

## CHAPTER 362

AN ACT concerning the use of plug-in electric vehicles, supplementing Title 48 of the Revised Statutes, and amending P.L.2007, c.340 and P.L.1999, c.23.

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

C.48:25-1 Findings, declarations relative to the use of plug-in electric vehicles.

1. The Legislature finds and declares: that plug-in electric vehicle technology has improved significantly for vehicles of all types; that plug-in electric vehicles with longer ranges are now widely available at a lower cost and present a viable alternative to vehicles fueled by fossil fuels; that more plug-in electric vehicle makes and models will be introduced in the State motor vehicle market over the next several years; that vehicle electrification offers a wide range of benefits, such as improved air quality, reduced greenhouse gas emissions, and savings in motor vehicle operating costs for vehicle owners; that increased use of plug-in electric vehicles can contribute significantly to the attainment of existing State air pollution and energy goals, including the objectives of the “Global Warming Response Act,” P.L.2007, c.112 (C.26:2C-37 et seq.) and the State’s Energy Master Plan; and that New Jersey is already committed to implementing the California Low Emission Vehicle Program pursuant to P.L.2003, c.266 (C.26:2C-8.15 et al.), and part of this program is a commitment to increasing the use of low emission vehicles and zero emission vehicles, including plug-in electric vehicles.

The Legislature therefore determines that it is in the public interest to establish goals for the increased use of plug-in electric vehicles in the State, to support the increased use of plug-in electric vehicles by providing incentives for the purchase or lease of such vehicles and for related charging equipment, and to increase consumer awareness of the availability of incentives through a Statewide public education program.

C.48:25-2 Definitions relative to the use of electric plug-in vehicles.

2. As used in sections 1 through 11 of P.L.2019, c.262 (C.48:25-1 et seq.):

“Board” means the Board of Public Utilities.

“Charger ready” means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of electric vehicle service equipment, including, but not limited to, Level Two EVSE and DC Fast Chargers.

“Charging location” means a publicly accessible parking space or set of parking spaces, with visible signage designating that the parking space or parking spaces are available for use by the public for charging plug-in electric vehicles.

“Community location” means a charging location that is not a corridor location, and that is established in a town center, commercial area, retail center, or near concentrations of multi-family dwellings, to provide vehicle charging services to local plug-in electric vehicle drivers near where they live and work.

“Corridor location” means a charging location located along a travel corridor roadway, or within one mile of that roadway, which is intended to provide access to vehicle charging services for long distance drivers and en route vehicle charging services for local drivers.

“DC Fast Charger” means EVSE that provides at least 50 kilowatts of direct current electrical power for charging a plug-in electric vehicle through a connector based on fast charging equipment standards, and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

“Department” means the Department of Environmental Protection.

“Electric vehicle service equipment” or “EVSE” means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. “EVSE” may deliver either alternating current or direct current electricity consistent with fast charging equipment standards.

“Fast charging equipment standards” means standards for high power direct current charging, based on the CHAdeMO standard and the Society of Automotive Engineers Combined Charging Standard (CCS), or other non-proprietary standards as may be approved by the board in the future.

“Eligible vehicle” means a new light duty plug-in electric vehicle, with an MSRP of below \$55,000, purchased or leased after the effective date of P.L.2019, c.362 (C.48:25-1 et al.) and registered in New Jersey.

“In-home electric vehicle service equipment” means electric vehicle service equipment used in a person’s home to charge a plug-in electric vehicle.

“Level One EVSE” means EVSE that provides single phase 120V AC electricity, presented as either a standard wall plug into which the charging cord provided with a plug-in electric vehicle can be connected, or an EVSE with a standard vehicle plug connector that complies with SAE J1772, or an equivalent standard for 120V AC charging as may be adopted in the future and accepted by the board, and which is approved for installation for this purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

“Level Two EVSE” means EVSE that provides a plug-in electric vehicle with single phase alternating current electrical power at 208-240V AC, through a standardized plug connector that complies with SAE J1772 standards, or an equivalent wireless power transfer interface, or equivalent standards for 208-240V AC charging as may be adopted in the future and accepted by the board, and which is approved for installation for this purpose under the National Electric Code through Underwriters Laboratories Certification or an equivalent certifying organization.

