



**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 April 30, 2024 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ [https://www.youtube.com/live/D\\_xV\\_H0Xugc?si=mCu6VdhtQbr2Zr1X](https://www.youtube.com/live/D_xV_H0Xugc?si=mCu6VdhtQbr2Zr1X)

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 May 22, 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. TO24010050 – In the Matter of the Request for Quotation for Consulting Services to Assist in Administration of Federal Broadband Grant Programs.**

**BACKGROUND:** This matter concerns New Jersey's participation in the broadband focus grant program authorized by Infrastructure Investment and Jobs Act and the Capital Project Fund ("CPF") implemented by the American Rescue Plan Act.

The Office of Broadband Connectivity seeks approval to issue a request for quotation to engage with one or more qualified bidders to assist the Office of Broadband Communication and Connectivity with the administration of the Federal Broadband grants. As a result of federal funding through the CPF and BEAD, New Jersey will have the resources to make a generational investment in broadband infrastructure and digital equity projects in order to ensure all of New Jersey has access to affordable high-speed internet.

Consistent with the requirements, rules, and guidance of NTIA's BEAD program, as well as US Treasury's CPF, the successful bidder will be responsible for aligning and integrating the strategies of both programs to ensure consistency with the guidance of the NTIA's BEAD program, as well as US Treasury's CPF program. The outcome of this task should maximize the benefits of the subsidies available under the two programs.

Staff recommends that the Board approve the issuance of this RFQ.

### 8. CLEAN ENERGY

#### **B. Docket No. QO24010015 – In the Matter of a Memorandum of Understanding Between Board of Public Utilities and Department of Environmental Protection to Fund DEP's FY24 Electric School Bus Program.**

**BACKGROUND:** This matter concerns an MOU between DEP and the Board to effectuate legislation that requires the Board to provide \$15 million to the DEP to fund the legislatively created Electric School Bus Program, year one.

Staff recommends that the Board authorize President Guhl-Sadovy execute the MOU with DEP for the disbursement of Clean Energy Fund to DEP to fund its ESB Program, consistent with legislative instruction, on behalf of the BPU.

## **CONSENT AGENDA**

### **I. AUDITS**

There were no items in this category.

### **II. ENERGY**

There were no items in this category.

### **III. CABLE TELEVISION**

There were no items in this category.

### **IV. TELECOMMUNICATIONS**

#### **A. Docket No. TE23120912 – In the Matter of Petition of IM Telecom, LLC d/b/a Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the State of New Jersey.**

**BACKGROUND:** On December 19, 2023, IM Telecom, LLC d/b/a Infiniti Mobile ("INFINITI" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") requesting designation as an Eligible Telecommunications Carrier ("ETC") to provide Lifeline service to qualifying New Jersey consumers ("Petition"). By the Petition, INFINITI sought ETC designation solely for the purpose of providing Lifeline service and does not seek access to funds from the federal Universal Service Fund ("USF") for participation in the Link-Up program or for providing service to high-cost areas.

INFINITI demonstrated and certified that the Company meets all the statutory and regulatory requirements, including those in the Federal Communication Commission's Lifeline and Link Up Reform Order of February 6, 2012, Lifeline Modernization Order of April 27, 2016, and Lifeline Order of December 1, 2017.

By letter dated April 4, 2024, the New Jersey Division of Rate Counsel indicated that it did not oppose the request by INFINITI for ETC designation.

Staff recommended approval of the Petition for designation of INFINITI as an ETC in the State of New Jersey.

### **V. WATER**

#### **A. Docket No. WE23100730 – In the Matter of the Petition of Aqua New Jersey, Inc. for Approval of a Municipal Consent to Provide Wastewater to a Portion of the Township of Harrison, Gloucester County.**

**BACKGROUND:** On October 12, 2023, Aqua New Jersey, Inc. ("Aqua" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5., seeking approval of a municipal consent granting the Company a franchise to maintain, repair, replace and operate wastewater facilities, and provide wastewater service to a portion of the Township of Harrison ("Township") ("Proposed Franchise Area"). The municipal consent was granted pursuant to Ordinance No. 18-2023 ("Ordinance" or "Municipal Consent"), adopted on September 18, 2023 by the Township.

