



Agenda Date: 1/10/24  
Agenda Item: 8D

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF NEXTGRID )  
INC. FOR AN ORDER ISSUING A WAIVER FOR THE )  
DEVELOPMENT OF A SOLAR ELECTRICITY )  
GENERATION FACILITY IN THE NEW JERSEY )  
PINELANDS PRESERVATION AREA PURSUANT TO )  
THE COMPETITIVE SOLICITATION INCENTIVE )  
PROGRAM SITING REQUIREMENTS )

ORDER

DOCKET NO. QW23070456

**Parties of Record:**

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**Barbara J. Koonz, Esq.**, Greenbaum, Rowe, Smith & Davis LLP, on behalf of NextGrid Inc.

BY THE BOARD:<sup>1</sup>

This Order concerns a request for a waiver of the New Jersey Board of Public Utilities' ("Board's") siting prohibitions for Competitive Solar Incentive-Eligible Facilities ("CSI-eligible facilities") at N.J.A.C. 14:8-12.3(a)(1). On July 21, 2023, pursuant to N.J.A.C. 14:8-12.6, NextGrid Inc. ("NextGrid" or "Petitioner") filed a petition with the Board seeking to waive the prohibition for alleged good cause shown by utilizing a closed landfill and marginalized property ("Petition"). Petitioner seeks to locate a solar project at the Manchester Township Landfill site, Block 116, Lot 13 at 110 Sam Pitts Road (also known as 1501 NJ 70), Whiting Township, Ocean County, New Jersey ("Project") on land within the preservation area of the Pinelands area ("Pinelands Preservation Area"), as designated in subsection b. of section 10 at P.L. 1979, c. 111 (N.J.S.A. 13:18A-11).

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<sup>1</sup>Commissioner Michael Bange abstained from voting on this matter.

## **BACKGROUND**

On July 9, 2021, Governor Murphy signed the Solar Act of 2021 (L. 2021, c.169) into law, effective immediately. Among other requirements, the Solar Act of 2021 (“Act”) directed the Board to establish a comprehensive program to provide incentives for the development of at least 3,750 megawatts (“MW”) of new solar generation by 2026.<sup>2</sup> This target was informed by New Jersey’s 2019 Energy Master Plan (“EMP”) and Governor Murphy’s goal of achieving 100% clean energy by 2050.<sup>3</sup> Specifically, the Act directed the Board to create two (2) solar incentive programs: a small facilities incentive program for community solar facilities and net metered facilities up to five (5) MW in size, and a competitive solicitation process for grid supply solar facilities (i.e., those selling into the wholesale markets) and net metered facilities greater than five (5) MW.

The Act also directed the Board, in consultation with the New Jersey Department of Environmental Protection (“NJDEP”) and the Secretary of the New Jersey Department of Agriculture (“Secretary of Agriculture”), to establish solar siting rules that will apply to all grid supply solar facilities and net metered solar facilities greater than five (5) MW in size.<sup>4</sup>

The Act specifically requires that the solar siting criteria must:

1. facilitate the State’s commitment to affordable, clean, and renewable energy, and the carbon dioxide emissions reduction goals established in the Global Warming Response Act (C.26:2C-45);
2. minimize, as much as is practicable, potential adverse environmental impacts; and
3. where appropriate, consider:
  - a. existing and prior land uses of the property;
  - b. whether the property contains a contaminated site or landfill;
  - c. any conservation or agricultural designations associated with the property;
  - d. the amount of soil disturbance, impervious surface, and tree cover on the property;
  - e. other site-specific criteria.<sup>5</sup>

The Act lists a series of land uses that are not authorized for solar project siting unless the applicant, in accordance with the waiver provisions specified in the Act,<sup>6</sup> files a waiver petition with, and receives approval from, the Board to proceed.<sup>7</sup> Among the areas specified is the Pinelands Preservation Area. Id. at -119(c)(2).

The Act allows developers to “petition the board for a waiver to site a solar power electric generation facility in an area proscribed by subsection c. of this section” and requires that the “petition shall set out the unique factors that make the project consistent with the character of the specific parcel, including whether the property is a contaminated site or landfill, otherwise

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<sup>2</sup> MW measured in direct current (“dc”).

<sup>3</sup> 2019 New Jersey Energy Master Plan: Pathway to 2050, [https://nj.gov/emp/docs/pdf/2020\\_NJBPU\\_EMP.pdf](https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf).

