

**CHAPTER 8**

**RENEWABLE ENERGY AND ENERGY EFFICIENCY**

**Authority**

N.J.S.A. 48:2-1 et seq., in particular 48:2-13, 48:3-49 et seq., and 48:3-87.

**Source and Effective Date**

R.2012 d.107, effective May 1, 2012.  
See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

**Chapter Expiration Date**

Chapter 8, Renewable Energy and Energy Efficiency, expires on May 1, 2019.

**Chapter Historical Note**

Chapter 8, Railroads, was recodified as 16:23 by R.1995 d.278, effective June 5, 1995. See: 27 N.J.R. 1155(a), 27 N.J.R. 2247(a).

Chapter 8, Renewable Energy and Energy Efficiency, was adopted as new rules by R.2006 d.178, effective May 15, 2006. As a part of R.2006 d.178, Subchapter 2, Interim Renewable Energy Portfolio Standards, was recodified from N.J.A.C. 14:4-8 and renamed Subchapter 2, Renewable Portfolio Standards. See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Subchapter 8, Standard Offer Contracts, was adopted as new rules by R.2007 d.215, effective July 16, 2007. See: 39 N.J.R. 158(a), 39 N.J.R. 2652(a).

Subchapter 5, Appliance Efficiency, Certification, and Testing Standards, was adopted as new rules by R.2008 d.4, effective January 7, 2008. See: 39 N.J.R. 349(a), 40 N.J.R. 187(a).

Subchapter 3, Environmental Information Disclosure, and Subchapter 4, Net Metering and Interconnection Standards For Class I Renewable Energy Systems, were adopted as new rules by R.2008 d.130, effective May 19, 2008. See: 39 N.J.R. 1405(a), 40 N.J.R. 2526(a).

Subchapter 4, Net Metering and Interconnection Standards for Class I Renewable Energy Systems, was renamed Net Metering for Class I Renewable Energy Systems; Subchapter 5, Appliance Efficiency, Certification, and Testing Standards was recodified to Subchapter 7 and renamed Appliance Efficiency, Certification and Testing Standards; and Subchapter 5, Interconnection of Class I Renewable Energy Systems, was adopted as new rules by R.2010 d.010, effective January 4, 2010. See: 41 N.J.R. 2215(a), 42 N.J.R. 78(a).

Appendix H of Subchapter 3, Label Update and Distribution Timing Requirements, was repealed by R.2010 d.011, effective January 4, 2010. See: 41 N.J.R. 2212(a), 42 N.J.R. 76(a).

Subchapter 6, Qualified Offshore Wind Projects, was adopted as special new rules by R.2011 d.087, effective February 10, 2011 (to expire August 20, 2012). See: 43 N.J.R. 658(a).

Subchapter 3, Environmental Information Disclosure, and Subchapter 7, Renewable Energy and Energy Efficiency, expired on April 18, 2011.

In accordance with N.J.S.A. 52:14B-5.1b, Subchapter 1, Renewable Energy General Provisions and Definitions, Subchapter 2, Renewable Portfolio Standards, Subchapter 4, Net Metering for Class I Renewable Energy Systems Subchapter 5, Interconnection of Class I Renewable Energy Systems, and Subchapter 8, Standard Offer Contracts, were scheduled to expire on October 15, 2013. See: 43 N.J.R. 1203(a).

Subchapter 1, Renewable Energy General Provisions and Definitions, Subchapter 2, Renewable Portfolio Standards, Subchapter 4, Net Metering for Class I Renewable Energy Systems, Subchapter 5, Interconnection of Class I Renewable Energy Systems, and Subchapter 8,

Standard Offer Contracts, were readopted as R.2012 d.107, effective May 1, 2012. As a part of R.2012 d.107, Subchapter 3, Environmental Information Disclosure, was adopted as new rules, effective June 4, 2012. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, Qualified Offshore Wind Projects, was readopted as R.2013 d.039, effective January 23, 2013. See: 44 N.J.R. 2102(a), 45 N.J.R. 336(a).

Subchapter 7, Aggregated Net Metering, was adopted as special adopted new rules by R.2013 d.065, effective March 21, 2013 (scheduled to expire September 20, 2014). See: 45 N.J.R. 951(a).

Subchapter 7, Aggregated Net Metering, was readopted as R.2015 d.059, effective March 18, 2015. See: 46 N.J.R. 2012(a), 47 N.J.R. 830(b).

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## SUBCHAPTER 1. RENEWABLE ENERGY GENERAL PROVISIONS AND DEFINITIONS

### 14:8-1.1 Applicability

(a) This chapter applies to the following, as these terms are defined at N.J.A.C. 14:4-1.2 and 14:8-1.2:

1. Electric public utilities, also known as electric distribution companies or EDCs;
2. Electric power suppliers;
3. Basic generation service, or BGS, providers;
4. Renewable energy customer-generators; and
5. Clean power marketers.

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

In (a)1, inserted "electric distribution companies or"; and in (a)3, inserted "Basic generation service, or" and a comma following "BGS".

### 14:8-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1 and 14:4-1.2.

"Class I renewable energy" means electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells powered by renewable fuels, geothermal technologies, wave or tidal action, and/or methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner. Types of class I renewable energy that qualify for use in meeting the requirements of this subchapter are set forth at N.J.A.C. 14:8-2.5.

"Class II renewable energy" means electric energy produced at a resource recovery facility or hydro power facility, provided that such facility is located where retail competition is permitted and provided further that the Commissioner of Environmental Protection has determined that such facility meets the highest environmental standards and minimizes any impacts to the environment and local communities. Types of class II renewable energy that qualify for use in meeting the requirements of this subchapter are set forth at N.J.A.C. 14:8-2.6.

"EDC" means an electric public utility as defined in N.J.A.C. 14:3-1.1.

"Fossil fuel" means natural gas, petroleum, coal, or any form, of solid, liquid, or gaseous fuel derived from such material.

"Net metering" means a system of metering and billing for electricity in which the supplier/provider and/or the EDC:

1. Credits a customer-generator at the full retail rate for each kilowatt-hour produced by a class I renewable energy system installed on the customer-generator's side of the electric revenue meter, up to the total amount of electricity used by that customer during an annualized period determined under N.J.A.C. 14:8-5.3; and

2. Compensates the customer-generator at the end of the annualized period determined under N.J.A.C. 14:8-5.3 for any remaining credits, at a rate equal to the supplier/provider's avoided cost of wholesale power.

"NJDEP" means the New Jersey Department of Environmental Protection.

"Renewable energy" means class I renewable energy or class II renewable energy, as those terms are defined in this section.

"Societal benefits charge" or "SBC" means a charge imposed by an electric public utility, at a level determined by the Board, in accordance with N.J.S.A. 48:3-60.

"Solar electric generation" means creation of electricity using a system that employs solar radiation to produce energy that powers an electric generator. Solar electric generation includes technologies that utilize the photovoltaic effect. Solar electric generation is a type of class I renewable energy.

"Supplier/provider" means an electric power supplier or a basic generation service provider, as these terms are defined at N.J.A.C. 14:4-1.2.

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

In definition "Net metering", in the introductory paragraph, inserted "and billing for" and "the supplier/provider and/or", and in paragraphs 1 and 2, inserted "determined under N.J.A.C. 14:8-5.3".

Amended by R.2013 d.066, effective April 15, 2013.

See: 44 N.J.R. 2043(a), 45 N.J.R. 942(a).

Added definition "EDC".

**14:8-1.3 Enforcement**

(a) Failure to comply with any provision of this chapter shall subject the violator to the following penalties in accordance with the Board's regulatory and statutory authority:

1. Suspension or revocation of an electric power supplier's license and/or any other previously issued Board approval;
2. Financial penalties;
3. Disallowance of recovery of costs in rates; and
4. Prohibition on accepting new customers.

(b) In determining the appropriate sanction, the Board shall consider the following criteria and any other factors deemed appropriate and material to the violator's failure to comply:

1. The good faith efforts, if any, of the entity charged in attempting to achieve compliance;
2. The gravity of the violation or failure to comply with the requirements in this chapter;
3. The number of past violations by the entity charged regarding these standards and other standards adopted by the Board; and
4. The appropriateness of the sanction or fine to the size of the company charged.

Recodified from N.J.A.C. 14:4-8.8 and amended by R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Added a new (a); deleted (b); recodified former (b)i through iv as (a)1 through 4; recodified former (c) as (b), and in (b)3, deleted "interim" preceding "standards".

Recodified from N.J.A.C. 14:4-8.12 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Former N.J.A.C. 14:4-8.12, heading was "Penalties".

