



STATE OF NEW JERSEY
Board of Public Utilities
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**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 26, 2022, via online @ <https://youtu.be/1y6ea7p1uF8>

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 also announced that the next regular Board Meeting will be held on February 23, 2022 at 10:00 a.m. via livestream on YouTube.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

A. Docket No. GR21121254 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revisions.

BACKGROUND: On December 28, 2021, Elizabethtown Gas Company (Elizabethtown or Company) filed a petition with the Board for approval of an increase in its operating revenues of approximately \$76.62 million including Sales and Use Tax, to be effective for gas service provided on or after January 28, 2022. The Company also sought Board approval to implement new depreciation rates and requested a return on equity of 10.75%.

According to the petition, the Company's base rates and charges for natural gas service are not sufficient, at their current level, to ensure the necessary capital to support further investments to provide safe and reliable service to its customers. Additionally, Elizabethtown argued that the requested rate relief is due to a need to recover greater depreciation expenses, as well as increases to the operations and maintenance costs incurred by the Company since its prior base rate case.

Elizabethtown sought authority from the Board to do the following:

1. Increase rates and charges for gas service that would result from the proposed amendments to the Company's tariff.
2. Roll in the Company's Infrastructure Investment Program investment costs through June 30, 2021, into base rates to be established in this proceeding on a final basis.
3. Retain its existing authority to establish a regulatory asset in which the incremental costs associated with a Transmission Integrity Management Program incurred between rate cases will be tracked and deferred for later review and recovery in rates.
4. Establish a regulatory asset to defer any costs which would otherwise be expensed related to the Transportation Security Administration Security Directives.
5. Establish a regulatory asset to defer and recover the remaining undepreciated costs of the liquefaction equipment at the Erie Street Liquefied Natural Gas Facility that were not reimbursed by the vendor/manufacturer and are not properly considered costs for the new liquefaction facility.
6. Establish a regulatory asset to enable Elizabethtown to defer the difference between the costs incurred to establish an in-house gas supply function at the Company and the costs that are ultimately included in the rates established in this proceeding.

Since a review of this matter will not be complete prior to January 28, 2022, Staff recommended that the Board issue an order suspending the proposed rate increase until May 28, 2022, pending further action on this matter. Staff also recommended that this matter be transmitted to the Office of Administrative Law for hearing.

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

III. CABLE TELEVISION

A. Docket No. CE20080514 – In the Matter of the Petition of Comcast of South Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Hamilton, County of Atlantic, State of New Jersey.

BACKGROUND: On April 11, 2019, Comcast of South Jersey, LLC (Comcast) filed an application with the Township of Hamilton (Township) for renewal of municipal consent. On September 9, 2019, the Township submitted a draft ordinance to the Office of Cable Television and Telecommunications for review. On November 8, 2019, Staff conducted a preliminary review of the draft ordinance.

On December 2, 2019, the Township adopted an ordinance granting renewal municipal consent to Comcast. On December 10, 2019, Comcast formally accepted the terms and conditions of the ordinance. On July 31, 2020, Comcast filed with the Board for a renewal of its Certificate of Approval for the Township.

Staff recommended approval of the proposed Renewal Certificate of Approval, with the revisions noted.

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

IV. TELECOMMUNICATIONS

There were no items in this category.

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the following Minutes:

- **December 1, 2021 Executive Session Minutes; and**
- **December 15, 2021 Minutes.**

BACKGROUND: Staff presented the Executive Session minutes of December 1, 2021, and the regular session minutes of December 15, 2021, 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

Paul Lupo, Acting Director, Division of Energy, presented these matters.

A. Docket No. EM21121253 – In the Matter of the Petition of Atlantic City Electric Company for Approval of the Modification of Power Purchase Agreements with Chambers Cogeneration Limited Partnership and Logan Generating Company, L.P.

BACKGROUND AND DISCUSSION: On December 22, 2021, Atlantic City Electric Company (ACE or Company) filed a petition with the Board seeking approval of settlement agreements between ACE and Chambers Cogeneration Limited Partnership (Chambers), and ACE and Logan Generating Company, L.P. (Logan), as well as modified Power Purchase Agreements (PPAs), pursuant to which ACE will modify existing PPAs and terminate existing Power Sales Agreements (PSAs) with Chambers and Logan, respectively (Petition).

