

**PEARLMAN & MIRANDA LLC**  
110 Edison Place, Suite 301  
Newark, New Jersey 07102  
(973) 707-3665  
Attorneys for Petitioner,  
Dumont Solar 1, LLC

IN THE MATTER OF REQUEST BY  
DUMONT SOLAR 1, LLC TO  
PARTIALLY WAIVE THE  
REQUIREMENTS OF N.J.A.C. 14:8-  
11.5(k) OR, IN THE ALTERNATIVE, TO  
PARTIALLY WAIVE THE  
REQUIREMENTS OF N.J.A.C. 14:8-  
11.4(B), ALL IN CONNECTION WITH  
ITS SOLAR PROJECT CURRENTLY  
ASSIGNED APPLICATION NUMBER  
NJADRE1557286955 IN THE ADI  
PROGRAM

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES  
Docket No.:

**VERIFIED PETITION**

By way of this Verified Petition, including all Exhibits referenced herein (collectively, the “**Petition**”), petitioner, Dumont Solar 1, LLC (the “**Petitioner**”), a New Jersey limited liability company and a wholly owned subsidiary of HESP Solar LLC (“**HESP**”), having its general offices at 400 Rella Blvd., Suite 116, Montebello, New York 10901, respectfully petitions and invokes the jurisdiction of the New Jersey Board of Public Utilities (the “**Board**” or “**BPU**”) pursuant to N.J.A.C. 14:1-1.2, all in connection with its approximately 247.5 kilowatt (kWdc) behind-the-meter solar project located at 31 Depew Street in the Borough of Dumont (the “**Borough**”) and owned by Petitioner (the “**Solar Project**”).

Petitioner respectfully petitions the Board to partially waive N.J.A.C. 14:8-11.5(k), prohibiting an increase to the generating capacity of the Solar Project by more than 25 kWdc or by more than twenty percent (20%). In the alternative, Petitioner respectfully petitions the Board to partially waive N.J.A.C. 14:8-11.4(b), prohibiting the registration of a solar project in the hereinafter defined ADI Program after commencement of construction, thereby allowing the Solar Project's existing conditional registration to be withdrawn and for the Solar Project to be re-registered in the ADI Program.

### I. BACKGROUND OF SUSI PROGRAM

1. On May 23, 2018, the Clean Energy Act, L. 2018, c.17 (the "**Clean Energy Act**"), was signed into law.<sup>1</sup> The Clean Energy Act directed the BPU to develop a new solar incentive program to succeed the solar renewable energy certificate ("**SREC**") program and to adopt rules and regulations to close the SREC Registration Program to new registrations once 5.1% of the kilowatt-hours sold in the State were generated by solar electric power connected to the distribution system.<sup>2</sup>

2. By order dated December 6, 2019, the Board created its Transition Incentive program ("**TI Program**"), providing for transition renewable energy certificates as the applicable incentive for qualifying solar projects.<sup>3</sup>

3. On July 9, 2021, Governor Murphy signed L. 2021, c. 169 into law, authorizing the Board to open a successor solar incentive program.

4. On July 28, 2021, the Board announced by order (the "**SuSI Program Order**") the closure of the TI Program and the opening of the Successor Solar Incentive

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<sup>1</sup> I/M/O a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, BPU Docket No. Q019010068, Order dated December 6, 2019, at 2 ("**December 6, 2019 Order**").

<sup>2</sup> December 6, 2019 Order, at 2.

<sup>3</sup> December 6, 2019 Order, at 33-34.

Program (the “**SuSI Program**”). The TI Program closed on August 27, 2021, and the SuSI Program opened on August 28, 2021.

5. A rule proposal for the SuSI Program was published on August 16, 2021, which rules, set forth at N.J.A.C. 14:8-11.1 *et seq.*, then took effect on February 22, 2022 (the “**SuSI Program Rules**”).

6. Under the SuSI Program and the SuSI Program Rules, the applicable incentives available to qualifying solar projects are referred to as SREC-II’s.

7. The SuSI Program is divided into two (2) components: the administratively determined incentive program (the “**ADI Program**”) and the competitive solar incentive program. The ADI Program is relevant to this Petition and is designed to provide an incentive for net metered residential facilities, net metered non-residential facilities of five (5) MWs or less, and community solar facilities.

## **II. SOLAR PROJECT REGISTRATION**

8. The Solar Project initially received notice of conditional registration in the ADI program on August 16, 2024. The ADI Program administrator assigned the application number NJADRE1557286955. The Solar Project was conditionally accepted as a 198 kWdc system.

9. A true and accurate copy of the notice of ADI Program conditional registration appears attached hereto as **Exhibit A**.

