



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 May 4, 2022, via online @ <https://youtu.be/j-DLsEAnN3w>

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 Carmen D. Diaz, Acting Board 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 May 18, 2022 at 10:00 a.m. via livestream on YouTube.

CONSENT AGENDA

I. AUDITS

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

EE20100647L	Onyx Power and Gas Consulting, LLC	I – EA
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Energy Agent, Private Aggregator and/or Energy Consultant Renewal Registrations

EE21040706L	ClearPath Energy, LLC	R – EA
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EE20060455L	Cooperative Industries, LLC	R – EA
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EE21101163L	East Coast Energy Management Corp.	R – EA
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EE21050852L	Edge Insights, Inc.	R – EA
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EE21040707L	StoneX Financial, Inc. f/k/a INTL FCStone Financial, Inc.	R – EA
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BACKGROUND: The Board must register all energy agents, private aggregators, and energy 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 (TPSs) with a license expiring prior to July 9, 2019 were still required to submit the previous renewal application form. Any TPS renewal application that was filed prior to July 9, 2019 has been, and will continue to be, processed by Board Staff (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.

At its regular agenda meeting of August 18, 2021, the Board approved the final adoption of proposed amendments to N.J.A.C. 14:4 et seq., concerning energy competition and specifically to subchapter 5, N.J.A.C. 14:4-5 et seq., Energy Licensing and Registration.

In accordance with the rule amendments, an energy agent, private aggregator, or energy consultant registration shall not expire so long as a registration renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the registrant's annual anniversary date. Any registration renewal application that was filed prior to the effective date of the licensing and registration rule amendments, September 20, 2021, has been, and will continue to, be processed by Staff for approval or denial in

accordance with N.J.A.C. 14:4-5.9. The anniversary date for companies with a pending application will be the date that the renewal application receives Board approval. 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 applicants be issued initial registration as an energy agent, private aggregator and/or energy consultant:

- Onyx Power & Gas Consulting LLC

Staff also recommended that the following applicants be issued renewal registrations as an energy agent, private aggregator and/or energy consultant:

- ClearPath Energy, LLC
- Cooperative Industries, LLC
- EAST COAST ENERGY MANAGEMENT CORP
- Edge Insights, Inc.
- StoneX Financial Inc. f/k/a INTL FCStone Financial Inc.

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

II. ENERGY

A. Docket No. ER21030631 – In the Matter of the Provision of Basic Generation Service (BGS) for the Period Beginning June 1, 2022.

BACKGROUND: Beginning on February 4, 2022 and ending on February 7, 2022, two descending clock auctions were initiated to secure the Basic Generation Service (BGS) electricity requirements of Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric and Gas Company, and Rockland Electric Company (Rockland) (collectively EDCs).

On February 9, 2022, the Board certified the results of the Auctions for BGS-Residential and Small Commercial Pricing and BGS- Commercial Industrial Energy Price supply and ancillary services. The Board also directed the EDCs to: 1) execute the necessary documents with the winning bidders, including the BGS Supplier Master Agreements; 2) implement the BGS rates resulting from the Auctions beginning June 1, 2022; and 3) file revised tariff sheets reflecting the BGS rates resulting from the Auction by March 25, 2022.

Consistent with the Board's directive, the EDCs filed revised tariffs to become effective on June 1, 2022 that incorporated the changes resulting from the recently completed auctions. Staff reviewed the tariff filings of the EDCs and found them consistent with the rate structure and results approved by the Board for the auction process.

Therefore, Staff recommended that the Board approve the tariff filings of the EDCs and notify interested parties through a Secretary's letter. Staff also recommended that the Board direct the EDCs to post the approved tariff sheets on their respective websites

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

III. CABLE TELEVISION

A. Docket No. CE21070981 – In the Matter of the Petition of Comcast of New 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 Little Egg Harbor, County of Ocean, State of New Jersey.

BACKGROUND: On January 16, 2019, Comcast of New Jersey, LLC (Comcast) filed an application with the Township of Little Egg Harbor (Township) for renewal of municipal consent. On December 10, 2020, the Township adopted an ordinance granting renewal municipal consent to Comcast. On April 6, 2021, Comcast formally accepted the terms and conditions of the ordinance. On July 9 2021, Comcast filed with the Board for a renewal of its Certificate of Approval for the Township.

