

Full text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. TREASURY FORMULA-DDD

10:46D-3.2 DDD Formula B-DDD (B) for individuals under age 18

(a) This section shall apply to the individual under age 18 being served, LRR(s), or any other person responsible for the estate of such individual and/or LRR(s). The family maintenance standard for a family of four, for calendar year [2024] **2025**, is [\$39,996] **\$41,420**, the medical cost standard for a family of four is [\$9,896] **\$10,038**, and the tuition deduction shall be revised annually, using the Consumer Price Index figures then applicable and the cost for in-State tuition at Rutgers, the State University[,] ([\$13,674] **\$14,222** for school year [2023-24] **2024-25**). These revisions shall be published annually by the Department as public notices in the New Jersey Register. Additionally, the Department shall publish, in the New Jersey Register, the cost of care and maintenance rates as established by the Commissioner.

(b)-(c) (No change.)

(f) The deduction for college tuition shall be the actual college tuition cost paid, but shall not exceed the maximum of the annual in-State tuition expenses for Rutgers University. The deduction shall be the net of any scholarships, awards, or grants, and shall cover tuition paid but shall not cover such items as room, board, books, and lab fees. The maximum college tuition deduction for school year [2023-2024] **2024-2025** is [\$13,674] **\$14,222**. This shall be revised annually as required at (a) above.

(g)-(j) (No change.)

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Community Solar Energy Program

Adopted Amendments: N.J.A.C. 14:8-9.2, 9.5, 9.6, 9.7, 9.9, 11.2, 11.4, and 11.5

Proposed: September 18, 2023, at 55 N.J.R. 1985(a) (see also 55 N.J.R. 2048(a) and 56 N.J.R. 1948(a)).

Adopted: February 12, 2025, by the New Jersey Board of Public Utilities, Christine Guhl-Sadovy, President, Dr. Zenon Christodoulou, Ph.D., and Michael Bange, Commissioners.

Filed: February 14, 2025, as R.2025 d.035, **with substantial changes** to proposal after additional notice and comment, pursuant to N.J.S.A. 52:14B-10, and **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 48:3-87.11, 48:3-115, and 48:3-116.

BPU Docket Number: QX23070434.

Effective Date: March 17, 2025.

Expiration Date: February 17, 2026.

Summary of Public Comments and Agency Responses:

Written comments on the original notice of proposed amendments were received from Arcadia Power; Atlantic City Electric Company (ACE); Coalition for Community Solar Access and Solar Energy Industries Association (CCSA-SEIA); CS Energy; Gabel Associates; Good Energy; the NAACP NJ State Conference; NAIOP New Jersey; New Jersey Division of Rate Counsel (RC); Prologis; Public Service Electric and Gas Company (PSE&G); and Solar Landscape. Written comments on the notice of proposed substantial changes upon adoption to proposed amendments were received from the Affordable Housing Alliance (AHA); Atlantic City Electric Company (ACE); Atlantic Management; Coalition for Community Solar Access, Solar Energy Industries Association, and New Jersey Solar Energy Coalition (CCSA-SEIA-NJSEC); ForeFront Power; Gabel Associates; a member of the public identifying themselves as "Jean Public"; Jewish Renaissance Foundation; Mid-Atlantic Solar & Storage Industries Association

(MSSIA); NAIOP New Jersey; New Jersey Division of Rate Counsel (RC); New Jersey Utilities Association (NJUA); NJR Clean Energy Ventures Corporation; Passaic Valley Sewerage Commission; Rockland Electric Company (RECO); Solar Landscape; and Solstice Power Technologies LLC, Arcadia Power, Inc., and Perch Energy Inc. (Subscription Providers).

1. Comments Received During Initial Comment Period Giving Rise to Substantial Changes in Proposal Upon Adoption

N.J.A.C. 14:8-9.5 Community Solar Energy Program (CSEP) Eligibility

1. COMMENT: The commenter recommends including "a sand and gravel pit that has no critical wildlife habitat" as a permitted siting type in the CSEP, stating that sand and gravel pits were considered preferred siting in the Pilot Program and should continue to be able to participate in community solar. The commenter says such sites may require remediation and add value to their communities. (CS Energy)

RESPONSE: The New Jersey Board of Public Utilities (Board) agrees with the commenter's observation that mining sites are disturbed and degraded areas where installation of solar facilities would have relatively minor environmental impact. While not considered impervious surfaces or part of the built environment, these sites are in some ways analogous to contaminated sites and landfills. The Pilot Program also considered these sites to be preferred siting. The Board, in consultation with the New Jersey Department of Environmental Protection, determined that mining sites would be appropriate to include in the CSEP and is adding a definition of "mining site" and including these sites as permitted site types in the CSEP.

2. COMMENT: The commenters suggest that the Board's prohibition on co-located projects on adjacent buildings with the same beneficial owner will limit effective deployment of warehouse and distribution space and handicap long-term rooftop community solar development. The commenters note that within industrial properties, building rooftops are often separated by access roads, parking lots, or other physical means of separation, and are leased by distinct tenants. The commenters suggest removing "with different beneficial owners" from the co-location exemption at proposed N.J.A.C. 14:8-9.5(g). (Prologis and NAIOP New Jersey)

3. COMMENT: The commenter proposes extending the co-location exemption to projects that are registered in the CSEP during different energy years. (Prologis)

RESPONSE TO COMMENTS 2 AND 3: The Board agrees with the commenters that buildings on separate properties may have projects on their rooftops developed and installed separately. The Board believes that distinguishing adjacent buildings with the same beneficial owner and with different beneficial owners is unnecessary and adopts the proposal to remove this from the provision. However, the Board disagrees with the suggestion to distinguish co-located projects that are registered during different energy years, which would diminish the differences in eligibility for the Administratively Determined Incentive (ADI) and Competitive Solar Incentive (CSI) programs. The Board is making a change upon adoption to rephrase the definition of and restrictions on co-location at N.J.A.C. 14:8-11.2 and 11.4, respectively, for greater clarity.

4. COMMENT: The commenters object to the provision at N.J.A.C. 14:8-9.5(h) excluding electric distribution companies (EDCs) from developing, owning, and operating community solar projects and urge the Board to strike any such language in its entirety. The commenters state that the rule contradicts the language contained in the Clean Energy Act which permits EDCs to participate in the permanent program and imperils the State's ability to achieve its clean energy goals. (ACE and PSE&G)

RESPONSE: The Board agrees with the commenters that the EDCs may be able to participate in the CSEP. The Board has removed the originally proposed N.J.A.C. 14:8-9.5(h) and, instead, upon adoption, adds that the standard for community solar projects owned by EDCs be that such projects may register in the CSEP in any capacity that is not subscribed by the end of an energy year. Such remaining capacity would be carried over to the subsequent energy year in addition to newly allocated capacity, and the EDC may register pursuant to standard procedures projects that total up to the capacity that was carried over. The Board continues to believe that there is strong interest in developing community solar projects by non-EDC entities and that risks and costs

associated with developing a community solar project should not be transferred to ratepayers. However, the Board also believes that in addition to their roles in the administration of the community solar program, the EDCs can contribute to meeting the State's clean energy goals when the capacity targets allocated by the Board are not met. Each service territory is planned to have a certain capacity of projects to serve residents, and when these areas have not generated the intended private investment interest, it may be appropriate for EDCs to fill the gap for additional competitive presence. The Board further adopts the proposal that an EDC that registers a project in the CSEP be required to submit a rate filing detailing how it intends to recover any costs associated with its community solar projects.

