



Agenda Date: 12/19/12
Agenda Item: 2D

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/

DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC)
CITY ELECTRIC COMPANY CONCERNING A)
PROPOSAL FOR AN EXTENDED SOLAR RENEWABLE)
ENERGY CERTIFICATE BASED FINANCING)
PROGRAM PURSUANT TO N.J.S.A. 48:3-98.1)
)
) DOCKET NO. EO12090799

(NOTIFICATION LIST ATTACHED)

Parties of Record:

Philip J. Passanante, Esq., Attorney for Petitioner, Atlantic City Electric Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

The New Jersey Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 to -99, and several statutory amendments thereto, required the New Jersey Board of Public Utilities ("Board") to adopt Renewable Energy Portfolio Standards ("RPS"), and authorized the Board to amend those standards by regulation. Retail electricity suppliers and basic generation service providers must include a minimum percentage of qualified renewable energy in the electricity they sell during each one-year period ending May 31 ("Energy Year").

Suppliers and providers may comply with solar RPS requirements by submitting Solar Renewable Energy Certificates ("SRECs"), or by paying a Solar Alternative Compliance Payment or a combination of the two methods.

In May 2006, Board Staff ("Staff") began a stakeholder process to consider various models to enhance the ability of energy suppliers and providers to meet the targets for solar electric generation established in the RPS rules and to support the continued growth of New Jersey's solar market. The stakeholder process made clear that, for the time being, the growth of the solar sector will continue to depend upon the availability of incentives above and beyond pure market forces. Equally clear was that rebate-type incentives were not sustainable in the long term. Accordingly, the Board's Order dated December 6, 2007, In re the Renewable Energy

Portfolio Standards, Alternative Compliance Payments and Solar Alternative Compliance Payments, Docket No. EO06100744 ("December 6 Order"), set a course towards reducing New Jersey's reliance on rebates, and transitioning to a more market-based means of providing solar incentives. The Board's primary considerations in that transition included: the cost that ratepayers bear; fairness and equity to all ratepayer classes; job growth; improved reliability and security of New Jersey's electricity infrastructure; the ability to achieve sustained orderly development of the solar portion of that infrastructure; reducing transaction costs; and supporting other policy goals, especially with respect to environmental protection and public health.

Recognizing that SREC based financing depends not only upon certainty about long-term prices for SRECs but also on greater certainty about the minimum cash flow that a project can generate from the creation and sale of SRECs, the December 6 Order stated that "there is a widespread consensus that an additional mechanism or mechanisms will be necessary for the market to achieve levels of growth sufficient to meet RPS requirements at an acceptable cost." The Board directed the Office of Clean Energy ("OCE") to initiate a proceeding to explore whether additional securitization was needed, and if so, to provide specific recommendations regarding the methods and costs of providing such securitization.

On August 7, 2008, the Board issued an Order in In re the Renewable Energy Portfolio Standard: Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy, and Conservation Programs, and for Electric Distribution Company Submittals of Filings in Connection with Solar Financing, Docket No. EO06100744 ("August 7 Order"). Among other things, the August 7 Order directed Atlantic City Electric Company ("ACE") to file with the Board a solar financing plan by September 30, 2008, which had to comply with certain project-design and filing requirements.

On September 30, 2008, ACE filed its solar financing program, In re the Petition of the Atlantic City Electric Company Concerning a Proposal for an Solar Renewable Energy (SREC)-Based Financing Program Pursuant N.J.S.A. 48:3-98.1, Docket No. EO06100744 ("Original SREC Program"). On March 27, 2009, the Board issued an Order approving ACE's Original SREC Program with modifications.¹

Since 2008, the Board has issued numerous Orders related to EDC SREC financing. These Orders have resulted in the implementation of an SREC solicitation process managed by three of the EDCs, JCP&L, ACE and Rockland Electric Company ("RECO"), and in a solar loan program managed by Public Service Electric and Gas Company ("PSE&G").

