



Agenda Date: 12/17/08
Agenda Item: 8F

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE CLEAN ENERGY)	ORDER
PROGRAM AUTHORIZATION OF CUSTOMER		
ON-SITE RENEWABLE ENERGY REBATES)	
EXCEEDING \$100,000 – MODIFICATION OF)	
ORDER APPROVING EAYRSTOWN ENTERPRISES:)	
REQUEST FOR RECONSIDERATION BY EASTERN)	DOCKET NOS. EX04040276 and
ENERGY SERVICES		EO08010048

(SERVICE LIST ATTACHED)

BY THE BOARD:

By Order dated April 8, 2008, Docket No. EX04040276, the Board of Public Utilities ("Board") approved Customer On-Site Renewable Energy ("CORE") program rebate applications, including a project proposed to be installed by Eayrstown Enterprises, Docket No. EO08010048. The Board approved a rebate amount of \$104,975. This amount reflected a 15% reduction in the rebate level. Board Staff recommended this reduction based on the Market Manager's review and understanding that the 15% reduction in rebate levels for self-installed projects was applicable to this project due to the landlord/tenant relationship between the applicant and the installer. On April 9, 2008, the Market Manager issued a commitment letter to Eayrstown Enterprises that indicated its project approval for an estimated rebate of \$104,975. By letter dated June 9, 2008, Eastern Energy Services, the installer of the Eayrstown Enterprises project, disputed the determination that its landlord/tenant relationship resulted in the project's classification as a self-installed project.

The CORE program solar technical worksheet indicates that the self-install deduction applies "[w]hen a financial or familial relationship exists between ratepayer-applicant and vendor-installer." The underlying intent of the self-install deduction is to account for possible inflation of the rebate amount arising from such a relationship.

Eastern Energy Services is a tenant in a building owned by Eayrstown Enterprises upon which the proposed solar system would be installed. In this matter, Eayrstown Enterprises is the ratepayer-applicant and Eastern Energy Services is the vendor-installer. In light of this relationship, the Market Manager applied the self-install deduction in its review. The deduction was incorporated into Board Staff's recommendation and approved by the Board. In furtherance of its request for reconsideration, Eastern Energy Services has certified that no financial relationship exists between the two parties beyond that of landlord/tenant. Eastern Energy Services represents that there has been neither a rent arrangement nor any quid pro

quo in relation to the price of the system. Eastern Energy further certifies that it has no ownership interest in Eayrstown Enterprises.

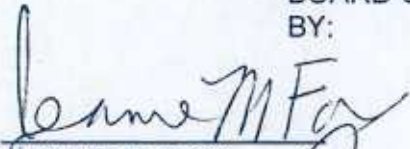
N.J.S.A. 48:2-40 provides that "[t]he [B]oard at any time may . . . extend, revoke or modify any order made by it." See, e.g., Sudler v. Environ. Disposal Corp., 219 N.J. Super. 52, 62 (App. Div. 1987). Furthermore, "matters not previously considered or properly weighed can justify agency reassessment of a determination." In re Trantino Parole Application, 89 N.J. 347, 365 (1984). Still, a party should not seek reconsideration merely because they are in some way dissatisfied with a decision. D'Atria v. D'Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990).

Based on a review of the new information certified by Eastern Energy Services and the intent of the self-install policy, Board Staff does not believe that the self-install deduction is applicable in this instance. Eastern Energy has represented that there has been no "financial relationship" between the parties that would affect the CORE rebate. Therefore, Board Staff recommends that the Board grant Eastern Energy Services' request, which would increase the rebate previously approved by the Board from a total of \$104,975 to \$123,500.

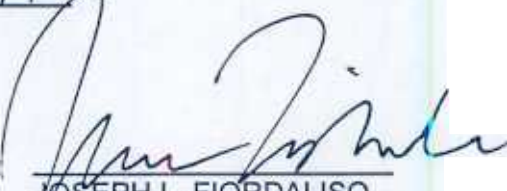
The Board **FINDS** that Eastern Energy Services provided additional certified information that was not previously considered. The Board also **FINDS** the representations of Eastern Energy Services that there has been no rent arrangement or quid pro quo between the ratepayer-applicant and the vendor-installer to be sufficient proof that no "financial relationship," as intended by the self-install deduction, exists for the purposes of rebate calculation. Therefore, the Board **HEREBY APPROVES** Eastern Energy's request and **DIRECTS** Board Staff to have the Market Manager to issue a revised commitment letter to this project for an estimated rebate of \$123,500. The Board further **DIRECTS** Board Staff to have the Market Manager apply the foregoing analysis to similarly situated applications and amend commitment letters where necessary.

DATED: 1/20/09


BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

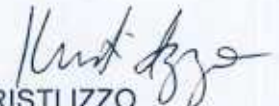

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ATTEST:


KRISTI IZZO
SECRETARY

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