N.J.A.C. 14:8-9.6 Subscription Requirements

5. COMMENT: The commenters request that the Board confirm that municipalities will be permitted to adopt an automatic enrollment community solar project through the procurement of an existing community solar project, whether it be a project that was awarded community solar participation in the Pilot Program or previous rounds of CSEP, or one that has not yet applied or been selected to participate. (Gabel Associates and Solar Landscape)

RESPONSE: The Board intends for existing community solar projects to be able to serve as municipal automatic enrollment projects and adopts the proposal to clarify the rule to specify that municipalities may use a public procurement process to do so.

6. COMMENT: The commenter suggests that it is possible for a small number of municipalities to take up a large portion of the program's capacity with municipal automatic enrollment projects and thereby limit other municipalities' access to such an enrollment option. The commenter recommends that automatic enrollment be capped at 20 percent of annual program capacity to ensure opt-in projects can operate successfully. The commenter also expresses concern that individual customers may see negligible bill savings if they are among a group automatically enrolled in a municipality. (Arcadia Power)

RESPONSE: The Board appreciates the commenter's concerns and believes that municipalities and potential subscribers across the State should have access to both automatic enrollment projects and traditional opt-in subscriptions. The Board, therefore, is making a change upon adoption to update the rule to allow the Board to set, by Board Order, an annual limit on the number or capacity of projects that convert to municipal automatic enrollment projects, as well as a limit on the number or capacity of projects that contract with a single municipality. While the Board also agrees that automatically enrolled subscribers should receive substantial bill savings, as described in further detail in the Responses to Comments 39 and 40, the Board does not believe that having a separate minimum guaranteed bill credit discount would be an effective or necessary method to ensure customer savings and, therefore, declines to make the proposed change.

7. COMMENT: The commenter asserts the 15-mile geographic restriction on automatic enrollment communities is arbitrary and hinders project owners from forming strategic partnerships with municipalities that might have a more significant low- to moderate-income (LMI) population. The commenter noted that the rule change is harmful because: 1) the restriction on area deprives municipalities of the opportunity to benefit fully from the CSEP; 2) it will inhibit competition by reducing the number of bidders eligible to participate in competitive bids; 3) the 15-mile limit hinders rural communities with fewer, less dense rooftops and canopies to which solar projects are limited; and 4) the requirement that solar developers must provide a Letter of Support from the municipality renders the 15-mile limitation moot and over-reaching. (Gabel Associates)

8. COMMENT: The commenter states the 15-mile geographic restriction is unnecessary and proposes that automatic enrollment for a project be expanded to the entire utility territory in which the project resides to allow for a more diverse pool of subscribers and encourage participation from more diverse regions, thus expanding project viability. (Good Energy)

RESPONSE TO COMMENTS 7 AND 8: The Board agrees with the commenters' recommendation to expand the geographic restriction on automatic enrollment projects. The Board is changing N.J.A.C. 14:8-

9.6(l)4 upon adoption to permit a local government to associate with a municipal automatic enrollment community solar project located anywhere in the same EDC service territory as the local government.

N.J.A.C. 14:8-9.9 EDC Responsibilities and Cost Recovery

9. COMMENT: The commenter disagrees with the deletion of three original subsections (d), (e), and (h), regarding telemetry of production data to the EDC, measuring the metered production of energy, and compliance with applicable laws and regulations, respectively. (RC)

RESPONSE: The Board agrees that the deletion of subsections (d) and (e) was not necessary and will restore those subsections to the rule upon adoption. With respect to subsection (h), the Board believes it unnecessary to specify in these rules that Federal and State securities laws, rules, and regulations apply.

N.J.A.C. 14:8-11.4 Successor Solar Incentive Program Eligibility

10. COMMENT: The commenter recommends providing, in the proposed rules, examples of specific scenarios in which a co-location waiver would be granted, specifically for a co-located project on an unclosed, municipally owned landfill that meets certain requirements. The commenter notes that contaminated sites and landfills are a critical component of the State's clean energy future and failing to optimize this segment through co-location will hinder their performance as clean energy sites and clear guidance and relaxed co-location rules would aid in their otherwise stagnant development. (CS Energy)

RESPONSE: The Board agrees that siting solar projects on municipally owned landfills that have not yet been properly closed is a preferred site type due to the benefits to the public and the public entity site owner. The Board also recognizes that municipally owned landfills may be able to host more than one community solar project and that, due to the requirements of the closure process, these projects should be able to be co-located. Therefore, the Board, upon adoption, is adding that community and/or remote net metered facilities sited on a landfill that is owned by a public entity and is not properly closed at the time of registration may be co-located, provided the total capacity of all co-located projects is no more than 10 megawatts (MW). The Board will also rephrase the definition of and restrictions on co-location at N.J.A.C. 14:8-11.2 and 11.4, respectively, for greater clarity.

N.J.A.C. 14:8-11.5 Successor Solar Incentive Program Registration Process

11. COMMENT: The commenters support the requirement for projects greater than one MW in size to provide conditional approval to construct from the EDC when registering for the CSEP and further recommend that this also be required for projects smaller than one MW to have similar requirements for all applicants in a competitive program. They assert that this exemption for smaller projects allows for speculative projects that may still be rejected for interconnection by the EDC or face high upgrade costs. (CCSA-SEIA, NAIOP New Jersey, and Solar Landscape)

RESPONSE: The Board agrees with the commenters and will make a change upon adoption to apply the registration requirement of conditional approval to construct from the EDC for all community solar projects.

2. Comments Received on the Notice of Proposed Substantial Changes Upon Adoption

General Comments

12. COMMENT: The commenters recommend changing the term "subscription fee" to "net community solar credit" and describing subscriber savings as the "community solar discount." The commenters state that the term "subscription fee" causes confusion and concern, as residents may believe they are paying a fee to participate in the program and the rules prohibit additional fees. (AHA, Jewish Renaissance Foundation, Atlantic Management, and Solar Landscape)

RESPONSE: The Board does not believe that it is correct to call the charge paid by a community solar subscriber to the project owner a "net community solar credit" because "credit" generally refers to a price reduction, rather than the amount billed. However, the Board agrees that the current language may result in confusion and will make a change upon adoption at N.J.A.C. 14:8-9.2 and 9.7(q) and (q)4, 6, and 7 to change the term "subscription fee" to "subscription charge." The Board intends to

work with the EDCs and project owners to ensure the costs and discounts involved in community solar are fully transparent to subscribers.

13. COMMENT: The commenters recommend changing the value of the community solar bill credit for master-metered affordable housing providers to match that of residential rate class subscribers. Master-metered affordable housing providers face barriers to participating in the CSEP and aligning credit values would allow them to stay in the program and support low-income households. (AHA, Jewish Renaissance Foundation, Atlantic Management, and Solar Landscape)

RESPONSE: In the rules, as adopted, the Board included demand charges in the calculation of the bill credit for master-metered affordable housing providers (see 56 N.J.R. 1990(d)). This update resulted in increased benefits for such subscribers. However, because these customers are in a commercial rate class with a lower volumetric electricity rate, the Board does not believe it is appropriate to further increase the bill credit above the amount paid by the customer per kilowatt-hour to match the residential rate class.

