

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Murphy signs bill expanding definition of," NJBIZ, January 21, 2020

Also of possible interest:

Committee meeting of Assembly Environment and Solid Waste Committee : the Committee will receive testimony from invited guests concerning offshore wind as a renewable energy source and the economic and environmental benefits offshore wind can provide to the State [October 18, 2018, Trenton, New Jersey] / meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit.

Call number: 974.90 F953, 2018a

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RWH/JA

P.L. 2019, CHAPTER 440, *approved January 21, 2020*
Senate, No. 3985 (*First Reprint*)

1 AN ACT concerning offshore wind projects, and amending
2 P.L.1999, c.23 and P.L.2010, c.57.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
8 as follows:

9 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

10 "Assignee" means a person to which an electric public utility or
11 another assignee assigns, sells, or transfers, other than as security,
12 all or a portion of its right to or interest in bondable transition
13 property. Except as specifically provided in P.L.1999, c.23
14 (C.48:3-49 et al.), an assignee shall not be subject to the public
15 utility requirements of Title 48 or any rules or regulations adopted
16 pursuant thereto.

17 "Base load electric power generation facility" means an electric
18 power generation facility intended to be operated at a greater than
19 50 percent capacity factor including, but not limited to, a combined
20 cycle power facility and a combined heat and power facility.

21 "Base residual auction" means the auction conducted by PJM, as
22 part of PJM's reliability pricing model, three years prior to the start
23 of the delivery year to secure electrical capacity as necessary to
24 satisfy the capacity requirements for that delivery year.

25 "Basic gas supply service" means gas supply service that is
26 provided to any customer that has not chosen an alternative gas
27 supplier, whether or not the customer has received offers as to
28 competitive supply options, including, but not limited to, any
29 customer that cannot obtain such service for any reason, including
30 non-payment for services. Basic gas supply service is not a
31 competitive service and shall be fully regulated by the board.

32 "Basic generation service" or "BGS" means electric generation
33 service that is provided, to any customer that has not chosen an
34 alternative electric power supplier, whether or not the customer has
35 received offers for competitive supply options, including, but not
36 limited to, any customer that cannot obtain such service from an
37 electric power supplier for any reason, including non-payment for
38 services. Basic generation service is not a competitive service and
39 shall be fully regulated by the board.

40 "Basic generation service provider" or "provider" means a
41 provider of basic generation service.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 16, 2019.

1 "Basic generation service transition costs" means the amount by
2 which the payments by an electric public utility for the procurement
3 of power for basic generation service and related ancillary and
4 administrative costs exceeds the net revenues from the basic
5 generation service charge established by the board pursuant to
6 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
7 together with interest on the balance at the board-approved rate, that
8 is reflected in a deferred balance account approved by the board in
9 an order addressing the electric public utility's unbundled rates,
10 stranded costs, and restructuring filings pursuant to P.L.1999, c.23
11 (C.48:3-49 et al.). Basic generation service transition costs shall
12 include, but are not limited to, costs of purchases from the spot
13 market, bilateral contracts, contracts with non-utility generators,
14 parting contracts with the purchaser of the electric public utility's
15 divested generation assets, short-term advance purchases, and
16 financial instruments such as hedging, forward contracts, and
17 options. Basic generation service transition costs shall also include
18 the payments by an electric public utility pursuant to a competitive
19 procurement process for basic generation service supply during the
20 transition period, and costs of any such process used to procure the
21 basic generation service supply.

22 "Board" means the New Jersey Board of Public Utilities or any
23 successor agency.

24 "Bondable stranded costs" means any stranded costs or basic
25 generation service transition costs of an electric public utility
26 approved by the board for recovery pursuant to the provisions of
27 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
28 board: (1) the cost of retiring existing debt or equity capital of the
29 electric public utility, including accrued interest, premium and other
30 fees, costs, and charges relating thereto, with the proceeds of the
31 financing of bondable transition property; (2) if requested by an
32 electric public utility in its application for a bondable stranded costs
33 rate order, federal, State and local tax liabilities associated with
34 stranded costs recovery, basic generation service transition cost
35 recovery, or the transfer or financing of the property, or both,
36 including taxes, whose recovery period is modified by the effect of
37 a stranded costs recovery order, a bondable stranded costs rate
38 order, or both; and (3) the costs incurred to issue, service or
39 refinance transition bonds, including interest, acquisition or
40 redemption premium, and other financing costs, whether paid upon
41 issuance or over the life of the transition bonds, including, but not
42 limited to, credit enhancements, service charges,
43 overcollateralization, interest rate cap, swap or collar, yield
44 maintenance, maturity guarantee or other hedging agreements,
45 equity investments, operating costs, and other related fees, costs,
46 and charges, or to assign, sell, or otherwise transfer bondable
47 transition property.

1 "Bondable stranded costs rate order" means one or more
2 irrevocable written orders issued by the board pursuant to P.L.1999,
3 c.23 (C.48:3-49 et al.) which determines the amount of bondable
4 stranded costs and the initial amount of transition bond charges
5 authorized to be imposed to recover the bondable stranded costs,
6 including the costs to be financed from the proceeds of the
7 transition bonds, as well as on-going costs associated with servicing
8 and credit enhancing the transition bonds, and provides the electric
9 public utility specific authority to issue or cause to be issued,
10 directly or indirectly, transition bonds through a financing entity
11 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),
12 which order shall become effective immediately upon the written
13 consent of the related electric public utility to the order as provided
14 in P.L.1999, c.23 (C.48:3-49 et al.).

15 "Bondable transition property" means the property consisting of
16 the irrevocable right to charge, collect, and receive, and be paid
17 from collections of, transition bond charges in the amount necessary
18 to provide for the full recovery of bondable stranded costs which
19 are determined to be recoverable in a bondable stranded costs rate
20 order, all rights of the related electric public utility under the
21 bondable stranded costs rate order including, without limitation, all
22 rights to obtain periodic adjustments of the related transition bond
23 charges pursuant to subsection b. of section 15 of P.L.1999, c.23
24 (C.48:3-64), and all revenues, collections, payments, money, and
25 proceeds arising under, or with respect to, all of the foregoing.

26 "British thermal unit" or "Btu" means the amount of heat
27 required to increase the temperature of one pound of water by one
28 degree Fahrenheit.

29 "Broker" means a duly licensed electric power supplier that
30 assumes the contractual and legal responsibility for the sale of
31 electric generation service, transmission, or other services to end-
32 use retail customers, but does not take title to any of the power sold,
33 or a duly licensed gas supplier that assumes the contractual and
34 legal obligation to provide gas supply service to end-use retail
35 customers, but does not take title to the gas.

36 "Brownfield" means any former or current commercial or
37 industrial site that is currently vacant or underutilized and on which
38 there has been, or there is suspected to have been, a discharge of a
39 contaminant.

40 "Buydown" means an arrangement or arrangements involving the
41 buyer and seller in a given power purchase contract and, in some
42 cases third parties, for consideration to be given by the buyer in
43 order to effectuate a reduction in the pricing, or the restructuring of
44 other terms to reduce the overall cost of the power contract, for the
45 remaining succeeding period of the purchased power arrangement
46 or arrangements.

47 "Buyout" means an arrangement or arrangements involving the
48 buyer and seller in a given power purchase contract and, in some

1 cases third parties, for consideration to be given by the buyer in
2 order to effectuate a termination of such power purchase contract.

3 "Class I renewable energy" means electric energy produced from
4 solar technologies, photovoltaic technologies, wind energy, fuel
5 cells, geothermal technologies, wave or tidal action, small scale
6 hydropower facilities with a capacity of three megawatts or less and
7 put into service after the effective date of P.L.2012, c.24, and
8 methane gas from landfills or a biomass facility, provided that the
9 biomass is cultivated and harvested in a sustainable manner.

10 "Class II renewable energy" means electric energy produced at a
11 hydropower facility with a capacity of greater than three megawatts,
12 but less than 30 megawatts, or a resource recovery facility, provided
13 that the facility is located where retail competition is permitted and
14 provided further that the Commissioner of Environmental
15 Protection has determined that the facility meets the highest
16 environmental standards and minimizes any impacts to the
17 environment and local communities. Class II renewable energy
18 shall not include electric energy produced at a hydropower facility
19 with a capacity of greater than 30 megawatts on or after the
20 effective date of P.L.2015, c.51.

21 "Co-generation" means the sequential production of electricity
22 and steam or other forms of useful energy used for industrial or
23 commercial heating and cooling purposes.

24 "Combined cycle power facility" means a generation facility that
25 combines two or more thermodynamic cycles, by producing electric
26 power via the combustion of fuel and then routing the resulting
27 waste heat by-product to a conventional boiler or to a heat recovery
28 steam generator for use by a steam turbine to produce electric
29 power, thereby increasing the overall efficiency of the generating
30 facility.

31 "Combined heat and power facility" or "co-generation facility"
32 means a generation facility which produces electric energy and
33 steam or other forms of useful energy such as heat, which are used
34 for industrial or commercial heating or cooling purposes. A
35 combined heat and power facility or co-generation facility shall not
36 be considered a public utility.

37 "Competitive service" means any service offered by an electric
38 public utility or a gas public utility that the board determines to be
39 competitive pursuant to section 8 or section 10 of P.L.1999, c.23
40 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

41 "Commercial and industrial energy pricing class customer" or
42 "CIEP class customer" means that group of non-residential
43 customers with high peak demand, as determined by periodic board
44 order, which either is eligible or which would be eligible, as
45 determined by periodic board order, to receive funds from the Retail
46 Margin Fund established pursuant to section 9 of P.L.1999, c.23
47 (C.48:3-57) and for which basic generation service is hourly-priced.

1 "Comprehensive resource analysis" means an analysis including,
2 but not limited to, an assessment of existing market barriers to the
3 implementation of energy efficiency and renewable technologies
4 that are not or cannot be delivered to customers through a
5 competitive marketplace.

6 "Connected to the distribution system" means, for a solar electric
7 power generation facility, that the facility is: (1) connected to a net
8 metering customer's side of a meter, regardless of the voltage at
9 which that customer connects to the electric grid; (2) an on-site
10 generation facility; (3) qualified for net metering aggregation as
11 provided pursuant to paragraph (4) of subsection e. of section 38 of
12 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
13 public utility and approved by the board pursuant to section 13 of
14 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
15 grid at 69 kilovolts or less, regardless of how an electric public
16 utility classifies that portion of its electric grid, and is designated as
17 "connected to the distribution system" by the board pursuant to
18 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-
19 87); or (6) is certified by the board, in consultation with the
20 Department of Environmental Protection, as being located on a
21 brownfield, on an area of historic fill, or on a properly closed
22 sanitary landfill facility. Any solar electric power generation
23 facility, other than that of a net metering customer on the customer's
24 side of the meter, connected above 69 kilovolts shall not be
25 considered connected to the distribution system.

26 "Customer" means any person that is an end user and is
27 connected to any part of the transmission and distribution system
28 within an electric public utility's service territory or a gas public
29 utility's service territory within this State.

30 "Customer account service" means metering, billing, or such
31 other administrative activity associated with maintaining a customer
32 account.

33 "Delivery year" or "DY" means the 12-month period from June
34 1st through May 31st, numbered according to the calendar year in
35 which it ends.

36 "Demand side management" means the management of customer
37 demand for energy service through the implementation of cost-
38 effective energy efficiency technologies, including, but not limited
39 to, installed conservation, load management, and energy efficiency
40 measures on and in the residential, commercial, industrial,
41 institutional, and governmental premises and facilities in this State.

42 "Electric generation service" means the provision of retail
43 electric energy and capacity which is generated off-site from the
44 location at which the consumption of such electric energy and
45 capacity is metered for retail billing purposes, including agreements
46 and arrangements related thereto.

47 "Electric power generator" means an entity that proposes to
48 construct, own, lease, or operate, or currently owns, leases, or

1 operates, an electric power production facility that will sell or does
2 sell at least 90 percent of its output, either directly or through a
3 marketer, to a customer or customers located at sites that are not on
4 or contiguous to the site on which the facility will be located or is
5 located. The designation of an entity as an electric power generator
6 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
7 and of itself, affect the entity's status as an exempt wholesale
8 generator under the Public Utility Holding Company Act of 1935,
9 15 U.S.C. s.79 et seq., or its successor act.

10 "Electric power supplier" means a person or entity that is duly
11 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et
12 al.) to offer and to assume the contractual and legal responsibility to
13 provide electric generation service to retail customers, and includes
14 load serving entities, marketers, and brokers that offer or provide
15 electric generation service to retail customers. The term excludes an
16 electric public utility that provides electric generation service only
17 as a basic generation service pursuant to section 9 of P.L.1999, c.23
18 (C.48:3-57).

19 "Electric public utility" means a public utility, as that term is
20 defined in R.S.48:2-13, that transmits and distributes electricity to
21 end users within this State.

22 "Electric related service" means a service that is directly related
23 to the consumption of electricity by an end user, including, but not
24 limited to, the installation of demand side management measures at
25 the end user's premises, the maintenance, repair, or replacement of
26 appliances, lighting, motors, or other energy-consuming devices at
27 the end user's premises, and the provision of energy consumption
28 measurement and billing services.

29 "Electronic signature" means an electronic sound, symbol, or
30 process, attached to, or logically associated with, a contract or other
31 record, and executed or adopted by a person with the intent to sign
32 the record.

33 "Eligible generator" means a developer of a base load or mid-
34 merit electric power generation facility including, but not limited to,
35 an on-site generation facility that qualifies as a capacity resource
36 under PJM criteria and that commences construction after the
37 effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

38 "Energy agent" means a person that is duly registered pursuant to
39 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the
40 sale of retail electricity or electric related services, or retail gas
41 supply or gas related services, between government aggregators or
42 private aggregators and electric power suppliers or gas suppliers,
43 but does not take title to the electric or gas sold.

44 "Energy consumer" means a business or residential consumer of
45 electric generation service or gas supply service located within the
46 territorial jurisdiction of a government aggregator.

47 "Energy efficiency portfolio standard" means a requirement to
48 procure a specified amount of energy efficiency or demand side

1 management resources as a means of managing and reducing energy
2 usage and demand by customers.

3 "Energy year" or "EY" means the 12-month period from June 1st
4 through May 31st, numbered according to the calendar year in
5 which it ends.

6 "Existing business relationship" means a relationship formed by
7 a voluntary two-way communication between an electric power
8 supplier, gas supplier, broker, energy agent, marketer, private
9 aggregator, sales representative, or telemarketer and a customer,
10 regardless of an exchange of consideration, on the basis of an
11 inquiry, application, purchase, or transaction initiated by the
12 customer regarding products or services offered by the electric
13 power supplier, gas supplier, broker, energy agent, marketer,
14 private aggregator, sales representative, or telemarketer; however, a
15 consumer's use of electric generation service or gas supply service
16 through the consumer's electric public utility or gas public utility
17 shall not constitute or establish an existing business relationship for
18 the purpose of P.L.2013, c.263.

19 "Farmland" means land actively devoted to agricultural or
20 horticultural use that is valued, assessed, and taxed pursuant to the
21 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
22 seq.).

23 "Federal Energy Regulatory Commission" or "FERC" means the
24 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to
25 regulate the interstate transmission of electricity, natural gas, and
26 oil.

27 "Final remediation document" shall have the same meaning as
28 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

29 "Financing entity" means an electric public utility, a special
30 purpose entity, or any other assignee of bondable transition
31 property, which issues transition bonds. Except as specifically
32 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity
33 which is not itself an electric public utility shall not be subject to
34 the public utility requirements of Title 48 of the Revised Statutes or
35 any rules or regulations adopted pursuant thereto.

36 "Gas public utility" means a public utility, as that term is defined
37 in R.S.48:2-13, that distributes gas to end users within this State.

38 "Gas related service" means a service that is directly related to
39 the consumption of gas by an end user, including, but not limited to,
40 the installation of demand side management measures at the end
41 user's premises, the maintenance, repair or replacement of
42 appliances or other energy-consuming devices at the end user's
43 premises, and the provision of energy consumption measurement
44 and billing services.

45 "Gas supplier" means a person that is duly licensed pursuant to
46 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
47 assume the contractual and legal obligation to provide gas supply
48 service to retail customers, and includes, but is not limited to,

1 marketers and brokers. A non-public utility affiliate of a public
2 utility holding company may be a gas supplier, but a gas public
3 utility or any subsidiary of a gas utility is not a gas supplier. In the
4 event that a gas public utility is not part of a holding company legal
5 structure, a related competitive business segment of that gas public
6 utility may be a gas supplier, provided that related competitive
7 business segment is structurally separated from the gas public
8 utility, and provided that the interactions between the gas public
9 utility and the related competitive business segment are subject to
10 the affiliate relations standards adopted by the board pursuant to
11 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

12 "Gas supply service" means the provision to customers of the
13 retail commodity of gas, but does not include any regulated
14 distribution service.

15 "Government aggregator" means any government entity subject
16 to the requirements of the "Local Public Contracts Law," P.L.1971,
17 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
18 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
19 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
20 contract with a licensed electric power supplier or a licensed gas
21 supplier for: (1) the provision of electric generation service, electric
22 related service, gas supply service, or gas related service for its own
23 use or the use of other government aggregators; or (2) if a
24 municipal or county government, the provision of electric
25 generation service or gas supply service on behalf of business or
26 residential customers within its territorial jurisdiction.

27 "Government energy aggregation program" means a program and
28 procedure pursuant to which a government aggregator enters into a
29 written contract for the provision of electric generation service or
30 gas supply service on behalf of business or residential customers
31 within its territorial jurisdiction.

32 "Governmental entity" means any federal, state, municipal, local,
33 or other governmental department, commission, board, agency,
34 court, authority, or instrumentality having competent jurisdiction.

35 "Greenhouse gas emissions portfolio standard" means a
36 requirement that addresses or limits the amount of carbon dioxide
37 emissions indirectly resulting from the use of electricity as applied
38 to any electric power suppliers and basic generation service
39 providers of electricity.

40 "Historic fill" means generally large volumes of non-indigenous
41 material, no matter what date they were emplaced on the site, used
42 to raise the topographic elevation of a site, which were
43 contaminated prior to emplacement and are in no way connected
44 with the operations at the location of emplacement and which
45 include, but are not limited to, construction debris, dredge spoils,
46 incinerator residue, demolition debris, fly ash, and non-hazardous
47 solid waste. "Historic fill" shall not include any material which is
48 substantially chromate chemical production waste or any other

1 chemical production waste or waste from processing of metal or
2 mineral ores, residues, slags, or tailings.

3 "Incremental auction" means an auction conducted by PJM, as
4 part of PJM's reliability pricing model, prior to the start of the
5 delivery year to secure electric capacity as necessary to satisfy the
6 capacity requirements for that delivery year, that is not otherwise
7 provided for in the base residual auction.

8 "Leakage" means an increase in greenhouse gas emissions
9 related to generation sources located outside of the State that are not
10 subject to a state, interstate, or regional greenhouse gas emissions
11 cap or standard that applies to generation sources located within the
12 State.

13 "Locational deliverability area" or "LDA" means one or more of
14 the zones within the PJM region which are used to evaluate area
15 transmission constraints and reliability issues including electric
16 public utility company zones, sub-zones, and combinations of
17 zones.

18 "Long-term capacity agreement pilot program" or "LCAPP"
19 means a pilot program established by the board that includes
20 participation by eligible generators, to seek offers for financially-
21 settled standard offer capacity agreements with eligible generators
22 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

23 "Market transition charge" means a charge imposed pursuant to
24 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
25 utility, at a level determined by the board, on the electric public
26 utility customers for a limited duration transition period to recover
27 stranded costs created as a result of the introduction of electric
28 power supply competition pursuant to the provisions of P.L.1999,
29 c.23 (C.48:3-49 et al.).

30 "Marketer" means a duly licensed electric power supplier that
31 takes title to electric energy and capacity, transmission and other
32 services from electric power generators and other wholesale
33 suppliers and then assumes the contractual and legal obligation to
34 provide electric generation service, and may include transmission
35 and other services, to an end-use retail customer or customers, or a
36 duly licensed gas supplier that takes title to gas and then assumes
37 the contractual and legal obligation to provide gas supply service to
38 an end-use customer or customers.

39 "Mid-merit electric power generation facility" means a
40 generation facility that operates at a capacity factor between
41 baseload generation facilities and peaker generation facilities.

42 "Net metering aggregation" means a procedure for calculating
43 the combination of the annual energy usage for all facilities owned
44 by a single customer where such customer is a State entity, school
45 district, county, county agency, county authority, municipality,
46 municipal agency, or municipal authority, and which are served by
47 a solar electric power generating facility as provided pursuant to

1 paragraph (4) of subsection e. of section 38 of P.L.1999, c.23
2 (C.48:3-87).

3 "Net proceeds" means proceeds less transaction and other related
4 costs as determined by the board.

5 "Net revenues" means revenues less related expenses, including
6 applicable taxes, as determined by the board.

7 "Offshore wind energy" means electric energy produced by a
8 qualified offshore wind project.

9 "Offshore wind renewable energy certificate" or "OREC" means
10 a certificate, issued by the board or its designee, representing the
11 environmental attributes ~~of~~ ¹equivalent to ~~of~~¹ one megawatt
12 hour of electric generation ¹or one megawatt of electric
13 transmission transfer capability¹ from a qualified offshore wind
14 project.

15 "Off-site end use thermal energy services customer" means an
16 end use customer that purchases thermal energy services from an
17 on-site generation facility, combined heat and power facility, or co-
18 generation facility, and that is located on property that is separated
19 from the property on which the on-site generation facility,
20 combined heat and power facility, or co-generation facility is
21 located by more than one easement, public thoroughfare, or
22 transportation or utility-owned right-of-way.

23 "On-site generation facility" means a generation facility,
24 including, but not limited to, a generation facility that produces
25 Class I or Class II renewable energy, and equipment and services
26 appurtenant to electric sales by such facility to the end use customer
27 located on the property or on property contiguous to the property on
28 which the end user is located. An on-site generation facility shall
29 not be considered a public utility. The property of the end use
30 customer and the property on which the on-site generation facility is
31 located shall be considered contiguous if they are geographically
32 located next to each other, but may be otherwise separated by an
33 easement, public thoroughfare, transportation or utility-owned
34 right-of-way, or if the end use customer is purchasing thermal
35 energy services produced by the on-site generation facility, for use
36 for heating or cooling, or both, regardless of whether the customer
37 is located on property that is separated from the property on which
38 the on-site generation facility is located by more than one easement,
39 public thoroughfare, or transportation or utility-owned right-of-way.

40 "Open access offshore wind transmission facility" means ¹a
41 high voltage ¹an open access¹ transmission facility ¹that conforms
42 to applicable FERC regulations and policies regarding open access
43 transmission, including but not limited to FERC regulations and
44 policies relating to allocation of transmission capacity and open
45 access, the provision of transmission and related transmission
46 interconnection services pursuant to a FERC-approved or FERC-
47 accepted Open Access Transmission Tariff, the justness and

1 reasonableness of rates for such transmission and related
2 interconnection services, the potential for undue preference or
3 discrimination, and affiliate dealings, if any】 , located either in the
4 Atlantic Ocean or onshore, used to facilitate the collection of
5 offshore wind energy or its delivery to the electric transmission
6 system in this State¹ .

7 "Person" means an individual, partnership, corporation,
8 association, trust, limited liability company, governmental entity, or
9 other legal entity.

10 "PJM Interconnection, L.L.C." or "PJM" means the privately-
11 held, limited liability corporation that ¹【is】 serves as¹ a FERC-
12 approved Regional Transmission Organization, or its successor, that
13 manages the regional, high-voltage electricity grid serving all or
14 parts of 13 states including New Jersey and the District of
15 Columbia, operates the regional competitive wholesale electric
16 market, manages the regional transmission planning process, and
17 establishes systems and rules to ensure that the regional and in-State
18 energy markets operate fairly and efficiently.