The Proposed Franchise Area is partially developed and abuts portion of the State Route 322 corridor which has been identified for further residential and commercial development. Currently there is no public sewer service to the proposed franchise area.

The Proposed Franchise Area would be incorporated into the Company's service area and all terms contained in the Company's tariff will be applicable.

On February 20, 2024, a duly noticed public hearing on the Company's petition was held via teleconference.

On February 22, 2024, the New Jersey Division of Rate Counsel filed comments stating that it did not object to the determination requested in this matter, subject to certain conditions.

Board Staff recommended that the Board approve the Municipal Consent, adopted September 18, 2023, granted to Aqua by the Township, subject to the conditions in the draft Board Order.

#### **VI. RELIABILITY AND SECURITY**

There were no items in this category.

#### **VII. CUSTOMER ASSISTANCE**

There were no items in this category.

#### **VIII. CLEAN ENERGY**

There were no items in this category.

#### **IX. MISCELLANEOUS**

##### **A. Approval for the January 31, 2024 Minutes; and Approval for the February 8, 2024 Minutes.**

**After appropriate motion, consent agenda items IVA and VA were approved.**

<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>

**After appropriate motion, consent agenda item IXA (January 31, 2024 Minutes) was approved.**

<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>

**After appropriate motion, consent agenda item IXA (February 8, 2024 Minutes) was approved.**

<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>Abstain</b>
	<b>Commissioner Bange</b>	<b>Aye</b>

## AGENDA

### 1. AUDITS

There were no items in this category.

### 2. ENERGY

#### **A. Docket Nos. BPU GR23060348 and OAL PUC 11818-23 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) Rates for F/Y 2024.**

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

**BACKGROUND:** On June 1, 2023, New Jersey Natural Gas filed a petition requesting authority to modify its periodic Basic Gas Supply Service rate, Balancing Charge rate, and Conservation Incentive Program rate. New Jersey Natural updated the petition throughout the course of the proceeding.

By order dated September 18, 2023, the Board approved a provisional stipulation authorizing New Jersey Natural to implement provisional rates based on the update effective October 1. Based on that order, a typical residential customer was expected to experience a monthly decrease of \$4.16.

The parties have now executed a stipulation for final rates, which was approved by ALJ Gertsman, which would finalize the rates approved in the September 2023 order. Based on the stipulation, there's no further impact to the customer bills.

Staff recommends the Board adopt the initial decision and stipulation and direct New Jersey Natural to file revised tariffs by May 15.

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

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

#### **B. Docket Nos. BPU GR23060331 and OAL PUC 11816-2023 – In the Matter of Public Service Electric and Gas Company's 2023/2024 Annual BGSS Commodity Charge Filing for its Residential Gas Customers Under its Periodic Pricing Mechanism and for Changes in its Balancing Charge.**

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

**BACKGROUND:** On June 1, Public Service Electric and Gas filed a petition seeking approval to decrease its Basic Gas Supply Service Residential Gas Service rate, as well as its Balancing Charge rate. By order dated September 27, 2023, the Board approved a provisional stipulation authorizing PS to implement its proposed rate effective October 1 on a provisional basis. As a result of that order, a typical residential heating customer was expected to see a monthly bill decrease of \$13.17.

The parties have now executed a stipulation for final rates, which was approved by Administrative Law Judge Irene Jones. Based on the stipulation, there is no further impact to customer bills.

Staff recommends that the Board adopt the initial decision and stipulation and direct PSE&G to file revised tariffs by May 15.

