



STATE OF NEW JERSEY
Board of Public Utilities
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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 December 20, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/watch?v=lvYVkbYFJBw>

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:

Christine Guhl-Sadovy, President
Mary-Anna Holden, Commissioner
Dr. Zenon Christodoulou, Commissioner
Marian 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 January 10, 2024 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. QO23100742 – In the Matter Climate Action Fellowship Program Memorandum of Understanding (MOU) Between the New Jersey Board of Public Utilities and the Eagleton Institute of Politics at Rutgers, the State University of New Jersey.

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

BACKGROUND: This matter pertains to the Rutgers University's Eagleton Institute of Politics Eagleton Science and Politics fellowship program in which PhD level scientists and engineers are placed within New Jersey state government's executive and legislative branches to apply their training and expertise in the development and implementation of State policy.

CONSENT AGENDA

I. AUDITS

There were no items presented in this category

II. ENERGY

A. Docket No. EF23070451 – In the Matter of the Petition of Public Service Electric and Gas Company Pursuant to N.J.S.A. 48:3-7 and 48:3-9 for Authority, from January 1, 2024 Through December 31, 2025 to Sell and/or Encumber Property and Purchase, Issue and Sell Debt.

BACKGROUND: On July 11, 2023, Public Service Electric and Gas Company filed a petition requesting that the New Jersey Board of Public Utilities (“Board”) grant authority for the period from January 1, 2024 through December 31, 2025 to issue and sell, pursuant to N.J.S.A 48:3-9, new long-term debt in aggregate principal amount (a) of not more than \$3,450,000,000 and (b) as necessary to cover principal, premiums and expenses incurred to refinance outstanding long-term debt securities. The new long-term debt would have maturities from 1 to 40 years. After review of the information submitted in this proceeding, the Office of the Economist finds that the action requested is in accordance with the law and in the public interest, and therefore recommends approval of the petition, subject to certain conditions which are set forth in the Board Order.

B. Docket No. EF23070447 – In the Matter of the Petition of Atlantic City Electric Company Pursuant to N.J.S.A. 48:2-13 and N.J.S.A. 48:3-9 for Authority to Issue up to \$350 Million of Short-Term Indebtedness Prior to January 1, 2026

BACKGROUND: On July 14, 2023, Atlantic City Electric Company (“Petitioner”), a public utility of the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting authority pursuant to N.J.S.A. 48:2-13 and N.J.S.A. 48:3-9 to continue to issue, renew or extend unsecured short-term indebtedness (“Short-Term Debt”) from time to time prior to January 1, 2026, in an aggregate principal amount outstanding at any one time not in excess of \$350 million. The Board, in an Order issued in connection with BPU Docket No. EF21070997, dated December 1, 2021 (“2021 Order”), authorized Petitioner to issue similar Short-Term Debt prior to January 1, 2024.

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

III. CABLE TELEVISION

- A. Docket No CE22010005 – 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 Borough of Glen Ridge, County of Essex, 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 New Jersey II, LLC (“Comcast”) for the Borough of Glen Ridge (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

- B. Docket No. CE23040211- 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 Borough of Branchville, 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 Borough of Branchville (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

- C. Docket No. CE23080573- 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 Frankford, 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 Frankford (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

- D. Docket No. CE22060381- 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 Lebanon, 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 Borough of Lebanon (“Borough”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

IV. TELECOMMUNICATIONS

There were no items presented in this category

V. WATER

A. Docket No WR23110853 – In the Matter of the Petition of Gordon’s Corner Water Company for an Increase in Rates and Charges for Water Service.

BACKGROUND: On November 17, 2023, Gordon’s Corner Water Company (“GCWC” 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 \$2.141 million for services rendered on and after January 1, 2024 (“Petition”).

Board Staff (“Staff”) recommends that the Board issue an Order suspending the proposed rate increase until May 1, 2024. Staff also recommends that this matter be transmitted to the Office of Administrative Law (“OAL”) for hearings as a contested case.

B. Docket No. WF23090710 – In the Matter of the Petition of Aqua New Jersey, Inc. for Authority to Enter Into Long-term Debt in an Amount up to \$56,000,000.

