



**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 December 6, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ [https://www.youtube.com/watch?v=j9L1osT\\_GIE](https://www.youtube.com/watch?v=j9L1osT_GIE)

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at 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:

President Guhl-Sadovy, President  
Commissioner Holden, Commissioner  
Commissioner Christodoulou, Commissioner  
Commissioner Abdou, Commissioner

President Guhl-Sadovy 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 December 20, 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 matter, 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. ENERGY

#### C. Docket No. - GO23070473 In the Matter of the Request for Quotation Regarding Implementation of Executive Order 317.

**Stacy Peterson, Dep. Executive Director**, presented in this matter.

**BACKGROUND:** Executive Order 317 mandates that within 18 months, the New Jersey Board of Public Utilities (“Board”) develop recommendations regarding how the natural gas industry can meet the Governor’s goal of a 50 percent reduction in greenhouse gas emissions below 2006 levels by 2030, including the cost and support for well-paying jobs, including union jobs, necessary to meet the State’s 50 percent reduction in greenhouse gas emissions below 2006 levels by 2030 (“FNG Proceeding”).

As required by Executive Order 317, on March 6, 2023, the Board initiated a proceeding, and directed Board Staff (“Staff”) to engage with stakeholders to investigate and recommend how the natural gas industry can best meet these goals.

On August 16, 2023, the Board authorized Staff to issue a request for quotation (“RFQ”), on behalf of the Board, to hire a consultant to provide support in the FNG Proceeding. On September 22, 2023, proposals were received from two (2) firms in response to the RFQ.

### 8. CLEAN ENERGY

#### A. Docket No. - QO23070426 In the Matter of the Request for Quotation for the 2024 Energy Master Plan.

**Matthew Rossi, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter involves the award of a contract for services related to the 2024 Energy Master Plan (“EMP”). Specifically, Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval to hire a contractor to assist with the development of the 2024 EMP, which will serve as a whole-of-government progress report on the goals and strategies in the 2019 EMP, outline the changing landscape of State and federal support for climate action, and determine the basis for the development of actionable next steps to reduce greenhouse gas (“GHG”) emissions and maximize clean energy uptake economy-wide.

On September 27, 2023, the Board authorized the release of a Request for Quotation (“RFQ”) to hire a contractor to aid in the development of the 2024 EMP.

On November 3, 2023, proposals were received from two (2) firms in response to the RFQ.

Staff recommends that the Board approve a contract with the recommended vendor.

**B. Docket No. QO23100740 – In the Matter of the Request for Quotation for Consulting Services for Net Metering.**

**Sawyer Morgan, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter involves the release of a Request for Quotation (“RFQ”) for services related to net metering. Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) seeks approval to hire a contractor to assist with the policy planning for possible future changes in net metering, a construct that permits owners and/or operators of a Class I renewable energy generation facility to receive credits for any electricity that is supplied back to the electric grid.

Staff recommends that the Board approve releasing a RFQ to hire a contractor to assist Staff in the development of recommendations for the future application of net metering.

**9. MISCELLANEOUS**

**A. Docket No. EO23110794 – In the Matter of a Request for Quotation (“RFQ”) Related to the Conduct of a Rate Design and Policy Study Regarding Driving Equity in the Clean Energy Transition.**

**Ben Witherell, Chief Economist**, presented in this matter.

**BACKGROUND:** Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) seeks approval to release the attached Request for Quotation (“RFQ”) to procure a consultant to assist Staff with a rate design and policy study focused on equity in New Jersey’s clean energy transition. Through this RFQ, the Board would seek to procure a contractor to assist Staff in evaluating the effectiveness of current assistance programs and the design of rates and tariffs and to examine the extent to which they protect low- and moderate-income (“LMI”) customers from increasing energy costs. In addition, the contractor shall address issues of equity in energy rates. Drawing upon experiences in other jurisdictions, literature studies, and current assistance programs and rate design in New Jersey, the selected contractor will provide recommendations for policies, programs, and changes to rate design to provide a progressive and equitable approach to energy costs for LMI households.