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

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

**C. Docket No. GR23060332 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Gas Conservation Incentive Program (2023 PSE&G Gas Conservation Incentive Program).**

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

**BACKGROUND:** On June 1, 2023, PSE&G filed a petition seeking to modify the customer class rates associated with the company's Conservation Incentive program to account for potential lost sales stemming from the company's energy efficiency programs. By order dated September 27, 2023, the Board approved a provisional stipulation authorizing PS to implement its proposed rates subject to refund. As a result of the provisional order, it was anticipated that a typical residential customer would experience an annual increase of \$36.98.

The parties have now executed a stipulation for final rates recommending finalizing the rates approved in September. Staff recommends the Board issue an order approving the stipulation and directing PSE&G to file revised tariffs by May 15.

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

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

**D. Docket No. ER23110784 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric Rate Adjustments Pursuant to the Energy Strong II Program.**

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

**BACKGROUND:** On November 1, 2023, PSE&G filed a petition seeking cost recovery of certain electric investments within its Energy Strong II Program. The company subsequently updated the petition throughout the course of the proceedings. Following a review of the petition, the updates and conducting discovery, the parties have executed a stipulation resolving the matter. As a result of the stipulation, a typical residential electric customer will see an increase in their monthly bill of 42 cents.

Staff recommends the Board issue an order approving the stipulation and directing PSE&G to file revised tariffs by May 1.

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

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

**E. Docket No. GW23080558 – In the Matter of a Petition of PS&S Architecture and Engineering, PC for a Waiver of the Public Service Electric and Gas (PSE&G) Tariff for Individual Meters.**

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

**BACKGROUND:** On August 7, 2023 PS&S Architecture and Engineering, PC and WinnCompanies filed a petition seeking a waiver of PSE&G's tariff provision requiring individual gas meters be installed in residential buildings. The petitioners explained that a new four-story residential building in Princeton is under development and will provide 125 units of mixed income rental housing with numerous public amenities. According to the petition, the project will use natural gas for the central domestic hot water heating system, a single gas cook top in each of the units, and a handful of small gas-fired appliances located in shared amenity spaces. Additionally, the petitioners explained that the property owner committed to pay for the gas consumption in the building, including the cooking appliances located in the residential units. Through the course of the proceeding, the petitioners have provided additional commitment to supplement the petition.

Following a complete review of the record, Staff recommends that the Board approve the petition as supplemented by the additional commitments.



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

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

### **3. CABLE TELEVISIONS**

#### **A. Docket No. CE24030181 – In the Matter of the Application of Comcast of Plainfield, LLC for a System-wide Cable Television Franchise in the Borough of Dunellen, Middlesex County, New Jersey.**

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

**BACKGROUND:** This matter involves an application filed on March 13, 2024 by Comcast of Plainfield seeking approval for a systemwide cable television franchise to construct a cable television system and provide service to the Borough of Dunellen located in Middlesex County.

Pursuant to statute, an applicant must meet the specific requirements for operating a systemwide franchise as delineated in subsections N.J.S.A. 48:5A-28 (h) through (n). Comcast has certified that it would comply with these commitments and has also committed to maintain its current insurance and performance bond amounts to adhere to the requirements for a local office and the designation of the Office of Cable TV and Telecommunications, the OCTV&T, as complaint officer under the franchise.

Comcast has asserted that it has right-of-way access in the Borough as evidenced by an ordinance and a right-of-way use agreement adopted by the Borough's governing body on April 1, 2024.

On April 8, 2024, the Board held two virtual public hearings to receive public comment on the application, at which comments were provided by Comcast, the New Jersey Division of Rate Counsel, and Dunellen Mayor Jason Cilento. Written comments were accepted by the Board until April 15, 2024. Rate Counsel filed comments, which were responded to by Comcast.

Having reviewed all submissions provided in this matter, Staff recommends that the Board grant Comcast a systemwide franchise in the Borough for a term of seven years to expire on May 7, 2031 subject to the conditions outlined in the order, including, but not limited to, the provision of updates on the construction of the system, as well as compliance with all applicable State and Federal laws and regulations of the OCTV&T.

