

ASSEMBLY, No. 2446

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Requires BPU to provide funding for purchase and installation of photovoltaic technologies for age-restricted community clubhouse facilities from societal benefits charge.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for certain energy assistance grants and loans and
2 amending 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 1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read as
8 follows:

9 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

10 “Age-restricted community” means a community that complies
11 with the definition of “housing for older persons,” as provided in 42
12 U.S.C. s.3607, for that community, as set forth in section 100.301 of
13 Title 24, Code of Federal Regulations.

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

20 "Base load electric power generation facility" means an electric
21 power generation facility intended to be operated at a greater than 50
22 percent capacity factor including, but not limited to, a combined
23 cycle power facility and a combined heat and power facility.

24 "Base residual auction" means the auction conducted by PJM, as
25 part of PJM's reliability pricing model, three years prior to the start
26 of the delivery year to secure electrical capacity as necessary to
27 satisfy the capacity requirements for that delivery year.

28 "Basic gas supply service" means gas supply service that is
29 provided to any customer that has not chosen an alternative gas
30 supplier, whether or not the customer has received offers as to
31 competitive supply options, including, but not limited to, any
32 customer that cannot obtain such service for any reason, including
33 non-payment for services. Basic gas supply service is not a
34 competitive service and shall be fully regulated by the board.

35 "Basic generation service" or "BGS" means electric generation
36 service that is provided, to any customer that has not chosen an
37 alternative electric power supplier, whether or not the customer has
38 received offers for competitive supply options, including, but not
39 limited to, any customer that cannot obtain such service from an
40 electric power supplier for any reason, including non-payment for
41 services. Basic generation service is not a competitive service and
42 shall be fully regulated by the board.

43 "Basic generation service provider" or "provider" means a
44 provider of basic generation service.

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.

1 "Basic generation service transition costs" means the amount by
2 which the payments by an electric public utility for the procurement
3 of power for basic generation service and related ancillary and
4 administrative costs exceeds the net revenues from the basic
5 generation service charge established by the board pursuant to
6 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
7 together with interest on the balance at the board-approved rate, that
8 is reflected in a deferred balance account approved by the board in
9 an order addressing the electric public utility's unbundled rates,
10 stranded costs, and restructuring filings pursuant to P.L.1999, c.23
11 (C.48:3-49 et al.). Basic generation service transition costs shall
12 include, but are not limited to, costs of purchases from the spot
13 market, bilateral contracts, contracts with non-utility generators,
14 parting contracts with the purchaser of the electric public utility's
15 divested generation assets, short-term advance purchases, and
16 financial instruments such as hedging, forward contracts, and
17 options. Basic generation service transition costs shall also include
18 the payments by an electric public utility pursuant to a competitive
19 procurement process for basic generation service supply during the
20 transition period, and costs of any such process used to procure the
21 basic generation service supply.

22 "Board" means the New Jersey Board of Public Utilities or any
23 successor agency.

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

47 "Bondable stranded costs rate order" means one or more
48 irrevocable written orders issued by the board pursuant to P.L.1999,

1 c.23 (C.48:3-49 et al.) which determines the amount of bondable
2 stranded costs and the initial amount of transition bond charges
3 authorized to be imposed to recover the bondable stranded costs,
4 including the costs to be financed from the proceeds of the transition
5 bonds, as well as on-going costs associated with servicing and credit
6 enhancing the transition bonds, and provides the electric public
7 utility specific authority to issue or cause to be issued, directly or
8 indirectly, transition bonds through a financing entity and related
9 matters as provided in P.L.1999, c.23 (C.48:3-49 et al.), which order
10 shall become effective immediately upon the written consent of the
11 related electric public utility to the order as provided in P.L.1999,
12 c.23 (C.48:3-49 et al.).

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

24 "British thermal unit" or "Btu" means the amount of heat required
25 to increase the temperature of one pound of water by one degree
26 Fahrenheit.

27 "Broker" means a duly licensed electric power supplier that
28 assumes the contractual and legal responsibility for the sale of
29 electric generation service, transmission, or other services to end-use
30 retail customers, but does not take title to any of the power sold, or a
31 duly licensed gas supplier that assumes the contractual and legal
32 obligation to provide gas supply service to end-use retail customers,
33 but does not take title to the gas.

34 "Brownfield" means any former or current commercial or
35 industrial site that is currently vacant or underutilized and on which
36 there has been, or there is suspected to have been, a discharge of a
37 contaminant.

38 "Buydown" means an arrangement or arrangements involving the
39 buyer and seller in a given power purchase contract and, in some
40 cases third parties, for consideration to be given by the buyer in order
41 to effectuate a reduction in the pricing, or the restructuring of other
42 terms to reduce the overall cost of the power contract, for the
43 remaining succeeding period of the purchased power arrangement or
44 arrangements.

45 "Buyout" means an arrangement or arrangements involving the
46 buyer and seller in a given power purchase contract and, in some
47 cases third parties, for consideration to be given by the buyer in order
48 to effectuate a termination of such power purchase contract.

