



STATE OF NEW JERSEY
Board of Public Utilities
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ALL UTILITIES

IN THE MATTER OF THE NEW JERSEY BOARD OF)
PUBLIC UTILITIES' RESPONSE TO THE COVID-19)
PANDEMIC)
)
)
) DOCKET NO. AO20060471

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BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

On July 2, 2020, the New Jersey Board of Public Utilities ("Board" or "BPU") issued an Order authorizing the State's utilities to create a COVID-19 regulatory asset by deferring incremental, prudently incurred, COVID-19-related costs beginning on March 9, 2020 through September 30, 2021; 60 days after Governor Murphy issues an order, declaration, proclamation, or similar announcement that the Public Health Emergency is no longer in effect; or 60 days from the time

the Public Health Emergency automatically terminates pursuant to N.J.S.A. 26:13-3(b) (“Regulatory Asset Period”).¹

The July 2020 Order required:

1. Each utility with a COVID-19 regulatory asset account to file quarterly reports, together with a verification by an authorized representative, with the Board detailing its COVID-19-related costs and offsets; and
2. All affected utilities to file a petition with the Board by December 31, 2021, or within 60 days of the close of the Regulatory Asset Period. The petition must address any potential rate recovery, including any prudency determinations, and the appropriate period of recovery for any approved amount of the regulatory asset and any associated savings; or, in the alternative, a utility may request that the Board defer consideration of rate recovery in future rate case.

On October 28, 2020, the Board retained this matter and designated President Joseph Fiordaliso as the Presiding Commissioner authorized to rule on all motions that arise during the pendency of these proceedings, and to modify any schedules that may be set, as necessary, to secure just and expeditious determination of the issues.² On January 11, 2021, the Board granted AARP intervenor status. On March 16, 2021, the Board granted Legal Services of New Jersey, the Natural Resources Defense Council, and New Jersey Citizen Action participant status.

On June 24, 2021, the Board issued an Order expanding the Universal Service Fund and Fresh Start programs for a two-year period from October 1, 2021 to September 30, 2023 to allow more participants to enter these programs and open more methods by which customers can clear utility bill delinquencies.³

On July 6, 2021, Public Service Electric and Gas Company (“PSE&G”), South Jersey Gas Company (“SJG”), and Elizabethtown Gas Company (“ETG”) (collectively, “Companies”) filed a letter motion with the Board seeking amendment of the July 2020 Order to extend the deferral period from September 30, 2021 to the end of 2023, and to adjust the deadline for the filing of petitions for recovery to a date within 60 days of the corresponding extended regulatory asset period. By Order dated September 14, 2021, the Board extended the Regulatory Asset Period from September 30, 2021 to December 31, 2022, and the filing of petitions for recovery of those assets within 60 days of the new deadline.⁴

¹ In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated July 2, 2020 (“July 2020 Order”).

² In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated October 28, 2020 (expanding the scope of this docket to examine all COVID-19 Pandemic-related issues by way of a generic proceeding, which allowed for a public comment period through November 30, 2020).

³ In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated June 24, 2021.

⁴ In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated September 14, 2021 (“September 2021 Order”).

MOTION TO EXTEND THE REGULATORY ASSET PERIOD

A. PSE&G's Motion

On August 2, 2022, PSE&G filed a motion requesting a further extension of the Regulatory Asset Period through the end of 2023, and extending the filing date for COVID-19 cost recovery to 60 days from the close of the extended Regulatory Asset Period ("Motion"). Motion at 1.

PSE&G noted that, at the start of the COVID-19 pandemic, it was unclear how long the moratoria on customer shutoffs would last, and it was unlikely that any party expected them to last for two years and remain in place indefinitely for customers seeking payment assistance. Id. at 2. According to PSE&G, the extended moratorium on field collection activity caused long-term delays in addressing accounts receivable balances, resulting in substantial arrearages and a declining ability to collect them. Id. As a result, bad debt and the costs of collection activities continue to rise as customers further delay utility payments. Id.

