



STATE OF NEW JERSEY
Board of Public Utilities
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ENERGY

IN THE MATTER OF THE 2021/2022 ANNUAL)	ORDER APPROVING INTERIM
COMPLIANCE FILINGS FOR THE UNIVERSAL)	USF RATES AND LIFELINE
SERVICE FUND (“USF”) PROGRAM FACTOR WITHIN)	RATES
THE SOCIETAL BENEFITS CHARGE RATE)	
)	DOCKET NO. ER21060939

Parties of Record:

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Joshua R. Eckert, Esq., Jersey Central Power & Light Company
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Brian O. Lipman, Esq., Acting Director, New Jersey Division of Rate Counsel

BY THE BOARD:

BACKGROUND

The Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. provided that the New Jersey Board of Public Utilities (“Board”) establish a non-lapsing Universal Service Fund (“USF”) to assist low income consumers with the payment of electric and natural gas bills. This fund was to be established by the Board, pursuant to N.J.S.A. 48:3-60(b), wherein the Board was to determine the level of funding, the appropriate administration, and the purposes of the programs to be funded with monies from the fund. In its July 16, 2003 Order in Docket No. EX00020091, the Board established a permanent statewide program through which funds for the USF program are collected from customers of electric and natural gas public utilities operating in the State (collectively, “Utilities”) on a uniform basis.¹ That Order established that Lifeline funding was to be generated in the same fashion as USF.²

¹ The four (4) gas distribution companies (“GDCs”) include Public Service Electric and Gas Company (“PSE&G”), Elizabethtown Gas Company (“ETG”), New Jersey Natural Gas Company (“NJNG”), and South Jersey Gas Company (“SJG”). The four (4) electric distribution companies (“EDCs”) include PSE&G, Atlantic City Electric Company (“ACE”), Jersey Central Power & Light Company (“JCP&L”) and Rockland Electric Company (“RECO”).

² Lifeline is an energy assistance program created by the Legislature at N.J.S.A. 48:2-29.15, administered by the Department of Human Services and funded through the Societal Benefits Charge (“SBC”).

Administrative expenses for the first year of the USF program were in addition to the program budget and were capped at 10% of the \$30 million program for the year. If the program exceeded the \$30 million, any administrative expenses above \$3 million (10% of the initial year's budget) required advance approval by the Board. One-time start-up costs were not to be counted as administrative expenses and were not to be subject to the 10% cap. By Order dated July 16, 2003, the Board approved USF rates to be effective August 1, 2003. Lifeline rates based upon a \$72 million budget also became effective August 1, 2003. The Board directed the Utilities to make annual compliance filings for the USF and Lifeline components of the SBC by April 1st each year, including notice and public hearings, with any new tariffs to be effective July 1st of each year.

In its June 22, 2005 Order in Docket No. EX00020091, the Board ordered that the annual USF compliance filing date and effective date be changed from April 1st and July 1st, respectively, to July 1st and October 1st, respectively.

On June 21, 2010, in Docket No. EO09090771, the Board approved seven (7) separate stipulations of settlement resolving all issues pertaining to the past USF-related administrative costs of the Utilities.³ In addition, each individual stipulation of settlement identified the future USF-related costs each utility would be allowed to include in the annual USF Compliance Filing.

By Order dated September 23, 2020, the Board approved the Utilities' proposed rates set forth in the 2019/2020 USF compliance filing in Docket No. ER20060392 ("September 23, 2020 Order"). The proposed rates were established to recover an approximate \$123.7 million USF budget and a \$74.6 million Lifeline budget. Accordingly, the current rates, including Sales and Use Tax ("SUT"), are:

	Electric	Gas
USF	\$0.001493/kWh	\$0.0059/therm
Lifeline	\$0.000759/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.002252/kWh	\$0.0116/therm

PROCEDURAL HISTORY

On June 25, 2021, PSE&G, on behalf of itself and the other Utilities, made a filing with the Board for the 2021-2022 USF and Lifeline program year ("June 2021 Filing").⁴ The June 2021 Filing included actual cost data from October 2020 to April 2021 and estimated data for May 2021 through September 2021. The parties to the June 2021 Filing included the Utilities, Board Staff ("Staff") and the New Jersey Division of the Rate Counsel ("Rate Counsel") (collectively, "Parties"). No other party intervened in this rate proceeding. Pursuant to the Board's June 21, 2010 Order, the Utilities included their actual USF-related administrative costs, as of April 2021 and estimated administrative costs through September 2021. In addition, the Utilities requested full recovery of these administrative costs in the month following Board approval of the new USF rate.⁵ Finally, the Utilities requested that the Board finalize the current USF interim rates, which were approved in the September 23, 2020 Order.

