



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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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 March 19, 2025 at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and online @ [https://www.youtube.com/live/ZGa74PZajQk?si=tx\\_ainbOzf1nknNx](https://www.youtube.com/live/ZGa74PZajQk?si=tx_ainbOzf1nknNx).

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, and by 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. Lewis, 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 April 23, 2025, 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. TO25020037 – In the Matter of the Proposed Amendment of the Contract for Administration of Federal Broadband Grant Programs.

**BACKGROUND:** This matter pertains to New Jersey's participation in federal broadband grant programs authorized by the Infrastructure Investment and Jobs Act ("IIAJ") (Public Law 117-58, 135 Stat. 429) and the Capital Projects Fund ("CPF") established under the American Rescue Plan Act of 2021 (P.L. 117-2, 135 Stat. 233) ("ARP").

Specifically, by this item, Staff of the New Jersey Board of Public Utilities ("Board") ("Staff") seeks approval to modify the July 24, 2024 contract with McKinsey & Company, Inc. ("McKinsey") for consulting services supporting the CPF and Broadband Equity, Access, and Deployment ("BEAD") grant programs ("McKinsey Contract").

To align with available funding, Staff recommends that the Board approve a modification to the McKinsey Contract to reduce the scope of work. McKinsey has agreed to this modification.

### 6. RELIABILITY AND SECURITY

#### A. Docket No. AA24040229 – In the Matter of Request for Proposal Designation of System Operator of New Jersey's "One-Call Damage Prevention System".

**BACKGROUND:** Staff of the New Jersey Board of Public Utilities ("Board") ("Staff") seeks approval to award a contract to operate New Jersey's One-Call Damage Prevention System ("One-Call System" or "System") for a five (5)-year term, commencing April 1, 2025, through March 31, 2030.

After a review and scoring by an evaluation committee, Staff recommends that the Board approve a contract with One Call Concepts ("OCC") for a term of five (5) years with the option for two (2) additional one (1)-year extensions.

Staff also recommends that the Board approve a new tariff with a new ticket rate of \$1.90 per outgoing mark-out notification ticket ("Ticket Rate") which is billed to underground facility operators in order to fund the program and allow the system operator to collect the contract message rate agreed upon in the contract award for an effective date of April 1, 2025. In addition to a Ticket Rate, the tariff sets forth rates for other permissible fees as well as operational details.

## 8. CLEAN ENERGY

### A. Docket No. QO24010069 – In the Matter of the Request for Quotation for Consulting Services for New Jersey Solar for All Program.

**BACKGROUND:** This matter involves the award of a contract for services related to the United States Environmental Protection Agency's ("EPA") Solar for All competitive grant ("Grant"). Staff of the New Jersey Board of Public Utilities ("Board") ("Staff") seeks approval to hire a contractor to assist with the design and implementation of New Jersey's Solar for All ("NJSFA") program, including the solicitation of subaward programs and administration of those subaward programs.

On November 21, 2024, the Board authorized the release of a Request for Quotation ("RFQ") to hire a contractor to assist with the design and implementation of the NJSFA program. The RFQ allows for a three (3)-year contract ("Contract"), with the option for an additional two (2)-year extension upon mutual agreement between the Board and the Contractor.

On January 23, 2025, the Board received proposals from four (4) firms in response to the RFQ. An evaluation committee composed of several members of Staff ("Committee") thoroughly evaluated and scored each proposal.

The Board's Division of Budget and Fiscal has submitted a budget increase request for the Contract to the New Jersey Office of Management and Budget and Treasury. Approval is needed before a Contract award is made.

Due to uncertainty about the availability of federal funding for this award, Staff further recommends that the Board vote to authorize President Guhl-Sadovy to suspend or terminate the Contract, consistent the terms of the RFQ, without further Board action in the event federal funding becomes unavailable for any reason.

### B. Docket No. QO21101186 – In the Matter of the Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c. 169 – Price Cap Determination for the Third Solicitation of the CSI Program.

**BACKGROUND:** By Order dated December 7, 2022, the New Jersey Board of Public Utilities ("Board" or "BPU") established the Competitive Solar Incentive ("CSI") Program. The CSI Program is open to qualifying grid supply solar installations, eligible grid supply solar installations in combination with energy storage and non-residential net metered solar installations with a capacity greater than five (5) megawatts ("MW").

Following the Board's April 17, 2024 Order awarding 310.21 MW to projects competing in Tranches 1, 3 and 5 in the second CSI Program solicitation, Board Staff ("Staff") and solicitation manager Daymark Energy Advisors ("Daymark") evaluated the solicitation including barriers to participation in Tranches 2 and 4, which received no bids. Staff sought stakeholder input through informal surveys, a stakeholder session held September 17, 2024 and a Request for Information ("RFI") issued December 2, 2024.

