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August 3, 2022

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

Re: In the Matter of Community Solar Energy Pilot Program, BPU Docket No QO18060646 et al: Amendment to the Petition Submitted on April 29, 2022 Requesting Extension of Time of Eligibility Deadlines for Belmar Gateway Solar LLC Under (a) PY1 CS Program, No. QO19091246 and (b) Transition Incentive Program, NJSTRE1545017646

Dear Ms. Gray,

Please accept this Amendment to the Petition submitted on behalf of Belmar Gateway Solar LLC, re: Community Solar Project No. QO19091246, for an extension of time to complete construction. On April 29, 2022, Belmar Gateway Solar, LLC ("the Petitioner") filed a Petition to the Board of Public Utilities pursuant to N.J.A.C. 14:1-5.1, et seq., and N.J.A.C. 14:1-1.2, for an extension of time to complete the construction of the West Belmar Community Solar project from April 30, 2022 to October 31, 2022 and allowing the project to continue to be eligible for the TREC incentives granted to Community Solar Pilot Program Year 1 projects. This Amendment to the Petition is being submitted for the purpose of providing an update on the status and to request an amended extension of time due to on-going utility delays.

This Amendment to the Petition is supported by the detailed certification by Lyle Rawlings, President of Advanced Solar Products (provided as Exhibit A), co-developer and installer of the project. 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. He has also submitted photographs of the solar project as completed.

Respectfully submitted,



By William Potter  
Attorney for Petitioner

cc: Service List

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**Exhibit A**  
**Certification of Lyle Rawlings**



Dedicated to Building a Sustainable Future

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August 3, 2022

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

**Re: In the Matter of Community Solar Energy Pilot Program, BPU Docket No QO18060646 et al: Amendment to the Request for Extension of Time of Eligibility Deadlines for Belmar Gateway Solar LLC Under (a) PY1 CS Program, No. QO19091246 and (b) Transition Incentive Program, NJSTRE1545017646**

Dear Ms. Gray,

Belmar Gateway Solar LLC ("Petitioner") submitted a petition to the Board of Public Utilities ("BPU") on April 29, 2022 (the "Petition") requesting consideration of its request for a six-month extension of the TREC and Community Solar Year 1 expiration date of April 30, 2022 for project NJSTRE1545017646. A copy of the Petition has been provided as Attachment 1. The project is a 2.129 MW DC solar project (the "Project") located in Monmouth County at 1822 NJ-71, Belmar, NJ 07719, and is also known as "Commercial Area One of the West Belmar Gateway Redevelopment Area" by the Township of Wall.

Since filing the Petition, Petitioner has worked diligently to complete construction of the Project. Petitioner submits this Amendment to its Petition to provide supplementary information updating the Board on the status of the Project since the filing of the petition, the current state of mechanical and electrical completion, and the remaining utility-related items needed to obtain permission to operate (“PTO”). As will be detailed below, the Project has been mechanically complete since mid-May, electrically complete since early July and only utility work has remained outstanding since then.

Since filing the Petition, Advanced Solar Products, Inc., (“ASP”), the EPC firm engaged for the Project, has completed 100% of the construction phase of the community solar PV system. The Project was mechanically complete by May 21, 2022, after overcoming the delay caused by the unexpected discovery of a small patch of contaminated soil, as described in the original Petition of April 29, 2022. It was electrically complete by July 10, 2022, when long-delayed electrical components, in particular the AC combiner box, was finally delivered. There were further utility-related delays, including delays in the utility’s ability to supply needed electrical components, utility-directed changes to the 35 kilovolt circuit poles, and utility delay in installing the line extension to the Project, as detailed below. The Project is expected to achieve PTO as soon as the utility line extension is completed. As detailed further below, because the utility has indicated that the line extension will not be completed until fall and has not otherwise committed to a specific timeline, Petitioner is requesting an amended extension to the Project’s deadlines.

Details of utility-related delays follow:

- There were utility-related delays to the Project as a result of backorders for utility-supplied equipment. The meter, and the CTs (current transformers) and PTs (potential transformers)

needed for the metering were delayed until July 12, 2022. This metering equipment will be installed by Jersey Central Power & Light Company (“JCP&L”) after JCP&L has completed the line extension, as detailed below.