According to the petition, this proceeding involved the modification and termination of the last of ACE's contracts to purchase electricity from Non-Utility Generators. Specifically, ACE requested to modify the existing Chambers and Logan PPAs such that existing interconnection rights would be preserved but coal-fired electric generation would cease, as well as the termination of the existing Chambers and Logan PSAs.

As part of the transaction, ACE stated that it will make a series of negotiated fixed monthly payments for the remaining term of the existing PPAs and PSAs, which will be partially offset by customer benefit payments from Chambers and Logan. According to ACE, these customer benefit payments will result in savings to customers of up to \$30 million over the remaining term of the existing agreements. However, the Company noted that the actual amount of customer savings will depend on the date of the closing of the PPA modifications and PSA terminations.

Staff recommended that the Board retain this matter for hearing and designate Commissioner Dianne Solomon as the Presiding Officer with authority to rule on all motions that arise during the pendency of these proceedings, and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Staff also recommended that any entity seeking to intervene or participate in this matter file the appropriate application with the Board by February 9, 2022. 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

B. Docket No. GR21060908 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs.

BACKGROUND AND DISCUSSION: On June 11, 2021, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board seeking recovery of the Company's Energy Efficiency (EE) program costs for programs established in 2010 through 2018 (EE Rate) (June 2021 Petition). The Company proposed to increase the EE Rate for Rider F from \$0.0171 to \$0.0204 per therm [including Sales and Use Tax (SUT)].

According to the June 2021 Petition, based upon actuals through April 30, 2021, and estimates for the period May 1, 2021, through September 30, 2021, NJNG anticipated an over recovery of approximately \$0.136 million by September 30, 2021. Based on the current and anticipated levels of activity in SAVEGREEN, NJNG estimated the revenue requirement for the period October 2020 through September 2021 to be approximately \$13.464 million.

Through discovery, NJNG updated its revenue requirement to include actual information through September 30, 2021 and estimated information through September 30, 2022 (November 2021 Update). Based upon the November 2021 Update, the Company's anticipated an over recovery on December 31, 2021, of approximately \$0.618 million and a revenue requirement for the period October 1, 2021 through September 30, 2022 to be approximately \$9.572 million, reflecting an EE Rate of \$0.0206 per therm including SUT. As the November 2021 Update resulted in an EE Rate higher than that was publicly noticed to NJNG customers, the Company elected to utilize the originally requested EE Rate of \$0.0204 per therm including SUT.

NJNG, Board Staff, the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that would allow the Company to increase its current EE Rate of \$0.0171 per therm including SUT to \$0.0204 per therm including SUT.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board direct NJNG to file tariffs consistent with the Board's Order by January 31, 2022.

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. ER21060948 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Solar Pilot Recovery Charge (SPRC) for its Solar Loan I Program.

BACKGROUND AND DISCUSSION: On June 29, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board requesting approval of changes in its electric Solar Pilot Recovery Charge (SPRC) related to its Solar Loan I Program (June 2021 Petition).

According to the June 2021 Petition, based upon the Company's actual SPRC collections through March 31, 2021, and forecasted collections through September 30, 2022, the proposed SPRC rate of \$0.000071 per kWh, including Sales and Use Tax (SUT) was designed to recover approximately \$2.669 million in revenue, resulting in a net annual revenue decrease to the Company of approximately \$0.7 million, if approved.

Through discovery, PSE&G updated its revenue requirement to include actual collections through September 31, 2021, and estimated information through September 31, 2022 (November 2021 Update). As a result of the November 2021 Update, the total target revenue for the SPRC decreased to \$2.063 million, resulting in a revised proposed rate of \$0.000055 per kWh including SUT.

PSE&G, Board Staff (Staff) and the New Jersey Division of Rate Counsel (collectively, the Parties) executed a stipulation of settlement (Stipulation) that allows the Company to decrease its current SPRC Rate of \$0.000091 per kWh, including SUT, to a rate of \$0.000055 per kWh, including SUT.

Staff recommended that the Board issue an Order approving the Stipulation of the Parties. Staff further recommended that the Board direct PSE&G to file tariffs consistent with the Board's Order by January 31, 2022.

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 No. TO21121237 – In the Matter of the Broadband Access Study Commission – Request for Quotation to Solicit Bids to Provide Consulting and Other Support Services – Executive Session.