Recodified from N.J.A.C. 14:8-2.12 and amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

In the introductory paragraph of (a) and in (b)2, substituted "chapter" for "subchapter"; in (a)1, inserted "and/or any other previously issued Board approval"; and in the introductory paragraph of (b), substituted "violator's" for "electric power supplier's or basic generation service provider's".

## SUBCHAPTER 2. RENEWABLE PORTFOLIO STANDARDS

**14:8-2.1 Purpose and scope**

(a) Each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, shall include in its electric energy portfolio electricity generated from renewable energy sources. This subchapter is designed to encourage the development of renewable sources of electricity and new, cleaner generation technology; mini-

mize the environmental impact of air pollutant emissions from electric generation; reduce possible transport of emissions and minimize any adverse environmental impact from deregulation of energy generation; and support the reliability of the supply of electricity in New Jersey.

(b) This subchapter governs the retail electricity sales of each supplier/provider, as defined in N.J.A.C. 14:8-1.2. This subchapter does not govern installed capacity obligations, as defined at N.J.A.C. 14:8-2.2.

(c) This subchapter does not apply to a private or government aggregator that contracts for electric generation service or electric related services, either separately or bundled, for its own facilities or on behalf of other business and residential customers in this State. This subchapter does not apply to an energy agent, as defined at N.J.A.C. 14:8-1.2. A supplier/provider that is contractually obligated to sell electricity to an aggregator shall comply with this subchapter by including the amount sold to the aggregator as part of its energy portfolio.

Amended by R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Rewrote the section.

Recodified from N.J.A.C. 14:4-8.1 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions.

Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

In (a), inserted "; and support the reliability of the supply of electricity in New Jersey".

Public Notice.

See: 41 N.J.R. 1532(b).

**14:8-2.2 Definitions**

The following words and terms, when used in this subchapter, shall have the meanings given below, unless the context clearly indicates otherwise:

"Alternative compliance payment" or "ACP" means a payment of a certain dollar amount per megawatt hour, which a supplier/provider may submit to comply with the class I or class II renewable energy requirement in Table A in N.J.A.C. 14:8-2.3.

"Attribute" means a characteristic associated with electricity generated using a particular renewable fuel, such as its generation date, facility geographic location, unit vintage, emissions output, fuel, State program eligibility, or other characteristic that can be identified, accounted, and tracked.

"Bioenergy crop" means plants cultivated and harvested specifically for use as fuel for the purpose of generating electricity.

"Biomass" has the same meaning as that assigned to this term in Executive Order No. 13134, published in the Federal Register on August 16, 1999. Executive Order No. 13134 defines biomass as "... any organic matter that is available on a renewable or recurring basis (excluding old-growth

timber), including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, wood and wood residues, animal wastes, and other waste materials.”

“Black liquor” means a viscous liquid containing inorganic chemicals and organic material such as lignin and aliphatic acids, which is separated from wood during chemical pulping.

“Energy portfolio” means all of the electrical energy supplied by a particular electric power supplier or basic generation service provider to New Jersey retail customers.

“Energy year” or “EY” means the 12-month period from June 1st through May 31st and shall be numbered according to the calendar year in which it ends.

“Fuel cell” means an electrochemical device that converts chemical energy in a hydrogen or hydrogen-rich fuel directly into electricity, without combustion.

“Generation Attribute Tracking System” or “GATS” means the environmental and emissions attributes tracking system for electric generation that is administered by PJM Environmental Information Services.

“Geothermal energy” means energy generated by a steam turbine, driven by hot water or steam extracted from geothermal reservoirs in the earth’s crust.

“Installed capacity obligation” means the requirement for an electric power supplier or basic generation service provider to obtain an amount of electrical generation capacity to meet load service obligations under the reliability rules of PJM Interconnection. Installed capacity includes the generation capacity which a company considers part of its own electric system, including wholly owned units, jointly-owned units, non-utility generation (NUGs), and purchases.

“Offshore wind renewable energy certificate” or “OREC” shall mean as defined at N.J.A.C. 14:8-6.1.

“Old-growth timber” means wood or plant matter taken from a forest in the late successional stage of forest development, including plant matter taken from the forest floor. Late successional forests contain live and dead trees of various sizes, species, composition, and age class structure. The age and structure of old-growth timber varies significantly by forest type and from one biogeoclimatic zone to another.

“Qualification life” means, for any solar electric generation facility, the period beginning on the date on which the facility was authorized to energize under N.J.A.C. 14:8-5.8 and ending on the first May 31 that is at least 15 years after the date of authorization to energize. For example, if a facility’s inspections required under N.J.A.C. 14:8-2.9(i) were completed on August 1, 2004, then the facility’s qualification life would begin August 1, 2004, and end on May 31, 2020. A solar facility’s qualification life applies to the facility itself, and to each piece of equipment included in the facility, regardless of any interruption in the solar facility’s operation; or of any

disassembly, relocation, sale or transfer of any piece of equipment included in the facility.

“Renewable Energy Certificate” or “REC” means a certificate representing the environmental benefits or attributes of one megawatt-hour of generation from a generating facility that produces class I or class II renewable energy, but shall not include a solar renewable energy certificate.

“Renewable fuel” means a fuel that is naturally regenerated over a short time scale and is either derived from the sun (such as thermal, photochemical or photoelectric), or from other natural sources such as wind, hydropower, geothermal and tidal energy, or photosynthetic energy stored in biomass. This term does not include a fossil fuel, a waste product from a fossil source, or a waste product from an inorganic source.

“Resource recovery facility” means a solid waste facility that incinerates solid waste for the purposes of producing energy and recovering metals and other materials for reuse.

“Solar alternative compliance payment” or “SACP” means a payment of a certain dollar amount per megawatt-hour (MWh), which a supplier/provider may submit to the Board to comply with the solar electric generation requirements under N.J.S.A. 48:3-87.

“Solar electric generating facility” or “solar facility” means equipment used to produce solar electric generation, as defined at N.J.A.C. 14:8-1.2.

“Solar renewable energy certificate” or “SREC” means a certificate issued by the Board or its designee, which represents one megawatt-hour (MWh) of solar energy that is generated by a facility connected to the distribution system in New Jersey, and has value based upon, and driven by, the energy market.

“True-up period” means the period each year from the end of the energy year until October 1.

“Voluntary clean electricity market” or “voluntary clean electricity program” means any program, system, market or procedure through which retail electric customers may elect to purchase a class I (including solar) or class II renewable energy product on a voluntary basis. New Jersey’s Voluntary Clean Power Choice Program is a voluntary clean electricity program.

Amended by R.2003 d.260, effective July 7, 2003.

See: 35 N.J.R. 94(a), 35 N.J.R. 2892(a).

Rewrote “Fuel Cell” and “PJM Interconnection, L.L.C.”.

Amended by R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Rewrote the section.

Recodified from N.J.A.C. 14:4-8.2 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Deleted the definitions for “Aggregator”, “Basic generation service”, “Board”, “Broker”, “Class I renewable energy”, “Class II renewable energy”, “Electric power supplier”, “Energy”, “Energy agent”, “Marketer”, “Net metering”, “NJDEP”, “PJM Interconnection”, “PJM region”, “Retail choice” or “retail competition”, “Retail customer”,

"Societal benefits charge", "Solar electric generation" and "Supplier/provider"; inserted the definitions for "Resource recovery facility", and "Voluntary clean electricity market" or "voluntary clean electricity program"; changed internal references to conform to the recodification of provisions in the definitions of "Alternative compliance payment"; "Qualified renewable energy", "Solar alternative compliance payment", and "Solar REC"; inserted "generated using a particular renewable fuel" in the definition of "Attribute"; and rewrote the definitions of "Generation Attribute Tracking System" or "GATS" and "Renewable Energy Certificate" or "REC".

Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

Added definitions "Qualification life", "Total cost of solar incentives", and "Total retail cost of electricity".

Public Notice.

See: 41 N.J.R. 1532(b).

Special amendment, R.2011 d.130, effective March 30, 2011 (to expire September 30, 2012).

See: 43 N.J.R. 1206(a).

In definition "Alternative compliance payment", substituted "to comply with" for "in lieu of supplying" and "requirement in" for "required under"; added definition "Energy year"; rewrote definitions "Renewable Energy Certificate" and "Solar alternative compliance payment"; deleted definitions "Reporting year", "Total cost of solar incentives" and "Total retail cost of electricity"; substituted definition "Solar renewable energy certificate" or "SREC" for definition "Solar REC"; and rewrote definition "Solar renewable energy certificate" or "SREC".

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Rewrote definition "Qualification life"; deleted definition "Qualified renewable energy"; and added definition "Solar electric generating facility".

Readoption of special amendment, R.2013 d.049, effective February 20, 2013.

