



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

ENERGY

IN THE MATTER OF THE PETITION OF DSM)	ORDER SETTING PROCEDURAL
NUTRITIONAL PRODUCTS TO DIRECT JCP&L TO)	SCHEDULE
PROVIDE NET METERING CREDIT FOR EXISTING)	
ON-SITE SOLAR GENERATION FACILITY)	DOCKET NO. QO21071021
)	

Parties of Record:

James A. Boyd, Jr., Esq., Archer & Greiner, P.C., on behalf of DSM Nutritional Products, LLC
Brian O. Lipman, Esq., Director, Division of Rate Counsel
Gregory Eisenstark, Esq., Cozen O'Connor, on behalf of Jersey Central Power & Light Company

BY COMMISSIONER MARIAN ABDOU:

On July 29, 2021, DSM Nutritional Products, LLC ("DSM"), a limited liability corporation that operates a manufacturing facility in Belvidere, New Jersey ("Facility"), filed a petition with the New Jersey Board of Public Utilities ("Board") requesting that the Board direct Jersey Central Power & Light Company ("JCP&L" or "Company") to net meter the electricity produced by an on-site solar facility owned by DSM and to provide DSM with a retail credit on its electric bill for the energy produced by the solar facility since the date it commenced operation. In the petition, DSM stated that JCP&L refused to provide net metering treatment because of the existence of a combined heat and power ("CHP") cogeneration facility also located behind DSM's meter, and represented that DSM exhausted all informal means of resolving the matter.

BACKGROUND AND PROCEDURAL HISTORY

DSM constructed a CHP plant at the Facility in 2012. According to the petition, the CHP runs consistently to produce the steam requirements for the Facility and also produces approximately fifty-five percent of the total electricity needs for the Facility. DSM subsequently constructed two on-site solar generation systems at the Facility in 2014 and 2018, which are referred to below as the "first solar generation system" and the "second solar generation system," respectively. DSM asserts that the solar facilities collectively produce approximately fifteen percent of the Facility's total electricity needs. The first solar generation system has consistently operated as a non-exporting facility, and is not addressed in the petition.

According to the petition, total on-site electrical generation at the Facility produces more electricity than the Facility requires during peak solar production hours on most days. DSM stated that

during such periods, the excess electricity is exported to the JCP&L grid in accordance with an approved February 2019 interconnection agreement between DSM and JCP&L for the second solar generation system. However, DSM stated that it purchases more electricity from JCP&L for the Facility than it exports to the grid on a daily basis, meaning the Facility's daily electricity demand is always greater than the total on-site electric generation.

DSM stated that JCP&L authorized DSM to commence operation of its second solar generation system, sized at 8.8 MW, in February 2019 through an Interconnection Agreement. According to Petitioner, in September 2019, JCP&L denied subsequent Net Energy Metering ("NEM") for the second solar generation system because of the existence of co-located nonrenewable generation without the additional metering necessary to measure its kilowatt-hour production. According to DSM, JCP&L's denial imparted unexpected financial risk because DSM had designed and constructed the second solar generation system on an assumption of entitlement to the NEM retail credits.

DSM requested that the Board, first, direct JCP&L to provide solar net metering credit for all electricity exported to the grid during peak solar production hours, both retroactively to the February 2019 permission to operate and prospectively for operation following issuance of a corresponding Board Order. DSM also requested that the Board determine that the design of the on-site solar generation at the Facility that is the subject of the petition is permitted under all applicable net metering rules, Board Orders, and enabling statutes.

On December 1, 2021, the Board issued an Order retaining the matter at the Board for hearing, designating then-President Joseph Fiordaliso as the presiding commissioner, granting JCP&L's motion to intervene, and granting Bloom Energy participant status, limited to the right to argue orally and to file a statement or brief as set out in N.J.A.C. 17:27-16.6(c)(1) and (2).¹ Additionally, by the December 2021 Order, the Board set a bar date of January 3, 2022. Public Service Electric & Gas Company ("PSE&G") timely filed for intervenor or participant status, and on January 28, 2022, Presiding Commissioner Fiordaliso denied PSE&G's motion to intervene and granted PSE&G participant status.²

The parties and participants were provided the opportunity to submit comments by November 10, 2022 and reply comments by November 21, 2022. Subsequently, the parties engaged in settlement discussions in 2023 and 2024. The settlement discussions did not lead to a resolution of the matter. During the pendency of the proceeding, President Fiordaliso passed away, and on January 29, 2025, the Board designated the undersigned as Presiding Commissioner, who is authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.³

¹ In re the Petition of DSM Nutritional Products to Direct JCP&L to Provide Net Metering Credit for Existing On-Site Solar Generation Facility – Order Designating Commissioner, Setting Manner of Service and Bar Date and Ruling on Motions to Intervene, BPU Docket No. QO21071021, Order dated December 1, 2021 ("December 2021 Order").

