



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CLEAN ENERGY

IN THE MATTER OF CUSTOMER )  
ON-SITE RENEWABLE ENERGY (CORE) ) ORDER  
PROGRAM REBATE APPEAL: )  
WAYNE MESIANO )  
 ) DOCKET NO. EG10050314

(SERVICE LIST ATTACHED)

Parties of Record:

**Wayne Mesiano, Petitioner**

BY THE BOARD:

**BACKGROUND**

This matter concerns a petition appealing the denial of an extension of time to complete a residential solar energy system in the now-discontinued Customer On-Site Renewable Energy ("CORE") Program. Mr. Wayne Mesiano ("Petitioner") requested the extension in order to complete a renewable energy project with a rated capacity of 7 kW, which had been approved for a rebate of approximately \$24,500.

On February 19, 2009, Petitioner received a rebate commitment letter under the CORE Program for approximately \$24,500. Final disbursement of the rebate was conditioned on Petitioner completing the project by February 19, 2010 - twelve months from the date on the commitment letter. Prior to the expiration, on or about February 11, 2010, Petitioner applied for an extension. CORE program staff advised Petitioner that no extension could be granted to a project less than ten kW under CORE program guidelines. On February 17, 2010, the New Jersey Clean Energy Program ("NJCEP") program coordinator ("Program Coordinator") affirmed the program staff's decision.

On March 11, 2010, the project was deactivated as an existing commitment by program staff. Petitioner filed the subject appeal on or about May 4, 2010.

Petitioner alleges several reasons for his failure to complete his project within the one-year time frame. He states that the economic downturn made finding the financing for his project more

difficult, that family illness prevented him from pursuing the project as quickly as he had anticipated, and that severe winter weather delayed construction.

More than a year has passed since Petitioner filed his appeal. Petitioner could have, but did not, apply for a rebate under the successor program to CORE after the original rebate commitment expired. Staff notes that if Petitioner reapplied for a rebate commitment under the Renewable Energy Incentive Program ("REIP") at that time, he would have been eligible for another rebate, assuming he had completed his project within the year allowed by that new rebate commitment.<sup>1</sup> The rebate level in effect since his initial application has declined significantly, reflecting changes in the solar marketplace and increases in the market-based incentives available to individuals installing solar energy systems. However, Staff is also mindful of the fact that Petitioner acted in good faith and has consistently expressed his desire to proceed with his solar energy installation should he receive the rebate.

Based on these facts, Staff negotiated a new rebate commitment with Petitioner, subject to Board approval, in the amount of \$1.55 per watt for a total of \$10,850. This was the rebate level in effect for projects constructed without energy efficiency measures at the time Petitioner's original CORE rebate expired. Accordingly, Staff recommends the Board to issue a new CORE commitment letter for a rebate of \$10,850.

## **DISCUSSION AND FINDINGS**

Petitioner's request for a second extension would require a waiver of the CORE Guidelines. Customer On-site Renewable Energy (CORE) Program Update (Aug. 17, 2006). A request for waiver must be considered under N.J.A.C. 14:1-1.2(b)(1). The Board must determine whether waiver is in accord with the general purpose and intent of its rules, and whether strict compliance with the rules would be adverse to public policy. Ibid.

The Board has reviewed the record and Staff's recommendation. There is no dispute of fact in this case. Petitioner missed the deadline for receiving his originally approved CORE rebate, and the CORE program guidelines prohibit any further extensions for his project. I/M/O Clean Energy Program Customer On-Site Renewable Energy Commitment Completion Timeframe For New Approvals and Existing Commitments, Docket No. EX04040276 (April 8, 2008). Petitioner asserted that reasons for the delay include the economic downturn, family illness, and severe winter weather. The Board has recognized severe winter weather as a valid reason to grant extensions to applicants in the CORE and REIP rebate programs. See Modification of Rebate Commitment Dates for Solar Projects, Dkt. No. EO11040232V (May 16, 2011). Moreover, the Board is sensitive to the fifteen months that Petitioner has waited for a ruling on his appeal.

