



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

A Regular Board meeting of the Board of Public Utilities was held on January 27, 2021, via Teleconference: 1 312 626 6799 Webinar ID: 956 7567 4730 or watch online @ <https://youtu.be/oh6hNeTOPvw>

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner
Robert M. Gordon, Commissioner

President Fiordaliso presided at the meeting and Aida Camacho-Welch, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board Meeting would be held on February 17, 2021 at 10:00 a.m. via teleconference with details to follow.

CONSENT AGENDA

I. AUDITS

A. Docket No. TE20100663 – In the Matter of the Verified Petition of Uniti National, LLC for Authorization to Provide Competitive Local Exchange and Interexchange Telecommunications Services in the State of New Jersey.

BACKGROUND: By letter dated October 19, 2020, Uniti National LLC (Petitioner or Uniti National) filed a petition with the Board for authority to provide competitive local exchange and interexchange telecommunications services throughout the State of New Jersey.

Uniti National is a privately held Limited Liability Company organized under the laws of the State of Delaware and is a direct wholly owned subsidiary of Uniti Group, Inc. (Uniti Group), a Maryland Corporation. Uniti Group is a publicly traded real estate investment trust that engages in the acquisition and construction of infrastructure utilized by the communications industry. It owns and operates a number of licensed telecommunications providers in the District of Columbia and other states. In New Jersey, PEG Bandwidth NJ, LLC (PEG NJ), also a wholly owned, direct subsidiary of Uniti Group and sister subsidiary of the Petitioner, is authorized to provide local exchange and interexchange services.

The Petitioner requested a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3 which require that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts (USOA), respectively. For administrative efficiencies, the Petitioner requested permission to maintain its books and records in accordance with Generally Accepted Accounting Principles and to keep all financial books, records, documents and other writings incident to the conduct of the Petitioner's business in the State of New Jersey at the Petitioner's corporate offices located in Little Rock, Arkansas.

By letter dated December 17, 2020, the New Jersey Division of Rate Counsel (Rate Counsel) submitted comments to the Board stating that, based on its review, the Rate Counsel was satisfied that the verified petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity. The Rate Counsel did not object to granting the waivers requests in connection with record-keeping by the Petitioner.

After review, Staff recommended that the Board grant the Petitioner authority to provide competitive local exchange and interexchange telecommunications services throughout the State of New Jersey. Staff's recommendation does not pertain to Non-CLEC Services. Staff also recommended that the Board approve the request for waivers from its requirements that the Petitioner maintain its financial books and records within State of New Jersey and in accordance with the USOA.

In addition, Staff recommended that Uniti National provide notice to the Board of its website link or file tariffs which contain information regarding the rates and general terms and conditions of its services within five days from the effective date of the Board Order. To ensure service quality, Staff recommended that the Petitioner notify the Board within 10 days from the date it begins service to New Jersey customers.

DECISION: The Board adopted the recommendation of Staff as set forth above.

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

EE20120741L	Hercules Energy, LLC d/b/a Hercules Energy	I – EA
EE21010013L	Peoples Power Choice, Inc.	I – EA
EE20100639L	Power Marketing Group, LLC	I – EA
EE21010020L	Protocall Communications, Inc.	I – EA
EE20100667L	Tomorrows Utilities, Inc.	I – EA

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

EE20090579L	Broker Online Exchange, LLC	R – EA
EE21010012L	Consumer Energy Solutions, Inc.	R – EA
EE21010017L	Destination Energy, LLC	R – EA
EE21010011L	Energy Office, Inc.	R – EA
EE21010015L	Enerwise Global Technologies, Inc. d/b/a Cpower	R – EA
EE21010016L	LouElla Enterprises, LLC d/b/a Enerchange Power and Gas (EP&G)	R – EA
EE20080547L GE20080548L	L5E, LLC d/b/a 5	R – EA/PA
EE21010038L GE21010039L	TMGES, Inc. d/b/a Ananta Energy Source	R – EA/PA/EC

BACKGROUND: The Board must register all energy agents, private aggregators, and consultants, and the Board must license all third party electric power suppliers and natural gas suppliers. On May 10, 2019, P.L. 2019, c. 100-101 was signed into law providing that third party electric power and natural gas supplier licenses issued by the Board may be renewed without expiring if certain conditions are met. An electric power supplier and/or natural gas supplier license shall not expire so long as the licensee pays to the Board a license renewal fee accompanied by an annual information update on a form prescribed by the Board. The renewal fee and annual information update form must be submitted within 30 days prior to the anniversary date of the last approved licensing application. P.L. 2019, c. 100-101 became operative 60 days following the date of enactment. As such, any third party suppliers with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any third party supplier renewal application that was filed prior to July 9, 2019 has been, and will continue to, be processed by Board Staff for approval or denial in accordance with N.J.A.C. 14:4-5.7. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. An energy agent, private aggregator, or energy consultant

registration shall be valid for one year from the date of issue. Annually thereafter, licensed electric power suppliers and natural gas suppliers, as well as energy agents, private aggregators, and energy consultants, are required to renew timely their licenses and registrations in order to continue to do business in New Jersey.

Staff recommended that the following applicant be issued initial registrations as an energy agent, for one year:

- Hercules Energy, LLC
- Peoples Power Choice Inc.
- Power Marketing Group, LLC
- Protocall Communications Inc.
- Tomorrows Utilities, Inc.

Staff also recommended that the following applicants be issued renewal registrations as an energy agent for one year:

- Broker Online Exchange, LLC
- Consumer Energy Solutions, Inc.
- Destination Energy, LLC
- Energy Office, Inc.
- Enerwise Global Technologies, Inc. d/b/a Cpower
- LouElla Enterprises, LLC d/b/a Enerchange Power and Gas
- L5E, LLC d/b/a 5
- TMGES, Inc. d/b/a Ananta Energy Source

DECISION: The Board adopted the recommendation of Staff as set forth above.

II. ENERGY

There were no items in this category

III. CABLE TELEVISION

There were no items in this category

IV. TELECOMMUNICATIONS

There were no items in this category

V. WATER

A. Docket No. WF20100662 – In the Matter of the Petition of Shore Water Company for Authority to Enter into \$540,000.00 Principal Amount of Debt with Manasquan Bank, and for Approval to Implement its Financial Plan Containing Several Interconnecting Aspects.

