



STATE OF NEW JERSEY
Board of Public Utilities
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www.nj.gov/bpu/

DIVISION OF ENERGY &
OFFICE OF CLEAN ENERGY

IN THE MATTER OF PETITION OF PUBLIC
SERVICE ELECTRIC AND GAS COMPANY)
FOR APPROVAL OF A SOLAR GENERATION)
INVESTMENT PROGRAM AND AN)
ASSOCIATED COST RECOVERY)
MECHANISM)

ORDER APPROVING
CAPACITY TRANSFER

DOCKET NO. EO09020125

(SERVICE LIST AND STIPULATION ATTACHED)

BY THE BOARD:

On February 10, 2009, PSE&G filed a solar program petition, *I/M/O Petition of Public Electric Service and Gas Company Petition for Approval of a Solar Generation Investment Program and Associated Cost Recovery Mechanism*; Docket No. EO09020125 ("Solar 4 All Program" or "Program"). By Order dated May 15, 2009 ("May Order") the Board retained these matters for review and hearing and granted the interventions of Petra Solar Inc ("Petra Solar"), NextEra Energy Resources ("NextEra"), Mid-Atlantic Solar Energy Industries Association ("MSEIA"), New Jersey Solar Industry Manufacturers Association ("NJSIMA"), Solar Alliance ("SA"), New Jersey Natural Gas Company ("NJNG"), Resource Energy Systems, L.L.C. ("Resource Energy") and New Jersey Large Energy Users Coalition ("NJLEUC"). The May Order also designated Commissioner Fiordaliso as presiding officer in these proceedings. By Order dated June 8, 2009, Commissioner Fiordaliso granted the motion to intervene of New Jersey Home and Mortgage Finance Agency ("HMFA").

Settlement conferences commenced on May 28, 2009, and on July 27, 2009, PSE&G, Staff, Rate Counsel, Petra Solar, SA, NJSIMA, NJHMFA, Resource Energy and MSEIA ("Parties") entered into a stipulation ("Stipulation") agreeing on the relevant issues of the Solar 4 All Program. NJNG, NextEra and NJLEUC sent letters expressing no opposition to the Stipulation. By Order dated August 03, 2009 under this docket, the Board approved the Stipulation in its entirety.

On March 29, 2011, the Board received a stipulation proposing a transfer of 10MW of capacity from segment 1A (projects on PSE&G owned property) to segment 1B (projects on property owned by third parties) under the Solar 4 All Program ("Stipulation on Capacity Transfer"). The Stipulation on Capacity Transfer was circulated to the full service list and signed by all the Parties except Staff, HMFA and Resource Energy.

On April 15, 2011, Staff e-mailed the Parties stating that it recommended that the unused capacity in segment 1A be deferred rather than transferred to segment 1B based on cost and need considerations. On April 22, 2011, PSE&G responded providing additional cost information and showing that the projects proposed for segment 1B are expected to be constructed at a lower cost than the expected cost of additional projects under segment 1A.

PROPOSED TRANSFER

The Stipulation on Capacity Transfer permits PSE&G to transfer 10 MW of capacity from segment 1A to segment 1B under the Program. Segment 1A calls for the development of 25MW of solar systems on PSE&G owned sites, while segment 1B calls for the development of 10MW of solar systems on third-party owned sites. PSE&G has been able to contract for the development of 13.3 MW of solar projects on company owned sites, of which 12.4 MW are currently in service. According to the petition, PSE&G is in negotiations to develop an additional 3.2 MW of solar projects in segment 1A; however, a number of PSE&G properties originally under consideration for this segment are not available due to several factors including environmental issues. PSE&G maintains that while it will no longer be able to reach the total 25MW of capacity targeted for segment 1A, segment 1B is oversubscribed with proposals totaling 60MW of capacity against the targeted 10MW to be developed within this segment. Finally, PSE&G maintains that segment 1B projects have been slightly less expensive than segment 1A projects, and that this difference will be greater for future projects. Specifically, PSE&G estimates that projects in segment 1B will cost \$0.45/watt less than projects in segment 1A when considering the going forward costs of projects under each segment.