14. COMMENT: The commenter encourages the Board to allow participants in the Dual-Use Solar Energy Pilot Program to be eligible for the CSEP, as these projects are relatively small and do not have sufficient on-site load for net metering and they can provide benefits to the community. (ForeFront Power)

RESPONSE: The Board declines to implement the recommended change at this time, as it intends for the CSEP to be limited to the enumerated preferred site types, and there may be challenges in aligning CSEP registration with that of the Dual-Use Solar Energy Pilot Program, which has a separate selection process and incentive structure. As dual-use projects are accepted as part of a pilot program, learned experience may influence changes for subsequent rounds.

15. COMMENT: The commenters recommend eliminating geographic restrictions on subscriber locations for Community Solar Energy Pilot Program participants, noting that projects are now divided between those with restricted service areas and those serving an EDC, resulting in a competitive disadvantage and difficulties enrolling subscribers for pilot projects. (Atlantic Management and Solar Landscape)

RESPONSE: The Board declines to waive the geographic restrictions set for pilot projects because this criterion in the scoring of project applications was a key differentiator in project ranking. To retroactively remove this scoring criterion-based requirement for all pilot projects would have changed the resulting project approvals in both Pilot Year 1 and Pilot Year 2 and would prejudice projects that were not selected on this basis.

16. COMMENT: The commenter states that, following a large number of interconnection applications for community solar projects, many distribution circuits have been closed and projects have been denied interconnection. Other projects that did receive interconnection approval have not yet been accepted into the CSEP; so, these projects consume hosting capacity but are unable to move forward. The commenter notes concern that available hosting capacity will continue to decrease and recommends that the Board take action to prevent harm to the program. (MSSIA)

RESPONSE: The Board understands current limitations with respect to available hosting capacity on distribution circuits and intends to explore and promote methods to increase available hosting capacity through the Grid Modernization Forum, which is comprised of workgroups led by research and industry experts. The results of this forum will inform future grid modernization proceedings. See *In the Matter of Developing Integrated Distributed Energy Resource Plans To Modernize New Jersey's Electric Grid*, BPU Docket No. QO24030199 (Grid Modernization Proceedings). The Board also notes that the CSEP is still managing a large backlog of projects since the transition from the Pilot Program to the permanent program and anticipates an eventual easing of the number of projects in interconnection queues.

17. COMMENT: The commenter recommends transitioning the CSEP to a utility procurement model similar to the Shared Clean Energy Facility Program in Connecticut, whereby projects have 20-year tariff agreements with the EDC. The benefits flow to subscribers as bill credits through opt-out enrollment rather than individual enrollment. The commenter noted that allowing utilities to directly procure solar generation would result in

more efficient deployment of community solar without third-party customer acquisition costs. (NJR Clean Energy Ventures Corporation)

RESPONSE: The Board notes that the municipal automatic enrollment process will begin in 2025, which will allow projects to add subscribers through opt-out enrollment without the need for individual customer acquisition. The EDCs will also be permitted to own community solar projects. The Board does not intend to alter the method of capacity solicitation and incentivization through the ADI Program at this time.

18. COMMENT: The commenter states that the people need to have a chance to speak on the CSEP. The CSEP appears to be rushed through so nobody knows about it. The public is not even aware of the CSEP. (Jean Public)

RESPONSE: The CSEP is the subject of a rulemaking proceeding before the Board pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. (APA), in which interested persons, including members of the public, are granted, by statute, notice and the opportunity to be heard. Pursuant to the requirements of that statute, the notice of proposal was published in the September 18, 2023 New Jersey Register at 55 N.J.R. 1985(a). Comments were due by November 17, 2023. During the APA-required comment period, 13 comments were filed. The commenters included industry groups, public utilities, solar developers, subscriber organizations and consumer advocate, and the New Jersey Division of Rate Counsel (Rate Counsel). The notice of adoption was published in the October 7, 2024 New Jersey Register at 56 N.J.R. 1990(d). All commenters' views are documented and responded to by the Board in the notice of adoption.

The notice of proposed substantial comments upon adoption was published in the October 7, 2024 New Jersey Register at 56 N.J.R. 1948(a). Comments were due by December 6, 2024. During the APA-required comment period, 17 comments, including comments from this commenter, were filed. The commenters included industry groups, public utilities, solar developers, subscriber organizations, and Rate Counsel.

In addition, Board staff held a stakeholder meeting on April 24, 2023, pursuant to Executive Order No. 63 (2019) (Establishing new regulatory principles to foster economic growth and government efficiency), which included the opportunity for stakeholders and the public to submit written comments on a straw proposal. Comments were due by May 15, 2023. There were 190 participants and 61 comments were filed. The commenters included Rate Counsel, four public utilities, four trade associations, 30 solar developers and subscriber organizations, six public entities and housing authorities, 11 community organizations and advocacy groups, and five other parties.

In addition to being published in the New Jersey Register, the notice of proposal was posted in the lobby of the Board's headquarters, posted on the Board's website, and distributed to interested persons, the Board's electronic mailing list subscribers, and the print media pursuant to the APA at N.J.S.A. 52:14B-4. The original notice of adoption was posted on the Board's website. All comments in the rulemaking proceeding are available for viewing by the public on the Public Document Search page of the Board's website at https://publicaccess.bpu.state.nj.us/CaseSummary.aspx?case_id=2112088 under *In the Matter of a Rulemaking Proceeding To Establish the Community Solar Energy Program Pursuant To P.L. 2018, c. 17*, BPU Docket No. QX23070434. All New Jersey Register publications for the CSEP rulemaking are available for viewing by the public on the Rules page of the Board's website at <https://www.nj.gov/bpu/agenda/rules/>.

19. COMMENT: The commenter states that the program is too expensive for the community and should be shut down. (Jean Public)

RESPONSE: The Board has designed the CSEP to provide discounts to residents across the State. Tens of thousands of New Jersey ratepayers, the majority of whom are low- to moderate-income, are already seeing savings on their electric bills by subscribing to community solar projects. The Board further seeks to reduce costs to ratepayers by regularly evaluating incentives available through the ADI Program and ensuring they do not exceed the statutory cost cap.

N.J.A.C. 14:8-9.2 Definitions

20. COMMENT: The commenter agrees with the exclusion of forested land from the definition of mining sites and questions the need for more land use types. (RC)

RESPONSE: The Board appreciates the commenter's support in excluding forested land as a preferred site type. It is the Board's intent to encourage the development of community solar projects on preferred site types that have limited utility to otherwise benefit residents of New Jersey and, as such, has included additional land use types.

N.J.A.C. 14:8-9.5 Community Solar Energy Program Eligibility

21. COMMENT: The commenter notes that the capacity allotted to its EDC territory so far has been fully subscribed, so there would not be any available for it to own and operate pursuant to the proposed regulations. The commenter proposes removing limitations on EDC ownership of community solar projects, which it claims would benefit low- and moderate-income (LMI) customers, advance the State's clean energy goals, and address resource adequacy challenges. (ACE)

22. COMMENT: The commenter states that the EDCs can rapidly deploy solar energy projects and can contribute significantly to the CSEP. The EDCs may site solar projects in locations that maximize value and reduce interconnection costs and strain on the grid. The commenter requests that the EDCs be permitted to participate in the program to a greater extent, namely with a capacity block dedicated to the EDCs in addition to the megawatt capacity that is unsubscribed at the end of an energy year. This increased capacity would support in-State renewable energy and jobs. (NJUA)

RESPONSE TO COMMENTS 21 AND 22: The Board believes there is strong interest in developing community solar projects by non-EDC entities and that risks and costs associated with developing a community solar project should not be transferred to ratepayers. While the Board appreciates the commenters' interest in expanding their participation in the CSEP, increasing EDC ownership of community solar projects beyond that which supplements non-EDC project registrations to meet the Board's capacity targets does not necessarily further benefit LMI customers or advance clean energy goals, and EDCs may have an undue competitive advantage.

