



Agenda Date: 12/18/24

Agenda Item: 2D

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
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ENERGY

IN THE MATTER OF THE COMBINED AND )  
CONSOLIDATED APPLICATION OF ATLANTIC CITY )  
ELECTRIC COMPANY TO ADJUST THE LEVEL OF ITS )  
"RIDER RGGI" RATE ASSOCIATED WITH ITS LEGACY )  
SOLAR RENEWABLE ENERGY CERTIFICATE ("SREC )  
I") FINANCING PROGRAM, ITS SUCCESSOR SOLAR )  
RENEWABLE ENERGY CERTIFICATE ("SREC II") )  
FINANCING PROGRAM, ITS SOLAR TRANSITION )  
INCENTIVE PROGRAM ("TREC"), ITS SUCCESSIVE )  
SOLAR INCENTIVE ("SUSI") PROGRAM, ITS ENERGY )  
EFFICIENCY ("EE") PROGRAM, AND ITS COMMUNITY )  
SOLAR ENERGY PILOT ("CSEP") PROGRAM (2024) )

DOCKET NO. ER24070534

**Parties of Record:**

**Nicholas W. Mattia, Esq.**, for Atlantic City Electric Company  
**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel

**BY THE BOARD:**

On July 19, 2024 Atlantic City Electric Company ("ACE" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board" or "BPU") seeking authority to adjust the level of its Rider Regional Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") associated with ACE's legacy Solar Renewable Energy Certificate ("SREC") Financing Program ("SREC I Program"), the Company's successor Solar Renewable Energy Certificate Financing Program ("SREC II Program"), its Transition Renewable Energy Certificate ("TREC") Program ("TREC Program"), its Successor Solar Incentive ("SuSI") Program ("SuSI Program"), its Energy Efficiency ("EE") Program ("EE Program") and its Community Solar Energy Pilot ("CSEP") Program ("CSEP Program") ("July 2024 Petition").

## **Background and Procedural History**

### **SREC I Program**

By Order dated August 7, 2008, the Board directed Jersey Central Power & Light Company ("JCP&L") and ACE to file, by September 30, 2008, a solar financing program based upon SRECs, utilizing and incorporating certain mandatory design and filing requirements.<sup>1</sup> On March 13, 2009, ACE, JCP&L, Board Staff ("Staff"), the New Jersey Division of Rate Counsel ("Rate Counsel"), and the Solar Alliance executed a stipulation of settlement thereby incorporating both proposals into a single program that included a cost recovery mechanism and incentives ("March 2009 Stipulation"). By Order dated March 27, 2009, the Board approved the March 2009 Stipulation and resolved all issues in controversy.<sup>2</sup> By the March 2009 Order, among other things, the Board approved, in part, the recovery of costs through an SREC Financing Program rate component of the Rider RGGI equal to a per kilowatt-hour ("kWh") charge applicable to all customers. As net program costs for the first year of the program were uncertain, the March 2009 Order required ACE's Rider RGGI rate component for this program to be set at zero or \$0.000000 per kWh.

Rate Counsel signed the March 2009 Stipulation, but reserved its right to contest three (3) specific issues. On May 8, 2009, Rate Counsel filed a Notice of Appeal with the Superior Court of New Jersey, Appellate Division, regarding the "additional recoveries" portion of the contested issues. On July 29, 2009, ACE, JCP&L, Staff, and Rate Counsel entered into a stipulation of settlement regarding the contested issues ("Stipulation on Appeal"). By Order dated September 16, 2009, the Board modified its March 2009 Order to reflect the terms of the Stipulation on Appeal. Rate Counsel withdrew its appeal on September 23, 2009.<sup>3</sup>

### **SREC II Program**

By Order dated April 27, 2011, the Board directed the Office of Clean Energy to conduct a thorough review of the utility supported solar programs to help the Board determine whether these programs should continue, be allowed to expire, be modified or expanded.<sup>4,5</sup> By Order dated May

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<sup>1</sup> In re the Renewable Energy Portfolio Standard, BPU Docket No. EO06100744, Order dated August 7, 2008.

<sup>2</sup> In re Atlantic City Electric Company Renewable Energy Portfolio Standard Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy, and Conservation Programs; and for Electric Distribution Company Submittals of Filings in Connection with Solar Financing; and In re the Verified Petition of Jersey Central Power and Light Company Concerning a Proposal for an SREC-Based Financing Program Under N.J.S.A. 48:3-98.1, BPU Docket Nos. EO08100875 and EO08090840, Order dated March 27, 2009 ("March 2009 Order").

