

## New Jersey BPU Takes Action on Community Solar & Competitive Solar Incentive Programs: Interesting Comments from the Bench

Kenneth J. Sheehan

*Greenbaum, Rowe, Smith & Davis LLP Client Alert*

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### What You Need to Know

- The NJ BPU has issued an Order extending existing deadlines for the completion of construction of both community solar projects and projects accepted under the Competitive Solar Incentive (CSI) program.
- The Board expressly notes that extensions beyond those granted in the Order are not authorized, directing applicants to either re-register in the community solar program at the incentive level in effect at that time or submit a new bid to the CSI program.
- Video of the meeting shows the somewhat contentious nature of discussion between the Board's Commissioners and Staff on the topic of current delays related to solar development.

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On August 13, 2025, at the New Jersey Board of Public Utilities' (Board or BPU) regularly scheduled Agenda Meeting, the Board voted 3-0 to extend the deadlines for completion of construction for community solar projects as well as those projects accepted under the Competitive Solar Incentive (CSI) program. This will add an additional 9 months to all community solar and CSI projects, in the hope of allowing more projects to reach operation and limit the number of extension requests filed by the solar industry.

This decision, however, came with significantly more conversation and comments from the Board than usual, touching upon an apparent conflict of viewpoints on the nature of the current delays for the building of solar in New Jersey. This level of discussion is notable for both the contentious nature of the conversation and because the Board is currently operating

### Attorneys

Kenneth J. Sheehan

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at the minimum level of appointed Commissioners – only three, with two currently unfilled seats – making it possible for a single Commissioner to block Board action.

Video of the exchange between the Commissioners and Staff can be viewed online.

Pursuant to the issued Order, dated August 13, 2025, the BPU extended the initial 18-month obligation for community solar facilities to reach Permission to Operate (PTO) for an additional 9 months, resulting in a total timeframe from the date of notice of conditional registration to the date of PTO of 27 months. This extension also added 9 months to community solar programs on contaminated sites or landfills, resulting in a total timeframe of 33 months to reach PTO, up from the original timeframe of 24 months as set forth in N.J.A.C. 14:8-11.5(g)(3)(iv). In a similar manner, the original 36-month deadline for CSI projects to reach PTO was extended by 9 months, resulting in a total of 45 months to reach PTO.

All of these types of projects – community solar, community solar on landfills and brownfields, and CSI – still remain eligible for the current 6-month extension process from Staff predicated upon a showing of extenuating circumstances, progress toward completion, and the likelihood of timely and successful completion, as set forth in N.J.A.C. 14:8-11.5(i). Subsequent extensions are not expressly authorized, and the Order directs applicants to re-register in the community solar program at the incentive level in effect at the time of the reregistration, or to submit a new bid to the CSI program, as applicable.

The Order also requires that the written authorization from the local Electric Distribution Company (EDC), included with the initial application must now indicate that the facilities study or similar feasibility or engineering study have been completed, to ensure project maturity. This element of the Order also indicates the expectation that the EDCs will conduct these studies even if the individual projects have not yet received conditional acceptance from the Board.

Finally, the Order requires the EDCs to make public their interconnection queue lists on a monthly basis, on or before the 15<sup>th</sup> of the following month, beginning in October of 2025. This information includes details on each project, ranging from EDC name and project zip code to dates on study completion and costs paid for interconnection. This disclosure is designed to provide transparency into the process for all solar developers.

As is often the case with the Board, Staff was directed to engage in rulemaking in conformity with this Order, but the elements imposed take effect prior to any rulemaking.

The firm's Energy & Renewable Resources practice team will be closely monitoring NJBPU activity on this matter and will keep you advised accordingly. Please contact the author of this Alert with questions concerning this most recent development or to discuss your specific business circumstances.

**Kenneth J. Sheehan**

Partner, Environmental and Energy & Renewable Resources

[ksheehan@greenbaumlaw.com](mailto:ksheehan@greenbaumlaw.com)

732.476.2678