



Agenda Date: 6/17/15
Agenda Item: 2E

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF NEW JERSEY)	ORDER EXTENDING
NATURAL GAS COMPANY FOR APPROVAL OF THE)	180 DAY REVIEW PERIOD AND
EXTENSION OF ENERGY-EFFICIENCY PROGRAMS)	CURRENT PROGRAM
AND THE ASSOCIATED COST RECOVERY)	
MECHANISM PURSUANT TO <u>N.J.S.A. 48:3-98.1</u>)	BPU DOCKET NO. GO14121412
)	
IN THE MATTER OF THE PETITION OF NEW JERSEY)	
NATURAL GAS COMPANY FOR APPROVAL OF THE)	
EXTENSION OF ENERGY EFFICIENCY PROGRAMS)	
AND THE ASSOCIATED COST RECOVERY)	
MECHANISM PURSUANT TO <u>N.J.S.A. 48:3-98.1</u>)	BPU DOCKET NO. GO12070640

Parties of Record:

Andrew K. Dembia, Esq. Attorney for New Jersey Natural Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

On January 13, 2008, the Global Warming Response Act, L. 2007, c. 340 ("Act") was signed into law based on the New Jersey Legislature's findings that energy efficiency and conservation measures must be essential elements of the State's energy future, and that greater reliance on energy efficiency and conservation will provide significant benefits to the citizens of New Jersey. The Legislature also found that public utility involvement and competition in the conservation and energy efficiency industries are essential to maximize efficiencies. N.J.S.A. 26:2C-45.

Pursuant to Section 13 of the Act, codified as N.J.S.A. 48:3-98.1(a)(1), an electric or gas public utility may, among other things, provide and invest in energy efficiency and conservation programs in its service territory on a regulated basis. Such investment in energy efficiency and conservation programs may be eligible for rate treatment approved by the New Jersey Board of Public Utilities ("Board"), including a return on equity, or other incentives or rate mechanisms that decouple utility revenue from sales of electricity and gas. N.J.S.A. 48:3-98.1(b). Ratemaking treatment may include placing appropriate technology and program cost

investments in the utility's rate base, or recovering the utility's technology and program costs through another ratemaking methodology approved by the Board. An electric or gas public utility seeking cost recovery for any energy efficiency and conservation programs pursuant to N.J.S.A. 48:3-98.1 must file a petition with the Board, and the Board must make a decision on the requested cost recovery within 180 days of receipt of a complete petition. N.J.S.A. 48:3-98.1(b).

By Order dated July 17, 2009, the Board authorized New Jersey Natural Gas Company ("NJNG" or "Company") to implement three energy efficiency programs: 1) Home Performance with Energy Star ("HPwES") Enhancements; 2) Enhanced Warm Advantage Rebate Program; and 3) Commercial Customer Direct Install Program as part of the Economic Stimulus Plan announced in October 2008 ("Original Programs"¹). The programs were designed to complement or supplement existing New Jersey Clean Energy Program ("NJCEP") offerings including the ongoing WARMAdvantage, COOLAdvantage, HPwES, Commercial Direct Install and Smart Start Building Retrofit programs. The NJNG programs were to be available to eligible customers for approximately twelve months. In the event there was still program funding available after that period, NJNG could continue to offer the approved programs through December 31, 2010.

By Order dated September 24, 2010, the Board authorized NJNG to extend and expand the Original Programs through December 31, 2011 ("September 2010 Order"²). In addition to authorizing modifications to the Original Programs, the September 2010 Order also authorized the Company to implement an OPOWER pilot through which customers obtain information about their specific energy use in comparison to comparable households, an incremental incentive for Combined Heat and Power ("CHP") projects undertaken in conjunction with NJCEP, and a program that offers eligible customers an opportunity for customized provisions, Fostering Environmental and Economic Development ("FEED") (collectively, "NJNG SAVEGREEN Program").

By Order dated January 18, 2012, the Board authorized NJNG to continue its SAVEGREEN Program and implement certain SAVEGREEN program changes through December 31, 2012, or twelve months from the date the Board Order approving the SAVEGREEN extension was served, whichever was later ("January 2012 Order").³

On June 21, 2013, the Board issued an Order approving the terms of a Stipulation entered into by the Company, the Division of Rate Counsel ("Rate Counsel") and Board Staff agreeing to an extension of the SAVEGREEN Program with certain modifications ("June 2013 Order"⁴). The Board authorized NJNG to continue its existing SAVEGREEN Program and implement certain

¹ I/M/O Energy Efficiency Programs and Associated Cost Recovery Mechanisms and I/M/O the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs with an Associated Cost Recovery Mechanism, BPU Docket Nos. EO09010056 and GO09010057, Order dated July 17, 2009.

