



Agenda Date: 6/10/26
Agenda Item: 8F

STATE OF NEW JERSEY
Board of Public Utilities
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Trenton, New Jersey 08625-0350
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CLEAN ENERGY

IN THE MATTER OF THE PETITION OF SOLAR)	
LANDSCAPE DEVELOPMENT FOR EXTENSION OF)	
CONSTRUCTION DEADLINES FOR CONDITIONALLY)	
APPROVED COMMUNITY SOLAR PROJECTS IN ACE)	
SERVICE TERRITORY DUE TO UNCERTAINTY)	DOCKET NO. QO25080520
)	
IN THE MATTER OF THE PETITION OF SOLAR)	
LANDSCAPE DEVELOPMENT FOR EXTENSION OF)	
CONSTRUCTION DEADLINES FOR CONDITIONALLY)	
APPROVED COMMUNITY SOLAR PROJECTS IN JCP&L)	
SERVICE TERRITORY DUE TO UNCERTAINTY)	DOCKET NO. QO25080521

Parties of Record:

Howard O. Thompson, Esq., Russo Tumulty Nester Thompson & Kelly, LLP, on behalf of Solar Landscape Development, LLC
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

By this Decision and Order, the New Jersey Board of Public Utilities (“Board”) considers the petitions of Solar Landscape Development, LLC (“Solar Landscape” or “Petitioner”) for extensions of time to receive permission to operate (“PTO”) before expiration of registrations for certain projects in the Community Solar Energy Program (“CSEP”), a component of the Administratively Determined Incentive (“ADI”) Program (collectively, “Petitions”).

BACKGROUND

Community solar is a mechanism whereby utility customers can participate in a solar energy project that is remotely located from their properties and receive a credit on their utility bill for their participation, thereby enabling access to clean energy and electricity bill savings for customers unable to place clean energy generation directly on their own properties.

The Clean Energy Act of 2018 (“CEA”), L. 2018, c. 17, directed the Board to implement a Community Solar Energy Pilot Program (“Pilot Program”) and convert it into a permanent program within 36 months following the adoption of rules and regulations establishing the Pilot Program.¹

¹ N.J.S.A. 48:3-87.11(f).

The Solar Act of 2021, L. 2021, c. 169 (“Solar Act”) subsequently directed the Board to incentivize at least 150 megawatts (“MW”) of community solar facilities per year.² The Solar Act also directed the Board to establish a solar incentive program (“SuSI Program”) that would include an incentive program for net-metered solar projects and community solar projects up to 5 MW. In compliance with this directive, on July 28, 2021, the Board established the ADI Program as the first component of the SuSI Program and the SuSI Program rules, N.J.A.C. 14:8-11.1 to -11.9, took effect February 22, 2022.³

By Order dated August 16, 2023, the Board converted the Pilot Program into the permanent CSEP and simultaneously proposed program rules.⁴ On November 15, 2023, the Board opened four MW blocks totaling 225 MW for energy year (“EY”) 2024. The Board has subsequently made additional capacity allocations for each successive EY. On September 4, 2024, the Board adopted rules governing community solar.

Project developers register their community solar projects in the CSEP through the SuSI Program registration manager and are issued notices of conditional registration once the project is accepted. Pursuant to the SuSI Program rules, CSEP projects other than those located on contaminated sites or landfills must reach PTO within 18 months following the date of the notice of conditional registration.⁵ Community solar facilities located on contaminated sites or landfills must reach PTO no later than 24 months following a registrant's verification of eligibility by the New Jersey Department of Environmental Protection.⁶ Projects may request one 6-month extension by providing evidence of extenuating circumstances for the delay, progress toward completion, and likelihood of timely and successful completion.⁷

By Order dated August 13, 2025, the Board extended the commercial operation deadlines for all projects registered in the CSEP and a nine-month extension for projects to receive PTO, without need for developers to apply for any additional extension.⁸ Projects that had not yet received a six-month extension were still allowed to request one 6-month extension pursuant to the rules. By the August 2025 Order, the Board directed that, in the event a registrant needs additional time, projects could re-register in the CSEP at the incentive level in effect at the time of re-registration. Also in the August 2025 Order, the Board noted that the SuSI Program registration manager had already received more than 160 CSEP extension requests and project developers had reported delays in completion of facilities or engineering studies for interconnection. Also by the August 2025 Order, the Board recognized that it is in the public interest that these, and many other, CSEP projects be permitted to continue despite utility delays. As such, the Board specifically granted the nine-month extension of time for all SuSI Program registration dates with the option of re-registration with the incentive value applicable at the time of re-registration.

