

Diamond Williams

100155-EG

From: Ann Cole
Sent: Friday, July 15, 2011 10:47 AM
To: Katherine Fleming
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams
Subject: FW: FPL SOLAR REBATE PROGRAM
Attachments: POWER Loans.pdf

Thank you for this information. The attachment and this e-mail will be placed in *Docket Correspondence -Consumers and their Representatives*, in Docket No. 100155-EG.

From: Katherine Fleming
Sent: Friday, July 15, 2011 10:12 AM
To: Ann Cole
Cc: Kathleen Stewart
Subject: FW: FPL SOLAR REBATE PROGRAM

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 04346-10		
DISTRIBUTION: _____		

Ann,

Please place this in Docket No. 100155-EG.

Thank you,

Katherine E. Fleming
 Chief Advisor to Commissioner Brown
 Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399
 (850) 413-6028 (Office)
 (850) 413-6029 (Facsimile)

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: Burgess, Donald [mailto:DBURGESS@broward.org]
Sent: Thursday, July 14, 2011 7:43 AM
To: Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown
Subject: FPL SOLAR REBATE PROGRAM

Good morning Commissioners.

I see from the FPL website that

"Due to strong customer interest, the first round of 2011 rebate funds for this program have been reserved. If any unallocated funds remain after the first round of rebate reservations is processed, FPL may reopen the application process on Aug. 30, 2011. Applicants who do not receive a rebate for 2011 can apply for a 2012 rebate beginning in October of this year. Please

7/15/2011

watch this page for information about future rebate opportunities."

I understand that this happened in the first 15 minutes!! This clearly show the interest of Florida residents to improve their energy efficiency. Please consider this a loud and clear message that we request that you allow FPL to provide a full loan program for energy efficiency similar to that proposed in the attachment which is not an FPL document, but a thoughtful opportunity for them to partner with you on meeting the needs of the public you serve. THANKS!!!

Donald Burgess

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

FPL PRESENTS
FLORIDA P.O.W.E.R. LOANS
(FLORIDA PROPERTY OWNER WEATHERIZATION
AND EFFICIENCY RETROFIT LOANS)

The Florida Property Owner Weatherization and Efficiency Retrofit (POWER) Loan is a program that allows property owners to finance energy efficiency improvements. Interested property owners opt-in to receive financing for these 'green' enhancements, which is repaid through their utility bill. The improvements can save up to 20% of energy consumption which offset the annual assessment cost. This arrangement spreads the cost of energy improvements over several years. The repayment obligation is automatically transferred to the next property owner if the property is sold.

Advantages of Florida POWER Loans

Property Owner:

- ✓ Lower utility bills
- ✓ Reduce the upfront cost of energy retrofits
- ✓ Positive cash flow – utility savings equal to or greater than retrofit cost
- ✓ Adds value to your property and more appealing for resale
- ✓ Loan not dependent on equity in property
- ✓ The loan runs with the property not the owner. If you move the new owner continues payment while also gaining the benefit of reduced energy.

South Florida

- ✓ Stimulate the local economy
- ✓ Job creation, specifically in the hard hit construction industry
- ✓ Support reduction of fossil fuels
- ✓ Reduces greenhouse gas emissions

Eligible Participants

- ✓ Property owner or qualified lessee
- ✓ Live within the service area for FPL

Eligible Improvements

- ✓ Caulking
- ✓ Weatherstripping
- ✓ Air duct sealing
- ✓ Insulation of walls, roof, floor,
- ✓ HVAC controls, distribution
- ✓ Windows and doors
- ✓ Lighting
- ✓ Water heater
- ✓ Cool or reflective roof systems
- ✓ Solar PV
- ✓ Appliances like washer machines

FPL

- ✓ Use existing income to support loan program
- ✓ Repayment of interest on loans ensures continued company profits
- ✓ Shareholders continue to receive benefits from company profits
- ✓ Renewable energy improvements could assist in achieving Renewable Energy Portfolio Standard (RPS) of 20% by 2020
- ✓ FPL enhances their reputation as a forward thinking, innovative energy provider that values its customers and the community it serves.

Diamond Williams

100155-EG

From: Diamond Williams
Sent: Thursday, July 14, 2011 1:22 PM
To: Carol Purvis
Cc: Dorothy Menasco; Hong Wang; Ann Cole
Subject: FW: FPL SOLAR REBATE PROGRAM
Attachments: POWER Loans.pdf

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
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Thank you,

Diamond Williams
 Comm. Deputy Clerk I
 Office of Commission Clerk
 Florida Public Service Commission
 Email: diwillia@psc.state.fl.us
 Phone: 850-413-6094

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From: Carol Purvis **On Behalf Of** Ann Cole
Sent: Thursday, July 14, 2011 8:58 AM
To: Diamond Williams
Cc: Dorothy Menasco; Hong Wang; Ann Cole
Subject: FW: FPL SOLAR REBATE PROGRAM

Please handle

From: Betty Leland **On Behalf Of** Office Of Commissioner Graham
Sent: Thursday, July 14, 2011 8:47 AM
To: Ann Cole
Subject: FW: FPL SOLAR REBATE PROGRAM

Please add to Docket Correspondence -Consumers and their Representatives, in Docket No. 100155-EG.

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7/14/2011

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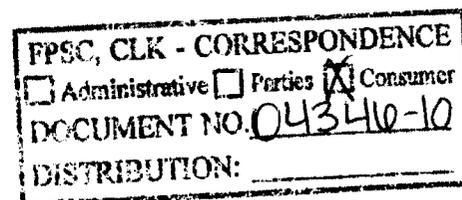
Diamond Williams

100155-EG

From: Ann Cole
Sent: Wednesday, June 22, 2011 4:44 PM
To: Katherine Fleming
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams
Subject: FW: FPL's Solar Rebate Programs
Attachments: POWER Loans.pdf

Thank you for this information. The attachment will be printed and place, along with this e-mail, in *Docket Correspondence -Consumers and their Representatives*, in Docket No. 100155-EG.

From: Katherine Fleming
Sent: Wednesday, June 22, 2011 4:06 PM
To: Ann Cole
Cc: Kathleen Stewart
Subject: FW: FPL's Solar Rebate Programs



Ann,

Please place the attached in Docket No. 100155-EG.

Thank you,

Katherine E. Fleming
 Chief Advisor to Commissioner Brown
 Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399
 (850) 413-6028 (Office)
 (850) 413-6029 (Facsimile)

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From: Burgess, Donald [mailto:DBURGESS@broward.org]
Sent: Wednesday, June 22, 2011 3:42 PM
To: Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown
Subject: FPL's Solar Rebate Programs

Good afternoon.

Thank you for your forward thinking by authorizing FPL to provide funds for the solar pilot program as shown below. I hope that the positive response to this program, and to your efforts to authorize it, will be overwhelming and will encourage you to take the next step toward funding of other energy efficiency measures through FPL and other state utilities as proposed in the attachment. THANK YOU again!!!

6/22/2011

FPL's Solar Rebate Programs

Starting June 29, FPL will be offering rebates to customers who install photovoltaic (PV) and solar water heating systems in their homes and businesses. The solar rebate programs are part of a five-year pilot program authorized by the Florida Public Service Commission to promote clean solar power and reduce energy consumption.



Donald Burgess

Land Preservation Administrator

Natural Resources Planning and Management Division

1 North University Drive, Suite 301, Plantation, Florida 33324

954-519-0305 (office); 954-519-1493 (fax)

www.broward.org

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Diamond Williams

100155-EG

From: Diamond Williams
Sent: Wednesday, November 10, 2010 9:57 AM
To: Ruth McHargue
Cc: Catherine Potts; Dorothy Menasco; Diane Hood
Subject: RE: To CLK Docket 100155 -Response requested

Thank you for this information. This attachment has been printed and placed in Docket Correspondence-Consumers and their Representatives, in Docket 100155-EG.

Thank you,

Diamond Williams
Staff Assistant
Office of Commission Clerk
Florida Public Service Commission
Email: diwillia@psc.state.fl.us
Phone: 850-413-6094

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. <u>04346-10</u>		
DISTRIBUTION: _____		

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-----Original Message-----

From: Ruth McHargue
Sent: Tuesday, November 09, 2010 3:58 PM
To: Diamond Williams
Cc: Catherine Potts; Dorothy Menasco; Diane Hood
Subject: FW: To CLK Docket 100155 -Response requested

Customer correspondence

-----Original Message-----

From: Consumer Contact
Sent: Tuesday, November 09, 2010 2:53 PM
To: Ruth McHargue
Subject: To CLK Docket 100155 -Response requested

Copy on file, see 979281C. DH

-----Original Message-----

From: Webmaster
Sent: Tuesday, November 09, 2010 1:46 PM
To: Consumer Contact
Subject: RE: My contact

-----Original Message-----

From: contact@psc.state.fl.us [mailto:contact@psc.state.fl.us]

Sent: Tuesday, November 09, 2010 1:00 PM

To: Webmaster

Cc: bob@electronsolarenergy

Subject: My contact

Contact from a Web user

Contact Information:

Name: Bob Everhard

Company: Electron Solar Energy

Primary Phone: 305-332-3428

Secondary Phone:

Email: bob@electronsolarenergy

Response requested? Yes

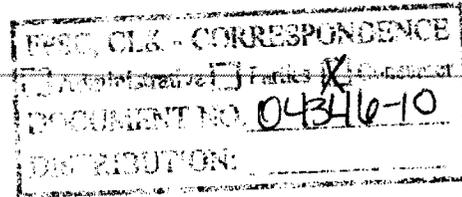
CC Sent? Yes

Comments:

The lawsuit that is holding up Docket 100155, which is now in its 5th deferral, is a disaster for the solar energy installers here in the sunshine state. The PSC and FPL need to move forward and resolve this issue!

Ann Cole

From: Ann Cole
Sent: Wednesday, October 20, 2010 3:25 PM
To: Office of Commissioner Skop
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: FW: Thank You



Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in the Docket Nos. listed below.

From: Office of Commissioner Skop
Sent: Wednesday, October 20, 2010 1:53 PM
To: Ann Cole
Cc: Bill McNulty
Subject: FW: Thank You

Ann,

Please place the e-mail below in the correspondence side of the following dockets:

100001-EI
 100002-EI
 100007-EI
 100009-EI
 080677-EI
 090130-EI
 100077-EI
 100155-EI
 080203-EI
 080245-EI
 080245-EI
 080246-EI
 090494-EI
 060038-EI

Thank you,
 Cristina

From: Sandymac36@aol.com [mailto:Sandymac36@aol.com]
Sent: Wednesday, October 20, 2010 9:34 AM
To: nancyargenziano@gmail.com
Cc: Office of Commissioner Skop
Subject: Thank You

Ms. Argenziano I was sorry to read you leaving the PSC commission. My only hope is you will continue in politics. Florida needs people like you. Mr. Skop, I am very upset, but not surprised concerning the story in today's Palm Beach Post concerning FPL asking courts to eliminate you from discussions concerning them. You along with Ms. Argenziano, Mr. Klement and Stevens were a credit to the PSC and the residents of Florida. The cartoon below should read FPL laid off 25 Congressmen. Thought you would enjoy the ?cartoon.

10/20/2010



100155-EG

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 24, 2010
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk 
FROM: Cristina Slaton, Executive Secretary to Commissioner Skop
RE: Docket Correspondence

Ann,

Please place the attached correspondence sent to the Office of Commissioner Skop in the correspondence folders for docket numbers 100002-EG and 100155-EG. This letter is from Marcia J. Varney of North Palm Beach, FL. Thank you.

FPSC, CLK - CORRESPONDENCE
 Administrative Parties Consumer
 DOCUMENT NO. 04346-10
 DISTRIBUTION: _____

RECEIVED-FPSC
 10 SEP 27 AM 10:01
 COMMISSION
 CLERK

Commissioner Nathan Skop

September 21, 2010

Dear Mr. Skop,

I just want to say Thank you so much for taking on the fight against FPL and the raising of their rates. If it hadn't been for the articles in The Palm Beach Post, in connection with the Florida Public Service Commission, I would not have known who to email about my costly complaint that has occurred to me by FPL.

They have given me some credits and feel that I should be pleased. They still don't understand why I'm so upset, the large bills, but the Most important thing is it's Not in their ,FPL Policy to notify a person When their bill shows a very large power surge, which is what has happened to me. I won't go into my problems, but I do want you to know I'm a senior citizen on a fixed small income. I feel I've been taken advantage of by FPL, as one knows we have to have Electricity.

Thank you and the Commission again. It's too bad we don't have More ladies and men like all of you that are in a position to help out and do the right thing, with the economy in the condition it's In. It's sad and frightening that we still have corporations who don't care about their customers, just their money.

Oh yes, I've got to see if a government agency can assist me in trying to make these extra payments, when I feel it's FPL's fault.

I have a case number, which is 0967853E .

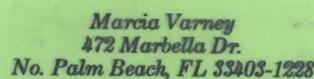
Sincerely,



Marcia J. Varney

472 Marbella Dr.

No. Palm Beach, Fl. 33403-1228



Marcia Varney
472 Marbella Dr.
No. Palm Beach, FL 33403-1228

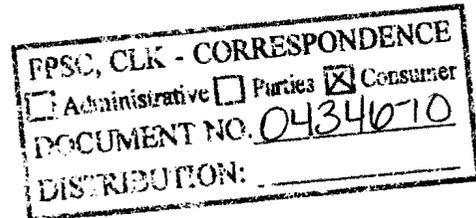
Ann Cole

From: Ann Cole
Sent: Friday, September 17, 2010 1:43 PM
To: Office of Commissioner Skop
Cc: Bill McNulty; Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: FPL Actions

Thank you for this information, which will be placed in Docket Correspondence - Consumers and their Representatives, in Docket Nos. listed below.

-----Original Message-----

From: Office of Commissioner Skop
 Sent: Friday, September 17, 2010 1:27 PM
 To: Ann Cole
 Cc: Bill McNulty
 Subject: FW: FPL Actions
 Importance: High



Ann,

Please place the e-mail below in the correspondence side of the following dockets:

100001-EI
 100002-EI
 100007-EI
 100009-EI
 080677-EI
 090130-EI
 100077-EI
 100155-EI
 080203-EI
 080245-EI
 080245-EI
 080246-EI
 090494-EI
 060038-EI

Thank you,
 Cristina

-----Original Message-----

From: Linda Drake (WireSpring) [mailto:lindad@wirespring.com]
 Sent: Friday, September 17, 2010 10:25 AM
 To: Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Argenziano; Office of Commissioner Skop; Office of Commissioner Brisé; KELLY.JR
 Subject: FPL Actions
 Importance: High

To All Commissioners,

With regards to the actions of FPL towards Nathan Skop, you *all* have need to be concerned and must take action to stop FPL towards achieving their end - which is having Commissioner Skop removed from all future FPL hearings.

Such an action would set a precedent that would provide FPL unmitigated control over all of your actions and to the detriment of the ratepayers that you are there to serve.

FPL has proven that it has taken questionable actions before and if this action is successful against Commissioner Skop, then all of you are endangered as well as your successors.

Please take whatever measures you can to ensure that FPL does not succeed in it's quest.

The repercussions are just too dangerous.

Very truly yours,
Linda M. Drake
19861 NW 88 Ave
Hialeah, FL 33018
954-548-3300 ext 1523

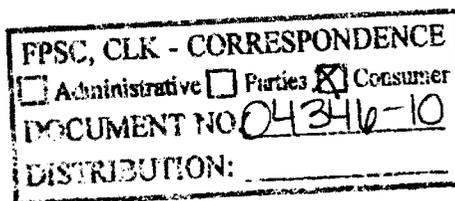
100155-EI

Ann Cole

From: Ann Cole
Sent: Wednesday, September 15, 2010 3:46 PM
To: Bill McNulty
Cc: Cristina Slaton; Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: Contact

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in Docket Nos. 100002-EI and 100155-EI.

From: Bill McNulty
Sent: Wednesday, September 15, 2010 1:41 PM
To: Ann Cole
Cc: Cristina Slaton
Subject: Contact



Ann,

Mr. Andrew Traylor, PA, of Miami, phone (305)668-6090, called our office at 9:32 AM today and left a message that he wanted to discuss with Commissioner Skop a "new matter" of importance related to FPL. I returned his call. Mr. Traylor indicated that he wanted to discuss with Commissioner Skop a class action lawsuit regarding Florida Power and Light's "Building Envelope Program". He said the lawsuit in question is titled "FEO versus Douglas Roofing, Inc. and FPL". He described the "Building Envelope Program" as an energy savings measure utilized on 4,711 roofs, a type of "cool roof cooling program". He indicated that a central concern was whether the program was in compliance with locally enforced state building codes. I explained that the program in question may be part of a docketed matter, the Energy Conservation Cost Recovery Clause, identified as Docket No. 100002-EI, and in consideration of Florida Statutes, the Commissioner could not communicate with him regarding the matter except through filings made to the docket or in noticed meetings for the docket. He thanked me and we concluded the conversation, with no discussion of any necessary follow-up communication to or from our office.

After the phone call, I checked the filings in Docket No. 100002-EI and 100155-EI (FPL's DSM Plans) and was able to confirm for myself that FPL does in fact still offer a residential and commercial "Building Envelope Program" as one of its conservation programs included in the dockets.

Could you please place this e-mail in the correspondence side of Docket Nos. 100002-EI and 100155-EI?

Thank You,
 Bill

Bill McNulty
 Chief Advisor to Commissioner Skop
 Florida Public Service Commission

9/15/2010

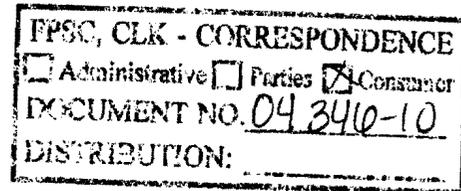
*2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0855
(850) 413-6028 (office)
(850) 413-6029 (fax)
bmcnulty@psc.state.fl.us*

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To: Bill McNulty
Cc: Cristina Slaton; Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: Contact

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To: Ann Cole
Cc: Cristina Slaton
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Bill McNulty
 Chief Advisor to Commissioner Skop
 Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399-0855
 (850) 413-6028 (office)
 (850) 413-6029 (fax)
 bmcnulty@psc.state.fl.us

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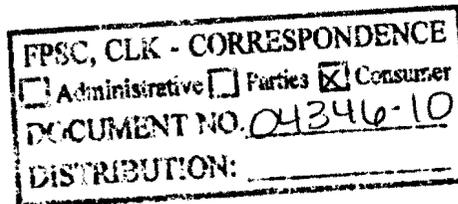
100155-EI

Kimberley Pena

From: Kimberley Pena
Sent: Tuesday, September 14, 2010 11:56 AM
To: Office of Commissioner Skop
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite; Ann Cole
Subject: FW: Docket Correspondence
Attachments: Palm Beach Post 9/14/2010; FPL

Thank you. This information will be placed in Docket Correspondence - Consumers and their Representative, in the below referenced dockets, today.

