



Agenda Date: 8/21/13
Agenda Item: 8E

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF	)	DOCKET NOS. EO12090832V
L. 2012, C.24, THE SOLAR ACT OF 2012; AND	)	& EO12090880V
)	
IN THE MATTER OF THE IMPLEMENTATION OF)	
L. 2012, C. 24, <u>N.J.S.A. 48:3-87(Q)</u> (R) AND (S) –)	
PROCEEDINGS TO ESTABLISH THE PROCESSES)	
FOR DESIGNATING CERTAIN GRID-SUPPLY)	
PROJECTS AS CONNECTED TO THE DISTRIBUTION)	
SYSTEM – SUBSECTION (Q) APPLICATION)	
APPROVALS)	
)	
Con Ed / Frenchtown III Solar, LLC.	)	EO13060540V
Beaver Run Solar	)	EO13060539V
Energenic/WC landfill Energy, LLC.	)	EO13060553V
Rock Solid Realty / Blue Sky Technologies	)	EO13060543V
Pittsgrove Solar, LLC.	)	EO13060542V
JAS Homes Inc. / Pennoni Associates, Inc.	)	EO13060545V
Community Energy Inc. / Jacobstown Solar, LLC.	)	EO13060560V
Community Energy Inc. / West Pemberton Solar, LLC.	)	EO13060561V
Community Energy Solar / North Run Solar, LLC.	)	EO13060558V
Community Energy Inc. / Harmony Solar, LLC.	)	EO13060559V
Reeves Station South	)	EO13060555V
Brickyard, LLC.	)	EO13060541V
Midflare Corp. / 1101 Quinton-Alloway Rd.	)	EO13060548V
Midflare Corp. / 700 Quinton-Salem Rd.	)	EO13060549V
Alethea Cleantech / Alethea Solar II, LLC.	)	EO13060554V
Meurer Development, LLC.	)	EO13060544V
Community Energy Inc. / Monmouth East II Solar, LLC.	)	EO13060556V
Zongyi Solar America Co. Ltd.	)	EO13060552V
Solartricity, LLC.	)	EO13060546V
Community Energy Inc. / Cedar Branch Solar, LLC.	)	EO13060557V
Orion Renewable Energy / Orion Solar Northeast, LLC.	)	EO13060551V

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Mark Noyes, Frenchtown III Solar
Charles H. Shotmeyer, Beaver Run Solar

Brandon Murdock, WC Landfill Energy, LLC.
Keissler Wong, Rock Solid Reality
Tony Favorito, Pittsgrove Solar, LLC.
James Maddonni, Pennoni Associates, Inc.
Brent Beerley, Community Energy Solar, Jacobstown Solar, LLC., West Pemberton Solar, LLC., North Run Solar, LLC., Harmony Solar, LLC., Monmouth East Solar, LLC., Cedar Branch Solar, LLC.
Earl Stahl Jr., Reeves Station South
Kevin Skudera, Brickyard, LLC,
Mark Randall, Midflare
George Kotzias, Alethea Solar II, LLC.
Richard Meurer, Meurer Development, LLC.
Eddie Zeng, Zongyi Solar America Co. Ltd
Hesser McBride, Esq., Solartricity
Nicholas Hiza, Orion Solar Northeast, LLC.

BY THE BOARD:

On July 23, 2012, L. 2012, c. 24 ("Solar Act") was signed into law by Governor Chris Christie. The Solar Act amends certain aspects of the statute governing generation, interconnection, and financing of renewable energy. Among other actions, the Solar Act requires the New Jersey Board of Public Utilities ("Board") to conduct proceedings to establish new standards and to develop new programs to implement its directives. On October 4, 2012, the Board directed Board staff ("Staff") to initiate proceedings and convene a public stakeholder process to fulfill the directives of the Solar Act including those under N.J.S.A. 48:3-87(q) ("Subsection q") (Docket No. EO12090832V) ("October 4 Order").

