



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 July 12, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ https://www.youtube.com/watch?v=FGuyZ-QPG_U

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

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 August 16, 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.

8. CLEAN ENERGY

A. Docket No. QO22100663 –In the Matter of the Wave and Tidal Energy Feasibility Study

Kevin Nedza, Division of Clean Energy, presented this matter.

BACKGROUND: On April 12, 2023, the Board approved the release of a request for response for a State university to undertake the Wave and Tidal Energy Feasibility study. This study will include a comprehensive analysis of the feasibility of using wave and tidal energy as sources of clean energy within the State.

Specifically, the selected college or university will: Perform a literature review to build upon prior efforts to assess wave and/or tidal energy resources; conduct numerical modeling studies to provide a theoretical assessment of New Jersey's wave and tidal energy resources along its shoreline; provide additional analysis and recommendations, including specific locations that are best suited for wave or tidal energy generation, along with overview of technologies that can be of use to harness this energy; and provide a final report for consideration by the Board.

Staff recommends that the Board approve Staff's recommendation on engaging Rutgers University for the purpose of completing the feasibility study. Staff also recommends that the Board authorize President Fiordaliso to execute a Memorandum of Understanding with Rutgers University on behalf of the Board.

B. Docket No. QO22120740 – In the Matter of the Development of a Second Offshore Wind Strategic Plan Pursuant to Executive Order Numbers 8, 92, 307

Kira Lawrence, Division of Clean Energy, presented this matter.

BACKGROUND: In April 2018 the Board issued an RFQ for the development of New Jersey's first Offshore Wind Strategic Plan and subsequently awarded a contract to Ramboll US Corporation. In September 2020, the Board approved the first Offshore Wind Strategic Plan which created a roadmap for New Jersey in pursuit of its then 7 and a half gigawatts of offshore wind generation procurement goal. Since the release of New Jersey's first Offshore Wind Strategic Plan, the Board made two offshore wind project awards in solicitation two in June of 2021. Governor Murphy, through Executive Order 307 increased New Jersey's offshore wind procurement goal to 11 gigawatts in September '22 and the Board awarded, through the State Agreement Approach a suite of transmission projects that collectively provide a coordinated transmission solution for 6,400 megawatts of offshore wind generation in October 2022. Additionally, major port and supply chain development activities are underway at the New Jersey Wind Port and in the Port of Paulsboro.

Given the rapidly changing offshore wind energy landscape in New Jersey and along the eastern seaboard, on April 12, 2023 the Board authorized the release of an RFQ prepared by Staff in consultation with the Department of Environmental Protection and the Economic Development Authority to solicit the services of a qualified consultant to assist Staff in the development of a

second Offshore Wind Strategic Plan which will inform the responsible development of offshore wind in New Jersey and guide New Jersey in achieving its offshore wind energy objective in future solicitations. The evaluation committee determined that the proposal from Ramboll America's Engineering Solutions, Incorporated, Ramboll, represented the best value to the Board, price and other factors considered.

Staff recommends that the Board approve the contract with Ramboll, subject to final approval by treasury, for consulting services to assist with the development of the second Offshore Wind Strategic Plan in accordance with the RFQ and the proposal submitted by Ramboll.

CONSENT AGENDA

I. AUDITS

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

EE23030176L UTILIZ SERVICES LLC I – EA/EC

GE23030177L

This matter relates to an application for initial registration as an energy agent and energy consultant.

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

EE20030237L Electric Choice, Inc. 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

EE23010018L Think Energy, LLC I – EGSL

GE23010019L f/k/a ENGIE Retail, LLC

GE23030153L Northeastern Power & Gas, LLC I – GSL

These matters relate to applications for an initial license as an electric power and/or natural gas supplier

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 timely file annual information update forms and renewal fees for their licenses and registrations in order to continue to do business in New Jersey.

