



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

IN THE MATTER OF THE VERIFIED PETITION OF)
JERSEY CENTRAL POWER AND LIGHT COMPANY)
CONCERNING A PROPOSAL FOR AN SREC-BASED)
FINANCING PROGRAM UNDER N.J.S.A. 48:3-98.1) ORDER EXTENDING THE
180-DAY REVIEW PERIOD
DOCKET NO. EO12080750

IN THE MATTER OF THE PETITION OF ATLANTIC)
CITY ELECTRIC COMPANY CONCERNING A)
PROPOSAL FOR AN EXTENDED SOLAR RENEWABLE)
ENERGY CERTIFICATE (SREC)-BASED FINANCING)
PROGRAM PURSUANT TO N.J.S.A. 48:3-98.1) DOCKET NO. EO12090799

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Jersey Central Power and Light Company
Philip J. Passanante, Esq., Atlantic City Electric Company
Michael A. Gruin, Esq., Solar Energy Industries Association ("SEIA")
Howard O. Thompson, Esq., NJ Land, LLC
R. William Potter, Esq., Mid-Atlantic Solar Energy Industries Association ("MSEIA")

BY THE BOARD:

By Order dated May 23, 2012, In re Review of Utility Supported Programs, Docket EO11050311V ("May 23 Order"), the New Jersey Board of Public Utilities ("Board") authorized the extension of certain utility run solar financing programs previously approved by the Board pursuant to an Order dated August 7, 2008¹.

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 EO06100744).

On August 15, 2012, Jersey Central Power and Light Company ("JCP&L") filed a petition² with the Board requesting approval of its "SREC II" solar financing program ("JCP&L Program"), pursuant to the Board's May 23 Order and pursuant to N.J.S.A. 48:3-98.1. As proposed, the JCP&L Program is a 52 megawatt ("MW") program modeled closely on JCP&L's and Atlantic City Electric's ("ACE") first solar renewable energy certificate ("SREC") financing program ("Original SREC Program") approved by Board Orders dated March 29, 2009 and September 16, 2009 under Dockets EO08100875 and EO08090840.³

On September 6, 2012, ACE⁴ filed a petition with the Board requesting approval of its solar financing program ("ACE Program"), also pursuant to the May 23, Order and N.J.S.A. 48:3-98.1. According to the petition, ACE's Program is a 23 MW program modeled closely on the Original SREC Program as well.

By Orders dated October 4, 2012, and December 19, 2012 the Board retained JCP&L's and ACE's petitions respectively for review and hearing, and as authorized by N.J.S.A. 48:2-32, designated Commissioner Mary-Anna Holden as the presiding officer with authority to rule on all motions that arise during the pendency of the case.

By Order dated January 18, 2013, Commissioner Holden approved the extension of the 180 day review period under N.J.S.A. 48:3-98.1 b ("Review Period") to June 30, 2013 for the ACE Program, and on January 23, 2013, the Board approved the extension of the Review Period to June 30, 2013 for the JCP&L Program. On March 20, 2013, Commissioner Holden adopted a revised procedural schedule proposed by the parties for both petitions which called for an anticipated July 2013 Agenda.

On May 16, 2013, ACE, JCP&L, Board Staff, the Division of Rate Counsel, MSEIA, SEIA executed a stipulation ("Stipulation") agreeing to extend ACE's and JCP&L's respective Review Periods to September 30, 2013 in order to allow additional time for the review and processing of the petitions. The parties also agreed to the following revised procedural schedule:

Settlement Conference	May 16, 2013
Initial testimony Due	June 14, 2013
Rebuttal Testimony Due	June 28, 2013
Evidentiary Hearings (if necessary)	July 8, 9, and 10 2013
Position Papers Due	July 26, 2013
Anticipated Board Action	August 2013 Agenda

DISCUSSION AND FINDING

The Board has carefully reviewed the record to date in this matter. The Board is satisfied and **HEREBY FINDS** that the Stipulation is reasonable and is in the public interest as it will provide

² In re Verified Petition of Jersey Central Power & Light Company Concerning a Proposal for an SREC-based Financing Program under N.J.S.A. 48:3-98.1. (Docket EO12080750).

³ In Re Verified Petition of Jersey Central Power & Light Concerning a Proposal for a SREC-based Financing Program under N.J.S.A. 48:3-98. (Docket EO08090840). In Re Atlantic City Electric Company Renewable Portfolio Standard Amendments to the Minimum Filing Requirements for Energy Efficiency, Renewable Energy and Conservation Programs and for Electric Distribution Company Submittal of Filing in Connection with Solar Financing. (Docket EO08100875).


⁴ In re the Petition of Atlantic City Electric Company Concerning a Proposal for an Extended SREC-based Financing Program Pursuant to N.J.S.A. 48:3-98.1 (Docket EO12090799).

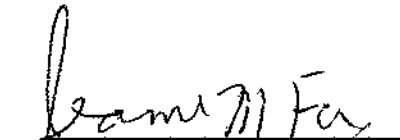
additional time for a thorough review of the proposed JCP&L Program and the ACE Program, and allow for the development of a full and complete record for review by the Board.


