



Agenda Date: 1/27/21
Agenda Item: 8E

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/

CLEAN ENERGY

IN THE MATTER OF A MEMORANDUM OF)
UNDERSTANDING AMONG THE NORTHEAST)
ENERGY EFFICIENCY PARTNERSHIPS, THE)
RUTGERS CENTER FOR GREEN BUILDING, AND)
THE BOARD OF PUBLIC UTILITIES REGARDING THE)
NEW JERSEY ZERO ENERGY BUILDINGS CODE)
COLLABORATIVE) DOCKET NO. QO21010002

Parties of Record:

Susan Coakley, Executive Director, Northeast Energy Efficiency Partnerships
Jennifer Senick, PhD, Executive Director, Rutgers Center for Green Building

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) approves the terms and conditions of the Memorandum of Understanding (“MOU”) among Northeast Energy Efficiency Partnerships (“NEEP”), the Rutgers Center for Green Building (“RCGB”), and the Board (collectively, “Parties”) regarding the New Jersey Zero Energy Buildings Code Collaborative and authorizes the execution of the MOU by the Board President.

I. BACKGROUND AND PROCEDURAL HISTORY

On May 23, 2018, Governor Murphy signed into law the Clean Energy Act of 2018 (“CEA”).¹ The CEA plays a key role in achieving the State’s goal of 100% clean energy by 2050 by establishing aggressive energy reduction requirements, among other clean energy strategies. The CEA emphasizes the importance of energy efficiency (“EE”) and peak demand reduction (“PDR”) and requires the Board to adopt an EE program “to ensure investment in cost-effective energy efficiency measures, ensure universal access to energy efficiency measures, and serve the needs of low-income communities”²

¹ L. 2018, c. 17 (N.J.S.A. 48:3-87.8 et seq.).

² N.J.S.A. 48:3-87(g).

EE is also one of the seven key strategies identified in New Jersey's 2019 Energy Master Plan³ ("EMP") and will play an essential role in meeting the State's long-term clean energy goals, including by strengthening building and energy codes and appliance standards, along with other key strategies and goals, such as reducing energy consumption and emissions from the building sector.

On June 10, 2020, the Board approved an EE transition framework for implementation of EE and PDR programs in New Jersey, including requirements for the electric and natural gas public utilities ("Utilities") to establish programs that reduce the use of electricity and natural gas within their territories.⁴ As part of this framework, the Board allocated administration of EE and PDR programs between the Utilities and the State.⁵ The Board also established overall annual Utility-territory specific energy use reduction targets and State targets, with State targets in each Utility territory representing the energy use reductions to be achieved by programs administered or sponsored by the State.⁶

Among the initiatives led by the BPU, through its Division of Clean Energy and in collaboration with the New Jersey Department of Community Affairs ("DCA"), are building energy codes and standards.⁷ To this end, the Board authorized Staff to establish a stakeholder group (dubbed an Energy Codes and Standards Subcommittee within the Evaluation, Measurement, and Verification Working Group) whose purpose would be to identify opportunities to achieve greater EE via building energy code strategies and to quantify the energy savings that could result from updates to energy codes.⁸

Northeast Energy Efficiency Partnerships ("NEEP"), a 501(c)(3) non-profit organization, proposes to assist the Board, the Codes and Standards Division of DCA, and others concerned with advancing zero energy building standards statewide as a key strategy to meet the State's clean energy goals and its directives to aggressively reduce building sector greenhouse gas emissions. More specifically, NEEP, in partnership with the Rutgers Center for Green Building ("RCGB"), proposes to convene and engage stakeholders in a New Jersey Zero Energy Building Energy Code Collaborative ("NJ ZEB Collaborative") that will guide the development of a New Jersey Zero Energy Building Roadmap ("NJ ZEB Roadmap") that is aligned with the EMP, CEA, June 10, 2020 Order, and other relevant State policies and directives.

