

[First Reprint]

SENATE, No. 2605

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 25, 2020

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

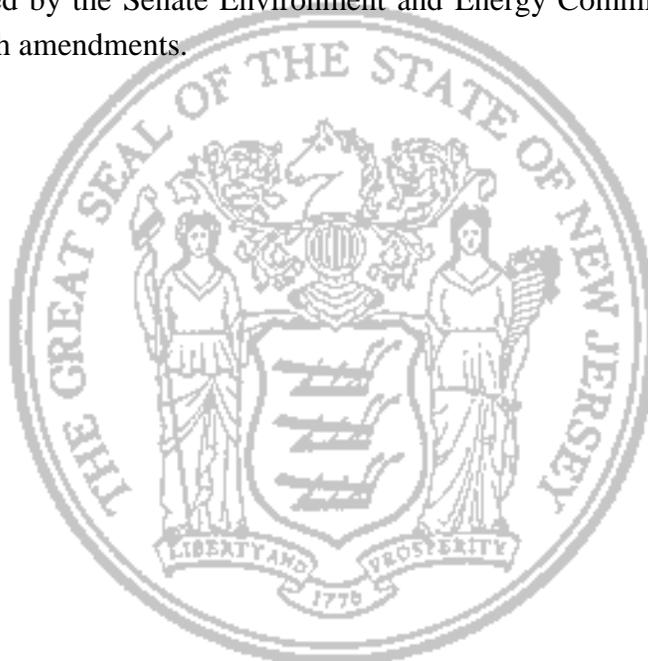
Senators Diegnan and Lagana

SYNOPSIS

Directs BPU to establish utility-scale solar energy development program; modifies State's renewable energy portfolio standards.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on August 25, 2020, with amendments.



(Sponsorship Updated As Of: 3/4/2021)

1 AN ACT concerning utility-scale solar energy development ¹and the
2 State’s renewable energy portfolio standards¹, supplementing and
3 amending P.L.1999, c.23, and amending P.L.2016, c.12.

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

7
8 1. (New section) a. The Legislature hereby finds and declares
9 that:

10 (1) In order to achieve the State’s goal of securing 50 percent of its
11 electricity supply from renewable energy by 2030 with the least cost
12 and the greatest benefit to consumers, it is critical (a) to continually
13 reexamine the State’s renewable energy programs and consider
14 creating new programs, and (b) for all solar electric energy generated
15 by a facility connected to an electric public utility or to transmission
16 facilities operated by the PJM Interconnection, L.L.C. to be considered
17 Class I renewable energy and for the facility to be eligible to generate
18 renewable energy certificates for the solar energy it generates provided
19 that it is not simultaneously generating solar renewable energy
20 certificates;

21 (2) The 2019 Energy Master Plan (“EMP”) found that: (a) the
22 State can achieve its 100 percent clean energy and 80 percent
23 greenhouse gas reduction goals with little added cost, and likely net
24 savings when health benefits and climate change mitigation benefits
25 are taken into account, in part by maximizing the development of in-
26 State renewable energy generation, including 17 gigawatts of solar
27 power by 2035 and 32 gigawatts by 2050; (b) under the least cost path
28 identified by the EMP, solar energy could meet 34 percent of the
29 State’s clean energy needs by 2050; and (c) to embark on this least
30 cost path, the EMP determined that the State should add at least 400
31 megawatts of in-State solar power each year through 2030;

32 (3) Utility-scale solar energy is the least-cost renewable energy
33 resource in both the State and the Mid-Atlantic region, and New Jersey
34 has the market potential for at least 3,000 megawatts of utility-scale
35 solar energy by 2030;

36 (4) Fostering and incentivizing the development of new utility-
37 scale solar facilities within the State will: (a) mitigate price and
38 delivery risks while ensuring an adequate, efficient, and reliable
39 supply of renewable energy; (b) enhance the continued diversification
40 of the energy resources used in this State, resulting in environmental
41 and health benefits to New Jersey residents and a more resilient energy
42 supply; and (c) encourage lower financing rates and enable the
43 development of more affordable renewable energy resources;

44 (5) A utility-scale solar energy development program that
45 establishes a competitive solicitation process for long-term contracts to

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 August 25, 2020.

1 provide Class I renewable energy will help achieve the State's goal of
 2 securing 50 percent of its electricity supply from renewable energy by
 3 2030 at a cost to customers that is equal to or less than the costs that
 4 would be borne by customers without the creation of such a program,
 5 thus causing no conflict with the renewable energy portfolio standard
 6 cost caps established by section 38 of P.L.1999, c.23 (C.48:3-87); and

7 (6) It is in the public interest to create a utility-scale solar energy
 8 development program that includes an annual competitive solicitation
 9 process to identify cost-effective utility-scale solar facility projects
 10 capable of supplying clean and reliable solar energy to New Jersey
 11 consumers.

12 b. (1) No later than one year after the effective date of P.L. ,
 13 c. (C.) (pending before the Legislature as this bill), the board,
 14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
 15 (C.52:14B-1 et seq.), shall adopt rules and regulations establishing an
 16 annual competitive procurement program to develop utility-scale solar
 17 facilities capable of producing at least ¹~~3,000~~ 1,500¹ megawatts of
 18 power by ¹~~2030~~ 2026¹. This program shall include a transparent,
 19 competitive, and fair annual solicitation process that is open on a non-
 20 discriminatory basis to any entity seeking to construct a utility-scale
 21 solar facility that can achieve commercial operation within two years
 22 after the date of execution of a power purchase agreement, and
 23 standardized evaluation criteria to be applied equally to all bids and
 24 bidders.

25 (2) The evaluation criteria shall include the ability of the utility-
 26 sale solar facility and any power purchase agreement entered into
 27 pursuant to this section to:

- 28 (a) provide enhanced electricity reliability;
- 29 (b) contribute to reducing seasonal electricity price spikes;
- 30 (c) be cost effective to ratepayers over the term of the contract,
 31 taking into consideration potential economic and environmental
 32 benefits to the ratepayers;
- 33 (d) avoid line loss and mitigate transmission costs to the extent
 34 possible and ensure that transmission cost overruns, if any, are not
 35 borne by ratepayers;
- 36 (e) be paired with energy storage systems;
- 37 (f) mitigate any environmental impacts associated with the
 38 construction of the facility ¹and, pursuant to subsection i. of this
 39 section, utilize pollinator-friendly habitat¹; ¹~~and~~¹
- 40 (g) create and foster employment and economic development in
 41 the State ¹; and
- 42 (h) avoid excessive concentration of procurement awards to any
 43 single developer¹.

44 c. ¹~~(1)~~¹ No later than ¹~~18~~ 12¹ months after the effective date
 45 of ¹~~P.L. ,~~¹ c. (C.) (pending before the Legislature as this bill),
 46 the board shall establish the competitive procurement process, in
 47 accordance with subparagraphs (a) ¹~~and (b)~~ through (d)¹ of

1 paragraph (1) of subsection d. of this section, and conduct a
2 competitive solicitation for utility-scale solar facility projects, in
3 accordance with subparagraphs (a) ¹[(b), and (c)] through (d)¹ of
4 paragraph (2) of subsection d. of this section.

5 d. (1) By December 31 of each year after the competitive
6 solicitation conducted pursuant to subsection c. of this section, the
7 board, after notice and opportunity for public comment, shall establish
8 for the competitive procurement to take place in the following year:

9 (a) ¹[a] an annual¹ procurement target of at least 375 megawatts,
10 measured as alternating current, ¹[which target may be increased by
11 the board to qualify for federal incentives or if the board otherwise
12 finds doing so is in the public interest; and] for the first four years of
13 the program.¹

14 (b) a cost cap based on the board's forecast of the 20-year market
15 price of energy, capacity, and Class I RECs, and including the total
16 cost of remunerations paid pursuant to subsection d. of this section and
17 a just and reasonable value for capacity ¹;

18 (c) a requirement that not more than 35 percent of each annual
19 procurement shall be awarded to any one developer; and

20 (d) a requirement that at least 15 percent of each annual
21 procurement shall be from combined solar and energy storage
22 facilities¹.

23 (2) By June 30 of each year after the establishment of the
24 competitive procurement process pursuant to paragraph (1) of this
25 subsection, the board shall conduct a competitive solicitation for
26 utility-scale solar facility projects, which shall:

27 (a) rank all bids received based on price;

28 (b) consider all bids that are equal to or lower than the cost cap and
29 which meet or exceed the procurement target established by the board;
30 ¹[and]¹

31 (c) require bidders to submit fees in an amount determined by the
32 board to cover the costs incurred by the board in administering the
33 competitive procurement process established pursuant to this section ¹;
34 and

35 (d) require bidders to execute a PJM facilities study agreement
36 prior to bid submission to demonstrate that the project has been
37 sufficiently developed¹.

38 e. (1) Within 90 days after a winning bid for a solicitation
39 conducted pursuant to paragraph (2) of subsection c. of this section is
40 chosen, each electric public utility shall negotiate a power purchase
41 agreement with the winning bidder to purchase energy, capacity, and
42 Class I RECs, or any combination thereof, for a term of 20 years.

43 ¹The power purchase agreement shall require that the project achieve
44 commercial operation no later than 24 months after execution of the
45 agreement, unless that timeframe is extended by the board due to an
46 extenuating circumstance.¹ A power purchase agreement entered into
47 pursuant to this subsection that is subject to review by the Federal

1 Energy Regulatory Commission shall be filed with the Federal Energy
2 Regulatory Commission pursuant to 16 U.S.C. s.824d.

3 (2) Each power purchase agreement developed pursuant to this
4 section shall include (a) an annual remuneration of one percent of the
5 annual payments under the agreement to be submitted to the State
6 Treasurer for deposit into the “Preserve New Jersey Fund Account,”
7 established pursuant to section 4 of P.L.2016, c.12 (C.13:8C-46), to be
8 allocated as set forth pursuant to section 1 of P.L.2019, c.136
9 (C.13:8C-47.1), and (b) an annual remuneration of up to two and one-
10 half percent of the annual payment under the agreement to compensate
11 the electric public utility for accepting the financial obligation of the
12 long-term agreement. The net costs of a power purchase agreement
13 shall be recovered through a non-bypassable charge incorporated into
14 the rates of ¹~~the~~ each¹ electric public utility ¹based on the electric
15 public utility’s proportionate share of the Statewide load,¹ as approved
16 by the board.

