

[Second Reprint]

**ASSEMBLY, No. 4782**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED OCTOBER 17, 2022

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

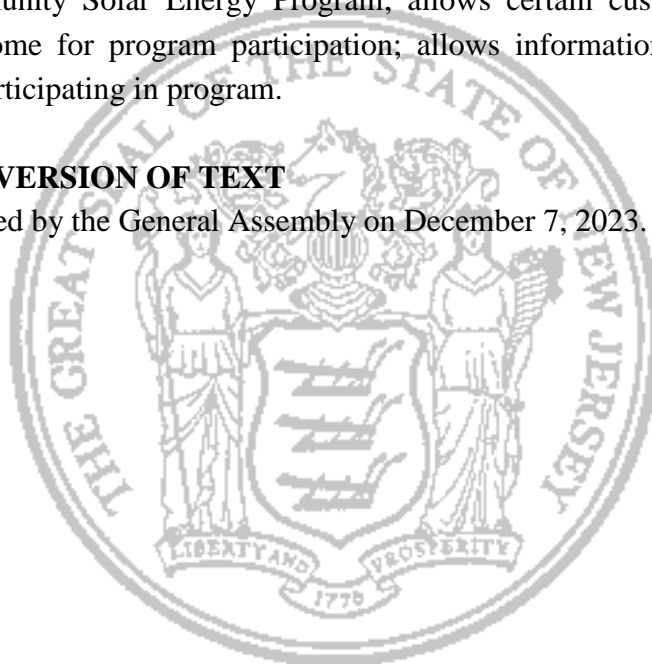
**Assemblywomen Park, Reynolds-Jackson, Jaffer, Assemblymen  
Karabinchak and Conaway**

**SYNOPSIS**

Revises goal for annual capacity of solar energy projects to be approved under Community Solar Energy Program; allows certain customers to self-attest to income for program participation; allows information disclosure of customers participating in program.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 7, 2023.



**(Sponsorship Updated As Of: 12/21/2023)**

1 AN ACT concerning the Community Solar Energy Program and  
2 amending P.L.2018, c.17 <sup>1</sup>and P.L.1999, c.23<sup>1</sup>.

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

6  
7 1. Section 5 of P.L.2018, c.17 (C.48:3-87.11) is amended to read  
8 as follows:

9 5. a. No later than 210 days after the date of enactment of  
10 P.L.2018, c.17 (C.48:3-87.8 et al.), the Board of Public Utilities shall  
11 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
12 c.410 (C.52:14B-1 et seq.), rules and regulations establishing a  
13 "Community Solar Energy Pilot Program" to permit customers of an  
14 electric public utility to participate in a solar energy project that is  
15 remotely located from their properties but is within their electric public  
16 utility service territory to allow for a credit to the customer's utility bill  
17 equal to the electricity generated that is attributed to the customer's  
18 participation in the solar energy project.

19 b. The rules and regulations developed by the board shall  
20 establish:

21 (1) a capacity limit for individual solar energy projects to a  
22 maximum of five megawatts per project;

23 (2) an annual capacity limit for all solar energy projects under the  
24 pilot program;

25 (3) geographic limitations for solar energy projects and  
26 participating customers;

27 (4) a minimum number of participating customers for each solar  
28 energy project;

29 (5) the value of the credit on each participating customer's bill;

30 (6) standards to limit the land use impact of a solar energy project  
31 as required in subsection r. of section 38 of P.L.1999, c.23 (C.48:3-  
32 87);

33 (7) the provision of access to solar energy projects for low and  
34 moderate income customers;

35 (8) standards to ensure the ability of residential and commercial  
36 customers to participate in solar energy projects, including residential  
37 customers in multifamily housing;

38 (9) standards for connection to the distribution system of an  
39 electric public utility; and

40 (10) provisions to minimize impacts to the distribution system of  
41 an electric public utility.

42 c. The board shall make available on its Internet website  
43 information on solar energy projects whose owners are seeking  
44 participants.

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

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted June 15, 2023.

<sup>2</sup>Assembly floor amendments adopted December 7, 2023.

