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**Board of Public Utilities**  
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CLEAN ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF P.L. 2018, C. 17, THE NEW JERSEY CLEAN ENERGY ACT OF 2018, REGARDING THE ESTABLISHMENT OF ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAMS )	ORDER DESIGNATING COMMISSIONER, SETTING MANNER OF SERVICE AND BAR DATES
)	DOCKET NO. QO19010040
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 )	
)	DOCKET NO. QO23030150
IN THE MATTER OF ELECTRIC PUBLIC UTILITIES AND GAS UTILITIES OFFERING ENERGY EFFICIENCY AND CONSERVATION PROGRAMS, INVESTING IN CLASS I RENEWABLE ENERGY RESOURCES AND OFFERING CLASS I RENEWABLE ENERGY PROGRAMS IN THEIR RESPECTIVE SERVICE TERRITORIES ON A REGULATED BASIS, PURSUANT TO N.J.S.A. 48:3- 98.1 AND N.J.S.A. 48:3-87.9 – MINIMUM FILING REQUIREMENTS )	DOCKET NO. QO17091004

**Parties of Record:**

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BY THE BOARD:<sup>1</sup>

<sup>1</sup> Commissioner Marian Abdou recused herself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

By this Order, the New Jersey Board of Public Utilities (“Board”) extends the deadline for energy efficiency (“EE”) program filings expected to be submitted by New Jersey’s electric and gas public utilities for the second three-year cycle of programs (“Triennium 2”) implemented pursuant to the New Jersey Clean Energy Act of 2018, L. 2018, c. 17 (N.J.S.A. 48:3-87.8 et al.) (“CEA”) from October 2, 2023 to December 1, 2023.<sup>2</sup> The Board further designates presiding commissioners for these Triennium 2 filings.

## **BACKGROUND**

### ***The New Jersey Clean Energy Act of 2018***

On May 23, 2018, Governor Murphy signed the CEA into law. The CEA emphasizes the importance of EE and peak demand reduction (“PDR”) and calls upon New Jersey’s electric and gas public utilities to play an increased role in delivering EE and PDR programs to customers. The Act directs the Board to require each electric and gas public utility in the State to reduce customer use of electricity and natural gas in its service territory below what would have otherwise been used. Specifically, the CEA directs the BPU to require:

(a) each electric public utility to achieve, within its territory by its customers, annual reductions of at least 2% of the average annual electricity usage in the prior three years within five years of implementation of its electric energy efficiency program; and

(b) each natural gas public utility to achieve, within its territory by its customers, annual reductions in the use of natural gas of at least 0.75% of the average annual natural gas usage in the prior three years within five years of implementation of its gas energy efficiency program.<sup>3</sup>

### ***Energy Efficiency Triennium 1***

By Order dated June 10, 2020 (“June 2020 Order”), the Board approved a transition framework for EE programs implemented pursuant to the CEA, including requirements for the utilities to establish programs that reduce customer electricity and natural gas usage within their territories.<sup>4</sup> By the June 2020 Order, the Board directed New Jersey’s electric and gas companies to submit the first of their three-year filings for EE and PDR programs by September 25, 2020 for Board approval by May 1, 2021 and implementation beginning July 1, 2021. Additionally, by the June 2020 Order, the Board directed Board Staff (“Staff”) to provide recommendations specific to Butler.

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<sup>2</sup> New Jersey’s electric and gas public utilities include Atlantic City Electric Company (“ACE”), Butler Power and Light Company (“Butler”), Elizabethtown Gas Company (“ETG”), Jersey Central Power & Light Company (“JCP&L”), New Jersey Natural Gas Company (“NJNG”), Public Service Electric and Gas Company (“PSE&G”), Rockland Electric Company (“RECO”), and South Jersey Gas Company (“SJG”).

<sup>3</sup> N.J.S.A. 48:3-87.9(a).

<sup>4</sup> In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket Nos. QO19010040, QO19060748, and QO17091004, Order dated June 10, 2020.

