



STATE OF NEW JERSEY
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CLEAN ENERGY

IN THE MATTER OF COMPREHENSIVE ENERGY)
EFFICIENCY AND RENEWABLE ENERGY RESOURCE)
ANALYSIS FOR THE 2009 - 2012 CLEAN ENERGY)
PROGRAM:)

ORDER

REVISED 2012 - 2013 PROGRAMS AND BUDGETS:)
STORM RESPONSE PROGRAM MODIFICATIONS)

DOCKET NOS. EO07030203
& EO1110631V

Parties of Record:

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 - Diane Zukas**, TRC Energy Services
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 - Mark A. Mader**, Jersey Central Power & Light
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- BY THE BOARD:

This Order memorializes action taken by the New Jersey Board of Public Utilities (Board) at its January 23, 2013 public meeting, where the Board adopted revisions to the 2012-2013 New Jersey Clean Energy Program (NJCEP) programs and processes and to the Board's Renewable Portfolio Standards (RPS) regulations for customers impacted by Hurricane Sandy.

BACKGROUND AND PROCEDURAL HISTORY

On February 9, 1999, the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. (EDECA or the Act) was signed into law. The Act, in part, established requirements to advance Energy Efficiency (EE) and Renewable Energy (RE) in New Jersey through the societal benefits charge (SBC) at N.J.S.A. 48:3-60(a)(3). The Board's New Jersey Clean Energy Program (NJCEP) comprises an EE program, offering financial incentives for the purchase and installation of qualifying energy efficient equipment, and a RE program, offering

eligible applicants incentives to offset a portion of the initial capital cost to install customer-sited renewable energy projects.

By Order dated November 20, 2012, the Board adopted 18-month programs and budgets for the NJCEP for the period beginning January 1, 2012 and ending June 30, 2013.¹ The Board also adopted compliance filings submitted by Honeywell, TRC, the regulated utilities and the Office of Clean Energy (OCE) dated November, 2012. These compliance filings set out 2012-2013 program descriptions and detailed budgets for the NJCEP.

In October 2012, the State of New Jersey (the State) was battered by Hurricane Sandy (Sandy), a storm of historical proportions. Sandy caused widespread devastation across the State, with many homes and businesses destroyed or severely damaged. Sandy's effects ranged from record-level flooding to partial-to-complete destruction of residential homes, commercial businesses and local government buildings. On November 5, 2012, the State was declared a federal disaster zone.

The State now faces a massive rebuilding effort for homes and businesses affected by Sandy. Timely rebuilding efforts will incorporate both short-term measures to replace or repair damaged equipment and buildings and long-term efforts to rebuild homes and businesses destroyed by the storm.

In early November 2012, Staff, program managers, and other interested parties discussed modifications to the 2012-2013 NJCEP which would assist the State's rebuilding efforts. A number of recommendations were developed and presented for discussion at the December 11, 2012 and January 7, 2013 meetings of the EE and RE committees. There was a general consensus on the recommendations. The specific recommendations are discussed further below.

OCE Recommendations

Staff recommends modifications to the 2012-2013 NJCEP programs and process, and to the Board's RPS designed to support the State's post-Sandy rebuilding efforts. These recommendations include changing NJCEP funding incentive levels in given programs, adding new incentives for certain equipment not currently covered by the NJCEP, and changing the NJCEP incentive eligibility requirements and application processes. The following summarizes Staff's specific recommendations regarding modifications to the NJCEP.

Eligibility

The modifications recommended herein are designed to assist those customers affected by the storm (the Sandy customers). The New Jersey Office of Emergency Management (NJOEM) produced a map of the areas impacted by the storm, entitled *Damage Assessments Based on Remote Sensing and Field Reports*. The map identifies areas that experienced "Some Major or Destroyed Damage" (red areas), "Only Minor or Affected Damage" (yellow areas), and "No Damage" (green areas).

Staff has amassed a list of zip codes associated with the destroyed and damaged locales, depicted in red and yellow areas on the NJOEM map. However, many New Jersey customers located outside of the red and yellow areas designated on the NJOEM map but within the zip

¹ The budgets approved in this Order are subject to State appropriations law at N.J.S.A. 52:18-29.

codes impacted by Sandy may have suffered damage to equipment, buildings, or both. Thus, Staff recommends that 2012-2013 Storm Response Program offerings be made available to all customers located within those zip codes provided the customer can certify that its home or business was damaged by the storm. Staff additionally recommends that the program managers be authorized, based on criteria set forth below, to make the Storm Response Program offerings available to Sandy customers outside of the zip codes discussed above.

