



Agenda Date: 08/29/18
Agenda Item: 8A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CLEAN ENERGY
& DIVISION OF ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF ATLANTIC CITY ELECTRIC COMPANY CONCERNING A PROPOSAL FOR AN EXTENDED SREC-BASED FINANCING PROGRAM UNDER N.J.S.A. 48:3-98.1 (“SREC II”))	ORDER ON RESULTS OF THE NINTH SOLICITATION
)	DOCKET NO. EO12090799
)	
IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER AND LIGHT COMPANY CONCERNING A PROPOSAL FOR AN SREC-BASED FINANCING PROGRAM UNDER N.J.S.A. 48:3-98.1 (“SREC II”))	ORDER ON RESULTS OF THE NINTH SOLICITATION
)	DOCKET NO. EO12080750
)	
IN THE MATTER OF THE VERIFIED PETITION OF ROCKLAND ELECTRIC COMPANY CONCERNING A PROPOSAL FOR AN SREC-BASED FINANCING PROGRAM UNDER N.J.S.A. 48:3-98.1 (“SREC II”))	ORDER ON RESULTS OF THE NINTH SOLICITATION
)	DOCKET NO. EO13020118

Parties of Record:

Philip Passanante, Esq., Atlantic City Electric Company
Greg Eisenstark, Esq., Windels Marx Lane & Mittendorf, LLP for Jersey Central Power and Light Company
John Carley, Esq., Rockland Electric Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Dan Bradley, for Navigant Consulting, Inc.

BY THE BOARD:¹

BACKGROUND AND PROCEDURAL HISTORY

By Order dated August 7, 2008 (“August Order”),² the Board directed the electric distribution companies (“EDCs”), including Jersey Central Power and Light Company (“JCP&L”), Atlantic

¹ Commissioner Robert M. Gordon did not participate.
² In re the Renewable Energy Portfolio Standard: Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy, and Conservation Programs, and for Electric Distribution Company Submittals of Filings in Connection with Solar Financing, BPU Docket No. EO06100744, (August 7, 2008).

City Electric Company ("ACE") and Rockland Electric Company ("RECO"), to file a solar renewable energy certificate ("SREC") financing program following certain mandatory design and filing requirements. These programs are referred to as the "SREC I Programs."

By Orders dated March 27, 2009 and July 31, 2009, the Board approved the SREC I Programs. Under the SREC I Programs, periodic solicitations were held for qualifying projects seeking to enter into SREC Purchase and Sale Agreements ("PSAs") with ACE, JCP&L, or RECO. The last solicitation under the SREC I Programs was held in September 2011, and the Board approved contract awards under that solicitation in November 2011.

In November 2011, the Board's Office of Clean Energy ("OCE") began a series of stakeholder meetings to develop recommendations related to the expiring SREC I Programs and address issues raised by recently enacted legislation and by the State's renewable energy goals as expressed in the 2011 Energy Master Plan. By Order dated May 23, 2012 ("May 23 Order"), the Board authorized the extension of the previously approved utility-run SREC financing programs with certain modifications for a total capacity of 180 MW over three years, to be divided among the EDCs based on retail sales.

On August 15, 2012, JCP&L filed a petition³ with the Board requesting approval of its "SREC II" solar financing program ("JCP&L Program"), pursuant to the Board's May 23 Order and pursuant to N.J.S.A. 48:3-98.1. JCP&L proposed a 52 megawatt ("MW") program modeled closely on the SREC I Programs.⁴

On September 6, 2012, ACE filed a petition⁵ with the Board requesting approval of its solar financing program ("ACE SREC II Program"), also pursuant to the May 23 Order and N.J.S.A. 48:3-98.1. ACE proposed a 23 MW program modeled closely on the SREC I Program as well.

