



Agenda Date: 1/28/26

Agenda Item: 8E

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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Post Office Box 350  
Trenton, New Jersey 08625-0350  
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CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF	)	ORDER
HARMONY PLAINS SOLAR I, LLC FOR APPROVAL OF	)	
A WAIVER AND EXTENSION OF THE COMPETITIVE	)	
SOLAR INCENTIVE PROGRAM COMMERCIAL	)	
OPERATION DEADLINE AND EPC AGREEMENT	)	
REQUIREMENT FOR THE HARMONY PLAINS SOLAR I,	)	
LLC PROJECT	)	DOCKET NO. QW25070384

**Parties of Record:**

**Murray E. Bevan & Jennifer McCave**, Bevan, Mosca & Giuditta, P.C., on behalf of Harmony Plains Solar I, LLC

**BY THE BOARD:**

This Order concerns a petition filed on July 9, 2025, by Harmony Plains Solar I, LLC ("Petitioner") ("Petition"). Petitioner seeks a two-year extension of its commercial operation deadline ("COD") from May 23, 2027, to May 23, 2029, and an extension of deadline for the submission of a contract between the primary installer or the third-party owner, as applicable, and the bidder or customer of record, which the rules require be submitted within one year of the date of conditional registration.

**BACKGROUND**

The Solar Act of 2021 ("Solar Act"), L. 2021, c. 169, directed the Board to establish a program to incent the development of 3,750 MW of solar by 2026 through programs for both small net metered solar facilities and for grid-supply and large solar facilities. The resultant Successor Solar Incentive ("SuSI") Program is designed to implement this mandate and increase the supply of electricity that New Jersey consumers receive from clean solar energy, while simultaneously bringing down the costs of solar generation in the State.<sup>1</sup>

By Order dated December 7, 2022, the Board established the Competitive Solar Incentive ("CSI") Program as a component of the SuSI Program to provide Solar Renewable Energy Certificates

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<sup>1</sup> In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, BPU Docket No. QO19010068, Order dated July 28, 2021.

("SREC-II") as a financial incentive mechanism representing the value of the environmental attributes of electricity produced by a solar facility, and on December 18, 2023, the Board adopted rules governing the CSI Program.<sup>2</sup>

The CSI Program covers qualifying grid supply solar facilities (i.e., those selling into the wholesale markets or through a bi-lateral contract with an electric distribution company), grid supply solar installations paired with energy storage, and net metered non-residential projects with a capacity greater than 5 MW. The CSI Program utilizes a competitive procurement process with five separate market tranches for different project types to ensure that the cost of SREC-II awards represent the lowest incentive contribution from New Jersey's ratepayers. The CSI Program aims to incentivize 300 MW of new solar generation annually, thus forming a critical element in achieving the State's solar capacity goals of 5.2 gigawatts ("GW") by 2025, 12.2 GW by 2030 and 17.2 GW by 2035.<sup>3</sup>

Following submission of a registration package, each eligible CSI project receives a notice of conditional registration.<sup>4</sup> The SuSI Program rules require that a CSI Project must submit certain documentation, including a contract between the primary installer or the third-party owner, as applicable, and the bidder or customer of record, which must be submitted within one year after the date of conditional registration.<sup>5</sup> Additionally, each CSI project must obtain permission to operate ("PTO") within 36 months of the date of the project's notice of conditional registration in the program.<sup>6</sup> Projects may request one administratively granted, six-month extension by providing evidence of extenuating circumstances for the delay, progress toward completion, and likelihood of timely and successful completion.<sup>7</sup>

By Order dated April 17, 2024, the Board approved awards in the second CSI Program solicitation for eight projects totaling 310.21 MW of solar generation and 80 MWh of paired energy storage.<sup>8</sup> By this Order, the Project was awarded an SREC-II value of \$71.90/MWh for the 95 MW solar generation facility and an adder of \$16.80/MWh for 80 MWh of paired energy storage. Awarded projects subsequently received notices of conditional registration that set the date by which the projects must obtain PTO.

By Order dated August 13, 2025, the Board granted a 9-month blanket extension to all active CSI Program projects, while continuing to afford these projects the option of also seeking a 6-month administrative extension.<sup>9</sup>

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<sup>2</sup> 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").

<sup>3</sup> See 2019 New Jersey Energy Master Plan: Pathway to 2050. Available at [https://nj.gov/emp/docs/pdf/2020\\_NJBPU\\_EMP.pdf](https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf).

<sup>4</sup> N.J.A.C. 14:8-11.5(g).

