



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

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 October 26, 2022, via online @ <https://www.youtube.com/watch?v=thMTRa0wXEY>

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 Fiordaliso presided at the meeting and Carmen D. Diaz, Acting 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 November 9, 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

There were no items discussed in Executive Session.

CONSENT AGENDA

I. AUDITS

There were no items in this category.

II. ENERGY

There were no items in this category.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TE22040309 – In the Matter of the Petition of AmeriMex Communications Corp. d/b/a SafetyNet Wireless for Designation as an Eligible Telecommunications Carrier in the State of New Jersey.

BACKGROUND: On April 27, 2022, AmeriMex Communications Corp. d/b/a SafetyNet Wireless (“SafetyNet Wireless”), filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting designation as an Eligible Telecommunications Carrier to provide Lifeline service to qualifying New Jersey consumers. SafetyNet Wireless did not seek access to funds from the federal Universal Service Fund for the purpose of participating in the Link-Up Program or providing service to high-cost areas.

Board Staff (“Staff”) recommended approval.

After appropriate motion, the item was approved.

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

V. WATER

There were no items in this category.

VI. RELIABILITY AND SECURITY

There were no items in this category.

VII. CUSTOMER ASSISTANCE

There were no items in this category.

VIII. CLEAN ENERGY

There were no items in this category.

IX. MISCELLANEOUS

A. Approval of the March 23, 2022 Agenda Minutes.

BACKGROUND: Staff presented the minutes of the Board meeting of March 23, 2022 and recommended they be accepted.

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

After appropriate motion, the item was approved.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. Docket No. EM22050329 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of the Sale and Conveyance of the Improved Property at 207 40th Street, Sea Isle City, Cape May County, New Jersey Pursuant to N.J.S.A. 48:3-7 and N.J.A.C. 14:1-5.6.

Dean Taklif, Division of Energy and Water, presented this matter.

BACKGROUND: On May 6, 2022, Jersey Central Power & Light Company (“JCP&L”) filed five (5) petitions with the New Jersey Board of Public Utilities (“Board”) seeking approval of agreements of sale and conveyance of real property located at the site of JCP&L’s former Sea Isle City Manufactured Gas Plant (“MGP”). The site consisted of 14 properties that required environmental remediation due to its former use as part of a MGP. The recovery of reasonable costs and expenditures related to the environmental remediation are collected through the Remediation Adjustment Clause (“RAC”) which is a component of JCP&L’s Societal Benefits Charge and part of JCP&L’s filed tariff. With regard to the sale of the properties, JCP&L represented that the sale of the properties would not adversely affect the public interest, the properties are not in JCP&L’s service territory, and not used or useful for JCP&L’s utility purposes. The sales of the properties would not compromise the ability of JCP&L to render safe, adequate, and proper service to its customers. JCP&L further asserted that the purchase prices for the properties represented the fair market value based on the results of an advertising and marketing process and that selling price is consistent with independent appraisals. JCP&L further indicated that there is no relationship between JCP&L and buyers, other than as transfer and transferee.

In June 2022, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments indicating they did not object to the sale of the properties, but reserved the right to examine the ratemaking and accounting treatment of the transactions in JCP&L’s next rate base case or other appropriate proceeding. Additionally, Rate Counsel requested that should the Board approve the purchase, the purchase and sales agreements, the approval should contain eight (8) specific conditions. JCP&L filed a response to Rate Counsel’s comments stating their opposition two (2) of the eight (8) conditions. Specifically, the fourth condition would deny JCP&L of any future ability to recover or seek recovery of costs incurred post-sale for the environmental remediation of the properties. JCP&L also opposed Rate Counsel’s eighth condition, which stated that nothing in the order shall be construed to affect JCP&L’s liability for natural resource damage or other responsibilities or damages arising from its activities at any site or JCP&L’s responsibilities or claims in any other matter arising from environmental investigation and remediation of any of its properties. JCP&L argued that the Board did not have jurisdiction over it and could not affect its liability in this regard and stated the condition should be rejected. Rate Counsel filed additional comments disputing JCP&L’s objections and, again, requested that the Board include all eight (8) conditions to the sale in order to bring closure to these matters and certainty for

ratepayers. Rate Counsel further stated that if the sites required further remediation, the Board should deny the sale until such time as remediation is complete and closure of these matters by sales to third parties are appropriate. JCP&L filed additional comments reaffirming its position to condition four arguing it would impose unnecessary burdens on JCP&L with respect to the sale that would otherwise benefit ratepayers. While Board Staff ("Staff") agreed in principal with Rate Counsel's position that ratepayers should not be responsible for remediation costs in perpetuity, it was Staff's position that arguments against recovery for future remediation changes should be in JCP&L's Rider RAC filings rather than a term of these sales. Staff recommended that approval for these properties should include specific conditions, which were set forth in the draft Board orders. With respect to the issues that were the subject of extensive comments, Staff recommended that the recovery of remediation costs sought in JCP&L's future Rider RAC filing associated with the Sea Isle City properties and incurred after closing of the sale of these properties, shall include additional filing requirements which were set forth in the draft Board orders. The additional filing requirements would allow both Rate Counsel and Staff to better scrutinize the prudence of the costs incurred and reasons for any future remediation performed.

Staff recommended the Board approve the sale and conveyance of the property located at 207 40th Street in Sea Isle City, New Jersey to Terrence and Patricia Dun for \$1.3 million in accordance with the previously stated conditions.

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. EM22050330 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of the Sale and Conveyance of Nine (9) Unimproved/Vacant Property Lots in Sea Isle City, Cape May County, New Jersey Pursuant to N.J.S.A. 48:3-7 and N.J.A.C. 14:1-5.6.

Dean Taklif, Division of Water and Energy, presented this matter.

