



STATE OF NEW JERSEY
Board of Public Utilities
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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 ("Board") was held on January 25, 2023, via online @ <https://www.youtube.com/watch?v=pNU66Jr-rLg>.

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 February 17, 2023 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.

8. CLEAN ENERGY

A. Docket No. QO20120750 – In the Matter of Clean Energy Request for Qualifications for Offshore Wind Transmission Consulting Services for PJM State Agreement Approach Process.

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

BACKGROUND: The New Jersey Board of Public Utilities (“Board”) approved a waived contract for The Brattle Group (“Brattle”) to assist in evaluating applications submitted for the State Agreement Approach (“SAA”). In September 2021, interested applicants submitted their proposals for the SAA, totaling 80 proposals from 13 entities. As a result of the significant response and need for additional evaluation beyond what had been previously anticipated, Brattle requested a budget increase to accommodate the increased work associated with evaluating all 80 of the proposals received.

In addition, Brattle’s approved waived contract permitted a one-year contract extension if determined to be, quote, in the best interest of the State. Staff indicated that it continues to need extensive assistance in managing the Board awarded projects that relate to the SAA and believes utilizing the one-year extension to continue to utilize Brattle’s expertise is in the best interest of the State.

Staff recommended that the Board approve an increase to the Brattle contract as discussed in executive session. Staff also recommended that the Brattle contract be extended for one year.

B. Docket No. QO22070443 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the Bureau of Ocean Energy Management (BOEM) to Establish a Cooperating Agency Relationship with Respect to Renewable Energy or Alternate Use Projects.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND: The United States Department of the Interior, Bureau of Ocean Energy Management (“BOEM”) is the lead federal agency that facilitates the responsible development of renewable energy or alternate use projects, including offshore wind projects, in federal waters on the Outer Continental Shelf. BOEM recognizes the New Jersey Board of Public Utilities (“Board”) as an agency that has special expertise with respect to renewable energy projects. BOEM would like to provide confidential information and documents to Board Staff (“Staff”) for review and comment. In order for BOEM to be able to share confidential information and documents, BOEM and the Board need to establish a cooperative agency relationship through the execution of a Memorandum of Understanding.

Staff recommended that the Board approve the MOU and authorize the President to execute it.

C. Docket No. QO20030262 – In the Matter of the Charge Up New Jersey Electric Vehicle Incentive Program.

Cathleen Lewis, Division of Clean Energy, presented this matter.

BACKGROUND: Staff of the New Jersey Board of Public Utilities (“Board”) sought approval to extend the contract with the Center for Sustainable Energy (“CSE”) for the administration of the Charge Up New Jersey Electric Vehicle (“EV”) Incentive Program for a period of one year until January 2024.

Charge Up provides incentives for New Jersey residents who purchase or lease eligible EVs and residential EV chargers.

Staff also sought to expand the scope of work to include data aggregation of all charging data obtained from the chargers funded by the utility, state, or federal incentives. The contract modification also expands the Charge Up website to provide a portal detailing all the state-related EV incentives to provide one stop shopping for all New Jersey residents and businesses interested in vehicle electrification.

Staff recommended that the Board exercise the option to extend the Contract with CSE for a period of one year until January 2024 pending Treasury approval. Staff also recommended that the Board also approve the contract modification expanding the scope of work pending Treasury approval.

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 EC22040301 and OAL PUC 03381-22 – In the Matter of JAS Group Enterprises, Inc., Petitioner v. Public Service Electric and Gas Company (PSE&G), Respondent.

BACKGROUND: The Initial Decision in the above-captioned matter was received by the New Jersey Board of Public Utilities (“Board”) on September 29, 2022. Therefore, the 45-day statutory period for the Board to review and issue a Final Decision was to expire on November 14, 2022. On November 9, 2022, the Board issued an Order extending the deadline to issue a Final Decision an additional 45 days to December 29, 2022. On December 21, 2022, the Board issued an Order further extending the deadline to issue a Final Decision an additional 45 days to February 13, 2023.

Because additional time was required for Board Staff (“Staff”) and the Attorney General’s Office to review the Initial Decision and perform a review of the record, Staff requested that the Board approve the request for a 45-day extension of the time for the Board to render a final decision, until March 30, 2023.

III. CABLE TELEVISION

There were no items in this category.

