Agenda Date: 1/25/17
Agenda Item: 8E

STATE OF NEW JERSEY

Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE APPLICATION OF NJ LAND, LLC SEEKING A DECLARATORY JUDGMENT PURSUANT TO N.J.S.A. 52:14B-1 ET SEQ., OR A WAIVER PURSUANT TO THE WAIVER RULE, N.J.A.C. 14:1-1.2(B)	)	ORDER
	)	DOCKET NO. QO16040382

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Gabrielle A. Figueroa, Esq., Windels Marx Lane & Mittendorf, LLP, on behalf of Jersey Central Power & Light Company
Howard O. Thompson, Esq., Russo Tumulty Nester Thompson & Kelly, LLP, on behalf of NJ Land, LLC

BY THE BOARD:[1]

BACKGROUND

A. Regulatory Framework

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. 14:8-4.1. 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. See N.J.A.C. 14:8-4.1.

The Solar Act of 2012, P.L. 2012, c. 24 ("Solar Act"), made several amendments to the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq. ("EDECA"). Among these amendments was a change to the definition of "on-site generation facility." The Solar Act added renewable generation facilities to those that may be considered "on-site" if located on a property contiguous to the property on which end use occurs: "[o]n-site generation facility" means a generation facility, including, but not limited to, a generation facility that produces

[1] President Richard S. Mroz recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation on this matter.

Class I or Class II renewable energy[.]" N.J.S.A. 48:3-51 (definition of "on-site generation facility") (emphasis added). Per the definition, an end use customer's property is "contiguous" to the generation facility if the generation facility is geographically located next to the property where the end use occurs or if they are separated by an easement, public thoroughfare, or transportation or utility-owned right-of-way. Ibid.

On August 25, 2013, the New Jersey Board of Public Utilities ("Board") promulgated rules incorporating the statutory change in the definition of "on-site generation facility" into its net metering rules. The Board amended its rules by defining Class I renewable energy facilities as "on-site" if they were located on a property geographically located next to the property where end use occurs, as shown in the official tax map. N.J.A.C. 14:8-4.1(b). As in the statutory definition, the property could be separated from the end use property by an easement, public thoroughfare, or transportation or utility-owned right-of-way. N.J.A.C. 14:8-4.1(b)(1)(ii); 45 N.J.R. 942(a) (April 15, 2013).

The Solar Act also added a definition of the term "connected to the distribution system." The new definition provides six ways in which a solar generation facility may be considered so connected: (1) it is net metered and located on a customer's side of the meter; (2) it is an on-site generation facility; (3) it qualifies for net metering aggregation under N.J.S.A. 48:3-87(e)(4); (4) it is owned or operated by a public utility pursuant to N.J.S.A. 48:3-98.1; (5) it is directly connected to the distribution system at 69 kilovolts or less and has been certified by the Board pursuant to N.J.S.A. 48:3-87(q), (r), or (s); or (6) it has been certified by the Board, in connection with the New Jersey Department of Environmental Protection, as being located on a brownfield, properly closed sanitary landfill facility, or an area of historic fill pursuant to N.J.S.A. 48:3-87(t). N.J.S.A. 48:3-51 (definition of "connected to the distribution system").

If a solar generation facility does not fall into one of the categories described above, the facility is not "connected to the distribution system" and, as such, cannot generate energy upon which a Solar Renewable Energy Certificate ("SREC") may be created. N.J.A.C. 14:8-2.2. SRECs represent the environmental attributes of one megawatt hour of solar energy and under New Jersey's regulatory scheme, they have a monetary value. Ibid. SRECs are generally sold to recoup the costs of a solar development and eventually to earn a profit on the investment.

B. Procedural History

On April 25, 2016, NJ Land, LLC ("NJ Land" or "Petitioner"), a solar developer, filed a petition with the Board seeking a declaratory ruling that the two solar installations it proposes to build on the Joint Base-McGuire Dix Lakehurst ("Joint Base") will be "on-site" for purposes of N.J.S.A. 48:3-51 and N.J.A.C. 14:8-4.1. Alternatively, Petitioner seeks a waiver of the statutory and/or regulatory requirements pursuant to the Board's authority under N.J.A.C. 14:1-1.2(b). (Petition at p. 10.)

