



**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 February 14, 2024 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ [https://www.youtube.com/live/SfF4p-03jU8?si=DCIH1z\\_YnsaRiRmq](https://www.youtube.com/live/SfF4p-03jU8?si=DCIH1z_YnsaRiRmq)

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 Christodoulou, Commissioner  
Commissioner Abdou, Commissioner  
Commissioner Bange, 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 March 20, 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.

### 4. TELECOMMUNICATIONS

#### **A. Docket No. TO24010049 – In the Matter of the Broadband Equity, Access and Deployment (BEAD) Challenge Process – Executive Session.**

**BACKGROUND:** This concerns New Jersey's participation in the Broadband Equity, Access, and Deployment Program (BEAD) and is related to the BEAD grant. The BEAD program aims to lay critical groundwork for widespread access, affordability, equity, and adopting of broadband. This matter details the request for procuring the resources to support the State-led mapping challenge process. The challenge process will allow organizations and local governments to submit documentation related to broadband availability, which is necessary to meet all federal requirements. This process is essential for broadband deployment as it will provide an opportunity for local governments to partner with the State and identify underserved locations.

Once these locations are identified, they will be submitted to the Federal Communications Commission and adopted for their national broadband map.

Staff recommend the Board approve the issuance of this request for procurement.

### 8. CLEAN ENERGY

#### **A. Docket No. QO24010059 – In the Matter of Request for NJ to Join a DOE-Sponsored Vehicle to Everything (V2X) Coalition Through MOU Signatory Status – Executive Session.**

**BACKGROUND:** This matter involves the opportunity for BPU to become a signatory to an established industry collaboration Memorandum of Understanding, and it's focused on advancing the commercial scaling of battery electric vehicle power export applications. The collaboration includes industry, community, government, and public utility members who are interested in advancing EV technology. The code is V2X MOU, Vehicle to Everything.

On April 20, 2022, the U.S. Department of Energy announced the creation of new Vehicle to Everything Memorandum of Understanding, serving as a partnership mechanism for public and private sector entities.

Initial signatories include a variety of large-enterprise vehicle manufacturers, charging system manufacturers and operators, government energy offices, energy companies, and electric utilities.

Importantly, membership in this collaboration does not obligate, in any way, our financial or other resource level commitments, but places us in an efficient forum to interact with and share emerging best practices for advancing the focus area of electric vehicle power utilization beyond

that of simple drivetrain propulsion. Its members are voluntarily participating in the effort to accelerate development and commercialization of vehicle-to-everything technologies, which include vehicle-to-grid, vehicle-to-building, and vehicle-to-load capabilities, by validating the technologies and demonstrating the commercial viability of such technologies.

Staff thus believes that there are potentially significant statewide benefits to enabling EVs to interconnect and dynamically interoperate with the distribution system, a/k/a the "grid," via the use of V2X technology, and therefore recommends that the Board authorize the President to sign the MOU on the Board's behalf.

**B. Docket No. QO20030262 – In the Matter of the Charge Up New Jersey Electric Vehicle Incentive Program – Executive Session.**

**BACKGROUND:** This matter concerns a modification of the contract with the Center for Sustainable Energy, who administers the Charger Up New Jersey Program, to research and draft an EV Roadmap in conjunction with the state's Partnership to Plug In. This modification will allow the Charge Up New Jersey Program to expand upon their research to develop a comprehensive EV roadmap that will encompass the EV ecosystem.

Staff recommends approval.

**D. Docket No. QO24010009 – In the Matter of Clean Energy Request for Quotations for Offshore Wind Transmission Consulting Services for PJM State Agreement Approach Process 2.0 – Executive Session.**

**BACKGROUND:** In the inaugural SAA 1.0 the Board awarded a suite of projects to develop the transmission infrastructure necessary to support the then goal of 7,500 MW of offshore wind. This nation-leading coordinated transmission solution is expected to yield approximately \$900 million savings to ratepayers, compared to the non-SAA approach.

In September of 2022 Governor Murphy signed Executive Order 307, which expanded New Jersey's offshore wind generation goal from 7,500 MW to 11,000 MW by 2040. Given the benefits of the coordinated transmission approach the Board anticipates will be realized through SAA 1.0, on April 26, 2023, the Board initiated the Second State Agreement Approach for Offshore Wind Transmission, directing Board Staff to collaborate with PJM to develop recommended transmission upgrades for the injection of an additional 3,500 MW. The State Agreement Approach Study Agreement between PJM and the BPU was signed on January 3, 2024 and filed at FERC on February 2, 2024.

Staff seeks Board approval to retain a consultant to assist Staff in working with PJM on SAA 2.0 to ensure the best suite of potential transmission solutions for the Board to consider for final approval.

Staff seeks to retain a consultant to assist with the preparation of documents required for the solicitation project -- process, stakeholder engagement, review and evaluation of submitted proposals to provide recommendations for the most efficient and cost-effective SAA 2.0 solution,

if any. Throughout the process, the selected consultant will provide Staff the necessary guidance during the duration of SAA 2.0 proposal window and subsequent analysis.

As discussed in executive session, Staff recommends that the Board approve the issuance of this RFQ.

**H. Docket No. QO21010085 – In the Matter of Modernizing New Jersey’s Interconnection Rules, Processes, and Metrics – Executive Session.**

**BACKGROUND:** This matter pertains to a 180-day extension of an existing contract with Guidehouse, Inc. (Guidehouse), who is providing consulting services to New Jersey BPU Staff on matters pertaining to grid modernization and distributed energy interconnection reform. Staff recommends continued consulting support to assure timely and efficient launch and refinement of the Grid Modernization Forum processes.

Staff recommends that the Board authorize the President to exercise the Contract Transition clause, conditioned on Staff securing approval from the Department of the Treasury.