IV. TELECOMMUNICATIONS

A. Docket No. TM21111235 – In the Matter of the Notice of Peerless Network of New Jersey, LLC and Airus, Inc. – Indirect Transfer of Control.

BACKGROUND: By letter dated November 30, 2021 Peerless Network Holdings, Inc. (“Peerless Holdings” or “Transferor”) and OpenMarket Inc. (“OpenMarket” or “Transferee”, together with Transferor, “Parties” or “Petitioners”), notified the New Jersey Board of Public Utilities (“Board”) of a transaction whereby OpenMarket would acquire Peerless Holdings and its subsidiaries (“Transaction”). As a result of the proposed Transaction, OpenMarket would hold a 100% indirect interest in Peerless Network of New Jersey, LLC (“PNJ”), and Airus, Inc. (“Airus”, together with PNJ, “Licensees”). Upon the completion of the Transaction, the Licensees would participate in certain financing arrangements to which OpenMarket and its affiliates are parties.

Subsequently, the Petitioners notified the Board that the Proposed Transaction was consummated on July 25, 2022, prior to obtaining regulatory approval.

As the Transaction was concluded prior to Board Approval, Board Staff (“Staff”) recommended that the Board issue a finding approving the petition *nunc pro tunc*, concluding that there would be no adverse effect to customers in New Jersey.

V. WATER

A. Docket Nos. BPU WR22090555 and OAL PUC 08466-2022S – 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, 2022, the Pinelands Water Company (“PWC”), 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 pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:2-21 and 14:1-5.12.

PWC requested 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.

By Order dated September 28, 2022, the Board issued an Order suspending the proposed rates until February 7, 2023.

Board Staff recommended that the Board issue a Further Suspension Order suspending the requested rates until June 7, 2023.

B. Docket Nos. BPU WR22090556 and OAL PUC 08516-2022S – 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 (“PWWC”), 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 pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:2-21 and 14:1-5.12 (“Petition”).

PWWC requested 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.

By Order dated September 28, 2022, the Board issue an Order suspending the proposed rates until February 7, 2023.

Board Staff recommended that the Board issue a Further Suspension Order suspending the proposed rates until June 7, 2023.

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

There were no items in this category.

After appropriate motion, the consent agenda was approved.

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

AGENDA

1. AUDITS

There were no items in this category.

2. ENERGY

A. Docket No. GR22070465 – In the Matter of the Petition of Elizabethtown Gas Company to Revise the Remediation Adjustment Clause Component of its Societal Benefits Charge Rate.

Malike Cummings, Division of Water and Energy, presented this matter.

BACKGROUND: On July 29, 2022, Elizabethtown Gas Company filed a petition seeking approval to increase the company's manufactured gas remediation adjustment clause to recover the net costs incurred during the 2022 RAC period from July 1, 2021 through June 30, 2022. Following the review of the petition and discovery, the parties have executed a stipulation requesting the New Jersey Board of Public Utilities ("Board") approve the revised Societal Benefits Charge- Remediation Adjustment Clause rate.

As a result of the stipulation, a typical residential heating customer using 100 therms per month would experience an increase in the monthly bill of \$1.06. Board Staff ("Staff") recommended the Board issue an order adopting this stipulation and directing Elizabethtown Gas Company to file revised tariffs by February 1, 2023.

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. ER22060408 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric Solar Pilot Recovery Charge ("SPRC") for its Solar Loan 1 Program.

Malike Cummings, Division of Water and Energy, presented this matter.

BACKGROUND: On June 30, 2022, Public Service Electric and Gas Company ("PSE&G") filed a petition seeking approval of changes to its electric Solar Pilot Recovery Charge ("SPRC") for its Solar Loan 1 Program. During the course of the proceedings, PSE&G updated its submissions with actuals through September 2022.

The parties have executed a stipulation requesting the New Jersey Board of Public Utilities ("Board") approve the SPRC rate. As a result, a typical residential electric customer using 740 kilowatt hour in a summer month and 6,902 kilowatts annually, would experience an increase in their annual bill of \$0.04.

Board Staff (“Staff”) recommended that the Board issue an order adopting the stipulation and directing PSE&G to file revised tariffs by February 1, 2023.

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. EO22100632 – In the Matter of the Petition of Rockland Electric Company for Approval of a Zero Emission Certification Recovery Charge.

