Agenda Date: 8/12/26
Agenda Item: 8C

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 THE DUAL-USE SOLAR ENERGY PILOT PROGRAM	ORDER ON THE OUTCOME OF THE FIRST SOLICITATION IN THE DUAL-USE PILOT PROGRAM DOCKET NO. QO23090679
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC	DOCKET NO. QO25020042
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – AETS INGEMI FARMS - AETS DEVELOPMENT HOLDINGS, LLC	DOCKET NO. QO25020043
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC	DOCKET NO. QO25020046
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – HESP SOLAR, LLC	DOCKET NO. QO25020049
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC	DOCKET NO. QO25020051
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – NJ SOLAR 2000, LLC - A&A LIKANCHUK ENTERPRISES	DOCKET NO. QO25020058
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – POLHEMOUS & GIBSON, LLC - LIGHTSTAR RENEWABLES LLC/NJ SOLAR 2000, LLC	DOCKET NO. QO25020060
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – PENNINGTON PROPERTIES,	DOCKET NO. QO25020061

LLC/MERCER DEVELOPMENT PROPERTIES, LLC - FFP ORIGINATION, LLC	)	DOCKET NO. QO25020062
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – CATALANO FARMS - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC	)	DOCKET NO. QO25020067
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – BROWN FARMS LLC - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC	)	DOCKET NO. QO25020068
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – CHRISTAL PROPERTIES LLC - LIGHTSTAR RENEWABLES LLC/NJ SOLAR 2000, LLC	)	DOCKET NO. QO25020071
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – STOCKTON WALTER PARK, LLC - LIGHTSTAR RENEWABLES LLC/NJ SOLAR 2000, LLC	)	DOCKET NO. QO25020072
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – THIRD TIMES A CHARM FARM - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC	)	DOCKET NO. QO25020073
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC	)	DOCKET NO. QO25020074
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – NEW LIFE NURSERY - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC	)	DOCKET NO. QO25030106
IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC	)	DOCKET NO. QO25070447

Parties of Record:[1]

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" or "BPU") considers the responses to its solicitation for 65 megawatts ("MW"[2]) of solar electric generation capacity through the Dual-Use Solar Energy Pilot Program ("Pilot Program"), established by the Board's

[1] Parties of Record are denoted with an asterisk in the service list at the end of this Order.

[2] All MW values in this Order are in direct current, or "dc".

October 30, 2024 Order,[3] pursuant to the Dual-Use Solar Energy Act of 2021 ("Dual-Use Act").[4] The first solicitation of the Pilot Program opened on January 14, 2026 to accept applications and closed to applications on February 25, 2026, at 11:59:59 p.m. EST. By this Order, the Board announces the projects selected for awards in the first solicitation of the Pilot Program, including applicant project number, BPU Docket Number, financial incentive requested, project capacity and county, and approves a total of 52.06 MW of solar generation.

BACKGROUND

Solar Act of 2021 and SuSI Program

The Solar Act of 2021 directed the Board to establish a program to incentivize the development of 3,750 MW of solar in New Jersey by 2026 through the mechanism of Solar Renewable Energy Certificates IIs ("SREC-IIs"), representing the value of the environmental attributes produced by the solar electric power generation facility. The Solar Act of 2021 also directed the Board to create a small solar facilities program with administratively set incentive values, and a solicitation process for awarding contracts for grid supply solar facilities and net metered solar facilities greater than 5 MW.[5]

By Order dated July 28, 2021, the Board opened the Successor Solar Incentive ("SuSI") Program on August 28, 2021.[6] The SuSI Program serves as the Board's permanent program for providing solar incentives to qualified solar electric generation facilities; it is divided into the Administratively Determined Incentive ("ADI") and the Competitive Solar Incentive ("CSI") Programs. The ADI Program, opened to new registrants on August 28, 2021, offers a fixed incentive in the form of New Jersey SREC-IIs for net metered residential projects, net metered non-residential solar projects of 5 MW or less, and community solar programs. Incentive values are set administratively, following comprehensive modeling of costs and multiple rounds of stakeholder involvement. Incentive values vary by market segment, and in some cases, according to project size and siting.

By Board order dated December 7, 2022, the Board established the CSI Program. The CSI Program is open to qualifying grid supply solar installations, to non-residential net-metered solar installations with a capacity greater than 5 MW, and to eligible grid supply solar installations in combination with energy storage. The CSI Program awards SREC-IIs through an annual

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[3] In re Dual-Use Solar Energy Pilot Program, BPU Docket No. QO23090679, Order dated October 23, 2024, corrected on January 2, 2025 ("October 2024 Order").

[4] P.L. 2021, c. 170

[5] "Grid supply solar facility" means "a solar electric power generation facility that sells electricity at wholesale and is connected to the State's electric distribution or transmission systems." "Grid supply solar facility" does not include: (1) a net metered solar facility; (2) an on-site generation facility; (3) a facility participating in net metering aggregation pursuant to section 38 of P.L.1999, c.23 (C.48:3-87); (4) a facility participating in remote net metering; or (5) a community solar facility. "Net metered solar facility" means "a solar electric power generation facility participating in the net metering program developed by the board pursuant to subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87) or in a substantially similar program operated by a utility owned or operated by a local government unit." N.J.S.A. 48:3-51; see N.J.S.A. 48:3-116(a); N.J.S.A. 48:3-117(a).

[6] In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c. 17, BPU Docket No. QO20020184, Order dated July 28, 2021 ("SuSI Order").

competitive solicitation, with four market segments, or tranches: 1) Tranche 1: basic grid supply projects; 2) Tranche 2: grid supply projects sited on the built environment; 3) Tranche 3: grid supply projects sited on contaminated sites and landfills; and 4) Tranche 4: net metered non-residential projects greater than 5 MW. A fifth tranche pairs a storage project with a grid supply project eligible for Tranche 1, 2 or 3. On April 23, 2025, the Board authorized the CSI Program's third solicitation to open on May 14, 2025.[7]

Dual-Use Act & Development of Dual-Use Pilot Program

On July 9, 2021, the Dual-Use Solar Energy Act of 2021, P.L. 2021, c. 170 ("Dual-Use Act," "Act," or "Statute"), was signed into law. The Act directed the Board, in consultation with the New Jersey Secretary of Agriculture, to adopt rules establishing a Dual-Use Pilot Program within 180 days following the enactment of the Dual-Use Act.[8] The Statute further directed the Board to convert the Pilot Program into a permanent program within thirty-six (36) months, or no later than forty-eight (48) or sixty (60) months, if applicable, after the adoption of rules and regulations.[9] The Pilot Program is open to qualifying Dual-Use Solar Energy Projects with a capacity no greater than ten (10) megawatts ("MW") and hosted on unpreserved farmland in active agricultural or horticultural use ("Pilot Program Projects").

On May 1, 2023, the Board approved and executed a three-year grant agreement with the Rutgers Agrivoltaics Program ("RAP") at Rutgers University ("RU") to facilitate the development and implementation of the Pilot Program. As well as working with RAP, Board Staff ("Staff") consulted with the New Jersey Department of Agriculture ("NJDA"), the State Agriculture Development Committee ("SADC"), and the New Jersey Department of Environmental Protection ("NJDEP,") (collectively, the "State Agencies") and obtained the input of public Stakeholders in designing the Pilot Program.

On June 10, 2024, Staff released a preliminary draft rule for public comment as an additional component of the Straw Proposal ("June Straw Proposal").[10] A rule proposal to codify the Pilot Program and integrate it with the larger SuSI Program set forth at N.J.A.C. 14:8-11 was published in the New Jersey Register on December 2, 2024 ("Dual Use Rule Proposal").[11]

October 2024 Board Order

By Order dated October 23, 2024,[12] the Board established the Dual-Use Pilot Program. The Board ordered that the Pilot Program be open to qualifying grid supply projects; net metered non-

[7] In re Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c.169 - Order on Price Cap Determination for the Third Solicitation of the CSI Program, BPU Docket No. QO21101186, Order dated April 23, 2025 ("April 23 Order").

[8] N.J.S.A. 48:3-87.13(a).

[9] N.J.S.A. 48:3-87.13(g).

[10] Board of Public Utilities, Notice: In the Matter of the Dual-Use Solar Energy Pilot Program, Request for Comments – Preliminary Draft Dual-Use Solar Energy Pilot Program Rules, BPU Docket No. QO23090679 (June 10, 2024).

[11] 56 N.J.R. 2271(a).

[12] In re Dual-Use Solar Energy Pilot Program, BPU Docket No. QO23090679, Order dated October 23, 2024, corrected on January 2, 2025 ("October 2024 Order").

residential projects with a capacity greater than 5 MW; qualifying grid supply projects paired with a storage facility; and net metered non-residential solar projects of 5 MW or less. The Board approved a capacity target of up to 200 MW total for the thirty-six (36) month duration of the Pilot Program and an annual capacity target for Program Year ("PY") 1 of 50 MW. The 50 MW Pilot Program capacity is additional to the capacity otherwise awarded under the SuSI programs.