“Light duty vehicle” means any two-axle, four-wheel vehicle, designed primarily for passenger travel or light duty commercial use, and approved for travel on public roads. “Light duty vehicle” includes, but is not limited to, any vehicle commonly referred to as a car, minivan, sport utility vehicle, cross-over, or pick-up truck.

“Low-income, urban, or environmental justice community” means a community: (1) in which at least one half of the households are at or below twice the poverty threshold as determined annually by the United States Census Bureau; (2) that is urban, as determined by the Department of Community Affairs, due to the population and development density in the community; or (3) that has been burdened with environmental justice issues, as determined by the department, including, but not limited to, exposure to high levels of air pollution, close proximity to major industrial facilities or hazardous waste sites, or other environmental hazards.

“MSRP” means the published manufacturer’s suggested retail price, as set by a vehicle’s manufacturer, at the time of sale or lease.

“Plug-in electric vehicle” means a vehicle that has a battery or equivalent energy storage device that can be charged from an electricity supply external to the vehicle with an electric plug. “Plug-in electric vehicle” includes a plug-in hybrid vehicle.

“Plug-in hybrid vehicle” means a vehicle that can be charged from a source of electricity external to the vehicle through an electric plug, but is not exclusively powered by electricity.

“Routine charging” means vehicle charging that takes place where a vehicle is parked for a long period of time, such as at the owner's residence overnight, a hotel, or a workplace during work hours, and which provides the primary and most common form of vehicle charging.

“Seller or lessor of an eligible vehicle” means an entity that is licensed to sell or lease an eligible vehicle to a consumer or fleet owner in the State.

“Travel corridor” means heavily used public roads in the State, as designated by the department, which shall include, but need not be limited to, the Garden State Parkway, the New Jersey Turnpike, the Atlantic City Expressway, federal interstate highways, and the subset of federal or State roads which collectively support the majority of long distance travel through and within the State as well as the majority of daily travel by local drivers.

C.48:25-3 State goals for use of plug-in electric vehicles.

3. a. There are established the following State goals for the use of plug-in electric vehicles and the development of plug-in electric vehicle charging infrastructure in the State to support that use:

(1) at least 330,000 of the total number of registered light duty vehicles in the State shall be plug-in electric vehicles by December 31, 2025;

(2) at least 2 million of the total number of registered light duty vehicles in the State shall be plug-in electric vehicles by December 31, 2035;

(3) at least 85 percent of all new light duty vehicles sold or leased in the State shall be plug-in electric vehicles by December 31, 2040;

(4) (a) By December 31, 2025, at least 400 DC Fast Chargers shall be available for public use at no fewer than 200 charging locations in the State, (b) at least 75 of the 200 or more charging locations shall be at travel corridor locations, equipped with at least two DC Fast Chargers per location, each capable of providing at least 150 kilowatts of charging power, and no more than 25 miles between the charging locations, and (c) at least 100 of the 200 or more charging locations shall be community locations, equipped with at least two DC Fast Chargers per location, each capable of providing 50 kilowatts of charging power or more, and 150 kilowatts or more where feasible. The department may, in its discretion, increase the goals set forth in this paragraph pursuant to any strategic mapping of plug-in electric vehicle charging infrastructure the department conducts;

(5) By December 31, 2025, at least 1,000 Level Two chargers shall be available for public use across the State, and after initial installation, those EVSE may be upgraded to higher power or DC Fast Chargers as appropriate by the owner or operator of the EVSE; and

(6) (a) By December 31, 2025, at least 15 percent of all multi-family residential properties in the State shall be equipped with EVSE for the routine charging of plug-in electric vehicles by residents through a combination of Level One EVSE, Level Two EVSE, or charger ready parking spaces, which collectively shall serve a percentage of resident parking spaces equal to the percentage of light duty vehicles registered in the State that are plug-in electric vehicles at the end of the preceding calendar year, or the percentage of vehicles owned by residents that are plug-in electric vehicles, whichever is higher, and (b) by December 31, 2030, 30 percent of all multi-family properties shall be equipped for electric vehicle charging as described in subparagraph (a) of this paragraph;