19 "Preliminary assessment" shall have the same meaning as
20 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

21 "Private aggregator" means a non-government aggregator that is
22 a duly-organized business or non-profit organization authorized to
23 do business in this State that enters into a contract with a duly
24 licensed electric power supplier for the purchase of electric energy
25 and capacity, or with a duly licensed gas supplier for the purchase
26 of gas supply service, on behalf of multiple end-use customers by
27 combining the loads of those customers.

28 "Properly closed sanitary landfill facility" means a sanitary
29 landfill facility, or a portion of a sanitary landfill facility, for which
30 performance is complete with respect to all activities associated
31 with the design, installation, purchase, or construction of all
32 measures, structures, or equipment required by the Department of
33 Environmental Protection, pursuant to law, in order to prevent,
34 minimize, or monitor pollution or health hazards resulting from a
35 sanitary landfill facility subsequent to the termination of operations
36 at any portion thereof, including, but not necessarily limited to, the
37 placement of earthen or vegetative cover, and the installation of
38 methane gas vents or monitors and leachate monitoring wells or
39 collection systems at the site of any sanitary landfill facility.

40 "Public utility holding company" means: (1) any company that,
41 directly or indirectly, owns, controls, or holds with power to vote,
42 10 percent or more of the outstanding voting securities of an
43 electric public utility or a gas public utility or of a company which
44 is a public utility holding company by virtue of this definition,
45 unless the Securities and Exchange Commission, or its successor,
46 by order declares such company not to be a public utility holding
47 company under the Public Utility Holding Company Act of 1935,
48 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the

1 Securities and Exchange Commission, or its successor, determines,
2 after notice and opportunity for hearing, directly or indirectly, to
3 exercise, either alone or pursuant to an arrangement or
4 understanding with one or more other persons, such a controlling
5 influence over the management or policies of an electric public
6 utility or a gas public utility or public utility holding company as to
7 make it necessary or appropriate in the public interest or for the
8 protection of investors or consumers that such person be subject to
9 the obligations, duties, and liabilities imposed in the Public Utility
10 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its
11 successor act.

12 "Qualified offshore wind project" means ¹~~["(1)"]~~¹ a wind
13 turbine electricity generation facility in the Atlantic Ocean and
14 connected to the electric transmission system in this State, ~~["and~~
15 ~~includes"]~~ ¹~~["which may also include"]~~ ~~and includes~~¹ the associated
16 transmission-related interconnection facilities and equipment, and
17 approved by the board pursuant to section 3 of P.L.2010, c.57
18 (C.48:3-87.1) ¹~~["; or (2) an open access offshore wind transmission~~
19 ~~facility, including any associated interconnection facilities and~~
20 ~~equipment, in the Atlantic Ocean and connected to the electric~~
21 ~~transmission system in this State, that is connected with a wind~~
22 ~~turbine electricity generation facility in the Atlantic Ocean, and~~
23 ~~approved by the board pursuant to section 3 of P.L.2010, c.57~~
24 ~~(C.48:3-87.1)"]~~¹ .

25 "Registration program" means an administrative process
26 developed by the board pursuant to subsection u. of section 38 of
27 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric
28 power generation facilities connected to the distribution system that
29 intend to generate SRECs, to file with the board documents
30 detailing the size, location, interconnection plan, land use, and other
31 project information as required by the board.

32 "Regulatory asset" means an asset recorded on the books of an
33 electric public utility or gas public utility pursuant to the Statement
34 of Financial Accounting Standards, No. 71, entitled "Accounting for
35 the Effects of Certain Types of Regulation," or any successor
36 standard and as deemed recoverable by the board.

37 "Related competitive business segment of an electric public
38 utility or gas public utility" means any business venture of an
39 electric public utility or gas public utility including, but not limited
40 to, functionally separate business units, joint ventures, and
41 partnerships, that offers to provide or provides competitive services.

42 "Related competitive business segment of a public utility holding
43 company" means any business venture of a public utility holding
44 company, including, but not limited to, functionally separate
45 business units, joint ventures, and partnerships and subsidiaries, that
46 offers to provide or provides competitive services, but does not

1 include any related competitive business segments of an electric
2 public utility or gas public utility.

3 "Reliability pricing model" or "RPM" means PJM's capacity-
4 market model, and its successors, that secures capacity on behalf of
5 electric load serving entities to satisfy load obligations not satisfied
6 through the output of electric generation facilities owned by those
7 entities, or otherwise secured by those entities through bilateral
8 contracts.

9 "Renewable energy certificate" or "REC" means a certificate
10 representing the environmental benefits or attributes of one
11 megawatt-hour of generation from a generating facility that
12 produces Class I or Class II renewable energy, but shall not include
13 a solar renewable energy certificate or an offshore wind renewable
14 energy certificate.

15 "Resource clearing price" or "RCP" means the clearing price
16 established for the applicable locational deliverability area by the
17 base residual auction or incremental auction, as determined by the
18 optimization algorithm for each auction, conducted by PJM as part
19 of PJM's reliability pricing model.

20 "Resource recovery facility" means a solid waste facility
21 constructed and operated for the incineration of solid waste for
22 energy production and the recovery of metals and other materials
23 for reuse, which the Department of Environmental Protection has
24 determined to be in compliance with current environmental
25 standards, including, but not limited to, all applicable requirements
26 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

27 "Restructuring related costs" means reasonably incurred costs
28 directly related to the restructuring of the electric power industry,
29 including the closure, sale, functional separation, and divestiture of
30 generation and other competitive utility assets by a public utility, or
31 the provision of competitive services as those costs are determined
32 by the board, and which are not stranded costs as defined in
33 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited
34 to, investments in management information systems, and which
35 shall include expenses related to employees affected by
36 restructuring which result in efficiencies and which result in
37 benefits to ratepayers, such as training or retraining at the level
38 equivalent to one year's training at a vocational or technical school
39 or county community college, the provision of severance pay of two
40 weeks of base pay for each year of full-time employment, and a
41 maximum of 24 months' continued health care coverage. Except as
42 to expenses related to employees affected by restructuring,
43 "restructuring related costs" shall not include going forward costs.

44 "Retail choice" means the ability of retail customers to shop for
45 electric generation or gas supply service from electric power or gas
46 suppliers, or opt to receive basic generation service or basic gas
47 service, and the ability of an electric power or gas supplier to offer

1 electric generation service or gas supply service to retail customers,
2 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

3 "Retail margin" means an amount, reflecting differences in
4 prices that electric power suppliers and electric public utilities may
5 charge in providing electric generation service and basic generation
6 service, respectively, to retail customers, excluding residential
7 customers, which the board may authorize to be charged to
8 categories of basic generation service customers of electric public
9 utilities in this State, other than residential customers, under the
10 board's continuing regulation of basic generation service pursuant to
11 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the
12 purpose of promoting a competitive retail market for the supply of
13 electricity.

14 "Sales representative" means a person employed by, acting on
15 behalf of, or as an independent contractor for, an electric power
16 supplier, gas supplier, broker, energy agent, marketer, or private
17 aggregator who, by any means, solicits a potential residential
18 customer for the provision of electric generation service or gas
19 supply service.

20 "Sanitary landfill facility" shall have the same meaning as
21 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

22 "School district" means a local or regional school district
23 established pursuant to chapter 8 or chapter 13 of Title 18A of the
24 New Jersey Statutes, a county special services school district
25 established pursuant to article 8 of chapter 46 of Title 18A of the
26 New Jersey Statutes, a county vocational school district established
27 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
28 Statutes, and a district under full State intervention pursuant to
29 P.L.1987, c.399 (C.18A:7A-34 et al.).

30 "Shopping credit" means an amount deducted from the bill of an
31 electric public utility customer to reflect the fact that the customer
32 has switched to an electric power supplier and no longer takes basic
33 generation service from the electric public utility.

34 "Site investigation" shall have the same meaning as provided in
35 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

36 "Small scale hydropower facility" means a facility located within
37 this State that is connected to the distribution system, and that
38 meets the requirements of, and has been certified by, a nationally
39 recognized low-impact hydropower organization that has
40 established low-impact hydropower certification criteria applicable
41 to: (1) river flows; (2) water quality; (3) fish passage and
42 protection; (4) watershed protection; (5) threatened and endangered
43 species protection; (6) cultural resource protection; (7) recreation;
44 and (8) facilities recommended for removal.

45 "Social program" means a program implemented with board
46 approval to provide assistance to a group of disadvantaged
47 customers, to provide protection to consumers, or to accomplish a
48 particular societal goal, and includes, but is not limited to, the

1 winter moratorium program, utility practices concerning "bad debt"
2 customers, low income assistance, deferred payment plans,
3 weatherization programs, and late payment and deposit policies, but
4 does not include any demand side management program or any
5 environmental requirements or controls.

6 "Societal benefits charge" means a charge imposed by an electric
7 public utility, at a level determined by the board, pursuant to, and in
8 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

9 "Solar alternative compliance payment" or "SACP" means a
10 payment of a certain dollar amount per megawatt hour (MWh)
11 which an electric power supplier or provider may submit to the
12 board in order to comply with the solar electric generation
13 requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

14 "Solar renewable energy certificate" or "SREC" means a
15 certificate issued by the board or its designee, representing one
16 megawatt hour (MWh) of solar energy that is generated by a facility
17 connected to the distribution system in this State and has value
18 based upon, and driven by, the energy market.

19 "Standard offer capacity agreement" or "SOCA" means a
20 financially-settled transaction agreement, approved by board order,
21 that provides for eligible generators to receive payments from the
22 electric public utilities for a defined amount of electric capacity for
23 a term to be determined by the board but not to exceed 15 years,
24 and for such payments to be a fully non-bypassable charge, with
25 such an order, once issued, being irrevocable.

26 "Standard offer capacity price" or "SOCP" means the capacity
27 price that is fixed for the term of the SOCA and which is the price
28 to be received by eligible generators under a board-approved
29 SOCA.

30 "State entity" means a department, agency, or office of State
31 government, a State university or college, or an authority created by
32 the State.

33 "Stranded cost" means the amount by which the net cost of an
34 electric public utility's electric generating assets or electric power
35 purchase commitments, as determined by the board consistent with
36 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
37 market value of those assets or contractual commitments in a
38 competitive supply marketplace and the costs of buydowns or
39 buyouts of power purchase contracts.

40 "Stranded costs recovery order" means each order issued by the
41 board in accordance with subsection c. of section 13 of P.L.1999,
42 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if
43 any, the board has determined an electric public utility is eligible to
44 recover and collect in accordance with the standards set forth in
45 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery
46 mechanisms therefor.

47 "Telemarketer" shall have the same meaning as set forth in
48 section 2 of P.L.2003, c.76 (C.56:8-120).

1 "Telemarketing sales call" means a telephone call made by a
2 telemarketer to a potential residential customer as part of a plan,
3 program, or campaign to encourage the customer to change the
4 customer's electric power supplier or gas supplier. A telephone call
5 made to an existing customer of an electric power supplier, gas
6 supplier, broker, energy agent, marketer, private aggregator, or
7 sales representative, for the sole purpose of collecting on accounts
8 or following up on contractual obligations, shall not be deemed a
9 telemarketing sales call. A telephone call made in response to an
10 express written request of a customer shall not be deemed a
11 telemarketing sales call.

12 "Thermal efficiency" means the useful electric energy output of a
13 facility, plus the useful thermal energy output of the facility,
14 expressed as a percentage of the total energy input to the facility.

15 "Transition bond charge" means a charge, expressed as an
16 amount per kilowatt hour, that is authorized by and imposed on
17 electric public utility ratepayers pursuant to a bondable stranded
18 costs rate order, as modified at any time pursuant to the provisions
19 of P.L.1999, c.23 (C.48:3-49 et al.).

20 "Transition bonds" means bonds, notes, certificates of
21 participation, beneficial interest, or other evidences of indebtedness
22 or ownership issued pursuant to an indenture, contract, or other
23 agreement of an electric public utility or a financing entity, the
24 proceeds of which are used, directly or indirectly, to recover,
25 finance or refinance bondable stranded costs and which are, directly
26 or indirectly, secured by or payable from bondable transition
27 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to
28 principal, interest, and acquisition or redemption premium with
29 respect to transition bonds which are issued in the form of
30 certificates of participation or beneficial interest or other evidences
31 of ownership shall refer to the comparable payments on such
32 securities.

33 "Transition period" means the period from August 1, 1999
34 through July 31, 2003.

35 "Transmission and distribution system" means, with respect to an
36 electric public utility, any facility or equipment that is used for the
37 transmission, distribution, or delivery of electricity to the customers
38 of the electric public utility including, but not limited to, the land,
39 structures, meters, lines, switches, and all other appurtenances
40 thereof and thereto, owned or controlled by the electric public
41 utility within this State.

42 "Universal service" means any service approved by the board
43 with the purpose of assisting low-income residential customers in
44 obtaining or retaining electric generation or delivery service.

45 "Unsolicited advertisement" means any advertising claims of the
46 commercial availability or quality of services provided by an
47 electric power supplier, gas supplier, broker, energy agent,
48 marketer, private aggregator, sales representative, or telemarketer

1 which is transmitted to a potential customer without that customer's
2 prior express invitation or permission.

3 (cf: P.L.2015, c.51, s.1)

4

5 2. Section 3 of P.L.2010, c.57 (C.48:3-87.1) is amended to read
6 as follows:

7 3. a. An entity seeking to construct an offshore wind project
8 shall submit an application to the board for approval by the board as
9 a qualified offshore wind project, which shall include, but need not
10 be limited to, the following information:

11 (1) a detailed description of the project, including maps, surveys
12 and other visual aides. This description shall include, but need not
13 be limited to: the type, size and number of proposed turbines and
14 foundations ¹[, if applicable]¹ ; the history to-date of the same
15 type, size and manufacturer of installed turbines and foundations
16 globally ¹[, if applicable]¹ ; a detailed description of the
17 transmission facilities and interconnection facilities to be installed ;
18 and a detailed implementation plan that highlights key milestone
19 activities during the permitting, financing, design, equipment
20 solicitation, manufacturing, shipping, assembly, in-field
21 installation, testing, equipment commissioning and service start-up;

22 (2) a completed financial analysis of the project including pro
23 forma income statements, balance sheets, and cash flow projections
24 for a 20-year period, including the internal rate of return, and a
25 description and estimate of any State or federal tax benefits that
26 may be associated with the project;

27 (3) the proposed method of financing the project, including
28 identification of equity investors, fixed income investors, and any
29 other sources of capital;

30 (4) documentation that the entity has applied for all eligible
31 federal funds and programs available to offset the cost of the project
32 or provide tax advantages;

33 (5) the projected electrical output ¹[or projected transmission
34 transfer capability]¹ and anticipated market prices over the
35 anticipated life of the project, including a forecast of electricity
36 revenues from the sale of energy derived from the project and
37 capacity, ¹[or from the sale of transmission transfer capability or
38 related services.]¹ as well as revenues anticipated by the sale of any
39 ORECs, RECs, air emission credits or offsets, or any tradable
40 environmental attributes created by the project;

41 (6) an operations and maintenance plan for the initial 20-year
42 operation of the project that: details routine, intermittent and
43 emergency protocols; identifies the primary risks to the built
44 infrastructure and how the potential risks, including but not limited
45 to hurricanes, lightning, fog, rogue wave occurrences, and exposed
46 cabling, shall be mitigated; and identifies specific and concrete
47 elements to ensure both construction and operational cost controls.

1 This operations and maintenance plan shall be integrated into the
2 financial analysis of the project, and shall identify the projected
3 plan for the subsequent 20 years, following conclusion of the initial
4 20-year operations, assuming any necessary federal lease
5 agreements are maintained and renewed;

6 (7) the anticipated carbon dioxide emissions impact of the
7 project;

8 (8) a decommissioning plan for the project including provisions
9 for financial assurance for decommissioning as required by the
10 applicable State and federal governmental entities;

11 (9) a list of all State and federal regulatory agency approvals,
12 permits, or other authorizations required pursuant to State and
13 federal law for the offshore wind project, and copies of all
14 submitted permit applications and any issued approvals and permits
15 for the offshore wind project;

16 (10) a cost-benefit analysis for the project including at a
17 minimum:

18 (a) a detailed input-output analysis of the impact of the project
19 on income, employment, wages, indirect business taxes, and output
20 in the State with particular emphasis on in-State manufacturing
21 employment;

22 (b) an explanation of the location, type and salary of
23 employment opportunities to be created by the project with job
24 totals expressed as full-time equivalent positions assuming 1,820
25 hours per year;

26 (c) an analysis of the anticipated environmental benefits and
27 environmental impacts of the project; and

28 (d) an analysis of the potential impacts on residential and
29 industrial ratepayers of electricity rates over the life of the project
30 that may be caused by incorporating any State subsidy into rates;

31 (11) a proposed OREC pricing method and schedule for the
32 board to consider;

33 (12) a timeline for the permitting, licensing and construction of
34 the proposed offshore wind project;

35 (13) a plan for interconnection, including engineering
36 specifications and costs; and

37 (14) any other information deemed necessary by the board in
38 order to conduct a thorough evaluation of the proposal. The board
39 may hire consultants or other experts if the board determines that
40 obtaining such outside expertise would be beneficial to the review
41 of the proposal.

42 b. (1) In considering an application for a qualified offshore
43 wind project, submitted pursuant to subsection a. of this section, the
44 board shall determine that the application satisfies the following
45 conditions:

46 (a) the filing is consistent with the New Jersey energy master
47 plan, adopted pursuant to section 12 of P.L.1977, c.146 (C.52:27F-
48 14), in effect at the time the board is considering the application;

1 (b) the cost-benefit analysis, submitted pursuant to paragraph
2 (10) of subsection a. of this section, demonstrates positive
3 economic and environmental net benefits to the State;

4 (c) the financing mechanism is based upon the actual electrical
5 output of ¹~~the project~~ or transmission transfer capability provided by.¹ the
6 project, fairly balances the risks and rewards of the project between
7 ratepayers and shareholders, and ensures that any costs of non-
8 performance, in either the construction or operational phase of the
9 project, shall be borne by shareholders; and

10 (d) the entity proposing the project demonstrates financial
11 integrity and sufficient access to capital to allow for a reasonable
12 expectation of completion of construction of the project.

13 (2) In considering an application for a qualified offshore wind
14 project, submitted pursuant to subsection a. of this section, the
15 board shall also consider:

16 (a) the total level of subsidies to be paid by ratepayers for
17 qualified offshore wind projects over the life of the project; and

18 (b) any other elements the board deems appropriate in
19 conjunction with the application.

20 c. An order issued by the board to approve an application for a
21 qualified offshore wind project pursuant to this section shall, at a
22 minimum, include conditions to ensure the following:

23 (1) no OREC shall be paid until electricity is produced by the
24 ~~qualified~~ ¹qualified¹ offshore wind ~~project~~ ¹turbine electricity
25 generation facility or the open access offshore wind transmission
26 facility demonstrates its ability to transmit electricity generated by
27 interconnected offshore wind turbine electricity generation facilities
28 in the Atlantic Ocean to the transmission system in the State]
29 project¹ ;

30 (2) ORECs shall be paid on the actual electrical output ¹~~of~~¹
31 ~~the project that is~~ ¹an offshore wind turbine electricity
32 generation facility]¹ delivered into the transmission system of the
33 State ¹~~or transmission transfer capability of an open access~~
34 offshore transmission facility into the transmission system of the
35 State]¹ ;

36 (3) ratepayers and the State shall be held harmless for any cost
37 overruns associated with the project; and

38 (4) the applicant will reimburse the board and the State for all
39 reasonable costs incurred for regulatory review of the project,
40 including but not limited to consulting services, oversight,
41 inspections, and audits.

42 An order issued by the board pursuant to this subsection shall
43 specify the value of the OREC and the term of the order.

44 An order issued by the board pursuant to this subsection shall not
45 be modified by subsequent board orders, unless the modifications
46 are jointly agreed to by the parties.

1 d. The board shall review and approve, conditionally approve,
2 or deny an application submitted pursuant to this section within 180
3 days after the date a complete application is submitted to the board.

4 e. (1) Notwithstanding any provision of P.L.2010, c.57
5 (C.48:3-87.1 et al.) to the contrary, the board ¹~~shall~~ ¹may¹ conduct
6 one or more competitive solicitations for open access offshore wind
7 transmission facilities ¹~~and~~ related interconnection facilities. A
8 competitive solicitation pursuant to this paragraph shall be
9 conducted separately from any other solicitation for offshore wine
10 turbine electricity generation facilities.

11 (2) After conducting a competitive solicitation pursuant to
12 paragraph (1) of this subsection, in considering an application for a
13 qualified offshore wind project submitted pursuant to subsection a.
14 of this section, the board shall evaluate the proposed open access
15 offshore wind transmission facility and related interconnection
16 facility separately from any proposed offshore wind turbine
17 electricity generation facility. After evaluation, the board may issue
18 an order approving an application for a qualified offshore wind
19 project that consists of:

20 (a) an offshore wind turbine electricity generation facility only;

21 (b) an open access offshore wind transmission facility, including
22 related interconnection facilities, only; or

23 (c) a combination of an offshore wind turbine electricity
24 generation facility and open access offshore wind transmission
25 facility, including related interconnection facilities.

26 (3) Nothing in this subsection shall impact any board order
27 approving an application for a qualified offshore wind project
28 issued prior to the date of enactment of P.L. , c. (pending before
29 the Legislature as this bill)] designed to facilitate the collection of
30 offshore wind energy from qualified offshore wind projects or its
31 delivery to the electric transmission system in this State¹ .

32 (cf: P.L.2010, c.57, s.3)

33
34 3. This act shall take effect immediately.

35
36
37
38
39 Amends "Electric Discount and Energy Competition Act" to add
40 definition of "open access offshore wind transmission facility" and
41 revises law concerning "qualified offshore wind projects."

SENATE, No. 3985

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 20, 2019

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Expands definition of "qualified offshore wind project" to include "open access offshore wind transmission facility."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning offshore wind projects, and amending
2 P.L.1999, c.23 and P.L.2010, c.57.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
8 as follows:

9 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

10 "Assignee" means a person to which an electric public utility or
11 another assignee assigns, sells, or transfers, other than as security,
12 all or a portion of its right to or interest in bondable transition
13 property. Except as specifically provided in P.L.1999, c.23
14 (C.48:3-49 et al.), an assignee shall not be subject to the public
15 utility requirements of Title 48 or any rules or regulations adopted
16 pursuant thereto.

17 "Base load electric power generation facility" means an electric
18 power generation facility intended to be operated at a greater than
19 50 percent capacity factor including, but not limited to, a combined
20 cycle power facility and a combined heat and power facility.

21 "Base residual auction" means the auction conducted by PJM, as
22 part of PJM's reliability pricing model, three years prior to the start
23 of the delivery year to secure electrical capacity as necessary to
24 satisfy the capacity requirements for that delivery year.

25 "Basic gas supply service" means gas supply service that is
26 provided to any customer that has not chosen an alternative gas
27 supplier, whether or not the customer has received offers as to
28 competitive supply options, including, but not limited to, any
29 customer that cannot obtain such service for any reason, including
30 non-payment for services. Basic gas supply service is not a
31 competitive service and shall be fully regulated by the board.

32 "Basic generation service" or "BGS" means electric generation
33 service that is provided, to any customer that has not chosen an
34 alternative electric power supplier, whether or not the customer has
35 received offers for competitive supply options, including, but not
36 limited to, any customer that cannot obtain such service from an
37 electric power supplier for any reason, including non-payment for
38 services. Basic generation service is not a competitive service and
39 shall be fully regulated by the board.