BACKGROUND: This matter involved Shore Water Company (Shore, Company or Petitioner) seeking Board approval to borrow \$540,000.00 from Manasquan Bank for infrastructure improvements. On October 19, 2020, the Company filed a petition with the Board requesting the following:

- (1) The Board approval to enter into \$540,000.00 principal amount of debt with Manasquan Bank to finance infrastructure improvements; and
- (2) The Board's approval for the various aspects of the Company's Financial Plan.

The Petitioner sought approval for an "Infrastructure Improvement Loan" (Loan) from Manasquan Bank in the principal amount of \$540,000.00. The Loan's maturity date will be June 25, 2036. The initial interest rate will be 3.900% for five years. After five years the interest rate will reset for another five years. The loan principal will amortize over 15 years.

Pending approval of the Loan, the Company is currently proceeding under an interim construction loan to accomplish Phase 1 of the Asset Management Plan (AMP). Shore's petition explains that the Board's approval of the Loan would convert the interim construction loan into permanent financing and, therefore, consummation of the interim construction loan into a permanent Infrastructure Improvement Loan is contingent upon Board approval.

Shore's Consulting Engineer, Eric Olsen, described the Company's AMP in detail, including the primary goal of replacing undersized water mains, and explained that one reason why the interim construction loan was needed in order to accomplish Phase 1 of the AMP was to avoid inconveniencing some of Shore's customers since Phase 1 involved a specific section of Shore's service area which is a summer community. Those residences therefore would be less impacted by work that commenced in October 2020 and ran through the winter months.

The Office of the Economist, after review of the information submitted in this proceeding, found that the action requested is in accordance with the law and in the public interest and therefore recommended approval of this petition.

DECISION: The Board adopted the recommendation of Staff as set forth above.

VI. RELIABILITY AND SECURITY

There were no items in this category

VII. CUSTOMER ASSISTANCE

A. Docket No. EC20120755U – In the Matter of Rockland Electric Company – Request Authorization to Implement a Procedure for Residential Customers to Employ Electronic Signature for Deferred Payment Agreements.

BACKGROUND: On September 2, 2020, Rockland Electric Company (RECO or Company) filed a petition with the Board requesting authorization to implement a procedure that would allow residential customers the option of entering into an Electronic Signatures for Deferred Payment Agreements (EDPA). The Company stated that the EDPA is a voluntary program that provides residential customers with an additional option to the Company's current method of sending customers a written hard copy Deferred Payment Agreements (DPA) for review and signature through standard mail delivery. RECO suggested that the proposed implementation of the alternative arrangement is particularly important in light of the COVID 19 pandemic.

To enhance its current DPA process, RECO proposed to implement an alternative arrangement that will allow customers to review and sign a deferred payment agreements (DPA) electronically, regardless if they initiate the DPA online, on the telephone, or in person. RECO will not mail a hard copy of the DPA to customers who sign their DPA electronically and subsequently receive an electronic confirmation. In the event a customer does not electronically sign the DPA, RECO will mail a hard copy DPA to the customer's address on file.

RECO also proposed to develop reporting capabilities that will track customer adoption of the EDPA process. Specifically, RECO will track the number of electronic signatures received, the rate that DPA customers submit electronic signatures as compared to the standard mail process, and the agreement performance of EDPA participants. Once the EDPA program is operational, RECO will provide semi-annual reports to the Board.

On December 7, 2020, the New Jersey Division of Rate Counsel stated that it did not oppose RECO's request.

Staff recommended that the Board grant the Company's request and authorized the procedure that would allow residential customers to employ Electronic Signatures for Deferred Payment Agreements.

DECISION: The Board adopted the recommendation of Staff as set forth above.

B. Docket Nos. BPU GC19050637U and OAL PUC 09483-2019 S – In the Matter of Ottavio Cinelli, Petitioner v. South Jersey Gas Company, Respondent – Request for Extension.

BACKGROUND: The Initial Decision of the Administrative Law Judge was received by the Board on December 16, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on January 30, 2021. Prior to that date, the Board requested an additional 45-day extension of time for issuing the Final Decision in order to provide sufficient time to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, Staff recommended that the time limit for the Board to render a Final Decision be extended until March 15, 2021.

DECISION: The Board adopted the recommendation of Staff as set forth above.

C. Docket Nos. BPU EC20030233U and OAL PUC 06683-20 – In the Matter of Clifton Cheder, Petitioner v. Public Service Electric and Gas Company – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Clifton Cheder (Petitioner) and Public Service Electric & Gas Company (PSE&G or Company). The petition was transmitted to the Office of Administrative Law for hearing as a contested case. Administrative Law Judge (ALJ) Kelly J. Kirk filed an Initial Decision in this matter with the Board on December 14, 2020.

The Petitioner claimed that from April 2017 through February 2018, it received inaccurate electric bills from PSE&G in the amount of over \$20,000.00. The Petitioner further claimed that the property in question had minimal electrical usage during the time period in question.

PSE&G, in its answer dated April 7, 2020, contended that the services were supplied and billed in accordance with terms and conditions and rate scheduled set forth in its Board approved Tariff. PSE&G requested that the relief sought be denied on the basis that the Petitioner failed to set forth a claim upon which relief may be granted.

A Stipulation of Settlement (Stipulation) was agreed to between Respondent and Petitioner dated October 30, 2020 resolving all issues in this matter. Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G agreed to apply a bill credit of \$5,000.00. The Petitioner agreed to make a \$5,000.00 payment, leaving an outstanding balance of \$16,642.08. The Petitioner further agreed to enter into a deferred payment arrangement to pay the outstanding balance over 18 consecutive months beginning in November 2020. The Petitioner will make 17 monthly payments of \$925.00 followed by a final monthly payment of \$917.08. The Petitioner understands it must also continue to pay the current monthly charges.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Kirk. Staff recommended the Board adopt the Initial Decision.

DECISION: The Board adopted the recommendation of Staff as set forth above.