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

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

#### **4. TELECOMMUNICATIONS**

##### **A. Docket No. TO24010050 – In the Matter of the Request for Quotation for Consulting Services to Assist in Administration of Federal Broadband Grant Programs – Executive Session.**

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

**BACKGROUND:** This matter concerns New Jersey's participation in the broadband focus grant program authorized by Infrastructure Investment and Jobs Act and the Capital Project Fund implemented by the American Rescue Plan Act.

The Office of Broadband Connectivity seeks approval to issue a request for quotation to engage with one or more qualified bidders to assist the Office of Broadband Communication and Connectivity with the administration of the Federal Broadband grants.

Consistent with the requirements, rules, and guidance of NTIA's BEAD program, as well as US Treasury's CPF, the successful bidder will be responsible for aligning and integrating the strategies of both programs to ensure consistency with the guidance of the NTIA's BEAD program, as well as US Treasury's CPF program. The outcome of this task should maximize the benefits of the subsidies available under the two programs.

Staff recommends that the Board approve the issuance of this RFQ.

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

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

#### **5. WATER**

There were no items in this category.

#### **6. RELIABILITY AND SECURITY**

There were no items in this category.

## **7. CUSTOMER ASSISTANCE**

There were no items in this category.

## **8. CLEAN ENERGY**

### **A. Docket No. QO23040236 – In the Matter of the Clean Energy Programs and Budget for Fiscal Year 2024.**

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

**BACKGROUND:** This matter addresses proposed Fiscal Year 2024 budget true-up, budget reallocation, and program changes to the New Jersey Clean Energy program. The FY24 NJCEP budget was approved by the Board on June 29, 2023. The budget was established in part based upon an estimate of expenses expected to be incurred during Fiscal Year 2023.

Once actual expenses become known on an annual basis, the Board typically considers a true-up budget reconciling the differences between the expenses estimated for budgetary purposes and the expenses actually incurred. Consistent with the practice and now that all expenses actually incurred during FY23 are known, Staff is making a true-up recommendation which results in an additional \$80,014,638.00 available for the NJCEP.

Additionally, a review of FY24 first quarter program expenditures shows that some program spending is tracking above and below the original projections. Other program budgets have been adjusted due to participation levels, timeline changes and previous encumbrances.

Following the release of a proposal for the draft true-up budget, revised budget and program revisions, Staff held a virtual informational session on the proposed true-up budget program revisions. Public comments were accepted through March 27, 2024. Of the \$80,014,638.00 in FY23, Staff recommends the available funds be distributed as follows: \$450,000.00 to renewable energy programs, \$12,108,713.00 to planning and administration, and \$67,383,925.00 to BPU initiatives, which includes \$30 million for residential customer relief initiative.

In addition to the distribution of the available funds, Staff proposes reallocation among programs to align budgets with program performance and to reflect previous encumbrances.

Further, Staff updated the detailed budgets accordingly and revised the Division of Clean Energy, the TRC, and Comfort Partners compliance filings, as well as the comprehensive resource analysis to reflect previously approved developments and Board actions.

Additionally, Staff proposes the following program changes: The DCE compliance filing has been updated to reflect changes, but not limited to the Center For Sustainable Energy administering the Clean Fleet Electric Vehicle Incentive program, and the Multiunit Dwellings program, the legislative mandate between the BPU and the New Jersey Department of Environmental Protection in support of the Electric School Bus program and the Residential Customer Relief

Initiative to provide additional support to residential customers in need of financial bill assistance. The TRC compliance filing has been revised to provide program rules and details regarding the proposed New Construction program and, lastly, due to updated timelines and cost projections, \$150,000.00 has been reallocated in the Division of Property Management and Construction in BPU designated project lists.

Thus, Staff believes the proposed changes to NJCEP budget presents a reasonable approach to maintaining the NJCEP programs through the remainder of the fiscal year. Additionally, Staff has reviewed and considered the comments received and recommends that the Board approve the proposed FY24 true-up, revised budgets, and program changes.

