



Agenda Date: 12/16/15
Agenda Item: 8B

STATE OF NEW JERSEY
Board of Public Utilities
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CLEAN ENERGY

IN THE MATTER OF THE CLEAN ENERGY)	ORDER
PROGRAMS AND BUDGET FOR FISCAL YEAR 2016)	
)	
IN THE MATTER OF THE RENEWABLE ELECTRIC)	
STORAGE INCENTIVES IN THE RENEWABLE)	
ENERGY INCENTIVE PROGRAM – REVISION TO)	DOCKET NOS. QO15040477
NJCEP COMPLIANCE FILING)	& QO15121333

Parties of Record:

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BY THE BOARD:¹

By this order, the Board of Public Utilities (“Board”) considers recommendations made by Board Staff (“Staff”) regarding the offer of renewable electric storage incentives within New Jersey’s Clean Energy Program (“NJCEP”) and associated revisions to the Fiscal Year 2016 (“FY16”) Compliance Filing.

BACKGROUND

The Board administers the NJCEP pursuant to its authority under the Electric Discount and Energy Competition Act (“EDECA”), N.J.S.A. 48:3-49 to 109. Among other things, EDECA established requirements to advance energy efficiency (“EE”) and renewable energy (“RE”) in New Jersey funded by a societal benefits charge (“SBC”).² N.J.S.A. 48:3-60(a)(3). Pursuant to EDECA, the Board undertakes a comprehensive resource analysis of its programs to determine

¹ Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter. Commissioner Joseph L. Fiordaliso was not present at the December 16, 2015 agenda meeting.

² The SBC is a non-bypassable charge assessed to ratepayers of utility services. "SBC" means a charge imposed by an electric public utility, at a level determined by the Board, pursuant to, and in accordance with, EDECA. N.J.S.A. 48:3-51.

the appropriate level of funding for EE and Class I RE programs that provide environmental benefits above and beyond those provided by standard offer or similar programs. Id.; See I/M/O the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis For the Fiscal Year 2016 Clean Energy Program ("FY16 CRA"), dated June 17, 2015, Dkt No. QO15040476.) These programs exist as the New Jersey Clean Energy Program (the "NJCEP").³ The NJCEP Renewable Energy Investment Program ("REIP"), managed by Honeywell, the Renewable Energy Market Manager, provides financial incentives to New Jersey ratepayers to encourage installation of New Jersey Class I RE technologies and energy storage equipment that supports an RE facility. (See Honeywell's Residential Energy Efficiency and Renewable Energy Program Plan Filing For Fiscal Year 2016, June 15, 2015, pg. 49-63) ("FY16 Compliance Filing").

On June 17, 2015, the Board approved a FY16 funding level of \$9.0 million for renewable energy programs including \$6.0 million for energy storage based on the proposal by Staff. FY16 CRA, dated June 17, 2015, Dkt. No. QO15040476). The Board also approved Staff's recommendation to provide a \$150,000.00 grant to the Rutgers University Laboratory for Energy Smart Systems ("RU LESS") to inform policy and approaches to incentivize behind-the-meter distributed energy investments.

The REIP plan for FY16, as expressed in the Board-approved FY16 Compliance Filing, anticipated Staff working with stakeholders to develop a recommendation for a new incentive approach based upon experience from the FY15 Renewable Electric Storage Incentive Solicitation ("FY15 Solicitation"). Staff convened a meeting of the Renewable Electric Storage Working Group on April 13, 2015 to review the FY15 Solicitation results and discuss possible changes in program design and incentive structure. In the FY16 compliance filing, based upon findings in the FY15 Solicitation, Staff proposed a stakeholder process including straw proposals for public comment and discussion toward proposing for Board review and approval a program design and incentive structure.

Results from the FY15 Renewable Electric Storage Incentive Solicitation

The NJCEP REIP FY15 Solicitation, opened on October 23, 2014 and closed on December 8, 2014. In the Matter of the Solicitation for Energy Storage Incentives in the Renewable Energy Incentive Program, October 22, 2014, BPU Dkt. No. QO14090953. The FY15 Solicitation focused on energy storage systems integrated with behind-the-meter electric generation that was "ready to build," and by establishing maximum incentive amounts, allowed limited funds to be committed to a broader number of projects and gave priority to "public and critical" facilities to keep critical systems operating during power outages. Id. at pg. 6. The FY15 Solicitation contained a description of the evaluation process and criteria upon which incentive awards were anticipated to be issued, and advised that Board approval of an incentive award would precede the delivery of an incentive commitment letter to an applicant.

