



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF P.L.) ORDER
2018, C. 17, THE NEW JERSEY CLEAN ENERGY ACT)
OF 2018, REGARDING THE SECOND TRIENNIUM OF)
ENERGY EFFICIENCY AND PEAK DEMAND) DOCKET NO. QO23030150
REDUCTION PROGRAMS)

Parties of Record:

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Sheree L. Kelly, Esq., SJI Utilities, Inc.

BY THE BOARD:¹

By Order dated September 27, 2023, the New Jersey Board of Public Utilities (“Board”) established the deadline for energy efficiency (“EE”) program filings to be submitted by New Jersey’s electric and gas public utilities for the second three (3)-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 seq.*) (“CEA”) as December 1, 2023. By this Decision and Order, the Board considers revising the Triennium 2 term and administering related guidance.²

¹ Commissioner Marian Abdou has recused herself from voting on this matter.

² 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 Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and

BACKGROUND

The New Jersey Clean Energy Act of 2018

On May 23, 2018, Governor Murphy signed the CEA into law. The CEA emphasized the importance of EE and peak demand reduction (“PDR”) and called upon New Jersey’s electric and gas public utilities to play an increased role in delivering EE and PDR programs to customers. The CEA directed the Board to require each electric and gas public utility in the State to reduce customer electricity and natural gas usage in its service territory below what would have otherwise been used. Specifically, the CEA directed 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.³

Energy Efficiency Triennium 1

By Order dated June 10, 2020, 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.⁴ By the June 2020 Order, the Board directed New Jersey’s electric and gas companies to submit the first of their three (3)-year filings for EE and PDR programs (“Triennium 1”) 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. By the June 2020 Order, the Board adopted Staff’s recommendations on adjustments to utility-led programs, including adjustments to budgets and incentives.⁵ The utilities may shift program budgets within or among the residential, commercial and industrial (“C&I”), multifamily,

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 September 27, 2023 (“September 2023 Order”). 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”).

³ N.J.S.A. 48:3-87.9(a).

⁴ 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 (“June 2020 Order”).

⁵ June 2020 Order at 13, 38.

and pilot sectors. More specifically, a utility may shift its program budgets for programs within the same sector up to 25% with notification to Staff, above 25% up to 50% with Staff approval, and over 50% with Board approval. A utility may also shift up to 5% of its sector budgets between or among sectors with notification to Staff, above 5% up to 10% with Staff approval, and over 10% with Board approval. The Board also established reporting requirements for the utilities' quarterly, annual, and triennial progress reports, with annual reports due no later than 75 days following the end of each program year.⁶

By Order dated September 23, 2020, the Board approved a stipulation of settlement authorizing PSE&G to implement its EE program.⁷ By Order dated March 3, 2021, the Board approved a stipulation of settlement authorizing NJNG to implement its EE program.⁸ By Orders dated April 7, 2021, the Board approved stipulations of settlement authorizing ETG and SJG to implement their EE programs.⁹ By Orders dated April 27, 2021, the Board approved stipulations of settlement authorizing ACE and JCP&L to implement their EE programs.¹⁰ Finally, by Orders dated June 9, 2021, the Board approved a stipulation of settlement authorizing RECO to implement its EE programs.¹¹

On September 20, 2022, PSE&G filed a letter petition ("Letter Petition") to extend the term of the 10 sub-programs of its EE program for a nine (9)-month period, from October 1, 2023 through June 30, 2024, to align its EE program with the three (3)-year program cycle authorized by the Board for the other utilities. Additionally, PSE&G proposed to offer its electric EE sub-programs to PSE&G gas customers who are also Butler customers during the proposed nine (9)-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

⁶ Id. at 33, 42.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

customers.¹² In addition, by Order dated May 24, 2023, the Board approved the extension of the term of the 10 subprograms of PSE&G's EE program.¹³

On September 28, 2022, the Board granted the utilities' request for a 33-day extension from September 14, 2022 to October 17, 2022 to file their respective Program Year 2 annual progress reports.¹⁴ On September 18, 2023, the Board granted the utilities' request for a 30-day extension from September 15, 2023 to October 16, 2023 to file their respective Program Year 3 ("PY3") annual progress reports.¹⁵

Energy Efficiency Triennium 2

By Order dated May 24, 2023, 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.¹⁶ By Order dated July 26, 2023, the Board approved the remaining aspects of the Triennium 2 framework necessary for the utilities

¹² 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.

