



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/

NOTICE OF MEETING¹

Pursuant to the Open Public Meetings Act notice is hereby provided that the Board of Public Utilities will hold a meeting on Wednesday, May 24, 2023 at 10:00 a.m.

The meeting is in person and will be held at the Board Hearing Room, 1st Floor, 44 South Clinton Avenue, Trenton, at which time and place formal action may be taken on all items identified below.

The meeting is also available to Watch Online:
<https://www.youtube.com/watch?v=-JTD69YoVJo>

Executive Session

Open Session will not reconvene until the conclusion of the Executive Session, which will commence at 10:00 a.m. The only business to be conducted in the 10:00 a.m. Open Session will be the reading of the public notice statement, roll call, and the exception, under the Open Public Meetings Act, for each item to be considered in Executive Session.

6. RELIABILITY AND SECURITY

A. Docket No. QO20020109 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2020 – June 30, 2021;

Docket No. QO21020626 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2021 – June 30, 2022; and

Docket No. QO22030140 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2022 – June 30, 2023.

The Board will consider entering into a Memorandum of Understanding regarding assistance with drafting the New Jersey State Energy Security Plan.

¹ Not a paid legal advertisement.

Executive Session (Cont'd)

8. CLEAN ENERGY

- A. Docket No. QO23040234 – In the Matter of the Request for Quotation for the Design of the New Jersey Energy Storage Incentive Program.

The Board will consider issuing a Request for Quotation for a contractor to assist in the design of the New Jersey Storage Incentive Program.

- E. Docket No. QO22020041 – In the Matter of the Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Easements Across Green Acres-Restricted Properties and Consents Needed for Certain Environmental Permits in, and with Respect to, the City of Ocean City are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project.

The Board will consider New Jersey Division of Rate Counsel's motion to settle the record in Appellate Division Docket No. A-0789-22T1 regarding the Ocean Wind 1 petition relative to the City of Ocean City.

- F. Docket No. QO22020041 – In the Matter of the Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Easements Across Green Acres-Restricted Properties and Consents Needed for Certain Environmental Permits in, and with Respect to, the City of Ocean City are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project.

The Board will consider Ocean City's motion to stay, pending appeal, the operation of the Board's order dated September 28, 2022 determining that certain easements and consents are reasonably necessary for the construction and operation of the Ocean Wind 1 Project and the Board's November 2, 2022 order on the taking of easements.



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CONSENT AGENDA FOR BOARD MEETING

The meeting will be held on
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I. AUDITS

A. Energy Agent, Private Aggregator and/or Energy Consultant Initial Registrations

EE23030157L 3 Point Energy LLC I – EA

This matter relates to an application for an initial registration as an energy agent.

Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE21071019L Choose Energy, Inc. R – EA

This matter relates to an application for a renewal registration as an energy agent.

Electric Power and/or Natural Gas Supplier Renewal Licenses

EE19060731L Ambit Northeast, LLC R – EGSL
GE19060730L d/b/a Ambit Energy

This matter relates to an application for renewal licenses as an electric power and natural gas supplier.

II. ENERGY

NO ITEMS FOR CONSIDERATION

III. CABLE TELEVISION

- A.** Docket No. CE20120752 – In the Matter of the Petition of Comcast of Long Beach Island, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Beach Haven, County of Ocean, State of New Jersey.

The Board will consider the Petitioner's request for the Renewal of Comcast of Long Beach Island, LLC's Certificate of Approval to provide cable television service to the Borough of Beach Haven for a 10 year term.

- B.** Docket No. CE21050854 – In the Matter of the Petition of Comcast of Long Beach Island, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Ship Bottom, County of Ocean, State of New Jersey.

The Board will consider the Petitioner's request for the Renewal of Comcast of Long Beach Island, LLC's Certificate of Approval to provide cable television service to the Borough of Ship Bottom for a 10 year term.

IV. TELECOMMUNICATIONS

- A.** Docket No. TF23010054 – In the Matter of the Verified Petition of PEG Bandwidth NJ, LLC and Uniti National LLC for Approval to Participate in Certain Financing Arrangements.

The Board will consider PEG Bandwidth and Uniti National's request to participate in debt financing of \$306.5 million.

V. WATER

- A.** Docket No. WF23020095 – In the Matter of the Petition of Middlesex Water Company for Approval to Issue Up to 3,700,000 Shares of Common Stock Under Middlesex Water Company Investment Plan.

The Board will consider Middlesex Water Company's request to issue and sell up to 3,700,000 Shares of Common Stock.

VI. RELIABILITY AND SECURITY

- A.** Docket Nos. GS23040215K, GS23040216K, GS23040217K, GS23040218K, GS23040219K, GS23040220K, GS23040221K, GS23040222K, GS23040223K, GS23040224K, GS23040225K, GS23040226K, GS23040227K, GS23040228K, and GS23040229K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

The Board will consider Offers of Settlement for alleged violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73, et seq.