Michael Kammer, Division of Water and Energy, presented this matter.

BACKGROUND: On October 22, 2022 Rockland Electric Company (“RECO”) filed a petition requesting approval to update the company’s Zero Emission Certificate Reconciliation Charge. RECO’s proposal would result in a \$0.13 increase for a typical residential customer using 650 kilowatt hours per month. The New Jersey Division of Rate Counsel submitted comments stating that it did not object to the RECO’s proposal.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board accept RECO’s proposal and direct Rockland to file revised tariffs prior to February 1, 2023 for rates effective February 1, 2023. In its recommendation, Staff also recommended that the Board deny RECO’s proposal to monitor the ZEC excess collection balance as it approaches zero. Staff recommended that the Board direct RECO to collaborate with other EDCs, Staff, and Rate Counsel to consider this specific proposal in the next ZEC recovery charge filing.

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. EO22100656 – In the Matter of the Petition of Atlantic City Electric Company for Approval of a Change to its Zero Emission Certificate Recovery Charge (10/2022).

Michael Kammer, Division of Water and Energy, presented this matter.

BACKGROUND: On October 19, 2022 Atlantic City Electric Company (“ACE”) filed a petition seeking approval for a change to its Zero Emission Certificate Recovery Charge. ACE’s proposal would result in a \$0.05 increase for the typical residential customer using 650 kilowatt hours per month. The New Jersey Division of Rate Counsel submitted

comments stating that it did not object to the ACE’s proposal.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) recommended that the Board accept ACE’s proposal and direct ACE to file revised tariffs prior to February 1, 2023 for rates effective February 1, 2023. In its recommendation, Staff recommended that the Board deny ACE’s request to file revised rates via compliance filings.

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. EO22100658 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Zero Emission Certificate Recovery Charge.

Michael Kammer, Division of Water and Energy, presented this matter.

BACKGROUND: On October 14, 2022 Public Service Electric and Gas Company (“PSE&G”) filed a petition seeking approval for a change to its Zero Emission Certificate Recovery Charge. PSE&G’s proposal would result in a \$0.06 increase for the typical residential customer using 650 kilowatt hours per month. The New Jersey Division of Rate Counsel submitted comments stating that it did not object to the company’s proposal.

Staff of the New Jersey Board of Public Utilities (“Board”) recommended that the Board accept PSE&G’s proposal and direct PSE&G to file revised tariffs prior to February 1, 2023, for rates effective February 1, 2023. In its recommendation, Staff recommended that the Board deny PSE&G’s request to file revised rates via compliance filings.

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. GM22040270 – In the Matter of the Merger of South Jersey Industries, Inc. and Boardwalk Merger Sub, Inc.

Ben Witherell, Office of the Economist, presented this matter.

BACKGROUND: This matter related to the joint petition of South Jersey Industries (“SJI”), the parent company of South Jersey Gas Company (“SJG”) and Elizabethtown Gas Company (“ETG”) and IIF US Holdings II (“IIF”), a private equity fund focused on infrastructure investment managed by JP Morgan Chase (collectively, “Joint Petitioners”). The Joint Petitioners filed a petition with the New Jersey Board of Public Utilities (“Board”)

seeking approval of a change of control whereby IIF would acquire full control and ownership of SJI.

ETG serves approximately 306,000 customers in all or portions of Hunterdon, Mercer, Middlesex, Morris, Sussex, Union and Warren counties. SJG serves approximately 413,000 customers in all or portions of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem counties. IIF is a private equity fund with a net asset value of approximately \$20 billion, the majority of which is invested in critical infrastructure across the United States, including gas, electric, and water utilities in at least five other states.

On June 8, 2022, the Board retained the matter and designated Commissioner Mary Anna Holden as the presiding Commissioner. On August 17, 2022, Commissioner Holden issued a prehearing order and procedural schedule. Two virtual public hearings were held on September 29, 2022 and discovery and settlement conferences continued throughout the fall and the parties executed a stipulation on January 6, 2023. Other parties signing on to the stipulation include the New Jersey Division of Rate Counsel, the New Jersey Large Energy Users Coalition, and the Environmental Defense Fund.