From: Cristina Slaton
Sent: Tuesday, September 14, 2010 11:46 AM
To: Ann Cole
Cc: Bill McNulty
Subject: Docket Correspondence



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- 100007-EI
- 100009-EI
- 080677-EI
- 090130-EI
- 100077-EI
- 100155-EI
- 080203-EI
- 080245-EI
- 080245-EI
- 080246-EI
- 090494-EI
- 060038-EI

Thank you,
Cristina

Kimberley Pena

From: Sandymac36@aol.com
Sent: Tuesday, September 14, 2010 11:28 AM
To: Office of Commissioner Skop
Subject: FPL

Dear Commissioner Skop,

It seems I am continually upset with the news in the Palm Beach Post concerning you and FPL, and the latest story on 9/14/2010, which I have enclosed for you to read. I don't have the words to express my gratitude to you for all you have done, and tried to do for the consumers who have no choice but to use FPL.

There was a list of senators and representatives who make up the nominating committee, and I have written them all and expressed my dissatisfaction with them and of course have not heard back from any of them. I have no doubt that FPL have these people in their pockets, and care more about "taking care" of them than the public. What upsets me more is the consumer who won't or can't get involved beyond talking about how high their electric bill is while standing around the water cooler. These fools, in my opinion, will get what they deserve when you and Ms. Argenziano complete your term in January. As for the politicians hopefully they will get what they deserve come November. You take care of yourself, sir. And again "Thank you"

9/14/2010

Kimberley Pena

From: Sandymac36@aol.com
Sent: Tuesday, September 14, 2010 11:31 AM
To: Office of Commissioner Skop
Subject: Palm Beach Post 9/14/2010

Forgot to enclose in previous e-mail

FPL turns up heat on PSC member

The Palm Beach Post

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FPL turns up heat on PSC member

By SUSAN SALISBURY

Palm Beach Post Staff Writer

Updated: 7:59 p.m. Monday, Sept. 13, 2010

Posted: 7:49 p.m. Monday, Sept. 13, 2010

In its battle to bar outgoing Florida Public Service Commissioner Nathan Skop from dealing with any of its issues, Florida Power & Light Co. pulled out all the stops Monday, seeking to prevent Skop from participating in a PSC hearing today.

The Juno Beach-based company filed additional motions with the Tallahassee-based 1st District Court of Appeal and the PSC on Monday in its latest attempt to keep him out of its business.

Late Monday the PSC deferred FPL's portion of today's hearing until Sept. 28.

The PSC, including Skop, is still expected to discuss other utility companies' energy-saving programs.

"Our goal is to stop him from participating in FPL matters," Barry Richard, a Tallahassee attorney representing FPL, said Monday.

FPL officials said in court filings that in the past year Skop has become increasingly hostile toward the company, and that his antagonistic behavior has been reserved for FPL. The company contends Skop is no longer fair and impartial.

Skop, 43, whose term ends Jan. 1, did not respond to a request for comment Monday.

In January, Skop and four other commissioners unanimously voted to reject FPL's proposed \$1.2 billion rate increase. The company was granted a \$75.5 million increase. Skop has stated that FPL "owns state government," and accused it of "spin" and "selective disclosure," and accused FPL's counsel of "misrepresentations," according to court filings.

Richard filed an emergency motion for a stay Monday, asking the 1st District Court of Appeal to stop Skop from hearing any FPL matters. On Sept. 2, FPL filed a motion with the PSC asking Skop to disqualify himself from involvement in any FPL issues.

At a nuclear cost hearing a week ago, Skop said the motion was moot because it was not issued far enough in advance of the hearing and did not cite the appropriate statute.

Skop's refusal to disqualify himself set off a series of court filings by FPL attorneys, including one that asks the court to force Skop to rule on the disqualification motion.

Friday, the appellate court gave Skop until Thursday to respond as to why FPL's petitions should not be granted.

The company's recent settlement of its rate case, and 10 other FPL issues are pending before the PSC this year.

Find this article at:

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<http://www.palmbeachpost.com/money/fpl-turns-up-heat-on-psc-member-914049.html> EA
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Ann Cole

From: Ann Cole
Sent: Friday, September 10, 2010 9:40 AM
To: Office of Commissioner Skop
Cc: Cristina Slaton; Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: Call In Comments from FPL Customer

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
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Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in all docket nos. listed below.

From: Office of Commissioner Skop
Sent: Friday, September 10, 2010 9:38 AM
To: Ann Cole
Cc: Cristina Slaton
Subject: Call In Comments from FPL Customer

Ann,

Mr. Larry Kraatz of Vero Beach (721 Timber Ridge Trail) called the Office of Commissioner Skop at 9:20 AM today to express his displeasure regarding FPL filings designed to remove Commissioner Skop from FPL-related dockets. He stated he was very concerned about FPL's attempts to silence Commissioner Skop, their "mafiosa tactics", their attempts to increase rates. He stated Commissioner Skop's input should be valued despite having voted against FPL. Mr. Kraatz stated he supports the appointment to the utility board of any advocate who supports people's rights.

Please place this e-mail in the correspondence side of the following dockets:

100001-EI
 100002-EI
 100007-EI
 100009-EI
 080677-EI
 090130-EI
 100077-EI
 100155-EI
 080203-EI
 080245-EI
 080245-EI
 080246-EI
 090494-EI
 060038-EI

Thank You,

Bill McNulty
 Chief Advisor to Commissioner Skop

9/10/2010

*Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0855
(850) 413-6028 (office)
(850) 413-6029 (fax)
bmcnulty@psc.state.fl.us*

Ann Cole

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 04 346-10		
DISTRIBUTION: _____		

From: Ann Cole
Sent: Friday, September 10, 2010 9:39 AM
To: Office of Commissioner Skop
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: Thank You Commissioner Skop

Tracking:	Recipient	Read
	Office of Commissioner Skop	
	Commissioners Advisors	
	Administrative Assistants - Commission Suite	
	Bill McNulty	Read: 9/10/2010 9:39 AM

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in all docket nos. listed below.

From: Office of Commissioner Skop
Sent: Friday, September 10, 2010 9:13 AM
To: Ann Cole
Cc: Cristina Slaton
Subject: FW: Thank You Commissioner Skop

Ann,

Please place the e-mail below in the correspondence side of the following docket:

- 100001-EI
- 100002-EI
- 100007-EI
- 100009-EI
- 080677-EI
- 090130-EI
- 100077-EI
- 100155-EI
- 080203-EI
- 080245-EI
- 080245-EI
- 080246-EI
- 090494-EI
- 060038-EI

Thank You,

Bill McNulty
 Chief Advisor to Commissioner Skop
 Florida Public Service Commission
 2540 Shumard Oak Boulevard

Tallahassee, FL 32399-0855
(850) 413-6028 (office)
(850) 413-6029 (fax)
bmcnulty@psc.state.fl.us

From: Chris [mailto:dolphins54@comcast.net]
Sent: Thursday, September 09, 2010 9:47 PM
To: Office of Commissioner Skop
Subject: Thank You Commissioner Skop

Thank you for taken on F.P.L. and representing the hard working families in Florida. In the past it always been F.P.L. who has been dictating to the consumers and it's nice to finally see a commissioner who is standing up for the people of Florida! The amount of electricity that needs to be generated today is getting to be less and less. With all the "Green" lighting, Appliances, Motors, A.C. units, etc.... our electric bill should be decreasing each year when in fact it is constantly on the rise. I've never seen so many excuses for increases. Make them open their books for the consumer to see. It would be in the best interest of the consumers. I look out my back window and see several old Electric poles that are rotted, and they claim that they have strengthened the electrical grid. Please keep on them and don't back down!

Thank You for your Fine Job as Commissioner.

Chris

Ann Cole

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 04346-10		
DISTRIBUTION: _____		

From: Ann Cole
Sent: Friday, September 10, 2010 9:38 AM
To: Office of Commissioner Skop
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: FW: FPL sues to silence regulator

Tracking:	Recipient	Read
	Office of Commissioner Skop	
	Commissioners Advisors	
	Administrative Assistants - Commission Suite	
	Bill McNulty	Read: 9/10/2010 9:38 AM

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in all docket nos. listed below.

From: Office of Commissioner Skop
Sent: Friday, September 10, 2010 9:09 AM
To: Ann Cole
Cc: Cristina Slaton
Subject: FW: FPL sues to silence regulator

Ann,

Please place the e-mail below in the correspondence side of the following dockets:

- 100001-EI
- 100002-EI
- 100007-EI
- 100009-EI
- 080677-EI
- 090130-EI
- 100077-EI
- 100155-EI
- 080203-EI
- 080245-EI
- 080245-EI
- 080246-EI
- 090494-EI
- 060038-EI

Thank You,

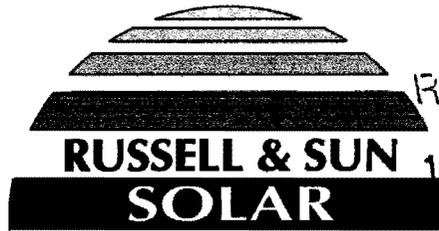
Bill McNulty
 Chief Advisor to Commissioner Skop
 Florida Public Service Commission

9/10/2010

2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0855
(850) 413-6028 (office)
(850) 413-6029 (fax)
bmcnulty@psc.state.fl.us

From: Patrick [mailto:pm2120@comcast.net]
Sent: Friday, September 10, 2010 8:34 AM
To: Office of Commissioner Skop
Cc: pm2120@comcast.net
Subject: FPL sues to silence regulator

Dear Mr. Skop. I just wanted to thank you on behalf of all Florida FPL customers. It's an outrage that FPL can be so brazen and open about trying to silence you, with not one word of support from your colleagues on the commission. Are they all bought and paid for by FPL? And where are our elected officials who are supposed to be looking out for us against a monopoly company which continues to be caught in lie after lie regarding costs and rates. Although I'm only one angry customer, I would like to help in any way I can. Who else is on our side? I live in a gated community in St Lucie county and I have hundreds of email addresses throughout the state. I will forward any communication or actions to them. Thanks again for standing with us. Patrick Mahoney, 1571 SE Ballantrae Ct. Port St Lucie Fl.34952. 772 337 2681.



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321-729-0207 ofc · 321-723-3833 fax · www.BrevardSolar.com
State Certification: CVC56768

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Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

100155-EG

FPSC, CLK - CORRESPONDENCE
Administrative Services Contract
DOCUMENT NO. 04346-10
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To whom it may concern;

July 9th, 2010

I am a solar contractor headquartered in Melbourne. I am writing to strongly encourage approval of FPL's original proposal (dated March 30, 2010) with respect to the solar programs described. I also would like to explain why I believe FPL's test results should be disregarded as a basis for rejecting solar programs; their numbers are inaccurate and misleading.

FPL claims that a solar water heating system consisting of an 80gal tank and a 4x10 collector will offset 1482kWh per customer per year at the meter¹. Russell & Sun Solar has been installing solar water heaters for 28+ years here in Central Florida so we know that the numbers FPL uses to justify their tests are completely inaccurate. The Florida Solar Energy Center (FSEC) also knows: they have *measured and rated* these collectors in a controlled environment to produce 34,400 BTUs per day which translates into *at least* 3681kWh per year per customer, *not* 1482kWh as FPL claims. FPL's number is so far off that it appears that they have fabricated numbers for their tests. It is no wonder that this program fails.

FPL further falsely claims that PV systems will produce 5373kWh². Industry-accepted calculations for a 10kW PV system are 15,802kWh and 7901kWh for a 5kW system per customer per year. Our company has installed several hundred kW of PV. We routinely measure most of our systems so we know that FPL's number for PV savings is way too low - up to *three times too low*. Again, there is little wonder this program fails FPL's tests.

FPL is even more misleading when citing the performance of Business Solar Water Heating systems³. Again, FPL should have consulted the national experts, FSEC, to make their determinations. We have two systems that we deliberately and accurately measure. Both have just four collectors; they are small systems for a business. Each of these systems produces *at least* 14,726 kWh per year, *not* 3652kWh as FPL claims. FPL is off in their calculations by 4X!

It is clear to me that FPL has supported their proposal with numbers that are inaccurate at best and deliberately misleading at worst. This tactic is not new to FPL. In a report authored by Washington Economics Group (FPL is one of their largest customers), 40,000 jobs will be created if Florida legislature authorizes the *utility companies* to build 700MW of solar power. This number has not been supported by anything we have seen. In fact, we have a recent example in Cape Canaveral at the 25MW solar farm installed by FPL. This project has created *three, yes, just three*, permanent jobs.

I believe it is important to emphasize the quasi-irrelevance of the testing methods used by FPL. The E-RIM test is highly suspicious for too many reasons to explain here. It is probable that this test should not be used at all. The E-TRC test is much more relevant, but it does not address adequately the many other factors important to Floridians today, such as our environment, GHG emissions, job creation, or long-term energy policy and sustainability. For example, it is clear that Florida must remain as pristine as possible, especially our beaches, in order to support our largest industry, tourism. How do any of these tests address this?

My final concern is this: is it really prudent or appropriate to allow our *utility companies* to dictate our energy policies? Energy policies must be a reflection of many factors, including recent events, societal trends, and what is good for Floridians and Americans.

I strongly believe that Florida must be a leader in the renewable energy industry. Utility incentives are one good way to grow renewable energies. Please support incentive plans through our IOUs. Thank you for your time and consideration.

Sincerely,



Samuel Cochrane, President
Russell & Sun Solar, Inc.
Melbourne

Notes:

1. On page 107 referencing the Residential Solar Water Heating program, FPL publishes this chart:

Year	At the Meter					
	Per customer kWh Reduction	Per customer winter kWh Reduction	Per customer Summer kWh Reduction	Total annual kWh Reduction	Total annual Winter kWh Reduction	Total annual Summer kWh Reduction
2010	1482	0.45	0.22	2,024,835	615	301
2011	1482	0.45	0.22	6,799,875	2065	1009
2012	1482	0.45	0.22	7,235,124	2197	1074
2013	1482	0.45	0.22	7,371,468	2238	1094
2014	1482	0.45	0.22	7,365,540	2237	1093
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0

2. Residential Photovoltaic System program, from page 110 of their amended proposal (dtd July1, 2010):

Year	Per customer kWh reduction	Per customer Winter kWh reduction	Per customer Summer kWh reduction	Total annual kWh reduction	Total annual winter kWh reduction	Total annual summer kWh reduction
2010	5373	.05	1.70	605,222	6	191
2011	5373	.05	1.70	1,826,888	17	578
2012	5373	.05	1.70	1,826,888	17	578
2013	5373	.05	1.70	1,826,888	17	578
2014	5373	.05	1.70	1,826,888	17	578
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0

3. On page 109 referencing the Business Solar Water Heating program, FPL publishes this chart:

Year	Per customer kWh reduction	Per customer Winter kWh reduction	Per customer Summer kWh reduction	Total annual kWh reduction	Total annual winter kWh reduction	Total annual summer kWh reduction
2010	3652	.07	1.00	41,994	1	11
2011	3652	.07	1.00	155,555	3	42
2012	3652	.07	1.00	189,299	4	52
2013	3652	.07	1.00	229,171	4	63
2014	3652	.07	1.00	275,797	5	75
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0

Diamond Williams

From: Diamond Williams
Sent: Wednesday, July 14, 2010 11:47 AM
To: Dorothy Menasco
Subject: RE: Energy conservation goals set up for FPL in December

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
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Thank you for this information. This attachment has been printed and will be placed in **Docket Correspondence - Consumers and their Representatives**, in Docket 100155-EG.

Thank you,

Diamond Williams
 Staff Assistant
 Office of Commission Clerk
 Florida Public Service Commission
 Email: diwillia@psc.state.fl.us
 Phone: 850-413-6094

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: Dorothy Menasco
Sent: Wednesday, July 14, 2010 11:45 AM
To: Diamond Williams
Cc: Walter Clemence
Subject: FW: Energy conservation goals set up for FPL in December

Please follow-up on the message below. Thank you.

From: Walter Clemence
Sent: Wednesday, July 14, 2010 11:24 AM
To: Dorothy Menasco
Subject: FW: Energy conservation goals set up for FPL in December

Please add to the correspondence file for docket 100155-EG (Petition of approval of demand-side management plan of Florida Power & Light Company).

Thanks,

Walter Clemence

From: wlustgarten@gmail.com [mailto:wlustgarten@gmail.com] **On Behalf Of** William Lustgarten
Sent: Tuesday, July 13, 2010 4:25 PM
To: Walter Clemence

7/14/2010

Cc: Paul Farley

Subject: Energy conservation goals set up for FPL in December

Dear Mr. Clemence:

I recently came across an Email response you sent to a Solar company in Florida in which you describe to them briefly the process the FPSC is following as part of the goals proceedings in order to set energy conservation goals for all FEECA utilities for the coming period of analysis.

Looking specifically at the FPL's 7 solar pilot programs I am obligated to comment that they fall very short of what the public in general is expecting with all due respect.

I will address specifically the proposals for the Solar PV "Pilot Programs":

1. "A residential PV pilot program which will provide a maximum incentive of \$2,000 per the rated kWdc of the installed PV panels".

This amount falls very short of the needs of the users. The Rebate must be \$4,000 per rated kW dc of the installed panels. The argument is the payback period for a home owner. The difference is basically a payback period of the investment of 5 years with the \$4,000 Kw dc Rebate, versus 9 years with the \$2,000 incentive. As you can understand the yes decision becomes a no decision with this kind of payback. I will be glad to send you an Excel spreadsheet which you can use as an argument.

You must be assured sir, that FPL knows this and they do their numbers diligently and strive to keep these systems from making economic sense at the residential level in particular as they will lose kwh of generation per year to the individual distributed generators.

2. There should not be a cap on the Rebate for Residential Installation. It is only logical that due to the specific situation of each home the limitation is already in place, roof sizes are limited and therefore the space for solar modules on roof tops automatically limited. Furthermore, you already have natural limitations such as the shading that part of the roof is exposed to as well as the pitch and direction the roof is facing. Why should an owner of a larger home that can fit a 6 kw system in his home and wants to install it be limited to a max cap Rebate of \$20,000 in his case he would receive \$24,000. In my four year experience I have never quoted a system for a home bigger than 12 kw and believe me the house was huge. I think capping the residential Rebate is redundant and only helps FPL limit the number of kwh that it will lose to small private generators.