23. COMMENT: The commenter agrees with the proposed change to allow EDCs to register community solar projects in unused capacity rolled over to the subsequent energy year, stating that utilities can contribute to the transition to renewable power. The commenter also notes that the change can create a conflict of interest, as EDCs must approve project interconnections and they would have an interest in approving fewer projects in an opaque process with regard to denial of applications. The commenter recommends that the Grid Modernization Proceedings ensure greater transparency in the review of interconnection applications, including documentation of reasons for denial or high upgrade costs. (MSSIA)

RESPONSE: The Board appreciates the commenter's suggestion and intends to ensure greater transparency in the review of interconnection applications through the proposed new rules at N.J.A.C. 14:8-5 in the Grid Modernization rulemaking proceeding at 56 N.J.R. 993(a). The Board appreciates the commenter's collaboration in the ongoing Grid Modernization and interconnection reform process.

24. COMMENT: The commenter disagrees with the siting limitations for CSEP projects and states that preferred site types are likely to be more expensive and require higher subsidies or lower benefits to subscribers. The commenter recommends adopting siting criteria similar to that of the CSI Program, which would expand areas where community solar projects may be built. These criteria prohibit development on seven designated land types. The commenter recommends also applying the Statewide and county limits for solar development on certain agricultural lands. These changes would minimize costs rather than encourage solar development on preferred sites. (RC)

RESPONSE: The Board disagrees with the commenter and notes the importance of encouraging solar development on preferred land use types in the CSEP, as in each of its solar programs. The Board has a responsibility to balance building solar at the lowest cost to ratepayers with protecting New Jersey's important open space and agricultural lands and, thus, has set a preference for solar projects that make use of the built environment and that minimize impacts on open space. The different incentive structures of the Board's solar programs, including the CSEP, reflect consideration of costs, project size requirements, and interconnection for projects on different siting types and encourage solar

development on sites of otherwise limited utility. The Board, therefore, declines to incorporate the suggested change.

25. COMMENT: The commenter recommends that the Board continue the practice of not permitting EDCs to develop, own, or operate community solar projects. The commenter states that ratepayers should not bear risks and costs of EDC-owned projects and that the EDCs may have an unfair competitive advantage over other market participants, and a restriction on EDC ownership will promote a diverse solar market that may lead to lower development costs. The commenter notes that the statutory language at N.J.S.A. 48:3-87.11.f does not require EDC ownership but allows the Board to adopt a standard that would permit limited EDC ownership when there is insufficient interest by other developers. The commenter recommends that the Board should adopt standards similar to the Affiliate Relations and Public Utility Holding Company standards to ensure EDCs do not have an unfair competitive advantage. The EDCs should also be required to fairly compete in a bidding process that ranks projects by energy savings like other developers and should not be able to use ratepayer funds to develop higher-cost projects. (RC)

RESPONSE: The Board appreciates Rate Counsel's suggestions and thanks them for their feedback. The Board believes that including EDC ownership to ensure its capacity targets are met is the appropriate approach to balance the need for competition in the market. The Board notes that EDCs must apply projects for program capacity in the same way as other developers, and it will review cost recovery requests for EDC-owned projects to reduce risks to ratepayers.

26. COMMENT: The commenter states that EDC ownership of solar energy is important for accelerating the scale of renewable generation in New Jersey. This includes experience in project execution and benefits for LMI customers, along with the EDCs' standards for safety and reliability and access to EDC-owned siting options. The commenter recommends a framework for EDC-owned projects in the CSEP that do not interfere with other developers and subscriber organizations, will go through the same interconnection queue, and will be at priority locations that provide load relief. The commenter proposes that revenue from community solar projects it owns directly fund the Universal Service Fund (USF) program to provide greater cost savings to LMI customers, who would not need to subscribe to a particular CSEP project, though USF participants may also enroll through a subscriber organization for additional savings. The commenter proposes to use the average PJM Load Weighted Average Residual Metered Load Aggregate Locational Marginal Price, as used for net metering customers, to determine the value of credits to apply to the USF program, and they would not receive the SREC-II incentive. The commenter proposes to recover costs through a CSEP Surcharge in its tariff, similar to the Infrastructure Investment Program, which would be a non-bypassable volumetric charge applicable to all customers. The commenter further recommends an EDC capacity block rather than rolling over unsubscribed capacity. (RECO)

RESPONSE: The Board thanks RECO for its support. As the issues of mechanisms for allocation of benefits and cost recovery are not addressed in the rulemaking, the Board looks forward to continuing discussions with the EDCs and other stakeholders to determine appropriate mechanisms for allocation of benefits and cost recovery for EDC-owned projects.

27. COMMENT: The commenters believe EDCs should not be allowed to develop or own CSEP projects using ratepayer dollars due to concerns with an uneven playing field with market competition and private investment in distributed solar assets. The commenters highlight a broader conflict of interest that EDCs are the gatekeepers to the interconnection of CSEP projects and believes that allowing EDC participation based solely on remaining capacity creates a potentially perverse incentive for EDCs to not act in good faith in the interconnection process associated with non-EDC-owned projects. (CCSA-SEIA-NJSEC)

RESPONSE: The Board thanks CCSA-SEIA-NJSEC for their comments and notes that this standard is appropriate for community solar projects owned by EDCs. The Board will continue to engage EDCs and project developers to make the interconnection process more efficient through the Grid Modernization Proceedings and ensure compliance with applicable rules. The Board will also explore improvements to introduce better tracking metrics and reporting to ensure visibility into the interconnection process for these projects, which would reduce the

possibility for conflicts of interest. The Grid Modernization Forum also seeks to expand hosting capacity for all projects to reduce competition for grid space.

28. COMMENT: The commenters encourage the Board to follow through with its proposal to require EDCs to submit a rate filing for how it intends to recover costs associated with CSEP projects and recommend the Board require EDCs to create an affiliate or subsidiary if they intend to pursue the development of CSEP projects. This will ensure transparency and help draw a more deliberate line between the accounting practices used by EDCs for their regulated activities associated with cost and revenue for general ratepayers versus its investment interests in the CSEP. (CCSA-SEIA-NJSEC)

RESPONSE: For any community solar projects proposed to be owned by an EDC, the Board expects any request for cost recovery to follow standard procedures at N.J.A.C. 14:1-5 through a rate filing. The Board intends for this to be a transparent process and does not view the creation of an affiliate or subsidiary necessary for this process or to achieve these goals. N.J.S.A. 48:3-87.11.f provides that the Board “shall adopt rules and regulations for the permanent program that set forth standards for projects owned by electric public utilities, special purpose entities, and nonprofit entities.” See N.J.A.C. 14:8-9.2 (defining “EDC” as an “electric public utility”). Based on the plain language of the statute, the Legislature determined that EDCs may own solar energy projects for the permanent program.