## CONSENT AGENDA

### I. AUDITS

#### A. Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registration

EE20030199L      Lightstar Energy Group, LLC      R – EA

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

EE23120918L      Spartacus Energy Services, LLC      I – ESL

**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. 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. 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 applicant be issued a renewal registration as an energy agent:

Lightstar Energy Group, LLC

In addition, Staff recommends that the following applicant be issued an initial license as an electric power supplier:

Spartacus Energy Services, LLC

## II. ENERGY

### **A. Docket No. GR24010071 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of an Increase in Gas Base Rates, for Changes in its Tariff for Gas Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Changes to Depreciation Rates for Gas Property Pursuant to N.J.S.A. 48:2-18, and Other Requested Relief.**

**BACKGROUND:** On January 31, 2024, pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, New Jersey Natural Gas Company (“NJNG” or “Company”), a public utility of the State of New Jersey subject to the jurisdiction of the New Jersey Board of Public Utilities (“Board”), filed a petition for approval of an increase in its current base rates for service of approximately \$222.60 million, excluding Sales and Use Tax (“SUT”) to be effective for service provided on and after March 1, 2024 (“Petition”).

According to the Petition, the Company’s current base rates and charges for natural gas service are not sufficient at their current level and, if left unchanged, the current base rates will impair NJNG’s ability to meet operating and maintenance expenses, taxes, and fixed charges, and its ability to earn a reasonable rate of return on the fair value of the Company’s property.

Because review of this matter will not be complete prior to March 1, 2024, Board Staff (“Staff”) recommended that the Board issue an order suspending the proposed rate increase until July 1, 2024 pending further action on this matter. Staff further recommended that the Board transmit this matter to the Office of Administrative Law for hearing as a contested case.

## III. CABLE TELEVISIONS

There were no items in this category.

## IV. TELECOMMUNICATIONS

There were no items in this category.

## V. WATER

### **A. Docket No. WR24010056 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of Increased Tariff Rates and Charges for Water and Wastewater Service, Change in Depreciation Rates, and Other Tariff Modifications.**

**BACKGROUND:** On January 19, 2024, New Jersey-American Water Company, Inc. filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of an increase in its base rates for water and wastewater service of approximately \$161.7 million for services rendered on and after February 21, 2024.

Board Staff (“Staff”) recommended that the Board issue an Order suspending the proposed rate increase until June 21, 2024. Staff also recommended that this matter be transmitted to the Office of Administrative Law for hearings as a contested case.

**B. Docket No. WR24010057 – In the Matter of the Petition of Aqua New Jersey, Inc. for Approval of an Increase in Rates for Water Service, COVID-19 Deferred Cost Recovery, Adjustment of Certain Depreciation Rates, and Other Tariff Changes.**

**BACKGROUND:** On January 19, 2024, Aqua New Jersey, Inc. filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of an increase in its base rates for water service of approximately \$8,329,647 for services rendered on and after February 19, 2024.

Board Staff (“Staff”) recommended that the Board issue an Order suspending the proposed rate increase until June 19, 2024. Staff also recommended that this matter be transmitted to the Office of Administrative Law for hearings as a contested case.

**VI. RELIABILITY AND SECURITY**

**A. Docket Nos. CS24010019K, CS24010020K, CS24010021K, WS24010022K, WS24010023K, WS24010024K, WS24010025K, WS24010026K, WS24010027K, WS24010028K, ES24010029K, ES24010030K, GS24010031K, GS24010032K, GS24010035K, GS24010036K, GS24010037K, GS24010038K, GS24010039K, GS24010040K, GS24010041K, GS24010042K, and GS24010043K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.**

**BACKGROUND:** This matter involved settlements of alleged violations of the Underground Facility Protection Act (“Act”) by multiple underground facility operators and excavator. This matter did not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction include not having a proper mark out request at the time of excavation and failure to properly mark. There were 25 settlements which total \$74,500.00.

Staff recommended that the Board approve the settlements provided in Appendix A of the Board’s Order.

**VII. CUSTOMER ASSISTANCE**

There were no items in this category.

**VIII. CLEAN ENERGY**

There were no items in this category.

**IX. MISCELLANEOUS**

**A. Approval for the October 25, 2023 Minutes; and Approval for the November 17, 2023 Minutes.**

**After appropriate motion, consent agenda items IA, IIA, and VB**

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

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

**After appropriate motion, consent agenda items VA and VIA**

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

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

**After appropriate motion, consent agenda item IXA**

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

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



## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

#### **A. Docket No. EO23110792 – In the Matter of Jersey Central Power & Light Company’s Notice of Intention to Discontinue the NJ PowerGuard Program Pursuant to N.J.A.C. 14:4-3.6(w).**

**Stacy Peterson, Division of Energy**, presented in this matter.

**BACKGROUND:** 2A relates to a petition filed on October 31st for JCP&L seeking to cease its NJ PowerGuard Program effective March 31st of 2024. Following a review of the petition and conducting discovery, the parties have executed a stipulation recommending approval of the petition with certain terms for the closure of the program.

Staff recommends that the Board issue an Order adopting the Stipulation.

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

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

#### **B. Docket No. BPU ER23030144 and OAL PUC 03346-23 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Review and Approval of Increases in, and Other Adjustments to, Its Rates and Charges for Electric Service, and for Approval of Other Proposed Tariff Revisions in Connection Therewith (“JCP&L” 2023 Base Rate Filing”).**

**Stacy Peterson, Division of Energy**, presented in this matter.

**BACKGROUND:** On March 16, 2023, JCP&L filed a petition for approval of an increase in its base rates of approximately \$184.95 million, which was subsequently updated to \$192.25 million.