² I/M/O the Petition of New Jersey Natural Gas for Approval of Regional Greenhouse Gas Initiative Programs and Associated Cost Recovery Mechanisms Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO10030225, Order dated September 24, 2010.

³ I/M/O the Petition of New Jersey Natural Gas Company for Approval of an Extension of Energy-Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GR11070425, Order dated January 18, 2012.

⁴ I/M/O the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO12070640, Order dated June 21, 2013.

proposed SAVEGREEN program changes through June 30, 2015. The authorization was subsequently revised on August 21, 2013 to make a necessary correction regarding the SAVEGREEN Direct Install program ("August 2013 Order").⁵

DECEMBER 2014 FILING

On December 17, 2014, NJNG filed a petition with the Board requesting approval of an extension to the Company's existing energy-efficiency programs offered through the SAVEGREEN Program and its associated cost recovery mechanisms ("2014 Petition"). The Company also requested that the Board approve certain modifications to its current programs.

The 2014 Petition was accompanied by supporting schedules, program descriptions, financial and other related information. On January 16, 2015, Board Staff notified NJNG that the petition was found to be administratively incomplete pursuant to the terms of the Board's May 12, 2008 Order in Docket No. EO08030164 ("May 12 Order"), and that the 180-day period prescribed by N.J.S.A. 48:3-98.1(b) for a final Board determination on cost recovery would commence upon the date of a finding of administrative completeness. On January 26, 2015, the Company submitted a supplemental filing, which Board Staff found to make the 2014 Petition administratively complete. Consequently, the statutory 180-day review period commenced on January 26, 2015 and expires on July 25, 2015 ("Review Date").

On February 11, 2015, the Board issued an Order retaining this matter for consideration and, pursuant to N.J.S.A. 48:2-32, designating Commissioner Upendra J. Chivukula as the presiding officer. Additionally, the Board adopted a procedural schedule agreed to by the Company, Rate Counsel, and Board Staff (collectively, the "Parties").

Discovery questions in this matter have been propounded by Rate Counsel and Board Staff, and NJNG has provided responses to all requests. Furthermore, public hearings on this petition were held on April 20, 2015 in Rockaway Borough and on April 21, 2015 in Freehold Township; no members of the public appeared at any of the public hearings, and no written comments were received by the Board, NJNG, or Rate Counsel.

STIPULATION⁶

The Parties have discussed the matters at issue in this proceeding and settlement discussions are ongoing. However, the Parties do not anticipate a Board Order will be issued prior to the June 30, 2015 expiration of the Company's existing SAVEGREEN Program. In order to allow sufficient time to continue discussions, as well as for administrative processing and review and the issuance of a Board Order, the Parties agree that the existing SAVEGREEN Program ending June 30, 2015, and the current review period ending July 25, 2015 for the 2014 Petition, should both be extended to July 31, 2015. The Parties also agree to allow Rate Counsel additional time, until June 25, 2015, to file its testimony in the currently pending matter. The Parties have also agreed that NJNG will be allowed to continue to provide and fund the current SAVEGREEN programs as approved in the June 2013 Order.

⁵ I/M/O the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO12070640, Order dated August 21, 2013.

⁶ Although summarized in this Order, should there be any conflict between this summary and the terms of the stipulation, the terms of the stipulation control subject to any modifications in this Order.

The Company is not seeking approval of any additional funding for the current SAVEGREEN Program. Rather, NJNG will continue to utilize its existing energy efficiency programs monthly budgeted amounts of \$3.2 million for Residential Programs and \$0.3 million in the Commercial Program, or \$3.5 million in total.

DISCUSSION AND FINDING

The Board has carefully reviewed the record to date in this matter. The Board is satisfied and **HEREBY FINDS** that the stipulation extending the Review Date to July 31, 2015, and allowing the current SAVEGREEN programs as approved in the June 2013 and August 2013 Orders to continue until that same date is reasonable and is in the public interest.

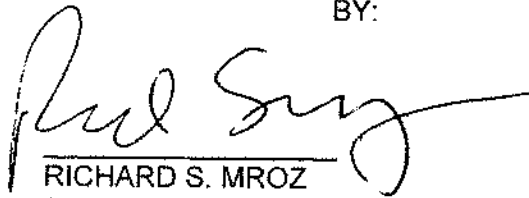
The costs and expenditures of the extended SAVEGREEN programs are subject to the budget described in the Stipulation, and will be deferred and be the subject of a full review for reasonableness and prudence in future annual true-up proceedings. This short extension will provide additional time for a thorough review of the 2014 Petition, and will allow for the development of a full and complete record for review by the Board while permitting NJNG to continue offering its energy efficiency programs.

