



STATE OF NEW JERSEY
Board of Public Utilities
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www.nj.gov/bpu/

CLEAN ENERGY

- IN THE MATTER OF THE COMMUNITY SOLAR) ORDER
- ENERGY PILOT PROGRAM)
-) DOCKET NO. QO18060646
- IN THE MATTER OF THE PETITION OF ALTUS POWER)
- FOR EXTENSION OF THE SOLAR TRANSITION)
- INCENTIVE PROGRAM COMMERCIAL OPERATION)
- DEADLINE FOR MECHANICALLY COMPLETE) DOCKET NO. QW23100746
- COMMUNITY SOLAR PY2 PROJECTS)
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- IN THE MATTER OF THE PETITION OF ALTUS POWER)
- FOR EXTENSION OF THE SOLAR TRANSITION)
- INCENTIVE PROGRAM COMMERCIAL OPERATION)
- DEADLINE FOR CERTAIN MECHANICALLY COMPLETE) DOCKET NO. QW23110858
- COMMUNITY SOLAR PY2 PROJECTS)
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- IN THE MATTER OF THE PETITION OF SOLAR)
- LANDSCAPE DEVELOPMENT FOR EXTENSION OF)
- CONSTRUCTION DEADLINE FOR CONDITIONALLY)
- APPROVED EGG HARBOR SOLAR PROJECT DUE TO)
- UTILITY UPGRADE DELAYS AND UNCERTAINTY OF) DOCKET NO. QO23110789
- TIMING FOR UTILITY UPGRADE COMPLETION)
-)
- IN THE MATTER OF THE PETITION OF EAGLES)
- SOLAR I AND EAGLES SOLAR II FOR AN EXTENSION)
- OF THE SOLAR TRANSITION INCENTIVE PROGRAM)
- COMMERCIAL OPERATION DEADLINE FOR LANDFILL) DOCKET NO. QO23080557
- COMMUNITY SOLAR PROJECT)

Parties of Record:

Brian Lipman, Esq., on behalf of New Jersey Division of Rate Counsel
Howard Thompson, Esq., Russo Tumulty Nester Thompson & Kelly, LLP, on behalf of Solar
Landscape Development, LLC
James A. Boyd, Jr., Esq., on behalf of Altus Power, Inc., Eagles Solar I, LLC, & Eagles Solar II,
LLC

BY THE BOARD:¹

By this Order, the New Jersey Board of Public Utilities (“Board” or “NJBPU”) considers the petitions of Altus Power, Inc. (“Altus Power”), Eagles Solar I, LLC and Eagles Solar II, LLC (collectively “Eagles Solar”), and Solar Landscape Development, LLC (“Solar Landscape”) (each individually, “Petitioner”, or together, “Petitioners”) for an extension of time for registrations within the Transition Incentive (“TI”) Program and the projects’ conditional acceptance as community solar projects. The Board addresses the petitions together because the Petitioners’ projects are all conditionally accepted in Program Year 2 (“PY2”) of the Community Solar Energy Pilot Program (“Pilot Program”).

BACKGROUND

On May 23, 2018, the Clean Energy Act of 2018 ([L. 2018, c. 17](#)) (“CEA”) was signed into law and became effective immediately.² The CEA directed the Board to adopt rules and regulations to close the Solar Renewable Energy Certificate (“SREC”) Registration Program (“SREC Program”) to new applications once the Board determined that 5.1 percent of the kilowatt-hours sold in the State by third party suppliers and basic generation service providers had been generated by solar electric power generators connected to the distribution system (“5.1% Milestone”). The SREC Program was replaced in two (2) stages. First, on December 6, 2019, the Board established the TI Program to provide a bridge between the legacy SREC Program and a to-be-developed Successor Incentive program. TI Program incentives are delivered based on megawatt hours (“MWh”) of electricity produced and are tailored to specific project types through the use of factors. Community solar projects receive a factor of 0.85 and thus \$129.20/MWh. The 5.1% Milestone was found to have occurred on April 30, 2020. The TI Program portal opened to new project registrations on May 1, 2020, and remained open to new registrations until the establishment of a registration program for the new Successor Program.³ In the second phase, the Board developed and launched the Successor Solar Incentive (“SuSI”) Program, based on extensive stakeholder engagement conducted by Board Staff (“Staff”) and the Solar Act of 2021 (L. 2021, c.169), signed by Governor Murphy on July 9, 2021. On July 28, 2021, the Board announced the closure of the TI Program and the opening of the SuSI Program. The TI Program closed on August 27, 2021, and the SuSI Program opened on August 28, 2021.