Throughout the course of the proceeding, the parties held numerous discovery and settlement conferences. As a result, the majority of the parties executed a stipulation resolving this matter, which was approved by an Initial Decision issued by ALJ Irene Jones. Intervenor Walmart submitted a letter of non-objection.

Some key features of the stipulation are an overall revenue requirement of 85 million and a return on equity of 9.6%. I would note that this is approximately 44% of the requested amount.

Additionally, the Company has agreed to refund to customers approximately 17.9 million, representing amounts included in distribution charges that were misclassified, misallocated, or lacked proper supporting documentation.

To effectuate this return, the parties have agreed that the accounting implementation for the base rate case will begin February 15, 2024, but will delay the date -- the rate effective date of new base rates until June 1st of 2024.

Staff notes that the parties have reserved their rights to challenge this amount and/or seek additional amount of refunds in a future proceeding. I will now turn it over to Dean to discuss the agreed-upon Reliability Improvement Plan.

As part of the part of the stipulation, the Company agrees to initiate a Reliability Improvement Plan to improve the performance of 18 of the Company's worst performing circuits. These 18 circuits were identified by staff as the worst performers over a five-year period. JCP&L will invest approximately \$95 million in this program for which prudent expenditures will be recoverable in their next base rate case.

The Company is required to ensure that the remediated circuit performance exceeds worst performers over a five-year period, as the program work is completed. Failure to meet this requirement will result in a penalty, reducing the Company's ROE proportional to the percentage of the nine circuits that failed to meet this criteria multiplied by 15 basis points for the first occurrence or 25 basis points for any additional occurrences per circuit.

Finally, the Company will file revisions to its Infrastructure Investment Program currently filed or consideration with the Board targeting improvements on the remaining nine circuits.

As a result of the Stipulation, a typical residential customer would see a monthly increase of \$4.26, effective June 1, 2024.

Staff recommends that the Board adopt the Initial Decision and stipulation and direct JCP&L to file revised tariffs by May 28th to become effective on June 1st.

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

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

**C. Docket Nos. ER23090634 and GR23090635 – 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 (“2023 TAC Filing”).**

**Stacy Peterson, Division of Energy**, presented in this matter.

**BACKGROUND:** On September 1, 2023, PSE&G filed a petition seeking approval rate changes associated with its Electric and Gas Tax Adjustment Credits to establish revised rates for 2024.

Through discovery, PSE&G updated the revenue requirements to incorporate actual results through November 30th of 2023. Following a review of the petition, the update, and conducting discovery, the parties executed a stipulation recommending approving the electric TAC rates proposed in the petition and recommending approval of the gas TAC rates proposed in the update.

As a result of the Stipulation, the typical residential electric customer will see a monthly increase of \$2.09. The typical residential gas heating customer will see a monthly increase of \$1.70.

Staff recommends that the Board approve the Stipulation and direct Public Service to file revised tariffs by March 1st.

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

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

**D. Docket No. EO24010065 – In the Matter of the Board of Public Utilities – Department of Treasury and Internal Revenue Service Items for 2024 – IRS Docket No. REG132569-17 – Comments in Response to Proposed Rulemaking on the Definition of Energy Property and Rules Applicable to Energy Credit.**

**Ryann Reagan**, presented in this matter.

**BACKGROUND:** On November 22, 2023, the U.S. Department of Treasury and the Internal Revenue Service proposed regulations under Section 48 of the Internal Revenue Code that would specify the eligibility requirements for the Investment Tax Credit for offshore wind-related investments.

Notably, the proposal made power conditioning and transfer equipment constructed for offshore wind generation eligible for the Investment Tax Credit, provided that the same taxpayer owns both the power conditioning and transfer equipment and the offshore wind generation infrastructure.

On January 22, 2024, the Maine Governor's Energy Office, Maryland Energy Administration, Rhode Island Office of Energy, New York State Energy Research and Development Authority, and

President Guhl-Sadovy, at the recommendation of Board Staff and on behalf of the Board, signed Comments in response to the Section 48 Proposal.

The comments support making power conditioning and transfer equipment eligible for the ITC, but emphasize the need for Treasury and the IRS to reconsider the requirement that a single entity own the generation infrastructure as well as the power conditioning and transfer equipment.

Such a requirement would discourage decoupling offshore wind generation and transmission investments in future procurements. Even though such decoupling will deliver tremendous environmental and economic gains to states soliciting offshore wind infrastructure, as realized in New Jersey's recent offshore wind transmission and generation solicitations.

Staff recommends that the Board ratify the comments submitted to Treasury and the IRS on January 22, 2024.

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

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

### 3. CABLE TELEVISION

#### A. Docket No. CE23120923 – In the Matter of the Application of Comcast of Northwest New Jersey, LLC, for a System-Wide Cable Television Franchise.

**Lawanda Gilbert, Division of Cable Television**, presented in this matter.

**BACKGROUND:** This matter involves an application filed by Comcast of Northwest New Jersey, LLC on December 28, 2023, seeking approval from the Board to construct a cable television system to provide service to the Boroughs of Bloomsbury and Frenchtown, located in Hunterdon County, New Jersey.

The Comcast NW application is the initial case of a cable television company seeking a system-wide franchise to expand its service territory. Service Electric Cable TV of Hunterdon is the current incumbent cable TV provider in both Bloomsbury and Frenchtown, operating under a traditional municipal consent-based franchise.

Comcast currently serves a total of 22 municipalities under its traditional municipal consent-based cable television franchise and plans to serve the boroughs through an extension of the existing cable TV system.

Pursuant to statute, the applicant must meet the specific requirements for operating a system-wide franchise as delineated in subsections N.J.S.A. 48:5A-28 (h) through (n). Comcast certified that it would comply with these commitments, which include line extensions, public, educational

and governmental, or "PEG," access channels, interconnection with other cable TV companies, free cable and Internet service to public schools and municipal buildings, training and equipment for access users, PEG access return feeds, and compliance with customer protection regulations.