As Pilot Program Projects will receive incentives through either the ADI or the CSI program, the Board also ordered that NJ SREC-IIs awarded in the Dual-Use Pilot Program consist of a baseline incentive from the SuSI Program and an adder tailored to cover any additional costs incurred as a result of the agricultural or horticultural aspects of a Pilot Program Project.

The Board also ordered Pilot Program Projects to monitor and conduct research for the duration of the Pilot Program pursuant to the requirements contained within Appendix B of the October 2024 Order. In addition, the Board ordered that each awarded applicant develop a Construction, Operations, Monitoring, and Project Research Plan ("COMPR") establishing the terms and conditions for maintaining eligibility for the SREC-II adder. A COMPR is defined as the document or sets of documents filed with the Board Secretary's Office describing key elements of a selected project.[13] A Pilot Program Project is required to submit a COMPR to the Board after being selected for an award.

Notice of Incentive Availability & Expressions of Interest

The Board approved all pre-qualification application and application criteria recommended by Staff in the October 2024 Order, as well as the recommendation that eligible projects be selected through a competitive procurement. Pursuant to the October 2024 Order, on January 6, 2025, Staff issued a Notice of Incentive Availability ("NOIA")[14] with an initial annual capacity target up to 50 MW. The NOIA included the scoring rubric approved by the Board for the NOIA in the October 2024 Order. The NOIA opened the pre-qualification application period to Expression of Interest ("EOI") submissions on January 6, 2025 and closed it on February 14, 2025 at 11:59:59 PM.

In response to the NOIA, the Pilot Program received EOIs from 33 prospective agrivoltaics projects totaling around 140 MW. These projects were proposed to be located in 11 counties across New Jersey and represent a wide diversity of production systems on unpreserved farmland. Applicants proposed to co-locate solar energy with various agricultural and horticultural activities, ranging from soybean and hay production to specialty grains and vegetables, berries, mushrooms, and native tree shrubs, as well as animal production systems that feature sheep and cattle grazing. The types of solar arrays proposed also varied, with a mix of systems including fixed-tilt and single-axis tracking.

Staff evaluated the proposed projects in consultation with the Evaluation Committee. All projects received a letter of administrative deficiency or completeness, as applicable, and a letter of approval or denial from Staff to proceed in applying to the Board during the application period.[15]

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[13] October 2024 Order at page 8.

[14] Board of Public Utilities, Notice: In the Matter of the Dual-Use Solar Energy Pilot Program, Dual-Use Solar Energy Pilot Program – Notice of Solar Incentive Availability, BPU Docket No. QO23090679 (January 6, 2025).

[15] A prequalification approval letter allows the applicant to submit an application but does not qualify the project for an award in the Pilot Program, nor does it approve project registration requirements under the SuSI Program. The Board will make determinations on projects selected to receive an award following the

Five EOIs were not approved to submit applications due to noncompliance with program requirements and unresolved administrative deficiencies. The remaining twenty-eight (28) projects received prequalification application approval letters from Staff.

In compliance with the October 2024 Order, Staff made recommendations to the Board regarding a capacity target for the first application period, capacity set asides, application fees, and minimum criteria in addition to those contained in the October 2024 Order for participation in the first application period of Program Year 1, Solicitation Round 1 ("First Application Period").

First Application Period

By Order dated November 21, 2025,[16] "November 2025 Order"), the Board issued guidance clarifying some of the terms set forth in the October 2024 Order. In the November 2025 Order, Staff made recommendations to the Board based on its analysis of the proposed EOI projects in consultation with the Evaluation Committee. Recommendations for the First Application Period were also made based on Staff's and the interagency team's initial experience with reviewing the first round of EOIs, stakeholder input on the rule proceeding, and other stakeholder inquiries.

The First Application Period for PY1 opened on January 14, 2026 and closed on February 25, 2026. The total capacity represented by the 33 EOIs submitted amounted to approximately 140 MW, and the projects that received approval to submit full applications to the Board constituted approximately 126 MW, well above the capacity target set of 65 MW in the November 2025 Order. The Board received 17 prequalified projects totaling 57.05 MW of solar generation capacity. The total number of applications submitted equated to roughly sixty percent of the 28 EOIs approved by Staff as part of a pre-qualification step to submit an application, and roughly fifty percent of the 33 EOIs submitted.

The Board did not establish capacity set asides for the First Application Period but the Board can consider capacity set-asides in future PYs if the characteristics of the projects submitting applications in future solicitation rounds indicates that such action would be beneficial. The November 2025 Order also established that projects applying in the First Solicitation Round would not be given the option to apply as part of the remote net metering ("RNM") market segment. The Board will consider integrating RNM and the Pilot Program in future Program Years, either PY2, PY3, or both.

The Board approved instituting an application fee for the First Application Period set at $1,000/MW, consistent with the bid participation fee in the CSI Program, which is designed to protect against speculative projects. There was also an option to waive this fee for applicants demonstrating undue financial hardship, in line with the Pilot Program's goal of supporting overburdened and underserved communities by making participation – including the application process – as simple and easy as possible and without posing additional financial hardship on such applicants.

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opening of an application period and review of applications submitted. Only pre-qualified projects that were issued a letter of approval from Staff for their EOI will be eligible to apply.

[16] In re Dual-Use Solar Energy Pilot Program - Order for the First Application Period of the Dual-Use Pilot, Program Year 1, BPU Docket No. QO23090679, Order dated November 21, 2025 ("November 2025 Order").

The November 2025 Order also clarified and added to the minimum project selection criteria outlined in the October 2024 Order.

The Board also directed Staff to establish a new online application portal that applicants be required to use to submit an application in order to support a more efficient and accurate method of processing the applications for all parties involved and aid in preventing processing errors.

The November 2025 Order established that PY1 began on the effective date of the Board order that opened the Pilot Program, October 30, 2024, and will close on the closing date of the First Application Period, instead of beginning on the date that the Pilot Program rules are adopted and close twelve (12) months thereafter. Subsequent program year timeframes will be adjusted as necessary to fit within the thirty-six (36)-month timeframe for the Pilot Program provided in the Act.

For the analysis of the submitted applications, Staff and the Evaluation Committee utilized the Evaluation Criteria below, unchanged from the October 2024 and November 2025 Orders:

Evaluation Criteria

1. Proposals for monitoring the quality of agricultural or horticultural use of the land including the identity and role of any third-party consultant or New Jersey public research institution of higher education that has not been contracted with the Board for purposes of providing Pilot Program research activities;
2. The incentive level the applicant seeks, including the ADI Program or CSI Program incentive amount, based on New Jersey SREC-II values established by the Board pursuant to N.J.A.C. 14:8-11.6 and bids awarded by the Board pursuant to N.J.A.C. 14:8-11.10, and, if required, an adder designed to supplement the value of an ADI Program or CSI Program incentive;
3. Geographic location, including whether the proposed project is part of an overburdened community or located in an underserved community;
4. Interconnection planning status including, but not limited to, demonstrated proof of submission of an interconnection application to an electric distribution company ("EDC") or PJM Interconnection LLC;
5. Proposals for minimizing and mitigating negative impacts to farmland during construction, operation, and decommissioning;
6. Proposals to address decommissioning of the Dual-Use Solar Energy Project equipment, including both procedures and funding consistent with provisions pursuant to N.J.A.C. 14:8-13.12;
7. Proposals for addressing stormwater runoff and other environmental issues;
8. Technical feasibility;
9. Technical innovation;
10. The quality of the proposed design of the research plan pursuant to N.J.A.C. 14:8-13.10 that includes providing crop performance data and other data related to the productivity and viability of dual-use solar and demonstrates the project team's participation in the research studies required of all approved projects; and

11. A three-year plan for the farming operation intended to occur below and adjacent to the solar array including any special operational requirements specific to the solar array. The three-year plan shall include, but is not limited to, crop types, cover cropping, standard agricultural practices, and other cultural practices over this period that are deemed necessary.