Subsection q of the Solar Act provides that:

During the energy years of 2014, 2015, and 2016, a solar electric power generation facility project that is not: (a) net metered; (b) an on-site generation facility; (c) qualified for net metering aggregation; or (d) certified as being located on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility, as provided pursuant to subsection t. of this section may file an application with the board for approval of a designation pursuant to this subsection that the facility is connected to the distribution system. An application filed pursuant to this subsection shall include a notice escrow of \$40,000 per megawatt of the proposed capacity of the facility. The board shall approve the designation if: the facility has filed a notice in writing with the board applying for designation pursuant to this subsection, together with the notice escrow; and the capacity of the facility, when added to the capacity of other facilities that have been previously approved for designation prior to the facility's filing under this subsection, does not exceed 80 megawatts in the aggregate for each year. The capacity of any one solar electric power supply project approved pursuant to this subsection shall not exceed 10 megawatts. No more than 90 days after its receipt of a completed application for designation pursuant to this subsection, the board shall approve, conditionally approve, or disapprove the application. The notice escrow shall be reimbursed to the facility in full upon either rejection by the board or the facility entering commercial operation, or shall be forfeited to the State if the facility is designated pursuant to this subsection but does not enter commercial operation pursuant to paragraph (2) of this subsection.

(2) If the proposed solar electric power generation facility does not commence commercial operations within two years following the date of the designation by the board pursuant to this subsection, the designation of the facility shall be deemed to be null and void, and the facility shall not be considered connected to the distribution system thereafter.

[N.J.S.A. 48:3-87(q)]

On November 9, 2012, the Board held a public hearing presided over by Commissioner Joseph Fiordaliso. In addition, the public was invited to submit written comments through November 23, 2012. Over one hundred stakeholders representing the electric distribution companies ("EDCs"), solar market participants, landfill developers, environmentalists, municipalities, and ratepayers participated in the public hearing and submitted comments. Based in part upon the comments received from the public, Staff developed an application and a form of escrow agreement to implement the requirements of Subsection q.

By Order dated May 9, 2013 ("May 9 Order"), the Board approved an application process, form of application and form of escrow agreement to be used in connection with the Board's review of projects seeking designation as "connected to the distribution system" under Subsection q. As stated above, Subsection q charges the Board with denying, approving or conditionally approving qualifying applications from certain proposed grid supply solar facilities for designation as "connected to the distribution system" during energy years 2014, 2015 and 2016¹ within 90 days of receipt of a completed application.

Subsection q also provides that "[a]n application filed pursuant to this subsection shall include a notice escrow of \$40,000 per megawatt of the proposed capacity of the facility," which "shall be reimbursed to the facility in full upon either rejection by the board or the facility entering commercial operation, or shall be forfeited to the State if the facility is designated pursuant to this subsection but does not enter commercial operation pursuant to paragraph (2) of this subsection." Ibid. To implement this provision, the Escrow Agreement adopted by the Board contains the following language:

The Depositor and the Escrow Agent agree that withdrawals from the fund shall not be made without the written approval or directive of the BPU. Written approval will be given only upon submission and approval of a written request identifying the specific provision(s) of N.J.S.A. 48:3-87(q) supporting the withdrawal. Written directive may be issued to the Escrow Agent by BPU upon a written request or in the absence of a written request upon a determination by BPU, in its discretion, that a) the Depositor is entitled to return of the funds because designation of the Solar Facility as connected to the distribution system is denied, b) the Depositor is entitled to return of the funds because the Solar Facility has achieved commercial operation within two (2) years of the date of designation or c) the State is entitled to the funds because the Solar Facility has failed to achieve commercial operation within two (2) years from the date of designation as connected to the distribution system. Upon the issuance and delivery to the Escrow Agent of such written approval or directive by BPU, the Escrow Agent shall immediately disburse the funds called for by said approval or

¹ As defined in N.J.S.A. 48:3-51, an energy year is the 12-month period from June 1 through May 31, numbered according to the calendar year in which it ends.

directive, for use solely for the purposes and in the manner specified in said written approval or directive.

Escrow Agreement at para. 10.

