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June 24, 2022

Board Secretary
Board of Public Utilities
44 South Broad Street, 9th Floor
Trenton, NJ 08625-0350
Attention: Dawn Gray

Re: Request for Extension of TREC Eligibility
For TI Application No. NJSTRE1547357945
By Advanced Solar Products, Inc. on behalf of HP Scotch Road LLC

Dear Ms. Gray,

Please accept this petition submitted by Advanced Solar Products, Inc. on behalf of HP Scotch Road LLC ("Petitioner") for the extension of TREC Eligibility for one year, to August 4, 2023, for TI Application Number NJSTRE1547357945, a solar project at 400 Airport Corporate Road, Ewing Township, NJ 08628.

This petition is supported by the detailed certification by Lyle Rawlings, President of Advanced Solar Products, Inc. Mr. Rawlings is a licensed professional engineer and an expert in all areas of solar project design, installation and operation. He has personal knowledge of all facts asserted in his certification and relevant to the Board's review of this petition.

Respectfully submitted,



By Dante DiPirro, Esq.
Attorney for Petitioner

cc: Service List

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Advanced Solar Products. Inc.

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State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350

IN THE MATTER OF
REQUEST FOR EXTENSION OF
TREC ELIGIBILITY FOR
TI APPLICATION NUMBER
NJSTRE1547357945
HP Scotch Road LLC
400 Airport Corporate Drive
Ewing, NJ 08628

PETITION FOR EXTENSION OF CONSTRUCTION DEADLINE

1. Summary of Petition:

Pursuant to the Board's "Rules of Practice," N.J.A.C.14: 1-5.1, et seq., and 14:1-1.2 (provides for "liberal construction" and "relaxation of rules" for "good cause shown"), Petitioners respectfully submit this petition for a one-year extension of time to August 4, 2023, to complete construction and commence operation of a 601.14 kW DC solar project located at 400 Airport Corporate Road, Ewing Township, NJ. The delay and inability to achieve completion by the TREC date is caused by multiple force majeure events as sets forth in the attached certification which demonstrates more than adequate "good cause" for the requested extension. The project received approval as a net-metered TREC project

in August 2021 with a deadline to complete construction by August 4, 2022.

The Petitioner is Advanced Solar Products, Inc. (“ASP”) which is responsible for the development and design of the project, petitioning on behalf of the long-term owner of the project, HP Scotch Road, LLC. This Petition is supported by the Certification of Lyle Rawlings (“Rawlings Certification”), which is attached as Exhibit A.

2. Statement of facts:

In the spring of 2021, HP Scotch Road LLC began building a new, solar-ready commercial building with the intent of placing solar on the roof to offset the electrical usage of eventual tenants of the building. Due to delays by PSE&G to relocate high-tension wires and procure and install a new transformer, the project completion was delayed a full 12 months after the scheduled due date, with building completion taking place on February 1, 2022. Rawlings Certification ¶¶ 3a and 3b.

HP Scotch Road LLC was unable to lease the new building during the delay to provide new electrical service to the building. Therefore, despite efforts in early 2021 on the part of HP Scotch Road LLC to sign on a tenant for the building, it was not until December 2021 that they were able to lease the space to a single tenant. HP Scotch Road, who could not have anticipated it would take so long to

finish the electrical work on the building and therefore to sign on a tenant, and therefore, on June 14, 2021, applied for the project's acceptance into the TREC program. HP Scotch Solar LLC received conditional acceptance into the NJ Clean Energy Program's (NJCEP's) Transition Incentive Program (TI) and was provided a construction completion date of August 4, 2022. Rawlings Certification ¶ 2c & 2d.

Once the tenant lease had been secured and the possibility of constructing a net-metered solar PV system was realized, HP Scotch Road began seeking a solar EPC company to build the PV system. On March 29, 2022, HP Scotch Road LLC awarded the project to Advanced Solar Products Inc. ¶ 2e.

As required by the utility for new service, a third-party engineering firm was contracted to estimate annual electricity usage by the new tenant. Once the estimate was received and deemed large enough to justify the solar PV system size applied for in the TREC program, ASP prepared and submitted an interconnection application. The interconnection application submitted to PSE&G on April 15, 2022 was granted permission to install on June 2, 2022. Rawlings Certification ¶ 2g.

The delay in establishing critical electrical service to the 400 Airport Corporate Drive site negatively impacted the completion of the new building and

ultimately delayed signing on of a new tenant by six months. This extreme delay in turn prevented the submittal of a net-metered interconnection application since such an application required the demonstration of electrical usage of the facility and without a tenant, this usage could not be estimated. Rawlings Certification ¶ 3b. The requested TREC extension date of one year to August 4, 2023, is entirely due to delays beyond the control of HP Scotch Road LLC or ASP.