17 f. Energy produced from a utility-scale solar facility shall not
18 simultaneously receive Class I RECs and SRECs or any other
19 comparable credits issued under the SREC successor program
20 developed by the board pursuant to P.L.2018, c.17 (C.48:3-87.8 et al.).

21 g. An electric public utility shall sell all Class I RECs generated
22 by a utility-scale solar facility pursuant to this section to third-party
23 energy suppliers, and any financial benefit realized by an electric
24 public utility shall be credited to ratepayers.

25 h. The issuance of Class I RECs for an eligible utility-scale solar
26 facility developed pursuant to this section shall be deemed “Board of
27 Public Utilities financial assistance,” as defined pursuant to section 1
28 of P.L.2009, c.89 (C.48:2-29.47).

29 ¹i. In order to provide native perennial vegetation and foraging
30 habitat beneficial to gamebirds, songbirds, and pollinators, and to
31 reduce stormwater runoff and erosion at a solar energy generation site,
32 a utility-scale solar facility project shall utilize native plant species and
33 seed mixes in accordance with standards established by the
34 Department of Environmental Protection. No later than one year after
35 the effective date of P.L. _____, c. _____ (C. _____)(pending before the
36 Legislature as this bill, the Department of Environmental Protection, in
37 consultation with the Board of Public Utilities, shall establish
38 standards for the use of pollinator-friendly native plant species and
39 seed mixes in utility-scale solar facility projects.

40 j. A utility-scale solar facility project shall not be constructed on:

41 (1) preserved farmland. For the purposes of this paragraph,
42 “preserved farmland” means land on which a development easement
43 was conveyed to, or retained by, the State Agriculture Development
44 Committee, a county agriculture development board, or a qualifying
45 tax exempt nonprofit organization pursuant to the provisions of section
46 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-
47 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999,
48 c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152

1 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for
2 farmland preservation purposes;

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

10 (3) land located within the preservation area of the pinelands area,
11 as designated in subsection b. of section 10 of P.L.1979, c. 111
12 (C.13:18A-11);

13 (4) land designated as forest area in the pinelands comprehensive
14 management plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et
15 seq.);

16 (5) land designated as freshwater wetlands as defined pursuant to
17 P.L.1987, c.156 (C.13:9B-1 et seq.), or coastal wetlands as defined
18 pursuant to P.L.1970, c.272 (C.13:9A-1 et seq.); and

19 (6) lands located within the Highlands preservation area as
20 designated in subsection b. of section 7 of P.L.2004, c.120 (C.13:20-
21 7).

22 k. Each worker employed in the construction of a utility-scale
23 solar facility project undertaken pursuant to this section shall be paid
24 not less than the prevailing wage rate for the worker's craft or trade, as
25 determined by the Commissioner of Labor and Workforce
26 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).

27 l. A developer that undertakes a utility-scale solar facility project
28 pursuant to this section shall obtain all necessary permits and other
29 approvals as may be required pursuant to State or local law, rule,
30 regulation, or ordinance.¹

31

32 2. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read as
33 follows:

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

41 "Base load electric power generation facility" means an electric
42 power generation facility intended to be operated at a greater than 50
43 percent capacity factor including, but not limited to, a combined cycle
44 power facility and a combined heat and power facility.

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

1 "Basic gas supply service" means gas supply service that is
2 provided to any customer that has not chosen an alternative gas
3 supplier, whether or not the customer has received offers as to
4 competitive supply options, including, but not limited to, any customer
5 that cannot obtain such service for any reason, including non-payment
6 for services. Basic gas supply service is not a competitive service and
7 shall be fully regulated by the board.

8 "Basic generation service" or "BGS" means electric generation
9 service that is provided, to any customer that has not chosen an
10 alternative electric power supplier, whether or not the customer has
11 received offers for competitive supply options, including, but not
12 limited to, any customer that cannot obtain such service from an
13 electric power supplier for any reason, including non-payment for
14 services. Basic generation service is not a competitive service and
15 shall be fully regulated by the board.

16 "Basic generation service provider" or "provider" means a provider
17 of basic generation service.

18 "Basic generation service transition costs" means the amount by
19 which the payments by an electric public utility for the procurement of
20 power for basic generation service and related ancillary and
21 administrative costs exceeds the net revenues from the basic
22 generation service charge established by the board pursuant to section
23 9 of P.L.1999, c.23 (C.48:3-57) during the transition period, together
24 with interest on the balance at the board-approved rate, that is reflected
25 in a deferred balance account approved by the board in an order
26 addressing the electric public utility's unbundled rates, stranded costs,
27 and restructuring filings pursuant to P.L.1999, c.23 (C.48:3-49 et al.).
28 Basic generation service transition costs shall include, but are not
29 limited to, costs of purchases from the spot market, bilateral contracts,
30 contracts with non-utility generators, parting contracts with the
31 purchaser of the electric public utility's divested generation assets,
32 short-term advance purchases, and financial instruments such as
33 hedging, forward contracts, and options. Basic generation service
34 transition costs shall also include the payments by an electric public
35 utility pursuant to a competitive procurement process for basic
36 generation service supply during the transition period, and costs of any
37 such process used to procure the basic generation service supply.

38 "Board" means the New Jersey Board of Public Utilities or any
39 successor agency.

40 "Bondable stranded costs" means any stranded costs or basic
41 generation service transition costs of an electric public utility approved
42 by the board for recovery pursuant to the provisions of P.L.1999, c.23
43 (C.48:3-49 et al.), together with, as approved by the board: (1) the
44 cost of retiring existing debt or equity capital of the electric public
45 utility, including accrued interest, premium and other fees, costs, and
46 charges relating thereto, with the proceeds of the financing of
47 bondable transition property; (2) if requested by an electric public
48 utility in its application for a bondable stranded costs rate order,

1 federal, State and local tax liabilities associated with stranded costs
2 recovery, basic generation service transition cost recovery, or the
3 transfer or financing of the property, or both, including taxes, whose
4 recovery period is modified by the effect of a stranded costs recovery
5 order, a bondable stranded costs rate order, or both; and (3) the costs
6 incurred to issue, service or refinance transition bonds, including
7 interest, acquisition or redemption premium, and other financing costs,
8 whether paid upon issuance or over the life of the transition bonds,
9 including, but not limited to, credit enhancements, service charges,
10 overcollateralization, interest rate cap, swap or collar, yield
11 maintenance, maturity guarantee or other hedging agreements, equity
12 investments, operating costs, and other related fees, costs, and charges,
13 or to assign, sell, or otherwise transfer bondable transition property.

14 "Bondable stranded costs rate order" means one or more
15 irrevocable written orders issued by the board pursuant to
16 P.L.1999, c.23 (C.48:3-49 et al.) which determines the amount of
17 bondable stranded costs and the initial amount of transition bond
18 charges authorized to be imposed to recover the bondable stranded
19 costs, including the costs to be financed from the proceeds of the
20 transition bonds, as well as on-going costs associated with servicing
21 and credit enhancing the transition bonds, and provides the electric
22 public utility specific authority to issue or cause to be issued, directly
23 or indirectly, transition bonds through a financing entity and related
24 matters as provided in P.L.1999, c.23 (C.48:3-49 et al.), which order
25 shall become effective immediately upon the written consent of the
26 related electric public utility to the order as provided in P.L.1999, c.23
27 (C.48:3-49 et al.).

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

39 "British thermal unit" or "Btu" means the amount of heat required
40 to increase the temperature of one pound of water by one degree
41 Fahrenheit.

42 "Broker" means a duly licensed electric power supplier that
43 assumes the contractual and legal responsibility for the sale of electric
44 generation service, transmission, or other services to end-use retail
45 customers, but does not take title to any of the power sold, or a duly
46 licensed gas supplier that assumes the contractual and legal obligation
47 to provide gas supply service to end-use retail customers, but does not
48 take title to the gas.

1 "Brownfield" means any former or current commercial or
2 industrial site that is currently vacant or underutilized and on which
3 there has been, or there is suspected to have been, a discharge of a
4 contaminant.

5 "Buydown" means an arrangement or arrangements involving the
6 buyer and seller in a given power purchase contract and, in some cases
7 third parties, for consideration to be given by the buyer in order to
8 effectuate a reduction in the pricing, or the restructuring of other terms
9 to reduce the overall cost of the power contract, for the remaining
10 succeeding period of the purchased power arrangement or
11 arrangements.

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

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

25 "Class II renewable energy" means electric energy produced at a
26 hydropower facility with a capacity of greater than three megawatts,
27 but less than 30 megawatts, or a resource recovery facility, provided
28 that the facility is located where retail competition is permitted and
29 provided further that the Commissioner of Environmental Protection
30 has determined that the facility meets the highest environmental
31 standards and minimizes any impacts to the environment and local
32 communities. Class II renewable energy shall not include electric
33 energy produced at a hydropower facility with a capacity of greater
34 than 30 megawatts on or after the effective date of P.L.2015, c.51.

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

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

44 "Combined heat and power facility" or "co-generation facility"
45 means a generation facility which produces electric energy and steam
46 or other forms of useful energy such as heat, which are used for
47 industrial or commercial heating or cooling purposes. A combined

1 heat and power facility or co-generation facility shall not be
2 considered a public utility.

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

7 "Commercial and industrial energy pricing class customer" or
8 "CIEP class customer" means that group of non-residential customers
9 with high peak demand, as determined by periodic board order, which
10 either is eligible or which would be eligible, as determined by periodic
11 board order, to receive funds from the Retail Margin Fund established
12 pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and for which
13 basic generation service is hourly-priced.

14 "Comprehensive resource analysis" means an analysis including,
15 but not limited to, an assessment of existing market barriers to the
16 implementation of energy efficiency and renewable technologies that
17 are not or cannot be delivered to customers through a competitive
18 marketplace.

19 "Connected to the distribution system" means, for a solar electric
20 power generation facility, that the facility is: (1) connected to a net
21 metering customer's side of a meter, regardless of the voltage at which
22 that customer connects to the electric grid; (2) an on-site generation
23 facility; (3) qualified for net metering aggregation as provided
24 pursuant to paragraph (4) of subsection e. of section 38 of P.L.1999,
25 c.23 (C.48:3-87); (4) owned or operated by an electric public utility
26 and approved by the board pursuant to section 13 of P.L.2007, c.340
27 (C.48:3-98.1); (5) directly connected to the electric grid at 69 kilovolts
28 or less, regardless of how an electric public utility classifies that
29 portion of its electric grid, and is designated as "connected to the
30 distribution system" by the board pursuant to subsections q. through s.
31 of section 38 of P.L.1999, c.23 (C.48:3-87); **1** **or** **1** (6) is certified by
32 the board, in consultation with the Department of Environmental
33 Protection, as being located on a brownfield, on an area of historic fill,
34 or on a properly closed sanitary landfill facility ¹; or (7) located on a
35 rooftop or floating on a body of water (floating photovoltaics)¹. Any
36 solar electric power generation facility, other than that of a net
37 metering customer on the customer's side of the meter, connected
38 above 69 kilovolts shall not be considered connected to the distribution
39 system.