After review, Staff recommended approval of the proposed Renewal Certificate of Approval. This Certificate shall expire on October 19, 2029.

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

A. Docket Nos. BPU EC21010008U and OAL PUC 02662-21 – In the Matter of Alan M. Simon, Petitioner v. Atlantic City Electric Company, Respondent – Billing Dispute.

BACKGROUND: This matter involved a billing dispute between Alan M. Simon (Petitioner) and Atlantic City Electric Company (Respondent). The petition was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case.

A Stipulation of Settlement (Stipulation) was agreed to between Respondent and the Petitioner dated March 25, 2022 resolving all issues in this matter. Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, Respondent agreed to credit \$2,000.00 to the Petitioner's outstanding account balance of \$4,365.41.

Administrative Law Judge (ALJ) Catherine A. Tuohy filed an Initial Decision in this matter with the Board on April 1, 2022. ALJ Tuohy found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy, it was consistent with the law, and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

The Board, at its discretion, has the option of accepting, modifying or rejecting the Initial Decision of ALJ Hughes. 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

There were no items in this category.

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, Bureau Chief, Division of Energy, presented these matters.

A. Docket Nos. BPU GR21050860 and OAL PUC 09921-21 – In the Matter of the Petition of New Jersey Natural Gas Company for the Annual Review and Revision of its Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) Rates for F/Y 2022.

BACKGROUND AND DISCUSSION: On May 28, 2021, New Jersey Natural Gas Company (NJNG or Company) filed a petition with the Board seeking approval to modify its Basic Gas Supply Service (BGSS) and Conservation Incentive Program (CIP) rates (2021 BGSS/CIP Petition). NJNG also sought approval to modify its Balancing Charge rate.

On November 1, 2021, all four gas distribution companies (GDCs) filed an Emergent Motion seeking waivers necessary to permit self-implementing BGSS Increases Effective December 1, 2021 (Motion).

By Order dated November 17, 2021, the Board approved a stipulation for provisional rates executed by the Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Parties).

By a separate Order dated November 17, 2021, the Board granted the GDCs' Motion to permit a one-time waiver for this BGSS year only of the requirement that notice of a December 1st self-implementing rate increase be filed no later than November 1st as may be indicated in each GDCs' relevant tariff and as provided in the January 6 BGSS Order.

Following further review and discussions, the Parties executed a stipulation of settlement (Stipulation) for final rates. The Stipulation provides approval of the BGSS, CIP and Balancing Charge rates on a final basis.

On December 6, 2021, the Board transmitted this matter to the Office of Administrative Law as a contested case where it was subsequently assigned to ALJ Gertsman. On April 7, 2022, ALJ Gertsman issued an Initial Decision approving the Stipulation, finding that the Parties voluntarily agreed to the terms of the Stipulation, and that the Stipulation fully disposed of all matters and is consistent with the law.

Staff recommended that the Board issue an Order adopting the Initial Decision and Stipulation and direct NJNG to file revised tariffs consistent with the Order by June 1, 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

B. Docket Nos. ER21111209 and GR21111210 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Electric and Gas Rate Adjustments Pursuant to the Energy Strong II Program; and

Docket Nos. EO18060629 and GO18060630 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of the Second Energy Strong Program (Energy Strong II).

BACKGROUND AND DISCUSSION: On November 1, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking cost recovery of certain investments within its Energy Strong II Program (Program) (Petition). After updating the Petition to reflect actual Program expenditures through January 31, 2022 (Update), the Company requested a revenue requirement of approximately \$15.5 million associated with electric investments and a revenue requirement of approximately \$887,000.00 associated with gas investments.

On April 1, 2022, the Company further updated the Petition to revise its electric revenue requirement due to an error identified in the Update associated with the annual depreciation rates for the Outside Plant - Grid Modernization Communication Infrastructure asset class. As a result, the Company's electric revenue requirement increased from approximately \$15.5 million to approximately \$17.0 million. The gas revenue requirement was unchanged from the Company's Update.

Further, PSE&G provided notification that the Constable Hook substation project within Energy Strong II would not be completed within the timeframe of the Program. Therefore, PSE&G requested to modify the Energy Strong II stipulation so that the Company may remove the Constable Hook substation project from the Program and replace this project with flood mitigation work on the Company's Front Street substation. As proposed, this modification to the Program would not change the overall Program budget, but would qualify Front Street flood mitigation work for accelerated recovery.