On June 10, 2016, the local electric utility, Jersey Central Power & Light ("JCP&L") moved to intervene and filed a response opposing the Petition. The utility argued that the proposed projects should not be considered "on-site" because the solar generation facilities are not on nor contiguous to the property on which the energy is consumed. However, it took no position on the request for a waiver of the Board's rules.

On June 20, 2016, NJ Land filed opposition to JCP&L's motion and to its response.

On August 24, 2016, the Board granted JCP&L's motion to intervene.

On September 23, 2016, counsel for the Joint Base filed a letter brief outlining the Joint Base's position that the Joint Base constitutes an indivisible "federal land mass" on which municipal lots and blocks are superseded.[2]

On September 29, 2016, NJ Land filed a letter in support of the Joint Base's position.

On November 15, 2016, the New Jersey Defense Enhancement Coalition filed a letter in support of NJ Land's Petition.

On November 30, 2016, NJ Land filed additional comments in support of its Petition.

On December 2, 2016, JCP&L filed a letter in response to the letters of September 23, September 29, and November 30, 2016. JCP&L argued that the proposed projects should not be considered "on-site."

On January 10, 2017, the New Jersey Division of Rate Counsel ("Rate Counsel") filed comments stating that the proposed projects did not constitute "on-site generation facilities" and that if the Board nonetheless approved the Petition, the Board should affirm that United Communities LLC ("United Communities"), a private entity operating the housing units on the Joint Base, will be subject to the Board's policy on submetering and the related provisions of JCP&L's tariff.[3]

These filings are discussed in the Discussion and Findings section.

C. NJ Land's Petition

NJ Land is a limited liability company and the developer for a site of over 156 acres located in the Township of Springfield, New Jersey. (Petition at p. 2, ¶ 1.) This site is located across a public thoroughfare, Saylors Pond Road, from the Joint Base. Ibid. Acting through one or more special purpose entities, NJ Land proposes to construct and operate two photovoltaic electric generating facilities, one of approximately 9.2 MW dc and one up to 19 MW dc, to serve customer needs on the Joint Base. (Petition at p. 1.) According to a proposed site plan called "Solar Transmission Plan" prepared by Taylor Wiseman & Taylor, the property where the solar panels will be located is designated as Block 1901, Lot 11. (Petition at Exhibit I, p. 2.)

Petitioner states that it is developing a solar facility of approximately 9.2 MW dc ("Phase I") to serve the electricity needs of United Communities, which operates the housing for military personnel at the Joint Base. (Petition at p. 2, ¶ 2, 3.) The Federal Government, through the Air Force, has entered into a 50-year lease with United Communities ("Master Lease"). At the end of the lease term, United Communities must remove all buildings and other improvements and restore the land to good condition. Department of the Air Force Lease of Property on McGuire Air Force Base and Fort Dix, New Jersey ("Master Lease") at ¶ 1.1 and 9.1. Phase I will serve a

[2] The Joint Base also stated that it does not seek to intervene in this matter.

[3] No other party has addressed this issue and a record has not been developed. The Board therefore makes no formal finding on this issue at this time.

United Communities housing area known as Falcon Courts North. (Master Lease at Leased Premises, p 1 and Exhibit A-1-1.)

Petitioner also anticipates developing a separately wired solar facility of up to 19 MW dc to serve electricity needs on the McGuire portion of the Joint Base ("Phase II"). (Petition at p. 2, ¶ 2.) NJ Land represents that the financing of the two proposed solar facilities will be affected by the interpretation of "on-site generation facility" and that the ability to earn SRECs is crucial to the proposed facilities. (Petition at p. 3, ¶ 8.)

The Township of Springfield has reviewed and approved the site plans for Phase I and Phase II. (Petition at p. 4, ¶ 11 and Exhibit A.) JCP&L has reviewed Petitioner's interconnection application and has issued a notice of deficiency which states that Phase I does not comply with the on-site generation requirement of the net metering rules. (Petition at p. 2, ¶ 4 and Exhibit B.) Petitioner believes that a similar notice of deficiency will be issued for any interconnection application made for Phase II because the connecting distribution wire will follow the same route as that for Phase I. Thus, Petitioner seeks the same declaratory judgment or waiver for Phase II as for Phase I. (Petition at p. 3, ¶ 5.)