<sup>5</sup> N.J.A.C. 14:8-11.5(d)(2)(i)

<sup>6</sup> N.J.A.C. 14:8-11.5(g)(3)(iii)

<sup>7</sup> N.J.A.C. 14:8-11.5(i)

<sup>8</sup> In re Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c.169, Order on the Outcome of the Second Solicitation in the CSI Program, BPU Docket No. QO21101186, Order dated April 17, 2024.

<sup>9</sup> In re Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c.169, Order issuing a nine-month extension for all registered CSI projects, BPU Docket No. QO21101186, Order dated August 13, 2025. ("August 13 Order").

## **Petition**

By letter dated July 9, 2025, Petitioner filed a petition with the Board seeking a two-year extension of its commercial operation deadline from May 23, 2027, to May 23, 2029, and an extension of the Engineering, Procurement, and Construction (“EPC”) contract submission deadline.<sup>10</sup> Petitioner seeks the extensions for a 95 MW grid scale solar generation project with 80 MWh paired energy storage located at 316 Garrison Road, Phillipsburg, New Jersey, in Harmony Township, Warren County (“Project”).

The Project entered into an Interconnection Service Agreement (“ISA”) and an associated Interconnection Construction Services Agreement with PJM Interconnection, L.L.C. (“PJM”) and Jersey Central Power & Light (“JCP&L”) with an effective date of March 6, 2023.

In the fall of 2023, Warren County and Harmony Township officials provided the Project engineers with expanded site requirements from those provided in the preliminary site plan approval from Harmony Township in 2021. This included a request for the Project to reconstruct the entire driveway apron for the existing driveway located at the intersection with the County Road. Petitioner states that this would have required significant utility relocation, land use regulation permits from the New Jersey Department of Environmental Protection and authorization from an adjoining property owner. The Petitioner states that as a result of these unforeseeable delays and uncertainties regarding permitting and site plan approval, the Project entered into suspension with PJM on November 16, 2023, while these requests from the Township and County were addressed, to reduce spending by the transmission operator, JCP&L. The suspension also protected the project against the likelihood of being late on its ISA milestones. The suspension lasted for 272 days, or approximately 9 months. The Petitioner states that, typically during suspension, the project milestones in the ISA are pushed back day-for-day. The original back-feed date<sup>11</sup> provided in the Interconnection Construction Services Agreement was December 31, 2025 and the Petitioner notes that adding the 272 days of suspension to the initial back-feed date would provide a back-feed date of September 9, 2026.

In a supplemental letter filed with the Board on November 25, 2025, the Petitioner states that during the suspension period it worked to address the County’s requirements and resubmit documents for municipal review. Petitioner did not pursue an EPC contract agreement with CS Energy, for which a quote was provided in 2023, due to the township and county delays and the resulting risk that the permitting process would need to be recompleted. Such recompletion would have meant an additional expense if the project had an EPC on contract. The Petitioner states that following the county and municipal approvals, at which point clear and defined project requirements will be available for EPC contracting, the project will seek revised bids for a contract.

The Project received an SREC-II incentive award in the second solicitation of the CSI Program on April 17, 2024, and was conditionally accepted into the Program on May 23, 2024, with a COD of May 23, 2027. The Project was brought out of suspension with PJM on August 14, 2024, with

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<sup>10</sup> The rules do not specify the type of contract to be submitted, but to date, developers have chosen to submit the EPC contract.

<sup>11</sup> Back-feed refers to the agreed-upon date for energizing a section of a utility electric system with power from a generating facility.

a new COD of December 28, 2026, which accommodated the 9-month suspension and allowed an additional a 5-month buffer of time prior to the CSI program's COD deadline of May 23, 2027.

The Petitioner was unable to schedule a recommencement call with JCP&L until February 2025, after which the Petitioner states that JCP&L took approximately three months to finalize a Facilities Refresh Study. On May 22, 2025, JCP&L informed the Project that the Facilities Refresh Study would require a 43-month timeline for the construction of the Point of Interconnection to be completed and would require a revised estimated back-feed date of December 8, 2028. This represents a twenty-seven (27) month increase in JCP&L's timeline, from the original back-feed date of December 31, 2025.

On June 18, 2025, the Petitioner submitted a request to PJM for a twenty-seven (27)-month extension of each of the milestones in the Interconnection Service Agreement to align with the new schedule from JCP&L. PJM granted the request on June 30, 2025, prompting the Petitioner to file with the Board for an extension for the Project COD in the CSI Program. The Petitioner states that after a project acquires its back-feed, three (3) to four (4) months are typically required for final testing and commissioning activities; therefore, Petitioner estimates that the Project COD will be no earlier than March 28, 2029. Since JCP&L's back-feed date is an estimate, the Petitioner states that the extension of the COD in the CSI Program to May 23, 2029 will provide a buffer for any additional delays.