Upon review of the Petition, Update, and discovery, PSE&G, the New Jersey Division of Rate Counsel, and Board Staff (Staff) (collectively, Parties) executed a stipulation of settlement (Stipulation) resolving all issues related to the Petition.

As a result of the Stipulation, a typical residential electric customer using approximately 740 kilowatt-hours (kWh) in a summer month and 6,920 kilowatt-hours annually will see an increase in their annual bill of \$7.40, or 0.56%, and a typical residential gas customer using 172 therms in a winter month and 1,040 therms annually will see an increase in their annual bill of \$0.46, or 0.04%.

Staff recommended that the Board issue an Order approving the Stipulation and directing PSE&G to file tariffs consistent with its Order prior to June 1, 2022. Staff also recommended that the Board approve PSE&G's request to modify the Energy Strong II stipulation, which would allow the Company to substitute the Front Street substation project for the Constable Hook substation project within the 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

C. Docket No. GR21060952 – In the Matter of the Petition of Public Service Electric and Gas Company to Revise its Weather Normalization Charge for the 2021-2022 Annual Period.

BACKGROUND AND DISCUSSION: On June 30, 2021, Public Service Electric and Gas Company (PSE&G or Company) filed a petition with the Board seeking approval to adjust its Weather Normalization Clause (WNC) rate (2021 WNC Petition). In the 2021 WNC Petition, PSE&G sought approval to refund \$1,835,733.00 to customers over the 2021-2022 Winter Period through its WNC rate. The base level of normal degree days is defined in PSE&G's WNC Tariff for each month in the 2021-2022 Winter Period. Any excess or deficiency is to be credited or recovered in the following year during the Winter Period through the WNC.

According to the 2021 WNC Petition, the Heating Degrees Days for the 2020-2021 Winter Period were 269.17 days less than the normal heating degree days, resulting in a margin deficiency of \$31,244,886.00. PSE&G made the following four adjustments to the margin revenue deficiency to calculate the 2020-2021 WNC deferral and refund request in accordance with the WNC Tariff: (1) applied the WNC Tariff Earnings Test to the calculated margin revenue deficiency as a result of the warmer than normal 2020-2021 Winter Period; (2) included the remaining 2019-2020 WNC refund balance that was not fully refunded to customers over the 2020-2021 Winter Period due to lower usage from higher than normal temperatures; (3) included amounts collected from customers as a result of a provisional WNC rate in effect for October and November 2020 that should be refunded over the 2021-2022 Winter Period; and (4) included interest due on amounts collected from customers as described in item 3 above due to the provisional WNC rate in effect during October and November 2020.

In the 2021 WNC Petition, the Company proposed a WNC credit rate of \$0.001120 per balancing therm.

By Order dated September 14, 2021 in this docket, the Board approved a stipulation for provisional rates executed by the Parties (September 2021 Provisional Order). The September 2021 Provisional Order authorized PSE&G to implement a per therm WNC credit rate of \$0.001120 on a provisional basis for services rendered on and after October 1, 2021. This provisional rate was subject to refund after true up. Based on rates in effect at the time, the annual bill for typical PSE&G residential gas heating customers using 172

therms in a winter month and 1,040 therms annually would see a decrease in their annual bill of \$0.78.

On April 20, 2022, PSE&G made a compliance filing in this docket with the Board setting the WNC rate to \$0.000000 per kWh effective May 1, 2022 and rolling the remaining WNC balances into the Company's Gas Conservation Incentive Program (CIP) balance, which will be reviewed in the Company's initial CIP filing to be made June 1, 2022. PSE&G made this compliance filing as a result of the stipulated terms in the September 2021 Provisional Order.

The Company, the New Jersey Division of Rate Counsel, and Board Staff (collectively, Parties) executed a stipulation of settlement (Stipulation) which would allow PSE&G to make its WNC rate final.

Staff recommended the Board issue an Order adopting the Stipulation of the Parties. Staff further recommended the Board direct PSE&G to file tariffs consistent with the Order by June 1, 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

D. Docket No. GR21071016 – In the Matter of the Petition of South Jersey Gas Company to Revise the Levels of its Societal Benefits Clause (SBC) Charges and its Transportation Initiation Clause (TIC) Charge.