² N.J.S.A. 48:3-116(a).

³ 54 N.J.R. 368

⁴ In re the Community Solar Energy Program - Order Launching the Community Solar Energy Program, BPU Docket No. QO22030153, Order dated August 16, 2023 (“CSEP Order”).

⁵ N.J.A.C. 14:8-11.5(g)(3)(i)

⁶ N.J.A.C. 14:8-11.5(g)(3)(iv)

⁷ N.J.A.C. 14:8-11.5(i)

⁸ In re the Community Solar Energy Program, BPU Docket No. QO22030153 *et al.*, Order dated August 13, 2025 (“August 2025 Order”).

PETITIONS

On August 8, 2025, Solar Landscape filed a petition seeking CSEP extensions for 17 of its CSEP projects in the Atlantic City Electric Company's ("ACE") territory ("ACE Petition"). On August 13, 2025, Solar Landscape filed a petition seeking CSEP extensions for 22 of its CSEP projects located in Jersey Central Power & Light Company's ("JCP&L") territory ("JCP&L Petition").

On October 22, 2025, Solar Landscape submitted an amendment to the ACE Petition that withdrew six subject projects and an amendment to the JCP&L Petition that withdrew one subject project. The remaining 11 community solar projects contained in the ACE Petition total approximately 24.8 MW,⁹ and the remaining 21 community solar projects contained in the JCP&L Petition total approximately 34.9 MW.¹⁰

According to the Petitions, the Petitioner did not anticipate that it would receive PTO for the subject projects within the allotted 24-month window plus the nine months allotted in the August 2025 Order. The Petitioner explained that it will not receive PTO for any of the contemplated projects because the respective utility would not complete necessary interconnection and upgrade work required to grant PTO, factors outside its control.

By each petition, the Petitioner requested the Board grant an extension of time until six months following the respective electric distribution companies' ("EDC's") completion of its interconnection/upgrade work for each project. Petitioner recognized that the August 2025 Order provided a blanket nine-month extension to all community solar projects and would allow for completion of other projects but stated that certain projects needed additional time for completion. In the JCP&L Petition, Petitioner stated that additional time was needed due to "JCP&L's failure to complete interconnection studies and/or commit to dates for completion of its utility system upgrades that align with the extra time just provided by the Board." By the ACE Petition, the Petitioner did not identify with particularity the reason why additional time was needed for the subject projects. Rather, the Petitioner explained that its projects would not receive PTO due to ACE's general upgrade and interconnection delays. The Petitions also included, for each project, supplementary documentation, purchase orders, and timelines about their development.

By the Petitions, the Petitioner identified that it is committed to completing construction for all projects and attaining interconnection within six months of receipt of PTO, so long as it receives clear communication regarding completion of utility interconnection and upgrade work.

By the Petitions, the Petitioner noted that granting its requested extensions would be consistent with the Board's Order dated February 14, 2024, which provided an extension to one of the Petitioner's Pilot Program projects that experienced interconnection delays.¹¹ The Petitioner

⁹ Registrations NJCERE1556463854, NJCERE1556453191, NJCERE1555053268, NJCERE1556453149, NJCERE1555053772, NJCERE1555054086, NJCERE1555052878, NJCERE1556463905, NJCERE1556542139, NJCERE1556453164, and NJCERE1556464228

¹⁰ Registrations NJCERE1555063392, NJCERE1555053825, NJCERE1555054021, NJCERE1555052979, NJCERE1555054616, NJCERE1555053833, NJCERE1555054407, NJCERE1555053932, NJCERE1555185161, NJCERE1555185201, NJCERE1556527227, NJCERE1556453144, NJCERE1555054018, NJCERE1555053098, NJCERE1555054479, NJCERE1555054496, NJCERE1555052758, NJCERE1555053762, NJCERE1555053887, NJCERE1555052895, and NJCERE1555052947

