



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://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 November 17, 2023 and at the Board's Hearing Room at 44 South Clinton Avenue, Trenton and via online @ <https://www.youtube.com/watch?v=v1UXnoW2t9w>

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and newspapers of broad circulation in the State of New Jersey.

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

Christine Guhl-Sadovy, President  
Mary-Anna Holden, Commissioner  
Dr. Zenon Christodoulou, Commissioner  
Marian Abdou, Commissioner

President Guhl-Sadovy presided at the meeting and Sherri L. Golden, Secretary of the Board, carried out the duties of the Secretary.

It was also announced that the next regular Board Meeting will be held December 6, 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 matters, which involved N.J.S.A. 10:4-12(b)(7) attorney-client privilege and/or contract negotiations exceptions, were discussed in Executive Session.

### 4. TELECOMMUNICATIONS

#### A. Docket No. TO23100734 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding the Extension of Certain Contractor Services for Federal Broadband Funding.

Henry Gajda, Deputy Chief of Staff, presented this matter

**BACKGROUND:** This matter involves the Staff recommendation for the Board to enter into the Memorandum of Understanding with the New Jersey Economic Development Authority for federal broadband funding application support. Since 2020, hundreds of billions of dollars of federal grant funding have become available due to the Inflation Reduction Act, Infrastructure Investment and Jobs Act, and the CHIPS and Science Act. In October 2022, the National Telecommunications and Information Administration awarded New Jersey approximately \$1.2 million pursuant to the Digital Equity Planning Grant Program. In November 2022, NTIA awarded New Jersey its initial plan grant under the Broadband Access Equity and Deployment program for approximately \$4.9 million. In June 2023, the Biden administration announced that New Jersey was allocated over \$263 million in the BEAD program available funding.

To assist in the development of the federal broadband grant applications, Staff recommends that the Board distribute DEA and BEAD planning grant funding through an MOU with EDA in an amount not to exceed \$1.7 million. Staff also recommends that the Board authorize President Guhl-Sadovy to sign the MOU on behalf of the Board.

#### B. Docket No. TO23100776 – In the Matter of the New Jersey Broadband Infrastructure Deployment Equity Program.

Valarry Ballard, Director, Broadband, presented this matter

**BACKGROUND:** This matter details the request to approve the MOU with the Department of Community Affairs in the amount of \$52,768,000.00 to assist the Board with implementing the NJ BIDE Program.

Staff also recommended that the Board authorize President Christine Guhl-Sadovy to sign the MOU on behalf of the Board. Staff recommends the Board approve the MOU with DCA in the amount of \$52,768,000.00. And in addition, Staff also recommends the Board authorize President Christine Guhl-Sadovy to sign the MOU on behalf of the Board.

## 8. CLEAN ENERGY

### H. Docket No. QO23100735 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding the Extension of Certain Contractor Services for Federal Clean Energy Funding.

Henry Gajda, Deputy Chief of Staff, presented this matter

**BACKGROUND:** This matter involves the Staff recommendation for the Board to enter into a Memorandum of Understanding with the New Jersey Economic Development Authority for Federal Clean Energy Funding application support. Since 2020, hundreds of billions of dollars in federal grant money has become available due to the IRA, Infrastructure Jobs Investment Act, and CHIPS Act. The IRA alone features \$369 billion in energy security and climate change programs over the next ten years. If approved, the Board would distribute New Jersey Clean Energy Program funds in the amount of \$4.5 million to EDA for contractor assistance with applications under the relevant federal grant programs.

Staff recommends that the Board approve the MOU to EDA in the amount of \$4.5 million for Federal Clean Energy Funding application contract assistance. Staff also recommends the Board authorize President Guhl-Sadovy to sign the MOU on behalf of the Board.

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

Kevin Nezda, Division of Clean Energy, presented this matter

**BACKGROUND:** This item pertains to the School and Small Business Energy Efficiency Stimulus Program which was created by the Board in October of 2021. This program consists of the School and Small Business Noncompliant Plumbing Fixture and Appliance Program and the School and Small Business Ventilation and Energy Efficiency Verification and Repair Program. These programs are designed to provide grants to schools and small businesses for the installation of certain heating, ventilation, and air conditioning systems and energy efficient and water conserving appliances and fixtures, and to improve air quality, energy efficiency in school districts and small businesses. This program is funded by \$180 million of federal funding made available to the Board through the American Rescue Plan Act of 2021. To receive this federal funding, the Board entered into a Memorandum of Understanding with the New Jersey Department of Community Affairs on October 8, 2021. This item will update the original 2021 MOU to clarify language in the MOU pertaining to the integrity monitor that the Board was required to procure for the program, it will include the integrity monitor guidance document as an exhibit to the MOU, it will clarify the chief fiscal officer is the accountability officer for the Board, it will include language that the Board is authorized to reallocate funding between budget categories pursuant to the Fiscal Year 2023 and Fiscal Year 2024 State budgets, and it will make other non-substantive to the MOU to reflect the current status of the program.