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

- o UTILIZ SERVICES LLC

In addition, Staff recommended that the following applicant be issued renewal a registration as an energy agent:

- o Electric Choice, Inc

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

- o Think Energy, LLC f/k/a ENGIE Retail, LLC

Lastly, Staff recommended that the following applicant be issued initial license as a natural gas supplier:

- o Northeastern Power & Gas, LLC

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

A. Docket No. CE20060385 – In the Matter of the Petition of Comcast of Plainfield, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and

Maintain a Cable Television System in and for the Borough of South Plainfield, County of Middlesex, State of New Jersey

BACKGROUND: This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting an Automatic Renewal Certificate of Approval to Comcast of Plainfield, LLC (“Comcast”) for the Borough of South Plainfield (“Borough”) for a term of 10 years. Board Staff (“Staff”) recommends approval.

Board Staff (“Staff”) recommends approval.

B. Docket No. CE22060382 – In the Matter of the Comcast of Central New Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of South Brunswick, County of Middlesex, State of New Jersey

BACKGROUND: This matter 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, LLC (“Comcast”) for the Township of South Brunswick (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

C. Docket No. CE22060378 – In the Matter of the 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 Bernardsville, County of Somerset, State of New Jersey

BACKGROUND: This matter relates 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 Bernardsville, County of Somerset, State of New Jersey

Board Staff (“Staff”) recommends approval.

D. Docket No. CE21040697 – In the Matter of the Application of CSC TKR, LLC d/b/a Cablevision of Morris for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable Television System in the Township of Allamuchy, County of Warren, 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 CSC TKR, LLC d/b/a Cablevision of Morris (“Cablevision”) for the Township of Allamuchy (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

A. Docket No. TF23030156 – In the Matter of the Verified Amended Petition of PEG Bandwidth NJ, LLC and Uniti National LLC for Approval to Participate in Certain Financing Arrangements

BACKGROUND: On April 12, 2023, PEG Bandwidth NJ, LLC (“PEG NJ”) and Uniti National LLC (“Uniti National”) (together, “Petitioners”) submitted an Amended Verified Petition to the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:3-7 and 48:3-9, requesting approval for PEG-NJ and Uniti National to participate in certain new Financing Arrangements and the 2023 Modified Revolving Credit Facilities.

Board Staff (“Staff”) recommends approval.

V. WATER

A. Docket No. BPU WO22030138 and OAL PUC 02047-2022 S – 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. 14:9-7.1, 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”).

On June 7, 2023, the Board approved a 45-day extension of time to adequately review the record in this matter, setting the date for final Board action on July 26, 2023.

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 a second additional 45-day extension, delaying the Board’s Final Decision to September 11, 2023.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS23060351K, GS23060352K, ES23060353K, ES23060354K, GS23060355K, GS23060356K, GS23060357K, GS23060358K, GS23060359K, GS23060360K, GS23060361K, GS23060362K, GS23060363K, and GS23060364K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter involves settlements of alleged violations of the Underground Facility Protection Act (“Act”) by both excavators and underground facility operators. This matter does not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction are failure to properly mark facilities, not having a valid markout ticket, and failure to use reasonable care when excavating. There are 14 settlements in the attached Appendix, which total \$42,000.

Staff of the New Jersey Board of Public Utilities (“Staff”) recommends approval of the settlements provided in the attached Appendix so that these cases can be brought to closure.

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 June 8, 2022 Minutes;
Approval of the June 29, 2022 Minutes; and
Approval of the July 13, 2022 Minutes.**

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

After appropriate motion, consent agenda items IA, IIIA, IIIB, IIIC, IIID, IVA, VA, and VIA

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

After appropriate motion, consent agenda items: IXA

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Christodoulou	Abstain
	Commissioner Guhl-Sadovy	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. RM22-7 Notice of Proposed Rulemaking re: Applications for Permits to Site Interstate Electric Transmission Facilities.**

Ryann Reagan, Division of Energy, presented this matter.