The CEA also directed the Board to adopt rules and regulations establishing a Pilot Program for Community Solar in New Jersey. The Board established the Pilot Program through rules published in the New Jersey Register on February 19, 2019 (“Pilot Program Rules”).⁴ The Pilot Program enables New Jersey electric utility customers to participate in a solar energy project that may be remotely located from their properties and receive a credit on their utility bills. Community solar therefore enables access to clean energy generation for utility customers unable to place solar generation directly on their own properties. The Board particularly emphasized its interest in ensuring that low- to moderate income (“LMI”) customers are able to access community solar and that the Pilot Program did not compromise the preservation of open space or protected lands

¹ Commissioner Marian Abdou recused herself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

² L. 2018, c. 17.

³ [In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17](#), BPU Docket No. QO19010068, Order dated January 8, 2020 (“January 2020 Order”).

⁴ 51 N.J.R. 232(a).

in New Jersey. The Pilot Program was designed to provide the necessary experience and to lay the groundwork for the development and implementation of a full-scale community solar energy program.

Community solar projects were selected by the Board for participation in the Pilot Program via a competitive solicitation process, as directed by N.J.A.C. 14:8-9.3(c). During the second solicitation, the Board received 412 applications and selected 105 applications on October 28, 2021, representing approximately 165 megawatts (“MW”).⁵ These projects initially had a deadline to become fully operational within 18 months (i.e., May 4, 2023), with the possibility of extensions for projects that demonstrated substantial progress towards completion. On August 17, 2022, the Board issued an Order extending the project completion deadlines for the PY2 projects to November 4, 2023.⁶

In the same order making the PY2 awards, the Board also waived its rules authorizing capacity for a third program year and directed Staff to conduct stakeholder proceedings and recommend establishment of rules for a permanent program. On August 16, 2023, the Board established the permanent Community Solar Energy Program (“CSEP”).⁷ The CSEP permits projects that were conditionally approved to participate in the Pilot Program, but did not reach operation in the allotted time, to be allowed to submit a new application for the CSEP without counting against, or being subject to, otherwise applicable capacity limits. Projects conditionally approved in the Pilot Program seeking to roll over into the CSEP were required to meet all applicable requirements of participation in the CSEP, other than the capacity limits. Such projects must also commit to a guaranteed bill credit discount consistent with that indicated in their Pilot Program application in order to be exempt from capacity limits.

On August 17, 2022, the Board granted extensions to the completion deadlines to Program Year 1 projects that showed significant progress toward their construction and completion and were requesting an extension of six months or less. The Board denied extensions to those projects that were not near commercial operation and were requesting an extension of a year or longer.⁸

On October 25, 2023, the Board granted extensions to three (3) PY2 projects.⁹ These exemptions were granted for reasons of equitable access to Community Solar across New Jersey, and because the respective petitioners demonstrated diligent efforts toward an interconnection agreement and delays that were solely attributable to electric distribution company (“EDC”) interconnection processing.

Petitions

⁵ In re the Community Solar Energy Pilot Program Year 2 Application Form and Process – Application Awards, BPU Docket No. QO20080556, Order dated October 28, 2021.

⁶ In re the Community Solar Energy Program, BPU Docket No. QO18060646 et al., Order dated August 17, 2022 (“August 2022 Order”).

⁷ In re the Community Solar Energy Program: Order Launching the Community Solar Energy Program, BPU Docket No. QO22030153, Order dated August 16, 2023.

⁸ In re the Community Solar Energy Program, BPU Docket No. QO18060646 et al., Order dated August 17, 2022 (“August 2022 Order”).

⁹ In re the Community Solar Energy Program, BPU Docket No. QO18060646 et al., Order dated October 25, 2023.

All Petitioners were awarded participation in PY2 of the Pilot Program on October 28, 2021. They received conditional acceptance into the TI Program, with a final deadline of November 4, 2023.