40 "Basic generation service provider" or "provider" means a
41 provider of basic generation service.

42 "Basic generation service transition costs" means the amount by
43 which the payments by an electric public utility for the procurement
44 of power for basic generation service and related ancillary and
45 administrative costs exceeds the net revenues from the basic
46 generation service charge established by the board pursuant to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
2 together with interest on the balance at the board-approved rate, that
3 is reflected in a deferred balance account approved by the board in
4 an order addressing the electric public utility's unbundled rates,
5 stranded costs, and restructuring filings pursuant to P.L.1999, c.23
6 (C.48:3-49 et al.). Basic generation service transition costs shall
7 include, but are not limited to, costs of purchases from the spot
8 market, bilateral contracts, contracts with non-utility generators,
9 parting contracts with the purchaser of the electric public utility's
10 divested generation assets, short-term advance purchases, and
11 financial instruments such as hedging, forward contracts, and
12 options. Basic generation service transition costs shall also include
13 the payments by an electric public utility pursuant to a competitive
14 procurement process for basic generation service supply during the
15 transition period, and costs of any such process used to procure the
16 basic generation service supply.

17 "Board" means the New Jersey Board of Public Utilities or any
18 successor agency.

19 "Bondable stranded costs" means any stranded costs or basic
20 generation service transition costs of an electric public utility
21 approved by the board for recovery pursuant to the provisions of
22 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
23 board: (1) the cost of retiring existing debt or equity capital of the
24 electric public utility, including accrued interest, premium and other
25 fees, costs, and charges relating thereto, with the proceeds of the
26 financing of bondable transition property; (2) if requested by an
27 electric public utility in its application for a bondable stranded costs
28 rate order, federal, State and local tax liabilities associated with
29 stranded costs recovery, basic generation service transition cost
30 recovery, or the transfer or financing of the property, or both,
31 including taxes, whose recovery period is modified by the effect of
32 a stranded costs recovery order, a bondable stranded costs rate
33 order, or both; and (3) the costs incurred to issue, service or
34 refinance transition bonds, including interest, acquisition or
35 redemption premium, and other financing costs, whether paid upon
36 issuance or over the life of the transition bonds, including, but not
37 limited to, credit enhancements, service charges,
38 overcollateralization, interest rate cap, swap or collar, yield
39 maintenance, maturity guarantee or other hedging agreements,
40 equity investments, operating costs, and other related fees, costs,
41 and charges, or to assign, sell, or otherwise transfer bondable
42 transition property.

43 "Bondable stranded costs rate order" means one or more
44 irrevocable written orders issued by the board pursuant to P.L.1999,
45 c.23 (C.48:3-49 et al.) which determines the amount of bondable
46 stranded costs and the initial amount of transition bond charges
47 authorized to be imposed to recover the bondable stranded costs,
48 including the costs to be financed from the proceeds of the

1 transition bonds, as well as on-going costs associated with servicing
2 and credit enhancing the transition bonds, and provides the electric
3 public utility specific authority to issue or cause to be issued,
4 directly or indirectly, transition bonds through a financing entity
5 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),
6 which order shall become effective immediately upon the written
7 consent of the related electric public utility to the order as provided
8 in P.L.1999, c.23 (C.48:3-49 et al.).

9 "Bondable transition property" means the property consisting of
10 the irrevocable right to charge, collect, and receive, and be paid
11 from collections of, transition bond charges in the amount necessary
12 to provide for the full recovery of bondable stranded costs which
13 are determined to be recoverable in a bondable stranded costs rate
14 order, all rights of the related electric public utility under the
15 bondable stranded costs rate order including, without limitation, all
16 rights to obtain periodic adjustments of the related transition bond
17 charges pursuant to subsection b. of section 15 of P.L.1999, c.23
18 (C.48:3-64), and all revenues, collections, payments, money, and
19 proceeds arising under, or with respect to, all of the foregoing.

20 "British thermal unit" or "Btu" means the amount of heat
21 required to increase the temperature of one pound of water by one
22 degree Fahrenheit.

23 "Broker" means a duly licensed electric power supplier that
24 assumes the contractual and legal responsibility for the sale of
25 electric generation service, transmission, or other services to end-
26 use retail customers, but does not take title to any of the power sold,
27 or a duly licensed gas supplier that assumes the contractual and
28 legal obligation to provide gas supply service to end-use retail
29 customers, but does not take title to the gas.

30 "Brownfield" means any former or current commercial or
31 industrial site that is currently vacant or underutilized and on which
32 there has been, or there is suspected to have been, a discharge of a
33 contaminant.

34 "Buydown" means an arrangement or arrangements involving the
35 buyer and seller in a given power purchase contract and, in some
36 cases third parties, for consideration to be given by the buyer in
37 order to effectuate a reduction in the pricing, or the restructuring of
38 other terms to reduce the overall cost of the power contract, for the
39 remaining succeeding period of the purchased power arrangement
40 or arrangements.

41 "Buyout" means an arrangement or arrangements involving the
42 buyer and seller in a given power purchase contract and, in some
43 cases third parties, for consideration to be given by the buyer in
44 order to effectuate a termination of such power purchase contract.

45 "Class I renewable energy" means electric energy produced from
46 solar technologies, photovoltaic technologies, wind energy, fuel
47 cells, geothermal technologies, wave or tidal action, small scale
48 hydropower facilities with a capacity of three megawatts or less and

1 put into service after the effective date of P.L.2012, c.24, and
2 methane gas from landfills or a biomass facility, provided that the
3 biomass is cultivated and harvested in a sustainable manner.

4 "Class II renewable energy" means electric energy produced at a
5 hydropower facility with a capacity of greater than three megawatts,
6 but less than 30 megawatts, or a resource recovery facility, provided
7 that the facility is located where retail competition is permitted and
8 provided further that the Commissioner of Environmental
9 Protection has determined that the facility meets the highest
10 environmental standards and minimizes any impacts to the
11 environment and local communities. Class II renewable energy
12 shall not include electric energy produced at a hydropower facility
13 with a capacity of greater than 30 megawatts on or after the
14 effective date of P.L.2015, c.51.

15 "Co-generation" means the sequential production of electricity
16 and steam or other forms of useful energy used for industrial or
17 commercial heating and cooling purposes.

18 "Combined cycle power facility" means a generation facility that
19 combines two or more thermodynamic cycles, by producing electric
20 power via the combustion of fuel and then routing the resulting
21 waste heat by-product to a conventional boiler or to a heat recovery
22 steam generator for use by a steam turbine to produce electric
23 power, thereby increasing the overall efficiency of the generating
24 facility.

25 "Combined heat and power facility" or "co-generation facility"
26 means a generation facility which produces electric energy and
27 steam or other forms of useful energy such as heat, which are used
28 for industrial or commercial heating or cooling purposes. A
29 combined heat and power facility or co-generation facility shall not
30 be considered a public utility.

31 "Competitive service" means any service offered by an electric
32 public utility or a gas public utility that the board determines to be
33 competitive pursuant to section 8 or section 10 of P.L.1999, c.23
34 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

35 "Commercial and industrial energy pricing class customer" or
36 "CIEP class customer" means that group of non-residential
37 customers with high peak demand, as determined by periodic board
38 order, which either is eligible or which would be eligible, as
39 determined by periodic board order, to receive funds from the Retail
40 Margin Fund established pursuant to section 9 of P.L.1999, c.23
41 (C.48:3-57) and for which basic generation service is hourly-priced.

42 "Comprehensive resource analysis" means an analysis including,
43 but not limited to, an assessment of existing market barriers to the
44 implementation of energy efficiency and renewable technologies
45 that are not or cannot be delivered to customers through a
46 competitive marketplace.

47 "Connected to the distribution system" means, for a solar electric
48 power generation facility, that the facility is: (1) connected to a net

1 metering customer's side of a meter, regardless of the voltage at
2 which that customer connects to the electric grid; (2) an on-site
3 generation facility; (3) qualified for net metering aggregation as
4 provided pursuant to paragraph (4) of subsection e. of section 38 of
5 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
6 public utility and approved by the board pursuant to section 13 of
7 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
8 grid at 69 kilovolts or less, regardless of how an electric public
9 utility classifies that portion of its electric grid, and is designated as
10 "connected to the distribution system" by the board pursuant to
11 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-
12 87); or (6) is certified by the board, in consultation with the
13 Department of Environmental Protection, as being located on a
14 brownfield, on an area of historic fill, or on a properly closed
15 sanitary landfill facility. Any solar electric power generation
16 facility, other than that of a net metering customer on the customer's
17 side of the meter, connected above 69 kilovolts shall not be
18 considered connected to the distribution system.

19 "Customer" means any person that is an end user and is
20 connected to any part of the transmission and distribution system
21 within an electric public utility's service territory or a gas public
22 utility's service territory within this State.

23 "Customer account service" means metering, billing, or such
24 other administrative activity associated with maintaining a customer
25 account.

26 "Delivery year" or "DY" means the 12-month period from June
27 1st through May 31st, numbered according to the calendar year in
28 which it ends.

29 "Demand side management" means the management of customer
30 demand for energy service through the implementation of cost-
31 effective energy efficiency technologies, including, but not limited
32 to, installed conservation, load management, and energy efficiency
33 measures on and in the residential, commercial, industrial,
34 institutional, and governmental premises and facilities in this State.

35 "Electric generation service" means the provision of retail
36 electric energy and capacity which is generated off-site from the
37 location at which the consumption of such electric energy and
38 capacity is metered for retail billing purposes, including agreements
39 and arrangements related thereto.

40 "Electric power generator" means an entity that proposes to
41 construct, own, lease, or operate, or currently owns, leases, or
42 operates, an electric power production facility that will sell or does
43 sell at least 90 percent of its output, either directly or through a
44 marketer, to a customer or customers located at sites that are not on
45 or contiguous to the site on which the facility will be located or is
46 located. The designation of an entity as an electric power generator
47 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
48 and of itself, affect the entity's status as an exempt wholesale

1 generator under the Public Utility Holding Company Act of 1935,
2 15 U.S.C. s.79 et seq., or its successor act.

3 "Electric power supplier" means a person or entity that is duly
4 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et
5 al.) to offer and to assume the contractual and legal responsibility to
6 provide electric generation service to retail customers, and includes
7 load serving entities, marketers, and brokers that offer or provide
8 electric generation service to retail customers. The term excludes an
9 electric public utility that provides electric generation service only
10 as a basic generation service pursuant to section 9 of P.L.1999, c.23
11 (C.48:3-57).

12 "Electric public utility" means a public utility, as that term is
13 defined in R.S.48:2-13, that transmits and distributes electricity to
14 end users within this State.

15 "Electric related service" means a service that is directly related
16 to the consumption of electricity by an end user, including, but not
17 limited to, the installation of demand side management measures at
18 the end user's premises, the maintenance, repair, or replacement of
19 appliances, lighting, motors, or other energy-consuming devices at
20 the end user's premises, and the provision of energy consumption
21 measurement and billing services.

22 "Electronic signature" means an electronic sound, symbol, or
23 process, attached to, or logically associated with, a contract or other
24 record, and executed or adopted by a person with the intent to sign
25 the record.

26 "Eligible generator" means a developer of a base load or mid-
27 merit electric power generation facility including, but not limited to,
28 an on-site generation facility that qualifies as a capacity resource
29 under PJM criteria and that commences construction after the
30 effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

31 "Energy agent" means a person that is duly registered pursuant to
32 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the
33 sale of retail electricity or electric related services, or retail gas
34 supply or gas related services, between government aggregators or
35 private aggregators and electric power suppliers or gas suppliers,
36 but does not take title to the electric or gas sold.

37 "Energy consumer" means a business or residential consumer of
38 electric generation service or gas supply service located within the
39 territorial jurisdiction of a government aggregator.

40 "Energy efficiency portfolio standard" means a requirement to
41 procure a specified amount of energy efficiency or demand side
42 management resources as a means of managing and reducing energy
43 usage and demand by customers.

44 "Energy year" or "EY" means the 12-month period from June 1st
45 through May 31st, numbered according to the calendar year in
46 which it ends.

47 "Existing business relationship" means a relationship formed by
48 a voluntary two-way communication between an electric power

1 supplier, gas supplier, broker, energy agent, marketer, private
2 aggregator, sales representative, or telemarketer and a customer,
3 regardless of an exchange of consideration, on the basis of an
4 inquiry, application, purchase, or transaction initiated by the
5 customer regarding products or services offered by the electric
6 power supplier, gas supplier, broker, energy agent, marketer,
7 private aggregator, sales representative, or telemarketer; however, a
8 consumer's use of electric generation service or gas supply service
9 through the consumer's electric public utility or gas public utility
10 shall not constitute or establish an existing business relationship for
11 the purpose of P.L.2013, c.263.

12 "Farmland" means land actively devoted to agricultural or
13 horticultural use that is valued, assessed, and taxed pursuant to the
14 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
15 23.1 et seq.).

16 "Federal Energy Regulatory Commission" or "FERC" means the
17 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to
18 regulate the interstate transmission of electricity, natural gas, and
19 oil.

20 "Final remediation document" shall have the same meaning as
21 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

22 "Financing entity" means an electric public utility, a special
23 purpose entity, or any other assignee of bondable transition
24 property, which issues transition bonds. Except as specifically
25 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity
26 which is not itself an electric public utility shall not be subject to
27 the public utility requirements of Title 48 of the Revised Statutes or
28 any rules or regulations adopted pursuant thereto.

29 "Gas public utility" means a public utility, as that term is defined
30 in R.S.48:2-13, that distributes gas to end users within this State.

31 "Gas related service" means a service that is directly related to
32 the consumption of gas by an end user, including, but not limited to,
33 the installation of demand side management measures at the end
34 user's premises, the maintenance, repair or replacement of
35 appliances or other energy-consuming devices at the end user's
36 premises, and the provision of energy consumption measurement
37 and billing services.

38 "Gas supplier" means a person that is duly licensed pursuant to
39 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
40 assume the contractual and legal obligation to provide gas supply
41 service to retail customers, and includes, but is not limited to,
42 marketers and brokers. A non-public utility affiliate of a public
43 utility holding company may be a gas supplier, but a gas public
44 utility or any subsidiary of a gas utility is not a gas supplier. In the
45 event that a gas public utility is not part of a holding company legal
46 structure, a related competitive business segment of that gas public
47 utility may be a gas supplier, provided that related competitive
48 business segment is structurally separated from the gas public

1 utility, and provided that the interactions between the gas public
2 utility and the related competitive business segment are subject to
3 the affiliate relations standards adopted by the board pursuant to
4 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

5 "Gas supply service" means the provision to customers of the
6 retail commodity of gas, but does not include any regulated
7 distribution service.

8 "Government aggregator" means any government entity subject
9 to the requirements of the "Local Public Contracts Law," P.L.1971,
10 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
11 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
12 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
13 contract with a licensed electric power supplier or a licensed gas
14 supplier for: (1) the provision of electric generation service, electric
15 related service, gas supply service, or gas related service for its own
16 use or the use of other government aggregators; or (2) if a
17 municipal or county government, the provision of electric
18 generation service or gas supply service on behalf of business or
19 residential customers within its territorial jurisdiction.

20 "Government energy aggregation program" means a program and
21 procedure pursuant to which a government aggregator enters into a
22 written contract for the provision of electric generation service or
23 gas supply service on behalf of business or residential customers
24 within its territorial jurisdiction.

25 "Governmental entity" means any federal, state, municipal, local,
26 or other governmental department, commission, board, agency,
27 court, authority, or instrumentality having competent jurisdiction.

28 "Greenhouse gas emissions portfolio standard" means a
29 requirement that addresses or limits the amount of carbon dioxide
30 emissions indirectly resulting from the use of electricity as applied
31 to any electric power suppliers and basic generation service
32 providers of electricity.

33 "Historic fill" means generally large volumes of non-indigenous
34 material, no matter what date they were emplaced on the site, used
35 to raise the topographic elevation of a site, which were
36 contaminated prior to emplacement and are in no way connected
37 with the operations at the location of emplacement and which
38 include, but are not limited to, construction debris, dredge spoils,
39 incinerator residue, demolition debris, fly ash, and non-hazardous
40 solid waste. "Historic fill" shall not include any material which is
41 substantially chromate chemical production waste or any other
42 chemical production waste or waste from processing of metal or
43 mineral ores, residues, slags, or tailings.

44 "Incremental auction" means an auction conducted by PJM, as
45 part of PJM's reliability pricing model, prior to the start of the
46 delivery year to secure electric capacity as necessary to satisfy the
47 capacity requirements for that delivery year, that is not otherwise
48 provided for in the base residual auction.

1 "Leakage" means an increase in greenhouse gas emissions
2 related to generation sources located outside of the State that are not
3 subject to a state, interstate, or regional greenhouse gas emissions
4 cap or standard that applies to generation sources located within the
5 State.

6 "Locational deliverability area" or "LDA" means one or more of
7 the zones within the PJM region which are used to evaluate area
8 transmission constraints and reliability issues including electric
9 public utility company zones, sub-zones, and combinations of
10 zones.

11 "Long-term capacity agreement pilot program" or "LCAPP"
12 means a pilot program established by the board that includes
13 participation by eligible generators, to seek offers for financially-
14 settled standard offer capacity agreements with eligible generators
15 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

16 "Market transition charge" means a charge imposed pursuant to
17 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
18 utility, at a level determined by the board, on the electric public
19 utility customers for a limited duration transition period to recover
20 stranded costs created as a result of the introduction of electric
21 power supply competition pursuant to the provisions of P.L.1999,
22 c.23 (C.48:3-49 et al.).

23 "Marketer" means a duly licensed electric power supplier that
24 takes title to electric energy and capacity, transmission and other
25 services from electric power generators and other wholesale
26 suppliers and then assumes the contractual and legal obligation to
27 provide electric generation service, and may include transmission
28 and other services, to an end-use retail customer or customers, or a
29 duly licensed gas supplier that takes title to gas and then assumes
30 the contractual and legal obligation to provide gas supply service to
31 an end-use customer or customers.

32 "Mid-merit electric power generation facility" means a
33 generation facility that operates at a capacity factor between
34 baseload generation facilities and peaker generation facilities.

35 "Net metering aggregation" means a procedure for calculating
36 the combination of the annual energy usage for all facilities owned
37 by a single customer where such customer is a State entity, school
38 district, county, county agency, county authority, municipality,
39 municipal agency, or municipal authority, and which are served by
40 a solar electric power generating facility as provided pursuant to
41 paragraph (4) of subsection e. of section 38 of P.L.1999, c.23
42 (C.48:3-87).

43 "Net proceeds" means proceeds less transaction and other related
44 costs as determined by the board.

45 "Net revenues" means revenues less related expenses, including
46 applicable taxes, as determined by the board.

47 "Offshore wind energy" means electric energy produced by a
48 qualified offshore wind project.

1 "Offshore wind renewable energy certificate" or "OREC" means
2 a certificate, issued by the board or its designee, representing the
3 environmental attributes **[of]** equivalent to one megawatt hour of
4 electric generation or one megawatt of electric transmission transfer
5 capability from a qualified offshore wind project.

6 "Off-site end use thermal energy services customer" means an
7 end use customer that purchases thermal energy services from an
8 on-site generation facility, combined heat and power facility, or co-
9 generation facility, and that is located on property that is separated
10 from the property on which the on-site generation facility,
11 combined heat and power facility, or co-generation facility is
12 located by more than one easement, public thoroughfare, or
13 transportation or utility-owned right-of-way.

14 "On-site generation facility" means a generation facility,
15 including, but not limited to, a generation facility that produces
16 Class I or Class II renewable energy, and equipment and services
17 appurtenant to electric sales by such facility to the end use customer
18 located on the property or on property contiguous to the property on
19 which the end user is located. An on-site generation facility shall
20 not be considered a public utility. The property of the end use
21 customer and the property on which the on-site generation facility is
22 located shall be considered contiguous if they are geographically
23 located next to each other, but may be otherwise separated by an
24 easement, public thoroughfare, transportation or utility-owned
25 right-of-way, or if the end use customer is purchasing thermal
26 energy services produced by the on-site generation facility, for use
27 for heating or cooling, or both, regardless of whether the customer
28 is located on property that is separated from the property on which
29 the on-site generation facility is located by more than one easement,
30 public thoroughfare, or transportation or utility-owned right-of-way.

31 "Open access offshore wind transmission facility" means a high
32 voltage transmission facility that conforms to applicable FERC
33 regulations and policies regarding open access transmission,
34 including but not limited to FERC regulations and policies relating
35 to allocation of transmission capacity and open access, the
36 provision of transmission and related transmission interconnection
37 services pursuant to a FERC-approved or FERC-accepted Open
38 Access Transmission Tariff, the justness and reasonableness of rates
39 for such transmission and related interconnection services, the
40 potential for undue preference or discrimination, and affiliate
41 dealings, if any.

42 "Person" means an individual, partnership, corporation,
43 association, trust, limited liability company, governmental entity, or
44 other legal entity.

45 "PJM Interconnection, L.L.C." or "PJM" means the privately-
46 held, limited liability corporation that is a FERC-approved Regional
47 Transmission Organization, or its successor, that manages the
48 regional, high-voltage electricity grid serving all or parts of 13

1 states including New Jersey and the District of Columbia, operates
2 the regional competitive wholesale electric market, manages the
3 regional transmission planning process, and establishes systems and
4 rules to ensure that the regional and in-State energy markets operate
5 fairly and efficiently.

6 "Preliminary assessment" shall have the same meaning as
7 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

8 "Private aggregator" means a non-government aggregator that is
9 a duly-organized business or non-profit organization authorized to
10 do business in this State that enters into a contract with a duly
11 licensed electric power supplier for the purchase of electric energy
12 and capacity, or with a duly licensed gas supplier for the purchase
13 of gas supply service, on behalf of multiple end-use customers by
14 combining the loads of those customers.

15 "Properly closed sanitary landfill facility" means a sanitary
16 landfill facility, or a portion of a sanitary landfill facility, for which
17 performance is complete with respect to all activities associated
18 with the design, installation, purchase, or construction of all
19 measures, structures, or equipment required by the Department of
20 Environmental Protection, pursuant to law, in order to prevent,
21 minimize, or monitor pollution or health hazards resulting from a
22 sanitary landfill facility subsequent to the termination of operations
23 at any portion thereof, including, but not necessarily limited to, the
24 placement of earthen or vegetative cover, and the installation of
25 methane gas vents or monitors and leachate monitoring wells or
26 collection systems at the site of any sanitary landfill facility.

27 "Public utility holding company" means: (1) any company that,
28 directly or indirectly, owns, controls, or holds with power to vote,
29 10 percent or more of the outstanding voting securities of an
30 electric public utility or a gas public utility or of a company which
31 is a public utility holding company by virtue of this definition,
32 unless the Securities and Exchange Commission, or its successor,
33 by order declares such company not to be a public utility holding
34 company under the Public Utility Holding Company Act of 1935,
35 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the
36 Securities and Exchange Commission, or its successor, determines,
37 after notice and opportunity for hearing, directly or indirectly, to
38 exercise, either alone or pursuant to an arrangement or
39 understanding with one or more other persons, such a controlling
40 influence over the management or policies of an electric public
41 utility or a gas public utility or public utility holding company as to
42 make it necessary or appropriate in the public interest or for the
43 protection of investors or consumers that such person be subject to
44 the obligations, duties, and liabilities imposed in the Public Utility
45 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its
46 successor act.