1 "Class I renewable energy" means electric energy produced from
2 solar technologies, photovoltaic technologies, wind energy, fuel
3 cells, geothermal technologies, wave or tidal action, small scale
4 hydropower facilities with a capacity of three megawatts or less and
5 put into service after the effective date of P.L.2012, c.24, methane
6 gas from landfills, methane gas from a biomass facility provided that
7 the biomass is cultivated and harvested in a sustainable manner, or
8 methane gas from a composting or anaerobic or aerobic digestion
9 facility that converts food waste or other organic waste to energy.

10 "Class II renewable energy" means electric energy produced at a
11 hydropower facility with a capacity of greater than three megawatts,
12 but less than 30 megawatts, or a resource recovery facility, provided
13 that the facility is located where retail competition is permitted and
14 provided further that the Commissioner of Environmental Protection
15 has determined that the facility meets the highest environmental
16 standards and minimizes any impacts to the environment and local
17 communities. Class II renewable energy shall not include electric
18 energy produced at a hydropower facility with a capacity of greater
19 than 30 megawatts on or after the effective date of P.L.2015, c.51.

20 "Co-generation" means the sequential production of electricity
21 and steam or other forms of useful energy used for industrial or
22 commercial heating and cooling purposes.

23 "Combined cycle power facility" means a generation facility that
24 combines two or more thermodynamic cycles, by producing electric
25 power via the combustion of fuel and then routing the resulting waste
26 heat by-product to a conventional boiler or to a heat recovery steam
27 generator for use by a steam turbine to produce electric power,
28 thereby increasing the overall efficiency of the generating facility.

29 "Combined heat and power facility" or "co-generation facility"
30 means a generation facility which produces electric energy and steam
31 or other forms of useful energy such as heat, which are used for
32 industrial or commercial heating or cooling purposes. A combined
33 heat and power facility or co-generation facility shall not be
34 considered a public utility.

35 "Community clubhouse" means an area devoted to facilities and
36 equipment for recreational purposes typically including, but not
37 limited to, swimming pools, tennis courts, resident recreational club
38 meetings, and other similar uses maintained and operated by an age-
39 restricted community whose membership is limited to residents
40 within the age-restricted community.

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

45 "Commercial and industrial energy pricing class customer" or
46 "CIEP class customer" means that group of non-residential customers
47 with high peak demand, as determined by periodic board order, which
48 either is eligible or which would be eligible, as determined by

1 periodic board order, to receive funds from the Retail Margin Fund
2 established pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and
3 for which basic generation service is hourly-priced.

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 that
7 are not or cannot be delivered to customers through a competitive
8 marketplace.

9 "Community solar facility" means a solar electric power
10 generation facility participating in the Community Solar Energy Pilot
11 Program or the Community Solar Energy Program developed by the
12 board pursuant to section 5 of P.L.2018, c.17 (C.48:3-87.11).

13 "Connected to the distribution system" means, for a solar electric
14 power generation facility, that the facility is: (1) connected to a net
15 metering customer's side of a meter, regardless of the voltage at
16 which that customer connects to the electric grid; (2) an on-site
17 generation facility; (3) qualified for net metering aggregation as
18 provided pursuant to paragraph (4) of subsection e. of section 38 of
19 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
20 public utility and approved by the board pursuant to section 13 of
21 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
22 grid at 69 kilovolts or less, regardless of how an electric public utility
23 classifies that portion of its electric grid, and is designated as
24 "connected to the distribution system" by the board pursuant to
25 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-87);
26 or (6) is certified by the board, in consultation with the Department
27 of Environmental Protection, as being located on a brownfield, on an
28 area of historic fill, or on a properly closed sanitary landfill facility.
29 Any solar electric power generation facility, other than that of a net
30 metering customer on the customer's side of the meter, connected
31 above 69 kilovolts shall not be considered connected to the
32 distribution system.

33 "Contaminated site or landfill" means: (1) any currently
34 contaminated portion of a property on which industrial or commercial
35 operations were conducted and a discharge occurred, and its
36 associated disturbed areas, where "discharge" means the same as the
37 term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1); or (2)
38 a properly closed sanitary landfill facility and its associated disturbed
39 areas.

40 "Customer" means any person that is an end user and is connected
41 to any part of the transmission and distribution system within an
42 electric public utility's service territory or a gas public utility's
43 service territory within this State.

44 "Customer account service" means metering, billing, or such other
45 administrative activity associated with maintaining a customer
46 account.

1 "Delivery year" or "DY" means the 12-month period from June
2 1st through May 31st, numbered according to the calendar year in
3 which it ends.

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

10 "Electric generation service" means the provision of retail electric
11 energy and capacity which is generated off-site from the location at
12 which the consumption of such electric energy and capacity is
13 metered for retail billing purposes, including agreements and
14 arrangements related thereto.

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

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

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

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

45 "Electronic signature" means an electronic sound, symbol, or
46 process, attached to, or logically associated with, a contract or other
47 record, and executed or adopted by a person with the intent to sign
48 the record.

1 "Eligible generator" means a developer of a base load or mid-merit
2 electric power generation facility including, but not limited to, an on-
3 site generation facility that qualifies as a capacity resource under
4 PJM criteria and that commences construction after the effective date
5 of P.L.2011, c.9 (C.48:3-98.2 et al.).