- After initiation of discussions with JCP&L regarding pole locations to extend the JCP&L 34.5 kilovolt circuit to the Project in August 2021, including pole location drawings sent on August 13, 2021. More detailed drawings of pole design were sent to JCP&L in November of 2021. Updated site plan drawings were sent on February 14, 2022, followed by an on-site meeting on February 18, 2022 at which JCP&L expressed general approval of the Project’s pole configuration. Following further discussion of certain details of the pole configuration, JCP&L on March 2, 2022 indicated that the pole configuration was acceptable with certain minor changes. The pole configuration also complied with the requirements of the National Electric Safety Code. JCP&L conducted a further on-site meeting on Jul 6, 2022 after mechanical construction was complete, this time with the JCP&L metering department present. At that point, JCP&L took the position that one of its own poles needs to be moved, two poles installed by ASP need to be moved and different, taller poles need to be supplied, and an additional pole would be required. This further work is underway, including efforts to obtain the taller poles.
- At the on-site meeting on July 6, 2022, JCP&L informed ASP that they will not undertake the installation of the line extension for the circuit serving the facility during the summer, but will perform the work in the fall 2022. JCP&L stated that they were delaying the line extension for reasons of reliability during the period of potential heat stress in the distribution system.

For this important low- and moderate-income (“LMI”) community solar Project to remain

economically viable, and to be able to provide lower electricity rates for the surrounding LMI community, it is necessary that the Project both (1) remain enrolled in PY1 of the Community Solar Program; and (2) earn TREC incentives. As a result, a six-month extension of time to deadlines for this Project under each of PY1 of the Community Solar Program and the TI Program was requested in the Petition, extending those deadlines from April 30, 2022, to October 31, 2022. Although we anticipate that JCP&L will be able to complete its work and issue PTO before the October 31, 2022 date, we are concerned that we are not in control of JCP&L's completion of the work, so the October 31 date is not guaranteed. Therefore, with this Amendment we request that the extension be granted on a day-for-day basis until JCP&L completes its work and issues PTO, which may be shorter or longer than the original extension requested in the Petition, depending on JCP&L's timing for performing its work

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:  
August 3, 2022

Sincerely,

Advanced Solar Products, Inc.

A handwritten signature in black ink, appearing to read "Lyle K. Rawlings". The signature is written in a cursive, flowing style.

Lyle K. Rawlings  
*President and CEO*

cc: Service List

**Attachment 1**  
**Belmar Gateway Solar Community Solar Project**  
**Photos of Completed PV System**



**Figure 1.** Belmar Gateway completed PV system.



**Figure 2.** Belmar Gateway completed PV system.

**Attachment 2. Belmar Gateway Solar LLC Petition for TREC Extension, Submitted 4/29/2022**

POTTER AND DICKSON

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MEMBER N.J. AND CA. BARS

PETER D. DICKSON  
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April 29, 2022

Board Secretary  
Board of Public Utilities  
44 South Broad Street, 9<sup>th</sup> Floor  
Trenton NJ 08625-0350

Re: In the Matter of Community Solar Energy Pilot Program,  
BPU Docket No. QO18060646 et al.:  
Request for Extension of Time of Eligibility Deadlines for Belmar  
Gateway Solar LLC under (a) PY1 Program, No. QO19091246 and  
(2) Transition Incentive Program, NJSTRE1545017646  
Attention: Dawn Gray

Dear Ms. Gray

Please accept this petition submitted for Belmar Gateway Solar LLC  
requesting an extension of time deadlines under PY1 Program, QO19091246 and  
for Transition Incentive Program, NJSTRE1545017646 for six months, to October  
31, 2022.

This petition is supported by he detailed certification by Lyle Rawlings,  
President of Advanced Solar Products. 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,

POTTER AND DICKSON

A handwritten signature in black ink, appearing to read "R. William Potter", with a long horizontal flourish extending to the right.

By R. William Potter  
Attorney for Petitioner  
NJ Attorney ID # 003901974

RWP/erd  
cc: Service List

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

IN THE MATTER OF COMMUNITY  
SOLAR ENERGY PILOT PROGRAM, BPU  
DOCKET NO. QO18060646 ET AL.:

REQUEST FOR EXTENSION OF TIME OF  
ELIGIBILITY DEADLINES FOR BELMAR  
GATEWAY SOLAR LLC UNDER (1) PY1  
OF THE COMMUNITY SOLAR PILOT  
PROGRAM, NO. QO19091246 AND (2)  
TRANSITION INCENTIVE PROGRAM,  
NJSTRE1545017646

COMMERCIAL AREA ONE OF WEST  
BELMAR GATEWAY REDEVELOPMENT  
AREA, WALL TOWNSHIP, MONMOUTH  
COUNTY, NEW JERSEY

PETITION FOR EXTENSION OF TIME OF ELIGIBILITY

**1. Summary of Petition:**

This Petition is made by Belmar Gateway Solar LLC, a New Jersey limited liability company (the "Petitioner"), which is developing a 2.129 MW DC solar project (the "Project") located in Monmouth County at 1822 NJ-71, Belmar, NJ 07719, also known as "Commercial Area One of the West Belmar Gateway Redevelopment Area" (the "Site").