3. It is in a way a pity that this program be referred to as a "Pilot Program". PV technology was invented in the United States more than 60 years ago. It is widely spread throughout Germany and other European countries at the Residential level. To treat these programs as Pilot Programs" diminishes the true intention and idea of the clean renewable energy which I understand is to spread it massively around the world.

4. I heard this program will be limited to \$15,000,000, with all my respect this is birdseed.

Anything less than \$150,000,000 is absurd. There is a simple way to create a fund that will constantly auto-replenish.

Please charge FPL on EVERY residential bill it invoices in Florida .030 times the "\$ Energy portion of the bill every month". Have them send it to a committee designated to manage the rebate program. This committee must be composed of private sector members (NOT FPL) and State of Florida Energy office members. The members from the private sector should be one from the utilities and two from renewable energy companies or associations. Example a \$168 bill on the energy portion would generate \$5.04 towards the fund.

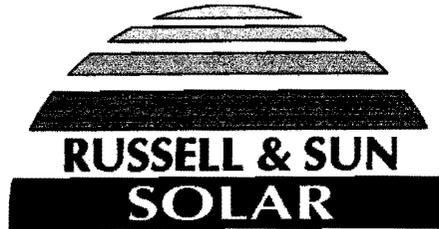
I truly hope you read this Email and make any comments you deem appropriate.

Yours truly,

--

7/14/2010

William Lustgarten
SolarAge Inc.
www.mysolarage.com
305-308-7417



2700 Malabar Road, Malabar, FL 32950
 321-729-0207 ofc · 321-723-3833 fax · www.BrevardSolar.com
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 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

100155-EG

To whom it may concern;

July 8th, 2010

I am a solar contractor headquartered in Melbourne. I am writing to strongly encourage approval of FPL's original proposal (dated March 30, 2010) with respect to the solar programs described. I also would like to discuss several concerns I have about their proposal and the direction FPL appears to be leading Florida.

The solar water heater program as written in the *original* proposal is appropriate:

The Residential Solar Water Heating Pilot Program is designed to reduce energy consumption and growth of coincident peak demand by encouraging customers to install solar water heating systems in residential homes. The primary components of an eligible solar water heating system include: a solar collector, mounting hardware, an 80 gallon water retention tank and associated plumbing, controls and sensors....FPL will offer up to a maximum of \$1,000 per installed solar water heating system.

However, it seems they have made errors in their calculations to determine cost-effectiveness. FPL claims that this program does not meet either the E-RIM test or the E-TRC test. If I understand FPL's numbers and charts correctly, this program does not meet these tests because their numbers are exceedingly inaccurate. On page 107 referencing the Residential Solar Water Heating program, FPL publishes this chart:

At the Meter						
Year	Per customer kWh Reduction	Per customer winter kWh Reduction	Per customer Summer kWh Reduction	Total annual kWh Reduction	Total annual Winter kWh Reduction	Total annual Summer kWh Reduction
2010	1482	0.45	0.22	2,024,835	615	301
2011	1482	0.45	0.22	6,799,875	2065	1009
2012	1482	0.45	0.22	7,235,124	2197	1074
2013	1482	0.45	0.22	7,371,468	2238	1094
2014	1482	0.45	0.22	7,365,540	2237	1093
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0

I am unsure how FPL derived these numbers, specifically 1482kWh per customer; they coincide with nothing we have measured in our 28 years experience installing solar water heaters on residences in Central Florida. To illustrate, I choose an AET 4'x10' collector, manufactured in Jacksonville. FSEC has *rated and measured* this collector in a controlled environment to produce 34,400 BTUs per day. (Our systems actually gain more energy than this.) This collector will produce *at least* 3681kWh per year per customer. In this example, FPL's number is wrong by a factor of 2.5X.

The *original* proposed photovoltaic program, as written, is appropriate and productive:

The Residential [and Business] Photovoltaic Pilot Program is designed to reduce energy consumption and growth of coincident peak demand by encouraging customers to install photovoltaic systems [in residential homes]. The primary components of eligible photovoltaic systems include: various photovoltaic panels, mounting hardware, electric inverter, cabling, a disconnect device for systems greater than 10 kW direct current (dc) and optional backup battery systems.....FPL will offer up to a maximum incentive of \$2,000 per the rated kW dc of the installed photovoltaic panels.

Similar to their other solar programs, FPL claims that this program meets none of their tests. They further state that the program “will not be cost-effective to participating customers”. I am unfamiliar with the specifics of these tests but this program will indeed be cost effective to participating customers, based on our years of experience with PV systems. This statement is erroneous because their numbers are inaccurate and understated significantly, which renders their recommendations suspect. From page 110 of their amended proposal (dtd July1, 2010):

Year	Per customer kWh reduction	Per customer Winter kWh reduction	Per customer Summer kWh reduction	Total annual kWh reduction	Total annual winter kWh reduction	Total annual summer kWh reduction
2010	5373	.05	1.70	605,222	6	191
2011	5373	.05	1.70	1,826,888	17	578
2012	5373	.05	1.70	1,826,888	17	578
2013	5373	.05	1.70	1,826,888	17	578
2014	5373	.05	1.70	1,826,888	17	578
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0

Our company has installed several hundred kW of PV and we routinely measure most of our systems. A more accurate annual kWh number is 7901kWh for a 5kW PV system (the average size chosen by our customers) and 15,802kWh for a 10kW system. Both these systems are well within FPL’s proposed program guidance. This is an error in magnitude of 1.5X – 3X.

On page 109 referencing the Business Solar Water Heating program, FPL publishes this chart:

Year	Per customer kWh reduction	Per customer Winter kWh reduction	Per customer Summer kWh reduction	Total annual kWh reduction	Total annual winter kWh reduction	Total annual summer kWh reduction
2010	3652	.07	1.00	41,994	1	11
2011	3652	.07	1.00	155,555	3	42
2012	3652	.07	1.00	189,299	4	52
2013	3652	.07	1.00	229,171	4	63
2014	3652	.07	1.00	275,797	5	75
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0
2017	0	0	0	0	0	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0

Again, I am confused where 3652kWh comes from. We have two systems that we deliberately and accurately measure. Both have just four collectors; they are small systems for a business. Again, referring to FSEC published ratings, each of these systems will produce *at least* 14,726 kWh per year. FPL is off in their calculations by 4X! It is little wonder their tests result in low cost-effectiveness ratings.

I believe it is important to emphasize the quasi-irrelevance of the testing methods used by FPL. The E-RIM test is highly suspicious for too many reasons to explain here. It is probable that this test should not be used at all. The E-TRC test is much more relevant, but it does not address adequately the many other factors important to Floridians today, such as our environment, GHG emissions, or long-term energy policy and sustainability.

My final concern is this: is it really prudent or appropriate to allow our *utility companies* to dictate our energy policies? Energy policies must be a reflection of many factors, including recent events, societal trends, and what is good for Floridians and Americans. For a hundred years, Florida beaches have been national and international vacation destinations. What test accounts for the staggering loss of revenues to Florida if our beaches are even *perceived* to be contaminated with oil? Doesn't it make more sense for Florida to have policies that keep Florida as pristine as possible in order to support our largest industry, tourism?

I strongly believe that Florida must be a leader in the renewable energy industry. There are many companies, foreign and domestic, watching to see how Florida treats solar energy. There are a lot of jobs waiting for creation. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Cochrane', with a long horizontal flourish extending to the right.

Samuel Cochrane, President
Russell & Sun Solar
Melbourne

100155EG

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850
-M-E-M-O-R-A-N-D-U-M-

DATE: May 24, 2010
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Cristina Slaton, Executive Secretary to Commissioner Skop *CS*
RE: Docket Correspondence

EPSC, CLK - CORRESPONDENCE
 Administrative Parties Consumer
DOCUMENT NO. 104346-10
DISTRIBUTION: _____

Ann,

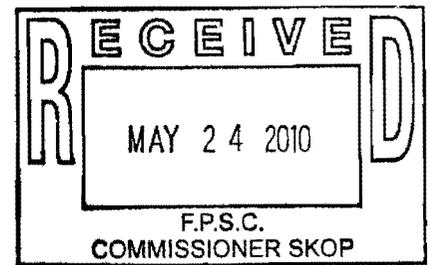
Please place the attached correspondence sent to the Office of Commissioner Skop in the correspondence folders for docket numbers 080677-EI and 100155-EG . This letter is from Mr. Philip Koltun of Deerfield Beach, FL. Thank you.

RECEIVED - PSC
10 MAY 25 PM 12:01
COMMISSION
CLERK

February 4, 2010

Commissioner Nathan Skop

Florida Public Service Commission;



Recently, FPL requested a rate increase of over a BILLION DOLLARS.

That means that year after year the citizens in the FPL area (of which I am one) would have to pay this increase.

This power could be generated by solar panels on flat roofed buildings and various other locations.

The State of Florida could provide a one time subsidy for the providers of electricity from solar panels, and the environment would not be harmed.

Please google RNK Capital, and then get in touch with

Robert Koltun phone 1 212 419 3966 or e-mail
rob.koltun@rnkcapital.com

He is well versed on all aspects of energy.

RNK has completed two (2) buildings that are now producing electricity,

And has under contract (will soon be starting) three more buildings.

NEW JERSEY ADMINISTRATIVE CODE
TITLE 14. PUBLIC UTILITIES
CHAPTER 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY
SUBCHAPTER 1. RENEWABLE ENERGY GENERAL PROVISIONS AND DEFINITIONS
N.J.A.C. 14:8-1.1 *et seq.* (2010)

§ 14:8-1.1 Applicability

(a) This chapter applies to the following, as these terms are defined at N.J.A.C. 14:4-1.2 and 14:8-1.2:

1. Electric public utilities, also known as EDCs;
2. Electric power suppliers;
3. BGS providers;
4. Renewable energy customer-generators; and
5. Clean power marketers.

§ 14:8-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1 and 14:4-1.2.

"Class I renewable energy" means electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells powered by renewable fuels, geothermal technologies, wave or tidal action, and/or methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner. Types of class I renewable energy that qualify for use in meeting the requirements of this subchapter are set forth at N.J.A.C. 14:8-2.5.

"Class II renewable energy" means electric energy produced at a resource recovery facility or hydro power facility, provided that such facility is located where retail competition is permitted and provided further that the Commissioner of Environmental Protection has determined that such facility meets the highest environmental standards and minimizes any impacts to the environment and local communities. Types of class II renewable energy that qualify for use in meeting the requirements of this subchapter are set forth at N.J.A.C. 14:8-2.6.

"Fossil fuel" means natural gas, petroleum, coal, or any form, of solid, liquid, or gaseous fuel derived from such material.

"Net metering" means a system of metering electricity in which the EDC:

1. Credits a customer-generator at the full retail rate for each kilowatt-hour produced by a class I renewable energy system installed on the customer-generator's side of the electric revenue meter, up to the total amount of electricity used by that customer during an annualized period; and
2. Compensates the customer-generator at the end of the annualized period for any remaining credits, at a rate equal to the supplier/provider's avoided cost of wholesale power.

"NJDEP" means the New Jersey Department of Environmental Protection.

"Renewable energy" means class I renewable energy or class II renewable energy, as those terms are defined in

this section.

"Societal benefits charge" or "SBC" means a charge imposed by an electric public utility, at a level determined by the Board, in accordance with N.J.S.A. 48:3-60.

"Solar electric generation" means creation of electricity using a system that employs solar radiation to produce energy that powers an electric generator. Solar electric generation includes technologies that utilize the photovoltaic effect. Solar electric generation is a type of class I renewable energy.

"Supplier/provider" means an electric power supplier or a basic generation service provider, as these terms are defined at N.J.A.C. 14:4-1.2.

§ 14:8-2.1 Purpose and scope

(a) Each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, shall include in its electric energy portfolio electricity generated from renewable energy sources. This subchapter is designed to encourage the development of renewable sources of electricity and new, cleaner generation technology; minimize the environmental impact of air pollutant emissions from electric generation; reduce possible transport of emissions and minimize any adverse environmental impact from deregulation of energy generation; and support the reliability of the supply of electricity in New Jersey.

(b) This subchapter governs the retail electricity sales of each supplier/provider, as defined in N.J.A.C. 14:8-1.2. This subchapter does not govern installed capacity obligations, as defined at N.J.A.C. 14:8-2.2.

(c) This subchapter does not apply to a private or government aggregator that contracts for electric generation service or electric related services, either separately or bundled, for its own facilities or on behalf of other business and residential customers in this State. This subchapter does not apply to an energy agent, as defined at N.J.A.C. 14:8-1.2. A supplier/provider that is contractually obligated to sell electricity to an aggregator shall comply with this subchapter by including the amount sold to the aggregator as part of its energy portfolio.

§ 14:8-2.2 Definitions

The following words and terms, when used in this subchapter, shall have the meanings given below, unless the context clearly indicates otherwise:

"Alternative compliance payment" or "ACP" means a payment of a certain dollar amount per megawatt hour, which a supplier/provider may submit in lieu of supplying the class I or class II renewable energy required under Table A in N.J.A.C. 14:8-2.3.

"Attribute" means a characteristic associated with electricity generated using a particular renewable fuel, such as its generation date, facility geographic location, unit vintage, emissions output, fuel, State program eligibility, or other characteristic that can be identified, accounted, and tracked.

"Bioenergy crop" means plants cultivated and harvested specifically for use as fuel for the purpose of generating electricity.

"Biomass" has the same meaning as that assigned to this term in Executive Order No. 13134, published in the Federal Register on August 16, 1999. Executive Order No. 13134 defines biomass as "... any organic matter that is available on a renewable or recurring basis (excluding old-growth timber), including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, wood and wood residues, animal wastes, and other waste materials."

"Black liquor" means a viscous liquid containing inorganic chemicals and organic material such as lignin and aliphatic acids, which is separated from wood during chemical pulping.

"Energy portfolio" means all of the electrical energy supplied by a particular electric power supplier or basic generation service provider to New Jersey retail customers.

"Fuel cell" means an electrochemical device that converts chemical energy in a hydrogen or hydrogen-rich fuel directly into electricity, without combustion.

"Generation Attribute Tracking System" or "GATS" means the environmental and emissions attributes tracking system for electric generation that is administered by PJM Environmental Information Services.

"Geothermal energy" means energy generated by a steam turbine, driven by hot water or steam extracted from geothermal reservoirs in the earth's crust.

"Installed capacity obligation" means the requirement for an electric power supplier or basic generation service provider to obtain an amount of electrical generation capacity to meet load service obligations under the reliability rules of PJM Interconnection. Installed capacity includes the generation capacity which a company considers part of its own electric system, including wholly owned units, jointly-owned units, non-utility generation (NUGs), and purchases.

"Old-growth timber" means wood or plant matter taken from a forest in the late successional stage of forest development, including plant matter taken from the forest floor. Late successional forests contain live and dead trees of various sizes, species, composition, and age class structure. The age and structure of old-growth timber varies significantly by forest type and from one biogeoclimatic zone to another.

"Qualification life" means, for any solar electric generation facility, the period beginning on the date on which the facility was interconnected to the local electric distribution system; and ending on the first May 31 that is at least 15 years after the date of completion of the interconnection. For example, if a facility's inspections required under N.J.A.C. 14:8-2.9(i) were completed on August 1, 2004, then the facility's qualification life would begin August 1, 2004, and end on May 31, 2020.

"Qualified renewable energy" means electricity that may be used in complying with the minimum portfolio requirements set forth at N.J.A.C. 14:8-2.3 for class I renewable energy, including solar electric generation requirements, and/or class II renewable energy. Provisions governing the types of energy that qualify as class I renewable energy, solar electric generation, and class II renewable energy, are set forth at N.J.A.C. 14:8-2.4, 2.5, and 2.6 respectively.

"Renewable Energy Certificate" or "REC" means a certificate representing the environmental benefits or attributes of one megawatt-hour of generation from a generating facility that meets the requirements of this subchapter. Class I RECs represent the environmental benefits or attributes of one megawatt-hour of class I renewable energy generation; class II RECs represent the environmental benefits or attributes of one megawatt-hour of class II renewable energy generation; and solar RECs represent the environmental benefits or attributes of one megawatt-hour of solar electric generation.

"Renewable fuel" means a fuel that is naturally regenerated over a short time scale and is either derived from the sun (such as thermal, photochemical or photoelectric), or from other natural sources such as wind, hydropower, geothermal and tidal energy, or photosynthetic energy stored in biomass. This term does not include a fossil fuel, a waste product from a fossil source, or a waste product from an inorganic source.

"Reporting year" means the 12-month period from June 1st through May 31st. A reporting year shall be numbered according to the calendar year in which it ends, so that reporting year 2005 runs from June 1, 2004 through May 31, 2005.

"Resource recovery facility" means a solid waste facility that incinerates solid waste for the purposes of producing energy and recovering metals and other materials for reuse.

"Solar alternative compliance payment" or "SACP" means a payment of a certain dollar amount per megawatt hour, which a supplier/provider may submit in lieu of complying with the solar electric generation requirements in Table A in N.J.A.C. 14:8-2.3.

"Solar REC" means a type of REC, as defined in this section, issued by the Board or its designee, which represents the environmental benefits or attributes of one megawatt-hour of solar electric generation, as defined in N.J.A.C. 14:8-1.2.

"Total cost of solar incentives" means the sum of the following for a reporting year, provided that any particular cost that is within more than one of the categories listed below shall not be counted twice:

1. The total amount of financial assistance for solar electric generation paid from:
 - i. The societal benefits charge established under N.J.S.A. 48:3-60;
 - ii. The retail margin on certain hourly-priced and larger non-residential customers pursuant to the Board's continuing regulation of Basic Generation Service pursuant to N.J.S.A. 48:3-51 and 57;
 - iii. Other monies appropriated for such purposes; and
 - iv. Cost recovery for renewable energy programs approved by the Board under N.J.S.A. 48:3-98.1, after January 13, 2008, which is paid from any source other than i, ii or iii above;
2. The total cost incurred by all suppliers/providers selling electricity to retail customers in New Jersey for solar RECs used for compliance with the solar electric generation requirement under N.J.A.C. 14:8-2.3, Table A; and
3. The total revenue from the payment of solar alternative compliance payments.

"Total retail cost of electricity" means the total revenue from New Jersey electricity sales over a reporting year, as stated in "Revenue from Retail Sales of Electricity to Ultimate Customers, All Sectors" reported by the United States Energy Information Administration based on Form EIA-826, "Monthly Electric Sales and Revenue Report with State Distributions Report," or the successor to such report and form designated by the United States Energy Information Administration.

"True-up period" means the period each year from the end of the reporting year until September 1.

"Voluntary clean electricity market" or "voluntary clean electricity program" means any program, system, market or procedure through which retail electric customers may elect to purchase a class I (including solar) or class II renewable energy product on a voluntary basis. New Jersey's Voluntary Clean Power Choice Program is a voluntary clean electricity program.

