



Agenda Date: 9/11/19
Agenda Item: 8B

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/

CLEAN ENERGY

FORT DIX BUREAU OF PRISONS (BOP) -)
APPLICATION 31475 REQUEST RELIEF AND)
EXTENSION)
)
) DOCKET NO. QO19060757

Parties of Record:

Ronald Brooks, Facility Manager, FCI Fort Dix, Department of Justice, Petitioner

BY THE BOARD:

By letter received June 26, 2019, the Federal Bureau of Prisons, Fort Dix ("Petitioner" or "Fort Dix") filed a petition ("Petition") in the above-captioned matter. Petitioner seeks additional time to submit final paperwork for a now-completed lighting retrofit project at the Bureau of Prison's Fort Dix, New Jersey facility. Petitioner undertook this project through the New Jersey Clean Energy Program's ("NJCEP") Commercial and Industrial Retrofit Program, a subset of NJCEP's SmartStart Buildings Program ("SmartStart"). For the reasons set out below, the New Jersey Board of Public Utilities ("Board") grants Petitioner's request for additional time to submit the required paperwork.

BACKGROUND

The Board administers NJCEP pursuant to its authority under the Electric Discount and Energy Competition Act ("EDECA"), N.J.S.A. 48:3-49 to -109. NJCEP's energy efficiency ("EE") and renewable energy ("RE") programs are open to all customers paying into the Societal Benefits Fund.¹ The Board's Program Administrator, TRC Environmental Corporation ("TRC"), administers NJCEP. NJCEP's SmartStart Program, available to qualified commercial, industrial, institutional, governmental, and agricultural customers, provides incentives for construction, expansion, renovation, or remodeling of a facility or to replace electric or gas equipment. Both prescriptive and custom measures may qualify for incentives.

¹ The Fund is comprised of the monies collected through the societal benefits charge ("SBC") paid by ratepayers. See N.J.S.A. 48:3-60.

PROCEDURAL HISTORY

Petitioner submitted its initial application to NJCEP on February 13, 2015. TRC approved the application on July 15, 2015, giving the project an initial expiration date of July 15, 2016.

Fort Dix was subsequently granted four (4) extensions; the fourth expired on December 30, 2018.

On January 3, 2019, TRC sent Fort Dix an expiration notice informing Petitioner that it had thirty (30) days to either submit an appeal or request an extension.² Fort Dix responded on January 29, 2019, within the thirty (30) day timeframe, requesting an additional extension on the grounds that the project's labor dynamics resulted in a slower installation pace and that the project had to be put on hold during the federal government shutdown. Petitioner also provided evidence that the project was approximately 95% complete at the time of the request.

On May 8, 2019, TRC responded to this request by notifying Fort Dix that it would have to submit a formal petition to the Board in order to receive an additional extension, since TRC lacks authority to grant more than four (4) extensions.

On June 26, 2019, Fort Dix submitted the instant Petition to the Board.

STAFF RECOMMENDATION

Staff reviewed Fort Dix's Petition and the record and recommends that the Board grant Petitioner's request. Petitioner attributes much of the delay resulting in the previous extensions to the use of inmate labor to complete the project. In requesting the previous extensions, Fort Dix provided proper follow-up documentation showing the project's progress, and timely complied with TRC's extension procedures. NJCEP's Program Administrator reviewed the explanations and documentation provided by Fort Dix, and granted the previous extensions for good cause shown, finding that the extensions were reasonable and that Fort Dix was proceeding diligently to complete the project despite the delays. Fort Dix's labor choice, while eliminating the expense of paying certified electrical contractors, made the installation process more lengthy and complicated. Fort Dix states that utilizing inmate labor resulted in additional scheduling and security challenges and stretched the prison's limited electrical, engineering, and staff resources to their limits. However, Petitioner asserts that despite these challenges, the use of inmate labor also reduced the rate of installation compared to using certified electrical contractors, which would have been cost prohibitive.

