



Agenda Date: 10/16/13
Agenda Item: 2F

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF JERSEY)	ORDER EXTENDING THE
CENTRAL POWER & LIGHT COMPANY)	180-DAY REVIEW PERIODS
CONCERNING A PROPOSAL FOR AN SOLAR)	
RENEWABLE ENERGY CERTIFICATE (SREC)-BASED)	
FINANCING PROGRAM UNDER <u>N.J.S.A. 48:3-98.1</u>)	DOCKET NO. EO12080750
)	
IN THE MATTER OF THE PETITION OF ATLANTIC)	
CITY ELECTRIC COMPANY CONCERNING A)	
PROPOSAL FOR AN EXTENDED SOLAR)	
RENEWABLE ENERGY CERTIFICATE (SREC)-BASED)	
FINANCING PROGRAM PURSUANT TO <u>N.J.S.A. 48:3-</u>)	DOCKET NO. EO12090799
<u>98.1</u>)	
)	
IN THE MATTER OF THE VERIFIED PETITION OF)	
ROCKLAND ELECTRIC COMPANY FOR APPROVAL)	
TO IMPLEMENT AN EXTENDED SREC-BASED)	
FINANCING PROGRAM PURSUANT TO <u>N.J.S.A. 48:3-</u>)	
<u>98.1</u> (SREC II PROGRAM))	DOCKET NO. EO13020118

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Jersey Central Power & Light Company
Philip J. Passanante, Esq., Atlantic City Electric Company
John Carley, Esq., Rockland Electric Company
Michael A. Gruin, Esq., Solar Energy Industries Association ("SEIA")
Howard O. Thompson, Esq., NJ Land, LLC
R. William Potter, Esq., Mid-Atlantic Solar Energy Industries Association ("MSEIA")

BY THE BOARD:

By Order dated May 23, 2012, In re Review of Utility Supported Solar Programs, Docket EO11050311V ("May 23 Order"), the New Jersey Board of Public Utilities ("Board") authorized

the extension of certain utility run solar financing programs previously approved by the Board pursuant to an Order dated August 7, 2008¹.

On August 15, 2012, Jersey Central Power & Light Company ("JCP&L") filed a petition² with the Board requesting approval of its "SREC II" solar financing program ("JCP&L Program"), pursuant to the Board's May 23 Order and pursuant to N.J.S.A. 48:3-98.1. As proposed, the JCP&L Program is a 52 megawatt ("MW") program modeled closely on JCP&L's and Atlantic City Electric's ("ACE") first solar renewable energy certificate ("SREC") financing program ("Original SREC Program") approved by Board Orders dated March 29, 2009 and September 16, 2009 under Dockets EO08100875 and EO08090840.³

On September 6, 2012, ACE⁴ filed a petition with the Board requesting approval of its solar financing program ("ACE Program"), also pursuant to the May 23, Order and N.J.S.A. 48:3-98.1. According to the petition, ACE's Program is a 23 MW program modeled closely on the Original SREC Program as well.

On February 1, 2013, Rockland Electric Company ("RECO") filed a petition with the Board requesting approval of its solar financing program ("RECO Program"), also pursuant to the May 23 Order and N.J.S.A. 48:3-98.1. As proposed, the RECO Program is a 4.5 MW program substantially similar to the first SREC financing program approved by Board Order dated July 31, 2009, under Docket Number EO09020097.⁵

By Orders dated October 4, 2012, December 19, 2012, and March 20, 2013 the Board retained JCP&L's, ACE's, and RECO's petitions, respectively, for review and hearing, and as authorized by N.J.S.A. 48:2-32, designated Commissioner Mary-Anna Holden as the presiding officer with authority to rule on all motions that arise during the pendency of the cases.

By Order dated January 18, 2013, Commissioner Holden approved the extension of the 180 day review period under N.J.S.A. 48:3-98.1 b ("Review Period") to June 30, 2013 for the ACE Program, and on January 23, 2013, the Board approved the extension of the Review Period to June 30, 2013 for the JCP&L Program. On March 20, 2013, Commissioner Holden adopted a revised procedural schedule proposed by the parties for both the ACE and JCP&L petitions which called for an anticipated review of the proposals at the Board's July 2013 agenda meeting. By Order dated April 19, 2013, Commissioner Holden approved a procedural schedule for review of the RECO petition which anticipated Board action at the October agenda meeting. By Order dated May 29, 2013, the Board approved a revised schedule for the ACE and JCP&L proceedings and extended the Review Dates to September 30, 2013. By Order dated June 27, 2013, Commissioner Holden adopted a further revised schedule for all three

¹ In re Renewable Energy Portfolio Standards: Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing. (Docket EO06100744).