10. On December 12, 2024, the Solar Project received permission to operate (“**PTO**”) from the utility.

11. A true and accurate copy of the received PTO appears attached hereto as **Exhibit B**.

12. On December 23, 2024, HESP (on behalf of Petitioner) submitted the final as-built application packet to the ADI Program Administrator, showing an increased system size of 49.5 kW, for a total system size of 247.5 kWdc.

13. Later that day (December 23, 2024), HESP received a notice from the ADI Program Administrator indicating that the increase to the system size of the Solar Project exceeded regulatory parameters and could be remedied by seeking a waiver from the Board.

14. A true and accurate copy of the notice received from the ADI Program Administrator appears attached hereto as Exhibit C.

### **III. PARTIAL WAIVER OF N.J.A.C. 14:8-11.5(k)**

15. As previously noted, the Solar Project is an approximately 247.5 kWdc solar project. Petitioner received conditional registration for a 198 kWdc system.

16. N.J.A.C. 14:8-11.5(k) reads as follows:

If, after submittal of an initial registration package, an increase of up to 20 percent or 25 kWdc, whichever is smaller, in the solar electric generating facility's generating capacity is planned, the registrant shall notify Board staff following the instructions provided on the New Jersey Clean Energy Program website. Facilities shall not be permitted to increase their generating capacity by more than 20 percent or 25 kWdc, whichever is smaller. Notwithstanding a permissible increase pursuant to this subsection, no ADI-eligible facility will be permitted an increase in generating capacity that would expand the project beyond five MWdc.

17. The increase in system size from 198 kWdc to 247.5 kWdc is an increase in excess of twenty percent (20%) and is an increase in excess of twenty-five (25) kWdc. As such, Petitioner requests a partial waiver of N.J.A.C. 14:8-11.5(k). The increase does not result in the generating capacity exceeding five (5) MWdc.

18. The increase in system size was a result of Petitioner's good faith misunderstanding of the requirements of the ADI Program. As part of the process of

finalizing the design for the Solar Facility, Petitioner increased the system size based on internal processes it had adopted from, and which were permissible in, the TI Program, which did not include a corresponding cap to increases of project size.

19. Pursuant to N.J.A.C. 14:1-1.2(b), the Board may grant a waiver of the requirements of Chapter 14 of the New Jersey Administrative Code for good cause shown: “In special cases and for good cause shown, the Board may, unless otherwise specifically stated, relax or permit deviations from this chapter.”

20. The ADI incentive is crucial to the commercial feasibility of the Solar Project.

21. Petitioner submits for the Board’s consideration that none of Petitioner, HESP, or any of their affiliates have heretofore submitted a petition to the Board for relief similar to that sought through this Petition and the relief sought herein is a “one-off” request. Petitioner fully intends to adhere to all applicable ADI Program rules going forward.

22. Furthermore, Petitioner notes that, pursuant to N.J.A.C. 14:8-11.5(l), upon expiration of the current conditional registration for the Solar Project, which expiration date is August 16, 2025, Petitioner may submit a new registration for the Solar Project reflecting the increased project size sought through this Petition. Accordingly, the Board granting the relief sought through this Petition will simply accelerate the date by which the Solar Project conditional registration may be closed out, with no prejudice to the Board. Conversely, it is prejudicial to Petitioner to wait until August 16, 2025 to allow the current conditional registration to expire before being permitted to close out the registration for the Solar Project.

23. Petitioner therefore respectfully requests that the Board grant a partial waiver of N.J.A.C. 14:8-11.5(k), allowing an increase in size of the Solar Project in excess of twenty percent (20%) and in excess of twenty-five (25) kWdc, from 198 kWdc to 247.5 kWdc.

#### **IV. PARTIAL WAIVER OF N.J.A.C. 14:8-11.4(b)**

24. To the extent the Board is not inclined to grant Petitioner's requested partial waiver of N.J.A.C. 14:8-11.5(k), Petitioner respectfully requests that the Board grant a partial waiver of N.J.A.C. 14:8-11.4(b), which prohibits the registration of a solar project in the ADI Program after commencement of construction. The requested waiver would allow the Solar Project's existing conditional registration to be withdrawn and for the Solar Project to be re-registered in the ADI Program.

25. N.J.A.C. 14:8-11.4(b) requires conditional registration into the ADI Program to occur prior to the start of construction, unless the Board grants a waiver of such requirement:

[F]acilities seeking eligibility in the ADI Program that were not previously registered in the TI Program, must submit a registration and receive a notice of conditional registration pursuant to N.J.A.C. 14:8-11.5(g) prior to beginning construction on the facility, unless the Board grants a waiver in response to a petition.