Staff recommends that the Board approve the amendment to the MOU and authorize President Guhl-Sadovy to sign the MOU on behalf of the Board.

## CONSENT AGENDA

### I. AUDITS

There were no items presented in this category

### II. ENERGY

There were no items presented in this category

### III. CABLE TELEVISION

- A. Docket No. CE21020619 – In the Matter of the Petition of Spectrum New Jersey, LLC, d/b/a Charter, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Town of Guttenberg, County of Hudson, State of New Jersey.**

**BACKGROUND:** This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting a Renewal Certificate of Approval be issued to Spectrum New Jersey, LLC, d/b/a Charter (“Spectrum”) for the Town of Guttenberg (“Town”) for a term of 10 years.

Board Staff (“Staff”) recommends approval.

- B. Docket No. CE23070441 – In the Matter of the Verified Petition of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Sparta, County of Sussex, State of New Jersey.**

**BACKGROUND:** This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting a Renewal Certificate of Approval be issued to CSC TKR, LLC (“Cablevision”) for the Township of Sparta (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval

- C. Docket No. CE23080618 – In the Matter of the Verified Petition of CSC TKR, LLC for Renewal of a Certificate of Approval to Continue to Operate and Maintain a Cable System in the Township of Hope, County of Warren, State of New Jersey.**

**BACKGROUND:** This matter relates to a petition filed with the New Jersey Board of Public Utilities (“Board”) requesting a Renewal Certificate of Approval be issued to CSC TKR, LLC (“Cablevision”) for the Township of Hope (“Township”) for a term of 10 years.

Board Staff (“Staff”) recommends approval

### IV. TELECOMMUNICATIONS

There were no items presented in this category

### V. WATER

There were no items presented in this category

**VI. RELIABILITY AND SECURITY**

There were no items presented in this category.

**VII. CUSTOMER ASSISTANCE**

There were no items presented in this category.

**VIII. CLEAN ENERGY**

There were no items presented in this category.

**IX. MISCELLANEOUS**

- A. Approval for the April 26, 2023 Minutes;  
Approval for the June 7, 2023 Minutes; and  
Approval for the June 29, 2023 Minutes.**

**After appropriate motion, consent agenda items IIIA, IIIB and IIIC**

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**After appropriate motion, consent agenda items IXA, excluding the April 26 Minutes**

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**After appropriate motion, consent agenda item IXA, specifically for the April 26 Minutes**

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Abstain</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Abstain</b>

## AGENDA

### 1. AUDITS

NO ITEMS FOR CONSIDERATION

### 2. ENERGY

- A. **Docket Nos. BPU ER23020091 and OAL PUC 02235-2023 S – In the Matter of the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief (2/2023).**

**Stacy Peterson, Dep. Executive Director**, presented this matter.

**BACKGROUND:** On February 15 Atlantic City Electric filed a petition seeking approval of an increase in its base rates of approximately \$105 million, excluding sales and use tax, which was subsequently updated to \$92 million. Through the course of the proceeding, the parties held numerous discovery and settlement conferences, which resulted in the execution of a stipulation resolving the matter. The stipulation was subsequently approved by Administrative Law Judge Gertsman. Based on the stipulation, ACE would implement an overall revenue increase of \$45 million over two phases. The Phase 1 revenue requirement increase is \$36 million effective December 1. In Phase 2, the company would be provided an opportunity to increase its revenues by an additional amount not to exceed \$9 million effective on or about February 1, 2024, which may be reduced if ACE fails to activate at least 200,000 AMI meters by December 31. The parties have also agreed to a return on equity of 9.6 percent and the resolution of several proposed regulatory assets. As a result of the stipulation, for Phase 1 a typical residential customer would see a monthly increase of \$5.16. Based on the company achieving 100 percent of its Phase 2 obligations, the overall monthly impact to Phase 2 would be an additional 93 cents.

