



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
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### **MINUTES OF THE REGULAR MEETING OF THE BOARD OF PUBLIC UTILITIES**

A regular Board meeting of the New Jersey Board of Public Utilities was held on November 9, 2022, via online @ <https://www.youtube.com/watch?v=bUQPuUvxODo>

Adequate notice of the meeting was provided pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.3. Notice was also provided in accordance with the requirements of N.J.S.A 48:2-32.8, and notice was posted to the Board's website and posted on the Board's bulletin board located at 44 South Clinton Ave., Trenton, New Jersey.

The following members of the New Jersey Board of Public Utilities were present:

Joseph L. Fiordaliso, President  
Mary-Anna Holden, Commissioner  
Dianne Solomon, Commissioner  
Robert M. Gordon, Commissioner  
Dr. Zenon Christodoulou, Commissioner

President Fiordaliso presided at the meeting and Carmen D. Diaz, Acting 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 December 7, 2022 at 10:00 a.m. and would be a hybrid meeting at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and livestreamed via YouTube.

**EXECUTIVE SESSION**

There were no items discussed in Executive Session.

## CONSENT AGENDA

### I. AUDITS

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

EE22100624L Acrobat Energy, LLC I – EA

EE15121362L Utility Services Advisory Group, Inc. I – EA

EE21091132L Valley Choice Energy Corp I – EA

*These matters relate to applications for an initial registration as an energy agent.*

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

EE21081044L Infinity Power Partners, LLC R – EA

*This matter relates to an application for a renewal registration as an energy agent.*

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

EE22070451L Catalyst Power & Gas, LLC I – ESL/GSL  
GE22070452L

*This matter relates to initial licenses as an electric power and natural gas supplier.*

**BACKGROUND:** The New Jersey Board of Public Utilities ("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. N.J.S.A. 48:3-78 to -79. 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 would 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. N.J.A.C. 14:4-5.8(g); N.J.A.C. 14:4-5.11(e). 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. N.J.S.A. 48:3-78 to -79; N.J.A.C. 14:4-5.6 to -5.7; N.J.A.C. 14:4-5.8 to -5.9, and N.J.A.C. 14:4-5.11.

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

- o Acrobat Energy, LLC
  - o Utility Services Advisory Group, Inc.
  - o Valley Choice Energy Corp
- In addition, Staff recommended that the following applicant be issued renewal registration as an energy agent:
    - o Infinity Power Partners, LLC
  - Lastly, Staff recommended Staff recommends that the following applicant be issued initial licenses as an electric power and natural gas supplier:
    - o Catalyst Power & Gas LLC

## II. ENERGY

### A. Docket No. EF22050349 – In the Matter of the Petition of Public Service Electric and Gas Company, Pursuant to N.J.S.A. 48:3-9 and N.J.A.C. 14:1-5.9, for Authority to Issue and Sell Short-Term Obligations Not Exceeding \$1.0 Billion Aggregate Principal Amount at Any One Time Outstanding Through January 3, 2025.

**BACKGROUND:** On May 24, 2022, Public Service Electric and Gas Company, a public utility of the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities ("Board") requesting authorization, pursuant to N.J.S.A. 48:3-9 and N.J.A.C. 14:1-5.9, to issue and sell: a) short-term obligations consisting of borrowings from banks, trust companies, insurance companies or other lenders; and b) promissory notes not to exceed \$1.0 billion in aggregate principal amount at any one time outstanding, through January 3, 2025 ("Petition").

After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and recommended approval of the Petition, subject to certain conditions which were set forth in the Board Order.

**B. Docket Nos. BPU GO17010023 and OAL PUC 01160-17 – In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulator Station Pursuant to N.J.S.A. 40:55D-19; and**

**Docket Nos. BPU GO18111257 and OAL PUC 17810-18 – In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulator Station Pursuant to N.J.S.A. 40:55D-19.**

**BACKGROUND:** On May 18, 2022, the New Jersey Board of Public Utilities (“Board”) received Administrative Law Judge Elia A. Pelios’s Initial Decision with a 45-day statutory period for review and issuance of a Final Decision by July 5, 2022 (“Initial Decision”). On June 8, 2022, the Board issued an Order extending the filing deadlines for exceptions to July 1, 2022, replies to July 25, 2022, and the Board’s Final Decision to August 19, 2022. On August 17, 2022, the Board issued an Order extending the filing deadlines for exceptions to July 5, 2022, replies to exceptions to July 29, 2022, and the Board’s Final Decision to October 3, 2022. On September 28, 2022, the Board issued an Order granting a 45-day extension for the Board to issue a Final Decision to November 17, 2022.

Board Staff (“Staff”) required additional time to review the Initial Decision, exceptions, replies to exceptions and the voluminous record. Staff recommended that the Board grant Staff’s request for an additional 45-day extension, delaying the Board’s Final Decision to January 3, 2023.

**C. Docket Nos. BPU EC22040301 and OAL PUC 03381-2022S – In the Matter of JAS Group Enterprises, Inc., Petitioner v. Public Service Electric & Gas Company, Inc. (PSE&G), Respondent.**

**BACKGROUND:** The Initial Decision in the above-captioned matter was received by the New Jersey Board of Public Utilities (“Board”) on September 29, 2022. The 45-day period in which the Board is to consider this matter and render a final decision was November 14, 2022.

Because additional time was required for Board Staff (“Staff”) and the Attorney General’s Office to review the Initial Decision and perform a full review of the record, Staff requested that the Board approve the request for a 45-day extension of the time in which the Board issues an order rendering a final decision, until December 29, 2022.