¹¹ In re the Petition of Solar Landscape Development for Extension of Construction Deadline for

compared the project extension requests in this instance to that considered in the February 2024 Order, noting that the February 2024 Order granted a similar, six-month, extension of time in the Pilot Program for similar utility interconnection delays. The Petitioner further identified that complying with the timeline at N.J.A.C. 14:8-11.5(i) could cause the Projects to lose eligibility for the SuSI Program and ratepayers, including low- to moderate-income customers, would not receive the benefits of a community solar subscription to these projects. Petitioner further noted that the delays caused by the need for electric utility upgrades were not fully anticipated when the original program timelines were established.

By letter dated December 2, 2025, ACE responded to the ACE Petition and amendments, noting that it did not object to the Petitioner's request for extension of the CSEP deadline, noting that the Petitioner and ACE's collaborative efforts have resulted in certain projects not requiring extension, and not contesting any claims contained in the ACE Petition.

DISCUSSION AND FINDINGS

The Board is authorized to relax or waive its rules pursuant to N.J.A.C. 14:1-1.2, which provides that the rules may be liberally construed to permit the Board to carry out its statutory functions. In considering whether to grant a request for a waiver, the Board looks to the standards provided in N.J.A.C. 14:1-1.2. In special cases upon a showing of good cause, the Board may relax or permit deviations from the rule. N.J.A.C. 14:1-1.2(b). Additionally, the Board shall waive sections of the rule if it adversely affects ratepayers; hinders safe, adequate, and proper service; or is in the interest of the general public. N.J.A.C. 14:1-1.2(b)(1). In considering a waiver request related to solar programs, the Board weighs the interest of the developers and the customers to be served; the State's renewable energy development goals; its interest in controlling the costs of solar subsidies to ratepayers; and the benefits of facilitating a smooth transition for solar projects and developers. Pursuant to N.J.A.C. 14:1-1.2(b)(2), the burden is on the Petitioner seeking a waiver of the rules to demonstrate their entitlement to such a waiver.

Community solar enables access to solar energy and cost savings for New Jersey residents who do not have the ability to benefit from solar on their own property. The Board strongly supports development of community solar projects and the State's community solar programs. The market response to the launch of the permanent CSEP demonstrates the continuing interest in this model for small-scale projects built on preferred sites. The State now has an installed community solar capacity of over 252 MW, with another 690 MW registered and in development.

The Board established the CSEP following the success of the Pilot Program, which provided incentives as part of the Transition Incentive ("TI") Program. The TI Program provided community solar projects with eighteen months to complete construction with no opportunity for an extension. By Order dated August 17, 2022, the Board recognized that community solar projects approved in the first program year of the Pilot Program experienced a variety of delays relating to permitting and interconnection and granted a blanket extension of six months for projects approved in the second program year.¹²

By the August 2025 Order, the Board further recognized the need for extensions to community

Conditionally Approved Egg Harbor Solar Project Due to Utility Upgrade Delays and Uncertainty of Timing for Utility Upgrade Completion, BPU Docket No. Q023110789, Order issued February 14, 2024 ("February 2024 Order").

¹² In re the Community Solar Energy Pilot Program, BPU Docket No. QO18060646 *et al.*, Order dated August 17, 2022.

solar projects delayed through no fault of the developers and therefore waived the SuSI Program rules at N.J.A.C. 14:8-11.5(g)(3) to allow CSEP developers to receive an additional nine-month extension to projects delayed due to upgrade and interconnection-related PTO delays. This extension was granted to all developers and all projects, with no required action on the part of the developers, specifically to account for utility delays to interconnection and upgrades required to facilitate the pending community solar projects.

