



Agenda Date: 9/18/23
Agenda Item: 8E

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF A NEW JERSEY SOLAR
TRANSITION PURSUANT TO P.L. 2018, C.17

ORDER

IN THE MATTER OF THE PETITION OF AMPERICON
FOR AN EXTENSION OF THE EXPIRATION DATE IN
THE TRANSITION INCENTIVE PROGRAM FOR ITS
PROJECT AT 35 WOOLEYTOWN ROAD AMPERICON
NJSTRE1547466208

DOCKET NO. QO19010068

DOCKET NO. QO22090562

IN THE MATTER OF THE PETITION OF AMPERICON
FOR AN EXTENSION OF THE EXPIRATION DATE IN
THE TRANSITION INCENTIVE PROGRAM FOR ITS
PROJECT AT 2201 74TH STREET AMPERICON
NJSTRE1547531812

DOCKET NO. QO22090561

IN THE MATTER OF REQUEST FOR EXTENSION OF
TREC ELIGIBILITY FOR TI APPLICATIONS NUMBERED
NJSTRE1547531989, NJSTRE1547530191,
NJSTRE1547530199, NJSTRE1547530211,
NJSTRE1547530214, NJSTRE1547530216,
NJSTRE1547530218, and NJSTRE1547530225

DOCKET NO. QO22090564

IN THE MATTER OF REQUEST FOR EXTENSION OF
TREC ELIGIBILITY FOR TI APPLICATION NUMBERED
NJSTRE1547534369 LANDMARK LIQUORS 1 WEST
STREET, BOROUGH OF GLASSBORO, GLOUCESTER
COUNTY, NEW JERSEY

DOCKET NO. QO22090571

IN THE MATTER OF THE VERIFIED PETITION OF NJ
SOLAR 6 LLC FOR APPROVAL OF A WAIVER AND
EXTENSION OF THE SOLAR TRANSITION INCENTIVE
PROGRAM COMMERCIAL OPERATION DEADLINE
FOR THE IMMACULATA HIGH SCHOOL SOLAR
PROJECTS NJSTRE1546741490 & NJSTRE1546741523

DOCKET NO. QO22090575

IN THE MATTER OF REQUEST FOR EXTENSION OF
TREC ELIGIBILITY FOR TI APPLICATION NOS.
NJSTRE1547531856 AND NJSTRE1547531789

DOCKET NO. QO22090567

IN THE MATTER OF THE VERIFIED PETITION OF) DOCKET NO. QO22070435
 GREEN POWER CROSSING, LLC FOR A)
 DETERMINATION THAT THE PETITIONER'S)
 APPLICATION WAS REGISTERED ON OR BEFORE)
 JUNE 24, 2021 AND QUALIFIES FOR THE AUTOMATIC)
 SIX-MONTH EXTENSION PROVIDED BY THE BOARD'S)
 JUNE 8, 2022 ORDER TO COMPLETE THE PROJECT)
 LOCATED AT 567 MONMOUTH ROAD, JACKSON, NJ)
 08527)

IN THE MATTER OF THE VERIFIED PETITION OF) DOCKET NO. QO22100665
 POWERFLEX SOLAR, LLC FOR AN EXTENSION OF)
 THE SOLAR TRANSITION INCENTIVE PROGRAM)
 COMMERCIAL OPERATION DEADLINE FOR CAPE)
 MAY BJ'S PROJECT NJSTRE1545193844)

IN THE MATTER OF THE VERIFIED PETITION OF 55) DOCKET NO. QO22110698
 RAMAPO SOLAR LLC FOR EXTENSION OF THE)
 EXPIRATION DATE OF THE CONDITIONAL)
 ACCEPTANCE NJSTRE1547001128 IN THE SOLAR)
 TRANSITION INCENTIVE PROGRAM)

IN THE MATTER OF THE VERIFIED PETITION OF) DOCKET NO. QO23010049
 ESNJ-PLD-CLIFTON1, LLC FOR ACCEPTANCE OF)
 THE POST-CONSTRUCTION CERTIFICATION)
 PACKAGE FOR TRANSITION INCENTIVE NUMBER)
 NJSTRE1547187150)

IN THE MATTER OF REQUEST FOR WAIVER AND) DOCKET NO. QO23030132
 EXTENSION OF TIME TO COMPLETE)
 NJSTRE1547450071 IN TRANSITION INCENTIVE)
 PROGRAM - SOLAR PV PROJECT FOR KIRAN PATEL)

Parties of Record:

- Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel
- Philip J. Passanante, Esq.**, Atlantic City Electric Company
- R. William Potter, Esq.**, Potter and Dickson, on behalf of Safari Energy, LLC, Above Grid, LLC, Above Grid Carport, LLC, NJ Solar Power
- Vivek Bhatnagar**, President, Ampericon, Inc.
- Murray E. Bevan, Esq.**, Bevan, Mosca & Giuditta, P.C., on behalf of New Jersey Solar 6, LLC
- Alice M. Bergen, Esq.**, DeCotiis, Fitzpatrick, Cole & Giblin LLP, on behalf of Nordstrom, Inc.
- Barbara J. Koonz, Esq., Greenbaum, Rowe, Smith & Davis LLP, on behalf of Pivot Energy Commercial Solar, LLC
- Steven S. Goldenberg, Esq.**, Giordano Halleran & Ciesla, PC, on behalf of NJ Terminal Solar, LLC
- James H. Laskey, Esq.**, Norris McLaughlin, P.A., on behalf of Plankton Energy, LLC and Correlate Infrastructure Partners, Inc.
- Laura M. Miller, Esq.**, Norris McLaughlin, P.A., on behalf of Correlate Infrastructure Partners, Inc.
- Grace S. Power, Esq.**, McCarter & English, LLP, on behalf of Green Power Crossing, LLC

Melissa J. Reilly, Esq., McCarter & English, LLP, on behalf of Green Power Crossing, LLC
Matthew A. Karmel, Esq., Offit Kurman, P.A., on behalf of PowerFlex, LLC, and 55 Ramapo Solar, LLC

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) considers the petitions of multiple entities seeking extensions of time for registrations within the Transition Incentive (“TI”) Program. The Board addresses these petitions together because, while they are at varying stages of development, all share a failure to satisfy the completion milestones of the TI Program.

BACKGROUND

On May 23, 2018, the Clean Energy Act was signed into law and became effective immediately.¹ Among many other mandates, the Clean Energy Act directed the Board to adopt rules and regulations to close the Solar Renewable Energy Certificate (“SREC”) Registration Program (“SREC Program” or “SRP”) to new applications once the Board determined that 5.1 percent of the kilowatt-hours sold in the State by Third Party Suppliers and Basic Generation Service providers had been generated by solar electric power generators connected to the distribution system (“5.1% milestone”). The Clean Energy Act also directed the Board to complete a study (“Capstone Report”) that evaluates how to modify or replace the SREC Program to encourage the continued efficient and orderly development of solar renewable energy generating sources throughout the State and to reduce the cost of achieving the State’s solar energy goals.

On December 6, 2019, the Board established the TI Program to provide a bridge between the legacy SREC Program and a to-be-developed Successor Incentive program.² The TI Program, subsequently codified in rules, provides eligible projects with Transition Renewable Energy Certificates (“TRECs”) for each megawatt hour (“MWh”) of electricity produced.³ Incentives were tailored to specific project types through the use of factors, which were applied to a base incentive rate to provide a particular project type the full incentive amount or a set percentage of that amount depending on the costs and anticipated revenue streams for the project type. Projects located on rooftops and carports, like those in the petitions, receive a factor of 1.0 and thus the full amount of the base incentive of \$152 per MWh. The TI Program portal opened to new applications on May 1, 2020, and, pursuant to Board Order, remained open to new registrations until the establishment of a registration program for the Successor Program.⁴ The TI Program rules do not provide for automatic or administrative extensions to the projects’ conditional registration “expiration dates” (also referred to as the registration deadline).

¹ L. 2018, c. 17 (“Clean Energy Act” or “Act”).

² In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, BPU Docket No. QO19010068, Order dated December 6, 2019.

³ 52 N.J.R. 1850(a) (“TI Rules”).

⁴ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, BPU Docket No. QO19010068, Order dated January 8, 2020 (“January 2020 Order”).

By Order dated July 29, 2020, the Board granted projects registered in TI on or before October 30, 2020 an extension through October 30, 2021 to reach commercial operation.⁵ The extension also applied to facilities that transferred from the legacy SRP to TI, with the exception of legacy subsection (r) and certain subsection (t) registrants.⁶ The Board found that the solar industry was, at that time, adjusting to significant changes caused by both the COVID-19 pandemic and the changes in solar incentive programs and that, under those circumstances, waiving the Board's rules to permit additional time for project completion appropriately balanced the needs of the solar industry with the cost to the ratepayers.⁷ In the July 2020 Order, the Board forecasted that it may address in a future order any extension requests from projects registering in TI after October 30, 2020, considering the public health crisis and the development of the Successor Solar program.⁸

On April 21, 2021, BPU Staff ("Staff") issued the New Jersey Successor Program Staff Straw Proposal ("Successor Straw Proposal"). The Successor Straw Proposal expanded on the two-part incentive program design suggested in the capstone report prepared by the Cadmus Group, LLC, proposing an administratively determined incentive program for smaller projects and a competitive incentive program for most non-residential projects over five (5) megawatts ("MW"). The Successor Straw Proposal also provided Staff's recommendations for suggested incentive levels, processes, market segment capacity caps, calculation of the statutorily mandated cost cap, and overall implementation of the Successor Program. Five (5) public stakeholder workshops were conducted to address questions about the straw proposal and collect stakeholder feedback on Staff's recommendations. Workshop #5, held on May 7, 2021, specifically addressed the proposed transition from the TI Program to the Successor Program.

On June 24, 2021, the Board found good cause to grant projects registered in the TI Program on or before the effective date of the order a six-month extension to their existing deadline established at N.J.A.C. 14:8-10.4.⁹ Nearly a year following its July 2020 Order, the Board again found that the solar industry was still adjusting to the changes resulting from the Clean Energy Act and the impact of the COVID-19 crisis.¹⁰ The Board additionally acknowledged the regulatory uncertainty resulting from the pending launch of the Successor Program and noted that the general purpose of the TI Rules and the timelines contained therein is to provide a smooth transition to the Successor Program.¹¹ With the creation of the Successor Program still pending, the Board found that waiving the existing TI development timelines would both support the solar industry and protect ratepayers from potential market disruptions that might occur if a large number of developers are unable to meet those timelines.¹²

⁵ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c.17 – Order Providing Extensions to Solar Transition Projects, BPU Docket Nos. QO19010068 & QO20070484, Order dated July 29, 2020 ("July 2020 Order").

⁶ Id. at 4.

⁷ Id. at 3-4.

⁸ Id. at 5.

⁹ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c.17 – Order Addressing Requests for Extension for Projects in the Solar Transition Incentive Program, BPU Docket Nos. QO19010068 & QO21060883, Order dated June 24, 2021 ("June 2021 Order").

¹⁰ Id. at 6.

¹¹ Ibid.

¹² Ibid.

On July 9, 2021, Governor Murphy signed L. 2021, c. 169 into law, effective immediately, directing the Board to develop and launch the Successor Program, among other requirements. On July 28, 2021, the Board announced the closure of the TI Program and the opening of the Successor Solar Incentive (“SuSI”) Program.¹³ The TI Program closed on August 27, 2021, and the SuSI Program opened on August 28, 2021.

On January 26, 2022, the Board issued an Order granting a waiver of N.J.A.C. 14:8-11.4(b) of the SuSI Program Rules, which requires receipt of conditional registration in the Administratively Determined Incentive (“ADI”) Program prior to beginning construction on the solar facility.¹⁴ The January 2022 Order permitted projects that held a valid TI Program registration and had commenced construction to apply for the ADI Program.¹⁵ The Board found that facilitating the ability of projects registered in the TI Program to enter the ADI Program would benefit the solar industry and avoid stranding without an incentive an increasing number of TI registrants that may be unable to complete their projects within the TI deadlines.¹⁶ The Board found it appropriate to grant a waiver of the ADI Program prohibitions that would prevent TI projects from transferring to ADI in order to promote a smooth transition from one program to the other.¹⁷

On June 8, 2022, the Board issued an Order granting a conditional extension in the TI Program to ESNJ-KEY-GIBBSTOWN, LLC, subject to a showing that certain specified conditions applied.¹⁸ In the Gibbstown Order, the Board found good cause to grant a conditional extension to the petitioner’s project since it was electrically and mechanically complete; had secured all necessary permits; and was prevented from meeting its TI Program deadline only by a unilateral change to the interconnection agreement requirements made by the electric distribution company (“EDC”) following the developer’s reliance on the original terms, specifically the time in which EDC interconnection upgrades would be completed.¹⁹ The Gibbstown Order also established a process for petitioners who believe that they are similarly situated to apply for extensions to their registration, subject to making a similar showing.²⁰

A significant number of TI registrants have petitioned the Board for extensions. On August 17, 2022, the Board issued an Order denying 15 petitioners’ requests to extend the deadlines for the projects as unsupported by the record and inconsistent with the interim nature of the TI Program.²¹

¹³ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, BPU Docket No. QO19010068, Order dated July 28, 2021 (“SuSI Program Order”).

¹⁴ In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c.17, Order Modifying ADI Program Eligibility Conditions, BPU Docket No. QO20020184, Order dated January 26, 2022 (“January 2022 Order”).

¹⁵ Id. at 5.

¹⁶ Id. at 4-5.

¹⁷ Id. at 4-5.

¹⁸ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c.17 – Order Addressing Request for an Extension of Time to Complete NJSTRE1545046932 in Transition Incentive Program – 480 South Democrat Road, Gibbstown, NJ ESNJ-KEY-GIBBSTOWN, LLC, BPU Docket Nos. QO19010068 & QO22030156, Order dated June 8, 2022 (“Gibbstown Order”).

¹⁹ Id. at 8-9.

²⁰ Id. at 9-10.

²¹ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c.17, BPU Docket Nos. QO19010068 et al., Order dated August 17, 2022 (“August 2022 Order”).

Petitioners were encouraged to withdraw their TI registration and submit a registration in the ADI Program if the petitioners found that they could not complete the projects by the existing TI Program deadlines.²² Finally, if the petitioners did so, the Board waived the ADI Program rule enumerated at N.J.A.C. 14:8-11.4(b) for these projects that prohibits projects from commencing construction without first obtaining a notice of conditional registration in the program.²³

On November 9, 2022, the Board issued a second Order denying 28 petitions for extension in the TI Program.²⁴ The Board found that, while the projects were at varying stages of development, they all shared a failure to satisfy the completion milestones of the TI Program. As in the August 2022 Order, petitioners were encouraged to withdraw their TI registration and submit a registration in the ADI Program if the petitioners found that they could not complete the projects by the existing TI Program deadlines.²⁵ Accordingly, the Board waived for these projects the ADI Program rule enumerated at N.J.A.C. 14:8-11.4(b) that prohibits projects from commencing construction without first obtaining a notice of conditional registration in the program.²⁶

On December 7, 2022, the Board established the Competitive Solicitation Incentive (“CSI”) Program, thereby completing implementation of the SuSI Program. The CSI Program was opened to qualifying grid supply solar installations and non-residential net metered solar installations with a capacity greater than five (5) MW, as well as to eligible grid supply solar installations in combination with energy storage.

Petitions

Ampericon – 2201 74th Street, North Bergen – Docket No. QO22090561

On September 8, 2022, Ampericon, Inc. (“Ampericon”) filed a petition to extend the completion deadline for the above project. On January 5, 2023, Ampericon filed a supplement to its petition reporting the progress made on the project. An application for the project was filed with the TI Program Administrator on August 26, 2021. According to the petition, the project was accepted into the TI Program on September 13, 2021 as a rooftop and canopy non-residential net metered solar project and has a post-construction certification deadline of September 13, 2022 (TI Application # NJSTRE1547531812). Ampericon requested a six-month extension from the current deadline for its solar project registration, alleging permitting delays and supply chain issues. On November 25, 2022, the system owner filed a letter of support for the petition, which provided updates on the project and described efforts made to overcome delays faced in completing the project. The project received permission to operate (“PTO”) on November 30, 2022.