Staff recommends that the third solicitation of the CSI Program opens for prequalification on April 2, 2025, and closes to bids on June 5, 2025 at 11:59:59 pm EST.

Additionally, based on a report compiled by Daymark and stakeholder feedback, Staff developed the following recommendations for changes to tranches within the CSI Program for future solicitations:

That the Board establish and maintain a consistent pre-qualification window for future CSI solicitations, opening in mid-February and closing mid-April, with awards announced before the end of the energy year. During the solicitation window, the solicitation manager may meet with applicants who submit a prequalification application to ensure full understanding of the application components.

Expansion of the siting types able to compete in Tranche 2: Grid Supply on the Built Environment, based on cost considerations. These include open lands classified as “Industrial and Commercial Complexes” and “Extractive Mining” and floating solar sites.

Changes to capacity allocations for the solicitation, reflecting a decrease in capacity for Tranche 4: Net Metered Non-Residential Projects Greater than five (5) MW and subsequent increases to Tranche 3 and Tranche 1 capacity allocations, for a solicitation total remaining at 300 MW solar generation with 160 MWh energy storage paired with grid supply solar generation.

Finally, Staff recommends that the Board establish confidential price caps for all tranches in which projects will compete during the CSI Program solicitation. While Staff has utilized the best available data to inform the confidential price caps proposed for the third solicitation of the CSI Program, the market is currently experiencing more-than-usual volatility. Therefore, Staff recommends that the Board direct Staff to perform an updated evaluation of price caps before the close of the third CSI solicitation window. If the results of this evaluation indicate that one (1) or more of the confidential price caps set here should be revised, the Board will act in accordance with the CSI Program rules are N.J.A.C. 14:8-11.10(j).

**C. Docket No. QO19121507 – In the Matter of the BPU Clean Energy Program for (RFP) Web Design, Development Hosting and Maintenance.**

**BACKGROUND:** This matter concerns approval of an award to InClima, Inc. (“InClima”) to redesign, host, and maintain the New Jersey’s Clean Energy Program (“NJCEP”) website (“CEP website”), <https://www.njcleanenergy.com>, for a period of three (3) years. The contract also includes three (3) one (1)-year extension options.

The CEP website has been without a dedicated website vendor since 2015. Since 2015, TRC Companies, Inc. (“TRC”) has hosted and maintained the CEP website on an interim basis.

This RFP award received all Treasury approvals on March 5, 2025.

Staff of the New Jersey Board of Public Utilities (“Board” or “BPU”) (“Staff”) received bids from twenty-five (25) vendors and recommends that the Board select InClima for award.

**D. Docket No. QO22080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC); and**

**Docket No. QO24010061 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW – Attentive Energy LLC.**

**BACKGROUND:** On January 23, 2025, Attentive Energy LLC (“Attentive” or “Attentive Energy”) filed a motion to stay enforcement and suspend the obligations, until January 24, 2026, of two specific requirements included in the order that the New Jersey Board of Public Utilities (“Board”) issued on January 24, 2024 (“January 24, 2024 Order”), approving Attentive Energy Two’s 1,342 MW Project as a Qualified Offshore Wind Project (“QOWP”) (“Attentive Project” or “Project”) under Docket No. QO22080481 (“Motion”).

Board staff (“Board Staff” or “Staff”) recommends that the Board approve Attentive’s Motion to stay enforcement of the January 24, 2024 Order for a stay period ending January 24, 2026.

**E. Docket No. QO22080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC); and**

**Docket No. QO24010060 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW – Invenergy Wind Offshore LLC.**

**BACKGROUND:** On July 22, 2024, Invenergy filed a Motion for a Stay of the Board’s January 24, 2024 Order. The Motion to Stay requested that the Board maintain the status quo by staying enforcement of the January 24, 2024 Order and suspend all obligations imposed by the Board therein through December 20, 2024.

In its Motion, Invenergy described negative developments related to the supply and costs of wind turbine generators that occurred during the Third Solicitation application process and following the January 24, 2024 Order.

On September 25, 2024, the Board issued an Order granting the Invenergy’s motion to stay enforcement of the January 24, 2024 Order, thereby suspending all obligations of the January 24, 2024 Order until December 20, 2024.

On December 19, 2024, Invenergy filed a Motion to Extend the Stay of the Board’s January 24, 2024 Order as the original stay was set to expire the following day. The Motion to Extend requests that the Board stay enforcement of the January 24, 2024 Order and suspend all obligations imposed by the Board therein, through May 20, 2025

In its Motion to Extend, Invenergy described continued price volatility within the offshore wind (“OSW”) equipment market and noted that the Company is still working to identify a solution to that volatility.

After Invenergy filed its Motion to Extend, on or about January 20, 2025, President Donald Trump issued several executive orders that have directly impacted the OSW industry. The

executive orders direct, among other things: 1) an indefinite pause on OSW development until the outcome of a review and assessment of relevant federal permitting and approval processes, and 2) a pause on certain Inflation Reduction Act (“IRA”) and Bipartisan Infrastructure Law (“BIL”) funding.

