



Agenda Date: 1/28/26
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 PETITION OF)	ORDER
GREENPOWER DEVELOPERS, LLC FOR EMERGENT)	
RELIEF PERMITTING ITS BELL WORKS SOLAR)	
PROJECT TO PARTICIPATE IN CSI SOLICITATION)	
WITH SEPTEMBER 30, 2025 DEADLINE AND BE)	
APPROVED AS NET-METERED PROJECT IN EXCESS)	DOCKET NO. QO25090546
OF 5 MW)	

Parties of Record:

Howard O. Thompson, Esq., Russo Tumulty Nester Thompson & Kelly, LLP

BY THE BOARD:

By this Decision and Order, the New Jersey Board of Public Utilities ("Board") considers a petition filed on September 29, 2025, by GreenPower Developers, LLC, ("GreenPower" or "Petitioner") regarding a 12.9 megawatt ("MW")¹ net-metered solar generation facility located at 101 Crawford Corner Road, Holmdel, Burlington County, New Jersey, and submitted as Bell Works ("Project") in the third solicitation of the Competitive Solar Incentive ("CSI") Program ("Petition"). By the Petition, GreenPower sought a waiver of the Board's rules at N.J.A.C. 14:8-11.10(d) that require a net metered project to submit written authorization from the electric distribution company ("EDC") as evidence of eligibility for the CSI Program.

BACKGROUND

On July 9, 2021, the Solar Act ("Act") became law, effective immediately. Among other requirements, the Act directed the Board to establish a comprehensive program to provide incentives for the development of at least 3,750 megawatts ("MW") of new solar generation by 2026.² The Act directed the Board to create both a solar program for smaller projects, with administratively set incentive values, and a competitive solicitation process for awarding contracts to grid supply solar facilities and net metered solar facilities greater than five (5) MW.

¹ All capacity listed is measured in dc, unless otherwise noted.

² N.J.S.A. 48:3-115(a).

By Order dated July 28, 2021, the Board launched the Successor Solar Incentive (“SuSI”) Program.³ Qualifying facilities participating in the SuSI Program receive one (1) Solar Renewable Energy Certificate-II (“SREC-II”) for each megawatt-hour (“MWh”) of solar electricity produced.

By Board Order dated December 7, 2022, the Board approved the establishment of the CSI Program to fulfill the statutory requirement for a competitive procurement program within the SuSI Program umbrella.⁴ Rules establishing the CSI Program and codifying the accompanying siting criteria were published in the New Jersey Register on December 18, 2023.⁵ The Board adopted amendments to these rules on January 21, 2025.⁶

The CSI Program is open to qualifying grid supply solar projects (i.e., those selling into the wholesale markets), energy storage paired with a grid supply facility, and net metered non-residential projects greater than five (5) MW in size. The CSI Program provides for solar projects to qualify in one of five market tranches:

- Tranche 1: Basic Grid Supply
- Tranche 2: Grid Supply on the Built Environment
- Tranche 3: Grid Supply on Contaminated Sites and Landfills
- Tranche 4: Net Metered Non-residential Projects above five (5) MW
- Tranche 5: Energy Storage Paired with Grid Supply Solar⁷

For each solicitation, the Board sets the solicitation window during which projects must prequalify by providing evidence that they meet maturity requirements and specific tranche eligibility criteria. The prequalification requirements for the program are detailed at N.J.A.C. 14:8-11.10(d) and include at 5.i: “[l]ink(s) to one or more PJM feasibility studies, PJM Phase I studies, equivalent successor PJM studies, or written authorization from the EDC providing conditional approval to construct.” The maturity requirements are designed such that participating projects have the best chance to reach their commercial operation deadline (“COD”) within the thirty-six (36) month timeline provided for the CSI Program.

Applications are administratively reviewed by the solicitation manager, and prequalified CSI projects submit a bid for a SREC-II award in their tranche, specified in dollars per MW-hour (“\$/MWh”) of solar electricity production. Solicitation awards are made based exclusively on bid price.

³ In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c.17, BPU Docket No. QO20020184, Order dated July 28, 2021.

⁴ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Order Launching the CSI Program, BPU Docket No. QO21101186, Order dated December 7, 2022. (“CSI Program Order”).

⁵ 55 N.J.R. 2555(a).

⁶ 57 N.J.R. 200(b).

⁷ CSI Program Order at 15, 44.