---

<sup>1</sup> The Board closed the CORE program to new private sector solar applications on December 20, 2007 and closed the CORE program to all public sector solar applications as of April 1, 2008. In the Matter of a Request to Suspend the Acceptance and Processing of New Solar Applications in New Jersey's Customer On-Site Renewable Energy (CORE) Rebate Program, Docket No. EO07100773 (Dec. 20, 2007) ("December 20<sup>th</sup> Order"). Honeywell's 2009 compliance filing, which was approved by the Board in its 2009 Budget Order, also included a budget and program description for the Renewable Energy Program: Customer Sited (now called the Renewable Energy Incentive Program ("REIP")). I/M/O Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for 2009-2012: 2009 Programs and Budgets: Compliance Filings, Dkt No. EO07030203 (January 8, 2009) (2009 Budget Order).

Weighing the impact of severe winter weather against the delay of over a year in hearing this appeal, the Board **FINDS** that Staff has recommended an equitable settlement. As such, it is unnecessary to reach the merits of whether to grant Petitioner a second extension.

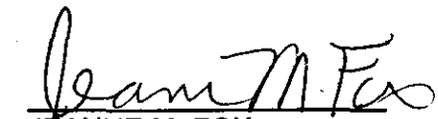
The rebate level in effect at the time Petitioner's original CORE application was submitted in 2007 was \$3.50 per watt. The Board **FINDS** that Petitioner missed the deadline for receiving the initial rebate commitment of \$3.50 per watt. The rebate level in effect since that time has declined significantly, reflecting the changes in the solar marketplace and the increase in the market-based incentives available to those installing solar energy systems. Included among those other incentives are the Solar Renewable Energy Certificates ("SRECs") available for the production of solar energy. The Board **FINDS** that the Renewable Energy Incentive Program offered a rebate of \$1.55/watt for projects installed without energy efficiency measures at the time Petitioner's original rebate expired.

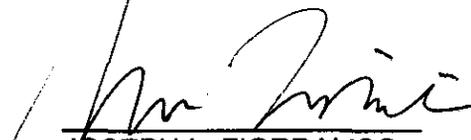
Based on the facts and circumstances of this matter, the Board **CONCLUDES** that \$1.55 per watt, as negotiated between Petitioner and Staff, is a reasonable settlement and is consistent with relevant policy considerations. Therefore, the Board **HEREBY APPROVES** a rebate commitment of \$10,850. The Board further **DIRECTS** the Market Manager to issue a new rebate commitment of \$10,850 to Petitioner, to be valid for one year from the date of this Order, provided all program requirements are met.

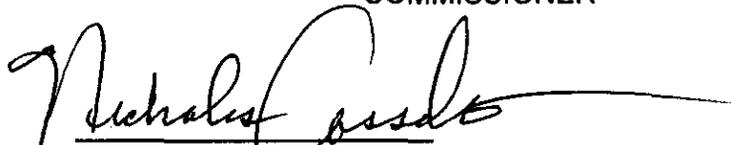
DATED: 8/18/11

BOARD OF PUBLIC UTILITIES  
BY:

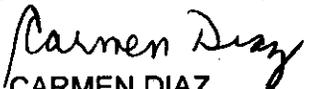
  
LEE A. SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

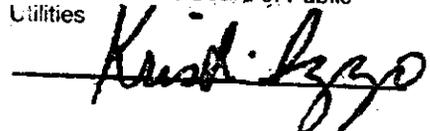
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

ATTEST:

  
CARMEN DIAZ  
ACTING SECRETARY

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



I/M/O THE CUSTOMER ON-SITE RENEWABLE ENERGY (CORE) PROGRAM REBATE  
APPEAL: WAYNE MESIANO, 2642 HANCE BRIDGE ROAD, VINELAND, NEW JERSEY

Docket No. EG10050314

SERVICE LIST

Michel Winka  
Office of Clean Energy  
Board of Public Utilities  
P.O. Box 350  
44 South Clinton Street  
Trenton, NJ 08625-0350

Benjamin S. Hunter  
Office of Clean Energy  
Board of Public Utilities  
P.O. Box 350  
44 South Clinton Street  
Trenton, NJ 08625-0350

Allison E. Mitchell  
Office of Clean Energy  
Board of Public Utilities  
P.O. Box 350  
44 South Clinton Street  
Trenton, NJ 08625-0350

Kristi Izzo, Secretary  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Caroline Vachier, DAG  
Division of Law  
Dept. of Law & Public Safety  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

Rachel Boylan  
Office of Clean Energy  
Board of Public Utilities  
P.O. Box 350  
44 South Clinton Street Trenton, NJ 08625-0350

Wayne Mesiano  
2642 Hance Bridge Road  
Vineland, NJ 08361