Comcast has committed to abide by these requirements, as well as maintain its current insurance and performance bond amounts, adherence to the requirements for a local office, and designation of the Office of Cable Television and Telecommunications as the complaint officer under the franchise.

As Comcast is extending its service territory into these Boroughs where it has not provided service previously, as part of its application, Comcast has asserted that it has right-of-way access in the Borough of Frenchtown through right-of-way use/resolution agreements that were approved by the governing body. Comcast's request for approval of similar agreements are currently pending in the Borough of Bloomsbury.

On January 29, 2024, two virtual public hearings were held to receive public comment on the application, at which comments were provided by Comcast and the New Jersey Division of Rate Counsel. Written comments in favor of the application were also received from the attorney representing the Borough of Frenchtown, as well as the Division of Rate Counsel, who filed comments recommending that certain issues be clarified, such as PEG access training, the local office requirement, and the homes per mile of the line extension policy for Frenchtown.

Comcast NW filed a letter in response to Rate Counsel's Comments indicating that it had addressed the concerns noted by Rate Counsel in its subsequent filings to the Board in response to the Staff's inquiries, and it would meet or exceed all statutory requirements. No other comments were made at either public hearing or were filed electronically thereafter.

After review of all of the filings made in the proceedings, Staff, therefore, recommends that the Board grant Comcast a system-wide franchise in the boroughs for a term of seven years, to expire on February 21, 2031, subject to the conditions outlined in the Order and subject to all applicable state and federal laws, and the rules and regulations of the Office of Cable Television and Telecommunications, including that the franchise be issued upon condition of Comcast providing the Board with a copy of the approved right-of-way use agreement from the Borough of Bloomsbury within seven days of receipt.

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

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

**B. Docket No. CX23100741 – In the Matter of the Proposed Readoption of N.J.A.C. 14:17 – Rules of Practice and Procedure of the Office of Cable Television.**

**Lawanda Gilbert, Division of Cable Television**, presented in this matter.

**BACKGROUND:** This matter involves the initiation of the process for readoption, with amendments, of the Board's existing rules codified within the New Jersey Administrative Code at N.J.A.C. 14:17, et seq., which govern the practice and procedures of the Office of Cable Television.

The rules address filing requirements for all pleadings, petitions, and filings required by cable television providers, including applications for initial franchises and renewals.

Pursuant to N.J.S.A. 52:14B-5.1(b), the rules at N.J.A.C. 14:17 will expire on March 24, 2024. Board Staff proposes that Chapter 17 be adopted with certain amendments to reflect technical changes for clarity of the rules; to conform the rules with the general rules of practice for the Board codified at N.J.A.C. 14:1, and to conform with changes in Federal law.

A stakeholder meeting was held on January 3, 2024, to solicit comments from the public on the proposed draft and written comments were accepted through January 17, 2024. No comments were received.

Staff recommends that the Board approve the proposed readoption of Chapter 17 with substantive and technical changes, for submission to the New Jersey Office of Administrative Law and publication in the New Jersey Register on April 1, 2024.

Following publication, stakeholders will have another opportunity to provide written comments to the Board prior to the rules being brought before the Board again for final approval.

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

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

**4. TELECOMMUNICATIONS**

**A. Docket No. TO24010049 – In the Matter of the Broadband Equity, Access and Deployment (BEAD) Challenge Process – Executive Session.**

**Valarry Bullard, Division of Telecommunications**, presented in this matter.

**BACKGROUND:** This matter is related to the Broadband Equity, Access, and Deployment grant. Earlier in executive session I presented the matter detailing the request for procuring the resources to support the State-led mapping challenge process. This process is essential for broadband deployment as it'll provide an opportunity for local governments to partner with the State and identify underserved locations.

Once these locations are identified, they will be submitted to the Federal Communications Commission and adopted for their national broadband map.

Staff recommend the Board approve the issuance of this request for procurement. Thank you.

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

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

## 5. WATER

### **A. Docket Nos. BPU WR23050292 and OAL PUC 04736-2023S – In the Matter of Middlesex Water Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.**

**Stacy Peterson, Division of Water**, presented in this matter.

**BACKGROUND:** On May 15, 2023, Middlesex Water Company filed a petition seeking approval of an increase in its base water rates of approximately 33.9 million, which was subsequently updated to 32.1 million.

Following settlement discussions, the Company, Staff, and Rate Counsel executed a stipulation resolving the matter, which was subsequently approved by an Initial Decision issued by ALJ Gertsman. The intervenors submitted letters of non-objection.

Some key features are an overall revenue requirement increase of 15.4 million, contingent upon Middlesex receiving the full benefits from an environmental litigation action.

If the Company does not receive the full benefits, they will petition the Board to reopen the base rate case proceeding with an updated revenue requirement increase of 25.7 million. The parties have also agreed on a rate of return of 9.6% on equity.

As a result of the stipulation and contingent upon the Company receiving the full benefit from the Environmental Litigation by July 15th, the bill impact for an average residential customer would be a quarterly increase of \$30.99.

Staff recommends that the Board adopt the Initial Decision and Stipulation for rates effective March 1st. Staff further recommends that the Board direct Middlesex to file revised tariffs by March 1, 2024.

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

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

**B. Docket No. WR23100727 – In the Matter of the Petition of Gordon’s Corner 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.**

**Stacy Peterson, Division of Water**, presented in this matter.

**BACKGROUND:** On October 6, 2023, Gordon's Corner Water Company filed a petition seeking to modify its Purchased Water Adjustment Clause rates for calendar year 2024.

Following review of the petition, the parties have executed a stipulation resolving the matter. As a result of the stipulation, the average residential customer would experience a monthly increase of \$0.42.