Weighting of the criteria is summarized in Tables 1 and 2, below:

Table 1. Weighting of Evaluation Criteria – Summary

Criterion	Weight
Maintaining the Affected Land in Active Agricultural or Horticultural Use	40%
Incentive Level and Project Costs	40%
Technical Feasibility and Technical Innovation	10%
Geographic Location, including Part of an Overburdened Community or in an Underserved Community	10%

Table 2. Weighting of Evaluation Criteria – Detailed

Evaluation Criteria	Weight
Maintaining the Affected Land in Active Agricultural or Horticultural Use • **Proposals for monitoring the quality of agricultural or horticultural use of the land** • **Minimizing and mitigating negative impacts to farmland** • **Plan for decommissioning** • **Plan for stormwater runoff and other environmental issues** • **Quality of the proposed design of the research plan** • **Three-year plan for the farming operation** Higher preference: Detailed plans and partnered with a NJ research public institution of higher education **Bonus points:** Considerations for crop adaptability, enhanced benefits for mitigation plans, including environmental impacts and pollinator habitats	**40%**
Incentive Level and Project Costs *Must include the ADI Program or CSI Program incentive amount, based on New Jersey SREC-II values established by the Board* Higher preference: Lower cost, no adder requested Lower preference: Higher cost with minimal justification	**40%**

Technical Feasibility and Technical Innovation • **Interconnection Planning Status** *Meeting the applicable SuSI Program requirements for a Dual-Use Pilot Program Project is a pre-requisite* Higher preference: Feasibility – Consideration of both technical solar feasibility and agricultural/horticultural feasibility, e.g., ability of a project to scale to a commercially viable installation for both agricultural products and solar production. This includes the consideration of project maturity, i.e., projects that have applied, been approved, identified any distribution system interconnection costs and are demonstrated to be close to commencing construction. Innovation – Design aspects that seek to increase or maintain both solar and agricultural productivity compared to standard designs or practices	**10%**
Geographic Location, including whether the proposed project is part of an overburdened community or located in an underserved community *Scoring includes consideration of a project plan for outreach and engagement with the impacted communities* Higher preference: Part of an overburdened community or located in an underserved community; representation within New Jersey Zero points: Siting on a prohibited land type without a waiver	**10%**

Per recommendation from NJDEP's Office of Permitting and Project Navigation ("OPPN"), applicants were required to submit OPPN's Permit Readiness Checklist along with the full application.

While there were no additions or revisions to the existing requirements for stormwater runoff and soil erosion, NJDA highlighted the importance of projects developing a stormwater runoff and soil erosion mitigation plan that meets the requirements set forth in the Soil Erosion and Sediment Control Act of New Jersey (N.J.S.A. 4:24-39) and its implementing rules, as well as the requirements of L. 2010 c. 4 regarding calculations of new impervious cover and exemptions for solar panels. Applicants were advised not to conflate the different sets of requirements.[17]

The reference value for the First Application Period for this group of projects, identified from the CSI Program's Second Solicitation, was \$64.71/MWh (0.90 x \$71.90/MWh).[18] Documentation

[17] P.L. 2010 does not apply to the Soil Erosion and Sediment Control Act (the "Soil Act"), N.J.S.A. 4:24-39 et seq., or its rules at N.J.A.C. 2:90 which regulate new construction activities for the prevention of on- and off -site erosion. Neither the Soil Act nor its rules prohibit any form of development based upon arbitrary impervious cover limits or any other discretionary 'land use' characteristics. Hence, the Soil Act and its rules are not subject to P.L. 2010, nor are they referenced in it.

[18] Staff notes that, after the NOIA was issued, the CSI Program's Third Solicitation ("Third Solicitation") opened on May 14, 2025 and closed on September 30, 2025. However, since awards had not yet been issued in the Third Solicitation, the Board approved the base incentive reference value for CSI-eligible

that was required as part of an application included a detailed breakdown of all sources of project financial support and such other information, as explained in Staff's instructions for the application, to determine the support for the requested adder. The Order noted that, like the Board's other solar incentive programs, the Pilot Program will provide a fixed incentive that will not be increased if project costs are greater than anticipated.

Pursuant to the Board's rules at N.J.A.C. 14:8-13.7(j), the Board is required to make decisions on the applications to approve, disapprove, or approve with conditions within 180 days after receipt of the applications, meaning the date from the filed complete applications, or August 24, 2026.

Pursuant to the Board's rules at N.J.A.C. 14:8-13.7(j), Staff are required to present to the Board, "...the results of its evaluation of the applications, the advice of the Secretary of Agriculture ("Secretary"), and a recommendation for approval or denial for each application as well as any conditions for approval." Then, under N.J.A.C. 14:8-13.7(j)(2), the Board is required to "memorialize the results of an application period in a Board order, which includes summary information describing the responses to the application for that application period, projects selected for an award, and authorization to Board staff to issue award letters to selected applicants." The project award letters specify any terms and conditions governing project eligibility for adders.

In accordance with N.J.A.C 14:8-13.7(i), applications were reviewed for administrative completeness in consultation with NJDA staff. Letters for administrative deficiency and completeness were issued by Staff and recipients were provided 10 business days to correct deficiencies. All applications passed the administrative review after submitting corrections and were deemed administratively complete.

Pursuant to the Dual-Use Act at N.J.S.A. 48:3-87.13(a)(4), Dual-Use Solar Energy Projects cannot be sited on prime soils or soils of Statewide importance if they are located within an agricultural development area ("ADA"), which the Board's rules define as "covered agricultural land" at N.J.A.C. 14:8-13.2. However, siting can be approved if the project is working with a New Jersey public research institution of higher education on a research study and the research study is approved by the Board in consultation with the Secretary under the Board's rules at N.J.A.C. 14:8-13.6(d).

STAFF RECOMMENDATIONS

Application Submissions – Program Year 1, First Application Period

In a competitive solicitation, incentive values should reflect current market conditions and provide a long-term, guaranteed incentive structure for developer investment while placing the least burden on New Jersey's ratepayers. Electricity costs have grown over the past two years as a result of an imbalance in the supply of energy producing resources and demand. The addition of electricity from solar generation facilities can help address this imbalance by increasing the available supply to the energy grid. Staff and the Board are committed to ensuring that state support for additional solar generation does not unduly burden ratepayers and are using both the

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projects in the First Application Period projects be based on the CSI Program's Second Solicitation awards.

competitive design and adherence to the intent of the Dual-Use Act to collect information from the Pilot Program to adequately inform a permanent agrivoltaics incentive program as key mechanisms to ensure informative agrivoltaic projects are incentivized in an effort to protect ratepayers from undue costs and support the State's agricultural interests.

The Secretary was supportive of all of the applications in the First Application Period, albeit with minor technical concerns and suggestions which Staff expects can be addressed through additional technical assistance between the State agencies and RAP.

In consultation with the Evaluation Committee and the Secretary, Staff recommends the following project applications receive a conditional approval for SREC-II incentive awards and a Dual-Use Pilot Program adder in the first solicitation of the Pilot Program:

Project # (Application #, BPU Docket #)	Developer	Nameplate Capacity (MWdc)	Total SREC-II ($/MWh)	County, EDC	Pilot Program Tranche
NJDURE1561899366 QO25020043	AETS Development Holdings, LLC	2.28	$106.91	Atlantic, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1562046737 QO25020046	FFP Origination, LLC ("FFP")	0.92	$202.94	Hunterdon, JCP&L	Basic Grid Supply (500 kW to 10 MW)
NJDURE1562046749 QO25020049	FFP	5.18	$115.43	Salem, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1562029189 QO25020051	FFP	4.76	$127.70	Warren, JCP&L	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561740487 QO25020058	NJ Solar 2000 LLC	3.58	$152.36	Cumberland, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561681593 QO25020060	NJ Solar 2000 LLC	3.48	$187.60	Monmouth, JCP&L	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561681666 QO25020061	FFP	1.63	$129.82	Gloucester, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1562029210 QO25020062	FFP	2.04	$165.82	Mercer, PSE&G	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561740513 QO25020067	NJ Solar 2000 LLC	3.85	$165.95	Salem, ACE	Basic Grid Supply (500 kW to 10 MW)

NJDURE1561740505 QO25020068	NJ Solar 2000 LLC	2.10	$228.58	Cumberland, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561740508 QO25020071	NJ Solar 2000 LLC	2.76	$171.39	Cumberland, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561740515 QO25020072	NJ Solar 2000 LLC	3.33	$162.49	Warren, JCP&L	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561740511 QO25020073	NJ Solar 2000 LLC	2.73	$172.36	Cumberland, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1562029219 QO25020074	FFP	4.98	$109.78	Salem, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1561740512 QO25030106	NJ Solar 2000 LLC	5.54	$153.05	Cumberland, ACE	Basic Grid Supply (500 kW to 10 MW)
NJDURE1562046733 QO25070447	FFP	2.88	$121.47	Cumberland, ACE	Basic Grid Supply (500 kW to 10 MW)
Total Capacity		**52.06**			

For PY1, BPU did not receive any petitions for waivers to site on prohibited land types per the Board's siting rules at N.J.A.C. 14:8-13.6(b). However, for BPU Docket No. QO25020042 (NJDURE1562046741), BPU's program administrator flagged the application for additional land use review by NJDEP, and, upon consultation, NJDEP's Division of Land Resources advised the Evaluation Committee that their GIS mapping indicated that area is wetlands. In the Letter of Pre-Qualification Approval, Staff advised the project that "a large portion of the mapped area appears to be within a wetlands border" and that Pilot Program Projects are prohibited from being sited on land designated as freshwater or coastal wetlands unless granted a waiver by the Board in consultation with NJDEP and NJDA. Staff further recommended that the project work with NJDEP and NJDA to confirm the land use classification for the proposed siting. In the application's permitting checklist, the applicant stated they were aware that the site is in close proximity to wetlands and that the wetlands limits had not been verified by NJDEP, although the property owner previously had a professional delineate the wetlands on the property and they designed the project based on that. The project did not subsequently provide a letter of interpretation for the property proposed for the project or other evidence to demonstrate that the area is not wetlands and has not filed a petition requesting a waiver of the Board's siting rules. Accordingly, Staff recommends that the Board deny this project's application for failure to meet the Board's siting rules at N.J.A.C. 14:8-13.6(b).

