



Agenda Date: 10/9/24

Agenda Item: 8D

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF THE
PASSAIC VALLEY SEWERAGE COMMISSION FOR
APPROVAL OF AN EXTENSION OF THE TRANSITION
INCENTIVE PROGRAM COMMERCIAL OPERATION
DEADLINE

ORDER

DOCKET NO. QO22090615

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

Steven S. Goldenberg, Esq., Giordano Halleran & Ciesla, P.C., on behalf of the Passaic Valley Sewerage Commission

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board" or "NJBPU") considers a petition from the Passaic Valley Sewerage Commission ("PVSC" or "Petitioner") dated September 29, 2022 ("Petition"), supplemented by updates dated October 6, 2023 ("First Supplement") and August 2, 2024 ("Second Supplement"). Petitioner seeks an extension of time for its solar project to achieve commercial operation for a registration within the Transition Incentive ("TI") Program and receive Transitional Renewable Energy Certificates ("TRECs"). The multi-phase solar project is located in Newark, New Jersey with associated TI Application Numbers NJSTRE1547538614 (Canopy), NJSTRE1547538708 (Floodwall), and NJSTRE1547538548 (Rooftop) ("Project").¹

BACKGROUND

Over the past decade, an increasing number of public entities have pursued solar power, which has the potential to allow public entities to reduce electricity expenditures and to participate in New Jersey's clean energy economy. Many of these entities are currently benefitting, directly or indirectly, from the Board's solar incentives. As such, they are subject to and impacted by the timelines in the Board's solar programs, including the TI Program.

On May 23, 2018, Governor Murphy signed the Clean Energy Act of 2018 ("CEA" or "Act"), L.

¹ The First Supplement attached letters to the SuSI/TI Program Manager dated October 6, 2023, requesting an extension of time for PVSC's multi-phase solar project, but these letters did not include TI application number NJSTRE1547538680 (Ground Mount). The SuSI/TI Program Manager has advised that this registration has expired.

2018, c. 17 (N.J.S.A. 48:3-87.8 *et al.*), into law. In pertinent part, the CEA directed the Board to adopt rules and regulations closing the Solar Renewable Energy Certificate Registration Program (“SRP”) to new applications once the Board determines that 5.1 percent of the kilowatt-hours of electricity sold in the State of New Jersey (“State”) by Third Party Suppliers and Basic Generation Service providers is generated by solar electric power generators connected to the distribution system (“5.1% Milestone”). N.J.S.A. 48:3-87(d)(3).

By Order dated December 6, 2019, the Board established the TI Program as a bridge between the legacy SRP and the to-be-developed Successor Solar Incentive (“SuSI”) program.² Rules for the TI Program, N.J.A.C. 14:8-10.1 *et seq.* (“TI Rules”) took effect on October 5, 2020.³ The TI Rules permit eligible projects to receive a TREC for each megawatt-hour (“MWh”) of electricity produced through solar generation. The TI Program portal opened to new applications on May 1, 2020, and, pursuant to Board Order dated January 8, 2020, remained open to new registrations until the establishment of the SuSI Program.⁴ The TI Program rules do not provide for automatic or administrative extensions to the projects’ conditional registration expiration dates.⁵

By Order dated July 29, 2020, the Board granted projects registered in the TI Program on or before October 30, 2020 an extension through October 30, 2021 to reach commercial operation.⁶ The Board looks to the date on which a solar facility receives Permission to Operate (“PTO”) from its electric distribution company (“EDC”) as evidence that commercial operation has been achieved. N.J.A.C. 14:8-2.2. In the July 2020 Order, the Board found that the solar industry was adjusting to significant changes from both the COVID-19 pandemic and 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 ratepayers.

By Order dated June 24, 2021, the Board found that the solar industry required further time to adjust to the requirements of the CEA and the impacts of the COVID-19 Pandemic and granted projects registered in the TI Program on or before the effective date of the June 2021 Order a six (6)-month extension to the deadline established by N.J.A.C. 14:8-10.4.⁷

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. 1048(a); 52 N.J.R. 1850(a).

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”).

⁵ The conditional registration “expiration dates” are also referred to as the registration deadline.

⁶ 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 and QO20070484, Order dated July 29, 2020 (“July 2020 Order”).

