



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

MINUTES OF THE REGULAR MEETING OF THE BOARD OF PUBLIC UTILITIES

A regular board meeting of the new Jersey Board of Public Utilities was held on August 14, 2024 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ https://www.youtube.com/live/EuPrBuwLZbg?si=Hq4XR5Qq_bQsaUUA

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, Commissioner¹

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 September 4, 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.

¹ Commissioner Bange appeared telephonically.
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EXECUTIVE SESSION

After appropriate motion, the following matters, which involved N.J.S.A. 10:4-12(b)(7) attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

8. CLEAN ENERGY

A. Docket No. QO24060423 – In the Matter of Request for Quotations for Consulting Services for the 5th Offshore Wind Solicitation.

BACKGROUND: This matter involves the release of a Request for Quotations (“RFQ”) for services related to the fifth solicitation for offshore wind (“OSW”) generation (“Fifth Solicitation”). Specifically, Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) seeks approval to release the RFQ to solicit proposals from qualified consultants to help develop and issue the Fifth Solicitation as well as evaluate responses to that Fifth Solicitation. All proposals will be reviewed through timely and ongoing briefings with the Board President and all Commissioners. A subsequent Board vote is required to obtain Board approval prior to hiring a consultant. No billable work can take place unless or until Board approval is granted.

Staff has relied on qualified consultants to support the development of Solicitation Guidance Documents (each, an “SGD”), and the evaluation of applications received in response to the applicable SGD for the first OSW solicitation in 2018-2019, the second OSW solicitation in 2020-2021, the third OSW solicitation in 2022-2023, and the fourth OSW solicitation in 2024.

Staff recommends that the Board approve the release of the RFQ to solicit proposals from qualified consultants for the purpose of hiring a contractor to assist Staff in developing and issuing the Fifth Solicitation and in evaluating responses to that Fifth Solicitation, subject to receiving approvals from the Department of Treasury (“Treasury”), Office of Management and Budget (“OMB”), the New Jersey Office of Information Technology (“NJOIT”) and the Board’s Division of Information Technology (“BPU IT”).

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

A. Docket No. EF02030185 - In the Matter of the Verified Petition of Jersey Central Power & Light Company for Authorization Pursuant to N.J.S.A. 48:3-7.2 for Approval to Participate in the FirstEnergy Corporation Intra System Money Pool - Amendment No. 11

BACKGROUND: On November 17, 2023, Jersey Central Power & Light Company ("Company"), a public utility corporation of the State of New Jersey, filed Amendment No. 11 to its original petition filed in this matter on March 19, 2002, requesting that the New Jersey Board of Public Utilities ("Board") issue an Order: 1) approving the Third Revised and Restated Utility Money Pool Agreement; and 2) authorizing the Company's continued participation in the FirstEnergy Intrasystem Utility Money Pool maintained for the benefit of various public utility subsidiaries of FirstEnergy Corp., including the Company, under the Revised Agreement through December 31, 2025.

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

B. Docket No. GR24020158 and OAL PUC 03991-2024 N - In the Matter of the Petition of Elizabethtown Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revisions

BACKGROUND: On February 29, 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, Elizabethtown Gas Company ("ETG" 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 gas service of approximately \$75.6 million, excluding Sales and Use Tax ("SUT"), to be effective for service provided on and after September 1, 2024 ("Petition").

By the Petition, ETG also sought to: 1) establish and/or recover certain regulatory assets; 2) modify the Company's depreciation rates; and 3) implement certain other tariff revisions including the implementation of an Uncollectible Adjustment Clause to account for fluctuations in uncollectible costs.

The Petition was transmitted to the Office of Administrative Law ("OAL") where it was subsequently assigned to Administrative Law Judge ("ALJ") Jacob S. Gertsman.

On May 15, 2024, ETG updated the Petition to include nine (9) months of actual data and three (3) months of estimated data ("9+3 Update"). Based upon the 9+3 Update, ETG updated its requested increase in base rates to approximately \$77.7 million, excluding SUT. On July 31, 2024, and updated on August 6, 2024, ETG updated the Petition to include twelve (12) months of actual data ("12+0 Update"). Based upon the 12+0 Update, ETG updated its requested increase in base rates to approximately \$70.3 million, excluding SUT.

Because review of this matter will not be complete prior to September 1, 2024, Board Staff ("Staff") recommended that the Board issue an order suspending the proposed rate increase until January 1, 2025, pending further action on this matter.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

A. Docket No. WF24030184 – In the Matter of the Petition of Fayson Lake Water Company for Approval of a Financing Transaction

BACKGROUND: On March 18, 2024, Fayson Lake Water Company, a public utility of the State of New Jersey, subject to the jurisdiction of the Board of Public Utilities, filed a petition seeking *nunc pro tunc* approval of a financing transaction pursuant to N.J.S.A. 48:3-7, N.J.S.A. 48:3-9, and N.J.A.C. 14:1-5.9 ("Petition").