See: 44 N.J.R. 2358(a), 45 N.J.R. 664(a).

Provisions of R.2011 d.130 readopted without change.

Amended by R.2014 d.048, effective March 17, 2014.

See: 45 N.J.R. 455(a), 46 N.J.R. 549(a).

Added definition "Offshore wind renewable energy certificate" or "OREC".

#### 14:8-2.3 Amount of renewable energy required

(a) Each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, shall ensure that the electricity it sells each energy year in New Jersey includes at least the minimum amount of qualified renewable energy, as defined at N.J.A.C. 14:8-2.2, required for that energy year, as specified in this section. Requirements for class I and class II renewable energy are set forth in Table A below:

Table A

What Percentage Of Energy Supplied Must Be Class I Or Class II Renewable Energy?

Energy Year	Class I Renewable Energy	Class II Renewable Energy
June 1, 2004 - May 31, 2005	.74%	2.50%
June 1, 2005 - May 31, 2006	0.983%	2.50%
June 1, 2006 - May 31, 2007	2.037%	2.50%
June 1, 2007 - May 31, 2008	2.924%	2.50%
June 1, 2008 - May 31, 2009	3.84%	2.50%
June 1, 2009 - May 31, 2010	4.685%	2.50%
EY 2011: June 1, 2010 - May 31, 2011	5.492%	2.50%
EY 2011: June 1, 2011 - May 31, 2012	6.320%	2.50%

Energy Year	Class I Renewable Energy	Class II Renewable Energy
EY 2011: June 1, 2012 - May 31, 2013	7.143%	2.50%
EY 2011: June 1, 2013 - May 31, 2014	7.977%	2.50%
EY 2011: June 1, 2014 - May 31, 2015	8.807%	2.50%
EY 2011: June 1, 2015 - May 31, 2016	9.649%	2.50%
EY 2011: June 1, 2016 - May 31, 2017	10.485%	2.50%
EY 2011: June 1, 2017 - May 31, 2018	12.325%	2.50%
EY 2011: June 1, 2018 - May 31, 2019	14.175%	2.50%
EY 2011: June 1, 2019 - May 31, 2020	16.029%	2.50%
EY 2011: June 1, 2020 - May 31, 2021	17.880%	2.50%

(b) The Board shall adopt rules setting minimum amounts of solar electric generation, class I renewable energy and class II renewable energy required for EY 2022 and each subsequent energy year. These minimum amounts shall be no lower than those required for EY 2021. The Board, in consultation with the NJDEP, EDCs, Rate Counsel, the solar energy industry and relevant stakeholders, shall periodically consider increasing the renewable energy portfolio standards beyond the minimum amounts set forth in this chapter, taking into account the cost impacts and public benefits of such increases including, but not limited to:

1. Reductions in air pollution, water pollution, land disturbance and greenhouse gas emissions;
2. Reductions in peak demand for electricity and natural gas and the overall impact on the costs to electricity and natural gas customers;
3. Increases in renewable energy development, manufacturing, investment and job creation opportunities in New Jersey; and
4. Reductions in State and national dependence on fossil fuels.

(c) Each supplier/provider's solar electric generation obligation shall be calculated in accordance with the requirements of P.L. 2012, c. 24. A supplier/provider shall meet the requirements for solar electric generation through:

1. Retirement of SRECs through a renewable energy trading program approved by the Board in consultation with the NJDEP; or
2. Submittal of one or more SACPs.

(d) A supplier/provider may meet the class I and class II renewable energy requirements in Table A above by retiring RECs in accordance with N.J.A.C. 14:8-2.8. Alternatively, a supplier/provider may comply with the class I and class II

requirements of this subchapter by submitting the appropriate number of ACPs, in accordance with N.J.A.C. 14:8-2.10.

(e) (Reserved.)

(f) The following shall apply to the type of energy, and type of documentation, used for compliance with each of the requirements in this subchapter:

1. SRECs may be used to meet any requirement for solar electric generation, class I renewable energy, or class II renewable energy;

2. Class I RECs may be used to meet class I renewable energy requirements or class II renewable energy requirements, but shall not be used to meet solar electric generation requirements; and

3. Class II RECs shall be used only to meet class II renewable energy requirements, and shall not be used to meet solar electric generation requirements or class I renewable energy requirements.

(g) A supplier/provider shall not demonstrate compliance with this subchapter using direct supply of any type of renewable energy.

(h) (Reserved)

(i) The same renewable energy shall not be used for more than one of the following:

1. Creation of an SREC under N.J.A.C. 14:8-2.9;
2. Creation of a REC under N.J.A.C. 14:8-2.8 or 2.9; or
3. Creation of a REC, or of any other type of attribute or credit, under authority other than N.J.A.C. 14:8-2.9 such as another state's renewable energy standards or any voluntary clean electricity market or voluntary clean electricity program.

(j) Each megawatt-hour (MWh) of retail electricity supplied in New Jersey by a supplier/provider subject to this subchapter carries with it an accompanying solar obligation. For Energy Year 2013, each supplier/provider shall calculate its solar obligation as set forth in (k) below. Subsection (k) below allocates the Table B Statewide solar obligation among all supplier/providers that are subject to this subchapter. All supplier/provider solar obligations, taken together, must equal the Statewide solar obligation set forth in Table B below for Energy Year 2013.

(k) For electricity supplied during EY 2013, a supplier/provider shall calculate its solar obligation as follows:

1. Determine the supplier/provider's market share of all electricity supplied Statewide during the applicable energy year, as follows:
  - i. Consult the Board's NJCEP website to determine the number of MWhs of electricity supplied Statewide

during the energy year by all supplier/providers subject to this subchapter;

ii. Determine the number of MWhs of electricity the supplier/provider supplied during the energy year; and

iii. Divide (k)1ii above by (k)1i above to obtain a fraction representing the supplier/provider's market share; and

2. Multiply the supplier/provider's market share from (k)1 above by the applicable Statewide solar obligation from Table B below. The result is the supplier/provider's solar obligation for the electricity that it supplied during the energy year.

Table B  
Total Statewide Solar Obligation  
Starting June 1, 2010

<u>Energy Year</u>	<u>Statewide Solar Obligation in GWhs</u>
EY 2011: June 1, 2010 - May 31, 2011	306
EY 2012: June 1, 2011 - May 31, 2012	442
EY 2013: June 1, 2012 - May 31, 2013	596

Repeal and New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Section was "Implementation schedule".

Administrative correction.

See: 36 N.J.R. 4155(a).

Amended by R.2005 d.87, effective March 7, 2005.

See: 36 N.J.R. 1892(a), 37 N.J.R. 787(a).

Rewrote (a); in (d), deleted "GATS system is operational and the" following "shall be used only after the"; added (j).

Recodified from N.J.A.C. 14:4-8.3 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions throughout; in (a), substituted "(i)" for "(j)" in the introductory paragraph and inserted entries for June 1, 2009 through May 31, 2021 in table A; in (b), substituted "2022" for "2009" and "2021" for "2008"; rewrote (c) and (d); deleted (e); recodified (f) and (g) as (e) and (f); rewrote (f); deleted (h); recodified (i) and (j) as (g) and (h); rewrote (g); updated Table B in (h); and inserted (i).

Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

In (a), substituted "(h), (j) or (k)" for "(i)"; in (b), inserted ", except as may have been adjusted as provided in (j) and (k) below"; and added (j) and (k).

Public Notice.

See: 41 N.J.R. 1532(b).

Special amendment, R.2011 d.130, effective March 30, 2011 (to expire September 30, 2012).

See: 43 N.J.R. 1206(a).

Section was "Minimum percentage of renewable energy required". Rewrote the section.

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

In the introductory paragraph of (b), deleted a comma following the first occurrence of "energy", and rewrote the last sentence; added (b)1 through (b)4; in (c)1, substituted "NJDEP" for "Department of Environmental Protection"; and deleted and reserved (h).

The following parts of R.2011 d.130 were not proposed for readoption and expired on September 30, 2012: N.J.A.C. 14:8-2.3(k), (l), (m), (n), and rows "EY 2014" through "EY 2027 and beyond" of Table B in (o)2.

Readoption of special amendment, R.2013 d.049, effective February 20, 2013.

See: 44 N.J.R. 2358(a), 45 N.J.R. 664(a).

Provisions of R.2011 d.130 readopted with amendments, effective March 18, 2013: in the introductory paragraph of (c), substituted "the requirements of P.L. 2012, c. 24" for "(j) through (o) below"; rewrote (j); allowed special adopted (k), (l), (m) and (n) to expire on September 30, 2012; recodified (o) as new (k); in the introductory paragraph of (k), deleted "or later" following "FY 2013"; in (k)liii, substituted "(k)lii" for "(o)lii" and "(k)li" for "(o)li"; in (k)2, substituted "(k)1" for "(o)1"; and in Table B in (k)2, allowed the special adopted fourth through the 17th rows to expire on September 30, 2012.