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

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

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

19 "Energy year" or "EY" means the 12-month period from June 1st
20 through May 31st, numbered according to the calendar year in which
21 it ends.

22 "Existing business relationship" means a relationship formed by a
23 voluntary two-way communication between an electric power
24 supplier, gas supplier, broker, energy agent, marketer, private
25 aggregator, sales representative, or telemarketer and a customer,
26 regardless of an exchange of consideration, on the basis of an inquiry,
27 application, purchase, or transaction initiated by the customer
28 regarding products or services offered by the electric power supplier,
29 gas supplier, broker, energy agent, marketer, private aggregator, sales
30 representative, or telemarketer; however, a consumer's use of electric
31 generation service or gas supply service through the consumer's
32 electric public utility or gas public utility shall not constitute or
33 establish an existing business relationship for the purpose of
34 P.L.2013, c.263.

35 "Farmland" means land actively devoted to agricultural or
36 horticultural use that is valued, assessed, and taxed pursuant to the
37 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
38 seq.).

39 "Federal Energy Regulatory Commission" or "FERC" means the
40 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to
41 regulate the interstate transmission of electricity, natural gas, and oil.

42 "Final remediation document" shall have the same meaning as
43 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

44 "Financing entity" means an electric public utility, a special
45 purpose entity, or any other assignee of bondable transition property,
46 which issues transition bonds. Except as specifically provided in
47 P.L.1999, c.23 (C.48:3-49 et al.), a financing entity which is not itself
48 an electric public utility shall not be subject to the public utility

1 requirements of Title 48 of the Revised Statutes or any rules or
2 regulations adopted pursuant thereto.

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

5 "Gas related service" means a service that is directly related to the
6 consumption of gas by an end user, including, but not limited to, the
7 installation of demand side management measures at the end user's
8 premises, the maintenance, repair or replacement of appliances or
9 other energy-consuming devices at the end user's premises, and the
10 provision of energy consumption measurement and billing services.

11 "Gas supplier" means a person that is duly licensed pursuant to the
12 provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and assume
13 the contractual and legal obligation to provide gas supply service to
14 retail customers, and includes, but is not limited to, marketers and
15 brokers. A non-public utility affiliate of a public utility holding
16 company may be a gas supplier, but a gas public utility or any
17 subsidiary of a gas utility is not a gas supplier. In the event that a gas
18 public utility is not part of a holding company legal structure, a
19 related competitive business segment of that gas public utility may
20 be a gas supplier, provided that related competitive business segment
21 is structurally separated from the gas public utility, and provided that
22 the interactions between the gas public utility and the related
23 competitive business segment are subject to the affiliate relations
24 standards adopted by the board pursuant to subsection k. of section
25 10 of P.L.1999, c.23 (C.48:3-58).

26 "Gas supply service" means the provision to customers of the
27 retail commodity of gas, but does not include any regulated
28 distribution service.

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

41 "Government energy aggregation program" means a program and
42 procedure pursuant to which a government aggregator enters into a
43 written contract for the provision of electric generation service or gas
44 supply service on behalf of business or residential customers within
45 its territorial jurisdiction.

46 "Governmental entity" means any federal, state, municipal, local,
47 or other governmental department, commission, board, agency,
48 court, authority, or instrumentality having competent jurisdiction.

1 "Green Acres program" means the program for the acquisition of
2 lands for recreation and conservation purposes pursuant to P.L.1961,
3 c.45 (C.13:8A-1 et seq.), P.L.1971, c.419 (C.13:8A-19 et seq.),
4 P.L.1975, c.155 (C.13:8A-35 et seq.), any Green Acres bond act,
5 P.L.1999, c.152 (C.13:8C-1 et seq.), and P.L.2016, c.12 (C.13:8C-43
6 et seq.).

7 "Greenhouse gas emissions portfolio standard" means a
8 requirement that addresses or limits the amount of carbon dioxide
9 emissions indirectly resulting from the use of electricity as applied to
10 any electric power suppliers and basic generation service providers
11 of electricity.

12 "Grid supply solar facility" means a solar electric power
13 generation facility that sells electricity at wholesale and is connected
14 to the State's electric distribution or transmission systems. "Grid
15 supply solar facility" does not include: (1) a net metered solar
16 facility; (2) an on-site generation facility; (3) a facility participating
17 in net metering aggregation pursuant to section 38 of P.L.1999, c.23
18 (C.48:3-87); (4) a facility participating in remote net metering; or (5)
19 a community solar facility.

20 "Historic fill" means generally large volumes of non-indigenous
21 material, no matter what date they were emplaced on the site, used to
22 raise the topographic elevation of a site, which were contaminated
23 prior to emplacement and are in no way connected with the
24 operations at the location of emplacement and which include, but are
25 not limited to, construction debris, dredge spoils, incinerator residue,
26 demolition debris, fly ash, and non-hazardous solid waste. "Historic
27 fill" shall not include any material which is substantially chromate
28 chemical production waste or any other chemical production waste
29 or waste from processing of metal or mineral ores, residues, slags, or
30 tailings.

