

A 5188 -- Redline

Amended to Amended -- "Advanced Grid Technologies Act"; requires State oversight of supplemental projects and establishes expedited review for projects utilizing advanced transmission technologies.*

Deletions ~~struck~~ · Insertions underlined

A5188 ~~1R2R~~ [First[Second Reprint] ASSEMBLY, No.

MILLER District 4 (Atlantic, Camden and Gloucester) Assemblyman ALEXANDER "AVI" SCHNALL District 30 (Monmouth and Ocean) ~~Assemblyman CHIGOZIE U. SYNOPSIS "Advanced Grid Technologies Act"; requires~~ ONYEMA State District oversight ~~28 of (Essex supplemental and transmission Union) projects~~ Senator and ANDREW establishes ZWICKER expedited District review ~~16 for (Hunterdon, projects Mercer, utilizing Middlesex advanced and transmission Somerset) or Senator distribution~~ BRITNEE technologies. N. TIMBERLAKE CURRENT District VERSION ~~34 OF (Essex) TEXT Co-Sponsored As by: reported by the Assembly Telecommunications and Utilities Committee on June 4, 2026, with amendments.~~

Assemblywoman Bagolie, Assemblymen Kearney, Bhalla, Macurdy and Senator McKnight SYNOPSIS "Advanced Grid Technologies Act";

requires State oversight of supplemental projects and establishes expedited review for projects utilizing advanced transmission technologies.

CURRENT VERSION OF TEXT As reported by the Assembly State and Local Government Committee on June 23, 2026, with amendments.

1. This act shall be known and may be cited as the "Advanced Grid Technologies Act." 2. The Legislature finds and declares that: ~~a. a.~~ a. a. Electric transmission facilities serving New Jersey customers face unprecedented demands from rising load growth, lengthy interconnection queues, and the continuous need to provide adequate, reliable, and efficient electric service to customers; ~~c. c.~~ c. c. Advanced transmission technologies, including grid-enhancing technologies and high-performance conductors, have 2in certain instances2 demonstrated significant consumer savings, reliability improvements, and capacity gains in deployments within the United States and internationally, often with benefit-to-cost ratios substantially exceeding those of traditional transmission alternatives;

d. ~~Advanced2[Advanced~~ distribution technologies, including distribution automation, advanced inverters, distributed energy resource management systems, and grid-services-capable storage, are essential to integrating distributed energy resources, electrifying buildings and transportation, and maintaining reliable distribution service despite evolving load patterns;

~~e. e.~~ e. e. 12 Electric public utilities undertake transmission projects to supplement2[supplement projects] address local transmission upgrades outside the regional transmission planning process reviewed and2 approved by PJM Interconnection, L.L.C.

(PJM) for regional reliability, operational performance, or economic purposes. These projects are commonly referred to as supplemental projects in PJM's Attachment M-3 process and have historically received limited 2to no2 oversight from PJM and ~~state2[state] State2~~ regulatory authorities, even though costs for these supplemental projects are passed through to utility customers;

~~f. 2[f.] e.2~~ f. 2[f.] e.2 Often, ~~cost-of-service2[cost-of-service~~ ratemaking, as traditionally ~~applied, applied,] the use of formula rates at FERC2~~ fails to effectively incentivize electric public utilities to adopt advanced transmission technologies ~~and2[and~~ advanced distribution ~~technologies. technologies]2.~~ However, regulatory mechanisms that align utility financial interests with consumer savings could successfully incentivize such adoption;

~~g. 2[g.] f.2~~ g. 2[g.] f.2 For more than a century, state regulatory authorities have exercised authority over the construction of electric transmission facilities through certificates of public convenience and necessity. Moreover, FERC has acknowledged 1[that authorizing supplemental projects undertaken pursuant to] the consultative role of state regulatory authorities in1 PJM's Attachment M-3 process 1[is a function of state regulatory authorities]1;

and ~~h. 2[h.] g.2~~ h. 2[h.] g.2 It is therefore in the public interest for New Jersey to establish a process for issuing certificates of public convenience and necessity for supplemental ~~transmission2[transmission]2~~ projects undertaken by electric public utilities in the State, which process shall require meaningful consideration of 2cost-effective2 advanced transmission technologies ~~and2[and~~ advanced distribution ~~technologies. technologies]2~~ and provide for expedited review where such technologies are deployed 2in a cost-effective manner in order2 to meet applicable grid performance benchmarks.