The total capacity recommended for the solicitation is as follows: Basic Grid Supply (500 kW to 10 MW), 52.06 MW.

Terms and Conditions

Written Leases/Legally-Binding Written Agreements

Consistent with the Pilot Program rules that were subsequently adopted at N.J.A.C. 14:8-13.7(a)(3), the November 2025 Order clarified the requirement for the inclusion of a written lease agreement within the EOI to expressly allow acceptance of other forms of written and legally-binding agreement(s), as determined among the project team. Therefore, applicants were permitted in the First Application Period to provide other legally binding agreements beyond or in addition to a copy of a written lease agreement with the application other than that provided with the EOI. The purpose of the allowance served to reflect the various types of written agreements that could be created between the entities of the project team, and together those agreements document the project team's agreement upon the farmland proposed to serve as the location of a Pilot Program Project. Many of the agreements received from applicants took the form of a "master service" agreement in addition to a lease agreement. Per the rules for the Pilot Program, a written and legally binding agreement must reflect a minimum time period of three (3) years, to provide evidence of a mutual, firm agreement between the entities for a project. The Board's rules for these written agreements mean that an agreement must be in place, or in effect, at the time of the EOI submission for a period of at least three, continuous years. Although the November 2025 Board Order allowed applicants to provide other legally binding agreements in addition to a copy of a written lease agreement, Staff found that all the agreements did not include a term of at least three years as described below.

Written agreements with expired initial terms and optional extensions

The following thirteen (13) projects submitted lease options between the developer and landowner with initial terms that have now expired, and the details included within the written agreements do not make it clear whether the extensions to the lease options have been made effective.

1. Project NJDURE1562046737, Docket No. QO25020046 (expired 11/30/2025)
2. Project NJDURE1562029189, Docket No. QO25020051 (expired 12/7/2025)
3. Project NJDURE1561740487, Docket No. QO25020058 (expired 6/30/2025)
4. Project NJDURE1561681593, Docket No. QO25020060[19] (expired 12/31/2020)
5. Project NJDURE1561681666, Docket No. QO25020061[20] (expiration date unknown)
6. Project NJDURE1562029210, Docket No. QO25020062 (expired 9/6/2019)
7. Project NJDURE1561740513, Docket No. QO25020067 (expired 7/8/2025)
8. Project NJDURE1561740505, Docket No. QO25020068 (expired 8/31/2024)
9. Project NJDURE1561740508, Docket No. QO25020071 (expired 6/30/2025)

[19] Project NJDURE1561681593, Docket No. QO25020060, also submitted a letter of intent ("LOI") between the solar developer and farmer that described the agreement as "non-binding," "preliminary," and "not to be construed as a commitment."

[20] Project NJDURE1561681666, Docket No. QO25020061, submitted a written agreement between the landowner and the developer as a Memorandum of Option to Ground Lease (Lease Option). However, nowhere in the documentation for the agreement is a term for the Lease Option as required at N.J.A.C. 14:8-13.7(a)(3).

10. Project NJDURE1561740515, Docket No. QO25020072 (expired 12/1/2024)
11. Project NJDURE1561740511, Docket No. QO25020073 (expired 9/10/2025)
12. Project NJDURE1562029219, Docket No. QO25020074 (expired 2/7/2021 or 3/13/2026)
13. Project NJDURE1561740512, Docket No. QO25030106 (expired 8/16/2025)

Written agreements still in effect but will not be in effect for three years unless extensions are exercised

The following four (4) projects submitted lease options between the developer and landowner[21] with initial terms that provide these agreements presently remain in effect, however, the details included within the written agreements indicate that the agreements will not remain in effect for three (3) years unless the extensions to the lease options are exercised. As with the projects listed above, the details provided in the written agreements do not make it clear whether the extensions have been exercised.

1. Project NJDURE1562046741, Docket No. QO25020042
2. Project NJDURE1561899366, Docket No. QO25020043
3. Project NJDURE1562046749, Docket No. QO25020049
4. Project NJDURE1562046733, Docket No. QO25070447

Recommendation of additional time to provide written agreements

Because the Board rules require a written agreement that is "effective for a minimum of three years," Staff recommends that the Board find that these agreements do not meet the Board's rules at N.J.A.C. 14:8-13.7(a)(3). For the reasons provided below, Staff recommends that the Board allow these projects, except for Project NJDURE1562046741 which Staff recommends denying for failure to comply with siting rules as noted above, to submit written agreements that conform to the Board's rules.

With the Board's decision in November 2025 to open the application period in January 2026, a year after the opportunity to submit an EOI became available, combined with the change in the reference baseline incentive level for CSI-eligible projects among other interconnection and permitting challenges for a solar facility in and of itself at the time of this Order, Staff recognizes the perception of uncertainty with the timeline for developing an agrivoltaics project in the Pilot Program and a project's ability to be able to secure the land. With such an extended amount of time between milestones for Board action, a project's ability to secure and hold the land waiting for a decision may prove equally challenging, as there is not a clear financial pathway within that timeframe.

Staff further notes that many applicants appear to have been waiting for the Board's approval of the proposed project before firmly committing the land to development as a solar facility through a binding legal agreement. Staff believes that the purpose of these agreements with options was to allow the landowner and solar developer to end the agreement in the event that the project did not receive an award because the solar facility likely would not be built without incentives.

[21] In the case of Project NJDURE1561899366, Docket No. QO25020043, the landowner is the same entity as the farmer.

In light of the above, and following consultation with NJDA staff, Staff recommends that the Board grant applicants additional time, in the amount of ninety (90) days, to satisfy the rule at N.J.A.C. 14:8-13.7(a)(3) that "a lease agreement, or other form of written and legally binding agreement(s) as determined by the project team, must be effective for a minimum of three years." Staff specifically recommends applicants be required to submit either revised or new agreements that provide a firm commitment of a minimum of three years, and that the conforming agreements be submitted within ninety (90) days of the effective date of the Board Order along with the submission of the COMPR. Staff further recommends that the Board authorize Staff to extend this deadline by up to thirty (30) days for good cause shown.

Coordination with NJDEP

In order to facilitate an efficient permitting process and support solar developers understanding of NJDEP's permitting and responsible siting requirements, e.g., measures to protect threatened and endangered species, as well as to further collect information from the Pilot Program to inform standards for a permanent program, such as water management and siting criteria and restrictions that may be different from the siting criteria set forth in the CSI Program pursuant to section 119 the Solar Act of 2021 (N.J.S.A. 48:3-87.13(g)(4)), Staff recommends requiring selected projects to meet with NJDEP's OPPN within the first quarter, or ninety (90) days, of this Board Order making awards. Staff notes that, per NJDEP, projects that are selected by the Board for an award will be fast-tracked under Governor Sherrill's initiative to streamline permitting processes through "Operation FAST," Facilitated Approvals for Sustainable Transformation ("FAST"),[22] which enables additional coordination and shorter review times for energy projects with respect to NJDEP permitting.

Coordination with Research Partners

Consistent with the purpose of the Pilot Program and with the research, monitoring, and reporting requirements established in the Pilot Program rules, Staff recommends that the project award letters require selected projects to further coordinate with their research partners, including RAP, BPU, and NJDA, on how to collect data from the research control area to ensure that meaningful analysis and evaluation is possible.

Individual Project Applications

NJDURE1561899366, QO25020043: The site plan provided by the applicant did not show fencing around the research control area as required by N.J.A.C. 14:8-13.9(b). Accordingly, as a condition of an approval for this project, Staff recommends that the Board require the project to submit a revised tax map or site plan as part of the registration requirements to demonstrate compliance with the Board's rules in the Pilot Program pertaining to fencing. In consideration of the Board's rules at N.J.A.C. 14:8-11.5(f) for determining major and minor deficiencies on registration applications for incentives from the SuSI Program, Staff considers the missing detail a minor technical correction that can be made upon the submission of its initial registration package. With the implementation of this new Pilot Program that comes with new requirements for the solar and agricultural industries to work together, Staff recommends providing flexibility to projects in the Pilot Program to correct for a minor technical correction, such as this one.

[22] NJDEP, Office of Permitting and Project Navigation, https://dep.nj.gov/oppn/, accessed June 8, 2026.