31 "Incremental auction" means an auction conducted by PJM, as part
32 of PJM's reliability pricing model, prior to the start of the delivery
33 year to secure electric capacity as necessary to satisfy the capacity
34 requirements for that delivery year, that is not otherwise provided for
35 in the base residual auction.

36 "Leakage" means an increase in greenhouse gas emissions related
37 to generation sources located outside of the State that are not subject
38 to a state, interstate, or regional greenhouse gas emissions cap or
39 standard that applies to generation sources located within the State.

40 "Locational deliverability area" or "LDA" means one or more of
41 the zones within the PJM region which are used to evaluate area
42 transmission constraints and reliability issues including electric
43 public utility company zones, sub-zones, and combinations of zones.

44 "Long-term capacity agreement pilot program" or "LCAPP"
45 means a pilot program established by the board that includes
46 participation by eligible generators, to seek offers for financially-
47 settled standard offer capacity agreements with eligible generators
48 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

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

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

17 "Mid-merit electric power generation facility" means a generation
18 facility that operates at a capacity factor between baseload generation
19 facilities and peaker generation facilities.

20 "Net metered solar facility" means a solar electric power
21 generation facility participating in the net metering program
22 developed by the board pursuant to subsection e. of section 38 of
23 P.L.1999, c.23 (C.48:3-87) or in a substantially similar program
24 operated by a utility owned or operated by a local government unit.

25 "Net metering aggregation" means a procedure for calculating the
26 combination of the annual energy usage for all facilities owned by a
27 single customer where such customer is a State entity, school district,
28 county, county agency, county authority, municipality, municipal
29 agency, or municipal authority, and which are served by a solar
30 electric power generating facility as provided pursuant to paragraph
31 (4) of subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87).

32 "Net proceeds" means proceeds less transaction and other related
33 costs as determined by the board.

34 "Net revenues" means revenues less related expenses, including
35 applicable taxes, as determined by the board.

36 "Offshore wind energy" means electric energy produced by a
37 qualified offshore wind project.

38 "Offshore wind renewable energy certificate" or "OREC" means a
39 certificate, issued by the board or its designee, representing the e
40 environmental attributes of one megawatt hour of electric generation
41 from a qualified offshore wind project.

42 "Off-site end use thermal energy services customer" means an end
43 use customer that purchases thermal energy services from an on-site
44 generation facility, combined heat and power facility, or co-
45 generation facility, and that is located on property that is separated
46 from the property on which the on-site generation facility, combined
47 heat and power facility, or co-generation facility is located by more

1 than one easement, public thoroughfare, or transportation or utility-
2 owned right-of-way.

3 "On-site generation facility" means a generation facility,
4 including, but not limited to, a generation facility that produces Class
5 I or Class II renewable energy, and equipment and services
6 appurtenant to electric sales by such facility to the end use customer
7 located on the property or on property contiguous to the property on
8 which the end user is located. An on-site generation facility shall not
9 be considered a public utility. The property of the end use customer
10 and the property on which the on-site generation facility is located
11 shall be considered contiguous if they are geographically located next
12 to each other, but may be otherwise separated by an easement, public
13 thoroughfare, transportation or utility-owned right-of-way, or if the
14 end use customer is purchasing thermal energy services produced by
15 the on-site generation facility, for use for heating or cooling, or both,
16 regardless of whether the customer is located on property that is
17 separated from the property on which the on-site generation facility
18 is located by more than one easement, public thoroughfare, or
19 transportation or utility-owned right-of-way.

20 "Open access offshore wind transmission facility" means an open
21 access transmission facility, located either in the Atlantic Ocean or
22 offshore, used to facilitate the collection of offshore wind energy or
23 its delivery to the electronic transmission system in this State.

24 "Person" means an individual, partnership, corporation,
25 association, trust, limited liability company, governmental entity, or
26 other legal entity.

27 "PJM Interconnection, L.L.C." or "PJM" means the privately-held,
28 limited liability corporation that serves as a FERC-approved
29 Regional Transmission Organization, or its successor, that manages
30 the regional, high-voltage electricity grid serving all or parts of 13
31 states including New Jersey and the District of Columbia, operates
32 the regional competitive wholesale electric market, manages the
33 regional transmission planning process, and establishes systems and
34 rules to ensure that the regional and in-State energy markets operate
35 fairly and efficiently.

36 "Preliminary assessment" shall have the same meaning as
37 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

38 "Preserved farmland" means land on which a development
39 easement was conveyed to, or retained by, the State Agriculture
40 Development Committee, a county agriculture development board,
41 or a qualifying tax exempt nonprofit organization pursuant to the
42 provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of
43 P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38),
44 section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40
45 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other
46 State law enacted for farmland preservation purposes.

47 "Private aggregator" means a non-government aggregator that is a
48 duly-organized business or non-profit organization authorized to do

1 business in this State that enters into a contract with a duly licensed
2 electric power supplier for the purchase of electric energy and
3 capacity, or with a duly licensed gas supplier for the purchase of gas
4 supply service, on behalf of multiple end-use customers by
5 combining the loads of those customers.