**III. CABLE TELEVISION**

**A. Docket No. CE19070826 – In the Matter of the Petition of Time Warner Cable New York City LLC, I/k/a Charter Communications, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Village of Ridgefield Park, County of Bergen, State of New Jersey.**

**BACKGROUND:** On October 23, 2013 Time Warner Cable New York City, LLC, I/k/a Charter Communications (“Charter”) filed an application with the Village of Ridgefield Park (“Ridgefield Park”) for the renewal of its municipal consent. On December 11, 2018, Ridgefield Park, after public hearing, adopted an ordinance granting renewal of Charter’s municipal consent (“Ordinance”). Charter formally accepted the terms and conditions of

the Ordinance on December 19, 2018. On July 17, 2019, pursuant to N.J.S.A. 48:5A-16, Charter filed with the New Jersey Board of Public Utilities ("Board") for a renewal of its Certificate for Ridgefield Park.

After review, Board Staff recommended approval of the Certificate. The certificate shall expire on November 16, 2032.

**B. Docket No. CE18101144 – In the Matter of the Petition of Time Warner Cable New York City LLC, I/k/a Charter Communications, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Teterboro, County of Bergen, State of New Jersey.**

**BACKGROUND:** On March 17, 2011, Time Warner Cable New York City, LLC, I/k/a Charter Communications ("Charter") filed an application with the Borough of Teterboro ("Teterboro") for the renewal of its municipal consent. On March 18, 2018, Teterboro adopted an ordinance granting renewal municipal consent to Charter ("Ordinance"). Charter formally accepted the terms and conditions of the Ordinance on May 2, 2018. On October 18, 2018, pursuant to N.J.S.A. 48:5A-16, Charter filed with the New Jersey Board of Public Utilities ("Board") for a renewal of its Certificate for Teterboro.

After review, Board Staff recommended approval of the Certificate. The certificate shall expire on November 16, 2032.

**IV. TELECOMMUNICATIONS**

There were no items in this category.

**V. WATER**

There were no items in this category.

**VI. RELIABILITY AND SECURITY**

There were no items in this category.

**VII. CUSTOMER ASSISTANCE**

There were no items in this category.

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

**A. Approval of the April 6, 2022 Minutes.**

**BACKGROUND:** Staff presented the minutes of the Board meeting of April 6, 2022 and recommended they be accepted.

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

**After appropriate motion, consent agenda items IA, IIA, IIIB, IIC, IIIA, and IIIB were 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**After appropriate motion, consent agenda item IXA 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Recused from vote</b>

## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

#### A. Docket No. ER22010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. RM22-14-000 – Improvements to Generator Interconnection Procedures and Agreements.

**Ryann Reagan, Office of Federal and Regional Policy**, presented this matter.

**BACKGROUND:** This matter related to the generator interconnection process and reciprocal rulemaking at the Federal Energy Regulatory Commission (“FERC”). On June 16, 2022 FERC issued a notice of proposed rulemaking (“NOPR”), proposing to reform FERC’s standards for generator interconnection procedures and agreements to address the existing interconnection queue backlogs, decrease uncertainty for interconnection customers and ensure nondiscriminatory treatment of new technology seeking to interconnect to the grid. FERC proposed to transition from a first come, first serve sequential review process a first ready, first serve cluster review approach to address the drastic and constantly increasing nationwide interconnection queue backlogs. FERC further proposed several reforms that would facilitate better coordination between States as planning entities, transmission developers, and transmission providers.

On October 13, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”), on behalf of the Board, filed comments in the generator interconnection NOPR proceeding at FERC in general support of the proposed reforms.

Staff recommended that the Board ratify the comments filed with FERC on October 13, 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>



**B. Docket No. ER22010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. ER22-2690 – PPL Electric Utilities PJM Interconnection, L.L.C.**

**Ryann Reagan, Office of Federal and Regional Policy**, presented this matter.

**BACKGROUND:** This matter related to the State Agreement Approach (“SAA”) cost allocation filing at the Federal Energy Regulatory Commission (“FERC”). On August 19, 2022, PJM Interconnection, LLC (“PJM”) transmission owners submitted a proposed SAA cost allocation methodology to FERC for approval. Under the FERC-approved SAA term sheet, the New Jersey Board of Public Utilities (“Board”) and the PJM transmission owners were required to work together and have PJM transmission owners file a cost allocation methodology to allocate the costs for any SAA projects selected by the Board. The PJM transmission owners and Board Staff (“Staff”) agreed that allocating costs on a load ratio shared basis to New Jersey load was the correct methodology and on August 19, 2022 they filed modifications to PJM’s tariff to incorporate these changes. On September 9, 2022, Staff filed comments supporting the PJM transmission owners filing. Additionally, the Long Island Power Authority; New York Power Authority; Neptune Regional Transmission System, LLC; Linden VFT, LLC; and Hudson Transmission Partners, LLC (collectively “Merchant Transmission Facilities”) filed comments on September 9, 2022 seeking clarification on certain tariff language because they believe that the costs could be allocated to them.