29. COMMENT: The commenters recommend that EDC-owned CSEP projects should be fully dedicated to serve LMI customers. The commenters insist on this requirement because the EDCs will have clear advantages through their ownership of the grid and their existing customer data and relations. (CCSA-SEIA-NJSEC)

RESPONSE: The Board thanks CCSA-SEIA-NJSEC for the comment and will continue to work with the EDCs and stakeholders to maximize benefits to LMI customers. The Board declines to make this change at this time. Additional changes to EDC project dedication will be considered in subsequent rulemakings once the program has reached a greater level of maturity and the commenter is encouraged to participate in all future rulemaking proceedings.

N.J.A.C. 14:8-9.6 Subscription Requirements

30. COMMENT: The commenter agrees with the proposed changes regarding municipal community solar automatic enrollment projects. (MSSIA)

RESPONSE: The Board appreciates the commenter’s support.

31. COMMENT: The commenter supports the proposed changes to enable automatic enrollment projects without geographic limits. The commenter also recommends removing any caps and restrictions on automatic enrollment to ensure broad access and removing separate discount rates for automatic enrollment projects, which can be optimized through competitive partnerships with municipalities. (NAIOP New Jersey)

32. COMMENT: The commenter recommends removing limitations on automatic enrollment projects. As automatic enrollment projects have a higher requirement for capacity serving LMI subscribers, capping the automatic enrollment program would reduce benefits for LMI households. According to the commenter, a cap would exclude municipalities that wish to pursue automatic enrollment projects, and it could be difficult to implement a cap with respect to soliciting participating projects and enforcing limits. (Solar Landscape)

33. COMMENT: The commenter opposes the proposed change in the rules that “The Board may, by Board Order, set annual limits on the number of capacity of projects that convert to municipal community solar automatic enrollment projects or contracts with a single municipality” for the following reasons: the freedom of each municipality to serve their residents, the scalability of the CSEP, and the opportunity to provide significant aid to LMI residents of New Jersey. (Gabel Associates)

RESPONSE TO COMMENTS 31, 32, AND 33: The Board thanks the commenters for their comments, agrees that availability of automatic enrollment projects could enhance benefits for LMI households and participating municipalities, and looks forward to implementation of this process. However, the Board also remains committed to ensuring that traditional opt-in subscriptions remain available to subscribers who do not

live in a municipality with automatic enrollment projects. While the Board declines to adopt the commenters’ recommendation and instead adopts the rule provision allowing it to set limits on conversion to automatic enrollment projects, the Board does not intend to use the provision to unduly restrict this process and will not set limits unless availability for traditional sign-ups becomes restricted or substantial issues occur.

34. COMMENT: The commenters state that an uncapped automatic enrollment program would threaten the benefits the commenters provide to customers and supports the proposal for the Board to be able to limit conversion of projects to municipal automatic enrollment projects. The commenters recommend setting an initial limit of 20 percent of annual capacity so the program can be piloted. Otherwise, a few municipalities may use most capacity, leaving little for other municipalities, and developers may be less incentivized to invest in community outreach and engagement. According to the commenters, the existing opt-in model ensures customers receive bill credits that cover their entire bills and provide meaningful savings. The commenters predict that subscribers to municipal automatic enrollment projects will have very small subscription sizes so only small discounts are realized. The commenters recommend that participating municipalities be required to submit a plan that includes how subscriptions will be administered and whose responsibility it is. Subscribers who select to opt-in to a different project should also have this enrollment prioritized. (Subscription Providers)

RESPONSE: The Board disagrees that municipal automatic enrollment projects would threaten the benefits of community solar and believes that such projects would assist LMI subscribers with bill savings and municipalities with reduced subscriber acquisition costs. With the large number of projects in the CSEP, the Board does not expect a small number of municipalities to use most capacity; the Board does not intend to set limits on automatic enrollment projects unless access to opt-in projects becomes limited and declines to adopt an initial pilot limit. The Board does not expect subscription sizes to be very small but still believes that even modest discounts made available to a large number of LMI subscribers would be beneficial. The rules require that municipalities that wish to operate an automatic enrollment project to describe the method of subscriber selection and project administration. Customers may also opt-out and subscribe to a different project, should a larger subscription size or discount be available.

35. COMMENT: The commenter supports the Board’s subscription requirements and encourages the Board to set annual limits on the number or capacity of projects that convert to a municipal automatic enrollment project. (RC)

RESPONSE: The Board refers the commenter to the Board’s Response to Comment 34. The Board believes that municipal automatic enrollment projects will better benefit ratepayers because the opt-out model has a lower subscriber acquisition cost than traditional opt-in marketing methods, allowing projects to offer greater discounts or require smaller incentives.

36. COMMENT: The commenters appreciate and share the Board’s concern and interest in balancing both opt-in and automatic enrollment opportunities in the CSEP for New Jersey residents. The commenters also support the Board’s proposed regulations to incorporate annual limits on municipal automatic enrollment capacity to achieve the most equitable outcome for the community solar market and New Jersey’s residents. (CCSA-SEIA-NJSEC)

RESPONSE: The Board refers the commenters to the Board’s Response to Comment 34.

37. COMMENT: The commenter supports the proposed change that removes the 15-mile restriction on siting solar facilities to serve automatic enrollment projects. The commenter believes it is vital that the CSEP allows a local government to associate with a municipal automatic enrollment project located anywhere in their utility territory because: 1) the mission of the CSEP is to eliminate restrictions on solar energy and spread the benefits of solar energy equitably to all residents; 2) expanded siting allowance will increase competition between developers to partner with a municipality; and 3) rural municipalities may require project siting outside the 15-mile radius since CSEP projects are limited to rooftops, canopies, etc. (Gabel Associates)

RESPONSE: The Board thanks Gabel Associates for its support.

N.J.A.C. 14:8-9.7 Community Solar Billing

38. COMMENT: The commenter supports the calculation method for determining bill credits. The commenter hopes that the minimum guaranteed bill credit discount will ensure those enrolled in community solar are guaranteed to pay a lower rate than they would otherwise. (RC)

RESPONSE: The Board thanks Rate Counsel for its support and notes that the bill credit and minimum guaranteed bill credit discount guarantee that participating subscribers will save money compared to what they would otherwise pay.

39. COMMENT: The commenter recommends not setting separate minimum guaranteed bill credit discounts for automatically enrolled subscribers, as the existing minimum is already higher than in other states, the tiebreaker mechanism encourages higher discounts, and municipalities may increase discounts through an RFP process. The commenter also states that capacity limits or higher minimum discounts may impact project development due to uncertainty, resulting in lower offered discounts when assuming traditional enrollment methods. Automatic enrollment allows money spent on subscriber acquisition to be passed on to subscribers. (Solar Landscape)

RESPONSE: The Board agrees that the existing mechanisms for ensuring subscribers to a municipal automatic enrollment project receive substantial benefits—a minimum guaranteed bill credit discount for all projects, a tiebreaker during the initial registration period, and a municipality’s competitive RFP process—should be sufficient to promote customer savings and that setting a separate minimum discount level would be unnecessary. Moreover, a separate minimum discount for automatic enrollment projects is likely to result in uncertainty for CSEP participants, particularly when identifying a discount to be offered in their registration, because most projects will likely become automatic enrollment projects after development and construction rather than at the time of CSEP registration. The Board, therefore, declines to make the proposed substantial change at N.J.A.C. 14:8-9.7(b) and adopts the language in the original notice of proposal (see 55 N.J.R. 1985(a)).