On February 1, 2013, RECO filed a petition with the Board requesting approval of its solar financing program ("RECO SREC II Program") also pursuant to the May 23 Order and N.J.S.A. 48:3-98.1. The RECO SREC II Program was also proposed as a 4.5 MW program substantially similar to the SREC I financing program.⁶

After extensive discovery and discussions, ACE, JCP&L, and RECO entered into separate stipulations with Board Staff ("Staff"), the New Jersey Division of Rate Counsel ("Rate Counsel"), and the Solar Energy Industries Association agreeing to terms of the extensions of the SREC financing programs (collectively, "SREC II Programs"). By Orders dated December 18, 2013, the Board approved each of the stipulations. As part of the design of the SREC II Programs, the EDCs⁷ jointly retain a solicitation manager ("SM") to run the solicitation process

³ In re Verified Petition of Jersey Central Power & Light Company Concerning a Proposal for an SREC-based Financing Program under N.J.S.A. 48:3-98.1, BPU Docket No. EO12080750.

⁴ In re Verified Petition of Jersey Central Power & Light Concerning a Proposal for a SREC-based Financing Program under N.J.S.A. 48:3-98, BPU Docket No. EO08090840; In re Atlantic City Electric Company Renewable Portfolio Standard Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing, BPU Docket No. EO08100875.

⁵ In re the Petition of Atlantic City Electric Company Concerning a Proposal for an Extended SREC-based Financing Program Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. EO12090799.

⁶ In re the Verified Petition of Rockland Electric Company Concerning a Proposal for an SREC-Based Financing Program Under N.J.S.A.48:3-98.1, BPU Docket No. EO09020097.

⁷ As used in the balance of this Order, EDCs refers to JCP&L, ACE, and RECO. Public Service Electric and Gas runs its own separate solar financing programs.

for qualifying applicants, including advertising the availability of the program, establishing a process for bid submittal, and ranking the projects once bids are received in any round.

The EDCs chose Navigant Consulting, Inc. ("Navigant") to serve as SM. Together, they developed a solicitation process, which entailed the issuance of a Request for Proposals ("RFP") to select solar projects ("Project" or "Projects") with which to enter into PSAs, based on the proposed price of each Project's SRECs. Through the RFP process, the EDCs contract for the purchase of SRECs for the ten year term of the PSA, and not for energy or capacity associated with any Project.

Navigant, as SM, finalized the terms of the RFP and related documents, and implemented and managed the solicitation process with input from the EDCs. Among the key features of the RFP, in accordance with the May 23 Order, were the pricing requirements. The RFP required pricing in the proposals submitted in response to the RFP to be the same for the entire ten year term of the PSA. The RFP clearly articulated the following criteria for selection: projects will be ranked by price; prices will be reviewed for competitiveness; an unspecified price limit will be applied; and the full MW solicited may or may not be awarded based on an assessment of the competitiveness of pricing resulting from the solicitation.

The March 9, 2015 RFP was the first of nine (9) solicitations to be issued ("Round One") under the SREC II Programs. By Order dated July 23, 2015, the Board approved the SM's recommendations for awards under the first solicitation, approving awards for eight (8) of the nine (9) projects that bid, for a total of 1,231.76 kW.

The RFP for the second solicitation was issued on August 12, 2015 with bids due on October 15, 2015. By Order dated December 16, 2015, the Board approved the SM's recommendations for awards for eighteen (18) of the twenty (20) projects that bid, for a total of 3,455.25 kW.

The RFP for the third solicitation was issued on December 17, 2015 with bids due on February 12, 2016. By Order dated May 23, 2016, the Board approved the SM's recommendations for awards for twelve (12) of the thirteen (13) projects that bid, for a total of 5,100.50 kW.

The RFP for the fourth solicitation was issued on May 3, 2016 with bids due on July 8, 2016. By Order dated September 23, 2016, the Board approved the SM's recommendations for awards for three (3) of the nineteen (19) projects that bid, for a total of 3,374.00 kW.

The RFP for the fifth solicitation was issued on October 3, 2016 with bids due on November 30, 2016. By Order dated February 22, 2017, the Board approved the SM's recommendations for awards for twenty-six (26) of the forty-one (41) projects that bid, for a total of 2,002.20 kW.