² In re Verified Petition of Jersey Central Power & Light Company Concerning a Proposal for an SREC-based Financing Program under N.J.S.A. 48:3-98.1. (Docket EO12080750).

³ In re Verified Petition of Jersey Central Power & Light Concerning a Proposal for a SREC-based Financing Program under N.J.S.A. 48:3-98. (Docket EO08090840). In re Atlantic City Electric Company Renewable Portfolio Standard Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing. (Docket EO08100875).

⁴ In re the Petition of Atlantic City Electric Company Concerning a Proposal for an Extended SREC-based Financing Program Pursuant to N.J.S.A. 48:3-98.1 (Docket EO12090799).

⁵ In re the Verified Petition of Rockland Electric Company Concerning a Proposal for an SREC-Based Financing Program Under N.J.S.A.48:3-98.1(Docket No. EO09020097).

petitions with anticipated Board action at the September agenda meeting. On July 27, 2013, Commissioner Holden suspended the procedural schedule based on the representation that hearings were not needed due to active settlement negotiations.

On September 4, 2013, ACE, JCP&L, Board Staff, the Division of Rate Counsel ("Rate Counsel"), MSEIA, NJ Land and SEIA (collectively, the "Parties") executed a stipulation ("Stipulation") agreeing to extend ACE's and JCP&L's respective Review Periods to October 31, 2013 in order to allow additional time for the review and processing of the petitions. On September 18, 2013, the Board granted the extension and adopted the Stipulation.

According to the information provided to the Board, draft stipulations resolving the issues in these proceedings are being circulated. In the interim, however, on October 7, 2013, the Parties executed a stipulation to further extend the Review Periods for the ACE, RECO and JCP&L petitions to December 31, 2013 to allow the Parties to finalize and execute the final stipulations.

DISCUSSION AND FINDING

The Board has carefully reviewed the record to date in this matter. The Board is satisfied and **HEREBY FINDS** that the stipulation extending the Review Dates for all three petitions is reasonable and is in the public interest as it will provide additional time for a thorough review of the proposed JCP&L, RECO and ACE Programs, and allow for the development of a full and complete record for review by the Board.

Accordingly, the Board **HEREBY ADOPTS** the attached stipulation as its own, incorporating by reference its terms and conditions as if fully set forth herein and **HEREBY EXTENDS** the JCP&L, ACE and RECO 180-day Review Periods to December 31, 2013.

DATED: 10/16/13

BOARD OF PUBLIC UTILITIES
BY:

Jeanne M. Fox

JEANNE M. FOX
COMMISSIONER

Robert M. Hanna
ROBERT M. HANNA
PRESIDENT

Joseph L. Fiordaliso
JOSEPH L. FIORDALISO
COMMISSIONER

Mary-Anna Holden
MARY-ANNA HOLDEN
COMMISSIONER

Dianne Solomon
DIANNE SOLOMON
COMMISSIONER

ATTEST: *Kristi Izzo*
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
Kristi Izzo

In the Matter of the Petition of Jersey Central Power & Light Company Concerning a Proposal
for an Solar Renewable Energy Certificate (SREC)-based Financing
Program under N.J.S.A. 48:3-98.1
Docket Nos. EO12080750

In the Matter of the Petition of Atlantic City Electric Company Concerning a Proposal for an
Extended Solar Renewable Energy Certificate (SREC)-Based Financing
Program Pursuant to N.J.S.A. 48:3-98.1
Docket No. EO12090799

In the Matter of the Verified Petition of Rockland Electric Company for Approval to Implement an
Extended SREC-Based Financing Program Pursuant to N.J.S.A. 48:3-98.1 (SREC II Program)
Docket No. EO13020118

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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE VERIFIED
PETITION OF JERSEY CENTRAL
POWER & LIGHT COMPANY
CONCERNING A PROPOSAL FOR AN
SREC-BASED FINANCING
PROGRAM UNDER N.J.S.A. 48:3-98.1
("SREC II")