As approved by the Board in the May 9 Order, to obtain conditional approval of a Subsection q application the developer of a proposed facility must file a Subsection q application with the Board, with a copy provided to Rate Counsel, the proposed system must be 10 MW or less, be the only facility proposed for interconnection at a distinct interconnection point, the appropriate escrow amount must be noticed as properly secured, and all appropriate SREC registration requirements must be fulfilled. To obtain final approval of a Subsection q application for EY 2015 or EY 2016, the developer of a proposed facility must have submitted a Subsection q application and received conditional approval from the Board; be the only facility interconnected at a distinct interconnection point, the facility must have completed construction and received authorization to energize; the completed system must be 10 MW or less; and all applicable SREC registration requirements must have been maintained throughout the conditional approval period.

All applicants, including those seeking approval in EY2015 and EY 2016, must demonstrate that the required amounts are currently held in escrow. Applicants seeking approval for designation in EY 2015 must acknowledge that the two year escrow forfeiture time period will not begin until June 1, 2014 and those seeking approval for designation in EY 2016 must acknowledge that the two year period begins June 1, 2015.

In the May 9 Order, the Board opened the initial application period beginning on May 15, 2013 and extending through May 31, 2013. The Board also stated that "additional application periods may be opened, if necessary."

The May 9 Order was posted on the Board and The New Jersey Clean Energy Program's ("NJCEP") websites, and circulated via the renewable energy ("RE") stakeholder email distribution lists on or about that date. The application attached to the May 9 Order provided detailed instructions for applicants seeking to be considered eligible pursuant to Subsection q. On May 13, 2013, Staff distributed a copy of "Frequently Asked Questions regarding Subsection q" via the RE stakeholder email distribution list, and posted it to the NJCEP website. Applicants were advised in these materials that to qualify pursuant to Subsection q, applicants must file Notice according to the instructions to be considered for approval for a specific Energy Year.

Applications will be accepted by Staff...toward making recommendations for approval on a first-in-time basis for each energy year until complete applications for 80 MW dc of total capacity have been received. Time of receipt for purposes of ranking applications will be determined based upon initial receipt of this one-page Notice of Intent to Apply (Notice), provided that the applicant submits the full application as described...

The one-page "Notice" provided by Staff was to be completed by applicants and sent as an attachment to a dedicated email address no earlier than 4 p.m. on May 15, 2013, and no later than 5 p.m. on May 31, 2013. Applicants were told that they had either five days following the submission of a Notice or until May 31, 2013, whichever was earlier, to submit a completed application. Applicants were instructed that an escrow agreement executed on or prior to May 15, 2013 using the form of agreement available on the NJBPU and NJCEP websites must be included with the application. Furthermore, applicants were instructed that only one application

would be accepted per project with a separate Notice submitted for each project. Unsuccessful applicants under Subsection s were informed of their eligibility to apply under Subsection q.

Staff discussed the Subsection q application process and forms with RE stakeholders at the regularly scheduled stakeholder meeting on May 14, 2013. On May 15, 2013, at 4:00 p.m. per the internal clock of the Board's email servers, the "Qnotice@bpu.state.nj.us" email address was activated by the Board's Information Technology staff. Twenty eight (28) Notices were filed from 15:59:37 (3:59 p.m. on the internal clock of the Board's email server) through 19:50:37 (7:50 p.m.) on Wednesday May 15, 2013. Twenty seven of the twenty eight projects which filed the Notice also submitted an application. Additionally, Staff received one application on July 1, 2013 for which neither a Notice nor an escrow agreement was submitted. Applicants that failed to fulfill all Board approved application requirements such as filing the Notice, supplying an application within five days of filing the Notice, or executing an escrow agreement and funding an escrow by May 15, 2013, are addressed in a separate Order.

During the application period, from May 15, 2013 to May 31, 2013, a question was raised regarding the ability of an applicant/ depositor to seek to withdraw funds prior to designation of a project as "connected to the distribution system." The Escrow Agreement approved by the Board through the May 9 Order did not specifically provide for such a withdrawal.

At its June 21, 2013 agenda meeting the Board found that release of the escrowed funds prior to designation of the proposed solar facility is consistent with the legislative intent as expressed in Subsection q. Therefore, the Board ruled that when an applicant/ depositor seeks to withdraw funds because it has withdrawn its application prior to designation by the Board, confirmation in writing of termination of the application by BPU Staff is sufficient authorization for withdrawal of the funds from the escrow account. Accordingly, the Board approved modification of paragraph (10) of the Escrow Agreement to reflect this ruling.