Additionally, PSE&G noted that collections of unpaid arrearages have not improved since the September 2021 Order. Id. at 2-3. PSE&G noted that approximately 43% of its residential customers typically eligible for field collection and 58% of arrears are protected from shutoff due to a pending application for assistance. Id. at 3. In light of these factors, PSE&G identified that the trends identified in the Companies' July 6, 2021 motion have continued and overall accounts receivable figures have increased in magnitude. Id. As of the end of June 2022, PSE&G's total overdue accounts receivable were \$328 million higher than in June 2019 and its number of customers with bills greater than six (6) months old have more than doubled from pre-pandemic levels. Id.

PSE&G further noted that the extended moratorium resulted in incremental collection and increased customer service costs due to increased staff requirements, new customer outreach programs, and new communications campaigns to promote assistance available through the American Recovery Plan. Id. at 4. Further, PSE&G stated that about 40,000 more PSE&G customers currently benefit from Energy Assistance Programs due to expansion of payment assistance programs. Id. According to PSE&G, additional field resources were dedicated to door-to-door canvassing programs employing canvassers with program-specific training to best educate customers on bill payment programs. Id. PSE&G identified that it planned for, and incurred, incremental costs for additional back-office support to handle anticipated and actual increases in funds under the Fresh Start program. Id. PSE&G stated that its list of expenses will extend for years beyond December 31, 2022 as it works to lower its accounts receivable. Id.

PSE&G identified that financial assistance received by customers to date has not eliminated growing arrearages. Id. at 4-5. While PSE&G noted a 74% increase in money received from traditional energy assistance programs for the period January 2022 through June 2022 compared to the period January 2021 through June 2021, only a fraction of overall accounts receivable increases have been subsequently resolved. Id. at 5.

PSE&G stated that it continues to provide safe, effective, and reliable service, and continues to provide its customers and employees with reasonable accommodations during the course of the COVID-19 pandemic despite the burden imposed by the lengthy stay of shutoffs and collection activity. Id. PSE&G noted that bad debt and carrying costs are projected to extend well beyond the current deferral period. Therefore, PSE&G requested that the deferral period be extended through December 31, 2023 and the filing date for the COVID-19 cost recovery petition extended to a date within 60 days of the close of the extended Regulatory Asset Period. Id.

B. Comments In Response to PSE&G's Motion

a. SJG and ETG

SJI Utilities filed a joint letter, on August 15, 2022, on behalf of SJG and ETG in support of the Motion ("SJG and ETG Letter"). SJG and ETG supported PSE&G's requested extension of deferral period with the additional request that individual utilities receive the right to seek recovery of the regulatory asset balance prior to the expiration of the extension period. SJG and ETG Letter at 1.

SJG and ETG agreed that complying with the Governor's COVID-19-related Executive Orders could cause regulated utilities to incur significant expenditures like uncollectible expenses. Id. at 2. ETG and SJG concluded that PSE&G's requested relief is appropriate to help minimize expenses. Id.

b. New Jersey Natural Gas, Inc.

New Jersey Natural Gas, Inc. ("NJNG") filed a letter of no objection dated August 19, 2022 ("NJNG Letter"). NJNG Letter at 1. NJNG further noted that the other utilities' requested extension should not preclude any utility from seeking cost recovery prior to the end date. Id.

c. Jersey Central Power & Light Company

Jersey Central Power & Light Company ("JCP&L") filed a letter dated August 19, 2022 in support of the Motion ("JCP&L Letter"). JCP&L specifically supported PSE&G's requests that the Board 1) extend the deferral period through December 31, 2023; and 2) modify the deadline for the utilities to file for recovery of the deferred incremental costs to be 60 days after the close of the extended regulatory asset period. JCP&L Letter at 1. JCP&L further requested that the Board allow each company to seek recovery of its regulatory asset balance prior to the expiration of the extension period. Id.

d. New Jersey American Water Company, Inc.