³ In re the Recovery of Administrative Costs Expended by Utilities Under Universal Services Funds Program, BPU Docket No. EO09090771, Order dated June 21, 2010 ("June 21, 2010 Order").

⁴ On June 29, 2021, JCP&L had made its filing with the Board for the 2021-2022 USF and Lifeline program year.

⁵ PSE&G, JCP&L, ACE, NJNG, and ETG did not request recovery of administrative expenses.

In the June 2021 Filing, the Utilities proposed that the statewide USF rates be set to recover approximately \$215.5 million, representing an increase of approximately \$91.8 million from the existing \$123.7 million being recovered under the current USF rates. The \$215.5 million proposed budget includes an estimated increase of \$103 million in anticipated USF and Fresh Start program costs, due to program expansions which become effective October 1, 2021.⁶ The proposed budget also includes \$5 million allocated for the NJ SHARES SMART program by the Legislature at L. 2020, c. 123. The Utilities asserted that the calculations of the program costs supported the recovery of \$74.6 million for the State’s Lifeline program. The Lifeline budget decreased slightly from the previous year from \$74,600,000 to \$74,550,000. Further, the rates proposed in the June 2021 Filing include an estimated Department of Community Affairs (“DCA”) administrative budget of \$7,822,058. The requested rates, including SUT, were as follows:

	Electric	Gas
USF	\$0.002468/kWh	\$0.0133/therm
Lifeline	\$0.000787/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.003255/kWh	\$0.0190/therm

The Utilities noted that the calculations are subject to uncertainties due to a number of factors, such as program changes, participation rates and jurisdictional volumes. The proposed rates in the June 2021 Filing were also predicated upon an estimated \$6.2 million electric over-recovery balance and an estimated \$3.2 million gas over-recovery balance as of September 30, 2021.

Subsequently, on July 30, 2021, the Utilities provided Staff and Rate Counsel with actual cost data, and supporting documentation through June 30, 2021 (“July 2021 Update”). The July 2021 Update reflected a higher USF budget of approximately \$222.3 million, a gas over-recovery balance of approximately \$1.9 million, and an electric over-recovery balance of approximately \$813,000.

The updated 2021/2022 USF rates, including SUT, with nine (9) months of actual data and three (3) months of estimated data, were as follows:

	Electric	Gas
USF	\$0.002552/kWh	\$0.0136/therm
Lifeline	\$0.000787/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.003339/kWh	\$0.0193/therm

As a result of the July 2021 Update, the revised rates proposed a greater increase than those publicly noticed and therefore shall not be adopted.

⁶ In re the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated June 24, 2021.

In accordance with N.J.S.A. 48:2-32.4 to -32.6, two (2) public hearings were held telephonically for each geographic region served by each of the gas and electric utilities.⁷ Members of the public were afforded the opportunity to participate in the public hearings with respect to both the program policies and the rates, as well as to submit written comments about these matters. A hearing officer from Staff presided at each of the public hearings.

The public hearing schedule was as follows:⁸

<u>Date</u>	<u>Utility</u>	<u>Time</u>	<u>Location</u>
Thursday, August 12, 2021	SJG	4:30 and 5:30 PM	Telephonic
Monday, August 23, 2021	NJNG	4:30 and 5:30 PM	Telephonic
Tuesday, August 24, 2021	RECO	4:30 and 5:30 PM	Telephonic
Wednesday, August 25, 2021	ETG	4:30 and 5:30 PM	Telephonic
Monday, August 30, 2021	ACE	4:30 and 5:30 PM	Telephonic
Tuesday, August 31, 2021	JCP&L	1:00 and 4:00 PM	Telephonic
Wednesday, September 1, 2021	PSE&G	4:30 and 5:30 PM	Telephonic
Monday, September 13, 2021	JCP&L	1:30 and 4:30 PM	Telephonic

No comments were received from the public at the hearings listed above.

