



Agenda Date: 5/4/22
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

IN THE MATTER OF THE REMOTE NET METERING)	ORDER
APPLICATION FILED PURSUANT TO THE BOARD'S)	
APPLICATION AND APPROVAL PROCESS)	
IMPLEMENTING PROVISIONS OF THE CLEAN)	
ENERGY ACT OF 2018)	
)	
ADVANCED SOLAR PRODUCTS INC.)	DOCKET NO. QO22030119
NEWTON BOARD OF EDUCATION)	

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Kathleen Vandegrift, Advanced Solar Products, Inc.
Joshua R. Eckert, Esq., Jersey Central Power & Light Company
James Sekelsky, Newton Board of Education

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) considers the application of Advanced Solar Products (“ASP”) on behalf of the Newton Board of Education (“Newton”), for Board approval to be certified as a host customer for purposes of the Board’s Remote Net Metering (“RNM”) program.

BACKGROUND

Governor Murphy signed the Clean Energy Act of 2018, L. 2018, c. 23 (“Act”) into law on May 23, 2018. Among other mandates, the Act directed the Board to “establish an application and approval process to certify public entities to act as a host customer for remote net metering capacity” within 120 days of enactment. N.J.S.A. 48:3-87.12(a). The Act also mandates that the Board require the owner of a solar energy project to pay a certified public entity a pro-rated public sponsor fee of \$10,000 per megawatt, up to a 10-megawatt allowance for each public entity. N.J.S.A. 48:3-87.12(c). In addition, “[t]he Board shall require each participating customer to pay at least 50 percent of the societal benefits charge established pursuant to . . . [N.J.S.A.] 48:3-60.”

In compliance with the Act, the Board approved a remote net metering process on September 17, 2018.¹

The Board-approved process defines “public entity,” for purposes of RNM eligibility, consistent with the list of entities identified as eligible for aggregated net metering in the Solar Act of 2012 (L. 2012, c. 24): State entity, school district, county, county agency, county authority, municipality, municipal agency or municipal authority. In the RNM Order, the Board further determined that the definition of “public entity” expressly includes public universities. A “host customer” is a public entity that proposes to host a solar electric generation facility on their property, while “entities designated to receive credits,” or “receiving customers,” are public entities located in the same electric distribution company (“EDC”) territory as the host customer. Both the host customer and the receiving customer must be a “customer of record” of the same EDC.

A host customer's solar electric generating facility must be located on property containing at least one (1) electric meter of the host customer and must be sized such that the electricity it produces on an annual basis does not exceed the total average usage of the host customer's electric public utility account(s). The host customer must identify which accounts it is using to calculate the total average usage for the previous 12 months of consumption in kilowatt-hours (“kWh”). If more than one account is used, the total quantity of annual, historic kWh consumed will be divided by the number of accounts and the resulting figure will be divided by 1,200, representing the annual kWh per kilowatts (“kW”), to arrive at the maximum capacity for the solar electric generation facility in kW.

In establishing the application and approval process mandated by the Act, the Board approved a standard form of “Public Entity Certification Agreement” (“Agreement”) to be used by host customers and receiving customers. The Agreement must be fully executed by the host customer and each receiving customer, be accompanied by the Board approved standard form of Interconnection Application (Part 1) as used for all net metered projects and be delivered to both Board Staff (“Staff”) and the appropriate EDC. The Agreement must be reviewed by Staff and approved by the Board prior to the application of RNM credits.

The relevant EDC and Staff will review the Agreement for administrative completeness. Following the issuance of a notice of administrative completeness, the EDC has 20 business days to review the application for eligibility and feasibility and make a recommendation to Staff to approve or deny. Staff then presents the fully executed Agreement and Interconnection Application (Part 1) to the Board with a recommendation for approval or denial.

The Board-approved process requires the host customer and developer to agree to the installation of a production meter, paid for by the developer. The EDC will use the metered kWh data produced to calculate the credits due to receiving customers and will allocate the monthly output to receiving customers according to the percentage allotments indicated on the Agreement.

The Board has set the value of an RNM credit to reflect a rough approximation of the generation, transmission, and distribution value of a kWh produced by the solar electric generation facility. Each credited kWh for a receiving customer(s) offsets all the variable kWh charges of a receiving

¹ In re the Remote Net Metering Application Filed Pursuant to the Board's Application and Approval Process Implementing Provisions of the Clean Energy Act Of 2018, BPU Docket No. QO18070697, Order dated September 17, 2018 (“RNM Order”).

customer(s), except for the Societal Benefits Charge (“SBC”), but does not offset any fixed or demand charges.