¹³ 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.

¹⁴ Board Secretary Letter, Utility Request for Extension of Filing of Reports, September 28, 2022, *available at* <https://www.nj.gov/bpu/pdf/boardorders/2022/20220928/VIIIA%20Secretary%20Letter%20Utility%20Request%20for%20Extension%20of%20Filing%20of%20Reports.pdf>

¹⁵ Board Secretary Letter, Utility Request for Extension of Filing of Reports, September 18, 2023, *available at* <https://www.nj.gov/bpu/pdf/boardorders/2023/20230918/VIIIA%20Secretary%20Letter%20Utility%20Extension%20Request%20of%20Filing%20Reports.pdf>

¹⁶ 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 ("May 2023 Order").

to submit their Triennium 2 filings.¹⁷ By the July 2023 Order, the Board further directed that State and utility program administrators use the State and utility-specific net savings goals provided in the Cadmus Group’s goal-setting study – performed to establish cost-effective goals for Triennium 2 – as a starting point when developing proposed annual energy reduction goals.¹⁸ The Board also directed Staff to: (1) evaluate whether energy savings from building energy codes and appliance standards, as well as from other State programs and initiatives, would support increasing the State’s relative share of annual net energy reduction goals and thereby lowering utility annual net energy goals; and (2) determine whether to recommend that the Board approve State or utility net savings goals at levels different from those in the goal-setting study.¹⁹

The Board adopted Staff’s recommendations on adjustments to utility-led programs, including adjustments to budgets and incentives.²⁰ The utilities may shift program budgets within or among the residential, C&I, multifamily, and other sectors. Within any 365-day period of time, each utility may shift budgets between individual programs within the same sector up to and including 25% with notification to Staff and the New Jersey Division of Rate Counsel (“Rate Counsel”), greater than 25% and up to 50% with Staff approval, and greater than 50% with Board approval. Within any 365-day period of time, a utility may also shift budgets out of a sector up to and including 10% of the total triennium budget with notification to Staff and Rate Counsel, greater than 10% and up to 20% with Staff approval, and over 20% with Board approval.

On September 21, 2023, the New Jersey Utilities Association (“NJUA”) submitted a request for an extension of the October 2, 2023 filing deadline. By the September 2023 Order, the Board approved the NJUA’s request, extending the Triennium 2 filing deadline to December 1, 2023, and designated presiding commissioners for the anticipated filings.²¹

Under the guidance of the Statewide Evaluator²² (“SWE”) of New Jersey’s EE and PDR programs, consultants to the Board have estimated energy savings from New Jersey’s recent adoption of more stringent appliance standards and building energy codes, as well as from the Weatherization Assistance Program administered by the New Jersey Department of Community Affairs, that

¹⁷ 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 (“July 2023 Order”).

¹⁸ Id. at 23.

¹⁹ Id. at 33.

²⁰ May 2023 Order at 18–19, 36.

²¹ September 2023 Order, *supra* note 1.

²² In re a Contract for a Statewide Evaluator of New Jersey’s Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO20110700, Order dated March 24, 2021.

could contribute to additional energy savings achievement through State programs and initiatives (“Additional State Initiatives”).²³ The Cadmus Group incorporated these additional energy savings into an adjusted analysis of achievable, cost-effective goals for State and utility-run programs for Triennium 2.²⁴

Under this analysis, the additional energy savings achievement through State programs and initiatives could support lowering both State and utility annual net energy goals. Based on analysis by the SWE and the Cadmus Group of the relative contribution of State (11%) and utility (89%) programs to meeting the CEA’s energy reduction goals in Triennium 2, Staff recommends applying 11% of the additional energy savings to lower the State’s annual net energy goals and applying 89% of the additional energy savings to lower the utilities’ annual net energy goals. Table 1 below reflects the initial Triennium 2 targets from the Board’s July 2023 Order for the State and utilities, and Table 2 reflects Staff’s recommendations for adjusted Triennium 2 targets.