Altus Power

On October 26, 2023, Altus Power filed two (2) petitions seeking extensions in the TI Program for community solar projects. The first petition, BPU Docket No. QW23100746, was for nine (9) projects totaling 27.7 MWdc.¹⁰ The second petition, BPU Docket No. QW23110858, was for 19 projects totaling 7.9 MWdc.¹¹ These petitions requested that the Board grant an extension to the conditional acceptance expiration date of the projects' registration in the TI Program only for the time needed to receive Permission to Operate ("PTO") and submit the associated documents for each project. Petitioner argued that the EDC's delay in processing the PTOs for Petitioner's projects was completely outside Petitioner's control and thus analogous to the interconnection upgrades that the Board had previously found to justify an extension to the TI Program deadlines.¹² In its Order dated June 8, 2022 ("Gibbstown Order"), the Board waived the TI timeline on condition that the developer demonstrate that its failure to meet the TI Program deadline was due to a delay in required interconnection upgrades whose completion date had been changed unilaterally by the EDC.¹³

¹⁰ 2.9376 MWdc at 100 Middlesex Center Boulevard, South Brunswick, 1.836 MWdc at 301 Island Road, Mahwah, 2.93675 MWdc at 100 Performance Drive, Mahwah, 0.918 MWdc at 560 Jefferson Avenue, Secaucus, 1.19278 MWdc at 1400 Imperial Way, West Deptford, 2.9376 MWdc at 1 Wiley Drive, Somerset, 4.99545 MWdc at 283 Prospect Plains Road, Cranbury, 4.99545 MWdc at 400 Cabot Drive, Hamilton Township, and 4.99545 MWdc at 1240 Cranbury South Road, Cranbury

¹¹ 0.40098 MWdc at 1247 N Church Street, Moorestown, 0.59081 MWdc at 1256 N Church Street, Moorestown, 0.31898 MWdc at 2 Commerce Drive, Moorestown, 0.51373 MWdc at 101 Commerce Drive, Moorestown, 0.29889 MWdc at 102 Commerce Drive, Moorestown, 0.28577 MWdc at 201 Commerce Drive, Moorestown, 0.4387 MWdc at 202 Commerce Drive, Moorestown, 0.42148 MWdc at 2 Executive Drive, Moorestown, 0.41082 MWdc at 225 Executive Drive, Moorestown, 0.46371 MWdc at 97 Foster Road, Moorestown, 0.38171 MWdc at 1507 Lancer Drive, Moorestown, 0.53382 MWdc at 840-844 N Lenola Road, Moorestown, 0.51086 MWdc at 915 N Lenola Road, Moorestown, 0.41984 MWdc at 2 Twosome Drive, Moorestown, 0.3727478 MWdc at 30 Twosome Drive, Moorestown, 0.86182 MWdc at 31 Twosome Drive, Moorestown, 0.36367 MWdc at 40 Twosome Drive, Moorestown, 0.36982 MWdc at 41 Twosome Drive, Moorestown, and 0.27675 MWdc at 50 Twosome Drive, Moorestown

¹² In re the Petitions of Altus Power for Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Mechanically Complete Community Solar PY2 Projects, BPU Docket No. QW23100746 & QW23110858, Petitions dated October 26, 2023.

¹³ In re a New Jersey Solar Transition Pursuant to P.L. 2018, C.17 – Order Addressing Request for an Extension of Time to Complete NJSTRE1545046932 in Transition Incentive Program – 480 South Democrat Road, Gibbstown, NJ ESNJ-KEY-GIBBSTOWN, LLC, BPU Docket Nos. QO19010068 and QO22030156, Order dated June 8, 2022.

Petitioner stated that at the time it submitted its petitions in October 2023, all conditionally approved projects across both petitions had reached or were scheduled to reach mechanical completion prior to the November 4, 2023, deadline, and all that remained to achieve commercial operation was obtaining PTO from the EDC.¹⁴ Altus Power emphasized that they have sent follow-up communications regarding the status of their PTO but have no control over when they might expect to receive it. Petitioner contended that because only the EDC may issue PTO, the delay of this issuance beyond the November 4, 2023 deadline was the fault of the EDC, and therefore it would be fair and reasonable for the Board to provide an extension.