Lawanda Gilbert, Director, Office of Cable Television and Telecommunications, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session, and it involved Board approval to release a Request for Quotations (RFQ) to hire a consultant to provide support services to the Broadband Access Study Commission, which was created by legislation signed into law by Governor Murphy in July of last year. The law creates a 19 member commission lead by the Board President with representation from various State agencies, including New Jersey Office of Information Technology, the New Jersey Division of Rate Counsel, New Jersey Economic Development Authority, the Departments of Agriculture, Education, New Jersey Department of Community Affairs, and the New Jersey State Library, as well as private sector appointments made by Governor Murphy with input from the leaders of both houses of the legislature.

This Commission is charged with evaluating both the impediments of access and affordability of ubiquitous broadband service throughout the State by looking at physical access, deployment costs, community broadband networks, and the most effective use of the various Federal, State and private funding sources to accomplish these goals.

Per the law establishing the commission, a report representing its findings must be submitted to the Governor and the legislature no later than one year following the first meeting of the commission, after which the commission will expire.

Funding will come through the Federal Corona Virus Capital Projects Fund, which is part of the American Rescue Plan. All of the necessary permissions have been received from the Department of Treasury and the State Comptroller's Office through our budget and fiscal office.

Staff requested approval for the release of the proposed RFQ to procure a consultant to assist the Board Staff and the Commission with assessing the broadband issues and the preparation of the final commission report.

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. TO21111233 – In the Matter of the Request for Responses in Furtherance of the Implementation of the Broadband Access Study Commission (P.L. 2021, c. 161) – Executive Session.

Francis Gaffney, Ombudsman, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session detailing the scoring of the responses of the previous Board issued Request for Responses for a needs assessment to be provided to the Broadband Access Study Commission. Staff requested authorization to signing of a Memorandum of Understanding between the New Jersey Board of Public Utilities and New Jersey Institute of Technology for a broadband needs assessment.

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

There were no items in this category.

8. CLEAN ENERGY

Ariane Benrey, Program Administrator, Division of Clean Energy, presented these matters.

A. Docket No. QX21040725 – In the Matter of the Proposed Amendments to the Transition Incentive Program Rules: N.J.A.C. 14:8-2.2; 14:8-10.1; 14:8-10.3; 14:8-10.5; 14:8-10.6; and 14:8-10.7.

BACKGROUND AND DISCUSSION: This matter related to proposed rule amendments to the Transition Incentive (TI) Program rules. On June 9, 2021, the Board issued the proposed rule amendments to the Transition Incentive Program rules intended to improve

the administration of the TI program based on lessons learned from the implementation of the program since it opened to new registrations on May 1, 2020.

The proposed changes included the creation of a definition and Transition Renewable Energy Certificates (TREC) factor for floating solar projects, clarification of definitions and terms for eligibility for the TI program, amendments to the provisions pertaining to the use of a standing order, clarification of the TREC registration period for projects granted conditional approval in the Community Solar Energy Pilot Program, and clarification of the applicability of prevailing wage requirements to projects one megawatt dc or greater.

The rule amendments were published in the New Jersey Register on August 2, 2021. They were open for public comments for 60 days. The Board received five public comments.

Staff recommended that the Board adopt the proposed rule amendments without changes. If approved, these amendments will be sent to the Office of Administrative Law and become effective upon publication in the New Jersey Register.

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. QX21040728 – In the Matter of a Rulemaking Proceeding to Amend the Renewable Portfolio Standard and Create New Rules Establishing a Successor Solar Incentive Program Pursuant to P.L. 2018, c.17.

BACKGROUND AND DISCUSSION: On July 14, 2021, the Board issued a proposed rule to amend its existing solar energy rules and create a new subchapter establishing a Successor Solar Incentive (SuSI) Program to serve as the permanent program for providing solar incentives to qualified solar electric generation facilities.

The proposed rulemaking implements the requirements of the Clean Energy Act of 2018 and the Solar Act of 2021 by creating the SuSI Program as a replacement to the Transition Incentive Program. The SuSI Program includes two sub-programs: the Administratively Determined Incentive (ADI) Program and the Competitive Solicitation Incentive Program, each designed to serve different segments of the NJ solar market.

The rule proposal includes a new subchapter to create a new incentive delivery instrument known as NJ Solar Renewable Energy Certificate-IIs (SREC-IIs) Registration Program, establishes the processes for registering projects, and amends the Renewable Portfolio Standard (RPS) rules to account for the SREC-IIs in the RPS. The rule proposal also establishes the overall program structure for the ADI Program.

The rule proposal was published in the New Jersey Register on August 16, 2021, and open to public comments for 60 days. The Board received eight public comments.