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

VI. RELIABILITY AND SECURITY

A. Docket Nos. ES24060434K et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act N.J.S.A. 48:2-73 et seq.

BACKGROUND: This matter 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, failure to hand dig and locate, failure to use reasonable care and failure to properly mark. There were thirty-nine (39) settlements which total \$110,000.

Staff of the New Jersey Board of Public Utilities (“Board”) 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 April 17, 2024 Minutes;**
- Approval for the April 30, 2024 Minutes;**
- Approval for the May 22, 2024 Minutes.**

After appropriate motion, consent agenda items IIA, IIB, VA, and IXA

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

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

After appropriate motion, consent agenda item VIA

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

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. ER24060465 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2024 Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff.

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

BACKGROUND: On June 24 the electric distribution companies filed joint petition requesting recovery of FERC approved changes in firm transmission service-related charges. Based upon the allocation of these charges, the monthly bill for a residential customer using 650 KWH will change by the following amounts: An increase of \$3.68 for ACE, a decrease of 2 cents for JCP&L, a decrease of 4 cents for PSE&G, and a decrease of 2 cents for Rockland.

Staff recommends the Board approve the changes to the BGS transmission rates requested by each EDC effective September 1. Staff further recommends the Board authorize the EDCs to collect from or refund to BGS customers the cost associated with the FERC approved changes and waive the 30-day filing requirement. And, finally, Staff recommends the Board direct the EDCs to file revised tariffs by September 1.

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

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

B. Docket No. GR24060482 – In the Matter of Rate Schedule CSG Transportation Service Agreement Between Public Service Electric and Gas Company and Eagle Point Power Generation LLC.

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

BACKGROUND: On June 26, PSE&G and Eagle Point Power Generation, LLC entered into a rate schedule CSG service agreement for service at the Eagle Point facility in Westville, New Jersey. PSE&G subsequently filed a letter petition requesting approval of the agreement with the Board. The previous agreement expired on July 1st of 2024. On July 11, PS filed a letter requesting a temporary reinstatement of the expired agreement. Rate Counsel filed comments

indicating it did not object to the request for a temporary reinstatement to permit the parties an opportunity to conduct a comprehensive review.

Staff recommends the Board issue an order temporarily reinstating the 2014 agreement until a final order is rendered in this matter. As noted, this will allow the parties the opportunity to complete a comprehensive review while also ensuring the discount resumes and continues while this matter is under review.

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

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

3. CABLE TELEVISIONS

A. 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 final readoption with amendments of the Board's rules which govern the practice and procedures of the Office of Cable Television codified within Title 14 of the New Jersey Administrative Code or N.J.A.C. under Chapter 17. The rules address filing requirements for all pleadings, petitions, and filings required by cable television providers, including applications for initial franchises and renewals. The rules which are due to expire on September 20, 2024, were proposed for readoption by Board Staff 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.

The notice of proposal was approved by the Board on February 14, 2024, and published in the April 1, 2024, New Jersey Register. A virtual public hearing was held on April 23, 2024, where no members of the public attended. Comments were received by the Board through May 31, 2024, and were filed by New Jersey Division of Rate Counsel and Comcast Cable Communications. Commenters were generally supportive of the notice of proposal with minor recommended changes, which Staff recommended not adopting at this time.

Staff recommends the Board approve the final readoption of Chapter 17 with substantive and technical changes and authorize publication in the New Jersey Register following which the rules will be in effect for seven years.

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

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

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

A. Docket No. WR24040240 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Implement a Resiliency and Environmental System Investment Charge.

Dean Taklif, Division of Water, presented in this matter.

BACKGROUND: On April 19, 2024, New Jersey American-Water Company filed a petition with the Board for approval to implement the automatic adjustment clause tariff that would establish a Resiliency and Environmental System Investment Charge, or RESIC, for the recovery of costs and investments for the period of 2024 through 2027.

By letter dated July 23, 2024, Mount Laurel Township Municipal Utilities Authority submitted a motion to intervene in this matter. Mount Laurel explained that they procure water from New Jersey-American Water as a resale customer and will be affected by the company's requested rate and service increases. Mount Laurel also noted that its interests were distinct from other New Jersey-American Water customers and that their intervention would not cause any undue delay or confusion in the docket. The Board received no objections to Mount Laurel's motion.