Despite the delay in obtaining new electrical service to the building, as outlined in Lyle Rawlings' Certification, ASP is planning to mobilize to complete the solar project as soon as required equipment is received.

Once the PV system installation is complete, the local inspections must occur and PSE&G must grant permission to operate ("PTO"). Because there are a large number of projects seeking completion prior to their TREC deadlines, ASP cannot predict when PSE&G will grant PTO.

Despite the fact that issues beyond petitioners' control delayed completion of the project, ASP has used best efforts to move the project forward, and once ordered equipment is received, ASP will begin the construction phase of the project right away.

The requested TREC extension to August 4, 2023 will permit ASP time to install all equipment, pass all inspections, and obtain PSE&G's Permission to

Operate.

3. Law:

It is black letter law that the Board "at any time may order a rehearing and extend, revoke, or modify any order made by it." See N.J.S.A. 40:2-40. See, e.g. Deptford v. Woodbury Terrace, 54 N.J. 418 (1969) A petition filed pursuant to subchapter 5 of the Board's "Rules of Practice," N.J.A.C. 14:1-5.1 appears to be the appropriate method for seeking an extension of time that will modify the current deadline of August 4, 2022.

4. Conclusion:

For the reasons expressed herein and in the Rawlings Certification, it is respectfully submitted that "good cause" has been demonstrated for obtaining an extension of time to August 4, 2023 from the current August 4, 2022 deadline to complete construction and commence operation.

Respectfully submitted,

Law Office of Dante DiPirro, LLC

A handwritten signature in black ink that reads "Dante DiPirro". The signature is written in a cursive, slightly slanted style.

By Dante DiPirro, Esq.
New Jersey Attorney No. 032341987

cc: Service list

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June 24, 2022

State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
P.O. Box 350
Trenton, NJ 08625-0350

Request for Extension of TREC Eligibility

TI Application Number: NJSTRE1547357945
Primary Contact/TREC Owner: HP Scotch Road LLC
Premise Contact: Herring Properties
Facility Location: 400 Airport Corporate Drive, Ewing Twp, NJ 08628

Certification of Lyle Rawlings

1. Background Information

- a. I, Lyle Rawlings, am the President of Advanced Solar Products, Inc. (“ASP”), a solar energy development, design, construction, and operation company.
- b. I am a licensed professional engineer and am an expert in solar design, solar-plus-storage design, and the integration of solar power with the electric grid.
- c. I have been responsible for the development and design of the subject solar project (“the Project”) and have worked closely with HP Scotch Road, LLC (“HP”), who is the long-term owner and operator of the Project, in our joint efforts to complete the Project. ASP is filing this petition on behalf of HP Scotch Road LLC, and I submit this certification in support of the Petition.

2. Project History

- a. HP Scotch Road, LLC constructed a new solar-ready facility located at 400 Airport Corporate Drive, Ewing, NJ. HP’s intent from the beginning of design of this project was to place a net metered solar PV system on the roof of the building. The building construction was completed on February 1, 2022, a full twelve months after the scheduled due date.

- b. Building construction was delayed 10 – 12 months as a direct result of PSE&G delays, delays that were not under the control of HP. PSE&G’s scope of work to provide electric service to the building included moving high tension wires and installing a new transformer. The utility took nine months to move the high-tension wires and it took 14 months after HP placed an order with PSE&G to deliver a 2500-amp transformer.
- c. Beginning in early 2021, HP conducted a search for a tenant to occupy the building. However, due to the delay noted above in the completion of building construction, it wasn’t until December 2021, that HP was able to execute a lease with a tenant that would occupy the entirety of the building. A lease was signed with Binsky and Snyder LLC for occupation of the entire facility in December 2021.
- d. In anticipation of signing an agreement with a tenant, and thereby having quantifiable annual electrical usage with which a net-metered PV system could be interconnected, HP moved forward with its plans for a solar installation by submitting a TREC application to the New Jersey Clean Energy Program (“NJCEP”) on June 14, 2021 with the assistance of a consultant, Green Hybrid Energy Solutions, Inc. On August 4, 2021, HP received notification from the NJCEP that their Project had been granted conditional approval for the TREC program as a net-metered project. The Project was given a construction deadline of August 4, 2022. HP continued its efforts to engage a tenant to occupy the building.
- e. Upon signing the lease with a tenant in December 2021, HP began a thorough search for a contractor to build the net-metered solar PV system on their solar-ready building at 400 Airport Corporate Road. On March 29, 2022, HP awarded the solar project to Advanced Solar Products, Inc.
- f. Upon award of the solar project, ASP began development work on the Project, including conducting a structural review, preparing design packages for interconnection and permits, procuring long lead time equipment, hiring a third-party consultant to determine estimated average annual electrical usage for the tenant, and preparing an interconnection application. In addition, both parties immediately began negotiations on an EPC contract so that work could be started.
- g. An interconnection application was submitted to PSE&G on April 15, 2022. PSE&G issued permission to install the solar project on June 2, 2022.

