



Agenda Date: 05/29/13
Agenda Item: 2R

STATE OF NEW JERSEY
Board of Public Utilities
44 S. Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF)
ROCKLAND ELECTRIC COMPANY FOR APPROVAL TO)
IMPLEMENT AN EXTENDED SOLAR RENEWABLE)
ENERGY CERTIFICATE-BASED FINANCING PROGRAM)
PURSUANT TO N.J.S.A. 48:3-98.1) ORDER ADOPTING
STIPULATION

DOCKET NO. EO13020118

Parties of Record:

James C. Meyer, Esq., Attorney for Petitioner, Rockland Electric Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

By Order dated May 23, 2012, ("May 23 Order") In Re Review of Utility Supported Programs (Docket EO11050311V), the New Jersey Board of Public Utilities ("Board" or "BPU") authorized the extension of certain utility run solar financing programs approved by the Board pursuant to an Order dated August 7, 2008.¹

Consistent with the alternatives authorized in the May 23 Order and to move forward in a timely manner, Rockland Electric Company ("RECO" or "Company") filed a verified petition with the Board on February 6, 2013 seeking approval of its solar financing program ("SREC II Program"). The Company's SREC II Program is a contract solicitation program that extends its current SREC I Program, with certain modifications. In addition, the Company proposes to assess fees to customers and solar project developers participating in the Program in order to recover the Program's administrative costs, to recover any remaining net costs of the SREC II Program through RECO's Regional Greenhouse Gas Initiative Surcharge, and to receive an SREC Transaction Fee.

According to the petition, RECO estimates that over a three-year period, it will enter into SREC II-Purchase and Sale Agreements ("SREC II-PSAs) with developers of approximately 4.5 MW of

¹ In Re Renewable Energy Portfolio Standards: Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing (Docket No. EO06100744)

installed solar capacity in its service territory. In accordance with the May 23 Order, RECO is proposing four program segments: (1) net-metered residential ("Segment 1"); (2) net-metered small commercial solar photovoltaic projects less than or equal to 50kW ("Segment 2"); (3) net-metered solar photovoltaic projects between 50kW and 2.0 MW ("Segment 3"); and (4) grid-connected solar photovoltaic projects on closed landfills and brownfields ("Segment 4"). Of the 4.5 MW of total capacity to be solicited by RECO, .25 MW will be allocated to Segment 1; .75 MW to Segment 2; 2.0 MW to Segment 3 and 1.5 MW to Segment 4.

On March 8, 2013, Board Staff ("Staff") notified the Company that the filing was administratively complete.² Accordingly, the 180-day review period ("Review Period") for a Board determination on cost recovery commenced on February 6, 2013. The Review Period currently expires on August 5, 2013.

By Order dated March 20, 2013, the Board determined that this matter should be retained by the Board for review and hearing, and, as authorized by N.J.S.A. 48:2-32, designated Commissioner Holden as the presiding officer with authority to rule on all motions that arise during the pendency of the case.

By Order dated April 19, 2013, Commissioner Holden set the schedule conditioned upon the Board approving a stipulation to extend the 180-day deadline for reviewing RECO's SREC II Program.

STIPULATION

RECO, Staff, and the Division of Rate Counsel ("Rate Counsel") (collectively referred to as "the Parties") have entered into the attached Stipulation agreeing to an extension of the Review Period and of the Energy Efficiency ("EE") Programs.

The Parties have agreed to the following salient term:

6. The Parties, pursuant to N.J.S.A. 48:2-21.3, request that the Board issue an Order extending the RECO RGGI Date of July 31, 2013, and establishing a revised RECO RGGI Date for purposes of extending the 180-day RGGI Period until October 29, 2013.

DISCUSSION AND FINDINGS

The Board has carefully reviewed the record to date in this matter. The Board **NOTES** that the Board's original Review Period ends on August 5, 2013 and not the July 31, 2013 date as reflected in the stipulation. The Board **FURTHER NOTES** that the 180 day review period commences on the date the Board's offices receive a completed filing. The official filing date for this matter was February 6, 2013. This technical edit does impact the stipulation which is the subject of this agenda item and extends the existing Review Period to October 29, 2013. The Board however, **DIRECTS** the parties to correct this technical procedural issue, if necessary, in any future stipulation in this matter.

² N.J.S.A. 48:3-98.1 requires the Board to decide cost recovery issues within 180 days. Pursuant to the Board Order issued in response to a further statutory directive within that section, Board Staff must review a petition for completeness within 30 days, and when a petition is determined to be complete, set the beginning of the 180-day period. In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources, and Offering Class I Renewable Energy Programs in their Respective Service Territories on a Regulated Basis Pursuant to N.J.S.A. 48:3-98.1, Docket No. EO08030164 (May 8, 2008).

