposed on each EDC's retail distribution customers.

The Act further directed each EDC to file with the Board within 150 days of the Act's enactment, by October 22, 2018, a tariff to recover from its retail distribution customers a charge of \$0.004 per kilowatt-hour (kWh). The Act identified this charge as the emissions avoidance benefits associated with the continued operation of a selected nuclear power plant. Within 60 days of the filing of each EDC tariff, and after notice, opportunity for comment, and a public hearing, the Board was required to approve the appropriate tariffs. In the Act, the EDCs were also directed to return excess monies in each EDC's separate, interest bearing account to its retail distribution customers at the end of each energy year.

By Order dated November 19, 2018, the Board accepted the tariff filings made by Jersey Central Power and Light (JCP&L) and directed that the tariff not be implemented unless and until the Board issued a final order authorizing the implementation of the ZEC program. Subsequently, by Order dated April 18, 2019, the Board directed the EDCs to submit final tariffs to become effective on April 18, 2019. The Board further directed the EDCs to calculate interest on their collections at their respective short-term debt rates in their respective collection accounts as allowed under the Act.

Via Board Orders dated July 10, 2019 and May 20, 2020, the Board directed the EDCs to submit various data to the Board for review on a yearly basis.

By Order dated December 16, 2020, the Board approved JCP&L's request to revise its ZEC Recovery Charge (ZECRC) rate to (\$0.004097) per kWh, including Sales and Use Tax (SUT).

On October 15, 2021, JCP&L submitted a filing with the Board seeking to refund the excess ZEC collections and corresponding interest related to Energy Year 2021 (Letter Petition).

The Company proposed to refund the excess ZECRC Collection and corresponding interest over a 12-month period, commencing January 1, 2022, through the previously established Return of Excess Collections Credit Rate (RECCR), which is a component of the ZECRC tariff and currently set at (\$0.000158) per kWh, excluding SUT. The proposed RECCR is (\$0.000089) per kWh, excluding SUT. The Company indicated that it will monitor the ZECRC excess collection balance and, as it approaches zero, propose to make a filing at the Board at least 30 days in advance of JCP&L's intention to implement the rate change in the ZECRC to zero. According to JCP&L, any excess balance

remaining at that point will be included in the Company's next RECCR filing.

The Company requested "that if future RECCR adjustments are required, rate changes be handled via a compliance filing, as the credit will fluctuate between Energy Years." The Company proposed to make a compliance filing "no later than 30 days prior to any change to the RECCR."

In the filing, JCP&L indicated that the total over-recovery to be returned to customers for Energy Year 2021 is \$1,759,431.00. This includes interest calculated at the Company's short-term debt rate.

On March 21, 2022, the New Jersey Division of Rate Counsel (Rate Counsel) filed a letter with the Board in this matter. In its letter, the Rate Counsel stated that it did not object to JCP&L's request to refund the excess of the 2020 Energy Year ZEC collection to its customers over a 12-month period. In addition, the Rate Counsel stated that it did not object to the proposed adjustment sought to the ZECRC for Energy Year 2022, but that it was unclear how a compliance filing with a 30-day notice would satisfy the Board's statutory public hearing notice requirements proposed adjusted rate would lead to an increase in rates.

Staff recommended the Board approve JCP&L's proposed ZECRC rate and tariff. Staff also recommended that the Board approve a revised total JCP&L ZECRC rate of \$0.004097 including SUT, for service rendered on and after May 1, 2022. As a result, a residential customer using approximately 650 kWh per month will see an increase of \$0.04 in their monthly bill.

Staff further recommended that the Board deny JCP&L's request that if future RECCR adjustments are required, rate changes be handled via a 30-day compliance filing.

Staff recommended that the Board direct JCP&L to file revised tariffs by May 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>

### 3. CABLE TELEVISION

There were no items in this category.

**4. TELECOMMUNICATIONS**

**A. Docket No. TO21121237 – In the Matter of the Broadband Access Study Commission (P.L. 2021, c. 161) – Staff Recommendation Hire a Consultant – Executive Session.**

**Lawanda R. Gilbert, Esq., Director, Office of Cable Television and the Office of Telecommunications,** presented these matter.

**BACKGROUND AND DISCUSSION:** This matter was first discussed in executive session, and Staff requested that the Board approve the recommendation as discussed in executive session.

**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>

**5. WATER**

There were no items in this category.

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

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

**Julie Ford-Williams, Director, Division of Customer Assistance and Michael Kammer, Director, Division of Water,** presented this matter.