BACKGROUND: On September 26, 2023, Aqua New Jersey, Inc. (“Company” or “Petitioner”), a public utility of the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”), pursuant to N.J.S.A. 48:3-9 and N.J.A.C. 14:1-5.9, requesting authority to enter into long term debt (“Petition”). Specifically, the Company sought approval to: 1. Make, execute and deliver to Essential Utilities, Inc. (“Essential”) a note to provide new long-term debt in the principal amount of up to \$56,000,000 (“Note”); and 2. To take such actions as are necessary to effectuate the transactions described in the Petition.

The Office of the Economist after review of the information submitted in this proceeding, finds that the action requested is in accordance with the law and in the public interest and therefore recommends approval of this petition.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS23110819K et al.-_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, not having a valid markout at the time of excavation and failure to properly mark. There are 25 settlements in the attached Appendix, which total \$74,000.

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

There were no items presented in this category.

VIII. CLEAN ENERGY

There were no items presented in this category.

IX. MISCELLANEOUS

There were no items presented in this category.

After appropriate motion, consent agenda items IIA, IIB, IIIA, IIIB, IIIC, IIID, VA and VIB

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

AGENDA

1. AUDITS

A. Docket No. EO21070993 – In the Matter of the Department of Community Affairs' State Fiscal Year 2022 Universal Service Fund Administrative Cost Budget.

Paul Buhagiar, Division of Audits, presented this matter

BACKGROUND: This is a matter concerns the modification to administrative costs submitted by DCA for the State Fiscal Year 2022 for the Universal Service Fund Program. On August 16, 2023, the Board authorized a reimbursement of \$6 million, \$6,957,039.00 to Treasury for Fiscal Year '22 DCA USF administrative expenses as Treasury advanced the money to DCA to cover the Fiscal Year 22 DCA USF administrative expenses. Subsequent to the August 16, 2023 Order, Staff was notified that a number of encumbrances were inadvertently omitted and/or canceled during the development analysis of the initial Fiscal Year '22's actual administrative expense total that the Board approved in the August 16, 2023 Order.

Based on documentation from the State audit accounting system received from DCA and Treasury, Treasury represented \$7,290,926.00 had been provided to DCA. Accordingly, Treasury asserted that a reimbursement of \$333,000.00, \$333,887.00 to Treasury was required in addition to the initial Fiscal Year '22 actual administrative expense total of \$6,957,039.00 approved by the August 16, 2023 Order. Staff has reviewed DCA's and Treasury's account of the basis for the additional administrative expenses and concluded that it's reasonable and necessary to reimburse Treasury for its payment of Fiscal Year '22 USF administrative expenses that Treasury determined was appropriate.

Staff, therefore, recommends that the Board authorize reimbursement of \$333,887.00 to Treasury for the adjustment to DCA's fiscal year USF administrative costs.

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

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

2. ENERGY

A. Docket No. EO23110793 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of an Infrastructure Investment Program II (“EnergizeNJ”)

Dean Taklif, Division of Energy, presented this matter.

BACKGROUND: On November 9, 2023 Jersey Central Power and Light Company filed a petition with the Board seeking approval of an infrastructure investment program and an associated cost recovery mechanism pursuant to N.J.A.C. 14:3-2A. JCP&L has proposed a five-year program beginning in June of 2024 with a total investment level of approximately \$934.8 million.

At this time, Staff recommends that the Board retain this matter for hearing at the Board and designate a presiding Commissioner.

Staff further recommends that the Board set a bar date of January 19th of 2024 for the filing of motions to intervene and/or participate and for admission pro hac vice.

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

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

B. Docket No. ER23070464 – In the Matter of the Combined and Consolidated Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Charges Associated with its Legacy Solar Renewable Energy Certificate (“SREC I”) Financing Program, its Successor Solar Renewable Energy Certificate (“SREC II”) Financing Program, its Solar Transition Incentive (“TREC”) Program, its Successor Solar Incentive (“SuSI”) Program, its Energy Efficiency (“EE”) Program, and its Community Solar Energy Pilot (“CSEP”) Program (2023).

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

BACKGROUND: On July 26 Atlantic City Electric filed a petition seeking authority to adjust the level of its Rider RGGI charge associated with the company's Board approved solar and energy efficiency programs. As part of the petition, ACE proposed to maintain its SREC II administrative fee of \$17.07 for calendar year 2024. The parties are in the process of reviewing the filing, which will not be complete prior to January 2024 when the administrative fee must be reset.