Accordingly, the Board **HEREBY ADOPTS** the attached Stipulation as its own, incorporating by reference its terms and conditions as if fully set forth herein and **HEREBY EXTENDS** the JCP&L and ACE 180-day Review Periods to September 30, 2013, and approves the revised schedule as set forth in the Stipulation which remains subject to modification by Commissioner Holden.

DATED: 5/29/13

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST: 
KRISTI IZZO
SECRETARY

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



I/M/O the Petition of Jersey Central Power & Light Company Concerning a Proposal for an
SREC-based Financing Program under N.J.S.A. 48:3-98.1.
Docket EO12080750

SERVICE LIST

Board of Public Utilities		
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Department of Law and Public Safety		
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JCP&L		
Gregory Eisenstark Morgan, Lewis & Bockius LLP On behalf of JCP&L 89 Headquarters Plaza North, suite 1419 Morristown, NJ 07960		
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, 16 th floor. Harrisburg, PA 17101

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

IN THE MATTER OF THE VERIFIED
PETITION OF JERSEY CENTRAL
POWER & LIGHT COMPANY
CONCERNING A PROPOSAL FOR AN
SREC-BASED FINANCING
PROGRAM UNDER N.J.S.A. 48:3-98.1
("SREC II")

BPU DOCKET NOS. E012080750 and
EO12090799

**STIPULATION
TO EXTEND THE 180-DAY RGGI
PERIOD**

IN THE MATTER OF THE PETITION OF
ATLANTIC CITY ELECTRIC COMPANY
CONCERNING A PROPOSAL FOR AN
EXTENDED SOLAR RENEWABLE
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FINANCING PROGRAM PURSUANT TO
N.J.S.A. 48:3-98.1

APPEARANCES:

Gregory Eisenstark, Esq. (Morgan, Lewis & Bockius LLP) for Petitioner, Jersey Central Power & Light Company

Philip J. Passanante, Esq., Associate General Counsel, for Petitioner, Atlantic City Electric Company

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Howard O. Thompson, Esq., for NJ Land, LLC

Michael A. Gruin, Esq. (Stevens & Lee) for the Solar Energy Industries Association

R. William Potter, Esq. (Potter and Dixon) for the Mid-Atlantic Solar Energy Industries Association

TO THE HONORABLE NEW JERSEY BOARD OF PUBLIC UTILITIES:

1. On August 15, 2012, Jersey Central Power and Light Company ("JCP&L") filed a Verified Petition with the New Jersey Board of Public Utilities ("Board"), requesting approval of its "SREC II" solar financing program, pursuant to the Board's Order dated May 23, 2012 in Docket No. EO11050311V (the "May 23 Order"), and pursuant to N.J.S.A. 48:3-98.1 et seq. ("the RGGI Act"). According to JCP&L, its proposed SREC II Program is a 52 MW SREC Financing Program modeled closely on the Company's original SREC Financing Program. JCP&L avers that based on requirements in the Board's May 23 Order and experience with the original Program, JCP&L has proposed certain new elements for the SREC II Program, and the entire scope of the proposed SREC II Program is discussed in detail in the Verified Petition and supporting exhibits and schedules.

2. On September 5, 2012, Atlantic City Electric Company ("ACE") filed a Verified Petition with the Board requesting approval of its "SREC II" solar financing program, also pursuant to the May 23 Order and the RGGI Act. According to ACE, it intends the SREC II Program to be similar in all material respects to the current SREC I Program. ACE further states that its Program will solicit 23 MW of solar capacity. ACE has also proposed certain new elements for the SREC II Program, and the entire scope of the proposed SREC II Program is discussed in detail in ACE's Verified Petition and supporting exhibits and schedules.

3. On September 14, 2012, Board Staff advised JCP&L that, for this Petition, Board Staff was amending the minimum filing requirements in Appendix A of the May 12, 2008 Board Order in Docket No. EO08030164 (the "May 12 Order") to waive any filing deficiencies that may

be present in the Company's Petition without precluding subsequent request for any information. As stated in the May 12 Order, if Board Staff notifies the utility that the Petition is complete as filed, then the 180-day period for the Board to approve, modify or deny the Petition will commence on the date that the Petition was filed. In accordance with the May 12 Order, Board Staff deemed JCP&L's Petition administratively complete. Therefore, the Board's 180-day review period under the RGGI Act commenced on August 15, 2012 and would have expired on February 11, 2013 (the "JCP&L RGGI date").

4. On October 9, 2012, Board Staff advised ACE that, for this Petition, Board Staff was amending the minimum filing requirements in Appendix A of the May 12 Order to waive any filing deficiencies that may be present in the Company's Petition without precluding subsequent request for any information. As stated in the May 12 Order, if Board Staff notifies the utility that the Petition is complete as filed, then the 180-day period for the Board to approve, modify or deny the Petition will commence on the date that the Petition was filed. In accordance with the May 12 Order, Board Staff deemed ACE's Petition administratively complete. Therefore, the Board's 180-day review period under the RGGI Act commenced on September 6, 2012 and would have expired on March 5, 2013 (the "ACE RGGI date").