1 d. The board shall establish standards and an application process  
2 for owners of solar energy projects who wish to be included in the  
3 Community Solar Energy Pilot Program. The standards for the  
4 Community Solar Energy Pilot Program shall include, but need not be  
5 limited to, a verification process to ensure that the solar energy  
6 projects are producing an amount of energy that is greater than or  
7 equal to the amount of energy that is being credited to its participating  
8 customer's electric utility bills pursuant to subsection b. of this section,  
9 and consumer protection measures. Projects approved by the board  
10 shall have at least two participating customers.

11 The board may restrict qualified solar energy projects to those  
12 located on brownfields, landfills, areas designated in need of  
13 redevelopment, in underserved communities, or on commercial  
14 rooftops.

15 e. Subject to review by the board, an electric public utility shall  
16 be entitled to full and timely cost recovery for all costs incurred in  
17 implementation and compliance with this section.

18 f. No later than 36 months after adoption of the rules and  
19 regulations required pursuant to subsection b. of this section, the board  
20 shall adopt rules and regulations, pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to convert the  
22 Community Solar Energy Pilot Program to a permanent program. The  
23 board shall adopt rules and regulations for the permanent program that  
24 set forth standards for projects owned by electric public utilities,  
25 special purpose entities, and nonprofit entities. The rules and  
26 regulations shall also:

27 (1) limit the capacity of each solar energy project to a maximum of  
28 five megawatts;

29 (2) establish a goal for the <sup>1</sup>[development] <sup>2</sup>[approval<sup>1</sup>]  
30 conditional registration<sup>2</sup> of <sup>2</sup>[at least]<sup>2</sup> [50] <sup>1</sup>[500] 225<sup>1</sup> megawatts  
31 of solar energy projects <sup>1</sup>prior to June 1, 2024, <sup>2</sup>with an additional 275  
32 megawatts prior to June 1, 2024 if qualified applications exceed 225  
33 megawatts, <sup>2</sup> an additional <sup>2</sup>[225] 250<sup>2</sup> megawatts prior to June 1,  
34 2025 <sup>2</sup>if qualified applications exceed 500 megawatts<sup>2</sup> , and <sup>2</sup>at least<sup>2</sup>  
35 an additional 150 megawatts<sup>1</sup> per year <sup>1</sup>thereafter<sup>1</sup> , taking into  
36 account any changes to the SREC program;

37 (3) set geographic limitations for solar energy projects and  
38 participating customers;

39 (4) provide for a minimum number of participating customers for  
40 each solar energy project;

41 (5) require the provision of access to solar energy projects for low  
42 and moderate income customers;

43 (6) establish standards to ensure the ability of residential and  
44 commercial customers to participate in solar energy projects, including  
45 residential customers in multifamily housing;

46 (7) establish a method for determining the value of the credit on  
47 each participating customer's bill;

- 1 (8) establish timeframes for the credit available to the customer;
- 2 (9) establish standards and methods to verify solar electric energy  
3 generation on a monthly basis for a solar energy project;
- 4 (10) establish standards consistent with the land use provisions for  
5 solar energy projects as provided in subsections r., s., and t. of section  
6 38 of P.L.1999, c.23 (C.48:3-87);
- 7 (11) establish standards, fees, and uniform procedures for solar  
8 energy projects to be connected to the distribution system of an  
9 electric public utility;
- 10 (12) minimize impacts to the distribution system of an electric  
11 public utility;
- 12 (13) require monthly reporting requirements for the operators of  
13 solar energy projects to the electric public utility, project customers,  
14 and the board;
- 15 (14) require reporting by the electric public utility to the operator  
16 of a solar energy project on the value of credits to the participating  
17 customer's bills; <sup>1</sup>**[and]**<sup>1</sup>
- 18 (15) require transferability, portability, and buy-out provisions for  
19 customers who participate in community solar energy projects <sup>1</sup>;
- 20 (16) establish requirements and standards that provide for the  
21 auditing and enforcement of a solar energy project's compliance with  
22 the provisions of this section and the rules and regulations adopted  
23 pursuant thereto, including the project's compliance with  
24 commitments related to providing access to solar energy projects to  
25 low- and moderate-income customers and bill crediting; and
- 26 (17) allow, in a form and manner to be determined by the board,  
27 low- and moderate-income residential customers to self-attest to the  
28 customer's income as an acceptable income verification method for  
29 participation in a solar energy project <sup>1</sup> .
- 30 g. As used in this section:
- 31 "Solar energy project" means a system containing one or more  
32 solar panels and associated equipment.
- 33 "Solar panel" means an elevated panel or plate, or a canopy or  
34 array thereof, that captures and converts solar radiation to produce  
35 electric power, and is approved by the board to be included in the  
36 Community Solar Energy Pilot Program.
- 37 "Solar power" includes flat plate, focusing solar collectors, or  
38 photovoltaic solar cells and excludes the base or foundation of the  
39 panel, plate, canopy, or array.
- 40 (cf: P.L.2018, c.17, s.5)
- 41