The Project is currently enrolled in Program Year 1 ("PY1") of New Jersey State's Community Solar Pilot Program (the "Pilot Program") under New Jersey Board of Public Utilities ("NJBPU") Docket No. QO19091246. The Project is also currently eligible to receive Transition Renewable Energy Certificates ("TRECs") under the Transition Incentive Program (the "TI Program").

Pursuant to the Board's "Rules of Practice," N.J.A.C. 14:1-5.1 et seq., and 14:1-1.2, which provide for "liberal construction" and "relaxation of rules" for "good cause shown," Petitioner respectfully submits this Petition to request an extension to the current eligibility deadline for each of PY1 of the Pilot Program and the TI Program, extending the eligibility deadline for both programs from the current deadline of April 30, 2022 to October 31, 2022.

This Petition should be granted for the reasons set forth herein, and further articulated in the "Certification of Lyle Rawlings" attached hereto as Exhibit A (hereinafter "Rawlings Certification").

## **2. Statement of Facts**

### Participation in PY1 of the Pilot Program and the TI Program

The Project was approved by NJBPU to participate in PY1 of the Pilot Program on December 20, 2019, under NJBPU Docket No. QO19091246. See In the Matter of the Community Solar Energy Pilot Program, BPU Docket No. QO18060646 *et al.*, Order dated December 20, 2019. The Project was approved as a low- and middle-income ("LMI") community solar project. *Id.* The Project is also eligible to receive TRECs under the TI Program under Registration Number NJSTRE1545017646. Rawlings Certification at ¶ 2(f).

To remain eligible for the PY1 of the Pilot Program and the TI Program under current deadlines, construction on the Project must be completed by April 30, 2022. The current deadline resulted from a series of extensions to initial deadlines granted by NJBPU. These extensions were granted in recognition of "interconnection related delays, delays due to the continuing impact of the COVID-19 pandemic and, specifically for community solar PY1 projects, delays inherent in the establishment of a new Pilot Program." See In the Matter of the Community Solar Energy Pilot Program, BPU Docket No. QO18060646 *et al.*, Order dated June 24, 2021. The

most recent such order established April 30, 2022 as the deadline under both PY1 of the Pilot Program and the TI Program. *See* In the Matter of the Community Solar Energy Pilot Program, BPU Docket No. QO18060646 *et al.*, Order dated December 15, 2021.

#### Background on the Project

The Project is being developed on the Site, which is a municipally-owned brownfield. Rawlings Certification at ¶ 2(a). The Project was awarded by the Township of Wall (the “Township”) of a bid submitted by Petitioner’s predecessors-in-interest in response to a “Request for Proposals” (the “RFP”) issued by the Township. Rawlings Certification at ¶ 2(b). Through the RFP, the Township sought proposals to redevelop the Site, a vacant lot at the time that was previously occupied by a junkyard. Rawlings Certification at ¶¶ 2(a)-(b). This bid was the sole response to the RFP received by the Township. Rawlings Certification at ¶ 2(b). Once complete, Project will draw subscribers from the surrounding LMI community. Rawlings Certification at ¶ 2(e).

Petitioner entered into a lease agreement and a redevelopment agreement with the Township to develop the Project. Rawlings Certification at ¶ 2(c). Under the terms of those agreements, Petitioner agreed to undertake various beautification and safety-enhancing measures on the Site, in addition to the Project. *Id.* Petitioner also assumed responsibility for reimbursing the Township for its ongoing costs associated with monitoring and maintaining the contaminated Site. Rawlings Certification at ¶ 2(d). Petitioner is also required to pay the Township annual rent under these agreements. *Id.* Petitioner’s pricing assumptions in entering into these agreements assumed eligibility in each of PY1 of the Pilot Program and the TI Program. *Id.*

#### Pandemic-related Delays to the Project

The Project has suffered numerous and extensive delays resulting from the COVID-19

pandemic. Although otherwise similarly-situated projects have also been subject to these delays, the Project has suffered from these delays to an extraordinary and unique extent. Because the Site is a “municipally-owned brownfield including freshwater wetlands,” the Project is subject to a complex web of regulation in which numerous stakeholder governmental entities are involved. Rawlings Certification at ¶¶ 3(b)-(f). As described further in the Rawlings Certification, the complexity of the Site and the involvement of numerous governmental entities created permitting bottlenecks that cascaded and magnified the pandemic-related delays in permit issuance. *Id.*

These bottlenecks and other delays resulted in a delay from the initially projected start date for construction of April 11, 2021 to the actual start date of February 17, 2022. Rawlings Certification at ¶¶ 3(a), 4(a). Petitioner and others undertook extraordinary measures to mitigate the effects of these delays, including the seeking and attaining of special dispensation from the Township and the New Jersey Department of Environmental Protection to begin a limited scope of work prior to receipt of final approvals from both agencies. Rawlings Certification at ¶ 3(h).