Ampericon cited permitting and supply chain problems as the reasons for its requested extension. The petition failed to include any documentation supportive of Ampericon’s claims of “unprecedented” delays. The system owner also cited interconnection delays. According to the petition, a permit application for the Township of North Bergen was submitted on April 20, 2022

²² Id. at 12.

²³ Ibid.

²⁴ In re New Jersey Solar Transition Pursuant To P.L. 2018, c.17 BPU Docket No. QO19010068, Order dated November 9, 2022 (“November 9 Order”).

²⁵ Id. at 45.

²⁶ Ibid.

and issued on July 12, 2022 due to a backlog of work at the Township and a staffing issue with Americon. On September 29, 2022, an inspection was conducted by the Township and a certificate of approval was issued on October 11, 2022. Delays due to interconnecting with the EDC, Public Service Electric and Gas Company (“PSE&G”), were attributed to three (3) cancellations of scheduled inspections by the EDC. The petition also cited several month-long delivery delays of racking and switchgear equipment that prompted a re-evaluation of engineering design and applicable permitting.

Staff disagrees with Americon that these delays were unprecedented. Americon should have known, or anticipated, such delays in constructing a new solar project since issues with the supply chain were already known to exist as well as the potential for permitting and interconnection delays. Americon registered in the TI Program with the knowledge that this bridge program did not provide for extensions of its one-year timeframe. Moreover, Americon registered its project during the closing days of the TI Program. Minor delays in permitting, month-long delays in equipment deliveries that were known to occur at the time of the project application, and general interconnection issues do not constitute a valid basis for an extension in this context. Furthermore, the length of the requested extension places these projects into a timeframe that would be more appropriately incentivized by the existing ADI Program than by the closed TI Program. Staff recommends the Board deny this petition.

Americon – Hindu American Temple & Cultural Center – Docket No. QO22090562

On September 8, 2022, Americon filed a petition to extend the completion deadline for four (4) projects proposed to be constructed at the Hindu American Temple & Cultural Center (“HATCC”), a non-profit organization. On January 5, 2023, Americon filed a supplement to its petition reporting the progress made on the project. Applications for the projects were filed with the TI Program Administrator on August 24, 2021. According to the petition, the projects were accepted into the TI Program on September 2, 2021 as rooftop and canopy non-residential net metered solar projects and have a post-construction certification deadline of September 2, 2022. Americon requested six-month extensions from the current deadline for its solar project registrations, basing its request on alleged permitting delays and supply chain issues.

Americon cited permitting and interconnection delays and supply chain problems as the reasons for its requested extension. According to the petition, a permit application for the Township of North Bergen was submitted on January 19, 2022 and issued on July 27, 2022 due to a backlog of work at the Township and a staffing issue at Americon. For three (3) of the four (4) projects, Americon supplied a completed extension form including the dates of major milestones and a description citing the Township’s request for updates to its filed permits as contributing to the delay in receiving certificate of approval. The petition also cited several month-long delays for inverters/optimizers and racking equipment and a delay of over a year for switchgear equipment. As of November 10, 2022, all equipment was installed, the system testing was completed, and a request was sent to the EDC, Jersey Central Power & Light Company (“JCP&L”), to test and authorize the operation of the system. Americon was anticipating receiving authorization to operate from the EDC on January 10, 2023.

Staff disagrees with Americon that these delays were unprecedented. Petitioner should have known, or anticipated, such delays in constructing a new solar project since issues with the supply chain were already known to exist as well as the potential for permitting and interconnection delays. Americon registered in the TI Program with the knowledge that this bridge program did not provide for extensions of its one-year timeframe. Moreover, Americon registered its project during the closing days of the TI Program. Minor delays in permitting, month-long delays in

equipment deliveries that were known to occur at the time of the project application, and general interconnection issues do not constitute a valid basis for an extension in this context. Furthermore, the length of the requested extension places these projects into a timeframe that would be more appropriately incentivized by the existing ADI Program than by the closed TI Program. Staff recommends the Board deny this petition.

NJ Solar Power – 8 Projects – Docket No. QO22090564

NJ Solar Power filed a petition for extension of the completion deadline for the above projects on September 9, 2022. According to the petition, there were eight (8) projects to be considered under this docket, namely TI Application numbers NJSTRE1547531989, NJSTRE1547530191, NJSTRE1547530199, NJSTRE1547530211, NJSTRE1547530214, NJSTRE1547530216, NJSTRE1547530218, and NJSTRE1547530225. NJ Solar Power received conditional acceptance into the TI Program with a completion deadline of September 9, 2022 for all projects. NJ Solar Power requested a six-month extension from the current deadline to March 9, 2023, for seven solar projects due to supply chain delays for equipment. NJ Solar Power stated that an eighth project, with registration number NJSTRE1547531989, required work by Atlantic City Electric Company (“ACE”) as the EDC and had been waiting for this work to be completed since March 2022. The petition cited a certification from William C. Huey, CEO of NJ Solar Power, for the rationale and details of the delays. On September 29, 2022, ACE submitted a letter to the docket objecting to the characterization of the delays for TI registration number NJSTRE1547531989.

According to the certification attached to the petition, the solar panels had been installed and seven (7) of the projects were 90% completed; the delivery of inverters was significantly delayed and they had not been received at the time of the petition. With respect to registration number NJSTRE1547531989, the certification stated that the EDC was unable to schedule and complete the interconnection work because of its own supply chain issues. According to the letter submitted by ACE, NJ Solar Power’s claims were “misleading.” According to ACE, it responded to NJ Solar Power at each step of the process and in fact the final month-long delay was at the request of the host customer. ACE completed the upgrades on August 22, 2022, and NJ Solar Power was granted PTO on September 21, 2022.

Staff does not find NJ Solar Power’s arguments compelling. NJ Solar Power pointed to supply chain delays as the reasons for failing to meet its deadline. At the time NJ Solar Power registered its project, however, these delays were a matter of common knowledge. NJ Solar Power registered in the TI Program with the knowledge that this bridge program did not provide for extensions of its one-year timeframe. Moreover, NJ Solar Power chose to register its project during the closing days of the TI Program, knowing that any extension needed would be for a program that had been closed and replaced by the ADI program. With regard to the claimed ACE delays, Staff does not view the timeline set out in ACE’s letter of September 29, 2022 as supportive of NJ Solar Power’s allegations of unreasonable ACE delays. Staff recommends that the Board deny this petition.

NJ Solar Power – Landmark Liquors – Docket No. QO22090571

NJ Solar Power filed a petition for extension of the completion deadline for the above project on September 14, 2022. According to the petition, there were eight (8) projects to be considered under this docket. However, the petition only provided details for the Landmark Liquors project under TI Application number NJSTRE1547534369. Therefore, Staff assumes NJ Solar Power only seeks an extension for this specific project. NJ Solar Power received conditional acceptance

into the TI Program with a completion deadline of September 15, 2022. NJ Solar Power requested a six-month extension from the current deadline to March 15, 2023, for its solar project due to supply chain delays for equipment and interconnection-related delays. The petition included a certification from William C. Huey, CEO of NJ Solar Power, which contained additional rationale and details of the delays. On September 29, 2022, ACE submitted a letter to the docket clarifying certain aspects of the record in response to petitioner's factual allegations.

According to the certification attached to the petition, the project received its permits on August 17, 2022, and the solar panels were installed by the time the petition was filed. However, NJ Solar Power alleged it experienced unforeseen delays in the delivery of an inverter, which was necessary to complete the project and obtain final inspections. As of the time the petition was filed, the inverter had not yet been delivered. With respect to interconnection-related delays, petitioner alleged ACE was unable to schedule and complete the necessary interconnection due to its own supply chain problems and the increased volume of interconnection requests from other solar developers. In its letter submitted in the docket, ACE indicated NJ Solar Power's allegations concerning interconnection delays were "false or misinformed." ACE indicated it is ready and able to interconnect the project once it is complete and after NJ Solar Power submits the required application documents for interconnection. ACE indicated it played no role in petitioner's inability to obtain the necessary inverter, which is the cause of petitioner's delay.

Staff does not find petitioner's arguments compelling. NJ Solar Power pointed to supply chain delays as the reasons for failing to meet its deadline. At the time NJ Solar Power registered its project, however, these delays were a matter of common knowledge. In fact, NJ Solar Power noted in its petition that the manufacturer of the inverter publicly reported that the materials for its inverter were "suffering from the worst shortages across their product line." NJ Solar Power registered in the TI Program with the knowledge that this bridge program did not provide for extensions of its one-year timeframe. Moreover, NJ Solar Power chose to register its project during the closing days of the TI Program, knowing that any extension needed would be for a program that had been closed and replaced by the ADI program. With regard to the claimed ACE delays, NJ Solar Power provides no supporting details regarding ACE's alleged supply chain problems and increased volume of interconnection requests from other solar developers. Moreover, and to the contrary, Staff notes that ACE stated it was ready to interconnect the project, and the only source of delay was the supply chain delay related to the inverter, over which ACE had no control. Staff recommends that the Board deny this petition.

New Jersey Solar 6, LLC – Immaculata High School and Gym – Docket No. QO22090575

On September 16, 2022, NJ Solar 6, LLC ("NJ Solar 6") filed a petition to extend the completion deadline for two (2) rooftop projects proposed to be constructed at a high school campus in Somerville, New Jersey – the "high school project" and the "gym project." The projects were conditionally registered with the TI Program Administrator on March 16, 2021 and had a completion deadline of March 16, 2022. The Board subsequently extended this deadline to September 16, 2022 by operation of the June 2021 Order. NJ Solar 6 requested an extension of two (2) months from the deadline of its solar project registrations, based on the need for additional time to complete interconnections with PSE&G. NJ Solar 6 indicated that both projects were fully constructed and mechanically complete at the time of its petition, but that the high school project still required interconnection, which could not occur until PSE&G scheduled a temporary shutdown of the power. NJ Solar 6 stated that the gym project was interconnected using a different method from that required for the high school project, and petitioner applied for PTO for

the gym project on September 16, 2022.²⁷ NJ Solar 6 contacted PSE&G to schedule a temporary shutdown in order to complete interconnection for the high school project on August 26, 2022, but PSE&G informed petitioner that it required a minimum of two (2) weeks' notice for shutdown requests. As of the date the petition was filed, petitioner and PSE&G were still working to schedule a date and time for the shutdown to occur.

On January 20, 2023, NJ Solar 6 filed a supplement to its petition informing the Board that the projects received PTO on September 29, 2022 and amending its petition to request a 13-day extension of the TREC deadline consistent with the date of receiving PTO.

Staff does not agree with NJ Solar 6 that a 13-day extension of the TREC deadline is warranted. NJ Solar 6's alleged delay appears to be based on PSE&G's policy to require shutdown requests at least two (2) weeks in advance of the desired shutdown. PSE&G's policy does not appear to be unique to NJ Solar 6's request, but instead seems to be a policy applicable to all shutdown requests. Further, NJ Solar 6 did not request a shutdown from PSE&G until less than one (1) month before its TREC deadline was set to expire. NJ Solar 6 registered in the TI Program with the knowledge that this bridge program did not provide for extensions of its one-year timeframe. Staff recommends that the Board deny this petition.

Nordstrom, Inc. – Short Hills Mall and Cherry Hill Mall – Docket No. QO22090567

On September 13, 2022, Nordstrom, Inc. ("Nordstrom") filed a petition to extend the completion deadline for two (2) rooftop projects proposed to be completed at the Nordstrom locations of the Short Hills Mall and Cherry Hill Mall in New Jersey. The projects were conditionally registered with the TI Program Administrator on September 13, 2021 and had a completion deadline of September 13, 2022. Nordstrom requested an extension of three (3) months from the deadline of its solar project registrations, alleging supply chain delays and delays in scheduling shutdowns caused by the EDCs. The petition was supplemented with a certification from Anushree Kedia, Program Manager at Nordstrom. On January 17, 2023, Nordstrom filed a supplement to its petition requesting an update on the status of its petition but no updates on the project were provided.

According to the petition, the project at the Cherry Hill Mall was scheduled to achieve PTO from PSE&G by mid-August 2022 but supply chain delays for the AC Disconnects and the panel boards and unspecified "scheduling utility shutdowns" delayed receiving PTO. Nordstrom stated that the project at the Short Hills Mall was scheduled to achieve PTO by late June of 2022, but that supply chain delays for the AC Disconnects and panel boards and the unresponsiveness of JCP&L to requests for a shutdown date caused PTO to be delayed past the TI expiration date. For the project at the Short Hills Mall, the shutdown was able to be scheduled for September 13, 2022. For the project at Cherry Hill Mall, the shutdown and physical interconnection were completed on September 6, 2022.

During the scheduling of the shutdown, Nordstrom's solar installer reached out to Staff with a complaint about the lack of responsiveness from JCP&L. When Staff contacted JCP&L to inquire about the situation, JCP&L provided an email from one (1) of its layout techs. According to the email, the solar installer with whom the shutdown was scheduled claimed on the day of the scheduled shutdown that he had not received the invoice for the work and could not accommodate

²⁷ On March 29, 2023, the gym project, filed under TI application number NJSTRE1546741523, received its TI Certification.

the scheduled shutdown. The JCP&L email stated that the delay in the shutdown work resulted from this late notice, a further delay in payment by the solar installer, and the installer's request for additional time to install the disconnect switch.

Nordstrom alleged that the delay in the final interconnections of both projects was the result of actions "wholly outside the control of Petitioner." Staff does not agree. While the delays in receiving key pieces of the solar facility equipment was outside the control of Nordstrom, the existence of lengthy supply chain delays was well known by the date at which Nordstrom entered into its Engineering, Procurement, and Construction ("EPC") contract and registered in the TI Program. That registration, moreover, was made in the closing weeks of the TI Program, which Nordstrom knew did not provide for extensions. With regard to the claimed EDC delays, Nordstrom provided no supporting detail for any delay that may have occurred in scheduling a shutdown for the Cherry Hill Mall project. Although Nordstrom did detail a timeline for the scheduling delay at the Short Hills Mall project, the explanation afforded by the email that JCP&L provided provides a convincing counter-narrative that Staff views as more likely. Nordstrom's attempt to analogize its circumstances to those that would support a waiver under the Gibbstown Order also fail, as there were no utility upgrades involved and the change in the timeframe appears to have been due more to the actions of Nordstrom's solar installer than to those of JCP&L. Thus, Staff rejects Nordstrom's claim that the delays were "wholly outside the control of Petitioner." Staff recommends that the Board deny this petition.

Pivot Energy Commercial Solar – Williams Sonoma/Dayton Project – Docket No. QO22050341

On May 16, 2022, Pivot Energy ("Pivot") filed a petition seeking a six-month extension in the TI program for a 1,990 kW (DC) project at a distribution warehouse owned by Williams Sonoma located in Dayton, New Jersey. The project was issued a conditional acceptance letter for the TI Program on August 10, 2021. The project's acceptance letter provided an expiration date of August 10, 2022 by which the solar installation and commercial operation requirements were to be fulfilled as well as the program's post-construction certification requirements.

According to the petition, the extension request was based on a delay from PSE&G in reviewing and approving Pivot's interconnection application, which Pivot characterized as "unforeseeable" and "arising from circumstances beyond [petitioner's] reasonable control." Specifically, Pivot claimed its project was delayed because the EDC took six (6) months to issue an interconnection agreement for a down-sized system, which was conditional due to a possible transformer issue, despite the Board's Level 2 interconnection regulations at N.J.A.C. 14:8-5.5; those regulations require that an EDC provide a decision within fifteen days of the EDC notifying the applicant that the application is complete. On December 7, 2021, PSE&G confirmed receipt of Pivot's interconnection application, and, on April 11, 2022, PSE&G issued a conditional interconnection approval in response to that application. Pivot alleged that PSE&G did not satisfy the Board's rules at N.J.A.C. 14:8-5.5 for issuing timely responses to its interconnection application. Pivot concluded the project was mature and could have been completed by the TI deadline but for the delays encountered with interconnecting to PSE&G. Pivot specifically stated it was not seeking relief grounded in either the COVID-19 pandemic or supply chain delays, instead focusing solely on the PSE&G's alleged noncompliance with the deadlines for review and disposition of Level 2 interconnection applications as provided in N.J.A.C. 14:8-5.5.