Staff further recommends that each 2012-2013 Storm Response Program rebate and/or extension request include a certification section requiring the applicant to certify that the customer's home or business was damaged by the storm and that any other storm-related reimbursement received through another agency or insurance program, when combined with the NJCEP EE rebate, would not exceed the material cost of replacing the equipment.

Term

NJCEP financial incentives may be used to assist the State's rebuilding efforts in two major categories: first, equipment rebates for residential eligible applicants and for commercial and industrial eligible applicants, where the equipment requires either repair or replacement; and second, financial incentives for new construction and retrofit program eligible applicants, where the structure has been either fully destroyed or requires a major gut rehabilitation.

Regarding the first category, where homes and businesses require equipment repair or replacement, Staff reports some of these customers have already replaced their equipment or will be doing so as soon as practicable. Amidst widespread and significantly damaged areas, new energy-efficient equipment installation will reduce energy costs for homeowners and businesses over the life of the equipment being replaced and result in environmental benefits through reduced air emissions. For eligible residential customers seeking to replace equipment, additional incentives and other program changes will be available for any equipment purchased after October 29, 2012 through June 30, 2013 under the Residential HVAC, and Energy Efficient Products programs. For eligible commercial and industrial (C&I) customers under the C&I Retrofit and New Construction programs, the additional incentives and other program changes will be available for any equipment purchased after October 29, 2012, provided an application is submitted by June 30, 2013.

On the second category, where the structure has been fully destroyed requiring new construction or partially-destroyed and subject to extensive rehabilitation, Staff reports these rebuilding efforts could take several years. Enhanced incentives for new and existing buildings will be made available to customers performing gut rehabilitation or rebuilding of their homes or businesses under the C&I New Construction programs.

Staff recommends that the Residential HVAC, Residential Energy Efficient Products, and C&I Retrofit and New Construction programs be modified to offer eligible customers additional incentives through June 30, 2013. The details regarding the continuation of incentives for these types of projects will be discussed and considered as part of the FY14 program plans that will become effective on July 1, 2013.

Administrative Changes

Under the C&I Retrofit and New Construction programs, the NJCEP typically requires that applications be pre-approved before equipment is installed. However, many customers affected by the storm desire to have equipment such as heating systems and commercial kitchen

equipment replaced as soon as practicable so they can occupy their buildings and resume business. Any delays caused by the need to apply for and receive a pre-approval prior to installing equipment are impractical in these circumstances and require relaxing administrative hurdles.

To address these concerns, Staff proposes three administrative changes to the programs. Staff recommends modifying the program guidelines to waive pre-inspection and pre-approval requirements. Staff also recommends modifying the application processes to allow customers to provide reasonable proof of existing conditions if equipment is heavily damaged, not on-site or removed from use. Such proof may include pictures, maintenance records, or an energy audit. Staff additionally recommends relaxing the Market Manager's authority to approve exceptions. Specifically, TRC currently has the authority to approve exceptions to program guidelines for applications with a total incentive amount of less than \$5,000. Staff recommends that this authority be modified to authorize TRC to approve exceptions to program guidelines to resolve program issues for applications with a total incentive amount of more than \$5,000, provided that the issue to be resolved involves an amount that does not exceed \$5,000. TRC would be authorized to approve an exception in that instance. TRC will continue to use the same standards and considerations used presently when determining whether to grant an exception under these circumstances. These changes are intended to simplify the process for customers affected by the storm who have chosen to invest in and seek incentives for qualifying energy efficient equipment.

Energy Efficiency Program Modifications

Based on discussions with the Market Managers, the Program Coordinator and input provided at the December 11, 2012 and January 7, 2013 EE and RE Committee meetings, Staff recommends the following program changes to assist eligible Sandy customers in rebuilding utilizing energy efficient measures and practices.