⁷ 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”).

On July 9, 2021, Governor Murphy signed L. 2021, c. 169 into law, which among other mandates directed the Board to immediately initiate a proceeding to develop and launch the TI successor program. By Order dated July 28, 2021, the Board announced the closure of the TI Program in anticipation of the SuSI Program launch.⁸ In a companion order on the same agenda, the Board opened the SuSI Program.⁹ The TI Program closed on August 27, 2021, and the SuSI Program opened on August 28, 2021.

By Order dated January 26, 2022, the Board waived N.J.A.C. 14:8-11.4(b), which requires receipt of conditional registration in the Administratively Determined Incentive (“ADI”) Program prior to beginning construction on a solar facility, for projects possessing a valid TI Program registration on the date of the Order.¹⁰ The January 2022 Order permitted these projects to apply for registration in the ADI Program even if construction had commenced prior to receipt of a conditional registration and directed Staff to propose amendments to the SuSI Program Rules to address this issue. On December 18, 2023, amendments were adopted permitting all otherwise eligible projects that had had valid TI Program registrations to be eligible for the ADI Program despite having commenced construction prior to being accepted.¹¹

By Order dated August 17, 2022, the Board granted a blanket extension to all public entities with solar projects in the TI Program, subject to a showing that certain specified conditions applied.¹² The Board found good cause to grant a conditional extension to the petitioners’ projects because waiving the development timelines for public entities with solar projects appropriately balanced the Board’s goal of promoting solar development with ensuring that the ratepayers’ dollars were supporting projects that would be completed in a reasonable time period. Additionally, the Board found that full compliance with the existing rules might adversely affect the interest of the general public in the success of and the benefits deriving from publicly owned solar projects and that requiring strict compliance with timelines for projects subject to the public procurement process might result in hardship to schools and other governmental entities. The Public Entity 2022 Order established a process by which petitioners may apply for up to two (2) six (6)-month extensions to their TI Program registration deadline.

In another Order on the same agenda, the Board denied fifteen (15) petitions for extensions in the TI Program, finding that the general allegations of supply chain disruptions, a tight labor market, and/or interconnection processing delays did not constitute good cause to waive the Board’s rules.¹³

On November 9, 2022, the Board issued a second order denying multiple petitions for extension

⁸ In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, BPU Docket No. QO19010068, Order dated July 28, 2021.

⁹ In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c. 17, BPU Docket No. QO20020184, Order dated July 28, 2021 (“SuSI Order”).

¹⁰ 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”).

¹¹ 55 N.J.R. 2555(a).

¹² 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 (“Public Entity 2022 Order”).

¹³ In re New Jersey Solar Transition Pursuant to P.L. 2018, c.17, BPU Docket No. QO19010068, Order dated August 17, 2022.

in the TI Program. 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.¹⁴ 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.¹⁵ 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.¹⁶

On September 18, 2023, the Board issued a third Order denying seventeen (17) petitions and approving one (1) petition in part for extension in the TI Program.¹⁷ Again, the Board found that the rationales provided by petitioners did not constitute good cause to waive the Board's rule and encouraged the petitioners to register in the ADI Program.

PETITION

On September 29, 2022, PVSC filed the Petition seeking an eighteen (18)-month extension in the TI Program to April 8, 2024. PVSC had filed an application for acceptance into the TI Program on August 27, 2021 for the Project with a capacity up to eighteen (18) megawatts ("MW"); the Project was conditionally accepted into the TI Program on October 8, 2021 with a completion deadline of October 8, 2022. As initially filed, the Project consisted of four (4) phases: a 2,351.20 kW direct current ("DC") rooftop PV system, TI Program number NJSTRE1547538548 ("Rooftop System"); a 1,364.45 kW DC floodwall PV system, TI Program number NJSTRE1547538708 ("Floodwall System"), a 9,713 kW DC ground mount system, TI Program number NJSTRE 1547538680 ("Ground Mount System"), and a 5,661.18 kW DC canopy system, TI Program number NJSTRE1547538614 ("Canopy System").¹⁸ According to the Petition, the deadline in the TI Program could not be met due to changes to the design and scope of the Project in response to public comments; the passage of the State's Environmental Justice law; and challenges associated with public bidding, comment, and contracting processes. The Petition also acknowledged that PVSC first requested an extension, from then-Board President Joseph Fiordaliso, on October 25, 2021, two (2) weeks after its acceptance into the TI Program.¹⁹