Staff recommends that the Board adopt the initial decision and approve the stipulation and direct ACE to file revised tariffs by November 30.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**B. Docket No. GW23080558 – In the Matter of a Petition of PS&S Architecture and Engineering, PC for a Waiver of the Public Service Electric and Gas (PSE&G) Tariff for Individual Meters**

**Stacy Peterson, Dep. Executive Director**, presented this matter.

**BACKGROUND:** On August 8, 2023 PS&S Architecture and Engineering, PC filed a petition seeking a waiver of the provision of PSE&G's gas tariff that requires individual gas meters in residential buildings. On September 29, PSE&G filed a motion to intervene.

Staff recommends that the Board retain the matter for hearing, designate a presiding Commissioner, and set a bar date of December 8, 2023. Staff further recommends that the Board grant PSE&G's motion to intervene.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**C. Docket No. ER23030124 – In the Matter of the Provision of Basic Generation Service (“BGS”) for the Period Beginning June 1, 2024.**

**Stacy Peterson, Dep. Executive Director**, presented this matter

**BACKGROUND:** This is a recommendation for securing electric power supplies for Basic Generation Service customers for the period beginning June 1, 2024. By way of background, the Board issued an order in April of this year opening a proceeding to determine how to procure the remaining one-third of the State's RSCP and the annual CIEP requirements for the period beginning June 1, 2024. The EDCs made a joint filing on June 30. Additionally, as part of its company specific addendum, Rockland made a proposal to procure the energy and capacity requirements of its non-PJM customers within New Jersey for the period beginning June 1, 2024.

The Board received initial and final comments and a legislative type hearing was held on September 18. Similar to last year, one supplier requested modifications that would increase transparency regarding the contract valuation and sought further clarity in certain information and calculations provided to suppliers. No party opposed the request, but there were some requested modifications consistent with the Board's approval last year.

Staff recommends the Board approve these changes to the Supplier Master Agreements, along with the modifications and provisions proposed by other parties, including a requirement that the EDCs notify the Board and Rate Counsel by January 31 indicating whether or not the changes have been implemented. In November 2022, the Board directed staff to work with interested parties to attempt to find an electric vehicle rate design solution before the filing of the 2024 proposal. Each EDC has included a proposal regarding a rate design for the DCFC stations. Staff notes that each EDC proposed a pilot program with a one to two year term, but each EDC's proposed pilot is unique. No party opposed the implementation of the pilot program, but there were several suggested modifications.

Following review of the proposal and comments received, Staff recommends the Board authorize the EDCs to implement two year pilot programs and direct the EDCs to file an update in the 2025 BGS proposal on the status of the pilot programs. As JCP&L only proposed a one year pilot, Staff recommends the Board direct JCP&L to modify its proposal to be a two year pilot program. Staff also recommends that the Board direct the EDCs to modify their program to allow new entrance in year two of the program, subject to the same enrollment timelines. Staff further recommends the Board direct the EDCs to continue to collect data, subject to customer consent, and submit semiannual reports to the Board and Rate Counsel as previously directed.

Staff recommends the Board approve the descending clock auction process, Auction Rules, Board approval process, and Supplier Master Agreements that were proposed by the EDCs. Staff also recommends that the Board require each of the EDCs to file amended compliance filings by December 4 and authorize Staff to review the compliance filings and request that a secretary's letter be issued if the filings are found to be compliant.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**D. Docket No. GR23060335 – In the Matter of the Petition of Elizabethtown Gas Company to Review its Periodic Basic Gas Supply Service Rate and its Conservation Incentive Program Rates for the Year Ending September 30, 2024.**

**Stacy Peterson, Dep. Executive Director,** presented this matter

**BACKGROUND:** On June 1, Elizabethtown Gas filed a petition seeking approval to increase its periodic BGSS rate and to modify its Conservation Incentive Program rates effective October 1. Through the course of the proceeding, Elizabethtown updated its schedules to reflect more recent information. Additionally, on October 30, Elizabethtown filed an emergent motion to waive the deadline for providing notice of a provisional increase in the BGSS rate effective September 1. Following an initial review and discussions, the parties determined while additional time is needed, it is reasonable and in the public interest for Elizabethtown to implement and modify BGSS-P and CIP rates on a provisional basis. The parties have executed a stipulation that would allow Elizabethtown to implement its updated CIP rates effective December 1 and a provisional BGSS-P rate effective March 1, 2024. Additionally, the stipulation recommends the Board approve Elizabethtown's emergent motion. As a result of the stipulation, a typical residential heating customer will see a monthly bill increase of \$12.80 effective December 1.