Pivot is seeking relief in the form of an extension in time to allow it to receive TRECs. Pivot claimed the project would likely not be completed if TRECs cannot be obtained, which would result in an economic hardship for Williams Sonoma and the overburdened community in which

the project is located. According to Pivot, the project would elicit local jobs and support reducing environmental impacts within the community, while assisting the State to make progress on its clean energy goals.

Pivot alleged undue delay by PSE&G. However, PSE&G advised that while it received the developer's application on October 15, 2021, the application did not include the required electric usage load letter and PSE&G did not receive that letter until December 3, 2021. Thus, the December 7, 2021 date on which PSE&G deemed the application complete was not untimely as alleged by Pivot. Nor does the timeline of Pivot's communications with PSE&G, as described by Pivot, support a claim of inappropriate delay on PSE&G's part once it had the complete application. Moreover, PSE&G advised that Pivot originally applied for a 1.5 MW system, which would have meant a Level 2 Interconnection review. In addition, according to PSE&G, a system of that size would have required an upgrade, so that the interconnection was reclassified as a Level 3 interconnection. Pivot then decided to downsize the system to 1 MW to avoid the cost of an upgrade.

Given the delay in providing a complete application, as well as the initial prospect of an upgrade and subsequent change in system size, the time taken for review and approval of the project does not appear unreasonable. Nor was it "unforeseeable," as claimed by Pivot. The preparation of the interconnection application was entirely within Pivot's control. While Pivot could not have known that a system upgrade would be required for its project at the original size, Pivot registered in the TI Program with the knowledge that this bridge program did not provide for extensions of its one-year timeframe. That registration, moreover, was made in the closing weeks of the TI Program, which Pivot knew did not provide for extensions.

NJ Terminal Solar, LLC – Port Authority of New York & New Jersey, Port Newark Container Terminal – Docket No. QO22120725

On December 8, 2022, NJ Terminal Solar, LLC ("NJ Terminal"), a subsidiary of Standard Solar, Inc. ("SSI") filed a petition requesting extensions of the completion deadline for three (3) of the five (5) projects that make up a project located at the Port Newark Container Terminal ("Terminal") owned by the Port Authority of New York and New Jersey ("Port Authority") received conditional registrations in the TI Program on June 8, 2021, with a TI registration expiration date of June 8, 2022. The Board subsequently extended this deadline to December 8, 2022 by operation of the June 2021 order. NJ Terminal explained that the TI application numbers were assigned to each phase of what it referred to as the "Terminal Project." NJ Terminal explained that a separate TI application number was assigned to each of the five (5) projects. NJ Terminal requested six-month extensions from the current deadline, specifically for TI application numbers NJSTRE1547086443 (Project 1), NJSTRE1547093209 (Project 2), and NJSTRE1547101100 (Project 5).²⁸ For Projects 1 and 2, NJ Terminal noted an additional six months was likely not needed because it anticipated the completion of these phases within days after the December 8, 2022, deadline.

On March 4, 2022, SSI entered into a Power Purchase Agreement ("PPA") with the Port Authority. NJ Terminal represented that it issued a purchase order for transformers for Phases 1 and 2 within five (5) days of this date but that Terminal encountered several setbacks in receiving the transformers. According to NJ Terminal, SSI demonstrated due diligence in procuring the

²⁸ Subsequent to filing the Petition, SSI advised Staff that it had decided to withdraw the request for an extension for Project 5. Supplement at 6.

necessary transformers in a timely manner. The two (2) transformers needed for Projects 1 and 2 were originally scheduled to be delivered on July 30, 2022. However, NJ Terminal indicated that on April 5, 2022, the Port Authority advised it of mandatory design changes and that these changes delayed the estimated delivery timeframe. NJ Terminal then changed manufacturers in order obtain a delivery 10 weeks earlier, with a new delivery date of September 6, 2022. The new manufacturer, however, then communicated an additional delivery delay that resulted in an estimated delivery date of December 5, 2022 for the transformers, only three (3) days before the expiration of the TI registrations. Thus, SSI issued a third purchase order with another manufacturer with the intention of having the transformers delivered sooner. The third manufacturer was able to deliver the transformer for Phases 1 and 2 on November 21, 2022, but did not deliver the transformer for Phase 5.

As such, NJ Terminal indicated significant progress and completion of Phases 1 and 2 resulting in PTO from PSE&G on December 6, 2022, with remaining administrative work to be done to consider the phases completed in their entirety. With respect to Phase 5, NJ Terminal indicated the type and size of transformer needed to meet the Port Authority's design requirements could only be supplied by the third manufacturer but that the updated delivery timeframe was anticipated to be in March 2023. NJ Terminal also indicated that PSE&G did not communicate a delay in the delivery of a required current transformer until September 9, 2022, at which time PSE&G provided an estimated delivery timeframe in early 2023. NJ Terminal asserted that the delays in the delivery of the transformers and NJ Terminal's prompt efforts to remedy these delays, coupled with the delay in delivery of PSE&G's current transformer, constitute good cause for the Board to waive the TI Program deadlines. In NJ Terminal's opinion, the circumstances resemble those addressed in the Gibbstown Order, as NJ Terminal analogized the above delays to the changes in interconnection timelines addressed by the Gibbstown Order. NJ Terminal also alleged that the State's aggressive solar installation goals should weigh in favor of granting the requested relief.

On July 20, 2023, NJ Terminal filed a supplement to its petition ("Supplement") in which it: a) confirmed the withdrawal of its extension request for Phase 5 and b) provided an update on the project milestones for Phases 1 and 2, thereby reconfirming its request for these two (2) projects to receive an extension in the TI Program and benefits as a public entity project. For Phase 5, NJ Terminal confirmed that the completion remains pending due to the continuing unavailability of a specific transformer required to comply with Port Authority design requirements. For Phases 1 and 2, NJ Terminal advanced an additional argument in favor of an extension in the TI Program, alleging that these projects had achieved commercial operation by the TI Program deadline of December 8, 2022, and but for technical difficulties with submission of the final paperwork into the New Jersey Clean Energy portal ("portal") would have met that deadline.

NJ Terminal asserted that on its December 8, 2022 deadline, it completed and attempted to submit the required paperwork to the TI Program portal, including PTO, from PSE&G and inspection approval from the Port Authority. Encountering technical difficulties, SSI stated that it contacted TRC to resolve these issues, but was unable to complete the upload. Instead, SSI stated that it emailed the package to TRC as an attachment in order to meet the December 8 deadline. According to NJ Terminal, on December 13, 2022, TRC acknowledged receipt of the email but advised SSI to resubmit the information to the portal for acceptance. SSI stated that on December 15, 2022, with the assistance of TRC, some but not all of the documentation was successfully uploaded into the portal. In early January of 2023, additional communication occurred between TRC and SSI regarding confusion over the upload submission for the five (5) phases of the project at the Terminal; the Supplement stated that as of January 6, 2023, "only a portion" of the post construction certification documents had been uploaded. According to the

Supplement, however, the deadline for submitting an extension request was imminent and TRC advised SSI to focus on completing the extension request prior to completing the consolidated upload.

Included as attachments to the Supplement were what NJ Terminal stated were the post-construction certification packages for Phases 1 and 2 (“Attachment A”)²⁹, a letter dated February 16, 2023, from the Port Authority (“Attachment B”), and a letter dated June 27, 2023, from the City of Newark (“Attachment C”). Both letters supported allowing the projects to remain in the TI Program.

NJ Terminal alleged that the delay in the final interconnections of both projects was the result of actions “wholly outside the control of Petitioner.” Staff does not agree. While the delays in receiving key pieces of the solar facility equipment were outside the control of NJ Terminal, the existence of lengthy supply chain delays was well known by the date at which NJ Terminal entered into its EPC contract and registered in the TI Program.³⁰ The Board had taken note of them in a prior Order, observing that supply chain issues were well known to the industry. See Centrica Order on Multiple Projects. Moreover, Staff notes the TI Program did not provide for extensions and that NJ Terminal registered its project at a time when the TI Program was coming to an end. Thus, NJ Terminal knew or should have known not only that supply chain issues were common to solar development, but that this transitional program was coming to an end. Notwithstanding the above, Staff notes that these projects have also benefitted from the blanket extension provided by the June 2021 Order.

In the Supplement, NJ Terminal stressed that its projects were complete and received all required approvals by the TI Program deadline of December 8, 2022, despite the inability to provide the post construction certification package on that date. See Attachment A to Supplement. However, while NJ Terminal asserted that “all documentation was prepared and submitted to the Clean Energy Program on or before the Projects’ deadline date,” that claim is unsupported by the record. The TI Program Administrator’s files indicate, to the contrary, that no documents were submitted for Projects 1 and 2. Some documents were emailed on December 8, 2022 for Phase 4 of NJ Terminal’s project, but they did not constitute a complete post-construction certification package. Program records reflect that two (2) requests were made for the rest of the required information but that no additional information was provided and these registrations expired.

NJ Terminal asks for a waiver of the rule, noting various public policy benefits it claims will result from the project, such as local economic development, emission reduction, and associated health benefits to residents. Supplement at paragraphs 15 and 18 and Attachments B and C. Staff concurs that these are real and important benefits but does not believe that it is necessary to keep these projects in the TI Program in order to provide them. These benefits will still accrue if the projects are incentivized through the ADI Program. While the Port Authority states in Attachment

²⁹ Staff notes that Attachment A contains what appear to be duplicate packages for NJSTRE1547093209 (Phase 2) and duplicate packages for NJSTRE1547101033 (which does not correspond to any of the Program Numbers identified in the Supplement as belonging to Phases 1 through 4), but does not contain any documentation for Phase 1 (NJSTRE1547086443).

³⁰ In re a New Jersey Solar Transition Pursuant to P.L. 2018, C.17 ; In re Request for Waiver and Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Multiple Non-Residential Net-Metered Rooftop and Carport Solar Projects - Centrica Business Solutions; NJSTRE1547461814; NJSTRE1547533249; NJSTRE1547457197; NJSTRE1547461384; NJSTRE1547461973; NJSTRE1547461829; NJSTRE1547461353; NJSTRE1547461378; NJSTRE1547461872, BPU Docket Nos. QO19010068 & QO21111234, Order dated March 9, 2022 (“Centrica Order on Multiple Projects”).

B that the benefits of the solar projects will be greatly reduced if they are not allowed to remain in the TI Program, no analysis to support this claim appears in Attachment B, the Supplement, or the petition.

NJ Terminal also argued in the Supplement that Projects 1 and 2 should be viewed as having been developed “at the direction and for the ultimate benefit” of the Port Authority and provided benefits to the City of Newark. Thus, said NJ Terminal, these projects could be viewed as a “public entity-related” project. NJ Terminal relied on Attachment B, in which the Port Authority stated that the Terminal Project satisfies an element of the Port Authority’s Master Plan by offsetting more than half of the Terminal’s annual energy consumption and producing carbon offsets of more than 175,000 metric tons; and Attachment C, in which the Mayor of Newark stated that the projects would result in local economic development, increased employment opportunities, and improved environmental conditions and health benefits for the residents (“Newark Letter”).

As stated previously, Staff believes that emissions reductions and local health and economic benefits constitute important reasons to support solar development. However, these benefits do not serve to convert a private project into a public one. The Port Newark Container Terminal, which is the entity that has entered into a PPA with SSI, is a private company that leases the locations of Projects 1 and 2 from the Port Authority. The PPA identifies the Port Authority as the owner of the premises. While the Port Authority has been determined to be a public entity, that public entity status is not transferable to its tenants.

Staff recommends that the Board deny this petition.

Above Grid, LLC, Above Grid Carport 2020, LLC, Safari Energy, LLC – Medical Center Carport Projects – Docket Nos. QO22120728, QO22120741, QO22120744

Between December 8, 2022, and December 16, 2022, three (3) petitions were filed seeking extensions to TI Program deadlines for five carport projects under development at various medical centers across the State. Above Grid LLC (“Above Grid”) filed a petition to grant relief for its project at the Morristown Medical Center (West Garage). Above Grid Carport filed a petition to grant relief for its projects at the Chilton Medical Center and the Newton Medical Center. Above Grid Carport 2020 LLC and Safari Energy, LLC (“Safari”) (collectively, “Medical Center Petitioners”), filed jointly for relief for projects at the Morristown Medical Center (Women’s Garage) and the Hackettstown Medical Center. All three (3) petitions cite the same causes for delays in completing the projects: interconnection delays, permitting issues, and supply chain delays. Each petition was supplemented with attachments whose relation to the petitioners’ argument is not specified, with a few exceptions noted below.

Docket No. QO22120728 – *Morristown Medical Center (West Garage), TI Application # NJSTRE1547079661*

Above Grid contended that it could show “good cause” for the Board to waive its rules in accordance with N.J.A.C. 14:1-1.2. According to the petition, the primary delays in completing this project were due to interconnection issues with JCP&L and local permitting issues, which were described as factors beyond control of the Above Grid. Above Grid also cited equipment delays contributing to the delay in completion of the project. Asserting that the solar project faces severe financial losses without the extension and pointing to the financial savings and resiliency benefits for Morristown Hospital, as well as the incremental environmental benefits of reduced carbon emissions, Above Grid claimed that “all traditional standards” of showing “good cause”

have been met. The petition requests a six-month extension in order to complete the installation of the equipment and necessary work which includes inspections and obtaining approval from JCP&L.

In support of its factual assertions, Above Grid pointed to a certification from C. Gage Kellogg, the Manager of Above Grid; however, the certification was not included as an attachment to the petition. In the absence of the certification, Staff is unable to determine the full significance or relevance of the attachments accompanying the petition. Notwithstanding the documentation deficits, Staff will address the arguments made in the petition to the extent possible.

Staff does not agree with the petition's contention that an extension of six (6) months is necessitated. Neither the petition, nor the exhibits attached thereto appear to support the claim that the delays were due to unforeseeable circumstances beyond Above Grid's control. There is no certification to the factual statements made in the petition. Thus, Above Grid's claim that interconnection approval delays were unreasonable or unforeseeable lacks substantiation in the record. Above Grid referred to delays caused by local zoning board approvals, but no documentation of such approvals has been attached. Above Grid's attachments do include email exchanges with JCP&L, but the attachments document routine utility operations. This information does not substantiate Above Grid's claim that interconnection approval delays were unreasonable or unforeseeable.

Above Grid did not allege supply chain delays, but among the attachments is an email referencing delays caused by lockdowns in China due to pandemic quarantine measures. To the extent that Above Grid intended the Board to consider such delays, Staff notes that at the time Above Grid registered in the TI Program in mid-2021, Above Grid knew or should have known that supply chain issues were common to solar development. The Board has consistently rejected the argument that supply chain issues necessitate a waiver of the Board's TI Rules.³¹

Above Grid also referred in passing to the "new and much narrowed" criteria for demonstrating "good cause" that Above Grid alleged were instituted by the Gibbstown Order. As the Board has previously ruled, such a description mischaracterizes the Gibbstown Order, which was an adjudication upon the specific facts presented in that petition and on which the Board acted in its quasi-judicial capacity. In addition, Above Grid's phrasing implies that this ruling applies to every TI project seeking an extension. Such is not the case. By its terms, the Gibbstown Order applies only to those projects with currently active registrations in the TI Program that can demonstrate that the project is fully ready to energize but for receipt of PTO and that the PTO is delayed due to factors that are the sole responsibility of the EDC, namely interconnection upgrades that were represented by the EDC to have occurred consistent with the project's TI Program deadline but did not. November 9 Order at 39-40.

