

13:59-1.5 Rejection and resubmission procedures

(a) Any fingerprint [card] **record** or Request for Criminal History Record Information form which is rejected will be returned with the submitted fee to the requester or national requester. The procedure as set forth at N.J.A.C. 13:59-1.4 will be utilized for resubmission with the following exception:

1. Fingerprint [cards] **records** that cannot be classified will be returned to the requester or national requester. The fees which accompanied the fingerprint [cards] **records** will be retained by the SBI. Upon resubmission, the rejected fingerprint [card] **record** shall be stapled to the newly taken fingerprint [card] **record** and both [cards] **records** shall be submitted with the original rejection form to the SBI. No additional charges shall be assessed for resubmitted fingerprint [cards] **records**.

(b) No criminal history name search shall be conducted unless the subject's name and date of birth are submitted. Whenever a criminal history name search based upon the particular identifying information supplied produces more than one possible candidate, the SBI-212A or SBI-212B Form shall be rejected and returned to the requester for additional identifying information, such as the subject's social security number, as authorized pursuant to the provisions of N.J.A.C. 13:59-1.4(d)2. The fee which accompanied the SBI-212A or SBI-212B Form shall be retained by the SBI. Upon resubmission, the rejected SBI-212A or SBI-212B Form shall be stapled to the newly executed SBI-212A or SBI-212B Form, **respectively**, and both forms shall be submitted with the original rejection form to the SBI. No additional charges shall be assessed for the resubmitted SBI-212A or SBI-212B Form request.

13:59-1.7 Dissemination of personal record to named individual

(a) (No change.)

1. By submitting the fee specified in N.J.A.C. 13:59-1.3(a) and the applicable form specified in N.J.A.C. 13:59-1.4(b), an individual may request a fingerprint search of the information in the central repository of the New Jersey State Police SBI; or

2. (No change.)

13:59-1.8 SBI Number Flag

Upon a request, the SBI shall attach an SBI Number Flag to a specific SBI number, and shall provide New Jersey arrest and/or conviction notification to a New Jersey Criminal Justice Information System identified terminal printer when any fingerprint-supported change to the subject's New Jersey criminal history record is entered to the specific SBI Number. Such requests shall be accompanied by the fee prescribed by N.J.A.C. 13:59-1.3(d)(e). [Requests shall be canceled by the requesting agency when the need for the SBI Number Flag no longer exists.] **The requesting agency shall make notification to the SBI when the need for the SBI Number Flag notification no longer exists, and the SBI Number Flag shall be cancelled by the SBI.**

SUBCHAPTER 2. CRIMINAL JUSTICE PURPOSES

13:59-2.1 Dissemination for criminal justice purposes

(a) Criminal justice agencies, for purposes of the administration of criminal justice, may obtain from the SBI or otherwise access information collected by criminal justice agencies concerning persons and stored in the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) or other states' computerized repositories containing criminal history record information

(b) **An "Applicant Query" fingerprint record shall be created and submitted from a criminal justice agency's Live Scan System for fingerprint identification search requests for the purpose of employment of a criminal justice employee. If the criminal justice agency's Live Scan System is unavailable or inoperative, a manual New Jersey "Applicant" fingerprint card, SBI-19, and a manual Federal "Applicant" fingerprint card, FD-258, may be used. If utilized, the SBI-19 and the FD-258 cards shall be signed by the individual whose fingerprints are on the cards.**

(c) **A "Criminal Arrest" fingerprint record shall be created and submitted from a criminal justice agency's Live Scan System for fingerprint identification search requests for criminal offenders. If the criminal justice agency's Live Scan System is unavailable or**

inoperative, a manual New Jersey "Criminal" fingerprint card, SBI-15, and a manual Federal "Criminal" fingerprint card, FD-249, may be used. If utilized, the SBI-15 and the FD-249 cards shall be signed by the individual whose fingerprints are on the cards.

13:59-2.3 Prescribed form[s]

(a) For fingerprint identification search requests of information stored in the central repository of the New Jersey State Police SBI, an "Applicant" fingerprint card SBI-19 or a "Criminal Arrest" fingerprint card SBI-15 shall be used.

(b) A criminal justice agency requesting a search of information contained in NCIC or other states' computerized repository of CHRI shall submit a Federal fingerprint card FD-258.

(c) The forms in (a) and (b) above shall be completed in their entirety and shall contain all the information required to complete the check.]

(d) Any criminal justice agency which has executed a "New Jersey Criminal Justice Information System Users Agreement" in the form prescribed by the Superintendent may access directly the computerized databases stored in the New Jersey Criminal Justice Information System, or NCIC or other states' repositories of computerized criminal history record information for the performance of administration of criminal justice purposes.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Renewable Energy and Energy Efficiency

Proposed Amendment: N.J.A.C. 14:8-2.4

Authorized By: The New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Bob Gordon, Commissioners.

Authority: N.J.S.A. 48:2-1 et seq., in particular 48:2-13, 48:3-51, and 48:3-87; and P.L. 2018, c. 17.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: QO18060647.

Proposal Number: PRN 2018-072.