DISCUSSION AND FINDINGS

The Board is aware that transfers of capacity between segments have an impact on the Solar 4 All Program costs due to the price differential of building new solar projects in each of the various Program segments. The Board believes that there is a public interest in ensuring that solar systems developed under the Solar 4 All Program are built at the lowest cost to ratepayers.

Following a careful review of the documentation filed by the Parties, the Board **FINDS** that PSE&G's request for a capacity transfer in this instance is likely to result in further reductions to the Program's costs, and therefore, the Board **HEREBY APPROVES** the Stipulation on Capacity Transfer. The Board further **DIRECTS** Staff to work with the Parties to ensure that lower costs are achieved in this instance and in any future requests for capacity transfers.

In the past years, the Board has taken consistent steps to spur the development of the solar markets in New Jersey, and to facilitate compliance with the Renewable Portfolio Standard solar requirements. As a result of these efforts, and based on the information provided by the Office of Clean Energy, the Board is persuaded that the solar market is developing rapidly, and that

the need for ratepayer support may be changing. The Board therefore believes that it is advisable to evaluate existing utility solar programs, and therefore **DIRECTS** Staff to conduct a thorough review of the utility supported solar programs to help the Board determine whether these programs should continue, be allowed to expire, be modified or expanded.

DATED: 4/27/11

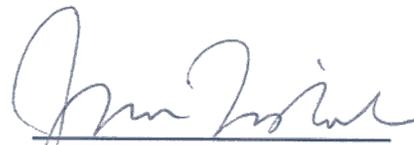
BOARD OF PUBLIC UTILITIES
BY:



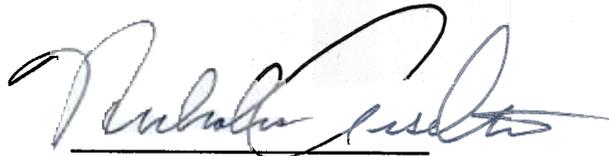
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PRESIDENT



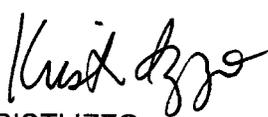
JEANNE M. FOX
COMMISSIONER



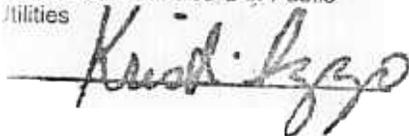
JOSEPH L. FIORDALISO
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NICHOLAS ASSELTA
COMMISSIONER

ATTEST: 
KRISTI IZZO
SECRETARY

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



STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF)
PUBLIC SERVICE ELECTRIC AND GAS) **STIPULATION ON**
COMPANY FOR APPROVAL OF A SOLAR) **TRANSFER OF CAPACITY**
SOLAR GENERATION INVESTMENT) **FROM SEGMENT 1A TO**
PROGRAM AND AN ASSOCIATED) **SEGMENT 1B**
COST RECOVERY MECHANISM)
BPU Docket No. EO09020125

WHEREAS, by an Order dated August 3, 2009 approving a Settlement Agreement (“August 3 Order”; “Settlement”), the Board of Public Utilities (“Board” or “BPU”) approved Public Service Electric and Gas Company’s (“PSE&G” or “Company”) request to implement a solar generation investment program (“Program”) and associated cost recovery mechanism; and

WHEREAS, PSE&G has been implementing the Program pursuant to the August 3 Order; and

WHEREAS, the Settlement provides that Segment 1 of the Program shall be comprised of three subsegments: **Segment 1a** – 25 MW of Solar Systems installed on PSE&G-owned sites; **Segment 1b** – 10 MW of Solar Systems installed on third-party owned sites; and **Segment 1c** – 5 MW of Solar Systems installed on sites in UEZs, including in any municipality that contains a UEZ; and

WHEREAS, the Settlement allows PSE&G to vary the installed capacities in each segment or subsegment by up to 20%; and

WHEREAS, Segment 1c is fully subscribed, at 5.47 MW. 1.66 MW of that capacity is on-line, and the remaining capacity is under construction; and

