



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

DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF)	ORDER ON MOTION TO
ATLANTIC CITY ELECTRIC COMPANY FOR A)	INTERVENE
DECLARATORY ORDER WITH RESPECT TO THE)	
DEFINITION OF "SOLAR RENEWABLE ENERGY)	
CERTIFICATE" PURSUANT TO THE PROVISIONS)	
OF N.J.S.A. 48:3-51)	DOCKET NO. EO10080626V

APPEARANCES:

Philip J. Passanante, Esq., Assistant General Counsel and Nicholas W. Mattia, Jr., Esq.
(Dickstein Shapiro, LLP) on behalf of Petitioner

Paul Flanagan, Esq., Ami Morita, Esq. and Diane Schulze, Esq. (Stefanie A. Brand, Director) on
behalf of the Division of Rate Counsel

Alex Moreau, Deputy Attorney General; (Paula T. Dow, Attorney General of New Jersey) on
behalf of the Staff of the Board of Public Utilities

Michael A. Gruin, Esq., Stevens & Lee, on behalf of The Solar Alliance.

BY THE BOARD:

On August 27, 2010, Atlantic City Electric Company ("ACE") filed a petition ("Petition")
requesting that the New Jersey Board of Public Utilities ("Board") issue a Declaratory Order
establishing that solar projects interconnecting with ACE's 69kV lines or lower voltage lines are
eligible to receive solar renewable energy certificate ("SREC") pursuant to the provisions of
N.J.S.A. 48:3-51.

By letter dated October 1, 2010, the Solar Alliance ("SA") filed a motion to intervene in this docket. In support to its motion the SA asserts that it is a solar industry trade association representing approximately twenty seven companies engaged in the manufacturing of solar photovoltaic equipment, developing solar photovoltaic projects and conducting solar businesses in New Jersey, including within ACE's service territory, as well as nationally. The SA further states that it had been granted intervenor status in various proceedings involving solar energy issues before the Board and that clarification of the definition of "distribution system" as requested by the Petition, will specifically and directly affect SA's members. SA maintains that it has a practical and industry-based perspective on issues related to solar energy market development, installation and financing which can add constructively to the case, and that is not otherwise represented in the case. SA asserts that it has satisfied the factors for intervention in N.J.A.C. 1:1-16.3.

No objection to SA's motion to intervene was filed with the Board.

DISCUSSION AND FINDING

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

- 1) the nature and extent of the moving party's interest in the outcome of the case,
- 2) whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case,
- 3) the prospect for confusion and delay arising from inclusion of the party, and
- 4) other appropriate matters.

As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervenor's interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See, Order, I/M/O the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106 (June 8, 2005).


After reviewing SA's motion to intervene, and no objection having been filed after notice to the current service list, the Board FINDS that, based on the information provided in the motion, SA has satisfied the standard for intervention, and HEREBY GRANTS SA's motion to intervene in this proceeding.

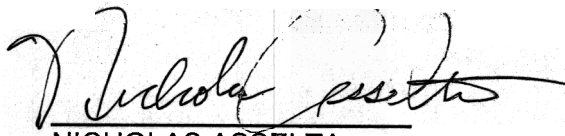
DATED: 11/10/10

BOARD OF PUBLIC UTILITIES
BY:


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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