² In re the Petition of DSM Nutritional Products to Direct JCP&L to Provide Net Metering Credit for Existing On-Site Solar Generation Facility – Order on PSE&G Motion for Intervention, BPU Docket No. QO21071021, Order dated January 28, 2022.

³ In re the Petition of DSM Nutritional Products to Direct JCP&L to Provide Net Metering Credit for Existing On-Site Solar Generation Facility – Order Redesignating Commissioner, BPU Docket No. QO21071021, Order dated January 29, 2025.

DISCUSSION AND FINDINGS

Considering the need for an expeditious resolution of the issues presented, I **HEREBY ORDER** the parties to this proceeding to comply with the procedural schedule identified in Exhibit A attached hereto.⁴

In addition, in compliance with the Board's Orders in Docket No. EO20030254, I **HEREBY DIRECT** all parties to this proceeding to serve all documents electronically.⁵ No hard copies shall be filed until the Board lifts the restrictions imposed by the Orders.

I **FURTHER DIRECT** that this Order be posted on the Board's Website.

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

DATED: February 28, 2025

BY: _____

MARIAN ABDOU
COMMISSIONER



⁴ Petitioner DSM has circulated a list of proposed items for the record in compliance with the first deadline in the attached schedule.

⁵ In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Orders dated March 19, 2020 and June 10, 2020.

**IN THE MATTER OF THE PETITION OF DSM NUTRITIONAL PRODUCTS TO DIRECT
JCP&L TO PROVIDE NET METERING CREDIT FOR EXISTING ON-SITE SOLAR
GENERATION FACILITY**

DOCKET NO. QO21071021

**Exhibit A
Procedural Schedule**

DSM to circulate its list of proposed documents for the record	February 21, 2025
All parties to provide additional documents for the record and objections to DSM's list (if any)	February 28, 2025
DSM to circulate a revised list, noting all documents that are included but to which the parties cannot agree	March 5, 2025
The parties to file initial briefs on the retroactive recovery issue	March 7, 2025
The parties to file reply briefs on the retroactive recovery issue and arguments regarding the disputed record documents	March 14, 2025

IN THE MATTER OF THE PETITION OF DSM NUTRITIONAL PRODUCTS TO DIRECT JCP&L TO PROVIDE NET
METERING CREDIT FOR EXISTING ON-SITE SOLAR GENERATION FACILITY
BPU DOCKET NO. QO21071021

SERVICE LIST

DSM Nutritional Products, LLC

Archer & Greiner, P.C.
One Centennial Square
Haddonfield, NJ 08033-2374

James A. Boyd, Esq.
jaboyn@archerlaw.com

David A. Weinstein, Esq.
dweinstein@archerlaw.com

New Jersey Division of Rate Counsel

140 East Front Street, 4th Floor
Trenton, NJ 08625-0003

Brian O. Lipman, Esq., Director
blipman@rpa.nj.gov

Maura Caroselli, Esq., Managing Attorney
mcaroselli@rpa.nj.gov

Mamie Purnell, Esq.
mpurnell@rpa.nj.gov

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

Steve Chaplar, DAG
Steven.Chaplar@law.njoag.gov

Sawyer Morgan
Sawyer.morgan@bpu.nj.gov

New Jersey Board of Public Utilities

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

Sherri L. Lewis, Secretary of the Board
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

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

General Counsel's Office

Elspeth Faiman Hans, Deputy General Counsel
elspeth.hans@bpu.nj.gov

Colin Emerle, Deputy General Counsel
colin.emerle@bpu.nj.gov

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

Division of Clean Energy

Veronique Oomen, Director
veronique.oomen@bpu.nj.gov

Bence Oliver, Deputy Director,
Distributed Energy Resources
bence.oliver@bpu.nj.gov

Paul Heitman
paul.heitman@bpu.nj.gov

JCP&L

300 Madison Avenue
Morristown, NJ 07962

Mark Mader
mamader@firstenergycorp.com

76 South Main Street
Akron, OH 44308

Tori Giesler, Esq.
tgiesler@firstenergycorp.com

James A. Meehan, Esq.
jameehan@firstenergycorp.com

Cozen O'Connor
One Gateway Center, Suite 910 Newark, New Jersey
07102

Gregory Eisenstark, Esq.
geisenstark@cozen.com

William Lesser, Esq.
wlesser@cozen.com

Public Service Electric and Gas Company

PSEG Services Corporation
80 Park Plaza T5
P.O. Box 570
Newark, NJ 07102

Katherine Smith, Esq., Associate Counsel - Regulatory
katherine.smith@pseg.com

Bernard Smalls
bernard.smalls@pseg.com

Caitlyn White, Regulatory Case Coordinator
caitlyn.white@pseg.com

Maria Barling
maria.barling@pseg.com

Bloom Energy Corporation

Bevan, Mosca & Giuditta, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920-2335

Murray E. Bevan, Esq.
mbevan@bmg.law

Jennifer McCave, Esq.
jmccave@bmg.law