



Agenda Date: 8/24/16  
Agenda Item: 8A

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
**www.nj.gov/bpu/**

CLEAN ENERGY

IN THE MATTER OF THE VERIFIED JOINT PETITION )  
OF SOLOPS, LLC AND COLLEGE ROAD )  
ASSOCIATES, LLC FOR A DECLARATORY )  
JUDGMENT OR, IN THE ALTERNATIVE, FOR A )  
WAIVER OF RULE )  
ORDER ON MOTION TO  
INTERVENE  
DOCKET NO. QO16060487

**Parties of Record:**

**Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel**  
**Alexander C. Stern, Esq., on behalf of Public Service Electric and Gas Company**  
**Steven S. Goldenberg, Esq., Fox Rothschild, LLP, on behalf of Solops, LLC and College Road Associates, LLC**

**BY THE BOARD:**

This Order memorializes the New Jersey Board of Public Utilities' ("Board") decision regarding a motion to intervene filed by Public Service Electric and Gas Company ("PSE&G") in a declaratory judgment proceeding involving the Board's net metering rules.

**BACKGROUND**

The statutory and regulatory authority for net-metering is codified at N.J.S.A. 48:3-87(e) and implemented through N.J.A.C. 14:8-4. The statute limits net metering to customers "that generate electricity, on the customer's side of the meter, using a Class I renewable energy source, for the net amount of electricity supplied by the electric power supplier or basic generation service provider over an annualized period." N.J.S.A. 48:3-87(e)(1). The rules establish the criteria for determining whether a renewable generation facility is on the "customer's side of the meter" and therefore eligible for net metering.

On June 9, 2016, SOLOPS, LLC ("SOLOPS") and College Road Associates, LLC ("College Road") (collectively, "Joint Petitioners") filed a joint petition with the Board for a declaratory ruling concerning the Board's net metering rules, found at N.J.A.C. 14:8-4.1 ("Petition"). Specifically, Joint Petitioners seek a declaratory ruling that the solar installation it proposes to build will be "on-site" for purposes of N.J.A.C. 14:8-4.1; or, in the alternative, a waiver of N.J.A.C. 14:8-4.2, pursuant the Board's authority under N.J.A.C. 14:1-1.2(b). (Petition at paras. 30, 37.)

By letter dated July 5, 2016, PSE&G filed a motion to intervene. PSE&G states that it has been involved with the Joint Petitioners in several discussions of their interconnection project and that it is aware that there may be issues involving the interpretation of the Board's net metering rules. PSE&G asserts that the Board's decision in this matter could have a direct impact on PSE&G and its customers, particularly on the utility's evaluation process for future net-metering projects.

By letter dated July 8, 2016, counsel for Joint Petitioners filed a letter stating that they had no objection to PSE&G's intervention.

### **STAFF RECOMMENDATION**

The electric distribution companies ("EDCs") play a central role in the implementation of the Board's net metering rules, which are intertwined with the interconnection rules governing Class I renewable energy generation. N.J.A.C. 14:8-4.1 through 5.1 et seq. The Board and the public rely upon the EDCs to ensure that the renewable generation will not adversely affect safe, adequate, and proper functioning of the electricity grid. Staff concurs with PSE&G that the Board's ruling upon the underlying petition could have a significant impact upon PSE&G and its evaluation of future net metering projects. In addition, as an EDC, PSE&G has expertise in interconnection issues and experience in dealing with the Board's net metering rules. Its perspective is both valuable and quite different from that of Petitioner. Thus, its involvement in this proceeding is likely to add constructively to the record.

As such, Staff recommends that the Board grant the motion to intervene.

### **DISCUSSION AND FINDINGS:**

#### **Motion to Intervene**

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.

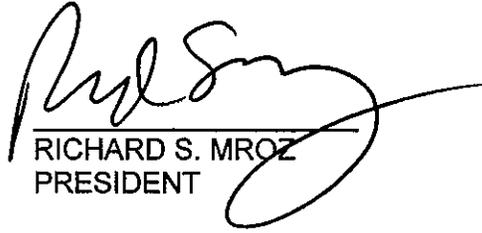
As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey 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 In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, Docket No. EM05020106, Order dated June 8, 2005.

After careful review of the filings, including Joint Petitioners' non-objection, and of Staff's recommendation, the Board **FINDS** that PSE&G has a substantial interest in this matter and could be significantly affected by the outcome. The Board **FURTHER FINDS** that PSE&G's inclusion as a party will add measurably and constructively to the proceeding and will not result in any delay or confusion.

Accordingly, the Board **HEREBY GRANTS** the motion to intervene.

DATED: 8/24/16

BOARD OF PUBLIC UTILITIES  
BY:

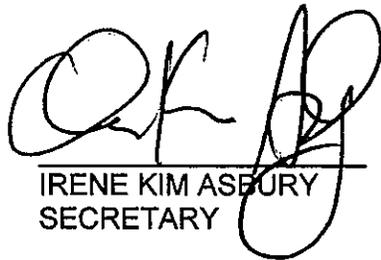
  
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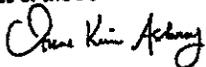
  
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COMMISSIONER

ATTEST:   
IRENE KIM ASEBURY  
SECRETARY

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



IN THE MATTER OF THE VERIFIED JOINT PETITION OF SOLOPS, LLC AND COLLEGE ROAD ASSOCIATES, LLC FOR A DECLARATORY JUDGMENT OR, IN THE ALTERNATIVE, FOR A WAIVER OF RULE

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