Staff recommended that the Board adopt the proposed rule with one non-substantive change. If approved, the rule proposal will be sent to the Office of Administrative Law, and become effective upon publication in the New Jersey Register.

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. QO21111218 – In the Matter of the Petition of Solar Landscape, LLC for Modification of the Community Solar Year 1 Bill Credit Regulations for Eight Community Solar Projects.

Sawyer Morgan, Eagleton Science and Politics Fellow, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a petition that was filed by Solar Landscape, LLC on November 10, 2021. Solar Landscape received approval for eight projects to participate in Program Year 1 of the Community Solar Energy Pilot Program. The petition requested that the Board amend its rules at N.J.A.C. 14:8-9.7 relating to the manner in which excess community solar bill credits are banked and carried over from month-to-month. Solar Landscape also requested the Board direct Public Service Electric and Gas Company (PSE&G) and the other electric distribution companies to adjust their software and internal processes to allow monitoring of bill credit applications to reduce loss of bill credits.

On December 14, 2021, PSE&G filed a motion to intervene in the petition, as the relief sought would have a direct impact on PSE&G's operations and finances.

Staff believed that PSE&G has a significant and direct interest in the outcome of this case, and will contribute meaningfully to this proceeding. Therefore, Staff recommended that the Board grant PSE&G's motion to intervene in Solar Landscape's petition. Staff further recommended that the Board designate President Fiordaliso as the Presiding Officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

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. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c.17; and

Docket No. QO21101187 – In the Matter of Request for an Extension of Time to Complete NJSTRE1546561614 in Transition Incentive Program – Tesla Energy Operations, Inc. on behalf of Albertson, Inc.

Ronald Jackson, Research Scientist, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On October 13, 2021, Tesla Energy Operations, Inc. (Tesla or Petitioner) filed a petition requesting that the Board grant a seven-month extension to the conditional acceptance expiration date for a 456.72 kW roof top system to be located on an Albertson facility located in Cape May, NJ under the Transition Incentive (TI) Program due to the estimated six to twelve months for Atlantic City Electric Co. (ACE) to complete a telemetry upgrade required prior to granting permission to operate (PTO).

Tesla filed a TI registration with the Program Administrator and was issued an acceptance letter on February 3, 2021, with an expiration date of February 3, 2022. Tesla filed an interconnection application with ACE in May of 2021. In August, ACE reported the need to upgrade the telemetry system. ACE estimated the cost of the upgrades to be \$45,400.00, and estimated the time needed to complete the upgrade at six to twelve months after receipt of a fully executed interconnection agreement, the interconnection work is invoiced, and the payment is received before it will approve the PTO.

Tesla stated that it would not make payment until it receives the final invoice. ACE sent the final invoice to Albertsons Inc., the account holder on Tuesday January 25, 2022. ACE also stated that based on the schedule of other projects ahead of this one, this work most likely will take place in early May and should take only a few days to complete.

Staff noted that the petition reflects a misunderstanding of the applicable registration expiration date. In fact, following the automatic six-month extension granted by the Board on June 24, 2021, the actual project completion deadline is now August 3, 2022. Although ACE’s 6–12-month time frame or less has not yet begun to run, there is still time for ACE to complete its work prior to the Petitioner’s current August 3, 2022, deadline, making Petitioner’s extension request premature.

Therefore, Staff recommended that the Board deny the petition.

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. QO21101200 – In the Matter of the Petition of Vuk Stojanovic Regarding the Denial of a Charge Up New Jersey Incentive and Request for Formal Hearing.

Cathleen Lewis, E-Mobility Programs Manager, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter pertained to the Charge Up New Jersey Program. The first year of the program was a post purchase incentive. Vehicles purchased between January 20 and December 15, 2020 were eligible. Eligible applications were required to submit application through the post purchase portal by March 15, 2021.

According to Vuk Stojanovic (Petitioner), he purchased his EV, a Tesla Model 3, on March 16, 2020. He asserted he filed his application through the Charge Up New Jersey's Post Purchase Portal on March 2, 2021. However, no application was received.

It should be noted that the post-purchase portal closed on March 15, 2021 as outlined in the December 14, 2020 announcement.

On May 12, 2021 the Petitioner reached out to the Program Administrator for an update on his application. The Program Administrator told him that no such application existed in the Center for sustainable energy system. As the portal was at that point closed, the Petitioner was directed to the Board.