VI. RELIABILITY AND SECURITY (CONT'D)

B. Docket No. GS23040268K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to 91 by R.C. Construction.

The Board will consider issuing a Final Order of Penalty Assessment to R.C. Construction.

VII. CUSTOMER ASSISTANCE

NO ITEMS FOR CONSIDERATION

VIII. CLEAN ENERGY

NO ITEMS FOR CONSIDERATION

IX. MISCELLANEOUS

NO ITEMS FOR CONSIDERATION



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1. AUDITS

NO ITEMS FOR CONSIDERATION

2. ENERGY

- A.** Docket No. ER23010001 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2023 – National Transmission Needs Study.

The Board will consider ratification of comments on the National Transmission Needs Study, on behalf of the Board, submitted to the United States Department of Energy on April 20, 2023.

- B.** Docket No. ER22030127 – In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2023.

The Board will consider the Basic Generation Service compliance tariffs filed by the electric distribution companies for service rendered on and after June 1, 2023.

- C.** Docket No. GR22120749 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Next Phase of the Gas System Modernization Program and Associated Cost Recovery Mechanism (“GSMP II”) (December 2022 GSMP II Rate Filing).

The Board will consider Public Service Electric and Gas Company’s 2022 GSMP II rates. The parties have executed a stipulation which, if approved by the Board, will result in an annual increase of \$6.00 for a typical residential gas customer.

2. ENERGY (CONT'D)

- D. Docket No. ER23040209 – In the Matter of the Petition of Atlantic City Electric Company Requesting Approval of a Tariff Amendment to Add a Net Off-Peak Basic Generation Service (“BGS”) Energy Credit for Eligible Residential Electric Vehicle Customers Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3.

The Board will consider Atlantic City Electric Company’s petition requesting modifications to its tariff related to residential electric vehicle rates.

- E. Docket No. ER23040212 – In the Matter of the Petition of Jersey Central Power & Light Company Requesting Approval of a Tariff Amendment to Add Basic Generation Service (BGS) Time-of-Use Rates for Eligible Residential Electric Vehicle Customers Pursuant to N.J.A.C 14:1-5.11 and N.J.A.C. 14:3-1.3.

The Board will consider Jersey Central Power & Light Company’s petition requesting modifications to its tariff related to residential electric vehicle rates.

- F. Docket No. ER23030131 – In the Matter of the Petition of Public Service Electric and Gas Company Requesting Approval of a Tariff Amendment to Add Basic Generation Service (BGS) Time-of-Use Rates for Eligible Residential Electric Vehicle Customers Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3.

The Board will consider Public Service Electric and Gas Company’s petition requesting modifications to its tariff related to residential electric vehicle rates.

- G. Docket No. ER23030198 – In the Matter of the Petition of Rockland Electric Company Requesting Approval of a Tariff Amendment to Add Basic Generation Service (BGS) Time-of-Use Rates Pursuant to N.J.A.C. 14:1-5.11 and N.J.A.C. 14:3-1.3.

The Board will consider Rockland Electric Company’s petition requesting modifications to its tariff related to residential electric vehicle rates.

- H. Docket No. EO23020098 – Mercer County Improvement Authority (the “Authority”) Energy Service Agreement by and between the Authority and Vicinity Energy Trenton L.P. (the “Agreement”) Application for Approval of Agreement Pursuant to N.J.S.A. 40A:11-15(1)(c).

The Board will consider the proposed Energy Services Agreement between the Mercer County Improvement Authority and Vicinity Energy Trenton L.P.

- I. Docket No. GR22070466 – In the Matter of the Petition of Elizabethtown Gas Company to (1) Suspend its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-System Margin Sharing Credit.

The Board will consider Elizabethtown Gas Company's 2022 petition regarding its Weather Normalization Clause, Clean Energy Program and On-System Margin Charge rates. The parties have executed a stipulation for final rates which, if approved by the Board, will result in no further bill impact to customers.

2. ENERGY (CONT'D)

- J.** Docket Nos. ER22070413 and GR22070414 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Green Programs Recovery Charge and its Gas Green Programs Recovery Charge (“2022 PSE&G Green Programs Cost Recovery Filing”).

The Board will consider Public Service Electric and Gas Company’s petition for modifications to the various Green Programs Recovery Charge component rates. The parties have executed a stipulation which, if approved by the Board, will result in an annual increase of \$16.44 for the typical residential electric customer and an annual increase of \$2.12 for the typical residential gas heating customer.

- K.** Docket No. ER23020061 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Conservation Incentive Program (2023 PSE&G Electric CIP Rate Filing).

The Board will consider Public Service Electric and Gas Company’s petition for approval of changes in its electric Conservation Incentive Program rates. The parties have executed a stipulation for provisional rates which, if approved by the Board, will result in an annual increase of \$10.08 for the average residential electric customer.

3. CABLE TELEVISION

NO ITEMS FOR CONSIDERATION

4. TELECOMMUNICATIONS

NO ITEMS FOR CONSIDERATION

5. WATER

- A.** Docket No. WO22110713 – In the Matter of the Petition of New Jersey-American Water Company, Inc. for Approval of a Sewer Collection Services Agreement with the Township of Bridgewater.