In accordance with instructions contained in the FY15 Solicitation, the Market Managers received twenty-two (22) applications for a variety of projects on public facilities, comprising water and wastewater treatment plants, schools, and municipal complexes, as well as privately-

³ The NJCEP includes several programs that offer incentives to both residential and commercial and industrial ("C&I") customers of electric and natural gas utilities to invest in energy efficiency ("EE") and renewable energy ("RE") measures. Residential EE and RE programs are administered by Honeywell, Inc., and C&I EE programs are administered by TRC Energy Solutions ("TRC"). Honeywell and TRC are the Market Managers ("MMs") for the residential and C&I programs, respectively. Applied Energy Group ("AEG") serves as the NJCEP Program Coordinator.

owned facilities such as a real estate management firm, an exposition center, a private school and a tool manufacturing company. The applications were reviewed by an Evaluation Committee as described in the FY15 Solicitation with a recommendation on project incentive awards presented to the Board on March 18, 2015.

The Board approved thirteen (13) applications for incentive awards totaling more than \$2.9 million of the available \$3 million budget. See I/M/O the Solicitation for Energy Storage Incentives in the Renewable Energy Incentive Program – Approvals, Docket Nos. QO14050489 & QO14090953, March 18, 2015). In a separate Order dated March 18, 2015, the Board denied the applications for incentive awards for the FY15 program to the nine (9) applicants, ranked numbers fourteen (14) through twenty-two (22), as funds had been committed to higher-ranking projects and thus were unavailable to be committed to these applicants. (See I/M/O the Solicitation for Energy Storage Incentives in the Renewable Energy Incentive Program – Denials, Docket Nos. QO14050489 & QO14090953, March 18, 2015).

On April 13, 2015, Staff and the Market Managers met with stakeholders to discuss the results of the FY15 Solicitation, the types of applications received, the incentives requested, and the implications for a FY16 incentive program. The majority of the twenty-two (22) applications received, and all thirteen (13) of the applications approved for incentive awards, proposed that the renewable electric storage system's primary use would be to participate in the frequency regulation market. All thirteen (13) applications proposed short duration (half hour) lithium ion batteries, owned by third parties, and hosted by public and critical facilities. The thirteen (13) projects awarded incentives either had existing solar installations or proposed new solar installations for construction before the storage incentive would be paid. Although system sizes ranged from 200 kW to 1500 kW, installed costs for the proposed systems were fairly uniform at \$1,200 to \$1,500 per kW. The average incentive commitment was \$0.33 per watt.

Staff's Initial Straw Proposal for the FY16 Renewable Electric Storage Incentive Program

On May 7, 2015, Staff issued a straw proposal developed with the Market Managers based on stakeholder discussions held in April of that year. The deadline for submitting comments was May 29, 2015. The straw proposed for public comment significant changes to the renewable electric storage program including:

- Replacing the competitive solicitation with an open enrollment, prescriptive rebate
- An increase in the program budget from \$3 million to \$6 million
- A \$4 million carve out for public and critical facilities
- Higher rebate levels for public and critical facilities (\$0.05 per watt)
- Higher rebates for projects that do not participate in the frequency regulation market (\$0.05 per watt)
- Limiting eligibility to host sites with existing renewable energy facilities, and
- Providing funds to cover 50% of the cost for Level 3 Interconnection studies required by EDCs.

Comments on the first straw proposal for a FY16 program were received from A.F. Mensah Inc., Clean Energy States Alliance ("CESA"), Energy Storage Association ("ESA"), EOS Energy Storage, Jersey Central Power & Light ("JCP&L"), NJ Division of Rate Counsel ("Rate Counsel"), NJR Clean Energy Ventures ("NJCEV"), Powell Energy & Solar LLC., Solar Energy Industries Association ("SEIA"), and Sun Edison.