3. Project Delays

- a. Transformer Delays - In order to establish new electrical service at the newly-built 400 Airport Corporate Drive facility, HP submitted an application for service on May 1, 2020 and received a job number from the utility on May 22, 2020. A needed transformer for the new building was ordered in January 2021, and despite

PSE&G's estimate of a 6-month delivery for the equipment, the transformer was not received and installed until January 26, 2022, a full 12 months after the order was submitted.

- b. Relocation of High-Tension Power Lines - PSE&G's scope of work included the relocation of high-tension lines that straddled over the footprint of the new building plan. Relocation of the lines was expected to start in January 2021 but did not begin until April 2021 and was not completed until July 15, 2021. This six-month delay by PSE&G was not under HP's control.

These delays in establishing critical electrical service to the 400 Corporate Airport facility negatively impacted the completion of the new building and ultimately delayed the signing on of a new tenant by six months. The delay in acquiring a new tenant prevented the submittal of a net-metered interconnection application since such an application requires the demonstration of electrical usage of the facility and without a tenant, this usage could not be estimated.

4. Solar PV System Construction Activities

- a. Interconnection – On behalf of HP, ASP submitted an application for approval to install a 601.06 kW DC/499.90 kW AC net-metered system at the site on April 15, 2022. Because the building was new, PSE&G first required that an outside, third-party engineer provide an estimate of usage for the facility. On April 27, 2022, ASP contracted with French & Parrello Associates (“FPA”) to calculate the anticipated usage. On April 29, 2022, FPA provided the estimated usage letter to ASP and HP and on May 2, 2022, ASP submitted the revised interconnection application to PSE&G that included the usage letter. On June 2, 2022, PSE&G issued permission to install this Project.
- b. Permits – ASP has drafted a permit set which is being reviewed by its in-house professional engineer. This process has been expedited and ASP anticipates submitting applications for local permits shortly.
- c. Procurement – ASP developed a plan for procuring equipment for this project as soon as the project was awarded. On April 14, 2022, ASP placed an order for 610 435-watt and 762 440-watt modules. As of the writing of this Certification, the modules are in-hand and being stored at APS's warehouse. In addition to modules, ASP has purchased racking for the PV system which is scheduled to arrive on July 5, 2022.

Additional documentation supporting ASP's procurement schedule, such as copies of purchase orders, can be provided upon request.

- d. Construction - ASP had expected to mobilize to the site on June 15, 2022 and begin construction on that same day. Based on its initial construction schedule and the

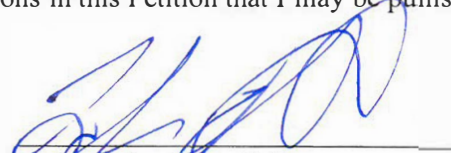
interconnection and purchasing information provided above, ASP had every expectation of completing this project in time to receive permission to operate from PSE&G by August 4, 2022, the TREC deadline. However, due to supply chain issues that have prevented ASP from obtaining critical equipment as well as delays in AC equipment that would be provided by PSE&G, this target date no longer appears feasible.

5. Current Status

- a. PSE&G's delay of twelve months in the installation of electrical service and delay of six months in relocating the high-tension lines at 400 Airport Corporate Drive was not knowable nor under the control of HP.
- b. The delays in the installation of the electrical service to the building caused a ripple effect of delays, impacting this Project's ability to meet its TREC deadline. Impacts included a substantial delay in signing on a tenant for the building, a delay in moving forward with hiring a solar EPC firm to design a PV system as the sizing was unknowable without a tenant in place, a delay in submission of an interconnection application for the PV system until a third-party engineer could attest to estimated usage at the site, delays in submitting drawings for local permits and delays in procuring long lead time equipment.

6. Request for Extension. Based on the anticipated completion of construction of the PV system, the Parties are requesting a one-year extension of the TREC construction completion deadline for this project from August 4, 2022 to August 4, 2023. Failure to approve this request will result in a significant loss of value and manifest injustice to the HP.

I am aware that if I have willfully made any false assertions in this Petition that I may be punished.



Lyle K. Rawlings, P.E.
President and CEO

Dated: June 24, 2022