~~"Advanced2["Advanced~~ distribution technologies" or "ADTs" means: (1) software or hardware technologies that increase the capacity, efficiency, reliability, visibility, or safety of an existing or new electric distribution system, including distribution automation, advanced inverters, distributed energy resource management systems, distribution-sited energy storage deployed for grid-services purposes, including behind-the-meter energy storage systems and front-of-the-meter energy storage systems, and

substation upgrades that facilitate aggregated power export, including virtual power plant integration and reverse power flow protection;

and (2) other technologies designed to support the integration of distributed energy resources or to increase the capacity, efficiency, reliability, visibility, or safety of an existing or new electric distribution ~~system.~~^{system.12} "Advanced power flow control technology" means 1[any software or hardware technology used to push or pull electric power in a manner that balances overloaded lines and underutilized corridors within the electric distribution system or electric transmission system] power electronic-based devices that: (1) actively change how power flows through the transmission system without changing generator dispatch or network topology;

~~"Advanced power flow control technology" means 1[any software or hardware technology used to push or pull electric power in a manner that balances overloaded lines and underutilized corridors within the electric distribution system or electric transmission system] power electronic-based devices that: (1) actively change how power flows through the transmission system without changing generator dispatch or network topology;~~

"Cost-effective" or "cost-effectiveness" means that a supplemental ~~transmission2[transmission]2~~ project or component thereof produces benefits that justify its costs when evaluated on a life-cycle basis over the useful life of the investment, which benefits include, but are not limited to, reductions of both central and distributed generation interconnection, reduced line losses, reduced curtailment, 1[and]1 reduced transmission congestion 1, reductions in energy or capacity prices, and reliability and resilience improvements1. However, "cost-effectiveness" shall not be determined solely based on nominal capital costs.

"Grid performance benchmarks" means grid performance standards, benchmarks, and planning criteria identified by the board 2after a public proceeding2 pursuant to section 1[8] 71 of P.L. , c. (C.) (pending before the Legislature as this bill).

1"NERC" means the North American Electric Reliability Corporation.1 "PJM Interconnection, L.L.C." or "PJM" means the same as the term is defined in section 3 of P.L.1999, c.23 ~~(C.48:3-51).~~(C.48:3-51) 2or any successor entity2.

"Supplemental ~~transmission2[transmission]2~~ project" or "project" means a project ~~undertaken2[undertaken]~~ by an electric public utility 1, pursuant to PJM's Attachment M-3 ~~process, 1process, 1] planned by a transmission owner through the PJM local transmission owner planning process under Attachment M-3 of PJM's Open Access Transmission Tariff or any successor tariff provision2~~ to: (1) construct a new transmission line of a design capacity of 100 kilovolts or more, whether overhead or underground, including submarine cable, and a length of one mile or more, including associated equipment ~~1included2[1included]~~ in or directly associated with the M-3 presentation to ~~PJM1PJM1] +such as substations2;~~

or (2) 2expand, enhance, rebuild, replace, or2 modify an existing transmission line of a design capacity of 100 kilovolts or more, whether overhead or underground, including submarine ~~cable, cable 2and associated equipment such as substations2.~~ "Supplemental ~~transmission2[transmission]2~~ project" does not include 1:

(1)1 a ~~1regional12[1regional1]2~~ project, or discrete component of a project, that has been deemed necessary and approved by the PJM Board of Managers to comply with PJM system reliability, operational performance, ~~or2[or economic criteria]criteria~~ market efficiency, or public policy needs2 1;

4. a. Prior to constructing a supplemental ~~transmission2[transmission]2~~ project in this State, an electric public utility shall apply to the Board of Public Utilities for a certificate of public convenience and necessity. The utility shall include in its application for a certificate to the board: ~~(1)-(1)~~ any information the board deems necessary to review the application; ~~(2)-(2)~~ an explanation of whether the supplemental ~~transmission2[transmission]2~~ project will deploy advanced transmission technologies, either in addition to or in lieu of traditional transmission investments, 2the cost effectiveness of the deployment of such technologies, 2 and the benefits thereof, including a demonstration that the project will meet the applicable grid performance benchmarks established by the board pursuant to section 1[8] 71 of P.L. , c. (C.) (pending before the Legislature as this bill);