Therefore, Staff recommends the Board issue an order allowing ACE to continue its SREC II administrative fee of \$17.07 for calendar year 2024 as the parties continue to work through the filing.

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

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

C. Docket No. ER23080632 – In the Matter of the Verified Petition of Rockland Electric Company Concerning the Setting of the Administrative Fee and the Regional Greenhouse Gas Initiative Recovery Charge for 2024 Associated with its Solar Renewable Energy Certificate (SREC II) Program.

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

BACKGROUND: On August 31, Rockland Electric filed a petition seeking review and approval of the administrative costs associated with the company's SREC II program and to maintain its current administrative fee of \$30.00 per SREC for calendar year 2024. The parties are in the process of reviewing the filing, which will not be complete prior to January 2024 when the SREC administrative fee must be reset.

Staff recommends that the Board issue an order approving the maintenance of the administrative fee at the previously approved \$30.00 per SREC for calendar year 2024.

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

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

D. Docket No. ER23050280 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of Deferred Accounting Treatment for Storm Preparation Costs for Anticipated Major Storm Events in Late 2022 and 2023; and for Other Relief.

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

BACKGROUND: On May 5, 2023 Rockland filed a petition seeking authorization to defer on its book for accounting purposes administrative incremental preparation costs of approximately \$4.8 million incurred by RECO associated with Tropical Storm Nicole, Winter Storm Elliot, Winter Storm Piper, and Winter Storm Sage. The parties have executed a stipulation recommending the Board authorize RECO to defer for accounting purposes the \$4.8 million in incremental storm preparation costs. These costs would be subject to a prudence review in the company's next base rate case.

Staff recommends the Board issue an order approving the stipulation.

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

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

E. Docket No. ER23110787 – In the Matter of Rockland Electric Company Transmission Retail Rate Filing.

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

BACKGROUND: On November 1, Rockland Electric filed a petition seeking to implement revised retail transmission rates to reflect FERC approved changes in the company's transmission rates, including the schedule 1A, scheduling system control and dispatch rates. The company requested that the Board waive the 30 day filing requirement and approve the proposed retail transmission rates effective December 1, 2023 and January 1, 2024. Additionally, RECO proposed to use the BBS reconciliation charge as a means of collecting the transmission revenues due to the fact that the FERC approved changes became effective August 30th of 2022. As a result of the petition, a typical residential customer will see a monthly increase of \$2.00.

Staff recommends that the Board approve the FERC approved changes to the transmission charges effective January 1, 2024.

Staff further recommends that the Board waive the 30 day filing requirement and authorize RECO to use the BGS reconciliation charge to collect and/or refund any difference due to the effective date of the FERC change.

Staff recommends that the Board direct RECO to file revised tariffs by January 1.

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

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

F. Docket No. ER23020060 – In the Matter of the Verified Petition of Jersey Central Power & Light Company Seeking Adjustment of Rider RRC-RGGI Recovery Charge (“Rider RRC”), Including: (1) Approval of its Deferred Balances Relating to, and an Adjustment of, the Solar Renewable Energy Certificates Financing Program Component (“SREC Component”) of Rider RRC; (2) Approval of Deferred Balances Relating to, and an Adjustment of, the Transition Renewable Energy Certificate Incentive Program Component (“TREC Component”) of Rider RRC; (3) Approval of Deferred Balances Relating to, and an Adjustment of, the (“SuSI Component”) of Rider RRC; (4) Approval of its Deferred Balances Relating to, and an Adjustment of, the Energy Efficiency and Conservation Program Component (“EE&C Component”) of Rider RRC; (5) Approval of its Administrative Fee for the SREC II Program Effective as of January 1, 2024; and (6) Approving the SREC II Program Administration Fee Deferred Balance from January 1, 2022 through December 31, 2022 (“2022 Rider RRC Filing”).

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

BACKGROUND: on February 1, Jersey Central filed a petition seeking adjustments to its rider RRC rate component. JCP&L also sought to maintain its SREC II program administrative fee for calendar year 2024 at \$17.00. Throughout the course of the proceeding JCP&L updated the petition to include actual information through September. The parties have executed a stipulation recommending adjustments to the rate components of the Rider RRC consistent with the update and recommends maintenance of the SREC II program administrative fee. As a result of the stipulation, a typical residential customer will see a monthly increase of 91 cents.