26. On January 26, 2022, the Board granted a waiver for projects that had registered in the TI Program but did not meet the TI Program deadline for achieving commercial operation, such waiver allowing such projects to apply into the ADI Program (the "**January 2022 Order**").<sup>4</sup>

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<sup>4</sup> In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c.17 – Order Modifying ADI Program Eligibility Conditions, BPU No. QO20020184, Order dated January 26, 2022.

27. On April 6, 2022, the Board granted a partial waiver of N.J.A.C. 14:8-11.4(b) to projects that had begun construction prior to receiving conditional acceptance into the ADI Program, allowing such projects to apply into the ADI Program (the “**April 2022 Order**”).<sup>5</sup>

28. On October 12, 2022, the Board again granted a partial waiver of N.J.A.C. 14:8-11.4(b) to projects that had begun construction prior to receiving conditional acceptance into the ADI Program, allowing such projects to apply into the ADI Program (the “**October 2022 Order**”).<sup>6</sup> In the October 2022 Order, seven projects had achieved PTO prior to receiving notice of conditional registration.<sup>7</sup>

29. On April 26, 2023, the Board again granted a partial waiver of N.J.A.C. 14:8-11.4(b) to projects that had begun construction prior to receiving conditional acceptance into the ADI Program, allowing such projects to apply into the ADI Program (the “**April 2023 Order**”).<sup>8</sup>

30. On February 14, 2024, the Board again granted a partial waiver of N.J.A.C. 14:8-11.4(b) to projects that had begun construction prior to receiving conditional acceptance into the ADI Program, allowing such projects to apply into the ADI Program

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<sup>5</sup> In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 - Order Waiving ADI Program Eligibility Rules, BPU Docket No. QW22030128, Order dated April 6, 2022.

<sup>6</sup> In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 Order Waiving ADI Program Eligibility Rules, BPU Docket No. QW22030128, Order dated October 12, 2022.

<sup>7</sup> *Id.* at 6.

<sup>8</sup> In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 - Order Waiving ADI Program Eligibility Rules, BPU Docket No. QW22030128, Order dated April 26, 2023.

(the “February 2024 Order”).<sup>9</sup> In the February 2024 Order, 1,187 projects had achieved PTO prior to receiving notice of conditional registration.<sup>10</sup>

31. As demonstrated by the January 2022 Order, the April 2022 Order, the October 2022 Order, the April 2023 Order, and the February 2024 Order, the Board has been willing to grant waivers to the SuSI Program Rules, especially with respect to partial waivers of N.J.A.C. 14:8-11.4(b), allowing projects that had begun construction prior to receiving conditional acceptance into the ADI Program to apply into the ADI Program.

32. As BPU staff noted in the February 2024 Order, the Board is justified in granting waivers to N.J.A.C. 14:8-11.4(b)’s timing requirement because of concerns over alterations to the ADI Program and because these solar projects may be unable to obtain any other incentive without a waiver.

Nonetheless, Staff believes that some flexibility in the application of this restriction [of N.J.A.C. 14:8-11.4(b)] is warranted, although the time for such flexibility is coming to an end. The solar incentive program changed twice within the space of three (3) years, and there has been some confusion regarding the requirements of different programs....Moreover, Staff is concerned that these projects would be stranded without any incentive if the Board does not act to grant relief.<sup>11</sup>

33. The Solar Project, like the projects granted partial waivers in the April 2022 Order, the October 2022 Order, the April 2023 Order, and the February 2024 Order, began construction prior to receiving conditional acceptance in the ADI Program.

34. Due to programmatic changes to New Jersey’s solar incentive program, Petitioner, like the petitioners in prior orders, did not correctly interpret the requirements of

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<sup>9</sup> In re a Successor Solar Incentive Program Pursuant to P.L. 2021, c. 169 - Order Waiving ADI Program Eligibility Rules, BPU Docket No. QW22030128, Order dated February 14, 2024.

<sup>10</sup> *Id.* at 3.

<sup>11</sup> February 2024 Order, at 3-4.



the ADI Program. Its inadvertence was not unreasonable, given the differences in the structure of the TI Program and the ADI Program.

35. Petitioner is further aware that, pursuant to the February 2024 Order, the Board will more stringently evaluate any similar future petitions filed after May 31, 2024. To this point, Petitioner submits for the Board's consideration that none of Petitioner, HESP, or any of their affiliates have heretofore submitted a petition to the Board for relief similar to that sought through this Petition and the relief sought herein is a "one-off" request. Petitioner fully intends to adhere to all applicable ADI Program rules going forward.