The issuance of these executive orders has caused a great deal of confusion and uncertainty for OSW projects, such as the LLW Project, that have yet to obtain all required federal permits necessary to reach construction and operation or are reliant on federal funding or tax benefits.

Board staff (“Board Staff” or “Staff”) recommends that the Board approve Invenergy’s Motion to Extend the Stay of the Board’s January 24, 2024 Order for a stay period ending January 24, 2026.

## **CONSENT AGENDA**

## I. AUDITS

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

EE24120879L      Sunnova Energy Corporation      I – EA/PA/EC  
GE24120880L

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

GE25010013L      Spartacus Energy Services, LLC      I – GSL

**BACKGROUND:** The New Jersey Board of Public Utilities (“Board”) must register all energy agents, private aggregators, and energy consultants, and the Board must license all third party electric power suppliers and natural gas suppliers (“TPSs”). Annually thereafter, TPSs, 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.

Board Staff (“Staff”) recommends that the following applicant be issued initial registrations as an energy agent, private aggregator, and energy consultant:

- Sunnova Energy Corporation

In addition, Staff recommends that the following applicant be issued an initial license as a natural gas supplier:

- Spartacus Energy Services, LLC

## II. ENERGY

### A. **Docket Nos. BPU GR24060371 and OAL PUC 15749-2024N – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate and Conservation Incentive Program Rates for the Year Ended September 30, 2025.**

**BACKGROUND:** On February 28, 2025, the New Jersey Board of Public Utilities (“Board”) received Administrative Law Judge Irene Jones’ Initial Decision in the above-captioned matter. The final date of the forty-five (45)-day statutory period within which the Board is to consider this matter and render a Final Decision is April 14, 2025.

Board Staff (“Staff”) required additional time to adequately review the Initial Decision and the record in this matter. As such, Staff requested that the Board approve a forty-five (45)-day

extension of time to render a Final Decision and require that a Final Decision be entered on or before May 29, 2025.

**B. Docket Nos. BPU ER24110854 and OAL PUC 17805-2024 S – In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, to Implement Deferred Accounting, and for Other Appropriate Relief.**

**BACKGROUND:** On November 21, 2024, pursuant to N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, Atlantic City Electric 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 seeking approval of an increase in its current base rates for electric service of approximately \$120 million, excluding Sales and Use Tax, to be effective for electric service provided on and after December 21, 2024.

By Order dated December 18, 2024, the Board suspended the proposed rates until April 21, 2025. This matter was subsequently transmitted to the Office of Administrative Law for hearings as a contested case and assigned to Administrative Law Judge (“ALJ”) Jacob S. Gertsman.

Because review of this matter will not be complete prior to April 21, 2025, Board Staff recommended that the Board issue an Order suspending the proposed rate increase until August 21, 2025.

**III. CABLE TELEVISION**

There were no items in this category.

**IV. TELECOMMUNICATIONS**

There were no items in this category.

**V. WATER**

**A. Docket No. WE24090674 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of a Municipal Consent Granted by the Township of Hillsborough, County of Somerset.**

**BACKGROUND:** On September 9, 2024, New Jersey-American Water Company, Inc. (“NJAWC” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:2-14, N.J.S.A. 48:19-17, N.J.S.A. 48:19-20 and N.J.A.C. 14:1-5.5, for approval of a municipal consent, Ordinance No. 2024-06 (“Municipal Consent”) granting the Company authority to provide wastewater service in a portion of the Township of Hillsborough (“Township”) (“Petition”).



The Municipal Consent authorizes the Company to construct, lay, maintain, and operate the necessary wastewater mains, pipes and appurtenances to provide wastewater services to the residents, businesses and government buildings formerly served by the Borough of Manville ("Manville"), for a period of fifty (50) years.

The Township granted the Municipal Consent on June 11, 2024, giving permission to NJAWC to provide wastewater service in a portion of the Township formerly served by Manville. The Municipal Consent was granted in anticipation of the sale of the Manville's wastewater system to NJAWC.

On January 7, 2025, the Board conducted a duly noticed virtual public hearing on the Petition. No members of the public attended the hearing, and the Board received no written public comments in this matter.

On January 16, 2025, the New Jersey Division of Rate Counsel submitted comments on proposed Municipal Consent stating that it does not object to the determination requested, subject to certain conditions.

Board Staff recommended that the Board approve the Municipal Consent, subject to certain terms and conditions.

## **VI. RELIABILITY AND SECURITY**

There were no items in this category.

## **VII. CUSTOMER ASSISTANCE**

There were no items in this category.