Comments were equally divided upon the staff proposal to replace the competitive solicitation approach with an open enrollment, prescribed rebate. SEIA supported an open enrollment incentive program, if projects were required to demonstrate sufficient maturity to reserve capacity (i.e., an incentive commitment). Solar City recommended a rebate program include a requisite minimum two (2) hour run time for eligible systems. CESA recommended a prescribed rebate be pursued but that due to the decreased scrutiny of the applications required of Staff, compared with a competitive solicitation, the Board should require applicants to provide minimum warranties on equipment and installation. Sun Edison favored the competitive solicitation for its advantages in providing market discipline and “right sizing” of incentives. Rate Counsel, despite the reduced administrative burden and convenience for applicants, does not believe a prescribed rebate would be beneficial for ratepayers.

The Staff proposal to provide higher rebates for projects that were proposed solely for demand reduction or emergency back-up purposes and eschewed participation in the frequency regulation (“FR”) market also received mixed responses. Sun Edison did not share the belief that projects forgoing revenues in the FR market should receive an extra incentive to relieve the deficit in project revenues. JCP&L cautioned some participants may state an intent not to participate in FR in order to receive a higher rebate then later convert their projects to participate in the ancillary services market to game the system. EOS Energy did not believe the incentives were high enough to incentivize significant build-out.

Staff proposed limiting eligibility for renewable electric storage incentives to host sites with existing renewable energy facilities. The proposal was designed to facilitate participation by projects that were more likely to complete construction in a timely manner and demonstrate demand for additional program resources. The majority of stakeholders did not see the limitation as an effective means to achieve timely project completion and believed it would have the adverse impact of limiting project eligibility for federal investment tax credits (Sun Edison, SEIA, Solar City), Rate Counsel supported the continued requirement for the storage systems receiving incentive to be integrated with a NJ Class I renewable energy system.

CESA applauded the proposal to set aside funds for public and critical facilities but recommended the classification be better defined. EOS Energy disagreed with the Staff proposal to prioritize application types and recommended this be left to the market. Sun Edison expressed concern that the Staff proposal to fund 50% of a project’s EDC Interconnection study costs would be “interpreted as a blanket invitation to the distribution utilities to direct such studies” and construed as an endorsement of the need for such a study.

On June 24, 2015, Staff and the Market Managers met with stakeholders to discuss the initial straw proposal and next steps for a FY16 incentive program. Staff also invited PJM to provide an update on the PJM Frequency Regulation market and give stakeholders an opportunity to discuss challenges faced by proposed projects in participation in the market.⁴ Based on these discussions, Staff and the Market Managers drafted and circulated a second straw proposal for public comment.

⁴ PJM Interconnection is a regional transmission organization (RTO) that coordinates the movement of wholesale electricity in thirteen states, including New Jersey, and the District of Columbia.

Staff's Second Straw Proposal for the FY16 Renewable Electric Storage Incentive Program

On September 15, 2015, Staff and the Market Manager issued a second straw proposal for the FY16 renewable electric storage incentive program. Public comments on the second straw were initially accepted through September 25, 2015; however, the comment period was extended to October 13, 2015 at the request of several stakeholders who attended the September 29, 2015 RES Working Group meeting.

The second straw proposal recommended the following significant changes from the first straw:

- An open enrollment program with a prescriptive rebate offered on a first come, first serve basis
- Allocating half of the \$6 million budgeted for the REIP renewable electric storage program to the open enrollment program while retaining the other half for a program later in FY16 to be recommended by Rutgers Laboratory for Energy Smart Systems (LESS) and refined through the stakeholder process
- Basing the prescriptive rebate on energy capacity (kWh) rather than power capacity (kW) at \$300.00 per kWh.
- Allowing RES systems to be integrated with either existing or new RE installations, and
- Refining the application and monitoring requirements to enable evaluation of the resiliency implications of incentive design, rather than establishing a minimum discharge time for RES systems.

Comments on the second straw proposal for a FY16 incentive program were received from A. F. Mensah, Inc., Environment New Jersey, Clean Energy States Alliance (CESA) and Clean Energy Group (CEG), Demand Energy and Swan Creek Energy (combined), Rate Counsel, SolarCity (individually) SolarCity and Eos Energy Storage (combined), and Solar Energy Industries Association (SEIA). Staff's responses to these comments are included in the Recommendations section below.