By Order dated September 23, 2020, the Board approved a stipulation of settlement authorizing PSE&G to implement its CEF-EE Program.<sup>5</sup> By Order dated March 3, 2021, the Board approved a stipulation of settlement authorizing NJNG to implement its SAVEGREEN 2020 Program.<sup>6</sup> By Orders dated April 7, 2021, the Board approved stipulations of settlement authorizing ETG and SJG to implement their EE programs.<sup>7</sup> By Orders dated April 27, 2021, the Board approved stipulations of settlement authorizing ACE and JCP&L to implement their EE programs.<sup>8</sup> Finally, by Orders dated June 9, 2021, the Board approved a stipulation of settlement authorizing RECO to implement its EE programs.<sup>9</sup>

On September 20, 2022, PSE&G filed a letter petition (“Letter Petition”) to extend the term of the 10 subprograms of the CEF-EE Program for a nine-month period (October 1, 2023 through June 30, 2024) in order to align the program with the three-year program cycle authorized by the Board for the other utilities. Additionally, the petition proposed offering PSE&G’s electric CEF-EE programs to PSE&G gas customers who are also Butler customers during the nine-month extension period. By Order dated October 10, 2022, the Board determined that the Letter Petition satisfied the requirement that Butler submit a proposal to deliver EE and PDR programs to Butler customers.<sup>10</sup> In addition, by Order dated May 24, 2023, the Board approved the extension of the term of the 10 subprograms of PSE&G’s CEF-EE Program.<sup>11</sup>

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<sup>5</sup> In re the Petition of Public Service Electric and Gas Company for Approval of Its Clean Energy Future – Energy Efficiency (“CEF-EE”) Program on a Regulated Basis, BPU Docket Nos. GO18101112 and EO18101113, Order dated September 23, 2020.

<sup>6</sup> In re the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Program and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq., BPU Docket Nos. QO19010040 and GO20090622, Order dated March 3, 2021.

<sup>7</sup> In re the Petition of Elizabethtown Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act and the Establishment of a Conservation Incentive Program, BPU Docket No. GO20090619, Order dated April 7, 2021; In re the Petition of South Jersey Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act, BPU Docket No. GO20090618, Order dated April 7, 2021.

<sup>8</sup> In re the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three, BPU Docket No. EO20090621, Order dated April 27, 2021; In re the Verified Petition of Jersey Central Power & Light Company for Approval of JCP&L's Energy Efficiency and Conservation Plan Including Energy and Peak Demand Reduction Programs (JCP&L EE&C), BPU Docket No. EO20090620, Order dated April 27, 2021.

<sup>9</sup> In re the Petition of Rockland Electric Company for Approval of Its Energy Efficiency Program and Peak Demand Reduction Programs, BPU Docket No. EO20090623, Order dated June 9, 2021.

<sup>10</sup> In re the Implementation of L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, Butler Electric, BPU Docket Nos. QO19010040 and QO20100684, Order dated October 12, 2022.

<sup>11</sup> In re the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future – Energy Efficiency (“CEF-EE”) Program on a Regulated Basis, BPU Docket Nos. GO18101112 and EO18101113, Order dated May 24, 2023.

## ***Energy Efficiency Triennium 2***

By Order dated May 24, 2023 (“May 2023 Order”), the Board directed each electric public utility and gas public utility to propose, for approval by the Board, EE programs for Triennium 2 on or before October 2, 2023 and addressed certain aspects of the EE Triennium 2 framework.<sup>12</sup> By Order dated July 26, 2023 (“July 2023 Order”), the Board approved the remaining aspects of the EE Triennium 2 framework.<sup>13</sup>

### ***NJUA Petition***

On September 21, 2023, the New Jersey Utilities Association (“NJUA”) submitted a request for an extension of the October 2, 2023 filing deadline. As outlined in the request, the Board conducted a public stakeholder process in Spring 2023 to solicit input on the Triennium 2 programs. NJUA stated that the May 2023 and July 2023 Orders provided guidance on several programmatic areas but deferred several technical issues to the Evaluation, Measurement and Verification Working Group for review and resolution. According to NJUA, other details regarding how to interpret and apply direction from these Board Orders has occurred within the Utility Working Group. NJUA noted that, while the utilities have invested considerable time and effort to meet the October 2, 2023 filing deadline, there are still a few outstanding technical considerations and some new questions raised during the utilities’ pre-filing meetings with Staff and the New Jersey Division of Rate Counsel (“Rate Counsel”) in September 2023. Through NJUA, the utilities are requesting a two-month extension to allow them to resolve outstanding issues with the aforementioned working groups.