36. Furthermore, Petitioner notes that, pursuant to N.J.A.C. 14:8-11.5(l), upon expiration of the current conditional registration for the Solar Project, which expiration date is August 16, 2025, Petitioner may submit a new registration for the Solar Project reflecting the increased project size sought through this Petition. Accordingly, the Board granting the relief sought through this Petition will simply, in substance, accelerate the date by which the conditional registration applicable to the Solar Project may be closed out, with no prejudice to the Board. Conversely, it is prejudicial to Petitioner to wait until August 16, 2025 to allow the current conditional registration to expire before being permitted to close out the registration for the Solar Project.

37. Petitioner therefore respectfully requests that the Board grant a partial waiver of N.J.A.C. 14:8-11.4(b), prohibiting the registration of solar projects in the ADI Project after the commencement of construction, which relief would allow the Solar Project's existing conditional registration to be withdrawn, and for the Solar Project to be re-registered in the ADI Program.

**V. REQUEST FOR WAIVER**

38. Pursuant to N.J.A.C. 14:8-1.2, in special cases and for good cause shown, the Board may relax or permit deviations from its rules. Any request for waiver shall include: (i) the specific rule(s) or part(s) thereof for which waiver is requested; (ii) the reasons for the request of waiver, including a full statement setting forth the type and degree of hardship or inconvenience that would result if full compliance with the rule(s) would be required; and (iii) documentation to support the request for waiver.

39. Petitioner respectfully submits that it satisfies the requirements for a waiver pursuant to N.J.A.C. 14:8-1.2.

**V. NOTICE**

40. Communications and correspondence related to this Petition should be sent as follows:

Adam L. Peterson, Esq.  
Pearlman & Miranda, LLC  
110 Edison Place, Suite 301  
Newark, New Jersey 07102  
Direct: (973) 707-3563  
Fax: (973) 893-5962  
[APeterson@pearlmanmiranda.com](mailto:APeterson@pearlmanmiranda.com)

And

William J. Tsadilas, Esq.  
Pearlman & Miranda, LLC  
110 Edison Place, Suite 301  
Newark, New Jersey 07102  
Direct: (973) 957-7561  
Fax: (973) 893-5962  
[BTsadilas@pearlmanmiranda.com](mailto:BTsadilas@pearlmanmiranda.com)

with copies to:

Daniel Grohman  
HESP Solar LLC

400 Rella Boulevard, Suite 116  
Montebello, New York 10901  
[dgrohman@hespsolar.com](mailto:dgrohman@hespsolar.com)

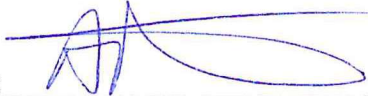
## **VII. CONCLUSION AND REQUESTS FOR APPROVAL**

41. **WHEREFORE**, Petitioner respectfully requests that the Board grant a partial waiver of the requirements set forth at N.J.A.C. 14:8-11.5(k), which prohibits increases in the size of the Solar Project in excess of twenty percent (20%) and in excess of twenty-five (25) kWdc, to allow the Solar Project's final size of 247.5 kWdc.

42. **WHEREFORE**, in the alternative, Petitioner respectfully requests that the Board grant a partial waiver of the requirements set forth at N.J.A.C. 14:8-11.4(b), which prohibits solar projects from being registered in the ADI Program after the commencement of construction, to allow for the withdrawal of the Solar Project's current conditional registration and for it to be re-registered into the ADI Program, notwithstanding that commencement of construction of the Solar Project has commenced.

43. **WHEREFORE**, Petitioner respectfully requests that the Board grant such other and further relief as it determines to be just and reasonable.

**PEARLMAN & MIRANDA, LLC**  
Attorneys for Petitioner,  
Dumont Solar 1, LLC

By:   
\_\_\_\_\_  
Adam L. Peterson, Esq.  
Partner  
January 27, 2025

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VERIFICATION and POWER OF ATTORNEY

STATE OF NEW JERSEY

SS:

COUNTY OF Bergen

I, Susan Brodie, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am Chief Operations Officer of HESP Solar LLC.
2. I reviewed the attached petition and affirm that the information contained therein is true and accurate to the best of my knowledge and belief.
3. I hereby appoint and authorize Adam L. Peterson, Esq. and William J. Tsadilas, Esq. of the law firm, Pearlman & Miranda, LLC to prosecute the Petition and to appear on my behalf before the Board of Public Utilities in this matter and any matters relating to the Petition.



\_\_\_\_\_  
Susan Brodie  
Chief Operations Officer  
HESP Solar LLC

Sworn and subscribed to before me  
on this 24<sup>th</sup> day of June 2025.

