



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 New Jersey Board of Public Utilities was held on September 28, 2022, via online @ <https://youtu.be/Omj8PsTcHTw>

Adequate notice of the meeting was provided pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.3. Notice was also provided in accordance with the requirements of N.J.S.A 48:2-32.8, and notice was posted to the Board's website and posted on the Board's bulletin board located at 44 South Clinton Ave., Trenton, New Jersey.

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

Joseph L. Fiordaliso, President*
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner*
Robert M. Gordon, Commissioner
Dr. Zenon Christodoulou, Commissioner

*President Joseph L. Fiordaliso and Commissioner Dianne Solomon participated by phone.

Commissioner Gordon presided at the meeting and Taryn Boland, Chief of Staff, carried out the duties of the Secretary.

It was also announced that the next regular Board Meeting will be held on October 12, 2022 at 10:00 a.m. and would be a hybrid meeting at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and livestreamed via YouTube.

EXECUTIVE SESSION

After appropriate motion, the following matter, which involved attorney-client privilege and/or contract negotiations exceptions, was discussed in Executive Session.

1. AUDITS

- A. Docket No. GA22030141 – In the Matter of an Audit of the Affiliated Transactions between Elizabethtown Gas Company (“ETG”) and South Jersey Industries and its Affiliates and ETG’s Compliance with Affiliate Relations and Fair Competition Standards and Electric Discount and Energy Competition Act and a Comprehensive Management Audit of Elizabethtown Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-2.1 – 14:3-12.4, 14:4.5 et seq.**

BACKGROUND: This matter was discussed in Executive Session. This matter related to the selection of a management consultant to perform a comprehensive management audit of Elizabethtown Gas Company (“ETG”) and audit of affiliated transactions between ETG, affiliates, including South Jersey Industries and ETG’s compliance with Affiliate Relations and Fair Competition Standards and the Electric Discount and Energy Competition Act.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board approve Staff’s recommendations consistent with the discussion in executive session.

8. CLEAN ENERGY

- A. 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.**

BACKGROUND: This item pertained to the School and Small Business (“SSB”) Energy Efficiency Stimulus Program, which was created by the New Jersey Board of Public Utilities (“Board”) in October 2021. The program consists of the School and Small Business Noncompliant Plumbing Fixture and Appliance Program and the School and Small Business Ventilation and Energy Efficiency Verification Repair Program. The programs were designed to provide grants to schools and small businesses for the installation of certain heating, ventilation, and air conditioning systems, along with energy efficient and water conserving appliance and fixtures in order to improve air quality and energy efficiency in school districts under the jurisdiction of the Board of Education and small businesses. This also includes school districts and small businesses specifically in underserved communities. The program is funded by \$180 million of federal money made available through the American Rescue Plan Act of 2021. To receive the federal funding, the Board entered into a Memorandum of Understanding (“MOU”) with DCA on October 8, 2021. The program funds were divided into eight (8) distinct categories as established in the law. The Fiscal Year 2023 State budget grants the Board the ability to reallocate funding to better serve the needs of the program. The MOU must be updated to reflect this change. Additionally, the MOU contained a provision that due to Executive Order 166

an integrity monitor should be procured for the program because the grant exceeds \$20 million. Board Staff (“Staff”) worked with Treasury on procuring integrity monitoring for the program.

On May 23, 2022, Treasury released a bidding opportunity on the project to preselect the firms. On June 27, 2022, Treasury received four (4) responses.

Staff recommended that the Board approve the MOU and designate President Fiordaliso to sign the new MOU on behalf of the Board. Staff further recommended that the Board approve the evaluation committee’s selection of the integrity monitor subject to final approval by Treasury.

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

BACKGROUND: On February 2, 2022, Ocean Wind, LLC (“Ocean Wind”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking a determination that certain easements across Green-Acres designated properties, as well as consents needed for certain environmental permits in, and with respect to the City of Ocean City (“Ocean City”) are reasonably necessary for the construction or operation of the Ocean Wind One project. The Board approved the Ocean Wind One Project in June 2019 as the first qualified offshore wind project.

The petition pursuant to the 2021 Amendment to Offshore Wind Economic Development Act (“OWEDA”) (“2021 Amendment”), signed by Governor Murphy in July 2021. The 2021 Amendment grants qualified offshore wind projects the power to supersede State and local government powers with respect to certain property rights and consents. The power can only be exercised if the Board finds that the property rights and consents are “reasonably necessary” for construction or operation of the project.

According to Ocean Wind, the easements and consents sought in the petition were intended to enable construction and operation of the electricity export cables that would run from the offshore wind farm to the point of interconnection at the B.L. England substation, which is one of two points of interconnection to the electric grid in New Jersey that are planned by the project.

Based on these findings, Staff recommended that the Board approve the petition.