42 <sup>1</sup>2. Section 36 of P.L.1999, c.23 (C.48:3-85) is amended to read as  
43 follows:

44 36. a. Notwithstanding any provisions of the "Administrative  
45 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
46 the board, in consultation with the Division of Consumer Affairs in the  
47 Department of Law and Public Safety, shall initiate a proceeding and  
48 shall adopt, after notice, provision of the opportunity for comment, and

1 public hearing, interim consumer protection standards for electric  
2 power suppliers or gas suppliers, within 90 days of February 9, 1999,  
3 including, but not limited to, standards for collections, credit,  
4 contracts, and authorized changes of an energy customer's electric  
5 power supplier or gas supplier, for the prohibition of discriminatory  
6 marketing, for advertising and for disclosure. The standards shall be  
7 effective as regulations immediately upon filing with the Office of  
8 Administrative Law and shall be effective for a period not to exceed  
9 18 months, and may, thereafter, be amended, adopted, or readopted by  
10 the board in accordance with the provisions of the "Administrative  
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

12 (1) (a) An electric power supplier or gas supplier shall not  
13 provide electric generation service or gas supply service to a customer  
14 in this State unless the electric power supplier or gas supplier has  
15 provided the customer a one-page information sheet summarizing the  
16 material terms and conditions of the contract as determined by the  
17 board. Contract standards shall include, but not be limited to,  
18 requirements that electric power supply contracts or gas supply  
19 contracts conspicuously disclose the duration of the contract; state the  
20 price per kilowatt hour or per therm or other pricing determinant  
21 approved by the board; use a 12-point font; provide a one-page  
22 information sheet in a 12-point font summarizing the material terms  
23 and conditions of the contract in English and Spanish, as determined  
24 by the board; provide the phone number and website for filing  
25 complaints with the Board of Public Utilities, Division of Customer  
26 Assistance, and a one-sentence explanation of the practice known as  
27 "slamming," which is an unauthorized change of a customer's electric  
28 power supplier or gas supplier, in a 12-point, boldface font on the one-  
29 page information sheet; and state, in a 12-point, boldface font, whether  
30 the contract is for a fixed rate or a variable rate, and provide a brief  
31 explanation of the difference between a fixed rate and a variable rate  
32 that is easily understandable by the general public, including an  
33 explanation on how weather fluctuations may affect the price of  
34 variable rate contracts; have the customer's written signature or  
35 electronic signature; an audio recording of a telephone call initiated by  
36 the customer; independent, third-party verification, in accordance with  
37 section 37 of P.L.1999, c.23 (C.48:3-86), of a telephone call initiated  
38 by an electric power supplier, gas supplier, or private aggregator; or  
39 any alternative forms of verification as the board, in consultation with  
40 the Division of Consumer Affairs in the Department of Law and  
41 Public Safety, may permit prior to switching electric power suppliers  
42 or gas suppliers and for contract renewal; and include termination  
43 procedures, notice of any fees, and toll-free or local telephone numbers  
44 for the electric power supplier or gas supplier and for the board. An  
45 electric power supplier or gas supplier shall not provide the customer's  
46 telephone number, electronic mail address, or postal address to other  
47 electric power suppliers or gas suppliers if the customer's telephone  
48 number appears on the no telemarketing call list established and

1 maintained by the Division of Consumer Affairs, pursuant to the  
2 provisions of section 9 of P.L.2003, c.76 (C.56:8-127), or the national  
3 do-not-call registry as maintained by the Federal Trade Commission.