BACKGROUND: On December 15, 2022, the Federal Energy Regulatory Commission issued a notice of proposed rulemaking that proposed revisions to the regulations and governing applications for electric transmission facilities siting permits intended to modernize requirements and facilitate more efficient review of permit applications. The proposed rulemaking would align FERC regulations with recent amendments to Section 216 of the Federal Power Act which granted FERC a vast off siting authority for national interests electric transmission corridor projects. On May 17, 2023, Board Staff filed comments in general support of the commission's proposed rulemaking. The comments highlighted the need for the commission to clearly define how State input will be treated and considered in the decision making process when the backstop authority is utilized. The comments also generally supported the use of national corridor projects and the newly granted authority that will hopefully increase national corridor designations. Additionally, the comments supported advanced environmental justice reporting processes and the commission's new code of conduct for applicants.

Staff recommends that the Board ratify the comments filed by Staff on May 17, 2023.

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

- B. Docket No. ER21060872 – In the Matter of the Jersey Central Power & Light Company's Verified Petition to Establish a New Rate Component of Its Rider RRC – RGGI Recovery Charge ("Rider RRC") for Costs Incurred Pursuant to the Mandated Community Solar Program ("JCP&L Initial CSP Rate Filing")**

Malike Cummings, Division of Water and Energy, presented this matter.

BACKGROUND: on June 1, 2021, Jersey Central Power and Light Company filed a petition with the Board seeking approval of the company's proposed cost recovery mechanism for the Community Solar Energy Pilot Program. The parties executed a stipulation of settlement that recommends establishing an incorporating a CSP component of zero dollars including sales and use tax within JCP&L's electric Rider RRC, RGGI recovery charge. Staff recommends that the

Board approve the stipulation. Staff further recommends that the Board direct JCP&L to file revised tariffs consistent with the stipulation by July 31, 2023, effective August 1, 2023.

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	Aye

C. Docket No. ER22100667 and GR22100668 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Tax Adjustment Credit and Gas Tax Adjustment Credit (“2022 TAC Filing”)

Malike Cummings, Division of Water and Energy, presented to matter

BACKGROUND: On October 31, 2022 Public Service Electric and Gas Company filed a petition with the Board seeking approval for electric and gas base rate changes associated with the Electric Tax Adjustment Credit and the Gas Tax Adjustment Credit to establish revised rates for 2023. The company's proposed revisions were based on actual information through June 2022 and forecasted to December 2023. Following discovery, the company updated its revenue requirements incorporating actual results to December 31, 2022 and forecasts for January 1, 2023 through December 31, 2023. The parties executed a stipulation of settlement recommending approval of the Electric Tax Adjustment Credit Rates proposed in the October 2022 petition and approving the Gas Tax Adjustment Credit rates proposed in the March 2023 update. As a result of the stipulation, the annual impact on a typical residential electric customer would be an increase of \$6.72. The annual impact on the typical residential gas heating customer would be a decrease of \$21.66.

Staff recommends the Board issue an order approving the stipulation. Staff further recommends that the Board direct PSE&G to file tariffs consistent with the order by July 30, 2023 for rates effective August 1, 2023.

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	Aye

D. Docket No. GW22050359 – In the Matter of the Waiver Request of New Jersey Natural Gas Company to File a Petition for a Review of the Original Service Agreement and First Amendment between New Jersey Natural Gas and Essential Power OPP, LLC.

Malike Cummings, Division of Water and Energy, presented to matter

BACKGROUND: On May 19, 2022, New Jersey Natural Gas Company filed a petition with the Board requesting a waiver of the requirement to file a petition for review of the prudence of the Agreement for Service Classification Firm Transportation and the first amendment to Service Agreement for Service Classification FT between the company and Essential Power OPP, LLC. If the request for a waiver is granted, New Jersey Natural Gas would maintain the current rates

as set forth in the existing original Service Agreement and the First Amendment. On May 31, 2023, the New Jersey Division of Rate Counsel submitted a comment letter addressing this matter. Board Staff has reviewed this matter and believes the company's request is reasonable, in the public interest, and in accordance with the law. Staff believes that the current rates that are being charged under the original Service Agreement and the First Amendment are reasonable at this time.

