



Phase II TCDER Microgrid Incentive Program – Questions and Answers #1 As of March 3, 2020

Question:

An applicant has a non-disclosure agreement with an EDC which covers sensitive information that is necessary to include in the applicant's Phase II application. The applicant asks whether an application that redacts information covered under the NDA would be judged by Board staff as a material deficiency. The applicant further asks whether the Board would need to execute a similar NDA agreement with the EDC to protect the sensitive, confidential information.

Answer:

BPU Staff directs applicants to the following language in the application certification:

"My organization understands that this Application is **subject to disclosure under the Open Public Records Act**, N.J.S.A. 47:1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3."

To be clear, Staff requires a complete, confidential, non-redacted application for review. Staff also requests a public draft of the application which may include redactions in accordance with the Open Public Records Act (N.J.S.A. 47-1A-1 et seq.) and Board rules including the procedures set forth in N.J.A.C. 14:1-12.3.

Public versions of all applications will be posted on the Board's website if, and after, the Board awards Phase II TCDER Funding. Confidential drafts of applications will be reviewed and filed confidentially and will not be released to the public. The Board, and Board staff need not enter an NDA with third parties.