<sup>4</sup> N.J.S.A. 48:3-119(b).

<sup>5</sup> Ibid.

<sup>6</sup> N.J.S.A. 48:3-119(f).

<sup>7</sup> N.J.S.A. 48:3-119(c).

marginal land, or whether the project utilizes existing development or existing areas of impervious coverage.”<sup>8</sup> In such cases, the Board is required to consult with the NJDEP or Secretary of Agriculture, as appropriate, and may grant a waiver if it determines that a project is in the public interest.<sup>9</sup> Additionally, the Act specifies that, “in no case shall the projects approved by the board pursuant to this section occupy more than five percent of the unpreserved land containing [Prime Agricultural Soils/Soils of Statewide Importance] ... located within any county’s designated Agricultural Development Area, as determined by the State Agriculture Development Committee.”<sup>10</sup>

On July 28, 2021, the Board issued an Order establishing the Solar Successor Incentive (“SuSI”) Program, and providing notice of the opening of the Administratively Determined Incentive (“ADI”) Program, and concurrent closing of the Transition Incentive (“TI”) Program on August 28, 2021.<sup>11</sup>

The ADI Program opened to residential projects and non-residential net metered projects of five (5) MW or less. In addition, the ADI Program included an interim incentive for projects participating in the Board’s Subsection (t) program, which covers solar projects on brownfields, areas of historic fill, and properly closed sanitary landfills in order to provide a bridge for these projects until the Competitive Solar Incentive (“CSI”) Program launch. The SuSI Program was codified in rules that took effect on February 22, 2022.

By Board Order dated December 7, 2022, the Board approved the establishment of the CSI Program.<sup>12</sup> The CSI Program is open to qualifying grid supply solar projects and net metered non-residential projects greater than five (5) MW in size. All CSI-eligible solar generation facilities, regardless of whether a project chooses to pursue an incentive or not, are also subject to solar siting restrictions that aim to protect New Jersey’s vulnerable farmland and open spaces from unintended impacts of solar development. On the same date, the Board approved for publication in the New Jersey Register a rule proposal that amended the SuSI Rules to establish the CSI Program and a proposal for siting rules for grid supply and large net metered solar facilities. On September 18, 2023, the proposed CSI Siting Rules were adopted and published, with non-substantial changes, in the New Jersey Register at 55 N.J.R. 2015(a). The new rules include a mechanism to allow siting of CSI-eligible facilities on otherwise restricted land uses if the developer seeks and receives a waiver of the siting prohibition. The rules also provide for an administrative waiver in appropriate circumstances. Projects that would be constructed on prohibited land but for which the facility would be located exclusively on the built environment, are deemed to be presumptively in the public interest. The Board has designated the approval of such applications to Board Staff (“Staff”) or the program administrator. This expedited process was devised to allow developers a quicker route to participation based on project type but applies only to the specific subset of projects located entirely on the built environment.

In compliance with the Act, the Board’s rules at N.J.A.C. 14:8-12.6(a) require a petition to include documentation of “sufficient facts and circumstances” to demonstrate why siting a CSI-eligible

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<sup>8</sup> N.J.S.A. 48:3-119(f).

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c.17, BPU Docket No. QO19010068, Order dated July 28, 2021 (“SuSI Program Order”).

<sup>12</sup> In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Order Launching the CSI Program, BPU Docket No. QO21101186, Order dated December 7, 2022.

project on a prohibited land use is in the public interest. In such cases, the Board requires consultation with other State agencies, as appropriate, to determine if a project is in the public interest. As indicated in the Summary of the CSI Siting Rule Proposal, the Board and its sister agencies may, at their discretion, consider mitigation measures project proponents suggest in determining whether a particular solar project is in the public interest, such as proposals that include the preservation of other lands (for example, donating substantial desirable land into permanent conservation), or the like. 55 N.J.R. 136.