Staff recommends that the Board authorize Staff to release the RFQ, and to return to the Board with a recommendation after Staff receives and evaluates any responses.

## CONSENT AGENDA

### I. AUDITS

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

EE23090713L	AuctionURenergy LLC	I – EA
EE23090676L	JMJ/SGF, LLC	I – EA/PA
GE23090675L	d/b/a MJM Power	

*These matters relate to applications for initial registrations as an energy agent and/or private aggregator.*

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

EE23080628L	NRG Business Marketing, LLC	I – EGSL
GE23080629L	f/k/a Direct Energy Business Marketing, LLC	

*These matters relate to an application for 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. 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 and/or private aggregator:

AuctionURenergy LLC  
JMJ/SGF, LLC d/b/a/ MJM Power

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

NRG Business Marketing, LLC f/k/a Direct Energy Business Marketing, LLC

**B. Non-Docketed Matter – Request for Extension of Treasury Term Contract # T-2482 Relating to Request for Proposal 13-X-22139, Management Consulting: Contracted Management Auditing Firms, BPU – Request for Approval of One Year Contract Extension of Pre-Qualified Bidders List - Extension Contract Duration: January 1, 2024 – December 31, 2024.**

**BACKGROUND:** Pursuant to N.J.S.A. 48:2-16.4 (“Statute”), the New Jersey Board of Public Utilities (“BPU” or “Board”) is required to perform Management Audits by either BPU Staff (“Staff”) or an independent management consulting firm at least once every three (3) years, or if deemed unnecessary, at least once every six (6) years. These audits are comprehensive and consist of a review of operating procedures and any other internal workings of every gas and electric utility. Pursuant to N.J.S.A. 48:3-56 and N.J.A.C. 14:4-3.7, they also include a review of the affiliate transactions and relationships between the utility, its parent and affiliates, competitive services, and any other focused areas of review as directed by the Board. All expenses of the audits are borne by the affected utilities.

Given the continued statutory obligation and the Board’s policy to ensure that utilities under regulatory jurisdiction are well-managed and providing safe, adequate, and reliable utility service, at its December 6, 2023 Agenda Meeting, the Board directed Staff to pursue an additional one-year contract extension for the Contract and Contractor Agreements, or until a new contract is awarded and fully operational, whichever occurs first.

Accordingly, Staff is seeking OMB approval of the extension of the Contract and Contractor Agreements. Staff requests this approval prior to the date the contract expires on December 31, 2023.

**C. Docket No. TE23040242 – In the Matter of Petition of ExteNet LVS, LLC for Authorization to Provide Local Exchange and Interexchange Telecommunications Services in the State of New Jersey.**

**BACKGROUND:** On April 21, 2023, ExteNet LVS, LLC (“Petitioner” or “ExteNet”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking authority to provide facilities-based and resold local exchange and non-dominant interexchange telecommunications services throughout the State of New Jersey (“Petition”). In the Petition, ExteNet also requested a waiver of N.J.A.C. 14:10-1A.13, which requires that financial records be maintained in accordance with the Uniform System of Accounts (“USOA”) and a waiver of N.J.A.C. 14:1-5.15(a), which requires records to be held in New Jersey.

Board Staff (“Staff”) recommends approval, subject to certain conditions. Staff also recommends that the Board approve the request for waiver from its requirements that Petitioner maintain its financial books and records in accordance with USOA and waiver from its requirements to hold records within New Jersey.

## II. ENERGY

There were no items in this category.

## III. CABLE TELEVISION

### **A. Docket No. CE22120747 – In the Matter of the Petition of Comcast of Garden State L.P. for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Magnolia, County of Camden, 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 Garden State L.P. (“Comcast”) for the Borough of Magnolia (“Borough”) for a term of 10 years. Board Staff (“Staff”) recommends approval.