Accordingly, the Board **HEREBY ADOPTS** the attached Stipulation as its own, incorporating by reference its terms and conditions as if fully set forth herein.

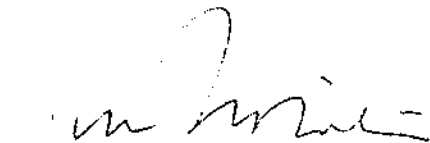
This Order shall be effective as of June 26, 2015.

DATED: 6/19/15

BOARD OF PUBLIC UTILITIES
BY:



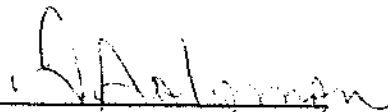
RICHARD S. MROZ
PRESIDENT



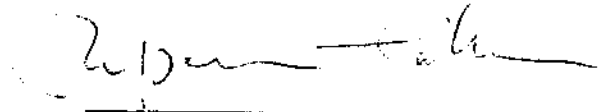
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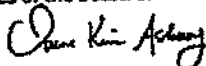
UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:



IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS COMPANY FOR
APPROVAL OF THE EXTENSION OF ENERGY-EFFICIENCY PROGRAMS AND THE
ASSOCIATED COST RECOVERY MECHANISM PURSUANT TO N.J.S.A. 48:3-98.1
Docket Nos. GO14121412 & GO12070640

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION)
OF NEW JERSEY NATURAL GAS) BPU DOCKET NO. GO14121412
COMPANY FOR APPROVAL OF THE)
EXTENSION OF ENERGY-)
EFFICIENCY PROGRAMS AND THE)
ASSOCIATED COST RECOVERY)
MECHANISM PURSUANT TO N.J.S.A.)
48:3-98.1)

IN THE MATTER OF THE PETITION OF)
NEW JERSEY NATURAL GAS COMPANY))
FOR APPROVAL OF THE EXTENSION OF) BPU DOCKET NO. GO12070640
ENERGY EFFICIENCY PROGRAMS AND))
THE ASSOCIATED COST RECOVERY)
MECHANISM PURSUANT TO N.J.S.A.)
48:3-98.1)

STIPULATION

APPEARANCES:

Andrew K. Dembia, Esq., New Jersey Natural Gas Company, for Petitioner, New Jersey Natural Gas Company

Felicia Thomas-Friel, Esq., Deputy Rate Counsel, **Sarah H. Steindel, Esq.**, **Kurt S. Lewandowski, Esq.**, and **Maura Caroselli, Esq.**, Assistant Deputy Rate Counsels, Division of Rate Counsel (**Stefanie A. Brand, Esq.**, Director, New Jersey Division of Rate Counsel)

Alex Morceau and Christopher Psihoules, Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (**John J. Hoffman**, Acting Attorney General of the State of New Jersey)

TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES:

1. Pursuant to the State's Regional Greenhouse Gas Initiative ("RGGI") legislation, an electric or natural gas utility can offer and invest in regulated energy efficiency and conservation programs within its service territory. N.J.S.A. 48:3-98.1. Furthermore, utilities are

authorized to seek approval from the New Jersey Board of Public Utilities (the "Board") for recovery of costs related to such programs. Id.

2. On December 17, 2014, New Jersey Natural Gas Company ("NJNG" or the "Company") filed a petition (the "Petition") in Docket No. GO14121412 requesting the New Jersey Board of Public Utilities (the "BPU" or "Board") to approve a continuation with minor modifications to the energy-efficiency programs made available to NJNG customers through The SAVEGREEN Project® ("SAVEGREEN") pursuant to N.J.S.A. 48:3-98.1 (the "Statute") for a three year period ending June 30, 2018. The Statute provides for, subject to certain conditions, the investment by a natural gas or electric utility in customer or utility side energy efficiency and renewable energy programs in its service territory on a regulated basis.