§ 14:8-2.3 Minimum percentage of renewable energy required

(a) Each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, shall ensure that the electricity it sells each reporting year in New Jersey includes at least the minimum percentage of qualified renewable energy, as defined at N.J.A.C. 14:8-2.2, required for that reporting year from each category specified in Table A below, except as provided at (h), (j) or (k) below:

Reporting Year	Solar Electric Generation (solar RECs)	Class I Renewable Energy	Class II Renewable Energy	Total Renewable Energy
June 1, 2004				

- May 31, 2005	0.01%	.74%	2.5%	3.25%
June 1, 2005 - May 31, 2006	0.017%	0.983%	2.5%	3.5%
June 1, 2006 - May 31, 2007	0.0393%	2.037%	2.5%	4.5763%

Reporting Year	Solar Electric Generation (solar RECs)	Class I Renewable Energy	Class II Renewable Energy	Total Renewable Energy
June 1, 2007 - May 31, 2008	0.0817%	2.924%	2.5%	5.5057%
June 1, 2008 - May 31, 2009	0.16%	3.84%	2.5%	6.5%
June 1, 2009 - May 31, 2010	0.221%	4.685%	2.50%	7.406%
June 1, 2010 - May 31, 2011	0.305%	5.492%	2.50%	8.297%
June 1, 2011 - May 31, 2012	0.394%	6.320%	2.50%	9.214%
June 1, 2012 - May 31, 2013	0.497%	7.143%	2.50%	10.14%
June 1, 2013 - May 31, 2014	0.621%	7.977%	2.50%	11.098%
June 1, 2014 - May 31, 2015	0.765%	8.807%	2.50%	12.072%
June 1, 2015 - May 31, 2016	0.928%	9.649%	2.50%	13.077%
June 1, 2016 - May 31, 2017	1.118%	10.485%	2.50%	14.103%
June 1, 2017 - May 31, 2018	1.333%	12.325%	2.50%	16.158%
June 1, 2018 - May 31,				

Time Period	Class I	Class I or II	Total	Class II
2019	1.572%	14.175%	2.50%	18.247%
June 1, 2019 - May 31, 2020	1.836%	16.029%	2.50%	20.365%
June 1, 2020 - May 31, 2021	2.120%	17.880%	2.50%	22.5%

(b) The Board shall adopt rules setting the minimum percentages of solar electric generation, class I renewable energy, and class II renewable energy required for reporting year 2022 and each subsequent reporting year. These minimum percentages shall be no lower than those required for reporting year 2021 in Table A above, except as may have been adjusted as provided in (j) and (k) below. Each of the rules setting such minimum percentage shall be adopted at least two years prior to the minimum percentage being required.

(c) A supplier/provider shall meet the requirements for solar electric generation in Table A above through submittal of solar RECs, or through submittal of one or more SACPs, as those terms are defined at N.J.A.C. 14:8-2.2.

(d) A supplier/provider may meet the class I and class II renewable energy requirements in Table A above by submitting RECs in accordance with N.J.A.C. 14:8-2.8.

(e) A supplier/provider may, in lieu of meeting the requirements in Table A above, comply with this subchapter by submitting the appropriate number of ACPs or SACPs, in accordance with N.J.A.C. 14:8-2.10.

(f) The following shall apply to the type of energy, and type of documentation, used for compliance with each of the requirements in Table A above:

1. Solar RECs may be used to meet any requirement in Table A, whether the requirement is for solar electric generation, class I renewable energy, or class II renewable energy;
2. Class I RECs may be used to meet class I renewable energy requirements or class II renewable energy requirements, but shall not be used to meet solar electric generation requirements; and
3. Class II RECs shall be used only to meet class II renewable energy requirements, and shall not be used to meet solar electric generation requirements or class I renewable energy requirements.

(g) A supplier/provider shall not demonstrate compliance with this subchapter using direct supply of any type of renewable energy. All RPS compliance shall be submitted in the form of RECs.

(h) If a supplier/provider participated in the Board's 2003 basic generation service (BGS) auction, and won the right to supply one or more 34-month tranches in that auction, the supplier/provider shall be subject to this subsection. For the portion of the supplier/provider's energy portfolio that is supplied pursuant to a 2003 BGS 34-month tranche, the provisions of this subchapter that were in effect on the date of the 2003 BGS auction shall apply, and the supplier/provider's RPS obligation shall not be determined under (a) above but instead shall be determined under Table B below. For all other energy in the supplier/provider's energy portfolio, which is not supplied pursuant to a 2003 BGS tranche the supplier/provider shall meet the percentage requirements of (a) above and all other requirements of this subchapter.

Time Period	Class I	Class I or II	Total
June 1, 2005			

through May 31,
2006

1.0%

2.5%

3.5%

	See	See	See
After May 31, 2006	N.J.A.C.14:8- 2.3(a),Table A	N.J.A.C.14:8- 2.3(a),Table A	N.J.A.C.14:8- 2.3(a),Table A

(i) The same renewable energy shall not be used for more than one of the following:

1. Creation of a solar REC under N.J.A.C. 14:8-2.9;
2. Creation of a REC under N.J.A.C. 14:8-2.8 or 2.9; or
3. Creation of a REC, or of any other type of attribute or credit, under authority other than N.J.A.C. 14:8-2.9 such as another state's renewable energy standards or any voluntary clean electricity market or voluntary clean electricity program.

(j) If the Board determines that the total cost of solar incentives for a reporting year exceeds two percent of the total retail cost of electricity for that reporting year, then the percentage of solar electric generation required under Table A for the reporting year in which the Board makes its determination shall continue to be the percentage required in each subsequent reporting year, until the limitation ends under (k) below. For example, if the Board determines on December 1, 2018 that the cost limitation was triggered, the percentage of solar electric generation required shall remain at 1.572 percent until the limitation ends under (k) below. The Board may revise Table A accordingly by administrative correction pursuant to N.J.A.C. 1:30-2.7.

(k) If the limitation in (j) above was triggered, the limitation shall end after the Board determines that the total cost of solar incentives for a reporting year did not exceed two percent of the total retail cost of electricity for that reporting year.

1. For the next reporting year after the limitation ends under (k) above, the percentage of solar electric generation required shall be the percentage in Table A for the reporting year immediately following the reporting year in which the limitation in (j) above was triggered.

2. Thereafter, the percentage of solar generation shall continue to increase each reporting year in increments as set out in Table A above until it reaches 2.12 percent or, if a minimum percentage of solar electric generation has been adopted pursuant to (b) above for reporting year 2022 or after, then until it reaches the percentage for the last subsequent reporting year for which a minimum percentage has been adopted.

i. For example, if the limitation in (j) above is imposed in the reporting year ending May 31, 2019, and the Board determines on December 1, 2020 that the two-percent threshold was not met in the reporting year ending May 31, 2020, then the percentage of solar electric generation required for the reporting year ending May 31, 2022 shall be 1.836 percent, and the percentage for the reporting year ending May 31, 2023 shall be 2.120 percent.

3. The Board may revise Table A accordingly by administrative correction pursuant to N.J.A.C. 1:30-2.7.

§ 14:8-2.4 Compliance with solar electric generation requirements

(a) The requirements in Table A in N.J.A.C. 14:8-2.3 for solar electric generation shall be met through the submittal of solar RECs, as defined at N.J.A.C. 14:8-2.2; or submittal of SACP's in accordance with N.J.A.C. 14:8-2.10.

(b) A supplier/provider shall not use a solar REC that has been used to satisfy another state's renewable energy requirements, or used for any other purpose, market or program, for compliance with the requirements at N.J.A.C.

§ 14:8-2.5 Compliance with class I renewable energy requirements

(a) This section sets forth the types of energy that qualify as class I renewable energy for the purposes of this subchapter. The Board has determined that energy listed at (b) below qualifies as class I renewable energy, with no prior approval required. Energy listed at (d) and (e) below shall qualify as class I renewable energy if the conditions specified in those subsections are met.

(b) The following qualify as class I renewable energy for the purposes of this subchapter, with no prior approval required:

1. Solar electric generation in the form of solar RECs;
2. Electricity derived from wind energy;
3. Electricity derived from wave or tidal action;
4. Electricity that is geothermal energy, as defined in N.J.A.C. 14:8-2.2;
5. Electricity generated by the combustion of methane gas captured from a landfill;
6. Electricity generated by a fuel cell powered by methanol, ethanol, landfill gas, digester gas, biomass gas, or other renewable fuel. Electricity generated by a fuel cell powered by a fossil fuel shall not qualify as class I renewable energy for the purposes of this subchapter; and
7. Electricity generated by the combustion of gas from the anaerobic digestion of food waste and sewage sludge at a biomass generating facility.

(c) For purposes of this section, the term "combustion of biomass" includes both the burning of captured methane gas derived from biomass, as well as the direct firing of biomass.

(d) Electricity produced through combustion of the following types of biomass shall qualify as class I renewable energy, provided that the NJDEP provides Board staff with a biomass sustainability determination for the biomass in accordance with (f) and (g) below:

1. A bioenergy crop, as defined at N.J.A.C. 14:8-2.2, including wood produced at a biomass energy plantation;
2. Wood from the thinning or trimming of trees and/or from a forest floor, provided that the wood is not old-growth timber, as defined at N.J.A.C. 14:8-2.2; and that the wood is unadulterated by non-cellulose substances or material;
3. Gas generated by anaerobic digestion of biomass fuels other than food waste and sewage sludge, including bioenergy crops and agricultural waste; and
4. Either of the following types of wood, provided that the wood is unadulterated by non-cellulose substances or material:
 - i. Ground or shredded pallets or other scrap wood, with all nails and other metal removed, produced at a facility that is classified as a Class B recycling facility by the New Jersey Department of Environmental Protection's Bureau of Landfill and Recycling Management, or at an equivalent recycling facility approved by the State environmental agency in which the facility is located; or
 - ii. Wood shavings and/or scrap from a lumberyard or a paper mill, excluding black liquor, as defined at N.J.A.C. 14:8-2.2.

(e) Electricity produced through combustion of a type of biomass not described in this section may qualify as class I renewable energy for the purposes of this subchapter, provided that the NJDEP provides Board staff with a biomass sustainability determination for the biomass in accordance with (f) and (g) below.

(f) To support a biomass sustainability determination, a supplier/provider or biomass facility operator shall demonstrate all of the following:

1. The generation facility meets NJDP requirements for state-of-the-art (SOTA) air pollution control at N.J.A.C. 7:27-8;
2. The generation facility's ash management practices comply with NJDEP requirements; and
3. All plant matter used directly as biomass fuel was cultivated and harvested in a sustainable manner, in accordance with a management plan approved by the State environmental agency or agricultural agency in the state in which the plant was grown. If the plant matter is not used directly as biomass fuel, but is subject to alteration after its harvest and before its use as biomass fuel, this determination is not required.

(g) To obtain a biomass sustainability determination, a supplier/provider or biomass facility operator shall submit a request for the determination, including any documentation required by NJDEP. The request shall be submitted to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The supplier/provider or biomass facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of Innovative Technology, PO Box 409, Trenton, New Jersey 08625.

(h) If a biomass sustainability determination is required for class I renewable energy used to comply with this subchapter, the supplier/provider shall submit the determination as part of the annual report required under N.J.A.C. 14:8-2.11, or the biomass facility operator shall submit the determination by September 1 of each year. If the determination is not submitted annually, the energy shall not qualify for use to comply with this subchapter, and the supplier/provider shall submit RECs or ACPs to make up the shortfall. A determination submitted to board staff after the due date of the annual report shall not be accepted, and the electricity shall not be counted towards the supplier/provider's compliance with this subchapter.

(i) A supplier/provider that uses electricity generated through use of biomass to comply with this subchapter shall maintain documentation that the biomass meets the requirements of this section. If the supplier/provider or biomass facility operator obtained an NJDEP biomass sustainability determination, the supplier/provider or biomass facility operator shall maintain the request for the determination and all supporting documentation on file for five years, and shall produce that documentation upon request by the Board or its designee. In addition, the supplier/provider or biomass facility operator shall annually provide to the Board an affidavit from the operator of the generating facility, certifying that the generating facility continues to operate in conformity with the request and documentation originally provided.

(j) If a generating facility that uses biomass is covered by a NJDEP biomass sustainability determination, and there is a change in the operation of the facility or in the composition of the biomass used as fuel, including in its cultivation and harvesting, any supplier/provider that intends to rely on the facility in the following year for RPS compliance shall do one of the following:

1. Submit a new application for a biomass sustainability determination to the Board. The new application shall be submitted as part of the annual report required under N.J.A.C. 14:8-2.11; or
2. Ensure that the biomass facility operator submits a new determination within 30 days after the change is made, and no later than the date upon which the annual report is due under N.J.A.C. 14:8-2.11.

(k) Failure to submit the information required under (j) above shall disqualify the electricity produced from the facility from use as class I renewable energy as of the date the change in the operation or fuel was made.

(l) Electricity produced through combustion of the following substances shall not qualify as class I renewable energy for the purposes of this subchapter:

1. Treated, painted or chemically coated wood;
2. Municipal solid waste;
3. Tires;
4. Sewage sludge;
5. Wood waste, including demolition waste and construction waste;
6. Old-growth timber, as defined at N.J.A.C. 14:8-2.2; and
7. Wood harvested from a standing forest, except for a forest that is part of a bioenergy plantation.

§ 14:8-2.6 Compliance with class II renewable energy requirements

(a) This section sets forth the types of energy that qualify as class II renewable energy for the purposes of this subchapter. The Board has determined that energy listed at (b) below qualifies as class II renewable energy, with no prior approval required. Energy described at (c) below shall qualify as class II renewable energy if the conditions specified in (c) are met.

(b) The following qualify as class II renewable energy for the purposes of this subchapter:

1. Electricity generated by a hydroelectric facility that has a maximum design capacity of 30 megawatts or less from all generating units combined; and
2. Electricity generated by a resource recovery facility located in New Jersey, covered by all required NJDEP approvals, and operating in compliance with all applicable New Jersey environmental laws.

(c) Electricity generated by a resource recovery facility located outside of New Jersey shall qualify as class II renewable energy if both of the following criteria are met:

1. The facility is located in a state with retail competition, as defined at N.J.A.C. 14:4-1.2; and
2. NJDEP makes an environmental compliance determination, stating that the facility meets or exceeds all NJDEP requirements that would apply to the facility if it were located in New Jersey, or meets equivalent environmental requirements.

(d) To obtain an NJDEP environmental compliance determination for a resource recovery facility, a supplier/provider or facility operator shall submit a request for the determination, including the documentation listed at (e) below, to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The supplier/provider or facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of Innovative Technology, PO Box 409, Trenton, New Jersey 08625.

(e) A request for an environmental compliance determination regarding a resource recovery facility shall include all information required by NJDEP, including, but not limited to, the following:

1. The most recent stack test data reports, or summary reports, for all criteria pollutants emitted by the facility, including any stack test data for mercury emissions from the facility. If stack test data are available on a quarterly basis, the most recent four quarters shall be submitted. These data, if available, should provide, at a minimum, the

mercury inlet and outlet concentration for each unit, in addition to the percent removal;

2. A description of the municipal solid waste (MSW) recycling program in the jurisdictions that provide solid waste to the facility, including any solid waste from an industry source. This description shall state the entities that administer the recycling program(s), the percentage of MSW provided through local government contracts and/or agreements, the company providing any industry source MSW, and the amount of solid waste purchased on the spot market, if any; and

3. Residual ash testing data from the most recent 12-month period, including data reports or summary reports for total metals, Toxicity Characteristic Leaching Procedure (TCLP), or other leveling tests performed, and the total amount of tetrachlorodibenzo-p-dioxins (TCDD) in the ash.

(f) If an environmental compliance determination is required for electricity to qualify as class II renewable energy, the determination shall be obtained prior to generating the electricity. If a supplier/provider delivers electricity generated at a facility that requires an NJDEP environmental compliance determination, but did not obtain such a determination prior to the generation of that electricity, the electricity shall not be counted towards the supplier/provider's compliance with this subchapter.

(g) A supplier/provider that uses electricity generated from a resource recovery facility to comply with this subchapter shall:

1. Maintain documentation showing that the facility meets the requirements of this section; and
2. If the supplier/provider or facility operator obtained an NJDEP environmental compliance determination, the supplier/provider or facility operator shall:
 - i. Maintain the request submitted to NJDEP for the environmental compliance determination and all supporting documentation on file for five years;
 - ii. Produce the request and documentation upon request by the Board or its designee; and
 - iii. Annually provide to the Board an affidavit from the operator of the resource recovery facility, certifying that the facility has not violated its Federal or State environmental permits in the previous year, and continues to operate in conformity with the request and documentation originally provided to NJDEP.

(h) If there is a change in the operation of a resource recovery facility or in the composition of its fuel, the supplier/provider or facility operator shall submit the following information to the Board within 30 days after the change is made. Failure to submit the following shall disqualify the electricity produced by the facility from use as class II renewable energy as of the date of the change:

1. Documentation demonstrating that, after the change, the resource recovery facility continues to meet the requirements of this section for class II renewable energy; and
2. In the case of a facility covered by an NJDEP environmental compliance determination, a new determination shall be obtained from NJDEP and filed with the Board.

(i) In addition to the other types of energy that qualify as class II renewable energy under this section, any energy that qualifies as class I renewable energy under N.J.A.C. 14:8-2.4 may be used to satisfy the requirements for class II renewable energy.

§ 14:8-2.7 Requirements that apply to both class I and class II renewable energy

(a) To qualify as class I or class II renewable energy for the purposes of this subchapter, energy shall meet the requirements in N.J.A.C. 14:8-2.5 and 2.6, and in addition shall meet the requirements of this section.

(b) To qualify as class I or class II renewable energy for the purposes of this subchapter, energy shall be generated within or delivered into the PJM region, as defined in N.J.A.C. 14:4-1.2. Energy generated outside the PJM region shall be considered delivered into the PJM region if it has been added to the PJM region through dynamic scheduling of the output to load inside the PJM region, pursuant to section 1.12(b) of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., including future supplements and amendments. The Amended and Restated Operating Agreement is available at <http://www.pjm.com/%7E/media/documents/agreements/oa.ashx>.

(c) If class I or class II renewable energy is generated outside of the PJM region, but was delivered into the PJM region, the energy may be used to meet the requirements of this subchapter only if the energy was generated at a facility that commenced construction on or after January 1, 2003.