Petitioner requests a declaratory judgment that the two proposed generation facilities are "on-site generation" within the meaning of N.J.S.A. 48:3-51 and N.J.A.C. 14:8-4.1(b)(1)(ii). (Petition at p. 10, ¶ 37.) In the alternative, Petitioner asks that the Board waive the statutory and regulatory requirements. (Petition at p. 10, ¶ 38.)

DISCUSSION AND FINDINGS[4]

I. Request for Declaratory Judgment that the Proposed Facility is "On-site Generation" within the Meaning of N.J.S.A. 48:3-51.

Petitioner has asked the Board to make a declaratory ruling that its proposed project is an "on-site generation facility" within the meaning of N.J.S.A. 48:3-51 and N.J.A.C. 14:8-4.1(b)(1)(ii). As an executive agency, the Board does not possess the authority to waive a statute. Therefore, the Board must first determine whether the proposed solar facility constitutes an "on-site generation facility" as EDECA defines this term.

> "On-site generation facility" means a generation facility, including, but not limited to, a generation facility that produces Class I or Class II renewable energy, and equipment and services appurtenant to electric sales by such facility to the end use customer located on the property or on property contiguous to the property on which the end user is located. . . . The property of the end use customer and the property on which the on-site generation facility is located shall be considered contiguous if they are geographically located next to each other, but may be otherwise separated by an easement, public thoroughfare, transportation or utility-owned right-of-way[.]
>
> [N.J.S.A. 48:3-51 (definition of "on-site generation facility").]

[4] With respect to Phase II, the Board notes that Petitioner has provided almost no specific information. Accordingly, the Board will limit its findings to Phase I only and will refer to Phase I as the "Proposed Facility."

For the Proposed Facility to be "on-site," it must be "contiguous" to the property where the end use occurs, although a public thoroughfare, easement, or transportation or utility right-of-way may be situated between the properties without disrupting contiguity under this definition. Ibid. For purposes of the Petition, a finding that the proposed generation facility is contiguous to the end user requires that the Joint Base be considered as a single property, as argued by Petitioner.

In considering the status of a military installation, the Board looks first to the pronouncements of the Federal Government. Congress established the Base Realignment and Closure ("BRAC") process in 1990, including the creation of the Defense Base Closure and Realignment Commission ("Commission").[5] Pursuant to the 1990 Act as it existed in 2005, the Commission reviews criteria and closure/realignment recommendations from the Department of Defense ("DoD"), holds hearings, and then transmits a report with its recommendations to the President. 1990 Act at § 2902. If the report is not approved, it is returned to the Commission for further review and revision. 10 U.S.C.§ 2003. Once the President has approved the report, it is transmitted to Congress. Ibid. In 2005, the Commission recommended that the Joint Base be established, the Commission's report on this recommendation became law, and the Joint Base was created. See 2005 Defense Base Closure and Realignment Report ("BRAC 2005") at p. 221. Counsel for the Joint Base has informed the Board that Congress assigned the Joint Base in its entirety to the custody of the Secretary of the Air Force as an Air Force Installation. (Joint Base Letter at 1.)

The Supreme Court of the United States has held that "[w]here a place with a defined boundary is under the administration of a military department, the limits of the 'military installation' for purposes of § 1382 are coterminous with the commanding officer's area of responsibility." U.S. v. Apel, 134 S. Ct. 1144, 1153; 188 L. Ed. 2d 75, 85; 2014 U.S. LEXIS 1643; 82 U.S.L.W. 4121 (2014). Counsel for the Joint Base has explained that under Apel, the commanding officer's area of responsibility for that base is the property line. Joint Base Letter at p. 2. Thus, under Apel, the entire Joint Base represents a single property. U.S. v. Apel, supra, 134 S. Ct. at 1152, 188 L. Ed. 2d at 84. This means that Falcon Court North is located upon the same property as the portion of the base directly across Saylors Pond Road from the property where solar facility is proposed to be located.

