STATE OF NEW JERSEY

Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu

ENERGY/ CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL TO IMPLEMENT AN EXTENDED SREC-BASED FINANCING PROGRAM (SREC II PROGRAM) UNDER N.J.S.A. 48:3-98.1	)	ORDER ON MOTION TO INTERVENE
	)	DOCKET NO. EO 13020118

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
John L. Carley Esq., Rockland Electric Company
Michael A. Gruin, Esq., Solar Energy Industries Association ("SEIA")

BY COMMISSIONER MARY-ANNA HOLDEN:

By Order dated May 23, 2012, ("May 23 Order"), in In re Review of Utility Supported Programs, Docket EO 11050311V, the New Jersey Board of Public Utilities ("Board") authorized the extension of certain utility run solar financing programs that had been approved by the Board pursuant to an Order dated August 7, 2008[1].

On February 1, 2013, Rockland Electric Company ("RECO)" filed a petition with the Board requesting approval of its solar financing program ("RECO SREC II Program") pursuant to the May 23 Order and N.J.S.A. 48: 3-98.1. As proposed, the RECO SREC II Program is a 4.5 MW program substantially similar to the first SREC financing program approved by Board Order dated November 9, 2011[2].

---

[1] In re Renewable Energy Portfolio Standards: Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing. Docket No. EO 06100744.

[2] In re of the Verified Petition of Rockland Electric Company Concerning a Proposal for an SREC-Based Financing Program under N.J.S.A. 48:3-98.1. Docket No. EO 09020097.

By Order dated March 20, 2013, the Board retained RECO's petition for review and hearing, and as authorized by N.J.S.A. 48: 2-32, designated me as the presiding officer with authority to rule on all motions that arise during the pendency of the case.

By Order dated June 27, 2013, and at the request of RECO and to expedite proceedings, I modified the schedule in the RECO proceeding to run parallel with the schedule for the SREC financing programs filed by Atlantic City Electric Company ("ACE")(Docket No. EO 12090799) and Jersey Central Power and Light Company ("JCP&L") (Docket No. EO 12080750).

THE MOTION TO INTERVENE

By letter dated November 6, 2013, Mr. Michael A. Gruin, Esq., filed a motion to intervene in this proceeding with the Board on behalf of the Solar Energy Industries Association ("SEIA")[3]. The motion states that SEIA is a national trade association representing the interests of approximately 1,000 companies and businesses engaged in various solar businesses in New Jersey and nationally. According to the motion, SEIA's members have invested $3 billion in solar projects in New Jersey, and have installed approximately 60% of all solar MWs currently under operation in New Jersey. According to the motion, SEIA's members therefore have substantial interests that will be directly affected by the outcome of RECO's proceeding. The motion further states that SEIA has a practical industry-based perspective and can provide insight regarding solar energy markets, installation, financing as well as the SREC market. SEIA claims that the interests it represents are different from and not adequately represented by another party to the proceeding because its members comprise a broad range of business models operating across all market segments.

The Board has not received any objections from RECO or any other interested party regarding SEIA's motion to intervene.

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. the prospect for confusion and delay arising from inclusion of the party, and
4. other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the

[3] I previously granted SEIA's motions to intervene in the JCP&L and ACE proceedings.

requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervener's interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See, Order, In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, Docket No. EM05020106 (June 8, 2005).

The Board has encouraged full participation in proceedings that have the potential to affect large groups of interested parties to ensure that a full record is created. In light of the criteria stated above and based on my review of the motion to intervene filed by SEIA, SEIA's active participation in the ACE and JCP&L proceedings, and in the absence of objections, I **HEREBY FIND** that SEIA meets the standards for intervention. Accordingly, I **HEREBY GRANT** the motion to intervene of SEIA provided that SEIA conforms to the current schedule and agrees to continue to work cooperatively and constructively with the other parties to the fullest extent possible in this proceeding.

This ruling is provisional and subject to ratification or other alteration by the Board as it deems appropriate during the proceeding in this matter.