<sup>3</sup> In re Atlantic City Electric Company Renewable Energy Portfolio Standard Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy, and Conservation Programs; and for Electric Distribution Company Submittals of Filings in Connection with Solar Financing; and In re the Verified Petition of Jersey Central Power and Light Company Concerning a Proposal for an SREC-Based Financing Program Under N.J.S.A. 48:3-98.1, BPU Docket Nos. EO08100875 and EO08090840, Order dated September 16, 2009.

<sup>4</sup> In re the Petition of Public Service Electric and Gas Company for Approval of a Solar Generation Investment Program and an Associated Cost Recovery Mechanism, BPU Docket No. EO09020125, Order dated April 27, 2011.

<sup>5</sup> The Office of Clean Energy was subsequently renamed the Division of Clean Energy.

23, 2012, the Board issued an Order directing ACE to file within five (5) business days of service of the Order, “a notice of their intention to participate or not to participate in the Extended [Electric Distribution Company] SREC Programs consistent with Staff’s recommendations adopted by the Board herein.”<sup>6</sup>

On September 5, 2012, ACE submitted a petition requesting Board approval of the Company’s SREC II Program. By Order dated December 18, 2013, the Board authorized ACE to offer an SREC II Program with a total program size of up to twenty-three (23) megawatts (“MW”).<sup>7</sup> The December 2013 Order set the Administrative Fee for SREC II Program participants at \$17.07 per SREC, and further ordered that, after five (5) years, there would be a true-up of administrative costs and program participant fees. The program participant fees would be adjusted on a prospective basis, beginning January 1, 2019. Additionally, the December 2013 Order directed ACE to “assess Application Fees, Assignment Fees, and Administrative Fees (collectively, “Program Participant Fees”) to Program Participants.”

Through a series of Board Orders dated December 18, 2018, October 25, 2019, December 20, 2019, May 20, 2020, December 16, 2020, June 24, 2021, December 15, 2021, February 23, 2022, December 21, 2022, April 12, 2023, December 20, 2023, and May 22, 2024, the Board approved the maintenance of the Company’s SREC II Administrative Fee at the Board’s previously approved rate of \$17.07, and maintenance of the Rider RGGI Surcharge applicable to the SREC II Program’s Direct Charges at its current rate of \$0.000000 per kWh.<sup>8</sup>

### TREC Program

By Order dated December 6, 2019, the Board established the TREC Program to bridge the gap between legacy SREC programs and a to-be-determined successor program.<sup>9</sup> The BPU directed New Jersey’s electric distribution companies (“EDCs”) to work with Staff to jointly procure a TREC Administrator that would acquire all of the TRECs produced each year by eligible solar generation projects. The TREC Administrator would then allocate the TRECs to load serving entities based upon their market share of retail sales for retirement within the generation attribute tracking system as part of the annual renewable portfolio standard compliance process.

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<sup>6</sup> In re the Review of Utility Supported Solar Programs, BPU Docket No. EO11050311V, Order dated May 23, 2012.

<sup>7</sup> In re the Petition of Atlantic City Electric Company Concerning a Proposal for an Extended Solar Renewable Energy Certificate (SREC)-Based Financing Program Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. EO12090799, Order dated December 18, 2013 (“December 2013 Order”).

<sup>8</sup> In re the Combined and Consolidated Application of Atlantic City Electric Company to Adjust the Level of its “Rider RGGI” Rate Associated with its Legacy Solar Renewable Energy Certificate (“SREC I”) Financing Program, its Successor Solar Renewable Energy Certificate (“SREC II”) Financing Program, its Solar Transition Incentive (“TREC”) Program, its Successor Solar Incentive (“SuSI”) Program, its Energy Efficiency (“EE”) Program, and its Community Solar Energy Pilot (“CSEP”) Program (2023), BPU Docket No. ER23070464, Order dated May 22, 2024; see also BPU Docket Nos. ER18101192, ER19101429, ER20100688, ER21070980, and ER22070415.

<sup>9</sup> In re a New Jersey Solar Transition Pursuant to P.L. 2018, c.17, BPU Docket No. QO19010068, Order dated December 6, 2019 (“TREC Order”).

The TREC Order further authorized the EDCs to recover reasonable and prudent costs for TREC procurement and TREC Administrator Fees, where the recovery would be based upon each EDC's proportionate share of retail electric sales. As a result, each EDC was directed to annually file for its costs and the recovery method, subject to approval by the Board.

By Order dated March 9, 2020, the Board directed Staff to work with the selected TREC Administrator to acquire all TRECs produced by eligible solar generation projects at a base compensation rate of \$152 per megawatt hour.<sup>10</sup> The TREC Administrator would then calculate the actual value of a TREC to be acquired by multiplying the base compensation rate by a factor applicable to the solar project type.

