

CHAPTER 158

AN ACT concerning deadlines for completion and commercial operation of certain solar electric power generation facilities under certain circumstances and supplementing P.L.1999, c.23 (C.48:3-49 et al.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.48:3-121 Qualified solar electric power generation facility, tolling event, deadline, extension, conditions; definitions.

1. a. Notwithstanding the provisions of P.L.1999, c.23 (C.48:3-49 et al.), P.L.2021, c.169 (C.48:3-114 et al.), or any other law, rule, regulation, or order to the contrary, a qualified solar electric power generation facility that, due to a delay attributable to a tolling event, fails, or is projected to fail, to achieve project completion or commercial operation by the deadline date established by law, rule, regulation, board order, incentive program registration acceptance letter, or other approval or authorization for that facility, shall receive an automatic extension of the project completion or commercial operation deadline date established for that facility.

The extension granted pursuant to this section shall be for a period that is two years beyond what otherwise would be the deadline for the qualified solar electric power generation facility to achieve commercial operation pursuant to the applicable board order granting conditional certification as connected to the distribution system, including any extensions previously authorized by law, rule, regulation, or applicable board order. The automatic extension shall protect the qualified solar electric power generation facility from forfeiting the following:

- (1) designation as “connected to the distribution system”;
- (2) eligibility to continue to participate in the applicable solar incentive program for which application was made;
- (3) eligibility to receive the financial incentives provided by the solar incentive program for which application was made; and
- (4) any other benefit or incentive available to a qualified solar electric power generation facility conditionally approved to participate in the solar incentive program.

b. (1) To be eligible to receive the automatic extension provided by this section, the project sponsor of a qualified solar electric power generation facility shall certify in writing, and provide supporting documentation, to the board of the occurrence of the tolling event. The certification shall describe the tolling event, the date of application to PJM Interconnection, L.L.C., and the anticipated duration of the delay associated with the tolling.

(2) Within 45 days after receipt of a certification from a project sponsor of the occurrence of a tolling event pursuant to paragraph (1) of this subsection, the board shall issue an unconditional order approving an automatic extension of the project deadline date or commercial operation deadline date established for the facility, whether established by law, rule, regulation, board order, incentive program registration acceptance letter, or other approval or authorization for that facility.

The order shall be issued by the board on a non-discretionary basis, and no factual investigation or hearing by the board shall be conducted. The order shall acknowledge receipt of certification of the tolling event, extend the previously established project completion or commercial operation deadline date for the facility by an amount of time prescribed by this section, and provide such other and further relief as the board may deem appropriate.

c. A project sponsor shall have a continuing obligation to apprise the board, on at least a quarterly basis, regarding the nature and extent of the tolling event and its anticipated duration, which requirement may be satisfied by including such information in the quarterly milestone

reporting form required to be submitted to the board for the qualified solar electric power generation facility.

d. The project sponsor shall complete the facility and commence commercial operation within the time period provided by the applicable board order and this section.

e. In the event a qualified solar electric power generation facility receiving an extension pursuant to this section achieves commercial operation 12 months or less beyond what otherwise would be the deadline for the qualified solar electric power generation facility to achieve commercial operation pursuant to the applicable board order granting conditional certification as connected to the distribution system, including any extensions previously authorized by law, rule, regulation, or applicable board order, that qualified solar electric power generation facility shall receive the solar incentive pursuant to the solar incentive program for which application was made at a discount of 10 percent of the original incentive value.

In the event a qualified solar electric power generation facility receiving an extension pursuant to this section achieves commercial operation between 12 and 24 months beyond what otherwise would be the deadline for the qualified solar electric power generation facility to achieve commercial operation pursuant to the applicable board order granting conditional certification as connected to the distribution system, including any extensions previously authorized by law, rule, regulation, or applicable board order, that qualified solar electric power generation facility shall receive the solar incentive pursuant to the solar incentive program for which application was made at a discount of 15 percent of the original incentive value.

f. As used in this section:

“Project sponsor” means a municipality, business entity, person, property owner, developer, redeveloper, or other interest that is the party pursuing the development and implementation of a qualified solar electric power generation facility under a solar incentive program administered by the board.

“Qualified solar electric power generation facility” or “facility” means a solar electric power generation facility that has, as of the effective date of P.L.2023, c.158 (C.48:3-121), received by board order conditional certification to participate in a solar incentive program pursuant to subsection t. of section 38 of P.L.1999, c.23 (C.48:3-87).

“Tolling event” means any action or inaction of the PJM Interconnection, L.L.C., any moratorium in new applications declared by the PJM Interconnection, L.L.C., any deferral in processing of existing applications by the PJM Interconnection, L.L.C., any new application process, study, report, or analysis established by the PJM Interconnection, L.L.C., to approve and contract a project, the deferral to negotiate, execute, and deliver any other engineering or other studies, agreements, or approvals required by the PJM Interconnection, L.L.C., as a prerequisite to project interconnection or commercial operation of a qualified solar electric power generation facility.

2. This act shall take effect immediately.

Approved September 12, 2023.