VIII. CLEAN ENERGY

There were no items in this category

IX. MISCELLANEOUS

A. Approval of Minutes for the November 18, 2020 Agenda Meeting.

BACKGROUND: Staff presented the regular agenda meeting minutes of November 18, 2020, and recommended that they be accepted.

DECISION: The Board adopted the recommendation of Staff as set forth above.

After appropriate motion, the consent agenda was approved.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

AGENDA

1. AUDITS

There were no items in this category

2. ENERGY

Stacy Peterson, Director, Division of Energy, presented these matters.

A. Docket No. ER20030190 – In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2021 – Rockland Electric Company’s Request for Proposal – RFP Results – Executive Session.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session pursuant to attorney-client privilege exception to the Open Public Meetings Act regarding confidential information.

By Order dated November 18, 2020, the Board approved a proposal made by Rockland Electric Company (Rockland or Company) to conduct a procurement process where Rockland would enter into bi-lateral contracts or agreements to hedge the cost of energy purchased from the New York Independent System Operator to satisfy the Basic Generation Service (BGS) energy needs for residential and small commercial customers in the Company’s Central and Western Divisions.

On January 26, 2021, Rockland conducted its procurement process to acquire the energy transactions for these customers for the period June 1, 2021 through May 31, 2024. An independent analysis conducted by Bates White indicated that the Request for Proposal (RFP) proceeded without meaningful interruption according to the Board-approved rules for this RFP and in an acceptably fair and transparent manner.

Staff recommended that the Board certify the RFP results. Staff also recommended that the Board direct Company to execute the necessary documents with the winning bidders, blend the winning price, and implement the BGS rates resulting from the auctions to be conducted next month, as well as file tariff reflecting the blended rates with the results from the auction for Rockland by March 1, 2021.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. ER20120754 – In the Matter of the Provision of Basic Generation Service, the Compliance Tariff Filing Reflecting Changes to Schedule 12 Charges in PJM Open Access Transmission Tariff – December 16, 2020 Filing.

BACKGROUND AND DISCUSSION: On December 16, 2020, Atlantic City Electric Company (ACE), Jersey Central Power & Light Company (JCP&L), Public Service Electric & Gas Company (PSE&G), and Rockland Electric Company (Rockland) (collectively, EDCs) filed a joint petition with the Board requesting recovery of Federal Energy Regulatory Commission (FERC) approved changes in firm transmission service related charges (December 2020 Petition).

The EDCs' proposed tariff revisions in the December 2020 Petition reflect changes to the Basic Generation Service (BGS) Residential/Small Commercial Pricing (BGS-RSCP) and Commercial and Industrial Energy Pricing (BGS-CIEP) rates to customers resulting from changes to the PJM Open Access Transmission Tariff (OATT) made in response to: (i) the annual formula rate update filing made by JCP&L pursuant to FERC Docket No. ER20-227-00; (ii) the annual formula rate update filing made by Mid-Atlantic Interstate Transmission, LLC (MAIT) in FERC Docket Nos. ER17-211-00 and ER17-211-001; (iii) the annual formula rate update filing made by Potomac-Appalachian Transmission Highline, LLC (PATH) in FERC Docket No. ER-08-386-000; (iv) the annual formula rate update filing made by Virginia Electric Power Company (VEPCo) in FERC Docket No. ER08-92-000; (v) the annual formula rate update filing made by American Electric Power East Operating Companies and American Electric Power Transmission Companies (AEP) in FERC Docket No. ER17-405-000; (vi) the annual rate update filing made by Silver Run Electric LLC (Silver Run) in FERC Docket No. ER16-453-007; and (vii) the annual rate update filing made by Northern Indiana Public Service Company (NIPSCO) in FERC Docket No. ER13-2376-007; and (viii) the annual formula rate update filing made by PSE&G in FERC Docket No. ER09-1257-000.

The EDCs requested that the BGS Suppliers be compensated for the changes to the OATT resulting from the implementation of the PSE&G, JCP&L, VEPCo, PATH, MAIT, AEP, Silver Run and NIPSCO project annual formula updates, as well as the EL05-121 rate update, effective on January 1, 2021. Suppliers will be compensated subject to the terms and conditions of the applicable Supplier Master Agreement (SMA). Any differences between payments to BGS-RSCP and BGS-CIEP Suppliers and charges to customers will flow through the BGS Reconciliation Charge.

Pursuant to Section 15.9 of the current SMA, the EDCs are permitted to recover increases in Firm Transmission Service charges from BGS customers subject to Board approval. Thereafter, the EDCs are required to remit payment of the increased charges to suppliers upon, among other things, the issuance of a "FERC Final Order" approving the Firm Transmission Service increase. The EDCs requested that BGS suppliers be compensated for the changes to the OATT resulting from the implementation of the updates from formula rates and indicated that any difference between the payments to BGS suppliers and charges to customers flowing through each EDC's BGS Reconciliation Charge.

Staff recommended Board approval of the changes to the BGS-RSCP and BGS-CIEP rates requested by each EDC for its transmission charges resulting from the FERC-approved changes to the Transmission Enhancement Charges and Network Integration Transmission Service rate in the December 2020 Petition, effective February 1, 2021.

Staff also recommended that the Board approve the EDCs' request to pay suppliers at this time and authorization for the EDCs to collect from, or refund to, BGS customers the costs associated with the December 2020 Petition subject to the terms and conditions of the SMAs. Staff further recommended that the Board direct the EDCs to file tariffs and rates consistent with the Board's findings by February 1, 2021.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

C. Docket Nos. ER20060467 and GR20060468 – 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.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a stipulation to modify the electric and gas rate components for Public Service Electric and Gas Company's (PSE&G or Company) Green Programs Recovery Charge (GPRC) on a provisional basis. If approved by the Board, a typical residential electric customer will experience an increase of \$3.04 increase in their annual bill and a typical residential gas customers will experience an increase of \$3.10 in their annual bill.

On June 29, 2020, the Company filed a petition with the Board seeking approval to modify the electric and gas components of its GPRC as well as recover its share of costs associated with the voltage optimization study and demographic study (2020 GPRC Petition). The combined component rates proposed in the 2020 GPRC Petition for the period October 1, 2020 through September 30, 2021 were designed to recover approximately \$67.1 million (electric) and \$19.7 million (gas) in revenues on an annual basis. As filed, the resulting net combined annual revenue impacts are an increase of \$16.6 million for the Company's electric customers, and an increase of \$8.1 million for the Company's gas customers.