Newton RNM Agreement

On January 31, 2022, ASP submitted a RNM Agreement to the Board on behalf of the Newton Board of Education. The proposed location of a 202.5 kW solar electric generation facility and the primary host account is the Newton High School located at 44 Ryerson Avenue, Newton, New Jersey. The RNM application lists two (2) “host accounts” by account number and provides their associated historic consumption and specifies the percentage allocation of credits from the proposed installation. The RNM application also lists the two (2) “host customer accounts” as “receiving customer accounts.” As required by the Board’s RNM Order, ASP supplied an Interconnection Application (Part 1) executed by Mr. James Sekelsky as a representative of the customer-generator.

STAFF RECOMMENDATION

Staff reviewed the Agreement against the requirements of the RNM Order. As noted above, the Board defined “public entity” for purposes of RNM to mean customers that are a State entity, school district, county, county agency, county authority, municipality, municipal agency or municipal authority and expressly included public universities in this definition. Staff recommends that the Board find that the Newton Board of Education is a “public entity” eligible for RNM.

The Board determined that a “host customer” for RNM shall be a public entity that proposes to host a solar electric generation facility on their property, while a “receiving customer” must be located in the same EDC territory as the host customer. The Board clarified in a previous Order that a host customer account may also serve as a receiving customer account.² Staff recommends that the Board find that Newton appropriately identified two (2) host accounts as receiving accounts.

Staff notes that the Agreement identifies historic consumption for the two (2) accounts as totaling 518,080 kWh, which results in a Total Average Usage for each account of 259,040 kWh. Staff recommends that the Board find that the solar generation facility size proposed by the applicant, 202.5 kWdc, is consistent with the size limits established by the Board’s RNM Order.

Staff recommends that the Board find that the proposed solar facility described in the Agreement satisfies the criteria established by the Board in the RNM Order and approve the Agreement. Staff also recommends that the public sponsor fee be paid upon receipt of the solar facility’s Permission to Operate (“PTO”) and that the Board require proof of payment be provided to the registration processing team as a condition of certification.

Staff further recommends that the Board require the host customer and developer to agree to the installation of a “production meter,” which may be a “remote read smart meter” as specified by the EDC and paid for by the developer. The EDC should be required to clearly identify on the monthly electricity bills of each receiving customer account the apportioned amount of solar electricity generated in kWh, the gross amount of electricity consumed in kWh, and the net amount

² In re The Remote Net Metering Application Filed Pursuant To The Board's Application And Approval Process Implementing Provisions Of The Clean Energy Act Of 2018 - Vanguard Energy Partners, Raritan Valley Community College, BPU Docket Nos. QO18070697 & QO21060982, Order dated August 28, 2021 (“RVCC Order”).

of kWh after credit allocation. Staff recommends that the concept of an annualized period as currently used in the Board's net metering rules at N.J.A.C. 14:8-4.2 apply to RNM, and that any excess generation for an individual receiving account after a monthly credit allocation be carried over to the next month within the annualized period. Staff recommends that consistent with current net metering practice, if an individual receiving account holds credits at the end of an annualized period, the account shall be trued up at the avoided cost of wholesale power, as defined at N.J.A.C. 14:8-4.2. See also N.J.A.C. 14:8-4.3(e). Staff recommends that the Board order that the terms and conditions of the "Public Entity Certification Agreement," including all designated "receiving accounts" with their associated percentage of output allocations, be fixed throughout the annualized period.

DISCUSSION AND FINDINGS

Following careful consideration of the Agreement and Staff's Recommendation, the Board **HEREBY FINDS** that the Public Entity Certification Agreement submitted by ASP on behalf of Newton meets the criteria established in the RNM Order. Specifically, the Board **FINDS** that the applicant proposed a solar electric generation facility that is consistent with the size limits established by the Board's RNM Order. The Board **ORDERS** that the public sponsor fee be paid upon receipt of the solar facility's PTO and that proof of payment be provided to the registration processing team as a condition of certification. The Board also **FINDS** that the solar facility will be located on property containing at least one (1) electric meter of the host customer and that the host customer identified which account(s) are used to calculate the total average usage for the previous 12 months of consumption in kWh. The Board **FURTHER FINDS** that the Agreement complies with the Board's directive that no more than 10 receiving accounts may be party to an Agreement and that an individual receiving account must be allocated at least 10% of the solar electric generating facility output. The Board **FINDS**, that as in this case, a host customer account may also serve as a credit receiving customer account.