The Board will consider a Sewer Collection Services Agreement between New Jersey-American Water Company and the Township of Bridgewater.

- B.** Docket No. WR22060392 – In the Matter of the Petition of Veolia Water New Jersey Inc. for Approval to Defer the Costs Related to the Replacement of Customer/Property Owner Side Lead Service Lines and Other Related Approvals.

The Board will consider Veolia Water New Jersey’s petition to defer costs related to the replacement of customer-side lead service lines until its next base rate case. The parties executed a stipulation which, if approved by the Board, will allow Veolia Water New Jersey to implement its plan.

6. RELIABILITY AND SECURITY

- A. Docket No. QO20020109 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2020 – June 30, 2021;

Docket No. QO21020626 – In the Matter of the United States Department of Energy – State Energy Program – July 1, 2021 – June 30, 2022; and

Docket No. QO22030140 – In the Matter of the United States Department of Energy- State Energy Program – July 1, 2022 – June 30, 2023 – **Executive Session.**

The Board will consider entering into a Memorandum of Understanding regarding assistance with drafting the New Jersey State Energy Security Plan.

7. CUSTOMER ASSISTANCE

- A. Docket No. AX21070998 – In the Matter of the Proposed Readoption with Substantial Amendments to N.J.A.C. 14:3, et seq., All Utilities.

The Board will consider the notice of proposed substantial changes upon adoption to proposed amendments to N.J.A.C. 14:3-3A.1(d) and publication of the rule in the New Jersey Register.

8. CLEAN ENERGY

- A. Docket No. QO23040234 – In the Matter of the Release of the Design of the New Jersey Energy Storage Incentive Program Request for Quotation (RFQ) – **Executive Session.**

The Board will consider issuing a Request for Quotation for a contractor to assist in the design of the New Jersey Storage Incentive Program.

- B. 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 Establishment of Energy Efficiency and Peak Demand Reduction Programs;

Docket No. QO23030150 – 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; and

8. CLEAN ENERGY (CONT'D)

Docket No. QO17091004 – 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.

The Board will consider Staff's recommendations for the framework for implementation of the second three-year program cycle (Triennium 2) of New Jersey's energy efficiency programs that will be implemented from July 1, 2024 through June 30, 2027 pursuant to the New Jersey Clean Energy Act of 2018. These recommendations focus on program administration and design; filing and reporting requirements; cost recovery; energy efficiency as a resource; and evaluation, measurement, and verification.

- C. Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, the Solar Act of 2012;

Docket No. QO19010068 – In the Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (t) of the Solar Act of 2012; and

Docket No. QO21081101 – Infiniti Energy, LLC – Subsection (t) Solar Application, Block 5501.1, 1271 S. Mill Road, Vineland, Cumberland County.

The Board will consider a request from Infiniti Energy, LLC for TREC eligibility for its Vineland City S. Mill Road Subsection (t) application.

- D. Docket No. QO18121289 – In the Matter of the Board of Public Utilities Offshore Wind Solicitation for 1,100 MW – Evaluation of the Offshore Wind Applications; and

Docket No. QO21030665 – In the Matter of PSEG Renewable Generation, LLC and Ocean Wind, LLC – Request Approval of Equity Interest in the Ocean Wind Qualified Offshore Wind Project.

The Board will consider the request of Ocean Wind LLC for PSEG Renewable Generation, LLC to transfer its twenty-five percent equity ownership interest in the Ocean Wind 1 offshore wind generation project back to Orsted Ocean Wind HoldCo, LLC.

- E. Docket No. QO22020041 – In the Matter of the Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Easements Across Green Acres-Restricted Properties and Consents Needed for Certain Environmental Permits in, and with Respect to, the City of Ocean City are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project – **Executive Session.**

The Board will consider the New Jersey Division of Rate Counsel's motion to settle the record in Appellate Division Docket No. A-0789-22T1 regarding the Ocean Wind 1 petition relative to the City of Ocean City.

8. CLEAN ENERGY (CONT'D)

- F.** Docket No. QO22020041 – In the Matter of the Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:3-87.1(f) for a Determination that Easements Across Green Acres-Restricted Properties and Consents Needed for Certain Environmental Permits in, and with Respect to, the City of Ocean City Are Reasonably Necessary for the Construction or Operation of the Ocean Wind 1 Qualified Offshore Wind Project – **Executive Session.**

The Board will consider Ocean City's motion to stay, pending appeal, the operation of the Board's order dated September 28, 2022 determining that certain easements and consents are reasonably necessary for the construction and operation of the Ocean Wind 1 Project and the Board's November 2, 2022 order on the taking of easements.

- G.** Docket Nos. GO18101112 and EO18101113 – In the Matter of 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 – Extension.

The Board will consider approving a stipulation of settlement regarding a nine-month extension for the PSE&G Clean Energy Future-Energy Efficiency program to align it with the other utility energy efficiency program terms.

9. MISCELLANEOUS

NO ITEMS FOR CONSIDERATION