Staff recommends that the Board waive the requirement for the company to file a petition for a review of the prudence of the Original Service Agreement and the First Amendment. Staff further recommends that the Board direct New Jersey Natural Gas to evaluate the need to create a separate tariff for large electric generators and include testimony addressing this issue in its next base rate case petition.

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	Aye

E. Docket No. EO23020086 – In the Matter of the Verified Petition of Energo Power & Gas LLC for a Proceeding to Address Jersey Central Power & Light UFE Settlement Issue

Malike Cummings, Division of Water and Energy, presented to matter

BACKGROUND: On February 13, 2023, Energo Power and Gas, LLC filed a petition with the Board requesting an expedited proceeding to address JCP&L's alleged incorrect unaccounted for energy adjustments currently involved in a PJM resettlement process. On March 6, 2023, JCP&L filed an answer and motion to dismiss arguing that Energo failed to identify any legal authority upon which it seeks to have the Board intervene in a wholesale billing issue, which according to JCP&L is under the jurisdiction of FERC and not the Board. On March 16, 2023, Energo filed a response wherein it clarified that Energo is not asking the Board to direct PJM to act. Instead, its petition focused on the actions of JCP&L, a public utility that the Board has jurisdiction over including billing issues. On March 23, 2023 JCP&L filed a reply to Energo's response reiterating its request to dismiss the petition.

Staff recommends that the Board find that the issues raised in the petition concern the PJM Settlement C process governed by PJM tariff and PJM operating agreement. Staff also recommends that the Board find the petition lacks any legal authority for the Board to interfere in the ongoing PJM Settlement C process concerning a FERC wholesale billing issue. Staff recommends that the Board grant JCP&L's motion to dismiss and dismiss Energo's petition.

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	Aye

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket No. WO23050294– In the Matter of the Township of Rockaway’s Asset Management Program with Utility Service, Inc.

Mike Kammer, Director of Water and Energy, presented this matter.

BACKGROUND: On May 16, 2023, pursuant to the New Jersey Water Supply Public-Private Contracting Act, the Water Act, the Township of Rockaway filed a petition for approval of a contract with Utility Service Company, Inc. for tank maintenance services. The Board does not otherwise have jurisdiction under Rockaway and Rockaway simultaneously filed its petition with the Board, the Department of Community Affairs, Division of Local Government Services, Local Finance Board, and the DEP. DCA approved the public-private contract at its June 12, 2023 agenda meeting and by letter dated June 23, 2023 the New Jersey Division of Rate Counsel advised that it did not object to Board approval of the contract. The DEP has 60 days to complete its review and file comments with the Board.

Staff recommends that the Board approve the contract, subject to the following conditions: Any extension of the contract beyond the terms per tank or pursuant to the Water Act, any amendment to the contract to change the formula or other basis of determining 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.

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

B. Docket No. WR22120745– In the Matter of the Petition of Aqua New Jersey Inc. for Approval to Defer Certain Costs Related to the Replacement of Lead Service Lines and other Related Approvals

Mike Kammer, Director of Water and Energy, presented this matter.

BACKGROUND: On July 22, 2021, Governor Murphy signed the Lead Service Line Replacement Law which, among other things, required that an investor owned public community water system submit to the Board for approval at the same time as its next general rate proceeding petition that includes a proposal for cost recoupment of lead service lines. On December 23, 2022 Aqua Water New Jersey filed a petition requesting authorization to defer certain costs related to the replacement of non-company side lead service line as a regulatory asset until the company's next rate case filing. The parties have executed a stipulation agreeing that Aqua is authorized to defer the costs associated with the replacement of customer owned lead service lines until its next rate

case so that the Board can consider whether and to what extent such costs can be included in rates. Staff recommends that the Board adopt the stipulation.