On September 26, 2023, Rate Counsel submitted a letter indicating that they did not object to the extension.

### **DISCUSSION AND FINDINGS**

After consideration of the extension request from NJUA, the Board **FINDS** the request to be reasonable. The Board **HEREBY EXTENDS** the filing deadline for the EE Triennium 2 petitions until December 1, 2023.

The Board determined that the petitions expected to be filed should be retained by the Board for hearing. Accordingly, as authorized by N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** Commissioner

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<sup>12</sup> In re the Implementation of P.L. 2018, c. 17, The New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re 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; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023.

<sup>13</sup> In re the Implementation of P.L. 2018, c. 17, The New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re 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; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated July 26, 2023.

Christodoulou as the presiding commissioner for the ACE, JCP&L, and RECO filings, who is authorized to rule on all motions that arise during the pendency of the proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

Additionally, the Board **HEREBY DESIGNATES** President Guhl-Sadovy as the presiding commissioner for the ETG, NJNG, and SJG filings, who is authorized to rule on all motions that arise during the pendency of the proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

Finally, the Board **HEREBY DESIGNATES** Commissioner Holden as the presiding commissioner for the PSE&G and Butler filings, who is authorized to rule on all motions that arise during the pendency of the proceedings and modify any schedules that may be set as necessary to secure just and expeditious determination of the issues.

Further, the Board **HEREBY DIRECTS** that any entity seeking to intervene or participate in any of the utilities' filings file the appropriate application with the Board by December 8, 2023. Any party wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate. Any response to motions should be filed no later than December 14, 2023.

In addition, pursuant to the Board's Order dated March 19, 2020, the Board **HEREBY DIRECTS** all parties to serve all documents electronically.<sup>14</sup> No hard copies shall be filed until the Board lifts the restrictions imposed in that Order.

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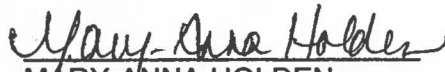
<sup>14</sup> In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Order dated March 19, 2020.

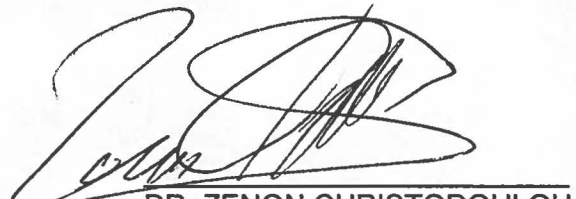
This Order shall be effective on October 4, 2023.

DATED: September 27, 2023

BOARD OF PUBLIC UTILITIES  
BY:

  
CHRISTINE GUHL-SADOWY  
PRESIDENT

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

ATTEST:

  
SHERRI L. GOLDEN  
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 IMPLEMENTATION OF P.L. 2018, C. 17, THE NEW JERSEY CLEAN ENERGY ACT OF 2018, REGARDING THE ESTABLISHMENT OF ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAMS  
DOCKET NO. QO19010040

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  
DOCKET NO. QO23030150

IN THE MATTER OF ELECTRIC PUBLIC UTILITIES AND GAS PUBLIC UTILITIES OFFERING ENERGY EFFICIENCY AND CONSERVATION PROGRAMS, INVESTING IN CLASS I RENEWABLE ENERGY RESOURCES AND OFFERING CLASS I RENEWABLE ENERGY PROGRAMS IN THEIR RESPECTIVE SERVICE TERRITORIES ON A REGULATED BASIS, PURSUANT TO N.J.S.A. 48:3-98.1 AND N.J.S.A. 48:3-87.9 – MINIMUM FILING REQUIREMENTS  
DOCKET NO. QO17091004

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