Staff recommends the Board approve the stipulation and direct JCP&L to file revised tariffs by January 1st.

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

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

3. CABLE TELEVISION

A. Docket No. CE15111317 – In the Matter of the Application of Cablevision of Oakland, LLC for the Renewal of its System-wide Cable Television Franchise.

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

BACKGROUND: Item 3A involves the first phase of the remote process of a systemwide franchise of Cablevision of Oakland and requests for Board approval of the release of the ascertainment report by the Office of Cable Television and Telecommunications. In 2006 amendments to the New Jersey Cable Television Act were enacted creating the ability for new entities to be granted a systemwide cable television franchise from the Board. The amendments also provided existing traditional municipal consent based cable television franchises to be converted to a systemwide cable television franchise by providing notice to the Board and the effected municipality without the requirement of prior Board approval. On March 20, 2009, Cablevision converted its franchise in the Township of Cedar Grove into a systemwide cable franchise. This conversion was memorialized by Board order and granted Cablevision a systemwide franchise for a seven year term which expired on March 20, 2016. That franchise was renewed for an additional second year term in March of 2016 and that franchise expired on March 20, 2023. Since the initial conversion, Cablevision has converted an additional 38 municipalities resulting in a total of 39 municipalities currently being served. Franchise renewals are governed by the Federal Communications Act, the State act and of the Board's rules. Ascertainment is a term used in the Federal Act to explain the fact finding process used to examine the past performance of the cable operator and identify the future cable related needs of the community being served. Pursuant to the Board's rules at least seven months prior to the expiration of the franchise the OCTV&T must issue an ascertainment report to the Board detailing Cablevision's performance and review which is limited to any statewide needs and requirements established under the act, the extent to which it has met its franchise commitments, and performance and substantial compliance with the material terms and conditions of the franchise. On August 26, 2020 Cablevision notified the Board of its intention to renew its systemwide franchise and on November 2, 2023 the OCTV&T notified Cablevision of its intention to review Cablevision's performance under its systemwide franchise pursuant to the

guidelines. Concurrently, the OCTV&T invited Cablevision to file comments to on its performance under each systemwide franchise, which were filed on December 1 and amended on December Cablevision maintains in its comments that it has substantially met all franchise commitments required under the act, including the provision of public educational and governmental, or commitments required under the act, including the provision of public educational and governmental, or PEG, access programming, return lines, equipment and training, free basic cable and internet connections to schools, libraries, and municipal buildings, and compliance with consumer protection requirements and that it will continue to fulfill these obligations by ensuring customers have access to service, as well as being delivered over an upgraded network and supported by responsive operations and customer service resources. The report prepared by the OCTV&T addresses Cablevision's comments and reviews its past performance. Following the issuance of the ascertainment report, Cablevision will file its formal franchise renewal application and two public hearings will be held to provide opportunity for public comment prior to the final Board review.

Staff recommends for approval of the release of the ascertainment report in compliance with the renewal process.

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

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

4. TELECOMMUNICATIONS

A. Docket No. TG23100743 – In the Matter of Broadband Equity Access and Deployment (“BEAD”) Grant Initial Proposal Volume 1; and

Docket No. TG23100747 – In the Matter of Broadband Equity Access and Deployment (“BEAD”) Grant Initial Proposal Volume 2.

Valarry Bullard, Office of Broadband, presented this matter.

BACKGROUND: On June 26, 2023 New Jersey was awarded \$263,689,548.00 to ensure all New Jersey residents have access to affordable, high speed internet. Submission of this proposal is required pursuant to the Broadband Equity Access and Deployment Program, also known as BEAD. This is authorized pursuant to the Infrastructure Investment and Jobs Act. Consistent with these instructions, on October 25, 2023 a request for comments in connection with the Volume I of this proposal was published on the New Jersey Board of Public Utilities' website and requested comments be filed no later than November 29, 2023.

The draft of Volume II was made available to the public on November 9, 2023 and also on November 9, 2023 a request for comments in connection with Volume II was published on the website. Following the close of the comment period for Volume I and II of the initial proposal, Board Staff finalized drafts of Volume I and II with consideration afforded to the comments filed.