²³ The energy savings analyses are available on the “Program Evaluations, Market Analysis and TRMs” page in the “Cost Effectiveness Analysis & Avoided Cost” section at <https://www.njcleanenergy.com/main/publicreports-and-library/market-analysis-protocols/market-analysis-baseline-studies/market-an>.

²⁴ Calculations underlying the adjustments to the 2023 New Jersey BPU Goal Setting Study will be available on the “Program Evaluations, Market Analysis and TRMs” page in the “Market Potential Studies” section at <https://www.njcleanenergy.com/main/publicreports-and-library/market-analysis-protocols/market-analysis-baseline-studies/market-an>.

Table 1: Initial Triennium 2 Targets

| Year | Natural Gas | | | Electric | | |
|--------------------|--|--|--------------|--|--|--------------|
| | Net State-Administered Annual Energy Reduction Target (% of retail sales) | Net Utility-Administered Annual Energy Reduction Target (% of retail sales) | Total | Net State-Administered Annual Energy Reduction Target (% of retail sales) | Net Utility-Administered Annual Energy Reduction Target (% of retail sales) | Total |
| Triennium 1 | | | | | | |
| PY2024 | 0.07% | 0.55% | 0.61% | 0.13% | 1.18% | 1.31% |
| Triennium 2 | | | | | | |
| PY2025 | 0.08% | 0.61% | 0.68% | 0.18% | 1.48% | 1.66% |
| PY2026 | 0.08% | 0.67% | 0.75% | 0.23% | 1.77% | 2.00% |
| PY2027 | 0.08% | 0.67% | 0.75% | 0.23% | 1.77% | 2.00% |

Table 2: Adjusted Triennium 2 Targets

| Year | Natural Gas | | | Electric | | | | |
|--------------------|--|---|--|--------------|--|---|--|--------------|
| | Net State-Administered Annual Energy Reduction Target (% of retail sales) | Additional State Initiatives (% of retail sales) | Net Utility-Administered Annual Energy Reduction Target (% of retail sales) | Total | Net State-Administered Annual Energy Reduction Target (% of retail sales) | Additional State Initiatives (% of retail sales) | Net Utility-Administered Annual Energy Reduction Target (% of retail sales) | Total |
| Triennium 1 | | | | | | | | |
| PY2024 | 0.05% | 0.13% | 0.43% | 0.61% | 0.11% | 0.22% | 0.98% | 1.31% |
| Triennium 2 | | | | | | | | |
| PY2025 | 0.06% | 0.13% | 0.49% | 0.68% | 0.15% | 0.23% | 1.28% | 1.66% |
| PY2026 | 0.07% | 0.13% | 0.55% | 0.75% | 0.20% | 0.23% | 1.57% | 2.00% |
| PY2027 | 0.07% | 0.13% | 0.55% | 0.75% | 0.21% | 0.23% | 1.56% | 2.00% |

DISCUSSION AND FINDINGS

Following careful review of the record in this matter, the Board **FINDS** that, while Staff was preparing to manage concurrent proceedings for the seven (7) utility Triennium 2 filings within approximately 210 days, it is reasonable, prudent, and in the public interest to provide additional time for Staff and Rate Counsel to conduct a thorough and diligent concurrent review of the filings, as well as to provide parties and interested stakeholders with additional time to review, analyze, and discuss the filings. Extending the start of Triennium 2 by six (6) months will enable Staff to explore with Rate Counsel, which would require the utilities' cooperation, Board action beyond 180 days and thereby provide additional time for parties to discuss and make reasonable adjustments to the filings.²⁵ Therefore, the Board **HEREBY ORDERS** that Triennium 2 shall commence on January 1, 2025 and conclude on June 30, 2027, for a total term of 2.5 years. The Board **HEREBY DIRECTS** the electric public utilities and gas public utilities to submit filings in accordance with the new Triennium 2 term. The Board **FURTHER FINDS** that Staff's

²⁵ N.J.S.A. 48:3-98.1(b).

recommendations for updated State- and utility-specific net annual energy reduction targets for Triennium 2 strike a reasonable and prudent balancing of achievable, cost-effective targets for State and utility EE programs with incentive budgets and ratepayer impacts.