This project registered in the TI Program over two (2) years ago and has benefitted from a prior extension provided by the Board's June 2021 Order but has nevertheless been unable to comply with TI program deadlines. Staff recommends that the Board deny this petition.

³¹ Centrica Order on Multiple Projects at 3-5; August 2022 Order at 11-12; November 9 Order at 16.

Docket No. QO22120741

a) Chilton Medical Center, TI Application # NJSTRE1547120973

Above Grid Carport contended that it could show “good cause” for the Board to waive its rules in accordance with N.J.A.C. 14:1-1.2. According to the petition, the primary delays in completing this project were interconnection issues with JCP&L and local permitting issues, which were described as factors beyond control of the Above Grid Carport. Above Grid Carport also cited supply chain delays as contributing to the delay in completion of the project. In support of its factual assertions, Above Grid Carport pointed to a certification from John Duer, General Counsel of Above Grid. Asserting that the solar project faces severe financial losses without the extension and pointing to the financial savings and resiliency benefits for Morristown Hospital, as well as the incremental environmental benefits of reduced carbon emissions, Above Grid Carport claimed that “all traditional standards” of showing “good cause” have been met. The petition requested a six-month extension in order to complete the installation of the equipment and necessary work which includes inspections and obtaining approval from JCP&L.

According to the certification attached to the petition, this project consists of six (6) carport facilities and received TI Program conditional acceptance on June 15, 2021. The initial commercial operation deadline was June 15, 2022, subsequently extended to December 15, 2022 by operation of the June 2021 Order. The certification stated that PTO had not been achieved by the expiration date because of delays by JCP&L and in the supply chain. In support of these claims, the certification included correspondence with JCP&L regarding various interconnection procedures. Also attached was correspondence with three (3) of its suppliers that documented months-long delays in receipt of equipment. The certification also outlined the status of the project, stating that mechanical completion was achieved on December 13, 2022, and that PTO was anticipated approximately three (3) months after the date of the letter, or roughly March 15, 2023.

Staff does not agree with the petition’s contention that an extension of six (6) months is necessitated. Neither the petition, the certification, nor the exhibits attached thereto adequately support the claim that the delays were due to unforeseeable circumstances beyond Above Grid Carport’s control. The certification describes and the attachments document routine utility operations. This information does not substantiate Above Grid Carport’s claim that interconnection approval delays were unreasonable or unforeseeable.

Nor is Staff is persuaded by the claim in the certification that the time it took to acquire inverters and switchgears was unforeseeable or beyond Above Grid Carport’s control. At the time Above Grid Carport registered in the TI Program in mid-2021, Above Grid Carport knew or should have known that supply chain issues were common to solar development. The Board has consistently rejected the argument that supply chain issues necessitate a waiver of the Board’s TI Rules.³² This project registered in the TI Program over two (2) years ago and has benefitted from a prior extension in the Board’s June 2021 Order but has nevertheless been unable to comply with TI program deadlines.

Above Grid Carport also referred in passing to the “new and much narrowed” criteria for demonstrating “good cause” that Above Grid Carport alleged were instituted by the Gibbstown Order. As the Board has previously ruled, such a description mischaracterizes the Gibbstown

³² Centrica Order on Multiple Projects at 3-5; August 2022 Order at 11-12; November 9 Order at 16.

Order, which was an adjudication upon the specific facts presented in that petition and on which the Board acted in its quasi-judicial capacity. In addition, Above Grid Carport's phrasing implies that this ruling applies to every TI project seeking an extension. Such is not the case. By its terms, the Gibbstown Order applies only to those projects with currently active registrations in the TI Program that can demonstrate that the project is fully ready to energize but for receipt of PTO and that the PTO is delayed due to factors that are the sole responsibility of the EDC, namely interconnection upgrades that were represented by the EDC to have occurred consistent with the project's TI Program deadline but did not. November 9 Order at 39-40.

Staff recommends that the Board deny this portion of the petition.

b) Newton Medical Center, TI Application # NJSTRE1547120983

Above Grid Carport contended that it could show "good cause" for the Board to waive its rules in accordance with N.J.A.C. 14:1-1.2. According to the petition, the primary delays in completing this project were interconnection issues with JCP&L and local permitting issues, which were described as factors beyond control of Above Grid Carport. Above Grid Carport also cited supply chain delays as contributing to the delay in completion of the project. In support of its factual assertions, Above Grid Carport pointed to a certification from John Duer, General Counsel of Above Grid. Asserting that the solar project faces severe financial losses without the extension and pointing to the financial savings and resiliency benefits for Morristown Hospital, as well as the incremental environmental benefits of reduced carbon emissions, Above Grid Carport claimed that "all traditional standards" of showing "good cause" have been met. The petition requested a six-month extension in order to complete the installation of the equipment and necessary work which includes inspections and obtaining approval from JCP&L.

According to the certification attached to the petition, this project consists of seven (7) carport facilities and received TI Program conditional acceptance on June 15, 2021. The initial commercial operation deadline was June 15, 2022, subsequently extended to December 15, 2022 by operation of the June 2021 Order. The certification stated that PTO had not been achieved by the expiration date because of delays by JCP&L and in the supply chain. In support of these claims, the certification included correspondence with JCP&L regarding various interconnection procedures. Also attached was correspondence with three (3) of its suppliers that documented months-long delays in receipt of equipment. The certification also outlined the status of the project, stating that approval to install was received on November 18, 2020, and that solar modules and inverters had been delivered to the site.

Staff does not agree with the petition's contention that an extension of six (6) months is necessitated. Neither the petition, the certification, nor the exhibits attached thereto adequately support the claim that the delays were due to unforeseeable circumstances beyond Above Grid Carport's control. The certification describes and the attachments document routine utility operations. This information does not substantiate Above Grid Carport's claim that interconnection approval delays were unreasonable or unforeseeable.

Nor is Staff is persuaded by the claim in the certification that an extension should be granted because of supply chain delays. At the time Above Grid Carport registered in the TI Program in mid-2021, Above Grid Carport knew or should have known that supply chain issues were common to solar development. The Board has consistently rejected the argument that supply chain issues necessitate a waiver of the Board's TI Rules.³³

Above Grid Carport also referred in passing to the "new and much narrowed" criteria for demonstrating "good cause" that Above Grid Carport alleged were instituted by the Gibbstown Order. As the Board has previously ruled, such a description mischaracterizes the Gibbstown Order, which was an adjudication upon the specific facts presented in that petition and on which the Board acted in its quasi-judicial capacity. In addition, Above Grid Carport's phrasing implies that this ruling applies to every TI project seeking an extension. Such is not the case. By its terms, the Gibbstown Order applies only to those projects with currently active registrations in the TI Program that can demonstrate that the project is fully ready to energize but for receipt of PTO and that the PTO is delayed due to factors that are the sole responsibility of the EDC, namely interconnection upgrades that were represented by the EDC to have occurred consistent with the project's TI Program deadline but did not. November 9 Order at 39-40.

This project registered in the TI Program over two (2) years ago and has benefitted from a prior extension in the Board's June 2021 Order but has nevertheless been unable to comply with TI program deadlines.

Staff recommends that the Board deny this portion of the petition.

Docket No. QO22120744

a) Morristown Medical Center (Women's Garage), TI Application # NJSTRE1547121010

Medical Center Petitioners contended that "good cause" could be shown for the Board to waive its rules in accordance with N.J.A.C. 14:1-1.2. According to the petition, the primary delays in completing this project were due to interconnection issues with JCP&L and local permitting issues, which were described as factors beyond control of the Medical Center Petitioners. The Medical Center Petitioners also cited supply chain delays as contributing to the delay in completion of the project. In support of its factual assertions, Medical Center Petitioners pointed to a certification from C. Gage Kellogg, the Managing Director of Renewable Energy at Partner Engineering and Science Inc., who stated that he is an authorized representative of Above Grid Carport. Asserting that the solar project faces severe financial losses without the extension and pointing to the financial savings and resiliency benefits for Morristown Hospital, as well as the incremental environmental benefits of reduced carbon emissions, Medical Center Petitioners claimed that "all traditional standards" of showing "good cause" have been met. The petition requested a six-month extension in order to complete the installation of the equipment and necessary work which includes inspections and obtaining approval from JCP&L.

According to the certification attached to the petition, TI Program conditional acceptance for this project was issued on June 16, 2021, and the commercial operation deadline was June 16, 2022. The Board subsequently extended this deadline to December 16, 2022 by operation of the June 2021 order. The certification stated that PTO had not been achieved by the expiration date because supply chain delays. In support of this claim, the certification included correspondence

³³ Centrica Order on Multiple Projects at 3-5; August 2022 Order at 11-12; November 9 Order at 16.

with two (2) of its suppliers that documented extensive delays in receipt of equipment. Staff notes that although the certification identifies the date of the interconnection approval as November 18, 2020, the only JCP&L approval attached indicates a date of c April 22, 2021 for a preliminary "approval to install" from JCP&L ("Attachment 1"); in addition, the certification cites Attachment "SG1" for details for the delay on the switch gear equipment but no Attachment SG1 Is provided. Despite these imprecise details, the certification also outlined the status of the project, stating that racking system, solar modules and inverters had been delivered to the site and that 100% of the racking structure and modules had been installed.

Staff does not agree with the petition's contention that an extension of six months is necessitated. Neither the petition, the certification, nor the exhibits attached thereto adequately support the claim that the delays were due to unforeseeable circumstances beyond the Medical Center Petitioners' control. At the time the Medical Center Petitioners registered in the TI Program in mid-2021, Medical Center Petitioners knew or should have known that supply chain issues were common to solar development. The Board has consistently rejected the argument that supply chain issues necessitate a waiver of the Board's TI Rules. This information does not substantiate Medical Center Petitioners' claim that interconnection approval delays were unreasonable or unforeseeable.

Medical Center Petitioners also referred in passing to the "new and much narrowed" criteria for demonstrating "good cause" that Medical Center Petitioners alleged were instituted by the Gibbstown Order. As the Board has previously ruled, such a description mischaracterizes the Gibbstown Order, which was an adjudication upon the specific facts presented in that petition and on which the Board acted in its quasi-judicial capacity. In addition, Medical Center Petitioners' phrasing implies that this ruling applies to every TI project seeking an extension. Such is not the case. By its terms, the Gibbstown Order applies only to those projects with currently active registrations in the TI Program that can demonstrate that the project is fully ready to energize but for receipt of PTO and that the PTO is delayed due to factors that are the sole responsibility of the EDC, namely interconnection upgrades that were represented by the EDC to have occurred consistent with the project's TI Program deadline but did not. November 9 Order at 39-40.

This project registered in the TI Program over two (2) years ago and has benefitted from a prior extension in the Board's June 2021 Order but has nevertheless been unable to comply with TI program deadlines. Staff recommends that the Board deny this portion of the petition.

b) Hackettstown Medical Center, TI Application # NJSTRE1547121002

Medical Center Petitioners contended that "good cause" could be shown for the Board to waive its rules in accordance with N.J.A.C. 14:1-1.2. According to the petition, the primary delays in completing this project were due to interconnection issues with JCP&L and local permitting issues, which were described as factors beyond control of Medical Center Petitioners. Medical Center Petitioners also cited supply chain delays as contributing to the delay in completion of the project. Asserting that the solar project faces severe financial losses without the extension and pointing to the financial savings and resiliency benefits for Morristown Hospital, as well as the incremental environmental benefits of reduced carbon emissions, Medical Center Petitioners claimed that "all traditional standards" of showing "good cause" have been met.

In support of its factual assertions, Medical Center Petitioners points to a certification from C. Gage Kellogg, the Manager of Above Grid; however, the certification was not included as an attachment to the petition. In the absence of the certification, Staff is unable to determine the full significance or relevance of the attachments accompanying the petition. Notwithstanding, the

documentation deficits, Staff will address the arguments made in the petition to the extent possible.

Staff does not agree with the petition's contention that an extension of six (6) months is necessitated. Neither the petition, nor the exhibits attached thereto appear to support the claim that the delays were due to unforeseeable circumstances beyond Medical Center Petitioners' control. There is no certification to the factual statements made in the petition. Thus, Medical Center Petitioners' claim that interconnection approval delays were unreasonable or unforeseeable lacks substantiation in the record. Medical Center Petitioners referred to delays caused by local zoning board approvals, but no documentation of such approvals has been attached. Medical Center Petitioners' attachments do include email exchanges with JCP&L, but the attachments document routine utility operations. This information does not substantiate Medical Center Petitioners' claim that interconnection approval delays were unreasonable or unforeseeable.

Staff does not agree with the petition's contention that an extension of six (6) months is necessitated. Neither the petition nor the attachments filed with it adequately support the claim that the delays were due to unforeseeable circumstances beyond Medical Center Petitioners' control. At the time Medical Center Petitioners registered in the TI Program in mid-2021, Medical Center Petitioners knew or should have known that supply chain issues were common to solar development. The Board has consistently rejected the argument that supply chain issues necessitate a waiver of the Board's TI Rules.³⁴ This information does not substantiate Medical Center Petitioner's claim that interconnection approval delays were unreasonable or unforeseeable.

Medical Center Petitioners also referred in passing to the "new and much narrowed" criteria for demonstrating "good cause" that Medical Center Petitioners alleged were instituted by the Gibbstown Order. As the Board has previously ruled, such a description mischaracterizes the Gibbstown Order, which was an adjudication upon the specific facts presented in that petition and on which the Board acted in its quasi-judicial capacity. In addition, Medical Center Petitioners' phrasing implies that this ruling applies to every TI project seeking an extension. Such is not the case. By its terms, the Gibbstown Order applies only to those projects with currently active registrations in the TI Program that can demonstrate that the project is fully ready to energize but for receipt of PTO and that the PTO is delayed due to factors that are the sole responsibility of the EDC, namely interconnection upgrades that were represented by the EDC to have occurred consistent with the project's TI Program deadline but did not. November 9 Order at 39-40.

The petition does not state the date on which this project was accepted into the TI Program, and in the absence of a certification or other relevant documentation, Staff does not know whether this project, like that located on the Medical Center at the Morristown Medical Center, has had over two (2) years to complete. In the absence of any compelling argument or record support, however, Staff recommends that the Board deny this portion of the petition.

Plankton Energy, LLC – 1801 Federal Street, Camden – Docket Nos. QO22080472

On July 29, 2022, Plankton Energy, LLC, ("Plankton Energy") filed a petition to extend the completion deadline for the above project, asserting that the Gibbstown Order constituted invalid rulemaking and that its criteria were too narrow but that in any case Plankton Energy's

³⁴ Centrica Order on Multiple Projects at 3-5; August 2022 Order at 11-12; November 9 Order at 16.

circumstances fit the spirit of that Order. On March 17, 2023, Plankton Energy filed a second petition in the same docket, reiterating that the Gibbstown Order constituted a rule, asserting that its project should be considered as meriting an extension under that rule or its waiver, and including a status update on the progress made.³⁵ An application for the project was filed with the TI Program Administrator on August 23, 2021. According to the petition, the project was accepted into the TI Program on August 27, 2021 as a non-residential net metered solar project and had a post-construction certification deadline of August 27, 2022 (TI Application # NJSTRE1547462089). Plankton Energy requested an eight-month extension from the current deadline for its solar project registration, alleging interconnection delays caused by PSE&G. As such, Plankton Energy requested a waiver pursuant to the Gibbstown Order.

According to the petition, PSE&G gave conditional approval for the interconnection on October 6, 2021, but then months later recanted its approval. During what Plankton Energy characterized as a routine meeting onsite in May 2022, a PSE&G engineer advised that PSE&G had erred in conditionally approving Plankton Energy's project as designed. The petition stated that the project would have been completed by the deadline had PSE&G not reversed its prior approval but that the reversal required a redesign of the system and resubmittal of the plan to the City of Camden's ("City") electrical code inspector, thereby restarting the electrical interconnection design process. Plankton Energy advised that it proceeded with the redesign, completed the project in August 2022, received final inspections from the City on March 10, 2023, and as of the date of the petition expected to receive PTO shortly thereafter.