In this instance, the Petitioner requested further waiver of the SuSI Program rules in the form of additional, indefinite extensions of those granted in the August 2025 Order, citing utility delays as the reason further extensions are required. Through supporting certifications, the Petitioner indicated that the EDCs' interconnection process and timelines often extend longer than Petitioner anticipated upon program registration. The supporting certifications also show instances of delays caused by utility non-responsiveness, scheduling issues, or other concerns related to the interconnection process, as well as long timelines for the utility to complete required interconnection upgrades. For example, the supporting certifications included examples of the EDCs not timely responding to requests for upgrade schedules and site visits; delays in issuing study results and invoices, and delays in providing feedback and site design approvals. However, the Petitioner did not offer any reason for delay that is separate and distinct from those contemplated by the Board in the August 2025 Order, namely issues related to "the interconnection study and agreement process," as well as "lengthier studies and lengthier upgrade requirements."¹³ The Board took these circumstances into account in the August 2025 Order, knowing that some timelines may have extended beyond the nine months provided. In other words, the Board previously granted a nine month extension because it believed that it would balance the need to provide adequate time for most projects to reach completion with the need to enforce limits on incentive availability without the expectation that all projects would necessarily complete in that time; it was not appropriate to grant a longer extension because granting a longer extension would be inconsistent with the Board's offering of a time-limited availability of guaranteed incentives and because the Board designed its program to allow re-registration for projects with more extensive delays and interconnection requirements without a hard cliff of eligibility. Consistent with the August 2025 Order, further extensions are not justified despite continued utility-related delay, as the Board has discretion to grant waivers for reasonable lengths of delay when the relief is expected to align with project completion and unavailability of other potential recourses. Accordingly, the Board **HEREBY FINDS** that the Petitioner has not established good cause for any additional extensions beyond that granted in the August 2025 Order. In other words, the record before the Board is not sufficient to justify further extensions for these particular projects.

Additionally, the Petitioner's requested extensions are indefinite, extending until six months after the utilities controlling each of the Projects' respective service territories complete interconnection and upgrade work to facilitate them because the Petitioner is unable to estimate when that work will be complete. Such a waiver is effectively unlimited and would permit the Projects to continue revising interconnection plans, and their related costs, beyond what the Board believes is acceptable in the interest of consistent application of the rules and to protect the ratepayers who fund the incentives provided to projects in the CSEP. As such, the Board **FURTHER FINDS** that it is not in the best interest of the State's ratepayers to grant the requested extension of time for the Projects to attain PTO.

The Petitioner further identified that, by the February 2024 Order, the Board previously granted a similar extension to the instant extensions requested and contended that the requests contained

¹³ August 2025 Order, at 4, 5

in the Petition should therefore be granted as analogous circumstances. However, the extension granted in the February 2024 Order applied to a project in the Pilot Program. While the Board provided extensions to a limited number of Pilot Program projects, the Board believed that some leniency was appropriate with respect to the Pilot Program's rules considering the burgeoning community solar model in the State and the relatively small number of projects selected via a competitive solicitation. Additionally, while the Board has previously found that certain factual circumstances have demonstrated good cause under N.J.A.C. 14:1-1.2 to waive certain rules, those individual adjudications have no impact beyond their terms or their affected entities. In this instance, the Board has already provided a total of 33 months of conditional approval, inclusive of the six-month administrative extension and nine-month blanket extension. Additionally, the Pilot Program did not have a mechanism by which projects could re-register, whereas the CSEP allows for projects to re-register in the event their conditional registration expires. While the Petitions stated that a limited extension "could cause each project to lose eligibility for the SuSI Program", the Board notes that these projects should remain eligible to apply for the SuSI Program, which permits registrants to "submit a new registration to the ADI Program" and allows that in "the case of resubmittal of an expired registration, registrants will be exempt from the requirement at N.J.A.C. 14:8-11.4(b) prohibiting construction on the facility prior to submission of the registration and receipt of a notice of conditional registration."¹⁴ As such, the Board **FURTHER FINDS** that, because the Petitioner has already received significant extensions of time to attain PTO and can re-register in the CSEP once the timeline to attain PTO becomes more certain, it is adverse to the goal of facilitating a smooth transition for solar projects and developers in the State to grant further extensions, especially an indefinite extension of time, for the Projects to attain PTO.