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	Aye

C. Docket No. 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 January 4, 2022 New Jersey Water Company, New Jersey American Water Company filed a petition seeking a determination that the construction of a proposed water tank to replace a smaller, aging water tank owned by New Jersey American at 426 Mendham Road, Block 5, Lot 5 in the Borough of Bernardsville is reasonably necessary for the service, convenience, and welfare of the public. New Jersey American further sought a determination that any ordinances, rules, or regulations promulgated under the auspices of the Municipal Land Use Law should not apply to the construction of the proposed water tank. The borough's zoning board of adjustment previously denied New Jersey American Water request for certain variances related to the construction of the proposed water tank.

The matter was transmitted to the Office of Administrative Law for hearings as a contested case where it was assigned to Administrative Law Judge Tricia M. Caliguire. After public and evidentiary hearings and the submission of briefs by the parties, ALJ Caliguire concluded: The proposed water tank is reasonably necessary to provide safe, adequate, and reliable service, water services in New Jersey; the proposed water tank is reasonably necessary for the service, convenience, and welfare of the public; the petitioner adequately considered alternative methods to building the proposed water tank; the petitioner adequately considered alternative sites for the proposed water tank; the location of the proposed water tank is reasonable considering the alternatives and based upon the record the proposed water tank is not adverse to the environment, public health, or to the public welfare.

Rate counsel filed exceptions to the initial decision as well as the Intervenor and Participant. New Jersey American Water and Rate Counsel filed reply exceptions. Rate counsel concluded that petitioner's request for relief pursuant to N.J.S.A. 40:55D-19 should be granted. Staff recommends that the Board denies the request to overturn ALJ's letter order barring portions of Howard Woods' testimony.

Staff further recommends that the Board approve the initial decision without modification and grant New Jersey American's request to construct the proposed water tank.

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	Recused
	Commissioner Guhl-Sadovy	Aye

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. QO22100663-In the Matter of the Wave and Tidal Energy Feasibility Study

Kevin Nedza, Division of Clean Energy, presented this matter.

BACKGROUND: This item has to do with the Wave and Tidal Energy Feasibility Study. The potential power, predictability, and dependability of wave and tidal energy patterns make these resources promising potential sources for supplying renewable clean energy, which could potentially contribute to New Jersey's renewable energy portfolio. However, the industry itself and the technologies to harness this energy are rather immature and currently not capable of supplying energy at grid scale.

On April 12, 2023, the Board approved the release of a request for response for a State university to undertake the Wave and Tidal Energy Feasibility Study. This study will include a comprehensive analysis of the feasibility of using wave and tidal energy as sources of clean energy within the State. Specifically, the selected college or university will: Perform a literature review to build upon prior efforts to assess wave and/or tidal energy resources; conduct numerical modeling studies to provide a theoretical assessment of New Jersey's wave and tidal energy resources along its shoreline; provide additional analysis and recommendations, including specific locations that are best suited for wave or tidal energy generation, along with overview of technologies that can be used to harness this energy; and provide a final report for consideration by the Board. This study represents an important first step in gauging the potential for marine hydrokinetic resources to contribute to the State's clean energy portfolio.

Staff recommends that the Board approve Staff's recommendation on engaging Rutgers University for the purpose of completing the feasibility study.

Staff also requests that the Board authorize President Fiordaliso to execute a memorandum of understanding with Rutgers University on behalf of the Board.

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	Aye

B. Docket No. QO221120740– In the Matter of the Development of a Second Offshore Wind Strategic Plan Pursuant to Executive Order Numbers 8, 92, and 307

Kira Lawrence, Division of Clean Energy, presented this matter.

BACKGROUND: In April 2018 the Board issued an RFQ for the development of New Jersey's first Offshore Wind Strategic Plan and subsequently awarded a contract to Ramboll US Corporation. In September 2020, the Board approved the first Offshore Wind Strategic Plan which created a roadmap for New Jersey in pursuit of its then 7 and a half gigawatts of offshore wind generation procurement goal. Since the release of New Jersey's first Offshore Wind Strategic Plan, the Board made two offshore wind project awards in solicitation two in June of 2021. Governor Murphy, through Executive Order 307 increased New Jersey's offshore wind procurement goal to 11 gigawatts in September '22 and the Board awarded, through the State Agreement Approach a suite of transmission projects that collectively provide a coordinated transmission solution for 6,400 megawatts of offshore wind generation in October 2022. Additionally, major port and supply chain development activities are underway at the New Jersey Wind Port and in the Port of Paulsboro.

