



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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Post Office Box 350  
Trenton, NJ 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

DIVISION OF ENERGY AND  
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE )  
ELECTRIC AND GAS COMPANY FOR APPROVAL )  
OF AN EXTENSION OF A SOLAR GENERATION )  
INVESTMENT PROGRAM AND ASSOCIATED COST )  
RECOVERY MECHANISM AND FOR CHANGES IN THE )  
TARIFF FOR ELECTRIC SERVICE, B.P.U.N.J. NO 15 )  
ELECTRIC PURSUANT TO N.J.S.A. 48:2-21, 48:2-21.1 )  
and N.J.S.A. 48:3-98.1 )

ORDER EXTENDING  
THE 180-DAY REVIEW PERIOD

DOCKET NO. EO12080721

**Parties of Record:**

**Matthew M. Weissman, Esq.**, Attorney for Petitioner, Public Service Electric and Gas Company  
**Stefanie A. Brand, Esq.**, Director, New Jersey Division of Rate Counsel  
**Stephen S. Goldenberg, Esq.**, on behalf of the New Jersey Large Energy Users Coalition  
**James E. McGuire**, on behalf of WattLotts, LLC  
**Michael A. Gruin, Esq.**, on behalf of The Solar Energy Industries Association  
**William Potter, Esq.**, on behalf of the Mid-Atlantic Solar Energy Industries Association  
**Matthew Davey**, on behalf of Petra Solar  
**Robert F. Shapiro, Esq.**, on behalf of Prologis  
**Hani Khoury, Esq.**, on behalf of the New Jersey Solar Industry Manufacturers Association  
**Robert T. Lawless, Esq.**, on behalf of SunDurance Energy  
**Michael R. Yellin, Esq.**, on behalf of KDC Solar LLC  
**Gary Weisman**, on behalf of the New Jersey Solar Energy Coalition  
**Pamela J. Scott, Esq.**, Atlantic City Electric Company

BY THE BOARD:

**BACKGROUND AND PROCEDURAL HISTORY**

On January 13, 2008, L. 2007, c. 340 ("Act") was signed into law by former Governor Corzine based on the New Jersey Legislature's findings that energy efficiency and conservation measures must be essential elements of the State's energy future, and that greater reliance on energy efficiency and conservation will provide significant benefits to the citizens of New Jersey.

The Legislature also found that public utility involvement and competition in the conservation and energy efficiency industries are essential to maximize efficiencies. N.J.S.A. 26:2C-45.

Pursuant to Section 13 of the Act, codified as N.J.S.A. 48:3-98.1 (a)(1), an electric or gas public utility may, among other things, provide and invest in energy efficiency and conservation programs in its service territory on a regulated basis. Such investment in energy efficiency and conservation programs may be eligible for rate treatment approved by the New Jersey Board of Public Utilities ("Board"), including a return on equity, or other incentives or rate mechanisms that decouple utility revenue from sales of electricity and gas. N.J.S.A. 48:3-98.1(b). Ratemaking treatment may include placing appropriate technology and program cost investments in the utility's rate base, or recovering the utility's technology and program costs through another ratemaking methodology approved by the Board. An electric or gas public utility seeking cost recovery for any energy efficiency and conservation programs pursuant to N.J.S.A. 48:3-98.1 must file a petition with the Board.

### **August 2012 Filing**

On August 1, 2012, Public Service Electric and Gas Company ("PSE&G" or "Company") filed the instant petition with the Board. By letter dated August 31, 2012, Board Staff notified PSE&G that the filing was administratively incomplete. On September 12, 2012, PSE&G submitted a supplemental filing to address the deficiencies outlined in the August 31 letter from Staff. Subsequently, Board Staff notified PSE&G that with the information submitted in the September 12 supplemental filing, the filing was administratively complete.<sup>1</sup>

In the petition, PSE&G seeks approval to extend its current Solar 4 All Program through the addition of four distinct segments. ("S4A Extension Program") Under the proposal, PSE&G would develop an additional 136 megawatt ("MW") dc of solar photovoltaic systems. It is estimated that the S4A Extension Program's capital investment will be approximately \$690 million over a five year period. PSE&G proposes to recover all S4A Extension Program costs through a new component of the Regional Greenhouse Gas Initiative Recovery Charge.

By Order dated October 23, 2012, the Board retained this matter for review and hearing as authorized by N.J.S.A. 48:2-32 and designated President Robert M. Hanna as the presiding officer in this proceeding. Subsequently, by Order dated November 19, 2012, President Hanna approved a procedural schedule in this matter. By Order dated November 29, 2012, President Hanna ruled on motions to intervene that had been filed as of that date.