POSITIONS OF THE PARTIES

Division of Rate Counsel

On September 2, 2021, Rate Counsel submitted comments concerning the June 2021 Filing and the July 2021 Update. Rate Counsel commented that the Utilities' USF administrative costs appear reasonable and it has no objection to the Utilities recovering these costs. Rate Counsel also commented that it takes no position on the reasonableness of the DCA's estimated administrative budget amount. Regarding the approximate \$103 million amount included in the proposed rate to reflect the Board's expansion of the USF and Fresh Start Programs, Rate Counsel commented that this amount was estimated using the Utilities' actual net arrearages as of April 2021, net of New Jersey's allocation of Low Income Home Energy Assistance Program ("LIHEAP") Supplemental Funds under the American Rescue Plan Act of 2021, P.L. 117-2 (Mar. 11, 2021). Rate Counsel commented that the Utilities have estimated that approximately ten percent of New Jersey's \$173 million supplemental LIHEAP allocation, or approximately \$17.3 million, will be used for administrative costs, leaving approximately \$155.7 million available to offset customer arrearages. Rate Counsel further stated that the Utilities estimated Fresh Start benefits based at 25 percent of their total arrearages as of April 2021, net of the \$155.7 million. Rate Counsel stated that the Utilities also assume that 25 percent of customers with arrearages either are or will be enrolled in the USF program and will receive the minimum \$60 annual benefit. Rate Counsel went on to state that it is impossible to accurately verify, beforehand, the

⁷ Due to the COVID-19 Pandemic, public hearings were administered telephonically so that members of the public could have an opportunity to present their views on the June 2021 Filing.

⁸ JCP&L's initial public notice published for August 3, 2021 hearing contained an error; therefore, a second hearing was scheduled for September 13, 2021.

reasonableness of the various estimates that go into the \$103 million amount estimated for USF and Fresh Start expansion. Therefore, Rate Counsel stated it takes no position on the reasonableness of the amount estimated by the Utilities for the USF and Fresh Start expansion costs. Rate Counsel also commented that these amounts and related expenditures will continue to be tracked, and any over- or under-recovery will be recognized in the Utilities' next Annual Compliance Filing.

Rate Counsel additionally commented that the Board may wish to consider increasing the amount of LIHEAP funding the Utilities have reflected as an offset to their estimated costs of the Fresh Start program. Rate Counsel stated that, based on the Utilities' calculations, only 25 percent of the LIHEAP funding available to offset arrearages would be used to offset the costs of the Fresh Start program. Rate Counsel asserted the Utilities have assumed that the estimated 75 percent of customers with arrearages that do not enroll in the Fresh Start program will receive LIHEAP funding at the same rate as customers who do enroll in Fresh Start. Furthermore, Rate Counsel stated that \$250 million in COVID-19 relief funds have been allocated for utility assistance as part of the State's Eviction Prevention Program. S-3621 First Reprint, Sec. 7 (to be codified as L. 2021, c. 188, Aug. 4, 2021). Rate Counsel commented that the Board may wish to evaluate whether some of the \$250 million in funding should be offset against the Utilities' estimated costs of the expanded USF and Fresh Start programs.

Rate Counsel stated it did not identify any other discrepancies in the Utilities' 2021/2022 Annual Compliance Filings, and it concluded that any over- or under-collections in USF that may result from the 2021/2022 program year will be reconciled and are subject to true-up in the next Annual Compliance Filings due in June 2022.

Finally, Rate Counsel concluded that it: 1) does not object to the Utilities' request for recovery of their actual administrative costs incurred in association with the USF program; 2) takes no position regarding the reasonableness of the DCA's proposed USF administrative budget; and 3) recommends that the Board evaluate whether the USF rates should reflect the offset of higher levels of the federal supplemental LIHEAP funding and some of the COVID relief funding.

The Utilities did not file a response to Rate Counsel's comments.

DISCUSSION AND FINDINGS

After review of the compliance filings and the various submissions with reference thereto, the Board **HEREBY DETERMINES** that it is appropriate to adopt the rates including the USF gas and electric rates based upon the June 2021 Filing, which includes actual cost data from October 2020 through April 2021.