Eagles Solar

On August 8, 2023, Eagles Solar filed a petition seeking an extension in the TI Program for two (2) 4.995 MWdc community solar projects located at the Berkeley Township Landfill.¹⁵ The petition requested that the Board grant a six-month extension, pursuant to the Gibbstown Order, to the conditional acceptance expiration date of the project's registration in the TI Program.

According to the petition, at the time Petitioner applied to the Pilot Program in February 2021, it reasonably relied upon communications from the Pinelands Commission that a 1991 landfill closure approval ("Prior Landfill Approval") remained valid. Petition at 35, Exhibit C, and Exhibit PT1 at 7-1 through 10. However, after obtaining the supporting documentation for the Prior Landfill Approval in April 2021, the Pinelands Commission determined that the Prior Landfill Approval was no longer valid and that more studies would need to be done to revalidate the approval. Petition at 38-39 and Exhibit PT1 at 7-13 to 8-18. Petitioner represented that the resulting re-permitting process added 14 months to the development timeline. Exhibit PT1 at 8-18. Petitioner submitted a new development application in August 2022 for which it received approval in January 2023 from the Pinelands Commission and final approval from the New Jersey Department of Environmental Protection on March 23, 2023. Petition at 40-41.

Petitioner maintained that its situation was analogous to that of the developer to whom the Board had granted a conditional extension in the Gibbstown Order because the delay arose from the unforeseen need to obtain a new landfill closure approval from the Pinelands Commission and was entirely outside Petitioner's control. Petition at 58. According to Petitioner, the project would not be viable without the TREC incentive. Petition at 43.

Solar Landscape

On November 3, 2023, Solar Landscape filed a petition seeking extensions in the TI Program for a 0.922 MWdc community solar project at 6730 Delilah Rd, Egg Harbor, New Jersey (Docket No. QO23110789). The petition requested that the Board grant a six-month extension, pursuant to the Gibbstown Order, to the conditional acceptance expiration date of the project's registration in the TI Program, or, if later, six (6) weeks after Atlantic City Electric Company ("ACE") completes utility upgrades for interconnection of the projects. Petitioner asserted that since the delays are

¹⁴ On December 11, 2023, Petitioner's counsel emailed supplemental tables to Staff indicating that all projects were mechanically complete and were awaiting PTO from their respective EDCs prior to the TI Program deadline, although dates for the claimed completion of construction were not provided ("Supplemental Filings").

¹⁵ In re the Petition of Eagles Solar I and Eagles Solar II for an Extension of the Solar Transition Incentive Program Commercial Operation Deadline for Landfill Community Solar Project, BPU Docket No. QO23080557, Petition dated August 8, 2023.

attributable to ACE, its circumstances are similar to those of the petitioner that was granted an extension in the Gibbstown Order.

According to the petition, Solar Landscape was notified by ACE in August 2023 that it had been unable to obtain an easement from a neighboring property owner, and ACE could not install its transformer without this easement. Solar Landscape continued with its work, reaching mechanical completion on October 3, 2023, and completing necessary testing on October 6, 2023. However, Petitioner stated that this delay by ACE, coupled with other delays by the utility, have resulted in the project being unable to achieve PTO before the November 4, 2023, deadline. Solar Landscape claimed these other delays involved “Interconnection Application processing, identification of available circuits and equipment available for interconnection, cost estimates and scope creation, proper and complete invoicing, confirming payment and executing the Interconnection Agreement, identification of necessary Utility easements and installation of available Utility provided equipment.”¹⁶

On November 27, 2023, ACE submitted correspondence stating that the petition failed to discuss Solar Landscape’s decision to submit a new application after signing the September 27, 2022, cost letter. The revised cost letter was signed in February 2023, which pushed the estimated timeframe beyond the November 4, 2023, deadline. ACE stated that the easement causing the most pressing delay for the Petitioner was not necessary when the original cost letter was signed, but later became relevant when the revised cost letter was signed. In addition, ACE noted that it had worked diligently on the interconnection application, including working successfully with the customer to reduce its costs.