## **VIII. CLEAN ENERGY**

**A. Docket No. QO24010016 – In the Matter of P.L. 2023, c. 158, an Act That Extends Deadlines, Under Certain Circumstances, for Completion and Commercial Operation of Certain Solar Electric Power Generation Facilities Notification and Certification of Tolling Event and Agreement Processing by PJM Interconnection LLC ("PJM"); and**

**Docket No. QO20080563 – Monmouth County Howell Landfill – Application for Subsection (t) Block 42, Lot 93, 94 & 94A.**

**BACKGROUND:** On October 28, 2024, Monmouth Solar 1, LLC ("Monmouth Solar"), filed a Notification and Certification of Tolling Events ("Certification"), seeking a two (2) year extension of deadlines for completion and commercial operation pursuant to P.L. 2023, c.158 for a solar electric power generation facility that had received conditional certification in the Transition Incentive Program pursuant to Subsection (t) of the Solar Act of 2012, L.2012, c.24.

On the basis of the information provided in the certification, Staff recommended that the Board accept the certification in full satisfaction of the requirements set forth in P.L. 2023, c.158, and extend the deadline by two (2) years for the project.

**IX. MISCELLANEOUS**

**A. Approval for the December 18, 2024 Minutes.**

**After appropriate motion, consent agenda items IA, IIA, IIB, VA, VIIIA, and 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>Aye</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. ER25020039 – In the Matter of a Review of Butler Electric Company's Base Rates.**

**Michael Hunter, Division of Energy**, presented in this matter.

**BACKGROUND:** This matter concerns the Borough of Butler Electric Utility's July 8, 2024 application to the New Jersey Department of Community Affairs' Local Finance Board pursuant to N.J.S.A 40A:5A-25 seeking approval of an increase in Butler Electric's base rates of approximately 26 percent.

By resolution dated August 14, 2024, the local finance board approved the requested increase. Butler Electric is a municipal electric utility that serves approximately 11,900 customers, approximately 65 percent of whom are located outside the municipality's corporate limits. Pursuant to N.J.S.A. 40:62-24, the Board has jurisdiction over rates charged by a municipal electric utility to customers that are located outside the municipality's corporate limits.

The Board concluded Butler Electric's last base rate case by order dated June 10, 2004. To date, Butler Electric has not filed with the Board for approval of any subsequent base rate increase and has instead petitioned the local finance board to increase base rates. Butler Electric has also not identified the New Jersey Division of Rate Counsel of any base rate increase since the conclusion of its last base rate case.

As such, Staff recommends that the Board, one, assert its jurisdiction over the rate increase pursuant to its ratemaking powers as set forth in statutes and regulations as may apply. Two, direct Butler Electric to file a petition for ratemaking adjudication with respect to its customers located outside its corporate limits on or before January 1, 2027. Three, deem the base rate increase approved by the local finance board's August 14, 2024 resolution interim and subject to refund until such time as Butler Electric's next base rate case concludes. And, four, direct Butler Electric to serve notice of all future rate filings with the Board and New Jersey Division of Rate Counsel in accordance with the Board's rules.

**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. ER25010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2025 – FERC Docket No. ER25- 682-000.**

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

**BACKGROUND:** On July 30, 2024 PJM Interconnection, LLC's, or PJM's, capacity auction, formally the Base Residual Auction, created a record high price of \$269.92 per megawatt day primarily due to market design flaws that artificially doubled the clearing price. That artificial doubling clearing price will cost New Jersey ratepayers at least \$800 million between June 2025 and June 2026. It is the main driver of the price increases New Jersey ratepayers will experience this summer.

Following advocacy by Staff of the New Jersey Board of Public Utilities, Board Staff, other state commissions, consumer advocates and public interest organizations in the immediate aftermath of the auction, last year PJM agreed to delay the next auction and implement reforms that addressed some of these design flaws. To that end, PJM submitted a Federal Power Act Section 205 filing with the Federal Energy Regulatory Commission, or FERC, on December 9, 2024 proposing an initial set of reforms.

PJM's proposed reforms included, one, properly accounting for the fact that power plants operating under the Reliability Must Run contracts are a source of capacity supply. Two, using a dual fuel combustion turbine as the reference resource for the market, which will have the effect of lowering the maximum possible clearing price in the auction. Three, clarifying market power rules to deter market manipulation efforts meant to artificially inflate prices. And, four, reducing the risk of cost capacity market participation by adopting a uniform nonperformance penalty rate. The net effect of these reforms is to put significant downward pressure on prices in future capacity auctions.

On January 6th, 2025 multiple parties filed comments against PJM's proposed RMR reforms and market power rule clarification. These commenters argued that the RMR reforms would unduly suppress prices and that the market power rule clarification was unnecessary. On January 22, 2025 Staff, on behalf of the Board, filed a motion for leave to answer and answer to these comments that rebutted these arguments. On February 14, 2025 FERC issued an order approving PJM's reforms.

Staff recommends the Board ratify the motions for leave to answer and answer supporting PJM's capacity market reforms that Staff filed with FERC on January 22, 2025.