On September 22, 2022, FERC issued a deficiency letter to the PJM transmission owners seeking more information on the cost allocation tariff language and how it would allocate costs to a point of delivery at PJM’s boarder and be incorporated in PJM’s yearly boarder rate. On October 5, 2022, the PJM transmission owners filed their answer to the deficiency letter answering FERC’s questions by explaining that the costs would be allocated to those taking service on PJM’s border and not included in the calculation of the yearly border charge. The PJM transmission owners also asked FERC to promptly approve the cost allocation tariff changes. On October 7, 2022, Staff, on behalf of the Board, filed answers supporting the PJM transmission owners answer and responding to the Merchant Transmission Facilities’ request for clarification by explaining that costs would not be allocated to customers outside the State of New Jersey. On October 14, 2022, PJM filed comments supporting the PJM transmission owners filing and requested a quick decision by FERC.

Staff recommended that the Board ratify the comments filed on October 7, 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**C. Docket No. ER22010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. RM21-17-000 – Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection.**

**Ryann Reagan, Office of Federal and Regional Policy**, presented this matter.

**BACKGROUND:** On July 15, 2021 the Federal Energy Regulatory Commission (“FERC”) issued an advanced notice of proposed rulemaking (“ANOPR”) called Building the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection. FERC invited comments on various topics related to the transmission and interconnection reform processes. On April 21, 2022, FERC issued a notice of proposed rulemaking (“NOPR”), in the ANOPR docket that proposed an extensive set of reforms to transmission planning and cost allocation processes. On August 17, 2022 Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”), on behalf of the Board, submitted comments that supported most aspects of the NOPR, but opposed FERC’s proposal to restrict competition by reinstating the federal right of first refusal. On September 19, 2022, Staff on behalf of the Board, filed reply comments in response to other parties’ comments in this proceeding. Several parties also filed reply comments. The reply comments filed by PJM Interconnection, LLC (“PJM”) asserted that the Board’s initial comments over estimated “by orders of magnitude the interconnection costs savings that would result from a proactively planned portfolio designed to integrate all resources required by PJM’s State clean energy policies.” This assertion implied that such costs of the portfolio would not provide any meaningful benefit to ratepayers, thereby undermining the argument that FERC has the authority to proceed with reforms that Staff believes are in the interest of New Jersey, its ratepayers, and the broader PJM region. Staff, therefore, filed a motion for leave to reply and reply to PJM’s reply comments in order to correct the record and explain the Board’s analysis and demonstrate that FERC has legal authority to implement such reforms.

Staff recommended that the Board ratify the motion for leave to reply and reply to reply comments Staff filed with FERC on September 30, 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**D. Docket No. ER22030127 – In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2023.**

**Ryan Moran, Division of Water and Energy**, presented this matter.

**BACKGROUND:** This item related to recommendations from Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) for securing electric power supplies for Basic Generation Service (“BGS”) customers for the period beginning June 1, 2023.

By way of background, the Board issued an order on April 6, 2022 opening a proceeding to determine how to procure the remaining one-third of the State’s BGS-Residential and Small Commercial Pricing (“BGS-RSCP”) and the annual BGS-Commercial and Industrial Energy Pricing (“BGS-CIEP”) requirements for the period beginning June 1, 2023. The electric distribution companies (“EDCs”) made a joint filing on July 1, 2022. On September 2, 2022, the Board received initial comments on the proposal. The Board held a legislative type hearing on September 15, 2022 and on October 11, 2022, the Board received final comments on the proposal. Staff’s recommendations were set forth in the agenda memo and the Commissioner’s briefings, but Staff described several issues at the agenda meeting.

In the past several BGS proceedings, the EDCs proposed and the Board approved the use of a capacity proxy price for each EDC to be treated as the capacity price for the delivery years that have not yet had the base residual auction (“BRA”) results. In the proceeding, the EDCs, once again, proposed to use a capacity proxy price for the 2024/2025 and 2025/2026 delivery years as necessary. However, if the results of the BRA auction for the 2024/2025 or the 2025/2026 delivery years became known at least five (5) business days prior to the start of the BGS-RSCP auction, the EDCs asserted that the capacity proxy price for the applicable delivery year would no longer be needed and would be voided. As noted by the New Jersey Division of Rate Counsel (“Rate Counsel”) and the EDCs, some uncertainty remains for the upcoming BGS-RSCP auction regarding the BRA results for the 2024/2025 and 2025/2026 delivery years. Staff recommended that the Board approve the EDCs’ proposed capacity proxy prices for the 2024/2025 and 2025/2026 delivery years. However, Staff noted that should the prices for the 2024/2025 or 2025/2026 delivery years be known five (5) days prior to the BGS-RSCP auction, the capacity proxy price for the applicable delivery year will no longer be needed and should be voided.

In its initial comments, Axpo U.S. LLC, (“Axpo”) requested that the EDCs and the Board consider increasing transparency regarding contract valuation as contemplated in the Supplier Master Agreements (“SMAs”). Specifically, Axpo sought further clarity in the mark to market amount calculation information provided to suppliers. Axpo further requested that the EDCs provide daily exposure calculations to the BGS suppliers and replace the averaging of independent broker quotes with the Intercontinental Exchange (“ICE”), end of day marks which are public and transparent. The EDCs did not oppose either of the suggested changes by Axpo, but stated that the EDCs would provide the credit exposure calculations to the BGS-RSCP suppliers upon receipt of a request from a supplier. The EDCs also requested that should the Board approve Axpo’s recommendation to use a single source for the calculation of exposure, that the Board allow for the change to be made for all BGS-RSCP suppliers serving load as of June 1, 2023. The EDCs drafted an amendment that could be executed at the supplier’s option to implement the change mentioned above to the 2021 and 2022 BGS-RSCP SMAs. The