§ 14:8-2.8 Renewable Energy Certificates (RECs)

(a) A supplier/provider may submit one or more Renewable Energy Certificates, or RECs, as defined in N.J.A.C. 14:8-2.2, to meet the percentage of renewable energy required under Table A in N.J.A.C. 14:8-2.3. A supplier/provider that wishes to use RECs to comply with this subchapter shall meet the requirements of this section.

(b) RECs may be used for compliance with this subchapter as follows:

1. For solar RECs based on energy generated on or after June 1, 2009, a solar REC used for compliance with this subchapter shall be based on energy that was generated either during the reporting year for which the REC is submitted, or during the reporting year immediately preceding the reporting year for which the REC is submitted.
2. For solar RECs based on energy generated before June 1, 2009, a solar REC used for compliance with this subchapter shall be based on energy that was generated during the reporting year for which the REC is submitted.
3. For all RECs other than solar RECs, all RECs used for compliance with this subchapter shall be based on energy that was generated during the reporting year for which the REC is submitted.
4. For all types of RECs, fractional megawatt-hours may be carried over in accordance with N.J.A.C. 14:8-2.9(g).

(c) An REC used for compliance with this subchapter shall be issued by the Board or its designee, or by PJM-EIS through GATS, as follows:

1. A class I REC that is based on electricity generated on a customer-generator's premises shall be issued by the Board or its designee in accordance with N.J.A.C. 14:8-2.9;
2. A solar REC shall be issued by the Board or its designee in accordance with N.J.A.C. 14:8-2.9;
3. A class I REC that is not based on electricity generated on a customer-generator's premises shall be issued by PJM-EIS through GATS; and
4. A class II REC shall be issued by PJM-EIS through GATS.

(d) A supplier/provider shall not use a REC that is based on electricity generated on a customer-generator's premises to comply with this subchapter unless the customer-generator facility is eligible for net metering under N.J.A.C. 14:8-3.

(e) Once a REC has been submitted for compliance with this subchapter, the REC shall be permanently retired and shall not be used again.

3/10/2010
http://www.njcleanenergy.com/documents/2111
§ 14:8-2.9 Board issuance of RECs

(a) The Board or its designee shall issue class I RECs in accordance with this section, for use in complying with the class I renewable portfolio standard in Table A of N.J.A.C. 14:8-2.3, based on electricity generated by a customer-generator on the customer-generator's premises. The Board or its designee shall issue solar RECs in accordance with this section, for use in complying with the renewable portfolio standard for solar electric generation in Table A of N.J.A.C. 14:8-2.3, based on electricity generated by a solar electric generation facility. The Board may, after public notice, issue an order discontinuing Board issuance of such RECs and/or approving use of such RECs issued by PJM Interconnection or another entity for compliance with this subchapter.

(b) In measuring generation in order to determine the number of RECs to issue, the Board or its designee shall accept either of the following measurement methods, as applicable:

1. Periodic readings of a meter that records megawatt-hour production of electrical energy. The readings may be taken or submitted by any person, but shall be verified by the Board or its designee; or
2. For a solar electricity system with a capacity of less than 10 kilowatts, annual engineering estimates and/or monitoring protocols approved by the Board. Acceptable estimation methodologies and monitoring protocols are located on the Board's website at www.njcleanenergy.com. This method is not applicable for class I RECs.

(c) The Board or its designee shall issue RECs in whole units, each representing the environmental attributes of one megawatt-hour of electric generation.

(d) For the purposes of this subsection, "electric distribution system" has the meaning set forth at N.J.A.C. 14:4-1.2 and "electric distribution company" means the owner or operator of an electric distribution system. Electric generation qualifies for issuance of RECs only if:

1. It is produced by a generating facility that is interconnected with an electric distribution system that supplies New Jersey; or
2. For class I renewable energy, other than solar electric generation, it is produced by a generating facility that is not interconnected with an electric distribution system that supplies New Jersey and:
 - i. The generating facility reports its generation electronically to PJM-EIS no less frequently than monthly via a meter that satisfies all requirements of American National Standards Institute (ANSI) "Electric Meters Code for Electricity Metering," C12.1-2008, incorporated herein by reference, as amended or supplemented, and complies with any additional requirements established by PJM;
 - ii. The generating facility reports its generation electronically no less frequently than monthly to an electric distribution company that is a member of PJM, via a meter that satisfies all requirements of American National Standards Institute (ANSI) "Electric Meters Code for Electricity Metering," C12.1-2008, and complies with any additional requirements established by PJM and that electric distribution company then provides the generator's report electronically no less frequently than monthly to PJM-EIS; or
 - iii. The generating facility has its sale settled in the PJM wholesale market.

(e) The Board may waive the requirements at (d) above by Board order if the Board determines that such waiver would facilitate participation in the system and determines that such a waiver would significantly advance the purposes expressed in N.J.A.C. 14:8-2.1(a).

(f) If a REC is to be used for RPS compliance for a reporting year, the application for the REC shall be submitted within the reporting year, or within the true-up period immediately following the reporting year.

(g) If a generator has accumulated a fraction of a megawatt hour by the end of a reporting year, the fraction may

be carried over and combined with energy generated in one or more subsequent reporting years in order to make a full megawatt hour that is eligible for a REC. In such a case, the combined energy shall be eligible for issuance of a REC only during the reporting year in which accumulated generation reaches one full megawatt hour. Only a fraction of a megawatt hour shall be carried over. If a full megawatt hour is generated by the end of a reporting year and an application for a REC is not submitted by the end of the true-up period immediately following the reporting year, the megawatt hour shall not be eligible for a REC and shall not be usable for RPS compliance.

(h) Because each true-up period is also the first three months of a new reporting year, an REC based on energy generated during this three-month period shall be used only for RPS compliance for the new reporting year; provided however, that a solar REC generated during that three-month period can be used for compliance either in the new reporting year or the immediately subsequent reporting year.

(i) A request for issuance of a solar REC or class I RECs shall be submitted to the Board on a form posted on the Board's website at www.njcleanenergy.com. The Board shall require submittal of information and certifications needed to enable the Board or its designee to verify the generation that forms the basis of the requested RECs. The Board shall require inspections of generation equipment, monitoring and metering equipment, and other facilities relevant to verifying electric generation. The Board shall impose application fees, inspection fees, and/or other charges for work required to verify electric generation and issue RECs.

(j) Each REC shall include the following:

1. The date upon which or period during which the electricity was generated;
2. The date upon which the REC was issued;
3. A unique tracking number, assigned by the issuer of the REC; and
4. An expiration date. The expiration date of a solar REC shall be the last day of the true-up period following the reporting year after the reporting year in which the energy that formed the basis for the solar REC was generated. The expiration date of an REC other than a solar REC shall be the last day of the true-up period following the reporting year in which the energy that formed the basis for the REC was generated.

(k) The Board or its designee shall not issue a REC based on electric generation that has previously been used for compliance with this subchapter, or that has been used to satisfy another state's renewable energy requirements or any voluntary clean electricity market or program.

(l) The Board or its designee shall not issue a solar REC based on electricity generated by a solar electric generation facility after the end of its qualification life. However, the Board or its designee may issue class I RECs based on electricity generated by the facility after the end of its qualification life; such class I RECs may be used for compliance with the requirements in N.J.A.C. 14:8-2.3, Table A, for class I renewable energy.

(m) A customer-generator that is eligible for net metering owns the renewable attributes of the energy it generates on or after October 4, 2004, unless there is a contract with an express provision that assigns ownership of the renewable attributes. The owner of a solar electric generation facility that is not eligible for net metering owns the renewable attributes of the energy it generates on or after March 16, 2009, unless there is a contract with an express provision that assigns ownership of the renewable attributes.

§ 14:8-2.10 Alternative compliance payments (ACPs and SACPs)

(a) A supplier/provider may choose to submit one or more alternative compliance payments (ACPs) or solar alternative compliance payments (SACPs), as those terms are defined in N.J.A.C. 14:8-2.2, in lieu of supplying the percentage of renewable energy required under Table A in N.J.A.C. 14:8-2.3. A supplier/provider that wishes to use ACPs or SACPs to comply with this subchapter shall meet the requirements of this section.

(b) The President of the Board shall appoint an ACP advisory committee to provide recommendations to the Board regarding the appropriate cost of ACPs, as well as other characteristics of their use. The Board shall consider the advisory committee's recommendation and shall, through Board order, set prices for ACPs and SACP. At a minimum, the price of an ACP or an SACP shall be higher than the estimated competitive market cost of the following:

1. The cost of meeting the requirement through purchase of a REC or solar REC; or
2. The cost of meeting the requirement through generating the required renewable energy.

(c) The Board shall review the amount of ACPs other than SACP. The Board shall review the amount of ACPs other than SACP at least once per year, in consultation with the ACP advisory committee, and shall adjust these amounts as needed to comply with (b)1 and 2 above and to reflect changing conditions in the environment, the energy industry, and markets. The purposes of the review shall include providing the Board with supporting information to establish the amount of the SACP for the first reporting year for which no SACP has been established in Table C below, in consultation with the ACP advisory committee, based on the Board's determination of what will be needed to comply with (b)1 and 2 above in that reporting year.

(d) To comply with this subchapter using ACPs or SACP, a supplier/provider shall submit the following to the Board, as applicable:

1. One ACP for each megawatt-hour of class I or class II renewable energy required; or
2. One SACP for each megawatt-hour of solar electric generation required.

(e) The Board shall use the ACP monies submitted to meet the requirements of this subchapter to fund renewable energy projects through the Clean Energy Program. The Board shall use SACP monies to fund solar energy projects through the New Jersey Clean Energy Program.

(f) Table C sets forth the SACP for each reporting year from reporting year 2009 through reporting year 2016:

Table C
SACP Schedule

Reporting Year	SACP
June 1, 2008 - May 31, 2009	\$ 711.00
June 1, 2009 - May 31, 2010	\$ 693.00
June 1, 2010 - May 31, 2011	\$ 675.00
June 1, 2011 - May 31, 2012	\$ 658.00
June 1, 2012 - May 31, 2013	\$ 641.00
June 1, 2013 - May 31, 2014	\$ 625.00
June 1, 2014 - May 31, 2015	\$ 609.00
June 1, 2015 - May 31, 2016	\$ 594.00

§ 14:8-2.11 Demonstrating compliance, reporting and recordkeeping

(a) By October 1st of each year, each supplier/provider shall file an annual report with the Board, demonstrating that the supplier/provider has met the requirements of this subchapter for the preceding reporting year (that is, for the reporting year ending May 31st of the same calendar year).

07/10/2010 http://www.dsireusa.org/documents/...
(b) If the annual report required under (a) above does not demonstrate that the supplier/provider has supplied the RECs or solar RECs required under Table A of N.J.A.C. 14:8-2.3 for the previous reporting year, the annual report shall be accompanied by ACPs and/or SACP in sufficient quantities to make up the shortfall.

(c) The annual report shall contain the following basic information for the preceding reporting year:

1. The total number of megawatt-hours of electricity sold to retail customers in New Jersey;
2. The total number of megawatt hours of electricity sold to retail customers in New Jersey that qualify as class I renewable energy under N.J.A.C. 14:8-2.4;
3. The percentage of the supplier/provider's total New Jersey retail sales that the amount set forth under (c)2 above represents;
4. The total number of megawatt hours of electricity sold to retail customers in New Jersey that qualify as class II renewable energy under N.J.A.C. 14:8-2.5;
5. The percentage of the supplier/provider's total New Jersey retail sales that the amount set forth under (c)4 above represents;
6. The total number of megawatt hours of electricity sold to retail customers in New Jersey that qualify as solar electric generation under N.J.A.C. 14:8-2.4;
7. The percentage of the supplier/provider's total retail sales that the amount in (b)6 above represents;
8. The total amount of solar electric generation, class I renewable energy, and class II renewable energy represented by RECs submitted with the annual report;
9. The total number of ACPs and/or SACP submitted with the annual report;
10. A summary demonstrating how compliance with the requirements in Table A has been achieved; and
11. An accounting issued by PJM-EIS that shows the number of RECs purchased and/or held by the supplier/provider.

(d) The documentation required under (c) above shall include the following:

1. Identification of each generating unit, including its location, fuel and technology type, and any unique State and/or Federal facility or plant identification number;
2. An affidavit from the operator of each generating unit that the specified amount of megawatt-hours from each renewable energy source was generated by and/or sold to the supplier/provider and that the supplier/provider has sole and exclusive title to the renewable energy and has not been used to meet the RPS energy requirements in any other state or jurisdiction;
3. An affidavit from the supplier/provider that the specified megawatt-hours were delivered into the PJM region and complied with PJM Interconnection energy delivery rules; and
4. For each solar REC submitted, certification of compliance with the requirement at N.J.A.C. 14:8-2.4(b) that the REC has not been used to satisfy another state's renewable energy requirements. The certification shall be in a form required by the Board, and available on the BPU website at www.njcleanenergy.com.

(e) Failure of a supplier/provider to demonstrate compliance with this subchapter in accordance with this section, within the deadlines set forth in this section, shall subject the supplier/provider to penalties under N.J.A.C. 14:8-
dsireusa.org/documents/.../NJ05Rb.htm

(f) Each supplier/provider shall keep all records pertaining to the requirements in this subchapter for a period of five years, including data on megawatt-hours resulting from owned generation, contracts, purchases from the wholesale market, and purchases of RECs. Each supplier/provider shall make all pertinent records available for review upon request by the Board or its designee.

§ 14:8-2.12 Enforcement

(a) Failure to comply with any provision of this subchapter shall subject the violator to the following penalties in accordance with the Board's regulatory and statutory authority:

1. Suspension or revocation of the electric power supplier's license;
2. Financial penalties;
3. Disallowance of recovery of costs in rates; and
4. Prohibition on accepting new customers.

(b) In determining the appropriate sanction, the Board shall consider the following criteria and any other factors deemed appropriate and material to the electric power supplier's or basic generation service provider's failure to comply:

1. The good faith efforts, if any, of the entity charged in attempting to achieve compliance;
2. The gravity of the violation or failure to comply with the requirements in this subchapter;
3. The number of past violations by the entity charged regarding these standards and other standards adopted by the Board; and
4. The appropriateness of the sanction or fine to the size of the company charged.

[Third Reprint]

ASSEMBLY, No. 3520

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED DECEMBER 8, 2008

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

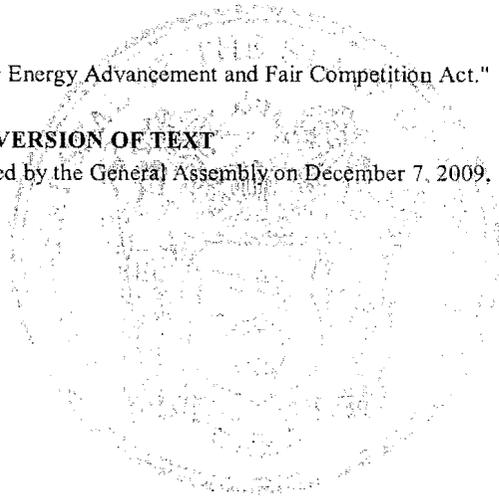
Senators B.Smith, Baroni and Bateman

SYNOPSIS

"The Solar Energy Advancement and Fair Competition Act."

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 7, 2009.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning solar energy development and amending
2 P.L.1999, c.23.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ²[1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
8 as follows:

9 3. As used in this act:

10 "Assignee" means a person to which an electric public utility or
11 another assignee assigns, sells or transfers, other than as security,
12 all or a portion of its right to or interest in bondable transition
13 property. Except as specifically provided in **[this act]** P.L.1999,
14 c.23 (C.48:3-49 et al.), an assignee shall not be subject to the public
15 utility requirements of Title 48 or any rules or regulations adopted
16 pursuant thereto;

17 "Basic gas supply service" means gas supply service that is
18 provided to any customer that has not chosen an alternative gas
19 supplier, whether or not the customer has received offers as to
20 competitive supply options, including, but not limited to, any
21 customer that cannot obtain such service for any reason, including
22 non-payment for services. Basic gas supply service is not a
23 competitive service and shall be fully regulated by the board;

24 "Basic generation service" or "**BGS**" means electric generation
25 service that is provided **[**, pursuant to section 9 of this act,**]** to any
26 customer that has not chosen an alternative electric power supplier,
27 whether or not the customer has received offers **[as to]** for
28 competitive supply options, including, but not limited to, any
29 customer that cannot obtain such service from an electric power
30 supplier for any reason, including non-payment for services. Basic
31 generation service is not a competitive service and shall be fully
32 regulated by the board;

33 "Basic generation service provider" or "provider" means a
34 provider of basic generation service;

35 "Basic generation service transition costs" means the amount by
36 which the payments by an electric public utility for the procurement
37 of power for basic generation service and related ancillary and
38 administrative costs exceeds the net revenues from the basic
39 generation service charge established by the board pursuant to
40 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
41 together with interest on the balance at the board-approved rate, that
42 is reflected in a deferred balance account approved by the board in
43 an order addressing the electric public utility's unbundled rates,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted March 16, 2009.

²Assembly floor amendments adopted May 21, 2009.

³Assembly floor amendments adopted December 7, 2009.