~~(3)-(3)~~ if an electric public utility decides not to deploy ATTs in the project in a material manner, as determined by the board, a justification for that decision and a third-party analysis of the cost-effectiveness of the ~~project. project 2[.] as compared to the deployment of ATTs2~~ 1[However, an electric public utility shall not recover through any component of the rates charged to its customers any costs related to the third-party analysis]1;

~~(4)-(4)~~ a request for review under section 5 or 6 of P.L. , c. (C.) or C.) (pending before the Legislature as this bill);

and ~~(5)-(5)~~ for applications processed under section 625 or2 of P.L. , c. (C.) (pending before the Legislature as this bill), an application fee 1, which fee shall be recoverable through rates,1 in an amount to be determined by the board to cover the cost of the board's review. of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill) are

satisfied. All other applications shall be reviewed under the provisions of section 6 of P.L. , c. (C.) (pending before the Legislature as this bill). 1[The board's determination under this subsection shall not be subject to interlocutory appeal but may be reviewed upon a final agency decision to issue a certificate pursuant to the board's review under section 5 or 6 of P.L. , c. (C. or C.) (pending before the Legislature as this bill).]1 ~~e. c.~~ The board shall permit the public to participate in, and have access to, the electric public utility's application submitted pursuant to subsection a.

of this section be confidential and not be made publicly ~~available, available~~ The2[. The1, and the2 request shall be subject to approval by the ~~board, board.~~ 2However, the Division of Rate Counsel and the PJM Independent Market Monitor shall have access to any material deemed confidential, as approved by the board pursuant to this subsection, provided the division and the market monitor are subject to a non-disclosure agreement.2 d. 2[1An] To the extent applicable, an1 electric public utility may deploy ATTs at a location outside the State, undertaken by the utility or a neighboring electric public utility, pursuant to a reciprocity or other appropriate agreement, in addition to or in lieu of traditional transmission investments for the purpose of satisfying the requirements of subsection a.

~~d. 1[An] To the extent applicable, an1 electric public utility may deploy ATTs at a location outside the State, undertaken by the utility or a neighboring electric public utility, pursuant to a reciprocity or other appropriate agreement, in addition to or in lieu of traditional transmission investments for the purpose of satisfying the requirements of subsection a.~~

~~e. e.~~ 1[If] To the extent applicable, if1 any component of a project is located outside of the State, the board shall review the project, under either section 5 or 6 of P.L. , c. (C. or C.) (pending before the Legislature as this bill), to determine whether the project in its totality satisfies the applicable requirements of section 5 or 6 of P.L. , c. (C. or C.) (pending before the Legislature as this bill), as applicable, and whether the costs associated with the component located outside the State may be recovered from the electric public utility's customers in the State. Approval by the board under section 5 or 6 of P.L. , c. (C. or C.) (pending before the Legislature as this bill) shall not exempt the electric public utility or a neighboring electric public utility from obtaining authorization from the jurisdiction in which the component of the project is located.

~~f. f.]2~~ An electric public utility shall not apply for a certificate pursuant to this section until PJM has completed its review of the project under Attachment M-3 of the PJM Open Access Transmission Tariff. An application under this section shall include, as an exhibit, the complete record of the PJM Attachment M-3 process.