**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 TELEVISION

#### A. Docket No. CE17030184 – In the Matter of Cablevision of Newark for the Renewal of its System-Wide Cable Television Franchise.

**Malike Cummings, Division of Cable Television**, presented in this matter.

**BACKGROUND:** This matter involves the release of the Office of Cable Television and Telecommunications Ascertainment Report for the first phase of the renewal of the systemwide franchise from Cablevision of Newark.

On May 11, 2010 Cablevision converted its traditional municipal consent based franchise in the Township of South Orange Village into a systemwide cable television franchise as provided in the 2006 amendments to the New Jersey Cable Television Act. The Board issued an Order memorializing the conversion on August 4, 2010 and granted Cablevision a systemwide television franchise for a seven year term. During the term on March 18, 2015 the Board issued an amendment adding the City of Newark. On June 30, 2017 the Board issued a renewal of the franchise to Cablevision, which expired on May 11, 2024.

On June 11, 2021 Cablevision notified the Board of its intention to renew its franchise. On October 23, 2024 the OCTV&T notified Cablevision of its intention to review its past performance under the franchise pursuant to federal and state guidelines and invited Cablevision to file comments on its performance under the franchise and assess how it will meet the future needs of the two municipalities. Cablevision filed its comments with the OCTV&T on November 22, 2024.

The report prepared by the OCTV&T addresses Cablevision's comments and reviews its past performance under the franchise during the term. Pursuant to the franchise renewal rules, Cablevision will file its formal franchise renewal application following the release of the report and two public hearings will be held thereafter to provide opportunity for public comment prior to final Board review.

Staff, therefore, requests approval to release the ascertainment report.

**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. CE25020029 – In the Matter of the Application for Renewal of a System-Wide Cable Television Franchise for CSC TKR

**Malike Cummings, Division of Cable Television**, presented in this matter.

**BACKGROUND:** This matter involves the renewal of the systemwide franchise for Cablevision's CSC TKR system and an expansion of its service territory. By way of background, on February 11, 2010 the Board issued an order memorializing the conversion of CSC TKR from its traditional municipal consent-based franchise in the Borough of Allentown to a systemwide franchise and granting them a systemwide franchise for a term of seven years to expire on January 10, 2017. CSC TKR added an additional 35 municipalities to its franchise during this term. On February 22, 2017 the Board issued a renewal of the franchise to CSC TKR for seven years, which expired on January 10, 2024.

Following CSC TKR's notice to the Board of its intention to renew their franchise, the OCTV&T invited the company to file comments on its past performance under the franchise and to assess how it will meet the future needs of the 36 communities served under its franchise. CSC TKR filed its initial comments with the OCTV&T and following review the Board issued an Ascertainment Report on CSC TKR's past performance.

On January 31, 2025 CSC TKR filed its application with the Board seeking renewal of its franchise serving 36 municipalities, as well as approval to construct a cable television system to expand its service territory to seven additional municipalities: Borough of Carteret, Township of Clark, City of Linden, City of Perth Amboy, City of Rahway, Borough of Roselle, and the Township of Woodbridge. CSC TKR provided documentation confirming that it has received right-of-way access from the governing bodies of seven municipalities. Subsequent to CSC TKR's application filing, the Board held two virtual public hearings on the application on February 27, 2025, as well as a written comment period. Comments were filed by the New Jersey Division of Rate Counsel finding no objection to approval of the franchise and several mayors of the seven new municipalities also filed letters in favor of the application.

Having reviewed the application and comments, Staff finds that CSC TKR has met the necessary statutory requirements and, therefore, recommends approval of CSC TKR's application to renew its systemwide franchise and extend its systemwide franchise to the seven municipalities subject to the conditions outlined in the Order and all applicable state and federal laws and the rules 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. TO25020037 – In the Matter of the Proposed Amendment of the Contract for Administration of Federal Broadband Grant Programs – Executive Session.**

**Valarry Bullard, Division of Broadband Connectivity**, presented in this matter.

**BACKGROUND:** Earlier in the executive session I made a presentation detailing the request for the approval of the proposed amount of the contract for the administration of federal broadband grant programs. Broadband consulting services are needed to fulfill the US Treasury and National Telecommunications and Information Administration requirements and facilitate the successful execution of the State's broadband initiative. Your approval grants the modification of the scope of work and reducing the proposed funding for the federal broadband grant program's consulting services to assist the implementation of the State's Capital Projects Fund and Broadband Equity, Access, and Deployment programs consistent with the terms of the grant.

Staff recommends that the Board authorize approval of the proposed amendment of the contract for the administration of federal broadband grant programs.