#### **14:8-2.4 Energy that qualifies for an SREC; registration requirement**

(a) To be eligible to form the basis for an SREC usable for compliance with this subchapter, electricity shall meet all requirements in this section, as well as all other applicable requirements in this chapter. The registration process required in this section for construction of new solar electric generation facilities is intended to provide advance notice to the public and the renewable energy markets when increases in solar electric generation capacity in New Jersey are planned.

The registration process shall be administered by Board staff or the Board's designee.

(b) To be eligible for issuance of an SREC usable for compliance with this subchapter, electricity shall:

1. Meet the definition of solar electric generation at N.J.A.C. 14:8-1.2;

2. Be generated at a facility that has been issued a New Jersey State Certification Number by Board staff;

3. Be generated during the generating facility's qualification life, as defined at N.J.A.C. 14:8-2.2. Solar electric generation produced after the end of a facility's qualification life shall not be used as the basis for an SREC, but may be used as the basis for a class I REC under N.J.A.C. 14:8-2.5; and

4. Be generated using equipment that meets either of the following criteria:

i. The equipment is new, that is, none of the equipment has been used prior to the installation of the solar electric generating facility; or

ii. The equipment was previously used in a solar facility with an unexpired qualification life and all of the following criteria are met:

(1) The previous solar facility was located in New Jersey;

(2) The previous solar facility was issued a New Jersey State Certification Number by Board staff;

(3) There are at least 12 full months left in the qualification life of the previous solar facility; and

(4) Any sale or other transfer of the equipment during the qualification life of the previous solar facility is recorded with the Board and with PJM-EIS through submittal of a PJM-EIS system change form.

(c) To comply with (b)2 above, a solar electric generating facility that was not issued a New Jersey State Certification Number prior to June 4, 2012, shall obtain a New Jersey State Certification Number through the registration process set forth in this section. The registration process includes three important deadlines:

1. The submittal of an initial registration package under (f)1 below shall occur no later than:

i. Ten business days after execution of the contract for purchase or installation of the photovoltaic panels to be used in the solar facility;

ii. If a contract for purchase and/or installation of photovoltaic panels for the solar facility was executed prior to June 4, 2012, the deadline for submittal of an initial registration package shall be July 4, 2012; or

iii. In a case where a conditional registration or extension was previously issued but expired before construction of the solar facility was substantially completed, a new registration package shall be submitted prior to completion of construction;

2. Construction of the solar facility shall not begin until Board staff has issued a conditional registration for the facility under (f)5 below; and

3. Construction of the solar facility shall be completed and local code approval granted prior to the expiration of the conditional registration or any extension granted under (g) below.

(d) A solar electric generating facility, and all equipment included in or appurtenant to the solar facility, shall permanently retain the qualification life originally assigned to the solar facility, regardless of any interruption in the solar facility's operation, or any relocation, sale or transfer of the facility or of any of the equipment.

(e) If the applicable submittal deadline in (c)1 above is met, SRECs, based on electricity generated by the solar facility, shall be usable for compliance with this chapter immediately upon the issuance of a New Jersey State Certification Number for the facility, subject to any other applicable limits on use of SRECs. If the applicable deadline is not met, any SRECs based on electricity generated by the solar facility shall not be usable for compliance with this chapter until 12 months after the solar facility has received authorization to energize in accordance with the Board's interconnection rules at N.J.A.C. 14:8-5.

(f) Registration of a solar electric generating facility requires completion of the following process:

1. The registrant shall submit an initial registration package to the Board, completed in accordance with (j) below, within the applicable deadline at (c)1 or 2 above;

2. Upon receipt of an initial registration package, Board staff shall review the package for completeness. If the initial registration package is incomplete or deficient, Board staff shall notify the registrant in writing of the deficiencies;

3. Once the registration package is complete, Board staff shall review the package to determine whether the solar facility meets the SREC eligibility requirements of this subchapter. If the facility does not meet these requirements, Board staff shall notify the registrant. The registrant shall revise the package and resubmit it within one year of this notice. Failure to resubmit within this time will result in cancellation of the registration process, in which case a complete new registration process shall be required for the solar facility to obtain a New Jersey State Certification Number;

4. If the solar facility as described in the initial registration package meets SREC eligibility requirements,



Board staff shall issue notice to the registrant of a conditional registration for the facility. The notice of the conditional registration shall:

i. State that, if the solar facility is constructed as described in the initial registration package, Board staff will issue a New Jersey State Certification Number for the solar facility upon construction completion and inspection; and

ii. Include an expiration date 12 months after the date of the notice; and

5. After issuance of the notice of conditional registration, construction of the solar facility as described in the initial registration package may begin.

(g) Construction of the solar electric generating facility shall be completed prior to expiration of the conditional registration. The registrant may request one extension prior to the expiration of the conditional registration, and shall include an updated schedule for completion. Board staff may authorize one extension for the project on a case-by-case basis, based on the likelihood of timely and successful completion of the solar facility. An extension shall provide a new expiration date, six months from the expiration of the original conditional registration. If the conditional registration, or extension, expires before construction is complete, the registrant shall begin the entire registration process again by submitting an initial registration package. Board staff shall treat the new registration package as if it were a first-time submittal, with no reference to the previous registration process.

(h) Each initial registration package shall be completed in accordance with the instructions found on the Board's New Jersey Clean Energy Program website at [www.njcleanenergy.com](http://www.njcleanenergy.com). The registration instructions shall require the following basic types of information:

1. Information identifying and describing the owner, host location, builder/installer and operator of the solar electric generating facility;

2. Basic information describing the solar facility, including its capacity, manufacturer and expected output;

3. A technical worksheet, in a form provided on the Board's NJCEP website, detailing the technical specifications of the solar facility;

4. A construction schedule for completing the solar facility, including significant milestones;

5. A signed contract between the owner and installer of the solar facility, or other binding legal document that provides reasonable assurance that the solar facility will be constructed;

6. Basic information regarding the cost of equipment and installation, presented as a simple budget;

7. A site map of the land upon which the generating facility will be located, including all features that may affect the construction and/or performance of the solar facility; and

8. Any other data or information necessary for Board staff to determine whether the solar electric generation from the facility will meet the requirements for SRECs under this chapter.

(i) When construction of the solar electric generating facility is complete, the facility owner shall submit a post-construction certification package that meets the requirements of (j) below, and shall request an inspection of the facility by Board staff, or an inspection waiver, through the Board's NJCEP website at [www.njcleanenergy.com](http://www.njcleanenergy.com).

(j) A post-construction certification package shall include all of the following:

1. A copy of the conditional registration notice issued by the Board under this section;

2. A final "as built" technical worksheet, detailing the technical specifications of the completed solar electric generating facility, including any changes from the technical worksheet submitted as part of the initial registration package;

3. Digital photographs of the site and the completed solar facility;

4. A shading analysis, detailing any shade that will affect the facility;

5. An estimate of the electricity production of the solar facility;

6. Where applicable, documentation of compliance with all applicable Federal, State and local law, including eligibility for any tax incentives or other government benefits;

7. A copy of the EDC's initial application to interconnect the facility to the corresponding EDC's distribution system, as well as the EDC or PJM approval to interconnect and energize the facility; and

8. A statement that an inspection of the solar facility, or an inspection waiver, has been requested through the Board's NJCEP website, and the date of the request.

(k) After receiving the inspection request and complete final documentation required under (j) above, Board staff shall conduct an inspection or shall notify the registrant that no inspection is required.

(l) If no inspection is required, or if the inspection indicates that the solar electric generating facility has been constructed in accordance with the conditional registration, and/or any Board-authorized changes made under (m) below, Board staff shall assign a New Jersey State Certification

Number to the solar facility for use in obtaining SRECs from PJM-EIS GATS.

(m) If, after submittal of an initial registration package, an increase or decrease of more than 10 percent in the solar electric generating facility's generating capacity is planned, the registrant shall notify Board staff by e-mail to [oce@bpu.state.nj.us](mailto:oce@bpu.state.nj.us). The e-mail shall be sent within 10 business days after the execution of the change order for the increase or decrease, or the contract for purchase, installation or removal of the photovoltaic panels included in the capacity increase or decrease.

(n) Board staff shall publish the registrations on the Board's Clean Energy Program website at: <http://www.njcleanenergy.com/renewable-energy/program-activity-reports/program-status-reports/srec-registration-program-status-reports>.