E. Docket No. QO21060890 – In the Matter of the Petition for Assignment of “Preferred” TREC Factor for Two Pilot Dual-Use Solar Projects Pursuant to the Board’s Transition Incentive Order – Washington Solar Farm, LLC and Quakertown Solar Farm, LLC.

This matter involves an active appeal before the New Jersey Superior Court, Appellate Division. Staff of the New Jersey Board of Public (“Board”) provided a litigation update to the Board. There was no action required by the Board for this matter.

After appropriate motion, the Board reconvened to open session.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

A. Docket Nos. BPU GO17010023 and OAL PUC 01160-17 – In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulator Station Pursuant to N.J.S.A. 40:55D-19; and

Docket Nos. BPU GO18111257 and OAL PUC 17810-18 – In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulator Station Pursuant to N.J.S.A. 40:55D-19.

BACKGROUND: On May 18, 2022, the New Jersey Board of Public Utilities (“Board”) received the Initial Decision of Administrative Law Judge (“ALJ”) Elia A. Pelios, which had a 45-day statutory period for review and the issuance of a Final Decision by July 5, 2022. On June 8, 2022, the Board issued an Order extending the deadlines to file exceptions to the Initial Decision to July 1, 2022, replies to exceptions to July 25, 2022, and the Board’s Final Decision to August 19, 2022. On August 17, 2022, the Board issued an Order extending the deadlines to file exceptions to July 5, 2022, replies to exceptions to July 29, 2022, and the Board’s Final Decision to October 3, 2022.

Additional time was required for Board Staff (“Staff”) and the Attorney General’s Office to review the Initial Decision, exceptions, reply to exceptions and perform a full review of the record.

Staff recommended that the Board grant Staff’s request for an additional 45-days prior to the Board rendering its Final Decision until November 17, 2022.

III. CABLE TELEVISION

A. Docket No. CE21050855 – In the Matter of the Petition of Comcast of Gloucester County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of National Park, County of Gloucester, State of New Jersey.

BACKGROUND: On February 27, 2020, the Borough of National Park (“National Park”) was notified by Comcast of Gloucester County, LLC (“Comcast”) of its intention to utilize the automatic renewal provision of its municipal consent. National Park’s ordinance granting municipal consent, which was adopted February 2, 2005, granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on March 27, 2020. On August 28, 2020, Comcast filed a petition with the New Jersey Board of Public Utilities (“Board”) for an Automatic Renewal Certificate.

After review, Board Staff recommended approval of the Automatic Renewal Certificate. The certificate shall expire on March 27, 2030.

B. Docket No. CE22080484 – In the Matter of the Petition of Comcast of New Jersey II, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Perth Amboy, County of Middlesex, State of New Jersey.

BACKGROUND: On November 1, 2020, Comcast of New Jersey II, LLC (“Comcast”) filed an application with the City of Perth Amboy (“Perth Amboy”) for renewal of its municipal consent. On May 25, 2022, Perth Amboy adopted an ordinance granting a renewal municipal consent, which Comcast formally accepted on July 12, 2022. On August 9, 2022, Comcast filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval.

After review, Board Staff recommended approval of the petition. The certificate shall expire on August 1, 2031.

C. Docket No. CE21070982 – In the Matter of the Petition of Comcast of Gloucester County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of East Greenwich, County of Gloucester, State of New Jersey.

BACKGROUND: On April 17, 2021, the Township of East Greenwich (“East Greenwich”) was notified by Comcast of Gloucester County, LLC (“Comcast”) of its intention to utilize the automatic renewal provision of its municipal consent. East Greenwich’s ordinance granting municipal consent, which was adopted June 27, 2006, granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on May 7, 2021. On July 9, 2021, Comcast filed a petition with the New Jersey Board of Public Utilities (“Board”) for an Automatic Renewal Certificate.

After review, Board Staff recommended approval of the Automatic Renewal Certificate. The certificate shall expire on May 7, 2031.

D. Docket No. CE21071003 – In the Matter of the Petition of Comcast of Avalon, LLC, for a Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Avalon, County of Cape May, State of New Jersey.

BACKGROUND: On May 24, 2021, the Borough of Avalon (“Avalon”) was notified by Comcast of Avalon, LLC (“Comcast”) of its intention to utilize the automatic renewal provision of its municipal consent. Avalon’s ordinance granting municipal consent, which was adopted September 12, 2007, granted a term of 15 years with an automatic renewal term of 10 years. The initial term expired on June 24, 2021. On July 22, 2021, Comcast filed a petition with the New Jersey Board of Public Utilities (“Board”) for an Automatic Renewal Certificate.

After review, Board Staff (“Staff”) recommended approval of the Automatic Renewal Certificate. The certificate shall expire on June 24, 2031.

E. Docket No. CE21030651 – In the Matter of the Petition of Comcast of Burlington County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Willingboro, County of Burlington, State of New Jersey.