While the Act only requires that solicitations for the CSI Program be held at least every 18 months, the Board intends to hold annual solicitations to promote industry growth and competition. The prequalification window for the first solicitation opened February 1, 2023, and the bid submission closed on March 31, 2023, at 11:59:59 PM. On July 12, 2023, the Board announced that no awards were issued for the first solicitation because the responsive bids were in excess of the pre-determined price caps put in the place by the Board to protect ratepayers from excessive costs.<sup>13</sup> The Board also directed the next solicitation in the CSI Program to open on an expedited timeline, opening to prequalification on October 1, 2023, and closing to bids on December 31, 2023 at 11:59:59 PM. *Id.* at 14. Subsequently, to accommodate further refinements to the CSI Program Rules, the Board delayed the opening of second solicitation of the CSI Program until November 27, 2023, with the solicitation window to be closed February 29, 2024.<sup>14</sup>

Petitioner submitted a prequalification package in the first solicitation but as Petitioner had not previously secured a waiver, its proposed project was not eligible to participate. On March 30, 2023, the CSI Program Administrator delivered a letter, prepared by Staff, to the Petitioner that reiterated the requirement that any waivers must be received from the Board before a project may register to participate in a solicitation under the CSI Program and welcomed Petitioner's participation in future solicitations.

### **Petition**

By letter dated July 21, 2023, pursuant to N.J.A.C. 14:8-12.6, NextGrid filed the Petition seeking a waiver of the Board's siting prohibitions for CSI-eligible facilities at N.J.A.C. 14:8-12.3(a)(1). Petitioner sought to locate the Project on land within the Pinelands Preservation Area. The Project is planned to be 5.2 MWdc with battery storage, constructed on 18.4 acres of the landfill. Petitioner stated the landfill property itself is 32 acres "within the Pinelands Management Area" and provided maps showing the proposed location of the Project which it said had previously been provided in connection with NJDEP's Permit Readiness Checklist process. Petition at Par. 5 and Exhibit A.

Petitioner stated the waiver is in the public interest because the Project will generate renewable energy and facilitate the closure of the landfill. Petition at Par. 10.

In support of this claim, Petitioner asserted that the property is owned by the Township of Manchester ("Township") and had been used as a municipal landfill. Petition at Par. 6. Noting that it intends to enter into a ground lease with the Township to allow the Project to be installed,

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<sup>13</sup> In re Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c.169, Order on the Outcome of the CSI Program Solicitation, BPU Docket No. QO21101186, Order dated July 12, 2023.

<sup>14</sup> In re Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c.169, Order Addressing the Timing of the Second CSI Program Solicitation, BPU Docket No. QO21101186, Order dated September 27, 2023.

Petitioner stated that the Township considered the lease favorable because it would not incur any financial commitments for the solar development. Although stating that the Township would be responsible for capping and closing the landfill, Petitioner asserted that it intended to cover “certain costs” related to these activities. Ibid. According to Petitioner, the Township supports the use of the landfill property for solar generation and has met with Petitioner and the NJDEP multiple times to discuss such development, noting the submittal of a Permit Readiness Checklist Form updated in October 2022. Petitioner at Par. 7.

Petitioner also asserted that solar generation would be an efficient use of the landfill property and consistent with the Board policy of encouraging siting solar on contaminated land as well as with the State’s goal of including Overburdened Communities in the clean energy economy. Petition at Pars. 10 and 12. Moreover, since the Project will be sited on an already disturbed land area, Petitioner contended that it would not disturb or adversely impact the Pinelands; instead, says Petitioner, it would produce positive environmental impacts by resulting in capping the landfill and making associated improvements to the property, such as fencing and roads. Petition at Par. 11.

### **STAFF RECOMMENDATIONS**

As discussed above, a petitioner for a land use waiver must provide sufficient evidence that a project serves the public interest, and set out the unique factors that make the project consistent with the character of the specific site. A petitioner may include evidence of community support; approval(s) from an overseeing agency at the State or Federal level; considerations of alternative siting, compensatory mechanisms for any detrimental effects, and/or resiliency benefits to critical infrastructure, services or communities; a valid letter of interpretation or other determination of resource value classification; and/or considerations for and avoidance of the net loss of environmental resources. For a contaminated site or landfill sited on prohibited land uses, a petitioner may also include maps and/or details on the status of applicable compliance and/or remediation requirements.

Pursuant to the Act and the Board’s waiver provisions for siting on prohibited land uses at N.J.A.C. 14:8-12.6, Staff consulted with other State agencies, namely the Pinelands Commission (“Commission”) and NJDEP.

#### *Pinelands Commission*

Staff contacted the Commission for the status of its review and advice for the Project on September 5, 2023 and November 9, 2023. On November 21, 2023, the Commission provided a memo to the Board containing information on its review and approval process (“November 21 Memo”). The Commission described the site in question as located in the Pinelands Preservation Area, where the Pinelands Comprehensive Management Plan (“CMP”) permits solar energy facilities under very limited circumstances. As of the date of the November 21 Memo, no formal application had been submitted to the Commission for the development of a solar facility at the site of the Whiting/Manchester Landfill and the landfill closure application remained incomplete.