In July 2020, the EDCs executed a contract with InClimate, Inc. to serve as the TREC Administrator. By Order dated August 12, 2022, the Board approved and established a new component of the Company's Rider RGGI to recover costs associated with TREC. The initial TREC component of the Rider RGGI was set at a rate of \$0.000559 per kWh.<sup>11</sup>

### SuSI Program

In accordance with the Clean Energy Act of 2018, P.L. 2018, c. 17 ("CEA"), and the Solar Act of 2021, P.L. 2021, c. 169, the Board issued an Order on June 28, 2021 establishing a new solar incentive program to incent up to 3,750 MW of new solar generation by calendar year 2026.<sup>12,13</sup>

The SuSI Program contained two (2) sub-programs:

- 1) The Administratively Determined Incentive ("ADI") Program: a fixed incentive payment for net-metered solar projects of five (5) MW or less – including all residential customers and most commercial and industrial buildings -- and all Community Solar installations. The incentive value varies based upon project type and size, and is guaranteed for a term of fifteen (15) years; and
- 2) The Competitive Solar Incentive ("CSI") Program, which is a competitive solicitation designed to incentivize the lowest financial contribution from ratepayers for grid supply projects and net-metered commercial and industrial projects larger than five (5) MW.

The SuSI Order also directed the New Jersey EDCs to jointly procure an SREC-II Administrator or to expand the scope of duties for the existing TREC Administrator. On November 1, 2021, the EDCs and the TREC Administrator entered into an agreement amending the terms of the administrator's existing contract to reflect the inclusion of the ADI Program portion of the SuSI Program within the Administrator's scope of work. By Order dated June 29, 2022, the Board approved and established a new component of the Company's Rider RGGI to recover costs

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<sup>10</sup> In re a New Jersey Solar Transition Pursuant to P.L. 2018, C.17 – TREC Base Compensation Schedule, BPU Docket No. QO19010068, Order dated March 9, 2020.

<sup>11</sup> In re the Petition of Atlantic City Electric Company Concerning the Initial Setting of the Regional Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") Associated with the New Jersey Solar Transition Incentive Program, BPU Docket No. ER20050344, Order dated August 12, 2020.

<sup>12</sup> N.J.S.A. 48:3-87(d); N.J.S.A. 48:3-115.

<sup>13</sup> In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c.17, BPU Docket No. QO20020184, Order dated June 28, 2021 ("SuSI Order").

associated with SuSI. The initial SuSI component of the Rider RGGI was set at a rate of \$0.000379 per kWh.<sup>14</sup>

### EE Program

On January 13, 2008, the RGGI Act, established by L. 2007, c. 340, was signed into law. The legislation reflects the New Jersey Legislature's recognition that EE and conservation measures are crucial components of the state's energy future, offering substantial benefits to its citizens. The Legislature further emphasized the importance of public utility engagement and competition in the conservation and EE sectors, aiming to maximize efficiency in these critical areas.<sup>15</sup>

Under Section 13 of the RGGI Act, electric and gas public utilities can invest in and provide EE and conservation programs in their service areas on a regulated basis. These investments may be eligible for rate treatment approval by the Board, allowing for incentives and mechanisms that separate utility revenue from electricity and gas sales. Utilities seeking cost recovery for such programs must file a petition with the Board, which may include incorporating technology and program costs into the rate base or using alternative approved ratemaking methodologies.<sup>16</sup>

In May 2018, Governor Murphy mandated the Board and executive branch agencies to create EMP guiding New Jersey's transition to 100% clean energy by January 1, 2050. The draft EMP was issued in June 2019, and the final version was released in January 2020. Concurrently, Governor Murphy signed the CEA into law in May 2018, setting ambitious EE goals for the State.

By Order dated June 10, 2020, the Board endorsed an EE transition framework for programs under the CEA. This framework included mandates for utilities to create initiatives reducing electricity and natural gas consumption in their respective areas. The Board instructed electric and gas companies in New Jersey to submit petitions for three (3) year EE programs by September 25, 2020, seeking approval by May 1, 2021, with implementation slated to commence on July 1, 2021.<sup>17</sup> By Order dated April 27, 2021, the Board approved and established a new program and component of the Company's Rider RGGI to recover costs associated with EE ("Triennium 1"). The initial EE component of the Rider RGGI was set at a rate of \$0.000000 per kWh.<sup>18</sup> By Order dated May 22, 2024, the Board approved an extension to Triennium 1 for six (6) months through December 31, 2024.<sup>19</sup> By Order dated October 30, 2024, the Board approved and established a new program and component of the Company's Rider RGGI to recover costs

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<sup>14</sup> In re the Petition of Atlantic City Electric Company Regarding the Initial Setting of the Regional Greenhouse Gas Initiative Recovery Charge Associated with the New Jersey Successor Solar Incentive ("SUSI") Program, BPU Docket No. ER21121236, Order dated June 29, 2022.