**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. TO25020078 – In the Matter of the Publishing of a Notice of Funding Availability for the Broadband Equity, Access and Deployment Grant Program.**

**Valarry Bullard, Division of Broadband Connectivity**, presented in this matter.

**BACKGROUND:** This matter involves the Board's approval to publish the Broadband Equity, Access and Deployment ("BEAD") program notice of funding availability in the New Jersey Register and to subsequently release the BEAD grant application on the BPU's grant management system. These steps are critical for formal launching of the BEAD program in initiating the application projects for eligible entities.

The New Jersey Office of Broadband Connectivity received \$263,689,548.65 in federal funding for the National Telecommunications and Information Administration under the BEAD program established by the bipartisan infrastructure law. New Jersey's allocation was announced by the Biden administration on June 26, 2023, with formal notice received on June 30, 2023.

On August 28, 2024, NTIA approved New Jersey's initial proposal allowing the state to proceed with a competitive sub-grantee selection process, to meet federal requirements the OBC must continue local coordination, continue the selection process, and submit a final proposal to NTIA by August 28, 2025. The BEAD program is a historical investment in broadband infrastructure designed to expand high speed internet access across New Jersey. Deployment will occur in two application phases, contingent on NTIA's review of the challenge determinations and the final designation of BEAD eligible broadband serviceable locations, as well as community anchor institutions. Publishing the NOFA and releasing the grant application are essential steps.

The NOFA will outline program goals, eligibility requirements, and key details, while the application will provide a formal mechanism for potential sub-grantees to submit proposals. This will ensure a transparent and structured funding process.

Staff recommends that the Board approve the publication of the BEAD NOFA in the New Jersey Register and authorize the release of the grant application to the BPU's grant management system.

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

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

## **5. WATER**

### **A. Docket No. WX25020086 – In the Matter of the New Jersey Board of Public Utilities' Consideration of the Gross Receipts Tax on Water and Sewer Utilities.**

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

**BACKGROUND:** On November 2024, the New Jersey Department of Treasury, Division of Taxation notified the State's water and wastewater utility that the Gross Receipts Tax on water and sewer had been imposed at a rate of seven and a half percent, rather than the statutory rate of seven percent.

Staff recommends the Board issue an order determining that the affected utilities are investor-owned water and wastewater companies under the jurisdiction of the Board with 2023 revenues equal to or greater than \$4.5 million. Staff further recommends that the Board direct the affected utilities to defer the effects of the required reduction on its books and records effective immediately and file petitions no later than June 1, 2025, including appropriate calculations with a proposal to return the difference between a Gross Receipts Tax rate of seven and a half percent and seven percent to customers.

**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. WR24110850 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Authorization to Change the Level of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause.**



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

**BACKGROUND:** On November 15, 2024, New Jersey American Water filed a petition requesting approval to modify its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause rates. Throughout the course of the proceeding, New Jersey American updated the petition to correct certain errors and to provide actual results through December 2024 and forecasts through March 2025.

Following a review of the petition, the parties executed a stipulation recommending approval of the rates proposed in the update. Intervenor Middlesex Water Company filed a letter of non-objection. As a result of the stipulation an average residential customer using 5,642 gallons per month would see an increase in their monthly water bill of approximately three cents. The PSTAC rate changes will result in various impacts to customers in Ocean City, Lakewood Township, and the Adelphia section of Howell Township.

Staff recommends the Board approve the stipulation and direct New Jersey American to file revised tariffs by April 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>

## **6. RELIABILITY AND SECURITY**

### **A. Docket No. AA24040229 – In the Matter of Request for Proposal Designation of System Operator of New Jersey’s “One-Call Damage Prevention System” – Executive Session.**

**Ann Lang, Division of Reliability and Security**, presented in this matter.

**BACKGROUND:** Earlier in executive session Staff presented a recommendation that the Board approve the Evaluation Committee Report for RFP number T2655, the New Jersey One Call Damage Prevention System. The contract term begins on April 1, 2025 through March 31, 2030 with the option for two one-year extensions.

Staff recommends that the Board approve the recommendation.

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

<b>Roll Call First 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>

**Alice Bator, Division of Reliability and Security**, presented in this matter.

**BACKGROUND:** This matter involves the proposed tariff regarding the awarded contract to operate the New Jersey One Call Damage Prevention System, which you previously approved. The proposed tariff sets forth some operational terms and a ticket, tariff ticket rate of \$1.90 for outgoing mark out notification tickets, which is billed to underground facility operators. The ticket rate will allow for sufficient collection from underground facility operators to fund the agreed upon contract award value commencing April 1st of 2025.

Staff recommends that the Board approve the proposed tariff and direct the system operator to provide the final tariff in accordance with this order prior to March 31, 2025.

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

<b>Roll Call Second 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>

## **7. CUSTOMER ASSISTANCE**

There were no items in this category.