6 "Properly closed sanitary landfill facility" means a sanitary
7 landfill facility, or a portion of a sanitary landfill facility, for which
8 performance is complete with respect to all activities associated with
9 the design, installation, purchase, or construction of all measures,
10 structures, or equipment required by the Department of
11 Environmental Protection, pursuant to law, in order to prevent,
12 minimize, or monitor pollution or health hazards resulting from a
13 sanitary landfill facility subsequent to the termination of operations
14 at any portion thereof, including, but not necessarily limited to, the
15 placement of earthen or vegetative cover, and the installation of
16 methane gas vents or monitors and leachate monitoring wells or
17 collection systems at the site of any sanitary landfill facility.

18 "Public utility holding company" means: (1) any company that,
19 directly or indirectly, owns, controls, or holds with power to vote, 10
20 percent or more of the outstanding voting securities of an electric
21 public utility or a gas public utility or of a company which is a public
22 utility holding company by virtue of this definition, unless the
23 Securities and Exchange Commission, or its successor, by order
24 declares such company not to be a public utility holding company
25 under the Public Utility Holding Company Act of 1935, 15 U.S.C.
26 s.79 et seq., or its successor; or (2) any person that the Securities and
27 Exchange Commission, or its successor, determines, after notice and
28 opportunity for hearing, directly or indirectly, to exercise, either
29 alone or pursuant to an arrangement or understanding with one or
30 more other persons, such a controlling influence over the
31 management or policies of an electric public utility or a gas public
32 utility or public utility holding company as to make it necessary or
33 appropriate in the public interest or for the protection of investors or
34 consumers that such person be subject to the obligations, duties, and
35 liabilities imposed in the Public Utility Holding Company Act of
36 1935, 15 U.S.C. s.79 et seq., or its successor act.

37 "Qualified offshore wind project" means a wind turbine electricity
38 generation facility in the Atlantic Ocean and connected to the electric
39 transmission system in this State, and includes the associated
40 transmission-related interconnection facilities and equipment, and
41 approved by the board pursuant to section 3 of P.L.2010, c.57
42 (C.48:3-87.1).

43 "Registration program" means an administrative process
44 developed by the board pursuant to subsection u. of section 38 of
45 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric
46 power generation facilities connected to the distribution system that
47 intend to generate SRECs, to file with the board documents detailing

1 the size, location, interconnection plan, land use, and other project
2 information as required by the board.

3 "Regulatory asset" means an asset recorded on the books of an
4 electric public utility or gas public utility pursuant to the Statement
5 of Financial Accounting Standards, No. 71, entitled "Accounting for
6 the Effects of Certain Types of Regulation," or any successor
7 standard and as deemed recoverable by the board.

8 "Related competitive business segment of an electric public utility
9 or gas public utility" means any business venture of an electric public
10 utility or gas public utility including, but not limited to, functionally
11 separate business units, joint ventures, and partnerships, that offers
12 to provide or provides competitive services.

13 "Related competitive business segment of a public utility holding
14 company" means any business venture of a public utility holding
15 company, including, but not limited to, functionally separate business
16 units, joint ventures, and partnerships and subsidiaries, that offers to
17 provide or provides competitive services, but does not include any
18 related competitive business segments of an electric public utility or
19 gas public utility.

20 "Reliability pricing model" or "RPM" means PJM's capacity-
21 market model, and its successors, that secures capacity on behalf of
22 electric load serving entities to satisfy load obligations not satisfied
23 through the output of electric generation facilities owned by those
24 entities, or otherwise secured by those entities through bilateral
25 contracts.

26 "Renewable energy certificate" or "REC" means a certificate
27 representing the environmental benefits or attributes of one
28 megawatt-hour of generation from a generating facility that produces
29 Class I or Class II renewable energy, but shall not include a solar
30 renewable energy certificate or an offshore wind renewable energy
31 certificate.

32 "Resource clearing price" or "RCP" means the clearing price
33 established for the applicable locational deliverability area by the
34 base residual auction or incremental auction, as determined by the
35 optimization algorithm for each auction, conducted by PJM as part
36 of PJM's reliability pricing model.

37 "Resource recovery facility" means a solid waste facility
38 constructed and operated for the incineration of solid waste for
39 energy production and the recovery of metals and other materials for
40 reuse, which the Department of Environmental Protection has
41 determined to be in compliance with current environmental
42 standards, including, but not limited to, all applicable requirements
43 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

44 "Restructuring related costs" means reasonably incurred costs
45 directly related to the restructuring of the electric power industry,
46 including the closure, sale, functional separation, and divestiture of
47 generation and other competitive utility assets by a public utility, or
48 the provision of competitive services as those costs are determined

1 by the board, and which are not stranded costs as defined in P.L.1999,
2 c.23 (C.48:3-49 et al.) but may include, but not be limited to,
3 investments in management information systems, and which shall
4 include expenses related to employees affected by restructuring
5 which result in efficiencies and which result in benefits to ratepayers,
6 such as training or retraining at the level equivalent to one year's
7 training at a vocational or technical school or county community
8 college, the provision of severance pay of two weeks of base pay for
9 each year of full-time employment, and a maximum of 24 months'
10 continued health care coverage. Except as to expenses related to
11 employees affected by restructuring, "restructuring related costs"
12 shall not include going forward costs.

