



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

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 June 7, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ https://www.youtube.com/watch?v=-W_6tLi8gLg

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 newspapers of broad circulation in the State of New Jersey.

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

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dr. Zenon Christodoulou, Commissioner
Christine Guhl-Sadovy, Commissioner
Marian Abdou, Commissioner

President Fiordaliso presided at the meeting and Sherri L. Golden, 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 June 29, 2023 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

After appropriate motion, the following matters, which involved N.J.S.A. 10:4-12(b)(7) attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

2. RELIABILITY AND SECURITY

B. Docket No. EO22090609 –In the Matter of a Request for Quotation Related to Oversight of the Basic Generation Service (BGS) Auction Process.

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

BACKGROUND: Since 2002, the electric distribution companies (“EDCs”) have utilized an auction process approved by the New Jersey Board of Public Utilities (“Board”) for the procurement of the needed supply of Basic Generation Service (“BGS”). For each of the BGS Auction procurements conducted since 2002, the Board has utilized a consultant to oversee and monitor the BGS Auction process on behalf of the Board and Board Staff (“Staff”).

On April 12, 2023, the Board authorized the issuance of a Request for Quotation (“RFQ”) to hire a consultant to perform oversight of the BGS Auction process beginning July 1, 2023. An evaluation committee was formed consisting of staff from the Division of Water and Energy, Division of Budget and Fiscal, the General Counsel’s Office and the Executive Director’s Office (“Evaluation Committee”). One (1) proposal was received and the Evaluation Committee determined that the proposal conformed to the RFQ. After scoring, the Evaluation Committee determined that Bates White, LLC (“Bates White”) should be awarded the contract.

Staff recommends the following:

1. That the Board concur with the Evaluation Committee’s recommendation that Bates White be awarded the contract for oversight of the BGS Auction process.
2. That the Board enter into a contract with Bates White.
3. For each year of the contract with Bates White under this contract award, the Board directs that each EDC include the cost of the Board’s BGS consultant’s contract in the tranche fees collected from winning bidders. Each EDC’s percentage of the cost will be based on its total load in the BGS-Residential Small Commercial Pricing Auction.
4. The Board direct the EDCs to transfer the full amount of the contract costs based on these percentages to the Department of Treasury upon written request by Board Staff.

4. TELECOMMUNICATIONS

A. Docket No. TO23030128 – In the Matter of a Request for Quotation for Provision of Telecommunications Relay Service.

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

BACKGROUND: This matter is regarding the provision of telecommunications relay services, which provides the ability for deaf and hard of hearing or speech impaired persons to place telephone calls to persons who are not impaired.

Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval for the release of a Request for Quotations (“RFQ”) to solicit proposals from qualified vendors for the provision of Telecommunications Relay Services (“TRS”) in New Jersey. TRS functions as a point of translation between hearings and/or speech impaired individuals who use a teletype (“TTY”) device or a computer to communicate with non-impaired telephone users.

Staff is requesting today the Board's approval to issue an RFQ, or request for quotation, for the provision of the telecommunications relay service or TRS. As the current contract which we currently have expires in September of 2023. This RFQ will request the solicitors to provide bids to provide the four services that are currently offered under the contract, the traditional TRS, the captioned telephone service or Cap Tel, the relay conference captioning, or RCC, and the speech to speech service or STS. Staff is now recommending that the Board approve the release of the RFQ to the, to solicit bids from qualified vendors. Following the receipt of those bids, we will then come back to the Board to request approval of the selected vendor.

7. TELECOMMUNICATIONS

A. Docket No. EO23050278 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) –Payment Assistance for Gas and Electric (PAGE) Program.

Tony Iskander, Division of Customer Assistance, presented this matter.

BACKGROUND: This matter concerns the New Jersey Board of Public Utilities’ (“Board” or “NJBPU”) Payment Assistance for Gas and Electric (“PAGE”) Program (“Program”), which provides electric and natural gas credits to low-to-moderate income households in need of assistance paying their utility bills who submit an application under the Program.

Due to the forthcoming expiration of the current PAGE contract, Staff is recommending the Board put the administration of PAGE out for bid again at this time.