BACKGROUND: On November 30, 2020, the Township of Willingboro (“Willingboro”) was notified by Comcast of Burlington County, LLC (“Comcast”) of its intention to utilize the automatic renewal provision of its municipal consent. Willingboro’s ordinance granting municipal consent, which was adopted February 13, 2007, granted a term of 15 years with an automatic renewal term of 10 years . The initial term expired on December 31, 2020. On March 12, 2021, Comcast filed a petition with the New Jersey Board of Public Utilities (“Board”) for an Automatic Renewal Certificate.

After review, Board Staff recommended approval of the Automatic Renewal Certificate. The certificate shall expire on December 31, 2030.

IV. TELECOMMUNICATIONS

A. Docket No. TM22070455 – In the Matter of the Verified Petition of AMP Capital Investors International Holdings Ltd., Everstream Solutions LLC, and DB Puma GIF II GP HoldCo, LLC to Transfer Indirect Control of Everstream Solutions LLC to DB Puma GIF II GP HoldCo, LLC.

BACKGROUND: By letter dated July 26, 2022, AMP Capital Investors International Holdings Ltd. (“Transferor”), Everstream Solutions LLC (“Licensee”), and DB Puma GIF II GP HoldCo, LLC (“Transferee”), pursuant to N.J.S.A. 48:2-51.1, requested approval from the New Jersey Board of Public Utilities (“Board”) to transfer indirect control of the Licensee from Transferor to Transferee. The Transferor was selling ownership interest in AMP Capital Investors (GIF II GP) S.à.r.l. to the Transferee, resulting in a change in voting control of Licensee (“Transaction”). Subsequent to the Transaction, the Licensee would continue to be an indirect, wholly owned subsidiary of Midwest Fiber Holdings LP, which would remain indirectly owned by four limited partnerships organized in Luxemburg, collectively referred to as GIF II, with ownership interest held by Midwest Fiber Management LP.

Board Staff (“Staff”) reviewed the petition and supporting documents and did not find any reason to believe that there would be an adverse impact on rates, competition in New Jersey, the employees of the Licensee, or on the provision of safe, adequate and proper service to New Jersey consumers. Moreover, Staff believed that a positive benefit may be expected from the strengthening of the Licensee’s competitive posture in the telecommunications market. Staff recommended approval of the petition.

V. WATER

A. Docket No. WE22030200 – In the Matter of the Petition of SUEZ Water New Jersey Inc. for the Approval of Municipal Consent to Own and Operate Water System in the Borough of Allendale and Approval of the Issuance of Revised Tariff Sheets Setting Forth SUEZ Water New Jersey Inc.’s Expanded Service Area and Rates Related to the Transfer of Water Assets from the Borough of Allendale to SUEZ Water New Jersey Inc.

BACKGROUND: On March 30, 2022, SUEZ Water New Jersey Inc. (“SWNJ”) filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:2-14, N.J.A.C. 14:1-5.5, and N.J.A.C. 14:1-5.11, seeking approval of the following: 1) Asset Purchase Agreement and related Municipal Ordinances adopted by the Borough of Allendale (“Allendale”) to allow SWNJ to provide water service to the customers in Allendale (“Proposed Franchise Area”), authorizing the sale of the Allendale’s water system; and 2) the expansion of SWNJ’s service territory to include customers in the Proposed Franchise Area.

Ordinance 22-02 grants municipal consent to construct and maintain water facilities and provide water service as defined in N.J.S.A. 48:2-14, N.J.S.A. 48:3-11, N.J.S.A. 48:3-15, N.J.S.A. 48:19-17 and N.J.S.A. 48-19-20.

Board Staff recommended that the Board approve the municipal consent, Ordinance No. 22-02, adopted May 12, 2022, granted to SWNJ by Allendale, subject to certain conditions.

B. Docket No. WR22090555 – In the Matter of Pinelands Water Company for Approval of an Increase in its Rates for Water Service and Other Tariff Changes.

BACKGROUND: On September 7, 2021, the Pinelands Water Company, a public utility of the State of New Jersey with its principal business office located at 485C Route One South, Suite 400, Iselin, New Jersey 08830, filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting authorization to increase its base tariff rates and charges for water service amounting to approximately \$609,576 or 64.22% above annual revenue, with a proposed rate effective date of October 7, 2023.

Board Staff recommended that the Board issue an Initial Suspension Order suspending the requested rates until February 7, 2023.

C. Docket No. WR22090556 – In the Matter of Pinelands Wastewater Company for Approval of an Increase in its Rates for Wastewater Service and Other Tariff Changes.

BACKGROUND: On September 7, 2022, the Pinelands Wastewater Company, a public utility of the State of New Jersey with its principle business office located at 485C Route One South, Suite 400, Iselin, New Jersey 08830, filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting authorization to increase its base tariff rates and charges for wastewater service amounting to approximately \$417,000 or 26.76% above annual revenue, with a proposed rate effective date of October 7, 2023.