On December 1, 2023, Solar Landscape filed a Reply Certification. The Reply Certification stated that its decision to pursue a different interconnection than that in the September 27, 2022 cost letter was based on inaccurate information from ACE on the availability of a transformer on site; that Solar Landscape had received verbal assurances from ACE that its work would be completed prior to the November 4, 2023; and that the need for an easement was documented in the minutes of a February meeting with ACE, seven (7) months prior to ACE’s telling the petitioner that it had just realized that it had not obtained the easement.

STAFF RECOMMENDATION

The Pilot Program was the Board’s first implementation of the community solar model of solar power development that allows electricity customers to remotely participate in a solar project. The Pilot Program was designed to be of a limited size and duration to provide an opportunity to learn how community solar projects would be developed and implemented and lay the foundation for a lasting permanent program in the future. Staff used lessons learned in the Program Year 1 solicitation to inform the PY2 solicitation in 2021. The Board chose to forego a third solicitation in the Pilot Program, directing Staff to use the experience gained in the first and second solicitations to develop rules for the permanent CSEP.¹⁷

¹⁶ In re the Petition of Solar Landscape Development for Extension of Construction Deadline for Conditionally Approved Egg Harbor Solar Project Due to Utility Upgrade Delays and Uncertainty of Timing for Utility Upgrade Completion, BPU Docket No. QO23110789, Petition dated November 3, 2023.

¹⁷ In re the Community Solar Energy Pilot Program; In re the Community Solar Energy Pilot Program Year 2 Application for and Process - Application Awards, BPU Docket Nos. QO18060646 and QO20080556, Order dated October 28, 2021.

Community solar provides direct benefits to customers in New Jersey, particularly LMI customers, as all projects conditionally approved in the Pilot Program have committed at least 51% of their capacity to LMI subscribers. The projects of petitioner Eagles Solar, moreover, are located on landfills whose redevelopment is favored by Board and State policy. Some of the Petitioners already have subscribed customers who are expecting to participate in the projects and receive bill credits when the projects are completed; for those projects that are at an advanced stage of development, Staff believes it is important to minimize disruption to the subscription process and ensure such commitments to ratepayers are honored. However, Staff also recognizes that these PY2 projects were selected as part of a Pilot Program and have already benefited from a blanket six-month extension. Moreover, the Board has made available to projects that do not complete within the allotted time in the TI Program the opportunity to transition to the CSEP and Administratively Determined Incentive (“ADI”) Program without capacity limitation.

Altus Power

Altus Power bases its request for an extension on alleged delays in the processing of the PTOs for its projects. However, the data submitted with its petition and in its supplemental filings shows that six (6) of the projects covered by the petitions had equipment installed within a week or two (2) prior to the TI Program deadline. For none of the projects has petitioner provided the date on which construction was completed. Instead, a column headed “Construction Completed Prior to Deadline” has been checked for each project, but no dates have been provided. Supplemental Filings. Thus, the Petitioner has not supported its claimed “delay” in receipt of PTO. In addition, the TI Program requires that a registrant must submit its post-construction certification package as well as receive its PTO by the deadline. In neither its petition nor its supplemental filings has Altus Power provided the date on which the post-construction certificate packages were made; thus, it is impossible to determine whether these projects have met program requirements. Furthermore, the Petitioner’s attempt to analogize the processing of PTOs to a delay in completion of interconnection upgrades lacks merit. As noted in the petition, the variable time span for receipt of a PTO is known to solar companies seeking interconnection. As such, Altus Power had the opportunity to plan for that variation by completing its projects earlier; unlike a transmission upgrade, the mechanical and electrical completion of its solar projects was within petitioner’s control. Finally, Staff notes that the permanent CSEP is now available to Altus Power, such that denial of this extension request will not leave its projects stranded without an incentive. Staff recommends that the Board deny this request for extension based on Petitioner’s failure to demonstrate that Petitioner requested PTO for these projects in a timely manner or that there has been any unreasonable delay.