BACKGROUND AND DISCUSSION: On July 30, 2021, South Jersey Gas Company (South Jersey or Company) filed a petition with the Board seeking approval to revise the levels of its Transportation Initiation Clause (TIC) Charge and two components of its Societal Benefits Charge (SBC): the Remediation Adjustment Clause (RAC) and the Clean Energy Program (CLEP). South Jersey sought authority to increase the overall annual level of its SBC and TIC by \$0.9 million, including New Jersey sales and use tax (SUT), for November 2020 through October 2022, the 2021-2022 clause year.

On March 28, 2022, South Jersey submitted updates to the proposed RAC, CLEP and TIC per therm rates to reflect a credit for the Public Utility Assessment costs recovered through the RAC, CLEP and TIC rates during the period October 1, 2020 through February 28, 2022 (March 2022 Update).

Following a review of the July 2021 Petition, the March 2022 Update and discovery responses, South Jersey, Board Staff (Staff), and the New Jersey Division of Rate Counsel executed a stipulation of settlement (Stipulation) that would allow the Company to increase the overall annual level of its SBC and TIC by \$0.9 million and for the Company's implementation of the following per therm rates: a RAC rate of \$0.047912, a CLEP rate of \$0.032899, and a TIC credit of \$0.000055.

Based upon the Stipulation, the monthly bill impact on a typical residential heating customer using 100 therms in a winter month is an increase of \$0.13 or 0.08%.

Staff recommended that the Board issue an Order approving the Stipulation. Staff further recommended that the Board direct South Jersey to file revised tariffs consistent with the Order by May 31, 2022, for service rendered on and after June 1, 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

David Schmitt, Esq., Legal Specialist, Office of General Counsel, presented these matters.

E. Docket No. ER22010003 – In the Matter of Federal Energy Items for 2022 – FERC Docket No. AD21-15-000 – Joint Federal State Task Force on Electric Transmission – Cost Allocation.

BACKGROUND AND DISCUSSION: On June 17, 2021, the Federal Energy Regulatory Commission (FERC) issued an order establishing the Joint Federal-State Task Force on Electric Transmission (Task Force) and to conduct hearings on multiple transmission-related topics. On November 10, 2021, the Task Force held its first public meeting, where it discussed incorporating state policies into regional transmission planning. On February 16, 2022, the Task Force held its second public meeting, which focused on cost allocation.

On March 22, 2022, following the second meeting, FERC issued a notice inviting comments on the topics discussed. Specifically, the notice invited comments on what types of benefits transmission providers should take into account for transmission planning and cost allocation purposes, and whether or not the cost allocation processes should be reformed.

Board Staff (Staff), on behalf of the Board, submitted comments in response on April 1, 2022. These comments advocated for transmission planning and cost allocation reforms that would contain overall transmission costs for ratepayers, allow New Jersey to more cost-effectively meet our clean energy goals, and ensure other states pay for the reliability and economic benefits they derive from transmission infrastructure that facilitates New Jersey's public policy goals.

Staff recommended that the Board ratify the comments filed with FERC on April 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

F. Docket No. ER22010003 – In the Matter of Federal Energy Items for 2022 FERC Docket No. AD21-15-000 – Joint Federal State Task Force on Electric Transmission – Generation Interconnection.

BACKGROUND AND DISCUSSION: On June 17, 2021, the Federal Energy Regulatory Commission (FERC) issued an order establishing the Joint Federal-State Task Force on Electric Transmission (Task Force) and to conduct hearings on multiple transmission-related topics. On November 10, 2021, the Task Force held its first public meeting, where it discussed incorporating state policies into regional transmission planning. On February 16, 2022, the Task Force held its second public meeting, which focused on cost allocation.

On March 22, 2022, FERC announced that the third meeting of the Task Force would take place on May 6, 2022. The notice stated that the meeting aims to address barriers to the interconnection of new resources through the FERC-jurisdictional interconnection processes, such as possible participant funding for interconnection-related network upgrades in regional transmission organizations and independent system operators (RTOs and ISOs). The notice further invited interested parties, including state commissions, to submit comments on what specific questions and issues relating to these topics the Task Force should consider.

Board Staff (Staff), on behalf of the Board, submitted responsive comments on April 12, 2022. These comments recommended several topics of discussion relating to multiple problems with current interconnection processes that are frustrating New Jersey's clean energy policies and the broader clean energy transition. The comments also hinted at possible solutions or reforms Staff believes will alleviate these problems.

