

(z) The detention facility must comply with all DOE-monitoring activities, including pursuant to N.J.S.A. 18A:7B-5, and provide the Commission with advance notice of any DOE-monitoring visits and the results of any DOE-monitoring activities within 48 hours of DOE notification.

#### 13:93-11.6 Discipline

(a) Each facility shall maintain a written behavior management program which is designed to foster a positive, non-punitive environment. The written program shall include behavioral rules and disciplinary regulations and sanctions to be employed. Reasonable limits for behavior necessary to maintain order should be governed by a system of rules and regulations that is consistent and easily understood.

(b)-(c) (No change.)

(d) Under no circumstances shall a juvenile be deprived of his or her basic rights as a means of discipline. Basic rights for each juvenile include:

1. A place to sleep (for example, a bed, a pillow, blankets, and sheets);
- 2.-9. (No change.)
10. Medical care; and
11. (No change.)

## (a)

### DIVISION OF CONSUMER AFFAIRS

#### CEMETERY BOARD

#### Notice of Readoption

#### Cemeteries Rules

#### Readoption: N.J.A.C. 13:44J

Authority: N.J.S.A. 45:27-4.b.

Authorized By: Paul M. Desbiens, Chair, Cemetery Board.

Effective Date: December 24, 2024.

New Expiration Date: December 24, 2031.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:44J were scheduled to expire on April 5, 2025. The rules establish standards for the licensing and regulation of cemetery companies and cemetery salespeople. Subchapter 1 sets forth the entities that are subject to the requirements at N.J.A.C. 13:44J. Subchapter 2 provides definitions for the terms used at N.J.A.C. 13:44J. Subchapter 3 sets forth the fees that the Cemetery Board (Board) charges. Subchapter 4 provides the organizational structure of the Board. Subchapter 5 sets forth requirements for cemetery companies. Subchapter 6 requires cemetery companies to maintain rules and maps of cemetery grounds. Subchapter 7 sets forth standards for memorials placed on interment spaces or niches. Subchapter 8 establishes standards for disinterments from interment spaces or niches. Subchapter 9 provides requirements for cremated human remains and crematories. Subchapter 10 sets forth requirements for cemetery salespeople. Subchapter 11 establishes standards for interment spaces or niches. Subchapter 12 is reserved. Subchapter 13 covers applications to the Board. Subchapter 14 sets forth requirements for the sale of interment spaces or niches. Subchapter 15 sets forth requirements for a cemetery company that seeks to remove monumentation.

The Board has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required pursuant to Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 45:27-4.b, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

## PUBLIC UTILITIES

### (b)

#### BOARD OF PUBLIC UTILITIES

#### Competitive Solar Incentive Program

#### Adopted Amendments: N.J.A.C. 14:8-11.5 and 11.10

Proposed: October 7, 2024, at 56 N.J.R. 1951(a).

Adopted: December 18, 2024, by the New Jersey Board of Public

Utilities, Christine Guhl Sadovy, President, Dr. Zenon

Christodoulou, Marian Abdou, and Michael Bange,

Commissioners.

Filed: December 18, 2024, as R.2025 d.016, **without change**.

Authority: N.J.S.A. 48:2-12, 48:3-49 et seq., 48:3-87, 48:3-115(c), and 48:3-116 through 118.

BPU Docket Number: QX22100653.

Effective Date: January 21, 2025.

Expiration Date: February 27, 2026.

#### Summary of Public Comments and Agency Responses:

Written comments were received from: New Jersey Division of Rate Counsel (RC) and a member of the public identifying themselves as “Jean Public.”

