



Agenda Date: 1/18/12
Agenda Item: LSC

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

IN THE MATTER OF THE BOARD'S PROCEEDING) ORDER
PURSUANT TO GOVERNOR CHRISTIE'S)
CONDITIONAL VETO OF A3991/S2978)
(LEGISLATIVE SESSION 2010-2011)) DOCKET NO. EO12010026

Parties of Record:

Tamara Linde, Esq. Public Service Electric and Gas, Newark, New Jersey
Stefanie A. Brand, Esq. Division of Rate Counsel, Newark, New Jersey

BY THE BOARD:

On May 9, 2011, A3991 was introduced into the Legislature for the purpose of providing for an exception for the construction and installation of certain solar and photovoltaic electric generation equipment on utility poles by electric public utilities from the standards previously adopted by the New Jersey Board of Public Utilities ("Board" or "BPU") for use of space on utility poles. The legislation would have allowed the installation of solar panels and related photovoltaic electric generation equipment in the section of utility poles known as the "neutral" zone,¹ so long as the solar and photovoltaic electric generation equipment was "constructed, installed, inspected, maintained, and replaced" under a Board approved program. The Board's current standards for the use of space on utility poles mirrors the National Electric Safety Code, published by the Institute of Electrical and Electronics Engineers, which does not permit installation of equipment in the "neutral" zone. A3991 passed both houses on December 15, 2011.

On January 9, 2012, Governor Chris Christie, pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, conditionally vetoed A3991, and recommended that the bill be amended to remove the statutory exceptions from the BPU-regulatory standards and direct the BPU to conduct a review of the safety issues implicated by the installation of solar panels in the "neutral" zone of utility poles. Thereafter, the Legislature amended the legislation pursuant to the Governor's recommendations, by adding the following:

¹ The 'neutral' zone on utility poles is defined as the space "directly between the lowest electric public utility facilities located in the utility poles' supply space and the higher of 1) the highest telecommunications facilities located in the utility poles' communications space, and 2) the reference gain at the bottom of the communications worker safety zone...." [Second Reprint] Assembly, No. 3991, introduced May, 9, 2011, as amended on January 9, 2012.

The Board of Public Utilities shall conduct a review of the safety implications of the installation and maintenance of solar and photovoltaic electric generation equipment by electric public utilities in the "neutral" zone on utility poles . . . and shall set forth its determinations no later than 90 days from the date of enactment of this act.

[A3991, as amended January 9, 2012.]

Therefore, the Board, consistent with the amended legislation described above, HEREBY INITIATES the review process and HEREBY DESIGNATES Commissioner Fiordaliso as the Presiding Commissioner in this matter who, given the limited time frame for this determination, will preside over a hearing on the papers to address the safety implications of the proposed placement of solar and photovoltaic electric generation equipment in the "neutral" zone on utility poles as directed by the legislation. Commissioner Fiordaliso is HEREBY AUTHORIZED to adopt and thereafter modify, as necessary, a schedule for written submissions in this matter, to decide all motions and discovery issues, and otherwise control the case without the need for full Board approval, subject to subsequent Board ratification.

DATED: 1/18/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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