**BACKGROUND AND DISCUSSION:** On February 3, 1986, the Board established a Utility Customer Bill of Rights (Bill of Rights). The Board subsequently made revisions to the Bill of Rights (Revised BOR) to reflect changes in the Board’s regulations and to include consumer protections issued by Governor Phil Murphy (Governor) in response to the COVID-19 pandemic (Executive Order Protections).

On October 16, 2021, the Board issued a clarifying order that incorporated the notice requirements of the legislation signed by the Governor on May 12, 2021 (Notice Requirements). The Clarifying Order requires the utility companies (Utility or Utilities) to provide residential utility customers (Customer or Customers) monthly notice of

their rights to utility services (Service or Services), along with additional requirements on the Utilities to report compliance to the Board.

Subsequently, the Board received several waiver requests from various Utilities seeking to be excused from certain sections of the Notice Requirements. The Board addressed these requests at its December 15, 2021 agenda meeting (December Agenda) when it also updated the Revised BOR to remove Executive Order Protections that had a December 31, 2021 expiration date (Updated BOR).

After the December Agenda, the shutoff grace period and payment plan provisions were extended by legislation for residential water, sewer, and municipal electric Customers to March 15, 2022. Under the December 2021 Legislation, the Utilities are required to offer a deferred payment plan to Customers who are facing disconnection due to non-payment. The plan would allow payments over a minimum of a 12-month period (or shorter if requested by the Customer) of any unpaid balance (Balance or Balances) accrued prior to March 15, 2022 without requiring a down payment, deposit, payment for reconnection costs, interest, or penalties (No Money Down Plan). Customers then have 30 days from the date the No Money Down Plan is offered to agree to the plan; otherwise, the Utilities are permitted to resume appropriate enforcement action, including disconnection of Services (Enforcement Action). The Board issued an order on January 12, 2022 revising the Updated BOR to correspond with the language of this statute.

On March 25, 2022, an amendment to the December 2021 Legislation was signed into law. The March Amendment extended protections for certain Customers and amended various sections of the December 2021 Legislation. The relevant changes made by the March Amendment include the following:

1. Sewer utility companies are required to offer eligible Customers a No Money Down Plan on any sewer utility charges accrued prior to March 15, 2022.
2. A Customer who, prior to June 15, 2022, has submitted an application to a State agency for benefits from a State-administered utility assistance program (Application) shall continue to receive Services for 60 days after the submission of the Application provided that no decision has yet been made on the Application (Pending Period).
3. A Customer who, prior to June 15, 2022, has submitted a fully completed Application, either at the time of submission or within the 60-day period referenced above, shall continue to receive Services until the appropriate State agency has approved or rejected the Application (Decision Date).
4. Any Customer who has submitted an Application and whose Services were discontinued between the period of March 15, 2022 and March 24, 2022 shall have Services restored immediately.
5. Once the Pending Period ends or after the Decision Date, which are determined by the Customer's Application status (Termination of Protection), the Utilities shall offer the Customer a No Money Down Plan for any Balance accrued up until either the date the Pending Period ends or the Decision Date, as applicable.

In addition to the amendments stated above, the March Amendment included Application processing and notice requirements for the respective State agencies

administering the utility assistance programs.

By letter dated February 17, 2022, the Dover Water Commission (Dover) requested a waiver of the monthly notice requirement of the January 2022 BOR Order. Dover explained that because bills are mailed quarterly to Customers, compliance with providing notice on a monthly basis and the translation requirement would significantly increase its expenses. Dover stated that Customers have access to the BOR through its website. Consequently, Dover requested the Board approve its waiver request to reduce the monthly notice requirement to quarterly.

Staff recommended that the Board revise the Updated BOR and direct the Utilities under its jurisdiction to apply the newly revised Updated BOR retroactively effective March 15, 2022, as follows:

1. You have the right to utility service if you are a qualified applicant.
2. You have the right to budget billing if you are a utility customer.
3. You have the right to apply for utility assistance programs, which may include arrearage forgiveness. Learn more by calling your utility company or by calling 2-1-1. Information is also available online at [www.nj211.org/utility-assistance-programs](http://www.nj211.org/utility-assistance-programs).
4. If you are an electric or gas utility customer who did not participate in the Winter Termination Program (WTP), current law requires the utility company to offer you a deferred payment plan payable over a minimum of 12 months with no down payment, deposit, reconnection costs, interest, or penalties (No Money Down Plan) on any unpaid balances accrued prior to December 31, 2021 or longer if you meet the requirements of numbers 7 and 8 below. You have the right to 30 days to agree to the payment plan before the utility company may begin the collections process.
5. If you are a water, sewer, or municipal electric utility customer or a WTP participant, current law requires the utility company to offer you a No Money Down Plan on any unpaid balances accrued prior to March 15, 2022 or longer if you meet the requirements of numbers 7 and 8 below. You have the right to 30 days to agree to the payment plan before the utility company may begin the collections process.
6. If for any reason you are not eligible for a No Money Down Plan, you are entitled to a deferred payment agreement under BPU's regulations (DPA). You have a right to at least one DPA within a 12-month period with a maximum down payment of 25 percent or less of your unpaid balance, unless current law states otherwise. The utility company shall offer you the same budget plan year, which will last 10, 11, or 12 months, except that the budget plan year for customers protected under the WTP shall be 12 months. Any deferred payment plan or agreement offered by the utility company to you must follow the current law and/or regulations of the BPU.
7. If you submit an application to a State agency for utility bill aid, but still need to provide documents or take some other action requested in the application, you have the right to 60 days from the date you submitted your application to provide

