



**Parties of Record:**

**Stefanie Brand, Esq., Director**, Division of Rate Counsel

**Greg Eisenstark, Esq.**, Morgan, Lewis & Bockius, LLP, on behalf of Jersey Central Power & Light Company

**Phil Passanante, Esq.**, for Atlantic City Electric Company

**Jane Quinn, Esq.**, for Orange & Rockland Utilities

**Alexander Stern, Esq.**, for Public Service Electric & Gas Company

**BY THE BOARD:**

On July 23, 2012, L. 2012, c. 24 the ("Solar Act") was signed into law by Governor Chris Christie. The Solar Act amends some aspects of the statute governing the generation and financing of solar energy, and provides for certain new programs. 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 of the Solar Act. By this Order, the Board directs its Staff to begin those proceedings.

Section (t) of the Solar Act, codified as N.J.S.A. 48:3-87(t), requires the Board to, within 180 days of the enactment of the Solar Act, complete a proceeding to establish a program to provide Solar Renewable Energy Certificates ("SRECs") to owners of solar generation projects certified by the Board as being located on a brownfield, an area of historic fill, or a properly closed sanitary landfill facility. The Solar Act requires the Board to consult with the Department of Environmental Protection ("DEP") and the New Jersey Economic Development Authority ("EDA") in conducting this proceeding, and to provide notice and opportunity for public comment and public hearing. The Solar Act further provides that projects certified under this subsection shall be considered "connected to the distribution system," and thus eligible to generate SRECs, without the need for Board review or designation under any other subsection.

Therefore, the Board **HEREBY DIRECTS** Staff to initiate a proceeding, to be completed by January 13, 2013, to establish a program to provide SRECs to the owners of solar generation facilities located on brownfields, areas of historic fill, or properly closed landfills, as provided for in N.J.S.A. 48:3-87(t). In addition, the Solar Act provides that the Board shall establish a financial incentive designed to supplement the SRECs generated by qualifying facilities to cover the additional costs of constructing and operating a solar generation system on the specified locations.

Section (e)(4) of the Solar Act, codified as N.J.S.A. 48:3-87(e)(4), requires the Board to, within 270 days of the effective date of the Solar Act, develop standards that require electric distribution companies ("EDCs") to offer "net metering aggregation" to certain public entities that install a single central solar electric power generation system, sized so that its annual generation does not exceed the combined annual energy usage of the customer's facilities. As defined in N.J.S.A. 48:3-51, net metering aggregation is a procedure for calculating the combined energy usage for all facilities owned by a single customer that is a State entity, school district, county, county agency or authority, municipality, municipal agency or authority, and off-setting that usage against the generation of the solar facility. The Solar Act mandates that, to be eligible under section (e)(4), the solar facility be located on property owned by the

customer, use a net metering billing account, and all the other facilities must be owned or operated by the customer, located within the customer's territorial jurisdiction and within the service territory of a single EDC. Therefore, the Board **HEREBY DIRECTS** Staff to convene a public stakeholder process to propose a rule to establish standards for net metering aggregation as provided by N.J.S.A. 48:3-87(e)(4) no later than April 19, 2013.

Section (w) of the Solar Act, codified as N.J.S.A. 48:3-87(w), requires the Board, within 270 days of the effective date of the Solar Act, to complete a proceeding to determine whether supplemental financial incentives should be provided to the owners of solar systems certified by the Board as being three megawatts or greater in capacity and as being net metered. Therefore, the Board **HEREBY DIRECTS** Staff to initiate a proceeding to determine whether such supplemental financial incentives should be provided, and, after notice and opportunity for public comment and public hearing, complete that proceeding by April 19, 2013.

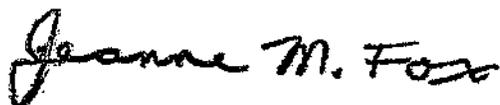
Sections (q) and (r) of the Solar Act, codified as N.J.S.A. 48:3-87 (q) and (r), establish eligibility and application requirements for certain grid-supply projects that must be designated by the Board as "connected to the distribution system" so that they can qualify to generate SRECs. Although there is no legislative directive to the Board regarding stakeholder input, the Board has determined that stakeholder input would be desirable in developing the processes that must be in place on or before June 1, 2013, so that completed applications when submitted can be reviewed in an appropriate and timely manner. Therefore, the Board **HEREBY DIRECTS** Staff to convene public stakeholder meetings to develop the necessary processes for implementing these requirements.