Staff recommends that the Board grant Mount Laurel's motion.

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

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

B. Docket No. WR24030187 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Implement a Distribution System Improvement Charge.

Dean Taklif, Division of Water, presented in this matter.

BACKGROUND: On March 19, 2024, New Jersey-American Water Company filed a petition with the Board for the approval to implement an automatic adjustment clause tariff that would establish a Distribution System Improvement Charge, or DSIC, for the renewal of water distribution system assets for the period of 2024 through 2027. By letter dated July 23, 2024, Mount Laurel Township Municipal Utilities Authority filed a motion to intervene in this matter. Mount Laurel explained that they would procure, that they procure water from the company as a resale customer and will be affected by the company's requested rate and service increases. Mount Laurel also, that's a tongue twister, Mount Laurel also noted that its interests are distinct from other New Jersey-American Water customers and that their intervention would not cause undue delay or confusion in this proceeding. The Board received no objections to that motion.

Staff recommends that the Board grant Mount Laurel's motion.

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

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

C. Docket Nos. BPU WC22120730 and OAL PUC 00701-23 – Brenda Castrodad, Robert Harris, Robin Janell, Linda Pack, Lois Silverman, and All Similarly Situated, Petitioners v. Veolia Water New Jersey, Woodmont Properties, Toll NJ I, LLC and Toll Brothers, Inc., Respondents.

Dean Taklif, Division of Water, presented in this matter.

BACKGROUND: On December 8, 2022, Robin Janell, Linda Pack, and Lois Silverman and other similar situated residents of the 32 Cottage units of the Fairways of Edgewood Country Club Condominium Complex filed a petition with the Board alleging Veolia Water improperly charged them for water services. The Cottages are equipped with inch and a half services and meters that provide domestic use, domestic water use and fire sprinklers in each unit. The other 193 units of the complex, known as Carriages, are equipped with one-inch meters and in services with no sprinkler system. As a result of the different service and meter sizes, Cottage's customers water facility charges are substantially greater than those of the Carriage customers.

Veolia filed an answer to the petition on December 28, 2022, and the matter was transmitted to the Office of Administrative Law on January 12, 2023 as a contested case. The case was assigned to Administrative Law Judge Gail Cookson.

On May 5, petitioners filed an amended petition, and a second amended petition was filed seeking to add Woodmont Properties, Toll New Jersey 1, LLC and Toll Brothers, Incorporated as respondents to this matter on November 14, 2023. On December 15, 2023, Veolia filed a motion for summary decision to which the petitioner subsequently replied. On December 28, 2023, the petitioners filed a motion for summary decision, to which the company, Woodman and Toll

Brothers, subsequently replied. On January 23, 2024, the petitioners filed a cross motion for summary decision.

Following extensive motion practice, on March 5, 2024, ALJ Cooksman issued an initial decision in this matter to which the parties to this proceeding subsequently filed exceptions and reply exceptions.

Staff recommends that the Board approve ALJ Cooksman's initial decision in its entirety granting Veolia's motion for summary decision, denying petitioners' motion for summary decision, and dismissing all claims against Woodmont and Toll Brothers.

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

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

D. Docket Nos. BPU WR24030179 and OAL PUC 04695-24 – In the Matter of the Petition of Fayson Lake Water Company for Approval of an Increase in Rates and Other Appropriate Relief.

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

BACKGROUND: On March 12, 2024, Fayson Lake Water Company filed a petition seeking approval of an increase in its base rates for water service of approximately \$262,000.00. Following settlement discussions, the parties executed a stipulation resolving the matter, which was subsequently approved by ALJ Kimberly Moss.

As part of the settlement, the parties agreed to a revenue requirement of \$570,727.00 and a rate of turn of 9.6 percent. Based on the stipulation, the average customer using 15,000 gallons per quarter would see their quarterly bill increase by \$58.83.

Staff recommends the Board issue an order adopting the initial decision and stipulation and directing Fayson Lake to file revised tariffs by September 1.

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

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

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO24060423 – In the Matter of Request for Quotations for Consulting Services for the 5th Offshore Wind Solicitation – Executive Session.

Jack Streppone, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter involves the release of a request for quotations, or RFQ, to retain a consultant to assist Staff at the New Jersey Board of Public Utilities in development of the fifth solicitation for offshore wind generation and in the evaluation of applications received for that solicitation.

Staff has developed the RFQ to solicit proposals from qualified consultants. The scope of work being solicited includes the consultant's assistance in developing and issuing solicitation guidance documents for the fifth solicitation from qualified offshore wind projects eligible to receive offshore wind renewable energy certificates, or ORECs; evaluating applications submitted in response to the fifth solicitation; and providing general consulting services related to offshore wind and related transmission scenarios.