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 service
43 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 1st
2 through May 31st, numbered according to the calendar year in which it
3 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 to,
7 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 metered
13 for retail billing purposes, including agreements and arrangements
14 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 sell
18 at least 90 percent of its output, either directly or through a marketer,
19 to a customer or customers located at sites that are not on or
20 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 of
23 itself, affect the entity's status as an exempt wholesale generator under
24 the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et
25 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 al.)
28 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 a
33 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 end
37 users within this State.

38 "Electric related service" means a service that is directly related to
39 the consumption of electricity by an end user, including, but not
40 limited to, the installation of demand side management measures at the
41 end user's premises, the maintenance, repair, or replacement of
42 appliances, lighting, motors, or other energy-consuming devices at the
43 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 the
48 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 PJM
4 criteria and that commences construction after the effective date of
5 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 supply
9 or gas related services, between government aggregators or private
10 aggregators and electric power suppliers or gas suppliers, but does not
11 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 it
21 ends.

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

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

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

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

43 "Financing entity" means an electric public utility, a special
44 purpose entity, or any other assignee of bondable transition property,
45 which issues transition bonds. Except as specifically provided in
46 P.L.1999, c.23 (C.48:3-49 et al.), a financing entity which is not itself
47 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 the
13 contractual and legal obligation to provide gas supply service to retail
14 customers, and includes, but is not limited to, marketers and brokers.
15 A non-public utility affiliate of a public utility holding company may
16 be a gas supplier, but a gas public utility or any subsidiary of a gas
17 utility is not a gas supplier. In the event that a gas public utility is not
18 part of a holding company legal structure, a related competitive
19 business segment of that gas public utility may be a gas supplier,
20 provided that related competitive business segment is structurally
21 separated from the gas public utility, and provided that the interactions
22 between the gas public utility and the related competitive business
23 segment are subject to the affiliate relations standards adopted by the
24 board pursuant to subsection k. of section 10 of P.L.1999, c.23
25 (C.48:3-58).

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

29 "Government aggregator" means any government entity subject to
30 the requirements of the "Local Public Contracts Law," P.L.1971, c.198
31 (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 or
38 county government, the provision of electric generation service or gas
39 supply service on behalf of business or residential customers within its
40 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 its
45 territorial jurisdiction.

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

1 "Greenhouse gas emissions portfolio standard" means a
2 requirement that addresses or limits the amount of carbon dioxide
3 emissions indirectly resulting from the use of electricity as applied to
4 any electric power suppliers and basic generation service providers of
5 electricity.

6 "Historic fill" means generally large volumes of non-indigenous
7 material, no matter what date they were emplaced on the site, used to
8 raise the topographic elevation of a site, which were contaminated
9 prior to emplacement and are in no way connected with the operations
10 at the location of emplacement and which include, but are not limited
11 to, construction debris, dredge spoils, incinerator residue, demolition
12 debris, fly ash, and non-hazardous solid waste. "Historic fill" shall not
13 include any material which is substantially chromate chemical
14 production waste or any other chemical production waste or waste
15 from processing of metal or mineral ores, residues, slags, or tailings.

16 "Incremental auction" means an auction conducted by PJM, as part
17 of PJM's reliability pricing model, prior to the start of the delivery year
18 to secure electric capacity as necessary to satisfy the capacity
19 requirements for that delivery year, that is not otherwise provided for
20 in the base residual auction.

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

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

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

34 "Market transition charge" means a charge imposed pursuant to
35 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public utility, at
36 a level determined by the board, on the electric public utility customers
37 for a limited duration transition period to recover stranded costs
38 created as a result of the introduction of electric power supply
39 competition pursuant to the provisions of P.L.1999, c.23 (C.48:3-
40 49 et al.).

41 "Marketer" means a duly licensed electric power supplier that
42 takes title to electric energy and capacity, transmission and other
43 services from electric power generators and other wholesale suppliers
44 and then assumes the contractual and legal obligation to provide
45 electric generation service, and may include transmission and other
46 services, to an end-use retail customer or customers, or a duly licensed
47 gas supplier that takes title to gas and then assumes the contractual and

1 legal obligation to provide gas supply service to an end-use customer
2 or customers.

3 "Mid-merit electric power generation facility" means a generation
4 facility that operates at a capacity factor between baseload generation
5 facilities and peaker generation facilities.

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

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

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

17 "Offshore wind energy" means electric energy produced by a
18 qualified offshore wind project.

19 "Offshore wind renewable energy certificate" or "OREC" means a
20 certificate, issued by the board or its designee, representing the
21 environmental attributes of one megawatt hour of electric generation
22 from a qualified offshore wind project.

23 "Off-site end use thermal energy services customer" means an end
24 use customer that purchases thermal energy services from an on-site
25 generation facility, combined heat and power facility, or co-generation
26 facility, and that is located on property that is separated from the
27 property on which the on-site generation facility, combined heat and
28 power facility, or co-generation facility is located by more than one
29 easement, public thoroughfare, or transportation or utility-owned right-
30 of-way.

31 "On-site generation facility" means a generation facility, including,
32 but not limited to, a generation facility that produces Class I or Class II
33 renewable energy, and equipment and services appurtenant to electric
34 sales by such facility to the end use customer located on the property
35 or on property contiguous to the property on which the end user is
36 located. An on-site generation facility shall not be considered a public
37 utility. The property of the end use customer and the property on
38 which the on-site generation facility is located shall be considered
39 contiguous if they are geographically located next to each other, but
40 may be otherwise separated by an easement, public thoroughfare,
41 transportation or utility-owned right-of-way, or if the end use customer
42 is purchasing thermal energy services produced by the on-site
43 generation facility, for use for heating or cooling, or both, regardless of
44 whether the customer is located on property that is separated from the
45 property on which the on-site generation facility is located by more
46 than one easement, public thoroughfare, or transportation or utility-
47 owned right-of-way.

1 "Open access offshore wind transmission facility" means an open
2 access transmission facility, located either in the Atlantic Ocean or
3 onshore, used to facilitate the collection of offshore wind energy or its
4 delivery to the electric transmission system in this State.

5 "Person" means an individual, partnership, corporation,
6 association, trust, limited liability company, governmental entity, or
7 other legal entity.

8 "PJM Interconnection, L.L.C." or "PJM" means the privately-held,
9 limited liability corporation that serves as a FERC-approved Regional
10 Transmission Organization, or its successor, that manages the regional,
11 high-voltage electricity grid serving all or parts of 13 states including
12 New Jersey and the District of Columbia, operates the regional
13 competitive wholesale electric market, manages the regional
14 transmission planning process, and establishes systems and rules to
15 ensure that the regional and in-State energy markets operate fairly and
16 efficiently.

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

19 "Private aggregator" means a non-government aggregator that is a
20 duly-organized business or non-profit organization authorized to do
21 business in this State that enters into a contract with a duly licensed
22 electric power supplier for the purchase of electric energy and
23 capacity, or with a duly licensed gas supplier for the purchase of gas
24 supply service, on behalf of multiple end-use customers by combining
25 the loads of those customers.

26 "Properly closed sanitary landfill facility" means a sanitary landfill
27 facility, or a portion of a sanitary landfill facility, for which
28 performance is complete with respect to all activities associated with
29 the design, installation, purchase, or construction of all measures,
30 structures, or equipment required by the Department of Environmental
31 Protection, pursuant to law, in order to prevent, minimize, or monitor
32 pollution or health hazards resulting from a sanitary landfill facility
33 subsequent to the termination of operations at any portion thereof,
34 including, but not necessarily limited to, the placement of earthen or
35 vegetative cover, and the installation of methane gas vents or monitors
36 and leachate monitoring wells or collection systems at the site of any
37 sanitary landfill facility.

38 "Public utility holding company" means: (1) any company that,
39 directly or indirectly, owns, controls, or holds with power to vote, 10
40 percent or more of the outstanding voting securities of an electric
41 public utility or a gas public utility or of a company which is a public
42 utility holding company by virtue of this definition, unless the
43 Securities and Exchange Commission, or its successor, by order
44 declares such company not to be a public utility holding company
45 under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79
46 et seq., or its successor; or (2) any person that the Securities and
47 Exchange Commission, or its successor, determines, after notice and
48 opportunity for hearing, directly or indirectly, to exercise, either alone

1 or pursuant to an arrangement or understanding with one or more other
2 persons, such a controlling influence over the management or policies
3 of an electric public utility or a gas public utility or public utility
4 holding company as to make it necessary or appropriate in the public
5 interest or for the protection of investors or consumers that such
6 person be subject to the obligations, duties, and liabilities imposed in
7 the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et
8 seq., or its successor act.

9 "Qualified offshore wind project" means a wind turbine electricity
10 generation facility in the Atlantic Ocean and connected to the electric
11 transmission system in this State, and includes the associated
12 transmission-related interconnection facilities and equipment, and
13 approved by the board pursuant to section 3 of P.L.2010, c.57 (C.48:3-
14 87.1).

15 "Registration program" means an administrative process developed
16 by the board pursuant to subsection u. of section 38 of P.L.1999, c.23
17 (C.48:3-87) that requires all owners of solar electric power generation
18 facilities connected to the distribution system that intend to generate
19 SRECs, to file with the board documents detailing the size, location,
20 interconnection plan, land use, and other project information as
21 required by the board.

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

27 "Related competitive business segment of an electric public utility
28 or gas public utility" means any business venture of an electric public
29 utility or gas public utility including, but not limited to, functionally
30 separate business units, joint ventures, and partnerships, that offers to
31 provide or provides competitive services.

32 "Related competitive business segment of a public utility holding
33 company" means any business venture of a public utility holding
34 company, including, but not limited to, functionally separate business
35 units, joint ventures, and partnerships and subsidiaries, that offers to
36 provide or provides competitive services, but does not include any
37 related competitive business segments of an electric public utility or
38 gas public utility.