47 "Qualified offshore wind project" means : (1) a wind turbine
48 electricity generation facility in the Atlantic Ocean and connected

1 to the electric transmission system in this State, **[and includes]**
2 which may also include the associated transmission-related
3 interconnection facilities and equipment, and approved by the board
4 pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1) ; or (2) an
5 open access offshore wind transmission facility, including any
6 associated interconnection facilities and equipment, in the Atlantic
7 Ocean and connected to the electric transmission system in this
8 State, that is connected with a wind turbine electricity generation
9 facility in the Atlantic Ocean, and approved by the board pursuant
10 to section 3 of P.L.2010, c.57 (C.48:3-87.1) .

11 "Registration program" means an administrative process
12 developed by the board pursuant to subsection u. of section 38 of
13 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric
14 power generation facilities connected to the distribution system that
15 intend to generate SRECs, to file with the board documents
16 detailing the size, location, interconnection plan, land use, and other
17 project information as required by the board.

18 "Regulatory asset" means an asset recorded on the books of an
19 electric public utility or gas public utility pursuant to the Statement
20 of Financial Accounting Standards, No. 71, entitled "Accounting for
21 the Effects of Certain Types of Regulation," or any successor
22 standard and as deemed recoverable by the board.

23 "Related competitive business segment of an electric public
24 utility or gas public utility" means any business venture of an
25 electric public utility or gas public utility including, but not limited
26 to, functionally separate business units, joint ventures, and
27 partnerships, that offers to provide or provides competitive services.

28 "Related competitive business segment of a public utility holding
29 company" means any business venture of a public utility holding
30 company, including, but not limited to, functionally separate
31 business units, joint ventures, and partnerships and subsidiaries, that
32 offers to provide or provides competitive services, but does not
33 include any related competitive business segments of an electric
34 public utility or gas public utility.

35 "Reliability pricing model" or "RPM" means PJM's capacity-
36 market model, and its successors, that secures capacity on behalf of
37 electric load serving entities to satisfy load obligations not satisfied
38 through the output of electric generation facilities owned by those
39 entities, or otherwise secured by those entities through bilateral
40 contracts.

41 "Renewable energy certificate" or "REC" means a certificate
42 representing the environmental benefits or attributes of one
43 megawatt-hour of generation from a generating facility that
44 produces Class I or Class II renewable energy, but shall not include
45 a solar renewable energy certificate or an offshore wind renewable
46 energy certificate.

47 "Resource clearing price" or "RCP" means the clearing price
48 established for the applicable locational deliverability area by the

1 base residual auction or incremental auction, as determined by the
2 optimization algorithm for each auction, conducted by PJM as part
3 of PJM's reliability pricing model.

4 "Resource recovery facility" means a solid waste facility
5 constructed and operated for the incineration of solid waste for
6 energy production and the recovery of metals and other materials
7 for reuse, which the Department of Environmental Protection has
8 determined to be in compliance with current environmental
9 standards, including, but not limited to, all applicable requirements
10 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

11 "Restructuring related costs" means reasonably incurred costs
12 directly related to the restructuring of the electric power industry,
13 including the closure, sale, functional separation, and divestiture of
14 generation and other competitive utility assets by a public utility, or
15 the provision of competitive services as those costs are determined
16 by the board, and which are not stranded costs as defined in
17 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited
18 to, investments in management information systems, and which
19 shall include expenses related to employees affected by
20 restructuring which result in efficiencies and which result in
21 benefits to ratepayers, such as training or retraining at the level
22 equivalent to one year's training at a vocational or technical school
23 or county community college, the provision of severance pay of two
24 weeks of base pay for each year of full-time employment, and a
25 maximum of 24 months' continued health care coverage. Except as
26 to expenses related to employees affected by restructuring,
27 "restructuring related costs" shall not include going forward costs.

28 "Retail choice" means the ability of retail customers to shop for
29 electric generation or gas supply service from electric power or gas
30 suppliers, or opt to receive basic generation service or basic gas
31 service, and the ability of an electric power or gas supplier to offer
32 electric generation service or gas supply service to retail customers,
33 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

34 "Retail margin" means an amount, reflecting differences in
35 prices that electric power suppliers and electric public utilities may
36 charge in providing electric generation service and basic generation
37 service, respectively, to retail customers, excluding residential
38 customers, which the board may authorize to be charged to
39 categories of basic generation service customers of electric public
40 utilities in this State, other than residential customers, under the
41 board's continuing regulation of basic generation service pursuant to
42 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the
43 purpose of promoting a competitive retail market for the supply of
44 electricity.

45 "Sales representative" means a person employed by, acting on
46 behalf of, or as an independent contractor for, an electric power
47 supplier, gas supplier, broker, energy agent, marketer, or private
48 aggregator who, by any means, solicits a potential residential

1 customer for the provision of electric generation service or gas
2 supply service.

3 "Sanitary landfill facility" shall have the same meaning as
4 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

5 "School district" means a local or regional school district
6 established pursuant to chapter 8 or chapter 13 of Title 18A of the
7 New Jersey Statutes, a county special services school district
8 established pursuant to article 8 of chapter 46 of Title 18A of the
9 New Jersey Statutes, a county vocational school district established
10 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
11 Statutes, and a district under full State intervention pursuant to
12 P.L.1987, c.399 (C.18A:7A-34 et al.).

13 "Shopping credit" means an amount deducted from the bill of an
14 electric public utility customer to reflect the fact that the customer
15 has switched to an electric power supplier and no longer takes basic
16 generation service from the electric public utility.

17 "Site investigation" shall have the same meaning as provided in
18 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

19 "Small scale hydropower facility" means a facility located within
20 this State that is connected to the distribution system, and that
21 meets the requirements of, and has been certified by, a nationally
22 recognized low-impact hydropower organization that has
23 established low-impact hydropower certification criteria applicable
24 to: (1) river flows; (2) water quality; (3) fish passage and
25 protection; (4) watershed protection; (5) threatened and endangered
26 species protection; (6) cultural resource protection; (7) recreation;
27 and (8) facilities recommended for removal.

28 "Social program" means a program implemented with board
29 approval to provide assistance to a group of disadvantaged
30 customers, to provide protection to consumers, or to accomplish a
31 particular societal goal, and includes, but is not limited to, the
32 winter moratorium program, utility practices concerning "bad debt"
33 customers, low income assistance, deferred payment plans,
34 weatherization programs, and late payment and deposit policies, but
35 does not include any demand side management program or any
36 environmental requirements or controls.

37 "Societal benefits charge" means a charge imposed by an electric
38 public utility, at a level determined by the board, pursuant to, and in
39 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

40 "Solar alternative compliance payment" or "SACP" means a
41 payment of a certain dollar amount per megawatt hour (MWh)
42 which an electric power supplier or provider may submit to the
43 board in order to comply with the solar electric generation
44 requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

45 "Solar renewable energy certificate" or "SREC" means a
46 certificate issued by the board or its designee, representing one
47 megawatt hour (MWh) of solar energy that is generated by a facility

1 connected to the distribution system in this State and has value
2 based upon, and driven by, the energy market.

3 "Standard offer capacity agreement" or "SOCA" means a
4 financially-settled transaction agreement, approved by board order,
5 that provides for eligible generators to receive payments from the
6 electric public utilities for a defined amount of electric capacity for
7 a term to be determined by the board but not to exceed 15 years,
8 and for such payments to be a fully non-bypassable charge, with
9 such an order, once issued, being irrevocable.

10 "Standard offer capacity price" or "SOCP" means the capacity
11 price that is fixed for the term of the SOCA and which is the price
12 to be received by eligible generators under a board-approved
13 SOCA.

14 "State entity" means a department, agency, or office of State
15 government, a State university or college, or an authority created by
16 the State.

17 "Stranded cost" means the amount by which the net cost of an
18 electric public utility's electric generating assets or electric power
19 purchase commitments, as determined by the board consistent with
20 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
21 market value of those assets or contractual commitments in a
22 competitive supply marketplace and the costs of buydowns or
23 buyouts of power purchase contracts.

24 "Stranded costs recovery order" means each order issued by the
25 board in accordance with subsection c. of section 13 of P.L.1999,
26 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if
27 any, the board has determined an electric public utility is eligible to
28 recover and collect in accordance with the standards set forth in
29 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery
30 mechanisms therefor.

31 "Telemarketer" shall have the same meaning as set forth in
32 section 2 of P.L.2003, c.76 (C.56:8-120).

33 "Telemarketing sales call" means a telephone call made by a
34 telemarketer to a potential residential customer as part of a plan,
35 program, or campaign to encourage the customer to change the
36 customer's electric power supplier or gas supplier. A telephone call
37 made to an existing customer of an electric power supplier, gas
38 supplier, broker, energy agent, marketer, private aggregator, or
39 sales representative, for the sole purpose of collecting on accounts
40 or following up on contractual obligations, shall not be deemed a
41 telemarketing sales call. A telephone call made in response to an
42 express written request of a customer shall not be deemed a
43 telemarketing sales call.

44 "Thermal efficiency" means the useful electric energy output of a
45 facility, plus the useful thermal energy output of the facility,
46 expressed as a percentage of the total energy input to the facility.

47 "Transition bond charge" means a charge, expressed as an
48 amount per kilowatt hour, that is authorized by and imposed on

1 electric public utility ratepayers pursuant to a bondable stranded
2 costs rate order, as modified at any time pursuant to the provisions
3 of P.L.1999, c.23 (C.48:3-49 et al.).

4 "Transition bonds" means bonds, notes, certificates of
5 participation, beneficial interest, or other evidences of indebtedness
6 or ownership issued pursuant to an indenture, contract, or other
7 agreement of an electric public utility or a financing entity, the
8 proceeds of which are used, directly or indirectly, to recover,
9 finance or refinance bondable stranded costs and which are, directly
10 or indirectly, secured by or payable from bondable transition
11 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to
12 principal, interest, and acquisition or redemption premium with
13 respect to transition bonds which are issued in the form of
14 certificates of participation or beneficial interest or other evidences
15 of ownership shall refer to the comparable payments on such
16 securities.

17 "Transition period" means the period from August 1, 1999
18 through July 31, 2003.

19 "Transmission and distribution system" means, with respect to an
20 electric public utility, any facility or equipment that is used for the
21 transmission, distribution, or delivery of electricity to the customers
22 of the electric public utility including, but not limited to, the land,
23 structures, meters, lines, switches, and all other appurtenances
24 thereof and thereto, owned or controlled by the electric public
25 utility within this State.

26 "Universal service" means any service approved by the board
27 with the purpose of assisting low-income residential customers in
28 obtaining or retaining electric generation or delivery service.

29 "Unsolicited advertisement" means any advertising claims of the
30 commercial availability or quality of services provided by an
31 electric power supplier, gas supplier, broker, energy agent,
32 marketer, private aggregator, sales representative, or telemarketer
33 which is transmitted to a potential customer without that customer's
34 prior express invitation or permission.

35 (cf: P.L.2015, c.51, s.1)

36

37 2. Section 3 of P.L.2010, c.57 (C.48:3-87.1) is amended to read
38 as follows:

39 3. a. An entity seeking to construct an offshore wind project
40 shall submit an application to the board for approval by the board as
41 a qualified offshore wind project, which shall include, but need not
42 be limited to, the following information:

43 (1) a detailed description of the project, including maps, surveys
44 and other visual aides. This description shall include, but need not
45 be limited to: the type, size and number of proposed turbines and
46 foundations , if applicable ; the history to-date of the same type,
47 size and manufacturer of installed turbines and foundations globally
48 , if applicable; a detailed description of the transmission facilities

- 1 and interconnection facilities to be installed ; and a detailed
2 implementation plan that highlights key milestone activities during
3 the permitting, financing, design, equipment solicitation,
4 manufacturing, shipping, assembly, in-field installation, testing,
5 equipment commissioning and service start-up;
- 6 (2) a completed financial analysis of the project including pro
7 forma income statements, balance sheets, and cash flow projections
8 for a 20-year period, including the internal rate of return, and a
9 description and estimate of any State or federal tax benefits that
10 may be associated with the project;
- 11 (3) the proposed method of financing the project, including
12 identification of equity investors, fixed income investors, and any
13 other sources of capital;
- 14 (4) documentation that the entity has applied for all eligible
15 federal funds and programs available to offset the cost of the project
16 or provide tax advantages;
- 17 (5) the projected electrical output or projected transmission
18 transfer capability and anticipated market prices over the
19 anticipated life of the project, including a forecast of electricity
20 revenues from the sale of energy derived from the project and
21 capacity, or from the sale of transmission transfer capability or
22 related services, as well as revenues anticipated by the sale of any
23 ORECs, RECs, air emission credits or offsets, or any tradable
24 environmental attributes created by the project;
- 25 (6) an operations and maintenance plan for the initial 20-year
26 operation of the project that: details routine, intermittent and
27 emergency protocols; identifies the primary risks to the built
28 infrastructure and how the potential risks, including but not limited
29 to hurricanes, lightning, fog, rogue wave occurrences, and exposed
30 cabling, shall be mitigated; and identifies specific and concrete
31 elements to ensure both construction and operational cost controls.
32 This operations and maintenance plan shall be integrated into the
33 financial analysis of the project, and shall identify the projected
34 plan for the subsequent 20 years, following conclusion of the initial
35 20-year operations, assuming any necessary federal lease
36 agreements are maintained and renewed;
- 37 (7) the anticipated carbon dioxide emissions impact of the
38 project;
- 39 (8) a decommissioning plan for the project including provisions
40 for financial assurance for decommissioning as required by the
41 applicable State and federal governmental entities;
- 42 (9) a list of all State and federal regulatory agency approvals,
43 permits, or other authorizations required pursuant to State and
44 federal law for the offshore wind project, and copies of all
45 submitted permit applications and any issued approvals and permits
46 for the offshore wind project;
- 47 (10) a cost-benefit analysis for the project including at a
48 minimum:

1 (a) a detailed input-output analysis of the impact of the project
2 on income, employment , wages, indirect business taxes, and output
3 in the State with particular emphasis on in-State manufacturing
4 employment;

5 (b) an explanation of the location, type and salary of
6 employment opportunities to be created by the project with job
7 totals expressed as full-time equivalent positions assuming 1,820
8 hours per year;

9 (c) an analysis of the anticipated environmental benefits and
10 environmental impacts of the project; and

11 (d) an analysis of the potential impacts on residential and
12 industrial ratepayers of electricity rates over the life of the project
13 that may be caused by incorporating any State subsidy into rates;

14 (11) a proposed OREC pricing method and schedule for the
15 board to consider;

16 (12) a timeline for the permitting, licensing and construction of
17 the proposed offshore wind project;

18 (13) a plan for interconnection, including engineering
19 specifications and costs; and

20 (14) any other information deemed necessary by the board in
21 order to conduct a thorough evaluation of the proposal. The board
22 may hire consultants or other experts if the board determines that
23 obtaining such outside expertise would be beneficial to the review
24 of the proposal.

25 b. (1) In considering an application for a qualified offshore
26 wind project, submitted pursuant to subsection a. of this section, the
27 board shall determine that the application satisfies the following
28 conditions:

29 (a) the filing is consistent with the New Jersey energy master
30 plan, adopted pursuant to section 12 of P.L.1977, c.146 (C.52:27F-
31 14), in effect at the time the board is considering the application;

32 (b) the cost-benefit analysis, submitted pursuant to paragraph
33 (10) of subsection a. of this section, demonstrates positive
34 economic and environmental net benefits to the State;

35 (c) the financing mechanism is based upon the actual electrical
36 output of , or transmission transfer capability provided by, the
37 project, fairly balances the risks and rewards of the project between
38 ratepayers and shareholders, and ensures that any costs of non-
39 performance, in either the construction or operational phase of the
40 project, shall be borne by shareholders; and

41 (d) the entity proposing the project demonstrates financial
42 integrity and sufficient access to capital to allow for a reasonable
43 expectation of completion of construction of the project.

44 (2) In considering an application for a qualified offshore wind
45 project, submitted pursuant to subsection a. of this section, the
46 board shall also consider:

47 (a) the total level of subsidies to be paid by ratepayers for
48 qualified offshore wind projects over the life of the project; and

1 (b) any other elements the board deems appropriate in
2 conjunction with the application.

3 c. An order issued by the board to approve an application for a
4 qualified offshore wind project pursuant to this section shall, at a
5 minimum, include conditions to ensure the following:

6 (1) no OREC shall be paid until electricity is produced by the
7 qualified offshore wind project turbine electricity generation
8 facility or the open access offshore wind transmission facility
9 demonstrates its ability to transmit electricity generated by
10 interconnected offshore wind turbine electricity generation facilities
11 in the Atlantic Ocean to the transmission system in the State ;

12 (2) ORECs shall be paid on the actual electrical output of the
13 project that is an offshore wind turbine electricity generation
14 facility delivered into the transmission system of the State or
15 transmission transfer capability of an open access offshore
16 transmission facility into the transmission system of the State ;

17 (3) ratepayers and the State shall be held harmless for any cost
18 overruns associated with the project; and

19 (4) the applicant will reimburse the board and the State for all
20 reasonable costs incurred for regulatory review of the project,
21 including but not limited to consulting services, oversight,
22 inspections, and audits.

23 An order issued by the board pursuant to this subsection shall
24 specify the value of the OREC and the term of the order.

25 An order issued by the board pursuant to this subsection shall not
26 be modified by subsequent board orders, unless the modifications
27 are jointly agreed to by the parties.

28 d. The board shall review and approve, conditionally approve,
29 or deny an application submitted pursuant to this section within 180
30 days after the date a complete application is submitted to the board.

31 e. (1) Notwithstanding any provision of P.L.2010, c.57
32 (C.48:3-87.1 et al.) to the contrary, the board shall conduct one or
33 more competitive solicitations for open access offshore wind
34 transmission facilities and related interconnection facilities. A
35 competitive solicitation pursuant to this paragraph shall be
36 conducted separately from any other solicitation for offshore wind
37 turbine electricity generation facilities.

38 (2) After conducting a competitive solicitation pursuant to
39 paragraph (1) of this subsection, in considering an application for a
40 qualified offshore wind project submitted pursuant to subsection a.
41 of this section, the board shall evaluate the proposed open access
42 offshore wind transmission facility and related interconnection
43 facility separately from any proposed offshore wind turbine
44 electricity generation facility. After evaluation, the board may issue
45 an order approving an application for a qualified offshore wind
46 project that consists of:

47 (a) an offshore wind turbine electricity generation facility only;

S3985 B.SMITH

22

- 1 wind transmission facilities, and directs the BPU to conduct one or
- 2 more competitive solicitations for open access offshore wind
- 3 transmission facilities and related interconnection facilities.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3985

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 2019

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3985.

This bill amends P.L.2010, c.57 (C.48:3-87.1 et al.), the law commonly referred to as the "Offshore Wind Economic Development Act," concerning the development of offshore wind projects. The bill also amends the definition section of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49 et al.).

Current law defines "qualified offshore wind project" to mean a wind turbine electricity generation facility in the Atlantic Ocean and connected to the electric transmission system in this State, and includes the associated transmission-related interconnection facilities and equipment, and approved by the Board of Public Utilities (BPU) pursuant to law. This bill would expand this definition to also include open access offshore wind transmission facilities. This bill would define "open access offshore wind transmission facility" as a high voltage transmission facility that conforms to applicable Federal Energy Regulatory Commission (FERC) regulations and policies regarding open access transmission, including but not limited to FERC regulations and policies relating to allocation of transmission capacity and open access, the provision of transmission and related transmission interconnection services pursuant to a FERC-approved or FERC-accepted Open Access Transmission Tariff, the justness and reasonableness of rates for such transmission and related interconnection services, the potential for undue preference or discrimination, and affiliate dealings, if any.

This bill would also expand the definition of an "offshore wind renewable energy certificate" or "OREC" to include the environmental attributes equivalent to one megawatt of electric transmission transfer capability from a qualified offshore wind project.

The bill would also amend the law concerning the approval of qualified offshore wind projects to include open access offshore wind transmission facilities, and directs the BPU to conduct one or more competitive solicitations for open access offshore wind transmission facilities and related interconnection facilities.

STATEMENT TO
SENATE, No. 3985

with Senate Floor Amendments
(Proposed by Senator SMITH)

ADOPTED: DECEMBER 16, 2019

These floor amendments:

(1) revise the definition of "offshore wind renewable energy certificate" or "OREC" to delete the language contained in the bill that would have expanded the definition to include the environmental attributes equivalent to one megawatt of electric transmission transfer capability from a qualified offshore wind project;

(2) revise the definition of "qualified offshore wind project" to delete the language contained in the bill that would have expanded the definition to include open access offshore wind transmission facilities;

(3) revise the definitions of "open access offshore wind transmission facility" and "PJM Interconnection, L.L.C.";

(4) amend section 2 of the bill to reflect the changes to the definitions of "OREC" and "qualified offshore wind project," by removing the language concerning the payment of ORECs based on electric transmission transfer capability and removing language contained in the bill specific to information to be provided to the BPU concerning open access offshore wind transmission facilities; and

(5) provide that the Board of Public Utilities may, rather than shall, conduct competitive solicitations for open access offshore wind transmission facilities.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3985 STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JANUARY 14, 2020

SUMMARY

- Synopsis:** Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects."
- Type of Impact:** Annual increase in expenditures for State and local government entities; and annual State revenue and expenditure increases.
- Agencies Affected:** All State and local government entities;
Board of Public Utilities;
New Jersey Economic Development Authority.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
State Revenue Decrease	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) cannot determine whether the bill will have a fiscal impact on State or local government. Uncertainty concerning the bill's fiscal impact is rooted in a lack of information concerning whether the Board of Public Utilities (BPU) will exercise its discretion to conduct one or more competitive solicitations for open access offshore wind transmission facilities that transmit offshore wind energy from qualified offshore wind projects to the electric transmission or distribution system in New Jersey and, as a result of the receiving the solicitations, will choose an offshore wind transmission facility and the resulting construction and operating costs that may be borne by ratepayers, including State and local governments.
- If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, that approval will result in a possible indeterminate increase in State and local expenditures from higher retail prices for electricity from offshore wind electric generation. The amount of such a price increase would be

contingent, in part, on the decision made by the BPU, which the OLS cannot anticipate. Such an increase in the price of electricity may yield indeterminate additional State revenues, given that the increase paid by all ratepayers will be subject to the State sales and use tax. The amount of any rate charged by such a transmission facility operator due to any BPU approval of it will be subject to the imposition of sales and use tax except those electricity purchases by entities and users which are exempt under the sales and use tax. The OLS lacks the necessary data to quantify the net increase in the price of electricity because of the bill; thus, the OLS cannot determine the amount of additional State sales and use tax revenue generated due to the bill.

- If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, the OLS also expects, in addition to higher retail prices, an increase in transmission rates charged to ratepayers, including State and local governments. Typically, an electric transmission grid operator, such as PJM Interconnection, allows an electric transmission facility operator to earn a higher profit on its transmission facility investments than the BPU allows an electric public utility on its distribution facility investments. This higher profit on its investment is expected to be passed on to ratepayers in its rates.
- If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, and the transmission facility is deemed a qualified offshore wind project, that designation may allow a business developing the transmission facility to qualify for inclusion in the program established by the BPU that provides offshore wind renewable energy certificates to developers of offshore wind energy projects and the program established by the New Jersey Economic Development Authority (EDA) that provides \$100 million in corporation business tax credits to developers of qualified wind energy facilities in wind energy zones.