BACKGROUND: On May 6, 2022, Jersey Central Power & Light Company ("JCP&L") filed five (5) petitions with the New Jersey Board of Public Utilities ("Board") seeking approval of agreements of sale and conveyance of real property located at the site of JCP&L's former Sea Isle City Manufactured Gas Plant ("MGP"). The site consisted of 14 properties that required environmental remediation due to its former use as part of a MGP. The recovery of reasonable costs and expenditures related to the environmental remediation are collected through the Remediation Adjustment Clause ("RAC") which is a component of JCP&L's Societal Benefits Charge and part of JCP&L's filed tariff. With regard to the sale of the properties, JCP&L represented that the sale of the properties would not adversely affect the public interest, the properties are not in JCP&L's service territory, and not used or useful for JCP&L's utility purposes. The sales of the properties would not compromise the ability of JCP&L to render safe, adequate, and proper service to its customers. JCP&L further asserted that the purchase prices for the properties

represented the fair market value based on the results of an advertising and marketing process and that selling price is consistent with independent appraisals. JCP&L further indicated that there is no relationship between JCP&L and buyers, other than as transfer and transferee.

In June 2022, the New Jersey Division of Rate Counsel ("Rate Counsel") filed comments indicating they did not object to the sale of the properties, but reserved the right to examine the ratemaking and accounting treatment of the transactions in JCP&L's next rate base case or other appropriate proceeding. Additionally, Rate Counsel requested that should the Board approve the purchase, the purchase and sales agreements, the approval should contain eight (8) specific conditions. JCP&L filed a response to Rate Counsel's comments stating their opposition two (2) of the eight (8) conditions. Specifically, the fourth condition would deny JCP&L of any future ability to recover or seek recovery of costs incurred post-sale for the environmental remediation of the properties. JCP&L also opposed Rate Counsel's eighth condition, which stated that nothing in the order shall be construed to affect JCP&L's liability for natural resource damage or other responsibilities or damages arising from its activities at any site or JCP&L's responsibilities or claims in any other matter arising from environmental investigation and remediation of any of its properties. JCP&L argued that the Board did not have jurisdiction over it and could not affect its liability in this regard and stated the condition should be rejected. Rate Counsel filed additional comments disputing JCP&L's objections and, again, requested that the Board include all eight (8) conditions to the sale in order to bring closure to these matters and certainty for ratepayers. Rate Counsel further stated that if the sites required further remediation, the Board should deny the sale until such time as remediation is complete and closure of these matters by sales to third parties are appropriate. JCP&L filed additional comments reaffirming its position to condition four arguing it would impose unnecessary burdens on JCP&L with respect to the sale that would otherwise benefit ratepayers. While Board Staff ("Staff") agreed in principal with Rate Counsel's position that ratepayers should not be responsible for remediation costs in perpetuity, it was Staff's position that arguments against recovery for future remediation changes should be in JCP&L's Rider RAC filings rather than a term of these sales. Staff recommended that approval for these properties should include specific conditions, which were set forth in the draft Board orders. With respect to the issues that were the subject of extensive comments, Staff recommended that the recovery of remediation costs sought in JCP&L's future Rider RAC filing associated with the Sea Isle City properties and incurred after closing of the sale of these properties, shall include additional filing requirements which were set forth in the draft Board orders. The additional filing requirements would allow both Rate Counsel and Staff to better scrutinize the prudence of the costs incurred and reasons for any future remediation performed.

Staff recommended the Board approve the sale and conveyance of nine unimproved property lots in Sea Isle City, New Jersey to Noodles 1, LLC for \$7 million in accordance with the previously stated conditions.

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. EM22050331 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of the Sale and Conveyance of the Improved Property at 214 39th Street, Sea Isle City, Cape May County, New Jersey Pursuant to N.J.S.A. 48:3-7 and N.J.A.C. 14:1-5.6.

Dean Taklif, Division of Water and Energy, presented this matter.

BACKGROUND: On May 6, 2022, Jersey Central Power & Light Company (“JCP&L”) filed five (5) petitions with the New Jersey Board of Public Utilities (“Board”) seeking approval of agreements of sale and conveyance of real property located at the site of JCP&L’s former Sea Isle City Manufactured Gas Plant (“MGP”). The site consisted of 14 properties that required environmental remediation due to its former use as part of a MGP. The recovery of reasonable costs and expenditures related to the environmental remediation are collected through the RAC which is part of the Societal Benefits Charge and a part of JCP&L’s filed tariff. With regard to the sale of the properties, JCP&L represented that the sale of the properties would not adversely affect the public interest, the properties are not in JCP&L’s service territory, and not used or useful for JCP&L’s utility purposes. The sales of the properties would not compromise the ability of the company to render safe, adequate, and proper service to its customers. The purchase prices for the properties represented the fair market value based on the results of an advertising and marketing process and that selling price is consistent with independent appraisals. JCP&L further indicated that there is no relationship between JCP&L and buyers, other than as transfer and transferee.

In June 2022, Rate Counsel filed comments indicating they did not object to the sale of the properties, but reserved the right to examine the ratemaking and accounting treatment of the transactions in JCP&L’s next rate base case or other appropriate proceeding. Additionally, Rate Counsel requested that should the Board approve the purchase, the purchase and sales agreements, the approval should contain eight specific conditions. JCP&L filed a response to Rate Counsel’s comments stating their opposition two of the eight conditions. Specifically, the fourth condition would deny the company of any future ability to recover or seek recovery of costs incurred post-sale for the environmental remediation of the properties. JCP&L also opposed Rate Counsel’s eighth condition, which stated that nothing in the order shall be construed to affect JCP&L’s liability for natural resource damage or other responsibilities or damages arising from its activities at any site or JCP&L’s responsibilities or claims in any other matter arising from environmental investigation and remediation of any of its properties. JCP&L argued that the Board did not have jurisdiction over it and could not affect its liability in this regard and stated the condition should be rejected. Rate Counsel filed additional comments disputing JCP&L’s objections and, again, requested that the Board include all eight conditions to the sale in order to bring closure to these matters and certainty for ratepayers. Rate Counsel further stated that if the sites required further remediation, the Board should deny the sale until such time as remediation is complete and closure of these matters by sales to third parties are appropriate. JCP&L filed additional comments reaffirming its position to condition four arguing it would impose unnecessary burdens on JCP&L with respect to the sale that would otherwise benefit ratepayers. While Staff agreed in principal with Rate Counsel’s position that ratepayers should not be responsible for remediation costs in perpetuity, it was Staff’s position that arguments against recovery for future remediation changes should be in JCP&L’s Rider RAC filings rather than a term of these sales. Staff

recommended that approval for these properties should include specific conditions which have been set forth in the draft Board orders. With respect to the issues that were the subject of extensive comments, Staff recommended that the recovery of remediation costs sought in JCP&L's future Rider RAC filing associated with the Sea Isle City properties and incurred after closing of the sale of these properties, shall include additional filing requirements which were set forth in the draft Board orders. The additional filing requirements would allow both Rate Counsel and Staff to better scrutinize the prudence of the costs incurred and reasons for any future remediation performed.