### **B. Docket No. CE23080631 – In the Matter of the Verified Petition of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Byram, County of Sussex, 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 (“Cablevision”) for the Township of Byram (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

### **C. Docket No. CE21030646 – In the Matter of the Petition of Comcast of 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 Town of Harrison, County of Hudson, 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 be issued to Comcast of New Jersey II, LLC (“Comcast”) for the Town of Harrison (“Town”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

### **D. Docket No. CE23010052 – 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 Township of Union, County of Hunterdon, 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 Township of Union (“Township”) 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. WR23110790 – In the Matter of the Petition of Veolia Water New Jersey, Inc. for Approval of an Increase in Rates for Water/Sewer Service and Other Tariff Changes.**

**BACKGROUND:** On November 9, 2023, Veolia Water New Jersey, Inc. (“Veolia” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of an increase in its base rates of approximately \$63.926 million, or 19.57% for services rendered on and after December 9, 2023 (“Petition”).

Board Staff (“Staff”) recommends that the Board issue an Order suspending the proposed rate increase until April 9, 2024. Staff also recommends that this matter be transmitted to the Office of Administrative Law (“OAL”) for hearings as a contested case.

#### VI. RELIABILITY AND SECURITY

##### **A. Docket Nos. ES23100749K, ES23100750K, GS23100751K, GS23100752K, GS23100753K, GS23100754K, GS23100755K, GS23100756K, GS23100757K, GS23100758K, GS23100759K, GS23100760K, GS23100761K, GS23100762K, GS23100763K, GS23100764K, GS23100765K, GS23100766K, GS23100767K, GS23100768K, GS23100769K, GS23100770K, GS23100771K, GS23100772K, and ES23100773K – 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 operators of underground facilities. This matter does not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction include failure to use reasonable care, failure to properly mark and not having a valid markout at the time of excavation. There are 25 settlements in the attached Appendix, which total \$73,500.

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

#### VII. CUSTOMER ASSISTANCE

##### **A. Docket Nos. BPU EC20030227U and OAL PUC 06441-20 – In the Matter of Martin Capozzi, Petitioner v. Jersey Central Power & Light Company, Respondent.**

**BACKGROUND:** The Initial Decision in the above-captioned matter was received by the New Jersey Board of Public Utilities (“Board”) on November 2, 2023. The 45-day period in which the Board is to consider this matter and render a final decision is December 18, 2023.

Additional time is required for Board Staff (“Staff”) to perform a full review of the record. Staff therefore requests that the Board seek an additional 45-day extension of the time in which the Board may render a final decision from the Office of Administrative Law (“OAL”), until February 1, 2024.

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

There were no items in this category

**After appropriate motion, consent agenda item IA was approved.**

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Recused</b>

**After appropriate motion, consent agenda items IB, IC, IIIA, IIIB, IIIC, IIID, VA, VIA, and VIIA were approved.**

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>



**AGENDA**

**1. AUDITS**

There were no items in this category.

**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. EL23-105-000, COMPLAINT OF THE OFFICE OF THE OHIO CONSUMERS' COUNSEL V. PJM INTERCONNECTION.**

**Ian Oxenham, Division of Energy**, presented in this matter.

**BACKGROUND:** On September 28, 2023, the Office of the Ohio Consumers' Council ("OCC") filed a Federal Power Act Section 206 complaint with the Federal Energy Regulatory Commission ("FERC") asserting that PJM Interconnection LLC's ("PJM's") Open Access Transmission Tariff ("PJM Tariff") and Operating Agreement are unjust and unreasonable. The complaint argued that the PJM Tariff and Operating Agreement fail to provide the necessary regulatory oversight to ensure that local electric transmission projects, also known as "supplemental projects" are needed, prudent, and cost-effective, thereby subjecting Ohio consumers to unjust and unreasonable transmission rates.

OCC asked FERC to review all Ohio supplemental projects, establish an Independent Transmission Monitor, and potentially require Ohio transmission utilities to use stated rather than formula rates.