(o) A registrant may elect to file a request for confidentiality for any information submitted under this chapter, by using the procedures set forth in the Board's Open Public Records Act (OPRA) rules at N.J.A.C. 14:1-12.

Repeal and New Rule, R.2004 d.151, effective April 19, 2004.  
See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Section was "Reporting requirements of the interim standards".  
Recodified from N.J.A.C. 14:4-8.4 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions throughout; in (a), substituted "in" for "of" and deleted the last sentence; inserted ", or used for any other purpose, market or program," in (b); and deleted (c).

Repeal and New Rule, R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Compliance with solar electric generation requirements".

Administrative correction.

See: 44 N.J.R. 1783(a).

#### Case Notes

Board of Public Utilities concluded that a requirement that it had earlier articulated to the effect that only those solar electric power generation facility projects that have received full certification would be eligible to register in its "Solar Renewable Energy Certificate (SREC)" Registration Program (SRP) conflicted with the requirements in N.J.A.C. 14:8-2.4 requiring a solar electric generation project to submit a registration within 10 days of executing a contract to install a solar system or to purchase panels for solar system. In re the Implementation of L. 2012, c. 24, the Solar Act of 2012 et al., Dkt. Nos. EO12090832V, EO12090862V and QO13111136, 2014 N.J. PUC LEXIS 66, Final Order (March 19, 2014).

Instructions in the rules in N.J.A.C. 14:8-2.4, in conjunction with the additional detail provided on the N.J. Clean Energy Program website, satisfied the Legislature's directive in N.J.S.A. 48:3-87(u) to develop a registration program containing periodic milestone filings in the implementation of the Solar Act. Thus, no further rulemaking was necessary to comply with subsection (u). In the Matter of the Implementation of L. 2012, C. 24, The Solar Act of 2012, Dkt. No. EO12090832V; Dkt. No. EO12090862V; Dkt. No. EO13010009V, 2013 N.J. PUC Lexis 27, Final Decision (January 24, 2013).

#### 14:8-2.5 Energy that qualifies for a class I REC

(a) This section sets forth the types of energy that qualify as class I renewable energy for the purposes of issuance of a

class I REC usable for compliance with this subchapter. The Board has determined that energy listed at (b) below qualifies as class I renewable energy, with no prior approval required. Energy listed at (d) and (e) below shall qualify as class I renewable energy if the conditions specified in those subsections are met.

(b) The following qualify as class I renewable energy for the purposes of this subchapter, with no prior approval required:

1. Solar electric generation in the form of solar RECs;
2. Electricity derived from wind energy;
3. Electricity derived from wave or tidal action;
4. Electricity that is geothermal energy, as defined in N.J.A.C. 14:8-2.2;
5. Electricity generated by the combustion of methane gas captured from a landfill;

6. Electricity generated by a fuel cell powered by methanol, ethanol, landfill gas, digester gas, biomass gas, or other renewable fuel. Electricity generated by a fuel cell powered by a fossil fuel shall not qualify as class I renewable energy for the purposes of this subchapter; and

7. Electricity generated by the combustion of gas from the anaerobic digestion of food waste and sewage sludge at a biomass generating facility.

(c) For purposes of this section, the term "combustion of biomass" includes both the burning of captured methane gas derived from biomass, as well as the direct firing of biomass.

(d) Electricity produced through combustion of the following types of biomass shall qualify as class I renewable energy, provided that the NJDEP provides Board staff with a biomass sustainability determination for the biomass in accordance with (f) and (g) below:

1. A bioenergy crop, as defined at N.J.A.C. 14:8-2.2, including wood produced at a biomass energy plantation;
2. Wood from the thinning or trimming of trees and/or from a forest floor, provided that the wood is not old-growth timber, as defined at N.J.A.C. 14:8-2.2; and that the wood is unadulterated by non-cellulose substances or material;
3. Gas generated by anaerobic digestion of biomass fuels other than food waste and sewage sludge, including bioenergy crops and agricultural waste; and
4. Either of the following types of wood, provided that the wood is unadulterated by non-cellulose substances or material:

- i. Ground or shredded pallets or other scrap wood, with all nails and other metal removed, produced at a facility that is classified as a Class B recycling facility by the New Jersey Department of Environmental Protec-

tion's Bureau of Landfill and Recycling Management, or at an equivalent recycling facility approved by the State environmental agency in which the facility is located; or

ii. Wood shavings and/or scrap from a lumberyard or a paper mill, excluding black liquor, as defined at N.J.A.C. 14:8-2.2.

(e) Electricity produced through combustion of a type of biomass not described in this section may qualify as class I renewable energy for the purposes of this subchapter, provided that the NJDEP provides Board staff with a biomass sustainability determination for the biomass in accordance with (f) and (g) below.

(f) To support a biomass sustainability determination, a supplier/provider or biomass facility operator shall demonstrate all of the following:

1. The generation facility meets NJDP requirements for state-of-the-art (SOTA) air pollution control at N.J.A.C. 7:27-8;

2. The generation facility's ash management practices comply with NJDEP requirements; and

3. All plant matter used directly as biomass fuel was cultivated and harvested in a sustainable manner, in accordance with a management plan approved by the State environmental agency or agricultural agency in the state in which the plant was grown. If the plant matter is not used directly as biomass fuel, but is subject to alteration after its harvest and before its use as biomass fuel, this determination is not required.

(g) To obtain a biomass sustainability determination, a supplier/provider or biomass facility operator shall submit a request for the determination, including any documentation required by NJDEP. The request shall be submitted to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The supplier/provider or biomass facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of Innovative Technology, PO Box 409, Trenton, New Jersey 08625.

(h) If a biomass sustainability determination is required for class I renewable energy used to comply with this subchapter, the supplier/provider shall submit the determination as part of the annual report required under N.J.A.C. 14:8-2.11, or the biomass facility operator shall submit the determination by September 1 of each year. If the determination is not submitted annually, the energy shall not qualify for use to comply with this subchapter, and the supplier/provider shall submit RECs or ACPs to make up the shortfall. A determination submitted to board staff after the due date of the annual report shall not be accepted, and the electricity shall not be counted towards the supplier/provider's compliance with this subchapter.

(i) A supplier/provider that uses electricity generated through use of biomass to comply with this subchapter shall maintain documentation that the biomass meets the requirements of this section. If the supplier/provider or biomass facility operator obtained an NJDEP biomass sustainability determination, the supplier/provider or biomass facility operator shall maintain the request for the determination and all supporting documentation on file for five years, and shall produce that documentation upon request by the Board or its designee. In addition, the supplier/provider or biomass facility operator shall annually provide to the Board an affidavit from the operator of the generating facility, certifying that the generating facility continues to operate in conformity with the request and documentation originally provided.

(j) If a generating facility that uses biomass is covered by a NJDEP biomass sustainability determination, and there is a change in the operation of the facility or in the composition of the biomass used as fuel, including in its cultivation and harvesting, any supplier/provider that intends to rely on the facility in the following year for RPS compliance shall do one of the following:

1. Submit a new application for a biomass sustainability determination to the Board. The new application shall be submitted as part of the annual report required under N.J.A.C. 14:8-2.11; or

2. Ensure that the biomass facility operator submits a new determination within 30 days after the change is made, and no later than the date upon which the annual report is due under N.J.A.C. 14:8-2.11.

(k) Failure to submit the information required under (j) above shall disqualify the electricity produced from the facility from use as class I renewable energy as of the date the change in the operation or fuel was made.

(l) Electricity produced through combustion of the following substances shall not qualify as class I renewable energy for the purposes of this subchapter:

1. Treated, painted or chemically coated wood;
2. Municipal solid waste;
3. Tires;
4. Sewage sludge;
5. Wood waste, including demolition waste and construction waste;
6. Old-growth timber, as defined at N.J.A.C. 14:8-2.2; and
7. Wood harvested from a standing forest, except for a forest that is part of a bioenergy plantation.

Repeal and New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Section was "Calculation methodology".

Recodified from N.J.A.C. 14:4-8.5 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions throughout; in (b), rewrote 1., inserted "and" at the end of 6., substituted a period for a semicolon at the end of 7 and deleted 8 and 9.

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Compliance with class I renewable energy requirements". In (a), inserted "issuance of a class I REC usable for compliance with".

#### 14:8-2.6 Energy that qualifies for a class II REC

(a) This section sets forth the types of energy that qualify as class II renewable energy for the purposes of issuance of a class II REC usable for compliance with this subchapter. The Board has determined that energy listed at (b) below qualifies as class II renewable energy, with no prior approval required. Energy described at (c) below shall qualify as class II renewable energy if the conditions specified in (c) are met.