  
\_\_\_\_\_  
Notary Public

<p style="text-align: center;"><b>STEVE GUTLOVE</b> Commission # 50210617 Notary Public, State of New Jersey My Commission Expires May 30, 2028</p>
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**List of Exhibits**

Exhibit A ADI Program Conditional Acceptance

Exhibit B Permission to Operate from Utility

Exhibit C ADI Program Administrator- Notice Regarding Increased System Size

**EXHIBIT A**

**ADI Program Conditional Acceptance**



08/16/2024

Daniel Grohman  
HESP Solar LLC  
1 Paragon Drive, Suite 255  
Montvale, NJ 07645

**ADI Project Number NJADRE1557286955 - Conditional Acceptance**

Dear Daniel Grohman:

We are pleased to inform you the above solar project has been conditionally accepted in the Administratively Determined Incentive Program within New Jersey's Successor Solar Incentive Program and has been assigned a Registration Number NJADRE1557286955. The project has been conditionally accepted with a 198 kW (DC) solar electric system. The final acceptance of this initial registration is conditioned on completing the solar installation and commencing commercial operation on or before the expiration date of **08/16/2025**.

Pursuant to the Clean Energy Act of 2018 (L. 2018, c.17) and the Solar Act of 2021 (L. 2021, c. 169), the New Jersey Board of Public Utilities (NJBPUB) has established a new Successor Solar Incentive Program (SuSI) by Board Order dated July 28, 2021. The SuSI Program replaces the SREC Registration Program (SRP), which was closed to new registration on April 30, 2020, and the Transition Incentive Program (TI), which provided a bridge between the Legacy SRP and the Successor Solar Incentive Program. The SuSI Program provides incentives to eligible solar facilities to enable the continued efficient and orderly development of solar electric generating sources throughout the State. The SuSI Program is comprised of two sub-programs: the Administratively Determined Incentive Program (ADI) and the Competitive Solar Program (CSI). The ADI Program opened to new registrations on August 28, 2021.

Your ADI Registration packet provided us with the following information regarding your solar project:

<b>ADI Registration Number</b>	<b>NJADRE1557286955</b>	<b>Installation Address</b>	<b>31 DEPEW ST DUMONT, NJ 07628</b>
<b>Premise Contact</b>	<b>Kevin Cartotto</b>	<b>System Size (kW dc)</b>	<b>198</b>
<b>Primary Contact (SREC-II Owner)</b>	<b>Daniel Grohman</b>	<b>Market Segment</b>	<b>Small Net-Metered Non-Residential located on Rooftop, Carport, Canopy and Floating Solar- PUBLIC</b>

*Note: This letter is addressed to the Primary Contact (SREC-II) Owner, the Premise Contact, and the Solar Installer listed in the ADI Registration Certification form signed by the Primary Contact.*

[1] This is a standard form letter intended to cover many cases. You should read it carefully for those provisions applicable to your own project but be aware that all the provisions may not be applicable.

The date of your project's conditional acceptance is 08/16/2024. You may now begin construction of your solar facility.



You must receive permission to operate from the relevant Electric Distribution Company (EDC), submit a complete Final As-Built Package (Post Construction Certification) and meet all other program requirements on or before the project's expiration date noted in this acceptance letter. **If a complete Final As-Built Package with permission to operate is not submitted on or before the expiration date, the registration will be canceled.** If the registration is canceled, you will be required to re-start the entire registration process by submitting a new initial registration package which will have no reference to the above registration. If the solar system is issued permission to operate from the EDC prior to resubmitting a new registration, you will be required to [petition](#) the NJBPU for approval to participate in the ADI Program. ***NOTE: If at the time you submit the new registration, the capacity cap for this market segment has been reached, you will no longer be eligible to submit a new registration in this capacity block and will be required to wait until the next capacity block is opened to submit a new registration.***

Once the Final As -Built packet is deemed complete, you may be randomly selected for an on-site program inspection or selected for an inspection waiver. If you are selected for a waiver of inspection, you will receive a waiver letter via email. If you are selected for an on-site inspection, you will be contacted to schedule an on-site visit by a Program Representative.

Upon satisfactory completion of all ADI program requirements, the owner of the SREC-IIs will be issued an NJ SREC-II Certification Number and instructions regarding how to register the solar PV generating system in the Generation Attribute Tracking System at PJM-EIS LLC. The NJ SREC-II Certification Number is a distinct number that is assigned based on the solar installation market segment that is associated with the eligible incentive level. *For additional information on Market Segments, Capacity Blocks and Incentives see ADI Guidelines and Clarification below.*

More detailed information regarding the ADI Program can be found on the NJCEP website and on the ADI Program Online Portal homepage. In addition, certain additional explanations, caveats, clarifications, and conditions are set forth under the *ADI Guidelines and Clarification* section below.

If you have questions or concerns about your ADI Registration, please feel free to contact us at [njreinfo@njcleanenergy.com](mailto:njreinfo@njcleanenergy.com).