Staff first notes that Plankton Energy asserted that in the Gibbstown Order, the Board "promulgated a rule." Plankton Energy appeared to reason that by allowing other similarly situated entities to take advantage of the same conditional extension afforded to the petition in that matter, the Board engaged in unlawful rulemaking. This argument has previously been addressed in both the November 9 Order and the Order denying a motion for reconsideration of the November 9 Order.³⁶ The Board has found that the Gibbstown Order was an adjudication upon the specific facts presented in that petition and as such, validly acted upon in the Board's quasi-judicial rather than its quasi-legislative capacity. Staff relies upon the Board's previous analysis and ruling and recommends that the Board reject this argument.

Plankton Energy asserted that an extension is warranted because of the unforeseeable delay caused by PSE&G's rejection of the project design approximately seven and a half months after initial approval of that design. On that basis, Plankton Energy applied for the Gibbstown waiver and as part of that process was given multiple opportunities to provide specific items documenting its claims.³⁷ Plankton Energy was twice advised that the extension request documentation did not demonstrate all the required elements in the Gibbstown Order. Despite these opportunities, Plankton Energy failed to provide evidence that upgrades were fully funded by the project developer; evidence of communication from the EDC advising that the interconnection upgrades were subsequently delayed past the timeline identified at the time or after the interconnection agreement was agreed to; and a completed and signed TI Final As-Built Technical Worksheet. Plankton Energy has conceded that it does not meet the Gibbstown requirements, acknowledging

³⁵ The second petition submitted on March 17, 2023 was initially assigned Docket No. QO23030146 in error.

³⁶ In re a New Jersey Solar Transition Pursuant to P.L. 2018, C. 17 - Order on Joint Motion for Reconsideration, BPU Docket No. QO19010068, Order dated June 29, 2023.

³⁷ Staff proposed that Plankton Energy apply for the Gibbstown Waiver but in the course of that process it became apparent that Plankton Energy could not satisfy the criteria.

that “final inspections were delayed by other delays caused by the EDC,” but it contends that its circumstances are “sufficiently similar”, and that denial of an extension would be equally unfair. Plankton Energy requested an 8-month extension, stating that this time period was roughly equal to the number of days between Plankton Energy’s conditional interconnection approval and the date on which PSE&G reversed its approval, but the timeline it has provided does not support the request. To buttress its claim that the delay was the sole result of the PSE&G’s reversing its previous approval of the project design, Plankton Energy has provided a schedule allegedly showing the dates on which the project would have achieved its milestones had there been no change in the approval. This schedule shows project completion of the rooftop portion in May 2022, completion of the canopy portion in July 2022, and estimated municipal inspections 10 days later. After the May 2022 notification that the electrical design must be changed, the petition reports project completion in August 2022, a one-month delay, and municipal inspections in March 2023, an eight-month delay, rather than the 10 days estimated in Plankton Energy’s schedule. In addition, while Plankton Energy stated in the supplemental March 2023 petition that it anticipated PTO “shortly,” TI Program Staff had not received notification that PTO has been received as of August 1, 2023. Thus, Plankton Energy’s own statements indicate that while the PSE&G retraction of its original design approval delayed the project by one (1) month, the estimated time to receive municipal inspection and PTO in its initial schedule was likely unrealistic. That being so, Plankton Energy’s claim that “but for” the PSE&G reversal its project would have been completed on time appears erroneous and its attempt to analogize its circumstances to those in the Gibbstown Order fails.

Staff notes that the registration was accepted into the TI Program in the closing days of the TI Program, and Plankton Energy knew or should have known that this transitional program was closing. Plankton Energy registered in the TI Program with the knowledge that this program provided 12 months to achieve commercial operation and did not provide for any automatic extensions. Plankton Energy also asserted that it expended significant amounts of money on the project. This developer’s interest in its investment, however, must be balanced against the State’s interest in timely completion of projects and the ratepayers’ interest in limiting the extent to which the subsidies provided through a time-limited program should be extended past that program’s end.

Staff recommends that the Board deny this petition.

Correlate Infrastructure Partners, Inc. – 225 Sand Road, Fairfield – Docket No. QO22090566

On September 12, 2022, Correlate Infrastructure Partners, Inc. (“Correlate”) filed a petition to extend the completion deadline for the above project. An application for the project was accepted by the TI Program Administrator on September 13, 2021. According to the petition, the project was accepted into the TI Program as a commercial rooftop canopy solar project and had a completion deadline of September 13, 2022 (TI Application #NJSTRE1547532494). Correlate requested a six-month extension from the current deadline for its solar project registration, alleging unanticipated construction delays and supply chain issues. As such, Correlate requested a waiver per the intent of the Gibbstown Order.

According to the petition, on February 16, 2022, Correlate received notification of unexpected roof repairs that delayed the construction start date until August 1, 2022. During the roof repair work, the petition stated Correlate was notified of a delay in the delivery of inverters, due to supply chain issues, until the week of September 12, 2022. These inverters were ordered in May 2022. As of the date of the petition, the solar inverters remained to be installed and the solar modules were anticipated to be installed over the course of two (2) weeks, beginning on September 12, 2022.

Completed electrical installation was expected by October 18, 2022. PSE&G issued conditional interconnection approval on June 6, 2022, and the “local permit” was approved on August 9, 2022.

Correlate asserted that in issuing the Gibbstown Order, the Board engaged in unlawful rulemaking. According to Correlate, the Gibbstown Order encompasses all solar developers in the State facing a TI Program deadline and encountering obstacles beyond their control; applies to all future petitions for extensions filed by such solar developers; and sets “inflexible” criteria not previously expressed in any past Board determination. This argument has previously been addressed in both the November 9 Order and the Order denying a motion for reconsideration of the November 9 Order.³⁸ The Board has found that the Gibbstown Order was an adjudication upon the specific facts presented in that petition and as such, validly acted upon in the Board’s quasi-judicial rather than its quasi-legislative capacity. Staff relies upon the Board’s previous analysis and ruling and recommends that the Board reject this argument.

Correlate acknowledged that an engineer was engaged to review the roof of the Project’s site “[i]n parallel with the submission of the Project application to the TI Program.” After a review that took months to complete, the engineer determined that “extensive roof repairs were necessary in order for the Project to be built.” Correlate did not explain why it waited to determine that the roof was able to support a solar installation until it was applying to the TI Program, but given that it applied in the closing weeks of that program, it appears likely that Correlate was more concerned with filing in the TI Program before it closed than in ensuring that its project was mature enough to complete in one (1) year. Correlate registered in the TI Program with the knowledge that this program provided 12 months to achieve commercial operation and did not provide for any automatic extensions, and it did so knowing that it had not yet investigated the condition of the host roof. Having chosen to roll the dice on learning whether the roof would support the proposed solar facility, Correlate cannot now complain that its gamble failed. Correlate also pointed to a delay in the delivery of solar inverters from early August 2022 to September 12, 2022, “due to supply chain delays.” However, while outside Correlate’s control, this delay was hardly unforeseeable. The existence of lengthy supply chain delays was well known by the date at which Correlate registered in the TI Program and began its study of the roof; in addition, Staff notes that the solar inverters were not ordered until May 2022, three (3) months after the roof review was completed.

Staff recommends that the Board deny this petition.

³⁸ In re A New Jersey Solar Transition Pursuant To P.L. 2018, C.17 - Order On Joint Motion For Reconsideration, Docket No. QO19010068, Order dated June 29, 2023.

Green Power Crossing, LLC – 567 Monmouth Road, Jackson – Docket No. QO22070435

On July 12, 2022, Green Power Crossing, LLC (“GPC”) filed a petition to extend the completion deadline for the above project on the basis that its project should benefit from the Board’s June 2021 Order. According to the petition, a registration for this carport solar project was filed with the TI Program Administrator on June 24, 2021. On July 13, 2021, GPC received a letter of conditional approval into the TI Program with a project expiration date of July 13, 2022. In its petition, GPC requested a six-month extension from the current deadline for its solar project registration to January 13, 2023, arguing that the project was registered by June 24, 2021 and that it was therefore entitled to the blanket six-month extension that the June 2021 Order provided to all active registrations. GPC simultaneously submitted a waiver request to the TI Program Administrator pursuant to the Gibbstown Order.³⁹ The petition also reiterated the claim that GPC presumably made in its Gibbstown filing, asserting that it would have been able to meet the July 13, 2022 deadline had it not been for interconnection delays by JCP&L.

According to the petition, GPC filed a complete TI application on June 24, 2021. On June 25, 2021, a letter was sent by the TI Program Administrator that indicated minor deficiencies needed resolution within seven (7) business days to participate in the TI Program. On July 13, 2021, the TI Program Administrator issued a letter of conditional acceptance, setting a project completion deadline of July 13, 2022. On May 23, 2022, an informal complaint letter was filed with the Board seeking a Staff determination that the TI application had been complete on June 24, 2021 (“Informal Complaint”). On June 20, 2022, Staff responded to the Informal Complaint via email, confirming that based on an evaluation of program records, the actual registration submission did not occur until June 25, 2021. Accordingly, Staff denied the Informal Complaint.

GPC made two (2) separate arguments in its petition. First, it reiterated its claim that it filed a complete registration in time to qualify for the six-month extension granted by the June 2021 Order. As an alternative argument, GPC contended that it could show “good cause” for the Board to waive its rules and grant the six-month extension on that basis.

In support of its claim that its complete registration was received on June 24, 2021, GPC contended that the meaning of “registration” is unclear in the Board’s rules and program guidance, such that a “reasonable applicant” could believe that submittal of a registration package and receipt of a registration number meant that its “application” was complete.⁴⁰ GPC quoted at length from the TI Program rules and the Solar Transition Frequently Asked Questions (“FAQs”) but failed to convincingly support this claim.

GPC made much of the fact that the term “registered” is not explicitly defined in the Board’s rules, but the registration process is clearly laid out in those rules; the same language quoted by GPC places a would-be participant in the TI Program on notice that a registration is not complete until any minor deficiencies have been corrected.

2. Upon receipt of an initial registration package, Board staff shall review the package for completeness. If the initial registration package is incomplete or

³⁹ GPC asked the Board to hold its petition in abeyance until that request had been resolved. On October 18, 2022, GPC’s Gibbstown request was denied.

⁴⁰ Throughout its petition, GPC refers to its “application” to the TI Program, rather than to its “registration,” apparently in support of its claim that the term “registration” creates confusion.

deficient, Board shall notify the registrant in writing of the deficiencies. The registrant shall revise the package and resubmit it within seven business days of this notice. Failure to resubmit within this time will result in cancellation of the registration process

3. Once the registration package is complete, Board staff shall review the package to determine whether the solar facility meets the TREC eligibility requirements of this subchapter; and

4. If the solar facility, as described in the initial registration package, meets TREC eligibility requirements, Board staff shall issue notice to the registrant of a conditional registration for the facility.

[N.J.A.C. 14:8-10.4(f)(2)-(4) (emphasis added).]

Since the registration package cannot be substantively reviewed until it is complete, the project for which it has been submitted cannot be “registered” if it is incomplete.

In GPC’s case, the registration package it initially submitted was missing the required utility bill for the premises. GPC Petition at Exhibit A. GPC acknowledged that its initial registration package lacked this bill but attempts to characterize the missing bill as a “minor deficiency.” In fact, a copy of “the premise host utility bill page showing the account number, address and appropriate electric rate tariff for the site” was identified in the TI Program Initial Application Checklist (“TI Checklist”), so GPC was on notice that this item must be provided “[f]or a TI registration to be deemed complete and accepted in the TI Program[.]”⁴¹ Thus, GPC cannot claim that it “reasonably believed” that its registration was complete when the rules provided that Staff must review the registration package for completeness. After this review, GPC was notified that its registration was not complete because the above-specified documentation was missing.

GPC sought to further its argument that the meaning of “registration” is unclear by pointing to its acceptance letter, to the Solar Transition FAQs, and to the TI Program website. None of these sources supports this argument. The email advising of Conditional Acceptance states that “The above solar project has been conditionally accepted by [NJCEP].” GPC Petition at Exhibit B. GPC claimed to find it significant that the letter speaks of “conditional acceptance’ rather than ‘registration.’ This is a distinction without a difference. Per the rules quoted above, GPC was aware that it filed a registration package. A reference to “acceptance” rather than “registration” does not alter the process and creates no confusion. The TI Program website and FAQ 126, also quoted by GPC, further clarify this point. The website provided that “[a]s the TI Application is reviewed, it will either be accepted, or deemed incomplete.” This guidance is accurate, and mirrors the processing of GPC’s incomplete registration package. Nor does the use of the word “application” as a synonym for “registration,” in the context of a webpage explaining the TI Program registration process, create confusion. Similarly, FAQ 126, while referring to the legacy SRP rather than to the TI Program, states that “Applications for SRP registration are not approved or denied. Instead, they are deemed either “complete” or “incomplete/ineligible”.⁴² (emphasis

⁴¹ “A copy of the premise host Utility Bill page that shows the account number, address and identifies the appropriate electric rate tariff for the site location.”

⁴² New Jersey’s Clean Energy Program, Solar Transition Frequently Asked Questions (FAQs), <https://njcleanenergy.com/renewable-energy/program-updates-and-background-information/solar-transition-frequently-asked-questions>

added). This sentence both demonstrates that a TI registration package may be referred to as an “application” without creating any confusion and underlines the fact that such a registration is reviewed for completeness before any determination on its eligibility is made.

GPC also pointed to a different sentence in this FAQ, which states that “[c]omplete registrations are issued an NJCEP Registration Number.” GPC stated that it received its registration number when it began the application process on May 31, 2021 and noted that the June 25, 2021 letter alerting it of minor deficiencies references that number; according to GPC, this statement also causes confusion as to what it means for a project to be registered. The registration system does assign a number once a registration is begun, allowing an installer to begin an application and come back to it at a later date. This is a convenience for an installer such as GPC which does not have all the documents ready to upload when it begins the registration process. GPC’s claim that this procedural convenience creates confusion lacks merit. Regardless of when it received its Registration Number, it submitted an initial registration package that was subject to review for completeness by Staff. As GPC has acknowledged, that package was correctly found to be incomplete. GPC Petition at Exhibit A and Par. 21.

In addition, GPC cited to the June 2021 Order, alleging that Staff’s recommendation to grant a six-month extension to “all registrations that submit a complete registration package” prior to June 24, 2021 indicates an intention to grant this extension to registration packages such as GPC’s. This argument lacks merit. As the quoted language shows, this recommendation was directed to projects that submitted a complete registration package on or before the deadline and that is the recommendation the Board adopted. June 2021 Order at 7. As discussed above, GPC did not submit a complete registration package on or before June 24, 2021. GPC’s registration is covered by the next part of the Board’s Order. “New applicants that submit a complete TI application after the Order’s effective date, but prior to the date on which the Board closes new registrations to the TI, should receive an expiration date pursuant to the TI Rules.” Id.

Moreover, even had it filed a complete initial registration package, GPC did not demonstrate that it submitted this package on June 24, 2021, the last date on which it would have been eligible for the extension provided by the June 2021 Order. As was pointed out in Staff’s response to the Informal Complaint, “the NJCEP records show that although documents were indeed uploaded on June 24, 2021, the actual task of submitting the registration into the portal was not performed until June 25, 2021 (emphasis added). GPC Petition at Exhibit D. “Uploading” documents does not constitute “submitting” those documents. GPC pointed to the time difference between California, where it says a partner filed its application at approximately 9:50 p.m. Pacific Standard Time, and New Jersey, which operates on Eastern Standard Time and so received the application after midnight, on June 25, 2021. GPC Petition at Par. 22 and Exhibit E. This argument fails. GPC sought an incentive from the New Jersey Clean Energy Program. GPC was presumably aware of the time difference between New Jersey and California. It was GPC’s responsibility to ensure that its submittal was timely in New Jersey, and its failure to do so resulted in a submittal one day too late for the extension provided by the June 2021 Order, even had that submittal been complete.