Staff recommended that the Board ratify the comments filed with the FERC on April 12, 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. ER22010003 – In the Matter of Federal Energy Items for 2022 – DOE Reference No. 6450-01-P Notice of Intent and Request for Information Regarding Establishment of a Civil Nuclear Credit Program.

BACKGROUND AND DISCUSSION: On February 15, 2022, the Department of Energy (DOE) published in the Federal Register the Notice of Intent and Request for Information Regarding Establishment of a Civil Nuclear Credit Program (CNC) (Notice). The CNC was established by the DOE pursuant to the Infrastructure Investment and Jobs Act (IIJA). It allocated \$6 billion, at \$1.2 billion per a year for five years, to nuclear reactors that are at risk of shutting down due to economic conditions.

On March 8, 2022, Board Staff (Staff) submitted comments responding to the Notice. The comments submitted to DOE argued that the Notice takes an overly expansive view of competitive markets and that it needs to take into account the ownership of the plant. Additionally, the comments stressed that the DOE should not punish states that have already helped their nuclear plants. Lastly, the comments makes several suggestions on how to improve the CNC program based on the Board’s experience with implementing the Zero Emission Credit Program.

Staff recommended that the Board ratify the comments filed with FERC on March 8, 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

H. Docket No. ER22010003 – In the Matter of Federal Energy Items for 2022 – FERC Docket No. ER22-962-000 – PJM Interconnection, L.L.C. Submits Order No. 2222 Compliance Filing and Motion for Extended Comment Period.

BACKGROUND AND DISCUSSION: On September 17, 2021, the Federal Energy Regulatory Commission issued Order No. 2222, which directed Regional Transmission Organizations and Independent System Operators to remove certain regulations that limit participation by distributed energy resources (DERs) in regional wholesale markets. PJM conducted an intensive stakeholder process and filed a compliance proposal in response to Order No. 2222 on February 1, 2022 (Compliance Filing).

On April 1, 2022, Board Staff (Staff), on behalf of the Board, filed Comments in response to PJM’s Compliance Filing. The comments expressed overall support of PJM’s DER integration approach, emphasized areas that warrant further investigation as technology and resource supply changes, and requested clarification on the registration process.

Staff recommended that the Board ratify the comments filed by Staff on April 1, 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

I. Docket No. ER22010003 – In the Matter of the Federal Energy Items for 2022 – FERC Docket No. ER22-902 – PJM Interconnection, L.L.C. – Response to protests of the State Agreement Approach Term sheet.

BACKGROUND AND DISCUSSION: On January 27, 2022, PJM submitted to the Federal Energy Regulatory Commission (FERC) the executed State Agreement Approach (SAA) Term Sheet as Schedule 49 (SAA Agreement) of PJM's Tariff. The SAA process allows states to formally incorporate their state policy goals into PJM's Regional Transmission Expansion Plan.

The Board entered into the SAA process in November 2020 when it formally requested that PJM began the SAA process to explore potential efficient and effective transmission solutions to interconnect offshore wind generation. The SAA Agreement is a negotiated agreement between PJM and the Board that establishes the obligations of the Board under the SAA process but also allows New Jersey and its ratepayers to be reimbursed in the event that another user benefits from such project(s) in the future.

Board Staff (Staff), on the Board's behalf, filed comments on February 11, 2022 supporting PJM's approval of the SAA Agreement. On February 17, 2022, the Ohio Federal Energy Advocate and Indicated PJM Transmission Owners filed limited protests over the SAA Term Sheet. On March 4, 2022, Staff, on behalf of the Board, filed an answer to these protests explaining that it does not violate past precedent, proportionality allocates costs to voluntary users, and does not violate PJM's Tariff or Operating Agreement.

Staff recommended that the Board ratify the comments filed by Staff on March 4, 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 (P.L. 2021, c. 161) – Executive Session.

This matter was deferred.

5. WATER

There were no items in this category.

6. RELIABILITY AND SECURITY

A. Docket No. GE20090600 – In the Matter of the Petition of South Jersey Gas Company for Authorization to Construct and Operate a 16-Inch Pipeline Pursuant to N.J.A.C. 14:7-1.4 Camden County Reliability Project Phase II.

Jody Raines, Deputy Director, Division of Reliability and Security, presented this matter.