Petitioner also advised that it was simultaneously filing for an extension in the TI program portal pursuant to the Public Entity 2022 Order. This request was ultimately granted with respect to the Rooftop System, Floodwall System, and Canopy System and the TI Program deadline for those systems was extended by twelve months to October 8, 2023.²⁰

In the First Supplement, filed on October 6, 2023, Petitioner attached three (3) extension requests directed to the TI Program Administrator detailing the progress made on the Rooftop System,

¹⁴ 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").

¹⁵ Id. at 45.

¹⁶ Ibid.

¹⁷ In re New Jersey Solar Transition Pursuant to P.L. 2018, c.17, BPU Docket No. QO19010068, Order dated September 18, 2023 ("September 18 Order").

¹⁸ First Supplement at Attachment A.

¹⁹ Petition at par. 16.

²⁰ First Supplement at Attachment A.

Canopy System, and Floodwall System with photos of system elements and plans. Petitioner also sought to buttress its extension request by alleging additional delay resulting from Petitioner's efforts to take advantage of the direct ownership model enabled by the Inflation Reduction Act. Petitioner stated that these efforts caused significant delay but also allowed it to obtain low-cost financing that would enable it to reduce rates for its customers.²¹ In addition, the Petitioner highlighted a significant decrease in the size of the Project, from a maximum of eighteen (18) MW down to 4.8 MW DC, a reduction Petitioner asserted would reduce the burden to ratepayers by seventy-five percent (75%).²² The Petitioner also reiterated its responsibilities as one (1) of the largest drinking water and wastewater treatment facilities in New Jersey to further justify its request to remain eligible for the more lucrative incentives available through the TI Program.

By email dated August 2, 2024, Petitioner filed the Second Supplement, stating that a portion of the Rooftop System had been completed and its post-construction certification package submitted on October 6, 2023, prior to the program deadline and that on April 5, 2024, post-construction certification packages had been submitted for the remaining portion of the Rooftop System and for the Floodwall System. Due to the pendency of the instant petition, none of these packages has been reviewed yet.²³ Petitioner also withdrew the Canopy System from its extension request.²⁴ In addition, the Second Supplement advised that on July 18, 2024, the New Jersey Department of Environmental Protection ("DEP") had issued a decision authorizing the modification of PVSC's previously authorized air permit to enable PVSC to develop a partially fossil-based solution to provide back-up power. The DEP attached a number of conditions to the air permit modification, including a directive to PVSC to install no less than five (5) MW of solar generation at the PVSC facility by December 31, 2026.²⁵

DISCUSSION AND FINDINGS

Pursuant to the TI Program rules, the Petitioner must have commenced commercial operations on its projects and submitted a post-construction certification package prior to the expiration of its conditional registration to be eligible for incentives under the TI Program. N.J.A.C. 14:8-10.4. Petitioner requested that the Board waive its rules to extend the TI Program deadlines for the Rooftop and Floodwall Systems. Petitioner asserted that it had shown good cause for the Board to waive its rules and grant an extension of eighteen (18) months from its TI Program deadline of October 8, 2022, basing its request on the estimated timeframe of "on or before April 1, 2024," which its EDC had provided for receiving PTO. Petition at 29, 34, and 35.

The Board's rules state that "[i]n special cases and for good cause shown, the Board may . . . relax or permit deviations from this chapter." N.J.A.C. 14:1-1.2(b). The 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

²¹ First Supplement at pars. 6-11.

²² First Supplement at par. 12.

²³ Second Supplement at pars. 7-9 and Attachments C-E.

²⁴ Second Supplement at par. 6.

²⁵ Second Supplement at par. 11, citing DEP Decision at page 15.

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.

In implementing the orderly closure of the SRP 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 CEA 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 SRP 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). Subsequently, 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.