Board Staff ("Staff") recommended approval of the transaction under the terms reflected in the stipulation and Board order. Staff stated its belief that the stipulation and order addressed all applicable statutes and regulations and protect customers and employees while maintaining current rates, capital investment, staffing, and service levels. Some of the key provisions included in the stipulation are as follows:

The transaction will not impact rates or service for existing customers of ETG and SJG, as the Joint Petitioners have agreed to a rate case stakeout period for two years from the effective date of their last rate case last year. For a period of five years, the Joint Petitioners agreed to maintain local management structure and not implement any involuntary workforce reductions or decreases to wages, benefits, and other terms and conditions of employment in effect at the time of the merger closing, with only very narrow limited exceptions.

The Joint Petitioners will provide a positive benefit to customers in the form of \$75 million in rate relief. This rate relief would include a write off of the total COVID-19 deferrals of approximately \$14 million. The remainder of the \$75 million will be shared among all customers in the form of two annual bill credits, the first within three months of the merger closing and the second bill credit one year later. The amount of each annual bill credit is estimated to be approximately \$40.00 per customer for a total of \$80.00 per customer over the two installments.

The Joint Petitioners committed to expand their shareholder funded relief for low income customers by contributing \$500,000.00 annually to NJ Shares for at least five years and the petitioners commit that ETG and SJG will each provide additional contributions to support community programs and projects of at least \$500,000.00 per year for five years also.

Regarding continuing service, the Joint Petitioners agreed to maintain their existing call centers and their field service centers in New Jersey, unless previously approved by the Board for closure in a prior docket, and that will remain in effect for at least three years. They have also committed to improve their customer service response times.

In addition, the Joint Petitioners committed to maintain their headquarters in New Jersey.

Any increase in the cost of debt resulting explicitly from the change in control through provisions in the debt instruments that allow current debt holders to put their debt back in the company will be tracked and credited back to customers as a rate credit in a subsequent rate case, thus, holding customers harmless if there is an increase in the cost of debt specifically as a result of these mergers.

The Joint Petitioners committed to continue to provide financial reporting for SJG and ETG to the Board with the same frequency and in the same comprehensive manner as under their current Securities and Exchange Commission requirements. Additionally, the stipulation provides various ring fencing commitments, such as no bunching of assets, no dividend issues if the utility credit rating falls below investment grade and no transaction related debt at the utility level.

The Joint Petitioners also committed to tracking and reporting to the parties on the cost and extent of a million in service line extensions and also to provide a report on the occurrences of gas leaks and the schedule and completed replacement of older cast iron facilities.

Staff asserted that these commitments, and others in the stipulation, should provide confidence that the terms of the merger as agreed are protected of the service and rates provided to customers in New Jersey, the financial integrity of the two utilities, and the employees who work there.

Staff recommended that the Board approve the stipulation of settlement and the proposed transaction.

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. WM22110690 – In the Matter of the Verified Joint Petition of Montague Water Co., Inc., Montague Sewer Co., Inc., Corix Infrastructure (US) Inc., and SW Merger Acquisition Corp. for Approval of a Change of Control of Montague Water Co., Inc. and Montague Sewer., Inc.

Michael Kammer, Division of Water and Energy, presented this matter.

BACKGROUND: On November 9, 2022, Montague Water Company and Montague Sewer Company, together with Corix Infrastructure US, Inc. and SW Merger Acquisition Corp. filed a petition requesting that the New Jersey Board of Public Utilities (“Board”) approve the proposed merger of SW Merger Acquisition Corp. and Corix US. Corix US indirectly owns 100 percent of the Montague companies.

Board Staff (“Staff”) recommended that the Board retain jurisdiction over this matter and designate a presiding Commissioner. Staff further recommended that the Board set a bar date of February 25, 2023 for motions to intervene or for motions pro hac vice.

Commissioner Mary-Anna Holden agreed to serve as presiding commissioner.

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 & SECURITY

A. Docket No. GS22110688 – In the Matter of the Allegations of Violations of Pipeline Safety Regulations by Public Service Electric and Gas Company with Respect to a Gas Pipeline Safety Inspection in Morris Plains, New Jersey on May 26, 2021.

Frank Gaffney, Division of Reliability & Security, presented this matter.