Staff recommends that the Board adopt the Stipulation for rates effective March 1st and direct Gordon's Corner to file revised tariffs prior to March 1st.

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

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

**6. RELIABILITY AND SECURITY**

There were no items in this category.

**7. CUSTOMER ASSISTANCE**

**A. Docket Nos. BPU WC22060369U and OAL PUC 01950-23 – In the Matter of A’Meo, Inc., Petitioner v. Middlesex Water Company, Respondent – Billing Dispute.**

**Raymond Matos, Division of Customer Assistance**, presented in this matter.

**BACKGROUND:** This matter involves a billing dispute between A’Meo, Inc., and Middlesex Water Company. The petition was transmitted to the Office of Administrative Law for hearing as a contested case and Administrative Law Judge Kimberley M. Wilson filed an Initial Decision in this matter with the Board on December 4, 2023.



At its January 10, 2024, board meeting, the Board granted a 45-day extension of time for issuing a final decision. No exceptions to the Initial Decision have been filed.

A'Meo in their petition alleged Middlesex incorrectly billed their account, and they contacted the Company to request a meter reading and an on-site inspection to check for leaks.

Middlesex, in their response, claimed that the meter and the premises were inspected, confirming no signs of a leaks. Further, the meter was found to be operating properly.

On March 24, 2022, the meter was tested and found to be within the acceptable limits of accuracy. On July 24, 2023, Middlesex filed a motion for summary decision.

On August 23, 2023, A'Meo submitted response to the Company's motion. On September 21, 2023, the record was reopened to permit oral argument, which was then held on October 12, 2023.

ALJ Wilson, in her Initial Decision, concluded A'Meo failed to present any evidence that the Company overbilled them, and no material facts remain. ALJ Wilson also found that Middlesex followed proper procedures by inspecting the premises where no leaks were found; and the meter was functioning properly.

ALJ Wilson concluded that the Company is entitled to summary decision on its motion and ordered that the Company's motion be granted, and A'Meo's appeal dismissed.

Staff has completed review and recommends the Board adopt the Initial Decision.

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

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

## 8. CLEAN ENERGY

### **A. Docket No. QO24010059 – In the Matter of Request for NJ to Join a DOE-Sponsored Vehicle to Everything (V2X) Coalition Through MOU Signatory Status – Executive Session.**

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

**BACKGROUND:** This matter involves the opportunity for BPU to become a signatory to an established industry collaboration Memorandum of Understanding, and it's focused on advancing the commercial scaling of battery electric vehicle power export applications. The code is V2X MOU, Vehicle to Everything.

On April 20, 2022, the U.S. Department of Energy announced the creation of new Vehicle to Everything Memorandum of Understanding, serving as a partnership mechanism for public and private sector entities.

Initial signatories include a variety of large-enterprise vehicle manufacturers, charging system manufacturers and operators, government energy offices, energy companies, and electric utilities.

Importantly, membership in this collaboration does not obligate, in any way, our financial or other resource level commitments, but places us in an efficient forum to interact with and share emerging best practices for advancing the focus area of electric vehicle power utilization beyond that of simple drivetrain propulsion.

Staff thus believes that there are potentially significant statewide benefits to enabling EVs to interconnect and dynamically interoperate with the distribution system, a/k/a the "grid," via the use of V2X technology, and therefore recommends that the Board authorize the President to sign the MOU on the Board's behalf.

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

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

**B. Docket No. QO20030262 – In the Matter of the Charge Up New Jersey Electric Vehicle Incentive Program – Executive Session.**

**Cathleen Lewis, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** This matter was discussed in Executive Session, it concerns a modification of the contract with CSE, who administers the Charger Up New Jersey Program, to research and draft an EV Roadmap in conjunction with the state's Partnership to Plug In. Staff recommends approval.

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

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

**C. Docket No. QO24010008 – In the Matter of a Memorandum of Agreement Between the New Jersey Board of Public Utilities and the National Offshore Wind Research and Development Consortium (NOWRDC) for Ensuring Long-Term Availability and Bankability of Offshore Wind Through Hurricane Risk**

**Assessment and Mitigation.**

**Bailey Wild, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This item pertains to a Memorandum of Agreement between the Board and NOWRDC to fund Phase II its project entitled "Ensuring Long-term Availability and Bankability of Offshore Wind Through Hurricane Risk Assessment and Mitigation."

This project seeks to quantify the risk of hurricane damage and downtime to individual wind farms and to regions of offshore wind farms along the Atlantic coast by constructing better, more accurate hurricane models.

The Board provided \$200,000 in funding for Phase I of the Project in 2022, pursuant to a Memorandum of Agreement dated December 20, 2021.

If this item is approved, it would enable additional funding of \$200,000 for Phase II of the project, which plans to build upon Phase I to construct a more accurate hurricane prediction model to reduce uncertainty associated with conjectures about hurricane risk.

Staff recommends the Board approve an additional disbursement of \$200,000 to be used by NOWRDC for Phase II of this project.

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

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

**D. Docket No. QO24010009 – In the Matter of Clean Energy Request for Quotations for Offshore Wind Transmission Consulting Services for PJM State Agreement Approach Process 2.0 – Executive Session.**

**Genevieve DiGiulio, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** In the inaugural SAA 1.0 the Board awarded a suite of projects to develop the transmission infrastructure necessary to support the then goal of 7,500 MW of offshore wind. This nation-leading coordinated transmission solution is expected to yield approximately \$900 million savings to ratepayers, compared to the non-SAA approach.

In September of 2022 Governor Murphy signed Executive Order 307, which expanded New Jersey's offshore wind generation goal from 7,500 MW to 11,000 MW by 2040. Given the benefits of the coordinated transmission approach the Board anticipates will be realized through SAA 1.0, on April 26, 2023, the Board initiated the Second State Agreement Approach for Offshore Wind Transmission, directing Board Staff to collaborate with PJM to develop recommended transmission upgrades for the injection of an additional 3,500 MW.