In order to initiate that process, Staff recommends that the Board approve a notice of grant availability for filing with New Jersey Office of Administrative Law for publication in the New Jersey Register to solicit bids from nonprofit organizations seeking to administer PAGE on a going forward basis.

Therefore, Staff recommends that the Board approve the notice for filing with the OAL for publication in the New Jersey Register.

CONSENT AGENDA

I. AUDITS

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

EE23030171L ENERGY ZEBRA, LLC I – EA

EE23030130L Great Energy 1 Corp. I – EA

EE23020066L Highland Resource Group L.L.C. I – EA/PA/EC
GE23020067L

EE23050274L A Better Way Services, Inc. I – EA/EC
GE23050277L d/b/a ABW Energy & Gas Inc.

Summary: These matters relate to applications for an initial registration as an energy agent, private aggregator, and/or energy consultant.

Electric Power and/or Natural Gas Supplier Initial Licenses

EE23030135L New Wave Energy, LLC I – EGSL
GE23030136L

EE22100633L N THERM, LLC I – EGSL
GE22100634L

Summary: These matters relate to applications for an initial license as an electric power and/or 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 (“TPS”) 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. 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 timely file annual information update forms and renewal fees for 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 recommends that the following applicants be issued initial registrations as an energy agent, private aggregator and/or energy consultant:

- ENERGY ZEBRA, LLC
- Great Energy 1 Corp.
- Highland Resource Group L.L.C.
- A Better Way Services, Inc. d/b/a ABW Energy & Gas Inc.

In addition, Staff recommends that the following applicant be issued initial licenses as an electric power and/or natural gas supplier:

- New Wave Energy, LLC
- N THERM, LLC

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE21020477 – In the Matter of the Petition of Comcast of Central New Jersey II, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Far Hills, County of Somerset, State of New Jersey

BACKGROUND: This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting a Renewal Certificate of Approval be issued to Comcast of Central New Jersey II, LLC (“Comcast”) for the Borough of Far Hills (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

A. Docket No. BPU WO22010004 and OAL PUC 00319-22- In the Matter of the Petition of New Jersey American Water Company for a Determination Concerning Fenwick Water Tank Pursuant to N.J.S.A. 40:55D-19.

BACKGROUND: On May 1, 2023, the New Jersey Board of Public Utilities (“Board”) received Administrative Law Judge (“ALJ”) Tricia Caliguire’s Initial Decision with a 45-day statutory period for review and issuance of a Final Decision by June 15, 2023 (“Initial Decision”).

Board Staff (“Staff”) requests additional time to review the Initial Decision in anticipation of the parties filing exceptions, replies to exceptions, and the voluminous record. Staff recommends that the Board grant Staff’s request for a 45-day extension, delaying the final day for the Board to issue its Final Decision to July 31, 2023.

B. Docket No. BPU WR22030138 and OAL PUC 02047-22-In the Matter of the Petition of Middlesex Water Company for Approval to Change the Levels of its Purchased Water Adjustment Clause Pursuant to N.J.A.C. 14:9-71, et seq.

BACKGROUND: On April 27, 2023, the New Jersey Board of Public Utilities (“Board”) received Administrative Law Judge (“ALJ”) Jacob S. Gertsman’s Initial Decision with a 45-day statutory period for review and issuance of a Final Decision by June 11, 2023 (“Initial Decision”).

Board Staff (“Staff”) requires additional time to review the Initial Decision and the voluminous record. Staff recommends that the Board grant Staff’s request for an additional 45-day extension, delaying the Board’s Final Decision to July 26, 2023.

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

There were no items in this category.

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

After appropriate motion, consent agenda items IA, IIIA, VA, and VB were approved.

| | | |
|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

AGENDA

1. AUDITS

NO ITEMS FOR CONSIDERATION

2. ENERGY

A. Docket No. ER23010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – FERC Docket No. ER23-1609 PJM Interconnection, L.L.C. Request to Delay Upcoming RPM Auctions

Ryann Reagan, Division of Energy, presented this matter.