<sup>15</sup> N.J.S.A. 26:2C-45.

<sup>16</sup> N.J.S.A. 48:3-98.1(b).

<sup>17</sup> In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO19010040, Order dated June 10, 2020.

<sup>18</sup> In re the Implementation of L. 2018, C. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; and In re the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three, BPU Docket Nos. QO19010040 and EO20090621, Order dated April 27, 2021.

<sup>19</sup> In re the Petition of Atlantic City Electric Company for Approval of an Energy Efficiency Program, Cost Recovery Mechanism, and Other Related Relief for Plan Years One Through Three, BPU Docket No. EO20090621, Order dated May 22, 2024.

associated with EE ("Triennium 2"). The initial EE component of the Rider RGGI was set at a rate of \$0.001431 per kWh.<sup>20</sup>

### CSEP Program

In accordance with the CEA, on August 29, 2018, the Board approved a CSEP Program, which offers utility customers the opportunity to access local clean energy, especially for those unable to install solar generation on their properties. By Order dated August 17, 2022, the Board approved and established a new component of the Company's Rider RGGI to recover costs associated with CSEP. The initial CSEP component of the Rider RGGI was set at a rate of \$0.000000 per kWh.<sup>21</sup>

### July 2024 Petition

The Company requested the following in the July 2024 Petition:

### SREC I Program

Based upon actual SREC I Program costs through May 30, 2024, and forecasted costs from June 30, 2024 through October 31, 2024, the Company proposed to return approximately \$155,259 in costs associated with SREC I Program. The Company proposed to terminate the Rider RGGI charge from the current per kWh rate of (\$0.000134) and transfer and credit outstanding program account balance to SREC II Program's account balance as the Company has completed its contractual ten (10)-year term on June 13, 2024 for the SREC I Program.

### SREC II Program

From the inception of the SREC II Program until the end of 2024, based upon actual data through May 30, 2024, and estimated data through December 31, 2024, the Company claimed to have incurred recoverable administrative costs of \$109,418. In addition, in determining the Administrative Fee for 2025, ACE projected its administrative costs over the next period (calendar year 2025), to be approximately \$46,390 with \$5,936 in interest (calendar year 2024) resulting in a total projection of administrative costs of \$161,744 to be collected from program participants in calendar year 2024. Therefore, the projected Administrative Fee for 2025 would be \$18.55 per SREC. However, as the Administrative Fee continues to come down each year, ACE proposed to maintain the Administrative Fee of \$17.07 per SREC for calendar year 2025. ACE further requested that the Company be authorized to carry forward any unrecovered SREC II Program Participant Fees, including Administrative Fees, for recovery from SREC II Program participants in future annual period(s).

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<sup>20</sup> In re the Petition of Atlantic City Electric Company for Approval of a Portfolio of Energy Efficiency, Building Decarbonization and Demand Response Programs, a Cost Recovery Mechanism, and Other Related Relief Pursuant to the Clean Energy Act for the Period January 2025 through June 2027 (Triennium 2), BPU Docket No. QO23120871, Order dated October 30, 2024.

<sup>21</sup> In re the Petition of Atlantic City Electric Company Establishing a Cost Recovery Mechanism Through the Greenhouse Gas Initiative Recovery Charge ("Rider RGGI") for the Community Solar Energy Pilot ("CSEP") Program and Other Associated Tariff Revisions, BPU Docket No. ER21060871, Order dated August 17, 2022.

Regarding the SREC II Program costs, which were based upon actual costs through May 2024, and projected costs through October 2025, there is a projected over-recovered balance, including interest, for Direct Costs of \$2,631,335. However, ACE proposed to continue its SREC II costs at the current rate of \$0.000000 per kWh, resulting in no change in both the Administrative Fee and SREC II Program costs rate.

#### TREC Program

ACE performed a calculation of its annual total revenue requirement necessary to recover its portion of the costs for TREC, including the estimated TREC Administrator Fee, for the November 2024 through October 2025 program year. Based upon actual costs from October 1, 2023 through May 30, 2024, and forecasts from July 1, 2024 through October 31, 2024, the projected revenue requirement for the program year was \$18,307,557. Based upon this total projected annual revenue requirement for the program year, ACE proposed to update its RGGI TREC charge from \$0.002701 to \$0.002350 per kWh.