STAFF RECOMMENDATION

Staff has thoroughly reviewed the applications submitted in response to the Subsection q application process described above. Staff has determined, based on the application materials submitted, that each of the applications described below fulfilled all the requirements established by the Board. Staff recommends that the Board approve or conditionally approve in total twenty-one applications that completely fulfilled the application requirements established by the Board pursuant to Subsection q. The applications are listed below according to the Energy Year for which they sought designation as "connected to the distribution system."

Energy Year 2014

Staff recommends that eleven applications, for a total of 68.1 MWdc of capacity, be approved and designated for Energy Year 2014. Staff recommends that the Board establish the date of service of the Board Order announcing the approval as the beginning of the two year period for construction completion. Staff further recommends that the Board direct the project applicants to submit or, if they have already been accepted in the SREC Registration Program ("SRP"), resubmit SREC registrations for their projects. Staff also recommends that the Board waive, for their proposed solar sites, the requirement that an SREC registration occur within 10 days of the execution of a contract to construct or procure panels. Staff recommends that the Board disregard any previous SREC registration. In addition, Staff recommends that the Board extend the life of the SREC registration from one year to two years for the projects designated in EY14

to make the term of the SRP registration coincide with the two year time period for project completion established in the Subsection q.

Rank by Time Notice Recv'd.	Time Notice Received (May 15)	Date Application Received	Notice / Application Submitted by	Applicant / Facility Name	Docket Number	Project/ Designation Address	Project Location	Project County	Energy Year Requested	Array Size* (MWdc)
1	15:59:37	5/17/2013	Robt. Doeber / Mark Ngves	Con Ed / Frenchtown III Solar LLC.	EO13060540V	Block 24, Lot 4 & 7	60 Barbertown-Point Breeze Rd. Frenchtown, NJ 08825	Hunterdon	EY14	10.000
2	15:59:39	5/17/2013	Shotmeyer / Charles H. Shotmeyer	Beaver Run Solar	EO13060539V	Block 25, Lot 4.01	283 Beaver Run Road, Lafayette, NJ 07848	Sussex	EY14	9.900
3 ^A	15:59:40	5/20/2013	Brandon Murdock	Energenic/WC landfill Energy, LLC	EO13060553V	Block 34, Lot 17	500 Mount Pisgah Ave White Township, NJ 07863	Warren	EY14	1.174
5	15:59:44	5/17/2013	Pin Su / Keissler Wong	Rock Solid Realty / Blue Sky Technologies	EO13060543V	Block 168, Lot 19.01, 19.07 & 20	Fairfield Road Howell, NJ 07731	Monmouth	EY14	9.999
10	15:59:51	5/17/2013	Tony Favorito	Pittsgrove Solar LLC	EO13060542V	Block 1503, Lot 7.01	331 Husted Station Rd Pittsgrove, NJ 08318	Salem	EY14	2.286
11	15:59:51	5/20/2013	Mike Sawyer / James Maddonni	JAS Homes Inc. / Pennoni Associates, Inc.	EO13060545V	Block 233, Lot 32	1845 Delsea Drive Deptford, NJ 08096	Gloucester	EY14	5.000
15 ^A	16:00:14	5/20/2013	Steve Hazel / Brent Beerley	Community Energy Inc. / Jacobstown Solar LLC.	EO13060560V	Block 700, Lot 13	210 Jacobstown Cookstown Rd North Hanover, NJ 08562	Burlington	EY14	6.121
16	16:00:14	5/20/2013	Brent Beerley	Community Energy Inc. / West Pemberton Solar LLC.	EO13060561V	Block 779, Lot 1	2614 US Route 206 Pemberton, NJ 08060	Burlington	EY14	9.196
17	16:00:15	5/20/2013	Ryan Irwin / Brent Beerley	Community Energy Solar / North Run Solar LLC.	EO13060558V	Block 800, Lot 16 & Block 700, Lot 10 & 13	350 & 410 Monmouth Rd, 195 Jacobstown Cookstown Rd North Hanover, NJ 08562	Burlington	EY14	9.100
25	16:01:16	5/20/2013	Mike Reed / Brent Beerley	Community Energy Inc. / Harmony Solar, LLC	EO13060559V	Block 44, Lot 10	166 Brianards Road Harmony, NJ 08865	Warren	EY14	3.900
27	16:01:51	5/20/2013	Earl Stahl Jr.	Reeves Station South	EO13060555V	Block 302, Lot 7	7 Reeves Station Road, Medford, NJ 08055	Burlington	EY14	1.416