With the comment period now closed, on December 8, 2023 and the due date for submission of this initial proposal to NTIA approaching Staff recommends that the Board authorize the submittal of the drafts of Volume I and II of the initial proposal to NTIA on or before December 27, 2023.

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

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

5. WATER

- A. **Docket No. WR23050275 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Recovery of Regulatory Asset Established for Incremental COVID-19 Related Expenses, and for Establishment of an Uncollectible Adjustment Clause.**

Stacy Peterson, Dep. Director, presented this matter.

BACKGROUND: On April 28, New Jersey American Water Company filed a petition seeking authorization to recover its COVID-19 related net-deferred cost over a three-year period through an annual special program charge. The company also requested approval to establish an uncollectible adjustment clause in response to effects of uncollectible expenses created by the COVID-19 moratorium. New Jersey American amended the petition on June 21, 2023. Several parties have filed motions to intervene, including Cogen Technologies Linden Venture, Johanna Foods, Phillips 66 Company, and Princeton University.

Staff recommends the Board retain this matter for hearing and designate a presiding Commissioner. Staff further recommends the Board grant the motions to intervene filed to date and set a bar date of January 8, 2024 for the filing of additional motions to intervene or participate.

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

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

B. Docket No. WR23080576 – In the Matter of the Petition of Aqua New Jersey, Inc., for Approval of a Decrease in its 2024 Purchased Wastewater Treatment Clause (“PSTAC”) Rate, True-Up of its 2021 and 2022 PSTAC Rates, and Other Required Approvals.

Stacy Peterson, Dep. Director, presented this matter

BACKGROUND: On August 22, Aqua New Jersey filed a petition seeking approval to modify its purchased wastewater treatment adjustment clause rates and to true-up its 2021 and 2022 PSTAC rates. The parties in this matter have executed a stipulation resolving the petition, which would, among other things, authorize Aqua to implement a modified PSTAC rate effective January 1, 2024. As a result of this stipulation, the average residential customer would experience an annual increase of approximately \$4.68.

Staff recommends the Board approve the stipulation and direct Aqua to file revised tariffs by January 1.

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

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

C. Docket No. WR23100718 – In the Matter of the Petition of the Atlantic City Sewerage Company to Increase the Level of its Purchased Sewerage Treatment Adjustment Clause.

Stacy Peterson, Dep. Director, presented this matter

BACKGROUND: On September 29, Atlantic City Sewerage Company filed a petition seeking approval of an increase in the level of its purchased wastewater treatment adjustment clause rate. The parties in the proceeding have executed a stipulation resolving the petition, which would authorize a modified PSTAC rate effective January 1, 2024. As a result of this stipulation, the average residential customer will see an annual increase of approximately \$4.50.

Staff recommends the Board approve the stipulation and direct Atlantic City Sewerage Company to file revised tariffs prior to January 1.

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

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

D. Docket No. WR23030145 – In the Matter of the Joint Petition of Environmental Disposal Corp. and New Jersey-American Water Company, Inc. for Approval of the Merger of Environmental Disposal Corp. with and into New Jersey-American Water Company, Inc.

Ben Witherell, Economist, presented this matter

BACKGROUND: This is the joint petition of New Jersey American Water Company and Environmental Disposal Corporation. The joint petitioners seek approval of a merger without a change in control of either entity. The proposed merger is ministerial in nature and essentially an internal reorganization as control of the EDC was merged with New Jersey American Water through two prior proceedings of this Board in 2015 and 2017 and EDC is currently a wholly-owned subsidiary of New Jersey American Water. The joint petitioners, Board Staff, and Division of Rate Counsel have agreed to a stipulation of settlement in this matter.

Staff has analyzed the merger details and commitments contained in the petition and the stipulation and find the proposed transaction satisfies the Board's requirements under New Jersey statutes and the 1 administrative code related to mergers. As a result of the transaction, there will be no changes to rates for customers of either company. Additionally, there will be no change to the employee levels or service to customers. Through the stipulation of settlement, the company has pledged to maintain sufficient operating personnel to ensure the continued provision of safe and adequate service for all the customers.

Staff recommends that the Board approve the stipulation of settlement and the proposed merger.