Incentive Structure and Maximums

Staff and the Market Manager proposed an incentive level of \$300.00 per kWh of energy capacity. This amount was proposed based upon the results of the FY15 competitive solicitation. At the \$300.00 per kWh level, no awarded project would have received a rebate amount higher than the incentive amount applied for in the FY15 solicitation. The maximum incentive amount for an individual project was proposed to be the lesser of \$300,000 or 30% of the project's total installed costs. A \$300,000 maximum rebate amount is based upon a system with an energy capacity of 1,000 kWh. Systems with energy capacities in excess of this amount are proposed to be eligible to participate with their rebate amount capped at \$300,000 to ensure a diversity of applications being able to participate in the program.

Staff proposed that a reasonable per-entity maximum is necessary to both avoid the possibility of having the entire program budget consumed by a small number of developers and to encourage end-user ownership. SolarCity recommended an increase in the per-entity maximum from \$450,000 to 50% of the program budget due to the limited number of qualified developers in the market. To prevent non-battery technologies from "gaming the system" for higher rebates, Solar City recommended a minimum power capacity could be required that equates to

the host site's critical load. SolarCity also recommended that an application fee of \$5.00/kWh – refundable upon project completion – should be assessed to increase the likelihood of project completion.

Timelines and Extensions

The start of the program was recommended by Solar City to be delayed three months after Board approval to reduce the number of speculative projects and to allow program participants to develop projects that accurately incorporate the details of the approved program. And in order for projects to receive an extension, milestones must be proven, Solar City recommended including an application for interconnection and proof of dialogue with the utility showing reasonable progress.

SEIA supported the forfeiture of 10% of the incentive award for projects requiring extensions, which was an element of the FY15 Solicitation. However, Solar City recommended a waiver of the 10% incentive reduction for projects requiring extensions in cases where delays are due to interconnection, net metering eligibility or force majeure.

Rutgers LESS Program Assessment

Several stakeholders expressed the position that the full \$6 million budget should be allocated to the rebate program rather than setting aside half the amount for a subsequent incentive offering later in FY16 based on the recommendations in the Rutgers LESS program assessment. (SolarCity, Mensah, SEIA, Environment NJ and Demand Energy/Swan Creek) Conversely, Rate Counsel advised that none of the \$6 million budget should be allocated to a rebate program. All funds should be held until a competitive solicitation is developed from the Rutgers LESS research following additional stakeholder input. If delays in program development prevent funds from being spent in FY16, the funds should be returned to ratepayers or re-allocated to other programs. Several stakeholders, including Solar City, suggested that they should have input into the scope of work of the Rutgers LESS policy research.

Miscellaneous

CESA/CEG recommended the Board publish as much information as possible about renewable electric systems supported by public funds, including economic and technical data. Those same two entities sought clarity on the proposal on “refin[ing] the application and monitoring requirements to enable evaluation of the resiliency implications of incentive design, rather than establishing a minimum discharge time for RES systems.”

STAFF RECOMMENDATIONS

Based on the outcome of the stakeholder's process, Staff recommends that the Board approve the Market Manager's revised FY16 compliance filing with the proposal to offer half of the \$6 million program budget, \$3 million, through an open enrollment, prescribed rebate program. The application window for renewable electric storage rebate requests is proposed to open at 9:00 am on March 1, 2016. Applications will be accepted on a first-come, first-served basis until the \$3 million budget has been fully committed. Applications will be reviewed for completeness with incomplete applications being removed from the application queue. Applicants with incomplete applications will be notified of the deficiencies and given the opportunity to remedy the deficiencies. Upon curing any deficiencies, the complete application will be inserted into the application queue.