1 stranded costs, and restructuring filings pursuant to P.L.1999, c.23
2 (C.48:3-49 et al.). Basic generation service transition costs shall
3 include, but are not limited to, costs of purchases from the spot
4 market, bilateral contracts, contracts with non-utility generators,
5 parting contracts with the purchaser of the electric public utility's
6 divested generation assets, short-term advance purchases, and
7 financial instruments such as hedging, forward contracts, and
8 options. Basic generation service transition costs shall also include
9 the payments by an electric public utility pursuant to a competitive
10 procurement process for basic generation service supply during the
11 transition period, and costs of any such process used to procure the
12 basic generation service supply;

13 "Board" means the New Jersey Board of Public Utilities or any
14 successor agency;

15 "Bondable stranded costs" means any stranded costs or basic
16 generation service transition costs of an electric public utility
17 approved by the board for recovery pursuant to the provisions of
18 **[this act] P.L.1999, c.23 (C.48:3-49 et al.)**, together with, as
19 approved by the board: (1) the cost of retiring existing debt or
20 equity capital of the electric public utility, including accrued
21 interest, premium and other fees, costs and charges relating thereto,
22 with the proceeds of the financing of bondable transition property;
23 (2) if requested by an electric public utility in its application for a
24 bondable stranded costs rate order, federal, State and local tax
25 liabilities associated with stranded costs recovery or basic
26 generation service transition cost recovery or the transfer or
27 financing of such property or both, including taxes, whose recovery
28 period is modified by the effect of a stranded costs recovery order, a
29 bondable stranded costs rate order or both; and (3) the costs
30 incurred to issue, service or refinance transition bonds, including
31 interest, acquisition or redemption premium, and other financing
32 costs, whether paid upon issuance or over the life of the transition
33 bonds, including, but not limited to, credit enhancements, service
34 charges, overcollateralization, interest rate cap, swap or collar, yield
35 maintenance, maturity guarantee or other hedging agreements,
36 equity investments, operating costs and other related fees, costs and
37 charges, or to assign, sell or otherwise transfer bondable transition
38 property;

39 "Bondable stranded costs rate order" means one or more
40 irrevocable written orders issued by the board pursuant to **[this act]**
41 **P.L.1999, c.23 (C.48:3-49 et al.)** which determines the amount of
42 bondable stranded costs and the initial amount of transition bond
43 charges authorized to be imposed to recover such bondable stranded
44 costs, including the costs to be financed from the proceeds of the
45 transition bonds, as well as on-going costs associated with servicing
46 and credit enhancing the transition bonds, and provides the electric
47 public utility specific authority to issue or cause to be issued,
48 directly or indirectly, transition bonds through a financing entity

1 and related matters as provided in [this act] P.L.1999, c.23, which
2 order shall become effective immediately upon the written consent
3 of the related electric public utility to such order as provided in
4 [this act] P.L.1999, c.23;

5 "Bondable transition property" means the property consisting of
6 the irrevocable right to charge, collect and receive, and be paid
7 from collections of, transition bond charges in the amount necessary
8 to provide for the full recovery of bondable stranded costs which
9 are determined to be recoverable in a bondable stranded costs rate
10 order, all rights of the related electric public utility under such
11 bondable stranded costs rate order including, without limitation, all
12 rights to obtain periodic adjustments of the related transition bond
13 charges pursuant to subsection b. of section 15 of [this act]
14 P.L.1999, c.23 (C.48:3-64), and all revenues, collections, payments,
15 money and proceeds arising under, or with respect to, all of the
16 foregoing;

17 "Broker" means a duly licensed electric power supplier that
18 assumes the contractual and legal responsibility for the sale of
19 electric generation service, transmission or other services to end-use
20 retail customers, but does not take title to any of the power sold, or
21 a duly licensed gas supplier that assumes the contractual and legal
22 obligation to provide gas supply service to end-use retail customers,
23 but does not take title to the gas;

24 "Buydown" means an arrangement or arrangements involving the
25 buyer and seller in a given power purchase contract and, in some
26 cases third parties, for consideration to be given by the buyer in
27 order to effectuate a reduction in the pricing, or the restructuring of
28 other terms to reduce the overall cost of the power contract, for the
29 remaining succeeding period of the purchased power arrangement
30 or arrangements;

31 "Buyout" means an arrangement or arrangements involving the
32 buyer and seller in a given power purchase contract and, in some
33 cases third parties, for consideration to be given by the buyer in
34 order to effectuate a termination of such power purchase contract;

35 "Class I renewable energy" means electric energy produced from
36 solar technologies, photovoltaic technologies, wind energy, fuel
37 cells, geothermal technologies, wave or tidal action, and methane
38 gas from landfills or a biomass facility, provided that the biomass is
39 cultivated and harvested in a sustainable manner;

40 "Class II renewable energy" means electric energy produced at a
41 resource recovery facility or hydropower facility, provided that
42 such facility is located where retail competition is permitted and
43 provided further that the Commissioner of Environmental
44 Protection has determined that such facility meets the highest
45 environmental standards and minimizes any impacts to the
46 environment and local communities;

47 "Competitive service" means any service offered by an electric
48 public utility or a gas public utility that the board determines to be

1 competitive pursuant to section 8 or section 10 of **[this act]**
2 P.L.1999, c.23 (C.48:3-56 or C.48:3-58) or that is not regulated by
3 the board;

4 "Comprehensive resource analysis" means an analysis including,
5 but not limited to, an assessment of existing market barriers to the
6 implementation of energy efficiency and renewable technologies
7 that are not or cannot be delivered to customers through a
8 competitive marketplace;

9 "Customer" means any person that is an end user and is
10 connected to any part of the transmission and distribution system
11 within an electric public utility's service territory or a gas public
12 utility's service territory within this State;

13 "Customer account service" means metering, billing, or such
14 other administrative activity associated with maintaining a customer
15 account;

16 "Demand side management" means the management of customer
17 demand for energy service through the implementation of cost-
18 effective energy efficiency technologies, including, but not limited
19 to, installed conservation, load management and energy efficiency
20 measures on and in the residential, commercial, industrial,
21 institutional and governmental premises and facilities in this State;

22 "Electric generation service" means the provision of retail
23 electric energy and capacity which is generated off-site from the
24 location at which the consumption of such electric energy and
25 capacity is metered for retail billing purposes, including agreements
26 and arrangements related thereto;

27 "Electric power generator" means an entity that proposes to
28 construct, own, lease or operate, or currently owns, leases or
29 operates, an electric power production facility that will sell or does
30 sell at least 90 percent of its output, either directly or through a
31 marketer, to a customer or customers located at sites that are not on
32 or contiguous to the site on which the facility will be located or is
33 located. The designation of an entity as an electric power generator
34 for the purposes of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.) shall
35 not, in and of itself, affect the entity's status as an exempt wholesale
36 generator under the Public Utility Holding Company Act of 1935,
37 15 U.S.C. s.79 et seq.;

38 "Electric power supplier" means a person or entity that is duly
39 licensed pursuant to the provisions of **[this act]** P.L.1999, c.23
40 (C.48:3-49 et al.) to offer and to assume the contractual and legal
41 responsibility to provide electric generation service to retail
42 customers, and includes load serving entities, marketers and brokers
43 that offer or provide electric generation service to retail customers.
44 The term excludes an electric public utility that provides electric
45 generation service only as a basic generation service pursuant to
46 section 9 of **[this act]** P.L.1999, c.23 (C.48:3-57) 'or an electric
47 public utility that invests in Class I renewable energy resources or
48 offers Class I renewable energy programs pursuant to section 13 of

1 P.L.2007, c.340 (C.48:3-98.1)¹ . An electric power supplier shall
2 also include a person that generates electricity or buys electric
3 generation service, and sells it to the grid or others for use by retail
4 customers 'but shall not include an electric public utility that
5 invests in Class I renewable energy resources or offers Class I
6 renewable energy programs pursuant to section 13 of P.L.2007,
7 c.340 (C.48:3-98.1)¹;

8 "Electric public utility" means a public utility, as that term is
9 defined in R.S.48:2-13, that transmits and distributes electricity to
10 end users within this State;

11 "Electric related service" means a service that is directly related
12 to the consumption of electricity by an end user, including, but not
13 limited to, the installation of demand side management measures at
14 the end user's premises, the maintenance, repair or replacement of
15 appliances, lighting, motors or other energy-consuming devices at
16 the end user's premises, and the provision of energy consumption
17 measurement and billing services;

18 "Electronic signature" means an electronic sound, symbol or
19 process, attached to, or logically associated with, a contract or other
20 record, and executed or adopted by a person with the intent to sign
21 the record;

22 "Energy agent" means a person that is duly registered pursuant to
23 the provisions of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.), that
24 arranges the sale of retail electricity or electric related services or
25 retail gas supply or gas related services between government
26 aggregators or private aggregators and electric power suppliers or
27 gas suppliers, but does not take title to the electric or gas sold;

28 "Energy consumer" means a business or residential consumer of
29 electric generation service or gas supply service located within the
30 territorial jurisdiction of a government aggregator;

31 "Energy efficiency portfolio standard" means a requirement to
32 procure a specified amount of energy efficiency or demand side
33 management resources as a means of managing and reducing energy
34 usage and demand by customers;

35 "Financing entity" means an electric public utility, a special
36 purpose entity, or any other assignee of bondable transition
37 property, which issues transition bonds. Except as specifically
38 provided in **[this act]** P.L.1999, c.23 (C.48:3-49 et al.), a financing
39 entity which is not itself an electric public utility shall not be
40 subject to the public utility requirements of Title 48 or any rules or
41 regulations adopted pursuant thereto;

42 "Gas public utility" means a public utility, as that term is defined
43 in R.S.48:2-13, that distributes gas to end users within this State;

44 "Gas related service" means a service that is directly related to
45 the consumption of gas by an end user, including, but not limited to,
46 the installation of demand side management measures at the end
47 user's premises, the maintenance, repair or replacement of

1 appliances or other energy-consuming devices at the end user's
2 premises, and the provision of energy consumption measurement
3 and billing services;

4 "Gas supplier" means a person that is duly licensed pursuant to
5 the provisions of [this act] P.L.1999, c.23 (C.48:3-49 et al.) to offer
6 and assume the contractual and legal obligation to provide gas
7 supply service to retail customers, and includes, but is not limited
8 to, marketers and brokers. A non-public utility affiliate of a public
9 utility holding company may be a gas supplier, but a gas public
10 utility or any subsidiary of a gas utility is not a gas supplier. In the
11 event that a gas public utility is not part of a holding company legal
12 structure, a related competitive business segment of that gas public
13 utility may be a gas supplier, provided that related competitive
14 business segment is structurally separated from the gas public
15 utility, and provided that the interactions between the gas public
16 utility and the related competitive business segment are subject to
17 the affiliate relations standards adopted by the board pursuant to
18 subsection k. of section 10 of [this act] P.L.1999, c.23 (C.48:3-58);

19 "Gas supply service" means the provision to customers of the
20 retail commodity of gas, but does not include any regulated
21 distribution service;

22 "Government aggregator" means any government entity subject
23 to the requirements of the "Local Public Contracts Law," P.L.1971,
24 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
25 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
26 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
27 contract with a licensed electric power supplier or a licensed gas
28 supplier for: (1) the provision of electric generation service,
29 electric related service, gas supply service, or gas related service for
30 its own use or the use of other government aggregators; or (2) if a
31 municipal or county government, the provision of electric
32 generation service or gas supply service on behalf of business or
33 residential customers within its territorial jurisdiction;

34 "Government energy aggregation program" means a program and
35 procedure pursuant to which a government aggregator enters into a
36 written contract for the provision of electric generation service or
37 gas supply service on behalf of business or residential customers
38 within its territorial jurisdiction;

39 "Governmental entity" means any federal, state, municipal, local
40 or other governmental department, commission, board, agency,
41 court, authority or instrumentality having competent jurisdiction;

42 "Greenhouse gas emissions portfolio standard" means a
43 requirement that addresses or limits the amount of carbon dioxide
44 emissions indirectly resulting from the use of electricity as applied
45 to any electric power suppliers and basic generation service
46 providers of electricity;

47 "Leakage" means an increase in greenhouse gas emissions
48 related to generation sources located outside of the State that are not

1 subject to a state, interstate or regional greenhouse gas emissions
2 cap or standard that applies to generation sources located within the
3 State;

4 "Market transition charge" means a charge imposed pursuant to
5 section 13 of [this act] P.L.1999, c.23 (C.48:3-61) by an electric
6 public utility, at a level determined by the board, on the electric
7 public utility customers for a limited duration transition period to
8 recover stranded costs created as a result of the introduction of
9 electric power supply competition pursuant to the provisions of
10 [this act] P.L.1999, c.23 (C.48:3-49 et al.);

11 "Marketer" means a duly licensed electric power supplier that
12 takes title to electric energy and capacity, transmission and other
13 services from electric power generators and other wholesale
14 suppliers and then assumes contractual and legal obligation to
15 provide electric generation service, and may include transmission
16 and other services, to an end-use retail customer or customers, or a
17 duly licensed gas supplier that takes title to gas and then assumes
18 the contractual and legal obligation to provide gas supply service to
19 an end-use customer or customers;

20 "Net proceeds" means proceeds less transaction and other related
21 costs as determined by the board;

22 "Net revenues" means revenues less related expenses, including
23 applicable taxes, as determined by the board;

24 "On-site generation facility" means a generation facility, and
25 equipment and services appurtenant to electric sales by such facility
26 to the end use customer located on the property or on property
27 contiguous to the property on which the end user is located. An on-
28 site generation facility shall not be considered a public utility. The
29 property of the end use customer and the property on which the on-
30 site generation facility is located shall be considered contiguous if
31 they are geographically located next to each other, but may be
32 otherwise separated by an easement, public thoroughfare,
33 transportation or utility-owned right-of-way;

34 "Person" means an individual, partnership, corporation,
35 association, trust, limited liability company, governmental entity or
36 other legal entity;

37 "Private aggregator" means a non-government aggregator that is
38 a duly-organized business or non-profit organization authorized to
39 do business in this State that enters into a contract with a duly
40 licensed electric power supplier for the purchase of electric energy
41 and capacity, or with a duly licensed gas supplier for the purchase
42 of gas supply service, on behalf of multiple end-use customers by
43 combining the loads of those customers;

44 "Public utility holding company" means: (1) any company that,
45 directly or indirectly, owns, controls, or holds with power to vote,
46 ten percent or more of the outstanding voting securities of an
47 electric public utility or a gas public utility or of a company which
48 is a public utility holding company by virtue of this definition,

1 unless the Securities and Exchange Commission, or its successor,
2 by order declares such company not to be a public utility holding
3 company under the Public Utility Holding Company Act of 1935,
4 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the
5 Securities and Exchange Commission, or its successor, determines,
6 after notice and opportunity for hearing, directly or indirectly, to
7 exercise, either alone or pursuant to an arrangement or
8 understanding with one or more other persons, such a controlling
9 influence over the management or policies of an electric public
10 utility or a gas public utility or public utility holding company as to
11 make it necessary or appropriate in the public interest or for the
12 protection of investors or consumers that such person be subject to
13 the obligations, duties, and liabilities imposed in the Public Utility
14 Holding Company Act of 1935 or its successor;

15 "Regulatory asset" means an asset recorded on the books of an
16 electric public utility or gas public utility pursuant to the Statement
17 of Financial Accounting Standards, No. 71, entitled "Accounting for
18 the Effects of Certain Types of Regulation," or any successor
19 standard and as deemed recoverable by the board;

20 "Related competitive business segment of an electric public
21 utility or gas public utility" means any business venture of an
22 electric public utility or gas public utility including, but not limited
23 to, functionally separate business units, joint ventures, and
24 partnerships, that offers to provide or provides competitive services;

25 "Related competitive business segment of a public utility holding
26 company" means any business venture of a public utility holding
27 company, including, but not limited to, functionally separate
28 business units, joint ventures, and partnerships and subsidiaries, that
29 offers to provide or provides competitive services, but does not
30 include any related competitive business segments of an electric
31 public utility or gas public utility;

32 "Resource recovery facility" means a solid waste facility
33 constructed and operated for the incineration of solid waste for
34 energy production and the recovery of metals and other materials
35 for reuse;

36 "Restructuring related costs" means reasonably incurred costs
37 directly related to the restructuring of the electric power industry,
38 including the closure, sale, functional separation and divestiture of
39 generation and other competitive utility assets by a public utility, or
40 the provision of competitive services as such costs are determined
41 by the board, and which are not stranded costs as defined in [this
42 act] P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be
43 limited to, investments in management information systems, and
44 which shall include expenses related to employees affected by
45 restructuring which result in efficiencies and which result in
46 benefits to ratepayers, such as training or retraining at the level
47 equivalent to one year's training at a vocational or technical school
48 or county community college, the provision of severance pay of two

1 weeks of base pay for each year of full-time employment, and a
2 maximum of 24 months' continued health care coverage. Except as
3 to expenses related to employees affected by restructuring,
4 "restructuring related costs" shall not include going forward costs;

5 "Retail choice" means the ability of retail customers to shop for
6 electric generation or gas supply service from electric power or gas
7 suppliers, or opt to receive basic generation service or basic gas
8 service, and the ability of an electric power or gas supplier to offer
9 electric generation service or gas supply service to retail customers,
10 consistent with the provisions of [this act] P.L.1999, c.23 (C.48:3-
11 49 et al.);

12 "Shopping credit" means an amount deducted from the bill of an
13 electric public utility customer to reflect the fact that such customer
14 has switched to an electric power supplier and no longer takes basic
15 generation service from the electric public utility;

16 "Social program" means a program implemented with board
17 approval to provide assistance to a group of disadvantaged
18 customers, to provide protection to consumers, or to accomplish a
19 particular societal goal, and includes, but is not limited to, the
20 winter moratorium program, utility practices concerning "bad debt"
21 customers, low income assistance, deferred payment plans,
22 weatherization programs, and late payment and deposit policies, but
23 does not include any demand side management program or any
24 environmental requirements or controls;

25 "Societal benefits charge" means a charge imposed by an electric
26 public utility, at a level determined by the board, pursuant to, and in
27 accordance with, section 12 of [this act] P.L.1999, c.23 (C.48:3-
28 60);

29 "Solar alternative compliance payment" or "SACP" means a
30 payment of a certain dollar amount per megawatt hour (MWh)
31 which an electric power supplier or provider may submit to the
32 board in order to comply with the solar electric generation
33 requirements under section 38 of P.L.1999, c.23 (C.48:3-87);

34 "Solar renewable energy certificate" or "SREC" means 'a
35 certificate issued by the board or its designee, representing' one
36 megawatt hour (MWh) of 'photovoltaic electricity generated'
37 solar energy that is generated by a facility connected to the
38 distribution system' in this State 'and has value driven based on the
39 market';

40 "Stranded cost" means the amount by which the net cost of an
41 electric public utility's electric generating assets or electric power
42 purchase commitments, as determined by the board consistent with
43 the provisions of [this act] P.L.1999, c.23 (C.48:3-49 et al.),
44 exceeds the market value of those assets or contractual
45 commitments in a competitive supply marketplace and the costs of
46 buydowns or buyouts of power purchase contracts;

1 "Stranded costs recovery order" means each order issued by the
2 board in accordance with subsection c. of section 13 of [this act]
3 P.L.1999, c.23 (C.48:3-61) which sets forth the amount of stranded
4 costs, if any, the board has determined an electric public utility is
5 eligible to recover and collect in accordance with the standards set
6 forth in section 13 and the recovery mechanisms therefor;

7 "Transition bond charge" means a charge, expressed as an
8 amount per kilowatt hour, that is authorized by and imposed on
9 electric public utility ratepayers pursuant to a bondable stranded
10 costs rate order, as modified at any time pursuant to the provisions
11 of [this act] P.L.1999, c.23 (C.48:3-49 et al.);

12 "Transition bonds" means bonds, notes, certificates of
13 participation or beneficial interest or other evidences of
14 indebtedness or ownership issued pursuant to an indenture, contract
15 or other agreement of an electric public utility or a financing entity,
16 the proceeds of which are used, directly or indirectly, to recover,
17 finance or refinance bondable stranded costs and which are, directly
18 or indirectly, secured by or payable from bondable transition
19 property. References in [this act] P.L.1999, c.23 (C.48:3-49 et al.)
20 to principal, interest, and acquisition or redemption premium with
21 respect to transition bonds which are issued in the form of
22 certificates of participation or beneficial interest or other evidences
23 of ownership shall refer to the comparable payments on such
24 securities;