However, the November 21 Memo also noted that “other notable actions” had taken place relating to solar development at this site that the Commission believed should be taken into consideration by the Board and the NJDEP.

- On July 13, 2020, Manchester Township adopted a Redevelopment Plan for the Whiting Landfill property. The Redevelopment Plan identifies as goals to completion of the capping and closure of the former landfill; providing the Township with a source of renewable energy; encouraging municipal action to guide the appropriate development of the site; ensuring that the development is in conformance with the standards of the Pinelands Preservation Area; and promotion of sustainable development.
- On October 9, 2020, the Commission issued an order certifying that Manchester Township Ordinance 20-022, adopting the Whiting Landfill Redevelopment Plan, is in conformance with the CMP. Consistent with the requirements of the Pinelands CMP at N.J.A.C. 7:50-5.36, the redevelopment plan specifies that solar energy facilities are permitted only on an existing landfill that has been closed and capped in accordance with the CMP.
- Though the Whiting/Manchester Landfill has not been capped in accordance with the CMP, Manchester Township has been working closely with staff at the Commission on the development of an appropriate landfill closure plan over the past three years.
  - These efforts included the Township’s installation of new groundwater monitoring wells, completion of an ecological screening assessment of groundwater and submission of two comprehensive site Hydrogeologic Investigation Reports to the Commission.
  - The Licensed Site Remediation Professional (“LSRP”) concluded that the extensive data generated through these analyses did not identify a significant ecological risk to wetlands or a significant public health risk associated with the landfill leachate.
  - In February 2023, Commission staff accepted this conclusion and recommended that the landfill be authorized to close permanently, using a permeable soil cover. Shortly thereafter, the Township submitted a public development application to the Commission for installation of a soil cap as well as for the approval of existing development on the landfill property that previously occurred without application to the Commission. The Commission emphasized that approval of the soil cap and the resolution of the outstanding violations on the property is a necessary precursor to the development of any solar energy facilities on this site.

The November 21 Memo acknowledged that the above-referenced landfill closure application remained incomplete, pending the submission of additional information on consistency with CMP standards for wetlands protection, threatened and endangered species protection, and stormwater management. Once the application is complete, however, the November 21 Memo anticipated that following the Commission’s approval of the landfill closure plan and the Township’s installation of the soil cap, a solar energy facility may be approved and developed on the site consistent with CMP standards.

*New Jersey Department of Environmental Protection*

Staff transmitted a copy of the petition to NJDEP for review and advice on August 17, 2023. On November 28, 2023, NJDEP’s Office of Permitting and Project Navigation (“OPPN”) provided a memo to the Board containing feedback and recommendations. The NJDEP recommended that

Manchester Township and NextGrid be granted a waiver to participate in the upcoming CSI Program solicitation, provided that the applicant receives all necessary approvals for the cap and closure of the landfill, consistent with the CMP, from the Pinelands Commission as well as all necessary permits and approvals from the NJDEP. The NJDEP determined that the project serves the public interest by proposing a reduction in environmental stressors through the proper closure of a vacant landfill. However, NJDEP noted that the recommendation to grant this waiver if all necessary approvals are received should not be taken to indicate that the NJDEP has made any decisions on whether the proposed project will be permitted.

The NJDEP stated that the applicant is required to submit a landfill closure and post-closure plan to the NJDEP's Bureau of Solid Waste Permitting that is in compliance with N.J.A.C. 7:26-2A.9 closure and post-closure care of sanitary landfills and meet the landfill closure requirements of the Pinelands Comprehensive Management Plan, outlined in N.J.A.C. 7:50-6.75(c). The applicant must receive approval from the Bureau of Solid Waste Permitting on the proposals prior to the commencement of any landfill disruption and or redevelopment activities. The Project must be approved by the New Jersey Pinelands Commission prior to NJDEP's Bureau of Solid Waste Permitting. The solar energy facility must be designed to be consistent with solar energy facilities and environmental standards of the CMP (N.J.A.C. 7:50-5.36(b)).

The NJDEP also noted additional actions that relate to the feasibility of developing a solar facility at this site provided by the NJDEP:

- On October 13, 2022, the NJDEP held a pre-application meeting during which it reviewed the Project for its impacts on State regulated areas.
- On September 21, 2023, NextGrid submitted an updated permit readiness checklist indicating that the project design is unchanged since the October 13, 2022 pre-application meeting.