EDCs proposed that if the recommendation was approved, that the changes to the determination of the forward market energy prices only be implemented if all BGS-RSCP suppliers serving tranches won in 2021 and 2022 BGS-RSCP auctions elect to sign the amendment. If all previous suppliers do not elect to sign the amendment prior to the BGS-RSCP auction according to the timeline set forth in Supplement C of the BGS-RSCP SMA, the change would not go into effect for the prior BGS-RSCP SMA or for the BGS-RSCP SMAs to be executed following the 2023 BGS-RSCP auction. Staff recommended that the Board approve Axpo's request to increase transparency regarding contract valuation by providing mark to market credit exposure calculations to BGS-RSCP suppliers upon receipt of a request from a BGS-RSCP supplier for the calculated amount. Staff also recommended the Board approve Axpo's request to adopt a single source to determine the forward market energy prices for all BGS-RSCP suppliers that would be serving loads as of June 1, 2023. However, Staff noted that ICE does not need to be used as the single source. Staff recommended the Board approve Supplement C of the BGS-RSCP SMA, which would only take effect if all BGS-RSCP suppliers serving tranches won in 2021 and 2022 BGS-RSCP auctions execute the amendment. If not, all previous suppliers elect to execute the mark to market amendment prior to the BGS-RSCP auction according to the timeline set forth in Supplement C, to the BGS-RSCP SMA, the change would not go into effect for any BGS-RSCP supplier. Staff recommended the Board order the EDCs to notify Staff and Rate Counsel whether or not the changes are implemented by January 31, 2023.

The Board approved electric vehicle ("EV") programs for all EDCs and, according to the proposal, the EDCs are in the early stages of collecting data from the programs' EV installations. The EDCs claimed the data from the EDC EV program installation is either not available or insufficient to establish BGS rates for EV charging companies. Similar to last year, Electrify America requested that the Board direct each of the EDCs to submit options for volumetric capacity rates for EV direct current fast charging ("DCFC") stations in this proceeding for review and that the EDCs revise the way they set the initial capacity tags for DCFC stations. Both EDCs and Rate Counsel opposed any changes to the rate design for DCFCs in the instant proceeding. Staff stated that it did not believe there is currently enough information to establish a revenue neutral volumetric rate design and as such recommended the Board reject Electrify America's request. However, Staff expressed its concern with the pace of progress in proposing a vetted rate design and recommended that the Board direct Staff to work with the interested parties to come to a consensus in an attempt to find a rate design solution before the EDCs next BGS proposal. Staff also recommended the Board direct the EDCs to continue to collect data subject to customer consent and submit semiannual reports to the Board and Rate Counsel as agreed in their EV stipulations with the following information as it pertains to both residential EV and DCFC charging stations: The total energy consumed, capacity and transmission tags, measured demands, connected load, and the resulting load factor. Staff also noted the distribution side of residential EV charging was addressed in some of the EDCs EV proceeding and believes a BGS time of use rate can be created and recommended that the Board order the EDCs to create a similar solution on the residential supply side to take effect June 1, 2023. While Staff acknowledged the concerns of the EDCs and Rate Counsel regarding the need for additional information regarding capacity tags, Staff believed it was reasonable for the EDCs to reevaluate the initial capacity tags for DCFC stations after six (6) months. Staff recommended the Board order that, after the first six (6) months of operations of the DCFC station, the EDCs set the capacity tags for the remaining six (6) months based on the DCFC stations' actual usage.

With the modifications suggested, Staff recommended that the Board approve the

descending clock auction process, the auction rules, the Board approval process, and SMAs that are proposed by the EDCs. Staff also recommended the Board require each of the EDCs to file an amended BGS compliance filing by November 30, 2022 and authorize Staff to review the compliance filings and request that the Board Secretary issue a compliance letter if the filings are found to be compliant.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**E. Docket No. GR22080486 – In the Matter of the Petition of Marcal Manufacturing, LLC for a Three-Year Extension in Electric and Natural Gas Societal Benefits Charges.**

**Paul Lupo, Bureau Chief, Division of Water and Energy,** presented this matter.

**BACKGROUND:** On August 12, 2022, Marcal Manufacturing, LLC (“Marcal”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking a three (3) year extension in a Board-approved agreement governing the Societal Benefits Charge (“SBC”) that Marcal pays for electric and natural gas service provided by Public Service Electric and Gas Company (“PSE&G”) at its paper mill in Elmwood Park, New Jersey. Marcal’s SBC discounts were set to expire on December 1, 2022. On October 24, 2022, Marcal filed a letter with the Board requesting a temporary extension in the current SBC rates assessed to avoid any lapse in the current discounted rates. On October 25, 2022, the New Jersey Division of Rate Counsel filed comments not opposing temporary extension of the current SBC discount as the petition is under review and additional time is needed to complete a comprehensive review.

Since the timing of the petition did not permit sufficient time for the parties to review and make recommendations on the discounted SBC rates, Staff recommended that the Board issue an order temporarily extending the discounted electric and natural gas SBC rates, that Marcal pays for services rendered on or after December 1, 2022 until a final order is rendered in the matter.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**F. Docket No. GR22100657 – In the Matter of the Rate Schedule CSG Transportation Service Agreement Between Public Service Electric and Gas Company and Marcal Manufacturing, LLC.**