(7) (a) By December 31, 2025, 20 percent of all franchised overnight lodging establishments shall be equipped with EVSE for routine electric vehicle charging by guests of the establishment by providing Level Two EVSE, which collectively shall serve a percentage of the guest parking spaces equal to the percentage of light duty vehicles registered in the State that are plug-in electric vehicles at the end of the preceding calendar year, and (b) by December 31, 2030, 50 percent of all franchised overnight lodging establishments shall be equipped with EVSE as described in subparagraph (a) of this paragraph;

(8) (a) By December 31, 2025, at least 25 percent of State-owned non-emergency light duty vehicles shall be plug-in electric vehicles, and (b) by December 31, 2035 and thereafter, 100 percent of State-owned non-emergency light duty vehicles shall be plug-in electric vehicles;

(9) (a) By December 31, 2024, at least 10 percent of the new bus purchases made by the New Jersey Transit Corporation shall be zero emission buses, and (b) the percentage of zero emission bus purchases shall increase to 50 percent by December 31, 2026, and 100 percent by December 31, 2032 and thereafter. Zero emission buses shall not produce any emissions at the tailpipe, and shall be prioritized for low-income, urban, or environmental justice communities; and

(10) By December 31, 2020, the department, in consultation with the board, shall establish other goals for vehicle electrification and infrastructure development that address medium-duty and heavy-duty on-road diesel vehicles and associated charging infrastructure, similar to the State goals for light duty vehicles and consistent with the technology and plug-in electric vehicle markets for those vehicle types.

b. The board and the department may, pursuant to P.L.2019, c.362 (C.48:25-1 et al.) and any other existing statutory authority, adopt policies and programs to accomplish the goals established pursuant to this section.

c. No later than December 31, 2020, and every five years thereafter, until December 31, 2040, the department, in consultation with the board, shall prepare and submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report that:

- (1) assesses the current state of the plug-in electric vehicle market in New Jersey;
- (2) measures the State's progress towards achieving the goals established in subsection a. of this section;
- (3) identifies barriers to the achievement of the goals; and
- (4) makes recommendations for legislative or regulatory action to address barriers to the achievement of the goals.

#### C.48:25-4 Light duty plug-in electric vehicle incentive program.

4. a. No later than 180 days after the effective date of P.L.2019, c.362 (C.48:25-1 et al.), the Board of Public Utilities shall establish and implement a light duty plug-in electric vehicle incentive program for the purpose of encouraging the purchase or lease of new light duty plug-in electric vehicles in the State.

b. The board shall implement the light duty plug-in electric vehicle incentive program until June 30th of the 10th year after establishment of the incentive program.

c. (1) Any incentive offered pursuant to this section shall take the form of a one-time payment to the purchaser or lessee of an eligible vehicle.

(2) For the first year an incentive is offered, the amount of the incentive shall be equal to \$25 per mile of EPA-rated electric-only range up to a maximum of \$5,000 per eligible vehicle. For each subsequent year an incentive is offered, the board may, after consideration of stakeholder input, change the amount of the incentive and the manner in which an incentive is calculated, provided that no incentive shall exceed \$5,000 per eligible vehicle. The board shall publish the amount of any incentives on its Internet website.

(3) The board may limit the number of plug-in electric vehicle incentives that it issues to a single person.

(4) The board may establish other requirements and parameters for the incentive program as it deems necessary and reasonable to further the goals of P.L.2019, c.362 (C.48:25-1 et al.).

d. The board shall monitor the disbursement of incentives under the incentive program, and annually reassess the design and implementation of the incentive program. Provided the board's action is consistent with the provisions of subsection c. of this section, the board may:

(1) revise the incentive program, any aspect of the incentives, or the related implementation procedures or processes; and

(2) develop additional incentives consistent with the goals of P.L.2019, c.362 (C.48:25-1 et al.) in order to ensure efficient and equitable electrification of transportation in the State.

e. Notwithstanding any other provision of law to the contrary, a light duty plug-in hybrid vehicle shall not qualify for an incentive under the light duty plug-in electric vehicle incentive program after December 31, 2022.