At the time construction finally began, because of these efforts, Petitioner’s engineering, procurement and construction (“EPC”) contractor had a reasonable belief that the Project could be completed by the April 30, 2022 deadline under PY1 of the Pilot Program and the TI Program. Rawlings Certification at ¶ 4(a). However, unforeseeably extensive and long-lasting supply chain issues have prevented the timely delivery of equipment necessary to complete the Project, as detailed further in the Rawlings Certification. Rawlings Certification at ¶ 4(b). New delays resulting from the discovery of extensive junk and rubble left submerged at the Site have also affected the Project in a manner that was not foreseeable until construction started. Rawlings Certification at ¶ 4(c). And, most recently, construction has been further delayed by the discovery of contaminated material on the Site that needs to be removed in accordance with the

Township's remediation plan and in coordination with both the Township and the applicable regulators. Given that the Site has been remediated, the presence of contaminated material above the cap was not expected and taking the necessary steps to appropriately remove such material is currently delaying completion of construction on the affected portion of the Site. Rawlings Certification at ¶ 4(c).

Nevertheless, the Project is approximately 85% complete. Rawlings Certification at ¶ 4(b). Petitioner and others have made, and continue to make, significant progress in completing the Project at significant expense to Petitioner. Rawlings Certification at ¶¶ 4(b)-(e). Construction is currently projected to be completed by June 22, 2022, delayed primarily as a result of pending equipment orders and the recent discovery of contaminated material on a portion of the Site. *Id.* It is unclear, however, whether the interconnecting utility JCP&L will be able to timely complete the work required by it to bring the Project online. Rawlings Certification at ¶ 4(e). An extension of six months is recommended by Petitioner's EPC contractor. Rawlings Certification at ¶ 4(f).

### **3. Legal Analysis:**

NJBPU has the authority to extend the eligibility deadlines for PY1 of the Pilot Program and the TI Program. 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 and Deptford v. Woodbury Terrace*, 54 N.J. 418, 425 (1969).

Petitioner has shown good cause for providing such an extension. The Petitioner has completed approximately 85% of an LMI community solar project that will benefit its community in numerous ways. It has done so under the assumption that it would be eligible for PY1 of the Pilot Program and the TI Program, without which the Project is not economically viable. Rawlings Certification at ¶ 4(f). The Project has been uniquely delayed, being located on a municipally-owned brownfield with other complicating features. These unique delays have been compounded by unforeseeably extensive and long-lasting supply chain issues. Petitioner has taken every available measure to mitigate these delays and timely complete this Project, at significant expense to itself. In light of the above, it would be an inequitable result for the Project now to be rendered ineligible for PY1 of the Pilot Program and the TI Program.

### **Conclusion**

For the reasons expressed herein and in the Rawlings Certification, it is respectfully submitted that “good cause” has been demonstrated for obtaining a six-month extension of time from the current April 30, 2022 deadline under each of PY1 of the Pilot Program and the TI Program to October 31, 2022.

Respectfully submitted,

POTTER AND DICKSON

A handwritten signature in black ink, appearing to read 'R. William Potter', with a long horizontal line extending to the right.

By R. William Potter  
New Jersey Attorney I.D. # 003901974

EXHIBIT A

Certification of Lyle Rawlings

*[See attached]*

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April 29, 2022

State of New Jersey  
Board of Public Utilities  
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P.O. Box 350  
Trenton, NJ 08625-0350

**Request for Extension of TREC Eligibility  
PY1 Community Solar Project QO19091246  
TI Program Number NJSTRE1545017646  
West Belmar Gateway Community Solar Project,  
Wall Township, Monmouth County, NJ**

**Certification of Lyle Rawlings**

1. Introduction

- 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 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 community solar project (the "Project") and have worked closely with the entity that owns the Project, Belmar Gateway Solar LLC (the "Petitioner") and its parent company, Spano Partners Holdings LLC ("SPH"), in our joint efforts to complete the Project.
- d. This certification is made on behalf of the Petitioner, Belmar Gateway Solar LLC. As a co-developer of this Project, I have personal knowledge of all the facts as set forth in this certification, and I am available on short notice if New Jersey Board of Public Utilities ("NJBPU") Staff or the NJBPU Board has any questions or wishes further information.