**BPU DOCKET Nos. E012080750,
E012090799 & E013020118**

**STIPULATION
TO EXTEND THE 180-DAY RGGI
PERIOD**

IN THE MATTER OF THE PETITION OF
ATLANTIC CITY ELECTRIC COMPANY
CONCERNING A PROPOSAL FOR AN
EXTENDED SOLAR RENEWABLE
ENERGY CERTIFICATE (SREC)-BASED
FINANCING PROGRAM PURSUANT TO
N.J.S.A. 48:3-98.1

IN THE MATTER OF THE VERIFIED
PETITION OF ROCKLAND ELECTRIC
COMPANY FOR APPROVAL TO
IMPLEMENT AN EXTENDED SREC-
BASED FINANCING PROGRAM
PURSUANT TO N.J.S.A. 48:3-98.1 (SREC II
PROGRAM)

APPEARANCES:

Gregory Eisenstark, Esq. (Morgan, Lewis & Bockius LLP) for Petitioner, Jersey Central Power & Light Company

Philip J. Passanante, Esq., Associate General Counsel, for Petitioner, Atlantic City Electric Company

John Carley, Esq., for Petitioner, Rockland Electric Company

Felicia Thomas-Friel, Esq., Deputy Rate Counsel and **Sarah H. Steindel, Esq.**, Assistant Deputy Rate Counsel (Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel)

T. David Wand and Carolyn McIntosh, Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (John J. Hoffman, Acting Attorney General of New Jersey)
Howard O. Thompson, Esq., for NJ Land, LLC
Michael A. Gruin, Esq. (Stevens & Lee) for the Solar Energy Industries Association
R. William Potter, Esq. (Potter and Dixon) for the Mid-Atlantic Solar Energy Industries Association

TO THE HONORABLE NEW JERSEY BOARD OF PUBLIC UTILITIES:

1. On August 15, 2012, Jersey Central Power and Light Company ("JCP&L") filed a Verified Petition with the New Jersey Board of Public Utilities ("Board"), requesting approval of its "SREC II" solar financing program, pursuant to the Board's Order dated May 23, 2012 in Docket No. EO11050311V (the "May 23 Order"), and pursuant to N.J.S.A. 48:3-98.1 et seq. ("the RGGI Act"). According to JCP&L, its proposed SREC II Program is a 52 MW SREC Financing Program modeled closely on the Company's original SREC Financing Program. JCP&L avers that based on requirements in the Board's May 23 Order and experience with the original Program, JCP&L has proposed certain new elements for the SREC II Program, and the entire scope of the proposed SREC II Program is discussed in detail in the Verified Petition and supporting exhibits and schedules.

2. On September 5, 2012, Atlantic City Electric Company ("ACE") filed a Verified Petition with the Board requesting approval of its "SREC II" solar financing program, also pursuant to the May 23 Order and the RGGI Act. According to ACE, it intends the SREC II Program to be similar in all material respects to the current SREC I Program. ACE further states that its Program will solicit 23 MW of solar capacity. ACE has also proposed certain new elements for the SREC II Program, and the entire scope of the proposed SREC II Program is discussed in detail in ACE's Verified Petition and supporting exhibits and schedules.

3. On September 14, 2012, Board Staff advised JCP&L that, for this Petition, Board Staff was amending the minimum filing requirements in Appendix A of the May 12, 2008 Board Order in Docket No. EO08030164 (the "May 12 Order") to waive any filing deficiencies that may be present in the Company's Petition without precluding subsequent request for any information. As stated in the May 12 Order, if Board Staff notifies the utility that the Petition is complete as filed, then the 180-day period for the Board to approve, modify or deny the Petition will commence on the date that the Petition was filed. In accordance with the May 12 Order, Board Staff deemed JCP&L's Petition administratively complete. Therefore, the Board's 180-day review period under the RGGI Act commenced on August 15, 2012 and would have expired on February 11, 2013 (the "JCP&L Review Date").