On November 17, 2023, Staff of the New Jersey Board of Public Utilities, on behalf of the Board, filed an Answer in the proceeding agreeing with the OCC that PJM's governing documents produce unjust and unreasonable transmission rates that FERC must rectify.

Staff also argued that any remedy should include creating an ITM to review transmission projects in Ohio, New Jersey, and any other interested state.

Staff recommends the Board ratify the Answer filed with FERC on November 17, 2023.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**B. Docket No. - ER23010001 IN THE MATTER OF THE BOARD OF PUBLIC UTILITIES FEDERAL ENERGY REGULATORY COMMISSION (FERC) ITEMS FOR 2023 FERC DOCKET NO. ER24-98 PJM INTERCONNECTION, L.L.C. ENHANCEMENTS TO MARKET SELLER OFFER CAP, CAPACITY PERFORMANCE AND EAS REVENUES.**

**Ryann Reagan, Division of Energy**, presented in this matter.

**BACKGROUND:** October 13, 2023, PJM filed two proposals with the Federal Energy Regulatory Commission, FERC, to revise its Open Access Transmission Tariff and Reliability Assurance Agreement to amend certain components of the Capacity Market rules.

One filing contained a suite of reforms with broad stakeholder consensus that these reforms are improvements over the status quo and should be included in future capacity market auctions. This is the Resource Adequacy Filing.

The other filing contained much more contested reforms about how capacity resources should make offers, be compensated, and be bound to obligations to perform. This is the Market Seller Offer Cap or MSOC Filing.

On November 9, 2023, Staff of the New Jersey Board of Public Utilities, on behalf of the Board, filed comments in protest to the MSOC Filing.

Staff explained that implementation of a stand-alone Capacity Performance Quantifiable Risk component unduly shifts the cost of risk to consumers and away from investors in capacity offers. Staff also commented on PJM's proposed new role in the determination process of a unit-specific Market Seller Offer Cap. This revision would diminish the role of the Independent Market Monitor in negotiations for just and reasonable offer caps.

Staff contended that PJM's proposal to allow transfers of Performance Assessment Intervals obligations is not properly vetted, unreasonably vague, and does not fully address the need for a greater fix.

Staff recommends that the Board ratify the comments filed by Staff on November 9, 2023.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**C. Docket No. - GO23070473 IN THE MATTER OF THE REQUEST FOR QUOTATION REGARDING IMPLEMENTATION OF EXECUTIVE ORDER 317 – Executive Session**

**Stacy Peterson, Deputy Executive Director**, presented in this matter.

**BACKGROUND:** Executive Order 317 mandates that within 18 months, the Board develop recommendations regarding how the natural gas industry can meet the Governor's goal of a 50 percent reduction in greenhouse gas emissions below 2006 levels by 2030, including the cost and support for well-paying jobs, including union jobs, necessary to meet the goal.

As required by Executive Order 317, on March 6th the Board initiated a proceeding and directed Staff to engage with stakeholders to investigate and recommend how the natural gas industry can best meet these goals.

In August the Board authorized Staff to issue a request for quotation, on behalf of the Board, to hire a consultant to support the Future Natural Gas proceeding.

On September 22, 2023, proposals were received from two firms in response to the RFQ. After a review and scoring by an evaluation committee, Staff recommends that the Board concur with the evaluation committee's recommendation to award a contract, subject to final treasury approval consistent with the discussions in executive session.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**D. Docket No. - ER23070453 IN THE MATTER OF JERSEY CENTRAL POWER & LIGHT COMPANY'S VERIFIED PETITION SEEKING REVIEW AND APPROVAL OF THE NET DEFERRED COSTS INCLUDED IN ITS COVID-19 REGULATORY ASSET AND ESTABLISHMENT OF A COVID-19 RECOVERY CHARGE ("JCP&L Initial CRC Filing").**

**Stacy Peterson, Dep. Executive Director**, presented in this matter.

**BACKGROUND:** On July 17th JCP&L filed a petition seeking review and approval to recover the net deferred costs related to the COVID-19 pandemic, and to establish an annually reconcilable charge to recover the prudently incurred costs through a COVID-19 Recovery Charge.