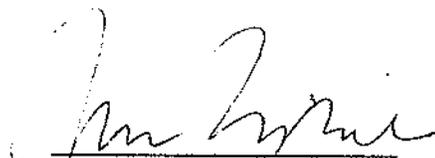
Section (d)(3) of the Solar Act, codified as N.J.S.A. 48:3-87(d)(3), requires the Board to adopt the Renewable Portfolio Standard set out in the Solar Act and to complete a proceeding to investigate approaches to mitigate solar development volatility and to submit a report and recommendation by July 23, 2014. Lastly, the Board **HEREBY DIRECTS** Staff to initiate a proceeding to consider approaches to mitigating solar development volatility with the goal of providing a report for the Board's consideration prior to July 23, 2014.

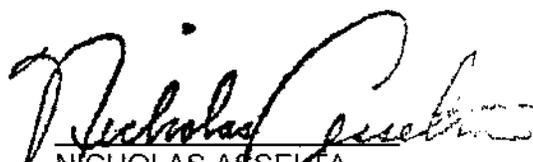
DATED: 10/10/12

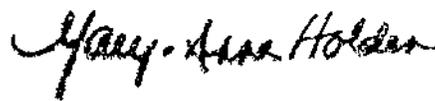
BOARD OF PUBLIC UTILITIES  
BY:

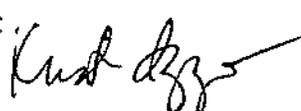
  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

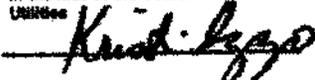
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

ATTEST:  
  
KRISTI IZZO  
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 IMPLEMENTATION OF L.2012, c. 24,  
THE SOLAR ACT OF 2012 - ORDER INITIATING PROCEEDINGS  
DOCKET NO. EO12090832V, EO1209088V and  
EO12090860V – EO12090863V

SERVICE LIST

Stefanie A. Brand, Director  
Division of Rate Counsel  
31 Clinton Street, P.O. Box 46005  
Newark, NJ 07101-46005  
[sbrand@rpa.state.nj.us](mailto:sbrand@rpa.state.nj.us)

Shelly Massey, Gas Paralegal  
Division of Rate Counsel  
31 Clinton Street, P.O. Box 46005  
Newark, NJ 07101  
[smassey@rpa.state.nj.us](mailto:smassey@rpa.state.nj.us)

Felicia Thomas-Friel  
Division of Rate Counsel  
[ftthomas@rpa.state.nj.us](mailto:ftthomas@rpa.state.nj.us)

Sarah Steindel  
Division of Rate Counsel  
[ssteinde@rpa.state.nj.us](mailto:ssteinde@rpa.state.nj.us)

Paul Flanagan  
Division of Rate Counsel  
[pflanagan@rpa.state.nj.us](mailto:pflanagan@rpa.state.nj.us)

Rodney Richards  
[rrenergyconsulting@gmail.com](mailto:rrenergyconsulting@gmail.com)

George St.Onge  
RR Renewable Energy Consultants  
[geosaint@yahoo.com](mailto:geosaint@yahoo.com)

Michael Boches, Chief Executive Officer  
Geoscape Solar  
[mboches@geoscapesolar.com](mailto:mboches@geoscapesolar.com)

Gabrielle A. Figueroa on behalf of RESA  
Bevan, Mosca, Giuditta & Zarillo, P.C.  
222 Mount Airy Road, Suite 200  
Basking Ridge, NJ 07920  
[GFigueroa@bmgzlaw.com](mailto:GFigueroa@bmgzlaw.com)

Gary N. Weisman  
Solis Partners, Inc.  
2520 Hwy. 35, Suite 301,  
Manasquan, NJ 08736  
[gweisman@solispartners.com](mailto:gweisman@solispartners.com)

Stephen Wemple, VP, Regulatory Affairs  
Con Edison Competitive Shared Services  
100 Summit Lake Drive, Suite 410  
Valhalla, NY 10595  
[wemples@conedcss.com](mailto:wemples@conedcss.com)

Patrick F. McCort  
PowerLease Solar Solutions  
1466 State Highway 88 West  
Brick, NJ 08724  
[pat@powerleasesolarsolutions.com](mailto:pat@powerleasesolarsolutions.com)

Julia P. Reilly, Legal Systems Administrator  
PHI Legal Services  
[julia.reilly@pepcoholdings.com](mailto:julia.reilly@pepcoholdings.com)

Bryan Miller Vice President, Energy Policy,  
Sustainable Energy  
Constellation Energy  
[Bryan.Miller@constellation.com](mailto:Bryan.Miller@constellation.com)