Staff recommended that the Board approve the sale and conveyance of property located at 214 39th Street in Sea Isle City, New Jersey to Susan Sempeles and Michael and Cindy Semic for \$1.52 million in accordance with the previously stated conditions.

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. EM22050334 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of the Sale and Conveyance of the Improved Property at 218 39th Street-East and 218 39th Street-West, Sea Isle City, Cape May County, New Jersey Pursuant to N.J.S.A. 48:3-7 and N.J.A.C. 14:1-5.6.

Dean Taklif, Division of Water and Energy, presented this matter.

BACKGROUND: On May 6, 2022, Jersey Central Power & Light Company ("JCP&L") filed five (5) petitions with the New Jersey Board of Public Utilities ("Board") seeking approval of agreements of sale and conveyance of real property located at the site of JCP&L's former Sea Isle City Manufactured Gas Plant ("MGP"). The site consisted of 14 properties that required environmental remediation due to its former use as part of a MGP. The recovery of reasonable costs and expenditures related to the environmental remediation are collected through the Remediation Adjustment Clause ("RAC") which is a component of JCP&L's Societal Benefits Charge and part of JCP&L's filed tariff. With regard to the sale of the properties, JCP&L represented that the sale of the properties would not adversely affect the public interest, the properties are not in JCP&L's service territory, and not used or useful for JCP&L's utility purposes. The sales of the properties would not compromise the ability of JCP&L to render safe, adequate, and proper service to its customers. JCP&L further asserted that the purchase prices for the properties represented the fair market value based on the results of an advertising and marketing process and that selling price is consistent with independent appraisals. JCP&L further indicated that there is no relationship between JCP&L and buyers, other than as transfer and transferee.

In June 2022, the New Jersey Division of Rate Counsel ("Rate Counsel") filed comments indicating they did not object to the sale of the properties, but reserved the right to examine

the ratemaking and accounting treatment of the transactions in JCP&L's next rate base case or other appropriate proceeding. Additionally, Rate Counsel requested that should the Board approve the purchase, the purchase and sales agreements, the approval should contain eight (8) specific conditions. JCP&L filed a response to Rate Counsel's comments stating their opposition two (2) of the eight (8) conditions. Specifically, the fourth condition would deny JCP&L of any future ability to recover or seek recovery of costs incurred post-sale for the environmental remediation of the properties. JCP&L also opposed Rate Counsel's eighth condition, which stated that nothing in the order shall be construed to affect JCP&L's liability for natural resource damage or other responsibilities or damages arising from its activities at any site or JCP&L's responsibilities or claims in any other matter arising from environmental investigation and remediation of any of its properties. JCP&L argued that the Board did not have jurisdiction over it and could not affect its liability in this regard and stated the condition should be rejected. Rate Counsel filed additional comments disputing JCP&L's objections and, again, requested that the Board include all eight (8) conditions to the sale in order to bring closure to these matters and certainty for ratepayers. Rate Counsel further stated that if the sites required further remediation, the Board should deny the sale until such time as remediation is complete and closure of these matters by sales to third parties are appropriate. JCP&L filed additional comments reaffirming its position to condition four arguing it would impose unnecessary burdens on JCP&L with respect to the sale that would otherwise benefit ratepayers. While Board Staff ("Staff") agreed in principal with Rate Counsel's position that ratepayers should not be responsible for remediation costs in perpetuity, it was Staff's position that arguments against recovery for future remediation changes should be in JCP&L's Rider RAC filings rather than a term of these sales. Staff recommended that approval for these properties should include specific conditions, which were set forth in the draft Board orders. With respect to the issues that were the subject of extensive comments, Staff recommended that the recovery of remediation costs sought in JCP&L's future Rider RAC filing associated with the Sea Isle City properties and incurred after closing of the sale of these properties, shall include additional filing requirements which were set forth in the draft Board orders. The additional filing requirements would allow both Rate Counsel and Staff to better scrutinize the prudence of the costs incurred and reasons for any future remediation performed.

Staff recommended the Board approve the sale and conveyance of properties located at 218 39th Street East, Unit CA and 218 38th Street West, Unit CB, Sea Isle City, New Jersey to Noodles I, LLC for \$525,000.00 each or a total of \$1.05 million in accordance with the previously stated conditions.

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. EM22050335 – In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of the Sale and Conveyance of the Improved Property at 220 40th Street, Sea Isle City, Cape May County, New Jersey Pursuant to N.J.S.A. 48:3-7 and N.J.A.C. 14:1-5.6.

Dean Taklif, Division of Water and Energy, presented this matter.

BACKGROUND: On May 6, 2022, Jersey Central Power & Light Company (“JCP&L”) filed five (5) petitions with the New Jersey Board of Public Utilities (“Board”) seeking approval of agreements of sale and conveyance of real property located at the site of JCP&L’s former Sea Isle City Manufactured Gas Plant (“MGP”). The site consisted of 14 properties that required environmental remediation due to its former use as part of a MGP. The recovery of reasonable costs and expenditures related to the environmental remediation are collected through the Remediation Adjustment Clause (“RAC”) which is a component of JCP&L’s Societal Benefits Charge and part of JCP&L’s filed tariff. With regard to the sale of the properties, JCP&L represented that the sale of the properties would not adversely affect the public interest, the properties are not in JCP&L’s service territory, and not used or useful for JCP&L’s utility purposes. The sales of the properties would not compromise the ability of JCP&L to render safe, adequate, and proper service to its customers. JCP&L further asserted that the purchase prices for the properties represented the fair market value based on the results of an advertising and marketing process and that selling price is consistent with independent appraisals. JCP&L further indicated that there is no relationship between JCP&L and buyers, other than as transfer and transferee.