Comments may be submitted through October 5, 2018, by e-mail in **Microsoft Word format**, or in a format that can be easily converted to Word, to: rule.comments@bpu.state.nj.us or on paper to:

Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: QO18060647
44 S. Clinton Ave., 3rd Floor, Suite 314
PO Box 350
Trenton, NJ 08625-0350

The agency proposal follows:

Summary

The Board of Public Utilities ("Board" or "BPU") is proposing amendments to N.J.A.C. 14:8-2.4, to conform portions of the current rules to certain provisions of P.L. 2018, c. 17 (Clean Energy Act). There are several provisions in the Clean Energy Act that require rulemaking proceedings, the proposed amendments concern the Solar Renewable Energy Credit (SREC) Registration Program. The Clean Energy Act requires the Board to, "adopt rules and regulations to close the SREC program to new applications upon the attainment of 5.1 percent of the kilowatt-hours sold in the State by each electric power supplier and each basic generation supplier from solar electric power generators connected to the distribution system." The Clean Energy Act further requires, "... the closing of the existing SREC program on a date certain but no later than June 1, 2021." Finally, as relates to this rulemaking in particular, the Clean Energy Act requires that a full rulemaking procedure concerning the particular requirements identified above shall be

completed no later than November 19, 2018 (180 days after the date on which the Clean Energy Act was enacted).

To this end, the Board proposes the following amendments.

At N.J.A.C. 14:8-2.4, the Board proposes amending the heading of the section to include "termination of program." At paragraph (b)6, the Board proposes language that, in accordance with the statutory requirement, closes the SREC Registration program upon attainment of 5.1 percent of kilowatt-hours sold in the State coming from solar electric generators connected to the distribution system. Proposed new subparagraph (b)6i codifies that the existing SREC Registration program will close no later than June 1, 2021.

The Board has provided a 60-day comment period on this notice of proposal. Accordingly, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments to the Renewable Portfolio Standards (RPS) rules governing SREC Registration will have a positive social impact for New Jersey. The current SREC program is believed to be excessively costly to all ratepayers providing SREC values that are inequitable, overly costly to non-participants, and inaccessible to all ratepayers. The Clean Energy Act requires that the Board complete an evaluation of alternatives within 24 months of the date of enactment. The Board anticipates that a successor initiative would be more equitable.

Economic Impact

The proposed amendments will close the SREC Registration program upon the share of solar electricity generation's attainment of 5.1 percent of the State's total retail sales. The current SREC program is also believed to be excessively costly to ratepayers by providing SREC values that over-subsidize large scale projects leading to boom and bust cycles of development. The evaluation of alternatives within 24 months of the date of enactment is envisioned to result in a successor initiative leading to more efficient and orderly solar development.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require 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. The Solar rules have no Federal analogue and are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., do not require a Federal standards analysis for the proposed amendments.

Jobs Impact

The proposed amendments to close the SREC Registration program is anticipated to provide a net positive impact to jobs in the State's solar industry as a successor initiative is intended to continue new solar development at lower costs to ratepayers.

Agriculture Industry Impact

The proposed amendments are not anticipated to have an effect on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. The proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses operating renewable electric generation facilities in New Jersey or in the rest of the PJM region. Accordingly, no regulatory flexibility analysis is required.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and will have no effect on the average cost of housing in the State because the amendments anticipate the closure of the SREC Registration program to new registrations with a successor initiative intended to follow. The amendments address only renewable energy generation and do not affect housing prices or the housing market.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth development in New Jersey. There is an extreme unlikelihood that the amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plans in New Jersey because the amendments anticipate the closure of the SREC Registration program to new registrations with a successor initiative intended to follow.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Board has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. RENEWABLE PORTFOLIO STANDARDS

- 14:8-2.4 Energy that qualifies for an SREC; registration requirement; additional approval, designation, and certification processes for grid supply projects; **termination of registration program**
 - (a) (No change.)
 - (b) To be eligible for issuance of an SREC usable for compliance with this subchapter, electricity shall:
 - 1.-3. (No change.)
 - 4. Be generated during the generating facility's qualification life, as defined at N.J.A.C. 14:8-2.2. Solar electric generation produced after the end of a facility's qualification life shall not be used as the basis for an SREC, but may be used as the basis for a class I REC under N.J.A.C. 14:8-2.5; [and]
 - 5. Be generated using equipment that meets either of the following criteria:
 - i. (No change.)
 - ii. The equipment was previously used in a solar facility with an unexpired qualification life and all of the following criteria are met:
 - (1)-(3) (No change.)
 - (4) Any sale or other transfer of the equipment during the qualification life of the previous solar facility is recorded with the Board and with PJM-EIS through submittal of a PJM-EIS system change form[.]; **and**
 - 6. **No new SREC registration program submittal shall be accepted following a determination by the Board that 5.1 percent of the kilowatt-hours sold in the State by each electric power supplier and each basic generation provider comes from solar electric power generators connected to the State's electric distribution system has been attained.**
 - i. **Termination of SREC registration program shall occur no later than June 1, 2021.**
 - (c)-(q) (No change.)