Board Staff recommended that the Board issue an Initial Suspension Order suspending the requested rates until February 7, 2023.

VI. RELIABILITY AND SECURITY

A. Docket Nos. GS22080517K, GS22080518K, GS22080519K, GS22080520K, GS22080521K, GS22080522K, GS22080523K, GS22080524K, GS22080525K, GS22080526K, GS22080527K, GS22080528K, GS22080529K, GS22080530K, GS22080531K, GS22080532K, GS22080533K, WS22080534K, WS22080535K, GS22080536K, and GS22080537K – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91.

BACKGROUND: This matter involved settlements of alleged violations of the Underground Facility Protection Act by both excavators and operators of underground facilities. This matter did not contain settlements involving catastrophic situations, death, or major property damage. The categories of infraction were failure to provide proper notice, failure to use reasonable care, and mismarking of facilities. The cases were settled in accordance with a penalty strategy, which escalates in relationship to aggravating factors, such as injury, property damage, fire, evacuation, road closure, and other public safety concerns, and provides disincentives for violations. There were 21 settlements which total \$63,000.00.

Staff of the New Jersey Board of Public Utilities (“Board”) recommended that the Board approve the settlements provided in the Appendix.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

- A. Docket No. QO19010040 – In the Matter of the Implementation of L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs;

Docket No. EO20090621 – In the Matter of the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three;

Docket No. GO20090619 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act and the Establishment of a Conservation Incentive Program;

Docket No. EO20090620 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of JCP&L's Energy Efficiency and Conservation Plan Including Energy Efficiency and Peak Demand Reduction Programs (JCP&L EE&C);

Docket No. GO20090622 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq.;

Docket Nos. GO18101112 and EO18101113 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Its Clean Energy Future-Energy Efficiency (“CEF-EE”) Program on a Regulated Basis;

Docket No. EO20090623 – In the Matter of the Petition of Rockland Electric Company for Approval of Its Energy Efficiency and Peak Demand Reduction Programs; and

Docket No. GO20090618 – In the Matter of the Petition of South Jersey Gas Company for Approval of New Energy Efficiency Programs and Associated Cost Recovery Pursuant to the Clean Energy Act.

BACKGROUND: This matter related to a request by the investor-owned electric and gas utilities for a 33-day extension to file their Program Year (“PY”) 2022 (July 1, 2021 – June 30, 2022) energy efficiency annual reports by October 17, 2022.

Staff of the New Jersey Board of Public Utilities (“Board”) recommended that the Board grant the extension request and authorize the Secretary to issue a letter expressing the same.

IX. MISCELLANEOUS

There were no items in this category.

CONSENT LATE STARTER A.*

Docket No. QO22050347 - In The Matter of The Petition of Ocean Wind LLC Pursuant to N.J.S.A. 48:3-87(F) for a Determination that Certain Easements and Consents Needed for Certain Environmental Permits in, and With Respect to, the County of Cape May are Reasonably Necessary for the Construction or Operation of The Ocean Wind 1 Qualified Offshore Wind Project – Order Designating Substitute Public Hearing Officer

BACKGROUND: On May 20, 2022, Ocean Wind LLC (“Petitioner”) filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:3-87.1(f) seeking the Board’s determination that certain easements across properties owned by the County of Cape May (“County”) and certain consents needed from the County for certain environmental permits in or with respect to the County are reasonably necessary for the construction or operation of the Petitioner’s qualified offshore wind project, Ocean Wind 1.

The Board designated President Joseph L. Fiordaliso as the presiding officer in this matter. In accordance with the procedural schedule, two (2) public hearings are scheduled to be held on September 29, 2022 (“Public Hearings”). Due to unforeseen circumstances, President Fiordaliso was be unable to preside over the Public Hearings in this matter.

Board Staff (“Staff”) recommended that the matter should proceed in accordance with the procedural schedule. Staff recommended that the Board designate Commissioner Robert M. Gordon to conduct the Public Hearings in place of President Fiordaliso.

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

- A. Docket No. GA22030141 – In the Matter of an Audit of the Affiliated Transactions between Elizabethtown Gas Company (“ETG”) and South Jersey Industries and its Affiliates and ETG’s Compliance with Affiliate Relations and Fair Competition Standards and Electric Discount and Energy Competition Act and a Comprehensive Management Audit of Elizabethtown Gas Company Pursuant to N.J.S.A. 48:2-16.4, 48:3-49, 48:3-58 and N.J.A.C. 14:3-2.1 – 14:3-12.4, 14:4.5 et seq. – Executive Session.**

Alice Bator, Director, Division of Audits, presented this matter.