WHEREAS, PSE&G is under contract for the development of 12.5 MW on PSE&G properties in Segment 1a. Another two sites for .5 to 2 MW are under active negotiation with

contractors. Many of the original PSE&G properties under consideration were not viable due to site conditions (e.g., wetlands); and

WHEREAS, PSE&G has received proposals totaling approximately 60 MW for Segment 1b in its first solicitation. PSE&G is in various stages of negotiations or contracting for 12 MW of capacity in this segment; and

WHEREAS, Paragraph 24 of the Settlement provides “[i]n addition, PSE&G shall have the right to request Board approval to reallocate capacity between and among Sub-segments 1a, 1b, 1c, and 2, as needed to accommodate interconnections, permitting, the availability of appropriate sites for installations in particular Segments, or similar requirements. PSE&G shall seek Board approval of such reallocation of capacity, and shall specify the reason and factual basis for the capacity reallocation. The Parties agree and recommend that the Board should consider any such requests on an expedited basis so as not to delay the program implementation.” and

WHEREAS, the Company has consulted with the parties to the Settlement concerning a proposed transfer of 10 MW of capacity from Segment 1a to Segment 1b. As a result of these discussions, the undersigned parties (“Parties”) have entered into this Stipulation, as support the Board’s prompt issuance of an Order approving it without modification.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. PSE&G shall be permitted to transfer 10 MW of capacity from Segment 1a to Segment 1b, effective as of the date of the Board’s Order approving this Stipulation.
2. The Parties agree that this Stipulation shall be filed with the BPU for review and approval.
3. The Parties agree that this Stipulation is being entered into exclusively for the purpose of resolving the issues set forth herein.

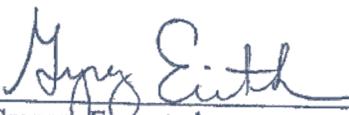
4. The Parties agree that this Stipulation was negotiated and agreed to in its entirety with each section being mutually dependent on approval of all other sections. Therefore, if the Board modifies any of the terms of this Stipulation, each Party is given the option, before implementation of any different terms in this matter, to accept the change or to resume negotiations on the issues set forth herein as if no Stipulation had been reached.

5. The Parties hereby agree that this Stipulation has been made exclusively for the purpose of this proceeding and that this Stipulation, in total or by specific item, is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey
Board of Public Utilities

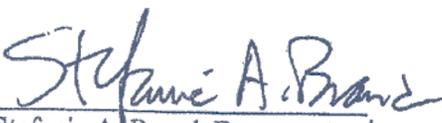
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Deputy Attorney General

By: 
Gregory Eisenstark
Associate General Regulatory
Counsel

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STEFANIE A. BRAND, DIRECTOR

MID-ATLANTIC SOLAR ENERGY
INDUSTRIES ASSOCIATION

By: 
Stefanie A. Brand, Esq.
Director 3/21/11

By: _____
Lyle K. Rawlings

4. The Parties agree that this Stipulation was negotiated and agreed to in its entirety with each section being mutually dependent on approval of all other sections. Therefore, if the Board modifies any of the terms of this Stipulation, each Party is given the option, before implementation of any different terms in this matter, to accept the change or to resume negotiations on the issues set forth herein as if no Stipulation had been reached.

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ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey
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PUBLIC SERVICE ELECTRIC AND
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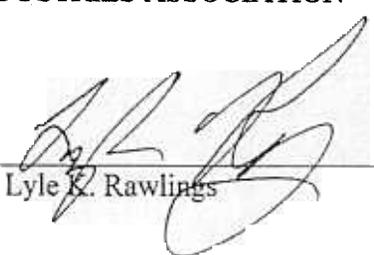
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Lyle K. Rawlings

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ATTORNEY GENERAL OF NEW JERSEY

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Marge DellaVecchia
Executive Director

Attorney for the NJ Housing & Mortgage Finance Agency
Approved as to Form

By: _____
Robert Shaughnessy
Deputy Attorney General

PETRA SOLAR, INC.