The Board is satisfied and **HEREBY FINDS** that the Stipulation is reasonable and is in the public interest. It will provide additional time for a thorough review of the proposed SREC II Program, and allow for the development of a full and complete record for review by the Board.

Accordingly, the Board **HEREBY ADOPTS** the attached Stipulation as its own, incorporating by reference its terms and conditions as if fully set forth herein. Therefore, the Board **HEREBY EXTENDS** the Review Period to October 29, 2013.

DATED: 5/29/13

BOARD OF PUBLIC UTILITIES
BY:



ROBERT M. HANNA
PRESIDENT

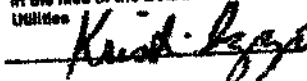

JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
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 Verified Petition of Rockland Electric Company for Approval to Implement an
 Extended Solar Renewable Energy Certificate-Based Financing Program Pursuant to
N.J.S.A. 48:3-98.1
 BPU DOCKET NO. EO13020118

NOTIFICATION LIST

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Felicia Thomas-Friel, Esq. Division of Rate Counsel 31 Clinton Street, 11 th Floor P.O. Box 46005 Newark, NJ 07101	James Glassen, Esq. Division of Rate Counsel 31 Clinton Street, 11 th Floor P.O. Box 46005 Newark, NJ 07101	Ami Morita, Esq. Division of Rate Counsel 31 Clinton Street, 11 th Floor P.O. Box 46005 Newark, NJ 07101
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ROCKLAND ELECTRIC COMPANY		
John L. Carley, Esq. Assistant General Counsel Consolidated Edison Co. of New York, Inc. Law Department, Room 18155 4 Irving Place New York, NY 10003-0987	Donald Kennedy Director – Customer Energy Services Orange and Rockland Utilities, Inc. 390 W. Route 59 Spring Valley, NY 10977	

James C. Meyer, Esq. Riker, Danzig, Scherer, Hyland & Perretti, LLP Headquarters Plaza One Speedwell Avenue P.O. Box 1981 Morristown, NJ 07962-1981	Scott Markwood Program Administrator Customer Energy Services Orange and Rockland Utilities, Inc. 390 W. Route 59 Spring Valley, NY 10977
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ATTORNEYS AT LAW

James C. Meyer
Partner

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May 1, 2013

FEDERAL EXPRESS

Kristi Izzo, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

Re: In the Matter of The Verified Petition of Rockland Electric Company
For Approval to Implement an Extended Solar Renewable Energy
Certificate Based Financing Program Pursuant to N.J.S.A. 48:3-98.1
(SREC II Program)
Docket No. EO13020118

Dear Secretary Izzo:

Enclosed for filing, please find the original and eleven copies of the executed Stipulation to Extend the 180-Day RGGI Period. Kindly stamp the extra copy filed and return in the enclosed self-addressed stamped envelope.

Please note that the "original" contains PDF copies of the signature pages. We will provide the original signature pages to the Board under separate cover.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JM", written over a printed name.

James C. Meyer

JM/mf
Enclosures

cc: Service List (by email)

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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE VERIFIED
PETITION OF ROCKLAND ELECTRIC
COMPANY FOR APPROVAL TO
IMPLEMENT AN EXTENDED SREC-BASED
FINANCING PROGRAM PURSUANT TO
N.J.S.A. 48:3-98.1 (SREC II PROGRAM)**

BPU DOCKET NO. EO13020118

**STIPULATION
TO EXTEND THE 180-DAY
RGGI PERIOD**

APPEARANCES:

James C. Meyer, Esq. (Riker, Danzig, Scherer, Hyland & Perretti, LLP) and John L. Carley, Esq., Assistant General Counsel, for Petitioner Rockland Electric Company

Felicia Thomas-Friel, Esq., Deputy Rate Counsel, Kurt Lewandowski, Esq., Assistant Deputy Rate Counsel and Sarah H. Steindel, Esq., Assistant Deputy Rate Counsel (Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel)

Alex Moreau and Carolyn McIntosh, Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (Jeffrey S. Chiesa, Attorney General of New Jersey)

TO THE HONORABLE NEW JERSEY BOARD OF PUBLIC UTILITIES:

1. On February 1, 2013, Rockland Electric Company ("RECO" or the "Company") filed a Verified Petition ("Petition") with the New Jersey Board of Public Utilities ("Board") requesting approval of its "SREC II" solar financing program, pursuant to the Board's Order dated May 23, 2012 in Docket No. EO11050311V (the "May 23 Order"), and pursuant to N.J.S.A. 48:3-98.1 et seq. ("the RGGI Act"). According to RECO, its proposed SREC II Program is a 4.5 MW SREC Financing Program similar in most respects to the Company's original SREC Financing Program. RECO avers that based on requirements in the Board's May 23 Order and experience with the original Program, it has proposed certain modifications and

new elements for the SREC II Program, and the entire scope of the proposed SREC II Program is discussed in detail in the Verified Petition and supporting exhibits and schedules.

