



Agenda Date: 12/18/24
Agenda Item: 8J

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF A SUCCESSOR SOLAR
INCENTIVE PROGRAM PURSUANT TO P.L. 2021,
C.169

ORDER MODIFYING THE
CONDITIONS FOR WAIVING
CERTAIN REQUIREMENTS FOR
CUSTOMERS OF UNRESPONSIVE
SOLAR INSTALLERS

IN THE MATTER OF ELIGIBILITY RULES FOR THE
CUSTOMERS OF SOLAR INSTALLERS THAT HAVE
BEEN DEBARRED FROM THE ADMINISTRATIVELY
DETERMINED INCENTIVE PROGRAM

DOCKET NO. QO20020184

IN THE MATTER OF REQUEST FOR
DETERMINATION OF ELIGIBILITY IN THE
ADMINISTRATIVELY DETERMINED INCENTIVE
PROGRAM BY CUSTOMER OF BANKRUPT
INSTALLER – JAMES PURDON AND VANESSA ROSA
ZENERNET INSTALLATION COMPANY LLC

DOCKET NO. QW23040243

DOCKET NO. QO23070429

Parties of Record:

James Purdon and Vanessa Rosa

BY THE BOARD:

By an Order in this docket with an effective date of February 21, 2024, the New Jersey Board of Public Utilities (“Board”) granted a limited waiver of certain Administratively Determined Incentive (“ADI”) Program eligibility rules to the customers of three (3) installers that have been debarred from participation in the Administratively Determined Incentive program (“ADI Program”).¹ These waivers enable the projects of these customers to be eligible for the ADI Program incentive. The Board now modifies the conditions placed on one (1) of the waivers in that Order to specify that a customer may supply a certification, rather than an affidavit, to be eligible for the relief provided by that waiver.

¹ In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c.169; In re Eligibility Rules for the Customers of Solar Installers that Have Been Debarred from the Administratively Determined Incentive Program; In re Request for Determination of Eligibility in the Administratively Determined Incentive Program by Customer of Bankrupt Installer – Order Waiving Certain Requirements for Customers of Unresponsive Solar Installers, BPU Docket Nos. QO20020184, QW23040243, and QO23070429, Order dated February 14, 2024 (“February 21 Order”).

BACKGROUND

To participate in the Board's solar incentive programs, a person associated with a project must file a registration package with the Board's Renewable Energy Certificate Registration Program Manager, TRC, and receive a registration acceptance letter before construction of the project and submittal of the post-construction certification package. The registration process for the ADI Program is governed by the Board's rules at N.J.A.C. 14:8-11.5. For many residential and some commercial customers, their installer handles this process. Only after a solar project has been successfully registered, achieved commercial operation, and submitted a post-construction certification package can it receive a New Jersey Certification Number and become eligible to generate energy for which an incentive will be granted. That incentive takes the form of Solar Renewable Energy Certificates.

The February 21 Order addressed the customers of three (3) installers that had been debarred from the ADI Program.² The projects of these three (3) installers were referred to as Affected Projects. In recognition of the fact that the customers of these installers had been deprived of their installers' services with respect to their solar registrations, the Board waived or modified various registration requirements for these customers. Among the requirements waived was the signature of the solar installer on the registration package and on the post-construction certification package. N.J.A.C. 14:8-11.5(b); N.J.A.C. 14:8-11.5(j). Recognizing that a customer with an Affected Project would be unable to obtain the signature of an installer that had become unresponsive and might have ceased operations in New Jersey, the Board directed the ADI Program Manager to accept the customer's signature in lieu of the installer's on these forms. However, such acceptance was conditioned upon "the customer signing an affidavit acknowledging that the customer did not personally install the system and is relying upon the work of its defunct installer." February 21 Order at 8.

It has been brought to the Board's attention that requiring an affidavit has become an obstacle to effectuating the relief that the February 21 Order was intended to provide. An affidavit must be notarized. To obtain the stamp of a notary public typically requires locating and accessing this specialized legal service and generally requires payment. In attempting to complete the registrations of the solar projects of installer Vision Solar, LLC ("Vision"), a third party working with Vision's former customers has met with resistance from customers that may already have signed a notarized affidavit for Vision and do not understand the need or wish to incur the additional trouble of doing so again. It is the Board's understanding that over 100 solar projects are affected for this installer alone. The Board recognizes, moreover, that the affidavit requirement may be creating the same obstacle for other customers with Affected Projects of which the Board is not yet aware.

DISCUSSION AND FINDINGS

In light of the above information, the Board believes it would be appropriate to modify this specific requirement. The Board wishes to obtain documentation of the fact that the customer's signature on the registration paperwork does not reflect actual personal knowledge of an Affected Project's installation. The intent is thus to obtain a statement that certain facts are true as a procedural step in a regulatory scheme. Neither the registration form(s) nor the affidavit is part of any quasi-judicial Board matter. Therefore, the Board has determined that for the limited purpose of providing confirmation that the signature on the relevant form(s) is not that of an individual with

² Orbit Energy and Power, LLC, Zenernet, and Vision Solar.


actual personal knowledge of a project's installation, a certification will serve in lieu of an affidavit. Since a certification does not require notarization, the Board anticipates that a certification requirement will not create the type of barrier to obtaining a customer signature that an affidavit requirement has created.

The Board **FINDS** that the requirement in the February 21 Order that a host customer must sign an affidavit acknowledging that the customer did not personally install the Affected Project and is relying upon the work of its defunct installer has created a barrier to the relief that the February 21 Order was intended to provide. The Board **FINDS** that for the purposes of documenting a host customer's lack of personal knowledge of the installation of an Affected Project, a certification will serve to attest to the customer's truthfulness. The Board **FINDS** that modifying the requirement of an affidavit and allowing a certification to be submitted with the registration paperwork accords with the general purpose and intent of the rules is in the public interest. The Board **DIRECTS** the Program Manager, when it receives a registration or post-construction certification form for an Affected Project that has been signed by a customer, to accept, in lieu of an affidavit, a certification acknowledging that the customer did not personally install the system and is relying upon the work of its defunct installer.

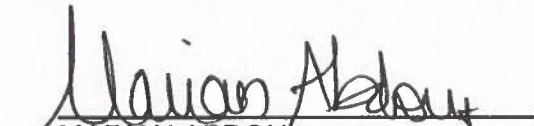
The effective date of this Order is December 26, 2024.


DATED: December 18, 2024

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST: 
SHERRIL L. GOLDEN
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 A SUCCESSOR SOLAR INCENTIVE PROGRAM PURSUANT TO P.L. 2021, C.169
IN THE MATTER OF A SUCCESSOR SOLAR INCENTIVE PROGRAM PURSUANT TO P.L. 2021, C. 169, ORDER
WAIVING ADI PROGRAM ELIGIBILITY RULES
FOR THE CUSTOMERS OF SOLAR INSTALLERS THAT HAVE FILED FOR BANKRUPTCY

IN THE MATTER OF A SUCCESSOR SOLAR INCENTIVE PROGRAM PURSUANT TO P.L. 2021, C. 169,
REQUEST FOR DETERMINATION OF ELIGIBILITY IN THE ADMINISTRATIVELY DETERMINED INCENTIVE
PROGRAM BY CUSTOMER OF BANKRUPT INSTALLER – JAMES PURDON AND VANESSA ROSA
ZENERNET INSTALLATION COMPANY LLC

DOCKET NOS. QO20020184, QW23040243 & QO23070429

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