In June 2022, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments indicating they did not object to the sale of the properties, but reserved the right to examine the ratemaking and accounting treatment of the transactions in JCP&L’s next rate base case or other appropriate proceeding. Additionally, Rate Counsel requested that should the Board approve the purchase, the purchase and sales agreements, the approval should contain eight (8) specific conditions. JCP&L filed a response to Rate Counsel’s comments stating their opposition two (2) of the eight (8) conditions. Specifically, the fourth condition would deny JCP&L of any future ability to recover or seek recovery of costs incurred post-sale for the environmental remediation of the properties. JCP&L also opposed Rate Counsel’s eighth condition, which stated that nothing in the order shall be construed to affect JCP&L’s liability for natural resource damage or other responsibilities or damages arising from its activities at any site or JCP&L’s responsibilities or claims in any other matter arising from environmental investigation and remediation of any of its properties. JCP&L argued that the Board did not have jurisdiction over it and could not affect its liability in this regard and stated the condition should be rejected. Rate Counsel filed additional comments disputing JCP&L’s objections and, again, requested that the Board include all eight (8) conditions to the sale in order to bring closure to these matters and certainty for ratepayers. Rate Counsel further stated that if the sites required further remediation, the Board should deny the sale until such time as remediation is complete and closure of these matters by sales to third parties are appropriate. JCP&L filed additional comments reaffirming its position to condition four arguing it would impose unnecessary burdens on JCP&L with respect to the sale that would otherwise benefit ratepayers. While Board Staff (“Staff”) agreed in principal with Rate Counsel’s position that ratepayers should not be responsible for remediation costs in perpetuity, it was Staff’s position that arguments against recovery for future remediation changes should be in JCP&L’s Rider RAC filings rather than a term of these sales. Staff recommended that approval for these properties

should include specific conditions, which were set forth in the draft Board orders. With respect to the issues that were the subject of extensive comments, Staff recommended that the recovery of remediation costs sought in JCP&L's future Rider RAC filing associated with the Sea Isle City properties and incurred after closing of the sale of these properties, shall include additional filing requirements which were set forth in the draft Board orders. The additional filing requirements would allow both Rate Counsel and Staff to better scrutinize the prudence of the costs incurred and reasons for any future remediation performed.

Staff recommended the Board approve the sale and conveyance of the property located at 220 40th Street, Sea Isle City, New Jersey to Howard F. House, III for \$1.45 million in accordance with the previously stated conditions.

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. GR22080486 – In the Matter of the Petition of Marcal Manufacturing, LLC for a Three-Year Extension in Electric and Natural Gas Societal Benefits Charges.

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

BACKGROUND: On August 12, 2022, Marcal Manufacturing, LLC (“Marcal”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking a three-year extension of its Board approved agreements that governs the discounted electric and natural gas Societal Benefits Charge that Marcal pays Public Service Electric and Gas Company (“PSE&G”), which was set to expire December 1, 2022. Concurrently, a motion for admission pro hac vice was filed for Mr. Robert A. Weishaar, Junior. On September 30, 2022, PSE&G filed a motion to intervene in the matter. On October 12, 2022, the New Jersey Division of Rate Counsel filed a no objection response to PSE&G’s motion to intervene.

Board Staff (“Staff”) recommended that the Board issue an order granting the motions.

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. ER22010003 – In the Matter of the Board of Public Utilities – Federal Energy Regulatory Commission (FERC) Items for 2022 – FERC Docket No. RM21-17-000 – Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection.

Ian Oxenham, Legal Specialist, presented this matter.

BACKGROUND: This item related to reply comments filed in Federal Energy Regulatory Commission (“FERC”) Docket RM21-17, which is Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection. On July 15, 2021, FERC opened a rulemaking docket entitled, Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection. FERC issued an advanced notice of proposed rulemaking in that docket that same day, inviting comments on various topics related to transmission and interconnection reform. On April 21, 2022, FERC issued a notice of rulemaking (“NOPR”) in the same docket that proposed an extensive set of transmission reforms primarily focused on enhancing long-term regional transmission planning, as well as enabling fairer allocation of transmission costs. FERC also proposed to reverse course on its prior efforts to expand competition in transmission development and instead restrict it by granting incumbent transmission owners’ rights of first refusal (“ROFRs”). On August 17, 2022, Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”), on behalf of the Board, filed comments on the NOPR. The same day, several other parties submitted comments outright opposing the NOPR’s main reforms while PJM Interconnection, LLC (“PJM”) submitted comments that questioned the value of competition in transmission development and thereby indirectly supported FERC’s ROFR proposal. On September 19, 2022, Staff, on behalf of the Board, filed reply comments on the NOPR. In the reply comments, Staff countered the arguments of commenters who asserted FERC’s proposed non-ROFR reforms constituted bad policy and that FERC lacked the legal authority to implement them. Staff contended that these commenters misconstrued the nature and purpose and of the NOPR. More specifically, Staff explained that FERC is simply trying to ensure that Regional Transmission Organizations and other transmission providers are efficiently planning for the new renewable capacity demanded by voluntary buyers and State policy in order to meet those needs and maintain system reliability at the lowest possible overall cost. FERC is not attempting to improperly influence the generation mix nor shift the costs of some states’ public policies to other states as these commenters erroneously claimed. Staff also countered anti-competition arguments that PJM proffered in its initial comments. Specifically, PJM offered data showing that incumbent transmission utilities usually propose the most efficient solutions and, therefore, win competitive transmission solicitations and contended this meant that competition usually provides no benefits to ratepayers. Staff countered that this data is merely an artifact of the PJM rules that generally prohibit anyone but the incumbent from proposing the most efficient types of solutions for the most common project types. As an uneven playing field skews this data, Staff argued that PJM’s argument fails to establish that full and fair competition fails to provide ratepayers with significant benefits. Staff also pointed to PJM’s experience with the Artificial Island project, in which competitive solicitation of transmission project proposals ultimately reduced the cost of the project by about 60 percent, saving New Jersey ratepayers hundreds of millions of dollars.