Thank you for participating in the Administratively Determined Incentive Program.

Successor Solar Incentive (SuSI) Program  
Administratively Determined Incentive (ADI) Program  
New Jersey Clean Energy Program  
c/o TRC  
317 George Street, Suite #520  
New Brunswick, NJ 08901

CC:  
Kevin Cartotto  
Susan Brodie

## **ADI Guidelines and Clarifications**

### **Special Reporting Required for Net Metered Projects 1 MW or larger**

For net metered projects 1 MW or larger, Quarterly Milestone reports must be submitted to the ADI Processing Team within two weeks of the quarters ending on March 31, June 30, September 30 and December 31. If there is a change to the ownership of the SREC-IIs from the initial ADI Registration, this change should be noted on the ADI Milestone Reporting Form and a copy of the newly executed contract reflecting the new SREC-II owner and a revised ADI Registration Certification Form should be included with the Milestone Reporting form, for the next quarterly submission. Quarterly reports can be submitted in the online portal or via email to [njreinfo@njcleanenergy.com](mailto:njreinfo@njcleanenergy.com). The Milestone Reporting Form and instructions on how to submit this form can be found at [www.njcleanenergy.com](http://www.njcleanenergy.com).

### **Revenue Grade Meter Requirements**

All solar energy systems eligible to earn SREC-IIs must report system production based upon readings from a revenue-grade meter that meets the American National Standards Institute (ANSI) Standard C12.1-2008. This meter is in addition to the electric meter installed by the local utility to measure the home or business' electric consumption. The approved list of revenue grade meters accepted in TI can be found at [solar production meters](#).

### **SREC-II Eligibility for Adding Capacity to an Existing Solar System**

If you are adding capacity to a previously installed system that participated in the SREC Registration Program, Transition Incentive Program, or any previous NJ solar program where the solar system was eligible for SRECs (Solar Renewable Energy Certificates) or TRECs (Transition Renewable Energy Certificates), you are ***required*** to install a new revenue grade meter for the added capacity.

### **Co-Locating Systems**

Co-location is not permitted in the ADI Program, unless granted special dispensation by the Board. Co-location is defined as siting two or more SuSI-eligible solar facilities on the same property or on contiguous properties such that the individual facilities are eligible for a higher incentive value than they would be if they combined into one single facility. In the case of net metered projects, **ADI eligible solar facilities shall not be deemed co-located if they serve separate net metering customers as set forth at N.J.A.C. 14:8-4**. If the review of the Post Construction Certification (Final As-Built) packet or project inspection reveal that the registrant failed to disclose co-located solar facilities, the Board may take enforcement action, including but not limited to adjusting the incentive downward by multiplying the aggregated project size by the lowest incentive level among the projects' qualifying market segments.

### **Interconnection and Authorization to Energize Requirements**

This acceptance letter does not constitute a determination of eligibility to interconnect the project to the distribution system in New Jersey. Net metered project owners or their developers must follow the Net Metering and Interconnection process required by New Jersey law at N.J.A.C. 14:8-4.1 through 14:8-5.9 and facilitated by their EDC. The ADI Processing Team does not review the estimated system production and historical onsite consumption for projects to determine eligibility for net metering purposes. Registrants must obtain the required approval from their EDCs, or they may be at risk of proceeding with a project that the EDC refuses to interconnect based on its review of the system output and historical consumption. Among other things, on-site load must be at least equal to project generation before a net-metered system may be energized or final program acceptance issued.

Registrants must also obtain permission to operate for their interconnected system from their EDC. The Final As-Built Checklist requires, among other things, proof that the relevant EDC has approved the interconnection with the EDC's Electrical Distribution System (i.e., grid) and issued a Notice of Authorization to Energize. The facility must receive permission to operate from the relevant EDC and submit a complete Final As-Built (Post-Construction Certification) packet as defined at N.J.A.C. 14:8-11.5(j)) prior to the expiration date indicated in this notice of conditional registration.

## **ADI Guidelines and Clarifications (cont.)**

### **Increases and Decreases**

If, after submittal of an initial ADI Registration packet, an increase of up to 20 percent or 25 kW (dc), whichever is smaller, in the solar electric generating facility's generating capacity is planned, the registrant is required to notify NJBPU at [oce@bpu.nj.gov](mailto:oce@bpu.nj.gov) and the ADI Processing Team at [NJREINFO@NJCleanEnergy.com](mailto:NJREINFO@NJCleanEnergy.com). An ADI solar facility cannot increase the system's capacity that would expand the project beyond 5 MW (dc).