Additionally, the Company proposed to create a new Clean Energy Act Studies component of the GPRC to recover the cost associated with the demographic study and voltage optimization study as prescribed by the Clean Energy Act.

On December 2, 2020, the Company provided a discovery response updating the 2020 GRPC Petition to include actual results through September 30, 2020 and incorporating the Clean Energy Future–Energy Efficiency rate component in the Company's GPRCs.

PSE&G, the New Jersey Division of Rate Counsel and Board Staff (collectively the Parties), executed a provisional stipulation of settlement (Stipulation) requesting that the Board approve the modifications to the Company's electric and gas GPRC rates, on a provisional basis, subject to refund.

Staff recommended that the Board issue an Order adopting the provisional Stipulation of the Parties. Staff also recommended that the Board order PSE&G to file tariffs consistent with the Board's Order by February 1, 2021.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

D. Docket No. GR20060436 – In the Matter of the Petition of South Jersey Gas Company for Approval to Revise the Cost Recovery Charge Associated with Energy Efficiency Programs.

BACKGROUND AND DISCUSSION: This matter involved the Board considering South Jersey Gas Company's (SJG or Company) 2020 Energy Efficiency Tracker rate petition. The parties have executed a stipulation, which if approved by the Board, will result in an increase to the monthly bill of a typical residential customer of \$1.08.

On June 19, 2020, the Company filed a petition with the Board seeking approval to increase the Company's Energy Efficiency Tracker (EET) rate from the current rate of \$0.016820 per therm to \$0.027800 per therm (June 2020 Petition).

In the June 2020 Petition, SJG sought to reconcile Energy Efficiency Programs (EEPs) costs and cost recoveries for the period October 1, 2019 through September 30, 2020 (2020 Recovery Period), and to recover forecast revenues for the period October 1, 2020 through September 30, 2021. Information for the 2020 Recovery Period included seven months of actual data through April 30, 2020, and five months of projected data through September 30, 2020. As reflected in the June 2020 Petition, the proposed EET rate of \$0.027800 per therm was designed to recover actual and projected allowable recoverable EEP costs of \$10,911,291.00, exclusive of Taxes through September 30, 2021, as well as, collect a projected under-recovered balance of \$2,948,926.00 at September 30, 2020, for a total revenue requirement of \$13,860,217.00, exclusive of Taxes.

Through discovery, SJG updated its revenue requirement to include actual data through September 30, 2020 (December 2020 Update). Based upon the December 2020 Update, the updated revenue requirement would be \$14,259,295.00 which included \$11,197,621.00 of actual and projected expenses through September 2021, and would collect an under-recovered balance of \$3,061,674.00 at September 30, 2020, exclusive of Taxes. According to the December 2020 Update, the proposed EET rate would increase from \$0.027800 per therm to \$0.028601 per therm.

Following a review of the June 2020 Petition, the December 2020 Update, and discovery, SJG, Board Staff and the New Division of Rate Counsel executed a stipulation of settlement (Stipulation) of all factual and legal issues pertaining to this matter. According to the Stipulation, SJG will implement a revised EET rate of \$0.027800 per therm. The Stipulation is based on the June 2020 Petition as the December Update was higher than the amount publicly noticed.

Staff recommended that the Board issue an Order adopting the Stipulation. Staff also recommended that the Board direct SJG to file tariffs consistent with the Board's Order by February 1, 2021.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

E. Docket No. ER21010001 and FERC Docket No. ER21-689 – In the Matter of Federal Energy Items for 2021 – Transmission State Agreement Approach Study Agreement.

Joseph DeLosa, Office of Federal and Regional Policy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering ratification of comments filed at the Federal Energy Regulatory Commission (FERC) on January 8, 2021, in support of the State Agreement Approach Transmission Study Agreement executed between PJM Interconnection, LLC, and the Board.

As part of the Board's November 18, 2020 Order, initiating the State Agreement Approach (SAA) process, seeking options for offshore wind transmission, the Board authorized the execution of a Transmission Study Agreement (TSA) between the Board and PJM.

PJM filed the executed TSA on December 18, 2020 with FERC. The TSA is the first step in the SAA process, authorizing PJM to conduct the necessary studies, include these studies in the Regional Transmission Expansion Plan, and open a competitive window in response to the Board's November Order. As set out in the Order, the TSA does not bind the Board or PJM to any particular project.

On January 8, 2021, Staff on behalf of the Board, filed brief comments expressing support of the executed TSA and urging FERC to accept the TSA. Staff recommended that the Board ratify the January 8, 2021 comments at this time.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

3. CABLE TELEVISION

There were no items in this category

4. TELECOMMUNICATIONS

A. Docket Nos. BPU TC17091015 and OAL PUC 01597-18 – In the Matter of the Petition of Business Automation Technologies, Inc. d/b/a Data Network Solutions v. Verizon New Jersey, Inc. – Motion for Interlocutory Review.

Meliha Arnautovic, Esq., Deputy Attorney General, Division of Law, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board by way of motion dated December 30, 2020, filed by the Business Automation Technologies Inc. d/b/a Data Network Solutions (DNS) (Petitioner) seeking interlocutory review of Administrative Law Judge Tricia M. Caliguire's (ALJ Caliguire) ruling on December 22, 2020.

On September 26, 2017, DNS filed a petition with the Board disputing bills rendered by Verizon New Jersey, Inc. (Verizon) for charges incurred pursuant to multiple billing disputes arising out of several agreements between the parties. This matter was transmitted to the Office of Administrative Law for adjudication on January 29, 2018. Thereafter the case was assigned to ALJ Caliguire and set for hearing on December 22, 2020.

On December 30, 2020, DNS filed a Motion for Interlocutory review of various rulings made by ALJ Caliguire during the course of the proceedings held in this matter on December 22, 2020. The Petitioner contended that ALJ Caliguire erred in denying admission of testimony and evidentiary material, striking material and limiting cross examination.