Staff notes that notwithstanding the above challenges, this project would have likely been completed prior to the expiration of the fourth extension but for an unexpected and unforeseeable federal government shutdown that prevented work from occurring at the facility. Fort Dix provided thorough documentation that, until the shutdown, the project was proceeding successfully and was on track to be completed in January 2019. The shutdown, which lasted from December 22, 2018 until January 25, 2019, reduced the facility's staff to only a few key personnel and prevented the project from being advanced for over a month. Furthermore, at the time the fifth extension was requested, the project was at least 95% complete. On May 15, 2019, Fort Dix advised NJCEP of project completion. Thus, the extension now sought is not

² The option to request an extension was included as part of a form letter sent out automatically upon project expiration.

necessary for project completion but only to enable Fort Dix to submit its Final Incentive Application in order to receive payment for the project. Accordingly, Staff recommends the Board grant Fort Dix sixty (60) days to submit its Final Incentive Application.

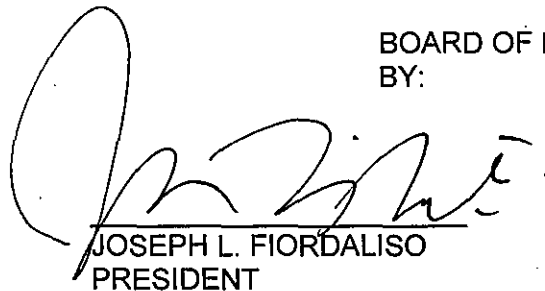
DISCUSSION AND FINDINGS

After thorough review of the record and of Staff's recommendation, the Board **FINDS** that Petitioner pursued its retrofit program in a timely manner and merited the extensions previously granted. The Board **FURTHER FINDS** that the project has now been completed and that a final extension to complete program paperwork is merited. The Board **HEREBY APPROVES** Petitioner's request for additional time to submit its Final Incentive Application and **GRANTS** Petitioner sixty (60) days to do so.

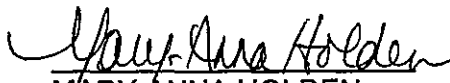
The effective date of this Order is September 21, 2019.

DATED: 9/11/19

BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



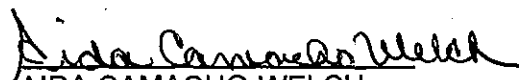
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

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

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SERVICE LIST

Ronald Brooks
Facility Manager
FCI Fort Dix
Post Office BOX 38
Joint Base MDL, NJ 08640

TRC Energy Solutions:
900 Route 9 North, Suite 404
Woodbridge, NJ 07095

Brian Deluca
Program Manager
bdeluca@trcsolutions.com

Thomas A. Kowalczyk
Manager, Regulatory Compliance
317 George Street, Suite 520
New Brunswick, NJ 08901
tkowalczyk@trcsolutions.com

Michael Ambrosio
Director, Policy and Planning
317 George Street, Suite 520
New Brunswick, NJ 08901
mambrosio@trcsolutions.com

Board of Public Utilities:

Post Office Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch
Secretary of the Board
board.secretary@bpu.nj.gov

Rachel Boylan, Esq.
Counsel's Office
rachel.boylan@bpu.nj.gov

Division of Clean Energy

Sara Bluhm Gibson, Director
sara.bluhm@bpu.nj.gov

Sherri Jones, Assistant Director
sherri.jones@bpu.nj.gov

Benjamin Goldstein, Program Specialist
benjamin.goldstein@bpu.nj.gov

Deputy Attorneys General:

Department of Law & Public Safety
Division of Law
Post Office Box 45029
Newark, NJ 07101-45029

Caroline Vachier, DAG
caroline.vachier@law.njoag.gov

Pamela Owen, DAG
pamela.owen@law.njoag.gov

Renee Greenberg, DAG
renee.greenberg@law.njoag.gov