the documents and take the necessary steps to complete the application process. During this 60-day period, the utility company may not discontinue your service. These rights apply only if you submitted your application to the State agency before June 15, 2022.

8. If you submit an application to a State agency for utility bill aid with all the necessary documentation, either at the time you submitted the application or within 60 days from the date you submitted your application, and there is no other action required by you to complete the application process, you are protected from discontinuance of service from the date you submitted your application until the date after a decision of eligibility has been made on your completed application. This right applies only if you submit your application to the State agency before June 15, 2022.
9. If you are an electric, gas, water, and sewer utility customer whose service has been disconnected, but you can show you have applied to the Universal Service Fund, Low Income Home Energy Assistance, Payment Assistance for Gas and Electric, or Low Income Household Water Assistance for available benefits, the utility company must reconnect your service upon request and may not require a down payment, deposit, reconnection costs, interest, or penalties to do so.
10. You have the right to have any complaint you make against your utility company handled promptly by that utility company.
11. You have the right to have your utility complaints and concerns investigated. Your service may not be terminated for non-payment of disputed charges during a BPU investigation.
12. 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 BPU.
13. You have the right to a written notice of termination from your utility company at least 10 days prior to the discontinuance of service and only after the utility company has offered you a deferred payment plan based on current law and regulations of the BPU.
14. If you are a participant in an energy assistance program or an electric, gas, water, and/or sewer utility 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, you have the right to electric, gas, water, and/or sewer utilities service from November 15 to March 15 without fear of termination of such services if you are a participant under the WTP.
15. 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 of that dwelling.
16. 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.



17. Service may not be shut-off for non-payment of repair or merchandise charges. A utility company may not send you notice threatening discontinuance of your utility service based on these charges.
18. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.
19. A utility may not add late fees, interest, or liens on your account for late payments.
20. Your service may be shut-off only after proper notice has been given to you by the utility company and only on Monday through Thursday between the hours of 8:00 a.m. to 4:00 p.m. A utility may not shut-off your service on a Friday, Saturday, Sunday, a holiday or the day before a holiday, or if a valid medical emergency exists in your household.
21. You have the right to notification regarding any moratorium on rate increases.

Customers with questions may contact the Board at 1-800-624-0241.

Staff also recommended that the Board directs the Utilities to comply with the current law or regulations.

Staff further recommended that the Board Order the Utilities under its jurisdiction (to include in this case telecommunications companies) to continue to comply with the following Notice Requirements relative to the newly revised Updated BOR:

1. Provide all current Customers with a copy of the newly revised Updated BOR in its next billing cycle. Current Customers who receive a printed version of their bills shall be provided with the newly revised Updated BOR in a printed format on a monthly basis. Current Customers who receive their bills electronically shall be provided with the newly revised Updated BOR electronically on a monthly basis. Regardless of which delivery method employed, all Utilities shall, on a monthly basis for 18 months after the termination of EO 103, provide the newly revised Updated BOR to Customers in a form and manner that would maximize receipt by the Customers;
2. Provide all new Customers with a copy of the newly revised Updated BOR upon initiation of service;
3. Provide a translated version in addition to an English language version of the newly revised Updated BOR on a monthly basis in a printed format if the Customer currently receives bills in a printed format or for electronic billing Customers, the monthly email should include a link to the translated version of the newly revised Updated BOR along with access to the required English language version, where applicable.
4. In addition to providing the newly revised Updated BOR to the Customer in an appropriate format as set out above, the newly revised Updated BOR must also be prominently displayed on the Utilities' website, if applicable;

5. The Notice Requirements apply to all electric, gas, water, and incumbent local exchange telephone public utilities within the jurisdiction of the Board;
6. The Utilities shall report compliance with the Notice Requirements delineated in this order by May 1, 2022, detailing the method of distribution to Customers and describing all changes made to billing and collections operations in compliance with the applicable laws, and provide the Board with a copy of the English version of the newly revised Updated BOR that was sent by the Utilities to the Customers; and
7. For those Utilities required to provide a translated version of the newly revised Updated BOR, a copy of the translated version shall be included with the requirements set out in number 6 above.