Staff recommends the Board approve this stipulation and direct Elizabethtown to file revised tariffs by December 1.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>



**E. Docket No. GR23070448 – In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Incremental COVID-19 Costs for Recovery Through a New Special-Purpose Clause, and for Authorization to Recover Uncollectible Costs for Gas Through the Societal Benefits Charge**

**Stacy Peterson, Dep. Executive Director**, presented this matter

**BACKGROUND:** On July 17 PSE&G filed a petition seeking review and approval to recover costs incurred due to the COVID-19 pandemic through a special purpose clause and a societal benefits charge.

Staff recommends that the Board retain this matter, designate a presiding Commissioner, and set a bar date of December 22, 2023.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**3. CABLE TELEVISION**

There were no items presented in this category

**4. TELECOMMUNICATIONS**

**A. Docket No. TO23100734 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding the Extension of Certain Contractor Services for Federal Broadband Funding – Executive Session**

**Henry Gajda, Dep. Chief of Staff**, presented this matter.

**BACKGROUND:** This matter involves the Staff recommendation for the Board to enter into the Memorandum of Understanding with the New Jersey Economic Development Authority for federal broadband funding application support. Since 2020, hundreds of billions of dollars of federal grant funding have become available due to the Inflation Reduction Act, Infrastructure Investment and Jobs Act, and the CHIPS and Science Act. In October 2022, the National Telecommunications and Information Administration awarded New Jersey approximately \$1.2 million pursuant to the Digital Equity Planning Grant Program. In November 2022, NTIA awarded New Jersey its initial plan grant under the Broadband Access Equity and Deployment program for approximately \$4.9 3 million. In June 2023, the Biden administration announced that New Jersey was allocated over \$263 million in the BEAD program available funding.

To assist in the development of the federal broadband grant applications, Staff recommends that the Board distribute DEA and BEAD planning grant funding through an MOU with EDA in an amount not to exceed \$1.7 million. Staff also recommends that the Board authorize President Guhl-Sadovy to sign the MOU on behalf of the Board.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**B. Docket No. TO23100776 – In the Matter of the New Jersey Broadband Infrastructure Deployment Equity Program – Executive Session.**

**Valarry Ballard, Director, Broadband,** presented this matter

**BACKGROUND:** This matter details the request to approve the MOU with the Department of Community Affairs in the amount of \$52,768,000.00 to assist the Board with implementing the NJ BIDE Program.

Staff recommends the approval of the MOU with DCA in the amount of \$52,768,000.00. Staff also recommends the Board authorize President Christine Guhl-Sadovy to sign the MOU on behalf of the Board.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**5. WATER**

There were no items presented in this category

**6. RELIABILITY AND SECURITY**

There were no items presented in this category

**7. CUSTOMER ASSISTANCE**

There were no items presented in this category

**8. CLEAN ENERGY**

**A. Docket No. QX22100653 – In the Matter of a Rulemaking Proceeding to Amend the Successor Solar Incentive Rules and Establish a Competitive Solar Incentive Pursuant to P.L. 2021, c. 169.**

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

**BACKGROUND:** This agenda item involves the adoption of proposed amendments in the New Jersey Administrative Code, Title 14, Chapter 8, Subchapter 11, which sets forth the rules for Successor Solar Incentive Program. The proposed rule amendments established and implemented the Competitive Solar Incentive, or CSI program, open to all grid supply solar installations and net metered nonresidential solar facilities with a capacity greater than five

megawatts. The proposed rule was published in the New Jersey register at 55 NJR 127 for a 60-day comment period on February 6, 2023 and a notice of correction was issued March 20, 2023. The public comment period closed for the notice of proposal on April 7, 2023 and for the notice of correction on May 19, 2023.

Staff recommends that the Board adopt the proposed rule with non-substantive changes and approve its publication in the New Jersey Register. Staff also recommends that the Board vote separately to approve two substantial changes upon adoption at proposed N.J.A.C. 14:8-11.5(d)2iv. And amendments to language for permitting requirements for registrants in the CSI program. And at N.J.A.C. 14:8-11.10(j), additions allowing for revisions to the confidential price caps established for a solicitation based on an updated assessment of market conditions, Board discretion in awarding of competitive bids above the price caps, the adjustment of megawatt targets allocated per tranche, and the rejection of bids above the price cap where the Board determines that the bid prices are not competitive and/or are not fiscally responsible. The proposed rule change will be published in the New Jersey Register for the purpose of providing notice and allow for the submittal of comments.