## **8. CLEAN ENERGY**

### **A. Docket No. QO24010069 – In the Matter of the Request for Quotation for Consulting Services for New Jersey Solar for All Program – Executive Session.**

**Samantha Tse, Division of Clean Energy**, presented in this matter.

**BACKGROUND:** This matter concerns the award of the request for quotation, or RFQ, the Board approved at the November 21, 2024 Board meeting for services related to the New Jersey Solar For All federal grant award by the USEPA. Specifically, the RFQ sought to hire a contractor using New Jersey's federal grant award to assist with the program design and implementation of New Jersey's Solar For All program.

On January 23, 2025 proposals were received from four firms in response to the RFQ. An evaluation committee of Board staff members evaluated and scored each of those proposals. Staff, with assistance from the Board's Division of Budget and Fiscal, will work with the Department of Treasury to receive all necessary approvals to procure a contractor through the Waivers of Advertising process.

Staff recommends the Board award the contract to the recommended vendor as discussed in executive session.

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

<b>Roll Call First 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>

**BACKGROUND:** Additionally, Staff recommends the Board vote to authorize the President to suspend or terminate the contract consistent with the terms of the RFQ and without further Board action in the event Solar For All funding becomes unavailable for any reason.

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

<b>Roll Call Second 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. QO21101186 – In the Matter of the Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c. 169 – Price Cap Determination for the Third Solicitation of the CSI Program – Executive Session.**

**BACKGROUND:** Item was deferred at the bench.

**C. Docket No. QO19121507 – In the Matter of the BPU Clean Energy Program for (RFP) Web Design, Development Hosting and Maintenance – Executive Session.**

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

**BACKGROUND:** The New Jersey Clean Energy website supports the clean energy programs and helps educate and inform New Jersey residents, businesses and municipalities about the clean energy programs. The Board has been without a dedicated New Jersey Clean Energy Program website vendor since 2015. During this time, TRC Companies, Inc. (“TRC”) hosted and maintained the website on an interim basis.

In 2019 the Board approved the release of a request for proposal for the web design development, hosting, and maintenance of the website. This RFP was ultimately unsuccessful and on October 16, 2023 a new RFP was released. On March 24, 2024 the proposal review unit at New Jersey's Department of Treasury received 25 technical quotes from vendors. After reviewing the quotes for compliance, 16 were rejected, seven were automatically rejected for noncompliance, and nine were found to be nonresponsive.

An evaluation committee was formed to evaluate the nine remaining eligible quotes and the committee consisted of Staff members, as well as nonvoting members from Staff, Treasury, and TRC. The committee scored the quotes from InClima the highest and Staff requests that the

Board approve the evaluation committee's recommendation that InClima be awarded a contract for this engagement to develop, design, host, maintain and continually revise the BPU's New Jersey Clean Energy Program website.

**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. QO22080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC); and**

**Docket No. QO24010061 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW – Attentive Energy LLC – Executive Session.**

**BACKGROUND:** Item was deferred at the bench.

**E. Docket No. QO22080481 – In the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC); and**

**Docket No. QO24010060 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation 3 for 1,200 to 4,000 MW – Invenergy Wind Offshore LLC – Executive Session.**

**BACKGROUND:** Item was deferred at the bench.

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

**F. Docket No. QO25010006 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000 – Equistar Chemicals, LP.**

**BACKGROUND:** Item was deferred at the bench.

**G. Docket No. QO23030150 – In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs.**

**Philip Chao, Division of Clean Energy,** presented in this matter.

**BACKGROUND:** By order dated July 10, 2019, to effectively evaluate the energy efficiency programs, the Board approved the Protocols to Measure Resource Savings for fiscal year 2020. These should be developed and revised to reflect up-to-date energy savings and calculations.

By order dated October 12, 2022, the Board approved Staff's recommendation to rename the Protocols from Measure Resource Savings to the Technical Reference Manual, henceforth referred to as the TRM. Additionally, the Board approved Staff's recommendation to permit the utilities to calculate energy savings for the Triennium 1 Energy Efficiency Program using the joint utilities coordinated measures list, which the utilities developed on their own prior to the start of Triennium 1.

Last, the Board approved Staff's recommendation for the EM&V working group and the TRM committee to conduct a comprehensive update of the TRM, including input and feedback from a public stakeholder process for the Board's consideration ahead of the commencement of Triennium 2 of the energy efficiency programs.

By order dated May 24, 2023 the Board approved Staff's recommendation to adopt the Triennium 2 TRM to calculate energy savings for the duration of Triennium 2. By then, however, by order dated December 18, 2024 the Board approved Staff's recommendation to replace the three-year update cycle of the TRM with an annual update cycle and, as a result, the program year four TRM will replace the Triennium 2 TRM. Because the PY4 TRM had not yet been approved before the start of program year four, the Board approved Staff's recommendation to allow the utilities to use either the Triennium 2 TRM or the draft PY4 TRM until the Board approves the PY4 TRM.

Staff recommends that the Board approve the PY4 TRM for use, for the remainder of PY4 of the Triennium 2 energy efficiency programs.