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

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

6. RELIABILITY AND SECURITY

A. Docket No. GX23070436 – In the Matter of Request for a Waiver of Natural Gas Pipelines Rule N.J.A.C. 14:7-1.19.

Frank Gaffney, Reliability and Security, presented this matter

BACKGROUND: Item 6A concerns a waiver request received from the four gas distribution companies requesting that the Board waive the July 1, 2023 effective date of the Leak Repair Rules and implement a new effective date of January 1, 2024. By way of background, proposed amendments to N.J.A.C. 14:7, Natural Gas Pipelines, Chapter 7 were published in the New Jersey Register October 17, 2022 as part of the readoption of Chapter 7. These amendments took effect on June 5, 2023. Among these amendments was the requirement to classify and repair leaks according to the defined criteria and timeframes effective July 1, 2023. The GDC's waiver request stated that the new Leak Repair Rules will require revisions to forms, major upgrades, and reprogramming in leak management systems, enhanced training and retraining, and verification of modifications in leak management systems.

Rate counsel filed comments supporting the GDC's waiver request and requested the GDCs be directed to quantify the costs associated with the modifications they have identified as necessary to allow them to comply with the Leak Repair Rules. At the request of Staff and the Board's Bureau of Pipeline Safety, the GDCs subsequently submitted additional information outlining the required implementation steps. Staff feels a waiver of the Leak Repair Rules would prohibit the Board's Bureau of Pipeline Safety from initiating an enforcement action if it is determined that a significant safety issue within the purview of the Leak Repair Rules warrants doing so.

Staff recommends that the Board deny the GDC's waiver request.

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

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

7. CUSTOMER ASSISTANCE

There were no items presented in this category

8. CLEAN ENERGY

- A. **Docket No. QO23100742 – In the Matter of Climate Action Fellowship Program Memorandum of Understanding (MOU) Between the New Jersey Board of Public Utilities and the Eagleton Institute of Politics at Rutgers, the State University of New Jersey – Executive Session.**

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

BACKGROUND: Rutgers University's Eagleton Institute of Politics administers an Eagleton Science and Politics fellowship program in which PhD level scientists and engineers are placed within New Jersey state government's executive and legislative branches to apply their training and expertise in the development and implementation of State policy.

Since 2020, 2021, the NJBPU's Division of Clean Energy has annually hosted fellows from the fellowship program to support the Division's work. The Division has identified the Eagleton Institute's Fellowship Program as an effective pipeline to bring in scientists and engineers with relevant skills and expertise to help advance the Division's clean energy agenda. Given the success of the program over the last four years and the Division's ongoing need for technical expertise and additional assistance, the Division has worked with the Eagleton Institute's staff to develop a climate action tract within the fellowship program. This tract provides an enhanced and expanded opportunity to connect science and policy toward achieving our climate action goals. Staff has prepared a memorandum of understanding to govern this agreement. The MOU would authorize and support funding for up to four climate action fellows who will be embedded within and support the work of the Division for the 2024/2025 fellowship year.

Staff recommends that the Board the MOU and authorize the President to execute it.

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

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

B. Docket No. QO20080555 – In the Matter of the Opening of Offshore Wind Renewable Energy Certificate (OREC) Application Window for 1,200 to 2,400 Megawatts of Offshore Wind Capacity in Furtherance of Executive Order No. 8 and Executive Order No. 92; and

Docket No. QO21050824 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 2 for 1,200 to 2,400 MW – Atlantic Shores Offshore Wind Project 1, LLC.

Matthew Dillon, Division of Clean Energy, presented this matter

BACKGROUND: This item addresses a petition submitted by Save Long Beach Island, Inc. requesting a formal hearing to seek reduction in the OREC pricing applicable to Atlantic Shores 1 Project awarded by the Board on June 30, 2021. This item also considers a motion to dismiss filed by Atlantic Shores Offshore Wind Project 1, LLC. On June 12, 2023, Save LBI filed a petition with the Board. After initial review of the petition, Save LBI was informed of a procedural requirement in which corporations are required to be represented by an attorney, pursuant to N.J.A.C. 1:1-5.1. On August 7, 2023, Save LBI re-filed their petition following their retention of counsel. By the petition, Save LBI requested a formal hearing to seek a reduction in the price schedule for Atlantic Shore's Project 1 approved by the Board in the June 30, 2021 OREC order. With its petition, Save LBI attached a report with an economic analysis.