BILL DESCRIPTION

This bill amends N.J.S.A.48:3-87.1 et al., commonly referred to as the “Offshore Wind Economic Development Act” (OWEDA), the law concerning the development of offshore wind projects. Specifically, the bill requires an offshore wind project developer seeking BPU approval as a qualified offshore wind project, to include within its detailed description of its offshore wind project, any transmission facilities and interconnection facilities to be installed. Further, the bill allows the BPU to conduct one or more competitive solicitations for open access offshore wind transmission facilities designed to facilitate the collection or delivery of offshore wind energy from qualified offshore wind projects to the electric transmission system in the State. The bill also amends the “Electric Discount and Energy Competition Act,” N.J.S.A.48:3-49 et al., to define an “open access offshore wind transmission facility” as a high voltage transmission facility, located either in the Atlantic Ocean or onshore, and used to facilitate the collection or delivery of offshore wind energy to the electric transmission system in the State.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS cannot determine whether the bill will have a fiscal impact on State or local government. Uncertainty concerning the bill's fiscal impact is rooted in a lack of information concerning whether the BPU will exercise its discretion to conduct one or more competitive solicitations for open access offshore wind transmission facilities that transmit offshore wind energy from qualified offshore wind projects to the electric transmission or distribution system in New Jersey and, as a result of the receiving the solicitations, will choose an offshore wind transmission facility and the resulting construction and operating costs that may be borne by ratepayers, including State and local governments.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, that approval will result in a possible indeterminate increase in State and local expenditures from higher retail prices for electricity from offshore wind electric generation. The amount of such a price increase would be contingent, in part, on the decision made by the BPU, which the OLS cannot anticipate.

Sales and Use Tax and Societal Benefits Charge: The OLS expects the bill to result in a net increase in the retail price of electricity in the State for all customers, including the State and local governments. The amount of the price increase attributable to the bill will be subject to the imposition of sales and use tax except those electricity purchases by entities and users which are exempt under the sales and use tax. The OLS lacks the necessary data to quantify the net increase in the price of electricity because of the bill; thus, the OLS cannot determine the amount of State sales and use tax revenue that will be generated.

The OLS notes that certain provisions of the bill may influence ratepayer consumption behavior, which in turn could result in an increase or decrease in the amount of State revenue generated from the societal benefits charge. This statement assumes that the BPU will not adjust the societal benefits charge rate in response to a change in consumption.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, the OLS also expects, in addition to higher retail prices, an increase in transmission rates charged to ratepayers, including State and local governments. Typically, an electric transmission grid operator, such as PJM Interconnection, allows an electric transmission facility operator to earn a higher profit on its transmission facility investments than the BPU allows an electric public utility on its distribution facility investments. This higher profit on its investment is expected to be passed on to ratepayers in its rates.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, and the transmission facility is deemed a qualified offshore wind project, that designation may allow a business developing the transmission facility to qualify for inclusion in the program established by the BPU that provides offshore wind renewable energy certificates to developers of offshore wind energy projects and the program established by the EDA that provides \$100 million in corporation business tax credits to developers of qualified wind energy facilities in wind energy zones.

Offshore Wind Requirements and Tax Credits: The Offshore Wind Economic Development Act established an offshore wind renewable energy certificate (OREC) program and authorized the EDA to provide tax credits for qualified wind energy facilities in wind energy zones.

The OWEDA requires a percentage of the kilowatt-hours of electricity sold in this State by each electric power supplier and each basic generation service provider to be from offshore wind energy. The percentage must be sufficient to support at least 3,500 megawatts of generation from qualified offshore wind projects. Pursuant to P.L.2018, c.17, electric power suppliers and basic generation service providers are required to purchase a greater number of ORECs than they had to purchase previously, resulting in potentially higher electricity costs to the State's ratepayers,

including State and local governments. The OLS cannot quantify the fiscal impact of including open access offshore wind transmission facilities as qualified offshore wind projects under the OREC program because the bill and current law delegate the setting of implementation parameters to the BPU and the OLS cannot anticipate BPU decisions in that regard.

In addition, pursuant to OWEDA, the EDA established a tax credit program to provide \$100 million in corporation business tax credits for the development of qualified wind energy facilities, which may include the construction of offshore wind transmission facilities, in wind energy zones. Pursuant to P.L.2018, c.17, the tax credit program application deadline for submission to the EDA is extended to July 1, 2024 and the deadline for supporting documentation is extended to July 1, 2027. The OLS notes that the tax credit program may result in the approval of tax credits, which are equal to 100 percent of a business's capital investment in a qualified wind energy facility located within an eligible wind energy zone, which would have otherwise not been awarded since the program had previously sunset prior to the enactment of P.L.2018, c.17. The OLS further notes that the direct revenue loss to the State may exceed \$100 million since the EDA may exceed the cap if it deems additional qualified offshore wind projects to be meritorious.

Section: Authorities, Utilities, Transportation and Communications Section

*Analyst: Kevin J. Donahue
Principal Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5663

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 24, 2019

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Zwicker and Conaway

SYNOPSIS

Expands definition of "qualified offshore wind project" to include "open access offshore wind transmission facility."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2020)

1 AN ACT concerning offshore wind projects, and amending
2 P.L.1999, c.23 and P.L.2010, c.57.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
8 as follows:

9 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

10 "Assignee" means a person to which an electric public utility or
11 another assignee assigns, sells, or transfers, other than as security,
12 all or a portion of its right to or interest in bondable transition
13 property. Except as specifically provided in P.L.1999, c.23
14 (C.48:3-49 et al.), an assignee shall not be subject to the public
15 utility requirements of Title 48 or any rules or regulations adopted
16 pursuant thereto.

17 "Base load electric power generation facility" means an electric
18 power generation facility intended to be operated at a greater than
19 50 percent capacity factor including, but not limited to, a combined
20 cycle power facility and a combined heat and power facility.

21 "Base residual auction" means the auction conducted by PJM, as
22 part of PJM's reliability pricing model, three years prior to the start
23 of the delivery year to secure electrical capacity as necessary to
24 satisfy the capacity requirements for that delivery year.

25 "Basic gas supply service" means gas supply service that is
26 provided to any customer that has not chosen an alternative gas
27 supplier, whether or not the customer has received offers as to
28 competitive supply options, including, but not limited to, any
29 customer that cannot obtain such service for any reason, including
30 non-payment for services. Basic gas supply service is not a
31 competitive service and shall be fully regulated by the board.

32 "Basic generation service" or "BGS" means electric generation
33 service that is provided, to any customer that has not chosen an
34 alternative electric power supplier, whether or not the customer has
35 received offers for competitive supply options, including, but not
36 limited to, any customer that cannot obtain such service from an
37 electric power supplier for any reason, including non-payment for
38 services. Basic generation service is not a competitive service and
39 shall be fully regulated by the board.

40 "Basic generation service provider" or "provider" means a
41 provider of basic generation service.

42 "Basic generation service transition costs" means the amount by
43 which the payments by an electric public utility for the procurement
44 of power for basic generation service and related ancillary and
45 administrative costs exceeds the net revenues from the basic

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 generation service charge established by the board pursuant to
2 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
3 together with interest on the balance at the board-approved rate, that
4 is reflected in a deferred balance account approved by the board in
5 an order addressing the electric public utility's unbundled rates,
6 stranded costs, and restructuring filings pursuant to P.L.1999, c.23
7 (C.48:3-49 et al.). Basic generation service transition costs shall
8 include, but are not limited to, costs of purchases from the spot
9 market, bilateral contracts, contracts with non-utility generators,
10 parting contracts with the purchaser of the electric public utility's
11 divested generation assets, short-term advance purchases, and
12 financial instruments such as hedging, forward contracts, and
13 options. Basic generation service transition costs shall also include
14 the payments by an electric public utility pursuant to a competitive
15 procurement process for basic generation service supply during the
16 transition period, and costs of any such process used to procure the
17 basic generation service supply.

18 "Board" means the New Jersey Board of Public Utilities or any
19 successor agency.

20 "Bondable stranded costs" means any stranded costs or basic
21 generation service transition costs of an electric public utility
22 approved by the board for recovery pursuant to the provisions of
23 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
24 board: (1) the cost of retiring existing debt or equity capital of the
25 electric public utility, including accrued interest, premium and other
26 fees, costs, and charges relating thereto, with the proceeds of the
27 financing of bondable transition property; (2) if requested by an
28 electric public utility in its application for a bondable stranded costs
29 rate order, federal, State and local tax liabilities associated with
30 stranded costs recovery, basic generation service transition cost
31 recovery, or the transfer or financing of the property, or both,
32 including taxes, whose recovery period is modified by the effect of
33 a stranded costs recovery order, a bondable stranded costs rate
34 order, or both; and (3) the costs incurred to issue, service or
35 refinance transition bonds, including interest, acquisition or
36 redemption premium, and other financing costs, whether paid upon
37 issuance or over the life of the transition bonds, including, but not
38 limited to, credit enhancements, service charges,
39 overcollateralization, interest rate cap, swap or collar, yield
40 maintenance, maturity guarantee or other hedging agreements,
41 equity investments, operating costs, and other related fees, costs,
42 and charges, or to assign, sell, or otherwise transfer bondable
43 transition property.

44 "Bondable stranded costs rate order" means one or more
45 irrevocable written orders issued by the board pursuant to P.L.1999,
46 c.23 (C.48:3-49 et al.) which determines the amount of bondable
47 stranded costs and the initial amount of transition bond charges
48 authorized to be imposed to recover the bondable stranded costs,

1 including the costs to be financed from the proceeds of the
2 transition bonds, as well as on-going costs associated with servicing
3 and credit enhancing the transition bonds, and provides the electric
4 public utility specific authority to issue or cause to be issued,
5 directly or indirectly, transition bonds through a financing entity
6 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),
7 which order shall become effective immediately upon the written
8 consent of the related electric public utility to the order as provided
9 in P.L.1999, c.23 (C.48:3-49 et al.).

10 "Bondable transition property" means the property consisting of
11 the irrevocable right to charge, collect, and receive, and be paid
12 from collections of, transition bond charges in the amount necessary
13 to provide for the full recovery of bondable stranded costs which
14 are determined to be recoverable in a bondable stranded costs rate
15 order, all rights of the related electric public utility under the
16 bondable stranded costs rate order including, without limitation, all
17 rights to obtain periodic adjustments of the related transition bond
18 charges pursuant to subsection b. of section 15 of P.L.1999, c.23
19 (C.48:3-64), and all revenues, collections, payments, money, and
20 proceeds arising under, or with respect to, all of the foregoing.

21 "British thermal unit" or "Btu" means the amount of heat
22 required to increase the temperature of one pound of water by one
23 degree Fahrenheit.

24 "Broker" means a duly licensed electric power supplier that
25 assumes the contractual and legal responsibility for the sale of
26 electric generation service, transmission, or other services to end-
27 use retail customers, but does not take title to any of the power sold,
28 or a duly licensed gas supplier that assumes the contractual and
29 legal obligation to provide gas supply service to end-use retail
30 customers, but does not take title to the gas.

31 "Brownfield" means any former or current commercial or
32 industrial site that is currently vacant or underutilized and on which
33 there has been, or there is suspected to have been, a discharge of a
34 contaminant.

35 "Buydown" means an arrangement or arrangements involving the
36 buyer and seller in a given power purchase contract and, in some
37 cases third parties, for consideration to be given by the buyer in
38 order to effectuate a reduction in the pricing, or the restructuring of
39 other terms to reduce the overall cost of the power contract, for the
40 remaining succeeding period of the purchased power arrangement
41 or arrangements.

42 "Buyout" means an arrangement or arrangements involving the
43 buyer and seller in a given power purchase contract and, in some
44 cases third parties, for consideration to be given by the buyer in
45 order to effectuate a termination of such power purchase contract.

46 "Class I renewable energy" means electric energy produced from
47 solar technologies, photovoltaic technologies, wind energy, fuel
48 cells, geothermal technologies, wave or tidal action, small scale

1 hydropower facilities with a capacity of three megawatts or less and
2 put into service after the effective date of P.L.2012, c.24, and
3 methane gas from landfills or a biomass facility, provided that the
4 biomass is cultivated and harvested in a sustainable manner.

5 "Class II renewable energy" means electric energy produced at a
6 hydropower facility with a capacity of greater than three megawatts,
7 but less than 30 megawatts, or a resource recovery facility, provided
8 that the facility is located where retail competition is permitted and
9 provided further that the Commissioner of Environmental
10 Protection has determined that the facility meets the highest
11 environmental standards and minimizes any impacts to the
12 environment and local communities. Class II renewable energy
13 shall not include electric energy produced at a hydropower facility
14 with a capacity of greater than 30 megawatts on or after the
15 effective date of P.L.2015, c.51.

16 "Co-generation" means the sequential production of electricity
17 and steam or other forms of useful energy used for industrial or
18 commercial heating and cooling purposes.

19 "Combined cycle power facility" means a generation facility that
20 combines two or more thermodynamic cycles, by producing electric
21 power via the combustion of fuel and then routing the resulting
22 waste heat by-product to a conventional boiler or to a heat recovery
23 steam generator for use by a steam turbine to produce electric
24 power, thereby increasing the overall efficiency of the generating
25 facility.

26 "Combined heat and power facility" or "co-generation facility"
27 means a generation facility which produces electric energy and
28 steam or other forms of useful energy such as heat, which are used
29 for industrial or commercial heating or cooling purposes. A
30 combined heat and power facility or co-generation facility shall not
31 be considered a public utility.

32 "Competitive service" means any service offered by an electric
33 public utility or a gas public utility that the board determines to be
34 competitive pursuant to section 8 or section 10 of P.L.1999, c.23
35 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

36 "Commercial and industrial energy pricing class customer" or
37 "CIEP class customer" means that group of non-residential
38 customers with high peak demand, as determined by periodic board
39 order, which either is eligible or which would be eligible, as
40 determined by periodic board order, to receive funds from the Retail
41 Margin Fund established pursuant to section 9 of P.L.1999, c.23
42 (C.48:3-57) and for which basic generation service is hourly-priced.

43 "Comprehensive resource analysis" means an analysis including,
44 but not limited to, an assessment of existing market barriers to the
45 implementation of energy efficiency and renewable technologies
46 that are not or cannot be delivered to customers through a
47 competitive marketplace.

1 "Connected to the distribution system" means, for a solar electric
2 power generation facility, that the facility is: (1) connected to a net
3 metering customer's side of a meter, regardless of the voltage at
4 which that customer connects to the electric grid; (2) an on-site
5 generation facility; (3) qualified for net metering aggregation as
6 provided pursuant to paragraph (4) of subsection e. of section 38 of
7 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
8 public utility and approved by the board pursuant to section 13 of
9 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
10 grid at 69 kilovolts or less, regardless of how an electric public
11 utility classifies that portion of its electric grid, and is designated as
12 "connected to the distribution system" by the board pursuant to
13 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-
14 87); or (6) is certified by the board, in consultation with the
15 Department of Environmental Protection, as being located on a
16 brownfield, on an area of historic fill, or on a properly closed
17 sanitary landfill facility. Any solar electric power generation
18 facility, other than that of a net metering customer on the customer's
19 side of the meter, connected above 69 kilovolts shall not be
20 considered connected to the distribution system.

21 "Customer" means any person that is an end user and is
22 connected to any part of the transmission and distribution system
23 within an electric public utility's service territory or a gas public
24 utility's service territory within this State.

25 "Customer account service" means metering, billing, or such
26 other administrative activity associated with maintaining a customer
27 account.

28 "Delivery year" or "DY" means the 12-month period from June
29 1st through May 31st, numbered according to the calendar year in
30 which it ends.

31 "Demand side management" means the management of customer
32 demand for energy service through the implementation of cost-
33 effective energy efficiency technologies, including, but not limited
34 to, installed conservation, load management, and energy efficiency
35 measures on and in the residential, commercial, industrial,
36 institutional, and governmental premises and facilities in this State.

37 "Electric generation service" means the provision of retail
38 electric energy and capacity which is generated off-site from the
39 location at which the consumption of such electric energy and
40 capacity is metered for retail billing purposes, including agreements
41 and arrangements related thereto.

42 "Electric power generator" means an entity that proposes to
43 construct, own, lease, or operate, or currently owns, leases, or
44 operates, an electric power production facility that will sell or does
45 sell at least 90 percent of its output, either directly or through a
46 marketer, to a customer or customers located at sites that are not on
47 or contiguous to the site on which the facility will be located or is
48 located. The designation of an entity as an electric power generator

1 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
2 and of itself, affect the entity's status as an exempt wholesale
3 generator under the Public Utility Holding Company Act of 1935,
4 15 U.S.C. s.79 et seq., or its successor act.

5 "Electric power supplier" means a person or entity that is duly
6 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et
7 al.) to offer and to assume the contractual and legal responsibility to
8 provide electric generation service to retail customers, and includes
9 load serving entities, marketers, and brokers that offer or provide
10 electric generation service to retail customers. The term excludes an
11 electric public utility that provides electric generation service only
12 as a basic generation service pursuant to section 9 of P.L.1999, c.23
13 (C.48:3-57).

14 "Electric public utility" means a public utility, as that term is
15 defined in R.S.48:2-13, that transmits and distributes electricity to
16 end users within this State.

17 "Electric related service" means a service that is directly related
18 to the consumption of electricity by an end user, including, but not
19 limited to, the installation of demand side management measures at
20 the end user's premises, the maintenance, repair, or replacement of
21 appliances, lighting, motors, or other energy-consuming devices at
22 the end user's premises, and the provision of energy consumption
23 measurement and billing services.

24 "Electronic signature" means an electronic sound, symbol, or
25 process, attached to, or logically associated with, a contract or other
26 record, and executed or adopted by a person with the intent to sign
27 the record.

28 "Eligible generator" means a developer of a base load or mid-
29 merit electric power generation facility including, but not limited to,
30 an on-site generation facility that qualifies as a capacity resource
31 under PJM criteria and that commences construction after the
32 effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

33 "Energy agent" means a person that is duly registered pursuant to
34 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the
35 sale of retail electricity or electric related services, or retail gas
36 supply or gas related services, between government aggregators or
37 private aggregators and electric power suppliers or gas suppliers,
38 but does not take title to the electric or gas sold.

39 "Energy consumer" means a business or residential consumer of
40 electric generation service or gas supply service located within the
41 territorial jurisdiction of a government aggregator.

42 "Energy efficiency portfolio standard" means a requirement to
43 procure a specified amount of energy efficiency or demand side
44 management resources as a means of managing and reducing energy
45 usage and demand by customers.

46 "Energy year" or "EY" means the 12-month period from June 1st
47 through May 31st, numbered according to the calendar year in
48 which it ends.

1 "Existing business relationship" means a relationship formed by
2 a voluntary two-way communication between an electric power
3 supplier, gas supplier, broker, energy agent, marketer, private
4 aggregator, sales representative, or telemarketer and a customer,
5 regardless of an exchange of consideration, on the basis of an
6 inquiry, application, purchase, or transaction initiated by the
7 customer regarding products or services offered by the electric
8 power supplier, gas supplier, broker, energy agent, marketer,
9 private aggregator, sales representative, or telemarketer; however, a
10 consumer's use of electric generation service or gas supply service
11 through the consumer's electric public utility or gas public utility
12 shall not constitute or establish an existing business relationship for
13 the purpose of P.L.2013, c.263.

14 "Farmland" means land actively devoted to agricultural or
15 horticultural use that is valued, assessed, and taxed pursuant to the
16 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
17 seq.).

18 "Federal Energy Regulatory Commission" or "FERC" means the
19 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to
20 regulate the interstate transmission of electricity, natural gas, and
21 oil.

22 "Final remediation document" shall have the same meaning as
23 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

24 "Financing entity" means an electric public utility, a special
25 purpose entity, or any other assignee of bondable transition
26 property, which issues transition bonds. Except as specifically
27 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity
28 which is not itself an electric public utility shall not be subject to
29 the public utility requirements of Title 48 of the Revised Statutes or
30 any rules or regulations adopted pursuant thereto.

31 "Gas public utility" means a public utility, as that term is defined
32 in R.S.48:2-13, that distributes gas to end users within this State.

33 "Gas related service" means a service that is directly related to
34 the consumption of gas by an end user, including, but not limited to,
35 the installation of demand side management measures at the end
36 user's premises, the maintenance, repair or replacement of
37 appliances or other energy-consuming devices at the end user's
38 premises, and the provision of energy consumption measurement
39 and billing services.

40 "Gas supplier" means a person that is duly licensed pursuant to
41 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
42 assume the contractual and legal obligation to provide gas supply
43 service to retail customers, and includes, but is not limited to,
44 marketers and brokers. A non-public utility affiliate of a public
45 utility holding company may be a gas supplier, but a gas public
46 utility or any subsidiary of a gas utility is not a gas supplier. In the
47 event that a gas public utility is not part of a holding company legal
48 structure, a related competitive business segment of that gas public

1 utility may be a gas supplier, provided that related competitive
2 business segment is structurally separated from the gas public
3 utility, and provided that the interactions between the gas public
4 utility and the related competitive business segment are subject to
5 the affiliate relations standards adopted by the board pursuant to
6 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

7 "Gas supply service" means the provision to customers of the
8 retail commodity of gas, but does not include any regulated
9 distribution service.

10 "Government aggregator" means any government entity subject
11 to the requirements of the "Local Public Contracts Law," P.L.1971,
12 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
13 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
14 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
15 contract with a licensed electric power supplier or a licensed gas
16 supplier for: (1) the provision of electric generation service, electric
17 related service, gas supply service, or gas related service for its own
18 use or the use of other government aggregators; or (2) if a
19 municipal or county government, the provision of electric
20 generation service or gas supply service on behalf of business or
21 residential customers within its territorial jurisdiction.

22 "Government energy aggregation program" means a program and
23 procedure pursuant to which a government aggregator enters into a
24 written contract for the provision of electric generation service or
25 gas supply service on behalf of business or residential customers
26 within its territorial jurisdiction.

27 "Governmental entity" means any federal, state, municipal, local,
28 or other governmental department, commission, board, agency,
29 court, authority, or instrumentality having competent jurisdiction.

30 "Greenhouse gas emissions portfolio standard" means a
31 requirement that addresses or limits the amount of carbon dioxide
32 emissions indirectly resulting from the use of electricity as applied
33 to any electric power suppliers and basic generation service
34 providers of electricity.

35 "Historic fill" means generally large volumes of non-indigenous
36 material, no matter what date they were emplaced on the site, used
37 to raise the topographic elevation of a site, which were
38 contaminated prior to emplacement and are in no way connected
39 with the operations at the location of emplacement and which
40 include, but are not limited to, construction debris, dredge spoils,
41 incinerator residue, demolition debris, fly ash, and non-hazardous
42 solid waste. "Historic fill" shall not include any material which is
43 substantially chromate chemical production waste or any other
44 chemical production waste or waste from processing of metal or
45 mineral ores, residues, slags, or tailings.

46 "Incremental auction" means an auction conducted by PJM, as
47 part of PJM's reliability pricing model, prior to the start of the
48 delivery year to secure electric capacity as necessary to satisfy the

1 capacity requirements for that delivery year, that is not otherwise
2 provided for in the base residual auction.

3 "Leakage" means an increase in greenhouse gas emissions
4 related to generation sources located outside of the State that are not
5 subject to a state, interstate, or regional greenhouse gas emissions
6 cap or standard that applies to generation sources located within the
7 State.

8 "Locational deliverability area" or "LDA" means one or more of
9 the zones within the PJM region which are used to evaluate area
10 transmission constraints and reliability issues including electric
11 public utility company zones, sub-zones, and combinations of
12 zones.

13 "Long-term capacity agreement pilot program" or "LCAPP"
14 means a pilot program established by the board that includes
15 participation by eligible generators, to seek offers for financially-
16 settled standard offer capacity agreements with eligible generators
17 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

18 "Market transition charge" means a charge imposed pursuant to
19 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
20 utility, at a level determined by the board, on the electric public
21 utility customers for a limited duration transition period to recover
22 stranded costs created as a result of the introduction of electric
23 power supply competition pursuant to the provisions of P.L.1999,
24 c.23 (C.48:3-49 et al.).

