



merit.” Specifically, the Response asserts that MSEIA’s ranking methodology would artificially increase the price that can be proposed for longer-term PSAs and still have them remain competitive. On MSEIA’s “soft cap” suggestion for projects less than 50 KW, the Response asserts that it seeks to reverse the “aspirational goal,” which is a carefully crafted resolution of the segmentation issue endorsed by the Board in the March 27 Order.

ACE, JCP&L, the Board staff, the Department of Public Advocate, Division of Rate Counsel and the Solar Alliance (jointly the “Parties”) entered into a stipulation on March 13, 2009 (“Stipulation”) on the terms of ACE and JCP&L Program. The March 27 Order approved the Stipulation and resolved the three contested issues raised by the Parties. MISEIA did not seek to intervene in this matter and thus was not a party in the settlement process. Under N.J.A.C. 14:1-8.6(a), A motion for rehearing, reargument or reconsideration of a proceeding may be filed by any party within 15 days after the issuance of any final decision or order by the Board.” As noted above, MISEIA is not a party to this case; accordingly, the Board **HEREBY FINDS** that because MISEIA was not a party in this proceeding it has no standing under the cited regulation to request the Board reconsider its March 27 Order. With Regard to MSEIA’s specific issues, the Board **FINDS** that only by implementing the Program and monitoring the results will the Board know if certain contract terms or project segments are being favored by the market and if the Board needs to act. Because no solicitation has yet been conducted under the Program, the Board **FINDS** that it is too early to determine whether the market will react or not in away that is satisfactory to the Board. Thus, the Board also declines to reopen or reconsider the March 27 Order on its own motion.

Taking into account the above arguments and findings, the Board **HEREBY DENIES** the Motion. This denial does not limit the Board's ability to modify the March 27 Order or the Program in the future when additional information becomes available. Furthermore, the Board has the power under the Program to approve the ranking results after each solicitation in light of the recommendations of the solicitation manager and other factors such as the aspirational goal for segmentation.

DATED: 5/15/09

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BY:

  
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PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
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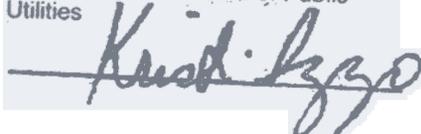
  
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ELIZABETH RANDALL  
COMMISSIONER

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



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