On May 25, 2021, the Petitioner wrote an email appeal to the Board's Division of Clean Energy. On September 16, 2021, Staff issued a letter response denying his appeal due to the application portal having closed already, thus making the Petitioner ineligible for the incentive he sought.

The Petitioner filed an appeal with the Board, claiming that he had computer issues in February and March 2021 that may have impacted his electronic application submission. The Petitioner requested payment for a vehicle and an in-home charger.

Staff recommended that the Board deny the Petitioner's appeal based on the fact that he attempted to file his application after the Post-Purchase Portal was closed. Staff also recommended the Board deny the request for payment for the in-home charger as the Board does not currently and did not have at the time an in-home charger incentive 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

F. Docket No. QO21081073 – In the Matter of the Implementation of P.L. 2021, c. 200 Regarding Establishment of the School and Small Business Energy Efficiency Stimulus Program.

Kevin V. Nedza, Building Electrification Manager, Division of Clean Energy, presented these matters.

BACKGROUND AND DISCUSSION: This matter pertained to the School and Small Business Energy Efficiency Stimulus Program which was enacted by the Board in October of 2021. This program contains two subprograms; the school and small business, one of which is the School and Small Business Ventilation and Energy Efficiency Verification and Repair (SSB-VEEVR). SSB-VEEVR program provides grants to schools and small businesses for the maintenance and replacement of certain heating, ventilation, and air conditioning systems. The program will pay for 75 percent of the total project costs.

Specifically under the replacement path of this program, the SSB-VEEVR program, an applicant is able to apply for a utility incentive that would apply to their 25 percent of cost share. This can create a unique situation, where both a State and utility incentive are applied to the same project, which impacts the attribution of energy savings associated with the project under the Clean Energy Act. The statute that authorized this program states, quote, "The Board shall adjust energy efficiency savings targets, as necessary, to ensure that energy savings created through the expenditures made pursuant to this law are not double counted in any public utility energy efficiency program," unquote.

In October 2021, the Board directed Staff to return prior to February with a recommendation on this energy savings question. Staff is engaged in ongoing discussions with the utilities and New Jersey Division of Rate Counsel about this issue.

Staff recommended that the Board grant Staff an extension on this matter and direct Staff to return with a recommendation prior to September 2022.

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

G. Docket No. QO21121247 – In the Matter of Request for Quotation for Consulting Services for the 3rd Offshore Wind Solicitation – Executive Session.

James Ferris, P.E., CEM, Deputy Director, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter was initially discussed in Executive Session and it involved the release of a Request for Qualifications (RFQ) to retain a consultant to assist Staff in the development of the third offshore wind solicitation and in the evaluation of applications received for that solicitation.

The scope of work being solicited includes the consultant's assistance in developing and issuing a solicitation for qualified offshore wind projects eligible to receive Offshore Wind Renewable Energy Certificates (ORECs). The solicitation will include the integration of transmission projects selected by the Board, if any, resulting from the State Agreement Approach solicitation. Evaluating applications submitted in response to the solicitation and providing general consulting services related to offshore wind and related transmission scenarios.

Staff intends to conduct the procurement of the consultant under the waiver supplement to the State of New Jersey standard terms and conditions. The Board received approval to use the waiver process from the New Jersey Office of Management and Budget on January 14, 2022.

Staff recommended that the Board authorize the release of the RFQ.

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

H. Docket No. QO20020184 – In the Matter of a Solar Successor Incentive Program Pursuant to P.L. 2018, c. 17 – Modification of Eligibility Conditions.

Scott Hunter, Manager, Division of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter related to Staff's recommendation to the Board to modify the program eligibility conditions in the Administratively Determined Incentive (ADI) program. In reviewing the request for solar, from solar developers for an extension of time to complete projects in the Transition Incentive (TI) program, Staff have identified a barrier to timely registration projects in the ADI program. The Board's July 28 order establishing the Successor Solar Incentive program contained a provision requiring submission of a complete ADI program registration package and receipt of a notice of conditional registration prior to beginning construction of the facility.

This provision would inhibit projects which had registered in the Transition Incentive program and begun construction, but were unable to satisfy all the post-construction certification requirements for Transition Incentive eligibility.