BACKGROUND AND DISCUSSION: On September 21, 2020, South Jersey Gas Company (Company, SJG) filed a petition with the Board seeking authorization and approval to construct approximately 6.3 miles of 16-inch natural gas pipeline (Pipeline or Project). N.J.A.C. 14:7-1.4 requires the operator of a pipeline to seek Board approval prior to operating a pipeline in excess of 250 pounds per square inch gauge (psig) that is within 100 feet of any building intended for human occupancy and further requires that pipelines designated as transmission pipelines satisfy the requirements of 49 C.F.R 192 and N.J.A.C. 14.7-1.1 et seq. Although the Company classifies this as a distribution pipeline operating at 600 psig, they will operate it in accordance with the safety requirements for transmission pipelines.

The Project is the second and final phase of a pipeline upgrade that commenced in 2017, the first phase of which was previously approved by the Board. The Project's proposed alignment will commence within the Borough of Pine Hill, pass through Gloucester Township, terminate in Winslow Township, and be constructed entirely in the municipal and county road rights-of-way. The Company examined three routes and chose Route A as their preferred route.

Board Staff reviewed the Company's proposal; including the project design, construction plans and specifications, the listing of structures within 100 feet of the Pipeline and their distances from the proposed Pipeline alignment, conducted a full field inspection of the entire proposed Pipeline route, and examined the alternative routes considered. Staff noted that the Petition did not list the requirement that the Pipeline conform to the provisions of N.J.A.C. 14.7-1.11(c), in addition to the other requirements of the Federal Pipeline Safety Code and New Jersey Administrative Code. N.J.A.C. 14.7-1.11(c) specifically requires a minimum six-inch cushion of clean soil or select fill surrounding the Pipeline on all sides.

The New Jersey Division of Rate Counsel submitted comments on this matter, suggesting that the Board limit its decision to safety related issues, and reserve the parties' rights to address prudence and ratemaking in a future base rate proceeding.

Staff recommended that the Board approve SJG's request to construct the Pipeline, pursuant to their compliance with all applicable safety regulations, and subject to the approval of all other required permits. Staff also recommends approval be subject to the following:

- 1. That the Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by SJG;
- 2. That the Order shall not affect nor in any way limit the exercise of the authority of the Board or this State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting SJG;
- 3. In an appropriate subsequent proceeding, SJG shall have the burden of demonstrating whether, and to what extent, any of the costs associated with this petition shall be allocated to ratepayers. This Order does not provide authorization to include in rate base the specific assets that are or will be completed as a result of the construction of the proposed Pipeline;
- 4. The Order does not constitute Board approval of any costs or expense associated with this petition. Any determination as to the appropriateness or reasonableness of the costs and expenses related to the proposed Pipeline, including, but not limited to, cost of construction, contributions in aid of construction, depreciation on contributed plant, the cost of connection, or any related capital improvements, and the allocation of such cost and expenses, shall be made in an appropriate subsequent proceeding

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

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO22040234 – In the Matter of Energy Efficiency Evaluation Study Team – Executive Session.

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

BACKGROUND AND DISCUSSION: This matter was initially discussed in executive session and it involved the Board's adoption of the Energy Efficiency (or EE) Transition Framework in June 2020, the Evaluation, Measurement, and Verification (or EM&V) Working Group has been developing recommendations for the Board's consideration on a standard, transparent, and replicable approach to EM&V statewide.

The EM&V Working Group is led by the Statewide Evaluator (or SWE) in concert with Staff, Rate Counsel, and the electric and gas public utilities. The EM&V Working Group provides guidance and input on:

- Developing and monitoring EM&V plans, budgets and timelines;
- Developing study guidelines to evaluate EE program performance;
- Consulting on EM&V requirements for program administrators, including data to be tracked and reported; and
- Establishing methods to evaluate strategic electrification.

The EM&V Working Group has identified EM&V studies that are necessary to achieve the Clean Energy Act's EM&V requirements for the current three-year cycle (or triennium) of programs, which end June 30, 2024, and to plan the next triennium of programs.

The EM&V Working Group has four entities conducting the studies: independent evaluators of the utilities, SWE, the Rutgers Center for Green Building, and an Evaluation Study Team (or EST).