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

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

**B. Docket No. QO24010015 – In the Matter of a Memorandum of Understanding Between Board of Public Utilities and Department of Environmental Protection to Fund DEP’s FY24 Electric School Bus Program – Executive Session.**

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

**BACKGROUND:** As noted, this matter was discussed in executive session. It concerns an MOU between DEP and the Board to effectuate legislation that requires the Board to provide \$15 million to the DEP to fund the legislatively created Electric School Bus Program, year one.

**DECISION:** After discussion, the Board adopted the recommendation of Staff.

<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. QO22050327 – In the Matter of New Jersey’s Clean Energy Program: New Construction Program.**

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

**BACKGROUND:** This matter concerns a New Construction Program that aligns with New Jersey's Clean Energy Act, Energy Master Plan, and Executive Order 316. The program will provide financial incentives to increase energy efficiency and environmental performance, as well as simplify the customer experience and application process for all new construction buildings in New Jersey. The New Construction Program's long-term objective is to transform the new construction market into one in which most new buildings are net zero energy.

The proposed program has three pathways to earn incentives, with higher incentive levels available for more comprehensive and effective measures. The bundled pathway requires implementation of at least two energy conservation measures that exceed current building code requirements. Second, the streamline pathway encourages deeper energy savings than the bundled pathway through modeling of the energy conservation measures to be implemented. Third, the high-performance pathway encourages the deepest energy savings by requiring that applicants perform whole building energy model to demonstrate savings beyond code or have their buildings certified to nationally recognized building standards, including LEED, Energy Star, Zero Energy Rate Home and Passive House. Further, the program includes a greenhouse gas reduction bonus that supports electrification and decarbonization.

The program will provide equitable access to projects located in low to moderate income census tracts, income qualified affordable housing, urban enterprise zones, and opportunity zones through initiatives including enhanced incentives and targeted outreach. It will also include a workforce development component that offers reimbursement for completion of pre-approved trainings and certifications.

As part of the New Construction Program, Staff proposes the Garden State Challenge, a statewide building competition that will provide incentives to support the development and construction of advanced building designs that will take significant innovative strides through carbon-free, sustainable new construction. Designs will be judged based on aesthetics, carbon intensity, comfort, health and safety, replicability, construction time, and ability to galvanize industry progress through New Jersey's goal of 100 percent clean energy by 2035.

Staff recommends approval of the proposed changes to the New Construction Program.

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

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

**D. Docket No. QO22030153 – In the Matter of the Community Solar Energy Program.**

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

**BACKGROUND:** This agenda item involves the expansion of the Community Solar Energy Program, CSEP, and updates to the program.

Community solar enables utility customers to participate in a community solar energy project remotely located from their properties and receive a credit on their utility bill. Community solar enables access to clean energy for customers unable to place clean energy generation on their own properties. The BPU developed the CSEP with a focus of ensuring that low to moderate

income, LMI, customers can access community solar, and that development is pursued without compromising preservation of open space or protected lands in New Jersey.

Following two pilot program years which has now seen more than 100 projects totaling over 140 megawatts reach commercial operation and stakeholder proceedings, the Board established the permanent CSEP and the proposed rules on August 16, 2023. The Board opened megawatt blocks for energy year 2024 for each of the State's EDC areas, totaling 225 megawatts on November 15, 2023. 224 community solar projects totaling 225 megawatts have been conditionally accepted into the program and all four blocks reached capacity and have closed.

On January 24, 2024, Governor Murphy signed P.L. 2023, c.200 into law, further increasing the goals of the CSEP to 500 megawatts during energy year 2024.

Staff now recommends that the Board allocate an additional 275 megawatts to the electric distribution company capacity blocks in the CSEP and ADI program setting the EY24 total capacity at 500 megawatts. Projects approved in the pilot program but did not reach commercial operation may continue to apply for the CSEP without counting against the capacity limits.