Staff recommended that the Board ratify the reply comments filed with FERC on September 19, 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

There were no items in this category.

6. RELIABILITY AND SECURITY

A. Docket No. EW20060469 – In the Matter of the Petition of Rockland Electric Company’s Request for Waiver of N.J.A.C. 14:3-4.6 Enforcement.

Ann Lang, Division of Reliability and Security, presented this matter.

BACKGROUND: This matter related to the petition of Rockland Electric Company (“RECO”) requesting a waiver of N.J.A.C. 14:3-4.6 and 4.7. The New Jersey Board of Public Utilities (“Board”) has jurisdiction to oversee the hearing of electric utilities that operate in the State. Specifically related to this matter, the testing of equipment and adjustment of charges for meter errors are contained within the Board’s rules at N.J.A.C. 14:3-4.6 which states, whenever a meter is found to be registering fast by more than two (2) percent or in the case of water meters more than one and a half (1.5) percent, an adjustment of charges shall be made in accordance with this section. On August 23, 2017, the Board approved RECO’s Advanced Metering Infrastructure (“AMI”) program and directed RECO, pursuant to N.J.A.C. 14:3-4.7(c)6 to test all legacy meters removed and retired during the AMI rollout. RECO began its AMI rollout in May 2018 and tested all meters removed from service. RECO provided the test results to the Staff in a report entitled 2019 Electric Meter Retirement Report. The 2019 meter report concluded that 20 legacy meters tested high registering inaccurately a margin of error greater than 2 percent. RECO compared the customers’ usage in the years immediately before and after the meters were exchanged and concluded that five (5) of the 20 legacy meters reflected usage inconsistent with the meter readings prior to the exchange and credited those five (5) accounts. However, according to RECO, it did not credit the remaining 15 accounts. By letter dated May 29, 2020, Board Staff (“Staff”) notified RECO that crediting only five (5) of the 20 accounts was inconsistent with N.J.A.C. 14:3-4.6 and, therefore, constituted

a deficient remedy that Staff could not approve. Staff directed RECO to provide each of the 20 customer accounts with the appropriate account adjustments on or before June 15, 2020 and file a certification of the effectuated adjustments to Staff on or before June 30, 2020. RECO did not credit the accounts, but submitted the petition requesting a waiver of the Board's rules. RECO claimed that the meters were damaged during removal and transit to its contractor's testing facility and that the damage caused the meters to fail the retirement test. RECO contracted with The Eastern Specialty Company ("TESCO") to perform testing on the retired legacy meters pursuant to the RECO AMI order. TESCO picked up the legacy meters and transferred them to TESCO's warehouse and tested the meters for accuracy. RECO noted in discovery that it no longer has the meters nor pictures of the meters. As a result, RECO provided it cannot show evidence of damage other than their analysis of comparative usage on the test results. Additionally, the usage analysis is narrow in scope and did not account for weather conditions or other factors that would cause a customer's usage to fluctuate from one (1) year to another.

In RECO's response to Staff's discovery request, there is no evidence that the New Jersey Office of Weights and Measures can certify testing of the equipment pursuant N.J.A.C. 14:3-4.4(b).

Staff recommended that the Board deny RECO's petition for waiver of 14:3-4.6.

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

7. CUSTOMER ASSISTANCE

There were no items in this category.

8. CLEAN ENERGY

A. Docket No. QO20100630 – In the Matter of Declaring Transmission to Support Offshore Wind a Public Policy of the State of New Jersey.

Andrea Hart, Division of Clean Energy, presented this matter.

BACKGROUND: This matter related to recommendations from Staff of the New Jersey Board of Public Utilities ("Board") ("Staff") related to New Jersey's and the nation's inaugural coordinated offshore wind transmission solution. The solution presented to the Board would ensure offshore wind energy can be brought to New Jersey customers at a cost efficiently as possible saving an estimated \$900 million, while reducing environmental and community impacts and maintaining safe and reliable electric service.

Well over 10 years ago, the New Jersey Legislature passed and Governor Christie signed

the Offshore Wind Economic Development Act and within the first month of taking office in 2018, Governor Murphy issued Executive Order 8 setting the goal of achieving 3,500 megawatts (“MW”) of offshore wind generation by 2030. Executive Order 8 also directed the Board to establish the Offshore Wind Energy Certificate (“OREC”), which is the funding mechanism and the Board issued a solicitation for 1,100 MW of offshore wind, which at the time was the nation’s largest offshore solicitation.

As a result, the Board issued its first offshore wind solicitation and awarded its first offshore wind project in 2019. Additionally in 2019, Governor Murphy issued Executive Order 92 increasing New Jersey’s offshore wind goal to 7,500 MW by 2035. In 2020, the Board issued its second solicitation, which resulted in two (2) more offshore wind projects being awarded, totaling more than 2,600 MW. Based on the clean energy needs of the State, the success of the first two (2) solicitations, and the auction of the new offshore wind lease areas by the federal government, Governor Murphy announced in September 2022 that the offshore wind goal would increase to 11 gigawatts (“GW”) by 2040. The awarded offshore wind projects are large, infrastructure projects, which will span 20 plus years and involve numerous federal, State, and local parties and represents a critical piece in fighting the effects of climate change by decarbonizing our grid and transitioning to a clean energy future while simultaneously providing enormous economic benefits to the State. As with any new resource, the necessary transmission infrastructure required to support delivering the energy to customers must also be developed.