**DECISION:** After discussion, the Board adopted the recommendation of Staff as set forth above. The Board made two votes for this item. The first vote was to approve Staff's recommendation to adopt the proposed rule. The second vote was to approve Staff's recommendation to approve the two substantial changes for publication in the register. Both votes were unanimous as reflected below.

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**B. Docket No. QO21101186 – In the Matter of the Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c. 169.**

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

**BACKGROUND:** The second item is about establishing confidential price caps for each tranche in the second solicitation under the Competitive Solar Incentive, CSI, program. The CSI program is open to qualifying grid supply solar installations and nonresidential net metered solar installations with a capacity greater than five megawatts, as well as to eligible grid supply solar installations in combination with energy storage. The prequalification window for the CSI program first solicitation opens November 27, 2023 and the bid submission will close on February 29, 2024. In the December 7, 2022 order establishing the CSI program, the Board reserved the right to establish confidential predetermined price caps for any or all tranches prior to close of the solicitation. Confidential price caps serve as a protective mechanism for ratepayers against excessive incentive levels in the event of low competition. Staff recommends that the Board establishes confidential price caps for all tranches in which projects will compete during the second CSI program solicitation based on the assessment of market conditions, that is the price caps are based on an assessment of market conditions.

Staff recognizes that the different project types per tranche carry different costs and revenues and has sought to balance the developers' ability to seek a viable incentive with effective ratepayer protections. To do so, Staff recommends the price caps differentiate among and be specific to the five tranches in the CSI program.

Staff recommends that the confidential price caps for tranches two and three are set 15 and 32 percent higher, respectively, than a cap set for tranche one. Staff further recommends that the price cap for net metered nonresidential public entity projects participating in tranche four be set \$20.00 higher than the cap for other projects in this tranche. Staff recognizes the Board's responsibility to maintain sensitivity to changes in market conditions throughout the solicitation and thus recommends the Board implement additional mechanisms to retain a level of responsiveness to these changes and allow for successful bids. Participants in CSI program solicitations must provide evidence of project eligibility and maturity and pay \$1,000.00 per megawatt bid participation fee designed to protect against speculative projects receiving awards. Staff recognizes that while no awards were made in the first CSI program solicitation, participants demonstrated commitment such that Staff considers that these bidders are not speculative.

For the second CSI program solicitation, Staff recommends that the Board waive the bid fee for developers who submit a substantially similar project to a project they submitted in the first solicitation. A project would be considered substantially similar if its footprint overlaps the first project's footprint. The amount of the bid fee waived should be capped at the amount of the bid fee paid for said project's participation in the first solicitation. Staff does not recommend refunding any portion of the bid fee if the project is smaller than initially submitted.

Finally, Staff recommends that the Board waive, for participants that receive an award in the second CSI program solicitation opening November 27, 2023, the registration requirement for electrical and building permits or documentation that applications for electrical and building permits have been submitted to the relevant municipalities.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**C. Docket No. QO19010068 – In the Matter of a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17; and**

**Docket No. QO22030156 – In the Matter of Request for an Extension of Time to Complete NJSTRE1545046932 in Transition Incentive Program – 480 South Democrat Road, Gibbstown NJ ESNJ-Key-Gibbstown, LLC.**

**Laura Scatena, Division of Clean Energy, presented to this matter**

**BACKGROUND:** This agenda item pertains to a petition filed on October 11, 2022 by ESNJ-KEY-Gibbstown, LLC requesting an extension of the deadline to complete project requirements in the Transition Incentive, or TI, Program. The October 2022 petition represents petitioner's second request for an extension to the TI program registration deadline with the Board for a 1.38 megawatt net metered nonresidential carport solar project located in Gibbstown, New Jersey. In their first petition, petitioner made the case that delays in the construction of the interconnection upgrades from the Atlantic City Electric Company, or ACE, were the sole reason for the extension request. Subsequently on June 8, 2022, the Board issued an order known as the Gibbstown Order granting a conditional six month extension for the project. Petitioner received an extension of the

project's TI application date to October 30, 2022 by complying with the conditions of the Gibbstown Order for an extension.