The report asserts that the OREC order awarding Atlantic Shores project relied on a flawed cost benefit analysis. On August 29, 2023 Atlantic Shores filed a motion to dismiss the petition with prejudice pursuant to N.J.A.C. 14:1-5.4(b). Atlantic Shores sought dismissal of the petition on the basis that Save LBI is not entitled to a hearing and the Board lacks the authority to grant the substantive relief sought. Atlantic Shores argued that per OWEDA and Board rules that the Board does not have the authority to amend an OREC order without the consent of all parties. Atlantic Shores stated in their moving papers that they do not provide such consent. Atlantic Shores further argued that neither OWEDA nor the Board rules provide for administrative hearings in connection with OREC applications and, as such, the sole venue for any nonparty to challenge a Board order culminating in an OREC order is to appeal to the Appellate Division of the Superior Court of New Jersey.

Atlantic Shores contended that since Save LBI is seeking review of the OREC order the only proper avenue to do so would have been to file an appeal with the Appellate Division within 45 days from the notice of the OREC order pursuant to NJ Court Rule 2:4-1(b) which lapsed in the instant matter on August 14, 2021. In fact, the Save LBI petition was filed over two years after the notice of the Atlantic Shores OREC order.

Upon consideration and review of the filings from both parties, Staff makes the following two recommendations: That the Board grant Atlantic Shores' motion to dismiss and, accordingly, that the Board dismiss Save LBI's petition pursuant to N.J.A.C. 14:1-5.4(b).

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

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

C. Docket No. QO23060338 – In the Matter of the Verified Petition of Linden Hawk Rise Solar, LLC to Permit their Solar Project to Extend the Geographic Restriction for Obtaining Low- and Moderate-Income Customers from the City of Linden to the Entire Public Service Electric and Gas Company Service Territory.

Samantha TSE, Division of Clean Energy, presented this matter

BACKGROUND: This agenda item involves the petition submitted on behalf of Linden Hawk Rise Solar, LLC for its five megawatt community solar project awarded in year one of the Community Solar Energy Pilot Program. The petition seeks to modify the commitments made in the Project's original application with respect to subscriber enrollment areas.

The Linden Hawk Rise Solar project originally awarded as Hathaway Solar, LLC is located on a closed landfill site at 1451 Lower Road, Linden, within Union County 07036. The project was one of the 45 community solar projects continually approved by the Board on December 20th of 2019 and construction of the facility was completed in December of 2020.

The project interconnects to the PSE&G territory and currently serves customers within Linden and the surrounding municipalities of Elizabeth, Carteret, Rahway, Woodbridge, Cranford, Clark and Roselle. Linden Hawk Rise Solar requests an expansion of their subscriber enrollment area from same and adjacent municipality to the entire Public Service Electric and Gas Company service territory.

Petitioner alleged that it experienced hardships in enrolling and retaining customers to the project despite what it characterizes as extensive efforts to engage with local government officials, community organizations, and residents of Linden and neighboring municipalities. In support of its request, petitioner made arguments regarding the project's high ranking among all of the conditionally approved project scores in pilot year one, the project's good standing in facility completion and operation within the confines of the pilot year one rules, and an appeal to the pilot rules that the board may consider waiving the geographic restriction on subscribers during the project's operational period upon special request. Staff believes that the Linden Hawk Rise Solar project has demonstrated significant efforts to enroll customers within its approved enrollment area of same municipality and adjacent municipalities. Staff also notes that the project pilot year one with the deduction of the points it received for its stricter geographical limitation. However, Staff believes that the project will be able to enroll enough subscribers, particularly LMI subscribers, to satisfy the conditions of its approval if it is afforded a more limited relief than the one it seeks. Staff, therefore, recommends that the Board grant partial relief to the Linden Hawk Rise Solar project by allowing it to extend its geographic limitation to same county and adjacent counties in PSE&G territory. Expanding the project's geographic limitation would increase the pool of potential subscribers more than sevenfold. Staff believes this change is more consistent with past granted relief by the Board for projects in a similar situation.

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

9. MISCELLANEOUS

There were no items presented for this matter.

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: 03-20-24