In an alternative argument, GPC alleged that there is good cause for the Board to waive its rules pursuant to N.J.A.C. 14:1-1.2(b). According to GPC, its project was 95% complete at the time the petition was filed and the Board should find that its project is “mature,” in contrast to that denied an extension in a prior Order.⁴³ Since GPC submitted its petition one (1) day prior to its expiration date, the maturity of its project is not surprising and is not a reason to waive the deadline in the TI Rules. GPC avers that its project “would be able to meet the Project’s deadline but for delays related to interconnection issues with JCP&L.”

GPC presented no evidence as to the nature of the interconnection-related delays or how they prevented timely completion of the project. However, as noted above, GPC submitted an unsuccessful waiver request to the TI Program Administrator pursuant to the Gibbstown Order simultaneously with filing the instant petition. A Gibbstown waiver requires that the party seeking it demonstrate that:

1. The project can demonstrate that it was electrically and mechanically complete prior to its TI Program expiration date, which the Board interprets as a project that could be energized, but for the lack of a necessary permission to operate from the EDC due to factors that are the sole responsibility of the EDC;
2. The project can demonstrate that it had received and satisfied all necessary permits from all authorities having jurisdiction over the project prior to its TI Program expiration date, including required final inspections; and
3. Project construction was proceeding based on a representation from the EDC that any necessary interconnection upgrades would be completed prior to the project’s TI Program expiration date, that the upgrades were fully funded by the project developer, but that despite the developer’s best efforts, the estimated upgrade completion date was unilaterally extended by the EDC.

[Gibbstown Order at pp 8-9.]

In the course of GPC’s pursuit of a Gibbstown waiver, the TI Program Administrator issued two (2) notifications that the extension request was incomplete – specifically, these notifications advised GPC that it had not provided the requisite documentation demonstrating that 1) the project was fully ready to energize but for the lack of PTO, 2) the PTO was lacking because of factors that are the sole responsibility of the EDC, and 3) the initial expiration date was consistent with the EDC’s construction schedule at the time the parties entered into the interconnection agreement or in a subsequent communication from JCP&L. Nor had GPC provided correspondence from the EDC that was consistent with the requirements of the Gibbstown Order.

⁴³ In re Request for Waiver and Extension of Time to Complete NJSTRE15747537829 in Transition Incentive Program – Centrica Business Solutions, Inc., BPU Docket No. QO21111207, Order dated February 23, 2022.

In this context, Staff notes that as discussed above, GPC's registration package was initially found incomplete because it did not include a utility bill for the host site. GPC Petition at Exhibit A. After filing for its Gibbstown waiver, GPC received a July 22, 2022 request for supporting information. Petitioner responded with a supplemental filing reiterating its claim that JCP&L's delays and inactions had caused it to miss its TI expiration date. Attached to the supplemental filing were a number of attachments. One (1) of those attachments included the May 18, 2022 conditional approval to install from JCP&L. This conditional approval includes the notice that "[b]efore you submit the PART 2 [interconnection] application you must be in compliance with N.J.A.C. 14:8-4.1."

N.J.A.C. 14:8-4.1(c), which forms part of the Board's rules governing net metered projects, requires that prior to receiving authorization to energize, "the net-metering customer must have installed and activated the entire proposed load against which the renewable energy generation will be netted." The conditional approval goes on to explain that "the generation facility capacity cannot exceed the electricity supplied to the customer over a "historical" 12-month period, which means there must be existing (historical) and sufficient load registered on the meter to justify the capacity of the installed solar system." In a letter attached to one of GPC's responsive emails, GPC's engineer states:

It is our understanding that JCPL is asking for a demand history to justify the interconnection of the above mentioned solar system. This is a new construction project and is still being developed and for a number of reasons, supply chain and covid as some of them, the site is still in construction and not all of the proposed buildings are constructed or completed yet.

It thus appears that what GPC has characterized as "delays by JCP&L" is rather the utility's insistence that GPC's project comply with the Board's net metering rules. Since ensuring that its project conforms with the Board's rules is the responsibility of GPC and not that of JCP&L, GPC could not demonstrate "the lack of a necessary permission to operate from the EDC due to factors that are the sole responsibility of the EDC." As such, its claimed "interconnection issues" do not constitute good cause for the Board to waive its TI Rules.⁴⁴

PowerFlex Solar, LLC – Cape May BJ's – Docket No. QO22100665

On October 28, 2022, PowerFlex Solar, LLC ("PowerFlex") filed a petition to extend the completion deadline for the above project. An application for the project was filed with the TI Program Administrator on or around June 24, 2020. According to the petition, the project was conditionally accepted into the TI Program on June 29, 2020, as a net-metered rooftop solar project and had a completion deadline of June 29, 2021 (TI Application #NJSTRE1545193844). The Board subsequently extended this deadline to April 30, 2022, by operation of the July 2020 and June 2021 orders. Alleging interconnection-related issues caused by ACE and arguing that it should receive a Gibbstown waiver, PowerFlex requested a six-month extension to October 30, 2022 and an additional extension until the date that is 30 days after receipt of PTO from ACE for the full capacity of the project.

⁴⁴ On October 27, 2022, GPC filed a petition seeking a waiver of the Board's net metering rules for the subject project. BPU Docket No. QO22100662. Since that petition does not seek a further extension in the TI Program, it is not addressed here.

According to the petition, based on communications with ACE, PowerFlex originally believed it would be able to complete the project prior to its expiration date. PowerFlex instead received from ACE a conditional PTO for 250 kW AC of the 997.6 kW DC system. PowerFlex was able to file the conditional PTO and a post-construction certification package prior to its expiration date. The conditional PTO is documented in Exhibit B of the petition. On June 16, 2022, the TI Program Administrator sent a notice of deficiency advising the registrant that its submittal lacked a PTO because it did not include a signature from the utility. On July 8, 2022, PowerFlex responded to this notice by filing a revised post-construction certification package in which it provided documentation that it believed entitled it to the Gibbstown waiver. PowerFlex Petition at Exhibit C. On July 22, 2022, the TI Program Administrator denied the extension request. PowerFlex Petition at Exhibit E. On July 28, 2022, PowerFlex requested reconsideration of the denial with the TI Program Administrator, providing additional documentation that it believed responsible to the criteria in the Gibbstown Order, and was subsequently denied again. PowerFlex Petition at Exhibit F. On October 12, 2022, Staff advised PowerFlex that the Gibbstown waiver was denied. PowerFlex Petition at Exhibit G. PowerFlex also claimed that it is experiencing significant economic loss every day it is unable to provide its full capacity to the grid and that if it loses its eligibility for TRECs, despite having “done everything in its power” to complete the project by the TI Program deadline,” it will be further penalized.

On November 23, 2022, ACE filed correspondence with the Board stating that it had advised PowerFlex by letter on January 8, 2021 that the estimated time to complete the offsite upgrades necessary to allow interconnection for the full capacity of the project was 18 to 24 months after receipt of a fully executed interconnection agreement, invoicing of interconnection work, and receipt of payment.

On January 3, 2023, PowerFlex responded to ACE’s correspondence, stating that the ACE letter omitted the information that both prior to and after the January 8, 2021 letter ACE had committed to complete the offsite upgrades before the project deadline on April 30, 2022. PowerFlex Petition at Exhibit 3, Appendix 3 and Attachment A.

On May 19, 2023, PowerFlex filed a letter stating that ACE was expected to issue PTO for the project in June 2023 and urging the Board to issue a decision in this matter.

As noted above, in response to a notice of deficiency in its post-construction certification, PowerFlex filed a request for an extension pursuant to the Gibbstown Order. In particular, PowerFlex stressed that it had received assurances from ACE personnel first, that the necessary interconnection upgrades would be completed by February 2022 and then that they would be completed in April 2022, prior to the project’s expiration date. While these assertions resemble those that the Board found to be persuasive in the Gibbstown Order, they do not suffice to make the project at issue one that is “similarly situated,” as required by that Order, and entitled to the same relief. To be “similarly situated,” a project must either have an active registration or have a pending petition at the Board prior to the expiration of its registration. The petitioner in Gibbstown, like PowerFlex, had a registration that expired on April 30, 2022. However, that petitioner had filed its petition prior to the expiration of its registration. The long standing practice in the Board’s solar incentive programs has been that to preserve an expired registration, either an extension request with the relevant program administrator or a petition with the Board must have been filed prior to the expiration date. PowerFlex had filed neither. Thus, since the registration had expired prior to the Gibbstown Order, it was no longer active and the project was not “similarly situated” to the one addressed in that Order.

In addition, Staff notes that ACE has stated and PowerFlex does not dispute that ACE placed Petitioner on notice in January 2021 that it estimated completing the requisite interconnection upgrades for the project's full capacity 18 to 24 months after a fully executed interconnection agreement, associated invoicing, and receipt of payment. Thus, PowerFlex was on notice over a year before its extended expiration date that the interconnection upgrades might not be completed until 2023. PowerFlex asserted that ACE committed to completion of these upgrades both before and after the January 8, 2021 letter and has attached emails that document an ACE employee's statements in July 2021 and January 2022 that the upgrades would be completed prior to the April 30, 2022 expiration date. January 3, 2023 Letter; Petition at Appendix 3, Par. 3 and Exhibit A. However, these informal assurances do not negate the written estimate provided by ACE at a time when PowerFlex's expiration date had been extended only until October 30, 2021. Moreover, Staff notes that the TI Program Administrator's denial of PowerFlex's Gibbstown filing did not cite only the failure to demonstrate that it had met the Gibbstown criteria. The denial also noted that the Uniform Construction Code ("UCC") Certificate of Approval had not been provided. PowerFlex Petition at Exhibit E. The Gibbstown Order requires that the project demonstrate "that it had received and satisfied all necessary permits from all authorities having jurisdiction over the project prior to its TI Program expiration date, including required final inspections." Gibbstown Order at 8. Without the UCC Certificate of Approval, PowerFlex's Gibbstown Waiver was deficient on its face, for it had not demonstrated that it had satisfied all necessary permits from all authorities having jurisdiction over the project. Thus, it had failed to demonstrate that it would be mechanically and electrically complete but for the lack of a necessary PTO from ACE.

PowerFlex supplemented its Gibbstown argument with a request that the Board grant its extension requests by exercising its discretionary authority to waive its rules. In support of its claim that good cause exists justifying such a waiver, PowerFlex first pointed to the fact that Petitioner's Gibbstown filing was made in accordance with the timelines set out in the Gibbstown Order and in the Order governing correcting deficiencies in post-construction certification submittals.⁴⁵ Staff does not dispute that PowerFlex met these timelines. However, PowerFlex errs in claiming that compliance with the timelines for administrative filings equates to filing a petition with the Board prior to the expiration of its registration. PowerFlex had neither filed a petition nor filed for an extension while its registration was still active, and its post-construction and Gibbstown filings once that registration had expired do not operate to resuscitate it. Nor, as discussed above and contrary to PowerFlex's claim, has it satisfied the Gibbstown criteria.

PowerFlex next analogized its situation to that for which the Board found good cause to waive an administrative requirement in the context of the Community Solar Energy Pilot Program ("Pilot Program").⁴⁶ According to PowerFlex, the relief it requests, like that granted in the March 2022 Order, would not advantage or disadvantage any similarly situated project. PowerFlex is mistaken. The March 2022 Order addressed a project in the Community Solar Energy Year Two Pilot Program ("PY2"). When the Board noted that the relief granted to the Pennsville projects would not advantage or disadvantage any other projects, it spoke in the context of the PY2 competitive evaluation process and stated that waiving the registration rule would not have any impact on the selection or non-selection of other PY2 community solar applications. The ADI

⁴⁵ In re a New Jersey Solar Transition Pursuant to P.L. 2018, C.17 - Order Clarifying Postconstruction Certification Requirements, BPU Docket No. QO19010068 & QX21040725, Order dated April 6, 2022.

⁴⁶ In re the Community Solar Energy Pilot Program Pennsville Landfill Solar, LLC – for Approval of an Extension of the Community Solar Energy Pilot Program Year 2 Deadline for Pennsville Landfill Solar Project (A) and (C), BPU Docket No. QO18060646 and QO21121248, Order dated March 9, 2022 ("March 2022 Order").

Program, by contrast, has no competitive evaluation and the Board's statement in the March 2022 Order is thus inapposite. In addition, in that Order the Board noted its strong support for the Pilot Program, given that it was launching a new segment of New Jersey's solar industry; it also pointed to the fact that the Pennsville projects had been selected to participate in Program Year 1 on the basis of a detailed and comprehensive evaluation of the applications received in a competitive process and had scored very highly in that evaluation. Neither of those considerations applies here. Furthermore, as PowerFlex is aware, it is untrue that granting its requested relief would not advantage or disadvantage any similarly situated project. There are many projects similarly situated to PowerFlex's projects that failed to meet their TI Program deadline and are attempting to prove that they meet the Gibbstown criteria. This argument does not support PowerFlex's request.

In addition, PowerFlex pointed to Board Orders waiving administrative requirements for solar projects in the ADI Program, alleging that its project had faced similar difficulties to those addressed in these Orders.⁴⁷ Such is not the case. The April 2022 Order and October 2022 Orders addressed projects that had begun construction under the TI Program, had failed to meet that program's deadlines, and were now barred by the ADI registration rules from eligibility in the ADI Program. The Board found good cause to prevent these projects from falling into a regulatory limbo where they would not be eligible for an incentive under either program. PowerFlex is not similarly situated. Having never sought to transfer into the ADI Program, it has never dealt with any of the issues attendant upon such a change in incentive program. Should it decide to apply in the ADI Program subsequent to the issuance of this Order, it will then be similarly situated to the projects addressed in the April 2022 and October 2022 Orders and eligible for the relief recommended below.

PowerFlex also cited two (2) Board Orders granting extensions to two (2) specific classes of registrants in the TI Program.⁴⁸ With respect to the August Subsection (t) Order, PowerFlex argues that the Board should consider the interconnection delays PowerFlex has experienced with ACE as analogous to the delays experienced by the pending Subsection (t) registrants with the backlog of interconnection requests at PJM Interconnection, LLC ("PJM") and the comprehensive reform of its interconnection processes that PJM initiated in response ("PJM Interconnection Reform"). However, the two (2) situations are quite dissimilar. The PJM Interconnection Reform addressed a very large group of interconnection applications and established groupings and priorities among them. This prioritization produced a specific delay in the timelines of a defined group of Subsection (t) registrants, which the Board addressed with a specific extension for a definite period of time. Staff notes the equity and administrative ease conferred by a single blanket extension granted via Board Order as opposed to consideration of extension requests on a case-by-case basis. In addition, the Board noted the additional benefits of solar development on the contaminated sites subject to Subsection (t) and the unique challenges faced by solar development on these sites, and in particular the challenges faced by

⁴⁷ In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 Order Waiving ADI Program Eligibility Rules, BPU Docket Nos. QW22030128 et al., Order dated April 6, 2022 ("April 2022 Order"); In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 Order Waiving ADI Program Eligibility Rules, BPU Docket Nos. QW22030128 et al., Order dated October 12, 2022 ("October 2022 Order").

⁴⁸ In re A New Jersey Solar Transition Pursuant to P.L. 2018, C.17 - Order Granting an up to 12-Month Extension for Projects Seeking an Incentive Pursuant to Subsection (t) in the Solar Transition Incentive Program, BPU Docket No. QO19010068, Order dated August 17, 2022 ("August Subsection (t) Order"); In re A New Jersey Solar Transition Pursuant to P.L. 2018, C.17 - Order Granting Extensions to Public Entities Seeking an Incentive Pursuant to the Solar Transition Incentive Program, BPU Docket No. QO19010068, Order dated August 17, 2022 ("August Public Entities Order").

the developers of such projects at a time when the CSI Program had not yet opened to new applications. Similarly, the August Public Entities Order provides an extension on the basis of the benefits solar development by public entities provides to the public and the procurement and other challenges these entities face in seeking to install solar facilities.