#### General Comments

1. COMMENT: The commenter requests that the Board of Public Utilities (Board) please shut down the Competitive Solar Incentive (CSI) Program, which will cost taxpayers excessively and states that New Jersey is the highest-taxed state in the nation. The commenter further states that the spending by the government is out of control and this just adds to the out of control load on taxpayers. (Jean Public)

RESPONSE: The Board acknowledges the commenter’s concern regarding the tax burden in New Jersey, but disagrees that eliminating the CSI Program would alleviate the tax burden. In fact, the Legislature mandated the competitive structure to reduce the burden on New Jersey ratepayers by providing electricity at the lowest cost. As stated in the notice of proposal published in the February 6, 2023, New Jersey Register at 55 N.J.R. 127(a), “[t]he intention of the CSI Program is to promote the development of new solar projects that will create a substantial number of green economy jobs, while allowing the State to progress toward meeting its renewable energy goals by leveraging the maturing solar industry to achieve maximum benefits to ratepayers at the lowest reasonable cost.” 55 N.J.R. at 128.

2. COMMENT: The commenter states there is no public information on the CSI Program and that the public has not been consulted. The commenter further states, “these inner silent meetings where the Board meets with profiteers solely” is no way to govern and that extra time and attention should be placed on explaining this program to the public before the Board adopts it. (Jean Public)

RESPONSE: The CSI Program is the subject of a rulemaking proceeding before the New Jersey Board of Public Utilities (Board), pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. (APA) in which interested persons, including members of the public, are granted by statute notice and the opportunity to be heard. The procedural history of the rulemaking proceeding is explained in the notice of proposal Summary of the second and final notice of proposal published in the October 7, 2024, New Jersey Register at 56 N.J.R. 1951(a).

Specifically, Board staff conducted an extensive stakeholder process, pursuant to Executive Order No. 63 (2019) (Establishing new regulatory principles to foster economic growth and government efficiency), involving three meetings, which included the opportunity for stakeholders and the public to submit written comments on a straw proposal, and the 60-day comment period required by the APA for the original notice of proposal published in the February 6, 2023, New Jersey Register at 55 N.J.R. 127(a), and the second and final notice of proposal published in the October 7, 2024, New Jersey Register at 56 N.J.R. 1951(a).

On the straw proposal, Board staff received 12 written comments from a large range of stakeholders, including the New Jersey Division of Rate

Counsel, representatives of all sectors of the solar industry, public utilities, public entities, solar customers, agricultural boards, environmental organizations, and members of the general public.

During the APA-required comment period, three comments were filed. The commenters included two public utilities and Rate Counsel, the State's consumer advocate in utility proceedings before the Board. All commenters' views are documented and responded to by the Board in the original notice of adoption published in the December 18, 2023, New Jersey Register at 55 N.J.R. 2555(a); and the notice of proposed substantial changes published in the December 18, 2023, New Jersey Register at 55 N.J.R. 2461(a).

In addition to being published in the New Jersey Register, the notices of proposal were posted in the lobby of the Board's headquarters, posted on the Board's website and distributed to interested persons, the Board's electronic mailing list subscribers, and the print media, pursuant to the A.P.A. at N.J.S.A. 52:14B-4. The original notice of adoption was posted on the Board's website.

All comments in the rulemaking proceeding are available for viewing by the public on the Public Document Search page of the Board's website at [https://publicaccess.bpu.state.nj.us/CaseSummary.aspx?case\\_id=2111549](https://publicaccess.bpu.state.nj.us/CaseSummary.aspx?case_id=2111549) under *In the Matter of a Rulemaking Proceeding To Amend the Successor Solar Incentive Rules and Establish a Competitive Solar Incentive pursuant to P.L. 2021, c. 169*, BPU Docket No. QX22100653. All New Jersey Register publications for the CSI Program rulemaking are available for viewing by the public on the Rules page of the Board's website at <https://www.nj.gov/bpu/agenda/rules/>.