Philip J. Passanante, Esq., Associate General  
Counsel on behalf of  
Atlantic City Electric Company  
500 N. Wakefield Drive  
PO Box 6066  
Newark, DE 19714-6066  
[Philip.Passanante@pepcoholdings.com](mailto:Philip.Passanante@pepcoholdings.com)

Katie Bolcar  
Director of Mid-Atlantic States  
Solar Energy Industries Association  
[kbolcar@seia.org](mailto:kbolcar@seia.org)

Vincent Maione  
Atlantic City Electric Company  
[vincent.maione@atlanticcityelectric.com](mailto:vincent.maione@atlanticcityelectric.com)

Jane Quinn, Esq.  
Orange & Rockland  
390 West Route 59  
Spring Valley, NY 10977  
[QUINN@oru.com](mailto:QUINN@oru.com)

Scott Markwood, Program Administrator  
Orange & Rockland  
390 West Route 59  
Spring Valley, NY 10977  
[MARKWOODS@oru.com](mailto:MARKWOODS@oru.com)

David Applebaum, Regional Director  
Regulatory and Political Affairs  
NextEra Energy Resources  
21 Pardee Place  
Ewing, New Jersey 08628  
[david.applebaum@fpl.com](mailto:david.applebaum@fpl.com)

Larry Barth, Dir., Business Development  
NJR Clean Energy Ventures  
1415 Wyckoff Road, PO Box 1464  
Wall, NJ 07719  
[lbarth@njresources.com](mailto:lbarth@njresources.com)

David S. Klockner, VP & COO  
ENERACTIVE Solutions  
700 Mattison Ave., Suite A  
Asbury Park, NJ 07712  
[www.eneractivesolutions.com](http://www.eneractivesolutions.com)

Christine Guhl, NJ Beyond Coal Associate  
Organizing Representative  
on behalf of the Sierra Club  
[christine.guhl@sierraclub.org](mailto:christine.guhl@sierraclub.org)

Cathy and Dave Sims  
Ecological Systems by Water Wizard, LLC  
[cathy@bized.com](mailto:cathy@bized.com)

Lyle K. Rawlings, P.E., President & CEO  
Advanced Solar Products, Inc.  
270 S. Main Street  
Flemington, NJ 08822  
[lyle@advancedsolarproducts.com](mailto:lyle@advancedsolarproducts.com)

Evan Dube, Director of Government Affairs  
Sunrun Inc.  
101 Federal Street, Suite 1900  
Boston, MA 02110  
[evand@sunrunhome.com](mailto:evand@sunrunhome.com)

Connie Lembo, Senior Admin. Assistant  
Law Department  
Regulatory Group - T5  
[constance.lembo@pseg.com](mailto:constance.lembo@pseg.com)

Michael F. Cerra, Senior Legislative Analyst  
NJ League of Municipalities  
222 West State Street  
Trenton, NJ 08608  
[mcerra@njslom.com](mailto:mcerra@njslom.com)

William G. Dressel, Jr., Executive Director  
NJ League of Municipalities  
222 West State Street  
Trenton, NJ 08608  
[wdressel@njslom.com](mailto:wdressel@njslom.com)

Gregory Eisenstark  
Morgan, Lewis & Bockius LLP  
89 Headquarters Plaza North, Suite 1419 |  
Morristown, NJ 07960  
[geisenstark@morganlewis.com](mailto:geisenstark@morganlewis.com)

Melissa MacCarthy  
Ecological Systems  
220 County Road 522  
Manalapan, NJ 07726  
[Melissa@ecologicalsystems.biz](mailto:Melissa@ecologicalsystems.biz)

Kristi Izzo, Secretary  
Board of Public Utilities  
P.O. Box 350  
Trenton, NJ 08625-0350  
[Kristi.izzo@bpu.state.nj.us](mailto:Kristi.izzo@bpu.state.nj.us)

Rachel Boylan, Legal Specialist  
Board of Public Utilities  
Office of Clean Energy  
[rachel.boylan@bpu.state.nj.us](mailto:rachel.boylan@bpu.state.nj.us)

Michael Winka, Director  
Office of Clean Energy  
Board of Public Utilities  
[m.winka@bpu.state.nj.us](mailto:m.winka@bpu.state.nj.us)

Andrea Sarmentero-Garzon  
Counsel's Office  
Board of Public Utilities  
[andrea.sarmentero-garzon@bpu.state.nj.us](mailto:andrea.sarmentero-garzon@bpu.state.nj.us)

Benjamin S. Hunter  
Office of Clean Energy  
Board of Public Utilities  
[b.hunter@bpu.state.nj.us](mailto:b.hunter@bpu.state.nj.us)