**Alice Bator, Director, Division of Audits**, presented this matter.

**BACKGROUND:** On November 16, 2015, the New Jersey Board of Public Utilities (“Board”) approved a rate schedule Contract Service Gas (“CSG”) agreement between Public Service Electric and Gas Company (“PSE&G”) and Marcal Manufacturing, LLC (“Marcal”) for a seven (7) year term, which was set to expire on December 1, 2022. On October 20, 2022, PSE&G and Marcal entered into an amended CSG agreement for natural gas service at its paper mill plant in Elmwood Park, New Jersey for a three (3) year period. On October 21, 2022, PSE&G filed a letter petition requesting approval of the amended CSG agreement and requested that portions of the amended CSG agreement be treated as confidential. On October 24, 2022, Marcal filed a motion to intervene in this matter. On October 25, 2022, PSE&G filed a letter with the Board requesting a temporary extension of the current CSG agreement to avoid the lapsing of Marcal’s current discounted rates on December 1, 2022. On October 25, 2022, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments not opposing Marcal’s motion to intervene and not objecting to PSE&G’s request for a temporary extension. Rate Counsel recommended that the temporary extension of the current CSG agreement be granted to permit the parties to conduct a comprehensive review of the petition.

Since the timing of the petition did not permit sufficient time for the parties to review and make recommendations on the amended CSG agreement, Board Staff (“Staff”) recommended that the Board issue an order temporarily extending the current CSG agreement between PSE&G and Marcal until a final order is rendered in the matter. Staff further recommended that the Board grant Marcal’s motion to intervene in the proceeding, which was not opposed by any party.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**G. Docket No. GR22060409 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism (“GSMP II”) (June 2022 GSMP II Rate Filing).**

**Paul Lupo, Bureau Chief, Division of Water and Energy**, presented this matter.

**BACKGROUND:** On June 30, 2022, Public Service Electric and Gas Company (“PSE&G”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of gas base rate changes to recover approximately \$27.94 million in revenue requirement associated with its extension of the Gas System Modernization Program (“GSMP II”) through August 31, 2022 not yet recovered in rates. PSE&G updated its

schedule to include actual GSMP II expenditures through August 31, 2022 which supported a revenue requirement of approximately \$22.97 million. The parties have executed a stipulation that would allow PSE&G to recover a revenue requirement of approximately \$22.97 million consistent with the update on a provisional basis subject to refund and a prudency review. As a result of the stipulation, a typical residential gas heating customer, using 172 therms in the winter and 1,040 therms annually would see an annual bill increase of \$12.60.

Board Staff ("Staff") recommended that the Board issue an order approving the stipulation and directing PSE&G to file revised tariffs by November 30, 2022 for service rendered on and after December 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</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

#### **A. Docket No. WT22080473 – In the Matter of the Petition of Middlesex Water Company for Approval of Changes in its Tariff for Water Service Pursuant to N.J.A.C. 14:1-5.11.**

**Michael Kammer, Director, Division of Water and Energy**, presented this matter.

**BACKGROUND:** On August 2, 2022, Middlesex Water Company ("Middlesex") filed a petition with the New Jersey Board of Public Utilities ("Board") seeking authority to make certain changes to its tariff. By letter dated August 29, 2022, the New Jersey Division of Rate Counsel stated that it did not object to Middlesex's request.

Board Staff ("Staff") recommended that the Board adopt Middlesex's proposed changes to its tariff.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**B. Docket No. WX19050612 – In the Matter of the 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 the Proposed Amendment to N.J.A.C. 14:9 Adoption by Reference of the Uniform System of Accounts for Wastewater (Sewer).**

**Michael Kammer, Director, Division of Water and Energy**, presented this matter.

**BACKGROUND:** The New Jersey Board of Public Utilities (“Board”) adopted final rules updating its Uniform Systems of Accounts (“USOA”) for water and wastewater utilities. The wastewater USOA was previously in effect since 1957. The water USOA was previously in effect since 1960. The Board adopted final rules updating the USOAs for both water utilities and wastewater utilities in the January 19, 2021 New Jersey Register. The updated USOAs were to become effective on January 1, 2022. By letters dated June 9, 2022 Middlesex Water Company and its wholly owned subsidiary, Pinelands Water Company and Pinelands Wastewater Company requested extensions from January 1, 2022 to January 1, 2023 for the effective date for the implementation of the updated USOAs. The New Jersey Division of Rate Counsel filed comments stating that they did not object to the requested waivers.

Board Staff (“Staff”) recommended that the Board grant the requested waivers.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>



**C. Docket No. WO22090558 – In the Matter of the Application for Approval of Services Agreement Amendment No. 2 and Extension to the Services Agreement for the Operation, Management, Maintenance and Repair of the City of Camden’s Water Supply and Sewer Collection Systems by and between American Water Operations and Maintenance, LLC and the City of Camden.**

**Michael Kammer, Director, Division of Water and Energy**, presented this matter.

**BACKGROUND:** On August 6, 2015, pursuant to the New Jersey Water Supply Public-Private Contracting Act (“Act”), the City of Camden (“City”) filed a petition with New Jersey-American Water Company, Inc. (“NJAWC”) seeking approval to enter into a public-private contract with the operation and maintenance of the City’s water and waste water system within the City with NJAWC. The New Jersey Board of Public Utilities (“Board”) does not normally have jurisdiction over the City because it does not serve outside of the City, but the Board does have jurisdiction, along with the Department of Community Affairs and the Department of Environmental Protection over certain contracts entered into by municipalities and other unregulated entities and regulated entities and in this case it is an unregulated subsidiary of NJAWC. The Board approved the existing contract on December 16, 2015. The City and NJAWC implemented the services agreement’s terms and condition contract for three (3) years of a 10 year term. During the first three (3) years of operation, the City and NJAWC identified certain provisions of the service agreements that required revisions. Following the negotiations, the City and NJAWC agreed to an amendment of the existing agreement. The City’s council adopted a new ordinance authorizing the filing of an application with the local finance board for the approval of the amendment pursuant to the Act. On June 25, 2018, the City filed a petition with the Board for approval of amendment one, which the Board approved on October 29, 2018. On September 6, 2022, the City filed a new petition with the Board seeking approval of a second agreement and extension of the services agreement.