**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. QO24120873 – In the Matter of New Jersey Clean Energy Program  
Fiscal Year 2025 Community Energy Plan Grant Program.**

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

**BACKGROUND:** This matter pertains to the publishing of a Notice of Funding Availability, or NOFA, for program year four of the Community Energy Plan Grant Program, or CEPG. The Board approved program year four of CEPG on February 12th of 2025. In order to officially open the new program year, a NOFA needs to be published in the New Jersey Register. The NOFA will include all necessary information as required by N.J.S.A. 52:14-34.4. This information will help eligible applicants understand what the program is and what is required to have an administratively complete application. The tentative publication date in the New Jersey Register is April 21, 2025. After sufficient time has elapsed for the public to view the conditions of the program as outlined in the NOFA, the CEPG application window will open.

Therefore, Staff recommends that the Board approve the Notice of Funding Availability for the Community Energy Plan Grant 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>

**I. Docket No. QO25020054 – In the Matter of a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 – Order Reallocating Capacity in the EY25 ADI Program.**

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

**BACKGROUND:** This item relates to the Administratively Determined Incentive program, or the ADI program, and Staff's recommendation to reallocate capacity between market segment megawatt blocks within the ADI program. The megawatt blocks are generally assigned on an annual basis prior to the beginning of an energy year as part of the annual cost cap calculation and implementation process.

On May 22, 2024, the Board established the megawatt blocks for energy year 2025, assigning 200 megawatts to the residential market segment and 200 megawatts to the nonresidential market segment. This recommendation to reallocate capacity among the ADI market segment megawatt blocks is time sensitive because of the current pace of registrations in the residential market.

As reported on March 3, the residential market segment has received approximately 161 megawatts of registrations, with almost 39 megawatts of the original 200 megawatts allocation remaining. Staff estimates that the residential market segment will be fully subscribed in the next four to six weeks.

The nonresidential market segment has not seen the same level of registration activity as the residential market segment. As of March 3, approximately 74 megawatts of registrations have been received, leaving almost 126 megawatts of the energy allocation remaining.

Staff recommends that the Board address the immediate need in the residential solar market and reallocate 75 megawatts of capacity from the nonresidential market segment to the residential market segment in the ADI 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>

## 9. MISCELLANEOUS

### A. Docket No. QO24110853 – In the Matter of a Rate Design and Policy Study Regarding Driving Equity in the Clean Energy Transition.

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

**BACKGROUND:** In early 2024, the Board authorized Staff to engage a consultant to conduct a study and analysis of energy burden and affordability in New Jersey. The study focused on addressing energy affordability for low and moderate income customers through energy assistance programs and rate options. The report's conclusions identified several alternative policy options regarding bill assistance programs and rate design that could further address energy burden for low and moderate income customers in New Jersey.

A review of energy assistance programs across the country showed that New Jersey is positioned ahead of many other states, particularly due to its comprehensive bill discount program, the universal service fund, or USF, which is a percentage of income payment program providing an individualized discount to each participating household based on household income and energy costs. The program auto enrolls many low income customers through their participation in other state and federal assistance programs, such as the Supplemental Nutrition Assistance Program, or SNAP, and the Pharmaceutical Assistance to the Aged and Disabled or PAAD, as examples, thus facilitating connection with populations in need.

The goal of the current USF program is to reduce household energy burden to 2 percent of income for electricity and 2 percent of income for natural gas for qualifying households.

First, the report found that in 2023, the most recently available data at the time, New Jersey's USF program was able to help 90 percent of participants meet an energy burden of no more than 2 percent of their income for electric and 2 percent for gas or 4 percent combined.

Second, New Jersey could increase participation of income eligible households in the USF program through expanded auto enrollment and outreach efforts.

Third, New Jersey could increase the USF per household maximum benefit to buffer rising energy costs.

Fourth, introduce further assistance options for moderate income households by adding a moderate income tier in the current USF program or creating a new bill discount program for moderate income households.

Fifth, replace New Jersey's typical residential inclining block rate, electricity rate, with a time varying rate. That structure could allow customers to shift their usage to times when rates are low.

Sixth, implementing income based fixed charges was also studied, but was not recommended since the affordability benefits that this option could provide are already achieved through the USF.

Another issue that was studied was exempting low and moderate income customers from USF surcharges or sales and use tax, but this also was not recommended because it would reduce the overall benefits of programs that are supported by these recoveries without changing the total effective energy burden for those low and moderate income households.

So, on behalf of Staff from Division of Customer Assistance and the Office of the Chief Economist and the Clean Energy Equity Office, all who participated and spent a lot of time with the consultant making sure we had the right information available and studied the right things for this report, we recommend that the Board accept this report for publication on the Board's website.

**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>

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

*Sherri L. Lewis*

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Sherri L. Lewis  
Board Secretary

Date: 6/18/2025