The Petitioner argued that the ALJ did not provide for cross-examination of VNJ's witness regarding various topics relevant to the case, including but not limited to customer disputes and did not allow the admission of emails the Petitioner argued are germane to the case.

DNS claimed that ALJ Caliguire improperly excluded Exhibits, namely but not limited to, Exhibits P-124 and 125 proffered by the Petitioner. The DNS witness in this matter is visually impaired and the Zoom platform, the Petitioner contended inhibited his ability to view documents. Documents were struck during the course of the proceedings, and various testimony excluded which the Petitioner opposed.

Counsel for DNS did not notify ALJ Caliguire nor the Office of Administrative Law (OAL) of the need of an accommodation for the DNS witness due to a disability until after the witness had already completed multiple days of testimony.

Verizon did not file an objection nor a response to the Petitioner's motion.

Staff recommended the following:

1. With respect to the contention that Exhibits P-124 and P-125 were improperly excluded and testimony was improperly struck as a result of the witness for DNS needing an accommodation due to a visual impairment, the Petitioner should be ordered to inform the OAL what accommodation the DNS witness needs for his visual impairment with respect to reviewing Exhibits P-124 and P-125 within 10 days;
2. The DNS will be permitted to recall that witness to testify on the limited topic of Exhibits P-124 and P-125 with that reasonable accommodation, and Verizon New Jersey will be permitted to cross-examine the DNS Witness within 30 days; and
3. With respect to the remainder of the Motion for Interlocutory Relief, Staff recommended that it is not appropriate to grant interlocutory review at this stage of the proceedings. It would be appropriate for ALJ Caliguire to develop the record and render an initial decision dispositive of the issues before the OAL.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

5. WATER

There were no items in this category

6. RELIABILITY AND SECURITY

There were no items in this category

7. CUSTOMER ASSISTANCE

- A. Docket No. EO20100689 – In the Matter of the Petition of Atlantic City Electric Company Pursuant to N.J.A.C. 14:3-5.1(e) for Approval to Relocate its Customer Service Center from 2430 Atlantic Avenue, in the City of Atlantic City, County of Atlantic, to 5100 Wellington Avenue, in the City of Ventnor, County of Atlantic, State of New Jersey.**

Richard J. Lambert, Administrative Analyst, Division of Customer Assistance, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a petition filed by Atlantic City Electric Company (ACE, Petitioner or Company) requesting Board authorization to relocate its Customer Service Center located in Atlantic City, NJ.

On October 30, 2020, the Company filed a petition with the Board to relocate its Customer Service Office (CSO) from 2430 Atlantic Avenue, Atlantic City, New Jersey to 5100 Wellington Avenue, Ventnor, New Jersey, which is 3.5 miles from the current location. The Company stated it complied with N.J.A.C. 14:3-5.1(c) and (e), including mailing copies of the petition to the Clerk of the affected municipality, as well as to the New Jersey Division of Rate Counsel (Rate Counsel).

According to the Petitioner, the new location will provide ACE customers with an enhanced level of customer support services than are currently provided at the existing office. In addition to the current services of bill payment, billing, and service-related assistance, the new location will provide just over double the space offered by the Existing Office, enabling ACE to host Community Outreach events and educate customers about energy assistance programs available to them. In addition, the larger space will allow greater social distancing, which protects the health and safety of ACE customers and employees. The new location is approximately 3.5 miles from the Existing Office.

The Company will maintain the same hours of operation at the new location as offered at the current office, from 9:00 a.m.– 4:30 p.m. Monday through Friday. The Company will also maintain the same number of assigned employees at the new location and no staffing reductions are planned as part of this relocation.

Pursuant to the requirements of N.J.A.C. 14:3-5.1 (e) (2), the Petitioner will publish a copy of the relocation notice in The Press of Atlantic City, a newspaper in general circulation serving the affected area(s). The Company will also post a copy of the relocation notice (the Door Notice) on the front door and/or in the front reception area of the Existing Office and post a copy on the Company's website. The Door Notice will also be translated into Spanish. In addition, ACE will send a copy of a cover letter and the relocation notice to the clerks of each affected municipality.

By letter dated, December 1, 2020, the Rate Counsel advised the Board that it has no objection to ACE's relocation of its Atlantic City Customer Service Office location to Ventnor.

Staff recommended that the Board grant ACE's request and authorized the relocation of its CSC subject to several conditions, including:

1. ACE shall develop a contingency plan in the event that both its current and proposed new Ventnor location becomes unavailable before completion of the equipping and relocation process;
2. ACE shall maintain the same hours of operation, staffing levels, and levels of service at the new Ventnor location after its relocation as it provided at the Atlantic City location;
3. ACE shall maintain, at a minimum, the level of accessibility for persons with disabilities at the relocated Ventnor location as required by the Americans with Disabilities Act and New Jersey Law Against Discrimination;

4. The rate impact and prudence of ACE's costs incurred to renovate, equip and relocate the Atlantic City location will be reviewed in the Company's next base rate case or other appropriate proceedings;
5. This order shall not affect nor in any way limit the exercise of the authority of the Board or of this State in any future Petition or in any proceeding with respect to rates, franchises, service, financing, accounting, capitalization, depreciation, or any other matter affecting the Petitioner.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

8. CLEAN ENERGY

Cathleen Lewis, Outreach Coordinator, Office of Clean Energy, and Stacy Peterson, Director, Division of Energy, presented this matter.

A. Docket No. EO18101111 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future-Electric Vehicle and Energy Storage Program on a Regulated Basis.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the petitioner of Public Service Electric and Gas Company's (PSE&G) Clean Energy Future–Electric Vehicle/Energy Storage (CEF-EVES Program or Program).

On October 11, 2018, PSE&G filed a petition with the Board requesting approval of its CEF-EVES Program. On September 23, 2020, the Board established Minimum Filing Requirements for light-duty publicly accessible Electric Vehicle charging infrastructure. While those requirements were not applicable to this existing filing, they informed Staff's positions and policy priorities. Following extensive discovery and settlement discussions, several parties executed a stipulation in this matter.

As part of the settlement, PSE&G will implement an electric vehicle program with approximately \$166.2 million in program spending and \$39 million in operation and maintenance expenses. In alignment with the minimum filing requirements set forth in the September 23rd Board Order, all incentives are on Make Ready investments, that infrastructure that is necessary to make the site ready for a charger.