#### SuSI Program

ACE performed a calculation of its total annual revenue requirement necessary to recover its percentage of costs of the SuSI Program, including the estimated SuSI Administrator Fee, for the November 2024 through October 2025 program year. Based upon actual costs from October 2023 through May 2024, and forecasts from June 2024 through October 2024, the projected revenue requirement for the program year was \$8,999,537. Based upon this annual revenue requirement for the program year, ACE proposed to update its RGGI SuSI charge from \$0.000216 to \$0.001155 per kWh.

#### EE Program

ACE performed calculations of its total annual revenue requirement necessary to recover its costs associated with the EE Program, for the July 1, 2024 through June 30, 2025. Based upon actual costs through May 30, 2024, and forecasts from June 1, 2024 through June 30, 2025, the projected revenue requirement was \$17,426,199. Based upon this annual revenue requirement, ACE proposed to update its RGGI EE charge from \$0.001424 to \$0.002236 per kWh.

#### CSEP Program

ACE performed calculations of its total annual revenue requirement necessary to recover its capital and internal operations and maintenance costs of the CSEP Program for the period September 1, 2023 to May 31, 2024. Based upon actual costs through May 2024, the revenue requirement was \$333,836. Based upon this revenue requirement, ACE proposed to update its RGGI CSEP charge from \$0.000022 to \$0.000043 per kWh.

After adequate public notice, virtual public hearings were held on December 3rd at 4:30 p.m. and 5:30 p.m. No members of the public attended the hearing. Additionally, no written comments were received by the Board.

### **DISCUSSION AND FINDINGS**

The parties' review of the July 2024 Petition will not be complete prior to the impending change in the SREC II Program Administrative Fee required by the December 2013 Order. Accordingly, after reviewing the record to date, the Board **HEREBY FINDS** it appropriate to maintain the SREC

II Administrative Fee for calendar year 2025 at its current level. Accordingly, the Board **HEREBY ORDERS** the continuation of the SREC II Program Administrative Fee at the Board's previously approved rate of \$17.07 for calendar year 2025.

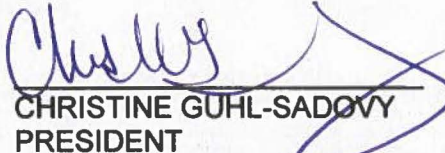
The Board **NOTES** that the parties continue to review all matters concerning the July 2024 Petition and that settlement discussions are ongoing in this matter. As such, the Board **FURTHER FINDS** that more time is needed to reach a final disposition in this matter and the Board will issue a separate Order disposing of all issues in controversy at a later date.

The Company's costs, including those related to the programs described above, remain subject to audit by the Board. As such, this Decision and Order shall not preclude or prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

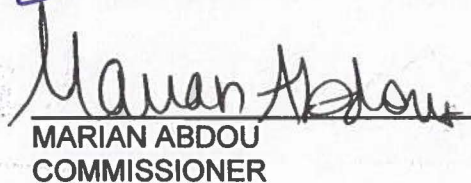
The effective date of this Order is December 26, 2024.

DATED: December 18, 2024

BOARD OF PUBLIC UTILITIES  
BY:

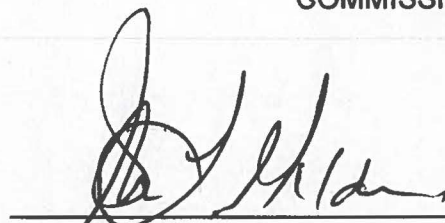
  
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MARIAN ABDOU  
COMMISSIONER

  
MICHAEL BANGE  
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 THE COMBINED AND CONSOLIDATED APPLICATION OF ATLANTIC CITY ELECTRIC COMPANY TO ADJUST THE LEVEL OF ITS "RIDER RGGI" RATE ASSOCIATED WITH ITS LEGACY SOLAR RENEWABLE ENERGY CERTIFICATE ("SREC I") FINANCING PROGRAM, ITS SUCCESSOR SOLAR RENEWABLE ENERGY CERTIFICATE ("SREC II") FINANCING PROGRAM, ITS SOLAR TRANSITION INCENTIVE PROGRAM ("TREC"), ITS SUCCESSIVE SOLAR INCENTIVE ("SUSI") PROGRAM, ITS ENERGY EFFICIENCY ("EE") PROGRAM, AND ITS COMMUNITY SOLAR ENERGY PILOT ("CSEP") PROGRAM (2024)

DOCKET NO. ER24070534

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