5. By Order dated October 4, 2012, in the JCP&L matter, the Board designated Commissioner Mary-Anna Holden as the presiding officer who is authorized to rule on all motions that arise during the pendency of this case and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. By Order dated December 19, 2012, the Board similarly designated Commissioner Holden as the presiding officer for the ACE filing.

6. The undersigned parties (collectively referred to herein as the "Parties"), having commenced discovery and discussions concerning these matters, requested an extension of the JCP&L RGGI date and the ACE RGGI date (collectively, the "RGGI dates") to June 30, 2013. By Order dated January 18, 2013, Commissioner Holden extended the ACE RGGI date to June 30, 2013 and approved a modified procedural schedule for both matters. By Order dated January 23, 2013, the Board extended the JCP&L RGGI date to June 30, 2013.

7. In light of the fact that the Parties' discussions may not be completed and a settlement may not be ready for submission to the Board by June 30, 2013, the Parties have agreed to request an extension of the RGGI dates to September 30, 2013 in order to provide the Board with additional time to complete the processing of the Petitions and issue final determinations in this matter.

8. The Parties further request that the procedural schedule for these matters be modified as follows:

Settlement Conference	May 16, 2013
Initial Testimony Due	June 14, 2013
Rebuttal Testimony	June 28, 2013
Evidentiary Hearings (if necessary)	July 8, 9, and 10, 2013
Position Papers Due	July 26, 2013
Anticipated Board Action	August 2013 Agenda

STIPULATION

Accordingly, the Parties hereby **STIPULATE AND AGREE** as follows:

7. The Parties, pursuant to N.J.S.A. 48:2-21.3, request that the Board issue an Order extending the RGGI date of June 30, 2013, and establishing a revised RGGI date for purposes of

extending the 180-day RGGI Period until September 30, 2013 for both the JCP&L and ACE Petitions.

8. The Parties further request that Commissioner Holden approve the revised procedural schedule contained herein.

9. This Stipulation represents a mutual balancing of interests, contains interdependent provisions, and, therefore, is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

WHEREFORE, the undersigned Parties hereto do respectfully submit this Stipulation and request that the Board issue an Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

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

JERSEY CENTRAL POWER & LIGHT
COMPANY

By: _____
Alex Moreau
Deputy Attorney General

By: _____
Gregory Eisenstark, Esq.

DIVISION OF RATE COUNSEL
STEFANIE A. BRAND, DIRECTOR

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By: _____
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MID-ATLANTIC SOLAR ENERGY INDUSTRIES ASSOCIATION

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R. William Potter, Esq.

Dated: May ___, 2013

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("SREC II")

BPU DOCKET NOS. E012080750 and
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TO EXTEND THE 180-DAY RGGI
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APPEARANCES:

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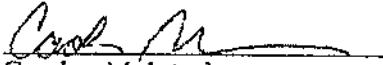
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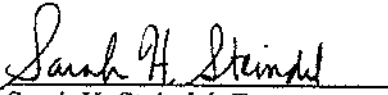
JERSEY CENTRAL POWER & LIGHT
COMPANY

By: 
Carolyn McIntosh
Deputy Attorney General

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DIVISION OF RATE COUNSEL
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MID-ATLANTIC SOLAR ENERGY INDUSTRIES ASSOCIATION

By: _____
R. William Potter, Esq.


Dated: May ___, 2013

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By: 

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Dated: May ____, 2013

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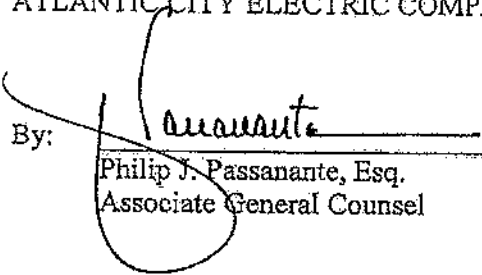
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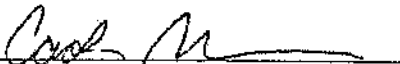
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Attorney for the Staff of the New Jersey
Board of Public Utilities

JERSEY CENTRAL POWER & LIGHT
COMPANY

By: 
Carolyn McIntosh
Deputy Attorney General

By: _____
Gregory Eisenstark, Esq.

DIVISION OF RATE COUNSEL
STEFANIE A. BRAND, DIRECTOR

ATLANTIC CITY ELECTRIC COMPANY

By: _____
Sarah H. Steindel, Esq.
Assistant Deputy Rate Counsel

By: _____
Philip J. Passanante, Esq.
Associate General Counsel

NJ LAND, LLC

SOLAR ENERGY INDUSTRIES
ASSOCIATION

By: _____
Howard O. Thompson, Esq.

By: _____
Michael A. Gruin, Esq.

MID-ATLANTIC SOLAR ENERGY INDUSTRIES ASSOCIATION

By: _____
R. William Potter, Esq.

Dated: May ____, 2013

WHEREFORE, the undersigned Parties hereto do respectfully submit this Stipulation and request that the Board issue an Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

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

JERSEY CENTRAL POWER & LIGHT
COMPANY

By: _____
Alex Moreau
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