BACKGROUND: On April 11, 2023, PJM Interconnection, LLC (“PJM”) filed proposed amendments to its Open Access Transmission Tariff (“Tariff”) with the Federal Energy Regulatory Commission (“FERC” or “Commission”) to delay upcoming capacity market auctions. Specifically, PJM requested that the 2025/2026 Delivery Year through the 2028/2029 Delivery Year Base Residual Auctions (“BRAs”) be delayed until major capacity market reforms can be developed, approved by FERC, and implemented in all future auctions.

On May 2, 2023, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) filed comments in protest of PJM’s filing (“Comments”). The Comments cite the filing’s deficiency in proving the delays are just and reasonable and maintain that the unidentified reforms, and therefore speculative potential benefits, of the delays do not outweigh the costs. Staff also expressed concern that the upcoming 2025/2026 BRA should proceed as planned as under the proposal, the capacity auction would run only one-year prior to the start of the Delivery Year.

Staff recommends that the Board ratify the Comments filed by Staff on May 2, 2023.

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| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

B. Docket No. EO22090609 – In the Matter of a Request for Quotation Related to Oversight of the Basic Generation Service (BGS) Auction Process- Selection of Consultant

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

BACKGROUND: Since 2002, the electric distribution companies (“EDCs”) have utilized an auction process approved by the New Jersey Board of Public Utilities (“Board”) for the procurement of the needed supply of Basic Generation Service (“BGS”). For each of the BGS Auction procurements conducted since 2002, the Board has utilized a consultant to oversee and monitor the BGS Auction process on behalf of the Board and Board Staff (“Staff”).

On April 12, 2023, the Board authorized the issuance of a Request for Quotation (“RFQ”) to hire a consultant to perform oversight of the BGS Auction process beginning July 1, 2023. An evaluation committee was formed consisting of staff from the Division of Water and Energy, Division of Budget and Fiscal, the General Counsel’s Office and the Executive Director’s Office (“Evaluation Committee”). One (1) proposal was received and the Evaluation Committee determined that the proposal conformed to the RFQ. After scoring, the Evaluation Committee determined that Bates White, LLC (“Bates White”) should be awarded the contract.

Staff recommends the following:

1. That the Board concur with the Evaluation Committee’s recommendation that Bates White be awarded the contract for oversight of the BGS Auction process.
2. That the Board enter into a contract with Bates White.
3. For each year of the contract with Bates White under this contract award, the Board directs that each EDC include the cost of the Board’s BGS consultant’s contract in the tranche fees collected from winning bidders. Each EDC’s percentage of the cost will be based on its total load in the BGS-Residential Small Commercial Pricing Auction.
4. The Board direct the EDCs to transfer the full amount of the contract costs based on these percentages to the Department of Treasury upon written request by Board Staff.

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

| | | |
|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

C. Docket No. ER22020038 – In the Matter of the Petition of Atlantic City Electric Company to Reconcile and Update the Level of its Non-Utility Generation Charge and its Societal Benefits Charge (2022)

Mike Kammer, Director, Division of Water and Energy, presented to matter

BACKGROUND: On February 1, 2022, Atlantic City Electric Company (“ACE” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of changes to its Non-Utility Generation Charge (“NGC”) and two (2) components of its Societal Benefits Charge (“SBC”): 1) the Clean Energy Program (“CEP”) component; and 2) the Uncollectible Accounts (“UNC”) component (“2022 NGC/SBC Petition”).

Through the course of the proceeding, ACE updated the 2022 NGC/SBC Petition to include actual information through March 31, 2022 (“March 2022 Update”). According to the March 2022 Update, the net impact of adjusting the NGC and the CEP and UNC components of the SBC rates (including SUT) would result in an overall annual rate decrease of approximately \$43.978 million.

By Order dated May 18, 2022, the Board approved a stipulation for provisional rates executed by the Company, Board Staff (“Staff”) and the New Jersey Division of Rate Counsel (collectively, “Parties”). The May 2022 Order authorized ACE to implement the rates in their March 2022 Update with the exception of the NGC.

The Parties have now executed a Stipulation of Settlement (“Stipulation”) requesting that the Board approve changes in the NGC and SBC on a final basis.