## 2. Background Information

- a. The Project is being developed on a nine-acre parcel located in Monmouth County at 1822 NJ-71, Belmar, NJ 07719 (the "Site") that is owned by the Township of Wall (the "Township") and situated within the large West Belmar Gateway Redevelopment Area ("WBGRA"). The Site is a remediated brownfield, subject to ongoing maintenance and monitoring requirements, that was formerly occupied by an automobile junkyard. One of the six specific objectives of the WBGRA Redevelopment Plan, adopted by the Township, was to promote the redevelopment of the Site.
- b. To facilitate this objective, the Township issued a Request for Proposals (the "RFP"), seeking proposals to redevelop the Site consistently with the WBGRA Redevelopment Plan. The Site was a derelict vacant lot at the time the RFP was issued. SPH and ASP submitted a joint bid in response to the RFP, and were ultimately awarded to design, build, commission and operate the Project, a 2.129 MW DC solar array, at the Site. SPH and ASP submitted the sole bid that was received by the Township in response to the RFP.
- c. Thereafter, SPH formed Petitioner, a special purpose entity intended to develop the Project. Petitioner and the Township subsequently entered into a lease agreement (the "Lease Agreement") and redevelopment agreement (the "Redevelopment Agreement", and collectively with the Lease Agreements, the "Site Agreements") for the Site. Under the Site Agreements, Petitioner agreed to redevelop the Site with the Project. The redevelopment work agreed to in connection with the development of the Project included various beautification and neighborhood safety enhancing measures. This included the removal of detritus left on the Site, installation of fencing and new streetlights, addition of a new parking lot, and landscaping.
- d. In addition to this work, Petitioner assumed responsibility to reimburse the Township for its ongoing costs associated with remedial maintenance and monitoring of the Site, and to make an annual lease payment to the Township. Petitioner's pricing assumptions in entering into the Site Agreements were based on the Transition Renewable Energy Credit ("TREC") incentive value for projects enrolled in Program Year 1 ("PY1") of the New Jersey Community Solar Pilot Program (the "Community Solar Program").
- e. ASP received conditional approval to participate in PY1 of the Community Solar Program from NJBPU on December 20, 2019, as set forth in Board Docket No. QO19091246, as a low- and middle-income ("LMI") project, drawing subscribers from the Township and adjacent townships. That conditional approval was subsequently assigned to Petitioner.

- f. SPH also received TREC approval for the Project under the Transition Incentive Program (“TI Program”), under Registration Number NJSTRE1545017646. The TI Program initially required the Project to receive permission to operate by April 30, 2021. That approval was subsequently assigned to Petitioner.
- g. Since the onset of the COVID-19 pandemic, NJBPU has granted several blanket extensions to deadlines under PY1 of the Community Solar Program and the TI Program, in recognition of the unprecedented upheaval and widespread delays suffered by all developers alike in the midst of the COVID-19 crisis. The most recent extension (In re the Community Solar Energy Pilot Program, BPU Docket No. QO18060646, Order (December 15, 2021)) established the deadlines for both the Project’s eligibility in TI Program and PY1 of the Community Solar Program as April 30, 2022.

3. Pre-Construction Delays Affecting the Project

- a. Initially, the Project was scheduled to begin construction on April 11, 2021, with all necessary permits projected to be secured by April 13, 2021. From the outset, however, the Project suffered severe delays resulting from the COVID-19 pandemic. State and municipal agency review of permit applications and issuance of permits therefrom was significantly prolonged by stay-at-home orders, staffing shortages and coincident staffing reassignments, and restrictions on site visits. Review of interconnection application materials by the interconnecting utility was delayed for similar reasons. Work necessary in the ordinary course of development, including the acquisition and review of real property records, preparation of a survey, and the securing of financing, were also delayed for these reasons. Unprecedented and ongoing disruptions to global supply chains severely impacted the ability to timely procure equipment for the Project, as well as the costs of that equipment.
- b. Most, if not all, solar projects being developed in New Jersey in the midst the COVID-19 pandemic suffered to some extent because of these delays. The Project, however, was uniquely affected by these delays. As a municipally-owned brownfield including a “freshwater wetland” within the jurisdiction the Coastal Area Facilities Review Act (“CAFRA”), the Site is subject to an extraordinarily complex web of regulations. These regulations multiplied the number of stakeholder agencies involved in the Project, creating bottlenecks that amplified the effects of delays on otherwise similarly-situated projects.
- c. To briefly summarize, these are just some of permits that were required for the Project, not all of which could be obtained concurrently:
  - i. Preliminary and Final Major Site Plan Approval from the Planning Board of Wall Township (the “Wall Planning Board”).

