



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

CLEAN ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF <u>L.</u>)	ORDER
2012, <u>C.</u> 24, THE SOLAR ACT OF 2012)	
)	
IN THE MATTER OF REQUEST FOR A WAIVER OF)	
SREC REGISTRATION RULES AT N.J.A.C. 14:8-2.4(l))	DOCKET NOS. EO12090832V
- HESP SOLAR, LLC - 75 LIVINGSTON VENTURE LLC)	AND QO19101414

Parties of Record:

Joseph Accardo, Esq., Public Service Electric and Gas Company
Daniel Grohman, HESP Construction, LLC

BY THE BOARD:

In this Order, the New Jersey Board of Public Utilities ("Board") considers the petition of HESP Solar, LLC ("HESP" or "Petitioner") on behalf of 75 Livingston Venture LLC, Roseland Borough, NJ, received by the Board on October 19, 2019. Petitioner seeks an extension of time to complete a solar energy project ("Project") under the Board's Solar Renewable Energy Certificate ("SREC") Registration Program ("SRP").

BACKGROUND

The Board's Renewable Portfolio Standard ("RPS") rules, found at N.J.A.C. 14:8-2, are designed to encourage the development of renewable sources of electricity; minimize the environmental impact of air pollutant emissions from electric generation; reduce possible transport of emissions; minimize any adverse environmental impact from deregulation of energy generation; and support the reliability of the supply of electricity in New Jersey. N.J.A.C. 14:8-2.1.

N.J.A.C. 14:8-2.4 establishes the process and eligibility criteria for new solar electric generation projects to register in the SRP and become eligible to generate energy upon which SRECs can be created. SRECs can be used to satisfy New Jersey's RPS. Upon determining that a project application meets SREC eligibility requirements, the SRP administrator issues a conditional registration to the project. If the solar facility completes construction as described in the initial registration package; obtains permission to operate from the local Electric Distribution Company; submits a post-construction certification package; and passes inspection, if required, the SRP issues a certification number to the facility. N.J.A.C. 14:8-2.4)(n).

Pursuant to N.J.A.C. 14:8-2.4(i), construction of a solar electric generating facility shall be completed prior to expiration of conditional registration in the SRP. A registrant for facilities that are net metered, provide on-site generation, or provide power for a qualified customer engaged in aggregated net metering may request an extension of six months prior to expiration of the conditional registration. The rules do not provide for a second extension, which must therefore be sought by seeking a waiver of the rules from the Board. If the conditional registration or extension expires before completion of construction, and no second extension is granted, the registrant shall begin the entire registration process again.

PETITION

On or about April 19, 2018, the application for the Project received a conditional registration from the SRP. The Project, sized at 244.2 kilowatts dc, was intended to be roof-mounted and net metered. The Board's SRP administrator issued the project its conditional registration with a registration length of twelve months and an SRP registration expiration date of April 19, 2019. On March 28, 2019, HESP received a six-month extension of the twelve-month completion deadline for the Project to October 19, 2019.

HESP submits that the project would have been completed prior to the expiration of the first extension if not for delays in obtaining local building permits caused by the municipal permitting process. The delays were, according to HESP, unavoidable and unforeseeable at the time that they received the conditional registration acceptance. HESP represents that the local Authority Having Jurisdiction (AHJ) required HESP to bring the project to the local Planning Board for approval and that this requirement was completely unexpected. In addition, HESP states that the ensuing civil approvals process was longer than expected so that HESP did not receive the permits for construction until June 18, 2019. This delay expended time it had budgeted for development.

HESP submits it quickly completed construction of the project, that the local AHJ inspections have been completed, and that the Certificate of Approval for the project was received on October 17, 2019. HESP represents that it submitted the application for the Permission To Operate ("PTO") to local utility PSE&G on the same day. Since PSE&G did not provide the system a PTO until after the October 19, 2019 deadline (effective October 24, 2019), HESP requests approval of a second extension to November 19, 2019.

