



Agenda Date: 10/29/18
Agenda Item: 8L

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE PETITION FOR THE)
EXTENSION OF SRP REGISTRATION NUMBER)
NJSRRE1534224371, OAK STREET LANDFILL SOLAR)
RENEWABLE ENERGY PROJECT, TOWNSHIP OF)
GALLOWAY, ATLANTIC COUNTY, NEW JERSEY,)
WHITMAN PROJECT NO. 15-04-23T) ORDER

DOCKET NO. QO18091058

Party of Record:

Barry Skoultchi, for Whitman Company

BY THE BOARD:

On August 17, 2018, Whitman Company (“the Developer” or “Whitman”) submitted a request for an extension of the timeframe of its registration with the SREC¹ Registration Program (“SRP”), based upon an issue, outside of the control of the Developer, on the interconnection study. As will be discussed in more details below, the Board of Public Utilities (“Board”) believes that this extension is an appropriate exercise of discretion.

The Oak Avenue² Landfill is owned and was operated by the Township of Galloway. The Developer has been designated the Redeveloper of the landfill property by Galloway Township to develop, construct and finance the 3.66 MWdc solar energy project to be constructed on the subject property. As part of the project development, Whitman worked with the Township of Galloway to secure the necessary permits to design and construct the solar project.

During the permit approval process, Whitman submitted a request to the Board for the Oak Avenue Landfill solar project to receive approval to generate SRECs under L. 2012, c. 24 (“Solar Act”), codified at N.J.S.A. 48:3-87(t) (“Subsection (t)”). The Oak Avenue Landfill matter

¹ SREC refers to Solar Renewable Energy Certificates.

² In its August 17, 2018 filing, the Developer identified the landfill as the Oak Street Landfill. For consistency, the Board will refer to the landfill as the Oak Avenue Landfill.

was heard and approved at the March 24, 2017 Board meeting, and the effective date of the Board Order approving the project under Subsection (t) was April 3, 2017.³

As required, the Developer proceeded to submit an SRP application within the required two (2) week timeframe. The SRP Program Acceptance Letter was issued on May 31, 2017. This Acceptance Letter provided a two (2) year window, until May 31, 2019, to complete the installation of the proposed project and provide as-built diagrams.

As an ordinary part of the process, the Developer requested from PJM for the local utility – Atlantic City Electric (“ACE”) – to perform a Facilities Study of the interconnection of the proposed system. Whitman represented that its 3.66 MWdc was assigned Queue number AB-001 by PJM and that the Feasibility Study detailed that its project could be interconnected to the Moss Mill substation. Thereafter, Whitman executed agreements with PJM for the completion of a System Impact Study and Facilities Study. Whitman noted that the Facilities Study was in process when the Board approved the Oak Avenue Landfill project and the SRP team issued the SRP Program Acceptance Letter.

The Developer represented that in June 2017, it was advised by PJM that ACE had made an error during the various studies performed and did not accurately account for all of the generation on the utility lines to be used for its project, and thus a new interconnection point was designed. This change required the system size to be reduced by more than 20% to 2.8 MWdc and the initiation of a new Facilities Study.

The new Facilities Study was not issued until the first quarter of 2018 (more than a 9 month delay) and included an estimated schedule to complete the system interconnection of 18-24 months, or a completion date of on or about March to September 2020. The delay and increased schedule to interconnect the system now exceeds the expiration date of the SRP Registration referenced above.

In light of this change, outside the Developer’s control, the request for a 16 month extension has been made by Whitman.

FINDINGS AND HOLDINGS

The Board is authorized by regulation to waive its operational practices when necessary to achieve a just result. See generally, N.J.A.C. 14:1-1.2. In this case, the enforcement of the conditional SRP Registration expiration date upon the Developer is inappropriate, and a waiver is therefore justified. The 2 year timeframe has been imposed, among other reasons, to ensure that a developer does not “sit” on their rights. That is clearly not the case here. The Developer has identified the steps it has taken – both before and after it secured the Board’s certification of its project – to achieve operations as directed, and the failure to do so is outside of their control, as detailed above.

³ I/M/O the Implementation of L. 2012, c. 24, The Solar Act of 2012; and I/M/O the Implementation of L. 2012, c. 24, N.J.S.A 48:3-87(T) – A Proceeding to Establish a Program to Provide SRECS to Certified Brownfield, Historic Fill and Landfill Facilities – Whitman Company, Oak Avenue Landfill, BPU Docket Nos. EO12090832V, EO12090862V, QO160090837, 2017 N.J. PUC LEXIS 81 (Mar. 24, 2017).

Additionally, the Developer is asking for the extension before the expiration of the existing deadline, and thus no lapse has occurred.

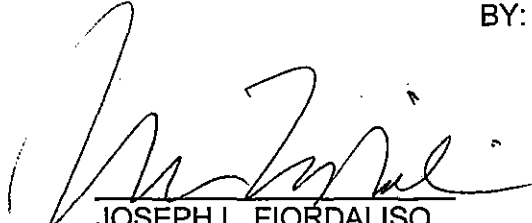
Towards that end, the Board **HEREBY GRANTS** the requested extension and sets an expiration date of the SRP Registration NJSRRE1534224371 to September 30, 2020.

The effective date of this Order is November 8, 2018.

DATED: 10/29/18

BOARD OF PUBLIC UTILITIES

BY:

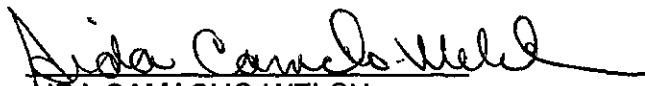

JOSEPH L. FIORDALISO
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER


ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

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

IN THE MATTER OF THE PETITION FOR THE EXTENSION OF SRP REGISTRATION
NUMBER NJSRRE1534224371, OAK STREET LANDFILL SOLAR RENEWABLE ENERGY
PROJECT, TOWNSHIP OF GALLOWAY, ATLANTIC COUNTY, NEW JERSEY, WHITMAN
PROJECT NO. 15-04-23T

DOCKET NO. QO18091058

SERVICE LIST

Barry Skoultchi
Whitman
7 Pleasant Hill Road
Cranbury, NJ 08512
BSkoultchi@whitmanco.com

Deputy Attorneys General:
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

Caroline Vachier, DAG
caroline.vachier@law.njoag.gov

Board of Public Utilities:
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch
Secretary of the Board
board.secretary@bpu.nj.gov

Stacy Ho Richardson, Esq.
Counsel's Office
stacy.richardson@bpu.nj.gov

Division of Clean Energy

Ken Sheehan, Director
ken.sheehan@bpu.nj.gov

Sherri Jones, Assistant Director
sherri.jones@bpu.nj.gov

Benjamin S. Hunter, Manager
benjamin.hunter@bpu.nj.gov