By Order dated October 29, 2018, the Board retained this matter for review and hearing as authorized by N.J.S.A. 48:2-32, and designated Commissioner Upendra J. Chivukula as the presiding officer authorized to rule on all motions that arise during the pendency of the proceedings establish and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues, and conduct public and evidentiary hearings.

The program includes up to 1,500 public fast chargers, up to 4,375 L2 chargers at workplaces, community locations and multi-unit dwellings, and up to 44,000 residential chargers.

The settlement requires that all charging sites funded by the program be networked and provide customers with no less than two pre-qualified hardware and software vendors. All data collected will be in a manner to protect customers' privacy and will be provided to the Board and other third parties in a manner to be detailed in a forthcoming rule proposal for light-duty charging infrastructure, as required by the September 23rd Board Order.

This data will be used to inform the future Cost of Service Study, Distribution Grid Impact Study, and to better understand charging behavior for future EV EcoSystem build-out.

PSE&G will provide two semi-annual reports each year to the Board, detailing quality and quantity of the work and forecasted and actual capital costs of the installed infrastructure. PSE&G will also post public maps detailing areas that are best suited for EV infrastructure build-out by the end of calendar year 2021 and earlier, if possible. These maps will be prepared and updated by the Company on a regular basis.

The Company will perform a Grid Impact Study as part of the Integrated Distribution Plan required by New Jersey's 2019 Energy Master Plan.

As part of the settlement, and in recognition of ongoing considerations by the Board, the matter will remain open to address the Vehicle Innovation and Energy Storage Program portions of this filing. Those portions of the filing would have included incentives on Medium and Heavy Duty Vehicles and charging infrastructure; however, as part of the September 23, 2020 Board Order creating the minimum filing requirements, the Board called for a public stakeholder process on Medium and Heavy Duty Vehicle charging infrastructure. Staff envisions that process starting in FY 2021.

Also, in alignment with the minimum filing requirements, the current program includes no utility ownership or operation of charging stations. Any ownership proposals would be part of a future filing in accordance with the Last Resort criteria and process outlined in the September 23, 2020 Board Order.

All capital investments made pursuant to the agreed-upon EV program, and consistent with the budget amounts in the stipulation, will be included in rate base as those investments are completed and become charger-ready, and shall be reviewed for recovery in rates in a future base rate case proceeding. PSE&G will establish a Regulatory Asset to capture its non-capital costs associated with the program offerings including: Make-ready incentives, administrative costs, data collection, and networking costs, customer outreach/marketing and education costs, and incremental O&M costs.

There are several rate design modifications included in the proposal including participating in the Company's existing residential time of use rates.

For direct current fast charging company participants, there is \$5 million in the approved budget -- in the stipulated budget to provide a demand charge rebate for a portion of the demand charge until a new cost-based rate can be established in a future rate case or upon exhaustion of the \$5 million.

As a result of the stipulation, there is no immediate impact on a customer's bill. Any changes in rates related to the costs of these programs will be addressed in future PSE&G base rate case proceedings, subject to a prudence review.

Staff recommended that the Board approve the Stipulation.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

Cathleen Lewis, Outreach Coordinator, Office of Clean Energy, presented these matters.

B. Docket No. EO20110730 – In the Matter of the Petition of Rockland Electric Company for Approval of an Electric Vehicle Program, Establishment of an Electric Vehicle Surcharge, and for Other Relief.

BACKGROUND AND DISCUSSION: This matter involved the Board considering the designation of a hearing officer for Rockland Electric Company's light duty Electric Vehicle Filing.

On November 23, 2020, Rockland Electric Company (RECO or Company) filed a petition with the Board seeking approval to invest approximately \$6.7 million over a five year period for a comprehensive electric vehicle (EV) program (EV Program), consisting of six EV subprograms applicable to light-duty vehicles (Petition).

The six proposed subprograms and associated budgets are:

Subprogram Budget Make Ready	\$4,804,041.00
Voluntary Time-of-Day Rate	\$55,000.00
Direct Current Fast Charging Incentive	\$377,362.00
Smart Charge	\$625,625.00
EVolved Recharge	\$243,760.00
Outreach and Education Program	\$577,500.00
Total Budget	\$6,683,288.00

Staff recommended that the Board retain this matter for hearing at the Board, and designate Commissioner Gordon as the Presiding Officer for the proceedings on this matter to establish and modify schedules, decide all motions that arise during the pendency of this proceeding. Staff further recommended that the Board direct any entity seeking to intervene or participate in this matter file the appropriate application with the Board by March 1, 2021. 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.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

C. Docket No. QO20030262 – In the Matter of the Electric Vehicle Program Compliance Filing.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a waiver from the Charge Up New Jersey’s terms and conditions as it pertains to delays at the New Jersey Motor Vehicle Commission (MVC).

On April 6, 2020, the Board approved revisions to the Fiscal Year 2020 (FY20) budget for New Jersey’s Clean Energy Program (NJCEP), as well as the program guidelines for the Charge Up New Jersey electric vehicle (EV) incentive program (Program). The Fiscal Year 2021 (FY21) Compliance Filing was approved by the Board on September 23, 2020. The intent of the Charge Up New Jersey program is to encourage the purchase or lease of new light-duty plug-in electric vehicles in the State, and assist New Jersey residents with making the switch to driving electric, consistent with the Electric Vehicle Act of 2020 (EV Act), N.J.S.A. 48:25-1 et seq.

While processing applications for the Program, Staff was notified by hopeful program participants that issues with complying with the approved terms and conditions existed due to delays in processing driver license renewals through the MVC.

The Program requires that applicants have a valid New Jersey driver’s license; however, due to delays through the MVC, two issues occurred. First, some applicants, including those who had their license expiration extended by Governor Murphy and the MVC as part of the COVID-19 precautions, have been unable to renew their licenses due to MVC office closures. Second, some applicants who have recently moved into the State of New Jersey have been unable to acquire a New Jersey driver license due to COVID-19 related delays and closures at the New Jersey MVC. These administrative delays have prevented Program applicants from obtaining a valid New Jersey driver license, thus leaving them with their expired or out-of-state licenses. Therefore, these prospective applicants fail to meet the required Program eligibility requirements of having a valid New Jersey license, through no fault of their own.