BACKGROUND: This matter was initially discussed in Executive Session. This matter related to the selection of a management consultant to perform a comprehensive management audit of Elizabethtown Gas Company (“ETG”) and audit of affiliated transactions between ETG, affiliates, including South Jersey Industries and ETG’s compliance with Affiliate Relations and Fair Competition Standards and the Electric Discount and Energy Competition Act.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board approve Staff’s recommendations consistent with the discussion in executive session.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

2. ENERGY

A. Docket No. GR22030152 – In the Matter of the Petition of Public Service Electric and Gas Company to Modify its Manufactured Gas Plant (MGP) Remediation Component Within its Electric Societal Benefits Charge (SBC) and its Gas SBC; During the Remediation Adjustment Charge (RAC) 29 Period, August 1, 2020, to July 31, 2021.

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On March 22, 2022, Public Service Electric Service and Gas Company (“PSE&G”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking review and approval to modify the Manufactured Gas Plant (“MGP”) component within its Societal Benefits Charge (“SBC”) to recover the net MGP costs incurred during the Remediation Adjustment Clause (“RAC”) period (August 1, 2020 through July 31, 2021). Based upon the net RAC period cost and the amortization of previous RAC period expenses, PSE&G proposed a decrease in the current RAC recoveries of approximately \$9.85 million in gas revenue and approximately \$6.16 million in electric revenue. The parties executed a stipulation that would allow PSE&G to modify its electric and gas RAC rates consistent with the petition. As a result of the stipulation, a typical residential gas heating customer would see a decrease in their annual bill of \$3.58 and a typical residential electric customer would see a decrease in their annual bill of \$1.00.

Board Staff (“Staff”) recommended that the Board issue an order approving a stipulation directing PSE&G to file revised tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

B. Docket No. GR22060371 – In the Matter of the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs.

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On June 1, 2022, New Jersey Natural Company (“NJNG”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking review and approval to modify its existing Energy Efficiency (“EE”) rate. Through discovery, NJNG updated the petition to include actual information through July 2022. The parties executed a stipulation that would allow NJNG to implement an EE rate for the programs established from 2010 through 2018 consistent with the petition and for programs established since 2021 consistent with the update. As a result of the stipulation, a typical residential heating customer would see a decrease in their monthly bill of \$0.52.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation

and directing NJNG to file revised tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

C. Docket No. GR22060362 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Gas Conservation Incentive Program (2022 PSE&G Gas Conservation Incentive Program Rate Filing).

Paul Lupo, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On September 23, 2020, the New Jersey Board of Public Utilities (“Board”) approved Public Service Electric and Gas Company’s (“PSE&G’s”) Clean Energy Future – Energy Efficiency Program, which included, among other things, the establishment of the electric and gas Conservation Incentive Program (“CIP”) mechanism to account for lost revenues resulting from the potential decrease in customer energy usage stemming from administering clean energy programs. The CIP is calculated each month, by applicable rate schedule, by subtracting the baseline revenue per customer from the actual revenue per customer and multiplying the resulting revenue per customer by the actual number of customers for that month and it results in either a CIP margin deficiency, which is to be collected from customers, or a margin excess, which is to be refunded to customers. On June 1, 2022, PSE&G filed a petition seeking approval to revise its gas CIP and associated customer rates. As proposed in the petition, the gas CIP recovery was approximately \$53.025 million, which represents approximately \$24.65 million of allowed non-weather related gas distribution margin recovery, approximately \$28.316 of weather related gas distribution margin recovery, and approximately \$93,375.00 related to the weather normalization charge, which had an ending balance that was transferred on May 1, 2022. The parties executed a stipulation for provisional rates that would allow PSE&G to implement the gas CIP rates proposed in the petition on a provisional basis, subject to refund with interest. As a result of the stipulation, the annual bill impact on a typical residential gas heating customer is an increase of \$30.38.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation for provisional rates and directing PSE&G to file tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

D. Docket No. ER22050323 – In the Matter of the Petition of Atlantic City Electric Company for Approval of Electric Base Rate Adjustments Pursuant to the PowerAhead Program (5/2022).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On May 2, 2022, Atlantic City Electric Company (“ACE”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking cost recovery of certain investments within its approved PowerAhead program. In the petition and as updated, ACE sought to recover the projected revenue requirements associated with the capital investments through June 30, 2022 not yet recovered in base rates of approximately \$1.579 million. The parties executed a stipulation that would allow ACE to recover a revenue requirement consistent with the update on a provisional basis subject to refund. As a result of the stipulation, a typical residential customer would see an increase in their monthly bill of \$0.17.

Board Staff (“Staff”) recommends that the Board issue an order approving the stipulation and directing ACE to file revised tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

E. Docket No. EO22070469 – In the Matter of the Petition of Rockland Electric Company’s Annual Conservation Incentive Program Filing – Reconciliation for the Period July 1, 2021 – June 30, 2022.

