



STATE OF NEW JERSEY
Board of Public Utilities
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**SPECIAL BOARD MEETING MINUTES OF THE
BOARD OF PUBLIC UTILITIES**

A Special Board meeting of the Board of Public Utilities was held on April 27, 2020, via Zoom teleconference +1 312 626 6799 – Webinar ID: 933 8719 0712, with Watch Online @ <https://youtu.be/kwdUcfupo28> or <https://zoom.us/j/93387190712>

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Board's Trenton Office, on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner
Robert M. Gordon, Commissioner

President Fiordaliso presided at the meeting and Aida Camacho-Welch, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board Meeting would be held on May 5, 2020 at 10:00 a.m. via teleconference.

AGENDA

8. CLEAN ENERGY

A. Docket No. QO18070698 – In the Matter of the Closure of the SREC Registration Program Pursuant to P.L. 2018, c.17 – Procedure for Seeking Waiver of Permission to Operate Rules for Substantively Complete Projects Unable to Receive Final Inspection Due to the COVID Crisis.

B. Scott Hunter, Renewable Energy Program Administrator, Office of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: On May 23, 2018, Governor Murphy signed P.L. 2018, c. 17, codified at N.J.S.A. 48:3-51 to -87 into law (Clean Energy Act, CEA), effective immediately. The CEA effected many changes to the legal and regulatory framework for solar development, including directing the closure of the Solar Renewable Energy Certificate (SREC) program upon the attainment of the 5.1% Milestone, reducing the SREC term or “qualification life” to 10 years, and imposing a cap on the cost to ratepayers of certain Class I renewable energy requirements.

This matter involved the Board setting forth the procedure for registrants in the SREC Registration Program (SRP) pipeline that would have completed all necessary steps for SRP eligibility but were prevented by the COVID-19 emergency from obtaining the final inspections needed and/or their Permission to Operate (PTO) from their Electric Distribution Company (EDC) prior to April 30, 2020. That will be the date on which the Board determine that 5.1% of the retail electricity kilowatt hours sold in the State was generated by solar generation connected to the distribution system in the State (5.1% Milestone). To accomplish this, the Board waives certain of its rules to allow Board Staff and the SREC Registration Program administrator (SRP Administrator) flexibility in determining when projects commence commercial operations.

Following the publication of the monthly 5.1% Milestone attainment report by Staff on March 31, 2020, the Board determined that the State would generate 5.1% of its retail electricity sales from solar before May 1, 2020. Consequently, the Board ordered that this determination and the closure of the SRP would be effective on April 30, 2020. The Board ordered Staff to close the SRP to new registrations on that date. April 2020 Order at 5. Therefore, only projects in the SRP pipeline that had received a PTO from their EDC by April 30, 2020, and submitted the post-construction certification package no later than 90 days from the date of PTO, would be eligible to receive SRECs. Projects in the SRP pipeline that had not received a PTO by April 30, 2020, or failed to submit their post-construction certification package in a timely manner, would be not be so eligible and would instead become eligible for the Transition Incentive Program.

Contemporaneously with the closure of the SRP and the Board’s actions in that regard, the COVID-19 outbreak has produced a national state of emergency. Travel within and beyond the State has been severely restricted as both government and commercial carriers respond to the health threat. On March 16, 2020, Governor Murphy signed Executive Order No. 104 (EO 104), implementing aggressive social distancing measures to mitigate further spread of COVID19 in New Jersey. On March 21, 2020, the Governor

issued Executive Order 107 (EO 107), expressly superseding the operative paragraphs of EO 104 with yet more stringent measures. And on April 8, 2020, the Governor ordered all “non-essential” construction to halt as of April 10, 2020.

Staff recommended that the Board waive, in certain cases, the portion of its rules that require projects with active registrations in the SRP pipeline to have a PTO letter issued by their EDC in order to formally commence commercial operations.

Staff also recommended that the Board require registrants seeking such relief to submit the following to TRC, the Board’s SRP Administrator:

1. An affidavit from the project owner that the failure to obtain PTO was attributable to COVID-related closures of critical local government offices or delays in the EDC issuance of PTO;
2. An affidavit signed by a person with direct personal knowledge stating that the project was complete but for final inspections or final permission to interconnect to the grid prior to April 30, 2020;
3. Date-stamped pictures of the array, inverter and balance of system;
4. Date-stamped evidence that project representatives attempted to communicate with local code officials (e.g. emails with the local code officials requesting an inspection); or, if the project has already passed local code inspections, evidence that the application to energize (Part II of the interconnection application) was submitted to the EDC;
5. An executed milestone report form that reflects the status of the project, including the date the request for inspection was filed with the municipal officials, date of receipt of inspection approval, and date of submission of application to energize (Part II of the interconnection application) with the EDC; and
6. Such other evidence as the Board’s Staff and/or SRP Administrator may request.

Finally, Staff recommended that to be eligible for SRECs, projects that follow this process must still obtain all final inspections and submit their Permission to Operate from the local Electric Distribution Company to the SRP Administrator no later than 90 days following the end of the Public Health Emergency or State of Emergency established by the Executive Order No. 103, whichever ends later.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

B. Docket No. QX20030253 – In the Matter of a Rulemaking Proceeding to Amend the Renewable Portfolio Standard Rules and Create New Rules Establishing a Transition Incentive Program Pursuant to P.L. 2018, c.17 (Rule Proposal).

Ariane Benrey, Program Administrator, Office of Clean Energy, presented this matter.

BACKGROUND AND DISCUSSION: This matter involved a Rule Proposal to amend the Renewable Portfolio Standard rules and create new rules establishing a solar Transition Incentive Program at N.J.A.C. 14:8-10. This Rule Proposal was previously presented and approved as item 8D at the March 27, 2020, Board Agenda meeting.

Following the Board's vote on March 27, 2020, Staff posted a courtesy advance copy of the Rule Proposal to the Board's website. Staff received a number of questions from stakeholders regarding this courtesy copy. Staff also continues to learn from the implementation of the Transition Incentive Program prior to the close of the Solar Renewable Energy Certificates Registration Program on April 30, 2020.

In light of these questions, Staff proposed that the Board approve a new version of the Rule Proposal, which contains a limited number of modifications compared to the Rule Proposal previously approved on March 27, 2020. These modifications are intended to clarify certain elements of the Transition Incentive program, primarily relating to the registration length for Transition Incentive projects, as well as the process for registering Transition Incentive projects in Generation Attribute Tracking System to enable the creation of Transition Renewable Energy Certificate.

Staff recommended that the Board approve the publication of this Rule Proposal. Upon approval by the Board, the Rule Proposal would be sent to the Office of Administrative Law for publication in the New Jersey Register, and would be open for public comments for 60 days before returning to the Board for modification or for final approval.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

There being no further business before the Board, the meeting was adjourned.



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: May 20, 2020