Board Staff (“Staff”) recommended approval of the amendment with the following conditions: Any extension of the contract beyond the 15 year extension or pursuant to N.J.S.A. 58:26-24(c)(4); and any amendment of the contract changing formula or other basis for determining the charges contained therein shall be subject to Board review and approval.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Recused from vote</b>

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

There were no items in this category.

**8. CLEAN ENERGY**

**A. Docket No. QO21010085 – In the Matter of Modernizing New Jersey's Interconnection Rules, Processes, and Metrics.**

**Paul Heitmann, Division of Clean Energy,** presented this matter.

**BACKGROUND:** For clean energy to be attached to the grid at an accelerated pace and as effectively and efficiently as possible, New Jersey's interconnection rules and processes require updates. To identify the necessary interconnection rules update, the New Jersey Board of Public Utilities ("Board") authorized a contract with Guidehouse, who developed a systematic research and stakeholder engagement program that spanned five (5) stakeholder meetings, encouraged submittal of written comments, and culminated in a final report containing the results of Guidehouse's research and requested key findings and nine (9) recommendations. The recommendations contained in the Guidehouse report are categorized as near term and longer term. For the near term, recommendations (one through four in the report) are relatively straightforward, including incorporating the latest interconnection standards, streamlining and updating the interconnection application process, standardizing utility hosting capacity maps, and instituting a pre-application process for projects greater than 500 kilowatts in size. Longer term recommendations five (5) through nine (9) in the report are generally more complex and require additional stakeholder input and analysis and collective debate. The recommendations include establishing an information tariff, efficiently sequencing interconnection requests, reforming interconnection cost allocation, requiring utilities to submit integrated distribution plans, and establishing rules for connecting and operating hybrid energy systems.

Board Staff ("Staff") made three (3) recommendations. First, Staff recommended that the Board accept the Guidehouse report and authorize its release to the public. Second, Staff recommended the Board direct Staff to release, for public comment, a draft of the proposed rule change language for the near term recommendations for public comment in order to expedite the rulemaking process for these recommendations. Third, Staff recommended that the Board direct Staff to initiate a process that would obtain the analysis and stakeholder input and facilitate the collective data needed to result in initiating a rulemaking process for the longer term recommendations as soon as practical.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

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

**Docket No. QO22010025 – In the Matter of the Verified Petition of PowerFlex Solar, LLC for a One-Year Extension of the Expiration Date of the Conditional Acceptance in the Solar Transition Incentive Program NJSTRE1547408589;**

**Docket No. QO22010024 – In the Matter of the Verified Petition of ESNJ-PF-LOGAN, LLC for a One-Year Extension of the Expiration Date of the Conditional Acceptance in the Solar Transition Incentive Program Project NJSTRE1547451208;**

**Docket No. QO22040319 – In the Matter of the Petition of Advanced Solar Products on behalf of NJR Clean Energy Ventures III Corporation for an Extension in the Solar Transition Incentive Program NJSTRE1545426311 – Advanced Solar Products Egan Properties;**

**Docket No. QO22050352 – In the Matter of the Petition of Arosa Solar Energy Systems, Inc. for an Extension in the Transition Incentive Program Green Solar, LLC 3718 Church Road Laurel Brook NJ NJSTRE1545184425;**

**Docket No. QW22030125 – In the Matter of the Request for Waiver and Extension of Time to Complete Projects in the Transition Incentive Program – PowerFlex ProLogis Hello Fresh Project NJSTRE1545426120;**

**Docket No. QO22030126 – In the Matter of the Request for Waiver and Extension of Time to Complete Projects in the Transition Incentive Program – Safari Energy, LLC Projects NJSTRE1547411693; NJSTRE1547398301; NJSTRE1547442363; NJSTRE1547442316; NJSTRE1547442369; NJSTRE1547442358; NJSTRE1547442331; NJSTRE1547442281; NJSTRE1547442323, NJSTRE1547415143;**

**Docket No. QO22030231 – In the Matter of the Petition Request for Waiver and Extension of Time to Complete Projects in the Transition Incentive Program – Prologis Services Logistics, Inc. and PowerFlex Systems NJSTRE1545942372, NJSTRE1545943973, NJSTRE1545945597, NJSTRE1547462058, NJSTRE1547275802, NJSTRE1547276312, NJSTRE1547207271;**

**Docket No. QO22040232 – In the Matter of the Petition of Sunwealth, LLC Request for Waiver and Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Multiple Non-Residential Rooftop and Carport Solar Project NJSTRE1547207739;**

**Docket No. QO22090565 – PosiGEN Request for Waiver of Final Submission Deadline and Approval of Deficiency Correction Extension to June 30, 2022 for Post-Construction TREC Certifications 149 Residential Solar Projects;**

**Docket No. QO22070437 – In the Matter of the Petition of the ECS Energy, LTD and CEN-MED Enterprises Inc. for an Extension of Expiration Date in the Transition Incentive Program CEN-MED Enterprises, Inc. NJSTRE1547264171;**

**Docket No. QO22070450 – In the Matter of the Petition of the Evergreen Energy for an Extension of the Expiration Date in the Transition Incentive Program for its Project Innova Atlantic WH Operations, LLC NJSTRE1547207364;**