The prequalification window for the first solicitation opened February 1, 2023, and the bid submission closed on March 31, 2023, at 11:59:59 PM. The second solicitation opened on November 27, 2023, and closed on February 29, 2024.⁸ By Order on April 23, 2025, the Board set the prequalification window for the third solicitation to open May 14, 2025, and close to bids on July 23, 2025, at 11:59:59 PM.⁹ In the April 23 order, the Board made several modifications to the CSI Program, including adjusting maturity requirements to account for changes in the PJM Interconnection (“PJM”) process, allowing for additional project types to compete with projects sited on the built environment in Tranche 2, and adjusting the capacity allocated for each tranche. By the April 23 Order, the Board also set confidential price caps for each competitive tranche in the solicitation.

On July 4, 2025, the Act to Provide for Reconciliation Pursuant to Title II of H. Con. Res. 14 (“H.R.1”)¹⁰ was signed into law, followed on July 7, 2025, by the issuance of Executive Order (“EO”) 14315.¹¹ H.R.1 directs the phase out of the federal investment tax credit (“ITC”), such that wind and solar projects must begin construction within twelve (12) months of the enactment of H.R.1 to be eligible for the tax credit. EO 14315 directs the Secretary of the Treasury of the United States to issue guidance within forty-five (45) days on the termination of tax credits for wind and solar renewable energy generation facilities, including clarification of safe harbor and “beginning of construction” guidance. On August 15, 2025, the Internal Revenue Service issued Notice 2025-42 to provide updated guidance on the beginning of construction, for purposes of determining whether a facility is eligible for the ITC.¹²

By Order on July 16, 2025, in response to federal action, the Board extended the solicitation window for the third solicitation until September 30, 2025, at 11:59:59 PM EST to allow potential CSI Program applicants to access complete information on the above-described changes to federal taxation policies, as those changes may impact their bid.¹³

Petition

On September 29, 2025, GreenPower filed the Petition requesting emergent relief permitting the Project to participate in the third CSI Program solicitation. Specifically, the Petitioner requested that the Board waive its rules at N.J.A.C. 14:8-11.10(d)(5)(i) that require “written authorization from the EDC providing conditional approval to construct,” such as a Level 3 Interconnection Agreement. GreenPower argued that the Project should be allowed to participate in the third CSI Program solicitation because federal changes to the ITC qualification, the deadline for beginning construction of July 4, 2026, and the deadline for being placed in service by December 31, 2027, all imperil the Project.

⁸ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Order Addressing the Timing of the Second CSI Program Solicitation, BPU Docket No. QO21101186, Order dated September 27, 2023.

⁹ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Price Cap Determination for the Third Solicitation of the CSI Program, BPU Docket No. QO21101186, Order dated April 23, 2025 (“April 23 Order”).

¹⁰ Pub. L. No. 119-21, H.R. 1, 119th Cong. (2025)

¹¹ Exec. Order No. 14315, 90 FR 30821 (2025).

¹² <https://www.irs.gov/pub/irs-drop/n-25-42.pdf> (“Notice 2025-42”).

¹³ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Extension of the Third Solicitation of the CSI Program, BPU Docket No. QO21101186, Order dated July 16, 2025.

The 12.9 MW net metered Project is proposed for a carport canopy at the Bell Labs site in Holmdel, Monmouth County, New Jersey. The Project is estimated to serve 60.8% of overall electricity consumption on the site. Petitioner submitted the Level 3 Interconnection Application to Jersey Power & Light Company ("JCP&L") on May 14, 2025, and paid the estimated fee for application on May 24, 2025. The Petitioner submitted the following timeline (Exhibits B, C & D of the Petition) based on correspondence with JCP&L regarding application status:

1. On June 25, 2025, JCP&L advised that the review would take approximately three (3) months.
2. On July 7, 2025, JCP&L confirmed that the review was in process.
3. On July 17, 2025, the Petitioner inquired on the application status; JCP&L advised that the target completion date was Oct 3, 2025.
4. On July 22, 2025, the Petitioner requested expedited review from JCP&L on the review, given the new CSI Program solicitation closure date of September 30, 2025.
5. On August 8, 2025, JCP&L advised that it expected a new target completion of October/November.
6. On August 26, 2025, the Petitioner once again requested an expedited review from JCP&L.
7. On August 29, 2025, JCP&L responded that there was nothing to do to expedite the process.
8. On September 26, 2025, Petitioner requested that JCP&L provide a "high-level indication" that a net-metered solar project typically has a pathway forward.
9. On September 29, 2025, in response to Petitioner's request, JCP&L stated it could not provide a letter. JCP&L also indicated that "Transmission Planning completed their part of the study and next Transmission Protection will need to complete their part."