Eagles Solar

Eagles Solar has documented the Pinelands Commission assurance that the Prior Landfill Approval remained valid, supporting its statement that it reasonably relied on that assurance in the original development schedule for the project. Petition at Exhibit C, and Exhibit PT1 at 7-1 through 10. Petitioner has also documented the subsequent determination that the Prior Landfill Approval was invalid, which came after the application was submitted. Petition at Exhibit C and Exhibit PT1 at 7-13 through 22. Staff notes that at the time the petition was filed, Petitioner had completed the facility design, procured all major equipment, made payments for the project’s interconnection, and received approval for the necessary building permits from the New Jersey Department of Community Affairs. However, due to the Pinelands Commission’s determination that the prior landfill approval was no longer valid, an occurrence which was beyond the Petitioner’s control and which Staff considers unforeseeable in these circumstances, Petitioner

will be unable to meet its project deadlines absent an extension. Staff recommends that the Board grant this six-month extension.

Solar Landscape

The project had become mechanically complete a month prior to the expiration date. Petitioner has shown specific causes for delay and has shown that these are attributable to the EDC. Among other documentation, Solar Landscape has provided an email from ACE staff stating that but for the failure to receive the easement timely, ACE would have been able to complete interconnection prior to the November 4, 2023 deadline. Reply Certification at Attachment 2. Staff notes that Petitioner has also provided a timeline that demonstrates that it has worked diligently to develop and construct its project and has followed up promptly with ACE in pursuit of an interconnection. However, various delays by the EDC, culminating in the failure to timely obtain the easement, resulted in a timeline that extended past the November 4, 2023, deadline. In light of these delays, Staff believes that Solar Landscape's request for an extension of six (6) months "or six weeks after [ACE] completes its interconnection work" is a reasonable one and recommends that the Board grant it.

In sum, Staff recommends that the Board approve the requests for extension of Eagles Solar and Solar Landscape and deny the request of Altus Power. Staff recommends that for Eagles Solar, the Board extend the' expiration date of conditional registration in the TI Program and conditional approval in the Pilot Program from November 4, 2023, to May 4, 2024. For Solar Landscape, Staff recommends that the Board extend these timelines to the later of May 4, 2024, or six (6) weeks after ACE completes its interconnection upgrades.

DISCUSSION AND FINDINGS

The Board has long supported New Jersey's solar industry. It always endeavors to support that industry's continued growth while at the same time minimizing costs to ratepayers to the greatest extent possible. As a part of pursuing these twin goals, the TI Program Rules and the timelines contained therein were designed to provide a smooth transition to the Successor Program for a limited time. Similarly, the Pilot Program was intended to be a trial of the community solar approach to renewable energy equity in New Jersey. Thus, when faced with a petition seeking a waiver of the timelines in the TI Program Rules and the Pilot Program Rules, the Board carefully reviews the facts and circumstances of each such petition to determine whether such an extension is in the public interest.

Community solar enables New Jersey electric utility customers to receive a credit on their utility bills from a solar energy project that may be remotely located from their properties. The Pilot Program therefore enables these customers to access clean energy generation even though they are currently unable to place solar generation directly on their own properties. The Board remains deeply committed to this effort to increase clean energy equity, and it recognizes the challenges faced by solar developers seeking to install solar facilities while registering low-income customers who may be difficult to reach and who lack experience with solar installations.

Petitioners' request to extend the TI Program deadlines for the Projects necessitates a waiver of the TI Program rules and the deadlines established therein. The Board's rules state that "[i]n special cases, upon a showing of good cause the [B]oard may relax or permit deviations from the rule." N.J.A.C. 14:1-1.2(b). The rules go on to explain that "the Board shall, in accordance with the general purpose and intent of the rules, waive section(s) of the rule if full compliance with the rule(s) would adversely affect ratepayers, hinders safe, adequate and proper service, or is in the

interest of the general public.” N.J.A.C. 14:1-1.2(b)(1). The Board must balance Petitioners’ interests as solar developers with the public’s interest in timely completion and interconnection of projects, the ratepayers’ interest in controlling the cost of solar subsidies, and the State’s interest in ensuring that incentive levels appropriately reflect the time period during which a project reaches commercial operation. In considering waiver requests from projects participating in the Pilot Program, the Board takes into account the novel nature of that program and the unique challenges facing its participants.