Since the fact pattern of the second petition follows the first, Staff recommends that the Board conditionally grant an extension to the petition to the project's TI program deadline subject to petitioner providing supplemental information to substantiate certain claims made in the petition.

Staff recommends that if the petitioner meets these conditions, the Board extend the project's time to meet the TI program requirements to 30 days past the date on which the project receives permission to operate or PTO. Should there be any deficiencies in the proposed construction certification package, the time to secure these deficiencies should be governed by the standard Administratively Determined Incentive, or ADI, Program practice. If petitioner cannot meet the conditions prescribed by Staff to obtain an extension to their TI Program registration deadline or if the post-construction certification package is not submitted in accordance with the ADI Program rules within 30 days following receipt of PTO, if such an extension is approved, Staff recommends that the Board allow the TI Program administrator to process the final as-built paperwork for the 50 kilowatt, measured in alternating current, portion of the system that has received conditional PTO from ACE and allow the petitioner to register the remaining capacity as a separate project in the ADI program.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**D. Docket No. QO22050337 – In the Matter of the Verified Petition of Ameresco, Inc. for a Waiver to Extend the TREC Deadline for United States Joint Base McGuire-Dix-Lakehurst Project.**

**Veronique Oomen, Division of Clean Energy**, presented to this matter

**BACKGROUND:** This agenda item involves the petition Ameresco, Inc. filed on May 10, 2022 requesting that the Board grant an extension of time to commence commercial operation of its Air Force solar energy projects at the Joint Base McGuire-Dix-Lakehurst. The projects are currently registered in the Transition Incentive, or TI, Program and the capacity for the 34 projects totals 17.3 megawatts. While the Joint Base does not qualify as a public entity under the Board's definitions, Staff believes that several factors which prompted the Board to grant extensions to public entity projects do apply here. Like public entity projects, the projects seeking extensions have been subject to public procurement processes, some of which have arguably led to considerable delays. In addition, the petitioner makes a compelling argument that the projects provide public benefits beyond the solar development that they enable. The Board has previously recognized that the Joint Base occupies a unique position in the State as a federal military installation and deserves special consideration.

Staff recommends that the Board grant the petition. In addition, because several of the projects seeking extensions have not and will not receive PTO from an electric distribution company, Staff recommends that the Board order the petitioner to submit to the TI program's administrator a signed and dated copy of an inspection report by a licensed professional engineer, verifying that the installation was inspected and installed in accordance with National Code Requirements.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**E. Docket No. QO23090636 – In the Matter of the Clean Energy Program Authorization of Commercial and Industrial Energy Efficiency Incentives Exceeding \$500,000 – Bayonne Redevelopers Residential Urban Renewal**

**Dustin Wang, Division of Clean Energy**, presented this matter.

**BACKGROUND:** Bayonne Redevelopment Residential Urban Renewal submitted an application under the Pay For Performance - New Construction Program requesting Board approval of a financial incentive of \$557,327.76 for the installation of energy efficient measures at a five-story, 453,112 square foot multi-family property at Harbor Station South, Block 780 in Bayonne. If approved, this application would cover the installation of above code windows, high efficiency LED lighting, Energy Star appliances, low flow faucets and shower heads, electric hot water heaters, and packaged through the wall heating and cooling systems for dwelling units, and heat pumps, furnaces, and electric heating for common and support areas. Annually this project is estimated to conserve 363,125 kilowatt hours of electricity, 10,278 therms of natural gas, and 154.6 kilowatts in peak demand. It will also save an estimated \$86,217.86 in annual energy costs.

Staff recommends approval of the application for the total estimated incentive amount.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**F. Docket No. QO23090714 – In the Matter of New Jersey Clean Energy Program Fiscal Year 2024 Community Energy Plan Grant Program; and**

**Docket No. QO23100729 – In the Matter of New Jersey Clean Energy Program Fiscal Year 2024 Community Energy Plan Implementation Grant Program.**

**Brandee Sullivan, Division of Clean Energy**, presented this matter.

**BACKGROUND:** This matter pertains to the next round of the Community Energy Plan, or CEP, Grant Program and the establishment of new, a new Community Energy Plan Implementation Grant Program in fiscal year 2024. The Community Energy Plan Grant Program supports municipalities to create localized energy plans aligned with New Jersey's Energy Master Plan. The current fiscal year, Fiscal Year 2024, represents the third year of planning grants. The first year had three awardees and the second had 46 awardees, 24 of which were overburdened municipalities. The Board budgeted \$1 million for the program last year. Of that amount, \$820,000.00 has been committed and \$700,000.00 spent to date. Staff worked with Sustainable New Jersey, our partner in delivering this program, to review lessons learned from the last round of planning grants and to find ways to improve the program.