4 (b) As used in this paragraph, "customer" means a residential  
5 customer or a commercial electric customer with a cumulative peak  
6 load of 50 kilowatts or less, or a commercial gas customer with a  
7 cumulative peak load of 5,000 therms or less.

8 (2) Standards for the prohibition of discriminatory marketing shall  
9 provide, at a minimum, that a decision made by an electric power  
10 supplier or a gas supplier to accept or reject a customer shall not be  
11 based on race, color, national origin, age, gender, religion, source of  
12 income, receipt of public benefits, family status, sexual preference, or  
13 geographic location. The board shall adopt reporting requirements to  
14 monitor compliance with its standards.

15 (3) Advertising standards for electric power suppliers or gas  
16 suppliers shall provide, at a minimum, that optional charges to the  
17 customer will not be added to any advertised cost per kilowatt hour or  
18 per therm, and that the only unit of measurement that may be used in  
19 advertisements is cost per kilowatt hour or per therm, unless otherwise  
20 approved by the board. If an electric power supplier or gas supplier  
21 does not advertise using cost per kilowatt hour or per therm, the  
22 electric power supplier or gas supplier shall provide, at the customer's  
23 request, an estimate of the cost per kilowatt hour or per therm. Any  
24 optional charges to the customer shall be identified separately and  
25 denoted as optional.

26 (4) Credit standards shall include, at a minimum, that the credit  
27 requirements used to make decisions must be the same for all  
28 residential customers and that electric power suppliers, gas suppliers,  
29 and private aggregators not impose unreasonable income or credit  
30 requirements.

31 (5) Billing standards shall include, at a minimum, provisions  
32 prohibiting electric public utilities, gas public utilities, electric power  
33 suppliers, and gas suppliers from charging a fee to residential  
34 customers for either the commencement or termination of electric  
35 generation service or gas supply service.

36 b. (1) Except as provided in paragraph (2) of this subsection, an  
37 electric power supplier, a gas supplier, an electric public utility, and a  
38 gas public utility shall not disclose, sell, or transfer individual  
39 proprietary information, including, but not limited to, a customer's  
40 name, address, telephone number, energy usage, and electric power  
41 payment history, to a third party without the consent of the customer.

42 (2) (a) An electric public utility or a gas public utility may  
43 disclose and provide, in an electronic format, which may include a CD  
44 rom, diskette, and other format as determined by the board, without the  
45 consent of a residential customer, a residential customer's name, rate  
46 class, and account number, to a government aggregator that is a  
47 municipality or a county, or to an energy agent acting as a consultant  
48 to a government aggregator that is a municipality or a county, if the

1 customer information is to be used to establish a government energy  
2 aggregation program pursuant to sections 42, 43, and 45 of P.L.1999,  
3 c.23 (C.48:3-91; C.48:3-92; and C.48:3-94). The number of residential  
4 customers and their rate class, and the load profile of non-residential  
5 customers who have affirmatively chosen to be included in a  
6 government energy aggregation program pursuant to paragraph (3) of  
7 subsection a. of section 45 of P.L.1999, c.23 (C.48:3-94) may be  
8 disclosed pursuant to this paragraph prior to the request by the  
9 government aggregator for bids pursuant to paragraph (1) of  
10 subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94), and the  
11 name, address, and account number of a residential customer and the  
12 name, address, and account number of non-residential customers who  
13 have affirmatively chosen to be included in a government energy  
14 aggregation program pursuant to paragraph (3) of subsection a. of  
15 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant to  
16 this paragraph upon the awarding of a contract to a licensed power  
17 supplier or licensed gas supplier pursuant to paragraph (2) of  
18 subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94). Any  
19 customer information disclosed pursuant to this paragraph shall not be  
20 considered a government record for the purposes of and shall be  
21 exempt from the provisions of P.L.2001, c.404 (C.47:1A-5 et al.).

22 (b) An electric public utility or a gas public utility disclosing  
23 customer information pursuant to this paragraph shall exercise  
24 reasonable care in the preparation of this customer information, but  
25 shall not be responsible for errors or omissions in the preparation or  
26 the content of the customer information.