The RFP for the sixth solicitation was issued on February 24, 2017 with bids due on April 17, 2017. By Order dated June 30, 2017, the Board approved the SM's recommendations for awards for nineteen (19) of the forty-nine (49) projects that bid, for a total of 11,673.49 kW.

The RFP for the seventh solicitation was issued on July 5, 2017 with bids due on August 25, 2017. By Order dated November 21, 2017, the Board approved the SM's recommendations for awards for thirty-nine (39) of the forty-eight (48) projects that bid, for a total of 5,554.60 kW.

The RFP for the eighth solicitation was issued on December 1, 2017 with bids due on February 14, 2018. By Order dated May 5, 2018, the Board approved the SM's recommendations for awards for nine (9) of the thirteen (13) projects that bid, for a total of 8,823.98 kW.

This Order addresses the results of the ninth and final solicitation held under the SREC II Program ("Ninth Solicitation"). According to the schedule issued by the SM, the RFP for Ninth Solicitation was issued on May 1, 2018 and bid applications were due on June 29, 2018. The SM received forty (40) bids by the due date. Thirty-nine (39) bids were able to meet the qualification requirements. Consistent with the Board-approved SREC II program design, the SM submitted a report to Staff, the EDCs, and Rate Counsel on the results of the Ninth Solicitation and recommendation for awards. The SM recommended thirty-six (36) awards and three (3) rejections from the qualified bids received. The SM advised that it received one bid in ACE's Segment 3; however insufficient capacity remained to award a PSA for the entire project capacity sought. The SM recommended the Board allocate 500 kW of excess capacity from ACE's Segment 2 to Segment 3 to enable ACE to enter a PSA to cover the project's full capacity.

DISCUSSION AND FINDINGS

The Board has carefully reviewed the recommendations of the SM and Staff and **FINDS** that they appropriately address all issues as required by the stipulations approved by the December 2013 Orders. The Board **FURTHER FINDS** that the overall solicitation process was effectively competitive in this instance.

After consideration of the recommendations of the SM and Staff, the Board **ADOPTS** the recommendations of the SM regarding the results of the Ninth Solicitation in the SREC II Programs. The Board **AUTHORIZES** the EDCs to execute PSAs for thirty-six (36) projects with SREC prices deemed competitive.

The results of the Ninth Solicitation are as follows:

Segment 1. Residential and Small Commercial (50 kW and below):

- Seventeen (17) bids were received, totaling 492 kW.
- Seventeen (17) bid awards were made, totaling 492 kW.
- The average accepted price was \$169.83 per SREC.

Segment 2. Residential & Small Commercial (Greater than 50 kW):

- Twenty-one (21) bids were received, totaling 5,032 kW.
- Two (2) bids were rejected because the pricing was found not to be competitive, and one (1) additional bid was rejected because it exceeded the segment capacity.
- Eighteen (18) bid awards were made, totaling 3,775 kW.
- The average accepted price was \$163.57 per SREC.

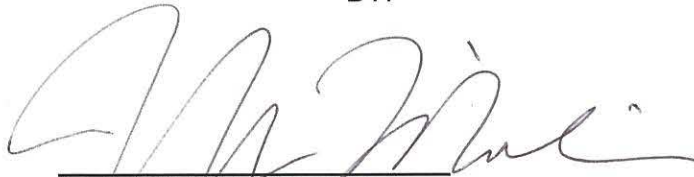
Segment 3. Subsection t. Landfills, Brownfields, or Areas of Historic Fill (Up to 5.2 MW):

- One (1) bid was received, totaling 2,800 kW.
- One (1) bid award was made.
- The average accepted price is not disclosed due to too few distinct price offers.

The effective date of this Order is September 8, 2018.