13 "Retail choice" means the ability of retail customers to shop for
14 electric generation or gas supply service from electric power or gas
15 suppliers, or opt to receive basic generation service or basic gas
16 service, and the ability of an electric power or gas supplier to offer
17 electric generation service or gas supply service to retail customers,
18 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

19 "Retail margin" means an amount, reflecting differences in prices
20 that electric power suppliers and electric public utilities may charge
21 in providing electric generation service and basic generation service,
22 respectively, to retail customers, excluding residential customers,
23 which the board may authorize to be charged to categories of basic
24 generation service customers of electric public utilities in this State,
25 other than residential customers, under the board's continuing
26 regulation of basic generation service pursuant to sections 3 and 9 of
27 P.L.1999, c.23 (C.48:3-51 and C.48:3-57), for the purpose of
28 promoting a competitive retail market for the supply of electricity.

29 "Sales representative" means a person employed by, acting on
30 behalf of, or as an independent contractor for, an electric power
31 supplier, gas supplier, broker, energy agent, marketer, or private
32 aggregator who, by any means, solicits a potential residential
33 customer for the provision of electric generation service or gas
34 supply service.

35 "Sanitary landfill facility" shall have the same meaning as
36 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

37 "School district" means a local or regional school district
38 established pursuant to chapter 8 or chapter 13 of Title 18A of the
39 New Jersey Statutes, a county special services school district
40 established pursuant to article 8 of chapter 46 of Title 18A of the New
41 Jersey Statutes, a county vocational school district established
42 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
43 Statutes, and a district under full State intervention pursuant to
44 P.L.1987, c.399 (C.18A:7A-34 et al.).

45 "Shopping credit" means an amount deducted from the bill of an
46 electric public utility customer to reflect the fact that the customer
47 has switched to an electric power supplier and no longer takes basic
48 generation service from the electric public utility.

1 "Site investigation" shall have the same meaning as provided in
2 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

3 "Small scale hydropower facility" means a facility located within
4 this State that is connected to the distribution system, and that meets
5 the requirements of, and has been certified by, a nationally
6 recognized low-impact hydropower organization that has established
7 low-impact hydropower certification criteria applicable to: (1) river
8 flows; (2) water quality; (3) fish passage and protection; (4)
9 watershed protection; (5) threatened and endangered species
10 protection; (6) cultural resource protection; (7) recreation; and (8)
11 facilities recommended for removal.

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

21 "Societal benefits charge" means a charge imposed by an electric
22 public utility, at a level determined by the board, pursuant to, and in
23 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

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

29 "Solar renewable energy certificate" or "SREC" means a
30 certificate issued by the board or its designee, representing one
31 megawatt hour (MWh) of solar energy that is generated by a facility
32 connected to the distribution system in this State and has value based
33 upon, and driven by, the energy market.

34 "Solar renewable energy certificate II" or "SREC-II" means a
35 transferable certificate, issued by the board or its designee pursuant
36 to P.L.2021, c.169 (C.48:3-114 et al.), which is capable of counting
37 towards the renewable energy portfolio standards of an electric
38 power supplier or basic generation service provider in the State
39 pursuant to section 38 of P.L.1999, c.23 (C.48:3-87).

40 "SREC-II program" means the program established pursuant to
41 section 2 of P.L.2021, c.169 (C.48:3-115) to distribute SREC-IIs.

42 "SREC-II value per megawatt-hour" means the value, in dollars-
43 per-megawatt-hour, assigned by the board to each solar electric
44 power generation facility eligible to receive SREC-IIs, which is paid
45 to the facility and which represents the environmental attributes of
46 the facility.

47 "Standard offer capacity agreement" or "SOCA" means a
48 financially-settled transaction agreement, approved by board order,

1 that provides for eligible generators to receive payments from the
2 electric public utilities for a defined amount of electric capacity for a
3 term to be determined by the board but not to exceed 15 years, and
4 for such payments to be a fully non-bypassable charge, with such an
5 order, once issued, being irrevocable.

6 "Standard offer capacity price" or "SOCP" means the capacity
7 price that is fixed for the term of the SOCA and which is the price to
8 be received by eligible generators under a board-approved SOCA.

9 "State entity" means a department, agency, or office of State
10 government, a State university or college, or an authority created by
11 the State.

12 "Stranded cost" means the amount by which the net cost of an
13 electric public utility's electric generating assets or electric power
14 purchase commitments, as determined by the board consistent with
15 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
16 market value of those assets or contractual commitments in a
17 competitive supply marketplace and the costs of buydowns or
18 buyouts of power purchase contracts.

19 "Stranded costs recovery order" means each order issued by the
20 board in accordance with subsection c. of section 13 of P.L.1999,
21 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if any,
22 the board has determined an electric public utility is eligible to
23 recover and collect in accordance with the standards set forth in
24 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery
25 mechanisms therefor.

26 "Telemarketer" shall have the same meaning as set forth in section
27 2 of P.L.2003, c.76 (C.56:8-120).