Staff recommends a rebate of \$300 per kilowatt-hour be based on the energy capacity of the storage equipment (minimum of 100 kWh) as verified by the manufacturer's spec sheets. Maximum incentive levels are \$300,000 per project and \$500,000 per entity, with an entity defined as either the site host or the project developer if the developer proposes to own the system. To be eligible for a rebate to be paid after the project commences commercial operation and receives an NJCEP inspection, the proposed storage system must be integrated with either a new or existing net metered, behind the meter Class 1 renewable energy installation that is interconnected with the New Jersey electric distribution system at a site served under a non-residential tariff that contributes to the Societal Benefits Charge through its electric and/or gas utility bills. Projects receiving a rebate are also recommended to be eligible for reimbursement of 50% of the cost of a Level 3 Interconnection Study if required by the EDC with the reimbursement not to be counted against project or entity maximum rebate amounts.

As discussed with stakeholders in the open public working group meetings, Staff recommends a subsequent incentive offering based on the Rutgers LESS research and stakeholder input to be targeted for the Board's March 2016 agenda, leaving sufficient time in FY16 for its implementation. Stakeholders have been engaged and will continue to be sought for input on the Rutgers LESS research. Staff believes the adoption of an energy capacity based rebate approach will help promote the development of renewable electric storage applications at the competitively derived incentive levels resulting from the FY15 Solicitation. The Rutgers LESS-based research is anticipated to result in program design refinement proposals that will assist the Board in optimizing future incentive offers and prioritizing use cases which will contribute to building a sustainable market at the least cost to ratepayers.

The intent of the proposed program provision to structure incentives based on energy capacity versus power capacity is to standardize incentive levels across different primary applications (frequency regulation, demand reduction, and emergency back-up). By not establishing a specific requirement for a minimum discharge time, Staff and the Market Manager anticipate developers and site hosts will have the ability to determine whether their proposed renewable electric storage system can reasonably satisfy the emergency back-up needs of the site host facility's critical load. Toward providing the greatest transparency possible, Staff is proposing that the economic and technical data from project applications will be made public to the extent that it does not disclose proprietary information or place developers or system owners at a competitive disadvantage.

In response to a request to increase the per-entity cap on maximum rebate amounts to be made available, Staff is recommending a slight increase to the previously proposed maximum to \$500,000. Staff will closely monitor participation by developers as well as alternative technologies in response to the cautions about gaming from applicants using non-battery technologies. Staff does not believe the imposition of an application fee for participants is feasible.

FINDINGS

The Board recognizes the need for transparency and the opportunity for notice and public comment where public funds are concerned. Here, Staff issued two straw proposals with deadlines for comment, and reviewed and considered those comments in its recommendations. Upon consideration, the Board **HEREBY FINDS** that the Staff process for developing recommended refinements to the FY16 renewable electric storage incentive program as reflected in the revised NJCEP Compliance Filing was properly conducted. The Board also

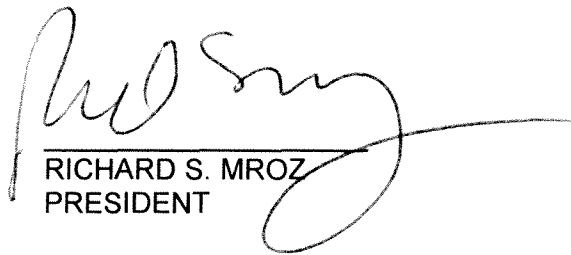
FINDS that the program recommendations are reasonable and will advance the Board's goals for renewable electric storage as expressed in the Comprehensive Resource Assessment for Fiscal Year 2016.

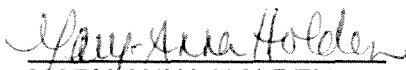
The Board **APPROVES** the Market Manager's revisions to the FY16 Renewable Energy Incentive Program as detailed above and **AUTHORIZES** the release of application materials for a renewable electric storage rebate program prior to the opening of an application round for incentives on March 1, 2016.

The effective date of this order is December 26, 2015.

DATED: 12/16/15


BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

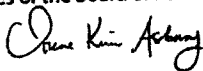

MARYANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST:


IRENE KIM ASBURY
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 CLEAN ENERGY PROGRAMS AND BUDGET FOR FISCAL YEAR
2016 – IN THE MATTER OF THE RENEWABLE ELECTRIC STORAGE INCENTIVES IN THE
NEW JERSEY CLEAN ENERGY PROGRAM
DOCKET NOS. QO15040477 & QO15121333

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