40. COMMENT: The commenters support a minimum guaranteed bill credit discount for subscribers enrolled in automatic enrollment projects in addition to the 20 percent discount for all projects. The commenters state that costs saved in individual customer engagement and education should be directed to higher bill credit discounts and, thus, recommend a 30 percent minimum guaranteed bill credit discount for municipal automatic enrollment projects. (Subscription Providers)

RESPONSE: The Board agrees that savings in the subscriber acquisition process should be passed on to customers, but does not believe that setting a 30 percent minimum discount for all municipal automatic enrollment projects is necessary. The Board has noted in the Response to Comment 39 that it declines to make changes at N.J.A.C. 14:8-9.7(b) that would require the Board to set a separate discount level for these projects.

41. COMMENT: The commenters warn there are risks with municipal opt-out community solar, such as the potential for monopoly and inequitable distribution of community solar and an undermining of consumer choice. Further, the commenters state it is unclear how a local government will be able to determine how customers will participate, how subscriptions are assigned, and how communication and outreach will be conducted in an opt-out model. (CCSA-SEIA-NJSEC)

RESPONSE: The Board thanks CCSA-SEIA-NJSEC for sharing these concerns and intends to continue engagement with potential automatic enrollment projects, partner municipalities, and other stakeholders to ensure program equity and maintenance of customer choice in community solar project participation. The Board notes that the rules require municipalities to submit a plan for subscriber enrollment and communication and outreach in advance of a customer’s automatic enrollment and looks forward to working to ensure greater LMI household access to solar savings.

42. COMMENT: The commenters propose that the Board ensure abundant transparency and protections for customers in a local government territory where automatic enrollment is occurring. Customers should be apprised of whether they are signed up for project benefits and should also know that other third-party options may exist as the CSEP is a competitive market. Conversely, customers already enrolled with a third-party project should not be automatically kicked off and enrolled in an opt-out program. (CCSA-SEIA-NJSEC)

RESPONSE: The Board notes that the adopted rules at N.J.A.C. 14:8-9.6(l)9 require prospective subscribers selected for automatic enrollment to be sent two notices prior to the start of a community solar subscription and to be informed about community solar and that there may be competing subscription opportunities. The Board notes that N.J.A.C. 14:8-9.6(f)5 requires subscriber organizations to verify subscribers are not already subscribed to another project, and customers may not be kicked off of an existing subscription to be enrolled in an automatic enrollment project.

N.J.A.C. 14:8-9.9 EDC Responsibilities and Cost Recovery

43. COMMENT: The commenter notes that it is unclear if N.J.A.C. 14:8-9.9(f) and (g), regarding capacity hosting maps and subscription of no more than 100 percent of a project’s output, have been deleted or will be restored and notes that their deletions appear reasonable, while the commenter says subsection (h), regarding compliance with applicable regulations, should be restored. (RC)

RESPONSE: The Board confirms that existing N.J.A.C. 14:8-9.9(f) has been deleted and that the provisions of existing N.J.A.C. 14:8-9.9(g) were recodified as N.J.A.C. 14:8-9.6(h). N.J.A.C. 14:8-9.9(h), which provided that “developers and owners are responsible for complying with all applicable Federal and State securities laws, rules, and regulations” has also been deleted. The Board notes that N.J.A.C. 14:8-9.9(h) lacks meaningful specificity, does not impose any distinct requirements, and does not enhance the Board’s ability to enforce its own rules.

44. COMMENT: The commenter states that proposed N.J.A.C. 14:8-9.9(d) is inconsistent with its practices because the commenter does not collect production data with telemetry. Rather, it collects data with LMI production meters, which are revenue grade and meet standards for accuracy and security. The commenter recommends that the Board change the provision to permit data collection through “normal business procedures.” (ACE)

RESPONSE: The Board agrees with the commenter that this provision is intended to correspond with appropriate EDC practices and the Board does not intend for data to be collected in a prescribed manner. The Board will make the commenter’s recommendation upon adoption.

N.J.A.C. 14:8-11.4 Successor Solar Incentive Program Eligibility

45. COMMENT: The commenters note that the proposed rule permitted the co-location of community solar projects on municipally owned landfills that have not been properly closed but did not provide further guidance on when waivers for co-location could be granted. The commenters recommended that the Board restore language describing the potential for the Board to grant a waiver and add conditions under which such a waiver could be granted. (MSSIA and Passaic Valley Sewerage Commission)

RESPONSE: The Board notes that its rules of practice allow it to waive its rules for special cases and good cause shown when full compliance may have adverse effects (see N.J.A.C. 14:1-1.2(b)). As such, there is no need for language restating that parties may petition for a waiver. The Board does not believe further guidance is necessary and notes that projects or co-located projects larger than five MW should consider applying for additional capacity in the CSI Program.

46. COMMENT: The commenter notes that co-location of community solar and net metered projects does not need to be permitted, or that it may be permitted up to no more than a combined capacity of five MW. Preferred site types, such as unclosed municipally owned landfills, are more costly to construct and may require higher incentive values. The commenter also states that there is likely no need to differentiate projects on rooftops on separate buildings, which should also be subject to the five MW capacity limit and recommends removing proposed N.J.A.C. 14:8-11.4(f)2. The commenter agrees that co-located facilities should receive the lowest incentive available. (RC)

RESPONSE: The Board believes that behind-the-meter net metered projects and front-of-meter community solar projects are considered separate projects with separate customers, so it is appropriate to permit co-location. The Board also believes that the CSEP should be limited to preferred site types and that a flat incentive for participating projects will prevent excessive costs to ratepayers. Projects on separate buildings are still individually limited to five MW, but the Board does not believe projects on adjacent buildings should necessarily be considered a single

project for purposes of determining program eligibility. The CSI Program is available for larger projects.

N.J.A.C. 14:8-11.5 Successor Solar Incentive Program Registration Process

47. COMMENT: The commenter asserts that the requirement for all projects to have conditional approval from the EDC to register for the CSEP creates inefficiencies in the interconnection queue because the queue subsequently contains projects that have received interconnection approval but have not yet been approved by the Board, meaning that when projects are approved out of order, some projects may require additional review and pay for distribution system upgrades. Some applicants are also hesitant to pay the fee for a full engineering study before receiving Board approval, resulting in delays and uncertainty. The commenter notes it received applications for more than double the capacity it has been allocated so far, creating an effective waiting list of projects and the potential need for projects to be re-reviewed to account for later changes. The commenter recommends, instead, requiring a completed pre-application report, which does not hold system capacity for the project. This would inform projects of interconnection feasibility without a technical review and waits until Board approval for a project to be placed in the queue. (ACE)

RESPONSE: The Board disagrees, noting that projects should have conditional approval to be allowed to register in the CSEP, as this ensures that Board-approved projects have reserved grid capacity and estimated interconnection costs. While the Board understands that the order of projects in the interconnection queue may result in inefficiencies, similar issues may still arise if projects accepted in the CSEP subsequently do not have capacity available to them and can still have unexpected costs, such as those seen in the Pilot Program, so it declines to make this change. The Board will continue to evaluate this process as the backlog of projects progresses and outcomes of the Grid Modernization Proceedings, including the Pre-Application Verification and Evaluation report, are implemented. See *In the Matter of Modernizing New Jersey's Interconnection Rules, Processes, and Metrics*, BPU Docket Number QO21010085.