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On June 9, 2021, the New Jersey Board of Public Utilities (“Board”) approved Rockland Electric Company’s (“RECO’s”) EE filing, which included, among other things, the establishment of an electric Conservation Incentive Program (“CIP”) mechanism to account for lost revenues resulting from the potential decrease in customer energy usage stemming from administering clean energy programs. The CIP is calculated each month by applicable rate schedule by subtracting the baseline revenue per customer with the actual revenue per customer and multiplying the resulting revenue per customer by the actual number of customers for the month and that results in either a CIP margin deficiency to be collected from the customers or a margin in excess to be refunded to the customers. On July 29, 2022, RECO filed a petition seeking approval to adjust its CIP rates based upon an initial deferral period of July 1, 2021 to June 30, 2022, and recover a net CIP amount of \$805,422.00. RECO proposed a rate adjustment related to changes in the average revenue per customer when compared to a baseline revenue per customer. The parties executed a stipulation that would allow RECO to implement CIP rates consistent with the petition on a provisional basis subject to refund with interest. As a result of the stipulation, RECO’s average residential customer would see a decrease in their annual bill of \$2.04.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation for provisional rates and directing RECO to provide revised tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

F. Docket No. GR22040316 – In the Matter of the Petition of Elizabethtown Gas Company for Approval of a Rate Adjustment Pursuant to the Infrastructure Investment Program (“IIP”).

Paul Lupo, Bureau Chief, Division of Water and Energy, presented this matter.

BACKGROUND: On April 29, 2022, Elizabethtown Gas Company (“ETG”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to recover approximately \$6.3 million in revenue requirement associated with its Infrastructure Investment Program (“IIP”) for the period July 1st, 2021 through June 30, 2022 and they anticipated approximately \$57.5 million in projects to be placed in service. ETG updated its schedules to include actual IIP expenditures through June 30, 2022 that supported a revenue requirement of approximately \$6.3 million in actual investments of approximately \$57.7 million. The parties executed a stipulation that would allow ETG to recover revenue requirement of approximately \$6.3 million consistent with the update on a provisional basis, subject to refund. As a result of the stipulation, a typical residential customer would see an increase in their monthly bill of \$1.93.

Board Staff (“Staff”) recommended that the Board issue an order approving the stipulation and directing ETG to file revised tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

G. Docket No. ER22060374 – In the Matter of the 2022/2023 Annual Compliance Filings for the Universal Service Fund (“USF”) Program Factor within the Societal Benefits Charge Rate.

Maureen Clerc, Division of Customer Assistance, presented this matter.

BACKGROUND: This matter related to the electric and gas utilities’ annual compliance filing to determine the Universal Service Fund (“USF”), and the Lifeline program budgets and rates in the forthcoming program year. USF provides energy assistance benefits to

approximately 227,000 households in the current year, up 54 percent from the same time frame in the previous year. The New Jersey Department of Community Affairs (“DCA”) is the USF program administrator. The Lifeline program provided benefits to over 220,000 households and the New Jersey Department of Human Services is the Lifeline administrator. The utilities submitted their annual compliance filing to the New Jersey Board of Public Utilities (“Board”) on June 27, 2022. In the filing, the utilities requested rate adjustments to recover a USF budget of approximately \$263 million and a Lifeline Program budget of \$74.6 million. The cost data included actual costs from October 2021 to April 2022 and estimated costs from May through September. The June filing proposed a decrease in the USF and Lifeline gas rates and proposed an increase to the USF and Lifeline electric rates. In the June filing, the utilities also requested recovery of their USF-related administrative costs and requested USF and Lifeline interim rates approved in September 2021 be finalized.

In August 2022, the utilities updated the information they provided to include three (3) additional months of actual cost data through July and two (2) months estimated data. The August update reflected a higher estimated USF budget of approximately \$268 million and proposed a gas rate that was lower than the current rate, but higher than the rate proposed in the June filing. The August update also proposed an electric rate that was higher than it is currently, but lower than the rate proposed in the June filing. The electric utilities each held two (2) virtual public hearings. At the Public Service Electric and Gas Company public hearings, members of the public expressed opposition to any rate increases and the public raised concerns regarding utility shutoffs and the recently lifted moratorium on shutoffs. No other comments from the public were received.

During the review period, the New Jersey Division of Rate Counsel (“Rate Counsel”) Counsel submitted comments stating that it did not object to the utilities request for recovery of its actual administrative costs and takes no position on the reasonableness of the DCA’s budget for administration. Rate Counsel also did not object to the Board making the present interim USF and Lifeline rates permanent. Rate Counsel also recommended the Board consider the most recent available cost data, cost and revenue data establishing the rates.