C.48:25-5 Offering of light duty plug-in electric vehicle incentive by seller, lessor.

5. a. The seller or lessor of an eligible vehicle shall offer the light duty plug-in electric vehicle incentive established pursuant to section 4 of P.L.2019, c.362 (C.48:25-4) in conjunction with, and in addition to, any other incentive offered by the seller or lessor of an eligible vehicle.

b. A seller or lessor of an eligible vehicle shall provide a purchaser or lessee the option to have the amount of the light duty plug-in electric vehicle incentive deducted from the final negotiated and agreed upon sale or lease price of the eligible vehicle, in which case the full amount of the incentive shall be passed through to the purchaser or lessee in full and payment thereof shall be effective immediately at the time of the final sale or lease and transfer of the eligible vehicle to the purchaser or lessee. The board shall establish a process for reimbursing a seller or lessor of an eligible vehicle the cost of an incentive provided by the seller or lessor pursuant to this subsection.

c. The board shall require each seller or lessor of an eligible vehicle to provide to the board, upon the final sale or lease and transfer of an eligible vehicle to a purchaser or lessee, the eligible vehicle's make, model, and battery size, and any other information as the board determines relevant.

C.48:25-6 Program to provide incentives for purchase, installation of in-home electric vehicle service equipment.

6. a. The Board of Public Utilities may establish and implement a program to provide incentives for the purchase and installation of in-home electric vehicle service equipment.

b. Any incentive program established pursuant to this section may be implemented only until June 30th of the 10th year after establishment of the program.

c. (1) Any incentive offered pursuant to this section shall take the form of a one-time payment to the person purchasing the in-home electric vehicle service equipment.

(2) The amount of the incentive offered pursuant to this section shall be determined by the board, but shall not exceed \$500 per person. Any incentive a person receives pursuant to this section shall be in addition to any incentive the person receives for the purchase or lease of a new light duty plug-in electric vehicle pursuant to sections 4 and 5 of P.L.2019, c.362 (C.48:25-4 and C.48:25-5).

(3) The board may establish other requirements and parameters for the program as it deems necessary and reasonable to further the goals of P.L.2019, c.362 (C.48:25-1 et al.).

d. The board shall monitor the disbursement of incentives under the incentive program, and annually reassess the design and implementation of the incentive program. Provided the board's action is consistent with the provisions of subsection c. of this section, the board may:

(1) revise the incentive program, any aspect of the incentives, or the related implementation procedures or processes; and

(2) in consultation with the department, develop additional incentives for electric vehicle service equipment consistent with the goals of P.L. P.L.2019, c.362 (C.48:25-1 et al.) in order to ensure efficient and equitable electrification of transportation in the State.

e. The board shall determine the form and manner of the application for, and the disbursement of, incentives pursuant to this section.

#### C.48:25-7 Plug-in Electric Vehicle Incentive Fund.

7. a. There is established in the Board of Public Utilities a special, nonlapsing fund to be known as the Plug-in Electric Vehicle Incentive Fund. The fund shall be administered by the board and shall be credited with:

- (1) moneys deposited into the fund by the board pursuant to subsection b. of this section;
- (2) moneys that are appropriated by the Legislature; and
- (3) any return on investment of moneys deposited in the fund.

b. (1) The board shall deposit into the fund, each year, \$30 million of moneys received from the societal benefits charge established pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), moneys made available to the board pursuant to the implementation of the Regional Greenhouse Gas Initiative and P.L.2007, c.340 (C.26:2C-45 et seq.), and moneys available from other funding sources, as determined by the board, to make disbursements under the light duty plug-in electric vehicle incentive program established pursuant to section 4 of P.L.2019, c.362 (C.48:25-4).