4. By Order dated October 4, 2012, in the JCP&L matter, the Board designated Commissioner Mary-Anna Holden as the presiding officer who is authorized to rule on all motions that arise during the pendency of this case and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

5. On October 9, 2012, Board Staff advised ACE that, for this Petition, Board Staff was amending the minimum filing requirements in Appendix A of the May 12 Order to waive any filing deficiencies that may be present in the Company's Petition without precluding subsequent request for any information. As stated in the May 12 Order, if Board Staff notifies the utility that the Petition is complete as filed, then the 180-day period for the Board to approve, modify or deny the Petition will commence on the date that the Petition was filed. In accordance with the May 12 Order, Board Staff deemed ACE's Petition administratively complete. Therefore, the Board's 180-day review period under the RGGI Act commenced on September 6, 2012 and would have expired on March 5, 2013 (the "ACE Review Date").

6. By Order dated December 19, 2012, the Board similarly designated Commissioner Holden as the presiding officer for the ACE filing.

7. The undersigned parties (collectively referred to herein as the "Parties"), having commenced discovery and discussions concerning these matters, requested an extension of the JCP&L Review date and the ACE Review date (collectively, the "Review dates") to June 30, 2013. By Order dated January 18, 2013, Commissioner Holden extended the ACE Review date to June 30, 2013 and approved a modified procedural schedule for both matters. By Order dated January 23, 2013, the Board extended the JCP&L Review date to June 30, 2013.

8. On February 6, 2013, Rockland Electric Company ("RECO") filed with the Board a Verified Petition concerning an extension of RECO's SREC-based financing program. Under the proposal, RECO will enter into SREC-PSAs for up to 4.5 MW of installed solar capacity in RECO's service territory, allocated among the three program segments and solicited over a three-year period.

9. On March 6, 2013, Board Staff advised RECO that, for this Petition, Board Staff was amending the minimum filing requirements in Appendix A of the May 12 Order to waive any filing deficiencies that may be present in the Company's Petition without precluding subsequent request for any information. As stated in the May 12 Order, if Board Staff notifies the utility that the Petition is complete as filed, then the 180-day period for the Board to approve, modify or deny the Petition will commence on the date that the Petition was filed. In accordance with the May 12 Order, Board Staff deemed RECO's Petition administratively complete. Therefore, the Board's 180-day review period under the N.J.S.A. 48:3-98.1(b) commenced on March 6, 2013 and would have expired on August 5, 2013 (the "RECO Review Date").

10. By Order dated May 29, 2013 the Board extended the RECO Review dates to October 29, 2013.

11. In light of the fact that the Parties' discussions may not be completed and a settlement may not be ready for submission to the Board by October 29, or October 31, 2013, the Parties have agreed to request an extension of the RGGI dates to December 31, 2013 in order to provide the Board with additional time to complete the processing of the Petitions and issue final determinations in this matter.

STIPULATION


Accordingly, the Parties hereby **STIPULATE AND AGREE** as follows:

12. The Parties, pursuant to N.J.S.A. 48:2-21.3, request that the Board issue an Order extending the review dates of October 29 and October 31, 2013, and establishing a revised review date for purposes of extending the 180-day RGGI Period until December 31, 2013 for the JCP&L, ACE, and RECO Petitions.


13. This Stipulation represents a mutual balancing of interests, contains interdependent provisions, and, therefore, is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

WHEREFORE, the undersigned Parties hereto do respectfully submit this Stipulation and request that the Board issue an Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL
OF NEW JERSEY
Attorney for the Staff of the New Jersey
Board of Public Utilities

By: 
T. David Wand
Deputy Attorney General

JERSEY CENTRAL POWER & LIGHT
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ROCKLAND ELECTRIC COMPANY

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MID-ATLANTIC SOLAR ENERGY
INDUSTRIES ASSOCIATION

By: _____
R. William Potter, Esq.

Dated: October ____, 2013

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JOHN J. HOFFMAN
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Attorney for the Staff of the New Jersey
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JERSEY CENTRAL POWER & LIGHT
COMPANY

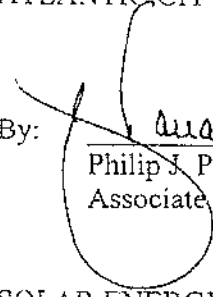
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Dated: October __, 2013

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Attorney for the Staff of the New Jersey
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Dated: October ___, 2013

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By: _____
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By: _____
R. William Potter, Esq.

Dated: October 1, 2013

WHEREFORE, the undersigned Parties hereto do respectfully submit this Stipulation and request that the Board issue an Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

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Attorney for the Staff of the New Jersey
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Dated: October 7, 2013