Staff recommends that the capacity reopen on May 15, 2024, and that projects be accepted into the program on a first come, first serve basis, except that registration submitted during an initial registration period of ten business days to be considered to have submitted at the same time. If applications exceed a block's capacity target, a tiebreaker will go into effect based on the guaranteed bill credit discount a developer commits to offer to all subscribers.

Staff further recommends that any unused capacity at the end of EY24 be rolled into energy year 2025 beginning June 1, 2024, with no additional capacity at this time.

Based on the experience of the first CSEP capacity allocation and comments on the program rule proposal, Staff recommends the following several updates to the CSEP: Removal of a requirement that rooftop buildings on separate buildings, that rooftop projects on separate buildings on different properties have different beneficial owners in order to not be considered relocated; including mining sites, defined as a sand mine, gravel pit, or mine on land classified as extractive mining as a permitted site type in the CSEP; applying the maturity requirement of written authorization from the EDC providing conditional approval to construct to all projects, not only to those larger than one megawatt; requiring all projects provide customers a minimum guaranteed bill credit discount of at least 20 percent to ensure substantive benefits to the subscribers; and, finally, as eligibility verification should not be an impediment by LMI households, approval of a self-attestation form allowing LMI subscribers to attest that their household income is less than 80 percent of the area median income.

Adding hundreds of megawatts of new community solar in the coming years will bring the benefits of clean energy and hundreds of jobs to the State. Staff recommends the Board approve the changes to the Community Solar Energy Program.

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

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

**E. Docket No. QO21010085 – In the Matter of Modernizing New Jersey's Interconnection Rules, Processes, and Metrics.**

**Natalie Stuart, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** Staff is recommending that the Board propose amendments to rules and new rules that govern the interconnection of distributed energy resources, or DERs, to the electric grid. These proposed amendments and new rules were developed following a rigorous stakeholder process and will be codified in New Jersey Administrative Code Title 14, Chapter 8, Renewable Energy and Energy Efficiency, Subchapter 4 and 5.

The purpose of the proposed amendments and new rules is to remove stakeholder identified sources of confusion or delay in the DER interconnection process and to prepare for a broader grid modernization effort that will enable the grid to host more DER capacity. These rule changes will significantly reduce the uncertainty, inefficiency, and delay applicants with viable DER projects seeking interconnection experience, while also clarifying the level of commitment and responsiveness expected from active applicants.

Further, the proposal seeks to facilitate the deployment of community solar projects by offering such projects greater assistance in navigating the interconnection process.

Staff recommends that the Board approve the proposed rule amendments and new rules for submission to the Office of Administrative Law and publication in the New Jersey Register.

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

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

**F. Docket No. GO20090619 – In the Matter of Petition of Elizabethtown Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act and the Establishment of a Conservation Incentive Program.**



**Alexis Trautman, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter concerns the petition of Elizabethtown Gas Company for approval of new energy efficiency programs and associated costs recovery pursuant to the Clean Energy Act and establishment of a conservation incentive program.

By order dated April 7, 2021, the Board approved a stipulation of settlement authorizing Elizabethtown Gas Company to implement its Triennium 1 EE programs with a total budget of \$83,415,832.00.

On November 20, 2023, ETG filed a letter petition requesting that the Board authorize ETC to extend the terms of its initial portfolio of the EE programs for the Triennium 1 extension period for a six-month period with a proposed budget of \$32,027,481.00, which represents 50 percent of its Triennium 1 program year three budget.

ETG, Rate Counsel, Staff, the Energy Efficiency Alliance of New Jersey, and the New Jersey At Large Energy Users Coalition have executed a stipulation requesting approval of ETG's November 2023 letter petition.

Staff recommends the Board approve this stipulation.

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

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

**G. Docket No. GO20090622 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq.**

**Alexis Trautman, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** In the matter of the petition of New Jersey Natural Gas Company for approval of energy efficiency programs and the associated costs recovery mechanism pursuant to the Clean Energy Act.