(2) The board may deposit into the fund, each year, such additional amounts from the societal benefits charge, as the board deems necessary, to make disbursement under an incentive program for in-home electric vehicle service equipment established pursuant to section 6 of P.L.2019, c.362 (C.48:25-6).

c. Moneys in the fund shall be used by the board solely for the purpose of disbursing the incentives established pursuant to sections 4 and 6 of P.L.2019, c.362 (C.48:25-4 and C.48:25-6). The board shall recover any administrative costs incurred in connection with P.L.2019, c.362 (C.48:25-1 et al.) separately from moneys received from the societal benefits charge.

d. The board shall provide no less than \$30 million in disbursements under the light duty plug-in electric vehicle incentive program established pursuant to section 4 of P.L.2019, c.362 (C.48:25-4) each year for 10 years.

C.48:25-8 Development of website.

8. The Board of Public Utilities shall develop a website, accessible by the public, that provides up-to-date information about the availability of the incentives established pursuant to sections 4 and 6 of P.L.2019, c.362 (C.48:25-4 and C.48:25-6).

C.48:25-9 Public education program.

9. No later than 180 days after the effective date of P.L.2019, c.362 (C.48:25-1 et al.), the Department of Environmental Protection shall, after consideration of stakeholder input, develop and implement a public education program to educate consumers about the availability and benefits of plug-in electric vehicles, the State goals for plug-in electric vehicle deployment established in section 3 of P.L.2019, c.362 (C.48:25-3), and the availability of incentives established pursuant to sections 4 and 6 of P.L.2019, c.362 (C.48:25-4 and C.48:25-6).

C.48:25-10 Not deemed electric public utility.

10. Unless otherwise provided in Title 48 of the Revised Statutes, or any other federal or State law, an entity owning, controlling, operating, or managing electric vehicle service equipment shall not be deemed an electric public utility solely because of such ownership, control, operation, or management. The charging of a plug-in electric vehicle shall be deemed a service and not a sale of electricity by an electric power supplier or basic generation service provider pursuant to P.L.1999, c.23 (C.48:3-49 et al.).

C.48:25-11 Rules, regulations.

11. The board may, in consultation with the department, adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of P.L.2019, c.362 (C.48:25-1 et al.).

12. Section 7 of P.L.2007, c.340 (C.26:2C-51) is amended to read as follows:

C.26:2C-51 Coordination in administration of programs; use of moneys.

7. a. The agencies administering programs established pursuant to this section shall maximize coordination in the administration of the programs to avoid overlap between the uses of the fund prescribed in this section.

b. Moneys in the fund, after appropriation annually for payment of administrative costs authorized pursuant to subsection c. of this section, shall be annually appropriated and used for the following purposes:

(1) Sixty percent shall be allocated to the New Jersey Economic Development Authority to provide grants and other forms of financial assistance to commercial, institutional, and industrial entities to support end-use energy efficiency projects and new, efficient electric generation facilities that are state of the art, as determined by the department, including but not limited to energy efficiency and renewable energy applications, to develop combined heat and power production and other high efficiency electric generation facilities, to stimulate or reward investment in the development of innovative carbon emissions abatement technologies with significant carbon emissions reduction or avoidance potential, to develop qualified offshore wind projects pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), and to provide financial assistance to manufacturers of equipment associated with qualified offshore

wind projects. The authority, in consultation with the board and the department, shall determine: (a) the appropriate level of grants or other forms of financial assistance to be awarded to individual commercial, institutional, and industrial sectors and to individual projects within each of these sectors; (b) the evaluation criteria for selecting projects to be awarded grants or other forms of financial assistance, which criteria shall include the ability of the project to result in a measurable reduction of the emission of greenhouse gases or a measurable reduction in energy demand, provided, however, that neither the development of a new combined heat and power production facility, nor an increase in the electrical and thermal output of an existing combined heat and power production facility, shall be subject to the requirement to demonstrate such a measurable reduction; and (c) the process by which grants or other forms of financial assistance can be applied for and awarded including, if applicable, the payment terms and conditions for authority investments in certain projects with commercial viability;