By Order dated April 27, 2011, In re Petition of Public Service Electric and Gas Company for Approval of a Solar Generation Investment Program and Associated Cost Recovery Mechanism - Order Approving Capacity Transfer, Docket No. EO09020125, the Board directed Staff to evaluate existing utility solar programs and to conduct a thorough review of the utility supported solar programs to help the Board determine whether these programs should continue, be allowed to expire, be modified or expanded. As directed by the Board, Staff held several

¹ In re of the Verified Petition of Jersey Central Power and Light Company Concerning a Proposal for an SREC Based Financing Program under N.J.S.A. 48:3-98.1 Docket No EO08090840 and I/M/O of Atlantic City Electric Company Renewable Energy Portfolio Standards Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy, and Conservation Programs; and for Electric Distribution Company Submittals of Filings in Connection with Solar Financing, Docket No. EO08100875, March 27, 2009.

stakeholder meetings between November 2011 and March 2012. In addition, the Board engaged the Rutgers Center for Energy, Economic and Environmental Policy to perform an analysis of the comparative costs of all the utility run solar programs and provide information to be used as part of the stakeholder process. Based on the stakeholder discussions, the review of proposals submitted and the comments at and following the public hearing, Staff submitted a recommendation to the Board for the extension of utility run solar programs. By Order dated May 23, 2012, In re Review of Utility Supported Programs, Docket No. EO11050311V ("May Order"), the Board approved Staff's recommendations for extending the utility-run solar financing programs.

September 2012 Filing

Pursuant to the May Order, on September 6, 2012, ACE filed the instant petition with the Board. In the current filing, ACE requests approval of an extended 23 MW proposed Solar Renewable Energy Certificate Program II ("SREC II Program") over a three year solicitation period for Energy Years 2014 through 2016. SREC II is molded closely on the company's Original SREC Program. However, based upon experience with the Original Program and the requirements of the May 23 Order, ACE has proposed certain new elements for the SREC II Program.

For example, the company proposes that solar projects will be selected for contracting based on the lowest net present value cost of the agreement. ACE is proposing three program segments: 1) net metered residential and small commercial solar photovoltaic projects less than or equal to 50 kW ("Segment 1"); 2) net metered solar photovoltaic projects greater than 50 kw ("Segment 2"); and 3) grid-connected solar photovoltaic projects on closed landfills and brownfields ("Segment 3").

In addition, ACE proposes to recover its costs for the SREC II Program through its current RGGI Recovery Charge Rider ("Rider RRC") through which ACE currently recovers costs related to its Original SREC Program. The net revenue received from the auction of the SRECs that the Company purchases as part of the SREC-based financing program will be applied to reduce the costs to be recovered through Rider RRC.

The Board has determined that the petition described above should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, **HEREBY DESIGNATES** Commissioner Mary-Anna Holden as the presiding officer 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. To further enable the Board to effectively and efficiently carry out its mandate under N.J.S.A. 48:3-98.1 and to allow development of complete record, the Board **HEREBY AUTHORIZES** Commissioner Holden to render a decision on a stipulation pursuant to N.J.S.A. 48:2-21.3 extending the 180 day review period, if submitted, provided that the stipulation is executed by all parties to the proceeding. The authority so delegated is limited to a single extension of the 180 period, with any further requests for extensions to be directed to the Board.

In the interests of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, and also providing 2 hard copies to each party, unless otherwise requested by the parties.

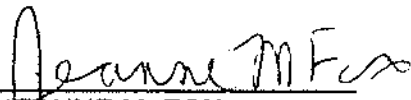
Finally, the Board **HEREBY DIRECTS** Staff to post this Order on the Board's website.

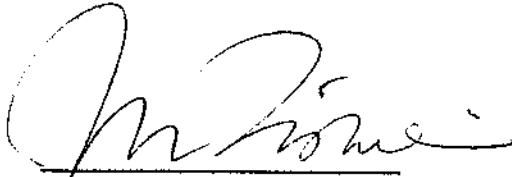
DATED:


12/19/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT



JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

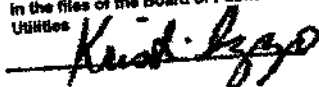

NICHOLAS ASSELTA
COMMISSIONER


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



NOTIFICATION LIST

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