### **STIPULATION**

Based upon the current Board Agenda Meeting schedule and the approved procedural schedule in this matter, the Company, the New Jersey Division of Rate Counsel and Board Staff

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<sup>1</sup> N.J.S.A. 48: 3-98.1 requires the Board to decide cost recovery issues within 180 days. Pursuant to the Board Order issued in response to a further statutory directive within that section, Board Staff must review a petition for completeness within 30 days and, when a petition is determined to be complete, set the beginning of the 180-day period. I/M/O Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources, and Offering Class I Renewable Energy Programs in their Respective Service Territories on a Regulated Basis Pursuant to N.J.S.A. 48:3-98.1, Dkt. No. EO08030164 (May 8, 2008). Accordingly, the 180-day period for a Board determination commenced on September 12, 2012 and absent waiver by the Company would expire on March 11, 2013.

(collectively, "Signatory Parties") have agreed that an extension of the 180 day period would be appropriate to ensure a thorough review of the proposed program and cost recovery methodology. The Signatory Parties subsequently entered into a stipulation of settlement ("Stipulation") to extend the 180 day review period.

The Signatory Parties have agreed to the following key term<sup>2</sup>:

8. The undersigned parties, pursuant to N.J.S.A. 48:2-21.3, have agreed to extend the 180-day RGGI period for Board action on PSE&G's Petition, required under N.J.S.A. 48:3-98.1, to accommodate the deadlines in the schedule attached to the Stipulation. The new deadline for action on the Petition is April 1, 2013.

### DISCUSSION AND FINDING

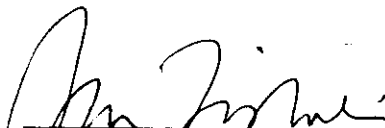
The Board has carefully reviewed the record to date in this matter. The Board is satisfied and **HEREBY FINDS** that the Stipulation is reasonable and is in public interest as it will provide additional time for a thorough review of the proposed Solar 4 All Program, and allow for the development of a full and complete record for review by the Board. Accordingly, the Board **HEREBY ADOPTS** the attached Stipulation as its own, incorporating by reference its terms and conditions as if fully set forth herein.

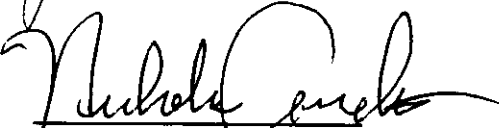
DATED: 1/23/13

BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



<sup>2</sup> Should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the findings and conclusion of this Order.

In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an  
Extension of a Solar Generation Investment Program and Associated Cost Recovery  
Mechanism and for Changes in the Tariff for Electric Service, Pursuant to N.J.S.A. 48:2-21,  
48:2-21.1 and N.J.S.A. 48:3-98.1  
DOCKET NO. EO12080721

NOTIFICATION LIST

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January 10, 2013

In the Matter of the Petition of  
Public Service Electric and Gas Company  
for Approval of an Extension of a  
Solar Generation Investment Program  
and Associated Cost Recovery Mechanism  
and for Changes in the Tariff for Electric Service,  
B.P.U.N.J. No. 15 Electric Pursuant to  
N.J.S.A. 48:2-21, 48:2-21.1 and N.J.S.A. 48:3-98.1  
("Solar4All Extension Petition")

BPU Docket No. EO12080721

***VIA ELECTRONIC & REGULAR MAIL***

Kristi Izzo, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
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Dear Secretary Izzo:

Attached is a copy of the fully executed Stipulation for Extension in the above-referenced matter.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Sheree L. Kelly", written over a horizontal line.

C Attached Service List

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**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE PETITION OF  
PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY FOR APPROVAL OF AN  
EXTENSION OF A SOLAR GENERATION  
INVESTMENT PROGRAM AND  
ASSOCIATED COST RECOVERY  
MECHANISM AND FOR CHANGES IN THE  
TARIFF FOR ELECTRIC SERVICE, B.P.U.N.J.  
NO. 15 ELECTRIC PURSUANT TO N.J.S.A.  
48:2-21, 48:2-21.1 AND N.J.S.A. 48:3-98.1  
("SOLAR4ALL EXTENSION PETITION")**

**STIPULATION**

**BPU DOCKET NO. EO12080721**

**APPEARANCES:**

**Matthew M. Weismann**, General Regulatory Counsel-Rates and **Sheree L. Kelly**, Assistant General Regulatory Counsel, for the Petitioner, Public Service Electric and Gas Company

**Kurt S. Lewandowski, Esq.**, Assistant Deputy Rate Counsel **Maria Novas-Ruiz, Esq.**, Assistant Deputy Rate Counsel and **Sarah H. Steindel, Esq.**, Assistant Deputy Rate Counsel and **Felicia Thomas-Friel, Esq.**, Deputy Rate Counsel (**Stefanie A. Brand, Esq.**, Director, New Jersey Division of Rate Counsel)

**Alex Moreau and T. David Wand**, Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (Jeffrey S. Chiesa, Attorney General of New Jersey).