39 "Reliability pricing model" or "RPM" means PJM's capacity-
40 market model, and its successors, that secures capacity on behalf of
41 electric load serving entities to satisfy load obligations not satisfied
42 through the output of electric generation facilities owned by those
43 entities, or otherwise secured by those entities through bilateral
44 contracts.

45 "Renewable energy certificate" or "REC" means a certificate
46 representing the environmental benefits or attributes of one megawatt-
47 hour of generation from a generating facility that produces Class I or

1 Class II renewable energy, but shall not include a solar renewable
2 energy certificate or an offshore wind renewable energy certificate.

3 "Resource clearing price" or "RCP" means the clearing price
4 established for the applicable locational deliverability area by the base
5 residual auction or incremental auction, as determined by the
6 optimization algorithm for each auction, conducted by PJM as part of
7 PJM's reliability pricing model.

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

15 "Restructuring related costs" means reasonably incurred costs
16 directly related to the restructuring of the electric power industry,
17 including the closure, sale, functional separation, and divestiture of
18 generation and other competitive utility assets by a public utility, or
19 the provision of competitive services as those costs are determined by
20 the board, and which are not stranded costs as defined in P.L.1999,
21 c.23 (C.48:3-49 et al.) but may include, but not be limited to,
22 investments in management information systems, and which shall
23 include expenses related to employees affected by restructuring which
24 result in efficiencies and which result in benefits to ratepayers, such as
25 training or retraining at the level equivalent to one year's training at a
26 vocational or technical school or county community college, the
27 provision of severance pay of two weeks of base pay for each year of
28 full-time employment, and a maximum of 24 months' continued health
29 care coverage. Except as to expenses related to employees affected by
30 restructuring, "restructuring related costs" shall not include going
31 forward costs.

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

38 "Retail margin" means an amount, reflecting differences in prices
39 that electric power suppliers and electric public utilities may charge in
40 providing electric generation service and basic generation service,
41 respectively, to retail customers, excluding residential customers,
42 which the board may authorize to be charged to categories of basic
43 generation service customers of electric public utilities in this State,
44 other than residential customers, under the board's continuing
45 regulation of basic generation service pursuant to sections 3 and 9 of
46 P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the purpose of promoting
47 a competitive retail market for the supply of electricity.

1 "Sales representative" means a person employed by, acting on
2 behalf of, or as an independent contractor for, an electric power
3 supplier, gas supplier, broker, energy agent, marketer, or private
4 aggregator who, by any means, solicits a potential residential customer
5 for the provision of electric generation service or gas supply service.

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

8 "School district" means a local or regional school district
9 established pursuant to chapter 8 or chapter 13 of Title 18A of the
10 New Jersey Statutes, a county special services school district
11 established pursuant to article 8 of chapter 46 of Title 18A of the New
12 Jersey Statutes, a county vocational school district established
13 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
14 Statutes, and a district under full State intervention pursuant to
15 P.L.1987, c.399 (C.18A:7A-34 et al.).

16 "Shopping credit" means an amount deducted from the bill of an
17 electric public utility customer to reflect the fact that the customer has
18 switched to an electric power supplier and no longer takes basic
19 generation service from the electric public utility.

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

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

31 "Social program" means a program implemented with board
32 approval to provide assistance to a group of disadvantaged customers,
33 to provide protection to consumers, or to accomplish a particular
34 societal goal, and includes, but is not limited to, the winter moratorium
35 program, utility practices concerning "bad debt" customers, low
36 income assistance, deferred payment plans, weatherization programs,
37 and late payment and deposit policies, but does not include any
38 demand side management program or any environmental requirements
39 or controls.

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

43 "Solar alternative compliance payment" or "SACP" means a
44 payment of a certain dollar amount per megawatt hour (MWh) which
45 an electric power supplier or provider may submit to the board in order
46 to comply with the solar electric generation requirements under section
47 38 of P.L.1999, c.23 (C.48:3-87).

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

6 "Standard offer capacity agreement" or "SOCA" means a
7 financially-settled transaction agreement, approved by board order,
8 that provides for eligible generators to receive payments from the
9 electric public utilities for a defined amount of electric capacity for a
10 term to be determined by the board but not to exceed 15 years, and for
11 such payments to be a fully non-bypassable charge, with such an
12 order, once issued, being irrevocable.

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

16 "State entity" means a department, agency, or office of State
17 government, a State university or college, or an authority created by
18 the State.

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

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

32 "Telemarketer" shall have the same meaning as set forth in section
33 2 of P.L.2003, c.76 (C.56:8-120).

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

45 "Thermal efficiency" means the useful electric energy output of a
46 facility, plus the useful thermal energy output of the facility, expressed
47 as a percentage of the total energy input to the facility.

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

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

18 "Transition period" means the period from August 1, 1999 through
19 July 31, 2003.

20 "Transmission and distribution system" means, with respect to an
21 electric public utility, any facility or equipment that is used for the
22 transmission, distribution, or delivery of electricity to the customers of
23 the electric public utility including, but not limited to, the land,
24 structures, meters, lines, switches, and all other appurtenances thereof
25 and thereto, owned or controlled by the electric public utility within
26 this State.

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

30 "Unsolicited advertisement" means any advertising claims of the
31 commercial availability or quality of services provided by an electric
32 power supplier, gas supplier, broker, energy agent, marketer, private
33 aggregator, sales representative, or telemarketer which is transmitted
34 to a potential customer without that customer's prior express invitation
35 or permission.

36 "Utility-scale solar facility" means a solar electric power
37 generation facility that is capable of producing at least 10 megawatts
38 of electric power, measured as alternating current, and is connected to
39 the electric transmission system at a location that is within the service
40 territory of an electric public utility or to the distribution system
41 operated by an electric public utility. Any such facility shall qualify as
42 Class I renewable energy for the purposes of receiving Class I
43 renewable energy certificates for compliance with the State's
44 renewable energy portfolio standards.

45 (cf: P.L.2020, c.24, s.7)

46

47 3. Section 4 of P.L.2016, c.12 (C.13:8C-46) is amended to read
48 as follows:

1 4. There is established in the General Fund a special account to
2 be known as the "Preserve New Jersey Fund Account."

3 a. The State Treasurer shall credit to this account:

4 (1) (a) (i) For State fiscal year 2016, an amount equal to 71
5 percent of the four percent of the revenue annually derived from the
6 tax imposed pursuant to the "Corporation Business Tax Act
7 (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and
8 supplemented, or any other State law of similar effect, dedicated for
9 recreation and conservation, farmland preservation, and historic
10 preservation purposes pursuant to subparagraph (a) of Article VIII,
11 Section II, paragraph 6 of the State Constitution, less \$19,972,000
12 already appropriated and expended for parks management in
13 P.L.2015, c.63; and

14 (ii) in each State fiscal year 2017 through and including State
15 fiscal year 2019 an amount equal to 71 percent of the four percent
16 of the revenue annually derived from the tax imposed pursuant to
17 the "Corporation Business Tax Act (1945)," P.L.1945, c.162
18 (C.54:10A-1 et seq.), as amended and supplemented, or any other
19 State law of similar effect, dedicated to recreation and conservation,
20 farmland preservation, and historic preservation purposes pursuant
21 to subparagraph (a) of Article VIII, Section II, paragraph 6 of the
22 State Constitution; and

23 (b) (i) in each State fiscal year commencing in State fiscal year
24 2020 and annually thereafter, an amount equal to 78 percent of the
25 six percent of the revenue annually derived from the tax imposed
26 pursuant to the "Corporation Business Tax Act (1945),"
27 P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and
28 supplemented, or any other State law of similar effect, dedicated to
29 recreation and conservation, farmland preservation, and historic
30 preservation purposes pursuant to subparagraph (a) of Article VIII,
31 Section II, paragraph 6 of the State Constitution; and

32 (ii) any amount received from an electric public utility pursuant
33 to section 1 of P.L. , c. (C.) (pending before the Legislature
34 as this bill); and

35 (2) in each State fiscal year, an amount equal to the amount
36 dedicated pursuant to subparagraph (b) of Article VIII, Section II,
37 paragraph 6 of the State Constitution.

38 b. In each State fiscal year, the amount credited to the Preserve
39 New Jersey Fund Account shall be appropriated from time to time
40 by the Legislature only for the applicable purposes set forth in
41 Article VIII, Section II, paragraph 6 of the State Constitution and
42 **【this act】** P.L.2016, c.12 (C.13:8C-43 et seq.) for:

43 (1) providing funding, including loans or grants, for the
44 preservation, including acquisition, development, and stewardship,
45 of lands for recreation and conservation purposes, including lands
46 that protect water supplies and lands that have incurred flood or
47 storm damage or are likely to do so, or that may buffer or protect
48 other properties from flood or storm damage;

1 (2) providing funding, including loans or grants, for the
2 preservation and stewardship of land for agricultural or horticultural
3 use and production;

4 (3) providing funding, including loans or grants, for historic
5 preservation; and

6 (4) paying administrative costs associated with (1) through (3)
7 of this subsection.

8 c. Nothing in this act shall authorize any State entity to use
9 constitutionally dedicated CBT moneys for the purpose of making
10 any payments relating to any bonds, notes, or other debt
11 obligations, other than those relating to obligations arising from
12 land purchase agreements made with landowners.

13 d. In each State fiscal year after the enactment of
14 P.L. , c. (C.) (pending before the Legislature as this bill), the
15 State Treasurer shall notify, in writing, the chairperson of the
16 Garden State Preservation Trust of the amount received from an
17 electric public utility pursuant to section 1 of P.L. , c. (C.)
18 (pending before the Legislature as this bill) and credited to the
19 Preserve New Jersey Fund Account pursuant to subsubparagraph
20 (ii) of subparagraph (b) of paragraph (1) of subsection a. of this
21 section to be used for the purposes of subsection b. of this section.

22 (cf: P.L.2016, c.12, s.4)

23

24 ¹4. Section 38 of P.L.1999, c23 (C.48:3-87) is amended to read
25 as follows:

26 38. a. The board shall require an electric power supplier or
27 basic generation service provider to disclose on a customer's bill or
28 on customer contracts or marketing materials, a uniform, common
29 set of information about the environmental characteristics of the
30 energy purchased by the customer, including, but not limited to:

31 (1) Its fuel mix, including categories for oil, gas, nuclear, coal,
32 solar, hydroelectric, wind and biomass, or a regional average
33 determined by the board;

34 (2) Its emissions, in pounds per megawatt hour, of sulfur
35 dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant
36 that the board may determine to pose an environmental or health
37 hazard, or an emissions default to be determined by the board; and

38 (3) Any discrete emission reduction retired pursuant to rules and
39 regulations adopted pursuant to P.L.1995, c.188.

