

Reminder of Opportunity for Public Comment on Various proceedings pursuant to the Solar Act of 2012 (L. 2012, c. 24)

A public hearing was held on Friday, November 9, 2012, in the first floor hearing room at the New Jersey Department of Environmental Protection to discuss the various proceedings required pursuant to the Solar Act. Board staff requested that written comments on specific questions related to four distinct proceedings be submitted to OCE@bpu.state.nj.us by Friday November 23, 2012. A brief description of the request for comments is contained below. Stakeholders are encouraged to provide reference to the topic and the subsection of the Act to which they are addressing comments.

On July 23, 2012, L. 2012, c. 24 (“Solar Act”) was signed into law by Governor Chris Christie. The Solar Act amends certain aspects of the statute governing generation, interconnection, and financing of renewable energy. Among other actions, the Solar Act requires the New Jersey Board of Public Utilities (“Board”) to conduct proceedings to establish new standards and to develop new programs to implement the directives. On October 4, 2012, the Board directed Staff to initiate proceedings and convene a public stakeholder process to fulfill the directives of the Solar Act (Docket. No. EO12090832V).

1. Implementation of Subsections (q) (r) and (s) – Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System pursuant to N.J.S.A. 48:3-87 (q), (r), and (s).

Certain grid-supply projects must receive Board approval of a designation as “connected to the distribution system” in order to receive Solar Renewable Energy Certificates (SRECs) useful in the NJ Renewable Portfolio Standard. The Act provides the Board discretion in approving solar on certain farmland under subsection s while it requires the development of an escrow and application process for other grid-supply projects in EY14, 15 and 16 under subsection q and requires the Board to determine that relevant criteria are met for projects proposed in EY17 and beyond under subsection r in order to qualify for SRECs.

At Friday's public stakeholder meeting, Board staff summarized criteria for eligibility under subsection q., r. and s. of the law, the notices filed seeking approval under subsection s., and the criteria established in the law for the Board's approval of grid-supply projects under subsection r. before the floor was opened to public testimony. Written comments are sought from interested stakeholders that would enable the Board staff to develop a recommendation to the Board for the establishment of an application process such as application requirements, minimum filing requirements, etc.. Written comments must be submitted to OCE@bpu.state.nj.us by Friday November 23, 2012.

2. Initiation of a Proceeding to Establish a Program to Provide SRECs to Solar Generation Facilities on Brownfields, Historic Fill Areas, and Properly Closed Landfills pursuant to N.J.S.A. 48:3-87 (t).

A proceeding to establish a program to provide SRECs to owners of solar electric power generation facilities certified as being located on a brownfield, historic fill area, or properly closed landfill must be completed by the Board in consultation with the NJDEP and NJEDA and after public comment and public hearing by January 19, 2013. For projects certified under this section, the Board shall establish a financial incentive to cover additional costs. At Friday's stakeholder meeting, Board and DEP staff discussed with stakeholders a plan for establishing the program to provide certification and alternatives for financial incentives before the floor was opened to public testimony. Written comments are sought from interested stakeholders that would enable the Board staff to develop a recommendation to the Board for the establishment of a program for certification, application requirements, minimum filing requirements, etc.. Initial written comments on the establishment of a certification program for solar on properly closed landfills, brownfields, and areas of historic fill must be submitted to OCE@bpu.state.nj.us by Friday November 23, 2012.

3. Development of Net Metering Aggregation Standards pursuant to N.J.S.A. 48:3-87 (e) (4).

The Board is required to adopt net metering aggregation standards by April 19, 2013. Staff have discussed the technical aspects of this section of the new law with the Net Metering and Interconnection Standards Working Group. At Friday's stakeholder meeting, Staff provided an update on the discussions, outlined key concepts contained in the legislation, and discussed next steps in the rulemaking process. Initial written comments on the development of net metering aggregation standards must be submitted to OCE@bpu.state.nj.us by Friday November 23, 2012.

4. Initiation of a Proceeding to Consider the Need to Supplement Incentives for Net Metered Projects Three MW or Greater pursuant to N.J.S.A. 48:3-87 (w).

The Board is required after notice and opportunity for public comment and public hearing to consider whether to establish a program to provide to owners of net metered projects three megawatts or greater a financial incentive to supplement SRECs "to further the goal of improving the economic competitiveness of commercial and industrial customers". Board staff discussed the installation activity of projects of this scale in the stakeholder meeting on Friday and next steps expected in the public proceeding before the floor was opened to public testimony. Initial written comments on the need for supplemental incentives must be submitted to OCE@bpu.state.nj.us by Friday November 23, 2012.

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