3. Based on the Statute, NJNG has made filings in Docket Nos. EO09010056 and GO09010057, GO10030225 and GR11070425, and GO12070640 and GR12070641 seeking approval to implement energy-efficiency programs through SAVEGREEN that complemented or supplemented existing programs offered through the New Jersey Clean Energy Program ("NJCEP"). In Orders dated July 17, 2009 (the "July 2009 Order"), September 24, 2010 (the "September 2010 Order"), January 18, 2012 (the "January 2012 Order"), and June 21, 2013 (the "June 2013 Order")¹ the BPU adopted the terms of Stipulations entered into among representatives from BPU Staff, Rate Counsel and NJNG (the "Parties") approving the implementation of energy-efficiency programs and the associated cost recovery mechanism. Recovery of the costs necessary to deliver these programs, including grants, incentives,

¹ The June 21, 2013 Order was subsequently amended by the Board to correct the amount that the Company can provide to Direct Install customers through its On Bill Repayment Program. See, In The Matter Of The Petition Of New Jersey Natural Gas Company For Approval Of The Extension Of Energy Efficiency Program And The Associated Cost Recovery Mechanism Pursuant To N.J.S.A. 48:3-98.1, BPU Docket No. GO12070640 (August 21, 2013).

incremental O&M expenses and carrying costs is provided through Rider F to the Company's Tariff.

4. The Company requested Board approval to continue, with certain modifications, the energy-efficiency programs (the "EE Programs" or "EEP") and the on-bill repayment program options ("OBRP") operating through SAVEGREEN. The Company also requested that the energy-efficiency programs offered through SAVEGREEN and the associated recovery mechanism continue for a three-year period commencing July 1, 2015 or from the date of receipt of the Board's Order in this proceeding.

5. Numerous discovery requests were propounded by Board Staff and Rate Counsel and answered in full by the Company (collectively, the "Parties") in this proceeding.

6. Public hearings on this petition were held on April 20, 2015 in Rockaway Borough and on April 21, 2015 in Freehold Township; no members of the public appeared at any of the public hearings; and no written comments were received by the BPU, NJNG, or Rate Counsel.

7. The Parties to this proceeding have engaged in numerous settlement discussions. However, to date, the Parties have yet to reach a settlement of the matter.

STIPULATION

8. Pursuant to the terms of the June 2013 Order, NJNG's existing SAVEGREEN Program will expire on June 30, 2015.

9. Settlement discussions among the Parties are ongoing. Nonetheless, the Parties do not anticipate a Board Order in this matter prior to the June 30, 2015 expiration of the Company's existing SAVEGREEN Program.

10. Through this Stipulation, the Parties agree that NJNG shall extend its existing Board approved SAVEGREEN Program² for an additional 31 days, through July 31, 2015, consistent in all other respects with the Board's June 2013 Order. Also, the parties agree to extend the 180-day RGGI period to allow for a Board determination by July 31, 2015.

11. NJNG is not seeking approval of any additional funding for the SAVEGREEN Program, including grants, incentives, incremental O&M expenses and carrying costs during this extension. Rather, NJNG will continue to utilize its existing EEPs monthly budgeted amount of approximately \$3.5 million for which \$3.2 million in the Residential Program and \$0.3 million in the Commercial Program in NJNG's existing Board approved program budget as of June 30, 2015.

12. The Parties agree to continue settlement discussions in good faith in order to reach a timely resolution of this proceeding.

Further Provisions

13. This Stipulation represents a mutual balancing of interests, contains interdependent provisions and, therefore, is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, in any applicable

² In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1 BPU Docket No. GO12070640 and

And In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs BPU Docket No. GR12070641 Board Order Dated June 21, 2013

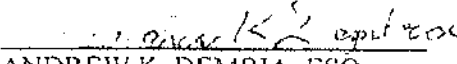
Order(s), then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

14. It is the intent of the Parties that the provisions hereof be approved by the Board as being in the public interest. The Parties further agree that they consider the Stipulation to be binding on them for all purposes herein.

15. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of these proceedings. Except as expressly provided herein, NJNG, Board Staff and Rate Counsel shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein and, in total or by specific item. This stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation.

WHEREFORE, the Parties hereto do respectfully submit this Stipulation and request that the Board issue a Decision and Order approving it in its entirety, in accordance with the terms herein, as soon as reasonably possible.

NEW JERSEY NATURAL GAS COMPANY
PETITIONER

By: 
ANDREW K. DEMBIA, ESQ.
Regulatory Affairs Counsel

NEW JERSEY DIVISION OF RATE COUNSEL
STEFANIE A. BRAND, DIRECTOR

By:  / F.T.-F.
SARAH H. STEINDEL, ESQ.
Assistant Deputy Rate Counsel

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF
THE STATE OF NEW JERSEY
Attorney for Staff of the Board of Public Utilities

By: 
CHRISTOPHER PSIHOULES
Deputy Attorney General

Date: June ⁵, 2015