Petitioner also emphasized the Joint Base is considered a federal enclave pursuant to N.J.S.A. 52:30-2. (November 30, 2016 Letter at p. 2.) NJ Land argued that because the Joint Base is exempt from state taxes, assessments, and other charges, the designations of tax block and lots are irrelevant. Ibid. Petitioner also cited to Manning v. Gold Belt Falcon, LLC, 681 F. Supp. 2d 574 (D.N.J. 2010) and Greer v. Spock, 525 U.S. 828, 96 S. Ct. 1211; 47 L. Ed. 2d 505; 1976 U.S. LEXIS 12 (1976) as examples of where courts determined that military bases were under the exclusive jurisdiction of the Federal Government.

In its December 2016 letter, JCP&L argues that Apel is distinguishable from the facts of this case. JCP&L contends that Apel addresses the definition of "military installation" only in the context of the federal trespass statute;[6] that Apel does not speak to preemption of State law such as N.J.S.A. 48:3-51; and that Apel did not deal with the specific question of contiguity for projects located outside the Joint Base. (December 2016 letter at p. 3-4.) JCP&L also disputes that its properties on the Joint Base were ceded to the Federal Government. Id. at 8-9.

[5] The Defense Base Realignment and Closure Act of 1990, 10 U.S.C.A. § 2901 et seq. ("1990 Act"), as amended by the Fiscal Year 2005 Authorization Act.
[6] 18 U.S.C. § 1382.

Therefore, JCP&L argues that the Joint Base should not be considered one single property. Id. at 10.

In the same vein, Rate Counsel argues that Apel is inapposite because it does not address property rights or real estate law. (Rate Counsel Comments at p. 6.) Rate Counsel also contends that even if the Joint Base is considered a single property, the proposed electric distribution line must cross properties owned by JCP&L. Id. at 7. Rate Counsel also points out that County Route 680 and Jones Mill Road are not federally owned. Ibid. Therefore, Rate Counsel asserts that the proposed facility cannot be considered "on-site." Id. at 8.

These objections, however, do not negate Apel's relevance to the matter under consideration. Indeed, to a certain extent the objections resemble those rejected by the Apel court. The facts in Apel included easements granted by the Vandenberg Air Force Base that allowed two state roads, over which California continued to exercise concurrent jurisdiction, to traverse the airport installation at issue. Apel, supra, 134 S. Ct. at 1148, 188 L. Ed. 2d at 79. Nonetheless, the Apel court rejected the argument that the Air Force had relinquished jurisdiction by granting easements for public roads, or by enclosing one portion of its base and not another. Apel, supra, 134 S. Ct. at 1151-52, 188 L. Ed. 2d at 84-85. As stated by the Court, "[t]he problem with this argument is that the United States has placed the *entire* Vandenberg property under the administration of the Air Force, which has defined that property as an Air Force base and designated the Base commander to exercise jurisdiction." Ibid. (emphasis in original).[7]

In this case, County Route 680 and Jones Mill Road cross the Joint Base, but do not disrupt the jurisdiction or continuity of the Joint Base. Congress placed the entire property at issue in Apel under the administration of the Vandenberg Air Force. Apel, supra, 134 S. Ct. at 1152, 188 L. Ed. 2d at 84. Similarly, Congress has assigned the Joint Base to the custody of the Secretary of the Air Force in its entirety. When JCP&L argues that Apel did not address State law or the specific question of contiguity, it draws a distinction without a difference. The Court held in Apel that a property assigned to the Secretary of the Air Force is one property, despite the presence of public roads which would normally be held to interrupt the unity of a property. Apel, supra, at 1152-1153, 188 L. Ed. 2d at 84-85. In the same manner, JCP&L's contention that the Joint Base includes properties owned by JCP&L does not alter that the area has been assigned to the Joint Base "in its entirety." While JCP&L may possess a property interest in two parcels of the Joint Base area, that interest is subordinated to that of the Joint Base, as indicated by the fact that the utility holds title by quitclaim deed and that the military police who patrols the perimeter of the Joint Base require all visitors, including JCP&L employees, to produce identification and receive permission to enter the base. (June 20, 2016 Letter at p. 5, Point V, and Petition at Exhibit I, p. 4.) In addition, the Joint Base has fenced off one of the utility's properties such that JCP&L employees must seek permission from Joint Base personnel to gain access to that property. (Petition at Exhibit I, p. 4.) The Board **FINDS** that these JCP&L properties do not constitute additional intervening properties between the site of the proposed solar facility and the end user.