Additionally, the FY21 Compliance Filing for the Program guarantees that incentive checks will be received by the applicant within 120 days. Due to COVID-19, there have been administrative delays associated with the processing and issuing of incentive checks to those applicants and may take longer than 120 days.

Staff recommended a very limited exemption to the Charge Up New Jersey Program terms and conditions, for those who are impacted by the MVC’s delays. All other eligibility requirements are still applicable.

Staff recommended that in order to prove eligibility, individuals whose license has expired and have been unable to be renewed due to COVID-19 related delays can produce alternative documentation which must include:

- (1) A New Jersey license that has expired between March and December 2020;
- (2) Proof that the applicant cannot renew online (a print out of the rejection will suffice) or proof that the applicant has scheduled an appointment to renew in person;
- (3) A signed affidavit that states that they are residents of New Jersey and prevented from renewing by administrative delays; and
- (4) A deed, lease, or utility bill showing proof of residency in the State of New Jersey.

Similarly, some applicants who had recently moved to New Jersey have been unable to obtain a New Jersey license due to MVC closures. Staff proposed a narrow waiver for these applicants that provides time for them to get a license but does not provide a loop hole for residents of other states to use a second home as a residence. For applicants who recently moved to New Jersey the following conditions applies:

- (1) The time that an application can remain open will be extended from 14 days to 180 days;
- (2) Within that 180 days the applicant must obtain a NJ license; and
- (3) The applicant must produce documentation of the lease or purchase of property within New Jersey in 2020.

Due to COVID- related delays, the Board Order extends the time in which the Board is required to pay out an incentive from 120 days to 180 days. Staff recommended that the Board move these very narrow waivers for the Charge Up New Jersey program.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

D. Docket No. QO20030191 – In the Matter of the Petition for DCO Energy, LLC for Declaratory Ruling.

James Ferris, Bureau Chief of New Technology, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved DCO Energy, LLC (DCO Energy or Petitioner) seeking approval from the Board a declaratory ruling.

On October 23, 2020, DCO Energy, LLC filed an amended petition (Amended Petition), requesting that the Board determine that the Midtown Thermal Control Center (MTCC) facility located in Atlantic City constitutes an “on-site generation facility” within the meaning

of N.J.S.A. 48:3-51, and thus be entitled to all the benefits conferred upon such facilities by the Electric Discount and Energy Competition Act (EDECA) and New Jersey law.

To be an on-site generator, a facility must meet certain requirements, but at issue in the amended petition are two elements:

1. The property receiving electricity must be contiguous to the generator; and
2. The generator must only serve one end-use customer

In order to supply AtlantiCare Regional Medical Center (AtlantiCare) with electric energy under EDECA, the MTCC facility must meet the definition of an “on-site generation facility” under. The statute requires onsite generation facilities to be located on “property contiguous to the property on which the end user is located.” Properties will be considered “contiguous” if they are next to each other or separated by no more than one thoroughfare. The Petition, therefore, asked the Board to determine that AtlantiCare is located on property that is either touching the MTCC or separated by no more than one thoroughfare.

The Amended Petition provides that AtlantiCare is located kitty-corner to the MTCC facility by a diagonal crossing of Atlantic Avenue at South Ohio Avenue, a distance measuring a total of 145 feet door-to-door.

The Petitioner asserted that the property lines extend to the center of the intersection and therefore touch at their corner. Staff’s position is that properties that touch at a corner are contiguous with respect to EDECA.

However, even if the properties do not touch at the corner, Staff believes that the diagonal crossing of an intersection of two streets represents only one right of way crossing since each street utilizes the intersection at separate and distinct times, and as such the intersection acts as a single street at any given moment.

Since AtlantiCare would be an “on-site customer” for supply of electricity from the MTCC, DCO Energy asserted that as the generation facility, the MTCC facility qualifies for the exemption provided by N.J.S.A. 48:3-77(b). DCO Energy details the statutory language where “[n]one of the following charges [Societal Benefits Charge, Market Transition Charge, Transition Bond Charge, and their equivalents] shall be imposed on the electricity sold solely to the on-site customer of an on-site generating facility....” N.J.S.A. 48:3-77(e) also provides that those charges would be imposed for off-site end use thermal customers. DCO Energy stated that AtlantiCare cannot be considered an off-site customer since the properties are contiguous and therefore, “the converse must be true – that AtlantiCare will be an “on-site customer” for the purpose.”

Staff recommended that the Board grant the amended petition, declaring that the MTCC is an on-site generator for the purpose of supplying electric service to AtlantiCare, subject to the findings, terms and conditions in the Board Order.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

E. Docket No. QO21010002 – In the Matter of a Memorandum of Understanding Between Northeast Energy Efficiency Partnerships, the Rutgers Center for Green Building, and the Board of Public Utilities.

Stacy Ho Richardson, Deputy Director, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a Memorandum of Understanding (MOU) among the Northeast Energy Efficiency Partnerships (NEEP), the Rutgers Center for Green Building (Rutgers) and the Board regarding the New Jersey Zero Energy Buildings Code Collaborative

On June 10, 2020, 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 energy efficiency (EE) via building energy code strategies and to quantify the energy savings that could result from updates to energy codes.

NEEP, a 501(c)(3) non-profit organization, proposed to engage stakeholders through a timely and robust, stakeholder-guided, six-month process called the NJ Zero Energy Buildings (ZEB) Collaborative that will support the development of a Zero Energy Buildings Roadmap that identifies and assesses options to advance zero energy code development and improve code administration, enforcement, and compliance.

Staff believed that NEEP's proposal was consistent with the Board's vision and will satisfy the Board's directive to establish a Codes and Standards stakeholder group. The achievement of greater EE and therefore energy savings through effective energy code strategies is also in alignment with clean energy law and policies of the State of New Jersey, including the Clean Energy Act and the New Jersey Energy Master Plan.

The work of the ZEB Collaborative, including the ZEB Roadmap, will be the beginning of an ongoing dialogue and process about how 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.