Staff recommends that the Board issue an Order approving the Stipulation. Staff further recommends that the Board order ACE to file tariffs consistent with the Order by June 21, 2023.

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

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|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

A. Docket No. TO23030128- In the Matter of the Request for Quotation (RFQ) for the Provision of Telecommunications Relay Service (TRS)-Executive Session.

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

BACKGROUND: On Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval for the release of a Request for Quotations (“RFQ”) to solicit proposals from qualified vendors for the provision of Telecommunications Relay Services (“TRS”) in New Jersey. TRS functions as a point of translation between hearings and/or speech impaired individuals who use a teletype (“TTY”) device or a computer to communicate with non-impaired telephone users.

Staff is requesting today the Board's approval to issue an RFQ, or request for quotation, for the provision of the telecommunications relay service or TRS. As the current contract which we currently have expires in September of 2023. This RFQ will request the solicitors to provide bids to provide the four services that are currently offered under the contract, the traditional TRS, the captioned telephone service or Cap Tel, the relay conference captioning, or RCC, and the speech to speech service or STS. Staff is now recommending that the Board approve the release of the RFQ to the, to solicit bids from qualified vendors. Following the receipt of those bids, we will then come back to the Board to request approval of the selected vendor.

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

| | | |
|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

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. EO23050278– In the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 and N.J.S.A. 46:30B-74(b) - Payment Assistance For Gas and Electric (PAGE) Program

Tony Iskander, Division of Customer Assistance, presented this matter.

BACKGROUND: This matter concerns the New Jersey Board of Public Utilities’ (“Board” or “NJBPU”) Payment Assistance for Gas and Electric (“PAGE”) Program (“Program”), which provides electric and natural gas credits to low-to-moderate income households in need of assistance paying their utility bills who submit an application under the Program.

Due to the forthcoming expiration of the current PAGE contract, Staff is recommending the Board put the administration of PAGE out for bid again at this time.

In order to initiate that process, Staff recommends that the Board approve a notice of grant availability for filing with New Jersey Office of Administrative Law for publication in the New Jersey Register to solicit bids from nonprofit organizations seeking to administer PAGE on a going forward basis.

Therefore, Staff recommends that the Board approve the notice for filing with the OAL for publication in the New Jersey Register.

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

| | | |
|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

8. CLEAN ENERGY

A. DOCKET NO. EO12090832V-In the Matter of the Implementation of L. 2012, c. 24, the Solar Act of 2012

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

Docket No. QO20100660 Southern Ocean Waretown Solar Farm, LLC – Subsection (t), Block 6, Lots 4.04 & 4.05; Block 7, Lots 1.01, 2, 3, 5 & 6.01

Diane Watson, Division of Clean Energy, presented to this matter.

BACKGROUND: On August 18, 2021, CEP Renewables (“Applicant”) submitted a revised application for the Southern Ocean Waretown Solar Farm, LLC project originally submitted on October 16, 2020. The Applicant requests that the Board of Public Utilities (“Board”) have its 18.7776 MWdc project certified as being located on a “properly closed sanitary landfill” pursuant to N.J.S.A. 48:3-87(t) [“Subsection (t)” of the Solar Act]. The proposed Southern Ocean Waretown Solar Farm, LLC project is to be constructed on the Southern Ocean Sanitary Landfill site (“Property”) at Block 7, Lot 1.01, 1060 Wells Mills Road, Ocean Township, Ocean County, New Jersey.

The application was provided to the New Jersey Department of Environmental Protection (“NJDEP” or “Department”) on August 30, 2021, for a review of property classification and any environmental requirements for constructing solar on the site.

Following review of the application and the advisory memorandum provided by NJDEP on February 14, 2023, Board Staff (“Staff”) recommends that the Board grant conditional certification of eligibility for Transition Renewable Energy Certificates (“TRECs”) based on the NJDEP determination that the Southern Ocean Waretown Solar Farm, LLC proposed for Block 7, Lot 1.01 is located on property defined as a “properly closed sanitary landfill” consistent with the Solar Act of 2012. As a condition of this approval, the Board should require Applicant to provide revised corrected maps with its initial TI Program registration package that show the facility will be located on Block 7, Lot 1.01.