Staff identified changes that we believe will help create a more effective program for participants. The recommended changes are as follows. 18 months to 12 months. This will create a more streamlined process and help to keep municipalities engaged in each step. Second, the requirement that municipalities submit a proposed budget at the time of application will be delayed to later in the process. This will allow the municipalities more time to develop a budget that will better fit their needs. Third, the expansion of the criteria to determine overburdened municipalities, specifically expanding the required threshold for qualifying using the municipal revitalization index. The planning grants program will continue to prioritize low and moderate income and overburdened municipalities by providing additional financial and technical support to these communities in applying for the grant and applying, and developing their community energy plans. Funding for the next round of planning grants will come from New Jersey's Clean Energy Program General Fund in the amount of \$4,574,034.00. The application window would open on or around November 27. During the review of the planning grants program, Staff also worked to develop a framework for a new implementation grants program. Funding for implementation grants would come from two sources, \$2,414,180.00 from the Energy Efficiency and Conservation Block Grant, or EECBG, program, a program offered by the US Department of Energy that provides direct formula grants to states and local governments. An additional \$1 million would come from New Jersey's Clean Energy Program General Fund. As part of EECBG program requirements, at least 60 percent of funds shall be sub-granted to municipalities that are not already eligible for direct formula funding. The goal of the implementation program would be to provide equitable grant distribution with a simple and inclusive application process. To qualify for an implementation grant, Staff recommends that a municipality shall have completed a community energy plan. This plan may be completed through the CEP grant program or the municipality may develop an equivalent plan without having participated in the CEP grant program. An equivalent plan is one that uses the work plan template required in the CEP Grant Program and aligns with New Jersey's Energy Master Plan. The maximum implementation grant would be \$250,000.00. This funding could be applied to one project or several smaller projects bundled together. In accordance with the federal Justice 40 initiative, 40 percent of the funding would be held for overburdened municipalities. The application window for this grant program will open on or around November 27, the same date as the planning grant program.

Staff recommends that the Board approve the proposed changes to the Community Energy Plan Grant Program and the establishment of the Community Energy Plan Rehabilitation Grant Program.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**G. Docket No. QO23100719 – In the Matter of the Opening of a Solicitation for a Transmission Infrastructure Project to Support New Jersey’s Offshore Wind Public Policy**

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

**BACKGROUND:** On October 26, 2022 the Board awarded offshore wind transmission projects resulting from the PJM Interconnection, LLC, or PJM, solicitation utilizing the PJM State Agreement Approach, or SAA. In the order awarding the transmission projects, the Board gave special attention to the duct banks and associated cable access vaults that would be used by subsequent qualified offshore wind projects to access the point of interconnection, or POI, designated in the SAA awards. The Board noted that in installing these ducts and access vaults in a single construction effort would minimize environmental and community impacts by resulting in a single shore crossing and a single or limited onshore corridor to the POI. Installing these facilities at one time for future use was called the pre-build infrastructure, or PBI. The PBI would be constructed between the landing point identified in the SAA project awards, the Sea Girt National Guard Training Center, and the awarded POI with the PJM high voltage electric grid, the Larrabee Collector Station, or LCS. The SAA award order contemplated the PBI being procured as part of the third offshore wind solicitation and a request for proposals for the PBI was included in the third offshore, in the third solicitation guidance document, or SGD, approved by the Board on March 6, 2023. The SGD required each applicant to the third offshore wind solicitation to submit a separate application for the construction of the PBI to support four future qualified offshore wind offshore projects in accordance with the requirements contained in the SGD.