Pursuant to N.J.A.C. 14:8-13.9(e)(6), the use of concrete is only allowed for a narrow exception of providing a shallow pad for ancillary Dual-Use facility equipment, such as an inverter unless the project provides a written justification from a licensed professional engineer. The applicant described the potential use of concrete in the case of post refusals as part of the construction of the project with the possibility of installing a concrete foundation. Thus, as part of the registration process, Staff recommends that the Board require the project to provide alternatives for using concrete or provide a written justification from a licensed professional engineer for the use of concrete for Staff's review. Staff also recommends the applicant confirm these details as part of the revised site plan. Again here, Staff is recommending the Board allow for revisions to the applicant's application to allow lessons learned and information needed to inform a permanent program.

NJDURE1561681666, QO25020061: Pursuant to N.J.A.C. 14:8-13.9(e)(5)(iii), justification for locating a research control area on a separate farm parcel or more than 50 yards from the Dual-Use project is required as part of the application for review and approval by BPU. In the application, the applicant stated the research control area is within 50 yards of the project parcel containing the solar array but on a separate plot of land. The applicant further stated that the farmer confirmed the same soils, conditions, and farming practices used compared to the plot of land containing the solar array. Additionally, the applicant stated that there was a challenge in developing the research plan given the landowner constraints for determining the best location for the research control area, but noted that the landowner had additional land nearby. Based on review of the materials presented, Staff and NJDA agreed that the proposed research area will be appropriate for comparison of crop performance as required by the Pilot Program rules. Therefore, Staff recommends that the Board find the justification provided by the applicant sufficient to meet the Board's rules.

NJDURE1561740511, QO25020073: Pursuant to N.J.A.C. 14:8-13.9(e)(5)(iii), justification for locating a research control area on a separate farm parcel or more than 50 yards from the Dual-Use project is required as part of the application for review and approval by BPU. In the application, the applicant stated that landownership and agricultural preservation constraints applicable to the property prevent the research control area from being located on the same plot of land as the solar array. The applicant further stated that, because there is "already farming at the site of the proposed research control area, the same landowner owns that parcel, and the soils and light conditions are similar," the applicant believed that it made sense to all parties to use the identified offsite location. Additionally, the applicant clarified that the proposed research control area better aligns with soil conditions in the project array area. Based on review of the materials presented, Staff and NJDA staff agreed that the proposed research area will be appropriate for comparison of crop performance as required by the Pilot Program rules. Therefore, Staff recommends that the Board find the justification provided by the applicant sufficient to meet the Board's rules.

Registration Requirements

Pursuant to N.J.A.C. 14:8-13.8, selected projects seeking eligibility in the Pilot Program must submit a Dual-Use registration packet in compliance with Board's rules and orders, which encompass alignment with the requirements for registration in the SuSI Program under N.J.A.C. 14:8-11.5. Similar to the ADI and CSI Programs, selected projects must submit an initial registration packet and receive a notice of conditional registration prior to beginning construction by having obtained permission to operate ("PTO") by an EDC, unless otherwise granted special dispensation by the Board. The registration process is similar to that for other solar projects seeking incentives under the New Jersey Clean Energy Program ("NJCEP"). Solar facilities that have not yet commenced commercial operation by having obtained PTO from an EDC are eligible to participate in the Pilot Program. Any solar facility that has obtained PTO by an EDC may not requalify as a Dual-Use solar facility under the Pilot Program.

For the Pilot Program, only selected projects are allowed to register for SREC-IIs upon award of an incentive, pursuant to the Board's rules at N.J.A.C. 14:8-11 and N.J.A.C. 14:8-13, the November 2025 Order, and the October 2024 Order. By the October 2024 Order, the Board directed Staff and the Board's designee, in consultation with NJDA, to develop all program documents and resources necessary for the Pilot Program solicitation, including modification of the existing registration portal. All forms and instructions regarding the Pilot Program registration process will be posted on the Board's NJCEP website at www.njcleanenergy.com. Staff recommends that the Board direct the Pilot Program registration manager to open the Pilot Program registration portal to new registrations at 12:00:00 a.m. on August 19, 2026.

Staff recommends that the Board provide selected Dual-Use Pilot Program Projects 30 days after the date of this Order to register.

Prior to beginning construction on a selected project, developers or project owners would be required to submit a complete registration package. Staff recommends that the initial registration package (see initial registration checklist) require the inclusion in the NJCEP portal of:

1. changes to a project's contact information, if applicable;
2. documentation in the form of the farm's application for farmland assessment pursuant to N.J.A.C. 18:15 Subchapter 2 (Application for Farmland Assessment), referred to as Form FA-1, for the previous year, meaning tax year 2025, if one was not provided with the application;
3. a certification form for registration;
4. a Milestone Reporting Form ("MRF") specific to the Pilot Program;
5. a Dual-Use technical worksheet that provides details on the proposed agrivoltaics facility;
6. a copy of the Board Order of the selected project's award in the Pilot Program;
7. for net metered, non-residential facilities serving public entities seeking the public adder, a letter confirming the public entity;[23]
8. for all electric storage battery installations, a single line drawing, a cover letter, and additional details, such as MWh of the proposed storage facility and a description of the storage technology; and
9. a contract between the primary installer (developer), premise contact (landowner), farmer and/or third-party owner, as applicable, and submitted within one year of the date of conditional registration.

For net-metered Dual-Use Solar Facility Projects 500 kW (dc) and up to 5 MW (dc), Staff recommends the following additional requirements for initial registration:

[23] "Public Entity" is defined as a customer that is a state entity, school district, county, county agency, county authority, municipality, municipal agency, municipal authority, New Jersey public college, or New Jersey public university.

1. copies of electrical and building permits or documentation demonstrating that the electrical and building permit applications have been submitted to the relevant municipality (i.e., emails to or from the township official, signed receipt for hand delivered applications, UPS/Fed X receipts, etc.);
2. for net-metered Dual-Use solar facilities sized 500 kW (dc) up to 1 MW (dc), evidence of having submitted to the relevant EDC, a Part 1 Interconnection Agreement signed by the customer-generator and the installer;
3. for net-metered Dual-Use Solar Facilities sized between 1 MW (dc) to 5 MW (dc), a written authorization from the EDC providing conditional approval to install; and
4. a consumer disclosure agreement form.

For all grid supply facilities (500 kW dc up to 10 MW dc) and net-metered over 5 MW (dc) Dual-Use Solar Facility Projects, Staff recommends the following additional requirements for initial registration:

1. for grid supply solar facilities, documentation of the determination by PJM or the EDC confirming that the point of interconnection is located on the EDC's distribution system serving NJ. The registrant must work with the EDC representative to obtain this written determination and submit either a letter from the EDC or the executed Interconnection Service Agreement (ISA);
2. for net-metered Dual-Use Solar Facilities sized over 5 MW (dc) to 10 MW (dc), a written authorization from the EDC providing conditional approval to install; and
3. evidence of filed applications or approvals for all discretionary land use approvals and entitlements applicable to the project, such as municipal zoning permit or municipal site plan approval, county site plan approval, soil conservation district approval, and Pinelands Commission or Highlands Commission approval, with a list of all land use permits to be applied for.

Staff recommends that registration packages submitted to the Pilot Program be reviewed following the same general process developed under the ADI, CSI, Transition Incentive ("TI") and legacy SREC Programs. Specifically, registration packages would be reviewed by the Pilot Program registration manager. The registration manager would verify that the proposed project is eligible to participate in the Pilot Program, and determine whether the registration package is complete, incomplete, or deficient. Registrations that are deemed incomplete due to a minor deficiency, as defined at N.J.A.C. 14:8-11.5(f)(1), would be notified of the deficiency by the Pilot Program registration manager and granted seven (7) business days to cure the deficiency. Registrations that are deemed incomplete, have a major deficiency as defined at N.J.A.C. 14:8-11.5(f)(2), or fail to correct minor deficiencies within the time allowed, would be rejected.

Registrants that submit a complete registration package or that cure all minor deficiencies in the time allowed, and that meet the eligibility and qualification requirements for a selected project, would be issued a notice of conditional registration ("Notice") by Staff or the Pilot Program registration manager.

The Notice would state that, if the solar facility is constructed as described in the initial registration package and satisfies all program requirements, Staff or the Pilot Program registration manager will issue a New Jersey State Certification Number for the facility upon its receipt of a complete post-construction certification package and its passing the Pilot Program inspection.

The Notice would include the following:

1. An expiration date occurring on the 12-month or 36-month anniversary, depending upon market segment or tranche, of a registrant's notice of conditional registration in the Pilot Program.
2. A notification that the facility must receive permission to operate from the relevant EDC or PJM Interconnection LLC and submit a post-construction certification packet as defined at proposed N.J.A.C. 14:8-11.5(j) prior to the expiration date indicated.
3. A reference to the applicable Board Order that confirms the facility's eligibility and the value of the incentive.
4. Additional documentation post-selection by the Board for a COMPR and soil report, as described in this Order below.

After issuance of the Notice, construction of the solar facility as described in the initial registration package would be allowed to begin.