None of these considerations apply to the project under consideration here, which is located on a commercial rooftop and developed by a for-profit company. PowerFlex's experience with ACE is specific to one (1) project and the relief it seeks would not provide equitable or administrative advantages. Nor does the relief requested by PowerFlex comport with the clearly defined time period provided by the August Subsection (t) Order and the August Public Entities Order. Staff expressly recommended against an "open-ended extension" in both Orders, noting its risk to ratepayers, and the Board approved two (2) six-month extensions to existing deadlines, conditioned on provision of specific documentation. PowerFlex, however, "specifically requested..." a further extension of the Expiration Date until the date that is 30 days following issuance of Permission to Operate[.]" Although PowerFlex attempts to characterize this extension as "definite," it is open-ended. The Board has previously rejected a similar request for such an extension in the context of the PJM Interconnection Reform.⁴⁹

In brief, PowerFlex's efforts to demonstrate that it is eligible for the Gibbstown waiver fail, as does its attempt to show that good cause exists for the Board to otherwise waive the TI deadline. Staff notes, moreover, that this project was filed over three (3) years ago and has benefitted from both of the blanket extensions.

Staff recommends that the Board allow the TI Program administrator to process the final-as-built paperwork for the 250 kWac portion of the system that received conditional PTO from ACE and allow the PowerFlex to register the remaining capacity as a separate project in the ADI Program. Staff notes that the portion of the project registered in the ADI Program would require installation of a separate revenue grade meter, so as to ensure separate accounting of production for the two (2) different incentive programs. To the extent that the post-construction certification package filed by PowerFlex prior to its April 30, 2022 expiration date was incomplete as a result of a conditional rather than a full PTO, Staff recommends that the Board waive that requirement.

55 Ramapo Solar, LLC – 55 Ramapo Valley Road, Mahwah – Docket No. QO22110698

On November 18, 2022, 55 Ramapo Solar, LLC, ("55 Ramapo") filed a petition to extend the completion deadline for a 591.36 kW DC project. According to the petition, the project was conditionally accepted into the TI Program on May 18, 2021, and pursuant to operation of the June 2021 order has an expiration date of November 18, 2022. 55 Ramapo alleged several bases for its extension request and requested an extension from the current deadline for its solar project registration until January 31, 2023. Staff notes that as of August 25, 2023, 55 Ramapo had not yet provided a PTO to the TI Program Administrator. 55 Ramapo also averred that it has suffered economic harm from reducing the size of the project and from payment for an interconnection study that proved to be unnecessary.⁵⁰

⁴⁹ In re New Jersey Solar Transition Pursuant to P.L. 2018, C.17 - Order Granting An Up To 12- Month Extension For Projects Seeking An Incentive Pursuant to Subsection (t) in the Solar Transition Incentive Program – Order On Motion For Reconsideration, BPU Docket No. QO22090551 at 13, Order dated April 26, 2023

⁵⁰ Per RECO's letter of January 6, 2023, its practice is to repay such costs after a project has received PTO.

On December 8, 2022, Rockland Electric Company (“RECO”) filed comments on the petition, asserting that the length of the interconnection review was caused by several project modifications by 55 Ramapo, including a reduction in the project size. (“December 8 Comments”)

On January 6, 2023, 55 Ramapo filed a response to the December 8 Comments, asserting that RECO had delayed the project by at least 35 days due to not processing its interconnection application in a timely manner and by six (6) months due to an error RECO made in identifying the correct transformer size (“January 6 Comments”).

On February 24, 2023, RECO responded to the January 6 Comments, asserting that project size, not transformer size, determines the need for further review and additional studies and that, in any case, 55 Ramapo would have needed to purchase its own transformer because the initial project size would not have met the metering requirements at the site (“February 24 Comments”).

55 Ramapo alleged several reasons for its inability to comply with the TI Program timelines, but focused primarily upon delays in the interconnection approval process. 55 Ramapo contended that RECO had delayed the project by six (6) months due to an error RECO made in identifying the correct transformer size, as well as alleging shorter delays in approval of the initial application and release of the final approval. 55 Ramapo also pointed to delays in receipt of an engineering report and of financing.

Staff does not agree with 55 Ramapo’s contention that the delays it experienced in the interconnection process can be attributed primarily to RECO’s misidentification of the 750kVA transformer on site as a 300kVA transformer. 55 Ramapo claimed that it would have received approval to proceed with the project in mid-April had RECO correctly identified the size of the relevant transformer. However, RECO has provided its engineer’s certification to the fact that the size of the project, rather than the size of the transformer, determined the need for the study in question. February 24 Comments at attached certification, Par. 4. The subject project was initially reviewed for interconnection at 700 kW. The RECO engineer stated that even had RECO correctly identified the size of its transformer as 750kVA, “the screening would still have failed on the project size, because a 700kW installation pushes the aggregate DER penetration greater than 15% of the total circuit annual peak load.” Id. at Par. 3. Moreover, the RECO engineer further stated that whether the existing site transformer was 300kVA or 700kVA, 55 Ramapo would have had to purchase its own transformer had it kept its project at the initial size because the site was secondary metered, and a 700kW project required primary metering. Id. at Par. 5. Thus, 55 Ramapo has not demonstrated that “but for” RECO’s error in identifying the transformer size, the interconnection process would have been completed significantly earlier than it was. 55 Ramapo alleged other errors and delays in the process, as well as a delayed engineering study and delayed financing, but none of these routine operational inconveniences rise to the level of justifying a waiver of the Board’s TI Rules.

55 Ramapo also attempted to bolster its request by differentiating selected aspects of its fact pattern from various previously denied petitions for a TI extension, noting that it is looking for a shorter extension than one (1) previous petitioner and applied earlier in the program than another. However, 55 Ramapo failed to meet its own TI Program deadline and has not justified that failure; that is the only relevant fact here. Nor is 55 Rampao’s attempt to argue that “the factors set forth in the Gibbstown Order” support an extension persuasive. 55 Ramapo cited a number of the Board’s statements in that Order but makes no claim that this project would meet the Gibbstown criteria; indeed, with respect to the central Gibbstown criterion, a change in the EDC’s time to complete upgrades, 55 Ramapo acknowledged that “the facts are different.”

Staff notes that this project already benefitted from a prior extension via the Board's June 2021 Order and recommends that the Board deny this portion of the petition.

ESNJ-PLD-CLIFTON1, LLC – 203 Kuller Road, Clifton – Docket No. QO23010049

On January 25, 2023, ESNJ-PLD-CLIFTON1, LLC, (“ESNJ”) filed a petition for the above project. The petition states that an application for the project was filed with the TI Program Administrator on or around June 24, 2021 and the project was conditionally accepted into the TI Program on June 29, 2021, with a completion deadline of June 29, 2022 (TI Application #NJSTRE1547187150). The Board subsequently extended this deadline to December 29, 2022 by operation of the June 2021 order. On December 12, 2022, ESNJ completed construction on the project and received PTO from PSE&G. According to the petition, the ESNJ prepared the documentation necessary to submit the required post-construction certification package prior to the December 29, 2022 deadline but failed to timely submit it due to an administrative oversight. ESNJ now seeks a waiver of the deadline for submitting the post-construction certification such that the Board either accepts its filing or directs the TI Program Administrator to re-open ESNJ's registration in the TI Program for the sole purpose of allowing ESNJ to submit its post-construction certification package. ESNJ argued that good cause exists for the Board to waive the deadline because ESNJ received PTO and gathered the necessary information prior to the expiration date and its failure to submit the post-construction paperwork was a “routine administrative step.” In addition, ESNJ urged its prompt attempt to cure – it tried to submit its post-construction certification package on December 30, 2022, the day following the expiration date, and was in communication with the TI Program Administrator on the day after that. ESNJ also noted that the financial burden of losing the TI incentives will fall not on it but on the end-user of the electricity.

Staff acknowledges that ESNJ achieved commercial operations timely and promptly attempted to remedy its error. However, “the administrative burden of managing [multiple solar projects]” does not constitute an acceptable rationale for failing to comply with the Board's rules or provide good cause to waive them. The petition describes ESNJ's principal as “a leading provider of onsite solar and storage solutions” with 20 GW of developed projects and another 13 GW in development. When a large solar developer pursues incentives, it is expected to have the capacity to comply with the rules that govern those incentives. ESNJ compared its “routine administrative error” to that made by the developer in the March 2022 Order, where the Board found good cause to waive a deadline. However, as previously discussed, in that Order the Board looked to the PY2 competitive evaluation process in which the project under consideration had succeeded and to the fact that the Pilot Program was launching a new sector of the State's solar industry. Those considerations do not obtain here and do not provide good cause to overlook a missed deadline. Nor does Staff find ESNJ's alternative argument persuasive. ESNJ argued that the Board may extend ESNJ's time to file because the TI Rules do not establish a definite deadline, but it acknowledges that its notice of acceptance into the TI Program put it on notice that it must submit a post-construction certification prior to its expiration date. Staff recommends that the Board deny this petition.

Kiran Patel – Motel 6, 2798 Route 73 North, Maple Shade – Docket No. QO23030132

On February 6, 2023, Kiran Patel (“Mr. Patel”) filed a petition to extend the completion deadline for the above project. The petition represented that the project was conditionally accepted into the TI Program on August 24, 2021 as a net-metered non-residential rooftop and canopy project and had a completion deadline of August 24, 2022 (TI Application #NJSTRE1547450071). At the time of its expiration date, Mr. Patel said installation had been completed, permits had been received, and Mr. Patel submitted the Part II interconnection application to PSE&G. Mr. Patel also requested an extension from the TI Program Administrator.

Mr. Patel alleged multiple delays pertaining to supply chain, permitting, and interconnection issues that it said were out of petitioner’s control. Staff does not believe these reasons amount to good cause to waive the Board’s TI Rules. This registration was accepted into the TI Program in its final week, and by that time supply chain delays were already well known to the industry. See Centrica Order on Multiple Projects. The Board has consistently rejected the argument that supply chain issues necessitate a waiver of the Board’s TI Rules. Mr. Patel also points to a three-month delay in the PSE&G’s scheduling of an electrical system disconnect, but Staff does not recommend granting an extension because of a delay in routine EDC operations. Mr. Patel has provided nothing to substantiate the alleged permitting delays, and routine permitting procedures do not justify a waiver of this transitional program’s one-year deadline. Staff recommends that the Board deny this petition.

STAFF RECOMMENDATIONS

Staff has thoroughly reviewed the petitions described herein. Staff notes that the interim nature of the TI Program has been consistently communicated since the TI Program was first proposed in 2019. The requirement for projects to complete construction, commence commercial operations, and submit post-construction certification materials within one year is also embodied in the TI Rules. These rules do not provide for extensions, and that omission was intentional. Staff does not support the requests for extension of the project completion requirements for these TI projects. Petitioners knew, or should have known, of potential challenges to develop projects within the one-year timeframe at the time of submission of the registrations.

In the Gibbstown Order, the Board chose to provide an opportunity for an extension when a project is mechanically and electrically complete, has all necessary permits and inspections, and is prevented from receiving PTO because of unforeseeable delays in the EDC’s completion of interconnection upgrades that occurred after the execution of an interconnection agreement. Staff concludes that in the majority of cases currently before the Board, the petitioners had not yet progressed to the same stage of project maturity. Others had timely achieved PTO but failed to satisfy the post-construction requirements of the TI Program.

Staff is likewise reluctant to recommend that extensions be provided for supply chain issues and interconnection issues beyond those allowed for in the Gibbstown Order. Staff believes that selectively granting waivers to certain projects due to supply chain and/or general interconnection issues would be imprudent. As demonstrated by the level of solar installations in New Jersey during the same period these projects were under development, many projects were able to obtain necessary components and permissions. New Jersey saw record solar installations in 2022. Petitioners point to a variety of individualized and specific factors, summarized above, as the cause(s) of their inability to meet their TI Program deadlines, but the common thread among these fact patterns is that the petitioners’ projects failed to meet the Board’s TI deadlines. These petitions chose to register in the TI Program with the knowledge that this program provided one

(1) year to achieve commercial operation and did not provide for any extensions. In this context, Staff views these requests for extension of the TI Program deadlines as unjustified.

Staff recommends the Board deny petitioners' requests to extend the deadlines for the projects, with one (1) exception. With respect to petitioner PowerFlex – Cape May, BJ's, Staff recommends that the Board allow the TI Program administrator to process the final-as-built paperwork for the 250 kWac portion of the system that received conditional PTO from ACE and allow the Petitioner to register the remaining capacity as a separate project in the ADI Program and be separately metered. Staff recommends that, if petitioners fail to complete the projects by the deadlines, they be encouraged to withdraw their TI registration and submit a registration for the ADI Program. Incentive levels in the ADI Program were designed to be appropriate for projects completing subsequent to the TI Program and were moreover designed without the expectation of the extension of the federal investment tax credit that was enacted in the Inflation Reduction Act of 2022. Additionally, the requirements for project completion in the ADI Program offer an opportunity for a six-month extension should petitioners anticipate they need more than one (1) year to complete a project. The Board waived the prohibition of commencement of construction prior to obtaining a notice of conditional registration in the ADI Program for projects with active TI registrations in its January 26, 2022 and November 9, 2022 Orders, and Staff recommends that the Board again waive N.J.A.C. 14:8-11.4(b) to the extent necessary to remove this eligibility prohibition for the projects affected by this Order.

DISCUSSION AND FINDINGS

In implementing the orderly closure of the SREC program and the establishment of a permanent Successor Solar Program, the Board has been mindful of the need to maintain clear line-of-sight for developers to access solar incentives in order to ensure the ongoing health of the solar industry and the achievement of the State's vital clean energy goals. Thus, the TI Program opened on the day the SRP was closed, and remained open to new registrations while the Board considered the development of the Successor Program. Similarly, when the Board closed the TI Program to new registrants on August 27, 2021, it immediately opened registration to the ADI Program on August 28, 2021, again ensuring that developers continue to have uninterrupted access to solar incentives.

The Board is also cognizant of the Legislature's directives to the Board in both the Clean Energy Act and the Solar Act of 2021. When the Legislature, through the Clean Energy Act, directed the Board to close the SRP upon reaching the 5.1% milestone, it instructed the Board to determine how to provide an orderly transition from the SREC program to a new program, and to continually reduce the cost of achieving the State's solar energy goals. N.J.S.A. 48:3-87(d). Following a year-long, public, and iterative process, which incorporated substantial stakeholder input through a variety of in-person meetings and written comments, the Board implemented these goals, in part, through the creation of the TI Program on December 6, 2019, and the adoption of the TI Rules. Similarly, through the Solar Act of 2021, the Legislature again declared it critical that the State promote investment in new solar electric power generation facilities "with the least cost and the greatest benefit to consumers..." N.J.S.A. 48:3-114. The Board finds the policies enumerated in the Clean Energy Act and the Solar Act of 2021 to be instructive.

The Board has long supported New Jersey's solar industry. It endeavors at all times to support the industry's continued growth while at the same time minimizing the costs to ratepayers to the greatest extent possible. As a part of pursuing these twin goals, the TI Program rules and the timelines contained therein were designed to provide a smooth transition to the Successor Program. As Staff notes, the TI Program was designed to be a limited bridge between the SRP and the now-open Successor Incentive Program. N.J.A.C. 14:8-10.1.

Petitioners request that the Board waive the TI Program rules, which established clear and unambiguous deadlines, to extend the TI Program deadlines for their projects. The Board's rules state that "[i]n special cases and for good cause shown, the Board may...relax or permit deviations from these rules." N.J.A.C. 14:1-1.2(b). The Board's rules go on to explain that "[t]he Board shall, in accordance with the general purposes and intent of its rules, waive section(s) of its rules if full compliance with the rule(s) would adversely affect the ratepayers of a utility or other regulated entity, the ability of said utility or other regulated entity to continue to render safe, adequate and proper service, or the interests of the general public." N.J.A.C. 14:1-1.2(b)(1).

Thus, when faced with a petition seeking a waiver of the TI Program Rules and their timelines, the Board carefully reviews the facts and circumstances of each such petition to determine whether waiving the Board's rules is in the public interest. The Board must balance petitioners' interests as solar developers with the public's interest in timely completion of projects, the ratepayers' interest in controlling the cost of solar subsidies, and the State's interest in ensuring that incentive levels appropriately reflect the time period during which a project reaches commercial operation.