As to Notice Requirements from the Utilities under the March Amendment, Staff recommended that the Board order the Utilities under its jurisdiction to provide information regarding the WTP, USF, LIHEAP, LIHWAP, and any other utility assistance programs administered by a State agency in any communication the Utilities have with a Customer in connection with an overdue utility bill.

As to the Termination of Protections, the March Amendment provides certain Customers protection from discontinuance of their Services; however, the Board recognizes that the possibility exists where a Utility may erroneously discontinue a Customer's Service notwithstanding the law. Accordingly, to address this possible inadvertency and consistent with the language of the law, Staff recommended that the Board declare the Utilities shall not be deemed in violation of the March Amendment where it can show the discontinuance was a direct result of:

- a. A State agency or the Customer failing to provide notice to the Utility of the submission or completion of an Application made by the Customer; or
- b. When a Utility determines in good faith the existence of a utility emergency that requires the discontinuance or interruption of Services to the Customer.

Lastly, Staff recommended the Board deny Dover's Waiver because the Board does not have the authority to waive a statutory requirement. Here, the requirement in the law is monthly notice to customers and the law does not provide any exceptions. However, should Dover wish to submit a proposal to Board with an alternative method of monthly notice, Staff recommended the Board take such proposal into consideration as it has in the past.

**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**

**A. Docket No. QO22020047 – In the Matter of FY22 Budget Modification for Rutgers Center for Green Building – Executive Session.**

Philip Chao, PhD, CEM, Climate Fellow, Division of Clean Energy, presented this matter.

**BACKGROUND AND DISCUSSION:** This matter was first discussed in executive session. On September 22, 2017, the Board authorized the President of the Board to execute a contract for the research and evaluation services between the Board and Rutgers Center for Green Building. This contract provides staffing and expertise and resources necessary to perform programmatic evaluations and cost-benefit analysis of the New Jersey Clean Energy Program and provides Staff with technical assistance on a range of energy efficiency and renewable energy issues.

The original contract term, which ran from November 1, 2017 to October 31, 2018, has been extended through seven contract amendments, the most recent one of which was extended, of which extended the contract to the end of this fiscal year, June 30, 2022.

This FY22 budget modification, attendant to the contract extension, does not change the total remaining budget that Staff established in October 2021, but shifts funds across budget categories to accommodate a change in services.

Staff recommended that the Board approve this FY22 budget modification for the Rutgers Center for Green Building. Staff also recommended that the Board authorize President Fiordaliso to execute the FY22 budget modification 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. Scott Hunter, Manager, Division of Clean Energy, presented these matters.**

**B. Docket No. QW22030128 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 – Order Waiving Administratively Determined Incentive Program Eligibility Rules;**

**In the Matter of Request for Determination of Eligibility in the Administratively Determined Incentive Program:**

**Docket No. QO22020073 – Mark and Juliene Featherman;**

**Docket No. QO22020042 – Ionut David;**

**Docket No. QO21121239 – Claribel Rosado;**

**Docket No. QO21121238 – Kewal Krishan; and**

**Docket No. QO22020033 – Andrew B. Sanford**

**BACKGROUND AND DISCUSSION:** This item relates to the Administratively

Determined Incentive program (ADI), and a need to waive the rules at Title 14, Chapter 8, Subchapter 11.4(b) two sets of projects.

In review of post-construction certification packages, the ADI registration processing team found approximately 250 solar projects had commenced construction prior to receipt of the notice of conditional registration. Additionally, the Board's received five petitions from solar, residential solar owners whose projects had commenced commercial operations prior to the opening of the ADI program registration portal on August 28, 2021.

The rule prohibition against starting construction prior to receiving a notice of conditional registration is designed to ensure that solar incentives go only to projects that need incentives. Additionally, this provision was designed to ensure that when confronted with the impending closure of a market segment in the ADI due to full subscription of a megawatt block, developers do not rush to construct in the hopes that commencement of construction without a valid registration would lock in an incentive value.

Staff believed that the circumstances surrounding the 250 projects are unique to the period during the fall and winter of 2021 when the registration processing team was given priority to reviewing Transition Incentive program registrations over ADI program registrations. As a result, there were delays in the issuance of notices of conditional registration in the ADI program and projects commenced construction before receiving the green light. We expect that there may be additional projects that are similarly situated, but we have yet to discover.