[7] The Court also cited to federal law that defines the bounds of a military site broadly. 10 U.S.C. § 2687(g)(1) (defining "military installation" as a "base . . . or other activity under the jurisdiction of the Department of Defense"); 10 U.S.C. § 2801(c)(4) (defining "military installation" as a "base . . . or other activity under the jurisdiction of the Secretary of a military department"). Apel, supra, 134 S. Ct. at 1151, 1153, 188 L. Ed. 2d at 83, 85.

As a result, the Board **FINDS** that the site of the proposed generation facility is geographically located next to the Joint Base and is separated from it by only one public thoroughfare; and **FURTHER FINDS** that the proposed generation facility is contiguous to the Joint Base. Therefore, the Board **FINDS** that the proposed solar facility is an "on-site generation facility" within the meaning of the statute.

II. Request for Declaratory Ruling that the Proposed Facility Constitutes an "On-site Generation Facility" Within the Meaning of N.J.A.C. 14:8-4.1

Petitioner also seeks a declaratory judgment that the Proposed Facility is "contiguous" to the Joint Base under the Board's net metering rules at N.J.A.C. 14:8-4.1. The Board's rule makes the meaning of "contiguous" more precise, as it specifies that the term be defined with reference to municipal tax maps:

> ii. Within the legal boundaries of a property, as set forth within the official tax map, that is contiguous to the property on which the energy is consumed. The property on which the energy is consumed and the property on which the renewable energy generation facility is located shall be considered contiguous if they are geographically located next to each other, but may be otherwise separated by an existing easement, public thorough fare, or transportation or utility-owned right-of-way and, but for that separation, would share a common boundary.
>
> [N.J.A.C. 14:8-4.1(b)(1)(ii) (emphasis added).]

The Board added the reference to the official tax map to clarify that "contiguous" was to be strictly interpreted and that eligibility for net metering would be appropriately limited. As noted above, federal military installations are unique properties whose boundaries are defined by a commanding officer's area of responsibility and not necessarily by references to tax maps. Moreover, New Jersey has removed these lands from all state taxation by statute. N.J.S.A. 52:30-2, citing to L.1938, c. 354. Therefore, the reference to the official tax map in N.J.A.C. 14:8-4.1 is not determinative or applicable when dealing with large, military-controlled properties, like the Joint Base. Accordingly, the Board addresses Petitioner's alternative request for a waiver of N.J.A.C. 14:8-4.1.

III. Request for Waiver of N.J.A.C. 14:8-4.1(b)(1)(ii)

The Board now turns its attention to Petitioner's request for a waiver of its rules pursuant to N.J.A.C. 14:1-1.2(b) and notes the unique nature of the military installation at issue. Waiving one of its rules requires that the Board determine: (1) that the Petitioner's request is in accord with the general purposes and intent of the rules; and (2) that full compliance with the rule requirements would adversely affect the interest of the public.

The general purpose of the Board's net metering rules, as set out in a former rule proposal, is to "facilitate investment in distributed renewable energy (renewable energy located close to the source of energy consumption)." 44 N.J.R. 2043(a) (August 6, 2012). The Board noted that in addition to the reduction in pollution and need for construction of new power plants, positive impacts from all renewable energy has the added benefits of helping alleviate the demand for large electric transmission and reducing congestion on existing electric distribution lines, "thus reducing power outages and improving the reliability of electric service to all customers." Ibid.