25 "Marketer" means a duly licensed electric power supplier that
26 takes title to electric energy and capacity, transmission and other
27 services from electric power generators and other wholesale
28 suppliers and then assumes the contractual and legal obligation to
29 provide electric generation service, and may include transmission
30 and other services, to an end-use retail customer or customers, or a
31 duly licensed gas supplier that takes title to gas and then assumes
32 the contractual and legal obligation to provide gas supply service to
33 an end-use customer or customers.

34 "Mid-merit electric power generation facility" means a
35 generation facility that operates at a capacity factor between
36 baseload generation facilities and peaker generation facilities.

37 "Net metering aggregation" means a procedure for calculating
38 the combination of the annual energy usage for all facilities owned
39 by a single customer where such customer is a State entity, school
40 district, county, county agency, county authority, municipality,
41 municipal agency, or municipal authority, and which are served by
42 a solar electric power generating facility as provided pursuant to
43 paragraph (4) of subsection e. of section 38 of P.L.1999, c.23
44 (C.48:3-87).

45 "Net proceeds" means proceeds less transaction and other related
46 costs as determined by the board.

47 "Net revenues" means revenues less related expenses, including
48 applicable taxes, as determined by the board.

1 "Offshore wind energy" means electric energy produced by a
2 qualified offshore wind project.

3 "Offshore wind renewable energy certificate" or "OREC" means
4 a certificate, issued by the board or its designee, representing the
5 environmental attributes **[of]** equivalent to one megawatt hour of
6 electric generation or one megawatt of electric transmission transfer
7 capability from a qualified offshore wind project.

8 "Off-site end use thermal energy services customer" means an
9 end use customer that purchases thermal energy services from an
10 on-site generation facility, combined heat and power facility, or co-
11 generation facility, and that is located on property that is separated
12 from the property on which the on-site generation facility,
13 combined heat and power facility, or co-generation facility is
14 located by more than one easement, public thoroughfare, or
15 transportation or utility-owned right-of-way.

16 "On-site generation facility" means a generation facility,
17 including, but not limited to, a generation facility that produces
18 Class I or Class II renewable energy, and equipment and services
19 appurtenant to electric sales by such facility to the end use customer
20 located on the property or on property contiguous to the property on
21 which the end user is located. An on-site generation facility shall
22 not be considered a public utility. The property of the end use
23 customer and the property on which the on-site generation facility is
24 located shall be considered contiguous if they are geographically
25 located next to each other, but may be otherwise separated by an
26 easement, public thoroughfare, transportation or utility-owned
27 right-of-way, or if the end use customer is purchasing thermal
28 energy services produced by the on-site generation facility, for use
29 for heating or cooling, or both, regardless of whether the customer
30 is located on property that is separated from the property on which
31 the on-site generation facility is located by more than one easement,
32 public thoroughfare, or transportation or utility-owned right-of-way.

33 "Open access offshore wind transmission facility" means a high
34 voltage transmission facility that conforms to applicable FERC
35 regulations and policies regarding open access transmission,
36 including but not limited to FERC regulations and policies relating
37 to allocation of transmission capacity and open access, the
38 provision of transmission and related transmission interconnection
39 services pursuant to a FERC-approved or FERC-accepted Open
40 Access Transmission Tariff, the justness and reasonableness of rates
41 for such transmission and related interconnection services, the
42 potential for undue preference or discrimination, and affiliate
43 dealings, if any.

44 "Person" means an individual, partnership, corporation,
45 association, trust, limited liability company, governmental entity, or
46 other legal entity.

47 "PJM Interconnection, L.L.C." or "PJM" means the privately-
48 held, limited liability corporation that is a FERC-approved Regional

1 Transmission Organization, or its successor, that manages the
2 regional, high-voltage electricity grid serving all or parts of 13
3 states including New Jersey and the District of Columbia, operates
4 the regional competitive wholesale electric market, manages the
5 regional transmission planning process, and establishes systems and
6 rules to ensure that the regional and in-State energy markets operate
7 fairly and efficiently.

8 "Preliminary assessment" shall have the same meaning as
9 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

10 "Private aggregator" means a non-government aggregator that is
11 a duly-organized business or non-profit organization authorized to
12 do business in this State that enters into a contract with a duly
13 licensed electric power supplier for the purchase of electric energy
14 and capacity, or with a duly licensed gas supplier for the purchase
15 of gas supply service, on behalf of multiple end-use customers by
16 combining the loads of those customers.

17 "Properly closed sanitary landfill facility" means a sanitary
18 landfill facility, or a portion of a sanitary landfill facility, for which
19 performance is complete with respect to all activities associated
20 with the design, installation, purchase, or construction of all
21 measures, structures, or equipment required by the Department of
22 Environmental Protection, pursuant to law, in order to prevent,
23 minimize, or monitor pollution or health hazards resulting from a
24 sanitary landfill facility subsequent to the termination of operations
25 at any portion thereof, including, but not necessarily limited to, the
26 placement of earthen or vegetative cover, and the installation of
27 methane gas vents or monitors and leachate monitoring wells or
28 collection systems at the site of any sanitary landfill facility.

29 "Public utility holding company" means: (1) any company that,
30 directly or indirectly, owns, controls, or holds with power to vote,
31 10 percent or more of the outstanding voting securities of an
32 electric public utility or a gas public utility or of a company which
33 is a public utility holding company by virtue of this definition,
34 unless the Securities and Exchange Commission, or its successor,
35 by order declares such company not to be a public utility holding
36 company under the Public Utility Holding Company Act of 1935,
37 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the
38 Securities and Exchange Commission, or its successor, determines,
39 after notice and opportunity for hearing, directly or indirectly, to
40 exercise, either alone or pursuant to an arrangement or
41 understanding with one or more other persons, such a controlling
42 influence over the management or policies of an electric public
43 utility or a gas public utility or public utility holding company as to
44 make it necessary or appropriate in the public interest or for the
45 protection of investors or consumers that such person be subject to
46 the obligations, duties, and liabilities imposed in the Public Utility
47 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its
48 successor act.

1 "Qualified offshore wind project" means : (1) a wind turbine
2 electricity generation facility in the Atlantic Ocean and connected
3 to the electric transmission system in this State, [and includes]
4 which may also include the associated transmission-related
5 interconnection facilities and equipment, and approved by the board
6 pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1) ; or (2) an
7 open access offshore wind transmission facility, including any
8 associated interconnection facilities and equipment, in the Atlantic
9 Ocean and connected to the electric transmission system in this
10 State, that is connected with a wind turbine electricity generation
11 facility in the Atlantic Ocean, and approved by the board pursuant
12 to section 3 of P.L.2010, c.57 (C.48:3-87.1) .

13 "Registration program" means an administrative process
14 developed by the board pursuant to subsection u. of section 38 of
15 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric
16 power generation facilities connected to the distribution system that
17 intend to generate SRECs, to file with the board documents
18 detailing the size, location, interconnection plan, land use, and other
19 project information as required by the board.

20 "Regulatory asset" means an asset recorded on the books of an
21 electric public utility or gas public utility pursuant to the Statement
22 of Financial Accounting Standards, No. 71, entitled "Accounting for
23 the Effects of Certain Types of Regulation," or any successor
24 standard and as deemed recoverable by the board.

25 "Related competitive business segment of an electric public
26 utility or gas public utility" means any business venture of an
27 electric public utility or gas public utility including, but not limited
28 to, functionally separate business units, joint ventures, and
29 partnerships, that offers to provide or provides competitive services.

30 "Related competitive business segment of a public utility holding
31 company" means any business venture of a public utility holding
32 company, including, but not limited to, functionally separate
33 business units, joint ventures, and partnerships and subsidiaries, that
34 offers to provide or provides competitive services, but does not
35 include any related competitive business segments of an electric
36 public utility or gas public utility.

37 "Reliability pricing model" or "RPM" means PJM's capacity-
38 market model, and its successors, that secures capacity on behalf of
39 electric load serving entities to satisfy load obligations not satisfied
40 through the output of electric generation facilities owned by those
41 entities, or otherwise secured by those entities through bilateral
42 contracts.

43 "Renewable energy certificate" or "REC" means a certificate
44 representing the environmental benefits or attributes of one
45 megawatt-hour of generation from a generating facility that
46 produces Class I or Class II renewable energy, but shall not include
47 a solar renewable energy certificate or an offshore wind renewable
48 energy certificate.

1 "Resource clearing price" or "RCP" means the clearing price
2 established for the applicable locational deliverability area by the
3 base residual auction or incremental auction, as determined by the
4 optimization algorithm for each auction, conducted by PJM as part
5 of PJM's reliability pricing model.

6 "Resource recovery facility" means a solid waste facility
7 constructed and operated for the incineration of solid waste for
8 energy production and the recovery of metals and other materials
9 for reuse, which the Department of Environmental Protection has
10 determined to be in compliance with current environmental
11 standards, including, but not limited to, all applicable requirements
12 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

13 "Restructuring related costs" means reasonably incurred costs
14 directly related to the restructuring of the electric power industry,
15 including the closure, sale, functional separation, and divestiture of
16 generation and other competitive utility assets by a public utility, or
17 the provision of competitive services as those costs are determined
18 by the board, and which are not stranded costs as defined in
19 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited
20 to, investments in management information systems, and which
21 shall include expenses related to employees affected by
22 restructuring which result in efficiencies and which result in
23 benefits to ratepayers, such as training or retraining at the level
24 equivalent to one year's training at a vocational or technical school
25 or county community college, the provision of severance pay of two
26 weeks of base pay for each year of full-time employment, and a
27 maximum of 24 months' continued health care coverage. Except as
28 to expenses related to employees affected by restructuring,
29 "restructuring related costs" shall not include going forward costs.

30 "Retail choice" means the ability of retail customers to shop for
31 electric generation or gas supply service from electric power or gas
32 suppliers, or opt to receive basic generation service or basic gas
33 service, and the ability of an electric power or gas supplier to offer
34 electric generation service or gas supply service to retail customers,
35 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

36 "Retail margin" means an amount, reflecting differences in
37 prices that electric power suppliers and electric public utilities may
38 charge in providing electric generation service and basic generation
39 service, respectively, to retail customers, excluding residential
40 customers, which the board may authorize to be charged to
41 categories of basic generation service customers of electric public
42 utilities in this State, other than residential customers, under the
43 board's continuing regulation of basic generation service pursuant to
44 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the
45 purpose of promoting a competitive retail market for the supply of
46 electricity.

47 "Sales representative" means a person employed by, acting on
48 behalf of, or as an independent contractor for, an electric power

1 supplier, gas supplier, broker, energy agent, marketer, or private
2 aggregator who, by any means, solicits a potential residential
3 customer for the provision of electric generation service or gas
4 supply service.

5 "Sanitary landfill facility" shall have the same meaning as
6 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

7 "School district" means a local or regional school district
8 established pursuant to chapter 8 or chapter 13 of Title 18A of the
9 New Jersey Statutes, a county special services school district
10 established pursuant to article 8 of chapter 46 of Title 18A of the
11 New Jersey Statutes, a county vocational school district established
12 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
13 Statutes, and a district under full State intervention pursuant to
14 P.L.1987, c.399 (C.18A:7A-34 et al.).

15 "Shopping credit" means an amount deducted from the bill of an
16 electric public utility customer to reflect the fact that the customer
17 has switched to an electric power supplier and no longer takes basic
18 generation service from the electric public utility.

19 "Site investigation" shall have the same meaning as provided in
20 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

21 "Small scale hydropower facility" means a facility located within
22 this State that is connected to the distribution system, and that
23 meets the requirements of, and has been certified by, a nationally
24 recognized low-impact hydropower organization that has
25 established low-impact hydropower certification criteria applicable
26 to: (1) river flows; (2) water quality; (3) fish passage and
27 protection; (4) watershed protection; (5) threatened and endangered
28 species protection; (6) cultural resource protection; (7) recreation;
29 and (8) facilities recommended for removal.

30 "Social program" means a program implemented with board
31 approval to provide assistance to a group of disadvantaged
32 customers, to provide protection to consumers, or to accomplish a
33 particular societal goal, and includes, but is not limited to, the
34 winter moratorium program, utility practices concerning "bad debt"
35 customers, low income assistance, deferred payment plans,
36 weatherization programs, and late payment and deposit policies, but
37 does not include any demand side management program or any
38 environmental requirements or controls.

39 "Societal benefits charge" means a charge imposed by an electric
40 public utility, at a level determined by the board, pursuant to, and in
41 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

42 "Solar alternative compliance payment" or "SACP" means a
43 payment of a certain dollar amount per megawatt hour (MWh)
44 which an electric power supplier or provider may submit to the
45 board in order to comply with the solar electric generation
46 requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

47 "Solar renewable energy certificate" or "SREC" means a
48 certificate issued by the board or its designee, representing one

1 megawatt hour (MWh) of solar energy that is generated by a facility
2 connected to the distribution system in this State and has value
3 based upon, and driven by, the energy market.

4 "Standard offer capacity agreement" or "SOCA" means a
5 financially-settled transaction agreement, approved by board order,
6 that provides for eligible generators to receive payments from the
7 electric public utilities for a defined amount of electric capacity for
8 a term to be determined by the board but not to exceed 15 years,
9 and for such payments to be a fully non-bypassable charge, with
10 such an order, once issued, being irrevocable.

11 "Standard offer capacity price" or "SOCP" means the capacity
12 price that is fixed for the term of the SOCA and which is the price
13 to be received by eligible generators under a board-approved
14 SOCA.

15 "State entity" means a department, agency, or office of State
16 government, a State university or college, or an authority created by
17 the State.

18 "Stranded cost" means the amount by which the net cost of an
19 electric public utility's electric generating assets or electric power
20 purchase commitments, as determined by the board consistent with
21 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
22 market value of those assets or contractual commitments in a
23 competitive supply marketplace and the costs of buydowns or
24 buyouts of power purchase contracts.

25 "Stranded costs recovery order" means each order issued by the
26 board in accordance with subsection c. of section 13 of P.L.1999,
27 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if
28 any, the board has determined an electric public utility is eligible to
29 recover and collect in accordance with the standards set forth in
30 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery
31 mechanisms therefor.

32 "Telemarketer" shall have the same meaning as set forth in
33 section 2 of P.L.2003, c.76 (C.56:8-120).

34 "Telemarketing sales call" means a telephone call made by a
35 telemarketer to a potential residential customer as part of a plan,
36 program, or campaign to encourage the customer to change the
37 customer's electric power supplier or gas supplier. A telephone call
38 made to an existing customer of an electric power supplier, gas
39 supplier, broker, energy agent, marketer, private aggregator, or
40 sales representative, for the sole purpose of collecting on accounts
41 or following up on contractual obligations, shall not be deemed a
42 telemarketing sales call. A telephone call made in response to an
43 express written request of a customer shall not be deemed a
44 telemarketing sales call.

45 "Thermal efficiency" means the useful electric energy output of a
46 facility, plus the useful thermal energy output of the facility,
47 expressed as a percentage of the total energy input to the facility.

1 "Transition bond charge" means a charge, expressed as an
2 amount per kilowatt hour, that is authorized by and imposed on
3 electric public utility ratepayers pursuant to a bondable stranded
4 costs rate order, as modified at any time pursuant to the provisions
5 of P.L.1999, c.23 (C.48:3-49 et al.).

6 "Transition bonds" means bonds, notes, certificates of
7 participation, beneficial interest, or other evidences of indebtedness
8 or ownership issued pursuant to an indenture, contract, or other
9 agreement of an electric public utility or a financing entity, the
10 proceeds of which are used, directly or indirectly, to recover,
11 finance or refinance bondable stranded costs and which are, directly
12 or indirectly, secured by or payable from bondable transition
13 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to
14 principal, interest, and acquisition or redemption premium with
15 respect to transition bonds which are issued in the form of
16 certificates of participation or beneficial interest or other evidences
17 of ownership shall refer to the comparable payments on such
18 securities.

19 "Transition period" means the period from August 1, 1999
20 through July 31, 2003.

21 "Transmission and distribution system" means, with respect to an
22 electric public utility, any facility or equipment that is used for the
23 transmission, distribution, or delivery of electricity to the customers
24 of the electric public utility including, but not limited to, the land,
25 structures, meters, lines, switches, and all other appurtenances
26 thereof and thereto, owned or controlled by the electric public
27 utility within this State.

28 "Universal service" means any service approved by the board
29 with the purpose of assisting low-income residential customers in
30 obtaining or retaining electric generation or delivery service.

31 "Unsolicited advertisement" means any advertising claims of the
32 commercial availability or quality of services provided by an
33 electric power supplier, gas supplier, broker, energy agent,
34 marketer, private aggregator, sales representative, or telemarketer
35 which is transmitted to a potential customer without that customer's
36 prior express invitation or permission.

37 (cf: P.L.2015, c.51, s.1)

38

39 2. Section 3 of P.L.2010, c.57 (C.48:3-87.1) is amended to read
40 as follows:

41 3. a. An entity seeking to construct an offshore wind project
42 shall submit an application to the board for approval by the board as
43 a qualified offshore wind project, which shall include, but need not
44 be limited to, the following information:

45 (1) a detailed description of the project, including maps, surveys
46 and other visual aides. This description shall include, but need not
47 be limited to: the type, size and number of proposed turbines and
48 foundations, if applicable; the history to-date of the same type,

1 size and manufacturer of installed turbines and foundations
2 globally, if applicable; a detailed description of the transmission fa
3 cilities and interconnection facilities to be installed; and a detailed
4 implementation plan that highlights key milestone activities during
5 the permitting, financing, design, equipment solicitation,
6 manufacturing, shipping, assembly, in-field installation, testing,
7 equipment commissioning and service start-up;

8 (2) a completed financial analysis of the project including pro
9 forma income statements, balance sheets, and cash flow projections
10 for a 20-year period, including the internal rate of return, and a
11 description and estimate of any State or federal tax benefits that
12 may be associated with the project;

13 (3) the proposed method of financing the project, including
14 identification of equity investors, fixed income investors, and any
15 other sources of capital;

16 (4) documentation that the entity has applied for all eligible
17 federal funds and programs available to offset the cost of the project
18 or provide tax advantages;

19 (5) the projected electrical output or projected transmission
20 transfer capability and anticipated market prices over the
21 anticipated life of the project, including a forecast of electricity
22 revenues from the sale of energy derived from the project and
23 capacity, or from the sale of transmission transfer capability or
24 related services, as well as revenues anticipated by the sale of any
25 ORECs, RECs, air emission credits or offsets, or any tradable
26 environmental attributes created by the project;

27 (6) an operations and maintenance plan for the initial 20-year
28 operation of the project that: details routine, intermittent and
29 emergency protocols; identifies the primary risks to the built
30 infrastructure and how the potential risks, including but not limited
31 to hurricanes, lightning, fog, rogue wave occurrences, and exposed
32 cabling, shall be mitigated; and identifies specific and concrete
33 elements to ensure both construction and operational cost controls.
34 This operations and maintenance plan shall be integrated into the
35 financial analysis of the project, and shall identify the projected
36 plan for the subsequent 20 years, following conclusion of the initial
37 20-year operations, assuming any necessary federal lease
38 agreements are maintained and renewed;

39 (7) the anticipated carbon dioxide emissions impact of the
40 project;

41 (8) a decommissioning plan for the project including provisions
42 for financial assurance for decommissioning as required by the
43 applicable State and federal governmental entities;

44 (9) a list of all State and federal regulatory agency approvals,
45 permits, or other authorizations required pursuant to State and
46 federal law for the offshore wind project, and copies of all
47 submitted permit applications and any issued approvals and permits
48 for the offshore wind project;

- 1 (10) a cost-benefit analysis for the project including at a
2 minimum:
- 3 (a) a detailed input-output analysis of the impact of the project
4 on income, employment , wages, indirect business taxes, and output
5 in the State with particular emphasis on in-State manufacturing
6 employment;
- 7 (b) an explanation of the location, type and salary of
8 employment opportunities to be created by the project with job
9 totals expressed as full-time equivalent positions assuming 1,820
10 hours per year;
- 11 (c) an analysis of the anticipated environmental benefits and
12 environmental impacts of the project; and
- 13 (d) an analysis of the potential impacts on residential and
14 industrial ratepayers of electricity rates over the life of the project
15 that may be caused by incorporating any State subsidy into rates;
- 16 (11) a proposed OREC pricing method and schedule for the
17 board to consider;
- 18 (12) a timeline for the permitting, licensing and construction of
19 the proposed offshore wind project;
- 20 (13) a plan for interconnection, including engineering
21 specifications and costs; and
- 22 (14) any other information deemed necessary by the board in
23 order to conduct a thorough evaluation of the proposal. The board
24 may hire consultants or other experts if the board determines that
25 obtaining such outside expertise would be beneficial to the review
26 of the proposal.
- 27 b. (1) In considering an application for a qualified offshore
28 wind project, submitted pursuant to subsection a. of this section, the
29 board shall determine that the application satisfies the following
30 conditions:
- 31 (a) the filing is consistent with the New Jersey energy master
32 plan, adopted pursuant to section 12 of P.L.1977, c.146 (C.52:27F-
33 14), in effect at the time the board is considering the application;
- 34 (b) the cost-benefit analysis, submitted pursuant to paragraph
35 (10) of subsection a. of this section, demonstrates positive
36 economic and environmental net benefits to the State;
- 37 (c) the financing mechanism is based upon the actual electrical
38 output of , or transmission transfer capability provided by, the
39 project, fairly balances the risks and rewards of the project between
40 ratepayers and shareholders, and ensures that any costs of non-
41 performance, in either the construction or operational phase of the
42 project, shall be borne by shareholders; and
- 43 (d) the entity proposing the project demonstrates financial
44 integrity and sufficient access to capital to allow for a reasonable
45 expectation of completion of construction of the project.
- 46 (2) In considering an application for a qualified offshore wind
47 project, submitted pursuant to subsection a. of this section, the
48 board shall also consider:

- 1 (a) the total level of subsidies to be paid by ratepayers for
2 qualified offshore wind projects over the life of the project; and
- 3 (b) any other elements the board deems appropriate in
4 conjunction with the application.
- 5 c. An order issued by the board to approve an application for a
6 qualified offshore wind project pursuant to this section shall, at a
7 minimum, include conditions to ensure the following:
- 8 (1) no OREC shall be paid until electricity is produced by the
9 【qualified】 offshore wind 【project】 turbine electricity generation
10 facility or the open access offshore wind transmission facility
11 demonstrates its ability to transmit electricity generated by
12 interconnected offshore wind turbine electricity generation facilities
13 in the Atlantic Ocean to the transmission system in the State ;
- 14 (2) ORECs shall be paid on the actual electrical output of 【the
15 project that is】 an offshore wind turbine electricity generation
16 facility delivered into the transmission system of the State or
17 transmission transfer capability of an open access offshore
18 transmission facility into the transmission system of the State ;
- 19 (3) ratepayers and the State shall be held harmless for any cost
20 overruns associated with the project; and
- 21 (4) the applicant will reimburse the board and the State for all
22 reasonable costs incurred for regulatory review of the project,
23 including but not limited to consulting services, oversight,
24 inspections, and audits.
- 25 An order issued by the board pursuant to this subsection shall
26 specify the value of the OREC and the term of the order.
- 27 An order issued by the board pursuant to this subsection shall not
28 be modified by subsequent board orders, unless the modifications
29 are jointly agreed to by the parties.
- 30 d. The board shall review and approve, conditionally approve,
31 or deny an application submitted pursuant to this section within 180
32 days after the date a complete application is submitted to the board.
- 33 e. (1) Notwithstanding any provision of P.L.2010, c.57
34 (C.48:3-87.1 et al.) to the contrary, the board shall conduct one or
35 more competitive solicitations for open access offshore wind
36 transmission facilities and related interconnection facilities. A
37 competitive solicitation pursuant to this paragraph shall be
38 conducted separately from any other solicitation for offshore wine
39 turbine electricity generation facilities.
- 40 (2) After conducting a competitive solicitation pursuant to
41 paragraph (1) of this subsection, in considering an application for a
42 qualified offshore wind project submitted pursuant to subsection a.
43 of this section, the board shall evaluate the proposed open access
44 offshore wind transmission facility and related interconnection
45 facility separately from any proposed offshore wind turbine
46 electricity generation facility. After evaluation, the board may issue
47 an order approving an application for a qualified offshore wind
48 project that consists of:

- 1 (a) an offshore wind turbine electricity generation facility only;
2 (b) an open access offshore wind transmission facility, including
3 related interconnection facilities, only; or
4 (c) a combination of an offshore wind turbine electricity
5 generation facility and open access offshore wind transmission
6 facility, including related interconnection facilities.
7 (3) Nothing in this subsection shall impact any board order
8 approving an application for a qualified offshore wind project
9 issued prior to the date of enactment of P.L. , c. (pending before
10 the Legislature as this bill).
11 (cf: P.L.2010, c.57, s.3)

12

13 3. This act shall take effect immediately.

