ASSEMBLY RESOLUTION No. 154

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 17, 2026

Sponsored by:
Assemblyman ALEX SAUICKIE
District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:
Assemblywoman Fantasia

SYNOPSIS

Authorizes Assembly Telecommunications and Utilities Committee to enter upon investigation or inquiry into BPU's and DEP's efforts to comply with certain provisions of P.L.2007, c.340 requiring development of plan for ratepayer relief; grants committee subpoena power.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 9/24/2026)

AN ASSEMBLY RESOLUTION authorizing the Assembly Telecommunications and Utilities Committee to enter upon an investigation or inquiry into the Board of Public Utilities' and the Department of Environmental Protection's efforts to comply with section 14 of P.L.2007, c.340 (C.26:2C-56).

WHEREAS, The Regional Greenhouse Gas Initiative (RGGI) is a cooperative effort among several states, including New Jersey, to reduce carbon dioxide emissions from certain power plants in each participating state; and

WHEREAS, To reduce emissions, RGGI operates as a cap-and-invest program, establishing an enforceable regional limit on carbon emissions and selling pollution permits, commonly referred to as allowances, up to the agreed upon limit through quarterly auctions; and

WHEREAS, The clearing price for allowances has steadily risen over the past few years, resulting in a record-high price of $35 per allowance at the most recent quarterly auction held on June 3, 2026; and

WHEREAS, Though initially paid by power plants, the clearing price is indirectly passed through to electric public utility customers as part of the cost of wholesale electricity supply; and

WHEREAS, The increased cost of compliance with RGGI compounds the overall rapid rise in the cost of electricity, worsening the burden borne by ratepayers in states participating in RGGI; and

WHEREAS, In New Jersey, in 2025, the Board of Public Utilities (BPU) reported an increase of between 17.23 percent and 20.20 percent in electric public utility rates within the State due to rising capacity and supply costs; and

WHEREAS, Governor Sherrill has signed two executive orders addressing rising electric public utility rates, underscoring the severity of the energy affordability crisis in New Jersey and its impact on the State's ratepayers; and

WHEREAS, Section 14 of P.L.2007, c.340 (C.26:2C-56) requires, if the allowance price at two consecutive regional auctions in which New Jersey is a participant exceeds $7 per allowance, the BPU and the Department of Environmental Protection (DEP) to develop an action plan for immediate ratepayer relief and to hold a joint public hearing or hearings regarding the allowance price within 90 days after the second auction; and

WHEREAS, According to auction prices published by RGGI, Inc., the price per allowances first exceeded $7 in Auction 50 on December 2, 2020 and has remained above the $7 threshold in all 22 auctions held since then; and

WHEREAS, While the BPU and the DEP announced on August 7, 2026 their intention to hold a joint hearing to discuss allowance prices and to present a ratepayer relief action plan, it is unclear why neither the BPU nor the DEP held a joint hearing or released an

action plan after Auction 51, the second consecutive regional auction in which the price per allowance exceeded the $7 threshold, in accordance with the provisions of current law; and

WHEREAS, To ensure the observance of State laws and safeguard the interests of New Jersey ratepayers, it is necessary and altogether fitting and proper for the General Assembly to investigate the BPU's and the DEP's efforts to comply with section 14 of P.L.2007, c.340 (C.26:2C-56); now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. The Assembly Telecommunications and Utilities Committee may enter upon an investigation or inquiry into the Board of Public Utilities' and the Department of Environmental Protection's efforts to comply with section 14 of P.L.2007, c.340 (C.26:2C-56).

2. For the purpose of carrying out an investigation or inquiry under this resolution, the Assembly Telecommunications and Utilities Committee shall have all the powers conferred under the laws and the Constitution of the State of New Jersey and the United States, including those powers conferred pursuant to chapter 13 of Title 52 of the Revised Statutes, which shall include, but not be limited to, the power to issue subpoenas to compel the attendance and testimony of persons and the production of books, papers, correspondence, and other documents.

3. For the purpose of carrying out an investigation or inquiry under this resolution, the committee shall be entitled to call to its assistance and avail itself of the services of the employees of the State of New Jersey, any political subdivision of the State, and any agency thereof, as may be required and as may be available for that purpose, and to employ any other services, as may be deemed necessary, in performance of the powers provided herein and within the limits of funds appropriated or otherwise made available for that purpose.

4. This resolution shall take effect immediately.

STATEMENT

This resolution authorizes the Assembly Telecommunications and Utilities Committee to enter upon an investigation or inquiry into the efforts of the Board of Public Utilities (BPU) and the Department of Environmental Protection (DEP) to comply with the provisions of N.J.S.A.26:2C-56. The resolution grants the

committee the power to issue subpoenas to compel the attendance and testimony of witnesses and the production of documents.

The Regional Greenhouse Gas Initiative (RGGI) operates as a cap-and-invest program, establishing an enforceable regional limit on carbon emissions and selling pollution permits, commonly referred to as allowances, up to the agreed upon limit through quarterly auctions. If the allowance price at two consecutive regional auctions in which New Jersey is a participant exceeds $7 per allowance, N.J.S.A.26:2C-56 requires the BPU and the DEP to develop an action plan for immediate ratepayer relief and to hold a joint public hearing or hearings regarding the RGGI allowance price within 90 days after the second auction. However, neither the BPU nor the DEP appear to have held a joint hearing or released an action plan after Auction 51, the second consecutive regional auction in which the price per allowance exceeded the $7 threshold.

It is the sponsor's belief that the BPU's and the DEP's announcement on August 7, 2026 that the agencies intend to hold a joint hearing on allowance prices and present an action plan on ratepayer relief was due to the sponsor's inquiry for information on whether the BPU and the DEP had, as required by N.J.S.A.26:2C-56, held a joint public hearing or developed an action plan for immediate ratepayer relief. With this legislation, the sponsor intends to safeguard the interests of New Jersey ratepayers by investigating the BPU's and the DEP's delayed compliance with N.J.S.A.26:2C-56.