**TO THE HONORABLE BOARD OF PUBLIC UTILITIES:**

1. On August 1, 2012, Public Service Electric and Gas Company ("PSE&G") filed its Petition ("Petition") with the Board of Public Utilities ("Board" or "BPU"), requesting approval of the Solar4All Extension Program ("Solar4All Program") and an associated rate recovery mechanism pursuant to N.J.S.A. 48:3-98.1 et seq. ("the RGGI Act"). More specifically, PSE&G proposed to extent its Solar4All Program by developing an additional 136 MW Dc of Solar photovoltaic systems.

2. On August 31, 2012, the Staff of the Board ("Board Staff") advised PSE&G that certain filing deficiencies were present in the Company's Petition.

3. On September 12, 2012, the Company filed a letter with attached materials intended to remedy any deficiencies in the Petition.

4. By letter dated October 19, 2012, Board Staff notified the Company that the Petition was administratively complete. Therefore, the Board's 180-day review period under the RGGI Act commenced on September 12, 2012 and will expire on March 11, 2013 (the "RGGI date").

5. By Order dated October 23, 2012, the Board determined to retain this matter for review, designated President Robert M. Hanna as the presiding hearing officer and adopted a procedural schedule. Following the filing of the Petition, the undersigned parties have engaged in extensive discovery and intend to participate in settlement and discovery conferences. While the undersigned parties continue to discuss settlement, they have not been able to reach a settlement of all outstanding issues.

6. By Order dated November 19, 2012, President Hanna set forth the procedural schedule for this matter. The procedural schedule therein anticipates a March 2013 agenda date.

7. In light of the fact that the undersigned parties' discussions may not be completed and a settlement may not be ready for submission to the Board by the RGGI date, they have agreed to request an extension to April 1, 2013 in order to provide the Board with additional time to complete the processing of the Petition and issue a final determination in this matter.

Accordingly, the undersigned parties hereby **STIPULATE AND AGREE** as follows:

8. The undersigned parties, pursuant to N.J.S.A. 48:2-21.3, have agreed to extend the 180-day RGGI Period for Board action on PSE&G's Petition, required under N.J.S.A. 48:3-98.1, to accommodate the deadlines in the schedule attached hereto. The new deadline for Board action on the Petition is April 1, 2013.

9. This Stipulation represents a mutual balancing of interests, contains interdependent provisions and, therefore, is intended to be accepted and approved in its entirety.

In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any of the undersigned parties aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, in any applicable Order(s), then any of the undersigned parties hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

**WHEREFORE**, the undersigned parties hereto do respectfully submit this Stipulation and request that the Board issue a Decision and Order approving an extension until April 1, 2013.

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the New Jersey  
Board of Public Utilities

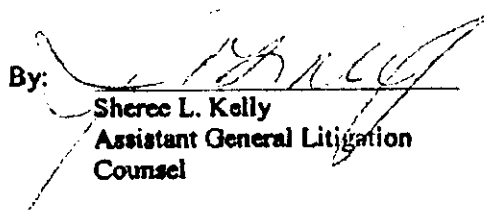
By:



Alex Moreau  
Deputy Attorney General

PUBLIC SERVICE ELECTRIC AND  
GAS COMPANY

By:



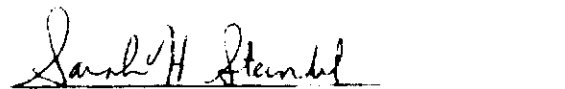
Sheree L. Kelly  
Assistant General Litigation  
Counsel

Dated: January 2, 2013

Dated: January 2, 2013

DIVISION OF RATE COUNSEL  
STEFANIE A. BRAND, DIRECTOR

By:

  
~~Kurt S. Lewandowski, Esq.~~ Sarah H. Steindel  
Assistant Deputy Rate Counsel

Dated: January 1, 2013



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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**DIVISION OF ENERGY AND**  
**OFFICE OF CLEAN ENERGY**

IN THE MATTER OF THE PETITION OF PUBLIC )  
SERVICE ELECTRIC AND GAS COMPANY FOR )  
APPROVAL OF AN EXTENSION OF A SOLAR )  
GENERATION INVESTMENT PROGRAM AND )  
ASSOCIATED COST RECOVERY MECHANISM AND )  
FOR CHANGES IN THE TARIFF FOR ELECTRIC )  
SERVICE, B.P.U.N.J. NO. 15 ELECTRIC PURSUANT )  
TO N.J.S.A. 48:2-21, 48:2-21.1 AND N.J.S.A. 48:3-98.1 )