By:  _____
Evan Vogel
Senior Vice President Corporate Development

NEW JERSEY SOLAR INDUSTRY
MANUFACTURERS ASSOCIATION

By: _____

THE SOLAR ALLIANCE

By: _____

RESOURCE ENERGY SYSTEMS, L.L.C.

By: _____
Richard Pluzter, Esq.

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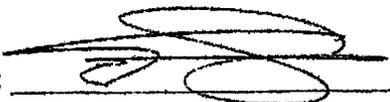
Attorney for the NJ Housing & Mortgage Finance Agency
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PETRA SOLAR, INC.

By: _____

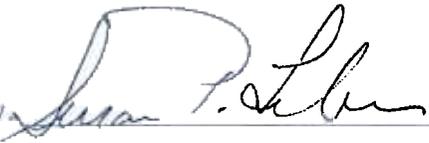
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Richard Pluzter, Esq.

THE SOLAR ALLIANCE

By: 

Susan P. LeGros
Stevens & Lee
Attorney for Solar Alliance

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF
PUBLIC SERVICE ELECTRIC AND GAS
COMPANY FOR APPROVAL OF A) BPU Docket No. EO09020125
SOLAR GENERATION INVESTMENT)
PROGRAM AND AN ASSOCIATED COST)
RECOVERY MECHANISM)

CERTIFICATION

STATE OF NEW JERSEY)
COUNTY OF ESSEX)

SUSANNA W. CHIU, of full age, being duly sworn according to law, hereby certifies:

1 I am Director of Business Development for Renewables and Energy Solutions of Public Service Electric and Gas Company (“PSE&G”), the Petitioner in the above-captioned matter.

2. I am responsible for implementing PSE&G’s Solar 4 All Program (“Program”) and am familiar with the Program’s rules and requirements, as approved by the Board of Public Utilities (“BPU”).

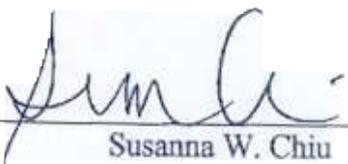
3. I make this Certification in support of a “Stipulation on Transfer of Capacity from Segment 1a to Segment 1b” in this matter. That Stipulation, if approved by the BPU, would allow PSE&G to transfer 10 MW of capacity from Segment 1a to Segment 1b of the Program.

4. Segment 1a calls for 25 MW of solar systems on PSE&G-owned properties. PSE&G has been able to contract for the development of 13.3 MW of projects on company-owned sites, of which 12.4 MW is in-service. We are in negotiations for approximately 3.2 MW of solar capacity for this segment. A number of the original PSE&G properties under consideration for this Segment were not viable due to site conditions (e.g., wetlands), and therefore, PSE&G will not be able to reach the total of 25 MW targeted for this segment at this time.

5. Segment 1b was established for 10 MW of solar systems on third-party owned sites. In its first solicitation, PSE&G received proposals totaling approximately 60 MW for Segment 1b. PSE&G is in various stages of negotiations or contracting for 12 MW of capacity in this segment (i.e., the 10 MW plus the 20% variance allowed by the BPU order approving the Program).

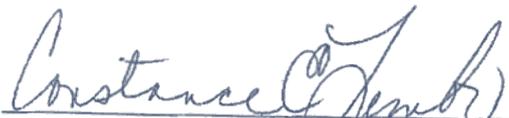
6. Based on the proposals we have received for Segment 1b, and the lack of additional PSE&G-owned properties suitable for Segment 1a, it is appropriate to transfer 10 MW of capacity from Segment 1a to 1b, as permitted by Paragraph 24 of the Settlement agreement in this matter upon BPU approval.

7. The foregoing statements are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements are willfully false, I may be subject to punishment.



Susanna W. Chiu

Sworn and subscribed to)
before me this 21st day)
of March, 2011)



CONSTANCE E. LEMBO
Notary Public of New Jersey
Commission Expires 10/18/2011

March 31, 2009

PUBLIC SERVICE ELECTRIC AND GAS COMPANY
SOLAR 4 ALL
BPU DOCKET NO. EO09020125

Page 1 of 2

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