To this end, NEEP, RCGB, and Staff have developed an MOU for consideration by the Board, pursuant to N.J.S.A. 52:14-1 et seq.

³ *2019 New Jersey Energy Master Plan: Pathway to 2050*, available at www.bpu.state.nj.us/bpu/pdf/publicnotice/NJBPU_EMP.pdf.

⁴ In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO19010040 (Order dated June 10, 2020) ("June 10, 2020 Order").

⁵ Id. at 10–11, 14–15.

⁶ Id. at 18.

⁷ Id. at 14.

⁸ Id. at 37.

II. MOU

The MOU provides in part that:

- a. NEEP, RCGB, and the BPU will participate in the NJ ZEB Collaborative to provide a timely and robust, stakeholder-guided, six-month process to research and develop a NJ ZEB Roadmap that provides options to build government and market capacities to effectively adopt and implement an increasingly more energy-efficient building energy code with a high level of compliance aligned with relevant clean energy policies of the State of New Jersey, including 2019 NJ Energy Master Plan goals and recommendations.
- b. Through a grant from the Energy Foundation, NEEP will lead, plan, and manage the NJ ZEB Collaborative and NJ ZEB Roadmap development. NEEP will survey stakeholders and invite stakeholder participation, convene and facilitate five NJ ZEB Collaborative meetings, conduct research and analysis to inform NJ ZEB Roadmap content and recommendations, lead NJ ZEB Roadmap drafting guided by research, BPU, Rutgers, and stakeholder input and comment, and coordinate NJ ZEB Roadmap dissemination, including at least one general public presentation.
- c. BPU will advise the NJ ZEB Collaborative, serve as a liaison to inform and engage other affected state agencies, attend and contribute to NJ ZEB Collaborative meetings, and inform NJ ZEB Roadmap development and dissemination to align with relevant state policies and the 2019 NJ Energy Master Plan.
- d. RCGB will assist NEEP in planning and convening the NJ ZEB Collaborative, assist the stakeholder survey and engagement, attend and contribute to NJ ZEB Collaborative meetings, and provide expertise and technical assistance for NJ ZEB Roadmap research, development, and dissemination.
- e. The Parties will engage representation from key stakeholders groups (e.g., state and local government, the building design and construction industry, code enforcement professionals, building managers and operators, business and consumer groups, public health and environmental groups, gas and electric utilities) and others identified through stakeholder outreach.

III. DISCUSSION AND FINDINGS

The Board now considers entering into the MOU. NEEP's proposal to engage stakeholders through a ZEB Collaborative to guide the development of a ZEB Roadmap – which will include options to advance zero energy code development and improve code administration, enforcement, and compliance – is consistent with the Board's vision and will satisfy the Board's directive to establish a Codes and Standards Subcommittee that identifies opportunities to achieve greater EE via building energy code strategies. This focus on energy codes, including co-facilitation of a code collaborative with NEEP and collaborative assessment of opportunities to realize greater EE through building energy code strategies, is also contemplated by RCGB's existing FY21–22 scope of work with the BPU.

Having thoroughly reviewed the MOU, the BPU **HEREBY FINDS** that the MOU establishes the proper terms and conditions, including roles and responsibilities of the Parties, for commencement of a ZEB Collaborative.

IV. CONCLUSION

The Board **HEREBY APPROVES** the terms and conditions of the MOU and **HEREBY AUTHORIZES** the execution of the MOU by the President.

The effective date of this order is February 6, 2021.

DATED: January 27, 2021

BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF A MEMORANDUM OF UNDERSTANDING AMONG THE NORTHEAST ENERGY EFFICIENCY PARTNERSHIPS, THE RUTGERS CENTER FOR GREEN BUILDING, AND THE BOARD OF PUBLIC UTILITIES REGARDING THE NEW JERSEY ZERO ENERGY BUILDINGS CODE COLLABORATIVE

DOCKET NO. QO21010002

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