Allison E. Mitchell  
Office of Clean Energy  
Board of Public Utilities  
[allison.mitchell@bpu.state.nj.us](mailto:allison.mitchell@bpu.state.nj.us)

Caroline Vachier, DAG  
Division of Law  
Dept. of Law & Public Safety  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07102  
[Caroline.Vachier@dol.lps.state.nj.us](mailto:Caroline.Vachier@dol.lps.state.nj.us)

Ellen DeVito, Confidential Assistant  
Office of the Commissioners  
Enterprise Development Corporation  
of the Wildwoods (UEZ)  
4400 New Jersey Avenue  
Wildwood, NJ 08260  
[e.devito@wildwoodnj.org](mailto:e.devito@wildwoodnj.org)

Marisa Slaten, DAG  
Division of Law  
[Marisa.Slaten@dol.lps.state.nj.us](mailto:Marisa.Slaten@dol.lps.state.nj.us)

Babette Tenzer, DAG  
Division of Law  
[Babette.Tenzer@dol.lps.state.nj.us](mailto:Babette.Tenzer@dol.lps.state.nj.us)

Joe Gennello  
Honeywell Utility Solutions  
5 East Stow Road, Suite E  
Marlton, NJ 08053  
[joe.a.gennello@honeywell.com](mailto:joe.a.gennello@honeywell.com)

Rian Mark Gorey  
New Age Energy Inc.  
122 Kings Highway, Suite 503  
Maple Shade, NJ 08052-3424  
[rmgorey@yahoo.com](mailto:rmgorey@yahoo.com)

Diane M. Zukas  
TRC Energy Solutions  
900 Route 9 North, Suite 404  
Woodbridge, NJ 07095

Holly Thompson  
Orange & Rockland Utilities, Inc.  
Customer Energy Services  
390 West Route 59  
Spring Valley, NY 10977

Michael Ambrosio  
Applied Energy Group  
317 George Street, Suite 305  
New Brunswick, NJ 08901  
[mambrosio@appliedenergygroup.com](mailto:mambrosio@appliedenergygroup.com)

Elaine Bryant  
Manager, Market Strategy & Planning  
Public Service Electric and Gas Company  
T8C, PO Box 570  
Newark, NJ 07101

Ken Maloney  
Elizabethtown Gas  
300 Connell Drive, Suite 3000  
Berkeley Heights, NJ 07922

Alexander C. Stern, Esq.  
Assistant General Reg. Counsel  
Public Service Electric and Gas Company  
T5, PO Box 570  
Newark, NJ 07102  
[Alexander.Stern@pseq.com](mailto:Alexander.Stern@pseq.com)

Wayne Barndt  
Manager Regulatory Strategy & Policy  
Pepco Holdings  
New Castle Regional Office  
Mailstop 79NC59, PO Box 9239  
Newark, DE 19714

Tracey Thayer  
Director, Regulatory Affairs Counsel  
New Jersey Natural Gas Company  
1415 Wyckoff Road  
PO Box 1464  
Wall, NJ 07719  
[tthayer@njng.com](mailto:tthayer@njng.com)

Steve Swetz  
Director, Corporate Rates & Revenue Rqmts  
Public Service Electric and Gas Company  
T5, PO Box 570  
Newark, NJ 07102  
[Steve.Swetz@pseq.com](mailto:Steve.Swetz@pseq.com)

John Jenks  
Quantum Solar Solutions  
P.O. Box 368  
Collingswood, NJ 08105  
[jwjenks01@gmail.com](mailto:jwjenks01@gmail.com)

Debbie Franco  
Elizabethtown Gas  
300 Connell Drive, Suite 3000  
Berkeley Heights, NJ 07922

Lawrence Sweeney  
Rates and Regulatory Affairs  
Jersey Central Power and Light Company  
300 Madison Avenue, PO Box 1911  
Morristown, NJ 07962-1911

Timothy White  
Manager Policy Coordination  
Pepco Holdings  
New Castle Regional Office  
Mailstop 79NC59, PO Box 9239  
Newark, DE 19714

Anne Marie Peracchio  
Director, Conservation & Clean Energy Policy  
New Jersey Natural Gas Company  
1415 Wyckoff Road  
PO Box 1464  
Wall, NJ 07719  
[aperacchio@njng.com](mailto:aperacchio@njng.com)

Susan J. Vercheak, Esq.  
Assistant General Counsel  
Consolidated Edison Company of New York  
Law Dept. Room 1815-S  
4 Irving Place  
New York, NY 10003