- ii. Compliance with Resolutions of the Wall Planning Board grant of Preliminary and Final Major Site Plan Approval.
  - iii. Conditional Site Plan Approval from the Monmouth County Planning Board (the "Monmouth Planning Board").
  - iv. Final Site Plan Approval from the Monmouth County Planning Board.
  - v. CAFRA Permit from New Jersey Department of Environmental Protection ("NJDEP").
  - vi. Certification of Soil Erosion and Sediment Control Plan from the Freehold Soil Conservation District (the "Soil Conservation District").
  - vii. Authorization to Discharge Construction Activity Stormwater from NJDEP.
  - viii. Zoning Permit, Building, and Electrical Permits from the Township.
- d. Accordingly, each of the Township, Wall Planning Board, the Monmouth Planning Board, NJDEP, and the Soil Conservation District were all involved in permitting the Project. The Project was also required to comply with NJDEP's soil and groundwater remedial action permits for the Site, as a brownfield.
- e. The involvement of numerous stakeholder agencies, each suffering its own COVID-19-related delays and staffing upheavals, and each with its own input on site plans and attaching its own conditions to permitting, created bottlenecks and magnified the delays suffered by the Project. Below is a summary of just one illustrative chronology:
- i. An application for a CAFRA individual permit was applied for on or about November 1, 2020. The permit application package included the site plan, plans for addressing stormwater, a proposed CAFRA Forested Area Preservation Plan, per NJDEP requirements.
  - ii. In accordance with the requirements of CAFRA, a public notice of the application was published in a local newspaper on January 9, 2021, with an affidavit of publication not being returned until nearly a month later, on February 5, 2021, at which point it was promptly provided to NJDEP.
  - iii. Thereafter, NJDEP did not determine that the application was complete and ready for public comment until March 29, 2021. At that point, NJDEP scheduled public comment to begin on April 7, 2021 and extend until June 5, 2021. This public comment period represented a 30-day extension of the ordinary statutory timeframe, per NJDEP Commissioner McCabe's Administrative Order 2020-06.
  - iv. At the same time, NJDEP requested numerous technical updates, including requested revisions to the site plan, revisions to the Proposed CAFRA Forested Area Preservation Plan, and creation of sediment control and stormwater plans to address the fact that the Site is a brownfield. These updates were promptly provided to NJDEP. These updates also necessitated

supplementing prior plans pending before other agencies, delaying their review of permit applications over which they had jurisdiction.

- v. The CAFRA permit was ultimately issued on July 28, 2021. Under ordinary circumstances, the CAFRA permit would have been received within 4 - 5 months of November 1, 2020, the date of application.
- vi. Prior to the initiation of any construction or site preparation activities, the CAFRA permit required that a Conservation Restriction/Easement be granted to NJDEP (the "Conservation Restriction Grant") over a portion of the Site. As it was the fee owner, this grant needed to be made by the Township.
- vii. The Conservation Restriction Grant was drafted and provided to the Township for review and execution. Staffing shortages and reassignments delayed review of the Conservation Restriction Grant by the Township and the Wall Planning Board until late November 2021.
- viii. At that point, the Township represented that, under municipal law, any grant by the Township of an interest in real property would require the introduction and first reading of the proposed grant at one hearing of the Town Board, and that such grant could not be adopted until after a second reading at a subsequent hearing. The Township further represented that municipal law prohibited the introduction and approval of such measures across two calendar years. Since only one Town Board hearing remained scheduled in 2021, the introduction of the Conservation Restriction Grant was delayed until the Town Board's next meeting on January 12, 2022.
- ix. The Township ultimately granted the Conservation Restriction Grant following a second reading on February 9, 2022. At that point, the Conservation Restriction Grant was submitted for recording and transmitted to NJDEP per the terms of the CAFRA permit.
- x. Meanwhile, the Wall Planning Board had issued Resolutions granting Preliminary and Final Major Site Plan Approval on July 26, 2021 (but not memorialized until September 13, 2021). The Resolutions specified numerous conditions to the effectiveness of the approval, including the receipt and compliance with all other approvals, which, with respect to the CAFRA permit, did not occur until February 9, 2022.
- xi. The Township's issuance of zoning, building, and electrical permits, moreover, was predicated on compliance with the Wall Planning Board's resolutions. Work on the Project, in turn, could not proceed until those zoning, building, and electrical permits were received.

