



PERSPECTIVES

Understanding New Jersey's PortfolioManager® Requirement

Our perspectives feature the viewpoints of our subject matter experts on current topics and emerging trends.

INTRODUCTION

New Jersey’s Board of Public Utilities (the “BPU”) just imposed a new [requirement](#) on every large (>25,000 sq. ft.) commercial building in the state. On September 7th, the BPU, in following the requirements of the New Jersey Clean Energy Act (2018), now requires the use of the U.S. Environmental Protection Agency’s [PortfolioManager®](#). PortfolioManager helps commercial building owners measure energy and water usage. The first submissions under the new program will be due on October 1, 2023, for 2022 usage.

TIMELINES & MORE ABOUT THE REQUIREMENT

[New Jersey’s Clean Energy Program](#) has established a schedule for benchmarking as shown in the table below.

Building owners, for covered non-exempt buildings, will have to collect building-level data as part of this process. Due to privacy concerns, if the building has four or more tenants, and no tenant consumes more than 50% of the energy or water in the building, the building owner may be able to obtain the data directly from the utility. For unregulated utilities, such as a municipal water department, and if the 4/50 rule is not met, the building owner will need to obtain consent from the tenants to receive the data. Interestingly, consent was heavily discussed, and existing New Jersey law and regulations provide substantial privacy protections for the data in question. As a result, a tenant can withhold consent and the responding utility only provides data for the consenting tenants in the aggregate, not at the tenant level.

The current list of utilities who will provide data services includes the following:

- Atlantic City Electric
- Elizabethtown Gas
- Jersey Central Power and Light
- New Jersey Natural Gas
- Public Service Electric and Gas
- Rockland Electric Company
- South Jersey Gas
- Aqua New Jersey
- Middlesex Water Company
- New Jersey American Water
- Veolia Water New Jersey

The listed utilities are those subject to BPU regulation. In addition to the regulated utilities, there is a substantial subset of unregulated utilities that may include smaller water utilities, municipal water utilities, municipal electric utilities, and delivered fuel companies for goods such as fuel oil, propane, and biomass. Between the consent requirements and the unregulated utility tracking and data collection requirements, building owners may find the process to be unwieldy.

CONCLUSION

On the positive side, in addition to the state goals of reducing greenhouse gas emissions, building owners will find a variety of financial incentives for energy efficiency available from both New Jersey and various utilities that serve the area. By tracking the data and implementing conservation measures, building owners will also be able to reduce overall building operating costs.

Date	Action
Sep 2022 - Oct 2023	BPU develops benchmarking regulations
	BPU and the New Jersey Institute of Technology (NJIT) develop benchmarking certification program
	BPU conducts outreach and training webinars with building owners and operators
	BPU and NJIT develop training materials on Portfolio Manager
Jul 01, 2023	BPU notifies building owners and operators of upcoming benchmarking submission deadline
Aug 01, 2023	Regulated utilities provide data access services
Oct 01, 2023	First benchmarking data submission deadline for building owners and operators for calendar year 2022

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