



Rockland Electric Company

Margaret Comes
Associate Counsel
Law Department

May 1, 2024

Sherri L. Golden, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350

RE: In the Matter of the Petition of Rockland Electric Company for Approval of Its Energy Efficiency and Peak Demand Reduction Programs – Triennium One
Docket No. EO20090623

Dear Secretary Golden:

On behalf of Rockland Electric Company, attached for filing in the above matter is fully executed Stipulation of Settlement.

Respectfully submitted,


Margaret Comes

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION)	STIPULATION OF SETTLEMENT FOR
OF ROCKLAND ELECTRIC COMPANY)	EXTENSION OF TRIENNIUM 1
FOR APPROVAL OF ITS ENERGY)	
EFFICIENCY AND PEAK DEMAND)	DOCKET NO. EO20090623
REDUCTION PROGRAMS)	

APPEARANCES:

Margaret Comes, Associate Counsel, Rockland Electric Company

Maura Caroselli, Esq., Managing Attorney – Gas, **Sarah Steindel, Esq.**, **Megan Lupo, Esq.**, **Mamie W. Purnell, Esq.**, and **Andrew H. Gold, Esq.**, Assistant Deputies Rate Counsel, for the New Jersey Division of Rate Counsel (**Brian O. Lipman**, Director)

Steven Chaplar, Deputy Attorney General, for the Staff of the New Jersey Board of Public Utilities (**Matthew J. Platkin**, Attorney General of New Jersey)

John Kolesnik, Esq., Policy Counsel for the Energy Efficiency Alliance of New Jersey

TO: THE HONORABLE BOARD OF PUBLIC UTILITIES:

BACKGROUND

1. On September 25, 2020, Rockland Electric Company (“RECO” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) proposing a Clean Energy Program (“CEP”) with a portfolio of energy efficiency (“EE”) and peak demand reduction (“PDR”) programs targeted at the Company’s residential, commercial and industrial (“C&I”), and multi-family customer sectors.

2. By Order dated June 9, 2021, the New Jersey Board of Public Utilities approved a Stipulation of Settlement executed by RECO, Board Staff (“Staff”), the New Jersey Division of Rate Counsel (“Rate Counsel”), and the Energy Efficiency Alliance of New Jersey (“EEA-NJ”) (collectively, “Parties”) thereby authorizing RECO to implement its energy efficiency (“EE”) program for a three (3)-year term from July 1, 2021 through June 30 2024 (“Triennium 1”).¹

3. Pursuant to the June 2021 Order, RECO implemented a modified CEP with an approved budget not to exceed \$18,081,625, with Operation and Maintenance expenses - including administrative, labor, IT costs, inspection and quality control, evaluation and related research, and portfolio-level costs, such as program development, marketing, and jobs initiatives - not to exceed \$2,395,441.

4. By Order dated May 24, 2023, the Board directed each electric and gas public utility (“Utilities”) to propose EE programs for the second EE triennium period (“Triennium 2”) on or before October 2, 2023 and addressed certain aspects of the Triennium 2 framework.² By Order dated July 26, 2023, the Board approved the remaining aspects of the Triennium 2 framework necessary for the Utilities to submit their Triennium 2 filings.³

¹ In re the Implementation of L. 2018, C. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, et al, Order Adopting Stipulation, BPU Docket, Nos. QO19010040 and EO20090623, Order dated June 9, 2021 (“June 2021 Order”).

² In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, The New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re: Electric Public Utilities and Gas Public Utilities Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 – Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023 (“May 2023 Order”).

³ In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in

5. By Order dated September 27, 2023, the Board established a December 1, 2023 deadline for EE program filings to be submitted by New Jersey’s electric and gas public Utilities for Triennium 2 implemented pursuant to the Clean Energy Act (“CEA”).⁴

6. By Order dated October 25, 2023, the Board found that it was reasonable, prudent, and in the public interest to provide additional time for Staff and Rate Counsel to conduct a thorough and diligent concurrent review of the Triennium 2 filings, as well as to provide Parties and interested stakeholders with additional time to review, analyze, and discuss the filings.⁵ By the October 2023 Order, the Board ordered that Triennium 2 shall commence on January 1, 2025 and conclude on June 30, 2027, for a total term of 2.5 years. The Board further directed the Utilities to submit filings in accordance with the new Triennium 2 term.

Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated July 26, 2023 (“July 2023 Order”).

⁴ In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re Electric Public Utilities and Gas Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 – Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated September 27, 2023 (“September 2023 Order”).

⁵ In re the Implementation of P.L. 2018, c. 17 the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO23030150 (“October 2023 Order”).