14

15

16

STATEMENT

17

18 This bill amends P.L.2010, c.57 (C.48:3-87.1 et al.), the law
19 commonly referred to as the "Offshore Wind Economic
20 Development Act," concerning the development of offshore wind
21 projects. The bill also amends the definition section of the "Electric
22 Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49
23 et al.).

24 Current law defines "qualified offshore wind project" to mean a
25 wind turbine electricity generation facility in the Atlantic Ocean
26 and connected to the electric transmission system in this State, and
27 includes the associated transmission-related interconnection
28 facilities and equipment, and approved by the Board of Public
29 Utilities (BPU) pursuant to law. This bill would expand this
30 definition to also include open access offshore wind transmission
31 facilities. This bill would define "open access offshore wind
32 transmission facility" as a high voltage transmission facility that
33 conforms to applicable Federal Energy Regulatory Commission
34 (FERC) regulations and policies regarding open access
35 transmission, including but not limited to FERC regulations and
36 policies relating to allocation of transmission capacity and open
37 access, the provision of transmission and related transmission
38 interconnection services pursuant to a FERC-approved or FERC-
39 accepted Open Access Transmission Tariff, the justness and
40 reasonableness of rates for such transmission and related
41 interconnection services, the potential for undue preference or
42 discrimination, and affiliate dealings, if any.

43 This bill would also expand the definition of an "offshore wind
44 renewable energy certificate" or "OREC" to include the
45 environmental attributes equivalent to one megawatt of electric
46 transmission transfer capability from a qualified offshore wind
47 project.

1 The bill would also amend the law concerning the approval of
2 qualified offshore wind projects to include open access offshore
3 wind transmission facilities, and directs the BPU to conduct one or
4 more competitive solicitations for open access offshore wind
5 transmission facilities and related interconnection facilities.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5663

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5663.

Assembly Bill No. 5663 amends P.L.2010, c.57, the law commonly referred to as the "Offshore Wind Economic Development Act," concerning the development of offshore wind projects. The bill also amends the definition section of the "Electric Discount and Energy Competition Act," P.L.1999, c.23.

Current law defines "qualified offshore wind project" to mean a wind turbine electricity generation facility in the Atlantic Ocean and connected to the electric transmission system in this State, and includes the associated transmission-related interconnection facilities and equipment, and approved by the Board of Public Utilities (BPU) pursuant to law. This bill would expand this definition to also include open access offshore wind transmission facilities. This bill would define "open access offshore wind transmission facility" as a high voltage transmission facility that conforms to applicable Federal Energy Regulatory Commission (FERC) regulations and policies regarding open access transmission, including but not limited to FERC regulations and policies relating to allocation of transmission capacity and open access, the provision of transmission and related transmission interconnection services pursuant to a FERC-approved or FERC-accepted Open Access Transmission Tariff, the justness and reasonableness of rates for such transmission and related interconnection services, the potential for undue preference or discrimination, and affiliate dealings, if any.

This bill would also expand the definition of an "offshore wind renewable energy certificate" or "OREC" to include the environmental attributes equivalent to one megawatt of electric transmission transfer capability from a qualified offshore wind project.

The bill would also amend the law concerning the approval of qualified offshore wind projects to include open access offshore wind transmission facilities, and directs the BPU to conduct one or more competitive solicitations for open access offshore wind transmission facilities and related interconnection facilities.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates an indeterminate increase in State and local expenditures due to the

increased cost of electricity that could result from approval of projects newly defined by the bill as qualified offshore wind projects. The OLS also notes that an indeterminate increase in State revenue may occur from sales tax on the increased price of electricity that could result from those project approvals.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5663

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5663, with committee amendments.

This bill amends current law to add a definition of "open access offshore wind transmission facility" and provide that the Board of Public Utilities may conduct competitive solicitations for open access offshore wind transmission facilities.

Specifically, the bill amends the definition section of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49 et al.), to add a definition of "open access offshore wind transmission facility." The bill defines this term to mean an open access transmission facility, located either in the Atlantic Ocean or onshore, used to facilitate the collection of offshore wind energy or its delivery to the electric transmission system in this State.

The bill also amends P.L.2010, c.57 (C.48:3-87.1 et al.), the law commonly referred to as the "Offshore Wind Economic Development Act" and which concerns the development of offshore wind projects. The bill requires an entity seeking to construct an offshore wind project to submit to the Board of Public Utilities (BPU), as part of the application for approval of a qualified offshore wind project, a detailed description of the transmission facilities and interconnection facilities to be installed. The bill also provides that the BPU may conduct competitive solicitations for open access offshore wind transmission facilities.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

(1) revise the definition of "offshore wind renewable energy certificate" or "OREC" to delete the language contained in the bill that would have expanded the definition to include the environmental attributes equivalent to one megawatt of electric transmission transfer capability from a qualified offshore wind project;

(2) revise the definition of "qualified offshore wind project" to delete the language contained in the bill that would have expanded the definition to include open access offshore wind transmission facilities;

(3) revise the definitions of "open access offshore wind transmission facility" and "PJM Interconnection, L.L.C.";

(4) amend section 2 of the bill to reflect the changes to the definitions of "OREC" and "qualified offshore wind project," by removing the language concerning the payment of ORECs based on electric transmission transfer capability and removing language contained in the bill specific to information to be provided to the BPU concerning open access offshore wind transmission facilities; and

(5) provide that the BPU may, rather than shall, conduct competitive solicitations for open access offshore wind transmission facilities.

FISCAL IMPACT:

The Office of Legislative Services (OLS) cannot determine whether the bill will have a fiscal impact on State or local government. Uncertainty concerning the bill's fiscal impact is rooted in a lack of information concerning whether the Board of Public Utilities (BPU) will exercise its discretion to conduct one or more competitive solicitations for open access offshore wind transmission facilities that transmit offshore wind energy from qualified offshore wind projects to the electric transmission or distribution system in New Jersey and, as a result of the receiving the solicitations, will choose an offshore wind transmission facility and the resulting construction and operating costs that may be borne by ratepayers, including State and local governments.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, that approval will result in a possible indeterminate increase in State and local expenditures from higher retail prices for electricity from offshore wind electric generation. The amount of such a price increase would be contingent, in part, on the decision made by the BPU, which the OLS cannot anticipate. Such an increase in the price of electricity may yield indeterminate additional State revenues, given that the increase paid by all ratepayers will be subject to the State sales and use tax. The amount of any rate charged by such a transmission facility operator due to any BPU approval of it will be subject to the imposition of sales and use tax except those electricity purchases by entities and users which are exempt under the sales and use tax. The OLS lacks the necessary data to quantify the net increase in the price of electricity because of the bill; thus, the OLS cannot determine the amount of additional State sales and use tax revenue generated due to the bill.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, the OLS also expects, in addition to higher retail prices, an increase in transmission rates charged to ratepayers, including State and local

governments. Typically, an electric transmission grid operator, such as PJM Interconnection, allows an electric transmission facility operator to earn a higher profit on its transmission facility investments than the BPU allows an electric public utility on its distribution facility investments. This higher profit on its investment is expected to be passed on to ratepayers in its rates.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, and the transmission facility is deemed a qualified offshore wind project, that designation may allow a business developing the transmission facility to qualify for inclusion in the program established by the BPU that provides offshore wind renewable energy certificates to developers of offshore wind energy projects and the program established by the New Jersey Economic Development Authority that provides \$100 million in corporation business tax credits to developers of qualified wind energy facilities in wind energy zones.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5663

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JANUARY 16, 2020

SUMMARY

- Synopsis:** Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects."
- Type of Impact:** Annual increase in expenditures for State and local government entities; and annual State revenue and expenditure increases.
- Agencies Affected:** All State and local government entities;
Board of Public Utilities;
New Jersey Economic Development Authority.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
State Revenue Decrease	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) cannot determine whether the bill will have a fiscal impact on State or local government. Uncertainty concerning the bill's fiscal impact is rooted in a lack of information concerning whether the Board of Public Utilities (BPU) will exercise its discretion to conduct one or more competitive solicitations for open access offshore wind transmission facilities that transmit offshore wind energy from qualified offshore wind projects to the electric transmission or distribution system in New Jersey and, as a result of the receiving the solicitations, will choose an offshore wind transmission facility and the resulting construction and operating costs that may be borne by ratepayers, including State and local governments.
- If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, that approval will result in a possible indeterminate increase in State and local expenditures from higher retail prices for electricity from offshore wind electric generation. The amount of such a price increase would be contingent, in part, on the decision made by the BPU, which the OLS cannot anticipate. Such an increase in the price of electricity may yield indeterminate additional State revenues, given

that the increase paid by all ratepayers will be subject to the State sales and use tax. The amount of any rate charged by such a transmission facility operator due to any BPU approval of it will be subject to the imposition of sales and use tax except those electricity purchases by entities and users which are exempt under the sales and use tax. The OLS lacks the necessary data to quantify the net increase in the price of electricity because of the bill; thus, the OLS cannot determine the amount of additional State sales and use tax revenue generated due to the bill.

- If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, the OLS also expects, in addition to higher retail prices, an increase in transmission rates charged to ratepayers, including State and local governments. Typically, an electric transmission grid operator, such as PJM Interconnection, allows an electric transmission facility operator to earn a higher profit on its transmission facility investments than the BPU allows an electric public utility on its distribution facility investments. This higher profit on its investment is expected to be passed on to ratepayers in its rates.
- If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, and the transmission facility is deemed a qualified offshore wind project, that designation may allow a business developing the transmission facility to qualify for inclusion in the program established by the BPU that provides offshore wind renewable energy certificates to developers of offshore wind energy projects and the program established by the New Jersey Economic Development Authority (EDA) that provides \$100 million in corporation business tax credits to developers of qualified wind energy facilities in wind energy zones.

BILL DESCRIPTION

This bill amends N.J.S.A.48:3-87.1 et al., commonly referred to as the “Offshore Wind Economic Development Act” (OWEDA), the law concerning the development of offshore wind projects. Specifically, the bill requires an offshore wind project developer seeking BPU approval as a qualified offshore wind project, to include within its detailed description of its offshore wind project, any transmission facilities and interconnection facilities to be installed. Further, the bill allows the BPU to conduct one or more competitive solicitations for open access offshore wind transmission facilities designed to facilitate the collection or delivery of offshore wind energy from qualified offshore wind projects to the electric transmission system in the State. The bill also amends the “Electric Discount and Energy Competition Act,” N.J.S.A.48:3-49 et al., to define an “open access offshore wind transmission facility” as a high voltage transmission facility, located either in the Atlantic Ocean or onshore, and used to facilitate the collection or delivery of offshore wind energy to the electric transmission system in the State.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS cannot determine whether the bill will have a fiscal impact on State or local government. Uncertainty concerning the bill's fiscal impact is rooted in a lack of information concerning whether the BPU will exercise its discretion to conduct one or more competitive solicitations for open access offshore wind transmission facilities that transmit offshore wind energy from qualified offshore wind projects to the electric transmission or distribution system in New Jersey and, as a result of the receiving the solicitations, will choose an offshore wind transmission facility and the resulting construction and operating costs that may be borne by ratepayers, including State and local governments.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, that approval will result in a possible indeterminate increase in State and local expenditures from higher retail prices for electricity from offshore wind electric generation. The amount of such a price increase would be contingent, in part, on the decision made by the BPU, which the OLS cannot anticipate.

Sales and Use Tax and Societal Benefits Charge: The OLS expects the bill to result in a net increase in the retail price of electricity in the State for all customers, including the State and local governments. The amount of the price increase attributable to the bill will be subject to the imposition of sales and use tax except those electricity purchases by entities and users which are exempt under the sales and use tax. The OLS lacks the necessary data to quantify the net increase in the price of electricity because of the bill; thus, the OLS cannot determine the amount of State sales and use tax revenue that will be generated.

The OLS notes that certain provisions of the bill may influence ratepayer consumption behavior, which in turn could result in an increase or decrease in the amount of State revenue generated from the societal benefits charge. This statement assumes that the BPU will not adjust the societal benefits charge rate in response to a change in consumption.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, the OLS also expects, in addition to higher retail prices, an increase in transmission rates charged to ratepayers, including State and local governments. Typically, an electric transmission grid operator, such as PJM Interconnection, allows an electric transmission facility operator to earn a higher profit on its transmission facility investments than the BPU allows an electric public utility on its distribution facility investments. This higher profit on its investment is expected to be passed on to ratepayers in its rates.

If the BPU approves an open access offshore wind transmission facility resulting from a competitive solicitation as provided in the bill, and the transmission facility is deemed a qualified offshore wind project, that designation may allow a business developing the transmission facility to qualify for inclusion in the program established by the BPU that provides offshore wind renewable energy certificates to developers of offshore wind energy projects and the program established by the EDA that provides \$100 million in corporation business tax credits to developers of qualified wind energy facilities in wind energy zones.

Offshore Wind Requirements and Tax Credits: The Offshore Wind Economic Development Act established an offshore wind renewable energy certificate (OREC) program and authorized the EDA to provide tax credits for qualified wind energy facilities in wind energy zones.

The OWEDA requires a percentage of the kilowatt-hours of electricity sold in this State by each electric power supplier and each basic generation service provider to be from offshore wind energy. The percentage must be sufficient to support at least 3,500 megawatts of generation from qualified offshore wind projects. Pursuant to P.L.2018, c.17, electric power suppliers and basic generation service providers are required to purchase a greater number of ORECs than they had to purchase previously, resulting in potentially higher electricity costs to the State's ratepayers,

including State and local governments. The OLS cannot quantify the fiscal impact of including open access offshore wind transmission facilities as qualified offshore wind projects under the OREC program because the bill and current law delegate the setting of implementation parameters to the BPU and the OLS cannot anticipate BPU decisions in that regard.

In addition, pursuant to OWEDA, the EDA established a tax credit program to provide \$100 million in corporation business tax credits for the development of qualified wind energy facilities, which may include the construction of offshore wind transmission facilities, in wind energy zones. Pursuant to P.L.2018, c.17, the tax credit program application deadline for submission to the EDA is extended to July 1, 2024 and the deadline for supporting documentation is extended to July 1, 2027. The OLS notes that the tax credit program may result in the approval of tax credits, which are equal to 100 percent of a business's capital investment in a qualified wind energy facility located within an eligible wind energy zone, which would have otherwise not been awarded since the program had previously sunset prior to the enactment of P.L.2018, c.17. The OLS further notes that the direct revenue loss to the State may exceed \$100 million since the EDA may exceed the cap if it deems additional qualified offshore wind projects to be meritorious.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Patrick Brennan
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

01/21/2020

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-62/A-2478 (Singleton, Oroho/DeAngelo, Houghtaling, Space) – Requires certain contractors to register under "The Public Works Contractor Registration Act"

S-358/A-4587 (Rice/Sumter, Reynolds-Jackson) – Establishes database with certain information about individuals elected to public office in this State

S-376/A-3839 (Madden, Gopal/Moriarty, Lagana, Mukherji, Murphy) – Eliminates eligibility time limit on tuition benefits for spouses of certain public safety workers killed in performance of their duties

S-497/A-4626 (Vitale, Madden/Mosquera, McKnight, Vainieri Huttle) – Allows certain prior statements by children to be admitted into evidence in child abuse and termination of parental rights cases

S-498/ACS for A-3391 (Vitale, Oroho/DeCroce, Johnson, DiMaso) – Makes various changes to "Criminal Injuries Compensation Act of 1971"

S-521/A-4378 (T. Kean, C.A. Brown, Pou, Ruiz/Caputo, Mukherji, Vainieri Huttle) – Requires NJ State Council on Arts to establish "Artist District" designation and select certain municipalities or areas within municipalities for such designation

S-589/ACS for A-422 (Weinberg/Mosquera, Jones, Moriarty) – Requires Secretary of State to establish secure Internet website for online voter registration; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database

S-700/A-3836 (Ruiz, Cunningham/Schaer, Mukherji, Jasey) – "Higher Education Citizenship Equality Act"; defines domicile for dependent students for purpose of eligibility for State student grants and scholarships, and resident tuition rate

S-721/A-1751 (Greenstein, Cunningham, Diegnan/Quijano, Benson) – Authorizes use of certain electric school buses

S-758/A-1987 (Cunningham, Cruz-Perez/Sumter, Mukherji, Quijano) – Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

S-765/A-541 (Cunningham, T. Kean, Ruiz/Mazzeo, Jasey, Vainieri Huttle, Sumter, Benson) – Prohibits Higher Education Student Assistance Authority from referring defaulted loans under New Jersey College Loans to Assist State Students (NJCLASS) Loan Program for certain actions if authority and borrower have entered into settlement agreement

S-782/A-1110 (Sarlo, Scutari/Downey, Houghtaling, Dancer) – Increases workers' compensation for loss of hand or foot

S-834 wGR/A-4186 (Scutari, Greenstein/Jones, Pintor Marin) – Prohibits resale of non-prescription diabetes test devices by pharmacists

S-939/A-3331 (Pou/Vainieri Huttle, Lopez, McKnight) – Requires forms and materials for individuals with developmental disabilities to be available in languages other than English

S-974/A-3040 (Singleton, T. Kean/Vainieri Huttle, Timberlake, Mosquera) – Requires newborn infants be screened for spinal muscular atrophy

- S-1032/A-2389 (Vitale, Gopal/Schaer, Benson, Verrelli)** – Concerns expansion of services provided by DHS mental health screening services
- S-1146/A-2365 (Codey, Rice/Vainieri Huttle, Mukherji, Downey)** – Requires hospital patient's medical record to include notation if patient is at increased risk of confusion, agitation, behavioral problems, and wandering due to dementia related disorder
- S-1298/ACS for A-2972 (A.M. Bucco, Singleton/Mazzeo, Dunn, Space)** – Permits municipalities to provide information on property tax bills concerning amount of local tax dollars saved through shared services
- S-1318/A-3156 (Ruiz, Scutari/Lampitt, Mosquera)** – Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members
- S-1505/A-1707 (Vitale/Vainieri Huttle, Lampitt, Benson, Mosquera)** – Expands membership of NJ Task Force on Child Abuse and Neglect
- S-1647/A-3181 (Diegnan, Codey/Conaway, Vainieri Huttle, Benson, Murphy)** – Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products
- S-1683/A-4267 (Smith, Greenstein/McKeon, Space, Wirths)** – Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries
- S-1703/A-715 (Connors, Holzapfel/Gove, Rumpf, DiMaso)** – Exempts disabled veterans from beach buggy permit fees
- S-1791/A-3414 (Weinberg/Johnson, Vainieri Huttle, Houghtaling)** – Requires employers to disclose certain wage information to employees
- S-1796/A-4693 (Addiego, Sweeney/Murphy)** – Permits school district of residence to provide aid in-lieu-of transportation to pupil attending Marine Academy of Science and Technology provided certain conditions are met
- S-1832/A-211 (Ruiz, Sarlo/Chiaravalloti, Zwicker, Pintor Marin)** – Establishes loan redemption program and tuition reimbursement program for certain teachers of science, technology, engineering, and mathematics
- S-2267/A-3616 (Sweeney, Corrado/Burzichelli, Holley, Calabrese)** – Gives State lottery winners option of remaining anonymous indefinitely
- S-2303/A-4843 (Sweeney, Ruiz, Cunningham/Wimberly, Karabinchak, Calabrese)** – Requires establishment of Work and Learn Consortiums by certain educational institutions to establish certificate and degree programs identified in high labor-demand industries
- S-2389 wGR/A-5449 (Singleton/Quijano, Downey, Houghtaling, Moriarty)** – Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information
- S-2428/A-4965 (Scutari/Quijano, Vainieri Huttle)** – Requires that massage and bodywork therapists and employers carry professional liability insurance
- S-2469/A-3745 (Singleton, Oroho/Wirths, Mazzeo, Space)** – Prohibits person from contracting for public work if person is federally debarred from receiving federal contract
- S-2511/A-4020 (Madden/Mazzeo, Murphy, Johnson)** – Changes title of DEP "conservation officer" to "conservation police officer"
- S-2521/A-4087 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program
- S-2522/A-4090 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Limits cross gender strip searches in

State correctional facilities

S-2532/A-4086 (Greenstein, Cruz-Perez/Vainieri Huttle, Lopez, Timberlake) – Requires correctional police officers receive 20 hours in-service training, including four hours in prevention of sexual misconduct, non-fraternization, and manipulation

S-2555/A-3990 (Gopal, Ruiz/Mukherji, Benson, Karabinchak) – Allows dependent students whose parents or guardians hold H-1B visas to qualify for in-State tuition at public institutions of higher education provided they meet certain criteria

S-2564/A-3519 (Turner, Singleton/Benson, McKnight, Jasey) – Establishes "Restorative Justice in Education Pilot Program" in Department of Education

SCS for S-2599/ACS for A-1268 (Bateman, Beach/Tucker, Conaway, Lampitt, Quijano) – Authorizes veterans' property tax exemption and veterans' property tax deduction for honorably discharged veterans of United States Armed Forces who did not serve in time of war or other emergency

S-2826/A-3274 (Greenstein/Vainieri Huttle, Dancer, Benson) – Requires institutions of higher education to offer cats and dogs no longer used for educational, research, or scientific purposes for adoption; designated the "Homes for Animal Heroes Act"

S-2849/A-4590 (A.M. Bucco/DiMaio, Caputo, Dunn) – Designates Seeing Eye® dog as State Dog

S-3036/A-1697 (Lagana, Scutari/Dancer, Downey) – Prohibits medical providers from reporting certain workers' compensation medical charges to collection and credit reporting agencies

S-3061/A-4603 (Ruiz, Greenstein/Lampitt, Mukherji, Benson) – Provides corporation business tax and gross income tax credits for businesses that participate in DOL registered apprenticeship programs; establishes grant program for tax-exempt organizations participating in DOL registered apprenticeship programs

S-3065/A-4657 (Ruiz, Singleton/Armato, Benson, Timberlake) – Establishes youth apprenticeship pilot program in Department of Education

S-3067/A-4602 (Ruiz, Singleton/Lampitt, Reynolds-Jackson, Sumter) – Establishes five year Apprentice Assistance and Support Services Pilot Program

S-3116/A-4683 (Ruiz/Speight, Munoz, Tucker) – Requires certain medical facilities to undertake end-of-life planning and training

S-3117/A-4685 (Ruiz/Speight, Pinkin, Munoz) – Requires emergency departments to take certain measures concerning palliative care for patients

S-3126/A-4107 (Gopal/Benson, DeCroce, Chiaravalloti) – Requires drivers to stop at railroad crossing when on-track equipment is approaching railroad crossing