Given the rapidly changing offshore wind energy landscape in New Jersey and along the eastern seaboard, on April 12, 2023 the Board authorized the release of an RFQ prepared by Staff in consultation with the Department of Environmental Protection and the Economic Development Authority to solicit the services of a qualified consultant to assist Staff in the development of a second Offshore Wind Strategic Plan which will inform the responsible development of offshore wind in New Jersey and guide New Jersey in achieving its offshore wind energy objective in future solicitations.

The evaluation committee determined that the proposal from Ramboll America's Engineering Solutions, Incorporated, Ramboll, represented the best value to the Board, price and other factors considered.

Staff recommends that the Board approve the contract with Ramboll, subject to final approval by treasury, for consulting services to assist with the development of the second Offshore Wind Strategic Plan in accordance with the RFQ and the proposal submitted by Ramboll.

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	Aye

C. Docket No. QO21101186 – In the Matter of the Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c. 169 – 2023 Solicitation Results

Veronique Oomen, Division of Clean Energy, presented this matter.

BACKGROUND: This agenda item involves the results of the first solicitation within the new Competitive Solar Incentive, or CSI program, that the Board launched through its own order on December 7, 2022. The goal of the CSI program is to provide incentives for at least 300 megawatts per year of new solar development in New Jersey. By Board order on March 6, 2023, the Board established confidential price caps for each of the five tranches in the CSI program.

The Board received bids for projects exceeding the total procurement target of 300 megawatts. On April 14, 2023 bidders were invited to submit a best and final offer price. These were accepted up to April 28, 2023. After review of the bids, Staff has determined that all of the bids exceeded the confidential price caps set by the Board. Therefore, Staff recommends that the Board does not award any projects in this solicitation. The Board set the confidential price caps based on extensive modeling that used cost data specific to the State of New Jersey. Having all bids exceed the price caps means the bids came in at significantly higher price levels than anticipated. Staff attributes this mainly to a nationwide high level of economic and regulatory uncertainty at the time of the solicitation, as well as higher than historic levels of costs impacting, which will impact the development of larger scale solar.

Given the robust response to the solicitation, Staff makes the following two recommendations. First, Staff recommends that the Board conduct the next solicitation on an expedited timeframe with prequalification opening on October 1, 2023 and the solicitation closing to bids on December 31, 2023.

Staff recommends that the new solicitation maintain the same tranche procurement targets as the first. Second, Staff recommends that the Board urge any potential bidders who may require a waiver because of siting restrictions submit their petitions at their earliest convenience.

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	Aye

D. Docket No. QO210010069 – In the Matter of the Petition of Clayton Companies “Preferred” TREC Factor for Floating Photovoltaic Solar.

Sawyer Morgan, Division of Clean Energy, presented this matter

BACKGROUND: This agenda item concerns a stipulation that has been executed by between the parties of Board Staff and Clayton Companies, or Clayton. The stipulation sets a TREC factor for Clayton's floating solar energy project. The Transition Incentive Program was approved by the Board on December 6, 2019 and it set the base incentive value for the Transition Renewable Energy Certificate, or TREC, at \$152.00 per megawatt hour. This base value is adjusted for various solar market segments with fixed factors tied to the estimated costs of building the different types and to their varying revenue expectations. The Board assigned eight market segments and identified each a factor between 0.6 and 1.0.

