

RESOLUTION NO. 2022-161

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ATTORNEY TO TAKE ANY AND ALL NECESSARY ACTION TO INITIATE A FORMAL COMPLAINT TO THE BOARD OF PUBLIC UTILITIES REGARDING STREET LIGHT TARIFFS AND EQUIPMENT UPGRADES

WHEREAS, the Township wishes to explore options to reduce fossil fuel emissions and develop environmentally sustainable programs relating to the provision of electricity to the Township, so as maximize cost savings to ratepayers in the Township and improve energy efficiency; and

WHEREAS, the Township is served by Atlantic City Electric (“ACE”) which provides electricity and specifically, streetlighting services pursuant to its Tariff for Services, which must be approved by the New Jersey Board of Public Utilities (“BPU”) ; and

WHEREAS, the Township currently has a number of streetlights in need of replacement to newer, more energy efficient LED fixtures, and

WHEREAS, these existing streetlights are currently assessed at an SPL Tariff, a tariff which is paid to ACE currently in perpetuity, despite the fact that decades of payments have more than paid for the capital costs incurred by ACE to install said streetlights; and

WHEREAS, the Township also wishes to explore solar panels and solar energy, but the current infrastructure would need to be upgraded and a substation constructed by ACE, to which ACE has declined to build; and

WHEREAS, in addition to the need of a substation, the Township also needs ACE to replace outdated equipment within the existing infrastructure, including but not limited to transformers, and ACE has not made a commitment to the Township to address these issues; and

WHEREAS, the Township has had extensive discussions with ACE and also conferenced with the BPU in an attempt to proceed with its desire to develop more energy efficient programs, including LED streetlight replacement and solar panels; and

WHEREAS, the BPU has advised that it will not mandate ACE to construct a new substation or assess a CSL Tariff as to LED streetlights, without a formal complaint to protest rates; and

WHEREAS, since informal discussions have failed to resolve the Tariff issues and the construction of a new substation, the Township wishes to authorize the Township Attorney to take any and all action to initiate a formal complaint to the BPU as to the assessment of SPL Tariff versus CSL Tariff regarding the LED streetlight replacement and the failure of ACE to upgrade the infrastructure providing electricity to the Township.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

1. That the Township Attorney is authorized to take any and all action to initiate a formal complaint to the BPU as to the assessment of SPL Tariff versus CSL Tariff regarding the LED streetlight replacement and the failure of ACE to upgrade the infrastructure, such as replacing outdated equipment or

constructing needed substations to better provide electric service to the Township.

2. This resolution shall take effect immediately.
3. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Township Administrator, New Jersey Board of Public Utilities, Atlantic City Electric, New Jersey 9th Legislative District and Congressman Jeff Van Drew of the 2nd Congressional District.

CERTIFICATION

I, **SUSAN M. FARRELL, RMC**, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **9th day of June, 2022**.



SUSAN M. FARRELL, RMC
Deputy Township Clerk
Little Egg Harbor Township