S-3170/A-5145 (Cryan, Pou/Quijano, Milam, Land) – Increases prenotification time and requires severance pay in certain plant closings, transfers, and mass layoffs

S-3227/A-5261 (Gopal/Tully, Pinkin, Swain) – Requires restaurants to post signs advising customers to notify servers of food allergies; requires restaurant managers to complete food allergen training

S-3265/A-3178 (Turner, Codey, Vitale/Conaway, Murphy, Vainieri Huttle) – Prohibits sale or distribution of flavored vapor products

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S-3330 wGR/A-5066 (Addiego, Singleton/Jones, Vainieri Huttle, Lampitt, Murphy) – Establishes pilot program in DCF to study impact of child care services provided by community providers operating in public school facilities; requires community providers to meet certain criteria

S-3422/A-6056 (Singer, T. Kean/Houghtaling, Downey, Vainieri Huttle) – Requires declaration of Code Blue

alert when National Weather Service predicts temperatures of 32 degrees Fahrenheit or lower

S-3468/A-5105 (Sweeney, Singleton/Murphy, Karabinchak, Vainieri Huttle) – Establishes Task Force on Maximizing Employment for People with Disabilities

S-3511/A-5298 (Singer, T. Kean/Mukherji, Vainieri Huttle, Downey) – Authorizes certain health care and social service resources to be made available during Code Blue alert

S-3581/A-5963 (Singleton/Lopez, Quijano) – Prohibits certain business financing contracts that contain judgment by confession provisions

S-3685/A-5345 (Sarlo, Singleton/Mukherji, Conaway, McKnight) – Establishes program to increase participation of underrepresented students in New Jersey's science and engineering workforce

S-3756/A-6115 (Ruiz, Sarlo, O'Scanlon/Jasey, Jones, Wirths) – Requires limited purpose regional school districts to coordinate with constituent districts regarding school calendar and curriculum

S-3763/A-6116 (Addiego, Bateman, Sarlo/DeAngelo, Dancer, Space) – Renames joint meetings as regional service agencies; grandfathers existing joint meetings

S-3869/A-5561 (Sarlo/Burzichelli, Houghtaling) – Prohibits local governments from imposing fines on alarm companies in certain circumstances

S-3871/A-5427 (Bateman, Scutari/DePhillips, McKeon) – Adds member from Retired Judges Association of New Jersey to State Investment Council

SCS for S-3878/ACS for A-5394 (Ruiz, Weinberg, Cunningham/Moriarty, McKnight, Pinkin) – Reaffirms and clarifies that Attorney General and Division on Civil Rights may initiate actions in Superior Court to enforce "Law Against Discrimination"

S-3920 wGR/A-5552 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes

S-3923/A-5680 (Madden, Singleton/Giblin, Timberlake, Murphy) – Concerns labor harmony agreements for hospitality projects

SCS for S-3939 and 3944/ACS for A-5681 and 5682 (Smith, Greenstein, Bateman, Codey/Pinkin, Lopez, McKeon) – Establishes Recycling Market Development Council

S-3985/A-5663 (Smith/McKeon, Pinkin, Vainieri Huttle) – Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects"

S-4025/A-5695 (Pou/Wimberly, Sumter) – Makes FY 2020 language allocation of \$1,000,000 appropriated to Grants for Urban Parks to Hinchliffe Stadium in Paterson

S-4162/A-6014 (Smith, Greenstein/Vainieri Huttle, Pinkin, Houghtaling) – Establishes NJ Climate Change Resource Center at Rutgers University; appropriates up to \$500,000

S-4165/A-4364 (Rice/Giblin, Caputo, Tucker) – Expands University Hospital board of directors membership from 11 to 13 members

S-4188/A-6075 (Beach/Murphy, Dancer, Lampitt) – "Lindsay's Law"; provides tax benefits to organ and bone marrow donors and their employers, and provides paid time off to donors who are State or local government employees

S-4200/A-5855 (Ruiz, Turner/Coughlin, Lampitt, Holley) – Requires State to pay difference between federal allocation and total cost of reduced price breakfast or lunch; appropriates \$4.5 million

S-4247/A-6049 (Gopal, O'Scanlon/Conaway, Houghtaling, Downey) – Establishes criteria for distribution of Fiscal Year 2020 funding to Community Food Bank of New Jersey and partner organizations

S-4264/A-5962 (Pou/Wimberly, Sumter, Calabrese) – Designates State Highway Route 19 as "William J. Pascrell Jr. Highway"

S-4275/A-6088 (Smith, Greenstein/Burzichelli) – Allows BPU to increase cost to customers of Class I renewable energy requirement for energy years 2022 through 2024, under certain conditions

S-4276/A-6109 (Corrado, Bateman/Armato, Calabrese, Land) – Appropriates \$32,153,936 to State Agriculture Development Committee, and amends 2017 appropriations for stewardship activities, for farmland preservation purposes

S-4277/A-6112 (Greenstein, Bateman/Freiman, Danielsen, Downey) – Appropriates \$5,000,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

S-4278/A-6108 (Greenstein, Bateman/Taliaferro, Karabinchak, Kennedy) – Appropriates \$21 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

S-4279/A-6106 (Smith, Bateman/Houghtaling, Reynolds-Jackson, Pinkin) – Appropriates \$1,350,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

S-4286/A-5890 (Vitale/Swain, Jones) – Clarifies procedures concerning collection of child support on behalf of child over age 19 when court has ordered such support

S-4309/A-6107 (Turner, Cruz-Perez/Mejia, Vainieri Huttie, Zwicker) – Appropriates \$13,902,723 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

S-4310/A-6114 (Codey, Bateman/Carter, Murphy, Lopez) – Appropriates \$8,872,682 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

S-4311/A-6113 (Greenstein, Bateman/Speight, Mukherji, Verrelli) – Appropriates \$77,450,448 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

S-4312/A-6111 (Smith, Bateman/Giblin, Mazzeo, Land) – Appropriates \$36.143 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

S-4313/A-6110 (Corrado, Bateman/Moriarty, McKeon, Swain) – Appropriates \$33.915 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects

SCS for S-4315/ACS for A-6063 (Beach, Turner/Jones, Zwicker) – Creates fund to reimburse local units of government for cost of certain mail-in ballot procedures; appropriates \$3,000,000

SJR-51/AJR-189 (Rice, Turner/Verrelli, Reynolds-Jackson, Sumter) – Establishes the "New Jersey State Commission on Urban Violence"

SJR-65/AJR-90 (Weinberg, Addiego/DiMaso, Vainieri Huttie, Schepisi) – Designates March 19th "Women in Public Office Day" in New Jersey

SJR-80/AJR-121 (Lagana, Weinberg/Jones, Benson, Chiaravalloti, DeCroce) – Urges federal government to adhere to commitment to improve Northeast Corridor rail infrastructure by providing funding to complete Gateway Program

SJR-125/AJR-169 (Gopal, Codey/Wolfe, Pinkin) – Designates the second week of October of each year as "Obesity Care Week" in NJ

- A-344/S-1575 (Murphy, McKeon, Timberlake/Cruz-Perez, Singleton)** – Revises certain aspects of the New Jersey Individual Development Account Program
- A-1040/S-3928 (Houghtaling, Taliaferro/Andrzejczak)** – Establishes NJ "Landowner of the Year" award program
- A-1146/S-4330 (Wimberly, Holley/Pou, Singleton)** – Establishes "New Jersey Investing in You Promise Neighborhood Commission"
- A-1277/S-2629 (Tucker, Holley, Lopez/Singleton, Gopal)** – Requires hospitals and homeless shelters to provide information on services and resources to individuals who are homeless or military veterans
- A-1449/S-3168 (Benson, DeAngelo/Greenstein, Turner)** – Provides job security to certain organ and bone marrow donors
- A-1477/S-3228 (Chaparro, Vainieri Huttle, Benson, Jimenez, Mukherji, Downey/Gopal, Scutari)** – Establishes Statewide Hit and Run Advisory Program to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as "Zackhary's Law"
- A-1478/S-1648 (Chaparro, Vainieri Huttle/Diegnan, T. Kean)** – Revises law governing theater liquor licenses
- A-1604/S-2734 (Conaway, Murphy, Jimenez/Singleton)** – "Recreational Therapists Licensing Act"
- A-1796/S-2609 (McKeon, Downey/Lagana, Gopal)** – Prevents criminal defendant from asserting "gay and transgender panic" defense to murder charge in order to reduce charge to manslaughter committed in heat of passion
- A-1924/S-2930 (Mukherji, A.M. Bucco, DeAngelo, DeCroce/Beach)** – Exempts certain honorably discharged United States military veterans from initial insurance producer licensing fee
- A-1992/S-1780 (Sumter, Benson, Vainieri Huttle, Houghtaling, Wimberly/Diegnan, Turner)** – "New Jersey Call Center Jobs Act"
- A-2183/S-1687 (Land, Johnson/Cruz-Perez, Andrzejczak)** – "Music Therapist Licensing Act"
- ACS for A-2431 wGR/SCS for S-1865 (Benson, Jimenez, DeCroce/Weinberg, T. Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage
- ACS for A-2444 and S-2656/S-2081 (Benson, Lampitt, Pinkin, Mukherji/Turner, Singleton)** – Provides for coverage of comprehensive tobacco cessation benefits in Medicaid
- A-2767/S-2924 (Greenwald, Mosquera, McKnight/Greenstein, Singleton)** – Amends certain provisions of sexual assault statute to clarify elements necessary for conviction
- A-3312/S-1972 (Murphy, Lagana, Downey, Sumter/Gopal, Corrado)** – Requires Legislature to adopt and distribute policy prohibiting sexual harassment; requires members, officers, and employees of Legislature to complete online training on policy once every two years
- A-3670/S-995 (Benson, Giblin, Murphy/Vitale, Weinberg)** – Provides for designation of acute stroke ready hospitals, establishes Stroke Care Advisory Panel and Statewide stroke database, and requires development of emergency medical services stroke care protocols
- ACS for A-4136/SCS for S-2675 (Land, Milam/Andrzejczak, Van Drew)** – Establishes Possession In Excess of Daily Limit Vessel License for black sea bass and summer flounder; dedicates fees therefrom to marine fisheries programs
- A-4147/S-2744 (Lampitt, Houghtaling, Zwicker/Ruiz, Corrado)** – Requires school districts and nonpublic schools to conduct audit of security features of buildings, grounds, and communication systems and to submit audit to NJ Office of Homeland Security and Preparedness and DOE

- A-4150/S-2742 (Lampitt, Jones, Timberlake/Ruiz, Corrado)** – Requires meeting between student and appropriate school personnel after multiple suspensions or proposed expulsion from public school to identify behavior or health difficulties
- A-4151/S-2745 (Swain, Tully, Jasey/Ruiz, Corrado)** – Requires school security training for persons employed by public and nonpublic schools in substitute capacity and for employees and volunteers of youth programs operated in school buildings
- A-4260/S-4335 (Timberlake, Giblin, Tucker, Caputo/Pou, Scutari)** – Prohibits sale of certain toy guns and imitation firearms
- A-4370/S-2919 (Carroll/A.M. Bucco)** – Increases membership of board of trustees of Washington Association of New Jersey
- A-4377/S-2934 (Benson, Land, DeCroce/Greenstein)** – Requires DOT and OIT to develop materials concerning capabilities of airports in NJ and establishes "Public Use Airports Task Force"
- A-4517/S-4341 (Wimberly, Speight, Reynolds-Jackson/Singleton, Cunningham)** – Establishes "New Jersey Eviction Crisis Task Force"
- A-4529/S-3191 (Mazzeo, Armato/Gopal, Andrezejczak)** – Concerns reimbursements to Superstorm Sandy-impacted homeowners subjected to contractor fraud
- A-4563/S-3096 (Zwicker, Benson/Greenstein, Gill)** – Prohibits use of bots to deceive person about origin and content of communication for certain commercial or election purposes
- A-4564/S-3087 (Zwicker, Freiman/Greenstein)** – Establishes "Voting Precinct Transparency Act;" requires filing of election district, county district, and municipal ward boundary data with Secretary of State for posting and download on official website with matching election results data
- A-4699/S-2938 (Moriarty, Burzichelli, Bramnick/Turner)** – Regulates annual report filing services
- A-4803/S-4211 (Greenwald, Johnson, Pintor Marin/Cryan, Vitale)** – Authorizes certain entities to directly bill Victims of Crime Compensation Office for counseling services provided to victims of firearm and stabbing crimes
- A-4822/S-3408 (Wimberly, Tully, Swain/Singleton, Greenstein)** – Permits municipalities to lease vacant municipal land for tiny home occupancy; directs DCA to enhance regulatory guidance on acceptable tiny home construction and use
- A-4904 wGR/S-3347 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney)** – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances
- A-4954/S-3368 (Quijano, Murphy, Carter/Singleton, Greenstein)** – Revises requirements for provision of counseling and support services to emergency services personnel
- ACS for A-4972/SCS for S-1490 (Moriarty/Beach, Scutari)** – Establishes certain consumer protections related to arbitration organizations
- A-4978 wGR/S-3498 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances
- A-5023/S-3467 (McKnight, Mukherji, Chaparro, Chiaravalloti/Cunningham)** – Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality
- A-5028/S-3523 (Mukherji, Conaway, Pintor Marin/Vitale, Diegnan)** – Establishes "James Nicholas Rentas's Law," revises "New Jersey SmokeFree Air Act"
- A-5029/S-3522 (Sumter, Reynolds-Jackson, Johnson/Rice, T. Kean)** – Requires New Jersey Office on Minority and Multicultural Health to study racial disparities on sexual and reproductive health of African-American women

A-5031/S-3455 (Speight, McKnight, Timberlake/Ruiz) – Requires hospital emergency departments to ask person of childbearing age about recent pregnancy history

A-5314/S-3692 (Zwicker, Milam, Mazzeo/Cryan, Ruiz) – Requires DHS to study social isolation occurring in certain population groups

A-5344/S-3833 (Mukherji, Vainieri Huttel, Milam/Gopal, Corrado) – Establishes uniform standard for acceptable proof of veteran status for veteran's ID cards and various State and local programs

A-5388/S-3895 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires specialized in-service training regarding crime victims for police departments in certain high-crime areas

A-5389/S-3896 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires training or experience in crime victims' rights for certain members of Victims of Crime Compensation Review Board

A-5432/S-3796 (Milam, Land/Andrzejczak) – Requires DEP Commissioner to establish individual transferable quota system for menhaden purse seine fishery

A-5445/S-3909 (Swain, Tully, Spearman/T. Kean, Corrado) – Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement

A-5511/S-1852 (Spearman, Jones, Reynolds-Jackson/Turner, Cruz-Perez) – Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike

A-5580/S-3842 (Johnson, Moriarty, Greenwald/Weinberg, Sarlo) – Extends availability period for tax credits for certain expenses incurred for production of certain film and digital media content, raises annual cap related to film production, and provides for annual administration of film tax credits

A-5583/S-3919 (Pinkin, Lopez, Mukherji/Smith, Bateman) – Prohibits sale, lease, rent, or installation of certain equipment or products containing hydrofluorocarbons or other greenhouse gases

A-5630/S-3981 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg, Corrado) – Requires Civil Service Commission to establish and maintain hotline for State employees to submit reports of workplace discrimination and harassment

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A-5667/S-3933 (Mukherji, Vainieri Huttel, Armato, DeCroce, Karabinchak/Singer, Scutari) – "Charlie's Law"; requires pharmacy practice sites and hospice programs to furnish patients with information and means to safely dispose of unused prescription drugs and medications

A-5801/S-4064 (Coughlin, Houghtaling, Verrelli/Singleton, Sweeney) – Concerns responsibility of contractors for wage claims against subcontractors

A-5817/S-4263 (Mazzeo, Armato/Cunningham, Sweeney, C.A. Brown) – Allows certain persons to qualify for casino key employee license and casino employee registration

A-5916/S-4255 (Chiaravalloti, McKnight, Karabinchak/Cunningham, Weinberg) – Authorizes DOH to notify elected officials of financial distress of certain hospitals

A-5918/SCS for S-3741 and 4253 (Chiaravalloti, McKnight/Weinberg, Cunningham, Vitale) – Expands hospital reporting requirements

A-5970/S-4201 (Lopez, Speight, Chaparro/Codey) – Amends list of environmental infrastructure projects approved for long-term funding for FY2020 to include new projects, remove certain projects, and modify estimated loan amounts for certain projects

A-5971/S-4202 (Mukherji, Pintor Marin, Spearman/Bateman, Corrado) – Authorizes NJ Infrastructure Bank to expend additional sums to make loans for environmental infrastructure projects for FY2020

A-5972/S-4203 (Pinkin, Benson, Zwicker/Greenstein, Singleton) – Makes changes to New Jersey Infrastructure Bank's enabling act

A-5977/S-4282 (Greenwald, Downey, Vainieri Huttie/Vitale, Singleton) – Provides for establishment of Regional Health Hub Program as replacement to Accountable Care Organization Demonstration Project, and designates existing accountable care organizations and look-alike organizations as Regional Health Hubs

A-6119/S-4336 (Egan, Houghtaling/Madden) – Revises "The Public Works Contractor Registration Act" and amends definition of registered apprenticeship program

AJR-35/SJR-159 (McKnight, Chaparro, Chiaravalloti, DeCroce/Cunningham, Greenstein) – Designates third full week in March as "Domestic Violence Services Awareness Week" to bring awareness of services available to domestic violence victims

AJR-103/SJR-70 (Rooney, DePhillips, Murphy/Corrado) – Permanently designates January as "NUT Carcinoma Awareness Month" in New Jersey

AJR-118/SJR-157 (McKnight, Timberlake, McKeon/Pou, Madden) – Designates April of each year as "Financial Literacy Month" in New Jersey

AJR-180/SJR-112 (DeAngelo, McKnight, Murphy/Singleton, Corrado) – Designates February in each year as "Career and Technical Education Month" in New Jersey

Governor Murphy declined to sign the following bills, meaning they expire without becoming law:

S-691/A-657 (Ruiz, Pou/Jasey, Caputo, Pintor Marin, Sumter, Wimberly) – Requires that if a school district satisfies 80% or more of the required NJ Quality Single Accountability Continuum standards in an area of district effectiveness under State intervention, the State must return that area to local control

S-1083/A-544 (Cruz-Perez, Gopal/Mazzeo, Houghtaling, Holley, Dancer) – Establishes loan program and provides corporation business tax and gross income tax credits for establishment of new vineyards and wineries

S-2421/A-1030 (Smith, Bateman/Johnson, Kennedy, Benson, DeAngelo) – Concerns installation of electric vehicle charging stations in common interest communities

S-2425/A-3851 (Singleton, Andrzejczak/Conaway) – Revises law relating to common interest communities

S-2429/A-4028 (Scutari, Pou/Bramnick, Downey) – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

S-2835/A-3926 (Singleton, Ruiz/Conaway, Lampitt, Murphy) – Requires public schools to administer written screenings for depression for students in certain grades

S-2897/A-1433 (Madden, Singer/Benson, Wimberly, Carter) – Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers

S-2957/A-4712 (Stack/Mukherji, Chaparro) – Establishes five-year moratorium on conversions of certain residential rental premises in qualified counties

S-2958/A-4535 (Sarlo, Oroho/Zwicker, DePhillips, DeCroce) – Establishes the "Energy Infrastructure Public-Private Partnership Act"

S-3062/A-2049 (Ruiz, Greenstein/Howarth, Benson, Murphy) – Provides corporation business tax and gross income tax credits for businesses that employ apprentices in DOL registered apprenticeships

S-3063/A-4655 (Ruiz/Armato, Vainieri Huttie, DeAngelo) – Provides tuition fee waiver apprenticeship courses

S-3137/A-1308 (Sweeney, Oroho, Singleton/Greenwald, Milam, Land) – The "Electronic Construction Procurement Act"

S-3252/A-4713 (Greenstein, Stack/DeAngelo, Quijano) – "New Townhouse Fire Safety Act"; requires automatic fire sprinkler systems in new townhomes

S-3263/A-4837 (T. Kean, Diegnan/Vainieri Huttle, Chiaravalloti, McKnight) – Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS

S-3270/A-5095 (Pou/McKeon, Freiman, DeCroce) – Establishes certain requirements for stop loss insurance offered to small employers

S-3393/ACS for A-5384 and 5157 (Sarlo, Addiego/Mazzeo, Murphy, Houghtaling, Calabrese, Armato, Dancer) – Allows certain preserved farms to hold 14 special occasion events per year; imposes further event restrictions on residentially-exposed preserved farms

S-3770/A-6118 (Sarlo, Oroho, Sweeney/Greenwald, Jones) – Establishes "New Jersey Economic and Fiscal Policy Review Commission" to provide ongoing review of State and local tax structure, economic conditions, and related fiscal issues

S-3888/A-5585 (Ruiz/Dancer, Pintor Marin) – Extends document submission deadlines under Economic Redevelopment and Growth Grant program and Urban Transit Hub Tax Credit program

S-4035/A-5702 (Pou, Singleton/Wimberly, Reynolds-Jackson, Sumter) – Makes Fiscal Year 2020 supplemental appropriation of \$1,700,000 for Thomas Edison State University

S-4281/A-6094 (Smith, Diegnan/Danielsen, Pinkin) – Requires State to sell and convey to Educational Services Commission of New Jersey certain land and improvements known as Piscataway Regional Day School

S-4331/A-4727 (Diegnan, Madden/Karabinchak, Holley, Jones) – Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement; requires testing on rights and responsibilities of driver stopped by law enforcement

A-491/S-4340 (Jimenez/Sacco, Stack) – Enhances PFRS accidental death pension for surviving spouse by providing for minimum of \$50,000 annually

A-1044/S-1441 (Houghtaling, Downey, DiMaio, Space/Doherty, Madden) – Requires Director of Division of Taxation to examine feasibility of centralized property tax information system to verify property taxes paid by homestead property tax reimbursement claimants

A-1045/S-2856 (Houghtaling, Downey, Dancer/Gopal, Oroho) – Clarifies sales tax collection responsibilities of horse-boarding businesses in New Jersey

A-1526/S-1048 (Zwicker, Johnson/Vitale) – Concerns payment of independent contractors

A-2731/S-3407 (Taliaferro, Space/Sweeney, Oroho) – Removes statutory limitation on number of permits that may be issued by Division of Fish and Wildlife for the taking of beaver

A-4382/S-2815 (Pinkin, Lopez, Kennedy/Beach, Smith) – Requires paint producers to implement or participate in paint stewardship program

A-4463/S-3927 (Freiman, Egan, Karabinchak/Oroho, Andrzejczak) – Establishes "Electronic Permit Processing Review System"

A-4788/S-3880 (Karabinchak, Freiman, Calabrese/Diegnan) – Establishes expedited construction inspection program

A-5072/S-3496 (Karabinchak, Johnson, Mukherji/Greenstein, Cryan) – "Defense Against Porch Pirates Act"; creates new category of theft, with penalties including mandatory restitution and community service, for taking package delivered to residence by cargo carrier

A-5446/S-3907 (Land, Reynolds-Jackson, Verrelli/T. Kean, Lagana) – Requires reporting of opioid deaths

A-5629/S-3980 (Pintor Marin, Munoz/Weinberg, Corrado) – Clarifies provisions concerning disclosure of existence and content of discrimination or harassment complaints; requires certain disclosures to person against whom complaint is made

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ACS for A-5922 and 5923/SCS for S-4223 and 4224 (Conaway, Vainieri Huttle, Lopez, Pinkin/Vitale, Sweeney) – Revises requirements for sale of tobacco and vapor products; increases penalties for prohibited sales; increases fees for cigarette and vapor business licensure

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