Staff recommends that in the resubmitted and updated SREC Registration Package, the Board require that project developers provide anticipated project completion milestone dates and promptly inform the SRP processing team of any changes to those milestones. Finally, Staff recommends that the Board reiterate to applicants that the escrow must be maintained for the full two years. Should construction not be completed within two years of the effective date of the Board Order, the escrowed funds shall revert to the State and the project shall forfeit its approval to generate SRECs. Should the project complete within two years of the effective date of the Board Order, the escrowed funds shall be released by the Escrow agent pursuant to the terms of the Escrow Agreement, and the project shall be eligible to create SRECs beginning with the date the solar generation facility is authorized to energize.

Energy Year 2015

Staff recommends that the Board conditionally approve seven (7) applications, for a total of 31.2 MWdc of capacity for Energy Year 2015. Staff recommends that final approval commence on the first day of Energy Year 2015, June 1, 2014, subject to maintenance of the escrow and registration within the SREC Registration program as described below. Staff recommends that the Board establish the commencement of the two year period for construction completion as June 1, 2014.

Rank by Time Notice Recv'd.	Time Notice Received (May 15)	Date Application Received	Notice / Application Submitted by	Applicant / Facility Name	Docket Number	Project/ Designation Address	Project Location Town	Project County	Energy Year Requested	Array Size* (MWdc)
4	15:59:40	5/16/2013	Kevin Skudera	Brickyard LLC	EO13060541V	Block 224, Lot 17, 17.01, 17.02, 10	100 Birdsall Rd Farmingdale, NJ 07727	Monmouth	EY15	2.000
7	15:59:46	5/20/2013	Mark Randall	Midflare Corp.	EO13060548V	Block 32, Lot 1101	1101 Quinton-Aliway Rd Quinton, NJ 08072	Salem	EY15	2.000
8	15:59:46	5/20/2013	Mark Randall	Midflare Corp.	EO13060549V	Block 00012, Lot 00034	700 Quinton-Salem Rd Quinton, NJ 08079	Salem	EY15	3.000
12	15:59:52	5/20/2013	Vasilios Karabatsos / George Kotzias	Aietha Cleantech / Aietha Solar II, LLC	EO13060554V	Block 3, Lot 1	219 John Ringo Road East Amwell Township, NJ 08551	Hunterdon	EY15	3.326
13	16:00:02	5/17/2013	Eric Dornfeld / Richard Meurer	Meurer Development, LLC	EO13060544V	Block 27, Lot 24	78 Junction Road Flemington, NJ 08822	Hunterdon	EY15	5.416
18	16:00:15	5/20/2013	Brent Beerley	Community Energy Inc. / Monmouth East II Solar LLC.	EO13060558V	Block 22.01, Lot 12.01	Sharon Station Rd & New Canton - Stone Tavern Rd Upper Freehold, NJ 08501	Monmouth	EY15	6.500
19	16:00:15	5/20/2013	Eddie Zeng	Zongyi Solar America Co. Ltd	EO13060552V	Block 42, Lot 36	829 Lakewood Farmingdale Rd Howell, NJ 07731	Monmouth	EY15	9.000

Staff further recommends that the Board direct the project applicants to submit or resubmit SREC registrations for their projects within two weeks of the effective date of this Order, and that the life of the SREC registration be extended to cover the period of conditional approval and the duration of time following designation on June 1, 2014 for construction of these projects. Staff further recommends that the Board waive the requirement that an SREC registration occur within 10 days of the execution of a contract to construct or procure panels. Staff further recommends that project developers be required to provide anticipated project completion milestones, and inform the SRP processing team promptly of any changes to those milestones. Staff recommends that the Board reiterate that the escrow must be maintained for the conditional approval period and the two years of full approval.