The State Agreement Approach Study Agreement between PJM and the BPU was signed on January 3, 2024 and filed at FERC on February 2, 2024.

Staff seeks Board approval to retain a consultant to assist Staff in working with PJM on SAA 2.0 to ensure the best suite of potential transmission solutions for the Board to consider for final approval.

Staff seeks to retain a consultant to assist with the preparation of documents required for the solicitation process, stakeholder engagement, review and evaluation of submitted proposals to provide recommendations for the most efficient and cost-effective SAA 2.0 solution, if any.

As discussed in executive session, Staff recommends that the Board approve the issuance of this RFQ.

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

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

**E. Docket No. QO18060646 – In the Matter of the Community Solar Energy Pilot Program;**

**Docket No. QW23100746 – In the Matter of the Petition of Altus Power for Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Mechanically Complete Community Solar PY2 Projects;**

**Docket No. QW23110858 – In the Matter of the Petition of Altus Power for Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Certain Mechanically Complete Community Solar PY2 Projects;**

**Docket No. QO23110789 – In the Matter of the Petition of Solar Landscape Development for Extension of Construction Deadline for Conditionally Approved Egg Harbor Solar Project Due to Utility Upgrade Delays and Uncertainty of Timing for Utility Upgrade Completion; and**

**Docket No. QO23080557 – In the Matter of the Petition of Eagles Solar I and Eagles Solar II for an Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Landfill Community Solar Project.**

**Olivia Najjar, Division of Clean Energy,** presented in this matter.

petitioners are the following three community solar developers: Altus Power, Solar Landscape Development, and Eagles Solar I & II.

The Pilot Program, established on February 19, 2019, allows utility customers to participate in a solar energy project remotely located from their properties and receive a credit on their utility bills. Community solar enables access to clean energy generation for utility customers unable to place solar generation directly on their own properties, with a carve-out for low- to moderate-income subscribers.

In Year 2 of the Pilot Program, the Board selected 105 applications on October 28, 2021. These projects initially had a deadline to become fully operational within 18 months (i.e., May 4, 2023).

On August 17, 2022, the Board issued an Order extending the project completion deadlines for the Project Year 2 projects in the Pilot Program and Transition Incentive Program to November 4, 2023.

Altus Power filed two petitions on October 26, 2023, for extensions for a total of 28 community solar projects. Petitioner stated that all conditionally approved projects had reached or were scheduled to reach mechanical completion prior to the November 4, 2023, deadline, but that the respective electric distribution companies for each project were delayed in providing Permission to Operate, or PTO.

The alleged delays in the receipt of PTO by the petitioner's projects do not, based on the record before the Board, constitute sufficient grounds to waive TI Program and Pilot Program requirements.

Eagles Solar I & II filed a petition on August 8, 2023, for its two community solar projects located at the Berkeley Township Landfill, requesting a six-month extension of the expiration date in the TI Program. Eagles Solar I & II stated that the Pinelands Commission, after having confirmed that a previously approved 1991 landfill closure plan remained valid, later determined it was no longer valid, resulting in 14 months of development and permitting delays.

Petitioner has provided documentation of the Pinelands Commission's assurance that the prior landfill approval remained valid, supporting its statement that it reasonably relied on that assurance in the original development schedule for the project.

Solar Landscape filed a petition on November 3, 2023, for its community solar project at 6730 Delilah Road, Egg Harbor, New Jersey, requesting the latter of a six-month extension or six weeks after Atlantic City Electric weeks after Atlantic City Electric upgrades.

Solar Landscape has submitted evidence of mechanical completion prior to the expiration date and provided documentation supporting its statement that it reasonably relied on assurances from the EDC that PTO could be obtained prior to the expiration date.

Staff recommends the Board deny Altus Power's requests for extensions, and grant the petitions of Eagles Solar and Solar Landscape. Based on the program rules, Altus Power's project will be able to register in the new permanent Community Solar Energy Program.

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

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

**F. Docket No. QO20020184 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169;**

**Docket No. QW23040243 – In the Matter of Eligibility Rules for the Customers of Solar Installers That Have Been Debarred from the Administratively Determined Incentive Program; and**

**Docket No. QO23070429 – In the Matter of Request for Determination of Eligibility in the Administratively Determined Incentive Program by Customer of Bankrupt Installer – James Purdon and Vanessa Rosa Zenernet Installation Company, LLC.**

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

**BACKGROUND:** This agenda item pertains to the requirements of the Administratively Determined Incentive, or the ADI Program, and the difficulty confronting solar customers whose installers have been debarred from the solar registration program and are no longer able to facilitate the incentive registration process.

The Board's SREC-II registration program manager has reported complaints from the solars of three customers [sic], Orbit, Zenernet, and Vision Solar, regarding the non-responsiveness of the companies. Staff was able to verify that the companies identified had filed for bankruptcy and have subsequently been debarred.

Together, the three companies accounted for over 900 registrations at various stages of completion pending in the ADI Program. I'll refer to these registrations as "Affected Projects."

Staff has seen information tending to show that a fourth installer, Suntuity, has ceased operations and the ADI Program Manager has directed Suntuity to certify that it remains in business or risk the implementation of Contractor Remediation Procedures.

A customer whose installer has been debarred from the program before their project has received permission to operate may be expected to have difficulty meeting the ADI program requirements and the deadlines since the installer typically handles the registration process.

Affected projects will likely need accommodations with respect to deadlines and rule requirements such as the installer signatures on project post-construction certification documents.

