

[First Reprint]

SENATE, No. 2732

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 26, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

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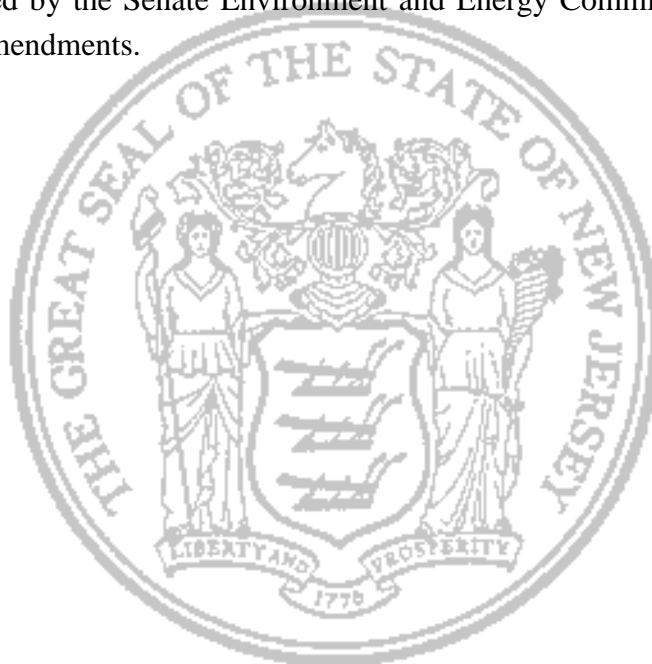
Senators Zwicker and Stanfield

SYNOPSIS

Extends deadlines, under certain circumstances, for completion and commercial operation of certain solar electric power generation facilities.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on June 9, 2022, with amendments.



(Sponsorship Updated As Of: 9/29/2022)

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

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

8
9 1. a. Notwithstanding the provisions of P.L.1999, c.23
10 (C.48:3-49 et al.), P.L.2021, c.169 (C.48:3-114 et al.), or any other
11 law, rule, regulation, or order to the contrary, a qualified solar
12 electric power generation facility that, due to a delay attributable to
13 a tolling event, fails, or is projected to fail, to achieve project
14 completion or commercial operation by the deadline date
15 established by law, rule, regulation, board order, incentive program
16 registration acceptance letter, or other approval or authorization for
17 that facility, shall receive an automatic extension of the project
18 completion or commercial operation deadline date established for
19 that facility.

20 The extension granted pursuant to this section shall be for a
21 period coextensive with the duration of the delay associated with
22 the applicable tolling event. The delay shall be deemed to end at
23 such time as the developer of the qualified solar electric power
24 generation facility is authorized to commence construction using
25 the dates and pursuant to an Interconnection Service Agreement
26 executed between the project sponsor, PJM Interconnection, L.L.C.,
27 and the public electric utility. The automatic extension shall protect
28 the qualified solar electric power generation facility from forfeiting
29 the following:

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

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

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:

¹Senate SEN committee amendments adopted June 9, 2022.

(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 coextensive with the duration of the tolling event, and provide such other and further relief as the board may deem appropriate. The board order shall be effective as of the date of the certification of the tolling event.

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. Upon conclusion of the tolling event, the project sponsor shall timely resume and complete development of those aspects of the facility that were delayed by the tolling event. The project sponsor shall complete the facility and commence commercial operation within the timeframe permitted by the Interconnection Service Agreement executed between the project sponsor, PJM Interconnection, L.L.C., and the public electric utility.

e. 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 for which a project sponsor has submitted ¹, on or before August 28, 2021,¹ an application for conditional approval to participate in a solar incentive program pursuant to subsection t. of section 38 of P.L.1999, c.23 (C.48:3-87), and includes a facility that has received conditional approval from the board to participate in the solar incentive program pursuant to subsection t. of section 38 of P.L.1999, c.23 (C.48:3-87) for which application was made.

¹ [“Solar incentive program” means a program administered by the board which awards transition renewable energy certificates.]¹

1 “Tolling event” means any action or inaction of the PJM
2 Interconnection, L.L.C., or an applicable electric public utility, any
3 moratorium in new applications declared by the PJM
4 Interconnection, L.L.C., or an applicable electric public utility, any
5 deferral in processing of existing applications by the PJM
6 Interconnection, L.L.C., or an applicable electric public utility, any
7 new application process, study, report, or analysis established by
8 the PJM Interconnection, L.L.C., or an applicable electric public
9 utility, to approve and contract a project, ¹**【or】**¹ the deferral to
10 negotiate, execute, and deliver any other engineering or other
11 studies, agreements, or approvals required by the PJM
12 Interconnection, L.L.C., or an applicable electric public utility, as a
13 prerequisite to project interconnection or commercial operation of a
14 qualified solar electric power generation facility, ¹**【that】** or any
15 undue delay in the provision of a permit or approval required by a
16 local government unit, including a local land use board, caused by
17 the action or inaction of the local government unit, which¹ delays
18 the timely completion or commercial operation of a qualified solar
19 electric power generation facility.

20 ¹**【“Transition renewable energy certificate”** means a certificate
21 issued by the Board of Public Utilities or its designee, under the
22 solar energy transition incentive program, which is designed to
23 transition between the solar renewable energy certificate program
24 and a solar successor incentive program to be developed by the
25 Board of Public Utilities pursuant to P.L.2018, c.17 (C.48:3-
26 87.8 et al.).**】**¹

27

28 2. This act shall take effect immediately.