Transmission infrastructure plays a critical role of delivering power, including clean offshore wind power, to the customers who need it. Transmission is, therefore, an essential element not only for the success of offshore wind in the State, but also in achieving the State’s carbon emissions reduction goals. Under the first two (2) solicitations, each project was required to propose a bundled approach, that is the generation and the transmission bundled together so each offshore wind project would bring their own electricity onshore. While important for the initial projects to move forward expeditiously, it became clear that in order to meet our robust clean energy targets and reduce inefficiencies, the State would need to look at a coordinated transmission solution. To that end, beginning in 2019, Board Staff (“Staff”) held a series of technical conferences and stakeholder meetings to inform our research. In New Jersey and other mid-Atlantic states, the transmission planning process is based on a detailed set of rules approved by the Federal Energy Regulatory Commission (“FERC”) and implemented by PJM Interconnection, LLC (“PJM”). These rules determine how and when to expand and enhance the regional grid and outline a highly competitive, robust structure to select which projects get built. To position the State to reach Governor Murphy’s then goal of 7,500 MW of offshore wind by 2035, in November 2020, the Board formally requested inclusion of its offshore wind public policy into the regional transmission expansion analysis at PJM and to use the State Agreement Approach (“SAA”). The SAA is a tool offered by PJM for its member states to request transmission development needs based on policy requirements that PJM will incorporate into the regional transmission expansion planning process.

The SAA initiates a competitive solicitation for transmission projects from a broad pool of qualified regional developers ensuring that New Jersey can select the most efficient and effective options available in pursuit of a coordinated transmission solution for delivering offshore wind. PJM, with Staff, developed the solicitation for proposals that would address the onshore, as well as offshore transmission needs. PJM’s robust competitive bidding process forces developers to propose lower costs and innovative proposals resulting in

efficiency and ratepayer savings. Opening the proposal window to all qualified PJM developers allows for a diversity of approaches and expertise that identifies an optimal grid with high benefits and low environmental impacts. At the close of the solicitation, applications were received from 13 entities proposing 80 projects. The proposals represented a mixture of conventional, as well as creative, novel, and competitive solutions to respond to our transmission challenge. Under the SAA, the Board is the ultimate decision maker, deciding which, if any, of the proposals proceed to construction. The projects would not be pursued if they do not result in a development of a lower cost, lower risk, or higher benefit option for the interconnection and delivery of New Jersey's offshore wind.

As a starting point, Staff and Brattle developed a baseline scenario. The baseline scenario approximates a future without the SAA. Generally, the baseline scenario included estimated costs and processes associated with the bundled procurement of all offshore and onshore transmission facilities constructed by individual generators necessary to interconnect 7,500 MW in the absence of any SAA solution. In addition to developing the baseline, Staff set forth 10 criteria that were published by PJM in opening the solicitation window. To facilitate its review, the evaluation team combined the 10 criteria into five (5) high-level metrics, including: Reliability and other transmission benefits, net ratepayer impacts and costs, scheduled compatibility, environmental impacts, and constructability. When requesting inclusion of its public policy into the Regional Transmission Expansion Plan ("RTEP") process, the Board noted that Ocean Wind 1 awarded through the Board's first solicitation would not be impacted by the SAA solicitation. When the Board awarded projects in its second solicitation, Ocean Wind 2 and Atlantic Shores 1, it left open the possibility for these projects to utilize a SAA solution should the use of the facilities envisioned under the SAA process be in the best interests for New Jersey ratepayers. As such, while not determinant in itself, one (1) additional consideration in Staff's review was how well the proposed SAA solution might work with the two (2) second solicitation projects. For this reason, PJM studies addressed the injection of 6,400 MW of offshore wind representing the two (2) solicitation 2 projects and the balance needed to reach that 7,500 MW goal.

Proposals were requested for three (3) separate options that could ultimately be selected individually or combined with other options or other proposals. An Option 2 solution would extend the PJM grid into the ocean providing a potential interconnection location for generators that's relatively close to the turbines in the ocean. When initiated, the Board desired an Option 2 solution that would reduce the number of shore crossings by selecting electricity from one (1) or more offshore wind farms and bringing that electricity from these projects collectively onshore. However, at the conclusion of Staff's analysis, it was determined that none of the Option 2 proposals offer sufficient benefits to the State to garner Staff's recommendations and do not improve upon the baseline for several reasons. First, the Option 2 designs received would predominantly connect only a single project to each offshore substation rather than connect multiple offshore wind farms resulting in no reduction in the number of export cables against the baseline. Second, transmission only projects do not currently qualify for the 30 percent federal investment tax credit ("ITC"), which is available to generation projects. If offshore wind generators construct the transmission necessary to bring their respective projects onshore, costs for these systems, having been part of the project's capital investments, are eligible for 30 percent ITC. Staff remained optimistic that the cost of a coordinated transmission would continue to decrease, which could open the door for procurement of Option 2 facilities through a future SAA solicitation. Third, the unbundling of offshore wind transmission and

generation responsibilities raises coordination challenges and increases project-on-project risks. In an Option 2 scenario, generators would be fully reliant on the transmission developer to ensure availability of the necessary transmission facilities. Without these transmission facilities, the generator cannot deliver their output to the grid and earn revenue. None of the SAA bidders proposed an incentive structure that would tie costs recovery of the transmission facilities to the operational performance of those facilities.

Similarly, Option 3 proposals to link offshore wind projects together in what is usually referred to as a backbone did not have sufficient benefits to outweigh the costs at this time. Staff's analysis found that the benefits of linking projects at that time do not outweigh the costs. Staff remained committed to exploring the option of a full ocean grid as the industry and technology matures. The new 11,000 MW goal announcement provides the opportunity for this exploration and, potentially, future SAAs to support the increased goal. It is likely that the future regulatory developments, including development of a tax policy and potential federal funding streams, would continue to enable and enhance the attractiveness of facilities required for network offshore grid. Perhaps in the future, federal funding and tax policies would apply to transmission only projects that support offshore wind growth.