25 "Transmission and distribution system" means, with respect to an
26 electric public utility, any facility or equipment that is used for the
27 transmission, distribution or delivery of electricity to the customers
28 of the electric public utility including, but not limited to, the land,
29 structures, meters, lines, switches and all other appurtenances
30 thereof and thereto, owned or controlled by the electric public
31 utility within this State;

32 "Transition period" means the period from August 1, 1999
33 through July 31, 2003; and

34 "Universal service" means any service approved by the board
35 with the purpose of assisting low-income residential customers in
36 obtaining or retaining electric generation or delivery service.
37 (cf: P.L.2002, c.84, s.1)]²

38
39 ²1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
40 as follows:

41 3. As used in this act:

42 "Assignee" means a person to which an electric public utility or
43 another assignee assigns, sells or transfers, other than as security,
44 all or a portion of its right to or interest in bondable transition
45 property. Except as specifically provided in P.L.1999, c.23
46 (C.48:3-49 et al.), an assignee shall not be subject to the public

1 utility requirements of Title 48 or any rules or regulations adopted
2 pursuant thereto;

3 "Basic gas supply service" means gas supply service that is
4 provided to any customer that has not chosen an alternative gas
5 supplier, whether or not the customer has received offers as to
6 competitive supply options, including, but not limited to, any
7 customer that cannot obtain such service for any reason, including
8 non-payment for services. Basic gas supply service is not a
9 competitive service and shall be fully regulated by the board;

10 "Basic generation service" or "BGS" means electric generation
11 service that is provided, [pursuant to section 9 of P.L.1999, c.23
12 (C.48:3-57),] to any customer that has not chosen an alternative
13 electric power supplier, whether or not the customer has received
14 offers [as to] for competitive supply options, including, but not
15 limited to, any customer that cannot obtain such service from an
16 electric power supplier for any reason, including non-payment for
17 services. Basic generation service is not a competitive service and
18 shall be fully regulated by the board;

19 "Basic generation service provider" or "provider" means a
20 provider of basic generation service;

21 "Basic generation service transition costs" means the amount by
22 which the payments by an electric public utility for the procurement
23 of power for basic generation service and related ancillary and
24 administrative costs exceeds the net revenues from the basic
25 generation service charge established by the board pursuant to
26 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
27 together with interest on the balance at the board-approved rate, that
28 is reflected in a deferred balance account approved by the board in
29 an order addressing the electric public utility's unbundled rates,
30 stranded costs, and restructuring filings pursuant to P.L.1999, c.23
31 (C.48:3-49 et al.). Basic generation service transition costs shall
32 include, but are not limited to, costs of purchases from the spot
33 market, bilateral contracts, contracts with non-utility generators,
34 parting contracts with the purchaser of the electric public utility's
35 divested generation assets, short-term advance purchases, and
36 financial instruments such as hedging, forward contracts, and
37 options. Basic generation service transition costs shall also include
38 the payments by an electric public utility pursuant to a competitive
39 procurement process for basic generation service supply during the
40 transition period, and costs of any such process used to procure the
41 basic generation service supply;

42 "Board" means the New Jersey Board of Public Utilities or any
43 successor agency;

44 "Bondable stranded costs" means any stranded costs or basic
45 generation service transition costs of an electric public utility
46 approved by the board for recovery pursuant to the provisions of
47 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
48 board: (1) the cost of retiring existing debt or equity capital of the

1 electric public utility, including accrued interest, premium and other
2 fees, costs and charges relating thereto, with the proceeds of the
3 financing of bondable transition property; (2) if requested by an
4 electric public utility in its application for a bondable stranded costs
5 rate order, federal, State and local tax liabilities associated with
6 stranded costs recovery or basic generation service transition cost
7 recovery or the transfer or financing of such property or both,
8 including taxes, whose recovery period is modified by the effect of
9 a stranded costs recovery order, a bondable stranded costs rate order
10 or both; and (3) the costs incurred to issue, service or refinance
11 transition bonds, including interest, acquisition or redemption
12 premium, and other financing costs, whether paid upon issuance or
13 over the life of the transition bonds, including, but not limited to,
14 credit enhancements, service charges, overcollateralization, interest
15 rate cap, swap or collar, yield maintenance, maturity guarantee or
16 other hedging agreements, equity investments, operating costs and
17 other related fees, costs and charges, or to assign, sell or otherwise
18 transfer bondable transition property;

19 "Bondable stranded costs rate order" means one or more
20 irrevocable written orders issued by the board pursuant to P.L.1999,
21 c.23 (C.48:3-49 et al.) which determines the amount of bondable
22 stranded costs and the initial amount of transition bond charges
23 authorized to be imposed to recover such bondable stranded costs,
24 including the costs to be financed from the proceeds of the
25 transition bonds, as well as on-going costs associated with servicing
26 and credit enhancing the transition bonds, and provides the electric
27 public utility specific authority to issue or cause to be issued,
28 directly or indirectly, transition bonds through a financing entity
29 and related matters as provided in P.L.1999, c.23, which order shall
30 become effective immediately upon the written consent of the
31 related electric public utility to such order as provided in P.L.1999,
32 c.23;

33 "Bondable transition property" means the property consisting of
34 the irrevocable right to charge, collect and receive, and be paid
35 from collections of, transition bond charges in the amount necessary
36 to provide for the full recovery of bondable stranded costs which
37 are determined to be recoverable in a bondable stranded costs rate
38 order, all rights of the related electric public utility under such
39 bondable stranded costs rate order including, without limitation, all
40 rights to obtain periodic adjustments of the related transition bond
41 charges pursuant to subsection b. of section 15 of P.L.1999, c.23
42 (C.48:3-64), and all revenues, collections, payments, money and
43 proceeds arising under, or with respect to, all of the foregoing;

44 "British thermal unit" or "Btu" means the amount of heat
45 required to increase the temperature of one pound of water by one
46 degree Fahrenheit;

47 "Broker" means a duly licensed electric power supplier that
48 assumes the contractual and legal responsibility for the sale of

1 electric generation service, transmission or other services to end-use
2 retail customers, but does not take title to any of the power sold, or
3 a duly licensed gas supplier that assumes the contractual and legal
4 obligation to provide gas supply service to end-use retail customers,
5 but does not take title to the gas;

6 "Buydown" means an arrangement or arrangements involving the
7 buyer and seller in a given power purchase contract and, in some
8 cases third parties, for consideration to be given by the buyer in
9 order to effectuate a reduction in the pricing, or the restructuring of
10 other terms to reduce the overall cost of the power contract, for the
11 remaining succeeding period of the purchased power arrangement
12 or arrangements;

13 "Buyout" means an arrangement or arrangements involving the
14 buyer and seller in a given power purchase contract and, in some
15 cases third parties, for consideration to be given by the buyer in
16 order to effectuate a termination of such power purchase contract;

17 "Class I renewable energy" means electric energy produced from
18 solar technologies, photovoltaic technologies, wind energy, fuel
19 cells, geothermal technologies, wave or tidal action, and methane
20 gas from landfills or a biomass facility, provided that the biomass is
21 cultivated and harvested in a sustainable manner;

22 "Class II renewable energy" means electric energy produced at a
23 resource recovery facility or hydropower facility, provided that
24 such facility is located where retail competition is permitted and
25 provided further that the Commissioner of Environmental
26 Protection has determined that such facility meets the highest
27 environmental standards and minimizes any impacts to the
28 environment and local communities;

29 "Combined heat and power facility" means a facility which
30 produces electric energy, steam or other forms of useful energy
31 such as heat, which are used for industrial, commercial, heating or
32 cooling purposes;

33 "Competitive service" means any service offered by an electric
34 public utility or a gas public utility that the board determines to be
35 competitive pursuant to section 8 or section 10 of P.L.1999, c.23
36 (C.48:3-56 or C.48:3-58) or that is not regulated by the board;

37 "Commercial and industrial energy pricing class customer" or
38 "CIEP class customer" means that group of non-residential
39 customers with high peak demand, as determined by periodic board
40 order, which either is eligible or which would be eligible, as
41 determined by periodic board order, to receive funds from the Retail
42 Margin Fund established pursuant to section 9 of P.L.1999, c.23
43 (C.48:3-57) and for which basic generation service is hourly-priced;

44 "Comprehensive resource analysis" means an analysis including,
45 but not limited to, an assessment of existing market barriers to the
46 implementation of energy efficiency and renewable technologies
47 that are not or cannot be delivered to customers through a
48 competitive marketplace;

1 "Customer" means any person that is an end user and is
2 connected to any part of the transmission and distribution system
3 within an electric public utility's service territory or a gas public
4 utility's service territory within this State;

5 "Customer account service" means metering, billing, or such
6 other administrative activity associated with maintaining a customer
7 account;

8 "Demand side management" means the management of customer
9 demand for energy service through the implementation of cost-
10 effective energy efficiency technologies, including, but not limited
11 to, installed conservation, load management and energy efficiency
12 measures on and in the residential, commercial, industrial,
13 institutional and governmental premises and facilities in this State;

14 "Electric generation service" means the provision of retail
15 electric energy and capacity which is generated off-site from the
16 location at which the consumption of such electric energy and
17 capacity is metered for retail billing purposes, including agreements
18 and arrangements related thereto;

19 "Electric power generator" means an entity that proposes to
20 construct, own, lease or operate, or currently owns, leases or
21 operates, an electric power production facility that will sell or does
22 sell at least 90 percent of its output, either directly or through a
23 marketer, to a customer or customers located at sites that are not on
24 or contiguous to the site on which the facility will be located or is
25 located. The designation of an entity as an electric power generator
26 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
27 and of itself, affect the entity's status as an exempt wholesale
28 generator under the Public Utility Holding Company Act of 1935,
29 15 U.S.C.s.79 et seq.;

30 "Electric power supplier" means a person or entity that is duly
31 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et
32 al.) to offer and to assume the contractual and legal responsibility to
33 provide electric generation service to retail customers, and includes
34 load serving entities, marketers and brokers that offer or provide
35 electric generation service to retail customers. The term excludes an
36 electric public utility that provides electric generation service only
37 as a basic generation service pursuant to section 9 of P.L.1999, c.23
38 (C.48:3-57);

39 "Electric public utility" means a public utility, as that term is
40 defined in R.S.48:2-13, that transmits and distributes electricity to
41 end users within this State;

42 "Electric related service" means a service that is directly related
43 to the consumption of electricity by an end user, including, but not
44 limited to, the installation of demand side management measures at
45 the end user's premises, the maintenance, repair or replacement of
46 appliances, lighting, motors or other energy-consuming devices at
47 the end user's premises, and the provision of energy consumption
48 measurement and billing services;

1 "Electronic signature" means an electronic sound, symbol or
2 process, attached to, or logically associated with, a contract or other
3 record, and executed or adopted by a person with the intent to sign
4 the record;

5 "Energy agent" means a person that is duly registered pursuant to
6 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the
7 sale of retail electricity or electric related services or retail gas
8 supply or gas related services between government aggregators or
9 private aggregators and electric power suppliers or gas suppliers,
10 but does not take title to the electric or gas sold;

11 "Energy consumer" means a business or residential consumer of
12 electric generation service or gas supply service located within the
13 territorial jurisdiction of a government aggregator;

14 "Energy efficiency portfolio standard" means a requirement to
15 procure a specified amount of energy efficiency or demand side
16 management resources as a means of managing and reducing energy
17 usage and demand by customers;

18 ³"Energy year" or "EY" means the 12-month period from June 1st
19 through May 31st and shall be numbered according to the calendar
20 year in which it ends;³

21 "Financing entity" means an electric public utility, a special
22 purpose entity, or any other assignee of bondable transition
23 property, which issues transition bonds. Except as specifically
24 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity
25 which is not itself an electric public utility shall not be subject to
26 the public utility requirements of Title 48 or any rules or regulations
27 adopted pursuant thereto;

28 "Gas public utility" means a public utility, as that term is defined
29 in R.S.48:2-13, that distributes gas to end users within this State;

30 "Gas related service" means a service that is directly related to
31 the consumption of gas by an end user, including, but not limited to,
32 the installation of demand side management measures at the end
33 user's premises, the maintenance, repair or replacement of
34 appliances or other energy-consuming devices at the end user's
35 premises, and the provision of energy consumption measurement
36 and billing services;

37 "Gas supplier" means a person that is duly licensed pursuant to
38 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
39 assume the contractual and legal obligation to provide gas supply
40 service to retail customers, and includes, but is not limited to,
41 marketers and brokers. A non-public utility affiliate of a public
42 utility holding company may be a gas supplier, but a gas public
43 utility or any subsidiary of a gas utility is not a gas supplier. In the
44 event that a gas public utility is not part of a holding company legal
45 structure, a related competitive business segment of that gas public
46 utility may be a gas supplier, provided that related competitive
47 business segment is structurally separated from the gas public
48 utility, and provided that the interactions between the gas public

1 utility and the related competitive business segment are subject to
2 the affiliate relations standards adopted by the board pursuant to
3 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58);

4 "Gas supply service" means the provision to customers of the
5 retail commodity of gas, but does not include any regulated
6 distribution service;

7 "Government aggregator" means any government entity subject
8 to the requirements of the "Local Public Contracts Law," P.L.1971,
9 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
10 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
11 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
12 contract with a licensed electric power supplier or a licensed gas
13 supplier for: (1) the provision of electric generation service, electric
14 related service, gas supply service, or gas related service for its own
15 use or the use of other government aggregators; or (2) if a
16 municipal or county government, the provision of electric
17 generation service or gas supply service on behalf of business or
18 residential customers within its territorial jurisdiction;

19 "Government energy aggregation program" means a program and
20 procedure pursuant to which a government aggregator enters into a
21 written contract for the provision of electric generation service or
22 gas supply service on behalf of business or residential customers
23 within its territorial jurisdiction;

24 "Governmental entity" means any federal, state, municipal, local
25 or other governmental department, commission, board, agency,
26 court, authority or instrumentality having competent jurisdiction;

27 "Greenhouse gas emissions portfolio standard" means a
28 requirement that addresses or limits the amount of carbon dioxide
29 emissions indirectly resulting from the use of electricity as applied
30 to any electric power suppliers and basic generation service
31 providers of electricity;

32 "Leakage" means an increase in greenhouse gas emissions
33 related to generation sources located outside of the State that are not
34 subject to a state, interstate or regional greenhouse gas emissions
35 cap or standard that applies to generation sources located within the
36 State;

37 "Market transition charge" means a charge imposed pursuant to
38 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
39 utility, at a level determined by the board, on the electric public
40 utility customers for a limited duration transition period to recover
41 stranded costs created as a result of the introduction of electric
42 power supply competition pursuant to the provisions of P.L.1999,
43 c.23 (C.48:3-49 et al.);

44 "Marketer" means a duly licensed electric power supplier that
45 takes title to electric energy and capacity, transmission and other
46 services from electric power generators and other wholesale
47 suppliers and then assumes the contractual and legal obligation to
48 provide electric generation service, and may include transmission

1 (1) Its fuel mix, including categories for oil, gas, nuclear, coal,
2 solar, hydroelectric, wind and biomass, or a regional average
3 determined by the board;

4 (2) Its emissions, in pounds per megawatt hour, of sulfur
5 dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant
6 that the board may determine to pose an environmental or health
7 hazard, or an emissions default to be determined by the board; and

8 (3) Any discrete emission reduction retired pursuant to rules and
9 regulations adopted pursuant to P.L.1995, c.188.

10 b. Notwithstanding any provisions of the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
12 contrary, the board shall initiate a proceeding and shall adopt, in
13 consultation with the Department of Environmental Protection, after
14 notice and opportunity for public comment and public hearing,
15 interim standards to implement this disclosure requirement,
16 including, but not limited to:

17 (1) A methodology for disclosure of emissions based on output
18 pounds per megawatt hour;

19 (2) Benchmarks for all suppliers and basic generation service
20 providers to use in disclosing emissions that will enable consumers
21 to perform a meaningful comparison with a supplier's or basic
22 generation service provider's emission levels; and

23 (3) A uniform emissions disclosure format that is graphic in
24 nature and easily understandable by consumers. The board shall
25 periodically review the disclosure requirements to determine if
26 revisions to the environmental disclosure system as implemented
27 are necessary.

28 Such standards shall be effective as regulations immediately
29 upon filing with the Office of Administrative Law and shall be
30 effective for a period not to exceed 18 months, and may, thereafter,
31 be amended, adopted or readopted by the board in accordance with
32 the provisions of the "Administrative Procedure Act."

33 c. (1) The board may adopt, in consultation with the
34 Department of Environmental Protection, after notice and
35 opportunity for public comment, an emissions portfolio standard
36 applicable to all electric power suppliers and basic generation
37 service providers, upon a finding that:

38 (a) The standard is necessary as part of a plan to enable the State
39 to meet federal Clean Air Act or State ambient air quality standards;
40 and

41 (b) Actions at the regional or federal level cannot reasonably be
42 expected to achieve the compliance with the federal standards.

43 (2) By July 1, 2009, the board shall adopt, pursuant to the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), a greenhouse gas emissions portfolio standard to mitigate
46 leakage or another regulatory mechanism to mitigate leakage
47 applicable to all electric power suppliers and basic generation
48 service providers that provide electricity to customers within the

1 State. The greenhouse gas emissions portfolio standard or any other
2 regulatory mechanism to mitigate leakage shall:

3 (a) Allow a transition period, either before or after the effective
4 date of the regulation to mitigate leakage, for a basic generation
5 service provider or electric power supplier to either meet the
6 emissions portfolio standard or other regulatory mechanism to
7 mitigate leakage, or to transfer any customer to a basic generation
8 service provider or electric power supplier that meets the emissions
9 portfolio standard or other regulatory mechanism to mitigate
10 leakage. If the transition period allowed pursuant to this
11 subparagraph occurs after the implementation of an emissions
12 portfolio standard or other regulatory mechanism to mitigate
13 leakage, the transition period shall be no longer than three years;
14 and

15 (b) Exempt the provision of basic generation service pursuant to
16 a basic generation service purchase and sale agreement effective
17 prior to the date of the regulation.

18 Unless the Attorney General or the Attorney General's designee
19 determines that a greenhouse gas emissions portfolio standard
20 would unconstitutionally burden interstate commerce or would be
21 preempted by federal law, the adoption by the board of an electric
22 energy efficiency portfolio standard pursuant to subsection g. of this
23 section, a gas energy efficiency portfolio standard pursuant to
24 subsection h. of this section, or any other enhanced energy
25 efficiency policies to mitigate leakage shall not be considered
26 sufficient to fulfill the requirement of this subsection for the
27 adoption of a greenhouse gas emissions portfolio standard or any
28 other regulatory mechanism to mitigate leakage.