DISCUSSION AND FINDINGS

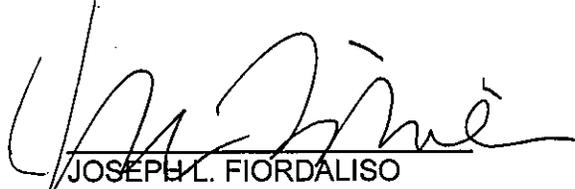
The Board is authorized to relax or waive its rules pursuant to N.J.A.C. 14:1-1.2, which provides that the rules may be liberally construed to permit the Board to carry out its statutory functions. In considering whether to grant a request for a waiver, the Board looks to the standards provided in this rule. In special cases upon a showing of good cause the board may relax or permit deviations from the rule. N.J.A.C. 14:1-1.2(b). Additionally, the board shall waive sections of the rule if it adversely affects ratepayers, hinders safe, adequate and proper service, or is in the interest of the general public. N.J.A.C. 14:1-1.2(b)(1).

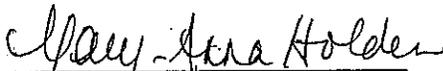
As noted above, the RPS rules are designed to encourage the development of renewable sources of electricity. HESP's petition details a series of regulatory compliance actions that evidence its diligent pursuit of a goal that would further this end - full certification of its solar generation project. Petitioner asks for a very brief extension beyond the expiration of their first extension. Under these circumstances, the Board **FINDS** that HESP has notified Staff that it has completed construction and received its PTO. Therefore, the Board **FINDS** that Petitioner has completed the

Project. The Board **FURTHER FINDS** that granting Petitioner a brief extension to November 19, 2019 so that its PTO may be deemed to have been received within time comports with the general intent and purpose of the rules by furthering the State's goal of encouraging the development of renewable sources of electricity. The Board **GRANTS** the petition and **WAIVES** the requirement to re-apply to the SRP set forth at N.J.A.C. 14:8-2.4(i). The Board **DIRECTS** Staff to issue full certification to the project upon Petitioner's demonstration that all requirements, including the SRP requirements at N.J.A.C. 14:8-2.4, have been satisfied.

DATED: 1/8/20

BOARD OF PUBLIC UTILITIES
BY:

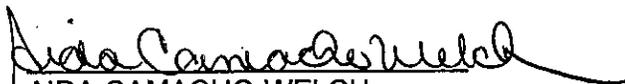

JOSEPH L. FIORDALISO
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


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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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N.J.A.C. 14:8-2.4(i) – HESP SOLAR, LLC - 75 LIVINGSTON VENTURE LLC

SERVICE LIST

Daniel Grohman
HESP Construction, LLC
400 Rella Boulevard, Suite 160
Suffern, NY 10901
dgrohman@hespsolar.com

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Trenton, NJ 08625-0003
sbrand@rpa.nj.gov

Emma Yao Xiao, Esq.
Department of Law & Public Safety
Division of Law, Public Utilities Section
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street, P.O. Box 112
Trenton, N.J. 08625
emma.xiao@law.njoag.gov

Pamela Owen, Esq.
Deputy Attorney General
Department of Law & Public Safety
Division of Law, Public Utilities Section
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street, P.O. Box 112
Trenton, N.J. 08625
pamela.owen@law.njoag.gov

Michael R. Beck, Esq.
Deputy Attorney General
Department of Law & Public Safety
Division of Law, Public Utilities Section
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street, P.O. Box 112
Trenton, N.J. 08625
Michael.Beck@law.njoag.gov

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44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625-0350

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

Paul Flanagan, Esq.
Executive Director
Paul.flanagan@bpu.nj.gov

Sara Bluhm-Gibson, Director
Division of Clean Energy
sara.bluhm@bpu.nj.gov

Ronald Jackson
Division of Clean Energy
Ronald.jackson@bpu.nj.gov

Scott Hunter
Division of Clean Energy
benjamin.hunter@bpu.nj.gov

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