**Docket No. QO22080475 – In the Matter of Request for Extension of TREC Eligibility by Advanced Solar Products Inc. for HP Scotch Road, LLC NJSTRE1547357945;**

**Docket No. QO22080483 – In the Matter of the Verified Petition of Harrah's Boulevard I Solar Project 2021, LLC and Harrah's Boulevard II Solar Project 2021, LLC Seeking an Extension of Time to Complete NJSTRE 1547398378 and 1547399293 in the Transition Incentive Program and Waiver of N.J.A.C. 14:8-10.4(f)(4)(ii)(2) – (the "Verified Petition") Harrah's Resort & Casino Atlantic City's Meeting Center and Valet Garage Net Metered Rooftop and Canopy Solar Project and Self Park Garage Net Metered Canopy Solar Project, City of Atlantic City;**

**Docket No. QO22080482 – In the Matter of the Verified Petition of Pacific Avenue I Solar Project 2021, LLC and Pacific Avenue II Solar Project 2021, LLC Seeking an Extension of Time to Complete NJSTRE 1547357861 and 1547393672 in the Transition Incentive Program and Waiver of N.J.A.C. 14:8-10.4(f)(4)(ii)(2) (the "Verified Petition") Caesars Atlantic City Hotel & Casino's Colosseum and Temple Net Metered Canopy Solar Projects, City of Atlantic City;**

**Docket No. QO22080488 – In the Matter of Request for Extension of TREC Eligibility for TI Application Nos. NJSTRE1547351962 and NJSTRE1547352275;**

**Docket No. QO22080487 – In the Matter of the Request for Extension of TREC Eligibility for TI Application Number NJSTRE1547322414, Liberty Drug, 195 Main Street, Chatham Township, Morris County, New Jersey 07928;**

**Docket No. QO22080509 – In the Matter of the Petition of Ecology Energy NJ IV, LLC for an Extension of the Expiration Date in the Transition Incentive Program for its Project at 201 South Main Street NJSTRE1557296320;**

**Docket No. QO22080538 – In the Matter of the Petition of Ecology Energy NJ IV, LLC for an Extension of the Expiration Date in the Transition Incentive Program for its Project at 1540 W Park Avenue NJSTRE1547455648;**

**Docket No. QO22080514 – In the Matter of the Verified Petition of PowerFlex Solar, LLC for an Order Approving the Waiver and Extension of the Solar Transition Incentive Program Permission to Operate Deadline for New Jersey's Clean Energy Program NJSTRE1547412138;**

**Docket No. QO22080516 – In the Matter of the Short Form Petition of Dey Road Solar Project 2021, LLC Seeking an Extension of Time to Complete NJSTRE1547407577 in the Transition Incentive Program and Waiver of N.J.A.C. 14:8-10.4(f)(4)(ii)(2), if Needed (the "Short Form Petition") Saint Gobain Net Metered Rooftop Solar Project;**

**Docket No. QO22070462 – In the Matter of the Petition of Canal Road Solar Partners for an Extension of the Expiration Date in the Transition Incentive Program for its Project at 701 Randolph Road NJSTRE1547265156;**

**Docket No. QO22070471 – In the Matter of the Petition of Canal Road Solar Partners for an Extension of the Expiration Date in the Transition Incentive Program for its Ground Mount Project at 701 Randolph Road NJSTRE1547265757;**

**Docket No. QO22080539 – In the Matter of Request for an Extension of Time to Complete NJSTRE1547449994 in Transition Incentive Program and Waiver of N.J.A.C. 14:8-10.4(f)(4)(ii)(2) – North Brunswick Carolier Lane Solar, LLC;**

**Docket No. QO22080546 – In the Matter of Verified Petition of Presidential Place Realty, LLC for an Extension of Time to Complete a Six-Rooftop Multi-Family Project located at President Drive in Lebanon, NJ, 08833 and Registered in the Transition Incentive Program: NJSTRE1547439926 (Building 1) NJSTRE1547451075 (Building 2) NJSTRE1547451203 (Building 3) NJSTRE1547455670 (Building 4) NJSTRE1547451989 (Building 5), and NJSTRE1547455618 (Building 6);**

**Docket No. QO22080544 – In the Matter of the Verified Petition of PowerFlex Systems LLC for an Order Approving the Waiver and Extension of the Solar Transition Renewable Energy Certificate Program Deadline for United Natural Food Inc's Rooftop Solar Generation Projects in Howell NJSTRE1547462345 NJSTRE1547522643;**

**Docket No. QO22040259 – In the Matter of the Request for Waiver and Extension of Time to Complete NJSTRE1547253964 in Transition Incentive Program – Pivot Energy Commercial Solar, LLC for Williams Sonoma/Jamesburg Project;**

**Docket No. QO22070444 – In the Matter of the Petition of Pivot Energy for an Extension of the Expiration Dates of Two Projects in the Transition Incentive Program located at 152 US Highway 206 Hillsborough Township NJSTRE1547393209 NJSTRE1547393282; and**

**Docket No. QO22070440 – In the Matter of the Petition of Ampericon for an Extension of the Expiration Date in the Transition Incentive Program for its Project at 1257 Springfield Ave Ampericon NJSTRE1545785680.**