2012-2013 Residential HVAC and Energy Efficient Products Programs

- Increase rebates for qualifying boilers, furnaces, heat pumps, mini-splits and water heaters by \$200 per unit over the incentive levels in effect on the date the equipment was purchased.
- To broaden the availability of replacement furnaces, units that meet the pre-July 2012 or post-July 2012 statewide requirements would qualify, i.e. 92% AFUE Energy Star and 95% 2%e Energy Star units would qualify for an incentive.
- Incentives for qualifying high-efficiency central air conditioning (AC) equipment were scheduled to expire on December 31, 2012. A \$500 rebate for qualifying central AC units would continue beyond December 31, 2012 for eligible customers replacing equipment damaged by the storm.
- Incentives for clothes washers were scheduled to expire on December 31, 2012. A \$50 rebate for qualifying clothes washers would continue beyond December 31, 2012 for eligible customers replacing equipment damaged by the storm.
- To support the development and redevelopment of energy efficient homes within the State, change the NJCEP 2012-13 residential and commercial new construction program's Smart Growth eligibility requirement for qualifying areas.

2012-2013 C&I Retrofit and New Construction Programs

- Enhanced incentives for C&I Retrofit and New Construction program prescriptive rebates only, i.e. for SmartStart prescriptive measures only. Pay for Performance, Direct Install, and combined heat and power (CHP) program incentives are excluded.
 - All prescriptive rebates for eligible customers will be increased by 50%, capped at 100% of material cost.
 - Incentives for T12 lamps and premium motors, which were scheduled to expire in March 2013, will be continued through June 30, 2013 for eligible customers.
 - TRC will provide utilities with the information required to ensure that the combination of NJCEP and utility incentives do not exceed the cost of the project.

- On C&I Food Service Equipment Enhanced Incentives, additional food service measures will be added to the prescriptive measure list to reflect the large number of restaurants that were damaged along the shore. The following tables sets out the specific rebates levels recommended by Staff:

Equipment Type	Energy Type	Incentive Level (Range)
Commercial Dishwashers	Electric	\$400-1500
Commercial Fryers	Electric	\$200
	Gas	\$500 -\$749
Commercial Griddles	Electric	\$300
	Gas	\$125
Commercial Hot Food Holding Cabinets	Electric	\$200 - \$300
Commercial Ice Machines	Electric	\$50-\$500
Commercial Convection Ovens	Electric	\$350
	Gas	\$500
Commercial Rack Oven	Gas	\$1000-\$2000
Commercial Conveyor Oven	Gas	\$500-\$750
Commercial Steam Cookers	Electric	\$1,250
	Gas	\$2,000
Commercial Combination Steam Cookers	Electric	\$1,000
	Gas	\$750
Commercial Refrigerators – Glass Door	Electric	\$75-\$150
Commercial Refrigerators – Solid Door	Electric	\$50-\$200
Commercial Freezer – Glass Door	Electric	\$200-\$1000
Commercial Freezer – Solid Door	Electric	\$100-\$600

State Energy Program (SEP)

The SEP is a joint state-federal initiative intended to promote energy conservation, reduce the growth of energy demand, and reduce dependence on imported oil. 42 U.S.C. § 6321; 10 C.F.R. § 420.1. States may propose how they intend to use their allocated share of funds to address both national criteria and specific environmental conditions existing within the state. By Order dated May 1, 2012, the Board approved the 2012-2013 federal SEP plan for the State under the continued market title, Energy Efficiency Programs for Non-Investor-Owned Utility (“Non-IOU”) Customers. NJCEP incentives are currently available to customers that do not contribute to the SBC, including customers that heat with oil or propane or customers served by Non-IOUs with incentives funded through the federal SEP grant. Staff recommends that the enhanced incentives and program modifications also apply to the SEP funded programs.

Energy Efficiency Program Smart Growth

NJCEP incentives for both residential and C&I new construction are currently limited to buildings constructed in a State-designated Smart Growth area. Staff recommends that the Smart Growth eligibility requirement under these program guidelines be waived to include Sandy customers seeking incentives for any new construction or existing building gut rehabilitation projects enrolled on or after October 29, 2012 within qualifying red and yellow designated areas defined on the map above.