Staff suggests that the Board provide a limited waiver of certain Administratively Determined Incentive Program eligibility rules in order to permit the customers with affected projects to be eligible for the ADI program incentive.

Staff suggests that the Board find that the unique circumstances confronting the affected projects warrants flexibility with respect to the ADI rule requirements and the Board take the following five actions:

First, direct the registration program manager to accept the customer's signature in lieu of the installer's on the relevant forms;

Second, waive the requirement that a project receive a Notice of Conditional Registration prior to commencing construction for any affected projects;

Third, waive the requirement that SREC-IIs be redeemed in GATS, Generation Attribute Tracking System, no later than the energy year following the energy year in which the electricity was generated and permit SREC-IIs to be redeemed in the energy year in which the New Jersey Certification Number was obtained or in the following energy year provided that in no case shall SREC-IIs be redeemed more than three years after the energy year in which the electricity was produced;

Fourth, find that Suntuity customers with projects that have pending ADI registrations shall be eligible for the same relief as the affected projects if Suntuity is debarred;

And, finally, to assist affected customers with the registration process.

Staff recommends that the Board direct Staff to add two new categories of solar vendor to the Trade Ally Database found on the New Jersey Clean Energy program website: "Assistance for Distressed Customers" and "Operations of Maintenance Providers."

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

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

**G. Docket No. QW22030128 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169; and**

**Docket No. QW23050290 – In the Matter of the Verified Petition of SunPower Corporation for a Waiver of N.J.A.C. 14:8-11.4(b) as Applied to Certain**

**Applications to the Administratively Determined Incentive (ADI) Program  
NJADRE1550129709 et al.**

**Zainab Durda, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This agenda item concerns 152 petitions, which collectively represent 1,233 customers that are requesting entry into the Administratively Determined Incentive Program, or the ADI program. The ADI Program launched on August 28, 2021, and is open to residential projects, net metered non-residential projects that are less than or equal to 5 megawatts and community solar projects. Solar generation facilities are prohibited from registering in the ADI Program if they commenced commercial operation prior to the opening of the ADI Program registration portal or as they began construction prior to receiving a notice of conditional registration. Additionally, The ADI rules limit increases in project-generating capacity after registration to 20 percent or 25 kW, whichever is smaller.

Of the 1,233 customers, 1,187 have received permission to operate, or PTO, prior to receiving the notice of conditional registration. They have petitioned the Board for a waiver of N.J.A.C. 14:8-11.4(b) in order to register in the ADI Program. Staff believes that circumstances associated with the transition from the TI Program to the ADI Program still warrant flexibility in the application of this restriction, but the time for such flexibility is coming to an end. Another 22 customers received PTO prior to launch of the ADI Program and have petitioned the Board for a waiver of N.J.A.C. 14:8-11.4(b).

Similar to the previous set of projects, Staff is concerned that these projects will be stranded without an incentive in the absence of board action. Staff believes a waiver is appropriate and recommends that the Board grant the petitions, with the qualification life for these projects commencing on August 28, 2021, which is the opening of the ADI Program. There are also 24 customers that seek a waiver of N.J.A.C. 14:8-11.5(k) for approval of solar facilities at a capacity that exceeds the size submitted in the initial registration package by more than 20%, which is the maximum allowed by the Rule.

For these projects, Staff recommends that the Board deny these petitions and encourage petitioners to re-register their projects at their new capacity, with a waiver on the prohibition on commencing construction prior to acceptance. Among the petitions are several projects that have received PTO but have not yet registered in the ADI Program. Staff recommends that the Board require petitioners of unregistered projects to register all such projects and submit an ADI program number to the program manager within 20 calendar days of the effective date of the Board's Order. Once registered, Staff recommends that the Board allow them to be eligible for a waiver of N.J.A.C. 14:8-11.4(b) and 11.6(a), if a project received PTO prior to the opening of the ADI Program.

Staff also recommends that for petitioners Sunpower and Sunnova, which have multiple unregistered projects seeking relief, the Board condition waiver of its rules on their ceasing to submit new registrations into the ADI Program until their unregistered projects addressed in this matter have been registered.



Staff further recommends that as of May 31, 2024, requests for a waiver of N.J.A.C. 14:8-11.4(b) require a rationale that goes beyond the impacts of COVID-19 and the programmatic changes of 2020 and 2021, if they are to be granted.

Furthermore, pursuant to the Contractor Remediation Procedures, the ADI program manager has initiated CRP for 15 contractors who have consistently violated program procedures and is scheduling mandatory meetings with the developers as needed.

Finally, Staff recommends the Board direct Staff to commence rulemaking to impose consequences, such as penalties in the form of depreciating incentive levels for those filing registrations and failing to comply with the program rules.

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

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

**H. Docket No. QO21010085 – In the Matter of Modernizing New Jersey’s Interconnection Rules, Processes, and Metrics – Executive Session.**

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

**BACKGROUND:** This matter pertains to a 180-day extension of an existing contract with Guidehouse, Inc. (Guidehouse), who is providing consulting services to New Jersey BPU Staff on matters pertaining to grid modernization and distributed energy interconnection reform.

As discussed in Executive Session, Staff recommends that the Board authorize the President to exercise the Contract Transition clause, conditioned on Staff securing approval from the Department of the Treasury.

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

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

**9. MISCELLANEOUS**

**A. Docket No. EO18121338 – In the Matter of the Application for Zero Emission Certificates of Salem 1 Nuclear Power Plant;**

**Docket No. EO18121339 – In the Matter of the Application for Zero Emission Certificates of Salem 2 Nuclear Power Plant; and**

**Docket No. EO18121337 – In the Matter of the Application for Zero Emission Certificates of Hope Creek Nuclear Power Plant.**

**Dr. Ben Witherell, Economist's Office**, presented in this matter.

**BACKGROUND:** This item pertains to revenue reviews for double payments as defined in Zero Emissions Certificate program, ZEC Act, and the Board's ZEC program.