48. COMMENT: The commenter recommends that the Board automatically notify the EDC when an application for registration in the CSEP is approved or denied, which would allow the EDC to efficiently move forward with accepted projects. The commenter further recommends that CSEP projects must notify the Board of any changes in system size from that in the approved registration. (ACE)

RESPONSE: The Board intends to work with the EDCs to improve data-sharing and efficient communication of the status of CSEP applications. However, the Board does not believe the commenter's recommendation needs to be adopted and declines to make the change. The Board also believes that it is important to receive updates from projects regarding changes in size or design and may update instructions for the registration process, but as interconnection-related downsizing in AC capacity does not necessarily result in changes to DC capacity or impact the Board's processes, the Board declines to adopt the change.

49. COMMENT: The commenter believes the proposed maturity requirements appear reasonable and agrees with maintaining consistency across programs to ensure only serious projects are considered for financial support. The commenter supports requiring utility conditional approval for all projects. (RC)

RESPONSE: The Board thanks Rate Counsel for its support.

Summary of Agency-Initiated Changes:

The Board is making a non-substantial change at N.J.A.C. 14:8-9.6(l)9 upon adoption to clarify that a draft of the notice and envelope to be sent to subscribers selected to be enrolled in a municipal automatic enrollment projects shall be submitted to Board staff, rather than the Board, along with the New Jersey Division of Rate Counsel for comments, revisions, and approval at least 60 days prior to their intended use. This clarification of the rule text harmonizes it with the Board's intent for the approval of the written notice to be an efficient process conducted by Board staff that does not require a Board Order.

Federal Standards Statement

N.J.S.A. 52:14B-1 et seq., requires State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. This rulemaking has no Federal analogue and is not promulgated pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require a Federal standards analysis for the adopted amendments.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 9. COMMUNITY SOLAR ENERGY PROGRAM

14:8-9.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

"Consolidated billing" means the practice of incorporating the community solar subscription ***[fee]* *charge*** directly on a subscriber's utility bill.

...
"Mining site" means a sand mine, gravel pit, or mine on land classified as "extractive mining" in Level II of the modified Anderson classification system within the most recent Land Use/Land Cover GIS data layer produced by the NJDEP. A mining site shall exclude forested land as defined at N.J.A.C. 14:8-12.2.
 ...

14:8-9.5 Community Solar Energy Program ***(CSEP)*** eligibility

(a)-(c) (No change.)

(d) Unless modified by Board Order or by a waiver granted by the Board, a community solar project may be located on:

1-2. (No change.)

3. A contaminated site or landfill, where associated disturbed areas constitute a maximum of 10 percent of the total area dedicated to solar development, and that excludes farmland; ***[or]***

4. A body of water that has little to no established floral and faunal resources, such as a water treatment reservoir or dredge pond ***[.]****; **or**

5. A mining site.*

(e) Regarding projects located on a contaminated site, ***[or]*** landfill ***, or mining site***:

1. Facilities shall comply with the requirements for soil erosion and sediment control, in accordance with the New Jersey Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.) and the implementing rules at N.J.A.C. 2:90;

2. Facilities shall, as part of the development of a comprehensive siting plan, assess existing drainage conditions, and identify any areas where surface runoff currently exists or where proposed grades will create surface runoff concentration. All such areas shall be designed to prevent onsite erosion, as well as protect offsite areas from erosion and flooding;

3. Facilities shall comply with the NJDEP's Stormwater Management Rules at N.J.A.C. 7:8;

4. Facility panel drip lines shall be protected against scour; and

5. Facilities shall complete a post-construction NJDEP compliance form.

***[(f) (Reserved)]**

(g) Community solar facilities are not considered co-located if they are located on rooftops of separate buildings on different properties with different beneficial owners.

(h) EDCs are not allowed to develop, own, or operate community solar projects beyond the billing and other responsibilities set forth in this subchapter.]*

***[(f) If, at the end of an energy year, there is remaining unsubscribed capacity allocated in a megawatt block for an EDC service territory, such capacity shall roll over into the allocation for the subsequent energy year. In the subsequent energy year, the EDC is eligible to register community solar projects in the CSEP up to the**

amount of the rolled over capacity in the EDC's service territory. The EDC shall submit a rate filing for how it intends to recover any costs associated with its community solar projects.*

14:8-9.6 Subscription requirements

(a)-(k) (No change.)

(l) Beginning April 1, 2025, a local government may submit a registration for a municipal community solar automatic enrollment project that requests an exemption from the provisions at N.J.A.C. 14:8-9.10(b)1i, which mandate subscriber enrollment through affirmative consent of the subscriber. Unless explicitly stated otherwise, an automatic enrollment project shall be subject to all other rules of the CSEP, as well as to the following provisions:

1. (No change.)

2. A local government *[that developed a project in the CSEP or Pilot Program and wishes to convert it to a municipal community solar automatic enrollment project may provide]* ***may contract with an existing community solar project to become a municipal community solar automatic enrollment project by means of a public procurement process and by providing, to the Board,*** a resolution or ordinance stating its intention to convert the project as a municipal community solar automatic enrollment project and the mechanism by which it intends to enroll new customers *[by no later than December 31, 2025;]**. **The Board may, by Board Order, set annual limits on the number or capacity of projects that convert to municipal community solar automatic enrollment projects or contract with a single municipality;***

3. (No change.)

4. The automatic enrollment project shall be located within *[15 miles of the boundaries of]* ***the same EDC service territory as*** the associated local government;

5.-8 (No change.)

9. The local government, or its designee, if applicable, selected through the public procurement process set forth in this subchapter, shall provide written notice delivered by the United States Postal Service to all selected subscribers of their enrollment in the community solar project no less than 90 days before the subscribers receive their first bill credits for participating in the automatic enrollment project. Another written notice shall be sent by the local government, or its designee, as a reminder of their enrollment no later than 30 days before the subscribers receive their first bill credits for participating in the automatic enrollment project. A draft of the notice and envelope, as well as any subsequent revisions, shall be submitted to *[the]* Board ***staff*** and the New Jersey Division of Rate Counsel for comments, revisions, and approval at least 60 days prior to their intended use. The notice shall be sent to prospective subscribers in both English and Spanish and be made available in other languages upon request. The notice shall include the following:

i.-iv. (No change.)

10.-13 (No change.)

14:8-9.7 Community solar billing

(a) (No change.)

(b) Subscribers shall receive at least the project's guaranteed bill credit discount, as identified in the project's registration, respective to the capacity to which they are subscribed. The Board shall set, by Board Order, a minimum guaranteed bill credit discount applicable to all projects, and projects may establish a higher discount in their registration.

(c)-(p) (No change.)

(q) By no later than January 1, 2025, each EDC shall develop and implement a method for the consolidated billing of a subscriber's utility bill that includes both the applied bill credit and a subscription *[fee]* ***charge*** to be paid to the community solar project owner. The consolidated billing shall incorporate a net crediting model, and the following provisions shall apply:

1.-3. (No change.)

4. The savings rate shall be applied to each subscriber's bill in accordance with the bill credit applied against the initial billed amount. The subscription *[fee]* ***charge*** shall be the applied bill credit minus the amount discounted by the savings rate.

5. (No change.)