5. a. The Board of Public Utilities shall approve an application for a certificate of public convenience and necessity submitted by an electric public utility pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) if the board finds that: ~~(1)-(1)~~ the supplemental transmission2[transmission]2 project meets the applicable grid performance benchmarks established by the board pursuant to section 1[8] 71 of P.L. , c. (C.) (pending before the Legislature as this bill) through the proposed deployment of advanced transmission technologies;

~~or2for~~ the utility is concurrently deploying advanced distribution technologies of a scope and at a scale reasonably commensurate with the project that meets the grid performance benchmarks applicable to ADTs and that the ADTs address an identified distribution-system reliability constraint, distributed energy resource integration limitation, or load management need within the service area affected by 1any distribution component of1 the project, as supported by 1[substantial] the preponderance of the1 evidence in the utility's application;2 (2) the utility can efficiently manage and supervise the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction;

and (2)-(3) the utility can efficiently finance manage the and proposed supervise construction without significant adverse financial consequences for the construction utility processor and its has customers taken2[1and, sufficient with action respect to ensure distribution adequate capital and spending, efficient the construction financing and is supervisory aligned of with the construction; most recent approved distribution capital structure]2.

~~and (3)-b. the2[An] utilityAs canpart financeof thethe2 proposed application construction satisfying without significant adverse financial consequences for the utility requirements or in its paragraph customers(1) 1and, of with subsection respect a. to distribution capital spending, the financing is aligned with the most recent approved distribution capital structure1.~~

of b. this An section application2, satisfying the utility2 shall 2[be presumed to constitute a reasonable and cost-effective means of meeting the requirements in of paragraph P.L. , (1)c. (C.) (pending before the Legislature as this bill),] present a cost-effectiveness analysis, which shall be2 subject to rebuttal by a party to the proceeding 2[upon a showing of subsection clear a-and convincing evidence] . As part of the approval process for a certificate under this section, the board shall make a finding as to any disputed cost-effectiveness analysis2. The board may condition its approval of a certificate under this section on changes to the utility's application that the board deems to be in the public interest.

of this section. The board shall ~~be issued~~ presume an order ~~constitute~~ with its reasonable determination and regarding ~~cost-effective~~ an application ~~for meeting~~ the certificate requirements submitted pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill), ~~bill~~ subject and to reviewed ~~rebuttal~~ under by this a section ~~partly~~ no later ~~than proceeding~~ 1[90] 1201 ~~adays~~ showing ~~after of the clear~~ submission and of convincing a evidence, ~~completed~~ application. The board may ~~condition~~ extend its this approval period ~~of by an~~ certificate ~~additional~~ under period this not section to ~~on exceed~~ changes 30 ~~today~~ the upon ~~utility's~~ a ~~application~~ specific that finding, made on the board record, deems that to an ~~be~~ extension in will serve the public interest.

~~c. 1d.~~ Nothing in this section shall authorize the board to conduct a siting review of the supplemental 2[transmission]2 project. The board shall ~~issue not an consider~~ order the with ~~environmental~~ its impacts of the project in the board's determination ~~regarding~~ under this section.1 6. a. The Board of Public Utilities shall, after notice and hearing, approve an electric public utility's application for a certificate of public convenience and necessity submitted pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) ~~and that reviewed has under not~~ this been section approved ~~no pursuant later to than~~ section 1[90]5 1201 ~~of days~~ P.L. , c. (C.) ~~(pending after before the submission~~ Legislature of as at this completed ~~bill) application.~~ if The ~~the board~~ may finds extend that: this period(1) by the an supplemental additional 2[transmission]2 period project ~~not is necessary to exceed~~ provide 30 safe, days adequate, upon and a reliable specific service finding, to ~~made the on~~ utility's the customers record, and that is an a extension ~~reasonable will and serve~~ cost-effective ~~the means public of interest.~~ satisfying those service needs;

~~2[or 1d. that Nothing in this section shall authorize the board project to is conduct a siting reasonable~~ review and of cost-effective the means supplemental transmission project. The board shall ~~not consider the~~ environmental impacts of the promoting project in the board's development determination under this ~~section.1 6. a.~~ The Board of Public Utilities shall, after notice and hearing, approve an ~~electric public utility's application for a certificate~~ competitive of electricity public market ~~convenience and necessity submitted pursuant to section 4 of P.L. , c. (C.) (pending~~ before the Legislature as this bill) that has operates not efficiently been and approved is pursuant equitable ~~to section all 5 customers; 12 of P.L. , c. (C.) (pending(2) before the~~ Legislature utility as can this efficiently bill) manage if and the supervise ~~board finds that: (1) the~~ supplemental construction transmission process project and is has necessary taken to sufficient provide action ~~safe, adequate, and reliable service to the ensure utility's adequate customers and is efficient~~ a construction reasonable and cost-effective supervision means of satisfying the those construction; service ~~needs;~~