Staff, with assistance from budget and fiscal, will work with the New Jersey Department of Treasury to approve this RFQ and procure a contractor through the Waivers of Advertising process. At this time, approvals from the State Office of Information Technology and final approval from Treasury are currently pending.

Staff notes that all proposals received in connection with this RFQ will be reviewed through timely and ongoing briefings with the Board President and all Commissioners. A subsequent Board vote is required to obtain Board approval prior to hiring a consultant. No billable work can take place unless or until Board approval is granted. Therefore, Staff recommends that the Board approve the release of the RFQ to solicit proposals from qualified consultants for the purpose of hiring a contractor to assist Staff in developing and issuing the fifth solicitation and in evaluating responses to that fifth solicitation.

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

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

B. Docket No. QO22100660 – In the Matter of the United States Department of Energy – State Energy Program – Bipartisan Infrastructure Law – July 1, 2022 – June 20, 2027.

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

BACKGROUND: On December 7, 2022, the Board approved a proposed plan to utilize \$9,847,540.00 in the State Energy Program funding allocated to the State of New Jersey under the Bipartisan Infrastructure Law. This plan included the following programs: The State Energy Program for non-IOU customers, the Multiunit Dwelling Electric Vehicle Charger Incentive Program for non-IOU customers, and Municipal LED Streetlights Program for non-IOU customers. The Board approved Staff to submit this plan to the United States Department of Energy.

Staff seeks to modify the plan to remove the Multiunit Dwelling EV Charger Incentive Program for non-IOU customers and the Municipal LED Streetlights Program for non-IOU customers as both programs will receive funding from alternative sources. The former will be funded by the 2023 and 2024 annual SEP allocations to New Jersey, while the latter will be funded by the fiscal year 2025 NJ CEP budget under the LED Streetlights Replacement budget. Staff also seeks to reallocate the unexpended funds from these programs, a total of \$3 million, to the State Energy Program for non-IOU customers.

Staff recommends approval of the above modifications and submission of these modifications to the United States Department of Energy.

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

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

C. Docket No. QO24060424 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000 – Atlantic Health System.

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

BACKGROUND: Atlantic Health System submitted an application under the Combined Heat and Power and Fuel Cell Program requesting Board approval of a financial incentive of \$3 million for the installation of a combined heat and power, or CHP system, at the Overlook Medical Center in Summit, New Jersey. This proposed project has an indicated total cost of \$10,290,813.00.

If approved, this application would cover the installation of a 2,646-kilowatt CHP system, which was a system efficiency of 71.8 percent and will have black start and islanding capabilities.

Annually, this project is anticipated to annually produce 22,516,539 kilowatt hours of electricity and 56,735.8 MMBtu of recovered heat. This project is also anticipated to save an estimated 13,358 MMBtu in cooling and an estimated 43,378 MMBtu in heating.

Staff recommends approval of the application for the total estimated incentive amount.

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

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

D. Docket No. QO18121289 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications;

Docket No. QO22020041 – In the Matter of the Petition of Ocean Wind, LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Easements Across Green Acres Restricted Properties and Consents Needed for Certain Environmental Permits in, and with Respect to, the City of Ocean City are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project;

Docket No. QO22050347 – In the Matter of the Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Certain Easements and Consents Needed for Certain Environmental Permits in, and with Respect to, the County of Cape May are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project;

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

Docket No. QO21050825 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 2 for 1,200 to 2,400 MW – Ocean Wind II, LLC.

Kevin Dillon, Division of Clean Energy, presented in this matter.

BACKGROUND: This item addresses two motions to vacate, both were submitted on July 1, 2024.

One motion was submitted by Ocean Wind, LLC with respect to the Ocean Wind 1 1,100 megawatt project, or Ocean Wind 1. The Ocean Wind, LLC motion asks the Board to vacate five board orders with respect to the Ocean Wind 1 project, which includes the order approving Ocean Wind 1 as a qualified offshore wind project, as well as four Board orders granting Ocean

Wind 1 project property easements on property owned separately by the City of Ocean City and Cape May County.

The other motion was submitted by Ocean Wind II, LLC with respect to its 1,148 megawatt project, or Ocean Wind II. In its motion, Ocean Wind II, LLC asks the Board to vacate the Board order approving Ocean Wind II as a qualified offshore wind project.