(b) The following qualify as class II renewable energy for the purposes of this subchapter:

1. Electricity generated by a hydroelectric facility that has a maximum design capacity of 30 megawatts or less from all generating units combined; and

2. Electricity generated by a resource recovery facility located in New Jersey, covered by all required NJDEP approvals, and operating in compliance with all applicable New Jersey environmental laws.

(c) Electricity generated by a resource recovery facility located outside of New Jersey shall qualify as class II renewable energy if both of the following criteria are met:

1. The facility is located in a state with retail competition, as defined at N.J.A.C. 14:4-1.2; and

2. NJDEP makes an environmental compliance determination, stating that the facility meets or exceeds all NJDEP requirements that would apply to the facility if it were located in New Jersey, or meets equivalent environmental requirements.

(d) To obtain an NJDEP environmental compliance determination for a resource recovery facility, a supplier/provider or facility operator shall submit a request for the determination, including the documentation listed at (e) below, to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The supplier/provider or facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of Innovative Technology, PO Box 409, Trenton, New Jersey 08625.

(e) A request for an environmental compliance determination regarding a resource recovery facility shall include all information required by NJDEP, including, but not limited to, the following:

1. The most recent stack test data reports, or summary reports, for all criteria pollutants emitted by the facility, including any stack test data for mercury emissions from the facility. If stack test data are available on a quarterly basis, the most recent four quarters shall be submitted. These data, if available, should provide, at a minimum, the mercury inlet and outlet concentration for each unit, in addition to the percent removal;

2. A description of the municipal solid waste (MSW) recycling program in the jurisdictions that provide solid waste to the facility, including any solid waste from an industry source. This description shall state the entities that administer the recycling program(s), the percentage of MSW provided through local government contracts and/or agreements, the company providing any industry source MSW, and the amount of solid waste purchased on the spot market, if any; and

3. Residual ash testing data from the most recent 12-month period, including data reports or summary reports for total metals, Toxicity Characteristic Leaching Procedure (TCLP), or other leveling tests performed, and the total amount of tetrachlorodibenzo-p-dioxins (TCDD) in the ash.

(f) If an environmental compliance determination is required for electricity to qualify as class II renewable energy, the determination shall be obtained prior to generating the electricity. If a supplier/provider delivers electricity generated at a facility that requires an NJDEP environmental compliance determination, but did not obtain such a determination prior to the generation of that electricity, the electricity shall not be counted towards the supplier/provider's compliance with this subchapter.

(g) A supplier/provider that uses electricity generated from a resource recovery facility to comply with this subchapter shall:

1. Maintain documentation showing that the facility meets the requirements of this section; and

2. If the supplier/provider or facility operator obtained an NJDEP environmental compliance determination, the supplier/provider or facility operator shall:

- i. Maintain the request submitted to NJDEP for the environmental compliance determination and all supporting documentation on file for five years;

- ii. Produce the request and documentation upon request by the Board or its designee; and

- iii. Annually provide to the Board an affidavit from the operator of the resource recovery facility, certifying that the facility has not violated its Federal or State environmental permits in the previous year, and continues to operate in conformity with the request and documentation originally provided to NJDEP.

(h) If there is a change in the operation of a resource recovery facility or in the composition of its fuel, the supplier/provider or facility operator shall submit the following information to the Board within 30 days after the change is made. Failure to submit the following shall disqualify the electricity produced by the facility from use as class II renewable energy as of the date of the change:

1. Documentation demonstrating that, after the change, the resource recovery facility continues to meet the requirements of this section for class II renewable energy; and

2. In the case of a facility covered by an NJDEP environmental compliance determination, a new determination shall be obtained from NJDEP and filed with the Board.

(i) In addition to the other types of energy that qualify as class II renewable energy under this section, any energy that qualifies as class I renewable energy under N.J.A.C. 14:8-2.4 may be used to satisfy the requirements for class II renewable energy.

Repeal and New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Section was "Recordkeeping and verification".

Recodified from N.J.A.C. 14:4-8.6 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions in (c) and (i).

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Compliance with class II renewable energy requirements". In (a), inserted "issuance of a class II REC usable for compliance with".

#### Case Notes

Out-of-state resource recovery facility was not entitled to a retroactive waiver of the requirements of N.J.A.C. 14:8-2.6(c)-(g) for renewable energy certificates (RECs) based on energy generated outside of New Jersey because the facility failed to receive the necessary Environmental Compliance Determination. The New Jersey Department of Environmental Protection stated that the facility did not meet the environmental standards required for an out-of-state resource recovery facility to generate energy eligible to form the basis for a Class II REC that might be used to meet the New Jersey Renewable Portfolio Standards. In re Petition of Covanta Fairfax, Inc. and Virginia Electric Power Co – For Partial Waiver of N.J.A.C. 14:8-2.6(c)-(g), Dkt. No. Q013100908, 2014 N.J. PUC LEXIS 171 (June 18, 2014).

#### 14:8-2.7 Class I and class II renewable energy—generation within PJM

(a) To qualify for a class I or class II REC, energy shall meet the applicable requirements in N.J.A.C. 14:8-2.5 and 2.6, and in addition shall meet the requirements of this section.

(b) To qualify for a class I or class II REC, energy shall be generated within or delivered into the PJM region, as defined in N.J.A.C. 14:4-1.2. Energy generated outside the PJM re-

gion shall be considered delivered into the PJM region if it has been added to the PJM region through dynamic scheduling of the output to load inside the PJM region, pursuant to section 1.12(b) of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., including future supplements and amendments. The Amended and Restated Operating Agreement is available at <http://www.pjm.com/~media/documents/agreements/oa.ashx>.

(c) If class I or class II renewable energy is generated outside of the PJM region, but was delivered into the PJM region, the energy may be used as the basis for a REC usable for compliance with this subchapter only if the energy was generated at a facility that commenced construction on or after January 1, 2003.

Repeal and New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Section was "Renewable energy trading program".

Recodified from N.J.A.C. 14:4-8.7 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions in (a) and (b); and deleted (d).

Amended by R.2009 d.266, effective September 8, 2009.

See: 40 N.J.R. 6759(a), 40 N.J.R. 6955(b), 41 N.J.R. 3309(a).

Rewrote (b).

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Requirements that apply to both class I and class II renewable energy". In (a) and (b), substituted "for a" for "as" and "REC" for "renewable energy for the purposes of this subchapter"; in (a), inserted "applicable"; and in (c), substituted "as the basis for a REC usable for compliance with" for "to meet the requirements of".

#### 14:8-2.8 Using RECs, SRECs, and ORECs for RPS compliance

(a) An REC, SREC, or OREC shall be used to meet New Jersey RPS requirements for specific energy years, based on the type of renewable energy upon which the REC, SREC, or OREC is based, and the energy year during which the renewable energy was generated, as follows:

1. A class I REC based on energy generated on or after July 1, 2010, an SREC based on energy generated on or after July 1, 2010 but before July 23, 2012, or an OREC based on energy generated on or after July 23, 2012, shall be used to comply with RPS requirements for any one of the following three energy years:

- i. The energy year in which the underlying energy was generated; or
- ii. Either of the two energy years immediately following the energy year in which the underlying energy was generated;

2. A class II REC shall be used only to comply with the RPS requirements for the energy year during which the underlying energy was generated;

3. An SREC based on energy generated on or after July 23, 2012 shall be used to comply with RPS requirements for any of the following energy year periods:

- i. The energy year in which the underlying energy was generated; or
- ii. Any of the four energy years immediately following the energy year in which the underlying energy was generated.

(b) Once a REC or SREC has been used for compliance with this subchapter, the REC or SREC shall be permanently retired and shall not be used again.

New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Former N.J.A.C. 14:4-8.8, Penalties, recodified to N.J.A.C. 14:4-8.12. Amended by R.2005 d.87, effective March 7, 2005.

See: 36 N.J.R. 1892(a), 37 N.J.R. 787(a).

In (c), rewrote the second sentence.

Recodified from N.J.A.C. 14:4-8.8 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions; rewrote (a), (b) and (c); inserted present (d); and recodified former (d) as (e).

Special amendment, R.2008 d.175, effective May 23, 2008 (to expire November 23, 2009).

See: 40 N.J.R. 3751(a).

In (c)1, deleted "solar REC or" preceding "class"; added new (c)2; and recodified former (c)2 and (c)3 as (c)3 and (c)4. Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

Rewrote (b); in the introductory paragraph of (c), substituted "An" for "A"; and incorporated the special amendments previously adopted as R.2008 d.175.

Public Notice.

See: 41 N.J.R. 1532(b).

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Renewable Energy Certificates (RECs)". Deleted former (a) through (d); added new (a); recodified former (e) as (b); and rewrote (b).

Amended by R.2014 d.048, effective March 17, 2014.