Following careful review of the record, including filed petitions, supplements, responses, and Staff's recommendations, the Board **HEREBY ADOPTS** Staff's recommendations. The Board **FINDS** that petitioners here were on notice of time limitations in the TI Rules at the time of their registrations and were on notice that the TI Rules do not provide for extensions.

While the Board is sympathetic to the problems caused by supply chain delays and other disruptions that have affected the solar industry since the start of the COVID-19 pandemic, the Board previously addressed these factors through its July 2020 Order, its June 2021 Order, and through modification of the TI Rules on adoption.⁵¹ Extensions given to TI registrants via the July 2020 Order and the June 2021 Order were targeted to address specific issues faced by TI registrants at those times and under those circumstances, including the fact that the Successor Program was not yet open and available to registrants at that time. The Board **FINDS** that with the establishment of the ADI Program, the circumstances faced by petitioners here are not equivalent to those prior registrants granted relief by the July 2020 and June 2021 Orders. Therefore, the Board **FINDS** petitioners' arguments that they should be entitled to relief now based on relief given to other projects by virtue of the July 2020 or June 2021 Orders are misplaced and unpersuasive.

In several of the petitions addressed in this Order, petitioners described supply chain disruptions in procuring components. Consistent with its findings in prior Board orders, the Board continues to **FIND** that petitioners should not receive extensions for missed expiration dates because of supply chain issues, general interconnection processing delays, and other factors that, while regrettable, do not rise to the level necessitating that the Board waive its rules to grant an extension. November 9 Order at 44 (internal citations omitted). Further, as noted by Staff, several of these projects registered in the final days of the TI Program. Thus, petitioners appear to have had access to all of the information necessary to make an informed decision about whether to

⁵¹ See 52 N.J.R. 1850(a), Comment and Responses to Comment Nos. 21-22; 24-26.

invest in this market understanding of the constraint of a one-year TI Program registration expiration.

Several petitioners argued that they were delayed by the requirements and timelines of municipal, county or state agencies with jurisdiction to review the projects. The Board **FINDS** that project due diligence is necessarily related to project maturity. Petitioners' failure to identify or timely pursue discretionary land use or other approvals necessary to build a project does not justify waiver of the Board's rules to grant an extension of time to complete a project.

Similarly, many petitioners argued that extensions should be granted because their projects had a fact pattern analogous to that described in the Gibbstown Order or were otherwise delayed in some fashion by the interconnection process. As it has in the past, the Board **FINDS** that ongoing interconnection negotiation necessarily relates to project maturity. The Board finds this particularly so in the context of the TI Program and its rules that purposefully limit the time in which a project must reach commercial operation and receive its PTO to 12 months. By virtue of the operation of the expiration dates established by rule at N.J.A.C. 14:8-10.4, TI Program eligibility was always intended to be limited to those projects mature enough to complete in twelve months. The Board **FINDS** that the projects described in the petitions considered here were not mature enough to comply with the Board's TI Program registration deadlines. The Board **FURTHER FINDS** that the delays encountered during the project development process do not, based on the record before the Board, warrant waiver of the Board's rules. To the extent not discussed above, the Board **ADOPTS** Staff's recommendations as well as its responses to each individual petition.

Some petitioners argued that the Gibbstown Order constituted improper rulemaking. That is not the case; the Board's attempt to lessen the regulatory burden for the small group of projects that fell into this category does not constitute the type of broadly applicable policy determination that would trigger the need for rulemaking. The Gibbstown Order was an individual adjudication finding good cause to waive portions of the Board's TI rules pursuant to N.J.A.C. 14:1-1.2, based upon the very specific facts presented in that petition. Where the Board permitted applicants with the exact factual prerequisites to administratively apply for an extension, it did so on a non-discriminatory basis as a means of administrative efficiency with the understanding that it likely applied to only a very narrow subset of projects – those that were registered in TI, were electrically and mechanically complete, had secured all necessary permits, and were prevented from meeting the TI Program deadline only by a unilateral EDC change to the interconnection agreement, specifically the time in which EDC interconnection upgrades would be completed following the developer's reliance on the original terms. In other words, if a developer could demonstrate the underlying facts supporting the Board's decision to grant a conditional waiver to the Gibbstown project, then the Board also found good cause has been shown for that project. The Board **FINDS** that the Gibbstown Order did not alter, modify or replace the standard enumerated at N.J.A.C. 14:1-1.2, and clarifies that all projects that sought waivers of the TI Rules were individually evaluated by the Board pursuant to N.J.A.C. 14:1-1.2.

One petitioner claimed that it should receive an extension because it should have been eligible for the six-month extension granted by the June 2021 Order. The Board is not persuaded by this entity's claim that it could have reasonably believed that it had submitted a complete application by the applicable deadline; nor does the Board concur that there is any confusion surrounding what it means to be registered in the TI Program. The Board **FINDS** that the TI Rules and the TI Program documentation clearly delineate what a would-be registrant needs to submit and how the registration submittal is processed.

The Board is mindful of the investment made by the developers of these proposed projects. However, interest in achieving the State's continued solar development goals must be weighed against the public's interest in timely completion of projects, the ratepayers' interest in controlling the cost of solar subsidies, and the State's interests in ensuring a smooth transition between solar programs. Balancing the State's goals outweighs any single project developer's reliance on the TI Program as the sole means to develop and finance a project, particularly in light of the availability of the ADI Program as of August 28, 2021. Furthermore, the incentive values in the TI Program were designed for projects that had registered in the SRP and expected to construct in 2019 and 2020.

The Board **FINDS** that full compliance with the rules in these cases furthers the interests of the State and the general public in maintaining an orderly transition from the legacy SRP to the Successor Solar Incentive Program and in reducing the cost of achieving the State's solar energy goals. Failing to find sufficient good cause to justify deviation, and cognizant of the legislative policies enumerated in the Clean Energy Act and the Solar Act of 2021, the Board **DECLINES** to waive the applicability of N.J.A.C. 14:8-10.4 for these petitioners. Accordingly, the Board **HEREBY DENIES** 17 of the above petitions. In accordance with Staff's recommendation regarding BPU Docket No. QO22100665, the Board **GRANTS** that petition in part with respect to the 250 kW AC portion of the system that received conditional PTO from ACE prior to the project's expiration date.

While the Board is sympathetic to the delays encountered by Petitioners during the development process, the Board emphasizes that the ADI Program is open and accessible to these projects. The Board encourages Petitioners to submit a registration(s) for eligibility in the ADI Program. Some of the projects described above may have commenced construction prior to receiving an acceptance of their ADI registration, which would constitute a violation of the ADI Program's eligibility rules enumerated at N.J.A.C. 14:8-11.4(b), absent a waiver.

As previously noted, the Board has consistently sought to provide a smooth transition to the ADI Program for projects already under development. The ADI rules provide that a project that has commenced commercial operation prior to the opening of the ADI Program or begun construction of the facility prior to receipt of a notice of conditional ADI registration may petition the Board for a waiver of these restrictions. N.J.A.C. 14:8-11.4(b). The Board **FINDS** that facilitating the ability of petitioners' projects to participate in the ADI Program will benefit the registrants and the solar industry. The Board **FURTHER FINDS** that waiving N.J.A.C. 14:8-11.4(b) for a limited class of solar electric generation facilities seeking admission into the ADI Program that began construction prior to receipt of the ADI notice of conditional registration is in the public interest. The public benefits from a smoothly functioning incentive program and from smooth transitions between such programs. In circumstances such as those present here, where good faith efforts to meet the TI Program deadlines may have led to commencing construction prior to ADI registration, a smooth transition is furthered by limited waivers of rules that would otherwise have the unintended consequence of stranding solar facilities without an incentive.

Therefore, having considered the petitions and Staff's recommendations, the Board, having found good cause, **HEREBY WAIVES** for any such petition the requirement at N.J.A.C. 14:8-11.4(b) that necessitates projects in the ADI Program to obtain a notice of conditional registration prior to beginning construction. Therefore, the Board **ORDERS** that projects registered in the TI Program that commenced construction but failed to meet the TI deadline for commercial operation shall be eligible to apply to the ADI Program. This waiver does not guarantee entry into the ADI Program for these projects, as they must satisfy all other eligibility requirements, program rules and regulations, including the limitations on available capacity. The Board **FURTHER ORDERS** that

no project addressed in this Order shall be ineligible for the ADI Program by reason of having received PTO prior to ADI registration. Where petitioners here sought alternative relief seeking that the Board waive N.J.A.C. 14:8-11.4(b) in order to permit the project(s) to register in ADI, the Board **HEREBY GRANTS** such relief.

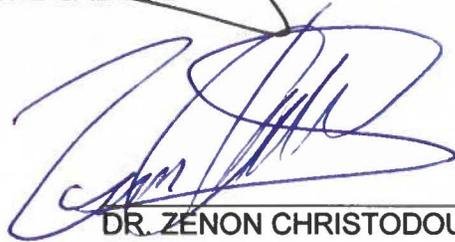
With respect to petitioner PowerFlex, the Board **ORDERS** that the 250 kW AC portion of the system that received conditional PTO from ACE prior to the project's expiration date shall qualify to participate in the TI Program, with the remainder of the Project eligible to register in the ADI Program as a separate registration and separately metered.

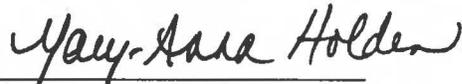
The effective date of this Order is September 25, 2023.

DATED: September 18, 2023

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER


MARIAN ABDOU
COMMISSIONER

ATTEST:

SHERRIL L. GOLDEN
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 A NEW JERSEY SOLAR TRANSITION PURSUANT TO P.L. 2018, C.17
DOCKET NO. QO19010068

IN THE MATTER OF THE PETITION OF AMPERICON FOR AN EXTENSION OF THE EXPIRATION DATE IN THE
TRANSITION INCENTIVE PROGRAM FOR ITS PROJECT AT 35 WOOLEYTOWN ROAD AMPERICON
NJSTRE1547466208
DOCKET NO. QO22090562

IN THE MATTER OF THE PETITION OF AMPERICON FOR AN EXTENSION OF THE EXPIRATION DATE IN THE
TRANSITION INCENTIVE PROGRAM FOR ITS PROJECT AT 2201 74TH STREET AMPERICON
NJSTRE1547531812
DOCKET NO. QO22090561

IN THE MATTER OF REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR TI APPLICATIONS
NUMBERED NJSTRE1547531989, NJSTRE1547530191, NJSTRE1547530199,
NJSTRE1547530211, NJSTRE1547530214, NJSTRE1547530216, NJSTRE1547530218, and NJSTRE1547530225
DOCKET NO. QO22090564

IN THE MATTER OF REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR TI APPLICATION NUMBERED
NJSTRE1547534369 LANDMARK LIQUORS 1 WEST STREET, BOROUGH OF GLASSBORO, GLOUCESTER
COUNTY, NEW JERSEY
DOCKET NO. QO22090571

IN THE MATTER OF THE VERIFIED PETITION OF NJ SOLAR 6 LLC FOR APPROVAL OF A WAIVER AND
EXTENSION OF THE SOLAR TRANSITION INCENTIVE PROGRAM COMMERCIAL OPERATION DEADLINE FOR
THE IMMACULATA HIGH SCHOOL SOLAR PROJECTS NJSTRE1546741490 & NJSTRE1546741523
DOCKET NO. QO22090575

IN THE MATTER OF REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR TI APPLICATION NOS.
NJSTRE1547531856 AND NJSTRE1547531789
DOCKET NO. QO22090567

IN THE MATTER OF THE VERIFIED PETITION OF NJ TERMINAL SOLAR, LLC FOR APPROVAL OF AN
EXTENSION OF THE TRANSITION INCENTIVE PROGRAM COMMERCIAL OPERATION DEADLINE
DOCKET NO. QO22120725

IN THE MATTER OF THE REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR TI APPLICATION NUMBER
NJSTRE1547079661 MORRISTOWN MEDICAL CENTER WEST GARAGE 100 MADISON AVENUE
MORRISTOWN NJ 07960
DOCKET NO. QO22120728

IN THE MATTER OF THE REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR TI APPLICATION NUMBERS
NJSTRE1547120973, CHILTON MEDICAL CENTER, 97 WEST PARKWAY, POMPTON PLAINS, NJ 07444 AND
NJSTRE1547120983, NEWTON MEDICAL CENTER, 175 HIGH STREET NEWTON, NJ 07860
DOCKET NO. QO22120741

IN THE MATTER OF THE REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR TI APPLICATION NUMBERS
NJSTRE1547121010, WOMENS GARAGE AT MORRISTOWN MEDICAL CENTER, 100 MADISON AVENUE,
MORRISTOWN, NJ 07960 AND NJSTRE1547121002, HACKETTSTOWN MEDICAL CENTER, 651 WILLOW
GROVE STREET, HACKETTSTOWN, NJ 07840
DOCKET NO. QO22120744

IN THE MATTER OF THE VERIFIED PETITION OF PIVOT ENERGY COMMERCIAL SOLAR LLC FOR AN ORDER
APPROVING THE WAIVER AND EXTENSION OF THE SOLAR TRANSITION INCENTIVE PROGRAM
PERMISSION TO OPERATE DEADLINE FOR WILLIAMS SONOMA/DAYTON SOLAR GENERATION PROJECT
DOCKET NO. QO22050341

IN THE MATTER OF THE VERIFIED PETITION OF PLANKTON ENERGY, LLC FOR AN EXTENSION OF TIME TO
COMPLETE PROJECT #NJSTRE1547462089 REGISTERED IN THE TRANSITION INCENTIVE PROGRAM – 1801
FEDERAL STREET, CAMDEN, NJ 08105
DOCKET NO. QO22080472

IN THE MATTER OF VERIFIED PETITION OF CORRELATE INFRASTRUCTURE PARTNERS INC. FOR AN EXTENSION OF TIME TO COMPLETE PROJECT #NJSTRE1547532494 REGISTERED IN THE TRANSITION INCENTIVE PROGRAM
DOCKET NO. QO22090566

IN THE MATTER OF THE VERIFIED PETITION OF GREEN POWER CROSSING, LLC FOR A DETERMINATION THAT THE PETITIONER'S APPLICATION WAS REGISTERED ON OR BEFORE JUNE 24, 2021 AND QUALIFIES FOR THE AUTOMATIC SIX-MONTH EXTENSION PROVIDED BY THE BOARD'S JUNE 8, 2022 ORDER TO COMPLETE THE PROJECT LOCATED AT 567 MONMOUTH ROAD, JACKSON, NJ 08527
DOCKET NO. QO22070435

IN THE MATTER OF THE VERIFIED PETITION OF POWERFLEX SOLAR, LLC FOR AN EXTENSION OF THE SOLAR TRANSITION INCENTIVE PROGRAM COMMERCIAL OPERATION DEADLINE FOR CAPE MAY BJ'S PROJECT NJSTRE1545193844
DOCKET NO. QO22100665

IN THE MATTER OF THE VERIFIED PETITION OF 55 RAMAPO SOLAR LLC FOR EXTENSION OF THE EXPIRATION DATE OF THE CONDITIONAL ACCEPTANCE NJSTRE1547001128 IN THE SOLAR TRANSITION INCENTIVE PROGRAM
DOCKET NO. QO22110698

IN THE MATTER OF THE VERIFIED PETITION OF ESNJ-PLD-CLIFTON1, LLC FOR ACCEPTANCE OF THE POST-CONSTRUCTION CERTIFICATION PACKAGE FOR TRANSITION INCENTIVE NUMBER NJSTRE1547187150
DOCKET NO. QO23010049

IN THE MATTER OF REQUEST FOR WAIVER AND EXTENSION OF TIME TO COMPLETE NJSTRE1547450071 IN TRANSITION INCENTIVE PROGRAM - SOLAR PV PROJECT FOR KIRAN PATEL
DOCKET NO. QO23030132

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