After reviewing the June filing and all the related submissions, Board Staff (“Staff”) recommended the Board approve the USF rates proposed in the August update with rates effective October 1, 2022. These rates supported a USF budget of approximately \$268 million for the new program year, which began October 1, 2022. The budget would represent an increase of approximately \$53 million from the current budget of \$215 million. Further, Staff recommended that the Board keep the Lifeline rates contained in the August update, which support a Lifeline program budget of approximately \$74.6 million with rates also effective October 1, 2022. The Lifeline budget was unchanged from the prior year’s budget. The combined USF/Lifeline rates represent a decrease of \$2.88 per year for an average residential gas customer and an increase of \$7.38 per year for an average residential electric customer. The combined USF/Lifeline annual bill would be \$52.69 for an average residential customer using both gas and electric, which is a net increase of \$4.50. Additionally, Staff recommended that the Board direct Staff to reimburse the utilities for their USF-related administrative costs, which total \$7,549.00. Staff further recommended that the Board finalize the interim rates that were approved in the September 2021 order, because these rates have been reviewed and trued up. Finally, Staff recommended the that Board to direct the utilities to file their revised tariffs by September 30, 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 Gordon	Aye
	Commissioner Christodoulou	Aye

3. CABLE TELEVISION

There were no items in this category.

4. TELECOMMUNICATIONS

There were no items in this category.

5. WATER

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

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On June 22, 2022, Veolia Water New Jersey filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting authorization to defer the costs associated with the replacement of non-company side Lead Service Lines as a regulatory asset until its next base rate case filing.

Board Staff (“Staff”) recommended that the Board retain the matter for hearing and designate a Presiding Commissioner. Commissioner Christodoulou agreed to preside over the matter. Staff further recommended that the Board set a deadline of October 28, 2022 for the filing of motions to intervene and/or participate and for admission pro hac vice.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

B. Docket No. WO22080477 – In the Matter of the Township of North Brunswick (Middlesex County) Application to the Board of Public Utilities Intent to Enter Contract for Water Supply Services via Public-Private Partnership Agreement.

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On October 4, 2022, pursuant to the New Jersey Water Supply Public-Private Contracting Act (“Water Supply Act”), N.J.S.A. 58:26-19 to 27, the Township of North Brunswick (“North Brunswick”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking authorization to enter into a public-private contract with Veolia Water North America Operating Services, LLC for the operation and maintenance of North Brunswick’s municipally-owned water system. The Board does not normally have jurisdiction over North Brunswick pursuant to the Water Supply Act as the Board’s jurisdiction is limited to the approval of the public-private contract and any future modifications to the contract.

Following a review of the petition and comments submitted by the New Jersey Division of Rate Counsel, Board Staff (“Staff”) recommended that the Board issue an order approving public-private contract between North Brunswick and Veolia Water North America Operating Services, LLC

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 Gordon	Aye
	Commissioner Christodoulou	Aye

C. Docket Nos. WR22030138 and OAL PUC 02047-2022S – In the Matter of the Petition of Middlesex Water Company for Approval to Change the Levels of its Purchased Water Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1, et seq.

Mike Kammer, Director, Division of Water and Energy, presented this matter.

BACKGROUND: On March 15, 2022, Middlesex Water Company (“MSW”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval to change the level of its Purchased Water Adjustment Clause (“PWAC”) to recover increased purchased water costs, together with deferred costs associated with purchased water, its purchased water related rate case expenses and associated gross receipts and franchise taxes. The matter was transmitted to the New Jersey Office of Administrative Law for hearings as a contested case and is currently pending before Administrative Law Judge (“ALJ”) Jacob Gerstman. On July 22, 2022, MSW filed a motion for emergency relief for direct consideration by the Board pursuant to N.J.S.A. 48:2-21.1 and N.J.A.C. 1:1-12.6. MSW’s motion requested that it be allowed to change the level of its PWAC on an interim basis during the pendency of this proceeding until a final Board decision resolving all issues in this proceeding is issued. The Old Bridge Municipal Utilities Authority and the Township of Marlboro, both of which were granted intervenor status by ALJ Gertsman opposed MSW’s motion.

Board Staff (“Staff”) recommended that the Board grant the motion and authorize MSW to implement its PWAC on an interim basis subject to refund effective October 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 Gordon	Aye
	Commissioner Christodoulou	Aye

6. RELIABILITY AND SECURITY

There were no items in this category.

7. CUSTOMER ASSISTANCE

A. Docket No. EG20060445 – In the Matter of the Energy Assistance Grant as Authorized Under N.J.S.A. 48:2-29.39 – Payment Assistance for Gas and Electric Program.

Maureen Clerc, Division of Customer Assistance, presented this matter.

BACKGROUND: This matter concerned the Payment Assistance for Gas and Electric (“PAGE”) Program. PAGE provides electric and natural gas credits to low and moderate income households in need of assistance on their utility bills. The Affordable Housing Alliance (“AHA”) of Neptune, New Jersey is the PAGE program administrator for the New Jersey Board of Public Utilities (“Board”) and the current PAGE contract between the Board and the AHA was set to expire in January 2023. However, the contract allows for a one-year extension with Board approval. According to Board Staff (“Staff”), extending the PAGE contract through December 31, 2023 would bring the program changes put in place in response to the pandemic into closer alignment with the pandemic-related expansions made to the Board’s Universal Service Fund and Fresh Start programs. The one-year contract extension would change only the contract expiration date and work period. The terms of the contract and the pricing would not change.

