



New Jersey Board of Public Utilities Takes New Action on Community Solar Petitions

Client Advisories

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The New Jersey Board of Public Utilities (BPU) approved four Community Solar PY2 project petitions granting deadline extensions due to unforeseeably long interconnection delays, which “were systemic, unforeseen and unforeseeable by the Petitioners, and wholly outside of their control.” The Board granted relief for these projects by waiving the rules that require PY2 projects to be complete and submit post-construction documents before the November 4, 2023 deadline. The Board found that full compliance with these rules would adversely impact New Jersey ratepayers and permitted an extension of time for these projects to remain in the Community Solar Program and in the TI Program to receive TRECs if the projects submit all required documents within four months after the necessary upgrades to interconnect the projects are complete.

Board approval of these Community Solar petitions is narrowly tailored, but it marks the first significant grant of relief after denying the vast majority of petitions seeking deadline extensions for conditionally approved TI Projects.

The November 4 PY2 Community Solar deadline is rapidly approaching as dozens of projects are completing construction with utilities receiving a deluge of requests to approve and deliver the required permission to operate documents before the deadline expires. The Board has also received a steady stream of petitions seeking extensions for projects that are at risk missing the deadline due to delays that are “wholly outside of their control.”

While it remains unclear whether the Board will approve more petitions seeking extensions for PY2 community solar projects, it is clear that the projects that were granted relief on October 25 all filed their petitions before the November 4 deadline. The Board has consistently stated that petitions for extensions must be filed before the project’s deadline and that extensions will not be granted based on common, foreseeable delays such as supply chain issues that an applicant should have known when they applied.

The permanent Community Solar Energy Program (“CSEP”) application window will open on November 15 with public comments on the CSEP rule proposal to be submitted by December 1. The next BPU Board meeting

has been rescheduled for November 17.

The Archer Energy & Utilities Group is proud to have provided legal counsel for community solar developers since the program's inception. We have been directly involved in the many successful Community Solar awards. Archer continues to help shape energy policy through its longstanding prominence in the space, and continued drafting and litigating successful petitions before the BPU.

If you have any questions about Community Solar petitions, please contact **David Weinstein** at dweinstein@archerlaw.com or 856.857.2787, or **Jim Boyd** at jaboyn@archerlaw.com or 609.580.3711.

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