Having concluded that neither an Option 2, nor an Option 3, scenario should be included in Staff's recommendation, Staff examined the Option 1 proposals, which include all transmission upgrades and new facilities that are fully onshore. The proposals were separated into Option 1 proposals, which include system upgrades to existing onshore facilities, and Option 1B, proposals which build out new onshore transmission connection facilities, including upgrades from the default or alternative points of interconnection ("POIs"), up to and including new onshore substations. After comparison of the attributes of the SAA bids with the baseline, Staff's analysis demonstrates substantial benefits of an Option 1A solution including costs. Brattle estimated that procuring Option 1A upgrades through the SAA would reduce costs to New Jersey ratepayers by an estimated \$900 million, compared against the baseline scenario. In addition to these savings, Staff's evaluation demonstrates that procuring 1A solutions through the SAA reduces costs and schedule risks to generators by allowing either earlier initiation of required upgrades onto the PJM system. The selection of Option 1A proposal depends on the selection of an Option 1B scenario. Staff then evaluated the Option 1B proposals.

Four (4) SAA bidders initially submitted Option 1B only proposals. Several other bidders provided Option 1B proposals within and as part of their Option 2 proposal. In reviewing the applications in PJM's analysis, Staff made several findings regarding the Option 1B proposals. First, many Option 1B proposals were cost competitive compared to the baseline. Notably, the Option 1B proposal allows offshore wind generators to apply for the ITC for a larger range of total costs as compared to the Option 2 proposal. Second, the selection of Option 1B facilities enables the POI benefits by coordinating, not only the injections at that POI, but also access to the POI through common transmission cable routes. Third, selecting Option 1B upgrades through the SAA likely increase competition in the future for future offshore wind generation solicitations by providing a single plug for generators to attach their own facilities. Critical to the Board's decision in pursuing the SAA was the ability to select an SAA project or not select any project at all that best suits New Jersey's goals while providing a more and cost effective means of meeting the State's offshore wind goals and decreasing the chance of delays. As such, in evaluating the SAA proposals, Staff not only evaluated the proposals against one another, but also against the baseline scenario and against achieving the State's overarching SAA goals.

One initial consideration in evaluating the Option 1B solutions was how many potential transmission routes or corridors the proposal included. Option 1B solutions provide an opportunity to reduce the number of additional future onshore corridors required to achieve the 7,500 MW from three (3) estimated in the baseline scenario to either one (1) or two (2). A single corridor allows all remaining generators required to meet New Jersey's 7,500 MW goal to access the same single point of interconnection enabled through a combination of Option 1A and Option 1B solutions. A two (2) corridor solution would entail two (2) POIs and generators would be directed to connect to one or the other POI. Staff's analysis found that a single corridor solution has the potential to offer substantial permitting efficiency and best minimizes community disruption and environmental impacts for that singular right of way rather than a two (2) corridor solution, which would require two (2) distinct permitting processes and more impacts. This results in significant benefits, particularly to New Jersey shores, coastal communities, and communities along the proposed transmission corridor. Finally, Staff considered the preferred location of a single corridor solution.

With all these considerations, Staff determined SAA scenarios which met the following specific criteria were performed. First, create a single onshore POI. Two, reduce the number of necessary onshore corridors to reduce environmental and community impacts. And, three, increased competition in future offshore wind solicitations by providing all generation bidders equal access to the points of intersection and the necessary lands near the selected POI. Staff determined that the jointly developed proposal submitted by Mid-Atlantic Offshore Developer ("MAOD") and Jersey Central Power & Light Company ("JCP&L"), collectively referred to as the Larrabee Tri-Collector Solution best meets the goals of the SAA and would result in a more efficient and cost effective means of meeting the State's offshore wind goals at this time. When compared against the baseline analysis, the Larrabee Tri-Collector Solution features benefits across the stated SAA evaluation criteria and is the strongest Option 1B single corridor solution when compared to others. The predominant portion of the Larrabee Tri-Collector Solution is a new substation adjacent to the existing JCP&L Larrabee substation. Selection of the Larrabee Tri-Collector Solution and associated Option 1 upgrade, Option 1A upgrades would enable the 6,400 MW of SAA capability required to efficiently satisfy New Jersey's goals while on pursuit under the SAA. The MAOD-JCP&L Option 1B solution is estimated to cost \$504 million. The necessary Option 1A upgrades identified by PJM are estimated to cost \$575 million, for a total of \$1.08 billion for the full Larrabee Tri-Collector Solution. Under the baseline scenario, without the SAA the total onshore Option 1 upgrades are estimated to cost \$1.71 billion, representing a savings from the Larrabee Tri-Collector Solution of \$630 million. Further, in selecting the Larrabee Tri-Collector Solution, there is an additional \$288 million in savings compared against the baseline for reducing the costs of the offshore wind transmission facilities inherent in going from three (3) corridors, landing points, and POIs in the baseline to this one (1) corridor solution. This results in a total savings to New Jersey ratepayers of more than \$900 million, as well as providing a single, centrally located, electronically robust point of interconnection to the PJM grid. In addition, the scope of the Larrabee Tri-Collector Solution was tailored to maximize federal tax incentives by increasing the share of upgrades eligible to receive the ITC. The difference between receiving and not receiving the ITC can be as much as \$2.2 billion. In addition to these significant cost savings, there are substantial environmental and permitting benefits and reduced community impacts. Offshore wind generators will also benefit greatly from this recommendation as cost and delay uncertainty is minimized ensuring a more clear path forward in developing their projects.