Staff recommended that the Board extend the PAGE contract through December 31, 2023 and authorize the President to sign the contract amendment form.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

8. CLEAN ENERGY

A. 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 – Executive Session.

Kevin Nedza, Division of Clean Energy, presented this matter.

BACKGROUND: This matter was initially discussed in Executive Session. This item pertained to the School and Small Business (“SSB”) Energy Efficiency Stimulus Program, which was created by the New Jersey Board of Public Utilities (“Board”) in October 2021. The program consists of the School and Small Business Noncompliant Plumbing Fixture and Appliance Program and the School and Small Business Ventilation and Energy Efficiency Verification Repair Program. The programs were designed to provide grants to schools and small businesses for the installation of certain heating, ventilation, and air conditioning systems, along with energy efficient and water conserving appliance and fixtures in order to improve air quality and energy efficiency in school districts under the jurisdiction of the Board of Education and small businesses. This also includes school districts and small businesses specifically in underserved communities. The program is funded by \$180 million of federal money made available through the American Rescue Plan Act of 2021. To receive the federal funding, the Board entered into a Memorandum of Understanding (“MOU”) with DCA on October 8, 2021. The program funds were divided into eight distinct categories as established in the law. The Fiscal Year 2023 State budget grants the Board the ability to reallocate funding to better serve the needs of the program. The MOU must be updated to reflect this change. Additionally, the MOU contained a provision that due to Executive Order 166 an integrity monitor should be procured for the program because the grant exceeds \$20 million. Board Staff (“Staff”) worked with Treasury on procuring integrity monitoring for the program.

On May 23, 2022, Treasury released a bidding opportunity on the project to preselect the firms. On June 27, 2022, Treasury received four (4) responses from Vander Weele, CohnReznick, BDO, and Rumph and Associates.

Staff recommended that the Board approve the MOU and designate President Fiordaliso to sign the new MOU on behalf of the Board. Staff further recommended that the Board approve the evaluation committee's selection of the integrity monitor subject to final approval by Treasury.

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 Gordon	Aye
	Commissioner Christodoulou	Aye

Commissioner Holden	Aye
Commissioner Solomon	Aye
Commissioner Gordon	Aye
Commissioner Christodoulou	Aye

D. Docket No. QO22050336 – 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 – National Energy Partners, LLC/Somers Point Sewerage Authority.

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

BACKGROUND: This item related to an application submitted by National Energy Partners (“NEP”) for remote net metering at the Somers Point Sewerage Authority. The Clean Energy Act of 2018 directed the New Jersey Board of Public Utilities (“Board”) to establish an application and approval process to certify public entities to act as a host customer for remote net metering capacity within 120 days of enactment. In compliance with this directive, the Board approved such a process and the public entity certification agreement by Order dated September 17, 2018. On May 11, 2022, NEP submitted a remote net metering application for Somers Point to the Board. The application included a fully executed Public Entity Certification Agreement and an Interconnection Application, Part One, executed by Somers Point City Administrator as a representative of the customer generator. The certification agreement further specified that the primary host account for this application is the Somers Point Sewerage Authority where the proposed 141.3 kilowatt solar electric generation facility will be located. The agreement also indicated that the city’s municipal building will be serving as the sole receiving customer account and allocated 100 percent of the credits from the proposed solar facility.

On May 10, 2022, Atlantic City Electric Company (“ACE”) was provided the application for remote net metering for Somers Point Sewerage Authority. ACE reviewed the application and found that the Application for Interconnection and the Public Entity Certification Agreement to be administratively complete.

As a result, Board Staff (“Staff”) made two (2) recommendations. First, 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 September 2018 Remote Net Metering Order and, second, find that the proposed solar electric generation facility described in the Remote Net Metering Application satisfied the criteria set out by the Board in the Remote Net Metering Order and approve Public Entity Certification Agreement for the Somers Point 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 Gordon	Aye
	Commissioner Christodoulou	Aye

E. Docket No. QO21060890 – In the Matter of the Petition for Assignment of “Preferred” TREC Factor for Two Pilot Dual-Use Solar Projects Pursuant to the Board’s Transition Incentive Order – Washington Solar Farm, LLC and Quakertown Solar Farm, LLC – Executive Session.

Robert Brabston, Executive Director, presented this matter.

BACKGROUND: This matter involves an active appeal before the New Jersey Superior Court, Appellate Division. This matter was discussed in executive session and involved a litigation update.

There was no public discussion or action required by the New Jersey Board of Public Utilities for this matter.

9. MISCELLANEOUS

There were no items in this category.

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



SHERRI L. GOLDEN
BOARD SECRETARY

Date: August 16, 2023