By order dated March 3, 2021, the Board approved a stipulation of settlement authorizing New Jersey Natural Gas Company to implement its Triennium 1 EE programs with a total budget of \$258,939,928.00.

On November 9, 2023, NJNG filed a letter of petition requesting that the Board authorize NJNG to extend the term of its initial portfolio of EE programs for the Triennium 1 extension period for a



six month period with a proposed budget of \$76,929,801.00, which represents 50 percent of its Triennium 1 program year three budget.

New Jersey Natural Gas, Rate Counsel, Staff, and the Energy Efficiency Alliance of New Jersey have executed a stipulation requesting approval of NJNG's November 2023 letter petition. Staff recommends that the Board approve this stipulation.

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

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

**H. Docket No. GO20090618 – In the Matter of the Petition of South Jersey Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act.**

**Alexis Trautman, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** In the matter of a petition of South Jersey Gas Company for approval of new energy efficiency programs and associated costs recovery pursuant to the Clean Energy Act.

By order dated April 7, 2021, the Board approved a stipulation of settlement authorizing South Jersey Gas Company to implement it's Triennium 1 EE programs with a total budget of \$133,266,488.00.

On November 20, 2023, South Jersey Gas filed a letter petition requesting that the Board authorize SJG to extend the terms of its initial portfolio of EE programs for the Triennium 1 extension period for a six-month period with a proposed budget of \$34,826,556.00, which represents 50 percent of its Triennium 1 program year three budget.

South Jersey Gas, Rate Counsel, Staff, and the Energy Efficiency Alliance of New Jersey have executed a stipulation requesting approval of SJG's November 2023 letter petition. Staff recommends that the Board approve the stipulation.

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

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

**I. Docket No. QO24020109 – In the Matter of the Opening of New Jersey's Fourth Solicitation for Offshore Wind Renewable Energy Certificates (ORECs).**

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

**BACKGROUND:** Today Board Staff recommends that the Board approve the fourth solicitation guidance document and open the application window for the fourth offshore wind solicitation inviting all interested parties to submit applications for consideration by July 10, 2024, and waive certain application requirements in N.J.A.C. 14:8-6.5, et seq.

The development of New Jersey's offshore wind program is a key element of the State's clean energy agenda. Governor Murphy has set forth goals of reaching 100 percent clean energy by 2035 and 11 gigawatts of offshore wind by 2030 to help ensure New Jersey reaches its ambitious clean energy objectives.

Staff's recommendation to open the fourth solicitation furthers New Jersey's leadership in the fight against climate change, which is an imminent threat to New Jersey's economy and the health, safety, and welfare of New Jersey's residents. Additionally, Staff's recommendations will advance innovative programs, promote economic development, provide valuable employment opportunities to New Jersey residents, and ensure that New Jersey's natural resources are protected.

New Jersey's commitment to protect our natural resources and grow our economy is of the utmost importance and it's impeded in this fourth solicitation. The strong wind resources off New Jersey's shoreline are well-suited to the development of a robust offshore wind program. Harnessing those resources must be done through responsibly developed and sited wind farms. In this fourth solicitation, New Jersey remains committed to ensuring that natural resources, including fish, marine mammals, birds and other wildlife are protected throughout the development, construction, operation and decommissioning of offshore wind projects.

On March 6, 2024, the fourth solicitation draft solicitation guidance document was released for public comment and on March 20, 2024, a public stakeholder meeting was held to receive comments on the draft. Written comments were accepted until March 27, 2024. Comments received during the public meeting and the written comment period were carefully reviewed by Staff and the Board's consultant, Levitan and Associates, and appropriate revisions were made to the final solicitation guidance document.

The goals of the fourth solicitation are to procure between approximately 1.2 gigawatts and four gigawatts of offshore wind capacity, encourage competition, promote economic development, combat the threat of global climate change to New Jersey, and achieve these goals at the lowest reasonable cost and lowest risk to New Jersey ratepayers.

