



Agenda Date: 1/26/22
Agenda Item: 8C

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

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| IN THE MATTER OF THE PETITION OF SOLAR) | ORDER DESIGNATING |
| LANDSCAPE LLC FOR THE MODIFICATION OF) | COMMISSIONER, SETTING |
| THE COMMUNITY SOLAR YEAR 1 BILL CREDIT) | MANNER OF SERVICE AND BAR |
| REGULATIONS FOR EIGHT COMMUNITY SOLAR) | DATE AND RULING ON MOTIONS |
| PROJECTS) | TO INTERVENE |
|) |) |
|) | DOCKET NO. QO21111218 |

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Howard O. Thompson, Esq., Russo Tumulty Nester Thompson and Kelly, on behalf of Solar Landscape, LLC
Matthew M. Weissman, Esq., Public Service Electric and Gas Company

BY THE BOARD:

BACKGROUND

On November 10, 2021, Solar Landscape, LLC (“Solar Landscape” or “Petitioner”), a limited liability corporation that operates eight (8) solar projects approved for participation in Program Year 1 (“PY1”) of the Community Solar Energy Pilot Program (“Pilot Program”), filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) requesting that the Board amend its rules relating to the treatment of community solar bill credits that have not been allocated to community solar subscribers in the month in which the associated generation occurred (“Petition”). N.J.A.C. 14:8-9.7 states that such unallocated generation bill credits may be banked for an annualized period of up to 12 months, during which time the banked credits may be allocated to any new or existing subscriber. In the Petition, Solar Landscape requested that the 12-month banking period be implemented as a rolling 12-month bank from the month in which the generation occurred, rather than a single 12-month annual period beginning on the anniversary of the project’s date of commercial operation. Solar Landscape also requests that the Board direct Public Service Electric and Gas Company (“PSE&G” or “Company”) and the other electric distribution companies (“EDCs”) to adjust their software and internal processes to allow monitoring of bill credit applications to reduce loss of bill credits. Solar Landscape further requests that, in the interim, the Board relax or waive its regulations to allow bill credit banking for two (2)

years from commercial operation, rather than one, for either all PY1 projects or specifically for its eight (8) projects.

THE MOTION

PSE&G Motion to Intervene

On December 14, 2021, PSE&G, an electric public utility that provides electric distribution service to some or all of Solar Landscape's PY1 projects, filed a motion to intervene pursuant to N.J.A.C. 1:1-16.1. PSE&G argued that the Petition and the relief sought therein would have a direct impact on PSE&G's operations and finances. Specifically, the Company maintained that software and internal process adjustments as requested in the Petition will cause it to incur additional costs, and no other party would represent PSE&G's interests in this case. Further, the Company asserted that its intervention would add constructively to the proceeding and submitted that it will not cause undue delay or confusion. No party filed opposition to the motion.

DISCUSSION AND FINDINGS

The Board has determined that the Petition should be retained by the Board for hearing. Accordingly, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Fiordaliso as the presiding officer with authority to rule on all motions that arise during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

PSE&G Motion

In considering the motion for intervention, the Board looks to the standard set by N.J.A.C. 1:1-16.3(a). The rule requires that the decision-maker consider: (1) the nature and extent of the moving party's interest in the outcome of the case; (2) whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case; (3) the prospect for confusion and delay arising from inclusion of the party; and (4) other appropriate matters.

As the Board has stated in previous proceedings, the application of these standards involves an implicit balancing test. The Board must balance the need and desire to allow for the development of a full and complete record to ensure consideration of a diversity of interests, with New Jersey Administrative Code requirements, recognizing a need for prompt and expeditious administrative proceedings by requiring that an intervenor's interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See, e.g., In the Matter of the Implementation of L. 2018, C. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants, BPU Docket No. EO18080899, Order dated November 19, 2018.

The Board notes that as Petitioner's EDC, PSE&G has a significant and direct interest in the outcome of this case, and its interests are not served by any other party. PSE&G will add measurably and constructively to the scope of this proceeding by providing information regarding the manner in which the Company currently manages the banking and allocation of community solar bill credits, and the impact in terms of cost and administrative complexity of changing the existing process. PSE&G's inclusion is unlikely to cause confusion or delay, but rather is expected to contribute meaningful information regarding the community solar bill credit issue raised in the Petition. After considering the motion to intervene and given the lack of any opposition, the Board

HEREBY FINDS that PSE&G will be directly affected by the outcome of this proceeding, that its interests are unlike others in the case, and that its intervention would contribute to the development of a full and complete record for review by the Board.

Accordingly, the Board **HEREBY GRANTS** PSE&G's motion to intervene.

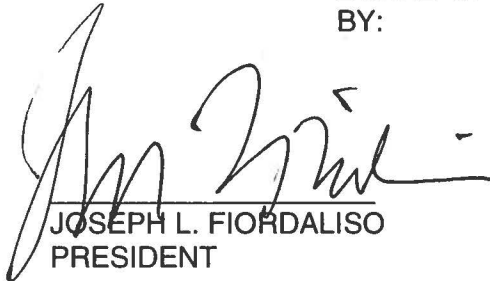
Further, the Board **HEREBY DIRECTS** that any other entity seeking to intervene or participate in this matter file the appropriate application with the Board by Friday, February 25, 2022. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

In addition, in compliance with the Board's Order in Docket No. EO20030254, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed in that Order. The Board **HEREBY DIRECTS** Staff to post this Order to the Board's website.

The effective date of this Order is February 2, 2022.

DATED: January 26, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF THE PETITION OF SOLAR LANDSCAPE LLC FOR THE MODIFICATION
OF THE COMMUNITY SOLAR YEAR 1 BILL CREDIT REGULATIONS FOR EIGHT
COMMUNITY SOLAR PROJECTS

DOCKET NO. QO21111218

SERVICE LIST

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