After submittal of an initial registration package and issuance of a Notice, selected projects would be allowed to increase the project's generating capacity by up to 20 percent or 25 kWdc, whichever is less, from the system size conditionally approved by the Board, contingent on notifying the Pilot Program registration manager following the instructions provided on the NJCEP website. Staff recommendations for the final registration, or as-built/post-construction certification, packet are described within this Order below.

Additional Post-Selection Steps – COMPR and Soil Report

A COMPR and soil report covering a project site's pre-construction soil quality characteristics are required to be submitted for all Dual-Use solar facilities participating in the Pilot Program. Whereas the Board's rules outline the requirements for a report on the pre-construction soil quality characteristics at N.J.A.C. 14:8-13.10(b) ("Pre-Construction Soil Report"), the Board's rules do not specify an initial deadline for the COMPR. Staff recommends the submission of the COMPR for selected projects be required within ninety (90) days of the effective date of the Board Order awarding projects in the Pilot Program, to align with the Board's rules under N.J.A.C. 14:8-13.8(f) for a soil report prepared by a qualified soil scientist or geotechnical engineer, which necessitate the soil report be added to the COMPR within ninety (90) days of a project being selected by the Board to participate in the Pilot Program.

Pursuant to the Board's rules under N.J.A.C. 14: 8-13.13(a), a COMPR encompasses key elements of a project's application for the Pilot Program and associated conditions for Board approval. A COMPR is required to be a key component to evaluate selected projects in the Pilot Program as to inform the Board's permanent program for Dual-Use projects, in accordance with N.J.A.C. 14:8-13.13(b). Following the Board's rules under N.J.A.C. 14:8-13.13(c), after installation, an updated COMPR is required to be submitted by the date of commencement of commercial operations PTO for the selected project, and then annually thereafter on the anniversary of PTO. Thus, Staff is recommending that an updated COMPR be submitted as part of the post-construction certification package, further described in the next section of this Order. The Board's rules under N.J.A.C. 14:8-13.13(c)(1) also require the COMPR to be updated and submitted throughout the lifetime of the Dual-Use Solar Energy Pilot Program award until the expiration of the 15-year qualification life. Pursuant to N.J.A.C. 14:8-13.8(d)(2), the farm's current year Form FA-1 must also be submitted as an amendment to the annual COMPR submission. The annual COMPR post-installation submission timelines begin on the date the EDC or PJM-GATS issues permission to operate for this system.

Program Deadlines and Post-construction Certification

Pursuant to the Board's under N.J.A.C. 14:8-13.8(g), projects that receive a Board award in the Pilot Program must adhere to the construction completion deadlines for their respective solar project baseline, in the ADI Program or CSI Program, with the exception of those applying into the ADI Program.[24] All grid supply (500 kW dc up to 10 MW dc) and net metered over 5 MW (dc) Dual-Use Solar Facilities conditionally accepted in the Pilot Program will have 36 months to complete the installation and submit a complete Post-Construction Certification package. The solar facilities are eligible for one six-month extension. Any requests for a second extension must be submitted to the Board through the BPU's petition process.

Dual-Use solar facilities must receive PTO from the relevant EDC or PJM Interconnection, LLC and submit a final as-built (post-construction certification) packet prior to the expiration date. Dual-Use solar facilities that do not submit a final as-built packet with PTO on or before the expiration date may lose their SREC-II qualification.

Extension requests that are submitted after the expiration date will not be considered and the Dual-Use registration will be cancelled.

Staff recommends that projects be required to include the following items in the portal as part of the final as-built packet required in the post-construction certification checklist:

1. a Dual-Use Final As-Built Technical Worksheet;
2. site plan, signed and sealed;
3. representative digital photographs of the solar system, crops, and/or animals;
4. EDC or PJM written PTO;
5. if applicable, information on electric battery storage, similar to that of initial registration; and
6. if applicable, updated COMPR.

To note, as part of the ongoing reporting documents for the Pilot Program, a quarterly MRF required under the Board's rules at N.J.A.C. 14:8-13.13(c)(2), will be required that captures updates on the selected projects' timelines for interconnection and construction. Based on a recommendation from NJDEP, Staff recommends that selected projects be required to meet with OPPN within the first quarter of being selected by the Board. In order to document that the meeting occurred, Staff recommends that selected projects be required to use the quarterly MRF to do so.

Staff anticipates incorporating a mechanism, e.g., a form, for all selected projects to report project cost information, such as project revenue, as part of the COMPR in accordance with the Board's rules under N.J.A.C. 14:8-13.8(g).

DISCUSSION AND FINDINGS

New Jersey's solar programs have created a thriving industry, and the Board has strongly supported the development of innovative technical advances for clean energy and renewable energy projects throughout the State. The Board is committed to establishing our State's position as a marketplace leader in agrivoltaics in accordance with the requirements of the Dual-Use Act,

[24] See N.J.A.C. 14:8-13.3(g)(1) for the exception granting an additional six-month extension for projects applying for ADI Program solar incentives.

while at the same time controlling ratepayer costs and working with our State agency partners to protect our farmland and natural resources.

The Pilot Program, which the Dual-Use Act directed the Board to open, is designed to encourage the development of Dual-Use Solar Energy Projects, also known as "agrivoltaics," and the creation of a new segment of the solar industry in New Jersey that is compatible with the State's rich agricultural heritage. Specifically, the Pilot Program seeks to demonstrate and provide information on the compatibility of agricultural or horticultural production and solar photovoltaic infrastructure on the same land.

The Board also recognizes the significant benefits associated with the expansion of local, distributed, renewable, non-polluting sources of energy. In addition to the reduction of emissions that contribute to climate change, there is the reduction of air pollutants and the associated health benefits, increased resilience in the form of distributed generation, and the economic growth fueled by local job creation. Dual-Use solar energy provides a further benefit – it ensures that the agricultural community can not only play a larger part in the clean energy transition but can receive the economic benefits of doing so. Dual-Use solar can provide farmers with an additional stream of revenue, assisting with farm financial viability and enabling continued agricultural or horticultural production, while also increasing the statewide production of clean energy. In New Jersey and the larger PJM Interconnection LLC region, new generation is crucial to address the need for additional capacity due to the increases in electricity demand driven by the load growth from artificial intelligence data centers, new manufacturing facilities, and transportation electrification. New generation is essential for ensuring grid reliability while providing more predictable and affordable electricity for consumers and helping the state achieve its clean energy goals. However, the Board emphasizes that any financial incentives awarded in the Pilot Program are for evaluation and research purposes only and should not be considered indicative of potential incentive levels in the future.

After a review of the record and Staff's recommendations, the Board **FINDS** that all seventeen (17) applications were reviewed for administrative completeness in consultation with the Secretary of Agriculture pursuant to N.J.A.C 14:8-13.7(i). The Board **FINDS** that only applications that were deemed administratively complete were eligible to be scored and evaluated during the First Application Period. The Board **FINDS** that the selection process used to evaluate the applications received in the First Application Period was in line with statutory requirements and the program rules at N.J.A.C. 14:8-13.7.

The Board **FINDS** that Project NJDURE1562046741, Docket No. QO25020042, in Hunterdon County, New Jersey, with a nameplate capacity of 4.99 MW, is sited on land shown as wetlands in NJDEP's GIS land use mapping and that the project did not provide sufficient information in its application to demonstrate that the area proposed for the project was not wetlands, as required by the Board's siting rules at N.J.A.C. 14:8-13.6(b) to site the project on wetlands. Accordingly, the Board **FINDS** the applicant would either need to demonstrate, by means of a Letter of Interpretation from NJDEP, that the project will not be sited on wetlands, or would need a waiver of the Board's rules to site the project on the wetlands. The Board **FINDS** that the applicant did not provide either. Therefore, the Board **DENIES** the application in the First Application Period.

The Board **FINDS** that Projects NJDURE1561899366/QO25020043, NJDURE1562046737/QO25020046, NJDURE1562046749/QO25020049, NJDURE1562029189/QO25020051, NJDURE1561740487/QO25020058, NJDURE1561681666/QO25020061, NJDURE1561740513/QO25020067,

NJDURE1561740505/QO25020068 NJDURE1561740508/QO25020071, NJDURE1561740515/QO25020072, NJDURE1561740511/QO25020073, and NJDURE1561740512/QO25030106 are located on covered agricultural land. The Board **FURTHER FINDS** that these projects were proposed in association with research studies to be undertaken with Rutgers University and/or Montclair State University and that the Secretary of Agriculture recommended approval of the studies. Accordingly, the Board **APPROVES** the proposed studies and the siting of these twelve (12) projects on covered agricultural land pursuant to N.J.A.C. 14:8-13.6(d).

The Board further **APPROVES** the recommendation to require all selected projects to meet with OPPN within ninety (90) days of the effective date of this Order, and **ORDERS** selected projects to submit the unique milestone reporting form specific to the Pilot Program to document that the meeting took place within the required timeframe.