Staff recommends that the Board retain this matter for hearing, designate a Presiding Commissioner, and set a bar date of January 8th for the filing of motions to intervene and/or participate.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**E. Docket No. - ER23020061 IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR APPROVAL OF CHANGES IN ITS ELECTRIC CONSERVATION INCENTIVE PROGRAM (2023 PSE&G ELECTRIC CIP RATE FILING).**

**Stacy Peterson, Deputy Executive Director**, presented in this matter.

**BACKGROUND:** On February 1<sup>st</sup>, PSE&G filed a petition seeking approval of adjustments to the Company's Electric Conservation Incentive Program and associated rates to account for potential lost sales revenues stemming from the Company's energy efficiency programs.

By Order dated May 24th the Board approved a provisional stipulation while the parties continued to review the matter. As a result of that order, it was anticipated that a typical residential customer would experience an annual increase of \$10.08.

The parties have now executed a stipulation for final rates recommending that the Board finalize the Company's ECIP rates which were approved in the Provisional Order. As a result of the stipulation, there is no further impact on customer bills.

Staff recommends that the Board approve the Stipulation and direct PS to file revised tariffs by December 29th.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**3. CABLE TELEVISION**

There were no items in this category.

#### 4. TELECOMMUNICATIONS

##### **A. Docket No. - TM23060344 IN THE MATTER OF THE VERIFIED PETITION OF ALTEVA OF WARWICK LLC, MBS INTERMEDIATE HOLDINGS, LLC, AND ARCHTOP FIBER LLC FOR APPROVAL OF A TRANSFER OF CONTROL.**

**Lawanda Gilbert, Director, Division of Telecommunications**, presented in this matter.

**BACKGROUND:** On June 6, 2023, Warwick Valley Telephone Company, doing business as Alteva of Warwick, LLC, and its Parent company MBS Intermediate Holdings filed a petition with the Board seeking approval of a transfer of control of Alteva from to Archtop Fiber LLC.

Warwick is one of the State's three incumbent local exchange carriers and provides service to over 500 businesses and over 1,300 residential customers in portions of West Milford and Vernon, New Jersey.

Under the proposed transaction, Archtop requires 100 percent of capital stock of Alteva from MBS, which will result in the indirect transfer and acquisition of control of Warwick, Alteva's wholly owned subsidiary.

The petitioners asserted that the transaction is in the public interest because it will result in great broadband investment, faster and better broadband services and new efficiencies that will benefit Warwick's existing and future customers.

Archtop plans to upgrade Warwick's copper distribution system to an XGS con fiber to premises network, providing availability of increased broadband services and improved customer service interfaces.

Board Staff and the New Jersey Division of Rate Counsel submitted discovery requests to the Petitioners, which were responded to. On September 28, 2023, Rate Counsel submitted comments stating that it did not oppose Board approval, following a determination that the transaction would yield positive benefits to New Jersey and is in the public interest.

On October 17, 2023, the petitioners filed a letter with the Board confirming the significant commitments agreed to by the petitioners for upgrades of the system, which would ensure that the transaction would provide positive benefits to the State and consumers.

Staff, having reviewed the record in the proceedings, has found that the petitioners have met the statutory requirements, and that the proposed transaction will not adversely impact competition, nor adversely impact the rates or employees of Warwick. The company will continue to be able to meet its commitment for the provision of safe, adequate, and proper service. In addition, the upgrades to the service represent a positive benefit for consumers served by the system.

Staff, therefore, recommend approval of the transaction and will require annual reports to the Board detailing the progress of the upgrades to the system.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**5. WATER**

There were no items in this category.

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

There were no items in this category.