#### *Staff's Recommendation*

The record demonstrates that Petitioner has been actively engaging with both agencies and that it has received positive support from both the NJDEP and Pinelands Commission. Staff believes the information provided by these agencies constitutes evidence that supports a finding that the Project is in the public interest and should receive a waiver. Both agencies also identified environmental issues that remain outstanding, which will need to be rectified through the required permitting and approval processes. Staff recommends referencing the conditions outlined by the Commission and NJDEP as part of the waiver approval.

The Board has long recognized the benefits of solar development on contaminated sites and landfills, with approximately 275 MW installed under the Subsection (t) program of the Solar Act of 2012 and the TI Program as of October 31, 2023. The Board's policy of encouraging the development of solar facilities on land that would otherwise have limited use finds support in the Solar Act of 2021 and New Jersey's EMP. Staff believes that the Project supports this goal and reduces pressure to site solar on the State's remaining open space. Additionally, the Project supports other State goals: developing a clean energy economy and providing local benefits to an environmental justice community. Moreover, the November 21 Memo supports Petitioner's claims of community support for the Project.

Based on the information contained in the Petition, the Commission application and approval status for the Project, and NJDEP's findings, Staff recommends that the Board find that the Project as proposed is in the public interest and approve the Petitioner's request for a land use waiver.

Such a waiver will allow NextGrid to move forward in the CSI Program's second solicitation prequalification process with the Project. In addition, if Petitioner intends to participate in the current solicitation, then Staff recommends that Petitioner submit its prequalification package to the CSI Program Administrator by February 2, 2024, if not by the solicitation closing date of February 29, 2024, 11:59:59 PM.

## **DISCUSSION AND FINDINGS**

The Board has long supported solar development in New Jersey, designing policies and programs that will support the continued growth of the solar industry while carefully balancing the costs and benefits to ratepayers. The CSI Program forms the first incentive structure designed to facilitate large-scale grid supply solar development in the State, a type of solar development which has been shown in other states to provide clean energy at competitive prices. The CSI Program will provide incentives for 300 MW of new solar annually in New Jersey and thus forms a critical element in pursuing the interrelated goals of 5.2 GW of solar by 2025, 12.2 GW by 2030, and 17.2 GW by 2035, all of which form part of New Jersey's least-cost path to 100% clean energy by 2050. As highlighted in the CSI Program Order, the CSI Program uses competitive principles to ensure that the cost of the SREC-II awards represent the lowest incentive contribution from New Jersey ratepayers.

The Board also recognizes the significant benefits associated with the expansion of local, distributed, renewable, non-polluting sources of energy. In addition to the reduction of emissions that contribute to global warming, there is the reduction of air pollutants and the associated health benefits; increased resilience in the form of distributed generation; a lessened need to site solar on open space in a State that seeks to preserve open space; and the economic growth fueled by local job creation. Furthermore, as designed by the Board, the CSI Program implements the directive of the Solar Act of 2021 to "ensure that the environmental and public health benefits of solar electric power generation facilities on contaminated sites or landfills are recognized, including accommodating the long development timescale for these projects."<sup>15</sup>

In providing incentives pursuant to the Solar Act of 2021 and implementing that Act's directive to prohibit siting CSI-eligible facilities on prohibited land types, the Board furthers the State policy of meeting its clean energy goals at the least cost to ratepayers.<sup>16</sup> The siting criteria were developed in cooperation with the NJDEP, the Department of Agriculture, and the State Agriculture Development Committee. To fully effectuate the legislative intent to protect vulnerable lands, the Board made these siting criteria applicable to all CSI-eligible solar generation facilities, regardless of whether a project chooses to pursue an incentive or not. The universal applicability ensures that the State's interest in preserving open space and agricultural lands will be applied to all solar projects on an equal basis.

Pursuant to the Solar Act of 2021, the Board's siting criteria provide the opportunity to submit a petition for a waiver and obtain permission to construct a CSI-eligible facility on otherwise prohibited lands. The Board will only grant such waiver after consultation with the Department of Agriculture or NJDEP as appropriate and upon determination that the public interest in the specific project being allowed outweighs the presumptive greater public interest in preserving the land.

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<sup>15</sup> N.J.S.A. 38:3-117(4)(c)(8).

<sup>16</sup> N.J.S.A. 38:3-114.