29 d. Notwithstanding any provisions of the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
31 contrary, the board shall initiate a proceeding and shall adopt, after
32 notice, provision of the opportunity for comment, and public
33 hearing, [interim] renewable energy portfolio standards that shall
34 require:

35 (1) that two and one-half percent of the kilowatt hours sold in
36 this State by each electric power supplier and each basic generation
37 service provider be from Class I or Class II renewable energy
38 sources; and

39 (2) beginning on January 1, 2001, that one-half of one percent of
40 the kilowatt hours sold in this State by each electric power supplier
41 and each basic generation service provider be from Class I
42 renewable energy sources. The board shall increase the required
43 percentage for Class I renewable energy sources so that by January
44 1, 2006, one percent of the kilowatt hours sold in this State by each
45 electric power supplier and each basic generation service provider
46 shall be from Class I renewable energy sources and shall
47 additionally increase the required percentage for Class I renewable
48 energy sources by one-half of one percent each year until January 1,

1 2012, when four percent of the kilowatt hours sold in this State by
 2 each electric power supplier and each basic generation service
 3 provider shall be from Class I renewable energy sources.

4 [An electric power supplier or basic generation service provider
 5 may satisfy the requirements of this subsection by participating in a
 6 renewable energy trading program approved by the board in
 7 consultation with the Department of Environmental Protection.]

8 'An electric power supplier or basic generation service provider
 9 may satisfy the requirements of this subsection by participating in a
 10 renewable energy trading program approved by the board in
 11 consultation with the Department of Environmental Protection.'

12 (3) that the board establish a multi-year schedule, applicable to
 13 each electric power supplier or basic generation service provider in
 14 this State, beginning with the one-year period commencing on
 15 ³[June 1, 2009] June 1, 2010³, and continuing for each subsequent
 16 one-year period up to and including, the one-year period
 17 commencing on ³[June 1, 2026] June 1, 2025³, that requires that
 18 suppliers or providers to purchase at least the following number of
 19 kilowatt-hours from solar electric power generators in this State:

20 ³[EY 2010 195 Gigawatthours (Gwhrs)]³

21 EY 2011 ³[273 Gwhrs] 306 Gigawatthours (Gwhrs)³

22 EY 2012 ³[396] 442³ Gwhrs

23 EY 2013 ³[554] 596³ Gwhrs

24 EY 2014 ³[748] 772³ Gwhrs

25 EY 2015 ³[973] 965³ Gwhrs

26 EY 2016 ³[1,216] 1,150³ Gwhrs

27 EY 2017 ³[1,459] 1,357³ Gwhrs

28 EY 2018 ³[1,751] 1,591³ Gwhrs

29 EY 2019 ³[2,101] 1,858³ Gwhrs

30 EY 2020 ³[2,521] 2,164³ Gwhrs

31 EY 2021 ³[3,025] 2,518³ Gwhrs

32 EY 2022 ³[3,479] 2,928³ Gwhrs

33 EY 2023 ³[4,001] 3,433³ Gwhrs

34 EY 2024 ³[4,601] 3,989³ Gwhrs

35 EY 2025 ³[5,291] 4,610³ Gwhrs

36 EY 2026 ³[6,085] 5,316³ Gwhrs

37 ³EY 2027, and for every energy year thereafter, at least 5,316
 38 Gwhrs per energy year³ to reflect an increasing number of kilowatt-
 39 hours to be purchased by suppliers or providers from solar electric
 40 power generators in this State, and to establish a framework within
 41 which suppliers and providers shall purchase at least ³[3,025]
 42 2,518³ Gwhrs in the ³energy³ year 2021 and ³[6,085] 5,316³ Gwhrs
 43 in the ³energy³ year 2026 from solar electric power generators in
 44 this State, provided, however, that the number of solar kilowatt-
 45 hours required to be purchased by each supplier or provider, when

1 expressed as a percentage of the total number of solar kilowatt-
2 hours purchased in this State, shall be equivalent to each supplier's
3 or provider's proportionate share of the total number of kilowatt-
4 hours sold in this State by all suppliers and providers.

5 ³The solar renewable portfolio standards requirements in
6 paragraph (3) of this subsection shall automatically increase by 20%
7 for the remainder of the schedule in the event that the following two
8 conditions are met: (a) the number of SRECs generated meets or
9 exceeds the requirement for three consecutive reporting years,
10 starting with energy year 2013; and (b) the average SREC price for
11 all SRECs purchased by entities with renewable energy portfolio
12 standards obligations has decreased in the same three consecutive
13 reporting years. The board shall exempt providers' existing supply
14 contracts that are: (a) effective prior to the date of P.L. , c. (C.
15)(pending before the Legislature as this bill); or (b) effective prior
16 to any future increase in the solar renewable portfolio standard
17 beyond the multi-year schedule established in paragraph (3) of this
18 subsection. This exemption shall apply to the number of SRECs
19 that exceeds the number mandated by the solar renewable portfolio
20 standards requirements that were in effect on the date that the
21 providers executed their existing supply contracts. This limited
22 exemption for providers' existing supply contracts shall not be
23 construed to lower the Statewide solar purchase requirements set
24 forth in paragraph (3) of this subsection. Such incremental new
25 requirements shall be distributed over the electric power suppliers
26 and providers not subject to the existing supply contract exemption
27 until such time as existing supply contracts expire and all suppliers
28 are subject to the new requirement.³

29 An electric power supplier or basic generation service provider
30 may satisfy the requirements of this subsection by participating in a
31 renewable energy trading program approved by the board in
32 consultation with the Department of Environmental Protection, or
33 compliance with the requirements of this subsection may be
34 demonstrated to the board by suppliers or providers through the
35 purchase of SRECs.

36 **【Such】** The renewable energy ³portfolio³ standards adopted by
37 the board pursuant to paragraphs (1) and (2) of this subsection shall
38 be effective as regulations immediately upon filing with the Office
39 of Administrative Law and shall be effective for a period not to
40 exceed 18 months, and may, thereafter, be amended, adopted or
41 readopted by the board in accordance with the provisions of the
42 "Administrative Procedure Act."

43 The renewable energy ³portfolio³ standards adopted by the board
44 pursuant to paragraph (3) of this subsection shall be effective as
45 regulations immediately upon filing with the Office of
46 Administrative Law and shall be effective for a period not to exceed
47 30 months after such filing, and shall, thereafter, be amended,

1 adopted or readopted by the board in accordance with the
2 "Administrative Procedure Act."

3 e. Notwithstanding any provisions of the "Administrative
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
5 contrary, the board shall initiate a proceeding and shall adopt, after
6 notice, provision of the opportunity for comment, and public
7 hearing:

8 (1) net metering standards for electric power suppliers and basic
9 generation service providers. The standards shall require electric
10 power suppliers and basic generation service providers to offer net
11 metering at non-discriminatory rates to industrial, large
12 commercial, residential and small commercial customers, as those
13 customers are classified or defined by the board, that generate
14 electricity, on the customer's side of the meter, using a Class I
15 renewable energy source, for the net amount of electricity supplied
16 by the electric power supplier or basic generation service provider
17 over an annualized period. 'Systems of any sized capacity, as
18 measured in watts, are eligible for net metering', up to a
19 maximum limit established by the board, however such limits may
20 not depend on customer specific factors, including, but not limited
21 to, historical usage'. If the amount of electricity generated by the
22 customer-generator plus any kilowatt hour credits held over from
23 the previous billing periods, exceeds the electricity supplied by the
24 electric power supplier or basic generation service provider, then
25 the electric power supplier or basic generation service provider, as
26 the case may be, shall credit the customer-generator for the excess
27 kilowatt hours until the end of the annualized period at which point
28 the customer-generator will be compensated for any remaining
29 credits or, if the customer-generator chooses, credit the customer-
30 generator on a real-time basis, at the electric power supplier's or
31 basic generation service provider's avoided cost of wholesale power
32 or the PJM power pool's real-time locational marginal pricing rate,
33 adjusted for losses, for the respective zone in the PJM electric
34 power pool. Alternatively, the customer-generator may execute a
35 bilateral agreement with an electric power supplier or basic
36 generation service provider for the sale and purchase of the
37 customer-generator's excess generation. The customer-generator
38 may be credited on a real-time basis, so long as the customer-
39 generator follows applicable rules prescribed by the PJM electric
40 power pool for its capacity requirements for the net amount of
41 electricity supplied by the electric power supplier or basic
42 generation service provider. The board may authorize an electric
43 power supplier or basic generation service provider to cease
44 offering net metering whenever the total rated generating capacity
45 owned and operated by net metering customer-generators Statewide
46 equals 2.5 percent of the State's peak electricity demand;

1 (2) safety and power quality interconnection standards for Class
2 I renewable energy source systems used by a customer-generator
3 that shall be eligible for net metering.

4 Such standards or rules shall take into consideration the goals of
5 the New Jersey Energy Master Plan, applicable industry standards
6 and the standards of other states and the Institute of Electrical and
7 Electronic Engineers. The board shall allow electric public utilities
8 to recover the costs of any new net meters, upgraded net meters,
9 system reinforcements or upgrades, and interconnection costs
10 through either their regulated rates or from the net metering
11 customer-generator; and

12 (3) credit or other incentive rules for generators using Class I
13 renewable energy generation systems that connect to New Jersey's
14 electric public utilities' distribution system but who do not net
15 meter.

16 Such rules shall require the board or its designee to issue a credit
17 or other incentive to those generators that do not use a net meter but
18 otherwise generate electricity derived from a Class I renewable
19 energy source and to issue an enhanced credit or other incentive,
20 including, but not limited to, a solar renewable energy credit, to
21 those generators that generate electricity derived from solar
22 technologies.

23 Such standards or rules shall be effective as regulations
24 immediately upon filing with the Office of Administrative Law and
25 shall be effective for a period not to exceed 18 months, and may,
26 thereafter, be amended, adopted or readopted by the board in
27 accordance with the provisions of the "Administrative Procedure
28 Act."

29 f. The board may assess, by written order and after notice and
30 opportunity for comment, a separate fee to cover the cost of
31 implementing and overseeing an emission disclosure system or
32 emission portfolio standard, which fee shall be assessed based on an
33 electric power supplier's or basic generation service provider's share
34 of the retail electricity supply market. The board shall not impose a
35 fee for the cost of implementing and overseeing a greenhouse gas
36 emissions portfolio standard adopted pursuant to paragraph (2) of
37 subsection c. of this section, the electric energy efficiency portfolio
38 standard adopted pursuant to subsection g. of this section, or the gas
39 energy efficiency portfolio standard adopted pursuant to subsection
40 h. of this section.

41 g. The board may adopt, pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric
43 energy efficiency portfolio standard that may require each electric
44 public utility to implement energy efficiency measures that reduce
45 electricity usage in the State by 2020 to a level that is 20 percent
46 below the usage projected by the board in the absence of such a
47 standard. Nothing in this section shall be construed to prevent an
48 electric public utility from meeting the requirements of this section

1 by contracting with another entity for the performance of the
2 requirements.

3 h. The board may adopt, pursuant to the "Administrative
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy
5 efficiency portfolio standard that may require each gas public utility
6 to implement energy efficiency measures that reduce natural gas
7 usage for heating in the State by 2020 to a level that is 20 percent
8 below the usage projected by the board in the absence of such a
9 standard. Nothing in this section shall be construed to prevent a gas
10 public utility from meeting the requirements of this section by
11 contracting with another entity for the performance of the
12 requirements.

13 [i. As used in this section:

14 "Energy efficiency portfolio standard" means a requirement to
15 procure a specified amount of energy efficiency or demand side
16 management resources as a means of managing and reducing energy
17 usage and demand by customers.

18 "Greenhouse gas emissions portfolio standard" means a
19 requirement that addresses or limits the amount of carbon dioxide
20 emissions indirectly resulting from the use of electricity as applied
21 to any electric power suppliers and basic generation service
22 providers of electricity.

23 "Leakage" means an increase in greenhouse gas emissions
24 related to generation sources located outside of the State that are not
25 subject to a state, interstate or regional greenhouse gas emissions
26 cap or standard that applies to generation sources located within the
27 State.]

28 i. After the board establishes a schedule of solar kilowatt-hour
29 sale or purchase requirements pursuant to paragraph (3) of
30 subsection d. of this section, the board may initiate subsequent
31 proceedings and adopt, after appropriate notice and opportunity for
32 public comment and public hearing, increased minimum solar
33 kilowatt-hour sale or purchase requirements, provided that the
34 board shall not reduce previously established minimum solar
35 kilowatt-hour sale or purchase requirements³, or otherwise impose
36 constraints that reduce the requirements by any means³.

37 j. The board shall determine an appropriate level of solar
38 alternative compliance payment, and establish³ [at least]³ a³ [ten-
39 year] 15-year³ solar alternative compliance payment schedule, that
40 permits each supplier or provider to submit an SACP to comply
41 with the solar electric generation requirements of paragraph (3) of
42 subsection d. of this section. The board may initiate subsequent
43 proceedings and adopt, after appropriate notice and opportunity for
44 public comment and public hearing, an increase in solar alternative
45 compliance payments, provided that the board shall not reduce
46 previously established levels of solar alternative compliance
47 payments¹, nor shall the board provide relief from the obligation of

1 payment of the SACP¹ ³by the electric power suppliers or basic
2 generation service providers in any form. Any SACP payments
3 collected shall be refunded directly to the ratepayers by the electric
4 public utilities³.

5 k. The board may allow electric public utilities to offer long-
6 term contracts and other means of financing, including but not
7 limited to loans, for the purchase of SRECs and the resale of SRECs
8 to suppliers or providers or others, provided that after such
9 contracts have been approved by the board, the board's approvals
10 shall not be modified by subsequent board orders.

11 l. The board shall implement its responsibilities under the
12 provisions of this section in such a manner as to:

13 (1) place greater reliance on competitive markets ¹, with the
14 explicit goal of encouraging and ensuring the emergence of new
15 entrants that can foster innovations and price competition¹;

16 (2) maintain adequate regulatory authority over non-competitive
17 public utility services;

18 (3) consider alternative forms of regulation in order to address
19 changes in the technology and structure of electric public utilities;

20 (4) promote energy efficiency and Class I renewable energy
21 market development, taking into consideration environmental
22 benefits and market barriers;

23 (5) make energy services more affordable for low and moderate
24 income customers; ³[and]³

25 (6) attempt to transform the renewable energy market into one
26 that can move forward without subsidies from the State or public
27 utilities³[.];

28 (7) achieve the goals put forth under the renewable energy
29 portfolio standards;

30 (8) promote the lowest cost to ratepayers; and

31 (9) allow all market segments to participate.³

32 m. ³[Long-term contracts, loans, SRECs, or other financial
33 support under the board's jurisdiction shall be offered to customers
34 within, but not limited to, defined market segments consisting of the
35 residential segment, the commercial and industrial segment, the
36 multi-family and affordable housing segment, and the municipal
37 and not-for-profit segment, in order to promote participation by
38 residential, low-income, and other customers in solar electric
39 generation projects, to promote the creation of solar energy jobs
40 within this State, and to promote the growth of businesses that are
41 based within this State] The board shall ensure the availability of
42 financial incentives under its jurisdiction, including, but not limited
43 to, long-term contracts, loans, SRECs, or other financial support, to
44 ensure market diversity, competition, and appropriate coverage
45 across all ratepayer segments, including, but not limited to,
46 residential, commercial, industrial, non-profit, farms, schools, and
47 public entity customers³.

1 n. ¹['The board shall establish financial limits in order to ensure
2 that no single company, together with its affiliates, receives more
3 than 25 percent of the total solar electric generation projects in any
4 one market segment capacity annually, that are funded in whole, or
5 in part, through long-term contracts, loans, SRECs, or other
6 financial support under the board's jurisdiction.] ²['Projects which
7 are owned by or directly invested in by electric distribution
8 companies or load serving entities that have renewable energy
9 portfolio standard obligations are not eligible to earn SRECs.'] For
10 projects which are owned, or directly invested in, by a public utility
11 pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), the board
12 shall determine the number of SRECs with which such projects
13 shall be credited; and in determining such number the board shall
14 ensure that the market for SRECs does not detrimentally affect the
15 development of non-utility solar projects and shall consider how its
16 determination may impact the ratepayers.²

17 o. The board, in consultation with the Department of
18 Environmental Protection, electric public utilities, the Division of
19 Rate Counsel in the Department of the Public Advocate, affected
20 members of the solar energy industry, and relevant stakeholders,
21 shall periodically consider increasing the renewable energy
22 portfolio standards beyond the minimum amounts set forth in
23 subsection d. of this section, taking into account the 'cost impacts
24 and' public benefits of such increases including, but not limited to:

25 (1) reductions in air pollution, water pollution, land disturbance,
26 and greenhouse gas emissions;

27 (2) reductions in peak demand for electricity and natural gas,
28 and the overall impact on the costs to customers of electricity and
29 natural gas;

30 (3) increases in renewable energy development, manufacturing,
31 investment, and job creation opportunities in this State; and

32 (4) reductions in State and national dependence on the use of
33 fossil fuels.

34 ³p. Class I RECs shall be eligible for use in renewable energy
35 portfolio standards compliance in the energy year in which they are
36 generated, and for the following two energy years. SRECs shall be
37 eligible for use in renewable energy portfolio standards compliance
38 in the energy year in which they are generated, and for the
39 following two energy years.³

40 (cf: P.L.2007, c.340, s.12)

41

42 3. This act shall take effect on the first day of the sixth month
43 following enactment, except that the board may take such action in
44 advance of the effective date as shall be necessary to implement the
45 provisions of this act.

CONSUMER**Ann Cole**

From: Ann Cole
Sent: Thursday, May 20, 2010 10:02 AM
To: Office of Commissioner Klement
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: You are appreciated...

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in Docket No. 100155-EG.

From: Office of Commissioner Klement
Sent: Thursday, May 20, 2010 9:06 AM
To: Ann Cole
Subject: FW: You are appreciated...

Please add to docket 100155, Thanks.

From: Dennis Antoine [mailto:ccoaching4u@gmail.com]
Sent: Tuesday, May 18, 2010 8:35 AM
To: Office of Commissioner Klement
Subject: You are appreciated...

Dear Commissioner Klement,

Should you have an opportunity to support the 7 FPL pilot programs, your constituency would be most appreciative. With your support in this area there would be job creation, a boost to the economy, and our local solar industry would be enhanced .

Thank you!

Sincerely,

Dr Dennis Antoine

5/20/2010

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