As discussed above, Phase I is located in the Joint Base and is considered a unique property designated as a military installation by the Federal Government. It is projected to generate approximately 9.3 MW of renewable energy for military housing located on the Joint Base. This is a sizeable installation and will make a significant contribution to reducing congestion on local transmission and distribution lines, as well as providing clean, potentially resilient power to the Joint Base. In addition, the DoD has committed to purchasing renewable energy when it enhances energy resilience[8]; specifically, the DoD is committed to installing renewable energy generation and to purchasing electricity generated by renewable energy.[9] The Joint Base, in particular, is working to become the first energy independent military installation in the country.[10] These goals are consistent with those the Board's rules seek to further. "In the long term, the Board's programs for developing renewable energy use and generation can act as a spur to development of renewable energy markets, thus reducing use of environmentally damaging fossil fuels and decreasing U.S. dependence on foreign oil imports. Ultimately, this will have an important beneficial economic impact on the country as a whole." 44 N.J.R. 2043(a) (emphasis added).

The Board **FINDS** that the proposed solar generation facility accords with the general purpose and intent of the net metering rules.

The Board next considers whether strict adherence to the Rule's requirements would adversely affect the public interest. Here, the Federal Government has given special designation to the Joint Base. As indicated prior, the Rule does not encompass the uniqueness of military installations, especially when it comes to contiguity. As noted in section (I), supra, the federal military installation at issue is unique because the legal boundaries as reflected on the official state tax maps have little practical relevance.

In addition, the Board notes that the proposed project would support important federal policies relating to energy resiliency and lowering energy costs for the Department of Defense. (Petition at p. 4, ¶16 and Exhibit E; Joint Base Letter at p. 3.) Moreover, the Joint Base is under constant review for force or mission reduction and base closure; however, the State of New Jersey has recognized that the Joint Base and the associated public and private on-base activities provide an economic benefit to the State. State policy therefore calls for supporting actions and opportunities that will help maintain the Joint Base and make it more economically viable.[11] In furtherance of this policy, the State supports renewable energy projects at the Joint Base which will supply clean power, power at reduced pricing, and resilient power generation sources. (Petition at Exhibit C, p.21.) The Board recognizes the State policy supporting federal military installation(s) within this State. Staff has determined that Petitioner has met the second prong of the waiver analysis and demonstrated that the public interest will be adversely affected should the Board require strict adherence to the Rule under the unique physical boundaries of the Joint Base.

As discussed above, Phase I would support important federal policies relating to energy resiliency; would lower energy costs for the Joint Base; and would support the U.S. Military's efforts to further national energy security. In addition, the Board is aware of the potential for

[8] Petition at Exhibit E, p. 2, Department of Defense Instruction No. 4170.11, December 11, 2009.
[9] Petition at Exhibit E, Enclosure 3.
[10] Petition at Exhibit C, p. 6.
[11] Petition at Exhibit C, p. 1.

reduction or closure of the Joint Base and that State policy calls for support for the Joint Base in general and for renewable energy generation in particular. The confluence of all these factors renders the circumstances of the proposed solar facility distinctive. For purposes of considering this request for a waiver for Phase I, the Board **FINDS** that full compliance with the Rule requirements would adversely affect the interest of the public and **APPROVES** the Request for a Waiver in the Petition as it concerns Phase I.

As noted above, in contrast to Phase I, Petitioner has not specified the size or identified the exact location of Phase II. Rather, Petitioner has indicated that it awaits the issuance of a Request for Proposals by the Air Force to plan this generation facility. Response to Staff's Discovery 4(a). On this record, the Board **FINDS** that it lacks sufficient information on Phase II to grant the Petition with respect to this facility. Therefore, the Board **DENIES** the Petition as it pertains to Phase II **WITHOUT PREJUDICE**. That portion of the Petition pertaining to Phase II may be subject to refiling in the future as may be appropriate and necessary.

The effective date of this Order is February 4, 2017.

DATED: 1/25/17

BOARD OF PUBLIC UTILITIES
BY:

JOSEPH L. FIORDALISO
COMMISSIONER

MARY-ANNA HOLDEN
COMMISSIONER

DIANNE SOLOMON
COMMISSIONER

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COMMISSIONER

ATTEST:
IRENE KIM ASBURY
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 APPLICATION OF NJ LAND, LLC SEEKING A DECLARATORY JUDGMENT PURSUANT TO N.J.S.A. 52:14B-1 ET SEQ., OR A WAIVER PURSUANT TO THE WAIVER RULE, N.J.S.A. 14:1-1.2(B)

DOCKET NO. QO16040382

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