



Agenda Date: 4/22/26
Agenda Item: 8F

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 REQUEST FOR EXTENSION OF TREC ELIGIBILITY FOR MANSOL ASSOCIATES, LLC – NJSTRE21547288259)
ORDER) DOCKET NO. QW25050317

Parties of Record:

Kenneth P. Davie, Esq., on behalf of Mansol Associates, LLC

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board”) considers a waiver of its rules pertaining to the Renewable Portfolio Standards (“RPS”) rules at N.J.A.C. 14:8-2.1 et seq. pursuant to its authority under N.J.A.C. 14:1-1.2(b).

BACKGROUND

On February 9, 1999, the New Jersey Electric Discount and Energy Competition Act (“EDECA”), N.J.S.A. 48:3-49 et seq., was enacted. L. 1999, c. 23 § 66. Among other directives, EDECA established requirements to advance renewable energy and energy efficiency goals in New Jersey. The Board adopted the RPS to implement those provisions of EDECA. N.J.S.A. 48:3-87. The RPS rules require entities that sell electricity at retail in this State—electric power suppliers and basic generation service providers—to include minimum percentages of qualified renewable energy in the electricity. To comply with the RPS, suppliers and providers obtain and use Renewable Energy Certificates (“REC”) to reflect value; one (1) REC represents the environmental attributes of one (1) megawatt-hour (MWh) of renewable energy. N.J.A.C. 14:8-2.2; N.J.A.C. 14:8-2.8. Transition Renewable Energy Certificates (“TRECs”), generated by solar facilities registered in the Transition Incentive (“TI”) Program, are retired by the electric distribution companies (“EDCs”) as a component of the RPS requirement. In the case of solar electric generation, the period during which it may serve as the basis for a TREC is fifteen (15) years.

In 2022, Mansol Associates, LLC (“Petitioner”) installed a 460.80-kilowatt solar system at 471 Cortlandt Street, Belleville, New Jersey (“System”).¹ On July 22, 2022, Petitioner received the Permission to Operate (“PTO”) from its EDC, Public Service Electric and Gas Company. The TI Program Administrator, TRC Companies, Inc., issued the NJ Certification Number on February

¹ SREC Marketplace, LLC is listed as the PJM-EIS Generation Attribute Tracking System (“GATS”) account holder.

23, 2023. The Petitioner then registered the project in GATS to begin generating TRECs. In October 2023, a fire occurred that rendered the System inoperative.

On May 30, 2025, the Chief Economic Officer of Mansol Associates, LLC attempted to file a petition with the Board. The Petitioner refiled through an attorney on August 11, 2025, and supplemented its filing on November 11, 2025. Petitioner requested that the Board extend the eligibility period for the generation for the TRECs beyond the fifteen (15)-year qualification life to account for the time lost due to circumstances outside its control until the System is repaired and reactivated. In support of its request, Petitioner cited delays caused by the need for coordination among multiple insurance companies as well as the extent of the necessary repairs to its system.

DISCUSSION AND FINDINGS

Granting Petitioner's request would necessitate a waiver of the definition of qualification life, located at N.J.A.C. 14:8-2.2.

The Board has the authority to waive its rules. "In 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 rules go on to explain 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).

Under the rule, the Board first considers whether the waiver request supports the general purpose and intent of the applicable rules. The Board's RPS rules are designed to promote and secure maximum accuracy in TREC creation and stability for the TREC market. The Board introduced TRECs as an incentive mechanism for New Jersey's solar industry in 2019 and established the fixed fifteen (15)-year qualification life for solar generation systems at that time.² The fifteen (15)-year term was selected following an extensive stakeholder process and reflected, among other things, financial modeling of solar payback periods; comparisons with other state incentive programs; the need to minimize costs to ratepayers; and the input of utilities, solar industry groups, developers, and the New Jersey division of Rate Counsel.

The rules define qualification life as follows:

"Qualification life" means, for any solar electric generation facility, the period of time during which a project is eligible to generate renewable energy certificates in compliance with the rules of the incentive program for which the facility is eligible. The qualification life begins on the date on which the facility was authorized to energize pursuant to N.J.A.C. 14:8 - 5.8, or its equivalent at PJM Interconnect LLC and ends on the date specified by the program rules. A solar facility's qualification life applies to the facility itself, and to each piece of equipment included in the facility, regardless of any interruption in the solar facility's operation; or of any

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

disassembly, relocation, sale, or transfer of any piece of equipment included in the facility.

[N.J.A.C. 14:8-2.2 (emphasis added).]

The program rules for the TI Program specify that:

A TI-Eligible Project shall be eligible to generate TRECs for 15 years following the date of commencement of commercial operation (the TREC Qualification Life).

[N.J.A.C. 14:8-10.6(f)]

As the above definition indicates, the Board intended the qualification life to remain constant even when a solar facility experienced an interruption in its generation during the qualification life. This definition is consistent with the Board's underlying goal of ensuring the predictability and stability of New Jersey's solar market and has remained consistent across all solar incentive programs. Moreover, the qualification life is based on the date a system was given PTO by the EDC, not on operational performance. Allowing Petitioner to extend the qualification life of the System would undermine this stability by introducing an element of uncertainty into the duration of the qualification life; thus, waiving the fifteen (15)-year definition would not support the purpose and intent of the RPS rules. Moreover, such a waiver would create a precedent that might be leveraged by any other system that experienced a temporary loss of operations. While the Board acknowledges that the interruption in the operation of the System was beyond Petitioner's control and that Petitioner has diligently sought to bring the System back online, these facts do not justify the potential disruption to the solar market.

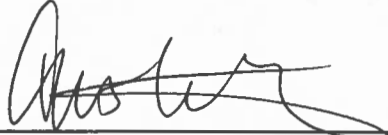
Under N.J.A.C. 14:1-1.2(b)(1), the Board also considers whether full compliance with the rules would adversely affect the public interest. EDECA requires the State to promote clean solar generation, and the Board implemented that mandate through its RPS rules. Those rules and the predictability they provide have fostered a vigorous solar market in the State. Full compliance with the qualification life as defined in the rules serves the public interest by reducing uncertainty. Waiving that definition here and introducing variability into the qualification life, by contrast, does not serve the public interest. Operational risks, including downtime due to unforeseen interruptions, are properly borne by the system owner, have been contemplated by the rules, and do not warrant program modifications.

In sum, the Board is not persuaded that the public interest is served by waiving the rule. The Board **HEREBY FINDS** that the qualification life of the System in the TI Program shall last from July 22, 2022, when it received PTO, through July 22, 2037, and **DENIES** the petition. The Board notes that the System will remain eligible to generate Class I RECs after the qualification life has ended.

The effective date of this Order is April 29, 2026.

DATED: April 22, 2026

BOARD OF PUBLIC UTILITIES
BY:



CHRISTINE GUHL-SADOVY
PRESIDENT



DR. ZENON CHRISTODOULOU
COMMISSIONER



MICHAEL BANGE
COMMISSIONER

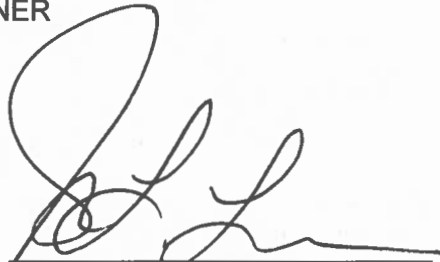


EMMA REBHORN
COMMISSIONER



JOSEPH COVIELLO
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.

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NJSTRE21547288259

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