2. On March 6, 2013, Board Staff advised RECO that, for this Petition, Board Staff was amending the minimum filing requirements in Appendix A of the May 12, 2008 Board Order in Docket No. EO08030164 (the "May 12 Order") to waive any filing deficiencies that may be present in the Company's Petition without precluding subsequent request for any information. As stated in the May 12 Order, if Board Staff notifies the utility that the Petition is complete as filed, then the 180-day period for the Board to approve, modify or deny the Petition will commence on the date that the Petition was filed. In accordance with the May 12 Order, Board Staff deemed RECO's Petition administratively complete. Therefore, the Board's 180-day review period under the RGGI Act commenced on February 1, 2013 and will expire on July 31, 2013 (the "RECO RGGI Date").

3. By Order dated March 20, 2013, the Board retained RECO's Petition for review and designated Commissioner Mary-Anna Holden as the presiding officer who is authorized to rule on all motions that arise during the pendency of this case and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

4. The undersigned parties (collectively referred to herein as the "Parties") agreed to a schedule for discovery and other proceedings required for completion of this matter, and submitted the proposed schedule to Commissioner Holden. Commissioner Holden issued an Order Setting Procedural Schedule dated April 19, 2013 (attached hereto), setting the schedule conditioned upon the Board approving a stipulation to extend the 180-day deadline for reviewing RECO's SREC II Program. The Parties contemplate settlement discussions as part of this proceeding.

5. In light of the fact that the Parties' discussions may not be completed and a settlement may not be ready for submission to the Board by the RECO RGGI Date, and the fact that if necessary to proceed by litigation, the litigation will not be completed under the agreed-upon schedule by the RECO RGGI Date, the Parties have agreed to request a 90-day extension of the RECO RGGI Date to October 29, 2013 in order to provide the Board with additional time to complete the processing of the Petitions and issue a final determination in this matter.

STIPULATION

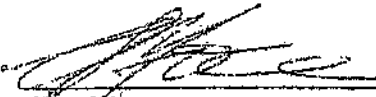
Accordingly, the Parties hereby STIPULATE AND AGREE as follows:

6. The Parties, pursuant to N.J.S.A. 48:2-21.3, request that the Board issue an Order extending the RECO RGGI Date of July 31, 2013, and establishing a revised RECO RGGI Date for purposes of extending the 180-day RGGI Period until October 29, 2013.

7. This Stipulation represents a mutual balancing of interests, contains interdependent provisions, and therefore, is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

WHEREFORE, the undersigned Parties hereto do respectfully submit this Stipulation and request that the Board issue an Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey
Board of Public Utilities

By: 
Alex Moreau
Deputy Attorney General

DIVISION OF RATE COUNSEL
STEPHANIE A. BRAND, DIRECTOR

By: _____
Sarah H. Steindel, Esq.
Assistant Deputy Rate Counsel

ROCKLAND ELECTRIC COMPANY

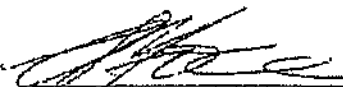
By: _____
James C. Meyer, Esq.
Riker, Danzig, Scherer, Hyland & Perretti, LLP

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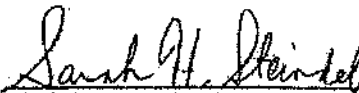
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JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey
Board of Public Utilities

By: 
Alex Moreau
Deputy Attorney General

DIVISION OF RATE COUNSEL
STEPHANIE A. BRAND, DIRECTOR

By: 
Sarah H. Steindel, Esq.
Assistant Deputy Rate Counsel

ROCKLAND ELECTRIC COMPANY

By: _____
James C. Meyer, Esq.
Riker, Danzig, Scherer, Hyland & Perretti, LLP

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WHEREFORE, the undersigned Parties hereto do respectfully submit this Stipulation and request that the Board issue an Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

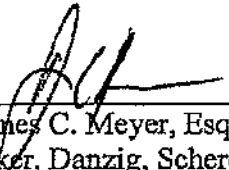
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James C. Meyer, Esq.
Riker, Danzig, Scherer, Hyland & Perretti, LLP