On January 8, 2020 the Board stated that new or innovative solar technologies can file a petition with the Board requesting that these type projects be assigned a TREC factorization level. Clayton filed a petition on January 26, 2021 seeking a 1.0 factor for their project, a floating 3.2 megawatt

solar array, proposed in Clayton's sand mine dredge pond in Jackson Township, New Jersey. This project is now the fourth largest floating solar project in the country. As part of the draft Capstone report for the Board's Administrative Determined Incentive Program, Staff released underlying modeling spreadsheets that employed the System Advisor Model which could determine a solar project's internal rate return and a corresponding incentive level. Following release of the draft Capstone report, Staff proposed to Clayton that they use the illustrative SAM case developed for the nonresidential ground mounted market segment within the ADI program and present results on a confidential basis. Clayton subsequently presented their modeling of the Clayton project using SAM and answered supplemental discovery requests. Staff has reviewed the submissions and made adjustments to the modeling assumptions in consultation with its consultant. The parties and Rate Counsel participated in settlement discussions and on June 23, 2023 the parties executed the stipulation, which provides in relevant part the following: Based on the SAM modeling presented, as well as prior discovery answers and discussion among the parties, the parties recommend that the Board enter an order determining that the Floating Solar Project receive TRECs based on a 0.72 TREC factor contingent upon the Floating Solar Project otherwise complying with the Board's solar renewable energy project regulations and requirements associated with registration, construction, and interconnection. Rate counsel filed comments upon the stipulation on June 30, 2023 noting that it had not performed an independent study of the analysis in support of a 0.72 TREC factor. Rate Counsel stated in the absence of its own analysis, it was unable to verify whether that factor was appropriate and had not signed the stipulation. However, deferring to Staff's expertise, Rate Counsel did not oppose the Board's approval of the stipulation.

Staff now recommends that the Board approve the stipulation agreed to between Staff and Clayton.

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	Recused
	Commissioner Guhl-Sadovy	Aye

E. 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 a 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. QO21081079 – Winslow LF Solar Farm, LLC – Solar Act Subsection (t) – Block 8802, Lot 1, Block 9101, Lot 2, Block 9102, Lots 1&2.

Sawyer Morgan, Division of Clean Energy, presented this matter

BACKGROUND: This item relates to a Subsection (t) application from CEP Renewables to have its Winslow Landfill Solar Farm project certified as being located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012. The applicant's proposed 29.5 megawatt project is to be located on 39.9 acres at the Winslow Township Landfill site in Winslow Township, Camden County. Staff reviewed the application and supplied a copy to NJDEP for their review. Staff received an advisory memo on the application where the DEP determined that the

Winslow Township Landfill does not constitute a properly closed sanitary landfill as defined in the Solar Act of 2012. Based upon the review of the application and the advisory memorandum provided by DEP, Staff recommends that the Board deny the applicant's 29.5 megawatt Winslow Landfill Solar Farm project as not being located on a properly closed sanitary landfill consistent with the Solar Act of 2012.

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	Aye

F. Docket No. QO21071023 –In the Matter of the Implementation of P.L. 2018, c. 17 – Energy and Water Benchmarking of Commercial Buildings;

Docket No. QO23040213 – In the Matter of the Waiver Request of Rockland Electric Company.

Alexis Trautman, Division of Clean Energy, presented this matter

BACKGROUND: On May 23, 2018 the Clean Energy Act, or CEA, was signed into law mandating a benchmarking requirement for commercial buildings. Specifically, the CEA mandated that no later than five years after the date of this enactment the Board will require the owner or operator of each commercial building over 25,000 square feet in the State to benchmark the energy and water usage for the prior calendar year using the United States Environmental Protection Agency's Portfolio Manager Tool.

On September 7, 2022, the Board issued an order directing all regulated electric, natural gas, and water utilities in New Jersey to provide aggregated building-level data to building owners and operators of buildings covered by the benchmarking requirement, otherwise known as covered buildings. On March 24, 2023 Rockland Electric Company, RECO, filed a petition with the Board seeking a waiver of the benchmarking requirement of providing web services to its New Jersey customers.