40 b. Notwithstanding any provisions of the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
42 contrary, the board shall initiate a proceeding and shall adopt, in
43 consultation with the Department of Environmental Protection, after
44 notice and opportunity for public comment and public hearing,
45 interim standards to implement this disclosure requirement,
46 including, but not limited to:

47 (1) A methodology for disclosure of emissions based on output
48 pounds per megawatt hour;

1 (2) Benchmarks for all suppliers and basic generation service
2 providers to use in disclosing emissions that will enable consumers
3 to perform a meaningful comparison with a supplier's or basic
4 generation service provider's emission levels; and

5 (3) A uniform emissions disclosure format that is graphic in
6 nature and easily understandable by consumers. The board shall
7 periodically review the disclosure requirements to determine if
8 revisions to the environmental disclosure system as implemented
9 are necessary.

10 Such standards shall be effective as regulations immediately
11 upon filing with the Office of Administrative Law and shall be
12 effective for a period not to exceed 18 months, and may, thereafter,
13 be amended, adopted or readopted by the board in accordance with
14 the provisions of the "Administrative Procedure Act."

15 c. (1) The board may adopt, in consultation with the Department
16 of Environmental Protection, after notice and opportunity for public
17 comment, an emissions portfolio standard applicable to all electric
18 power suppliers and basic generation service providers, upon a
19 finding that:

20 (a) The standard is necessary as part of a plan to enable the
21 State to meet federal Clean Air Act or State ambient air quality
22 standards; and

23 (b) Actions at the regional or federal level cannot reasonably be
24 expected to achieve the compliance with the federal standards.

25 (2) By July 1, 2009, the board shall adopt, pursuant to the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
27 seq.), a greenhouse gas emissions portfolio standard to mitigate
28 leakage or another regulatory mechanism to mitigate leakage
29 applicable to all electric power suppliers and basic generation
30 service providers that provide electricity to customers within the
31 State. The greenhouse gas emissions portfolio standard or any other
32 regulatory mechanism to mitigate leakage shall:

33 (a) Allow a transition period, either before or after the effective
34 date of the regulation to mitigate leakage, for a basic generation
35 service provider or electric power supplier to either meet the
36 emissions portfolio standard or other regulatory mechanism to
37 mitigate leakage, or to transfer any customer to a basic generation
38 service provider or electric power supplier that meets the emissions
39 portfolio standard or other regulatory mechanism to mitigate
40 leakage. If the transition period allowed pursuant to this
41 subparagraph occurs after the implementation of an emissions
42 portfolio standard or other regulatory mechanism to mitigate
43 leakage, the transition period shall be no longer than three years;
44 and

45 (b) Exempt the provision of basic generation service pursuant to
46 a basic generation service purchase and sale agreement effective
47 prior to the date of the regulation.

1 Unless the Attorney General or the Attorney General's designee
2 determines that a greenhouse gas emissions portfolio standard
3 would unconstitutionally burden interstate commerce or would be
4 preempted by federal law, the adoption by the board of an electric
5 energy efficiency portfolio standard pursuant to subsection g. of this
6 section, a gas energy efficiency portfolio standard pursuant to
7 subsection h. of this section, or any other enhanced energy
8 efficiency policies to mitigate leakage shall not be considered
9 sufficient to fulfill the requirement of this subsection for the
10 adoption of a greenhouse gas emissions portfolio standard or any
11 other regulatory mechanism to mitigate leakage.

12 d. Notwithstanding any provisions of the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
14 contrary, the board shall initiate a proceeding and shall adopt, after
15 notice, provision of the opportunity for comment, and public
16 hearing, renewable energy portfolio standards that shall require:

17 (1) that two and one-half percent of the kilowatt hours sold in
18 this State by each electric power supplier and each basic generation
19 service provider be from Class II renewable energy sources;

20 (2) beginning on January 1, 2020, that 21 percent of the kilowatt
21 hours sold in this State by each electric power supplier and each
22 basic generation service provider be from Class I renewable energy
23 sources. The board shall increase the required percentage for Class
24 I renewable energy sources so that by January 1, 2025, **[35]** 39
25 percent of the kilowatt hours sold in this State by each electric
26 power supplier and each basic generation service provider shall be
27 from Class I renewable energy sources, and by January 1, 2030,
28 **[50]** 54 percent of the kilowatt hours sold in this State by each
29 electric power supplier and each basic generation service provider
30 shall be from Class I renewable energy sources. Notwithstanding
31 the requirements of this subsection, the board shall ensure that the
32 cost to customers of the Class I renewable energy requirement
33 imposed pursuant to this subsection shall not exceed nine percent of
34 the total paid for electricity by all customers in the State for energy
35 year 2019, energy year 2020, and energy year 2021, respectively,
36 and shall not exceed seven percent of the total paid for electricity
37 by all customers in the State in any energy year thereafter; provided
38 that, if in energy years 2019 through 2021 the cost to customers of
39 the Class I renewable energy requirement is less than nine percent
40 of the total paid for electricity by all customers in the State, the
41 board may increase the cost to customers of the Class I renewable
42 energy requirement in energy years 2022 through 2024 to a rate
43 greater than seven percent, as long as the total costs to customers
44 for energy years 2019 through 2024 does not exceed the sum of
45 nine percent of the total paid for electricity by all customers in the
46 State in energy years 2019 through 2021 and seven percent of the
47 total paid for electricity by all customers in the State in energy
48 years 2022 through 2024. In calculating the cost to customers of

1 the Class I renewable energy requirement imposed pursuant to this
 2 subsection, the board shall not include the costs of the offshore
 3 wind energy certificate program established pursuant to paragraph
 4 (4) of this subsection. The board shall take any steps necessary to
 5 prevent the exceedance of the cap on the cost to customers
 6 including, but not limited to, adjusting the Class I renewable energy
 7 requirement.

8 An electric power supplier or basic generation service provider
 9 may satisfy the requirements of this subsection by participating in a
 10 renewable energy trading program approved by the board in
 11 consultation with the Department of Environmental Protection;

12 (3) that the board establish a multi-year schedule, applicable to
 13 each electric power supplier or basic generation service provider in
 14 this State, beginning with the one-year period commencing on June
 15 1, 2010, and continuing for each subsequent one-year period up to
 16 and including, the one-year period commencing on June 1, 2033,
 17 that requires the following number or percentage, as the case may
 18 be, of kilowatt-hours sold in this State by each electric power
 19 supplier and each basic generation service provider to be from solar
 20 electric power generators connected to the distribution system in
 21 this State:

22		
23	EY 2011	306 Gigawatthours (Gwhrs)
24	EY 2012	442 Gwhrs
25	EY 2013	596 Gwhrs
26	EY 2014	2.050%
27	EY 2015	2.450%
28	EY 2016	2.750%
29	EY 2017	3.000%
30	EY 2018	3.200%
31	EY 2019	4.300%
32	EY 2020	4.900%
33	EY 2021	5.100%
34	EY 2022	5.100%
35	EY 2023	5.100%
36	EY 2024	4.900%
37	EY 2025	4.800%
38	EY 2026	4.500%
39	EY 2027	4.350%
40	EY 2028	3.740%
41	EY 2029	3.070%
42	EY 2030	2.210%
43	EY 2031	1.580%
44	EY 2032	1.400%
45	EY 2033	1.100%

46 No later than 180 days after the date of enactment of P.L.2018,
 47 c.17 (C.48:3-87.8 et al.), the board shall adopt rules and regulations
 48 to close the SREC program to new applications upon the attainment

1 of 5.1 percent of the kilowatt-hours sold in the State by each
2 electric power supplier and each basic generation provider from
3 solar electric power generators connected to the distribution system.
4 The board shall continue to consider any application filed before the
5 date of enactment of P.L.2018, c.17 (C.48:3-87.8 et al.). The board
6 shall provide for an orderly and transparent mechanism that will
7 result in the closing of the existing SREC program on a date certain
8 but no later than June 1, 2021.

9 No later than 24 months after the date of enactment of P.L.2018,
10 c.17 (C.48:3-87.8 et al.), the board shall complete a study that
11 evaluates how to modify or replace the SREC program to encourage
12 the continued efficient and orderly development of solar renewable
13 energy generating sources throughout the State. The board shall
14 submit the written report thereon to the Governor and, pursuant to
15 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The
16 board shall consult with public utilities, industry experts, regional
17 grid operators, solar power providers and financiers, and other State
18 agencies to determine whether the board can modify the SREC
19 program such that the program will:

- 20 - continually reduce, where feasible, the cost of achieving the
21 solar energy goals set forth in this subsection;
- 22 - provide an orderly transition from the SREC program to a
23 new or modified program;
- 24 - develop megawatt targets for grid connected and distribution
25 systems, including residential and small commercial rooftop
26 systems, community solar systems, and large scale behind the meter
27 systems, as a share of the overall solar energy requirement, which
28 targets the board may modify periodically based on the cost,
29 feasibility, or social impacts of different types of projects;
- 30 - establish and update market-based maximum incentive
31 payment caps periodically for each of the above categories of solar
32 electric power generation facilities;
- 33 - encourage and facilitate market-based cost recovery through
34 long-term contracts and energy market sales; and
- 35 - where cost recovery is needed for any portion of an efficient
36 solar electric power generation facility when costs are not
37 recoverable through wholesale market sales and direct payments
38 from customers, utilize competitive processes such as competitive
39 procurement and long-term contracts where possible to ensure such
40 recovery, without exceeding the maximum incentive payment cap
41 for that category of facility.

42 The board shall approve, conditionally approve, or disapprove
43 any application for designation as connected to the distribution
44 system of a solar electric power generation facility filed with the
45 board after the date of enactment of P.L.2018, c.17 (C.48:3-87.8 et
46 al.), no more than 90 days after receipt by the board of a completed
47 application. For any such application for a project greater than 25
48 kilowatts, the board shall require the applicant to post a notice

1 escrow with the board in an amount of \$40 per kilowatt of DC
2 nameplate capacity of the facility, not to exceed \$40,000. The
3 notice escrow amount shall be reimbursed to the applicant in full
4 upon either denial of the application by the board or upon
5 commencement of commercial operation of the solar electric power
6 generation facility. The escrow amount shall be forfeited to the
7 State if the facility is designated as connected to the distribution
8 system pursuant to this subsection but does not commence
9 commercial operation within two years following the date of the
10 designation by the board.