6. The EDC shall remit to the project owners the subscription *[fee]* ***charge***, less a utility administrative fee.

7. An EDC may charge subscriber organizations a utility administrative fee of no more than one percent of the subscription *[fee]* ***charge*** to cover the EDC's costs of implementing and administering consolidated billing.

8.-9 (No change.)

(r)-(s) (No change.)

14:8-9.9 EDC responsibilities and cost recovery

(a)-(c) (No change.)

***(d) The production data from each community solar project shall be collected through EDC meters in accordance with EDC normal business procedures.**

(e) The EDCs shall be responsible for measuring the metered production of energy by community solar projects and for verifying that the community solar projects are producing an amount of energy that is greater than or equal to the amount of energy that is being credited to subscribers' bills.*

SUBCHAPTER 11. SUCCESSOR SOLAR INCENTIVE PROGRAM

14:8-11.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

...

"Co-location" means siting two or more SuSI-eligible solar facilities on the same property or on contiguous properties*[, such that the individual facilities are eligible for a higher incentive value or different program than they would be if they were combined into one single facility. In the case of net metered projects, SuSI-eligible solar facilities shall not be deemed co-located if they serve separate net metering customers as defined at N.J.A.C. 14:8-4. A community solar facility and a net metered facility are not deemed co-located if they serve separate customers]*.

...

14:8-11.4 Successor Solar Incentive Program eligibility

(a)-(e) (No change.)

[(f) Co-location is not permitted in the ADI Program, unless the Board grants a waiver in response to a petition.]

*** (f) The following restrictions on co-location in the ADI Program apply:**

1. Co-located net metered facilities that serve the same net metering customer as defined at N.J.A.C. 14:8-4 may sum to a capacity of no more than five MW in the ADI Program;

2. Co-located community solar and/or remote net metered facilities may sum to a capacity of no more than five MW unless sited on:

i. Rooftops of separate buildings on different properties; or

ii. A landfill that is owned by a public entity and is not properly closed at the time of registration, in which case, the total capacity of all the co-located community solar and/or remote net metered facilities may sum to no more than 10 MW; and

3. Co-located net metered facilities shall receive the lowest incentive value available to any of the facilities as if registered either individually or aggregated. The registration packages of such co-located facilities shall include an affidavit accepting the lowest incentive.*

(g)-(k) (No change.)

14:8-11.5 Successor Solar Incentive Program registration process

(a)-(c) (No change.)

(d) The registrant shall meet minimum facility maturity standards according to the ADI or CSI Program conditions and provide all required documentation as part of its initial registration package.

1.-2. (No change.)

3. For community solar projects in the ADI Program and the CSEP, the registrant shall supply the following, and any other information the Board, or its designee, may deem necessary to confirm eligibility for the Program:

i. (No change.)

[ii. For facilities sized up to one MW, evidence of having submitted to the relevant EDC an Attachment A to an Interconnection Application and Agreement signed by the installer;]

[iii.] ***ii.*** *[For facilities sized one MW or greater, written]* ***Written*** authorization from the EDC providing conditional approval to construct and a Milestone Reporting Form;

[iv.] ***iii.*** Evidence of applications 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 signed list of all permits to be applied for;

[v.] ***iv.*** A community engagement and subscriber acquisition plan;
 [vi.] ***v.*** A guaranteed bill credit discount to be offered to subscribers, given as a percentage to two decimal places; and

[vii.] ***vi.*** For projects on a contaminated site or landfill, an estimated size of the area designated as a “contaminated site” or “properly closed sanitary landfill,” a completed New Jersey Department of Environmental Protection permit readiness checklist, and a completed Contaminated Sites and Landfills Eligibility Verification Form.

(e)-(l) (No change.)

TRANSPORTATION

(a)

DIVISION OF OPERATIONS

**Notice of Readoption
 Roadside, Drainage, Unusual, and Disaster
 Maintenance**

Readoption with Technical Changes: N.J.A.C. 16:38

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 27:7-1 et seq.
 Authorized By: Francis K. O’Connor, Commissioner, Department of Transportation.
 Effective Dates: February 11, 2025, Readoption;
 March 17, 2025, Technical Changes.
 New Expiration Date: February 11, 2032.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1.c, the Roadside Drainage, Unusual, and Disaster Maintenance rules at N.J.A.C. 16:38 are readopted with technical changes and shall continue in effect for a seven-year period. The rules were scheduled to expire on March 12, 2025. The Department of Transportation has reviewed the rules and determined that they should be readopted, with technical changes to update contact information, because they are necessary, reasonable, adequate, and responsive for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

This chapter establishes responsibilities for maintenance and damage related to the State right-of-way and for the removal of objects on the highway.

Full text of the technical changes follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. RESPONSIBILITY FOR MAINTENANCE

16:38-3.2 Trees

Abutting property owners are responsible for damage done to sidewalks by root systems of trees located within sidewalk areas or adjacent thereto. Removal or trimming of the tree, including roots, must be authorized by the Department through the Operations Permit Office with concurrence by the local Shade Tree Commission within the municipality, if applicable. Contact information is as follows:

New Jersey Department of Transportation
 Operations Permit Office
 1035 Parkway Avenue
 [1st Floor, E&O Bldg.]

PO Box 600
 Trenton, NJ 08625-0600
 [(732) 625-4330] **609-963-1487**
 (609) 588-6212 (Emergency only)

TREASURY—GENERAL

(b)

**OFFICE OF THE STATE TREASURER
 Public Employee Charitable Fund-Raising
 Campaign**

Readoption with Amendments: N.J.A.C. 17:28

Proposed: November 18, 2024, at 56 N.J.R. 2222(a).
 Adopted: February 13, 2025, by Elizabeth Maher Muoio, State Treasurer.
 Filed: February 13, 2025, as R.2025 d.034, **without change**.
 Authority: N.J.S.A. 52:14-15.9c13 and 52:18A-30.
 Effective Dates: February 13, 2025, Readoption;
 March 17, 2025, Amendments.
 Expiration Date: February 13, 2032.

Summary of Public Comment and Agency Responses:
No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the rules readopted with amendments.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:28.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

17:28-1.3 Definitions

The following words and terms, when used in this chapter shall have, unless the context clearly indicates otherwise, the following meanings:

...
 “Employee” means any person employed by, or holding a public office, or position of, the State, a county, a municipality, or any board, body, agency, or commission thereof, whose compensation is payable by the State Treasurer or local unit of government.
 ...

17:28-1.5 General provisions

(a)-(d) (No change.)

(e) The limitations on the solicitation of funds and distribution of printed or electronic communications are as follows:

1. (No change.)

2. The distribution of any type of printed communication with any envelope or other container having within it a payroll check or other official communication shall be limited to: the distribution of announcements by the Governor; the head of a principal department in the Executive Branch of State Government for governmental purposes and not in conjunction with any charitable agency or charitable fund-raising organization, as approved by the State Treasurer, and to the distribution of printed or electronic materials related to the charitable fund-raising campaign, as approved by the Campaign Steering Committee or the head of a local unit of government.

SUBCHAPTER 2. CHARITABLE FUND-RAISING CAMPAIGN
 STEERING COMMITTEE

17:28-2.1 Campaign Steering Committee

(a)-(b) (No change.)

(c) The Campaign Steering Committee shall convene at least quarterly, with the first meeting of the year occurring on or before April 1.