Staff had worked with NEEP and Rutgers to draft an MOU to determine the terms and conditions, including roles and responsibilities of our three entities, for commencement of the ZEB Collaborative.

Staff recommended that the Board approve the terms and conditions of the MOU and authorized its execution by President Fiordaliso.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

F. Docket No. EO20120751 – In the Matter of the Verified Petition of Rockland Electric Company for Approval of an Energy Efficiency Stimulus Program and Associated Rate Recovery – Extension Request Low Income Audit and Direct Install Energy Efficiency III Program.

Benjamin Goldstein, Program Specialist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board considering a request by Rockland Electric Company's (RECO or Company) to extend its Low Income Audit and Direct Install Energy Efficiency III Program through June 30, 2021, or until previously budgeted funds have been expended.

On August 9, 2017, RECO filed a petition with the Board for approval of a Low Income Audit and Direct Install Energy Efficiency III Program (Low Income Audit III Program or Program).

On March 26, 2018, the Board approved a Stipulation of Settlement (Stipulation) executed on March 13, 2018 by RECO, Staff and the New Jersey Division of Rate Counsel (Rate Counsel). The Board approved the Company to offer the Low Income Audit III Program to eligible customers in its service territory for two years with a budget of \$455,400.00. RECO was approved to recover the net revenue requirements associated with the Program as a component to the Company's RGGI Surcharge.

On December 4, 2020, RECO filed its petition requesting an extension that would allow the Company to continue to offer the Low Income Audit III Program through June 30, 2021, or until all budgeted funds have been expended, whichever occurs first.

RECO proposed to use the remaining program budget to serve customers through June 30, 2021, and has agreed to refund ratepayers any unspent funds collected from customers for the Low Income Program.

This extension will come at no additional cost to ratepayers and has no additional associated rate impact. The extension will ensure that low-income customers in RECO's service territory will have an opportunity to participate in an energy efficiency program with uninterrupted service while Staff, the utilities, and other stakeholders work to finalize the Energy Efficiency Transition slated to culminate in July 2021.

In light of the terms of the executed Stipulation between Board, the Rate Counsel, and Rockland Electric Company, Staff recommended that the Board approve RECO's request to extend the terms of its Low Income Audit and Direct Install Energy Efficiency Program.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

9. MISCELLANEOUS

A. Docket No. EX21010004 – In the Matter of Larry S. Loigman – Request for Rulemaking N.J.A.C. 14:1-5.16.

Robert Brabston, Deputy Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved the Board taking action on a Petition for Rulemaking of Larry S. Loigman (Petitioner), published in the December 21, 2020 New Jersey Register.

On August 13, 2020, the Board received a petition for rulemaking from the Petitioner, a customer of Jersey Central Power and Light (JCP&L) who was concerned that JCP&L should have responded more appropriately to Tropical Storm Isaias. The Petitioner sought to amend the Board's Energy and Reliability and Security rules to require electric utilities to:

- a) Provide automated outage reports from customers in real time;
- b) Provide real time street-by-street information of outages and actual times of restoration;
- c) Provide water and ice to customers; and
- d) Limit electric utility executive compensation to no more than \$175,000.00 per annum, or whatever the current Governor's annual compensation shall be.

The Board responded to the Petitioner that all of the issues he raised for rulemaking were being handled by the Board in other proceedings and suggested that he participate and file comments in each of those proceedings. The outage reporting and responses are the subject of an open docket, EO20080545, which is JCP&L's Advanced Metering Infrastructure proceeding. The issue of water and ice being offered to customers was actually addressed by the Board in the Hurricane Irene response proceedings in Docket No. 0E11090543 in recommendation 47.

The Petitioner declined to avail himself of the ongoing proceedings and continued to pursue a rulemaking. Therefore, the petition was published in the New Jersey Register in December 2020.

Finally, the Petitioner's request to require that compensation of utility employees be limited to that of the Governor of New Jersey is not within the realm of rulemaking. The Board does not have the authority to specifically regulate individual utility compensation or benefits at a utility company.

For these reasons, Staff recommended that the Board deny the petition for rulemaking.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

LATE STARTER A

ENERGY

Emily Smithman, Esq., Legal Specialist, Counsel's Office, presented this matter.

Docket No. ER21010001 – In the Matter of Federal Energy Items for 2021 – FERC Docket No. ER20-227-000 PJM Interconnection, LLC re: JCP&L Company formula rate.

BACKGROUND AND DISCUSSION: This matter involved Jersey Central Power & Light Company's (JCP&L) 2020 transmission formula rate. The Board is a party to this case, having intervened on November 7, 2019. JCP&L filed its proposed transmission formula rate template and protocols for 2020 at the Federal Energy Regulatory Commission (FERC) on October 30, 2019. On November 20, 2019, the Board and the New Jersey Division of Rate Counsel protested the filing.

On December 19, 2019, FERC accepted JCP&L's October 30, 2019 filing, subject to refund, suspended the filing for a nominal period to be effective on January 1, 2020, and set the proceeding for hearing and settlement judge procedures.

The parties reached a settlement in principle on November 17, 2020, and drafted a Settlement Agreement thereafter. Once filed and accepted by FERC, the protocol and template in the settlement will replace those in the October 30, 2019, filing, with an effective date of January 1, 2020.

JCP&L, on behalf of the parties, plans to also file a Motion to Implement Interim Settlement Rates and Request for Waivers and Expedited Consideration, or also called an interim rates motion, along with the settlement to ensure that ratepayers benefit from the reduced rates in the settlement as expeditiously as possible.

Staff recommended that the Board ratify both the settlement agreement and the interim rates motion.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

EXECUTIVE SESSION

After appropriate motion, the following matter, which involved pending litigation attorney/client privilege and contract negotiation pursuant to the Open Public Meetings Act at N.J.S.A. 10:4-12(b)7 was discussed in Executive Session.


2. ENERGY

A. Docket No. ER20030190 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2021 – Rockland Electric Company’s Request for Proposal – RFP Results.

The substance of this discussion shall remain confidential except to the extent that making the discussion public is not inconsistent with law.

After appropriate motion, the Board reconvened to Open Session.

There being no further business before the Board, the meeting was adjourned.



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

DATE: March 24, 2021