(2) Twenty percent shall be allocated to the board to support programs that are designed to reduce electricity demand or costs to electricity customers in the low-income and moderate-income residential sector with a focus on urban areas, including efforts to address heat island effect and reduce impacts on ratepayers attributable to the implementation of P.L.2007, c.340 (C.26:2C-45 et al.) or to support the light duty plug-in electric vehicle incentive program and the incentive program for in-home electric vehicle service equipment established pursuant to sections 4 and 6 of P.L.2019, c.362 (C.48:25-4 and C.48:25-6). For the purposes of this paragraph, the board, in consultation with the authority and the department, shall determine the types of programs to be supported and the mechanism by which to quantify benefits to ensure that the supported programs result in a measurable reduction in energy demand or accomplishment of the plug-in electric vehicle goals established pursuant to section 3 of P.L.2019, c.362 (C.48:25-3);

(3) Ten percent shall be allocated to the department to support programs designed to promote local government efforts to plan, develop and implement measures to reduce greenhouse gas emissions, including but not limited to technical assistance to local governments, and the awarding of grants and other forms of assistance to local governments to conduct and implement energy efficiency, renewable energy, and distributed energy programs and land use planning where the grant or assistance results in a measurable reduction of the emission of greenhouse gases or a measurable reduction in energy demand. For the purpose of conducting any program pursuant to this paragraph, the department, in consultation with the authority and the board, shall determine: (a) the appropriate level of grants or other forms of financial assistance to be awarded to local governments; (b) the evaluation criteria for selecting projects to be awarded grants or other forms of financial assistance; (c) the process by which grants or other forms of financial assistance can be applied for and awarded; and (d) a mechanism by which to quantify benefits; and

(4) Ten percent shall be allocated to the department to support programs that enhance the stewardship and restoration of the State's forests and tidal marshes that provide important opportunities to sequester or reduce greenhouse gases.

c. (1) The department may use up to four percent of the total amount in the fund each year to pay for administrative costs justifiable and approved in the annual budget process, incurred by the department in administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in administering programs to reduce the emissions of greenhouse gases including any obligations that may arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-55).



(2) The board may use up to two percent of the total amount in the fund each year to pay for administrative costs justifiable and approved in the annual budget process, incurred by the board in administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in administering programs to reduce the emissions of greenhouse gases including any obligations that may arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-55).

(3) The New Jersey Economic Development Authority may use up to two percent of the total amount in the fund each year to pay for administrative costs justifiable and approved in the annual budget process, incurred by the authority in administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in administering programs to reduce the emissions of greenhouse gases.

d. The State Comptroller shall conduct or supervise independent audit and fiscal oversight functions of the fund and its uses.

13. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read as follows:

C.48:3-60 Societal benefits charge by public utility; “Universal Service Fund.”

12. a. Simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53), the board shall permit each electric public utility and gas public utility to recover some or all of the following costs through a societal benefits charge that shall be collected as a non-bypassable charge imposed on all electric public utility customers and gas public utility customers, as appropriate:

(1) The costs for the social programs for which rate recovery was approved by the board prior to April 30, 1997. For the purpose of establishing initial unbundled rates pursuant to section 4 of P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall be set to recover the same level of social program costs as is being collected in the bundled rates of the electric public utility on the effective date of P.L.1999, c.23 (C.48:3-49 et al.). The board may subsequently order, pursuant to its rules and regulations, an increase or decrease in the societal benefits charge to reflect changes in the costs to the utility of administering existing social programs. Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to abolish or change any social program required by statute or board order or rule or regulation to be provided by an electric public utility. Any such social program shall continue to be provided by the utility until otherwise provided by law, unless the board determines that it is no longer appropriate for the electric public utility to provide the program, or the board chooses to modify the program;

(2) Nuclear plant decommissioning costs;