### **Extensions**

The ADI Program allows for one, 6-month extension. Extension requests must be submitted in the ADI online portal on or before the expiration date noted in this acceptance letter. Requests will be reviewed and considered on a case-by-case basis. Timely and consistent submissions of the Milestone Reporting Form will be considered when making a determination on any extension requests. ADI does not allow for a second extension. To request a second extension, a petition must be submitted to the NJBPU. You can find more information on the ADI Extension Policy at [njcleanenergy.com](http://njcleanenergy.com).

### **New Jersey Solar Renewable Energy Certificates-II (SREC-IIs)**

Once a qualified solar project is interconnected with the Electric Distribution System in New Jersey and is authorized to be energized by the EDC, the system is able to produce electricity and is eligible to begin earning SREC-IIs. One SREC-II is earned each time a project generates 1,000 kilowatt-hours (kWh) of electricity.

### **Capacity Blocks**

The ADI Program will accept new registration packages for a given market segment until the capacity block for that market segment is fully subscribed. When the capacity block for a given market segment is reached, the ADI registration portal will stop accepting new registrations for that market segment. New registrations will be accepted in the ADI registration portal when the next capacity block opens. Capacity Blocks will be set annually by the Board.

A capacity block is defined as being fully subscribed when the last registration received in the ADI registration portal causes the total capacity of all registrations in that block to exceed the capacity allocated for the block. Registrations will be reviewed on a first come, first serve basis and the capacity for each application under the status of *ADI Registration Received* will be counted toward the block of the relevant market segment. For additional information in capacity blocks market segments and SREC II values, please go to the [ADI Program page](#) on the NJ Clean Energy website or the homepage of the [ADI Online Portal](#).

### **Changing SREC-II Ownership**

Registrants that have a change to the System or SREC-II ownership must provide a copy of the newly executed contract reflecting the new owner together with a revised ADI Registration Certification form. If the change in ownership occurs after the SREC-II Certification Number has been issued, please contact GATS for guidance on how to make this change.

### **Location of ADI Program Forms and Documents**

The Final As-Built Checklist and other program forms can be found at [www.njcleanenergy.com](http://www.njcleanenergy.com).

**EXHIBIT B**

**Permission to Operate from Utility**

**From:** [CI NET METER](#)  
**To:** [Daniel Grohman](#); [Shelly Cweiber](#)  
**Cc:** [Michal Barrish](#); [Sarah Raccah](#); [Chani Schiff](#); [Eli Lazarus](#); [Pessie Drillman](#)  
**Subject:** PSEG PERMISSION TO OPERATE Dumont Public Schools EFFECTIVE December 12 2024 DWMS 501059709  
**Date:** Thursday, December 12, 2024 2:36:15 PM

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**December 12, 2024**

**Dumont Public Schools  
31 DEPEW ST  
DUMONT BORO NJ 07628**

**Dear Applicant 501059709**

PSE&G installed a new net meter at the above-named address and has granted permission to operate the customer-generator's solar facility effective **12/12/2024**. This notification is given in accordance with Title 14, Chapter 8, and Subchapter 5 of the New Jersey Administrative Code.

PSE&G does not assume any responsibility or liability for damage to property or physical injury to persons. Any review made by PSE&G of the customer's plans and/or specifications, any examination made by PSE&G of the actual design, construction and/or installation of the customer's equipment, and/or any determination made by PSE&G in connection with any such review or examination will be solely for the purpose of permitting PSE&G, consistent with its statutory, regulatory and contractual obligations to its customers, to:

- a) determine whether the design, construction and installation of such facilities is compatible with the PSE&G system; and
- b) ensure that the provision of service to the customer, based on the expected use of the service, will not adversely affect the integrity, reliability or safe operation of the PSE&G system.

PSE&G's review or examination, and any determination made in connection therewith, is not intended to be, nor will same be made by PSE&G for the purpose of, nor should same be interpreted, construed and/or relied upon by the customer, or any other person or entity, as an endorsement, approval, confirmation and/or warranty of or by PSE&G relative to any aspect of the design, construction or installation of the customer's facilities, their safety, reliability, economic and/or technical feasibility, performance and/or operational capability and/or the suitability of same for their intended purpose(s). The customer shall not represent to any third-party that PSE&G's review was undertaken for any reason other than the reasons expressly stated in the publication "Information and Requirements for Electric Service", issued by PSE&G and available on request.

Public Service Electric & Gas Company

The information contained in this e-mail, including any attachment(s), is intended solely for use by the named addressee(s). If you are not the intended recipient, or a person designated as responsible for delivering such messages to the intended recipient, you are not authorized to disclose, copy, distribute or retain this message, in whole or in part, without written authorization from PSEG. This e-mail may contain proprietary, confidential or privileged information. If you have received this message in error, please notify the sender immediately. This notice is included in all e-mail messages leaving PSEG. Thank you for your cooperation.