7. Also by the October 2023 Order, the Board directed the Utilities to file petitions to extend their respective Triennium 1 programs, without changes, by six (6) months for the Board's approval. The Board ordered that each Utility's Triennium 1 extension budget should not exceed 50% of the Utility's third program year ("Program Year 3" or "PY3") budget to align with the progress and ramping of the EE programs.⁶ Further, the Board ordered that, as part of the Triennium 1 extension, each Utility shall meet energy savings targets equivalent to 50% of its PY3 energy savings targets in order to align with the progress and ramping of the EE programs. The Board further authorized the Utilities to shift program budgets within the same sector or among sectors during the Triennium 1 extension according to the parameters applicable to Triennium 2.⁷

8. Pursuant to the October 2023 Order, on December 5, 2023, the Company filed a letter petition with the Board seeking approval to extend its CEP by a period of six (6) months ("Extension Period"), to December 31, 2024, with a budget of \$5,587,466 ("Extension Petition").

9. Further, and consistent with the October 2023 Order, the Company set its energy savings target for the six (6)-month extension period of 50% of its PY3 energy savings target, or an estimated 7,310 megawatt-hours ("MWh") in annual savings and 80,410 MWh in lifetime savings, for the Extension Period.

10. By the Extension Petition, the Company noted that it would submit its PY3 annual progress report no later than 150 days following the end of PY3, that is, on or about May 31, 2025.

11. A public hearing in this matter was held on March 14, 2024. No members of the public appeared, and the Board received no written comments on this matter.

12. Upon review of the Extension Petition and responses to discovery, the Parties to this

⁶ Ibid.

⁷ See the October 2023 Order and the May 2023 Order at 18-19.

proceeding hereby stipulate and agree as follows:

STIPULATED ISSUES

1. The Parties agree that the Company's previously Board-approved CEP shall be extended six (6) months beyond the current termination date of June 30, 2024 and RECO is fully authorized to implement and administer its CEP on a regulated basis for an additional six (6)-month term through December 31, 2024 under the terms and conditions set forth in the Board's Order approving the CEP, except as otherwise set forth herein.
2. The Parties agree that the budget for the Extension Period shall not exceed \$5,587,466, which includes \$726,371 of incremental O&M, and associated cost recovery. The Parties agree that RECO is authorized to utilize deferred accounting for all prudently incurred costs associated with its CEP and recover all reasonably incurred costs associated with its CEP through its CEA surcharge.
3. The Parties agree that any projects committed and/or started prior to December 31, 2024 may continue for close-out and completion activities.
4. The Parties agree that the PY3 goal shall be 50% of the original goal established for PY3 from the June 2020 Order, or an estimated 7,310 MWh of annual savings for the Extension Period.
5. The Parties further agree:
 - a. The Company may shift program budgets within the same sector or among sectors during the Extension Period consistent with the Staff recommendations adopted by the Board in the May 2023 Order. Specifically, during the Extension Period, the Company may shift budgets between programs within the same sector up to and including 25% with notification to Staff and Rate Counsel, and up to 50% with Staff approval, and greater than 50 percent with Board approval. In addition, the Company may also shift budgets out of a

sector up to and including 10% of the total Triennium 1 budget with notification to Staff and Rate Counsel, greater than 10% and up to 20% with Staff approval, and over 20% with Board approval.

- b. The Company will submit its Program Year 3 annual progress report no later than 150 days following the end of Program Year 3, that is, on or about May 31, 2025.

6. This Stipulation represents a mutual balancing of interests, contains interdependent provisions and, therefore, is intended to be accepted and approved in its entirety. In the event any aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, if this Stipulation is not adopted in its entirety by the Board in any applicable Order, then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

7. The Parties agree that they consider the Stipulation to be binding on them for all purposes herein.

8. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of these proceedings. Except as expressly provided herein, RECO, Staff, and Rate Counsel shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein, in total or by specific item. The Parties further agree that this Stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation.

9. The Parties further acknowledge that a Board Order approving this Stipulation will become

effective upon the service of said Board Order, or upon such date after the service thereof as the Board may specify, in accordance with N.J.S.A. 48:2-40.

WHEREFORE, the Parties hereto respectfully request that the Board issue a Decision and Order approving this Stipulation in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

ROCKLAND ELECTRIC COMPANY

Dated: April 29, 2024

By: Margaret Comes
Margaret Comes
Associate Counsel

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the
New Jersey Board of Public Utilities

Dated: April 30, 2024

By: Steven Chaplar
~~Text~~ Steven Chaplar
Deputy Attorney General

DIVISION OF RATE COUNSEL
BRIAN O. LIPMAN, DIRECTOR

Dated: May 1, 2024

By: Mamie W. Purnell
Mamie W. Purnell, Esq.
Assistant Deputy Rate Counsel

ENERGY EFFICIENCY ALLIANCE OF NJ

Dated: May 1, 2024

By: John Kolesnik
John Kolesnik, Esq.