BACKGROUND: On May 26, 2021, staff of the Bureau of Pipeline Safety within the New Jersey Board of Public Utilities (“Board”) (“Staff”) conducted a construction inspection of a Public Service Electric and Gas Company (“PSE&G”) crew installing a plastic main in Morris Plains. It was determined that the crew was not following the PSE&G’s installation procedures and not following pipeline safety regulations concerning inspection of materials, repair of plastic pipe, minimum cover over natural gas pipelines, installation of pipe in a trench, and calibration of equipment utilized in construction. This resulted in an investigation that led to discovery that PSE&G was not properly qualifying its own personnel to fuse plastic pipe using hydraulic butt fusion and electrofusion techniques.

Staff issued a notice of probable violation (“NOPV”) to PSE&G alleging violations of the pipeline safety regulations on January 14, 2022. In response, PSE&G began to re-qualify all

of its personnel for hydraulic fusion and electrofusion.

On December 6, 2022, Staff sent a revised NOPV with the requirement to include a sampling program in addition to the original proposed settlement. On December 22, 2022, PSE&G accepted the updated NOPV, which included the following: Pay a fine of \$318,250.00; revise their procedures for fusion qualification processes and backfill requirements; re-qualified all personnel before continuing to perform fusions; create a joint sampling program to verify the integrity of previously made joints and provide Staff with regular reports on these results.

Staff recommended that the Board approve the settlement.

DECISION: After discussion, the Board adopted the recommendation of staff 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. QO20120750 – In the Matter of Clean Energy Request for Qualifications of Offshore Wind Transmission Consulting Services for PJM State Agreement Approach Process.

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

BACKGROUND: This matter was initially discussed in executive session. The New Jersey Board of Public Utilities (“Board”) approved a waiver contract for The Brattle Group (“Brattle”) to assist in evaluating applications submitted under the State Agreement Approach (“SAA”). In September 2021, interested applicants submitted their proposals for the SAA totaling 80 proposals from 13 entities. As a result of this significant response, a need for additional evaluation beyond what had been previously anticipated, Brattle requested a budget increase to accommodate the increased work associated with evaluating those 80 proposals.

In addition, Brattle’s approved waived contract permitted a one-year contract extension if determined to be, quote, in the best interest of the State. Board Staff (“Staff”) indicated that it continues to need extensive assistance in managing the Board awarded projects that relate to the SAA and believes utilizing the one-year extension to continue to utilize Brattle’s expertise is in the best interest of the State.

Staff recommended that the Board approve an increase to the Brattle contract as discussed in executive session. Staff also recommended that the Brattle contract be extended for one year as discussed 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

B. Docket No. QO22070443 – In the Matter of a Memorandum of Understanding Between the New Jersey Board of Public Utilities and the Bureau of Ocean Energy Management (BOEM) to Establish a Cooperating Agency Relationship with Respect to Renewable Energy or Alternate Use Projects.

Jim Ferris, Division of Clean Energy, presented this matter.

BACKGROUND: This matter was initially discussed in executive session. The United States Department of the Interior, Bureau of Ocean Energy Management (“BOEM”), is the lead federal agency that facilitates the responsible development of renewable energy or alternate use projects, including offshore wind projects, in federal waters on the Outer Continental Shelf. BOEM recognizes the New Jersey Board of Public Utilities (“Board”) as the agency that has special expertise with respect to renewable energy projects. BOEM would like to provide confidential information and documents to Board Staff for review and comment. In order for BOEM to be able to share confidential information and documents, BOEM and the Board need to establish a cooperative agency relationship through the execution of a memorandum of understanding.

Board Staff (“Staff”) noted that BOEM has cooperative agency relationships with other State agencies and with other states.

Staff recommended that the Board approve the Memorandum of Understanding as discussed in executive session and authorize the President to execute it.

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. QO20030262 – In the Matter of the Charge Up New Jersey Electric Vehicle Incentive Program.

Cathleen Lewis, Division of Clean Energy, presented this matter.

BACKGROUND: This matter was initially discussed in executive session and concerned an extension to the contract to administer the Charge Up New Jersey Program. Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) sought approval to extend the contract with the Center for Sustainable Energy (“CSE”) for the administration of the Charge Up New Jersey

for a period of one year, until January 2024.

Staff also sought to expand the scope of work to include data aggregation of all charging data obtained from the chargers funded by the utility, state, or federal incentives. The contract modification would also expand the Charge Up website to provide a portal detailing all the state-related electric vehicle incentives to provide one stop shopping for all New Jersey residents and businesses interested in vehicle electrification.

Staff recommended approval.