**Scott Hunter, Division of Clean Energy, presented this matter.**

**BACKGROUND:** The Transition Incentive ("TI") Program was approved by an Order issued by the New Jersey Board of Public Utilities ("Board") dated December 6, 2019 to serve as an opportunity for incentive for solar projects after the closure of the legacy Solar Renewable Energy Certificate ("SREC") program until the opening of the Successor Solar Incentive ("SuSI") Program. The interim nature of the TI Program was continuously reinforced since inception of the TI Program. Consistent with the interim nature of the program, there were no provisions for extension of incentive eligibility in the Board order or rules for the program. All projects in the TI Program, except those conditionally certified as Subsection (t) projects, were provided one (1) year to complete and commence

commercial operations and submit post-construction certification packages. The incentives in the TI Program were developed from cost data collected in the legacy SREC program from 2017 through 2019. The projects anticipated to be served by the TI Program were primarily those registered in the legacy SREC program that were not expected to meet the statutory deadline for closure. The Board determined that the State's installed capacity provided 5.1 percent of our retail electricity consumption in May 2020, closing the legacy SREC program and opening the TI Program. By order dated July 28, 2021, the Board directed Board Staff ("Staff") to close the TI Program to new registrations on August 27, 2021. At the same agenda meeting, the Board also established the Administratively Determined Incentive ("ADI") Program within the SuSI Program and directed Staff to begin accepting registrations on August 28, 2021. The vast majority of the registrations for the projects covered by the petitions were submitted in the last week before the registration window closed. The petitions frequently cited general supply chain, municipal permitting, and routine interconnection issues, as well as some unique circumstances that were within the control of the petitioning developer or the host site.

Staff carefully reviewed the petitions and found a similar fact pattern among the causes of their inability to meet the one (1) year deadline required for TI Program eligibility. The projects were not mature enough to meet the TI deadlines and were not delayed by unforeseen interconnection upgrades required by their local electric distribution company as addressed in the June 8 order, known as the Gibbstown case that provided an extension opportunity for similarly situated projects.

Staff made the following three (3) recommendations. First, Staff recommended that the Board find that the petitioners have not established adequate factual basis or demonstrated good cause justifying waiver of the Board's rules. Second, Staff recommended that the Board find that the petitioners should not receive extensions for the subject projects. Finally, Staff recommended that for the projects that have commenced commercial operations after the TI deadlines, but before submitting an ADI registration, that the Board waive the Board's rules in the ADI Program that requires that they receive a notice of conditional registration in this program prior to commencing construction.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**C. 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. QO21081093 – CEP Renewables LLC/Changewater Solar Farm LLC.**

**Scott Hunter, Division of Clean Energy, presented this matter.**

**BACKGROUND:** This item related to a Subsection (t) application from CEP Renewables LLC (“CEP”) to have its Changewater Solar Farm project certified as being located on a brownfield pursuant to Subsection (t) of the Solar Act of 2012. The applicant’s proposed 54.8 megawatt dc project is proposed to be located on 97.63 acres at the former Getty Pipe Company terminal in Washington Township in Warren County, New Jersey. Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) reviewed the application and supplied a copy to the New Jersey Department of Environmental Protection (“NJDEP”) for their review. Staff subsequently received an advisory memo on the application where the NJDEP determined that the proposed site is a brownfield as defined by the Solar Act. The NJDEP also provided specific conditions and requirements for permits and approvals from the NJDEP that the project has satisfied.

Based upon the review of the application and the advisory memorandum provided by NJDEP, Staff recommended that the Board: 1) grant conditional certification of the Changewater Solar Farm project as proposed from the former Getty Pipe Company terminal on property defined as a brownfield consistent with the Solar Act of 2012; 2) find that the conditions for certification provided by the NJDEP must be fully documented as satisfied by the applicant prior to Staff’s issuance of full certification; and 3) direct the applicant to file its TREC registration within 14 days of 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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**D. Docket No. QO22100635 – 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 – Novitium Energy/Edgewater Borough.**

**Scott Hunter, Division of Clean Energy, presented this matter.**

**BACKGROUND:** This matter related to an application submitted by Novitium Energy (“Novitium”) for remote net metering at the Edgewater Borough project. The Clean Energy Act of 2018 directed the New Jersey Board of Public Utilities (“Board”) to establish an application and approval process to certify public entities to act as a host customer for

remote net metering capacity within 120 days of enactment. In compliance with this directive, the Board approved such a process and the public entity certification by order dated September 17, 2018. On April 29, 2022, Novitium submitted a remote net meeting application for Edgewater Borough to the Board Secretary's office. The application included a fully executed public entity certification agreement and interconnection application part one executed by the Edgewater Borough administrator as a representative of the customer generator. The certification agreement further specified that the primary host account is the Edgewater Borough Community Center where the proposed 251.1 kilowatt solar electric generation facility will be located. The agreement also indicates that the Borough's City Hall will be serving as the sole receiving customer account and be allocated 100 percent of the credits from the proposed solar installed. On April 29, 2022, Public Service Electric and Gas Company ("PSE&G") was provided the application for remote net metering. PSE&G reviewed the application and found that the application for interconnection and the public entity certification agreement and provided no objections.

Board Staff ("Staff") recommended that the Board find that the applicant has proposed a solar electric generation facility consistent with the size limits established by the Board's September 2018 remote net metering order. Staff further recommended that the Board find that the proposed solar electric generation facility described in the application satisfies the criteria set out by the Board and the remote net metering order and approve the public entity certification agreement for the Edgewater Borough project.

**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 Gordon</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>

**9. MISCELLANEOUS**

There were no items in this category.

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



SHERRI L. GOLDEN  
BOARD SECRETARY

Date: September 18, 2023