- f. As the illustration above shows, the complex regulatory scheme to which the Site was subject and overlapping agency interests created several bottlenecks that amplified delays that may not have been suffered by otherwise similarly-situated projects. This was not the only example of a permitting-related delay for the Project resulting from the COVID-19 pandemic.
- g. Nor were permitting-related delays the only type of delays suffered by the Project. Other delays included delays to interconnecting utility review of interconnection application materials, delays in obtaining access to real property records, and delays in obtaining financing for the Project.
- h. Petitioner, ASP, and SPH explored every option and took every measure to mitigate the effect of these delays at each step. This included seeking and receiving special dispensations from the Township and NJDEP to start a limited scope of work prior to the receipt of final approvals from both agencies.
- i. Nevertheless, the delays resulting from the COVID-19 pandemic are longer-lasting and broader in scope than could have been foreseen. For the Project, these delays cascaded through a permitting chain involving numerous government agencies with an interest in the complexly-regulated Site, resulting in a uniquely elongated delay to the start of construction.

4. Continuing Pandemic-Related Delays

- a. Limited scope construction on the Project began on January 13, 2022, with full mobilization occurring on February 17, 2022, shortly after all permits were received. Notwithstanding the severe delays outlined above, it was reasonably projected when construction began that the Project could be completed by the April 30, 2022 deadlines under PY1 of the Community Solar Program and the TI Program. However, delays in procurement and obstacles encountered during construction have recently revealed that it will be impossible to meet those deadlines.
- b. Procurement.
  - i. Once final ordering of equipment and construction began, further unexpected delays were caused by pandemic-related global supply chain issues that severely delayed the delivery of equipment, materials, supplies, and services. Initially, these pandemic-related delays were predicted to last a few months. However, the global supply chain issues have continually worsened to the point where manufacturers are unable to source even standard electrical components such as circuit breakers anywhere in the U.S., and ASP must help manufacturers search through alternative channels for components. Even common parts for field deployment such as wire, connectors, and lugs, that

are normally available locally in large numbers on store shelves, now require weeks or months to deliver.

- ii. Despite diligent efforts to procure equipment as early as possible and despite numerous follow-ups with suppliers to monitor and expedite equipment delivery, and numerous attempts to find alternative equipment that could be shipped to the Project Team earlier, critical delays in the delivery of necessary, procured equipment to complete the Project materialized. These supply chain delays are documented in the table in "Attachment 1".
  - iii. Critical AC components, including the AC recombiner panel have been delayed and now has a 6-month lead time. The manufacturer failed to meet the first ship date and then further failed to deliver upon its second, revised ship date. The equipment is now set to arrive on June 1<sup>st</sup>, 2022. Critical meter cluster components, current transformers (CTs) and potential transformers (PTs) that are provided by the utility company have also been delayed, with no confirmed date given by the utility as of now. The informal estimated date for arrival is late May.
  - iv. All of the items above involve components that are normally in stock and ready to ship from distributors, but the progressive worsening of the pandemic-related global supply chain issues over time has led to a situation where basic electrical components cannot be sourced anywhere in the U.S., for long periods of time. Even common electric parts that are deployed in the field, like electrical wire, connectors, and lugs that are normally available in large numbers on local store shelves, now have been taking weeks or months to deliver.
  - v. ASP has taken steps to find alternate sources for critical electrical gear, including sourcing components for manufacturers who cannot find them themselves; working with ASP's buying cooperative, the Amicus Solar Cooperative; contacting other developers to see if they have surplus gear or components; and searching the internet for surplus components.
- c. Construction. The initiation of construction has revealed additional delays that could not have been foreseen until work on the Project began. While grading was underway at the site, greater amounts of detritus submerged in the soil than were represented to Petitioner and ASP were discovered. This detritus – even including a submerged automobile – needed to be excavated and properly disposed of, halting or delaying work on the Project.
- Substantial amounts of (apparently illegally dumped) trash and rubble was continually found all during the site grading process. Each time such material was unearthed, it was necessary to stop work, separate the trash and detritus, and dispose of it properly, before continuing the grading.

Most recently on April 21, Wall Township's LSRP, who has been supervising the work, notified ASP that she had tested a pre-existing pile of soil at the site and found it to be contaminated. The pile is blocking ASP from completing the last small portion of the array. The Town is responsible for removing the contaminated pile of soil.