Staff recommended that the Board approval to release a Request for Quotations to engage an EST with specific skills, experience and resources to conduct the following subset of the EM&V studies:

- State Program Impact Evaluations
- State Program Process Evaluations
- A Statewide Commercial & Industrial Baseline Study
- A Net-to-Gross Study
- The Technical Reference Manual Comprehensive Update
- Goal-setting studies for individual measures
- A Heat Pump and Electrification Study

In summary, Staff sought to procure an EST as part of a three-year contract, with the option to extend up to two years, to conduct the aforementioned studies, as well as possible ad hoc studies determined later in the contract period as necessary to evaluate the current triennium of programs and to plan for the next triennium of programs.

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. QO21121247 – In the Matter of Request for Quotation for Consulting Services for the 3rd Offshore Wind Solicitation – Executive Session.

Jim 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 awarding of a contract to an offshore wind consultant to assist Staff in developing and issuing the third solicitation for offshore wind generation, and to evaluate responses to that solicitation.

Staff prepared an Request for Quotation (RFQ) for the third solicitation consultant, and on January 26, 2022 the Board authorized release of the RFQ.

Staff is conducting this procurement under an approved Waiver Supplement to the State of New Jersey Standard Terms and Conditions. The Waiver Supplement allowed the RFQ to be issued to a pre-selected group of qualified consultants.

An evaluation committee was formed to review, evaluate, and discuss proposals received, and to reach a recommendation for award of the offshore wind consulting contract.

Staff recommended that the Board authorize a contract as discussed in executive session, subject to New Jersey Department of the Treasury approval.

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. QO22030119 – In the Matter of the Remote Net Metering Application Filed Pursuant to the Board’s Application and Approval Process Implementing Provisions of the Clean Energy Act of 2018 – Advanced Solar Products/Newton Board of Education.

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

BACKGROUND AND DISCUSSION: This matter involved an application submitted by Advanced Solar Products (ASP) for Remote Net Metering at the Newton Board of Education.

The Clean Energy Act of 2018 directed the Board to "establish an application and approval process to certify public entities to act as a host customer for remote net metering capacity" within one hundred and twenty days of enactment.

In compliance with this directive, the Board approved such a process and Public Entity Certification agreement by Order dated September 17, 2018.

On January 31, 2022, ASP submitted a Remote Net Metering application for Newton to the Board Secretary’s Office. The application included a fully executed Public Entity Certification Agreement and an Interconnection Application (Part 1) executed by the Newton Business Administrator as a representative of the customer-generator.

The Public Entity Certification Agreement lists two “host customer accounts” by account number and their associated historic annual consumption which was used for sizing the solar electric generation facility. Staff found that the size of the generator was correctly determined by summing the consumption from both accounts, dividing by the number of host accounts, and further divided by the 1200 kWh per kW production factor as specified in the September Order.

The Certification Agreement further specifies that the primary host account, where the proposed 202.5 kW solar electric generation facility will be located, is the Newtown High School. The Agreement also indicates that the two “host customer accounts” will be serving as the “receiving customer accounts” and lists the percentage allocation of credits from the proposed solar facility.

Staff confirmed with Jersey Central Power & Light (JCP&L), as the electric distribution companies (EDC) serving Newton, its receipt of their customer’s remote net-metering (RNM) application. JCP&L advised Staff that it received both the Public Entity Certification Agreement and Part 1 of the Interconnection Application and found them to be administratively complete and feasible. JCP&L further advised that is has reviewed the Interconnection Application and granted conditional approval.

Staff recommended that the Board find that the applicant has proposed a solar electric generation facility that is consistent with the size limits established by the Board's 2018 Remote Net Metering Order. Staff also recommended that the Board find the proposed solar electric generation facility described in the remote net metering application satisfies the criteria set out by the Board in the Remote Net Metering Order and approve the public entity certification agreement for the Newton Board of Education project.

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

There were no items in this category.

EXECUTIVE SESSION

After appropriate motion, the following matters, which involved pending litigation and/or attorney-client privilege, were discussed in Executive Session.

4. TELECOMMUNICATIONS

A. Docket No. TO21121237 – In the Matter of the Broadband Access Study Commission (P.L. 2021, c. 161).

This matter was deferred.

8. CLEAN ENERGY

A. Docket No. QO22040234 – In the Matter of Energy Efficiency Evaluation Study Team.

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. 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.


CARMEN D. DIAZ
ACTING BOARD SECRETARY

Date: 2/17/2023