27 (c) Any person using any information disclosed pursuant to this  
28 paragraph for any purpose other than to establish a government energy  
29 aggregation program pursuant to sections 42, 43, and 45 of P.L.1999,  
30 c.23 (C.48:3-91; C.48:3-92; and C.48:3-94), or a solar energy project  
31 established pursuant to section 5 of P.L.2018, c.17 (C.48:3-87.11),  
32 shall be subject to the provisions of section 34 of P.L.1999, c.23  
33 (C.48:3-83).

34 (d) The role of an electric public utility or a gas public utility in a  
35 government energy aggregation program established pursuant to  
36 P.L.1999, c.23 (C.48:3-49 et al.) shall be limited to the provisions of  
37 this paragraph.

38 (e) An electric public utility may disclose and provide, in an  
39 electronic format, which may include any format as determined by the  
40 board, without the consent of a residential customer, a residential  
41 customer's name, address, rate class, account number, and energy  
42 usage, to a municipality, county, or an agent acting for a municipality  
43 or county, if the information is to be used for automatic enrollment in a  
44 solar energy project under the Community Solar Energy Pilot Program  
45 or the permanent Community Solar Energy Program established by the  
46 board pursuant to section 5 of P.L.2018, c.17 (C.48:3-87.11). Any  
47 customer information disclosed pursuant to this paragraph shall not be

1 considered a government record for the purposes of, and shall be  
2 exempt from the provisions of, P.L.2001, c.404 (C.47:1A-5 et al.).

3 (3) Whenever any individual proprietary information is disclosed,  
4 sold, or transferred, pursuant to paragraph (1) or paragraph (2) of this  
5 subsection, it shall be used only for the provision of continued electric  
6 generation service, electric-related service, gas supply service, or gas-  
7 related service to that customer. In the case of a transfer or sale of a  
8 business, customer consent shall not be required for the transfer of  
9 customer proprietary information to the subsequent owner of the  
10 business for maintaining the continuation of those services.

11 (4) Notwithstanding any provisions of the "Administrative  
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
13 the board shall, within 90 days of the effective date of P.L.2003, c.24  
14 (C.48:3-93.1 et al.), review existing regulations including, without  
15 limitation, Chapter 4 of Title 14 of the New Jersey Administrative  
16 Code (Energy Competition), to determine their consistency with the  
17 provisions of section 36 of P.L.1999, c.23 (C.48:3-85), section 43 of  
18 P.L.1999, c.23 (C.48:3-92) and section 45 of P.L.1999, c.23 (C.48:3-  
19 94), repeal or modify any regulations that are inconsistent with the  
20 provisions thereof, and shall adopt regulations and standards  
21 implementing the provisions thereof permitting disclosure of customer  
22 information without the consent of the customer including, without  
23 limitation, provisions for the development of a board-approved  
24 agreement between the disclosing party and the receiving party and the  
25 creation of a mechanism for the recovery by the disclosing electric  
26 public utility or gas public utility of its reasonable incremental costs of  
27 providing the customer information if those costs are not covered in an  
28 existing third-party supplier agreement.

29 (5) An electric power supplier, a gas supplier, a gas public utility,  
30 or an electric public utility may use individual proprietary information  
31 that it has obtained by virtue of its provision of electric generation  
32 service, electric related service, gas supply service, or gas related  
33 service to:

34 (a) Initiate, render, bill, and collect for these services to the extent  
35 otherwise authorized to provide billing and collection services;

36 (b) Protect the rights or property of the electric power supplier, gas  
37 supplier, or public utility; and

38 (c) Protect consumers of these services and other electric power  
39 suppliers, gas suppliers, or electric and gas public utilities from  
40 fraudulent, abusive, or unlawful use of, or subscription to, these  
41 services.

42 c. The board shall establish and maintain a database for the  
43 purpose of recording customer complaints concerning electric and gas  
44 public utilities, electric power suppliers, gas suppliers, private  
45 aggregators, and energy agents. The board shall publish on its website  
46 on a quarterly basis a detailed report regarding customer complaints  
47 that shall not include the names or other personal information of the  
48 customers who complained, but shall include the names of the electric



1 and gas public utilities, electric power suppliers, gas suppliers, private  
2 aggregators, and energy agents against which the complaints were  
3 filed.