28 "Telemarketing sales call" means a telephone call made by a
29 telemarketer to a potential residential customer as part of a plan,
30 program, or campaign to encourage the customer to change the
31 customer's electric power supplier or gas supplier. A telephone call
32 made to an existing customer of an electric power supplier, gas
33 supplier, broker, energy agent, marketer, private aggregator, or sales
34 representative, for the sole purpose of collecting on accounts or
35 following up on contractual obligations, shall not be deemed a
36 telemarketing sales call. A telephone call made in response to an
37 express written request of a customer shall not be deemed a
38 telemarketing sales call.

39 "Thermal efficiency" means the useful electric energy output of a
40 facility, plus the useful thermal energy output of the facility,
41 expressed as a percentage of the total energy input to the facility.

42 "Transition bond charge" means a charge, expressed as an amount
43 per kilowatt hour, that is authorized by and imposed on electric public
44 utility ratepayers pursuant to a bondable stranded costs rate order, as
45 modified at any time pursuant to the provisions of P.L.1999, c.23
46 (C.48:3-49 et al.).

47 "Transition bonds" means bonds, notes, certificates of
48 participation, beneficial interest, or other evidences of indebtedness

1 or ownership issued pursuant to an indenture, contract, or other
2 agreement of an electric public utility or a financing entity, the
3 proceeds of which are used, directly or indirectly, to recover, finance
4 or refinance bondable stranded costs and which are, directly or
5 indirectly, secured by or payable from bondable transition property.
6 References in P.L.1999, c.23 (C.48:3-49 et al.) to principal, interest,
7 and acquisition or redemption premium with respect to transition
8 bonds which are issued in the form of certificates of participation or
9 beneficial interest or other evidences of ownership shall refer to the
10 comparable payments on such securities.

11 "Transition period" means the period from August 1, 1999 through
12 July 31, 2003.

13 "Transmission and distribution system" means, with respect to an
14 electric public utility, any facility or equipment that is used for the
15 transmission, distribution, or delivery of electricity to the customers
16 of the electric public utility including, but not limited to, the land,
17 structures, meters, lines, switches, and all other appurtenances
18 thereof and thereto, owned or controlled by the electric public utility
19 within this State.

20 "Universal service" means any service approved by the board with
21 the purpose of assisting low-income residential customers in
22 obtaining or retaining electric generation or delivery service.

23 "Unsolicited advertisement" means any advertising claims of the
24 commercial availability or quality of services provided by an electric
25 power supplier, gas supplier, broker, energy agent, marketer, private
26 aggregator, sales representative, or telemarketer which is transmitted
27 to a potential customer without that customer's prior express
28 invitation or permission.

29 (cf: P.L.2021, c.169, s.9)

30

31 2. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read
32 as follows:

33 12. a. Simultaneously with the starting date for the
34 implementation of retail choice as determined by the board pursuant
35 to subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53), the board
36 shall permit each electric public utility and gas public utility to
37 recover some or all of the following costs through a societal benefits
38 charge that shall be collected as a non-bypassable charge imposed on
39 all electric public utility customers and gas public utility customers,
40 as appropriate:

41 (1) The costs for the social programs for which rate recovery was
42 approved by the board prior to April 30, 1997. For the purpose of
43 establishing initial unbundled rates pursuant to section 4 of P.L.1999,
44 c.23 (C.48:3-52), the societal benefits charge shall be set to recover
45 the same level of social program costs as is being collected in the
46 bundled rates of the electric public utility on the effective date of
47 P.L.1999, c.23 (C.48:3-49 et al.). The board may subsequently order,
48 pursuant to its rules and regulations, an increase or decrease in the

1 societal benefits charge to reflect changes in the costs to the electric
2 or gas public utility of administering existing social programs.
3 Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to
4 abolish or change any social program required by statute or board
5 order or rule or regulation to be provided by an electric or gas public
6 utility. Any such social program shall continue to be provided by the
7 electric or gas public utility until otherwise provided by law, unless
8 the board determines that it is no longer appropriate for the electric
9 or gas public utility to provide the program, or the board chooses to
10 modify the program;

11 (2) Nuclear plant decommissioning costs;