Moreover, the interim nature of the TI Program has been consistently communicated since the Program was first proposed in 2019. The TI Program rules do not provide for extensions, and that omission was intentional. In this legislative and regulatory context, the Board notes that Petitioner registered in the TI Program on its final day and with the knowledge that this program provided one year to achieve commercial operation and did not provide for any extensions. While the Board has been a longstanding supporter of public entities in New Jersey and their efforts to reduce their energy footprint, the record in this matter demonstrates that Petitioner realized from the start that it was unlikely to be able to comply with this one-year timeframe. Petitioner first sought an extension two (2) weeks after its acceptance in the TI Program. The record also reflects that, notwithstanding the lack of provision for any extensions in the TI Rules, Petitioner did in fact receive two (2) six (6)-month extensions pursuant to the Public Entity 2022 Order for both the Rooftop and the Floodwall Systems. Given this history, the Board views the request for a further extension of the TI Program deadlines as unjustified.

The Board **FINDS** that the Project was conditionally accepted in the TI Program as a public entity project in the closing days of the TI Program and received a twelve-month extension pursuant to the Public Entity 2022 Order. The Board **FINDS** that Petitioner here was on notice of time limitations in the TI Rules at the time of its registrations and was on notice that the TI Rules do not provide for extensions.

Petitioner noted that Board had exercised its authority to waive its rules to grant a blanket extension to all pending TI projects in June 2021 (June 2021 Order). Petition at 26. However, the Board has previously ruled that with the opening of the ADI Program on August 28, 2022, the circumstances faced by those who fail to meet their TI Program deadlines are not equivalent to

those prior registrants granted relief by the July 2020 and June 2021 Orders.²⁶ With the pandemic and its attendant challenges even further in the past today, the Board is unconvinced by Petitioner's arguments that its circumstances should be considered similar to those that received relief in the June 2021 Order.

In support of its request, Petitioner stressed public policy arguments, specifically the importance of a backup generation solution for its sewage treatment plant. Absent such a solution, PVSC argued that the drinking water supply for one sixth (1/6) of the State's population, as well as the cities of Newark, Jersey City and Bayonne, are susceptible to inundation with raw sewage.²⁷ The Board concurs in the importance of this goal but does not believe that it is necessary to keep the Project in the TI Program in order to achieve it. Back-up generation will be just as effective if incentivized through the ADI Program. While PVSC claims losing the TI Program incentives would delay and might jeopardize the Project, no analysis to support this claim appears in the petition or the supplements. In fact, more recently, PVSC has indicated its intention to register the Canopy portion of the Project in ADI.²⁸ The Board **FINDS** that the TI Program incentives for the Rooftop System and Floodwall System are not needed for Petitioner to proceed with backup renewable generation.

Petitioner also emphasized the strong community group pressure for renewable energy and opposition to any fossil-fuel generation.²⁹ While the Board acknowledges that the community's desire to avoid additional fossil-fuel generation is valid, that does not mean that such energy must be incentivized through the TI Program. Moreover, Petitioner itself has stated that not all the energy needed for a back-up generation source may be supplied through renewable energy.³⁰ Meanwhile, the DEP has modified Petitioner's air permit to allow development of a partially fossil fuel-based back up generation source.³¹ The Board **FINDS** that community support for back-up power supplied by renewable generation does not support provision of TI Program incentives for the Project.

PVSC highlighted the protracted stakeholder comment period and the public procurement process, pointing out that together the two had already taken more than seven months at the time the petition was filed.³² As a public entity that had been operating in Newark for many years, however, PVSC would have been aware at the time it registered in the TI Program of both the time-consuming nature of the public procurement process and the strong community sentiment around an additional generator. Indeed, Petitioner's request for an extension only two (2) weeks after its registration was accepted indicates that it realized the disparity between the time needed for the Project and the time available under the TI Program.

As noted above, Petitioner also pointed to delays incurred as a result of its ultimately successful pursuit of federal funding. In addition to delays at the federal level, Petitioner points to associated requirements in New Jersey law related to the funding requirements of the New Jersey

²⁶ November 9 Order at 44; September 18 Order at 39.

²⁷ Petition at pars. 6-7 and 32-33.

²⁸ Electronic mail dated July 31, 2024 from Advanced Solar Projects.

²⁹ Petition at pars. 16, 30.

³⁰ Petition at pars. 16-18.

³¹ Second Supplement at par. 11.

³² Petition at pars. 12, 28; First Supplement at par. 5; Second Supplement at par. 2.