To enable 6,400 MW of SAA capability associated with the Larrabee Tri-Collector Solution, including the SAA capability associated with the awarded second solicitation projects, totaling 6,400 MW, necessary Option 1A upgrades must be procured. In its SAA reliability analysis report, PJM recommended the selection of the following proposed Option 1A solutions to support the Larrabee Tri-Collector Solution based on the costs, reliability benefits, and constructability. As set out in PJM's analysis and set forth in Appendix A of the draft Board order, portions of the following entities' Option 1A proposals were chosen from competing proposals seeking to resolve similar violations: JCP&L, Public Service Electric and Gas Company ("PSE&G"), LS Power, Atlantic City Electric Company ("ACE"), PPL Electric Utilities ("PPL"), Transource, PECO Energy Company ("PECO"), and Baltimore Gas and Electric Company ("BGE"). Staff agreed with PJM's recommended Option 1A selections. Staff recognized that by selecting an Option 1B only SAA solution, along with the applicable Option 1A projects that provides for a single location for future interconnections, each generator utilizing the SAA solution will need to build the necessary electric transmission cables and infrastructure to carry future projects from the ocean to that POI. In evaluating how to minimize these risks, Staff identified a solution, that when coupled with the Option 1B and associated Option 1A projects, would result in a single shore crossing and a single onshore route to that POI, all of which would be permitted and constructed at the same time for use by future generation projects up to 7,500 MW goal of this SAA. This concept, referred to as the pre-build, would require a single offshore wind generator selected in Solicitation 3 to construct the necessary duct banks and associated access cable vaults for its own project, as well as the additional offshore wind projects needed to fully utilize the SAA capability at the selected POI. The developer that constructs the pre-build would utilize one (1) of the duct banks and cable vaults that are constructed, leaving additional sets of cable volts and duct banks for use by future offshore wind projects awarded in Solicitation 3 and/or subsequent solicitations. Developers of future offshore wind projects would then install their cables through the pre-built duct banks utilizing the pre-built cable vaults and with little additional disruptions to the shore or onshore route resulting in minimal further disruptions to communities and reduction in risk and potential adverse environmental impacts identified. Staff indicated that it would pursue the pre-build concept more fully in the third solicitation and intended to solicit input from stakeholders and the public on issues related to design, construction, operation and maintenance and how, and on how to pre-build, and how the pre-build developer would be compensated, insurance, risk management, safety, and other relevant considerations. While Staff found proposals that comprised the Larrabee Tri-Collector Solution are in the best interest of New Jersey ratepayers in accordance with the evaluation criteria, transmission development is a long-term process materializing over many years with a degree of uncertainty.

In addition, uncertainties in the development of offshore wind farms could trigger the need for changes. Accordingly, Staff recommended that the Board retain the flexibility to issue further Board orders in this docket should significant revisions to the scope, configuration, or costs of awarded projects would be required to optimize the use of the SAA solution. Updates to the approved PJM RTEP projects are typical and in allowing for the modification of this Board order in the future to reflect significant updates would ensure that specific configuration of the awarded SAA facilities remain optimal and beneficial to ratepayers overtime. Staff anticipated that ongoing work with PJM to identify additional flexibility for other configurations that would increase the benefits of the Larrabee Tri-Collector Solution to New Jersey ratepayers.

Staff made the following three (3) recommendations: That the Board award the Larrabee Tri-Collector Solution proposed by MAOD and JCP&L; that the Board award the supporting suite of Option 1A proposal previously mentioned from JCP&L, PSE&G, ACE, LS Power, Transource, PPL, PECO, and BGE for New Jersey's first coordinated transmission approach; and that the Board consider beginning the necessary preliminary steps to support a future SAA process to enable the transmission of New Jersey's goal of 11 GW of offshore wind generation to occur in a coordinated manner for the benefit of ratepayers.

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. QO22080479 – In the Matter of the Establishment of Programming for the 2020-2022 RGGI Strategic Funding Plan; and

Docket No. QO22080480 – In the Matter of the Establishment of the RGGI Medium and Heavy Duty Electric Vehicle Charging Program.

Lauren Griffith, Division of Clean Energy, presented this matter.

BACKGROUND: Guided by the Global Warming Solution Fund Act and the 2020 to 2022 Strategic Funding Plan, Staff of the New Jersey Board of Public Utilities ("Board") ("Staff") proposed a new Medium and Heavy Duty Electric Vehicle (EV) Charging Program using funding from the Regional Greenhouse Gas Initiative ("RGGI"). Every three (3) years, New Jersey creates a strategic funding plan that coordinates the use of funds by the three (3) agencies that are tasked with disbursing funds from RGGI: the New Jersey Department of Environmental Protection, the New Jersey Economic Development Authority ("EDA"), and the Board. Under the current Strategic Funding Plan, the Board is committed to funding programming within one (1) of the plans' initiatives entitled, Catalyze Clean, Equitable Transportation. This initiative calls for new or enhanced programming, enabling low and moderate-income households, particularly those in environmental justice communities, to participate in and benefit from New Jersey's efforts to improve access to clean transportation. Such programming would also complement existing State efforts to incorporate EV charging infrastructure throughout the State. Finally, the initiative calls for a reduction in air pollutants in overburdened communities. Based on direction from the Act, the Strategic Funding Plan, and guidance from the Board, Staff proposed a new program that would incentivize charging infrastructure to support medium and heavy duty EVs in overburdened communities. The proposed program is designed to complement EDA's ongoing transportation electrification efforts by working in tandem with EDA's New Jersey Zero Emission Incentive Program, which is a RGGI funded program that works to address barriers to EV acquisition, especially for small, local businesses in overburdened communities. The Board's program would focus on funding two (2) charging models, community charging and private fleet charging, to further support EV adoption in these areas. The goal of the community charging tract would be to identify areas with a significant presence of or interest in growing the operation of electric medium and heavy

duty vehicles, while also accounting for low accessibility to direct current fast chargers (“DCFCs”). The optimal locations for community chargers are those that are accessible by several local businesses that have or are interested in acquiring the medium and heavy duty EVs. The program would also provide incentives for private fleet chargers. Private medium and heavy duty fleets contribute significantly to greenhouse gas emissions. By supporting their shift to electrification, the program would work to alleviate pollution associated with emissions from medium and heavy duty vehicles particularly in environmental justice communities. In order to best prepare for a growing and evolving medium and heavy duty sector, the funded charges would be required to be DCFCs with a capacity of 150 kilowatts per hour or greater and each project location could apply for up to six (6) chargers. Using funds from the third and fourth quarters of the 2021 RGGI auction, this program would fund up to \$16,150,648.00 worth of projects. Staff stated its intention to launch the program application by December 1, 2022.

Staff recommended that the Board approve the proposed new Medium and Heavy Duty EV Charging Program.

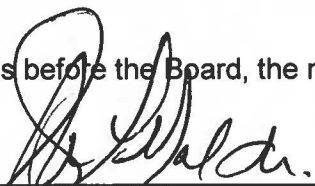
DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

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

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: September 18, 2023