Staff recommended that the Board first exempt a project with a valid TI program registration from the requirement that projects seeking eligibility in the ADI program submit a complete ADI program registration package and receive a notice of conditional registration prior to beginning construction of the facility. Staff also recommended to enable projects registered in the TI program that commenced construction, but failed to meet the TI deadline for project completion to register in the ADI program. Finally, Staff recommended that the Board direct Staff to develop amendments to the Successor Solar Incentive program rules to codify the exception from TI projects that meet these conditions to participate in the ADI 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. AX21091111 – In the Matter of the New Jersey Board of Public Utilities’ Utility Customer Bill of Rights.

Michael Kammer, Director, Division of Water, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a motion for reconsideration filed by Shore Water Company (Shore). Shore is a small family run company in South Seaside Park that serves approximately 1,200 seasonal customers who receive water service from April through October. A small number of condominiums, Island Beach State Park and the Governor's shore house.

This motion for reconsideration deals with the Board's Customer Bill of Rights. The Board first adopted a Customer Bill of Rights in 1986. Customer Bill of Rights has been updated periodically through orders issued by the Board to reflect changes in the Board's regulations and more recently to address temporary consumer protections mandated by Governor Murphy through various executive orders that the Governor issued in response to the COVID-19 pandemic. Also, in response to the COVID-19 pandemic, legislation was enacted that required utility companies to, among other things, provide monthly notice to its customers of their utility rights for a period of 18 months after the termination of Executive Order 103. The new law reserved the determination as to the form and manner of the notices to customers to the Board.

On September 14, 2021, the Board issued an order setting forth the requirements of the new law. The Board subsequently received waiver requests from several utility companies requesting a change to the method, means, and frequency of the notice notifying customers of their rights. Shore Water Company was one of those companies who filed a waiver request. Specifically, Shore requested a waiver of the monthly notice requirement of the law, arguing that its customer base was largely comprised of a seasonal population of about 1,200 customers.

Shore also requested that it be allowed to post the revised bill of rights, Customer Bill of Rights on its website, along with a link to the Board's Customer Bill of Rights web page to satisfy the notice requirements of the Board's orders and the new law.

The Board denied Shore's waiver request at its December 15 public agenda meeting. The Board determined that merely posting the revised Bill of Rights on its website was too passive an approach to qualify as notice under the new legislation. Additionally, the Board determined that the approach requested by Shore also failed to meet the expressed language of the law requiring notice on a monthly basis.

Shore filed a motion for reconsideration on December 23. In support of its motion, Shore, once again, argued that it's, that the Board did not take notice that it bills its customers on an annual basis. Additionally, Shore noted that a number of its customers do not live in the service territory year round.

Shore subsequently filed a letter with the Board on January 6, 2022 proposing alternate methods for compliance with the notice requirement. First, Shore proposed to include the revised Customer Bill of Rights of the annual bill that it sends out to its customers in the first quarter of 2022.

Secondly, the company proposed that residential customers who have an e-mail address on file with the company be proposed to be notified via e-mail. And, lastly, the Company said, it requested that if we don't have an e-mail address on record, it will either request an opt out for the, for those customers or send them a postcard with the link to the revised Bill of Rights.

Staff recommended that the Board grants Shore's request to send the revised Customer Bill of Rights in its annual bill that will be sent to customers in the first quarter of 2022, provided that the mailing is in addition to the monthly notice required by the new legislation. Staff further recommended that the Board grants Shore's request to send monthly e-mails to those customers who have an e-mail address on file.

Staff noted that the Board does have the authority to determine the form and manner in which the monthly notices are sent to customers and the Board has previously decided that an e-mail is an acceptable form of notice. Staff also recommended that the Board grant Shore's request to mail monthly postcards that contain the website link to the revised Customer Bill of Rights to customers, because it meets the requirement of the new law for monthly notification to customers.

Finally, Staff recommended that the Board deny Shore's request to give customers an option to opt out of receiving the monthly notice, because customers cannot opt out under the new legislation.

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 matters, which involved attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

4. TELECOMMUNICATIONS

A. Docket No. TO21121237 – In the Matter of the Broadband Access Study Commission – Request for Quotation to Solicit Bids to Provide Consulting and Other Support Services.

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

B. Docket No. TO21111233 – In the Matter of the Request for Responses in Furtherance of the Implementation of the Broadband Access Study Commission (P.L. 2021, c. 161).

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

8. CLEAN ENERGY

G. Docket No. QO21121247 – In the Matter of Request for Quotation for Consulting Services for the 3rd Offshore Wind Solicitation.

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

Date: March 9, 2022