Following the August 13, 2025, Board Order providing a nine (9) month extension to all registered CSI projects, the Petitioner supplemented its petition with a letter stating that the extension granted would not be sufficient for the Project to achieve commercial operation, so that the Petition remained pertinent. The nine (9) month extension plus the additional six (6) month administrative available to CSI projects would mean a project COD of August 2028, four (4) months shy of when JCP&L estimated providing back-feed, and at least seven (7) months before the earliest date that Petitioner anticipates the Project will reach commercial operation.

By letter dated November 25, 2025, Petitioner submitted supplementary information relating to some of the delays experienced by JCP&L, stating that JCP&L's timeline is driven primarily by supply chain constraints. Specifically, the current estimate for delivery of high voltage breakers to the site is July 2028. The Petitioner also highlighted its timely submissions of the quarterly Milestone Reporting forms for the Project, as well as its Flood Hazard Area Verification and Wetlands Letter of Interpretation approvals from the Department of Environmental Protection, and emphasized that it has continued working with JCP&L to maintain the revised timeline following submission of the Petition. Additionally, Petitioner states that its finalized compliant site plan has been submitted to Warren County and is under review with Harmony Township.

## **DISCUSSION AND FINDINGS**

The Harmony Plains Solar I project represents the largest of the solar generation facilities awarded in the CSI Program to date and received the lowest SREC-II award for solar generation in the second solicitation. Additionally, the project received an SREC-II adder for 80 MWh of energy storage paired with the solar generation at the site – the first project to do so. The record indicates that the Petitioner has actively pursued the project through permitting and interconnection obstacles, but has faced significant delays outside of its control. First, Petitioner

encountered unforeseen and unforeseeable changes to the town and county permitting requirements. These changes made entering into a contract, for which there was not a clear scope, challenging. The Board **FINDS** that the Petitioner has made a good faith effort by actively engaging with the county and township to address their permitting concerns. In addition, Petitioner represents, and the Board finds credible, that the standard industry practice is to extend the date of the ISA by the amount of time that a project is placed in suspension with PJM, or a “day-for-day” delay of the ISA. The Board **FINDS** that, based on standard industry practice, the Petitioner had reasonably assumed a delay of nine (9) months and that the Project exited suspension with enough time to receive its ISA and meet the initial May 23, 2027, COD in the CSI Program. The record reflects that, after the Project came out of suspension, JCP&L did not schedule a project recommencement call with Petitioner for six (6) months and that JCP&L then provided an estimated twenty-seven (27) month delay to the back-feed timeline. The Board **FINDS** that the extent of this delay eliminated the Project’s chances of reaching COD within the CSI Program time limits despite the fifteen (15) months of Board-approved extensions.

Following careful review of the petition of Harmony Plains Solar I, LLC and its supporting documentation, the Board **FINDS** that the Petitioner has established good cause for granting the requested extensions. The Petitioner has demonstrated that the delays it encountered following acceptance into the second solicitation of the CSI Program were unforeseeable and beyond the Petitioner’s control. The Petitioner has also shown that it has diligently pursued the development of the solar project as demonstrated by efforts made to modify portions of the project to meet county and municipal requirements. Moreover, the Board recognizes the value of the additional generation capacity the Project would provide as the current largest project in the CSI Program with incorporated storage and **FINDS** that granting the waiver of the Board’s rules pursuant to N.J.A.C. 14:1-1.2 is in the public interest.

Therefore, the Board **FINDS** good cause and hereby **WAIVES** the project timelines to permit a two-year extension of time to the Project in the CSI Program from May 23, 2027, to May 23, 2029. The Board also **WAIVES** the requirement at N.J.A.C. 14:8-11.5(d)(2)(i) of the submission of “a contract between the primary installer or the third-party owner, as applicable, and the bidder or customer of record, submitted within one year of the date of conditional registration” and requires that the Petitioner submit documentation of an executed engineering, procurement and construction contract on a future milestone reporting form following receipt of county and municipal approvals.

This Order shall be effective on February 4, 2026.

DATED: January 28, 2026

BOARD OF PUBLIC UTILITIES  
BY:

  
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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 VERIFIED PETITION OF HARMONY PLAINS SOLAR I, LLC FOR APPROVAL OF A  
WAIVER AND EXTENSION OF THE COMPETITIVE SOLAR INCENTIVE PROGRAM COMMERCIAL OPERATION  
DEADLINE AND EPC AGREEMENT REQUIREMENT FOR THE HARMONY PLAINS SOLAR I, LLC PROJECT  
DOCKET NO. QW25070384

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