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

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

D. Docket No. EO20110730 – In the Matter of the Petition of Rockland Electric Company for Approval of an Electric Vehicle Program, Establishment of an Electric Vehicle Subcharge, and for other Relief (RECO-EV); and

Docket No. EO22120743 – In the Matter of the Petition of Rockland Electric Company for Approval of an Electric Vehicle Managed Charging Program, and for Other Relief.

Cathleen Lewis, Division of Clean Energy, presented this matter.

BACKGROUND: On November 23, 2020 Rockland Electric Company (“RECO”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking approval of its Electric Vehicle (“EV”) program. On January 27, 2021 the Board determined that the RECO EV petition should be retained by the Board for hearing and the President designated Commissioner Robert Gordon as the Presiding Officer.

On October 12, 2022, the Board approved a stipulation of approximately \$7.6 million. Included in that stipulation was a requirement that RECO file a residential managed charging program by December 31, 2022. On December 20, 2022 RECO filed a petition with the Board seeking approval for a residential managed charging program.

Board Staff (“Staff”) recommended that the Board retain this matter for hearing at the Board and that the President designate a Presiding Officer. Staff further recommended that the Board set a bar date of March 1, 2023 for the filing of motions to intervene and participate for the admission pro vac vice.

Commissioner Gordon agreed to serve as Presiding Commissioner.

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. EO12090832V – In the Matter of the Implementation of L. 2012, c. 24, The Solar Act of 2012;

Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECS Pursuant to Subsection (t) of the Solar Act of 2012; and

Docket No. QO20120769 – CEP Renewables Foul Rift Solar Farm LLC Natures Choice Brownfield.

Diane Watson, Division of Clean Energy, presented this matter.

BACKGROUND: This item related to a Subsection (t) application from CEP Renewables to have its Foul Rift Solar Farm project certified as being located on a brownfield pursuant to Subsection (t) of the Solar Act of 2012. The applicant’s proposed 24.183 megawatt project is to be located on 55.89 acres at the Nature’s Choice Corporation site in White Township Warren County, New Jersey.

Staff of the New Jersey Board of Public Utilities (“Board”) (“Staff”) reviewed the application and supplied a copy to the New Jersey Department of Environmental Protection (“NJDEP”) for their review. Staff subsequently received an advisory memo on the application where the NJDEP determined that the proposed site is a brownfield as defined by the Solar Act and in accordance with their three-prong determination. The NJDEP also provided specific conditions and requirements for permits and approvals from the NJDEP that the project must satisfy.

Based on the review of the application and the advisory memorandum provided by the DEP, Staff recommended that the Board grant conditional certification for the Foul Rift Solar Farm project as proposed for the Nature’s Choice Corporation site on property defined as a brownfield consistent with the Solar Act of 2012, find the conditions for certification provided by the NJDEP be fully documented as satisfied by the applicant prior to Staff’s issuance of full certification, and require that the applicant must file its Transition Renewable Energy Certificate registration within 14 days of the date of the Board’s acceptance.

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

A. Docket No. AX21121240 – In the Matter of the Proposed Readoption with Amendments to N.J.A.C. 14:1 – Rules of Practice.

Jacqueline Hardy, Office of General Counsel, presented this matter.

BACKGROUND: This matter related to the proposed readoption with amendments to N.J.A.C. 14:1, Rules of Practice. These rules govern practice and procedure before the New Jersey Board of Public Utilities (“Board”) which includes all pleadings, petitions, and filings, fees and charges, and appearances and motion practice in both contested and uncontested cases. The rules also cover confidentiality issues that arise pursuant to the Open Public Records Act.

The rule proposal was published in the New Jersey Register on August 15, 2022 and was set to expire on February 15, 2023.

Board Staff (“Staff”) stated N.J.A.C. 14:1 is necessary and appropriate in that the rules would help ensure that New Jersey utility customers will receive safe, adequate, and proper service at reasonable rates.

The Board received comments from the stakeholder community through October 14, 2022 and responded to each of the comments. The notice of adoption document contained a summary of all comments and Staff’s responses. The Governor’s Office has reviewed and approved the proposed readoption.

Staff recommended that the Board approve the final readoption of this chapter with two non-substantial changes to the original proposal with the rules becoming effective upon publication in the New Jersey Register.

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

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

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



SHERRILL GOLDEN
BOARD SECRETARY

Date: October 11, 2023