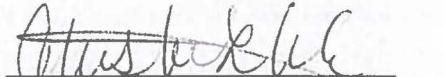
Following careful review of the petition of Altus Power and the records in this matter, the Board **FINDS** that the Petitioner has not established sufficient good cause to warrant multiple waivers of the Board’s rules so as to grant extensions. As more particularly described above, the petitioner has not established that there was any delay in the issuance of PTO for its projects, still less an unreasonable delay. Nor is the Board persuaded that an issue involving receipt of PTO can rightly be analogized to a change in the timeline of an interconnection upgrade by the EDC. For these reasons, as well as those detailed in Staff’s recommendation above, Board **FINDS** that Altus Power has failed to adequately demonstrate good cause to justify a waiver of both the TI Program Rules and Pilot Program Rules. The Board **FINDS** that the alleged delays in the receipt of PTO by the petitioner’s projects do not, based on the record before the Board, constitute sufficient grounds to waive TI Program and Pilot Program requirements. The Board therefore **DENIES** this petition. However, the Board encourages Altus Power to apply to the permanent CSEP and **HEREBY WAIVES** for these projects the requirement at N.J.A.C. 14:8-11.4(b) that projects in the ADI Program obtain a notice of conditional registration prior to beginning construction.

Following careful review of the petitions and the records for each, the Board **FINDS** that Petitioners Eagles Solar and Solar Landscape have established good cause for granting the requested extensions. Eagles Solar has demonstrated that at the time it entered the Pilot Program, it reasonably relied upon the assurances of the Pinelands Commission regarding the Prior Landfill Approval. Eagles Solar has also shown that it has diligently pursued both the landfill closure approval and the development of its solar project. In addition, Solar Landscape has demonstrated that the cause of the delay encountered was an oversight by the EDC to which the petitioner did not contribute. Having reviewed the petitions and Staff’s recommendation, the Board **FINDS** that full compliance with the timelines at N.J.A.C. 14:8-10.4(d) and (e) and N.J.A.C. 14:8-9.3(c)(8) would adversely impact New Jersey ratepayers. Therefore, the Board **FINDS** good cause and hereby **WAIVES** the timelines at N.J.A.C. 14:8-10.4(d) and (e) and N.J.A.C. 14:8-9.3(c)(8) to permit a six-month extension of time to the Eagles Solar projects in the TI Program, as well as a concurrent six-month extension to these projects’ community solar conditional approval, from November 4, 2023, to May 4, 2024. For Solar Landscape, the Board **WAIVES** the above timelines and permits an extension of time in the TI Program and the Pilot Program to the later of May 4, 2024 or the date falling six (6) weeks after ACE completes its interconnection upgrades.

The effective date of this Order is February 21, 2024.

DATED: February 14, 2024

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOV
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MICHAEL BANGE
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 A NEW JERSEY SOLAR TRANSITION PURSUANT TO P.L. 2018, C.17
DOCKET NO. QO19010068

IN THE MATTER OF THE PETITION OF ALTUS POWER FOR EXTENSION OF THE SOLAR TRANSITION
INCENTIVE PROGRAM COMMERCIAL OPERATION DEADLINE FOR MECHANICALLY COMPLETE COMMUNITY
SOLAR PY2 PROJECTS
DOCKET NO. QW23100746

IN THE MATTER OF THE PETITION OF ALTUS POWER FOR EXTENSION OF THE SOLAR TRANSITION
INCENTIVE PROGRAM COMMERCIAL OPERATION DEADLINE FOR CERTAIN MECHANICALLY COMPLETE
COMMUNITY SOLAR PY2 PROJECTS
DOCKET NO. QW23110858

IN THE MATTER OF THE PETITION OF SOLAR LANDSCAPE DEVELOPMENT FOR EXTENSION OF
CONSTRUCTION DEADLINE FOR CONDITIONALLY APPROVED EGG HARBOR SOLAR PROJECT DUE TO
UTILITY UPGRADE DELAYS AND UNCERTAINTY OF TIMING FOR UTILITY UPGRADE COMPLETION
DOCKET NO. QO23110789

IN THE MATTER OF THE PETITION OF EAGLES SOLAR I AND EAGLES SOLAR II FOR AN EXTENSION OF THE
SOLAR TRANSITION INCENTIVE PROGRAM COMMERCIAL OPERATION DEADLINE FOR LANDFILL
COMMUNITY SOLAR PROJECT
DOCKET NO. QO23080557

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