New Jersey American Water Company, Inc. ("NJAW") filed a letter dated August 19, 2022 ("NJAW Letter"). NJAW indicated it does not oppose the Motion and requested that the Board allow each company to seek recovery of its regulatory asset balance prior to the expiration of the extension period. NJAW Letter at 1.

e. Atlantic City Electric Company

ACE filed a letter dated August 26, 2022, noting it does not oppose the Motion.

f. New Jersey Division of Rate Counsel

The New Jersey Division of Rate Counsel ("Rate Counsel") filed a letter dated September 2, 2022 in response to the Motion ("RC Letter"). Rate Counsel questioned the need for a second extension of the deferral period because only PSE&G filed for the extension while no other utility indicated actual need for an extension; they only consented to PSE&G's request. Id. at 7-8. Further, Rate Counsel opined that an entire year is likely too long for a second extension. Id. at 8. Rate Counsel recommended that, upon grant of an extension, the Board include conditions to ensure appropriate implementation of the COVID-19 Regulatory Asset. Id. Regardless, Rate

Counsel noted the utilities should be able to file for recovery before the close of the regulatory asset period. Id.

Rate Counsel questioned PSE&G's efforts to collect arrearages from its customer base. Id. at 9. Because the process for repaying arrearages is ongoing, Rate Counsel indicated that PSE&G will begin to see additional revenue flow from arrearages relief programs, thus reducing the arrearages. Id. at 10. Rate Counsel indicated it believes appropriate some inquiry into the utilities' use of the regulatory asset period because there is no indication PSE&G seriously attempted to recover arrearages from commercial customers not protected by payment assistance programs. Id. at 10-11.

Rate Counsel recommended that the Board impose reasonable conditions, like requiring each utility in this proceeding to file an updated arrearages reduction plan and keep transparent records of actions taken and costs incurred, on the extension. Id. at 11-12. Rate Counsel suggested that any filing required of the utilities should include periodic filings as to new hires and their roles; numerical goals and achievements; numbers of disconnections and reconnections; and other metrics enabling the Board to monitor spending. Id. at 12. All reporting conditions should conform to a consistent Excel format to enable accurate evaluation and comparison. Id.

Rate Counsel further recommended that the Board ensure an efficient process for distributing federal assistance funds to each utility's customers so the funds intended to reduce ratepayer costs are not diverted elsewhere. Id. Further, an evaluation of the recoverability of each utility's COVID-19-related expenses should be addressed in separate and full proceedings for each utility. Id.

Finally, Rate Counsel expressed it does not oppose the utilities' request that the Board allow recovery of COVID-19 regulatory asset costs before the end of the regulatory asset period. Id. at 13. Rate Counsel requested, however, that the Board condition this recovery on 1) the utility verifying that it no longer accrues COVID-19-related costs after the filing; and 2) the utility address any future COVID-19-related costs in its next base rate case under traditional ratemaking procedures. Id.

g. PSE&G Reply to Rate Counsel

PSE&G filed a reply letter, dated September 9, 2022, responding to Rate Counsel's comments ("PSE&G Reply"). PSE&G first noted that Rate Counsel's concerns are unclear because Rate Counsel both indicated understanding that the extension "may be reasonable" while also arguing that "it is unclear any extension is required," and that Rate Counsel never outright opposed the Motion. PSE&G Reply at 1. PSE&G argued that each utility is still adapting its response to the COVID-19 pandemic and that no party knew how long the deferral period or shutoff moratorium should last at their respective inceptions. Id.

PSE&G opined that its unique characteristics should be considered in the Board's analysis of the Motion: 1) it is the largest electric and gas provider in the State with the largest number of delinquent accounts; 2) its per-customer bills are larger because most of its customers receive dual fuel services; and 3) its demographics include most of the urban centers in the State which hold the most low- and moderate-income customers affected by arrearage issues. Id. at 2. PSE&G further argued that each company's comments should be viewed both collectively and individually, considering the common territories and differences between each company, to determine how and why each utility accumulated certain costs. Id.