The Board **FURTHER FINDS** that none of the written agreements between the solar developers and landowners submitted by applicants with the EOIs meet the requirements of its rules at N.J.A.C. 14:8-13.7(a)(3) for the reasons described in the Staff Recommendations section above. The Board's rules state 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 notes that underlying competitive nature and completion timelines of the Pilot Program are intended to ensure SREC-II awards represent the lowest possible incentive contribution from NJ ratepayers while maintaining sufficient quality in the design of an agrivoltaic project such that it maintains active agricultural and/or horticultural use of the farmland intended for the project. The Board is aware that Federal policies enacted in 2025 may have negatively impacted the component procurement and delivery timelines of some projects, and that such uncertainty may have made it more difficult for projects to secure longer term binding agreements early in the application process, particularly in the first year of a new program with no history of past successful solicitations and awards. Additionally, the Board recognizes that these are times of historically high grid demand and capacity market prices and that bringing additional generation capacity online in is in the public interest.

Accordingly, for the reasons described above and discussed in Staff's recommendations, the Board **FINDS** that flexibility is warranted for the projects in the First Application Period with respect to legally binding agreements. Thus, the Board **FINDS** that it is appropriate to allow additional time for conditionally awarded projects to submit compliant agreements. The Board therefore **WAIVES** for the First Application Period the requirement at N.J.A.C. 14:8-13.7(a)(3) that EOIs include a written lease or legally binding agreement that is effective for a minimum of three years and instead **ORDERS** Pilot Program Projects receiving a conditional approval determination and award in this Order to submit a written, legally binding document that demonstrates a minimum three-year commitment within ninety (90) days after the effective date of this Board Order, along with the submission of the COMPR, as a condition of receiving an award. The Board **AUTHORIZES** Staff to extend the time by maximum of an additional thirty (30) days upon a request from the project for good cause shown.

With respect to Project NJDURE1561899366, Docket No. QO25020043, the Board **FINDS** the application did not meet the Board's rules to demonstrate compliance with its fencing requirements at N.J.A.C. 14:8-13.9(e)(6). The Board **FINDS** that additional time to provide this information is warranted as to create sufficient data and information to inform a permanent program. Thus, as a condition to receive an award from the Board, the Board **DIRECTS** the award recipient to submit a revised site plan demonstrating compliance with its rules for fencing a project site at N.J.A.C. 14:8-13.9(e)(6). The Board **FURTHER FINDS** that the application did not clearly confirm the potential use of concrete for the project in accordance with its rules at N.J.A.C. 14:8-13.8(a) and **APPROVES** Staff's recommendation to require the award recipient to submit a written justification by a licensed professional engineer on the use of concrete in the project as part of the documentation submitted with the initial registration package. The Board **AUTHORIZES** Staff, in consultation with NJDA staff, to review the submitted information as part of Staff's review for the registration package in accordance with N.J.A.C. 14:8-13.8(a).

With respect to Project NJDURE1561681666, QO25020061, the Board **FINDS** that the justification submitted in the application to site the research control area on a separate farm parcel pursuant to N.J.A.C. 14:8-13.9(e)(5)(iii) is sufficient because the proposed research area will be appropriate for comparison of crop performance as required by the Pilot Program rules. The Board **DIRECTS** the award recipient to work with the Board's research designee, Rutgers University, to confirm data collection as part of the COMPR so that analysis can adequately evaluate the impacts of the solar array, in accordance with N.J.A.C. 14:8-13.10(a).

With respect to Project NJDURE1561740511, Docket No. QO25020073, the Board **FINDS** that the justification submitted in the application to site the research control area more than fifty (50) yards pursuant to N.J.A.C. 14:8-13.9(e)(5)(iii) is sufficient because the proposed research area will be appropriate for comparison of crop performance as required by the Pilot Program rules. The Board **DIRECTS** the award recipient to work with the Board's research designee, Rutgers University, to confirm data collection as part of the COMPR so that analysis can adequately evaluate the impacts of the solar array, in accordance with N.J.A.C. 14:8-13.10(a).

Based on the foregoing, the Board **HEREBY APPROVES, WITH CONDITIONS** as set forth above, the applications of the following sixteen (16) projects:

- Project NJDURE1561899366, Docket No. QO25020043, in Atlantic County, New Jersey, with a nameplate capacity of 2.28 MW, to receive an SREC-II award of $106.91 per MWh for solar generation.
- Project NJDURE1562046737, Docket No. QO25020046, in Hunterdon County, New Jersey, with a nameplate capacity of 0.92 MW, to receive an SREC-II award of $202.94 per MWh for solar generation.
- Project NJDURE1562046749, Docket No. QO25020049, in Salem County, New Jersey, with a nameplate capacity of 5.18 MW, to receive an SREC-II award of $115.43 per MWh for solar generation.
- Project NJDURE1562029189, Docket No. QO25020051, in Warren County, New Jersey, with a nameplate capacity of 4.76 MW, to receive an SREC-II award of $127.70 per MWh for solar generation.

- Project NJDURE1561740487, Docket No. QO25020058, in Cumberland County, New Jersey, with a nameplate capacity of 3.58 MW, to receive an SREC-II award of $152.36 per MWh for solar generation.

- Project NJDURE1561681593, Docket No. QO25020060, in Monmouth County, New Jersey, with a nameplate capacity of 3.48 MW, to receive an SREC-II award of $187.60 per MWh for solar generation.

- Project NJDURE1561681666, Docket No. QO25020061, in Gloucester County, New Jersey, with a nameplate capacity of 1.63 MW, to receive an SREC-II award of $129.82 per MWh for solar generation.

- Project NJDURE1562029210, Docket No. QO25020062, in Mercer County, New Jersey, with a nameplate capacity of 2.04 MW, to receive an SREC-II award of $165.82 per MWh for solar generation.

- Project NJDURE1561740513, Docket No. QO25020067, in Salem County, New Jersey, with a nameplate capacity of 3.85 MW, to receive an SREC-II award of $165.95 per MWh for solar generation.

- Project NJDURE1561740505, Docket No. QO25020068, in Cumberland County, New Jersey, with a nameplate capacity of 2.10 MW, to receive an SREC-II award of $228.58 per MWh for solar generation.

- Project NJDURE1561740508, Docket No. QO25020071, in Cumberland County, New Jersey, with a nameplate capacity of 2.76 MW, to receive an SREC-II award of $171.39 per MWh for solar generation.

- Project NJDURE1561740515, Docket No. QO25020072, in Warren County, New Jersey, with a nameplate capacity of 3.33 MW, to receive an SREC-II award of $162.49 per MWh for solar generation.

- Project NJDURE1561740511, Docket No. QO25020073, in Cumberland County, New Jersey, with a nameplate capacity of 2.73 MW, to receive an SREC-II award of $172.36 per MWh for solar generation.

- Project NJDURE1562029219, Docket No. QO25020074, in Salem County, New Jersey, with a nameplate capacity of 4.98 MW, to receive an SREC-II award of $109.78 per MWh for solar generation.

- Project NJDURE1561740512, Docket No. QO25030106, in Cumberland County, New Jersey, with a nameplate capacity of 5.54 MW, to receive an SREC-II award of $153.05 per MWh for solar generation.

- Project NJDURE1562046733, Docket No. QO25070447, in Cumberland County, New Jersey, with a nameplate capacity of 2.88 MW, to receive an SREC-II award of $121.47 per MWh for solar generation.

The Board **DIRECTS** Staff to issue conditional award letters to the projects granted conditional approval in this Order and describe the applicable terms and conditions governing project eligibility for adders.

The Board **APPROVES** Staff's recommendation and **DIRECTS** the registration manager to open the Pilot Program registration portal to new registrations at 12:00:00 a.m. ET on August 19, 2026. The Board **APROVES** the initial registration package requirements recommended in this Order. The Board also **APPROVES** the recommendation that registration packages submitted to the Pilot Program be reviewed following the same general process developed under the ADI, CSI, TI and legacy SREC Programs.

The Board **DIRECTS** all Pilot Program award recipients to submit an initial registration package within 30 days of the effective date of this Board Order, pursuant to N.J.A.C. 14:8-13.8, whereupon all projects will be issued a notice of conditional registration pending satisfactory completion of additional terms and conditions set forth in the award letters to selected applicants from Staff.

The Board **DIRECTS** all Pilot Program award recipients to submit a COMPR within 90 days after the effective date of this Board Order. In addition, the Board notes that a Pre-Construction Soil Report prepared by a qualified soil scientist or geotechnical engineer on the pre-construction soil quality characteristics across the project site, solar array, and research control area is also required to be submitted within ninety (90) days, pursuant to N.J.A.C. 14:8-13.10(b).