**8. CLEAN ENERGY**

**A. Docket No. - QO23070426 IN THE MATTER OF THE REQUEST FOR QUOTATION FOR THE 2024 ENERGY MASTER PLAN – Executive Session**

**Matt Rossi, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter involves the award of a contract for services related to the 2024 Energy Master Plan, or EMP.

Specifically, Staff of the New Jersey Board of Public Utilities seeks approval to hire a contractor to assist with the development of the 2024 EMP, which will serve as a whole-of-government progress report on the goals and strategies in the 2019 EMP, outline the changing landscape of State and federal support for climate action, and determine the basis for the development of actionable next steps to reduce greenhouse gas emissions and maximize clean energy uptake economy-wide.

In 2018 Governor Murphy signed Executive Order No. 28, which directed the Board to develop an EMP to serve as a comprehensive blueprint to achieve 100 percent clean energy by 2050. Released on January 27, 2020, the 2019 EMP establishes a set of goals to put New Jersey on a pathway to achieve the State's clean energy goals and expand upon previous versions to account for the complete energy system New Jersey, including electricity generation, transportation, and usage in commercial buildings.

The 2024 EMP will be a public-facing document that incorporates progress and information required through inner-agency collaboration and stakeholder feedback to build upon the 2019 EMP and help New Jersey reach its accelerated goal of 100 percent clean energy by 2035, amongst other clean energy and climate goals and benchmarks.

To provide an open and transparent process, Staff expects robust stakeholder engagement. This will include a series of virtual public hearings to solicit input from stakeholders and members of the general public that will help inform Staff's drafting of the 2024 EMP.

On September 27, 2023, the Board authorized the release of a Request for Quotation, or RFQ, to hire a contract to aid in development of the 2024 EMP. On November 3, 2023, proposals were received from two firms in response to the RFQ. An evaluation committee composed of several board staff members reviewed and scored each proposal.

Staff, with assistance from BPU's Office of Budget and Finance, will work with the Department of Treasury to receive all necessary approvals to procure a contractor through the Waivers of Advertising process.

Staff recommends that the Board award the contract to the recommended vendor, as discussed in Executive Session.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**B. Docket No. - QO23100740 IN THE MATTER OF THE REQUEST FOR QUOTATION FOR CONSULTING SERVICES FOR NET METERING – Executive Session**

**Sawyer Morgan, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter involves a Request for Quotation for consulting services relating to net metering.

Staff seeks approval to hire a contractor to assist with developing policy recommendations regarding net metering, a construct that permits owners and/or operators of a class I renewable energy generation facility to receive credits for any electricity that is supplied back to the electric grid.

In 2018, Governor Phil Murphy signed the Clean Energy Act which updated provisions regarding rules for "net metering standards for electric power suppliers and basic generation service providers."

The Clean Energy Act specifies that "The Board may authorize an electric power supplier or basic generation service provider to cease offering net metering to customers that are not already net metered wherever the total generating capacity owned and operated by net metering customer-generators Statewide will exceed 5.8 percent of the total annual kilowatt-hours sold in this State by each electric power supplier and each basic generation service provider during the prior one-year period."

Staff believes that the future of net metering should not have an adverse effect on the development of a thriving solar industry in New Jersey and meeting Governor Murphy's goal of 100% clean energy by 2035.

Staff seeks to initiate a proceeding with a robust, open, and transparent stakeholder process to develop recommendations to the Board that will facilitate the State's least-cost path to achieve its clean energy goals, support the State's solar industry, integrate with the wider energy system, and promote equity in access to the benefits of clean energy.

Staff recommends the Board approve the release of the RFQ to hire a contractor to assist Staff in policy planning for the future of net metering, as discussed in executive session.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**C. Docket No. - QO21071033 IN THE MATTER OF THE SOLAR TRANSITION PURSUANT TO P.L. 2018, C. 17 BIG HORN LANDFILL SOLAR FARM, LLC APPLICATION FOR SOLAR ACT SUBSECTION (T), BLOCK 10, LOT 24.02.**

**Diana Watson, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This item relates to a Subsection (t) application from the Big Horn Landfill Solar Farm, LLC, seeking certification for eligibility to generate Transition Renewable Energy Certificates, TRECs, for a proposed facility to be located on a properly closed sanitary landfill pursuant to Subsection (t) of the Solar Act of 2012.