#### SUBCHAPTER 11. SUCCESSOR SOLAR INCENTIVE PROGRAM

##### N.J.A.C. 14:8-11.10 Competitive Solar Incentive Solicitation Design

3. COMMENT: The commenter states that they previously made comments on amendments to N.J.A.C. 14:8-11.10(j) proposed in the February 2023 notice, supporting the Board's use of confidential price caps but suggesting that the language be amended to ensure that awards made in CSI Program solicitations reflected robust competition and minimized ratepayer costs. The commenter recited their previous recommendation that the solicitation process be modeled on SREC-based financing programs used by electric distribution companies Atlantic City Electric Company, Jersey Central Power and Light Company, and Rockland Electric Company that included safeguards to ensure competitive results. Recommended safeguards included making the confidential price caps mandatory and allowing the Board to review price caps as part of the review of the competitiveness of bids. The commenter noted the proposed language from the December 2023 and October 2024 notices, in which modifications were made to partially incorporate the commenter's previous suggestions. The commenter again states the strong preference for mandatory, rather than discretionary, price caps, and thanks the Board for the proposed amendments that give the Board broad discretion to review solicitation results and reject any bids that do not reflect rigorous competition. The commenter urges the Board to utilize this discretion to ensure that ratepayers do not overpay for solar electricity, and that developers do not receive excessive profits. (RC)

RESPONSE: The Board thanks Rate Counsel for its comments and support of the proposed amendments. The Board shares the concerns of Rate Counsel and takes seriously the protection of rate payers from excessive incentivization. The Board considers that price caps set before the opening of a solicitation window are intended to protect ratepayers against excessive bid prices, and incentive levels are capped at prices sufficient to facilitate development of large-scale solar projects in New Jersey at the lowest viable cost to New Jersey ratepayers. The discretion to analyze price caps and review bid competitiveness at the end of a solicitation provides the Board the ability to use the best available and most current fiscal data to consider successful bids, reject any bids where the Board determines the bid prices are not competitive, and continue to protect New Jersey's ratepayers.

##### **Federal Standards Statement**

N.J.S.A. 52:14B-1 et seq., requires State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. This rulemaking has no Federal analogue and is not promulgated pursuant to

the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require a Federal standards analysis for the adopted amendments.

**Full text of the adoption follows:**

#### SUBCHAPTER 11. SUCCESSOR SOLAR INCENTIVE PROGRAM

##### 14:8-11.5 Successor Solar Incentive Program Registration Process

(a)-(c) (No change.)

(d) The registrant shall meet minimum facility maturity standards according to the ADI or CSI Program conditions and provide all required documentation as part of its initial registration package.

1. (No change.)

2. For the CSI program, the registrant shall supply the following and any other information the Board, or its designee, may deem necessary to confirm eligibility for the program:

i.-iii. (No change.)

iv. Evidence of filed applications or approvals for all discretionary land use approvals and entitlements applicable to the project, such as municipal zoning permit or municipal site plan approval, county site plan approval, soil conservation district approval, and Pinelands Commission or Highlands Commission approval, with a list of all land use permits to be applied for;

v.-viii. (No change.)

3. (No change.)

(e)-(l) (No change.)

##### 14:8-11.10 Competitive solar incentive solicitation design

(a)-(i) (No change.)

(j) The Board may establish, by Board Order, confidential, pre-determined price caps based on assessments of market conditions for any, or all, tranches prior to the solicitation. If the Board establishes confidential price caps, the Board may:

1. Revise confidential price caps by Board Order, based on an updated assessment of relevant parameters, including cost of capital, revenue expectations, and net installation and operational costs as specified in the Board Order establishing the caps;

2. Elect to award bids that do not exceed the price caps by more than 10 percent;

3. Adjust the number of megawatts awarded in a tranche, if bid prices are above or below any confidential price caps established for the solicitation; and/or

4. Reject bids above the confidential price cap, where the Board determines that the bid prices are not competitive and/or are not fiscally responsible, regardless of whether the targeted number of megawatts in that tranche or tranches have been met.

(k)-(l) (No change.)

## TRANSPORTATION

(a)

#### THE COMMISSIONER

##### **Administration, Organization, Records Management, and Information Requests**

##### **Readoption with Amendments: N.J.A.C. 16:1A**

##### **Adopted Repeal and New Rule: N.J.A.C. 16:1A-1.1**

Proposed: October 7, 2024, at 56 N.J.R. 1964(a).

Adopted: December 16, 2024, by Francis K. O'Connor,

Commissioner, Department of Transportation.

Filed: December 17, 2024, as R.2025 d.014, **without change**.

Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-6, and 52:14B-1 et seq., particularly 52:14B-3 and 4.