The SGD required a cost recovery for the PBI would be through the Offshore Wind Renewable Energy Certificate, or OREC, funding mechanism. And as a result, the SGD also stated that the PBI, if awarded by the Board, could only be awarded to a third offshore wind solicitation applicant who also received an award as a qualified offshore wind project. However, the SGD noted that the potential remained for the SAA projects to be modified to include the PBI. All applicants in the third offshore wind solicitation submitted PBI proposals. Staff reviewed the proposals and found that the proposed cost of the PBI utilizing the OREC funding mechanism and subject to the requirement that the PBI could only be awarded to an applicant who also received an award as a qualified offshore wind project represented an unreasonable burden for New Jersey's ratepayers. After review of the PBI proposals submitted by the third offshore wind solicitation applicants, Staff determined that a separate solicitation for the PBI, open to applicants pre-qualified by PJM, through PJM's prequalification planning process as eligible to be a designated entity, including transmission developers, transmission owners, offshore wind generation developers, and other qualified firms would increase competition and could lead to ratepayer savings.

On October 25, 2023, the Board rejected all of the PBI proposals submitted in response to the third offshore wind solicitation and directed Staff to develop a separate solicitation for the PBI. Since the third offshore wind solicitation was structured such that the generation project



applications and the PBI applications were to be separate and not dependent upon each other, rejecting the third offshore wind solicitation PBI proposals did not affect the offshore wind generation computations. As directed by the Board, Staff developed a pre-build solicitation guidance document, or PBI SGD. The PBI SGD contains all requirements for bidders to submit PBI proposals, including requirements for cost recovery through transmission rates approved by the Federal Energy Regulatory Commission and recommendations for cost containment and project completion commitments.

Staff recommends that the Board approve the PBI SGD and open a Board run solicitation for the PBI commencing today and closing at 5 p.m. on April 3, 2024.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**H. Docket No. QO23100735 – In the Matter of a Memorandum of Understanding Between the Board and the New Jersey Economic Development Authority Regarding the Extension of Certain Contractor Services for Federal Clean Energy Funding – Executive Session**

**Henry Gajda, Dep Chief of Staff**, presented this matter.

**BACKGROUND:** This matter involves the Staff recommendation for the Board to enter into a Memorandum of Understanding with the New Jersey Economic Development Authority for Federal Clean Energy Funding application support. Since 2020, hundreds of billions of dollars in federal grant money has become available due to the IRA, Infrastructure Jobs Investment Act, and CHIPS Act. The IRA alone features \$369 billion in energy security and climate change programs over the next ten years. If approved, the Board would distribute New Jersey Clean Energy Program funds in the amount of \$4.5 million to EDA for contractor assistance with applications under the relevant federal grant programs.

Staff recommends that the Board approve the MOU to EDA in the amount of \$4.5 million for Federal Clean Energy Funding application contract assistance. Staff also recommends the Board authorize President Guhl-Sadovy to sign the MOU on behalf of the Board.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

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

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

**BACKGROUND:** This item pertains to the School and Small Business Energy Efficiency Stimulus Program which was created by the Board in October of 2021. This program consists of the School and Small Business Noncompliant Plumbing Fixture and Appliance Program and the School and Small Business Ventilation and Energy Efficiency Verification and Repair Program. These programs are designed to provide grants to schools and small businesses for the installation of certain heating, ventilation, and air conditioning systems and energy efficient and water conserving appliances and fixtures, and to improve air quality, energy efficiency in school districts and small businesses. This program is funded by \$180 million of federal funding made available to the Board through the American Rescue Plan Act of 2021. To receive this federal funding, the Board entered into a Memorandum of Understanding with the New Jersey Department of Community Affairs on October 8, 2021. This item will update the original 2021 MOU to clarify language in the MOU pertaining to the integrity monitor that the Board was required to procure for the program, it will include the integrity monitor guidance document as an exhibit to the MOU, it will clarify the chief fiscal officer is the accountability officer for the Board, it will include language that the Board is authorized to reallocate funding between budget categories pursuant to the Fiscal Year 2023 and Fiscal Year 2024 State budgets, and it will make other non-substantive to the MOU to reflect the current status of the program.

Staff recommends that the Board approve the amendment to the MOU and authorize President Guhl-Sadovy to sign the MOU on behalf of the Board.

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

<b>Roll Call Vote:</b>	<b>President Guhl-Sadovy</b>	<b>Aye</b>
	<b>Commissioner Holden</b>	<b>Aye</b>
	<b>Commissioner Christodoulou</b>	<b>Aye</b>
	<b>Commissioner Abdou</b>	<b>Aye</b>

**9. MISCELLANEOUS**

There were no items presented for this matter.

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

*Sherri L Golden*

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SHERRI L. GOLDEN  
BOARD SECRETARY

Date: 02-14-24