PSE&G next argued that, despite proactive outreach, its collection efforts continue to be hampered by matters outside its control. Id. at 3. PSE&G noted it took numerous efforts to reduce arrearages and recover costs including focusing shutoffs on commercial customers, educating customers on relief programs via door-to-door canvassing, and others. Id. Nevertheless, PSE&G argued it had no control over the actual payment assistance and approval processes which are controlled by entities suffering significant backlog. Id. As a result, customers can have their account put on hold indefinitely pending their process through the backlog, and the deferral program should therefore be extended. Id.

PSE&G further noted that deferred payment agreements are not a source of income. Id. PSE&G argued that the deferred payment agreements do not result in any payment to PSE&G upfront: they involve no deposit, no reconnection costs, no interest, and no penalty payments on any unpaid balances accrued prior to December 31, 2021. Id. Further, customers with disconnected service who can show they applied for assistance must have services reconnected with no required payment. Id.

Finally, PSE&G noted that it already reports the information identified in Rate Counsel's recommendations and should therefore not have its motion conditioned on further reporting of the same information. Id. at 4.

h. JCP&L Reply to Rate Counsel

JCP&L filed a reply letter, dated September 9, 2022, responding to Rate Counsel's comments ("JCP&L Reply"). JCP&L responded to Rate Counsel's argument that an extension is unnecessary because only PSE&G explicitly requested it, noting that, because PSE&G's motion sought to amend an Order applicable to all parties, each utility's letter in support of the motion was a manifestation of assent to the extension. JCP&L Reply at 1. JCP&L further noted that, while the utilities requested clarification that they would have the option to file for recovery before the end of the extended deferral period, they have not necessarily ended their regulatory deferrals. Id. at 2. Lastly, JCP&L argued that the Board should reject Rate Counsel's proposed conditions because they would deny the Board the ability to decide the appropriateness of future deferrals based on then-existing circumstances surrounding the pandemic. Id.

DISCUSSION AND FINDINGS

The Board agrees that it was, and still is, impossible to determine, with certainty, the length and gravity of the COVID-19 Pandemic. The Board is mindful of the prolonged shutoffs and collection activity, and that the costs resulting therefrom may extend beyond the current Regulatory Asset Period. The Board agrees that an extension of the Regulatory Asset Period, and cost recovery filing date, is reasonable under the circumstances. Therefore, upon consideration of the request for an extension and understanding the impact both the Winter Termination Program (“WTP”) and other payment assistance programs have on utilities’ billing, collection, and record maintenance, the Board **HEREBY FINDS** good cause to extend the Regulatory Asset Period past the December 31, 2022 deadline.⁵

However, the Board does not agree that a full year extension is warranted. The requested extension of the Regulatory Asset Period, until December 31, 2023, was considered and previously denied by the Board. As stated above, on July 6, 2021, the Companies filed a motion seeking an extension of the Regulatory Asset Period until December 31, 2023, the same request that is made here. On September 14, 2021, the Board denied such request, and in the alternative, granted a shorter extension through December 31, 2022. The Board was “unpersuaded” by the arguments proffered in favor of extending the period until December 31, 2023, noting it would be unlikely to produce a different result. However, the Board found that an extension until December 31, 2022, was appropriate because of the extraordinary circumstances caused by the COVID-19 pandemic and the resulting impacts on utilities and ratepayers. Here, PSE&G offered no specific explanation why an extension for another full year is necessary. Therefore, the Board **HEREBY FINDS** that the requested amount of time, through December 31, 2023, is not appropriate or warranted.