The Board **APROVES** the Post-Construction Certification package requirements recommended in this Order. After installation, the Board **DIRECTS** all Pilot Program award recipients to submit an updated COMPR by the date of PTO as a part of the post-construction certification package, and annually thereafter on the anniversary of PTO. The Board **DIRECTS** all Pilot Program award recipients to submit the COMPR throughout the lifetime of the Dual-Use Solar Energy Pilot Program award until the expiration of the 15-year qualification life. For each year throughout the lifetime of the Pilot Program award, the Board **DIRECTS** all Pilot Program award recipients to submit the farm's current year Form FA-1 as an amendment to the COMPR, pursuant to N.J.A.C. 14:8-13.8.

After the project commences commercial operation and submits a post-construction certification package demonstrating that all the program requirements have been met, the Board **DIRECTS** Staff to issue a New Jersey State Certification Number to the project for purposes of SREC-II creation for a 15-year Qualification Life.

The Board **FINDS** that awarded Pilot Program Projects shall not be permitted to increase the capacity referenced in this Board Order by more than 20 percent or 25 kW (dc), whichever is smaller.

Finally, unless expressly stated otherwise, the Board **HEREBY APPROVES** all Staff recommendations set forth within the body of this Order.

This Order shall be effective on August 19, 2026.

DATED: August 12, 2026

BOARD OF PUBLIC UTILITIES
BY:

BEN HERTZ-SHARGEL
PRESIDENT

CHRISTINE GUHL-SADOVY
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.

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM
DOCKET NO. QO23090679

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC
DOCKET NO. QO25020042

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – AETS INGEMI FARMS - AETS DEVELOPMENT HOLDINGS, LLC
DOCKET NO. QO25020043

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC
DOCKET NO. QO25020046

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – HESP SOLAR, LL9
DOCKET NO. QO25020049

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC
DOCKET NO. QO25020051

In the Matter of the Dual-Use Solar Energy Pilot Program – NJ SOLAR 2000, LLC - A&A LIKANCHUK ENTERPRISES
DOCKET NO. QO25020058

In the Matter of the Dual-Use Solar Energy Pilot Program – POLHEMOUS & GIBSON, LLC - LIGHTSTAR RENEWABLES LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO25020060

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC
DOCKET NO. QO25020061

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – PENNINGTON PROPERTIES, LLC/MERCER DEVELOPMENT PROPERTIES, LLC - FFP ORIGINATION, LLC
DOCKET NO. QO25020062

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – CATALANO FARMS - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO25020067

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – BROWN FARMS LLC - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO25020068

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – CHRISTAL PROPERTIES LLC - LIGHTSTAR RENEWABLES LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO25020071

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – STOCKTON WALTER PARK, LLC - LIGHTSTAR RENEWABLES LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO25020072

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – THIRD TIMES A CHARM FARM - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO25020073

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC
DOCKET NO. QO25020074

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – NEW LIFE NURSERY - LIGHTSTAR RENEWABLES, LLC/NJ SOLAR 2000, LLC
DOCKET NO. QO250300106

IN THE MATTER OF THE DUAL-USE SOLAR ENERGY PILOT PROGRAM – FFP ORIGINATION, LLC
DOCKET NO. QO250700447

SERVICE LIST

New Jersey Division of Rate Counsel*

Brian O. Lipman, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Trenton, NJ 08625-0003
blipman@rpa.nj.gov

New Jersey Division of Law

Deputy Attorney General
Department of Law and Public Safety
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street, P.O. Box 112
Trenton, NJ 08625

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Steven Chaplar, DAG
steven.chaplar@law.njoag.gov

Atlantic City Electric Company

92DC42 500 North Wakefield Drive
Newark, DE 19702

Neil Hlawatsch, Assistant General Counsel

New Jersey Board of Public Utilities

44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, NJ 08625-0350

Sherri L. Lewis, Board Secretary
board.secretary@bpu.nj.gov

Bob Brabston, Esq., Executive Director
robert.brabston@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

Justin Kohley, Deputy Executive Director
justin.kohley@bpu.nj.gov

Benjamin Tabor, Chief of Staff
benjamin.tabor@bpu.nj.gov

General Counsel's Office

Ava-Marie Madeam, General Counsel
avamarie.madeam@bpu.nj.gov

Elspeth Hans, Deputy General Counsel
elspeth.hans@bpu.nj.gov

neil.hlawatsch@exeloncorp.com

Heather Hall, Manager New Jersey Regulatory Affairs
heather.hall@pepcoholdings.com

Jersey Central Power & Light Company

300 Madison Avenue
Morristown, NJ 07962

James Meehan, Esq.
jameehan@firstenergycorp.com

Tom Donadio
tdonadio@firstenergycorp.com

Public Service Electric and Gas Company

80 Park Plaza, T5
P.O. Box 570
Newark, New Jersey 07102

Matthew M. Weissman, Esq. Managing Counsel, State Regulatory
matthew.weissman@pseg.com

Stacey M. Barnes, Esq., Associate Counsel
stacey.barnes@pseg.com

Bernard Smalls
bernard.smalls@pseg.com

Rockland Electric Company

4 Irving Place
New York, New York 10003

Christian Malanga, Esq., Associate Counsel
malangac@coned.com

Ben Falber, Esq., Associate Counsel
falberb@coned.com

TRC Energy Solutions

900 Route 9 North, Suite 404
Woodbridge, NJ 07095

Brian Deluca, Program Manager
bdeluca@trcsolutions.com

TyShawn Key, Associate Counsel
tyshawn.key@bpu.nj.gov

Charles Gurkas
Charles.gurkas@bpu.nj.gov

Division of Clean Energy

Véronique Oomen, Director
veronique.oomen@bpu.nj.gov

Matthew Rossi, Deputy Director
matthew.rossi@bpu.nj.gov

Zainab Durda, Solar Administrator
Zainab.durda@bpu.nj.gov

Laura Scatena-Amissah, Research Scientist/Program Manager
Laura.scatena@bpu.nj.gov

Sawyer Morgan, Research Scientist
sawyer.morgan@bpu.nj.gov

Diane Watson, Research Scientist
diane.watson@bpu.nj.gov

Jusleen Basra, Program Specialist
jusleen.basra@bpu.nj.gov

Zach Goldberg, Science Fellow
zach.goldberg@bpu.nj.gov

Florence Dou, BPU Project Fellow
florence.dou@bpu.nj.gov

Earl Thomas Pierce, Administrative Analyst
earl.pierce@bpu.nj.gov

Mendham Mushrooms LLC*

Bruce Flitcroft
23 Tingley Rd.
Morristown, NJ 07960

NJ Solar 2000 LLC*

Kelly Buchanan
Lightstar Renewables
501 Boylston St., Fl 10
Boston, MA 02116

Michael Ambrosio, Director, Policy and Planning
mambrosio@trcsolutions.com

Tammy VanBlarcom, Manager SREC Registration Program
tvanblarcom@trccompanies.com

New Jersey Department of Environmental Protection

Dave Pepe, Director
Office of Permitting and Project Navigation
401 E. State Street, P.O. Box 420
Trenton, NJ 08625
david.pepe@dep.nj.gov

Highlands Water Protection and Planning Council

Benjamin L. Spinelli, Esq., Executive Director
100 North Road (Route 513)
Chester, NJ 07930-2322
ben.spinelli@highlands.nj.gov

The Pinelands Commission

Susan R. Grogan, Executive Director
P.O. Box 359
New Lisbon, NJ 08064
susan.grogan@pinelands.nj.gov

Kelly.buchanan@lightstar.com

Brianna Fiorillo
brianna.fiorillo@lightstar.com

BWC Trout, LLC*

Michael Marsch
116 Huntington Ave., Suite 601
Boston, MA 02116
mmarsch@bluewave.energy

Nick Walsh
nwalsh@bluewave.energy

H and Y Associates Inc.*

William Yen
33 Wood Ave. S. Ste. 600
Iselin, NJ 08830
William.yen@hyassociatesinc.com

CEP Renewables*

Gary Cicero
331 Newman Springs Rd
Building 1, 4th Fl., Suite 143
Red Bank, NJ 07701
Gary_cicero@ceprenewables.com

Mark Ax
Mark_ax@ceprenewables.com

FFP Origination, LLC*

Kristin Frooshani
100 Montgomery St, Suite 725
San Francisco, CA 94104
kfrooshani@forefrontpower.com

Rebecca Peichel
rpeichel@forefrontpower.com

AETS Development Holdings LLC*

Prashanth Prakash
300 American Metro Blvd
Hamilton, NJ 08619
Prashanth.prakash@aggreko.com

Nick Hornak

Nick.Hornak@aggreko.com

Taylor River Side Farm*

Peter Taylor
5 Taylors Ln
Cinnaminson, NJ 08077
taylorriversidefarm@gmail.com

Renewable Properties, LLC*

Stephanie Loucas
44 Montgomery St., Suite 3150
San Francisco, CA 94111
stephanie@renewprop.com

Brian von Moos
brian@renewprop.com

HESP Solar LLC*

Daniel Grohman
400 Rella Blvd, Suite 116
Montebello, NY 10901
dgrohman@hespsolar.com