These USF rates reflect costs for the projected period of October 1, 2021 through September 30, 2022. These electric and gas rates are based on seven (7) months of actual information and five (5) months of estimated data. The rates also include a reasonable estimate of the anticipated costs to be incurred during the coming program year from the expansion of the USF and Fresh Start programs, effective October 1, 2021. While the Board acknowledges Rate Counsel's suggestion to adjust the estimated USF and Fresh Start costs by altering the anticipated LIHEAP allocation and/or factoring in an unspecified amount of anticipated COVID-19 relief funds, the Board concurs with Rate Counsel that it is impossible to accurately verify the reasonableness of the various estimates that go into anticipated costs of program expansion before they occur. At this time, there are too many unknown variables to make such adjustments or to ascertain what level of adjustment would be accurate. Rather, the Board agrees with Rate Counsel's

acknowledgement that any over- or under-collections in USF that may result from the 2021/2022 program year will be reconciled in the next Annual Compliance Filings, which are due in June 2022.

Each year, the Utilities submit a projected USF budget that is based on estimated benefit levels, program enrollment, and any program over- or under-recovery. Further, the program budget can be influenced by additional external factors such as commodity prices and weather. The increase in this year's budget is attributed to the anticipated costs to be incurred for the expansion of the USF and Fresh Start programs, an increase in customer arrearages, and a decrease in gas and electric volumetric sales, resulting in an increase to the gas and electric rate.

As such, the Board **HEREBY APPROVES** the following rates, including SUT, with detailed calculations in Exhibit A, effective on an interim basis on October 1, 2021:

	Electric	Gas
USF	\$0.002468/kWh	\$0.0133/therm
Lifeline	\$0.000787/kWh	\$0.0057/therm
Combined USF/Lifeline	\$0.003255/kWh	\$0.0190/therm

The above rates reflect a gas over-recovery balance of approximately \$3.2 million and an electric over-recovery balance of approximately \$6.2 million. The overall USF budget is approximately \$215.5 million.

Approval of the proposed combined USF/Lifeline rates would represent an overall increase of \$8.88 for an average residential gas customer utilizing 1,200 therms per year and an overall increase of \$7.82 for an average residential electric customer utilizing 7,800 kWh per year. The combined USF/Lifeline annual bill would be \$48.19 per year for an average residential customer who uses both gas and electricity, which is an increase of approximately 53% or \$16.70 from the current level of \$31.49 per year.

Since the 2020-2021 rates and the associated budget expenditures have been examined in the current proceeding and tried up, the Board **HEREBY FINALIZES** the USF interim rates that have been approved through September 30, 2020. The Utilities' costs will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

The Board **HEREBY ORDERS** that as part of future Annual USF Compliance Filings, prior interim rates should be examined and finalized.

The Utilities' actual administrative expenses from July 1, 2020 through June 30, 2021 appear reasonable. Accordingly, the Board **HEREBY APPROVES**, for recovery, the Utilities' actual administrative cost amounts for the period of July 1, 2020 through June 30, 2021 listed below:

Actual Administrative Costs July 1, 2020 through June 30, 2021:

<u>EDCs</u>	<u>Costs</u>
ACE	\$0
JCP&L	\$0
PSE&G	\$0
RECO	\$2,925

<u>GDCs</u>	<u>Costs</u>
ETG	\$0
NJNG	\$0
PSE&G	\$0
SJG	\$1,894

EDC/GDC Total \$4,819

The Board, finding the Utilities' request to be reasonable, also **DIRECTS** Staff to request disbursement of funds to reimburse the Utilities for their USF-related administrative costs, listed above, from the USF Trust Account in the first month after the new USF rate becomes effective. Finally, the Board **HEREBY ORDERS** the Utilities to file the appropriate tariff pages, in conformance with the requirements of this Order prior to October 1, 2021.

CONCLUSION

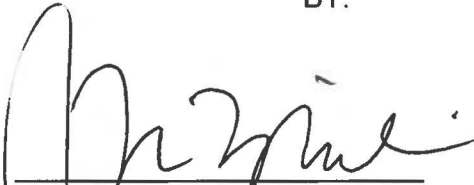
In summary, the Board **HEREBY APPROVES** the following:

- New USF/Lifeline rates will become effective, on an interim basis, on October 1, 2021;
- Utilities shall file the appropriate tariff pages prior to October 1, 2021;
- The interim USF rates approved by the Board through September 30, 2020 are determined to be final;
- Staff shall request that the New Jersey Department of the Treasury disburse the Utilities' administrative costs to them in the first month after the new USF rate becomes effective; and
- The Utilities' costs will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

This Order will be effective on September 21, 2021.