DATED: 8/29/18

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
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 Verified Petition of Atlantic City Electric Company Concerning a Proposal for an Extended SREC-Based Financing Program Under N.J.S.A. 48:3-98.1 ("SREC II"); In the Matter of the Verified Petition of Jersey Central Power & Light Company Concerning a Proposal for an SREC-Based Financing Program Under N.J.S.A. 48:3-98.1 ("SREC II"); In the Matter of the Verified Petition of Rockland Electric Company Concerning a Proposal for an SREC-Based Financing Program Under N.J.S.A. 48:3-98.1 ("SREC II")

Docket Nos. EO12090799, EO12080750, EO13020118

SERVICE LIST

Philip J. Passanante, Esq.
Associate General Counsel
Atlantic City Electric Company 92DC42
Post Office Box 6066
Newark, DE 19714-6066
philip.passanante@pepcoholdings.com

Gregory Eisenstark, Esq.
Windels Marx Lane & Mittendorf, LLP
on behalf of JCP&L
120 Albany Street Plaza, 6th Floor
New Brunswick, NJ 08901
geisenstark@windelsmarx.com

John L. Carley, Esq.
Assistant General Counsel
Consolidated Edison Company of
New York, Inc.
Law Department Room 1815S
4 Irving Place
New York, NY 10003
carleyJ@coned.com

James C. Meyer, Esq.
Riker Danzig Scherer Hyland & Perretti LLP
Headquarters Plaza
One Speedwell Avenue
Post Office Box 1981
Morristown, NJ 07962-8464
jmeyer@riker.com

Donald Kennedy, Director
Customer Energy Services
Orange and Rockland Utilities, Inc.
390 West Route 59
Spring Valley, New York 10977

Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350

Aida Camacho-Welch
Secretary of the Board
aida.camacho@bpu.nj.gov

Kenneth J. Sheehan, Director
Division of Clean Energy
Ken.sheehan@bpu.nj.gov

Sherri Jones, Assistant Director
Division of Clean Energy
sherri.jones@bpu.nj.gov

Alice Bator, Director
Division of Audits
alice.bator@bpu.nj.gov

Stacy Peterson, Director
Division of Energy
stacy.peterson@bpu.nj.gov

Benjamin Scott Hunter
Division of Clean Energy
benjamin.hunter@bpu.nj.gov

Rachel Boylan, Esq.
Counsel's Office
rachel.boylan@bpu.nj.gov

William Agee, Esq.
Counsel's Office
william.agee@bpu.nj.gov

Dan Bradley, Director
Navigant
98 San Jacinto Blvd, Suite 900
Austin, TX 78737

David E. Dismukes
Acadian Consulting Group
5800 One Perkins Place Drive
Building 5, Suite F
Baton Rouge, LA 70808

Andrea C. Crane
The Columbia Group, Inc.
199 Ethan Allen Highway-2nd
Ridgefield, CT 08677
ctcolumbia@aol.com

Howard O. Thompson, Esq.
Russo Tumulty Nester Thompson & Kelly, LLP
On behalf of NJ Land
240 Cedar Knolls Road, Suite 306
Cedar Knolls, NJ 07927
hthompson@russotumulty.com

William Potter, Esq.
Potter and Dickson
On behalf of MSEIA
194 Nassau Street
Princeton, NJ 08542

Michael A. Gruin, Esq.
Stevens & Lee
On behalf of SEIA
17 North Second Street, 16th floor
Harrisburg, PA 17101

Stacy Ho Richardson, Esq.
Counsel's Office
stacy.richardson@bpu.nj.gov

Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.state.nj.us

Ami Morita, Esq.
amorita@rpa.state.nj.us

Sarah Steindel, Esq.
ssteindel@rpa.state.nj.us

Felicia Thomas-Friel, Esq.
ftthomas@rpa.state.nj.us

James Glassen, Esq.
jglassen@rpa.state.nj.us

Department of Law and Public Safety
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

Caroline Vachier, DAG
caroline.vachier@law.njoag.gov

Emma Yao Xiao, DAG
emma.xiao@law.njoag.gov