11 For all applications for designation as connected to the
12 distribution system of a solar electric power generation facility filed
13 with the board after the date of enactment of P.L.2018, c.17
14 (C.48:3-87.8 et al.), the SREC term shall be 10 years.

15 (a) The board shall determine an appropriate period of no less
16 than 120 days following the end of an energy year prior to which a
17 provider or supplier must demonstrate compliance for that energy
18 year with the annual renewable portfolio standard;

19 (b) No more than 24 months following the date of enactment of
20 P.L.2012, c.24, the board shall complete a proceeding to investigate
21 approaches to mitigate solar development volatility and prepare and
22 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a
23 report to the Legislature, detailing its findings and
24 recommendations. As part of the proceeding, the board shall
25 evaluate other techniques used nationally and internationally;

26 (c) The solar renewable portfolio standards requirements in this
27 paragraph shall exempt those existing supply contracts which are
28 effective prior to the date of enactment of P.L.2018, c.17 (C.48:3-
29 87.8 et al.) from any increase beyond the number of SRECs
30 mandated by the solar renewable energy portfolio standards
31 requirements that were in effect on the date that the providers
32 executed their existing supply contracts. This limited exemption for
33 providers' existing supply contracts shall not be construed to lower
34 the Statewide solar sourcing requirements set forth in this
35 paragraph. Such incremental requirements that would have
36 otherwise been imposed on exempt providers shall be distributed
37 over the providers not subject to the existing supply contract
38 exemption until such time as existing supply contracts expire and
39 all providers are subject to the new requirement in a manner that is
40 competitively neutral among all providers and suppliers.
41 Notwithstanding any rule or regulation to the contrary, the board
42 shall recognize these new solar purchase obligations as a change
43 required by operation of law and implement the provisions of this
44 subsection in a manner so as to prevent any subsidies between
45 suppliers and providers and to promote competition in the
46 electricity supply industry.

47 An electric power supplier or basic generation service provider
48 may satisfy the requirements of this subsection by participating in a

1 renewable energy trading program approved by the board in
2 consultation with the Department of Environmental Protection, or
3 compliance with the requirements of this subsection may be
4 demonstrated to the board by suppliers or providers through the
5 purchase of SRECs.

6 The renewable energy portfolio standards adopted by the board
7 pursuant to paragraphs (1) and (2) of this subsection shall be
8 effective as regulations immediately upon filing with the Office of
9 Administrative Law and shall be effective for a period not to exceed
10 18 months, and may, thereafter, be amended, adopted or readopted
11 by the board in accordance with the provisions of the
12 "Administrative Procedure Act."

13 The renewable energy portfolio standards adopted by the board
14 pursuant to this paragraph shall be effective as regulations
15 immediately upon filing with the Office of Administrative Law and
16 shall be effective for a period not to exceed 30 months after such
17 filing, and shall, thereafter, be amended, adopted or readopted by
18 the board in accordance with the "Administrative Procedure Act";
19 and

20 (4) within 180 days after the date of enactment of P.L.2010,
21 c.57 (C.48:3-87.1 et al.), that the board establish an offshore wind
22 renewable energy certificate program to require that a percentage of
23 the kilowatt hours sold in this State by each electric power supplier
24 and each basic generation service provider be from offshore wind
25 energy in order to support at least 3,500 megawatts of generation
26 from qualified offshore wind projects.

27 The percentage established by the board pursuant to this
28 paragraph shall serve as an offset to the renewable energy portfolio
29 standard established pursuant to paragraph (2) of this subsection
30 and shall reduce the corresponding Class I renewable energy
31 requirement.

32 The percentage established by the board pursuant to this
33 paragraph shall reflect the projected OREC production of each
34 qualified offshore wind project, approved by the board pursuant to
35 section 3 of P.L.2010, c.57 (C.48:3-87.1), for 20 years from the
36 commercial operation start date of the qualified offshore wind
37 project which production projection and OREC purchase
38 requirement, once approved by the board, shall not be subject to
39 reduction.

40 An electric power supplier or basic generation service provider
41 shall comply with the OREC program established pursuant to this
42 paragraph through the purchase of offshore wind renewable energy
43 certificates at a price and for the time period required by the board.
44 In the event there are insufficient offshore wind renewable energy
45 certificates available, the electric power supplier or basic generation
46 service provider shall pay an offshore wind alternative compliance
47 payment established by the board. Any offshore wind alternative

1 compliance payments collected shall be refunded directly to the
2 ratepayers by the electric public utilities.

3 The rules established by the board pursuant to this paragraph
4 shall be effective as regulations immediately upon filing with the
5 Office of Administrative Law and shall be effective for a period not
6 to exceed 18 months, and may, thereafter, be amended, adopted or
7 readopted by the board in accordance with the provisions of the
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
9 seq.).

10 e. Notwithstanding any provisions of the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
12 contrary, the board shall initiate a proceeding and shall adopt, after
13 notice, provision of the opportunity for comment, and public
14 hearing:

15 (1) net metering standards for electric power suppliers and basic
16 generation service providers. The standards shall require electric
17 power suppliers and basic generation service providers to offer net
18 metering at non-discriminatory rates to industrial, large
19 commercial, residential and small commercial customers, as those
20 customers are classified or defined by the board, that generate
21 electricity, on the customer's side of the meter, using a Class I
22 renewable energy source, for the net amount of electricity supplied
23 by the electric power supplier or basic generation service provider
24 over an annualized period. Systems of any sized capacity, as
25 measured in watts, are eligible for net metering. If the amount of
26 electricity generated by the customer-generator, plus any kilowatt
27 hour credits held over from the previous billing periods, exceeds the
28 electricity supplied by the electric power supplier or basic
29 generation service provider, then the electric power supplier or
30 basic generation service provider, as the case may be, shall credit
31 the customer-generator for the excess kilowatt hours until the end of
32 the annualized period at which point the customer-generator will be
33 compensated for any remaining credits or, if the customer-generator
34 chooses, credit the customer-generator on a real-time basis, at the
35 electric power supplier's or basic generation service provider's
36 avoided cost of wholesale power or the PJM electric power pool's
37 real-time locational marginal pricing rate, adjusted for losses, for
38 the respective zone in the PJM electric power pool. Alternatively,
39 the customer-generator may execute a bilateral agreement with an
40 electric power supplier or basic generation service provider for the
41 sale and purchase of the customer-generator's excess generation.
42 The customer-generator may be credited on a real-time basis, so
43 long as the customer-generator follows applicable rules prescribed
44 by the PJM electric power pool for its capacity requirements for the
45 net amount of electricity supplied by the electric power supplier or
46 basic generation service provider. The board may authorize an
47 electric power supplier or basic generation service provider to cease
48 offering net metering to customers that are not already net metered

1 whenever the total rated generating capacity owned and operated by
2 net metering customer-generators Statewide equals 5.8 percent of
3 the total annual kilowatt-hours sold in this State by each electric
4 power supplier and each basic generation service provider during
5 the prior one-year period;

6 (2) safety and power quality interconnection standards for Class
7 I renewable energy source systems used by a customer-generator
8 that shall be eligible for net metering.

9 Such standards or rules shall take into consideration the goals of
10 the New Jersey Energy Master Plan, applicable industry standards,
11 and the standards of other states and the Institute of Electrical and
12 Electronics Engineers. The board shall allow electric public utilities
13 to recover the costs of any new net meters, upgraded net meters,
14 system reinforcements or upgrades, and interconnection costs
15 through either their regulated rates or from the net metering
16 customer-generator;

17 (3) credit or other incentive rules for generators using Class I
18 renewable energy generation systems that connect to New Jersey's
19 electric public utilities' distribution system but who do not net
20 meter; and

21 (4) net metering aggregation standards to require electric public
22 utilities to provide net metering aggregation to single electric public
23 utility customers that operate a solar electric power generation
24 system installed at one of the customer's facilities or on property
25 owned by the customer, provided that any such customer is a State
26 entity, school district, county, county agency, county authority,
27 municipality, municipal agency, or municipal authority. The
28 standards shall provide that, in order to qualify for net metering
29 aggregation, the customer must operate a solar electric power
30 generation system using a net metering billing account, which
31 system is located on property owned by the customer, provided that:
32 (a) the property is not land that has been actively devoted to
33 agricultural or horticultural use and that is valued, assessed, and
34 taxed pursuant to the "Farmland Assessment Act of 1964,"
35 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year
36 period prior to the effective date of P.L.2012, c.24, provided,
37 however, that the municipal planning board of a municipality in
38 which a solar electric power generation system is located may
39 waive the requirement of this subparagraph (a), (b) the system is not
40 an on-site generation facility, (c) all of the facilities of the single
41 customer combined for the purpose of net metering aggregation are
42 facilities owned or operated by the single customer and are located
43 within its territorial jurisdiction except that all of the facilities of a
44 State entity engaged in net metering aggregation shall be located
45 within five miles of one another, and (d) all of those facilities are
46 within the service territory of a single electric public utility and are
47 all served by the same basic generation service provider or by the
48 same electric power supplier. The standards shall provide that in

1 order to qualify for net metering aggregation, the customer's solar
2 electric power generation system shall be sized so that its annual
3 generation does not exceed the combined metered annual energy
4 usage of the qualified customer facilities, and the qualified
5 customer facilities shall all be in the same customer rate class under
6 the applicable electric public utility tariff. For the customer's
7 facility or property on which the solar electric generation system is
8 installed, the electricity generated from the customer's solar electric
9 generation system shall be accounted for pursuant to the provisions
10 of paragraph (1) of this subsection to provide that the electricity
11 generated in excess of the electricity supplied by the electric power
12 supplier or the basic generation service provider, as the case may
13 be, for the customer's facility on which the solar electric generation
14 system is installed, over the annualized period, is credited at the
15 electric power supplier's or the basic generation service provider's
16 avoided cost of wholesale power or the PJM electric power pool
17 real-time locational marginal pricing rate. All electricity used by
18 the customer's qualified facilities, with the exception of the facility
19 or property on which the solar electric power generation system is
20 installed, shall be billed at the full retail rate pursuant to the electric
21 public utility tariff applicable to the customer class of the customer
22 using the electricity. A customer may contract with a third party to
23 operate a solar electric power generation system, for the purpose of
24 net metering aggregation. Any contractual relationship entered into
25 for operation of a solar electric power generation system related to
26 net metering aggregation shall include contractual protections that
27 provide for adequate performance and provision for construction
28 and operation for the term of the contract, including any appropriate
29 bonding or escrow requirements. Any incremental cost to an
30 electric public utility for net metering aggregation shall be fully and
31 timely recovered in a manner to be determined by the board. The
32 board shall adopt net metering aggregation standards within 270
33 days after the effective date of P.L.2012, c.24.

