



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CLEAN ENERGY

IN THE MATTER OF THE APPLICATION OF KDC ) ORDER  
SOLAR, LLC FOR DECLARATORY RELIEF )  
PURSUANT TO N.J.S.A. 52:14B-8 )  
)  
) DOCKET NO. EO12030209V

Parties of Record:

**Stephen J. Humes, Esq.**, Holland & Knight, LLP, on behalf of KDC Solar  
**Marc B. Lasky, Esq.**, Morgan, Lewis & Bockius LLP, on behalf of Jersey Central Power &  
Light Company  
**Stefanie A. Brand, Director**, New Jersey Division of Rate Counsel

BY THE BOARD:

This matter comes before the Board on a Petition by KDC Solar LLC ("Petitioner" or "KDC Solar"), a New Jersey-based solar energy developer, seeking a declaratory ruling on the definition of "contiguous property" set forth in the Solar Energy Advancement and Fair Competition Act, P.L. 2009, c. 289 (amending the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49, et seq.) (the "Solar Act"). In particular, KDC Solar requests "the Board to confirm that a tract of real property consisting of two adjacent parcels under common ownership, but bisected by a public thoroughfare, is 'contiguous' within the meaning of the Solar Act to property of a single proposed end user of solar-generated electric power, whose property is separated from the two parcels by a second thoroughfare." Petition, at 1.

KDC Solar seeks a determination that a solar photovoltaic facility installed on the two parcels will qualify under the Solar Act as an "on-site generation facility" of the end use customer. KDC Solar's position is that the two commonly-owned parcels are "contiguous" to the property of the proposed end user, and thus the solar facility is "on-site generation facility" within the letter and intent of the Solar Act.

The proposed solar facility consists of an approximate 11 MW DC solar photovoltaic facility (the "KDC/Sanofi Solar Facility") to support Sanofi's U.S. Corporate Headquarters located at 55 Corporate Drive, Bridgewater, New Jersey. The KDC/Sanofi Solar Facility would consist of

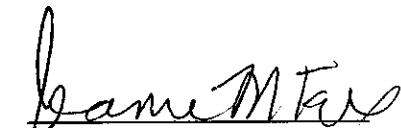
approximately 49,000 solar panels, and supply much of the electricity needs of Sanofi. KDC Solar, through a wholly owned subsidiary, KDC SolarSA55 LLC ("KDC SA"), plans to construct and operate the KDC/Sanofi Solar Facility on property located at Country Club Road, Bedminster, New Jersey, and commonly referred to as the "Kirby Farm." KDC SA will enter into a long term lease agreement, permitting the construction and operation of the ground-mounted facility. Because the Kirby Farm has approximately 55 acres available for the Solar Facility, KDC SA believes the Kirby Farm is the only available land on which to build the proposed KDC/Sanofi Solar Facility.

KDC Solar, pursuant to N.J.S.A. 52:14B-8, seeks a declaratory ruling that the proposed facility is contiguous. In light of this request, and based upon the obligations of the statute, the Board HEREBY DETERMINES to retain jurisdiction over this matter and HEREBY APPOINTS Commissioner Fox to serve as the presiding officer. The presiding officer is HEREBY AUTHORIZED to set and modify the schedule for this matter as appropriate, decide upon motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

DATED: 4/12/12

BOARD OF PUBLIC UTILITIES  
BY:


  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

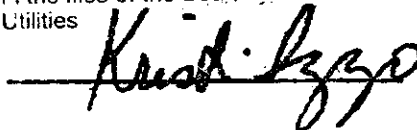
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARYANNA 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 APPLICATION OF KDC SOLAR, LLC FOR DECLARATORY RELIEF PURSUANT TO N.J.S.A. 52:14B-8 - DOCKET NO. EO12030209V

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