Environmental Infrastructure Trust (“EIT”) and Local Finance Board review.³³ More significant than the delay, however, are the savings that these efforts produced for ratepayers. Petitioner stated that due to the lower interest rate Petitioner received in financing, as well as savings realized through direct ownership of the solar assets, the Project would be less costly.³⁴

While the Board commends the steps taken by Petitioner to reduce the Project’s cost to ratepayers, the Board also recognizes that the TI Program incentives were designed for a moment in time when these savings opportunities were not available. By contrast, the incentive levels in the ADI Program were designed to be appropriate for projects completing in the timeframes requested by petitioners. As these incentive levels were designed without the expectation of the extension of the federal Investment Tax Credit that was enacted in the Inflation Reduction Act, they should provide Petitioner with an incentive level that is adequate or more than adequate. The ADI Program is open and accessible to the Project. The Board **FINDS** that the significant changes to financing of the Project do not warrant imposing the heavier cost of the TI incentives on New Jersey ratepayers as requested by Petitioner.

Of the four (4) systems initially included in the Project, two (2) are no longer at issue. The Ground Mount System registration has expired, and Petitioner has withdrawn the Canopy System from the instant petition. This Order thus addresses the remaining capacity in the Rooftop System and the Floodwall System.

With respect to the Rooftop System, NJSTRE1547538548, PVSC originally submitted an application for 2.3 MW DC. Petitioner submitted a PTO dated October 6, 2023, and final post-construction certification package for a portion of the project sized at 903.96 kW DC on October 6, 2023. The Board **FINDS** that the portion of the Rooftop System sized at 903.96 kW DC is eligible under the TI Program because PTO was received and a post-construction certification package submitted prior to the expiration date of October 8, 2023. The Board **DIRECTS** the SuSI/TI Program Manager to process this portion of the Rooftop System under the TI Program. Final eligibility for the TI incentive shall be contingent upon Petitioner’s ability to meter the generation of this portion of the Rooftop System separately from the remainder of the Project.

A second PTO dated April 4, 2024 was received for the Project. This PTO states that “it is in reference to Phase 2 of the project comprising of 515 KW DC.” In response to an inquiry from the SuSI/TI Program Manager, Petitioner’s solar developer sent a letter stating that this PTO was for the Rooftop and Floodwall Systems and “comprised the following PV systems that are part of the Phase 2 of the PVSC projects.” The letter went on to identify three (3) portions of the Rooftop System, NJSTRE1547538548, summing to 320.76 kW DC and the Floodwall System, NJSTRE1547538708, in the amount of 194.40 kW DC. The Board notes that a PTO typically identifies project capacity in units of AC rather than DC. To the extent that there is any ambiguity regarding the size of the solar systems to which this PTO refers, the Board **ORDERS** Petitioner to provide any confirmation requested by the SuSI/TI Program Manager.

The Board **FINDS** that the PTO for 320.76 kW, AC or DC to be confirmed, was received after the expiration date and that, therefore, the 320.76 kW, AC or DC to be confirmed, portion of the Rooftop System is not eligible for the TI Program. The Board **DIRECTS** the SuSI/TI Program Manager to process this portion of the Rooftop System in the ADI Program provided that it is otherwise eligible and is separately metered from the portion of the Rooftop System that is

³³ First Supplement at pars. 8-9.

³⁴ First Supplement at par. 11.

registered in the TI Program. The PTO for the Floodwall System, NJSTRE1547538708, is dated April 4, 2024. The Board **FURTHER FINDS** that the PTO for the Floodwall System of 194.40 kW was received after the expiration date and that the Floodwall System is not eligible for the TI program.

Petitioner asserted that it had shown good cause for the Board to waive its rules and grant an extension of eighteen (18) months from its TI Program deadline of October 8, 2022, basing its request on the estimated timeframe of “on or before April 1, 2024,” which its EDC had provided for receiving PTO.³⁵

Following careful review of the record, including filed petitions, supplements, responses, and Staff’s recommendations, the Board **FINDS** that full compliance with the rules in this matter furthers the interests of the State and the general public in maintaining an orderly transition from the legacy TI Program to the SuSI Program and in reducing the cost of achieving the State’s solar energy goals. The Board **FINDS** that Petitioner has not shown good cause for the Board to waive its rules and grant an extension of the TI Program deadline of October 8, 2023. Accordingly, the Board **HEREBY DENIES** the Petition.