34 Such rules shall require the board or its designee to issue a credit
35 or other incentive to those generators that do not use a net meter but
36 otherwise generate electricity derived from a Class I renewable
37 energy source and to issue an enhanced credit or other incentive,
38 including, but not limited to, a solar renewable energy credit, to
39 those generators that generate electricity derived from solar
40 technologies.

41 Such standards or rules shall be effective as regulations
42 immediately upon filing with the Office of Administrative Law and
43 shall be effective for a period not to exceed 18 months, and may,
44 thereafter, be amended, adopted or readopted by the board in
45 accordance with the provisions of the "Administrative Procedure
46 Act."

47 f. The board may assess, by written order and after notice and
48 opportunity for comment, a separate fee to cover the cost of

1 implementing and overseeing an emission disclosure system or
2 emission portfolio standard, which fee shall be assessed based on an
3 electric power supplier's or basic generation service provider's share
4 of the retail electricity supply market. The board shall not impose a
5 fee for the cost of implementing and overseeing a greenhouse gas
6 emissions portfolio standard adopted pursuant to paragraph (2) of
7 subsection c. of this section.

8 g. The board shall adopt, pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric
10 energy efficiency program in order to ensure investment in cost-
11 effective energy efficiency measures, ensure universal access to
12 energy efficiency measures, and serve the needs of low-income
13 communities that shall require each electric public utility to
14 implement energy efficiency measures that reduce electricity usage
15 in the State pursuant to section 3 of P.L.2018, c.17 (C.48:3-87.9).
16 Nothing in this subsection shall be construed to prevent an electric
17 public utility from meeting the requirements of this subsection by
18 contracting with another entity for the performance of the
19 requirements.

20 h. The board shall adopt, pursuant to the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy
22 efficiency program in order to ensure investment in cost-effective
23 energy efficiency measures, ensure universal access to energy
24 efficiency measures, and serve the needs of low-income
25 communities that shall require each gas public utility to implement
26 energy efficiency measures that reduce natural gas usage in the
27 State pursuant to section 3 of P.L.2018, c.17 (C.48:3-87.9).
28 Nothing in this subsection shall be construed to prevent a gas public
29 utility from meeting the requirements of this subsection by
30 contracting with another entity for the performance of the
31 requirements.

32 i. After the board establishes a schedule of solar kilowatt-hour
33 sale or purchase requirements pursuant to paragraph (3) of
34 subsection d. of this section, the board may initiate subsequent
35 proceedings and adopt, after appropriate notice and opportunity for
36 public comment and public hearing, increased minimum solar
37 kilowatt-hour sale or purchase requirements, provided that the
38 board shall not reduce previously established minimum solar
39 kilowatt-hour sale or purchase requirements, or otherwise impose
40 constraints that reduce the requirements by any means.

41 j. The board shall determine an appropriate level of solar
42 alternative compliance payment, and permit each supplier or
43 provider to submit an SACP to comply with the solar electric
44 generation requirements of paragraph (3) of subsection d. of this
45 section. The value of the SACP for each Energy Year, for Energy
46 Years 2014 through 2033 per megawatt hour from solar electric
47 generation required pursuant to this section, shall be:

1	EY 2014	\$339
2	EY 2015	\$331
3	EY 2016	\$323
4	EY 2017	\$315
5	EY 2018	\$308
6	EY 2019	\$268
7	EY 2020	\$258
8	EY 2021	\$248
9	EY 2022	\$238
10	EY 2023	\$228
11	EY 2024	\$218
12	EY 2025	\$208
13	EY 2026	\$198
14	EY 2027	\$188
15	EY 2028	\$178
16	EY 2029	\$168
17	EY 2030	\$158
18	EY 2031	\$148
19	EY 2032	\$138
20	EY 2033	\$128.

21

22 The board may initiate subsequent proceedings and adopt, after
23 appropriate notice and opportunity for public comment and public
24 hearing, an increase in solar alternative compliance payments,
25 provided that the board shall not reduce previously established
26 levels of solar alternative compliance payments, nor shall the board
27 provide relief from the obligation of payment of the SACP by the
28 electric power suppliers or basic generation service providers in any
29 form. Any SACP payments collected shall be refunded directly to
30 the ratepayers by the electric public utilities.

31 k. The board may allow electric public utilities to offer long-
32 term contracts through a competitive process, direct electric public
33 utility investment and other means of financing, including but not
34 limited to loans, for the purchase of SRECs and the resale of SRECs
35 to suppliers or providers or others, provided that after such
36 contracts have been approved by the board, the board's approvals
37 shall not be modified by subsequent board orders. If the board
38 allows the offering of contracts pursuant to this subsection, the
39 board may establish a process, after hearing, and opportunity for
40 public comment, to provide that a designated segment of the
41 contracts approved pursuant to this subsection shall be contracts
42 involving solar electric power generation facility projects with a
43 capacity of up to 250 kilowatts.

44 l. The board shall implement its responsibilities under the
45 provisions of this section in such a manner as to:

46 (1) place greater reliance on competitive markets, with the
47 explicit goal of encouraging and ensuring the emergence of new
48 entrants that can foster innovations and price competition;

- 1 (2) maintain adequate regulatory authority over non-competitive
2 public utility services;
 - 3 (3) consider alternative forms of regulation in order to address
4 changes in the technology and structure of electric public utilities;
 - 5 (4) promote energy efficiency and Class I renewable energy
6 market development, taking into consideration environmental
7 benefits and market barriers;
 - 8 (5) make energy services more affordable for low and moderate
9 income customers;
 - 10 (6) attempt to transform the renewable energy market into one
11 that can move forward without subsidies from the State or public
12 utilities;
 - 13 (7) achieve the goals put forth under the renewable energy
14 portfolio standards;
 - 15 (8) promote the lowest cost to ratepayers; and
 - 16 (9) allow all market segments to participate.
- 17 m. The board shall ensure the availability of financial incentives
18 under its jurisdiction, including, but not limited to, long-term
19 contracts, loans, SRECs, or other financial support, to ensure
20 market diversity, competition, and appropriate coverage across all
21 ratepayer segments, including, but not limited to, residential,
22 commercial, industrial, non-profit, farms, schools, and public entity
23 customers.
- 24 n. For projects which are owned, or directly invested in, by a
25 public utility pursuant to section 13 of P.L.2007, c.340 (C.48:3-
26 98.1), the board shall determine the number of SRECs with which
27 such projects shall be credited; and in determining such number the
28 board shall ensure that the market for SRECs does not detrimentally
29 affect the development of non-utility solar projects and shall
30 consider how its determination may impact the ratepayers.
- 31 o. The board, in consultation with the Department of
32 Environmental Protection, electric public utilities, the Division of
33 Rate Counsel in, but not of, the Department of the Treasury,
34 affected members of the solar energy industry, and relevant
35 stakeholders, shall periodically consider increasing the renewable
36 energy portfolio standards beyond the minimum amounts set forth
37 in subsection d. of this section, taking into account the cost impacts
38 and public benefits of such increases including, but not limited to:
- 39 (1) reductions in air pollution, water pollution, land disturbance,
40 and greenhouse gas emissions;
 - 41 (2) reductions in peak demand for electricity and natural gas,
42 and the overall impact on the costs to customers of electricity and
43 natural gas;
 - 44 (3) increases in renewable energy development, manufacturing,
45 investment, and job creation opportunities in this State; and
 - 46 (4) reductions in State and national dependence on the use of
47 fossil fuels.

1 p. Class I RECs and ORECs shall be eligible for use in
2 renewable energy portfolio standards compliance in the energy year
3 in which they are generated, and for the following two energy years.
4 SRECs shall be eligible for use in renewable energy portfolio
5 standards compliance in the energy year in which they are
6 generated, and for the following four energy years.

7 q. (1) During the energy years of 2014, 2015, and 2016, a solar
8 electric power generation facility project that is not: (a) net
9 metered; (b) an on-site generation facility; (c) qualified for net
10 metering aggregation; or (d) certified as being located on a
11 brownfield, on an area of historic fill or on a properly closed
12 sanitary landfill facility, as provided pursuant to subsection t. of this
13 section may file an application with the board for approval of a
14 designation pursuant to this subsection that the facility is connected
15 to the distribution system. An application filed pursuant to this
16 subsection shall include a notice escrow of \$40,000 per megawatt of
17 the proposed capacity of the facility. The board shall approve the
18 designation if: the facility has filed a notice in writing with the
19 board applying for designation pursuant to this subsection, together
20 with the notice escrow; and the capacity of the facility, when added
21 to the capacity of other facilities that have been previously
22 approved for designation prior to the facility's filing under this
23 subsection, does not exceed 80 megawatts in the aggregate for each
24 year. The capacity of any one solar electric power supply project
25 approved pursuant to this subsection shall not exceed 10 megawatts.
26 No more than 90 days after its receipt of a completed application
27 for designation pursuant to this subsection, the board shall approve,
28 conditionally approve, or disapprove the application. The notice
29 escrow shall be reimbursed to the facility in full upon either
30 rejection by the board or the facility entering commercial operation,
31 or shall be forfeited to the State if the facility is designated pursuant
32 to this subsection but does not enter commercial operation pursuant
33 to paragraph (2) of this subsection.

34 (2) If the proposed solar electric power generation facility does
35 not commence commercial operations within two years following
36 the date of the designation by the board pursuant to this subsection,
37 the designation of the facility shall be deemed to be null and void,
38 and the facility shall not be considered connected to the distribution
39 system thereafter.

40 (3) Notwithstanding the provisions of paragraph (2) of this
41 subsection, a solar electric power generation facility project that as
42 of May 31, 2017 was designated as "connected to the distribution
43 system," but failed to commence commercial operations as of that
44 date, shall maintain that designation if it commences commercial
45 operations by May 31, 2018.