The Applicant's proposed 4.2 MWdc project is to be located on 9.2 acres at the Shamong Township Landfill site in Shamong Township, Burlington County, New Jersey. 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 Big Horn Landfill Solar Farm project is located on property defined as a "properly closed sanitary landfill" consistent with the Solar Act of 2012.

NJDEP also provided specific conditions and requirements for permits and approvals that the proposed project must satisfy.

Based upon the review of the application and the advisory memorandum provided by NJDEP, Staff recommends the following three items:

That the Board grant conditional certification of the Big Horn Landfill Solar Farm, LLC, project as proposed for the Shamong Township Landfill site as a "properly closed sanitary landfill" consistent with the Solar Act of 2012;



Find the conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to Staff's issuance of full certification; and

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 Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**D. Docket No. – QO22030140 IN THE MATTER OF THE UNITED STATES  
DEPARTMENT OF ENERGY STATE ENERGY PROGRAM - JULY 1, 2022 - JUNE  
30, 2023, MODIFICATION OF FUNDING ALLOCATION.**

**Dustin Wang, Division of Clean Energy**, presented in this matter.

The United States Department of Energy provides federal financial assistance and technical support to the states for energy programs through the State Energy Program. This program seeks to promote the efficient use of energy and reduce the rate of growth of energy demand through the development and implementation of specific state energy programs.

Between 2020 and 2022 the State of New Jersey received a total of \$4,431,960 in allocations which was divided among six activity areas under the State Energy Program Plan, or SEP Plan.

As of Program Year 2022, these activity areas included the State Energy Security Plan Development; Incorporating Health and Safety Measures into Energy Efficiency Upgrades; the Building Sector Decarbonization Roadmap; the State Energy Water and Benchmarking Study; the Non-Investor-Owned Utility, or Non-IOU, Program; and Training and Conferences.

Staff seeks to modify the 2022 SEP Plan to remove the Building Sector Decarbonization Roadmap from the SEP Plan to avoid duplicative efforts. New Jersey's Clean Buildings Working Group, a collaboration between the Governor's Office of Climate Action and the Green Economy and the Board of Public Utilities is developing a roadmap to clean buildings and does not require SEP funding.

Staff seeks to reallocate the unexpended funds from the Building Sector Decarbonization Roadmap Market Title as follows: \$62,699.05 to the Non-IOU Program; \$154,979 to the State Energy and Water Benchmarking Study; and \$1,478,655.95 to Incorporating Health and Safety Measures into Energy Efficiency Upgrades, also known as the Whole House Pilot Program, which will include building decarbonization measures.

Staff recommends approval of the 2022 SEP Plan modifications and submission of these modifications to the United States Department of Energy.

Staff also requests authorization from the Board for Staff to submit future requests to the USDOE to extend the performance period or to true-up activity budgets of the SEP Plan, if necessary.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**9. MISCELLANEOUS**

**A. Docket No. - EO23110794 IN THE MATTER OF A REQUEST FOR QUOTATION ("RFQ") RELATED TO THE CONDUCT OF A RATE DESIGN AND POLICY STUDY REGARDING DRIVING EQUITY IN THE CLEAN ENERGY TRANSITION – Executive Session**

**Ben Witherell, Office of the Economist**, presented in this matter.

This matter concerns the release of a Request for Quotation to retain a consultant to assist Staff with a study of rate design and policy options to ensure an equitable transition to 100 percent clean electricity and to reduce energy burden on low- and moderate-income households in New Jersey.

Staff recommends that the Board authorize the release of this RFQ.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

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



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SHERRI L. GOLDEN  
BOARD SECRETARY

Date: March 20, 2024