**EXHIBIT C**

**ADI Program Administrator- Notice Regarding Increased System Size**



Dec-23 2024

**ADI Registration Number:** NJADRE1557286955

**NOTICE: ADI Registration -Increase System Size**

Daniel Grohman  
HESP Solar LLC  
1 Paragon Drive, Suite 255  
Montvale, NJ 07645

Dear Daniel Grohman:

This email is to inform you that we have received and reviewed your Administratively Determined Incentive (ADI) Program Final As-Built packet for NJADRE1557286955. The size of the solar facility reflected in the initial ADI Registration packet and noted in the ADI Conditional Acceptance letter was a 198 kW (dc) solar system. The Final As- Built documents submitted and equipment specifications entered on the final technical worksheet and in the ADI online portal, show an increased system size of 247.5 kW (dc).

Solar facilities participating in the ADI Program are not permitted to increase the system size by more than, the lesser of, 20% or 25 kW (dc) from the original system size requested in the initial ADI Registration packet and conditionally accepted in the ADI Program. The increased system size of 247.5 kW (dc) installed at this site exceeds the 20% allowed.

The [Board Order](#) dated April 26, 2023, states the following:

*The Board has waived the 10 percent limit on system size increase found at N.J.A.C. 14:8-11.5(k) for projects seeking to increase their system size by no more than 20 percent, provided that such increase is no more than 25 kW dc. "[T]he Board DIRECTS the ADI Program administrator to accept a modification to the registration package for the ADI Program if space is available in the market segment megawatt block.*

This above program requirement for the Successor Solar Incentive (SuSI) Program can be found in the Board rules at **N.J.A.C. 14:8-11.5(k)** which is posted on the [Solar Proceedings](#) page of the [NJCleanenergy.com](#) website.

Additionally, the Board Order states:

*The **Board ORDERS** that projects seeking eligibility in the ADI Program are required to submit a complete ADI Program registration package and receive a notice of conditional registration prior to beginning construction on the facility.*

This above program requirement may also be found in the Board's rules at **N.J.A.C. 14:8-11.4(b)**.

**You now have two options:**

1) Remove the number of solar panels required to decrease the size of the system to comply with the Board's rules, as not to exceed 20% from the original system size of 198 kW (dc).



2) Submit a [petition](#) to the New Jersey Board of Public Utilities (NJBPU) requesting a waiver of the ADI Program rules to i) allow the 247.5 kW (dc) solar facility that exceeds the 20%, to participate in the ADI Program and re-register with the larger system size. ii) Request that the Board waive the above-quoted eligibility requirement that requires that an ADI Registration packet be submitted and issued a conditional acceptance letter prior to the start of construction. The permission to operate for this solar facility is dated 12/12/2024, which will be prior to the date you re-register for the larger system.

Petitions are required to be submitted to the NJBPU Board Secretary by the customer on record or a legal entity **only**. Solar installers are not permitted to submit a petition on the customer's behalf. Instructions on how to file a petition can be found on the NJCEP website under the [Dispute Resolution Process](#) under "File a Petition". At a minimum, the petition should state the problem, the relief being sought, and why they should receive the relief.

Per [Board Order](#) dated February 14, 2024, **the Board encourages projects that are seeking a waiver to file a petition on or before May 31, 2024.**

The Board Order states the following:

*"The Board **FINDS** that as of May 31, 2024, requests for waiver of **N.J.A.C. 14:8-11.4(b)** will require a rationale that goes beyond the impacts of COVID-19 and the programmatic changes of 2020-2021 if they are to be granted. The Board notes that developers which fail to comply with these rules after the end of EY24 should recognize that they will need to explain to their customers the reason that these customers will not receive the incentives available to them through the ADI Program at the time they registered. The Board encourages these developers to re-register their customers' projects at the incentive level available if and when the initial registration is withdrawn or expires."*

Any new registration that is submitted will have no reference to this registration and will receive a new project number, acceptance date and expiration date.

If the capacity cap for this market segment has been reached, you will no longer be eligible to submit a registration in this capacity block and will be required to wait until the next capacity block is opened to new registrations. You can find a table on the homepage of the [ADI portal](#) to track available capacity for each market segment.

If you have any questions, please contact us at [njreinfo@njcleanenergy.com](mailto:njreinfo@njcleanenergy.com).

Sincerely,

Successor Solar Incentive Program  
Administratively Determined Incentive Program  
New Jersey's Clean Energy Program TM  
c/o TRC  
317 George Street, Suite #520  
New Brunswick, NJ 08901

CC:  
Kevin Cartotto  
Susan Brodie