46 r. (1) For all proposed solar electric power generation facility
47 projects except for those solar electric power generation facility
48 projects approved pursuant to subsection q. of this section, and for

1 all projects proposed in energy year 2019 and energy year 2020, the
2 board may approve projects for up to 50 megawatts annually in
3 auctioned capacity in two auctions per year as long as the board is
4 accepting applications. If the board approves projects for less than
5 50 megawatts in energy year 2019 or less than 50 megawatts in
6 energy year 2020, the difference in each year shall be carried over
7 into the successive energy year until 100 megawatts of auctioned
8 capacity has been approved by the board pursuant to this
9 subsection. A proposed solar electric power generation facility that
10 is neither net metered nor an on-site generation facility, may be
11 considered "connected to the distribution system" only upon
12 designation as such by the board, after notice to the public and
13 opportunity for public comment or hearing. A proposed solar
14 **[power]** electric power generation facility seeking board
15 designation as "connected to the distribution system" shall submit
16 an application to the board that includes for the proposed facility:
17 the nameplate capacity; the estimated energy and number of SRECs
18 to be produced and sold per year; the estimated annual rate impact
19 on ratepayers; the estimated capacity of the generator as defined by
20 PJM for sale in the PJM capacity market; the point of
21 interconnection; the total project acreage and location; the current
22 land use designation of the property; the type of solar technology to
23 be used; and such other information as the board shall require.

24 (2) The board shall approve the designation of the proposed
25 solar **[power]** electric power generation facility as "connected to
26 the distribution system" if the board determines that:

27 (a) the SRECs forecasted to be produced by the facility do not
28 have a detrimental impact on the SREC market or on the
29 appropriate development of solar power in the State;

30 (b) the approval of the designation of the proposed facility
31 would not significantly impact the preservation of open space in
32 this State;

33 (c) the impact of the designation on electric rates and economic
34 development is beneficial; and

35 (d) there will be no impingement on the ability of an electric
36 public utility to maintain its property and equipment in such a
37 condition as to enable it to provide safe, adequate, and proper
38 service to each of its customers.

39 (3) The board shall act within 90 days of its receipt of a
40 completed application for designation of a solar **[power]** electric
41 power generation facility as "connected to the distribution system,"
42 to either approve, conditionally approve, or disapprove the
43 application. If the proposed solar electric power generation facility
44 does not commence commercial operations within two years
45 following the date of the designation by the board pursuant to this
46 subsection, the designation of the facility as "connected to the
47 distribution system" shall be deemed to be null and void, and the

1 facility shall thereafter be considered not "connected to the
2 distribution system."

3 s. In addition to any other requirements of P.L.1999, c.23 or
4 any other law, rule, regulation or order, a solar electric power
5 generation facility that is not net metered or an on-site generation
6 facility and which is located on land that has been actively devoted
7 to agricultural or horticultural use that is valued, assessed, and
8 taxed pursuant to the "Farmland Assessment Act of 1964,"
9 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year
10 period prior to the effective date of P.L.2012, c.24, shall only be
11 considered "connected to the distribution system" if (1) the board
12 approves the facility's designation pursuant to subsection q. of this
13 section; or (2) (a) PJM issued a System Impact Study for the facility
14 on or before June 30, 2011, (b) the facility files a notice with the
15 board within 60 days of the effective date of P.L.2012, c.24,
16 indicating its intent to qualify under this subsection, and (c) the
17 facility has been approved as "connected to the distribution system"
18 by the board. Nothing in this subsection shall limit the board's
19 authority concerning the review and oversight of facilities, unless
20 such facilities are exempt from such review as a result of having
21 been approved pursuant to subsection q. of this section.

22 t. (1) No more than 180 days after the date of enactment of
23 P.L.2012, c.24, the board shall, in consultation with the Department
24 of Environmental Protection and the New Jersey Economic
25 Development Authority, and, after notice and opportunity for public
26 comment and public hearing, complete a proceeding to establish a
27 program to provide SRECs to owners of solar electric power
28 generation facility projects certified by the board, in consultation
29 with the Department of Environmental Protection, as being located
30 on a brownfield, on an area of historic fill or on a properly closed
31 sanitary landfill facility, including those owned or operated by an
32 electric public utility and approved pursuant to section 13 of
33 P.L.2007, c.340 (C.48:3-98.1). Projects certified under this
34 subsection shall be considered "connected to the distribution
35 system", shall not require such designation by the board, and shall
36 not be subject to board review required pursuant to subsections q.
37 and r. of this section. Notwithstanding the provisions of section 3
38 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or
39 order to the contrary, for projects certified under this subsection, the
40 board shall establish a financial incentive that is designed to
41 supplement the SRECs generated by the facility in order to cover
42 the additional cost of constructing and operating a solar electric
43 power generation facility on a brownfield, on an area of historic fill
44 or on a properly closed sanitary landfill facility. Any financial
45 benefit realized in relation to a project owned or operated by an
46 electric public utility and approved by the board pursuant to section
47 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provision of a
48 financial incentive established by the board pursuant to this

1 subsection, shall be credited to ratepayers. The issuance of SRECs
2 for all solar electric power generation facility projects pursuant to
3 this subsection shall be deemed "Board of Public Utilities financial
4 assistance" as provided under section 1 of P.L.2009, c.89 (C.48:2-
5 29.47).

6 (2) Notwithstanding the provisions of the "Spill Compensation
7 and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) or any
8 other law, rule, regulation, or order to the contrary, the board, in
9 consultation with the Department of Environmental Protection, may
10 find that a person who operates a solar electric power generation
11 facility project that has commenced operation on or after the
12 effective date of P.L.2012, c.24, which project is certified by the
13 board, in consultation with the Department of Environmental
14 Protection pursuant to paragraph (1) of this subsection, as being
15 located on a brownfield for which a final remediation document has
16 been issued, on an area of historic fill or on a properly closed
17 sanitary landfill facility, which projects shall include, but not be
18 limited to projects located on a brownfield for which a final
19 remediation document has been issued, on an area of historic fill or
20 on a properly closed sanitary landfill facility owned or operated by
21 an electric public utility and approved pursuant to section 13 of
22 P.L.2007, c.340 (C.48:3-98.1), or a person who owns property
23 acquired on or after the effective date of P.L.2012, c.24 on which
24 such a solar electric power generation facility project is constructed
25 and operated, shall not be liable for cleanup and removal costs to
26 the Department of Environmental Protection or to any other person
27 for the discharge of a hazardous substance provided that:

28 (a) the person acquired or leased the real property after the
29 discharge of that hazardous substance at the real property;

30 (b) the person did not discharge the hazardous substance, is not
31 in any way responsible for the hazardous substance, and is not a
32 successor to the discharger or to any person in any way responsible
33 for the hazardous substance or to anyone liable for cleanup and
34 removal costs pursuant to section 8 of P.L.1976, c.141 (C.58:10-
35 23.11g);

36 (c) the person, within 30 days after acquisition of the property,
37 gave notice of the discharge to the Department of Environmental
38 Protection in a manner the Department of Environmental Protection
39 prescribes;

40 (d) the person does not disrupt or change, without prior written
41 permission from the Department of Environmental Protection, any
42 engineering or institutional control that is part of a remedial action
43 for the contaminated site or any landfill closure or post-closure
44 requirement;

45 (e) the person does not exacerbate the contamination at the
46 property;

47 (f) the person does not interfere with any necessary remediation
48 of the property;

1 (g) the person complies with any regulations and any permit the
2 Department of Environmental Protection issues pursuant to section
3 19 of P.L.2009, c.60 (C.58:10C-19) or paragraph (2) of subsection
4 a. of section 6 of P.L.1970, c.39 (C.13:1E-6);

5 (h) with respect to an area of historic fill, the person has
6 demonstrated pursuant to a preliminary assessment and site
7 investigation, that hazardous substances have not been discharged;
8 and

9 (i) with respect to a properly closed sanitary landfill facility, no
10 person who owns or controls the facility receives, has received, or
11 will receive, with respect to such facility, any funds from any post-
12 closure escrow account established pursuant to section 10 of
13 P.L.1981, c.306 (C.13:1E-109) for the closure and monitoring of
14 the facility.

15 Only the person who is liable to clean up and remove the
16 contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-
17 23.11g) and who does not have a defense to liability pursuant to
18 subsection d. of that section shall be liable for cleanup and removal
19 costs.

20 u. No more than 180 days after the date of enactment of
21 P.L.2012, c.24, the board shall complete a proceeding to establish a
22 registration program. The registration program shall require the
23 owners of solar electric power generation facility projects
24 connected to the distribution system to make periodic milestone
25 filings with the board in a manner and at such times as determined
26 by the board to provide full disclosure and transparency regarding
27 the overall level of development and construction activity of those
28 projects Statewide.

29 v. The issuance of SRECs for all solar electric power
30 generation facility projects pursuant to this section, for projects
31 connected to the distribution system with a capacity of one
32 megawatt or greater, shall be deemed "Board of Public Utilities
33 financial assistance" as provided pursuant to section 1 of P.L.2009,
34 c.89 (C.48:2-29.47).

35 w. No more than 270 days after the date of enactment of
36 P.L.2012, c.24, the board shall, after notice and opportunity for
37 public comment and public hearing, complete a proceeding to
38 consider whether to establish a program to provide, to owners of
39 solar electric power generation facility projects certified by the
40 board as being three megawatts or greater in capacity and being net
41 metered, including facilities which are owned or operated by an
42 electric public utility and approved by the board pursuant to section
43 13 of P.L.2007, c.340 (C.48:3-98.1), a financial incentive that is
44 designed to supplement the SRECs generated by the facility to
45 further the goal of improving the economic competitiveness of
46 commercial and industrial customers taking power from such
47 projects. If the board determines to establish such a program
48 pursuant to this subsection, the board may establish a financial

1 incentive to provide that the board shall issue one SREC for no less
2 than every 750 kilowatt-hours of solar energy generated by the
3 certified projects. Any financial benefit realized in relation to a
4 project owned or operated by an electric public utility and approved
5 by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-
6 98.1), as a result of the provisions of a financial incentive
7 established by the board pursuant to this subsection, shall be
8 credited to ratepayers.

9 x. Solar electric power generation facility projects that are
10 located on an existing or proposed commercial, retail, industrial,
11 municipal, professional, recreational, transit, commuter,
12 entertainment complex, multi-use, or mixed-use parking lot with a
13 capacity to park 350 or more vehicles where the area to be utilized
14 for the facility is paved, or an impervious surface may be owned or
15 operated by an electric public utility and may be approved by the
16 board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1).¹
17 (cf: P.L.2019, c.448, s.1)

18

19 ¹**[4.]5.**¹ This act shall take effect immediately.