ORDER ON PROCEDURAL  
SCHEDULE

DOCKET NO. EO12080721

Parties of Record:

**Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel**  
**Matthew Weisman, Esq., Public Service Electric and Gas Company**

BY PRESIDENT ROBERT HANNA:

On August 1, 2012, Public Service Electric & Gas ("PSE&G" or "Company") filed a petition ("Petition") seeking approval of an extension of its solar generation investment program and the associated cost recovery mechanism ("Program"). In its Petition, the Company states that it will add 136 megawatts ("MW") of solar photovoltaic systems to its current Program approved by Board Order dated August 3, 2009, In re Petition of Public Service Electric and Gas Company for Approval of a Solar Generation Investment Program and Associated Cost Recovery Mechanism, under docket EO09020125. The Program is divided into four segments: Segment A, on landfills and brownfields, with a proposed capacity of 90 megawatts; Segment B, on warehouse roofs, with a proposed capacity of 20 MW; Segment C, on parking lots, with a proposed capacity of 25 MW; and Segment D, for pilots and demonstrations, with a proposed capacity of 1 MW.

By letter dated August 31, 2012, Board Staff notified PSE&G that the Petition was administratively incomplete. On September 12, 2012, PSE&G submitted a supplemental filing to address the deficiencies identified in Staff's August 31, 2012 letter. By letter dated October 19, 2012, Staff notified the Company that the Petition was administratively complete.

By Order dated October 23, 2012, the Board determined that this matter should be retained by the Board for review and hearing, and, as authorized by N.J.S.A. 48:2-32, designated me as the presiding officer who is authorized to rule on all motions that arise during the proceeding, and modify any schedule that may be set as necessary to secure just and expeditious determination of the issues.

Pursuant to that authority, I **HEREBY SET** the schedule for this proceeding which was developed by Board Staff, PSE&G and the New Jersey Division of Rate Counsel ("Rate Counsel"):

Motions to intervene	November 16, 2012
Discovery on Initial Testimony	November 21, 2012
Response to Motions to Intervene	November 26, 2012
Public Hearing-New Brunswick	November 27, 2012
Responses to Discovery	November 28, 2012
Public Hearing-Hackensack	November 29, 2012
Public Hearing-Mount Holly	December 4, 2012
2 <sup>nd</sup> Round of Discovery	December 5, 2012
Response to 2 <sup>nd</sup> Round of Discovery	December 14, 2012
Discovery Conference	Week of December 17, 2012
Discovery/Settlement Conference	Week of January 7, 2013
Intervener Testimony	January 14, 2013
Discovery on Testimony	January 18, 2013
Responses to Discovery	January 25, 2013
Rebuttal Testimony	February 1, 2013
Discovery on Rebuttal Testimony	February 6, 2013
Responses to Discovery	February 13, 2013
Evidentiary Hearings	Week of February 19, 2013
Position Papers (Briefs)	Week of March 4, 2013
Anticipated Board Agenda	As scheduled in March

Oral Surrebuttal allowed at hearing.

Any requests for changes to the schedule should be made prior to the due date with notice to all those included on this e-mail.

I **HEREBY DIRECT** that this Order be posted on the Board's website and include the following language in the heading: Notice of Schedule.

All filings should be made by electronic mail to the Board's Secretary at [Board.Secretary@bpu.state.nj.us](mailto:Board.Secretary@bpu.state.nj.us), and to the parties on this e-mail list. A hard copy of any filing should also be made with the Board's Secretary. Parties wishing to be added to the e-service list may do so by emailing: [stacy.peterson@bpu.state.nj.us](mailto:stacy.peterson@bpu.state.nj.us)

This provisional ruling is subject to the ratification or other alteration by the Board as deemed appropriate.

DATED: 11/19/2012

BY:

  
ROBERT M. HANNA  
PRESIDENT

In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Extension of a Solar Generation Investment Program and Associated Cost Recovery Mechanism and for Changes in the Tariff for Electric Service, B.P.U.N.J. No. 15 Electric Pursuant to N.J.S.A. 48:2-21, 48:221.1 and N.J.S.A. 48:3-98.1.

BPU Docket No. EO12080721

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<p>David Wand, DAG            Division of Law            124 Halsey Street,            P.O. Box 45029            Newark, NJ 07101</p>		
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<b>Other</b>		
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<p>William Potter            Potter and Dickson            MSEIA            194 Nassau Street, Suite 32            Princeton, NJ 08542-7003</p>	<p>Stephen S. Goldenberg, Esq.            Fox Rothschild LLP            NJLEUC            Princeton Corporate Center            997 Lenox Drive BLD 3            Lawrenceville, NJ 08648-2311</p>	