See: 45 N.J.R. 455(a), 46 N.J.R. 549(a).

Section was "Using RECs and SRECs for RPS compliance". Rewrote (a).

#### Case Notes

For existing long-term contracts involving purchase of electricity produced with renewable energy, the initial owner of the New Jersey Board of Public Utilities-created Renewable Energy Certificates is the purchasing utility rather than the selling renewable energy producer. In re Ownership of Renewable Energy Certificates, 389 N.J. Super. 481, 913 A.2d 825, 2007 N.J. Super. LEXIS 5 (App.Div. 2007).

#### 14:8-2.9 Issuance of RECs and SRECs

(a) The Board has designated PJM-EIS GATS as the entity that issues class I RECs, class II RECs and SRECs for use in complying with this subchapter.

(b) The Board may issue an order discontinuing the designation of PJM-EIS GATS under (a) above, and/or approving use of RECs or SRECs issued by another entity for compliance with this subchapter. The Board shall post a notice of its intent to issue such an order at least 30 days prior to

issuing the order, and may, in its discretion, choose to accept public comment on the notice.

(c) Beginning December 4, 2012, in measuring generation to determine the number of RECs or SRECs to issue, the Board or its designee shall accept only readings of a meter that records kilowatt-hour production of electrical energy, and which meets all applicable requirements at (c)1 and 2 below. The readings may be taken or submitted by any person, but shall be verified by the Board or its designee:

1. The American National Standards Institute (ANSI) Standard C12.1-2008, Electric Meters Code for Electricity Metering, incorporated herein by reference, as amended or supplemented; and

2. Any additional requirements in the PJM-EIS Generation Attribute Tracking System Operating Rules, Revision 6, September 2010; and the PJM-EIS Generation Attribute Tracking System Terms of Use, last modified on January 3, 2011; which are incorporated herein by reference, as amended and supplemented, and can be found at [www.PJM-EIS.com](http://www.PJM-EIS.com).

(d) The Board or its designee shall issue RECs and SRECs in whole units, each representing the environmental attributes of one megawatt-hour of electric generation.

(e) Electric generation qualifies for issuance of RECs or SRECs only if:

1. It is solar electric generation produced by a generating facility that is interconnected with an electric distribution system, as defined at N.J.A.C. 14:4-1.2, that supplies electricity to one or more end users located in New Jersey; or

2. It is class I renewable energy, other than solar electric generation, and one or more of the following requirements is met:

- i. The generating facility reports its generation electronically to PJM-EIS no less frequently than monthly, and complies with any additional requirements established by PJM;

- ii. All of the following requirements are met:

- (1) The generating facility reports its generation electronically no less frequently than monthly to an electric distribution company, as defined at N.J.A.C. 14:4-1.2, that is a member of PJM;

- (2) The electric distribution company then provides the generator's report electronically no less frequently than monthly to PJM-EIS; and

- (3) The generating facility complies with any additional requirements established by PJM-EIS; or

- iii. The generating facility has the sale of the class I or class II renewable energy settled in the PJM wholesale market.

(f) If a generator has accumulated a fraction of a megawatt hour by the end of an energy year, the fraction may be carried over and combined with energy generated in a subsequent energy year in order to make a full megawatt hour that is eligible for a REC or SREC. In such a case, the combined energy shall be eligible for issuance of a REC or SREC only during the energy year in which accumulated generation reaches one full megawatt hour. Only a fraction of a megawatt hour shall be carried over.

(g) The Board shall require submittal of information and certifications needed to enable the Board or its designee to verify the generation that forms the basis of the requested RECs. The Board shall require inspections, as appropriate, of generation equipment, monitoring and metering equipment, and other facilities relevant to verifying electric generation. The Board shall impose application fees, inspection fees and/or other charges for any work required to verify electric generation and issue RECs or SRECs.

(h) The Board or its designee shall not issue a REC or SREC based on electric generation that has previously been used for compliance with this subchapter, or that has been used to satisfy another state's renewable energy requirements or any voluntary clean electricity market or program.

(i) A customer-generator that is eligible for net metering owns the renewable attributes of the energy it generates on or after October 4, 2004, unless there is a contract with an express provision that assigns ownership of the renewable attributes. The owner of a solar electric generation facility that is not eligible for net metering owns the renewable attributes of the energy it generates on or after March 16, 2009, unless there is a contract with an express provision that assigns ownership of the renewable attributes.

New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Amended by R.2005 d.87, effective March 7, 2005.

See: 36 N.J.R. 1892(a), 37 N.J.R. 787(a).

Rewrote (a) and (e).

Recodified from N.J.A.C. 14:4-8.9 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Rewrote the section. Former N.J.A.C. 14:4-8.9 heading was "Board issuance of solar RECs".

Special amendment, R.2008 d.175, effective May 23, 2008 (to expire November 23, 2009).

See: 40 N.J.R. 3751(a).

Rewrote (a); deleted and reserved (e); in (i), deleted "based on electricity generated on a customer-generator's premises" following "class I RECs"; added new reserved (f); recodified former (f) as (m); and in (m), substituted "A" for "In accordance with N.J.A.C. 14:8-4.3, a" in the first sentence and inserted the second sentence.

Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

In (d), substituted "an" for "a" preceding the first occurrence of "REC", deleted "and" preceding the first occurrence of "determines" and inserted "and determines that such a waiver would significantly advance the purposes expressed in N.J.A.C. 14:8-2.1(a)"; rewrote (h); rewrote (j)4; added new (f); in (m), substituted "March 16, 2009" for "May 23, 2008"; and made permanent the special amendments previously adopted as R.2008 d.175.

Public Notice.

See: 41 N.J.R. 1532(b).

Amended by R.2009 d.266, effective September 8, 2009.

See: 40 N.J.R. 6759(a), 40 N.J.R. 6955(b), 41 N.J.R. 3309(a).

In (d), inserted "; or, for class I renewable energy other than solar electric generation, the electric generation need not be interconnected with an electric distribution system that supplies New Jersey if its sale is settled in the PJM wholesale market", deleted "adopts a joint or regional REC tracking system, and" preceding "determines", and inserted "regional REC tracking" and "adopted by the Board".

Amended by R.2010 d.012, effective January 4, 2010.

See: 41 N.J.R. 3206(a), 42 N.J.R. 75(a).

Rewrote (d) and (e).

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Board issuance of RECs". Rewrote the section.

Amended by R.2013 d.066, effective April 15, 2013.

See: 44 N.J.R. 2043(a), 45 N.J.R. 942(a).

In (e)2iii, inserted "or class II".

Petition for Rulemaking.

See: 45 N.J.R. 1972(a).

#### Case Notes

The N.J. Board of Public Utilities accepted the representations of homeowners who possessed a photovoltaic system that the system produced electric energy greater than 18 kW, and that the meter that tracked the system's output as it related to Renewable Energy Certificates (SRECs) meter failed following Hurricane Sandy. However, the homeowners were not entitled to an order waiving the requirement, in N.J.A.C. 14:8-2.9(c), that the same be calculated based only upon metered output because the homeowners did not offer any specific basis for the amount that they claimed would have been reflected if the meter had not failed and failed to propose any alternate method for the measurement of the system's output. Moreover, because the homeowners were ultimately responsible for the proper installation and maintenance of the equipment, the failure of the meter was their responsibility. In re Petition for Waiver of N.J.A.C. 14:8-2.9(c) – Paul and Gloria Van Houten, Dkt. No. EO13070606V, N.J. PUC LEXIS 306, Final Decision (October 16, 2013).

#### 14:8-2.10 Alternative compliance payments (ACPs and SACPs)

(a) A supplier/provider may choose to comply with RPS requirements by submitting one or more alternative compliance payments (ACPs) or solar alternative compliance payments (SACPs), as those terms are defined in N.J.A.C. 14:8-2.2. A supplier/provider that wishes to use ACPs or SACPs to comply with this subchapter shall meet the requirements of this section.

(b) The President of the Board shall appoint an ACP advisory committee to provide recommendations to the Board regarding the appropriate cost of ACPs and SACPs, as well as other characteristics of their use. The Board shall consider the advisory committee's recommendation and shall, through Board order, set prices for ACPs and SACPs. At a minimum, the price of an ACP or an SACP shall be higher than the estimated competitive market cost of the following:

1. The cost of meeting the requirement through purchase of a REC or solar REC; or
2. The cost of meeting the requirement through generating the required renewable energy.



(c) The Board shall establish and maintain a 15-year SACP schedule. The Board may increase the SACP amount for one or more energy years, after appropriate notice and opportunity for public comment and public hearing. However, in accordance with N.J.S.A. 48:3-87(j), the Board shall neither reduce the previously established SACP amounts, nor provide any type of relief from the obligation to pay an SACP.