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

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|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

B. Docket No. QO23040261 – In the Matter of Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000.00- Equinix .Inc.

Dustin Wang, Program Specialist I, Division of Clean Energy, presented this matter.

BACKGROUND: Equinix, Inc. (“Company”) operates a data center in Secaucus, which is undergoing installation of a fuel cell system (“Project”). The Company submitted an application (#68261) under the Fiscal Year 2022 (“FY22”) Combined Heat and Power & Fuel Cell (“CHP-FC”) Program pursuant to the New Jersey’s Clean Energy Program (“NJCEP”) Energy Efficiency and Renewable Energy Program Plan Filing for FY22. In accordance with Docket No. EO07030203 (May 3, 2013), the Company requests approval from the New Jersey Board of Public Utilities (“Board”) of a financial incentive of \$1,000,000 for the installation of the fuel cell system at 105 Enterprise Avenue South, Secaucus, New Jersey 07094. The Project has an estimated total cost of \$7,132,125.

The fuel cell system consists of three (3) 250 kilowatt (kW) and one (1) 200 kW solid oxide fuel cells from Bloom Energy to be installed at the Company’s Secaucus data center. The system efficiency is 47.9% and will have black start and islanding capabilities.

The Project is anticipated to annually produce 8.322 megawatt-hours of electricity and have an estimated annual energy cost savings of \$563,209.89. The estimated payback period without incentives is 12.66 years; when factoring in the incentives, the estimated payback period is reduced to 7.6 years.

Board Staff (“Staff”) recommends approval of the application for the total estimated incentive amount of \$1,000,000 and issuance of a standard commitment letter to the applicant, setting forth the terms and conditions of this commitment.

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

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|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

C. Docket No. QO20100630 – In the Matter of Declaring Transmission to Support Offshore Wind a Public Policy of the State of New Jersey.

DECISION-This matter was deferred.

D. Docket No. QO220080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewal Energy Certificates (OREC)

Andrea Hart, Division of Clean Energy, presented this matter

BACKGROUND: Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) recommends that the Board extends the application submission deadline to 5:00 p.m. Eastern Time on August 4, 2023 for all qualified bidders (“Applicants”) to submit applications to the Board for consideration in the third offshore wind solicitation (“Third Solicitation”).

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

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|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

9. MISCELLANEOUS

A. Docket No. AO20060471– In the Matter of the New Jersey Board of Public Utilities Response to the COVID-19

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

BACKGROUND: On July 2, 2020, the New Jersey Board of Public Utilities (“Board”) issued an Order authorizing the State’s utilities to create a COVID-19 regulatory asset by deferring incremental, prudently incurred, COVID-19-related costs for a determined period of time (“Regulatory Asset Period”).¹

The July 2020 Order required, among other things, that all affected utilities file a petition with the Board by December 31, 2021, or within 60 days of the close of the Regulatory Asset Period, for regulatory asset rate recovery, or in the alternative, to defer rate recovery until a future rate case.

Through a series of Orders, the Board extended the Regulatory Asset Period until March 15, 2023, and the deadline to file for the recovery of costs related thereto until July 17, 2023. The Board also ordered the utilities to file a formal plan detailing the access and use of state and federal funds, arrearage and disconnection reduction strategies, arrearage recovery efforts, savings due to COVID-19 related changes, et al., during the Regulatory Asset Period.

After conducting a comprehensive review of the previous Orders related to this matter, including the comments and replies concerning the July 2022 Order, Board Staff (“Staff”) recommends that the Board issue an Order establishing filing requirements for cost recovery of the COVID-19 regulatory asset balances, independent of a base rate case proceeding.²

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

| | | |
|------------------------|-----------------------------------|----------------|
| Roll Call Vote: | President Fiordaliso | Aye |
| | Commissioner Holden | Aye |
| | Commissioner Christodoulou | Aye |
| | Commissioner Guhl-Sadovy | Abstain |
| | Commissioner Abdou | Abstain |

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

A handwritten signature in cursive script, reading "Sherril L. Golden".

SHERRI L. GOLDEN
BOARD SECRETARY

Date: 11-17-2023