~~or and that (3) the project utility is can a finance reasonable the and proposed cost-~~ effective construction means without of significant promoting adverse financial consequences for the ~~development utility of or its competitive customers electricity 2[and, market with that respect operate to~~ efficiently distribution and capital spending, the financing is equitable aligned to with all the ~~customers; most recent approved distribution capital structure 12.~~

~~(2) the utility can efficiently manage and supervise the construction process and has taken sufficient~~ action to ensure adequate and efficient construction and supervision of the construction;

~~and (3) the utility can finance the proposed construction without significant adverse financial~~ consequences for the utility or its customers 1and, with respect to distribution capital spending, the ~~financing is aligned with the most recent approved distribution capital structure 1.~~

of this section, the board shall consider whether, and to what extent, the project: ~~(1)-(1)~~ (1)-(1) reduces energy and capacity prices for customers in the State, including the potential to reduce future price increases or price volatility;

~~(2)-(2)~~ (2)-(2) enhances the reliability and resilience of the 1[bulk power system, considering any reliability determination from PJM] utility's transmission or distribution system 1;

~~(3)-(3)~~ (3)-(3) facilitates the connection of new load or generation resources to the electric grid;

~~(4)-(4)~~ (4)-(4) provides benefits to customers in the State, including, but not limited to, reduced line losses, reduced curtailment of energy generation resources, and reduced transmission congestion;

and ~~(5)-(5)~~ (5)-(5) is supported by 1[substantial] the preponderance of the 1 evidence in the utility's justification submitted pursuant to paragraph (3) of subsection a.

~~c. c.~~ The board shall issue an order with its determination regarding an application for a certificate submitted pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) and reviewed under this section no later than 180 days after the submission of a completed application. The board may extend this period by an additional period not to exceed 90 days. The board may condition its approval of a certificate under this section on changes to the utility's application that the board deems to be in the public interest.

1d. The board shall confine its review of a supplemental ~~transmission 2[transmission]2~~ project under this section to the enumerated criteria in subsections a.

a. The Board of Public Utilities may establish, by rule or order, mechanisms for cost recovery or

deployment incentives applicable to the deployment of advanced transmission technologies and advanced distribution technologies undertaken by electric public utilities pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), which mechanisms may include, but shall not be limited to: ~~(1)-(1)~~ recovery of prudently-incurred costs through base rates or a separate tariff rider;

~~(2)-(2)~~ shared-savings mechanisms under which the utility retains a defined percentage of verified net benefits produced by the deployment of ATTs or ADTs, including, but not limited to, benefits in the form of reduced congestion costs, increased transfer capability, or deferred or avoided traditional transmission or distribution investment, improved distribution-system reliability, or reduced costs of integrating distributed energy resources;

and ~~(3)-(3)~~ performance-based incentives that are tied to measurable metrics, including congestion reduction, capacity gains, line-loss reduction, distribution-system improvements, or compliance with the applicable grid performance benchmarks established by the board pursuant to section 8 of P.L. , c. (C.) (pending before the Legislature as this bill) and that are proportional to the amount of savings realized by ratepayers.

~~(1)-(1)~~ benefits are verified using methodologies that draw upon industry consensus standards and federal guidance, including, as appropriate, cost-benefit methodologies adopted by the Federal Energy Regulatory Commission or PJM;

~~(2)-(2)~~ the mechanism is designed to align utility financial incentives with the interests of electric public utility customers in New Jersey;

and ~~(3)-(3)~~ the mechanism does not result in double recovery of the same costs or benefits through the State's retail rates and any Federal Energy Regulatory Commission jurisdictional transmission rates.]1 1[8.] 7.1 The Board of Public Utilities shall establish, and review and update at least once every three years, grid performance benchmarks that incorporate federal guidance and industry consensus standards, including, but not limited to, planning requirements adopted by the Federal Energy Regulatory Commission pursuant to Order No.