Should construction not be completed within two years of the effective date of the designation (June 1, 2014), the escrowed funds shall revert to the State and the project shall forfeit its approval to generate SRECs. Should the project complete within two years of the effective date of the designation (June 1, 2014), the escrowed funds shall be released by the Escrow agent pursuant to the terms of the Escrow Agreement, and the project shall be eligible to create SRECs beginning with the date the solar generation facility is authorized to energize. Should construction and authorization to energize complete before June 1, 2014, Staff recommends that the electricity generated by the project prior to June 1, 2014, not be eligible for SRECs that can be used for compliance with the RPS.

Energy Year 2016

Staff recommends that the Board conditionally approve three (3) applications, for a total of 20.6 MWdc of capacity, for Energy Year 2016. Staff recommends that full approval commence on the first day of Energy Year 2016, June 1, 2015, subject to maintenance of the escrow and registration within the SREC Registration program as described below. Staff recommends that the Board establish June 1, 2015 as the commencement of the two year period for construction completion.

Rank by Time Notice Recv'd.	Time Notice Received (May 15)	Date Application Received	Notice / Application Submitted by	Applicant / Facility Name	Docket Number	Project/ Designation Address	Project Location Town	Project County	Energy Year Requested	Array Size* (MWdc)
9	15:59:48	5/20/2013	Hesser McBride / George Wetteland	Solartricity LLC.	EO13060546V	Block 6, Lot 62	Spring Mills Rd, Milford, NJ 08848	Hunterdon	EY16	3.500
20	16:00:15	5/20/2013	Ben Terry / Brent Beerley	Community Energy Inc. / Cedar Branch Solar LLC.	EO13060557V	Block 7402, Lot 6 & 7	2867 Vine Rd Buena Vista, NJ 08360	Atlantic	EY16	7.150
22	16:00:19	5/20/2013	Nicholas Hiza	Orion Renewable Energy Group / Orion Solar Northeast, LLC	EO13060551V	Block 33, 35, 36 Lot 10.01, 10.02, 24, 25, 26, 32, 33, 62, 65, 66, 67, & 68	73 Ramah Rd. Bridgeton, NJ 08302	Cumberland	EY16	10.000

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20.650

Staff further recommends that the Board direct the project applicants to submit or resubmit SREC registrations and waive the requirement that an SREC registration occur within 10 days of the execution of a contract to construct or procure panels, and that the life of the SREC registration be extended to cover the period of conditional approval and the duration of time following designation on June 1, 2015 for construction of these projects. Staff recommends that project developers be required to provide anticipated project completion milestones and promptly inform the SRP of any changes to those milestones. Staff also recommends that the Board reiterate that the escrow must be maintained for the conditional approval period and for the two years of full approval.

Should construction not be completed within two years of the effective date of the designation (June 1, 2015), the escrowed funds shall revert to the State and the project shall forfeit its approval to generate SRECs. Should the project complete within two years of the effective date of the Board Order, the escrowed funds shall be released by the Escrow agent pursuant to the terms of the Escrow Agreement, and the project shall be eligible to create SRECs beginning with the date the solar generation facility is authorized to energize. Should construction and authorization to energize complete before June 1, 2015, Staff recommends that the electricity generated by the project prior to June 1, 2015, not be eligible for SRECs that can be used for compliance with the RPS.

Staff also recommends that the Board announce the opening of a subsequent application period beginning October 15, 2013, consistent with the legislative intent of Subsection q to allow up to 80 MW of capacity in each of the three energy years covered and in response to the expressed interest from developers of facilities whose applications under Subsections s or t were denied or deferred.

Finally, Staff recommends that the Board direct Staff to commence rulemaking to bring the timelines in the SREC Registration program into conformance with the Solar Act's various grid supply project approval processes.