Upon consideration and review of the Board rules, the relative statutes, and the docket, Staff makes the following recommendations to the Board. Staff recommends that the Board grant the Ocean Wind, LLC motion and vacate the following five orders pertaining to the Ocean Wind 1 project: the June 21, 2019 Ocean Wind 1 Board Order BPU Docket QO18121289, the September 28, 2022 Order BPU Docket QO22020041, the November 2, 2022 Order in the same BPU Docket, the February 17, 2023 order in BPU Docket QO22050347, and March 24, 2023 order in the same Docket.

Staff also recommends Board grant the Ocean Wind II, LLC motion and vacate the June 30, 2021, Ocean Wind 2 Board Order in the BPU Docket numbers QO20080555 and QO21050825. Staff also recommends that the Board direct Ocean Wind, LLC to advise the Appellate Division and any other court considering enforcement of such orders of the Board's decision today rendering those pending matters moot.

And, finally, Staff recommends the Board direct Ocean Wind, LLC to properly take such action and/or record such documents with the Cape May County Clerk as necessary to reflect that the Ocean Wind orders have been vacated.

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

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

E. 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.

Dave Titus, Division of Clean Energy, presented in this matter.

BACKGROUND: This matter pertains to Staff's recommendations for the Board to approve award winners for Program Year 3 of the Community Energy Plan Grant Program, or CEPG, and Program Year 1 of the Community Energy Plan Implementation Grant Program, or CEPI.

The Board approved the opening of the respective program years for both programs on November 17, 2023. The application window for both programs was opened on December 19,

2024. Applicants had until Friday, May 24, 2024 to submit their completed application. For CEPG, applicants were required to submit the application package, which included an applicant's certification form, applicant contact information, and a signed resolution supporting the application for the program. CEPI applicants were required to submit a project workbook detailing each individual project proposal that was being submitted, as well as an applicant's certification form and signed resolution supporting application to the program.

In total, 92 municipalities submitted applications for CEPG, all of which were determined by Staff to be administratively complete. 29 municipalities submitted a combined total of 88 project proposals for CEPI funding. All of these applications were determined by Staff to be administratively complete.

CEPI project proposals were evaluated based on project readiness, reduction impacts for greenhouse gas emissions, potential project co-benefits, project sustainability, innovation and replicability, and likelihood of success. The CEPI evaluation committee reviewed all proposals using these criteria and project scores were averaged to reach the final score for each project proposal.

Due to requirements associated with Federal funds, Staff had to ensure that at least 40 percent of total program funding was directed to overburdened municipalities. Additionally, no more than 40 percent of the program funding could be allocated to municipalities who are already eligible to receive funding from the United States Department of Energy's Energy Efficiency and Conservation Block Grant Program.

After ranking all eligible projects, the Staff chose the 18 projects that received the highest scores satisfying the requirements related to the amount of overburdened municipalities and EECBG-eligible municipalities receiving funding. After ranking \$14,093.42 in funding was left over, which was not enough to fund the next qualifying projects, therefore the funding will carry over to future fiscal years. With approval of awards for both programs, Staff will begin to coordinate with the municipalities the process grant agreements. The anticipated start date for both programs is October 1, 2024. CEPG awardees will have one year to complete their community energy plans. CEPI awardees will have two years to complete their projects.

Staff recommends approving awards for all 92 municipalities that applied for CEPG for grants totaling \$1,145,000.00. Staff also recommends approving grants for the 18 project proposals that received the highest scores from the evaluation committee for CEPI. These 18 projects were submitted by 16 different municipalities and the total funding would be \$3,400,086.58.

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

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

9. MISCELLANEOUS

A. Docket No. EO24070540 – In the Matter of the Determination of the Zero Emission Certificate Price for Energy Year 2024.

Dr. Ben Witherell, Division of The Economist, presented in this matter.

BACKGROUND: Pursuant to the ZEC Act, the Board is required to determine the ZEC price for each energy year that eligible nuclear plants have been selected by the Board to receive ZECs. The ZEC price is the dollar per megawatt-hour price that the selected nuclear units receive for their generation under the ZEC Act. The formula for determine the ZEC price is defined in statute as the total dollars collected by New Jersey electric distribution companies through the ZEC charge divided by the larger of two values. Either, the total number of megawatt-hours generated by the nuclear plants or 40 percent of the total megawatt-hours for electricity sold by the electric distribution companies.

As calculated by Staff, the resulting ZEC price for Energy Year 2024 is \$9.95 per megawatt-hour generation by the nuclear plants. Therefore, Staff recommends that the Board determine the ZEC price for Energy Year 2024 to be \$9.95 per megawatt hour.

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

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

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

Sherri L. Golden

Sherri L. Golden
Board Secretary

Date: 10/9/2024