To address the projects that violate this section of the ADI rules, Staff recommended that:

- 1- With respect to the projects that commenced construction before receiving notice of initial registration, Staff recommended that the Board waive the prohibition against commencing construction prior to receipt of the ADI notice of conditional registration.
- 2- That the Board waive this provision of the rule through May 31, 2022; and
- 3- With respect to the five petitions where projects commenced commercial operations before the opening of the ADI registration portal, Staff recommended that the Board find good cause to grant the petitions waiving the rule and stipulating that the qualification life and the start date for Solar Renewable Energy Certificate-II creation for each of these projects begins on August 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>

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

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

**BACKGROUND AND DISCUSSION:** This matter related to the Transition Incentive program, or the TI program, and the need to clarify the rule requirement with respect to the submission of post-construction certification packages, Title 14, Chapter 8, Subchapter 10.4. There are over 3,300 TI projects which are scheduled to expire on April 30, 2022 and under a strict reading of the TI program rules, projects must submit a complete post-construction certification package by this deadline. The rules provide no opportunity to cure deficiencies.

The Board's TI registration process team reports some confusion and concern from developers over the post-construction certification requirements. Specifically, the process for curing any deficiencies in the post-construction certification package, or what is commonly called the final as-built paperwork.

TI eligibility rules require that facilities must commence commercial operations and submit a complete post-construction certification package prior to the expiration of the traditional registration. Each package must contain eight items to be submitted by the deadline, including a very detailed final as-built technical sheet.

Staff was concerned about post-construction certification packages submitted before the deadline that have deficiencies, but are not provided an opportunity to cure. The SREC registration program contained an opportunity for developers to cure deficiencies and finalize all paperwork that were filed with the quarterly registration expiration deadline, which worked well.

Staff recommended the Board clarify that a project with an active TI incentive registration that has submitted a post-construction certification package before the expiration date would be afforded an opportunity to cure a deficient submittal by relaxing the rules in Title 14, Chapter 8, Subchapter 10.4(f)(4).

Additionally, Staff recommended that registrants that achieved permission to operate and filed the post-construction certification package prior to the registration expiration date where the package is found to be deficient by the TI manager be provided 30 days from the date of the deficiency notice to cure the deficiencies.

**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. QO20020109 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2020 – June 30, 2021;**

**Docket No. QO21020626 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2021 – June 30, 2022; and**

**Docket No. QO22030140 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2022 – June 30, 2023.**

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

**BACKGROUND AND DISCUSSION:** This matter pertains to New Jersey's 2022, 2023 State Energy Program (SEP) Plan Proposal. Staff requested that the Board approve the Division of Clean Energy's proposed 2022 to '23 SEP plan, which represents a third year of the current three-year SEP program cycle.

The total SEP plan includes a proposed budget of \$4,420,620.00 in federal funding and \$589,170.00 in State match funds, including the federal funding and state match allocation for Program Years one and two, plus the new federal allocation of \$1,474,770.00.

For program year three, Staff proposed the continuation of current programs that would support the Board in its effort to meet the State's Energy Master Plan goals, as well as the SEP goals of using energy more efficiently and reducing the rate of growth in our energy consumption.

The proposal includes continued funding: a) development of a State Energy Security Plan; incorporating health and safety measures into energy efficiency upgrades through the Whole House Pilot Program; developing a roadmap to achieve the building sector decarbonization goals set forth in the EMP and other State authorities; c) and establishing a customer relationship management system to support the benchmarking program called for in the Clean Energy Act.

The program year three proposal would include no new funding for the non-IOU program that expanded eligibility of customers served by New Jersey's Clean Energy Program through the end of fiscal year 2021 and no new funding for training programs and conferences for Staff.

Staff noted that the non-IOU program was closed due to the transition of many energy efficiency programs to the utility companies, but Staff is exploring ways to continue to offer energy efficiency programs to customers not served by investor-owned utilities in the near future.

Staff recommended Board approval to submit the 2022 to 2023 State Energy Program plan application to the United States Department of Energy.

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

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

**9. MISCELLANEOUS**

There were no items in this category.

**EXECUTIVE SESSION**

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

**4. TELECOMMUNICATIONS**

**A. Docket No. TO21121237 – In the Matter of the Broadband Access Study Commission (P.L. 2021, c. 161) – Staff Recommendation to Hire a Consultant.**

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


**8. CLEAN ENERGY**

**A. Docket No. QO22020047 – In the Matter of FY22 Budget Modification for Rutgers Center for Green Building.**

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.

  
CARMEN D. DIAZ  
ACTING BOARD SECRETARY

Date: November 9, 2022