DISCUSSION AND FINDINGS

The Board has reviewed the recommendations of Staff and **HEREBY FINDS** that Staff conducted an application process for determining eligibility of grid supply solar electric generation facilities to be considered "connected to the distribution system serving New Jersey" pursuant to Subsection q of the Solar Act, and **HEREBY FINDS** that the process as executed was consistent with the Board's directives in the Order dated May 9, 2013. Additionally, the Board **HEREBY FINDS** that notice of the process was provided in a manner intended to reach interested parties and provide adequate time for compliance with that process.

Accordingly, the Board **HEREBY APPROVES** eleven applications, as identified above, for a total of 68.1 MWdc of capacity for designation in Energy Year 2014. The Board **HEREBY ORDERS** that for each approved application a two year period for construction completion shall run from the effective date of this Order.

The Board **DIRECTS** the applicants with approvals and designation for EY14 to submit or resubmit new, updated, and complete SREC Registration packages within two weeks of the effective date of this Order. The Board **HEREBY WAIVES** the requirement that an SREC registration for these projects occur within 10 days of the execution of a contract to construct or

procure panels. The Board **HEREBY MODIFIES** the SREC Registration length for these projects from the one year allowed in the RPS rules to two years, so that the SREC registration length coincides with the two year period for project completion established in the Solar Act.

The Board **HEREBY CONDITIONALLY APPROVES** seven applications, as identified above, for a total of 31.2 MWdc of capacity, for designation in Energy Year 2015. The Board **HEREBY ESTABLISHES** June 1, 2014 as the date from which the two year period for each conditionally approved application to complete construction begins to run. The applicant must maintain escrow and SREC registration requirements as described above.

The Board **DIRECTS** the applicants with conditional approvals and designation for EY15 to submit or resubmit new, updated, and complete SREC Registration packages within two weeks of the effective date of this Order. The Board **HEREBY WAIVES** the requirement that an SREC registration for these projects occur within 10 days of the execution of a contract to construct or procure panels. The period of time preceding the automatic approval and designation date on June 1, 2014 shall be considered a conditional SREC registration period for these applicants. The Board **HEREBY MODIFIES** the SREC Registration length for these projects from that established as one year in the RPS rules to a period sufficient to coincide with the two year construction period established in the Solar Act, and to accommodate the conditional approval period.

The Board **HEREBY CONDITIONALLY APPROVES** three applications, as identified above, for a total of 20.6 MWdc of capacity, for designation in Energy Year 2016. The Board **HEREBY ESTABLISHES** June 1, 2015 as the date on which the two year period for each conditionally approved application to complete construction begins to run. The applicant must maintain escrow and SREC registration requirements as described above. The period of time preceding the automatic approval and designation date on June 1, 2015 shall be considered a conditional SREC registration period for these applicants, with the life of the SREC registration extended for a period sufficient to accommodate the conditional approval period and the two year construction period.

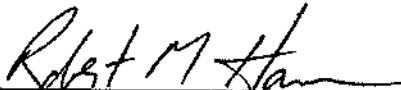
The Board **HEREBY ANNOUNCES** that an additional application process under Subsection q will be opened beginning on October 15, 2013, and **HEREBY DIRECTS** Staff to notify stakeholders of available capacity within each of the applicable Energy Years and of the process to be used for that solicitation.


Finally, the Board **HEREBY DIRECTS** Staff to begin the process of amending the SREC registration rules to conform to the requirements of the Solar Act.

The effective date of this Order is September 3, 2013.

DATED: 8/21/13

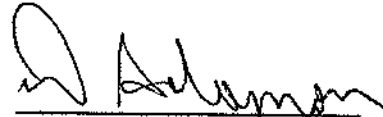
BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

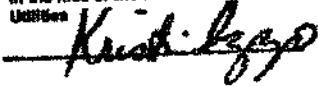

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



Docket No. EO12090832V – In the Matter of the Implementation of L. 2012, C. 24, The Solar Act of 2012; and

Docket No. EO12090880V – In the Matter of the Implementation of L. 2012, C. 24, N.J.S.A. 48:3-87(q), (r) and (s) – Proceedings to Establish the Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System – Subsection (q) Application Approvals

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