Board Staff is also recommending certain Board rules be waived. Per the Board's rules, each application must meet the requirements set forth at N.J.A.C. 14:8-6.5, et seq. However, the New Jersey Department of Environmental Protection requested that the Board consider waiving the regulation that requires an application to include a description about applicants', quote, activities will be coordinated with the New Jersey Department of Environmental Protection Ecological Baseline Studies and indicate how each resource issue if impacted will be addressed.

New Jersey Department of Environmental Protection requested, and Staff concurs that this provision of the Board's rules be waived because the referenced ecological baseline studies, which were conducted in 2009, are now outdated and, thus, not reflective of the New Jersey Department of Environmental Protection's efforts. Staff and the New Jersey Department of Environmental Protection have closely coordinated to develop and include in this solicitation guidance document robust environmental and fisheries protection requirements and recommendations.

To conclude, Staff makes the following recommendations. The Board open the application window beginning today, April 30, 2024, the effective date of the Board's order, until 5 p.m. eastern time on July 10, 2024 to allow interested applicants sufficient time to prepare and submit their applications for Board consideration; the Board approved the use of the solicitation guidance document to inform applicants of the solicitation process and application requirements consistent with the Board's rules; and the Board waive the aforementioned rule relating to ecological baseline studies.

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

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

**J. Docket No. QO23090714 – In the Matter of New Jersey Clean Energy Program  
Fiscal Year 2024 Community Energy Plan Grant Program; and**

**Docket No. QO23100729 – In the Matter of New Jersey Clean Energy Program  
Fiscal Year 2024 Community Energy Plan Implementation Grant Program.**

**David Titus, Division of Clean Energy, presented in this matter.**

**BACKGROUND:** This matter pertains to the amending of the November 2023 Board order which approved the third program year of the Community Energy Plan Grant Program and the establishment of the Community Energy Plan Implementation Grant Program. The original order, approved in November 2023, established an application closing date January 31, 2024, for both programs and directed that Staff make recommendations for grant awards by spring of 2024.

Staff extended the application window to May 24, 2024, for both programs for several reasons. Staff recommends amending the order to reflect the new application closing date of May 24, 2024, and, in turn, for evaluations to occur in the summer of 2024.

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

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

**9. MISCELLANEOUS**

**A. Docket No. AX22090613 – In the Matter of the Proposed Amendments to N.J.A.C. 14:3 – All Utilities.**

**Jacqueline Hardy, Legal Department,** presented in this matter.

**BACKGROUND:** Madam President and Commissioners, Board Staff is proposing to add amendment and new rules to the Board's existing rules contained within the New Jersey Administrative Code, N.J.A.C. 14:3, which governs all utilities, which is also known as Chapter 3.

The changes include the following three changes. One, the extension of the winter termination program to water and wastewater, residential customers pursuant to Public Law 2021, Chapter 317, section seven. Two, changes made to comply with legislation which requires public utilities and municipalities to give each other notice of infrastructure projects and coordinate schedules pursuant to Public Law 2021, Chapter 263. And, finally, three, adding a requirement that water and wastewater utilities use the same methodology that gas and electric utilities are required to use to gross up for taxes, for deposits, and nonrefundable contributions collected for main extensions, supervised regulated services. If the deposits are nonrefundable contributions become taxable in the future.

The rule proposal was published in the New Jersey Register on August 21, 2023. The Board received comments from the stakeholder community through October 20, 2023, and responded to each of the comments. The notice of adoption contained a summary of all comments and Staff's responses.

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

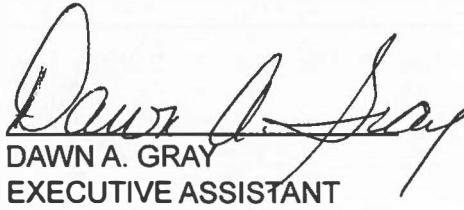
**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above.

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

Agenda Date: 8/14/24

Agenda Item: IXA

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



DAWN A. GRAY  
EXECUTIVE ASSISTANT

Date: 8/14/2024