Renewable Energy Program Modifications

The storm disrupted the ability of renewable energy project developers and owners to comply with the requirements of the Renewable Energy Incentive Program (REIP) rebate program as well as requirements for successful participation in the SREC market facilitated by the Board’s Renewable Portfolio Standards (RPS). Honeywell, as the Board’s Renewable Energy Market Manager, administers the REIP rebate program as well as the SREC Registration Program (SRP) which provides market access services to an array of statewide participants.

Honeywell is authorized by the Board to grant one extension of time for SRP registrations and the rebate commitment of REIP rebate customers; however, they are not authorized to grant second extensions. Staff is aware of at least one REIP wind rebate customer with a first extension who was unable to finalize construction of his project as a direct result of the storm. Staff recommends that the Board grant Honeywell the ability to grant second extensions of six months for renewable energy project rebate commitments and SRP registrations that were unable to finalize construction and complete all REIP requirements as a result of the storm.

In its role as renewable energy Market Manager, Honeywell processes the SREC Registrations of developers and potential owners of proposed solar facilities in compliance with the RPS rule requirements. Board rules at N.J.A.C. 14:8-2.4(c)(1)(i), require the applicant to submit an initial registration package no later than ten business days after execution of the contract for purchase or installation of the photovoltaic panels to be used in the proposed solar facility. Several solar photovoltaic developers or potential solar owners were unable to submit their registration package to the Market Manager within time as a direct result of Sandy’s disruption to the mail delivery system and/or the business operations of Honeywell’s SRP team. Staff recommends that the Board authorize Honeywell to accept a signed certification of an affected solar developer or potential owner stating its attempt to achieve compliance for a specific project to be initially registered under the N.J.A.C. 14:8-2.4(c)(1)(i) requirement was thwarted by the storm. Staff recommends that the Board direct Staff to develop a form of certification to allow

affected Sandy customers this opportunity to re-submit their initial registration packages as within time.

The storm has also reportedly affected the ability of existing owners of solar electric photovoltaic systems less than 10 kW to install a revenue grade meter, as is now required by Board rules which took effect on June 4, 2012. N.J.A.C. 14:8-2.9(c). Prior to December 4, 2012, annual engineering estimates prepared by PJM-EIS Generation Attribute Tracking System (GATS) was an acceptable methodology for measuring the solar energy generation upon which SRECs were based for a solar electricity system with a capacity less than 10 kilowatts. Such SRECs could be used to comply with New Jersey's solar RPS regulations.

The Board's adopted rules now require readings be taken from an electric meter compliant with the American National Standards Institute (ANSI) Standard C12.1-2008. Starting with SREC issuance for December 2012, GATS no longer creates SRECs based on engineering estimates. Small solar system owners that did not: (1) have a qualifying solar production meter installed by November 30, 2012 and, (2) submit metered readings to GATS, will no longer have SRECs created. To ensure the un-interrupted creation of SRECs, GATS notified small system owners that the qualifying meter must be installed by November 30, 2012. Certain small solar system owners reported an inability to have the requisite meter installed as a result of the storm.

Normally, an affected party would submit a petition to extend the compliance period to abide by N.J.A.C. 14:8-2.4(c)(1)(i) and N.J.A.C. 14:8-2.9(c) for the Board's consideration. Under these circumstances, however, Staff recommends that the compliance period under N.J.A.C. 14:8-2.4(c)(1)(i) be extended from October 19, 2012 to November 30, 2012² and that N.J.A.C. 14:8-2.9(c) be extended from December 4, 2012 to December 31, 2012 for affected Sandy customers submitting certifications proving adverse impact to their projects.

Staff seeks authority to direct GATS to create SRECs consistent with the extension period ending December 31, 2012 for affected customer-generators that were unable to install meters as a direct result of the storm. Staff would only accept requests for SREC creation from engineering estimates for December 2012 from system owners that have reported a meter reading to GATS from their newly installed meter and are able to verify the operation of the solar electric system in December 2012 by submission of their electric bill.

CHP

Many customers with CHP systems were able to continue operating during sustained periods of utility outages. Other customers with backup or emergency generation discovered that the backup generators were not designed to operate for long periods of time during sustained outages. Staff believes that CHP or Fuel Cell systems may provide an option for some customers that could support the operation of vital facilities such as hospitals and sewage treatment plants during periods of sustained electrical outages. Therefore, Staff requests authority to coordinate stakeholder working groups to explore the potential for program modifications for CHP or Fuel Cell systems that could support vital facilities during times of sustained electrical outages and to report the results of its findings to the Board.