In its petition, RECO provided the following justification for seeking the requested waiver. First, RECO's affiliate, Con Edison, is in the process of completing a \$1 billion upgrade project to convert its multiple customer billing system into a single Oracle Customer Care and Billing, CC&B, platform, which will enable Con Edison and its affiliate companies, including RECO, to provide all of their customers with access to web services. Con Edison expects the platform to be fully operational in 2023 and for the web services to be offered to all of its customers within the first one to two years of the platform's operation. RECO argued that if they were to purchase web services by the Board's requirement implementation date, RECO would imprudently be spending ratepayer funds on a project that would be functionally duplicative of the web services product that will be offered through this new platform.

Second, RECO contended that the Board should treat RECO in this instance similar to how the Board treats small utilities, those electric and gas utilities serving under 50,000 accounts or fewer for benchmarking purposes.

RECO stated that because it provides electric distribution services to approximately 75,000 customers, its customer basis similar in size to that of small utilities. For this reason, RECO committed to making available to its New Jersey customers by August 1, 2023 an interim manual entry spreadsheet template process that is similar to the Portfolio Manager Spreadsheet Template and that will enable all of RECO's New Jersey customers to benchmark beginning on August 1, 2023. Rate Counsel filed comments supporting RECO to be classified as a small utility for benchmarking purposes and suggested that RECO implement the CC&B system for all of its New Jersey customers by August 1, 2024. In response, RECO indicated that since the platform is not anticipated to be fully operational until the fourth quarter of 2023, RECO's web services would not be available by August 1, 2024.

RECO proposed that the Board establish a May 1, 2025 deadline for its web servicing implementation, two months in advance of the July 1, 2025 submission deadline for the benchmark requirements in the third reporting year. RECO also proposed to submit quarterly updates to Board Staff and Rate Counsel on the status of implementation of these web services.

Staff makes five recommendations to the Board. First, Staff recommends that the Board approve RECO's petition for the waiver of the August 1, 2023 deadline for providing web services to its customers.

Second, Staff recommends that the Board find that the granting of such waiver will not relieve RECO of its obligations to provide web services to its customers.

Third, Staff recommends that RECO provide data access service to its customers by requiring them to use the Portfolio Manager Spreadsheet Template or RECO's manual entry spreadsheet template process by August 1, 2023.

Fourth, Staff recommends that RECO provide Staff and Rate Counsel with quarterly updates regarding the status of RECO's implementation of web services beginning in the fourth quarter of 2024.

Finally, Staff recommends that RECO provide web services to its customers by May 1, 2025.

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	Aye

9. MISCELLANEOUS

A. DOCKET NO. AX22090613 – In the Matter of the Proposed Amendments to N.J.A.C. 14:3 – All Utilities

Jacqueline Hardy, presented this matter

BACKGROUND: This matter involves amendments and new rules to the Board's existing rules contained within the New Jersey Administrative Code, N.J.A.C. 14:3, which governs all utilities, which is also known as Chapter 3. The changes include the following: 1) the extension of the winter termination program to water and wastewater residential customers pursuant to the Public Law 2021, Chapter 317, section seven; 2) changes made to comply with legislation which requires

public utilities and municipalities to give each other notice of infrastructure projects and coordinate schedules pursuant to Public Law 2021, Chapter 263; and 3) adding a requirement that water and wastewater utilities use the same methodology that gas and electric utilities are required to use gross up for taxes, the deposits, and nonrefundable contributions collected for main extensions to provide regulated services if the deposits or nonrefundable contributions become taxable in the future.

On November 14, 2022, Staff held a stakeholder meeting. The purpose of the meeting was to address possible amendments to Chapter 3, and issues and their effect on the stakeholders in connection with the winter termination program and other customer assistance issues, notice of infrastructure projects and main extensions. After the stakeholder meeting, the Board collected comments from the stakeholder community for a period of 30 days through December 13, 2022.

Staff recommends that the Board approve the Notice of Proposal for submission to the New Jersey Office of Administrative Law and publication in the New Jersey Register.

DECISION:

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

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: 1-10-24