ASP and Belmar Gateway Solar LLC are working diligently with the Town to ensure that the soil is removed as soon as possible, so the final portion of the array can be completed.

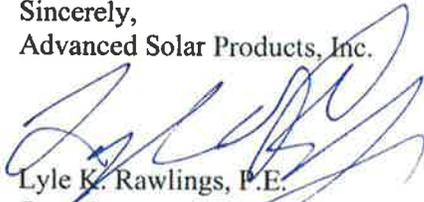
5. Current Status.

- a. Despite these delays, the Project is approximately 90% complete as of the date of this certification. Petitioner and ASP have made, and continue to make, significant progress to build the Project, as shown in the photographs provided in "Attachment 2" to this certification.
- b. 100% of the equipment required for this Project, including solar modules, inverters, racking, and all other AC and DC electrical equipment, were ordered early in the Project development process. Upon request, ASP will provide the purchase orders evidencing the dates of procurement.
- c. All of the DC equipment need for the Project, including modules, inverters and racking have been delivered to the Site.
- d. To date, the Petitioner, ASP, and SPH have collectively expended \$275,348.00 on outside civil/environmental consultants, and \$74,000.00 on permit fees for the Project.
- e. We anticipate that after all equipment has arrived and is installed, a final AHJ inspection will occur and the Project will receive a Certificate of Acceptance, which we will immediately submit to JCP&L in order to obtain the Project's Permission to Operate. Completion of construction is now anticipated to be June 22, 2022, although the exact timing of work that JCP&L will need to perform cannot be accurately predicted at this time.
- f. In order for this important LMI community solar Project to remain economically viable, and to be able to provide lower electricity rates for the surrounding LMI community, it is necessary that the Project both (1) remain enrolled in PY1 of the Community Solar Program; and (2) earn TREC incentives. As a result, I believe that a six-month extension of time to deadlines for this Project under each of PY1 of the Community Solar Program and the TI Program is necessary, extending those deadlines from April 30, 2022 to October 31, 2022.

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

Dated:  
April 29, 2022

Sincerely,  
Advanced Solar Products, Inc.



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

Attachments:  
Attachment 1. Procurement Table  
Attachment 2. Photo Documentation of Project Progress

**Attachment 1  
Wall Township West Belmar Gateway Community Solar Project**

**Procurement Table**

<b>Equipment</b>	<b>Order Date</b>	<b>Initial Estimated Arrival Date From Manufacturer</b>	<b>Estimated Arrival Date - First Update</b>	<b>Estimated Arrival Date - Second Update</b>	<b>Actual Arrival Date</b>	<b>Percentage Installation Complete as of 4/21/2022</b>	<b>Comments</b>
Racking Install	7/30/2021	2/9/2022	3/18/2022		Arrived	90%	
Modules	8/20/2021	3/18/2022			Arrived	90%	
Ballast Block	2/25/2022	3/2/2022			Arrived	90%	
Inverter	10/29/2021	12/21/2021			Arrived	50%	
Baird mount	4/6/2022	4/14/2022			Arrived	100%	
Transformer	10/26/2021	4/14/2022	2/18/2022				Ready for delivery once Pad is cured
Switchgear	10/26/2021	7/27/2022	4/25/2022	4/11/2022			Ready for delivery once Pad is cured
Relay	10/26/2021	7/27/2022	4/25/2022	4/11/2022	Arrived		
Recombiner	10/26/2021	4/14/2022	4/25/2022	6/1/2022			
GOAB	10/26/2021	12/17/2021			Arrived		

**Attachment 2**  
**Wall Township West Belmar Gateway Community Solar Project**  
**Project Construction Progress**



**Figure 1.** Site visit before ASP began work November 19, 2021



**Figure 2.** Site visit before ASP began work November 19, 2021



**Figure 3.** Site clearing January 17, 2022



**Figure 4.** Site clearing January 17, 2022



**Figure 5.** Ballast blocks for racking system delivered March 21, 2022



**Figure 6.** Preparing site for solar mobilization March 21, 2022



**Figure 7.** Prepping to lay down gravel March 23, 2022



**Figure 8.** Gravel laid out and raked for solar racking system to be placed March 24, 2022



**Figure 9.** Racking and modules beginning to be installed March 24, 2022



**Figure 10.** More racking and modules installed April 6, 2022



**Figure 11.** More gravel being placed for module installation April 7, 2022



**Figure 12.** Solar racking and modules being installed April 7, 2022



**Figure 13.** Solar racking and modules installed at 80 % April 26, 2022