(3) The costs of demand side management programs that were approved by the board pursuant to its demand side management regulations prior to April 30, 1997. For the purpose of establishing initial unbundled rates pursuant to section 4 of P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall be set to recover the same level of demand side management program costs as is being collected in the bundled rates of the electric public utility on the effective date of P.L.1999, c.23 (C.48:3-49 et al.). Within four months of the effective date of P.L.1999, c.23 (C.48:3-49 et al.), and every four years thereafter, the board shall initiate a proceeding and cause to be undertaken a comprehensive resource analysis of energy programs, and within eight months of initiating such proceeding and after notice, provision of the opportunity for public comment, and public hearing, the board, in consultation with the Department of Environmental Protection, shall determine the

appropriate level of funding for energy efficiency , plug-in electric vehicles and plug-in electric vehicle charging infrastructure, and Class I renewable energy programs that provide environmental benefits above and beyond those provided by standard offer or similar programs in effect as of the effective date of P.L.1999, c.23 (C.48:3-49 et al.); provided that the funding for such programs be no less than 50 percent of the total Statewide amount being collected in electric and gas public utility rates for demand side management programs on the effective date of P.L.1999, c.23 (C.48:3-49 et al.) for an initial period of four years from the issuance of the first comprehensive resource analysis following the effective date of P.L.1999, c.23 (C.48:3-49 et al.), and provided that 25 percent of this amount shall be used to provide funding for Class I renewable energy projects in the State. In each of the following fifth through eighth years, the Statewide funding for such programs shall be no less than 50 percent of the total Statewide amount being collected in electric and gas public utility rates for demand side management programs on the effective date of P.L.1999, c.23 (C.48:3-49 et al.), except that as additional funds are made available as a result of the expiration of past standard offer or similar commitments, the minimum amount of funding for such programs shall increase by an additional amount equal to 50 percent of the additional funds made available, until the minimum amount of funding dedicated to such programs reaches \$140,000,000 total. After the eighth year the board shall make a determination as to the appropriate level of funding for these programs. Such programs shall include a program to provide financial incentives for the installation of Class I renewable energy projects in the State, and the board, in consultation with the Department of Environmental Protection, shall determine the level and total amount of such incentives as well as the renewable technologies eligible for such incentives which shall include, at a minimum, photovoltaic, wind, and fuel cells. The board shall simultaneously determine, as a result of the comprehensive resource analysis, the programs to be funded by the societal benefits charge, the level of cost recovery and performance incentives for old and new programs and whether the recovery of demand side management programs' costs currently approved by the board may be reduced or extended over a longer period of time. The board shall make these determinations taking into consideration existing market barriers and environmental benefits, with the objective of transforming markets, capturing lost opportunities, making energy services more affordable for low income customers and eliminating subsidies for programs that can be delivered in the marketplace without electric public utility and gas public utility customer funding;

(4) Manufactured gas plant remediation costs, which shall be determined initially in a manner consistent with mechanisms in the remediation adjustment clauses for the electric public utility and gas public utility adopted by the board; and

(5) The cost, of consumer education, as determined by the board, which shall be in an amount that, together with the consumer education surcharge imposed on electric power supplier license fees pursuant to subsection h. of section 29 of P.L.1999, c.23 (C.48:3-30) and the consumer education surcharge imposed on gas supplier license fees pursuant to subsection g. of section 30 of P.L.1999, c.23 (C.48:3-79), shall be sufficient to fund the consumer education program established pursuant to section 36 of P.L.1999, c.23 (C.48:3-85).

b. There is established in the Board of Public Utilities a nonlapsing fund to be known as the "Universal Service Fund." The board shall determine: the level of funding and the appropriate administration of the fund; the purposes and programs to be funded with monies from the fund; which social programs shall be provided by an electric public utility as part of

the provision of its regulated services which provide a public benefit; whether the funds appropriated to fund the "Lifeline Credit Program" established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants' Lifeline Assistance Program" established pursuant to P.L.1981, c.210 (C.48:2-29.31 et seq.), the funds received pursuant to the Low Income Home Energy Assistance Program established pursuant to 42 U.S.C. s.8621 et seq., and funds collected by electric and natural gas utilities, as authorized by the board, to offset uncollectible electricity and natural gas bills should be deposited in the fund; and whether new charges should be imposed to fund new or expanded social programs.

14. This act shall take effect immediately.

Approved January 17, 2020.