As previously noted, the Board has consistently sought to provide a smooth transition to the ADI Program for projects already under development. Among other actions, the Board has amended N.J.A.C. 14:8-11.4(b) to provide that a project that had an active TI registration will not be barred from the ADI Program by reason of having commenced commercial construction prior to acceptance into that program. Provided that the portion of the Rooftop System that received PTO on April 4, 2024, and/or the Floodwall System satisfies all other eligibility requirements, program rules and regulations, these systems shall be eligible for the ADI Program. Based on the revised and reduced design of the Project as described in the First Supplement, the ADI incentives, including the public entity adder, will provide meaningful incentives to Petitioner while balancing costs to Ratepayers.

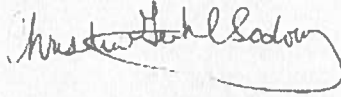
The Board **FINDS** that PVSC does not merit further relief beyond what has been granted in previous Orders and therefore **DENIES** Petitioner’s request for an extension under the TI Program.

³⁵ Petition at pars. 34-35.

The effective date of this Order is October 16, 2024.

DATED: October 9, 2024

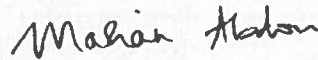
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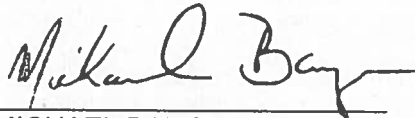
CHRISTINE GUHL-SADOVY
PRESIDENT



DR. ZENON CHRISTODOULOU
COMMISSIONER



MARIAN ABDOU
COMMISSIONER



MICHAEL BANGE
COMMISSIONER



ATTEST:

SHERRI 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 THE VERIFIED PETITION OF THE PASSAIC VALLEY SEWERAGE COMMISSION FOR
APPROVAL OF AN EXTENSION OF THE TRANSITION INCENTIVE PROGRAM COMMERCIAL OPERATION
DEADLINE

DOCKET NO. QO22090615

SERVICE LIST

Giordano, Halleran & Ciesla, P.C.

Steven S. Goldenberg, Attorney for Petitioner
125 Half Mile Road
Red Bank, NJ 07701
sgoldenberg@ghclaw.com

TRC Energy Solutions

900 Route 9 North, Suite 404
Woodbridge, NJ 07095

Brian Deluca, Program Manager
bdeluca@trcsolutions.com

Michael Ambrosio, Director, Policy and Planning
mambrosio@trcsolutions.com

Tammy VanBlarcom, Manager
SREC Registration Program
tvanmarcom@trccompanies.com

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

New Jersey Division of Rate Counsel

Brian O. Lipman, Esq., Director
140 East Front Street, 4th Floor
Trenton, NJ 08625-0003
blipman@rpa.nj.gov

New Jersey Division of Law

R.J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625-0112

Daren Eppley, Section Chief, DAG
daren.eppley@law.njoag.gov

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Matko Ilic, DAG
matko.ilic@law.njoag.gov

New Jersey Board of Public Utilities

44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350

Sherri Golden, Secretary
board.secretary@bpu.nj.gov

Bob Brabston, Esq., Executive Director
robert.brabston@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

Taryn Boland, Chief of Staff
taryn.boland@bpu.nj.gov

Henry Gajda, Deputy Chief of Staff
henry.gajda@bpu.nj.gov

General Counsel's Office

Carol Artale, Deputy General Counsel
carol.artale@bpu.nj.gov

Gary Colin Emerle, Deputy General Counsel
colin.emerle@bpu.nj.gov

Rachel Boylan, Regulatory Officer
rachel.boyland@bpu.nj.gov

Division of Clean Energy

Veronique Oomen, Director
veronique.oomen@bpu.nj.gov

Bence Oliver, Deputy Director
bence.oliver@bpu.nj.gov

Laura Scatena, Research Scientist
laura.scatena@bpu.nj.gov

Sawyer Morgan, Research Scientist
sawyer.morgan@bpu.nj.gov

Zainab Durda, Program Administrator
zainab.durda@bpu.nj.gov

Earl Thomas Pierce, Administrative Analyst
earl.pierce@bpu.nj.gov