DATED: September 14, 2021

BOARD OF PUBLIC UTILITIES
BY:



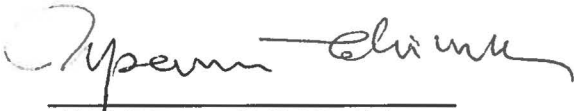
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MARYANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 

AIDA CAMACHO-WELCH
SECRETARY

	Exhibit A		
2021/2022 Annual Compliance Filing For Changes in the Statewide Electric and Gas Permanent USF Fund Program Within SBC Rates			
Docket Nos. ER21060939			
USF RATE CALCULATION (based on ACTUALS through April 2021)			
	<u>TOTAL</u>	<u>GAS</u>	<u>ELECTRIC</u>
<u>PERMANENT PROGRAM PROJECTIONS FOR 2021/2022</u>			
Administrative Costs - DCA (allocated based on benefits percentage)	\$7,822,058	\$1,287,747	\$6,534,311
New Jersey SHARES transfer (required by legislation)	\$5,000,000	\$823,151	\$4,176,849
Admin. Costs - Utility Postage and Handling	\$1,878	\$1,612	\$266
Estimate of Benefits for Program Year	\$104,102,042	\$17,138,340	\$86,963,701
Fresh Start Program Cost Estimates	\$4,956,112	\$1,694,486	\$3,261,626
USF/Fresh Start Anticipated Costs for Program Expansion	\$102,961,041	\$38,650,823	\$64,310,218
TOTAL	\$224,843,131	\$59,596,159	\$165,246,972
Est. of Under/(Over) Recovery at 9/30/21 (Actuals through April 2021)	(\$9,374,302)	(\$3,191,469)	(\$6,182,833)
TOTAL PERMANENT PROGRAM PROJECTIONS	\$215,468,829	\$56,404,690	\$159,064,139
ESTIMATES OF BENEFITS PERCENTAGES	100%		
PROJECTED VOLUMES (normalized for 12 mos beg. 10/01/21)		4,519,719,496	68,721,828,990
PROPOSED PRE-TAX RATE ***		\$0.0125	\$0.002315
CURRENT PRE-TAX RATE		\$0.0055	\$0.001400
PRE-TAX INCREASE/(DECREASE)		\$0.0070	\$0.000915
PROPOSED USF RATE INCLUDING TAX (@6.625%) ***		\$0.0133	\$0.002468
CURRENT USF RATE INCLUDING TAX (@6.625%)		\$0.0059	\$0.001493
USF RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		\$0.0074	\$0.000975
<u>LIFELINE RATE CALCULATION</u>			
	<u>TOTAL</u>	<u>GAS</u>	<u>ELECTRIC</u>
JURISDICTIONAL REVENUE PERCENTAGES	100%	32%	68%
LIFELINE BUDGET	\$74,550,000	\$23,856,000	\$50,694,000
PROJECTED VOLUMES		4,519,719,496	68,721,828,990
PROPOSED PRE-TAX RATE		\$0.0053	\$0.000738
CURRENT PRE-TAX RATE		\$0.0053	\$0.000712
PRE-TAX INCREASE/(DECREASE)		\$0.0000	\$0.000026
PROPOSED LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0057	\$0.000787
CURRENT LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0057	\$0.000759
LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		\$0.0000	\$0.000028
<u>COMBINED USF/LIFELINE RATES</u>			
		<u>GAS</u>	<u>ELECTRIC</u>
PROPOSED PRE-TAX USF/LIFELINE RATE		\$0.0178	\$0.003053
CURRENT PRE-TAX USF/LIFELINE RATE		\$0.0108	\$0.002112
PRE-TAX INCREASE/(DECREASE)		\$0.0070	\$0.000941
PROPOSED USF/LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0190	\$0.003255
CURRENT USF/ LIFELINE RATE INCLUDING TAX (@6.625%)		\$0.0116	\$0.002252
USF/LIFELINE RATE INCREASE/(DECREASE) INCLUDING TAX (@6.625%)		\$0.0074	\$0.001003

IN THE MATTER OF THE 2021/2022 ANNUAL COMPLIANCE FILINGS FOR THE
UNIVERSAL SERVICE FUND (“USF”) PROGRAM FACTOR WITHIN THE SOCIETAL
BENEFITS CHARGE RATE – ORDER APPROVING INTERIM USF AND LIFELINE RATES
Docket No. ER21060939

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