Following careful review of the Petitions and the record in these matters, the Board **FURTHER FINDS** that, because the Petitioner did not present any facts distinguishing its circumstance from those contemplated in the August 2025 Order; the Petitioner's requested indefinite extensions are contrary to the interests of the State's ratepayers; and the instant Projects are distinguished from the Pilot Program project in the February 2024 Order because they are in a different program and have already received extensions, the Petitioner has not established an adequate basis for granting the requested extensions. Although the Petitioner has pursued continued development of the Projects in the CSEP, the Board **FURTHER FINDS** that the Petitioner has not demonstrated good cause for a waiver of the Board's rules that does not effectively impose deadlines on the availability of ratepayer-funded incentives. Additionally, the Board **FURTHER FINDS** that a waiver of the timelines at N.J.A.C. 14:8-11.5(g) would adversely impact New Jersey ratepayers.

The Petitioner additionally offered no showing that failing to grant the extensions would adversely affect ratepayers; hinder safe, adequate, and proper service; or would be in the best interest of the general public. Accordingly, the Board **FURTHER FINDS** that the Petitioner has not shown good cause to waive the SuSI Program rules and offer an extension of time to attain PTO. As such, the Board **HEREBY DENIES** the Petitions.

The Board **HEREBY NOTES** that the permanent CSEP provides a standardized process for registration in the ADI Program. The ADI Program, inclusive of the CSEP, also permits projects that do not commence commercial operation within the time provided to submit a new registration to the ADI Program and CSEP, and registrants that resubmit an expired registration are exempt from the prohibition on commencing construction prior to receipt of a notice of conditional registration. Thus, the Petitioner will be able to resubmit its projects to the CSEP if unable to reach PTO under their current registrations.. While capacity allocated to the CSEP at the time the

¹⁴ N.J.A.C. 14:8-11.5(l)

Petitioner filed the Petitions was limited and Petitioner may have been uncertain about whether capacity remained in the relevant capacity blocks so that a resubmission would be accepted, the Board **FURTHER NOTES** that it has since opened an additional 3,000 MW of capacity for which the Petitioner may apply and anticipates that capacity will remain available for resubmitted applications. The Board therefore recommends the Petitioner resubmit new applications for the Projects in the CSEP if the Projects are not expected to be completed by their expiration dates, and the Board **HEREBY WAIVES** N.J.A.C. 14:8-11.4(b) such that Petitioner's Projects will be exempt from the prohibition of beginning construction on the facility prior to receipt of a notice of conditional registration, as if Petitioner were resubmitting an expired registration pursuant to N.J.A.C. 14:8-11.5(l).

The effective date of this Order is June 17, 2026.

DATED: June 10, 2026

BOARD OF PUBLIC UTILITIES
BY:



CHRISTINE GUHL-SADOVY
PRESIDENT



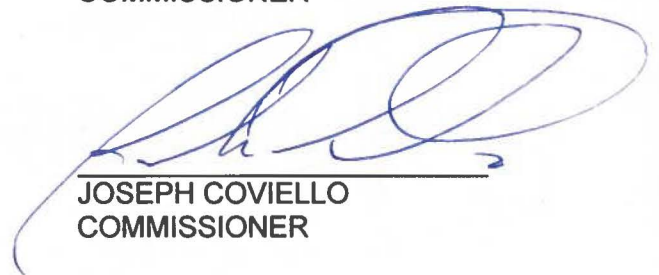
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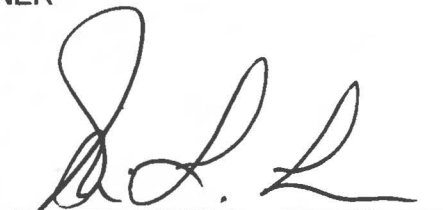


EMMA REBHORN
COMMISSIONER



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.

IN THE MATTER OF THE PETITION OF SOLAR LANDSCAPE DEVELOPMENT FOR
EXTENSION OF CONSTRUCTION DEADLINES FOR CONDITIONALLY APPROVED
COMMUNITY SOLAR PROJECTS IN ACE SERVICE TERRITORY DUE TO UNCERTAINTY
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