The Board **ORDERS** that the host customer and developer agree to the installation of a "production meter," which may be a "remote read smart meter" as specified by Jersey Central Power and Light Company ("JCP&L), and that the developer pay for this meter.

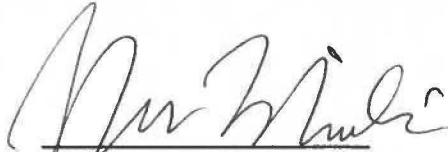
The Board **FURTHER ORDERS** that each credited kWh for the receiving customer(s) shall offset all the variable kWh charges of a receiving customer(s), except for the SBC. No fixed, demand (\$/kW) or SBC charges (\$/kWh) shall be offset by an RNM credit. The Board **ORDERS** that JCP&L shall clearly identify on the monthly electricity bills of each receiving customer account the apportioned amount of solar electricity generated in kWh, the gross amount of electricity consumed in kWh, and the net amount of kWh after credit allocation. The Board **FINDS** that the concept of an annualized period as currently used in the Board's net metering rules at N.J.A.C. 14:8-4.2 shall apply to RNM, and that any excess generation for an individual receiving account after a monthly credit allocation shall be carried over to the next month within the annualized period. Consistent with current net metering practice and N.J.A.C. 14:8-4.3(e), any individual receiving account holding credits at the end of an annualized period shall be trued up at the avoided cost of wholesale power as defined at N.J.A.C. 14:8-4.2. The terms and conditions of the "Public Entity Certification Agreement," including all designated "receiving accounts" with their associated percentage of output allocations, shall be fixed throughout the annualized period.

Therefore, the Board **APPROVES** the Agreement and **ADOPTS** all of Staff's recommendations not specifically addressed above.

The effective date of this Order is May 11, 2022.

DATED: May 4, 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: 
CARMEN D. DIAZ
ACTING SECRETARY

IN THE MATTER OF THE REMOTE NET METERING APPLICATION FILED PURSUANT TO THE
BOARD'S APPLICATION AND APPROVAL PROCESS IMPLEMENTING PROVISIONS OF THE CLEAN
ENERGY ACT OF 2018

ADVANCED SOLAR PRODUCTS INC.
NEWTON BOARD OF EDUCATION

DOCKET NO. QO22030119

SERVICE LIST

Advanced Solar Products

Kathleen Vandegrift
Advanced Solar Products, Inc.
270 South Main Street, Suite 203
Flemington, NJ 08822
katie@advancedsolarproducts.com

Newton Board of Education

James Sekelsky
67 Trinity Street
Newton, NJ 07860
jsekelsky@newtonnj.org

JCP&L

Joshua R. Eckert, Esq.
300 Madison Ave
Morristown, NJ 07962-1911
jeckert@firstenergycorp.com

New Jersey Division of Law

R.J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625-0112

Daren Eppley, Section Chief, DAG
daren.eppley@law.njoag.gov

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Michael Beck, DAG
michael.beck@law.njoag.gov

Rate Counsel

Brian O. Lipman, Director
140 East Front Street, 4th Floor
Trenton, NJ 08625-0003
blipman@rpa.nj.gov

New Jersey Board of Public Utilities

44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350

Carmen Diaz, Acting Secretary
board.secretary@bpu.nj.gov

Bob Brabston, Esq., Executive Director
robert.brabston@bpu.nj.gov

Taryn Boland, Chief of Staff
taryn.boland@bpu.nj.gov

General Counsel's Office

Abe Silverman, Esq., General Counsel
abe.silverman@bpu.nj.gov

Carol Artale, Esq., Deputy General Counsel
carol.artale@bpu.nj.gov

Rachel Boylan, Esq., Legal Specialist
rachel.boylan@bpu.nj.gov

Division of Clean Energy

Kelly Mooij, Director
kelly.mooij@bpu.nj.gov

Stacy Ho Richardson, Esq., Deputy Director
stacy.richardson@bpu.nj.gov

Scott Hunter, Manager
benjamin.hunter@bpu.nj.gov

Earl Pierce
earl.pierce@bpu.nj.gov