By order dated April 18, 2019, the Board awarded Zero Emission Certificates, or ZECs, to three New Jersey nuclear generating plants: Salem 1, Salem 2, and Hope Creek. The ZECs were awarded for the remainder of Energy Year 2019, also called the Stub period, and Energy Years 2020, 2021, and 2022, together referred to as the first ZEC eligibility period, or ZEC 1.

By order dated May 20, 2020, the Board finalized the forward requirements for implementing the ZEC program. One forward requirement requires the Board to ensure that a nuclear unit awarded ZECs does not receive double payment for its fuel diversity, resilience, air quality, or other environmental attributes.

The Board, therefore, directed ZEC recipients to annually submit to the Board financial documents, data, information, and certifications pertaining to any payments, credits, and revenues received by the nuclear units in the prior energy year.

By the same May 2020 order, the Board directed Staff to analyze the information submitted by ZEC recipients and conduct an annual revenue review and identify any payments, credits, or revenue duplicative for the purposes of fuel diversity, resilience, air quality, or other environmental attributes.

Staff reviewed and analyzed certified data submitted by owners of the units selected to receive ZECs for the first ZEC eligibility period in the Stub period. Staff found no evidence of double payments related to resilience, fuel diversity, air quality or other environmental attributes.

Staff's findings were posted for public review and comment on June 22, 2023. Comments were received and no commenters disagreed with Staff's finding of no double payments.

Therefore, Staff recommends that the Board accept and adopt Staff's revenue review findings that qualified nuclear units awarded ZECs for the Stub period and for partial Energy Year 2019 and the Initial Eligibility Period comprising Energy Years 2020, 2021, and 2022 received no double payments for attributes as defined by the Act.

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

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

**B. Docket No. ER20080557 – In the Matter of the Application of PSEG Nuclear, LLC and Exelon Generation Company, LLC for the Zero Emission Certificate Program – Salem Unit 1;**

**Docket No. ER20080558 – In the Matter of the Application of PSEG Nuclear, LLC and Exelon Generation Company, LLC for the Zero Emission Certificate Program – Salem Unit 2; and**

**Docket No. ER20080559 – In the Matter of the Application of PSEG Nuclear, LLC for the Zero Emission Certificate Program – Hope Creek.**

**Dr. Ben Witherell, The Economist’s Office**, presented in this matter.

**BACKGROUND:** This item pertains to revenue reviews for double payments as defined in the ZEC Act and the Board's ZEC program.

By order dated April 27, 2021, the Board awarded Zero Emission Certificates, or ZECs, to three New Jersey nuclear generating plants: Salem 1, Salem 2, and Hope Creek. The ZECs were awarded for the second ZEC eligibility period, or ZEC 2, comprised of Energy Years 2023, 2024, and 2025.

By order dated May 20, 2020, the Board finalized the forward requirements for implementing the ZEC program. One forward requirement requires the Board to ensure that a nuclear unit awarded ZECs does not receive double payment for its fuel diversity, resilience, air quality, or other environmental attributes.

The Board, therefore, directed ZEC recipients to annually submit to the Board, for the second eligibility period, financial documents, data, information, and certifications pertaining to any payments, credits, and revenues received by the nuclear units in the prior energy year.

By the same May 2020 order, the Board directed Staff to analyze the information submitted by ZEC recipients and conduct an annual revenue review and identify any payments, credits, or revenue duplicative for the purposes of fuel diversity, resilience, air quality, or other environmental attributes as defined in the Act.

Staff has reviewed and analyzed certified data submitted by owners of the units selected to receive ZECs for Energy Year 2023, the first year of ZEC 2. Staff, again, found no evidence of double payments related to resilience, fuel diversity, air quality, or other environmental attributes.

Staff's findings were posted for public review and comment on December 21, 2023. Comments were received and, again, no commenters disagreed with Staff's finding of no double payments.

Staff recommends that the Board accept and adopt Staff's revenue review findings that qualified nuclear units awarded ZECs for Energy Year 2023 received no double payments for attributes as defined by the ZEC Act.

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

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

**C. Docket No. EO23080548 – In the Matter of the Third Eligibility Period for the Zero Emission Certificate Program Pursuant to N.J.S.A. 48:3-87.3 to 87.7.**

**Dr. Ben Witherell, Economist's Office,** presented in this matter.

**BACKGROUND:** On August 16, 2023, by Board order, the Board opened the ZEC 3 proceeding for the third ZEC eligibility period. In that order, the Board set August 23, 2023, as the deadline to file Letters of Intent by parties intending to file applications for ZEC 3.

PSEG Nuclear, LLC, and Constellation Energy Generation LLC, the owners of three nuclear generating units in New Jersey, filed letters of intent to submit applications for ZECs by the December 1, 2023, deadline.

On November 22, 2023, PSEG Nuclear withdrew its Notice of Intent to File, and on November 30, 2023, Constellation Energy also withdrew its Notice of Intent to File. As of the December 1, 2023, deadline to apply for ZEC 3, the Board received no applications for the third ZEC eligibility period.

As a result of having received no applications for the third ZEC eligibility period, Staff recommends that the Board close ZEC 3, Docket No. EO23080548.

Staff further recommends that the Board order New Jersey's four investor-owned electric distribution companies, or EDCs, and Butler Electric Utility to cease collecting their ZEC Charge rate of \$0.004 per kilowatt-hour on June 1, 2025, the day after the end of the second ZEC eligibility period, and order the EDCs and Butler to include a final accounting for the second eligibility period in their Energy Year 2025 ZEC Reconciliation Charge filing on or before October 1, 2025.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>
	<b>Commissioner Bange</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: May 22, 2024