(d) The Board shall review the amount of ACPs, other than SACP, at least once per year, in consultation with the ACP advisory committee, and shall adjust these amounts as needed to comply with (b)1 and 2 above and to reflect changing conditions in the environment, the energy industry and markets.

(e) To comply with this subchapter using ACPs or SACP, a supplier/provider shall submit the following to the Board, as applicable:

1. One ACP for each megawatt-hour of class I or class II renewable energy required; or
2. One SACP for each megawatt-hour of solar electric generation required.

(f) The Board shall use the ACP monies submitted to meet the class I and class II requirements of this subchapter to fund renewable energy projects through the Clean Energy Program.

(g) For each energy year, all SACP monies submitted to comply with solar electric generation requirements for that energy year shall be refunded to ratepayers by the EDCs. The Board shall divide the total Statewide SACP monies to be refunded for a particular energy year among the EDCs as follows:

1. Determine the total MWhs of electricity subject to solar RPS requirements that was delivered by all EDCs combined during the subject energy year;
2. Determine the number of MWhs of electricity subject to solar RPS requirements that was delivered by the EDC during the energy year;
3. Divide (g)2 above by (g)1 above to obtain a fraction that represents the EDC's share of the total MWhs of electricity subject to solar RPS requirements that were delivered during the energy year; and
4. For each EDC, multiply the fraction determined in (g)3 above by the total Statewide SACP monies to be refunded for the energy year, to obtain a dollar figure for the amount of SACP monies the EDC shall refund.

(h) Table C sets forth the SACP for each energy year from energy year 2013 through energy year 2028:

Table C  
SACP Schedule

<u>Energy Year</u>	<u>SACP</u>
June 1, 2012 - May 31, 2013	\$641.00
June 1, 2013 - May 31, 2014	\$339.00
June 1, 2014 - May 31, 2015	\$331.00
June 1, 2015 - May 31, 2016	\$323.00
June 1, 2016 - May 31, 2017	\$315.00
June 1, 2017 - May 31, 2018	\$308.00
June 1, 2018 - May 31, 2019	\$300.00
June 1, 2019 - May 31, 2020	\$293.00
June 1, 2020 - May 31, 2021	\$286.00
June 1, 2021 - May 31, 2022	\$279.00
June 1, 2022 - May 31, 2023	\$272.00
June 1, 2023 - May 31, 2024	\$266.00
June 1, 2024 - May 31, 2025	\$260.00
June 1, 2025 - May 31, 2026	\$253.00
June 1, 2026 - May 31, 2027	\$250.00
June 1, 2027 - May 31, 2028	\$239.00

New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Recodified from N.J.A.C. 14:4-8.10 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions in the first sentence of (a).

Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

In (c), substituted "other than" for "and" preceding "SACPs" and inserted the last sentence; and added (f).

Public Notice.

See: 41 N.J.R. 1532(b).

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Rewrote (a); in the introductory paragraph of (b), inserted "and SACPs"; added new (c); recodified former (c) through (e) as (d) through (f); rewrote (d); in (f), inserted "class I and class II", and deleted the last sentence; added (g); and recodified former (f) as (h).

Amended by R.2014 d.048, effective March 17, 2014.

See: 45 N.J.R. 455(a), 46 N.J.R. 549(a).

Rewrote (h).

#### 14:8-2.11 Demonstrating compliance, reporting and recordkeeping

(a) By October 1st of each year, each supplier/provider shall file an annual report with the Board, demonstrating that the supplier/provider has met the requirements of this subchapter for the preceding reporting year (that is, for the reporting year ending May 31st of the same calendar year).

(b) If the annual report required under (a) above does not demonstrate that the supplier/provider has supplied the RECs or solar RECs required under Table A of N.J.A.C. 14:8-2.3 for the previous reporting year, the annual report shall be accompanied by ACPs and/or SACP in sufficient quantities to make up the shortfall.



(c) The annual report shall contain the following basic information for the preceding reporting year:

1. The total number of megawatt-hours of electricity sold to retail customers in New Jersey;
2. The total number of class I RECs retired Statewide for the purpose of compliance with this chapter;
3. The percentage of the supplier/provider's total New Jersey retail sales that the amount set forth under (c)2 above represents;
4. The total number of class II RECs retired for the purpose of compliance with this chapter;
5. The percentage of the supplier/provider's total New Jersey retail sales that the amount set forth under (c)4 above represents;
6. The total number of SRECs retired for the purpose of compliance with this chapter;
7. The percentage of the supplier/provider's total retail sales that the amount in (b)6 above represents;
8. The total amount of solar electric generation, class I renewable energy, and class II renewable energy represented by RECs submitted with the annual report;
9. The total number of ACPs and/or SACP's submitted with the annual report;
10. A summary demonstrating how compliance with the requirements in Table A has been achieved;
11. An accounting issued by PJM-EIS that shows the number of RECs purchased and/or held by the supplier/provider; and
12. The price of each REC and/or SREC that was retired during the energy year.

(d) The documentation required under (c) above shall include the following:

1. Identification of each generating unit, including its location, fuel and technology type, and any unique State and/or Federal facility or plant identification number;
2. An affidavit from the operator of each generating unit that the specified amount of megawatt-hours from each renewable energy source was generated by and/or sold to the supplier/provider and that the supplier/provider has sole and exclusive title to the renewable energy and has not been used to meet the RPS energy requirements in any other state or jurisdiction;
3. An affidavit from the supplier/provider that the specified megawatt-hours were delivered into the PJM region

and complied with PJM Interconnection energy delivery rules; and

4. For each solar REC submitted, certification of compliance with the requirement at N.J.A.C. 14:8-2.4(b) that the REC has not been used to satisfy another state's renewable energy requirements. The certification shall be in a form required by the Board, and available on the BPU website at [www.njcleanenergy.com](http://www.njcleanenergy.com).

(e) Failure of a supplier/provider to demonstrate compliance with this subchapter in accordance with this section, within the deadlines set forth in this section, shall subject the supplier/provider to penalties under N.J.A.C. 14:8-1.3.

(f) Each supplier/provider shall keep all records pertaining to the requirements in this subchapter for a period of five years, including data on megawatt-hours resulting from owned generation, contracts, purchases from the wholesale market, and purchases of RECs. Each supplier/provider shall make all pertinent records available for review upon request by the Board or its designee.

New Rule, R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Recodified from N.J.A.C. 14:4-8.11 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Changed internal references to conform to the recodification of provisions in (b), (c), (d) and (e); deleted the exception from the end of (a); in (b), substituted "RECs or solar RECs" for "energy" and deleted "RECs, solar RECs," preceding "ACPs"; in (c), substituted "; and" for a period at the end of 10. and inserted 11.; substituted "[www.njcleanenergy.com](http://www.njcleanenergy.com)" for "[www.bpu.state.nj.us](http://www.bpu.state.nj.us)" in (d)4.; deleted (e); recodified (f) and (g) as (e) and (f); and deleted (h) through (j).

Amended by R.2009 d.91, effective March 16, 2009.

See: 40 N.J.R. 3586(a), 41 N.J.R. 1261(a).

In (a), substituted "October" for "September".

Public Notice.

See: 41 N.J.R. 1532(b).

Amended by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Rewrote (c)2, (c)4 and (c)6; in (c)10, deleted "and" from the end; in (c)11, substituted "; and" for a period at the end; added (c)12; and in (e), updated the N.J.A.C. reference.

#### 14:8-2.12 (Reserved)

Recodified from N.J.A.C. 14:4-8.8 and amended by R.2004 d.151, effective April 19, 2004.

See: 35 N.J.R. 4445(a), 36 N.J.R. 2053(b).

Added a new (a); deleted (b); recodified former (b)i through iv as (a)1 through 4; recodified former (c) as (b), and in (b)3, deleted "interim" preceding "standards".

Recodified from N.J.A.C. 14:4-8.12 and amended by R.2006 d.178, effective May 15, 2006.

See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Former N.J.A.C. 14:4-8.12, heading was "Penalties".

Recodified as N.J.A.C. 14:8-1.3 by R.2012 d.107, effective June 4, 2012.

See: 43 N.J.R. 1162(a), 44 N.J.R. 1703(a).

Section was "Enforcement".

**SUBCHAPTER 3. ENVIRONMENTAL INFORMATION  
DISCLOSURE****14:8-3.1 Environmental information disclosure**

(a) Each supplier/provider shall disclose on customer bills, on customer contracts or on its marketing materials, a uni-

form, common set of information about the environmental characteristics of the electricity purchased by the customer. The supplier/provider shall disclose this information periodically, as directed by the Board through the posting of a secretary's letter on the Board's website.