The Board **FINDS** that the Project is proposed to be located on 18.4 acres of the Manchester Township Landfill site, Block 116, Lot 13 at 110 Sam Pitts Road (also known as 1501 NJ 70), Whiting Township, Ocean County. The Board **FINDS** that since the Project would be located on a 32-acre property within the Pinelands Preservation Area, Staff consulted with the NJDEP on the Project as required by the Solar Act of 2021. The Board **FINDS** that, as required by the Board's CSI Siting Rules for "consulting with other State agencies, as appropriate," Staff also consulted with the Commission on the Project. The Board **FINDS** that the Project has support from the Pinelands Commission and NJDEP. The Board **FINDS** that the NJDEP's recommendation to grant the waiver is not indicative that the NJDEP has made any decisions on whether the proposed project will be permitted.

The Board **FINDS** that the Petitioner has documented sufficient facts and circumstances to establish the public's specific interest in siting the CSI-eligible facility on or within the Pinelands Preservation Area. The Board **FINDS** that granting the waiver of the Board's CSI Siting Rules pursuant to N.J.A.C. 14:8-12.3(a)(2) is warranted and is in the public interest pursuant to N.J.A.C. 14:8-12.6(a) and **GRANTS** the waiver.

The Board **FINDS** that the Petitioner will need to meet all CSI Program requirements for an approval of a prequalification package. Thus, the Board **DIRECTS** the CSI Program Administrator to process a prequalification package from NextGrid for the second solicitation, if received, by February 29, 2024, 11:59:59 PM, in accordance with the rules and procedures established for the CSI Program.

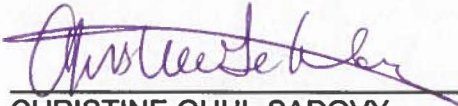
This Order is issued in reliance on the information provided by the Petitioner, Commission, and NJDEP and does not grant any rights in connection with the registration or construction of the proposed project. The Board **FINDS** that the Commission's requirements and NJDEP's requirements must be addressed as part of the proposed solar electric generation facility. To enable the proposed project to move forward, the Petitioner must receive approval from the Commission for a landfill closure plan and the Township's installation of the soil cap, and meet other conditions outlined by the Commission pertaining to wetlands protection, threatened and endangered species protection, and stormwater management. The Petitioner must also submit a landfill closure and post-closure plan to the NJDEP, meet CMP requirements to cap and close the landfill and design the solar energy facility, and receive all necessary permits and approvals from the NJDEP. The Board **ORDERS** Petitioner to demonstrate to the CSI Program Manager that all NJDEP and Commission requirements have been satisfied prior to the issuance of post-construction certification.

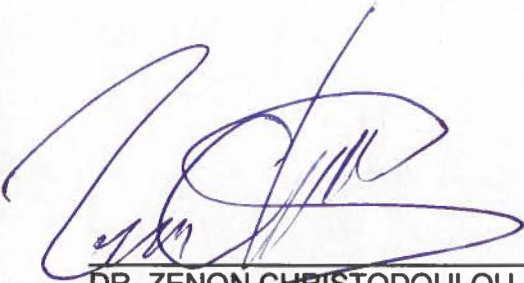
The Board encourages all other parties interested in participating to determine whether the project(s) for which they wish to submit bids are sited in areas requiring a waiver and if a waiver(s) is needed to submit petitions for applicable waivers as soon as possible.

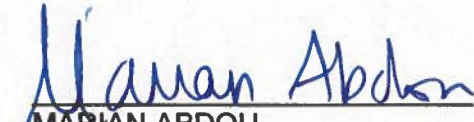
This Order shall be effective on January 17, 2024.

DATED: January 10, 2024

BOARD OF PUBLIC UTILITIES  
BY:

  
CHRISTINE GUHL-SADOVY  
PRESIDENT

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

  
MARIAN ABDOU  
COMMISSIONER

ATTEST:

  
SHERRI L. GOLDEN  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities.

IN THE MATTER OF THE PETITION OF NEXTGRID INC. FOR AN ORDER ISSUING A WAIVER FOR THE DEVELOPMENT OF A SOLAR ELECTRICITY GENERATION FACILITY IN THE NEW JERSEY PINELANDS PRESERVATION AREA PURSUANT TO THE COMPETITIVE SOLICITATION INCENTIVE PROGRAM SITING REQUIREMENTS

DOCKET NO. QW23070456

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