



Agenda Date: 9/27/19
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

IN THE MATTER OF THE PETITION OF GO SOLAR,)
LLC FOR AN EXTENSION OF SOLAR RENEWABLE)
ENERGY CERTIFICATE (SREC) PURCHASE AND)
SALE AGREEMENT REGARDING FRANK CARPINO)
BETWEEN ALL SOLAR, LLC AND ATLANTIC CITY)
ELECTRIC COMPANY ("ACE")) ORDER

DOCKET NO. QO19070831

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Rich Carty on behalf of Go Solar, LLC
Philip Passanante, Esq., Atlantic City Electric Company

BY THE BOARD:

In this Order, the New Jersey Board of Public Utilities ("Board") considers the petition of Go Solar, LLC¹ ("Go Solar" or "Petitioner") for an extension of time to complete a solar energy project ("Project") under its Solar Renewable Energy Certificate ("SREC") long-term financing contract with Atlantic City Electric Company ("ACE").

On or about October 15, 2018, as a winning bidder in ACEs SREC II financing program,² All Solar entered into an SREC Purchase and Sale Agreement ("PSA") with ACE for the SRECs from a 47.2 kW dc rooftop solar project ("Project"). Go Solar intends to net meter the Project, which is to be located in Millville, NJ. ("Site").

Go Solar had received an SRP Registration Acceptance letter with a commitment length of 12 months on May 14, 2018. On May 8, 2019, the SRP Manager granted All Solar a six month project completion extension of the SREC registration to November 14, 2019.

The SREC Agreement executed with ACE had a construction completion deadline of April 15, 2019. On March 25, 2019, All Solar requested and received from ACE a three month extension of the SREC PSA to July 15, 2019.

¹ Go Solar LLC. is the developer of a solar project bid into the EDC SREC II program on behalf of All Solar LLC, the SREC owner.

² The second Electric Distribution Company ("EDC") SREC-based financing program ("SREC II") was approved by the Board by Order dated December 18, 2013 in Docket Number EO12090799.

Go Solar's owner, Mr. Carpino, submits that the need for the extension now sought arises from difficulties obtaining solar panels for the Project. He states that All Solar's previous supplier, SolarWorld, was acquired by Sunpower and that Sunpower does not stock the panels needed for the Project. According to Mr. Carpino, the search for an alternate supplier was time-consuming. Moreover, although panels are now on order, he states that in addition the host property is undergoing extensive renovations.

By letter dated July 17, 2019, ACE has reviewed the petitioner's extension request and does not oppose it.

DISCUSSION AND FINDINGS

In addressing Petitioner's request for an extension of time to complete pursuant to its SREC financing contract with ACE, the Board looks to its previous rulings under the SREC financing program. In reviewing such requests, the Board has looked first at whether the applicant could document significant progress toward completion of the project, and, second, whether the delay was unavoidable and unforeseeable at the time of the execution of the PSA. I/M/O Smart Energy Capital, LLC. – Extension Request for SREC Purchase Sale Agreement with JCP&L, BPU Dkt. No. EO12010081V, Order Dated February 10, 2012; I/M/O Nautilus SWBOE – Extension Request for Solar Renewable Energy Certificate (SREC) Purchase Sale Agreement with Jersey Central Power and Light Company, BPU Dkt. No. EO13070687V, Order Dated April 15, 2015; I/M/O Formosa Plastics, U.S.A. - Verified Petition For Emergent Relief To Extend Construction Deadline, BPU Dkt. No. QO19040444, Order dated June 12, 2019.

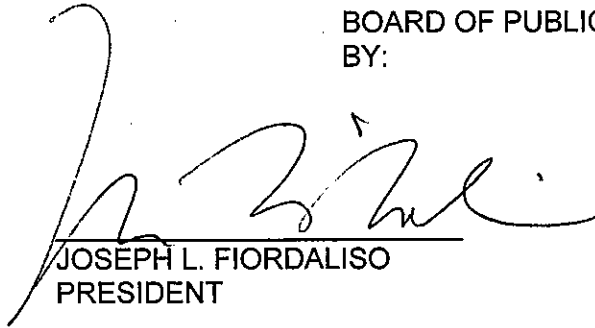
Applying the standard to the matters at hand, the Board does not see evidence of significant progress toward completion here. Petitioner states only that solar panels are "on order." Moreover, Petitioner asserts that the Site is undergoing significant renovation. The Board **FINDS** that Petitioner has not demonstrated significant progress toward completion.

Turning to the second prong of the analysis, the Board looks at whether the cause of the delay was unavoidable and unforeseeable at the time All Solar executed the PSA on October 15, 2018. The acquisition of its former supplier by another company was presumably unforeseeable, but Petitioner claims that locating an alternate source for these panels was so difficult that it constituted a delay affecting construction. In the absence of any additional support for this claim, the Board does not find it to be persuasive. As to the delays occasioned by renovations to the Site, the record reflects that the Site is Mr. Carpino's home. As such, it stretches credulity to claim that these renovations were neither anticipated nor avoidable. The Board **FINDS** that the delays caused by these renovations were neither unavoidable nor unforeseeable at the time Petitioner entered into its PSA with ACE. The Board therefore **CONCLUDES** that Petitioner has not met the Board's criteria for granting an extension and **DENIES** Petitioner's request for a three month extension from the expiration of the current extension to complete the Project.

The effective date of this Order is October 7, 2019.

DATED: 9/27/19

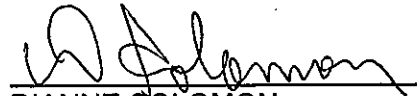
BOARD OF PUBLIC UTILITIES
BY:



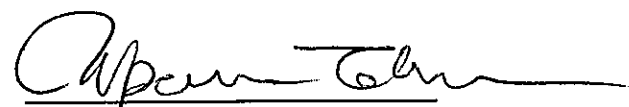
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MARY-ANNA HOLDEN
COMMISSIONER



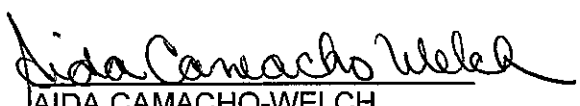
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ROBERT M. GORDON
COMMISSIONER

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

IN THE MATTER OF GO SOLAR - VERIFIED PETITION FOR EMERGENT RELIEF TO
EXTEND CONSTRUCTION DEADLINE
DOCKET NO. QO19070831

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