GreenPower argued that a conceptual load study performed in 2024 demonstrates the feasibility of the Project and shows that the project will not adversely impact JCP&L's distribution system. Petitioner also provided an opinion letter from KMB Design Group attesting to the technical feasibility of the Project (Exhibit E of the Petition). The Petitioner further stated that adjustments or upgrades to the distribution line can be addressed, as can any system design changes in response to JCP&L's completed feasibility study when issued, in time to satisfy federal deadlines.

In May 2025, the Petitioners submitted a prequalification application to the CSI Program solicitation administrator, Daymark Energy Advisors, Inc. ("Daymark"). On September 30, 2025, Board Staff issued a letter stating because the Board had yet to rule on Petitioner's request for a waiver of the Board's rules, the Project would be considered prequalified for the purpose of allowing Petitioner to submit a bid subject to the Board's ruling on the instant Petition.

DISCUSSION AND FINDINGS

As a long-term supporter and driver of solar development in New Jersey, the Board recognizes the significant benefits associated with the expansion of local, distributed, renewable, non-polluting sources of energy, and acknowledges GreenPower's efforts to utilize carport canopies at the historic Bell Labs site to provide renewable energy to the site. Over the course of the third CSI Program solicitation, the Board has been responsive to the changing federal policies around renewable energy tax incentives, and sensitive to the difficulties faced by solar developers attempting to qualify for the ITC. The Board extended the solicitation window to allow developers time to consider the impacts of the policy changes on their bids and proactively made allowances for applicants who receive awards to remain flexible to the loss of ITC eligibility over the course of their project timelines. However, the Board considers that project maturity upon entry into the

prequalification step of CSI Program is indicative of whether a project will likely reach completion within the required timeframe. The Board established prequalification criteria and maturity requirements to ensure that projects bidding into a solicitation have a complete understanding of interconnection costs, so that submitted bids are based on actual project costs rather than speculation. Additionally, project maturity is an important criteria for the Board because it ensures that incentives go to projects that have a clear path to completion and are well-placed to bring new generation capacity to New Jersey in a timely manner. Similarly, stakeholder feedback on project maturity has not been in favor of relaxed requirements, as this would allow less mature projects to compete and potentially take capacity from more mature projects that have a more likely pathway to completion.

Petitioner requests a waiver of the Board's rule requiring written authorization from the EDC providing conditional approval to construct. This request is based on the impacts that federal changes to the ITC, construction commencement deadlines, and placed-in-service deadlines have had on Petitioner's project. The Board's rules provide 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). These rules further establish that "[t]he Board shall, in accordance with the general purpose and intent of the rules, waive section(s) of the rule 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). The Board has previously considered the impacts of federal policy changes on project development timelines and project maturity, and has taken steps to mitigate those impacts, including extending the solicitation window, allowing limited timeline flexibility, and other accommodations. However, the Board's interest in ensuring that projects receiving incentives demonstrate sufficient maturity and a clear path to completion within a reasonable timeline outweighs the potential harm to the Project that may instead compete in a later solicitation.

After careful consideration of the information provided by the Petitioner, the Board **FINDS** that full compliance with the Board's rule in this instance would not adversely affect ratepayers or utilities, nor would a waiver of the rule serve public interest to increase new generation capacity quickly, and that Petitioner has not established good cause for a waiver under the rule. The Board therefore **DENIES** the petition for a waiver of the CSI eligibility rules at N.J.A.C. 14:8-11.10(d)(5)(i).

Further, after careful consideration of the information provided by the Petitioner in the Petition and in materials submitted to the CSI Program as a part of prequalification application, the Board **FINDS** that the Petitioner has not provided evidence that it has secured the necessary interconnection agreement and thus does not satisfy the CSI Program prequalification requirement for written authorization from the EDC providing conditional approval to construct. The Board **FINDS** the Petitioner's prequalification application violates the Board's rules at N.J.A.C. 14:8-11.10(d)(5)(i). The Board therefore **ORDERS** that the Petitioner's bid shall not be considered for an SREC-II award in the third CSI Program solicitation. Because the bid will not be considered, as the Project is not eligible for participation, the Board **DIRECTS** that the \$1,000/MW bid fee be returned to the Petitioner.

This Order shall be effective on February 4, 2026.

DATED: January 28, 2026

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST:


SHERRI L. LEWIS
BOARD 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 PETITION OF GREENPOWER DEVELOPERS, LLC FOR EMERGENT RELIEF
PERMITTING ITS BELL WORKS SOLAR PROJECT TO PARTICIPATE IN CSI SOLICITATION WITH SEPTEMBER
30, 2025 DEADLINE AND BE APPROVED AS NET-METERED PROJECT IN EXCESS OF 5 MW

DOCKET NO. QO25090546

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