12 (3) The costs of demand side management programs that were
13 approved by the board pursuant to its demand side management
14 regulations prior to April 30, 1997. For the purpose of establishing
15 initial unbundled rates pursuant to section 4 of P.L.1999, c.23
16 (C.48:3-52), the societal benefits charge shall be set to recover the
17 same level of demand side management program costs as is being
18 collected in the bundled rates of the electric or gas public utility on
19 the effective date of P.L.1999, c.23 (C.48:3-49 et al.). Within four
20 months of the effective date of P.L.1999, c.23 (C.48:3-49 et al.), and
21 every four years thereafter, the board shall initiate a proceeding and
22 cause to be undertaken a comprehensive resource analysis of energy
23 programs, and within eight months of initiating such proceeding and
24 after notice, provision of the opportunity for public comment, and
25 public hearing, the board, in consultation with the Department of
26 Environmental Protection, shall determine the appropriate level of
27 funding for energy efficiency , plug-in electric vehicles and plug-in
28 electric vehicle charging infrastructure, and Class I renewable energy
29 programs that provide environmental benefits above and beyond
30 those provided by standard offer or similar programs in effect as of
31 the effective date of P.L.1999, c.23 (C.48:3-49 et al.); provided that
32 the funding for **[such]** demand side management programs be no less
33 than 50 percent of the total Statewide amount being collected in
34 electric and gas public utility rates for demand side management
35 programs on the effective date of P.L.1999, c.23 (C.48:3-49 et al.)
36 for an initial period of four years from the issuance of the first
37 comprehensive resource analysis following the effective date of
38 P.L.1999, c.23 (C.48:3-49 et al.), and provided that 25 percent of
39 this amount shall be used to provide funding for Class I renewable
40 energy projects in the State. In each of the following fifth through
41 eighth years, the Statewide funding for **[such]** demand side
42 management programs shall be no less than 50 percent of the total
43 Statewide amount being collected in electric and gas public utility
44 rates for demand side management programs on the effective date of
45 P.L.1999, c.23 (C.48:3-49 et al.), except that as additional funds are
46 made available as a result of the expiration of past standard offer or
47 similar commitments, the minimum amount of funding for **[such]**
48 demand side management programs shall increase by an additional

1 amount equal to 50 percent of the additional funds made available,
2 until the minimum amount of funding dedicated to **such** demand
3 side management programs reaches \$140,000,000 total. After the
4 eighth year the board shall make a determination as to the appropriate
5 level of funding for these programs. **Such** The demand side
6 management programs shall include a program to provide financial
7 incentives for the installation of Class I renewable energy projects in
8 the State, and the board, in consultation with the Department of
9 Environmental Protection, shall determine the level and total amount
10 of **such** the incentives as well as the renewable technologies
11 eligible for **such** the incentives which shall include, at a minimum,
12 photovoltaic, wind, and fuel cells. The demand side management
13 programs shall also include a program to provide grants and low-
14 interest loans to age-restricted communities to cover costs of the
15 purchase and installation of photovoltaic technologies for use in age-
16 restricted community clubhouse facilities.

17 The board shall simultaneously determine, as a result of the
18 comprehensive resource analysis, the demand side management
19 programs to be funded by the societal benefits charge, the level of
20 cost recovery and performance incentives for old and new programs
21 and whether the recovery of demand side management programs'
22 costs currently approved by the board may be reduced or extended
23 over a longer period of time. The board shall make these
24 determinations taking into consideration existing market barriers and
25 environmental benefits, with the objective of transforming markets,
26 capturing lost opportunities, making energy services more affordable
27 for low income customers and eliminating subsidies for programs
28 that can be delivered in the marketplace without electric public utility
29 and gas public utility customer funding;

30 (4) Manufactured gas plant remediation costs, which shall be
31 determined initially in a manner consistent with mechanisms in the
32 remediation adjustment clauses for the electric public utility and gas
33 public utility adopted by the board; and

34 (5) The cost, of consumer education, as determined by the board,
35 which shall be in an amount that, together with the consumer
36 education surcharge imposed on electric power supplier license fees
37 pursuant to subsection h. of section 29 of P.L.1999, c.23 (C.48:3-78)
38 and the consumer education surcharge imposed on gas supplier
39 license fees pursuant to subsection g. of section 30 of P.L.1999, c.23
40 (C.48:3-79), shall be sufficient to fund the consumer education
41 program established pursuant to section 36 of P.L.1999, c.23 (C.48:3-
42 85).

43 b. There is established in the **Board of Public Utilities** board
44 a nonlapsing fund to be known as the "Universal Service Fund." The
45 board shall determine: the level of funding and the appropriate
46 administration of the fund; the purposes and programs to be funded
47 with monies from the fund; which social programs shall be provided
48 by an electric or gas public utility as part of the provision of its

1 regulated services which provide a public benefit; whether the funds
2 appropriated to fund the "Lifeline Credit Program" established
3 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'
4 Lifeline Assistance Program" established pursuant to P.L.1981, c.210
5 (C.48:2-29.31 et seq.), the funds received pursuant to the Low
6 Income Home Energy Assistance Program established pursuant to 42
7 U.S.C. s.8621 et seq., and funds collected by electric and **[natural]**
8 gas public utilities, as authorized by the board, to offset uncollectible
9 **[electricity and natural]** electric and gas public utility bills should be
10 deposited in the fund; and whether new charges should be imposed
11 to fund new or expanded social programs.
12 (cf: P.L.2019, c.362, c.13)

13

14 3. This act shall take effect on the first day of the third month
15 following enactment, except that the board may take such
16 anticipatory administrative action in advance thereof as shall be
17 necessary for the implementation of this act.

18

19

20

STATEMENT

21

22 This bill would expand the demand side management programs
23 administered by the Board of Public Utilities (board) and funded
24 from the societal benefits charge to include grants and low-interest
25 loans to age-restricted communities to cover costs of the purchase
26 and installation of photovoltaic technologies for use in age-restricted
27 community clubhouse facilities.

28 The bill defines "age-restricted community" as a community that
29 complies with the definition of "housing for older persons," as
30 provided in 42 U.S.C. s.3607, for that community, as set forth in
31 section 100.301 of Title 24, Code of Federal Regulations.