² There was a clerical error on the order as originally issued referencing the dates November 30, 2012 to December 31, 2012 under N.J.A.C. 14:8-2.4(c)(1)(i). The correct dates are reflected above.

Revised Compliance Filings

Honeywell and TRC have submitted revised compliance filings that incorporate the changes proposed above. Staff has reviewed the revised compliance filings and finds them to be consistent with the proposed changes. Therefore, Staff recommends that the Board approve the revised compliance filings.

DISCUSSION AND FINDINGS

Sandy caused widespread devastation across the State, many homes and businesses were destroyed or severely damaged. The impacts of Sandy were unprecedented, and the State is directing its resources to assist in rebuilding the homes and businesses impacted by the storm. The Board fully supports Staff's initiative to develop proposed program modifications aimed to encourage the State's residents and businesses to rebuild using energy efficient equipment and technologies as well as renewable energy resources to the extent possible. While the NJCEP represents only a small fraction of the State's efforts to overcome the impact of Sandy, the Board seeks to ensure that its programs directly assist the rebuilding effort.

The Board has reviewed the program changes proposed by Staff. The changes proposed by Staff represent a reasonable approach to continuing NJCEP programs while making adjustments aimed at encouraging participation by customers affected by Sandy.

The Board **FINDS** that these program changes will assist customers replacing equipment or rebuilding homes and businesses, and that the massive rebuilding effort presents a unique opportunity to install high-efficiency equipment. Once equipment is installed, it generally remains in place for several years. Thus, the Board **FINDS** that installing energy efficient equipment now will produce benefits for years to come and result in lower energy costs for our State's residents and businesses. Based on the above, the Board **FINDS** that the program changes proposed by Staff are reasonable, and will assist customers affected by the storm in rebuilding their homes and businesses and are consistent with the Energy Master Plan goal to reduce energy costs. Therefore, the Board **FINDS** that a limited and modified delegation of its authority is granted to Staff and to TRC for the purposes stated in this order, as doing so is reasonable and would expedite delivery of financial assistance to storm areas.

The Board may relax or deviate from its procedural rules in special cases and for good cause shown consistent with N.J.A.C. 14:1-1.2, therefore the Board **FINDS** that the compliance period under N.J.A.C. 14:8-2.4(c)(1)(i) be extended from October 19, 2012 to November 30, 2012³ and that N.J.A.C. 14:8-2.9(c) be extended from December 4, 2012 to December 31, 2012 for affected Sandy customers submitting certifications proving adverse impact to their projects.

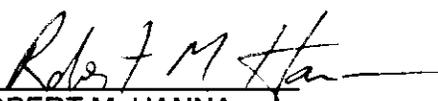
The Board **FINDS** that compliance with Smart Growth eligibility requirements under disaster circumstances would adversely affect the interests of the general public, therefore the NJCEP 2012-2013 residential and C&I new construction program eligibility guidelines are relaxed to include Sandy customers seeking incentives for any new construction or existing building gut rehabilitation projects enrolled on or after October 29, 2012 within qualifying red and yellow areas.

³ See footnote 2.

The Board **HEREBY APPROVES** these program modifications and the 2012-2013 revised compliance filings dated January 17, 2013 by Honeywell and TRC. The Board **HEREBY AUTHORIZES** the program managers to implement the program modifications set out in the filings as soon as practicable and upon proper notice. If there is any conflict between a compliance filing or related program document and Board order, the terms of this Board order shall govern.

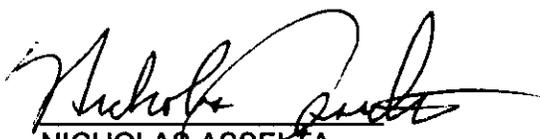
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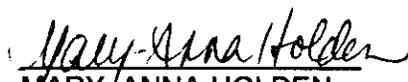
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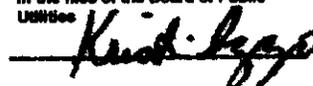

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MARY-ANNA HOLDEN
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KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



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