DATED: November 27, 2013

BY:

Mary-Anna Holden

MARY- ANNA HOLDEN
COMMISSIONER

In the Matter of the Verified Petition of Rockland Electric Company for Approval to Implement an Extended SREC-Based Financing Program (SREC-II Program) Under N.J.S.A. 48:3-98.1
Docket No. EO 13020118

SERVICE LIST

Board of Public Utilities		
Jerome May Division of Energy 44 S. Clinton Avenue, 9th floor P.O. Box 350 Trenton, NJ 08625-0350	Alice Bator Division of Energy 44 S. Clinton Avenue, 9th floor P.O. Box 350 Trenton, NJ 08625-0350	
Scott Hunter Division of Economic Development and Energy Policy 44 S. Clinton Avenue, 7th floor P.O. Box 350 Trenton, NJ 08625-0350	John Zarzycki 44 S. Clinton Avenue, 9th floor P.O. Box 350 Trenton, NJ 08625-0350	Andrea Reid 44 S. Clinton Avenue, 9th floor P.O. Box 350 Trenton, NJ 08625-0350
Kristi Izzo Secretary's Office 44 S. Clinton Avenue, 10th floor P.O. Box 350 Trenton, NJ 08625-0350	Tricia Caliguire, Esq. Counsel's Office 44 S. Clinton Avenue, 10th floor P.O. Box 350 Trenton, NJ 08625-0350	Bethany Rocque-Romaine, Esq. Counsel's Office 44 S. Clinton Avenue, 10th floor P.O. Box 350 Trenton, NJ 08625-0350
Rachel Boylan, Esq. Counsel's Office 44 S. Clinton Avenue, 10th floor P.O. Box 350 Trenton, NJ 08625-0350	John Garvey 44 S. Clinton Avenue, 7th floor P.O. Box 350 Trenton, NJ 08625-0350	Charles W. W. Hance, Esq. Counsel's Office 44 S. Clinton Avenue, 10th floor P.O. Box 350 Trenton, NJ 08625-0350
Division of Rate Counsel		
Stefanie A. Brand, Esq. Division of Rate Counsel 140 East Front Street, 4th floor P.O. Box 003 Trenton, NJ 08625	Brian Lipman, Esq. Division of Rate Counsel 140 East Front Street, 4th floor P.O. Box 003 Trenton, NJ 08625	Felicia Thomas-Friel, Esq. Division of Rate Counsel 140 East Front Street, 4th floor P.O. Box 003 Trenton, NJ 08625
Ami Morita, Esq. Division of Rate Counsel 140 East Front Street, 4th floor P.O. Box 003 Trenton, NJ 08625	Sarah Steindel, Esq. Division of Rate Counsel 140 East Front Street, 4th floor P.O. Box 003 Trenton, NJ 08625	James Glassen, Esq. Division of Rate Counsel 140 East Front Street, 4th floor P.O. Box 003 Trenton, NJ 08625
Andrea C. Crane The Columbia Group, Inc. 199 Ethan Allen Highway-2nd Ridgefield, CT 08677	David E. Dismukes Acadian Consulting Group 5800 One Perkins Place Drive Building 5, Suite F Baton Rouge, LA 70808	

Caroline Vachier, DAG Division of Law 124 Halsey Street, P.O. Box 45029 Newark, NJ 07101	Babette Tenzer, DAG Division of Law 124 Halsey Street, P.O. Box 45029 Newark, NJ 07101	Alex Moreau, DAG Division of Law 124 Halsey Street, P.O. Box 45029 Newark, NJ 07101
David Wand, DAG Division of Law 124 Halsey Street, P.O. Box 45029 Newark, NJ 07101	Carolyn McIntosh, DAG Division of Law 124 Halsey Street P.O. Box 45029 Newark, NJ 07101	
	RECO	
	John L. Carley, Esq. Rockland Electric Company 4 Irving Place New York, NY 10003	
	Intervenors	
Howard O. Thompson, Esq. Russo Tumulty Nester Thompson & Kelly, LLP On behalf of NJ Land 240 Cedar Knolls Road, Suite 306. Cedar Knolls, New Jersey 07927	William Potter, Esq. Potter and Dickson On behalf of MSEIA 194 Nassau Street, Princeton, New Jersey 08542	Michael A. Gruin, Esq. Stevens & Lee On behalf of SEIA 17 North Second Street, 16th floor. Harrisburg, PA 17101
	JCP&L	
	Gregory Eisenstark Morgan, Lewis & Bockius LLP On behalf of JCP&L 89 Headquarters Plaza North, Suite 1419 Morristown, NJ 07960	
	ACE	
	Philip J. Passanante, Esq. Associate General Counsel Atlantic City Electric Company 92DC42 Post Office Box 6066 Newark, DE 19714-6066	