4 d. The board, in consultation with the Division of Consumer  
5 Affairs in the Department of Law and Public Safety, shall establish, or  
6 cause to be established, a multi-lingual electric and gas consumer  
7 education program. The goal of the consumer education program shall  
8 be to educate residential, small business, and special needs consumers  
9 about the implications for consumers of the restructuring of the electric  
10 power and gas industries. The consumer education program shall  
11 include, but need not be limited to, the dissemination of information to  
12 enable consumers to make informed choices among available  
13 electricity and gas services and suppliers, and the communication to  
14 consumers of the consumer protection provisions of P.L.1999, c.23  
15 (C.48:3-49 et al.).

16 The board shall ensure the neutrality of the content and message of  
17 advertisements and materials.

18 The board shall promulgate standards for the recovery of consumer  
19 education program costs from customers which include reasonable  
20 measures and criteria to judge the success of the program in enhancing  
21 customer understanding of retail choice.

22 e. (Deleted by amendment, P.L.2003, c.24)

23 f. (1) In addition to the advertising standards adopted by the  
24 board pursuant to paragraph (3) of subsection a. of this section, the  
25 board, in consultation with the Division of Consumer Affairs in the  
26 Department of Law and Public Safety, shall adopt, pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
28 interim advertising and marketing standards for electric power  
29 suppliers, gas suppliers, brokers, energy agents, marketers, private  
30 aggregators, sales representatives, and telemarketers applicable to  
31 potential residential customers, within 270 days of the effective date of  
32 P.L.2013, c.263, which standards shall include, but not be limited to,  
33 prohibiting electric power suppliers, gas suppliers, brokers, energy  
34 agents, marketers, private aggregators, sales representatives, and  
35 telemarketers from: (a) making false or misleading advertising claims  
36 to a potential residential customer; or (b) contacting a potential  
37 residential customer by telephone for the purpose of making an  
38 unsolicited advertisement if the electric power supplier, gas supplier,  
39 broker, energy agent, marketer, private aggregator, sales  
40 representative, or telemarketer does not have an existing business  
41 relationship with the potential residential customer and the residential  
42 customer's telephone number appears on the no telemarketing call list  
43 established and maintained by the Division of Consumer Affairs,  
44 pursuant to the provisions of section 9 of P.L.2003, c.76 (C.56:8-127),  
45 or the national do-not-call registry as maintained by the Federal Trade  
46 Commission. The standards shall be effective as regulations  
47 immediately upon filing with the Office of Administrative Law and  
48 shall be effective for a period not to exceed 18 months, and may,

1 thereafter, be amended, adopted, or readopted by the board in  
2 accordance with the provisions of the "Administrative Procedure Act,"  
3 P.L.1968, c.410 (C.52:14B-1 et seq.).

4 (2) In addition to any other penalties, fines, or remedies authorized  
5 by law, an electric power supplier, gas supplier, broker, energy agent,  
6 marketer, private aggregator, sales representative, or telemarketer that  
7 violates subparagraph (a) of paragraph (1) of this subsection and  
8 collects charges for electric generation service or gas supply service  
9 supplied to a residential customer, who was subjected to false or  
10 misleading advertising claims by the electric power supplier, gas  
11 supplier, broker, energy agent, marketer, private aggregator, sales  
12 representative, or telemarketer in violation of subparagraph (a) of  
13 paragraph (1) of this subsection, shall be liable to the residential  
14 customer in an amount equal to all charges paid by the residential  
15 customer after such violation occurs in accordance with any  
16 procedures as the board may prescribe, whether the electric power  
17 supplier or gas supplier provided the electric generation service or gas  
18 supply service to that customer, or the electric generation service or  
19 gas supply service was provided to the customer by a broker, energy  
20 agent, marketer, private aggregator, sales representative, or  
21 telemarketer who contacted the customer on behalf of the electric  
22 power supplier or gas supplier. An electric power supplier, gas  
23 supplier, broker, energy agent, marketer, private aggregator, sales  
24 representative, or telemarketer that violates this subsection shall also  
25 be liable for a civil penalty pursuant to section 34 of P.L.1999, c.23  
26 (C.48:3-83). The board is hereby authorized to revoke the license of  
27 any electric power supplier, gas supplier, broker, energy agent,  
28 marketer, or private aggregator that violates this subsection.<sup>1</sup>

29 (cf: P.L.2021, c.458, s.1)

30  
31 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.