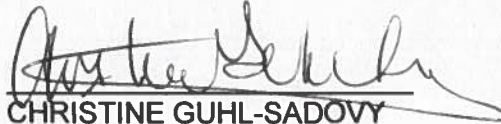
The Board also notes that additional funding from the U.S. Department of Energy through Inflation Reduction Act efficiency and electrification rebates will further contribute to the achievability of energy reduction targets in Triennium 2 while defraying burdens on New Jersey ratepayers. The Board therefore **FURTHER DIRECTS** State and utility program administrators to use the updated State- and utility-specific net annual energy reduction targets in their Triennium 2 filings and **DIRECTS** utility program administrators to propose quantitative performance indicator (“QPI”) values that are aligned with these updated net annual energy reduction targets in accordance with the shortened Triennium 2 timeframe. The Board **ORDERS** that Program Year 4 (“PY4”) shall comprise six (6) months (January 1, 2025 – June 30, 2025) and that assessment of the utilities’ compliance with PY4 QPIs shall be based on retail sales during the most recent 36 months prior to PY4. The Board **FURTHER DIRECTS** the electric public utilities and gas public utilities to provide six (6)-month projections for PY4 in the Triennium 2 filings and to submit quarterly reports rather than annual reports following the conclusion of PY4.


The Board **FURTHER DIRECTS** the electric public utilities and gas public utilities to each or jointly file a letter petition to extend their respective Triennium 1 programs, without changes, by six (6) months, to December 31, 2024, with budgets designed to meet customer demand for current Triennium 1 programs. Each utility’s half-year Triennium 1 extension budget should not exceed 50% of the utility’s Program Year 3 (“PY3”) budget in order to align with the progress and ramping of the EE programs. Further, the Board **HEREBY ORDERS** that, as part of the half-year Triennium 1 extension, each utility shall meet energy savings targets equivalent to 50% of its PY3 energy savings targets in order to align with the progress and ramping of the EE programs. The Board **FURTHER ORDERS** that all Triennium 1 rules, provisions, and practices – including regarding calculating energy savings, application of net-to-gross ratios, QPIs, and evaluations – shall apply to the entire updated term of Triennium 1 (July 1, 2021 – December 31, 2024), that PY3 shall comprise 18 months (July 1, 2023 – December 31, 2024), and that program administrators report on PY3 using Triennium 1 reporting templates. As the only exceptions to Triennium 1 rules, the Board **HEREBY DIRECTS** the electric public utilities and gas public utilities to submit PY3 annual progress reports according to the due date applicable to annual progress reports in Triennium 2 – that is, no later than 150 days following the end of PY3 – and **AUTHORIZES** Staff to adjust the due date as appropriate. The Board **FURTHER AUTHORIZES** the electric public utilities and gas public utilities to shift program budgets within the same sector or among sectors during the half-year Triennium 1 extension according to the parameters applicable to Triennium 2.

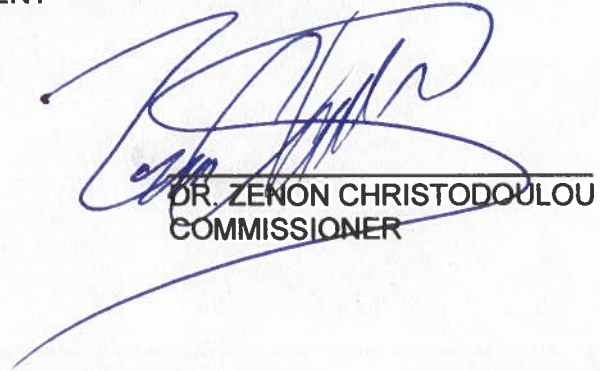
This Order shall be effective on November 1, 2023.

DATED: October 25, 2023

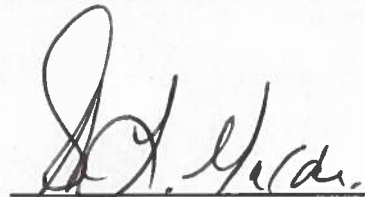
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BY:


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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
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