1920 and any modifications thereto, reliability standards of the North American Electric Reliability Corporation, and benchmarks published by the United States Department of Energy, including the National Transmission Planning Study. 2While establishing the grid performance benchmarks, the board shall conduct stakeholder meetings and provide an opportunity to submit written comments in response to the formation of such benchmarks and to any related straw proposals from the board.2 The grid performance benchmarks established by this section shall include, at a minimum, criteria addressing: compliance with applicable reliability standards of 1[the North American Electric Reliability Corporation] NERC1 or the applicable distribution-system reliability standards adopted by the board; The grid performance benchmarks established by this section shall include, at a minimum, criteria addressing: compliance with applicable reliability standards of 1[the North American Electric Reliability Corporation] NERC1 or the applicable distribution-system reliability standards adopted by the board;

demonstrated cost-effectiveness over2[over a defined planning horizon;horizon] when evaluated on a life-cycle basis over the useful life of the investment2;

The2[The board shall identify which grid performance benchmarks apply to advanced transmission technologies and which apply to advanced distribution technologies.]2 1Nothing in this section shall conflict with federally-established grid performance benchmarks, including NERC Reliability Standards.

Nothing 1Nothing in this section shall conflict affect FERC's jurisdiction over the planning of electric transmission facilities.1 1[9.] 8.1 a. Within 270 days after the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill), and notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Board of Public Utilities shall, immediately upon filing proper notice with federally-establishedthe gridOffice performanceof benchmarks, Administrative Law, adopt rules and regulations as may be necessary for the implementation of P.L. , c. (C.) (pending before the Legislature as this bill), including, but not limited to, rules and regulations: (1) establishing a process through which electric public utilities shall apply for a certificate pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) 1, including NERCcategories Reliabilityof Standards-information that an electric public utility is required to submit pursuant to paragraph (1) of subsection a.

Nothing in this section shall affect FERC's jurisdiction over the planning of electric transmission facilities.1 1[9.] 8.1 a. Within 270 days after the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill), and notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Board of Public Utilities shall, immediately upon filing proper notice with the Office of Administrative Law, adopt rules and regulations as may be necessary for the implementation of P.L. , c. (C.) (pending before the Legislature as this bill), including, but not limited to, rules and regulations: (1) establishing a process through which electric public utilities shall apply for a certificate

~~pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) 1, including categories of information that an electric public utility is required to submit pursuant to paragraph (1) of subsection a.~~

~~(2)~~ (2) establishing processes for the review of applications for certificates submitted pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill), which processes may vary, as determined by the board, depending on the type of supplemental ~~transmission~~ transmission2 project;

~~(3)~~ (3) determining the amount of the application fee to be collected pursuant to paragraph (5) of subsection a.

and ~~(4)~~ (4) establishing grid performance benchmarks pursuant to section 1[8] 71 of P.L. , c. (C.) (pending before the Legislature as this bill).

1[10.] 9.1 a. The provisions of P.L. , c. (C.) (pending before the Legislature as this bill) shall apply to any application to construct or modify a supplemental ~~transmission~~ transmission2 project filed on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).

b. P.L. , c. (C.) (pending before the Legislature as this bill) shall not apply to any project, or discrete component thereof, that has received final approval from the Board of Public Utilities prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) pursuant to: ~~(1)~~ (1) an infrastructure investment program order issued by the board;

~~(2)~~ (2) a base rate case order;

or ~~(3)~~ (3) any other board order specifically authorizing construction of the project.

~~e.~~ c. Any application or proceeding pending before the board on the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) that relates to a supplemental ~~transmission~~ transmission2 project within the scope of the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) shall conform to the requirements of P.L. , c. (C.) (pending before the Legislature as this bill) to the extent practicable, as determined by the board.

~~e.~~ e. Nothing in P.L. , c. (C.) (pending before the Legislature as this bill) shall be construed to confer upon the board authority over matters within the exclusive jurisdiction of the Federal Energy Regulatory Commission, including, but not limited to, the rates, terms, and conditions of transmission service in interstate commerce 1, determinations made pursuant to federal law by NERC, FERC, PJM, or the Secretary of Energy,1 and cost allocation determinations adopted pursuant to 1[the Federal Energy Regulatory Commission Order No.