As such, taking the totality of the circumstances under consideration, the Board is unpersuaded that prolonging the Regulatory Asset Period by an additional 12 months, to December 31, 2023, is reasonable and necessary. The Board **HEREBY DENIES** PSE&G’s Motion to Extend the Regulatory Asset Period through the end of 2023, and extend the deadline for COVID-19 cost recovery filings to 60 days from the close of the extended Regulatory Asset Period.

In the alternative, the Board **HEREBY ORDERS** that the Regulatory Asset Period shall be extended from December 31, 2022 to March 15, 2023, the end of the WTP, and the filing deadline for COVID-19 cost recovery filings shall be extended to 60 days from the close of the extended Regulatory Asset Period. The Board **FURTHER ORDERS** that nothing in this Order shall prevent the utilities from seeking recovery of the regulatory asset balance prior to the expiration of the extension of the Regulatory Asset Period. Utilities filing to recover their COVID-19 regulatory asset costs before the end of the extended regulatory asset period must verify that it is no longer accruing any more COVID-19 related costs after its filing.

The Board has further considered Rate Counsel’s recommendation for each utility in this proceeding to file an updated plan setting forth how it will use the additional time to obtain appropriate federal funds and work with customers to reduce arrearages and avoid disconnections, as well as the requirement to keep transparent records of actions taken and costs

⁵ Pursuant to N.J.A.C. 14:3-3A.5, the Winter Termination Program prevents service discontinuation for eligible residential customers receiving residential utility service from November 15 through March 15. The aim of this program is to prevent service disconnection for residential customers receiving assistance through one of many assistance programs or otherwise able to demonstrate that they cannot pay their utility bills due to circumstances beyond their control. As a result, utilities cannot require payment from such customers between November 15 and March 15.

incurred. The Board **FINDS** that Rate Counsel's recommendations are reasonable to ensure transparency, and a formal plan will serve as a guide for the parties to timely complete the steps necessary to meet the extended Regulatory Asset Period deadline. Now, THEREFORE, the Board **HEREBY ORDERS** the utility companies regulated by the Board to file a formal plan within 15 days from the effective date of this Order outlining how the additional time afforded by this Order will be used to obtain appropriate federal funds and to work with customers to reduce arrearages and avoid disconnections. The Board **FURTHER ORDERS** that the utility companies regulated by the Board file as part of their quarterly reports data regarding the number of Deferred Payment Arrangements created each month, Fresh Start recipients, funds received through existing state and federal programs (i.e. LiHEAP and USF), new hires related to addressing COVID-19 arrearages, number of field collection visits, and number of disconnections and reconnections by zip code or city. Additionally, utilities should include information related to amounts of arrearages recovered through any mechanism including the Societal Benefits Charge, base rates, federal funds, etc.; amounts of COVID-related short-term borrowing and carrying costs on that debt; amounts saved due to COVID-related changes in their business activities; and revenues from each class of customer during the regulatory asset period.

The effective date of this Order is December 28, 2022.

DATED: December 21, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



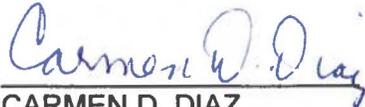
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ATTEST: 

CARMEN D. DIAZ
ACTING SECRETARY

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

**IN THE MATTER OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES' RESPONSE TO THE COVID-19
PANDEMIC**

DOCKET NO. AO20060471

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Simmons Water Company

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Mt. Olive Villages Water Company

Henryk Schwarz, President
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Lake Lenape Water Company

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Municipal Water Utilities*

*The municipals listed are regulated only in terms of the customers served outside of the municipality's limits and only for service issues, if the rates are equalized. Currently, the NJBPU-regulated municipal water systems all have equalized rates.

Village of Ridgewood

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[Heather Mailander, Clerk](mailto:Heather.Mailander@ridgewoodnj.net)
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Borough of Berlin Water Department

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Borough of Berlin

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Trenton Water Works

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Town of Dover Water Commissioners

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City of Bordentown Water Department

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Borough of Collingswood

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