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STATE OF NEW JERSEY
Board of Public Utilities
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ENERGY/ CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION)
OF ROCKLAND ELECTRIC COMPANY FOR) ORDER SETTING PROCEDURAL
APPROVAL TO IMPLEMENT AN EXTENDED) SCHEDULE
SOLAR RENEWABLE ENERGY CERTIFICATE-)
BASED FINANCING PROGRAM PURSUANT TO) DOCKET NO. EO13020118
N.J.S.A. 48:3-98.1)

Stefanie A. Brand, Esq., New Jersey Division of Rate Counsel
James C. Meyer, Esq., Rockland Electric Company

BY COMMISSIONER MARY-ANNA HOLDEN:

By Order dated May 23, 2012, ("May 23 Order") In Re Review of Utility Supported Programs (Docket EO11050311V), the New Jersey Board of Public Utilities ("Board") authorized the extension of certain utility run solar financing programs approved by the Board pursuant to an Order dated August 7, 2008¹.

Consistent with the alternatives authorized in the May 23 Order and to move forward in a timely manner, RECO filed its petition seeking Board Approval of its solar financing program ("SREC II Program") by letter dated February 1, 2013. The Company's SREC II Program is a contract solicitation program that extends its current SREC I Program, with certain modifications. In addition, the Company proposes to assess fees to customers and solar project developers participating in the SREC II Program in order to recover the Program's administrative costs, and to recover any remaining net costs of the SREC II Program through RECO's Regional Greenhouse Gas Initiative ("RGGI") Surcharge and to continue to receive an SREC Transaction Fee.

According to the petition, RECO estimates that over a three-year period, it will enter into SREC II-Purchase and Sale Agreements ("SREC II-PSAs") with developers of approximately 4.5 MW of

¹ In Re Renewable Energy Portfolio Standards: Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing. (Docket EOO6100744).

installed solar capacity in its service territory. In accordance with the May 2012 Order, RECO is proposing four program segments: (1) net-metered residential ("Segment 1"); (2) net-metered small commercial solar photovoltaic projects less than or equal to 50kW ("Segment 2"); (3) net-metered solar photovoltaic projects between 50kW and 2.0 MW ("Segment 3"); and (4) grid-connected solar photovoltaic projects on closed landfills and brownfields ("Segment 4"). Of the 4.5 MW of total capacity to be solicited by RECO, .25 MW will be allocated to Segment 1; .75 MW to Segment 2; 2.0 MW to Segment 3 and 1.5 MW to Segment 4.

By Order dated March 20, 2013, , the Board retained RECO's petition for review and hearing, and as authorized by N.J.S.A. 48:2-32, designated me as the presiding officer with authority to rule on all motions that arise during the pendency of the case.

By letter dated April 16, 2013, RECO informed me that the company, Board staff and the Division of Rate Counsel, the only current parties to this proceeding, had agreed to establish a procedural schedule. I have reviewed the proposal and **FIND** that it allows sufficient time to develop the record for future review by the Board. Therefore, I **HEREBY SET** the procedural schedule for the RECO SREC II filing as follows:

Public Hearings	TBD
Discovery Requests on Initial Filing	April 26, 2013
Responses to Initial Round of Discovery	May 10, 2013
Motions to Intervene/Participate	April 26, 2013
Response to motions to intervene/participate	May 3, 2013
Responses to Second Round of Discovery	May 20, 2013
Intervener/Respondent Testimony	June 10, 2013
Discovery on Intervener/Respondent Testimony	June 17, 2013
Responses to Discovery on Intervener/Respondent Testimony	July 5, 2013
Rebuttal Testimony	July 15, 2013
Discovery on Rebuttal Testimony	July 26, 2013
Responses to Discovery on Rebuttal Testimony	August 2, 2013
Evidentiary Hearings (if necessary):	August 19, 2013
Position Papers	September 16, 2013
Anticipated Board Action	October 2013

This procedural schedule is conditioned upon the Board approving a stipulation to extend the 180-day deadline for reviewing the RECO SREC II Program, which I am advised will be circulated by counsel for RECO and presented to the Board for its review.

I **HEREBY DIRECT** Board staff to post this Order on the Board's website with the caption "Notice of Procedural Schedule."

This ruling is provisional and subject to ratification or other alteration by the Board as it deems appropriate during the proceeding in this matter.

DATED: *19 April 2013*

BY:

Mary-Anna Holden
 MARY-ANNA HOLDEN
 COMMISSIONER

SERVICE LIST

In The Matter of The Verified Petition of Rockland Electric Company For Approval to Implement an Extended Solar Renewable Energy Certificate Based Financing Program Pursuant to N.J.S.A. 48:3-98.1

Docket No. EO13020118

Board of Public Utilities

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